

ATLANTIC STATES MARINE FISHERIES COMMISSION

Radisson Hotel Alexandria, Virginia

SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD

February 8, 2000

Approved August 21, 2000

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ATLANTIC STATES MARINE FISHERIES COMMISSION

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SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD

February 8, 2000

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Attendance

Board Members:

Pat Augustine, NY Gov. Appte., Chair
Dr. David Pierce, Massachusetts DMF
Bruce Freeman, New Jersey DF&W
Dennis Abbott, NH Leg. Appte.
Ritchie White, NH Gov. Appte.
Susan Shipman, GA Coastal Res.
Jack Travelstead, proxy for William Pruitt, VA MRC
Damon Tatem, NC Gov. Appte.
Bill Cole, USFWS
John Connell, NJ Gov. Appte.
Charlie Lesser, DE F&W
Brian Culhane, proxy for Sen. Johnson, NY Leg. Appte.
Catherine Davenport, VA Gov. Appte

George Lapointe, Maine DMR
David Borden, Rhode Island DEM
John Nelson, NH Fish&Game
Pat White, ME Gov. Appte.
Bill Adler, Massachusetts Gov. Appte.
Gordon Colvin, NYS DEC
Ernest Beckwith, Connecticut DEP
Red Munden, NC DMF
Dr. Gary Matlock, NMFS
Bob Palmer, FL FWCC
David Cupka, SC Gov. Appte..
Dr. Lance Stewart, CT Gov. Appte.
Gil Pope, RI Gov. Appte.

Ex-Officio Members:

Staff:

Dr. Joseph Desfosse
Dieter Busch

John H. Dunnigan
Tina Berger

Guests:

Sonja Fordham, CMC

Phil Jones, MD DNR

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

Spiny Dogfish and Coastal Shark Management Board

February 8, 2000

SUMMARY OF MOTIONS

1. *Motion to approve the minutes of the August 4, 1999 Board meeting.*

Motion made by Mr. Borden, second by Mr. Nelson. The motion carries by voice vote.

2. *Move acceptance of option A, adopt the same as the Federal Plan (fishing year).*

Motion made by Mr. Cole, second by Mr. Cupka. The motion was withdrawn.

3. *Move that the Spiny Dogfish and Coastal Shark Management Board recommend to the states the adoption of regulatory measures for coastal sharks that are consistent with and complementary to the existing federal regulations.*

Motion by Mr. Colvin, second by Mr. Cole. The motion carries by a show of hands (10 in favor, 1 opposed, 1 abstention and 2 null) .

4. *Move that the Spiny Dogfish and Coastal Shark Management Board recommend to the states the adoption of regulatory measures for spiny dogfish that are consistent with and complementary to the existing federal regulations.*

Motion made by Dr. Matlock, second by Mr. Cole. The Motion carries by a show of hands (11 in favor, 1 opposed, 1 abstention and 2 null) .

ATLANTIC STATES MARINE FISHERIES COMMISSION
SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD

Radisson Hotel Alexandria, Virginia

February 8, 2000

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The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel, Alexandria, Virginia, on Tuesday, February 8, 2000, and was called to order at 10:20 o'clock a.m. by Chairman Pat Augustine.

WELCOME/INTRODUCTIONS

CHAIRMAN PAT AUGUSTINE: All right, let's take your seats right now. I will call the meeting to order. Now the issues we're going to talk about today are pretty intense and we do have a lot of ground to cover, and we're not going to spend a lot of time beyond 12:00 o'clock, although we may have to because Dr. Matlock has arrived. (Laughter) The meeting is brought to order. At the moment, we're going to have the roll called by state. Joe, would you take that, please. (Whereupon the roll call was taken by Dr. Joe Desfosse.)

DR. JOSEPH DESFOSSE: I believe you have a quorum.

APPROVAL OF AGENDA

CHAIRMAN AUGUSTINE: Thank you, Joe. If you've reviewed the draft agenda, we'll ask if there are any additions or corrections to it? Does everyone have the draft Agenda? Okay, we'd like to welcome all our guests here who have come in and taken the time to attend this important meeting. You'll have an opportunity to make comments throughout the session and at opportune times. When motions have been made and seconded, we'll ask comments from the floor also.

APPROVAL OF MINUTES

I'd ask for approval for the minutes from the August 4, 1999, meeting.

MR. DAVID V.D. BORDEN: **So moved.**

MR. JOHN NELSON: **Second.**

CHAIRMAN AUGUSTINE: Okay, all in favor. Approved.

PUBLIC COMMENT

At this moment, we would like to ask for any comments from the public. I notice that Sonja presented a letter to us, and I would like to ask Sonja Fordham if she would like to comment on this at the moment.

MS. SONJA FORDHAM: Not at the moment.

CHAIRMAN AUGUSTINE: She'd rather pass at the moment. All right, let's get right into the discussion for state-level management measures. Let's go back to Joe first.

DR. DESFOSSE: Does everyone who's sitting at the table have a copy of the materials that were mailed out? No?

MS. SUSAN SHIPMAN: Yes, but we don't have the letter.

DR. DESFOSSE: I have three extra copies of it here.

CHAIRMAN AUGUSTINE: Okay, in consultation with Joe and what comments we've had back, we would like to go ahead and address the coastal sharks first because we think the spiny dogfish is going to be a bit longer. So, Joe, if you would go ahead and give us a review.

COASTAL SHARK MANAGEMENT MEASURES

DR. DESFOSSE: Back in early December I, sent a memo out to all of the states and the federal agencies asking for comments on the list of management measures that the states could consider for developing recommendations during the interim time it took to develop a Commission FMP for both coastal sharks and spiny dogfish. We'll deal with the coastal shark list first. There's an updated table in your materials that were handed out prior to the meeting. We will just go down measure by measure and I'll just review the responses.

The first one is fishing year. The Federal FMP is January 1st to December 31st. Most of the comments received were to adopt the same fishing year. There was one comment to coincide with the state license year. Do you want to take comments on this?

CHAIRMAN AUGUSTINE: I think we should

take comments. Would the Board like to make any comments on the recommendation? Would someone be interested in making a motion to accept that and include that as part of our position, or do you want to do it all at once? I think we should do it item-for-item.

MR. GORDON C. COLVIN: I have a question.

CHAIRMAN AUGUSTINE: Gordon.

MR. COLVIN: What are we being asked to consider here?

CHAIRMAN AUGUSTINE: We're being asked to consider whether or not we should accept a recommendation that Joe received on the fishing year either being the same as the federal FMP to be consistent with --

MR. COLVIN: That's not my question.

CHAIRMAN AUGUSTINE: -- or to set an alternate or take no action.

MR. COLVIN: That's not my question, Mr. Chairman. What's the significance of our acceptance of it? What is the nature of the overall action we are looking at here?

CHAIRMAN AUGUSTINE: The overall action would be to either, one --

MR. COLVIN: Are we talking about a recommendation by this Board to its members? Are we talking about the elements of a fishery management plan; a public hearing draft, I would assume, at this stage of a fishery management plan? Are we talking about both? What is the nature of the action you're asking the Board to consider?

CHAIRMAN AUGUSTINE: Consider it as a recommendation to become a part of it.

MR. COLVIN: A recommendation for voluntary action on the part of the states?

CHAIRMAN AUGUSTINE: Yes. Any other questions? David.

DR. DAVID PIERCE: Mr. Chairman, I hope that at some time during the course of this discussion we can key in on who the audience is. Yes, it's ASMFC, but I suspect that the need to deal with state waters coastal shark protection is greater in some state's waters than in others. So, it would be helpful for us, I suspect, to identify where the problem exists, where there is a real need for some sort of complementary action by the states. I say that because in Massachusetts, with regard to coastal sharks, the need is not very great.

However, in some other states, notably in the southeast area, North Carolina, it is my understanding that the need may be very great. So, that I would appreciate at some point in time, who exactly are these recommendations being addressed to?

CHAIRMAN AUGUSTINE: Thank you, David.

DR. DESFOSSE: Let me just clarify. The Board was charged by the Policy Board with developing

recommendations for coastal sharks and spiny dogfish, and these recommendations were to go to the states for implementation. There is no compliance required with these measures. I spoke with Jack and Dieter to find out if the Shark Board needed to make these recommendations up to the Policy Board. And I was informed that, no, they can go directly to the states for implementation as they saw.

CHAIRMAN AUGUSTINE: Is that clear? Okay, then let's go on down to the next one.

MR. BILL COLE: Mr. Chairman, are you going to do these one at a time or --

CHAIRMAN AUGUSTINE: I'm sorry, go ahead.

MR. COLE: Are you going to do these options one at a time or all together?

CHAIRMAN AUGUSTINE: We're going to do them one at a time.

MR. COLE: Well, then the next thing --

CHAIRMAN AUGUSTINE: And we'll have discussion as it goes.

MR. COLE: Mr. Chairman, just to get it started **I'll move acceptance of option A, adopt the same as the Federal Plan.**

CHAIRMAN AUGUSTINE: Do we have a second?

MR. DAVID CUPKA: **Second.**

CHAIRMAN AUGUSTINE: David Cupka. Discussion? Any public comments? Okay, shall we move the question? John.

MR. JOHN I. NELSON: Sorry, Mr. Chairman, I thought I had read all this, and I'm seeing now that I missed some stuff here, and maybe you've already addressed this.

We have two draft management options, one for spiny dogfish and one for sharks. Have you determined which one we're looking at right now or are we looking at both?

CHAIRMAN AUGUSTINE: We're looking at coastal sharks alone and first.

MR. NELSON: Okay, thank you very much.

CHAIRMAN AUGUSTINE: They are separate.

MR. NELSON: Thank you, that helps me a lot.

MR. GEORGE LAPOINTE: Mr. Chairman, given the fact that some of us don't know a lot about sharks and given the fact that shy of the fishing year which I can understand pretty well but some of the other recommendations are going to require discussing these options with our technical staff. And given the fact we just got the list not too long ago, it's hard for me to vote on the recommendations without talking it over with staff first. I understand the recommendations, but when we get into different options farther down -- I mean, I can vote whatever way I want to, but it won't help

because I want to, in fact, go back to the folks in my state who know something about sharks before trying to make even recommendations based on a consensus at this Board level. That's the dilemma I find myself in this morning.

CHAIRMAN AUGUSTINE: Okay, thank you, George. David.

MR. BORDEN: Thank you, Mr. Chairman. I have no objection to doing this, but I just point out that it really doesn't have any meaning unless it's linked up with some type of quota under the second proposal. And the fishing year, I'm not sure what the significance of having a fishing year of January 1st through December 31st unless there is some kind of quota that goes along with that.

CHAIRMAN AUGUSTINE: May I speak to that issue? Two questions or two points. In response to George's concern about not having had sufficient time to address these two sheets, remember we're on a fast track. We've had a very, very short period of time to try to put this thing together. We all agreed the importance of putting something in place for the year 2000. That was why Joe sent out that piece on December 7th.

It was a very short turnaround time of December 30th; and being during the holiday time did not help it. It didn't give us more time. It gave us less time to really take time to address the points that he made in here, and the recommendations that were put on the table in terms of options. So, to that point I think we're all under the gun. And, George, I wish we had more time. We'll do what we have to but go ahead.

MR. LAPOINTE: That's all well and good, but it doesn't wash.

CHAIRMAN AUGUSTINE: Okay, fine.

MR. LAPOINTE: You remember my comments at the Lobster Board, I think it was the Lobster Board, when I said trying to force ourselves into a schedule that looks great on paper and we respond to these recommendations is great, but when we go back and we try to implement them in a meaningful way, in an effective way, in a fair way, I can't do that.

I mean, it's setting up a false schedule that doesn't do the Commission any good. It doesn't do our states any good. And so, go right ahead with it, Mr. Chairman, and try to meet your schedule. I'm going to be abstaining on all these votes.

CHAIRMAN AUGUSTINE: Thank you, George. The other point was that we were trying to come up with a plan that would at least be complementary or similar to or coincide with the Federal Plan, at least get something in place where we didn't have to create a new document alone and of itself. And I was under the impression that was the direction we were going to try to go with this meeting. Again, in asking for addressing

each one of the issues from fishing year, quotas, size limits, trip limits, closed areas and so on, this was going to be an opportunity for any of the states to speak their piece if, in fact, there was a major concern about that particular issue.

But I was under the impression that at the end of this meeting we would; one, embrace the Federal Plan at least for the short term; or two, take more corrective action or more severe action on a state-by-state basis, whatever you felt comfortable with that you could do, either, one, in the legislative mode or in a regulatory mode.

So that's my impression of all of this. So, relative to quotas, Joe, do you want to talk about quotas?

MR. BOB PALMER: Mr. Chairman? Yes, sir, Bob Palmer from Florida.

CHAIRMAN AUGUSTINE: Oh, yes, Bob, I'm sorry.

MR. PALMER: I wasn't sure, were you looking to go through these items one at a time or do you want to discuss them all together. I mean, clearly the federal quota is based on a calendar year and, therefore, if we're going to consider any kind of similar regulations, then we want to follow that same schedule.

CHAIRMAN AUGUSTINE: Yes. We were going to try to address them on an individual basis, but your point is a very valid one. And in looking back at it again, I'm wondering if we really want to look at them one at a time or ask for specific comments on each of the sections that are listed here and if you indeed have a different opinion. Would that be a better way to do it, Bob?

MR. PALMER: Well, I would tell you that at the last meeting I thought that we were going forward with spiny dogfish and had put coastal sharks aside. And, frankly, the only information that I had to compare different state plans was a table that had been put together that, at least from our perspective, had some errors in it. And we were going to use the updated, I believe it was Audubon that was doing the -- and I still haven't seen that document. I did speak to the author about our concerns.

We've had a plan in place for about ten years. That was back when shark finning was an issue. We adopted a one fish per person or two fish per vessel system, and that applies to both commercial and recreational fishermen.

However, when any of the federal quotas close, then Florida's commercial harvest closes. So, I mean we feel like we've got a pretty good plan in place. If we wanted to talk about all of this, I would go to the size limits. And we have something of a problem with size limits simply because of the identification of the different species, given the number of species that are

in the southern waters.

CHAIRMAN AUGUSTINE: Okay, thank you, Bob. David.

DR. PIERCE: Yes, I share pretty much the same perspective. It was my understanding that we were going to put priority on dogfish. As a consequence of that, the Division of Marine Fisheries has spent quite a bit of time on dogfish over the last few months, developing some ideas for management of dogfish in our waters this year. So we didn't put much attention into, if any attention into what to do with coastal sharks. I made that point clear in a letter that I forwarded to Jack Dunnigan not too long ago to describe what's going on in our state regarding dogfish and coastal shark.

So I'm not in a position to say, in most instances, whether what's being suggested here is right or wrong. Obviously, we want to do everything possible to put in place good conservation measures for coastal sharks. Whether these are the right things for us to do, that remains to be seen.

I've already had some discussion with our technical staff to determine the significance of these particular strategies. It was a brief discussion. And, as I said before, I've been told that with regard to large coastal sharks, there really is no problem whatsoever in Massachusetts. So, again, we'll entertain these as best we can, certainly not for the summer. There wouldn't be any time for that since we've already established our public hearing schedule for actions to be implemented this summer. I would look at what's in this document as draft management options and whatever recommendations are offered up to us as something for us to review and to consider later on this year.

CHAIRMAN AUGUSTINE: Thanks, David. Joe.

DR. DESFOSSE: The staff and myself did not intend to place any priority on one or the other. I know that the Board has decided that spiny dogfish should be the priority. I only felt that in the interest of a two-hour meeting we could deal with the coastal shark issues quicker and then deal with spiny dogfish for the remainder of the meeting.

So that's why I started with coastal sharks. It may be that the Board would just like to discuss making a recommendation to the states to implement measures that are contained in the highly migratory plan for coastal sharks and then deal with spiny dogfish for the rest of the meeting.

CHAIRMAN AUGUSTINE: Gordon.

MR. COLVIN: Speaking for myself, Mr. Chairman, I would endorse an approach that puts a motion on the table to recommend to the states that each state adopt measures for coastal sharks which are consistent with the underlying federal regulations at the

present time. I would not object to seeing a motion of that nature laid on the table for action at our next meeting if a number of Board members felt they needed time to better understand the effect of consistent federal regulations in their state waters.

I'm not sure that going through these measures one by one today will necessarily get us very far. But, again, I'm only speaking for myself. I can't make a motion of that nature because there's one on the table at the present time. I would be willing to consider that course of action if others felt it would be helpful to get us moving.

CHAIRMAN AUGUSTINE: Thank you for that input. We do have a motion on the table and we'd like to address that motion. Any more comments on that motion?

MR. COLE: Mr. Chairman, in the interest of moving this along this morning, **I'm going to withdraw this motion** as it only relates to one of a long list of items that need to be addressed and support Mr. Colvin in his initiative here. If he would make that motion, I would be happy to second it.

CHAIRMAN AUGUSTINE: Would that be okay with the second? The second's been removed. The motion has been withdrawn. Mr. Colvin would you prefer to phrase a motion for us, please.

MR. COLVIN: I'll offer this motion, Mr. Chairman. **I move that the Spiny Dogfish and Coastal Shark Management Board recommend to the states the adoption of regulatory measures for coastal sharks that are consistent with and complementary to the existing federal regulations.**

MR. COLE: Second.

CHAIRMAN AUGUSTINE: Discussion?. Let's get the motion up on the board. David.

MR. BORDEN: To Gordon's motion in particular, I guess my question is this does not suggest or imply that the regulations will be identical, just compatible is compatible?

MR. COLVIN: Yes, sir.

CHAIRMAN AUGUSTINE: Other comments from the Board? Susan Shipman.

MS. SHIPMAN: With regard to Mr. Colvin's earlier comment about the states may need some time to go back and look at this, I would suggest that actually we have been asked to look at this when the letter went from the National Marine Fisheries Service to the states for the CZM consistency reviews, gosh, it was sometime early last year. So I think the states have had that opportunity, and I'm prepared to support the motion and vote it forward today.

CHAIRMAN AUGUSTINE: Thank you. Jack Travelstead.

MR. JACK TRAVELSTEAD: I just would like a

little bit of clarification. Are we talking about a recommendation in this motion or does this become a compliance issue?

CHAIRMAN AUGUSTINE: Recommendation.

MR. TRAVELSTEAD: Strictly recommendation?

CHAIRMAN AUGUSTINE: Yes. Any other comments from the Board members? Public comment? Sonja Fordham.

MS. SONJA FORDHAM: Sonja Fordham, Center for Marine Conservation. This is a little upsetting because I thought this is what we agreed to do in the fall. I'm not opposed to the action, but I'm wondering if it precludes the Commission from taking any more stringent action that would actually do something?

CHAIRMAN AUGUSTINE: Okay.

MS. FORDHAM: Can you pass this also, and the Commission can also take action.

CHAIRMAN AUGUSTINE: I can't hear you.

MS. FORDHAM: Can you pass this as a first step, and then it doesn't preclude you from taking further action on behalf of --

CHAIRMAN AUGUSTINE: I think as a first step it allows us to take further action.

MS. FORDHAM: Thank you.

CHAIRMAN AUGUSTINE: You're welcome. Any other comments? Mr. Freeman.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. This is a very difficult motion for us because we support moving forward with the shark plan.

Nevertheless, we have some real concerns about some of the regulations that the Feds have put in place, particularly dealing with the recreational harvest of sharks and have indicated to the Agency during their rulemaking process our concern. And we still have those concerns. We think, indeed, there's some major problems with the regulations, so it would be very difficult to us to vote for this motion, although we support the thrust of this.

But it would put us in a difficult position so far as the recreational harvest is concerned, particularly size limits and bag limits.

CHAIRMAN AUGUSTINE: Thank you, Mr. Freeman. Would you suggest any addition or change to the language that would encompass your concern?

MR. FREEMAN: I can't think of any wording right now but certainly I'll work on it.

CHAIRMAN AUGUSTINE: Thank you very much. Mr. Colvin.

MR. COLVIN: I would point out, Mr. Chairman, that it certainly is not the intent of the motion, and I think the record should reflect that, that the action by any state consistent with or complementary to the federal regulations would not preclude action in a state

to undertake shark management programs that are more conservative or more protective of the resources than the federal regulations. That's certainly not the intent of this motion at all.

CHAIRMAN AUGUSTINE: Thank you, Mr. Colvin. Any other comments?

MR. COLVIN: In fact, in some states there may very well be a strong desire to undertake such actions, and I would hope that we not interfere with that in any way.

CHAIRMAN AUGUSTINE: Thank you. That help you, Mr. Freeman?

MR. FREEMAN: No.

CHAIRMAN AUGUSTINE: Any other comments from the Board? Seeing none, are we ready to move on a vote? Would you like to caucus? Okay, take a caucus for 30 seconds. (caucus period) All right, has the caucus been long enough? We've all reached a conclusion or a decision? Okay. By show of hands, all in favor of the motion as worded, please raise your hand, 10; those opposed, 1; abstain, 1; any null votes, 2. **The motion passes.**

SPINY DOGFISH MANAGEMENT MEASURES

Okay, what's the next item on the agenda? Could we entertain a motion for spiny dogfish similarly or would you like to -- Mr. Colvin's shaking his head very aggressively, so, Mr. Colvin, would you like to --

MR. COLVIN: Nice try, Mr. Chairman --

CHAIRMAN AUGUSTINE: -- start the process?

MR. COLVIN: -- but not on your life.

CHAIRMAN AUGUSTINE: Okay. I don't see anyone willing to jump into this with both feet other than Dr. Pierce, please.

DR. PIERCE: Mr. Chairman, since we last met in August of 1999 and dealt with dogfish issues, a great deal has happened with regard to dogfish management at the Council level. And I thought it would be helpful for the Board to be given some update as to where we are right now with dogfish management since it all bears on what this Board might want to do.

And if you'll bear with me, Mr. Chairman, I'll give a fairly brief summary as to what's happened in the last six months or so regarding dogfish management, because some rather significant events have taken place that will, I'm sure, bear on this discussion this morning.

CHAIRMAN AUGUSTINE: Dr. Pierce, could we ask you to make sure that you block your presentation so we can track it rather than --

DR. PIERCE: You seem to be expressing a lack of confidence, Mr. Chairman, in my ability to keep on target.

CHAIRMAN AUGUSTINE: No, I'm expressing

an emotion that rises to the surface when we bring to the table a subject that is very broad and unfocused. So, I guess, really, I think most of the folks around this table are aware of the dilemma that Massachusetts has presented.

DR. PIERCE: Well, I --

CHAIRMAN AUGUSTINE: May I finish? And that we do have a dichotomy between the New England Council's position and the Mid-Atlantic Council's position.

The biggest problem that we're faced with is understanding where we go to from here as far as the Commission is concerned in that we recognize that the Fisheries Service has put out a document that says what is going to happen to spiny dogfish with marching orders as to when it's going to occur. We have in our possession a letter from the Secretary that indicates the Councils should at their quickest and at high speed come to a conclusion as to whether they're going to settle on whether it's 180,000 pounds or 200,000 pounds.

And I think the concern that I'm trying to express is that having said that, I would like to have your presentation if you may, sir, put it in such a way that it fills in the gaps, so that we have a better understanding as to what the concern you have is and what impact your presentation will make on the Commission and its deliberation as to which way we will go.

DR. PIERCE: Certainly, Mr. Chairman, I will try to be to your point, address your point.

CHAIRMAN AUGUSTINE: Thank you.

DR. PIERCE: Well, you've already, I think, highlighted the most significant event, and that is the New England Fishery Management Council has decided to adopt a different position regarding the regulation and management of the dogfish fishery.

This is a rather recent change in heart that came about because of new information brought forward by the Technical Committee, information that was made available to the Technical Committee by the Northeast Fishery Science Center; this information primarily with regard to discards, regulatory discards in particular, information such as once the plan is implemented we'll have a minimum of 10 million pounds of regulatory discards, and the plan will not be able to hit its targets.

Now, that has convinced the New England Council to go with a May 1, 2000 through April 30, 2001, quota of 22 million pounds. And that contrasts dramatically with the previous position, and certainly the position that is still the one of the Mid-Atlantic Council that the limit starting May 1 should be 3 million pounds approximately and that should be a bycatch quota. So we have a rather dramatic difference of opinion as to how dogfish should be managed coming up in the year

2000 starting on May 1. Therefore, the question, I guess, for this Board will be shall the Board adopt one of those positions? Shall the Board support one Council and not the other?"

The issues are complex. And I'm not even going to begin to get into a discussion of those specific issues because it is quite complicated, and I know you won't appreciate it, Mr. Chairman, and neither will the others around the table. I hope that everyone has had a chance to read the letter that was sent to Jack Dunnigan. I think that summarizes pretty much what I would elaborate on if I had the time this morning.

The letter that was sent to Jack Dunnigan highlights those differences of opinion and the reasons why. Also attached to the letter that was sent to Jack Dunnigan is the draft letter that was put together by the New England Council staff and then adopted by the New England Council to be sent to the Mid-Atlantic Council to explain all the reasons why this difference of opinion now exists. If you've had a chance to look at that letter, then you'll know why, indeed, there are differences of opinion. I won't go into the details except, again, to emphasize that discards are a principal concern.

So that, Mr. Chairman, pretty much summarizes where we are with dogfish right now except to say that the plan is adopted by NMFS. The regulations have been implemented by NMFS. I'm not sure if NMFS has actually adopted a specific quota starting May 1 of 2000. But, obviously they prefer the lower limit, the 3 million pound bycatch quota and the 300 pound landing limit.

But I don't believe anything has been resolved at this point. And I'll conclude by making one other point and that is with regard to dogfish management, the other development, the other recent development that this Board needs to be aware of is that Massachusetts has adopted a set of proposals that we're bringing to public hearing in March regarding how we intend to manage, how we would like to manage dogfish this coming year.

All of that information has been provided to you. And now we'll await the results of the public hearing and we'll go from there. Our recommendations, our proposals, going to public hearing reflect the position of the New England Fishery Management Council on how to deal with dogfish management this year and beyond.

CHAIRMAN AUGUSTINE: Thank you, Dr. Pierce. And you had one question as to whether or not this was going to be implemented by the National Marine Fisheries Service, when? I would ask the same question. Are your dates locked in based on your announcement to the public in the Federal Register for spiny dogfish, either Harry or Dr. Matlock.

MR. HARRY MEARS: On February 10th the final rule for the Spiny Dogfish FMP became effective. And just to briefly summarize the major provisions, it provides for an annual commercial quota; a seasonal allocation of commercial quota; a prohibition on finning; new permitting and reporting requirements for commercial vessels, operators and dealers; a framework adjustment process; an annual review of the FMP; and the establishment of a Spiny Dogfish Monitoring Committee. And certainly, the National Marine Fisheries Service recognizes the status of recent positions between the Mid-Atlantic and New England Fishery Management Council. It recognizes that these discussions will continue.

Nevertheless, the key provision under this FMP is the fact that the quota provisions, in conserving the resource and meeting the management goals, simply will not work in the absence of complementary actions by the states in state waters, including but not limited to a closure of state water fisheries to dogfish once closures are announced for the EEZ. And this certainly is one highlight issue which the National Marine Fisheries Service would ask that the states give attention to.

CHAIRMAN AUGUSTINE: Thank you. One follow-up question before we get to Gordon. By what you just said, does that assume that New England and the Mid-Atlantic, if they do not come into compliance, that one of them, in this particular case New England, will be found out of compliance after this plan goes into affect by Fisheries, by the Service? And I'm not asking for a legal opinion. I'm asking based on what you've printed in the Federal Register.

MR. MEARS: I'm not sure I understand the question, Mr. Chairman. This is a Joint Fishery Management Council between both the New England and Mid-Atlantic Council for managing the resource. Notwithstanding the difference of opinion which Dr. Pierce just summarized, it's not really a compliance issue, per se.

CHAIRMAN AUGUSTINE: Okay, thank you. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I have a couple of questions for Dave Pierce and then a brief comment, if I could. Dave, appended to your January 23rd letter is a draft letter from Tom Hill to Jim Gilford. Do you know if that letter has been formalized and sent at this time?

DR. PIERCE: I would assume it has, Gordon. The staff was given the charge at the last Council meeting to finish it up -- not many changes were suggested -- finish it up and then send it off to the Mid-Atlantic Council.

MR. COLVIN: Thank you. I would just ask the

Commission staff if they can get a copy of the final letter in our hands as soon as possible.

My other question is that I seem to recall not long ago seeing what I regarded at the moment, as it passed across my desk, a somewhat extraordinary letter from the U.S. Secretary of Commerce to the Chairmen of both Councils noting the strong difference that the Councils have expressed in spiny dogfish management and suggesting or urging, I guess I would say, the Councils to try to come together on this issue. Has there been any reaction that we know of on the part of either Council a response to the Secretary on this issue? I'm not aware of any as yet.

CHAIRMAN AUGUSTINE: Are you asking David? Not as far as you're aware of? David.

DR. PIERCE: Yes, I'm not aware of any, Gordon. I think the only action that the Council has taken was to put that letter together and send it off to the Mid. And I assume that if a response is drafted and sent off to the Secretary of Commerce, it will reflect a lot of what is in that correspondence between the Councils.

MR. COLVIN: I guess, then, my comment would be this, Mr. Chairman, and I am only one member of the Mid-Atlantic Council. But I thought it was useful for this Board to understand that there is at least one member of the Mid-Atlantic Council that thinks this way.

Dave Pierce asked the question should this Board choose sides between the positions of the two Councils, a rather starkly worded question. My answer is no. I think that the Secretary's urging of the Councils was spot-on. And I would rather see this Board be a catalyst in bringing together a common, shared, cooperative management program that all parties buy into for spiny dogfish, than I would see it take sides or adopt quick-and-easy approaches to the management of dogfish that may be gratifying to some, but which will not cement the partnership and which will not in the long run be constructive. That's my response for what it's worth.

CHAIRMAN AUGUSTINE: Thank you, Gordon. Further comments? Dave Borden and then Dr. Matlock.

MR. BORDEN: Thank you, Mr. Chairman. To Gordon's question about the course of action on the part of the New England Council, there was a great deal of discussion on this issue, as you can envision, at the last Council meeting. And I know that Tom Hill and the Executive Committee basically would like our dogfish representatives to meet with the representatives of the Mid-Atlantic Council as soon as possible and try to sort through this.

One of the difficulties that I think we all confront on this is the simple fact of the matter is we went through a whole legal process we promulgated, the Councils did, promulgated these regulations. And the

National Marine Fisheries Service is bound by those regulations. And the only way we're going to change those regulations is to go through that same legal process and public process to come up with a new agreement.

That's going to take some time. Until that takes place, I think the National Marine Fisheries Service is bound to implement the regulations that they've promulgated.

CHAIRMAN AUGUSTINE: Thank you. Dr. Matlock.

DR. GARY MATLOCK: Thank you, Mr. Chairman. Dave Borden fortunately provided some of the comments I was going to make. But at the risk of seeing Gordon Colvin's dead body laying against the table, I'd like to offer a motion, but I'd like to preface it with two comments first.

The first is that spiny dogfish needs our attention, not just the National Marine Fisheries Service and the federal government, but all of us that are involved in the management of the fishery for this species. It needs our attention. It needs it now. And the current mechanism, the current approach that is in place legally to achieve that attention is the Federal Fishery Management Plan and this Board to help us deal with the management of this species in a joint and cooperative fashion.

It seems to me that to speed us along a bit to deal with the status of these fish, it would be worthwhile to take Gordon's motion that he just made previously and move that same motion with the replacement of "coastal sharks" with the words "spiny dogfish" and then debate those items within the handout that we've been given that we may disagree upon, and see if we can't come to a resolution at least on some things so that spiny dogfish can benefit from our collective wisdom instead of having no agreement on anything and the fish watching us put them in further risk.

So I would, with those comments in mind, move the exact same motion that we just adopted with the replacement of "coastal sharks" with the words "spiny dogfish."

CHAIRMAN AUGUSTINE: Do I have a second?

MR. BILL COLE: **Second.**

CHAIRMAN AUGUSTINE: Mr. Cole seconds. Discussion? Let's get the motion up on the board. Dr. Pierce.

DR. PIERCE: I certainly appreciate Dr. Matlock's concern, and I understand why he made the motion. However, I'm always drawn back to this disagreement between the Councils. And as far as I'm concerned, there really is not a plan for dogfish even though NMFS has adopted one and regulations are about to be implemented or have been implemented.

The New England Council does not support this

plan; and, again, largely because of new information that was brought forward that made a very strong case that this plan will not be able to achieve its objectives. Its rebuilding targets will not be hit largely because of regulatory discards. The New England Council has stated some very important facts. The New England Council, one of the authors of the plan has said that its own plan violates National Standard 9.

It does not comply with the Regulatory Flexibility Act. There are other issues as well that relate to other National Standards. It just seems to me that it would be unreasonable and not sensible for ASMFC, again, to pick sides by voting to have all states move forward to adopt the measures in the dogfish plan as it exists, especially since we have this tremendous discrepancy in positions between the New England and the Mid-Atlantic Council.

With regard to concern about what goes on in state waters, well, I've already indicated that Massachusetts is already moving forward. We're offering up some rather significant restrictions for the dogfish fishery in our waters, 22 million pound quota. Now, that's not just a quota that would come out of Massachusetts waters. That would apply to dogfish coming out of all state waters and the EEZ. And the 22 million pounds, by the way, represents a rather significant cut in landings of dogfish.

It's not an insignificant step. Landings, I believe, have been 50 million pounds and greater in recent years. Now with regard to what states need to do, Massachusetts is moving forward. I would suggest that all of the states represented around this table here today understand their own situation with regard to the fishery in their waters; and if they choose to do so, that they could on their own act to do whatever they feel is appropriate.

For example, Mid-Atlantic Council states that are part of the Mid-Atlantic Council, perhaps they should be guided by the Mid-Atlantic Council choice as to how dogfish should be managed. But in the case of the New England Council and New England states, it seems more reasonable for the New England states to be guided by the New England position. Still, there is no common position. And as a consequence of that, I think this motion is inappropriate and, of course, I cannot support it.

CHAIRMAN AUGUSTINE: Okay. Thank you, Dr. Pierce. Bill Cole.

MR. COLE: Mr. Chairman, I draw the previous speaker to his last sentence in his penultimate paragraph in which he addressed --

CHAIRMAN AUGUSTINE: What page is that, Mr. Cole?

MR. COLE: Mr. Dunnigan, it reads, "In the

meantime the Commonwealth" -- and I'll paraphrase "consistent with" -- "is proceeding with in a responsible way that ASMFC can support limits on landings, dogfish minimum size, gear restrictions, access restrictions, improved permitting and reporting requirements, and attention to the potential for striped bass bycatch in gillnets."

As Dr. Matlock pointed out, what we're trying to do here with this motion is very simply get something on the board, those items that you cannot agree with whether you be from the Mid-Atlantic or the New England Councils, amend this motion to take them out of the general motion. But there is, obviously, a lot of stuff on this page that we can agree on, and if implemented certainly would begin to help the dogfish situation in state waters. That is the reason for the motion.

And I would suggest that rather than killing the motion, that we amend out or put exceptions to the motion those things that are in great contest.

CHAIRMAN AUGUSTINE: Thank you, Mr. Cole. Further comments from the Board? George, please.

MR. LAPOINTE: Well, I'm going to just say "ditto" to my comment before. Given the fact we saw the list in a very short amount of time and I haven't had a chance to talk to staff about it, I can't argue for or against the measures or the merits of the other options.

I certainly have a concern, and I need to follow up with David and my staff about regulatory discards and the bycatch of spiny dogfish in other fisheries and the implications that these actions will have on other important fisheries that affect Maine and other states as well.

CHAIRMAN AUGUSTINE: Thank you, George. Dr. Pierce.

DR. PIERCE: It would help me if I knew what the National Marine Fisheries Service was going to do on May 1st. We have a plan. The regulations reflect pretty much the Mid-Atlantic Council's position but not necessarily the Mid-Atlantic Council's position come May 1st. What is the National Marine Fisheries Service going to do on May 1? Is the Service going to implement the 3 million pound bycatch quota, or are you going to implement the New England Council's position of 22 million pounds?

As you know, the Mid-Atlantic Council submitted to NMFS two alternatives regarding year 2000 specifications; the New England position and the Mid-Atlantic Council position. I know the National Marine Fisheries Service favors the Mid-Atlantic position. If you are going to adopt that position, then the regulations will reflect the Mid-Atlantic Council's position and in no way can I support this particular

motion with that being the intent.

So, again, has the National Marine Fisheries Service decided what it's going to do on May 1?

CHAIRMAN AUGUSTINE: Harry, can you answer that, please, Harry or Dr. Matlock?

DR. MATLOCK: Thank you, Mr. Chairman. I'll take a stab at this one. I, like every other manager sitting around this table, would be foolish to tell you what will happen on May 1 as of February the 8th. I don't know what will happen on May 1 because a decision has not yet been made relative to the recommendations coming from the Councils to comply with the provisions of this FMP. So I'll not tell you what will happen on May 1st. I will tell you, however, that the Councils have submitted their recommendations as of February 7th, as I understand it.

We have begun the process of reviewing those recommendations and making a decision about the recommendations, and our intent is to do what we can to have the FMP satisfied, and that is to have quotas and measures as appropriate under the FMP in place by May 1st, as the FMP and the regs call for. Whether or not they will be, I cannot guarantee a single thing. But I can tell you we're going to do everything in our power to comply with what we put in place. What those quotas will be, I also cannot tell you at this point.

Hopefully, I've been sufficiently clear. And if not, I'll try again, David, to answer your question.

CHAIRMAN AUGUSTINE: Thank you. Any further comments or questions from the Board? Mr. Nelson.

MR. NELSON: Thank you, Mr. Chairman. I'm not sure that it's appropriate to amend the motion to remove recommendations associated with commercial quota and trip limits which, quite frankly, were the issues of difference that took place between the two Councils.

As I look at this motion, I don't particularly look at it as a pressuring tactic, although I understand that some folks do look at it that way. I look at it merely as a recommendation, which is what the other one was, to the states to see if there's something that can be done where there's a problem in state waters to see if they can address it. They do not have to be the same as the Federal Fishery Management Plan. And as long as we understand that it's a recommendation and not going to be cast in concrete, then I think I could support it.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Any other comments from the Board? How about from the public, any additional comments? Ms. Fordham.

MS. FORDHAM: Sonja Fordham, Center for Marine Conservation. I just want to point out a few things for the record. The New England Council did

actually vote for the original Spiny Dogfish Plan about a year ago and they've most recently just changed their mind. And they've been persuaded to change their mind mostly due to this recent report from the Technical Committee that talked about discards overtaking the commercial quota. And I was at that meeting and I wanted to point out a few things, that this is an analysis done by an economist that predicts fishermen behavior. So it remains to be seen what the real effects will be. It also assumes 75 percent mortality on dogfish. And everyone that I've talked to from scientists to fishermen will tell you that these fish are much harder than that and that most of them live after capture.

I think it's telling to point out that in the '80s when a lot of the fisheries that catch dogfish as bycatch were much less regulated than they are now, that bycatch continued, and at the same time the mature females managed to increase in number. And it wasn't until we started to target the mature females that we really got into trouble. I will also point out that another difference between the Mid-Atlantic Council position and the New England Council position is that the Mid-Atlantic Council's position is supported by the science of the National Marine Fisheries Service stock assessment people in Woods Hole, the Dogfish Technical Team, the Overfishing Definition Review Panel and the Scientific and Statistical Committees of both the Mid-Atlantic and the New England Fishing Management Councils, as well as the Chairman of the World Conservation Union's Shark Specialist Group.

I have a couple more here. I want to point out that the New England's suggested quota of 22 million pounds is virtually status quo. And the NMFS projections for that level of catch indicate that by 2004 the yield from the stock would fall to 10 million pounds, and by 2006 that stock would decline to about 20 percent of B MSY. In other words, if you just had a few years under the New England scenario, you will have half the current landings or half the level that the industry has said they need to stay in business. And at the same time you're increasing harm to the stock and greatly increasing the time that it will take for the stock to recover. I said a few things at the New England Council about this.

And I know that some people are tired of me talking about sharks being inappropriate targets for intense fishing pressure and talking about how vulnerable they are in terms of their life history. I want to point out that spiny dogfish are one of the few species of sharks on the planet that may be possible to sustain commercial harvest. And I think it's a terrible shame that delays in management have basically ruined that opportunity for that type of fishery within the near

future.

Finally, whether or not the plan needs to be quick and dirty or quick and easy, I do support this motion. I think you need to do more. I think things are critical. The latest news is that the spawning stock biomass for dogfish has decreased below the threshold level of 100 thousand metric tons. The fishing mortality on this stock is three times the level just needed to sustain the population, and that more than half of the landings are now coming from state waters and there are no meaningful state regulations.

As far as easy, I don't think it's easy. I've been an advisor for more than two years. The Council has agonized over this Plan. Sharks are different from most of the species that the Councils manage because of their reproductive vulnerability. And I think if there was a less draconian way for the Councils to rebuild this fishery, we would have found it by now. And unfortunately, this is what happens when you fish without regulation intensely on a species of shark.

So I would support this motion as a first step, and I urge you to do more to bring state regulations for dogfish in line with the Federal Plan. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Ms. Fordham. Any comments? Dr. Pierce.

DR. PIERCE: Yes. Sonja, believe me, I never get tired of hearing you talk about dogfish. I give you a lot of credit for your very aggressive stance on dogfish and coastal shark populations. That's a given. You did make one extremely important point, well, a number, but one that immediately caught my attention was your reference to the fact that perhaps there isn't 75 percent mortality of the dogfish that are released by fishermen or discarded by fishermen, that most are alive after recapture.

That's an extremely important point because right now the way the assessment is done, the way the models are run, we automatically take off the top of allowable landings for each year going into the future 80 percent, and we're left with 20 percent as an allowable quota. That 80 percent is considered to be discard as well as unaccounted for landings. So, if we were to change the percent mortality assumptions on dogfish, it completely changes what would be in place for quotas going into the future.

In addition -- and I won't get into details because we haven't got time for it. Well, actually I better not even get into the in addition, because it will drag me down a path I don't want to go. So, I'll leave it there, Mr. Chairman.

CHAIRMAN AUGUSTINE: Okay, thank you very much. Any further comments? Are we ready to move on this motion? Time for caucus? (caucus period) Are we all through caucusing? Have we made

some hard decisions? Okay, the motion is to move (that) the Spiny Dogfish and Coastal Shark Management Board recommend to the states the adoption of regulatory measures for spiny dogfish that are consistent with and complementary to the current federal regulations on the Spiny Dogfish FMP.

MR. FREEMAN: Can we continue caucusing?

CHAIRMAN AUGUSTINE: Please. We had to caucus on that. The issue was one of whether it was appropriate for Dr. Matlock to make this particular recommendation, as he does represent the Service, or would it would have been more appropriate for Mr. Mears to make that motion. And if there's concern on anyone's part, of any Board member, so this doesn't come at a later date saying that that motion was out of order, I think it's a critical point that Mr. Freeman has raised.

So, would Dr. Matlock and Mr. Mears discuss this or would you just prefer to change the name on this?

DR. MATLOCK: Mr. Chairman, I appreciate the issue being raised now rather than later. It's very, very important I think that we deal with it now.

The reason for my having made the motion is that I believe the appointed individual from the Service to the Board, per a letter from, I think, Rollie Schmitten, is myself. If that's not the case, if I misremember the letter correctly, we'll make the motion from the appropriate individual.

CHAIRMAN AUGUSTINE: No, we appreciate your clarification and, therefore, your motion is in order. I thank you. Are we ready to make our vote now? May I have a show of hands in favor of the motion as read, raise your right hand, please -- I have 11 in favor -- those opposed, same sign, 1 opposed; those abstentions 1 abstention; and the null votes. We have 2 null votes. **The motion carries.**

We have completed Item Number 6, develop recommendations for interim state-level management measures. We are on to Item 7.

MR. FREEMAN: Mr. Chairman.

CHAIRMAN AUGUSTINE: Mr. Freeman.

MR. FREEMAN: There was a suggestion made by Mr. Borden to have the two Committees, one from New England and the Middle Atlantic to meet on this issue. And I voted for this motion because I think, again, it's a recommendation. Many of the states have taken action, but I think this issue needs to be resolved. It's a Council issue. But, I would ask that, David, do you believe we need a vote on that recommendation?

I do think that's important because we need closure to this issue, and I think that's the way to do it.

CHAIRMAN AUGUSTINE: Thank you, Mr. Freeman. Mr. Borden.

MR. BORDEN: Yes, thank you, Mr. Chairman. I

don't think we need a formal vote on it unless we have objection. What I would suggest is without objection that the Executive Director send a letter to the two Councils and basically request that action.

CHAIRMAN AUGUSTINE: Thank you, Mr. Borden. Any further comments? Okay. we've moved down to Item 7, discuss Advisory Panel membership. Joe.

ADVISORY PANEL ISSUES

DR. DESFOSSE: I put this on the agenda in the anticipation that the Board was going to move forward with developing the FMP for spiny dogfish. Due to the budgetary constraints that the Commission is under and the reprioritization of species management issues, I believe the Policy Board is going to deal with some of these issues tomorrow.

I don't know if the Board needs to spend much time on the AP issue. I was going to look for some direction from the members as to how to constitute the Advisory Panel for spiny dogfish.

CHAIRMAN AUGUSTINE: Comments from the Board members, please. Joe, do we have any indication from those states interested in having a member on the Advisory Panel, whether names have been submitted for review?

DR. DESFOSSE: No, I have no names for Advisory Panel membership right now. No solicitation for that group has gone out yet.

CHAIRMAN AUGUSTINE: Would it be appropriate to try to set a timeline as to when we can get that process going? Anyone have any idea or suggestions on this? How critical is it that we get this Advisory Panel assembled, as soon as possible? Joe.

DR. DESFOSSE: In the event that the development of the FMP was going to continue, then it would be critical. I'm not sure where we stand right now.

CHAIRMAN AUGUSTINE: Tina, would you respond to that, please.

MS. TINA BERGER: I think it would be useful for the Board, unless they have other pressing issues that they want to discuss, to at least talk about makeup. And then once we have makeup, then we can start going through the process of getting nominees from the various states and go from there.

CHAIRMAN AUGUSTINE: Do you want to talk about numbers on the Board?

MS. BERGER: It's all up to the Board's discretion. We try to keep it fairly -- I mean, the largest one we have is shad. That was around 18 to 20. I think we probably want it to be smaller than that. But, as long as you have a good division among the different regions

and have different gear types represented and different user groups, I think that's the most important thing.

CHAIRMAN AUGUSTINE: Would you suggest, then, that we ask you to send a letter out to each of the states to ask them to identify who their panel members might be?

MS. BERGER: The way the process has been in the past is you sort of talk about what the composition is and then I go out to the states saying -- I mean, sometimes they give a certain amount of seats per state. Sometimes, you say you want five gillnetters in the Mid-Atlantic region and then I poll the states. I think it's better to start with what you want the panel to look like and then go to the states for nominees.

CHAIRMAN AUGUSTINE: Wonderful, stay nearby. Thank you. Well, you've heard Tina's comment on it, so I'd like to have your input from it.

MR. GIL POPE: Thank you, Mr. Chairman. Am I to assume this is going to be entirely commercial in nature?

CHAIRMAN AUGUSTINE: I'm not sure we can make that assumption, but it might very well be unless the Board has some other ideas. Shall we ask Gordon who has his hand up?

MR. COLVIN: Mr. Chairman, first of all, I suspect that we're going to need different advisors for spiny dogfish than we will need for coastal shark. And yet, at the same time, I am aware that the two Regional Fishery Management Councils are well engaged in spiny dogfish management and, presumably, are consulting with Advisory Panel members themselves.

I would like to see us consider in this case trying to somehow piggyback our advisory structure on what the Councils have in place rather than duplicating, it as we have done in some other Boards to great expense and not much value.

I would also say that clearly with respect to an advisory --well, I guess also I should point out that the Service has an Advisory Panel in place for all of the highly migratories and so forth. And we might want to even look at that with respect to coastal sharks, again, rather than incurring all of the expense and organizational problems of a self-standing advisory structure.

Also, with particular reference to Gil's question, no, I don't think that either of these advisory panels should include only commercial fishing interests. They need to include other stakeholders in the process, clearly including members of the conservation community and to some degree, particularly in coastal sharks, obviously, but even for arguably in spiny dogfish, some consideration of the recreational industry. And there may even well be a desire to carefully examine the distribution, and probably should be a desire to examine

the distribution of the commercial fishing industry interests that are represented, so that we are covering everything from the various harvesting, processing and marketing categories.

So I'd like to see us pursue that option. I don't know if it has to be put to bed today, but I would like to see some examination of what is available on spiny dogfish, what the advisory structure of the two Councils looks like and perhaps confer with the Councils about a joint advisory process and bring that information back to this Board before we come to closure on it.

CHAIRMAN AUGUSTINE: Thank you, Mr. Colvin. Mr. Pope, does that answer your question?

MR. POPE: Yes, for the most part. Is this strictly going to be an advisory panel made up of all the user groups and stakeholders, as you put them, with the conservation groups and so on represented? Is this just for the joint plans or is this going to be a precedent for other groups that are already in existence, or are we going to maintain what we already have in some of the other advisory panels?

CHAIRMAN AUGUSTINE: I personally can't answer that question. Can someone who's been --

MR. POPE: I don't want to get too far afield on that, but I'm trying to get an idea as to whether, in the advisory process that we have, whether it's going to be two different advisory processes?

MR. COLVIN: This is not unique.

CHAIRMAN AUGUSTINE: Gordon, for the record.

MR. COLVIN: What I suggested is not unique, Gil. Look to the membership of the Horseshoe Crab AP, the Sturgeon AP, the Eel AP.

CHAIRMAN AUGUSTINE: Mr. Borden.

MR. POPE: Are those joint plans?

CHAIRMAN AUGUSTINE: Mr. Borden, you wanted to add a comment to that, please.

MR. BORDEN: Thank you, Mr. Chairman. I mean, each of the Advisory Committees has some flexibility to kind of tailor make their own constituency. And, I mean, if you use, for instance, the example of sea herring, in sea herring we have a Joint Advisory Committee with the New England Council. We sat down and jointly developed that.

I think Gordon makes a good point that we should closely scrutinize the Advisory Committees on both the Mid-Atlantic and New England Council and see to the extent to which there are constituencies that may not have been incorporated into that as opposed to just going out and creating another Advisory Committee.

CHAIRMAN AUGUSTINE: Thank you, Mr. Borden. In response to Gordon's comment about when we should do this, in response to Tina's concern about the urgency of this, should we suggest that Tina would

look at those two Council Advisory Panels as a very first step and then have the Board review that? Would that be appropriate? Susan.

MS. SHIPMAN: I think that's an appropriate route to go and see if all of the stakeholders and everyone that we would like to see represented on the Council Advisory Panels are on there. And if there are some vacancies or voids, if you will, this Board can recommend that the Council Advisory Panels be expanded to incorporate those.

Insomuch as this Commission is facing about a \$195,000 deficit for next year of what we thought we were going to have for dollars for fishery management planning, research and statistics, I think we need to go the most cost-effective route we can, and I think Mr. Colvin's recommendation is an excellent one.

CHAIRMAN AUGUSTINE: Thank you, Susan. So then, can we ask Tina to please pull together those lists and via mail or e-mail get that information out to each one of the Board members to review to determine whether or not there are sufficient holes or are holes where certain user groups or interested parties or stakeholders are not in existence, to make sure those names get plugged in or those organizations become a part of that whole process? Okay, thank you.

OTHER BUSINESS

Okay, we're under other business. Oh, one other subject on other business. We are going to have a deficit of \$195,000 or thereabouts, and we are going to put out another plea. I, personally, am going to put out a plea, as we did back at our last meeting. We need funding, and I know some of these special-interest groups struggle real hard to get their positions known to us and do a good presentation of what their issues are and concerns.

We sure could use some of those funds that they happen to be raising in terms of supporting some of our effort. I was going to go after Dr. Matlock again, as I did the last time, but I didn't go after him.

I just asked him if he would see what he could do in his particular budget to come up with a few dollars of support. We, hopefully, can drive this process forward and draw upon your advisory staff for the HMS people which will help us with some of our expenses that we normally would incur. But we look forward to working with you on that. Any other new business around the table? Dr. Pierce.

DR. PIERCE: When I gave my update earlier on, I forgot to mention one important event for the interest of the Board. It is my understanding that there will be a lawsuit on spiny dogfish. A complaint is being filed in U.S. District Court today, Massachusetts, a complaint

filed on behalf of a group of processors, fishermen and packers in Massachusetts and also being filed on behalf of some parties out of New York and New Jersey. So, obviously, we'll have to watch that.

CHAIRMAN AUGUSTINE: Thank you, Dr. Pierce. Seeing no further comments, questions or business, I will entertain a motion to adjourn. (Whereupon, the motion was made and seconded from the floor to adjourn.)

CHAIRMAN AUGUSTINE: We're adjourned. Thank you for your time and effort. (Whereupon the meeting was adjourned at 11:40 o'clock a.m., February 8, 2000.)

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