

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD

February 9, 2000
Radisson Hotel
Alexandria, Virginia

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

(207) 997-2080

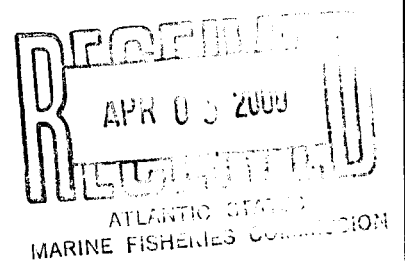


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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel, Alexandria, Virginia, February 9, 2000, and was called to order at 3:20 o'clock p.m. by Chairman David V.D. Borden.

CHAIRMAN DAVID V.D. BORDEN: All right, we're going to start the Policy Board. Welcome. Obviously, we are operating under some fairly severe time constraints today, so I'm going to quickly try to move through this agenda.

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

The minutes have been distributed. Are there any additions or deletions or modifications to the minutes? objection, the minutes will stand approved.

Public comments. We will take public comments if we have significant motions come before us. Any individuals in the audience care to address the Policy Board?

No hands up. Okay, the next item on the agenda is a motion by the South Atlantic Fishery Board in regard to Red Drum. Susan Shipman.

MS. SUSAN SHIPMAN: Thank you, Mr. Chairman. The South Atlantic Board met in December, in conjunction with the South Atlantic Fishery Management Council Red Drum Committee and the North Carolina Marine Fishery Commission, and we received the stock assessment for the northern component of the red drum stock.

That indicated that while we are making progress in recovery of the stock, we still are not at our target 30 percent spawning biomass. Additionally, we are waiting the southern component stock assessment, which is forthcoming on February 22nd.

Our Technical Committee is meeting then. Amendment 1 to the ASMFC Red Drum Plan stated a 10 percent SPR as the

first step toward red drum stock recovery. We know we have met that, and now it's time to take the next step.

And on behalf of the South Atlantic Board, I would move to the policy board that you approve initiation of Amendment 2 to the Red Drum FMP by the South Atlantic Board.

MR. PRESTON PATE, JR.: Second, Mr. Chairman.

CHAIRMAN BORDEN: Motion by Susan Shipman, seconded by Preston Pate. Discussion on the motion? Any discussion? Anyone in the audience? No hands up?

Are you ready for the question? All in favor, signify by saying aye; opposed; abstentions. The motion carries unanimously.

The next item on the agenda is a motion in regard to American Shad and Herring Fisheries pertaining to South Carolina. Jack Travelstead.

MR. JACK TRAVELSTEAD: Yes, is this one of those special motions that has to be drafted by the Executive Director before we make it? Why don't you go through the agenda and come back?

CHAIRMAN BORDEN: We'll come back to Mr. Travelstead, and I very appreciate him volunteering to take on this task.

MR. TRAVELSTEAD: Oh, it's a pleasure, Mr. Chairman.

CHAIRMAN BORDEN: The next item on the agenda is summary of actions regarding priorities, Jack Dunnigan.

MR. JOHN I. NELSON: He's drafting a motion.

CHAIRMAN BORDEN: Well, we will move on to the next agenda item, which is the Law Enforcement Committee Report, Rob Winkel.

MR. ROB WINKEL: Thank you, Mr. Chairman. The Law Enforcement Subcommittee met with Dieter and staff members at his suggestion to try and improve our input into the management plan proposals and addendums.

We've also been wrestling with the issue that each plan requires a law enforcement report, and the staff had a number of good suggestions on ways that we could develop a report that would be of value to the Board, rather than just reporting numbers that may or may not be interpreted in different ways.

So, to really sum it up, it was a very productive meeting. We plan to communicate better with the staff members who work on the different management plans, and, hopefully, we'll be able to find out what the Board is looking for when it comes to compliance issues on a law enforcement perspective.

So, unless there's any questions, that's our report.

CHAIRMAN BORDEN: Questions for Rob? No questions? Thank you very much.

Okay, the next item on the agenda is SAV and fishing gear impacts, Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I'll try and be brief. The Policy Board was mailed this report with a yellow cover, entitled "Evaluating Fishing Gear Impacts to Submerged Aquatic Vegetation and Determining Mitigation Strategies".

There are some extra copies. Dianne is coming around, if you don't have yours. I would like to submit this for the Board's approval and adoption, and give you a little bit of information about it.

You will recall that the SAV policy that was adopted in 1997 called upon the Commission to develop technical guidelines and standards for objectively determining gear impacts to SAV and developing mitigation strategies.

So that's what this report is. It's a technical document with mitigation options. It does not advance implementation at all. I'll say something about that in a minute.

At the time the Habitat Committee requested this Board's guidance and help in advancing that charge and the Board directed the Management and Science Committee to put together a work group, and it did.

The work group worked with staff over the course of a year and a half and developed this report. In Mystic, we had a joint workshop between the Habitat Committee and Management and Science to go over the draft at that time, and we worked out some minor edits which have been done, and the report was approved by both Management Science and Habitat Committee, and is now, as I said, presented to you for your approval and adoption.

I will give you a little bit of background about what it does. In the report, we identify SAV characteristics that

could be impacted by fishing in SAV, including light requirements, reproductive strategies, resilience and substrate type.

We identified the various gears used in estuaries, and SAV beds in particular, and identified all the ways that gears could affect SAV through injury. And based on this, we concluded, essentially, that below-ground impacts were the most significant and resulted in a substantial loss of SAV.

We did define what we call "impacts of significant concern", when a substantial amount of SAV is removed, as opposed to a plant here or a plant there. And below-ground disturbance clearly falls under that category.

Above-ground disturbance may or may not, depending on certain circumstances and the species involved. We looked at mitigation strategies, using NEPA as a baseline, and narrowed it down to avoidance and minimization as the options that would be called for in the case of gear impacts on SAV, and we developed a decision tree -- it's figure 1 on page 29. I just call your attention to that -- for minimizing the impacts on SAV from fishing gears.

Given that, Mr. Chairman, that's as far as we took the mitigation options in the report. I think you'll see it's a pretty clear decision tree. I'll go through it if you like, but in the interest of time, I'll just put that before you and conclude by telling you that the Habitat Committee is working on implementation strategies now.

We convened a work group the other night to do that, to start that process. It brought its thoughts back to the full committee yesterday, and we will plan on expanding that work group and convening it again in the April meeting week, and then bringing those further evolved thoughts to the Habitat Committee in June, and ultimately back to this Board for its consideration.

As I said, right now, we're simply asking the Board to approve and adopt this technical document.

CHAIRMAN BORDEN: All right. Thank you. Comments or questions? David Cupka.

MR. DAVID CUPKA: Thank you, Mr. Chairman. I was just going to move approval of the report.

CHAIRMAN BORDEN: All right, is there a second? Seconded by Preston Pate. Discussion on the motion? Anyone in the

audience? No hands up? Ready for the question? All in favor, signify by saying aye; opposed; abstentions. The motion carries unanimously. Yes.

MR. GOLDSBOROUGH: May I also, Mr. Chairman, recognize the hard work of staff, Diane Stephan and Robin Pieser, who are the authors of this report, and their co-author, Mark Funseaker from National Ocean Service, who gives it quite a bit of SAV expertise.

CHAIRMAN BORDEN: We also have another portion of the agenda on this, and I'd recognize Jack Dunnigan.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Well, with respect to the habitat program, which has done famously for the Atlantic States Marine Fisheries Commission over the last six years, particularly over the last four years under the leadership of Diane Stephan, I think we can all be proud of the accomplishments that we've made, and I think we all recognize that we were able to make those accomplishments, in large part, by the outstanding effort that she put in on a consistent basis.

She has, through her hard work and effort, built the Commission and the states a lot of friends in the habitat area.

I think she has been able to communicate that we are serious about wanting to make strides, and I think that she has done a good job of creating a sense within the Commission of empowerment that we can actually begin to deal with these issues, involve a lot of our commissioners, and set a good track that we are all now going to be committed to continuing down, because she's moving on to the brighter and happier world of the federal government.

And what we have for Diane this afternoon, on behalf of the Commission, is a plaque thanking her for her service, and, Diane, I'd ask you to come on up here right now, and I'll make the presentation. (Applause)

The plaque reads, "The Atlantic States Marine Fisheries Commission proudly recognizes the outstanding service of Diane Stephan in appreciation for nine years of dedicated service to the Atlantic Coastal States through the Commission, SEAMAP and Striped Bass Conservation Program" -- she worked on those, too, you remember, and that's what she thought she was getting into when she came here. -- "and as the Commission's first Habitat Program Coordinator, February 9, 2000." Thanks, Diane. (Applause)

MS. DIANE STEPHAN: Thank you, Jack. I thought I made it out of here without it being an embarrassing moment. Thank you very much. I appreciate it.

CHAIRMAN BORDEN: All right, in that regard, there's one other issue that I think that is important. Since Diane has gone over to the other side, the dark side, or whatever side you want to characterize it as, I would just like to -- and I think I reflect the opinion of the Habitat Committee, that we hope that she can stay fully involved in all the activities of the Habitat Committee, and, Bill, do you want to address this further?

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I guess this is the appropriate moment to formally request that Diane be added to the Committee as a representative from the National Marine Fisheries Service.

CHAIRMAN BORDEN: Without objection, we will send a letter to appropriate parties and forward that request. All right, further business on Habitat? Gordon.

MR. GORDON C. COLVIN: Mr. Chairman, I think Habitat is as good as any place to bring this up. One of the items that was sacrificed in our compressed agenda is a report from an ad hoc subcommittee the Chairman created at the annual meeting regarding assessment of entrainment and impingement impacts and related affects of power plants.

That committee did meet recently by conference call, and does have a report for you, which I would like to ask Lisa Kline to distribute at this time.

That report includes some recommendations, and perhaps the members could briefly glance at this report as we go forward, and we could come back to it, very briefly I promise, under other business.

I would ask at that time to secure the Policy Board's approval for the staff to seek funding and prepare some implementation options with respect to these recommendations.

CHAIRMAN BORDEN: All right, thank you, Gordon. We will move on to the next agenda item, which is Advisory Panel input. In the interest of time, Mr. Munson has submitted a written report, which has been disseminated to all of the different committee members.

I would ask you to read it, and we will schedule this item on the agenda at the next Policy Board meeting.

The next item on the agenda, we will go back to the Shad and Herring issue on South Carolina. Jack Travelstead.

MR. TRAVELSTEAD: Can we have the motion on the board, please? Mr. Chairman, I would move, on behalf of the Shad and River Herring Management Board, that the ISFMP Policy Board find that the state of South Carolina be determined to be out of compliance with Amendment 1 to the Interstate Fishery Management Plan for Shad and River Herring, in that it has not implemented and enforced the recreational creel limit, that this measure is necessary to control fishing mortality; and that in order to come back into compliance, the state must implement and enforce the required creel limit.

CHAIRMAN BORDEN: Motion by Mr. Travelstead. Discussion on the motion? Any discussion? Anyone in the audience? Are you ready for the question?

All those in favor, signify by saying aye; opposed; abstentions.

MR. RICHARD SCHAEFER: Abstain.

MR. CUPKA: Abstain.

CHAIRMAN BORDEN: Two abstentions. The motion carries unanimously. The abstentions were David Cupka and Dick Schaefer.

Further business on this item? Dick.

MR. SCHAEFER: I just have a question for information from Dave. Where are you? Where's the state in this? I mean, what's the likelihood of appropriate action in your agency or your legislature to bring you into compliance?

Because, really, this puts an enormous burden on us to have to go through the process for a finding of an agreement or disagreement, and then at the last minute find that the state has come back in, and we've just wasted a lot of time and paper and everything else.

MR. CUPKA: Well, as I mentioned earlier, we can't do this as an agency. It has to go through our legislature. We have drafted a bill, and it's part of our department legislative package.

Our legislature went into session about three weeks ago, and they'll be in session at least another four months. So, there's plenty of time to get it done. I won't say I absolutely guarantee it will, but I think the prognosis is

pretty good that we'll get it out this session.

MR. SCHAEFER: When does your shad fishery begin, your recreational shad fishery?

MR. CUPKA: We're already in our shad run.

MR. SCHAEFER: When is it over? I'm not being facetious, when is it over?

MR. CUPKA: No, it'll be over in probably late March or so.

MR. SCHAEFER: Ain't no way, even if we agree with this finding, that we're going to have anything in place by that time.

MR. CUPKA: Well, I think the Commission agreed, too, well, anyway, to recommend that the Secretary use his ability not to implement even if he finds us out of compliance.

I realize it'll impact you before then because you have to make that determination. But, obviously, the full Commission has to act on it, too, and that'll probably be another month or two before the Commission acts.

There's a good chance our season will be over before the letter comes to you.

MR. SCHAEFER: That ought to just about take me to retirement. That's not a bad strategy. Thank you very much, Mr. Cupka, I appreciate it.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Mr. Chairman. This was discussed extensively at the Board meeting this morning, and the sense there was that the Policy Board has now made the recommendation to the full Commission. The Commission is required by the rules to act within 30 days of receiving it.

I will withhold formal notification to the Commission until about March 1st or 5th, so that it can be raised and met by the Commission at the April meeting week here in Alexandria.

So, that's when the Commission will take it's final action, and then I have ten days after that to notify the Secretaries. And the Shad Board this morning did indicate that it would like to recommend to the Secretary that he use his discretion to defer the implementation date of the moratorium up to six months.

CHAIRMAN BORDEN: Susan.

MS. SHIPMAN: I believe also it was out intent that a letter go to the respective parties in South Carolina, particularly the legislative commissioner and affected individuals to advise them of the action taken today, hoping that would expedite their action and preclude you having to take any action.

CHAIRMAN BORDEN: Any other business on this item? If not, we'll move on to the next item that we deferred, which is action plan priorities, Jack Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Mr. Chairman. The Executive Committee discussed action plan priorities at the annual meeting in Mystic. And we have gone ahead and started, obviously, working in our work program this year to try to get things done, although we don't yet have anything to bring to you from the Administrative Oversight Committee about how the priorities can be met, given the funding levels we have.

Of course, we all know about the 7.56 percent reductions, which are going to require us to go back home and do some retooling of the numbers.

We will have that ready for you in April. But because of the reductions and the recisions that we've had to take this week, we're really not able to discuss that with you very much more today.

We will be discussing this actively with the Administrative Oversight Committee in the intervening time between now and the next meeting week and will schedule it for a full discussion at that point.

CHAIRMAN BORDEN: Any questions of Jack? If not, we'll move on to other business. Back to Gordon Colvin.

MR. COLVIN: Thank you. I hope that the members have had an opportunity to briefly scan the Ad Hoc Power Plant Subcommittee Report. You'll note that the recommendation of the subcommittee appears at the bottom of the first page, and calls upon the Management and Science and Habitat Committees to jointly, in working with the staff, to conduct certain tasks, and to report back to this Board.

It would be my intention at this time to request this Board to approve these recommendations so that the staff is in a position to begin the process of seeking funding and putting together an appropriate implementation

strategy.

We recognize the problems that Jack just spoke of, and we perceive that it may well be necessary to seek outside funding such as S-K funding, or something else along these lines, to assist us in this effort.

I believe what's here is self explanatory, and I move policy board approval of the recommendation.

CHAIRMAN BORDEN: All right, we have a motion. Do we have a second? Yes, seconded by Paul Diadoti. Discussion on it? What I would suggest you do is just take a few seconds and read through the recommendation.

You don't have to read through the entire document in order to get the gist of it. Andy.

MR. ANDREW MANUS: Mr. Chairman, the state of Delaware will commit \$5,000 on a matching basis to try to get the work of this particular subcommittee underway.

CHAIRMAN BORDEN: All right, thank you. Anyone else on this? Dick Schaefer.

MR. SCHAEFER: It just strikes me that perhaps one entity to consider to handle Item 1 on this might be the National Science Foundation, much as they did for ITQs; you know, put a committee together under the auspices at NSF.

It has a lot of credibility. It might be a good way to go. Just a suggestion.

CHAIRMAN BORDEN: All right, thanks, Dick. Bill.

MR. GOLDSBOROUGH: Just on that point, Mr. Chairman, the Habitat Committee did get a chance to discuss this a little bit, and we came up with two similar ideas. One would be AFS, and the other is the National Research Council.

CHAIRMAN BORDEN: Anyone else on this subject? You ready for the question? Anyone in the audience care to comment on that? If not, I'll call the question. All those in favor, signify by saying aye; opposed; abstentions. The motion carries unanimously.

Any other business to come before -- Susan.

MS. SHIPMAN: Thank you. I'm bringing forward a motion that I think came out of the Menhaden Management Board yesterday. I don't believe the Chair of the Vice-Chair is

here, so.

I would like to move, on behalf of the Atlantic Menhaden Management Board, which I'm not a member of, recommend to the ISFMP Policy Board that we invite those states and jurisdictions not currently represented on the Menhaden Management Board to participate in the development of Amendment 1 as voting members.

And I would further like to expand this to say that upon completion of Amendment 1, Section 4d of the Charter would be repealed, and that the Management Board would revert to a structure that is similar to all of the other management boards.

CHAIRMAN BORDEN: All right, I have a motion. Is there a second? Bill, are you seconding it?

MR. BILL COLE: Yes, I'll second it. Did that include the Fish and Wildlife Service also, in your reading?

CHAIRMAN BORDEN: Yes.

MS. SHIPMAN: Yes, jurisdictions, it was inclusive of the Fish and Wildlife Service.

MR. COLE: Yes, I'll second it.

CHAIRMAN BORDEN: Discussion on the motion? Jack.

MR. TRAVELSTEAD: Let me clarify this a little bit, because I was there last night, and I thought we did something a little bit different, and maybe we need some discussion.

It was my understanding that the Menhaden Board recommended to this Policy Board that it amend the Charter now too change the makeup of the board between now and the time that the amendment is done, so that it would include representatives from all of the states on the board with voting privileges, and the U.S. Fish and Wildlife Service, as well as maintaining the industry members on the board with a vote, and that that would be an immediate change to the Charter.

Then, as we go through the development of the amendment, that amendment will then direct the makeup of the board upon completion of the amendment.

It may very well be the structure that we have for all the other boards. It could be something different. But, I don't think that was decided last night, the issue of what

the makeup of the board is come October and the completion of the amendment.

MS. SHIPMAN: That's correct. The latter part of that was not part -- I added that in.

MR. TRAVELSTEAD: Okay, so that's not --

MS. SHIPMAN: And if someone wants to substitute their sponsorship of the motion and move whatever came out of the Menhaden Board, or just the first part, you could do that.

MR. TRAVELSTEAD: Well, you know, I think what came out of the management board was a recommendation to the Policy Board to immediately amend its Charter, to modify the makeup of the Menhaden Management Board to include representatives from all of the member states with an interest, and the Fish and Wildlife Service.

MS. SHIPMAN: I didn't understand it to amend the Charter. I understood it to be a temporary or an interim amendment, if you will, through Amendment 1. I wasn't sitting around the table.

MR. TRAVELSTEAD: You all know more about how to do this procedurally than I do, but we didn't adopt an addendum or and amendment last night. So, I thought, Jack, you had said we were actually just changing the Charter, and you didn't have to do that, you didn't have to go through any public process to do that.

EXECUTIVE DIRECTOR DUNNIGAN: That's correct, there was no public process that was implied. My recollection is as Susan's was, that we were not actually changing the Charter.

We were establishing an interim operating mode for the board as it goes through the amendment process. The amendment process will still have to deal with the question of the long-term makeup of the board.

Rather than making it a formal change to the charter at this point, what the Menhaden Board recommended, as I recall it, was to adopt this as an operating procedure in the interim.

But I think the second sentence here sort of prejudices what the plan is going to end up saying. That is right now what the preferred alternative in the draft plan is.

MR. TRAVELSTEAD: Right, but we haven't gone through the

process yet.

CHAIRMAN BORDEN: Okay, so everyone is clear on this, the first sentence is what the board agreed to last night. Susan has basically added a second sentence, which takes it a step further.

If you don't support that, then what I would suggest is someone make a motion to delete that sentence, and we'll deal with that issue specifically. Jack.

MR. TRAVELSTEAD: Well, I'll move to then delete the second sentence so that we can vote specifically on the recommendation of the board, and then other motions can be made following that.

CHAIRMAN BORDEN: All right, seconded by A.C. Discussion on the motion to amend? Tom.

MR. TOM FOTE: I seconded the motion on the Menhaden Board yesterday, and, basically, we were told that we could not change the makeup of that board, because the makeup of the board is spelled out in the Charter, that you would have to amend the Charter to change the makeup of the board.

So, since we are changing the makeup of the board, adding all the states, then we do have to amend the Charter in the way I understand it, and that was the motion that was put forward here.

I mean, that's the reason you gave us yesterday, Jack, that we had to change the membership of the board. And in order to do that, the membership is spelled out in the Charter. In order to do that, we have to change the Charter, and the Policy Board could do that today.

CHAIRMAN BORDEN: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: That's partly what we said yesterday. The Charter refers to the plan, and the problem is that with Menhaden the two are intertwined.

And what we've all been struggling with over the last year and half is to figure out how to make the change and try to be as faithful as we can to the Charter and to the plan at the same time.

And, the Policy Board has clear control over what's in that Charter, and can change it. But there is some sense within the Policy Board and the Menhaden Board that we need also to try to be faithful to the plan because that is what is set up.

So, there was sort of a middle ground that was adopted last night, to use this as an interim operating procedure. So, for the time that it's in existence, it acts as an amendment to the ISFMP Charter.

CHAIRMAN BORDEN: All right, Eric.

MR. ERIC SCHWAAB: Thank you, Mr. Chairman. I just want to clarify that the first part of this proposal, my understanding of what the board did was invite full participation on an interim basis.

This motion appears to speak specifically only to the development of the plan. I wonder if that's the distinction that needs to be clarified in the motion?

CHAIRMAN BORDEN: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Eric, I think it's the same thing. The interim basis is interim while we're preparing the new amendment.

CHAIRMAN BORDEN: All right, further discussion? Anyone in the audience? Ready to put the question? You're voting on a motion to delete the last sentence of the motion.

All those in favor, signify by saying aye; opposed, no, 1 no; abstentions. The motion carries. You have an amended motion. Further discussion on the amended motion? You ready for the question?

All those in favor, signify by saying aye; opposed, abstentions? The motion carries with one abstention. Further business? Susan.

MS. SHIPMAN: I'm still interested in what happens after the development of Amendment 1, and I would like to move that at the completing of Amendment 1, we amend the Charter to delete Section 4d.

CHAIRMAN BORDEN: All right, you have a motion on the floor. Discussion? A.C.

MR. A.C. CARPENTER: I think the whole idea of Amendment 1 and one of the issues that Amendment 1 deals with is the makeup of the board. I think to prejudge the outcome of that is a little premature, and I can't support the motion until we see what the newly constituted interim board comes up with.

It very well may be the result that you're looking for,

but I don't think that it's fair to pass a motion that says regardless of what they adopt in Amendment 1, we're going to do away with it.

CHAIRMAN BORDEN: Jack.

MR. TRAVELSTEAD: Ultimately, I suspect this is where we will end up, but I think the motion is premature. We have just created a new structure that will get us through the development of Amendment 1 to the plan.

And, so it's not necessary that we make, at this point in time, any further changes beyond that. It's clearly a part of the amendment. This is part of the amendment, to make it just like all the other boards.

What I was hoping would happen is that in the next eight or nine months, while we are working on this amendment, with this new structure that we've never used before, with each state having a vote plus industry on there, that we might learn something by that.

And we might find, for instance, that that's a structure that is suitable for Menhaden. And so at this point, I wouldn't want to preclude that possibility by the passage of this motion.

In nine months we can decide, well, that didn't work, and we can get rid of it, and we can make it just like all the other management boards. But I would prefer to have that nine-month opportunity to study that as a possibility.

CHAIRMAN BORDEN: Further discussion? David.

MR. CUPKA: Yes, I'm not a member of the Menhaden Board either, but I sat in their yesterday, and maybe I'm the only one that understood this. I thought part of the motion was that upon completion of Amendment 1, that it would revert to the normal board structure, and I don't know if we can go back to that motion in any way and check that, but at least that was kind of my understanding, which is a little different from some of the comments I've heard here.

But, maybe I misinterpreted that, or maybe some of the other ones want to speak to that issue.

CHAIRMAN BORDEN: Lew Flagg.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. My sense of the meeting was the same as David Cupka's, in that it was my understanding that once the transitional phase was over

and Amendment 1 was completed, that the board would revert to a board constituted in a similar fashion to others.

CHAIRMAN BORDEN: Question. Do we have access to the -- that was a specific motion that did pass, then. Tom.

MR. FOTE: As the second to the motion, that was not our motion. The motion was that in the period of time while we're doing the plan, to add all the states, to have all the states equal participation, any state that has a declared interest and wants to sit on the board.

It had nothing to do with what would happen after the plan was put in place. People assume, never assume. We assume a lot of things. That was not in the motion that was put on yesterday.

I mean, I was very specific about that, and I made a long speech on basically exactly what I said yesterday.

CHAIRMAN BORDEN: Paul.

MR. PAUL PERRA: I believe it was the intent of the document that was written up, the draft document that we all sent out to public hearing, that that's the intent. And, why don't we just leave it at that, that we constitute a new board.

The new board will see to whatever structure is needed, I'm sure, with the majority of the states on there, and only a few industry people, I'm sure the states will be well represented.

They are the Policy Board, so they should be able to make the decision. As a member of the Menhaden board, I'm making the recommendation.

CHAIRMAN BORDEN: Susan, back to you.

MS. SHIPMAN: In the essence of time, I'll be glad to withdraw the motion.

CHAIRMAN BORDEN: All right, seconder agree? Motion withdrawn. Further discussion on the agenda? Any other business? If not, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 3:55 o'clock p.m., February 9, 2000.)

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