

**PROCEEDINGS  
OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC MENHADEN MANAGEMENT BOARD**

**May 26, 2004  
Radisson Hotel  
Alexandria, Virginia**

Approved August 17, 2004

## **ATTENDANCE**

### **Board Members**

George Lapointe, ME DMR  
Pat White, ME. Gov. Appte.  
John Nelson, NH F&G  
Dennis Abbott, NH proxy for Rep. Mary Ann  
Blanchard  
G. Ritchie White, NH Gov. Appte.  
William Adler, MA Gov. Appte.  
David Pierce, MA DMF  
Vito Calomo, MA, proxy for Rep. Anthony J. Verga  
David Borden, RI DEM  
Gil Pope, RI Gov. Appte..  
Eric Smith, CT DEP  
Pat Augustine, NY Gov. Appte.  
Brian Culhane, NY proxy for Sen. Owen H. Johnson  
Gordon Colvin, NY DEC  
Tom Fote, NJ Gov. Appte.  
Bruce Freeman, NJ DF&W

Jeff C. Tinsman, DE Div F&W  
Michael Ruggiero, DE proxy for Sen. Robert  
Venables  
Russell Diez, MD proxy for Sen. Richard F. Colburn  
William P. Jensen, MD DNR  
Bill Goldsborough, MD Gov. Appte.  
A.C. Carpenter, PRFC (Vice Chair)  
Lyell Jett, VA proxy for Sen. John Chichester  
Jack Travelstead, VMRC (Chair)  
Damon Tatem, NC Gov. Appte  
Preston Pate, NC DMF  
David Cupka, SC DNR  
Patrick Greer, GA Coastal Resources  
Kathy Barco, FL Gov. Appte.  
Steve Meyers, NOAA Fisheries  
Jamie Geiger, USFWS

### **Ex-officio Members**

Matthew Cieri, ME DNR, Technical Committee  
Chair

Mike Bloxom, LEC Rep  
William Windley, Advisory Panel Chair

### **Staff**

Vince O'Shea  
Robert Beal

Nancy Wallace  
Brad Spear

### **Guests**

Howard King, MD DNR  
Dorothy D. Vasta  
Bruno M. Vasta, MD  
Kenny Keen, MD DNR  
Jeff Kaelin, Omega Protein  
Anne Lange, NMFS  
Charles Hutchinson, MSSA  
Chuck Prah, MSSA, CCA  
Clint Waters, MSSA  
Karen Ripple, CCA MD Chairman  
Lee Graves, Richmond Times-Dispatch  
Amy Schick, Environmental Defense  
Dick Brame, CCA  
Mary Beth Tooley, ECPA  
Gregory P. DiDomenico, GSSA  
James Price, CBEF  
Niels Moore, Menhaden Resource Council

John Merriner, NOAA-NMFS-SEFSC  
Ken Hinman, NCMC  
Clif Tipton, USFWS MFRO  
Alexi Sharov, MD DNR  
Bennie Williams, USFWS FWMA  
Jon Lucy, VIMS

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## SUMMARY OF MOTIONS

**Move that ASMFC Atlantic Menhaden Management Board conduct a workshop to examine the status of Atlantic menhaden with respect to its ecological role, especially its role as forage fish, and of the implications of current management reference points with respect to this role. Emphasis should be given to the implications of concentrated harvest in the Chesapeake Bay. The workshop will be held by the fall 2004, with recommendations for revised or new directions for the Atlantic Menhaden FMP for Board action at the annual meeting 2004.**

Motion by Mr. Colvin; second by Mr. Jensen. Motion carries unanimously.

**Move that ASMFC should organize and conduct a technical committee meeting and workshop in 2004 to develop complete plans, implementation schedules, and budget to implement the research priorities for Atlantic menhaden in Chesapeake Bay presented to the Atlantic Menhaden Management Board today, and to identify further stock-wide monitoring and research needs to complement such a Bay-specific program.**

Motion by Mr. Colvin; second by Mr. P. White. Motion carries unanimously.

**Move to approve Addendum I for public comment.**

Motion by Mr. Lapointe; second by Mr. Augustine. Motion carries unanimously.

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COMMISSION  
ATLANTIC MENHADEN MANAGEMENT  
BOARD**

**Radisson Hotel  
Alexandria, Virginia  
May 26, 2004**  
- - -

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Wednesday, May 26, 2004, and was called to order at 8:00 o'clock a.m. by Chairman Jack Travelstead.

**CALL TO ORDER**

**CHAIRMAN JACK TRAVELSTEAD:**  
Good morning, everyone. This is the Atlantic Menhaden Management Board. Before we get into the agenda, with your indulgence I'd like to take a couple of brief moments to describe what I hope we can achieve here today as chairman of this committee, and also very briefly offer you some insights where Virginia stands on these issues so as to avoid a situation where I can avoid having to get into the debate in the middle of the meeting.

First and foremost, it's my hope that under Agenda Item 7, that we can adopt and move forward with the addendum that has now been drafted by staff and presented to you in the package. I hope that we can move that addendum forward as it is currently written without further amendment and as a complete package here today.

If there are other issues that develop during the day, particularly under Agenda Item 6, it would be my hope that those issues, whether it's today or sometime in the not too distant future, could be placed in yet another document, another addendum that would not result in the delay of our moving forward with the current addendum.

Secondly, I hope that you will be straightforward in your comments on the issues that we deal with today for a couple of reasons. Virginia is very interested in knowing where you stand on these issues for a couple of reasons.

First, our Secretary of Natural Resources here in

Virginia, Taylo Murphy, is forming a menhaden round table at the state level that will I believe address many of the same issues that this management Board will be addressing at this meeting and at the meetings ahead.

I think the opinions that you express here today will play an important role in the discussions that occur at that state round table later this spring and into the summer. And, secondly, Virginia quite frankly wants to know where you stand on these issues.

We want to know what we're up against so that we can adjust our own policies appropriately, and so that the company that we find in Virginia, Omega Protein, can make the business decisions that it needs to make out into the future.

It's my hope today that we can agree upon a very clear path and schedule that lays out for the public how we intend to move forward on these issues. I have received a number of e-mails and letters from the public.

It is obvious that they have some very serious concerns about menhaden management and how it affects other species along the Atlantic Coast.

I don't want Virginia to find itself in a position where we believe that decisions on these issues are for all intents and purposes already made and result, quite frankly, in the immediate regulation of the fishery.

I think we would all be better off, the public would be better served, the resource would be better off if we can delineate a path here today that lays out how we can improve the science on this issue, improve our understanding of this resource at the local level, and move forward with a plan to address those problems.

**APPROVAL OF AGENDA**

That's the end of my soapbox; and with that, we'll move into the agenda. Item 2 is approval of the agenda. I have received one request from Bill Windley, who chairs our advisory panel, that he be allowed to finish his AP report.

He was not able to do that at the last meeting, and he'd like to do that after Matt Cieri finishes the technical committee update, so we'll add that onto Agenda Item 5. Are there other additions or corrections to the agenda? Is there any objection to

the agenda as it now reads? Seeing none, the agenda is approved.

### APPROVAL OF PROCEEDINGS

Item 3 is approval of the minutes from the March 2004 meeting. Are there any additions or corrections to those minutes? Seeing none, the minutes are approved.

### PUBLIC COMMENT

Public comment. We have 15 minutes on today's agenda for public comment. Of course, I intend to call on the public as well as we get into the discussions on some of the other issues in the agenda, but is there anyone who wishes to make comment at this time? Yes, sir.

MR. JEFF KAELIN: Thank you, Mr. Chairman. Members of the Board, my name is Jeff Kaelin and I'm here today on behalf of Omega Protein. I appreciate the opportunity to speak with you for a couple minutes this morning before this meeting begins.

Discussions have taken place at both the technical committee and Board levels regarding the potential or perceived occurrence of localized depletion of menhaden in Chesapeake Bay.

And, as we all know, the technical committee has already addressed this issue and reported that it simply doesn't have an assessment methodology capable of addressing the issue today and currently lacks even a precise definition of what constitutes localized depletion, much less what conditions may have to exist to cause it, for what duration it would have to occur and so forth.

As a company with a great stake in the continued health of the menhaden resource, we take these concerns related to the health and viability of the resource and its habitat very seriously. We also understand there are instances when stakeholders who share the public resource will have different opinions and concerns.

Cooperation through understanding and communication we think is the best way to alleviate these problems. We all know that a lack of scientific information is extremely difficult when we're trying to address these complex issues.

We think the most important thing we can do as a company at this time is to facilitate the collection and

analysis of data to help us understand the problems that we're faced with in the Chesapeake Bay.

Board members have suggested that all user groups, commercial, recreational and conservation, work together to develop an initiative that we would jointly sponsor in Congress, if necessary, in an attempt to obtain the resources that we would need for the scientific studies that should begin now hopefully to answer and address some of these uncertainties as the future months unfold.

We think this is a logical solution to the problems that we're faced with in the bay, and we're prepared to offer, to the extent that we can, our assistance and support for a study conducted by an appropriate scientific institution that can evaluate the occurrence of localized depletion and its causes within the Chesapeake Bay.

There is a letter that has been sent to you by Niels Moore that he may speak to later on that issue and another one. Having addressed that issue, there are other things of imminent concern that I'd also like to comment on briefly this morning.

There are user groups that may urge the Board to take a more proactive approach on the issues that I've been discussing. Some apparently are advocating addressing a perceived problem by imposing concrete, restrictive, immediate management measures on the fishery.

We think this action would establish an untenable regulatory precedent. We don't think it's appropriate at this time, but at the same time we certainly don't dismiss these concerns or trivialize them.

I'm not here today to say that they're wrong or I'm right or we're right, but in the absence of virtually any scientific information or data to move ahead, we think it would be premature to do that today.

There is a localized depletion problem that's creating significant ecosystem effects that's been alleged. We need to look at that. The idea that this problem exists as a result of the menhaden reduction industry we really have to reject at this time based on the information we have.

Immediate management measures would clearly put the cart before the horse, and we believe and understand the FMP to read that management measures should be based on the best scientific information, not hearsay or politically motivated attacks from concerned user groups.

Finally, I'd like to address the construction of our new fishmeal and oil processing facility in Reedville. Omega Protein understands that there are concerns related to the current construction of that processing facility.

But, there is a misinformed perception by some that this new facility will result in a significant increase in effort and harvest by our company. We understand how the construction of a new facility on the surface could create this perception, but in reality these concerns are unfounded and speculative, made by individuals who are not familiar with our logistical operations.

The fact is the company's demand for menhaden will remain about the same despite the building of the new refinery. The company's current refinery technology at the rebuilt plant limits our company's oil refining capacity to about 30,000 metric tons a day while our catch levels are currently at about 100,000 metric tons a day.

The new refinery technology that we're installing will allow our daily catches to be efficiently processed into high-quality edible oils for the growing nutra-ceutical market at the rate of about 100 metric tons per day.

Suggestions that expansions in Reedville will triple our demand for menhaden are wrong. The new capacity will only permit the company to process efficiently our existing harvesting levels.

I want to thank you again for the opportunity to make these comments to you today, and I want you to know that Omega Protein stands committed to working with all of you and the user groups that are concerned about the Chesapeake Bay as we are.

My hope today is that we can all work together to develop a scientific, collaborative process here going forward, and we pledge ourselves to doing that and thank you for the opportunity to speak to you this morning.

CHAIRMAN TRAVELSTEAD: Thank you, Jeff. Any other public comment? Yes, sir, Ken.

MR. KEN HINMAN: Thank you, Mr. Chairman. Ken Hinman, National Coalition for Marine Conservation, and I'll be very brief because I know you have a lot to discuss today.

Our concerns about overfishing of menhaden and the adequacy of the forage base for a number of

predators, especially in Chesapeake Bay, are on the record and are well known I think to all of you.

I want to add a couple of things to that. First of all, I brought additions to the petition that we turned in in December at that meeting and I'll give these to Nancy later in the meeting.

But it brings to about 4,000 the number of striped bass anglers who have expressed tremendous concern about what is happening to the striped bass resource because of the depletion of Atlantic menhaden.

I also wanted to add to the comments that were made after Dr. Desmond Kahn's presentation yesterday during the striped bass Board meeting, his summary of the striped bass symposium that took place in April.

I think that was very important because we saw the research results from studies done by scientists from diverse backgrounds, from private institutions and from public agencies that I think affirm a lot of the concerns that the stakeholders have about what is going on.

There are strong indications as a result of these studies of malnutrition, of increased disease, of increasing natural mortality among striped bass, particularly in Chesapeake Bay, and that this has been coincidental with a low abundance of forage-sized menhaden in the bay.

I think this really does underscore the need to take these concerns seriously, that we are not just dealing with a lot of perceptions, but that there actually is real research going on right at this moment that is indicating problems and a direct or indirect link to the way the menhaden fishery is being managed.

We, of course, support the motion that is on the table right now for interim action to address localized depletion of menhaden in the Chesapeake Bay. We also understand that if this Board is not ready at this time to move ahead with some interim action to minimize the risk that we do strongly favor, Jeff mentioned, proactive management.

What we believe proactive management is, is you can take the first three letters, pro, p-r-o -- there are three elements to proactive management. It's defining the problem you're dealing with. That's assessing the risks involved and then considering the options, the management options.

We think each of those three things need to be done before your action is taken. And we think this is

something -- Jack, you talked about moving ahead in this process and we are very supportive of that.

If you can take a step forward so that everybody feels comfortable, by your next meeting you've done those three things. You've gotten together to define the problem we're dealing with, to assess the risks involved with it and to consider the management options that you have for addressing that problem.

Then you will be able to take informed action at the next meeting, so that's really what we are here to urge you to do and I hope you do. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Ken. Anyone else? All right, seeing none let's move to Agenda Item 5, the technical committee update on research proposals for Chesapeake Bay.

#### **UPDATE ON RESEARCH PROPOSALS FOR CHESAPEAKE BAY**

You'll recall the discussion we had at our last meeting that ended in our requesting a more definitive list of research needs that could be implemented in the Chesapeake Bay, with some indication of the cost of that type of work. I think Matt is ready to inform us of that information.

MR. MATTHEW CIERI: Good morning. Through a series of e-mails and conference calls, the Atlantic Menhaden TC has sort of gotten together, tried to define the problem of localized depletion and forage issues and have come up with some research priorities and some research ideas to address this issue.

What we really need to do is figure out how many menhaden are in the bay at any given time, figure out how many is consumed by predators, not just striped bass but birds, weakfish and marine mammals, to figure out the exchange rate of the menhaden within Chesapeake Bay and the outlying coastal areas, and to figure out the recruitment coming into the bay proper on a yearly basis.

So more formally we've set up four research priorities, and here they are in order of our priorities to determine the abundance, to estimate removals by predators, to look at the exchange rate and also to figure out recruitment via larval studies.

When determining abundance, we came up with a few ideas on how to exactly accomplish this. One is an aerial survey and you can see the price tag is at least \$100,000 -- that's per year -- an airborne

LIDAR survey, which is a light, almost a laser that looks at density of schools; again, a pilot study, at least \$100,000 per year; an acoustic survey which can run somewhere between \$150,000 and \$250,000 per year.

All of these abundance estimates need to be done both within a year throughout the entire bay as well as on a yearly basis, so we can figure out exactly when to time the surveys because timing ends up being a very critical issue when it comes to doing abundance estimate.

To look at removals by the predators, one of the things that the spatial model and in some ways the MSVPA model may be able to address how these are removed from Chesapeake Bay and by what ages and what sizes.

However, one of the things that's critical for running any type of ecosystem model is good diet data, both in spatial and temporal resolution. So basically we need guts. We need gut contents to figure out who is eating what and at what size.

To look at the exchange rate between menhaden in Chesapeake Bay and those that reside in the coastal system, tagging studies are usually the most preferred method. Tagging studies are certainly not cheap, between \$250,000 and \$450,000.

It needs to be accomplished in both a short-term scale on a series of weeks and months, as well as a long-term scale, more on the order of years, at least five years are needed. Larval and recruitment studies are also critical.

It helps us determine how and the reason why we haven't been seeing good recruitment to Chesapeake Bay. Has there simply been a shift north, or are for some reason the larvae not getting to the Chesapeake Bay?

To do a dedicated larval survey for not only Chesapeake Bay, but for some of the surrounding coastal areas might give us a better idea of how to go about and figure out what is going on with the recruitment factor itself. This is before menhaden settle out and become primary prey.

Now, I've thrown up some numbers, some of them with a huge price tag. These are estimates. This is going to require a serious and concerted effort in both time, effort, money and people. This isn't going to happen overnight.



It's going to cost somewhere in the range of nearly millions of dollars, but it's a question that we can answer given adequate funding and given adequate personnel. Basically in a nutshell, abundance, about \$100,000 a year; predation, about \$100,000 a year; exchange and mixing, \$250,000 to \$450,000 a year; and recruitment, at least \$100,000 a year.

But finally answering this question that has been vexing a lot of the bay's area states, priceless, and that's it pretty much in a nutshell.

CHAIRMAN TRAVELSTEAD: Okay, questions and comments. Bill and then David.

MR. WILLIAM GOLDSBOROUGH: I just wanted to ask Matt when he said per year there at the end, did you project -- maybe I missed it -- did you project how many years we need to be doing this to get those answers at those costs?

MR. CIERI: Which one?

MR. GOLDSBOROUGH: Oh, is it different for each one?

MR. CIERI: It's different for each one. A tagging study should probably be done for a minimum of five years. A larval study needs to have a longer time frame, more on the order of a decade.

CHAIRMAN TRAVELSTEAD: David.

MR. DAVID V.D. BORDEN: Yes, thanks, Mr. Chairman. I'd like to thank Matt. This is exactly what the Board asked for the last time, and I appreciate the fact that they came right back with numbers and suggestions.

The numbers are probably a little bit larger than anybody anticipated, but that's all right. It's a good starting point. Matt, on the recruitment studies, how extensive would those studies be outside the bay, because, as you know, we've had very significant reports essentially verified by people up and down the coast in the Northeast about very high levels of recruitment in the Northeast, which is different than what has historically happened? So, will that be included as part of the recruitment evaluation?

MR. CIERI: It doesn't take a whole lot to run a good recruitment study. What you need are a series of stations up and down the East Coast that in many ways capture the larval distribution. And when we're talking about larval distribution, you don't have to get a boat and drive out all along the

Continental Shelf and pick up menhaden larvae. What we're talking about is basically passive plankton net tows at bridges.

New Jersey, actually, Rutgers has a good index from Ken Able's lab. Basically he puts out the net on every spring tide and has done so since I believe the mid '80s. Something like that, that is a long time series, and that will capture the variability of recruitment geographically.

MR. BORDEN: Okay, and then two other quick points, Mr. Chairman, is, one, I would hope that the Chesapeake states, working with the recreational and commercial fishermen down there, would basically work with their congressional delegations and attempt to put a funding initiative in Congress this year to try to do this. I think that was discussed a little bit at the last meeting.

And then the second point, I would urge the commercial menhaden industry, particularly on the tagging and mixing issue, to work with the states and basically volunteer their boats to try to capture menhaden and do the studies.

They've done that on a number of other issues, herring, in particular. They're perfectly equipped to do it. They can do it in a fast and efficient manner.

CHAIRMAN TRAVELSTEAD: Matt.

MR. CIERI: Yes, the price tag that I put up is pretty daunting. What you can do and what we've done successfully, as David knows, in the Northeast is doing cooperative research with all stakeholders.

This will drastically mitigate your costs as well as the amount of effort that you have to put in. Getting all the stakeholders involved, getting cooperative research programs together will be a great boon in this effort.

CHAIRMAN TRAVELSTEAD: I have heard over the last couple of days a number of comments from individuals that seem to me have expressed a desire to contribute to this issue in the way of funding.

I'm hoping that some of them will stand up at some point as a part of this meeting and put those comments on the record. We've already heard from Omega Protein that they're willing to participate in some capacity in these things.

I would also make you aware that within Chesapeake

Bay there is a group called the Chesapeake Bay Stock Assessment Committee that is run by the NOAA office.

Congress has provided that office with a rather substantial amount of funding that is to be directed toward multi-species ecosystem issues and the development of surveys that provide a better understanding of the stocks in the Chesapeake Bay.

I have not had any discussion with those folks on this issue, but it certainly seems to me that some of that funding with the approval of and encouragement of the bay jurisdictions could be focused on these menhaden issues.

There is a substantial amount of money in that office that can be directed, I hope, toward these. With the support of this Board and people like Pete Jensen and A.C. who play a direct role in how those monies are spent, I would hope that at least some of that money could be directed toward some of these research projects. It would be my intention to approach the NOAA Chesapeake Bay office about that. Pete, I had you and then Jaime.

MR. W. PETE JENSEN: Just a couple of things. One, we do consider this a high priority, and, of course, we're going to push for getting this work underway as soon as possible, both through the NOAA program.

I agree with David, we do intend to go to our congressional delegation, and I'm hoping that one of the things that will come out of this today or perhaps a little later is a well-defined program because, as you all know, you have better chances in Congress if you go in with a well-designed program and say this is what we want to do and this is how we're going to do it and this is how much it's going to cost.

Matt, there had been some discussion of a workshop soon. How much could what you have developed so far, the technical committee has developed be refined or improved if we in fact had a workshop, brought in a lot of other people, including people from out of the Chesapeake Bay area, to put together a more complete, more comprehensive multi-year proposal?

MR. CIERI: It would certainly, certainly help. I think what we really need to do is start some of the surveys. A workshop would be great so we can all be on the same page, figure out what to do, where to do it, how much it's really going to cost because, like I said, these are estimates, but what we need to do to answer the questions is sort of stop

meeting and start doing research.

CHAIRMAN TRAVELSTEAD: Jaime.

DR. JAIME GEIGER: Thank you, Mr. Chairman. Again, when I hear these numbers, I'm struck with some remarkable similarities to what happened in 1980 and what the late Senator John Chaffee did in Rhode Island with the Emergency Striped Bass Act.

If my colleagues recall, we put together a very talented group of technical and scientific and fisheries managers, put together a very well-defined, well-focused emergency striped bass plan. This plan prioritized research to address the most pressing management needs.

It partitioned various levels and roles and responsibilities to ensure that people that had the experience and the equipment and the tech expertise were positioned to do the work and identify the right amount of funds to get this done in the appropriate time line.

I think Pete is right on. We need a well-defined plan I think that we can put together to present to Congress very similar to the Emergency Striped Bass Act.

I am confident that there is adequate congressional sponsors in both the bay jurisdictions and elsewhere that would embrace this concept, all right, and certainly support this. I do think again using that as a model will ensure success in this endeavor. Thank you very much, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you. Vito.

MR. VITO CALOMO: Thank you, Mr. Chairman. If you refer back to the minutes of the last meeting, you will see where I suggested using the platforms in research. Listening to Matt and looking at the price tag that we just looked at, some of us probably have dropped our jaws not realizing that you were talking millions of dollars.

But, again, listening to Matt, he says we need to roll up our sleeves immediately and start working on this program. I listened to a few speakers from the public and people from industry in saying they're willing to participate.

I listened to the people on the Board, how we need to go out and speak to our political allies to gain

research money takes time. I think in the best interest of everybody time is not on our side right now in one respect.

I think that if we were to go forward and ask Omega to use his platforms with our research people, that they would probably put forward some of the dollars in cash -- and this is my thinking, I haven't asked them for it, but use their aircraft to do some of the photos that you asked and recommended, to use some of their research planes that about 25 years ago that I went into a plane out of Texas where they can shoot a laser into the water to estimate the density of these schools.

I think that's a start that could happen right away for the surveys that are needed by the scientific community. The best available science is what we need. We base all our plans on science and not hearsay.

I think the rest of us that are involved in this need to go after the research dollars. I think that it's time again to put our best foot forward and stop speculating and find out what's really happening.

I see many times that in the northern as well as the southern that people make vast statements without having knowledge of what they're talking about. There are people that are saying that in the Chesapeake Bay that the purse seine vessels are taking more fish out of the Chesapeake Bay than ever before when it's actually the opposite.

I think if you go back to somewhere in the '90s, that they used to take approximately 170,000 metric tons out of the Chesapeake Bay, and today I think the total catch is less than 170,000 metric tons, somewhere in the 166,000-160,000-odd metric tons in the whole seaboard, everywhere.

The total is less than they used to take out of the Chesapeake Bay, so the accusations thrown and disparities thrown don't help matters. Working together with the conservation groups, the saltwater sportsmen, people that are interested in recoveries of all species, and ourselves is very important at this time.

I'd like us to put our best foot forward. I know we have a lack of funds, but that's why I suggest that if Omega wants to put their best foot forward, that they come forward with their vessels as platforms and their airplanes and some of their resources. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you, Vito. David and then David.

DR. DAVID PIERCE: I pass.

CHAIRMAN TRAVELSTEAD: Dave Borden.

MR. BORDEN: Thank you, Mr. Chairman, I'll be brief. I just wanted to go back to one point that Matt made. Although I agree with Pete that we need a well-designed research plan to get at these issues, Matt is correct, there probably are some things that we can all do collectively immediately within the constraints of staff and time.

And, if there is a specific type of sampling that the technical committee at least wants us to do, Rhode Island certainly will be happy to look at that, and within the constraints of staff and time and equipment start the survey without it being a compliance requirement and so forth.

CHAIRMAN TRAVELSTEAD: Thank you, very good. I guess one point I want to bring this to, is there consensus that the list that the technical committee has provided the correct list, and can we then use that to formulate this well-defined plan that we would submit to Congress and others? So that's the question. Pete.

MR. JENSEN: Well, I was going to ask that question of Matt. Maybe I'm just missing it. I don't see anything in here that would identify the age classes that are both present in the bay and also exchange in and out of the bay.

MR. CIERI: You do actually end up getting that type of information. Of course, any abundance survey has to be ground truthed, so you need adequate real sampling of fish in the size range.

And for the exchange, you pretty much know what you've tagged in what size range, so you can see the difference that different size of fish or age of fish will give you as far as mixing rates. And, finally, the gut content, predator removal studies, it's critical that be done in a size or an age class basis.

MR. JENSEN: So are all of those things included in your estimates?

MR. CIERI: Pretty much. Again, remember that these are ballpark estimates.

MR. JENSEN: I understand, yes. Jack, if I

may I'd like to add one thing. As you may or some of you may not know, there is a cooperative laboratory at Oxford which is a cooperative laboratory between NOAA and the state of Maryland.

We intend to examine whether menhaden research might not be a priority for that particular laboratory, and I believe that NOAA would be willing to entertain that idea, so we will be pursuing that as a possibility.

CHAIRMAN TRAVELSTEAD: Very good. Tom.

MR. THOMAS FOTE: All I want to say is I'm looking at those numbers up there and I understand. I wasn't shocked by the numbers. I've been dealing with a lot of stock assessments. They really look realistic to me and maybe an underestimate if you really want to do something. It's a long-term project.

What I really wish is the sportsmen and the environmental groups and Omega realize that. If I look at those numbers and it's about \$750,000 a year for a couple of years, New Jersey's whole budget to run marine fisheries, both commercial, recreational, and marine mammals, is about \$3 million.

That's a quarter of the state's budget to do fisheries, all the fisheries. So, as a state we can't do this without the extra funding, so we're going to need help. I mean, we've been zero budgeted for about five years.

I assume other states are in the same position and about the same thing. This would be any state's large portion of their marine budget; so understand that when you basically go to Congress, that we can't do it without help.

CHAIRMAN TRAVELSTEAD: Thanks, Tom. I wasn't surprised by the numbers either. I mean, they're large numbers, but they're no different than what we see on many of the other species. Virginia by itself spends over a half a million dollars just monitoring the striped bass stocks in Virginia, so this is in the same ballpark. Bruce.

MR. BRUCE FREEMAN: Thank you, Jack. It seems to me that some of this could begin almost immediately, and what struck me is the aerial surveys, that the industry has planes in the air looking for concentrations of fish.

It just seems to me this would be a natural that

industry has the air force, and it's just a matter of what information they could provide to get this thing going. I mean, it's just some of this seems to natural and so doable.

Other parts certainly will take time, but it seems with a little bit of effort to involve both the industry and the states and the concerned people, this thing could begin almost immediately.

CHAIRMAN TRAVELSTEAD: I think in part what we need is a further description of each one of these, more or less a proposal if you will that describes the methods and materials as to how each one of these do so that we don't have one group going off doing what they think is right only to find that it's not being done correctly, something that would have the technical committee's approval and perhaps this Board's approval. Any other comments on this? Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I'm almost reluctant to say it, but I've never been reluctant to say it in the past. What do we have for tools now in reality to work on the problems that people are bringing to this table on the menhaden?

In ten years from now when we've spent, whether it's \$10 million \$15 million or whatever the price tag is going to be at the end of the ten years, how much bigger is our tool box going to be in reality as far as management options that we have and things that we can do?

Sure, we'll have more information on predator-prey relationships, more scientific information on exactly what does happen to the menhaden, but after this ten-year period, how much bigger is our tool box going to be?

How many more management options are we actually going to have as far as what we can actually do to either prevent overfishing, if we find it's overfishing or not? In other words, this is all great.

This is all great stuff, but I'm just wondering as to exactly what more are we going to know other than just more data and information of stuff that we suspect might be happening now? What new management tools are we going to have? That would be my big question.

CHAIRMAN TRAVELSTEAD: Matt, do you want to respond to that from a technical perspective?

MR. CIERI: From a technical perspective, what we're doing with menhaden now is applicable to almost nearly every forage species. Almost every forage species on the East Coast has had issues dealing with predator removals, localized depletion and a host of other issues. Doing this for menhaden is sort of the first step towards ecosystem management. It's going to be the pilot.

MR. POPE: I understand that, but we only have a certain number of actions that we can do, and I'm just wondering are we going to add new actions and activities? That would be my question.

CHAIRMAN TRAVELSTEAD: Well, I hope that this research leads to a much better understanding of what is going on in Chesapeake Bay. A number of people have expressed concern, used the words "localized depletion."

This kind of research tell us what is -- first, I think you need to define what is meant by localized depletion, then determine whether or not it is occurring and how you go about addressing it and curing that problem and knowing that it has been cured.

I think it's these things that will be in our tool box that will allow us to address those kinds of questions. You'll be taking the same types of management measures, perhaps, only you'll be doing it in Chesapeake Bay as opposed to along the Atlantic Coast.

There were a couple of hands in the audience. Mr. Price, do you want to come up, and then I have several more Board members that want to speak.

MR. JAMES E. PRICE: My name is Jim Price with the Chesapeake Bay Ecological Foundation. I'm pleased to hear all the concern and interest and large amounts of money that are being talked about that need to be spent to gather information so we can better manage menhaden.

But, I'd like to give you a little different perspective on what I think should be considered. I've been gathering information almost for eight years, looking at all the data that I could find from the National Marine Fisheries Service, the scientific publications, people who have examined the menhaden fishery.

I work with various state and federal agencies, and I'm not convinced that we need to take ten years and spend millions of dollars so this Board can make an intelligent decision how to manage menhaden.

I'm very concerned that this is the direction that we're going in. For example, there has never been an independent analysis of whether or not the current management plan is actually using the best available data.

ASMFC has peer review processes that government agencies come together, look at how the fishery is being managed, and spend a couple of days and then they make their recommendations.

Well, a lot of times information that is available and studies that have been done are never given a chance to be presented during this short time frame.

You're given opinions as to what recommendations need to be done for research and various management decisions that need to be made, and these recommendations have been given to the Board year after year after year talking about doing research that could give us more knowledge how to manage the fishery.

I'm certainly not against research, but I see such a vast amount of research that has been conducted. I've worked on a bio-energetic study like Matt's talking about needs to be done in the bay with Dr. Overton for three years in the late '90s.

Nobody has even used that data. There is so much information out here that could be re-examined and the reliability of the current menhaden stock assessment, because the Maryland Department of Natural Resources have recently done their own assessment. It was presented in Raleigh at the technical committee meeting and rejected out of hand by your technical committee.

Now, this was not given the proper review that it should have been. I think there is a lot of information that exists before we start to spend billions of dollars that the ASMFC ought to consider.

If we're going to have a workshop, we ought to also consider having some kind of a review of what currently is available. I think you could probably make a couple decisions with the information that we already have. I just would like to see everybody consider that as another way to look at this problem before we wait ten years to address it. I think that's dragging it out longer than is necessary.

CHAIRMAN TRAVELSTEAD: Thank you, Jim. I just want to respond in saying that I've not heard today any member of the Board say that they wanted to proceed down the road of doing this

research for ten years and not make any management decisions until ten years from now.

I know for a fact clearly that there are a number of you who feel very strongly about management issues and certainly don't have on your mind any delay on the order of ten years. I think you will hear more discussion along those lines. I don't want to engage you in debate, but just ask that you sit here for a minute and see what this Board does.

MR. PRICE: Well, just one last quick thing. You asked us to submit papers just a few months ago, which I did. I spent a year on this report that went to the Maryland DNR, it then went to this Board, and then the technical committee reviewed it.

They never contacted me. They never responded. The Board asked them to respond to each one of these papers. They did not respond. There is a lot of information people have taken serious time to help this Board, to work with the ASMFC, and we were given two or three minutes here to speak and no respect when it comes to the work that we have done when it's submitted for the technical committee to peer review it. That's not right.

Too much effort has gone into trying to help this Board come up with good answers, and so far there is a lot of information that's valid, and I submit scientific published papers when I submit my reports. I've gotten zero response from the technical committee, and I don't think it's proper. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Yes, sir, we'll hear from you, and then I've got at least two other Board members to hear from on this issue.

MR. KAELIN: Thank you, Mr. Chairman, just very briefly, I think I misspoke earlier when I talked about numbers. I'm so used to operating in the herring world where 100,000 metric tons is the number we use. What I tried to say earlier is we have 32,000 metric tons processing capacity today and 100 metric tons per day catch, so I wanted to clarify that.

CHAIRMAN TRAVELSTEAD: Not 100,000.

MR. KAELIN: Somebody told me I said 100,000, and I had my herring hat on. Localized depletion is an issue in the Gulf of Maine, too, in the herring fishery, and this Board really is poised I think to take on an issue that really over the last decade has not even been taken on in New England.

I think there is an opportunity here to learn an awful lot about how some of these pelagic resources operate and what percentages we can remove in certain areas and so forth.

But the reason why I wanted to speak, other than clarify my earlier remarks, was to say that I'm sure our company will dedicate its platforms to this effort, but I really am a little uncomfortable without some kind of plan.

I mean, I think it would be a waste of our resources to go out and drive around and do different things without working with the group. I understand what Mr. Borden has been saying and some of the other folk, but I don't think we could be expected and we wouldn't be accomplishing anything by just diving in and driving around and flying around and so forth.

CHAIRMAN TRAVELSTEAD: No, and I don't think we're asking you to do that. Clearly, we need to flesh out what the technical committee has provided to us. George.

MR. GEORGE LAPOINTE: Thank you, Mr. Chairman. I was going to ask you to change my seat because my U.S. Fish and Wildlife Service colleague was giving me a hard time. But, I think it's important to look at this.

I think Matt had the right answer in that it is a building block towards multi-species in an ecosystem management, and that's a step we all know we need to take. Do we know how to take it? One step at a time and this allows us to do that.

In the context of the research proposal, the rough estimate that was put up, I think we need to advance on how to refine it. Whether that's through the technical committee or a workshop, I don't care, but we need to get on with that.

And then what it allows us to do is to have information in a step-wise fashion. I have said in Maine that we're tired of managing with a Ouiji Board, and that's what we're doing a lot of times. You know, we're shooting from the hip, and this allows us building blocks to do that.

I want to reiterate or reinforce your comment that nobody is talking about waiting ten years, but we need the ten years of information to manage well.

Jeff mentioned herring in the Gulf of Maine. We have in fact, with precious little information, addressed localized depletion by the Area 1A, 1B,

you know, breakdown, and we have a more restrictive management system nearshore because of concerns about localized depletion.

And we did it based on people's experience. We're still doing research to try to refine it, but that's kind of the situation I see we're in. And so however we can advance these preliminary steps in a logical but a fast way is the discussion we need to have.

CHAIRMAN TRAVELSTEAD: I think everyone is hopefully in agreement with that. Pat, you had a comment?

MR. PATTEN D. WHITE: That's basically what I was going to say.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Bruce.

MR. FREEMAN: Thank you, Jack. Just a thought on this whole issue. We in New Jersey have been engaged in a project with a large utility company to try to determine much of the same information we're looking now for menhaden, but in Delaware Bay.

They're spending a considerable amount of money to intensive sampling, both ichthio-plankton, juvenile fish and adult fish, by various methods of capture with the underlying principle of trying to estimate the populations that occur in the bay over time.

And this is ongoing and should be completed -- data should be completed this year. If there is any way that some of this information can be used or transmitted or compared with similar work that we're looking for in the Chesapeake, this may be a very convenient time to do that; and, also, estimates of money or funds and personnel that may be necessary in order to get better refinement of some of these cost estimates of actually what the real cost would be based on our information. We'd be certainly willing to work in any way to help provide that information.

CHAIRMAN TRAVELSTEAD: Great. Pete.

MR. JENSEN: I was watching the hockey game last night, and I think one of those hockey teams had a motto of, "Don't think, do." I don't disagree with Matt; however, I still believe that a workshop would be of great benefit here, so I'm prepared to make a commitment of \$10,000 from Maryland in order to get that workshop scheduled and get it underway and try to refine what it is we're

talking about.

CHAIRMAN TRAVELSTEAD: Very good -- make sure that's on the record, Joe. Virginia doesn't have nearly as deep pockets as Maryland does but --

MR. JENSEN: Well, I did that with the consent and approval of my other two partners in Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: Absolutely. I think Virginia might have some funds that it can contribute to a workshop as well. Jaime and then A.C.

DR. GEIGER: Yes, certainly, I think the Fish and Wildlife Service can also provide some support for a workshop, but certainly, I would like that workshop's objectives well defined in advance.

And, certainly, you know, I keep coming to the point that a very brief, concise action plan clearly laying out what the resource priorities are, how they're tied to management objectives, and putting the timeline for completion as well as estimated costs will be extremely valuable in probably no later than a month, all right, to get hopefully some both local, state and congressional support. I think we'd be doing ourselves a great disservice if we didn't seize the opportunity to put such a document together. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: A.C.

MR. A.C. CARPENTER: I just wanted to comment that from the Potomac River Fisheries Commission, we'll be helping Pete come up with all \$10,000 that he's looking for. This fishery is important to us and we're willing to step up to the counter and help with the workshop.

CHAIRMAN TRAVELSTEAD: Very good. Yes, sir.

MR. STEVE MYERS: Good morning, Mr. Chairman. Steve Myers, NOAA Fisheries. We will also contribute to the support of this workshop.

CHAIRMAN TRAVELSTEAD: Great. I think this is like a telethon or something. The money is just rolling in, if we could just keep it moving. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I was going to say what's the bottom line? If we need \$100,000, I would love to be the

auctioneer. If we could get some of the folks from industry to come forward now, we've got most of the states who are involved deeply in the Chesapeake situation.

I know there have been comments from the members of the audience saying that they might have money available. Should I sit up there and solicit some money right now or could we do that?

And the second question is about how much would it really cost to put this workshop on? Are we talking \$40,000-\$50,000? And if so, we at least can identify the goal and --

CHAIRMAN TRAVELSTEAD: Let me turn to Vince, our executive director, and see if he has some comments on that. I think it's clear at this point that everyone around the table supports moving forward with a workshop.

I think as Jaime has suggested, we need a very clear action plan for what will occur at the workshop, a timeline, estimated costs, all the things that he has mentioned. And so, Vince, can you fill in a blank on what it might cost to put that together?

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. You know, based on the sense around the table here, I think 20 grand would be more than enough to cover this.

And in talking my staff, probably we ought to aim for a two-day workshop just to make sure we've got plenty of time and that would allow us -- we have an action plan now.

Those funds and my staff are committed to that action plan, so that figure I just gave you will allow me to go out and get some extra staff help to help pull this thing together.

Given the commitment that I've heard around the table, I'll be happy to follow up with those donors to do that. I'd suggest that those funds come through the Commission and that this be a Commission-sponsored workshop in terms of the optics and visibility of it.

CHAIRMAN TRAVELSTEAD: Absolutely. I think that everyone would agree with that. Any other comments? Jaime.

DR. GEIGER: Mr. Chairman, you know, again, I think there are two things in play right here; number 1, a well-defined workshop to be held at

some point in time in the not-too-distant future, but I think the more immediate need is this action plan.

I don't think we need necessarily a workshop to put together such a document to tie some of these thoughts that I already put on the table and move them forward. I think time is sort of critical here if you're going to try to capture the intent at least in this congressional session.

And as the state fiscal years start normally around July 1, I think that would be also a beneficial time. I just think again the time is right now, and whether or not it could wait for some workshop may be problematic. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Gordon.

MR. GORDON C. COLVIN: Mr. Chairman, I concur in your assessment that there is clear support around the table for the concept of a workshop, but I'm less clear in my mind that there is an equally clear consensus on the outcome of such a workshop.

I've heard two different kinds of things discussed here this morning. I've heard a discussion about the need to substantially flesh out the details of a long-term monitoring program that would flow from the recommendations we heard from the technical committee this morning, and that's fine and it's necessary.

But I've also heard something quite different, and that suggests that there is a sense of a desire on the part of many of the people in this room to have the Commission take a harder look at what actions it should take on a variety of fronts, including the prospect for management and perhaps adaptive management that would take place in the near-term and not five or ten years down the road.

It seems to me that both these issues need to be addressed through the workshop, and personally I'd be quite dissatisfied if we didn't make headway on the second of those two and concentrated instead primarily only on the fleshing out of a monitoring plan.

You asked earlier that we speak plainly about our views on this, and let me just take a second to do that. I have been personally convinced, since the time we adopted the current amendment to the fishery management plan for menhaden, that we are looking at this resource too narrowly in time and in terms of its use and its role in the ecosystem and as far as the



support of things that are important to people.

I guess I believed that we were looking at menhaden from the perspective of the wrong end of the shifting baseline syndrome before I heard people talk about shifting baseline syndrome and didn't recognize it for what it was.

But now in hindsight, I believe that is exactly what has happened with menhaden, probably with some other species as well.

It seems to me that many of the larger management programs that we're involved with under the Sustainable Fisheries Act, our own interstate program, the Marine Mammals Act, Endangered Species Act and others are seeking to substantially restore and rebuild populations of pesiverous animals to levels that are far in excess of what we have experienced in our lifetimes with most of these populations.

It is time we addressed the fish that these animals eat as well in the same context and with the same long-term perspective. I think we have not done that with menhaden, and I believe we need to do it and we need to do it quickly. That's kind of where I'm coming from, Mr. Chairman, and I hope that's responsive to your plea at the beginning of the meeting.

CHAIRMAN TRAVELSTEAD: Absolutely, and I thank you for your comments. I think your description of what needs to be done at this workshop is exactly correct. There are two issues. This is not a workshop just to flesh out the research documents and how we go forward there.

It clearly must include a review of all the available science and hopefully some pulling from that science as to how we can proceed in the management of this resource. So, yes, I certainly hope that both of those things can occur. I hope it was everyone's intention, who spoke in favor of the workshop, that that is in fact what should be done. Bill.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I'd like to speak strongly in support of Gordon's second item. I certainly support the first one as well, but I'm not sure that combining the two in one workshop is what is called for here.

Notwithstanding that, we do want to proceed apace on both of them. I take Jaime's remarks, for example, into account here. We need to move quickly with respect to the current congressional

session on the first one, but I think we need a little more time than that to plan an effective workshop on the second one.

There are a variety of different disciplines and experts that we need to bring in to make a workshop that focuses on ecology, which by the very nature includes lots of disciplines, for a workshop that would be effective.

I think you need a little bit of lead time to do that for the planning for that. I just throw that out there. I'll also say that this discussion has a little bit gotten ahead of what might take place under the next agenda item.

I would just suggest that I think you will find in that discussion some very compelling reasons for focusing a workshop on assessing existing information and developing short-term management options.

CHAIRMAN TRAVELSTEAD: Well, I think that's a good segue into the next agenda item. If people are ready, I think we can continue our discussions on the workshop in the slightly different context under Agenda Item 6. Unless there's objection, we'll move into that area now and continue our discussions.

Agenda Item 6 deals with the postponed motion from our prior meeting to include in an addendum a suite of management options to assess and prevent the localized depletion of menhaden in Chesapeake Bay.

It was Bill Goldsborough who made that motion. I'm sorry, you're pointing at Bill because we wanted to hear from the advisory panel before we moved into the next agenda item. Do you want to do that now, Bill?

MR. BILL WINDLEY: Yes, the way that you organized this meeting this morning from the beginning has made what I wanted to pass on to the group a lot less important, but I did hear from the AP that the bullets that we gave you as far as our report didn't really express the depth of our concern on the three issues we've broached this morning, local indices and ecological functions.

They wanted me to let you know that we had consensus throughout the industry members, the recreational members, and the conservationist members that we were all very seriously concerned that it hadn't been addressed. But based on what is going on here this morning, I don't think that it's

necessary to say any more than that. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Bill, let's move into Item 6. Since you were the maker of the motion, I'll call on you to initiate the discussion.

### DISCUSS POSTPONED MOTION

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. Maybe I ought to start by just reading into the record the motion as it was made at the March meeting, just so we all are working from the same page.

**The motion was move to include in the addendum a suite of management options to assess and address localized depletion of menhaden in Chesapeake Bay.**

The intent of this motion was to facilitate short-term management action to create a wider safety margin, given a variety of warning signs, while more precise management action was developed in the long-term.

Now, when I made this motion, there was very little discussion at the table, and I think that was because people had a little difficulty wrapping their arms around it and envisioning what this suite of management options might be.

So, the thing that has just been passed out is just an attempt to try and sketch out a few possibilities to give people a sense of what they might be. I offer that for a discussion today.

However, there have been a variety of other developments over the recent weeks, so I'd like to make the suggestion from the mover's standpoint -- and I haven't yet discussed this with the seconder who is Bruce Freeman, so with his indulgence -- that we continue to postpone this motion until the annual meeting, and yet today consider it for discussion purposes.

I do think we need to focus on it to help move our collective mindset forward. There are several practical reasons for this. First of all, the timing is now such that any management actions adopted by addendum could not be implemented until the 2005 fishing season, anyway, at the earliest.

Also, in the interim, between now and the annual meeting, it is expected, and given the last discussion, certainly anticipated that more information will be generated to better clarify the management options.

Management actions could still be adopted by addendum for the 2005 season at that point.

And, finally, it has now been made clear something that was not clear previously to me, anyway, that delaying the draft addendum that we will take up next would actually have a negative effect, developing a suite of management options would push that back into the fall, and yet apparently the adoption of those newer reference points is necessary in time for a technical meeting in September. I understand that from staff, in any case.

So, therefore, my intent at this point would be to hold the motion until the annual meeting, but I'd like to hear the Board's thoughts on the topic and on the motion, and I do not preclude any action the Board may want to take on this.

So, with the chair's indulgence, I would like to start the discussion, if I could, by describing the context of my motion. The fundamental reason for the motion was to identify and apply measures that would achieve existing objectives in the management plan regarding the ecological role of menhaden.

I'll read the one that's most specifically to that point. It's very brief, and this is in the existing plan: "Protect and maintain the important ecological role Atlantic menhaden play along the coast."

There are currently no management measures in place or identified for implementation in the plan specifically to address this objective, and yet we adopted this plan three years ago.

Granted, multi-species and ecosystem approaches to fisheries management are a brave new world and take time to develop. Again, the previous discussion. And, granted, much progress has been made in developing advanced tools to apply these approaches, but they are still years away from application and in some cases many years, as we've seen. The bottom line is we don't have time to wait.

In recent years, certain red flags concerning the trophic sub-system that has menhaden at its center have come to the attention of many along this coast, and certainly at this Board, while there are more red flags all the time, it seems, and they are being raised higher on the flagpole, if you will.

Does this mean that there is an abundance of proof of cause and effect such as specific culprits can be readily identified and stopped? Well, no, it certainly doesn't, but it means that the risk to this ecologically

critical species and the ecosystem dependent upon it is unacceptably high such that a precautionary approach is called for.

First of all, I'll speak to a couple topics that constitute red flags in my mind. The condition of the menhaden stock itself. In Chesapeake Bay we're had recruitment failure now for going on ten years.

We don't know the cause, but we seem content to accept that it is environmental or climactic and thus of no consequence for fisheries management, at least in the immediate term. Harkening back to the striped bass history 20 years ago, as Jaime did, I seem to recall some folks reaching that conclusion in the early '80s about striped bass.

Well, we have recruitment problem. Yes, but it doesn't seem to be related to the fishery. History showed that to be a little shortsighted. The point is it doesn't matter what the cause is. In the short-term it behooves us as stewards to take evasive action with the one thing we can control, and that's removals.

Furthermore, there are red flags being raised to signal that the recruitment failure could very well be related to overfishing, notwithstanding the stock assessment conclusion to the contrary.

We have word now that a Maryland biologist has applied the intuitive concept that fishability may change with stock size and has completed an analysis that concludes that F has been going up, increasing fishing mortality in Chesapeake Bay on menhaden, not decreasing in recent years.

Has this analysis been accepted by the technical committee? No, it has not, not yet anyway, I'll say. But that doesn't mean it should be off the table and ignored. It constitutes a red flag, in my mind.

If you look at a population in terms of numbers, it reinforces this concern. The stock assessment looks primarily at biomass, but when you look at numbers - - and that's what's important to a predator, by the way, how many prey are out there -- the numbers in the population are approaching the historic low in the '60s at a time when the stock was described as being overfished.

And now, yesterday, we heard from a Delaware biologist evaluating striped bass forage issues that he believes the maximum spawning potential that we have accepted for menhaden, 3 to 4 percent of an unfished stock, is dramatically low, suggesting systematic overfishing.

Now this is not a new issue, I know, and it has been discussed quite a bit. There are different trophic levels at work here. But, the red flag still goes up the flagpole a little bit further, I'd say, with that observation.

Also of concern is the pattern of the fishery. Yes, the stock assessment tells us that the stock is not overfished and overfishing is not now occurring. But even if that is true, it is only a relevant conclusion on a coast-wide basis.

And this is the conclusion of the peer review which went on to say that the stock assessment is not able to detect regional problems that result when the fishery is concentrated in one part of the coast, and the technical committee endorsed this conclusion.

So what is the pattern of the fishery now? Well, at this point I think most of us are aware that 60 to 70 percent of the coast-wide catch comes out of Chesapeake Bay, 200 to 300 million pounds annually.

And the term "localized depletion" was very appropriately coined to describe this condition. Granted, it is the result of several things: retrenchment of the reduction fishery over many decades to one major port and one minor one; and the closure over the same time period of states' waters up and down the coast to that gear.

I would note that these many unilateral closures, though, were the result of local fears about loss of forage base. And ironically the result is an intensifying of that problem at one place along the coast that has implications for the entire coast, the Chesapeake Bay.

So, can we quantify the effect of this localized depletion? Well, at this point no, but it is, again, another red flag that we can't ignore. Finally, perhaps the red flag freshest in our minds from the report yesterday about striped bass health symposium is the health of that most important stock.

Findings reported from several disciplines paint a consistent picture that striped bass are not getting enough to eat, they have little body fat, over 70 percent have a usually fatal disease -- and that's from aquaculture ponds -- and that their survival is down 20 percent.

Two different analyses and two different datasets suggest that natural mortality is going up. Do we have clear cause and effect for these circumstances?

No, again, but with the abundance of forage-sized menhaden down to near an historic low and striped bass at near an historic high, the conclusion of several authors is that we have a predator-prey imbalance in Chesapeake Bay.

This is virtually certain given exiting information. And the energetic ripple effects through the food web should clearly be expected, and that's another big red flag. So, I would suggest that while the intent of this motion is to create a wider safety margin, we need to redouble our efforts to refine better management options.

And that's not only reasonable, but it's responsible stewardship. To paraphrase the striped bass symposium summary, this would mean taking seriously "whether intense fishing on a keystone forage species has reduced the ability of the Atlantic coastal ecosystem to sustain restored populations of its major inshore predators."

So, does this all make our path today clear? Well, unfortunately, not from my vantage point, but I hope that more serious discussion on this will clear it up a little bit more.

I would conclude by reiterating that given all this, I strongly recommend that the focus of the workshop, should we hold one this year, should be on pulling together existing information and considering short-term management options. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you, that's well done, Bill. Is there anyone who wishes to express a different point of view on this issue than Bill has expressed? Seeing no hands, it suggests that there is consensus among the Board for the articulation of the problem that Bill has provided.

With that in mind, maybe we can take the next several minutes to again sort of articulate a timeline and a solution to this problem.

I come back to the idea of a workshop. Is there a need for two workshops, or are we talking about a single workshop that addresses both of the problems that Gordon described? I think we need to hone in on that a little bit and refine it and see where we come out. Pat and Eric.

MR. AUGUSTINE: Mr. Chairman, in response to Bill's presentation, very excellently well done, covered all the points. More importantly, he did indicate that he would like to consider continued

postponement of this motion, so I would think one of the first items we do is to address that. If you so desire and you need a motion, I would do that.

Secondly, I think based on what the assessment or the structure that is put forth I guess by the technical committee and staff indicating what the elements are we will try to cover in that workshop, that we hold our decision to make it whether we hold one or two workshops at this particular point in time, seeing that it may be just a little premature.

After listening to Dr. Geiger's comments and his concern about what should be included and how articulate we should be as to what we're going to cover followed by Mr. Colvin's comments as to how important the other part of it was, it sounds as though we're leading in the direction of two workshops.

But to get the thing going, I think we should probably turn it over to staff. My opinion might be to turn it over to staff and see what they might come up with at the onset knowing fully what you have to have or we must have at least one workshop and focus on the major issue first. That would be my suggestion.

And then if the staff determines that we need to have a second one, maybe by virtue of conference call or e-mail, we could then look at what the elements are within the possibility of two or just focus on one, if that would help.

CHAIRMAN TRAVELSTEAD: Clearly, we're going to need some help from staff on putting this together. We're going to need help from the technical committee. Maybe it's a good idea if we could form a subcommittee or something to sort of flesh out the plans for a workshop.

I don't want to stop discussion on that by this Board right now. I think some of you may have some additional input on this that would be helpful. Eric, you were next, then George and then Tom.

MR. ERIC SMITH: Thank you, Mr. Chairman, I'm happy you asked the question the way you did, because I think we spent a fair amount of time talking about the long-term research plan; and then when we got to this agenda item, I think Bill has properly focused us on what needs to be done this fall, pulling information together, looking at short-term management needs and I think that's appropriate.

But I don't think we ought to lose sight of the long-range -- the momentum that was building for the

long-range research plan. To hark back to that, I didn't find those numbers daunting either. It really looked to me like about a million dollars a year.

That would need congressional support. And, as Jaime Geiger points out, it means -- and Pete Jensen -- you've got to have a good focused plan to do it.

I say we have two related issues and potentially the way to address, and frankly to deal with the long-range research plan, is probably a subset of the people who would otherwise go to the workshop to deal with the issue the way Bill described it.

I would suggest you're right, that a staff or a small working group needs to look at that, but I would urge it to be one workshop for two purposes, even if you end up having a subset of the overall participants stay for a third day to say now that we've heard all this and it's fresh in our mind, let's design the research plan so that we can go to Congress in a timely way and make the pitch for that part of it to be funded. But, the principle priority ought to be as Bill characterized it. Thank you.

CHAIRMAN TRAVELSTEAD: Very good. George.

MR. LAPOINTE: In listening to the conversation, I'd like I guess staff's and Matt's opinion on whether we need a workshop to refine this research plan. I'm talking myself out of it, but I want to hear other people's views.

Does need to be refined, yes, but, you know, do we need to be more specific in terms of exactly what will be done and dollar amounts, yes. But technical people and staff do those things all the time by phone and conference calls and whatnot.

And it strikes me that if you did a bunch of work up front, you might use the very first part of a workshop to say here's the plan in a pretty finalized form so everybody can bless it and then move on and get to the question about management. So, I'd like their opinion about how much -- do we need to get people together to put refine the research plan?

CHAIRMAN TRAVELSTEAD: Nancy.

MS. NANCY E. WALLACE: I would suggest having some outside people. As wonderful as the technical committee is for menhaden, I think we've exhausted a lot of our potential coming up with this short list. To really flesh things out and to get a good prioritized, long-term plan, I think we

need some extra people.

MR. LAPOINTE: If I may, Mr. Chairman, and I don't disagree with that, but do we need a workshop to get outside people in? I mean, people know people, and I suspect they could be given information and deal with a lot of this in a non-travel, non-workshop kind of format.

And then again at the workshop you could do the final refinement, but do a lot of that work up front in a more efficient way than getting people together for a workshop that takes a lot of time.

MS. WALLACE: I think that's a good idea. Just prior to this meeting, I did attempt to do that and tried to contact a lot of university folks and different people and didn't get a lot of response.

It doesn't mean that we can't do it again and get more without having people face to face, so I'll leave it up to the Board's prerogative, but we have attempted that already, but we'd be willing to do it again.

CHAIRMAN TRAVELSTEAD: Thank you. Matt, do you have any comments on this?

MR. CIERI: Yes, actually we do need a workshop. I'd like to actually have a workshop, gather a lot of different scientists from a lot of different disciplines. This is a very large and complex issue.

You need folks from the different disciplines that don't normally attend technical committee meetings to get them into one room so that we can hash out and figure out how to do this type of stuff.

CHAIRMAN TRAVELSTEAD: Okay, other comments. Gordon.

MR. COLVIN: Well, with that advice, it does seem to me that we have identified the need for two different activities, and I would encourage that we not try to merge them into the same time frame and place for a number of reasons, one of which is I think what Bill's comments resonated with many of us.

I strongly endorse his suggestion on what is needed between now and the annual meeting with respect to the development of a workshop that will bring us recommendations for near-term action and perhaps refocusing our management effort at that time.

I think that coupling that with a workshop that looks

at a long-term research and monitoring program is bringing together perhaps two different groups of people or perhaps people that some of whom need to be working together and not in separate rooms, and frankly may also send a mixed message to the next steps. I think these are two separate efforts and can be organized and planned separately and ought to be.

Also, the thought about a technical workshop that focuses on the details of a long-term monitoring and research program, it strikes me that there are a couple of associated issues that folks might want to think about.

One is that we've been talking this morning about a single estuary. Menhaden are a coast-wide resource on the Atlantic Coast, and it may be appropriate, in the context of a workshop, to address also the thoughts of that combined pool of knowledgeable individuals about what might be needed on a broader geographic context, as well as putting the details together of what is suggested for the Chesapeake.

The other thought is that I guess later this morning at the Executive Committee there is going to be some discussion about a Commission response to the report of the Ocean's Commission. No secret that the Ocean's Commission, like many others, are advocating a national priority towards a movement towards ecosystem management in marine systems.

I suspect that we have an opportunity here in the context of whatever dialogue exists, starting with the Ocean Commission itself, to highlight what we're dealing with right now with menhaden, generally, with our management programs for fish that eat menhaden, our management program for menhaden and the current Chesapeake Bay dialogue, to specifically highlight the need for a priority to be given in whatever response there is to the Ocean Commission's recommendations to this problem.

And that opportunity should, I think in highlighting it, perhaps get us some high visibility and support, including financial support in the very near-term if we play our cards right. I would hope we can do that.

All that said, I'd also like to see us make some progress on Bill's suggestion with respect to a workshop this year that addresses the issues that he very thoroughly and eloquently laid out. I guess what I'm suggesting is, Mr. Chairman, how do we need to progress here? It seems that there may be a consensus around the table. Do we need to take some formal action?

CHAIRMAN TRAVELSTEAD: Well, as soon as you were finished, I was going to ask if there was anyone who had a different opinion on the issue of whether we really need two different workshops, one that looks at the research issues, the other that fleshes out the management issues that Bill has articulated. Is there anyone who sees it differently than Gordon has expressed? Tom.

MR. FOTE: I don't see it totally differently, but I'm sitting here listening to it and listening to the conversation and listening about carrying capacity of the bays. I was sitting here looking at Bill and thinking about Al Goetz, when we basically started talking about habitat issues.

We could turn -- in the short-term we can manage fishermen, whether it's commercial or recreational and how much fish they harvest. What I'm looking at is what is the overall change of the bays and the estuaries and what's the carrying capacity?

When we look at long-term research, that is one of the answers. That is the highlight we should be looking at. That is what the PEW Commission and the Ocean's Commission's report should be talking about.

We talk about managing, again, fishermen, but we don't talk about what we're going to do with the environment. We do a lot of conversation. An example, the Passaic River, in a drought year the people upstream get to drink fresh water.

By the time the people at the lower end of the stream drink it, it has been processed seven times through plants, going to water plants, going to sewer plants and coming back out. How is that affecting the system?

What is that affecting the carrying capacity? And, hopefully, you know, thinking about Al and thinking about Bill and the habitat committee over the years, we really never look at that system because we can't basically comment on it.

But maybe with the outlook of the two commissions, the Ocean's Commission and the PEW Commission, they can force some of that research, because what I'm looking at --and Gordon brought it up before -- is the carrying capacity of the bays. They are not the same as they were 30 or 40 years ago.

I mean, it might be in certain areas, but I know it ain't in New Jersey. And we've changed the system, the flow of water. We keep building reservoirs

because we're using more water, and that is affecting how much fresh water comes in the system. It also affects how much cold water.

It also affects the nutrients in there so there's a whole broader thing that we should be looking at, and hopefully when we get some research money -- but that is in the long-term. In the short-term, the only thing we can do is manage fishermen.

I mean, and that's a shame. We can't do anything else on that. And so that's what we need to do. That should be a high priority right now, but we really need to look at the total long-term problem and not just fishermen and not just harvesting, but what all is contributing to the downfall.

And I don't think it's just menhaden. I think it's a whole bunch of species. Why can't we find weakfish? What's happening with weakfish and a few other species? And I'll get off my soapbox.

CHAIRMAN TRAVELSTEAD: Thank you. Gordon, are you prepared to formalize what we've been talking about with a motion; is that what you had in mind?

MR. COLVIN: Well, if you think a motion is necessary, Mr. Chairman, I'm sure there are folks here, myself included, who would be willing to offer one.

CHAIRMAN TRAVELSTEAD: Yes, I think it would help. I think it would aid the public's understanding that we're serious about what we're doing here today and do in fact want to articulate a plan to move forward.

MR. COLVIN: It might be worth a five-minute recess to try to construct one.

CHAIRMAN TRAVELSTEAD: All right, without objection we'll take a five-minute recess.

(Whereupon, a recess was taken.)

CHAIRMAN TRAVELSTEAD: If you'll take your seats, we'll get back to work on this issue. I understand some motions have been drafted for the Board's consideration, so please take your seats as quickly as possible. We're back in session now. We have at least one motion that has been drafted, and I'll call on Gordon to put those on the table.

MR. COLVIN: Thank you, Mr. Chairman. My intention is to offer two motions addressing the

need for two different efforts to develop recommendations and actions with respect to the discussion we've been having this morning.

**I'll read the first motion. I move that the Atlantic States Marine Fisheries Commission Menhaden Management Board conduct a workshop to examine the status of Atlantic menhaden with respect to its ecological role as forage fish.**

**Actually, I think the motion was a little different than that. It should read to its ecological role, especially its role as forage fish -- Sorry about that, Brad -- it's role as forage fish, and of the implications of current management reference points with respect to this role.**

**Emphasis should be given to the implications of concentrated harvest in the Chesapeake Bay. The workshop will be held during the fall of 2004 with recommendations for revised or new directions for the Menhaden Fishery Management Plan for Board action at the -- and that should be at the annual meeting, 2004, Brad. That's the motion, Mr. Chairman.**

CHAIRMAN TRAVELSTEAD: Thank you, Gordon. Is there a second to the motion? Seconded by Pete Jensen. Any further elaboration, Gordon?

MR. COLVIN: No, sir.

CHAIRMAN TRAVELSTEAD: Thank you. Discussion on the motion. Pres.

MR. PRESTON PATE JR.: Thank you. Jack, just as a point of order, it is my understanding we brought the motion from the previous meeting back to the table, but we haven't taken any action on it yet. Do we need to set that aside formally before we move on this one?

CHAIRMAN TRAVELSTEAD: Well, if we can avoid it formally, I would like to do that. Is there any objection to further postponing the motion that was brought forward from the last meeting?

Is there any objection to further postponing that to the annual meeting as Mr. Goldsborough suggested? Seeing none, then that takes care of that.

The motion that Gordon has made is now before us. Thank you, Pres. Comments on the motion. Bruce.

MR. FREEMAN: Gordon, was there a

reason why you had the workshop to be held in the fall rather than some other time? I understand the reason to have the results for the Board, but you have the workshop to be held in the fall.

My understanding of the discussion was that if such a workshop could be held in the summer as soon as possible, it would be helpful. I'm just curious why the fall -- it was restricted only to that period.

CHAIRMAN TRAVELSTEAD: Gordon.

MR. COLVIN: Perhaps it should say by the fall, but one of my many helpers with the motion suggested that it would probably be impossible to get it done before the fall. The intention is to have it done in time to have recommendations ready for the annual meeting.

CHAIRMAN TRAVELSTEAD: And that is the key. That is the key part of the motion, obviously.

MR. FREEMAN: Yes, I think it probably would be helpful by just putting by the fall.

CHAIRMAN TRAVELSTEAD: **Change “during” to “by”; have you got that?** Okay, Pat.

MR. WHITE: Yes, a question now. By this motion, we are now back to having one workshop?

CHAIRMAN TRAVELSTEAD: No, I don't think so.

MR. WHITE: Is there going to be a second?

CHAIRMAN TRAVELSTEAD: There is going to be a second motion. This is the management workshop motion. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I'm getting a little nervous here with this motion and dealing with it in this order.

The earlier part of the conversation this morning, as I was following what the technical folks came up with a laundry list of proposed research things that were going to require resources beyond our ability, and the idea was to seek perhaps congressional funding or whatever to get working on that.

Then the observation was made that you can't do that without some sort of a plan, and that it would be important to hold a workshop to sort those things out

and come up with a sampling plan or a scientific collection plan.

And there was some urgency on that from two perspectives; one, to start getting the time series data that is going to be needed; and the second is to inject at some point into the funding process to try to get that.

And that's what I thought you all had asked us to see if we could pull together in relatively short notice before the annual meeting. This workshop that you're dealing with now seems to me a much broader issue.

I'm not sure I understand what you would do with the results. You know, you're not going to have technical information. You're maybe going to start another amendment process. So I'm just -- and you want to do this in the fall as well.

So, I'm concerned about even doing one workshop, getting one workshop accomplished before the annual meeting in terms of the schedules of the outside people you've said that you want to get involved with here.

So maybe as a suggestion, it might be good to get some sort of guidance or some discussion from you all in terms of what priorities you want here. I was kind of thinking if we'd scroll up -- I'm not asking you to do that, but I suspect what's underneath the next line here is more of a description of the workshop that we discussed earlier in this meeting. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Vince, what I've heard from the Board thus far is that both of these workshops are a priority and that they're serious about having both of them in sufficient time that some decisions can be made at the annual meeting this winter. I don't know if others feel differently about that or not. Pat.

MR. WHITE: Based on your previous comment, Mr. Chairman, I just wondered if there was an opportunity to have a brief discussion, because I talked to a number of people during the break that were concerned about there being two workshops and losing the ability to get those same people at both workshops.

And if there is going to be a separate motion, could we have just a brief time for that discussion as to the value of single or a dual workshop?



CHAIRMAN TRAVELSTEAD: Sure, I thought we had consensus on that point earlier, but maybe we didn't. Tom.

MR. FOTE: I'm trying to think -- and also I'm thinking of the expense of bringing two groups, some of which will be the same people at both the workshops. Some will be different people. Wouldn't it make more sense to have it a two-day or a two and a half day workshop, a day and a half spent with certain groups dealing with that part of what we want to do and the next day dealing with the separate issue or something to that so you're not paying travel expenses. You've got the people in one location, and you're not bringing them down twice to some location.

CHAIRMAN TRAVELSTEAD: Matt, on this issue.

MR. CIERI: Actually, I just wanted to express a concern and to remind the Board that by the time we have this workshop, if we're going to do this in the fall, there will be no new technical information.

There is not going to be anything on the table by annual meeting that you do not have in front of you right now, which is pretty much nothing. So, for the most part, meeting in the fall and trying to discuss management options, it will lack technical data, period.

CHAIRMAN TRAVELSTEAD: David.

MR. BORDEN: Thank you, Mr. Chairman. I just suggest that before we dedicate a lot more time to this, Gordon may want to either describe the second motion or take up the second motion first so that everyone knows what the second action is instead of speculating what the second action is.

CHAIRMAN TRAVELSTEAD: Brad, do you want to scroll up so that we can at least read what the next motion will be. I don't know if that's going to help people or not. While you're reading that, Bill.

MR. GOLDSBOROUGH: There are a couple of issues that might influence timing and the order of these. The one that was discussed was trying to deal with this second issue, developing a research plan quickly in order to get it into Congress this year.

There was some discussion during the break that from a practical standpoint, you're not going to get any appropriation through Congress for the

remainder of this election year, anyway. Maybe that needs a little discussion with weigh-in from our federal partners, but there is that.

Then also a point was made during the break that the motion effective order of these two deliberations might actually be the order in which they're up there, that the development of the research program plan might benefit from having the discussion about all the existing information and what we might think to do from a management standpoint in the short-term.

CHAIRMAN TRAVELSTEAD: Other comments. Eric then George.

MR. SMITH: Thank you. I had originally suggested the model of doing them together and then the third day potentially do the design of the research, and actually, Gordon, his comments subsequently persuaded me that there are a couple of good reasons not to do that.

I've heard actually a third and a fourth now in what Bill had said, that we're not going to get anything through Congress now. Vince has pointed out that doing two workshops in a short time frame is difficult.

I think doing the review of science and potential development of, call it, interim management measures if you want to in anticipation of the annual meeting is a good idea. So, I don't mind the one-step, two-step part.

And the second motion may actually be after the first of the year. I mean, I haven't thought that far downstream. The one thing I am disconcerted by was Matt's comment, and that was a good gut check on where we're going here as managers to have our technical committee chairman, you know, bring us back to reality of what is available.

I was under the impression -- and maybe it's a misguided impression -- that the information that the technical committee had as of last winter has been buttressed by the AFS symposium results that Des Kahn summarized yesterday potentially by the things Mr. Price mentioned.

I haven't seen those scientific papers; and who knows, they may have already been reviewed. I just don't know that. But, the value of the first motion is get all that information together and filter it through the prism of forage species importance as opposed to fishery management strategy and see if the technical advice or the data that supports technical advice

comes out somewhat different that leads managers to a way of saying, okay, there is a different way of looking at this and at the annual meeting we may or may not decide to do something on an interim basis because it's the right thing to do in our view at that time, and it doesn't wait for the longer-term research effort.

So, there is a lot there, and I guess the one thing I'm hoping for is that on reflection Matt or anyone, there seems to be a value in putting the technical information in a format that addresses the ecological significance of menhaden not just as a fishery management plan but as an ecosystem role. Thank you.

CHAIRMAN TRAVELSTEAD: I have George, Gordon, David, Matt.

MR. LAPOINTE: Pat and I are both remarking this is a bad side of the table to sit on. I'm going to offer a countervailing view on the technical committee and congressional funding. Don't wait. We all hear it's an election year. We all hear there is no money.

If we have no plan if there is an opportunity, we will miss that opportunity, and so I just think we need to advance that technical discussion so that if something comes up we're ready. If something doesn't come up, we're no farther behind.

CHAIRMAN TRAVELSTEAD: Right, yes, I agree with you. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. A few points. And maybe this would have been more helpful if we'd reversed the order of the motions, but I got a different signal from the Board before we took the break, and that's why they were offered in the order they were.

But just looking at the second motion for a moment, if you will, we received recommendations from the technical committee this morning in response to a charge we gave them with respect to an identification of monitoring and research needs to address the Chesapeake Bay question.

What we heard I think from staff and the technical committee chair this morning is that to flesh this out into a detailed plan schedule, they need some more deliberations, including at least one technical workshop of experts that would help them do that.

I was also made aware during the break that it's the

view of the technical committee that a technical committee meeting initially could address some of those needs and perhaps even with the support of Board members and industry could make sufficient progress that we could actually begin data collection much sooner than some of us may think on some of these issues. Others would require more development.

I sort of agree with George. I think we should do what we need to do to expedite and facilitate the completion of a fully specked-out research and monitoring plan. Then it's available for seeking funds opportunistically from wherever they may be available.

And in fact even absent some action from Congress, Mr. Chairman, as you pointed out earlier, there may be federal funding that we can tap into that's already available under existing appropriations. I think George is right about that.

I think this process should go forward, but I do see it as a very, very separate, very narrowly defined technical issue in terms of specking out a research plan than what is contemplated by the first motion.

The first motion I think is a reflection of the sense I had that many members of the Board feel that there is a need to go forward with the information that we have, recognizing that there is not going to be any more information than what the technical committee and others have reported to us -- and when I say others, I mean lots of others, including a report we had yesterday at the Striped Bass Board meeting -- to consider where we are in menhaden management in the light of those issues.

I'm not going to repeat what Bill Goldsborough said because it was complete, thorough and right on the money. I think those of us who feel that way are not willing to wait five or ten years until we have new information.

At the same time, we're not prepared to act today on the motion that was tabled to today and now is postponed to the fall, but we do want to reconsider and reengage this dialogue substantively at that time.

And that means we need as a priority, as an urgent priority, in my view, to convene people who are knowledgeable and expert in this field along with Board members and senior resource managers to address the issues that Bill has identified, that we have tried to capture in the motion, for action and active consideration by the Board in the fall.

An alternative might be to raise an objection to further deferral of the motion and bring that motion back up for action today, and there are probably people in this room who would support that. I think most of us feel that further dialogue and discussion of a substantive nature is needed before we take that step, but we do want to take it.

CHAIRMAN TRAVELSTEAD: Thank you. David.

MR. BORDEN: Thank you, Mr. Chairman, I'll try to be brief. I've got a number of points I've got to make. One is I agree with George's point earlier. I mean, to me where we should end up on this -- and I'll try to characterize the discussion I had with Matt during the break; and if I mischaracterize it, he can correct me and I won't be the least bit bothered by that.

But to me I think what we need to do is immediately charge the technical committee with the responsibility to have a one-day meeting to flesh out the details of a sampling program. I think that's something that's very doable.

What Matt basically told me was it would then after the -- and we've got very competent people, I would add, on the technical committee that do this routinely. It's going to take them a week or two probably to write that up.

Now going back to Gordon's point, there are portions of the research program that can be implemented in '04 so we will have new information by the fall, and I'm specifically referencing certain issues such as tagging. We routinely design tagging programs.

There isn't any rocket science that's involved in doing that. Some of the state surveys that need to be done are already being conducted in, for instance, New Jersey, and it's just an issue of getting that sampling program and letting the scientists discuss it and how that should get an aerial expansion of the survey.

So what we would end up with is parts of a research program really that can be implemented immediately by the states in terms of sampling and maybe a few other aspects; and then a whole other component of the sampling program research priorities that would benefit from a workshop, further discussion with a broader group of experts. I think that's what ought to get fed into the workshop component of it.

So to me, the first thing that ought to be done is we

should simply task the technical committee with meeting immediately, as soon as they can do this, and craft that proposal. Now if I've mischaracterized the discussion with Matt, I'd ask Matt to correct me.

CHAIRMAN TRAVELSTEAD: Matt, do you want to respond?

MR. CIERI: No, you haven't at all. I think that would be a worthwhile endeavor, just to realize the specifics that come out of anything that the TC does will have to be reworked by whatever researcher is going to accomplish those tasks.

CHAIRMAN TRAVELSTEAD: David.

MR. BORDEN: The point that I neglected to make is I agree with Gordon's point about there may be other fiscal resources that can be brought to bear on this, and I would just point out that each of the East Coast council's is receiving I think \$227,000 for ecosystem planning work.

And given the importance of menhaden to many of the Mid-Atlantic stocks, it may be possible simply to open a dialogue with the Mid-Atlantic Council and see whether or not they can use some portion of that allocation.

Those are funding sources that are immediately available to the councils and maybe they can bring some of those funding sources to bear on the problem.

CHAIRMAN TRAVELSTEAD: Very good. Jaime.

DR. GEIGER: Mr. Chairman, I think this is going to sound repetitive, but I certainly agree with Gordon and David. I think the technical committee certainly has enough information now to craft a very appropriate one- or two-page document that will set up research priorities and some sense of the timeline and tie them to some kind of management objectives.

I think that in itself will suffice to solicit both increased state and federal and congressional support. I think that could be accomplished in a one-day kind of a meeting; and then with some additional review and comment, can be refined or perfected to be available within two weeks.

That takes care of I think at least a proposal and a vision out there and capitalizes on an FY '05 budget process that's going to be very contentious, that's going to have very reduced committee caps, and is

going to be very difficult to solicit any kind of funding. However, we should still try, and we should try for this year.

Secondly, I think a workshop should examine, again, coast-wide populations of menhaden, bring in an ecosystem approach or focus which is going to bring in new and other experts that we need to bring to the table.

I think it also is going to need to have a wide variety of support with a variety of stakeholders, including industry, universities, federal and state biologists, as well as conservation groups.

I think to have that inclusiveness and buy-in is going to be crucial to mobilize the necessary information as well as support for the results or objectives that may come out of such a workshop.

And, thirdly, I think the results from that workshop would be extremely beneficial to be available to assist us in the annual meeting for further deliberations on where we need to go. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you. Gordon, do you feel like the recommendations that David and Jaime have made are actually incorporated in the intent of your motion?

MR. COLVIN: Let me put it this way, why I raised my hand a second ago, I wanted to say specifically that the intent of the wording of the second motion is specifically to accommodate the process that David and Matt outlined.

CHAIRMAN TRAVELSTEAD: Very good, thank you. I just want to make sure that everyone is clear on that. John.

MR. JOHN I. NELSON: Mr. Chairman, I think there has been a lot of clarifications, and I'm going to defer to Vince to sum up because he did have the question as far as what did this all mean, what is the time line and what were each of these motions trying to focus on doing. I think that has been clarified in my mind, anyways, so let me see if staff is comfortable with this now.

CHAIRMAN TRAVELSTEAD: Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, thank you, Mr. Chairman. This is fine. This is exactly the type of information I was looking for when I raised the issue. I think we can help make

this happen for you.

CHAIRMAN TRAVELSTEAD: Very good, thank you, Steve.

MR. MYERS: Thank you, Mr. Chairman. Just to let you know that our Chesapeake Bay office is doing a lot of predator-prey work, and so it would be real good to include folks from there in the technical discussion on this.

CHAIRMAN TRAVELSTEAD: Absolutely. Also during the break, I had some discussion with staff and they suggested that if these two motions were to pass, that I put together a steering committee made up of some of you, with the assistance of staff and members of the interested public from the different organizations that have expressed concerns about these issues, including Omega Protein and the other groups; and without objection, I would intend to do that.

Have we had enough discussion on the motions and we're ready to move forward? It appears that we are. Let's go back to the first motion. Joe, you have that in the record. Are we ready? Do we need a caucus?

I don't see anyone requesting a caucus. All those in favor of the motion, please raise your right hand, 15; opposed, like sign; abstentions; null votes. The motion carries 15 to nothing. Gordon, your second motion, please.

**MR. COLVIN: Thank you, Mr. Chairman. I move that ASMFC should organize and conduct a technical committee meeting and workshop in 2004 to develop complete plans, implementation schedules and budgets to implement the research priorities for Atlantic menhaden in Chesapeake Bay presented to the Menhaden Management Board today and to identify further stock-wide monitoring and research needs to complement such a bay-specific program.**

MR. WHITE: Second.

CHAIRMAN TRAVELSTEAD: Seconded by Pat White. Is there discussion on the motion? No discussion. Is there a need to caucus before a vote? Seeing none, all those in favor of the motion, signify by saying aye; opposed, no; abstentions; null votes. The motion carries unanimously.

Thank you, all, for that I think very good discussion, and clearly we're moving forward now on these

issues. That brings us to Agenda Item 7, the draft addendum for public comment. Nancy is going to take us quickly through that, and hopefully we can be prepared to take some action fairly quickly.

## **DRAFT ADDENDUM FOR PUBLIC COMMENT**

MS. WALLACE: Okay, if anybody needs a hard copy of the addendum, there are some in the back and then staff can get them to you if you need one.

Okay, Addendum I to Amendment 1 to the interstate fisheries management plan for Atlantic menhaden. The purpose of this addendum was three issues. The first was revising the biological reference points. The second is adjusting the frequency of stock assessments and the third was updating the habitat section of Amendment 1.

The ASMFC's addendum process and proposed time line; in March you initiated Addendum I. This past spring staff drafted the addendum for public comment. Right now we're at the stage where the Board is going to review the addendum and make any changes necessary.

Summer will be the public comment period, and hopefully in August the Management Board will review and finally approve Addendum I and follow with the implementation of Addendum I.

The first issue was the biological reference points. In the last peer-reviewed stock assessment, the technical committee recommended changing from an SSB target and threshold to a fecundity-based target and threshold.

Population fecundity, the number of mature ripe eggs, is a better measure of reproductive output of the population than SSB because it uses the number of eggs released. There is more importance given to the older fish in the population.

The TC has recommended changing the fishing mortality target and threshold. In the new model in Amendment I Fmed is used to represent Frep as the F threshold but estimated it using fecundity instead of SSB.

Frep is the mortality at which the stock will replace itself and Fmed is used as a proxy for Frep. That's what the technical people tell me. The TC recommends the F target be based on the 75<sup>th</sup>

percentile. Matt will be available for any questions after this.

The changes in the biological reference points, while seemingly large, are a re-estimation of population and parameters. Because the newer model estimates these reference points differently, they are neither more nor less conservative than previous estimates using other approaches.

Options for management. Option 1 is the status quo. The SSB is 37,400 metric tons as the target, and the biomass threshold was 20,570 metric tons.

Option 2, which the technical committee has recommended, is using fecundity. It would be 26.2 trillion as the target and the threshold is 13.3 trillion. The F target and F threshold in Option 1 is 1.04 and 1.33. In Option 2 it's 0.75 for the target and 1.18 for the threshold.

Issue 2 is the frequency of the stock assessments. The previous virtual population analysis of menhaden was updated on an annual basis. This new model is a forward-projecting statistical catch at age model. It's much more complex. The TC has recommended updating the assessment every three years.

On each non-assessment year, the technical committee will review the landings, catch-at-age matrix, effort, the fishery-independent abundance data. The TC has specified triggers that will initiate an assessment in any non-assessment year.

These triggers are -- the first one is the CPUE index falls below the 5<sup>th</sup> percentile for the past 20 years or if the ratio of ages from two to four to the total catch of all ages falls below the second standard deviation unit over the last 20 years.

This is a graph of the catch-per-unit effort to show what it would have to fall below for the technical committee to recommend an assessment. This is the second trigger to show what it would have to go below.

Okay, management options for the second issue. Option 1 is to do a status quo, continue to update the assessment on an annual basis. Option 2 is to update the assessment every two years. However, if it is every other year, the technical committee will not meet on the non-assessment year to review the landings and indices.

The third option, which is the recommendation by the technical committee, is to update the assessment

every three years and meeting each non-assessment year.

The third issue in the addendum is the habitat section. The habitat section of Amendment 1 was updated by researchers at the NMFS Beaufort Lab. The section includes a description of spawning, larval, juvenile and adult habitat, recommendations for habitat conservation and habitat research needs.

This was reviewed by the ASMFC Habitat Committee for comments. I'm not going to go through the whole habitat section, but it is there before you. If you have any comments, please let me know. That's it.

CHAIRMAN TRAVELSTEAD: Okay, questions of Nancy on the addendum? Bruce.

MR. FREEMAN: I had a question concerning the triggers -- I guess you call them triggers -- that would be required in order to do a review during the off years. There was one catch per effort and the other was proportion of two to four year olds.

I think you had slides of those, if I'm not mistaken. No? Well, just by inspection, looking at that, there are two periods, 1984 and I guess '92 where if those triggers were put in place, there would be some action taken by the technical committee to review the catch.

And if you'd just quickly go to the next one, Brad, on that one, the proportion of age 2 to total catch of all year classes. The only thing that strikes me is that from 1982 to the present, that trigger would never be activated.

And the question, if that's the case, I would think you would need something either more conservative or get rid of it, it doesn't do anything. I'm just curious as to why that criteria was chosen. I guess the 30 percent; is that what that proportion represents?

CHAIRMAN TRAVELSTEAD: Matt can respond to you.

MR. CIERI: Let me just address this. The idea for the triggers was the Board felt uncomfortable about the TC making the decision if they needed to update the assessment on any non-assessment year. Let's be quite direct.

You're going to be getting an assessment anyway every three years. In the TC's point of view, in order

to move that up, there would have to be something critically happen with the stock itself. Otherwise, what we'll end up doing is doing the assessment very single year.

If we make those triggers too easy to trigger, then what we end up doing is doing the assessment every year, anyway. The idea was, in a quantifiable way, to look at the stock and see if something critical happened that would require updating.

Now one of the reasons why this proportion hasn't changed much is because harvest levels have been roughly the same, 1984 to the present time. And there hasn't been much of a change in the selection within age groups. It's been about the same.

And the other point I wanted to also bring up is we're going to be meeting every single year and we have the ability to trigger a turn-of-the-crank -- although I hate the term -- assessment on our own if something doesn't look right to us, in addition to the triggers.

CHAIRMAN TRAVELSTEAD: Does that help, Bruce?

MR. FREEMAN: Well, it seems to me that if in fact the technical committee, if it deems certain circumstances require an analysis to be done, then it may not be necessary to have these triggers. It just seems like we have -- I'm not sure what we have.

But it seems like we're saying on one hand if the technical committee believes or someone believes that there is some change and we need to do analysis, we'll do it, then do we really need these? These seem to be in addition to that, in other words.

CHAIRMAN TRAVELSTEAD: The fact is that an assessment is going to be done every three years, we know that. If the technical committee sees anything that is of concern to them, they can initiate a new assessment.

MR. FREEMAN: Right.

CHAIRMAN TRAVELSTEAD: If the Board hears something that is of concern, they can direct a new assessment. And then the technical committee has simply outlined I think a couple of things that clearly to them would trigger assessments. Whether or not we've met those conditions in the past or not, clearly if they were to occur, it would trigger a new assessment.

MR. FREEMAN: Well, all right, I don't want to belabor the point because I know we have

other business, but if everyone is comfortable with this, then that's --

CHAIRMAN TRAVELSTEAD: Okay, any other discussion. George.

**MR. LAPOINTE: I was going to make a motion that we approve the addendum for public hearing.**

MR. AUGUSTINE: Second.

CHAIRMAN TRAVELSTEAD: Pat Augustine seconded that motion. Any comments on the motion? Any need to caucus? All those in favor of the motion to send the addendum to public comment, please say aye; opposed, like sign. Are there any abstentions or null votes? Seeing none, the motion carries unanimously. Anything else, Nancy?

MS. WALLACE: We're going to be doing a public comment period this summer, so if anybody wants to have a public hearing, just let me know.

CHAIRMAN TRAVELSTEAD: Does anyone wish to indicate they want a hearing at this point? Pres Pate says North Carolina does; David for Rhode Island; certainly, Virginia wants a hearing. If you change your mind, let Nancy know as soon as possible. That brings us to Item 8. Is there other business? Mr. Jett.

#### OTHER BUSINESS

MR. LYLE JETT: I'd like to request that Board refer the issues of the May 19<sup>th</sup> Menhaden Resource Council letter to you regarding the New Jersey fishing ban on menhaden to the technical committee, please, sir.

CHAIRMAN TRAVELSTEAD: I think everyone has a copy of that letter from the Menhaden Resource Council, and there is some very clear discussion about New Jersey's ban on reduction fishing. I think it's clear, everyone understands, that any state sitting around the table has the right to be more conservative than the management plans dictate.

That's a given and not debatable. I think Mr. Jett raises the issue, and I certainly would raise that in the discussions that will occur as a result of our agreement, that there needs to be a workshop on management issues.

Clearly one of the reasons, not the sole reason, but

clearly one of the reasons that we have the menhaden harvest in Chesapeake Bay today the way it is is because the fishery has been closed in most of the other states along the Atlantic Coast.

That needs to be considered in the context of all of the discussions that will occur at the workshop and by this Board between now and the December meeting. Is that a fair articulation of your desires, Mr. Jett?

MR. JETT: I think so, thank you.

CHAIRMAN TRAVELSTEAD: Okay, is there any other business? Are there any comment on that issue? Yes, Bruce.

MR. FREEMAN: Thank you, Jack. I just want to emphasize the point that you made that any state on any plan can be more conservative. And, if every time a state desires to do so, there is a review of why they do it, I think we're not going to get much done.

This issue of the action taken by New Jersey several years ago is an issue that was brought before the legislature and was discussed at length.

It was an action taken by the state and the governor, and quite frankly at this point to go back and have the technical committee review what the state decided to do, I think is inappropriate.

But in the context of the actions taken by all the states, there have been various states taking different actions, controlling whether in fact they allowed or disallowed menhaden fishing is probably a valid one when we looked at the overall management on a coast-wide basis. I think that's something that needs to be looked at.

CHAIRMAN TRAVELSTEAD: I think that's the spirit in which it's offered, that that whole broad issue be looked at as part of all the management issues that will be discussed. Tom.

MR. FOTE: And the fact is that besides the Chesapeake Bay, the waters from three miles off of New Jersey is still one of the largest harvesting of menhaden when you look at it every year, so just be aware of that. It really doesn't happen at other states. There's still a large reduction harvest that goes on. It just goes out three miles out, three to twelve miles out in New Jersey.

CHAIRMAN TRAVELSTEAD: Okay,

Vito.

MR. CALOMO: Thank you, Mr. Chairman. Are there any vessels fishing inside three miles for menhaden at this time in New Jersey? I'm just looking for an answer, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Bruce.

MR. FREEMAN: Yes, there are, Vito. It's a complicated situation in that we control the size of the gear, the size of the net, the length of the net, how the fish are handled, so there is purse seining allowed, but it's set by vessel, by length of net, by how the fish are handled and how they're transported.

And in our instance, Vito, there is a very large inshore use of the area by recreational boats. One of the issues we dealt with is really the spatial conflicts of having large numbers of small vessels and then space needed by large operations such as what occurs in the reduction fishery.

All these issues were looked at by the legislature before they made a determination. But, there's other factors involved in why the decision was made in New Jersey to restrict certain size vessels with certain size nets. Part of it had to do with safety.

MR. CALOMO: One more follow up, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Go ahead.

MR. CALOMO: Thank you, Mr. Chairman. On the follow up, just for my own knowledge, so you have a size limit on the nets, a size limit on the vessel. Is that still a fishery where people can come and apply as long as they abide by the size of the net and the vessel?

MR. FREEMAN: Yes, there's no restriction. In fact, we have a number of operators who are both resident and non-resident, and that is an open fishery.

CHAIRMAN TRAVELSTEAD: Any other business for the Board? I note that we still have 20 minutes allotted to us. I don't know, there were a lot of people in the audience that I thought were going to speak today. I never saw a hand go up. We do have 20 minutes left. If somebody feels compelled to say something who hasn't already spoken -- Pat.

MR. AUGUSTINE: It'll cost you, I'm compelled to say something, Mr. Chairman. It was

an excellently run meeting. I think we met the objectives and goals of the folks in the audience, the industry, Mr. Goldsborough and his presentation, I think the needs that we have to go forward with this whole process. It was handled very eloquently and we accomplished the task; and with that, I move to adjourn. Thank you, Mr. Chairman.

## ADJOURNMENT

CHAIRMAN TRAVELSTEAD: There's a motion to adjourn. We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 10:40 o'clock a.m., May 26, 2004.)

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