

ATLANTIC STATES MARINE FISHERIES COMMISSION

Radisson Hotel Alexandria, Virginia

ATLANTIC MENHADEN MANAGEMENT BOARD

August 22, 2000

Approved January 30, 2001

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ATLANTIC MENHADEN MANAGEMENT BOARD

August 22, 2000

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Attendance

Board Members:

William Pruitt, VA MRC, Chair
Doug Grout, proxy for John Nelson, NH Fish&Game
Ritchie White, NH Gov. Appte.
Vito Calomo, proxy for Rep. Verga, MA Leg. Appte.
Michael Rice, proxy for Rep. Naughton, RI Leg. Appte.
Ernest Beckwith, Connecticut DEP
Gordon Colvin, NYS DEC
Brian Culhane, proxy for Sen. Johnson, NY Leg. Appte.
Tom Fote, proxy for Sen. Bassano, NJ Leg. Appte.
Jeff Tinsman, proxy for Andrew Manus, DE F&W
Bill Goldsborough, MD Gov. Appte.
Preston Pate, Jr., NC DMF
Melvin Shepard, proxy for Rep. Redwine, NC Leg. Appte.
Susan Shipman, GA Coastal Res.
Kathy Barco, FL Gov. Appte.
Anne Lange, NMFS
Ray Rogers, Bait Fish
Niels Moore, NFMOA, Vice-chair

Lew Flagg, Maine DMR
Dennis Abbott, NH Leg. Appte.
Dr. David Pierce, Massachusetts DMF
Bill Adler, Massachusetts Gov. Appte.
David Borden, Rhode Island DEM
Sen. Gunther, CT Leg. Appte.
Pat Augustine, NY Gov. Appte.
Bruce Freeman, New Jersey DF&W
John Connell, NJ Gov. Appte.
Pete Jensen, MD DNR
A.C. Carpenter, PRFC
Damon Tatem, NC Gov. Appte.
David Cupka, SC Gov. Appte..
Roy Williams, FL FWCC
Dr. Jaime Geiger, USFWS
Jule Wheatly, Beaufort Fisheries
Richard Daiger, Bevans Oyster Co.
Steve Jones, Omega Protein

Ex-Officio Members:

Mike Street, NC DMF

Michael Bloxom, LEC Rep.

Staff:

Dr. Joseph Desfosse
Bob Beal

John H. Dunnigan
Tina Berger

Guests:

Jack Travelstead, VA MRC
Dr. John Merriner, NMFS
Dr. Wilson Laney, USFWS
Barney White, Omega Protein
James Price, CBARF
Edward F. Kilduff, CCA - MD

Dick Brame, CCA-ASMFC
Dr. Louis Daniel, NC DMF
Columbus Brown, USFWS
Kelly Place, VA
Sherman Baynard, CCA - MD

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

Atlantic Menhaden Management Board

August 22, 2000

SUMMARY OF MOTIONS

1. *Motion to approve the minutes of the June 7, 2000 Board meeting.*

Moved and approved by the vice-chair with no objection.

2. *Move that the preferred option for public hearing for management area be the entire Atlantic coast.*

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

3. *Move to adopt the stock rebuilding program language in bold face on page 43 that begins "Should it be determined that overfishing is occurring" and ends "desired target level or lower". And as part of this program, choose option 2 for the stock rebuilding target and Option 3 for the stock rebuilding schedule".*

Motion by Dr. Pierce, second by Mr. Augustine. The motion carries by voice vote.

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC MENHADEN MANAGEMENT BOARD

August 22, 2000

The Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel, Alexandria, Virginia, August 22, 2000, and was called to order at 3:15 o'clock p.m. by Chairman William A. Pruitt.

WELCOME/INTRODUCTIONS

CHAIRMAN WILLIAM A. PRUITT: All right, we will ask that the roll be called for the Menhaden Board. (Whereupon, the roll call was taken by Dr. Joseph Desfosse.)

DR. JOSEPH C. DESFOSSE: You have a quorum.

APPROVAL OF MINUTES

CHAIRMAN PRUITT: All right, we have a quorum. You have had the minutes distributed. What is your pleasure? MR. PATRICK AUGUSTINE: **Move to accept**, Mr. Chairman.

MR. WILLIAM A. ADLER: **Second**.

CHAIRMAN PRUITT: The motion is seconded. Further discussion? All in favor, say aye; any opposed. **Carried**. All right, public comment. Does anyone wish to address this Board from the public? All right, come on.

PUBLIC COMMENT

MR. JAMES PRICE: Thank you, Chairman Pruitt. I have a letter that I have addressed to you that I would like to pass around.

CHAIRMAN PRUITT: Sir, we need you to state your full name for the record.

MR. PRICE: My name is James Price. I am President of the Chesapeake Bay Acid Rain Foundation. In the letter I am requesting that the Atlantic Menhaden Management Board take emergency action to conserve the menhaden stock according to Section 6 of the Interstate Fisheries Management Program Charter. In the letter it explains the reasons why. I have attached a copy of the letter that I sent you on May 12th, 1999, for additional explanation of some of the reasons why it would be necessary to take action at this time. If anybody has any questions about the letter, I would be glad to answer them. But, one of the reasons that I felt it was necessary was because of the harvest of age zero's last fall.

As most of you know, the landings on age zero's were 194 million fish, even though the ASMFC had advised the reduction fishing industry to avoid, in quotes, "to the extent practicable the harvest of age zero menhaden". So, I think there needs to be steps taken to protect age zero. Whatever this Board could come up with, I think it would be a lot better than the system that we have now because our policy and the way we are dealing with the situation now hasn't worked.

So, that is why I am requesting emergency action. And if anybody has any questions, that is it. Thank you.

CHAIRMAN PRUITT: Thank you, sir. Anyone else from the public? All right, we will close the public comment period and the next item is the review of the option for overfishing definition specifications. Joe.

OVERFISHING DEFINITION REVIEW

DR. DESFOSSE: Thank you. I am going to try to briefly go through the information that Doug presented to you at your last meeting in June. It is in a more simplified format, I think. And I will also present the figures that A.C. was asking to look at the last time.

There is a separate handout. It's a memo to the Menhaden Board, dated August 9th. There is a table on the front which summarizes the management measures that are included in the draft amendment and gives the PDT recommendations. It also lists the page numbers and the sections that correspond to the draft amendment. The first issue for the Management Board to discuss is the setting of the overfishing definition for the draft amendment. And if you begin to thumb through this document, you will see the generalized schematic that is used as the fisheries control rule, modified from Mace et al. It gives you your biomass targets and thresholds and your fishing targets and thresholds just in simplified form.

The next series of plots showed the fishing mortality rate plotted against the spawning stock biomass for each of the years since 1955. The first two panels are kind of messy. The first panel here shows 1955 through 1969. You will notice that there are a number of points out here where the biomass was over 300,000 metric tons. It sort of skews the whole graph over to the right; the same for the total picture when you plot all of the points on it from 1955

to 1999.

So, what I did was I took the information that Doug had given me and plotted them in 20-year periods. Next, if you flip over to the next period, you will see 1960 through 1979. I also point out that there are two lines that are drawn on these graphs that correspond to the proposed fishing mortality target and threshold -- that would be F prime and F double prime -- and also the biomass targets and thresholds, which are B prime and B double prime. You will notice that most of the points fall outside of the range of the new reference points that are proposed for the amendment.

In general, looking at this graph from 1960 through 1979, where you want to be in your stock is to the right of your B prime figure, but also below your F prime. So you would be in the lower right-hand quadrant, so to speak, of this graph. You will notice that on the next graph from '63 through '79, it gets a little bit clearer because the previous one still had those large -- they were still being influenced by the large year classes in the late 50's.

You will notice that for the next series of graphs, they are all plotted on the same axis and you can compare them much easier. They go from zero to 100,000 metric tons on the biomass side, and the Y axis remains the same as well. So this period, '63 through '79, you will notice that there was only one point, 1971, that was actually below -- you were actually above your biomass target, but still above the biomass threshold. The rest of the points, you will see, you were either past your fishing mortality threshold or your biomass threshold.

These continue on through the period 1970 through '89; again, a similar pattern where the stock status, your fishing mortality and your spawning stock biomass was higher than the proposed targets there; the same for the 80's, 1980 through 1990.

And the last diagram here shows just the period 1990 through 1999, and it gives you the most recent status. You will note that the 1999 datapoint falls between your biomass threshold and target, and it is almost at the proposed fishing mortality target.

There were some projections that Doug did following the last board meeting. The projected fishing mortality for this year right now, the 2000 season, and the projected biomass, you will note that those are plotted on this figure as well, and they correspond pretty well to the 1996 datapoint. Your projected fishing mortality for this coming season, the season that you are in right now is F equal to 0.84. And the projected spawning stock biomass is approximately 55,000 metric tons.

The next series of graphs show the projection analysis that Doug did using the different fishing mortalities. What you will notice throughout these graphs is that -- the first one here is pretty messy. What I want to do is focus on the projected values for recruitment and spawning stock biomass for F values. The current F value is between 1 and 1.1. You will see that written down at the bottom. I've put down the F equal to 1.1. And the plots show that your recruitment will vary around 3 billion. There is no real change in recruitment values based on changing F values. But you will notice that there is a difference in the spawning stock biomass. And an F of 1.1, the projections indicate that your spawning stock biomass will hover around, maybe just below 80,000 metric tons. The conditional probabilities or cumulative probabilities of reaching those targets based on the different F's are given in the next graph. Doug would need to explain that stuff.

I really would like the Board to concentrate on what the projected spawning stock biomass and recruitment values would be, given the varying levels of F. Your proposed F in the draft amendment, should you choose the one that is recommended by the PDT, is one which corresponds to F max, which is 1.0, and is shown in Figure 10. Again, you will see the spawning stock biomass basically around 80,000 metric tons. Recruitment varies around 3 billion recruits.

With an $F = 0.7$, your spawning stock biomass will vary around 120, maybe 130,000 metric tons. Your recruits, again, vary around 3 billion, maybe slightly less.

The projected values of spawning stock biomass and recruitment, given an F of 0.5 which corresponds to the F 01 value, your spawning stock biomass will rise to approximately 170,000 metric tons in the future, and the recruits, again, are similar to the recruitment seen with the other F values, varying around 3 billion recruits.

The final page of this handout is Doug's projection analysis. The take-home message from this final page is that the forecast value of landings, given the expected effort this current season, is 185,000 metric tons. And through all the projections that Doug has done based on incoming recruitment and the catch-at-age matrix, he projected that the F value would be 0.84 for this coming season, which is below your proposed fishing mortality target.

If anyone has any questions, I will try to answer them.

CHAIRMAN PRUITT: Any questions for Joe? Yes, sir.

DR. DAVID PIERCE: Yes, Joe, I must admit that I get a little bit confused when we talk about spawning stock biomass, because I see that we are using different numbers. For example, in the 2000 review of the Management Plan, June 2000, on the status of the fishery, there is a reference to mature females as being an indication of spawning stock biomass.

Yet, in figures and in tables there is no description as to what we are talking about. So, I assume that when we specify spawning stock biomass targets and thresholds, we are keying in on age three and older fish, and it's males and females?

DR. DESFOSSE: I am not sure about that. I think the measurements are equivalent in the two documents that you are looking at.

DR. PIERCE: I don't think so.

MR. MIKE STREET: Age 3 females.

DR. DESFOSSE: Age three females, it is, okay.

MR. STREET: Age 3-plus females.

DR. DESFOSSE: That is what the spawning stock biomass is defined as.

DR. PIERCE: It is age three plus --

DR. DESFOSSE: Females.

DR. PIERCE: -- females, okay. So the data in the August 9th memo always refers to females?

DR. DESFOSSE: Yes.

CHAIRMAN PRUITT: Yes, sir.

MR. ROY WILLIAMS: Yes, Joe, I am looking at this diagram here called projected spawning stock biomass by biological benchmark with event tree. It is one of the early -- well, it is about midway through the figures. It is after all those control rules. Yes, that one. Why do each of those different F values in the spawning stock biomasses that ensue, why do they not all start from the same point?

When you go clear to the left, they each have a different starting point. Do you know?

DR. DESFOSSE: I don't know. The only thing that I could imagine is that that first datapoint there is year 2000, and I believe the analysis that these are based on started in 1999.

MR. WILLIAMS: It might have been the same in '99?

DR. DESFOSSE: Right, as you back track, the datapoints probably got closer.

CHAIRMAN PRUITT: Anyone else? What do you recommend, Joe?

DR. DESFOSSE: Well, I think the next thing to do, given that information, is go to the draft document. Under Section 2.5, you will see, beginning on page 39, all of the information that was presented to the Board at its last meeting up in Maine has been incorporated now into this document.

I guess the implications of choosing the different reference points is illustrated by these graphs that we just went through. The Board's recommendation at the meeting in June was to include all of this information into the document for the public hearing draft. I guess at this point, is this satisfactory now for the Board to take to public hearing, just concentrating on the overfishing definition information?

There is a table in the document here on page 43 that shows what the other reference points would be, and the ones that are being proposed by the PDT for the Board's consideration are in bold. You see the F target of 1.0, 1.04 corresponds to F max. The 1.33 is the proposed target, or threshold that the PDT is recommending. And the corresponding biomass for the biomass target is 37,400 metric tons.

The other confusion at the last meeting was the differences -- what was the PDT actually proposing? And you see at the bottom of page 42 the differences between the targets and thresholds, the proposed ones and the current estimate, and the three-year running average for both fishing mortality and spawning stock biomass.

Additional information in the text has been added to try to clear up this information. I guess the question, then, is the Board ready to sign off on this for public hearing, the overfishing definition?

CHAIRMAN PRUITT: All right, any comments on that?

MR. WILLIAMS: Yes, Joe, you have included the F 0.1 standard as well. So, if, after public hearings, we decided we wanted to go to F 0.1 rather than F max, that is still an option for us, correct?

DR. DESFOSSE: Yes.

MR. WILLIAMS: We can do that, all right.

CHAIRMAN PRUITT: Any other questions? Any comments? Yes, sir, David.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. I, personally, think that the document is ready to be taken to public hearing, but I would add the qualifier that I think it is going to be really a major task for the staff to try to communicate this to the public. Having read through the document, I think this is fairly complex. The implications of it are difficult to understand, and we all work with it every single day, and I am sure that I am speaking for a number of people. I think we are going to have to figure out very constructive and innovative ways of describing to the public what the implications of different scenarios are.

MR. ADLER: I just had a couple of questions here. First of all, the memo of August 9th that Joe put out I thought was good. In showing to us, at least, the PDT recommendations where you had a section which corresponded to the "bible" here. And then you had the management measures you were discussing and you had your recommendation. And it only took up like basically one piece of paper. It is too bad that what is proposed in the thing for public hearing here couldn't be abbreviated for the public.

Then if they wanted to get more details, they go into the big book. Just for simplifications so they go, "Well, what are they planning to do here? Oh, there, there, there, boom. Yes, no". If you wanted more details, you go to the big book. It might be helpful. I don't know if you can do that. Secondly, I had a question, in your memo of August 9th, you had in lieu of catch controls, you control by or you constrain by the overfishing definition.

And you say that several times, and excuse my stupidity here, but with an overfishing definition but no catch controls, how do you constrain? How do you do that?

DR. DESFOSSE: Frankly, I am not sure. I don't know.

MR. ADLER: I mean, I thought you would do it with catch controls.

DR. DESFOSSE: That is right.

MR. ADLER: In lieu of catch controls, you just do it by the overfishing definition. I didn't understand how you would do that, but that was another one of my questions. And then technically, are you saying we are overfished?

DR. DESFOSSE: No.

MR. ADLER: Because in the minutes that question was specifically asked, are you overfished? The answer was no. Are we overfishing, and the answer was no, on page 19. So, with all the charts and the graphs and the pictures and arrows, but thank you.

DR. DESFOSSE: Just to the last point first. That is why on the graph -- I wish I had numbered the pages here, but the schematic for Atlantic Menhaden 1990 to 1999, we plotted out the projected point for the current fishing season 2000, which would fall in that lower right-hand quadrant, basically on the 1996 datapoint, which would mean you were not overfished or overfishing.

And to the point about having a summary document for public hearings, it was my intent to provide some sort of shortened version. My first attempt at doing that wound up being 24 pages without any figures or graphs, and it was still too long.

But possibly building off of this document, this table and taking that out as the summary document along with the full "bible" as you put it --

MR. ADLER: If I may, Mr. Chairman, yes, I think you did -- like you had the section and page number, which they could refer to and you had what you were talking about and then you had some type of -- in this case it would be "and here are the options, boys".

And if you use that format, I think that would be very helpful to the public sitting there that night.

CHAIRMAN PRUITT: Tom.

MR. TOM FOTE: Joe, we have got to send all these graphs that you have in this handout out? I mean, I am really looking at these graphs, and I am having a hard time. I went over to Lisa and said "could you explain these to me", and they are really difficult. I mean, how do we explain them to the public; I mean, maybe multi colors with all different dots. I mean, we look at some of these pages, I am just having a very difficult time with them.

DR. DESFOSSE: Off the top of my head, I was thinking of shortening it down to three graphs. One would be this one here that I sort of skipped over that Roy was just referring to, which shows the projected spawning stock biomass given the different F rates.

So you can see that -- and also two of the plots of F and SSB, the historical pattern so people can see where the fishing mortality relates to the new thresholds.

MR. FOTE: Yes, I wouldn't want to send graphs out like this. They might mean something to somebody, but they are not going to mean anything to the public. They just confuse everybody, and they will ask me what do they mean, and I am going to look at them and say, "I don't know".

CHAIRMAN PRUITT: A.C.

MR. A.C. CARPENTER: First, I would like to thank Doug for putting the years on this the way I asked him. That really helps me do that. As regard to going out to the public, I think that this fishing mortality plot is a very good plot in maybe three colors. If you had the lower right-hand box in green, or you have the target B's and F's in like an orange or something, and then a red for overfishing and depleted, using -- I think using that key, you would be able to explain to the public you want to be in the green area.

It is okay to run the red light once in a while, but you don't want to be crossing over into the red zone all the time.

So, I think that that may be a key with a little bit of narrative, and then you show the plot for, say, the 1990's that show how we have been on all three sides of that plot. I think that can communicate to the public pretty effectively in relatively straightforward terms that people are not going to get confused over what F is and what biomass targets are.

And then the others that he had there with the biomass and the F targets, I think kind of as back up, may make that a little bit easier to explain to the public.

CHAIRMAN PRUITT: All right, anyone else?

MR. WILLIAMS: Yes, I just want to reiterate what Mr. Adler said because he is right on target there. We can't really constrain harvest with overfishing definition. At some point we are going to have to do catch control options or effort control options.

Are we going to proceed through this document? Is this going to be our guiding document as we go through here, or are we only working on overfishing definitions? Because he is exactly right, the overfishing definition in and of itself is not going to solve any problems. It is going to point out where the problem is, but it won't lead to a solution.

DR. DESFOSSE: The answer is, yes, we are going to go through the rest of that document.

CHAIRMAN PRUITT: Gordon.

MR. GORDON C. COLVIN: Just a little thing, Joe. If you are going to cut down on the number of graphs -- and I support that -- I would like to see it done in a way that it doesn't lose all the history that we have going back to the 50's. I think the public needs to see that entire record, somehow.

CHAIRMAN PRUITT: Yes, sir.

DR. PIERCE: Yes, Joe, I support the definitions of overfishing, the F target, the F threshold and the SSB targets and threshold. We discussed this before and I think those are the proper numbers to use, at least the proper ones to bring out to public hearing.

One thing that is not in this table, however, that is quite important -- maybe we will get to it later on, although I am not sure that we will, so I will mention it now. On page 42, the page you just referenced, where we talk about the specific targets and thresholds, at the bottom of page 42 there is some text and there are some numbers and a

table of sorts that makes the point that when we judge where we are relative to the targets or thresholds, we have two choices. We can use point estimates of F and SSB, or we can use three-year running averages. And the Plan Development Team didn't recommend one over the other. They just gave us the pros and cons of point estimates and three-year running averages.

My preference is that we use the point estimates and not the three-year running averages. I think the logic that has been provided by the PDT for not using three-year running averages is compelling. We can have large variations in menhaden stock size from one year to the next, and we could clearly miss the boat by using three-year averages. And I think the table gets to that point where it shows the spawning stock biomass, current estimate 32,800 metric tons. And if we had used the three-year average, we would have thought we were at 58,300 metric tons.

So I hope that -- well, I am not sure how you want to proceed on this, Mr. Chairman. I don't know if you need a particular motion. I will just say that I hope that this goes forward to public hearing with the understanding that we use the point estimates and not three-year moving averages as a way to judge where we are.

CHAIRMAN PRUITT: Well, I was going to ask a question of whether you want to discuss the entire thing, the other two items, and then come back or vote on them all at once or vote on them separately?

DR. DESFOSSE: I was wondering if the Board wanted to identify preferred options for the public hearing document, or if they just want to take the whole suite of options without identifying a preferred option, just go out and say the PDT has recommended this, what do you think?

CHAIRMAN PRUITT: Susan.

MS. SUSAN SHIPMAN: I think that is a good idea, and I also think if there are some options we can whittle out of this document, that we really don't think that we are going to end up with, I would get those out of there, too. This document has an awful lot of stuff in it, and I think it has got too many options in it. That is just my opinion.

CHAIRMAN PRUITT: Anyone else? Okay, Joe, in light of those comments, how do you want to proceed?

DR. DESFOSSE: We can just go through the rest of the proposed measures and highlight the changes. There are some places where the PDT has recommended getting rid of some things, and I didn't feel comfortable deleting it without telling the Board first.

CHAIRMAN PRUITT: Pete.

MR. W. PETE JENSEN: I have a general issue that doesn't have to do with the management recommendations. On page 10, under predator/prey relationships, there is a notation there, "still need to expand this section", and I think what we have to keep in mind as a Board is that there are members of the public who have brought a concern to us related to predator/prey and relationship to prey species.

So, Joe, I guess I have a question. In the calculation of the fishing rates and the target SSB, is there an assumption made there that there is some level of predator/prey relationships that have existed for some number of years, and the Technical Committee isn't able to make any definition of what that is, but is there an assumption that it is there and it is probably not going to change?

Because, I think one of the things that we have talked about is whether there is a need to identify an ecological reserve for predator/prey relationships. I think that section needs to be expanded to cover all the points I am trying to make here in a very abbreviated form.

DR. DESFOSSE: This leads to a couple of things. First, it points out that I haven't finished drafting a couple of these other sections outside the management areas. My plan was to go back in and go through the historical literature and try to beef that section up, as well as there is another section 2.7, which is resource community interactions or something along those lines.

In reference to the fishing mortality and predator/prey issues -- I mean, the natural mortality and predator/prey issues, yes, there was a level that was assumed constant. I believe in Doug's analysis he is still using 0.45 that is the national mortality rate. There is no new quantitative information right now at this point that the PDT could point to try to change that or adjust that based on changing predator populations.

There was something else that I wanted to point out, and this seems to be the most appropriate point. Last week there was a workshop that was sponsored by the Commission on multi-species interactions and predator/prey issues. The Commission is moving forward with trying to develop a multi-species model incorporating menhaden, striped bass, bluefish and weakfish. And they brought together the modelers and the data people last week. Over the course of the next year, they are going to develop a model and, hopefully, the information that is taken from that effort can be used in a further amendment down the line if necessary.

MR. JENSEN: I think it is important that all of that be part of the public record, Mr. Chairman.

DR. DESFOSSE: Okay, and that was going to be part of the Section 2.7, and I will finish writing that before we go to public hearing. We will go back to the summary document and just go through these item by item. The next item would be page 38, the management area. The PDT has three options here for the Public Hearing Document. What they are recommending is that the management area be the entire Atlantic coast. Currently, it is status quo and the assessment is performed on that basis. I don't think there have been any changes since the last meeting. This is the same recommendation that the PDT had last time.

CHAIRMAN PRUITT: Any comments on that before we move? Do you want preferred options?

MR. BORDEN: I'll just offer the opinion that I think that **that should be the preferred option for the public hearing purpose.**

DR. DESFOSSE: David, I am sorry, but I was talking to Jack.

MR. BORDEN: I just offered the comment that I think that should be the preferred option for public hearing purpose.

DR. DESFOSSE: Okay, so the Board wants to -- is there a consensus?

CHAIRMAN PRUITT: Do you want to take these one at a time and vote? Was that a motion, Dave?

MR. BORDEN: **So moved if you want a motion**, Mr. Chairman.

MR. ADLER: **Seconded**.

CHAIRMAN PRUITT: All in favor, signify by saying aye; any opposed. **The motion carries**. Pete.

MR. JENSEN: Just a comment. Mr. Chairman, for the public record, I believe it might be useful for public understanding to indicate for these zones the level of harvest that occurs. And I think we have the data to do it, so it can be just noted parenthetically that for these various options, this percentage of the harvest occurs in these areas.

CHAIRMAN PRUITT: Any problem with that, Joe?

DR. DESFOSSE: I don't think so. Okay, we did the overfishing definition. The next section then would be the stock rebuilding target on page 43. Actually, it goes on to page 44 as well. The recommendation from the PDT is to rebuild the spawning stock biomass to the target level of 37,400 metric tons. That would be your target.

MR. WILLIAMS: Joe, at the final hearing, if we were to change the F target, that spawning stock biomass would change with it; is that correct?

DR. DESFOSSE: I believe so. And if you want, we can make a notation in there that says, "Based on the Board's final decision, this target could change".

CHAIRMAN PRUITT: Yes sir.

MR. ADLER: Joe, did you say rebuild the spawning biomass?

DR. DESFOSSE: Once the stock is identified as being overfished, you would need a rebuilding target.

MR. ADLER: Oh, if it is overfished?

DR. DESFOSSE: Yes. It is in the text that way. I just didn't say it.

CHAIRMAN PRUITT: Pete.

MR. JENSEN: I may have missed this and I apologize. What is the trigger? Is it at any point that the stock goes below SSB or some period of years, or what triggers a rebuilding schedule, exactly?

DR. DESFOSSE: I would believe that would be up to the Board to decide.

MR. JENSEN: Is that a choice we need to make today?

CHAIRMAN PRUITT: I am sorry, Pete.

MR. JENSEN: Is that the choice we need to make today to identify a trigger or the SSB goes below the level for one year, two years, average of some years? What triggers the rebuilding schedule?

CHAIRMAN PRUITT: I don't think we have to make that decision today.

DR. DESFOSSE: Well, I think the definition -- as Jack was just pointing out, the definition of overfishing is your trigger in this case. So, once you go below that biomass point, biomass target of 37,400 metric tons, then you would be in an overfished, or as Doug coined it last week, depleted.

MR. JENSEN: In any one year that would trigger a rebuilding schedule. Is that the answer? That was my question, how often does it have to go below the threshold, one time, one year?

DR. DESFOSSE: It would be up to the Board to decide, I guess.

MR. JENSEN: Okay.

CHAIRMAN PRUITT: Yes, sir, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. On page 43, within that statement of the stock rebuilding program, it just says "Should it be determined that overfishing is occurring, the Management Board shall take action to reduce the fishing mortality on the stock to at least the desired target level or lower". But it says in the next sentence, "The Management Board shall take steps to immediately reduce fishing mortality to desired target level". Is that the inference that it would happen that year, that season?

I think that would answer the question, so that would be the trigger, unless there is a different interpretation to that statement; there is only one trigger, whatever that trigger is that is identified here. If it is met or ticked off, then the Management Board must take action, unless I am reading that wrong.

DR. DESFOSSE: I think it reads two ways in terms of having two targets. One is sort of analogous to having a soft TAC. You have your target level. If you go past that target level but you are still not past the threshold, then the Board can decide a more gentler course of action. But if you went past your threshold, then you would have to take more severe action.

MR. AUGUSTINE: Okay, I understand that now.

CHAIRMAN PRUITT: Yes, sir, Bruce.

MR. BRUCE FREEMAN: Joe, was there discussion by the Plan Development Team relative to a situation where we are going -- if, in fact, the target was exceeded, we are not going to know at least for the following year. And the issue is, well, should we act? It appears to me that it really depends; for example, if recruitment has been falling, we are below the target, fishing mortality is increasing, it appears to me we would want to take immediate action.

But in a situation where, in fact, we may exceed the target, but we see at the least the year previous recruitment increase at a very high level, fishing mortality decreasing, we may not want to take action that year because we believe there will be no problem. What you are doing is asking the Board to make a decision but in looking over this, it seems it is going to be difficult to do simply because of the timing and the other factors involved.

My question is did the Plan Review Team consider that and then come up with possible scenarios, how we could manage under different conditions, because it seems what you are asking here is should we act? We are going to say "yes" or "no", and then we are going to say "within a year or two years, or five", whatever the case may be. And it seems like that decision is going to be dependent on a number of factors, not just the target.

DR. DESFOSSE: Well, the PDT had lots of discussions, but never came to any concrete recommendation as to how you would carry that out. I am not going to be able to answer this question.

MR. FREEMAN: Well, I can see many scenarios. Let's say we are in the -- as A.C would indicate -- we are in the orange zone for several years, and then we drop into the red zone and we see a number of factors that aren't looking encouraging. It seems to me we want to take action immediately, but there are a number of dependant variables that we need to consider.

CHAIRMAN PRUITT: Mike wants to address that, too, Bruce.

MR. STREET: I think you need to consider this the same way you consider just about all other species under ASMFC Plans. You receive an assessment, you know it is always going to lag. There is no way to avoid that. And that is why you have both a target and a threshold. If you exceed your targets, then you know you need to look very closely at what is going on, at your whole suite of data, and not just the two that you are using for an overfishing definition, because exactly as you said, Bruce, you may see that you have a good year class or two good year classes coming in, and so it is going to improve the following year.

And remember, also, that there is a delay when any of the states can implement rules. So, if you are in that area between target and threshold, you examine it very closely. If you have a strong, negative pattern, you probably need to take some action. If it has been varying up and down around the level, you may not need to do anything. If you, however, drop below that threshold, as was said earlier, that is a red light. You have got a problem and you need to act. Still, there is going to inevitably be some delay in implementing rules because of the various states systems. But it is not -- you could probably come up with something and put in the plan, "shall".

You know, if any point is exceeded, the Board shall, within six months, make recommendations for rules. I mean, you can get that strong about it. But within the PDT, we had to look at how things are done now and the realities of implementing rules and making changes. And so, you know, we decided this is an issue for the Board to discuss. They are the policy people, we are not. It is up to the Board to set that kind of policy, not the PDT.

CHAIRMAN PRUITT: Thank you. Anyone else? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. You know, it seems as though we are going to be micro-managing another fishery that isn't in dire straits right now, although some of the year classes are in pretty sad shape. So we don't micro-manage this and have special meetings and come up with emergency actions, why couldn't we look at this similar to the three-year running average that would be more reflective of overall harvest?

And we have got records that go back, what, 50 years, 60 years? Would that not be more appropriate not only for the industry but for the biomass, also? I would like to put it on the table and get some other opinion on this.

It just seems to me we are heading down that very narrow road where we are going to lock in. We see that it looks like the harvest is going to go over our target, or over the quota, and we are going to turn around and shut these folks down again, and it may be an anomaly, it may be for any number of reasons.

But I would like to hear other peoples' opinion on this, particularly industry to see what their action would be to a one-year management plan where we see that we are going too far in one direction, and what your reaction would be if we had to take an emergency action immediately, as opposed to a three-year rolling plan where you don't get the results for the first year until the middle of the second year, anyway. And then by the time you get that and take action, you will be looking at where that harvest has been based on the first quarter report and then into the second quarter report as preliminary reports, if you will. I would like to hear from some others on that.

CHAIRMAN PRUITT: It makes sense to me. Anyone else? Steve.

MR. STEVE JONES: I guess I would comment maybe on the spawning stock. It depends on a lot of variables, weather, or the fish are migrating to. We may not be able to work on the older age fish because of where they are located in states that we cannot get into. We have a lot of states up north where a major part of that spawning stock is located, we cannot fish. Now, they do come out at times, but if we don't have the weather conditions or the fish showing when they come offshore, we may not catch any of those older age fish during the year.

So, if we just designate one year, then it may be a false reading. I think three years would give you a little more average of what is going on because in three years you are going to get whether to be able to fish on them, but there are going to be some years that we just won't be able to work on those fish.

I have to agree with you that we could -- well, if it was a trigger, I guess we would have a false finding, but we could certainly misread it if we just look at it as a one-year snapshot.

MR. AUGUSTINE: Mr. Chairman.

CHAIRMAN PRUITT: Yes sir.

MR. AUGUSTINE: In response to that, how about the other members of the commercial group, what would your sense be on it? And what might be your recommendations for us to address this issue that would be, one, either more fair and equitable, or that wouldn't be a hard, quick management decision that would be micromanaging that would make more sense?

MR. JULE WHEATLY: Well, what we are going to have to do is just like -- I think Bruce or somebody else said it -- is that once we see the trigger, then we need to come and discuss it and see why it triggered, what were the reasons for that?

We just can't write everything in stone right now and then, let's say we couldn't -- the stock assessment plan didn't come out because of hurricanes and et cetera, et cetera. So, I don't think we can make a decision now on what if down the road. I think it needs to be discussed when it happens.

MR. AUGUSTINE: Okay, thank you, Mr. Chairman.

CHAIRMAN PRUITT: Yes sir, thank you. I think it was a good discussion. Bruce.

MR. FREEMAN: The remarks I made previously still concern me because I think there needs to be a mechanism. Pat, the problem I would have, or I could see concerns about the three-year average, if, in fact, at best we are a year behind what is going on and we see there is a problem, all right, and then the next year you have to have a three-year running average, you could be three years after you realize there is a problem that there is still no action taken.

And I mean, this has not happened yet but it doesn't mean it couldn't. And it just -- there needs to be another way. There are a number of variables. By simply averaging it, I don't think helps the problem. It doesn't solve the problem. There are other factors that need to be considered before you make a determination. And this species is different than anything we have managed because it grows very rapidly large numbers of fish.

So, it is not like summer flounder that may live to be quite old and we will see changes slowly. These can fluctuate very rapidly. There needs to be other indicators that we consider, or other variables that we consider before we make the determination. I don't think by averaging it for three years is going to help the situation.

MR. AUGUSTINE: Thank you for that. Mr. Chairman, thank you for that clarification. I am just trying to think outside the box. It seems as though we are at a standstill as to how to get over this simple hurdle -- well, maybe not simple, but over this hurdle to take the next step in this process.

And I was trying to get some thought on it by other folks to see where else we could come from. And the original targets that were set to track the monitoring of menhaden, are there any other triggers in there that we have dropped that used to be in place, that could be put within the framework of what we are trying to accomplish?

I guess there were six or seven triggers. There were a bunch of them, but I don't see them anywhere in here. And it would seem to me that one or two or three of those -- as Bruce had said, there are other triggers, but what are they and who would have that information that they could put on the table so we can talk about them now?

CHAIRMAN PRUITT: Do you have that Joe?

DR. DESFOSSE: Well, the recommendations have been to get rid of those triggers because they didn't trigger any management action. Some of those long-term datasets will be maintained and continued in the future and used to monitor the status of the stock. I forget what that acronym then will be, but you will still be able to look at those to get information and find out what the trends are in the population. But they are not used as triggers since they weren't triggering anything.

CHAIRMAN PRUITT: Okay, you've got a follow up?

MR. AUGUSTINE: I have got a follow up on that. But if they weren't being used for a trigger, is it because of how the management system was set up? And if it was, if we, indeed, took two or three or four of those out of the total list that we had and made them a part of our triggers as management tools -- we do have them as history -- add it to what other triggers we might develop here, we still may be able to maintain those triggers, but in same format, but in a different context.

We, as the Management Board, could look upon those triggers as coming close to meeting the criteria where we should take some action, as opposed to saying, "Gee, when we think the stock is in trouble, the Management Board will make a decision". That is an awful hard way to run a fishery. I would ask for more comments from the Board.

CHAIRMAN PRUITT: I had Bill Goldsborough and then Vito after that.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I would tend to agree with Bruce from the standpoint of the management system needing to be able to respond adequately.

However, if it is deemed necessary to have some kind of a three-year average or other average to deal with uncontrollable variations from the fishery or what have you, I would suggest that perhaps that could be accommodated simply by somehow making the targets and thresholds more conservative. And in that, you would deal with the problem that Bruce had anticipated by having your response being delayed. I believe that the proposed targets and thresholds are based on looking at the data from a one-year perspective.

So if we are going to go with some kind of a running average, you just might want to make them more conservative. Maybe that is in response to Pat's suggestion.

CHAIRMAN PRUITT: Vito.

MR. VITO CALOMO: Thank you, Mr. Chairman. I am not quite sure of the direction we are going in, but listening to Pat and listening to industry over on that side of the room, I feel strongly that a three-year proposal doesn't solve the problem. There's no question in my mind, if you have a problem, but it gives you a much clearer picture for a three-year averaging. I am not in industry like I was back, say, 30 years ago, but I can tell you that the hurricanes -- and now you have closed areas where these people can't fish.

You can, after one year, draw a very poor conclusion that may not be true to form. I am not so sure what you would want for your targets, but I think a three-year plan is much better. Thank you, Mr. Chairman.

CHAIRMAN PRUITT: Thank you, sir.

MR. WILLIAMS: Yes sir, thank you. From my perspective, I think we have to take action. I think we have the option if biomass drops below B prime and this control rule -- if it is lying between B prime and B double prime, I think we have the option of taking action or not. If F is between F prime and F double prime, then I think we have

an action. But if the biomass slips below B double prime, or if F goes above F double prime, we have to take action. And I think you need to do it that year, you need not wait for 3 years and wait to see what the running average is going to be. You have got yourself into -- we have gotten ourselves into a problem.

What we should be doing is keeping down in this box down here where we have got high biomass and relatively low F. That should be our goal. If we fall in this area in here or just outside of it, and we kind of have an option, we ought to be working back towards this box in the lower right.

If our F goes too high, or our biomass goes too low, then I think we have to act and we have to act then. We can't wait around. If we have fallen outside the bounds of this control rule, we needn't be averaging up three years where it might have been a little better. We need to start getting back in the box and we need to do it right then. And that is how I would argue it now and in the future, I will tell you.

CHAIRMAN PRUITT: Joe, and then Vito.

DR. DESFOSSE: This seems like a good place to follow up right behind Roy with the next section, which identifies the rebuilding horizon. They sort of go hand in hand, and I probably should have presented them together when we started this section. The PDT is recommending that the rebuilding horizon be between five and ten years. So, when you get into -- if you get into that situation where you would be in the yellow zone, you would have identified a period of between five and ten years to get back into the green area, so to speak, to use the colors.

If you had been in the red area, the way this is written, you would have to take immediate steps to end that overfishing, and change that; you know, rectify the situation.

CHAIRMAN PRUITT: All right, Vito had a comment and then we will act on it.

MR. CALOMO: Well, it is kind of being redundant. I agree with that gentleman over there. Pardon me for not knowing your name, sir. Again, if we were in that situation, and we had a true indication, there is no fisherman on that side of the room or anybody from management that wouldn't want to rebuild for the future of the stock.

But again, being redundant, a one-year scenario of what is happening at times, having some experience in the Menhaden Industry, would not be a true indication. If we did that, we could jeopardize a whole fishing industry. So, again, I would like the 3 years. Thank you, sir.

CHAIRMAN PRUITT: All right, Tom.

MR. FOTE: There are two parts to this industry, the bait industry and the reduction industry, and a lot of times there are not closed areas where the bait industry, and a lot of those bait industries are open.

So, that is also a way of getting indicators of what has happened. My concern is if we wait until a 3-year trend, before we take action is one year, so it winds up five years before we basically see it and that is my concern, Vito. It is not working it three years. It is just the way this process works. It takes three years before we see something, then another year and a half, or two years if we don't have budget cuts, if we ever have them put in the budget for the following year, it could be four years before we act. That's my problem, not with the 3-year running average.

CHAIRMAN PRUITT: Pat, and then this gentleman.

MR. AUGUSTINE: Thank you, Mr. Chairman. I am not going to rebut what you are saying, Tom. You are right. It could be interpreted as much as five years without really doing anything. I am thinking of a 3-year term that is a rolling three years. At the end of the first year assessment, which would come within the first quarter or second quarter of the next year, you already have an indication as to what your issues and problems are going to be, whether it is biomass, whether F is up, whatever it happens to be, one of the three triggers that we are talking about.

It would seem to me that as the reports come in for the first quarter and second quarter of that second year, if you will, we, as the Technical Committee and staff and Management Board, should be in tune to what is happening in that fishery in terms of harvest and so on. By the time you get into the third quarter, you will have a trend, I believe. And if this is the fishery that we are going to watch to make sure that it doesn't really go down the tubes and continues at the level we are at -- increases in quantity of biomass, then this may be the way to do it.

By the end of the second year, you will have preliminary reports for first, second and third quarter of the second year and probably preliminary data for going into the fourth quarter. So, by the end of the year, in our January meeting for the end of the second year, actually beginning of the third year, you would have taken action.

It would seem to me if -- look outside the box. The first year is going to happen. They have got triggers set in. If any catastrophic incident occurs that we have to take action, the Board can take action at any time there is an emergency. We have the ability to do that right now. The scenario would be as you go into the second year, you have got the first quarter report, going into the second quarter report. Actually preliminary, you will have finalized the preliminary data from the first year.

You have got a hard set of data now. By the time you get far into the second year -- I am repeating myself but I want to be clear on this -- by the time you get into the latter part of that second year, you should have a very good handle as to where the harvest is going, what has happened to the biomass.

We will have probably a hands on year-of-the-young and what is happening to the stock and the year zero age class. I think that should give us a good handle.

The three triggers that Mike talked about, I mean, why can't we clearly -- or Roy talked about -- why can't we clearly state what those might be, that we will be looking at and keeping a close watch for?

I have the same concern that Tom has. If we don't watch the trend and it becomes a locked in 3-year rolling period, then I would not agree with going on that approach. I think it would be devastating. Thank you.

CHAIRMAN PRUITT: Bill and then Vito, and then A.C.

MR. ADLER: When this evaluation is made, be it every year and on, as this is being made, does the technical

or the biological team that does this analysis take into effect or account this particular fishery being a situation where, as was mentioned even in the introduction to the public hearing thing, that fishing effort has very little to do with the status of the stock of the menhaden fishery, because of its environmental conditions, which have overall stock status.

They influence the geographic distribution of the menhaden population. So, it is almost like this fishery has got to be treated a little bit special when you look at whether or not you are overfishing, or whether there is a problem because you have got another factor which doesn't seem to be as prevalent in other fisheries.

This menhaden is like here today, gone tomorrow, and it has got nothing to do with fishing effort. I know that was mentioned frequently in discussions of menhaden. The question is the people who analyze whether or not this Board needs to sit down quick and make a decision, do they take that into account?

DR. DESFOSSE: Yes.

CHAIRMAN PRUITT: Vito.

MR. CALOMO: Mr. Chairman, this is a healthy conversation. I am taken back by my fellow associate here, Bill Adler, from being a lobsterman. He is right into the menhaden business here.

My real question is getting back to Mr. Fote down there. The snapper rigs, small rigs, which my family was 30 years ago, is really not a true indication of what the menhaden industry is about or what the biomass is about. They have limited area, they have limited gear.

They are small carriers at best, and they don't travel like the vessels in the real menhaden business that know where the fish are from one time to another. So, I understand, and I can agree on points that he has made, but they usually stick around home, they are close, so they are not travelers. Thank you.

CHAIRMAN PRUITT: You are absolutely right. My father was the first snapper rigger on the Chesapeake Bay that I know of. Maybe there was one over who was ahead of him, back in the 50's. My family has been -- you are exactly right.

MR. CALOMO: My grandfather was, my father and me now. I pass.

CHAIRMAN PRUITT: Well, I got out somehow or another. I am not sure I made the right decision.

MR. WHEATLY: Oh, yes, you did.

CHAIRMAN PRUITT: I have got A.C. and then Niels, isn't it?

MR. CARPENTER: Mr. Chairman, somebody said you had to think outside of the box, and Pete and I were sitting over here and we drew another box. Go back to this fishing mortality plot.

MR. AUGUSTINE: What page are we on?

MR. CARPENTER: You are Number 1 right after Joe's memo. This one, the short document.

MR. CALOMO: August 9th.

MR. CARPENTER: All right, Joe has two dotted lines and two diagonal arrows up in the upper left-hand corner. That is going to be the black box. I am trying to be a traffic cop here with a traffic light signal.

A little earlier I said if you are in the lower right hand, you are in the green area. If you are within the target, you are in sort of an orange or yellow traffic light. If you are in that box that says "overfishing" on the right-hand side of the dashed line, you are in the red zone. If you are in the depleted area, you are in the red zone. If you are in that far upper left-hand corner, you are in the black zone, the do-not-enter zone, and that is when you need to take emergency action.

If you look back through these graphs, I don't think I can find an example where we went from the orange zone or the green zone to the black zone in a single year. It never happened, or at least there may have been one but I haven't found it yet. You don't get all the way to the upper right-hand corner of this box without having gone through the orange zone and the red zone in a couple of years.

Now I don't know how to put that in a public hearing document. I don't know how to put that in a control rule, but it sort of makes sense, and I think Mr. Adler was giving me a thumbs up there a moment ago. I think he is sort of agreeing with that kind of concept as the control rule.

MR. ADLER: That's good, I like the colors.

CHAIRMAN PRUITT: I can't believe A.C. was talking the entire time I was out of the room, but apparently he was. Niels.

MR. NIELS E. MOORE: I think I would obviously support any sort of concepts here within the system that are going to allow flexibility. And the concept of a 3-year moving average, the concept of using some of the triggers that we used to, I think these are good things, and I am thinking that -- and I like A.C.'s idea.

That is nice, but perhaps this could be addressed without making any specific mention of these moving averages or the triggers by looking at what we are talking about here as predominantly the stock rebuilding program, the wording here under 2.6. The way I read it right now is that any time we become defined as overfished or depleted, we must take action. Well, perhaps, we could just tone that down a bit, something to the effect of "should consider taking action or can" -- something other than "must take action".

That would allow flexibility for this Management Board to do what it chooses to do. So, if this Management Board feels that it can trust itself to do the right thing, taking into consideration moving averages, taking into consideration the triggers and the other factors that we could look at biologically, then you could tone down that language. Thank you.

CHAIRMAN PRUITT: I really think we need to move on on this. If this had been in Newport News, it would have been over with. But I really want to move on. What is your pleasure on the stock rebuilding target? Do I have

a motion? Pat.

MR. AUGUSTINE: Not yet, Mr. Chairman. Joe, based on the comments that A.C. made, could you write up a control framework that would accommodate what it is that we are trying to accomplish?

DR. DESFOSSE: I think so.

MR. AUGUSTINE: The question would be do we still want to look at this three year along with that, or is that we don't need that now? I guess I am asking what is the mechanism that we would put in here when we say, or description that we would put in here to define management action that would be taken?

It is still nebulous. I mean, if we identify some control language, whether you are in the yellow, red, orange or black box, as the case may be, those three boxes, or green box, what is the action we could take? Do we address it from a Management Board point of view? Does it come up before the Management Board for review to make a decision? Is it simple to do it that way without going into a lot of dialogue and description as to what the Management Board action would consist of or be? I am fishing for clarification here, Mr. Chairman.

CHAIRMAN PRUITT: I had a comment over here first.

MR. DOUG GROUT: I just wanted to clarify. Are we talking about here with these control rules what we are going to put in the document here, or what the preferred option is of the Board here within this document? I see several options here within the document that we are going out to public hearing with. Are we debating here what the preferred option is?

MR. AUGUSTINE: It would be a preferred option, I would think.

CHAIRMAN PRUITT: Well, that is a good point, too, but go ahead, A.C., before I comment.

MR. CARPENTER: Well, I think to the point of how to put it in language, I think the language is that if the overfishing is greater than F double prime, the PDT has to refer it to the Board for action. If the biomass is below B double prime, it has to be referred to the Board for action. And if both of those conditions apply, that puts you in that "do not enter" box. Then the Board must act, essentially, in an emergency situation.

I mean, if you get up in the upper left-hand corner, you need to do something.

CHAIRMAN PRUITT: Well, look, based on what was said over here, I don't see why we can't move with that. What we are talking about now is going to public hearing. We are going to get all a hundred more ideas on this after that. Then we are going to be back here doing the same thing again. I really think we have had enough discussion on this.

MR. WHEATLY: Mr. Chairman.

CHAIRMAN PRUITT: Jule, you are the last speaker, and then we are going to vote on something.

MR. WHEATLY: We keep talking about overfishing and overfishing. I would like for somebody in this room to explain to me how with 12 menhaden boats left on the Atlantic Seaboard, how we can have overfishing to hurt the spawning stocks? I just don't understand how overfishing with 12 menhaden boats, when we used to have hundreds of menhaden boats, can hurt the spawning stock. It is going to be another problem; it is not going to be overfishing.

Now, you can blame it on overfishing if we ever do have that problem, but it sure can't be overfishing.

CHAIRMAN PRUITT: Well, I think Vito covered that, too, by saying there's a lot of other factors, and we know that. And I think everybody around this table knows that now. All right, A.C., did you want to put that in form of a motion, revise that section or --

MR. CARPENTER: I am not sure that I am smart enough to do that, Mr. Chairman.

CHAIRMAN PRUITT: Never admit it. A stock rebuilding target, what is your pleasure? Yes, sir.

DR. PIERCE: Well, I know that many people would disagree with me -- although I know at least one will agree -- and that is I would like to reduce the number of options, because this is going to be too unwieldy to explain at public hearings.

I would like to take the simplistic approach here which leads me to this motion. And **that motion is that we adopt the stock rebuilding program language in bold face on page 43 that begins "Should it be determined that overfishing is occurring" and ends "desired target level or lower"**.

And that as part of this program, we choose Option 2 for the stock rebuilding target and Option 3 for the stock rebuilding schedule. Those happen to be the recommendations of the PDT, by the way.

CHAIRMAN PRUITT: All right, is there a second to that motion?

MR. AUGUSTINE: **Second.**

CHAIRMAN PRUITT: Further discussion? Let me say this before we vote. We are voting now on the two, rebuilding target and the rebuilding schedule. That is included in that motion, as the way I understand it. He said Option 2; isn't that what you said?

DR. PIERCE: Yes.

CHAIRMAN PRUITT: Okay, are you ready?

MR. WHEATLY: State the motion again, please.

CHAIRMAN PRUITT: We have been asked to restate the motion.

DR. PIERCE: Well, it is a long motion because I referenced a lot of words. Again, it would be to adopt the stock rebuilding program as described on page 43 of the draft Menhaden Amendment 1 that begins "should it be determined that overfishing is occurring" and ends "desired target level or lower" -- that is the bold-faced text -- with the stock rebuilding target being Option 2 and the stock rebuilding schedule being Option 3.

CHAIRMAN PRUITT: All right, Jule, do you understand it? Joe has got a clarification question.

DR. DESFOSSE: I just want to make sure that I am clear on this. Are you suggesting, then, taking out that first

paragraph under 2.6, and also deleting the other options in 261 and 262?

DR. PIERCE: That is correct.

MR. AUGUSTINE: Point of clarification, Mr. Chairman.

CHAIRMAN PRUITT: Pat.

MR. AUGUSTINE: I noticed that the PDT recommended deleting Option 4, and to the maker of the motion, they, having recommended that, would you --

CHAIRMAN PRUITT: The next block down?

MR. AUGUSTINE: On Option 4. We are in the same section under 2.6.1. We are using Option 2 as the preferred option, and we are using Option 3 as the stock rebuilding. But the PDT recommended deleting Option 4, so I am wondering why we are leaving Option 4 in there if they are recommending that?

MR. ADLER: He is deleting them all.

MR. AUGUSTINE: Oh, it is, I am sorry. I stand corrected. You are so good, David.

CHAIRMAN PRUITT: All right, somebody call the question.

MR. CARPENTER: Call the question.

CHAIRMAN PRUITT: The question has been called. All in favor, signify by saying aye.

MR. FOTE: We have to caucus, Bill.

CHAIRMAN PRUITT: We do? All right, half a second caucus, go ahead and caucus. All right, are we ready? This will be a voice vote. I have been told that is okay. All in favor of the motion, signify by saying aye; any opposed. **The motion carries.**

All right now, when we move on to this next one, you see the recommendation there, Joe.

DR. DESFOSSE: Yes.

CHAIRMAN PRUITT: Let me say this. I have conferred with the Executive Director, and I want to reiterate that this is a document that is going to public hearing. We are coming back. We are going to go through this after we take the wonderful public input, and then we are going to come back and go point by point, all day and half the night, like we have done on everything else except one other species.

So, now I really would like to move on. I need some of you experts here and old timers to help me. The next item, Joe.

DR. DESFOSSE: Okay, I am going to continue following on the document from August 9th. There are a couple of other sections that I want to go back to later on and get clarification from the Board.

The next section is 4.22, specification of MSY, and also 4.2.2.1, initial specifications on pages 50 and 51. The PDT recommends deleting these two sections with an explanation that at this time it is technically impossible to estimate MSY for Atlantic Menhaden.

CHAIRMAN PRUITT: Any problem with that? Bruce.

MR. FREEMAN: I was simply going to make a **motion to use that as the preferred alternative.**

CHAIRMAN PRUITT: I recognized you.

MR. FREEMAN: I make that as a motion.

CHAIRMAN PRUITT: All right, is there a second?

MR. AUGUSTINE: Oh, yes, I **second.**

CHAIRMAN PRUITT: Second by Pat. Any further discussion? All in favor, signify by saying aye; any opposed. **Carried.** All right, Page 52.

DR. DESFOSSE: Page 52, Section 4.2.5.1. You will see at the top of page 53, actually, the PDT recommends that until the development and implementation of a comprehensive, coastwide data collection program, that all purse seine and bait vessels be required to submit the CDFR's, which are currently in use. This is for catch and effort on the commercial fishery data collection.

CHAIRMAN PRUITT: Any comments on that? Pete?

MR. JENSEN: What is a bait vessel?

CHAIRMAN PRUITT: I beg your pardon?

MR. JENSEN: What is a bait vessel? What is the definition of a bait vessel?

CHAIRMAN PRUITT: Well, a snapper rig is one. What else do you have?

DR. DESFOSSE: Well, I guess when the PDT wrote this, they were assuming the menhaden net, you know, purse seine vessel, bait vessels, the snapper rigs. Do you want a --

MR. JENSEN: Not a pound net operator or a boat associated with a pound net?

DR. DESFOSSE: No.

CHAIRMAN PRUITT: Any other questions? Do I have a motion?

MR. AUGUSTINE: **So move.**

CHAIRMAN PRUITT: Pat, **seconded by Bruce.**

MR. FREEMAN: I have wording that may help. Rather than the bait vessels -- we have a lot of gillnet boats that take small quantities -- we could put where his "all purse seine and bait seine" would take care of the snapper rigs and the larger ones. It would exclude the pound nets and the gillnets.

CHAIRMAN PRUITT: I think we will get some input at public hearing on that, too. I think we need to fine tune that. All in favor of the motion, signify by saying aye; any opposed. **Carried.** All right, page 57, Catch Control Option.

DR. DESFOSSE: This is a lengthy section on possible measures of how to control catch. The PDT has

recommended that in lieu of implementing catch control through the amendment, that harvest be constrained through the overfishing definition.

You had the lengthy conversation about setting of the targets, et cetera. These are a number of different options that could be used in the future. I will leave it at that.

CHAIRMAN PRUITT: Yes, sir, David.

DR. PIERCE: Joe, I am a bit confused. I understand the logic for not going with catch control. We have discussed this at previous meetings and the text does it justice. A good job there. Would you give us an example of how a harvest would be constrained through the overfishing definition?

DR. DESFOSSE: I think, in my mind, from the conversations at the PDT level, the determination of where you would be in relation to the overfishing definition for, say, the year 2000; at that point you would measure it against the targets or the thresholds and say, okay, something needs to be done, and come back to the Board, and the Board would have to decide what measures they would implement in order to promote stock rebuilding or to decrease fishing mortality to reach those targets.

DR. PIERCE: Okay, in other words, the PDT is recommending that there be no catch control options, period.

CHAIRMAN PRUITT: Yes, sir, Bill.

MR. ADLER: Joe, public hearing, people sitting there, they are saying "Okay, if we go over whatever it is we go over, tell me, speak to me, what is it you are going to tell me I can't do?" If they are saying -- that is what they are looking for is what are they being threatened with. Let's face it. So, if you go "All right, if you overfish or whatever, you are going to be constrained by the overfishing definition". Now, when they get finished laughing, the point is that they are going to go "and what is that?"

So you really need to have something, or a couple of things listed that would be triggered. I don't want to mention it, but I mean using things like quotas, using whatever it is.

Because, the words overfishing definition doesn't stop any boat from going out and catching whatever they want. There needs to be something because that is what they are going -- they want to know that.

DR. DESFOSSE: Right.

MR. ADLER: I don't know what to put in there, but that is what they are there for.

DR. DESFOSSE: Right, and I am not sure how satisfactory my answer is going to be at public hearings, but the PDT was pushed along those lines, and this is what the PDT has come up with.

CHAIRMAN PRUITT: All right, yes, sir.

MR. GROUT: So it is my understanding, Joe, that we are essentially deferring any catch controls until a decision -- a trigger has been pulled here. Are we then going to go out to public hearing with the potential options here for catch controls?

I know the PDT is recommending that we control harvest by F, but are we going to go out with these options of these being listed as options that we would use as a Board to impose catch controls when that target is hit?

DR. DESFOSSE: The answer to the first part is yes; and if it is the pleasure of the Board, then these options could be taken out for public hearing.

CHAIRMAN PRUITT: All right, I believe Tom was next, and then Ernie.

MR. FOTE: You really have to put something in there. I mean, even if you put in there simply that the Board will take appropriate action to handle the overfishing problem, that at least says to the people that the Board will take some action.

I mean, we don't say anything there. It just leaves a big hole. So, at least you have got to put in there the Board will take management actions that will basically handle the overfishing problem.

Then we will sit for two years and debate what the actions are, but at least it is in the plan that we will do something, because there is nothing in there. We just can't leave it overfishing.

CHAIRMAN PRUITT: All right, I had Ernie and then Roy and then the gentlemen next to you, Tom.

MR. E. BECKWITH, JR.: Thank you, Mr. Chairman. And Doug spoke to the issue that I found somewhat troublesome. I was just trying to sit here and think how I would perceive this if I was at a public hearing, and I was a member of the public, and I would say, "Well, gee, the Commission has set up this grand process, but they haven't told me how they are going to manage this fishery. What are they going to do if there is a problem in the fishery?"

I agree with Doug. If we pass this, and we have no management options in there of how we are going to manage this fishery if something happens, then where are we? We have nothing in this plan.

There are no tools we can use. I think it is important to put some options in here.

CHAIRMAN PRUITT: Roy and then John.

MR. WILLIAMS: Well, I concur with what everybody before me has said, and of the four options -- I think we have got four options here -- I think we ought to choose one of them as preferred to give the public some idea how we are thinking. If we want to back off and go to something else, that is fine. And toward that end, **I would move Option 4, that there be a coastal TAC by area and some restrictions on small fish.**

MR. FOTE: I'll second that.

CHAIRMAN PRUITT: All right, I've got a motion and a second. John.

MR. JOHN CONNELL: I will speak after you take care of the motion.

CHAIRMAN PRUITT: Okay. All right, any discussion on the motion? Yes, sir.

MR. GROUT: I just want to clarify that within your motion, you are saying that we are going to go to public hearing with all four options here, and Number 4 is the preferred option?

CHAIRMAN PRUITT: Correct, that is correct. Jule and then Niels.

MR. WHEATLY: I don't understand why we are going to prefer this one, and we haven't preferred anything else so far. I mean, you know, why are we distinguishing this one out like that? So, I don't understand why we are doing this now.

CHAIRMAN PRUITT: Niels.

MR. MOORE: Thank you, Mr. Chairman. Yes, I am not sure that I am quite ready to endorse that concept to have a preferred alternative, particularly Option 4. I think what the PDT has told us here is that they are not in favor, the way I read this, of having any sort of catch control or TAC spelled out to the Management Board at this point.

I would just like to point out to that effect that -- I might say something a little bit unpopular to some of the folks, but I think this fishery is somewhat self-regulating.

I think that if you look at the data, it strongly supports that concept. If you will look at the tables and figures for draft Menhaden Amendment 1, Table 8 here shows the status of the industry over the last 45 years. And as recently as 1990, we had 7 reduction plants and 37 vessels in this fishery. Today we have 2 reduction plants and 13 vessels. Now, if there are those Board members here that are convinced we have a problem and that, you know, they are not happy with the current management, I would reply the boats that have left this fishery are gone.

The ones that are here today are not three times as efficient as the ones that were in this fishery in 1990. They are not. So, I think that the industry has taken steps on its own accord to adjust to changes in the resource itself.

I would just conclude by saying I would not feel comfortable supporting a TAC at this point as a preferred alternative.

CHAIRMAN PRUITT: Tom and then Mike Street.

MR. FOTE: Niels, I am looking at this fishery as a total, and basically areas that basically historic have had the fisheries: Maine, New Hampshire, Massachusetts. And when those fisheries all disappear in those sections, there is a problem. It is not because of the reduction boats are there, but there is a problem. We have to address that problem of why the fish disappeared. We only have certain tools that we can use, and one of them is looking at the overfishing definition when the stocks reach to a certain point.

Maybe the fishery hasn't been collapsed because of the fishing pressure on it, but for other reasons, environmental as Vito pointed out before. It doesn't mean we don't take any action. We have done it with other species when those stocks basically collapsed not due to overfishing, because we have to bring back the stock and you have to basically make sure there is a spawning stock biomass big enough to do that. We debate about as to how big that spawning stock biomass is necessary to produce the given results. I mean, that as far the discussion goes. But it has nothing to do sometimes with fishing pressures.

It is environmental, as we admitted in the beginning of this document. It doesn't mean the fish aren't going to still disappear and whole areas that historically had fish will no longer have them.

CHAIRMAN PRUITT: All right, Mike.

MR. STREET: You are at the exact same point that the predecessor board was at; that is, you can define the stock status and that the stock has declined or has a problem. And then the issue is what to do, if anything. And the issue is that menhaden recruitment is overwhelmingly determined by environmental conditions which you, me, no one can manage.

Yet, the suggestion here is to take action to restrict the fishery when the fishery is not the cause of the problem if, in fact, the problem you are addressing is a recruitment issue. The proposal then is to act on something that is not connected to the problem.

CHAIRMAN PRUITT: All right, any other comment? Bill Goldsborough and then Pete.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. As I look at this PDT recommendation and the next several, the picture I see emerging is basically a status quo with regard to how we manage this fishery. I am quite certain from what I have heard from the public that that is just not going to go over. Referring back to our peer review, I don't think it meets the recommendations of the Peer Review Report either.

I would remind the Board that the peer review did suggest that quotas would be a good option. So, I think we need to, at least, include a couple of options under this section, anyway, that do allow for a certain amount of TAC.

CHAIRMAN PRUITT: Pete.

MR. JENSEN: Just for clarification, is this intended to be a preferred option in the case of a rebuilding schedule being triggered? Is that the context of the motion, or is this to be done any old time?

CHAIRMAN PRUITT: Roy, will you address that?

MR. WILLIAMS: What is the question?

MR. JENSEN: Is it your intent that this be the preferred option if we go into the red zone or the do not enter zone and a rebuilding schedule is triggered, then this would be the preferred option to rebuild? Is that the context of the motion?

MR. WILLIAMS: Absolutely.

CHAIRMAN PRUITT: Anyone else?

MR. ADLER: I am sorry, I don't know what the big value is to having the preferred option. If you were taking these things out with some ideas of this is where we would go if there is a problem due to fishing, and that we could look at TACs, we could look at this, we could look at that; and there was always, in some of these other plans where these shopping lists were put out, there was also a line that allowed public input as to why don't you do this if you get in trouble?

I am hoping that even in this public document, if someone were to come in the public and say, look, if you get in trouble, I think going this way, which isn't on this list, should be allowed, as long as that is still open in this Public Hearing Document, think that would be a good way to go to get another idea from the public, which is what you are trying to do.

I don't know why you need preferred option, just a shopping list type ideas. I don't know what the preferred does to things.

CHAIRMAN PRUITT: David.

DR. PIERCE: I understand where Bill is coming from. However, I would support the preferred alternative as being Number 4 if for no other reason than the PDT makes some very compelling arguments for each of the other three options, why they should not be selected. They highlight some very serious drawbacks. Of course, there are some pros but the drawbacks to me are quite significant. With Option 4, the drawbacks are not as significant. The pros are more convincing, so I would support the motion.

CHAIRMAN PRUITT: All right, Niels and then the question will be called.

MR. MOORE: I would just say that I would support the inclusion of all four options within the draft document, but I would not support a preferred alternative. Thank you.

CHAIRMAN PRUITT: All right, all in favor, signify by saying aye; any opposed. We didn't caucus but I think we know where we are going. A show of hands, all in favor, signify by raising your right hand -- one vote per state -- all right, all opposed. Okay, **the motion carries for public hearing.**

We are still going to again rehash this when we hear from the public and come back. The Executive Director would like to address the board.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: In deference to the PDT, is it possible that their language, if it were fleshed out a little, could be included as one of the options as well, in addition to just the four?

DR. DESFOSSE: You mean the language that is in this table?

EXECUTIVE DIRECTOR DUNNIGAN: I think it needs to be fleshed out a little. That was pretty clear from the discussion, but the option of having some other kind of a provision, just listed there as a sort of a fifth option.

DR. DESFOSSE: I am sure we can do it if that is what the Board wants.

CHAIRMAN PRUITT: Anybody have a comment on what the Executive Director just said?

MR. WILLIAMS: The PDT's recommendation is that harvest be constrained through an overfishing definition. It doesn't accomplish anything so why include it? You can't constrain a harvest with a definition. You have got to have some kind of a control measure.

DR. DESFOSSE: Well, I think the PDT would add language in there that would say that once that condition has been reached, in lieu of the catch control the board would go -- in lieu of an automatic measure going into place, it would be up to the board to decide what type of measure to implement in order to attain those targets.

EXECUTIVE DIRECTOR DUNNIGAN: Presumably, Joe, through an addendum process?

DR. DESFOSSE: Yes.

CHAIRMAN PRUITT: All right, Lew.

MR. LEWIS FLAGG: Yes, thank you, Mr. Chairman. I certainly would support the PDT develop that option and flesh that out. I think we need to have that in the document.

CHAIRMAN PRUITT: All right, do we need a motion for that? All right, what is the consensus of the Board on that? (Responses of "Put it in there.") Put it in there, okay, thank you. Thank you, Jack. All right, Effort Control Option.

DR. DESFOSSE: The next section is similar in that it lists I think three effort control options. The PDT recommendation is similar to what is previously recommended for the catch controls, that in lieu of an effort control harvest be constrained through the overfishing definition.

I don't know if the Board wants to identify a preferred option in this case and also go through instructing the PDT to flesh out this as another option.

CHAIRMAN PRUITT: What is your pleasure on this? Bruce.

MR. FREEMAN: I suggest we should simply list those three as a public hearing document.

CHAIRMAN PRUITT: All right, does everybody concur with that? Do we need to vote? All right, thank you. Vessel Limits.

DR. DESFOSSE: I just return to that other question similar to what Jack raised under the Catch Controls. Do you want to flesh out the PDT recommendation as a fourth option? (Responses of "Yes".)

CHAIRMAN PRUITT: On Vessel Limits, no additional reduction in fleet size because of what has happened in the last several years. Any problem with that? All right, thank you. Gear Regulation, page 60.

DR. DESFOSSE: Okay, the recommendation of the PDT is to institute a minimum coastwide mesh size regulation that corresponds to the Virginia regulations, and they are listed here in the document. This would be implemented to reduce the potential for harvest of age zero fish.

CHAIRMAN PRUITT: Any problem with that? Jule?

MR. WHEATLY: Mr. Chairman, in North Carolina there are times of the year that we can't get offshore to catch big fish. We have to catch what we call the almost 1-year-old fish, zeros to one that are already coming down out of the Virginia waters. Without the ability to catch these fish, we would be out of business. Now, if we use the seven-eighths bar net as they described in here, if the fish do swim through it, everyone of them will die.

It is also a terrible danger, particularly for fish north of Hatteras or Lookout. On rough seas, if we get marshed

up real bad and we pull the net back in, it will sink the purse boats. Also, we have fish on the beach, and it is just going to cause us a terrible problem in North Carolina.

CHAIRMAN PRUITT: Anyone else? Tom Fote and Vito.

MR. FOTE: One of the problems when we have looked at this -- and the industry always told us they don't want to target one-year-old fish, the age zeros, and that is where we are looking to get off the pressure on age zeros to let them grow. I mean, they basically have no oil, they basically, you know -- and we really should be getting off them. So I really would support putting the motion out there for Virginia's minimum size mesh.

CHAIRMAN PRUITT: Vito.

MR. CALOMO: I disagree with that, because there are times that maybe age zero or one year fish could be harvested and should be harvested, and other years we should leave them alone. It matters what the stock is.

I just want to give you an example of using too big of a mesh, and it is from my own example that I lost a \$70,000 purse seine, and almost lost my vessel because I had too big of a mesh when I was purse seining. I ran into a school of small fish. Believe me, when you lose a \$70,000 net and probably four months of fishing trying to get gear back together, it is no joke. If there is a point that we reach that we need to protect small fish, you know, that is another story.

But there are times, again, that you need to harvest the small fish, in situations where you can't get offshore, and situations where there is an abundance of small fish. Thank you, Mr. Chairman.

CHAIRMAN PRUITT: Thank you. Pat.

MR. AUGUSTINE: Thank you Mr. Chairman. **I suggest we leave both Option 1 and Option 2 in the Public Hearing Document.**

CHAIRMAN PRUITT: Is there a second to that?

MR. CALOMO: **I'll second it.**

CHAIRMAN PRUITT: All right, further discussion? Niels.

MR. MOORE: I just have one concern the way this is written here. It says, "The chosen mesh size should correspond to that which would be most effective in limiting the harvest of undersized menhaden". But you could read that as saying most effective in reducing harvest as having extremely large mesh size. That would certainly limit it. It might also limit the size of all the other menhaden that you want to target, besides two's, three's and four's.

Perhaps, if staff could just reword that a little bit there, I wouldn't have those concerns. Thank you.

CHAIRMAN PRUITT: All in favor of the motion, signify by saying aye; any opposed. **The motion carried.** All right, Season or Area Closures, page 61 in your big book.

DR. DESFOSSE: The PDT recommendation is to prohibit menhaden purse seine fishing within one mile of shore from Cape Henry, Virginia, to Cape Fear, North Carolina, from November 1st through January 31st. This has previously been referred to as the "Closed Corridor Approach" in previous plan developments. There are a number of other options that are included in the document that could be taken out for public hearing.

I will just point out there is some information that I was missing from a conference call on page 72 that I have to talk to Mike Street about. It is just clarification of the pros and cons.

CHAIRMAN PRUITT: Jule and then Steve.

MR. WHEATLY: Mr. Chairman, in North Carolina, according to the statistics or the data we turned in, I catch 50 percent of my fish from zero to a half mile off the beach. I catch 75 percent of my fish from zero to a mile off the beach. You put a mile corridor in there, you're cutting out 75 percent of my harvest. Now, we just can't live with that. No way in hell we can live with that.

CHAIRMAN PRUITT: Steve.

MR. JONES: With putting this one mile corridor in, basically, in the fall of the year at the time this is set up is when the fish are migrating down the beach. If there is a northeast wind, we cannot fish from Cape Henry to anywhere in Carolina because it is coming out of the ocean. We, hopefully, will have a southwest or northwest wind where we can go in even if it is blowing hard and fish close to shore. If we do not have this one mile area that we can fish in, then even with northwest winds we might as well close that fishery down in November, and that is it for the season.

I am not sure what are you trying to protect? Are you protecting the small fish or large? That area has both quantities of fish coming down from up north at that time of year.

CHAIRMAN PRUITT: Anyone else? Jule?

MR. WHEATLY: I will bring a picture -- I think Mike has already seen it -- that we had small fish off the beach, about one-year-old fish, and they were right in the surf. If we hadn't gone in and busted those fish up, there would have been about 250 to 300 million dead menhaden on that east side of Core Banks.

I think, Mike, you have seen that picture, haven't you? They were in there smothering to death. So, if we had been restricted, there was no way we could have saved those fish.

CHAIRMAN PRUITT: Personally, I think if we do everything else right, we shouldn't need this in here. I mean, what little industry we have left in both states, I just can't see putting them out of business with one stroke. Pat.

MR. AUGUSTINE: Mr. Chairman, **I would suggest that we keep Options One, Two and Three in the Public Hearing Document.**

CHAIRMAN PRUITT: Is there a second? **Seconded over here.** Any further discussion? We will have time to argue this out after the public hearing when it comes back to the Board. All in favor, signify by saying aye; any

opposed. **The motion carries** to go to public hearing. All right, minimum size limit, page 62.

DR. DESFOSSE: The PDT is not recommending a minimum size limit. We are recommending protection of age zero fish through the previous action, doing the season and area closure. There are two options listed in this section.

One, no minimum size limit, and a second to establish a minimum size limit that corresponds to 50 percent maturity. That should actually be a range of 180 to 230 millimeters. I have to check with Doug to get the exact number.

CHAIRMAN PRUITT: All right, comments? Pat.

MR. AUGUSTINE: Mr. Chairman, I suggest we leave both options in the Public Hearing Document as stated.

CHAIRMAN PRUITT: Anybody have a problem with that? Mr. Travelstead and Bill.

MR. JACK TRAVELSTEAD: I can't imagine how a minimum size limit would ever be enforced in a purse seine fishery. I mean, you are talking about hundreds of thousands of fish on one vessel. How could you ever possibly cull the catch? I mean, this section ought to be eliminated. You ought to eliminate the whole thing from the document. There is just no way it could ever be enforced.

CHAIRMAN PRUITT: Bill and then Bruce.

MR. ADLER: I was going to say something similar to that. While I think the concept is great, in this fishery where we are dealing with volume, you then have to get into a percentage of -- it has to go like a percentage of the catch would have to be under a certain size, and I am just looking at the environmental officers trying to jump into this pile of fish to find a short. Think about this.

CHAIRMAN PRUITT: Tom.

MR. FOTE: I think it is more effective if you were talking about the bait industry when you talk about minimum size, and maybe that is where it needs to be included.

I mean, as a matter of fact, it was our bait industry that came to the public hearings that we had in our state, carrying a 10-pound block of frozen menhaden and basically saying, "These shouldn't be caught by our industry". And it was them that were saying -- it wasn't us -- it was them who were saying that we shouldn't be doing that, we should wait until they grow.

So it was them that came to our public hearing and so I would like that, at least, for the bait industry, since they came to our public hearings and stated that they didn't want to see those fish caught by recreational or anybody else.

CHAIRMAN PRUITT: Bruce.

MR. FREEMAN: Relative to minimum size -- and I am not sure this is good bad -- whether minimum size makes sense or not, but I would see this, if it were to be included, be done on a seasonal basis and not on an individual trip basis. We have records now showing the catch by age for each of the years so we know what the ratio is, and it would be a target or could be a target for the industry on a seasonal basis, so they would concentrate on older fish or younger, whatever the case may be.

But I agree with Jack, you are not going to do it on a boat-by-boat basis because it is just not practical nor probably doable. But I still think there could be some value to it if you want to do it on a seasonal basis.

CHAIRMAN PRUITT: Thank you, Bruce. John, Vito, and Jule.

MR. CONNELL: Joe, this is a question of general management measures that we have been talking about and not just this one, although it is appropriate in this case since we are talking about one that might not be appropriate now.

But you never know with technology what might happen in the future. Are we building into this amendment some sort of framework that will allow us to revisit any of these at a later date, so that we don't then have to go to amendment or an addendum in order to implement something which maybe now we don't think is appropriate, but later would be?

DR. DESFOSSE: Yes, as with all the Commission plans since the passage of the Atlantic Coastal Act, there is an adaptive management section in the document, and all the potential management measures could be listed in that section that the board could choose to implement at a later date.

MR. CONNELL: Yes, but as long as that comprehensive list is included, that is great.

CHAIRMAN PRUITT: I believe Jule is next.

MR. WHEATLY: You know, when you talk about size limits, and you are talking about, like somebody said before, you are talking about hundreds of thousands of fish, we are not talking about hundreds of thousands of fish. We are talking about a million and a half, two million fish. So if you come there and confiscate the catch, what are you going to do with them after you confiscate them? You're going to buy a hundred truck loads of dead menhaden you're going to have on your hands.

CHAIRMAN PRUITT: Then you've got another group raising Cain. Vito and then Paul Perra.

MR. CALOMO: Menhaden sometimes travels in different sizes, that is number one. Number two, you get 300 ton of menhaden in a purse seine and you have different sizes and you dry them up, and the captain says "Oh, gee, these fish are too small". Then he is going to dump them. He doesn't want to get anybody mad at him, he doesn't want to break the law, he doesn't want to do anything wrong, he is going to dump them. I am a fisherman for the past three generations. I would dump them.

I have dumped, not menhaden, but herring of small size. Believe me, I don't care if it is in a purse seine, most of them will die. So, you have got to be careful what we are doing here. I beg you to think. Thank you.

CHAIRMAN PRUITT: All right, Paul.

MR. PAUL PERRA: I just have to say that I don't think we should have an impractical measure going out to public hearing. This is just impractical, particularly since we are targeting it towards the purse seine industry. I think we ought to drop it, that is my comment.

MR. FLAGG: Thank you, yes. I concur with what Paul said. I think we would be creating false expectations with the public on something we just can't deliver to them. I think it would be better to just take this right out of the document and not put this forward.

CHAIRMAN PRUITT: All right, you heard what Mr. Perra said. Is there consensus, or we need to vote? (Responses of "Take it out") All right, take it out. All right, Joe, Fixed Gear Fishery; no management measures proposed.

DR. DESFOSSE: Right. The PDT did not address the fixed gear fishery in terms of proposing any management measures. It was felt that the fishery at this point is not a major player in terms of its size versus the reduction fishery and the bait fishery.

CHAIRMAN PRUITT: 63, Measures to Reduce/Monitor Bycatch, no measures proposed.

DR. DESFOSSE: That is correct.

CHAIRMAN PRUITT: All right, Other Management Alternatives, and we have two listed there on page 64 of your big book.

DR. DESFOSSE: Actually, it starts on page 63. The first one is Option 1. This is the recommendation from AMAC from the spring meeting, and that is to open up state waters that are now closed beyond one nautical mile from shore.

You can see that in the middle of the page there in bold. And during the interval of this five years, the Scientific and Research Analysis should be accomplished to evaluate the effects of the action relative to the forage base, the health of the menhaden stock and recruitment to age one. Let's take up these separately.

CHAIRMAN PRUITT: Okay, Tom Fote and John next.

MR. FOTE: We have the Atlantic States Marine Fisheries Commission and the National Marine Fisheries Service dictating size limits, bag limits and everything else in our states.

How we manage a fishery within our states should be up to that state. I don't think this option is appropriate because the Commission shouldn't tell states how to basically promulgate their fisheries in their own state. I mean, we tell them size limits, we tell them bag limits, we tell them how much they can catch. But what that state really decides by itself is how it basically conducts the fishery, and I think it should be left up to the state.

It is like telling Massachusetts or Maine that you should open up the state to dragging for lobsters. We tried to do that -- I saw Bill's face wide open. Well, that is the same thing you are trying to do here. I don't think it just flies.

CHAIRMAN PRUITT: Gordon.

MR. COLVIN: **I move we delete all four of these.**

MS. SHIPMAN: **Second.**

CHAIRMAN PRUITT: The motion is to delete all four, and it is seconded? All right, now, further discussion?

MR. AUGUSTINE: Call the question.

CHAIRMAN PRUITT: The question is called. All right, all in favor, signify by saying aye; any opposed. Well, that moved kind of fast. **The motion carried.** Personally, I think, I wish it could be addressed up the road. Somewhere New York ought to give us a little space. The next item is General Procedures. Any comments, Joe?

DR. DESFOSSE: Yes, page 66, the PDT recommends that new rules be implemented at the start of the new fishing season, March 1st, rather than during the current fishing season.

MR. AUGUSTINE: What item are we, Joe, please?

DR. DESFOSSE: Excuse me?

MR. AUGUSTINE: What item are we on, please?

DR. DESFOSSE: Page 66, Item 4.5.1, the bold italics.

CHAIRMAN PRUITT: Any comment? What is your pleasure?

MR. AUGUSTINE: Leave it alone, no action.

CHAIRMAN PRUITT: All right, there seems to be no problem with 66, 4.5.1. The next one is *de minimis*, Page 66.

DR. DESFOSSE: The recommendation from the PDT is that no state with actual or potential menhaden purse seine fishing waters be granted *de minimis*. Since so few of the states have really high landings, this could be a problem using the traditional methods in the Commission's FMPs.

There was a table that was passed out prior to the start of the meeting. This lists for the period 1985 to 1999 the state-by-state landings for the bait fishery, the percentage of those landings for each of the states by the bait fishery, and then the last line adds in the reduction fishery landings for that year not attributed to any of the states, and you see what that does to the percentages. New Jersey remains over the traditional 1 percent at 6.1 percent. Maryland is almost at 1 percent. PRFC's is slightly over 1 percent, and Virginia is at 8.6 percent.

All the other states using the traditional 1 percent *de minimis* standard would be *de minimis*. So the recommendation from the PDT is that there not be *de minimis* for this plan.

CHAIRMAN PRUITT: The Executive Director will address the Board again.

EXECUTIVE DIRECTOR DUNNIGAN: I have a question for the PDT. The *de minimis* requirements require that you specify the measures that a state would be excused from implementing because they are *de minimis*. I can't find that language in here that says what they are being excused from, and that I think would help the discussion.

DR. DESFOSSE: Okay, the PDT did not have that discussion.

EXECUTIVE DIRECTOR DUNNIGAN: Well, then you can't discuss *de minimis*.

CHAIRMAN PRUITT: Mike has a comment.

MR. STREET: The issue here with *de minimis* is much less catching the fish than the ecological role of menhaden in predator/prey, clearing the water, things like that. And if in fact this plan is eventually to move in the ecosystem direction, then no state in fact is *de minimis* because they all provide significant habit for menhaden at some stage in their life.

And if, in fact, that is an intent, which has been stated by a number of members of this board, then no state can be *de minimis*. It may be that we need a special consideration of what *de minimis* really is for this plan.

EXECUTIVE DIRECTOR DUNNIGAN: If I may, Mr. Chairman, that may be, but until you have a management measure that you are going to excuse a state from implementing because they are *de minimis*, the issue is irrelevant. Unless there is something more here, I don't see why the draft ought to even discuss the issue *de minimis*.

CHAIRMAN PRUITT: Well, do you think a state that doesn't have a fishery ought to be involved in managing the fishery?

EXECUTIVE DIRECTOR DUNNIGAN: I'll leave that up to you. Mr. Chairman, that is different from the question that --

CHAIRMAN PRUITT: I know it is and I shouldn't have asked you. I couldn't help it.

MR. AUGUSTINE: I recommend we drop Section 4.5.3 from the document.

CHAIRMAN PRUITT: Second to that? Second by Bill Adler. All right, further discussion?

MR. WILLIAMS: In dropping *de minimis*, does that mean each state each year is going to have to report what their menhaden landings are and so on?

MR. AUGUSTINE: Even Georgia.

CHAIRMAN PRUITT: Oh, absolutely.

MS. SHIPMAN: And I do know what they are.

MR. WILLIAMS: I mean, they're minuscule. It just seems like a big waste of time to me.

CHAIRMAN PRUITT: There's a lot of that going on. All right, who else wanted to speak? Paul.

MR. PERRA: I just want to be clear on what we are doing. If we take this out, then would you have to have a plan amendment to declare if the state was *de minimis*?

For instance, if Georgia wanted to be excused from reporting its purse seine landings of menhaden, or some survey that they might have to do, or something in the future, would we have to go back and amend the plan?

DR. DESFOSSE: No, I was going to come up with an alternative suggestion, and I will watch to see if Jack is shaking his head. On the top of page 67 is the standard language that is included for *de minimis*.

If we just add something in there following this section up that says, "The Management Board will determine which management measures would be *de minimis* at a later time", and not worry about the PDT recommendation, this way the Board can revisit the issue after the public hearings.

CHAIRMAN PRUITT: Bill.

MR. ADLER: And then it would just take an addendum to put in the details?

DR. DESFOSSE: No, you would decide at your next meeting if there were measures that you would designate as *de minimis*.

MR. ADLER: You could; or, you've left the door open that an addendum could do it at a later time. You have done that also.

CHAIRMAN PRUITT: Doug.

MR. GROUT: I guess I would like to support keeping this in -- this is a public hearing document -- as an option. And I guess because there are potential management measures that may come out of this management plan, i.e., a minimum size, total allowable catch restrictions, potential area closures.

I would recommend that we leave this as an option and as a tool for the Board to potentially use depending on what we finally decide on after the public hearing, after this has gone out to public hearing.

CHAIRMAN PRUITT: Bill Goldsborough.

MR. GOLDSBOROUGH: I think I agree with Doug, but the point is just as the Executive Director said, you can't really define what *de minimis* is right now, but just because we decide we are not going to put reference to it in the PID, it doesn't mean that there won't be a *de minimis* status in the final FMP.

It just seems to me that is something we will decide later on once we have defined the management measures.

CHAIRMAN PRUITT: All right, do I have a motion? Pete.

MR. JENSEN: This doesn't go to *de minimis*. It is on another subject, so maybe you want to wait on it.

CHAIRMAN PRUITT: Yes, we will have to wait. Let's get this out of the way. What is your pleasure?

MR. AUGUSTINE: Call the question.

CHAIRMAN PRUITT: All right, is there a motion?

MR. AUGUSTINE: I made the motion to remove the section.

CHAIRMAN PRUITT: Read it.

MR. AUGUSTINE: Mr. Chairman, **move to remove Section 4.5.3 from the document.**

CHAIRMAN PRUITT: Who seconded it?

MR. PERRA: **Bill Adler.**

CHAIRMAN PRUITT: All right, do you want to leave it like it is?

MR. AUGUSTINE: Yes, I have no reason to change it, unless you want to add something else to it.

CHAIRMAN PRUITT: Paul.

MR. PERRA: Yes, I could accept that motion if we would accept Joe's language to suggesting to putting some language that would give the Board flexibility to deal with it at a later date.

MR. AUGUSTINE: Mr. Chairman, could he perfect it?

CHAIRMAN PRUITT: It will be perfected. Okay, then let's go back to Pat.

MR. AUGUSTINE: I will accept the language change that Joe will put in there to describe what -- oh, it is Paul's rather than Joe's, I am sorry. Paul, are you going to describe the language to address that?

CHAIRMAN PRUITT: That has been accepted by the seconder. All right, okay. Do you know what you are voting on? (Responses of "No.")

DR. DESFOSSE: Let me try to clarify. **The intent then is to delete the first two sections of 4.5.3 that says the Board may wish to discuss whether to allow and the PDT note, go with the standard language that is in the usual FMP's with a clarification that the Board will revisit this at a later date to determine what measures will be *de minimis*.**

MR. AUGUSTINE: Exactly.

CHAIRMAN PRUITT: All right, all in favor, say aye; any opposed. **Carried.**

DR. DESFOSSE: The final section in the draft document deals with the make up of the Atlantic Menhaden Management Board, Section 4.8.2, on page 68. There are two options in here.

One is to keep the Management Board the current make up as you sit here today. And the other option, which is actually Option 1, is to constitute the Management Board as all the other Commission Management Boards are constituted.

CHAIRMAN PRUITT: All right, I've got Steve first and then Senator Gunther is next.

MR. JONES: Bill, with the consolidation of industry in recent years, there obviously are less players now. And I would like to make a **motion for Option 3, which would read, "The voting membership of the board should be as follows: Same as Option 1, but will include the following: three industry members to represent different sectors of the industry appointed by the Chair of the Policy Board, with due regard being given to the geographical range of the fishery and one member from the National Fish Meal and Oil Association"**.

CHAIRMAN PRUITT: Is there a second to that motion?

MR. CALOMO: **I will second it.**

CHAIRMAN PRUITT: Seconded by Vito. Now further discussion? Senator Gunther.

SENATOR GEORGE L. GUNTHER: Well, that saves me a little bit on making motion one, that Option 1 be adopted. Really, I think this is just another side stepping to something that I thought we resolved last October, to be honest with you.

Sit around long enough, history repeats itself. This time you can do it in nine months. Now, I would oppose the suggestion that we set up an Option 3. I think that if we are going to listen to general public, that we expect to get credibility back into this fishery, I think we have got to go the route of all other species that are in there.

I think by doing this, by adding to the board the commercial people that have been on it practically the same as what it is now, no matter how you slice the bologna, it is still bologna; that by adding the commercial end of this into this, I think you jeopardize your credibility in this area. And I think these people should know that. As far as I am concerned, I think that we should get down to the brass tacks, because this thing has been on the table for the Policy Board since last October.

And I think that Option 3 is not what I would consider to be acceptable. And if you are going to go to public hearing with it, God bless you that are going to public hearing, because then you will find out what us legislators have to go through, not that you don't go through a lot of hack and that.

But I think this suggestion that has been proposed at this point should be rejected thoroughly, and let's get on to adopting Option 1.

CHAIRMAN PRUITT: Vito.

MR. CALOMO: Thank you, Mr. Chairman. I think this should be accepted to go to public hearing. I don't see any harm in letting the public decide and giving their vote on another option. Having three or four of them on the board, I think would help in management in the long run. I firmly believe they are the professors of this menhaden industry, yet they could not control the board. To go out to public hearing with a third option that does not slight the industry and that shows the public that we brought them out to get their opinion, I think is an excellent idea. Thank you.

CHAIRMAN PRUITT: Thank you, sir. It is never been my policy to get involved in debate as Chair, but, Senator Gunther, it has always been my philosophy that industry should be on all the boards -- just the opposite from you. And if you want to take the credibility thing all the way back, that is just my personal feeling. Tom.

MR. FOTE: This is not the first time we went out to the public with this document. We went out basically as a scoping document, and it was pretty loud and clear when we took it to our state what the options they basically submitted. So, that is why I don't think Option 3 is necessary. I mean, we have already taken this document out once. We took it out as public information when we were building it on scoping document. So that has already been out there. And we were pretty loud and clear.

I mean, I think we should leave Option 1 and 2 and let the public comment on Option 1 and 2 because the

existing board, another option just confuses the issue. But they already made it clear in our state what they prefer from Option 1 or 2.

But we already had that discussion, we already went out to public hearings, leave Option 1 and 2 to go back out to public hearings with and see what the public says.

CHAIRMAN PRUITT: Jule, Roy and Niels.

MR. WHEATLY: I have said this before, but the Board has grown so much. This Board and National Marine Fisheries Service Board praised the law at North Carolina where the Moratorium Committee, within the law -- they praised North Carolina for its new management plan that came out of the legislature. And what we came up with were management plans for all species of fish. It was mandated and legislated by our legislators that the boards could be comprised of recreational fishermen and commercial fishermen and scientists to come up with these management plans.

And we have come up with some of the best plans so far. We haven't finished them, we are far finishing them, but at least we had a start. Now we have got two people that are telling us that they don't want us on the Board. For what reason, I don't know. But, anyway, they don't want us on the Board, but yet this same group, the Atlantic States Marine Fisheries Commission, praised the law at North Carolina for its legislation on how to write management plans.

CHAIRMAN PRUITT: All right, Roy, Niels, Vito and Preston.

MR. WILLIAMS: I just have a question. I need clarification. I understand Option 1. Then is Option 2 Option 1 plus the seven industry members and a National Fish Meal and Oil Association member; and that Option 3 would be Option 1 plus three industry members, rather than seven? So Option 3 actually gives industry less influence than Option 2?

CHAIRMAN PRUITT: That is right. All right, Niels.

MR. MOORE: Thank you. Obviously, I would support the inclusion of Option 3 here as a part of this draft document, and I think the reasons for this speak for themselves.

It would be nice to use a cookie cutter approach in terms of management, but in this instance this is a unique fishery. You have before you here at your disposal at all times two gentlemen who can account for 80 percent of the landings. If this Board wants a quick answer to a question that it is not going to have an obvious answer to, you've got them right here.

I have heard the arguments of the fox guarding the henhouse as being a reason not to have industry members on the board. Hogwash! If three or four industry members are somehow going to form a majority of the Board, I just don't -- it is mathematically impossible.

Certainly, I would hope that you would support at least the inclusion in this draft document Option 3. Thank you.

CHAIRMAN PRUITT: Vito.

MR. CALOMO: Thank you, Mr. Chairman. Overfishing is not occurring. We are not overfished. Again, the public will have an opportunity to have their say in this matter.

Today more than any other day in the history of fishing we must have a joint collaboration of management and industry working together to solve the problems. If we eliminate these people, we are not solving the problem, we are just alienating them. This is not a way to have management in the year 2000. You are talking three or four men, they are not going to control it.

We are going to control it together and work to solve the problems. Thank you, Mr. Chairman.

CHAIRMAN PRUITT: Thank you, sir. Preston.

MR. PRESTON PATE, JR.: Thank you, Mr. Chairman. I would like to express my support for leaving industry representation as an option in the plan, but I was curious to know why, in the sake of simplicity, we couldn't simply substitute Option 3 for Option number 2, which would possibly eliminate some confusion by the public as to why we would need seven versus three member of industry on the board?

MR. BORDEN: Yes, Pres, just made part of the comment that I was going to make. Essentially, it's just another version of Option 2, so put a range on Option 2 of the industry advisors; and if people agree with that, then I call the question, Mr. Chairman.

CHAIRMAN PRUITT: Well, Bill has had his hand up a long time.

MR. ADLER: It was basically that. If you just took Option 2 and said, under Number 5 "up to seven industry" -- just did it that way, then that covers the 3, 4, 5, 6 up to 7.

CHAIRMAN PRUITT: Jaime.

DR. JAIME GEIGER: A comment, Mr. Chairman. I think effective and efficient partnerships are done by being inclusive rather than exclusive. I think Pres has put a good suggestion on the table.

CHAIRMAN PRUITT: Thank you. All right, Steve, you have heard those comments, you made the motion.

MR. JONES: Right. I guess I still disagree with the Option 2, the seven board members, because I have heard some board members -- Senator Gunther says, you know, it is just the fox guarding the henhouse.

I really wanted to get away from it, and I don't think that ever happened. I know it didn't, but we still feel like we could be a viable resource of knowledge and all to this Board and that is why we would like -- even though in reduced number so that it doesn't look like it is being controlled by industry, we can add a lot to this Board.

That is why we came with this third option that we would like to be in. But I think if you put it seven, I think it would probably be automatically kicked out by the public. But we would like to be represented on this Board and

that is why we lowered our numbers.

MR. AUGUSTINE: Call the question/

CHAIRMAN PRUITT: All right, the Senator had his hand up before you called that, so I want to hear from Senator Gunther.

SENATOR GUNTHER: Well, frankly, and I might say, Mr. Chairman, your remarks relative to the other fisheries and the species board having members on it, I believe there probably are. There is an option there for the Governor to appoint members of the commercial fishery. And they are on here, and they do a good job and they are an individual one of three representing each state. But I think to take and -- if you will look at your own constitution, you made an exception when you set up the Menhaden Board by including the numbers of people in the commercial fishery.

If you will take a good look at it, they have got a good structure; and if you felt that that were the case, that they should have specific species commercial people on each one of these, it has been a long time, what is it, 40 some odd years that this Board is established. It has been that way for, I imagine, all those years, and why didn't you take and include these? I don't mean you, specifically, but as a Board. I do believe -- I don't care whether you use Option 2 or 3, and you go out to public hearing, I think you are going to get an earful.

Maybe, I shouldn't oppose it, except that I do believe that we should have this specie represented as all other species boards that you have here, with the proper structure that is set up by your own constitution. So, in my book, I think it is something that we should take and reject this Option 3. In fact, I would like to see the thing go out with no options other than Option 1.

I don't know why you are giving the choices. In fact, all through this whole document, I am amazed at what you are going out to public hearing with, and I am not a pro, not when it comes to the fisheries and that type thing. But I think putting these types of options, you're inviting all the way up and down the line public hearings that I am glad that my good friend, Mr. Beckwith, will be at them, because I am not going to go to it, I will tell you that.

I had my fill of that all year long. I don't need to do it on fishery regulations, especially with the inclusion that you are putting in these documents. I sit here and I listen to you talking about a minimum mesh size and that type. I have been up with the menhaden spotters that told me, the age probably told me how many scales were on the damned fish. They are that accurate. And here you are talking about a minimum net. When they set a net, they know damned right well what they are setting it on, and these people up there -- you fly with these guys if you don't believe it.

There are a lot of regulations you are talking here that they already know what the ballgame is. But you are going to go along with this whole fiasco of having public hearings on it.

All I know, Mr. Chairman, I think that you want to get credibility, and it is my opinion that if you want to get really a board that I think would get the acceptance of the general public and that out here, I think we probably should have a normal species board because that fox in the henhouse -- a little smarter up in Connecticut, maybe. But, all I can say is, you sit or four to seven men on this board, and there is a hell of a lot more influence being done, I would say on the perimeter also. And I am talking credibility, I am talking about -- I believe in the management. I fought for the management. In fact, I fought for these guys for years until you started playing political games last October and that sort of thing. So, all I can tell you, they're great game players, and it is going to be very interesting in the public hearing, but I would still say reject Option 3.

I would like to reject Option 2, and I would like to see Option 1 be put up for public hearing.

CHAIRMAN PRUITT: Thank you, Senator. I wish you had been here yesterday to help me a little bit. We have had some discussion here on this motion, and I think Preston probably made a suggestion here that would take care of the issue.

MR. PATE: In fact, Mr. Chairman, **I was going to offer that as a substitute motion to --**

CHAIRMAN PRUITT: I was hoping to get Mr. Jones to withdraw his motion in lieu of that, but he is not willing to do that. So, let me have your substitute motion.

MR. PATE: **That we replace Option 3 with the motion that was -- I mean, excuse me -- Option 2 with the motion that was made by Mr. Jones.**

MR. JONES: Okay, yes, I am fine with that.

CHAIRMAN PRUITT: You accept that?

MR. JONES: I thought we had different numbers. Okay, that is fine.

CHAIRMAN PRUITT: **Seconded by Jaime, Dr. Geiger.** All right, that is what is before us. All in favor, signify by saying aye; any opposed. **The motion carries.** Okay, thank you very much. Joe, that concludes this section.

DR. DESFOSSE: There are just two items I wanted to check on with the Board before we get ready to approve this for public hearing.

On page 45, Section 2.8, Implementation Schedule. Questions were raised at the PDT level as to whether or not this pertained to the time frame of reducing fishing mortality or attaining a target biomass level. My understanding is that this section is the implementation schedule which pertains to when the management measures chosen for Amendment 1 will be implemented by the states. Is that the Board's sense as well? (Responses of "yes.")

DR. DESFOSSE: We have already dealt with rebuilding schedules.

CHAIRMAN PRUITT: All right.

DR. DESFOSSE: I am clear on that. And then the final thing in the draft is that at the bottom of that page there

was going to be a question pertaining to schedules and when reports are due, but based on the decisions that the Board has made already in terms of implementing new regulations at the start of the fishing year, everything falls into place there. So that section will be deleted, that underlined section.

CHAIRMAN PRUITT: You are now on Item 8, is that right?

DR. DESFOSSE: Seven.

CHAIRMAN PRUITT: All right, Item seven on your main agenda. We are now going to vote on taking the draft to a public hearing. Bill.

MR. ADLER: **I will make a motion that we take the public document as amended and change to public hearing.**

CHAIRMAN PRUITT: Is there a second? **Second by David.** Further discussion?

MR. JENSEN: Mr. Chairman.

CHAIRMAN PRUITT: Pete.

MR. JENSEN: You skipped me on a couple of details. Roy made a comment earlier about states being required to report. There are no mandatory reporting requirements in this plan. It is all based on adoption of ACCSP at some future date. I just want to make that clear, okay?

DR. DESFOSSE: Yes.

MR. JENSEN: And, Joe, there is something that needs to be removed here. On page 53, 4.2.5.2, I don't think we are going to be doing any recreational surveys.

CHAIRMAN PRUITT: All right, what is that, Pete?

MR. JENSEN: 4.2.5.2, I think was probably picked up as some boiler plate from some other format.

CHAIRMAN PRUITT: Right. All right, with those corrections, all in favor, signify by saying aye; any opposed. **Carried**, the document goes to public hearing.

MR. AUGUSTINE: Make a motion to adjourn.

CHAIRMAN PRUITT: One more agenda item.

DR. DESFOSSE: I will note that the tables and figures for the draft amendment will be put together and --

CHAIRMAN PRUITT: Ladies and gentlemen, I know it is getting late, but let Joe have your attention, if you would.

DR. DESFOSSE: -- they won't go out as separate documents, and I will put together a summary document as well to go along with the so-called "bible".

2000 FMP REVIEW

The last agenda item is review and approval of the 2000 FMP Review. It is a standard FMP Review that you see every year for menhaden. It has been updated with the current as of 1999 fishing mortality rates and the biomass amounts, population size and their -- I'm checking to see if there are recommendations. The regulatory recommendations are being addressed through the amendment process, so there is nothing really that the Board needs to act on this FMP Review except for review and approval.

CHAIRMAN PRUITT: All right, review and approval, is there a motion? Pat.

MR. AUGUSTINE: **So moved**, sir.

CHAIRMAN PRUITT: **Second by Bill.** Any further discussion? All in favor say aye; any opposed? **The motion is carried.**

MR. AUGUSTINE: Motion to adjourn, sir.

CHAIRMAN PRUITT: Any other items?

MR. FOTE: I was just going to make a motion to adjourn and really compliment the Chairman for basically doing a nice meeting in a short period of time, which I thought would take another hour and a half.

CHAIRMAN PRUITT: The meeting is adjourned. Thank you, sir.

(Whereupon, the meeting was adjourned at 5:45 o'clock p.m. August 22, 2000.)
