

ATLANTIC STATES MARINE FISHERIES COMMISSION

Quality Hotel & Conference Center Arlington, Virginia

ATLANTIC MENHADEN MANAGEMENT BOARD

April 24, 2001

Approved July 17, 2001

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ATLANTIC STATES MARINE FISHERIES COMMISSION

Quality Hotel & Conference Center Arlington, Virginia

ATLANTIC MENHADEN MANAGEMENT BOARD

April 24, 2001

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Attendance

Board Members:

Lew Flagg, ME DMR
Dennis Abbott, proxy for Rep. Blanchard, NH Leg. Appte.
Dr. David Pierce, MA DMF
David Borden, RI DEM
Ernest Beckwith, Connecticut DEP
Pat Augustine, NY Gov. Appte.
Tom Fote, proxy for Sen. Bassano, NJ Leg. Appte.
Jeff Tinsman, proxy for Andrew Manus, DE F&W
Howard King, proxy for Eric Schwaab, MD DNR
Pete Jensen, proxy for Del. Guns, MD Leg. Appte.
Jack Travelstead, proxy for William Pruitt, VA MRC
Melvin Shepard, proxy for Rep. Redwine, NC Leg. Appte.
David Cupka, SC Gov. Appte.
Bob Palmer, proxy for Ken Haddad, FL FWCC
Dr. David Perkins, proxy for Dr. Geiger, USFWS
Richard Daiger, Bevans Oyster Co.
Steve Jones, Omega Protein

John Nelson, NH Fish & Game
Ritchie White, NH Gov. Appte.
Bill Adler, MA Gov. Appte.
Gil Pope, RI Gov. Appte.
Dr. Lance Stewart, CT Gov. Appte.
Bruce Freeman, NJ DF&W
John Connell, NJ Gov. Appte.
William Windley, proxy for Bill
Goldsborough, MD Gov. Appte.
A.C. Carpenter, PRFC
Red Munden, proxy for Preston Pate, Jr.,
NC DMF
Susan Shipman, GA Coastal Res.
Kathy Barco, FL Gov. Appte.
Paul Perra, NMFS
Neils Moore, NFMOA
Jule Wheatly, Beaufort Fisheries

Ex-Officio Members:

Mike Bloxom, MD DNR, LEC Rep.

Other Commissioners:

Staff:

Dr. Joseph Desfosse
Dieter Busch
Carrie Selberg

John H. Dunnigan
Tina Berger

Guests:

Kenneth B. Lewis, CCA - MD
Kelly V. Place, VA
Joe Smith, NMFS
Columbus Brown, USFWS

Dick Brame, CCA
Tim Hobbs, NCMC
Dennis Abbott, NH
Bill Cole, USFWS

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

Atlantic Menhaden Management Board

April 24, 2001

SUMMARY OF MOTIONS

1. ***Move that the Board recommend to the Commission that Amendment 1 to the Atlantic Menhaden Fishery Management Plan be adopted.***

Motion by Mr. Augustine, second by Mr. Borden. The motion carries with 20 in favor and 1 against.

2. ***Motion to elect David Borden as Chair.***

Nominated by Mr. Cupka, motion to elect unanimously by Ms. Shipman, second by Mr. Adler. Motion adopted without objection.

3. ***Move to nominate Jack Travelstead for Vice-Chair.***

Motion by Mr. Augustine, second by Mr. Nelson.

4. ***Move to elect Mr. Travelstead by acclamation.***

Motion by Mr. Adler, second by Mr. Freeman. Motion adopted without objection.

ATLANTIC STATES MARINE FISHERIES COMMISSION

ATLANTIC MENHADEN MANAGEMENT BOARD

Quality Hotel and Conference Center Arlington, Virginia

APRIL 24, 2001

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The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, and was called to order at 8:00 o'clock a.m. by Executive Director John H. Dunnigan.

WELCOME/INTRODUCTIONS

EXECUTIVE DIRECTOR JOHN H.

DUNNIGAN: Good morning and welcome to the meeting of the Atlantic Menhaden Management Board. As is the Commission's practice, when the Chair and Vice-Chair are not able to chair a meeting of the Management Board, the senior staff person in attendance does so. As was the case of the last Management Board meeting, Commissioner Pruitt, who is the Chair, is not able to be here today. Mr. Moore, who is the Vice-Chair, would like to have the opportunity to represent the views of his constituents fully in the debate without having to be the Chair.

So, in that circumstance, unless there's any objection, I will Chair the meeting this morning. Seeing none, that is how we will proceed.

APPROVAL OF AGENDA/MINUTES

All of the materials for this meeting have been distributed to you previously. The agenda is in the beginning of those materials. Has everybody had a chance to look at what our agenda is for today?

Is there any objection to the agenda as presented? Seeing none, the agenda is approved.

Minutes from the last board meeting, January 30, 2001, have been included in the briefing materials. You've all had an opportunity to review those. Are there any comments on the minutes? Mr. Freeman.

MR. BRUCE FREEMAN: I have a comment on the briefing material. These were sent to me by CD-ROM. So far as the one I received, it was impossible to get this to operate, even following the instructions.

There needs to be some mechanism so far as

providing information. If that CD ROM, for some reason is not functional, or at least not functional on my computer or three other computers in the office, it creates a problem because we don't have the information prior to the meeting.

EXECUTIVE DIRECTOR DUNNIGAN: Bruce, I see your point. I agree with it. Everybody ought to understand that when we're distributing these materials by CD-ROM, if you can't make it work, or if you have any difficulty with it, call the office and we will get you a hard copy of those materials immediately.

The other thing I can suggest is that the briefing book is also posted on the Commission's website, and you may find that you're able to download what you need from the briefing materials off the website, even if you're having some difficulty with the CD-ROM.

But Bruce raises a good point. Everybody should understand that if you have any difficulty with the technology that we're using to distribute these materials, call the office and we will get them to you. I apologize for any inconvenience you may have had, Bruce. Other comments on the minutes? **Any objection to approving the minutes? Seeing none, the minutes are approved.**

PUBLIC COMMENT

At this point in our meetings, we always allow the opportunity for the public to make any general comments that members would like to to the Management Board. As time permits, it is my intention to allow public comment on the various agenda items that come before the Board as we go through them. But at this moment, I'd like to ask the members of the public whether there are any who at this time would like to come forward and make any comments to the Management Board about matters that are on its agenda today, or other matters relevant to its jurisdiction? Mr. Fletcher.

MR. JIM FLETCHER: I understand I'll probably upset Mr. Wheatly, but it's not intentional. I noticed that you've got something in here, and after just receiving the document this morning, looking on Page

17, it said, "vessel limits". This whole process has moved along figuring that the industrial harvest was only by two major players in the game. But as other management has forced some of the larger commercial trawlers out, total fisheries management has never looked at the amount of vessels that we have in the total U.S. fisheries.

This past winter some of the trawlers that got forced out of other fisheries because of the short flounder quotas, because of the reduction on weakfish below the shoals -- management measures that you all put in place -- these men need to survive, and I get paid to speak for them. I want it on record that they need to be allowed a share of this if you're going to continue management that forces them out. We've never come in and asked, but it's a fishery that's going to basically be divided between two industrial users and the bait users.

By being part of the fishery, these commercial trawlers need to be allowed a place in here. This vessel reduction doesn't need to lock it into 12 vessels because we're changing fisheries management as we move along. The commercial side of it with the trawlers are basically being moved out. I want to come to this table today and say, "Hey, keep them in mind when you pass this", because you have nothing in here to allow any more than 12 industrial boats. We've got the potential of 1,047 that are above 50 feet that can move into it. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you very much, Jim. Are there other members of the public at this time that would like to make a statement to the Board? Seeing none, we'll move on.

One more housekeeping matter; I failed to check the roll. I think that unless there's an objection, we will ask staff to note for the record those members of the Management Board who are in attendance today, and I will note on the record that there is a quorum present. Is there any objection? Seeing none, we will proceed in that fashion.

APPROVAL OF AMENDMENT 1

The principal item of business that the Board has before it this morning is the recommendation that Amendment 1 to the Fishery Management Plan for Atlantic Menhaden be adopted, a recommendation to the Commission. That document has been discussed extensively and debated at the last two board meetings. We did an awful lot of terrific work in January. The staff has since incorporated all of those comments into the document, and it has been distributed to all of you within the past month.

We don't expect that there's going to be a lot of

discussion that we have to have today. The question is not to rework and re-go over any of the decisions that the Board has made so far, but mainly to certify that this is the document that represents the decisions that you have made before.

So, what I'm going to ask is to find out whether any board members have any questions or comments about the document that has been distributed to you. I'm not looking for a motion yet. I just want to know whether or not anybody has any questions or comments about the document, and whether it represents the decisions the Board has already made. Mr. Borden.

De minimis

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. The issue is *de minimis* -- and it's on Page 60 of the document -- I had thought that what we had done was to define it further. And the way it's represented here --

EXECUTIVE DIRECTOR DUNNIGAN: David, excuse me just a second. Does anybody need a copy of the document? Raise your hand.

MR. BORDEN: Thank you, Mr. Chairman. I guess my question is, my recollection on *de minimis* was we had actually defined it. My read of the language on Page 60 is basically that it's not defined. It basically says we can declare *de minimis*, and, Joe, correct my interpretation if it's not right. Is this the way we left it the last meeting?

DR. JOSEPH C. DESFOSSE: I got this language directly from wording that Jack provided at the last meeting, that *de minimis* would be defined in the future according to the different management measures that the Board may implement through an addendum.

MR. BORDEN: But the implication of that then is all states have to comply with all the reporting requirements, everything that's contained in the document because there is no *de minimis* at the start. Anything that's a requirement in the document, all states have to comply with that?

DR. DESFOSSE: The only requirement is for the reporting.

MR. BORDEN: Reporting, right.

EXECUTIVE DIRECTOR DUNNIGAN: Any other issues, questions, comments on the document? At this time I would like to ask Carrie Selberg from the ASMFC staff to come and brief the Board on one item in here that is an issue.

Habitat Information

MS. CARRIE D. SELBERG: I'm the Habitat Specialist of the Commission, and I wanted to let you know that the Menhaden Plan was drafted before our

new habitat guidelines were in place. We do have habitat information in the Menhaden Plan, but we have new habitat information based on our new guidelines being drafted at this time, which we consider will be a little more complete, and there will be more analysis involved.

When this habitat information is available in the future, we will be bringing it to this Board for consideration to be adopted into the Menhaden Plan by addendum. The Habitat Committee is aware of this situation and because there is habitat information in the plan at this time, this is an acceptable solution to them.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Carrie. So, the issue is we're in sort of a transition here. The new habitat guidelines for FMP writing aren't met by the language that's in here, but this language was written before we adopted those.

Our suggestion is that we go with the language that we have here and when the new habitat language is ready, we'll bring it to the Board for adoption by addendum. Is there any objection to proceeding that way? Mr. Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Does this leave us open to scrutinization by an organization that doesn't understand this action that we're taking? The reason I ask the question is would it be appropriate to have a statement somewhere or it will appear in our minutes of the meeting that we're going to take this action in the form of an amendment or addendum after the fact?

But is there some way that when the package goes out, that there would be a part of the cover sheet that would be clarified so it would still be a complete document?

EXECUTIVE DIRECTOR DUNNIGAN: Well, in a technical or legal sense, I'm not worried about that, no. But, if you're concerned about how the issue is presented in your document, you might want to ask us to include that kind of language. But not in any technical or legal sense, I'm not worried about it.

MR. AUGUSTINE: Thank you, Mr. Chairman. Then the question that begs to be asked is if someone reads this document in its present form, could it be misconstrued, or is it incomplete to the point where the habitat section does not address or closely relate to where we're going with the new addendum; in other words, your update? Do you see that as a problem at all?

EXECUTIVE DIRECTOR DUNNIGAN: Carrie.

MS. SELBERG: No, because there is habitat information in the plan and we consider it to be good habitat information. It's just the information that will be coming will be even more complete with more analysis.

MR. AUGUSTINE: Thank you, that answers my question.

EXECUTIVE DIRECTOR DUNNIGAN: Any other questions or comments on the habitat information? Okay, returning back to the main document, are there any other questions or comments from the board members about this document? Mr. Carpenter.

Compliance Schedule

MR. A.C. CARPENTER: With regard to the compliance schedule on Page 66, it says there that August 1st of 2001 we have to submit a program. But if the only management measure that has anything at all is the reporting requirements, can you explain this? What are you expecting on August the 1st from all of us?

EXECUTIVE DIRECTOR DUNNIGAN: Joe.

DR. DESFOSSE: For those states or jurisdictions that don't have any reduction or bait vessels that would need to be reporting, a simple letter, I think, to the Commission stating that fact. If a state or jurisdiction already has reporting requirements in place, then, again, a simple letter, I think, would suffice.

MR. CARPENTER: Thank you, Mr. Chairman.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. Other questions or comments? Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. On Page 50, under the "Forecast Methodology", there's a blank in Section 3.5 in relation to the F. Is that still unknown, Joe?

DR. DESFOSSE: I was hoping to have that information prior to the board meeting, but the Technical Committee did not meet yet. If that information is available -- and the Technical Committee is supposed to meet May 30th and 31st -- we could hold off publication of the document until that time and put that estimate in there if the Board prefers that.

MR. BORDEN: Okay, thank you. I've got one other point if I can find it. On Page 44, Section 2.4, it's a minor point but it could be significant at some point. On the second line of that, after the words, "Atlantic Ocean", it says that you're defining a management unit. It says, "from the estuaries eastward".

Shouldn't that be "Northwest Atlantic, including the estuaries eastward to the offshore boundary"? Isn't that what the intent is? All of the estuaries are part of the management unit; is that correct? If that's the case, then you should change that word.

DR. DESFOSSE: Yes, we'll change that wording.

EXECUTIVE DIRECTOR DUNNIGAN: So on Page 44, on the second line of text, the word "from"

will be changed to "including". Any objection to that? Seeing none, we will do it. Dr. Desfosse.

DR. DESFOSSE: On Thursday the Commission received a letter from Dr. Geiger. It details a number of issues. It was available at the front table with the other materials. Most of it is editorial in nature, and we'll make those corrections prior to publication. The first nine items may take a little bit more work to get the answer that Dr. Geiger was asking for. I don't know if Dr. Perkins wants to address anything? No, okay.

EXECUTIVE DIRECTOR DUNNIGAN: I'd like to suggest to the Board that we have a number of editorial comments that came in the letter from Dr. Geiger, and we'd like to have an opportunity to incorporate those and any other editorial suggestions that board members find as they go through this document in the next two weeks.

So, let's say by May 1st, get those editorial comments in and I suggest that we just give staff license to make those changes as necessary. Is there any objection to that? Seeing none, we will do it that way. Any other questions or comments on the document? Mr. Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. The gentleman that spoke from the public comment period referred to Page 17 of the minutes and talked about a limit on the vessels; I can't find any limit on the vessel in the amendment at all. Am I correct?

EXECUTIVE DIRECTOR DUNNIGAN: Dr. Desfosse.

DR. DESFOSSE: Amendment 1 has no limits on vessels.

MR. ADLER: All right. So that concern basically right now is not a problem right now?

DR. DESFOSSE: Correct.

EXECUTIVE DIRECTOR DUNNIGAN: Remember, Jim Fletcher's comments are not necessarily inappropriate for the Board to be considering as it moves into the implementation of this fishery management plan. So, there are appropriate issues for us to consider as we go ahead, even though it's not an element that's in the document today. The basic structure and thrust of this management plan is to invest in a program that will carry us on from here. Mr. Fletcher. It's on Page 17 of the minutes, but not the Fishery Management Plan document itself.

MR. FLETCHER: But we've run into a situation, having been in fisheries management -- and I don't understand it. I don't understand it. But we come up and say it was in one document, it wasn't in another document; thereby we're going to use it when it gets further down the road.

That's why I want it on the record, there's

something in here -- I just scanned it, got it this morning, that there were 12 boats that were in the industrial fleet. I want my men, if they end up being in the industrial fleet, looked after. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Jim. Other questions or comments on the document? Seeing none, at this time the Chair would entertain **a motion that the Board recommend to the Commission that Amendment 1 to the Atlantic Menhaden Fishery Management Plan be adopted.**

Mr. Augustine so moved; second by Mr. Borden. Are there any questions or comments on the motion? We ready for the question? Is there a need to caucus? I think North Carolina just caucused. All right, let's do this by a show of hands.

Board members, all board members, including the industry members, and one vote per state, one vote per agency at the federal level, all those in favor of the motion to recommend the adoption of Amendment 1, please raise your hand. Thank you. All of those who are opposed; abstentions; are there null votes. **The vote is 20 in favor and one opposed. The motion is approved.**

Frankly, from a staff standpoint, if I can put my other hat on right now, I want to thank the Board. This has been a long process and you've all done a lot of very good work. We are now ready to move forward. I would also like to take this opportunity, if I could, to thank the industry members of the Board who have been with us. I know it's been a long process. You've shown good will and good patience, and we thank you for your participation, for your commitment to the process, and we look forward to continuing to work with you and the management of this valuable fishery for the Atlantic coast. Thank you very much.

Okay, moving ahead on the agenda. The next item is the discussion of the formation of Technical Committees and Advisory Panels. Let's do the Technical Committee first. Dr. Desfosse.

TECHNICAL COMMITTEE COMPOSITION

DR. DESFOSSE: The Technical Committee is scheduled to meet May 30th and 31st in Richmond. We need to get your nominees or appointments to the Technical Committee as soon as possible so that we can begin making the rest of the arrangements and getting materials out to those members of the committee. Does the Board want to -- well, I guess you should get your nominees to me as soon as possible.

EXECUTIVE DIRECTOR DUNNIGAN: Could we get nominations for the Technical Committee to Joe by May 1st? Is that agreed? Any objection? That's what we will do.

All right, the normal pattern for our Technical Committees seem to be that we have one person who is appointed by the Commissioners from each state and one from each of the federal agencies. Is that sufficient for this plan? Is it necessary for this plan? Are there any states that don't want to have somebody on the Technical Committee? Potomac River Fisheries Commission and New Hampshire. Thank you. Mr. Perra.

MR. PAUL PERRA: We have two individuals who really participate on the Technical Committee, Doug Vaughan and Joe Smith, who's the lead menhaden program person, and Doug is the lead stock assessment person at every meeting. We'd like to have two representatives, if possible.

EXECUTIVE DIRECTOR DUNNIGAN: Is there any objection to allowing the National Marine Fisheries Service to have two representatives on the Technical Committee? Seeing none, that is what we will do. Thank you, Paul. Mr. Freeman.

MR. FREEMAN: So long as they get one vote.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Perra, is that okay?

MR. PERRA: One vote.

EXECUTIVE DIRECTOR DUNNIGAN: Okay. The National Marine Fisheries Service will have two members, and they will have to caucus on what their vote is going to be. Can you do that, Joe? Thank you. So, the Technical Committee will then consist of one representative from each of the states, two from the National Marine Fisheries Service, one from the United States Fish and Wildlife Service, the NMFS representatives will have one vote, and those nominations will be to Joe Desfosse by May 1st. Seeing no objection, that is how we will proceed. The next item is our Advisory Panel.

ADVISORY PANEL COMPOSITION

DR. DESFOSSE: I'm going to turn to Tina in a second, but just some background material. The next Commission meeting is in July. The Menhaden Technical Committee will meet at the end of May, so it will be beneficial to have the AP meet some time in between, perhaps in mid-June. So, we would need to get appointments to the AP as soon as possible. I was trying to communicate with Tina here a second ago, trying to figure out what the process was in terms of numbers of appointees. Tina.

MS. TINA L. BERGER: Thank you, Joe. Generally, we try to move away from nominating like two people per state, and more try to look at the geographic range and user group representation as an important way to make sure that there's sufficient

coverage on the Advisory Panel. So, you may want to look at by fisheries or gear types, and then either have states sort of select somebody that they can jointly agree to; or if you need to go per state, we can do that as well.

I know that there are interests as well outside this Board, membership for recreational interests as well as probably some environmental interests in the Advisory Panel process. So, I just wanted to let you know about that. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Carpenter.

MR. CARPENTER: Do you have a vision yet of how many times the Advisory Committee is going to be meeting, and on what kind of schedule for this plan? It would help us in deciding who we're going to ask and give them some information when we do ask for volunteers.

DR. DESFOSSE: At least once a year. I would envision them having to meet following the Technical Committee so that you would get the recommendations from both the Technical Committee and the Advisory Panel at your early summer meeting.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Perra.

MR. PERRA: Yes, this is a big change from the way we've operated before because the Technical Committee would meet and the industry was right there at the table. There was a lot of interchange and, frankly, we get a lot of good information from the industry people. The Technical Committee meets and then the industry people meet after, you're not going to have that integration. I think you need some participation at the table with the Technical Committee. It may be non-voting, but at least you need some industry people there to really let them know what's happening and operating in the industry.

I would leave that to the Chairman of the new Technical Committee and the Chairman of the Board to try to work something out. But I'd just like to say that we still really need to have a close integration of this Technical Committee and the Advisory Committee that we set up.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. Mr. Fote and then Mr. Travelstead.

MR. TOM FOTE: I understand what you're trying to say, Paul, but basically, we've decided on other Technical Committees that that's not the way that we want to operate because the scientist is supposed to look at this without influence from outsiders.

That's basically how we've been looking at most of the boards. As a matter of fact, a lot of us who used to go to Technical Committee meetings, basically sat very quietly because we learned that's the role that we were

supposed to be when we were at the technical, just maybe ask a question for fulfilling information. Also, what industry do you basically put on the Board? There is the bait industry and there is the reduction industry?

I could see the environmental groups wanting to be sitting on the Technical Committee and basically supplying information. I think that's more appropriate on the Advisory Committee. I think that's where there should be discussions as we have on every other board. We'll have a technical person there to basically explain to the industry to take back the facts.

But we've tried now to make this Board and make this Technical Committee and Advisory Committee the same as all the others, and I think that's the way we should basically proceed. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Travelstead.

MR. JACK TRAVELSTEAD: Well, we've clearly established two groups now, a Technical Committee and an Advisory Panel. They're going to be voting separately.

But, as Paul said, there's a long history of these two groups meeting together and listening to one another, and I don't think we want to preclude that. There's a lot of good information that is exchanged between the groups, although they'll now be voting separately and providing their own advice to the Management Board.

Is there anything in the management plan we just adopted that precludes those two groups from meeting on the same day in the same building, where they would have an opportunity to attend each others meetings?

DR. DESFOSSE: Nothing that precludes that.

MR. TRAVELSTEAD: I would then strongly suggest that whoever the next Board chairman is, make every effort to see that that kind of thing could happen where perhaps they meet on the same day, one in the morning, one in the afternoon, or over a two-day period, whatever it takes, so that the two groups can be in the same room to hear the comments of each other.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. To follow on with what Jack had mentioned, and what the National Marine Fisheries Service had mentioned, could it not be that this Technical Committee could represent people from various gear types? In this particular case there would be at least one gear type represented, rather than just the state, that would include the reduction vessel people.

I do agree that to lose this 40- or 50-year history doesn't really make sense. It's ludicrous for us to throw

that out with the -- you know, throw the water out with the baby or the baby out with the water, when in fact I think their expertise, technical experience and background would lend itself well to continue in this process, while we make the final transition. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. Mr. Connell.

MR. JOHN W. CONNELL: I can't agree with what Pat said. Technical Committee is Technical Committee. Those are our scientists. And that's the way we run it on every Management Board.

I certainly like the idea that Jack Travelstead brought forward. Perhaps one group could meet in the morning, and the other in the afternoon, and possibly some interaction. I certainly can't see bringing both groups together. I think that's against what direction we want it to go, which was to make this management system work like every other management system we have.

EXECUTIVE DIRECTOR DUNNIGAN: The issue before us is the structure and size and appointments of our Advisory Panel. Tina.

MS. BERGER: Maybe one recommendation to move this forward is just for us to identify the various groups and how many people will you want within those groups. Then staff can go back to the various jurisdictions and members and see who is interested and come back to -- you know, through e-mail or fax some recommendations to the Board on that.

EXECUTIVE DIRECTOR DUNNIGAN: Well, let me ask a question of the board members. How many states, looking at your constituencies that have an interest and concern about Atlantic Menhaden, how many states would want to be able to make at least one appointment to the Advisory Panel? All right, so I see everybody in there except Georgia, I think. Go ahead, Susan.

MS. SUSAN SHIPMAN: I think our interest can be represented by South Carolina and Florida.

EXECUTIVE DIRECTOR DUNNIGAN: How many states feel that they would need more than one to cover the diversity that you find within your industries?

MR. MELVIN SHEPARD: Perhaps North Carolina.

EXECUTIVE DIRECTOR DUNNIGAN: Perhaps North Carolina. I think North Carolina for real. I've got two perhaps adds up to a real. And New Jersey and Virginia. Jack, two. Two, Bruce. David, one. Pres, two. All right, let me suggest then that we have an Advisory Panel in which every state, except Georgia, gets to appoint one person, except that Virginia, North Carolina, New Jersey will appoint two. David.

MR. BORDEN: Thank you, Mr. Chairman. When I responded one, what I meant was one recreational person. I think it's appropriate to have a bait fishing operation represented from the northeast, and I would suggest that the states up north essentially caucus and nominate one individual.

EXECUTIVE DIRECTOR DUNNIGAN: So, the New England states will appoint one per state, but you will caucus among yourselves to make sure you have a bait representative on there. Thank you. Mr. Wheatly.

MR. JULE WHEATLY: Will each one of -- these states that have two members on there, will each one of them be entitled to vote separately, or just one vote?

EXECUTIVE DIRECTOR DUNNIGAN: Good question. Mr. Nelson.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. We were just having that little discussion, and I was just pointing out that it was my understanding that the advisors really don't try to vote. They try to come to a consensus. And if they can't, they present all points of view to the Board.

EXECUTIVE DIRECTOR DUNNIGAN: That's true and what's important about our advisors is that they bring us the views that are relevant to their groups, not so much that they bring us the views that are relevant to their state.

You know, you're not really on there as a New Jersey representative. You're on there as a bait representative. If it ever gets to the point -- John is perfectly correct, that we don't try to have votes at the advisor's level. But if it were to have to come to that at some point, it might be appropriate to allow them to vote multiples. Mr. Wheatly.

MR. WHEATLY: I appreciate the comments that the fellow just said. That was back when we all were on the advisory and technical meetings in a mutual respect for the menhaden industry.

But now, seeing what's happened to this Management Board, which we cooperated with for over 50 years with industry, scientists working together, but now all that's changed. It's not like it used to be. It's now that we have states here that are totally dominated by recreational fishermen who are totally dominating this Board in all the technical and these other committees. We're throwing science right out the window on everything.

So, you know, I want to know now how many votes they're going to have. I mean, we're all good friends and we're all going to sit around and have a mutual respect for one another, and the industry is gone, folks.

The action this Board has taken in the last year has proven that industry doesn't matter in this anymore. Our cooperation doesn't matter. It's totally what your

states are dictated -- you people who are representing your states that have banned menhaden fishing in lieu of recreational fishing, it's very evident to us in industry that you all are totally dominated not by science, but totally by what the respective wishes of your states are.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. Mr. Shepard.

MR. SHEPARD: Jule, I think it's probably appropriate that I respond to that. In the other management board processes, as things have evolved, there has been a great deal of discussion in the role of advisory groups and their report to the different management boards.

One of the things that was stressed in all these boards, and that has been discussed for Tina's primer for advisors, has been that the management boards did not want to hear that by a vote a certain statement was true and by a loss of a vote, certain other statements were not true.

The Management Board wanted to hear what the majority had to say, and what the minority had to say in detail, so that nobody could be dominated by another group, and the Management Board not hear what the lesser or the smaller group, or the lesser vote had to say. I think everybody on all of the management boards, regardless of the species, have this in mind.

MR. FOTE: Melvin said a lot of what I was going to say, but I'll just point out one. Jule, basically, what I'm looking at in New Jersey is the bait industry that supplies bait to commercial fishermen from Maine to North Carolina actually shifted down to the Gulf of Mexico.

That is not recreational, that is commercial. I mean, it basically goes for lobster, crab pots and everything else. It has become an important part of New Jersey's industry, and we're basically looking to protect that and reinforce that to make sure that they're protected.

As Melvin said, this is an opportunity, and we basically respect all the opinions that come out of the Advisory Committee. We listen to them all, they're all presented. As the chairmen of those committees all come to this thing, and we ask them questions of what was the dissenting view, what was the majority view, but all those positions are presented.

It basically makes for an easy out. One of the reasons we did that was because some of the boards were unbalanced, and we wanted to make sure that all opinions got to the table. I'll leave it at that. Thank you.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. Quickly, Mr. Wheatly.

MR. WHEATLY: In response to that, what board

is more unbalanced now than this one?

EXECUTIVE DIRECTOR DUNNIGAN: All right, the suggestion before the Board is that each state, except for Georgia, be allowed to appoint one person to be on the Advisory Panel, except that -- make sure I get this right -- the states of Virginia and New Jersey and North Carolina will each appoint two. The New England states will caucus together to make sure that one of their representatives represents the bait industry. Mr. Fote.

MR. FOTE: Remember how we set up an Advisory Committee? Do we need a motion for that, to set up the Advisory Committee?

EXECUTIVE DIRECTOR DUNNIGAN: No. Is there any objection to proceeding as I just stated it? Mr. Travelstead.

MR. TRAVELSTEAD: Did you set a deadline for nominations?

EXECUTIVE DIRECTOR DUNNIGAN: Not yet. Mr. Moore.

MR. NIELS MOORE: If it's the intent of this Board to address representation by gear type, I would suggest, certainly, our desire to have the rest of industry represented as well, not just the bait industry, but everybody.

EXECUTIVE DIRECTOR DUNNIGAN: My assumption is that the states, where the fishery is occurring right now, will be appointing representatives from the industrial fishery. Am I wrong on that, in those states? I don't think so. I'm pretty sure we'll have that, Niels. If we don't, the Board is going to have to come back and deal with it. Mr. Jensen.

MR. W. PETE JENSEN: Will Advisory Board members be able to name alternates?

EXECUTIVE DIRECTOR DUNNIGAN: No, the members of the Advisory Panel themselves do not name an alternate. It is up to the state, when you submit your names, to submit an alternate with it so that if the AP member cannot make the meeting, the pre-appointed, pre-designated alternate by the state can come.

MR. JENSEN: Well, that's what I meant. I didn't ask the question right. So, it's not only members of the Advisory Committee, states should also submit alternates if the Advisory Committee member can't attend.

EXECUTIVE DIRECTOR DUNNIGAN: That is correct. When you submit your appointments, you need to submit the person you're appointing, plus an alternate for each position. Is there any objection to proceeding in the fashion that I have outlined? Seeing none, that is how we will move forward.

The question now is when these nominations should be submitted. They will be meeting in

mid-June, mid to late June, Joe tells me. Is May 1st too soon, or would you like to have until May 15th? The consensus around the table appears to be for May 15th. Any objection? That is how we will proceed. Would you please get your nominations to the staff by the 15th of May. Any other questions or comments about the Advisory Panel? Seeing none, we will move forward.

ELECTION OF CHAIR & VICE-CHAIR

The next item on the agenda is the election of a new Chair. Commissioner Pruitt, who is the Chair, should have rotated out last fall, but we asked him to stay on to see the completion of Amendment 1 through. I think with the completion of Amendment 1 now, his term and length of service as Chair of the Board is ready to expire. So, at this point I would like to entertain a nomination for a new Chairman. Mr. Cupka.

MR. DAVID CUPKA: Thank you, Mr. Chairman. I would like to nominate the Honorable Dave Borden for the position of Chairman.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, David. David Cupka has nominated David Borden. Are there any other nominations for Chairman? Any other nominations for Chair of the Board? Seeing none, the Chair will entertain a **motion to elect David Borden unanimously by Ms. Shipman. Seconded by Mr. Adler. Without objection, the motion is adopted.** Mr. Borden, congratulations.

We now need to elect a new Vice-Chair that will take effect at the end of the meeting this week, as the structure of the Board changes after the plan is finally approved by the Commission. Suggestions for Vice-Chair? Nominations for Vice-Chair. Mr. Moore.

MR. MOORE: **I'd nominate Susan Shipman.**

EXECUTIVE DIRECTOR DUNNIGAN: Ms. Shipman has been nominated by Mr. Moore. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, we would like to nominate Mr. Travelstead. With no objections, move and close the nominations, cast one vote.**

MR. NELSON: **Second.**

EXECUTIVE DIRECTOR DUNNIGAN: We have a nominee already.

MS. SHIPMAN: I would be pleased to decline the nomination and instead cast my vote for Mr. Travelstead.

EXECUTIVE DIRECTOR DUNNIGAN: **Ms. Shipman has declined the nomination.** Mr. Augustine has nominated Mr. Travelstead. Are there any other nominations? Seeing none, the Chair

declares that the nominations are closed. Is there a **motion to elect Mr. Travelstead by acclamation?** **Mr. Adler makes the motion, Mr. Freeman seconds the motion. Without objection, it is ordered.**

Congratulations, Jack. Thank you both, David and Jack, very much for being willing to serve. That brings us to the end of the agenda that we had planned for the day.

Are there any other items to come before the Board? Again, congratulations on all of your good work. Seeing none, this meeting is adjourned.

(Whereupon, the meeting was adjourned at 8:50 a.m., April 24, 2001.)