

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
EXECUTIVE COMMITTEE AND ISFMP POLICY BOARD

May 22, 2002
Swissotel Washington, The Watergate
Washington, D.C.

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**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

JOINT MEETING

**EXECUTIVE COMMITTEE AND ISFMP
POLICY BOARD**

**Swissotel Washington, The Watergate
Washington, D.C.**

May 22, 2002

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., Wednesday, May 22, 2002, and was called to order at 1:00 o'clock p.m. by Chairman Susan Shipman.

Welcome; Introduction

CHAIRMAN SUSAN SHIPMAN: We're going to go ahead and call the Policy Board to order. If we could ask everybody to take their seat, just a little bit of housekeeping before we get started. If you don't have a copy of the agenda, raise your hand. It's on the final meeting announcement.

Approval of the Agenda

There's also a thick packet of information that I think was on the CD. I'll run through this to sort of augment what was on the CD, with everybody's indulgence, after the perfunctory housekeeping that we usually go through.

The first major report and recommendations we will be receiving will be from the Management and Science Committee. Charlie Lesser will be leading that discussion.

In addition to the technical support group, policies, aquaculture guidelines document, peer review process, tagging certification, we will be taking up the multi-species management options, and we will have the report from the Asian oyster workshop from the other day.

So if you have the CD-rom those latter two items are

not reflected on that agenda. Under the Habitat Committee report, I believe Dr. Goldsborough is going to give that for us. Item A, to review/approve beach renourishment document, that will just be to review the document so strike to approve on that. Also, we'll get an update on a couple of other issues.

Following the Committee on Economics and Social Sciences, I would like to insert a discussion of our progress in meeting with the District of Columbia and report back to you our progress to date on enhancing their participation in the ISFMP.

And then 11 on the CD, but it has to do with recommend approval of amendments to FMPs, that does not have to come before this body.

Those recommendations for approval of the red drum amendment and I believe black sea bass, scup, summer flounder, that will go directly to the commission following the Executive Committee meeting.

As you recall, the revisions to the charter are such that the Policy Board does not have to review and approve those amendments.

We will, however, insert in place thereof items on lobster compliance issues. We will be taking up Massachusetts and New York compliance issues with regard to the Lobster Plan.

And then under other business we will have a report. We've got a recommendation from the South Atlantic Board with regard to developing a Croaker FMP, and we have a recommendation with regard to blue crab workshops, both technical and management.

Are there other revisions or clarifications to the agenda that anyone has? Okay, hearing none, with everyone's indulgence, we can adopt that by consensus if I don't see any objection. Seeing no objection, we will adopt the modified agenda.

Approval of Proceedings

We next have the minutes from the February 21, 2002, Policy Board meeting. Are there any corrections, additions, revisions to those minutes? Seeing none, is there any objection to approving those by consensus? Seeing no objection, the minutes stand approved.

Public Comment

Next is the point in our process where we invite the public to address us with any items that they would like to bring to our attention. Do we have anyone from the audience that would like to make public comment?

Okay, seeing no one, we'll continue on with the agenda, but I would like to extend that invitation to the public as we proceed along if there are items that anyone in the audience would like to address us on. Please raise your hand and we will call you forward to the microphone back by Mr. Carpenter, which is our public input microphone.

Management and Science Committee Report

Next we have a report on the Management and Science Committee, but before I turn this over to Charlie, I just want to take the opportunity, on behalf of the commission, to recognize Charlie Lesser for his many, many years of contributions to this body in the role of a board member on numerous boards and chairing the Management and Science Committee.

I've had the pleasure to serve with Charlie for many years on Management and Science. Your contributions are numerous. You're leaving a legacy of many contributions here, Charlie, and we wish you very well in your future endeavors in retirement.

And we hope you won't be a stranger and that you will come back and visit with us often. I just want to thank you and please join me in a round of applause for Charlie's contributions. (Applause)

And we'll give you the opportunity to give one last report to us, Charlie.

MR. CHARLES LESSER: Thank you, Susan. It's been a pleasure but it's time to go. No, actually, I gave it six more months. When Andy Manus got displaced from his position, I agreed to stay on six more months from January to help in the transition, but the transition isn't moving very fast back home, so I figured I'd better get out while I can so here I am.

The Management and Science Committee had two half-day meetings, and the first on the agenda I'm going to turn it over to Stu Kennedy from Florida to give you his encapsulated position on the improvements of the

commission technical support structure. Stu.

MR. FRANK KENNEDY: Thank you, Charlie. I think, as you all are aware, you all charged the Management and Science Technical Committee's stock assessment groups and some of your own members with looking at how the process works for technical support groups and making any recommendations that we thought important to make that whole process more effective.

We started this and there are three documents that you have before you, actually a fourth one that was just handed out a couple minutes ago, and that's a copy of the slide, so that if you want to make any notes as we go through this, if you want to ask questions afterward, go ahead and do it.

What I will be doing with the presentation is following the recommendations document, which is the smallest one of those. And then in addition, you have two documents that we developed as really part of the output from the session which included an orientation manual and a guidance document.

I'll be working from the recommendations document. There were an awful lot of suggestions early on, and essentially the way we handled it was we just put everything on the table that everybody thought didn't work and what they might do to fix it.

And as it turned out, even within the first day we saw that there were basically four types of things, four categories of issues that we needed to develop some recommendations on: training, workload, communication and policy.

In training, one of the things that we wanted to do was develop an orientation manual. The things that would go in it were things that we thought members and people who were going to take chairs, vice-chairs, things like that, ought to know about.

And those included: committee organization and structure, appointments, things like that; how those committees are formed; officer duties, what should be expected from officers once they are appointed to those or once they're voted in; roles and responsibilities; what the committees are actually responsible for; and then what should be expected of members as a whole.

In addition to that, essentially we wound up with two documents, though. We wound up with the orientation manual, which is the one specifically geared to members, and then the guidance document, which you also have, which really gave more detail in the process of how things actually work, pulled a lot of documents or parts of documents like formats for reports and things like that into one document to make it easier to actually see what would be required of a particular committee.

We also suggested or recommend that there be technical training provided. At this point, staff already train stock assessment people in those techniques. What the consensus was for technical training was that all members of technical committees should be at least trained in the basics of stock assessment, that if they're going to review the stock assessment, which is their charge particularly at technical committees, that they at least be familiar with the basics of stock assessment.

So we are recommending that be expanded to include technical committee members. And that particularly chairs and vice chairs be trained in meetings' management, particularly things like facilitation, how to build consensus, and how to present the results of those committees' deliberations, particularly when you can't necessarily reach consensus, when there is a minority report or something like that that has to be presented, that that can be done in a non-biased way.

So we felt that those kinds of training were really important, particularly for chairs and vice chairs. Workload: We're commending that you schedule assessments in two ways: the timing of the assessment -- basically in two ways -- first, to make sure that the data are actually available for the assessment.

That's pretty straightforward, but there are many cases where particularly landings data are not available, some of it particularly until like April or May -- take MRFSS, for example -- that stock assessments are not scheduled until those data become available.

The second part of this is once it becomes available, once the stock assessment process is started and the assessment is conducted, don't change anything from that point on until management decisions are made.

The importance for this thing to remain stable, for the output to the assessment to remain stable and eliminate

or, hopefully, reduce confusion over which method are you talking about, which set of data are included or not included, we suggest that you eliminate all of that, even if something new comes up, don't include it unless you really intend to start the process over again.

And that's your decision, but we recommend that you don't do it until after you've made management recommendations. Where stocks are in good condition, we're suggesting that the period between benchmark stock assessments be lengthened to three to five years. Three years is a minimum for inclusion of data that would start to show a change, fisheries data, particularly. Fishermen stabilize after a few years so the input data to the stock assessments start to stabilize after two or three years.

People get familiar with regulations. They start understanding what they have to do. For those stocks that can be rebuilt or that are being rebuilt, you can go to three years, but I would recommend that you don't go any shorter than that.

Third in workload, we're recommending that you try to develop a technical group meeting week similar to the way management boards are run now. There was a considerable amount of discussion about this.

The majority feels that there could be significant benefits to this. There were some who felt that it would increase the workload on individual state representatives, that they may not be able to be away from the office for a full week.

And, essentially, that's why the recommendation is a pilot study to see whether you can do it. We would suggest you try to do that in 2003 and if works, keep it. If not, then go back to the system the way it is now.

In communication, something that came up over and over again was making sure that the people that are on technical committees are using good science in an unbiased way.

So, clearly, in the documents, if you've read through them or as you go through them you'll see that there's one statement that we put in all of them and that is although you have been appointed -- this is to members or members as they start -- "Although you have been appointed to the technical committee by your specific agency, your responsibility is to use the best science

available in an objective manner and not to represent the policies and/or politics of the agency that you were appointed by".

At the technical committee level, that's critical in order to get good science out of those committees.

CHAIRMAN SHIPMAN: That's one of my personal favorites, Stu, in reading through this.

MR. KENNEDY: To continue with communication, define roles for compliance determination. Essentially, there is some confusion in the documents you have of Atlantic States documents. Normally that is the purview of the plan review team.

We suggest that it stay there, that is the group that should be responsible for all compliance determination and not the TC or the stock assessment subcommittee or any other group. There is some confusion in the documents and that may be a policy change that you guys have to make.

That there be written guidelines for all report preparations. If you look through management plans, you will see that there are guidelines for document preparations in a lot of pieces of this.

We brought all those together in the guidance document and there should be others to be sure that all of these documents follow standard formats. They are easier to read and follow.

We're asking that you define the distribution of technical information. That means not only who it has to go to, including summary minutes of various meetings, but also when it has to be there.

There were many cases where people felt they got information late in the process -- some cases a day or two and some cases the day of the meeting -- and didn't have time or could not actually absorb anything in it before they had to make decisions.

We're suggesting that you define all of that, making sure, then, that people comply with making that information available in a timely fashion.

Also develop standard formats; we just discussed formats, but technical numbering series for documents. It becomes difficult. Many of them are the fifth

iteration of something.

That documents be numbered in a series such that they can be referenced properly and anybody can go find one if they actually need it. So we're recommending that you do that to avoid problems.

To continue communications, we are recommending that management boards develop specific and written guidelines when they're tasking a technical committee to do something. There has been confusion in the past about what that charge really is.

We're suggesting that they be written and that the technical committee chair be present at all management board meetings so that if there are charges that management board wants to pass on the technical committees, that the chair has a chance, if he or she sees that as being confusing, to ask for some clarification to try to get it written such that it's a clear charge and that they can actually do it.

Another one is that boards are responsible for allocation issues. I think this is straightforward. It shouldn't be a problem. However, it came up a number of times about how the board wouldn't necessarily make a decision and pass it back for some further guidance from the technical committee.

And what we unanimously agreed is that's not the charge of the technical committee, that allocation decisions are the management board and ISFMP, you all, and that they need to stay there. Anyway, enough said.

MS. SHIPMAN: There's companion guidance to the board that goes with this, too?

MR. KENNEDY: Yes, well, the orientation manual and the guidance document, particularly, reference all of these things so we're not going to go through those. They're more detailed, but, anyway.

Another one was that we're recommending that the stock assessment subcommittees for a particular species document uncertainty. There was much discussion about how valid are these assessments, how accurate are they, what is really the guidance when it comes down to a particular F value or something like that.

And the group felt it was important that in those

assessments they look at the variability. There are many ways to do that and, again, they are referenced in the guidance document.

There are many ways to show that uncertainty and we feel that's important for the management boards to give them the leeway to make decisions based on the best available science, which includes the fuzz that comes along with those assessments.

It was recommended that the Management and Science Committee evaluate multi-species interactions or stock assessments. And that's actually being done so we can go over it quickly, but you already asked us to do that and we're in the process of doing it and you'll see something I think later in this meeting about it.

On the policy side, we're asking that you develop longer planning windows. And this is almost identical to one of the workload issues, developing longer times between stock assessments.

But the intent is to let things settle out which will provide you with a better stock assessment and then better predictions for what might happen based on particular management regimes that you may want to go through.

The longer you wait between changing management, the easier it is going to be to give you a better view of how the new changes will impact the stock. So, we feel that's an important one.

There was a lot of discussion about voting versus consensus. And I think particularly your members from ISFMP felt that voting was not an appropriate mechanism for the technical committees to operate.

We're proposing that you change it from voting -- in some cases, I don't know that that's written down but at least it's observed that way -- but change it from voting to consensus building. We've also defined "consensus" to mean "can you live with it."

So that as a scientist, this may be the best available science, it may be fuzzy, but is that the best thing that can be done with it; and if that's the case, then you will get a consensus. What we're recommending is you get a consensus report.

If that still leaves a minority opinion, we're suggesting

that you get that as well in the report for that particular issue so that you will see all the discussions about what happened and why people may have disagreed with it. We're asking that you start doing this through consensus.

And, lastly, in policy, and actually the last recommendation that we have, is that you appoint or create, because this is brand new, a stock assessment committee. I'll explain a little better. There were two policy decisions, this one and another one, that took up most of our meeting.

The stock assessment committee, we're recommending would report directly to ISFMP, you all. You have now management and science. I think you have a habitat committee, a law enforcement committee, the management boards, and we're recommending you have one more, which is a stock assessment committee.

They would interact with you in setting priorities or individual species stock assessments, setting the timing for those, helping to set priorities, not necessarily based on management needs, but based on the availability of data and when those stock assessments and who might be available to actually do them.

And we think that you need that input in order to be able to make decisions about conducting stock assessments. Membership from this committee would be done by the policy board based on expertise in stock assessment methods and nominations from the individual partners.

The roles and responsibilities of the SAC would include providing input on assessment priorities in relation to workload, developing realistic time lines for completion of those stock assessments, jointly with the TC appointing species stock assessment subcommittees that are underneath the technical committees for a particular species, providing overall guidance to species benchmark assessments.

This is before a stock assessment is actually done, before the stock assessment subcommittee actually does a stock assessment. It is not intended to be a peer review process of the stock assessment. It's only giving them guidance which models maybe best based on their expertise.

And essentially what we're doing is putting nearly the

entire Atlantic Coast expertise in that group and giving them these tasks. So they should be fairly good at giving guidance to the stock assessment subcommittee, but they would not be there to review stock assessments.

Another task, one that's done fairly infrequently now, is stock assessment training and assessment of models with the upper-level stock assessment people. It's done, I think, once every three years or so.

This group would almost for sure take over that and wind up doing that almost at every meeting, reviewing methods, looking at reference points, and essentially coming out with some kind of documents that might help people make decisions over how those things should be set or how they should be done.

The last item that we went through -- this was the second half of our subcommittee meeting -- was to look at lumping all technical committees, except the plan development team, into one -- sometimes we call it "super scientific committee."

It's essentially a species scientific committee operating much the way management and science or some others do. They have law enforcement. They have a large committee and they break down into small subcommittees if they have particular issues that are more easily done by a small group.

This took a long time. I can tell you the end product was there was no consensus at all. There were two groups on two sides, one that felt that this might work, another that felt that it absolutely would not work.

So what we have done is just postponed it. We've recommended that any discussion of it be postponed until these other pieces get put in place, the rest of what we've recommended. And if that works then there's no need for this.

If it doesn't, work or if some pieces of it are still not resolved, then we'd suggest coming back to this and discussing it further and see whether we can reach some consensus. That ends my report.

CHAIRMAN SHIPMAN: Outstanding report; you all did a lot of work. I took the opportunity last night to look through these documents and your work product, and you all did an exceptional job of addressing the task

that I put to the group, which was to really do a thorough evaluation of our technical committee process. So before we take questions, I just want to thank you for an excellent job.

MR. KENNEDY: I would like to add without staff support on this, it would not have happened, I can tell you right now. Staff did a wonderful job.

CHAIRMAN SHIPMAN: Well, thank you, Dr. Kline. Yes, I know you were a big part of this so thank you very much. We'll take some questions. Melvin.

MR. MELVIN SHEPARD: I don't have a question, Susan; I have an acknowledgement. The credit certainly for this job lies with staff, but you had the right chairman in the right place.

This guy didn't let, the first day of our meeting didn't let planes crashing into buildings, didn't let having to hitchhike to Florida detract from focusing this group. And I just want to tell you that Stu is a great chairman, did a great job.

And he had people there that actually had strong opinions about things. So, I mean, he did a great job and that acknowledgement needs to be made.

MR. KENNEDY: Thank you, Melvin.

CHAIRMAN SHIPMAN: Thank you, Melvin. It's clear from the work product what a stellar job you all did with this. I mean, it's outstanding. And the way you've just presented it, Stu, to me would be a model for how a technical committee chair would present information coming out of a work group like that.

So I thank you very much, and all of the people who served on that committee, thank each and every one of you for the work you all did on this during extraordinary times, actually. Questions of Stu? Bruce.

MR. BRUCE FREEMAN: This perhaps is a question to the board. I'm looking on page 3 at C6. C6 indicates that management boards should develop specific and clearly written guidance whenever tasking the technical committee.

And I recall just earlier yesterday where several boards have asked technical committee for certain things. In some instances, motions were made so I suspect you

could say it's written. I'm not sure if it's clear.

In other instances, I think it was just agreed by the board to request this. And so my question to the board would be should we in each instance carry this through by having a clear statement when policy boards ask the technical committees to do something? And if not, should it be required or is this simply guidance?

CHAIRMAN SHIPMAN: I think Dr. Kline wanted to comment and then I'll come back to David.

DR. LISA KLINE: Bruce, the way it's written in the guidance document is that it was recognized that the majority of tasking from a board to a technical committee is done via a motion.

So it's written in the guidance document that when the technical committee chair is present, if the motion is not clear or the task is not clear, the chair should speak up and get that clarified.

The details of that tasking and the written charge would be essentially written in conjunction with the board chair, the technical committee chair and the ISFMP staff, and they would get together after the meeting and write that up. I don't think it's going to slow down the board meetings by having to draft that amount of detail during the meetings.

MR. FREEMAN: Well, I didn't believe it was going to slow down the board; it never does. My concern is if we're going to carry through with this -- I mean, it is a good suggestion because I've seen the times the board is requesting certain things and then after work is done by the technical committee, it's not quite what they wanted, and it's really a waste of time on everybody's part.

So, I agree, it's a good suggestion. I just want to remind ourselves to do this. I think relative to the fact that the technical chairman is there, if there are questions after the meeting, let's get clarification.

It would be ideal to get it during the meeting but sometimes that isn't always possible. So I think that will work, that's fine.

I had one other question. On page 4 under P3, this deals with the stock assessment committee, and that committee will be responsible to the board.

Near the end of that it talks about all agencies should

nominate individuals, but it will be the policy board to review and nominate, and then the issue is not necessarily get agency representation.

I don't disagree with that, but my concern is in many instances our stock assessment capabilities in some of the states is very new; other states it has been in place for a long time, and it may be necessary to bring the new people along and subject them to how some of these boards operate.

And without that experiencing, they may never reach that level. So, there needs to be some accommodation, perhaps not to have every agency representation, but some accommodation for people that perhaps don't have deep or long-lasting technical experience; otherwise, they're never going to get that experience. So, just a slight modification.

CHAIRMAN SHIPMAN: Stu.

MR. KENNEDY: Could I respond to that for a minute?

CHAIRMAN SHIPMAN: Yes.

MR. KENNEDY: I think in the discussions that we had, the consensus would probably be that those people go through the technical training that we're talking about, which includes advanced stock assessment modeling; and that if there are partners who have upcoming staff who should be in that process and eventually be a member of the SAC, for instance, that they go through that training probably first, before they would be a member, and get familiar with the modeling process, then to go into the SAC.

CHAIRMAN SHIPMAN: And I would think the agencies could also, as we identify those individuals, as a continuing education role that we would play, we might want to send some of our up and coming maybe younger staff who are just getting into this to those workshops to accompany the other individual at our own expense.

I would encourage agencies to do that and take advantage of that type of training opportunity to cultivate the new talent. Bruce, were those all your questions?

MR. FREEMAN: Yes.

CHAIRMAN SHIPMAN: Okay, thank you. David Borden and then Gordon Colvin.

MR. DAVID V.D. BORDEN: I'll pass.

CHAIRMAN SHIPMAN: Okay, Gordon.

MR. GORDON C. COLVIN: I just wanted to take where Bruce was on the first of his issues, you know, just a little bit farther. One of the difficulties we have is that, frankly and candidly, sometimes when the board says, "Let's get some technical committee input" or, "Let's ask the technical committee to evaluate this issue", the board doesn't really know exactly what the guidelines are that need to be applied to the question.

And, my sense is that we may need to envision and elaborate a process that follows up on what the boards tend to do, which is an indicator of their intent, which is frequently completely insufficient to frame the kinds of guidelines and sideboards the technical committee really does need to have.

I mean, the recommendation is very well founded. And that process may require -- and it's not fair to say, well, the chairman of the board and the chairman of the technical committee will figure it out because that doesn't work.

And, you know, there's just too many examples to even get started with. So there may need to be a feedback process whereby -- and we went through this kind of recently with the scup recreational stuff where the board passed a motion.

It was not a very thoroughly crafted motion and it has lead to lots of second guessing about how it really should have been applied.

Perhaps the process ought to be that in those circumstances, the board chair, the technical committee chair and the staff coordinator come back to the board informally or -- I shouldn't say "informally," but formally but not at a meeting, in a follow-up communication, and say, "Listen, this is what we think you meant to say"; or, "This is what we think the guidelines need to be to effectively do what you intended" -- I think that's a better way of saying it -- "and without objection, this is the direction we're going to give the technical committee.

Because I sort of agree with Bruce, that you're not

going to get the elaboration of all these things at the board meetings. It's not only a matter of time; it's a matter of the board's ability, the way they do business, to put all those details into their guidance.

CHAIRMAN SHIPMAN: I think that's a good suggestion, Gordon. And oftentimes, my observation is it may take the staff coordinator, the ISFMP director and that technical chair to caucus, if you will, after the board meeting to really figure out the lay of the land of where they're supposed to go on it.

MR. COLVIN: There may even be times when we need to involve the executive director and the chair of the commission.

CHAIRMAN SHIPMAN: Well, there might be, but I have total confidence in the others to figure it out. I think that's a real good suggestion, and within a week of the meeting a follow-up e-mail or whatever type of correspondence --

MR. COLVIN: I'm just saying some potatoes are hotter than others.

CHAIRMAN SHIPMAN: Yes. I think time lines sometimes are accelerated so that it will need to be done on a very prompt turnaround after that. Other questions of Stu? Yes, Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Susan. Stu, I wonder if you would talk some more about technical committee meeting weeks and what some of the ideas were in terms of the benefits and savings, and on page 2W3 you do mention a few of those things.

And if you could just talk about that a little more and let me express a concern that comes to mind, so as you're responding you can perhaps take that into account, also.

There are some people that serve on more than one technical committee, and in some cases they serve on three; or, in the case of Vic Crecco, he serves on three and he sort of serves on two other ones, also.

And I was concerned that if there was a technical committee meeting week and he had to attend two or three technical committee meetings, I know how much effort he puts into preparing for these things and it's

incredible.

I really couldn't see him preparing for two in the same week. Obviously, the solution is to spread around the work. That's a long-term solution. In the short term at least we here in Connecticut don't have that ability to spread around yet. We're trying to bring people up to speed. But, anyway, that's a concern I had, if you could just respond as best you can.

MR. KENNEDY: There were a lot of pros and cons and the cons, one of which is what you brought up, that individuals would be on multiple committees, on multiple technical committees, and would not be able to handle all these, and some people felt that technical committees take more work to prepare for and are longer meetings than a management board meeting, for instance, where there's a lot more to discuss, a lot more preparation.

Essentially that's why it's called a "pilot test" because we had all those discussions. We couldn't come to a conclusion that we knew it would work. And I don't know whether this is in your materials or not, but Lisa ran an evaluation of the technical committee meeting weeks to look at participation, how many people would be at some of these meetings, multiple participation in meetings, and what the process might look like, particularly from the travel and cost standpoint.

And for there, we seem to get some good indications that it would save money. But this other part is still a question. We're recommending, again, that it be a pilot program and not for certain. We left it with -- we couldn't make a determination with the data we had, with the information that we had at hand to find out whether everybody could live with this and everybody could actually accomplish what they needed to do in a technical committee meeting week, and the only way to find out is to try it.

I mean, I hate to put it that way but that was really the end product was there was no other way to figure this out. We thought there were some good benefits to it, but there were these down sides.

And I can't tell you that they won't occur and that we may have to or you all may have to say, you know, we decided against this thing once it has been tried. We're suggesting that you try it.

I think a lot of the same concerns -- I wasn't around when you started the management board meeting weeks, but I think there was some discussion that a lot of those same concerns occurred when management boards were started on a weekly basis and that they seemed to have worked now. So we took that model and said that we'll try it.

MR. BECKWITH: May I just respond to that? It seems to work, but, boy, does it take a toll on commissioners.

MR. KENNEDY: That I believe.

CHAIRMAN SHIPMAN: Pete Jensen.

MR. W. PETER JENSEN: Stu, it might be worth adding -- I remember this discussion very well -- that it was really the technical committee members that lead us into this discussion because they were saying oftentimes we can't get a technical committee group together simply because they have short notice, they're occupied with other things.

And, so, I remember that was the foundation -- in response to Ernie -- that the technical committee members were the ones that lead this discussion that there must be a more efficient way to do this than the way it's being done now.

CHAIRMAN SHIPMAN: Any other questions? David.

MR. BORDEN: Thank you, Madam Chair. Stu, on P2 on page 3 and the top of 4, it gets into the issue of technical committees voting or not voting, I should say, and developing recommendations by consensus, which I would quickly point out I agree with.

I think that's the appropriate course of action. However, you know, history on this issue has pretty much documented the fact that we have a lot of very intelligent technical committee members who hold very strongly felt positions on these issues and are very articulate.

And I guess I have a couple of concerns. One, in some cases we have chairs of technical committees who may not be as technically adept as some of the people on the committee and, therefore, when you get into some of the more arcane issues of modeling and so forth, I'm

just wondering how a committee chair is going to come and articulate those types of concerns; or, if it gets into that type of situation, maybe the boards would be better served by having one representative from each camp come forward and articulate those concerns, if you see my point.

MR. KENNEDY: I think I follow. In the training we had two pieces that might help that. I mean, I agree it doesn't solve it all, but two pieces. One is the technical training for all technical committee members, which includes basics in stock assessment so that they can represent those sort of things, understand them enough to at least make some comments about it.

And we recognized in the process that there would be many cases where there just flat will not be consensus. There will be disagreeing and there will be a minority report. That minority report has to follow and come to this group, come to the management board and then eventually to this group.

And we felt that was important, that that be presented. Your idea of having a member from the minority camp or, you know, if the chair happens to be in the minority, having someone from the majority come, would be fine.

Our recommendation is only that you get all that information; that the management board see all of that information and see the discussions. There will also be, if you look in these documents, summaries of meetings of all technical committee meetings, and those will come to the boards, as well.

And that discussion about why there was disagreement should be in those documents, so you will see all of that. If you follow these recommendations, you will have an opportunity to review all of that and see it all even prior to a presentation to you. So, I don't know if that will -- that won't solve it. There will be minority opinions.

MR. BORDEN: Right. I'm just thinking in probably rare occasions we're probably going to have to have one representative from each of the camps come forward to articulate the views. I don't think you want to do that as a general practice.

But, I mean, I can think of cases on striped bass and lobster where we found ourselves directly in this type of

position, and the best way for the board to feel really the strengths of the arguments was to listen to some of the primary spokespersons on the issue.

Let's see, there was one other point. The other point relates to we have had examples in the past where technical committees, they have actually voted, and we have had two or three people vote on one side, two or three people vote on the other side and seven people abstain.

And I guess my own reaction to that is we all have to make difficult decisions, and I think the technical people are in an analogous position. I don't think that necessarily serves the boards very well or the resource very well.

So I would urge a policy where you're either in the majority camp or the minority camp, but they're in one camp or the other. And the last observation I would make is to me, when we get into these divisive technical issues -- and I think I can probably speak for almost everybody around the table -- I like to know which scientists are in which camp, not to personalize it, but just to see how we get regional splits and this type of thing and see whether or not there are political issues that are somehow working their way into what should be a scientific exercise.

So my suggestion there is that if in fact we do come forward with minority and majority opinions, that we somehow identify the technical people that are in the different camps.

CHAIRMAN SHIPMAN: Stu.

MR. KENNEDY: I'd like to respond to the last one of those. I think if you ask people to identify themselves or whether you ask them or demand whoever's taking the notes include actually who is in it, then you're back to a voting situation.

I mean, you may not have a choice but I'm suggesting that you don't do that. I understand why you might want it and I sometimes agree with you, but I think you're better off just letting those two opinions appear before you and make your decision based on that rather than forcing a vote. And, technically, that's what you'd wind up doing if you put names to that.

CHAIRMAN SHIPMAN: Mr. Colvin.

MR. COLVIN: David made some excellent points on the issue of minority reports and the associated issues, and I agree with his comments. There's a couple of other points I'd like to offer on the same subject.

Somehow we need to make it clear through the process, I think, that minority reports are a last resort. Sometimes by even offering the possibility of a minority report, we offer the opportunity for people to disengage from the consensus-building process, and that we can't do.

We've got to force the process in another direction and somehow establish the minority report as a rare exception. And if we're going to have minority reports in some circumstances, we have to think carefully about how we're going to deal with them.

You know, a bit of experience that we had with the minority reports in the lobster stock assessment, it was difficult. We ended up having a main report and then we had a series of minority reports on different issues, some of which opposed each other.

And it wasn't clear where they related to the main body of findings and recommendations. But, then, to make matters more difficult, we then had an independent commission-sponsored peer review that almost entirely, due to limitations of time and the priorities that the board had, focused on the main report and left the authors of the minority reports very upset that the issues that they had identified through their minority reports were never really addressed square-on and some kind of a resolution or recommendations for the resolution addressed by the peer review.

And it seems to me that in any kind of a situation like that where you have differing points of view in the report, there's going to be an expectation that somebody is going to referee this. And in the absence of a peer review, the expectation is that it's going to be the boards.

And that's just, you know, a big red flag I'd like to wave around a little bit, so think about that. So what are our expectations here?

CHAIRMAN SHIPMAN: Excellent food for thought. Stu, do you want to respond to that?

MR. KENNEDY: Yes, I would like to a little bit. I

agree with you wholeheartedly that minority reports should be a rare event. And the reason -- our hopes were, when we made these recommendations, that particularly the training for chairs and vice chairs, including facilitation and consensus building, would hopefully remove a lot of that.

It won't remove it all but it will remove -- if it's done right, it will remove a lot of that, and so that's why that training is in there.

CHAIRMAN SHIPMAN: Ernie.

MR. BECKWITH: Thank you, Susan. I've got a couple of points and comments. They're not related, two different issues. The first one is just a question. Do the technical committees currently get a summary of the board motions? They should probably get that so they can be current on what's going on.

CHAIRMAN SHIPMAN: Dr. Kline is going to answer that.

DR. KLINE: My understanding is that does not always occur, but that is written into the guidance document that board minutes will go back to the technical support groups.

MR. BECKWITH: Okay, excellent. The second comment is sensitive, and it's not very pleasant for me to have to say this, but it has happened a number of times to all of us. The issue is how, generally it's the board chairman, makes a presentation to the board, and the board generally makes decisions on what they hear.

So it's critical that the board chairman does a fair and equitable presentation to the board. And I think that's enough said, and hopefully your guidelines and your training and the policies will certainly help that.

One other thing that I find troublesome is that -- I've seen it happen over and over again -- that a board chairman will -- I'm sorry, a technical committee chairman will make a presentation and he'll say, "Not all the technical committee has seen this. This is something that I just developed", and we've gotten ourselves in trouble over that in a number of occasions. And could you respond to that. Have you guys talked about that? I mean, for us on the board that's a real serious issue.

MR. KENNEDY: I can't tell you that -- hopefully, there may be some help. Maybe Lisa can help in this. I don't remember the discussion directly about a technical committee chair coming and saying, "These are my opinions, you know, I didn't give any of them to the -- or the committee didn't say anything about them."

Part of the discussion in the technical committee meeting week's discussion was that all of the -- there would be time for all of these discussions and that information would get to the boards.

And we set minimum amounts of time, and I think it was a minimum of at least two weeks prior to the meetings of any of these, they would have all the materials that are required for that meeting. And my believe would be that would start to take care of some of that. People would see it.

I mean, you guys shouldn't deal with it, I agree with you. If somebody is coming in with that kind of a recommendation, then they really have no -- as a chair they have no business doing that unless the rest of the committee has seen it, discussed it, and come up with a position.

It's the chair's job to present what the committee wants and not what they want. And we made that clear in here. And I don't know, we can't force it. You can train people on how to do it properly and that's all we can really recommend. Lisa, do you have any additions for that?

DR. KLINE: Just an addition. There is language in there that says that any recommendations and documents that go to the board must be approved by the full technical committee prior to being moved to the board, so that may help a little bit, as well.

CHAIRMAN SHIPMAN: Ernie.

MR. BECKWITH: Just as a follow up, I think there's a burden on -- there's a responsibility of the boards, too. If this happens to us, we should say -- even though we're usually under pressure to do something, but we should say, "Stop, we really can't act on this." So it's a dual responsibility, I think.

CHAIRMAN SHIPMAN: I think those are very good observations, and all off us around the table have seen that happen. It's a rare occurrence, but I think we have

observed it in the past.

And it's something with some good guidance from this document to all of those members of a technical committee, I think it's something they should keep in mind when they are selecting a chair who is going to be a good spokesman for the group, that can go forward and present the information on behalf of the group as opposed to carrying forward maybe an agency position or something.

What I would like to do is, if you all are comfortable with the document and the work that has gone into this - - and I think we've had some good suggestions maybe that we might want to give staff editorial license just to reflect some of these thoughts in here -- is to get a motion to adopt the work group's recommended improvements to the commission's technical support structure.

And that would be approval of the three documents that we have, which are the recommendations document, the orientation manual and the guidance document. Mr. Cupka, is there a motion? We have a motion by David Cupka; second by Bill Adler.

Is there discussion on the motion? All those in favor of the motion, signify by saying aye; opposed; any abstentions; any null votes. Seeing none, the motion carries unanimously.

Thank you, Stu Kennedy, Lisa, Melvin, everyone who served on the group. I can't even remember who all it was. Thank you all very much for a job very well done. We appreciate that, and I think it will only serve to improve our process. So we look forward to implementing it. Melvin.

MR. SHEPARD: Question. Did that vote encompass the recommendation of the SAC?

CHAIRMAN SHIPMAN: Of the stock assessment committee?

MR. SHEPARD: Forming that pilot committee.

CHAIRMAN SHIPMAN: Yes, I think it did. It included all three documents. What I don't think it did, I understood there was no agreement on the super scientific committee, so it did not include that, was my understanding. And it would include a pilot in 2003 to

try to have a technical committee week.

Let's see, the next item we have is the review of the aquaculture guidelines document, and I believe Bruce Halgren is going to do that for us.

MR. BRUCE HALGREN: Good afternoon and thank you for the opportunity to address you. The Management and Science Committee is providing you with an update of the document we're preparing and it is titled the "Guidance Relative to Development of Responsible Aquaculture Activities in Atlantic Coastal States".

In way of background, I'm sure that you're all well aware that aquaculture in the marine environment of one type or another is currently occurring in virtually every Atlantic Coastal state right now.

So, fishery management agencies are currently or will soon have to deal with the impacts or potential impacts of aquaculture, whether they have the direct regulatory authority over aquaculture or not.

Aquaculture issues are already included in ASMFC FMPs, including Atlantic sturgeon, striped bass and summer flounder. Although we don't have FMPs on shellfish, in, again, virtually all the Atlantic Coastal states some form of shellfish aquaculture is currently going on involving mussels, hard clams, oysters or others.

This document is the direct result of an ASMFC/NMFS cooperative agreement in 2000 to address recommendations from the 1998 state-federal workshop on aquaculture hosted by the National Marine Fisheries Service in Gloucester.

The specific charge to the Management and Science Committee was to review the FAO Code of Conduct for Responsible Fisheries, Article 9, which is aquaculture development, and develop a similar framework for use by the Atlantic Coast fisheries management agencies in addressing aquaculture issues.

This task was not undertaken lightly. I hope you'll see this from this short overview of the development and review of this document to date. The Management and Science Committee's Aquaculture Subcommittee's first role was to identify an aquaculture steering committee.

This steering committee had 13 people on it. It was by far and away the largest steering committee I've ever been associated with. But it did have people from state agencies, federal agencies, law enforcement, academia and industry on it.

They also went a little further than a lot of steering committees. They identified 60-plus areas of concern. They developed the basic definitions that the document would be based upon, the general format of the document, the scope of the document.

Basically, this group had one formal meeting, I think three or four conference calls and then, of course, those participants also were in the workshops.

As far as the workshop, there were approximately 45 individuals invited to the workshop representing all the fields including quite a number of industry representatives. The workshops were attended by at least 30 individuals in each case.

At the first meeting it was obvious that if we were going to address sixty-some issues -- although we did whittle it down -- we were going to have to do more than just meet at that meeting, and we broke that group down into five subgroups, and each participant was a member of two different subgroups.

They did a lot of their work -- the subgroups did a lot of their work by e-mail and conference call. In all, I think there were ten or twelve conference calls. And then the whole group had a second meeting where they reviewed each other's work, commented and came out with a first draft.

That draft went to a number of the commissioners, committees, and so on, and we got some comments. And one of the comments that we heard as a recurring theme was that the document was too industry-oriented.

And so a joint Management and Science Committee, Habitat Committee, Aquaculture Subcommittee was put together to rereview that document, and two meetings and two conference calls later they did do that.

That's the document you have in front of you. Subsequently that has been sent to everybody for review. But, in overview, the document that you have in front of you, let me just say that the commission is

not seeking any kind of regulatory authority.

Our goal is to ensure that aquaculture development can occur without detriment to the natural harvest fisheries.

The document provides general recommendations. They are not detailed procedures.

We recognized early on that there are too many potential aquaculture species, too many different geographical and hydrographical features to every try to be very specific.

The guidelines are voluntary. Several states, especially at the two ends of our commission, are well along in aquaculture and have large aquaculture industries and probably addressed most, if not all, of these issues.

And that's great for them but there's still a lot of other states that can use this as a helpful hand. Some issues, of course, may not be of concern in all the states, some of the ones in the document. And I'm sure there are specific concerns in some states that aren't even covered in this document.

The intent of the document is clear, however, in the objectives and opening statements of the document. It is intended to provide a list of issues that could be considered for development of responsible aquaculture.

And in that respect, the document can be used as sort of a heads-up document or an early warning system. The intent is to serve as a reference for commissioners to better understand issues surrounding aquaculture and to provide guidance to state agencies to address industry development.

The document is not intended to be used by the commission to develop aquaculture regulations or to be used as compliance criteria for state aquaculture programs.

The general content of the document was broken down into five groups: natural environment; biological and ecological integrity; siting, permitting and monitoring; administration; and industry development and marketing.

Each major topic includes several specific issues relevant to that topic. And, as I said, we started with an identification of well over 60 issues, and I think we

boiled them down by combining like issues into 33 different issues.

Each issue is broken into four sections: a statement of need; the guidance itself; a discussion; and examples. And the examples are very important, especially if those states or NGOs that want to develop further detailed programs, they can actually look at the examples, the detailed examples, from other states, federal agencies, NGOs or what.

The issues, broken down by group, are as follows. For natural environment, they include best management practices, water quality and quantity, protection of physical habitat, therapeutant and chemical use, disposal of facility waste, impact mitigation and restoration and facility reclamation.

For biological and ecological integrity they include -- and by the way, these are the two big ones -- stock source and containment, carrying capacity, disease, wildlife and wild culture interactions, genetic integrity, non-native species, predator control, health certification and transfer and transport.

Under siting, permitting and monitoring, we discussed lease agreements, permitting and planning, facility design and siting, user conflicts and resource allocation, environmental and facility monitoring.

For administration, distinction of wild stocks in aquaculture products, stock enhancement, ownership and tendency privileges, compliance verification and industry participation in policy formulation.

The last one is industry development and marketing where we have industry development, regulatory impediments to aquaculture, industry management practices, research extension and information exchange, diseased product, seizure of product and inventory disposition, regulatory cost of industry development, national and international development.

Relative to the comments we received, on the first draft the two comments that were basic themes were the document is too pro-industry and the guidelines would be too burdensome on the states.

Now these concerns were addressed I hope well by the Joint MSC- Habitat-Aquaculture Subcommittee, and this document addresses those changes. To go back to

that "burdensome for a state", our initial draft basically had the guidelines all stating "states should."

And that was really the point of the burden, and that was sort of a language thing. And we removed that language and made it much more generic that certain actions could be taken to resolve some issues.

Comments received on the present draft included some from the National Marine Fisheries Service. And, by the way the joint committee did meet Monday for a couple of hours, certainly not enough time to address all the concerns, and I'll get to that in a second.

But NMFS had a couple of comments that went to perception. For instance, we title each issue with a statement of the problem. We agreed to change that to a statement of need because having every issue being titled a statement of problem is very negative.

It sounds like every issue regarding aquaculture is a problem, and that isn't so. The other thing was that this is a guidance document, and yet in the document in front of you we have proposed guidelines.

The comment here was that some people may feel that a guideline is a direct route to a regulatory action, and we're just going to change that language to "guidance."

There were also a number of other changes that we saw that were basically constructive changes, so that we will be making those changes.

More troublesome, however, were some major comments that we got from the states. One was from the Florida Department of Agriculture, and in Florida the Department of Agriculture is the responsible agency for aquaculture.

The comment was that this is outside the scope of the commission's purview and they just don't think we should be doing this. The Management and Science Committee looked at this. As a matter of fact, the workshop participants also looked at this same comment.

But the Management and Science Committee felt that this type of document is certainly appropriate for ASMFC for the following reasons.

ASMFC is dedicated to the protection of fishery resources and the interests of the fishing public and

consumers of fishery products. So our concern certainly has to extend to any activity that has the potential to cause negative impacts.

Number two, the states have a strong role in the public trust resource, and this is especially true when private ventures directly compete for those resources. And that is certainly true of aquaculture at least when aquaculture occurs in a natural environment.

This guidance document can be a useful document to other agencies, both federal and state, besides just the marine fishery agencies, such as those for inland waters, water quality, land use or agriculture, any agency that may have a role in aquaculture development.

It's also very similar to other ASMFC policy documents that we've developed such as that for submerged aquatic vegetation or the habitat sections on winter flounder where the ASMFC document makes recommendations for the benefit and protection of habitats that, again, maybe we don't have direct regulatory responsibility for.

Thirdly, of course, these same concerns would also apply to resource management aquaculture, in other words, stock enhancement type aquaculture or research and education aquaculture where we do have a more direct role.

And actually when the workshop addressed these kinds of issues, we tried to look and see whether the types of aquaculture should be dealt with differently, but the problems were probably 90 percent overlap.

If we had only addressed resource management aquaculture, about 90 percent of this document would be just as you see it. By the way, I just want to mention that Paul Zajicek from the Florida Department of Agriculture, who made this comment, was also a participant of the workshop and a very productive participant of the workshop.

Along with this comment, he also made additional very constructive comments and provided a lot more reference materials to be added to this document. So, although he doesn't really want to see ASMFC play in this role at all, he has been very helpful in developing what I think is a pretty good document.

The other major comment was from the State of Maine,

and their commentor suggested that their agency may not want to support this document, and this concerned us at the Management and Science Committee very greatly.

Fortunately, however, at least I personally believe their comments are addressable. Two of their comments, major comments, were that they were concerned that these guidelines could become regulatory at some point, and we addressed that throughout the document.

These are strictly voluntary. There is no kind of regulatory action by ASMFC contemplated or compliance by ASMFC. Their other comment was that some of these guidelines may come back and bite us in other venues, and that's a funny place to get bit.

But there is a point where we can see that, yes, if the State of Maine -- which has a huge aquaculture industry -- has already done everything they need to do and somebody feels that maybe this document is suggesting doing it another way and will hold it up and say, "Well, see, Maine, ASMFC disagrees with what you did", I don't really think that's very probably because this document is not specific.

It's a very general document. Basically it identifies issues and says you should address these issues. It doesn't say how; it is a very generic document.

And I don't know how -- I think it would be real difficult, I guess, for someone to hold this document up to any state and use it against the actions of any state.

As far as future actions, the joint MSC-Habitat Committee Subcommittee will take the comments that we have. Most of them are relatively minor but they do help the language. They will make it, I think, a better document.

It will probably take us four to six weeks to change the language in the document to reflect those comments. The document will then be reviewed by the MSC again in November, so that they will have seen the entire document.

I want to say that the MSC has been very good at looking at this, and right now they intend to recommend to the Policy Board at your annual meeting that these guidelines be approved as a commission document.

This was a much bigger undertaking than I think we thought it was going to be when we started this. It involved a heck of a lot of people, a lot of conference call, an outlandish amount of staff time.

They did all of the writing, other than the original sections that each panel did. And, again, they did a fantastic job, so I just want to recognize them and the effort that they put forth in the development of this document. And if anybody has any questions, I'd be glad to attempt to answer them.

CHAIRMAN SHIPMAN: Thank you for another excellent report from Management and Science. Bruce, I appreciate you heading up the steering committee and working with staff. Again, it's an exceptional work product.

And I think we want to take comments today, give you all some more feedback and then let it go back to the steering committee and the various work groups, whomever has to rework that in Management and Science, and then bring this back in the fall. David Cupka.

MR. DAVID CUPKA: Thank you, Madam Chairman. I'd like to thank Bruce for his report. Also, it certainly was a lot of work involved in that, and it's quite a big creature to try to get your hands around. I can appreciate some of what they went through.

I just wanted to relay on some of the comments that I have received on this current draft document, and Bruce has touched on some of them. I've heard comments relative to the concern that this was just a precursor to some sort of regulatory actions that the commission was going to take.

I've also heard comments about the whole slant of the document, that it was presented more in a negative sense, I guess, than more a positive sense. But it sounds to me like from what Bruce has said today, that the group is certainly aware of some of these concerns and have already taken action to address them and change some of this language or are in the process of changing some of the language.

I'm glad to hear that they're going to do that. I guess one thing that concerns me a little bit, at least according to my understanding, is that the time for comment has passed.

I did get some comment from people in our state who have been involved in this process, particularly some of the industry members, concerning the timing on the deadline for comments; because when this occurred, a lot of these people were out of the country at the time at a big aquaculture meeting in China and they did not get an opportunity to comment on it.

So I would hope that the comment period could maybe be reopened or extended -- I guess it would have to be reopened -- to give these people an opportunity to comment as well. I think it's particularly important to get that industry feedback on the document.

So I'd just like to offer those comments for consideration by the group, Madam Chairman, and, again, thank the group for all the hard work they did on this.

CHAIRMAN SHIPMAN: Bruce.

MR. HALGREN: Yes, as far as the comment period, one reason that it was relatively short is we were hoping we were going to bring this to you for your approval or recommendation, anyway, at this meeting.

Because of the comments we got, the late time that the committee was able to look at those comments, there was no way we could amend this product and bring it to you and then ask you to take action on it.

So because now our next end period is November, I'm sure we can accept those comments, but I would ask that to the greatest degree possible, they come as quickly as they could.

CHAIRMAN SHIPMAN: Bruce, what I'd suggest is let's set a June 15th deadline for additional comments. That's three weeks. And, agencies and legislators and governor's appointees, if you know of people who want to give additional comment on this document, please get that word out to them.

We can put it in our follow-up newsletter or news release. Tina can do something for us, and we'll try to get that word out. But if nobody objects to that date, that's what I'd suggest. Gordon.

MR. COLVIN: I was wondering, given the time frame we just heard that takes us to November, if it wouldn't be possible to allow a little bit more time and to actually

suggest that the states and/or the commission seek external review and comment even to the extent of holding public hearings on this draft.

I know that's unusual for this kind of a document. But, I'm a little bit concerned about the very substantive concerns that we were just advised of from Florida and Maine, that maybe there does need to be that kind of an actual public review, promotion of a public review process before this goes forward and is actually adopted by the commission.

I'm a little reluctant, in light of those strongly expressed views, to go forward without that. We seem to have plenty of time.

You know, even if we didn't do that, my sense is that there's a number of parties that have interests, and their interests are from very different kinds of stakeholder perspectives with respect to aquaculture development issues that I would like to encourage to review the document.

And I would be reluctant to do so, to go back home at the end of May and ask them to do it in such a short time span as indicated. So I'd just like to suggest that maybe we could find a little bit more time.

CHAIRMAN SHIPMAN: One suggestion, Gordon, that comes to mind. You make a real good point. What if we ask people to get additional written comments in. The committee has got to go back and address some they already have in hand, anyway, and produce another final document maybe for public review.

And we would strongly recommend that the member delegations of the states take that out to a town hall meeting, a public hearing or whatever, later in the summer, maybe early August or something. That would give the committee time to rework the document.

Then you'd have another -- it's almost like a proposed rule. Then you have a final rule. Obviously, this is not rules and not regulations, but we've still sort of got a draft document, then we could do a final draft and take that out to additional public input. How would something like that work?

MR. COLVIN: That would work for me.

CHAIRMAN SHIPMAN: Lance.

DR. LANCE STEWART: Yes, Susan, I hear the concern, but having been somewhat internal to all the deliberations and the flip-flop of the apparent bias in one direction or another, it really remains the point of the document to be guidance.

Any subjection to public hearing just reinforces the feeling or the public reaction that it is going to be essentially laws and regulations are going to come down the pike.

And, again, it's somewhat of an internal reference as an educational touchstone document that really presents a degree of progression among some states of engaging the aquaculture evolution and trying to deal with it in a somewhat multi-agency realm.

So, again, my caution to the board or to the commission to really try to present it to the public as a working document because it is an internal reference. That's the main point.

The citations probably should be more complete so that every state weighs in. There's an obvious over, let's say, emphasis by some states in the document because of their degree of urgency to recommend their opinion.

So, notwithstanding some of the New England states have had 100-year documents in aquaculture that somewhat precede fisheries management laws, I'd be very cautious about this, especially having worked two years on it. But, that's my position.

CHAIRMAN SHIPMAN: And maybe the term "public hearing" really isn't a proper term. It's more of a public information type meeting, outreach.

DR. STEWART: In that regard, I think I would suggest that you do an internal agency review within your state. It's not as much a public opinion for the uninformed as it is a huddle session of how you proceed -- in a polite manner -- between jurisdictions within a state to address it. And it's often permitting.

CHAIRMAN SHIPMAN: As many times as this has come to us over the past year -- and I recall receiving it probably on three different occasions and I've certainly farmed it out to sister divisions and other agencies, and I would hope everyone in this room has done likewise, which isn't to say it doesn't need to go back to them in another draft.

But I would hope we have plugged in other agencies within our states and our partnerships and agencies, federal and state, before this point. I had Pete and then Ken.

MR. JENSEN: Well, I have some of the same concerns that Gordon has for a little different reason. I think almost every state up and down the coast has an aquaculture plan, and many have laws.

For example, the State of Maryland has totally revised their laws and annotated code and divided out an aquaculture portion, and there are a lot of things in place.

And even though this is very general, and I can't tell by looking at it right now that there's going to be some conflicts, I think I can assume there will be some things here that are not entirely consistent with things that exist on the books right now.

I would argue for a little more time for that purpose, too, just to make sure that this body doesn't adopt something that's going to run headlong into something up and down the coast.

And I guess while I have the microphone, I think if the commission is going to be involved in aquaculture, there are some very distinct types of aquaculture: closed circuit, natural waters, you know.

And so I think guidance has to be specifically directed to the type of aquaculture that we're talking about, and certainly the first type of aquaculture this group should be interested in is aquaculture in the natural environment, the marine environment.

And, so, I guess I would look at this as being very general guidance, but it implies that we're going to go on to a much more detailed guidance for the kind of aquaculture that's being conducted.

CHAIRMAN SHIPMAN: Ken.

DR. KENNETH HADDAD: First I want to say I feel the document has improved significantly over -- I haven't had three shots at it, I don't think. I haven't been here long enough.

I would still recommend that the Policy Board members or the members of the commission itself look very

carefully at the wording because I feel there are still things in here that are guidelines that are a statement of guideline by the commission.

I have one example, and I'll just pull it out. It says, "promote aquaculture as a potential tool for fisheries stock mitigation."

Now that to me could be a very controversial, undiscussed topic here in this meeting forum.

It's in the document, and, frankly, I've read it a bunch of times and this happened to jump out at me on the airplane the other day.

So there's things in there that still could be construed as statements by this commission that are in essence possibly setting policy direction.

CHAIRMAN SHIPMAN: And I think that's why the document is before us. There may be a point in time, in the fall or whenever, that there are certain parts of this we want to excise out as guidance or as statement of the commission. We may not want to adopt certain parts of it. I would echo your encouragement to everyone to look at this very carefully. Lew.

MR. LEWIS FLAGG: Thank you. One of the comments and one of the concerns that we have, obviously, in the document -- and I applaud the people that worked on it because I think they did a very good job overall, but one of the concerns that was actually raised in the document was the regulatory burdens of aquaculture development.

I think one of the things perhaps we need to look at in terms of the document is in evaluating aquaculture projects to look at the scale of the project in terms of small-scale projects versus large-scale projects.

Some of the requirements for site reviews, for modeling of the environment before you start an aquaculture venture, would be extremely burdensome to a small-scale aquaculture operation. I think that the documents should say something about the scale of project.

The environmental review and environmental requirements should be commensurate with the scale of the projects. I think that might be helpful.

CHAIRMAN SHIPMAN: Okay, thank you, Lew. Other comments? Bruce, did you want to respond to the various remarks you've heard?

MR. HALGREN: To at least two of them. One, thanks for finding "promote" because we tried to take that out everywhere and say "consider", and, obviously, we didn't get everyone of them. Those are the kinds of things that I think are important.

Certainly, I agree that sort of thing should be considered but not necessarily promoted. Relative to Gordon's comments relative to a public hearing or greater public involvement, I have no problem with that, but I'd encourage you to look at the list of participants that is attached to the back of the book.

I mean, we had a great deal of industry participation, as well as governmental agencies. So, hopefully, we haven't dropped anybody out of the development phase of this thing.

CHAIRMAN SHIPMAN: Okay, any other comments or guidance you would like to give the steering committee? Melvin.

MR. SHEPARD: I want to make a general observation because I'm troubled somewhat by the tone I'm hearing. We listened to, in a workshop, of great concern or concern, at least, over what might happen in waters of states and transfer to other states some of the things that Asian oysters might bring in.

I would say to this group that the aquaculture things that are going on now and that are accelerating, particularly in marine waters, have much, much greater potential to affect a state's waters and adjoining state's waters more than I think we realize.

As I watch people who own leases and franchises in North Carolina waters buying shellfish from the New England states and as I look to these for some kind of certification, I don't find any certification or any certification for the transportation.

There have been a lot of concerns over the years that the MSS and Dermo had been transferring around between states that had it and didn't have it. I watched clams being raised in raceways to be sold in state and out of state that are raised in shell hash and sand that is put in these raceways under no certification of any kind.

The shell hash usually is scallop, old broken up scallop shells that just sits in a pile where the cats and the dogs can do whatever they want to do. These things end up

going out in buckets and bags and boxes with no sanitation requirements of any kind coming into the state or going out of the state.

I think this probably has the potential to be a big problem, and I don't know how to solve it. But this is an observation I've been making for a while, being in the position of having these oyster gardens where we're buying.

We've bought from Connecticut. We buy from other states these products that come with no certification of any kind. We've put them overboard in North Carolina waters and we don't have to have any kind of permit to do that. I think there's some potential out there and I just wanted to express that.

CHAIRMAN SHIPMAN: Okay, thank you, Melvin. Pres.

MR. PRESTON PATE, JR.: Well, just so that people don't get the impression that North Carolina is an aquacultural frontier state, we do certify all product that's brought in for grow out in North Carolina. In fact, that's one of the frequent activities that comes across my desk is certification of those as being disease free.

CHAIRMAN SHIPMAN: Thank you. Well, we've got a long way to go, many items to still cover on this agenda and time is ticking away. What I'd like to do is ask the steering committee and Management and Science to persevere with us a few more months and address the comments we've received.

Let's do take some additional written comments, refine the document for another final draft or interim draft, whatever you all want to call it. Let's take it out and vet it through the public some more and then look at this again in the fall. Charlie.

MR. LESSER: I might point out that Bruce Halgren might be a short timer, too, so you'd better hurry up.

CHAIRMAN SHIPMAN: Okay, thank you. But you all have done excellent work thus far, Bruce. I hope the committee, Lisa and Bruce and all of your committee won't take these remarks as being negative toward the work you all have done. You have done excellent work thus far, looking at a very difficult and complicated issue.

Okay, with that, I would like to move on to the next agenda. Bruce, did you have anything else?

MR. HALGREN: No, thank you, Madam Chairman. That's all, thank you.

CHAIRMAN SHIPMAN: Thank you. Okay, the next item we have is the peer review discussion, and who is going to cover that?

MR. LESSER: I'm going to --

CHAIRMAN SHIPMAN: Oh, Charlie.

MR. LESSER: I'm going to attempt it. Specific questions Dr. Kline and Harley Spear will probably have the answers. The peer review charge was given to the M&S Committee several years ago, and last year we presented and there was some still additional questions.

So I'll go over the background real quick and some of the reconciliation process that we've developed and see if it meets your liking this time.

There were two questions asked the last time. I think Connecticut was concerned about when does the peer review process -- well, actually, when does the peer review change the stock assessment and under what authority is the peer review done.

So those are the two things that were tasked to us to take it back and readdress it. There was a congressional mandate in '96 that the commission conduct peer reviews of all stock assessments, and the process developed by the commission was approved in '98.

Modifications were initiated in 2000. As indicated on the board, input was solicited from all the communities, periodic updates were provided to this policy board and a discussion paper was developed to solicit further guidance, which I presume you all have copies of that? Is that true, Susan?

CHAIRMAN SHIPMAN: Yes, everyone should have them either on the CD or in the handouts.

MR. LESSER: Okay. And, again, last year when this was presented there were questions. The Policy Board requested the MSC readdress the issues involving when are the changes made to the stock assessment

undergoing a peer review and the authority of the peer review and the stock status and the management advice.

Basically there was four types of reviews: the SAW/SARC process, the commission external peer review, use of an existing organization, and an internal peer review process basically by the technical committee.

There are two additional ones that the council has the scientific and statistical committee and it is also reviewed by outside peer publications, which we'll get into later.

Some comparisons of the major types are the trigger mechanism on the SAW/SARC is when you have a new fisheries management plan, an amendment to an existing plan, a model change that could affect a stock assessment.

The same with the external, the trigger mechanisms are pulled when there's a new fisheries management plan, an amendment to the existing plan, or a model change in the assessment.

An internal review is just kind of an annual assessment. The review panel on the SAW/SARC is external as it is external on the commission, but it's internal in terms of the technical committee within the commission.

Panel involvement, in the assessment there's no involvement by the panel in the SAW/SARC or the external, but there is in the internal by the technical committee.

The terms of reference in the SAW/SARC are provided by the New England Coordinating Council. On the external they're supplied by the ASMFC appropriate board, as is the case with the internal. The length of the reviews, again, are posted up there.

In the SAW/SARC, changes during the review do take place. In the external review put on by whoever may do it, there are no changes do the stock assessment. In the internal review, there are changes made.

The question of ownership in the SAW/SARC review ends up with the review panel. In the external review, it ends up with the technical committee, as is the case with the internal review.

The process to reconcile the differences; in the

SAW/SARC process there is no process. The SAW/SARC ends up with the authorship, so to speak. The external process, there is no process to reconcile. And in the internal review, it's basically the same people. It's really non-applicable.

The difference in the technical advice; the technical advice on it, yes, in SAW/SARC it is given. In the external it is given, and in the internal it is given, as is the case with the stock status advice. Stock status advice is also given in the SAW/SARC, the external and the internal.

Management advice is not given in the SAW/SARC review, the external review, but is in the internal. Now the relationship between the SAW/SARC and the external reviews; should the standardization be attempted? That was the biggest question.

The first option we presented was to develop an external process that is consistent with the SAW/SARC process, where option 2 was develop an external process that better meets the commission needs. It has become the Management and Science Committee's recommendation to modify the commission's external peer review process to explicitly meet our needs.

The SAW/SARC process, you must remember, is guided by the Northeast Region Coordinating Council and really is not subject to change by the commission. The federal mandates require that the SAW/SARC process develop the stock status advice and be the final determination.

The board should recognize the requirements of the SAW/SARC process prior to choosing the method of review. There are some minor issues that go with the external peer review; the timing issues, how long does it take to get the peer review and the stock assessment completed; the distribution of the reports; and the clarification of expectations. And we can go into that later if there are any questions.

The major issues of concern with the external review are changes to the assessment during the review: the ownership issue, development of stock status advice; development of management advice; and most of all, the reconciliation of differences between the technical committee and the panel advice.

Now the Management and Science Committee has

proposed a reconciliation process where the technical committee and the stock assessment subcommittee draft terms of reference for the assessment.

The board would adopt the terms of reference. The stock assessment committee would conduct the assessment. The technical committee would approve the stock assessment for peer review, and the peer review is then conducted.

The peer review results are presented to the board, the technical committee and the stock assessment committee, but the board should refer the peer review results to the technical committee and the stock assessment committee for action.

The technical committee and the stock assessment subcommittee should revise the assessment based upon the peer review advice.

If the stock assessment subcommittee or the technical committee does not agree with the peer review advice, they should provide justification for not incorporating the advice along with an alternate analysis.

The final assessment, including the peer review and the post-review actions, is presented to the board by the technical committee. The board makes the final determination on the status of the stock and the biological reference points.

Now the changes in the ownership; there were three options presented in the document. If we adopt this reconciliation process, no changes will have to be made to the assessment during the review and ownership remains with the technical committee.

The stock status advice; there were four options provided in the document. But, again, if the board adopts the reconciliation process, the stock status advice will be provided but differences of opinion will be reconciled and the board has the final determination.

And on the management advice, there were three options provided but the Management and Science Committee recommendation is not to provide management advice.

The other issues was the Scientific and Statistical Committee process, but that oversight is by the Northeast Regional Coordinating Committee and is really outside the scope of the commission to make any

changes.

And the other review is through a publication of results, which is the case where the Atlantic croaker is being done by a graduate student. There is an option we could develop protocols for the inclusion in the commission process of these outside reviews or allow the outside commission purview of that review.

Now I'm not quite clear on that last one, and maybe Lisa could explain it a little better. So in the summary of that, Harley is here and I think Lisa is here if there are questions pertaining to the recommendations. I'll entertain them for answers.

CHAIRMAN SHIPMAN: Thank you, Charlie. I'm sure we'll probably have some questions and be glad to open the floor to those. Lisa, would you like to explain that last one?

DR. KLINE: Yes. The issue was raised by several people -- and I couldn't tell you exactly who -- over the last couple years, and it mainly came up under the Atlantic croaker assessment.

Essentially the croaker assessment was conducted by a graduate student at the University of North Carolina as a master's thesis, and the graduate student would intend to publish that in a peer review journal.

Now the question was raised whether or not publication in a peer review journal would be a peer review under the commission process. That was not included in the original commission process, and that's why it's on the list.

So the two options are that, yes, a publication in a peer review journal would be part of the commission process; the Management and Science should develop some protocols and include it in our process; or, it's outside of the commission's purview and it's really not part of the commission process.

It happens very, very rarely, but if we would contract out an assessment or use a graduate student, I think that question would come up.

CHAIRMAN SHIPMAN: This is a discussion paper. Gordon.

MR. COLVIN: Well, I don't have much to say other

than I'm very pleased to see the progress the group made. The reconciliation process that is proposed is quite responsive to issues that have concerned me a great deal.

I'm pleased to see that. It does address the concerns I've had.

I would be very pleased to support going ahead and implementing these recommendations with that reconciliation process built in, recognizing that this is something we're going to need to continue to revisit periodically, evaluate our progress and refine it as we go along. I'm tickled pink.

CHAIRMAN SHIPMAN: Thank you, Gordon. Is that a motion that we endorse the reconciliation process?

MR. COLVIN: Sure, I'm pleased to do it.

CHAIRMAN SHIPMAN: Okay, we have a motion by Mr. Colvin. Is there a second? Second by Lew Flagg. Is there discussion on the motion? David Pierce.

DR. DAVID PIERCE: With regard to the reconciliation process in this motion, on page 6 of the document that was just reviewed for us, the presentation, the first box where it indicates as the final step in the process, the board makes the final determination on status of stock and biological reference points; it's unclear to me at this point how the council or councils is factored into this process because the board doesn't have the final say.

It's the board, Mid-Atlantic Council, the New England Council, depending upon what species were and we're dealing with; scup, sea bass, fluke, Mid-Atlantic Council; winter flounder would be the New England Council, I suppose.

There needs to be some clarification with regard to how we make this final decision because the councils are important partners in this process.

CHAIRMAN SHIPMAN: Dr. Kline.

DR. KLINE: The reconciliation process would only be applied to the commission's external peer review. The seven or so jointly managed species would most likely still be required to go through the SAW/SARC process; and under that process, the SAW/SARC panel has the final determination. So, this reconciliation process is

only going to be applied to the external.

CHAIRMAN SHIPMAN: Gordon somewhat alluded to that in his remark. This is, I see, kind of a first step. This is a work in progress, and this is one issue of reconciliation for the peer review process that we've addressed, but we've still got some other issues to address down the road, as well. David, does that help you? Okay, Ernie.

MR. BECKWITH: Thank you, Susan. I just had a question about the process. I'm not quite sure I understand it, but on bullet three it says, "The stock assessment subcommittee writes the stock assessment." I mean, isn't a stock assessment already done?

DR. KLINE: I think the intent there was that the stock assessment subcommittee would conduct the assessment and would draft the assessment report to go to the technical committee so that the terms of reference would be done prior to conducting the stock assessment. Are you questioning the order?

MR. BECKWITH: Yes, I'm just lost here. I thought that you have an external process that produced a stock assessment and there are issues with that assessment. This process is to reconcile those issues.

I don't understand what that means, "write the stock assessment." I can understand in terms of reference, you may want to revisit the terms of reference that were used for that stock assessment, but I don't understand what it means by "write the stock assessment."

It's done. You should look at the stock assessment and look at the issues and try to resolve the issues and come back to the board with some reconciliation.

DR. KLINE: That's actually the start of the process, so the first part of the process is developing the terms of reference. Those terms of reference are applied to the conducting of the stock assessment by the commission's stock assessment subcommittee and are the same terms of reference that are used to conduct the peer review, which is actually step five.

So you're starting from the beginning. The reconciliation process actually starts when the advisory report is given to the board and then is sent back to the technical committee to reconcile differences.

MR. BECKWITH: I think I understand.

DR. KLINE: You're starting with the peer review. You need to go about three steps backwards.

MR. BECKWITH: That's my problem. Yes, I thought this was the --

DR. KLINE: This is the whole process.

MR. BECKWITH: This is the whole process. Okay, got you.

CHAIRMAN SHIPMAN: Gordon.

MR. COLVIN: I just wanted to follow up on Dave Pierce's comment, as well. You know, we will be making decisions as the time goes by about where and how we conduct assessment reviews.

There are occasions in the past, I believe, where we have been able to make use of the SAW/SARC process for assessing stocks that really were predominantly managed through commission FMPs and not jointly.

And that's an opportunity we've had to use that process which we may or may not avail ourselves of in the future, as well. We have both options, and, obviously, that process has got its own priorities, too.

So, you know, I'm not even sure I can remember. I seem to recall an assessment being done for weakfish through the SAW/SARC process that maybe wouldn't need to be in the future if it's just a commission concern, and it seems to be with weakfish. I think that's a good example we might want to do in our own external process.

CHAIRMAN SHIPMAN: Thank you, Gordon. Further comments on the motion? The motion is on the board before you to endorse the reconciliation process as outlined by the commission's peer review process discussion paper.

Is there any objection to approval of the motion? Seeing no objection, the motion carries. Okay. Charlie are you doing tagging certification?

MR. LESSER: I'll continue with the tagging, the Interstate Tagging Committee report.

CHAIRMAN SHIPMAN: Okay, Charlie, if we can, Anne Lange had a comment on the document.

MS. ANNE LANGE: Under other issues, as far as using a publication peer review, to me that's a whole different type of review than would be conducted for providing management advice.

A graduate student providing a thesis or something to have it peer reviewed for a journal, the reviewers aren't looking for the specifics of the data, the specifics of the information. They're looking for the methods that were being used.

I don't think it would necessarily be an appropriate venue for peer review for management advice in many instances. I mean, that may not be the case on every document, but I think we'd have to be careful.

CHAIRMAN SHIPMAN: Thank you, Anne. Any other comments on that? I'd just add I agree with you. We've run into this in the South Atlantic Council, and I think we struggled with whether a publication really constituted a peer review to the degree we were looking for.

MS. LANGE: The type.

CHAIRMAN SHIPMAN: Yes, the type of review. Okay, if no other comments on the peer review document or process, we'll move on to the tagging. Charlie.

MR. LESSER: Okay, the Interstate Tagging Committee report, development of tagging programs, certification procedures and application; the role of the Interstate Tagging Committee was to try to coordinate the tagging activities between states, work with the Atlantic States Marine Fisheries Commission species technical committees and to provide a forum for the technical advice to angler-based tagging programs and others.

I think everybody is aware of the problem that there's haphazard tagging programs going on everywhere it seems and some kind of coordination, we felt, was needed. A couple years ago the Policy Board tasked the M&S Committee with developing the certification process and the procedures.

We want to promote good programs and practices

through the outreach; and to do that, there's has been a website developed. The next slide will show that to you. And there's been many press releases.

There is proposed an application process to certify a tagging program. Again, this is voluntary; it's not a requirement. This is just strictly voluntary to coordinate the process.

We worked with the National Marine Fisheries Service to maintain the fish tag registry website, which I referred to, which is on the next slide. So anybody could go into this and download the certification application, et cetera, and gain information into the cooperative process and certification process.

Why do we want certification? We want to promote good practices such as the program objectives in the targeted species based on the scientific need, data sharing and the use by the science and the management of the species in question, use the appropriate methods for the size and species of fish being targeted and a rapid response to the anglers recapturing the tagged fish, more or less to maintain their interest.

We also want to direct anglers to tag with a certified program where the data is shared with management rather than just a haphazard tagging for the sake of tagging. We also want to enhance the coordination between all programs of which there are many.

Now the certification process, as I said, the applications will be available for downloading from the ASMFC web page or the fish tag web page.

Once the application is completed -- and I think a copy is available in your document -- it would be sent in to the Interstate Tagging Committee staff person on the ASMFC staff who would confirm the completed application; and if not, we would request clarification of the individual submitting it.

And the certification application, if you have copies of that, it's self-explanatory. There are six categories: the objectives of the program; their program design; how they were going to manage their data; what commitment they are going to make to the tagging program; training so that they more or less know what they're doing, make sure they're tagging the fish in the right place with the right kind of tag; and the communication is to get the data transferred to the

appropriate people.

And once that application is completed, it was sent to the appropriate species technical committee for review of the species- specific information. If that all is complete, then forward it to the Interstate Tagging Committee with the comments.

The ITC would then rate each certification application as a pass or fail. If it's lacking -- you're awarded the certification if it passes, of course; and if it's lacking, you would notify the individual where it is lacking and where the need for improvement is for future certification.

Again, after certification, they're required every five years to update any programmatic changes to ensure that the certification guidelines are still being met. And that, in a very short summary, is the Interstate Tagging Committee report.

CHAIRMAN SHIPMAN: Thank you, Charlie. Comments, questions? A.C.

MR. A.C. CARPENTER: Since this fish tagging certification form is out there on the web, is there any kind of notice that it applies only to the Atlantic Coast, and it's not the entire world?

MR. LESSER: Lisa, do you know the answer to that question? Is it specific to the East Coast, the web page?

MR. GEOFFREY G. WHITE: The information on tagging programs will cover any fish that are actually resident along the coast, Maine to Florida.

However, the Management and Science Committee discussed the certification process only being applicable to tagging programs that are administered either wholly or in part in the range of Maine to Florida.

So where ALS is administered out of New York, that would obviously be part of it, Boat U.S. primarily out of Annapolis, that would be fair game, as well as the agency tagging programs.

CHAIRMAN SHIPMAN: A.C.

MR. CARPENTER: Well, I guess I was a little bit confused. I thought they sent an application to an ASMFC staff person. And unless it's clear on the web

page, that some Pacific Coast angler's association, are you going to have to be dealing with them filling out this application and sending it to you and you're going to have to respond back to them; or, is there something pretty clear on the web page that says where this particular program is headed?

MR. WHITE: Yes, the application is not there right now, and there would be clarification that this is for tagging programs and not individual taggers, and where the jurisdiction boundaries are.

CHAIRMAN SHIPMAN: David Pierce.

DR. PIERCE: Fairly recently a report was written by a group that received federal funds to investigate the hows and whys of fish tagging. I can't recall the specifics.

I wasn't involved with the development of that report, but it is available. Therefore, if the Interstate Tagging Committee hasn't yet seen that report, they should get it.

They should refer to it and see to what extent the recommendations of the ITC can be dovetailed with that particular report, which involved quite a few meetings, quite a few participants, just to make sure that there is some consistency between what's in that report and what's being recommended here.

As I said, I can't recall the specifics, but it exists, and the committee should get a hold of a copy and see where the similarities and differences lie.

CHAIRMAN SHIPMAN: Okay, I think Management and Science is bringing this to us today for our endorsement of a tagging certification program. What is the board's pleasure? Gordon.

MR. COLVIN: So moved.

CHAIRMAN SHIPMAN: We have a motion by Mr. Colvin. Is there a second? Second by Dennis Abbott. Okay, comments on the motion. Ernie.

MR. BECKWITH: This is going a little faster than I thought it would. This happens to be a pet peeve of mine. Yes, I am troubled by citizen tagging programs in general.

There is a situation that has been going on in the State of Connecticut that really concerns me. I'll just briefly tell you what it is and then I'll tell you what some of the issues are.

We have a lot of striped bass that over winter in the Upper Thames River.

It's in about probably a two-to-three-mile area. There is -- I couldn't tell you how many bass are up there -- hundreds of thousands of bass.

There are charter captains that are selling trips to go up there. They'll advertise in the local fishing magazines, guarantee people that "we will go up and catch 50 to 100 bass and tag them." This goes on day after day.

And in particular this winter was very warm so they were up there a lot. They are promoting tagging as conservation but as a way to make money. And everybody feels good about tagging. Anglers think if they're tagging a fish, they're doing something good for the resource.

And what I think is I think we need to step back from this thing and really assess what's going on with the citizen tagging programs. I don't have any idea whether they're beneficial or they're not. I don't know how many fish are being tagged.

I know in the Upper Thames River they're using a tag for any size fish that they catch, and there are fish up there that are six or seven inches long. Literally thousands of those little fish are rammed through with a needle and a tag is put through.

I don't know what the handling and discard mortality -- not discard, that's not the proper term -- but the release mortality is. I've had my staff up there watching them, and sometimes the fish come on the boat and they're on the boat a long, long time before they go back in the water.

So, I think that one of the concerns that I have is that I was hoping that the Interstate Tagging Committee was going to do an assessment, a compilation of all the tagging that's going on so somebody could assess it and get a handle on it.

Maybe we want to promote it, maybe we want to restrict it, maybe we want to recommend guidelines. The certification program I have mixed feelings about.

I don't know whether if we do this we are endorsing something that we don't know really what it means. We could be endorsing something that's bad; I don't have any idea.

The other concern I have is there are six criteria here. Well, actually I don't know if they're criteria, but there are six things that would be evaluated on an application, but are there any criteria for those six things?

For instance, maybe I'm being overly critical, but are you aware of any citizen tagging programs that have an experimental design? I mean, is it just tag any fish that you catch? I kind of doubt whether any tagging program out there has a design and could pass muster here.

Do we have any criteria or standards to evaluate program design?

The other thing I'm very concerned about is training. I think it's absolutely critical. If we're going to endorse a certification program and really -- I'll use the term "endorse" again but endorse people going out and tagging fish, then training becomes an absolute critical thing.

You've got a whole bunch of people out there that can go to various places and buy tags. You can go to Boat U.S., walk into Boat U.S. and buy a tagging package and go out and stick them in fish if you want.

There are other groups that are in the business of selling tags.

The whole thing really troubles me; and I think before we jump into a certification program here, we should assess what's going on out there.

CHAIRMAN SHIPMAN: Geoff.

MR. WHITE: We've done a survey of what tagging programs exist Maine to Florida. The tag registry right now has about 65 programs in it, and about 15 of those are angler-based, about 35 or 40 are run by agencies, and there are about 5 of them that are state university organized.

There are programs that are run by -- the tagging is done by the constituents that have a scientific design and tag retention studies behind them, and there are some which share their data with management.

The goal of the Tagging Committee, understanding that they have no forceful authority as a voluntary program, was to point anglers in the direction of quality programs that do a good job in the science, the program management and the data sharing with the fisheries management and not to primarily promote tagging activities, but to at least guide the activities that are going to occur in a direction that will actually be beneficial.

And the link with the technical committees was envisioned as a means to suggest appropriate sample sizes. I hope that addresses some of your concerns. The certification program or process was meant to kind of act more of the Coast Guard courtesy marine exam seal of approval, something that tagging programs would want to do to show that they were beneficial and gain use.

CHAIRMAN SHIPMAN: Ernie.

MR. BECKWITH: Yes, if I could respond. No, you didn't really satisfy my concerns. You provided answers to some of the issues but, again, I think that we as a group really need to -- I don't know what's going on with tagging.

I mean, perhaps you have some data, some summary, but I think it's an issue that we as a commission need to take a look at. Perhaps the example I used in the Thames River is not typical of what's going on, but that situation is a local situation that I find extremely troublesome.

I mean, with a lot of the species, the discard mortality is an issue, and I'd just like to have a better understanding of what's going on out there. How many fish are being tagged? How many groups are doing this?

I feel like I'm put in a position to endorse something today and make a decision and vote on it when I really don't know what I'm voting on or what it means.

CHAIRMAN SHIPMAN: Other board comments before I take public comment? Anne.

MS. LANGE: My understanding was that this was a method to, as Geoff has said, pull together and put in a single place a register, I mean, have all the information of who is doing what kind of tagging; but beyond that, to provide an opportunity for outreach to citizen tagging

groups.

They're out there. Boat U.S. is selling their kits. Everyone else, there are several other groups that are selling their kits. In trying to provide an opportunity for the commission and partners to educate the public, have them be able to go to places to find out what's the best method, as Geoff said, I'm not sure -- you know, a lot of the inland states prohibit tagging.

I'm not sure that what the -- citizen tagging in fresh water -- I'm not sure what individual state's rules are regarding citizen tagging.

But, I don't see that this is something that is negative, this report or this program. I don't think it's something that is negative or contributing to the problem. I see it as a help, you know, something to help alleviate the problem.

CHAIRMAN SHIPMAN: Paul Diodati.

MR. PAUL DIODATI: I do share some of Ernie's concerns about the impression this might give that we're advocating to enhance citizen tagging of fish.

I don't think there are any wildlife programs in the country for upland wildlife or migratory birds where we have citizens going out and doing tagging, nor are those kinds of programs endorsed or advocated widely by natural resource agencies.

In Massachusetts, alone, I know that striped bass tagged by citizens groups numbers over 15,000 fish a year. And, you know, very little of that information actually filters back through the agency; and even when it does, it has very limited use.

So is there some assurance here that by passing this motion that -- this program, certification program, is there an assurance that the program is not going to encourage more tagging? Is this really just a registry or is this going to encourage more tagging to develop?

CHAIRMAN SHIPMAN: Staff or Management and Science, do you have any comments on that?

DR. KLINE: Well, I think the registry and the certification program are two different things. There is a registry; that's the web site that's up there. That's a place where programs can come in and put their

information in. And if an angler wants information or has a tag, they can go find the information in that registry. That's a separate issue.

Paul, to your question, will this affect an increase in angler tagging, I couldn't tell you. I'm not even sure that the committee discussed it.

As Geoff said, the committee has no authority to stop angler tagging; and until the states put that in place, I think the committee is looking to make -- in their opinion angler tagging is going to occur until the states set policy to stop it and; therefore, if it's going to occur, why not encourage them to work with a program that is certified to be a good program. I mean, that's, I think, where they see the benefit of this certification program.

CHAIRMAN SHIPMAN: Ernie.

MR. BECKWITH: Yes, Lisa just really touched on an issue as to where we are in the State of Connecticut. We're really trying to determine what to do about citizen tagging programs; are they good, are they bad?

That's why I was hoping to get some feedback to really understand what's going on out there. We think we have -- actually, we have a state regulation that is applicable to both inland and marine waters.

It's being interpreted differently by our inland people versus the marine people. The inland people prohibit tagging and they do it based on -- citizen tagging -- they do it based on the regulation that says, "All fish caught have to be returned without avoidable injury".

And they've interpreted tagging a fish to be avoidable injury. We haven't interpreted it that way in the marine waters. We think that we can. We're just wrestling with should we do it.

CHAIRMAN SHIPMAN: I had Bruce Freeman. I'm going to take this one other comment, and then we either need to vote this motion up or we need an alternate motion to table it or whatever, and I'm going to take public comment and then we'll deal with the motion.

MR. FREEMAN: Thank you, Susan. The question I would have, if someone applied for the tagging program certification, and some of the answers to these three pages of questions we had some concerns about,

but nevertheless certify them, would they use that or could they use it to make their program more acceptable?

The fact that it has been sanctioned by ASMFC, it could balloon what Ernie says. Now we're sanctioned and this thing doubles or triples, and we had concerns to begin with.

This gets to the application. Who is to judge when they answer these three pages, whether it's satisfactory and do we deny them? I mean, someone applies and we don't like what they're doing, do we deny it? How many negative answers is required before denial occurs?

I think the questions are good and appropriate, but I'm just concerned about someone filling this out and we look at some of these answers and say, "My god, they're doing what Ernie is concerned about."

Do we certify it or not? And if they come back and say, "Well, you didn't certify, what's your reason for it"; are there standards we have to do that?

CHAIRMAN SHIPMAN: Tom, did you want to make a comment, very quickly? Very quickly, please.

MR. TOM FOTE: Well, a lot of questions have been asked around the table and since attending a Woods Hole Symposium with John Lucie and John Teaman put on about -- I guess about 12 years ago now or 13 years ago -- we talked about tag and release and we basically looked at tagging programs up and down the coast that were going on by individual groups.

There's three groups in New Jersey that do that. All their data is put in databases. They have people that -- because I have been involved in all three programs, because I made sure if you're going to do a tagging program, it has got to be done scientifically.

You've got to train the people to do that. And, also, some of the useful information that came out was one guy spent a day tagging fish in the Delaware River in the middle of the summer, and he got tag returns from six fish the next day. And the guy wrote on the tag returns, "Found them belly-up."

We learned that you shouldn't be fishing light tackle in the Delaware River when it's 90 degrees in the

temperature. So it changed his habit of fishing, and it changed a whole bunch of people's habits of fishing because we found that data out.

The programs that are basically done in New Jersey, which is the American Little Society, Berkley Striper Club and Salt Water Fly Rods, all maintain a strict database, allows people that want to tag fish to tag but doesn't promote tagging, understands that there's consequences.

We educate people that it expands the hook-and-release mortality. But it also slows people down who are just out there jigging 35 or 40 fish, because now you're going to have to record the information.

So instead of catching and releasing 35 or 40 fish, the person is maybe only doing 10 because he's basically tagging the fish and putting it back. There's consequences on both sides.

What I really would like to see is an education process to certify the programs, to basically teach people what they should be doing if they're going to tag.

The thing that Ernie is worried about in the Thames, we would not promote that in New Jersey. We would be dead set against that, of just basically having a tag and release -- unless, and what just happened, that the state wants to find out data on a particular species and asks us to go out and catch since they don't want to pay people to do that, so there is some benefit to states, too.

And, yes, citizens do tag birds. They band them. They basically catch them at Island Beach State Park. They put up nets, and there's casualties to those birds as they fly through the nets. Some of us has disappointments over those, too. But the National Audubon loves to do it, so, there are consequences on that and there is some banding going on. Thank you.

CHAIRMAN SHIPMAN: Thank you, Tom. There's obviously considerable concern, I think, around the table. What I'd like to suggest to the maker of the motion if he would consider withdrawing his motion, and we refer this back to the Tagging Committee to address some of these issues. And you may not want to do that; you may want to go ahead and move forward and call the question on this motion.

MR. COLVIN: I sort of thought that's what we did the

last time, I'm not sure. Maybe I'm misremembering, but my own impression was that even though I agree with and share all of the concerns that the members of the committee have put on the table, I'm under the impression that we need to get moved off square one on this and, again, nothing is etched in stone.

We need to enter into a process that will and improve it over time. I prefer to take a vote on the motion; and if somebody wants to move to table it, that's certainly within their purview.

CHAIRMAN SHIPMAN: Okay, thank you, Gordon. Ernie.

MR. BECKWITH: Thank you, Susan. I will move to table this motion until we get a report from the Tagging Committee on citizen-based tagging programs.

CHAIRMAN SHIPMAN: Okay, there is a motion. Is there a second? Bill Adler seconds the motion. Just a clarification of your motion, Ernie; when do you want that report back from the Tagging Committee?

MR. BECKWITH: I don't want to put them in a difficult spot. Let me ask the question. You sound like you've already done some work and collected it; what would be a reasonable time? Let me tell you what I'm -
-

MR. WHITE: We need to talk about it afterwards in terms of what you want, if you want how many tags are put in any species, then that would be difficult.

MR. BECKWITH: What I'd like to see is a list of the organizations that are tagging, the species they are tagging and an estimate of the number of each species tagged annually, and also the type of tag used.

CHAIRMAN SHIPMAN: Dr. Kline.

DR. KLINE: One of the problems that we have is for this year we only had funding for one meeting of the Tagging Committee. They've already had their meeting. I think there was some discussion amongst AOC about maybe having the states put up money for a second meeting. So if we want to move on this, that may be the only way we can get the committee back together again.

CHAIRMAN SHIPMAN: Okay, Paul.

MR. DIODATI: Will one of the objectives here of developing such a report be that there might be a recommendation contained in this report for us to consider whether or not the commission wants to endorse or advocate citizen tagging programs?

Is there going to be some kind of evaluation of this programs? I think, you know, without that type of information, we're going to be right back to where we are now when we're looking at this information. We're just going to have more information unless there's a recommendation there.

CHAIRMAN SHIPMAN: Yes, I don't see that in the motion. I think if you all want that, you need to clearly articulate it so that it's clear to the committee what you're tasking them to do. Paul.

MR. DIODATI: I would ask to consider modifying the motion, then, to include the language that until the Interstate Tagging Committee provides a report on citizen-based tagging programs that includes including a list of organizations, species tagged, number of species tagged and the apparent benefits of these tagging programs.

CHAIRMAN SHIPMAN: Is that a friendly amendment? Ernie, do you accept that as the maker of the motion?

MR. BECKWITH: Yes, but there's something that isn't correct up there. It's you've got the species tagged and the number of each species, so we want to know how many fish of each species are tagged. And, can I add one thing, too, the number of returns, if you have that, also.

CHAIRMAN SHIPMAN: Okay, is that acceptable to the seconder? Bill Adler.

MR. WILLIAM A. ADLER: Yes.

CHAIRMAN SHIPMAN: Dennis Abbott.

MR. DENNIS ABBOTT: Thank you, Madam Chairman. I guess I'll go along with this modification of the tabling motion, but a tabling motion is supposed to be to table, I believe, the original motion not to do what we've done here.

CHAIRMAN SHIPMAN: I think it's for clarification.

It's the rationale for tabling the original motion is what I would suggest. This is the intent for tabling. David Cupka.

MR. CUPKA: Thank you, Madam Chairman. Just a minor point -- and I'm not trying to put words in Ernie's mouth, but I think what he really wants is number of fish tagged by species and not just number of fish tagged. Is that correct, Ernie?

MR. BECKWITH: Yes, David, thank you. That's what I said, but I didn't read it up there properly.

CHAIRMAN SHIPMAN: Does everyone see the motion? It's to table until the Interstate Tagging Committee provides a report on citizen-based tagging programs, including a list of organizations, species tagged, number of fish tagged by species, number of returns, types of tags and the apparent benefits of these types of programs.

It was moved by Ernie Beckwith and seconded by Bill Adler and perfected by the entire group. Bruce and then Pat and then we really have a lot of ground to cover so we have got to move on.

MR. FREEMAN: Thank you. I'm questioning whether, Ernie, if we have this information, would that satisfy your concerns, and it doesn't appear to me that's true. The reason I say that staff indicated there's 65 or more programs and you come up with all those numbers and we see what they are.

I'm not certain it answers Ernie's basic question. I'm just curious if this motion is going to help or we're going to have a lot of work done and then come back and ask another question.

CHAIRMAN SHIPMAN: Ernie.

MR. BECKWITH: Bruce, I think it's a necessary first step for us to really assess what's going on out there. For instance, there could be many more striped bass tagged than we really need. I mean, I don't know that. That's one of the things I'd like to look at.

CHAIRMAN SHIPMAN: Pat.

MR. PATRICK AUGUSTINE: Thank you, Madam Chair, just a point of clarification. When do we anticipate getting this, in 2006 or 2007? ?

CHAIRMAN SHIPMAN: This is a resource issue again. I mean, we're tasking a committee with more work. It's not budgeted for. We've got to look and see where there may be some funds that have not been spent by other committees and see what might be able to be allocated to this.

I would ask that you give staff and the commission leadership the prerogative to look at this and see when we could task this to be done. I don't think we can tell you that right now. Is there any objection to that?

Okay, I'm going to call the question on the motion. All those in favor -- do you need to caucus? Yes, on tabling. Do you all need to caucus? Okay, all those in favor, signify by raising your right hand, in favor of tabling. I have eight in favor to table. All those opposed, six opposed; any null votes, one; any abstentions? Okay, the motion to table carries eight to six, one null. Okay, thank you very much.

What I would like to suggest, the next item was a multi-species management option. That is not a pressing issue. I'd like, with everyone's concurrence, to defer that to the next meeting of the Policy Board, if there's no objection.

As I mentioned, we've got a lot of ground to cover. Okay, we'll move on to the Asian oyster workshop. We have a report from Charlie.

MR. LESSER: The Management and Science Committee sponsored a small presentation yesterday or two days ago on the Asian oyster situation in the Chesapeake Bay, which has the possibility of spreading up and down the coast.

The speakers there were doing the work at the Virginia Institute of Marine Science. And real quickly now, if you're not familiar with the Asian oyster situation, it's a an oyster that's been looked at as a substitute for the Virginia oyster or the native oyster to the Chesapeake Bay as a substitute in light of the fact that the amount of money being spent to restore natural oyster grounds in the Chesapeake Bay is going off the charts and with very little progress.

And so I guess the State of Virginia has requested the Virginia Institute of Marine Science to investigate other species. And, of course, any time you bring in a new species, there are questions.

And, of course, in the course of the workshop, it was more or less agreement, the major question appears to be amongst all concerned is what is the balance between the risk of doing nothing and the risk associated with introducing the Asian oyster?

And real quickly, to summarize some of the areas of agreement, it's agreed the native oyster is in big trouble in the Mid-Atlantic region, mostly due to dermo and MSX diseases. The Asian oyster grows and survives well.

It's very promising for the industry. They also say it tastes good. Still a lot of the unknown information, the impacts of introduction are unpredictable and irreversible. Questions should consider the risk of doing nothing first.

In other words, cost-benefit wise relative to the native oyster, what happens if we do nothing. The potential pathogens, parasites and other organisms may be a problem; however, quarantine and other processes will resolve some of these issues.

That may be true for everything except viruses which they really can't identify. There should be a lot of consideration to the hooligan oysters, in other words, those oysters that are introduced into our natural systems by individuals who don't necessarily abide by the rules.

If there's a dollar to be made and if there's an oyster to be grown, someone might take it upon themselves to try their own experiment.

This will be influenced by the time table for taking action. In other words, if no action is taken over a period of years, it's inevitable that someone will probably try them. The longer the delay, the more chance of hooliganism, in other words.

There is a strong need for coordination amongst the states since introduction by any one state will have effects on all states on the Atlantic Coast. In other words, if one state does it, there's no way you're probably going to stop another state's oystermen or watermen from trying it in their state; and before you know it, it will be up and down the coast.

The areas of disagreement and the area of a lot of questions -- the industry's concern is that there is a great

deal of money going into the restoration of the native oyster.

How much money and time are we going to put into the restoration activities? How far do we have to go before we give up on the native oyster? And how much risk are we willing to assume, and will the industry time table result in too much risk?

The Management and Science Committee, after reviewing the workshop comments, the only conclusion we really could come up with is this is an interstate issue and has the potential to affect all Atlantic Coast states, and make you all aware that what's going on in the Chesapeake Bay could very well be in your backyard once it gets going. So that more or less summarizes the Asian oyster workshop.

CHAIRMAN SHIPMAN: Thank you, Charlie. I hope everybody had an opportunity to sit in. It was quite good. I would just commend this summary to everyone's reading, those that attended and that didn't, and we will be presumably getting a report back from the National Academy of Sciences study. Jack Travelstead.

MR. JACK TRAVELSTEAD: Thank you, Susan. I just want to make everyone aware. I think all of you know that the Marine Resources Commission has received a proposal from the Virginia Seafood Council to place up to one million triploid *ariaensis* oysters overboard in 39 locations in Virginia's portion of the Chesapeake Bay.

It had been my intention to provide a copy of that proposal to everyone here today. However, last week, following meetings with Virginia Institute of Marine Science and the Marine Resources Commission, the Seafood Council asked for a delay in the consideration of their proposal and asked for an opportunity to make certain modifications to that proposal.

So for those of you who were planning to come to Newport News on June 18th to participate in that hearing, it will not occur. It will be delayed very likely probably until fall. When I have a new copy of the modified proposal, it's still my intention to provide a copy to each one of you and encourage you to comment and attend the public hearing if you desire.

CHAIRMAN SHIPMAN: Thank you, Jack. Pres.

MR. PATE: Thank you, Susan. I wanted to commend all involved for their efforts to try to put that workshop together. It was certainly timely. And although the focus of the workshop and the discussion so far has been on the issue derived from the interest in the Chesapeake Bay, it's not limited to that.

North Carolina is getting more interested in the use of Asian oysters to help improve its oyster industry as well, and that has some serious implications for us all. Even though your state may not be directly interested in this proposal in terms of oyster production, it certainly should have some ecological interest.

The National Academy of Sciences, as Susan noted, has begun a study of this issue. They have solicited nominations for membership on a ten-panel board to assist in that effort, and the lady that's coordinating that project was at the workshop on Monday and spoke briefly.

They've characterized each of the ten slots that they want filled on that panel, and one of those is someone that has experience in management of shellfish resources at a state level.

I wanted to inquire as to the interest of the board in nominating on behalf of the interests of the Policy Board and nominating on behalf of the commission someone to participate with the Academy.

I think because of the ecological implications of it, it's certainly something that the commission should maintain a very interested and active role in.

CHAIRMAN SHIPMAN: Any comments on that suggestion? Do you have anyone in mind you want to -

MR. PATE: Well, I have shamelessly nominated myself to serve on it. I do have a keen interest in it because of the direction that our state seems to be headed. I'm not quite sure, from talking to the project coordinator, at this point what the time demands on someone serving on that board might be.

My plans are to be gone for the whole month of July; and if they will meet in July, I would not serve. I would not want to meet the meeting, but she indicated that they probably would not. But at this time I would be willing to serve to represent the commission and my

state, if that's the will of the board.

CHAIRMAN SHIPMAN: Jack Travelstead.

MR. TRAVELSTEAD: I'd like to second that nomination.

CHAIRMAN SHIPMAN: Okay, is there any objection to Pres representing our interests if he is selected and appointed? Pat Augustine. I don't see any objection and I don't hear any. Ken.

DR. HADDAD: What are our interests?

CHAIRMAN SHIPMAN: I think we have a shellfish transport plan that exists that we adopted in either 1989 or 1990, and I think many of our interests are articulated in that. And I would presume, and I may be wrong here not knowing too much about the National Academy study, but I think it will take up many of the issues that would be germane to our plan. Pres.

MR. PATE: Yes, I assume that you're right, Susan. Honestly, I don't know a lot about it at this stage, either. I guess my main concern in serving or having someone with state management responsibility on the board is to ensure that the state interests, singularly and collectively, are adequately considered in the development of their position on that.

I would hope that whatever conclusion they reach is going to serve to set a very clear direction on the use of the non-native oyster for all of us, whether we like it or not.

CHAIRMAN SHIPMAN: Okay. Pete Jensen.

MR. JENSEN: Can I suggest that one of the interests of the commission is that the states want to have an active oyster fishery? Is that a legitimate interest? I mean, is that the kind of interest you're looking for?

CHAIRMAN SHIPMAN: Ken.

DR. HADDAD: I guess I want to make sure we have an objective direction here and not one of an advocacy of one direction or another.

CHAIRMAN SHIPMAN: I think I had Bill Goldsborough and then Lance and then Lew.

MR. WILLIAM GOLDSBOROUGH: I guess on that topic -- I had my hand up for something slightly different, but on that topic I would have to suggest that our interests also include the conclusions from the deliberations of the Habitat Committee last month that were represented in the workshop, as well. There are a variety of different interests here, in other words. I'll hold my other point.

CHAIRMAN SHIPMAN: Okay, Lance.

DR. STEWART: That was it, basically, that Bill touched on, but more specifically, the tremendous ecological value of shell substrate as a niche space for recruitment of a range of juvenile species that the board is managing and essential fish habitat in relation to maintaining shell culch and oyster reefs to give the structure to the environment that provides refuge for a lot of our species.

CHAIRMAN SHIPMAN: Lew.

MR. FLAGG: I think another one of our interests is do no harm to our neighbors.

CHAIRMAN SHIPMAN: And I know Pres will keep that in mind as he goes forward. I think we've fairly well articulated what our interests are. Eric.

MR. ERIC SCHWAAB: I had a few comments to make before we moved off of this subject entirely, not relating to our representation on the NAS study.

The first relates to what I think is a need for clarification in relation to the summary of the results. I was a little alarmed when I saw this first statement of agreement relating to the fact that the native oyster is in "big trouble in the Mid-Atlantic region."

And while I think there was agreement that the native oyster is facing many challenges and in some context is in big trouble, I don't think that we should leave here today with any consensus that there is no hope for the native oyster.

In fact, we are very much geared toward restoration of that native oyster. I think that I felt the need to clarify that point in light of this summary document.

Also in light of what I think was a resounding strong interest on the part of all the participants and many of

whom are represented around the table here today, I wonder if there isn't perhaps a need for us to make some kind of a statement affirming our strong interest in proposals of this type and requesting member states to bring these kinds of proposals that might have the potential to impact neighboring waters or species of common interest.

And I'd be willing to offer, you know, a motion to that effect if we felt that one was necessary, but I wanted to at least put that on the record and see if there isn't some sort of common interest in affirming that statement.

CHAIRMAN SHIPMAN: Okay, other discussion or discussion with regard to that point? Is that generally understood as an agreeable concept to the compact members, that we would do such a thing anyway? Everyone seems to be shaking their head yes. Bill.

MR. GOLDSBOROUGH: Not to belabor this, Madam Chair, but I feel compelled to also correct the record or add to the record in a point related to Eric's first one.

The summary statement that was made with respect to whether or not it's worth continuing to invest public resources in native oyster restoration was based on statements made from one person, the industry representative in the workshop.

And to add to that for the record, there were also descriptions made of conclusions from several other entities, including the Federal Agencies Committee, the Chesapeake Bay Program, the University of Maryland and others to the effect that there is no reason not to continue restoration efforts for the native oyster in the meantime as we evaluate this topic.

And I would point out, too, that the lion's share of the investment in that restoration goes for restoring substrate, which would be important regardless of which oyster was going to habitat it.

CHAIRMAN SHIPMAN: Okay, any other comments on the report? We'd refer those comments for clarification to the Management and Science Committee to be reflected in the report, if you could incorporate those.

Okay, any other discussions on the Asian oyster workshop? Okay, Pres, we will send you forth if you are appointed to represent the states' interest as well as

your own. We're going to keep charging through this. Habitat Committee report, I'm going to call on Dr. Goldsborough.

Habitat Committee Report and Recommendations

MR. GOLDSBOROUGH: Thank you, Madam Chair, and thank you for the honorary degree. The Habitat Committee met for two days in April. We've got a lot of things on our plate. I'm going to report on just a few of them that I need a little bit of feedback from you on, and I'll try and do it as quickly as possible.

The first is beach nourishment. You probably saw on the briefing CD that there is a draft paper on this for your consideration. In view of the fact that there has been increasing beach nourishment activity all along the coast, probably in every state to some extent, and that the commission has in the past been asked to comment on the impacts of this activity on ASMFC-managed species, we felt it was important to develop this paper basically just to identify what is known and what is not known about the impacts of this activity on commission-managed species to better inform us about this activity.

It's a fairly narrow scope. The document includes general discussion about beach nourishment, a section about work that has been done outlining known impacts and then a section on research needs because there is quite a bit that we don't know.

What I need feedback on from the Policy Board is simply if you would review the document and provide any comments you might have -- we've gotten some already; we appreciate them -- get them to Carrie by June 15th.

And, please, when you do that, appreciate the intended narrow scope of the document. It's just meant to better inform us about the potential impacts of this activity on commission-managed species.

The paper has been revised since it went on the CD so if you want an updated copy, please request one from Carrie. And at that I'll open it up if there are any questions on that point, Madam Chair.

CHAIRMAN SHIPMAN: Could I ask maybe Bill or Carrie that you e-mail out the corrected copy to us or the most current version, if we could get that out to all commissioners, and that will facilitate us getting it out

to the respective agencies for review. Okay, thank you, Bill.

MR. GOLDSBOROUGH: No problem.

CHAIRMAN SHIPMAN: Any questions or comments of Bill? Okay, thank you.

MR. GOLDSBOROUGH: The next item I'd like to cover is marine managed areas. There also was a paper on the briefing CD on this. Of course, there has been increasing discussion of marine managed areas, marine protected areas, sanctuaries, reserves, on and on and on throughout the world, not to mention this country.

The paper was developed as a basis for discussion within the Habitat Committee, so, again, we've got a fairly narrow scope. We developed it to give us some idea, some frame of reference for the habitat implications of these management tools, and that's all.

It's not meant to be comprehensive about these tools and how they might be applied or anything like that. The paper outlines various terms and definitions being used -- and, as I said, there are a lot of them -- the activities taking place around the country, some of the science that's available, viewpoints of some of the stakeholders.

We are proposing to form a subcommittee to continue our discussions on habitat aspects of marine managed areas, related terms. And while I would seek any comment on that, presumably you would endorse that notion.

And the committee simply offers this paper to the Policy Board if it cares to have a broader discussion or refer to it in any way, again, recognizing the intent and narrow scope of the paper.

CHAIRMAN SHIPMAN: Any questions of Bill on this paper or comments or discussion? Bill, with regard to comments back to you, do you have any time line?

MR. GOLDSBOROUGH: Well, actually, we consider this paper to be --

CHAIRMAN SHIPMAN: Final?

MR. GOLDSBOROUGH: Done.

CHAIRMAN SHIPMAN: Okay, all right. No comments?

MR. GOLDSBOROUGH: Well, we offer it as the basis for a discussion. Of course, this is an ongoing issue that's much broader than just those habitat implications, and the commission or this board may decide that it wants to treat it in a broader way.

I would have said at this meeting or in the future, but at this point it would just be the future, I'm sure. We'd be happy to weigh in on those habitat aspects in any such discussion. So, it's not like the topic is over in any way, but that's how we're treating our angle on it.

CHAIRMAN SHIPMAN: Okay, thank you.

MR. GOLDSBOROUGH: The next topic I want to comment on or update you all on is artificial reefs and the use of large Navy vessels therefor.

The Artificial Reef Committee, which you will recall last year was brought into the habitat program and reports to the Habitat Committee and the chair thereof is a member of the Habitat Committee, has been discussing for many years the use of retired Navy vessels for reefs, often referred to as a "mothball reef."

Several studies have been completed indicating that using these vessels as reefs is a viable option. For many reasons, including expense, concerns with PCB and other environmental issues, only a few of them have been used as reefs.

The Navy has recently completed some studies on the PCB problem, indicating that it may not be as big a problem as we might have thought if certain standards are utilized, and a working group has been formed to develop national ship cleanup standards.

And that group includes at this point the Navy, EPA, NMFS, the Corps and other federal agencies. Now, I need feedback on this. The Artificial Reef Committee has recommended that a series of letters be written to the Navy, NMFS, EPA, indicating that this commission is interested in being involved in developing a national program to distribute these ships for reefs, with the focus on equitable distribution to the interested parties, developing a national standard for cleanup of ships to ensure they are environmentally sound, and funding.

So, basically, we would be simply asking for a seat at the table. As I mentioned, right now it's only federal agencies that are in that working group, so that's what I'm seeking feedback on.

In discussions with you, Madam Chair, you suggested that it might be important for the Policy Board to have some discussions on this topic, and so I throw it out.

I know there's no time necessarily right now for that, but I think it's a fairly benign and actually -- I'll take that back -- a fairly important suggestion that we be at that table. So, I ask for concurrence with that suggestion.

CHAIRMAN SHIPMAN: Okay, there is a recommendation. Mr. Colvin.

MR. COLVIN: Is a motion required to express acceptance and concurrence? I am aware of the issue and very strongly supportive of the committee's recommendation.

CHAIRMAN SHIPMAN: I think a motion would be appropriate, Gordon.

MR. COLVIN: I move to accept and implement the recommendation that the Habitat Committee has made with respect to participation of our Artificial Reef Subcommittee on the National Navy Ship Task Force.

MR. CUPKA: Second.

CHAIRMAN SHIPMAN: Okay, we have a second by David Cupka. Discussion of the motion? It's to approve the recommendation of the Habitat Committee on behalf of the Artificial Reef Committee, which reports to them, that the states, through the commission, have a seat at the table with regard to the National Navy Vessel Distribution Program.

All those in favor of the motion. signify by saying aye; all those opposed; any abstentions. Okay, hearing none, the motion carries unanimously. Okay, Bill.

MR. GOLDSBOROUGH: Thank you, Madam Chair, just a couple other brief updates. You recall that last year the Policy Board approved the Habitat Committee recommendation asking states to submit voluntary state SAV conservation plans, submerged aquatic vegetation plans. We did that.

We requested that they be provided by March 1st, via a memo from Jack Dunnigan. We provided a model plan drawn up by our member from Rhode Island as a template. To date we have received plans from five states and appreciate them.

The committee plans on taking all the plans received by October 1st and compiling them and presenting them as a document at the annual meeting in the fall. This summer a subcommittee will be reviewing all the plans that have been received and offering feedback to the states.

I provide that as an update and just encourage any states to submit plans, knowing that it may indeed mean sacrificing a chit to a sister agency or division, but I don't think it's a very big chit, frankly. These are things, these plans, we feel, take perhaps a day but probably less to draw up according to our template.

One final item, 3.16.B proposed EPA regs, those applying to impingement and entrainment at power plants, in the commission's action plan, the Habitat Program is tasked with following the process for 3.16.B regulation.

Currently EPA has a proposed rule out for new large power plants and is planning on commenting on this proposed rule and would encourage those states that are also planning on commenting, to coordinate with the commission through Carrie. I can end it there, in the interest of time.

CHAIRMAN SHIPMAN: Thank you very much, excellent, concise report. The next item we have is the Law Enforcement Committee report. Pete.

MR. JENSEN: Yes, just one note on marine protected areas, there is an oversight hearing in the House tomorrow on marine protected areas before Congressman Gilchrest's committee, plus the markup of a bill to reauthorize the Magnuson Act. It isn't clear at this point whether MPAs are in that bill or not.

CHAIRMAN SHIPMAN: Thank you, Pete. Kurt Blanchard is going to give the Law Enforcement Committee report, assisted by Mike Howard, I guess.

Law Enforcement Committee Report

MR. KURT BLANCHARD: Mike is going to join me

on this. In the future he may be giving this. Right now I kind of felt it was appropriate that I give it.

I'd like to start by thanking this group and the commission, especially Susan, John Nelson, Laura, Bob Beal, Jack Dunnigan and Vince O'Shea, since his time here, in the support, the implementation and the fulfillment of filling the position of LEC coordinator.

Mike Howard has been hired to that position on a contract basis, as most of you are aware of. He comes to us from the State of Maryland. He has 27 years as a natural resource policeman there. He was raised to the rank of Major.

He is a graduate of the National FBI Academy at Quantico. He holds a degree in law enforcement. And I think with his expertise and his years of experience and, I should say, a past vice chair and member of the Law Enforcement Committee, he's going to bring a lot to the table.

He's going to help to guide us and he's going to help the work with you folks. I think with all of this that we're going to, it's really going to enhance the process and our involvement. So, with that, I'd like to thank you all.

We have no action items for you today. Generally, I'll give you a brief summary of what we went through in the last day and different issues that we covered.

One of the issues was we recognized Tom Meyer from the National Marine Fisheries Service, who has been a part-time liaison to our group. And through his years of helping us and guiding us, he really laid the foundation for Mike Howard's new position.

The group recognized him with a certificate and we kind of chipped together -- it didn't come out of your budget -- an autographed decoy which was presented to him.

The other issues that we covered, we discussed the aquaculture guidelines. Bruce came in and did a rough presentation and a run-down of the aquaculture guidelines, and we discussed some issues. The LEC reiterated our concerns as far as the conflict of wild stock versus cultured stock identification in the market and intransit.

The other issues covered were we got into several of the

fisheries management plans and discussed many of them, specifically the Spiny Dogfish Plan, horseshoe crabs, weakfish, and American lobster. Several different issues there that came up -- I won't go into each plan just because I know you are pressed for time.

We did discuss a lot of issues relating to them, and for the respective boards we will be forwarding information from our positions on certain aspects of those plans.

We also proceeded with our commitment to the guidelines for resource managers. That's the document the LEC has generated. We feel very strongly about that document and we've committed to keeping that as a living document.

We've established our subcommittee, which we will do each spring, to review that document. In our annual meeting of the commission, we will generate any revisions to that plan and update the commission on that and get it out to you folks as needed.

We got into several issues as far as discussions on the future of the LEC and where we want to be and how we can best help you folks. One of those issues, obviously, that was thrown around quite a bit just recently with the Horseshoe Crab Plan was law enforcement reporting and where can we best fit in with our reports, how will they best help you folks, and how can we do it without providing information that's useless.

We want to be able to provide good, solid information that's going to be used. And we discussed how best that might fit into the FMP, whether that should be through an individual report by our group or maybe attached to the annual report generated on each of the plans from the state.

We're working toward that end. We've established a subcommittee on that, and we hopefully will have resolution to that come the annual meeting.

Some of the other short-term goals were developing an action plan, a five-year action plan on issues that relate to law enforcement within the development of FMPs, and also working with the commission's action plan so we can incorporate the two and be more directive, more action-oriented and be more productive.

Again, this is another issue we're going to be bringing

to the table in April with Mike Howard and I developing the initial plan and then putting it out to the committee for final review and hopefully implementation.

We had some discussion on funding of the law enforcement databases and how to pursue funding for law enforcement and try to develop information on violator convictions and things of that sort. We looked upon this as being pretty burdensome as far as implementing and processing.

It's something we're thinking of for the future. We really tabled the discussions on this because it was so complex at this point for some of the short-term goals that we had. We want to accomplish those before we get into that long-term goal.

And the other short-term goal that we were throwing around and that we really feel could be easily accomplished, and we believe it will help the public, it will help you folks and it will promote law enforcement in this program, is enhancement of the ASMFC Law Enforcement Web Page, obviously, on the ASMFC Web Site.

And we've got several ideas that we're going to bring to staff and hopefully get implemented on that Web Page for you folks and for law enforcement's purposes. With that said, that's my report.

CHAIRMAN SHIPMAN: Thank you, Kurt.

MR. BLANCHARD: Laura asked me to keep this extremely short.

CHAIRMAN SHIPMAN: Thank you very much, but we may have some questions for you or comments. Excellent report, as always. You all got a lot done this week. Mike, did you have anything you wanted to add?

MR. MIKE HOWARD: No, I'm just tickled to be here, and I hope I've met all the needs that have been requested upon me.

CHAIRMAN SHIPMAN: Well, thank you both very much. I appreciate the brevity and conciseness of your report. If anyone has any questions, do get with Mike. I don't want to cut off anybody prematurely, but thank you very much.

Next we have the Committee on Economics and Social Sciences, and is Ray Rhodes going to do that? Okay, Ray.

Committee on Economics and Social Sciences
Report

DR. RAY RHODES: Thank you, Susan. Again, I'm the acting chair of the Committee on Economics and Social Sciences, sometimes called CESS and then unfairly sometimes called the cesspool.

But, anyway, if it's all right with the chairperson, instead of going right to the action item, I'll do a quick briefing on some of our activities and go from there.

CHAIRMAN SHIPMAN: If it's brief and concise, yes.

DR. RHODES: Yes, it will be. First and most important, if you want to find our short report to the Policy Board, we're sort of sandwiched in between marine management areas and -- and that's interesting -- and the page flagger.

If anyone is familiar with MPA socio-economic considerations, that's almost symbolic. -- and the page flagging for the compliance efficiency paper.

So, what I'd like to first do is go through real quickly some of the activities. We've been a fairly busy committee. I personally have served on doing some of the economic impact writing on the Red Drum Fishery Management Plan, recently, so you can blame me for some of the stuff in there.

We have moved along in terms of assigning people from our committee, which has become the normal protocol within the commission, to have folks assigned to the technical committees.

We try, at best, to get one economist and one from the social sciences, either a sociologist or an anthropologist. I don't know if they would like to be lumped together like that, but, anyway, be that as it may.

And one of the activities, of course, we've had assignments to the Atlantic Menhaden Management Board. Coming up, I guess I can put in a real quick plug for this, this is if you have some questions that you have always wanted to ask about economics, I suggest you show up to the August meeting.

We're going to have the infamous Dr. James Kirkley from Virginia Institute of Marine Science come in and give a crash course on economics in a non-technical context, and we have beat that into his head several times. So do not fear when he comes.

Jim is quite articulate and has worked with many different fishery management groups. That will be a seminar that we'll have during the meeting week of August.

And, let's see, and, oh, definitely not last but least, we've had a little, a minor, we should say renomination, reaffirmation, of the membership on the committee. And right now, with this change, we have ten states represented on the committee comprised of 17 people altogether.

And I'd like to put in a plug for the fact that we still need nominations for committee members from the state of Maine, Rhode Island, New York, Pennsylvania and Virginia.

And one other item -- and it's a very appropriate, of course, I'd be here in front of the Policy Board -- is that the committee has actually been and from a formal standpoint only basically a standing committee.

And with the direction of the commission chair, we're developing a document to identify the purposes and duties of the committee to be considered for inclusion in the ISFMP Charter in the future, and we hope to put that together or finalize that and present that in the future at the November meeting.

So that's definitely on the radar screen, and we appreciate the chair allowing us to proceed with that particular protocol; again, because we really, officially, are just a standing committee.

I'm not trying to put that down as a status within the organization, but that's where we've been, and we'd like to propose some things that are more formal in terms of our responsibility and, obviously, get the input and adjustments accordingly.

So that's a real quick summary on our activities. Our action item, how many people have managed to find this document, the paper document now? Let me read this real quickly here.

The committee is very interested in looking at developing a policy or a white paper in one of the following areas or others that might be of interest to the Policy Board here, and these are not necessarily listed in order of priority.

If you're interested in these three items, we would like to get it prioritized. The committee wants to investigate three topics for the board, some really not controversial topics, of course, including the accumulative effect of seasonal fishing closures on coastal communities.

Secondly, the costs and benefits -- and I'd like to add an adjective to that -- the socio-economic costs and benefits of right-based management, including individual quota-type management regimes.

And item number three is do a review of existing state and federal legislation containing mandates for social and economic analysis of fishery management plans, which have application to the commission or jointly managed state and federal plans.

So that is our action item. We'd like to get some direction on, number one, whether you're interested in any of those; and if you are, if you could help us prioritize which one that we would pursue relative to a white paper or policy paper.

CHAIRMAN SHIPMAN: Okay, and this item was in the briefing materials, if you've been able to find that. Discussion on the suggestion? Is there any objection to this?

These all sound like worthwhile things for you all to tackle; and if I don't see any objection, I think you have our general consensus and concurrence to go forward with these.

DR. RHODES: Well, we would also appreciate, in terms of prioritizing these, what might be some of the feelings of the Policy Board.

CHAIRMAN SHIPMAN: Bruce.

MR. FREEMAN: Presently, at least in the Middle Atlantic area, there is considerable concern over the way we manage some of our species, and the seasonal fisheries closure and the impacts on coastal communities, I think, is an excellent one.

The reason I say that, the way we're managing now, if we wanted to destroy a directed fishery, we could not do a better job. It wasn't designed that way but it's ending up that way.

We're catching fish at a very rapid rate, depressing the price structure, and in fact in some instances destroying the market in the process, so I think it would be very appropriate, and it involves three or four species right now.

So from a standpoint of coming up with something that could be applied, I think that's an excellent one. I would like to see that one as number one.

CHAIRMAN SHIPMAN: I think there's probably general agreement around this table, given the various fishery management plans we have in place that would be the priority, the number one priority.

And I don't know if anybody has any strong feelings about two or three -- John Nelson whispered to me one, three and two in that order. Anybody have any other feelings about it? Bruce.

MR. FREEMAN: Well, Susan, so far as two is concerned, depending on what Congress does, it may not even be an issue. If they vote another way, it may be a very important issue, so I would hold that just to see what happens in Congress.

CHAIRMAN SHIPMAN: Good point, Bruce. Well, let's name number one as the priority; and then depending on what happens with Magnuson and as you all work through number one, we can come back and look at two and three. How would that sound, Ray?

DR. RHODES: That's fine.

CHAIRMAN SHIPMAN: Any other comments or questions for Dr. Rhodes? Ray, do you have anything else?

DR. RHODES: No, not really, unless we want to get into any feedback. We have been, again, planning a seminar in August and we encourage you to attend it. It will be about an hour and a half. I'm lying, actually it will be two hours but I want you to come.

I do some teaching with the American Fishery Society in terms of conducting a workshop for non-economists.

Jim has got a lot of experience in that area, and it will be non-economist friendly.

And I think, especially with the federal influence on fishery management, I think it's very important. As Susan knows, that's the standard protocol within the council, when new members come aboard, to give them a briefing on socio-economic impact regulatory analysis.

CHAIRMAN SHIPMAN: And I will ask staff to not schedule the Lobster Board meeting before the workshop, either. We'll try to arrange that so that we don't run over and that we will attend. Thank you, Ray, appreciate that report.

Next we're going to go to Bob Beal and I'm going to ask him to do a couple of things and just very quickly update us on the discussions on the with D.C., and then he will discuss the compliance efficiency white paper that you all should have received.

MR. BEAL: All right, thank you, Susan. On the D.C. issue, Laura Leach and I met with a couple representatives from the District of Columbia and discussed their compliance reports and the timeliness of those reports.

And to date the District of Columbia is up to date on striped bass and shad and river herring. We received their striped bass report last week or earlier this week, so we're all set there.

We are going to work with D.C. on eels and sturgeon to try to help them with their format and some of their staff responsibility and timing issues and everything else so that they can get their report in and keep us informed on what's going on on a year-to-year basis.

So I think it was definitely a productive meeting. We understand their staffing difficulties and timing difficulties a little bit better, and we'll work with them.

They understand how important it is for us to get those reports so we can all make sure there is no loopholes and all of our plans are implemented completely in all the jurisdictions. I think we're in pretty good shape there.

Discussion of Compliance Efficiency White Paper

As Susan mentioned, at the beginning of the meeting, you were all handed out an updated draft of a white paper on compliance efficiency. This paper, as you will recall, was first presented at the Policy Board meeting back in February.

At that time the Policy Board members were asked to send comments to me, and I'll go ahead and incorporate those in a document, and that's what I've done. This is the updated version based on what I heard from the Policy Board members that got back to me.

The first page, really, there's not too many changes other than there's a little bit stronger statement saying that the traditional non-compliance finding really doesn't work for delayed implementation or any other short-term non-compliance issues that last only a few days, a few weeks, or even a few months.

The timing of the so-called "traditional non-compliance" just doesn't work at all for those issues. That's further explained down in the bottom of page 1 in the current compliance process section.

Case study number one and two are exactly the same as they were before. Case study number three, which is on page 4, was added to kind of highlight the fact that this isn't really just a commercial issue; it's also a recreational issue.

This is the recreational black sea bass regulations for 1998. And in table 3, you can see the range of implementation dates, and this range of implementation dates contributed somewhat to an overage in 1998, which resulted in further restrictions required in 1999 by all the states.

So, this highlights the fact that delays by some of the partners definitely affects the other partners in a negative manner, and this really isn't something we can address through the current traditional non-compliance process.

The case study discussions are basically the same as what we had in there before. A few of the examples are worded a little bit more strongly, and some of the options and percent payback, there's percents in there above and beyond the payback.

In the previous version there was just that one-for-one payback of either pounds or days or whatever the units

that the management boards to chose to implement a penalty, but in this draft you pay back 125 percent, 150 percent of whatever penalty or whatever type of overage the management board incorporates into the fishery management plan.

The conclusions and recommendations section. There's three bullets there which begin on the bottom of page 5 and extend over to page 6. These are pretty strong.

There's some actually pretty strong language in these about things that should -- they're worded here, things that could be done, including changes to the ISFMP charter to deal with penalties for late implementation and directions to the management boards to develop addenda to deal with all these, deal with these sort of issues.

And the one time certain suggested was six months, and that's kind of put there in a parenthetical in bullet number two. Also, bullet number three there is to direct the plan review teams to establish a tracking system to evaluate the timeliness of state implementation of regulations.

So, this is a rework of this document. In discussions with Susan, I think the idea is to have the states comment back to me by the beginning of July, and we'll go ahead and rework this and bring this back up at the August Policy Board meeting when we have a little bit more time to really focus on this issue and decide where to go with the concepts included in this white paper.

CHAIRMAN SHIPMAN: I have Gordon and A.C. and Pete. Gordon.

MR. COLVIN: Yes, I want to thank Bob for the work he has done to bring this paper to this point and express appreciation for his incorporation of some of our comments that I see reflected in the changes here.

As I've said before, I think this is very important as a matter to address, and I think it's useful to put us on a track to take some action in August.

I would almost like to see us frame the next iteration of it the way we have done some other things as maybe with a decision document tacked on it.

Frankly, I'm personally at the point where I'm ready to say today that I would be happy to offer a motion to

implement recommendation three immediately and provide direction to staff to begin immediately on a charter amendment that we could hopefully adopt in November, leading to implementation of recommendation two thereafter.

But, I'm perfectly comfortable to wait until August to do those things, but I do want us to address this. It is a very important issue. Thank you.

CHAIRMAN SHIPMAN: Gordon, I couldn't agree with you more, and what I would like to do is put this at the beginning of our agenda in August, and we're going to take whatever time we need to work through this. This is way too important an issue to give it short shrift in time and deliberation.

Now, you suggested that we could ask the plan review teams to report on the tracking, the timeliness of implementation, and I don't know whether you want to go forward with that or not.

MR. COLVIN: Well, I think it would be -- I'm kind of surprised that doesn't happen, particularly for those fisheries that are managed with quotas and/or with an annual specification process.

It almost seems to me that we ought to be tracking that on a regular basis, anyway, including -- I hate to say it - - including the dates by which we are implementing trip limits and trip limits changes and closures within a quota management period. Somewhere that all needs to be compiled and we need to be accountable to each other about it.

CHAIRMAN SHIPMAN: Thank you, Gordon. A.C., you were next.

MR. CARPENTER: Well, in reading through this, I was thinking that one of the options that could be considered is that when trip limit dates are set, that there could be enough lead time when the notice is mailed out.

I think the black sea bass discussion yesterday was a prime example when the staff said, "How much time do we need?"; and I think Virginia came up with they needed the 28th versus the 27th.

So I think if the management plan had a built-in lead time when that notice comes out of ASMFC office, that

may alleviate some of these problem, as well.

CHAIRMAN SHIPMAN: Pete.

MR. JENSEN: One is just a clarification. Is there a common understanding of the term "days"? Is it calendar days, work days?

MR. BEAL: I don't think we're anywhere near that far along yet.

MR. JENSEN: Okay. The second point is I agree with A.C. I think the theme ought to be give every state enough time, so that you don't create a situation where you have to then go to penalties or whatever, because the fact is that if everybody closes on the same date, even if it's extended a day or two and you go over the quota, then everybody suffers equally rather than trying to construct some very specific, state-specific penalty regime. The trick is making sure everybody gets enough notice and has enough time to do it.

CHAIRMAN SHIPMAN: Gordon.

MR. COLVIN: The points that Pete and A.C. made are excellent points. There are probably many, many other management issues of that nature that need to be worked into this.

That's why I particularly support the way the staff has constructed this such that the second recommendation basically puts the onus of putting all those details together on the individual boards through the addendum process, and that's where we need to tackle those kinds of management issues that will be absolutely fundamental to making this work.

CHAIRMAN SHIPMAN: Thank you, Gordon. I just reiterate Bob's request of you, that you look through this, get any further comments back to him, and we will allocate a sufficient amount of time in August to really work through this utilizing a decision document to lead us through this. Endangered species workshop, Tina.

MS. TINA L. BERGER: Thank you, Madam Chair, I will be brief, as well. Hopefully everyone has had a chance to look at the revised agenda, goals, objectives and what we hope to accomplish in August. I would like some feedback from this board as to whether this suits your needs and is what you were looking for. The agenda has been modified based on

comments from the National Marine Fisheries Service Office of Protected Resources, so I would just like to get your concurrence on this.

CHAIRMAN SHIPMAN: Comments? Any objection to what Tina has laid out for us? It's pretty comprehensive and it's a good menu for a workshop. Any comments or other feedback for Tina? If not, this is the course we're proceeding along.

MS. BERGER: May I ask one other question?

CHAIRMAN SHIPMAN: Yes.

MS. BERGER: There was the intent to possibly hold this during the first day of meeting week. Is that how this board wants to proceed? It will take at least a full day to discuss these issues, if not a day and a half. I'm just looking for guidance as to scheduling.

CHAIRMAN SHIPMAN: What's your preference? Dr. Pierce.

DR. PIERCE: I have not read the document so I can't comment, Tina. I was unaware of its existence, despite your best efforts. It's my fault and not your fault.

If I have or my staff have any specific suggestions to make regarding the workshop, since we do deal with endangered species in Massachusetts, we'll get them to you ASAP such as early next week.

CHAIRMAN SHIPMAN: But that still doesn't answer Tina's other question as to when you would like to do this. Do you want to come in on a Sunday and have a full Monday workshop? What is everyone's preference on this? I see some nodding of yes. Laura.

MS. LAURA C. LEACH: We even talked about the possibility of you all coming in on Sunday, mid-afternoon, and doing something Sunday evening and then having a full thing on Monday to account for the time that you need. So that's a possibility, too.

CHAIRMAN SHIPMAN: Well, if we don't hear anything strongly to the contrary, we're going to try to schedule this to maximize everybody's efficiency and travel and take advantage of us being here during meeting week. Anything else on this, Tina? Pres.

MR. PATE: You're preparing the turtle stew for

Sunday night's dinner, as I understand.

CHAIRMAN SHIPMAN: Yes, I am, I'm freezing them as they hit the beach. I'll have plenty to go around, probably two for each person at the rate it's going.

Okay, we're going to continue moving along. The next item I have is the lobster compliance report, and John Nelson is going to cover that for us. Bob Beal is going to give some background on this.

MR. BEAL: Okay, just briefly, the chairman of the Lobster Board, George Lapointe, is not here and there is currently no vice-chair of that management board; therefore, I guess I have the short straw to real quickly just give the background on this.

The Lobster Board met on Monday of this week, and there were two recommendations of non-compliance finding that have been forwarded to the Policy Board from the American Lobster Management Board.

One of those deals with the State of New York with respect to vent size increases for Addendum I to Amendment 3 to the Lobster Management Plan.

The second issue non-compliance recommendation deals with the Commonwealth of Massachusetts regarding a minimum gauge size increase with respect to Addendum II to Amendment 3 to the Lobster Management Plan.

The motions, I think, are shown up on the board that have been forwarded up from the Lobster Management Board.

CHAIRMAN SHIPMAN: I think we probably need to read these into the record, and I'm going to ask John Nelson to do that.

MR. JOHN I. NELSON: Okay, thank you, Madam Chair and thank you, Bob. On behalf of the American Lobster Board, I move that the ISFMP Policy Board recommend to the commission that the Commonwealth of Massachusetts be found out of compliance with Addendum II to Amendment 3 to the American Lobster FMP if it has failed to implement and enforce the required gauge size increase of 1/32 of an inch for Massachusetts waters of Area II and the Outer Cape Cod by July 1, 2002.

This increase in gauge size is required to ensure that the egg rebuilding targets of the plan are achieved and to maintain effective cooperative management of the lobster resource.

In order to come back into compliance, the Commonwealth must fully implement and enforce the required gauge size increase for its waters in Area II and the Outer Cape Cod. This is on behalf of the Lobster Board, Madam Chair. It does not need a second.

CHAIRMAN SHIPMAN: Okay, thank you very much. Comments on the motion? Discussion on the motion? Pete.

MR. JENSEN: If this is a finding of non-compliance, but it's subject to July 1, at what point will it be sent to the Secretary?

MR. NELSON: The background, Pete, is that Massachusetts is in the process of presenting this information to their advisory board for, we would hope, approval. They anticipate that they would be in compliance by the end of June.

We have the date of July 1st. They would notify us prior to that. If they have not, then the motion is started as far as the process for notifying the Secretary. We basically have ten days, I think it is, after the finding of non-compliance for the Executive Director to send that letter to the Secretary.

CHAIRMAN SHIPMAN: Other questions? Any comments? Any comments by the Commonwealth? All right, let's take a very brief caucus and we'll be voting by delegation.

Okay, everyone ready? You've seen the motion. All those in favor, signify by raising your right hand. I've got 13 in favor. All those opposed by like signal; null votes; abstentions. We have three abstentions. The motion carries by a vote of 13 in favor, 3 abstentions.

Okay, thank you very much. The next motion, John.

MR. NELSON: Thank you, Madam Chair. All right, the second motion is on behalf of the American Lobster Management Board I move that the ISFMP Policy Board recommend to the commission that the State of New York be found out of compliance with Addendum

I to Amendment 3 to the American Lobster FMP if it has failed to implement the required circular escape vent size increase to 2-7/16 in its waters by July 1, 2002.

This increase in vent size is required to ensure that the egg rebuilding targets of the plan are achieved and to maintain effective cooperative management of the lobster resource.

In order to come back into compliance, the state must fully implement and enforce the required escape vent increase for its waters. And, again, that's on behalf of the Lobster Board, does not require a second.

CHAIRMAN SHIPMAN: Discussion on the motion? I'd just ask the State of New York if they care to make any comments. The same procedure as before, let's take just a moment to caucus, about 15 seconds.

All those in favor, signify by raising your right hand, 14 in favor; all those opposed by like signal; any null votes; any abstentions. We have three abstentions. The motion carries on a vote of 14 in favor, 3 abstentions.

Okay, any other business from the Lobster Board?

MR. NELSON: No, Madam Chair.

CHAIRMAN SHIPMAN: Okay, thank you. The next thing we have is a South Atlantic Board recommendation. I think Jack Travelstead has a recommendation on croaker.

MR. TRAVELSTEAD: And it's on the board. Early this morning the South Atlantic State-Federal Fishery Management Board met to take one last look at its amendment to the Red Drum Management Plan; and following that review, passed a motion to recommend adoption of the plan for your approval.

So on that I would offer the following motion: On behalf of the South Atlantic State-Federal Fisheries Management Board, I move that the Policy Board approve the development -- no? That's not it. I thought we were doing red drum.

CHAIRMAN SHIPMAN: No, we don't have to do red drum.

MR. TRAVELSTEAD: Oh, we don't.

CHAIRMAN SHIPMAN: The commission will do red drum.

MR. TRAVELSTEAD: We're doing croaker.

CHAIRMAN SHIPMAN: Yes, we're doing croaker.

MR. TRAVELSTEAD: Oh, I take back everything I said, then. Strike that from the minutes. Just believe me when I read this thing:

On behalf of the South Atlantic State-Federal Fisheries Management Board, I move that the Policy Board approve the development of an amendment to the Interstate Atlantic Croaker FMP to conform to the standards and procedures of the ISFMP.

CHAIRMAN SHIPMAN: Thank you, Jack. Questions? Bruce.

MR. FREEMAN: What does that mean?

MR. TRAVELSTEAD: That simply means that there is sufficient evidence now to indicate that we need to do an amendment to that plan. The Board received some information on a stock assessment this morning. It's not at all complete.

We're going to have a workshop sometime this year to hopefully move that stock assessment further along. But the fishing mortality rates on that species are probably three or four times the natural mortality rate, and the technical committee is strongly suggesting that the potential is there for us to get into serious trouble with this species.

CHAIRMAN SHIPMAN: Thank you, Jack. And, Bruce, this plan has not been visited, to my recollection, since about 1987. It's not in compliance with the charter. It needs to be revised, anyway. I think this is a reaffirmation by the South Atlantic Board of where we would like this body to consider it when we come back with the action plan in the fall.

MR. FREEMAN: What confused me, Susan, were the last words "to conform with the standards and procedures", and normally that's not in any of our plans. I was just curious for the need for that.

CHAIRMAN SHIPMAN: I'm sorry, you said what?

MR. FREEMAN: I said the thing that confused me, the statement was "to conform with the standards and procedures", which normally is not in any one of our motions, but now I understand the reason.

CHAIRMAN SHIPMAN: Yes, there are no compliance measures. There is nothing in that plan, basically, so that's why it was added in. Gordon.

MR. COLVIN: What effect does the passage of this motion have on the ordinary process of development of the action plan?

CHAIRMAN SHIPMAN: I think it gives staff an idea of where to put it -- above the line or below the line -- when we come back with the action plan in the fall to this board. This board will still have to approve croaker within the context of everything else that's on the platter.

But it's a statement by the South Atlantic Board of we are finishing up red drum today, we hope, and this is the next thing we would like for the South Atlantic Board to move forward with.

And it's still going to be up to the Policy Board, when you start allocating resources in the fall, to basically set the time line for this.

MR. COLVIN: That's what I was kind of wondering because it wasn't clear to me that passage of this motion, for example, wouldn't preempt something else that we don't have on the table right now.

That's my only question. That seemed unusual. But, I'll accept the assurances of the chair that even if we pass the motion, we can revisit the question later on.

CHAIRMAN SHIPMAN: Absolutely, we can always revisit it. We might want to do striped bass some more or something like that -- just a joke. Okay, you see the motion on the floor.

Okay, is there any objection to approval of the motion? Seeing none, are there any abstentions, null votes, anything like that? Okay, seeing none, the motion carries. Thank you.

And then we have one other item and Bill Cole will handle that. That's from the SEAMAP report of the South Atlantic Board.

MR. WILLIAM COLE: Thank you, Madam Chairman. During the July 2002 Policy Board meeting, the State of Maryland requested that a symposium be conducted on blue crab management issues. If I recall, we had a lengthy discussion on this.

This morning the South Atlantic Board discussed that need based on recent concerns expressed by numerous state representatives regarding current stock status, decreased landings, and now several disease items.

SEAMAP has been planning a technical research symposium on shrimp and crabs for the summer of 2003 with the Crustacean Society.

This morning we suggested that the technical and research issues from that workshop be summarized for blue crab and presented to this Policy Board in October 2003, with the idea of planning a larger management issues workshop in the spring of 2004.

Although the commission has no blue crab plan, it is very clear that the management issues that would be covered by these workshops are certainly of common interest to many in all of the states.

Therefore, on behalf of the South Atlantic Board, I move to recommend that the Policy Board adopt a plan of action for conducting a blue crab technical symposium in 2003 followed by a management issues workshop in 2004. On behalf of the board, I so move.

MR. NELSON: Thank you, Bill. Any comments? Do we need a vote on that? All right, everyone's had a chance to caucus. All right, all those in favor of the motion, please raise your right hand.
John, go ahead.

MR. CONNELL: Just for the record, since there has been no second, I'll second it.

MR. NELSON: Well, it's on behalf of the board so it doesn't need a second. Thank you, though. Was there any other question or comments? All right, all those in favor of the motion, please raise your right hand; opposed; null; abstentions. Okay, passes unanimously, 13 to nothing, nothing, nothing.

Other Business/Adjourn

CHAIRMAN SHIPMAN: Thank you very much. Okay, any other business to come before the Policy

Board?

CHAIRMAN SHIPMAN: Okay, I would like to take about a five-minute break and then reconvene for the Executive Committee, and we'll go straight from Executive into Commission. And my goal is to get us out of here by 5:30.

(Whereupon, the meeting adjourned at 4:50 o'clock p.m., May 22, 2002.)

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