



PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
55TH ANNUAL MEETING
ISFMP POLICY BOARD MEETING

October 24, 1996
Tara Hyannis Hotel
and Resort
Hyannis, Massachusetts

Accelerated Data Processing Systems, Inc.
1511-A Penman Road
Jacksonville Beach, Florida 32250

UNVERIFIED

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ATLANTIC STATES MARINE FISHERIES COMMISSION

55TH ANNUAL MEETING

Tara Hyannis Hotel & Resort Hyannis, Massachusetts

October 20-24, 1996

ISFMP POLICY BOARD MEETING

October 24, 1996

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The ISFMP Policy Board Meeting of the 55th Annual Meeting of the Atlantic States Marine Fisheries Commission convened in the Bass River Room of the Tara Hyannis Hotel & Resort, Hyannis, Massachusetts, Thursday morning, October 24, 1996, and was called to order at 9:20 o'clock a.m. by Chairman Gordon C. Colvin.

CHAIRMAN GORDON C. COLVIN: Good morning. I'd like to call to order the ISFMP Policy Board, and ask George to call the roll.

(Whereupon, the roll call was taken by Mr. George D. Lapointe.)

MR. GEORGE D. LAPOINTE: Mr. Chairman, you have a quorum.

CHAIRMAN COLVIN: Thank you.

If you can turn to your agenda behind Tab

14, we will have a few changes. There are extra agendas at the table to my right. There are a few revisions and adjustments I'd like to inform you of, and then ask for anything further.

After Item 9, the Management and Science Committee report, we will have a report of the Law Enforcement Committee, which will become Item 10.

Under Other Business, which will become Item 11, I have at least three items: a recommendation from the LGAs regarding the Menhaden Board; a motion from the Shad and River Herring Board; and a recommendation from the Committee on Advisers.

Are there other items of other business that people are aware of? Mr. Schaefer.

MR. RICHARD SCHAEFER: Yes, Mr. Chairman. I'd like to add another item dealing with quota monitoring by the states.

CHAIRMAN COLVIN: Quota monitoring, other business.

MR. SCHAEFER: Yes, sir.

CHAIRMAN COLVIN: Mr. Beckwith.

MR. ERNEST E. BECKWITH, JR.: Yes.

Commissioner Sidney Holbrook from the State of Connecticut -- he's head of the DEP -- would like the opportunity to address this Board regarding summer flounder quota management.

CHAIRMAN COLVIN: And I understand that you would like to do that at about 10:00 o'clock?

MR. BECKWITH: Yes..

CHAIRMAN COLVIN: We will, at the first agenda break between items around 10:00 o'clock recognize Connecticut Department of Environmental Protection Commissioner.

MR. BECKWITH: Thank you.

CHAIRMAN COLVIN: Bill?

MR. WILLIAM GOLDSBOROUGH: Two items, Mr. Chairman. First, apologies. From my seat in the audience, I realized all of a sudden that I'm supposed to be proxy to Pete Jensen on the Policy Board today. If you could adjust the roll call, I'd appreciate it.

Second, item for other business. The Habitat Committee has a brief item of interest to the Policy Board I'd like to report.

CHAIRMAN COLVIN: And we'll take that under

other business.

Is there anything else? George?

MR. LAPOINTE: Behind Tab 14, you've got -- I forgot to put "Approval of Minutes from the 14th of May meeting." This is 50 pages of condensed minutes, so you can take that as you will. And somebody suggested to me that we put a discussion of last night's game on the agenda but I recommend you rule that out of order, Mr. Chairman.

CHAIRMAN COLVIN: Well, it may be out of order, but I understand we have to make time for the Resolutions Committee to caucus and reconvene, so we'll be happy to make that allowance later on.

We will take the minutes immediately following public comment, to give folks an opportunity to scan them.

Are there any further changes to the agenda?

With that, I'd like to recognize Jack Dunnigan for an announcement.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN:
Thank you, Mr. Chairman. As many of you are aware, one

of our new commissioners, Stan Blum from Florida, is ill, and certainly wanted to be with us this week but was unable to do so. Thanks to Dr. Vail from Florida, we have a card for him. I'm going to be passing it around. Everybody please take the opportunity to sign it, and we'll send our best wishes along to Stan.

Thank you very much.

CHAIRMAN COLVIN: Thank you, Jack.

At this time, the agenda calls for public comment, and I would point out, as is our practice, that opportunity will be given for comment by any of our guests on any of the issues on the agenda as we address them. However, I will pause at this time and ask whether any of our guests or members of the public wish to address the Policy Board on general matters at this time.

Seeing none, let us turn to the minutes of the ISFMP Policy Board of May 30, 1996. Is there a motion to approve the minutes, or are there modifications or adjustments to the minutes?

MR. EDWIN J. CONKLIN: Motion to approve.

CHAIRMAN COLVIN: Motion from Mr. Conklin.

Is there a second?

MR. DENNIS SPITSBERGEN: Second.

CHAIRMAN COLVIN: Seconded by Mr. Spitsbergen. Discussion? Mr. Carpenter.

MR. A. C. CARPENTER: Mr. Chairman, I'd like to ask staff if they would, on the guest list -- people don't always sign this, and it seems to me that we had a larger number of people coming and going -- that we could make a note that there were others who were present but didn't sign the roster.

CHAIRMAN COLVIN: So noted. Staff will do that.

Is there further discussion? Let's take the question. All in favor, please signify by saying Aye; opposed, same sign. Motion carries.

At this point, we'll have the report of the Advisory Committee, Patty Jackson.

MS. PATRICIA A. JACKSON: Thank you, Mr. Chairman. Good morning, members of the Board. The Advisory Committee met this morning at 7:30. We had several items that we discussed, and I'd like to report to you on those. The only motion that we voted on was that we still feel that we need a definitive statement

for the selection of proxies for the advisory panel process, and we suggest that the states be asked to appoint alternates for the AP members as a way to resolve this.

You may recall that this was discussed at the May meeting. We didn't feel that it had come to closure, and there was still some concern about who would be eligible to serve as a proxy for advisory panel members. So we thought if you could ask the states to appoint an alternate for each advisory panel member, they could receive the mailings from the staff similar to the advisory panel members and they would be up to speed, then, in the event that they needed to come in lieu of one of the advisory panel members.

So I just want to bring that to you as a -- that was a motion that was carried unanimously by our members.

We also discussed the need to have a vice-chairman for each advisory panel. Some unfortunately do not, so that's something else we would like the advisory panel chairs to work on.

We discussed, in addition, the need for

bringing forward information from public hearings. Specifically there was some concern about public hearings that are largely attended versus those that have small attendance and how does that weigh in decisions that are made.

While we recognize there are other issues that come into this decision, it was something that some members of the Advisory Committee felt needed to be addressed, and in particular, how do the advisory panels bring that information to the management boards in a way that will be helpful to them.

We also discussed other opportunities for bringing public comment to the management boards.

And the last issue that we discussed, we didn't have a lot of time to discuss this, but there is some concern about overlapping decisions or actions by management boards, one management board's decisions that could perhaps affect another species, and the need for the advisory panels for those two species to have an opportunity to meet together.

The two examples that were brought to the Advisory Committee were one regarding winter flounder and

northern shrimp and another regarding striped bass and shad and river herring.

So these were issues that were discussed, concerns that were raised, and I was asked to bring those to the Board. I'll be happy to take questions if you have any.

CHAIRMAN COLVIN: Thank you very much.

Are there any questions for the Advisory Committee? Thank you, Patty. I really appreciate you folks having to get up so early in the morning to get started. I really hope that in the future, you'll have more time and a more convenient time to meet.

But we really appreciate the advice, and I think the recommendations that you've given us are very good ones, and we need to work on them. Thank you.

MS. JACKSON: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: The next item on the agenda calls for a presentation by the National Marine Fisheries Service regarding the Recreational Resource Conservation Plan. Mr. Schaefer.

MR. SCHAEFER: Thank you, Mr. Chairman. I'd like to use the overhead projector, if I may. 1

won't take a great deal of time, but I do want to bring some of the material that I brought for your attention. You will recall that very recently, within the last month, the National Marine Fisheries Service has reorganized, and as a result -- hang on a minute here till I figure this thing out. Okay.

We used to, as you recall, have the Office of Fisheries Conservation and Management, which was my office. I headed up that office. And we dealt with not only the Magnuson Act implementation issues, but also the issues confronting this Commission and other commissions in fisheries management.

Those responsibilities are now split, and there is an Office of Sustainable Fisheries that's headed up by Dr. Gary Matlock that will deal with the Magnuson Act, and newly created is a staff office for Intergovernmental and Recreational Fisheries, which I've been asked by my director, Rollie Schmitten, to run. And I want to just tell you a little bit about our responsibilities so that you will know who to contact, where, when, and so forth and so on.

It's a small office. It's not a large

office at all. And what we have here is -- I hope people can read it. At any rate, it's split into two component units, if you will. We have a section for intergovernmental programs, the state-federal coordinator with the position that had been occupied by Bill Hogarth, to be over highly migratory species and subsequently will go down to the Southeast Region, God knows when.

The interagency coordinator, Paul Perra, is still on my staff, and Tom Meyer who, as you know, has been working particularly with the Law Enforcement Committee of this Commission is on my staff as a program policy analyst.

I'm in the process now of selecting a replacement for Dr. Hogarth. But we should have this little unit fully staffed in the very near future.

Rollie Schmitten was very much concerned that the National Marine Fisheries Service does not give anywhere near enough attention to the interests and needs of the recreational fisheries community. He asked that we raise this to a staff level where I report directly to Rollie. We will work or serve as a clearinghouse, along with many other things, for recreational issues

that affect the National Marine Fisheries Service, both information coming in, information going out, and coordination within the Service, both in headquarters and in the field.

Bill Price, who you've all met at this meeting -- I don't know if Bill's here this morning, but he was here last night, I know. Bill, are you there? Bill Price. Just stand up just to be recognized, will you, please. Bill Price is my national coordinator.

I've been given approval by Rollie to hire two additional people to work under Bill. One will focus on the Atlantic and Gulf Coasts; the other will be housed somewhere on the Pacific Coast, to work with Pacific Coast states, including some of the island territories in the Pacific. We may get additional people downstream. I'm not counting on it. I'm hopeful. But to start with, this is what I've got to work with.

And we are in the process now of very soon advertising for the two coastal recreational fisheries coordinators. I hope to have those positions filled sometime early in the next calendar year.

What are the kinds of functions that we

are involved in here? My office is responsible for working with this Commission on the implementation of the Atlantic Coastal Act in terms of coordinating, working with you directly and working with our regional offices on the Atlantic Coast to provide you with the cooperation and services you need to accomplish the goals of this Act.

Ditto for the Atlantic Striped Bass Conservation Act. We also still have the responsibility to the program, oversight responsibility for the Interjurisdictional Fisheries Act in terms of the administration of monies, the distribution of funds, things of that general nature, any programmatic issues that arise. And similarly for the Anadromous Fish Conservation Act. So those are our four basic legal foundations for our state-federal interactions.

We also will be working on general coordination, with or without these authorities, with all the states, all the coastal states and other states that get any of these monies, the Interstate Marine Fisheries Commissions, all three of them, and the International Association of Fish and Wildlife Agencies. We're trying

to build bridges wherever we can with the states to accomplish common objectives and build partnerships.

We also, given the involvement of the U. S. Fish and Wildlife Service in some of the legislation that I just mentioned and other program areas, we view these as our partners, as I know you do, and we're working closely with the U. S. Fish and Wildlife Service and other federal agencies in fisheries management and fisheries-related issues.

And then we're also going to be the focal point of dealing with professional societies, organizations such as the American Fisheries Society, organizations like that.

We'll be working on program and policy development, legislative review and development, where that might be necessary, and outreach, communication and liaison as required by the American public.

Now, over on the recreational side -- that was the intergovernmental side -- believe it or not, there is a recreational fisheries policy that the National Marine Fisheries Service has. It was prepared in 1981, and it's still somewhere, buried under dust on a

shelf, and I'm still trying to find it. But we intend to review it and update it, working with organizations such as this Commission and other interested constituents to bring the policy up to date.

So we're going to be working on plans and policy review, development implementation, monitoring. I'll talk briefly about this in a minute. There was an entire meeting on this last night, and I'll not bore you with a repeat performance, but I do need to touch on it to let you know where we are and what we're doing. This is required under Executive Order 12962.

I already mentioned the recreational fisheries policy. We want to update that.

We also want to work with the angling public with respect to issues regarding angling ethics, waste and issues like preventing waste, and, you know, taking more than you can use and so on.

Public access is very important to us, how do we help work with the states or with other federal agencies to enhance public access to the fishery resources?

We'll be doing the program review,

government-industry partnership. We want to build on these, wherever we can. We want to work with the states again and reexamine the issue of artificial reefs. Can we work in any way to either enhance existing ones, should we build new ones? What do we need? We need to sit down and talk with people about it.

Recreational fisheries statistics and permits ought to provide feedback to our agency in this area in terms of ideas for collecting better data on recreational fisheries, which I think we all will admit is not good, and we certainly need to make great improvement in that area.

Then we want to work with sport fishing groups in trying to work out a joint arrangement, if you will, on tournaments for the purposes of collecting biological data, exhibits, trade shows. You name it. Wherever we can work with our constituents to try to enhance recreational fisheries data and other things of that nature, we want to be involved.

And then, as I mentioned at the outset, our primary function is in coordination and communication. I have an office, I have a phone number,

I have a fax, I have an Internet, and we are accessible to the public and to the state agencies and whoever in this particular area. So if you have concerns, complaints, comments, suggestions, whatever, work through me or my office, and we'll deal with them, and we'll distribute the work load out, if you will, and the coordination within the Service from my office.

On the other hand, that's not to say that if you have something that's regionally specific, regionally specific problems -- that's why Dr Rosenberg has his job and Andy Kemper has his on the South Atlantic and Gulf area, so that you should communicate with them directly, depending upon the circumstances.

We will be working again with the U. S. Fish and Wildlife Service Federal Advisory Committees, MFAC, which you're all familiar with, the Marine Fisheries Advisory Committee; the Sport Fishing and Boating Partnership Council that advises Secretary Babbitt on interior. We have interaction with those.

Sport fishing organizations. At the national level, the American Sport Fishing Association; International Game Fish Association. There may be plenty

of others which we haven't even touched base with yet. But the general angling public.

And the recreational fishing industry, the manufacturers of fishing tackle and equipment that supports the recreational fishing industry.

We intend to set up a home page on the web system. We intend to produce information publications relating to marine recreational fisheries nationwide and hold seminars and workshops at meetings either on an ad hoc basis or on some regular basis as needed and appropriate.

Now, let me just switch gears for a second. I mentioned before Executive Order 12962. This order was passed on June the 7th, 1995 by the President, signed by the President, and it was to further the purposes of the Fish and Wildlife Act, the National Environmental Policy Act, the Magnuson Act, and other pertinent laws in order to conserve, restore and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide.

What are our responsibilities? Federal agencies, not just NMFS, federal agencies shall, in

cooperation with the states and tribes improve the quantity, function, the standard of productivity and distribution of U. S. aquatic resources for increased recreational fishing opportunities. And that came right out of the White House.

And we are responsible, in the National Marine Fisheries Service, for doing our part. The Executive Order points out fairly directly how we're supposed to accomplish this. I apologize if the wording's a little small, but I wanted to try to get it all on one overhead.

We are to develop and encourage partnerships between governments and the private sector. We are to identify recreational fishing opportunities that are limited by water quality or habitat degradation and promoting restoration to support viable, healthy, self-sustaining recreational fisheries. We are to foster sound aquatic conservation and restoration endeavors.

We are to provide access to and promote awareness of opportunities for public participation and enjoyment of U. S. recreational fishery resources. We are to support outreach programs designed to stimulate

angler participation in the conservation and restoration of aquatic systems. We are to implement laws in a manner that will conserve, restore and enhance aquatic systems that support recreational fisheries.

And we are to establish cost-share programs that match or exceed the federal with nonfederal contributions. We are to build partnerships with the American public in trying to accomplish these objectives.

Now, under the Executive Order, a National Recreational Fisheries Coordination Council was established, and I'll tell you a little bit more about that in just a second. But it is a council of federal agencies, major federal departments and its lower sublevel agencies, who have a responsibility to ensure that social and economic values of healthy aquatic systems that support recreational fisheries are considered by the federal agencies.

We are to reduce duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. We're to share resource information and management technologies to assist in the conservation and management of

recreational fisheries. We are to develop a comprehensive Recreational Fishery Resources Conservation Plan. This was discussed last night. I'll just touch on it briefly in a minute.

We are to assess implementation of this Conservation Plan, and we are to develop a biennial report of accomplishments related to the Conservation Plan.

There are seven major agencies that are involved on this council. The Department of the Interior and Commerce chair the council, and by delegation of authority Roland Schmitten, my boss, represents the Department of Commerce, and John Rogers, from the U. S. Fish and Wildlife Service, represents Secretary Babbitt from the Department of the Interior.

There are five other departments: Agriculture, which is primarily, but not exclusively, represented by the U. S. Forest Service; the Department of Energy, represented by, but not exclusively by, the Bonneville Power Administration; the Department of Transportation, primarily, but not exclusively, represented by the U. S. Coast Guard; Defense, primarily

the Army Corps of Engineers, but not exclusively either; and the Environmental Protection Agency.

Those are the seven major departments that are members of this council and are charged with the same responsibilities that we are under the Executive Order.

In the plan, we are required to do the following. We are required to identify measurable objectives that will conserve and restore aquatic systems that support healthy, viable and healthy recreational fishery resources; identify and specify the actions to be taken by the federal agencies.

We are to develop a comprehensive mechanism to evaluate achievements, accomplishments, success or failure; and we are to recommend actions for cooperation with the states, the tribes, conservation groups and, in general, the recreational fisheries community.

We have a five-year agenda that's been specified by the Executive Order, and where are we? The seven major federal agencies, departments, completed on June the 3rd, 1996, consistent and concurrent with National Fishing Week, a Generic Federal Plan to

implement the Executive Order. That plan is available. I have a copy with me, because I couldn't carry all the paper. If you want a copy, see Bill Price in the audience who I identified earlier, give us your name and address. We'll be more than happy to send you a copy. That exists.

Now, following on this, we, NMFS, as well as all the other federal agencies involved on the council, are charged with preparing an agency-specific plan which is due on December 31st of this year. And even with my limited staffing resources, Bill has been literally spending almost his full time on this exercise trying to meet the deadline that lays before us. We're on a very fast track, and we're working very vigorously trying to meet this date and complete the agency-specific plan.

We may not have the time to consult with you in great detail. We will certainly send you a draft as soon as it's completed, and I hope that's done by the middle to the end of November, at least get some feedback. But be advised that any of the plans that we're talking about here are living documents. They can

be amended. They are not locked in concrete. And we would hope that over time as we accomplish objectives, as circumstances change, we will update the plan.

And finally, internally we are trying, in the interest of saving time and reducing duplication of effort, we are trying to blend our responsibilities with respect to this specific plan with NMFS's effort to prepare a new strategic plan, so that they mesh, and there will be quite a lengthy series of stakeholder meetings regarding the strategic plan under which a lot of the items that will be in the Recreational Plan will be included.

And finally, somebody -- I guess it was Gordon Colvin said last night that he was going to give a report card to the Commission about how well it achieved its goals and objectives during 1996. We have a teacher, too, called the Sport Fishing and Boating Partnership Council under this Executive Order which looks over the shoulders of all the federal agencies that I identified and will score us on our accomplishments and our effectiveness in implementing the Recreational Fishery Resources Conservation Plan.

This Partnership Council is to monitor the specific federal activities affecting aquatic systems and recreational fisheries that they support. They are to review and evaluate the relation of federal policies and activities to the status and conditions of recreational fishery resources, and to prepare an annual report of its activities, findings and recommendations for submission to the Coordination Council.

So that organization, that Advisory Committee, that federally charged Advisory Committee, basically is the watchdog that will monitor our performance to see how well we and our sister federal agencies are doing.

Let me just say one thing right off the top, because it's the most frequent question I get asked. When I give a presentation like this, the commercial fisheries sector gets nervous, and they're basically saying, "Now, hey, what about us?" This Order, this Executive Order, in no way talks about anything that in my mind threatens any of the commercial fisheries, for the following reasons.

There are really three thrusts to this

Executive Order. One is healthy resources. Every fishery sector should want healthy resources. Number 2, healthy habitat. Every fishery sector should want healthy habitat. The third part is to enhance recreational fishing opportunity. It does not talk about allocation. Allocation of the resource is a function of bodies like the Commission, like the councils, and so on. This Executive Order does not even refer to it. The issue of allocation is outside of this Executive Order.

The enhanced recreational opportunities to me means things like how do we enhance access to the resources? How do we make available for United States citizens federal land that borders on the marine environment? How do we improve access to marinas and piers and bridges and things of that nature that will allow United States citizens additional access to the resources for which they should be given access?

So that's the way we see it. I tried to -- you know, I went through this pretty quick. But that in a nutshell is what we are and where we are. And if you have any questions, I'll be happy to try to answer them. Thank you very much.

CHAIRMAN COLVIN: Thank you, Dick.

Are there any questions at this point for Dick? Bill Pruitt.

MR. WILLIAM A. PRUITT: Mr. Schaefer, what do you have specifically in the plan for the habitat restoration? That's a big thing with us.

MR. SCHAEFER: We have a National Habitat Policy which is being worked on right now, and rather than me giving you a specific answer to that, what I'd rather do, Bill, is when I get back, I'll talk to our office director in Habitat. I'll send you out any of the stuff we've got that intends to -- you know, would tell you where we're going with this and what we're doing with it.

I don't feel comfortable trying to take his place. But we are working on that.

CHAIRMAN COLVIN: Dick, I assume that initiative is also plugged in to the Commission's Habitat Committee, right?

MR. SCHAEFER: It definitely is. It definitely is, yes. As a matter of fact, people from our Habitat Office, as you probably know, attend those

committee meetings and are members of those committees.

CHAIRMAN COLVIN: Thanks a lot, Dick.

Let's move to the next agenda item, which is the National Marine Fisheries Service Shark/Highly Migratory Species Presentation. And will that be Bill Hogarth? It will.

DR. WILLIAM T. HOGARTH: Thank you. This probably will be very brief. I started yesterday afternoon, I think, probably, to work on my brief talk, and I'll do my best to get through this briefly. What we've been trying to do for the last few months is to stay in contact or increase the communication between the councils and the state directors.

The management of highly migratories is extremely controversial any way you look at it, particularly when you talk about bluefin tuna. There are a lot of things that we're trying to do and to be effective I think will need the involvement of other states, and we just want to make sure that we're communicating.

Although I want to talk mainly about sharks this morning, we did most of that yesterday in

State and Federal, and I'd like to today just go over briefly what we are doing in the other species for 1996, which will be implemented in 1997.

You know there's a lot of controversy this year about the management of bluefin tuna, as there is every year. This year when we opened up the fishery, which opens, angling automatically opens on January the 1st, we found out this year that the Secretary, who has delegated authority to the Director, did not, did not have authority to close the fishery so he could project that the entire quota had been taken. So there's a lot of fish caught in North Carolina, but unless he could be definite the entire angling quota had been filled, that he could not close the fishery.

So this year we're looking at how we will manage the angling category, whether we will have a subcategory for north-south, whether we will have the catch-and-release fishery in North Carolina only. Those are a couple of things that have been brought up.

We need to have the input from the various states on how they think the angling category should be operating. We hope by June 1st, there's a real good

chance that Virginia and Maryland maybe would be cut out of the fishery, because some of the data shows that the fishery may begin in those states. So, should we divide up into a north-south category the same way we do the schools, the large schools in small bream as opposed to the North Carolina catches?

But also we have to implement what comes out of the rebuilding from ICCAT, and right now we have a stock assessment that has not been completed. We're probably not getting the results from the stock assessment until the meeting of the Advisory Committee on November the 6th through the 8th in Silver Springs.

We also looked at other rule-making measurements which will maybe extend the fishery. As some people have said, we should take the aircraft out of the fishery. I'm not sure exactly how we could do that. But that has been brought up.

It's also been brought up we should not allow boats to have tuna gear on board a boat on days that the fishery is closed. Sometimes we have other boats fishing, but on the days that they're not fishing they should not be allowed to have tuna gear on board.

We're looking at separating out the various projects. Right now you can have projects in a couple of other areas, a couple of other categories; when you have only one category, it should be separated out

We're also looking at annual permits. We've signed a contract with a boat that I think is called Netleague to issue annual permits in the future as we begin to go with the Internet or an 800 number.

We're also looking at a new way of counting the fish. Rather than using large pelagic, which no one seems to have any faith in, we look at a culling system, the pin number, and maybe tagging each fish.

So there's a lot of things that's been done, that have been proposed in bluefin. We hope to have the first part of these rules on the street within the next week, then we will implement the rest of them once we come back from ICCAT.

Just briefly, there is a lot of concern about yellowfin tuna, what will happen with yellowfin tuna. There's a lot of concern at the numbers that are being used, and we now have all the numbers under

consideration. We are looking at them very carefully, and there'll be a meeting held with the groups that do our numbers to try to make sure that the numbers we are reporting on yellowfin are accurate. The recreation industry feels like we are underestimating the yellowfin tuna catches.

You know we initiated negotiated rule-making, which was designed to address the conflict issues, grounds conflict. As we hired a contractor, and he started investigating, he found out that he really didn't feel like it was a grounds, gear or grounds conflict; it was more or less an allocation conflict which is what we're dealing with in all the tunas.

We are now looking at whether we should continue this negotiated rule-making or turn that negotiated rule-making over to an Advisory Committee to develop a Tuna Plan for the East Coast.

My personal recommendation will be that we do a Tuna Plan for all tunas and get everyone involved, because the rule we now have that's looking at tuna no one likes. It's a lot of controversy. Everyone thinks it's too complicated. So I think we have to look at the

total tunas as a group and do a plan for tuna.

Swordfish, we have gotten a stock assessment, and the stock assessment for swordfish looks extremely bad. In fact, it looks like we'll have to take another 30 to 35 percent reduction in quota. That will be implemented sometime after the first of the year.

We are also now looking at the limited access for swordfish, and this is the one that we're having some problems with. Hopefully we've finally gotten some of the problems worked out. We've worked with the councils, and hopefully we're getting to the point now where this will be ready for the streets in about two to three weeks.

Now you've got -- some of the things you have to have a permit for July 1st of '94 and December 31st of '95. The control data is 8/30/91. And we've got a landing threshold of 170 fish. There was some concern about the incidentals, what the incidentals were going to be. It's a directed fishery. So incidental in that is being considered now as to how to implement that.

So this in the process. That's been discussed extensively with the councils, and we will have

something on the street very shortly.

We have a little more time for swordfish, but we've changed our fishing year to a June 1st fishery rather than January 1st.

We talked to the state-federal group yesterday about sharks, and we definitely have got to do some management issues for shark. This is one species that we get calls from all over the country, letters from all over the country that we're just not managing shark.

We went to the stock assessment teams and tried to get a rebuilding schedule. They feel like there wasn't sufficient data to do a rebuilding schedule this year. We will go back to them again next year, because I think we've got to look at rebuilding.

Basically, the stock assessment we've got, that if we stayed at the present level, we could see a 30 percent reduction in production over the next two years if we reduced the quota by 50 percent. It would stay stable, and if we went to a moratorium, we may get a 30 percent increase.

We had an OT meeting, and that was again very controversial. There's a lot of disagreement on

sharks of what needs to be done. I think several things came out of the meeting, though, is that there should be something done in nursery areas, and the stock assessment even said that if we would implement the nursing area closures and puffing area closures, we could expect a major rebuilding.

And that's what we talked about yesterday in the state-federal group. We need to get together with the states and implement the nursery area, puffing area closures, and we plan to have these delineated by the meeting of the South Atlantic Council in November. We hope that the states who are not in the Outer Banks involved in that, particularly Maryland and Delaware particularly, will send someone to that meeting and we can start the initial discussion on nursery area closures and puffing area closures, and even minimum sizes.

We'll have a rule on the street within the next probably two weeks that sets the quota for next year, and we will have some alternatives in there that we looked at but have not, would not be preferred alternatives till we've worked with the states further.

Within probably the next week or two also

will be out -- the shark limited access rule will be on the street, and again has a control date of February the 22nd, 1994; landing threshold of 250 sharks in 1991. And we are also considering bycatch permits for vessels not qualifying for the direct permit.

As I said earlier, we didn't do anything this year on sharks, as we felt like the stock assessment had not given us any real definite things that should be done. We asked for things this year, and we will implement some conservation measures in shark for next year.

The last thing quickly is the billfish. We do not have a definition of overfishing for billfish. We'll have to do this, and that will be out. And we're also looking at some time area closures to reduce bycatch mortality from the commercial industry.

I appreciate your time, and we definitely want to have the input from this body and from the state directors as we proceed with rule-making. We need your-all's input. We need to have compatible rules, and I think particularly in areas like sharks. And our goal is try to open up that communication and work with you.

CHAIRMAN COLVIN: Thanks, Bill.

Dave Borden.

MR. DAVID V. D. BORDEN: Bill, just had a follow up on swordfish. As you know, I was not particularly pleased with the plan that the National Marine Fisheries Service came up with basically from the perspective that I didn't think that it provided for the conservation of the resource. As was stated in the plan, the fisheries does overfish, and recruitment overfish, and there weren't any conservation measures in the first proposal.

Since you're going to take some additional time to finalize that, can we anticipate that there will be conservation measures incorporated in the next version?

DR. HOGARTH: That's our goal, yes. That's what we're trying to do right now.

MR. BORDEN: Excellent!

CHAIRMAN COLVIN: Dr. Sandifer.

VICE-CHAIRMAN PAUL SANDIFER: Bill, when can we expect the overfishing definition of the billfish?

DR. HOGARTH: All of this we're going to

have out, something held in place by January-February, so that will be done in the next couple of weeks.

VICE-CHAIRMAN SANDIFER: So it'd all be in place by the November 18th meeting of these proposals that --

DR. HOGARTH: Should be, yes. You know, it's a funny time of year, as you're well aware, working with state governments to get these out, but we hope to get them out. They're all in their final stages now to be reviewed and go out.

VICE-CHAIRMAN SANDIFER: Thank you.

CHAIRMAN COLVIN: Mr. Spitsbergen.

MR. SPITSBERGEN: Yes. Bill, you said in a couple of weeks you were going to have a proposal out for a quota management on shark. Do you have something specific? Apparently, you have something specific in that proposal that you're going to put out for public comment.

DR. HOGARTH: We're considering several alternatives right now. But the final decision we have to make.

MR. SPITSBERGEN: Oh, no final proposal

then is ready yet, specifically of quota reduction or a combination?

DR. HOGARTH: Well, I think -- if you look at it right now, it probably goes to quota reduction, because we do not have the states, you know, on board yet with the nursery closures. That's the thing to do that -- what we propose is to go back and look at all of them once we get that done.

MR. SPITSBERGEN: What you're saying then as a proposal we're probably going to see is going to be a quota reduction.

DR. HOGARTH: Primarily, I would say Yes. But other things. We're looking at drift gill nets, problems with drift gill nets and other things like that. So we're looking at several other aspects, yes.

CHAIRMAN COLVIN: Ms. Shipman.

MS. SUSAN SHIPMAN: Might you be considering variable season closures for swordfish?

DR. HOGARTH: That's correct. Time, area and closures.

MS. SHIPMAN: What goes around comes around.

DR. HOGARTH: You know, it's interesting. The swordfish stock assessment, there's very little disagreement among even the industry with that stock assessment. I think everybody's saying that the swordfish look to be in bad shape.

But in the bluefin tuna, we have a lot of problems trying to get that stock assessment done and out to any agreement.

CHAIRMAN COLVIN: Mr. Coates.

MR. PHILIP G. COATES: Bill, is NMFS planning to fund any further research on the issue of the nonselectivity of the long-line gear and the fact that they take fish below the optimum size?

DR. HOGARTH: Phil, I'm not sure. You know, the Magunson Act says we have to do a comprehensive study plan for the pelagic long line period. We have not finalized what we're doing there what will be done. But I can't answer that question, but probably yes.

MR. COATES: I would strongly urge that that study include such -- at least the initiation of such a study. I think it's very important. I think it's one of the more pervasive problems that we in the

Northeast see as a problem, the long-line fishery.

DR. HOGARTH: As you're all aware, we do not detach or permit that authorized gear. We have not heard anything else. We have had several meetings with them. We also do not -- the mass Audubon attention to prevent the harvest, prevent -- I can't talk this morning -- bring in fish under 73 inches. I understand they announced last Friday at a meeting on this they would be suing us in federal courts against -- to overturn our ruling on fish under 73 inches.

CHAIRMAN COLVIN: Mr. Lapointe.

MR. LAPOINTE: Briefly on the issue of sharks, because the Commission was approached about considering the shark management issue by a number of conservation groups and the Mid-Atlantic Fishery Management Council. David, could you come up as chair of the South Atlantic Board and -- I think the South Atlantic Board the other night discussed an option which will give the Commission or the states a venue for dealing with some of the inshore shark management issues without requiring the Commission to prepare an FMP on sharks.

MR. DAVID CUPKA: Well, as Bill indicated, we did talk about this at the South Atlantic State-Federal Management Board meeting the other day, and the idea was to utilize the board as a mechanism to kind of coordinate activity between the states and NMFS, and hopefully to accomplish some of these same things, looking at time and area closures and so on, perhaps without getting the Commission involved in putting together a plan.

So we are set to meet next month at the South Atlantic Council meeting, and will be having a presentation by NMFS on some of these proposals and seeing where it goes from there. But we do hope to deal with it informally without getting the Commission involved in a shark plan. So we'll see what happens.

CHAIRMAN COLVIN: Is there anything further for Bill? Bill, thank you.

DR. HOGARTH: Thank you. It's nice being with you again. I look forward to working with you.

CHAIRMAN COLVIN: We do have another question for Bill. Please come forward.

MS. SONIA FORDHAM: Sonia Fordham, Center

for Marine Conservation. I jotted down some remarks for about the states and for Bill. As many of you know, shark conservation has been a priority for us, the CMC's Fisheries Conservation Program, for a number of years. It's due in large part to the life history characteristics that leave sharks so vulnerable to overexploitation.

Along the Atlantic Coast, several stocks of large coastal sharks have declined by an estimated 80 to 90 percent in just a decade. And as Dr. Hogarth has mentioned, the report from this year's Shark Evaluation Workshop concluded that the recovery of these facts may require reductions in effective fishing mortality of 50 percent or more.

The scientists at the workshop also emphasized substantial benefits that can be achieved by enhancing survivorship of the first few age classes of sharks in particular. Specifically, they estimated that increasing survival of juveniles from .5 and .7 to .9 increases the ability of the population to increase by 186 percent.

Consequently, the group recommended that

fishing mortality on young coastal sharks, most of which are puffed and grow up in inshore waters, be minimized and progress has been made to delineate this juvenile habitat since 1994.

CMC has long supported time area closures to protect juvenile sharks as well as pregnant females while they're congregated in these areas. We strongly urge the Atlantic states to cooperate with NMFS as requested, to close shark nursery grounds to drift net fishing, particularly during the spring puffing season.

At the same time, we recognize that this process is in its early stages and will likely require many months of research, coordination and public comment. In contrast, reductions in the commercial quotas and recreational bag limits have received copious amounts of public comment, and mechanisms to adjust these measures are already in place.

At the August Shark Operations Team Meeting, we were pleased with the attention that shark habitat protection received. We are concerned, however, that NMFS and the Shark Operations Team may be placing unrealistic stock, so to speak, in timely state action as

a means to avoid an unpalatable yet necessary reduction in catch.

We therefore urge the states to be up front, clear and direct with NMFS regarding the time frame and priority of shark habitat protection. We offer our continued support and facility in this cooperative effort. Thank you for considering our views.

CHAIRMAN COLVIN: Thank you.

Is there anything further on highly migratories? Thank you a lot, Bill.

DR. HOGARTH: I appreciate it.

CHAIRMAN COLVIN: Appreciate having you.

Mr. Beckwith, are we ready for the Connecticut presentation as yet?

MR. BECKWITH: Yes, we are, Gordon, and I believe Commissioner Holbrook is outside. Just give me a moment, and I'll check.

CHAIRMAN COLVIN: I will, and I'll recognize you to introduce him. Thank you. Mr. Beckwith.

MR. BECKWITH: Yes, Gordon. If you would indulge us for another minute or two, Commissioner

Holbrook, who is handicapped, is making his way up the elevator. He should be here probably within a minute.

CHAIRMAN COLVIN: The Chair recognizes Mr. Beckwith.

MR. BECKWITH: Thank you, Mr. Chairman. As I believe everyone knows here, Connecticut has been very concerned about summer flounder quota management.

MEMBER: A little louder; we can't hear you back here.

MR. BECKWITH: I'll start from the beginning. I'm sure everyone knows the State of Connecticut has been very concerned about summer flounder quota management right from the outset of this plan. We made several suggestions initially regarding the fair allocation of the quota, and were very pleased and appreciative that we were able to be accommodated at the beginning, at the outset of the plan.

But as we got into the plan, it became apparent there were other very serious problems, and we attempted, over the past three years, to bring these issues to the proper forum, which is the Mid-Atlantic Council and the Atlantic States Marine Fisheries

Commission joint planning process. And we've started to make progress. We would get involved in a change to the plan, the amendment process, and we would have options on the table, and then it would be sidetracked.

This has happened about two or three times in the process, and it again, from our perspective came to a head this springtime. We were working within the process on Amendment 10. There were several alternatives to quota management put on the table. We had discussed a draft of the public hearing document as well as public hearing dates, and those passed, and nothing happened.

Our governor, our commissioner, our members of Congress became very concerned about the situation. They got involved. They wrote letters. They made phone calls. But again, nothing happened.

We were again given another commitment on another public hearing date. This was the last possible date for change for '97, and that date in July passed again.

We are very concerned about the process. The process has not served us well. The process has not served the stock well.

As you all know, the fishing mortality rate has not budged in the four years that we've been involved in this plan. There is very serious concerns about this plan. It appears that it isn't working. The fishermen have no confidence in the plan, and I believe that the fishery's managers now have serious doubts about whether this plan can work.

We are here today because we attempted to work it through the process, and we've been frustrated, and Commissioner Holbrook feels so strongly and the governor feels so strongly that Commissioner Holbrook made the trip here today so you could hear from us directly, from him directly -- and he'll be speaking for himself and the governor -- how strongly we feel that the summer flounder quota management issue has to be addressed and has to be addressed in a timely manner.

And with that, I will introduce Commissioner Sidney Holbrook.

COMMISSIONER SIDNEY HOLBROOK: Good morning. First, I'd like to say I thank you very much for the opportunity to be with you here this morning, and it's great to sit next to Senator Gunther. If you know

Senator Gunther, you know me, because he basically taught me everything I know.

I was a member of the Environment Committee for 12 years in the Connecticut General Assembly, and I come here today as Commissioner of the Department of Environmental Protection, but I also come here today with the full support of Governor John Rowland, who is -- and I will remind this group -- the chairman of the New England Governors Council.

Joining me here today also is Senator Cook, who is the chairman of the Environment Committee; Representative Rob Simmons from Stonington; the mayor of Stonington, and members of our fishing fleet in Connecticut, what's left of it, Noank and Stonington.

We're concerned about the unfairness of the current quota system. As Ernie said, I'm frustrated, the governor's frustrated. This is something that I personally, along with the other senators and representatives from the State of Connecticut, have worked on for a long time.

In 1994, we had an action by our fishermen that prompted action in the General Assembly. It related

to fish being landed above and beyond the quota, and a statement was made by our fishermen, "It's unfair.

Connecticut has made several attempts over the last two years to address the concerns we have over this unfair policy of the quota system. Letters have been written, as Ernie said, to the Commission, the Federal Government as high up as the Secretary of Commerce, to which we've received inadequate consideration from the council.

The current quota system isn't working. Fishermen are circumventing the system. An estimated 30 percent of the harvest is unreported. The fishery's management plan has failed to reduce the harvest level to target levels specified in the plan.

We all want to see the fish stock returned to proper levels. We do not want a system that penalizes certain states, while others get an advantage. The quota management strategy in effect since 1993 has resulted in chaos in fishermen, dealers, state and federal fishery plans. Our law enforcement people are frustrated in Connecticut. The national law enforcement people are frustrated in other states that are represented here.

It's a sad situation, and I can go into the passionate speech about fishermen, the life of the fishermen and how hard it is on the high seas. I could talk about fishermen going to North Carolina from Connecticut, and their fish getting back to Connecticut by truck faster than they can return, risking their lives going down the coast to North Carolina.

It's not working. This year many states had to endure or implement long closures. Connecticut closed the first week in October.

We have attempted for the past three years to obtain consideration of alternate quota management systems through a formal process. The process has been delayed, stalled on numerous occasions, and still there's no indication of when a public hearing will be held. We will go another year with this unfair, ineffective quota management system.

Connecticut cannot afford lack of action. Our fishermen and the economy are so associated with the fishery that is being hurt. The state has asked for an opportunity to look at a more fair and equitable system. If we do not get the proper attention and satisfaction

from the Atlantic Marine Fisheries Council, Connecticut will have no other choice than to looking at other means of changing the system.

What do I mean by that? I basically have looked at two options that I can take. One is not to enforce the quota system. That won't hurt me, but that'll hurt these people. But it is an option that I have before me. The other option I have is a lawsuit, and I'm right now in conversation with our attorney general through the governor's office in consideration of that action.

The current quota system needs to be changed. And the option that we have, we'd like this council to consider, is some action by this council to force the Mid-Atlantic Council to look at a coastwide quota and take into consideration the inshore fishery at the same time.

Another thing that I'd like to bring to the attention of this council is that, as I stated, the governor is the chairman of the New England Governors Commission, and they'll be having a meeting very soon, and we are in conversation with the governor right now as

to some type of a resolution that can be presented to that group that would call for an inquiry into the actions of the various councils that deal with fishing management plans.

I know that some of you have not liked what I said. I know there's some here that do. But I know that you're aware of the unfairness. I'm not a biologist. I'm not even a -- I'm new to the job as an administrator. But I was born and raised on the coast of Connecticut, and I watched my fishing fleet in the small town that I grew up in diminish and become one boat. And I don't want to see the same thing happen to the fishing fleet that's left in Connecticut.

The governor is committed to these men and women that are involved in the fishery business in Connecticut, and he will take whatever action is necessary to protect these people.

So I hope that there can be some action taken here today that will move this forward, because I know that there is frustration here, and I know that there are some indecision amongst the councils. But action has to be taken. It cannot go on any longer.

And I wouldn't be here today to address you if I wasn't serious about taking some action on this matter, along with the governor of the State of Connecticut. Thank you.

CHAIRMAN COLVIN: Thank you.

Mr. Beckwith.

MR. BECKWITH: Mr. Chairman, I have a motion I'd like to offer. I move that the Commission staff prepare a letter to the Mid-Atlantic Council expressing concern over the repeated and long delays with Amendment 10 to Summer Flounder FMP and request that the public hearing document be completed with all due haste, and that public hearings be held as soon as possible. In addition, request that a joint committee of ASMFC and Mid-Atlantic Fishery Management Council staff, commissioners and members be developed to identify and discuss problems and issues regarding joint development of FMPs and how we can work more effectively together.

CHAIRMAN COLVIN: You've heard the motion. Is there a second?

MR. COATES: I'll second it.

CHAIRMAN COLVIN: Seconded by Mr. Coates.

Before I entertain discussion on the motion, Commissioner and Mr. Beckwith, I'd like to just offer a couple of comments on the issue that I think are consistent with the motion.

First of all, the Mid-Atlantic Fishery Management Council will be meeting next week in Port Jefferson, New York, and I hope that that will present an opportunity for people from Connecticut to communicate to the council as directly and as clearly as you have communicated to this Board here today, the concerns and the sense of urgency with which this issue needs to be treated.

Secondly, yesterday afternoon, I spoke again -- and I have spoken a number of times -- by telephone with the chairman of the Mid-Atlantic Council and made him aware of the likelihood that this issue would surface not just today, but at next week's council meeting in the manner that it has, and that, again, the issue boils down to the need for the council to address the issue with a great sense of urgency.

And I know that, and I speak for him when I tell you that he indicated that he would welcome the

receipt of that message at next week's meeting and looks forward to discussing the issue with any representatives who come and will make accommodation to receive that message.

Also, we will assure that a transcript of this discussion at today's meeting is prepared immediately following the meeting and is made available to all the Mid-Atlantic Council members upon their arrival at Port Jefferson next Tuesday.

Now, with that, is there discussion on the motion on the floor? Mr. Lapointe.

MR. LAPOINTE: If I may, the discussion is worthwhile, and the fluke situation is a microcosm or a first example of the difficulty of preparing joint plans, and so the discussion is also useful for scup and black sea bass and other FMPs as well. Very pertinent.

CHAIRMAN COLVIN: Mr. Spitsbergen.

MR. SPITSBERGEN: Yes. I am chairman of the ASMFC Summer Flounder, Scup and Sea Bass Board. We have been dealing with this issue, and we have found it a very difficult issue to deal with, trying to come up with some alternatives to take the public hearing on summer

flounder.

I'm trying to recall time frames, but my recollection is that it was April that we started moving forward with trying to look at some alternative methods. I think we spent a day or a day and a half in a meeting trying to arrive at some kind of different approach to it. I thought it was going to be simple; I've learned better than that. But we spent a lot of time at it.

And when we finally arrived at a conclusion from the board and then went in front of the council and discussed it in front of the council, the conclusion that they arrived at was that maybe what we had, there were other alternatives that we needed to look at. We did need to get out to hearing. But the conclusion, both the board and the council arrived at at that point is that maybe what we had is the best way to go. We looked at all of the other approaches to it, saw the complications with it.

Gordon, to his credit, has also set up an ad hoc Quota Management Board, which we have been dealing with quota management issues. What we were dealing with is issues like striped -- oh, I'm sorry. Not striped, we

haven't even gotten to striped bass. That's one of our assignments. We haven't even been able to touch that one.

But black sea bass then arose as being another issue. Scup arose as being another issue. My hope at the time is that we would come up with a template that would work for all of these quota management issues, but as we got into it and discussed it, we found that possibly one didn't fit the other. We finally have arrived at one for scup which looks at both an inshore fishery and an offshore fishery.

I am glad we have finally arrived through addendum at an approach to the scup. This may very well now give us something that we can try to tack summer flounder onto it or at least give us a way of now looking at an alternative on summer flounder.

We also have sea bass that we have got to get on and come up with quota management.

So we are working on it. I'm going to apologize. Maybe I should have pushed harder. But we're working on it. We're doing the best we can trying to come up with looking, at least looking at other

alternatives. I'm out of North Carolina. There are very mixed feelings in North Carolina. Some of them like the program we have; others say it -- no, I'm not going to put it that way. Others say that it's not working.

So we will continue working on it. I'm trying to get another meeting together, both this ad hoc committee and the Sea Bass Board, which is the combination of the Scup, Summer Flounder, Sea Bass Board, to try to work on, continuing working on these quota management issues.

And I feel badly that we haven't gotten this out to hearing. Again, it is a joint plan, and it seems like it's quite difficult to get the two organizations together and get this out on the street so we can get the public comments on it. But we will continue working on it

CHAIRMAN COLVIN: The Chair would note too that during the discussion that took place early this year on options for quota management, we had not progressed to the point that we have now on the scup quota management system.

And certainly in my state, and I think

that in some other states, as people have become more aware, as fishermen have become more aware of what's been proposed for scup, there is more interest among them in pursuing a similar approach for fluke than there was last spring and winter. And we've certainly been hearing that in the last two weeks since fluke closed in many states. That's for darn sure.

I would also point out that later in the agenda of this meeting under other business, there will be some discussion of quota management issues and some recommendations for action by some of the boards on quota management problems above and beyond the motion previously passed to establish an ad hoc Committee on Enforcement and Compliance.

The motion is now on up, and Tina will be scrolling through it, because it's a long motion, so that everyone will have an opportunity to see the full text.

In the meantime, I will again call for comment on the motion. Mr. Coates.

MR. COATES: Thank you, Mr. Chairman. I seconded the motion. I maybe jumped the gun on Doc. but needless to say, I think everybody is very appreciative

of Massachusetts' concern about the issue of quota setting under the procedures that have been inherent in the so-called joint planning process.

And nobody has been further disadvantaged as a consequence of the outcome of these quota setting processes than Massachusetts by virtue of the fact that for many years now we've been on the cutting edge of these conservation initiatives, have implemented actions commensurate with an ASMFC plan, in the case of summer flounder back in 1982, to the current problems associated with scup and the problems we're going to be discussing very shortly with regard to black sea bass.

And I'm very appreciative that Commissioner Holbrook has taken the time to come down here today. I can assure him that we will be supportive of any actions necessary to get this whole issue addressed in a meaningful way and in an equitable way.

And issues such as bycatch, credit for bycatch, historic action on ASMFC plans or initial actions on ASMFC plans when other states were virtually ignoring the provisions of these plans have only caused disadvantage for us, and we're very supportive of the

motion and will also follow up with the New England Governors Council, if you wish through my administration, the state administration.

CHAIRMAN COLVIN: Thank you.

Is there other discussion? Dr. Rosenberg.

DR. ANDREW ROSENBERG: Thank you, Mr. Chairman. I would also like to express my appreciation for the concern and the efforts of Connecticut to try to address this problem.

I note for the record that well over a year ago, when the council was discussing the Summer Flounder Plan and the amendment that was in progress at that time of the Summer Flounder Plan, there were a number of issues that the National Marine Fisheries Service put on the table as important points for the council to consider in their coming amendment, at that time Amendment 9.

And this was one of the issues that we suggested was one of the most important issues for the council to deal with. The council and the board at that time decided that modifying the rebuilding schedule was of a higher priority and that they should move forward

with that modification of the rebuilding schedule, which would slow the reduction in quota over time, as opposed to taking a large reduction in quota for 1996, that it was important to modify that rebuilding schedule in light of what had happened to the stock in the meantime.

And although I did not support that decision by the council on priorities, they did move forward with a modification of the rebuilding schedule, and that was part of the reason for the delay in considering modifications to the state-by-state quota system.

We continue to try to work with both the council and with the Board and the ASMFC to implement the Summer Flounder, the Scup and the Black Sea Bass Plan, and to improve the quota monitoring system. And, as was noted earlier in this discussion, Mr. Colvin made a motion at the last Mid-Atlantic Council meeting, which I had the pleasure to second, to try to pull together an additional group to strengthen the quota monitoring system from both the enforcement standpoint as well as the statistic collection standpoint. And we are working in that direction. My staff is working with them to put

together some additional options.

Finally, I'd point out that, as the chairman noted, we have a couple of suggestions that maybe will help in terms of strengthening the provisions of quota monitoring for all of the management plans that are currently under quota management systems. And I hope that this Policy Board can take some action to direct each of the species boards to strengthen those monitoring provisions.

While that doesn't address the allocation between states issue -- that is a matter for this Board to recommend to us -- hopefully whatever allocation is determined or whatever system is put in place, we can continue to try to strengthen our ability to want to try and enforce.

And it is a very difficult job. We rely on the states very heavily for their -- and the industry, of course -- their cooperation and assistance in terms of trying to implement the quota system for a very extensive fishery all up and down the coast.

So I welcome any assistance that can be provided by the states. I think the points that

Connecticut are raising are very important, both from the monitoring perspective, enforcement perspective, as well as the equitability of the actual allocation.

Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Thank you.

Does anyone need to see the full text of the motion again before we take the question? Are there any further comments? Mr. Marks.

MR. RICK E. MARKS: Thank you, Mr. Chairman. Rick Marks, North Carolina Fisheries Association. To the spirit of this motion, there's been some hesitancy on the Mid-Atlantic Council to convene the advisors for summer flounder. Does anyone know whether that's going to be done or has been done at this point?

CHAIRMAN COLVIN: I think the answer is we don't know.

MR. SPITSBERGEN: I can't reach for the mike and speak for the Mid-Atlantic Council. I would certainly hope that they would. It should be an integral part of developing an amendment or a fishery management plan and I would certainly hope that they would do that.

MR. MARKS: Well, I would certainly think

-- and I agree with Dr. Rosenberg indicating he would accept some input. I think it would be timely, certainly in the spirit of the gentleman from Connecticut, that his fishermen that have come here certainly would like to have an input, and some of the fishermen from North Carolina. And perhaps in the spirit of this motion, you could include that they should convene the Advisory Panel for Summer Flounder and get some of that input from these folks.

Thank you.

CHAIRMAN COLVIN: Thank you.

Sir, please come forward and identify yourself

MR. JOSEPH RENDEIRO: My name is Joe Rendeiro. I run a fishing boat in Connecticut, and I'm the SOB that threw the buffalo chips in the fan down there. Now, all your words are very eloquent, and I'm not going to repeat them, because our commissioner and our director have already made our case or as good as they can make it. But a lot of things disturb me about this whole program.

One of them is, what do you expect all of

the fishing boats on the East Coast to do while all these states are closed? Do you expect us to catch fish that we can't help but catch and throw them away? I think not. Do you expect all the boats to be outlaws? I think you can expect that, because that's what we have to be, because this program that you have put into effect, or the Mid-Atlantic Coast has put into effect, is about as morally wrong as anything can be. It's wrong, and it's also -- the State of North Carolina has probably committed a felony in what they've done this summer.

Now, I don't know if any of you people read some of the stuff I got here from the National Marine Fisheries Service, and I'm going to tell you about it. It starts from Week 1 when they started reported it. The law says by the Tuesday of the following week, fish dealers have to submit a report to the National Marine Fisheries Service on the fluke landed.

Now, to go on this report from the National Marine Fisheries Service and then -- the 14th week. April 12th, they had 121 percent caught, 21.2 percent over their quota. Now, listen to this: On the 15th week, the same thing. None was reported. I've gone

one page too far, or a couple of pages too far. On the 12th week, North Carolina had reached 121.2 percent. After that, they quit reporting fluke right up to October. No more fluke landings are reported on this to the National Marine Fisheries Service. Right? Shouldn't be anything wrong with that, right, if everybody shut off.

But if somebody knows how to follow a paper trail, we come to this report from one suchi house in New York: 8/26, when they're supposed to be shut down, there's 90-some boxes of fish landed to the Nikki Suchi outfit. Suchi. You know what suchi fluke is? It's not nine-inch fluke; it's not 13-inch fluke. It's the best of the best, and it's the smallest percentage off a trip. Got me?

On 9/14, Nikki Suchi House gets 12 boxes. Not bad; 9/17, out of North Carolina, mind you, one cheese fish. Got it right here: 268 boxes.

Now, we're supposed to be shut down.

A hundred and thirty boxes, 9/18; 427 boxes, 9/26. We're supposed to be shut down. Got me? A hundred and ninety-two boxes. This goes on and on. It

goes on until I can't read Japanese. Got me?

Now, I'm one of the big losers in this program. You understand me? And all of the things you people are going to do are not going to save the fish, because we've all got to go fishing, and we've all got to kill them. Right? But, if I were from North Carolina, I wouldn't think there's nothing wrong with this program either. It's very good, because there's more involved here than just fishermen catching fish.

There is the control of the whole fishery, the control of product by fish dealers who are probably very influential with a lot of other people. And I'm not going to get into the specifics of it, but everybody knows what the hell I mean. You know, this whole programs sucks, if you want my words on it.

Now, I've made my recommendation to our commissioner, and my recommendation is to have the governor of our state tell the Mid-Atlantic Council to stick this in your ear. We should come up with what we have allocated for October, November and December and be allowed to catch it, and that time would take us two months to come up with a program that is better than what

you have, that will not make us look like a bunch of crooks, fish crooks, and will not uselessly deplete the stocks.

Now, in two months, I know, if we got four or five responsible people behind closed doors for four or five hours, we could get it done, and we could set an example. Now, you say you're going to Long Island next week. Well, the people on Long Island are the ones that fed me all this information. I believe you're going to run into a hornets' nest there.

Now, I say to you, I'm the guy that started this, and I'm going to make a martyr of myself. I will refuse to throw away perfectly good fish that are dead. I will risk arrest by federal agents, and I will risk arrest or confiscation of my permit, which brings me to the other subject. I got a letter from Mr. Rosenberg saying that that could be sanctioned, and the dealers have their permits sanctioned if they buy my fluke.

Well, if that's the case, what happened in North Carolina? This is just one fish house for one company. Where's all the rest of this? Huh? Can you imagine if somebody really started digging into this what

we could come up with? And you people have the audacity to tell me it's going to take another year! This is ludicrous, ludicrous.

So I'm going to get as much backing as I can to have our governor tell you people, "No, thank you."

Thank you very much.

CHAIRMAN COLVIN: Thank you.

Mr. Spitsbergen.

MR. SPITSBERGEN: Gordon, I definitely --

MR. RENDEIRO: If anybody wants a copy of this, I've got some more.

MR. SPITSBERGEN: I've definitely got to go on record and see if I can clear this situation up. We have heard these accusations made. North Carolina closed its fishery as of the 2nd of March. We did have one landing that came in after the 2nd of March. We confiscated that landing. It was around 21- or 22,000 pounds of fish. We did have late landings that came in that were reported later.

As for the other landings that are being discussed here, I think you need to understand North

Carolina's fishery. When it comes to starting in late August, we have a pound net fishery for southern flounder. This is a different species than the summer flounder, which is being discussed and which this plan is about. The southern flounder migrates through our sounds through Lower Pamlico Sound, Core Sound, starting with the first nor'easters in the fall.

If you look at North Carolina landings over many, many years, you will find that there are landings in the category of two and a half to four million pounds of those fish. A lot of those fish are very large. September landings. I did a check on September landings. We had September landings in excess of half a million pounds. We have had some early storms this year which have pushed the fish out more rapidly, and this is the source of many of these fish.

There were some other fish which were summer flounder which were landed legally in New Jersey, very similar to what Massachusetts and Connecticut did a couple of years ago, landing in North Carolina, sending trucks down, trucking those back to dealers in Massachusetts.

The same thing happened to summer flounder. North Carolina boats landed when New Jersey was open, sent trucks up. These trucks were loaded with summer flounder and brought down to North Carolina.

We are aware of these landings. These landings are legal. There's nothing illegal going on here. I have made checks back with our enforcement officers, back with our statistics people, and also with the industry people, and the reports I get from all sources is that we are not allowing any vessels, ocean vessels to land flounder taken by trawl from the ocean, which is what our summer flounder fishery is.

And again, I want to make it very clear. The summer flounder fishery is an ocean trawl fishery. The southern flounder fishery, a different species, is a pound net fishery. This has been going on for years in North Carolina. They are two different species of fish. We do have these landings in the fall, starting late August, September, October, November. They amount up to two, three, four million pounds every year, and it is a legal fishery.

And yes, these are big fish. These pound

nets are set right across from the fish house. Many of the fish dealers have got holding ponds. They bring these fish in. They are large fish. They keep them alive. And yes, they go to the suchi market.

And if there is any evidence that anybody can come up with that shows that trawlers have come in with ocean-caught flounder and brought them into our ports, we would certainly like to know about it, because we have been having folks check on this.

CHAIRMAN COLVIN: At any rate, the issue of enforcement is one that was discussed at some length and with some intensity at our last joint meeting of the Summer Flounder Board and the Mid-Atlantic Council, and that resulted in a motion to create an ad hoc committee to develop the means and the process for ensuring compliance with the requirements for fishermen and dealers to fully and accurately report on their landings such that the system is enforceable.

And Mr. Spitsbergen will be working with Dr. Rosenberg, with the support of the Commission staff, to have that ad hoc committee up and working, and we are looking forward to their report and recommendations and

action on enforcement issues as it relates to fluke.

Sir?

MR. DON MARNELL: My name is Don Marnell. I'm the First Selectman or Mayor of Stonington. And first, I'd like to thank Commissioner Holbrook, and please extend to the governor for his support in this, and also the members of this council who support the idea that we need to do something about summer flounder.

The only comment that I really wanted to make is that I've written a few letters, and we've received a few letters about support from looking at this, but, again, no action's come. And I know that's not the responsibility of this council, but you could help it happen. We need your help. As the home for the last Stonington fishing fleet, this is a big issue to us, and delay after delay is costing people their livelihood.

My understanding is that the war between the states ended in 1865. This quota system encourages that. It endangers lives by having them going up and down the coast looking for a state that still has a quota. I spent 20 years in the Navy. I know it's dangerous at sea. And these gentlemen go up and down the

coast in those small fishing vessels -- I was kind of checking out on something a little larger, a little safer, called a submarine. Right? And we're endangering lives by doing this.

You ought to be able to catch a fish and land it anywhere and count it as an East Coast quota system, and that's the only fair way to go at it. Interstate commerce is a right guaranteed by the Constitution, and I wish that these councils and this country would support what the founding fathers drafted a couple of hundred years ago.

Thank you.

CHAIRMAN COLVIN: Thank you.

There is a motion on the floor. Is there any further discussion on the motion? Seeing none, we'll take the question. All in favor, please signify by saying Aye; opposed, same sign; abstentions. Motion carries unanimously.

Mr. Beckwith.

MR. BECKWITH: Yes, Mr. Chairman. I would ask that the Commission prepare this letter so it can be submitted to the Mid-Atlantic Council for next week's

meeting.

CHAIRMAN COLVIN: Mr. Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. The staff will do that, and in addition, those from the State of Connecticut who aren't aware, I'm a nonvoting member of the Mid-Atlantic Council, so I will be there next week, as will many of the other commissioners, and convey the sentiments that were expressed today and the motion of the Policy Board to the Mid-Atlantic Council.

Thank you.

CHAIRMAN COLVIN: Thank you.

Mr. Holbrook, thank you very much for joining us. I'm glad to have seen you, and it's been very helpful to hear directly from you on this important issue.

COMMISSIONER HOLBROOK: Thank you again, and I look forward to seeing you all soon, and hopefully we'll have some results soon.

CHAIRMAN COLVIN: Thank you.

At this point, we will stand in recess for approximately 15 minutes for checkout.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: Will the Policy Board please be seated. We will now resume the Policy Board meeting.

The next agenda item deals with the Black Sea Bass Fishery Management Plan. I recognize the chair of the Summer Flounder, Scup and Black Sea Bass Board, Mr Spitsbergen.

MR. SPITSBERGEN: It seems like I'm getting recognized an awful lot today.

MR. LAPOINTE: Just for people's information, the compliance section on the Black Sea Bass Plan is in your binders, and there's extra copies on the table, and I believe there are about 25 copies of the FMP as well.

MR. SPITSBERGEN: I was going to point out part of that. Look right behind the minutes in your binder, and you will find compliance, and we shouldn't have to spend a whole lot of time discussing that.

Let me just very briefly go through where we stand on sea bass, and this applies to sea bass north of Cape Hatteras. The plan was approved by the Board and the council at the May 15th, 1996 joint meeting. It's

moving forward in council process, and I understand there will be a decision made on it sometime in October, and I'm bringing this now in front of the ISFMP Board for consideration.

Included in the plan is a reduction strategy which has an eight-year rebuilding time frame with 1996 being Year 1, and I think in the eighth year the intent is to be at F max in this plan. Compliance items that are included in the plan are a minimum size, which will become effective January 1, 1997 of nine inch, both commercial and recreational; a four-inch minimum mesh size with a hundred-pound threshold. An 18-inch maximum roller diameter is included in on that.

There are pot and trap escape vent requirements which are on the second page of that compliance schedule. There is also a degradable fastener which is also on there. And there are a couple of other provisions about requiring them to be landed, the sea bass to be landed with the skin on so they are identifiable, and also to -- if you are going to land parts, you have to have an individual state permit.

That is for the 1996 and '97 period. In

1998, the intent of the Board -- and this differs from the council -- is to go to a ten-inch minimum size commercial and framework recreational so that can be adjusted however.

And another provision in it is for quota management to go in in 1998. If there is not a provision set forth through addendum and regulatory amendment by that time, then it will go to a quarterly quota system based on historical landings, and those historical landings are 1988 through 1992.

Also there, when we go to quota management, there will be a split in the quota commercial/recreational that goes 49 percent commercial, 51 percent recreational, and that is based on 1983 through 1992 data.

And I think that covers briefly what's in the plan, and again in that compliance requirement which everyone, I'm sure, has had an opportunity to look at, has a little bit more detail on it, but that's just a brief overview of what's in the plan.

And with that -- I don't deal with the Interstate Fishery Management Policy Board as much as I

do council, so I'm not sure whether I make a Board motion or just make a motion and look for a second. But I will make a motion for approval of the Sea Bass Plan.

CHAIRMAN COLVIN: The motion's accepted on behalf of the Board. It requires no second. Discussion on the motion. The chairman recognizes Mr. Coates.

MR. COATES: Thank you, Mr. Chairman. Shades of the previous discussion. Dennis, you indicated that there would be a quota system, and it sounds like this is another default system that would be implemented as of January 1 of 1998?

MR. SPITSBERGEN: That is --

MR. COATES: And the default system would be a quarterly quota.

MR. SPITSBERGEN: That is correct.

MR. COATES: Coastwide quota with no provisions for recognition of inshore, offshore or states' fishing allocations. Is that correct?

MR. SPITSBERGEN: That is correct. Let me make something very clear. My intent is to get that Sea Bass Board together very rapidly and go to work on quota management. I would like to start before the end of the

year if funds were available.

MR. COATES: Okay. So at this point, however, there is no mechanism or no specifications for the quota system, other than the default quota?

MR. SPITSBERGEN: That is correct.

MR. COATES: All right. As long as that's on the record and that's clearly understood by everybody, then I'm not going to vote in opposition to the plan, despite my grave reservations about this being basically another cookie cutter plan out of a mold that is doomed to failure based on our experience thus far with summer flounder. That's as much of an editorial as I'll say.

I will point out, however, the reasons for our concern are similar to our concerns about summer flounder, our concerns about scup and now, of course, with the black sea bass, and that is that the period that we're considering for allocation, if in fact there is an allocation based on this '88 to '92 -- state-by-state allocation based on this '88 to '92 period, then within that entire period Massachusetts was operating with a 12-inch minimum size.

David Pierce had presented this concern to

the Board earlier, and it was our indication that, I believe, the Mid-Atlantic Council staff would do the necessary analysis to look at what might be a possible adjustment to accommodate the fact that we were fishing under this larger size limit that was required in the plan, and that size limit, I assure you, was put in for the purposes of protecting black sea bass when they move into our waters, our inshore fishery, our very selective hook and line and pot fisheries, which release most if not all of the fish alive.

And we had done that because we wanted to assure that there would be an opportunity for fish to spawn, the usual things you do when you're trying to be on the cutting edge of conservation. And, of course, I don't want to get into the details of the aftermath of that, but we're very concerned that this analysis be done. If not, we want to have the opportunity to do the analysis ourselves and present it to this Board.

But it seems to me that, based on your assurance -- and I talked to the chairman earlier -- that there's no mechanism at this point that would go into effect, other than the default mechanism, which I think

everybody is very concerned about and will not allow to go into place.

MR. SPITSBERGN: Phil, I am certainly hoping that everybody will jump on the bandwagon immediately on this. I have tried to assure everybody as we went along what my intent was, and I certainly hope that we will move forward very rapidly and not get caught in scrambling like we have with scup, but get it done well ahead of time so it can be implemented fully in time for 1998.

CHAIRMAN COLVIN: Thank you.

MR. LAPOINTE: Just a short comment. One of the things that's come up in working with Mid-Atlantic Council plans is the work load issue, particularly in regard to running through numbers and whatnot, and we have begun discussions in our office to give our staff, guys like John Carmichael, the capability to look at data so that if there are analyses that we want run through the system for which the council doesn't have time for, we can do those ourselves.

That will take some time, but we're working towards that to make the process work better for

the Commission as well.

CHAIRMAN COLVIN: Good.

Dr. Rosenberg.

DR. ROSENBERG: Thank you, Mr. Chairman.

Just two points with regard to this plan. I note that the plan in the monitoring of the private section does note that the states need to take necessary measures to ensure that all landings in state waters, or all landings are reported to the Fisheries Service, so that we can monitor the quotas.

But I also note that that is not a compliance criteria -- and this is a general point that I hope we'll discuss later with regard -- but it comes up with this plan, as it does with summer flounder and a number of the others -- that there's not a compliance criteria, nor is it a compliance criteria that state waters close when federal waters close and quota is reached.

I think those are important issues to consider in this plan in all the quota monitoring of species, and, as I said, I hope we'll discuss it later.

CHAIRMAN COLVIN: Thank you. We will.

Is there any further discussion on the motion? Mr. Borden.

MR. BORDEN: Two points to actually just sort of follow up on Phil Coates' point to make sure that I understand exactly what's agreed to. Dennis, is it your intent that all aspects of the state quota system, including the state shares and the base period, will be open for consideration?

MR. SPITSBERGEN: Yes. Yes, that is my intent.

MR. BORDEN: Okay.

MR. SPITSBERGEN: Very similar to how we dealt with scup, although I know not everyone's happy with that one either, but I would hope that it would be open for full dialogue on all issues of how we're going to deal with quota management in that plan.

MR. BORDEN: Okay. Then the second point is that I'm willing to vote for the -- with that answer, I'm willing to vote to support the motion, but I would voice two reservations about the plan. One is, I do not think that minimum size is adequate in the initial plan and certainly will push for larger sizes, in fact, much

larger sizes in future iterations of the plan.

The second one is that there should be a limit on the number of pots that can be utilized in the fishery. That's a critical issue that will just lead to overcapitalization in the fishery if we don't address it.

CHAIRMAN COLVIN: Thank you.

Further comments? Comments from the public or guests? Seeing none, we'll take the question. All in favor of the motion, please signify by saying Aye; opposed, same sign; abstentions. The motion carries unanimously.

Anything further, Mr. Spitsbergen?

MR. SPITSBERGEN: No, sir, Mr. Chairman.
Thank you.

CHAIRMAN COLVIN: Thank you.

We'll now recognize Mr. Lapointe regarding the 1997 Work Plan.

MR. LAPOINTE: I've got a couple of things in regard to ISFMP planning. If you'll turn in your binder to the next section, there's a document called "Fishery Management Plan Status Report," in which, at Gordon's request, I tried to combine information on our

Work Plan for 1997, major issues in the fisheries and compliance issues.

The first thing I'll tell you is I found one mistake on compliance for speckled trout already, and I think that the compliance section needs to be reworked a bit to be more formal like the old compliance section that says, "Each state must." And so I beg your indulgence, and I'll get a new copy out by the 1st of November. This is intended to be a working document, so people can have what I call the flip notes of what the Commission is doing, and you can quickly see what compliance issues are coming up by date in the back section or by species, and other issues regarding the FMPs.

I'm going to propose a couple of changes to this based on the discussion today. I think that I should have sections in there on the activities of the Quota Management Subcommittee, and I think for the -- I don't even know what we call it -- the Law Enforcement Reporting Subcommittee as well as this, so people can keep track of what's going on, and the work plan for those activities as well.

In regard to another thing that I handed out to commissioners, ISFMP Policy Board members and is at the side table is the State Declaration of Interest by Species forms where annually we ask states which species they're interested in. And under there we have plans under amendment, plans under preparation, plans under implementation, and then the section on no planning activity.

And between the species-by-species work plan contained in the fishery status report and just the broad sections, plans under amendment, implementation and preparation, that kind of puts forth the work plan for the next year. In essence, we don't plan on -- obviously, with your indulgence -- we don't plan on changing our activity levels. We will continue working on those plans that are active, starting on new plans like the Eel Plan, and carrying forward with things like the Quota Management Subcommittee and the Reporting Subcommittee.

I recognize that's very short, but I'm trying to be brief. If folks want to go through that page by page, we can.

Another thing I want to do with the status report document, I'll put a cover sheet on it, and I'm going to put a disclaimer saying that if there are compliances you people need to go to FMPs -- our new FMPs contain a section on compliance. And this again is intended to be short. It might under lobster say that there are pot requirements. The pot specifications, I probably won't put those in there. You'll have to go to the FMP for that.

And so I don't want lawyers to grab ahold of this and say this is the final word on the Commission's activities. Moreover, it's just, as I said, kind of a clip note guide.

CHAIRMAN COLVIN: Thank you.

I had asked George to prepare this document to be the handbook, if you will, that each of the Policy Board members and our key staff could have at our fingertips for our use in our tracking of our own processes with respect to assuring that we remain in compliance with the provisions of our plans and all the dates, something that we could match to our calendars, and have as a one-source reference.

He's done a fine job of putting together exactly what I asked for. I would ask essentially that this document be updated at least twice a year, consistent with our spring and fall meetings and distributed to commissioners and Board members at that time.

Further, that I would also ask each of the board chairs to please carefully review the sections of this document that relate to their management program and get back to George right away, since he's going to work on finalizing it between now and next month, with any additional elaborations, revisions or corrections that you feel are warranted by your fishery management programs.

George, thanks. This is a good job. This is exactly what we needed.

Are there any questions or comments on George's report? A. C.

MR. CARPENTER: George, you noted an error on the Spanish mackerel.

MR. LAPOINTE: Spotted seatrout. I put that there was no compliance measures, and 12-inch

minimum size limit is a compliance measure.

CHAIRMAN COLVIN: Mr. Coates.

MR. COATES: Yes. This is probably a minor issue, George. Under American lobster, I notice you have protected species impacts under major issues in fisheries, and you identified the Large Whale Take Reduction Team proposal. Is that something you expect? Or are you talking about the plan implementation team letter that was sent to Rollie Schmitten that has some recommendations?

There are two different entities. Actually, there's three, but I don't want to talk about the third one. And there's probably going to be more. But these two are the two major federal stakeholder entities that are --

MR. LAPOINTE: Those are the very kind of issues, corrections I'd like, Phil, and it probably is better to write those down and get them back to me quickly. I wanted to have a section on major issues impacting fisheries -- clearly, protected species for lobsters -- and the Large Whale Take Reduction Team is one of those. I've been trying to steer the ISFMP as far

away from that as possible, but I wanted to keep people aware.

CHAIRMAN COLVIN: Mr. Spitsbergen.

MR. SPITSBERGEN: Yes. These comments are for the Board in general, and they have to do with scup. Scup is moving so rapidly right now that there's some pretty dramatic changes in it. And I do want to be sure that people don't use what's in here in this draft as being the scup compliance requirement.

John Carmichael has gotten a letter out to all the Board members laying out very clearly what the new compliance requirements, and I want to be sure that the Board tunes in on those and doesn't use what's in here as the requirements.

CHAIRMAN COLVIN: Anything further? Thank you.

We move on to the next item, De Minimis Status and Voting on FMPs.

MR. LAPOINTE: This is another item that we discussed at the spring meeting, and we said we would -- there was a specific request by Bruce Freeman to postpone it until the fall to give people time to look at

it and review it with their staffs and come back to the ISFMP Policy Board.

And this is -- I haven't changed this document at all. Before the spring meeting, obviously, there were a couple of issues raised about whether states with de minimis status should have voting privileges on FMPs.

Two specific issues come to mind. One was the status of Delaware for commercial aspects of summer flounder, and the other was the question on the part of some states about de minimis status states, in the case of the Weakfish Plan, voting on that plan.

And I came up with some options, but my recommendation last spring was, and it is still, that we leave the de minimis status states as voting members of the Board for a couple of reasons, and I'll reiterate those. One is, in the case of Delaware and the commercial parts of summer flounder, they are not de minimis in the case of recreational aspects of summer flounder, and therefore have a very strong interest in the FMP.

The same holds true for, like, Georgia and

the Weakfish Plan. They have a very small fishery, but the BRD part of the plan varies greatly.

And the third is a broader issue, and that is, with the passage of the Atlantic Coastal Act and the fact that our plans have compliance criteria and those plans can impact those de minimis states quite significantly, they need to be a part of the decision-making process in writing the plan and determining compliance.

CHAIRMAN COLVIN: Then I think it's fair to say the staff's recommendation is no change to the Charter.

MR. LAPOINTE: That's correct.

CHAIRMAN COLVIN: Are there any comments?
Mr. Schaefer.

MR. SCHAEFER: Another contribution to George's argument and the recommendation of the staff, and again it's a generic issue. I'm not sure how we address it, but I think we're going to have to continue to look at it in the future. And that's this issue about de minimis states aware of potentially landings of species from the EEZ could be landed in such states that

may not have regulations in place to govern those landings relative to other states who are participants in the management plan.

As you know, we're looking at ways where potentially we might be able to deal with that with respect to federal regulation, but that's not totally resolved yet. And I think we are going to have to rely in a major way on the cooperation of many of the states where the product might be landed, even though they don't have a major fishery for the species in question.

So I think there needs to be participation on the part of the de minimis states in one way or another, because these issues are going to have to be addressed as they come up.

CHAIRMAN COLVIN: Is there any further discussion on the recommendation? Is there any desire on the part of any Policy Board member to pursue a change in the face of the recommendation? Seeing none, I think we'll move on, and in the fullness of time if we want to return to this issue, we always have that opportunity.

The next agenda item will be a report from the Management and Science Committee. Mr. Grout.

MR. DOUGLAS GROUT: Thank you, Mr. Chairman. With your briefing booklet in the mail, you should have received this document that says, "ASMFC Prioritization Research Needs Document." I don't know how many of you may have happened to have brought it with you, but we do have a few extra copies that Jack and Lori will be passing out.

We will be asking for your input on that as one of the major items of the Management and Science Committee's report.

The Management and Science Committee continues to work on many issues that are relevant to the Policy Board, and one of the things that we've been dealing with is coming up with a stock assessment peer review process. We had hoped to have that completed for you today, but after our Management and Science Committee meeting this week, we felt that we needed to have another draft of the peer review process worked on by our subcommittee addressing that, and we hope to have something for you in the spring.

If you're interested at all in what we've come up with so far, in your briefing booklets under

Section 5, the Management and Science Committee Tab Number 2 was the draft that we were working on at that point. As I said, there will be some changes.

The second item I wanted to bring before you was this document that was entitled "Prioritization of Research Needs." The intention of this was to try and compile all the research needs from the various ASMFC managed species into a single document, and listed by species and then also by research needs subject. So there are some subjects in there, such as stock assessment, that list various research needs under different species that could be combined.

The intent of this is that people that are interested in doing research on this, whether it be academics or state and federal personnel, could look at the second section, and if looking towards doing certain research see if they could combine their efforts with several different species, and try and kill two birds with one stone or three birds with one stone.

The basic outline of this document, we used FMPs and amendments as sources, also annual plan reviews, special reports and SAW documents for listing

what the research needs were.

It was reviewed by over 500 -- they sent out over 500 packets. They sent it to the boards, the Technical Committees, the Stock Assessment Subcommittees, the advisory panels, plan review teams, plan development teams, also the Management and Science Committee, and it was also sent out to the Committee on Economic and Social Sciences.

Each of them was asked to comment on it and also to prioritize the research needs in there. So the list under the species, the species section, is a rank prioritization of which is the most important research needs as determined by all these groups.

Also within there, you'll notice that there have been research needs that have been identified by various people as having been met, and they're listed, and they're also listed with the reference documenting how this has been met, the actual research need that has been met.

We also had separated out the research needs that were management oriented. They're under the species section. There's a separate page associated with

each species that we found, a research need that was management oriented.

Basically, what we're here bringing this to you today for is we would like to have an approval of the basic outline. We also have come up with a very short list of potential people that this would be sent to. The intent is for this to be published this year and sent out to various state and federal government agencies academic institutions.

Some of the examples that were brought up at the Management and Science Committee are Sea Grant institutions, National Association of Marine Laboratories. The Management and Science Committee is also going to develop a list of academic institutions within their own states that would benefit from having this document before them.

And we've even had an offer by one of the Management and Science Committee members to put this document up on the Internet as a way of identifying to as many people as possible what the research needs are for the various species.

Number 3 what we wanted to get some input

on and approval on is the frequency of compilation and publication and distribution of this. It was the Management and Science Committee's recommendation that first, every year we compile new information, but not necessarily publish it, have it on file. We would compile information via the plan review teams to see if there are any new research needs that have been identified during the plan review processes, and also to identify if any of the current research needs have been met.

And then on a period that we were recommending be every three years, we again compile these, send them out to the various boards and committees for prioritization, and then have a publishing again, another publishing, form of publishing of this document. We didn't feel that we needed to -- it would be a very labor-intensive process to have to update these things and publish it every year, and things may not change quite as rapidly to warrant having a formal publication.

So the three items that I ask for your approval so that we can get this thing out and published by the beginning of the year would be an approval of the

basic outline, any comments on any other institutions where it should be distributed to, and if you have any comments on our, the Management and Science Committee's recommendations for the frequency of compilation, publishing and distribution.

CHAIRMAN COLVIN: The Chair would entertain a motion to approve the Management and Science Committee's recommendation on the organizational outline of the prioritized research needs, its proposals for distribution of the report and the process for updating the report annually.

MR. JOHN I. NELSON: So move.

CHAIRMAN COLVIN: So moved by Mr. Nelson.

MR. BORDEN: Second.

CHAIRMAN COLVIN: Seconded by Mr. Borden.

Discussion on the motion. Ms. Shipman.

MS. SHIPMAN: Doug, was there a discussion of communicating this from the Commission to the National Marine Fisheries Service for consideration in setting priorities for SK and MARFIN funding?

MR. GROUT: You mean having them comment on the outline such --

MS. SHIPMAN: No, oftentimes -- what I had in mind was, oftentimes the National Marine Fisheries Service approaches the councils and, I assume, the Commission, asking for our input on the priorities that they will publish when they are soliciting for proposals for MARFIN and SK distribution of funding. And I think this is a very important document to help establish those priorities.

MR. GROUT: I know the National Marine Fisheries Service representatives on our committee were very interested in this, and obviously that would be one of the federal agencies that we would send it to.

MS. SHIPMAN: My only suggestion is in that transmittal we might strongly recommend that they consider this when setting those priorities to be published in the Federal Registry.

CHAIRMAN COLVIN: As well as, I might add, their own in-house research.

MS. SHIPMAN: Yes.

CHAIRMAN COLVIN: Mr. Schaefer.

MR. SCHAEFER: I just might say that I've already made certain that copies of the report put

together by Dr. Kline, I've given a copy to Bill Fox, who's head of our Office of Science and Technology, and also a copy to Dr. Rosenberg, a copy to Andy Kemper in the Southeast Region. They in turn will provide their science directors with copies.

Be assured that that we hope that this will be a document used as guidance within the Service to help support the efforts of this Commission.

CHAIRMAN COLVIN: Thank you.

DR. RICK BENNETT: Just as an addition to the distribution, which -- I may not have caught it all, but I would suggest you all have the Fish and Wildlife Foundation as another group you send that to.

MR. GROUT: Thank you.

CHAIRMAN COLVIN: Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. One minor change on scup on Page 69, I would suggest -- and I won't make it as a motion unless there's objection from the Commission -- that the issue of sea sampling be moved to the high-priority category. That's a critical issue in that plan, and the issue of discarding relates to a number of different factors, and it has to be a priority

issue.

CHAIRMAN COLVIN: Mr. Coates.

MR. COATES: I would agree on that. And also without objection, because this conducting of studies to better characterize the mortality should also be upgraded. These are real time-pertinent issues before us as we speak. And if there'd be no objection, I'd ask that that be elevated also.

CHAIRMAN COLVIN: Without objection, I will incorporate that in our recommendations.

Bill Pruitt.

MR. PRUITT: Mr. Chairman, on Page 23 under menhaden, would you explain and talk a little bit about that Item 4?

MR. GROUT: I think I would have to defer to the people in the Menhaden Board and Management Committee. Again, this is something that was brought out, was pulled right out of the plan, and essentially they took them out and put them in these documents and asked for people to -- asked for the boards and Technical Committees and plan review teams to put a prioritization on this.

So as far as the specifics of what it actually means I think you'd have to ask the species management board.

If any of you have any other comments concerning some of the specifics here, the way we have handled it in the Management and Science Committee is that we need to get our comments in to Lisa Kline before Thanksgiving, which I believe is the 20th of November this year.

CHAIRMAN COLVIN: Further discussion on the motion? Are you ready for the question? All in favor, please signify by saying Aye; opposed, same sign; abstentions.

MR. PRUITT: I'm going to abstain, because I don't understand it enough.

CHAIRMAN COLVIN: Abstention by Mr. Pruitt. The motion carries.

MR. GROUT: Thank you. And I'd also like to make a note of the very labor-intensive efforts that Lisa Kline and her staff put in on this. They spent long hours, and the Management and Science Committee essentially just gave her direction. And she needs to be

commended for the amount of time and the quality of work that she put into that.

The next item are items that were where the Management and Science Committee was asked to comment on a few items from the Striped Bass Management Board, and if you'll turn to Section 14 under the Policy Board and the last half here, there's a document entitled "Recommendations from the Management and Science Committee Concerning Striped Bass Regulatory Changes."

Basically we were asked to address two items, one of which we -- both of these we were going to report back to the Striped Bass Board earlier this week, but time constraint prevented us from doing that. I believe that Item 1 in there is something that we would have solely reported back to the board, because the Management and Science Committee was asked for an interpretation of an item in the Striped Bass Management Plan that requested or required states to submit state proposals to the Technical Committee and management board prior to adoption of the different state proposals.

And apparently that wasn't done in some people's opinion in one state, Virginia in particular,

and it was the opinion of the Management and Science Committee that yes, indeed, a formal state proposal should have been presented. But I believe that is mostly something just dealing with -- we were going to report that back to the board.

Item Number 2 was a bigger picture item which dealt with -- we were asked, member states with multi-species fisheries questioned whether they were required to submit regulatory changes made for one species that might affect several other different fisheries; i.e., if they have a regulatory change in bluefish or some species that might have an effect on striped bass or some other species, do they have to submit those changes to the Striped Bass Board in addition to the Bluefish Board because it would have an effect on the striped bass fishery?

And you'll see in Item Number 2 is what the Management and Science Committee passed as a motion, and it essentially says that we have discussed at length concerns about indirect effects that regulatory regimes for a given species may have on other species such as changes in the multi-species gill net fisheries on

striped bass or weakfish.

And we considered this issue a policy issue which may affect a number of FMPs and should be addressed at the Policy Board level. Our discussion on this essentially said that it is an important need in the case of depleted stocks or protected species. It may not be as important in fully recovered stocks. But it is a larger issue that we felt was not a technical or scientific issue, but a policy issue.

And I don't believe we have any need for action by the committee, other than to recognize that this is our report, unless somebody would like to make a motion.

CHAIRMAN COLVIN: Thank you. I think that it's sufficient to accept that advice and ensure that staff makes it available to the Striped Bass Board and to the folks on the board who raised those issues as well. We will do that.

MR. GROUT: Another item that was referred to us from the Striped Bass Board was an item to look at trophic interspecies relations. This was a very -- potentially could be a very, very large task, and the way

we handled it was one of our members compiled a very brief report summarizing what are aspects of trophic interrelations between different species.

And for those of you who'd like to read it, again, this is under the Management and Science Committee section, Section 5, Tab 2, and it's a report essentially of the feeding studies, a feeding study that was done for striped bass, weakfish and bluefish in the Chesapeake Bay, and it's a brief summarization and that one aspect of trophic interaction that was addressed there.

It was our feeling on the Management and Science Committee that it's something that could be tackled, but this is going to be a very labor-intensive and very expensive project if the Policy Board wants to look at this in detail. It's going beyond just feeding, but also looking at the predator/prey interactions and the like for a variety of our ASMFC managed species.

That is our recommendation that, yes, we can do it, but there's got to be a strong commitment of funds and time by the various board members.

CHAIRMAN COLVIN: Can I assume that that

issue generally is also identified in probably numerous places in the research needs report as well?

MR. GROUT: Yes.

CHAIRMAN COLVIN: That finding and recommendation will also be passed on to the Striped Bass Board.

MR. GROUT: Finally, we have one more recommendation that the Management and Science Committee came up with, and it's dealing with the technical issue of looking at different ways of coming up with additional information for juvenile recruitment of various species, and we passed a motion that was brought up by our Fisheries Independent Research Subcommittee that stated the Atlantic States Marine Fisheries Commission should utilize funds from ACFCMA to fund a consultant or university to evaluate the feasibility of utilizing power plant impingement data for young-of-the-year indicators for selecting estuarine-dependent species.

We feel that it needs to be looked into, because we feel there could be potentially a very large volume of data that could be used in stock assessments that is not being utilized right now and when we mean the

Atlantic States Marine Fisheries Commission should utilize ACFCMA funds, we're not just saying the Commission staff or the Commission budget, but we're also indicating that any states that would be willing to fund such a study could use it.

We just felt that this would be a very wise use of the ACFCMA funds.

CHAIRMAN COLVIN: Thank you. We'll accept that as a recommendation from the committee.

MR. GROUT: And that concludes my report.

CHAIRMAN COLVIN: Thank you, Doug. I appreciate the report, and I'll ask the Board if there are questions regarding any aspect of the Management and Science Committee report? Mr. Beckwith.

MR. BECKWITH: Yes. I have a question on process as Doug just presented to us. There were two issues referred from the Striped Bass Board to the Management and Science Committee, and when John Field and I were looking over these issues and the responses, it was uncertain to us whether it was appropriate for a board to refer something directly to the Management and Science Committee.

And we thought, after looking at the Charter, that perhaps those kind of referrals should come from the Policy Board. And I would just like some clarification on that issue.

MR. LAPOINTE: I haven't looked at that section of the Charter, and I was one of the ones who recommended, for instance, the trophic dynamic study go to the MSC. But, I mean, in thinking about the issue, it -- and I welcome the comments of other Board members -- it makes sense to go through the Policy Board, because that's the clearinghouse, to see if it's worth the MSC's time.

I mean, there may be a similar point proposal that comes up, and I want it referred to the MSC, and the Policy Board may say that's not worth their time, given the work load on other issues.

CHAIRMAN COLVIN: Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. I offer a slightly different opinion. I think that it's appropriate for the boards to be able to ask for advice from them, but it should be followed through the executive director, and that the executive director

should make a final decision as to whether or not it's going to require a lot of time on the part of the committee. If it is, then I think the decision should come to the Policy Board.

CHAIRMAN COLVIN: The issue of the use of the resources of the Management and Science Committee are a little more complicated because they involve entirely resources that work for all of us, and the opportunities they have to meet and confer, to confer without meeting, are opportunities that come out of the time available to work within the state.

I think it's appropriate to explore this question a little more fully and to ascertain exactly how the Charter deals with it. And I don't know that we need to necessarily put it entirely to bed today. I think it's an appropriate question to raise and perhaps have the staff give us the definitive response at our next meeting, if that's acceptable.

MR. BENNETT: I just went to Page 8 of the Charter to read what it says out of curiosity, and I'll read the beginning.

The Management and Science Committee is a

standing ASMFC committee appointed by the Commission. The Management and Science Committee carries out assignments at the specific request of the Commission, Executive Committee or the ISFMP Policy Board.

MR. LAPOINTE: And David's suggestion would just be using the executive director as a proxy for the Executive Committee at times. So I think we can do that, but to save time today, we'll follow Gordon's suggestion and look into it, and we can discuss it at our next meeting.

CHAIRMAN COLVIN: There is another point, and that is that the Management and Science Committee increasingly works in conjunction with and with support from both the ISFMP and the Research and Statistics Staff of the Commission, which is an issue of concern, of course, to the executive director.

I think the Charter speaks for itself. If we want to have changes in that, we'll hear from staff as to how we might want to fine-tune that process.

Is there anything further for Mr. Grout?

Thanks, Doug. I think that it's clear to

all of us that the work that the committee has done in conjunction with Dr. Kline and her staff on research needs is outstanding work. It will serve us well. And some of us may have wondered, and I know some of us wondered out loud, what the future of the Management and Science Committee would be under the new Charter, and I think that this and the work that you are engaged in with respect to the peer review process are outstanding examples of the kind of service the committee is continuing to provide to us.

And if anybody thought we didn't need a Management and Science Committee, I think that they now see how much we do need you, and how much we will continue to rely on you. Thank you for your report.

MR. GROUT: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: I'll now recognize Bob Babula for the report of the Law Enforcement Committee.

SGT. ROBERT BABULA: Thank you, Mr. Chairman. In the absence of the chairman, Wayne Brewer, and also the vice-chairman, Bill McKeon, they asked me to sit in for them for this report. And also I'd like to note that generally this report is given at the Executive

Committee, and I'm assuming we're just expediting time, which I appreciate.

The Law Enforcement Committee convened at 8:30 a.m., October 21st, and all states and federal agencies were present, except for Delaware. Discussed preliminary findings and recommendations from the Atlantic Coastal Law Enforcement Workshop, which was sponsored by the National Marine Fisheries Service on September 10th through the 12th, 1996 on Long Island, New York, covering law enforcement concerns from funding to interjurisdictional issues. The Law Enforcement Committee is reviewing the workshop results for further discussion at the Atlantic States Marine Fisheries Commission spring meeting.

If you haven't had an opportunity -- this is a typical copy of it. I think it's about 25-30 pages. I'm sorry. It's about 20 pages. What I would request maybe is that this be mailed to all the parties concerned.

The Law Enforcement Committee was requested by Chairman Colvin to develop a criteria to evaluate whether each state's law enforcement is

effective in carrying out fishery management plans. The committee developed a draft fishery management plan enforcement report form and guidelines for each state to report on their current fishery management plans. A subcommittee is reviewing the submission and will report at the spring meeting.

The Law Enforcement Committee continues to look for additional funding sources for enforcement of interjurisdictional fishery management programs. A possible source might be accomplished through congressional legislation, such as dedicated funds to National Marine Fisheries for distribution to state enforcement programs.

The Coast Guard continues to develop a Law Enforcement Scheme Survey to analyze the enforceability of regulations, such as gear limitations, quotas, fish size, etcetera. This survey, when completed, should assist fishery management and enforcement in development of regulations which will be easier to enforce.

Basically, what this is is we're rating the scheme survey as to what we feel as though is capable of being enforced, and an example would be like

overflights for certain species. And the Coast Guard has listed out in this scheme, and then we'd rate them as to whether this is a good idea or a bad idea, and that will be made available to you.

The committee made a determination of several possible problem areas in current fish management practices. The following areas were reviewed and discussed by the committee:

Timing of implementation of new or amended regulations. The committee felt regulations should be implemented biannually or at the same time every year, date type thing. What law enforcement was finding out in the field that we were getting people used to have a certain date, and then all of a sudden we changed it or add on, and this seems to be creating quite a bit of confusion to actually go ahead and implement any type of enforcement regulations.

The second one was bycatch. By allowing a certain amount of bycatch that has a monetary value, fishermen will target that amount. The committee recommends no allowance for bycatch.

And Number 3 was the sharing of

interjurisdictional regulations. For example, Maine, New Hampshire and Massachusetts' shrimp and herring rules could be extended to the jurisdiction of enforcement to the U. S. Coast Guard and National Marine Fisheries Service in the EEZ Zone.

And we also discussed the earlier flounder issue that was brought forth here, and we figure we'll wait on that. We're available for any assistance that we can offer to any type of reporting system that comes out or anything that, you know, we can help you with.

The Enforcement Committee wants to thank the fishery management species boards for making our representatives feel welcome on the boards. And that concludes my report, Mr. Chairman.

(Whereupon, Vice-Chairman Sandifer assumed the chair.)

VICE-CHAIRMAN SANDIFER: Thank you, Bob. If you would provide some direction to staff as to whom you would like that report mailed to, we'll see that it is mailed. Also, we'll see that the recommendations you've made regarding compliance measures on bycatch and starting dates for new regulations are passed on to the

various species boards for their consideration.

SGT. BABULA: Thank you.

VICE-CHAIRMAN SANDIFER: Thank you.

(Whereupon, Chairman Colvin resumed the chair.)

CHAIRMAN COLVIN: Thank you.

We will now proceed to the other business section of the agenda. And the first item I have identified under other business is a recommendation from the LGAs regarding the Menhaden Board. Who will I hear that from? Mr. Driscoll.

MR. STEVEN J. DRISCOLL: Thank you, Mr. Chairman. The LGAs met under an alternate forum requirement requiring two-thirds vote on a quorum of the combined membership, and we passed a motion requesting representation of Legislators and Governors' Appointees, along with an additional menhaden industry member for balance and it did pass.

CHAIRMAN COLVIN: Thank you. The motion passed by the Legislators and Governors' Appointees is on the screen. I understand that staff has an idea about how the Policy Board might implement or act on the

recommendation conveyed in that motion. Mr. Lapointe.

MR. LAPOINTE: In thinking about this issue, I thought about the following course of action for your consideration, and that is that this motion be considered by a subcommittee that would be established consisting of the chair of the Legislators and Governors' Appointees and two people from the Menhaden Board, the chair of the Menhaden Board, Bill Pruitt, and one member of the industry, to consider the issue fully and then come back to the ISFMP Policy Board with a recommendation at our spring meeting.

CHAIRMAN COLVIN: Has everyone had an opportunity to read the motion? Are there any questions for Senator Gunther or Mr. Driscoll or the staff regarding the issue itself and the nature of the motion that was passed? Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. Unfortunately, I missed the meeting. Had originally intended to attend it. And it's a little bit unclear to me in the motion, the last line, which is "in equal representation from the industry", exactly what that means.

CHAIRMAN COLVIN: I think I can address that. If you recognize that the Menhaden Board at present is comprised of representatives from the industry as voting members of the board, along with representatives from the state and federal governments in equal numbers, there are essentially six government members and six industry members on the board.

The intent of this motion is that, to the extent that the membership from the Commission increases, there would be an equivalent increase on the industry representation, such that this equal partnership between industry and the Commission be maintained in the final composition of the board.

Chairman Pruitt.

MR. PRUITT: Mr. Chairman, I accept the staff's proposal. I'm not opposed to the motion. I just think it'd be a good idea to go ahead and look at it from the committee's standpoint.

CHAIRMAN COLVIN: Is that a motion, Mr. Pruitt?

MR. PRUITT: I so move.

CHAIRMAN COLVIN: We have a motion to

accept the recommendation made by Mr. Lapointe on how to act on the motion passed by the LGAs. Is there a second to that motion.

MR. GOLDSBOROUGH: Second.

CHAIRMAN COLVIN: Mr. Goldsborough. Is there discussion on the motion? Mr. Goldsborough.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. Just to clarify, there were two major issues that the LGAs were trying to accomplish with this motion. One was the basic issue that's been around for some time of the desire of that body to have representation on the Menhaden Board, but the other was an acute awareness of the chief concern of the industry that balance on the Menhaden Board be maintained.

So that's why you have the language of the motion as you see it, and the interpretation of that final line by the Chair is correct.

And in further discussions, both at the LGA meeting and privately, including members of the industry, there was general consensus that this approach of convening an ad hoc subcommittee, if you will, or ad hoc committee, including representation from the Menhaden

Board and the LGAs to discuss how specifically this might be implemented was generally accepted by all parties.

So I think we have a consensus to move forward in that direction. However, I am a little bit unclear on the timetable for that. It was my impression, and I believe Mr. Barnes will concur with this, that all parties were interested in resolving this as soon as possible, given that there is the appearance or there has been the appearance in the eyes of some people that this issue has dragged on for some time.

It was our understanding that this issue would be resolved by the spring meeting, such that whatever representation was to result from it would be possibly in place by then.

CHAIRMAN COLVIN: My understanding is that that is the intent of the motion is to have a report for final action at the spring meeting. I suppose it could be sooner, if the Policy Board met sooner, but at this point that's not anticipated. That could happen as things develop.

Mr. Borden.

MR. BORDEN: Mr. Chairman, I'll vote in

favor of the motion, but I just raise one concern here, and I've already discussed this directly with John Barnes, and I'll just use Rhode Island as the example. In the last year, there was significant efforts by our legislature to close certain sections of our bay to purse seining reduction purposes, and I think those types of efforts are taking place up and down the coast.

Somehow we need to broaden the discussion of the participants to include not only state legislators but some of the recreational fishing groups and other commercial fishing groups in order to gain more understanding of the menhaden fishery and the biology and so forth.

I'm just concerned that if we don't do that, you'll just have a domino effect up and down the coast of closing areas off to the reduction fishery and somehow we have to get a broader discussion of this issue. And whether or not this is the correct forum, I don't know.

CHAIRMAN COLVIN: Thank you. That is certainly exactly the case presently in New York and Connecticut, and we've spoken to Mr. Barnes about that as

well. I think maybe a few words with Mr. Pruitt later might be a good idea.

But I think that perhaps one way of getting at that is to examine the advisory process, the use of the advisory panel process somehow as it relates to the ongoing activities of the Menhaden Board, and that may get at that issue. But it is an issue; you're absolutely right, Dave.

Mr. Goldsborough.

MR. GOLDSBOROUGH: Just for the record, Mr. Chairman, I would concur with Mr. Borden's remarks, but expand them slightly and add that conservation interests also have an interest in this matter.

CHAIRMAN COLVIN: Yes, they do. I learned that last week in New York.

Ms. Alden.

MS. ROBIN ALDEN: Mr. Chairman, can you just restate the composition of the ad hoc committee that will be working on this?

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I don't have the sheet of paper that I used, but I recommended the chair of the

Legislative Commissioners of the Commission, the chair of the Governors' Appointees, the chair of the Menhaden Board and one of the industry members from the Menhaden Board, a subcommittee of four.

CHAIRMAN COLVIN: Working with staff support.

MR. LAPOINTE: Right.

CHAIRMAN COLVIN: Is there further discussion on the motion? Seeing none, I'll call the question. All in favor, please signify by saying Aye; opposed, same sign; abstentions. Abstentions by the two services. The motion carries.

The next item I have is a motion from the Shad and River Herring Board. I don't know who is going to report on that.

MR. LAPOINTE: I will if nobody else does.

CHAIRMAN COLVIN: George, will you present that report. I happen to know that the chairman, the new chairman of that board is following very detailed directions from Mr. Coates on how many feet and yards west of a certain parking spot, find a pine tree and then somewhere else up on the canal.

MR. LAPOINTE: The motion that was passed by the Shad and River Herring Board is as follows: "Moved that the ISFMP Policy Board investigate and analyze the current language in the ISFMP Charter regarding the time lines for the emergency management measures," and then parentheses, "to include the time line for the initial period of emergency action, and any subsequent renewals."

There was discussion at the Shad and River Herring Board about renewing the emergency that they passed last October which expired on the 6th of July regarding coastal fisheries, and they decided not to renew the emergency, but brought up the issue in the Charter on Page 20 under "Emergencies." And new Charters were handed out to all commissioners.

Currently our Charter allows for a declaration of a 90-day emergency with one 180-day extension. And among the things that were discussed, because that's not a long -- that's two quarters of the year, and in our timing, unfortunately, in our planning process right now with the pace of FMPs and the time requirements for meeting notices and public hearings,

that's probably not sufficient to allow the emergency to be superseded by an FMP amendment.

And what was suggested was at this point -- and we can look into this further -- is changing the initial 90-day period to 180 days and allowing more than one renewal.

And I think Susan said this may mirror some changes that were proposed in the Magnuson Act, I guess now passed in the Magnuson Act, from which this initial language was taken.

CHAIRMAN COLVIN: Are there any questions?
Rick.

DR. BENNETT: Just a point of clarity. I think that -- well, for the record, I think the board decided to defer a decision on the emergency action until the January meeting.

MR. LAPOINTE: Oh, thank you.

CHAIRMAN COLVIN: Is this a recommendation that would be most appropriate to refer to the staff to prepare a proposal for the Policy Board?

MR. LAPOINTE: I would think so.

CHAIRMAN COLVIN: If that's the most

appropriate course of action, I don't think we need a motion at this time. Perhaps if it's sufficient and if there is no objection, if the Chair could simply direct the staff to review the concerns of the Shad Board and prepare an analysis and proposals for us.

Mr. Goldsborough.

MR. GOLDSBOROUGH: Just so I understand, Mr. Chairman, the action you are proposing would not preclude the Striped Bass Board from implementing a second emergency in January if they so decided that that was justified?

CHAIRMAN COLVIN: Shad and River Herring.

MR. GOLDSBOROUGH: I'm sorry. I beg your pardon.

CHAIRMAN COLVIN: It may be that the Striped Bass Board may be thinking in emergency terms in January.

MR. LAPOINTE: We've not discussed this. Jack, do you have any idea about whether another emergency can be declared?

EXECUTIVE DIRECTOR DUNNIGAN: I don't see anything in the Charter that prevents it.

CHAIRMAN COLVIN: Ms. Shipman.

MS. SHIPMAN: We had considerable discussion -- I'm not on the Shad Board -- but there was considerable discussion whether indeed an emergency situation exists. And I think we do need to look to the language of the Charter, what the intent of the Board was when we adopted that language as to what constitutes an emergency. I think that's an issue that has to be addressed.

MR. LAPOINTE: But that's separate from the issue of the length of emergency.

MS. SHIPMAN: Exactly, but back to Mr. Goldsborough's question of, can an emergency be renewed in January, I think first you're going to have to affirm that indeed you do have an emergency.

CHAIRMAN COLVIN: Particularly if there are compliance measures associated with the emergency action.

Are there objections to proceeding as the Chair has indicated? Seeing none, that's how we will proceed, and we can move on to the next item.

The next item is the recommendation of the

Committee on Advisers, and I guess -- Larry, can you present a report on the motion that was passed at the end of your meeting this morning? It was an unusual recommendation.

MR. LARRY CANTWELL: There was a discussion this morning and a motion was passed to abolish the Committee on Advisers, and the reason for it really is that -- the background is that, you know, there are about 200 advisers that have been appointed over the past two or three years, or whenever the inception of that section of the Charter was adopted. There are 12 or 15 advisory panels convened.

And the feeling really is that now that this essentially has been organized, that the process is somewhat duplicative, and that the organization of advisory panels and their appointments is best left to the species management boards and the states, and that there really is no longer a useful purpose of continuing a committee that I chaired, and hopefully that was not a reflection on the way that I chaired it. And that basically is the recommendation.

CHAIRMAN COLVIN: Thank you. Thank you

very much.

You've heard that recommendation. I think it would be in order to entertain a motion to accept the recommendation of the Committee on Advisers and direct staff to prepare a consistent revision to the ISFMP Charter.

MR. BORDEN: So move.

MR. NELSON: Second.

CHAIRMAN COLVIN: Is there discussion on the motion? Mr. Schaefer.

MR. SCHAEFER: Just a question. I understand the rationale as you've explained it, Larry. I just wondered if there was any thought about generic issues that related to the Commission, the ISFMP program, you know, that would apply broadly across the way the Commission operates or the boards operate, and so on, that would argue for retention of the Advisory Committee for those purposes.

MR. CANTWELL: My own feeling again, is really that that could easily be handled by the Policy Board and the Executive Board, you know. There still will be an Advisory Committee which will be made up of

the chairs of the various advisory panels. They certainly could provide input to the Policy Board and the Executive Committee. And there's plenty of room in the process for that kind of review and oversight to take place.

MR. SCHAEFER: Thank you.

CHAIRMAN COLVIN: Thanks, Larry.

Any further comment? Seeing none, we'll take the question. All in favor, please signify by saying Aye; opposed, same sign; abstentions. Motion carries.

Let me again offer on behalf of all of us our appreciation to the Committee on Advisers and its chairman. When we commenced this new world order of interstate fisheries management a couple of years ago, one of the very, very significant external criticisms was our failure to have an established Advisory Committee and advisory process.

Our credibility was very much at stake in developing a process that worked and accomplish its purpose. As I said yesterday, I think we have further improvements to make, but I think that we have a process

in place and a system that will allow us to make those improvements, and we're doing much better.

And I think we have our Committee on Advisers and Larry to thank for that, and I want to once again express our appreciation. Thank you.

Mr. Pruitt.

MR. PRUITT: On that subject, I was one of the ones that was critical, not having that in the process, and I think you're being too modest. I agree that they deserve credit, but under your leadership this has come about, and that is the executive direction. And I want to thank you publicly.

CHAIRMAN COLVIN: Thank you, Bill. I appreciate it.

The next item I have under other business is the issue of quota monitoring that was raised by the National Marine Fisheries Service, and we'll recognize Dr. Rosenberg.

DR. ROSENBERG: Thank you very much, Mr. Chairman. I did address this issue briefly under the black sea bass agenda item, and I want to ask the Board to consider some measures which I believe will assist us

in monitoring and enforcing the quota management species that are under ISFMP management as well as council management in some cases, specifically summer flounder, scup and black sea bass, which are all moving in that direction.

As we have heard quite eloquently today, there certainly are concerns about summer flounder management. I think the same issues arise for the other species as we move forward with the management plans in the states as well as in the EEZ.

With regard to that, there's two issues that -- well, three issues that I would like to address, and I would ask your advice as to how to deal with them, whether you would like a series of motions or you would like them incorporated together. The three issues are --

CHAIRMAN COLVIN: I was going to suggest if you could briefly outline the three issues in sequence and then return to the motions one by one. That would probably be best.

DR. ROSENBERG: Okay. The three issues are reporting or monitoring of quotas, which is really how the states report landings to National Marine

Fisheries Service, which has the job of trying to compile overall quota monitoring. You note I say "landings," because I'm concerned with landings, nonfederal landings, if you like, but also landings in general, because we do rely on cooperation from the states to deal with both federally permitted and state permitted dealers within each of your states. And so as much cooperation as we can get in terms of reporting landings is necessary. So that's one issue.

The second issue concerns when we attain the quota, it needs to be absolutely clear that if under the plan we are directed, we, the National Marine Fisheries Service, are directed to close federal waters to fishing for that species for a particular state, that the state for our territorial sea fishery must close as well.

And the third issue is the concern about quota overages, and the ability of the National Marine Fisheries Service and the states to ensure that we do not have significant overharvest, and therefore buildup of sort of a quota overage over time, which comes back to haunt us in terms of these rebuilding programs.

We could deal with those in three separate motions or I can combine some of them, if you prefer, Mr. Chairman. In all cases, I am interested in developing compliance criteria for the plans as opposed to general statements in the plans. I think if there are compliance criteria, then it makes it absolutely clear what the responsibilities are on both sides, on our part as the National Marine Fisheries Service as well as, of course, for each individual state.

CHAIRMAN COLVIN: I think, having some awareness of what the Service wants to put forward, it might be, with that background, best to proceed one by one, and for the record, the Chair will recognize the motions by Mr. Schaefer. However you choose to read them, please proceed.

MR. SCHAEFER: I'll let Dr. Rosenberg act on my behalf.

DR. ROSENBERG: With regard to the issue of reporting then, I would move that respective species boards incorporate reporting of landings to National Marine Fisheries Service on a timely basis, consistent with quota monitoring requirements as state compliance

criteria for interstate fishery management plans.

CHAIRMAN COLVIN: Mr. Borden for a question.

MR. BORDEN: Was there a second to the motion?

CHAIRMAN COLVIN: Not yet.

DR. BENNETT: I'll second it.

CHAIRMAN COLVIN: It's seconded by the Fish and Wildlife Service.

MR. BORDEN: Andy, is it your intent that this applies to state licensed vessels, your state licensed dealers? In other words, in most of the plans there's already a requirement that federally licensed vessels and dealers have to report to the National Marine Fisheries Service. So what you're asking is that anyone that's licensed exclusively by the state and doesn't have a federal license then would have to report?

DR. ROSENBERG: Not to the National Marine Fisheries Service, but that the states would be required to summarize that material in a timely manner. I have stated it as landings because in some cases the state reporting system collates the information and submits it

to us, but we want to make it clear that, as opposed to direct reporting to us, because we'd have double reporting systems, if that was the case in certain instances. So I've not specified state versus federal landings in this case.

MR. BORDEN: I'd just offer the comment that I'd support it as long as it's limited to the state issue and -- I mean, we collect that data now, and it shouldn't be a big burden to transfer it to the National Marine Fisheries Service.

DR. ROSENBERG: If it'd be clearer for you inserting the words "nonfederal landings" before the word "landings" is okay with me, but, as I said, in some instances there are cases where we have arrangements with states such as Connecticut, where they collate landings, so there's both federal landings and state landings to us.

CHAIRMAN COLVIN: I want to recognize the chairman of the board that has all the quotas at the moment. Before I do, I think I should say that with respect to the order of process with respect to this and any subsequent motions that might be offered, that should

this Board pass such motions, it would have the effect of sending a message to the individual species board or boards that might be involved in the quota management system to develop proposals that are specifically consistent with the intent of the Policy Board as reflected by our action.

We would not be taking final action on these matters today. We can't. It has to go to the species boards for that action.

With that, Mr. Spitsbergen.

MR. SPITSBERGEN: I will say I will very strongly support this motion with one caveat, and that is some states have very good reporting systems; other states don't. And what we need to do is assure that everyone -- and maybe hopefully this motion will do that, is to assure that everyone has a very good landing reporting system and that they are reporting all their landings.

As we all are well aware of, recently there has been somewhere in the neighborhood of three million pounds that can't be accounted for. And this is very detrimental to our rebuilding process with this

plan, and these fish have to be accounted for, but they have to be accounted for in every state. And I will do what I can to get the board together and review all of the states' programs and how things can change to see if we can improve on this.

CHAIRMAN COLVIN: Mr. Carpenter.

MR. CARPENTER: Will there also be some similar compliance requirement for the availability of the federal data?

CHAIRMAN COLVIN: I'm not sure I understand your question.

MR. CARPENTER: As I read the motion, there will be a penalty on any state which fails to submit the report on a timely basis. But there's no flip side to that where getting the data back from NMFS is on a timely basis going to be available.

CHAIRMAN COLVIN: I'm not sure I understand within the context of the fluke, which is the operating quota system, where you receive that information weekly.

DR. ROSENBERG: That's the intent of the other species, just to be clear; it is a weekly quota

monitoring report.

CHAIRMAN COLVIN: Mr. Coates.

MR. COATES: Yes. I basically support the intent of the motion, but I had a question. It seems to me in past discussions about the so-called state components of these fisheries where there's been a state waters fishery, there's been some states that have indicated that they have no capability of dealing with these landings.

I'm just wondering if that condition still exists? It might even be interesting -- I don't want to do this with the time constraints, but it might be wise for the states to consider in voting on this if this might bring with it a requirement that they develop that capability. And I see nothing in here that requires a time frame for implementation.

So I'd like to see that incorporated in the motion, if possible, or if you think this is something that needs further discussion.

CHAIRMAN COLVIN: We need to recognize that this Board has delegated considerable authority in the development of the specifications and the compliance

measures for individual management plans to its species boards, and the degree to which we become specific about things like dates may be an issue in that regard. But we also --

MR. COATES: Well, this may be a generic issue, if I may interrupt, Mr. Chairman. I mean, I've heard it represented that some states don't have the capability of looking at what's going on outside of the capability of the federal system to collect this data. I think this is a very important issue with regard to -- if we're going to now fold this in.

CHAIRMAN COLVIN: Well, you've raised the question. Anyone is free to address it. Mr. Borden.

MR. BORDEN: Yes. I think Phil raises a valid concern, but the way I understand Andy's or Dick Schaefer's motion here, it's that each one of the species boards will have to deliberate on this in great depth and talk about all the specifics of it. And it would be during that discussion that Phil's concerns would get addressed.

CHAIRMAN COLVIN: I think that's what I was trying to say.

MR. COATES: I can understand that happening, but I still think it may be a broader issue, because it's been a general inability, not just a specific species. We can't get that data. We can't get this data. It's just the data collection system doesn't exist in the state to deal with state waters fisheries, state only dealers, etcetera. So they fall through the cracks.

CHAIRMAN COLVIN: It occurs to me that a simple way of addressing this -- and this will undoubtedly be subject to detailed discussion at the board level -- is that the state permit holders will have to fill out the same trip reports that they would have to fill out should they hold a federal permit.

MR. COATES: Toward that point, Mr. Chairman, are there any states here now that don't require permits for landing species of concern to this Commission?

CHAIRMAN COLVIN: I believe that could be a problem in Virginia.

MR. PRUITT: I think we've gotten past that.

CHAIRMAN COLVIN: That may be. That's good. Because I do recall Jack raising that issue in contest with scup. I'm not sure where Maryland stands either.

MR. COATES: How about -- well, ask New Jersey specifically, because Tom at one point -- maybe they've fixed it, but they did not have a landing requirement or a permit requirement for people landing certain products under certain circumstances.

MR. THOMAS W. McCLOY: That's not totally true. What they probably don't have is a landing license per se that would apply to everything. We do have a summer flounder landing permit required in all cases, although we're coming with our own permit at the beginning of the year. All landings of summer flounder, whether it's permitted by federal permit or whether the person just has a state permit, still must be sold to a federally permitted dealer. And therefore those landings should be accounted for.

MR. COATES: I'm glad to hear that about summer flounder, but my question's more general. It was for all species of concern to this Commission.

MR. McCLOY: Yes. We don't have a general landing permit; that's correct. We're doing the exact same thing for scup that we have done for summer flounder, so any landings will be required to have -- any fishermen will be required to have a permit --

MR. COATES: So basically you're going to a quota managed fishery, Tom.

MR. McCLOY: Yes, exactly. This type of motion could be helpful for us in accomplishing a long-term objective of ours of having a landing permit for all species.

CHAIRMAN COLVIN: Dr. Rosenberg.

DR. ROSENBERG: Thank you, Mr. Chairman. I think that the intent of the motion really is to ensure that we do have the capability to do the quota monitoring that the plan calls for. By calling it a compliance criteria, then I think that that does give additional weight for the state agencies to argue that they need to be able to monitor those state quotas, the fishery in state waters.

Of course, if we can't do that, then it's very difficult to assume the responsibility of quota

monitoring in general without having the problems we've seen in undermining that quota. So our intent clearly here is to make it very clear that it is an absolute requirement if you're going to manage the fishery in that manner, that each state have the capability.

If Mr. Coates would prefer some words such as that respective species boards as soon as possible incorporate reporting their nonfederal landings, that's fine with me. I don't know if that addresses some of the concern.

MR. COATES: That would be helpful.

CHAIRMAN COLVIN: I have a lengthy list of people who want to address this, and I intend to take them in turn. I'll next recognize Ms. Alden.

MS. ALDEN: I support this motion for the reasons that Andy just said, because this type of comprehensive reporting is essential for the credibility of any quota management system.

At the same time, I want to say as representing a state that has a 3500-mile coastline that the Federal Government has had a difficult time achieving good landings monitoring over the years. We have had an

extremely difficult physical logistical situation, and a very difficult budgetary situation.

And certainly right now, we are not a significant quota state, because of the nature of the fisheries that are under quota management. But if we ever were to be, we would be in a very difficult situation because we do not have a state landings reporting system outside the shellfish system.

And furthermore, it's complicated by the fact that any reporting requirement must go through the legislature. We have no authority as a state agency to do that.

So I just want to bring to the Commission's attention how serious an issue this is. I think it's essential for quota plans, but if Maine were involved in a quota system, it would be a very lengthy process to come into compliance.

CHAIRMAN COLVIN: Mr. Cupka.

MR. CUPKA: Thank you, Mr. Chairman. I just want to point out that the South Atlantic Board has one species that if this were to pass that we would have to visit this issue on, and that's Spanish mackerel. I

don't anticipate a problem, but again, if this were to pass, we would have to take some action.

CHAIRMAN COLVIN: Thank you.

Mr. Cole.

MR. BILL W. COLE: Thank you, Mr. Chairman. If I could speak to you for just a moment as vice-chairman of the Operations Committee of the Atlantic Coastal Waters Statistics Program. This is an issue that we are trying to address, our Technical Committee to address, in what we call the midterm operational plan and budget, which was discussed yesterday morning.

The Operations Committee full well recognizes the complexity of it in many states, particularly those that do not have the current capability. We're trying to figure out a way to have a unified integrated cost-effective reporting system here, but it is a matter that we will attempt to address in a productive manner in the next series of budgets.

Thank you.

CHAIRMAN COLVIN: Thank you.

Mr. Coates.

MR. COATES: Thank you, Mr. Chairman. As

I indicated, I'm going to support this motion, but I want to raise just one of the issues that this passage of this motion will develop. I am just wondering how the Board will consider the fact that with the passage of this motion, landings heretofore unreported and not thought to be existing will be developed as a consequence of the state implementing a rigorous reporting program.

I can speak from personal experience that some of these landings are extremely significant, we feel. How will we, in the process of plan development, accommodate the additional information, the additional landings that come as a result of the states now getting involved in the detailed monitoring of fisheries that were not reported under the federal system yet form the basis of some of the allocation schemes in state-by-state quota systems that we're now operating under?

MR. LAPOINTE: I've got a comment. I feel a bit like the engineer on the "Starship Enterprise" where my captains are telling me to go to Warp 3, and I'm telling you, "The ship is going to break up, Captain."

The changes proposed by the Policy Board would require amendments to our FMPs. Those amendments

'would have to go through all the boards. And we just looked at our work plan a couple of minutes ago, and that would make it all busier.

So when those amendments went through, Phil, we could incorporate the kinds of changes that you've recently run into with scup and an unknown fishery that's now known. And because you're opening up the process of landings, I would think we could get Technical Committee recommendations on how to incorporate those sorts of things.

And it's not going to be easy; you know that and I know that. You're not rubbing your eyes, but you're holding your head. But we're opening up the issue. We'll open the consequences of that issue as well.

CHAIRMAN COLVIN: Is there further discussion on the motion? Seeing none --

MR. LAPOINTE: One other thing. And this is a good suggestion, Jack. Because this would require plan amendment, what I'll do is, as we push this issue forward, and there are some FMPs we can work on more rapidly than others, we'll put this on as a standing item

for the next couple of ISFMP Policy Board issues, so that everybody's made aware of the kind of progress that's being made.

CHAIRMAN COLVIN: Is there further discussion on the motion? Let's take the question. All in favor, please signify by saying Aye; opposed, same sign. The motion carries.

I'll go back to Dr. Rosenberg for the next motion.

DR. ROSENBERG: Thank you, Mr. Chairman. I would move that the Policy Board direct respective species boards to include compliance criteria wherever appropriate, requiring state agencies to close territorial sea fisheries compatible with concurrent management actions in the EEZ.

We have background. Again here, it is important that -- I think this is a principle that most people have agreed to and has been included in a number of plans, as Mr. Spitsbergen has pointed out. However, it is not included currently clearly as a compliance criteria. And I do not mean to try to prejudge any issues of bycatch allowances that I know concern a number

of states.

What I do intend to do here is to ensure that we are compatible in the EEZ and state waters or territorial sea waters when we are required to close, and to eliminate confusion with regard to that point which may exist in certain times.

So I hope I'm codifying what is currently the intent of most of the quota management plans.

CHAIRMAN COLVIN: Is there a second to the motion, or do you want to see it first?

MR. SPITSBERGEN: This is two things. There's a second, and then I want to speak.

CHAIRMAN COLVIN: Seconded by Mr. Spitsbergen, who is recognized.

MR. SPITSBERGEN: Okay. In dealing with Amendment 2 of the Summer Flounder Plan -- and I know that Andy's motion is a generic one to incorporate it in all of the plans that have quota management that require closures, but if I read the Amendment 2, Section -- I can't find it; here it is -- 91231 of the Summer Flounder Plan, there's a provision in there that says, "Each state shall close their waters to commercial fishing when their

quota is taken and prohibit landings by commercial vessels." And there's something a little later on that says, "States will be considered not in compliance with the FMP if they don't do this."

So it would appear to me that in summer flounder, this may very well already be a compliance requirement and that each state is supposed to have put forth its program for being able to do that. Now, I'm not sure just where we stand on that.

I know North Carolina can and does close its waters when it's -- well, we've only had one opportunity, and when our quota was closed, we closed our waters and our ports to landing.

So I don't know whether all the other states have this in, but it would appear to me that this may very well be a compliance requirement specifically in the Summer Flounder Plan already. Thank you.

CHAIRMAN COLVIN: Mr. Carpenter.

MR. CARPENTER: Is the intent of territorial sea fisheries to include inland fisheries as well?

CHAIRMAN COLVIN: I believe that it is.

DR. ROSENBERG: I would think so.

CHAIRMAN COLVIN: Appropriate perfection would be to include "and internal waters" as well --

DR. ROSENBERG: Sure.

CHAIRMAN COLVIN: -- so that the record is clear. Is that acceptable, Mr. Spitsbergen?

MR. SPITSBERGEN: Yes.

CHAIRMAN COLVIN: We'll take that as a perfection.

Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. I'll support the motion only because it includes the language, "where appropriate," because it's my own view that in some of the fisheries that we're regulating it's not appropriate. And just so that everyone understands, I have no objection to counting all fish, to deducting them from the quota, but in some cases we have set up circumstances and plans so that they essentially protect the interests of small boat, inshore, nonfederally licensed fishing interests that can continue to fish. Those fish come off the quota, are deducted from the quota, and are tracked. And I still think that that's

appropriate.

But I'll support it, and we'll debate that issue in the appropriate board discussion.

CHAIRMAN COLVIN: Thank you.

Is there further discussion on the motion? We will take the question. All in favor, please signify by saying Aye; opposed, same sign; abstentions. The motion carries.

Dr. Rosenberg.

DR. ROSENBERG: Thank you. Finally, Mr. Chairman -- and I appreciate the amount of time you've allocated to this issue -- I would note, as we heard quite extensively this morning, that in some cases we have had quota significantly overharvested in individual states. There are serious problems with enforcement and monitoring of the quota management system.

So I would move that the Policy Board direct particularly the Summer Flounder Board to develop compliance criteria for the summer flounder fishery to be implemented as early as possible in 1997, that requires states to have quota management systems in place to prevent significant overharvesting of a state's quota.

CHAIRMAN COLVIN: Is there a second?

MR. SPITSBERGEN: I will second that motion also.

CHAIRMAN COLVIN: Is there discussion while the motion's going up? Mr. Spitsbergen.

MR. SPITSERGEN: Again, it could be construed from Amendment 2 from that same section -- it very specifically says that a state is responsible for its quota and will assure that its quota does not go over. So it could be construed from that that there is a compliance requirement. But I think it needs to be laid out very clearly that the states do have to put in a program that will assure that they will not be out of compliance.

Our industry has shown very much interest in moving toward -- we have gone over, as everyone's well aware, North Carolina has gone over and gone over fairly extensively, and our industry has shown a considerable interest in implementing some kind of a trip limit system to assure that this doesn't happen in the future.

CHAIRMAN COLVIN: Thank you.

Dr. Rosenberg.

DR. ROSENBERG: I think that this motion also gives weight to the word "timely" in one of my previous motions. It's very difficult to ensure that you will not have an overage unless the data is in on a timely basis. So this is asking the boards to expand specifically on what is needed to ensure that we don't overharvest.

CHAIRMAN COLVIN: Mr. Borden.

MR. BORDEN: Andy, without naming the states, how many states don't have quota management systems now on summer flounder?

DR. ROSENBERG: It's not a matter of the states not having quota management systems. It's the ones that we can't -- have gone over, and I can't tell you off the top of my head, but a number of states have gone over. It's not only North Carolina. At least one other state. But I wouldn't want to give you a number without being sure of that.

There is a problem sometimes with landings coming in later, which impact upon fisheries in the subsequent year, and I think that's detrimental as a whole, because as I think we all know, time lag causes

real problems in terms of the recovery of the species.

CHAIRMAN COLVIN: Mr. McCloy.

MR. McCLOY: New Jersey has also gone over its quota pretty significantly this year, and that happened in the last week of the season after the fishery knew it was going to be closed. As a result of that, we have proposed a trip limit scheme for 1997, which, with a little bit of luck, will be adopted before the first of the year.

And it's not as elaborate as some of the other states have, but I think it will at least reduce the size of any overage that could occur.

CHAIRMAN COLVIN: Let us now hear from the one state which has managed to retain a significant share of its quota. A very popular gentleman, I am sure, Mr. Pruitt.

MR. PRUITT: Mr. Chairman, you mentioned and Jack's statement earlier -- what happened was that we had to go to the General Assembly to get that license, that landing license, and they gave us the authority to implement. So we had to go then to public hearings and adopt it by regulation.

And as Mr. Barnes will tell you, we had a lot of committee meetings on that, and we do have it in place now.

I do have one question for Mr. Schaefer. On these overages, has the entire quota been over, or just the individual, the various states? Has it affected the -- in a given year?

DR. ROSENBERG: On a given year if the individual state goes over, then it does affect -- if you like, the entire quota is over, because it does not affect another state's allocation in that particular year. So if you have a -- if we have over a million-pound overage this year, well over a million pounds, that affects the entire quota, it doesn't necessarily -- it doesn't get deducted from the other states. It certainly has implications for things such as transfer of quota between states.

MR. LAPOINTE: The overage is allocated to that state in its subsequent year.

DR. ROSENBERG: That's right.

MR. LAPOINTE: Not allocated, it's --

DR. ROSENBERG: It's decremented from the

subsequent year, and in some cases where landings have come in very late, it could be even two years out. But the overage ultimately does come off.

CHAIRMAN COLVIN: The intent of this motion is to address the kinds of problems that we have as managers when we have an individual state quota system and a given state finds that it has exceeded its quota by an extraordinary amount, particularly when it happens early in the year, recognizing that it is a problem and it generates enormous problems for all of us who are trying to operate a management program, some of which we heard come from our customers earlier today, when they can't fish for the rest of the year on the fishery, plus in the following year, that large overage comes off the top, so what's more, you're even in worse shape then. And when the fishermen get that concerned, you can see the kinds of problems we have, and we have them all over.

Mr. Carpenter.

MR. CARPENTER: Mr. Chairman, this motion seems to be directed almost solely at the Summer Flounder Management Board, but from the Policy Board level, these questions apply to all species that we have quotas for.

And I would think that this should be more generic and be directed to all species management boards for which quotas exist.

And you may footnote that specifically the Summer Flounder Board needs to act immediately, but this is broader than just summer flounder.

CHAIRMAN COLVIN: I understand your point. I would have to turn to the chairs of the boards that handle other quota systems. There's a quota system established for scup that will initially be implemented in 1997, which is very different, and this issue may not be as significant. And I would ask Mr. Spitsbergen -- and I'm not sure that we know enough -- we could hear from Mr. Cupka about Spanish mackerel -- to know whether it would be appropriate to apply this motion to it.

MR. SPITSBERGEN: Just with regard to scup, it's fairly intricate with trip limits, various controls in it to assure that quota isn't taken too rapidly. And as we work into sea bass, I am sure we will be looking at these same issues in sea bass. And with Spanish mackerel, we have had a fairly intricate combination of trip limits in Florida prior to their net

ban, which has dealt with the problem down there.

So many of the plans already have these in. Here is one plan that obviously doesn't have it, so I'm sure that that's where Dr. Rosenberg's direction is going.

CHAIRMAN COLVIN: Dr. Bennett.

DR. BENNETT: The only thing I'd like to point out or get some clarity on the term "significant overharvest." I think that if it's going to be a compliance criteria, that's going to have to be specifically identified within either the Summer Flounder Board or be a little more generic than that.

CHAIRMAN COLVIN: I think the Board will have to put the parameters on that.

MR. LAPOINTE: To A. C.'s point, I've got a note that when these motions are passed, we will send them to all species management boards. We'll also share them with the Quota Management Subcommittee and the Quota Law Enforcement Reporting Subcommittee that's going to be established, just as generic guidance. So, as other boards consider these questions as well, they'll get the motion and it'll say "summer flounder," and they'll be

able to apply it to their specific case.

CHAIRMAN COLVIN: Anything further on the motion? Let's take the question. All in favor, please signify by saying Aye; opposed, same sign; abstentions. The motion carries.

Anything further on quotas?

DR. ROSENBERG: Mr. Chairman, I thank the Board for considering these issues, and I think it will help us all, and I do look forward to the ad hoc committee we're forming to further address quota management issues.

CHAIRMAN COLVIN: Thank you for raising them. They are indeed important.

Mr. Schaefer.

MR. SCHAEFER: Just one final comment. It need not be discussed here, although we may want to discuss it at some future, more appropriate meeting. And that relates to the rapid acquisition and provision of data from the states. This is indeed a joint effort, joint responsibility, in terms of providing such information.

It relates not just to quota monitoring,

but frankly, as some people around this table know, it has a serious effect on the allocation of certain funding provided under the Interjurisdictional Fisheries Act. And so the quicker the data are provided to us, and as I share, we share the responsibility in terms of processing those data, we can do a better job, too. But the sooner the data are provided to us and processed, we have a better basis for the allocation and the fair distribution of those funds, so there aren't any concerns about, "Oh, gee, you know, I forgot to submit this," or, "You didn't get this in time," or, "You guys at the Service didn't process it fast enough," or "We're getting screwed out of a certain number of dollars."

So there's a great advantage to providing the data in a quick fashion. And, like I say, it's a tangential issue. We don't have to discuss it, but I just wanted to point it out.

CHAIRMAN COLVIN: Thank you.

Mr. Coates.

MR. COATES: Thank you. Yes, I agree with Dick completely, but we're always comforted by the fact that when we receive a notice for closure from the Feds

of our summer flounder fishery, we've already closed the fishery several weeks or months previous. Timely information is a very important thing.

CHAIRMAN COLVIN: I think it worthwhile to point out -- the issues that we've been addressing with respect to the quota issues this morning fall predominantly within the domain of management programs that we are conducting in partnership with the regional fishery management councils; in particular, fluke, scup and sea bass with the Mid-Atlantic, and Spanish mackerel with the South Atlantic.

Yesterday during my remarks, I suggested that one of the initiatives that we need to work hard on is an improvement of the manner in which we work in partnership with the councils, and I think this morning's discussion underscores the need to focus direct efforts on trying to improve that coordination.

To that end, I think Jack has a few words he'd like to suggest to us in terms of some beginnings of such an effort. Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Well, only, I think, Mr. Chairman, to reemphasize what you've just

said, that we have all recognized the importance over the last year, year and a half, of building strong working relationships with the three regional fishery management councils.

Chairman Colvin has made it a priority over the last two years for our staff, and it has been a priority for the staffs of the councils as well. We've made a lot of progress.

We've had a couple of discussions with the councils over the last couple of months about other mechanisms that might be used to improve our participation in their process and their participation in ours. And what I will be doing over the next couple of weeks is contacting each of you to sound you out on ideas for -- mainly on the side of improving their access to our process.

A number of these ideas have been generated just in overall discussions and in conversations with the councils. And we would hope at that point then to be able to come back to you with a more formal approach for your approval by the spring meeting, or perhaps even earlier.

But I will be following up on that. It's an ongoing priority for both the councils and for the Commission, and you should be hearing from me within the next couple of weeks. I look forward to talking with you about it. Thank you very much.

CHAIRMAN COLVIN: Thank you, Jack.

We have an item from the Habitat Committee. Mr. Goldsborough.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I'll try and be brief, given the hour. It was judged by the Habitat Committee and staff that one matter the committee is moving forward with would be of interest to the Policy Board and should be reported today. It involves the interest of the committee in becoming more proactive and systematic in the development of habitat sections of FMPs.

Specifically, the committee is forming a committee which we're tentatively calling the Habitat and FMPs Committee, although we are discussing whether or not we might call it the Habitat Technical Committee, for the purpose of doing exactly that, of trying to be more proactive and systematic in the development of habitat

sections of FMPs.

More specifically, the purpose of this committee, as reflected in HC-1 in the briefing book -- so I'll only hit the high points -- is to ensure that habitat information included in Commission FMPs is as up to date and complete as possible; to ensure that the habitat information is as useful to habitat and fishery managers in the conservation of fish habitat as possible; and thirdly, to provide for broader participation from habitat and fishery managers in the Commission's Habitat Program.

There are several items, those that are here, that describe the structure that this committee will consist of, so I'll only touch on the two major ones. Specifically, this committee will develop guidelines for FMP habitat sections under development, and it will recruit and assign a habitat specialist to each plan development team.

And we view this as of interest to the Policy Board, because it effectively beefs up the interaction between the species boards and the Habitat Committee on these habitat sections.

CHAIRMAN COLVIN: Thank you. Are there any questions for Bill? Mr. Schaefer.

MR. SCHAEFER: Just a comment which Bill may or may not want to respond to. It just occurs to me that in the instance where there are joint plans between this Commission and a council, inasmuch as the Magnuson Act amendment now requires specific action by the councils to identify essential fish habitat or whatever the language is, that I would think that there's a great need here for synergism between the Commission and the councils to avoid duplication of effort and redundancy in the process.

And I just wondered if Bill's committee has sort of thought about that with respect to making this motion?

MR. GOLDSBOROUGH: Yes, we did. In fact, we had a long discussion separate from this action involving the essential habitat language in the Magnuson-Stevens Act, and a report on that will be included in the broader Habitat Committee report to the Executive Committee.

CHAIRMAN COLVIN: Thank you.

Is there any further action required on this matter at this time? We simply accept the report and the recommendation, and appreciate the work that the Habitat Committee is doing. Thank you.

Is there anything further to come before the Policy Board? Dr. Rosenberg.

DR. ROSENBERG: Very briefly, Mr. Chairman. I didn't get a chance to say it when the report of the Law Enforcement Committee was presented, but I want to thank you for hosting the Law Enforcement Workshop that we recently held and also acknowledge Harry Mears on my staff for his effort in putting together that workshop and the report that you just received. I would recommend that everyone have a look at that report.

And finally just say that that sort of a forum, where people are coming together to discuss how we can enter into cooperative arrangements and cooperative agreements, I think, is very positive, and I look forward to doing it on other topics. Thank you.

CHAIRMAN COLVIN: Indeed. And we had a tremendous positive feedback from the folks that were there. The secretaries in our office were astounded.

They kept asking, "Who were all those guys?" We weren't quite prepared for such an invasion. It was great.

Susan.

MS. SHIPMAN: This is just a very quick item. I would like to suggest that by consensus, the Policy Board requests NMFS to provide us a status report on the Short-Nosed Sturgeon Recovery Plan. I myself don't know the status of that plan. I think it's been under development for about ten years. I don't know whether it's complete. I don't think the states have -- it hasn't been communicated back to us, and we had occasion recently to need some information from that plan and had a difficult time accessing it.

And insomuch as we are to take into consideration protected species interests in our plan development, and I know this will be an issue in the Shad and River Herring Plan, I think it would be very important for us to sort of be brought up to date on the status of that recovery plan.

CHAIRMAN COLVIN: Without objection, we'll ask for such a status report at our next Board meeting. Will that be all right, Dick?

MR. SCHAEFER: Yes. Let the record note I'll look into this, and either I or someone else will bring a report back to the Board on that issue.

MS. SHIPMAN: Thank you.

CHAIRMAN COLVIN: Mr. Borden.

MR. BORDEN: One brief item. I'd just like to follow up on our discussions on winter flounder yesterday. As I think everyone in the room is well aware, we have a condition where you have high fishing mortality rates, and there's a possibility that we do have a decent year class and we may be able to protect and expedite rebuilding the resource.

And since 86 percent of the resource is caught in federal waters, what I would suggest is that the board chairmen, in conjunction with the Commission chairman, draft a letter to the New England Council voicing our concerns about the status of the resource and essentially urging the council to work with us on a plan of action that can be implemented on a timely basis.

I won't make that as a motion unless there's some objection to the concept.

CHAIRMAN COLVIN: Is there objection to

the approach? And we will be sure to make sure that the Winter Flounder Board is supported. I'm sure they will be. But we'll touch that base. Without objection, we'll proceed as recommended.

Are there any further items to come to the floor at this time?

We now stand adjourned.

(Whereupon, the meeting adjourned at 1:25 o'clock p.m., October 24, 1996.)

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