

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
August 3 and 4, 2011

Approved November 9, 2011

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of the Proceedings from March, 2011** by consent (Page 1).
3. **Move the commission approve the Omnibus Amendment for the Spot, Spotted Seatrout and Spanish Mackerel Fishery Management Plans** (Page 1). Motion by Spud Woodward on behalf of the South Atlantic Board; no second. Motion carried (Page 1).
4. **Adjourn** by consent (Page 4).

## ATTENDANCE

### Board Members

Vincent Balzano, ME, proxy for P. White (GA)	William Goldsborough, MD (GA)
Terry Stockwell, ME, proxy for P. Keliher (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Steven Train, ME, proxy for Sen. Langley (LA)	Tom O'Connell, MD (AA)
Rep. David Watters, NH (LA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Dennis Abbott, NH, Legislative Proxy	Catherine Davenport, VA (GA)
Ritchie White, NH (GA)	Michelle Duval, NC proxy for L. Daniel (AA)
Doug Grout, NH (AA)	Bill Cole, NC (GA)
Paul Diodati, MA (AA)	John Frampton, SC (AA)
William Adler, MA (GA)	Malcolm Rhodes, RI (GA)
Bob Ballou, RI (AA)	Robert Boyles, Jr., SC (LA)
Rep. Peter Martin, RI (LA)	Ross Self, SC, Legislative Proxy
Bill McElroy, RI (GA)	Michael Denmark, GA, proxy for J. Duren (GA)
David Simpson, CT (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	Sen. Thad Altman, FL (LA)
Peter Himchak, NJ, proxy For D. Chanda (AA)	Aaron Podey, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Bill Orndorf, FL (GA)
Leroy Young, PA, proxy for J. Arway (AA)	Bryan King, DC
Loren Lustig, PA (GA)	A.C. Carpenter, PRFC
Gene Kray, PA, proxy for Rep. Schroder (LA)	Jaime Geiger, USFWS
Roy Miller, DE (GA)	Steve Meyers, NMFS
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

### Ex-Officio Members

Bob Beal	Toni Kerns
Vince O'Shea	Kate Taylor
Meredith Wilson	Tina Berger

### Guests

Wilson Laney, USFWS	Alesia Read, Univ. New Hampshire
Theresa Labriola, Pew Environmental Group	Larry Miller, USFWS
Wesley Patrick, NMFS	Anrew Turner, NOAA
Janice Plante, Commercial Fisheries News	Mike Leonard, American Sportfishing Assn.
Ray Kane, CHOIR	Rick Cole, DE DFW
Kim McKown, NY DEC	

The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 4, 2011, and was called to order at 2:05 o'clock p.m. by Chairman Robert H. Boyles, Jr.

### **CALL TO ORDER**

CHAIRMAN ROBERT H. BOYLES, JR: I'd like to reconvene the business session.

### **APPROVAL OF AGENDA**

CHAIRMAN ROBERT H. BOYLES, JR: The first item on the agenda is consent for the agenda. Any additions to the agenda? I know I've got several things that I would like to mention regarding the annual meeting. Doug Grout.

MR. DOUGLAS GROUT: Mr. Chair, maybe under other business we have something that we'd like to give the business session a heads-up with a shrimp amendment that's coming down the line.

CHAIRMAN BOYLES: Okay, we will add that. Any other additions to the agenda? Seeing none, the agenda will stand adopted by consensus as amended.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN ROBERT H. BOYLES, JR: Next is to approve the proceedings from March 2011. These were included on your Briefing CD. Any additions for deletions or corrections to those minutes? Seeing none, any objection to approving those minutes as submitted? I see none and the minutes will stand approved by consensus.

### **PUBLIC COMMENT**

CHAIRMAN ROBERT H. BOYLES, JR: It is now time on the agenda for public comment for those persons who wish to address the commission on items that are not on the agenda. Does anyone like to address the commission at this time? All right, seeing none, we will roll right into approval of fishery management plans and amendments.

### **OMNIBUS AMENDMENT FOR THE SPOT, SPOTTED SEATROUT AND SPANISH MACKEREL FISHERY MANAGEMENT PLANS**

I think Mr. Woodward has a motion that he is prepared to make on behalf of the South Atlantic Board.

MR. SPUD WOODWARD: **Mr. Chairman, on behalf of the South Atlantic Board I recommend the commission approve the Omnibus Amendment for the Spot, Spotted Seatrout and Spanish Mackerel Fishery Management Plans.**

CHAIRMAN BOYLES: Okay, thank you, Spud. That's a board motion and it does not require a second. Is there discussion on this motion? Dave.

MR. DAVID SIMPSON: The Al Franken question; how does this affect me?

CHAIRMAN BOYLES: I think the short answer is it doesn't, but, Spud, do you want to affirm that?

MR. WOODWARD: It doesn't affect you, Dave.

CHAIRMAN BOYLES: Further discussion on this motion? Is there any objection to this motion? **Seeing none, that motion passes.** The next item on the agenda is other business. Doug.

### **OTHER BUSINESS**

MR. GROUT: As many of you are aware from an earlier policy board issue, we are in the process of amending our fisheries management plan for northern shrimp. We're trying to get this in place before the next season because we've had two seasons where we have exceeded our total allowable landings' target, and we want to have more tools to have in our toolbox to manage the fishery with.

Our intent is to have a meeting in October to approve the amendment. Since that approval would have to come before the business session for final approval, we were hoping to have things finalized and then we can set our specifications' process before the annual meeting. As a heads-up we may request an approval of this amendment if we approve it via fax poll some time in October. Without any objection, I just want to give you a heads-up that this may be coming.

CHAIRMAN BOYLES: Doug, thank you for that heads-up. It is certainly consistent I believe with the provisions of the Charter. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: My first reaction to it is I believe the executive committee is authorized to act in behalf of the commission in the interim between commission meetings, so my understanding and thought to this would be that it would be the executive committee that would handle this.

MR. GROUT: It that's appropriate, I'm fine with that.

CHAIRMAN BOYLES: Yes, I'm getting conformation from Bob that that is in fact consistent with the Charter, so those of you on the executive committee potentially be looking for a request for a fax poll. Doug, I would imagine the Shrimp Section would like a pretty quick turnaround time on that. We are talking three-day or five-day turnaround time consistent with the Charter.

MR. GROUT: Yes.

CHAIRMAN BOYLES: Okay, heads-up, everyone on that. I don't think it requires action at this time. I have a couple of other items I wanted to mention in anticipation of our meeting in the Commonwealth of Massachusetts. Recall that at the request of the Commonwealth and per the commission's 2011 Action Plan the commission will be meeting with the Massachusetts Marine Fisheries Advisory Commission during the November annual meeting.

The purpose of this meeting is really to discuss issues of mutual interest and ideas for future collaboration. What I wanted to inform the commission of is I think the meeting will follow the same procedures and protocol that were established in 2006 when an ASMFC Special Ad Hoc Committee was formed to meet with the North Carolina Marine Fisheries Commission.

Those of you who have been around remember that meeting. There was a lot of hot discussion and talk of secession, such as it were, and I want to be clear – and, Paul, maybe look to you for affirmation – that we certainly don't expect that at this point. Paul tells us that he anticipates this being a very cordial meeting. It's not a decisional meeting. It's only informational.

The meeting will be open to the public. However, public comment and minutes will not be taken. Staff will take notes and will provide a summary to support a discussion at the ASMFC Policy Board Meeting later on in the week. Of course, the summary will be made available to the public after review by the special ad hoc committee and the Massachusetts Marine Fisheries Advisory Committee Chair.

Finally, I'd request the special ad hoc committee members would be appointed by me as Commission Chair and have asked Commissioner Steve Bowman from Virginia to chair this committee and he has agreed. Paul, did I characterize that correctly?

MR. PAUL DIODATI: You did, Mr. Chairman. Of course, I can't guarantee anything but I expect it to very, very well, and we appreciate the opportunity.

CHAIRMAN BOYLES: Thank you, Paul, and is everybody comfortable with where we're going in this manner and any questions about the ad hoc meeting? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, not a question as much as just perhaps clarification or a bit more explanation to folks that weren't around back in 2005. In 2005 we had this issue of a possible secession from the commission by North Carolina. We spent a considerable amount of time with the Chairman of the Commission, the Secretary of Natural Resources for North Carolina as well as the commission's attorney mulling over this issue of what is the process and the venue for an in-state body to communicate with the commission.

One of the tricky things is we have a process now in a form that allows the states to communicate with each other within this forum right here. It raises issues of how do you do something different from that; and if you bring one state in to talk to the full commission with nine of its representatives, then what happens to the other states, all of these issues for fairness?

We came up with a process that sort of balanced these concerns and it was a special ad hoc committee. I think there is value in the commission sort of following that procedure for both controversial and non-controversial encounters so that you all have a consistent track record going forward; and someone says, well, where does this ad hoc thing come through, we say, well, when an in-state body wants to deal with us, this is our historical and balanced way of going about doing it.

I think you earn some strength and consistency by taking this approach, and that's why it's somewhat deliberate to just have an informational meeting with these guys. The second part is the term "informational" I think is important, and it's important from the Massachusetts side relative to what they're doing and it's certainly important from our side to say no decision is going to be made in this thing. This is an exchange of views because decisions are made at this body and not negotiating with a particular state. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thanks, Vince, for that clarification. Tom.

MR. THOMAS FOTE: Yes, and North Carolina was not done during an annual meeting. It was a special ad hoc meeting with their commission. Was it during the annual meeting? Okay, so are we restricting these types of meetings to if that state has an annual meeting that year or can any state request at some time that they would like that ad hoc committee come to their marine fisheries?

Say, it was Virginia having a difficult time because there has been a few points there where they were – well, I’m just throwing it out as a general idea if one of the states requested that and their council requested that; how would we deal with that situation or is it just going to be when you’re – next year it’s going to be Pennsylvania so Pennsylvania could have with the Fish and Boat Commission; do you know what I’m saying? I’m just looking at what precedent we’re setting and how we do it.

CHAIRMAN BOYLES: I think, Tom, it’s a case-by-case basis, for sure. Certainly, the North Carolina issue was a fortuitous timing perhaps, and recall that we have kicked this around in a number of annual action plan workshops, and it just so happens that the Massachusetts Commission was very interested in pursuing this; whereas, back in 2006 there were some real serious discussions about the implications of the commission and the commission’s business and an exchange of views about how things work.

I think this is as much relationship building and informational exchange as anything else. I think the bottom line in answer to your questions, we’ll deal with this on a case-by-case basis. With that, we will pursue that special ad hoc meeting in that manner. Vince.

EXECUTIVE DIRECTOR O’SHEA: And again for the benefit for those folks that weren’t around, the lead up to that North Carolina meeting, Mr. Chairman, included a trip that I made to North Carolina and I met with the commission, and it also included a trip that Secretary Ross of Natural Resources made up here to see us. In a way, you could say it was almost the third meeting as result of reflecting the seriousness of what was going on. Thanks.

CHAIRMAN BOYLES: Okay, any other questions on that? Paul, we’re certainly looking forward to being in Boston and appreciate the work that you and your staff and the commission staff are putting into the annual meeting.

## ADJOURNMENT

Any other business to come before the commission at this time? I see none; we will stand adjourned.

(Whereupon, the meeting was adjourned at 2:17 o’clock p.m., August 4, 2011.)