

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

**Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 6, 2013**

Approved October 28, 2013

TABLE OF CONTENTS

Call to Order 1

Approval of Agenda..... 1

Public Comment..... 1

ASMFC Strategic Plan..... 1

Adjournment 15

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Move to Adjourn** by consent (Page 15).

Board Members

Attendance

Terry Stockwell, ME, proxy for P. Keliher (AA)	David Saveikis, DE (AA)
Steve Train, NH (GA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Tom O'Connell, MD (AA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Adler, MA (GA)	Jack Travelstead, VA (AA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Cathy Davenport, VA (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Bill Cole, NC (GA)
Dr. Lance Stewart, CT (GA)	Robert Boyles, Jr., SC (AA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA)	Sen. Ronnie Cromer, SC (LA)
Tony Rios, NY, proxy for Sen. Boyle (LA)	Spud Woodward, GA (AA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Patrick Geer, proxy for Rep. Burns (LA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)	Kelly Denit, NMFS
Loren Lustig, PA (GA)	Wilson Laney, USFWS
Leroy Young, PA, proxy for J. Arway (AA)	Martin Gary, PRFC

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

Ex-Officio Members

Staff

Bob Beal

Toni Kerns

Guests

Jessica Coakley, MAFMC
Greg DiDomenico, GSSA
Raymond Kane, CHOIR
Mark Alexander, CT DEEP
Ned Cyr, NMFS
Jason McNamee, RI DFW

Aaron Kornbluth, Pew Trusts
Rob O'Reilly, VA MRC
Peter Burns, NMFS
Gordon Colvin, NOAA
Kelly Shotts
Margaret Hunter, ME DMF

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 6, 2013, and was called to order at 3:25 o'clock p.m. by Chairman Paul Diodati.

CALL TO ORDER

CHAIRMAN PAUL J. DIODATI: We're going to start the business session. Welcome, everybody. I'm Paul Diodati. I'm here to chair this section of our meeting. I'm going to move quickly through the agenda, because we're actually behind by about a half hour or so. I know that a group has signed up to go on an event tonight, and I don't want to keep them too late.

APPROVAL OF AGENDA

CHAIRMAN DIODATI: We have a Menhaden Board meeting to conclude as well. Without further ado, do I have agreement to approve the agenda? Without any objection, I will consider it approved.

PUBLIC COMMENT

CHAIRMAN DIODATI: Is there any public comment to come before the commissioners today? Seeing none; we'll move right to the discussion about our strategic plan.

ASMFC STRATEGIC PLAN

You will recall that our last gathering we had a facilitated meeting. We came up after a long period of time with a new vision statement, which was productive. Bob does have a short presentation; and then after he gives that, we'll have a bit of a discussion about what direction we want to go in. Are you ready to do that, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes sir. Just real quick, before I start the presentation; this is a meeting of the business session, but we asked the two federal services to sit in since they are our partners, as well as the Potomac River Fisheries Commission and District of Columbia. While technically they're not members of the commission and the business

session, we asked them to sit in for the strategic planning discussion.

A draft of the strategic plan was sent around to all the commissioners in the supplemental materials. If you had time to look at that, you will have a good idea of what I'm about to talk about. The draft is pulled together by staff; it was Mike Waine, Toni, Tina, Laura, Deke, Pat Campfield and I.

We pulled that together based on the discussion that happened at the facilitated session in May. We had a couple surveys that went around to the Executive Committee and to the Full Commission and additional e-mails that we got kind of along the way. We've had a number of interactions. We've had a lot of feedback on how to pull this together.

We started with the last strategic plan as the base to work from. The overall goal that we came up with in writing this was to make it much simpler than the last strategic plan. The last one was 20 or so pages long. We've cut this one in half, taken out a lot of the detail. The last strategic plan had a lot of details in it that were really probably more suited for an annual action plan than they were for a larger-scale, broad-brush strategic plan. Tina is passing around the hard copies if you didn't get them in supplemental material. With that, I think it is probably better, Paul, if I go sort of piece by piece.

The presentation is set up in vision, values, driving forces, goals strategies and then timeline. It is probably better if I give a summary of each of those and then make sure we're going on the right course for each of those, Paul, if that is okay with you.

CHAIRMAN DIODATI: Yes.

EXECUTIVE DIRECTOR BEAL: With that, I will go ahead and jump right into the vision statement. As Paul mentioned, this was something that was used up or took a lot of the time at the facilitated session in May. We took all those discussions back, crafted a few options that were based on that discussion and then circulated those to the Executive Committee and

all the commissioners. Everyone voted on prioritizing these.

The option that came up with the highest number one votes was sustainably managing Atlantic coastal fisheries. It is pretty short and sweet. It does not include the 2015 number that was in our past vision statement for the commission, so it is a bit different. I think a lot of the commissioners at the workshop wanted a very short and sweet and simple to remember vision statement.

There are a couple different versions here on fisheries versus resources and marine versus coastal. Then the fourth one was a sustainable marine fisheries achieved through science and collaboration and benefiting all. I think with that it is probably worthwhile to ask if folks are comfortable with going with this first option as the vision statement moving forward.

I should have said this at the beginning. The goal here is to approve this document for public comment; so if we could take it far enough today, we're going to have a series of public meetings up and down the coast. Hopefully, those will be done as much as possible in conjunction with the state, commission, council, board meeting to get public feedback at the state level. We'll also make it available on our website and we'll accept public comment that way.

We're also considering a survey monkey type tool where folks can log onto our website and fill out specific questions related to the strategic plan. That is the overall goal. I guess the question for the group is are folks comfortable with Option Number 1 going forward as the version for public comment?

I guess the other way; does anyone object to that going forward? It seems to be more efficient; now we're moving. No roll call votes, right. Okay, so moving on; that will be the vision statement moving forward; sustainably managing Atlantic coast fisheries. The next section of the draft plan is a series of values.

They are up on the screen here; I can quickly go through them; effective stewardship through

strong partnerships – and some of these are paraphrased a bit – decisions based on sound science, long-term ecological sustainability, transparency and accountability in all actions, timely response to new information through adaptive management, balancing conservation with economic success of coastal communities, efficient use of time and fiscal resources and work cooperatively with honesty, integrity and fairness. Those are the values, sort of the underpinnings of how the commission operates. It is probably appropriate to seek comment from the commissioners now as to whether those are – the hardest part of these processes is kind of what is missed and what is not in here? If there are any edits or comments or suggestions for additions or deletions to the values; any hands on that?

This may be quicker than we thought. All right good, we'll keep going. Driving forces; in the last strategic plan there was a fairly lengthy discussion of driving forces. We've pared that down a bit. It spanned four or five pages last time. It is shorter than that in the version this year. These are the forces and the motivation and the factors that will be creating the tension that makes the commission operate in a lot of different directions, and these change over time, and we noted that.

These are what we see on the horizon right now as the driving forces. They are likely during the five-year time span of this strategic plan they will change to some degree; but I think this is what we see and what came out of all the discussions that we had with commissioners and the workshop and the surveys.

Quickly going through the driving forces; pressure on fishery resources and industry; science-based management; legislation; federal, state and commission resources; ecosystem functions; climate change; threatened and endangered species listings. Each of these – there are seven of them there, they are changing over time, they are relatively new. These seem to be a lot of the pressures that will be coming on in the decisions that the commission will have before them. Are there any additional driving forces or comments?

MR. ROBERT H. BOYLES, JR.: Just a question for the group; I think this is a good start and the driving forces particularly. I would like some reaction. The threatened and endangered species listing to me seems a little episodic. I wonder if it is something that we need to break out separately or is it something that you throw in under ecosystem functions, just a question.

I know we're all reacting to sturgeon, and it's a big issue and a big deal. I'm confident we're going to be able to work through that one. Just a question for the commission; is this something that we think needs to be broken out separately? Thank you.

EXECUTIVE DIRECTOR BEAL: Thank you, Robert. The reason we separated it out was that there are still pending listings on river herring and eel. There is a red knot listing that may be out there. We don't manage red knots, but indirectly it would affect horseshoe crabs. We thought there may be enough activity over the next five years to justify it being separate. That is our rationale. It is the product of this group. If you feel it should be lumped under ecosystem considerations or functions, we can move it.

CHAIRMAN DIODATI: I think that attracted my attention as well, Robert, but I guess it is the way we qualify it in the final document. A driving force means that it brings a higher level of attention to that particular issue for the commission. It doesn't mean something that; hey, we've got to be on alert to oppose these things. That is not what we're about. I guess it is the way we qualify or define what the driving forces mean to us. I don't know if we talked about it before and I don't know if one of these fit the bill for ocean planning and whether or not the emergence of new or competing uses of ocean resources; is that under increased pressure on fishery resources, I guess? Is that where that would fall?

EXECUTIVE DIRECTOR BEAL: It is not captured directly in there right now. It is up to the group. I agree with you, Paul, it is a fairly substantial activity that is going on, and it is going to impact how activities occur in the ocean. We can craft a new paragraph or two on that one separately or we can just include a few

sentences under pressure on fishery resources in the industry. It is up to the group.

CHAIRMAN DIODATI: I'm just thinking about what is going on nationally with ocean planning now, and what I've had to deal with myself, I guess back home; that we have spent a fair amount of effort to make sure that fisheries are well integrated in all ocean planning exercises. They have become very much a new business for some – ocean planning, that is. I would prefer to see something specific to it.

DR. LOUIS DANIEL: I would agree. You might be able to put it under something like address ecosystems functions and activities or something along those lines. I'll go back to T&E stuff. If you've dealt with a Section 10 permit application, you'll know it is a driving force. I think until you have really – that does tend to drive and direct a lot of your activities at the state level when you're trying to implement some of those activities.

I agree, we've got some shark species that are potential. The herring could be a big issue. Sturgeon, I think you're right; we may be able to get around that one. But if river herring are listed, which I'm concerned about, along with turtles; there is a lot of interest right now with the bottlenose dolphin take reduction team.

I know that is not ESA, but certainly protected resources and maybe to couch it some, Robert, to talk about protected resources as opposed to specifically ESA; because there are other protected resources that don't fall under ESA that could have impacts on a lot those, right whales, those types of things. To make it broader might be a little more impactful.

MR. WILLIAM A. ADLER: Mr. Chairman, I don't think it really falls under that pressure on fishery resource and industry. I don't think people would think of that; the wind ocean management stuff there. I think pressure on fishery resource and industry, people will probably think more of the fishing thing.

However, if you had it under ecosystem functions and non-fishing pressures, you might be able to squeeze it in there. Then that would

allow non-fishing pressure and would include whatever else is out there that might be coming down the pike that will affect us. Whether you make it a separate bullet or whether you put it under ecosystem functions, that seems to be better than under pressure for fishery resource.

MR. JAMES J. GILMORE.: Mr. Chairman, I am into a separate bullet. I have the same issue in New York. We're spending a lot of resources on ocean action planning and ocean spatial planning and ocean initiatives. There are enough things – in fact I see Jack's name more on these things now than I see them on non-fishery stuff. There was I think a webinar last week that was held. I think it is a separate bullet, because it is going to affect a lot of different things as we go forward, so I would vote for putting a new bullet on just for ocean initiatives or something along those lines.

MR. DOUGLAS GROUT: I agree with Louis' comment concerning threatened and endangered species; that I think having a protected species – referring to them as protected species would be more appropriate and then would get rid of the episodic events. Because there are so many protected and threatened endangered potential coming along, it is something we're going to be dealing with I think over the life of this strategic plan.

Mr. Chairman, I agree with you that I think coastal marine spatial planning is something that should be a separate entity here, something that is going to be something that the commission is going to have to deal with, because the states are dealing with it right now and the councils will be dealing with it. I think it is important that we put that front and center, clear into that section that is one of the driving forces right now.

CHAIRMAN DIODATI: Okay, I guess you're getting very good direction.

EXECUTIVE DIRECTOR BEAL: It sounds like broaden the one driving force on threatened and endangered, to include protected resources in a separate bullet on ocean planning, ocean initiatives, coastal marine spatial planning and those types of activities that are occurring in the

states. Sounds good? Anything else on driving forces? Seeing none; jumping into goals.

The document now has seven goals. We had eight goals in the previous strategic plan. We combined the last two from the previous strategic plan, and they had to deal with fiscal stability and administration of the commission and staffing issues. They seemed to lump together into one and make some more sense to shorten the document and make it more efficient.

A lot of the items that are under that goal are frankly things that we have to do just to keep the commission moving forward. It is day-to-day budget management and staff management and that type of thing. No matter what direction the commission goes in, those activities still have to occur. What I'll do is I'll run through each of the seven goals pretty quickly, without getting into the strategies that are under them.

Then we'll follow up with a discussion under the strategies for each goal. We can move through those relatively quickly if folks are comfortable with where we are. The seven goals, as they're drafted now:

Goal 1: rebuild, maintain and fairly or equitably allocate Atlantic coastal fisheries. That is a discussion point; which one of those two words is better? Provide the scientific basis to conduct stock assessments and support management actions. The third goal; ensure stakeholder compliance with FMPs.

The fourth; protect and enhance fish habitat and ecosystem health through partnerships and education. Goal five; strengthen stakeholder and public support. Goal six; advance priorities through a proactive legislative policy agenda; and, seven, ensure the fiscal stability and efficient administration. Those are the seven broad goals that we've drafted based on the previous conversations. As I mentioned, I think there was a lot of debate at the workshop about fairly and equitably allocating resources.

I think allocation is going to be an important issue for the commission over the next five years. Getting this word or some other word correct is probably pretty important. With that; I

guess it - are folks comfortable with the seven goals that are in here?

MR. ADAM NOWALSKY: We've certainly done a lot here in conserving resources in years. We heard some testimony this morning from a lobsterman who spoke very passionately about what is left of his industry in his area. I just wonder if there isn't some way to put a little bit more focus on our responsibility to our constituents in recognizing that the impacts of a lot of the decisions that we've made.

Under goal one here we talk about commission members will advocate decisions to achieve the long-term benefits of conservation while balancing the socio-economic interests of coastal communities. Those two don't always go together very well. I just find that something that I think that when this goes out for public comment; i think the public is going to look at this very critically.

They are going to look at all of the cuts they've made, what they've given up in terms of access to resources, in terms of their livelihood, the vibrant coastal communities in a lot of areas. I think that they're going to say, well, we did all this with the promise of take the pain and you will see the gain.

I'm just not sure that the goal reflects that, gives them something to come back on, gives them something to contribute to get them to contribute giving us feedback at the meetings, at public hearings, at public comment. I would love to see something that focuses on that a little bit to give them something to provide more constructive comments to the process that we do here.

CHAIRMAN DIODATI: Okay, is that something in the document or something to go out to hearing other than what is already in the document; something different that is in the document?

MR. NOWALSKY: I'm loath to sit here and state a problem without clearly stating a proposed solution to it. I recognize that in speaking at that point I didn't have that here is the three sentences that I think should be in here

at this point. I'm not sure I'm going to come up with it right now. I would certainly look to the other commissioners around the room to help with that, and I would certainly be committed to helping to provide that as we move forward in getting something out for public consumption.

MR. THOMAS P. FOTE: To follow up what Adam was saying; I was just sitting here thinking about it. In 2007 we had 220,000 boats registered in New Jersey. Then the economy went down the tubes. Last year, before Sandy, we had 160,000 boats registered. That means we lost 60,000 boats in the last five years of people not fishing. I don't know what it's going to be after Sandy. I've been waiting to see the Department of Transportation figures on this.

But if we start losing boats like that, that means we're losing participation, we're losing trips and we're losing those catch figures that you're bringing in. You basically base stock assessments on what we're landing. There is nowhere in there that says; well, we've got 60,000 less boats in New Jersey than we had five or six years ago. It is probably even going to be more than that this year. I don't know how that fits in here. We need to look at the socio-economic and we never really put that into play when we look at the other factors.

I think the same thing with the commercial guys; when the gas prices went up dramatically and the guy couldn't make a living by running offshore, he stopped going out. Because he was beaten at earning all the money for the gas bill, he stopped fishing. All of a sudden it shows a drop in catch. It doesn't say that I couldn't afford to go fishing; it just says a drop in catch.

How do we address that when it comes to stock assessments and the figures that have come in? I've been looking at this for a long time. I don't have the answers; there are a lot of people I would say smarter than me around the table and they should come up with some solution, especially the modelers, and take those things in consideration like an economist. It is the truth.

We've got a changing world; we've got a changing world as far as boats. I would like to ask the states if we could put a list of what your

boat registration was in 2006 and just supply that data to the commission for the annual meeting and see what a drop in number of boats you had in the last six or seven years. Maybe Jersey is unique, but I don't think so. I know New York and New Jersey are going to be similar this year because of Sandy, but I don't know how much they lost in the four years before Sandy.

REPRESENTATIVE. WALTER KUMIEGA: Mr. Chair, I'm glad Adam brought up the lobsterman that was here earlier, because I think that is something that we could, either as a goal or a strategy, add to this. That is to advocate for environmental improvements. All the conservation in the world doesn't do any good if we're still polluting Long Island Sound and we're not improving upriver access for diadromous fish species.

That maybe is a little bit more of something we could focus on. Goal one, I don't know if equitable allocations – I would like to see us think a little bit more about conservation measures that don't require quota or to look beyond management measures that include quotas. Something that struck me in my short time here is that we are focused a lot on quota.

I realize that is an important tool and that for a lot of species it is an unavoidable tool, but it is not the only tool we have. I think if there are places where we can avoid or get away from quota as a management tool and use other tools to manage a species, we'd be better off. Thank you.

CHAIRMAN DIODATI: Well, it seems we've had three speakers, each presenting three very different takes here. I think, Adam, you're looking at two values that we put forward and they're going in different directions where it is difficult to achieve one or both at the same time. Walter, I think you're talking about having a broader goal that is other than fisheries protection. There are a lot of things out there that impact fishery resources in the environment, in coastal harbors and elsewhere. Adam, go ahead.

MR. NOWALSKY: Yes, hearing some of the other comments and having some time to think a little bit more; I think what I would be looking at specifically would be at the end of goal one where the last sentence there talks about in the next five years the commission is committed to making progress and rebuilding overfished or depleted Atlantic fish stocks; something that offers that the commission is equally going to make an equal effort to understand the socio-economic impacts of those decisions, and clearly adding a strategy that talks about those socio-impacts to goal one. I think that is what I would be looking for, a sentence to balance that last sentence about what we're doing in the next five years and adding in a strategy that seeks to accomplish that.

CHAIRMAN DIODATI: Tom, I think your point was that we often don't weigh all the variables out there that are impacting the condition of a stock. It is difficult to do that but we do try. Is there any other recommendation to improve some of this language that was productive?

DR. DANIEL: Just a couple of comments listening around the table; one side of me is repeating the definition of insanity, doing the same thing over and over again and expecting a different result. By just taking out the date, what have we really accomplished? An issue in North Carolina that has come up recently where the charge is that shrimp trawling bycatch is the cause of the decline of weakfish.

When we sat around this table in '96, I guess it was, and implemented Amendment 3, and we closed south of Hatteras to fly netting; everybody I think around this table that was there at the time felt like we did it; that is what we needed to do. It hasn't done a bit of good. I can't point to you a quantitative benefit from having closed south of Hatteras to fly nets.

The weakfish population since then has continued to decline as has the croaker and spot populations. That was a huge success for this commission when we did that. It hasn't done a bit of good. I am having a hard time figuring out, Adam, from your discussions, we've got to

end overfishing and rebuild overfished stocks, but how successfully are we doing that?

When a stock assessment comes out and says we're overfishing or we're overfished, we have to end overfishing and we have to put in a trajectory to rebuild those overfished stocks. Really, economics be damned, right? Look at the moratoriums that we've implemented and look at the restrictions that we've put in that have eliminated directed fisheries for a lot of stuff.

There is really no end in sight that I see. Is there a way to do what you are talking about, Adam, or is it just lip service to the public? I think it is just lip service to the public in a large degree. I agree with you; I think the public is going to be looking for something substantive in here for us to be looking at; boat registrations, the influence of siltation in the rivers, the dead zones that are being created; a lot of these different issues that are affecting the productivity.

It is not just fisheries issues. We've always sat around this table for as long as we've been here saying that there are multiple factors that affect these fish stocks, but all we can address is fishing. It ain't working. We've got to figure out something else, in my opinion. I think this is our opportunity. I think this is the biggest goal of the whole strategic plan is this number goal one. The rest of it is pretty self-explanatory.

But we need a group that can sit down and talk about these issues and how we may be able to start using different mouse traps to handle this issue. A big one that's coming is the allocation issue. I mean how are we going to address that as these stocks start to shift? The North Carolina flounder fleet is catching their fish off of Rhode Island. Does that mean we should lose our quota shares since they're not off North Carolina anymore? I don't know the answer to that.

I know there is a lot of interest, but how are we going to do that fairly and equitably for all these species? When North Carolina starts receiving some of Florida's snook, I'm going to be tickled to death, but I don't know how they are going

to manage that. I think this is a big issue. To me it is the biggest issue.

I think over the next six months we need to have some focus groups of commissioners that can work on some of these issues that have been brought up around the table, because all four separate issues have a lot of merit and have to be thought out carefully before we go out to public comment or I can tell you for sure I'm going to get creamed in North Carolina. I don't know about you guys, but I'll get creamed in North Carolina if I am not prepared. I don't feel prepared to address Adam's concerns or Tom's concerns or any of the other that I heard.

MR. PATRICK H. AUGUSTINE: I guess I would say you're right. We're saying what we are going to do; we don't really specifically say how we're going to do it. What everyone said around the table is, yes, we've got to change some words to say something that is more meaningful.

I like your idea when you bring up the point in the next five years the commission is committed to making significant progress in rebuilding overfished or depleted Atlantic fish stocks. I would look at the list and I'd say we're committed to dropping off that list those species of which we have no intention of doing anything with.

That would improve the list, but these are just a lot of words. The whole thing is just a lot of words. I'm going to be real tough on us on part of this. I'm part of the problem along with trying to be part of the solution. Unless we identify specific things that we're going to do, specific in each and every single species or a specific species, we're just going to have this out here as a motherhood statement.

I do agree, I think that is what we're going to have and the reaction from the public is going to be, oh, yes, that's good. It looks nice on paper, but what are you really going to accomplish? Lou, when you said these sound good; what are we going to do? I want to know how we are going to do it, so it is a "how".

It has nothing else to do with anything other than a regurgitation of the same words again five years from now. I think my suggestion would be to take the two or three line items here; managing the state resources; using sound science; and well-defined management goals; are we not doing that now? Can we do it better? If we can do it better, how can we do it better?

Strengthen state and federal partnerships to improve comprehensive management of shared fishery resources; how are we going to do it unless you have more money and more people? They are just good words, it is not going to happen. Adapt management to address the emerging issues; we are, what more can we do, though? What specifically can we do differently in the next five years?

Practice the efficient, transparent and accountable management processes; we aren't? I thought we were. The only time we're not doing that is when we kick the can down the road. Case in point, a couple of meetings we had today where we were willing to kick the can down the road; made a couple of motions and we got some action and we agreed to do some things.

Evaluate progress towards rebuilding fisheries; we do that on an ongoing basis, but the question is, what is the net result? What is the action we take? What are the specific actions we take to change the trend? If we're going to put together an action plan to really accomplish measurable things, I think maybe that is the approach other than a motherhood statement that says we want to do all these things. I'm not trying to take away from what we're doing here.

But I think if I were back in the public and not sitting at this table, I would say, gee whiz, that's nice. Those are all nice, but what have you done for me lately? What have you done for my fish lately? I'm trying to be very black and white and hard on us, Paul, because I think it is critical. This is a document that is going to represent us for the next five years.

I thought since we've had the recent change in our direction with yourself and our executive director and vice-chair, that we were heading in

that direction and we were off to a good start. But I think we ought to keep that movement going now and be more critical on ourselves as to what specific action we're going to take. If you want me to participate as a committee member in that, I would like to do it.

CHAIRMAN DIODATI: I have Doug, Leroy and Tom, and then I'm going to try to bring this back to some conclusion. Go ahead Doug.

MR. GROUT: I want to commend staff for the direction they took in simplifying this. I think it takes something that was a very wordy document, trying to get down to the nitty-gritty details, and turns this into a strategic plan. It is a broad look at the direction that we want the commission to come in.

I think it addresses many of the things that we need to address. I believe that in goal one we do state several times that we're going to be looking at socio-economic impacts in our management actions. I think we should continue to do that, but we also have to look at other things like ecosystem impacts and bycatch and discard and a whole slew of other things.

I think the external forces; the impacts to water quality that are affecting our fisheries and other things like that are addressed in the habitat session, we don't have the statutory authority to put in rules, but we can certainly try an influence improvements in habitat even from the simple thing of trying to secure funding for a fish ladder or a dam removal.

We can take action to try and improve habitat. I agree with Pat that after we get the strategic plan in place, the broad directions we're going, and then the critical thing is how we're going to do it. That will come in the action plans, and that will be driven quite frankly by the finances we have and the personnel and the resources we have.

What can we do this year to address each one of these goals? What can we do the second year to specifically address each one of these goals and try and think creatively as we can? My overall input here is I think you've done an outstanding job. I'm very pleased with it. I went over it

thoroughly. I like a lot of the strategies you came up with. There may be some additional strategy we can stick in here, but I think the staff has done a great job here. Thank you.

MR. LEROY YOUNG: I think the narrative portions of this are very well written and explain very well the issues that we're dealing with. However, I think I agree with Pat in that I don't know how we would know if we ever achieved any of the things that are listed here as strategies five years from now. There is nothing measurable really listed in any of the strategies, and I guess was probably the case in the previous strategic plan.

What specifically are we planning to do? This actually reads more like a physician description than a specific measurable plan where specific strategies are going to be taken to achieve. These goals are good, I mean they all are, but I don't know in reading this what we're actually going to do as laid out through this strategic plan.

We've been through this in my own state a number of times, and that is one of the things we've really focused on is being specific in laying out our objectives in a measurable way. Then we hold ourselves to that. Our commissioners look at that very closely to see, okay, where have you gone in the last quarter to achieve these measurable goals? That is my thoughts on this.

MR. FOTE: When Louis bought up weakfish, I started thinking about the history. One of the reasons we have the Atlantic Coast Conservation Act was because of the weakfish, because Copper from Delaware was putting the bill in. We did I think over the years almost everything right. Don't forget; we were fishing on six-inch fish. We basically eliminated every fish that was mature before we harvested.

In New Jersey we got rid of the dragger fisheries so there wouldn't be a lot of waste in that fishery; because once you raise the size limit of 13 inches, you basically eliminated a whole fishery. You also did it in the fly fishery; you did it in the shrimp fishery by putting shrimp

excluders in. There was a lot of effort and we started seeing progress.

Then it went down the tubes, and I can't explain it. I sit here and I think about – now, I think I know what the other factors are, and I think somewhere in this document we have to be honest with the public. We're not God; we can only do so much. We can basically affect how fishermen catch fish and how they basically do.

But we can't control the environment with the endocrine disrupters. Whether we're having sex problems with fish or any of those things, we have no control over it. I think we should be honest with the public. I mean that is what I'm always hoping that when I see all these environmental groups that come in here, when are they going to start dealing with the issues that are really impacting the fishery and help us in those battles with the other groups that are involved and looking at cleaning up the sewer systems and everything else that is impacting, or what's happening with Long Island stocks.

But we need to be honest with the public, because we can't give them false expectations, because we did that with weakfish. We'll rebuild this stock. I truthfully think we did everything right when it comes to weakfish. It leaves this strong hollow feeling in my heart, because I thought we went and we took all the necessary precautions and it still went down the tubes. I think we need to be honest with the public and tell them we can't do everything. We're not God.

DR. DANIEL: I want to follow up just a little bit on what Doug said. I agree 100 percent. I think this is an excellent strategic plan. I think, to get to your point, Leroy, is the implementation. That is what I was speaking to and I think what Adam was talking about and what Tom was talking about and what others were talking about.

We need to be very forethoughtful before we go out, I think. Before we go out with this, we need to have some internal realization and understanding as to how we're going to implement it, because these are the questions we're going to get or staff is going to get at these

public meetings. We need to be ready with very concrete, concise answers as to how we're going to implement this and what our measurables are.

I think we have to have that when we move forward. But I agree, I think staff did an excellent job consolidating this. I think every state could take this home and use it as a model or at least show it to their leadership to say this is essentially how we do business. I think everybody would kind of agree that it is the right way.

CHAIRMAN DIODATI: Okay, we've had a fair amount of comment on the goals and strategy. I think there seems to be a consensus that they are very well written and people are pleased with the document, the changes to it. But I'm getting the sense that folks want to see something broader or something more relative to the goals and strategies and whether it is followed by some kind of performance measures or implementation plan.

That's fine. I guess I just remind everyone that this is a five-year strategy. It is the big GPS unit that guides us down the road that you look at from time to time when you're making tough decisions. We actually have action plans that we develop on a yearly basis, and those action plans are very specific to deal with the types of performance that I think some of us are talking about.

But having said that, I guess the good news is the next discussion item has to do with timelines and when this needs to be developed. We're not held to any particular timeline. It is not going to be the end of the world if we don't approve this for public hearings. That was our intent, I thought, that we would approve this with some slight modifications to it to go to public hearing, to come back to the board with final changes at the annual meeting.

There is no reason why instead of doing that, we could develop perhaps a working group. I heard that as a strategy, to reconsider this portion of the plan, the goals and strategies, and perhaps put in those elements that you think we owe to the public, perhaps. You do want to be able to defend this document when it does go out.

If you don't feel that we've reached that point yet, then I think we're going to have to do something else, and perhaps a working group could do it. I'm seeing some people nod. Does anybody oppose a working group work over the next month or two? Rather than we call for volunteers now, why don't Bob and I talk about that with Louis. Louis, you volunteered to Chair that group.

DR. DANIEL: I was going to; I will.

CHAIRMAN DIODATI: We'll call on a subset of the commissioners here to do that. We'll put together a process so we'll report back. The working group will report back at the annual meeting. Is that good for you?

EXECUTIVE DIRECTOR BEAL: Yes. Just the only comment; delaying or not approving the document at the annual meeting puts us in a little bit of a spot with the 2014 action plan. We won't have a strategic plan to base that action plan on, but we'll cobble together the best we can, which may end up being a bit of a hybrid between the two; enough to get 2014 started and we may, depending on when this is done modify that during 2014. We may have to be a little bit more flexible in the action planning process for 2014 if we don't get this done until February of 2014.

CHAIRMAN DIODATI: Go ahead, Pat; did you want to comment to that?

MR. AUGUSTINE: To that point, Bob, if you're going to develop a five-year plan, it would seem to me if we do it on a timeline basis the most critical part is to set the next 12 months, which we start in January of next year. The focus would be on maybe – I don't know, pick a number – five items out of this action plan. Let's assume you keep most of the boilerplate the way it is, but have like five specific.

I'm going to say five specific items that you are going to put relatively heavy emphasis on during the first year of the five-year plan, with a gray area for number two, grayer for number three, grayer for number four and number five, because it is going to be a rolling five-year plan.

Even though it is five years, hopefully, you are going to be jumping into four, five, six more items during the second year that you will identify during the first 12-month period of time.

Would that not seem to logically make sense, because there is no way in hell you're going to take the whole thing and address it all in five years and do a good job with it. We can't do it. We don't have the manpower, we don't have the money, and that is where you're at from a realistic point of view. Three or five; five hot buttons or something like that that we can immediately focus on; Dr. Lou, I know you can do it.

DR. DANIEL: Well, I just wonder if what you've said and what Paul just said makes me think about maybe a slightly different option here. I don't think anybody objects to this document or doesn't feel that it is a good piece of work. I don't know why we couldn't put that up on our website and ask for comments on it and accept comments on it.

I don't think necessarily we have to go on a road show right now to get comments on what I think is Mom and apple pie, and that way that keeps staff on their trajectory for their '014 strategic plan. Then over the next couple of days, anybody that is interested in serving on my committee, we will put together the implementation plan or thoughts associated with an implementation plan that we can bring back to the annual meeting.

Then we've got buy-in on the strategic plan, but also on how we're going to implement it. I think we need varied opinions around the table on how we're going to do that implementation plan. But, Mr. Chairman, that may be something that kind of helps Bob, it kind of gets this out there. Then maybe we'll get some questions in the feedback that we can address in the workgroup to bring back to the annual meeting. That may actually benefit us if we handle it that way. I don't know if that fits in with your schedule, Bob, but that may be something to think about.

EXECUTIVE DIRECTOR BEAL: I think it does, Louis. My comment was mostly if we are in limbo between the old and new plan and

we're trying to craft '14, it is going to be tricky. But if folks think there is enough meat here for us to base the 2014 action plan or implementation plan on this document, then we're in okay shape. And like you said we can put it on our website, receive public comment and solicit that and put a press release out and let folks know it is there and those kind of things.

While I'm speaking, I think with staff we were struggling with the balance of being broad enough to capture everything that may come up in the next five years and being specific enough to put real teeth in this document to say the commission will do X, Y, and Z over the next five years. There is a lot of tension between those two approaches, the broad and the detailed.

The different pieces of this at times seem more Magnuson like and very prescriptive on what to do with the states, and then we backed off that. There were a lot of different versions of this bouncing around the office for a while. I think the commission over time, from my perspective, has struggled with that; how prescriptive should the guidance and strategic plan be for the commission versus letting the states be more fluid and have a lot more flexibility over time?

There are certain scenarios that it makes a lot of sense to have a lot of flexibility, but then there are certain scenarios where the commissioners really want to hold their feet to the fire and make some significant progress on difficult issues. I think those sorts of competing approaches to things make drafting something like this kind of tricky.

Louis, I think what you're saying is the working group may want to spend some time working on this draft, but they also want to spend a fair amount of time on year one implementation and details associated with that. Maybe part of that is some insight into the out years without including a whole lot of detail and exactly what is going to happen. But I think year one, we probably have a fairly good idea of the big issues that are going to take place in 2014.

CHAIRMAN DIODATI: How do people feel about putting this out as a working, living

document right now as it is, so that staff can use this to develop our next year's action plan, but at the same time Bob and Louis will assemble a working group to flesh it out. I see two hands; Pat and then Adam.

MR. AUGUSTINE: To that point, Mr. Chairman, it seems if we put this out, we should have a byline or a paragraph at the end of it that a more concise action plan is being developed and will follow.

CHAIRMAN DIODATI: Qualifiers will be there.

MR. AUGUSTINE: Exactly, therefore, it leads the reader to know that this just isn't it and that we are in fact going to address some very specifics within the context of that.

MR. NOWALSKY: Again I'll echo Doug's sentiments with regards to the content that is here is very good. Certainly, as the first person to have spoken in opposition to just we were going along really well until I spoke up. It certainly is an excellent document in moving us along that way.

Before we put it up there, I think one of the things that staff could probably do themselves, unless you would rather leave it to the working group, is just going through the strategies. Where a lot of the verbs here kind of maintain status quo, such as managing our state resources; we're doing that already.

Something that provides a strategy to get somewhere else, for example, in Goal 1A, increased definition of management goals would probably be a better strategy that the public would look at and be able to provide some comment on potentially how to do that. I think as you go through the document, you see a mix of areas. F is an example in Goal 1, strengthen the interactions; that is good.

That is something the public would look at and say, yes, that is what I want. Goal 2A, conduct stock assessments; we're already doing that; but to look at it and say, increase the collaborative research that goes into it; that is something I think the public could comment on

constructively. Again, whether staff goes through and does it now before putting something up there or you would prefer to leave those things to the working group, I could go either way, but I think that is one area that staff could probably make some changes on themselves.

CHAIRMAN DIODATI: I almost feel that is the working group's job, to get together and have that kind of discussion. Bob and then Roy.

EXECUTIVE DIRECTOR BEAL: One quick comment, back to Pat Augustine's comment, the notion that the action plan will be where the details are; that is actually already included on Page 5 under goals and strategies, the second sentence. It will pursue these goals through specific objectives, targets and milestones outlined in an annual action plan.

It is in there; maybe it needs to be underlined or bold or blinking lights or something, but we can try to highlight that a little bit more. But some of the details; some folks have said that the narratives under the goals are where a lot of this discussion is actually captured. It may need to be more pointed in those paragraphs, but it is in there. It is just not part of the goal. In an effort to keep the goal short, you lose some of that resolution.

CHAIRMAN DIODATI: I think that is the point of the working group, to get together with staff and be convinced that the things they're looking for are actually there. Roy.

MR. ROY MILLER: Mr. Chairman, I just make sure, and maybe I can get you or Louis to articulate what you see as the mission of this working group, because it is a little vague to me right now; whether they're going to be coming up with actions to address the strategies, which in turn address the goals or just what they're going to be doing. Could you state it for us so we understand what their mission would be? Thank you.

CHAIRMAN DIODATI: You look what you're ready.

DR. DANIEL: Well, I'll tell you what my thinking is, is that to address these comments that I've heard around the table; what are some of our ideas on how to manage the resources effectively, while taking into account socio-economic consequences? What does that mean; how do you do that? That was I think the first point that was brought up. I don't know.

Metadata, I think that was one of the things that Tom brought up. How do we start incorporating some of this metadata? How do we start providing some of that information when we provide our stock assessments, so that it doesn't look all doom and gloom must by the landings chart? How many of us have had to explain to our public constituents you can't just look at the landings. You've got to take into consideration some of these other things. As we look through these different goals and objectives, I think we need to look at exactly how we're going to implement them and be able to explain to the public what that means.

Really, it is more of a source document, perhaps, better than anything else for the strategic plan. It kind of goes through each objective and it says here is exactly what we mean by that; so that folks aren't coming back saying, well, you said you were going to take into account economics. By doing this measure, you're hurting my economics.

You can't do that now based on the strategic plan. No, I don't think that's what we mean around this table. I think we need to have a concise position on what that means, and that is what I see the working group being able to do, is building on what staff has put together as a general strategic plan, and be more detailed in how we implement it.

I see the strategic plan, the source document for the strategic plan, and those two documents together will give staff the information they need to develop the action plan consistent with the strategic plan. That is how I see it now. If folks around the table don't agree, I need to know, because I'm going to be tapping some folks on the shoulder and say, join me. If folks have a problem with that, I'll need to know so we can change that direction.

MR. MILLER: Just as a quick follow up; it sounds to me like what you're proposing, Louis, is what I believe Bob intended with the annual action plan. In other words, these are the actions we're going to take in year one of the five-year program, and these are the actions we'll take each year. Recognizing that we may not be able to meet every goal fully within the five years, but these are the priorities. Is that the type of thing that you intend for this working group to provide direction on?

DR. DANIEL: I think the working group – and go back to Leroy said, what are the measurables here – we have to come up with measurables, and that is in the action plan. I am just trying to think on the staff end. If I was staffing my Marine Fisheries Commission, what would I want to know between the strategic plan and the action plan that I'm developing? What is your intent? What do all these things mean and make sure that action plan covers the meaning of the strategic plan.

That's my feeling. I don't think this working group is going to be dictating what is in the action plan. My first question to Bob is going to be what are the big issues for '14 and what do we need to accomplish in '14? Then how are we going to do that and how do we do that and make it consistent with the strategic plan? Is that clear?

MR. LOREN W. LUSTIG: Mr. Chairman, I've been very interested to listen to the comments around the table. We just spoke about measurables. The one thing that I see that is conspicuously absent from what we're reading here is, of course, the famous date, 2015, and the phrase – I think I have it memorized – “fully recovered or well on the way to recovery”.

Now that is very understandable by the public; that phrase. They can get a good solid grip on the implications of that. I would want us to do a good job with what you just described about measurables. I've been wondering about, in my mind sort of a template. I have to turn my attention to the Chesapeake Bay and the Chesapeake Bay Foundation.

We've got a representative right here. Each year I seek out the annual report about the Chesapeake Bay. It is real easy to understand, because it is on an A to F basis. The lay person can say, look at that, submerged aquatic vegetation is doing a little bit better in the northern bay and not so well in the southern bay; that kind of thing, easily understood measurables. I really would endorse that. Of course, I would also have to put a plug in for the educational component and partnerships. I really want to see us make good progress on both of those venues also. .

MR. DENNIS ABBOTT: I will probably wish I didn't have anything to say before I'm done. I like the document, and I applaud the efforts that went into it. I am of the opinion, though, I agree with all the statements that have been made to this point that no matter what you do, you are going to end up probably with people thinking there should be more in it or less in it or whatever.

I don't think we'll satisfy everyone around the table by massaging this more and more. I don't know if we're getting separated between what should be in the action plan versus what should be in the strategic plan. This is an overview in my mind. The action plan gets down to specifics. Those specifics even in the five-year plan are going to change over that period of time.

Our five-year action plan isn't going to look like what we started with as we move along down the timeline, because things are changing. There is more emphasis lately on climate change and ecosystem habitat, and so on and so forth. I like this, and I would prefer if we just left it. I don't know what the working group is going to really do that does us a lot of good.

CHAIRMAN DIODATI: Well, I'm glad you spoke up, because I like it, too, but I think what I'm looking for is for the working group just to give us a little bit more of a comfort level before we put the final stamp on it, because I've heard enough very different opinions. It is not the same opinion that we're hearing about some of these goals or some of the strategies.

I think the working group would be productive, not to change this document very much, but just to maybe add a little clarification and a little emphasis where we want it. We certainly want it to be defensible. If we need a measure, then I think the working group will decide that and bring it back to us. Mitch, did you have your hand up earlier?

MR. FEIGENBAUM: I just wanted to say that it sounds to me like the conversation has shifted a little bit away from the substance of the document to the procedures about how to best implement the document or how to implement a strategy. It sounds to me like the working group that we're talking about is really simply going to be serving as a bridge between the commission approving this general document, which is very aspirational, and the staffs working creating the action plans.

I don't have enough experience to know just how the process works where the staff creates the action plans; but what I think I'm hearing around the table is that people would like to make sure that as the action plans are implemented, that is where we have smart, measurable, time-based goals. I don't think there is a whole lot of disagreement in the room. I kind of agree with Dennis; I don't think there is any point reviewing this document over and over again.

It is a really good vision statement and description of what this board's responsibilities are. Again, it just seems to me like most of the discussion is really addressing how do we make sure that this gets incorporated or this drives the action plans? I think the working group is a good idea, but I also agree with the proposal to put this up and let's start using it as a guiding document without having to slow down on any of the other thoughts around the table.

CHAIRMAN DIODATI: Okay, I just want to wrap this up; because if we do, then we don't have to go to timelines or consider it for approval, and I'll be ahead of schedule by 15 minutes. It seems to me that there are a number of different opinions around the table. Some of us could probably take this document just as it is. This is the vision.

It is the general roadmap that we follow. We can follow every single thing; if it is not possible, obviously we can't. But I think it does make sense for a working group to get together, again to build a comfort level that all of the commissioners need, to make sure that it is transparent and honest. We want an honest document.

As far as next steps and timelines, we agree that we will put it up on the website; that it is there to solicit comment. We're not going to advertise it or go out for public hearing yet, but we'll qualify it with this is a living draft; we're still working on it, here it is. We're willing to take comment. The working group will get together.

If a term of reference for the working group is needed, it sounds like there are still some questions about that. I'll leave that up to Bob and Louis to flesh out. I'll also leave it up to them to solicit your help on that working group. The only question – and again you can solve this later – is how that group actually meets to do its work and could we expect a report back for the annual meeting? I'm hoping that we could, so that is great.

With that, then there is no reason for us to talk more about a timeline or options for soliciting public input, and we don't have to consider approval of this document today for public comment; is that correct? Is there other business to come before this Business Session? Seeing none; we can adjourn ten minutes early. Go ahead.

EXECUTIVE DIRECTOR BEAL: This will not take your ten minutes.

CHAIRMAN DIODATI: No, that is fine, we have the time.

EXECUTIVE DIRECTOR BEAL: I think we can pull this working group together. Louis and you and I can chat about membership in the next day and then talk to folks. I think it would be great to get them on a conference call in the next week to two weeks, something fairly soon. If there are any changes to this document before we post it on the website, that group can handle that.

I think there are probably some very short-term, quick changes that can address some of the comments around the table today on content here that we can do before we post it. I think that may be closer to the final product at the end of it if folks are comfortable with that. It will only take a pretty quick turnaround. We should be set.

CHAIRMAN DIODATI: You may have said it earlier today at the start of our business session; that that isn't Joe sitting there, that is Amanda. Is Joe around?

EXECUTIVE DIRECTOR BEAL: Joe is still around.

CHAIRMAN DIODATI: I noticed, Amanda, that you don't have the earphones and you're not doing a lot. You're getting all this, right? (Laughter)

EXECUTIVE DIRECTOR BEAL: I think Joe is going to transcribe the meetings at the end of this process.

CHAIRMAN DIODATI: So he is listening; he'll be listening.

EXECUTIVE DIRECTOR BEAL: You can say hi to him if you would like.

ADJOURNMENT

CHAIRMAN DIODATI: Hey, Joe. All right, so if there is no other business to come before the Business Session, we will consider it adjourned.

(Whereupon the meeting was adjourned at 4:35 o'clock p.m., August 6, 2013.)