

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

**Crowne Plaza Hotel
Old Town, Alexandria, Virginia
February 3 and 4, 2010**

Approved May 5, 2010

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of November, 2009** by consent (Page 1).
3. **Motion on behalf of the ISFMP Policy Board that the Full Commission find the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks** (Page 8). Motion by Paul Diodati; no second. Motion carries 12 for, 0 against, no nulls and one abstention (Page 8).
4. **Motion on behalf of Shad and River Herring Management Board to adopt Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring** (Page 8). Motion by Malcolm Rhodes; no second. Motion passed (Page 8).
5. **Adjourn** by consent (Page 8).

ATTENDANCE

Board Members

George Lapointe, ME (Chair) (AA)	Eugene Kray, PA, proxy for Rep. Schroder (LA)
Terry Stockwell, ME, Administrative proxy	Loren Lustig, PA (GA)
Pat White, ME (GA)	Craig Shirey, DE, proxy for P. Emory (AA)
Douglas Grout (AA)	Roy Miller, DE (GA)
Rep. Dennis Abbott, NH (LA)	William Goldsborough, MD (GA)
Ritchie White, NH (GA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William Adler, MA (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Ben Mertens, MA, proxy for Rep. Peake (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
Bob Ballou, RI (AA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Williard Cole, NC (GA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Robert Boyles, Jr., SC (LA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Bill Orndorf, FL (GA)
Gil Ewing, NJ, proxy for Asm. Albano (LA)	Jessica McCawley, FL (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Bob Ross, NMFS
Tom Fote, NJ (GA)	A.C. Carpenter, PRFC
Leroy Young, PA, proxy for D. Austen (AA)	

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

Ex-Officio Members

Vince O'Shea
Bob Beal

Toni Kerns

Guests

Patrick Geer, GA DNR

Arnold Leo, E. Hampton, NY

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, Wednesday afternoon, February 3, 2010, and was called to order at 2:25 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good afternoon, everyone. We will go into open session in our business session portion of the agenda. I would like the record to reflect that we have just come out of a closed session for the purpose of receiving an update on litigation against the commission. No votes were taken and no action was taken in that closed session.

I would like to call the open session to order and look for any additions or corrections to the agenda as it was distributed. Seeing none, the agenda will stand adopted by consent.

APPROVAL OF PROCEEDINGS

Next is to approve the proceedings from our meeting on November 4, 2009. The meeting minutes were distributed on the Briefing CD. Any additions, corrections or deletions to those minutes? Seeing none, those minutes will stand approved as submitted.

PUBLIC COMMENT

Now is the time on the agenda where we open up the floor for public comment for those items that are not on the agenda. Is there any member of the public who would wish to address the business session of the commission at this time? Seeing none, we will roll on through and now we will turn it over to Bob Beal who is going to give us a presentation on the recently committed ASMFC Commissioner Survey.

ASMFC COMMISSIONER SURVEY RESULTS

MR. ROBERT E. BEAL: What is going around right now is an updated summary of the results of the commissioners' survey. The results were on the CD, but following the CD publication we had I think five additional commissioners respond to the survey. If you spent a lot of time studying the results on the CD, these results are pretty similar. Maybe things changed a few decimal points on the average score and there are a couple of additional written comments.

In the document that was just handed out, on Page 4 is when the open-ended discussion questions start. The new comments, just so folks know where they are, are the first four or five for each of the questions, so you don't have to look through all the bullets that are there and wonder which ones are the new responses that you may not have seen on the CD.

With that, I will quickly go through the survey. Prior to the last strategic plan that the commission put together, the contractor that we were working with sent out a survey to the commissioners. During that strategic planning process, a number of the commissioners commented that it was a productive use of time and a good way to start the discussion and gauge where the commissioners were with respect to ASMFC and the progress the commission is making.

In the 2009 Action Plan actually conducting an annual survey was identified in that action plan for the first time. The purpose of this is to measure the progress toward the commission's goal and how the commissioners feel they are moving forward on the achieving the goals of the commission.

As we go through this, one of the ideas that we will ask at the end is, is this the right survey to conduct on an annual basis to gauge the trends that the commissioners want to get a sense of or should we change some of the questions or change the content of the survey, so keep that in mind as I run through the survey itself.

Of the 45 commissioners, there were 38 commissioners that responded, so we had a pretty good response rate. There are only 43 potential responses. There is one vacancy and one very new commissioner who commented that he wasn't in a position to fill out the survey since he had not attended a meeting. We really only missed five commissioners, which is a pretty good response rate for this type of survey.

The general survey design, there were five topics that were discussed, and those five topics were divided into twenty questions. They ranged from a score of one to five, one being the lowest or least supportive, least confident, least satisfied; or to five, which is very confident and very satisfied with the progress and status of that. Then there were five open-ended questions.

As a summary by topic, the overall vision and goals of the commission averaged a 4.14, so that was a relative high score. The commissioners felt pretty good about that. The commission's plan to carry out

the vision scored a little bit lower, 4.01. The lowest average in the survey for the topic was the commission's execution and results. That only scored a 3.31, so we will talk about that.

The fourth topic, measuring the commission's progress and results, the average there was 3.78. The final one was utilization of resources, this one, again, scored relatively high, 4.13. In talking with Robert and figuring out what the way to move forward with this is and what the commissioners should focus on, the next few slide focus on the lowest scores within each of the categories.

Generally, anything that ranked below a four I will note here. That seems to be kind of a break point of where the commissioners seemed very satisfied versus had some concern. The highest score for the entire survey was how supportive are you of the commission's vision? It seemed that a lot of the commissioners are very supportive of the commission's vision, and this scored the highest out of all the questions.

In the first topic there was only one question that received a score of below four, which is how confident are you that the commissioners are in agreement with the commission's goals. This is a 3.76. There seems to be some concern that the commissioners aren't exactly all moving in the same direction with the respect to the goals.

Under the second topic, the plan to carry out the vision, one of the two questions scored below four, and this is does the commission have a clear plan to achieve its vision. That only scored a 3.8, so there is some concern apparently by the commissions that there is not a clear plan to implement and achieve the vision of the commission.

The next category was the execution and results. As I mentioned at the first couple of slides, this was the category that scored the lowest out of all the topics. The question of how confident are you that the commission will achieve its vision, that only got a 3.08, so there seems to be a fair amount of concern there.

The question of confident are you that the commission's actions reflect progress toward the vision scored just below a four. How satisfied are you with the cooperation between the commissioners to achieve the vision, that got a 3.39, so there appears to be some concern that all the commissioners may not be moving in the same direction to achieve the goals.

The one that scored the lowest throughout the entire survey was gauging the commissioners' level of satisfaction with the cooperation with the federal partners. I guess this can be looked at a couple different ways, that ASMFC isn't cooperating well with the federal partners or the federal partners aren't cooperating well with ASMFC or a combination of both. That one did score the lowest out of all the questions and all the things that were surveyed.

The next question dealt with how the commission is doing with its working relationship with the constituents. That scored relatively low, 3.32. There is room to improve there. The final one was how satisfied are you with the commission's efforts and success in securing adequate fiscal resources; that one scored relatively low, so there is obviously concern about funding.

Measuring progress and results, a number of those did also score below the four threshold. The first was with regard to the metrics to measure the commission's progress; do we have the right metrics in place, and that gets a little bit below a four, 3.79. How supportive are of the metrics used by the commission, 3.87.

How satisfied are you with the commission's efforts to describe progress to the public and stakeholders, 3.58, so that is a relatively low number as well. Then the final one was how satisfied are you with the commission's efforts to describe progress to state legislatures and the congress; that got a 3.4.

Under the final topic, there was the utilization of resources. Only one of these scored below the number four threshold, and this is how comfortable are with the commission's performance in reacting to new information and adapting accordingly, so there is some concern about the commission's ability or track record in responding to new information.

As far as the open-ended questions go, as you can see there is a big range of responses. A few common themes did come up in some of the questions – what is the single most significant problem the commission could and should solve? Coordination with federal partners; funding at both the state level and commission; better data and better public buy-in were themes that came up through a number of responders.

The second open-ended question, what is the single most important change the commission could make to improve results – some of the themes; better data and assessments; coordination with NMFS; and consistency in decisions. What is the single biggest obstacle to the success of the commission; funding;

public and political support; and decisions based on politics versus science. That came up in a number of – you know, seemed to be the three common themes throughout the responses by the commissioners.

The question on is the commission using the appropriate metrics; and we're not, what would be a better set of metrics? Generally, the responders said, yes, the commission is using an appropriate set of metrics to measure progress. There were some comments that we should increase the economic and ecosystem metrics and evaluate how we're doing with respect to generating income for fisheries as well as moving toward ecosystem management.

Then the final question was an open-ended question which is what other comments do you have: The ASMFC is generally doing a good job came up; improvements are possible, The last bullet up here is really important, which is that they have a great staff, so we all agree with that one, obviously. I think the next steps are probably where to kick off the discussion, Robert, how does the commission want to react to the survey findings.

As I said, I quickly highlighted the number of responses that were below a threshold of four. Is this survey correct for collecting the appropriate information? Again, the idea is to continue conducting this survey on an annual basis, probably at the end of the calendar year. Then we can hopefully be able to measure trends in these survey answers, and next year I'll be able to present how these scores compare to the next year, and hopefully we will see progress in the low scores. That's a very quick summary of the survey.

CHAIRMAN BOYLES: Bob, thank you for that summary. There is a lot to say grace over here with this one. Questions for Bob on the survey? Where do we go from here? Is this a good vehicle? As you recall, we committed to this annual gut-check, as it were, on how we were doing, progress to date. Where do we go from here? George.

MR. GEORGE D. LAPOINTE: I'll start by saying I'm not a big fan of surveys, although I will note that I was the first guy to fill it out. If I hadn't been the first guy, I would have been the last guy because I would have forgotten it. It was one of those times I had some time and I filled it out, but that is irrelevant. I struggled a little bit.

If you look on the first page at question number one, how supportive do you feel the commissioners are of the commission's vision, the score is 4.13. Then if you go down to number four, how confident are you

and the commissioners in agreement with the goals, it 3.76. It's kind of like, well, I'm a good commissioner and the other commissioners aren't quite as good, they understand my special brand of circumstance.

I'm glad we did it, but how we tease it apart to improve towards the goals and visions is something that we may have staff talk to some survey people about. Again, I think it is a great start but how we get better traction I think is something we need to look at.

MR. G. RITCHIE WHITE: I agree with George. I mean, there are some difficult questions or difficult to analyze and use some of these answers. What I do like about it, though, is that I think it sets a baseline for it; and if we keep doing this, then we're going to see if something pops us. If it is something that we have been getting fours on for a few years and all of a sudden we're 2.5, then, whoa, we've got to pay attention to that. I like the concept. It didn't take us long and it is a pretty easy thing to do. I would suggest that we continue to do it and we try to keep it somewhat the same so that we can go back and look and see how we were answering these things in the past.

MR. LAPOINTE: The other things that I think about under execution, which is I think where we got our lowest scores, wasn't it, we're all frustrated by the pace of our process at some time, and it will be interesting to look over history, if we can, if we started an addendum in 1996 or 1998, when the Atlantic Coastal Act was newer, to look at the time from the definition of the problem to completion of the addendum and look now to see if in fact – you know, to see if we could tease apart if we're going slower and if we can identify some of those reasons.

Again, that is my perception, that there are times when we dodge to another meeting – and, I mean, I have been one of the dodgers at times. This is meant as self-criticism as well. That would be interesting to look at so that in fact it would help us reflect as we're taking actions to try to execute better.

MR. DOUGLAS GROUT: I used a different breaking point than Bob did here because I looked at anything that was even close to a four as very supportive, that we were doing a pretty good job as best we could. The things that popped up as red flags to me were the things that were the lowest, the one score that was below three, cooperation with federal partners, and I think that is something that it would be worthwhile trying to get a little bit more information, have the commission and with our

federal partners have some kind of discussion about this.

This may be a product of having some of the issues we have addressed before and trying to deal with different quotas between the feds and ourselves and the incompatibility with state management and federal management. That may be the root cause of this, the sore in this whole thing that may have dragged this down. There may be other things.

The other thing that I saw in that that was kind of the high and the low that really stuck out at me was – you know, our second lowest score was how confident are you that the commission will achieve its vision, which was only a three, our second lowest score. Yet the very next question says how confident are you that the commission’s actions reflect progress towards that vision; it was nearly a four. There is a feeling here on the part of the commissioners, as I see it, that our actions are moving us towards our vision, but that we may not ever achieve our vision.

REPRESENTATIVE DENNIS ABBOTT: Obviously, the standout was are you satisfied that the commission has an appropriate level of cooperation with federal partners? I think that needs some fleshing out. When we talk about – what are we really saying when we don’t get the level of cooperation?

Are the commissioners indicating that we’re getting results or we’re not having things done in the appropriate amount of time or are we not having participation? Are we lacking responsiveness from the federal partners? That is something that, as Doug said, we really need to look at that and to describe that problem much more than we have. I know that Bill Adler feels that the federal partners are always helping us a lot. Again, I think that is probably one are that we have to look at much more carefully.

DR. EUGENE KRAY: To follow up on Dennis’ comments, I think part of the problem is still the feeling among the commissioners that the federal people are still trying to jam stuff down our throats. We are separate entities and yet, on the other hand, we have joint plans. There is this civil war going on, so to speak.

I think there is that feeling, and that’s why some of the people have put the grade down below because we don’t have that confidence, I guess is the way I would put it, with our federal partners; and, again, the concept of Big Brother is talking to us and handling us.

MR. PAUL DIODATI: Just along on those lines, I think it is important that we define what that discomfort level is with our federal partners, because the representatives that are sent here to represent both the Fish and Wildlife Service and the National Marine Fisheries Service are excellent working partners of ours and I think our relationship can’t be better.

They’re great people and I enjoy working with them, and so I think we need really characterize what the real problem is. I’m not sure how we do that, whether it is in a separate session or whatever. As for the survey itself, I might agree with George that surveys don’t quite do it for me.

I think we tend to continue to repeat what we all have heard so many times in the past that we need better data and we don’t have enough money and the feds are awful, and so the results could be predetermined based on past experience. Nevertheless, we have to measure performance, I understand that, and I think this is a great attempt to do that, but maybe there is another opportunity out there, and I don’t know what that is.

EXECUTIVE DIRECTOR JOHN V. O’SHEA: Two things, Mr. Chairman. One, in working with the leadership to develop this survey, we proposed that the intent of it was not necessarily to get at specific problems, but rather acknowledged up front that we would be better served by asking a limited number of questions and try to give the leadership and the other commissioners a tool to say here is an area that may need some more attention, the first step being dig into it a bit more.

That was the philosophy going into this, and I think a legitimate question is, is that useful to you all. Then a very sort of trivial question, just a minor thing, that would be helpful for us is sort of confirmation that we picked the right scale for you all. Does zero to five give you the granularity that you need or would you have been better served with a zero to ten thing, realizing you could double it. I think the first year of this thing is the time to ask that question because it is a lot easier and better to change that scaling if you want to do it now rather than three years into this.

MR. JAMES GILMORE: Just an observation, I think when I got it I was more on the latter part of what George did. I didn’t do it right away; I waited. I was on the third reminder before I got to it, and then I focused in on it would just take a few minutes. Well, that is all I did, I took a few minutes. I think we’re dissecting it a little bit too much, Doug, if you start looking at contradictory statements because I

went through the thing so fast; and when I submitted it, I actually sat back and I said I should have taken probably an hour to go through this thing and maybe think about it a little bit more.

I'm hoping I was the exception to the rule, but if I wasn't, that may be some of those contradictions that might be occurring in there. Again, it was funny, later on that night when I thought about it, a couple of questions popped up and I would have answered them very differently if I had thought about them more. Hopefully, as we go into the couple of years, I personally will take more time in it, and maybe there will be a little bit more predictive.

CHAIRMAN BOYLES: I liked it when the teacher let me take the test over, I agree. That is a good suggestion, Jim. Tom.

MR. THOMAS FOTE: Vince, I think the one to ten is better. The one to four really doesn't tease it out – one to five still doesn't really tease out. When you at least go one to ten, there is a 75, there is 60 percent and where do you feel with that. I mean, I've designed a lot of surveys over the years. My educational background was in advertising and marketing and surveys.

You're to pull out as much data as you can and trying to differentiate as much as you can. You know, it is how big a scale do you make, but zero to ten gives you a good idea because you say, well, 75 percent or 50 percent, and my recommendation would be to do zero to ten.

REPRESENTATIVE ABBOTT: On another particular question, on measuring the commission's progress and results, I was extremely disappointed with the answers to number five or the numbers related to number five, which was how satisfied are you with the commission's efforts to describe progress to state legislators and members of congress.

Facetiously, we all have a state legislator here, so I would think that the answer to that question might have been a bit different if it was two questions as far as progress to the state legislators versus progress to the federal congress. I just think that answer would be different because if we're not communicating with our state legislators we're really failing as a 45-member commission.

MR. BEN MARTENS: I understand that this is first year that we have done this. I think that even though this is one of the first years we have done this and I think expanding it to a ten-point system makes a lot of sense, I think that we spend a lot of time talking

about some of the answers but not necessarily why we got those answers.

Moving forward it might be good to – I know it adds a bit of work, but doing some open answers in association with the numbered questions. You know, how confident are you that the commissioners are in agreement with the commission's goals, why did you pick that answer, just so that we can start to tease out a little bit more information as to why people are weighing in where they're weighing in on these questions.

DR. KRAY: In thinking about the federal partners' question again, one way to get more specific about that would be – and Paul gave me the idea on this – that you might want to list that into sub-headings; you know, is it the councils, is it the U.S. Fish and Wildlife Service, is it the National Marine Fisheries Service as a separate entity. You can even break the councils down into the South Atlantic, Mid-Atlantic and New England. That would give you a little bit more information, I think, than we're getting now in this broad brush approach that we're taking.

MR. GROUT: A couple of comments on how to move forward with this survey in the future. First of all, in response to Jim's comment, maybe we could put up at the head of the survey that this survey should take about half an hour or 45 minutes to complete, something like that. I have seen surveys like that that give you an idea of how long, so then you can sort of budget your time. It may or may not help.

The other thing I'd say – and I guess I might end up being in the minority here, but I like the grocer scale right now of zero to five because after we get a general concept of what things we're doing right and what things we may need to work on, then I think we need to go down into detail and maybe get into a finer scale or somehow investigate it a little bit more finely.

Then the final comment I have is I hope people didn't think that I felt one and two were in conflict with each other. I just thought it was interesting that people thought that we could make progress towards our vision; and I thought that was very good, that they felt we could make progress. They just were probably a little bit less comfortable as to whether we were going to achieve and probably the timeframe that we've set. I thought it was great that they thought we were moving forward with progress towards our goals.

MR. LOREN W. LUSTIG: We've heard in the last few minutes several comments like how we tease out or flesh out or how did we get those answers. I respect those comments and I think the answers may be hidden like nuggets in the script of the discussion responses. The staff may want to take a look at some of that discussion material and just ponder that a little bit and look for some of those nuggets of truth that are worthy of our attention.

CHAIRMAN BOYLES: Good comment, Loren. Malcolm.

DR. MALCOLM RHODES: I have thinking long and hard about Doug's comments on those two questions, and I think it is probably great that we have a dichotomy between those answers because it means we're paying attention to what we're doing. We realize that we can do actions. We could give ourselves a five that our actions are reflecting progress towards the vision, but then many variables are beyond our control, whether they're the unknown mortalities, and that is going to be that dichotomy between achieving the goals in spite of our best efforts. I kind of see that as the commissioners were thinking about what they answered where you get that difference.

MR. FOTE: I was sitting here and thinking about it. It would have been interesting to basically look at our sign-in sheets and pick out people that are continually at our meetings and basically use them as a blind sample to basically go and give them the survey and see whether their results would have matched up to ours.

I know that might be surprising to us, but it would be a good barometer of how we think about ourselves and how the people that sit around table – and I'm using the sign-up sheets because those are the people that are here all the time and are basically participating and it wouldn't have been maybe a bad idea to take a sample of that and just see how it would be compared to what we thought about ourselves.

CHAIRMAN BOYLES: Good point. Of course, for those of you who have just joined us, another barometer perhaps might be the number of lawsuits in which we are engaged. I don't mean that tongue in cheek, Tom, it is a good suggestion. Other comments? George.

MR. LAPOINTE: I actually started with the same thought Tom had and I talked myself out of it. I think that we need to – if we survey other groups, we have to think long and hard about how to do that

right, so we don't get rabid groupies or firebrands responding in a disproportionate way that would give us results that might be fun to read but may not be reflective of what is out there. That may be a step we take, but it has got to be a step that has got to be well thought out.

EXECUTIVE DIRECTOR O'SHEA: With regard to the timing on this thing, it was a very deliberate decision on our part. Recall that we had committed in the Action Plan to conduct this in 2009, and we purposefully felt that it would be appropriate to send that out to you all at the end of 2009 to reflect back on the full year.

Unfortunately, with that timing, I think initially it came out during the Christmas vacation period and other things, and it may have come across as an after thought that, oh, we've got to quick-jam this in before the February meeting. We're assuming that the right timing on this is sort of at the end of the year and the place to present this to commissioners is at your first meeting of the calendar year, which would be in February.

MR. GIL EWING: To answer the question, no, I'm not looking for a job on the staff, and, yes, I am lazy, but I think that this survey was done very well. One to five is sufficient. It gave you a chance to answer some questions by number, and then it gave you the opportunity to write in something in response to a question.

Then it gave you the opportunity to make additional comments, which would have covered any of the things that have been discussed here today. You make it a lot longer, you have less participation, and you get answers that are not what you're really looking for. You're getting an answer that is not thought out. I thought the survey was done very well, and there are the reasons I thought that. Thank you very much.

MR. ROY MILLER: Far be it from me to suggest additional work, but if you wanted to drill down the results of this survey to extract more perhaps useful information from it, you could have a follow-up survey that concentrated on the relatively low scores. Now Bob arbitrarily used the level of four to indicate a break between satisfaction and perhaps room for improvement. You could choose some other arbitrary level, 3.75 or 3.5 or whatever and specifically ask the same survey respondents how would they improve that particular question to raise that score in the future.

DR. LANCE STEWART: This is slightly different, but one of the things I think the survey doesn't reflect is the nature or the structure of this commission in its geographical ranges and essentially the ecosystem differences we all have to handle. I don't know how you would structure the question, but to address the spread of the resources across New England, Mid-Atlantic and the southern, and how satisfied the commissioners are that they're handling that migratory interdispersion of resources; you know, some question to draw out the fact that we have such a different spread and what the successes are integrating our cooperation between ecosystems, some sort of a fisheries base.

MR. JOHN DUREN: I think the survey was good. I'm really glad we did it. I think it is quite instructive to us, and I'm glad we're going to keep using it in the future. To me some of the issues are relatively much more important than others. Some of them relate to what we're doing and what results we're achieving.

To me those are the premier issues rather than the how we do our work things, which are of lesser importance. If we try to do some more in-depth study of this, I think we should try to weight the importance of the issues as well as what our scores were on each one. To me one of the most instructive things is the first question at the top Page 2, which is how confident are you that the commission will achieve its vision, and that was one of our lowest scores, 3.08.

We talked about this at length when we were preparing our strategic plan. To me that is just the ultra-critical question for us to all face up to. To my friend Dennis Abbott's comment about communicating our successes to the legislators and the congress, well, if we aren't confident we're achieving our vision, we aren't very good at communicating, and I think those two things go pretty much hand in hand. Those are my comments, thank you.

CHAIRMAN BOYLES: What I'm sensing from everyone is we should do this again. This should be a regular occurrence. One thing that Roy suggested was a drill-down, a followup. If I look at this out of 20 questions – and I think, Bob, the five-point scale that was used, if you look at just the staff analysis of everything below a four, we've got some work to do in 13 area. That is a pretty significant gut-check.

I would encourage us all, as we leave here today and as we leave this meeting and go back to our homes and get prepped for the May meeting and the work that is unfolding before us, that we own the issues

that have been identified here. One thing we could do is a follow-up survey, as Roy Miller suggests – and I think that has got some merit – I would like to see some affirmation or some head-nodding, no, we don't need to waste our time, but let's pick some of these areas and drill down and see figure out and see what we could tease out what the issues are. Then we could I think just own these issues. I think each one of us has to own this. George.

MR. LAPOINTE: If you do that, Mr. Chairman, if we do that – and I think it is an okay idea – under question of the drill down should be, if I score something low, what are problems you're identifying, and, importantly, what steps do you think need to be taken to correct them, because I think that would interesting to see.

EXECUTIVE DIRECTOR O'SHEA: As one point I was thinking why don't you guys just grab the five lowest one and commit to focusing on them because somebody else had mentioned if we take the 15 lowest ones, or whatever was below four, that is a pretty wide one, but I think the interim step would be for us to just simply send another out that said these were below the four that came out, give us some ideas – if you could do one thing in this area, what would it be?

Then we could bring that back to you in May and then you would still have the option of deciding, but rather than arbitrarily say you're only going to take the bottom five, it may be more important – some of the higher scoring ones may be more important to address.

CHAIRMAN BOYLES: I think that is a good suggestion. I see agreement around the table that let's drill down with all of these issues. Any other comments? Okay, good discussion, I really appreciate this. Is there any other business to come before the business session at this time? We will have to reconvene tomorrow.

If I may take the Chair's prerogative, I would like to share some information that we recess in memory of Commissioner John Frampton's granddaughter, Avery Lynn Frampton, who just passed away about an hour ago. John, of course, is at home taking care of family. We will recess in honor and memory of Avery Lynn Frampton and reconvene tomorrow.

(Whereupon, the meeting was recessed at 3:05 o'clock p.m., February 3, 2010.)

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FEBRUARY 4, 2010

THURSDAY AFTERNOON SESSION

The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, Thursday afternoon, February 4, 2010, and was called to order at 2:00 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN BOYLES: I would like to call to order the meeting of the Atlantic States Marine Fisheries Commission Business Session.

APPROVAL OF AGENDA

We have two agenda items. The two agenda items are a non-compliance finding as well as a fishery management plan approval. Anybody else have any further business? All right, seeing none, that agenda will stand approved by consent.

PUBLIC COMMENT

Any public comment at this time? Seeing none, we will move right into the first order of business which is a non-compliance finding. Mr. Vice-Chairman.

NON-COMPLIANCE FINDING

MR. DIODATI: **The motion is on the board. On behalf of the ISFMP Policy Board, I move that the Full Commission find the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks.** New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance, the state of New Jersey must implement all measures contained in the Interstate FMP for Coastal Sharks.

CHAIRMAN BOYLES: That motion was made on behalf of the ISFMP Policy Board. Is there any discussion on this motion? All those in favor of the motion signify by raising your right hand; opposed

same sign; null votes; abstentions. **That motion carries 12 for, 0 against, no nulls and one abstention.** Bob.

MR. BEAL: With respect to the timing of sending the letter to the Secretaries of Commerce and the Interior, the practice of the commission has generally been to send those letters out as quickly as possible. The executive director does have up to ten business days to send those letters off. Unless there is objection, we will probably send those letters as quickly as we can get them together.

CHAIRMAN BOYLES: That sounds reasonable. Are we in acquiescence there from around the table? Okay, thank you. One other item, Dr. Rhodes.

DR. RHODES: **On behalf of Shad and River Herring Management Board, I would move to adopt Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring.**

CHAIRMAN BOYLES: All right, that motion is made on behalf of the Shad and River Herring Management Board. It does require a second. Any discussion on the motion? All those in favor of the motion signify by raising your right hand; opposed same sign; null votes; abstentions. **The motion carries 12 votes for, zero against, zero nulls and zero abstentions.**

ADJOURNMENT

Any other business to come before the business session at this time. Seeing none, we will stand adjourned and we will see you in May.

(Whereupon, the meeting was adjourned at 2:05 o'clock p.m., February 4, 2010.)