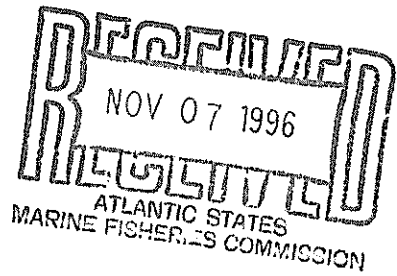


P R O C E E D I N G S
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
55TH ANNUAL MEETING
BUSINESS MEETING

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

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



UNVERIFIED

	<u>PAGE</u>
McKinney	8
Alice and Don Strohmeier	16
Van de Meur	17

- - -

TABLE OF CONTENTS

Call to Order, Chairman Gordon C. Colvin.....	1
Recognitions.....	2
Executive Director's Report.....	3
ISFMP Policy Board Report.....	10
Executive Committee Report.....	11
Resolutions Committee Report.....	12
Nominating Committee Report.....	18
Adjournment.....	21

- - -

INDEX OF MOTIONS

<u>MOTION</u>	<u>PAGE</u>	<u>ACTION</u>	<u>PAGE</u>
Adopt Fishery Management Plan for) Black Sea Bass)	10	Carried	11
Adopt revisions to Commission's) Rules and Regulations, etc.)	12	Carried	12
Adopt resolutions:)			
Re Mr. Markland)	14	Carried	14
Re appreciation to Massachusetts)	17	Carried	17

- - -

ATLANTIC STATES MARINE FISHERIES COMMISSION

55TH ANNUAL MEETING

Tara Hyannis Hotel & Resort Hyannis, Massachusetts

October 20-24, 1996

BUSINESS MEETING

October 24, 1996

- - -

The Business Meeting of the 55th Annual Meeting of the Atlantic States Marine Fisheries Commission convened in the Bass River Room of the Tara Hyannis Hotel & Resort, Hyannis, Massachusetts, Thursday afternoon, October 24, 1996, and was called to order at 3:05 o'clock p.m. by Chairman Gordon C. Colvin.

CHAIRMAN GORDON C. COLVIN: At this time, I'd like to call to order the Business Meeting, the Business Session of the 55th Annual Meeting of the Atlantic States Marine Fisheries Commission.

I will recognize Jack Dunnigan to call the roll.

(Whereupon, the roll call was taken by Executive Director John H. Dunnigan.)

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Mr.

Chairman, 14 of the 15 state delegations to the Atlantic States Marine Fisheries Commission are here today, and you have a quorum.

CHAIRMAN COLVIN: Thank you.

At this time, we will recognize new commissioners. There are no new administrative commissioners to the Commission this year. There are several new governors' appointees. As Mr. Dunnigan just mentioned, very, very recently we have had one new legislative appointee, Tony Verga, who is rejoining us, and I'm sure we're all glad to have Tony back among us as the legislative member from the Commonwealth of Massachusetts. Did I get that right, Phil?

MR. PHILIP G. COATES: Excellent.

CHAIRMAN COLVIN: On the border of two great ecosystems.,

MR. COATES: Exactly.

CHAIRMAN COLVIN: Let me recognize at this time among our new governors' appointees Mr. William Adler, governor's appointee from Massachusetts, who'll replace Tony who had previously held that position. Welcome.

And John Connell, governors' appointee from New Jersey, replacing Tom Fote; and Damon Tatem replacing Bob Lucas from North Carolina; and Stan Blum, who, as we've heard today, is ailing, replacing Micky Neuberger from Florida. Thank you.

At this point, I would ask if there is any comment from the public or members of the audience to come to the attention of the full Commission?

Seeing none, let me recognize Jack Dunnigan for the report of the executive director.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you very much, Mr. Chairman. We've talked about a lot of things over the last couple of days, and I'm not going to go over anything that we've hit already. But there are just a couple of points that I want to bring to the Commission's attention.

First of all, there was a long discussion at the spring meeting about the funding of the Commission's affairs and its overall fiscal status. I think what's important to note is that at the time, one of the options that we had for addressing that was to try to find additional to support our programs.

And we've made a number of successful things happen over the last couple of months. For example, the funding that is being provided to the Commission under a grant to deal with protected species was doubled from what it was last year.

The National Marine Fisheries Service provided us with some extra funding to handle a staff personnel matter involved with the reassignment of Dr. Desfosse to the Fisheries Management staff, and also in that there were extra dollars available for travel to support the work of our various boards and committees.

And then most significantly, I think, the Congress appropriated significant new dollars, \$900,000, to supplement the activities of the Commission and the states under the Atlantic Coastal Fisheries Cooperative Management Act.

I don't think that any of this means that the Commission, from a fiscal standpoint is out of the woods or rich. There are still many more demands for the activities of ASMFC than we're in a position to be able to fund today. We need to continue to be diligent.

However, we're in a better position than

we were when this was considered by the commissioners last spring, so I wanted to make sure that I brought that to your attention. We will have to continue to use methods like this to try to support the fiscal support for the Atlantic States Marine Fisheries Commission, and certainly will continue to do so.

I want to say something about litigation that I think is important for all of the commissioners to deal with. We've been involved in a couple of lawsuits this year, including the North Carolina Fisheries Association versus Brown litigation early in the year, and now the Georgia Fishermen's Association against Georgia DNR litigation.

But in addition to that, we have had a number of potential legal issues raised in connection with some of our fishery management planning activities. And I have to report to you today that I find myself more and more thinking like I was a lawyer again, and I'm not sure that I really like having been put in that position, but I think it's necessary to do, and I think it's important to recognize that that seems to be becoming more and more a fact of life for your agencies and for

the Commission as a whole.

I think we need to be very sensitive now and increasingly so, to the requirements to make sure that from a procedural standpoint we don't find our actions subject to challenge, and that from a substantive standpoint we are giving our full consideration to the standards that we have adopted and are establishing records that will support the reasonableness of the decisions that the Commission makes.

I guess I don't practice law these days, but that's still good, sound legal advice, and it's good, sound policy advice to bring to you. I think the litigation implications of what we do are going to become more significant to us in the next couple of years.

I would like to say that one of the major achievements that I think the Commission has made in the last year is to improve across the board the level of cooperation that we have been able to develop, not only within the Commission and its boards, but among the states that participate in this fine organization and with our federal partners in the federal agencies and the regional fishery management councils.

Chairman Colvin made it a hallmark of the direction that he gave me over the last two years to emphasize this as an important matter, and he has challenged you a number of times to think about the whole and keeping our program together, and maintaining our mutual commitment to each other. I think that's an important message for the commissioners to take home, to continue to keep close to heart.

I frankly think that we've done a very, very good job of that in the last year. I've certainly seen the results of that in the workings that we have at the staff level with the regional fishery management councils and in the productivity that we're seeing within our own fisheries management program, and certainly within all of the success that we've had in moving forward with the Statistics Program.

So I think that's an element of our program that going well, and we should continue to try to make sure it goes well.

I'm also glad to see and I think the Commission's been well served by the greater coordination among law enforcement programs. That's an important part

of what we need to do. The chairman mentioned it yesterday. We have the law enforcement people more and more integrated into what we are doing. And as we see greater problems and issues among states with fish being moved as much on the highways as they are on vessels, it becomes even more significant to do that.

The National Marine Fisheries Service has been no small part of what has been the improvement in this area. There is a new wave of optimism and enthusiasm in the National Marine Fisheries Service Law Enforcement Program. The new leadership there, Dave, Dave McKinney in Washington, D. C., is absolutely committed to working with the states.

He has reversed their policy on whether they would up-front fund cooperative agreements with states by 180 degrees. They are aggressively pursuing these items. They are doing so in both regions on the Atlantic Coast. They have a ways to go, but they've made some very significant starts. States are beginning to see the benefit of that, and I think that kind of law enforcement cooperation with this new attitude that we have at the National Marine Fisheries Service should be

very, very welcome.

My last comment, Mr. Chairman, is once again to bring to your attention and single out the enormous good work that is done for you every day by your staff at the Atlantic States Marine Fisheries Commission. I continue, as I get older and you start looking back at what you've been doing throughout your career and think of all the fine people that I've had an opportunity to work with, I just continue to be impressed by the capabilities and the commitment of the people that we have working for us at ASMFC.

I can tell you that they work very hard. I hear back from you, and I pass those along. I can tell you that I appreciate hearing that from you, and I know that your staff does, too. We are your staff, and we do want to be of service. Always let us know what we can do for you. As always, it is a privilege to work for you. And we will continue to try to maintain the very high level of service that we've given you in the past.

Thank you very much, Mr. Chairman.

CHAIRMAN COLVIN: Thank you, Jack. And again, thanks to you and all the staff for the work that

you have done over the last year and all the years before that.

Are there questions of Jack on the report of the executive director?

Okay. The next item is the report of the ISFMP Policy Board. I will keep this report very brief. The Board met this morning and discussed a variety of matters. For the sake of time, I will respond to any questions that members of the Commission may have at this time, and I will be reporting to you on the one action item that comes before the Commission at this time, and that is with respect to the adoption of the Fishery Management Plan for Black Sea Bass.

The Black Sea Bass Management Plan, having been jointly developed by the Mid-Atlantic Fishery Management Council and the Commission's Summer Flounder, Scup and Black Sea Bass Management Board, having been approved by that board some months ago and recommended to you today by the ISFMP Policy Board, on behalf of that Board, it is my privilege to move that the Commission adopt the Fishery Management Plan for Black Sea Bass.

That motion placed before you on behalf of

the Policy Board is now before the Commission for action. Is there discussion or question with respect to the motion? Seeing none, we'll take the question. This will be a roll call vote by state. Mr. Dunnigan.

(Whereupon, Executive Director Dunnigan took a roll call vote.)

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, there are 13 votes in the affirmative and none in the negative.

CHAIRMAN COLVIN: The motion carries. The fishery management plan is adopted.

Are there any other questions or observations with respect to the ISFMP Policy Board report?

Let us then proceed to the report of the Executive Committee. Again, the chairman will report briefly that Committee having adjourned about ten minutes ago, we will not burden the record with a recitation of the things that took place there. Questions will be in order if there's a desire to do so.

There is again a single action item before the Commission as a result of the Executive Committee

work, and I will, on behalf of the Executive Committee, move that the Commission adopt the revisions to the Commission's Rules and Regulations as reviewed and approved by the Executive Committee at today's meeting. That motion is now before the Commission for action. Is there discussion on the motion?

Seeing none, the director will call the question.

(Whereupon, Executive Director Dunnigan took a roll call vote.)

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, there are 13 votes in the affirmative and none in the negative.

CHAIRMAN COLVIN: The motion carries. The revised Rules and Regulations are adopted.

Are there any questions or observations with respect to the activities of the Executive Committee to come before the Commission at this time?

Seeing none, we will proceed to the report of the Resolutions Committee, Ms. Shipman.

MS. SUSAN SHIPMAN: Thank you, Mr. Chairman. The Resolutions Committee was comprised of

myself, Commissioner Goldsborough and Commissioner Douglass. We have two resolutions to bring before you. I don't know whether these require suspension of the rules. Both are pro forma. Okay. We don't have to do it for this either. Okay.

The first one is a resolution that we bring to you as a result of the Law Enforcement Committee and the Commonwealth of Virginia, and it is a resolution in recognition of Robert J. Markland. I'd like to read it to you.

WHEREAS, Robert J. Markland of the Commonwealth of Virginia has devoted 30 years of distinguished service to law enforcement, including 18 years as chief of the Law Enforcement Division of the Virginia Marine Resources Commission; and

WHEREAS, Robert J. Markland chaired the Commission's Law Enforcement Committee from 1991 to 1992; and

WHEREAS, Robert J. Markland was very instrumental in acquiring full police powers for Virginia Marine Patrol officers, which in turn was essential to the conservation of Atlantic coastal

striped bass resources; and

WHEREAS, his ardent skill for compromise and negotiation extorted NMFS fiscal resources to assure the attendance by the state's law enforcement officers at Commission Law Enforcement Committee meetings and foster the productivity of a fledgling Law Enforcement Committee;

NOW, THEREFORE, BE IT RESOLVED that the Atlantic States Marine Fisheries Commission hereby recognizes and expresses our sincere appreciation to Robert J. Markland on this occasion of his retirement for his outstanding contribution to coordinating conservation, management and enforcement of Atlantic Coast marine fishery resources.

And on behalf of the committee, I would move that for adoption by the Commission.

CHAIRMAN COLVIN: Thank you. The resolution is before the Commission. We will take a voice vote on approval of the resolution. All in favor, please signify by saying Aye; opposed, same sign. Motion carries. The resolution is adopted.

MS. SHIPMAN: Thank you. And our second and final resolution is our perennial resolution in appreciation to the host state for the Annual Meeting, and I would like to read this into the record and ask for consideration of Resolution 96-2, in appreciation for the host, Commonwealth of Massachusetts.

WHEREAS, the 55th Annual Meeting of the Atlantic States Marine Fisheries Commission convened in Hyannis, Massachusetts October 20th through 24th, 1996; and

WHEREAS, many hardy souls braved rain, hail, hurricane winds and flood, surviving the wrath of God to end up on Cape Cod at this confluence of two great ecosystems; and

WHEREAS, the Commonwealth of Massachusetts has shown great sensitivity for aesthetics by choosing a meeting setting that, it is said, is of great beauty when exposed to full sunlight; and

WHEREAS, the Commonwealth of Massachusetts has extended exceptional hospitality to the ASMFC through its Division of Marine Fisheries officials, staff, families, friends and all the fine folks of

Hyannis; and

WHEREAS, the Commonwealth of Massachusetts demonstrated exceptional taste and skill in providing a banquet in which the time spent eating actually exceeded the time spent waiting in line, with the banquet rivalling the first Thanksgiving feast at nearby Plymouth; and

WHEREAS, the Commonwealth exhibited great planning as a banquet host by providing bibs in anticipation for spontaneous culinary projectiles known to have appeared previously in the sister state to the south; and

WHEREAS, the Commonwealth of Massachusetts, in recognizing the primary constraints to productive deliberation, has provided a grand meeting hall, the perfect acoustics of which are exceeded only by its capacity for diluting hot air; and

WHEREAS, our Massachusetts host, combined with the 5th Annual Laura Leach Marine Fishing Tournament sponsors, Alice and Don Strohmeyer of Red Top Bait and Tackle in Buzzards Bay, have assured a creel of striped bass on our posters, hats and shirts, if not

on hook and line; and

WHEREAS, the Commission had the distinct privilege of honoring two of our host Commonwealth's favorite fishery sons, Gerry Studds and Phil Coates, as special awardees; and

WHEREAS, Commissioners Phil Coates, Bill Adler and Tony Verga, as well as Dr. Nicholas Van de Meur, were gracious and accommodating hosts;

NOW, THEREFORE, BE IT RESOLVED that the Atlantic States Marine Fisheries Commission extends its sincere appreciation to the Commonwealth of Massachusetts, its commissioners, Secretary Trudy Cox, the Tara Hyannis Hotel and Resort, and the staff, family and friends of the Massachusetts Division of Marine Fisheries for their gracious hospitality in hosting the 1996 Annual Meeting.

On behalf of the committee, I move adoption of this resolution by acclamation and a round of applause (Applause)

CHAIRMAN COLVIN: You have surpassed yourself.

MS. SHIPMAN: Well, since we didn't have

any other resolutions out there, we decided to use all our word allotment.

CHAIRMAN COLVIN: At this time, I'd like to recognize Phil Coates for the report of the Nominating Committee.

MR. PHILIP G. COATES: Thank you. I've got to express my great appreciation to the staff of ASMFC, particularly Laura and Jack who helped me. I mean, we did very little. They put it all together, and it's a tribute to their organizational skills, you know, to put this meeting together the way it's run. It's been very, very appreciated by our staff.

And I also want to thank -- well, I'll get to that when I get to the sport fish awards.

Okay. The Nomination Committee. When I arrived at the meeting, the first thing I did was ask who my Nominating Committee was. I couldn't remember their names, and I couldn't find it in the binder. Then I found out they weren't here.

Through the adroit capabilities of our chairman, we impressed two other capable commissioners into the Nominating Committee. And we conferred --

fellow Commissioners Driscoll and Cupka and I conferred several times over this very difficult decision, and reached conclusion very quickly, and we're very pleased to offer for nomination as chairman of the Commission for 1996-97, Dr. Paul Sandifer, and for vice-chairman of the Commission for that same period, David Borden.

CHAIRMAN COLVIN: Thank you, Mr. Chairman of the Nominating Committee. I appreciate your report. I will now ask the executive director to conduct the elections.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you very much, Mr. Chairman. The Nominating Committee has nominated Dr. Paul Sandifer of South Carolina to be the chairman of the Atlantic States Marine Fisheries Commission for 1997. Are there any other nominations from the floor?

Is there a motion that nominations be closed? Moved by Ms. Shipman, seconded by Mr. Nelson. Without objection, nominations are closed. The nominee is Dr. Sandifer, and without objection, Dr. Sandifer will be elected chairman of the Commission by unanimous acclaim.

The second matter to come from the Nominations Committee is the election of the vice-chairman. The committee has nominated Mr. David Borden from the State of Rhode Island to be the vice-chair of the Atlantic States Marine Fisheries Commission in 1997. Are there any other nominations from the floor?

Is there a motion that nominations be closed? Moved by Commissioner Pruitt, seconded by Mr. Adler. Is there any objection? Without objection, nominations are closed, and I declare Mr. Borden elected by unanimous acclamation.

Congratulations, gentlemen. (Applause)

CHAIRMAN COLVIN: I think there's one item of additional business that needs to be attended to, and we recognize Mr. Coates and Ms. Leach for that.

EXECUTIVE DIRECTOR DUNNIGAN: Why don't we wrap up the record and let everybody stay in place?

CHAIRMAN COLVIN: Very well. Is there any further business to come before the Commission at this time? Is there a motion to adjourn?

MR. COATES: So move.

CHAIRMAN COLVIN: So moved. Without objection, we stand adjourned.

(Whereupon, the meeting adjourned at 3:30 o'clock p.m., October 24, 1996.)

- - -