

**PROCEEDINGS  
of the  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**December 18, 2003**

**Roosevelt Hotel  
New York, New York**

## ATTENDANCE

### Commission Members

George Lapointe, Maine DMR	Dick Snyder, Proxy for Dennis Guise, PA
Patten White, Maine Gov. Apte.	Roy Miller, Delaware DFW
Dennis Damon, Maine Leg. Rep.	Timothy Targett, Delaware Gov. Apte.
John Nelson, New Hampshire F&G	Pete Jensen, Maryland DNR
Ritchie White, New Hampshire Gov. Apte.	Bill Goldsborough, Maryland Gov. Apte.
Dennis Abbott, proxy for Mary Ann Blanchard, NH	A.C. Carpenter, PRFC
Paul Diodati, Massachusetts DMF	Jack Travelstead, Virginia MRC
Bill Alder, Massachusetts Gov. Apte.	Preston Pate,, North Carolina, DMF
David Borden, Rhode Island, DEM	Damon Tatem, North Carolina Gov. Apte.
Gil Pope, Rhode Island Gov. Apte.	John Frampton, South Carolina DNR
Jerry Carvalho, proxy for Rep. Naughton (RI)	David Cupka, South Carolina Gov. Apte.
Eric Smith, Connecticut DMR	Robert Boyles, South Carolina Leg. Comm.
Lance Stewart, Connecticut Gov. Apte.	John Duren, Proxy for Ralph Balkcom, GA
Gordon Colvin, New York DEC	Gil McRae, Florida MRI
Pat Augustine, New York Gov. Apte.	Kathy Barco, Florida Gov. Apte.
Brian Culhane, proxy for Sen. Johnson (NY)	Mitch Needleman, Florida Leg. Rep.
Bruce Freeman, New Jersey DFG&W	Anne Lange, NMFS
Tom Fote, New Jersey Gov. Apte.	Jaime Gieger, USFWS

### ASMFC Staff

Megan Gamble	Lydia Munger
Bob Beal	Brad Spear
Tina Berger	Nancy Wallace
Vince O'Shea	Mike Howard
Carrie Selberg	Toni Kerns
Lisa Kline	Geoff White
Vince O'Shea	

### Guests

Linda Mercer  
Chris Bonzek  
Richard Otterstedt  
Niels Moore  
Bill Cole  
Steve Meyers  
Lew Flagg  
Wilson Laney  
Doug Grout

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## Summary of Motions

December 18, 2003

### **Move that the Commission adopt the Strategic Plan**

*Motion made by Mr. Pate; Second by Mr. Freeman; Motion Carries without objection.*

### **Move to adopt the 2004 Action Plan**

*Motion by Mr. Lapointe, second by Mr. Freeman. Motion carries without objection.*

### **Move that the Commission adopt the policy to refer FOIA requests for information held by the Commission back to the state or states providing such information.**

*Motion by Mr. Pate on behalf of the ISFMP Policy Board, second by Mr. Lapointe; Motion carries without objection.*

### **Move to approve the FY2003 Audit of the ASMFC.**

*Motion by Mr. Pate on behalf of the AOC. Motion carries.*

### **Move that the Commission Modify the ISFMP Charter to reflect option #2 in the White Paper on ASMFC Commissioner's Proxies. This option prohibits meeting specific proxies from voting on final actions.**

*Motion by Mr. Pate on behalf of the ISFMP Policy Board, second by Mr. Lapointe, Motion carries.*

### **Move to approve the Policy Board recommendation regarding modifications to the appeals process.**

*Motion by Mr. Pate on behalf of the ISFMP Policy Board, second by Mr. Lapointe, Motion carries*

### **Move that the Commission modify Section Four (d)(1) of the ISFMP Charter to read:**

**“Meetings will generally be run according to the current edition of “Robert’s Rules of Order” except a Board or Section will need a 2/3’s vote of all the voting members of that Board or Section (i.e., entire membership) to amend or rescind any final actions regardless of prior notice. For this section final actions will be defined as establishment of quotas, allocations, annual specifications, approval of fishery management plans/amendments/addenda, and non-compliance recommendations.”**

### **And Article III, Section 1 of the ASMFC Compact and Rules and Regulations to read:**

**“...The conduct of meetings of the Commission or any other body established under its authority shall be governed by the current edition of Robert’s Rules of Order, Newly Revised, except a Board or Section will need a 2/3’s vote of all the voting members of that Board or Section (i.e., entire membership) to amend or rescind any final actions regardless of prior notice. For this section final actions will be defined as establishment of quotas, allocations, annual specifications, approval of fishery management plans/amendments/addenda, and non-compliance recommendations.....”**

*Motion by Mr. Pate on behalf of the ISFMP Policy Board, second by Mr. Cupka, Motion carries*

### **Move to elect Mr. Pate as the Vice-Chair and Mr. Nelson as the Chair of the ASMFC.**

*Motion by Mr. Borden, second by Mr. Augustine. Motion Carries.*

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Terrace Room of the Roosevelt Hotel, New York City, New York, on Thursday, December 18, 2003, and was called to order at 4:05 o'clock p.m. by Chairman John I. Nelson.

**-- Welcome; Introductions --**

CHAIRMAN JOHN I. NELSON: We are now into the business session.

**-- Approval of the Agenda --**

The agenda is the same agenda that you had received on your CD-Rom. It includes introductions and welcome, so welcome. The introductions have been done. Agenda, any changes to the agenda? George.

MR. GEORGE LAPOINTE: The Resolution Committee has one resolution.

CHAIRMAN NELSON: I have both the Nomination Committee and the Resolution Committee after Item 8. We'll do the Nomination Committee first and then the Resolution Committee. I also have under other business the esteemed Executive Director. Actually there is no Number 7.

**-- Approval of the Proceedings --**

Okay, proceedings from February 26<sup>th</sup>, '03, any additions, changes, modifications? Without objection, it is approved, so approved.

**-- Public Comment --**

Thank you. Public comment at this time? Any public comment on items not on the agenda, keeping in mind we will take public comment as necessary on the agenda items.

**-- Approval of the 2004-2005 Strategic Plan --**

Seeing no public comment we will move on to the first item which is the review and approval of the 2004-2008 ASMFC strategic plan. Vince, are you going to give us the update on where we

stand on that? Thank you.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, sir, thank you, Mr. Chairman. At our August meeting we had a workshop on the strategic plan and commissioners gave us their comments.

We also gave you a proposed timeline and in response to that there was a request that we build in a 30-day comment period for the public to allow those of you that wanted to consult within your states, to do that.

Geoff White and Brad Spear were able to adjust the schedule to do that. We also had a request from, I believe it was Gordon Colvin, that we share with you all comments that we received from the public and also indicate how we address those comments in the document.

We've provided that material to you on the CD. We incorporated public comments as well as AOC comments and commissioner comments into a final copy of the strategic plan and that was also distributed to all the commissioners, Mr. Chairman.

So, as far as we're concerned from the staff, we've addressed public comments; and if we didn't include them, we put a reason in why. And you now have before you a final version of the strategic plan. It would be my recommendation that you consider adopting it. Thank you, Mr. Chairman.

CHAIRMAN NELSON: Thank you, Vince. I would look for a motion. Pres.

MR. PRESTON PATE JR.: Mr. Chairman, I move the adoption of the strategic plan.

CHAIRMAN NELSON: Do I have a second?

MR. BRUCE FREEMAN: Second.

CHAIRMAN NELSON: Bruce has seconded it. Discussion on the strategic plan. Bill.

MR. WILLIAM A. ADLER: On Page 11 I was wondering under the goals, do you feel that the socio-economic concerns are somehow

incorporated in there, that we at least give some recognition to the fact -- I know it says "improved stakeholder compliance." That means we're going to be able to enforce, but do we have somewhere in here something about socio-economic concerns or economic concerns that we at least recognize that?

CHAIRMAN NELSON: Yes, go ahead, Bob.

MR. ROBERT E. BEAL: Yes, Bill, if you go to the next page, Page 12, and under Goal 1, one of the strategies to achieve that goal is to enhance integration of habitat compliance and socio-economic concerns into the fishery management process. It's a sub-strategy of Goal Number 1.

MR. ADLER: As long as you've got it recognized in there because that's one of the first things that comes up with everybody is, you know, have they looked at those issues. Thank you.

CHAIRMAN NELSON: Any other comments on the strategic plan? Okay, seeing none, a 30-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN NELSON: I'm going to do a show of hands just to make sure. All those in favor of adopting the strategic plan as presented, please raise your right hand; no, likewise; abstain; and null; anyone couldn't make up their mind? All right, it's unanimous, 15 to nothing to nothing to nothing.

Thank you very much. And, you know, it was everybody's cooperative, hard work that pulled this together and you should all be proud of yourselves and the staff working with us. They should be very much commended for dealing with all that so thank you very much. (Applause)

**-- Approval of 2004 Action Plan --**

The next item on our agenda is the review and approval of the 2004 action plan. Pres, do you want to summarize that or do you want to have the staff do it?

MR. PATE: Go ahead, Bob. You can probably do it quicker than I can.

MR. BEAL: Mr. Chairman, do you want me to go issue by issue or just the process where we are?

CHAIRMAN NELSON: No, unless they have any questions.

MR. BEAL: Okay, good. Well, as you all know, we had the workshop the other morning. All the changes that were recommended that morning have been incorporated into the document. If there are any questions on the changes that were incorporated, I'll be happy to answer those.

CHAIRMAN NELSON: Any questions for Bob? George.

MR. LAPOINTE: Motion for approval of the 2004 action plan.

CHAIRMAN NELSON: And second by Bruce. Thank you very much. Any questions for Bob on the action plan? Okay, ready for the vote?

All those in favor, please raise your right hand; opposed; abstentions; null. The motion passes 15-0-0-0. Thank you very much. We look forward to a productive year.

The next item is the Policy Board recommendation on the Freedom of Information Act request. Pres.

MR. PATE: Thank you, Mr. Chairman. You may remember a few meetings back we had a discussion about who the proper respondent would be to a request under the Freedom of Information Act for information that the commission has in its resources.

The discussion was primarily on data and particularly in cases where it becomes a matter of confidentiality. The consensus at that time was that those matters and requests should be referred to the states that generated that information.

I am prepared to make a motion, Mr. Chairman, that it shall be the policy of the commission to refer FOIA -- which is the Freedom of Information Act -- requests for information held by the commission back to the state or states providing such information.

CHAIRMAN NELSON: And that's on behalf of the AOC?

MR. PATE: Yes.

CHAIRMAN NELSON: Okay. Comments on the motion. Vince, go ahead.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Just to clarify this, the Policy Board did look at this and approved this same motion. There was discussion afterwards that felt if this policy is ever challenged, that it could be strengthened by having it voted on by the full commission, and that's why it's here in front of you this afternoon. Thank you, Mr. Chairman.

CHAIRMAN NELSON: I have been corrected by staff on my left who will remain anonymous. This is actually from the Policy Board because that's exactly what it says, "Policy Board recommendation." The AOC had passed that to the Policy Board. They have approved it and passed it on to the commission for approval. I do need a motion, then

MR. PATTEN D. WHITE: So moved.

MR. PATRICK AUGUSTINE: Second.

CHAIRMAN NELSON: Pat and Pat. Any other comments on the motion? Ready for the question? All those in favor, please raise your right hand; opposed; abstentions; null. Okay, the motion passes 15-0-0-0. Thank you very much.

**-- Approval of FY03' Audit --**

MR. PATE: Mr. Chairman, an item that is not on the agenda comes once again out of the AOC and that is recommendation for approval of the

fiscal year '03 audit. On behalf of the AOC, I make that motion.

CHAIRMAN NELSON: Okay, this is on behalf of the AOC.

MR. PATE: That's correct. Yes, sir, it's a committee motion.

CHAIRMAN NELSON: Any comments on the motion? Once again, it was nice to have an audit that was clean as a whistle. Without objections, the motion is passed. Thank you.

MR. PATE: Mr. Chairman, there are a series of motions that were approved by the Policy Board relating to the white papers that were reviewed, and I'll take those in order in which they were discussed.

**-- Approval of Changes to Proxy Voting Procedures --**

The first one is the white paper on the commissioners proxies. On behalf of the board, I move for commission adoption of the policy as stated in the minutes of the board meeting.

MR. LAPOINTE: Second.

CHAIRMAN NELSON: Thank you. Okay, I've got George's second. Thank you very much. Okay, discussion on the motion. Hang on for a second and we'll get it up on the board just to make sure we've got it clear. All right, comments on the motion?

Are you ready for the question? All those in favor, please raise your right hand; opposed, like sign; abstentions; and null. The motion passes 14 to 1 with no abstentions and no null votes. Pres.

MR. PATE: Mr. Chairman, the next item was the white paper on the appeals process. On behalf of the board, I move adoption of the motion that was approved by the board.

MR. LAPOINTE: Second.

CHAIRMAN NELSON: Thank you, Pres.

Second to that, George, thank you. Comments? Any questions on it? All right, ready for the question? All those in favor, please raise your right hand; opposed, like sign; abstentions; null. The motion passes 12 in favor, no opposed, 1 abstention.

**-- Approval of Changes to the ASMFC Process Regarding Final Actions --**

MR. PATE: Mr. Chairman, the next white paper issue was on policy issues regarding final actions by the commission relative to participation by proxies and their voting status and standing. On behalf of the Policy Board, I'd like to move adoption of the recommendation that was approved by the board and as reflected in their minutes.

MR. CUPKA: Second.

CHAIRMAN NELSON: Second by Dave Cupka. Discussion on the motion. Eric.

MR. ERIC SMITH: You mentioned the proxy issue, but I think you meant it's the final action issue.

MR. PATE: Thank you.

CHAIRMAN NELSON: I didn't catch that either.

MR. PATE: That's why I disagree --

CHAIRMAN NELSON: Thank you, Eric.

MR. PATE: Thank you. That's why I disagree with Gordon's idea that we work until 8:00 at night.

CHAIRMAN NELSON: All right, discussion. Ready for the motion? All in favor, please raise your right hand; opposed, like sign; abstentions; and null. Okay, the motion passes 14-0-0-0.

MR. PATE: I think that concludes the actions from the Policy Board, Mr. Chairman.

CHAIRMAN NELSON: All right, thank you very much, Pres, appreciate it. I'm also happy

to point out that Number 8 actually doesn't exist, which is the non-compliance recommendations so that brings us to the Nomination Committee and then the Resolution Committee.

Then we do have some other business so I would just ask everyone to hang on for that other business. Vince would like to make an announcement. So, Nomination Committee, please.

**-- Nominations Committee Report --**

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. The nomination Committee composed of Gordon, Susan, and myself. After a 14-hour meeting, we concluded our deliberations. I would like to make a motion on behalf of the committee that Pres Pate be elected vice chairman and John Nelson be elected chairman for calendar year 2004.

I would suggest that the nominations be closed as soon as I get a second to my motion and that they be elected by acclamation.

CHAIRMAN NELSON: Vince is actually the acting Chair at this moment.

EXECUTIVE DIRECTOR O'SHEA: I accept that recommendation and it's seconded by Pat Augustine. Does anybody object to the motion? The motion passes. Congratulations. John Nelson is our chairman. (Applause) Pres Pate is our vice chairman. (Applause) Mr. Chairman.

CHAIRMAN NELSON: Well, we both thank you very much, we think. All right, how about our Resolution Committee, then.

**-- Resolutions Committee Report --**

MR. LAPOINTE: I think somebody from our host state wants a couple minutes first, do they not?

MR. BRIAN CULHANE: While I've been sitting here this afternoon, in the spirit of New York -- and Laura and I are both David Letterman fans -- I've put together a little "Top Ten List" for our week here in New York.

Actually, during the previous meeting I came up with one more so I don't want to call it "Number 11." We'll call this the "bonus" if you will.

CHAIRMAN NELSON: You're going to circulate that to us afterwards.

MR. CULHANE: To get started, this is the "Top Ten Observations" or things we have learned while we were in New York. Well, the bonus: Pete Jensen's favorite song is "Back in the Saddle Again." (Laughter) Now for the original list. Now some of these may be funny and some of them won't be funny. Some of them were supposed to be funny, but you won't think they're funny. (Laughter) But that's okay.

Number 10: Atlantic States Marine Fisheries Commission has the best staff of any organization I have ever worked with. (Applause) Number 9, Tom, you didn't leave yet, did you?

MR. THOMAS FOTE: No.

MR. CULHANE: The only time Fote can win the Laura Leach Fishing Tournament is when the fish are made of PVC. (Laughter) Number 8, Little Vinnie O'Shea can cut a rug. (Laughter) Number 7, Hey, I survived a whole week in New York without being mugged. (Laughter) See, they don't all have to be funny.

Number 6, Vito Calomo is the Mario Lanza of fisheries management. (Applause) Number 5, the New York delegation is widely known as the "Three Stooges" of fisheries management. (Laughter) And we figured this out; it's Moe, Larry and Curly. (Laughter)

Number 4, when pulled from his spider hole, Saddam Hussein's first statement was, "I was only waiting for the end of the Lobster Board meeting." (Laughter) Number 3, despite what the "Queer Guys" say, we know Lady Liberty is really a woman. (Laughter) Number 2, Laura Leach is Strom Thurmond's love child. (Laughter) And Number 1, I love New York. (Applause)

CHAIRMAN NELSON: I'll make sure those get printed and circulated. Thank you.

MR. LAPOINTE: Mr. Chairman, I have a resolution in appreciation of our host state, which I will try to read quickly. It reads:

WHEREAS, the Atlantic States Marine Fisheries Commission celebrated its 62<sup>nd</sup> Annual Meeting in the "City that Never Sleeps," New York -- Susan doubts that but we didn't -- and at the Roosevelt Hotel where the commission's first meeting took place; and

WHEREAS, early snow made for a mixture of excitement from our Southern contingent, resignation from Northerners and panic from those planning the event; and

WHEREAS, the welcome reception and hospitality of our New York hosts provided for great meetings, camaraderie and a hearty welcome to New York City; and

WHEREAS, the early morning visit to the Fulton Fish Market provided an illuminating look at how a million pounds of our nation's seafood is handled and sold daily, occurred under the watchful eyes of fisheries enforcement agents without injury or loss of life from high-lows or busy journeymen and with few disparaging words from local fish mongers and only slight application of the local fragrance known as "eau de Poisson; and

WHEREAS, the dinner cruise on the Bateaux, New York, offered an awe-inspiring view of "Lady Liberty," unparalleled views of the sparkling New York City skyline from the Hudson River which teems with striped bass, shad, American eel and Atlantic sturgeon, which were unable to be caught during the 12<sup>th</sup> Annual Laura Leach Fishing Contest, and during which we were treated to Vito Calomo's fine tenor voice and the commission's Executive Director and "wild child" boogying on the dance floor; and

WHEREAS, the commission was honored to recognize Senator Owen Johnson for his

distinguished career in the New York State Senate and his long-standing and generous support of the commission; and

WHEREAS, the 13<sup>th</sup> Annual Captain David H. Hart Award recognized Jack Travelstead as a committed and long-standing participant in the commission process, who was able to balance the needs of his state with the cooperative efforts of the commission; and

WHEREAS, we were all inspired by the frenetic activity of the city of New York where the “streets run up and the batteries down,” enjoying the sights and sound of the holiday season during which this meeting took place; NOW,

THEREFORE, BE IT RESOLVED, that the Atlantic States Marine Fisheries Commission expresses its deep appreciation to the New York Commissioners, Gordon Colvin, Senator Owen Johnson, Proxy Brian Culhane and Pat Augustine and to Jim Gilmore, New York DEC Region 2, for their terrific assistance in the planning and execution of this outstanding 62<sup>nd</sup> Annual Meeting in the quintessential New York fashion.

As committee chair I would move that by acclamation. (Applause)

CHAIRMAN NELSON: Go ahead, Gordon.

MR. COLVIN: Last word. I realize that in all of my opportunity to talk about things this week, there is one issue that I forgot to acknowledge and thank people about, and that is the logo that was created for this meeting, which I hope you all enjoyed and will enjoy as much as we did making it.

There is a story about how the logo was created, and I won't burden you with it now but if you're interested, see me or Tina. I just want to say that we were absolutely thrilled when we saw how it came out.

There are two people who need to be thanked for their effort in creating the logo, and that's Tina Berger and Jim Gilmore, and I want to express appreciation to both of them. (Applause)

CHAIRMAN NELSON: Thank you again, guys. It has been a great meeting week. Mr. Executive Director, your announcements, please.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Two quick things. It's traditional, during annual meeting week, for the Executive Director to give an annual report, and I'd suggest that I defer that to a later date.

But within that report, I wanted to mention that when John Nelson took over as chairman, one of the issues he asked us to look at was our operating expenses and our administrative expenses.

We've been able to project forward from an administrative standpoint identified certain savings, primarily due to the good work of Laura Leach.

We put a proposal together to increase the per diem rate, meal per diem rate for commissioners as well as the staff, and we've looked at several different options. The one that we put forward was to at this time meet federal per diem -- increase the per diem rate to meet federal per diem, a one-time increase, without necessarily an obligation or commitment to revise it upward in the future, because that's obviously dependent upon the resource level of the commission and our revenues.

But in terms of the bottom line for you all, it would mean for a meeting in Washington, D. C., the meal per diem would be \$51. The meal per diem rate here in New York City would be \$51.

This proposal also includes increasing the per diem rate in all the other places that the commission sponsors meetings so that in addition to addressing concerns that we've heard from commissioners, this would also help your staffs and the technical people that we send on the road as well as the commission staff.

We've given that proposal a review by John Nelson, and he's authorized me to put that in effect, and it will be in effect starting this meeting so you will be reimbursed at the rate of \$51 per full day. Thank you, Mr. Chairman.

(Applause)

CHAIRMAN NELSON: And my congratulations to you and the staff for being cost-effective and making those funds available from your administrative portion.

EXECUTIVE DIRECTOR O'SHEA: And, Mr. Chairman, had I given my full report, one of the things I would mention is that we have an extraordinary effort by a number of travelers within the commission family to travel in an efficient and an economic way. I'm going to continue to do everything I can to encourage that sense of stewardship.

And it's because of that attitude and that commitment, at times to get on Southwest Airlines and other things, that's going to allow us to do this type of thing. In addition to the staff, I think it also reflects a good stewardship of the people we put on travel. Thank you, Mr. Chairman.

CHAIRMAN NELSON: Yes, Pres.

MR. PATE: Thank you, John. Vince, do you know that breaks down per meal, that \$51?

EXECUTIVE DIRECTOR O'SHEA: No, but what we'll do, Mr. Chairman, is I'll send a letter out outlining that breakdown for everybody in the commission family. It will be more than \$4 for breakfast, that's for sure.

CHAIRMAN NELSON: The staff will be actually calculating the meal aspect. It won't be a breakdown, per se. We're going to revamp the travel voucher so that if you do breakfast, you just check it off, breakfast, lunch or dinner.

And the staff, because it varies between cities, we're going to try and keep it streamlined as far as a voucher that the staff will take care of calculating that in the future. Anyone else?

Then, again, I would like to say that it's been a very productive, interesting, and actually it has been a great time, and it's been an interesting meeting week. Thank you once again to our New York hosts. I know that you all are looking

to adjourn. We are adjourned.

(Whereupon, the meeting adjourned at 4:40 o'clock p.m., December 18, 2003.)

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