

# Atlantic States Marine Fisheries Commission

## Business Session

*August 6, 2015  
10:00 – 10:30 a.m.  
Alexandria, Virginia*

## Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |   |            |
|---|------------|
| 1. Welcome; Introductions ( <i>L. Daniel</i> )  | 10:00 a.m. |
| 2. Board Consent ( <i>L. Daniel</i> )   | 10:00 a.m. |
| • Approval of Agenda  |            |
| • Approval of Proceedings from October 2014   |            |
| 3. Public Comment   | 10:05 a.m. |
| 4. Consider Final Approval of Jonah Crab Fishery Management Plan<br><b>Final Action</b> | 10:15 a.m. |
| 5. Review Non-compliance Findings (if necessary)  | 10:20 a.m. |
| 6. Other Business/Adjourn   | 10:30 a.m. |

The meeting will be held at The Westin Alexandria, 400 Courthouse Square, Alexandria, Virginia 703.253.8600

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

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

**Hilton Mystic**  
Mystic, Connecticut  
**October 28, 2014**  
**October 30, 2014**

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1. **Approval of Agenda** by consent (Page 1).
2. **Move to accept the 2015 Action Plan** (Page 8). Motion by David Borden; second by Mitchell Feigenbaum. Motion carried (Page 9)
3. **Move that the Commission work together with the MAFMC to put together a joint committee to address concerns on RSA and that committee be comprised of members of both the Commission and the MAFMC; and further that the Commission and the MAFMC work together in an expeditious manner to improve and reinstate the RSA program if possible** (Page 11). Motion by Emerson Hasbrouck; second by David Borden. Motion defeated (Page 17).
4. **On behalf of the Atlantic Herring Section, motion that the Commission request the ACCSP Coordinating Council fund portside commercial catch sampling for the Atlantic Herring, Atlantic Mackerel, and Atlantic Menhaden Fisheries** (Page 18). Motion by Terry Stockwell; Motion carried (Page 18).
5. **Move to Adjourn** by consent (Page 18).

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### ATTENDANCE

#### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Leroy Young, PA, proxy for J. Arway (AA)
Steve Train, ME (GA)	David Saveikis, DE (AA)
Rep. Walter Kumiega, ME (LA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
G. Ritchie White, NH (GA)	Tom O'Connell, MD (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Goldsborough, MD (GA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Robert Ballou, RI (AA)	Louis Daniel, NC (AA)
David Borden, RI, proxy for B. McElroy (GA)	Bill Cole, NC (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Robert Boyles, Jr., SC (AA)
David Simpson, CT (AA)	Ross Self, SC, proxy for Sen. Cromer (LA)
Dr. Lance Stewart, CT (GA)	Spud Woodward, GA (AA)
James Gilmore, NY (AA)	Patrick Geer, proxy for Rep. Burns (LA)
Pat Augustine, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Kelly Denit, NMFS
Tom Fote, NJ (GA)	Bill Archambault, USFWS
Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)	Martin Gary, PRFC
Loren Lustig, PA (GA)	

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

#### Ex-Officio Members

##### Staff

Bob Beal  
Toni Kerns

Kate Taylor

##### Guests

Mike Millard, USFWS  
Michael Pentony, NMFS  
Arnold Leo, E. Hampton, NY  
Raymond Kane, CHOIR  
Sally Campen, Global Guardian Trust

Derek Orner, NOAA  
Charles Lynch, NOAA  
Wilson Laney, USFWS  
Kevin Chu, NOAA  
Joe Grist, VMRC

## Draft Proceedings of the Business Session February 2014

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 28, 2014, and was called to order at 1:30 o'clock p.m. by Chairman Louis B. Daniel, III.

### CALL TO ORDER

CHAIRMAN LOUIS B. DANIEL, III: Good afternoon; welcome to the Business Session of the Atlantic States Marine Fisheries Commission.

### APPROVAL OF AGENDA

CHAIRMAN DANIEL: You should have copies of the agenda. Is there any other business? Emerson.

MR. EMERSON C. HASBROUCK: Mr. Chairman, under new business I'd like to add in a discussion about the RSA Program.

CHAIRMAN DANIEL: And I believe we have a motion from the Atlantic Herring Section. Anything else. If not, everyone is comfortable with the agenda, we will move on.

### APPROVAL OF PROCEEDINGS

CHAIRMAN DANIEL: You should have your Proceedings from our August meeting. If everyone has an opportunity to look over those, if there are no corrections, we will approve by consensus. So ordered.

### PUBLIC COMMENT

CHAIRMAN DANIEL: Next is public comment. Is there anyone from the public here that would like to address the business session? Seeing none; and I will turn it over to Mr. Beal.

### ELECTION OF COMMISSION CHAIR AND VICE-CHAIR

EXECUTIVE DIRECTOR ROBERT E. BEAL: We are at the part of the agenda for the election of the

commission chair and vice-chair. Paul Diodati is the chair of the Nominating Committee, so I'll call on him in a moment. As Paul is giving his Nominating Committee Report, I'll ask Deke to hand out the ballots for this year's election. With that, Paul, if you're ready.

MR. PAUL DIODATI: We have two nominations for chair and the vice-chair, one for each, and it is to continue with our Chairman Louis Daniel and our Vice-Chair Doug Grout. I think there are opportunities on the ballot for a write-in, but those are the two nominees.

EXECUTIVE DIRECTOR BEAL: As the ballots go around, the process is that you guys vote by state. It is not an individual vote, so each state should fill out their ballot and turn them into Paul Diodati. He will add up the votes and he will let us know what the results are. We will pause for a minute as the ballots are filled out and collected. We will give those back to Paul and he can report the results. Has everyone turned in their ballots to Paul? Paul, have you counted them yet?

MR. DIODATI: I don't have any ballots yet. Laura has got them. The results unanimous, fifteen votes for each of our chair and vice-chair. Congratulations! (Applause)

CHAIRMAN DANIEL: Thank you, all, and certainly Doug and I have enjoyed this. Some people have said how do you manage all this? I've told everybody that this is an outstanding opportunity for anyone interested. The staff is just amazing and it really is not a very difficult job with the staff that we have. All of my successes would be geared towards Bob and his crew; so it is them that should get the thanks and the gratitude from us. Thank you all very much for your confidence. With that, I'm turning it over to Toni.

### CONSIDER APPROVAL OF THE 2015 ASMFC ACTION PLAN

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EXECUTIVE DIRECTOR BEAL: Each of the program directors will run through their portion of the annual action plan pretty quickly. If you guys have questions during their presentation, raise your hands and we'll handle them. Toni is going to start with the fishery management section

MS. TONI KERNS: I'm going to go through the bolded options within Goal 1, the strategy to rebuild, maintain and fairly allocate Atlantic Coastal Fisheries. The non-bolded items are either carryovers from last year of standard practices that we do each year. For American eel, we're going to work with the technical committee to review and develop a strategy to incorporate the pertinent findings from the 2014 AFS into future assessments and management decisions and update the young-of-the-year surveys with the 2014 data.

For American lobster, we will complete and implement the Jonah Crab FMP as directed to ensure the long-term sustainability of the fishery. We will complete the 2015 benchmark assessment and consider our management response to that assessment's findings. The Lobster Board today initiated an addendum for consistency with federal measures; and we will also include that as a task under lobster.

For Atlantic herring, we will review the 2015 specifications to determine if any changes are necessary and review the operational assessment results and consider a management response if necessary and set the specifications for up to three years starting in 2016 through 2018.

Also, for herring we will hold, as necessary, meetings to establish state effort controls and the days-out meetings for Area 1A and 1B; and 1B is new for this year. Also, finalize and implement the measures included in Amendment 3, which proposes management options for spawning area efficacy, fixed-gear

rollover provisions and empty fish hold provisions.

Under Atlantic menhaden we will review the results of the 2014 benchmark stock assessment and consider a management response if necessary. We will continue to work with the technical committee and the biological reference points working group to present options for board consideration on ecosystem-based reference points that account for predation effects.

Under Atlantic striped bass we continue the development of Chesapeake Bay reference points or an updated stock assessment, update data needs and consider a management response to the findings of that work.

For Atlantic sturgeon we will continue the development of the 2017 benchmark stock assessment and collaborate with federal agencies to analyze bycatch data and prioritize and process genetic samples for use in the assessment.

Under horseshoe crab we will review all of the possible data sources for the adaptive resource management framework or the ARM, as it is better known, and determine if an alternate data source can be used in place of the horseshoe crab benthic trawl survey data if that survey is not found to get additional funding sources for it. We will also complete and review the artificial bait studies and consider management and publications to the study.

Under northern shrimp we will finalize and implement measures to include an Amendment 3 which proposes a limited entry system for the fishery. Under shad and river herring we will review the products of the River Herring Technical Expert Working Group and consider any of those for management use.

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For the South Atlantic species; under Atlantic croaker we will initiate the development of the 2016 benchmark stock assessment. We will complete the annual update of the traffic light approach to determine if management changes are necessary. For black drum we will review the 2014 benchmark assessment and consider a management response if necessary.

For red drum we will complete the 2015 benchmark assessment and consider a management response to the assessment findings. For Spanish mackerel we will evaluate the results of the pilot program for seasonal exemptions in the commercial pound net fishery and consider management changes to the management program if necessary.

For spot we will also initiate the development of a 2016 benchmark assessment as well as complete the annual update of the traffic light to determine if any management changes are necessary. For summer flounder, scup and black sea bass we will continue the development of the Comprehensive Summer Flounder Amendment considering changes to both the commercial and recreational management in coordination with the Mid-Atlantic Fishery Management Council and complete a management response to the Summer Flounder Recreational Working Group.

Also under this comprehensive amendment we will consider the technical committee's recommendation on the climate change impacts for species' distribution and allocation. This afternoon the Summer Flounder Board also initiated an addendum to consider changes for the 2015 recreational fishery, which we will add into this task list.

For scup we will collaborate with the Northeast Fisheries Science Center to complete the 2015 benchmark stock assessment and consider a management response to the assessment findings. For black sea bass we will finalize

regulations for the 2015 recreational fishery, consider initiation of an addendum for recreational management measures for 2016 and later; as well as work in collaboration with the Mid-Atlantic Council and the Center to continue work on the 2016 benchmark stock assessment. We will consider an assessment update in 2015 if any new data become available.

For tautog we will review the results of the 2014 benchmark stock assessment and consider a management response to the assessment findings. For weakfish we will complete the 2015 benchmark assessment and update the 2015 stock status indicators to evaluate any changes in the population.

For winter flounder we will monitor the Northeast Fisheries Science Center stock assessment activities for the inshore winter flounder stocks and set specifications for 2016 to 2018. The Winter Flounder Board also asked that we work more collaboratively with the New England Fishery Management Council; and we will add that task into the action plan as well.

Under Task 1.24 we will work with NOAA Headquarters and the regional leadership to improve the alignment of state and federal budgets. We will finalize the reconfiguration of a combined AP for Summer Flounder, Scup and Black Sea Bass and improve the AP input process with the Mid-Atlantic Council. I will pass the baton over to Pat for Goal 2. Are there are questions first?

MR. ROBERT BALLOU: Mr. Chairman, at the end of yesterday's Eel Board Meeting, there was a brief discussion on turbine mortality and I believe a commitment from the board to sort of ramp up our efforts to monitor that situation. I know it is already embedded in a previous addendum, but I think the board fully recognizes the importance of that issue; and I



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wonder if it should be elevated to an action item. Thank you.

CHAIRMAN DANIEL: We can do that unless there is a problem from the rest of the commission. Seeing none; we will include that. Adam.

MR. ADAM NOWALSKY: The Summer Flounder Board has had discussion on a couple of consecutive meetings now about the development of sex-based modeling; and I was wondering if we could add an action that might read “work in collaboration with NMFS Northeast Fisheries Science Center and industry on sex-based modeling development.”

Specifically, there has been a lot of discussion earlier this year about possibly hosting a half or one-day workshop in connection with a monitor or technical committee meeting week that I know Toni was aware of. We were looking for a place to add that somewhere; and this might be the right time for that.

EXECUTIVE DIRECTOR BEAL: Adam, you’re right, we have talked about that a number of times at the Summer Flounder Board. I think it is fine to add it as a task in here; but it is probably with the understanding that it may not be completed – you know, the sex-based modeling may not be completed in 2015 and that would trigger a peer review and a number of other things. I think we can capture so that, as you said, working with industry and the science center folks and the technical committee moving forward on exploring that and determining the viability of that approach and that type of thing. Is that adequate?

MR. NOWALSKY: That would be wonderful; thank you very much.

MR. ROB O’REILLY: Toni, I just didn’t hear exactly what you said about linking the Chesapeake Bay reference points and the

amendment, whether it was “or” or “for” or how that was worded. I couldn’t quite figure that out for striped bass.

MS. KERNS: Rob, we here in the task to either do Chesapeake Bay reference points or to look at a new assessment so it is one or the other and then a management response to whichever approach we move forward with.

MR. O’REILLY: When would be the right time to talk about that because an amendment is a few years away; and everything I’m hearing about reference points, it is a lot closer than a few years away. Maybe they shouldn’t be an “or” and should be an “and”, but I’m not sure when the right time to talk about that – is that now or is that tomorrow; how does that go?

MS. KERNS: I think the board can give us direction on whether or not the board wants to continue the development of a Chesapeake Bay reference point or if they want an updated stock assessment. The board can give that direction tomorrow. In terms of the management response to the findings of whichever one of those things that we do; that can be done through an addendum, so that would be immediately after we had the report from the technical committee. I also failed to say that we would also update all the data needs for these actions.

MR. WILLIAM A. ADLER: On Page 9, I would just like a clarification on Task 1.4.3; continue to focus board attention on developing clear problem statements prior to initiate – is there a problem with what we already do or what do you mean by “developing clear”; is there something else that needs to be done on that?

MS. KERNS: I think we want to just keep going in the direction that we’re going so that we have clear statement of the problem as we go through addenda and amendment processes so

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that public understands why we are considering action.

MR. ADLER: Are we not doing that now or what?

MS. KERNS: We are doing that now and that is why it says to continue to focus your attention those clear statements of the problem; so to keep doing what we are doing.

CHAIRMAN DANIEL: Any other questions for Toni? Seeing none, I have just one comment that I don't want anything added to the task; but under weakfish I've had some discussions with some of my southern colleagues. I think when the stock assessment is done; anything we can do to try to look at this northern and south of Hatteras issue that appears to be occurring might give us some good insight into what is going on with that population.

There clearly seems to be a big difference between south of Hatteras and north of Hatteras in terms of weakfish abundance. I'd like for the technical committee to take that into consideration when they're reviewing all the different indices and the data; without objection. Great; thank you. Pat, are you ready?

MR. PATRICK A. CAMPFIELD: Goal 2 covers the fisheries research surveys and stock assessment modeling activities of the commission. In 2015 we will initiate a spot benchmark assessment. We will also complete assessments for American lobster, weakfish, scup, red drum and bluefish as well as an operational assessment for sea herring and the peer reviews of those assessments.

Under 2.1.10 the Management and Science Committee will develop a commission policy regarding risk and uncertainty and provide that to the Policy Board for consideration. The commission has increasingly become engaged

with the National Fish and Wildlife Foundation, including recently participating in proposal reviews for both their fisheries' innovation and river herring initiative; so we will continue to do that in 2015.

Under the NEAMAP Program there has been a big change in that the commission is receiving a grant from NOAA starting in 2015 essentially to administer the funding for the Mid-Atlantic Nearshore Trawl Survey. NEAMAP will also conduct a couple of technical workshops regarding catch processing and trawl technology with the point of comparing methods and developing consistency among all state NEAMAP, SEAMAP and federal trawl surveys. NEAMAP will also continue to seek opportunities and resources to help supplement the horseshoe crab data collection for the Delaware Bay population.

Moving on to SEAMAP, it is time for the SEAMAP Program to develop their next five-year plan. We will work on that next year for the 2016 to 2020 time period. Under fish-tagging activities and programs, we will develop a long-term strategy for collecting striped bass tagging data, including funding, administration and at-sea support.

That refers both to the cooperative tagging cruise and the hook-and-line sampling. Under fish-aging activities, we are proposing two workshops for 2015; the first focusing on developing consistent methods for aging menhaden and the second to conduct an annual aging quality-control workshop among the different state and university aging labs.

Finally, collaborate with the Gulf States Commission on developing an aging manual so that for the species on both coasts we're using, again, consistent aging methods. Under socioeconomic activities, that committee will dig into developing a socioeconomic analysis for menhaden next year.

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Under fish passage, a couple of new activities regarding implementation of a fish passage prioritization protocol that the committee has recently developed, as well as developing guidance for state staff on the FERC relicensing process and how to engage at the state level there.

Finally, under the Multispecies and Ecosystem-Based Management Area, the Ecological Reference Points Working Group will develop and present options for board consideration on ecosystem-based reference points that account for predation. Those of the highlights and new items for 2015. I'm happy to take any questions.

MR. ADLER: Back on stock assessment things; do we have anywhere the Cancer Crab Issue, because when we came up public hearing a lot of people said, well, how can you do anything if you haven't got some stock assessment. Do we have any plans to maybe try to put something together on a stock assessment for Cancer Crab?

MS. KERNS: Bill, when we first initiated the FMP, we said that we would craft an FMP and then follow up with an assessment. We have not put it on the assessment schedule since we haven't approved an FMP yet. That was what the board had discussed is the order that it would go in.

MR. ADLER: Okay, so it would happen after the FMP?

MS. KERNS: Correct.

MR. CAMPFIELD: I would also add that at least my understanding from the group that has been working on the Cancer Crabs to date; that there is some concern that they don't have a whole lot of information to go on to do a stock assessment, giving sort of the mixed identification in the data as well as the overall

coverage of the data. That is something that we'd have to ask our technical committee to dig into.

MR. DAVID V. BORDEN: Just to follow up on Bill's point, as I think everybody knows, there has been an S-K solicitation in consultation with the National Marine Fisheries Atlantic Offshore and the Division are going to sponsor a proposal to look at sexual maturity. If it got funded, it would get at a lot of the uncertainty that the commission is trying to deal with. Thank you.

MR. O'REILLY: Pat, on Task 2.2.8, develop long-term strategy for collecting striped bass tagging data, what is that about a little bit more; what are the needs, what are the gaps in information? What do you foresee is that really encompassing?

MR. CAMPFIELD: At a minimum it will pertain to looking at the cooperative winter tagging cruise, which we've done, of course, for a number of years, as well as the more recent hook-and-line sampling and tagging in the winter; so comparisons of those methods to see if the hook and line is working.

But as we've talked about in the context of the striped bass assessment and maybe moving towards a different framework, I think it is also open for discussion most likely at the Striped Bass Technical Committee on the data needs and any additional monitoring or changes in state monitoring that would support more of a spatial model to support spatial management.

CHAIRMAN DANIEL: Anything else for Pat? Seeing nothing; we will go back to Toni.

MS. KERNS: Goal 3 is our law enforcement goal. It is to promote compliance with fishery management plans and to ensure sustainable use of Atlantic Coast Fisheries. Most of the tasks under here are similar tasks from last year; and we will continue on with our Law

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Enforcement Program to provide feedback to the management boards on new plans and current plans and how well we're doing.

The one new task that we do have is to assist the Mid-Atlantic Fishery Management Council on identifying strategies to address violations and illegal harvest involved in the research set-aside program as the Mid-Atlantic Council does an overview of that program throughout the course of this year. Any questions on law enforcement?

MR. ADLER: Page 17, just a question; on Task 3.3.4, what is the Conservation Law Enforcement Chiefs Association; what is it?

EXECUTIVE DIRECTOR BEAL: Both of those groups, the Conservation Law Enforcement Chiefs and the Association of Fish and Wildlife Agencies; the Law Enforcement Chiefs are kind of what they sound like, organizations of law enforcement leadership and they get together to collectively discuss enforcement issues up and down the coast and really throughout the nation. We're going to monitor their activities and see if there is anything that spills over to our Law Enforcement Committee that may be worth communicating back and forth on/

MS. KERNS: In addition, Bill, there are members of our Law Enforcement Committee who serve on those committees and so the overlap is easy to do. Goal 4 is our habitat goal. It is to protect and enhance fish habitat and ecosystem health through the partnership and education. Under 4.1.1 is we will be finalizing the Sciaenid Habitat Source Document, working closing with the technical committees and other species' experts and staff to do so.

We will be developing the next installment of the Habitat Management Series, which is climate change impacts on fish habitats for the Policy Board review and acceptance, as well as identify an additional topic for the next series. We will also support the completion of the

ACFHP Science and Data Projects. We will be acquiring and analyzing fish population, habitat and human impacts data. We will complete the Winter Flounder GIS Habitat Assessment and initiate a River Herring Habitat Assessment. We will make all these results available to the different partners of ACFHP for the Strategic Coastal Habitat Conservation. I did forget to mention that all of the ACFHP support falls under this Goal 4 that we will continue to do. Any questions?

CHAIRMAN DANIEL: Any questions on Habitat? Seeing none; we will move to stakeholder and public support. I'm assuming Tina will do that.

MS. TINA L. BERGER: You will see the majority of tasks are continuing from last year with a couple of additions. Task 5.1.9; we will start posting via You Tube and on our website presentations on benchmark stock assessments and repackage what is being presented to the board for greater stakeholder participation and involvement in that process. We also will be developing a guide to basically fisheries management agencies and entities along the Atlantic Coast to better differentiate our different authorities and responsibilities. That is for new task for Goal 5.

CHAIRMAN DANIEL: Questions for Tina? If not, Bob.

EXECUTIVE DIRECTOR BEAL: Goal 6 is our congressional outreach and legislative initiatives. Most of this goal is ongoing activities. As Louis said, you can't rest on your laurels because congress changes and the staff changes. We will keep working with those offices and improving our relationships there.

There is one task that is in bold; and that is to work with the other fisheries commissions around the country, primarily Gulf and Pacific, to speak collectively on behalf of the coastal states around the country. It has been a very

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effective way of meeting with congressional offices and NOAA leadership and we're going to continue to do that.

Within this is also, as the state directors know, the San Diego meeting that occurred at the beginning of September, which I think was a productive meeting, and NOAA Fisheries agreed to allow us to coordinate with them and provide state perspectives on budget priorities for their budget cycle; and we're actually have the first meeting with the NOAA Leadership Council – the three commissions will be meeting with them next Wednesday afternoon. I think that is progress.

We have never been able to meet with that group as a collective whole with the NOAA leadership. Getting time in front of those folks is important. We're going to continue to do that and we will keep working in the state priorities any chance we get into the federal budgeting process either on Capitol Hill or through the NOAA leadership. That is Goal 6. Any questions?

MR. DENNIS ABBOTT: Not a question but a comment. Sunday night we met with folks from the Congressional Sportsmen's Foundation and National Assembly of Sportsmen's Caucus, and through that we've made arrangements for Deke to get in touch with their coordinator in the Washington area where they have over 200 congressmen and 50 senators in their arena. Maybe they can provide some help working on Magnuson-Stevens and other things. There may be some mutual benefit there for you.

CHAIRMAN DANIEL: All right, I think Laura is going to take us home.

MS. LAURA C. LEACH: Before I go into the new tasks that are in Goal 7, I wanted to note that we have paid off the entire floating portion of the loan and all we owe is less than a million dollars. That will be paid off in six years and we

will own our office space outright. That is the first bit of good news. I will quickly go through the few new tasks that are in Goal 7. One of them is in 7.1, which is provide administrative support to the MRIP Dockside Service APAIS, including human resources and meetings' management, grant and financial monitoring and office space. The second one is providing administrative support to the NMFS At-Sea Observer Program.

7.2; we're working on developing a link between the commission's contact database and website to provide up-to-date committee lists. ACCSP is doing the majority of the work on that. We're going to continue to live stream commission meetings and seek improvement to the process, although it has gone really well so far.

7.4; we're going to be revising "Forging Knowledge Into Change", which is a publication that we distributed 25 years ago at our – almost 25 years ago, our 50<sup>th</sup> Annual Meeting; so we will be updating that and revising that for distribution at the commission's 75<sup>th</sup> Annual Meeting, which is in 2016. Then 7.5.3 is ensuring the annual submission of the financial disclosure and conflict of interest forms by the LGA commissioners and their proxies. Are there any questions?

MR. ABBOTT: I do have a question. Laura, could you just refresh myself and the other folks how many years has it been that you've been in the new office?

MS. LEACH: We just had our fourth year.

MR. ABBOTT: Fourth year; and in that time how much have we paid down? If I remember, the price was around \$4 million, was it, and we're down to a million now.

MS. LEACH: Yes.

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MR. G. RITCHIE WHITE: It is probably premature, but in the next few years we probably need to start planning where the available money will be going that won't be going to the payments. It sounds like a substantial amount that could be going to stock assessments.

MS. LEACH: We're paying \$2,000 a month right now; and that is our mortgage now.

MR. WHITE: So in six years, that is a lot of money.

MS. LEACH: Which I just point out that were – four years ago, before we moved, we were paying \$34,000 a month rent and that was going to increase within the lease.

CHAIRMAN DANIEL: That's crazy money. Bob.

MR. BALLOU: Mr. Chairman, this is a little incongruous I think because it might have related better to Tina's portion. I just want to note that I was struck by the fact that the draft addendum for striped bass wasn't readily available on the website unless I missed it. Before the meeting announcement came out, I couldn't get to the addendum in an easy way.

It may have been just me, but it just struck me that when we have a pending action as big as that, but frankly would pertain to any major action pending, it seems to me that it should be readily accessible to the public on the website. We can have a sidebar chat after this because maybe I missed it; but I just couldn't find it. I'm wondering if we might want to do a better job making those pending actions readily available to the public to the website. It is just a comment; and again I don't want to take up time now unless Tina has a response. Thank you.

MS. BERGER: Generally the pending actions are placed in a number of places under public input,

on the front page of the website. I remove them once the public comment period is over to avoid confusion and to prevent the fact that folks may think we're still accepting public comment on it. It was included in the board materials for that; but staff can talk about a better way of doing that to make sure that folks don't need to search for it.

MR. BALLOU: Thank you; and that does answer the question. I think that is what happened is after public comment period ended, it disappeared. Of course, there was no lack of continuing public interest in the issue, so I just think we might want to try to find a happy medium there.

MR. MITCH FEIGENBAUM: Mr. Chairman, I just want to point out that I want to compliment the staff and the commission for live streaming meetings. I'm getting feedback from a lot of folks that they're actually going to the web and participating or listening in on our meetings. Whoever is doing all the good work to make that happen should know that it is not for nothing; that it really is reaching people. Thank you.

MR. THOMAS FOTE: I guess you're tracking the numbers of people that come on and can we get a report one day of how many people are listening in on our sessions?

CHAIRMAN DANIEL: He was asking if we could get the number of the people that are actually listening in to the live streaming. Tina says we can. **Anything else for any of the staff on the 2015 Action Plan? If not, I would accept a motion to accept.**

**MR. BORDEN: So moved.**

CHAIRMAN DANIEL: Motion by David Borden to accept the 2015 Action Plan; seconded by Mitch Feigenbaum. Any discussion on the motion? Move to accept the 2015 Action Plan. Motion

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by Dave Borden and seconded by Mitch Feigenbaum. Is there any opposition to the motion? **Seeing none; the motion carries.** Bob.

### 2014 ACTION PLAN UPDATE

EXECUTIVE DIRECTOR BEAL: The other item that was on the agenda was the 2014 Action Plan Progress Update, which is essentially briefing the commissioners on where we stand with relation to this year's action plan. There are a number of things that were delayed for various reasons. I can quickly go through those.

There was a requirement for an addendum for Lobster Conservation Management Areas 4, 5 and 6. That was worked on at this morning's Lobster Board meeting in achieving that 10 percent reduction goal. Okay, I'm sorry, that is to right size the fishery to the availability of the resource. That hasn't been done, but the asked the LCMTs to work on it at the August meeting.

The Lobster Assessment was delayed due to data issues and that will be finalized in early 2015. The Bluefish Assessment was pushed back due to different priorities within the SAW/SARC schedule, and that will be in 2015 as well. The Scup Assessment was changed from a benchmark assessment to what is called a rumble strip, which is just an abbreviated update of the stock assessment.

The Sturgeon Assessment was delayed due to the complexity of that assessment; and that is going to be finished in 2017 rather than in 2015. Risk and uncertainty, as Pat mentioned, those are being tackled in this year's action plan. The committee was focused on climate change issues and the impacts on fisheries' distribution.

The Intermediate and Advanced Stock Assessment Training Workshops; all of our assessment folks were cranking out assessments fulltime, basically, so we didn't have time to do the training workshops this year. They are in the action plan for next year.

The East Coast Aquarium and Fishery Science 101; these are two outreach projects that we didn't get to just due to lack of time. They have been rolled over into the action plan for this year.

The Annual Meeting of the Atlantic Coast Fisheries Communication Group, which is sort of the outreach coordinators for all the fishery agencies up and down the coast, that meeting wasn't held, but Tina participated with a number of those folks in the South Atlantic Council Communication Project on Science and Graphics.

There was a task to work with the executive committee to determine the appropriate way to orient new commissioners. We didn't do that. I think we still need to do that. New commissioners get a variety of communications from us and a lot of materials, but it is probably worthwhile to sit down with new commissioners, spend some time with them, have them understand or help them understand what each of the different departments do and how the process works.

We're going to come up with a plan to do that. It is tricky. We don't want to use too much of the volunteer time from our new commissioners, but I think it is probably worthwhile to spend some time with new commissions so they can get up to speed a little bit more quickly. There is a lot of history and a lot of baggage with some of the things that we do.

We're also working with the commission's attorney on Freedom of Information Act requests. We're not a federal agency so FOIA doesn't directly apply to us, but we have been very open with providing any information that anyone asks for at the commission unless it involves confidential data.

**These minutes are draft and subject to approval by the Business Session.  
The Board will review the minutes during its next meeting**

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If anyone has asked for communications or letters or background on any issue at the commission, we're more than happy to provide it. The only thing we can't violate is the confidentiality laws on data. Those are the things that weren't done. There is a list of things that were done above and beyond the action plan; things pop up during the year.

We contributed to a number of other science projects and the new display that you may have seen out in the hallway and a number of other things that we've done to streamline our database issues and developing procedures within the office for finance and administration. That is a quick summary of where we stand relative to the things we intended to do this year. I'm happy to answer any questions if you guys are concerned about delays of anything else.

MR. NOWALSKY: Would there be an opportunity for the stock assessment training and fisheries science training to work with MREP and the Gulf of Maine Research Institute now that they're working with the Mid-Atlantic Council here in the Mid-Atlantic Region?

EXECUTIVE DIRECTOR BEAL: Is that in order to provide training at the MREP sessions or are you looking for something different?

MR. NOWALSKY: Well, I think that when they conduct their training sessions throughout the year or potentially the opportunity for them to have more, then send commissioners as opposed to – I see with the item for intermediate advanced stock assessment training – assessment scientists working fulltime on stock assessments.

I think we want them working fulltime on those assessments, but through the MREP program, it would raise the question of do we need the stock assessment scientists to – do we have to pull them away if there's already a training

mechanism in place to get the same information?

EXECUTIVE DIRECTOR BEAL: Well, this training, Adam, was actually for state assessment biologists to meet with our staff and get trained on new assessment methodology, so it's pulling along all the state biologists and some federal biologists to teach them new assessment techniques. The training here wasn't designed for commissioners. It was more for biologists at the state level to provide them intermediate and advanced assessment training.

MR. NOWALSKY: Okay, and again 2.5.1 said conduct training works out for commissioners, so that's what I would think the opportunity would be there for. It is something to look at moving forward. If that is the intent for more commissioners; if that interest level is there, I think that might be a place to take advantage of it.

### OTHER BUSINESS

CHAIRMAN DANIEL: Any other comments on the 2014 update? If not, we will move into other business. Emerson?

MR. HASBROUCK: As many of you know, the Mid-Atlantic Fishery Management Council suspended the Mid-Atlantic Research Set-Aside Program for at least a year in order to address concerns that the council members and council staff raised relative to that program. That was just recently done by the council.

That effectively took a little bit more than a million dollars a year in funding available for fisheries research, most of it being done cooperatively with the fishing industry. It's a significant amount of money that has been taken off the table for fisheries research to help answer a lot of the questions that come up in our discussions about managing the various species that we manage.



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That money isn't going to be replaced by some other entity. That program is funded through 3 percent of the overall quota for several different species, summer flounder, scup, sea bass, bluefish, longfin squid, mackerel, butterfish and probably something that I have forgotten to list. That comes out of the quota that this commission approves every year.

I think it's in the interest of the commission to weigh in on the Research Set-Aside Program and perhaps help the council develop some new procedures and protocols to help get the RSA Program back on track, so we can utilize that million dollars a year in funding. When you're ready, Mr. Chairman, I've got a motion I'd like to offer. Thank you.

CHAIRMAN DANIEL: Okay, questions for Emerson on his – Dave?

MR. BORDEN: Not a question, but I'd like to just go on the record as totally supporting what he's suggesting. Everyone in the room basically has to commit annually to placing a tax on your constituents in order to support this; and if that is the case, I think that it's an appropriate question and proposal for the commission to advance that we should have some say in how that program gets structured; not only that, what priorities get formulated through it and which projects get formulated. My feeling is we have to take on more of a prominent role than we have in the past.

MR. FOTE: In the last couple of years, I had voted against RSAs mainly because it was being used for NEAMAP, and this is the first year it would not have been used for NEAMAP, and we could have actually done some research. I always had some concerns that a lot of this money was being raised from the sale of RSAs on black sea bass and summer flounder because that is where they get the most bang for the dollar and the biggest part of the quota; and yet, very little in comparison to that, money

was being spent on two species, and a lot of it was being redirected to other places.

We first got into this program with the idea of industry funding research and the fisheries they were basically taking the quota out of, and we had gotten away from that. So, I agree with Dave and Emerson that if we're going to get involved in this again, we know how to make sure where the money is being spent. It should be on the fisheries where the money is coming from or where the quota is coming from.

We're taxing and that 3 percent quota can mean a lot days fishing in the recreational community, and it also means a lot more money in the commercial communities. In the beginning, we were not against having to be taxed like that, but we wanted to be sure it was going in the right place. That's what we need to ensure, and we need to be a bigger part of it.

CHAIRMAN DANIEL: Let's hear your motion, Emerson, and we can have further discussion.

MR. HASBROUCK: Okay, it's a draft, and we can modify it if need be. **I'd like to move that commission request that the Mid-Atlantic Fishery Management Council put together a special committee to address concerns over the RSA Program; for that committee to be comprised of members of both the commission and the council; and further that this committee and the council and the commission work in a speedy manner to reinstate the RSA Program as soon as possible.**

CHAIRMAN DANIEL: Can you provide that to staff so they can get it up on the board? Dave, while we're getting that up on the board.

MR. SIMPSON: Yes, getting a second would probably be appropriate, and then I will comment. Well, in the interest of time, we were talking about it anyway. I need my memory refreshed. Every August we meet

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jointly with Mid-Atlantic Council for fluke, scup and sea bass. We don't vote jointly on everything, but I thought we did. The Fluke, Scup, Sea Bass Board voted on RSA, so the commission does have a voice. I believe that's right, and Bob seems to be nodding.

EXECUTIVE DIRECTOR BEAL: Yes, the commission has voted jointly with the Mid-Atlantic Council on Research Set-Aside; and our plan does not have RSA included in the commission's FMP, but the board did vote on the Research Set-Aside levels so that we ended up with consistent quotas with the Mid-Atlantic Council.

If the Mid-Atlantic sets aside 3 percent and the board did not mirror that activity, then we would have the quota as 3 percent higher than the Mid and all the problems when we have different quotas. The commission's involvement has been making sure that the quotas stay identical and we don't end up with problems there. You're right, it has been a joint motion by the board and the council in the past.

MR. SIMPSON: Louis, I would say we're already fully engaged at least for those three species, and we don't have really much of anything to do with mackerel and squid. I'm not sure this is really necessary. We already have what is being asked for. If I could get a reminder; I think it took us a few years to get zeroing out RSA because of concerns for NEAMAP going unfunded, if that money were not available. Now NOAA has picked up the cost of that. Do you have a ballpark on what NEAMAP cost and what NOAA is picking up; just a ballpark?

EXECUTIVE DIRECTOR BEAL: It's about a million dollars; a little over that, 1.1, so it's a big chunk of change.

MR. SIMPSON: So, the federal government has really stepped up and virtually fully replaced the money that was lost from fluke, scup and sea

bass and RSA; so that's a big plus for us that an important survey is on a solid funding basis now.

CHAIRMAN DANIEL: I have got a motion. Is there a second to the motion? Second from Dave Bordon. Dave?

MR. BORDEN: I would just suggest to Emerson I think it would be clearer if – in the second line, we've got "special" – change that to "joint committee". In other words, the intent is to have both organizations contribute members to it. To follow up on Bob Beal's comment about the NEAMAP Project, I think it's important for everybody to just reflect on it.

During the last couple of years, there are only two projects that got funded with RSA funding, the Black Sea Bass Study and the NEAMAP Project. They used up the full allocations that were available. So, by having the National Marine Fisheries Service now fund NEAMAP, it really frees up the opportunity for the commission and the Mid-Atlantic Council to do about five \$200,000 projects, which would be a significant addition.

As we're going through priority-setting and action-planned discussions, and you think about all the things we need to tune up, fine tune and get a little bit better scientific information, this is a real opportunity to advance our understanding on some of these problems that have kind of dogged us for a number of years. I think this is a real opportunity for the commission to take a step forward.

EXECUTIVE DIRECTOR BEAL: A couple of quick comments, not in favor or in opposition to the motion, but the Mid-Atlantic Council already has a Research Set-Aside Committee that's going to dig into this. The way the motion is worded now is it requests the Mid-Atlantic Council put together a joint committee; so the

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way it's worded now, I read it as the Mid decides individually who is on this committee.

I think you guys may want more say in the joint membership of that committee rather than having the Mid completely form it. There are a number of state representatives on the RSA Committee already at the Mid-Atlantic Council. It doesn't include the southern New England states that participated quite a bit in the Research Set-Aside Program, so we may want to tweak the wording there a little bit.

MR. DIODATI: I just have a question for clarification. I guess I'm not sure other than the program is, at least for the time being, disbanded; what is the intent of moving forward regardless of this? What is the current intent of the Mid regarding the RSA Program?

EXECUTIVE DIRECTOR BEAL: When they zeroed out the RSA last year, there was a lot of discussion on what it means to move forward; and it appears or my recollection is that they want to move forward with looking at all the details of the RSA Program that led to, frankly, a lot of poaching, a lot of illegal activity.

They want to look at that and try to determine if there are ways to minimize that opportunity. A number of folks brought up the issues such as the auction and should that continue? They wanted, really, to open up the whole program and look at it; and the law enforcement folks needed to be intimately involved with that as it moved forward. The poaching issues or one of those significant concerns was what led them to zero out the program this year.

MR. DIODATI: Yes, I understand that part, so they're currently in a review process to take a little hiatus and they are going to review. I think one of the concerns that we've expressed, at least from Massachusetts, is all of that, what you just said, plus there was never any recognition how the RSA Set-Aside would be

intertwined with state fisheries management programs.

The administration of those fisheries particularly by states that had nothing to do with the RSA but were expected to incorporate a new type of activity within their states; and so that was problematic. Moving forward, I think this commission certainly needs to have an active role. I'm not sure if this motion is what gets us there, but I wouldn't be comfortable for that program to come back on line without a very active role by this commission.

MR. DOUGLAS E. GROUT: Just a suggestion on the rewording that Bob was mentioning; that instead of the commission requesting; the commission work together with the Mid-Atlantic Fisheries Management Council to put – does that work for you, Emerson?

MR. HASBROUCK: Yes, it does.

CHAIRMAN DANIEL: Emerson and David are good with those changes. Okay, I've got Emerson.

MR. HASBROUCK: Yes, I'm open to other suggestions as well to tweak this motion, but my intent here is to have the commission actively involved in restructuring The RSA Program. Yes, we do vote during the specifications to allocate that 3 percent, but right now this whole process is with the Mid-Atlantic Council.

Yes, there is an RSA Committee within the Council, and, yes, there are some state representatives on that committee, but I would like to formalize the process more so that the commission has a formal role to play in the reformatting and the revitalization of the RSA Program. Thank you.

MR. JAMES J. GILMORE, JR.: Some of you are probably aware of this, but the main reason

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there was a hiatus on the RSA Program was because of the illegal activity going on. The Department of Justice has aggressively pursuing that; and they had several cases; and last week there was a sentencing of one of the dealers, and he is going to spend four months in prison and pay in excess of a half million dollars in penalties.

So, the deterrent factor in terms of what was going on with this program I think is being well handled by that, so my concerns are a little bit – I was on the side of should we consider doing this; but I think from the fishermen cheating, in the future they are going to take a second thought about doing that. Thank you.

CHAIRMAN DANIEL: I would. Tom Fote.

MR. FOTE: I also think there was a lot of expense by the states to monitor these programs; and that was never addressed in the RSA Program. That's one of the reasons New Jersey always had a difficult time with this, because we didn't have enough funds to do what we were doing to basically start enforcing this. They were demanding it because of the way the program started moving in a different direction than it originally started.

Unless those are really addressed, I don't know if I can support going back to the system. The way it originally was put forward, the fish were sold and the money went for research. That was it, but when we started basically saying how auctions and quotas, that you could do this with the recreational sector and you could do this with the commercial sector, then it got more complicated and more complicated to enforce.

What I would like to see is when the Mid-Atlantic Council gets finished with their review process and we are part of that, and when it is brought back to us and we have to have a joint – before the commission signs away 3 percent

of the quota, it shouldn't be an automatic yes, because we have to do this because the quotas would be different is that we should be a real partner in how it's done, and the states should all be in agreement on how it's done at least by a vote; a majority of the states.

I think there is a little more process I'm looking for than is in this motion. I realize we are giving away 3 percent of the quota on a lot of species, and yet we have very little to do with it at the commission. We shouldn't just be rubber stamping with the Mid-Atlantic, because that has gotten us in a lot of trouble over the years. I'm accepting quotas that I don't think are right, because one of the bodies over there does things differently than our monitoring committee used to do. I have more concerns than I had when I originally started this discussion.

MR. BORDEN: I'll just make this very quick, Mr. Chairman. To Paul's point, I think his point is a good point, and I think that's exactly the reason the commission needs to be involved in the discussion.

MR. BALLOU: I'd just like to suggest a perfection to the motion, to add "to improve and reinstate the RSA Program". I think that speaks to the spirit of what we're looking to do here. Thank you.

CHAIRMAN DANIEL: Without objection from Emerson or Dave?

MR. HASBROUCK: That's fine with me.

MR. DIODATI: Well, Bob Ballou may have just addressed my concern. I was concerned with the last part of the motion given that we're looking at convictions that have resulted in significant jail time, very substantial fines, a burden on states to participate and monitor this program. I wasn't comfortable saying that the commission wanted to work in a speedy

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manner to reinstate the program that caused all that.

I wanted to either eliminate that last fragment of the motion or perhaps this helps. I wasn't comfortable voting for it the way it was. I'd prefer that last part of it be eliminated and just say that this commission recommends working with the Mid and reviewing the RSA. If the findings of that review warrant reinstating it, then that's what will happen; but it may be that review finds that the program is not doable for a number of reasons. It's very difficult to manage.

CHAIRMAN DANIEL: I see exactly what you're saying there. All right, Rob, can you fix it?

MR. O'REILLY: No, I was going to say the intent I support, but it has turned into some sort of awkward motion as far as I can see. I can't see the council starting up a joint committee. They already have an RSA Committee, as Bob mentioned. I'm on that committee. There may be some others who are as well.

I think the idea is to just have the commission on that RSA Committee; and then what Paul has just indicated really should be the charge to work to improve it. When it gets reinstated, that is subject to a lot of the comments around the board; but mainly to make sure the commission has some investment in that committee that already exists.

MR. HASBROUCK: Mr. Chairman, listening to the discussion, my intent here having the word "speedy" in there was to keep the process from languishing. I didn't want it to just be put on the back burner with the council saying they didn't have the time to get to it, and we go through another couple of years before anything happens with the RSA Program.

I'd be willing to take out "speedy" and maybe put in "expeditious manner to improve and

reinstate the RSA Program, if possible". I don't know if that helps to address some of the concerns we're hearing. Although the council did suspend the program, they didn't do away with it, and their intent was to bring it back. Again, I just don't want to bring it back ten years from now, perhaps, when it is sitting out on the back burner. Anyhow, I don't know if that change works. I don't know if Dave would accept those as the second.

MR. WHITE: Once this committee completed its work, what is the approval process that would take place for it to be reinstated? Does the Mid-Atlantic have the authority just to do it or does it have to be approved by the Mid-Atlantic and the commission? What is the next step?

EXECUTIVE DIRECTOR BEAL: As I mentioned earlier, Ritchie, the ASMFC does not have research set-aside in any of its FMPs. If the commission wanted to memorialize that, it would have to be done through maybe even an amendment process since it is not part of our adaptive management. The Mid-Atlantic Council does have provisions for research set-aside in their FMP, but it would probably take at a minimum a framework to capture some of the changes; and it require even an amendment to their FMP to capture the changes for the administration of the research set-aside. Depending on the magnitude of the changes probably would determine what course of action needs to be taken to sort of memorialize those changes and have them in control the way the program is administered in the future.

MR. WHITE: So basically we would be in an advisory capacity?

EXECUTIVE DIRECTOR BEAL: Well, I think a number of people around the table would like to have the commission much more involved and not just be advisors to the RSA and have sort of equal footing in the research set-aside program with the Mid-Atlantic Council. That

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would take a modification to our FMP at a minimum.

CHAIRMAN DANIEL: But even if we were members of the RSA Committee, it would still be up to the full council to make the final charge. I guess the concern that I have is that the first part of the motion I don't believe is practicable. I think what you really want is a number of people to be given seats on the RSA Committee. I don't think we would want to form a separate committee.

They've got a committee; so I'm trying to think as the council chairman gets the letter that we would like them to form a new committee – a joint committee – as opposed they might view a request from us to have, say, four members from the ASMFC be placed on their RSA Committee to work together to improve the RSA Program and reinstate, if appropriate.

I think that addresses at least some of the concerns that I've heard around the table in terms of what we could actually accomplish, which I know that is what you're trying to do is accomplish this. There are two different approaches, either request seats or their existing RSA Committee or the motion as read. It is up to you. Paul.

MR. DIODATI: I agree with you, Louis. Rob, I think you said that you're on the current committee and you're a member of both the council and the commission. I guess the problem is where there are members of this group, such as myself, that are not members of the Mid and have a strong interest in not only the development of an RSA Program but how it affects us in terms of these intersecting fisheries and how we manage them. I think if you can remodel this a little bit so that you're not creating a new committee and you're really just seeking membership for non-council members that are members of this commission

to join it. That would certainly satisfy me; so that would be helpful.

CHAIRMAN DANIEL: I'm perfectly happy to try to wordsmith the current motion if it is all right with Emerson and Dave or we can vote this up or down; and if it is voted down, we can try again; but I don't think it is going to pass with the way it is written right now. I may be wrong.

MR. HASBROUCK: Mr. Chairman, as I said earlier, I'm open to wordsmithing to make it work. My intent here by saying a joint committee was to be either a new committee or just an expanded RSA Committee. I would be happy to let the executive director of both of these institutions, the commission and council, work out the details of how that has to get done. That is fine with me.

CHAIRMAN DANIEL: If everybody agrees with that concept, I think it might get us along a little faster. Tina passed a note "to ensure adequate ASMFC state representation on the RSA Committee". I think that is sort of the lead-in statement, and then we would request membership; and if we can allow Bob to work with Chris Moore to get a sense of how best to do it, then I think we might move a little quicker if everybody is in agreement to handling it that way. Is there any objection to handling it that way? Brandon.

MR. BRANDON MUFFLEY: Mr. Chairman, just for clarification, there is a standing RSA Committee on the council. Was a new committee formed to evaluate the RSA Program or was the entire RSA Committee charged at looking at that? I think that might help. If it is to try to get seats on a standing RSA Committee within the council versus a committee that was charged to evaluate the program, I don't know if there is a difference or not, but it might help.

MR. O'REILLY: My understanding is it is the same committee. Rich Seagraves is the staff

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person for that committee. When there was a suspension, it wasn't a unanimous situation. I would say probably 40 percent were in the minority to keep the RSA going because there are projects that are held to be pretty important; so you have to keep that in mind.

I don't think there is any intent by the Mid-Atlantic Council to delay. I think what they will probably do – and this is just my estimate – there would probably be at least two RSA Committees that would be held within the next eleven- month period. Then there would eventually be – that information would be provided to the full council.

It seems really important to me that this link be made between the ASMFC and the council through Chris Moore and Rick Robins, perhaps, to get started on the existing RSA Committee, because that is the one that will review this situation. I think they would welcome having some members who had different perspectives who weren't within that Mid-Atlantic Region – that would be really important – and also those members who might have species of interest, which typically do not get the RSA allocations.

MR. NOWALSKY: It seems that our goal is simply to request that the council work jointly with the commission in the review and evaluation of the RSA Program and to reinstate it in 2016. If that is our goal, may we should just say it that simply, that we're requesting that they work jointly with us; and in 15 words I think we can get our point across. If that is what we're getting towards something that simple, I can repeat that a lot more slowly.

MR. WHITE: I'm still getting my arms around this process. Our expectation is that this committee will have a recommendation of how this program will go forward; and the commission will have votes on a Mid-Atlantic Committee. If there are disagreements in there, they will have to take a vote, so

commissioners will have a vote in a Mid-Atlantic Committee. I guess I don't quite see how that works. I'm thinking if that went the other way, I'm not sure we'd be as open to that.

CHAIRMAN DANIEL: We've added seats for the Mid and the New England Council on South Atlantic plans and done those kinds of things amongst councils. I understand the need to have this. We do have good ASMFC representation on the RSA Set-Aside Committee. The big gap is in the New England area, as Paul indicated.

We've got Steve Heins from New York, Bob Beal, Rob O'Reilly, Leroy and Chris Batsavage from North Carolina and Stew Michels from Delaware. You've got pretty good representation already on that committee. I think the issue is it might be nice to have somebody from New England and maybe one of the commissioners who is on the New England Council might ask to be involved in that committee, which might be a little cleaner than it being a commission/council marriage. I'm sure the state directors up in New England might be interested in doing that or one of their appointed members. I really don't know what you want to do. There are multiple options on how to skin this cat. Craig.

REPRESENTATIVE CRAIG A. MINER: Well, it sounds like there are a number of very good reasons as to why we should try and resolve this. The question is can you do it with this motion and I don't think you can. I like going back to the idea of have the executive director and perhaps you, as the leader of this organization, maybe entering into a discussion so there is no misunderstanding about what we're trying to do and making it very clear that some of the concerns that I've heard around the table here today probably aren't going to go away unless they get them resolved – unless we get them resolved in terms of reinstatement. I don't know how we do that.

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I don't know if that takes a motion, which would then provide I think the standing you would need to enter into that kind of conversation. I think the goal is pretty clear, but then we wouldn't be into trying to overtake a committee that isn't probably going to be looking to be overtaken. Maybe there is a way that you can jointly figure it out.

CHAIRMAN DANIEL: Yes; I would much prefer that we be given that – that would be certainly the direction I would prefer us go in to give Bob and me the opportunity to talk to Rick and Chris and explain these things and try to figure it out. If that is agreeable to everyone, we can either amend this motion or withdraw this motion; and I don't know that we need a motion to direct us to do that as long as it is by consensus. Does anyone object to that approach? Emerson, are you comfortable withdrawing your motion with the understanding that Bob and I will take your issue to the council?

MR. HASBROUCK: Well, I'm somewhat comfortable with that, no offense, but I think I originally said move that the commission request – I forget my exact words originally here – request that the council put together a joint committee. That request would come from our chairperson and our executive director to the chairperson and the executive director of the council.

I could go back to changing this motion to say that we request that the commission – I'll just say the commission or I could say that the commission's chair and executive director work with the Mid-Atlantic Fishery Management Council to put together a joint committee to address these concerns.

MR. ABBOTT: Mr. Chairman, I do like to give you a hard time sometimes, but that motion doesn't belong to Mr. Hasbrouck at this time. It belongs to the board and I think we should

probably either vote it up or down or table it for the time being.

CHAIRMAN DANIEL: That is true, Representative Abbott. All right, we have had much discussion on this and I've already gone 15 minutes overtime in my first meeting as the newly reelected chairman. Let's vote on this. I'll give you ten seconds to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN DANIEL: All right, all those in favor of the motion raise your right hand; those opposed same sign. **The motion is defeated.** Craig.

REPRESENTATIVE MINER: Mr. Chairman, I guess maybe the one thing that might have been missing from my prior comments was kind of a date certain for you folks to report back; and I would that could be by the February meeting if not sooner. I don't know if that helps anybody that might be concerned that this would somehow fall off the tracks.

CHAIRMAN DANIEL: I would think we could do it well before our February meeting. It is just a matter of Bob and I scheduling a conference call with Rick and Chris. We could do that next week. Emerson.

MR. HASBROUCK: So, based on the results of that vote, I'm going to trust that the two of you go forward with the consensus of the commission here. Time is of the essence somewhat. It is my understanding that the council is going to have an RSA Committee at the December council meeting. I would request that this discussion take place – to have something in place for that December council meeting. Thank you.

MR. FOTE: Yes; since December is a joint meeting with the Atlantic States Marine Fisheries Commission and a lot of the states



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that have black sea bass, summer flounder and scup are going to be there, maybe it would be a good time to have the open discussion and a report on where we are with doing this at that meeting. Since I'm not going to be there, it would be a good place to do it.

CHAIRMAN DANIEL: We haven't figured that out yet. Okay, anything else on this issue? We will let you know the results of our discussion with the Mid as soon as we have that discussion. All right, that was the longest other business issue I think I've ever handled. Terry.

MR. STOCKWELL: **Mr. Chairman, I've got a motion from the Herring Section concerning a maintenance proposal that the Coordinating Council is reviewing later this afternoon on portside catch sampling and comparative bycatch.** If I get a second for it, I'll provide the rationale.

CHAIRMAN DANIEL: It is on behalf of the committee so you don't need a second. While they're getting that up on the board, I have one other piece of other business that I'd like to jump in front of you real quick and let you know that the striped bass meeting, there is some of us concerned about the meeting room being able to hold the crowds of people that we anticipate could come to that meeting.

I don't think it is going to be Menhaden II, but it could be pretty crowded so we're going to have the live stream computers in the other rooms so the overflow crowd can go in to those meetings and listen to the deliberations. Bear with us tomorrow when we start to set up for that meeting because we may have to move a few things around and try to adjust, so we'll need your help. Any questions or concerns about that? Back to you, Terry.

MR. STOCKWELL: This motion on behalf of the Herring Section is in support of a maintenance program that the state of Maine has applied for

for 13 years. It supports the portside commercial catch sampling and bycatch monitoring for herring, mackerel and menhaden fisheries from Maine to New Jersey.

If this program is not funded, it will result in the elimination of our current age-structured model, the current ASMFC spawning closure management, eliminate our involvement in haddock and river herring bycatch and incidental catch monitoring. These are important keystone monitoring for the commission and two councils. The committee had a good debate about it. It was not a unanimous vote out of concern not knowing what the other priorities of the Coordinating Council were, but it is something that is very important to most members of the Herring Section.

**ADJOURNMENT**

CHAIRMAN DANIEL: Any questions for Terry? **Is there any objection to the motion from the Atlantic Herring Section? Seeing none, the motion carries.** Any other business to come in front of the commission? Seeing none; we are adjourned.

(Whereupon, the meeting was adjourned at 3:05 o'clock p.m., October 28, 2014.)

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OCTOBER 30, 2014

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The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 30, 2014, and was called to order at 4:30 o'clock p.m. by Chairman Louis B. Daniel, III.

CHAIRMAN DANIEL: The Business Session is in session. Resolutions Committee; Rick Bellavance.

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MR. RICK BELLAVANCE: On behalf of the Resolutions Committee, which is Steve Train and Bernie Pankowski and myself, I'd first like to thank Laura and Tina and the rest of the staff for helping us develop our resolution for this event and also offer the following:

### A RESOLUTION IN APPRECIATION OF CONNECTICUT AS HOST STATE

WHEREAS, the 73<sup>rd</sup> Annual Meeting of the Atlantic States Marine Fisheries Commission was held in the quaint seaport of Mystic, Connecticut, which provided a charming background for the commissioners, Management and Science, Law Enforcement, Habitat, Atlantic Coastal Fish Habitat Partnership members and the commission to staff to tackle issues of mutual concern; and

WHEREAS, the fall weather and brilliant foliage of the Connecticut coast were enjoyed by all; and

WHEREAS, the opening reception at the Mystic Aquarium was an event difficult to repeat with heartfelt remarks by our esteemed chair, Dr. Daniel; with appetizers and camaraderie enjoyed joined in the company of multi-colored lobsters and beluga whales; and

WHEREAS, the 23<sup>rd</sup> Annual Laura Leach Fishing Tournament provided anglers with opportunities for both ocean and inland fishing, with a covered bridge providing cover for Dr. Malcolm Rhodes' winning entry; and

WHEREAS, dinner at Latitude 41 gave our friends to the south a northern delicacy that northerners often take for granted, which they referred to as big crayfish, and our Connecticut hosts kept our waistlines in mind by keep the deserts to an absolute minimum; and

WHEREAS, David Simpson continued his quest to counteract the large amounts of Swedish fish

consumed this week by providing healthy doses of McIntosh apples for our enjoyment; and

WHEREAS Craig Miner, sweet as he is according to Laura and ladies, anyway, provided us with honey from his bees to sweeten the rest of us; and

WHEREAS, 24<sup>TH</sup> Annual David Hart Award recognized Pat Augustine for his unwavering commitment to successful management of marine fisheries along the Atlantic Coast, with his acceptance speech not only providing much-needed encouragement to his fisheries management colleagues but also brought a tear to nearly everyone in attendance; and

WHEREAS, Bernie Pankowski was thwarted from even going out fishing for the first year; that he did not have to compete with the aforementioned Mr. Augustine, who still one-upped him by winning the David Hart Award; and

NOW, THEREFORE, BE IT RESOLVED that the Atlantic States Marine Fisheries Commission expresses its deep appreciation to the state of Connecticut commissioners, David Simpson, Craig Miner and Lance Stewart, for their exceptional assistance in the planning and conduct of this outstanding 73<sup>rd</sup> Annual Meeting. (Standing Ovation)

MR. DAVID SIMPSON: I want to thank the Resolutions Committee, too. I know we did that last year and it is a bit of fun. You got some great zingers in there, so I appreciate that. It has been great hosting. It was a lot of fun to do, actually, and the staff make it more fun. I've told Bob that and others individually, tremendous help, and it really did make it fun. It was a great opportunity for me to get my staff here and see the commission, which not all of them get to do.

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Certainly my higher-ups in Hartford, it was a great opportunity and something of an eye-opening experience for some of them, especially my deputy commissioner and our legislative liaison to experience the striped bass discussion. They understand a little more now what I do when I disappear, as we all do, four times a year and struggle with these things. Thanks, everyone, and I hope you did have an enjoyable time here and we'll get back together in February.

### **ADJOURNMENT**

CHAIRMAN DANIEL: I guess with that, the 73<sup>rd</sup> Annual Meeting of the ASMFC is adjourned.

(Whereupon, the meeting was adjourned at 4:35 o'clock p.m., October 30, 2014.)