#### **Atlantic States Marine Fisheries Commission**

#### **Executive Committee**

May 15, 2014 8:00 – 9:30 a.m. Alexandria, Virginia

#### **Draft Agenda**

- 1. Welcome/Call to Order, L. Daniel
- 2. Committee Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2014
- 3. Public Comment
- 4. Report of the Administrative Oversight Committee, D. Grout
  - Presentation of the FY15 Budget Action\*
- 5. Review Updated Conflict of Interest Policy, R. Beal
  - Review Recommendation of Legislators/Governor's Appointees, D. Abbott
- 6. Discussion of American Eel Enforcement Efforts
- 7. Consider Resolution to Appoint Bob Beal as Trustee on Commission's Retirement Plan
- 8. Future Annual Meetings Update, L. Leach
  - October 27-30, 2014 Mystic, Connecticut
  - 2015 Florida
  - 2016 Maine
  - 2017 Virginia
  - 2018 New York
- 9. Develop Agenda Topics for the State Directors Meeting
- 10. Other Business/Adjourn
- \* The FY15 Budget will be emailed prior to the Spring Meeting

The meeting will be held at the Crowne Plaza Hotel 901 North Fairfax Street, Alexandria, Virginia Tel: (703) 683-6000

#### NOAA/STATE FISHERIES DIRECTORS MEETING

#### April 30-May 3, 2007-San Diego, California

#### **AGENDA**

April 30, 2007 Hotel Del Coronado

5:00 pm—8:00 pm Welcome Reception Vista Walk

Hotel Del Coronado

May 1, 2007—Tuesday

7:00 am Registration & Viceroy Room

Continental Breakfast

8:00 am Welcome Dr. William Hogarth

Assistant Administrator NOAA Fisheries

Randy Fisher

Executive Director Pacific States Marine Fisheries Commission

8:30 am Presentations by Interstate Marine

Fisheries Commission:

Overview of State Activities

Gulf States Experience with

Natural Disasters

**Larry Simpson** 

Gulf States Marine Fisheries Commission

Vince O'Shea

Atlantic States Marine Fisheries Commission

Randy Fisher

Pacific States Marine Fisheries Commission

10:00 am Break

10:30 am Implementation of Magnuson-

Stevens Fishery Management &

**Conservation Act** 

Recreational Fisheries Registry

Recreational Fisheries Data -

MRFSS and NRC

NOAA/STATE FISHERIES DIRECTORS MEETING			
April 30—May 3, 2007—San Diego, California		AGENDA	
May 1, 2007—Cont'd:		Hotel Del Coronado	
11:30 am	Lunch	Windsor Complex	
1:00 pm	Extended discussion on Recreational Data Issues		
3:00 pm	Break		
3:30 pm	Implementation of Magnuson- Stevens Fishery Management and Conservation Act		
	<ul> <li>Annual Catch Limits/ Accountability Measures</li> </ul>		
4:00 pm	Science Concerns Stock Assessments		
4:30 pm	Budget		
5:00 pm	Adjournment for the day		
5:30 pm	Reception	Main Beach	
6:00pm	Clam Bake Dinner	Main Beach	

#### NOAA/STATE FISHERIES DIRECTORS MEETING

#### April 30-May 3, 2007-San Diego, California

#### **AGENDA**

May	2. 2	2007	-We	dnes	sdav
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#### **Hotel Del Coronado**

7:30 am Continental Breakfast	Viceroy Room
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8:00 am Summary of 1st Day

8:10 am Implementation of Magnuson-

Stevens Fishery Management and Conservation Act - NEPA

**9:00 am** Enforcement Updates and VMS

10:00 am Break

10:30 am Specific Management Issues—

Circle Hooks, etc.

11:00 am National Outreach Plan

11:30 am Lunch Windsor Complex

1:00 pm National Fish Habitat Plan

2:00 pm Update on Aquaculture

Legislation

3:00 pm Break

**3:30 pm** State Director's Discussion on

Areas of Concern—Grants, etc.

5:30 am Adjournment for the day

6:00 pm Reception

**6:30 pm** Dinner by the Pool

#### **NOAA/STATE FISHERIES DIRECTORS MEETING**

April 30-May 3, 2007-San Diego, California

#### **AGENDA**

#### **Hotel Del Coronado**

May 3, 2007—Thursday

7:30 am	Continental Breakfast	Viceroy Room
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8:00 am Summary of 2nd day Viceroy Room

8:10 am State Director's Discussion on

Areas of Concern (continued)

10:00 am Wrap—Up

11:00 am Adjournment

(Box Lunches will be available for you to take, as you leave for the Airport.)

# Agenda

### State Director's Meeting

September 29, 2009 8:00 a.m. – 5:30 p.m.

8:00 a.m. – 9:00 a.m.	Registration and Meeting Preparation
9:00 – 9:15 a.m.	Introductions and Welcome – Jim Balsiger
9:15 – 10:45 a.m.	Interstate Commission Reports (member concerns related to state-federal activities and suggestions for improved state-federal partnerships) ASMFC – Vince O'Shea GSMFC – Larry Simpson PSMFC – Randy Fisher
10:45 – 11:00 am	Break
11:00 a.m. – noon	Discussion on Issues Of Concern – State Directors
Noon – 1:30 p.m.	Lunch
1:30 - 2:30 p.m.	Overview of recent federal activities (major federal ocean related legislative and policy initiatives – include President's Ocean Policy Task Force, HR 21, etc. with an emphasis on the role of the states and opportunities) – Jim Balsiger
2:30 – 3:30 p.m.	Management of interjurisdictional fisheries (relationship of ACLs/AMs and Catch shares to state management programs) – Alan Risenhoover
3:30 – 4:00 p.m.	Break
4:00 – 5:00 p.m.	Federal Budget Outlook and the states (what does the proposed budget mean for state management) – Gary Reisner
5:00 – 5:30 p.m.	Discussion of Marine Recreational Issues (other than MRIP) – Jim Balsiger

### State Director's Meeting

September 30, 2009 8:00 a.m. – 5:30 p.m.

8:00 – 9:00 am	Registration and Meeting Preparation
9:00 – 10:00 a.m.	MRIP - Update on implementation plan to address NRC report and status of MRIP projects - Pres Pate
10:00 – 10:30 a.m.	MRIP - State registry implementation - Gordon Colvin
10:30 – 11:00 a.m.	Break
11:00 – Noon	Climate change in fisheries (new federal report with impacts by region) – Steve Murawski
Noon – 1:30 p.m.	Lunch
1:30 – 2:15 p.m.	National Fish Habitat Action Plan and Recovery Act (funding awards for habitat restoration) – Pat Montanio
2:15 – 3:15 p.m.	Marine Spatial planning (what does it mean for state fisheries management) – Sam Rauch
3:15 – 3:45 p.m.	Break
3:45 – 4:30 p.m.	ESA agreements – status and future funding (results of PR national coordinator's meeting) – Jim Lecky
4:30 – 5:30 p.m.	Discussion on Issues of Concern – State Directors
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### State Director's Meeting

October 1, 2009 8:00 a.m. – noon

8:00 a.m. – 9:00 a.m.	Registration and Meeting Preparation
9:00 – 9:30 a.m.	Enforcement – update on partnership activities and VMS conference – Dale Jones
9:30 – 10:00 a.m.	Update on Aquaculture Program Activities – Sam Rauch
10:00 – 11:00 a.m.	Development of a National Fisheries Economics Program – Larry Simpson
11:00 – noon	Wrap-up and adjourn

#### **State Directors Meeting**

March 19 – 20, 2012

Strong Partnerships, Common Priorities, Ensuring Efficiency, and Effective Communication

#### Monday March 19

8:30 - 9:30	Introductions/Opening Remarks Sam Rauch/Each Interstate Commission Executive Director
9:30 - 10:00	Communication Sam Rauch
10:00 - 10:15	Break
10:15 – noon	Budget  Paul Doremus  Overview of the FY12 and FY13 Budget for NOAA Fisheries with a focus on impacts to states
Noon – 1:00	Lunch
1:00 – 3:00	Enforcement Bruce Buckson Overview of NOAA Fisheries Law Enforcement National and Regional Priorities
3:00 – 3:15	Break
3:15 – 5:00	Data Needs for Fisheries Ned Cyr
	Tuesday March 20
8:30 - 10:00	Magnuson Stevens Reauthorization—Impact on State Fisheries  Carrie Selberg  Overview of our progress towards implementation of the 2006 Magnuson Stevens Act reauthorization — specifically Annual Catch Limits. How has the implementation of Annual Catch Limits impacted state fisheries and the intersection of state and federal fisheries?
10:00 – 10:15	Break
10:15 – 12:15	State Engagement During and After the Endangered Species Act Listing Process  Jim Lecky  What are the current ways the states are engaged in the listing process and what are the areas for improvement? How is the section ten process to permit

state fisheries once a species is listed working and what are areas for

improvement? What are our next steps and process towards achieving delisting?

#### 12:15 – 1:30 Lunch

#### 1:30 – 3:30 Habitat

Brian Pawlak

Overview of NOAA's Habitat Blueprint and identification of opportunities for coordination with States on shared habitat priorities. What are the challenges to setting habitat conservation objectives for fisheries management using existing habitat science? How future improvements could be made through better coordination, implementation of existing authorities or through new or changed polices regulations, and/or legislation.

#### 3:30 – 3:45 Break

#### 3:45 – 5:00 Wrap Up/Communication Coordination

What steps do we need to take to maintaining efficient communications among ourselves and between ourselves and our constituents? How will we communicate the common priorities identified in the past two days?

## ATLANTIC STATES MARINE FISHERIES COMMISSION May 6, 2014



# Policy on Commissioner Financial Disclosure and Conflict of Interest

Draft for review by Commissioners at the 2014 Spring Meeting

The Atlantic States Marine Fisheries Commission (Commission) is comprised of three Commissioners from each of the 15 Atlantic coastal states. As an Interstate Compact of the 15 Atlantic coastal states, the Commission affords great deference to its member states in selecting Commissioners to represent them. The diverse personal, educational, financial, and professional backgrounds of the Commissioners are, in fact, one of the Commission's greatest assets. However, this diversity means that some Commissioners will have personal financial interests in the outcomes of management decisions at times.

Financial interests of Commissioners and members of the regional fishery management councils have recently come under additional scrutiny by stakeholders and the public. This document provides the Commission's policy on Commissioner financial disclosure and conflict of interest. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

#### <u>Background – Commissioner Code of Conduct</u>

Page 7, Section 1, Paragraph (B) of the Commission's Rule and Regulations provides:

<u>Code of Conduct.</u> Commissioners appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner shall engage in criminal or disgraceful conduct prejudicial to the Commission, any other Commissioner or any other state. No Commissioner shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.

#### **Discussion**

The Commission has a long-standing tradition of stakeholders serving as Commissioners. However, the member states making up the Commission have varying disclosure requirements to characterize direct or indirect financial interests. Further, these disclosures are not always made available to the Commission, its Commissioners, or the public. Additionally, Commissioners frequently appoint proxies and are not required by the Commission to notify their home states of such appointments or the proxy's financial interests.

Uncertainty about the financial interests of Commissioners or proxies have raised concern regarding their ability to conduct their duties in a "fair and impartial" manner. There is a delicate balance between providing expertise in Commission deliberations and influencing outcomes when stakeholders are serving as Commissioners.

#### **Policy on Financial Disclosure**

The following provisions are intended to further improve the transparency of the Commission's decision making processes. The policy requires financial disclosure and notification of the state appointing authority when a Legislator or Governors' Appointee is appointed to the Commission as well as when Legislator and Governors' Appointee Commissioners appoint a proxy, whether that be a meeting specific, board specific, ongoing, or permanent proxy. This policy applies only to Legislator and Governors' Appointee Commissioners and their proxies since Administrative Commissioners, by virtue of their standing as state officials, are required by their state to fully disclosure their financial and any other conflicts of interest.

#### **Financial Disclosure**

- 1. All Legislator and Governors' Appointee Commissioners are required to complete a Commissioner Disclosure Form (see Attachment 1). The form collects basic information on financial interest that may impact a Legislator and Governors' Appointee Commissioner's ability to conduct business in a "fair and impartial" manner. The form will not collect specific value (dollar amounts) of investments or holdings, only the category of financial interests.
- 2. All proxies appointed by Legislator and Governors' Appointee Commissioners are required to complete a Commissioner Disclosure Form.
- 3. Completed Commissioner Disclosure Forms from Legislator and Governors' Appointee Commissioners and their proxies must be submitted to the Executive Director by February 1<sup>st</sup> of each year. If a Legislator and Governors' Appointee Commissioner or proxy is appointed after February 1<sup>st</sup>, a completed Disclosure Form must be submitted prior to participation in a Commission meeting.
- 4. Completed Legislator and Governors' Appointee Commissioner Disclosure Forms will be made available to the public through publication on the Commission's website and will be available for public review at Commission meetings.
- 5. Disclosure Forms will be updated annually by Legislator and Governors' Appointee Commissioners and their proxies. If a Legislator and Governors' Appointee Commissioner or proxy does not have any changes to his/her Disclosure Form, the previous year's form can be resubmitted.
- 6. The completed Disclosure Forms must be notarized. Should this be a requirement?

#### **Notification of Proxy Appointment**

 All Legislator and Governors' Appointee Commissioners that appoint a proxy are required to notify their home state's appointing authority when such an appointment occurs. For example, a Governors' Appointee Commissioner will notify the Governor's office when a proxy is appointed. The notification should also include a copy of the

proxy's Disclosure Form. This will ensure the Commissioner's appointing state is aware that a proxy is representing the state on the Commission. A copy of this notification must be supplied to the Commission's Executive Director.

#### Legislator and Governors' Appointee Commissioner and Proxy Recusal

- 1. Legislator and Governors' Appointee Commissioners/proxies can voluntarily recuse themselves at any time due to concern over perceived or real conflicts of interest.
- Legislator and Governors' Appointee Commissioners/proxies with a financial conflict of interest in a matter before the Commission or one of its management boards or sections, must:

Option 1. No longer sit at the table as a participating board/section member. The Legislator and Governors' Appointee Commissioner/proxy will not participate in the discussion on an issue and in the state caucus prior to a vote. The Legislator and Governors' Appointee Commissioner/proxy can comment from the public microphone if recognized by the board/section chair during the public comment portion of the agenda.

Option 2. Prior to the discussion of an issue, the Legislator and Governors' Appointee Commissioner/proxy must announce to the board/section that he/she is recusing himself/herself from participating in the caucus on voting. Once recused, the Legislator and Governors' Appointee Commissioner/proxy will be able to participate in the deliberations but will not be able to make or second motions on the issue. (This option is similar to the regional council process and is preferred by the Legislators and Governors' Appointee Commissioners.)

Option 3. Prior to the discussion of an issue, the Legislator and Governors' Appointee Commissioner/proxy must announce to the board/section that he/she has a financial conflict of interest. Following this announcement, the Legislator and Governors' Appointee Commissioner/proxy may still fully participate in the debate of the issue. This participation can include debate, making motions, seconding motions, and participating in the state caucus prior to a vote.

#### A financial conflict of interest is defined as:

- Greater than 10 percent interest in the total harvest of the fishery under consideration by the Commission;
- Greater than 10 percent interest in the marketing or processing (e.g. fish dealer) of the total harvest or the fishery under consideration by the Commission; or
- Full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery under consideration by the Commission.

### Notification of Appointing Authority in the Legislator and Governors' Appointee Commissioner's Home State

If any of the following conditions are met, the Commission will notify the appropriate appointing authority in the Legislator and Governors' Appointee Commissioner's home state regarding the concern of the Commissioner's or proxy's ability to perform the duties of a Commissioner in a fair and impartial manner.

- 1. The Legislator and Governors' Appointee Commissioner or proxy has a financial conflict of interest as defined in the "Commissioner Recusal" section of this document.
- 2. The Legislator and Governors' Appointee Commissioner or proxy has been found in violation of criminal or civil state or federal fishery law or regulation. Should notification occur if convicted of any felony?
- 3. The Executive Committee determines that a Legislator and Governors' Appointee Commissioner or proxy is not performing his/her duties consistent with this policy or other Commission guidance provisions.

#### **Concerns over Financial Disclosure and Conflict of Interest**

 Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee will determine if any of the provisions of this policy have been violated and decide the appropriate recourse.

#### Attachment 1

# ATLANTIC STATES MARINE FISHERIES COMMISSION

### DRAFT -- LEGISLATOR AND GOVERNORS' APPOINTEE COMMISSIONER & PROXY DISCLOSURE FORM

This form is to be filled out by all Legislative and Governors' Appointee Commissioners and their proxies. The intent of this form is to provide a disclosure of direct and indirect financial interests that may impede the ability of a Legislator and Governors' Appointee Commissioner and proxy to execute his/her duties in a fair and impartial manner. The information on this completed form will be provided to other Commissioners and made available to the public for review. Please answer all the questions that apply to your situation. If this form is for a proxy, the appointing Legislative and Governors' Appointee Commissioner and the proxy must sign the form and return it to the Commission by February 1<sup>st</sup> of each year. If a Legislative and Governors' Appointee Commissioner or proxy is appointed after February 1<sup>st</sup>, this completed form must be returned to the Commission prior to participating in a meeting.

Name	of Commissioner/Pr	oxy:	
Addre	ess:		
City,	State, Zip:		
Phone	e (day):	Email: _	
Phone	e (mobile):		
Type	of Commissioner:	Governor's Appointee	Legislative Commissioner
Type of Proxy:		Proxy for Governor's Appointee	Proxy for Legislative Commissioner
Name	of Commissioner ap	pointing proxy:	
		R AND GOVERNORS' APPOINTE	E COMMISSIONERS/PROXIES
1.		nd in violation of criminal or civil stater the last three years? Should this be	e or federal fishery law or regulation or convicted of any extended to five years?
	Yes No		
2.	Are you a member	of any fishermen's organizations or cl	ubs?
	Yes No	<del></del>	

	If "yes," please list them below by name.
3.	How many years have you lived in state you will be representing? years
1.	Do you, your spouse, partner or minor child have a direct or indirect financial interest in commercial fishing o for-hire fishing?
	Yes No
	If "yes," please select all that apply:
	Vessel Owner (Full or Partial) Vessel Captain
	Seafood Processor or Dealer Vessel Crew
	Gear Supplier/Manufacturer Other (Please Specify)
FOR	COMMERCIAL FISHERMEN:
l.	How many years have you, your spouse, partner or minor child been employed in the commercial fishing business? years
2.	Are you, your spouse, partner or minor child employed only in commercial fishing?
	Yes No
3.	What is the predominant gear type used?
1.	What are the predominant species targeted?
5.	Do you, your spouse, partner or minor child harvest greater than 10 percent of the total annual harvest of any species managed by the Commission?
	Yes No
5.	Do you, your spouse, partner or minor child have full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery under consideration by the Commission?
	Yes No

If yes to either question above, please complete the following:

•	Vessel/Entity Name:
•	Description/Relationship of Financial Interest:
•	Fishery (Species) of Interest/Gear Type:
FOR S	SEAFOOD PROCESSORS & DEALERS:
1.	How long have you, your spouse, partner or minor child been employed in the business of seafood processing/dealing? years
2.	Are you, your spouse, partner or minor child employed only in the business of seafood processing/dealing?
	Yes No If "no," please list other type(s) of business(es) and/or
	occupation(s):
3.	Do you, your spouse, partner or minor child process and/or market greater than 10 percent of the total annual harvest of any species managed by the Commission?
	Yes No
FOR (	CHARTER/HEADBOAT CAPTAINS/MATES:
1.	How long have you, your spouse, partner or minor child been employed in the charter/headboat business? years
2.	Are you, your spouse, partner or minor child employed only in the charter/headboat industry?
	Yes No
	If "no," please list other type(s) of business(es) and/occupation(s):
FOR I	RECREATIONAL FISHERMEN:
1.	How long have you engaged in recreational fishing? years

2.	Are you, your spouse, partner or minor child working, or have you, your spouse, partner or minor child ever worked in any area related to the recreational fishing industry (for-hire fishery, recreational advocacy, tackle shop owner employee etc.)?
	Yes No
	If "yes," please explain.
FOR	COMMERCIAL OR RECREATIONAL FISHERY ORGANIZATION REPRESENATIVES:
1.	How long have you, your spouse, partner or minor child been employed by a commercial or recreational fishery organization? years
	List all commercial or recreational fishery organizations you have been employed by during the past three years:
2.	Are you, your spouse, partner or minor child employed only commercial or recreational fishery organization?
	Yes No If "no," please list other type(s) of business(es) and/or
	Occupation(s):
FOR	NON-GOVERNMENTAL ORGANIZATIONAL (NGO) OR ENVIRONMENTAL ADVOCATES:
1.	How long have you, your spouse, partner or minor child been employed by a Non-Governmental Organization (NGO) or environmental advocacy organization? years
	List all NGO/environmental advocacy organizations you have been employed by during the past three years:

	Are you, your spouse, partner or minor child employed only by an NGO or environmental advocacy organization
	Yes No If "no," please list other type(s) of business(es) and/or
	Occupation(s):
R	OTHER INTERESTED PARTIES:
	How long have you been interested in fishing and/or fisheries management? years
	Are you employed in the fishing business or the field of fisheries management?
	Yes No
	If "no," please list other type(s) of business(es) and/or occupation(s):
	Are you employed in an advocacy role for fisheries, natural resources management, environmental issues, habitat, etc.? Yes No

FOR LEGISLATOR AND GOVERNORS' APPOINTEE COMMISSIONER/PROXIES:  In the space provided below, please provide the Commission with any additional information which you feel would allow other Board members and the public to fully understand your financial interest in fishing, fishery management, or the fishing industry.
fishing industry.
Commissioner Signature:

Date: \_\_\_\_\_

Proxy Signature: