

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
March 23, 2011

Approved August 4, 2011

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2. **Move for approval of the Proceedings from August, 2010** (Page 1). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 1).
3. **Adjourn** by consent (Page 6).

ATTENDANCE

Board Members

Norman Olsen, ME (AA)	Roy Miller, DE (GA)
Terry Stockwell, ME, Administrative Proxy	Craig Shirey, DE, proxy for P. Emory (AA)
Sen. Brian Langley, ME (LA)	William Goldsborough, MD (GA)
Dennis Abbott, NH, proxy for Rep. D. Watters (LA)	Tom O'Connell, MD (AA)
Ritchie White, NH (GA)	Steve Bowman, VA (AA)
Doug Grout, NH (AA)	Catherine Davenport, VA (GA)
Paul Diodati, MA (AA)	Red Munden, NC proxy for L. Daniel (AA)
William Adler, MA (GA)	Bill Cole, NC (GA)
Ben Martens, MA, proxy for Rep. Peake (LA)	John Frampton, SC (AA)
Bob Ballou, RI (AA)	Robert Boyles, Jr., SC (LA)
David Simpson, CT (AA)	John Duren, GA (GA)
Pat Augustine, NY (GA)	Spud Woodward, GA (AA)
Peter Himchak, NJ, proxy For D. Chanda (AA)	Jessica McCawley, FL (AA)
Tom Fote, NJ (GA)	Bryan King, DC
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	A.C. Carpenter, PRFC
Leroy Young, PA, proxy for J. Arway (AA)	Jaime Geiger, USFWS
Loren Lustig, PA (GA)	Steve Meyers, NMFS

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

Ex-Officio Members

Bob Beal
Vince O'Shea

Toni Kerns

Guests

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, March 23, 2011, and was called to order at 3:00 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good afternoon, everyone. My name is Robert Boyles. I'm Chairman of the Atlantic States Marine Fisheries Commission. I'm from South Carolina. I would like to call the business session to order.

APPROVAL OF AGENDA

The first order of business is seeking consent on approval of the agenda. Are there any additions to the agenda? Seeing none, the agenda will stand adopted as presented.

PUBLIC COMMENT

Next on the order of business is public comment, a time for members of the public to address the commission on items not on the agenda. Are there any members of the public who would like to address the commission? Seeing none, we will move on through that. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, although I'm not a member of the public, there is one thing. Last night I gave remarks at our reception. I purposely did not address the commissioners, but one of the things that needs to be said is the beautiful office space that you all saw last night in my view is a direct reflection of the confidence and care that you all put towards providing a work environment and a work office to our staff.

While we called out a number of people that financed the building and built the building, it was our commissioners that made the decision to do that in order to give a good home for a long time for our staff. I wanted to publicly acknowledge the commissioners for doing that and to thank them on behalf of myself and the staff. Thank you.

CHAIRMAN BOYLES: Vince, thank you, and let me take the time – you did a nice job of acknowledging a lot of folks including Laura and her team to put that beautiful space together, but I'd like to publicly thank you as well for leading that charge. Again, I think it's something that we can all be proud today and certainly something that I think in the future is going to pay a handsome dividend. Thanks

to you as well and thanks to everyone for making that happen, and congratulations.

APPROVAL OF PROCEEDINGS

I was looking at tomorrow's business session agenda, folks, so please excuse me. We also need to approve the proceedings from November 2010. Pat.

MR. PATRICK AUGUSTINE: **Mr. Chairman, I move that we accept the minutes of the meeting from 2010.**

CHAIRMAN BOYLES: There is a motion by Mr. Augustine; a second by Mr. Adler. Any discussion? Seeing none, any objection to that? **Seeing none, the proceedings are approved as submitted.** Now we will turn it over to Bob Beal to talk about the Atlantic States Marine Fisheries Commission commissioner survey results.

ASMFC COMMISSIONER SURVEY RESULTS

MR. ROBERT E. BEAL: The results of the survey were sent out on the briefing CD so everyone should have them. I'm going to just hit the highlights of the results that came out of that survey and provide a little bit of background and maybe a little insight. The background is this is the second year that we have conducted the survey.

It's included in the annual action plan as a way to gauge the commissioners' progress toward the commission's goal or at least the commissioners' feelings on how well they're doing moving toward the commission's goals. This year we received responses from 20 commissioners out of about 40 potential responses.

Obviously, if there are 15 states and 3 members each, you have 45 commissioners, but there are a couple of vacancies. There were three commissioners that had not yet attended a commission meeting and didn't feel they were in a position to respond to a commissioner survey. I think that leaves about 40 individuals that could have potentially responded to the survey, so we've got exactly half of the commissioners responded.

This year the only difference in the survey was the scale of potential responses for the commissioners. Last year the range went from one to five; this year it's from one to ten, just to give a little bit more resolution to the commissioners as they respond to the questions. Last year, when I went through this, one of the comments was a scale of one to five really

doesn't give a whole lot of choices and it forced some of the commissioners to pick and choose.

They felt they would rather split the difference, so I've got a little bit larger scale and a little bit more granularity in the data. What that means is that in order to compare this year and last year, what I did was I just essentially doubled the value for last year a response out of four; this year it has got an eight.. I think it will be pretty close to be able to compare the two scales.

The survey design is there are five general topic areas with twenty questions in total underneath of those five topics. The lower the score for each question, the less supportive or comfortable the commissioners were with it; the higher the score, the more supportive or more comfort there was with the commissioners.

There were also five open-ended questions at the end and I'll hit the highlights there. The verbatim responses from all the commissioners for those open-ended questions are included in the packet that went out on the briefing CD if you want to read through what your fellow commissioners were saying.

To quickly summarize the results by topic area, the first topic is the commission goals and values; a little bit higher response this year. The average was 8.6 across all the questions underneath of that category. Last year it was 8.28, so a little bit better. The second topic area was the plan to achieve the vision so how well do the commissioners feel there is a plan in place to achieve the commission's vision; virtually identical between years; 8.03 and 8.04

The next topic area is execution and results. This topic scored the lowest this year as it did last year. There is a little bit better average this year; three-tenths of a point better than it was last year, but it's still the lowest across the board for the number of questions that the commissioners responded to. The fourth area is measuring progress and results; essentially evaluating the metrics and communicating the results of the commission's progress out to the public.

This scored a little bit higher than it did last year; a little bit higher than eight this year, so there is some improvement in that area. The final category is utilization of resources; again a little bit better than last year; two-tenths of a point better than it was last year. I'm going to hit a couple of highlights within the specific topics.

Under the goals and values topic, the highest response from all the commissioners across all the

questions was support of the vision. There is a lot of confidence around the table that the individual commissioners support the commission's vision. And then for the rest of the slides that I'm going to go through pretty quickly here, I kind of made the arbitrary ruling that anything that scored below an eight was something that got a relatively low score and something that we're going to highlight in this presentation.

Anything that I'm not going to present with respect to the specific twenty questions, that means the average score from the commissioners was higher than eight. A clear plan to achieve the vision; this scored a little bit lower so the commissioners were indicating that overall they felt this topic – they were pretty comfortable with it, but they highlighted this one specific question on a clear plan to get where the vision says we should go.

Under execution and results, as I mentioned earlier, this is the topic that scored the lowest. There were six questions underneath this topic that scored below the threshold of 8.0. The very first one; will the commission achieve it's vision, this scored low last year but it's actually the lowest response that the survey had this year, so that's the area that the commissioners apparently had the least amount of confidence is will the commission achieve its vision. This only scored a 6.1.

Item Number 4 on the screen, which is cooperation with the federal partners, scored the lowest last year. It's second to the lowest year so there is a little bit of improvement there, but you can also see the other topics on the screen. Does the commissioners' action reflect progress toward the commission's vision, 7.5; cooperation between the commissioners, just about 7; relationship with the constituents, a little under 7; and securing adequate resources just above 7.

None of these are extremely low scores but they are below the threshold, somewhat arbitrary threshold of eight, but there appears to be room for improvement on all those. The next topic, measuring progress and results, there were two topics underneath this heading that scored below the threshold of eight. Support for metrics, it's pretty close to eight; and describing progress to congress and the state legislative folks only scored a 7.6.

Utilization of resources scored just below the threshold of 8, 7.95; and the specific question was reacting to new information, so there is some concern expressed by commissioners that the commission wasn't as quick as it might be in reacting to new

information. The next few slides are the open-ended questions; just a summary of what folks said.

The first open-ended question is what is the most significant problem for the commission to solve? Coordination between federal and commission fishery management plans; funding at the state and the commission level; bycatch came up a lot; and educating the public on the science that the commission uses as well as the commission process were the four kind of themes that showed up in a lot of the responses from the commissioners.

The most important thing that could be changed to improve the commissioners' results was improve the buy-in both at stakeholders and legislative folks up and down the cost; coordination with the councils; and improving management response to science; so the science guidance, some folks indicated that the commissioners were not responding to that or directly responding, anyway.

What is the biggest obstacle to the commission's success? Money came up a lot; concern about funding; willingness of commissioners to make tough decisions; and commissioner and staff retention also came up as a concern this year. The fourth open-ended question was does the commission use the appropriate metrics; and if not what should be implemented instead?

Generally the commissioners responded, yes, that the appropriate metrics are in place, but there was some concern that some of our metrics were kind of a one size fits all and it may need to be crafted to the individual species or fishery that's in question. Some suggested modifications to our metrics.

Overall the last was just a catchall; what additional comments do the commissioners have. A couple of responders urged the commission to keep working toward the goal and the vision of restoring Atlantic coastal stocks. There was some concern expressed about many things are beyond the control of the commission.

The last one is just kind of a self-serving thing that one of the commissioners said so I figured I might as well throw it in. It never hurts. That's a quick summary of what the commissioner said in the survey. I think the question is now that you see where the self-evaluation was, what type of response, if any, do you want to have? I can answer any questions if you have any.

CHAIRMAN BOYLES: Questions for Bob. Tom.

MR. THOMAS FOTE: Not really a question but a statement; I always score low on the commission basically obtain its vision because we can't control all the outside factors. We've got to build to always sustainable; and things like weakfish and everything else there are a lot of other factors that we have no control over. When I rate that, I always look at that as the position and that's why I do it the way I do it.

MR. PAUL DIODATI: I'm trying to understand that result, too. Support of the commission's vision is the highest value, yet the commissioners feel it's the lowest rating that they feel that we're going to achieve. That's almost like saying, yes, I believe in heaven and I know I'm not going to go there. I guess there is something inconsistent about that, that people either aren't understanding that question or I'm not sure I understand why the result is coming out that way.

MR. STEVEN BOWMAN: I think Paul hit on a good point. When I took the test, it was very obvious to me that as I looked over the questions I think the responses to the question are how the person taking the survey actually was perceiving the question. For example, will it achieve the vision; it seems to be low. Well, I think that might, from certain people, indicate a need to exercise caution and work diligently to try to achieve the mission, but then if one were to respond very, very highly to that and say, oh, yes, we are, then one might perceive that as being flippant without the need to labor to make sure that you do the job correctly.

Not to minimize the results, but I think the questions that are there certainly are in the eyes of the beholder, but the first couple of questions that indicate – I think the responses were that the commission is doing a pretty good job and working collectively, I think are very important. Like I said, as I took it, I looked at it – and I didn't just blow through it; I looked at it in a number of different ways. I think it's all a matter of just as much a perception of the question and what you're working toward individually; as you go about your job as commissioners, it is a collective result. Thank you.

CHAIRMAN BOYLES: Steve, to that I was going to say something along these lines at some point, but talking about the collective result I will say I was a little underwhelmed with the response, to be really frank with all of us. I think it's something that we have decided as a group several years ago that we were going to evaluate our performance.

We were going to ask ourselves some navel-gazing questions and that we would revisit this annually. So

a little bit of admonishment from the Chair, if I could take my prerogative, that a 50 percent response rate among a group of us collectively that are committed – I believe all of us are committed to doing what our resources need. I would just encourage us to keep that in mind as we move through this discussion and perhaps see if we can improve upon that next year, presuming we want to do this, and I would certainly advocate doing that. Tom Fote.

MR. FOTE: I serve on a number of boards and they do similar surveys. I look at 50 percent as a great return. I'm talking about boards that have 18 or 20 people; and to get people to respond to surveys, they just have a hard time doing that. To answer Paul's question, I guess I would respond – I guess I would say I was going to heaven because what I was taught as a kid if I lived a certain path and certainly I control my destiny whether I go to heaven or not.

When it comes to fisheries management, I only can control so much of the destiny and everything else is controlled by other agencies and everything else, so that is where the vision is going to be a short fall. It's not from our inaction, but it's the inaction of the whole bunch of other people when you look at how it goes.

MR. AUGUSTINE: Mr. Chairman, I'm always super-critical of most these things because they are of a general nature and the questions are written in such a way that they do depend upon the perception. As Steve mentioned, it depends upon the perception of how you're reading and what it means to you. It means a hell of a lot different things to me than what we come out as averages here.

As another survey, it would seem to me we might want to focus on one of those areas in particular to refine it. Bob pointed it out in his assessment up there. Maybe it's species specific, and the vision might be on each of those. I think if the staff looks at this, they might be able to refine some of these questions so we could really scope in and zero into what it is we really feel and then identify where the hotspots are, where we can hit a homerun. As a specific survey, I think Tom is right, 50 percent is not so bad. I've seen surveys where you have a hundred people and you get seven people respond and it's supposed to be a good group. Those are my comments, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, and again I'm going to push on this one because I want to look at all of you around the table and say I'd like to see a hundred percent. I would like to see 45 responses next year when we do this; and if I can get a

commitment from all of you, I'll quit harping on that. I think it's something that's important and I think it's certainly a tool for good self-evaluation.

Tom, you're right, not to discount those, I recognize in standard surveys a 50 percent response rate is good, but I know each of you is committed. I know each of you have a lot of other things on your plate, and this is a real good tool in my estimation to get a sense of how well we're doing, where are we falling short, what are the things that we need to focus on? Dennis.

MR. DENNIS ABBOTT: Let me turn myself in that I didn't fill one out; but I think that because I was in transition from going from a regular commissioner to a proxy, I wasn't on the mailing list. I will say that Representative Watters did send it to me after the fact, but I didn't prioritize or it got lost in my e-mail shuffle.

I was wondering who got the things in the first place. Did it go to every proxy, which would actually make it more than 45; you know, like did Terry Stockwell get one and Commissioner Olsen. I don't know if it was or not, but how did you handle the distribution of the survey?

MR. BEAL: The survey was sent to all 45 of the commissioners unless they had appointed a permanent proxy. In the cover letter or the cover e-mail it essentially said if you have appointed an ongoing proxy or a meeting-specific proxy that you feel should fill out the survey, please forward it to those individuals to do so.

MR. G. RITCHIE WHITE: Mr. Chairman, I agree with you that the 50 percent is terrible for this group. It might not be for a regular survey, but for this group it's terrible. It would be helpful to me if in next year's survey we had the average of this year's answers with the question, so I could look at it and say how did we do and then I could think about rating this last year as opposed to what the average thought in the previous year. Something like that would be helpful to me.

EXECUTIVE DIRECTOR O'SHEA: I had two things. How many reminder messages did you send out, Bob?

MR. BEAL: A few; two or three, maybe.

EXECUTIVE DIRECTOR O'SHEA: Okay, so three reminder messages for something that the commission committed to two years ago. The second is, Mr. Chairman, one way to look at this is to say –

and I know this because I'm up on the Hill saying this – the annualized value of the fisheries that are under the cognizance of our commission is a billion dollars a year and this commission is the board of directors for that responsibility. I doubt very seriously if you polled a corporate board managing a business of that size if only half of them would answer or be interested in participating in their responsibility. Thank you.

MR. JOHN DUREN: There may have been some technical difficulties with this survey instrument. I don't know if I ever got mine submitted or not, but I tried two or three times and had trouble getting it in. The first time we did a survey, I didn't have any trouble, but this time I did, and I don't know if any other people had that problem or not.

EXECUTIVE DIRECTOR O'SHEA: Well, this is coming up as a recurring thing and one possibility is that we could redesign the survey so it's attributed to the name and we could have full accounting to who does that. Previously we didn't do that because people expressed concerns about who was going to see the information and would people know what they're saying. If there are enough people that are saying there is an accountability issue here of whether you got the survey or whether we got it back, that type of thing, one option you'd have is to direct us to link the survey with each individual commissioner.

CHAIRMAN BOYLES: That's a good point. Doug.

MR. DOUGLAS GROUT: Mr. Chairman, I think Bob pointed out the area that we really need to focus on and that's execution of results. It's pretty clear on here. One of the positive things I saw out of that, although our cooperation with federal partners has always had some of our lower scores, that was the biggest increase this year, so it looks like there may be some progress in there that is being accomplished somehow.

On the downside, the biggest decrease came under the commission's actions reflecting progress towards the vision, so there is a loss of confidence that has occurred over the year that the actions we took this past year are getting us towards the vision. Hopefully, we can take some steps to turn that around and start moving that back up. I think some of the things we did this week – and I don't want to pat us on the back too hard and let us rest our laurels – may have started us in that direction, but we still have a long ways to go.

CHAIRMAN BOYLES: Yes, good point, Doug. Along the lines of the accountability, it is not my intention or my desire to get up and browbeat those of us who for whatever reason didn't fill out the survey. I think it's just a question for us to ask ourselves. From my perspective a 50 percent response rate is underwhelming, but I don't want to browbeat those of you who may have had difficulties for whatever reasons, scheduling or otherwise, but Doug brings up good points.

We know we've got some areas where we've got to make some efforts, and, Doug, I'm struck by the fact that perhaps one of the reasons for that decline in confidence may be we're one year closer to our – I don't want to call it a finish line, but one year closer to 2015, so I think that certainly has some bearing on it. The question does come where do we want to go with this.

Again, I think I've gotten from all of you a commitment that we will redouble our efforts to endure a hundred percent participation next year. We can talk before, if you'd like. I kind of like, to be honest with you, the anonymous responses, but accountability is important; and if that's more important, I'm certainly willing to entertain an idea of going to addressed surveys.

MR. DAVID SIMPSON: I guess I just wanted to follow on the whole issue of what we hold dearest we score ourselves lowest on. I guess two points; one is I think we're facing that reality of 2015 is not some distant time in the future. It's only four years away now, and the survey reflects the nearness of that and the likelihood of that progress well underway and so forth.

I think the other things is the metrics that got touched on, and I should have made this comment when we talked about this at the last policy board or business meeting, whatever it was. I think it would be more appropriate for us to use the target fishing mortality rate to judge our success or failure in meeting our obligations rather than biomass because I think we're finding out more and more those references to factors that are beyond our control.

I think that's part of the challenge we have meeting that success. Striped bass, it seemed like we were doing everything right and the stock is heading downward; trends in recruitment that we really – you know, aren't within our control, and there are other examples. I think that is part of it.

MR. FOTE: My schooling and my college education was marketing and management and advertising.

When you do surveys, when you start telling people to put their names on it, you change the whole dynamics of the survey. It is no longer an honest survey because people will give you – you know, if people aren't like me, they won't be strong and positive and argumentative of no matter of what you do, because I always say it out in public, but then it really clouds the survey.

It is not a good marketing tool when we look at any kind of survey we did back then in advertising or marketing. I think you have to keep it anonymous. Now, there are ways of basically putting in that you filled out the survey and not connect the survey to you, and there are ways of doing that on the internet, which is a whole different aspect to that, so it will tell you whether this person responds but not what that person responded to. If you can figure out a way to do that, which is readily available, then that's the way to do it, but you don't want people to have to sign their names to their own survey because then you've changed it altogether.

CHAIRMAN BOYLES: Good point, Tom. Loren.

MR. LOREN W. LUSTIG: Mr. Chairman, I do agree with your assessment in terms of being underwhelmed. I would be curious to know what percentage of respondents we had for our survey effort the previous year. Could we have that data, please, if it's available?

CHAIRMAN BOYLES: Okay, any other comments? We'll pull that up. Bob is going to have to dig for it a little bit. What I sense from the board is that we've got a continued interest to do this again this year. What I've also got a sense from the board is we'll make a retriplied effort to respond. Doug, not to lose sight, we have made some progress. Our self-grading; we have made some areas of improvement.

We've strived but we do have this issue in front of us of 2015 and are we going to get there. Loren, to answer your question, it looks like in 2010 we had 43 potential responders – I guess we had two vacancies in the commission – and of those 43 we had 38 respond; so again not a hundred percent but certainly much more positive. That gives you a benchmark, if you will.

DR. EUGENE KRAY: It would helpful, I think, if you're sending it to a legislator and not to the proxy, to notify the proxy that it was sent out; so then if we don't get it, we can follow up with our legislator because they're busy people, too.

CHAIRMAN BOYLES: Sure, good point. Further discussion? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, just so I understand, Bob, this time we made commissioners aware that the survey was available. We asked them to take the survey; and when they had done it, we asked them to send an e-mail back to us reporting that they had done that. How many e-mails did we get back?

MR. BEAL: Meredith was compiling those but she has got nine fingers up so we only had eight or nine, so pretty low.

EXECUTIVE DIRECTOR O'SHEA: Okay, so the point is when we asked commissioners to just simply tell us that they took the survey, nine of forty responded.

CHAIRMAN BOYLES: Further discussion? One of the things I think, Doug, to go back to the point that you raised regarding the lowest, will the commission achieve its vision, I think we're going to come back to that in the policy board because there is some follow-up discussion that we had at the annual meeting that I think this will be a good segue to.

To wrap this up, I think what we've got is a renewed commitment to continue the survey anonymously. Again, part of it, quite frankly, from my perspective as Chair, I don't think we need to send four and five and six reminders out. I think this is certainly something that – again, I know each of you are committed, too. I recognize we've got schedules and many of us are overwhelmed by domestic issues back home, but it's still something that I'd like to see us bring that number way, way up. Vince.

EXECUTIVE DIRECTOR O'SHEA: I suspect I'll get 45 travel claims at the end of this meeting, Mr. Chairman.

CHAIRMAN BOYLES: I suspect you will, you're right. Tom.

MR. FOTE: I forgot to do travel claims and lost the money three years ago, so that's how bad I am at filling out paperwork.

ADJOURNMENT

CHAIRMAN BOYLES: Okay, I think we have wrapped this one up. Any other business to come before the business session at this time? Okay, we are going to recess the business session.

(Whereupon, the meeting was recessed at 3:32 o'clock p.m., March 23, 2011.)