Atlantic States Marine Fisheries Commission

Business Session

August 5, 2020
4:30 – 4:45 p.m.
Webinar

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 (P. Keliher) 4:30 p.m.
2. Board Consent 4:30 p.m.
   • Approval of Agenda
   • Approval of Proceedings from February 2020
3. Public Comment 4:35 p.m.
4. Consider Noncompliance Findings (if necessary) Final Action 4:40 p.m.
5. Other Business/Adjourn 4:45 p.m.
DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

BUSINESS SESSION

The Westin Crystal City
Arlington, Virginia
February 6, 2020

These minutes are draft and subject to approval.
The Board will review the minutes during its next meeting.
TABLE OF CONTENTS

Call to Order, Chairman Patrick C. Keliher ............................................................................................ 1

Approval of Agenda .................................................................................................................................. 1

Approval of Proceedings October 2019 ................................................................................................. 1

Update on the Commonwealth of Virginia’s Compliance with the Atlantic Menhaden
Fishery Management Plan..................................................................................................................... 1

Adjournment .......................................................................................................................................... 2

These minutes are draft and subject to approval.
The Board will review the minutes during its next meeting.
INDEX OF MOTIONS

1. Approval of agenda by consent (Page 1).

2. Approval of Proceedings from October 2019 by consent (Page 1)

3. Move to adjourn by consent (Page 2).
ATTENDANCE

Board Members

Pat Keliher, ME (AA)
Cheri Patterson, NH (AA)
Ritchie White, NH (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)
Dan McKiernan, MA (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
Justin Davis, CT (AA)
Jim Gilmore, NY (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)
Joe Cimino, NJ (AA)
Russ Allen, NJ, proxy for T. Fote (GA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)

Loren Lustig, PA (GA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Lynn Fegley, MD, proxy for Bill Anderson (AA)
Russell Dize, MD (GA)
Ellen Bolen, VA, proxy for S. Bowman (AA)
Steve Murphey, NC (AA)
Mel Bell, SC, proxy for R. Boysles, Jr. (AA)
Doug Haymans, GA (AA)
Spud Woodward, GA (GA)
Jim Estes, FL, proxy for J. McCawley (AA)
Marty Gary, PRFC
Derek Orner, NMFS
Mike Millard, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Kirby Rootes-Murdy
Maya Drzewicki

Guests

Chris Batsavage, NC DMF
Pat Geer, VMRC
Jay Odell, TNC
Mike Waine, ASA

These minutes are draft and subject to approval. The Board will review the minutes during its next meeting.
The Business Session of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 6, 2020, and was called to order at 11:50 o’clock a.m. by Chairman Patrick C. Keliher.

CALL TO ORDER
CHAIRMAN PATRICK C. KELIHER: Welcome to the Business Session of the ASMFC. We’re going to quickly roll through this. We do have one update as part of this.

APPROVAL OF AGENDA
CHAIRMAN KELIHER: Are there any items that need to be added to this agenda? Seeing none.

APPROVAL OF PROCEEDINGS
CHAIRMAN KELIHER: We need to approve the proceedings from the October 2019 meeting. Are there any changes, additions, deletions, seeing none? They are approved by consensus. Is there anybody from the public here that would like to comment? Seeing none, we do not need to consider noncompliance findings.

UPDATE ON THE COMMONWEALTH OF VIRGINIA’S COMPLIANCE WITH THE ATLANTIC MENHAден FISHERY MANAGEMENT PLAN
CHAIRMAN KELIHER: The last item of business for the winter meeting is an update on the Commonwealth of Virginia’s compliance with the Atlantic menhaden FMP, and I’ll turn that over to Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think everyone remembers a bit of the background on this. I think the important thing here to note, and to thank the Secretary of Commerce for backing up the Commission, and agreeing with the Commission’s determination that in fact the Commonwealth was out of compliance. The Secretary, I know very well that he put a lot of thought and consideration into this, and it wasn’t an easy decision for the Secretary.

I know a number of folks at NOAA Fisheries, Derek and Kelly, and all the way up to Sam Rauch and Chris Oliver were involved, and Alan Risenhoover and many others. I just want to on the record thank the Secretary for all the effort, and backing up the Commission. I think it’s a very important decision for the Commission.

With that the update on where things stand with compliance. As everyone knows, I think, Virginia needed to take legislative action to come back into compliance with the FMP. I think Pat, down there they can chime in. But my understanding of where things stand is at one point there were 12 different bills bouncing around down in Richmond, and things have been a bit of a beehive down there on menhaden issues. On Tuesday the House passed House Bill 1448, which would bring Virginia back into compliance.

That bill would move the management of Atlantic menhaden authority over to the Virginia Marine Resources Commission from the state legislature, so that will be a pretty significant shift. A comparable bill, which is Senate Bill 791, passed the Subcommittee unanimously, 14-0 on Tuesday as well, and coincidentally that Committee is chaired by Senator Monty Mason, who is one of our Commissioners, the legislative commissioner from Virginia. My understanding is there will be a full senate vote next week. I think it is next week. I don’t know if the timing has been set on the Senate Bill, and if both of those bills move forward for the Governor’s signature that should bring the management authority of Atlantic menhaden over to Virginia Marine Resources Commission, then the VMRC would have to take action to implement the appropriate quotas and provisions to bring the Commonwealth back into compliance.

Just as a reminder of what that means. Once a state is back into compliance, and they notify the Commission in writing that all the necessary provisions have been implemented, the Chairman of the Commission sends a letter off

These minutes are draft and subject to approval.
The Board will review the minutes during its next meeting.
to the state and to the Secretary, and withdrawal of that determination of compliance is sort of effective immediately. Those are the steps. I’m sure Ellen and Pat may be able to fill in some of the details that I either mixed up or left out, but that is the update as of right now.

CHAIRMAN KELIHER: Thank you, Bob. Ellen, do you want to fill in any blanks?

MS. ELLEN BOMEN: Sure, thank you Mr. Chair. Bob covered most of the highlights. We are working to move both of those bills through. The bills are a little different right now. One has an emergency action clause, which means the bill would go into effect upon the Governor’s signature.

Without that it means the legislation would be effective July 1, which is 15 days after the moratorium would go into place on June 17. We’re just working through with all parties involved to hopefully ensure that we can keep them fishing, and happy to answer any questions. We will have a much better sense of where things stand middle of next week.

CHAIRMAN KELIHER: Great, thank you, Ellen. Are there any questions for either Bob or Ellen? Seeing none, just while we’re putting things on the record, first I would like to thank staff for the work that they did, Toni in particular working with Katie and others did a great job pulling the letter together on this issue, and I got to see Bob in action when we met with Commerce and NOAA staff, in particular with the follow up meeting with Bob and Spud with the Secretary.

A lot of thanks to spread around, but in particular I would like to thank the Commonwealth of Virginia. It takes more than a little bit of courage to vote yourself out of compliance, and with that I want to make sure it is noted that it is appreciated by your fellow member states, so thank you very much.

ADJOURNMENT

CHAIRMAN KELIHER: Are there any other items to be brought before the Business Session? Seeing none, motion is ordered to adjourn the winter meeting, so moved, thank you very much everybody.

(Whereupon the meeting adjourned at 11:55 o’clock a.m. on February 6, 2020)