

Atlantic States Marine Fisheries Commission

Executive Committee

*August 6, 2014
8:00 – 10:00 a.m.
Alexandria, Virginia*

Draft Agenda

1. Welcome/Call to Order, *L. Daniel*
2. Committee Consent
 - Approval of Agenda
 - Approval of Meeting Summary from May 2014
3. Public Comment
4. Procedural Issues, *R. Beal*
 - Report on Commissioner Conflict of Interest Policy
 - Use of Meeting-Specific Proxies
 - What Constitutes a 2/3 Vote with Regard to the Services Abstaining
 - Advisory Panel Involvement in FMP Development
 - Technical Group Guidelines on Consensus Building
5. Discussion of ASMFC Support for Non-ASMFC Staff to Attend Conferences, Educational or other Career/Knowledge-Building Courses
6. Discussion of American Eel Enforcement Efforts, *P. Keliher*
7. Awards Committee Report, *S. Woodward*
8. Executive Director's Annual Review, *L. Daniel* (Closed Session)
9. Other Business/Adjourn

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

**MEETING SUMMARY OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
EXECUTIVE COMMITTEE**

**Crowne Plaza Hotel
Alexandria, Virginia
May 15, 2014**

INDEX OF MOTIONS

- 1. Approval of Agenda by Consent (Page 1)**
- 2. Approval of Meeting Summary from February 5, 2014 by Consent (Page 1)**
- 3. Approval of FY15 Commission Budget. Motion by Mr. Abbott, second by Mr. Gilmore; Motion passed unanimously. (Page 1)**
- 4. Motion to accept Option 2 with regard to Commissioner Recusal. Motion by Mr. Abbott, second by Mr. Ballou; Motion passed by a vote of 10 in favor, 6 opposed. (Page 1)**
- 5. Adjournment by Consent (Page 2)**

ATTENDANCE**Committee Members**

Doug Grout, NH (AA)
Dennis Abbott, NH (LA Chair)
Roy Miller, DE (GA Vice Chair)
Paul Diodati, MA (AA)
Bob Ballou, RI (AA)
David Simpson, CT (AA)
Jim Gilmore, NY (AA)
Brandon Muffley, NJ (AA proxy)

Leroy Young, PA (AA proxy)
John Clark, DE (AA proxy)
Tom O'Connell, MD (AA)
John M.R. Bull, VA (AA)
Louis Daniel, NC (AA)
Robert Boyles, SC (AA)
Patrick Geer, GA (AA proxy)
Jim Estes, FL (AA proxy)

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

Other Commissioners

Ritchie White

Staff

Bob Beal
Laura Leach

Others

Kelly Denit, NOAA Fisheries
Wilson Laney, USFWS
Steve Meyers, NOAA Fisheries

Derek Orner, NOAA Fisheries

CALL TO ORDER

The Executive Committee of the Atlantic States Marine Fisheries Commission convened in the Kennedy Room of the Crowne Plaza Hotel in Alexandria, Virginia on May 15, 2014. It was called to order at 8:00 a.m. by Chairman Louis Daniel.

APPROVAL OF AGENDA

The agenda was approved with several additions: AP Participation; 2/3 vote to rescind; August meeting schedule; 75th Annual Meeting and use of meeting specific proxies.

APPROVAL OF PROCEEDINGS

The summary minutes from the February 5, 2014 meeting were approved as presented.

PUBLIC COMMENT

There was no public comment.

REPORT OF THE ADMINISTRATIVE OVERSIGHT COMMITTEE

Mr. Grout presented the Commission's FY15 Budget. With a motion by Mr. Abbott and a second by Mr. Gilmore, the FY15 budget was approved as presented. Mr. Diodati raised the question of space needs as the Commission takes on more programs, such as MRIP. Mr. Beal responded that we should be fine with the additional staff needed for MRIP; but we would be full at that point. Mr. Diodati recommended that we should consider space in the building if any becomes available.

REPORT ON COMMISSIONER CONFLICT OF INTEREST

Executive Director Beal presented the revised and repackaged draft of the Policy on Commissioner Financial Disclosure and Conflict of Interest .

The document starts with the financial disclosure requirements and moves into conflict of interest. All L/GA Commissioners, as well as their proxies, have to fill out a financial disclosure form. The disclosure forms will be made available to the public on our website and will be available at every meeting.

The L/GA Commissioners did not think the financial disclosure forms needed to be notarized; the Executive Committee agreed. A statement prior to the signature line should be inserted saying "everything contained herein is true and accurate..."

The Executive Committee agreed that if a Commissioner or a proxy appoints a proxy, notification should be sent to the appointing authority.

The discussion on Commissioner recusal was lengthy and thorough.

At the conclusion of the discussion on a motion made by Mr. Abbott and seconded by Mr. Ballou, the Executive Committee voted (10-6) to accept Option 2 (A Commissioner or proxy with a conflict of interest can fully participate in Board/Section deliberations, however they cannot make or second motions, and they cannot participate in their state caucus before a vote) with regard to Commissioner recusal.

The Conflict of Interest Policy was remanded back to staff with direction to provide a decision document at the August meeting. The Committee also requested further clarity on what the 10% threshold means, as well as the legal definition of "family." The decision document will include options for defining conflicts of interest (e.g. 10% threshold, 100% of income, any income, etc.).

It was agreed that the full Commission should vote on the Conflict of Interest Policy. This vote will be considered at the Business Session during the Summer Meeting.

OTHER BUSINESS

Executive Director Beal noted that the State Directors' Meeting is scheduled for September 8-10, 2014 in San Diego. He recommended sending any topics Committee members would like to have discussed at this meeting be sent to Louis Daniel, Robert Boyles, Kelly Denit or him.

Mr. Abbott brought up the 2/3 voting process to amend or rescind previous final actions, asking what constituted 2/3 when the two federal services abstain from the vote. Staff was directed to look into this and report back at the August meeting.

Tom O'Connell brought up the role and timing of the Advisory Panels in developing and approving addenda/amendments. The concern in how to balance the need for industry input with timing and resource constraints. Staff will develop a document summarizing the current policy and practices and provide options for modifications for Executive Committee consideration at the Summer Meeting.

ADJOURN

CHAIRMAN LOUIS DANIEL: There being no other business to come before the Executive Committee the meeting was adjourned at 9:30 a.m.

FOLLOW UP

The following was sent to the Executive Committee via email on May 16, 2014.

With regard to yesterday's Executive Committee meeting, following is a recap of the remainder of the agenda and the action we propose taking:

- 1) Resolutions to Appoint Bob Beal as Trustee on the Commission Retirement Plans

Retirement Alliance requires a corporate resolution to change Trustees on the Commission's Retirement Plan. The resolutions are attached. Please indicate your approval of these resolutions by signing the attached ballots and returning them to me.

2) August Meeting Schedule

It appears that the August meeting might need to begin on Monday instead of Tuesday or some actions may need to be deferred until October. Staff will work with leadership to develop a proposed schedule with options for a 3 or 4 day meeting.

3) 2016 is the Commission's 75th Annual Meeting.

Maine is currently scheduled to host this meeting. What if we push the Maine meeting to 2017 and conduct the 75th annual meeting in Washington D.C. so that we have opportunities for celebratory events, such as a reception on Capitol Hill.

We need to appoint a committee to work on this meeting, and recommend asking former Commission folks (Jack Dunnigan, George Lapointe, Susan Shipman, etc.) to be on this Committee.

Agenda Items Deferred until the August Meeting:

- American Eel Enforcement Efforts
- Use of Meeting Specific Proxies

ASMFC Advisory Panel Involvement in Fishery Management Plan Development

July 23, 2014

In 2003, the Commission through a working group of the Legislators and Governors' Appointees, investigated ways to improve communication and coordination with its species advisory panels (AP) by conducting a pilot study of AP involvement during the development of Amendment 4 to the Weakfish FMP. Our current procedures are largely based on the recommendations that came out of that pilot program and are detailed in the document, *Guidelines for Working and Communicating with ASMFC Advisory Panels*. Below are the portions of that document that deal specifically with AP involvement during FMP development.

Public Information Document (PID) Developed

The PID is the first step in the development of a plan/amendment. It provides a general overview of the species of concern and the problem/issues(s) the plan intends to address. It is general in scope and is used to solicit public input on the fishery or resource. It is drafted by the species plan development team, with input from the Technical Committee, Management Board and Advisory Panel.

In the past, advisory input at this stage has been applied inconsistently, with some panels provided the opportunity to provide input and others not. Much of this has been driven by budgetary constraints and the desire to allow for greater advisory participation during later, more substantive phases FMP development process. However, one of the major recommendations of both the 1998 AP questionnaire and Weakfish Pilot Program is the call for greater advisor involvement in the early stages of plan/amendment development or changes in the management program (through addendum). Advisors want to play a greater role in the development of management options and do not want to be limited to evaluating Board/PDT options.

Guidance

- Staff should make every effort to solicit AP input in the development of the PID. Depending on available funding, this feedback can be gathered through an AP meeting, conference call, or individual responses.
 - Specifically, staff should notify the AP regarding the development of the PID, providing a general overview of the issues to be covered. Staff should solicit information of any or all of the following items:
 - **Perceived trends** in the resource and the fishery, and the extent to which current stock assessments and other available scientific information reflect these trends
 - **Problems in the resource** or the fishery that need to be addressed by the management program
 - **Socioeconomic factors** affecting the fishery
 - **Existing or potential conflicts** between or among user groups
 - **Ecological or other environmental concerns** affecting the resource or the fishery

- Information concerning the **accuracy and adequacy of available fishery statistics**
- **Interactions** among species or fisheries
- **Suggest strategies** for inclusion in a fishery management plan

Practice: The practice has been to still involve the AP during the public comment period of the PID. This includes the PIDs for Coastal Sharks, Omnibus Amendment, Black Drum, and Atlantic Herring (this list is not exhaustive). The primary reason for delaying AP input is that it is difficult to get substantive input on a document that has very little content. The PID is so broad in scope staff believes that it is more important to get their feedback in the development of the actual FMP.

The one exception to this was Atlantic Menhaden Amendment 2, where the AP was closely involved in the development of the PID and provided input at every stage possible throughout the development of the FMP. The Northern Shrimp PID is in the initial stages of being developed, so there is still the opportunity for early AP engagement.

PID Approved for Public Comment

Guideline: Staff should provide the AP with a written summary of each Board meeting, including Board's action/non-action on AP recommendations.

Practice: This is done regularly through release of the meeting summary document and memos from FMP Coordinators.

Issues Identified for Inclusion in draft FMP/Amendment

Guideline: Upon completion of state public hearings and the public comment period, staff notifies the AP of its first meeting/conference call. At this meeting, AP reviews public comment and provides guidance to the Board for the development of the draft plan/amendment. Staff works with AP Chair to develop a meeting summary and report to the Board; should be distributed to AP within a month of the AP meeting.

Practice: This is done regularly although there are some cases in which the AP meets while public hearings are still being conducted, based on the timing between the last hearing and the upcoming Board meeting.

Draft FMP/ Amendment Approved for Public Comment

Management Board reviews AP input, finalizes draft plan/amendment for public comment and establishes the schedule for the state hearings.

Approval of FMP/Amendment by Board and full Commission

Guideline: AP meets either during or following public comment period to review submitted public comments and provide recommendations to the Board on final management measures. Staff works with AP Chair to develop a meeting summary and report to the Board.

Practice: This is done regularly.

AP Input into the Addendum Process

Changes to a species management program can also be made through the addendum process, as specified by the FMP or the ISFMP Charter. Unlike plans/amendments, which may take 1-2 years to develop, addenda can be developed within several months. Addenda cover a range of issues from simple technical revisions to the plan to substantive changes. AP input is sought depending upon the extent of the revision and Board/Section guidance on AP review.

Guideline: At a minimum, the AP should be notified about the development of the addendum, the issues it will address and at what point, if any, AP input will be solicited. The more substantial the change in the management program, the more important it is to bring the AP together either by conference call or face-to-face meeting. Often, the Board/Section provide direct guidance regarding the need for and timing of AP input.

Practice: For the most part, APs provide input in the development of an addendum. Examples of where AP input is not sought (technical addenda; updates to references points, depending on the species and situation; and habitat considerations). Usually, input is sought during or at the end of the public comment period but may be earlier as in the initial development of the draft addendum (prior to Board review and approval for public comment).

Communicating with Inactive Panels

An inactive advisory panel is one whose species is in maintenance mode (e.g., no significant changes to the management program – Atlantic Sturgeon).

Guideline:

- At a minimum, staff should **contact inactive APs at least once/year**, and can be times to the release of the Annual FMP Review.
- Correspondence should include updates on current issues, significant news or events that might impact the species, and any new information on the resource or the fishery.
- Advisors should be able to provide their observations and views on the fishery/resource. Because of their on-the-water experiences, they may be the first to observe problems/issues or improvements to the species. Staff should capitalize on this knowledge base.

Practice: At least annually, staff provide updates on science and management activities to inactive APs. The solicitation of AP input on FMP Review content has been inconsistently applied (yes for some species and no for others).

Throughout the Process

- Commissioners should maintain regular contact with its advisors.
- All relevant/ appropriate Management Board and Technical Committee communications should be forwarded to the AP in a timely fashion.
- Advisors should be notified of any changes or delays in the FMP process.
- AP Chairs should attend all Management Board and are welcomed to all Technical Committee meetings.

- Staff should make an effort to coordinate meetings of the AP and Management Board, so that advisors have the opportunity to attend Board meetings.
- Advisors are encouraged to participate in public hearing process and solicit input from state stakeholders.
- Chairs and members should be encouraged to participate or at least communicate with organizations that are likely interested in their species. This is to increase information flow to the public and enable input of public comment to the AP.

FMP/Amendment Development Flowchart Recommendations

