

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

**The Langham Hotel**  
Boston, Massachusetts  
November 9, 2011

Approved February 9, 2011

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Move for approval of the Proceedings from August, 2011** (Page 1). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 1).
3. **Move to approve the Action Plan as amended and presented** (Page 3) Motion by the AOC. Motion carries without opposition (Page 4).
4. **Move to nominate Mr. Paul Diodati as chair of the ASMFC and Dr. Louis Daniel as the Vice-Chair of the ASMFC** (Page 3). Motion on behalf of the nominating committee.
5. **Adjourn** by consent (Page 5).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Roy Miller, DE (GA)
Douglas Grout (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Dennis Abbott, NH proxy for Rep Watters (LA)	David Saveikis, DE (AA)
Ritchie White, NH (GA)	William Goldsborough, MD (GA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
William Adler, MA (GA)	Steve Bowman, VA (AA)
Bob Ballou, RI (AA)	Jack Travelstead, VA Administrative Proxy
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Willard Cole, NC (GA)
Lance Stewart, CT (GA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Rep. Craig Miner, CT (LA)	John Frampton, SC (AA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA)	Robert Boyles, Jr., SC (LA)
Byron Young, NY, proxy for Sen. Johnson (LA)	John Duren, GA (GA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	Aaron Podey, FL, proxy for J. McCawley (AA)
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, NOAA

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

### Ex-Officio Members

Vince O'Shea	Toni Kerns
Danielle Chesky	Mark Robson
Bob Beal	

### Guests

Joe Grist, VMRC	Mike Armstrong, MA DMF
Rob O'Reilly, VMRC	Patrick Geer, GA DNR
Rick Robins, MAFMC	Duane Harris, SAFMC
Peter Burns, NMFS	Peter Himchak, NJ DFW
Stewart Michels, DE DFW	Chip Lynch, NOAA
Mary Griffin MA DFG	Wilson Laney, US FWS
Gordon Colvin, NOAA	Michelle Duval, NC DMF
Russ Allen, NJ DFW	

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, November 9, 2011, and was called to order at 4:30 o'clock p.m. by Chairman Robert H. Boyles, Jr.

### **CALL TO ORDER**

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

### **APPROVAL OF AGENDA**

CHAIRMAN ROBERT H. BOYLES, JR.: The first item on our agenda is to seek consent for the approval of the agenda. One thing that differs from the published agenda, it has been our custom to give the chairman's comments, and I would like to do that immediately after the public comment. After our elections, we were going to have a report from the Resolutions Commission, Dr. Rhodes, if we could do that. Are there any other additions to the agenda? Steve.

MR. STEVEN G. BOWMAN: Mr. Chairman, if I could, Mr. Carpenter has asked that we correct the attendance from the last meeting although Jack was here as my proxy. A.C. is listed as a board member on here, and he informs me that he is not specifically a board member, a visitor, so if we could just move it down at his request. Thank you, Mr. Chairman.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BOYLES: Yes, so moved. Thank you for that, Steve. Any other comments on the agenda? Okay, seeing none, and with the approval of proceedings with that change from the last meeting of the business session, are there any other changes, additions or corrections to the proceedings from August 2011? Okay, seeing none, then the proceedings will be adopted as amended. One sad note I would like to make the commission aware of, and I'll turn it over to Doug Grout.

MR. DOUGLAS GROUT: Yes, just this afternoon we received an e-mail that former New Hampshire governor's appointee to this commission and a long-time friend of this commission passed away. Herbie Drake passed away last night. It sounds like what we heard from his son he sat down and had a couple of drinks, had some venison, went to bed and had a

peaceful sleep. If would be okay with the business session, if we could have just a moment of remembrance of Herbie and all he did for this commission.

(Moment of silence)

### **PUBLIC COMMENT**

CHAIRMAN BOYLES: Doug, thank you for passing on that news. The next item on the agenda is the opportunity for public comment. As you know, we have the opportunity for folks from the public who wish to address the commission on matters that are not on the agenda. Is there anyone in the public who would like to address the commission? Yes.

MR. DENNIS ABBOTT: Mr. Chair, I would be remiss if I didn't comment on Herbie Drake. Back in 1997 Herby called me up in his gruff tone, and he said, "Got a job for you. How would you like to be an ASMFC commissioner?" He said, "Go to a few meetings; no big deal." Here I am 15 years later.

CHAIRMAN BOYLES: Thank you, Dennis, and I think it goes without saying that the commission will be sending a note of condolence and certainly a note of thanks to his family for his service, his inspiration and his encouragement to this commission.

### **ANNUAL CHAIRMAN'S REPORT TO THE COMMISSION**

CHAIRMAN BOYLES: I wanted to chat a little bit about where we are as a commission. I really was delighted to walk through Boston on Sunday with my wife. I was struck by the history and I was struck by the great people that are part of the history of this city and the history of this country who have trod these streets.

One of those great people was a man named Oliver Wendell Holmes, and I'm going to give you a couple of quotes from Dr. Holmes. The first one was "He must be a poor creature that does not often repeat himself." And the second thing I think that Dr. Holmes said – and this was the father of our associate justice, a very prolific jurist – Oliver Wendell Holmes said, "I find the great thing in this world is not so much where we stand as in what direction we're moving."

It has been my honor and my privilege to have served these past two years as your chair. I have been grateful for your confidence and your support. I appreciate that and thank you to each one of you. I also want to thank my boss, John Frampton, fellow

commissioner from South Carolina, who is retiring after a career of 37 years in natural resources management. John, thank you for supporting me during these years and more importantly for your dedicated service and leadership protecting and preserving our natural resources.

This is my last report as your chair, and in preparing my words for today I was struck by the dedication and the passion with which you all serve as commissioners. I believe that's the glue that binds us together. Your collective commitment to our mission is perhaps one of the greatest strengths of our commission.

Last year I spoke about the daunting challenges facing all of us, and I was heartened by your requests for written copies of those words, and I hope you'll continue to keep them close in your deliberations and your actions as I believe those issues remain with us. We can all take pride in your response to that message.

Our policy board has made solid progress to improve accountability of our management process, and in addition several boards have made very, very difficult decisions this past year to take action to rebuilding stocks. I would encourage us all to continue that trend. The challenges of rebuilding stocks, instilling our culture on a new generation of commissioners, and dealing with scarce fiscal and human resources are known to all of us.

I would suggest that cooperation should be the fundamental element of our response to these and the other challenges that we face. Cooperation goes to the root of our commission. In fact, it's the very reason the ASMFC was formed and the reason for some of our greatest successes and important results. I'm struck by the fact that our commission was formed in 1942 when our forebears knew not what the future of their world was going to be. The notion and the potential power of cooperation is embedded in our Compact and our regulations, and is a word in the very title of the Atlantic Coastal Fisheries Cooperative Management Act and a theme that's repeated throughout the Act.

I believe it's a principle and a value most recently reaffirmed by all of us when we approved our current Strategic Plan. I would ask you to consider what is possible when we as commissioners and the states we represent agree to stand together. When we stand together, I believe we develop better solutions with better outcomes.

Our resulting decisions and agreements are stable; a reflection of being good for all. When we stand together as leaders in carrying out our public trust responsibilities, we enhance and project confidence in the wisdom of our collective decisions. Standing together we are better able to respond to challenges to our actions and better explain and promote the long-term benefits of what we all do.

Cooperation enables us to make better use of our limited political, fiscal and human resources and especially in the area of scientific advice. Standing together and cooperating promotes clarity of vision and clarity of purpose. And perhaps most importantly cooperation generates the ability for us to energize each other through our encouragement and our accomplishments.

The new standards of accountability and adherence to science advice are producing results for federally managed species. I believe this will raise the bar for what the public will expect from our commission as well, and I think we need to prepare for that challenge. We can use our power of cooperation to leverage our capacities on multiple fronts.

As I stand down from being your chair, I stand confident in the belief that we have tools and the courage to use them to meet the challenges ahead and to deliver to the next generation fisheries that are more abundant than what we have enjoyed. I look forward to working with you in the coming years towards that end.

I really, really appreciate you allowing me the privilege of allowing me to serve as your chair over these past two years and of your support and encouragement. To quote Dr. Holmes again, the great citizen of the Commonwealth of Massachusetts, because he did say, "He must be a poor creature that does not often repeat himself."

"I do find the great thing in this world is not so much where we stand as in what direction we're moving," and he followed that up with this sentence, "To reach the port of Heaven, we must sail sometimes with the wind, sometimes against it, but we must sail and not drift nor lie at anchor." Thank you. (Applause)

Thank you for that and I do mean thank you so much for the support. It really, really has been a terrific privilege, a terrific privilege. The next item of business to review and consider the approval of the 2012 ASMFC Action Plan. Recall that this was a plan that comes to us from our Administrative Oversight Committee; and as a result it has to be approved by the full commission.

## **REVIEW AND CONSIDER APPROVAL OF THE 2012 ASMFC ACTION PLAN**

Note that we did have an Action Plan Workshop yesterday; and since it comes to us from our AOC, we have it as a motion to approve. It does not require a second. Is there any discussion on the 2012 Action Plan? Adam.

MR. ADAM NOWALSKY: Mr. Chairman, I had a discussion yesterday and I just wanted to see if the commission had a followup to that with regards to Item 2.4.4 with regards to tautog modeling?

MR. ROBERT E. BEAL: Yes, actually there are going to be a couple of slides up here, and these are changes that came up during the workshop yesterday and during the deliberations during the board meetings that took place earlier this week. I'll go through all those and then the last bullet there will be respond to your question, Adam.

The first change was Task 1.1.2, which is American lobster, adding Addendum XIX to that; under Task 1.1.3, Atlantic menhaden, Amendment 2. The original draft contemplated an addendum versus an amendment. Clearly, the direction from the board that met just before this session was to change that to an amendment.

Task 1.1.4 is Striped Bass Addendum III. The Striped Bass Board took action earlier this week to postpone action on Addendum III. The question before the group is should that be taken out of the document and the reference to that be taken out of the Action Plan for 2012 or is there still some potential action for Addendum III in 2012.

The next issue that came up during the deliberations – and actually this is a holdover from a Northern Shrimp Section Meeting about two weeks ago – is there some consideration of the Northern Shrimp Assessment Peer Review being moved up from 2013 to 2012, and I think Doug Grout can comment on that.

MR. GROUT: Yes, as Bob said, at our Section meeting where we were making some very difficult decisions to try and address reduced abundance for northern shrimp, one of the things that we brought up was to address some concerns or some questions about some of the inputs of the stock assessment was to possibly move or request the commission to move that up by a year from 2013 to 2012.

We've since had a discussion amongst the Section along with some input from our technical committee

about the pros and cons of moving it up by a year. After reflection of what things we would gain and we'd lose by moving it up by a year, we have unanimously decided – we've decided to withdraw that request to move it up by a year.

MR. WILLIAM A. ADLER: Just a question back on the lobster, was that Addendum XIX – or, you know, you haven't got Addendum XVIII yet. I know there was an XVIII going in next year and were you still sticking to XIX as well?

MR. BEAL: XVIII was already referenced in the Draft Action Plan that we talked about in the workshop yesterday, but the addition of XIX is something new that came out of the Lobster Board earlier this week, so it will be both XVIII and XIX that will be worked on next year. In response to Doug's position, we can probably take out any changes needed for the Task 1.1.6, northern shrimp. That can stay as it was drafted in the Draft Action Plan. Under Task 2.3.9, Dr. Daniel brought up some questions as to whether this should be southern kingfish or all kingfish, and we will sort that out and then correct that reference.

The last one is in response to Adam Nowalsky's question just a minute ago. The last tautog stock assessment and a benchmark assessment and peer review identified a number of potential improvements to the tautog stock assessment. The management board yesterday, as they were going through their deliberations, identified that as being something they'd want to see if they could explore during 2012, which would be having an assessment workshop to get started working on some of the improvements that were suggested by the technical committee and suggested by the last peer review.

In order to do that, we'd have to add that to the Action Plan and we'd have to find approximately \$9,000 to pull together a multi-day technical committee meeting with probably a couple of outside experts to figure out how to do that. That's a new task and we'll need to identify some funds to handle that workshop.

CHAIRMAN BOYLES: Further discussion? All right, there is a motion from the AOC to approve the Action Plan as drafted and amended yesterday in the workshop. Is there any opposition to that motion? Pat.

**MR. PATRICK AUGUSTINE: Mr. Chairman, move to approve the Action Plan as amended and presented.**

CHAIRMAN BOYLES: We've got that motion from the AOC, so I'm calling the question. Is there any opposition to that motion? **All right, I see none, the 2012 ASMFC Action Plan stands adopted as amended through the workshop.** The next item on the agenda is elections, and at this point I'm going to turn it over to our executive director.

## ELECTIONS OF ASMFC CHAIR AND VICE CHAIR

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I have in front of me the procedures for the election process and just to quickly review a couple of things, the Nominating Committee under the process was to contact all commissioners to solicit recommendations; follow up on commissioner recommendations to gauge the individual's interest in being included as a nominee; and then develop separate ballots for chair and vice-chair based on input from commissioners.

舟A ballot will be prepared even if there is only one A ballot will be prepared even if there is only one nominee in order to provide the opportunity to write in a candidate. The election process is ballots will be distributed to state delegations at the commission business session. Each state delegation will receive one ballot and cast one vote based on the result of the commissioner caucus.

State delegations may identify a write-in candidate. A state should verify the interest of their candidate before submitting his or her name on the ballot. In the event that more than two candidates receive votes for either chair or vice-chair, a runoff will be conducted between the two candidates that receive the most votes.

In the event of the tie, a vote will be taken until there is a majority winner. The Nominating Committee will tally the votes and report the results to the commission after each vote. Jack, as chair of the Nominating Committee, I'll call on your, please.

MR. JACK TRAVELSTEAD: Mr. Chairman, first, let me thank my fellow Nominating Committee members Spud Woodward and Dennis Abbott. We divided the coast into three parts and made every effort to contact all of the commission members and proxies to gauge their interest in being nominated or supporting another nominee.

We've completed that process quite a while ago and at this point are prepared to nominate Mr. Paul Diodati for commission chair. Our nomination for commission vice-chair is Dr. Louis Daniel.

EXECUTIVE DIRECTOR O'SHEA: Staff is passing out the ballots. There will be two ballots, one for the chair and one for the vice-chair. We'd ask that each state delegation include your state on the ballot when you mark it. Staff will come around to pick it up.

(Whereupon, the vote was taken.)

MR. TRAVELSTEAD: **Mr. Chairman, I am pleased to report that Mr. Paul Diodati has been elected chair and Dr. Louis Daniel has been elected commission vice-chair.** (Applause)

CHAIRMAN PAUL DIODATI: I first want to start by saying, because I know you're wondering, we did not cast a null vote from New Massachusetts. (Laughter) Congratulations, Lou. We will have our work cut out for us and a tough road to follow behind our outgoing chair, Robert. We appreciate your kind words. I think speaking on behalf of everyone here we appreciate all you have done and what you said tonight. I am going to recognize Dr. Rhodes for the Report of the Revolutions Committee. I know you've been working on that all week, Malcolm, so good luck.

DR. MALCOLM RHODES: Well, thank you very much, and revolution is in the air in this city as well as Charleston. It's kind of interesting that we had back-to-back starting points for conflagrations of our country. I would like to thank the Resolution Committee, Mr. Grout and Mr. Pankowski as well as the always exceptional help of Laura Leach in preparing these resolutions. That being said, here we go:

WHEREAS, the Atlantic States Marine Fisheries Commission conducted its 70<sup>th</sup> Annual Meeting in the historic city of Boston, Massachusetts, which provided a magnificent venue for the commissioners, commission staff, law enforcement, management and science, habitat and ACFHP committee members to deliberate on issues of mutual concern; and

WHEREAS, the weather was unquestionably and utterly perfect, with warm sunshine, mild breezes and temperatures that promoted long walks through the town; and

WHEREAS, the meeting began with receptions at the elegant Langham Hotel and then at the UMass Club where views, food, drink and dulcet tones of Vito Calomo provided the perfect venue to renew old friendships and start many new ones; and

WHEREAS, the Atlantic States Marine Fisheries Commission Family contributed to the economy of Boston by enjoying the unseasonable weather and exploring the Freedom Trail, the North End, Beacon Hill, Boston Commons, Charlestown and the waterfront, necessitating visits to restaurants, bakeries and shops; and

WHEREAS, the spousal tours were greatly enjoyed by all, providing opportunities to visit the historic sites of this town, to enter the Hallowed Halls of the Senate and House, to ride and sometimes drive a duck; and most importantly to view the Sacred Cod and reportedly the Holy Mackerel; and

WHEREAS, the 20<sup>th</sup> Annual Laura Leach Fishing Tournament proved the angling prowess of the commission by not only overfishing but depleting all six target species within the first day; and

WHEREAS, the Annual Dinner aboard the Odyssey provided a floating venue for a spectacular meal and musical entertainment by Mike Armstrong's Band, Loud Mouth Sue; a dance floor dominated by the Augustines, proving once again that movement keeps you young; and unobstructed views of Downtown Bean Town; and

WHEREAS, the 20<sup>th</sup> Annual David H. Hart Award recognized Patton White for his tremendous contributions to the successful management of marine fisheries along the Atlantic Coast; and

WHEREAS, the commissioners' annual photo was yet again another exercise akin to herding cats but masterfully accomplished through the exemplary professional and combined talents of Laura Leach and Tina Berger, who skillfully avoided bodily harm dodging Boston traffic to get the shot; and

NOW, THEREFORE, BE IT RESOLVED, that the Atlantic States Marine Fisheries Commission expresses its deep appreciation to the Massachusetts commissioners, Paul Diodati, Representative Sarah Peake and Bill Adler, and all the staff of the Department of Marine Fisheries, especially Nichola Meserve and Jean Shaw for their terrific assistance in the planning and execution of this outstanding 70<sup>th</sup> Annual Meeting in showing us all the charms of Boston. A wicked good time was had by all. (Applause)

CHAIRMAN DIODATI: **Is there a motion to accept the resolution? John Frampton; seconded by Louis.** Thank you, Malcolm, that was wonderful. I have noticed all week when people see Nichola,

they give her a big hug and everything. She hasn't been in prison! (Laughter) We're not going to continue on with the policy board this evening.

That will be my first order of business. I think you've been locked in this room that's deficient of oxygen for about three or four hours now. Even though you did a great job, Louis, at a very difficult meeting, I think you were here for a long time, so we're going to suspend the policy board meeting.

There is one other important item of business and, Robert, if you can come back up here. Louis, why don't you come up, too, and take on your first official duty as well. I'm going to ask our Executive Director Vince O'Shea to make this presentation to our outgoing chairman.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Robert, on behalf of not only your fellow commissioners but I know also the entire staff it has been our privileged to have your leadership for the last two years. We have a small token of our appreciation. It says, "In recognition of outstanding leadership, Robert H. Boyles, Jr., Chair, 2009-2011; vice-chair, 2006-2009," so by this you have worked for five years to get this plaque, but thank you very, very much for your leadership and your attention to your responsibilities that you did here. I think a lot of the things we accomplished were more than what we thought would happen, and that's a great sign of leadership. On behalf of everybody thank you so much. (Applause)

## ADJOURNMENT

CHAIRMAN DIODATI: There will be a 7:00 o'clock breakfast meeting for the executive committee. If there is no other business to come before us, we'll suspend for this evening and we will meet as an executive meeting tomorrow morning at 7:00 o'clock.

(Whereupon, the meeting was adjourned at 5:05 o'clock p.m., November 9, 2011.)