

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

**Loews Annapolis Hotel
Annapolis, Maryland
November 1, 2007**

Approved February 7, 2008

TABLE OF CONTENTS

Call to Order 1

Approval of Agenda..... 1

Approval of Proceedings..... 1

Public Comment..... 1

Resolutions Committee Report 1

2008 Action Plan..... 1

Non-Compliance Recommendations 3

Election of Commission Chair..... 3

Election of Commission Vice-Chair 3

Other Business 4

Adjourn 4

INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1)
2. **Approval of minutes of August 15, 2007, meeting by consent.** (Page 1)
3. **Motion to approve the 2008 Action Plan** as discussed with the modification for a potential Striped Bass Addendum II later in the year (Page 3); Motion by Robert Boyles; second by Paul Diodati. Motion approved (Page 3).
4. **Move to nominate George Lapointe as Chair of ASMFC** (Page 3); Motion by John Nelson on behalf of the Nominating Committee. Motion approved (Page 3).
5. **Move to nominate Robert Boyles as Vice Chair of ASMFC** (Page 3); Motion by John Nelson on behalf of the Nominating Committee. Motion approved (Page 3).
6. **Adjourn by consent.** (Page 4)

ATTENDANCE

Board Members

George Lapointe, ME, (AA)	Howard King, MD DNR (AA)
John Nelson, NH (AA)	Jack Travelstead, VA, proxy for Bowman (AA)
Paul Diodati, MA (AA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	John Frampton, SC (AA)
Gil Pope, RI, proxy for Rep. Naughton (LA)	Malcolm Rhodes, SC (GA)
Eric Smith, CT (AA)	Robert Boyles, Jr., SC (LA)
James Gilmore, NY (AA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	John Duren, GA (GA)
Peter Himchek, NJ, proxy for David Chanda (AA)	Bill Sharp, FL, proxy for Gil McRae (AA)
Leroy Young, PA, proxy for Douglas Austen (AA)	
Roy Miller, DE, proxy for Patrick Emory (AA)	

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

Ex-Officio Members

Staff

Vince O'Shea
Bob Beal

Tina Burger
Laura Leach

Guests

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Ballroom of the Loews Annapolis Hotel, Annapolis, Maryland, November 1, 2007, and was called to order at 1:25 o'clock p.m. by Chairman George D. LaPointe.

CALL TO ORDER

CHAIRMAN GEORGE D. LAPOINTE: We will now open the business meeting. The first item of business is looking at the agenda.

APPROVAL OF AGENDA

The agenda topics right now are reports of the resolution committee, the action plan, non-compliance and nominating committee. Are there any additions or changes to the agenda? Seeing none, is there opposition to its approval. It is approved.

APPROVAL OF PROCEEDINGS

The next agenda topic is approval of the proceedings of August 15th, 2007. Do any board members have changes that they need made to the transcript? Seeing none, is there opposition to its approval? Seeing none, that is approved.

PUBLIC COMMENT

We have a section on our agenda for public comment. Are there any members of the public who want to comment on issues before the business meeting? I see none so we'll move on to the next agenda topic, and that is report of the resolutions committee. Brian Culhane, please.

RESOLUTIONS COMMITTEE REPORT

MR. BRIAN CULHANE: Thank you, Mr. Chairman. I want to read our resolution of appreciation to our host state:

WHEREAS, the Atlantic States Marine Fisheries Commission conducted its 66th Annual Meeting in Annapolis, Maryland, which provided a delightful venue for the commissioners, management and science, law enforcement and habitat committees to deliberate on issues of mutual concern; and

WHEREAS, the weather was spectacularly gorgeous with a crisp hint of fall in the air; and

WHEREAS, Bruno Vasta took a small but intrepid group of commissioners and two brave spouses fishing on the choppy Chesapeake Bay during the 16th Annual Laura Leach Fishing Tournament; and

WHEREAS, Dennis Abbott cared so much about the resource that he took to naming horseshoe crabs after Nichola and Vito during the Horseshoe Crab Board Meeting to illustrate the size and range of the crab; and

WHEREAS, the dinner of our favorite fish, striped bass, at the Navy and Marine Corps Memorial Stadium was enjoyed by all and provided the thrill of a lifetime for many who stood on the 50-yard line of that hallowed field where Navy has had many a victory and where we were treated to after dinner music compliments of Bruno's accordion, Vito's melodious tenor, and Jenny's lovely voice, which we never really heard because there were no words on the music sheet; and

WHEREAS, the states joined forces to protect the most historically important fish species along the Atlantic coast, most notably American shad and river herring, but other species as well; and

WHEREAS, the 17th Annual David H. Hart Award recognized Preston Pate for his tremendous contributions to the successful management of marine fisheries along the Atlantic coast; and

WHEREAS, commissioners, meeting participants and staff celebrated Old Hallows Eve in the usual festive manner, enjoyed costumes and candy alike; and

NOW, THEREFORE BE IT RESOLVED, that the Atlantic States Marine Fisheries Commission expresses its deep appreciation to the Maryland commissioners; Howard King, Bruno Vasta, Senator Colburn; and his proxy Russell Dize, as well as Frances McFadden, and our outstanding commission staff for their terrific assistance in the planning and execution of this outstanding 66th Annual Meeting. (Applause)

CHAIRMAN LAPOINTE: I assume that's approved by acclamation.

MR. CULHANE: Yes, and no top ten list at this meeting.

2008 ACTION PLAN

CHAIRMAN LAPOINTE: And no top ten. The next topic is consideration and approval of the 2008 Action Plan. I assume Robert is going to lead us in that.

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. We did have a discussion about the Action Plan at the workshop on Tuesday morning.

There was some discussion regarding some issues with striped bass. Staff was going to prepare a sense of the resources that would be available to deal with that, and I believe we have got that, Bob?

MR. ROBERT E. BEAL: Just to go over that fairly quickly, if an addendum was started to work on the striped bass following up on the stock assessment. This is sort of a ballpark estimate of what it would take, about ten or twelve thousand dollars. We'd add a technical committee meeting, a round of public hearings, some financial resources for the plan development team to get together in one meeting as well as a couple of conference calls. This is a ballpark estimate of what an addendum usually takes, so this would be above and beyond what the current level of resources are allocated to striped bass at this time.

MR. BOYLES: So, Mr. Chairman, that gives us a sense of what is required for an addendum. If you recall from the discussion, this was not accounted for in the action plan that we discussed. Where we are now is we need to make a decision as to do we proceed should this become possible and potentially what falls off the table.

CHAIRMAN LAPOINTE: Is there interest on the part of commissioners in changing the action plan? Eric and then Paul.

MR. ERIC SMITH: I think based on the discussion the other day the interest is to try and accommodate this, but I couldn't tell you what I would want to cut now. That's a hard thing, in other words, to make up the difference, so I'm kind of left with the notion that this may not – unless somebody has thought ahead and said there's one that's low-hanging fruit, let's get it and everybody agrees that, then it's going to be a hard thing to answer.

MR. PAUL DIODATI: I was just going to say something similar to what Eric just said that there was strong interest to do this. I know we haven't added a surcharge after the fact, but ten or twelve thousand dollars isn't a lot of money. I'd certainly be willing to kick in the commonwealth's share if it means adding a little bit more money to what we have to send to ASMFC. I don't say that lightly. I would like to put pen to paper and take a close look at how all the money is being spent before I spend any more of the commonwealth's funds.

CHAIRMAN LAPOINTE: Other views? When I thought about this issue, particularly with striped bass, and recognizing my comments about species that take up a lot of time, and I used lobster as an

example because I'm right on the top of that heap, I thought about it in the context of our time management and the workload of the commission, as well as the financial resources, because striped bass is one of those species that once you get started it takes up a bucket load of time. That was a bigger concern for me, frankly, than the fiscal resources. Pete, you had your hand up.

MR. PETER HIMCHAK: Thank you, Mr. Chairman. I'm at a disadvantage for not having been at the workshop, but I do have a question and one comment. On page – let's see, it's not numbered, so it's Path 2.2.11, talking about a stock assessment on the southern kingfish. The notes that I have is that the feasibility of assembling a data collection system for black drum; will that be part of the Strategic Plan?

MR. ROBERT E. BEAL: Pete, the plan is to work in some black drum data collection into the action plan. The concept is to work it into a number of the data collection programs that are already going on, so it's not really creating a new data collection program, but it's to make sure that the current data collection programs don't leave out black drum.

MR. HIMCHAK: I had one other comment. I think at the Lobster Board meeting on Monday we approved the development of Addendum XII at the behest of Mr. Adler to deal with the details for trap transferability protocols. I am reading in the document that that is referred to as Addendum XIII and XII is a different number. I am just raising this at this point because these addenda get very confusing to begin with. I think the transcript from Monday will talk about Addendum XII on dealing with trap transferability.

MR. BEAL: Pete, you're correct, there was a new addendum initiated that's not included here. We covered that in the workshop and noted that some of the addendum numbers need to be modified a little bit in here. There were a couple of other activities this week that will probably modify some of the details here but not really any of the substance. We will reflect that in the final version.

CHAIRMAN LAPOINTE: To get back to the issue of striped bass, one of the things that's been suggested to me, and, frankly, makes sense to me, is to kind of put the issue in there with an asterisk, and see how the year rolls with the assessment and with the issue of the continuing percolation of the issue surrounding the executive order, and not committing to it but not taking it off the table through the course of the year. Does that make sense to board members?

I see heads shaking yes. All right, then with that change I think we need to formally approve the action plan. Gil Pope.

MR. GIL POPE: One quick comment. I think this is about allocation, if I'm not wrong, the Addendum II. If that's the case, I don't know, I think it's going to take a little bit longer, just from my guessing, maybe ten to twelve thousand may be an underestimation.

CHAIRMAN LAPOINTE: I think your point is well taken; and, again, if we just use this without having the numbers there, but the issue itself. Again, I'll express my concern about time is that we'll see how striped bass unfolds. We won't make the decision now, but all those discussions will have to be taken into account before we agree to move forward. Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we approve the 2008 Action Plan as discussed, with the modification – help me out here; I'm doing this on the fly – for a potential Striped Bass Addendum II –

CHAIRMAN LAPOINTE: Later in the year.

MR. BOYLES: Some time through the year, yes, throughout the year. You all help me perfect that.

CHAIRMAN LAPOINTE: Seconded by Paul Diodati. John Nelson.

MR. JOHN I. NELSON, JR.: Thank you, Mr. Chairman. I just want to go over to Task 1.1.2, which the lobster again, and that is Bob has already pointed out the numbering change that would be done on the addenda. Addendum XIII, I think he is also planning on putting in there, and that reflects the Outer Cape Cod addenda that the commonwealth is going to produce, and there is still some costs associated with the hearings and final publishing of it, but I think that's going to be kept to a minimum. Thanks to Massachusetts for taking on that responsibility for producing that addenda.

CHAIRMAN LAPOINTE: Thank you. Paul.

MR. DIODATI: I'll note that we've already completed it during the meeting's proceedings this week.

CHAIRMAN LAPOINTE: Other questions or comments on the motion. Vince O'Shea.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. Just in deference to Laura, I

just put our marker in. She was again reminding me on the striped bass thing, that it includes looking at the money situation later in the year.

CHAIRMAN LAPOINTE: Absolutely.

EXECUTIVE DIRECTOR O'SHEA: And it's with that understanding. Thanks.

CHAIRMAN LAPOINTE: Good comment. Are we ready for a vote? Is there any opposition to its approval? I see no opposition; therefore, it is approved.

NON-COMPLIANCE RECOMMENDATIONS

We have no non-compliance recommendations, so the next agenda topic is the report of the nominating committee. Mr. Nelson.

ELECTION OF COMMISSION CHAIR

MR. NELSON: Thank you, Mr. Chairman. On behalf of the nominating committee, I would move to nominate George LaPointe as chair of ASMFC.

EXECUTIVE DIRECTOR O'SHEA: I'll assume that the rules have been suspended, and I'll assume the chair for a moment and ask if there are any other nominations for chair of the commission? Seeing none, nominations are closed. We have a nomination for George LaPointe to be the chair of the commission. All those in favor, please raise your hand. I note that everyone present has raised their hand. George is elected chair for another year. Congratulations. (Applause) Mr. Nelson.

ELECTION OF COMMISSION VICE-CHAIR

MR. NELSON: Thank you, Mr. Acting Chair. Again, on behalf of the nominating committee, I would move to nominate Robert Boyles as the vice-chair of ASMFC.

EXECUTIVE DIRECTOR O'SHEA: All right, since that was from the committee, no second is necessary. Are there any other nominations for vice-chair of the commission? Seeing none, nominations are closed. All those in favor of electing Robert Boyles as vice-chair of the ASMFC, please raise your hand. I note that all present have voted in favor. Congratulations, Robert is the vice-chair of the ASMFC. (Applause) Chairman LaPointe.

OTHER BUSINESS

CHAIRMAN LAPOINTE: Thank you, Vince. That is the last agenda topic I had. Is there any other business to come before the business meeting?

ADJOURN

Seeing none, we stand adjourned. Thank you all very much.

(Whereupon, the meeting was adjourned at 1:52 o'clock p.m., November 1, 2007.)