

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

**Crown Plaza Old Town
Alexandria, Virginia
February 3, 2009**

Approved May 7, 2009

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of minutes of October 23, 2008 meeting by consent** (Page 1).
3. **Motion to elect George Lapointe as Commission Chair** (Page 1). Motion made by Mr. Travelstead on behalf of the Nominating Committee. Motion carries (Page 1).
4. **Motion to elect Robert Boyles as Commission Vice-Chair** Motion made by Mr. Travelstead on behalf of the Nominating Committee. Motion carries (Page 1).
5. **Adjourn by consent** (Page 4).

ATTENDANCE

Board Members

George Lapointe, ME (AA)	Roy Miller, DE, proxy for P. Emory (AA)
Pat White, ME (GA)	Bernard Pankowski, DE, proxy for Sen. Venables (LA)
Douglas Grout (AA)	William Goldsborough,, MD (GA)
Rep. Dennis Abbott, NH (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Ritchie White, NH (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Paul Diodati, MA (AA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
William Adler, MA (GA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Willard Cole, NC (GA)
Lance Stewart, CT (GA)	John Frampton, SC (AA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA)	Robert Boyles, Jr., SC (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	John Duren, GA (GA)
Tom Fote, NJ (GA)	William Sharp, FL, proxy for G. McRae (AA)
Gilbert Ewing, NJ, proxy for Asm. Fisher (LA)	Bill Orndorf, FL (GA)
Leroy Young, PA, proxy for D. Austen (AA)	Steve Meyers, NMFS
Eugene Kray, PA (GA)	A.C. Carpenter, PRFC
Bill VanDusen, PA, proxy for Rep. Schroder (LA)	Jaime Geiger, USFWS

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

Ex-Officio Members

Staff

Vince O'Shea
Bob Beal

Toni Kerns
Pat Campfield

Guests

Chris Moore, NOAA
Najih Lazar, RI DFW

Gordon Colvin, NMFS
Arnold Leo, E. Hampton, NY

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 3, 2009, and was called to order at 5:35 o'clock p.m. by Chairman George D. Lapointe.

CALL TO ORDER

CHAIRMAN GEORGE D. LAPOINTE: Good afternoon. We're going to start the business session.

APPROVAL OF AGENDA

CHAIRMAN GEORGE D. LAPOINTE: We have an agenda that was in the printed materials. Are there any changes to the agenda? Any objections to its acceptance? It is accepted.

APPROVAL OF PROCEEDINGS

CHAIRMAN GEORGE D. LAPOINTE: We have proceedings from the October 23rd meeting. Are there any changes to the proceedings? Is there any objection to their acceptance?

Seeing none, we will move to the next agenda topic, which is public comment.

PUBLIC COMMENT

CHAIRMAN GEORGE D. LAPOINTE: Are there any members of the public who would like to address the business session of the Atlantic States Marine Fisheries Commission? Seeing none, our next agenda topic I am going to turn over to Vince for the commission elections.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I would like to recognize the chairman of the nominations committee, Jack Travelstead.

NOMINATING COMMITTEE REPORT

ELECTION OF COMMISSION CHAIR

MR. JACK TRAVELSTEAD: The nominating committee offers George Lapointe for chair of the commission.

EXECUTIVE DIRECTOR O'SHEA: Since that is a nomination from a committee, no second is needed. Are there any other nominations for chairman of the

commission? Seeing none, nominations are closed. All those in favor of George Lapointe for chairman of the commission please raise your right hand; opposed, three. George Lapointe is re-elected chair. Jack.

ELECTION OF COMMISSION

VICE-CHAIR

MR. TRAVELSTEAD: The nominating committee nominates Robert Boyles for vice-chair.

EXECUTIVE DIRECTOR O'SHEA: Are there any other nominations for vice-chair of the commission? Seeing none, nominations are closed. All those in favor of Robert Boyles for vice-chair of the commission please raise your right hand; all those opposed, none. Robert Boyles is the new vice-chair of the commission. I will turn the chair back over to George Lapointe.

CHAIRMAN LAPOINTE: Thank you, Vince, and thank you for your confidence. Is there any other business to go before the business session? I have Roy Miller and then Dennis Abbott.

MR. ROY MILLER: Mr. Chairman, now that we have taken that action could I ask a question, if I may? That specifically is, is there nothing in our charter concerning term limits? It was my impression that the general practice was a two-year ascendancy on the basis of the vice-chair moving into the chair's position. Is that not a formal part of our charter?

CHAIRMAN LAPOINTE: I don't believe it is a formal part. It actually wouldn't be a part of the charter so much as it would be part of the rules and regulations, but I don't believe it is a part. I had a conversation with staff and I haven't had a chance to talk to Jack Travelstead about it, but people have talked about the election process and whether we need something more formal than we have now.

My thought would be to – if the business session of the commission wants it to go forward is to work with Jack Travelstead and the Administrative Oversight Committee to advance more structure if in fact that is what we need.

REPRESENTATIVE DENNIS ABBOTT: Obviously I didn't vote in favor of this, and I am very disappointed in the action that we just took, I will be very frank with you. I have been on the commission and have been a member of the commission for more than 12 years. I arrived with Dr. Paul Sandifer, the

southern chair; went through Dave Borden, Susan Shipman – I can't remember all the others – John Nelson, Pres Pate.

It was always the understanding that the chair served – we elected him every year, but we served for two years. There was an unspoken two-year term limit. There was an unspoken fact that we would alternate between the north and the south. I think that should be formalized. I also find it somewhat incorrect for the chairman to place into position the nominating committee and then turn around and have that same nominating committee nominate the same person.

It is just wrong, it is not democratic and it really reeks – you know, not reeks, but it gives a wrong perception, so I am not at all pleased with this and I am going to have to reconsider my situation as a member of the Atlantic States Marine Fisheries Commission as a result of this. I have lost a lot of faith today.

MR. TRAVELSTEAD: A couple of things. I think I should respond to those comments a little bit. I don't want to make more of this than we need to at this point, and Brian and Spud are here. They were also on the nominating committee and we played equal roles there. Over the last couple of months the nominating committee made an effort to contact virtually every member of the commission. In some cases we even contacted proxies.

We asked everyone we contacted and there were a lot of no responses to our e-mails and phone calls, so we assumed in that case that if you didn't respond you were happy with just allowing the nominating committee to move forward on its own. We asked everyone we talked to whether they were interested in being nominated themselves.

We asked if they were not interested was there someone else who was interested in being nominated. I don't know if the others did, but I also asked everyone whether they were happy with the current leadership. The vast majority who commented back to us were happy with the current leadership, and the vast majority were not interested in being nominated and many came back with long lists of names of individuals who they thought could or should be nominated. For the most part, when we contacted those individuals, they were not interested in being nominated, and so that's where we ended up. That's out in the open for everybody to understand.

Having said that, my sense, in talking with the members of the nominating committee, our feeling is that the current process – and this is just me speaking

now – that the current process vests a little bit too much power in three people and that we need to have some discussions perhaps about how to rethink that.

Personally, you know, if there are three or five or ten people who want to be nominated for a position, they ought to be put on a ballot and we have an election and the majority wins rather than vesting that decision process in three people. You have already said, George, that you're going to have the AOC look at that, but I just wanted to get those comments out so everybody knows more or less what the – and if I have mischaracterized something, please, Brian or Spud, speak up.

MR. DAVID SIMPSON: I am a little confused by the concern over it as well. We have a published agenda. We have as an agenda item election of a chair and a vice-chair, so the floor was open to nominations. If others were interested or if there was a thought of other nominees, this would have been the time to bring that forward. I don't see where the concern is in the process.

REPRESENTATIVE ABBOTT: I just want to be clear that I'm not trying to cast any disparaging remarks towards the nominating committee. I understand what procedures they go through. I was on that committee and so I know what they have to do and I don't have a problem with them.

MR. TOM FOTE: I don't remember if it was my first year as a commissioner in '90 or '91 is when – Jack and probably Bill can remember this – I nominated Senator Owen Johnson and eight ballots later we were still caucusing because we couldn't get the votes because it was the only opportunity that the governors' appointees and the legislative appointees back in that time were able to vote.

There was a really huge debate on whether we would have a legislator and the compromise is that we put a governor's appointee on instead of a legislator. As soon as we put Mickey Newberger on, he got thrown off the commission. The following year we put Bonnie Brown, put her on, she was on one year and she got thrown off the commission, so I said I'm not nominating another governor's appointee because they're getting off.

But it used to be a good process. I wasn't involved in this process so I don't know it – but, you know, my understanding was it was always two years and then it went north/south, north/south. That is the process I saw for 18 years. Maybe we need to look at it because, again, it used to be an interesting discussion

as we went around the room and people would step forward.

I think now with the tightened budgets and with the small amount of personnel, the people are afraid to commit that much time. It takes a lot of time. I remember Gordon, when he did it, and that's why New Jersey has never been chair because none of our proxies for the director basically can put the time or effort because they can't be away from the division.

That's really one of the sticking points here, and it is hard to compensate those people for the time they put in, the effort put in. I mean, George does a hell of a lot of work and every chairman has done that going up the ladder. Maybe we need a review, but I remember when there was really a heated battle going on many years ago.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, you made reference to the Administrative Oversight taking a look at the process. In light of Jack's comments about the consolidation of power, I have chaired the AOC the last two years, and so I'd just like to throw that out for your consideration. There may be another way to – you may wish to look to another group to go through this process.

MR. BRIAN CULHANE: As a member of the nominating committee, I would like to say that Jack has got it completely right. There is nothing I would disagree with as far as what Jack said. This year was a difficult process to go through. I think we have gone through many years in the past where there were always kind of outstanding candidates waiting in the wings.

This year we had several people that I think would have been great candidates and for various reasons were not able to put their name forward. I agree with the idea that we should rethink this process. What we ended up doing in terms of phoning and e-mailing each member of the commission, I think that was a good process for us to go through.

I wish we had done it earlier. I am partly to blame for why we didn't button this thing down back in the summer meeting, but, anyway, I think we do need to take a look at this process and take into account some of the concerns that have been expressed. I understand we have this north/south thing going on. I would hate to see that etched in stone considering what we went through this year. If the only willing candidate happened to be somebody from the south again this year, I would not have wanted that to be a deciding factor. I will leave it at that.

MR. G. RITCHIE WHITE: Obviously there were problems with this process because we're here today voting and not at the annual meeting. I don't fault the nominating committee. I think we have a lack of a formal process that is not in place, and therefore when issues arise, as they did this year, there wasn't a format for the nominating committee to follow to address these issues. I think I strongly recommend that a body, AOC or whatever, put to writing a process so that a nominating committee, in the future – and maybe more than three will make sense – has a roadmap to follow if a problem arises.

MR. DOUGLAS GROUT: For the record, Mr. Chairman, I think you have done a fine job as the chairman over the past two years and you will likely do a very outstanding job over the next two years as your chairmanship continues. I do agree that because of the unique situations this year it might be good for the commission to look at the process and to put some form of a process a little bit more in writing that will make this process of getting a chair a little bit more cast in stone.

MR. PATRICK AUGUSTINE: You know my opinion about what you do and what you have done. You're an outstanding guy for this job. You're black and white, you know how to make decisions, you know how to move the process. I think part of our problem is that I don't see any method for developing a backup system beyond the fact that we have a chairman and a vice-chairman.

It just seems to me that early on in this process, as people come on board and it looks like they're going to be here, I think we should look at – and I will use the expression high pots – we use it the industrial world all the time – high potential person who could very well likely accede to become chairman.

We don't have that and maybe it's a matter of more of you, as you come on board, within a year or two end up getting assigned as chairman of some of the committees, get a good, solid base, but we haven't done that. Maybe as a part of this process we might want to consider that also. But after a year and a half, looking around the table, we end up with several brand new directors who might be potential candidates in the future who are probably overwhelmed with their workload right now.

Looking to my right is one of the guys and Mr. O'Connell over there and several others. It seems to me as soon as new directors come on, if they in fact are going to be the basis for following our chairman – typically that's where they come from – we should identify them early on and coach them along and give

them the extra assistance so they will develop over the next couple of years.

We haven't done that and therefore with the workload you presently have as directors and continue to be pressed and because you have no budget, no manpower at home, you are going to want to shy away. I think you have to take another look at it and see the value added that you could bring to the board and to the commission.

You have been elevated to be directors because you are good at what you do, and we would hope that you would bring that expertise on to the board and add more leadership to us. I think we need to have some kind of a plan to identify "high pots" and work with it from there. Keep doing a good job, George.

CHAIRMAN LAPOINTE: Other views. My intention would be that I will write a memo to all commissioners asking for their views on two things. One is the right body to advance proposed changes. With Robert's idea that maybe the AOC maybe isn't the right spot or it may be as well, what group should be put together?

Clearly, the nominating committee should be part of that. That is one important component is figuring out the right group and the right people and then letting them run with whatever recommendations they have and reporting to the full commission. Does that make sense to people? Gene Kray and then Tom Fote.

DR. EUGENE KRAY: Yes, George, it does make sense and I think you could make it an ad hoc committee. I mean it would just be for that one – you know, to lay out a timeline, when are we going to begin the process of accepting nominations, how many people should be on it and all those kinds of things. I think it should be an ad hoc committee.

MR. FOTE: Every board that I sit on, and I sit on numerous ones, my first recommendation, when I get to a bylaw change, is put term limits in because I see in too many organizations the same person serving for too long a period of time. When I first became president of Jersey Coast in 1987, the first move I made was a two-year term limit because I have seen organizations do that, and I think maybe that is an appropriate motion to be considered.

ADJOURN

CHAIRMAN LAPOINTE: Those sorts of issues or specifics would be for this committee to consider and bring back to the full body. Other thoughts on this

issue? I want to thank everybody for their honesty in the discussion because it is incredibly important and persevering through until tonight. Other business items before the business session? Seeing none, we are adjourned.

(Whereupon, the meeting was adjourned at 6:00 o'clock p.m., February 3, 2009.)