

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

Wentworth by the Sea
New Castle, New Hampshire
October 29, 2019
October 31, 2019

Approved February 6, 2020

Proceedings of the Business Session
October 2019

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings from August 2019** by consent (Page 1)
3. **Move to accept the Action Plan as amended today** (Page 8). Motion by Pat Keliher; second by John Clark. Motion carried (Page 8).
4. **On behalf of the Nominating Committee, I nominate Pat Keliher as the Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting** (Page 10). Motion by Doug Grout. Motion carried (Page 10).
5. **On behalf of the Nominating Committee, I nominate Spud Woodward as the Vice-Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting** (Page 10). Motion by Doug Grout. Motion carried (Page 10).
6. **On behalf of the Interstate Fishery Management Program Policy Board, move that the Atlantic States Marine Fisheries Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis** (Page 13). Motion by Jim Gilmore. Motion carried (Page 14).
7. **Move to amend the Commission's Rules and Regulations to implement the policy on non-payment of state appropriations** (Page 13). Motion by Steve Train; second by Justin Davis. Motion carried (Page 13).
8. **Move to adjourn** by consent (Page 15).

ATTENDANCE: October 29, 2019

Board Members

Pat Keliher, ME (AA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Doug Grout, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Bill Anderson, MD (AA)
Raymond Kane, MA (GA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Pat Geer, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, proxy for R. Boyles, Jr. (AA)
Bill Hyatt, CT (GA)	Malcolm Rhodes, SC (GA)
Jim Gilmore, NY (AA)	Sen. Ronnie Cromer, SC (LA)
Maureen Davidson, NY, Administrative proxy	Doug Haymans, GA (AA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Rep. Thad Altman, FL (LA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak	

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

Ex-Officio Members

Staff

Robert Beal	Maya Drzewicki
Toni Kerns	Tina Berger
Laura Leach	Geoff White
Kristen Anstead	

ATTENDANCE: October 31, 2019

Board Members

Pat Keliher, ME (AA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak
Stephen Train, ME (GA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH, Administrative proxy	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Lynn Fegley, MD, proxy for Bill Anderson (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Russell Dize, MD (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Steve Murphey, NC (AA)
David Borden, RI (GA)	Mel Bell, SC, proxy for R. Boyles, Jr. (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Malcolm Rhodes, SC (GA)
Justin Davis, CT (AA)	Doug Haymans, GA (AA)
Bill Hyatt, CT (GA)	Spud Woodward, GA (GA)
Jim Gilmore, NY (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Maureen Davidson, NY, Administrative proxy	Marty Gary, PRFC
Emerson Hasbrouck, NY (GA)	Alesia Read, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS
Tom Fote, NJ (GA)	

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Ex-Officio Members

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Robert Beal	Pat Campfield
Toni Kerns	Tina Berger
Laura Leach	Geoff White

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Tuesday, October 29, 2019, and was called to order at 4:15 o'clock p.m. by Chairman James J. Gilmore.

CALL TO ORDER

CHAIRMAN JAMES J. GILMORE: Welcome to the Business Session. My name is Jim Gilmore, I'm Chairman of the Commission for at least another five minutes. We'll be going through a few things for the Business Session today.

APPROVAL OF AGENDA

CHAIRMAN GILMORE: First off, we need approval of the agenda. It was in your meeting packet. Are there any changes to the agenda, seeing none?

APPROVAL OF PROCEEDINGS

CHAIRMAN GILMORE: We need approval for the proceedings from the August, 2019.

Has everybody reviewed them and are there any changes to the proceedings? Okay seeing none we will adopt those by unanimous consent. Public comment on any items not on the agenda, seeing none we'll move right along.

REVIEW AND CONSIDER APPROVAL OF THE 2020 ACTION PLAN

CHAIRMAN GILMORE: We're going to go into Item 4, and we're going to review and consider approval of the 2020 Action Plan, and Bob is going to take us through that so Bob it's all yours.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just before we get into this, the Action Plan if you guys will remember changed formats quite a bit last year, based on some input from the leadership of the Commission. We pared it down quite a bit. There used to be 50 plus

pages, we cut it in half. It really focuses on new activities and highlights for the next year.

It's a lot shorter, and what we'll do right now is ask Toni to, actually each of us staff members to go through out sections quickly. Just hit the highlights of the highlights, and you guys can ask any questions. But keep in mind, generally if you want to add a significant task to the Action Plan we probably need to take something off.

The way it is written right now we're pretty well maxed out on dollars, and on staff time. You know any significant changes we'll need to start talking about swaps in and out. With that I'll ask Toni to go ahead and go first through Section 1, which is the species management actions and stock assessment work.

MS. TONI KERNS: I'm going to go through, start with the high priority species, and try to hit most of the things that are in the bold. I may skip over one or two things. Some of the things that are in the high priority species that are not in bold are still important things, but we've been carrying on those tasks over the course of the last year, so we did not bold them. We will start with Atlantic herring, and one of the questions that we first off have are whether or not Atlantic herring should be in the medium/low priority or in the high priority. We'll be working with the Northeast Fisheries Science Center to complete a management tracked stock assessment for peer review.

In August we'll have the Board review that and then potentially review and adjust 2021 specifications if necessary. We'll also work with the Council if necessary to extend spawning into Area 3. The Council has initiated a framework to do that. In addition, yesterday the Herring Board initiated an addendum to look at how they allocate the quota allocations, as well as how they manage the Area 1A Days Out section of that fishery.

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For Atlantic menhaden we'll work to resolve the implementation of the Chesapeake Bay Cap, and the Technical Committee and the Board will review the recommendations from the aerial survey project, and then the Board will need to determine the next steps. For Atlantic striped bass, we'll implement Addendum VI, including any conservation equivalency proposals if those are brought forward, as well as consider management response to rebuild the biomass and address long term fishery issues, meaning the potential initiation of an amendment.

For black sea bass and this would also most likely include summer flounder and scup. We'll work with the Mid-Atlantic Council and NOAA Fisheries on an addendum or an amendment on reforming the recreational management and commercial/recreational allocation, taking into account calibrated recreational estimates.

It's likely that this activity could extend beyond 2020. Bluefish will continue with the amendment to address allocation, as well as a rebuilding program, which was added recently. The stock is overfished, thank you, Dustin. For horseshoe crab, today the Board began a revision to the adaptive resource management framework to utilize the modeling approaches from the most recent benchmark assessment.

For summer flounder, we'll develop with the Mid-Atlantic Council, and this will be for scup as well as black sea bass, an amendment that looks at sector allocations, taking into account all the recalibrated estimates, as well as participate in a workshop with the Council on their Research Steering Committee to examine the possibility of reestablishing an RSA program.

For tautaug we'll initiate the development of a stock assessment for completion in 2021. American eel we'll work on the development of the next benchmark stock assessment methodologies, including working with USGS and Canada on that issue. Moving down, coastal sharks we'll be monitoring the 2019 shortfin mako stock assessment update that is

being completed through ICCAT, as well as work with SEDAR to complete the blacktip stock assessment for peer review in November.

Then the Board would review this in February of 2021. Northern shrimp will conduct a stock assessment update. For red drum we'll work with the Assessment Science Committee to develop a road map for the next benchmark stock assessment. Spanish mackerel, we will work with the South Atlantic Council. This has not necessarily been initiated, but we anticipate it will be. At the upcoming South Atlantic Board meeting to initiate management action to ensure that we have complementary regulations in both state and federal waters. We'll also work with SEDAR for a benchmark stock assessment that would be peer reviewed in 2021. For winter flounder we will work with the Northeast Fisheries Science Center to prepare a management tracked stock assessment for peer review. That would be reviewed by the Board in October.

On cross-cutting issues, we'll work to raise awareness of regulatory changes affecting data collection for things like American lobster, American eel and tautaug, as well as work with the states and NOAA Fisheries on changes to the Take Reduction Plan for the North Atlantic Right Whales. I will take any questions.

CHAIRMAN GILMORE: Dave Borden.

MR. DAVID V. BORDEN: Toni, what is the difference under black sea bass or summer flounder? Do you use sector allocations instead of commercial/recreational allocations? What's the difference?

MS. KERNS: It is commercial/recreational allocations. We're just calling it a sector. I can change the language to say commercial/recreational allocations.

MR. BORDEN: Okay so they mean the same thing then.

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MS. KERNS: Yes.

MR. BORDEN: I just want to make sure. I raised this at the Mid-Atlantic meeting that could possibly include like a commercial/recreational and charter allocation.

MS. KERNS: That is correct. I will note for summer flounder, scup, and black sea bass there are a lot of large items that are on the list. It is highly likely due to staffing issues, and the needs to try to get different things done quickly to address certain needs that we may with the Mid-Atlantic Council need to determine how to prioritize each of these issues. We'll continue to have those conversations with the Mid-Atlantic particularly at the upcoming joint meeting in December.

CHAIRMAN GILMORE: Justin Davis.

DR. JUSTIN DAVIS: Under black sea bass, the second bullet, Consider Management Action to Adjust Commercial Allocation. At the recent joint meeting the Board voted to initiate an addendum, so is this meant to reflect that? I just didn't know if the wording there should be changed.

MS. KERNS: Yes, the first bullet, correct?

DR. DAVIS: I guess I was thinking it was two separate management actions. There is the amendment to deal with recreational/commercial sector allocation, and then there is the other document, the addendum, to address state-by-state commercial allocation.

MS. KERNS: We'll add a second sentence.

CHAIRMAN GILMORE: Dan McKiernan.

MR. DANIEL MCKIERNAN: Toni, the slide that had cross-cutting issues about the unanticipated impacts of data collection. Could you elaborate on those? Yes the first bullet, raise awareness of regulatory changes.

MS. KERNS: Yes. For example, what we went through lobster on Monday just making sure that we are in particular collecting data in the same format, for some things with lobster. For tautaug recognizing that we are implementing the tagging program, and making sure that everybody is aware of that and what potential future data collection needs may be, as that tagging program gets moving out of the gate. For eel, as we talked about earlier today, the importance of collecting the data and getting it into ACCSP on time, in order to monitor that fishery as best as possible.

CHAIRMAN GILMORE: Eric Reid.

MR. ERIC REID: At the last joint meeting the motion for black sea bass was to start an addendum, with the consent of the Policy Board or the Business Session. If we approve this is that consent implicit, or do we have to have a discussion about that?

MS. KERNS: This would be that consent.

MR. REID: This would be that consent. How long do you really think that is going to take in time and resources?

MS. KERNS: I think it depends on the direction that the Board goes. Caitlin is going to work on drafting a document, and we're going to work with the Mid-Atlantic Council. We had said that we would not make any decisions on that document without a joint meeting. It is our intent to bring forward that document at the February meeting.

We need to see if the Mid-Atlantic Council can come to our February meeting, so we can approve that document for public comment. If the Board wants additional options added to the document then it will take longer, but if we are on that track then it could be finalized as early as May, or it may take a little longer, depending on how much wordsmithing and option changing the Board has.

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CHAIRMAN GILMORE: Yes, go ahead Eric.

MR. REID: Are you saying that final action could be in May?

MS. KERNS: That would be fastest.

MR. REID: I don't see it that way. If you're talking about reallocation it's going to be an issue with tremendous economic impact, one way or the other, depending on which end of the see-saw you're on. I would think that is going to be something that is going to take years. I don't know if the Commission is willing to commit to such a broad topic at this time, given the workload that it's going to be. I would much rather see a more specific action or language come out of the joint meeting, before we got too carried away with whether we want to get wrapped up for three, four, five years doing it.

MS. KERNS: You're speaking just on the commercial allocation not the commercial/recreational allocation?

MR. REID: On both. I mean it's very hard for me to justify spending a lot of time on reallocating fisheries when you have a limited access fishery, which has no ability due to management to increase their catch to get more quota, and an open access fishery that can increase their catch as we all know exponentially. It doesn't add up to me. I don't think it's fair, and I don't think we should spend the time or the money doing it.

CHAIRMAN GILMORE: Well that lit everybody up, all right Doug Grout.

MR DOUGLAS E. GROUT: I noticed under Atlantic herring you're suggesting moving that to a medium/low priority. Could I hear a little bit more rationale behind why you are proposing that?

MS. KERNS: It is a question to the Board. It was just a question of whether it should be in high

or low priority. Typically a lot of times when we have the issues that are in high priority they have management actions associated with them. We did just add a management action, so it could stay there. We were just working on the assessment. We knew that the New England Council was going to be working on the framework for the offshore spawning, and so it was to the prerogative of the Board.

MR. GROUT: Okay I would suggest, especially since we added a management action that it probably should remain in a high priority.

CHAIRMAN GILMORE: That makes sense, Doug. Tom Fote.

MR. THOMAS P. FOTE: I'm sorry I just walked in on the tail end of Eric's conversation there. I think that should be one of our highest priorities. After seeing the new MRIP numbers, I'm looking at the recreational community, and I always thought it took a real hit when we set up the quotas.

Basically we're looking now to adjust those quotas to reflect what the actual fisheries were, and especially what happened with the MRIP numbers showing that now we're overfishing, and the recreational is way over its quota on this, and ridiculous things like scup. It's important that we do this and the community is looking for you to do this as fast as possible, and we need to dedicate the time, effort, and money to do this and accomplish this task, because the longer it takes the more credibility you lose with the recreational public out there.

I know Eric maybe thinks it's a waste of money, but we've been fighting for this for years, and setting around this table trying to get the right numbers. If these are the right numbers, we were underestimated all these years. We need to correct that inequities that were caused back in the '90s, and go through it again.

CHAIRMAN GILMORE: I don't disagree. It may be daunting in the long period. We've got to

start sometime. Justin Davis, other questions. Adam Nowalsky.

MR. ADAM NOWALSKY: Under summer flounder there is this item about the workshop with the Research Steering Committee. I was just wondering why we would put it here, specifically under one species, as opposed to it may be showing up under research, as this would be across a number of species.

I'll just add I appreciate it being here, as Chair of the Research Steering Committee, because I do think it's important so I'm glad it's here on the plan, because we will need the support putting on my Council member hat of the Commission in doing so. But again, it's going to be across a number of species would be the intent of that and perhaps might consider moving it down to Section 2 under research.

MS. KERNS: We put it here just because it was the species that it most often comes up under. As I said before, it applies obviously to black sea bass and scup. You could say it applies to dogfish and bluefish as well. I could add it to each of the species, or in parentheses afterwards I can just say this also applies to the following species.

MR. NOWALSKY: Or down to cross-cutting. Again, I am appreciative that it's on here. My only request is that it not be interpreted to only apply to summer flounder. That is my only reason for bringing it up.

CHAIRMAN GILMORE: Other questions for Toni? Okay I think we're moving on to science, Bob. Pat.

MR. PATRICK A. CAMPFIELD: Goal two of the 2020 Action Plan covers all of the fisheries research and stock assessment activity, as well as research surveys and other monitoring activities. To hit the highlights, under the Science Committees we are asking the Management and Science Committee to do a couple of things in 2020. The first is to revisit

our ASMFC research priorities, and to dig through those and look for common themes and develop proposals to seek funding to address research priorities and get better data for our stock assessments.

The second is to have the MSC weigh in on our annual status of the stocks review, and provide some guidance on how to interpret and use that information. Moving down to data collection, the SEAMAP program in the South Atlantic will be developing their next five-year plan for 2021 to 2025, including exploring a new system for coordinated survey data management. Under NEAMAP in the northeast, each year they have a workshop across the various fishery independent trawl surveys to compare methods, compare notes.

In 2020 we propose conducting a trawl survey calibration workshop, in order to better integrate the data between surveys. Moving down, we have highlighted a priority related to the ecosystem modeling and ecosystem reference points to increase data collection to support those ecosystem-based assessments in management, either through new or existing programs like SEAMAP to get diet information from those survey catches. Under fisheries research, this is where we have our fish aging activity, there is a call for an Atlantic menhaden aging workshop, to ensure that all the states or university labs that are gathering and processing menhaden aging samples, to make sure that they're doing it in a consistent fashion, again so those data can plus into our stock assessment.

Under ecosystem-based management and changing ocean conditions, standardize the timeline of Commission assessments to support timely updates to ERP and Atlantic menhaden stock assessments. That is sort of a pending activity. The menhaden single species and ERP assessments will go through a SEDAR peer review next week. We'll bring those results to you in February.

We have also highlighted evaluating the effects of changing ocean conditions on stock productivity and distribution, again that is an activity that your Management and Science Committee has engaged in in the past. They are meeting this week, actually still meeting downstairs, and so they are digging back in to address those types of questions.

Finally, under Competing Ocean Uses for the Commission to participate in ROSA, or the Responsible Offshore Science Alliance, to provide a forum for the states to discuss interactions between fisheries resources and offshore energy development. Those are the highlights, Mr. Chairman, I'll take any questions.

CHAIRMAN GILMORE: Questions for Pat. Okay seeing none, we're going to move into Goal 3, oh go ahead, Geoff.

MR. GEOFF WHITE: Goal 3 discusses dependable and timely statistics for Atlantic coast fisheries through the activities of the ACCSP. We updated the language on a continuing basis, to reflect a couple of new updates. But primarily under Program Management the focus is on process enhancement and integrating with the ASMFC Communications Plan.

Under fisheries dependent data collection items are talking about extending the SAFIS database capabilities, and adding some highlights within the redesign on specific tasks that are going to focus on participant structure and trip reporting that are components of that redesign that will be occurring in 2020, and of course maintain support of our federal and state agency partners to implement their mandatory electronic trip reporting regulations.

Under recreational surveys, there is the extension and implementation of state conduct of MRIP for-hire telephone survey from Maine to Georgia, expanding the electronic data collection tools for both the Access Point Angler Intercept Survey and For-Hire Telephone

Survey, developing methodologies to more fully incorporate the logbooks into the catch statistics, and of course update our Atlantic Recreational Implementation Plan that is something that comes back around every three to five years.

Under Data Distribution and Use, there are some changes to the data warehouse queries and structures, to include more data fields that are being collected by the partners and SAFIS. Adding the addition of biological data feeds and improving our communication with partners, and some processes to streamline the data integrity. Under data infrastructure and security that really speaks for itself, making sure we have the items in place to support larger data volumes, and meet with greater security constructs.

CHAIRMAN GILMORE: Any questions for Geoff? Adam Nowalsky.

MR. NOWALSKY: Under the recreational surveys that are here, and I had some discussions with various people, including from S and T, and Silver Spring in the past about improving access by the public to the surveys. Is that something that can be considered moving forward? I understand it's probably not something that would be done next year.

But specifically right now there is a certain level that you can query for a state by wave, but there has been discussions in the past about taking that a step further, being able to see something perhaps on a county-by-county basis or perhaps down to an intercept level that people could query or look up. I was just wondering if that information had gotten back to you, if there were any thoughts about that moving forward, laying the groundwork for it, and what it might take moving forward on future action plans.

MR. WHITE: In terms of what an ACCSP task can be for next year. We can certainly talk with MRIP about what access might or might not be

available through their tools. The way the survey is structured the intercept-by-intercept information is publically available on their website through the download tools.

It's a matter of finding out a little bit more of what it is that you're asking for, in terms of preprogrammed access, what analysis, and how that could be done. We can certainly talk further about it, but I'm not quite sure of a particular action plan item to add at this point.

CHAIRMAN GILMORE: Other questions for Geoff. Seeing none, we're going to go forward. Toni.

MS. KERNS: Under Goal 4 we don't have any new activities. The Law Enforcement Committee will continue to work with the management boards to seek increased and improved compliance with FMPs. The Law Enforcement Committee is continuing on with work on things like lobster offshore enforcement, which is mentioned in Goal 1. But I don't really have anything new, if there are any questions.

CHAIRMAN GILMORE: Are there any questions on that? Okay Goal 5, Toni.

MS. KERNS: Goal 5 is looking at the habitat goals and Atlantic Coast Fish Habitat Partnership falls under this goal. The artificial reef programs will work through a comprehensive update to state profiles in updating the Profile of Atlantic Artificial Reef Development Source Document. The Habitat Committee will work on an acoustics document for the Habitat Management Series.

Under the Atlantic Coast Fish Habitat Partnership they will be promoting the Southeast Fish Habitat and the Northeast Fish Habitat Mapping Projects that were recently completed, as well as develop a fundraising strategy to solicit donations from the private sector to put money towards targeted on the ground restoration projects.

CHAIRMAN GILMORE: Questions on that? Okay seeing none, we'll move to Item 6. Tina is going to do that. Tina.

MS. TINA L. BERGER: Under Stakeholder and Public Support, the first item is to identify three to four high profile issues, and seek to proactively address stakeholder criticisms and concerns through various outreach tools. The next is promoting high profile species and stock assessment results through various outreach initiatives, with our focus species for 2020; lobster, cobia, herring, Atlantic menhaden, and ERPs, shad, Spanish mackerel, and winter flounder.

Under Facilitate Stakeholder Participation, we have evaluate the effectiveness of current advisory panel process, and consider possible changes to enhance engagement and provide management boards with useful stakeholder input, as well as explore additional tools to gather public comment and proposed management actions. Under Media Relations and Networking, increase interdepartmental coordination on outreach activities through the development of a strategic communications plan, and that's it for outreach.

CHAIRMAN GILMORE: Are there any questions for Tina? Okay seeing none we'll move on to Goal 7 and Bob is going to lead that one. Bob.

EXECUTIVE DIRECTOR BEAL: Goal 7 is our legislative activities at the Commission, mostly the ones that Deke and I engage in, and a number of you engage in, reaching out to Capitol Hill and the Commission's priorities and wants and desires. Most of this is ongoing activity; it's just continued engagement with a series of offices on Capitol Hill as well as the professional staff for a number of the Committees on the House and Senate side.

We did update the list of pending legislation and emerging issues that we'll be working on, and we've had questions about recently, so there is a pretty long list there including forage

fish and state-by-state allocations, and monuments and energy initiatives, and a number of other things. We'll be working to keep offices informed on what's going on at ASMFC relative to those issues, and bring back any information that they provide to this Commission.

Then moving down, you know we always convey the funding priorities for ASMFC to appropriation staff, as well as individual offices, so we'll continue to do that. This just reflects the priorities and the regional council and fishery commission line is one of the most important lines that we always look out for, and that provides the primary funding to ASMFC as well as out to the states to implement the provisions of the Atlantic Coastal Act.

The final new bullet is a new initiative, primarily out of the Gulf, but involving ASMFC and the Pacific states. It is to potentially change or increase Wallop-Breaux funding to the Commission. But we need to make sure as that moves forward there is no, if it's a zero sum game, where does that money come from? We want to make sure there are no negative impacts to the states if we're able to get more money to the Commission. Those are the highlights of the legislative activity, and just as a bit of an advertisement, Deke and I are always willing to go up to Capitol Hill with anyone. If you want to go up there we can set meetings up. You know when we are in Crystal City we'll run you over to D.C. anytime you want. That is Goal 7.

CHAIRMAN GILMORE: Tom Fote.

MR. FOTE: At the Mid-Atlantic Council we got into a discussion about the funding of MRIP and the money that was necessary. Dr. John Boreman when we basically talked about what he said in 2007 before Congress about the funding of MRIP to get really decent numbers, what you needed to do was 50 million dollars, not the 11 million dollars we've still been

spending 11 to 13. The following week I was at MAFAC and I brought that up to Paul.

I can't think of his last name but maybe Bob knows, who actually handles the budget for the National Marine Fisheries Service, and we talked about these 50 million dollars. I was hoping that the Commission could also basically say that we need to really fund the MRIP numbers to where the scientists have said we always need to be, and the money that's necessary to do it properly.

We spend a lot of money gathering commercial statistics, but we really don't spend it. The MRIP numbers are probably better than they were before, but they don't compare to how we get numbers for the commercial fishery. Until we basically start spending the money, we're going to be sitting around this table arguing whether the numbers are valid, whether they really reflect what's going on.

I don't know if 50 million dollars will do it, but maybe we can get maybe 20 million dollars, and actually start doing a better job and basically increase it over the years. Hopefully the Commission will basically do that when they're lobbying on the hill.

EXECUTIVE DIRECTOR BEAL: Thanks Tom, I think the name you're looking for was Paul Doremus, and when Deke and I go to the Hill, you know I often comment how important funding recreational data collection is. We do convey that message, but we'll add it to the list here, just so it is spelled out directly, and we'll keep working on that.

CHAIRMAN GILMORE: Bill Hyatt.

MR. WILLIAM HYATT: Just a suggestion to add the Recovering America's Wildlife to that list of pending legislation emerging issues. I know it's something that you have been forwarding information to us on, and it is something that could be important, so just add it to the list.

CHAIRMAN GILMORE: John Clark.

MR. JOHN CLARK: Bob, could you elaborate a little more about the federal aid funding here. I know the reauthorization for federal aid right now, the Fish and Wildlife Service is looking to take a bigger bite out of the pot for administrative purposes, and I'm just wondering what part of the federal aid funds this would be coming out of.

CHAIRMAN GILMORE: That's a good question. That's why we're keeping an eye on this. The bottom line is ASMFC; our office receives about \$200,000.00 per year from Wallop-Breaux. That has been fixed since 1987, I believe. We're looking to work with the other Commissions to possibly increase that. But again, if there is an opportunity to increase that it can't be at the expense of any programs or anything that funds your state programs, the money that goes directly to the state.

You know if it is a zero sum game, which I think it is, the pool of money, the Wallop-Breaux fund has increased over time. There might be some additional funds available. We'll just have to see how this goes and then it's not far enough long to show where that money would come from, so we're going to monitor it and see if it's a good idea or bad idea, I guess is the best way to phrase it.

CHAIRMAN GILMORE: Are there any other questions for Bob? Okay, Goal 8, Laura.

MS. LAURA C. LEACH: Goal 8 is ensuring fiscal stability and efficient administration of the Commission. It's ongoing in a daily routine that we do every day. We will do a couple of things new next year; the first one is develop a revised statement of work for the IJ Cooperative Agreement to respond to the new federal grant reporting requirements.

The second one is researching options for staff performance review, changing the form that we use or changing the format, any number of

changes there, and then conducting a workshop on parliamentary procedures and meetings management for Commissioners. That concludes my report.

CHAIRMAN GILMORE: Questions for Laura. Okay seeing none, we're going to need a motion to adopt this, unless there is any other discussion on the document, or anything that wasn't brought up. Okay we have a motion by Pat Keliher, seconded by John Clark, any discussion on the motion? Seeing none, is there any objection to the motion? Seeing none, we'll adopt that by unanimous consent. I would like to thank the staff for doing a great job on the Strategic Plan, and great presentations. Yes, go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Just one quick comment on the Action Plan. The Action Plan or review of the Action Plan is also on the Executive Committee agenda for tomorrow morning, but it's really just to look at or start diving into some of the issues that are included in the document; public engagement, advisory panel process, those sorts of things, needing some development in a plan for how we're going to move forward next year.

The Executive Committee is going to talk about that in the morning. I don't anticipate any significant changes to the Action Plan itself, just sort of starting the details on how we're going to work through some of these issues. It's not a second review; it's just sort of a deeper dive into a couple of the issues.

CHAIRMAN GILMORE: Our next action item is elections of the officers, so I'm going to relinquish the chair and turn it over to Bob, and go back to my caucus. Bob, it's all yours.

EXECUTIVE DIRECTOR BEAL: Thank you, Mr. Chairman. It's the last time I say that I think. Before I call on Doug to do the report from the Nominating Committee, Jim, don't go too far away just yet, please. I want to thank you. Can you open that? Jim, on behalf of the staff and

all the Commissioners, we want to thank you for two great years of service. We've got a crystal clock for you.

Always when working with Jim, every Friday at one o'clock, we've got a standing call, and I get to get the play-by-play details of that week's the artificial reef trials and tribulations in New York, which always don't go that well. It's been a lot of fun working with Jim, he's a great boss to have for me, and he's been a huge support of this Commission, works really hard, put in a lot of hours, kind of behind the scenes between these meetings to help this process work as smoothly as it does. On behalf of all of us, Jim, thank you for two years. (Applause)

CHAIRMAN GILMORE: Thank you very much and I'm humbled and now it's over to Bob, thanks.

NOMINATING COMMITTEE REPORT

EXECUTIVE DIRECTOR BEAL: All right now I'll turn it right back over to Doug then, and he can do the hard work here. Doug, give the Nominating Committee Report, please.

MR. GROUT: Well, are you going to describe at some point the process for the vote at all, or do you want me to? Go ahead. We'll just start off with that and then I'll be glad to provide the nominee.

EXECUTIVE DIRECTOR BEAL: The Commission voting process is that for every other year when we elect the Chair and the Vice-Chair, we go through a balloting process. It sometimes seems a little bit cumbersome, but it's not. It's to allow for write in votes, or for other people to be nominated from the floor. It was agreed that that is the most open and fair process. Once Doug provides the Nominating Committee's nomination for Chair, we'll pass out the ballots for Chair.

Deke has the ballots ready to go, and then we'll count those votes, and then we'll move onto Vice-Chair, and we'll go through the same

process of a ballot, and votes for the Vice-Chair. One vote per state, please, so caucus and hopefully you guys all agree. I don't know where Pat's been the last couple hours. We'll see who he's been talking to, so we'll see. With that Doug, are you ready to go up for the Nominating Committee Report?

ELECTION OF COMMISSION CHAIR

MR. GROUT: I am ready. We queried all the Commissioners looking for suggestions for Chair and Vice-Chair. All of the responses seem to focus around a couple of what we believe to be great candidates. The first one for Chair, I think there is going to be a formal motion for this. **Then on behalf of the Nominating Committee I nominate Pat Keliher as Chair of the Atlantic States Marine Fisheries Commission, effective at the end of the Annual Meeting.**

EXECUTIVE DIRECTOR BEAL: Since this is a Committee motion it does not need a second. With that we'll pass out the ballots, and we'll conduct the vote. Good luck, we'll give you all the time you need over there.

MR. GROUT: I have a report that we have approved Pat Keliher as Chairman for the next two years by unanimous consent. (Applause)

EXECUTIVE DIRECTOR BEAL: Congratulations, Pat.

MR. GROUT: Congratulations, Pat.

EXECUTIVE DIRECTOR BEAL: Would you like to say anything?

MR. GROUT: Next on our agenda.

MR. KELIHER: Evidently not. I was just going to remind everybody that I've talked to about becoming Chair that as I promised, a lobster in every pot will come true tonight, on behalf of the state of New Hampshire.

ELECTION OF VICE-CHAIR

EXECUTIVE DIRECTOR BEAL: That is fast work. Doug, can you give the nomination for the Vice-Chair, please?

MR. GROUT: Yes, the Nominating Committee would like to bring forward Spud Woodward; on behalf of the Nominating Committee I nominate Spud Woodward as Vice-Chair of the Atlantic States Marine Fisheries Commission, effective at the end of the Annual Meeting.

EXECUTIVE DIRECTOR BEAL: Is the accounting firm of Grout & Grout ready to report the results?

MR. GROUT: Yes I am, and I'm pleased to say that Spud Woodward has been elected Vice-Chair by unanimous consent. (Applause)

MR. DENNIS ABBOTT: Bob.

EXECUTIVE DIRECTOR BEAL: Yes, Mr. Abbott.

MR. ABBOTT: I would just like to comment on the election we just held. Having been here for over 20 years, I can recall close to 20 years ago Pat Keliher was here lobbying for CCA, so now he's the Chair, which I think is significant, and I congratulate him. Secondly, I would like to comment that 20 years ago the legislators and the governor's appointees did not have a seat at the table.

Here we are 20 years later and proudly we elect Spud Woodward as our Vice-Chair, and I think that is a significant step in Atlantic States Marine Fisheries Commission, and I congratulate Spud, I congratulate Pat. I'm sure they'll be a wonderful slate of officers. Thank you.

EXECUTIVE DIRECTOR BEAL: Are there any other comments? Spud, would you like to say anything as the incoming Vice-Chair?

MR. A. G. "SPUD" WOODWARD: Well, I made sure that I got here as early as I could on

Sunday, because I spent four hours across the border in Maine with a voice coach, teaching me how to understand what Pat was going to say whenever he had conversations with me. I'm certainly willing to reciprocate, I've got some good voice coaches down in Georgia that can do likewise for him, to make sure that when I speak he understands what I say, and when he speaks, I do likewise.

EXECUTIVE DIRECTOR BEAL: Yes, I think my hardest job for the next two years is going to be translator between both you guys, but I'll give it a go. Tom, yes please.

MR. FOTE: I hate to correct Dennis, but I will. When I first got to the Commission the only place we were allowed to vote was nominating for the Chair and Vice-Chair, because it was a caucus vote at the Business Meeting, so we actually were able to vote. The second year I was a Commissioner in 1991, we decided to have some fun.

It was the only time we had seven ballots and they were all tied, because we were trying to get a governor's appointee elected, actually a legislative appointee elected. We compromised and got a governor's appointee, and that was the first one that was Mickey Neuberger. The second one over the years was Bonnie Brown, Dr. Bonnie Brown from Virginia.

But she won the election without any controversy at all. There were no ballots; it was just a single ballot. Of course then she basically didn't get reappointed, so I decided never to nominate another governor's appointee or legislator, so we said it was the kiss of death, so it's nice to see Spud get it, thank you.

RECESS

EXECUTIVE DIRECTOR BEAL: Thank you, Tom, anything else to come before the Business Session today? I'm going to fill some time while Laura gets the answer to a question that we have. Seeing no other hands, the Business

Session will recess until Thursday at 10:00 a.m.
Thank you all.

(Whereupon the meeting adjourned at 5:15
o'clock p.m. on October 29, 2019)

THURSDAY, OCTOBER 31, 2019 SESSION

CALL TO ORDER

The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Thursday, October 31, 2019, and was called to order at 10:10 o'clock a.m. by Chairman James J. Gilmore.

CONSIDER CHANGES TO THE RULES AND REGULATIONS TO ADOPT THE POLICY TO ADDRESS NONPAYMENT OF STATE APPROPRIATIONS

CHAIRMAN JAMES J. GILMORE: We're just going to take up the first item, and the first item is to Consider Changes to the Rules and Regulations to Adopt the Policy to Address Nonpayment of State Appropriations, and Bob is going to lead that one.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'll try to go through this relatively quickly. The last couple pages of the briefing material for the Business Session are a Draft Policy on Nonpayment of State Appropriations. In the past the Commission has only had very few instances where states have not paid their dues on time, and gotten pretty far into arrears.

We had one recently, and all states are currently paid up. Everything is in good shape, so this policy is kind of theoretical. The good news is it doesn't apply to anyone right away, so it's always easier to approve these policies when they don't have to immediately impact a state. We asked our attorney to look back at all of our guiding documents at the Commission, the Charter and the Compact and everything else.

There really are no provisions in any of those documents right now to address states that are behind on their paying of the dues to the Commission. The Executive Committee has chatted about this a couple times, and this policy reflects kind of the current thinking of the Executive Committee. As you mentioned, Mr. Chairman, they approved this document, or recommended that this document be approved at their meeting earlier this week.

With that I'll quickly go through what is included here. Really what it is is a series of notifications to the state that is late on a payment, with ultimately the end could be that if the state is significantly in arrears they would actually lose their ability to vote at ASMFC. They would be allowed to come to meetings, participate in the boards, but when it came to votes that state would not be able to cast any vote at the Management Board, Policy Board, or Business Session level.

With that the graphic on the last page I think is probably the most important part. I can quickly go through that. April 1 of each year we already send out our bills to the states that let the states know what their annual dues are. That payment that is billed on April 1 isn't actually due until June 30th of the subsequent year, so you get about a 16 month notice that you have a bill due at the Commission.

You have quite a while to respond to that bill and pay the bill. First notice will be April 1, six months later on October 1, the Commission would remind any state that has not paid their dues that they have dues due on upcoming June 30. We have another reminder January 1, nine months from the original bill date, to say essentially the same thing that you have a bill or your dues are due to the Commission on June 30.

That moves us along to June 30 of Year 2, essentially from the bill date. That is when the payments are due. If any state does not submit payments on time on the following day, July 1,

the Executive Director would notify in writing the Governor and the three Commissioners from that state of an overdue payment. At the August summer meeting a state would be able to come forward to the Executive Committee and make an appeal to say hey, we've had special conditions in our state.

This is why our bill is late, or this is why we've only paid part of our bill, or whatever it may be. That state can start that appeal at the Executive Committee. If the Executive Committee concurs with that state the Executive Committee could recommend to the Full Commission that some leniency be granted to that state, and the state could be given more time to submit payment to the Commission. If no leniency is given and the bill is not paid by October 1, which is 18 months after the original billing date that is when the loss of voting privileges would occur. What would happen if the Commission approves this policy is we would amend the rules and regulations to reflect this change.

Again, the important part to note here is that it seldom happens. It's a rare occasion where a state gets into arrears, which is thank you all for paying on time and very quickly. Most folks are way ahead with their dues payments. Mr. Chairman that is a quick summary of the Draft Policy, I'm happy to answer any questions.

CHAIRMAN GILMORE: Questions for Bob? Seeing none, we need a motion for this right, Bob? Do we just put up the motion from the Executive Committee or do we just put up a separate one and adopt it?

EXECUTIVE DIRECTOR BEAL: I think a motion that says move to modify the Commission's Rules and Regulations to implement the policy on nonpayment of state appropriations would probably be good.

CHAIRMAN GILMORE: Who would like to make that motion? Steve Train. Second to the motion, Justin Davis, is there any discussion on

the motion? Seeing none, any objection to the motion that we haven't put up yet? Trust us, staff will get it right. They never fail. We'll move along and we'll put it up, and if there is anything wrong we'll fix it. Okay, I'll read it into the record. Move to amend the Commission's Rules and Regulations to implement the policy on nonpayment of state appropriations, motion by Mr. Train, second by Dr. Davis.

I'll do it again, any discussion on the motion, any objection to the motion? Seeing none, we will adopt it by unanimous consent.

CONSIDER NONCOMPLIANCE FINDINGS

CHAIRMAN GILMORE: Okay next order of business is noncompliance findings. I think we just recycle the motion from the Policy Board. We'll put that back up. Okay, I'm going to read this into the record. Doug, do you have any good jokes before you leave?

Okay, on behalf of the Interstate Fishery Management Program Policy Board, move that the Atlantic States Marine Fisheries Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden.

The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resource on a long-term basis.

Is there any discussion on the motion? Seeing none, any objection to the motion? Seeing none, we will adopt it by unanimous consent.

REPORT FROM THE RESOLUTIONS COMMITTEE

CHAIRMAN GILMORE: That brings us to our Resolutions Committee. I understand that Steve Murphy, the Chair of the Resolution Committee is going to have something for us. Steve.

MR. STEVE MURPHY: Happy Halloween! Congratulations to the Nationals on their win. I didn't know I was on the Resolutions Committee. I think I got "voluntold" for this. Here is our best shot at it. Whereas the Atlantic States Marine Fisheries Commission conducted its 78th Annual meeting in the spectacular coastal town of New Castle, New Hampshire, which provided a magnificent venue for the Commissioners, Commission staff and Committee members to deliberate on difficult issues of mutual concern.

And, whereas the weather was crisp and cool and a bit damp, perhaps indicative of a traditional New England fall, but what we call in the south, winter. Whereas the place is full of rocks, the deer are tame, the tides are insane, and if you have 45 minutes to spare, you can drive the entire coast, but your car will get wet.

Whereas we've all been mesmerized by the stunning beauty of the fall colors, and refreshed by the wholesale dearth of loblolly pine trees and Spanish moss, whereas the New Hampshire Commissioner's spouses outdid themselves by providing an outstanding gift bag, including homegrown honey courtesy of Dennis Abbott, maple syrup, which is difficult to carry onboard your airplane, and Cheri's hand turned pens, and the spouse gift bag including a rock, which really is not as odd as it sounds.

Whereas the gracious host state of New Hampshire and the Commission provided most excellent adult beverages and hors d'oeuvres at the Monday reception, especially when you strategically station yourself near the kitchen door. And whereas the Commission recognized outstanding leadership and habitat conservation efforts of the Massachusetts DMF

Eelgrass Team, including Tay Evans, Jillian Carr, Katelyn, Fred, and Alex Boeri, with the Commission's Melissa Laser Habitat Conservation Award.

And, whereas the spouse and guest tour of Portsmouth was a huge success, visiting Strawberry Bank, lunch at the Oar House followed by shopping and sightseeing, and whereas the annual ASMFC banquet, our host provided each of us with the biggest lobster dinner many of us have ever had, also resulting in what might be deemed a lobster coma, causing many of us to fall asleep and miss most of game six of the World Series.

And, whereas rumors are circulating that the Maine delegation was concerned about the optics of being seen consuming New Hampshire lobsters and opted for chicken. And whereas Roy Miller presented the Captain David H. Hart Award to Tom Fote, a most deserving recipient, who also has an uncanny ability to remember every person he ever met, what they said, and repeat it to you.

And, whereas the 28th Annual Laura Leach Fishing Tournament was a huge success in supporting two charities helping introduce kids to fishing, with prizes being awarded to almost every state north of the Mason/Dixon Line. And whereas Jim Gilmore was recognized for a job well done as he steps down as Chair, Pat Keliher slides one chair to the right, as he takes on this leadership role with Spud taking on his dream role of retirement as the Vice-Chair, both unanimously elected by the Commission. Now therefore let it be resolved that the Atlantic States Marine Fisheries Commission expresses its profound appreciation to the New Hampshire Commissioners; Doug Grout, David Watters, represented by the venerable Dennis Abbott, and Ritchie White, and the staff of the New Hampshire Fish and Game Department, especially Cheri Patterson, for their terrific assistance in the planning and execution of this outstanding 78th Annual Meeting. (Applause)

ADJOURNMENT

CHAIRMAN GILMORE: Very well done, Steve and without objection I think we will adopt that by unanimous consent as a resolution job well done. Is there any other business to come before the Business Session? Seeing none, I will hand the baton off to Pat, and we are adjourned. Thank you.

(Whereupon the meeting adjourned at 10:22
a.m. on October 31, 2019)