

**PROCEEDINGS**  
**of the**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**BUSINESS SESSION**

**November 3, 2005**

**Marriott Seaview Resort and Spa**  
**Galloway, New Jersey**

Approved February 23, 2006

## ATTENDANCE

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### Board Members

George Lapointe, Maine DMR  
Patten White, Maine Gov. Apte.  
John Nelson, New Hampshire F&G  
Ritchie White, New Hampshire Gov. Apte.  
Dennis Abbott, NH Legislative Comm.  
Paul Diodati, Massachusetts DMF  
Bill Alder, Massachusetts Gov. Apte.  
Mark Gibson, Rhode Island DEM  
Eric Smith, Connecticut DMR  
Lance Stewart, Connecticut Gov. Apte.  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Brian Culhane, Proxy for Owen Johnson, NY  
Bruce Freeman, New Jersey DFG&W  
Erling Berg, New Jersey Gov. Apte.  
Ed Goldman, Proxy for Robert Smith, NJ  
Eugene Kray, proxy for Curt Shroder, PA  
Roy Miller, Delaware Div. of Fish and Wildlife

Bernard Pankowski, proxy for Robert Venables  
Howard King, Maryland DNR  
Bruno Vasta, Maryland Gov. Apte.  
Jon Siemien, DC Fisheries and Wildlife  
A.C. Carpenter, PRFC  
Jack Travelstead, Virginia MRC  
Kelly Place, proxy for John Chichester, VA  
Preston Pate, North Carolina, DMF  
Damon Tatem, North Carolina Gov. Apte.  
John Frampton, South Carolina DNR  
Malcolm Rhodes, South Carolina Gov. Apte.  
Robert Boyles, Jr. South Carolina Leg. Comm.  
Spud Woodward, Proxy for Susan Shipman, GA  
Gil McRae, Florida Marine Research Institute  
Mitch Needleman, Florida Leg. Comm.  
Jaime Geiger, USFWS  
Anne Lange, NMFS

### ASMFC Staff

Ruth Christiansen  
Bob Beal  
Tina Berger  
Vince O'Shea  
Julie Nygard  
Vince O'Shea

Lydia Munger  
Brad Spear  
Nancy Wallace  
Mike Howard  
Toni Kerns

### Guests

John Merriner, NMFS  
Linda Mercer, Maine DMR  
Shaun M. Gehan, Collier Shannon Scott  
Michael Doebley, Recreational Fishing Alliance  
Bill Goldsborough, Chesapeake Bay Foundation  
Wilson Laney, USFWS  
Jim Joseph, NJDFW

Brandon Muffley, NJDFW  
Tom McCloy, NJDFW  
Charles Givens, Stakeholder  
Paul Wesighan, NJDEP  
Michael J. Kennish, Rutgers University  
Jon Siemien, DC Fisheries and Wildlife

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## Summary of Motions

November 3, 2005

**Move that the Commission adopt the 2006 Action Plan as modified.**

Motion made by Mr. Nelson, second by Mr. Adler. Motion passes without objection.

**Move on behalf of the South Atlantic State/Federal Fisheries Management Board to approve Amendment 1 to the Atlantic Croaker Fishery Management Plan as modified by the Management Board earlier this week.**

Motion made by Mr. Woodward. Motion passes without objection

The meeting of the Business Session of the Atlantic States Marine Fisheries Commission convened in the Salon C of the Marriott Seaview Resort and Spa, Galloway, New Jersey, on Thursday, November 3, 2005, and was called to order at 12:20 o'clock, p.m., by Chairman Preston Pate, Jr.

**-- Welcome; Introductions --**

CHAIRMAN PRESTON PATE, JR.: This will convene the Business Session of the commission.

**-- Approval of the Agenda --**

Any proposed changes to the agenda? **Consider it approved** without objection, then.

**-- Approval of the Proceedings --**

Any comments on the minutes from the last meeting of August which was in August of 2005?

**Motion to approve?** Pat Augustine. Second, Pat White. Any objections? No objections. Consider those approved.

**-- Public Comment --**

Public comment period. Anybody in the public want to speak? Don't see any hands up. Report from the Resolutions Committee, Pat.

**-- Resolutions Committee Report --**

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. This has been a very, very interesting gathering of points of interest that you are all going to grin and have some serious moments about.

And with the help of Eric Smith -- and I did something I wasn't supposed to, I even asked a couple of people in the host state to throw some in there but they wouldn't -- Laura and Tina, we would like to say the following to the state of New Jersey in our appreciation to you:

WHEREAS, the Atlantic States Marine Fisheries Commission conducted its 64<sup>th</sup> Annual Meeting in Galloway, New Jersey, which provided wonderful opportunities for the states to come together to celebrate their mutual accomplishments and strategize on ways to meet their collective challenges; and

WHEREAS, New Jersey provided a spectacular fall week, with blue skies, fall foliage at its peak, and temperatures that were just right; and

WHEREAS, the Garden State Seafood Association generously donated an abundance of fresh and delicious seafood expertly prepared by the Seaview Executive Chef, to the delight and fulfillment of our collective taste buds and tummies; and

WHEREAS, the Horseshoe Crab Management Board, despite fierce competition from the chili cook off in the meeting room next door, heard the impassioned pleas of fishermen and environmentalists regarding the fate of the horseshoe crab and red knots and initiated actions to address their concerns; and

WHEREAS, the Commission further adopted plan addendums on lobster and weakfish intended to better conserve the fisheries; and

WHEREAS, during this Annual Meeting the esteemed senior commissioner, Gordon Colvin of New York, taught us the following when considering an issue, "It depends on if the juice is worth the squeeze to the states;" and

WHEREAS, Ed Goldman organized a very successful 14<sup>th</sup> Annual Laura Leach Fishing Tournament, including providing our night fisher folks with waters that glowed, called bioluminescence, in the dark allowing

the fish to avoid any contact with fishing gear; and

WHEREAS, dinner at the Ram's Head Inn was a delicious success, despite the last minute move caused by the unfortunate fire at the Lobster House in Cape May; and

WHEREAS, our Executive Director's passionate zeal for coffee and the issues at hand caused the accidental spillage of a large cup of java, Starbucks, of course, onto the board meeting table nearly shorting out the entire sound system; and

WHEREAS, the 15<sup>th</sup> Annual Captain David H. Hart Award recognized retired New Jersey Chief Rob Winkel as a committed and longstanding participant in the Commission process who was instrumental in integrating law enforcement into the Commission's fishery management process; and

WHEREAS, with sadness and trepidation but wishes for fair winds and following seas in retirement we say goodbye and a heartfelt thanks to you, Anne Lange, for being our lifeline to NMFS;

NOW, THEREFORE, BE IT RESOLVED, That the ASMFC expresses its deep appreciation to the New Jersey Commissioners: Marty McHugh, Assemblyman Robert Smith, and Erling Berg, as well as Tom McCloy, Bruce Freeman and Ed Goldman, for their terrific assistance in the planning and execution of this outstanding 64<sup>th</sup> Annual Meeting in conjunction and with the assistance of Laura Leach.

Gentlemen, I submit this for your approval.

CHAIRMAN PATE: Thank you, Pat. It is approved by acclamation and very, job well done. Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. It certainly is appreciated. There has been a lot of work done certainly by the commissioners and we do like to hear that things went well. The one thing I was in charge of and was successful was the weather.

CHAIRMAN PATE: Well, I just hope you move to North Carolina upon retirement if that's the case because we can use some of that down there, although I understand it has been pretty much like this all up and down the East Coast for the last few days.

Thank you. You all have set a fairly high standard for us to rise to next year, Bruce. I'm excited about having everybody there and hope we can meet everyone's expectations. So, thank you, Pat, for doing that.

**-- Review and Approval of 2006 ASMFC Action Plan --**

The next item on our agenda is review and approval of the 2006 commission action plan and what Bob is going to do in terms of a strategy is concentrate on the items that were added as a result of the workshop discussions -- when was that two weeks ago or yesterday?

And if we need to go over some details other than those that were added we can certainly do so but I hope we can dispense with a lot of backtracking on what we were able to accomplish yesterday. So, Bob, have at it.

MR. ROBERT E. BEAL: Thank you, Pres. Just up on the screen we have the responses or the suggested changes in response to the comments that were made and I'll read through those in a minute. The other thing to note is that the suggested changes that will be shown up here don't have any direct budgetary implications.

They're, all the work will be done through existing committees during their scheduled meetings and shouldn't require any extraordinary meetings above and beyond what is already budgeted for so that's an important point.

There is, the first issue we'll get to is an eel workshop and it's, there is a note in there that if funding becomes available in 2006 we'll have that workshop. But we're not modifying the budget that was presented two days ago.

So with that, the first task that has been modified is Task 1.1.1. The first paragraph has remained the same. That was what was included in the draft you reviewed the other day.

The new language is to hold a technical workshop to refine protocol for conducting American eel young of the year surveys to support stock assessments. And that's the notion of the first workshop that was brought up at the action plan workshop.

The second is the Management and Science Committee will design a workshop on the process of consultation on diadromous fish passage. This workshop will be held in 2006 if resources become available.

CHAIRMAN PATE: Yes, Bob will keep going unless -- and just raise questions on any individual item but otherwise keep going.

MR. BEAL: Okay, the next one is 1.2.16 which is provide a forum for the states to discuss allocation and equity issues. This was the concept brought up by Mark Gibson at the meeting. Brad, keep going.

The next task that was modified or suggested to be modified was Task 1.8.6 which is evaluate the effectiveness of the lobster conservation management teams, the LCMTs, hold a workshop with the LCMT chairs and the American Lobster Advisory Panel chair to review effectiveness, and establish an ad hoc committee of commissioners, including representatives from states not on the Lobster Management Board.

This ad hoc committee will review the results of the previous workshop and provide input to the Lobster Management Board for consideration in Amendment 5. Okay, Brad.

Task 4.2.9 is evaluate the development of

standards for suspension or revocation of fishing permits associated with fishery violations. This responds to the request that Paul Diodati had made.

The next task is -- this is just a wording perfection -- Task 4.3.6, which is work with the National Marine Fisheries Service to request stable funding of the joint enforcement agreements through Magnuson-Stevens Act. This item was previously worded I believe to work with the councils and the board decided that wasn't appropriate.

Task 4.3.7 is monitor existing measures to determine effective use of JEA funds and efforts. At that meeting we or at the workshop the commissioners asked that I went back and talked to the representative from the Law Enforcement Committee.

They agreed that striking this would not be a problem so that item will be removed. I just wanted to update everyone on my discussions with the Law Enforcement Committee rep.

And the final task that is being suggested is Task 9.4.9 which is explore the potential for Webcasting management board meetings and this is, again, in response to a comment that Paul Diodati had made at the meeting.

CHAIRMAN PATE: Are you done, Bob?

MR. BEAL: Yes.

CHAIRMAN PATE: Okay, George has a question about the --

MR. GEORGE LAPOINTE: Back up to the JEA money if we could. I don't remember which task it was. We currently get JEA money and it's not through Magnuson-Stevens.

And the discussion of JEA is under Magnuson-Stevens but that is a draft bill and not passed so I would just say we should seek stable funding of the Joint Enforcement Agreement monies. Minor point but we might as well be accurate.

CHAIRMAN PATE: Any problem with making

that change, anybody? No objections. We'll make that. Any questions about the action plan? Can I get a motion to approve? John. All right, John has got a question. Okay.

MR. JOHN I. NELSON, JR.: Thanks, Mr. Chairman. I'll be happy to make the motion afterwards. But during our discussion on the social economic issue on the horseshoe crab, et cetera, we tasked the Socioeconomic Committee with doing a task.

We have before us a series of five other tasks that we are in the process of getting ready to approve. And so my question is, are we adding the horseshoe crab one as Task Number 6 or is that going to be a process that is implemented some other way?

MR. BEAL: John, my interpretation of what occurred at the last meeting is to go ahead and add that. I haven't drafted the language to include that but it would be included as 1.5.6. And the work would be done through existing CESS meetings and there wouldn't be extraordinary meetings, maybe a conference call but nothing that has substantial impacts on the budget.

DR. NELSON: All right, thank you, Bob and Mr. Chairman. And, therefore, I would **move we adopt the 2006 action plan as modified.**

CHAIRMAN PATE: You had me turn it off a while ago. Can I turn it back on now? Second by Bill Adler. Any discussion on the motion? Any objections to the motion? Seeing no objections, we will deem it approved and many thanks to the hard work of the staff and others that were involved in putting that document together.

As usual, it's a tremendously helpful guide for us in the upcoming year. I don't see how we could -- well, we couldn't get along without it. We'd be fragmented everywhere. So, thanks for all of that hard work. Next on our agenda is review and approval of new FMPs or amendments. Spud, you've got one for us to consider?

**-- Approval of New FMPs or Amendments --**

MR. SPUD WOODWARD: Yes, sir. Thank you, Mr. Chairman. Earlier this week the South Atlantic Board met and completed its deliberations on Amendment 1 to the Croaker Plan and we made some modifications that were consistent with our technical committee and advisory panel advice so **I move on behalf of the South Atlantic State/Federal Fishery Management Board to approve Amendment 1 to the Atlantic Croaker Fishery Management Plan as modified by the management board earlier this week.**

CHAIRMAN PATE: Okay, any objections to that motion? Seeing none, we'll deem it approved. Thank you, Spud. Thanks for all your hard work.

MR. WOODWARD: Thank you. And I want to commend Nancy Wallace for her hard work as well as Bill Windley and the AP and Rob O'Reilly and our technical committee. We couldn't have done it without them.

CHAIRMAN PATE: Great. The next items on our agenda are the election of chair and vice chair. Gordon, Nominating Committee chair, turn this over to you.

**-- Elect Commission Chair --**

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. This year's Nominating Committee consisted of Susan Shipman, chair, myself and Commissioner Damon Tatem. Commissioner Shipman apologizes. She is unable to be here and has authorized me to assume the chair for the purposes of today's meeting.

It is the pleasure of the Nominating Committee, Mr. Chairman, to nominate Preston Pate Jr. as chairman of the Atlantic States Marine Fisheries Commission.

CHAIRMAN PATE: Okay, is it my prerogative to go forward?

EXECUTIVE DIRECTOR JOHN V. O'SHEA: We have a nomination for Preston Pate. Are

there any other nominations?

(Whereupon, the meeting adjourned at 12:35 o'clock p.m. on Thursday, November 3, 2005.)

**MR. AUGUSTINE: Move that nominations be closed and the board cast one vote for chairman for 2006.**

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EXECUTIVE DIRECTOR O'SHEA: And I declare Preston Pate elected as chairman by acclamation. Congratulations.

CHAIRMAN PATE: Thank you very much. This past year has been very exciting. It has been a challenge for me personally and professionally and I've learned a lot along the way. I've enjoyed the role. I hope I've risen to the expectations of everyone and certainly look forward to continuing in this role for the next year.

Maybe I can survive that long. No reason that I shouldn't, actually, so thank you for your support and all the hard work that everybody, staff and other commissioners, have put into this past year to make my job as easy as it has been. It's been quite a pleasure and thank you for your continued vote of confidence in my leadership. So, next, Gordon.

**-- Elect Commission Vice-Chair --**

MR. COLVIN: Thank you, Mr. Chairman. Again, on behalf of the Nominations Committee it is my pleasure to nominate George Lapointe as vice chairman of the Atlantic States Marine Fisheries Commission.

CHAIRMAN PATE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I move to close the nominations and cast one vote for George Lapointe as our vice chair for 2006.**

CHAIRMAN PATE: Thank you, motion accepted. George. I guess everybody approves that. Yes. Okay, thank you.

**-- Other Business --**

Any items under other business? Okay, then the Business Session is adjourned.