

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

**August 18, 2004**

**Radisson Hotel  
Alexandria, Virginia**

Approved November 11, 2004

## ATTENDANCE

### Board Members

George Lapointe, Maine DMR	Dick Snyder, Proxy for Dennis Guise, PA
Patten White, Maine Gov. Apte.	Eugene Kray, Proxy for Curt Shroeder, PA
Dennis Damon, Maine Leg. Comm.	Roy Miller, Delaware DFW
John Nelson, New Hampshire F&G	Pete Jensen, Maryland DNR
Ritchie White, New Hampshire Gov. Apte.	Bruno Vasta, Maryland Gov. Apte.
Dennis Abbott, proxy for Mary Ann Blanchard, NH	A.C. Carpenter, PRFC
Paul Diodati, Massachusetts DMF	Jack Travelstead, Virginia MRC
Bill Alder, Massachusetts Gov. Apte.	Kelly Place, Proxy for John Chichester, VA
Vito Calomo, proxy for Anthony Verga, MA	Preston Pate,, North Carolina, DMF
Mark Gibson proxy for David Borden, RI, DEM	Damon Tatem, North Carolina Gov. Apte.
Everett Petronio, Rhode Island Gov. Apte.	John Frampton, South Carolina DNR
Jerry Carvalho, Proxy for Eileen Naughton, RI	David Cupka, South Carolina Gov. Apte.
Eric Smith, Connecticut DMR	Robert Boyles, South Carolina Leg. Comm.
Lance Stewart, Connecticut Gov. Apte.	Spud Woodward, Proxy for Susan Shipman, GA
Gordon Colvin, New York DEC	John Duren, Proxy for Ralph Balkcom, GA
Pat Augustine, New York Gov. Apte.	Gil McRae, Florida WCC
Bruce Freeman, New Jersey DFG&W	Kathy Barco, Florida Gov. Apte.
Tom Fote, New Jersey Gov. Apte.	Anne Lange, NMFS
Ed Goldman, Proxy for Robert Smith, NJ	

### Guests

Tom O'Connell, MD DNR	Tony Bogan, United Boatmen
Mel Bell, South Carolina DNR	Jim Fletcher, UNFA
Michael Doebly, RFA	Jim Ruhle, F/V Darana R
Tom Meyer, NMFS	

### ASMFC Staff

Megan Gamble	Lydia Munger
Bob Beal	Brad Spear
Tina Berger	Nancy Wallace
Vince O'Shea	Mike Howard
Carrie Selberg	Toni Kerns
Vince O'Shea	Geoff White

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## Summary of Motions

August 18, 2004

**On behalf of the ISFMP Policy Board, I move that the Commission find the State of New Jersey out of compliance with Amendment 6 to the Atlantic Striped Bass FMP in that it has not implemented the recreational management program in 2004 that is consistent with the options approved by the Atlantic Striped Bass Management Board on May 25, 2004. The size and bag limits are necessary to control the fishing mortality and maintain an adequate spawning potential to sustain the long-term abundance of striped bass populations. To come back into compliance, the State must implement a minimum size limit of 28 inches and a bag limit of two fish or a recreational measure proven to be conservationally-equivalent to the Amendment 6 requirements and approved by the Management Board. Notification of this non-compliance finding will be forwarded to the Secretaries of Commerce and Interior.**

Motion made by Mr. Pate. Motion passes (15 in favor and 1 opposed).

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, on Wednesday, August 18, 2004, and was called to order at 5:20 o'clock p.m. by Chairman John I. Nelson.

**-- Welcome; Introductions --**

CHAIRMAN JOHN I. NELSON: We are dying to get into that. And we are now in the business session. Welcome.

**-- Approval of Agenda --**

The agenda was sent out to you previously. It has not changed. Any changes to the agenda? Seeing none, we'll move ahead with the published agenda.

**-- Approval of Proceedings from May 2004 --**

We need approval of the proceedings from May of '04. Pat.

MR. PATRICK AUGUSTINE: So moved, Mr. Chairman.

CHAIRMAN NELSON: Thank you, Pat, and it is seconded by George Lapointe. Any questions? Without objection, those are adopted.

**-- Public Comment --**

At this time I'll take any public comment associated with the business session. Anyone want to make some public comment? Okay, seeing none, we'll move right along.

**-- Review of Non-Compliance Recommendations --**

Item Number 4 is the review recommendations of non-compliance findings. and Pres is going to take care of that for us.

MR. PRESTON PATE, JR.: Thank you, Mr. Chairman. I have a motion to offer on behalf of the ISFMP Policy Board. I move that the Commission find the state of New Jersey out of

compliance with Amendment 6 to the Atlantic Striped Bass FMP in that it has not implemented the recreational management program in 2004 that is consistent with the options approved by the Atlantic Striped Bass Management Board on May 25<sup>th</sup>, 2004.

The size and bag limits are necessary to control the fishing mortality and maintain an adequate spawning potential to sustain the long-term abundance of striped bass populations.

To come back into compliance, the state must implement a minimum size limit of 28 inches, and a bag limit of two fish or a recreational measure proven to be conservationally equivalent to the Amendment 6 requirements and approved by the management board. Notification of this non-compliance finding will be forwarded to the Secretaries of Commerce and Interior.

CHAIRMAN NELSON: All right, Pres, and that's on behalf of the Policy Board and needs no second. Comments on the motion? Anyone want to speak against the motion? Anyone want to speak for the motion?

Okay, why don't we call the question, then. All those in favor of the motion, please raise your right hand; opposed, one; abstentions; null. All right, the motion passes 15 to 1.

Any other issues under the non-compliance, Pres?

MR. PATE: No, there is not, Mr. Chairman.

CHAIRMAN NELSON: All right, I don't believe we have any other fishery management plan amendments that need to be dealt with. The staff says no. Is there any other business that would come before the business session? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. I'm not sure that technically this is the right place for it, but I'll put it out there.

Tomorrow morning's meeting with Dr. Hogarth,

there had been questions around the room about do we have an agenda for that. There has been a discussion paper circulated among the state directors, but the meeting would be open to all the commissioners.

At some point it might be helpful to see how much that discussion paper has been shared with other commissioners and whether there is a desire to get that tonight or whether walking through it tomorrow morning would be sufficient for their needs. And if this is not the right time to bring that up, I apologize.

CHAIRMAN NELSON: Do we have additional copies available at this time? Okay, we'll have additional copies available in this room? Yes, I think we ought to make sure that the folks all have an opportunity to review it tonight. It's complex enough. Go ahead, Vince.

EXECUTIVE DIRECTOR O'SHEA: And just sort of in defense of the staff here, one of the reasons you don't have something in front of you is this has been a moving target all week, and we've been adding it and refining data to it. Rather than send something to you early on and have it be superseded, we were optimistic that we would be able to close this thing.

So even what we give you tonight would be still a work in progress subject to possible change by tomorrow morning. But at least it would let you see the six pages of issues that we've been discussing and thinking about.

CHAIRMAN NELSON: Okay, thank you, Vince. Those copies will be available at the staff table probably by 6:30. Okay, apparently they may lock the room, so they will be on one of the tables outside there.

Anything else on this subject? All right, as you know, we do have Dr. Hogarth coming in tomorrow. We do want to run through how we're going to deal with recreational data and what do we want to do with it, and this is the paper that we had circulated to everybody previously.

Staff has incorporated all of their comments, all

the comments that they received, and then we've reworked it to some degree to incorporate the technical input from ACCSP as well as the various state agencies technical folks.

That's why that paper might be more familiar with the state directors than with the other commissioners. It wasn't intended to not distribute it to the other commissioners.

What the intent was is to have the technical people take a look at it so that they could get us feedback on what changes needed to be made, so that we could get it into a final form and, quite frankly, Bob has been still working on that.

I'm not sure if he even -- I think he did get a comment from our federal partners yesterday, and we still needed some additional input from them, which hopefully we've gotten today, and we'll have that available.

So, the papers will be available for people to take a look at tonight, and I hope you will. We'll run through it, though, in detail tomorrow morning starting at 8:00 o'clock. I think Dr. Hogarth is still scheduled for 9:00 o'clock.

All right, well, we'll do the preliminary, get all that background squared away before he gets here. I'm going to have to assume he's read it. His staff has actually briefed him on it so I'm not particularly worried about that. So he'll be ready for all kinds of questions starting at 9:00 o'clock, so we'll see you all there. Tom, one more.

MR. THOMAS FOTE: On something else.

CHAIRMAN NELSON: On something else? Okay, other business.

**-- Other Business --**

MR. FOTE: Yes, we're having a difficult time in New Jersey finding consensus on where people want to go to 2005 for the annual meeting. I know New Hampshire is already set. So far we're getting Atlantic City and Cape May.

CHAIRMAN NELSON: Do you want to come to New Hampshire; that's fine.

MR. FOTE: No, I mean, what I'm looking for is a little more discussion or if people want to talk to us about it. We're open to ideas. I've got about five people that told me any place but Atlantic City.

CHAIRMAN NELSON: Okay, let Tom know where you'd like to hold the New Jersey meeting and Bruce and Ed. All right, thank you very much. We are adjourned.

(Whereupon, the meeting was adjourned at 5:30 o'clock p.m., August 18, 2004.)

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