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

**Crowne Plaza Hotel
Old Town, Alexandria, Virginia
May 4, 2010**

**These minutes are draft and subject to approval by the Commissioners
during their next Business Session**

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of February 3 and 4, 2010** by consent (Page 1).
3. **Move on behalf of the Executive Committee, that the commission authorize the Executive Director on behalf of the Commission to:**
 - A. **Negotiate the purchase of office space to be held in ownership by the Commission for transaction of its business;**
 - B. **Negotiate and secure financing for that purchase;**
 - C. **Withdraw not more than \$1.5 million of Commission reserves for the purpose of paying purchase, billed out and relocation expenses.**

These are actions that are subject to the review and prior approval of the **Administration Oversight Committee** (Page 10). Committee motion by Paul Diodati. Motion carried (Page 12).
4. **On behalf of the ISFMP Policy Board, move that the Full Commission find the state of North Carolina out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish** (Page 13). Committee motion by Paul Diodati. Motion carried (Page 13).
5. **Adjourn** by consent (Page 13).

ATTENDANCE

Board Members

George Lapointe, ME (Chair) (AA)	Leroy Young, PA, proxy for D. Austen (AA)
Terry Stockwell, ME, Administrative proxy	Loren Lustig, PA (GA)
Sen. Dennis Damon, ME (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Pat White, ME (GA)	Roy Miller, DE (GA)
Douglas Grout (AA)	Craig Shirey, DE, proxy for P. Emory (AA)
Rep. Dennis Abbott, NH (LA)	William Goldsborough, MD (GA)
Ritchie White, NH (GA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William Adler, MA (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Bob Ballou, RI (AA)	Louis Daniel, NC (AA)
Seth Macinko, RI, proxy for Sen. Sosnowski (LA)	Williard Cole, NC (GA)
David Simpson, CT (AA)	John Frampton, SC (AA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Robert Boyles, Jr., SC (LA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Spud Woodward, GA (AA)
Gil Ewing, NJ, proxy for Asm. Albano (LA)	Jessica McCawley, FL (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC
Tom Fote, NJ (GA)	

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

Ex-Officio Members

Vince O'Shea	Pat Campfield
Bob Beal	Toni Kerns

Guests

Helen Takade-Heumacher, NC DMF	Wilson Laney, USFWS
Jaime Geiger, USFWS	Steve Meyers, NOAA

**These minutes are draft and subject to approval by the Commissioners
during their next Business Session**

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 4, 2010, and was called to order at 5:25 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good afternoon, everybody. I would like to call to order the business session of the Atlantic States Marine Fisheries Commission. My name is Robert Boyles from South Carolina. I serve as commission chair. First of all, I want to welcome Dr. Seth Macinko as a new commission proxy; Dr. Macinko from Rhode Island.

APPROVAL OF AGENDA

The first item on the agenda is board consent for the approval of the agenda. Are there any additions to the agenda for this session? Seeing none, the agenda will stand approved as presented.

APPROVAL OF PROCEEDINGS

Next is the approval of proceedings from February 2010, which were mailed out on the Briefing CD. Any comments or corrections to those minutes? Seeing none, those minutes will stand approved as submitted.

PUBLIC COMMENT

Next is time on the agenda for public comment for anyone who would like to address the commission about items that are not on the agenda. I don't believe we've had anybody, Bob, indicate an interest in public comment. Okay, let me make one announcement with rest of the meeting week.

We had, as you all know, planned time for Eric Schwaab to come over and spend some time with us on Thursday morning. We've just been notified that Eric has been called away to Biloxi to deal with the Administration's response to the oil spill. That will take him out of the D.C. area I believe tomorrow evening through Friday.

We are certainly going to extend a rain check and ask if he could visit with us at the August meeting. That is relevant for what we're going to discuss here on the agenda with the commissioner follow-up surveys. Thanks to Tom O'Connell and great work by the staff, we've gotten back relatively on schedule, and it has been a long day.

What I would suggest is that we go through Bob Beal's presentation on the survey results, the follow-up survey that we responded to since the winter meeting; get consensus on the top five or six or seven items of things that we should look at and can look at and just get consensus of that point; and perhaps wrap by six or a few minutes thereafter in preparation for the Awards Reception this evening. If that sounds agreeable, what we would then do is do the heavy lift on Thursday morning and the time that we had set aside to speak and spend with Eric Schwaab, we would go through some of the meat of the surveys and decide on what we do with them, next steps. Does that sound agreeable to everyone? Okay, we will proceed as such then. Bob.

ASMFC COMMISSIONER FOLLOW-UP SURVEY RESULTS

MR. ROBERT E. BEAL: As Robert mentioned, at the end of 2009 the commissioners filled out a survey on evaluating commissioners' progress toward achieve ASMFC's goals and objectives and a self-evaluation, essentially. The results of that were presented at the winter ASMFC meeting.

Following that presentation, the commissioners asked that staff go back out to the commissions and explore the thirteen lowest-scored items. Thirteen of the items scored an average below 4.0. The idea was to sort of delve into those and get feedback from the commissioners on why they scored so low and what can be done to improve the score during this year.

Following the February meeting, staff sent around a link to another survey. Twenty-eight of the commissioners responded to this follow-up survey. For each of these thirteen low-scoring items, there were, as I said, two questions; why do you feel it ranks so low and what can we do to fix it. On the CD that was sent out a couple of weeks ago there is the verbatim response from all the commissioners. I think are 20-some pages of those responses.

Then I boiled those down into a couple of pages of a few common bullets that showed up in the responses for each of the thirteen items for the two questions. It is a little bit tedious but I think we boiled that down to a fairly usable summary that was on the CD. Following that, hopefully to structure the discussion of the commissioners during the business session, we have boiled that down even farther, and that is the one pager that was just handed around.

It is a front-and-back summary of the thirteen issues and the ranking of those issues. In order to structure

this discussion, what we at the staff level did was looked at the thirteen issues in essentially two dimensions. One is the relative importance of these issues. Obviously, all thirteen of the issues are important or they wouldn't have shown up on the commissioner survey in the first place, but some of them have more potential for an impact and are somewhat more important than others.

Then the other dimension that we looked at was the potential for improvements; actions that the commission can take to actually affect change for these thirteen items. We ranked all thirteen of those based on those two dimensions. Based on those two dimensions, we came up with six priorities that we have suggested here, and each of those have suggested actions under those, and I'll go through relatively quickly.

Before I start going through this, I think the idea here is that we're looking for an agreement of whether these are the top five or six priorities; and if they are, are the suggested steps the right things to do and is there a commitment to jump into some of the follow-up steps and actually make some progress on them.

The one that ranked the highest was the comfort level with a clear plan to achieve the goals of the commission? A number of folks commented that they felt the plan wasn't necessarily as clear as it could be. The common themes were to prioritize the species for action, go into each of the plans and rank which ones we feel we should work on most aggressively and then clearly describe the plan and the rationale for ranking these species the highest and what is the plan to actually react to these plans and moving forward during 2010.

The second topic was the commission's reaction to new information. People felt that the commission could improve here. New information obviously comes along all the time, and they felt that the commission's reaction time and magnitude of reaction could be improved. The two suggestions that came out of a lot of the comments from the commissioners were that at times the commission may have to take action without ideal information.

You folks felt that there were times when boards may be waiting for the ideal information rather than actually making a decision based on what is presented in front of them today rather than going back to technical committees and continuing to ask for more and more detail and more and more data on the issue.

The second theme that popped up in the suggestions was to take quicker action specifically when there is bad news that is presented to a management board. I think that is pretty self-explanatory. If a stock assessment or something else comes up with bad information and the stock is not doing well or landings are coming in higher than anticipated, the suggestion was that the commissioners may need to take action quicker than they have been.

The third topic relates to outreach and the effort to describe the commission's progress. The suggestions were that in the outreach efforts we need to maybe improve the justification for action, provide more detail on why the commission chose this course rather than something of the other courses of action.

Using simple language; some of these fishery issues obviously are pretty complicated and everyone in the room speaks the language to the general public a lot of times and the nuances and the details get more confusing than the actual message. A common theme also is to take more credit for progress. A number of commissioners commented that we are making progress in a number of areas and we should highlight that in the outreach efforts that the commission has.

The fourth topic was how confident are you that the commission actions reflect progress toward the vision or are the actions taken by the management boards and by the commissioners moving in the right direction toward the plan or toward the vision. The suggested actions here were to evaluate progress toward the vision, how well are we doing moving toward the vision; and also evaluate why progress isn't being made faster.

A number of commenters said that we are making progress toward the vision; however, the rate of – we're moving in the right direction but the rate of our progress isn't fast enough. Based on that, a number of folks commented that timely decisions – again take quicker action may be an appropriate step.

The fifth topic is how confident are you that the commission will achieve its vision? This one scored one of the lowest scores of all the topics that were included. Similar to previous comments, a common theme is to prioritize species to rebuild, so, again, look at all the species that ASMFC is working on and prioritize the actions for these individual species; and, again, take quicker action; again, a common theme that shows up in a lot of different places throughout the responses from the commissioners.

The final one that the staff, anyway, is ranking relatively high is the working relationship with the constituents. Some of this is public outreach and some of it is moving forward on further discussions. The first bullet is to provide justification and public information; so, again, make sure that we're conveying to the constituents why certain actions were taken and to help them understand why certain quotas were adopted versus other options that were in front of the commission.

Then the final suggestion for this issue is workshops or summits with industry. This came up in a number of responses to sit down with industry groups or segments of the industry and just have discussions on what they would like to see out of the progress and help them understand why decisions are being made at the commission so they can understand us and we can understand them a little bit better was the notion.

Items 7-13 on the paper that was handed around are the ones that ranked somewhat lower. Again, they're all important issues, but based on our two-dimensional ranking system we felt that some of these things, while they're important, some of the actions suggested probably weren't necessarily likely to happen in the short term.

The federal partner issue is one that we discussed at the last meeting. That was the lowest score throughout all the issues. Suggestions were to modify Magnuson-Stevens and require that the National Marine Fisheries Service increase their flexibility. Some of those things, while they be good to pursue, they're very long-term goals and they are not real likely to happen in the short term.

The funding issue scored a little bit lower as well because I think a number of commissioners felt that the efforts being made to secure additional funding; you know, the effort is there but results are not there just due to the financial climate that we're dealing with. That is why a number of these seven through thirteen ranked lower.

Obviously, if the commissioners would like to move those up to a higher priority and suggest responses, that is fair game and that's essentially the point of the discussion. The two questions in the next steps is are these six priorities the top priorities; should it be pared down to less than six is another option; what steps do the commissioners want to take to move forward and hopefully improve some of the scores that you folks ranked for yourselves.

CHAIRMAN BOYLES: Thanks, Bob. Paul.

MR. PAUL DIODATI: Can you just refresh my memory; what was the highest possible score for one of these?

MR. BEAL: Five; the range was from five to zero.

MR. DIODATI: So, like a 3.8, why is that being considered low?

MR. BEAL: During the last board meeting the threshold of four was sort of an arbitrary level that was set. Anything above four obviously is scored very high; anything below that seemed to be room to improve. Obviously 3.8 is not too far down. In some of the feedback that we received on the follow-up survey, a number of commissioners would actually say that for some of the higher rankings; 3.87, 3.82; actually this is a pretty good score and we don't need to do a whole lot there. That did show up in a number of the responses.

MR. WILLIAM A. ADLER: I have to go back to my one here which is number eleven; and not changing Magnuson, that is not the idea. It is just that we go through this all the time. We did today even I think on some of the federal issues versus us. I think still think that we ought to make more attempts or an attempt to sit down with our partners – and I underline that – our partners to see if there is some way that they can cut us in on a decision instead of telling us what the decision is and we have to play games. That was my concern. It wasn't trying to change the world, things we can't do, but that type of thing I think is doable and it comes in all the time on our species where we run into the feds, and I think there needs to be something there. That's all; thank you.

MR. DOUGLAS GROUT: All right, my comment – and I guess it relates to the scores – I was one of the people that thought, well, if you got a 3.97, we're doing pretty well on this, but I did see one here that is one of the low-hanging fruits, in my opinion, that I think I might want to have considered us trying to address here as opposed to some of the ones here are like 3.92; and that is number seven, how satisfied are you with the cooperation between the commissioners to achieve the vision.

That was one of our low scores here and I think that is something that we could address relatively easy. If I were going to choose, we could either add it as a seventh one; or if we were going to try and stick with a smaller number, I would choose to replace number four or number two because those to me seems like a lot of us think we're doing pretty well on that,

although number four is sort of like patting ourselves on the back.

CHAIRMAN BOYLES: Doug, I'm going to speak for the staff. My sense of things is there is no magic in the six. This is just based on the comprehensive review of the responses and this looked like things that we could do. I think we could certainly add number seven; although I'm going to put it back to you, what specifically could be next steps for that? You don't have to answer now but if you could be prepared to talk about that maybe Thursday or if you want to talk it now, that is fine, but I certainly think that is the way I see things. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I think when we looked at it, clearly in terms of the value of resolving it, the importance of resolving that, it got a high score when we were trying to rank that, but then the second part is what is the likelihood of you all being able to achieve that when we looked at it is why it got a bit of a weaker score, and that is why it was down seven or eight.

MR. GROUT: I guess I had a more positive outlook that. I think there are some things, and off the top of my head I can't think, but between now and Thursday I think we can come up with something.

EXECUTIVE DIRECTOR O'SHEA: Well, again, we're trying to project around the whole 45 commissioners and say what I was just explaining why it was down at seven.

CHAIRMAN BOYLES: And to that point and going back to Bill's comment; again, there is no magic to six or seven or thirteen necessarily. I think the real question is given our limited time and limited energy, where are we going to have the best and biggest impact. Bill feels fairly strongly about number eleven and, Doug, you number seven. This is good discussion. I'm not looking necessarily for solutions right now, but if we could have some meat discussions Thursday that would be great. George.

MR. GEORGE D. LAPOINTE: I first want to thank staff for the follow-through survey. I think that our continuing to explore this and doing reflection on those things we can improve – and I'm glad that some people said we're doing okay on some things so we don't beat ourselves up too much. Between now and Thursday – and Number 5, take quicker action was one of George's issues.

If you look at Number 5 and prioritize species that need to be rebuilt – when Susan Shipman was chair she said, "Let's do something besides striped bass

and lobster," and I'm guilty on both of those counts because of being from the northeast – how do we take concrete action to elevate species that need more attention and keep attention to but not as busy on species that don't need as much attention towards achieving the vision.

And then quicker action; we all suffer from this. When I want South Carolina to take action, by, God, I want you to take it now, but when I need a little more time for reflection, I want to go back and study it in my state, and so I think we all need to – six isn't a magic number. I would probably cut it down a little bit from that, but just to say what can we really do to do better as a body on those actions.

MR. THOMAS FOTE: Commissioners working together, and I was trying to think about what is different now than when I first came here as a commissioner. Part of it was we socialized differently back then, because there were less commissioners showing up to meetings; that when we went out to dinner, it was basically a real mixture of states sitting down and having dinner together.

It was Virginia, New York, New Jersey, and we might be arguing during the day, but we went and had dinner together. As we got more to a delegation and as all three commissioners basically started showing up, we started isolating ourselves from one another, and there was not a lot of cross-fertilization anymore.

You're basically so worried about how you're going to behave or do the next day or what motions you're going to make, you go to dinner and you go to breakfast and you go with the same three members of the delegation so you're not mixing. Now, the hospitality suite does some of that, but some of us don't want to go sitting up in the hospitality suite so it doesn't meet, but there needs to be more discussion on how we get back to some of those.

It is the problem with our success because we basically wanted a delegation so we got to that point, but when we got to that point we isolated ourselves from each other. That's one of the things I had talked to a few commissioners about; because after serious thought, I says, you know, that is what is different when I noticed where we were 20 years ago when I first walked in the door here to where we are now. A lot of times there were eleven of us and that was the whole commission meeting so we would all go to dinner together.

CHAIRMAN BOYLES: Good comment, Tom, thanks. Paul.

MR. DIODATI: I want to be cautious about saying too much about any of this because I'm afraid we will have to take the survey a third time. If we do, it is going to have to be open book because I'm not sure what we're getting at. These top six, what strikes me about them is three of them are very closely linked, and that is number one, four and five. They all have to do with our vision. It seems to me like a 3.82 is not really a bad score out of five.

It is really not a bad score and so I think that the commissioners feel that we do have a plan to achieve our vision. Then when you go down to number four, I think they're saying even stronger that I think the commission actions are reflecting some progress towards that vision. I think their message is pretty clear there.

It is when you get to the third part of that, number five, how confident are you that the commission will achieve is where it gets kind of low; it is a 3.08, but that doesn't surprise me. I don't think that there is a concern about the vision or whether we're making progress or we have a plan.

It is just that the vision to recover all these stocks when we're only controlling fishing mortality, the one factor, it is a pretty incredible task that we have, as visions should be. I think those scores don't surprise me all that much and I'm not sure we can improve on that. I'm not sure if those three actually belong as a top priority.

REPRESENTATIVE DENNIS ABBOTT: Looking at the top six, there is one common theme that jumped out at me is on the first one we're talking of prioritizing, which is indicative probably of speed; and we look at the second one, take action quicker; we look at four, do it at a faster rate; we look at five, take quicker action.

There is a message there that we've really got to do our work more economically. As example of that is how our board meetings, sometimes they have been running over. We saw that in the past two days where some people at the beginning of the planning process for a meeting determined a given amount of time to do our work.

I think that they do their best in trying to do that, and then we find ourselves saying something and then feeling that we have to say it again and the second person and the third person and the fourth person have to repeat the thing. I know in the legislature you kind of try to minimize that. Another thing that is important in my mind is when someone takes the

microphone and chooses to talk for five minutes, everybody's eyes glaze over.

In my legislature they have even put hour glasses on the podium. People don't use it a lot, but it is a reminder that it doesn't do any good. One of the best legislators that I've met in Concord, been there a long time of the opposite party, and we don't agree on a lot of things, but he told us once that when you're going to give a little speech, tell them what you're going to say, say it, and then tell them what you just told them, and finish and you're done. The message I'm trying to say is that all these things talk about speed, and we really have to be more economical in the use of our time. That would go a long ways in getting us to the end of the day and getting us to achieving better results.

MR. PATRICK AUGUSTINE: Excellent comments all the way around the table. I always pick out the two or three things that even Dennis just mentioned; take quicker action across the board when new information is made available, particularly bad information. We skirt around and skirt around and skirt around and finally I put up my hand and I go home and get slam-dunked, but we get the job done.

I think part of it is, particularly as new board members, the process is an active thing, it is alive. It is like a living document. As the new member, hopefully you'll get on somebody's coattails and let them be your mentor to see how a process should move along. We waste an awful lot of time either trying to explain or trying to figure out how to move things forward.

The ideal situation is we need to take more credit. The public has to know what we've actually accomplished and simply everything we can anywhere along the way. It makes it so much easier. Then we may need to have some other type of summit or a summit of some sort, whether it is localized so that we can get the public really involved.

We have so much information on the website, if people would only take the time to go there – and they really don't. It is like everything else. If you tell it to them to their face, they get it or they don't get it, but you will get a response. Key and take quicker action whenever possible, try to make those difficult decisions when they're here.

I say strike when the iron is hot. If I'm going to get embarrassed, I'm going to get embarrassed, I don't care, but the decision is made at the end of the meeting and you go about your business. That is

what we're here for, and I think the difficulty is some of us – and I don't mean to point fingers at anybody – we have to remember the oath that we took and what we're here to do. We're a representative group; and if you can't stand the heat in the kitchen, you've got to go to a different fireplace or a different kitchen. That's all I have to say about that. Thank you, Mr. Chairman.

MR. LOREN LUSTIG: I have worked about 40 years in conservation education, so I'm always on the lookout for anything that has a slight nuance to the matter of education. On the back of the page I have number six and immediately saw the words "workshops and summits". I asked myself, wonderful, as a follow up to what Pat Augustine just said; he said the public has to know; isn't that what you said, Pat?

I guess my question would be where are we at right now in terms of workshops and summits and where would we like to be next year or two or three or four years out and what is our strategic plan to get there. Indeed, we speak a lot about biological plans, but in this case it would be an environmental education plan, and it might pay real big dividends. Thank you.

MR. DIODATI: I don't think I want Pat to move any faster than he moves now, but I think when we talk about taking time and moving quickly, there are two ways to look at that. One is whether or not we're reacting quickly to signals we're seeing that require management action. The other is our process itself; does our process take too long.

I think we can move quicker towards some management actions in both directions, becoming more liberal and becoming more restrictive I think we can move quicker. Our process I think is one of the quickest in the business. Generally if it is not a controversial addendum or amendment, I think we can do that between meetings sometimes, which is pretty darned good.

In fact, Northern Shrimp, which we don't deal with much here – I think we've only had two meetings in the past year and one opened the season and the other closed it, so it is a very quick process. I think when we talk about quickness, it might be in reaction to things that we need to be quicker on.

CHAIRMAN BOYLES: Thanks, Paul. I would even suggest maybe there is a third element as well, and one that I hope we'll be able to make a lot of progress with tomorrow with our commissioners' workshop, and that is in the intra-meeting within the meeting

week, just how we go about moving business forward through motions and parliamentary procedures.

Some of you are expert at that, and I'm going to look to Senator Damon and Representative Abbott and others, and others of us learn something new every day. I hope we can glean a lot of information tomorrow morning. Bill.

MR. ADLER: Just following up a little bit on what Paul said, I've talked to our constituents, our fishermen, recreational and commercial, actually the Atlantic States can move very quickly on what it has to do, especially if they want to take a look at the federal process. I have explained it that, you know, we can move right along even with the addendum that goes like this, it goes like that, we do get the information, and then they turn it around.

I have been saying the ASMFC is as good as the government type management system can be. It is better than the legislature, it is better than the federal councils and the NMFS. I have been telling them that and maybe they're believing it; I don't know, but I try.

CHAIRMAN BOYLES: Any other comments or questions? Bob.

MR. BEAL: There has been some discussion about prioritization. At the last summer meeting in August, the staff put together a summary of the stock status for all the species that we manage. We ranked them into fully rebuilt, recovering and stocks that are either unknown or need a lot of work. At that time the commission asked that we do that again for this August, so we'll pull that document together again and be able to present it at the August meeting to help prioritize and help spell out exactly where the stocks are that the commission manages and highlight areas of potential improvement there.

CHAIRMAN BOYLES: Other comments? All right, it is approaching the six o'clock hour. What I would suggest is that I've heard comments about, yes, this is a pretty good list. I've heard other comments that perhaps some of the scores may not paint such a negative picture that perhaps they could drop off.

What I would encourage us to do is come in on Thursday and again use that hour that we had set aside for speaking with Eric to talk about some substantive things that we can do individually as well as collectively, whether it be by delegation or by management boards or even informally, as Tom Fote suggested, things that we could do to move us closer

to the vision that we've laid out for ourselves. If we can agree to do that, I think we'll be in good shape. Is there any other business to come before the business session at this time? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, you mentioned – and I'm hitting you cold on this because I haven't been able to get back to you, but you mentioned that we're going to have a workshop tomorrow at eight o'clock and part of that is the scenario situation of making motions and such. We have written up a scenario script and have identified certain commissioners to have a role in that script.

They were given the script late last week so they would have a little bit to prepare. The rest of the commissioners, there will be a role for them to play tomorrow, sort of following up on actions by the certain role players. We're in the process now, Mr. Chairman, of handing those scripts out tonight to give commissioners a chance to just sort of work through that.

Time-wise we have a three-hour workshop and we're hoping this scenario portion of the workshop maybe will take about 40 minutes, so it is not the entire workshop. There will be an overview and some Robert's Rules of Order in the beginning and then there will be a session of the workshop afterwards that will allow for commissioners to ask more specific questions.

The workshop is going to be in this big meeting room so we can simulate the actual environment that you all use to conduct business. It is Colette Trohan, who will now be back here the third time to help with this. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thanks, Vince; and again for those of you who have not been through one of Colette's training sessions, let me commend her to you. She is very good. Again, I think all of us benefit from that training and I'm excited about it. All right, seeing no other business, we will stand in recess and be back here for the commission workshop.

(Whereupon, the meeting was recessed at 6:00 o'clock p.m., May 4, 2010.)

BUSINESS SESSIONS

MAY 6, 2010

The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 6, 2010, and was called to order at 8:42 o'clock a.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN BOYLES: Good morning, everybody. I would like to reconvene the business session of the Atlantic States Marine Fisheries Commission. With your indulgence and in accordance with the announcement I made yesterday, I would like to add an item under other business related the commission's office space and place of business.

If we could add that at the end of our discussion this morning, we have had a good discussion at the executive committee about that issue. Before we get to that, we need to go back to where we were Tuesday in discussing the commissioner survey follow up and potential next steps; and see if I can tee this up. We had a number of items that we discussed. Bob Beal gave us a presentation on what appeared to be the top six items that appeared to be actionable at some level or another by the full commission.

We had discussions that afternoon about are these the correct priorities, and I think where we are now is what are our next steps. If can get you to go way back in time to Tuesday afternoon and we could continue this discussion about priorities and next steps.

If I could just refresh my memory a little bit about what was discussed, I recall Doug Grout specifically had comments about question number seven, how satisfied are you with the cooperation between commissioners to achieve the commission's vision; an average score of 3.39. It appeared to be something that might be actionable. Paul Diodati suggested that there are a number of items, the top six that staff had identified that were related. If that is good enough of a segue, could we take up our conversation from there. Doug Grout.

MR. GROUT: Mr. Chair, you also tasked me with potentially coming up with some items on how to address number seven, and one of them that I came up with over the evening here was possibly exploring a possibility of having non-decision-making meetings between boards and sections with or without a

technical committee, but just to discuss issues without there going to be any decisions made.

CHAIRMAN BOYLES: Thanks, Doug, and thank you for following up as well. I think that may be in keeping somewhat perhaps with a corollary to the Tom Fote rule of socialization that Tom mentioned about the informal discussions. Tom.

MR. FOTE: I got asked by my good colleagues at the federal agencies why were they rated so low in some of this. We tried to think about some of the reasons why. It has been a good partnership over the years, but I guess what has happened on sea bass and scup and a few of those other issues, plus the joint plans has put a strain on that relationship, whether it is the councils and the feds, and we need to figure out how to bridge that gap.

It gets frustrating. I've talked to commissioners who no longer show up at the joint meetings, governors' appointees and legislative appointees, because we don't even get a chance to vote. I mean, if the council votes one way and they vote first, and even though we have a motion on the table it just goes nowhere and it ends because they don't – because of the way we have established the joint plan.

We have got to figure out how – because this is going to happen more often. I looked at this Omnibus Amendment. We might not be going the same way as the Mid-Atlantic Council. I mean, we don't run into the same problem with New England because we just don't do plans together; and the South Atlantic usually is not because they just turn everything over to us if they don't want to deal with it and we wind up dealing with it.

The Mid-Atlantic has always been a good partnership. We've worked together for many years, and we have got to figure out how to work that out a little better than it is right now; how do we work; how do we work with the regional director and that relationship, too. We need a meeting to do that and have a frank discussion, maybe a closed meeting or something like that just between commissioners and council members how to figure that out.

Otherwise, it is going to be a train wreck and there are going to be people proposing that we go with separate plans the same way we do in with New England. I don't think that is the best way to go, but we've got to figure out a way to work together.

MR. DIODATI: I don't pretend to have any answers for this one, Mr. Chairman, because we have been dealing with state/federal cooperation issues for quite

a number of years now with the express goal of trying to improve that. I think we have to separate the issue. I think we have talked about this in past meetings that I think the relationships that we have in managing our fisheries and monitoring our fisheries, collecting information, we share I think common goals with our federal partners.

I think we work very well with the people that sit at these tables with us. I think we begin to diverge more on the policy legal horizons that simply we're coming from different directions. The federal government, the National Marine Fisheries Service is guided by very specific laws that differ from the laws of the states and the guidelines of ASMFC.

I think as long as we continue to have to sit next to each other and vote on the same decisions, we're going to be divergent in our positions. I can't see how the states sitting next to members of the National Marine Fisheries Service making decisions about omnibus rules for the future where one entity is guided by very specific federal laws and needs this rulemaking process to be in line with those laws, I don't see how we're going to be aligned.

One possible consideration for the future would be to distinguish where and when there should be votes cast. Maybe there is a better way for us to work together if perhaps our federal partners didn't have to vote on certain items of business that the commission is involved with. That might be a first step to look at.

MR. AUGUSTINE: Along with what Paul is saying, there is no question that we do have a very, very good working relationship with the Mid-Atlantic and ASMFC. The key to this whole omnibus bill is to address, as has been stated, all the issues that we're faced with relative to the federal mandates.

It would just seem to me it would be in the best interest of us, ASMFC, to take a look at that very closely, identify those specific areas where we know we're heading for a train wreck, and stay on top of those as this thing develops. I believe we have an opportunity collectively to respond to the public hearing that we had the other night.

And I say, we really maybe need a subcommittee from ASMFC or empower the staff to track this process as it moves forward. The council is on a timeline to get this thing done, and we've got two or three more public hearings. Again, if there are any specific issues that are going to be major, major contentious issues for us, I think we need to get on top of them, talk with the council about it and see if

there is any flexibility or not and then be ready to address the train wrecks as we go. Thank you.

MR. FOTE: We deal with three councils, and it would be really helpful to us if all three were on the same page. That is one of the other problems here. We have the New England Council, which if you want to reconsider with the SSC, they did it two or three times. When we basically tried to do that with black sea bass, we got into a stonewall contest.

I have not gotten involved with the South Atlantic SSC so I don't know how they operate. The rules are not the same for all three councils, so now we basically have to figure out how we deal with all three. That is not acceptable. It has got to be uniform and that's one of the things I commented about the other night. I know the council are going in separate ways, but then we have got to figure out how we're going to deal with three different formats and three different ways they basically deal with it.

MR. LAPOINTE: In defense of the councils, they have to deal with 15 states. Even in New England, if you compare Maine to Massachusetts and New Hampshire, they try to get us to act as uniformly as possible and we try, but there are differences. It is difficult to do this. There are three councils because there are three regions. It was set up that way, and so we are living the results of the system that was set up for that very reason.

EXECUTIVE DIRECTOR O'SHEA: One of things that is going on at the councils is that as they're evolving to adopt the Magnuson requirements from 2006, they're methodically going through and adopting important policies. They have been directed on how they treat science, but they've also developed remand policies of both councils now.

The Mid-Atlantic and the New England Council had developed remand policies on how they're going to deal with science. They're also dealing with risk and uncertainty policies. I think that is going to also down to the South Atlantic. They will develop their individual ones. I think to me the bigger issue here for the commission to consider is where are our policies?

I think simply saying we don't have policies and we're upset about having to follow in step with the council policies, the opportunity here for us is to develop some other policies – I mean, either we adopt their policies or we have our own policies. Right now we don't have that.

MR. LAPOINTE: I think we're obsessing on the federal stuff a little bit. I don't mean that in a bad

way. The policy board has had a discussion on how to work on state/federal issues. If this is an issue, we should go back to that group with the issue, look at what we have discussed and see what we can change and what we can't, whether it be policies – you know, it is a tough relationship and so I think we need to do that.

I think we need to look at other things on this list about how we do our business. My big one is take quicker action; and I have the joy of cooking, add three parts of this and six parts of this and we're going to have a quicker action, but I think that we need to do some reflection on how we do business for those things that we think we need to improve on as well.

MR. DIODATI: Going back to the survey results, I think we might be drifting a little bit because we might mixing now the diverse perspectives between the National Marine Fisheries Service and the commission versus the commission, the service and the councils. I think we have to remember that the National Marine Fisheries Service is just another voting member of the council as we all are. The service doesn't always agree with the position of the council. I think we kind of drift a little bit here and maybe need to get back on center.

CHAIRMAN BOYLES: Good point, Paul. I think what I'm hearing from folks is that staff have previously identified the top six actions. I think there has been some interest in looking at some other things that we know we need to work on, but we may seem to be sometimes chasing our tail with some of these issues. My sense of things is there is general consensus that these are priority things that we know we need to work on; and the question now is what do we do with them?

When the George was making the comments, it occurred to me we had the group that was working on state/federal alignment issues, for instance, and that discussion at the policy board. We've got clearly I think a need to kick some of these issues to a smaller group to make some recommendations and perhaps bring back to the full commission.

My sense of things is that group is either a special purpose group that is established just for this or perhaps we start with a smaller group like the AOC to kick this around a little. What I'm looking from you all is a sense of direction of where would you like to go with these? Doug, to those points.

MR. GROUT: I was going to try and give you a sense of direction. What I heard from the discussion

today is that Item Number 11 is still something that is important to this commission, and so it is something that we need to bring up there. As far as whether we get rid of stuff or not, I looked at Items 1 and 4 we did pretty well, and they relate to the vision.

It tells me that we have a clear plan, we feel there is progress toward it, but we're not necessarily fully – all of us aren't fully convinced that we're going to achieve it. Maybe the last one is something we need to achieve. In my vision I would drop one and four off or at least start focusing on the ones that have a lower value amongst those eight first before we start working on one and four. I think we've got at a minimum six issues, a maximum eight issues that we need to address, and that we should work on the ones that have the lowest values first.

CHAIRMAN BOYLES: Thanks, Doug, and I think that is consistent with something we heard from Paul on Tuesday afternoon, that a score of 3.82, 3.92 is really not all that bad, so I think that is a good course of action. Am I getting general agreement with that, to focus on these six or eight issues with a smaller group? We will talk about this at the AOC. Okay, any other discussion on this item?

OTHER BUSINESS

All right, seeing none, we will on to the next item, other business. Thank you for this discussion. Let me see if I can tee this up. There has been a lot of activity over questions regarding the commission's office space. For the full commission, I think it is important to know that the ten-year lease on 1444 Eye Street is set to expire the end of October.

Staff and the AOC have been working feverishly to try to come up with a good solution for the next ten years or even perhaps longer that is fiscally responsible and will help us make good decisions now so we can enjoy the benefits, perhaps, of those good decisions in the future through office space locational decisions. With that, I'm going to kick to Paul Diodati who is chair of the AOC and who brought some things to the executive committee at our meeting earlier this morning.

DISCUSSION OF COMMISSION OFFICE SPACE

MR. DIODATI: I'm going to begin by making a motion right off; and if I have a second, I'll discuss it a little bit more with your pleasure. The motion I see has been predrafted and up on the board, and I'm going to read it. **On behalf of the Executive Committee, I move that the commission authorize**

the Executive Director on behalf of the Commission to:

- A. Negotiate the purchase of office space to be held in ownership by the Commission for transaction of its business;**
- B. Negotiate and secure financing for that purchase;**
- C. Withdraw not more than \$1.5 million of Commission reserves for the purpose of paying purchase, billed out and relocation expenses.**

These are actions that are subject to the review and prior approval of the Administration Oversight Committee. If I have second to that motion, I would like to speak to it a little bit more, Mr. Chairman.

CHAIRMAN BOYLES: Thanks, Paul. That was a motion that is a committee motion so it requires no second. Go ahead.

MR. DIODATI: As you framed it, Mr. Chairman, the commission currently does not own property. We have been involved in a long-term lease. It is a ten-year lease that expires this coming October. The commission staff, particularly Laura and Vince, have been working with a real estate broker who we have met; we being the Administrative Oversight Committee.

I should say that this broker is the same broker that has worked with the commission for a couple of decades now and is certainly working in the best interest of the commission. It has come to our sense that a purchase option is currently very, very viable for the commission. We're looking at a more favorable purchase price because of the current economy and also lending rates are more favorable than they have been in past years.

The cost of ownership essentially is going to equate to the cost of leasing. Leasing, of course, for those of you who don't know – and I don't know how much information has been provided to all the members here today, but our annual lease rate runs approximately \$350,000 a year for this ten-year period.

A purchase price for what we're looking at, a condominium office, runs about the same amount. It is a \$4 million purchase price for a loan that the annual payment is about \$350,000 as well, with the payout being somewhere over ten to fifteen years, so it is very similar. The total operating cost between

the lease and the purchase option are essentially the same.

Laura has probably looked at more than 50 properties over the past year or so, both considering lease and purchase options, and we have come down to a mere handful of prime choices. Again, at this point, given all the information in front of us, the AOC feels very strongly that the purchase option is the one that we want to continue to pursue unless we find out something in the next month that makes that a strong negative. We're not seeing that yet.

The only questions that have to be sorted out are legal ones and have to do with the stature of the commission in terms of being a purchasing entity and so forth. These are the reasons I'm making the motion. What we need here is a commitment on the part of the commission for staff to continue to negotiate on behalf of the commission to pursue this particular option. I should say that the \$1.5 million in reserves would leave approximately a half million dollars in our reserve account. I'm sure there will be other questions, and I will leave it that and try to answer questions. Laura and Vince can certainly help.

CHAIRMAN BOYLES: Thanks, Paul. Can I see a show of hands of those who would like to speak to the motion; for or against it? Senator Damon.

SENATOR DENNIS DAMON: I have a couple of questions, if I might. It looks like that the search and that all of the underlying work that has gone on that you have just described, Paul, is commendable and I would presume that the course that we're going to take in terms of purchasing rather than continuing to lease is one that I would support and is also commendable.

The questions are with regards to our current lease rate – I think you mentioned \$350,000 annually – I guess I would like to know is that an all-inclusive, we don't end up paying utilities or anything like that afterwards; and if we have the similar annual costs of \$350,000, is that just to service our debt or does that factor in as well now property taxes and the other kinds of expenses that go along with ownership?

MR. DIODATI: I'm going to try to answer that and then I'll look towards Laura and Vince to chime in if I'm wrong. The comparison of apples to apples has been made. The best comparison that we have in front of us is the ten-year aggregate cost for the purchase versus the lease, and they both come out amazingly to the same amount of about \$4.5 million after a ten-year period.

Where the costs for the expenses go into different categories, the lease, for instance, some of it you're paying more utilities versus more association costs on the other side, so the ledger items are different on each side, but the total aggregate costs of expenses for each are essentially the same, and so that makes it pretty – that is one of the stronger reasons why we're looking the purchase option as the primary way to go right now.

MR. ADLER: This is actually a question to my colleague here to the right of me. As Senator Damon said, the associations costs with regard to owning condominium-type things; does that basically mean that the mortgage payout on buying the place is actually lower than 350 so that when you the other expenses you come up to about 350; is that how that works?

MR. DIODATI: Yes, the purchase price – again, this is a new condominium office building. It is a four-story structure. It is about two-thirds of the second floor. There will be another tenant on it. It is essentially all the space we need. It is enough space to accommodate the commission staff plus ACCSP on one level.

To get to your specific question, Bill, the purchase price is actually around \$3.2 million for the condominium. We have added in this buffer of about three-quarters of a million more, bringing it up to close to \$4 million. That accommodates the build out to move office furnishings, all of that, and then the estimated operating costs for the annual cost includes the association cost, the maintenance fees and so forth. The \$350,000 or so a year in total operating cost does incorporate all of that.

MR. FOTE: I think that answered most of my questions; so after about 15 years our expenses will drop. I won't be around then but the expenses of the commission at that point will basically drop dramatically at that point.

MR. DIODATI: I have a feeling you will be here, Tom, and I don't know if the expenses will drop, but it means that we get to burn up the loan agreement at that time, and there will be a party to do that, I imagine. It really depends on what the next move for the commission is 10 or 15 – it might be 10 or 15 years down the road if the commission may have expanded or we may need different accommodations, maybe selling the property and buy a new one, who knows.

MR. FOTE: One more question. It is staying in D.C. and not moving to Alexandria or someplace like that?

MR. DIODATI: I should have mentioned that. The commission staff working with the broker had looked at – as I mentioned earlier, they have narrowed it down to a handful of possible properties for both the lease and purchase option. For the purchase option, there is a property within the District versus one that is in Arlington.

The difference between them is about three metro stops. The Arlington property is also more residential, I think, and there is also more – well, of course, there is an incredible cost difference for the same amount of space. Between going in the District and Arlington, Virginia, there is a million dollars in difference in the purchase price. The space is about the same.

The amenities are much better in Arlington; for instance, no parking versus 14 parking spaces underground in Arlington, things of that nature. We've looked at how many times commissioners actually visit. I consider myself an active commissioner and I have only been to the commission offices about two times over the past ten years.

I'd prefer they would be in New Bedford, Massachusetts, but for commissioners sitting at the table I don't think it matters whether they're right downtown or in Arlington. It is really a matter of how often staff needs to get over to the Russell Building or wherever else, and Vince doesn't seem to mind the metro ride. That is where it is; it's in Arlington. It's not too far from here. It is not in Baltimore. That's it.

REPRESENTATIVE ABBOTT: To Tom's question, yesterday the AOC, during the lunch hour, we did go over and visit the site. I was in favor of purchasing and looking over the paperwork that we had been provided buying this particular property. After arriving there and doing a quick tour, I was more convinced that we were going in the right direction. I was particularly impressed with the area.

The particular building space that we're looking at is on the second floor and there is quite a lot of glass, an awful lot of glass, so it would be a bright atmosphere. There are a lot of trees still growing in the area; it is a growing area. There seems to be one block from the subway stop, which really is a huge factor. In this day of being able to communicate as we do, I think whether they're in downtown Washington or three subway stops away becomes very insignificant, really. As I say, going in I was in favor of purchasing this property and walking away an hour later I was much more convinced that this was the

direction that the commission should be going in purchasing this particular piece of property.

CHAIRMAN BOYLES: Further discussion on the motion? Seeing let me read the motion: On behalf of the Executive Committee, move that the commission authorize the Executive Director on behalf of the Commission to:

- A. **Negotiate the purchase of office space to be held in ownership by the Commission for transaction of its business;**
- B. **Negotiate and secure financing for that purchase;**
- C. **Withdraw not more than \$1.5 million of Commission reserves for the purpose of paying purchase, billed out and relocation expenses.**

These are actions that are to be subject to the review and prior approval of the Administration Oversight Committee.

This motion was made by Mr. Diodati on behalf of the Executive Committee. All those in favor of the motion signify by raising your hand; opposed, raise your hand; abstentions; null votes. **The motion carries unanimously.** Any other business to come before the business session at this time? Paul.

MR. DIODATI: My colleague asked the question that if the commission should purchase this property in Arlington, would we continue with our business meetings at this location. I said the answer was yes, but I'll let Vince go ahead and answer that.

EXECUTIVE DIRECTOR O'SHEA: Until we find a hotel that will give us a better deal, we meet here. Money is driving the meeting venue as far as I'm concerned. Thanks.

CHAIRMAN BOYLES: Good question, Mr. Adler. Any other business to come before the business session? We will stand in recess now.

(Whereupon, the meeting was recessed at 9:17 o'clock a.m., May 6, 2010.)

The Business Session of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 6, 2010, and was called to order at 12:35 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN BOYLES: Good afternoon, everybody. I would like to reconvene the business session of the Atlantic States Marine Fisheries Commission.

APPROVAL OF AGENDA

CHAIRMAN BOYLES: I would like to get consent for the approval of the agenda with one addition. I think there is a clarification that I would like to request regarding a vote affirming an executive committee recommendation from earlier today, if we could add that at the very end under other business.

Are there any other items to be added to the agenda? All right, seeing none, any opposition to adopting the agenda as modified? All right seeing none, the agenda will stand approved as modified.

PUBLIC COMMENT

Next is public comment. The third time is a charm for members of the public who would like to comment to the commission. Anybody in the audience who would like to comment? Seeing none, the next item is the non-compliance finding, and for that I'm going to turn to Paul Diodati.

REVIEW OF NON-COMPLIANCE FINDING

MR. DIODATI: Mr. Chairman, I'm going to make a motion. **On behalf of the ISFMP Policy Board, we move that the Full Commission find the state of North Carolina out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish.** North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish.

CHAIRMAN BOYLES: Thank you, Paul. It is a motion on behalf of the ISFMP Policy Board; therefore, it does not require a second. Any

discussion on the motion? All those in favor of the motion signify by raising your hand, please; opposed raise your hand, please; null votes; abstentions. **That motion carries by a vote of 13 to 1 to zero to zero.**

OTHER BUSINESS

Now we're down to other business. Earlier today when the business session took a vote to affirm the recommendation from the Executive Committee to pursue the acquisition of property for the purposes of maintaining an office, I announced a unanimous vote of 14 votes for and zero votes against. I believe at the time I may have missed the Commonwealth of Pennsylvania recording their wishes on that vote, so Leroy I would like to call on you, if you could state your wishes for the record, please.

MR. LEROY YOUNG: Pennsylvania votes in favor.

CHAIRMAN BOYLES: Thank you, Leroy, so therefore the vote regarding the acquisition of real property for the office is in fact a unanimous vote with 15 votes in favor and zero votes against, just to clarify that record. Leroy, I apologize for missing that vote, but thank you for clarifying the Commonwealth's support for that.

ADJOURNMENT

Is there any other business to come before the commission at this time? Seeing none, how about a motion to adjourn until August. A motion; any objection. We will stand adjourned.

(Whereupon the meeting was adjourned at 12:40 o'clock p.m., May 6, 2010.)