

Draft Proceedings of the Business Session August 2016

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

The Westin Alexandria
Alexandria, Virginia
August 4, 2016

These minutes are draft and subject to approval by the Business Session
The Board will review the minutes during its next meeting

TABLE OF CONTENTS

Call to Order, Chairman Douglas Grout 1

Approval of Agenda 1

Review of Atlantic Coastal Cooperative Statistics Program (ACCSP) Transition Plan and Related Documents 1

Adjournment..... 6

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Move to Adjourn** by consent (Page 6).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Russ Allen, NJ, proxy for D. Chanda (AA)
Steve Train, ME (GA)	Tom Fote, NJ (GA)
Rep. Jeffrey Pierce, ME, proxy for Sen. Langley (LA)	J. Thomas Moore, PA, proxy for Rep. Vereb (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Loren Lustig, PA (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Andrew Shiels, PA, proxy for J. Arway (AA)
G. Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rachel Dean, MD (GA)
William Adler, MA (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Robert Ballou, RI, proxy for J. Coit (AA)	David Blazer, MD (AA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Doug Brady, NC (GA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	Michelle Duval, NC, proxy for B. Davis (AA)
Dave Simpson, CT (AA)	Ross Self, SC, proxy for R. Boyles, Jr. (AA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	

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

Ex-Officio Members

Staff

Bob Beal	Kirby Rootes-Murdy
Toni Kerns	Max Appelman
Mark Robson	

Guests

Chip Lynch, NOAA	Angela Young, MEFA
Deborah Lambert, NOAA	Deborah Hahn, Assn. of Fish & Wildlife Agency
Mike Millard, USFWS	Justin Davis, CT DEEP
Wilson Laney, USFWS	Peter Aarrestad, CT DEEP
Sherry White, USFWS	Doug Christel, MA Dept. Fish & Game
Chris Wright, NMFS	Mike Luisi, MD DNR
Martin Gary, PRFC	Brandon Muffley, NJ DFW
Lynn Fegley, MD DNR	Darrel Young, MEFA
Jack Travelstead, CCA	Arnold Leo, E. Hampton, NY
Abden Simmons, MEFA	Raymond Kane, CHOIR

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, August 4, 2016 and was called to order at 9:34 o'clock a.m. by Chairman Douglas E. Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS E. GROUT: Good morning, everybody, I would like to call to order the Business Session of the Commission; if everybody could take their seats. We have an agenda here with one item on it essentially, even though there are five. But we're coming here to get an update on ACCSP Transition Plan and associated documents.

APPROVAL OF AGENDA

CHAIRMAN GROUT: Are there any changes to the agenda? Seeing none; any objections to approving the agenda? The agenda is approved without objection.

We didn't have proceedings in our briefing materials, so we'll put off approving the May, 2016 proceedings until the annual meeting. Is there any public comment? Seeing none; we'll move – and there are no non-compliance findings, so we'll move on to the update on ACCSP Transition, Bob Beal.

REVIEW ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) TRANSITION PLAN AND RELATED DOCUMENTS

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'll go through this fairly briefly. I e-mailed two documents to the Full Commission earlier in the week. They were included in the briefing material for the Coordinating Council, but not for the Full Commission; so you should have received an e-mail from me, or you can look in the Coordinating Council's briefing materials to read along.

There are two documents I'll talk about, and this is a non-decisional update, just where things stand as far as the transition of governance of the ACCSP program to move it under ASMFC. We went over this yesterday, so I apologize for anyone who sat through the Coordinating Council, it will kind of be the same update.

As folks will remember, at the spring commission meeting, there was a vote taken by the Coordinating Council and by this body to move the ACCSP program under the umbrella of ASMFC and have it as one of the programs within ASMFC; similar to the ISMFP or the Science Program and essentially on equal footing with those different programs within the commission.

The follow up activities from that were, what do we need to modify within the commission structure to accommodate the new program? A working group was formed that was made up of commissioners, Coordinating Council members and ACCSP Operations Committee members. That working group developed two different documents.

One is what is titled the ACCSP Transition Document, dated July 26, and then there is a draft addendum to the MOU that is dated July 8th, I believe. The first document, the transition document is kind of what it implies; a road map moving forward. How are we going to go through this transition and what needs to occur? Then the MOU document is the formal document that will be considered for approval at the annual meeting, which actually details the changes to some of the committees within the structure of ACCSP. Looking back at the commission governance documents, it doesn't appear we need to modify the rules and regulations or the ISFMP Charter or any of the other documents, because generally, if you look at the ASMFC structure, the rules and regulations in the compact are kind of the overarching guidance document, and then the

ISFMP Charter governs the ISFMP, as the name implies.

Then we have a series of guidance documents for the science program, the Technical Guidance Document, and the Stock Assessment documents, and now we'll have the MOU that governs how the details of ACCSP operates. We've got the sort of umbrella document and then program-specific guidance documents under that. It seems to be pretty consistent with what we already have, so all we need to do is modify that MOU, and we should probably be in good shape, it appears. I'll quickly run through the transition document.

Transition Document starts with a recognition of what the anticipated benefits of the transition; full integration of ACCSP in the commission's management and science program, visibility in partners and stakeholders, some of the legislative activities incorporating ACCSP into our Capitol Hill outreach efforts, consistency among the policies for both commission and ACCSP staff and supervision of the ACCSP Director.

The document then goes on to talk about some of the general concepts. I think the first paragraph is pretty important, which is that ACCSP will be fully integrated into ASMFC; however, it is still going to maintain its identity, its website, all the pieces that make ACCSP the known and recognized data collection, data warehousing program for the East Coast.

A lot of folks are getting used to going to ACCSP for data, and it didn't make sense to change those patterns and those habits that are now developing. We'll keep a separate website, and a lot of folks go to that website for data queries and other things, and it will obviously be linked through our website.

We'll keep that identity as it is. The outreach materials, there is some overlap; ACCSP does have some unique outreach features; in that

they are trying to promote their capabilities and resources within the program, and that will continue. I'll talk a little bit more about outreach in a minute. The third paragraph is noting that the governance structure of ACCSP will not change significantly, and membership will not change very much either.

The Coordinating Council will remain as it is, Operations Committee, Recreational Tech, Commercial Tech, all those groups will stay about the same. There is some discussion about the Executive Committees. The one change that seemed to make sense is there was some redundancy in having an ASMFC and an ACCSP Executive Committee; so I'll talk about that in a minute.

The document then goes on to break down short-term, mid-term and long-term sort of milestones, as far as the transition goes. In the short-term the first couple has actually already occurred, which is Director participates as another Director within ASMFC, and the staff will be guided by the Employee Handbook, and that has really already occurred, as well. Coordinating Council composition remains the same as it has been, as I mentioned. The Coordinating Council will be responsible for the spending and funding decisions. The way it will essentially work is that once money is allocated to the Coordinating Council, or to the ACCSP in general, the Coordinating Council will be the group that decides where that money goes within the structure of ACCSP and the partner projects that are funded each year. There is a note that ASMFC Executive Committee will be the group that discusses the allocation of the Atlantic Coastal Act funds; and this isn't new.

The Commission's Executive Committee has been the group that has made the decisions or recommendations to NOAA on allocating ACFCMA money between the states, the federal government, the ASMFC and ACCSP; and that will continue. Again, those are federal dollars, so we can't dictate where that money goes; but

we can recommend to NOAA what we think would be a good way to spend the money. Traditionally, they have followed suit.

Any money coming out of the FIN program is a decision made by National Marine Fisheries Service, and will go directly to ACCSP. The fourth sort of filled-in bullet there, ACCSP, and then there are parentheses and a series of potential committee names. We're going to do away with the Executive Committee within ACCSP.

We still need some smaller, lean, mean leadership group that can react quickly and act in the interim when the Coordinating Council is not available. As Robert said yesterday, we're still offering naming rights to this group, if anyone has a good creative name; we're willing to take it. Management Committee, Leadership Committee, Policy Committee, all those quick action committees, a number of names that popped up; we'll fix that between now and the annual meeting.

There is a series of bullets about who would be members of that group. Three state representatives, one federal representative, one council representative, the ASMFC Executive Director, and there is some mixing and matching that may occur; depending on who the Chair, the Vice-chair and the immediate past Chair are.

We want to make sure there are adequate regions and federal coverage within that smaller working group or executive group. There is also a note at the end that the ACCSP Director is going to provide semiannual updates to the ASMFC Executive Committee. One of the main goals of this transition was to get the state directors engaged and buying into ACCSP.

It seems that going to ASMFC Executive Committee, where the state directors are seated, would be one way to engage those folks and keep them up to speed with relatively brief

updates. Then the final short term bullet is to approve the MOU, and I'll talk about that more in a moment, or changes to the MOU.

Mid-term is in the next 6 to 12 months continued integration looking for staff efficiencies at the administrative and technical level wherever we can. As I mentioned earlier, the outreach efforts, right now we have, there is some overlap between ASMFC and ACCSP outreach; but the question is, should those outreach efforts be more fully integrated within the staff structure?

We can work through that; at times there are different messages for the different programs. The Commission is updating the public and stakeholders on management activities, and ACCSP is highlighting resources that are available in new data collection and management efforts that are available. Then the third bullet there is some very in-the-weeds information about should we phase out @ACCSP.org, e-mail addresses, and one thought is to give them the newer folks that come online with ACCSP get ASMFC e-mails. We can handle those relatively small changes, but there are things we need to work through. The second to last bullet under mid-term is fin.3d ACCSP-based solutions.

We just want to make sure that ASMFC and the ASMFC technical folks and committees are all sort of hardwired to go to ACCSP first as their primary data source. We still have some old habits that die hard within the Tech Committees at times that go to different areas to find data. I think we want to make sure that ACCSP provides the data that those committees need, and it becomes an automatic and efficient way of collecting data or providing data for analyses and stock assessments.

We'll update the ACCSP SOPs, the standard operating procedures. Over the last year or so ACCSP has updated a number of SOPs to detail how they operate, and all the provisions of how

the committees work and how money is moved around, and all the details within ACCSP. We're going to open those up again and look at them and make sure they are consistent with commission processes.

Some of them are redundant; we can get rid of those. Some of them need to be updated to be consistent with the commission, and we'll do that over the next year or so. The long-term changes are mostly strategic. Fortunately, the ASMFC and the ACCSP current Strategic Plans expire in 2018; so at the end of 2018, we'll weave those two plans together and we'll have one Strategic Plan that includes all ASMFC activities, including ACCSP.

The timing worked out pretty well there. There are notes about the ACCSP fully integrating into the commission's action planning and budgeting cycle, and we'll move toward that over the next couple years. There is some discussion about the way money moves back and forth from NOAA Fisheries to ACCSP and ASMFC through separate grants. Is that the most efficient way to do it, or can we merge some of those grants and make things more efficient?

Then the last couple bullets really are let's look back at this governance change in a couple years and see if it had the desired effect, any effect, or negative effect; and just make sure it's working as folks had anticipated. As I mentioned before, the second document is the Draft MOU Addendum. The first few pages are history of the changes that have occurred to previous addenda to the MOU.

I won't go through it now, since this is non-decisional, but at the last page, you'll see the actual amendment that would occur, and it highlights the Coordinating Council, the Operations Committee, activities and responsibilities of the ACCSP director, and then the support that ASMFC will provide to ACCSP as a program within the commission.

That language has been modified slightly, but the consideration for the Coordinating Council to approve this addendum at the annual meeting in Bar Harbor, Maine. One issue that came up at the Coordinating Council yesterday, which was important and we need to look into it is, what does it mean to approve an addendum to the MOU, and what hurdles do the partners have to go through?

There may be some need for legal review, since this is a binding MOU document, and the states signed on to it. Do we need to go through the formal signature process and get all the partners to sign an updated MOU, or have the previous addenda been done through Coordinating Council action without significant legal review?

We need to go back in the documents, since a lot of us that were not here for some of the previous addenda, or don't recall how the previous addenda were approved. We can figure that out. It's an important point of, is this just simply a Coordinating Council action or does it need to be much bigger than that and go back to the legal departments within the states?

Obviously, the states have the ability, all the partners actually have the ability to ask their legal folks for advice; but we need to figure out what that process needs to be, and what the timing of that can be. We will work on that between now and the annual meeting. That is a quick update, Mr. Chairman, happy to answer any questions. It is moving forward and both these documents will probably go through some modifications and updates before the annual meeting.

CHAIRMAN GROUT: Questions. Bill Adler.

MR. WILLIAM ADLER: I have no problem with this. But at the same time, I just sort of thought this was the way it already was, and I was trying to figure out; well, why are you going through

this to merge something that I thought already belonged to the ASMFC. The office is the same; you've always got stuff out here from the ACCSP.

I sort of thought this was already done. Now, I could understand the redundancy of two Executive Committee things. But why were we going to merge this, in general? Why were we going to merge this into the ASMFC more so than it was or is?

EXECUTIVE DIRECTOR BEAL: You're right, Bill; this sort of metamorphosis was going on for a while. Up until this point we shared an office, in other words ASMFC was the administrative home. We kind of almost leased out office space to ACCSP, and coincidentally, we were in the same place; and we provided a lot of staff support administratively for the program.

But now the Coordinating Council and the Commission wanted to fully integrate the programs, and it is for consistency of standards that apply to the staff, standards that apply to leadership, and better integration on lobbying efforts on Capitol Hill. It's easier, at times it gets really disjointed when I'm in meetings on Capitol Hill of, who is this ACCSP, and how do they relate to the Commission. I think it's simpler just to say; well, yes, they are one of our programs. Their funding is really important through the Atlantic Coastal Act and through the FIN line.

A lot of it has to do with reducing confusion and uncertainty, and the other part of this is engaging the state directors. There was some perspective that bringing it under the Commission and having ACCSP interact with the state directors more and directly would hopefully get more buy-in from the high level state folks, and further the development of ACCSP.

There has been a transition that has been ongoing, and the ACCSP staff has really been

governed by, essentially the same rules in the office as the commission employees. I think, administratively, in-house there are not going to be huge changes by any means. It will be pretty similar. But I think sort of the outward perspective and interaction with the partners and Capitol Hill, hopefully, that is going to evolve and improve a little bit.

MR. JOHN CLARK: Bob, I was just curious. I saw something here about FIN funding for ACCSP will come directly from NMFS. Is that only for states that don't do their own FIN? Is that the only way that NMFS has those funds, and if so is that a decreasing pot of money there?

EXECUTIVE DIRECTOR BEAL: The FIN money has been pretty stable, if I recall to ACCSP over the last number of years, and the fisheries information network money is one of the areas where it makes things a lot simpler for outreach efforts or talking to folks on Capitol Hill.

Because I travel around with the Gulf States Commission and the Pacific States Commission at times, and both those commissions get a lot of money from the FIN line. We can now collectively go up there and easily say; hey you know this FIN money is really important to all three commissions. We've done that in the past, but it is less confusing. It won't impact the FIN money that is given to the states or any grant programs.

MR. ROY MILLER: Just to follow up. Out of curiosity, Bob, how much money are we talking about in that FIN account?

EXECUTIVE DIRECTOR BEAL: Mike Cahall is in the back of the room and can probably answer it better than I can; 1.5 or something.

MR. MIKE CAHALL: The FIN money is typically about 1.8 to 1.9 million. We get one of the allocations, the FIN money goes to the three continental fisheries information networks, also acFIN and West PacFIN. It is deliberately

intended to support programs like ACCSP and Gulf FIN and the other regional data management programs.

EXECUTIVE DIRECTOR BEAL: It's a pretty sizeable chunk of money.

ADJOURNMENT

CHAIRMAN GROUT: Further questions? Okay, seeing none; thank you, Bob that was a good update. Any other business before the Business Session? Seeing none; this meeting is adjourned and Lobster will start in ten minutes.

(Whereupon the meeting was adjourned at 9:55 o'clock a.m. on August 4, 2016.)