

# Atlantic States Marine Fisheries Commission

## Business Session

*August 5, 2020  
4:30 – 4:45 p.m.  
Webinar*

## Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Introductions (*P. Keliher*) 4:30 p.m.
2. Board Consent 4:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2020
3. Public Comment 4:35 p.m.
4. Consider Noncompliance Findings (if necessary) **Final Action** 4:40 p.m.
5. Other Business/Adjourn 4:45 p.m.

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

**The Westin Crystal City**  
Arlington, Virginia  
**February 6, 2020**

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

Draft Proceedings of the Business Session  
February 2020

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2. **Approval of Proceedings from October 2019** by consent (Page 1)
3. **Move to adjourn** by consent (Page 2).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA (AA)	Lynn Fegley, MD, proxy for Bill Anderson (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, proxy for R. Boyles, Jr. (AA)
Jim Gilmore, NY (AA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, proxy for T. Fote (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns

Kirby Rootes-Murdy  
Maya Drzewicki

**Guests**

Chris Batsavage, NC DMF  
Pat Geer, VMRC

Jay Odell, TNC  
Mike Waine, ASA

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 6, 2020, and was called to order at 11:50 o'clock a.m. by Chairman Patrick C. Keliher.

### **CALL TO ORDER**

CHAIRMAN PATRICK C. KELIHER: Welcome to the Business Session of the ASMFC. We're going to quickly roll through this. We do have one update as part of this.

### **APPROVAL OF AGENDA**

CHAIRMAN KELIHER: Are there any items that need to be added to this agenda? Seeing none.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN KELIHER: We need to approve the proceedings from the October 2019 meeting. Are there any changes, additions, deletions, seeing none? They are approved by consensus. Is there anybody from the public here that would like to comment? Seeing none, we do not need to consider noncompliance findings.

### **UPDATE ON THE COMMONWEALTH OF VIRGINIA'S COMPLIANCE WITH THE ATLANTIC MENHADEN FISHERY MANAGEMENT PLAN**

CHAIRMAN KELIHER: The last item of business for the winter meeting is an update on the Commonwealth of Virginia's compliance with the Atlantic menhaden FMP, and I'll turn that over to Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think everyone remembers a bit of the background on this. I think the important thing here to note, and to thank the Secretary of Commerce for backing up the Commission, and agreeing with the Commission's determination that in fact the Commonwealth was out of compliance. The Secretary, I know very well that he put a lot of thought and consideration into this, and it wasn't an easy decision for the Secretary.

I know a number of folks at NOAA Fisheries, Derek and Kelly, and all the way up to Sam Rauch and Chris Oliver were involved, and Alan Risenhoover and many others. I just want to on the record thank the Secretary for all the effort, and backing up the Commission. I think it's a very important decision for the Commission.

With that the update on where things stand with compliance. As everyone knows, I think, Virginia needed to take legislative action to come back into compliance with the FMP. I think Pat, down there they can chime in. But my understanding of where things stand is at one point there were 12 different bills bouncing around down in Richmond, and things have been a bit of a beehive down there on menhaden issues. On Tuesday the House passed House Bill 1448, which would bring Virginia back into compliance.

That bill would move the management of Atlantic menhaden authority over to the Virginia Marine Resources Commission from the state legislature, so that will be a pretty significant shift. A comparable bill, which is Senate Bill 791, passed the Subcommittee unanimously, 14-0 on Tuesday as well, and coincidentally that Committee is chaired by Senator Monty Mason, who is one of our Commissioners, the legislative commissioner from Virginia. My understanding is there will be a full senate vote next week. I think it is next week. I don't know if the timing has been set on the Senate Bill, and if both of those bills move forward for the Governor's signature that should bring the management authority of Atlantic menhaden over to Virginia Marine Resources Commission, then the VMRC would have to take action to implement the appropriate quotas and provisions to bring the Commonwealth back into compliance.

Just as a reminder of what that means. Once a state is back into compliance, and they notify the Commission in writing that all the necessary provisions have been implemented, the Chairman of the Commission sends a letter off

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to the state and to the Secretary, and withdrawal of that determination of compliance is sort of effective immediately. Those are the steps. I'm sure Ellen and Pat may be able to fill in some of the details that I either mixed up or left out, but that is the update as of right now.

CHAIRMAN KELIHER: Thank you, Bob. Ellen, do you want to fill in any blanks?

MS. ELLEN BOMEN: Sure, thank you Mr. Chair. Bob covered most of the highlights. We are working to move both of those bills through. The bills are a little different right now. One has an emergency action clause, which means the bill would go into effect upon the Governor's signature.

Without that it means the legislation would be effective July 1, which is 15 days after the moratorium would go into place on June 17. We're just working through with all parties involved to hopefully ensure that we can keep them fishing, and happy to answer any questions. We will have a much better sense of where things stand middle of next week.

CHAIRMAN KELIHER: Great, thank you, Ellen. Are there any questions for either Bob or Ellen? Seeing none, just while we're putting things on the record, first I would like to thank staff for the work that they did, Toni in particular working with Katie and others did a great job pulling the letter together on this issue, and I got to see Bob in action when we met with Commerce and NOAA staff, in particular with the follow up meeting with Bob and Spud with the Secretary.

A lot of thanks to spread around, but in particular I would like to thank the Commonwealth of Virginia. It takes more than a little bit of courage to vote yourself out of compliance, and with that I want to make sure it is noted that it is appreciated by your fellow member states, so thank you very much.

**ADJOURNMENT**

CHAIRMAN KELIHER: Are there any other items to be brought before the Business Session? Seeing none, motion is ordered to adjourn the winter meeting, so moved, thank you very much everybody.

(Whereupon the meeting adjourned at 11:55 o'clock a.m. on February 6, 2020)

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