

# Atlantic States Marine Fisheries Commission

## Executive Committee

*August 5, 2020  
8:00 – 10:00 a.m.  
Webinar*

### Draft Agenda

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*)
2. Board Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2020
3. Public Comment
4. Administrative Oversight Committee Report (*S. Woodward*) **Action**
  - Consider FY21 Budget
  - Consider Policy on Commission Contracts (*L. Leach*)
5. CARES Act Update (*R. Beal*)
6. Consider Management and Science Committee Recommendations Regarding Improvements to Advisory Panel and Public Input Process (*K. Knowlton/S. Murray*) **Action**
7. Discuss Executive Director's Annual Performance Review (CLOSED SESSION)
8. Other Business/Adjourn

**MEETING SUMMARY OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
EXECUTIVE COMMITTEE**

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

## **INDEX OF MOTIONS**

- 1. Approval of Agenda by Consent. (Page 2)**
- 2. Approval of Meeting Summary from October 30, 2019 by Consent. (Page 2)**
- 3. Adjournment by Consent (Page 3)**

## **ATTENDANCE**

### **Committee Members**

Pat Keliher, ME	Roy Miller, DE (GA Chair)
Cheri Patterson, proxy for Ritchie White, NH	Kris Kuhn, PA
Dennis Abbott, NH (L Chair)	Bill Anderson, MD
Dan McKiernan, MA	Ellen Bolen, proxy for Steve Bowman, VA
Justin Davis, CT	Steve Murphey, NC
Jason McNamee, RI	Mel Bell, proxy for Robert Boyles, SC
Jim Gilmore, NY	Spud Woodward, GA
Joe Cimino, NJ	Jim Estes, FL
John Clark, DE	

### **Other Commissioners**

Raymond Kane, MA (GA)	Doug Haymans, GA
Ritchie White, NH (GA)	

### **Staff**

Bob Beal	Laura Leach
Tina Berger	Deke Tompkins
Toni Kerns	Geoff White
Pat Campfield	Max Appelman

### **Others**

Chris Batsavage, NC DMF	Pat Geer, VMRC
Lynn Fegley, MD DNR	Mike Millard, USFWS
Sarah Ferrara, Proxy for Sarah Peake, MA	Derek Orner, NOAA Fisheries

### **CALL TO ORDER**

The Executive Committee of the Atlantic States Marine Fisheries Commission convened in the Crystal V/VI Room of The Westin Crystal City in Arlington, Virginia February 6, 2020. The meeting was called to order at 8:00 a.m. by Chair Pat Keliher.

### **APPROVAL OF AGENDA**

The agenda was approved, with the addition of four additional topics: the Legislative Committee, Whelk Management, Pennsylvania's membership on the Atlantic Menhaden Board and MRIP invoicing.

### **APPROVAL OF PROCEEDINGS**

The summary minutes from the October 30, 2019 meeting were approved as presented.

### **PUBLIC COMMENT**

There was no public comment.

### **REMAINING PLUS-UP FUNDS ALLOCATION**

Staff presented options for allocating the remaining plus-up funds (~\$175K) and the Committee had a good discussion on the 9 potential projects. Dr. McNamee volunteered to develop an interactive spreadsheet for Executive Committee members to use in ranking the projects. Mr. Beal will add a cobia project mentioned by Mr. Bell, a whelk project suggested by Mr. Anderson, and cost estimates for the projects that do not have a cost associated with them. Mr. Gilmore will follow up on the Save the Summer Flounder Fishery Fund project to see if funding is still needed. The decision on allocating the remaining plus-up funds will be reconsidered at the Spring Executive Committee meeting.

### **PUBLIC INPUT PROCESS**

Staff presented the details of Advisory Panel (AP) participation by species panels, and it was determined that there is generally poor attendance and participation across most APs. After some discussion it was recognized that the old way of gathering public input is becoming less effective, due in large part to the use of social media and technology, and the Commission needs to update its public input process.

The Management & Science Committee (MSC) has been tasked with recommending better ways to engage stakeholders and capture public input. This will be on the agenda for the Spring Executive Committee meeting.

### **MANAGEMENT BOARD CHANGES TO ACCOMMODATE SPECIES DISTRIBUTION SHIFTS**

In light of species distribution shifts due to Climate Change, the question of when is a state obligated to participate in a species management board has been asked.

A healthy discussion ensued, with a number of thought-provoking ideas offered. The Chair recommended this be an issue for MSC discussion first, and tasked the MSC with developing some options for Executive Committee consideration. This will be on the agenda for the Summer Executive Committee meeting.

### **USE OF MODES SPLIT IN RECREATIONAL FISHERIES MANAGEMENT**

Concern has been raised about the fairness of allowing differential access to for-hire and private angler fisheries. The recent bluefish

decision to allow a larger possession limit for individuals on for-hire trips compared to private boat and shore anglers was used as an example of differential access.

After a lengthy discussion, the Chair determined a work group is needed to develop a policy on this issue. The Commission is charged with the responsibility of managing public resources and fairness is an important part of that charge.

The work group will be comprised of Bill Anderson, Steve Murphey, Dan McKiernan, Justin Davis, Jason McNamee, Joe Cimino, Cheri Patterson, Jim Estes, and Doug Haymans. The workgroup will develop policy options for the Executive Committee to consider at its Spring Meeting.

#### **FUTURE ANNUAL MEETINGS**

Mrs. Leach provided an update on future annual meetings, noting that October 19-22, 2020 we'll be in Long Branch, New Jersey; 2021 North Carolina; in 2022 Maryland and in 2023 we'll be in Delaware.

#### **LEGISLATIVE COMMITTEE**

Mr. Keliher noted the membership of the Legislative Committee was left blank on the Chair's memo detailing committee assignments since it has not been used much in recent years. He wants to formalize the Legislative Committee so that when the state delegations go to the Hill there is consistency regarding the Commission's message. Mr. Woodward and Ms. Bolen were appointed as Co-Chairs for this committee and Mr. Keliher will seek additional volunteers at the Policy Board meeting.

#### **WHELK FISHERY**

Mr. Geer brought up the concern that the Whelk fishery is a valuable fishery along the Atlantic Coast that is not consistently or compatibly regulated. He requested the Commission be used to bring the states together on Whelk management. Executive Committee members were in favor of a coordinated approach, and it was requested that the Commission consider convening a workshop to develop an approach. The states will also talk with local SeaGrant offices to determine if they could coordinate a whelk management workshop given the Commission staff workload.

#### **PENNSYLVANIA'S MEMBERSHIP ON NON-DIADROMOUS BOARDS**

Article 7, Section 2 of the Commission's Compact limits Pennsylvania's participation to diadromous (and anadromous) species, and the question has been raised about their membership on the Atlantic Menhaden board. Mr. Beal discussed this issue with our attorney and Mr. Donahue issued an opinion that the Commission should consider removing Pennsylvania from the Atlantic Menhaden Board. Mr. Beal will finalize and distribute Mr. Donahue's opinion to the Executive Committee and this issue will be on the Spring Executive Committee agenda.

#### **MRIP INVOICING**

Mrs. Leach requested, and received the support of the Executive Committee in insuring the state business offices submit MRIP invoices, bi-monthly, based on Waves.

#### **ADJOURN**

The Executive Committee adjourned at 10:10 a.m.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Executive Committee

**FROM:** Sarah Murray, Science Committee Coordinator

**DATE:** July 20, 2020

**SUBJECT:** Management & Science Committee Recommendations Regarding Improvements to ASMFC Advisory Panel and Public Input Process

### **Addressing Challenges in ASMFC's Public Engagement Processes**

The MSC was tasked with developing ideas to improve ASMFC's public engagement processes. To better understand the challenges with public engagement processes and gather ideas about new approaches, the MSC surveyed member states and its regional fishery management council partners, and consulted with ISFMP staff. The highlights from the survey and ISFMP staff discussions are summarized below. Many of the challenges, as well as the potential solutions to them, are interconnected. The highlights are divided into two sections: advisory groups and public input.

#### **Advisory Groups**

An advisory group refers to a formal group of stakeholders that are consulted in fisheries management and decision-making processes. The following are common challenges with advisory groups, as well as potential strategies for addressing them, which were identified in the survey and conversations with ASMFC staff.

**ISSUE 1: Advisory group members do not believe that their input will be considered or that it will affect management, which leads to a lack of participation and buy-in.** Many indicated that a lack of engagement may be driven by the idea that advisory group input will not impact management decisions.

**SUB-ISSUE: Advisory group input is not incorporated into management decisions.**

- ➔ **Strategy 1:** Encourage Commissioners to engage with its advisors, acknowledging input and discussing reasons why management may have gone in a different direction.
- ➔ **Strategy 2:** Reinstate Advisory Committee of AP Chairs to work with Commissioners to improve communications
  - PRO: The Advisory Committee had been a highly functioning committee and did a lot to increase advisor engagement and buy-in.
  - CON: Very few ASMFC APs have chairs.
- ➔ **Strategy 3:** Reinstate Advisory Panel Oversight Committee, composed of a subset of Commissioners and AP Chairs, to work with boards to improve communications.
- ➔ **Strategy 4:** Incorporate advisory groups into plan development in a workshop format.
- ➔ **Strategy 5:** Develop communication materials that respond to key themes in public input (i.e. note when public comment has been considered, and when management actions differ from public input, briefly address the reasons why).

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- PRO: Where possible, it's important to explain to the public and stakeholders why a board took action contrary to public input. The best mechanism to do so would be in our press releases and meeting summaries. Since it is not always clear why a board took a particular action, it will be important to work closely with the Board chair to craft these messages. Rhode Island has had some success with this approach when it made decisions contrary to industries' wishes.
- CON: Unfortunately, changing this perception is an uphill battle especially when boards don't always take action based upon public input. It's possible that increasing outreach on the reasons for their decisions will not change public perception/opinion. Many times it is not clear why a board took a specific action counter to public comment. Under this approach, the responsibility for explaining board action falls on staff without clear direction from the board or its chair. In the late 1990s, ASMFC conducted a thorough review of the advisory panel (AP) process and the greatest impediment to AP input was the lack of board responsiveness to its input. There was a period following that review in which changes were made to the process to more fully engage the AP (including why boards took the actions they did), but unfortunately it takes a lot of effort by staff, board members and AP members and that effort could not be maintained over the long run. Nor did it change advisors' belief that the boards did not value their input.

**SUB-ISSUE: There are misunderstandings about decision-making processes and advisory group roles within it.**

→ **Strategy 6:** Create educational materials (e.g. a brief video, story map) on the management process.

**ISSUE 2: Busyness, conflicting schedules, and too many requests for input lead to a lack of participation.** Some noted challenges with scheduling meetings around at times that did not conflict with fishing schedule. Others noted that some members may be receiving too many requests for input.

→ **Strategy 7:** Better utilize standing state advisory groups to gather input on proposed ASMFC actions.

→ **Strategy 8:** Consider completely revamping current AP process to mirror state process, whereby ASMFC establishes one overarching advisory group to provide guidance on fisheries management issues across all species. This group would include diverse user group representation from all member states.

→ **Strategy 9:** Schedule meetings far in advance?

→ **Strategy 10:** Consider providing stipend to incentivize participation.

**ISSUE 3: Meetings cover topics that are not of interest to some members, leading to lower levels of engagement.**

→ **Strategy 11:** Develop an AP meeting week. This could include workshops with relevant issues, as determined by AP members, in addition to AP meetings.

- CON: Most AP members are either working fishermen or have fulltime jobs. Currently, they are reimbursed for travel and per diem. If this approach is taken, the Executive Committee should consider providing advisors a stipend to attend a week-long meeting.



**ISSUE 4: Advisory group input is perceived as biased towards certain interest groups or groups are unable to reach compromises (similar to Issue 7).**

**SUB-ISSUE: Conversations can be dominated by a few vocal members and some members speak from personal agendas.**

→ **Strategy 12:** Task CESS with exploring strategies for addressing this issue

**SUB-ISSUE: Advisory group membership is not representative of stakeholders.**

→ **Strategy 13:** Task either a reinstated Advisory Committee, a reinstated Advisory Panel Oversight Committee or CESS with exploring strategies for addressing this issue

**ISSUE 5: General lack of engagement.**

→ **Strategy 14:** Provide meals at meetings

→ **Strategy 15:** Have advisory groups meet at least once per year in person to continue engagement. This could be an opportunity to integrate CESS representatives to keep them apprised of dynamics in the fishery.

→ **Strategy 16:** Have members periodically reapply to indicate continued interest in participating.

### **Public Input**

A public input process refers to a variety of methods used for obtaining input from the general public on fisheries management. The following lists challenges with public input processes, as well as potential strategies for addressing them as identified in the survey and conversations with ISFMP staff. All survey respondents use public hearings and combine them with one or multiple other public input methods, including email, online forms, paper and online surveys, and webinars. Some also post videos of presentations to support online input.

**ISSUE 6: Busyness, conflicting schedules, and too many requests for input lead to a lack of participation and uninformed stakeholders.** Many survey respondents noted that stakeholders' busy schedules were a key driver in the lack of participation in input processes. In addition, some noted that busyness and being overwhelmed by the number of input requests led to uninformed stakeholders, as people do not have time to learn about a specific subject for a hearing, etc.

**SUB-ISSUE: Input processes are too time consuming.**

→ **Strategy 17:** Provide online videos of presentations or webinars

→ **Strategy 18:** Develop online survey for input. Some respondents indicated surveys have improved the quantity and quality of public input. (If this approach is taken, staff suggests tasking CESS with developing best practices for survey design.)

**SUB-ISSUE: Some stakeholders receive too many input requests.**

→ **Strategy 19:** Allow stakeholders to opt-in to specific topic lists to be notified only when issues relevant to that topic arise. (NOTE: The Commission already does this).

**ISSUE 7: Stakeholders do not believe that their input will be considered or that it will affect management, which leads to a lack of participation and buy-in.** Many respondents noted issues with stakeholders not believing that their input would be taken into account. This may be another factor in lower levels of engagement.

- ➔ **Strategy 5:** Develop communication materials that respond to key themes in public input (i.e. note when public comment has been considered, and when management actions differ from public input, briefly address the reasons why) (Refer to Pros Cons identified on page 2)
- ➔ **Strategy 20:** Host informal/casual meetings with stakeholders to build rapport and allow for more discussion.
  - For example, Maryland used to conduct "Open Houses" for the blue crab fishery. There weren't formal presentations, more like story boards around the room with information on issues and places for people to provide comments. These Open Houses were pretty successful.

**ISSUE 8: Input processes are often dominated by interest groups and have a lack of input from the general public, which leads to biases in the public input.** Many survey respondents noted issues with well-organized interest groups dominating the input processes. In addition, some noted limited input from the general public or difficulties in sorting the interest group responses from those by the general public.

**SUB-ISSUE: Interest groups often dominate the input process.**

- ➔ **See Strategies 17-19 under Issue 6** to increase opportunities for public input
- ➔ **Strategy 21:** Develop Commission policy for how to handle interest group input

**SUB-ISSUE: Form letters overwhelm input processes.**

- ➔ **Strategy 18:** Develop online survey for input. Some respondents indicated surveys have improved the quantity and quality of public input. (If this approach is taken, staff suggests tasking CESS with developing best practices for survey design).

**SUB-ISSUE: General public is not being effectively reached by input solicitation processes.**

Some respondents noted that using social media and other online outreach strategies could be effective in reaching more of the general public. However, others also noted that some portions of the public do not have access to or do not use online communication methods, so they would be left out of an online-only outreach approach.

- ➔ **Strategy 22:** Develop multi-pronged outreach strategies to effectively reach the public across different demographics (e.g. develop social media strategies; engage association leaders to encourage involvement of constituents)
- ➔ **Strategy 23:** Allow stakeholders to opt-in to specific topic lists to be notified only when issues relevant to that topic arise. (NOTE: The Commission already does this).

**ISSUE 9: Ineffective communication leads to uninformed stakeholders, resulting in unhelpful input.**

Some respondents noted challenges with effectively communicating management options etc. to stakeholders. These challenges included messaging that was not tailored towards the general public's understanding, being boxed in by formal processes, and not providing sufficient background information.

- **Strategy 24:** Create more public-friendly draft management documents and provide a 1-2 page summary of the issues explained in the simplest terms possible to increase input.
- **Strategy 25:** Where possible, tailor presentations to audience needs (e.g. some audiences might benefit from more concise messaging, while others may want the background details).
- **Strategy 6:** Create educational materials (e.g. a brief video, story maps) on the management process.