

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

**November 11, 2004**

**Wentworth by the Sea**  
**New Castle, New Hampshire**

## ATTENDANCE

### Board Members

George Lapointe, Maine DMR	Eugene Kray, proxy for Curt Shroeder, PA
Patten White, Maine Gov. Apte.	Roy Miller, Delaware DFW
John Nelson, New Hampshire F&G	Pete Jensen, Maryland DNR
Ritchie White, Hew Hampshire Gov. Apte.	Bruno Vasta, Maryland Gov. Apte.
Dennis Abbott, proxy for Mary Ann Blanchard, NH	Russell Dize, proxy for Richard Colburn, MD
Bill Alder, Massachusetts Gov. Apte.	A.C. Carpenter, Potomac River Fisheries Comm.
Vito Calomo, proxy for Anthony Verga, MA	Jack Travelstead, Virginia MRC
Mark Gibson, Rhode Island, DEM	Preston Pate, North Carolina, DMF
Gil Pope, Rhode Island Gov. Apte.	Damon Tatem, North Carolina Gov. Apte
Eric Smith, Connecticut DMR	David Cupka, South Carolina Gov. Apte.
Lance Stewart, Connecticut Gov. Apte.	Robert Boyles, South Carolina Leg. Comm.
Fred Frillici, proxy for George Gunther, CT	Spud Woodward proxy for Susan Shipman, GA
Gordon Colvin, New York DEC	John Duren proxy for Ralph Balkcom, GA
Pat Augustine, New York Gov. Apte.	Gil McRae, Florida Fish and Wildlife Cons. Comm.
Brian Culhane, proxy for Sen. Johnson (NY)	Mitch Needleman, Florida Leg. Comm.
Bruce Freeman, New Jersey DFG&W	Jaime Gieger, USFWS
Tom Fote, New Jersey Gov. Apte.	Anne Lange, NMFS
Dick Snyder, proxy for Douglas J.T. Austen, PA	

### ASMFC Staff

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

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## **Summary of Motions**

**November 11, 2004**

**Motion to approve the 2005 Action Plan.**

Motion by Mr. Lapointe, second by Mr. Augustine. Motion carries.

**Motion to accept the Reserve Fund Policy as presented by the AOC.**

Motion by Mr. Adler, second by Mr. Augustine. Motion carries.

**Move to accept the nomination of Preston Pate as Chairman of the ASMFC.**

Motion by Mr. Adler, second by Mr. Cupka. Motion carries unanimously.

**Move to accept the nomination for Mr. George Lapointe as Vice Chairman of the ASMFC.**

Motion by Mr. Augustine, second by Mr. Calomo. Motion carries.

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea, New Castle, New Hampshire, on Thursday, November 11, 2004, and was called to order at 1:00 o'clock p.m. by Chairman John I. Nelson.

**-- Welcome: Introductions --**

CHAIRMAN JOHN I. NELSON: All right, we're ready to start the business session. Let me welcome everybody to our business session. You have the agenda that was sent out previously. Are there any additions or changes to the agenda?

**-- Approval of Agenda --**

I don't believe we have any item under Number 6, and I am pleased to say that we have no item under Number 7. We do have a need to re-approve our reserve policy, so we'll take that up right after the action plan under Number 5. That will be our new Number 6. Anything else? All right, the agenda will stand as that.

**-- Approval of Minutes from August 2004 --**

The proceedings from August '04, any changes, modifications to that? Seeing none, they are approved. Thank you. Any public comment at this time? If anyone in the public would like to make a comment, please come forward.

**-- Public Comment --**

The public comment would be on those items not on our agenda at this time, keeping in mind that we will take public comment as necessary on those items as they come along. All right, seeing no public comments, we are at Number 4, resolutions committee report. Jack.

**-- Resolutions Committee Report --**

MR. TRAVELSTEAD: The resolutions committee has deliberated at length and wishes to acknowledge the assistance of Laura Leach in the preparation of the following resolution, which I will read and ask for unanimous support of by acclamation:

"Whereas, the Atlantic States Marine Fisheries Commission celebrated it's 63<sup>rd</sup> Annual Meeting in a most beautiful seacoast city of Portsmouth, New Hampshire, New Castle being a mere technicality; and

Whereas, we were fortunate to negotiate a contract allowing us to meet at the newly restored and elegant Wentworth by the Sea Hotel; and

Whereas, the New Hampshire commissioners proved themselves worthy of rising to the occasion of meeting on the heels of the New York City extravaganza; and

Whereas, the welcome reception gave us the opportunity to mingle with old friends, as well as recognize and honor Captain Herb Drake and Captain Artie Odlin for their numerous contributions over the years to successful fisheries management on the Atlantic Coast; and

Whereas, the lobster dinner – whoops, excuse me, I've got to get the pronunciation right – whereas, the lobster – whereas, the lobster dinner was held at the refined Abenaki Country Club where we showed that we could behave ourselves and where we feasted on two-plus pound local lobster, some of which were apparently inadvertently v-notched, and where John Nelson impressed us with his ability to cut a rug, never leaving the dance floor once the music started; and

Whereas, the 14<sup>th</sup> Annual Captain David H. Hart Award recognized Bill Hogarth as a true friend of the commission and for his commitment to advancing sustainable fisheries management through state-federal partnerships and for teaching us how to fight fairly with rubber bands; and

Whereas, the 13<sup>th</sup> Annual Laura Leach Fishing Tournament masterfully conducted by Doug Grout and Dick Sisson, who we lured out of retirement, provided fun and games for all, as well as great fishing on calm seas; and

NOW THEREFORE, BE IT RESOLVED, that

the ASMFC expresses its deep appreciation to New Hampshire's commissioners, John Nelson, Representative MaryAnn Blanchard, Proxy Dennis Abbott and Ritchie White for their terrific assistance in the planning and execution of this most outstanding 63<sup>rd</sup> Annual Meeting. (Applause)

CHAIRMAN NELSON: Thank you, the resolutions committee and Jack. Thanks very much. We appreciate it. We now have Item Number 5, which is the review consider approval of the 2005 action plan, and Pres is going to work us through that.

**-- Approval of 2005 Action Plan --**

MR. PRESTON PATE, JR.: Thank you, John. I expect the work is going to be easy relative to other tasks that we've accomplished today because we've spent so much time during the workshop earlier in the week discussing the action plan.

I don't think it's necessary to go back through the details of it. There were several recommendations made for additions to and changes of the language that was in the draft plan that was sent out for review. Those changes have been incorporated into the two-page handout that you just received, and I'll ask Bob to go through those very quickly.

MR. ROBERT E. BEAL: As Pres mentioned, all the new language that was requested during the workshop was included in this document. All the underlined language is the new language since you saw the action plan during the workshop.

A couple highlights. Northern Shrimp has moved from Task 1.1 down to 1.2, given that the section decided not to do an addendum. We have incorporated the bycatch reduction coordination group that was recommended by Bruce Freeman.

We have also integrated the shellfish transport committee into the task on the Oyster EIS. I think the other ones are pretty straightforward. We've incorporated the two recommendations

that the habitat committee has made.

I found my note this morning. I forgot to include this one on the sheet, and this is the recommendation that was made by Pete Jensen to further involve ourselves in the Pew and Ocean Commission deliberations that will follow on to those reports that were delivered this year and last year.

You can see that one up there as well, but this is consistent with the language that Pete had recommended. Those are all the changes. I can answer questions if you would like.

MR. PATE: Does anyone have any questions on the action plan? Seeing none, Mr. Chairman, on behalf of the AOC, I submit the action plan to the commission for approval.

**CHAIRMAN NELSON: Okay, we would like to have a motion for approval of the 2005 action plan. George.**

**MR. GEORGE LAPOINTE: So moved.**

**CHAIRMAN NELSON: And Bill seconded. Comments on the motion? Ready for the motion? All those in favor please say aye; opposed; abstentions; null. All right, very good.** Pres, do you want to do the reserve policy?

**--Approval of ASMFC Reserve Fund Policy--**

MR. PATE: Thank you, Mr. Chairman. Another item that the Administrative Oversight Committee considered in its meeting on Sunday was a new policy governing the use of commission funds that are set aside in reserve to be used to respond to unexpected operating expense demands that may arise in the future. Does everyone have a copy?

CHAIRMAN NELSON: Does everyone have the revised copy? I see some nodding of heads. Let's just check for a second here.

MR. LAPOINTE: Is it the version that says "draft for action by Executive Committee 11/11/04"?

MR. PATE: Yes. Everybody has that? Okay. Very briefly, the reserve policy sets up a short-term fund and a long-term fund that is intended to cover the operating expenses accordingly. The short-term fund is required to maintain a minimum of one month's and a maximum of three months' operating expenses for the commission.

The long-term fund, which is established as a permanent reserve, will be established at a level equivalent to at least three months and no more than six months of operating expenses of the commission.

The use of the reserve funds will be at the discretion of the executive director, with the approval of the chair, up to an amount of \$10,000 for the short-term fund to meet the short-term obligations of the commission.

The executive committee must authorize the use of both short-term and long-term funds in excess of \$10,000. **Mr. Chairman, on behalf of the AOC, I submit this policy for approval.**

**CHAIRMAN NELSON: Thank you, Pres. Motion to accept that. Bill Adler; seconded by Pat Augustine. Discussion on the motion? Any discussion? All right, by consensus that is adopted.** Thank you very much.

I would note that it's 1:16, and I applaud everybody for getting us back on schedule. Nicely done, because we were about an hour and a half off of schedule.

**-- Election of Chair and Vice-Chair --**

The next item on the agenda is the elections of chair and vice chair. Gordon, I'd like to turn that over to you for the report from the nominating committee.

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. The nominating committee consisted of Susan Shipman, Gordon Colvin, and Chairman John Nelson. Our chairman came in to replace, late in the season, the retired former chairman, Mr. David Borden, who also assisted

in the nominating committee deliberations.

The nominating committee has met and concluded its deliberations and has recommendations to the commission to present this morning.

On behalf of the nominating committee, I wish to nominate Mr. Preston Pate for the office of chairman of the Atlantic States Marine Fisheries Commission for 2005.

CHAIRMAN NELSON: Thank you, Gordon. Let me turn this over to Vince to conduct the election of the officers.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you. We have a nomination for Preston Pate. Are there any other nominations to come before the board? Is there a motion to close nominations?

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

EXECUTIVE DIRECTOR O'SHEA: Pat Augustine and Bill Adler seconds. Is there any objection to the unanimous election of Preston Pate as chair of the Atlantic States Marine Fisheries Commission? Seeing none, I declare Pres unanimously elected. (Applause) Mr. Colvin, do you have another recommendation?

MR. COVLIN: Thank you, I do, Mr. Chairman. On behalf of the nominating committee, I wish to nominate Mr. George LaPointe for the office of vice chairman of the Atlantic States Marine Fisheries Commission for 2005.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Colvin. Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move we close nominations and cast one vote for Mr. Lapointe as vice chairman.

EXECUTIVE DIRECTOR O'SHEA: Second by Mr. Calomo. Is there any objection to the unanimous election of George Lapointe for vice chairman of the Atlantic States Marine Fisheries Commission? Seeing none, George Lapointe is

elected unanimously. (Applause)  
Congratulations to both winners, and I turn the gavel over to our new chairman.

CHAIRMAN-ELECT PATE: Thank you, Vince. Let me thank the commission for the vote of confidence that you've given me, and I hope that I'm capable of meeting everyone's expectations.

As someone who has been an observer and participant in this process for the last seven years, I've always been impressed with the skills and ability of those that have preceded me in this role, and certainly none more so than what I've been able to learn from John Nelson over the last two years.

He has comported himself with patience and dignity and grace and a great deal of skill that I hope I can match during my reign. Certainly, on behalf of the commission, I would like to express my appreciation to the leadership that he has provided during his tenure as chair. Thank you very much, John. (Applause)

CHAIRMAN NELSON: I feel myself blushing. I'm not going to make a speech. I'm just happy that we could all get up here and have reasonable weather and enjoy the New Hampshire area, so it was kind of nice to step down and be the host at the same time.

I understand my good friend, Pres, is going to follow that same example, unless they extend it for another five years for him. But thank you all. I hope you all enjoyed yourself, and that's all I have to say right now. Thanks again.

CHAIRMAN-ELECT PATE: Thank you, John. Yes, Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. On behalf of the staff, I wanted to publicly acknowledge the contribution John Nelson has given us over the last two years. Many of you don't know this, but he has probably averaged about three hours a week consulting with not only myself, but Bob Beal, Laura Leach.

He has done it in a way that has given us the flexibility to get our job done, keep his fingers on the pulse of what we're doing and facilitate what we're doing and not in any way slow us down; in fact, do just the opposite, add value to our activities and in a lot of cases come up with solutions that saved us a lot of time and actually resulted in much more stable decisions and results.

John, you did that while still putting in your 50 hours a week running the New Hampshire Department of Fish and Game. You were always available to me, and I want to publicly thank you very, very much for that. (Applause)

CHAIRMAN-ELECT PATE: I'll also extend my congratulations to my vice chair, George LaPointe, and I look forward to working with you, George. I think we're both just crazy enough to make this fun for the next two years.

I'm excited about that opportunity, and again thanks for your vote of confidence. The next item on our agenda is a call for any recommendations for other business. Tom.

MR. THOMAS FOTE: When I went out and answered my phone, there was a message from my niece reminding me I had forgotten today is Veterans' Day. It's really appropriate now.

I think of now of the veterans that are over there, the veterans that have served, and maybe hope for the day that there will not be a need for any veterans. I wish we could do a moment of silence for those veterans that are serving right now that will be veterans in the future.

CHAIRMAN PATE: Thank you, Tom. Certainly, I think it's very appropriate that we do take that moment.

(Whereupon, a moment of silence was observed.)

**-- Other Business/Adjourn --**

CHAIRMAN PATE: Thank you very much. Any more business to come before the commission? We have a motion to adjourn.

Meeting adjourned. Thank you.

(Whereupon, the meeting was adjourned at 1:20  
o'clock p.m., November 11, 2004.)

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