



Atlantic States Marine Fisheries Commission

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Patrick C. Keliher (ME), Chair

Spud Woodward (GA), Vice-Chair


Robert E. Beal, Executive Director

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MEMORANDUM

July 21, 2021

TO: Commissioners; Proxies; American Lobster Management Board; Atlantic Coastal Cooperative Statistics Program Coordinating Council; Atlantic Menhaden Management Board; Atlantic Striped Bass Management Board; Executive Committee; Interstate Fisheries Management Program Policy Board; Mid-Atlantic Fishery Management Council; Sciaenids Management Board; Summer Flounder, Scup, and Black Sea Bass Management Board; Tautog Management Board

FROM: Robert E. Beal 
Executive Director

RE: ASMFC Summer Meeting Webinar: August 2-5, 2021

The Atlantic States Marine Fisheries Commission's Summer Meeting Webinar will be held August 2-5, 2021. Meeting materials are now available on the Commission website at <http://www.asmfc.org/home/2021-summer-meeting-webinar>. Supplemental materials will be posted to the website on Wednesday, July 28.

Board meeting proceedings will be broadcast daily via webinar beginning Monday, August 2 at 1:30 p.m. and continuing daily until the conclusion of the meeting (expected to be 3 p.m.) on Thursday, August 5. The webinar will allow registrants to listen to board deliberations and view presentations and motions as they occur. To register for the webinar go to <https://attendee.gotowebinar.com/register/1268548762865393678> (Webinar ID: 606-517-315).

Each day, the webinar will begin 30 minutes prior to the start of the first meeting so that people can troubleshoot any connectivity or audio issues they may encounter. If you are having issues with the webinar (connecting to or audio related issues), please contact Chris Jacobs at 703.842.0790.

If you are joining the webinar but will not be using VoIP, you can may also call in at 415.655.0052. A PIN will be provided to you after joining the webinar; see [webinar instructions](#) for details on how to receive the PIN. For those who will not be joining the webinar but would like to listen in to the audio portion only, you can do so by dialing 415.655.0052 (access code: 904-450-431).

We look forward to meeting with you at the Summer Meeting Webinar. If the staff or I can provide any further assistance to you, please call us at 703.842.0740.

Enclosure: Public Comment Guidelines and Final Agenda

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Atlantic States Marine Fisheries Commission

Summer Meeting Webinar

August 2-5, 2021

Public Comment Guidelines

To provide a fair opportunity for public input, the ISFMP Policy Board approved the following guidelines for use at management board meetings. **Please note these guidelines have been modified to adapt to meetings via webinar:**

For issues that are not on the agenda, management boards will continue to provide an opportunity to the public to bring matters of concern to the board's attention at the start of each board meeting. Board chairs will ask members of the public to raise their hands to let the chair know they would like to speak. Depending upon the number of commenters, the board chair will decide how to allocate the available time on the agenda (typically 10 minutes) to the number of people who want to speak.

For topics that are on the agenda, but have not gone out for public comment, board chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. Chairs will have flexibility in deciding how to allocate comment opportunities; this could include hearing one comment in favor and one in opposition until the chair is satisfied further comment will not provide additional insight to the board.

For agenda action items that have already gone out for public comment, it is the Policy Board's intent to end the occasional practice of allowing extensive and lengthy public comments. Currently, board chairs have the discretion to decide what public comment to allow in these circumstances.

In addition, the following timeline has been established for the **submission of written comment for issues for which the Commission has NOT established a specific public comment period** (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of the webinar (July 12) will be included in the briefing materials.
2. Comments received by 5:00 PM on Tuesday, July 27 will be included in the supplemental materials.
3. Comments received by 10:00 AM on Friday, July 30 will be distributed electronically to Commissioners/Board members prior to the meeting.

Comments should be submitted via email at comments@asmfc.org. All comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution.

Final Agenda

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

Monday, August 2

1:30 – 4:00 p.m.

American Lobster Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia

Other Members: NMFS

Chair: McKiernan

Other Participants: Reardon, Perry, Beal

Staff: Starks

1. Welcome/Call to Order (*D. McKiernan*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2021
3. Public Comment
4. Progress Report on Development of Draft Addendum XXVII on Gulf of Maine/Georges Bank Resiliency (*C. Starks*)
5. Review Work Group Report on Vessel Tracking Devices in Federal Lobster and Jonah Crab Fisheries (*C. Starks*) **Possible Action**
6. Review Jonah Crab Pre-assessment Report and Consider Initiation of a Stock Assessment (*D. Perry*) **Possible Action**
7. Consider Development of a Management Strategy Evaluation of the American Lobster Fisheries (*J. Kipp*) **Possible Action**
8. Other Business/Adjourn

4:15 – 5:15 p.m.

Atlantic Large Whale Take reduction Team (ALWTRT) Update (*C. Coogan*)

NOAA Fisheries will provide an update on efforts to collect information for the ALWTRT to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan to reduce risk to North Atlantic right whales in coastwide gillnet and Atlantic mixed species trap/pot fisheries and Mid-Atlantic lobster fisheries

Tuesday, August 3

9:00 a.m. – 12:30 p.m. Atlantic Striped Bass Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina

Other Members: DC, NMFS, PRFC, USFWS

Chair: Borden

Other Participants: Sullivan, Blanchard, Hoffman

Staff: Franke

1. Welcome/Call to Order (*D. Borden*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from March and May 2021
3. Public Comment
4. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year (*E. Franke*) **Action**
5. Review Juvenile Abundance Index for the Albemarle Sound/Roanoke River
 - Technical Committee Report (*C. Hoffman*)
6. Progress Report for Draft Amendment 7
 - Plan Development Team (PDT) Report (*E. Franke*)
 - Provide Guidance to the PDT for Draft Amendment 7
7. Review Options for Addressing Commercial Quota Allocation in a Future Management Document (*E. Franke*) **Possible Action**
8. Other Business/Adjourn

12:30 – 1:30 p.m. Lunch Break

1:30 – 3:00 p.m. Tautog Management Board

Member States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia

Other Members: NMFS

Chair: Hyatt

Other Participants: Ares, Snellbaker

Staff: Rootes-Murdy

1. Welcome/Call to Order (*W. Hyatt*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from September 2020
3. Public Comment
4. Progress Report on 2021 Stock Assessment Update (*K. Drew*)
5. Review and Discuss Risk and Uncertainty Decision Tool for Tautog (*S. Murray*)
6. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year (*K. Rootes-Murdy*) **Action**
7. Review Implementation of Commercial Tagging Program (*K. Rootes-Murdy*)
8. Other Business/Adjourn

3:15 – 5:15 p.m.

Sciaenids Management Board

Member States: New Jersey, Delaware, Maryland, Virginia, North Carolina

South Carolina, Georgia, Florida

Other Members: NMFS, PRFC

Chair: Fegley

Other Participants: Franco, Giuliano, Paramore, Rickabaugh, Hodge

Staff: Lewis

1. Welcome/Call to Order (*L. Fegley*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from March 2021
3. Public Comment
4. Review Traffic Light Analysis (TLA) for Spot and Atlantic Croaker and Technical Committee Recommendations (*D. Franco, H. Rickabaugh*)
5. Review Technical Committee Recommendations for Black Drum TLA and Benchmark Stock Assessment (*H. Rickabaugh*) **Action**
6. Consider Atlantic Croaker and Red Drum Fishery Management Plan Reviews and State Compliance for 2020 Fishing Year (*S. Lewis*) **Action**
 - Consider State Implementation Plan from Florida for its Commercial Atlantic Croaker Fishery
7. Update on Red Drum Modeling Process and 2022 Simulation Stock Assessment (*J. Kipp*)
8. Other Business/Adjourn

Wednesday, August 4

8:00 – 10:00 a.m.

Executive Committee

(A portion of this meeting may be a closed session for Commissioners and Committee members only)

Members: Abbott, Anderson, Batsavage, Bell, Bowman, Burgess, Cimino, Clark, Davis, Gilmore, Keliher, Kuhn, McKiernan, McNamee, Miller, Patterson, Woodward

Chair: Keliher

Staff: Leach

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
 - Approval of Agenda
 - Approval of Meeting Summary from May 2021
3. Public Comment
4. CARES “The Act” Update (*R. Beal*)
5. Report from the Administrative Oversight Committee (*S. Woodward*)
6. Discuss Annual Meeting Attendance and Future Meeting Formats (*R. Beal*)
7. Discuss Pending Shark Finning Legislation (*R. Beal*)
8. Other Business/Adjourn

10:15 a.m. – 12:15 p.m. Summer Flounder, Scup, and Black Sea Bass Management Board Concurrent with the Mid-Atlantic Fishery Management Council

Member States: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

Other Members: NMFS, PRFC

ASMFC Chair: Nowalsky

Other Participants: Wojcik, Snellbaker

Staff: Colson Leaning, Lewis

1. Welcome/Call to Order (*A. Nowalsky*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from February 2021
3. Public Comment
4. Consider ISFMP Policy Board Directive for Changes to Addendum XXXIII: Black Sea Bass Commercial Allocation **Final Action**
5. Consider Fishery Management Plan Reviews and State Compliance for the 2020 Fishing Year for Summer Flounder, Scup, and Black Sea Bass (*D. Colson Leaning/S. Lewis*) **Action**
6. Other Business/Adjourn

12:15 – 1:15 p.m. Lunch Break

1:15 – 5:15 p.m. Atlantic Menhaden Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: NMFS, PRFC, USFWS

Chair: Woodward

Other Participants: Newhard, Kersey, LaFrance

Staff: Rootes-Murdy

1. Welcome/Call to Order (*S. Woodward*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2021
3. Public Comment
4. Review Data Needs for Spatially Explicit Management of Atlantic Menhaden in the Chesapeake Bay (*J. Newhard*)
5. Review Work Group Report on Commercial Quota Re-allocation and Other Provisions of Amendment 3 (*R. LaFrance*)
6. Consider Initiation of Addendum on Commercial Fishery Measures (*K. Rootes-Murdy*) **Action**
7. Other Business/Adjourn

Thursday, August 5

9:00 – 10:30 a.m.

Wind Energy Development Workshop (*A. Kipsky/P. Burns*)

Updates on the roles of NOAA Fisheries' Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center in the offshore wind development process including data exchange, regulatory process, survey mitigation and research on interactions of offshore wind on NOAA trust resources

10:45 – 11:45 a.m.

Atlantic Coastal Cooperative Statistics Program Coordinating Council

Partners: ASMFC, Connecticut, Delaware, District of Columbia, Florida, Georgia, MAFMC, Maine, Maryland, Massachusetts, NEFMC, New Hampshire, New Jersey, New York, NMFS, North Carolina, Pennsylvania, PRFC, Rhode Island, SAFMC, South Carolina, USFWS, Virginia

Chair: Carmichael

Staff: White

1. Welcome/Call to Order (*J. Carmichael*)
2. Council Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2021
 - Approval of Program Update Document
3. Public Comment
4. Review ACCSP Funding Projections and 2022 Proposals Summary (*G. White*)
5. Accountability Subgroup Report (*J. Simpson*)
6. Discuss Atlantic Recreational Implementation Plan Priorities (*G. White*)
7. Other Business/Adjourn

11:45 a.m. – 12:15 p.m. Lunch Break

12:15 – 2:45 p.m.

Interstate Fisheries Management Program Policy Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: DC, NMFS, PRFC, USFWS

ASMFC Chair: Keliher

Other Participants: Cody

Staff: Kerns

1. Welcome/Call to Order (*P. Keliher*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2021
3. Public Comment
4. Update on Marine Recreational Information Program (MRIP) (*R. Cody*)
 - 2020 Catch Estimate Methodology Review
 - MRIP Survey Data Standards and Future Presentation Changes
5. Reports from the Executive Committee and State Directors Meeting (*P. Keliher*)
6. Update on East Coast Climate Change Scenario Planning Initiative (*T. Kerns*)

7. Update on the Mid-Atlantic Fishery Management Council's Research Steering Committee to Evaluate Restarting the Research Set-Aside Program (*R. Beal*)
8. Committee Reports
 - Assessment Science Committee (*S. Murray*) **Action**
 - Habitat Committee (*L. Havel*)
 - Atlantic Coastal Fish Habitat Partnership (*L. Havel*)
9. Review Noncompliance Findings (if Necessary) **Action**
10. Other Business/Adjourn

2:45 – 3:00 p.m.

Business Session

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Chair: Keliher

Staff: Beal

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2020
3. Public Comment
4. Consider Approval of the Bluefish Allocation and Rebuilding Amendment **Final Action**
5. Consider Noncompliance Recommendations (if Necessary) **Final Action**
6. Other Business/Adjourn

Atlantic States Marine Fisheries Commission

American Lobster Management Board

August 2, 2021

1:30 – 4:00 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/Call to Order (*D. McKiernan*) 1:30 p.m.
2. Board Consent 1:30 p.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2021
3. Public Comment 1:35 p.m.
4. Progress Report on Development of Draft Addendum XXVII on Gulf of Maine/Georges Bank Resiliency (*C. Starks*) 1:45 p.m.
5. Review Work Group Report on Vessel Tracking Devices in Federal Lobster and Jonah Crab Fisheries (*C. Starks*) **Possible Action** 2:20 p.m.
6. Review Jonah Crab Pre-assessment Report and Consider Initiation of a Stock Assessment (*D. Perry*) **Possible Action** 2:50 p.m.
7. Consider Development of a Management Strategy Evaluation of the American Lobster Fisheries (*J. Kipp*) **Possible Action** 3:30 p.m.
8. Other Business/Adjourn 4:00 p.m.

MEETING OVERVIEW

American Lobster Management Board

May 3, 2021

1:30 p.m. – 4:00 p.m.

Webinar

Chair: Daniel McKiernan (MA) Assumed Chairmanship: 02/20	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: Rob Beal
Vice Chair: Dr. Jason McNamee	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: May 3, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 3, 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Progress Report on Development of Draft Addendum XXVII on Gulf of Maine/Georges Bank Resiliency (1:45-2:20 p.m.)

Background

- Addendum XXVII was initiated in 2017 to proactively increase resilience of the GOM/GBK stock but stalled due to the prioritization of Atlantic right whale issues. After accepting the 2020 Benchmark Stock Assessment for American lobster, the Board reinitiated work on the draft addendum in February 2021, with a focus on developing a trigger mechanism that would automatically implement management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. Since then the Plan Development Team (PDT) and Technical Committee (TC) have met a number of times to discuss the development of the addendum and analyze potential management options.
- The TC was tasked by the PDT to analyze possible changes to minimum and maximum gauge size for the management areas within the GOM/GBK stock. Due to competing TC workloads this analysis was delayed.
- The PDT has provided additional guidance on the structure of the management document, and is seeking additional guidance from the Board, with the intention of providing a draft addendum for consideration for public comment in October 2021. **(Briefing Materials).**

Presentations

- Update on the Development of Draft Addendum XXVII by C. Starks

Board Actions for Consideration at the Meeting

- Provide guidance to PDT on draft management options

5. Review Workgroup Report on Vessel Tracking Devices in Federal Lobster and Jonah Crab Fisheries (2:20-2:50 p.m.) Possible Action**Background**

- In May 2021, the Board discussed electronic vessel tracking in the federal lobster and Jonah crab fisheries. They received presentations from state partners on recent work that has expanded upon the Commission's 2020 pilot project on vessel tracking initiated through Addendum XXVI; these projects have tested additional tracking devices, integrated cell-based tracking with ACCSP's SAFIS eTRIPS mobile trip reporting application, and created trip viewers within SAFIS eTRIPS online.
- As in previous discussions, the Board emphasized the critical need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet in order to address a number of challenges facing the fisheries, including Atlantic right whale risk reduction efforts, marine spatial planning discussions, and offshore enforcement.
- The Board formed a technical workgroup including representatives from NOAA Fisheries, state and federal law enforcement, and members of the Board to develop objectives, technological solutions, and system characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries. The workgroup and technical staff from ASMFC, ACCSP and the states have met several times since the May meeting to develop recommendations for implementing tracking requirements in the federal fleet **(Supplemental Materials)**.

Presentations

- Workgroup Report on Electronic Vessel Tracking Requirements by C. Starks

Board Actions for Consideration at the Meeting

- Consider next steps for implementation of electronic vessel tracking for federal lobster and Jonah crab vessels

6. Review Jonah Crab Pre-Assessment Report and Consider Initiation of a Stock Assessment (2:50-3:30 p.m.) Possible Action**Background**

- The Board tasked the TC in August 2020 with conducting a pre-assessment workshop for Jonah crab and providing a report on available data and recommended assessment approaches. Webinars were held November 16-18, 2020, February 11, 2021, June 3, 2021, and June 29, 2021 to review and discuss available Jonah crab data sets, potential assessment approaches, and remaining data limitations. From these discussions the TC produced a Jonah Crab Pre-Assessment Data Workshop Report. The report includes descriptions of available data and limitations, assessment approaches, and research recommendations **(Briefing Materials)**.

- The TC recommends moving forward with a stock assessment to be completed in 2023, consistent with current Northeast Region Coordinating Council and ASMFC assessment schedules (**Briefing Materials**).

Presentations

- Jonah Crab Pre-Assessment Data Workshop Report by D. Perry

Board Actions for Consideration at the Meeting

- Consider initiating a stock assessment for Jonah Crab

7. Consider Development of a Management Strategy Evaluation of the American Lobster Fisheries (3:30-4:00 p.m.) Possible Action

Background

- In May 2021 the Board reviewed TC recommendations on a Management Strategy Evaluation (MSE) for the lobster fishery. The TC recommended the Board pursue a two-phase MSE focused on the GOM/GBK stock, with the goal of providing short-term management guidance at the stock-wide scale while concurrently building the framework to expand the MSE to provide long-term, spatially-explicit management advice. As next steps, the TC recommended a formal process to develop management goals and objectives for the future of the lobster fishery, and forming a steering committee for additional scoping and work plan development (**Briefing Materials**).
- The Board expressed interest in pursuing an MSE but postponed any action on development of an MSE until the August meeting in order to prioritize work on Draft Addendum XXVII.

Presentations

- Review of MSE Options and TC recommendations by J. Kipp

Board Actions for Consideration at the Meeting

- Consider forming a steering committee to develop lobster management goals and objectives and an MSE work plan

8. Other Business/Adjourn

American Lobster and Jonah Crab TC Task List

Activity level: High

Committee Overlap Score: High

Committee Task List

Lobster TC

- Summer-Fall 2021: Provide analysis for development of Draft Addendum XXVII
- Annual state compliance reports are due August 1
- Annual index data update

Jonah Crab TC

- Summer 2021: Develop recommendations on initiating Jonah crab stock assessment
- Annual state compliance reports are due August 1

TC Members

American Lobster: Kathleen Reardon (ME, TC Chair), Joshua Carloni (NH), Jeff Kipp (ASMFC), Kim McKown (NY), Conor McManus (RI), Chad Power (NJ), Tracy Pugh (MA), Burton Shank (NOAA), Craig Weedon (MD), Somers Smott (VA), Renee St. Amand (CT)

Jonah Crab: Derek Perry (MA, TC Chair), Joshua Carloni (NH), Chad Power (NJ), Jeff Kipp (ASMFC), Conor McManus (RI), Allison Murphy (NOAA), Kathleen Reardon (ME), Chris Scott (NY), Burton Shank (NOAA), Somers Smott (VA), Corinne Truesdale (RI), Craig Weedon (MD)

PDT Members

American Lobster: Kathleen Reardon (ME), Joshua Carloni (NH), Robert Glenn (MA), Corinne Truesdale (RI), Allison Murphy (NOAA)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD**

**Webinar
May 3, 2021**

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

Draft Proceedings of the American Lobster Management Board
May 2021

TABLE OF CONTENTS

Call to Order, Chair Daniel McKiernan.....	1
Approval of Agenda	1
Approval of Proceedings from February 2, 2021.....	1
Public Comment.....	1
Consider Technical Committee Recommendation on Management Strategy Evaluation Options for Gulf of Maine/Georges Bank Resiliency and Southern New England American Lobster Fisheries.....	1
Update on Development of Draft Addendum XXVII on the Gulf of Maine/Georges Bank Resiliency.....	10
Provide Guidance to the Plan Development Team on Draft Management Options.....	17
Discussion on Vessel Tracking for the Lobster Fishery	35
Update on Tracking Projects	35
Other Business	50
Appointment to the Plan Development Team for Addendum XXVII	50
Adjournment.....	50

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

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings from February 2, 2021** by consent (Page 1).
3. **Move to postpone the development of a management strategy evaluation until the August 2021 meeting** (Page 7). Motion by Pat Keliher; second by Joe Cimino. Motion carried (Page 11).
4. **Main Motion**
Move to initiate an addendum to develop objectives for collecting high resolution spatial data, identify technological solutions, and develop system requirements (Page 42). Motion by Allison Murphy; second by Cheri Patterson.. Motion Withdrawn (Page 50).

Motion to Substitute
Move to substitute to recommend to the Policy Board that a letter be written to NOAA Fisheries recommending the prioritization of federal rulemaking to require the use of cellular-based or satellite-based vessel tracking devices in the federal lobster and Jonah crab fishery. Include in the letter the Lobster Board's willingness to establish a technical workgroup to support NOAA's efforts on vessel tracking (Page 44). Motion by Pat Keliher; second by Dave Borden. Motion withdrawn (Page 50).
5. **Move that the Lobster Board create a technical working group that includes NOAA, Law Enforcement representatives and members of the Board to develop objectives, technical solutions, and system characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries, and report back to this Board at the August meeting** (Page 50). Motion by Pat Keliher; second by Mike Luisi. Motion carried by consent (Page 51).
6. **Move to adjourn** by consent (Page 51).

Draft Proceedings of the American Lobster Management Board
May 2021

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Jim Gilmore, NY (AA)
Sen. David Miramant, ME (LA)	Emerson Hasbrouck, NY (GA)
Cherie Patterson, NH (AA)	John McMurray, NY, proxy for Sen. Kaminsky (LA)
Ritchie White, NH (GA)	Joe Cimino, NJ (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Tom Fote, NJ (GA)
Dan McKiernan, MA (AA)	Adam Nowalsky, NJ, proxy for Sen. Houghtaling (LA)
Raymond Kane, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Russell Dize, MD (GA)
Colleen Bouffard, CT, proxy for J. Davis (AA)	Shanna Madsen, VA, proxy for S. Bowman (LA)
Bill Hyatt, CT (GA)	Allison Murphy, NMFS

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

Ex-Officio Members

Kathleen Reardon, Technical Committee Chair

Delayne Brown, Law Enforcement Representative

Staff

Robert Beal	Dustin Colson Leaning
Toni Kerns	Savannah Lewis
Maya Drzewicki	Kirby Rootes-Murdy
Kristen Anstead	Sarah Murray
Lindsey Aubart	Joe Myers
Pat Campfield	Mike Rinaldi
Emilie Franke	Julie Defilippi Simpson
Chris Jacobs	Caitlin Starks
Jeff Kipp	Deke Tompkins
Laura Leach	Geoff White

Guests

Karen Abrams, NOAA	Joshua Carloni, NH F&G
John Almeida, NOAA	Barry Clifford, NOAA
Bill Anderson, MD (AA)	Colleen Coogan, NOAA
Max Appelman, NOAA	Heather Corbett, NJ DEP
Pat Augustine, Coram, NY	Jessica Daher, NJ DEP
Joe Ballenger, SC DNR	William DeVoe, ME DMR
Fred Bever, Maine Public Radio	Kurt Doherty
Jeff Brust, NJ DEP	Aubrey Ellertson, CFR Foundation
	G. Warren Elliott, PA (LA)

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Draft Proceedings of the American Lobster Management Board
May 2021

Guests (continued)

Catherine Fede, NYS DEC	Scott Olszewski, RI DEM
Lynn Fegley, MD DNR	Derek Orner, NOAA
Jack Fullmer	Penelope Overton, Press Herald
Angela Giuliano, MD DNR	Chad Pfeiffer
Pat Geer, VMRC	Nick Popoff, FL FWS
Amelia Harrington, Univ. ME	Jason Rock, NC DENR
Heidi Henninger, Offshore Lobster	Bill Semrau, NOAA
Jay Hermsen, NOAA	Burton Shank, NOAA
Asm. Eric Houghtaling, NJ (LA)	Melissa Smith, ME DMR
Carl Lemire, NOAA	Somers Smott, VMRC
Tom Little, Ofc. Asm. Houghtaling	David Stormer, DE DMF
Charles Lynch, NOAA	Jason Surma, Woods Hole Group
John Maniscalco, NYS DEC	Stephanie Sykes, CapeCodFishermen
Kim McKown, NYS DEC	Megan Ware, VMRC
Conor McManus, RI DEM	Anna Webb, MA DMF
Nichola Meserve, MA DMF	Craig Weedon MD DNR
Wendy Morrison, NOAA	Meredith Whitten, NC DENR
Brandon Muffley, MAFMC	Chris Wright, NMFS
Jeff Nichols, ME DMR	Renee Zobel, NH F&G

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Draft Proceedings of the American Lobster Management Board
May 2021

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, May 3, 2021, and was called to order at 1:00 p.m. by Chair Daniel McKiernan.

CALL TO ORDER

CHAIR DANIEL MCKIERNAN: Good afternoon everyone. This is the American Lobster Management Board, the first meeting of the spring meeting of the Atlantic States Marine Fisheries Commission. My name is Dan McKiernan; I am the Administrative Commissioner from the Commonwealth of Massachusetts.

APPROVAL OF AGENDA

CHAIR MCKIERNAN: First on our agenda is to approve the agenda. Is there any objection to the agenda as drafted and submitted to you in the materials? Raise your hand if anyone would like to modify the agenda. Any hands, Toni?

MS. TONI KERNS: No hands, Dan.

CHAIR MCKIERNAN: All right, hearing none it is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR MCKIERNAN: Next is approval of the proceedings from the February, 2021 meeting. Are there any objections to the proceedings as drafted, please raise your hand?

MS. KERNS: I don't see any hands.

CHAIR MCKIERNAN: I'll assume it is approved by unanimous consent.

PUBLIC COMMENT

CHAIR MCKIERNAN: Next is public comment. Toni, usually folks sign up physically with a pen and a clipboard. Has anyone from the public reached out to you or the Commission to speak as a member of the public on any issues that are not on today's agenda?

MS. KERNS: Not that I'm aware of. I'll double-check with Caitlin, and if there is somebody that wants to speak, they can always raise their hand.

CHAIR MCKIERNAN: Okay, why don't we give that a few seconds?

MS. KERNS: I am not seeing any hands.

CHAIR MCKIERNAN: Sounds good.

**CONSIDER TECHNICAL COMMITTEE
RECOMMENDATION ON MANAGEMENT STRATEGY
EVALUATION OPTIONS FOR GULF OF
MAINE/GEORGES BANK RESILIENCY AND SOUTHERN
NEW ENGLAND AMERICAN LOBSTER FISHERIES**

CHAIR MCKIERNAN: All right, next on the agenda we are going to consider Technical Committee recommendation on MSE, Management Strategy Evaluation Options for the Gulf of Maine/Georges Bank and Southern New England American Lobster fisheries. This is a follow up to the February, 2021 meeting, when the Board agreed to proceed with an MSE, or at least in the planning of one.

They tasked the Technical Committee to identify timelines and cost estimates for developing an MSE for both stocks, with several potential focal areas, including recommendations from the Southern New England stock assessment. That's in the briefing materials. I think at this time we have a presentation from Kathleen Reardon, unless Caitlin wants to add anything at this time.

MS. CAITLIN STARKS: No, I think Kathleen can go ahead. She'll probably cover all the background. Thanks.

CHAIR MCKIERNAN: Great, okay so Kathleen Reardon.

MS. KATHLEEN REARDON: As you already described, this is an update to the conversation that was started at the winter board meeting. At the winter board meeting, Jeff Kipp presented an introduction to the Management Strategy Evaluation process, after the Management and Science Committee recommended

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Draft Proceedings of the American Lobster Management Board
May 2021

that the Gulf of Maine/Georges Bank stock was a lobster priority species for this process.

The Board started to discuss the utility of this tool for the Gulf of Maine/Georges Bank stock, but was also asked about Southern New England stock. At this point, the Board tasked the TC to prioritize options, develop timelines, and draft budgets to assist the Board in considering the Management and Science recommendation for use of MSE for lobster management.

As a reminder, this slide gives an overview of the process, including the people involved and the original steps taken in the MSE process. This includes the initiation of an MSE, where stakeholders and managers must identify the objectives, metrics, uncertainties, and potential management to be considered.

Then scientists evaluate the data available, including both biological and economic metrics, then create models and simulations to evaluate those objectives and strategies. Then the stakeholders review those results. The process from objectives to models to review should be an iterative process, but it requires engagement from stakeholder managers to work with the scientists to produce usable options for management that achieve the objectives at the end.

To do this, the Lobster Technical Committee met via two webinars to prioritize and develop the next step for the options for MSE. The Lobster Technical Committee determined that while MSE has the potential for supporting management framework for Southern New England, the Southern New England stock is a lower priority for MSE. This was for several reasons.

The MSE process is meant to be a proactive tool to evaluate potential management to achieve sustainable objectives, and not to produce reactive strategies to current or past stock condition. Additionally, the scale of the

Southern New England lobster stock and industry is much smaller, in terms of fleet size and landings, as compared to the Gulf of Maine/Georges Bank stock.

The impact of an MSE would have less power, in terms of investment and management outcomes. The Technical Committee discussed that the approach to Southern New England, we would anticipate unique challenges that would likely require new data collection and modeling tools to address how the fishery has responded to climate change, and to better understand the dynamics of the mixed crustacean fishery. This would require customized model development and data collection on the stock level. On the other hand, the Technical Committee recommended that the Gulf of Maine/Georges Bank stock is the highest priority for a Management Strategy Evaluation. To approach the Gulf of Maine/Georges Bank stock, the TC recommended a two-phased approach.

The first phase would focus on stock levels models to provide an intermediate MSE at a coarser spatial resolution that could be used to support a management framework in a relatively short timeframe, while allowing time to build knowledge and tools to develop a subsequent spatially explicit MSE in Phase 2.

This phased approach could provide short term management guidance, while concurrently providing opportunity to build the framework and expand to a spatially explicit approach over a longer time period. The extended timeframe may also allow several large-scale changes that we see on the horizon for the lobster fishery that could impact the lobster fishery and management goals, to develop and thus better guide the cost and focus of incorporating spatial considerations explicitly into the MSE.

To get into more detail of the Gulf of Maine/Georges Bank option, the purpose of Phase 1 would be to evaluate the performance of management strategies, in response to changes in recruitment with biological fishery and socio-economic performance metrics. We anticipate this would take about three years, and include the Lobster TC, ASMFC staff, Board members, stakeholders, a biological modeler and an economic

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modeler, and a professional facilitator. The estimated budget would be \$285,000.00.

In thinking about the timing of this process, there are some parallel efforts to consider that would contribute to Phase 1 within the next year. Yong Chen of University of Maine, has submitted a proposal to the National Sea Grant to develop population dynamic simulations, and incorporate environmental effects.

If funded this modeling effort would contribute and provide some of the biological modeling framework within the MSE. Secondly, NOAA Fisheries has initiated and funded a post doc to initiate the conceptualization of an economic model in the economic data collection. This would support development of an economic model within the MSE modeling framework.

In Phase 2, the purpose would be to evaluate the performance of spatially directed management strategies triggered by external forces. The second phase allows for the development and consideration of external drivers like climate change, whale interactions, and offshore wind development. The TC determined that much of the framework and budget, data and modeling requirements would need to be fleshed out and developed during Phase 1.

For more details on the Southern New England option, the Technical Committee recommended the evaluation of performance would need to start with a spatially directed management strategy, in response to changes in the recruitment and diversification of the fishery, with biological fishery and socio-economic performance metrics. At minimum, this effort would take five years and cost around \$750,000.00. But this may be a low estimate, as we anticipate there may be additional cost, dependent on stakeholder objectives. It is possible we could learn how to approach these issues within the two-phase Gulf of Maine/Georges Bank MSEs, but the Technical Committee recognizes the dynamics within the

biology and socio-economics can be different, quite different between the two fisheries. The TC indicated, due to the highly interdisciplinary nature of an MSE process, additional perspectives are needed to provide a comprehensive work plan for the second phase and spatially directed management strategies.

It is also important to recognize that these options currently assume the availability of ASMFC staff and TC members required to do this work. Stakeholder engagement outside the proposed meetings is likely going to be necessary for a successful MSE. With this in mind, staff time may need to be prioritized or modified to accommodate the MSE workload. Some of the competing issues at hand identified by the TC were stock assessments for Jonah crab and lobster, and also whale interactions.

While the TC recognizes that there are uncertainties in these options, we did make some recommendations for next steps. First, we need to develop a formal process to identify the goals and objectives for a future lobster fishery, with stakeholder and Board member input. An example of this is the Ecosystems Management Objectives Workshop, conducted by the Commission to guide ecological reference points for Atlantic menhaden.

Objectives developed from this process would be used to further develop the work plan for lobster. Secondly, the TC recommends the formation of a Steering Committee to complete additional scoping and development of a comprehensive work plan, including outreach with stakeholders to identify funding, and personnel necessary for the effort. Outreach efforts with organizations and fishing associations are not anticipated to incur a high cost, but are imperative for the success of the MSE.

The Steering Committee would include reps from the Board, industry stakeholders, Technical Committee members, ASMFC staff, Committee on Economics and Social Sciences, and the Assessment and Science Committee. It is important to include some people on the Steering Committee that have had past experience with MSEs, and ideally it would be around a dozen people. The next slide, this is my last one, thank you for your attention, and I am happy to take questions.

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

Draft Proceedings of the American Lobster Management Board
May 2021

CHAIR MCKIERNAN: Kathleen, this is Dan. I just have a couple of questions to start. Is the U Maine application for the Sea Grant funds, is that already in the pipeline? Is it necessary for the Commission or the Board to send a letter of support for that proposal?

MS. REARDON: As far as I know, it has already been submitted. I am not sure. I assume that there may have been a letter of support, but Caitlin or Toni might know better on that one.

CHAIR MCKIERNAN: Okay.

MS. STARKS: I believe Jeff Kipp is a Co-PI on that project, and therefore ASMFC couldn't submit a letter of report, but yes, the proposal has already been submitted.

CHAIR MCKIERNAN: It sounds like Sea Grant would be well aware that this would be an ASMFC endorsed work product, so that sounds good. Then my second question on the funding level for this Gulf of Maine/Georges Bank MSE. Would that be funded by the Commission, or would the Commission be looking for contributions from the states? I guess that's a question for Bob and Toni, maybe.

MS. KERNS: Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Dan, we haven't included that cost in our budget for this year. It's kind of a strange year, and we're not traveling as much as we thought, and we may have some funds available toward the end of the year, so we can. But then there is the decision if there are funds left over because we're not traveling.

Is this MSE the highest priority for those funds, or is something else in the Commission a higher priority? There may be a way to fund it from within the Commission. We just have to go through the process to decide through the Executive Committee if that is the priority, if we have the money available.

CHAIR MCKIERNAN: Thanks, Bob. All right, why don't we open it up to questions from members of the Board. Raise your hand if you would like to ask any questions.

MS. KERNS: David Borden, Dan.

CHAIR MCKIERNAN: Go ahead, David.

MR. DAVID V. BORDEN: As I said at the last meeting, I'm a supporter of MSE. I think it's a good idea. We should use the latest technology to try to manage one of our most important resources. Having said that, I'm struggling a little bit on the issue of the timing. The way I understand the presentation, it would take three years to develop an MSE.

Then at that point the Commission would if need be, start an addendum to implement components of the MSE. I'm now kind of thinking about what we're going to get into in a subsequent agenda item, relative to the Resiliency Amendment, and then the triggers. Is it envisioned that we would develop triggers as part of the MSE output, or are these two entirely separate? I'm a little confused.

CHAIR MCKIERNAN: Caitlin, would you like to take a crack at that with Kathleen assisting?

MS. STARKS: Sure. I guess in my mind I see them as separate. The Addendum from what I understand from the Board discussions, is intended to be a short-term action to have management measures that are ready to go if things change for the worse in the next few years. My understanding was the Board wanted to get this Addendum done quickly.

Whereas, the MSE process is a long one as you mentioned. It would take several years to get to the end of the MSE, and then potentially longer to implement any management actions to address the MSE recommendations. I see that more as a long-term process that is asking, in the long term what are the goals of the fishery, and how do you accomplish those goals, given things like climate change or other components that can be put into the models in the

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

MSE. I guess I don't see the Addendum as being something that would come afterwards.

CHAIR McKIERNAN: David, are you good with that answer?

MR. BORDEN: I'm still a little confused, Mr. Chairman, it may just be me, so you may want to call on someone else. It almost seems like we should have an effort that is focused on resiliency, and that the trigger should be part of the MSE action that comes out of that. Maybe it's just my poor understanding of it. I suggest you call on someone else.

MS. KERNS: Dan, Pat Keliher had his hand up, and then Jason McNamee.

CHAIR McKiernan: Great, okay Pat Keliher.

MR. PATRICK C. KELIHER: First I want to thank Kathleen for that presentation, and I appreciate the fact that the TC has gone ahead and prioritized Gulf of Maine and Southern New England, and put together a budget. I do think, considering the size of that budget, I would think that the Executive Committee is going to need to spend some time thinking about that type of cost associated with this type of work. We have not done so to date.

I'm also concerned about the time that it's going to take and the potential speed of any decline that we might have. I would hate to be in the middle of an MSE process, spending a tremendous amount of resources, both from a staff perspective and industry perspective going forward, only to find that we're playing catch up constantly.

People around the table lived that with Southern New England. It seems to me we do need to finalize the Resiliency Addendum first, before we really undertake an MSE strategy, in order to develop things going forward. If there is decline in that time, we've got triggers. To David Borden's point, I think we need those triggers now, in case we, well not in case.

We're starting to see some soft trends now, based on ventless trap and settlement, and we certainly saw a decline in landings last year. At this point, Mr. Chairman, I think I'm ready to make a motion to postpone. But I'll hold that motion until you take more comments, if that would be better.

CHAIR McKiernan: Yes, let's hear from Jason McNamee.

DR. JASON McNAMEE: I think what I'm about to say is in support of what Caitlin offered, and I think also aligns with what Pat just said, and what David was wondering about. I don't see any reason why we couldn't move forward with the Resiliency work, in the sequence about whether it needs to be solidly first, and then move forward with the MSE, or if there could be some overlap.

But there is no reason why that couldn't happen, and then I can't remember who exactly said this, but you know you get the triggers are kind of built under our normal paradigm of just kind of working through some different options, and doing a little math on them, and putting them through the normal management process for approval. Those can then feed into the MSE as options, so we can kind of put them in place. We use our best judgment, thinking that they will be effective in some way, shape or form, and then we can test that in the MSE.

I think they can go together. One doesn't necessarily have to happen before the other. It sounds like people's comfort would be to move forward to get some of these triggers, and work on these triggers of the Resiliency work, get that moving forward. Then I think you can come in underneath with the MSE work.

Now that I think gets to one of the slides in the presentation from Kathleen, and that is, you know we're talking about the same people over and over again generally. It's going to be some preliminary work to sort of map this out a little bit, and to figure out where we might be able to start with some of the MSE stuff that's being done by external folks, while the folks that are already working as part of the ASMFC as their work on the Resiliency Amendment.

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Draft Proceedings of the American Lobster Management Board
May 2021

Mapping the workload, I think is a challenge. But long story short, I think it could work okay to have the Resiliency Amendment kind of get going, and then those things can be pulled into the MSE to sort of test their effectiveness relative to the different tradeoffs that we're going to look at.

MS. KERNS: Dan, you have Cheri Patterson.

CHAIR MCKIERNAN: Great. All right, Cheri.

MS. CHERI PATTERSON: I agree. I think that the MSE needs to start. I think it sounds like there are some external sources that need to start their work, in order to be feeding some of the information into the MSE, and while we are in the interim period of looking at the Resiliency and the triggers that are needed. I think they both, and I understand that there is a heavy lift. I think they both need to be moving forward. One will definitely feed into the other in the longer term.

CHAIR MCKIERNAN: Well, we've heard from the four states that have fisheries in the Gulf of Maine/Georges Bank. Is there anyone else on the Board or any other members of those delegations that want to comment or ask questions? No hands?

MS. KERNS: No hands, Dan.

CHAIR MCKIERNAN: I actually heard some conflicting things. I thought I heard Pat Keliher suggest the MSE, we might pump the brakes on it. Whereas, I heard Cheri say let's go forward with it, and I heard Jason say let's move forward with. Well, we're going to talk about that next, the Addendum XXVII on Resiliency, because that will fall into place and can be tested in the MSE. I think we need a little more discussion on this. Pat, do you want to weigh in again? I think that so far, I'm not hearing consensus. But maybe I'm misinterpreting some of the comments.

MR. KELIHER: Mr. Chairman, thank you. I heard a little bit of the same, I think in what Cheri was saying that it still is a workload issue from the comments she was making. **I would make a motion to postpone the development of a Management Strategy Evaluation, until the Resiliency Addendum has been completed.** If I get a second, I could speak a little more to it.

CHAIR MCKIERNAN: All right, is there a second to Pat's motion?

MS. KERNS: Joe Cimino.

CHAIR MCKIERNAN: Okay, thank you Joe. Go ahead, Pat, if you want to speak to your motion.

MR. KELIHER: Yes, I think in postponing, it certainly is not my intent to kick the can down the road forever here. I think it gives us the time to prioritize the work in front of us on the Resiliency Addendum. As I said earlier, I think we need that Addendum in place with trigger mechanisms in place before we even initiate the development of an MSE in that first phase is upwards of three years long.

I'm also concerned, it's been touched on by several others about the work load that we have in front of us with the Addendum. MSE is also going to take a significant amount of time for the industry to participate, and we all know that their focus is definitely elsewhere right now, you know and that work load goes beyond them to other people within our agencies as well. With that I would urge us to prioritize the Resiliency Addendum and postpone until we finalize it.

CHAIR MCKIERNAN: Okay Pat, thanks, is there anyone else who would like to speak in favor of the motion?

MS. KERNS: I don't know if it's in favor or not, but Jason has his hand up.

CHAIR MCKIERNAN: Jason.

DR. McNAMEE: I don't know if it's in favor of either. Maybe you can hear me out and decide. You know everything that Pat said I think I am in agreement with. The one thing that gives me hesitation with this

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Draft Proceedings of the American Lobster Management Board
May 2021

motion is, what I was trying to get at before. I think we should start work on the Resiliency Amendment first, so that is consistent with Pat.

But I don't know that there aren't elements of the MSE that can get started. I don't think we need the Amendment to start, get worked on and finished before we start the MSE, because I think in some elements of the MSE there might be external partners that are doing the work. I would love to see. You know I have concerns about work load as well.

I would love to see a map of how this could work in the most, try and optimize this a little bit. Figure out what we can get done for the MSE, while the ASMFC folks are working on the Amendment. I would hate to just delay this to the conclusion of the Amendment if we don't have to. I guess that's my point.

CHAIR MCKIERNAN: I have a question, maybe back to Kathleen and the U Maine proposal to Sea Grant. Do you think the funding of that is contingent upon this Board embarking or reaffirming its commitment to do an MSE?

MS. REARDON: I don't think I can answer that question. The National Sea Grant, I believe that Review Panel is probably independent of this process, I would guess.

CHAIR MCKIERNAN: I guess this is a chicken and egg challenge here, because next on our agenda we're going to talk about the development of Draft Addendum XXVII, and I'm trying to figure out timing, because if we come back. I don't want to jump the gun here, but if it's a timing issue, and the document is approved by, let's say the August meeting. I kind of doubt we would be able to approve it in time for October, but maybe we're talking February. Then we would be embarking potentially on the MSE. Pat Keliher, is that how you envisioned things developing?

MR. KELIHER: Mr. Chairman, I think it is. I mean my intent here is not to preclude our

external partners from doing that work. It's strictly to prioritize our work around the Resiliency Addendum. I'm not trying to put any sort of a gag order on respective staff that has some interaction with those external partners.

I just want to make sure we get the Commission to focus on the Resiliency Addendum in the interim. I feel like it is compatible to what Jason is saying, because I agree with Jason. The intent is not to stop all work on it, it's just to focus the Commission's work, and if we have an opportunity to interact during this period of time with our external partners, we should definitely do so.

CHAIR MCKIERNAN: Pat, would you envision that at the meeting when any Draft Addendum XXVII was approved as a final action that the MSE evaluation would also be part of our agenda to then kick-start that?

MR. KELIHER: Yes, I think as soon as we're completed with the Addendum, the next set of work on the prioritization list would be MSE.

CHAIR MCKIERNAN: All right, so we're still in discussion about the motion. Is there anyone else who hasn't spoken, or Jason would you like to weigh in?

MS. KERNS: Dan, you have a list of folks, Ali, Cheri, Joe, and David, who are all names. Jason put his hand down, but he did raise it at some point there.

CHAIR MCKIERNAN: All right, thank you for that, Toni. Let's go to Ali.

MS. ALLISON MURPHY: I would support this motion. I think you know one of the tradeoffs that I heard mentioned in the discussion of this, either today or last meeting as well is that we might not be able to complete the Jonah crab stock assessment. Correct me if I'm wrong, Mr. Chairman, but I think we are supposed to be getting a report out on some pre-assessment work in August. I think delaying, at least until August, would kind of at least give me a better sense of what that tradeoff is.

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Draft Proceedings of the American Lobster Management Board
May 2021

CHAIR MCKIERNAN: Cheri Patterson.

MS. PATTERSON: I do agree that the Resiliency Addendum should be prioritized, but I really do not like to see that word postpone the development of an MSE, because I think that that needs to continue to be moved forward. I would hate to see any sort of delay in, say this Resiliency Addendum, or even Jonah crab work continue to postpone this MSE.

I wouldn't mind seeing that the Resiliency Addendum be prioritized in this motion, but that the MSE will continue development, whether that be just outlining the steps, determining the outside sources that are going to be producing some information for this and such. But I think it's important to keep this one moving.

CHAIR MCKIERNAN: You're opposed to the motion as drafted at this point.

MS. PATTERSON: Correct.

CHAIR MCKIERNAN: Joe Cimino.

MR. JOE CIMINO: I guess now, after Jason's comments and the maker's clarifications. I just want to say as seconder on it, I fully agree with what Jason was hoping for, and Pat's acceptance of that this motion does not stop that. I'm still in favor.

CHAIR MCKIERNAN: Toni, any other hands?

MS. KERNS: You have David Borden.

CHAIR MCKIERNAN: David Borden, go ahead.

MR. BORDEN: I think I'm opposed to this specific language, and having said that I totally support what Pat said when he verbalized it, which was basically that we would prioritize the work on the Resiliency Addendum, and to the extent that we can work on MSE we would allow that process to go forward. I'm

supportive of his verbal characterization, but the language here is a little problematic.

CHAIR MCKIERNAN: David, do you have any recommended amendments to the language, or would you like to substitute?

MR. BORDEN: No, not at this time, thank you.

CHAIR MCKIERNAN: Okay. Toni, anyone else?

MS. KERNS: You now have Pat Keliher and Cheri Patterson.

CHAIR MCKIERNAN: Go ahead, Pat.

MR. KELIHER: Yes, Mr. Chairman, I realize the motion belongs to the Board at this point in time, but I think this feels like a little bit of semantics here. What I am trying to do is prioritize. If the seconder agrees to just readjust the language here to say prioritize the Resiliency Addendum over MSE, and just leave it at that. I'm happy to have it go forward that way, and it seems like that might meet everybody's intentions, based on their comments.

CHAIR MCKIERNAN: That might be a little too vague, because I think. Help me out, Caitlin. I think the Technical Committee wants us to, or the PDT wants us to develop possibly a Steering Committee, right, coming out of this?

MS. STARKS: Yes, thank you. I think it is a little vague to just say prioritize the Addendum over a Management Strategy Evaluation. I think we would need some more specific guidance as to when you would like the Steering Committee to be formed. Do you want to wait until the Draft Addendum is approved for public comment for us to form a Steering Committee and have that group meet?

Just more detail in what you're envisioning the timeline looking like would be helpful, because I think if you say that we're unclear on what to do, for example between now and the August meeting, in terms of the MSE, because right now the focus is on that Draft Addendum.

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

Draft Proceedings of the American Lobster Management Board
May 2021

CHAIR MCKIERNAN: Would it, and I know I'm going to get to Cheri in a minute here. Would it be possible to postpone any vote on this MSE until say the August meeting, when at that time we will likely have a Draft Addendum XXVII, and probably will be able to take the temperature of the Board as to, you know whether the options that are coming out like have Board support.

Then things might fall into place a little better. I think we're all struggling with these two initiatives, and I know those who have been in favor of proceeding are comfortable delineating how they differ. But I still think that there is some sequencing here that is a little confusing. I see Bob Beal put his hands up. Bob, do you want to weigh in as the Executive Director with some guidance?

EXECUTIVE DIRECTOR BEAL: If my hand is up that is not intentional, but since I'm talking, I might as well keep talking. I think maybe postponing until August so you have more information in front of the group is fine. It doesn't delay things very long. You know the MSE is a multi-year project, and waiting a couple months really won't change the course of that very much, and we'll be able to get a lot more information in front of the group.

CHAIR MCKIERNAN: Okay, but I still have a live motion up, and I still have some folks who have their hands up. Cheri Patterson.

MS. PATTERSON: I'm for what you just indicated. I'm okay with delaying this particular vote until the August meeting, when we get some more information on how far the Resiliency Addendum has moved forward.

CHAIR MCKIERNAN: Is there anyone else, Toni? Do we have Emerson and Adam with their hands up, or no?

MS. KERNS: No, I don't have any of those hands up, I just see Pat's hand up still, but he took it down, so I think that was left over from before. No hands.

CHAIR MCKIERNAN: I have a motion. Do we need to vote this motion up or down, given that there is some support building for maybe just a one-meeting postponement, as maybe a friendly amendment?

MS. KERNS: If that is the agreement of the Board to postpone to the August meeting, we might want to write that into the motion if Pat is open to that, and if not then we can bring the motion back, if it's the Board's intent to bring the motion back at the meeting, they can vote it back to the table.

CHAIR MCKIERNAN: Do we need a motion to table then, if we're not going to vote on this, or to postpone until August? Is that a separate motion that we need, Toni?

MS. KERNS: No, just to bring it back to the meeting, since there is no time certain here. We would need to vote it back to the table at the August meeting.

CHAIR MCKIERNAN: But how do we get this from being a live motion, do we just get consensus from all the Board members?

MS. KERNS: You can vote the motion up or down, and there is just no time certain to when, I mean it's just until the completion of the Resiliency Addendum. If somebody wants to bring it back up at the August meeting then they can bring it then.

CHAIR MCKIERNAN: Yes, well the reason I am looking at this motion and I see until completion of the Resiliency Addendum, which Pat and I just mapped out may not be until February of 2022. If we want to continue conversations about the MSE in August or in October, that would prevent it from coming up, right?

MS. KERNS: The Board could discuss it, but Pat has his hand up, and then David and then Ritchie.

CHAIR MCKIERNAN: Go ahead, Pat Keliher.

MR. KELIHER: Yes, if my seconder would agree to this small change, we could move to postpone the development of a Management Strategy Evaluation until the August meeting. That pushes it off to the

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

next meeting, and then we can revisit the issue and figure out which direction we want to go in.

CHAIR MCKIERNAN: Okay, thanks. Ritchie, we haven't heard from you yet, Ritchie White.

MS. KERNS: Can we find out if that is okay with Joe?

CHAIR MCKIERNAN: Oh, with Joe, okay. Joe, as a seconder, are you good with that?

MR. CIMINO: I do support that, and while I have the microphone, Mr. Chair. At that August meeting, you know Jason McNamee brought up the concept of maybe having this timeline mapped out for how an MSE would proceed. I would hope that perhaps by then we can have something like that.

MS. TINA L. BERGER: Maya, you can make that change to the motion.

MS. KERNS: Dan, just a question to staff on whether or not, you know Jeff or Caitlin. Would that map be able to be created without a Steering Committee, or would you need a Steering Committee to create that map?

MR. JEFF J. KIPP: This is Jeff.

MS. STARKS: This is Caitlin, oh go ahead, Jeff.

MR. KIPP: I can jump and take this one. We did provide a timeline in the memo, and it gives the timeline of our major milestone, being the workshops. That is sort of in there as an initial map. I don't know if folks were interested in seeing more detail, but if they were then yes, we wanted the Steering Committee to be formed to help provide those greater details.

CHAIR MCKIERNAN: Okay, but this particular motion simply postpones the development, so there wouldn't be any creation of the Steering Committee if this motion were to pass.

MS. KERNS: That is correct, Dan, I just wanted to make sure that there is an expectation from the Board of what would come in front of them in August.

CHAIR MCKIERNAN: Okay. We haven't heard from Ritchie White.

MR. G. RITCHIE WHITE: I was just going to make a motion to change the motion as Pat has already done, thank you.

CHAIR MCKIERNAN: All right, so are we comfortable with Pat's motion, which would postpone any new developments, in terms of the creation of a Steering Committee just three months out, and then we would come back with some more discussion, and then at that time we'll ask the creation of a Steering Committee.

MS. KERNS: Mr. Chairman, Joe has his hand up. I don't know if it's a factor from before or not, it was so he no longer has his hand up. I don't see any hands raised.

CHAIR MCKIERNAN: Since Jason brought up the issue of mapping out the future. Jason, are you comfortable if we simply pick this up in August, without any developments over the next three months?

DR. McNAMEE: Yes, thank you, Mr. Chair. Yes.

CHAIR MCKIERNAN: All right, so why don't we proceed to a vote on this. **Is there any objection to the motion as amended and appearing on the board at this time?**

MS. KERNS: I see no hands, Mr. Chair.

CHAIR MCKIERNAN: All right thank you. **Seeing none, it is approved by unanimous consent.**

**UPDATE ON DEVELOPMENT
OF DRAFT ADDENDUM XXVII ON THE
GULF OF MAINE/GEORGES BANK RESILIENCY**

CHAIR MCKIERNAN: All right, well we're looking forward to that at the August meeting, because

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Draft Proceedings of the American Lobster Management Board
May 2021

obviously the next item on the agenda is the one that I think the Board is trying to prioritize and develop on a quicker timeframe, and that is Update Draft Addendum XXVII on the Gulf of Maine/Georges Bank Resiliency. Clearly this is something some of the Board members want quicker than the three to five-year timeline. At this time, there is a presentation by Caitlin, I believe.

MS. STARKS: Yes. All right, just want to make sure everyone can see the slide.

CHAIR MCKIERNAN: Yes.

MS. STARKS: Great. All right, this is Caitlin Starks, the FMP Coordinator for Lobster. I'm going to give a presentation on the development of Draft Addendum XXVII, which is on Resiliency of the Gulf of Maine and Georges Bank stock. In the presentation today I'll just be covering some background information on the action, go over the draft timeline for the action's development.

I'll briefly review the new abundance reference points from the 2020 assessment, as they pertain to this discussion, as well as the current management measures. Then I'll summarize some considerations for the Addendum that were raised by the Technical Committee, highlight some areas where the Plan Development Team has requested guidance from the Board.

Then finally I'll go over the Plan Development Team's recommendations for draft management options. Draft Addendum XXVII was originally initiated in August, 2017. The Board at that meeting received a report from the Gulf of Maine and Georges Bank Subcommittee, which was established to discuss future management of the stock, given changing ocean conditions.

The Committee highlighted some concerns about decreasing trends in Maine's larval settlement survey over recent years, and that

those trends might be foreshadowing future declines in recruitment and landings. As a result of that report, and the Committee recommendation, the Board initiated Draft Addendum XXVII to increase the resiliency of the Gulf of Maine and Georges Bank stock, by considering uniform management measures across the stock.

However, following the initiation of the Addendum, work on the Atlantic right whale issues became the Board's highest priority, and efforts on the draft addendum were stalled. Then in February, '21, this year, the Board reinitiated work on this addendum after receiving the 2020 stock assessment results.

As I mentioned on that last slide, prior to February, 2021, the focus of the draft addendum was on standardization of management measures across the LCMAs in the Gulf of Maine and Georges Bank stock to resolve differences in measures that would allow some lobsters to be protected in one LCMA, but harvested in another. The five areas that were recommended by the PDT to consider standardizing were the V-notch definition and requirements, minimum gauge and vent size, maximum gauge size, whether tags issue for trap tag losses should be issued before or after the trap loss occurs, and finally whether these regulatory changes would apply throughout LCMA 3 or just to the Gulf of Maine and Georges Bank portion of LCMA 3.

In February the Board made this motion on the screen to reinitiate PDT and TC work on the Gulf of Maine Resiliency Addendum. The Board specified that the Addendum should focus on a trigger mechanism, such that upon reaching the trigger measures would automatically be implemented to improve the biological resiliency of the Gulf of Maine and Georges Bank stock.

That changed the focus a little bit from standardization. This is the proposed timeline for the development of the Draft Addendum, and as I mentioned work was reinitiated in February, and since then the PDT and TC have met several times each to work on developing the draft management options, and think about that trigger mechanism.

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Draft Proceedings of the American Lobster Management Board
May 2021

At this meeting today the goal is to review the recommendations from those groups, and get input from the Board to guide the development of the document. Then after this meeting over the summer, the PDT and TC will work to prepare the draft addendum document, and the plan is to present that document to the Board at the August meeting for consideration for public comment.

If approved for public comment in August, public hearings could take place in late August or early September, and the Board would then be able to meet to consider the Addendum for final approval in October. Now because these are relevant to the discussion today, I just want to briefly review the abundance reference points that were approved following the 2020 assessment.

The Board adopted three reference points for the Gulf of Maine and Georges Bank stock, based on the assessment and peer review recommendations, and those are fishery/industry target, an abundance limit, and an abundance threshold. As a reminder, these reference points were developed using a new methodology that accounts for a changing environmental regime. The fishery industry target is the highest reference point, and that is calculated as the 25th percentile of the high abundance regime.

Below that level the stock's ability to replenish itself is not considered diminished or jeopardized, but falling below this reference point just represents moving towards the lowest levels of abundance during the current abundance regime. Next is the abundance limit, and that is calculated as the median of the moderate abundance regime, and below this limit is where the stock abundance is considered depleted, and the stock's ability to replenish itself is diminished.

Then lastly, the abundance threshold is the lowest reference point, and that is equal to the average of the three highest years of the low

abundance regime, and below this level the stock abundance is considered significantly depleted and in danger of stock collapse. Here is a visual for these three reference points and where they fall on the Gulf of Maine and Georges Bank model abundance curves. The dotted line at the top is the fishery industry target, the dash line is the abundance limit, and the solid line at the bottom is the abundance threshold. The black dot on the right represents the average abundance from 2016 to 2018, which is what was used to make the stock status determination. As you can see, above the fishery/industry target the highest reference point. I'll just also note here that the three gray areas are the different abundance regimes. Since we'll also be talking about some of the measures today, I just wanted to quickly remind everyone of what those are for each area.

I just wanted to put these up on the screen, and most importantly, well these are just the areas within the Gulf of Maine and Georges Bank stock. I think the most important thing is to just make note of the differences in a minimum gauge size and vent sizes across the areas, the differences in the V-notch definitions and requirements, and the differences across areas and maximum gauge size, as well as differences within the outer Cape Cod area for state and federal waters.

Now I'll just go over some of the key takeaways from the Technical Committee discussions on the Addendum and, in particular, the TC thought about and offered their advice to the PDT on indices that could be used to establish triggers for management measures. The levels are conditions that could be used to define those triggers, and the types of management measures that could be used to increase biological resiliency.

On the triggers, the TC discussed the pros and cons of various data streams that could be used to establish those triggers. They ultimately agreed that the abundance indices that will be updated annually during the data update process that was recommended by the Stock Assessment Subcommittee would be the most appropriate to use for index-based triggers.

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Draft Proceedings of the American Lobster Management Board
May 2021

These include the Maine and New Hampshire Trawl Survey, the Massachusetts Trawl Survey, and the Ventless Trap Survey Indicators. The TC specified that the indices specifically for a pre-recruit abundance would be preferred for both the Trawl and VTS Surveys, because looking at those sublegal sizes can provide a forewarning for future trends in spawning stock biomass.

For the trawl survey, the recommendation would be to combine the Maine and New Hampshire Survey and the Massachusetts Survey data into single indices by season, and constrain those to the survey provided strata, and specifically for sizes from 71 to 80 millimeter and sexes aggregated.

Then for the Ventless Trawl Survey it's noted that while the time series is shorter, and the focus is more on the inshore areas versus offshore, the Technical Committee still agreed that it should be considered as an index for establishing triggers. They also reviewed correlation analysis from the stock assessment, and noted that there is a relationship between those trawl indices and the model abundance, which is supported by using those indices for a trigger mechanism.

The Technical Committee also discussed the idea of you could establish a trigger based on the model abundance from the assessment, but they noted that this approach has a drawback in that it wouldn't allow management responses to be as timely, since the action could only be triggered if there is an assessment. Therefore, they suggested that it might be appropriate to have multiple triggers with one being based on indices, and one being based on model abundance. As for how those trigger levels should be defined. The Technical Committee agreed that they should be related at least to the assessment model outputs and the abundance reference points adopted by the Board. The two relevant reference points that were discussed were the fishery industry target, which is that highest reference point, and a trigger level that is linked to this reference point

on a scale of very proactive or conservative to not so active, would be more on the proactive end of the spectrum.

The abundance limit is the point again at which the stock is considered depleted. Having a trigger level associated with that reference point would be a more reactive than proactive management choice. If the trigger mechanism is based on survey indices, the Technical Committee suggested that the trigger point could be defined using a rate of change approach.

For example, this could be something like if the medium rate of change over three years is negative 10 percent that would trigger the management measures. In this approach the TC recommends using a running median to smooth out annual variation, and also to better identify declining trends as opposed to an average.

The TC also discussed possibly basing the rate of decline on the trends that were observed in the Southern New England indices around the time of the stock collapse. But further exploration would be needed to come up with that relationship to define that rate of change. Then lastly, the Technical Committee felt it would be important to incorporate the overall magnitude of decline, as opposed to just saying a certain number of years of decline.

Specifically, they suggested defining a magnitude of decline that would approximate the abundance falling from current levels to one of the reference points. To give you an example of what the TC needs with that last suggestion. If we assume that the current abundance is equal to the three-year average abundance for the terminal years of the assessment, which is that black dot, and the level of abundance we want to approximate with the index-based trigger is the abundance limits.

Then we would take the distance between those two points, and figure out what the percent decline is, and use that magnitude of decline in the index as the trigger for management measures. The TC may need to do some additional analysis to figure out what that relationship is between the model abundance and the indices, but this gives you a general idea of what they

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mean. Then lastly, the Technical Committee discussed the types of management measures that are most appropriate for the goal of increasing biological resiliency.

Overall, they agreed that increasing the minimum gauge size is expected to have the biggest impact on stock resiliency, by allowing more individuals in the population to reproduce, even with relatively small changes to the minimum gauge size. They noted that when you increase the minimum gauge size, that is expected to marginally decrease the number of lobsters landed, but that the total weight of landings would likely increase.

They also agreed that vent size changes should be consistent with changes in the minimum gauge size. Then for maximum gauge size, the TC commented that changes do have the potential to provide increased stock resiliency, but that the effects are less certain, especially offshore where there is less data available. They noted that for maximum gauge size, minor changes are also less likely to have a big impact, because inshore where most of the landings are from, the size structure of the population is also truncated such that there aren't many large lobster individuals being caught. During these discussions the Technical Committee reviewed the gauge size analysis that was done previously for this Addendum, before it was held up.

They acknowledged that while the inshore data were fairly comprehensive for that the data available for Area 3 that were used in that analysis were quite limited, so the Technical Committee is planning to update the analysis, include some more recent data that have become available since the 2015 assessment on discards in Area 3.

With those updated analyses they should be able to have a better idea of how gauge size changes would impact the offshore portion of the stock. Before I go into the PDT recommendations and draft management options, I just want to bring some questions to

the Board's attention that the PDT and TC have requested feedback on.

Both of these groups have expressed that without the Board providing them some direction on the goals and objectives of the Addendum, they can't really move forward with developing appropriate management options. The questions they would like the Board to think about as we discuss the Addendum today are, what are the Board's objectives with regards to biological resiliency of the stock?

For example, should draft management options aim to maintain the current levels of abundance and productivity, or if not, then what levels of abundance is the Board aiming to maintain, or are there other goals related to biological resiliency that the Board is hoping to achieve, like broadening the size structure of the stock. Second, how proactively does the Board want to react to changes in the stock?

For example, how much decline is the Board willing to tolerate before implementing measures, and how does the Board want to react to changes in stock indices between assessments. Third, what are the Board's priorities with regard to standardization of measures across LCMA's versus stock resiliency? Is one of these more important than the other? Then lastly, if the Board is looking to standardize measures throughout the Gulf of Maine and Georges Bank stock, what are the goals and purposes of standardizing those measures?

Is the Board most interested in standardization for the purpose of increased resiliency or for improving enforcement, or facilitating stock assessment, addressing supply chain issues, et cetera? If there is more than one objective for standardization, how should they be prioritized? Without having full direction on those questions, the PDT has recommendations about how to structure the management options in the Addendum.

They recommended that the management options be presented in a package structure, where each option that goes out for comment would include a predetermined set of management measures that would be implemented when a defined trigger is met.

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The Board will review the minutes during its next meeting.

The rationale behind this structure is that the measures would then be able to be crafted with specific goals in mind, and relative to the trigger level that they are associated with. Secondly, it reduces the burden on the public to think through all the possible outcomes if there is a number of proposed triggers, and a variety of management measures that are being considered separately. In addition to that, the PDT has recommended options that are not all mutually exclusive, and could be combined with one another to accomplish multiple goals, or allow for different management responses to occur at different trigger points.

As you'll see in the next slide, the different options represent alternative goals, or different levels of precaution. Some options focus more on the standardization of measures, while some focus only on resiliency and increasing resiliency, and some are a balance of both. Then likewise, some of the options are more proactive while others are less proactive.

This is an overview of the five options the PDT has drafted, and in the next slide they'll go into detail on each one. But Option 1 is always the status quo. Option 2 is more focused on the issue of standardization and resiliency, so it would aim to standardize some of the more easily resolved inconsistencies and measures within and between LCMA's.

For that Option 2, those measures would be implemented upon final approval of the Addendum, rather than through a trigger mechanism. Then Option 3 is focused only on resiliency, and it would be to implement LCMA specific measures to increase biological resiliency, upon reaching a defined trigger.

Then Options 4 and 5 are aiming to balance standardization with resiliency, and there are envisions of kind of complementary options, where standardized measures would be implemented by reaching one trigger in Option 4, and another change to measures to increase resiliency being implemented at another trigger

under Option 5. As I mentioned, that some of these are not mutually exclusive, and could be combined. That is what the color-coded column on the right is showing, so the options with matching colors can be combined with one another.

I also want to note that for most of these options the PDT has not yet defined specific triggers or management measures, because they are looking for that additional direction from the Board on the goals and objectives, in order to determine what is appropriate. As I go through these, I'll try to highlight where the PDT has made some suggestions for the Board to think about and discuss. All right, so I'll go into a bit of more depth on each option.

Option 1 obviously is straightforward, but status quo would maintain the current management measures, and would not establish any trigger mechanisms. It probably goes without saying, but this cannot be combined with any other option. Option 2 is to implement some standardized measures upon final approval of the Addendum, and there are a few sub-options that determine which standardized measures would go into effect.

Sub-option 2A is that standardized measures would only be implemented where there are existing inconsistencies in measures within an LCMA for state and federal waters in the Gulf of Maine and Georges Bank stock, and they would be standardized to the most conservative existing measures. What that translates to is that the maximum gauge size in outer Cape Cod would be standardized to 6-3/4 of an inch for both state and federal waters, and the V-notch definition and requirement would be standardized to 1/8 of an inch, with or without the setal hairs. Sub-option 2B would add on to that by also standardizing the V-notch requirement across all LCMA's in the Gulf of Maine and Georges Bank stock. This would result in mandatory V-notching for all egggers in LCMA 1, 3, and outer Cape Cod. Then Sub-option 2C adds on further with the option of standardizing regulations across LCMA's, such that there would be no issuance of replacement tags for trap losses before a trap loss occurs. Option 3 focuses on increasing resiliency, and not on standardization.

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Draft Proceedings of the American Lobster Management Board
May 2021

This option establishes a trigger to implement LCMA specific measures to increase resiliency. The first sub-option is to increase the minimum gauge sizes in each LCMA of the Gulf of Maine and Georges Bank stock by an equivalent amount. Again, the PDT has not determined what the proposed measures would be yet, but as an example for discussion, they put forward increasing the Area 1 minimum gauge size to 3 and 5/16 of an inch.

It is currently at 3 and 1/4 of an inch, and then increasing the Area 3 and outer Cape Cod sizes by an equivalent amount, and the goal being to bring the minimum gauge sizes closer to the size at 50 percent maturity. The second sub-option is to implement those increases to minimum gauge sizes, and also decrease maximum gauge sizes by equivalent amount.

Again, the PDT has not defined those measures yet, as they are still waiting to see more analyses from the TC. Then as a final note, this option could be combined with Option 2, but not with the next few options. As I go through Option 4, it is just important to keep in mind that the PDT has kind of intended Options 4 and 5 to work together.

Option 4 is to implement the standardized measures upon reaching a defined trigger, which we're calling Trigger 1, since it hasn't been defined yet. The idea with this option is that Trigger 1 would be set at a relatively proactive level, compared to the trigger in Option 5, and the measures that would be implemented would standardize the minimum and maximum gauge size and vent size for all LCMA's in the Gulf of Maine and Georges Bank stock.

The PDT has suggested that the trigger could be based on an observed decline in the indices that would approximate falling from the current levels to the fishery industry target abundance reference point. Again, measures haven't been defined, but the PDT offered the example of a standard minimum gauge size of 3-5/16 of an

inch, which is closer to the size at 50 percent maturity for Area 1, and a maximum gauge size of 6-1/2 inches, which is a middle-ground size that decreases the maximum size in Area 3, and increases it in Area 1.

Those changes would be expected to provide some level of increased resiliency to the stock. Then there is also a second sub-option under this option that adds on the implementation of any of the measures from Option 2 that were not selected by the Board. The idea here is that if there is not a desire to implement some of those Option 2 measures right away when the Addendum is approved, they could be tied to this trigger instead, so that they would be implemented later.

Then last is Option 5, which could be used independently or combined with Option 4, to add another trigger for management measures that would aim to increase resiliency. Under this option, the first sub-option is to implement a change to the minimum gauge size/vent size, and maximum gauge sizes for all LCMA's in the Gulf of Maine and Georges Bank stock, to increase biological resiliency at the point at which Trigger 2 is reached. Again, Trigger 2 is not defined, but the PDT recommended that that trigger should be set at a lower level of abundance or a higher level of stock concern than Trigger 1, so it would be less proactive. They suggested that either a stock status determination that abundance is near or below the abundance limit reference point, and/or an index-based proxy for that abundance limit, could be potential triggers.

For measures, the PDT said they should include an increase to the minimum gauge size, and a decrease to the maximum gauge size implemented under Option 4. The second sub-option here is that in addition to those measures this trigger could also standardize the V-notch definition to 1/16 of an inch across LCMA's in the stock, and that is as a middle ground between zero tolerance and 1/8 of an inch.

Again, the PDT intended Options 4 and 5 to be combined with Option 2 if desired, but they can't be combined with Option 3.

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**PROVIDE GUIDANCE TO THE
PLAN DEVELOPMENT TEAM ON
DRAFT MANAGEMENT OPTIONS**

MS. STARKS: For next steps today, the Board will discuss the PDTs recommendations on Draft Addendum XXVII, and provide some guidance back to the PDT on the goals, objectives and priorities, and then also provide any feedback on the Draft Management Option.

Then following today's meeting, then Technical Committee plans to provide additional analysis on the impacts of management measures to the PDT, and the PDT will work on developing the Draft Addendum document, which will be provided to the Board for consideration for public comment at the August, 2021 meeting. That is the end of my presentation, but I figured it might be helpful to bring these discussion questions back up before the Board gets into conversations about the Addendum.

CHAIR MCKIERNAN: Thanks, Caitlin, great presentation. Do you want to take questions at this time?

MS. STARKS: Happy to, yes.

CHAIR MCKIERNAN: Okay. Raise your hands.

MS. KERNS: Dan, your first question is from Colleen.

CHAIR MCKIERNAN: All right, Colleen.

MS. COLLEEN BOUFFARD: Caitlin, thanks for that great presentation. The question I had was, did the PDT have any discussion about what they expect having standardized measures would be on the ability to determine what the response was to different management measures, should they be implemented when a trigger is hit?

MS. STARKS: I don't think the PDT had discussions this time around on that. But in previous PDT discussions, before the Addendum

was stalled, I believe that the understanding was that if you have standardized measures in place, it is easier to project impacts and see effects of changing those measures, with the way that the stock assessment uses the data. I think it would facilitate that.

MS. BOUFFARD: Okay thanks, that is what I would have thought.

CHAIR MCKIERNAN: Toni, anyone else?

MS. KERNS: No other hands at this moment. Now we have one, Jason McNamee.

CHAIR MCKIERNAN: Go ahead, Jason.

DR. McNAMEE: We're still in question mode here, so I was wondering, I think this is for Caitlin. You know some of the approaches, you know with the indices or the abundance, you have these kind of time series of information. I was wondering if the PDT, and I apologize. It seems like some of what I'm about to say was kind of implied with some of the things. But I just want to sort of ask explicitly.

One thing you can do with a time series of information is, you can pick a certain number of points to go back, so say you want the last three years. In particular this is important with things like indices that have variability in them. But you can pick those three points, and then basically put a regression line through them. You can kind of get that this proactive/not proactive concept, where if you did that and you allowed the regression.

If it's positive that means the index is going up, which for the ones we looked at is generally good. If the slope of that regression is negative, then you're getting into a bad spot. But to go from positive to negative takes a couple of data points to kind of drive that regression down. Did the PDT look at anything like that for some of the indices in the abundance information, so using a regression to determine whether things are going in a good or a bad direction?

MS. STARKS: Yes, the Technical Committee did talk about that, and kind of what I was bringing up with the rate of change idea for defining a trigger. I can let

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Draft Proceedings of the American Lobster Management Board
May 2021

Kathleen give some more detail, perhaps, but it was described by the TC, and I think it is something they are still considering. Kathleen.

MS. REARDON: Sure. We did look at that for ventless trap indices, looking at a regression rather than rate of change. But a regression really depends on the number of years you choose. It's very sensitive, like just adding one more year, it's very sensitive to what that slope might be, looking at some of the information from Southern New England after 1997.

Looking at the rate of change in some of those indices was helpful in looking at kind of magnitude. In that having a kind of smoothed median, you're able to smooth the trend, but looking at the rate of change, I think that the Technical Committee had come to a consensus that that may be a better metric than a regression.

DR. McNAMEE: Great, thank you both very much.

CHAIR MCKIERNAN: Kathleen, if I could follow up. Are we talking about using three-year moving averages or not in some of these indices?

MS. REARDON: That actually is a question for the Board. Three years is what we looked at, but I think that we were playing with numbers that were smaller than the integral between assessments, so three or four years, those are the numbers that were thrown out.

MS. KERNS: Mr. Chairman, you have Cheri Patterson and then Sarah Peake.

CHAIR MCKIERNAN: Great, all right, Cheri.

MS. PATTERSON: Maybe this kind of relates to, I'm not sure, it relates to what Jay just asked. Looking at standardizing some of these measurements, and I'm talking more about the size of the lobster, the gauge. If we're seeing or concerned about population decreases right

now, and now we're talking about possibly standardizing gauge measurements. How can that be mitigated through smoothing effectively, to assure that we're not looking at some sort of change due to the gauge changes and not due to the population concerns?

MS. STARKS: I'll take a first stab at answering that. I guess my first answer is changes to the gauge size would not be implemented until these trends in the indices are observed. Those trends would be unrelated to changes in the gauge size. After that point then yes, you may see some changes. The trends may be affected by increased minimum gauge sizes for example, leaving more lobsters in the population. Before you get to any trigger though, those indices are just coming from environmental effects, since we're not changing measures at all.

MS. PATTERSON: Okay, thank you.

CHAIR MCKIERNAN: Sarah Peake.

REPRESENTATIVE SARAH PEAK: Thank you, I think my question is somewhat related to Cheri's, and it is regarding the proposal of the standardization of gauge and V-notch measures across the LCMAs. I guess the question is, is the driver for this, or are we doing this because the stock status across Gulf of Maine and Georges Bank is in a similar situation, so that we are required as a management measure to look at gauge size, as a way to rebuild or to keep the stock at a healthy level, or is this driven by a convenience of enforcement?

As this proposes kind of a second part of the question is, as this proposal was being drafted, do we have any data yet as to the actual impact out on the water, in terms of the effects on the, well I'll just say it. The outer Cape lobstermen's haul and what percent of their catch would be impacted by it?

I think those would be important things to know. I will just say editorializing, that I think that between reducing vertical lines in the water, dealing with offshore wind projects that are coming down the pipeline, dealing with COVID-19 and the closure of

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Draft Proceedings of the American Lobster Management Board
May 2021

most restaurants, and trade deals with Asia having disappeared.

I feel like lobstermen up and down the coastline, have been kicked in the teeth, and through much having nothing to do with their own practices or what our rules and regulations are. I would sound a cautionary note that we take a look at these in a very hard and a very careful manner, to make sure that the unintended result isn't irreparable economic hard that we are perhaps starting the ball rolling on here with our actions. Thank you.

CHAIR McKIERNAN: Thank you, Sarah. Toni, anyone else?

MS. KERNS: We have Jason McNamee.

CHAIR McKIERNAN: Go ahead, Jason.

DR. McNAMEE: Back on the notion of how many years to check for, you know whether it's a regression or their technique that Kathleen was talking about. My question. Kathleen, I think it was you who said, you look back at, maybe it was Caitlin, I'm sorry I just can't remember. You said you looked back at Southern New England, and that kind of drove some of the information you were using for these analyses. I think that's great.

My question is, just kind of drilling into that. Was the proposal of three years driven by that? In other words, would three years have picked up, you know the negative signals in Southern New England, picked them up quicker, and so that's why we're suggesting it here, or am I connecting two things that you all didn't connect?

MS. REARDON: I think I may actually defer to Jeff Kipp on this one, because he did the analysis, and he may be a better person to answer the question.

MR. KIPP: I think the idea of looking to Southern New England was not really being too

clear on what rate of change in Gulf of Maine might be troubling. We were thinking of looking to Southern New England as sort of a case study to relate back to Gulf of Maine, if we saw a rate of change in Gulf of Maine indices that was as fast or faster than what we saw in Southern New England during the period of stock collapse.

That that might signal a greater concern, whereas if the rate of change was much less there was a more gradual change, that that might signal concern, but not to as great of a degree. I think that was the idea of looking to Southern New England data.

DR. McNAMEE: Oh, okay I got you, Jeff, so it was about the magnitude of the rate, rather than kind of then connecting that to sort of assemblage of years used. I think I got that, thank you.

MS. KERNS: I don't have any other hands, Dan.

CHAIR McKIERNAN: Okay, so I am going to beg the Board to have some really substantive conversations now, as much as possible to maybe reach some consensus views on some of these issues, because the PDT, but especially the TC, can get very frustrated with us as a Board when we don't give them clear guidance, and then they do a whole bunch of analyses, and we don't really signal to them where it is we wanted them to go.

The first bullet on the board is objectives with regard to the biological resiliency of the stock. Can we have a conversation about that? I assume that that means, maybe start the conversation by saying, I assume it's to maintain a very large amount of spawning stock biomass, so that should there be an environmental effect, affecting young of the year survival, that there are enough spawners in the years when the environment may swing positive, and we can have a stock going forward.

I'm not sure the Southern New England example, I know that is what is haunting us. But I'm not sure it's going to be replicated in the Gulf of Maine. But clearly, we have seen reductions in young of the year values for the settlement indices. It's starting to show up in the ventless trap survey as 5, 6, 7-year-old

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

lobsters are now showing a negative trajectory. We need to tell the TC and the PDT what it is we want to achieve with this Biological Resiliency Addendum. Can I get some conversation going on what constitutes success?

MS. KERNS: Dan, you have Pat Keliher, Jason McNamee, Mike Luisi, and Cheri Patterson.

CHAIR MCKIERNAN: I'm sorry, so it's Pat, it's Mike Luisi and Cheri.

MS. KERNS: Pat, Jason, Mike, Cheri.

CHAIR MCKIERNAN: All right, Pat from the great state of Maine, where 90 percent of the lobsters are landed, please weigh in.

MR. KELIHER: There is obviously a lot here with these questions. I've got pages of notes scattered all over my desk that I wish were a little bit more focused, because I think some of my comments lead into many of the four bullets that are up here. First, I just wanted to say that I appreciate the focus of the TC and the PDT to move away from economics.

I've raised the economic issue several times. All you have to do is look at the volatility, and compare 2012 to what we're seeing for boat prices over the last several months to know that the use of economics as a management tool here, I think would be very complicated. I think we need to focus on the biological side of this issue, and kind of drill down into what we need to do here.

As far as stock resiliency, stock health, how large the stock should remain. I was thinking back on Southern New England again, wasn't at the table at the time. But it seems to me that the management board was always trying to play catch up when it came to putting things in place, and we need to avoid that.

I looked back, and thought a little bit more about the paper that was put out from GMRI in

regards to resiliency associated climate change, and Area 1A certainly would have benefited from the many conservation measures that we had in place. In order to continue to see some buffering during a down time, we're going to have to have triggers in place that recognize that we will see a down turn, because the triggers are going to be based.

I'm assuming we're going to end up with triggers that are going to be in the out years here, so we will start to see some level of decline. I realize what that level is really what the question is. I think we need to develop some trigger mechanisms that one, take into consideration a rate of change, and I've been thinking around a 20 percent mark over a three-year period. Then beyond that, I think it's about the regime from high to low. You know we may need a second range or a second level of triggers, as we start to move out of the high to moderate abundance regime that we are currently in now.

I've got some details around that for later, but I think from a goal perspective, we have to recognize that we will see some decline. To what level really becomes the question. I think we can get into that with some details, as it pertains to giving some additional guidance to the PDT.

CHAIR MCKIERNAN: When you talk about a 20 percent decline, you're talking about a decline in those annual indices that come to us from ventless trap and trawl surveys.

MR. KELIHER: Yes, exactly.

CHAIR MCKIERNAN: Thanks for that. Anyone else? We've got Jason, you're next.

DR. McNAMEE: I think my comments will generally align with what Pat just said. You know as far as the objectives, just to sort of put it in really simple terms, it seems like what we're trying to do is develop a system that allows us to react to changes in the stock, before it gets too late, or before the management that we would need to do would become very severe.

Smaller incremental changes, in the hopes that you know we could get a positive reaction, I think is what

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

Draft Proceedings of the American Lobster Management Board
May 2021

we're trying to achieve here with this potential action. That is kind of potentially not very helpful to the PDT, but that is generally my sense of what we're trying to do, is to create a system that allows for smaller incremental changes when we are witnessing bad signals, rather than kind of letting things develop to a point where whatever it would be that we would need to do, would be really severe and damaging to the industry.

You know that is kind of my general thought on the first bullet there. I'm having a little, I was trying to tease out something to get at the second bullet here. I'll offer a couple of general thoughts about how proactive. I think in general we don't want to chase every little blip in an index, you know indices have variability.

They go up and down in any given year, and so we don't want to chase that single year change necessarily. That kind of gets at this notion of use of a regression, or how many years you might use in these types of analyses. It sounds like you've got to at least a lower bound. I think you would need at least three data points to react to, given the types of things that we're looking at here, and that's what the PDT kind of put forward. I think that's a good starting spot.

We might want to bound that with something a little longer, like I don't know, five data points, probably that might be too many, not reactive enough. But at least kind of guide us a little bit, and give us a sense of the tradeoff, because then what we can do, kind of like a retrospective analysis, so we can go back. Using Southern New England or whatever, and kind of look at oh, it would have taken you three years to react or you would have reacted in a year, you know that kind of thing. I'll park it there for now. Hopefully that gives folks something to think about.

CHAIR MCKIERNAN: Mike Luisi.

MR. MICHAEL LUISI: I was just thinking about this, because Southern New England was kind

of the basis for, not the basis, but our stock has declined, as we have seen. They are concerned that it's going to move into the Gulf of Maine/Georges Bank stock. I'm just trying to figure out if management action, is it management that is going to help correct, or is out of our control?

It may have been mentioned during the presentation, but I know that in our area down here, you know I'm speaking for Southern New England. (We don't) have any harvesters anymore, but the stock is not growing, because of other environmental conditions. I'm just trying to learn a little bit as to what is happening in, or is there something. Do we think that management can actually, or are we just subject to what is happening as an environmental condition across our area? That is something I was thinking about while the presentation was happening.

CHAIR MCKIERNAN: Okay thanks, Mike. We've got some rhetorical questions there, but they are good ones. Cheri.

MS. PATTERSON: I'm leaning towards somewhat what Pat and Jay have indicated. I think, as much as I would like to maintain the current levels of abundance in productivity, I'm wondering if we would be reacting quickly if we were moving in that direction. Whereas, if we looked at a rate of change over a period of three years, to kind of smooth out any bumps. I think we would be able to detect if there were changes that were needed in time or being proactive, I should say, as opposed to five years.

I'm not sure a five-year plan would be proactive enough. Definitely a single year change in anything would be detectable. That would be more of a reactive scenario. We wouldn't really be able to detect whether the changes were actually doing what we wanted them to do. Some parts I agree with Pat. I think we need to look at a rate of change over a period of three years, and 20 percent doesn't seem unreasonable to me.

CHAIR MCKIERNAN: Yes, you bring up a good point, Cheri, about statistical significance, and I wonder, like the Ventless Trap Survey values have means and 95 percent confidence intervals. I guess we would want

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

Draft Proceedings of the American Lobster Management Board
May 2021

to make sure that the values were statistically significantly different from the baseline, or from the point that we're declining from.

You know because some of these surveys, especially ventless, they are firm. The funding sources are firm, but it's conceivable that funding levels could change, you know reduced effort might create a higher confidence interval, a larger confidence interval around the mean. I guess that is something for us. But I think the TC can work on that for us.

But I think it's important to give them the feedback. It sounds like the group has, or at least a few of you, have talked about a decline over a three-year period that is at least 20 percent, might be enough to trigger one of these management actions, notwithstanding Mike Luisi's open-ended question about whether or not these are environmentally driven, and may not be able to be controlled. Toni or Caitlin, is there anyone else with their hand up?

MS. KERNS: I think Kathleen wanted to respond to that, Dan.

CHAIR MCKIERNAN: Great, go ahead, Kathleen.

MS. REARDON: Thank you for the feedback Board members, but also, we're interested in where those abundance levels are where you want to take action. I think that Pat Keliher started getting at this, where he was thinking the transition between the current high productivity regime and the medium, and I am curious if other Board members are interested in that. I mean it's not just the three-year rate of change, it's rate of change to what level. That is feedback that we need to be able to recommend to the PDT.

CHAIR MCKIERNAN: Kathleen, would it be helpful to throw the, there you go, throw that chart up. Thanks. Do you want to repeat those concepts with this image?

MS. REARDON: Sure. The question is, so using for example, these reference points that were approved in the last stock assessment. If we were to have, this is something that we considered within the Technical Committee, that rate of change, like you could have three years that dropped 10 percent each. Cumulatively that would be a 30 percent drop.

Where that falls within these reference points is the question, but you may have a drop from where you are one year, and 30 percent the next year, and then 30 percent the next year. This is where we did look at that magnitude, looking at Southern New England and found that the drops, the rate of change were higher in magnitude than what we have seen in the Gulf of Maine indices.

But we are seeing more years that are dropping in the latter part of the time series for the Gulf of Maine, and so that is where there is concern. For the Southern New England, it was pretty much negative rate of change from, I think it was 1998 forward. But those numbers were lower than what we have seen in Gulf of Maine now.

But the proposal or the question for the Board is, at what level do you want to trigger management? We can look at rate of change, but it's also where is that threshold? Is it the dotted line, which is the fishery industry target? Is it something lower than that like maybe the 25th percentile of the median regime?

This is what we need feedback on, because if you are accepting that management may not be able to keep the population in the current regime at very high levels, then you may want to choose something lower. But if your objective is to stay in the current regime, in the current productivity, action may need to be more aggressive. I think that is what question we struggle with without guidance.

CHAIR MCKIERNAN: Kathleen, if I could, that's a great way to present it. But am I right that the indices that we might rely on are not this, because this is an abundance estimate that only comes out every five years? Are you suggesting that first we would have to find where we reside in the abundance level, and then use those parameters that do correlate with stock

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

Draft Proceedings of the American Lobster Management Board
May 2021

size, such as the ventless and the trawl survey annual indices to project where we think we are?

MS. REARDON: This is a question that came up during the peer review of the stock assessment, and so work was done to look at correlations between the model results and the annual indices that we came up with as an annual update for the Board. We think that we can rely on the indices to provide thresholds, that there is enough correlation between that and the model results.

CHAIR McKIERNAN: Is your question, is there a place on this graph that we can comfortably fall to without taking any action, and then once we get to that point and start to decline further, we should take action? Is that kind of the nature of your question?

MS. REARDON: Yes.

CHAIR McKIERNAN: Okay, because you're showing us that we're at a near all-time high, and I guess the implied message here is, is a decline to some lower level acceptable. Then, when should these kick in? Like, should it be a two-step process? First, we believe we're at a lower level of overall abundance, and then with the declining rates, do we need to arrest that with the management action?

MS. REARDON: Yes, and I think that is also where the PDT came up with the two different triggers, where you have one that is proactive that does one thing, and then another that would be later, if the population continued to decrease, then it would be more aggressive in the future, if you were to choose the kind of progressive management tools.

CHAIR McKIERNAN: Okay. Board members, anyone with your hand up?

MS. KERNS: Dan, you have Jason, Pat Keliher, Cheri, and Mike Luisi.

CHAIR McKIERNAN: Great thanks, Jason.

DR. McNAMEE: I hope I'm getting at the right thing here. But I would think under the premise that I noted earlier, that is the idea here would be to develop a system that allows for quicker and less draconian changes. I would think we would want that fishery industry target as, you know I think I'm understanding what Kathleen is saying, is how these things kind of interplay.

You have a late 20 percent decline, and you know that you're going to tip below the dotted line in three years, and we would initiate action based on that. We've got sort of the notion of how proactive do you want to be. Do you want to be within three years, and you've got your rate of decline to sort of get you to that threshold point?

Just to answer directly. I would think again, under the notion of we want to take action before we have to take really draconian action. We would want that higher line to be at least the first. It then seems like a pretty long drop; you know to get to some of these other limits. That might be something to think through. But I'll leave it there and hope that I was starting to get at what the PDT was asking.

CHAIR McKIERNAN: Pat Keliher.

MR. KELIHER: I think this chart, Caitlin could you follow your cursor down? I think you were in control of that, down the abundance line, down to where it crosses in from high into medium, right there. To me that looks like kind of the sweet spot, and maybe even a little below there for a second trigger if the first trigger is based on a 20 percent change over three years.

Then you could think of an abundance trigger that would be triggered somewhere in and around that particular area. I mean it's a further decline. It's still you know, I'm going to bring economics into it, but not for the sake of developing the trigger. But it still is at a time of high economic value for the fishery.

To me, I think it fits what Jason is talking about from the stepwise approach. We could have the PDT

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

Draft Proceedings of the American Lobster Management Board
May 2021

explore those options from an upper limit trigger that is based on the three-years, and then a lower limit based on abundance when you cross from both crossing the median regime into the moderate regime.

CHAIR MCKIERNAN: That's a good suggestion. Kathleen, is that the kind of feedback that you're hoping to get?

MS. REARDON: Yes, I think that that is kind of a threshold. The three year, I just want to be clear that the three year is not, okay three years from now we're going to do something. It's three years that show a decline. If we were to choose where the point is right now on the figure, to say that the, I don't know what percentage, decline that is from where we are right now, let's say 40 percent decline. It's not that. That we look at an average over three years to look at the percent or rate of change over three years, and if we have hit.

It's kind of like the status of the stock within the stock assessment. We're always looking at three years, a median of, in the stock assessment I think it's an average of three years, and I think here we're proposing a median of three years, and to figure out where our status is. The question is, okay what is the appropriate amount of years that we need to look at, to look at where our status is? But then what is the threshold of triggering action? Does that make sense?

CHAIR MCKIERNAN: I think so. Cheri Patterson.

MS. PATTERSON: I would like to be more conservative than looking at the current area, and leading into the moderate abundance regime. I would prefer to see a threshold further up, so that we will be taking faster action if need be, and in hopes that we could be taking slower proactive actions over a period of time.

I think when we start looking at this, we're going to see that things are going to be

triggering pretty quickly for some minor actions to possibly be taken, so that we're not hitting that trigger in a quick fashion. I think we're already seeing decreases, declines. When we're going to be probably taking minor actions before we even hit this trigger.

MS. STARKS: Can I follow up, Mr. Chair?

CHAIR MCKIERNAN: Certainly.

MS. STARKS: I just wanted to clarify Cheri's point. Cheri, on the screen right now I put two circles around different kind of thresholds of abundance that the Board is thinking would be good to serve as triggers for management. The first, the higher one would be a more conservative level, like you were just describing, that is the fishery industry target.

We would be estimating reaching that fishery industry target abundance by using an index of a proxy. Then the lower one could potentially be a second trigger, in addition to that first one. They wouldn't necessarily have to be one or the other at final action. Is that kind of consistent with what you're looking for?

MS. PATTERSON: Yes, as well as minor actions even before we hit the fishery industry target, potentially.

MS. STARKS: Just to further clarify, I want to go back to the options that I described earlier. This slide, just so we can think about this as they relate to kind of the draft options that the PDT put together. That second option there, standardizing some measures would be, that group would be something that is not necessarily increasing resiliency, but would be implemented to resolve inconsistencies at the end of final approval.

Then Option 3, I guess we'll think about Option 4. That is the one, where standardized measures would be implemented upon reaching Trigger 1. If you're thinking as Trigger 1 as being a higher level. Is what you're saying you want another option that is to do something to standardize measures even sooner than that?

MS. PATTERSON: If we're detecting a rate of change up at 20 percent over a three-year period of time, yes.

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

Draft Proceedings of the American Lobster Management Board
May 2021

MS. STARKS: Okay. I think I understand, and I think my thoughts, and Kathleen, please feel free to jump in, is that that 20 percent right now is a little arbitrary, because we haven't calculated like what the percentage of decline is that the TC. We can calculate this; it just hasn't been done. But what rate of decline would it take to get to that fishery industry target. I think it's probably more than 20 percent, like you're saying. Okay, we can think about having something in there that is a little more reactive as well.

CHAIR MCKIERNAN: Okay, Mike Luisi.

MR. LUISI: I think some of the questions that I had have already been answered, so I'm going to pass at this point, and we can move on.

CHAIR MCKIERNAN: Yes, so coming back to Kathleen. I guess as I think about how this actually would be executed, I have a little bit of, I guess nervousness, that we're looking at the estimate of abundance, which does come out of the stock assessment. I just want to make sure that the indices are reliably going to forecast the new abundance if we're between stock assessments. In other words, I see that those two circles that Caitlin put on the screen, and they all look really logical.

I just worry that between stock assessments we're going to be relying on a couple of parameters that I'm not sure how well they actually correlate. Not that I want to kick the can down the road, but I want to make sure that when we do get to that, we feel really confident that yes, it's time to pull the trigger.

MS. KERNS: Dan, you have a couple new hands up, Pat, Ritchie White, David Borden, Tom Fote, you had your hand up, you put it down, and then Jason your hand is up. I don't know if it's a new hand or an old hand.

CHAIR MCKIERNAN: Okay, go ahead, Ritchie.

MR. WHITE: Could we put the slide up that shows the triggers, the two circles for the new triggers? Okay yes, thank you. I'm trying to understand how this unfolds. Example: let's say that next year, which we know will not happen, but let's just say that it drops to the first trigger that's circled.

Then we would continue two more years on, to see what the average of that, if that continues to stay at that level. Let's just say it stays at that level. Then that would kick in mandatory change in regulations. How fast then, do those regulations take effect? If it props next year, how many years before new regulations are in place?

MS. STARKS: I guess first I want to clarify that the options as drafted are currently set up in a different way. It wouldn't be that we would get to the first one and then wait to see what happens, and then take management action. It would be at the first trigger; one set of management measures would be implemented at that point.

It would maybe be a less aggressive set of management measures, like Jason McNamee brought up that maybe it would be a minor reaction to try to provide some increased resiliency to the stock at that higher level. Then if you drop even lower to the second one, there is another trigger in place with another set of management measures that would be implemented. Then to answer the second part of the question about how long it takes after you get to that point, I think it depends a little bit on the timing of when that happens.

We're planning to have these annual data updates, probably in the fall around the time that we go through the FMP review. I think it depends on how quickly the states can change their regulations, so I don't know if I am the best person to answer that. But I would guess maybe for the next fishing year, maybe it would have to be one year later.

CHAIR MCKIERNAN: David Borden.

MR. BORDEN: In terms, this is a question, and then maybe a comment. In terms of the indices that are being talked about, we're talking about a composite of

Draft Proceedings of the American Lobster Management Board
May 2021

the Mass, New Hampshire, Maine Survey, the Federal Survey, and the Ventless Trap Survey. Is that what we would be using for indices?

MS. STARKS: The Maine and New Hampshire Trawl Survey, the Massachusetts Survey and the Ventless Trap Survey.

MR. BORDEN: Okay, and the Maine, New Hampshire, Massachusetts Survey has not, that composite survey. It is an existing survey, but has a composite of it ever been developed? There was some phrase in some of the minutes about Burton would need to work with technical people on the development of that. Is that correct?

MS. STARKS: I think Jeff actually did take a stab at combining those indices already, so we have something that the Technical Committee had looked at. Jeff, if you would like to speak to how much additional work may need to be done, that might be helpful.

MR. BORDEN: Okay, and then the follow up question is, will that have to undergo some kind of peer review, or are we going to just use it based on the technical review?

MS. STARKS: I think the idea was to just use it based on the technical review, and not have a peer review process for that.

MR. BORDEN: Okay, so the comment, Mr. Chairman, I mean I support in general this comment, the concept moving forward. I have some concerns about the timing of it. I just harken back to what I said at the last Board meeting, which basically, and I'll keep this short, is that once you start to manage a declining stock, it becomes much more difficult, because the regulations inflict on the industry, and I'll give you a specific example.

If we wanted to do a gauge increase, and that would have a direct impact of removing, say 6 to 9 percent of the landings due to the gauge increase. If the stock is declining at 7 percent a

year, and then you impose that regulation on the industry. It almost doubles the negative economic consequences to the industry.

I think one of the lessons from Southern New England was, we didn't get out ahead of this fast enough, and the time to implement regulations is now, as opposed to when the stock declines. Because if you're really concerned about minimizing the impacts on the industry, then you should make changes now, as opposed to when it declines, they just accumulate and accelerate the negative consequences.

I guess my point in all that, I could see kind of us getting some resiliency out of changes in the regulations by standardizing some of the components of the existing regulations, while we work through the two triggers which are still. I don't know how we're going to develop these two trigger points, and all of the specifics between now and August, I guess is my concern.

CHAIR MCKIERNAN: Yes, I hear you. Jason McNamee.

DR. McNAMEE: Sorry, Mr. Chair, my hand was up by accident last time, I put it down.

CHAIR MCKIERNAN: Okay, Pat Keliher.

MR. KELIHER: A couple things. I want to just follow up on David's point. I don't have any illusions that we're going to have a document necessarily ready to go out to be approved at the next meeting. However, if we could get to that point, I certainly wouldn't mind that. In general, I would like to see us prioritize stock resiliency over standardization of these measures.

However, I think there are things within standardization that we could do, that would be more immediate upon the approval of an addendum. Right, some of the lower hanging fruit to get at what David is talking about. After time with staff, I'm not sure, depending on how far we go. I'm not sure how much of a buffer that gives us from a resiliency standpoint.

That is something to think about, but certainly from a prioritization standpoint, I would prioritize resiliency over standardization. Again though, with the

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

Draft Proceedings of the American Lobster Management Board
May 2021

understanding that some of those standardizations could be put in place sooner rather than later. Mr. Chairman, if it helps, I did send Caitlin three motions, and I don't want to put this motion up with the intent of making it a motion. But I worked with staff to try to pull some thoughts together around triggers.

I think it might get to what Cheri in particular is talking about, because it would be a stepwise approach. A little birdie is telling me we may be, even at 20 percent we may be very close to that fishery industry target now. We may want to consider something a little bit larger, maybe closer to 30.

I'm not sure, or maybe we need to have a couple ranges, a range of options developed by the PDT. Then maybe something a little bit different when it comes to that lower target. But I did have a motion put together, and if helps clarify things to move us along, maybe Caitlin could put that up on the screen.

CHAIR MCKIERNAN: Okay Pat, that sounds good. The other thing while she is doing that that comes to mind for me is, it is 3:15 and I know there is no other ASMFC business scheduled after this meeting, so we can continue this conversation. But I just wonder if some of this could be accomplished by a subcommittee, especially those who have taken a really active part in this discussion, and whose support will be critical to implement some of these going forward.

That is another option, because I'm personally getting a much better understanding now, with Caitlin and Kathleen's detailed explanation. But I do have a concern about the triggers, and how they will work, and not be inadvertently triggered, or not be so slow that they're meaningless. Let's take a look at your motion, Pat.

MR. KELIHER: Yes, and again, I'm not sure if we need to make this as a motion, as long as there is agreement from the states that this seems to

be like the right approach. But the idea was to get the PDT to do some further exploration on an upper and a lower trigger. The reason I thought it would be valuable to put this up on the screen, is just to show some examples around minimum gauge sizes within LMA 1.

Again, it would be a stepwise approach. The question would be, is it 20 percent, is it 30 percent? Is that line between the high and moderate regimes the right spot? Does that need to be lower? Maybe those are some of the things that the PDT can help us explore, but this was my intent.

CHAIR MCKIERNAN: Any comments from the Board?

MS. STARKS: I just have one note that I'm seeing a difference in what was discussed and what I heard from most of the Board members about the lower trigger being where the change is from the high abundance regime to the low abundance regime, rather than the abundance limit. To Pat's point, I think it would be helpful to have discussion about whether you want us to consider a trigger, as low as the abundance limit or not, or if you would rather have it be higher.

MS. KERNS: You have David Borden, Dan.

CHAIR MCKIERNAN: Go ahead, David.

MR. BORDEN: Pat, I know you're not making the motion at this point. But on the 20 percent over three years. If we have three indices that are part of this, all three have to go down by 20 percent, or are you talking about just one going down by 20 percent?

MR. KELIHER: I was thinking of it being cumulative, which could be 20 percent over all. But you know I'm certainly open for that. I'm not sure we should be using just one, just because of variabilities from year to year, so cumulative across the three indices would probably be a better approach.

MR. BORDEN: Okay, thank you.

CHAIR MCKIERNAN: Pat, in light of the questions I was asking earlier. Isn't the abundance parameter going

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

Draft Proceedings of the American Lobster Management Board
May 2021

to be forecasted through the use of these time series surveys? The currency will still be, where do we lie on that abundance time series as forecasted by the ventless trap and fishery independent trawl surveys.

MR. KELIHER: I think you're right, Dan. As I'm thinking about it, I mean you would hit the first trigger and then you would be looking at what those forecasts would be, and then to make a determination on how that next trigger would be pulled. Is that what you're saying?

CHAIR MCKIERNAN: Yes, just a 20 percent drop in ventless trap, because let's remember, there is ventless trap in Mass, New Hampshire, and Maine, and there could be regional variability. I think it all has to go into, it's like an overall bottle to look at the Gulf of Maine stock. It has to be, I think combined, and maybe Jeff or Kathleen can speak to that. Like what is the vision of how these surveys feed into a model that just spits out a number and shows us where we are in the trend graph, the abundance trend graph.

MS. REARDON: I think I can speak to that, Dan, and Jeff can weigh in if I don't get it all. But already in the last stock assessment, we have a single model for ventless traps that combines the whole region for the Gulf of Maine/Georges Bank stock for the ventless trap. Then the proposed.

Well, we had to go a little further than the stock assessment did, is combining the two inshore trawl surveys of the Massachusetts Trawl Survey and the Maine/New Hampshire Trawl Survey, combining those into a single index. Those are the same ones that we would look at as a proxy for the abundance results from the model.

CHAIR MCKIERNAN: Okay.

MR. KIPP: This is Jeff, I could just add a comment. If we were to use both the ventless trap survey index and that combined

Mass/Maine/New Hampshire Trawl Survey Index, that would still leave us with two different time series that we currently have not combined, outside of the assessment model into one sort of indicator, and one index. That would be something we would have to explore additionally if we wanted to figure out some way to do that, aside from looking at them individually as two different data streams.

CHAIR MCKIERNAN: Because if we don't then we're dependent on the stock assessment and peer review to tell us every five years where we lie on the trend, without being able to do anything in the interim, right?

MR. KIPP: Yes, we do not have a mapping of these outside indicators to the reference abundance estimates from the model. There still needs to be some work done to try and come up with that mapping from the individual indices outside of the model, to the reference abundance estimates inside the model that we use to compare to the reference points.

CHAIR MCKIERNAN: Jeff, do you and Kathleen and Caitlin feel that we could give you enough guidance in this conversation or soon to end, so that you can develop this, or would you like to have more back and forth with like maybe a subcommittee of those who are really active in this discussion to get a better handle on the mechanics of how this will work? It is one thing to talk about the general ideas, but I just wonder if the mechanics are as important as kind of the goals. What do you think?

MS. STARKS: I do think, you know the discussion questions that the PDT and TC put forward were intended to get that guidance that they needed. I think they have a handle on how to make those things work mechanically, once we have an idea from the Board of kind of what levels of abundance you're hoping to maintain, and how much of a drop you're willing to tolerate before taking action.

Questions like that help the TC be able to better define triggers that would be appropriate, to make sure that we're meeting the goals. Does that make sense? I guess I would suggest, I think if the Board is

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

in agreement on the issues or the suggestions that have been put forward, then I feel like the TC and PDT can take that information and turn it into appropriate triggers.

But if there is not agreement on like the levels, then maybe we should have another couple of minutes of back and forth. But if everyone kind of on the same page as what has been said already, then we may be at a good point.

MS. KERNS: Dan, you have three hands. I don't know if that is to Caitlin's question or not, because they have been raised. But you have Cheri and Tom. The other hand went down.

CHAIR MCKIERNAN: Cheri, go ahead.

MS. PATTERSON: Pat, I almost think I was looking at three tiers, where we're all pretty concerned about what rate of change is happening over the last three years. If the assessment is inclusive of the Maine/New Hampshire/Mass Trawl Surveys, we have at least a spring gap out of those surveys from last spring, right? Massachusetts, did you guys operate in the springtime with your trawl survey?

CHAIR MCKIERNAN: Not last year, but we're doing it this year.

MS. PATTERSON: Yes, so we have a gap that I don't know how that is going to be filled without retroactive thoughts in our future. That is where that first tier for me is, is looking at what we're going to be doing probably right off the bat. Then looking at that rate of change, if it hits the, what is it the fishery something, the dotted line.

I forgot what the dotted line was, and then down to your lower trigger, being that abundance level that separates the high to the moderate abundance regime. I'm not sure on this last sentence, where you're saying triggers could be associated with stepwise changes to gauge sizes. How quickly can we determine if gauge sizes are effective?

Would that be something that we could determine within three years, or is that something that you kind of see within a year, within two years? I guess I would be a little cautious on that last sentence. But the PDT might not even need that, if they feel that they can go with what our conversation has been up to this point.

CHAIR MCKIERNAN: I'm seeing some edits to the consensus statement on the screen.

MS. STARKS: I just wanted to put it on the screen, to make sure I was capturing what Cheri's suggestion is, and have the Board give some feedback on that as well.

MR. KELIHER: Mr. Chairman, could I ask a question to that last point that was made by Cheri? Cheri, what types of actions were you considering? I mean obviously a gauge change is going to be disruptive enough. But if you had three, depending on the rate of decline, three-gauge changes could be incredibly disruptive.

I mean, just the time alone to implement, you know put new gauges out. That alone is going to take some time. I'm just kind of wondering what you're thinking about. Would it all be around a gauge increase, or would it be other types of management actions?

MS. PATTERSON: Mr. Chair, can I answer?

CHAIR MCKIERNAN: Yes, please do.

MS. PATTERSON: I was looking at all of the options available to us. Gauge changes is one of the options, I'm not discounting it. I'm just saying that that shouldn't be the one and only one that we consider.

MR. KELIHER: Yes, okay. That's very helpful, thank you, Cheri, I appreciate that.

MS. PATTERSON: Thank you.

CHAIR MCKIERNAN: Tom Fote, did you want to weigh in?

MR. THOMAS P. FOTE: I'm hesitant to weigh in. I've just been listening to this for a long time, and listened

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

to what Mike Luisi said quite well before. My concern is the survey. Do they take bottom temperature when they are doing the surveys, to see what the difference in temperature is from one time to the other time they are doing the survey?

Because we know that water temperature is what is going to basically do us in on lobster, like it did in the Southern New England stock. I know, and I don't see it is anything but a declining stock until we basically turn that around. I don't see us turning it around in my lifetime. It's just frustration, and I'm listening to conversation. Basically, I'm saying, well we take measures, but do we really do anything to stop this, which is what Mike asked a long time ago.

I mean I saw it with surf clams, and we lost the surf clams in New Jersey, because of water temperature. When we basically are having problems with bluefish, we're having problems with weakfish, problems with winter flounder. Some of it is depending on water temperature. There are other environmental factors going on, and we could only manage fish, and this is a real problem we get into. That's all, I just was listening to it and I had to say something.

CHAIR McKIERNAN: Okay thanks, Tom. All right, so Caitlin, is this a helpful enough set of guidance that the TC and PDT could do some business with, in terms of crafting a draft addendum?

MS. STARKS: I guess I have a few questions. I'm going to pull this slide back up with the overview of the options that the PDT drafted, because I just want to remind folks of what is in those. This option, Option 2, is kind of what Cheri was suggesting with her first tier of immediate management action.

These would be measures implemented upon final approval of the Addendum, and the measures that are being considered under that option by the PDT are these. This second option, standardizing measures upon final

approval of the Addendum. What is included in that is implementing standardized measures within LCMAs, so those are at the inconsistencies for outer Cape Cod with maximum gauge size, and the V-notch definition and requirement.

Then also, the option to implement standardized measures for V-notch requirements across LCMAs, and another option to implement standard regulations for the trap tag replacement issue. Those were the only measures that were being considered for implementation at final approval of the Addendum. I guess I want to ask if we should be considering maximum/minimum gauge size changes in this as well.

MS. KERNS: Dan, you have two hands up, Cheri and Roy Miller. Then once they are done, I might have a suggestion for you all.

CHAIR McKIERNAN: Okay, let's go to Roy Miller first. We haven't heard from you, Roy.

MR. ROY W. MILLER: I just wanted to make sure I understood the three bullet points that were at the bottom of the draft motion there. Could we go back to them for just a second? There they are. Number 1, immediate management action, would be what we were just discussing. In other words, what standardization would take place immediately upon approval of the Addendum.

Number 2, the 20 percent trigger would take place once we have a data point three years hence from that last data point that was in Figure 1 or the 2016 to 2018. That is my understanding of it. When it drops 20 percent below that data point over three years, for our composite abundance indices, the three indices, a composite abundance index.

Then a management response would be triggered. Then finally, if the abundance trigger drops to the moderate abundance regime, where the circle crossed in the lower level there of Figure 1. That would trigger yet another management response. Am I understanding what was proposed correctly? I realize I'm out of the area of concern here. But I think

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

perhaps further definition might help all of us understand what is being proposed.

CHAIR McKIERNAN: That is my understanding. Caitlin, do you want to weigh in?

MS. STARKS: I think that was my understanding as well. I think one question I wanted to clarify was about that 20 percent decline, and make sure that you are thinking a 20 percent overall change from the black dot to wherever we are in three years, if that happens, and that would trigger management, or a 20 percent change every year for three years.

CHAIR McKIERNAN: Toni, you had a recommendation.

MS. KERNS: I guess it might be good to get that question answered for Caitlin. We do have Pat Keliher and David Borden with his hand up. But I will say this, and trying to keep us on some timeframe. I think it would be pertinent to make sure that the TC and PDT have enough direction to start getting moving on some issues.

If it's not the Board's intention or expectation to have a document approved for public comment in August, it might be good to have a group of Board members that we could lean on, as the PDT and TC work on the guidance given them. If they additional clarification or questions, we could bring those Board members into their meetings to provide specific guidance back to them. But that would be if the Board was okay with that plan. Again, you have Pat, David, and Ritchie with their hands up.

CHAIR McKIERNAN: Okay, I like the recommendation, but let's go with Pat first.

MR. KELIHER: I'm just trying to pull together the thinking around this to maybe give some greater clarity. What Cheri brought up I think could potentially combine really nice here, or you could have a Tier 1 trigger, which would be immediately standardizing some of the

measures. Then Tier 2 could be a percentage decline over the three years as you move from high to moderate regime, and then Tier 3 would be the abundance limit. You could have different types of management options to go. You know those aren't all, obviously, gauge changes. It may be a good way to kind of bring these two things together, to hopefully give the PDT a little bit more focus. Then I can withhold my other comment, Mr. Chairman, until we get back to the other slide that Caitlin had up.

CHAIR McKIERNAN: Thanks, Pat, David Borden.

MR. BORDEN: My comments are all on the immediate management actions. Do you want to hear those at this point, or wait until later?

CHAIR McKIERNAN: Yes, go ahead, I would like to hear that.

MR. BORDEN: Okay, I think that any consideration of gauge changes should be done in the Step 2 or Step 3, and I think that is what was just said. In terms of events, I think it makes some sense to consider standardizing the vent sizes. That, I would point, I mean one of the things that we found in Southern New England is that with the rebuilding a number of these finfish populations, you're much better off not bringing a lot of lobsters to the surface.

One way to stop that is to have the appropriate vents in them, so standardizing the vent I think would be a good addition to it. On the V-notch requirement, I support the concept of standardizing it, in order to make it effective. All you have to do is look at some of the tagging data that New Hampshire and Maine and AOLA put together.

These lobsters are moving all over the Gulf of Maine in various different directions, depending upon where you tag it. It makes sense to have kind of consistent regulations. In terms of the actual definition, I support the proposal of standardizing it. But I think states ought to have the right to be more restrictive.

I think in the case of Maine, their V-notch definition as I understand it, is more restrictive, and they should be allowed to keep that. That has been a provision that

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

Draft Proceedings of the American Lobster Management Board
May 2021

has been very popular with Maine fishermen. I just can't see us changing it, if they continue to support it. On the maximum size, I think it makes some sense to standardize it. But once again, if an area like Area 3 has a different maximum size that ends up being more restrictive, then I think that they should be allowed to keep it. Those are my comments, Mr. Chairman.

CHAIR McKIERNAN: David, if I could ask a question. You talked about standardizing V-notch rules. It begs the question for me, coming from Massachusetts, because we have an area, Area 1, where V-notching is mandatory, the action of cutting the notch. Then we have a second set of rules about possessing what has been a V-notched lobster. Are you in favor of making the possession rules consistent, or are you in favor of making the requirement to notch consistent?

MR. BORDEN: The possession rule.

CHAIR McKIERNAN: Okay, I think that needs to be clarified, because I think one of these options does talk about mandatory V-notching across LMAs.

MR. BORDEN: Yes, I actually have a question on that. But to answer your question, Mr. Chairman. You've got two different sets of rules in the outer Cape. You've got federal rules and then you've got state rules, as a general comment, they are inconsistent with the rules in most of the other areas. I mean these lobsters move tremendous distances.

If we vulcanize some of these management areas, there were good reasons to vulcanize some of these management areas, but if we're really looking forward, and trying to get a more resilient management program, they should be standardized. Some of this, I would point out, I think should be standardized down in Southern New England, so we have a consistent set of regulations that go all the way down into Southern New England.

CHAIR McKIERNAN: David, before you sign off, what about conservational equivalency? From the way you just spoke, I'm assuming that you, and maybe other Board members, would not want to see some of these rules be allowed to have conservation equivalent measures.

MR. BORDEN: Well, my response is I'm generally in favor of conservation equivalency, but you've got to look at this issue in the context of the way it's being discussed. We want to stop the stock from declining. We need to be more conservative. One of the issues with conservation equivalency, and I'm sure we'll get into this with another species.

How do the rules in one state work, or detract from the rules in some other state? Do the rules all work together? I think if we want to be more conservative, in terms of stock management, then we probably want to put some constraints on conservation equivalency.

CHAIR McKIERNAN: Thanks, David. Ritchie White, are you up next?

MR. WHITE: Yes, thank you, Mr. Chair. The answer to Roy Miller's question. Just clarification, because it sounded like it took three years to reach the 20 percent in the second trigger, if we go to three triggers. I just want to make it clear that if the 20 percent is reached in one year, then the trigger is activated. If at the end of three years it's 17 percent, there is no trigger, but if in the fourth year you go over 20 percent, then it's activated. Am I thinking this correctly or not?

CHAIR McKIERNAN: Jeff and Caitlin, is Ritchie on to that? Is that how you see it?

MR. KIPP: I'm sorry, could you repeat? I didn't quite follow. If Ritchie could repeat that.

MR. WHITE: Sure. If we go over 20 percent in the first year, the trigger is put into effect. If we go three years and the average accumulative is 17 percent, then there is no triggering. Then in the fourth year then, if it goes to 20 percent, then it is immediately triggered. Is that a correct analysis?

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

MR. KIPP: I think that is why we were looking at it as a median over three years. Instead of looking at even each individual year, we would calculate the rate of change from one year to the next, and then take an average of that rate of change, sorry median. If that median rate of change was 20 percent over those three years, that would trigger it.

MR. WHITE: Follow up, Mr. Chair.

CHAIR MCKIERNAN: All right, Ritchie, go ahead.

MR. WHITE: In my example then, the fourth year are we starting from scratch? Then you have to go three years to average 20?

MR. KIPP: No, then in that fourth year you would look back. You wouldn't start from scratch, you would look at the median over your four, three, and two. Does that make sense? In moving forward, we would look at a median over a year, whatever our current year is, and then the two years preceding that. Then when you go another year forward, you would look at the median over that current year, and the two years preceding that, so it's a moving median through three years of time. Does that help?

MR. WHITE: Yes, that helps a lot, thank you.

CHAIR MCKIERNAN: I guess Caitlin, we've made a lot of progress on this. I would still like to follow Toni's recommendation that we convene, like a little subcommittee, so that if there are questions as the PDT and TC come up with these specifics, if they could bounce these ideas off of a subcommittee. Toni, can you endorse that?

MS. KERNS: Dan, as long as the Board is okay with that. I mean I think it's an okay way to proceed. I just want to make sure that we can have more timely feedback to the PDT, instead of having to wait until August.

CHAIR MCKIERNAN: Right, is there any objections on the Board to the creation of a subcommittee of folks who are keenly interested in some of these specifics to be convened to give feedback to the PDT?

MS. KERNS: You have Pat Keliher with his hand up.

CHAIR MCKIERNAN: Go ahead, Pat.

MR. KELIHER: Mr. Chairman, I guess while I would like to kind of mole our way through some more of these, I understand the reason for wanting to do this, and so I won't object to it. I would like to have a goal in mind here of what we'll have completed for the August meeting. As I said earlier, I can see where this might delay us beyond August. But I don't want to come back to a Board meeting in August, only to debate these all over again, and put us out to October, or even into a winter meeting.

CHAIR MCKIERNAN: That's fair. We would still like to see a draft addendum at the August meeting. Is that what you're suggesting?

MR. KELIHER: I would like that to be the goal, Mr. Chairman, at last give it the old college try here.

CHAIR MCKIERNAN: Sure. Yes, I mean I think there were two clear challenges. One is, what are the triggers, in terms of abundance levels, and when do you pull triggers. Then, what are the actions. I think the group that has been involved with this discussion might be able to give recommendations to the PDT, so that when it comes out in a draft addendum, and it goes out to the public that it has a shot at being implemented. It doesn't create a huge amount of acrimony.

MR. KELIHER: Yes, that sounds good.

CHAIR MCKIERNAN: In terms of naming the membership of the subcommittee, should we just have folks volunteer to Caitlin, if they would like to volunteer for when we would have a conference call or a Zoom call at some point with the PDT? Is everybody good with that? I know I will volunteer. Pat, I hope you will.

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The Board will review the minutes during its next meeting.

Draft Proceedings of the American Lobster Management Board
May 2021

MS. KERNS: Cheri has her hand up, I don't know if that is to speak or volunteer.

MS. PATTERSON: Yes, thank you, Mr. Chair, a couple things. Yes, I would like to be on the little subcommittee, of course. But I also have a question, and Dave Borden, I'm kind of following up with something Dave Borden said. I don't need the clarity today, but I would like to have some clarity on lobsters that are in different habitats.

If we're looking at making all the gauge sizes the same, amongst all the LCMAs, I understand that we're managing for one stock. However, they are stocks that are in different habitats, and therefore it was my thought and understanding that there is variability in growth, variability in reproduction and such.

It's also my understanding that the lobsters that were tagged far offshore, while they moved, they moved more north and south and less east and west, or at least dramatically east and west, so that the ones that are offshore kind of stay offshore, far offshore. The ones that they don't generally, there are those exceptions, come to the inshore waters.

If we're looking at trying to standardize gauge sizes, I would like to have some clarity, and again, it doesn't have to be today, on the variability of gauge sizes that we have now, and the reasons why. It was my understanding it's because there are different habitats and different growth rates and reproductive rates.

CHAIR MCKIERNAN: Sure, Cheri, and I'm looking at some of the options in the draft document, and some of these options simply raise the gauge an equivalent amount in each LMA, and it doesn't necessarily make it a uniform gauge. That is an option that we could choose in the end.

MS. PATTERSON: Yes, I understand that and I am appreciative of those options, thanks.

CHAIR MCKIERNAN: I think we're done with this issue for now. We've got good information on the screen. We've got a commitment to have some members serve on a subcommittee, to give feedback and review to the Addendum as it's being developed. Are we good moving on from here, any objections to moving on?

MS. KERNS: Dan, I just want to, you know since I made that suggestion, I want to make sure that Caitlin and Kathleen feel that they have enough direction to get moving forward. But if they don't, then I think we need to give them a little more feedback.

CHAIR MCKIERNAN: Okay, Caitlin and Kathleen.

MS. STARKS: Yes, I think Kathleen has her hand up, so why don't we let her go first.

CHAIR MCKIERNAN: Go ahead, Kathleen.

MS. REARDON: One thing that was kind of conflicting in the comments that I've heard. Some people said, Pat Keliher said he wanted to concentrate on resilience, while Dave Borden and Cheri. Well, I think Dave Borden was really pushing for standardization. Hopefully, the subcommittee can weigh in on that, and that is more for the PDT to decide which options to put forward. But I did not hear agreement on where the Board falls on that question.

CHAIR MCKIERNAN: Personally, I think David Borden's suggestions about uniformity had more to do with within an LCMA. I don't know whether he was endorsing across LCMA uniform measures. David, do you want to clarify that?

MR. BORDEN: Yes, that's correct. I'm not trying to wordsmith this after the fact. I mean I think it's important. There are some measures that we have that are just totally out of sync, and I won't pick on any area, but they are totally out of sync, in terms of some of the other measures in an LMA. I think those are kind of the low hanging fruit.

I'm in favor of standardizing some of the measures, and to the extent we can do it, and it's not terribly disruptive to the industry. I think it works, even if we

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The Board will review the minutes during its next meeting.

go outside of the Gulf of Maine. If we have more standard regulations, I'm sure our enforcement partners will be a lot happier enforcing the regulations.

DISCUSS VESSEL TRACKING FOR THE LOBSTER FISHERY

CHAIR MCKIERNAN: Okay, so we're moving on, no objections? Next on the agenda is the discussion about tracking. Caitlin, I think you have a presentation on the issue of tracking.

MS. STARKS: Actually, we have a couple presentations, so we'll try to make it fast. We have Bill DeVoe and Anna Webb up first, and then I'll follow up with just a few slides. Maya, could you pull the presentation up, please? Bill, are you on audio?

UPDATE ON TRACKING PROJECTS

MR. WILLIAM DeVOE: I'm all set, thank you, Caitlin. Good afternoon, thank you, Caitlin, thank you, Mr. Chairman. Thanks for the opportunity to present today on some recent updates at DMR regarding vessel tracking testing in the lobster fishery. When I last presented to the Board in October, I gave an update on the various cellular tracking devices that DMR and DMF had tested as part of the ASMFC Electronic Tracking Pilot Project.

At that time our average tracking device cost was \$350.00 per device, with about the same amount per device recurring annually for cellular data. As of December, of last year, Dee Larson tested a new cellular tracking device, the Particle TrackerOne, which is offered significantly lower cost, along with increased tracking functionality. Particle was a company I had worked with before for some non-tracking technology, and they introduced a dedicated tracking device last summer. We are currently integrating the Particle TrackerOne with harvester reporting and other data streams. The TrackerOne is about \$160.00 apiece, they use a low-cost rate limited cellular plan.

These plans are based on usage, and since even a one-minute ping rate consumes relatively little data, compared with a typical cell phone, the plan costs are considerably less. One of the primary drivers of this lower cost is the fact that there are over 200,000 Particle devices reporting, versus this typically much lower numbers for many fishery-specific trackers.

This means that our initial device cost is cut in half, compared to the past devices we tested, and the recurring annual cost is one quarter of what it was with the previous tracking systems. In addition to the cost savings number comes an increased track in functionality as well. TrackerOne is run on the open-source software. They can be modified to add functionality beyond tracking.

They have an expanded port that supports many common electrical interfaces, and Particle now offers tutorials, and an active developers' online community. The Trackers are powered by USB or hardwired. Many of the trackers we worked with in the past had to be hardwired to a circuit breaker on the boat. USB is a great option, and Particle Trackers set up quickly.

Harvesters can use a regular cell phone adapter to power the Tracker, versus having a lot of cable down below deck to one of their circuits. The Tracker also has a backup battery that can continue to power the tracker for over a day after power is removed. The devices are waterproof, but they seem to work fine from the wheelhouse. All of our deployments are currently just on the dash of the wheelhouse.

DMR is currently testing 5 TrackerOne's. At the right is a picture of one of these trackers, they are a little bit bigger than your typical wallet. DMR has contracted Bluefin Data to develop a harvester reporting global app that will meet federal reporting requirements for all fisheries.

We are integrating data streams from the TrackerOne with this app. As of Friday afternoon, our TrackerOne deployments are feeding data in real-time to BluefinData. We just had a boat come in around two o'clock, that is successfully offloaded. Their trip location is at a one-minute ping rate.

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

Draft Proceedings of the American Lobster Management Board
May 2021

As harvesters who have TrackerOnes on their boats test the vessel app in the coming months. Their location data will be sent to Bluefin to be submitted to ACCSP, along with their harvester report. Since the TrackerOne is always on when the vessel is powered, there is no need for the harvester to have their phone or other mobile device running for the duration of the trip. Additionally, if they forget their phone at home, or they start their trip report after leaving port, the track is already being recorded. On the right of the slide, you can see the screenshot from the VESL app of the trip report being submitted.

As I mentioned a few slides ago, TrackerOnes run on open-source firmware, so at DMR we made some custom modifications specific to the lobster fishery. The first was out in the Bluetooth interface. The tracker is constantly transmitting its own unique ID, so that the VESL mobile app can detect which tracker a harvester is using, and associate this tracker with their VESL account. This solves the issue of what boat has what tracker, and it also allows the VESL app to use the basic troubleshooting of the tracker status.

For example, if I mailed a fisherman the tracker, and there was no cell service at the dock where they typically tied up their boat, the VESL app would detect that by connecting to the tracker. Additionally, we are testing Bluetooth gear tags. During the ASMFC funded pilot project, we tested out gear tags for our company's Succorfish that were trying to integrate similar functionality for a lower cost.

We set up a TrackerOne to detect the unique idea of these tags, as they transit on and off the vessel. The tags can be used as trap or end line tags, or in mobile gear like auto trawls or scallop dredges. The tags are about \$20.00 apiece. Battery life should be at least five years, although it might be as high as ten years.

There remain some questions about how the production of these tags would scale up. The

software side is set, we're working on dealer tests in the coming weeks to determine the efficacy. Lastly, privations, DMR we tested out, didn't deploy the option of a button board to allow events on the vessel to be sent back with the tracking data.

It was a more of an option for specific research projects, not suite wide. Additionally, we're investigating the requirements for VMS type approval, to try to help ease the adoption of these trackers. This comes fully recognizing that DMF devices traditionally offer much different functionality than most cellular-based trackers. The type of approval process may be incompatible with these newer tracking systems.

Right is the screenshot for vessel, the current method of capturing fishing location. Future integrations on work, Bluefin has added a map interface to the vessel reporting app, such the harvesters can view their own tracks. Eventually we'll be creating an administrative interface to view all vessels, and to probably do some fishery statistics, heat maps and so forth.

There are many possibilities for integrating environmental data streams from sensors in traps around the vessel. An example would be temperature loggers in traps, so that when the other traps are pulled, the bottom data got uploaded. The Tracker could almost be a hub to transmit these data streams back to shore.

We also talked about integrating the TrackerOne with the plotter or computers on the vessel, to show the position of gear, and allow some two-way communication similar to some VMS devices. That is my update from DMR, I think Anna is next, and then Caitlin will do some questions after that. Thank you.

CHAIR MCKIERNAN: Who is up next, is it Anna Webb?

MS. ANNA WEBB: Yes, can you hear me?

CHAIR MCKIERNAN: I can, yes, go ahead.

MS. WEBB: We're doing a very similar pilot, but through the ACCSP SAFIS applications. Connecting cellular-based special monitoring systems and e/Trips

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The Board will review the minutes during its next meeting.

mobile for real-time linking of track to harvester trip reports. This is just kind of a refresher as to why we're focused on cell-based vessel tracking. They are generally lower in cost, although ours are not quite as low as what Bill just presented, but we're working on that.

They work in and out of cell range, data are stored, transmitted once it's available again. Data plans can be charged as monthly or annual cost. Ping rates are generally adjustable without a changing cost, and they can use direct power, solar power, and they are compatible with most vessels. This market is expanding rapidly.

Like Bill said, the Particle tracker came out last summer. Things have been changing quite rapidly. For our project, we had a couple of objectives. Basically, we were testing the ability of five different devices to collect vessel GPS information, working with the APIs for each device company, to acquire those tracks and link them to the harvester trip report submitted via eTRIPS/mobile.

We're testing the functionality of geofences, both within eTRIPS/mobile, and the different devices that we're testing. Then we quickly realized we needed to add on a few things, mostly a viewing interface in the app for the harvester to see their own tracks, and an admin viewing interface to see all tracks within your jurisdiction.

We settled on these five devices here. The fifth one is the integrated GPS into a tablet itself. Like Bill said, our costs were generally similar to what he has presented, averaged around \$350.00 to \$400.00, with data plans ranging from anywhere from low end of \$100 to a high end of \$400.00. Within eTRIPS/mobile, it is currently endorsed for trip report submission by multiple states in the federal jurisdictions. The tracking version uses the device company's APIs to pull in the vessel positions, based on a trip start and end times.

It works on all three platforms, including laptops, tablets and phones. It does work offline, and stores data until a Wi-Fi connection is reestablished, which does not have to be on the vessel itself. Then the new map view option lets the user see their track trips within the app. If you're using the tablet as a tracker, there is potential to use the map view in real time, and see your position in real time.

The app is ready for deployment. We're looking for some fishing industry participation at the moment, and hopefully we'll get some production trips in the next month or two. Here is an example of what a track might look like within the harvester app itself. There is no indication speed or anything, but it does show the track itself.

Testing, we have done a lot of testing in cars, not so much on a lot of active fishing vessels at the moment. But we have had successful tracks pulled from all devices and links to trips appropriately. We're hoping to launch on more volunteer vessels shortly. We have two in Massachusetts, Rhode Island has a few charter participants, and is looking for more commercial participants. We have an FAQ developed, in order to give to potential interested parties. The ongoing work we have right now is primarily focused on geofencing. Our geofencing is basically a virtual perimeter that you could put around whatever you want. We're looking into how we might notify users, both admin or end users in real time, if in cell range, if a vessel is approaching or crosses a fenced area.

There is a lot of different use cases for such things. Bill mentioned the defining ports to decrease port ping rates, or you can flag areas as closed. ACCSP specifically Mike Rinaldi, has developed a VMS track viewer within SAFIS, so that we can as administrators can look at tracks and summarize information, including calculated speed, so you can maybe estimate where some activity might have been happening.

We'll be able to review some of that ping rate data in more real time and identify efforts, after we get it on fishing levels. We're hopeful we'll have final reports by the end of the summer. This is an example of the

Draft Proceedings of the American Lobster Management Board
May 2021

track viewer. This is the admin interface. This is a repetition of display speeds on top of the track.

Anywhere where it is red is the slowest, yellow is the next, and then green is the fastest. We've expanded upon the work that Bill presented last year, and can further confirm that cell base trackers are cost effective, as compared to satellite. Installation of devices, which also Bill mentioned a little bit, can be complicated if they are actually wiring it in, and if we were to do a broad scale implementation, we may need to look into hiring installation technicians.

We have successfully connected all devices, and we are not seeing any significant benefit of one type of tracker over another. They all have different pros and cons, particularly in relation to power. Some are solar, and don't work the further north you go. Whereas, frequently the further north you go, others just are more cumbersome. They kind of balance out, in terms of the pros and cons.

We think that this could be available as early as 2022 for eTRIPS users. We're currently in the process of looking into how we might expand this project, particularly in terms of how do we apply for more funds to do so, that is. These are just a few of the ideas we've been tossing around, how do we pay for broad scale implementation? How do we enhance geofencing? Bill also touched on this, but these are being piloted as data collection tools, not as law enforcement tools.

To integrate those into law enforcement is going to take some work. Add more devices, such as the Particle device he just presented, and what other needs do we need to think about in the next two to four years? The funding cycles mean that we won't get money for this next phase until next summer, which would mean implementation if you're on an annual basis for 2024. Then what lobster specific needs? We're not sure what we might want to pursue going forward. That's all I have.

CHAIR MCKIERNAN: Thanks, Anna, I have a question. If this is being used on a voluntary basis now, and if through the management system was mandatory. How could it be determined that the vessel is in compliance with a functioning tracker?

MS. WEBB: Well, we would be able to see if, I don't know how you would do it before they reported, but once they start reporting if they're not also having tracks with those reports. We should be able to see, if we know who is getting what device, then we can see whether it is turned on or not. Those are other options.

MR. DeVOE: Dave, this is Bill. I'll just continue what Anna said that the tracker actually offers the opportunity to see if they haven't reported, because we would see that track plot if they went out fishing, but didn't submit a report. That is something we've actually talked about with Bluefin.

Kind of like putting together a matrix of all the different possible scenarios, like a vessel reports but their tracker isn't on. A tracker reports, but there is no trip report. We get a trip report, but might only get half the track or something. There is all these different sort of QA/QC scenarios that could come out of that.

MS. WEBB: Yes, agreed.

MS. KERNS: Dan, Jason McNamee's hand it up.

CHAIR MCKIERNAN: Go ahead, Jason.

MS. STARKS: Sorry, if I can interrupt, Dan. I don't know if you wanted to get through all the slides, but there are a few more.

CHAIR MCKIERNAN: Oh, okay.

MS. WEBB: Not mine, right.

CHAIR MCKIERNAN: Why don't we hold off, Jason, and go ahead, Caitlin.

MS. STARKS: Sorry about that, thought it might be good to get through the end. I just wanted to give a

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

Draft Proceedings of the American Lobster Management Board
May 2021

little bit of context for the discussion as you get into it today, on this topic of vessel tracking in the lobster and Jonah crab fishery. It's come up before the Board a number of times in the past, and the Board has generally noted that vessel tracking and the data, the spatial resolution and temporal resolution of data that would be provided is a critical data need, particularly for the federal water's fishery.

There are more details in the memo that is in supplemental materials, so I'll keep it short to save time. But these data would be extremely beneficial for addressing several challenges that are currently facing the lobster fishery, and those include right whale and protected resources interactions and risk reduction regulations, improving enforcement in the offshore fleet, and informing future discussions and decisions on marine protected areas, and spatial planning at the federal level.

These are just a few examples of how the Commission and states have been supporting efforts to facilitate the development of electronic tracking programs for the fishery. First, the Board approved the electronic vessel tracking program, the pilot program that came out of Addendum XXVI, and that we've heard about in the past. The Commission has previously sent a letter to NOAA Fisheries in April, 2019, recommending development of electronic tracking systems in the federal lobster fishery, and in the Commission's recent comments on the Atlantic Large Whale Take Reduction Plan modifications, in March of this year. It identified the need for improved offshore enforcement, in order for those proposed rules to be effective.

Then lastly, as we just heard from Bill and Anna, there has been ongoing work at the state level to test these trackers and integrate the data with reporting systems. With that in mind, the Board might wish to consider today whether it would like to forward a recommendation to the ISFMP Policy Board to recommend that NOAA Fisheries implement electronic vessel tracking

requirements for the federal lobster and Jonah crab fishery, and that's all the slides we have, so we can go back to questions. Sorry for the interruption.

CHAIR MCKIERNAN: Okay, Jason, you had a question?

DR. McNAMEE: It is a question. I think it's for Bill and/or Anna. Anna, I think it was you. You made the comment that you know you have a number of technologies. They are all good. They all have different tradeoffs. But what I was wondering is, if all of them can integrate into the, for instance like ACCSP database, so it's like they all work in that way. That is what I was wondering.

MS. WEBB: I will say, we didn't pilot every device that Maine and Massachusetts piloted for the first project. There are five devices, or four external devices, plus an integrated GPS and a tablet that work with ACCSP right now. I personally would love to see the Particle Tracker added. That is dependent on what ACCSP says, in terms of what is in scope and out of scope for maintenance of this application. As we consider applying in this next funding cycle.

MR. DeVOE: My understanding is that we should be able to submit locations from those now. I mean the ACCSP API as APAIS. The only data elements that it accepts is basically time stamp, latitude and longitude.

MS. WEBB: Right, yes. Any tracker we could get data from, but linking it to the trip report will only occur on the four external devices currently. I mean you could look at the time stamp and manually do it. But the automated link is only for five devices right now.

DR. McNAMEE: Excellent, thank you both very much. Just to make a comment. You know I think if there are opportunities to have options, you know I think that is great. Nice work, thank you for that report.

MS. KERNS: Alli Murphy has her hand up.

CHAIR MCKIERNAN: Great. Okay, so we have a Board consideration for the discussion. Alli, do you want to start the discussion?

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

Draft Proceedings of the American Lobster Management Board
May 2021

MS. MURPHY: Sure, Mr. Chairman, thank you. I think this is an important issue, and potentially a very valuable data source. The great work done to date has been very successful at demonstrating that there are other possible systems that we can employ, other than the satellite-based VMS systems currently used in GARFO fisheries.

I do understand the urgency here, but I think it's really important that we get this right. I would urge the Board against sending a recommendation to NOAA Fisheries, as outlined in the April 27th memo, and instead develop this program through a Commission Addendum process. If I may, I have a couple additional points, Mr. Chair.

CHAIR MCKIERNAN: Yes, please do.

MS. MURPHY: First, much like our discussion on the Gulf of Maine Resiliency Addendum, I think it would be beneficial to define the goals and objectives of this data collection program. It seems like the memo has jumped to a solution, and identified a bunch of ways that we could use the data resulting from that solution.

But I think we need to do a little bit more work to ensure that our solution fits a problem that is based on a management need here. Some questions I have that Anna raised in her presentation are, you know is this a monitoring, compliance and enforcement issue? Can we develop a comprehensive plan to address that, or is this purely to collect higher resolution spatial data than what was included in Addendum XXVI?

I think once we've answered those questions, or we know what that driver is, we can then evaluate what the best technological solution will be at the lowest cost. Then, I think second, the participation of our experts, so that is our management and data folks, as well as our enforcement partners from all of our jurisdictions. It is going to be important to not only establishing those objectives, but they are

going to be critical to defining what data we collect, how, and then how well jurisdictions can access and make use of it.

On this point, I think being more proactive in our process here, and having these cross jurisdictional and cross program conversations earlier in the development process, then say we did with Addendum XXVI, when those conversations took place after we passed the Addendum, is going to benefit and speed this whole process. Mr. Chairman, I know we're over time here, and if you would like, I would be prepared to make a motion. But if you would like to open it up for some additional discussion, I can wait as well.

CHAIR MCKIERNAN: Well, you know what? Why don't we let you put the motion up, because the discussion can follow the motion?

MS. KERNS: Dan, Pat had his hand up before Ali. I mean, I don't know if you want to go to Pat.

CHAIR MCKIERNAN: Sure, okay so hold on a second, Ali. We'll go to Pat and I'll come right back to you.

MR. KELIHER: I have to say that I am very much in firm opposition to many of the points that Ali has just raised. We're in a situation where we have spent a tremendous amount of time looking into these issues around trackers. As you heard from the two presentations today, we have many options.

Those options will be critical for the Agency to have in place moving forward, based on what they've done in the past with VMS, having additional contractors available, so nobody is stuck in a single box, as far as what technology they would be able to use. We have the ability to house this data through ACCSP, which is a critical component.

I would argue that we have the goals and objectives, and Caitlin could back up one slide to the points to consider. Those points are key here. We have a whale issue that is being driven by models that make great assumptions. The data associated with trackers would allow us to fill in the void, the data voids with those particular models.

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The Board will review the minutes during its next meeting.

The offshore enforcement issue again, is critical here. We've talked about through the Law Enforcement Committee, and more broadly at the Board, about the need for having large offshore patrol vessels to work in a more thorough way in Offshore Area 1, and out into Area 3. But we've kind of said right off the bat that after looking into those issues, that a tracker will only make that work more efficient. We now have NOAA OLE looking at the use of remote operated vehicles, submersibles, excuse me, in order to check that gear.

Well, you have to be able to find the gear in order to be able to check it, and trackers would allow that to happen. You know these marine protected areas and spatial planning efforts that are underway, President Biden has his 30-30 Initiative. Again, incredibly important data to be able to fill in the voids there.

I just look at the amount of work that we had to go through on deep water corals in Maine, pulling that information together. Months of interviews with harvesters by multiple members of my staff, in order to pull that together. We could have had that done in a matter of hours, if we had this type of data.

I also don't believe that we are under any obligation by statute, in order to move forward with a letter of recommendation from the Policy Board to the Agency. I've heard about this. I've had conversations with folks within the Agency about wanting to see an Addendum, but we don't have the time. Let's just make it really clear. We don't have the time to go through this process, in order to advance this work that needs to be done.

I think we need to do it jointly. I think we need to do it in partnership between the Agency and the States and the Commission. But time is of the essence, and we need to have something in place, in my mind, by January 1st of 2023, in order for it to be useful for the conversations in particular around whales, based on the Biological Opinion and the timing of the

framework that has been put forward. I would have a motion as well; in case we need to.

CHAIR MCKIERNAN: Well, yes. I would like to let Ali finish her arguments. Speaking as Chairman and also as somebody who has dealt with NOAA on issues of VMS and access to VTR data, and the very difficult challenges of those ten-minute square conversations, where NOAA goes forward with something, and then we all try to get access to it, it's really challenging. I'm interested to hear from Ali, you know her argument about the advantages of the Addendum. But Ali, why don't you complete your argument, before we go back to Pat.

MS. MURPHY: Thank you, Mr. Chairman, do you want me to make that motion now?

CHAIR MCKIERNAN: Yes, but just tell us what you have in mind, but sure, put it up if you would like.

MS. MURPHY: Yes, so I think I would move to initiate an addendum to develop objectives for collecting high resolution spatial data, identify technological solutions, and develop system requirements.

MS. STARKS: Can you repeat what you said after identify, please?

MS. MURPHY: Technological solutions, and develop system requirements.

CHAIR MCKIERNAN: Okay, usually we let you speak to the motion once you get a second. Is there anything else that you want to put forward as the rationale for this, before we ask for a second?

MS. MURPHY: If I may, Mr. Chair. You know I think my language here is a little bit vague on purpose, so that the PDT or whoever we're tasking can start at step one and define the need, and then find the solution that fits that need. Yes, I guess I can leave it there. I also, I guess one additional point would be that I think there is absolutely, as Commissioner Keliher said, that the need for us to work in collaboration on this.

Draft Proceedings of the American Lobster Management Board
May 2021

I think the Commission process is the way to do that. I think if this is kicked to NOAA, and we do this all internally, there is not a lot of ability for us to check in with our state partners and with the Commission on what we're doing, until we've proposed a rule. I think this will be the most efficient path forward.

CHAIR McKIERNAN: Okay Ali, thanks for that. Can we get a second from the Board on this motion?

MS. KERNS: We have hands that have been up, David, so I'm not sure if these hands are for seconding the motion or not. If someone is seconding it, could they just voice that second?

MS. PATTERSON: This is Cheri. For the sake of conversation and to start the discussion, I'll second.

CHAIR McKIERNAN: Thanks, Cheri. Ali, maybe if you could just elaborate, because I hear Pat's concern that, I think he perceives that having an Addendum is going to slow this process down. You seem to be arguing that having this process might speed it up, because through the Commission we might be able to do things in a more expeditious fashion. Can you speak to that?

MS. MURPHY: Yes, so I guess part of my fear here is, you know if this is kicked to us. As I just said, you know without the ability to check in with all of you on the development of this program until we have a proposed rule. I fear that we're recreating some of the mistakes we made with Addendum XXVI, by doing that hard work of understanding each other's programs, and finding solutions that work for everybody too late in the process, and that will slow things down.

I also think some of the work that this group could do up front will aid in my potential rulemaking process later on. You know having those goals and objectives clearly defined, and having some information on costs and some of

that work has already been done, and will also help to help me with the justification that this really is the lowest cost solution for the problem that we're trying to address.

CHAIR McKIERNAN: Okay thanks. Any discussion on the motion?

MS. KERNS: You have Pat Keliher, David Borden, Jason McNamee, Cheri Patterson, and Mike Luisi. At some point, Dan, I would like to ask some questions about potentially about these objectives that Ali has described, but let the Board have some discussion first.

CHAIR McKIERNAN: Okay, so I've got Pat Keliher, Dave Borden, Jason McNamee, Mike Luisi, who else?

MS. KERNS: Cheri Patterson.

CHAIR McKIERNAN: All right, Cheri. Okay, Pat Keliher, go ahead.

MR. KELIHER: I appreciate Ali's points here, but I still have to disagree where we're at. We could go through an entire addendum process, and there is zero guarantee that at the end of the day we will have this work completed by the Agency, and there are examples of that that are in play right now. What I would like to do is make a motion to substitute, and Caitlin has that language.

CHAIR McKIERNAN: Okay.

MS. STARKS: Dan, could you let me know. You sent me a couple things, so I just want to make sure it's the third one.

CHAIR McKIERNAN: I'm sorry, Caitlin, are you asking me to send you something?

MS. STARKS: Sorry, I meant Pat, if I said Dan. Sorry, mixing up names. Pat, are you talking about the?

MR. KELIHER: To recommend that the Policy Board write a letter.

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

Draft Proceedings of the American Lobster Management Board
May 2021

MS. STARKS: Maya, can you pull that motion up, please?

MR. KELIHER: Mr. Chairman, I would move to substitute, to recommend to the Policy Board that a letter be written to NOAA Fisheries recommending the prioritization of federal rulemaking to require the use of cellular-based vessel tracking devices in the federal lobster and Jonah crab fishery. Included in this letter the Lobster Board's willingness to establish a technical workgroup to support NOAA's efforts on vessel tracking.

CHAIR McKIERNAN: Is there a second for Pat's motion? Toni, any hands up?

MS. KERNS: All those same hands are up from before, so if someone could just voice their second. It's hard for me to tell.

MR. BORDEN: Second, David Borden.

CHAIR McKIERNAN: Second by David Borden. Okay, can we have discussion on this motion?

MS. KERNS: You still have the same hands, but Jason McNamee has his hand up.

CHAIR McKIERNAN: Go ahead, Jason.

DR. McNAMEE: Now I'm sort of wondering. I am generally supportive of what Ali offered. You know, I'm thinking it's an opportunity for us to make sure. You know if we just sort of offer a letter, and then NOAA implements it in a way that is not helpful to us. You know, I saw the Addendum as an opportunity for us to make sure the way it gets implemented is going to work for the states. I guess an addendum process doesn't feel like an enormous amount of time, so I was supportive of that.

Now with Pat's substitute, I guess I have the question of, I like that too, because again, it is my view that this technical workgroup would serve that same purpose. In the end, I just want to make sure that NOAA gets guidance from us,

from all of the work that we've been doing to make sure that this gets implemented properly. I guess I'm wondering what Ali thinks about this, you know the second part of Pat's new motion here that will put together a technical working group to support NOAA for that informational piece. I'm wondering if that fits the bill or not.

CHAIR McKIERNAN: Ali, do you want to speak to Jason's question?

MS. MURPHY: Yes, I mean I think if that were possible, I think that would be helpful. But unfortunately, there are restrictions on having that kind of guidance and check in with members of the public while we're in rulemaking. Chip may be able to give me a hand here with some of the legal arguments against it, but it sounds like Commissioner Keliher is recommending something like a federal advisory committee, and that would trigger FACA problems for us.

CHAIR McKIERNAN: Okay, thanks. Any other hands up to discuss the substitute motion?

MS. KERNS: We have David Borden, Cheri, and Pat Keliher. I do just want to say, just before they go, Dan. I do actually think we already, through the work that we have done, already have the answers to most of Ali's questions that she would want to go through an addendum process. I just do want to point that out to the Board. I'm not sure.

Those aren't the type of issues that we typically take out for public comment. I think it would be really difficult for the public to comment on some of those things, and most people haven't used these trackers yet, and that the trackers have been developed in conjunction with industry. Those folks that would be providing advice that we would be putting in this letter to NOAA, in addition in this sort of workgroup, which could include industry members, obviously law enforcement would be commenting at that time. I just wanted to point those pieces out.

CHAIR McKIERNAN: Thanks, Toni, David Borden.

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

Draft Proceedings of the American Lobster Management Board
May 2021

MR. BORDEN: I'm in support of Pat's substitute, and I'm opposed to the underlying motion. I just point out, and I'll use myself as the example. I've worked over the past couple of years on issues involving the Monument, corals, wind development in Southern New England, right whales, and soon I think we're going to be confronted with a whole new round of wind proposals, if Congress approves the budget, and allocates 400 billion, that's with a B, dollars for tax credits for alternative energy development in both solar and wind.

I think you'll see a proliferation of wind. Each one of those issues would have been made so much easier if we had specific information on where the fishery is actually taking place, which we don't, with all due respect to NOAA. The use of current reporting system does not lend itself to reporting in a really defined spatial area. With all of those issues we were constantly in the perspective of, well is there a fishery there? How much of a fishery takes place? We need this type of information.

I also point out that the recommendation by Mr. Keliher only applies to federal permit holders. It does not apply to state permit holders. If it is only going to apply to federal permit holders, I'm not sure why we need an addendum in the first place. Then the final point is on this issue that Ali raised, about certain laws and regulations. I think it is incumbent upon the leadership of the Commission if this motion passes, the substitute passes, to work with NOAA to work through those issues, and try to eliminate as much of the confusion that might ensue.

I mean on the confidentiality provisions, most of the state personnel that have led the work on this, and done a lot of fine work on behalf of the state agencies on this issue. All of those individuals can be bound by confidentiality agreements. I think this is something that we can send a letter, but then commit ourselves to partner with NOAA on the details in an appropriate manner.

CHAIR MCKIERNAN: Jason McNamee.

DR. McNAMEE: I'm all set, Mr. Chair.

CHAIR MCKIERNAN: Okay, Mike Luisi.

MR. LUISI: No, the questions that I had have been answered. I'm good to go, I'll pass.

CHAIR MCKIERNAN: Okay, Cheri Patterson.

MS. PATTERSON: Yes, thank you. I'm probably going to be voting yes for Pat's motion to substitute, especially since I heard that an addendum isn't really needed for this. The objectives are already stated, as to why we need the high-resolution spatial data, and I guess I need some sort of confirmation from either Chip or Ali, as to can NOAA in fact move forward with rulemaking, based on a technical workgroup input, or do they really have to shut off all communications with "the public."

I put that in quotes, in order to develop some sort of vessel tracking. I guess I'm concerned about timing here, and I think we've got all the information needed to pull together by something by a timeline of January 1st, 2023, right now. But I guess I need to hear substantively from Chip, as to whether that is correct or not, thanks.

CHAIR MCKIERNAN: Thanks, Cheri. Can we get some feedback from NOAA Fisheries, either Chip or Ali?

MS. KERNS: Chip has his hand up Dan, and he should be unmuted. He just needs to unmute himself.

MR. CHIP LYNCH: Hi everybody, and thanks. This is Chip Lynch with NOAA General Counsel. To Cheri's point, and Pat's point, there is not a legal restriction that prohibits NOAA from beginning a rulemaking without an addendum. I think I just put three or four negatives together there, I'm not sure if that's right.

We can begin the rulemaking without a formal addendum. But to Ali's point, once we begin rulemaking, the law concerning ex parte communication would mean that we would not be able to engage in a technical workgroup, the type that

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

Draft Proceedings of the American Lobster Management Board
May 2021

Pat might be referencing. We have all sorts of federal advisory committees.

You know we can hear of it as FACA, with restrictions that prohibit there being a group that makes recommendations, a special blue-ribbon panel that they get special access. I would note, both with Ali's motion and Pat's motion, that there is a certain commonality to it. They are not mutually exclusive. It seems as though both are calling for process, it's just when that process occurs.

Legally, there is the potential to have that process occur before the formal recommendation, and that would allow for a little bit more time for this to bake, but wouldn't necessarily slow down anything, and need to potentially not even have to be an addendum. But it would be the convening of a group before the letter was sent. I'm not suggesting that, I'm just noting that there is potentially a hybrid here between the two motions that is something that the Board might want to consider. Thank you.

CHAIR McKIERNAN: Thanks, Chip. Chip, could you answer a question for me? It has to do with access to the data. Given our experience with VMS, and how difficult it is to get access to VMS, unless you are approved, I guess by NMFS Law Enforcement or some folks at NOAA. Is it possible if this goes the federal route, that the states may have less access to this data than we want?

MR. LYNCH: Sure, so I would think that that would be one of the issues that folks would want to discuss. Is it possible? Oh, absolutely it's possible. It need not be intentional either, it could be an unintended consequence, because some federal bureaucrat, like me, just didn't know enough about the issue and wrote something a certain way, without consideration to the problems at hand, so yes.

This is necessarily getting together with some people, even if it's just for a whole other ASMFC

season. You know next meeting, just people get together and sort of troubleshoot some issues. You could end up with people saying, nope everything is fine, we're good to go, or we're not. I think that would be time well spent in something that doesn't necessarily slow things down.

CHAIR McKIERNAN: Thanks. As I understand these two motions, if the substitute passes and that is made final, then the Policy Board would be recommended to write a letter, and the response to that letter could still be, from NOAA Fisheries, telling the Policy Board that we think you should do an addendum. It's sort of a tennis match, right, what's being served, what's being returned, instead of going right to an addendum, which is Ali's motion. Is there anyone else who wants to comment on the substitute motion, because we might as well take a vote soon.

MS. KERNS: You have Eric Reid, David Borden, Jason and Pat Keliher. They've all had their hands up.

CHAIR McKIERNAN: All right, Eric Reid, go ahead.

MR. ERIC REID: I don't know how many boats already have satellite tracking devices, so I'm not really sure why we can't use those objectives to justify anything we do. This cannot happen fast enough. I would support Mr. Keliher's motion. But I have a question, because it says to require the use of cellular-based tracking devices in the federal lobster and Jonah crab fishery. Now, my boats, they have lobster permits, but they've got satellite.

I would assume that it would be okay to have satellite tracking, in which case the motion should read something like, to require the use of approved vessel tracking devices in the federal lobster and Jonah crab fishery, as opposed to having to get a cellular device to meet the qualifications of this motion. It's just a technical point, but that's it. Thank you.

CHAIR McKIERNAN: Pat, do you accept that as a friendly amendment?

MR. KELIHER: Yes, assuming my seconder would I can go along with that, because there are going to be a lot of conversations around the technical side of this,

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Draft Proceedings of the American Lobster Management Board
May 2021

such as ping rate. I think we would get to that point down the road, and if we had satellite-based systems that pinged at a faster rate to achieve what we need here, then yes, I would say I would be fine with that.

CHAIR MCKIERNAN: David Borden, are you good with that amendment?

MR. BORDEN: Yes, sir.

CHAIR MCKIERNAN: Okay, Caitlin, do you want to make that minor change?

MS. STARKS: Yes, not me, Maya. Did you get that, and if not just ask for clarification?

MS. MAYA DRZEWICKI: Could you just repeat the amendment?

MS. KERNS: Maya, it would be use of cellular-based or satellite-based vessel tracking devices. But Dan, Bill DeVoe just put his hand up. Do you mind going to him? My guess is that he is going to speak to the expense that would come with satellite-based tracking at the ping rates that we've talked about, but maybe not.

CHAIR MCKIERNAN: Sure, go ahead, Bill.

MR. DeVOE: I definitely would suggest that the satellite-based tracking is going to be prohibitively expensive, particularly the same ping rates, which are almost nonexistent. I also would request that you all could think about how these devices would be implemented along with the existing federal VMS requirements.

You know, if we are putting the suggestion in, is this going to get steamrolled, you know into the suggestion that the devices have to be an existing type approved VMS device, for which there are some that are cellular based, but the requirements are quite contradictory. In particular what comes to my mind, is that for the type approval process.

There is the suggestion, that cellular-based devices can be approved, and that they do not need to upload data until they are back in cell service. But the type approval process also dictates that VMS devices are able to use mobile forms, are able to have two-way e-mailing, all of these sorts of functionalities that I at least haven't heard any suggestion that we need, to get this much needed spatial data in the lobster fishery.

CHAIR MCKIERNAN: Sure. Is it also clear in this motion that this is the Jonah and lobster trap fishery? It's the vessels fishing traps, right? Because I think to Eric Reid's point, his vessels have federal lobster permits, but they may not be fishing traps. Eric, is that your expectation?

MR. REID: Yes, Mr. Chairman, that would be correct. But there is no sense in having a system where the ping rate may not be as high, which was pointed out already. But to have to go through the expense of getting another system, it seems foolish to me, that's all.

CHAIR MCKIERNAN: Who is next, David Borden.

MR. BORDEN: A quick point, but if I might. Chip, would it help if in the last sentence we said something like, include in the letter the Commission's willingness to establish a technical working group of state agency personnel to support NOAA's effort. Would that help in your view? That way, the people that are being brought to bear could be bound by the confidentiality rules.

MR. LYNCH: Mr. Chair.

CHAIR MCKIERNAN: Yes, go ahead, Chip.

MR. LYNCH: The FACA issue is less about confidentiality, and more about access. I don't know enough about the issue with tracking to advise, but I am not sure it would be much of a delay. If the technical group could get together, and before the August meeting you might be in the same position of not wanting to do an addendum.

Draft Proceedings of the American Lobster Management Board
May 2021

But you would still have that technical group having met. I just don't know how long it would take a group to meet. But it seems as though moving it off to the summer meeting, you would still have that technical group meeting, might be a compromise that achieves the goals of many of the groups here.

MR. KELIHER: Mr. Chairman, to that point.

CHAIR MCKIERNAN: Go ahead, Pat.

MR. KELIHER: Chip, my intent was certainly not to trip any issues with FACA that both you and Ali have brought up. The intent is to, I mean I feel like on many occasions we have working groups that work proactively together with the Agency. Would it help in, maybe this is what you were trying to get to, with kind of that middle of the road. Would it help to change the order here to have the Policy Board institute a technical working group, or collaboratively with the Agency.

Then we would revisit the need for, and possibly then just revisit the need for a follow up letter to prioritize it. I mean the whole idea here, Chip, is to prioritize rulemaking, because I don't think based on what I've heard, that GARFO has the bandwidth right now to do this work. I think it is incumbent upon us to work proactively together, in order to complete this task. If there is a way that we can structure this to avoid FACA, but still get to the same end, I'm all ears.

MR. LYNCH: Mr. Chair.

CHAIR MCKIERNAN: Go ahead, Chip.

MR. LYNCH: Normally at a Commission meeting if I'm at the microphone, I can look over to see Ali giving me the knife to the throat sign to be quiet. I can't here though.

MR. KELIHER: She's giving it to you, Chip, she's giving it.

CHAIR MCKIERNAN: Would you like to take like a three-minute break?

MR. LYNCH: No, I think I'm okay, and I'll just have Ali just thump me after. But I think what I'm saying is that yes, Pat. I don't know if the Agency wants a compromise, but what I'm telling you is that if a tech group, on which the federal government could be a member were discussing this issue generally, you could be back in the same position that you are now in August.

But you will be far more informed, and the three-month time delay is not necessarily a time delay, because it is front-end loading scoping and issues into what could be a potential federal rulemaking, if that is what indeed what the Commission wants to do.

MR. KELIHER: The motion could be that the Policy Board invites NOAA Fisheries to participate in a technical working group on the development of federal rulemaking around approved vessel tracking methods for the federal lobster and Jonah crab fishery.

MR. LYNCH: Mr. Chairman, can I speak?

CHAIR MCKIERNAN: Please do.

MR. LYNCH: Not to beat a dead horse, Pat. I can tell you that your intent here is loud and clear, and is recognized by the Agency. Loud and clear before this meeting even was convened. I would not put in the motion that this is recommending federal rulemaking at this point. That would be something that no harm done by keeping it out. If that is where you all want to be in August, you can state it at that point.

CHAIR MCKIERNAN: Pat, do you have?

MR. KELIHER: I think I would like my seconder to weigh in here, but I think we're going to get to that point, right? I would be amenable to recommending that the Policy Board write a letter to NOAA, inviting them to participate on a technical working group to further develop vessel tracking devices for the federal lobster and Jonah crab fishery, and just leave out anything around prioritization. Then we could put this

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Draft Proceedings of the American Lobster Management Board
May 2021

on the agenda for the August meeting, where we could report out the progress.

I want to make sure it's also clear in the record here today, I'm not looking to avoid public participation in this. I think to Toni's point, we've got a lot of information already on the table that would be beneficial for NOAA to understand, and then the public process would come from down the road, if we got to the point of federal rulemaking the public would comment on it at that time.

CHAIR McKIERNAN: Okay, so Pat, can we take like a two-minute break for you to redraft this language?

MR. KELIHER: Sure.

CHAIR McKIERNAN: What is the official time, Toni?

MS. KERNS: The official time is 5:01.

CHAIR McKIERNAN: Okay, let's reconvene at 5:05.

MS. KERNS: Pat, I'm calling you.

CHAIR McKIERNAN: Are we ready to reconvene, it's 5:05.

MS. STARKS: Toni is not picking up; I'm assuming she might still be talking to Pat on the phone.

MR. KELIHER: We got it. Okay, Mr. Chairman, I think we have a solution.

CHAIR McKIERNAN: Go ahead, Pat.

MR. KELIHER: The solution would actually be a Board prerogative, instead of dealing with this with a motion at all. If I can read my hen scratching here, we would create a technical working group that includes NOAA, Law Enforcement representatives, and members of the Board, to develop objectives, technical

solutions, and system characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries, and report back to the Lobster Management Board at the August meeting.

CHAIR McKIERNAN: Okay. You are making a second substitute motion.

MR. KELIHER: I think you could do this if there is Board consensus, Mr. Chairman. I think we could, if you wanted to, eliminate the motions that are on the Board with agreements. I don't know if you can, based on the fact that they are owned by the Board now. But it may be the quickest way forward, and it achieves my intent, and I believe it achieves the intent that Ali and Chip were getting to.

CHAIR McKIERNAN: It sounds like you've come to a good solution, Pat. Can we just see the final language on the screen, if you would give that to staff?

MR. KELIHER: Let me see if I can. I was more handwriting this than anything, so let me just pull this back up.

MS. KERNS: Pat, I can help you, and Maya, it's sort of a combination of these motions, if need be.

MR. KELIHER: It might be easier to just read it to Maya, for her to capture this.

MS. KERNS: Maya, it uses a lot of the words from Ali's motion, and then the second motion.

MS. DRZEWICKI: Okay that's fine, you could start talking whenever.

MR. KELIHER: The Lobster Board would create a Technical Working Group that includes.

MS. DRZEWICKI: Should I start a brand-new paragraph, or should I just jump in somewhere?

MR. KELIHER: I would start right below my motion, brand new. It will make it cleaner.

MS. DRZEWICKI: Okay, I'm ready.

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Draft Proceedings of the American Lobster Management Board
May 2021

MR. KELIHER: The Lobster Board would create a technical working group that includes NOAA, LE representatives.

CHAIR MCKIERNAN: Is that state and federal?

MR. KELIHER: Yes, and members of the Board to develop objectives, technical solutions, and system characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries, and report back to this Board at the August meeting.

CHAIR MCKIERNAN: Okay. Will we see it on the screen shortly?

MS. KERNS: At the bottom, Dan.

CHAIR MCKIERNAN: Yes, so this should be a motion for the Lobster Board to create, and we need a second?

MS. KERNS: Dan, if there is consensus you don't need a motion to do this.

CHAIR MCKIERNAN: Okay, thanks, Toni, is there any objection to the new concept motion that Pat has brought forward?

MS. KERNS: But Dan, the one thing that we would need to do is get the Board's consent to withdraw the other motions, but those withdraws would have to also be okay with the makers and seconders, because we do have motions on the table.

CHAIR MCKIERNAN: All right, so to Mr. Borden and Mr. Keliher, do you agree to withdraw your previous motion?

MR. KELIHER: I would.

MR. BORDEN: Yes.

CHAIR MCKIERNAN: To Ms. Murphy and Ms. Patterson, do you agree to withdraw your previous motion?

MS. PATTERSON: Yes.

MS. MURPHY: Thank you, Mr. Chair, yes. I think this is a good middle ground to start some of these discussions, thank you.

CHAIR MCKIERNAN: Okay, so now we have a new motion. I understand Bob Beal wants to weigh in before we go forward. Bob.

EXECUTIVE DIRECTOR BEAL: Yes, thanks, Dan. I think technically the maker and the seconder can't withdraw their own motion, now that they are the property of the Board. They've been debated for quite a while now, and you need to have full consensus by the Board that they are comfortable withdrawing both of these motions, rather than just the maker and the seconder.

CHAIR MCKIERNAN: Okay. To the full Board, is there any objection to withdrawal of Mr. Keliher's motion seconded by Mr. Borden? Hearing none, to the Board. Is there any objection to withdrawal of the motion previously made by Ms. Murphy, seconded by Ms. Patterson?

MS. KERNS: Dan, I want to make sure Mike Luisi is not objecting. He has his hand up, so I just want to confirm.

CHAIR MCKIERNAN: Mike.

MR. LUISI: Oh no, Dan, I'm not objecting, I just had a question. But you are going in the right path. I was just trying to figure out how this worked under Robert's Rules. I think what you're doing right now. That's all I had a question for, so I want to put my hand down. But as long as we can clear the board and then vote on the new motion, I think we're good to go.

CHAIR MCKIERNAN: I think so too, thanks to Robert Beal helping us with Robert's Rules. I think we're in a good place. Now we have this new motion. Do we need a second on this motion, Toni?

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Draft Proceedings of the American Lobster Management Board
May 2021

MS. KERNS: I guess my thought was is you could do this by consensus. It doesn't necessarily have to be a motion. But it can be a motion if you need it to be.

MR. LUISI: I'll second the motion if need be, after the other motions get clear, I'll second the motion for discussion.

CHAIR McKIERNAN: All right, so it's a motion by Pat Keliher, it's been seconded by Mike Luisi, and we can take discussion. Is there any need for discussion? If not, then we can just, is there any objection, assuming not?

MS. KERNS: I don't see, well Pat Keliher has his hand up. I think it might be an artifact of before.

MR. KELIHER: Yes, my apologies. I get confused with these fancy buttons, sorry.

CHAIR McKIERNAN: All right, so there is no objection to this motion. It's enacted by consent. Thank you everyone, sorry about that difficult process, but these are very important issues. In my mind there is probably nothing more important than the lobster fishery having an opportunity to establish its footprint on all the issues that were laid out in that memo.

OTHER BUSINESS

APPOINTMENT TO THE PLAN DEVELOPMENT TEAM FOR ADDENDUM XXVII

CHAIR McKIERNAN: All right, I think next is Other Business. Is there any other business to come before the Board? Actually, I have one. I would like to appoint Bob Glenn to the Plan Development Team. Is there any objection on the Board to Bob Glenn joining the PDT? Bob is a former TC Chair, and has done a lot of great work on this, as well as the Large Whale Team, and I think he would be a great contributor to the PDT.

MS. KERNS: Dan, to clarify that is for Addendum XXVII that Max does not have a representative from.

CHAIR McKIERNAN: Thanks, Toni. Hearing no objection, let Bob know he's a part of the PDT for Addendum XXVII.

ADJOURNMENT

CHAIR McKIERNAN: All right, can I get a motion to adjourn?

MR. KELIHER: So, moved.

CHAIR McKIERNAN: Thank you everyone. Meeting adjourned.

(Whereupon the meeting convened at 5:15 p.m. on Monday, May 3, 2021.)

Atlantic States Marine Fisheries Commission

American Lobster Addendum XXVII Plan Development Team

Meeting Summary

Webinar

Wednesday, July 7, 2021

Attendance: Caitlin Starks (Chair, ASMFC), Kathleen Reardon (ME), Corinne Truesdale (RI), Bob Glenn (MA), Alli Murphy (NOAA), Emilie Franke (ASMFC)

The Plan Development Team (PDT) met to continue the development of Draft Addendum XXVII on biological resiliency in the Gulf of Maine/Georges Bank (GOM/GBK) Stock. First the TC Chair gave an update on the status of analyses being performed by the TC to provide advice to the PDT on appropriate management measures to increase the biological resiliency of the stock. The TC has reviewed previous analyses to estimate projected impacts of various gauge size changes on catch (in numbers and weight) and spawning stock biomass (SSB). However, there was concern among TC members that the offshore fishery in Lobster Conservation and Management Area (LCMA) 3 was considerably different from the full stock model and, thus, may have inaccurate results due to a mis-parameterized simulation model. To address this, the TC agreed to perform further analysis for LCMA 3 to tune the population simulation model to match the catch characteristics of the LMA3 fishery, under the assumption that a simulation model that could reproduce the catch characteristics of the fishery may more accurately project changes in the fishery given changing management measures. Due to TC workloads this analysis has not yet been completed but is expected soon.

Next the PDT discussed two alternatives for how to structure the proposed management options in the addendum. The PDT reviewed the previous options they developed, which included “packages” of management triggers and the measures that would be implemented as a result of reaching that trigger. Concerns were raised that some of the options to standardize measures within or across LCMAs did not meet the goal of increasing resiliency. The group acknowledged that the Board prioritized increasing resiliency over standardization, but the document could consider options that accomplish both objectives; they agreed that the document should be clear as to what objectives each proposed option is intended to accomplish. The PDT preferred the second draft option structure, which arranges the options into 4 issues:

1. Standardizing some measures upon final approval of addendum
2. Establishing management triggers to automatically implement measures to increase biological resiliency
3. Management measures that would be automatically implemented at defined triggers
4. Spatial implementation of management measures in LCMA 3

The PDT provided additional guidance on the options to be considered in the document. First, they agreed that more than two trigger levels should be proposed to give the Board a broader range of options from very conservative (trigger related to Fishery/Industry Target reference

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point) to less conservative (trigger related to Abundance Limit reference point). They noted that the document should provide more description and explanation of the biological risks and rewards associated with the trigger options, or else they may be viewed as arbitrary levels. Kathleen noted that the regime shift analysis in the assessment could be used to better explain the trigger levels.

With regard to the management measures that should be included in the document as options, the PDT discussed that the most effective way to impact the stock resiliency seems to be to increase the minimum size in LCMA 1, given that is where the large majority of landings occur, and that the minimum size in LCMA 1 is still several millimeters under the size at 50% maturity. They also noted that increasing minimum size should increase yield in weight, whereas decreasing maximum size would reduce yield. The PDT agreed that for the measures options, minimum and maximum size should be dealt with separately, and that it would be best to put forward a set of Area-specific measures and a set of standardized measures. For the Area-specific measures, the PDT noted that depending on the TC analysis, it may be beneficial to consider an option in which the minimum size in Area 1 is increased while the maximum size in Area 3 is decreased, given differences in catch composition between the area. There was some disagreement among members about whether there is a scientific basis for using a tiered approach where less restrictive measures would be implemented at a more conservative trigger, and more restrictive measures would be implemented at a second less conservative trigger level, given uncertainties about the stock-recruit relationship. Ultimately the group agreed to keep this approach on the table since it was desired by the Board, and will look for additional feedback at the next Board meeting.

The PDT members each provided approximations of how long it would take their states or agencies to implement management measures, both at the time the addendum is approved, and when a management trigger is met. These approximations were based on a tentative timeline of addendum approval in February 2022, followed by evaluation of management triggers in October of each year when the TC provides annual index data to the Board. There may be a need for multiple states to write the trigger mechanism into their regulations so that they can quickly implement management measures when they are triggered. The following timelines were estimated for implementing management measures:

- **Maine:** The minimum and maximum gauge size are regulated in statute; meaning a change to these would have to go through the state legislature. The amount of time required to change the statute depends on whether it is initiated in the first or second session of the legislature, and this could take up to 20 months. It may be necessary to remove the minimum and maximum gauge size from statute to implement a management trigger.
- **New Hampshire:** It will likely take around 2 months to make changes such as gauge or v-notch regulations.
- **Massachusetts:** Once the addendum is approved, it could take 4-6 months to get the regulations through the state's public process.

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- **Rhode Island:** From February 2022, it is estimated it would take around 4 months to implement measures.
- **NOAA Fisheries:** It would take about a year to implement new regulations, and the intention would be to write the triggers into federal rulemaking.

The PDT also noted that consideration should be given to how long industry would need to obtain new gauges if the size is changed. For example, if a new minimum size is established that is not currently being used in any of the management areas, a new gauge would have to be manufactured, which could take more time; alternatively, if the minimum size changes to something that is already being used, less time would likely be needed to produce new gauges because it would simply be a matter of increasing supply. Timing will depend on the demand and supply for different gauge sizes and the manufacturers. The PDT also stated that it would make the most sense to implement new measures resulting from a management trigger at the beginning of the season rather than in the middle of the season.

The PDT is seeking additional information and Board guidance regarding the questions below:

- Considering pros and cons of a tiered approach to management triggers and measures, is the Board still interested in using this approach?
- Are there any trigger levels the Board would consider too aggressive (i.e. the trigger may already be met) or not precautionary enough?
- If a trigger mechanism is implemented through final approval of the addendum, will the states be able write the established triggers into their rulemaking? Or would rulemaking to implement new management measures have to occur *after* a trigger is met?
- Are there limitations to the range of gauge sizes the Board is willing to consider?



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board

FROM: Jonah Crab Technical Committee

DATE: July 19, 2021

SUBJECT: Jonah crab pre-assessment report and Technical Committee recommendations

Background

The Atlantic States Marine Fisheries Commission (ASMFC) approved the Jonah crab Fishery Management Plan (FMP) in August of 2015. The impetus of the FMP was a group of industry members that formed a fisheries improvement project (FIP) and requested ASMFC take on the management of Jonah crab. The FIP was concerned that questions over sustainability and lack of management would hinder the market for Jonah crab. While management is now in place, the sustainability of the fishery is still unknown. Jonah crab landings increased rapidly starting in the mid-2000s. Coastwide landings, which averaged 4.8 million pounds from 1997 to 1999, have since quadrupled to an average of 20.1 million pounds from 2017 to 2019. Canadian Jonah crab assessments – where similar landings trajectories were observed – have suggested that non-science-based catch measures used to manage Jonah crab were not sustainable. To date there has been no stock assessment of US Jonah crab, stock status is unknown, and there has been limited science-based advice available to support management of Jonah crab fisheries.

The Jonah Crab Technical Committee (TC) met in August 2017 to review research projects and discuss data limitations. This review identified limitations on understanding of basic life history processes, but also identified several ongoing projects that could help fill some information gaps in coming years. The TC met again in April 2020 to review ongoing research as well as regular agency monitoring efforts. During this meeting, the TC recommended a more in-depth review of available data to better understand limitations and identify stock assessment approaches that could be supported with available data. Subsequently, the American Lobster Management Board (Board) tasked the TC in August 2020 with conducting a pre-assessment workshop for Jonah crab and providing a report on available data and recommended assessment approaches. Webinars were held November 16-18, 2020, February 11, 2021, June 3, 2021, and June 29, 2021 to review and discuss available Jonah crab data sets, potential assessment approaches, and remaining data limitations. From these discussions the TC produced a Jonah Crab Pre-Assessment Data Workshop Report (hereafter, report). This memo outlines a recommendation on near-term Jonah crab stock assessment and potential assessment approaches. More detailed information on available data and assessment approaches can be found in the report included in the meeting materials.

Recommendation on Jonah Crab Stock Assessment Schedule

The TC recommends moving forward with a stock assessment to be completed in 2023, consistent with current Northeast Region Coordinating Council and ASMFC assessment schedules. Given the data available, steady increase in landings as the fishery has developed, the precedent set by Canadian fisheries for risks of managing Jonah crab without science-based guidance, and persistent uncertainty about sustainability and market limitations, the TC believes that conducting a near-term stock

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assessment would be worthwhile. A near-term assessment could help answer questions about the status and sustainability of the resource and provide more information with which to manage the fishery in a shorter timeframe. Additionally, it could identify data needs beyond those identified during the pre-assessment data workshop, which if addressed, could help strengthen future assessments.

Potential Stock Assessment Approaches

Jonah crab should be considered a data poor species, which will limit the types of approaches that can be used for assessment. Below are the most likely assessment approaches that could be utilized in a near-term assessment, including outputs and examples of other ASMFC-managed species that have been assessed with the approach. Several additional approaches are discussed in the report, but these approaches are less likely to be useful for a near-term assessment due to potential assumption violations or data limitations.

- ***Stock Indicators***

Stock indicators are simple, empirical time series analyses that do not require assumptions typical of population dynamics models. These indicators can be used in a framework to provide a categorical characterization of stock conditions to complement stock status estimates from other assessment approaches and/or pre-defined triggers for management responses.

Outputs: Annual indicator values relative to time period-based reference values

Examples of other ASMFC-managed species assessed with these approaches: American lobster (categorical characterization of stock conditions to complement stock status estimates from other assessment approaches), spot and Atlantic croaker (pre-defined triggers for management responses)

- ***Index-Based Methods***

These assessment approaches include a number of methods that utilize indices of abundance to provide stock status based on an ad hoc, historical time period (e.g., ARIMA) or catch-based management advice (e.g., PlanB). Performance of several of these methods when natural mortality is misspecified or annual catch data is incomplete, two areas of uncertainty facing Jonah crab assessment, was recently evaluated through a research track assessment conducted by the NEFSC (Legault et al. 2020). The assessment found two groups of methods tend to perform best dependent on the condition of the stock (i.e., favorable or unfavorable) for groundfish species and could be useful for short-term management advice while working towards advice from models that account for size/age structure of the stock.

Outputs: Stock status based on an ad hoc, historical time period or sustainable catch levels

Examples of other ASMFC-managed species assessed with these approaches: Horseshoe crab (stock status based on an ad hoc, historical time period)

Atlantic States Marine Fisheries Commission

Jonah Crab Pre-Assessment Data Workshop Report



August 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Atlantic States Marine Fisheries Commission

Jonah Crab Pre-Assessment Data Workshop Report

Prepared by the
ASMFC Jonah Crab Technical Committee

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Table of Contents

1 INTRODUCTION	1
1.1 Brief Overview and History of the Fisheries	1
1.2 Management Unit Definition	2
1.3 Regulatory History	2
1.4 Assessment History	4
2 LIFE HISTORY	4
2.1 Summary	4
2.2 Recent Jonah Crab Life History Studies	5
2.2.1 Massachusetts Division of Marine Fisheries Tagging Study	5
2.2.2 University of Maine Growth Study	5
2.2.3 Rhode Island Growth Study	6
2.2.4 Jonah Crab Maturity Studies	6
3 HABITAT DESCRIPTION	7
4 FISHERY DEPENDENT DATA SOURCES	8
4.1 Commercial	8
4.1.1 Landings Data Collection and Treatment	8
4.1.2 Biological Sampling Methods	11
4.1.3 Trends	15
4.1.4 Commercial Discards/Bycatch	16
4.2 Recreational	18
4.2.1 Catch Data Collection and Treatment	18
5 FISHERY INDEPENDENT DATA SOURCES	18
5.1 Post-Settlement Surveys	18
5.1.1 NEFSC Trawl Survey	18
5.1.2 Maine/New Hampshire Trawl Survey	19
5.1.3 MA DMF Resource Assessment Program Trawl Survey	20
5.1.4 NJ DFW Ocean Trawl Survey	20
5.2 Settlement/YOY Surveys	21
5.2.1 ME DMR Settlement Surveys	21
5.2.2 NH F&G Settlement Survey	21
5.2.3 MA DMF Settlement Survey	21
5.2.4 RIDEM DMF Settlement Survey	22
6 Recommendations for a Coastwide stock assessment	22
6.1 Need for Coastwide Stock Assessment	22
6.2 Evaluation of Available Data Sources	23
6.3 Potential Stock Assessment Approaches	26
6.4 Recommendation on Jonah Crab Stock Assessment Schedule	28
7 RESEARCH RECOMMENDATIONS	29
8 REFERENCES	30
9 TABLES	33
10 FIGURES	47

LIST OF TABLES

Table 1.	Morphometric and Gonadal size-at-maturity of male crabs.....	33
Table 2.	Morphometric and Gonadal size-at-maturity of female crabs.....	33
Table 3.	Summary of Jonah crab sea sampling trips conducted by NH F&G.	33
Table 4.	Summary of Jonah crab port sampling trips conducted by NH F&G.....	34
Table 5.	Summary of Jonah crab sea sampling trips conducted by RIDEM DMF.....	34
Table 6.	Summary of port sampling trips for Jonah crab conducted by RIDEM DMF....	35
Table 7.	Validated Jonah crab landings by state from the ACCSP Data Warehouse. Asterisks indicate confidential landings data that have been redacted.	35
Table 8.	Number of commercial biosampling trips by year and statistical area. The core statistical areas are bolded and underlined. Colors are scaled to the minimum and maximum number of trips, with green indicating the greatest sampling intensity and red indicating the lowest sampling intensity.	36
Table 9.	Number of commercial biosampling trips and individual Jonah crabs sampled by year, quarter, and trip type in the core statistical areas. Colors are scaled to the minimum and maximum number of trips within each trip type, with green indicating the greatest sampling intensity and red indicating the lowest sampling intensity.	37
Table 10.	ACCSP codes and descriptions for crab maturity data and number of Jonah crab assigned each code by agency.....	38
Table 11.	Commercial discards of Jonah crab reported on Federal VTRs by harvesters with VTR reporting requirements landing in New Hampshire.	38
Table 12.	Recreational Jonah crab harvest from New Hampshire.....	39
Table 13.	Summary of surveys encountering settling Jonah crabs and their likely utility for providing an index of abundance for a near-term stock assessment. Reasons identified for surveys unlikely to provide an index of abundance for a near-term assessment were lck of <i>Cancer</i> crab species identification (SID) and short and/or discontinuous time series (TS).	39
Table 14.	Summary of surveys encountering post-settlement Jonah crabs and their likely utility for providing an index of abundance for a near-term stock assessment. Data fields collected after the start year when Jonah crab counts were added to survey protocols are included in parentheses. Reasons identified for surveys unlikely to provide an index of abundance for a near-term assessment were lack of spatial overlap between the survey domain and Jonah crab population and/or small spatial domain (SS), short and/or discontinuous time series (TS), and inadequate catch rates (CR).....	40

Table 15.	ME/NH seasonal indices of abundance (mean numbers per tow) and coefficients of variation.	41
Table 16.	MA DMF Spring Trawl Survey index of abundance, coefficients of variation, and percent of catch that is males from Gulf of Maine strata.	42
Table 17.	MA DMF Fall Trawl Survey index of abundance, coefficients of variation, and percent of catch that is males from Gulf of Maine strata.	43
Table 18.	ME DMR Settlement Survey indices of abundance (mean number per square meter) by NOAA statistical area for all sizes encountered and crabs less than 13 mm carapace width with coefficients of variation.....	44
Table 19.	Results of Kolmogorov-Smirnov tests comparing shape and location of length compositions between regional NEFSC trawl survey indices by period and season. Significant p-values (<0.05) are bolded and italicized.	45
Table 20.	Results of Kolmogorov-Smirnov tests comparing shape and location of length compositions between Gulf of Maine trawl survey indices by period and season. Significant p-values (<0.05) are bolded and italicized.....	46

LIST OF FIGURES

Figure 1.	Total Jonah crab landings from U.S. waters and from states that are primary contributors to total landings.	47
Figure 2.	Size at age estimated for all methods for each contrasting thermal regime. A) WGOM, where direct band counts are shown as points, solid black line denotes growth model average with the gray area representing the 95% confidence interval; solid red lines represent the estimated range of age at size from length-frequency analysis. The dotted area represents the areas of increased correlation between settlement and time lagged survey catch at sizes. B) EGOM with the black line representing average size at age for the 2012 cohort in EGOM following the peak of settlement from ALSI through to the ME-NH trawl survey, with the dashed curves representing the range of sizes. The horizontal line denotes legal harvestable size.	48
Figure 3.	Validated coastwide Jonah crab landings from the ACCSP Data Warehouse. Asterisks indicate confidential landings data have been redacted from the total.....	49
Figure 4.	Proportion of coastwide Jonah crab landings by quarter and with unknown quarter. Quarters are three month time periods starting with January-March in quarter one. These seasonality data still need to be validated with state partners.....	49
Figure 5.	Proportion of Jonah crab landings with known and unknown statistical area from VTRs.....	50
Figure 6.	Mean size of Jonah crab sampled during sea sampling trips by sex, (top figure label), quarter (bottom figure label), and statistical area.....	50
Figure 7.	Mean size of Jonah crab sampled during sea sampling trips by sex, (top figure label) and quarter (bottom figure label) in core statistical areas.....	51
Figure 8.	Mean size of Jonah crab sampled during biosampling trips by trip type, sex, statistical area (top figure label), and quarter (bottom figure label) in core statistical areas.	51
Figure 9.	Trap gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.....	52
Figure 10.	Trawl gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.....	53
Figure 11.	Other gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.....	54
Figure 12.	NEFSC trawl survey indices from regions sampled.....	55

Figure 13.	NEFSC trawl survey indices from regions sampled scaled to time series means.....	55
Figure 14.	Sampling regions and depth strata for the Maine/New Hampshire trawl survey.....	56
Figure 15.	ME/NH spring trawl survey index of abundance (solid line with circles) with 95% confidence interval (shaded region).	57
Figure 16.	ME/NH fall trawl survey index of abundance (solid line with circles) with 95% confidence interval (shaded region).	57
Figure 17.	Sampling regions for the MA DMF trawl survey.....	58
Figure 18.	MA DMF Spring Trawl Survey index of abundance for Gulf of Maine strata.	59
Figure 19.	MA DMF Fall Trawl Survey index of abundance for Gulf of Maine strata.....	59
Figure 20.	Sampling strata for the New Jersey Ocean Trawl Survey.....	60
Figure 21.	Jonah crab index of abundance and percent frequency occurrence on tows conducted by the New Jersey Ocean Trawl Survey.....	61
Figure 22.	Jonah crab index of biomass for the New Jersey Ocean Trawl Survey.	61
Figure 23.	Indices of abundance by NOAA statistical area from the Maine DMR Settlement Survey.....	62
Figure 24.	Index of abundance from the NHF&G American Lobster Settlement Survey.	63
Figure 25.	Indices of Jonah crab settlement by sampling area from the MA DMF Settlement Survey.....	63
Figure 26.	Map of six sites sampled by RIDEM DMF in yearly settlement survey.	64
Figure 27.	RIDEM DMF settlement survey index of abundance.....	64
Figure 28.	Spearman’s rank-order correlation of NEFSC spring trawl survey indices from regions sampled. Plots in the lower panels are pairwise indices (black circles) from regions on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from regions on the corresponding column and row of the diagonal.	65
Figure 29.	Spearman’s rank-order correlation of NEFSC fall trawl survey indices from regions sampled. Plots in the lower panels are pairwise indices (black circles) from regions on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from regions on the corresponding column and row of the diagonal.	65
Figure 30.	Length compositions of Jonah crab caught by period during the NEFSC spring trawl survey from regions sampled.	66
Figure 31.	Length compositions of Jonah crab caught by period during the NEFSC fall trawl survey from regions sampled.	66

Figure 32.	Indices from trawl surveys sampling the Gulf of Maine.....	67
Figure 33.	Indices from trawl surveys sampling the Gulf of Maine scaled to time series means.....	67
Figure 34.	Spearman’s rank-order correlation of spring indices from trawl surveys sampling the Gulf of Maine prior to the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.	68
Figure 35.	Spearman’s rank-order correlation of spring indices from trawl surveys sampling the Gulf of Maine following the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.	68
Figure 36.	Spearman’s rank-order correlation of fall indices from trawl surveys sampling the Gulf of Maine prior to the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.	69
Figure 37.	Spearman’s rank-order correlation of fall indices from trawl surveys sampling the Gulf of Maine following the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.	69
Figure 38.	Length compositions of Jonah crab caught by period during spring trawl surveys sampling the Gulf of Maine.	70
Figure 39.	Length compositions of Jonah crab caught by period during fall trawl surveys sampling the Gulf of Maine.	70
Figure 40.	Coastwide Jonah crab landings (small, inset plot) and combined coastwide Jonah crab and Atlantic rock crab landings (large, main plot) from the ACCSP Data Warehouse. Asterisks indicate confidential landings data have been redacted from the total.	71

1 INTRODUCTION

Cooperative interstate management of Jonah crab (*Cancer borealis*) in U.S. waters was first implemented in 2015 with the adoption of the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP; ASMFC 2015). However, there has been no stock assessment of U.S. Jonah crab to date, stock status is unknown, and there has been limited science-based advice available to support management of Jonah crab fisheries. The Jonah Crab Technical Committee (TC) met in August 2017 to review research projects and discuss data limitations. This review identified limitations on understanding of basic life history processes, but also identified several projects in progress that could help fill some information gaps in coming years. The TC met again in April 2020 and reviewed ongoing research as well as regular agency monitoring efforts. During this meeting, the TC recommended a more in-depth review of available data to better understand limitations and identify stock assessment approaches that could be supported with available data. Subsequently, the ASMFC American Lobster Management Board (Board) tasked the TC in August 2020 with conducting a pre-assessment workshop for Jonah crab and providing a report on available data and recommended assessment approaches. A series of webinars was held November 16-18, 2020, February 11, 2021, June 3, 2021, and June 29, 2021 to review and discuss available Jonah crab data sets, potential assessment approaches, and remaining data limitations. This report provides the TC's evaluation of the data sets, findings on potential approaches for a near-term stock assessment to provide management advice, and research recommendations to advance future stock assessments.

1.1 Brief Overview and History of the Fisheries

Until recently, Jonah crab were predominantly a bycatch species in the American lobster fishery—annual commercial Jonah crab landings were generally lower than 6 million pounds through 2000 (Figure 1). Since then, as the lobster fishery has declined in southern New England (SNE) and the market for crab has expanded, harvesters have pivoted to target Jonah crab in addition to (or instead of) lobster. A mixed crustacean fishery now exists in which fishers seasonally adjust their fishing strategies to target Jonah crab or lobster. Harvest pressure on Jonah crab has increased substantially over the past two decades, with landings increasing steadily since around 2000 (Figure 1). Total Jonah crab commercial catch in 2019 was 17.7 million pounds, with a total ex-vessel value exceeding \$13 million.

The Jonah crab commercial fishery occurs predominantly in SNE. Most of the U.S. Jonah crab commercial catch is landed in Massachusetts (57.4%, 2017-2019 average) and Rhode Island (21.4%), and most harvest occurs offshore in NOAA Fisheries statistical areas (hereafter, statistical area) 537 (71.5%), 526 (10.5%), and 525 (9.9%) - hereafter, the core statistical areas. Most Jonah crab commercial landings are reported as having been caught in traps and pots (92.7%, 2012-2019), and most harvest that is not reported as trap-caught does not have a gear type reported (6.1% of total harvest). Less than 1% of the commercial harvest is reported as coming from trawls (0.2%) or dredges (0.1%).

Coastwide, commercial landings of Jonah crab are highest in the late autumn and winter months (October to February). In an interview study, fishermen indicated that this seasonal shift was driven by the lobster fishery—lobster are less abundant in winter, so harvesters transition to target Jonah crab during these months. Based on interviews with fifteen Jonah crab fishermen from Rhode Island and Massachusetts (Truesdale et al. 2019a), the number of traps set to target Jonah crab over lobster increased by 73% in the winter compared with the summer months. Fishing strategy adjustments made to transition between Jonah crab and lobster include escape vent modifications, bait type, and fishing location changes.

A small Jonah crab claw fishery operates in Delaware, Maryland, and Virginia, wherein the claws of large Jonah crabs are removed and the animal is returned to the ocean alive. Claw harvest comes mostly from lobster vessels fishing in Lobster Conservation Management Area (LCMA) 5 and accounts for less than 1% of the coastwide commercial landings.

There is no regulatory distinction between a lobster trap and a Jonah crab trap, and a vessel's target species can often not be determined from trip reports and dealer data. Because of the issue of identifying target species and because the Jonah crab fishery is recently developed and still evolving, Jonah crab fishing effort is not yet well characterized and there is little literature describing the seasonal dynamics, fishing strategies, and socioeconomic aspects of the fishery. Some anecdotal information has been summarized and may provide a starting point for analyzing and characterizing the fishery (Truesdale et al. 2019a), but quantifying fishing effort for Jonah crab versus lobster remains a data need for future assessments.

1.2 Management Unit Definition

The management unit for Jonah crab includes the U.S. Atlantic states from Maine through Virginia, though the biological range of the species extends from Newfoundland, Canada to Florida.

1.3 Regulatory History

The ASMFC coordinates the interstate management of Jonah crab in state waters (from 0-3 miles offshore). The ASMFC manages Jonah crab through the FMP, which was approved by the Board in August 2015 under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (1993). Management authority in the exclusive economic zone (EEZ), which extends from 3-200 miles offshore, lies with NOAA Fisheries. The FMP was initiated in response to concern about increasing targeted fishing pressure for Jonah crab, which has long been considered a bycatch species in the lobster fishery. The mixed nature of the fishery created a challenge for managing a Jonah crab fishery completely separate from the lobster fishery without impacting the number of vertical lines and traps in state and federal waters. Furthermore, a lack of universal permitting and reporting requirements made it difficult to characterize catch and effort to the full extent in order to manage the fishery.

The goal of the FMP is to promote conservation, reduce the possibility of recruitment failure, and allow for the full utilization of the resource by the industry. The FMP lays out specific management measures in the commercial fishery to limit effort and protect spawning stock biomass in the absence of a range-wide stock assessment. These include a 4.75" minimum size

carapace width (CW) and a prohibition on the retention of egg-bearing females. To prevent the fishery from being open access, the FMP states that participation in the directed trap fishery is limited to lobster permit holders or those who can prove a history of crab-only pot fishing. All others must obtain an incidental permit. In the recreational fishery, the FMP sets a possession limit of 50 whole crabs per person per day and prohibits the retention of egg-bearing females. Due to the lack of data on the Jonah crab fishery, the FMP implements a fishery-dependent data collection program. The FMP also requires harvester and dealer reporting along with port and sea sampling.

Addendum I was approved by the Board in May 2016, and states were required to implement the management measures in Addendum I by January 1, 2017. Addendum I establishes a bycatch limit of 1,000 pounds of crab/trip for non-trap gear (e.g., otter trawls, gillnets) and non-lobster trap gear (e.g., fish, crab, and whelk pots). In doing so, the Addendum caps incidental landings of Jonah crab across all non-directed gear types with a uniform bycatch allowance. While the gear types in Addendum I make minimal contributions to total landings in the fishery, the 1,000 pound limit provides a cap to potential increases in effort and trap proliferation.

Addendum II was approved in January 2017, with associated measures required by January 1, 2018. Addendum II establishes a coastwide standard for claw harvest. Specifically, it permits Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length (measured along the bottom of the claw, from the joint to the lower tip of the claw) of 2.75" if the volume of claws landed is greater than five gallons. Claw landings less than five gallons do not have to meet the minimum claw length standard. The Addendum also establishes a definition of bycatch in the Jonah crab fishery, whereby the total pounds of Jonah crab caught as bycatch must weigh less than the total amount of the targeted species at all times during a fishing trip. The intent of this definition is to address concerns regarding the expansion of a small-scale fishery under the bycatch limit.

In response to concerns regarding deficits in existing reporting requirements, the Board approved Addendum III in February 2018, which improves the collection of harvester and biological data in the Jonah crab fishery. Specifically, the Addendum improves the spatial resolution of harvester data collection by requiring fishermen to report via 10 minute squares. It also expands the required harvester reporting data elements to collect greater information on gear configurations and effort. In addition, the Addendum established a deadline that within five years, states are required to implement 100% harvester reporting, with the prioritization of electronic harvester reporting development during that time. Finally, the Addendum improves the biological sampling requirements by establishing a baseline of ten sampling trips/year, and encourages states with more than 10% of coastwide landings to conduct additional sampling trips. The provisions of Addendum III went into effect January 1, 2019, however, implementation of the requirement for commercial harvesters to report their fishing location by 10 minute longitudinal/latitudinal square was delayed until January 1, 2021.

Federal regulations complementing the majority of measures included in the FMP and Addenda I and II became effective on December 12, 2019. Commercial measures included requiring a federal lobster permit, a minimum CW, a prohibition on retaining egg-bearing females, incidental catch limits, and federal dealer permitting and reporting requirements. Recreational

measures included a daily catch limit and a prohibition on retaining egg-bearing females. The Jonah crab claw-only fishery is not directly regulated in federal waters; harvesters must abide by state requirements.

1.4 Assessment History

The only stock assessments conducted for Jonah crab to date have been in Canadian Lobster Fishing Area (LFA) 41 where Jonah crab have been caught as directed catch starting in 1995. In response to the developing fishery, a total allowable catch (TAC) of 720 metric tons that was not based on scientific advice was implemented for the fishery. This TAC was fully or nearly caught in all seasons from the 1996-1997 fishing season through the 2000-2001 fishing season and was followed by a continuous decline in catch through the 2008 fishing season.

Assessments were conducted in 2000 and, most recently, in 2009 (Fisheries and Oceans Canada 2009). These assessments provided empirical-based stock indicators developed from existing monitoring programs. Indicators included abundance indicators (fishery-independent indices of abundance, fishery CPUE, and total landings) and fishing pressure indicators (number of traps hauled and median size). Indicators were categorized as positive, neutral, or negative and used to provide qualitative characterizations of stock status. In the most recent assessment, all indicators were negative relative to the previous assessment time period (1995-1999), with the exception of median size. Abundance indicators from surrounding LFAs where directed Jonah crab fisheries had not developed indicated no clear abundance declines over the same time period. Although the assessment notes some uncertainty in the cause(s) of negative stock conditions, the results suggest the TAC was not sustainable and declines are due to fishing down the biomass from the start of the fishery.

2 LIFE HISTORY

2.1 Summary

Jonah crab range from Newfoundland to Florida (see Section 3 for more detail on habitat). Movements of mature Jonah crabs are generally limited (<5 km), particularly compared to the similar species Atlantic rock crab (*Cancer irroratus*; Stehlik et al. 1991), but some may travel over 100 km (Perry et al. 2019).

Maximum reported size is 222 mm CW for males (Pezzack et al. 2011) and 152 mm CW for females (Haefner 1977). Recent work using the gastric mill to age Jonah crab has shown promise, but the gastric mill is shed during ecdysis so it is unknown how an annulus could be formed. Using the gastric mill method, male Jonah crabs are estimated to reach minimum legal size (120.65 mm CW) at 4 to 7 years of age (Huntsberger 2019). Male crabs below 120 mm molted in June in southern New England (Truesdale et al. 2019b). Molt probability of male crabs decreases with increasing CW (Truesdale et al. 2019b). In a tagging study, some crabs had not molted when recaptured nearly three years after their initial capture (MA DMF unpublished data).

Male crabs have been estimated to reach morphometric maturity at 128 mm CW in Canada (Moriyasu et al. 2002), but all studies in U.S. waters (Carpenter 1978, Ordzie and Satchwill 1983,

Perry et al. 2017, Lawrence 2020, Olsen and Stevens 2020) have shown that male and female crabs reach maturity below the current minimum legal size. Estimated size-at-maturity in U.S. waters ranges from 90 to 117 mm CW for male crabs (Table 1) and 40 to 94 mm CW for female crabs (Table 2).

In nearshore waters, Jonah crab prey upon polychaetes, mussels, snails, and other shellfish (Stehlik 1993 Donahue et al. 2009). Jonah crab are consumed by tautog, smooth dogfish, lobsters, cunner, cod, and gulls (Richards 1992, Donahue et al. 2009). Food habits data collected from the NOAA Fisheries Northeast Fisheries Science Center (NEFSC) trawl survey showed cod, longhorn sculpin, smooth dogfish, little skate and barndoor skate had the highest number of sampled stomachs containing Jonah crab (NEFSC unpublished data).

2.2 Recent Jonah Crab Life History Studies

2.2.1 Massachusetts Division of Marine Fisheries Tagging Study

The Massachusetts Division of Marine Fisheries (MA DMF), in collaboration with the Atlantic Offshore Lobstermen's Association (AOLA), New Hampshire Fish and Game (NH F&G), and Maine Department of Marine Resources (ME DMR), completed a Jonah crab tagging study in 2018 in which over 32,000 Jonah crabs were tagged across 12 different statistical areas. Two types of tags were used; a t-bar tag designed to stay with the crab through a molt, and a cinch tag that would be lost after a molt. Other data collected at the time of release included CW, sex, egg status, and cull status. Preliminary data suggests that most Jonah crab do not migrate far. Most of the recaptures (over 900 crabs) occurred within 5 km of where they were released, though six crabs traveled more than 100 km. None of the 25 crabs recaptured after more than 600 days had molted.

2.2.2 University of Maine Growth Study

A growth study including techniques for age determination was completed by Huntsberger (2019) for Jonah crabs from the Gulf of Maine (GOM). Three independent methods of age determination were compared: (1) length frequency analysis of crabs sampled periodically in wild nursery populations including young-of-year (YOY) crabs, (2) building a probabilistic growth model informed with data from a laboratory growth study, and (3) applying the method of direct gastric mill band counts from crabs collected in two contrasting temperature regimes along Maine's coast.

In summary, the length frequency analysis was conducted at a weekly scale with passive collectors in the water column during the late summer, a monthly scale collecting size frequency on 358 crabs with benthic suction sampling at four sites near the mouth of the Damariscotta River estuary, and a yearly scale using existing survey data from the American Lobster Settlement Index (ALSI) and Maine-New Hampshire trawl survey. These three methods provided size-at-age estimates for the first three year classes, clear size ranges for YOY (3.8-6.6 mm CW), and showed correlation between YOY and legal size crabs 4 to 6 years later (Figure 2).

For the laboratory growth study, 464 Jonah crabs from mid-coast between 3.1-143mm CW were monitored in captivity for up to two years. Overall, 172 individuals (40%) molted while in

captivity. The data fields recorded were date and size at capture, weekly size, date of molt and new size, and date of mortality. No molts were observed in the winter and molting peaked in the late spring and early summer. Molt increment decreased with larger crabs, averaging between 12 and 40% of the pre-molt size. The data collected were used to build a probabilistic molt model estimating the growth of an individual male crab until it reached legal size. Modeled growth of 1,000 crabs highlighted variability in growth, as males reached minimum legal size at an estimated four to nine years of age. No growth data for mature females or males over 100 mm were collected.

2.2.3 Rhode Island Growth Study

From 2016 to 2017, a growth study was conducted by a University of Rhode Island (URI) graduate student in collaboration with the Rhode Island Department of Environmental Management Division of Marine Fisheries (RIDEM DMF). Molt increment data were collected from Jonah crabs observed in the laboratory, as well as from Jonah crabs that molted in commercial traps. These crabs were caught in statistical areas 539 and inshore 537. Regression analysis of growth-per-molt was conducted on 119 growth increments from females ranging in post-molt CW from 73 to 113 mm and 91 increments collected from males ranging between 97 and 149 mm (Truesdale et al. 2019b). Molting seasonality was also observed, and molt probabilities were estimated for male crabs via repeated sampling and laboratory observation. These observations indicated a discrete molting period in the summer for male Jonah crabs at the observed sizes, with decreasing molting probabilities as crabs increased in size. Female Jonah crabs were not consistently sampled because they were caught in commercial traps sporadically, so molting seasonality and molt probabilities could not be estimated for females.

2.2.4 Jonah Crab Maturity Studies

There have been three recent Jonah crab size-at-maturity studies conducted since the Jonah crab FMP was approved in 2015. These studies cover a wide area, from the mid-Atlantic to the GOM and expand upon previous research in the mid-Atlantic (Carpenter 1978), SNE (Ordzie and Satchwill 1983) and Nova Scotia (Moriyasu et al. 2002).

From 2015 to 2017, MA DMF, AOLA and the Commercial Fisheries Research Foundation (CFRF) partnered on a Jonah crab maturity study. Over 2,400 male and female crabs from five geographic areas (inshore SNE, offshore SNE, inshore GOM, offshore GOM, and Georges Bank (GB)) were analyzed for morphometric and gonadal maturity. Morphometric data collected included sex, CW, body depth, and chelae dimensions (height, length, and depth). Additionally, width of abdominal (“apron”) segments, egg clutch presence/absence, and presence/absence of a sperm plug in female vulva were recorded for female crabs.

Crabs were collected opportunistically throughout the year. For gonadal analysis, seasons were defined as: January-March (winter), April-June (spring), July-September (summer), and October-December (fall). Male (testes and vas deferens combined) and female (ovaries) gonads were classified based on relative gonad size and color, similar to Haefner (1977) but instead of comparing the size of the gonad to the size of the hepatopancreas, the area of the gonad was compared to the area within the perimeter of the carapace. Male gonad color was classified as

white (indicative of the presence of sperm) or clear/undetected gonads. Female ovaries were classified as orange, peach, tan, or clear/undetected gonads.

Male crabs reached morphometric maturity between 103 to 117 mm CW depending on region. The size at 50% morphometric maturity could not be detected in inshore SNE. The size at 50% gonadal maturity also could not be estimated due to the paucity of physiologically immature male crabs in all regions. SNE and GB female crabs reached 50% morphometric maturity at 88 and 94 mm CW, respectively. Morphometric maturity could not be estimated in other regions. The size at which 50% of female crabs reached gonadal maturity varied by region from as little as 86 mm CW (inshore SNE), to as much as 98 mm CW (offshore GOM).

Olsen and Stevens (2020) conducted a maturity study in the Middle Atlantic Bight, collecting samples from 2015 to 2017. Morphometric data was collected on carapace length, CW, spine width, abdomen width, chela length, chela height, and chelae weight. Morphometric size-at-maturity for male crabs (n=562) was determined to be 98.3 mm CW, and 88.2 mm CW for females (n=798). Crabs with claws at the minimum legal size for the claw-only fishery (69.85 mm in claw length) were predicted to be 126 mm CW and 150 mm CW for males and females, respectively.

Lawrence (2020) studied physiological and morphometric maturity in male Jonah crab from SNE. The estimated size at morphometric maturity was 106 mm CW.

3 HABITAT DESCRIPTION

Jonah crabs can be found from Newfoundland to Florida at depths ranging from the intertidal to 800m but are most abundant in the northern latitudes (Pezzack et al. 2011, Haefner 1977, Stehlik et al. 1991). Limited specific information is available for the distribution as depth, season, habitat, and temperature affect the abundance of Jonah crabs (Stehlik et al. 1991, Carpenter 1978, Haefner 1977, Krouse 1980). The highest abundance of Jonah crabs are found in water temperatures of 6-14°C (Stehlik et al. 1991, Haefner 1977, Krouse 1980, Pezzack et al. 2011). Krouse (1980) suggests Jonah crabs have a narrower temperature range tolerance than *Cancer irroratus* and may stay further offshore to attain more stable bottom temperatures. At the southern end of their range, Jonah crab prefer greater depths (Jeffries 1966). In the Mid Atlantic Bight, Haefner (1977) provides evidence for an increase in size as depth increases while Carpenter (1978) suggests relative abundances of distinct size groups can be found at different depths depending on the time of year. Carpenter (1978) found female Jonah crabs are more abundant at depths less than 150m while the males are in deeper water.

Historic offshore trawl surveys and recent interviews with SNE fishermen found the highest abundance of Jonah crabs in silty sand and flat muddy habitats (Haefner 1977, Stehlik et al. 1991, Truesdale et al. 2019a), but studies, mostly in the GOM based on inshore SCUBA work, trapping, and video survey, found Jonah crabs associated with more complex cobble, boulder, and sand substrate (Jeffries 1966, Krouse 1980, Richards 1992, Palma et al. 1999, Reardon 2006). YOY and juvenile Jonah crabs are found in relatively high numbers during the settlement surveys (Section 5.2) in the surveyed cobble habitat. Whether offshore areas provide important settlement or nursery habitat is poorly understood. The discrepancy of observed crab habitat could be due to lower catchability of crabs by trawl surveys and commercial pot gear in

complex habitat, difference of primary substrate type by life stage, or correlation of substrate with depth.

4 FISHERY DEPENDENT DATA SOURCES

4.1 Commercial

4.1.1 Landings Data Collection and Treatment

4.1.1.1 Maine

A Lobster and Crab Fishing License is required to commercially harvest Jonah crab in Maine, and it has historically been a bycatch species of the lobster fishery. A permit endorsement is also available for the drag fishery, which allows a limit of 200 pounds per day and 500 pounds of Jonah crab per trip. Traps are subject to the lobster rules including maximum size, escape vents, and trap tags. There is a recent prohibition of claw harvest, except for a personal use exemption of a 5-gallon bucket maximum. While the market has always dictated a male-only fishery, the recent FMP provided the guidelines for regulations on size of greater than 4.75 inches.

Misidentification of Jonah crab creates challenges in the landings data because both *Cancer irroratus* (Atlantic rock crab) and *Cancer borealis* (Jonah crab) are harvested as bycatch and have an identical common name of “rock crab”. Historically, crab landings were reported on a monthly basis, but were not mandatory until 2004 and were not linked to state harvester identification numbers in the CFDEERS database. In 2006, Maine shifted to using the Atlantic Coastal Cooperative Statistics Program’s (ACCSP) Standard Atlantic Fisheries Information System (SAFIS) and Maine’s MARVIN database for monthly mandatory reporting of landings with associated harvester identification numbers that add accountability. In 2008, the mandatory reporting was required on a trip and species level, yet there are still “Crab unclassified” landings in 2020, albeit much reduced as compared to prior to 2008.

Both *Cancer* crab species were considered lower value species compared to lobster and were commonly sold for cash prior to reporting requirements; as such, landings prior to (and potentially after) 2008 should be considered an underestimate. Of the reported landings, ME DMR expects most reported volume and market demand has been for Jonah crab as opposed to Atlantic rock crab, so it is expected that historical and recent landings trends for Jonah crab should include most of the “crab unclassified” and “rock crab” landings. It may be possible to use a price threshold of \$0.35 to identify the likely Jonah crab landings, but there is uncertainty on this threshold, especially earlier in the time series.

4.1.1.2 New Hampshire

New Hampshire lobster and crab harvesters have been reporting annual landings from state waters since 1969 to the NH F&G, but only reporting of lobster landings was mandatory prior to 2016. While Jonah crab catch and effort was not mandatory during this period, harvesters were provided the opportunity to report crab bycatch at the monthly level. In 2016, with the adoption of the Jonah crab FMP, New Hampshire implemented mandatory Jonah crab harvest

reporting on both monthly-summary and trip-level reports. Only commercial harvest by state lobster and crab license holders is included.

Historically, the quantity of lobsters and crabs landed in New Hampshire harvested from federal waters was derived from a combination of the NOAA Fisheries weighout and canvas database and federal vessel trip reports (VTRs). Currently, NOAA Fisheries has mandatory reporting of harvest data for the majority of federally permitted vessels that land in New Hampshire through VTRs.

In cooperation with NOAA Fisheries, New Hampshire instituted mandatory lobster dealer reporting in 2005 and began collecting all data required under ACCSP standardized data submission standards. New Hampshire lobster dealers report transaction-level data on a monthly basis through use of paper logbooks or directly through electronic dealer reports (EDR). Dealers report all species harvested and both state and federal dealers have been able to report Jonah crab since implementation. Jonah crab landings in New Hampshire have been reported by dealers since 1994.

Total monthly landings from dealer reports, catch data from federal VTRs, and catch data from state logbooks are available for use for stock assessment purposes. In order to assign areas to the dealer report records and calculate effort estimates, VTRs and state logbooks may be used to identify statistical areas and effort values as dealer reports do not contain area and effort data.

4.1.1.3 Massachusetts

Participation in the Massachusetts Jonah crab fishery has been limited to those that hold a commercial lobster/edible crab permit since 1948. Reporting of landings through Massachusetts trip level reports (MATLR) or NOAA Fisheries VTRs has been mandatory since 2010. On MATLR, fishermen are asked to report location of catch, gear type, amount of gear, soak time, number of trawls, and quantity landed.

Most Jonah crab landed in Massachusetts are caught in federal waters and reported on NOAA Fisheries VTRs. A small number of boats targeting Jonah crab are usually responsible for a large portion of the state Jonah crab landings, but there are numerous fishery participants targeting lobster that land smaller amounts of Jonah crab. Landings are generally in pounds, but occasionally bushels of crabs are reported. In these cases, the number of bushels is multiplied by 65. The landing of anything other than whole crabs is prohibited. There is speculation that landings may have been under-reported prior to 2010, as Jonah crab was considered a low value species and some catch may have been sold for cash at the dock.

4.1.1.4 Rhode Island

Before 2003, commercial landings in Rhode Island are derived using NOAA Fisheries' data collection methods. Beginning in 2003, 100% electronic dealer reporting was implemented in Rhode Island through the Rhode Island Fisheries Information System, the predecessor of the SAFIS. It took a period of about three years to develop consistency in reporting among all dealers with the new trip-level system but from 2006 on, electronic dealer reports are believed to be a fully reliable source of information on Jonah crab landings. It is unknown to what degree

Jonah crab and Atlantic rock crab have been confused in commercial landings for Rhode Island. However, based on discussions with fishers who have landed Jonah crab for a period of decades, this is not expected to be a significant issue for the Rhode Island fishery.

4.1.1.5 Connecticut

Landings are recorded in the NOAA Fisheries weighout and general canvas database as landings at state ports. Connecticut also records landings by licensed commercial fishermen in any port (inside or outside Connecticut) by means of a mandatory logbook system that provides catch and effort information from 1979 to the present. This mandatory monthly logbook system provides detailed daily catch data by species, area, and gear as well as port landed, traps hauled, set over days, and hours trawled (for draggers). The logbook provides a means to look at fundamental changes in the operating characteristics of the lobster fishery within Long Island Sound. Since 1995, the program has required fishermen to report information on the sale and disposition of the catch, including the state or federal permit number of the dealer to whom they sold their catch. Seafood dealers are also required to report all of their individual purchases from commercial fishermen using either the NOAA form Purchases from Fishing Vessels, a Connecticut Seafood Dealer Report, Abbreviated Form for Lobster Transactions Only, or through the ACCSP's SAFIS. A quality assurance program has been established to verify the accuracy of reported statistics through law enforcement coverage and electronic crosschecking of harvester catch reports and seafood dealer reports.

4.1.1.6 New York

The commercial harvesting of Jonah crab requires a New York commercial crab permit. The crab permit has been limited entry since 6/29/1999. The limited entry stipulates that no new permits are issued, but a certain percentage of forfeited permits from the previous year are made available the following year. The limited entry permit resulted in an overall decrease in permits over time. Permit holders have until December 30th and may renew anytime during the calendar year.

New York's commercial fishery harvest data has been collected through state and federal VTRs since 2012 for food fish, lobster, and crab commercial permits. State VTR data is entered by staff into the New York Fishery Information on Sales and Harvest (NYFISH) database or entered directly by fishermen into the ACCSP's eTrips online database. New York landings reported through federal VTRs are entered by federal staff and shared with New York on a weekly basis in order to provide timely and accurate landings estimates. Landings data are reported by statistical area.

4.1.1.7 New Jersey

The commercial harvest of Jonah Crab within state waters of New Jersey does not occur, therefore is not collected. New Jersey reported landings are obtained from NOAA Fisheries.

4.1.1.8 Delaware

The commercial harvest of Jonah Crab requires either a Directed Jonah Crab Landing Permit issued to those who hold a valid Delaware Commercial Lobster Pot License or federal lobster

permit, or an Incidental Jonah Crab Landing Permit issued by the Delaware Department of Natural Resources and Environmental Control. Delaware's commercial landings are collected through state logbooks. State logbook data is entered into a state-owned database and uploaded annually to the ACCSP data warehouse. Logbooks report daily catch and are required to be submitted on a monthly basis.

4.1.1.9 Maryland

Maryland is a *de minimis* state and all Jonah crab landings are caught in federal waters and reported on NOAA Fisheries VTRs and through SAFIS. There is no directed fishery toward Jonah crab and landings are predominately claws. A small fleet of commercial fishing vessels targeting lobster harvest Jonah crab, predominately in LCMA 5, statistical area 626. In addition to the required federal lobster permit, the Maryland Jonah crab permit is required. The Maryland limited entry Jonah crab claw permit was eliminated by Addendum II (2017).

4.1.1.10 Virginia

Virginia data are collected via required monthly reporting by harvesters. The majority of landings are from a single harvester and all landings are confidential.

4.1.2 Biological Sampling Methods

4.1.2.1 NOAA Fisheries

Sea Sampling

The Northeast Fisheries Observer Program (NEFOP) has collected data from vessels engaged in the lobster fishery, including the associated Jonah crab fishery, as funding allows since 1991. Because there is no mandate under the Standardized Bycatch Reporting Methodology (SBRM) to monitor the federal lobster and Jonah crab fishery to support the management of these fisheries, the number of NEFOP sea days are allocated based on the needs to monitor bycatch of species included in SBRM, including groundfish. Thus, sampling intensity is inconsistent and varies across years. In recent years, NEFOP observer coverage peaked at 60 sea days in 2015 but coverage has since dropped to about 4 sea days per year. Data collected by NEFOP observers include CW (mm), sex, presence of eggs, kept and discarded catch weights, bycatch data (including finfish lengths and weights), gear and bait characteristics, haul locations, water depth, trip costs, and incidental takes.

Port Sampling

The NOAA Fisheries Greater Atlantic Regional Fisheries Office initiated a port sampling program for the targeted Jonah crab fishery in 2021. Annual sample requests are stratified by region, stock area, gear type, and calendar quarter and are allocated to focus on the regions where most of the Jonah crab fishery occurs and be complementary to spatial coverage of port and sea sampling by state agencies. Port samplers select vessels for sampling based on current and historical landings data, real-time vessel tracking, and local knowledge of the fisheries. NOAA Fisheries anticipates collecting 74 port samples per year with a standard sample consisting of 40 CW measurements with gender.

4.1.2.2 Commercial Fisheries Research Foundation

Sea Sampling

CFRF has conducted a fishery-dependent Jonah crab data collection project since 2014, and provided 2014-2019 data for the data workshop. As of November 2020, the Research Fleet has sampled over 92,900 Jonah crabs. The CFRF project has involved 25 vessels over the time series and offered coverage of inshore and offshore SNE, GB, and offshore GOM. Typically, three sampling sessions are conducted per month from fishermen's regular commercial catch. A sampling session consists of sampling catch from a trawl starting with the first trap hauled until 20 traps have been sampled or 50 crabs have been sampled, whichever comes first. For sampling the regular catch, fishermen decide which day(s) sampling sessions are conducted, but the trawl(s) sampled on those days is selected at random. Data collected include vessel ID, date, time, location, depth (feet), sex, CW (mm), egg-bearing status, shell hardness, and disposition (kept or discarded). Data are collected on Samsung tablets using CFRF's On Deck Data application and periodically uploaded to a database at CFRF where they are QA/QC'd and provided to ACCSP.

In addition to regular commercial trap (i.e., vented) sampling, each vessel is given three ventless traps to use during the course of this project. To maintain general consistency with most configuration specifications of other ventless trap sampling programs in Rhode Island, Massachusetts, New Hampshire, and Maine, the Lobster and Jonah Crab Research Fleet deploys ventless traps with the following configurations: 40" length x 21" width x 14" height, single parlor, 1" square rubber-coated 12-gauge wire, standard mesh netting, cement runners, and a 4" x 6" disabling door. One ventless trap is deployed at a fixed temperature monitoring station, and the others are deployed as the lobstermen see fit. Ventless trap sampling is not associated with commercial trap sampling, and thus is recorded in a different sampling session. CFRF encourages fishing vessels to record at least one ventless Jonah crab sampling session per month at the bottom temperature monitoring site. Only data from the regular catch samples should be used to characterize the commercial catch size and sex composition since ventless trap catch is not representative of the regular commercial catch.

4.1.2.3 Maine

Sea Sampling

ME DMR does not have a formal Jonah crab sea sampling program as it has been considered a low value species as compared to lobster and is not a target species for the Maine fishery. Some research trips were completed in 2003 and 2004 when the ME DMR was exploring experimental Jonah crab traps that would exclude lobsters yet catch Jonah crab. Those trips included subsampled biological data from both the experimental traps and standard commercial lobster traps. Since 2017, the Lobster Sea Sampling program includes an opportunistic protocol to collect Jonah crab data if they are harvested for commercial sale and the sampler has the capacity to do so. If crabs are sampled, the protocol includes collecting biological data including CW, sex, reproductive status, cull status, and shell hardness. In the future, a standardized subsampling protocol will be developed. ME DMR proposes only using data from trips with more than 20 crabs measured.

4.1.2.4 New Hampshire

Sea Sampling

Jonah crabs have been sampled by NH F&G as bycatch on lobster sea sampling trips since 2015. Samples are collected monthly from May through November at two different locations: the Isles of Shoals, and the coast (Portsmouth harbor to Massachusetts Border). Bycatch is sampled on all observed hauls (50% or more of the total hauls for the day). Data collected on Jonah crabs include sex, CW, shell condition, and cull status. Bycatch data are entered into an Access Database along with the coordinates of the trawl, number of set days, bait type, and water depth. Between 2015 and 2019 a total of 529 Jonah crabs have been sampled on 47 sea sampling trips (Table 3). The overall average CW was 97.2 mm.

Port Sampling

NH F&G has conducted Jonah crab port sampling at local dealers on the New Hampshire coast since 2016. Initially, samples were collected from commercial lobster boats harvesting from several different statistical areas throughout the GOM and GB. More recently, due to a lack of fishing effort in some of the statistical areas farther offshore, samples have been obtained from dealers who purchase crabs from vessels fishing in statistical area 513, which includes both state and federal waters. Biological data (CW, sex, molt stage, shell disease, and cull status) are collected on the landed catch, and information is obtained from the dealer to determine total catch and effort where available. Table 4 provides a summary of number of samples collected per year and quarter.

4.1.2.5 Massachusetts

Sea Sampling

MA DMF does not have a formal Jonah crab sea sampling program because roughly 99% of Massachusetts landings come from federal waters, though some samples have been collected opportunistically. Jonah crab sea sampling data were collected during directed lobster trips in Cape Cod Bay (southern statistical area 514) from 2016 to 2018, and during a Jonah crab tagging project in statistical areas 537, 526, 525 from 2016 to 2017. Target species (lobster or Jonah crab) varied during the Jonah crab tagging project trips. Samplers recorded CW (nearest mm), sex, cull status, mortalities, and presence of extruded eggs. Catch was separated by trap. The start of each trawl was recorded using a handheld GPS. The percent cover of shell disease (black spotting) was characterized in 2017 and 2018.

Port Sampling

MA DMF began a Jonah crab port sampling program in the fall of 2013. Sampling intensity was low during 2013 (2 trips) and 2014 (4 trips). A minimum of 10 trips have been conducted annually since 2015. Vessels sampled in 2013 and 2014 were vessels which had previously participated with MA DMF on cooperative research projects. Starting in 2015, vessels and dealers with the most state landings were targeted for sampling. The vast majority of the sampled catch is from statistical areas 537 and 526. Statistical areas 525, 562, and 514 have been sampled with less regularity. A minimum of five crates or the entire catch, whichever is less, is sampled per trip. Data collected include: CW (mm), sex, and cull status. Shell disease and mortalities have been recorded since 2017.

4.1.2.6 Rhode Island

Sea Sampling

Rhode Island does not currently have a sea sampling program for Jonah crab as funds are not available for this purpose. In 2016 and 2017, 12 sea sampling trips did occur which were part of a URI research project. These trips occurred in inshore statistical areas 539 and 537 (Table 5). Data collected include number of traps per trawl, soak time, bait, bottom type, depth, trap location (latitude/longitude), and trap configuration. From each sampled trawl, effort was made to sample all captured Jonah crabs—whenever this was not feasible, a systematic random sampling frame was used to census every second or third trap in a trawl. The following data were recorded for each sampled crab: CW, sex, ovigerous condition, shell disease level, molt condition, and number of claws missing.

Port Sampling

The RIDEM DMF initiated Jonah crab port sampling efforts in 2015; four trips were sampled during the initial year, before staffing and funding limitations placed this program on hold until 2019 (Table 6). Since the resumption of the program in late 2019, RIDEM DMF has strived to conduct ten port sampling trips for Jonah crabs per year. Most port samples have come from fishing trips taking place in offshore statistical areas 525 and 526. Port samplers reach out to captains and owners of offshore fishing vessels and coordinate with these parties to intercept a portion of their catch before it is offloaded to seafood transporters and dealers. At the trip level, samplers collect information from vessel captains on fishing area, bait, soak type, bottom type in fishing area, number of traps set, and average depth. Biological data are collected from a minimum of two totes of Jonah crab per port sample (about 200 crabs). Collected biological variables include CW, sex, shell disease level, molt condition, and cull status (number of claws missing).

4.1.2.7 New York

Sea Sampling

New York State Department of Environmental Conservation (NYDEC) sea sampling data are collected on cooperating commercial vessels in Long Island Sound (statistical area 611) and the Atlantic Ocean side of Long Island (statistical areas 612 and 613). However, Jonah crab were not included in the program until 2017, after the ASMFC Jonah crab FMP was adopted, and no Jonah crab have been sampled during the program. Much of the sea sample effort has been in statistical area 611, where few Jonah crab reside.

Port Sampling

A port sampling program began in 2005. The main objective of the program is to enhance the collection of biological data from lobsters harvested from LCMAs 3, 4 and 5. A communication network was developed with cooperating dealers and fishermen who fish these areas. This network is contacted to identify days and times of vessel landings to provide sampling opportunities. Utilizing this network of contacts allows for the sampling of lobster fishing trips landed in New York from the appropriate LCMAs. Sampling protocol adheres to the standards and procedures established in NOAA Fisheries Fishery Statistics Office Biological Sampling Manual. This program was expanded to collect data from LCMA 6 starting in 2013. Limited

Jonah crab sampling was conducted in 2014 and directed sampling was initiated in 2017. Jonah crab have only been sampled during market sampling.

4.1.2.8 Maryland

Sea Sampling

Maryland is a *de minimis* state and does not currently have a sea sampling program for Jonah crab, as funds are not available and there is no requirement to do so. However, state biologists have conducted sea sampling in previous years aboard federally permitted lobster fishing vessels in Ocean City, Maryland. Sampling occurred during calendar years 2015, 2016, 2018 and 2019 with 315 randomly selected Jonah crab caught in lobster pots from LCMA 5 (statistical area 626) sampled for CW and sex. Biologists will attempt to randomly measure Jonah crab during lobster sea sampling with the goal of 100 crabs per multiday trip.

4.1.3 Trends

4.1.3.1 Commercial Landings

Coastwide Jonah crab landings were queried from the ACCSP Data Warehouse and validated for accuracy with state partners. Landings were low in the early 1980s, increased in the mid-1980s, and became relatively stable through the mid-1990s, averaging 4.5 million pounds per year from 1984-1995 (Table 7, Figure 3). Landings have increased steadily since the mid-1990s, with a maximum of 22.6 million pounds landed in 2018. Massachusetts, Rhode Island, and Maine were the top contributors to landings during this increasing trend, averaging 5.4, 2.3, and 3.6 million pounds per year from 1996-2019, respectively. However, these states have had different trends in landings over this period. Massachusetts and Rhode Island landings have followed an increasing trend similar to the total coastwide landings, while Maine landings increased sharply in the early 2000s and then declined through the early 2010s before increasing in the most recent years. Since 2006, Massachusetts, Rhode Island, and Maine annual landings have averaged 8.0, 3.6, and 2.9 million pounds, respectively. Pots and traps have accounted for the vast majority (>90%) of Jonah crab landings.

In addition to total annual landings, seasonality (quarter) and spatial (statistical area) data were also queried. These data have yet to be validated by state partners and may require the development of a process to gap-fill data by pairing seasonality and spatial data from harvester reports to total landings from dealer reports. These data are important for understanding the temporal and spatial dynamics of the fishery and for improving resolution of characterizing biological attributes (size, sex, egg-bearing status) of the landings with paired biosampling data. Seasonality data are widely available for the bulk of landings since 1990 (Figure 4). Spatial data are well represented for Jonah crab harvest since 2004 (Figure 5).

4.1.3.2 Commercial Biosampling

Commercial biosample data were submitted to the ACCSP Data Warehouse and a coastwide data set was queried. Sea sampling is useful to characterize the biological attributes of the total Jonah crab catch including discarded Jonah crabs. Port or market sampling is useful to characterize the biological attributes of the landed Jonah crab catch. The coastwide data set

included all biosamples except NOAA Fisheries port sampling and NH F&G sea sampling which were not available for upload to the ACCSP Data Warehouse.

Biosampling trips are treated as sampling replicates. Only NOAA Fisheries sea sampling data had unique trip identifiers, so all other biosampling data were assigned a trip identifier based on a unique combination of agency, type (sea vs. port sample), date, port landed, and statistical area.

The number of sampling trips conducted by year and statistical area are in Table 8. The core statistical areas reflect the greatest sampling intensity, in addition to the inshore statistical area 539. Table 9 shows a finer breakdown of sampling in the core statistical areas including the number of trips by type. Sampling intensity, particularly sea sampling, tends to improve through time and shows a gradient in intensity with the highest intensity inshore (statistical area 537) and the lowest intensity offshore (statistical area 525). This gradient of sampling intensity matches the gradient in landings by statistical area.

Sea sampling data indicate larger average sizes of males encountered by the fishery (Figure 6 and Figure 7) and a smaller average size of both sexes caught in the inshore statistical area 539 (Figure 6). There do not appear to be any discernible trends in mean size of the catch in the core statistical areas during the short time series (Figure 7). Port sampling data show larger average sizes of Jonah crabs retained for sale in most cases (Figure 8), indicating selectivity of the fishery even prior to the implementation of a minimum size in the FMP (June 1, 2016).

Available Jonah crab maturity data are in Table 10. There has not been an effort to standardize Jonah crab maturity codes across agencies for use in stock assessment and this is recommended at the beginning of the stock assessment when it occurs.

4.1.4 Commercial Discards/Bycatch

4.1.4.1 NOAA Fisheries

Discard information from 2005-2019 is available from data collected during the NEFOP. Due to confidentiality issues, data were grouped in 5 year increments and by statistical area. Gears were grouped into the following categories:

- TRAPS:
 - POTS + TRAPS, OTHER/NK SPECIES
 - POTS + TRAPS, FISH
 - POTS + TRAPS, CONCH
 - POTS + TRAPS, HAGFISH
 - POTS + TRAPS, SHRIMP
 - POT/TRAP, LOBSTER OFFSH NK
 - POT/TRAP, LOBSTER OFFSH WD/WR
 - POT/TRAP, LOBSTER OFFSH PLASTIC

- POT/TRAP, LOBSTER INSH NK
- POTS + TRAPS, CRAB OTHER
- BOTTOM TRAWL:
 - TRAWL, OTTER, BOTTOM, FISH
 - TRAWL, OTTER, BOTTOM, CRAB
 - TRAWL, OTTER, BOTTOM, SCALLOP
 - TRAWL, OTTER, BOTTOM, TWIN
 - TRAWL, OTTER, BOTTOM, RUHLE
 - TRAWL, OTTER, BOTTOM PAIRED
 - TRAWL, OTTER, BOTTOM, HADDOCK SEPARATOR
 - TRAWL, OTTER, BOTTOM, SHRIMP
- OTHER: all other gears

Figure 9 - Figure 11 summarize the amount of discards (pounds) and the discard rate (discard/kept_{all} for those combined observed trips) by gear category. In general, discards of Jonah crabs have increased over the time series, with clearer trends in trawl and other gear. This is expected, as trap fisheries have not received substantial observer coverage until more recent years.

No overall discard rate could be estimated due to the lack of VTR data in the lobster/crab trap fishery.

4.1.4.2 New Hampshire

Commercial discards of Jonah crab have not been required on New Hampshire state lobster and crab reports, but have been reported as required by harvesters landing catch in NH with a Federal VTR reporting requirement. Discarded pounds of Jonah crab by gear type are included for 2004 to the present from Federal VTRs (Table 11). The overwhelming majority of discards occur in the pot and trap fisheries. Other fisheries represent infrequent and minimal discards.

4.1.4.3 Rhode Island

The RIDEM DMF does not have consistent records of Jonah crab discards in its commercial fisheries. Catch rates of sublegal and culled Jonah crabs may be estimated using the limited sea sampling data available from 2016 and 2017 by isolating measured crabs that fall below the minimum size and crabs missing both claws.

4.2 Recreational

4.2.1 Catch Data Collection and Treatment

4.2.1.1 New Hampshire

Recreational lobster and crab fishing in New Hampshire represents those harvesters that fish with five or fewer traps with no sale of harvested lobsters allowed. Recreational catch and effort data have been collected in the same manner as the commercial harvest for state landings.

Any recreational harvester may elect to use the ACCSP's eTrips electronic reporting program to report trip-level data on a monthly basis. In 2016 with the adoption of a Jonah crab FMP, New Hampshire implemented mandatory Jonah crab harvest reporting on both monthly-summary and trip-level reports. Recreational Jonah crab harvest is included in Table 12.

4.2.1.2 Massachusetts

Massachusetts issues a recreational lobster/edible crab license that allows the permit holder to harvest lobster and edible crabs using 10 traps, SCUBA gear, or a combination of both. There are daily limits of 15 lobsters, 50 *Cancer* crabs (Jonah and Atlantic rock crabs combined count), and 25 blue crabs. While recreational lobster data has been collected during the permit renewal process since 1971, MA DMF has only begun to collect recreational harvest data for Jonah crab in 2018. Harvesters renewing a recreational lobster/edible crab permit are now asked how many Jonah crabs they harvested in the previous year and how many traps they used. Respondents are also asked where most of their harvest effort was located.

The only year for which data is currently available is 2018 when recreational harvesters reported retaining 10,001 Jonah crab.

4.2.1.3 Rhode Island

The recreational Jonah crab fishery in Rhode Island is open year-round with a possession limit of fifty (50) whole Jonah crabs per person per day. While recreational harvest of Jonah crab is not reported in Rhode Island, this is believed to be minimal in comparison with the magnitude of commercial harvest.

5 FISHERY INDEPENDENT DATA SOURCES

Details are provided in this section for surveys that were identified as having potential utility for providing indices of abundance for a near-term stock assessment. Additional surveys considered that were identified as having limited utility are included in Table 13 and Table 14.

5.1 Post-Settlement Surveys

5.1.1 NEFSC Trawl Survey

The NEFSC bottom trawl survey began collecting Jonah crab data in 1979. The spring survey is generally conducted from March to May and the fall survey is generally conducted in September and October.

The NEFSC bottom trawl survey utilizes a stratified random sampling design that provides estimates of sampling error or variance. The study area, which now extends from the Scotian Shelf to Cape Hatteras including the GOM and GB, is stratified by depth. The stratum depth limits are < 9 m, 9-18 m, >18-27 m, >27-55 m, >55-110 m, >110-185 m, and >185-365 m. Stations are randomly selected within strata with the number of stations in the stratum being proportional to stratum area. The total survey area is 2,232,392 km². Approximately 320 hauls are made per survey, equivalent to one station roughly every 885 km².

Most survey cruises prior to 2008 were conducted using the NOAA ship R/V Albatross IV, a 57 m long stern trawler. However, some cruises were made on the 47 m stern trawler NOAA ship R/V Delaware II. On most spring and fall survey cruises, a standard, roller rigged #36 Yankee otter trawl was used. The standardized #36 Yankee trawls are rigged for hard-bottom with wire foot rope and 0.5 m roller gear. All trawls were lined with a 1.25 cm stretched mesh liner. BMV oval doors were used on all surveys until 1985 when a change to polyvalent doors was made (catch rates are adjusted for this change). Trawl hauls are made for 30 minutes at a vessel speed of 3.5 knots measured relative to the bottom (as opposed to measured through the water).

Beginning in 2009, the spring and fall trawl surveys were conducted from the NOAA ship R/V Henry B. Bigelow; a new, 63 m long research vessel. The standard Bigelow survey bottom trawl is a 3-bridle, 4-seam trawl rigged with a rockhopper sweep. This trawl utilizes 37 m long bridles and 2.2 m², 550 kg Poly-Ice Oval trawl doors. The cod-end is lined with a 2.54 cm stretched mesh liner. The rockhopper discs are 40.64 cm diameter in the center section and 35.56 cm in each wing section. Standard trawl hauls are made for 20 minutes on-bottom duration at a vessel speed over ground of 3.0 kts. Paired tow calibration studies were carried out during 2008 to allow for calibration between the R/V Bigelow and R/V Albatross IV and their net types. However, calibrations have not been estimated for Jonah crab. Thus, it is appropriate to treat this survey as separate time series since 2009 until a calibration can be produced.

Regional indices (Figure 12 and Figure 13) were calculated from strata in SNE, GB, GOM, and a region identified as covering the core statistical areas of Jonah crab landings which includes both SNE and GB strata (Core). Spring indices for the SNE and Core regions tend to vary without trend, while GOM and GB indices increase after ≈2000. There is a more consistent increase among regions after ≈2000 in the fall indices.

5.1.2 Maine/New Hampshire Trawl Survey

The ME/NH Inshore Trawl Survey began in 2000 to fill a significant information gap in resource assessment surveys on approximately two-thirds of the inshore portion of the GOM. The survey is conducted in collaboration with NH F&G and its industry partner, Robert Michael, Inc. Conducted biannually, spring and fall, the survey operates on a random stratified sampling design. A goal of 120 survey stations are sampled in 20 strata that are distributed over four depths: 5-20 fathoms, 21-35 fathoms, 36-55 fathoms, and >56 fathoms roughly bounded by the 12-mile limit in five longitudinal regions (Figure 14). The survey samples a portion of 3 statistical areas, 513, 512, and 511. Jonah crab biological data were not fully collected until 2004.

Seasonal indices of abundance both show declines starting in the late 2000s followed by increases to time series highs around 2015 (Table 15; Figure 15 and Figure 16). These increases

were short lived, declining to lower levels in the last few years of the time series. Mean CVs for seasonal indices are 0.41 and 0.33 for the spring and fall, respectively (Table 15).

5.1.3 MA DMF Resource Assessment Program Trawl Survey

Since 1978, the MA DMF Resource Assessment Program has conducted an annual spring (May) and fall (September) bottom trawl survey within state territorial waters. The survey obtains fishery-independent data on the distribution, relative abundance and size composition of finfish and select invertebrates, including Jonah crab. A random stratified sampling design is used to select stations from five bio-geographic regions and six depth zones (Figure 17). Stations are selected before each survey and drawn proportional to the area each stratum occupies within the survey area. A minimum of two stations are drawn per stratum. Stations chosen in untowable locations are redrawn.

The F/V Frances Elizabeth conducted all surveys through fall 1981. All subsequent surveys have been conducted onboard the NOAA ship R/V Gloria Michelle. A 3/4 size North Atlantic type two seam otter trawl (11.9 m headrope/15.5 m footrope) with a 7.6 cm rubber disc sweep; 19.2 m, 9.5 mm chain bottom legs; 18.3 m, 9.5 mm wire top legs; and 1.8 x 1.0 m, and 147 kg wooden trawl doors have been used for the duration of the survey. A 6.4 mm knotless liner is used in the codend to retain small organisms. Standard tows are 20 minutes but tows of at least 13 minutes are accepted as valid and expanded to the 20 minute standard. Tows are conducted during daylight hours at a tow speed of 2.5 kts. More information on the MA DMF trawl survey can be found by visiting <https://www.mass.gov/files/documents/2016/08/tm/tr-38.pdf>.

Jonah crabs have been weighed collectively for each tow to the nearest 0.1 kg since 1978, and by sex since 1981. From 1978 through 2009, Jonah crab CW measurements were taken on a wooden measuring board and recorded to the nearest cm on paper logs. Starting during the 2010 spring survey, crabs were measured on electronic length boards and recorded directly in to Fisheries Scientific Computer System (FSCS) data tables. Since the fall 2014 survey, Jonah crab measurements have been recorded with digital calipers to the nearest cm and recorded directly into FSCS. The change to digital calipers was made to improve measurement accuracy, as crab legs sometimes made it difficult to measure crabs on a length board. Female crabs have been inspected for extruded eggs since the fall 2014 survey, but observations of egg bearing crabs are very rare.

Jonah crab are infrequently encountered in SNE strata (Figure 17, regions 1-3), so indices of abundance are only calculated for GOM strata (regions 4-5). Seasonal indices generally show higher relative abundance at the beginning of the time series, lower abundance through the 1990s, and higher abundance since (Table 16-Table 17 and Figure 18-Figure 19). The fall index shows a more consistent increasing trend since the early 2000s, while the spring index is more variable during these years.

5.1.4 NJ DFW Ocean Trawl Survey

The NJ DFW has conducted a groundfish survey along the New Jersey coast since August 1988. The survey area is about 1,800 square miles of coastal waters between Sandy Hook, NJ and Cape Henlopen, DE and from a depth of 18 to 90 ft (5 – 27 m). The area is divided into 15 strata

that are bounded by the 30, 60, and 90 ft (9, 18, and 27 m) isobaths (Figure 20). The survey design is stratified random. Since 1990, cruises have been conducted five times a year; in January, April, June, August, and October. Two 20-minute tows are made in each stratum, plus one more in each of the nine larger strata, for a total of 39 tows per cruise in all months except January, when the additional tows are omitted. The trawl gear is a two seam three-in-one trawl (so named because all the tapers are three to one) with 12 cm mesh in the wings and belly and 7.6 cm in the codend with a 6.4 mm liner. The headrope measures 25 m and the footrope 30.5 m. Rubber cookies measuring 2 3/8 inch (60.3 mm) in diameter are used on the trawl bridles, ground wires, and footrope. Five different vessels have been used to conduct the surveys to date.

Jonah crab have been caught in 7% of tows on average while the index of abundance generally increased through the 2000s and varied highly since (Figure 21). The index of biomass (Figure 22) shows three periods of catch rates without trend, with a period of what appears to be heavier crabs caught in the mid to late 1990s, given the average or relatively low catch rates in numbers during the same period (Figure 21), straddled by an earlier and later period with lower biomass catch rates.

5.2 Settlement/YOY Surveys

5.2.1 ME DMR Settlement Surveys

The ME DMR settlement survey primarily was designed to quantify lobster YOY but has also collected Jonah crab data from the sites throughout the time series. The survey was started in 1989 in a smaller regional area close to Boothbay Harbor within statistical area 513 but was expanded to statistical areas 512 and 511 in 2000. The Maine survey currently monitors 40 sites coastwide within 1-10m in depth. The timing of this survey has shifted over time due to dive staff availability to complete the work, but it has generally occurred between September and December annually. Jonah crab information collected includes CW and location. Notations are made if small crabs carry eggs.

Indices for all statistical area have generally increased through time (Table 18; Figure 23). There were consistent decreases in the indices in 2019.

5.2.2 NH F&G Settlement Survey

NH F&G has participated in the ALSI since 2008, and biological information has been collected on Jonah crabs since 2009. New Hampshire follows the standardized coastwide procedures and monitors three sites along the NH Coast. The index of abundance generally increased through the duration of the time series (Figure 24).

5.2.3 MA DMF Settlement Survey

Massachusetts has conducted a juvenile lobster settlement survey since 1995. The survey begins in mid to early August, and generally runs through late September. The survey started with nine fixed stations in three regions and by 2018, had grown to include 23 fixed stations in seven different regions. The survey extent contracted in 2019 to 14 sites in five regions. The Vineyard Sound region and two of the Buzzards Bay sites were discontinued because juvenile

lobsters are rarely encountered in these areas. The Cape Cod region and some South Shore stations were discontinued due to the increasing presence of white sharks at survey sites during the survey time period.

The survey is conducted at fixed stations by a team of divers. Divers selectively place 0.5 m² quadrats over areas of cobble. Twelve quadrats are sampled per station, which are then immediately sorted on the boat.

Jonah crabs have been consistently identified to species in the survey since 2011. Though the survey has not always identified crabs to species, it has consistently identified *Cancer* crabs to genus over the entire time series. Jonah crabs are counted, measured (CW in mm) and sexed when possible. Crabs less than 5 mm are generally too small to sex or identify to species.

Indices of Jonah crab settlement generally varied with no discernible trend until increasing to the highest values of the time series in 2018 or 2019, depending on sampling area (Figure 25).

5.2.4 RIDEM DMF Settlement Survey

The RIDEM DMF conducts a yearly lobster settlement survey at six fixed stations (Figure 26) along Rhode Island's south coast—outside of Narragansett Bay—in late August to early September. At each site, SCUBA divers randomly place twelve quadrats to sample. Once these quadrats are placed, an air lift suction device is used to collect each sample. The survey is intended to measure the abundance of juvenile lobsters, but all other crustaceans, including Jonah crabs, are counted and measured.

The index of Jonah crab settlement shows a period of higher average settlement from the late 1990s through the mid-2000s followed by lower settlement for the remainder of the time series (Figure 27).

6 RECOMMENDATIONS FOR A COASTWIDE STOCK ASSESSMENT

6.1 Need for Coastwide Stock Assessment

Landings of Jonah crab from U.S. waters have increased significantly over the last 20 years, quadrupling from an average of 4.8 million pounds per year during 1997-1999 to an average of 20.1 million pounds per year during 2017-2019. This increase has been driven by several factors including decreased abundance of the SNE lobster stock and increasing prices for Jonah crab landings. There have been no formal analyses to determine if increasing Jonah crab abundance is an additional factor driving the increase in landings. Further, the current minimum legal size established in the FMP (4.75 inch CW) was largely based on market preference for Jonah crabs at the time. The Canada DFO stock assessment (Fisheries and Oceans Canada 2009) provides a precedent for management of Jonah crab without science-based guidance. This stock experienced rapid increases in landings similar to increases seen in the U.S. fishery, before declining to low abundance levels.

From a socioeconomics standpoint, further market development has likely been hindered by the hesitancy of NGO seafood sustainability organizations to fully recognize the sustainability of the U.S. Jonah crab fishery without more rigorous science-based management advice. In 2013,

the Delhaize grocery store chain determined that Jonah crab did not meet its standards of sustainably caught seafood. Rather than remove Jonah crab from their shelves, Delhaize started a Fisheries Improvement Project, which requested that ASMFC develop a Jonah crab FMP and identified a stock assessment as a critical need to inform the FMP (Swenton et al. 2014). In 2015, the Monterey Bay Aquarium Seafood Watch “red-listed” Jonah crab, advising consumers to avoid eating it due to the lack of abundance and life history information (Bradt 2015). The Monterey Bay Aquarium later revised this information and reclassified U.S. Northwest Atlantic Jonah crabs as a “good alternative” in 2016, though this classification is still lower than the most favorable classification of “best choice”. The Seafood Watch report cites the lack of a formal stock assessment and reference points (Bradt et al. 2016).

6.2 Evaluation of Available Data Sources

The TC evaluated three data types that serve as the pillars to stock assessment: life history, indices of abundance, and fishery removals.

6.2.1 Life History Data

There is limited life history information available for Jonah crab. The best understood life history parameters are size-at-maturity and growth of immature crabs. Growth data are far more limited for legal-sized crabs and do not support robust growth estimates for the full size range of Jonah crab. This data limitation and unknown longevity of the species also contributes to uncertainty in natural mortality, another crucial, but poorly understood life history parameter. Uncertainty of natural mortality is not unique in stock assessment, but, without additional information for Jonah crab, a broad range of potential natural mortality levels would need to be considered in a stock assessment.

6.2.2 Indices of Abundance

A total of thirty one surveys that encounter Jonah crab were reviewed for their utility to provide indices of abundance that could support assessment approaches (Table 13 and Table 14). There are currently no surveys designed specifically to track Jonah crab abundance. Therefore, surveys designed to track abundance of other species were reviewed. Several issues that could potentially limit the utility of using these surveys to generate reliable indices of Jonah crab abundance are discussed below.

- **Spatial coverage:** Several surveys reviewed occur in areas that are not primary habitat for the exploitable Jonah crab population (i.e., shallow, inshore). Further, some surveys were designed to address objectives other than tracking population abundance (i.e., wind farm impacts) and have spatial footprints that are too small to capture population-wide trends.
- **Time series:** Given the low priority of Jonah crab prior to the increase in landings in recent years, several survey sampling protocols limited or completely excluded Jonah crab data collection. This has changed, particularly since about the mid-2010s, and should support an increase in useful abundance trend information in the next five to ten years.

- **Catchability:** For the surveys identified as likely candidates to provide reliable indices of post-settlement Jonah crab abundance (i.e., trawl surveys), catchability remains the primary issue that needs additional research. Behavioral aspects such as burrowing likely make Jonah crabs even less vulnerable to trawl gears than lobsters. These catchability issues result in relatively low catch rates. Preliminary analyses of length composition data show limited exploitation signals (i.e., changes in mean size) and tracking of cohorts even during periods of higher abundance and fishery landings.

Given the issues identified for interpreting indices from surveys encountering Jonah crab and uncertainty about stock structure, several trawl survey indices were compared to provide information on the utility of these data as abundance indices for stock assessment and to explore for potential spatial heterogeneity that might indicate discrete structuring of the population. Seasonal indices were compared with a Spearman's rank-order correlation analysis. Length compositions were also compared to determine if selectivity varied among the indices. Seasonal length compositions were aggregated across years due to low encounter rates and noisy annual composition data within periods defined by the vessel change in the NEFSC trawl survey ("early" period from 1980-2008 and "late" period from 2009-2019). Proportional stratified length compositions were expanded to length samples by the number of Jonah crab measured. A Kolmogorov-Smirnov test was applied to length data to test for differences in shape and mean of the length distributions.

Regional indices calculated from the NEFSC trawl survey (Figure 12 and Figure 13) were compared to examine degree of spatial corroboration within this survey domain. Despite the vessel change in 2009 and lack of data to calibrate catch rates between vessels, the full time series of indices were analyzed assuming vessel effects impacted indices (and annual index rank values) across regions similarly. There were some years when multiple vessels conducted seasonal surveys and these occurrences were dropped from the data set. Correlation coefficients indicate corroboration among the Core, GB, and SNE indices, slightly less corroboration between GB and GOM indices, and the least corroboration between the Core/SNE and GOM indices (Figure 28 and Figure 29). The Core index was generally more highly correlated with the other regional indices during the fall survey when Jonah crab appear to be more available to the survey (Figure 12). Not surprisingly due to the spatial overlap between SNE and Core indices, length compositions between these regions were similar in all periods (Figure 30 and Figure 31). However, there was limited support for similar selectivity between other regions for most periods including between the overlapping GB and Core indices (Table 19). Similar to the correlation analysis, the fall survey during the later period was most similar among regions with no significant difference detected among SNE, Core, and GOM length compositions.

To examine corroboration of indices among various trawl surveys operating in a similar region, indices calculated from GOM strata covered by the NEFSC, MA DMF, and ME/NH trawl surveys (Figure 32 and Figure 33) were compared. Indices were split into early and late time periods based on the NEFSC vessel change in 2009. Length composition data prior to the ME/NH trawl survey were excluded from the data set. Correlation coefficients indicate relatively weak to no correlation among indices (Figure 34 - Figure 37). Although selectivity between the state trawl

surveys appear similar in most periods (Figure 38 and Figure 39), only the early spring MA DMF and NEFSC and late fall MA DMF and ME/NH surveys were found to have had a shared selectivity pattern (Table 20).

These results highlight the issues identified for potential Jonah crab indices of abundance, though do not isolate any particular factor in interpretation of the signals. The higher correlation of the NEFSC regional indices suggests factors like catchability might be more similar due to the shared vessel characteristics and habitats sampled (deeper, offshore habitat). The weaker correlation between SNE/Core and GOM indices along with similar selectivity patterns indicate some spatial differences that could be driven by stock structure or other spatial processes. The weaker correlation among GOM indices might be driven more by differences in catchability among vessels and spatial differences with state surveys sampling less preferable habitat (shallower, inshore habitat) than the federal survey. Selectivity is likely another factor that explains some lack of correlation, though there is no clear pattern with some comparisons suggesting similar selectivity while others suggest differences in selectivity. Multiple indices with low correlation can be misleading and difficult to objectively choose among for use in stock assessment, and can result in poor stability of population dynamics models when used together (Conn 2010). If differences in trends among indices are reflective of stock structure and not accounted for when being fit in stock assessment models, resultant population and stock status estimates can be biased (Guan et al. 2013). The results of these trawl survey comparisons support the need for additional research on Jonah crab index selection, index treatment in assessment approaches, and stock structure within a stock assessment.

Of the thirty one surveys reviewed, six and five were identify as likely candidates to provide reliable indices of Jonah crab settlement and post-settlement abundance, respectively (Table 13 and Table 14). Details for these surveys are in Section 5.

6.2.3 Fishery Removals

Three primary issues were identified and discussed with regard to total Jonah crab landings: species misidentification, underreporting, and landings units.

As described in Section 4.1.1.1 Jonah crabs and the similar species, Atlantic rock crab, have likely been misidentified as each other, landed using the same common name of “rock crab”, and landed individually or mixed as “crab unclassified”. This was noted as a prevalent issue in Maine, but is believed to be more limited in other states. To evaluate this issue, Atlantic rock crab landings in the ACCSP Data Warehouse were also queried and validated with state partners. Atlantic rock crab landings have been minimal compared to the validated Jonah crab landings (Figure 40), particularly in more recent years as Jonah crab landings have increased. Although species misidentification is an issue that should be further explored in a benchmark stock assessment, the TC anticipates this to be a minor issue given the comparison of landings magnitude of the *Cancer* crab species.

Due to the historical status of Jonah crab as relatively low value bycatch and the lack of/limited reporting requirements in earlier years (≈mid-2000s), there is speculation that some Jonah crab harvest may have been sold off the docks for cash and, therefore, unreported in dealer reports. The TC believes this underreporting may be a minor limitation as it occurred during the period

of lower Jonah crab harvest due to lack of incentive for harvesting Jonah crab (i.e., low market demand, robust lobster fishery with higher prices per pound).

There were some occurrences of erroneous landings units encountered during landings validation. In some cases, landings were in pounds and reported in bushels or vice versa. However, these discrepancies were resolved during the validation process and should not be a limitation of landings data in a stock assessment.

After discussing these issues, particularly in the states that are primary contributors to Jonah crab harvest, the TC believes 2006 is likely a reliable start year for total coastwide landings data. Both seasonal and spatial data are widely available during this period and should allow partitioning of annual coastwide landings if necessary.

Preliminary investigation of biosampling intensity suggests reasonable coverage of core statistical areas starting in 2014. The developing time series and plans to continue biosampling is promising, though the time series is too short for use in population dynamics modeling approaches in a near-term stock assessment. Dedicated funding for Jonah crab biosampling programs would also help shift current sampling by some agencies from an opportunistic effort to more systematic sampling designed to characterize biological attributes of the Jonah crab catch.

6.3 Potential Stock Assessment Approaches

Based on the available Jonah crab data, some potential assessment approaches are outlined below to provide information on the products that could result from a near-term stock assessment to be used for management guidance. The approaches are generally listed in order of data requirements, with the first being the least data-intensive and the last being the most data-intensive.

Stock Indicators

Stock indicators are simple, empirical time series analyses that do not require assumptions typical of population dynamics models. These indicators can be used in a framework to provide a categorical characterization of stock conditions to complement stock status estimates from other assessment approaches and/or pre-defined triggers for management responses.

Data requirements: Variable, but would likely include indices of abundance/biomass, fishery removals, changes in size structure (e.g., median size), and/or relative exploitation

Outputs: Annual indicator values relative to time period-based reference values

Examples of other ASMFC-managed species assessed with these approaches: American lobster (categorical characterization of stock conditions to complement stock status estimates from other assessment approaches), spot and Atlantic croaker (pre-defined triggers for management responses)

Index-Based Methods

These assessment approaches include a number of methods that utilize indices of abundance to provide stock status based on an ad hoc, historical time period (e.g., ARIMA) or catch-based management advice (e.g., PlanB). Performance of several of these methods when natural

mortality is misspecified or annual catch data is incomplete, two areas of uncertainty facing Jonah crab assessment, was recently evaluated through a research track assessment conducted by the NEFSC (Legault et al. 2020). The assessment found two groups of methods tend to perform best dependent on the condition of the stock (i.e., favorable or unfavorable) for groundfish species and could be useful for short-term management advice while working towards advice from models that account for size/age structure of the stock.

Data requirements: Index of abundance, but some methods also require fishery removals and a natural mortality estimate

Outputs: Stock status based on an ad hoc, historical time period or sustainable catch levels

Examples of other ASMFC-managed species assessed with these approaches: Horseshoe crab (stock status based on an ad hoc, historical time period)

Biomass Dynamics-Based Data Poor Models (e.g., Depletion-Based Stock Reduction Analysis, Depletion-Corrected Average Catch)

These assessment approaches apply surplus production theory to observed fishery removal time series to estimate exploitation, total stock biomass, and MSY-based reference points for exploitation, total stock biomass, and catch. These methods were developed to provide catch advice in the interim while necessary data are collected to support more data-rich assessment methods. However, there are concerns changing environmental conditions may violate steady-state assumptions required by these methods that may preclude reliable estimation of catch advice. Some of these methods also require complete time series of fishery removals which may preclude their use for Jonah crab assessment.

Data requirements: Total fishery removals in weight, assumptions about stock depletion levels, and a natural mortality estimate

Outputs: Exploitation and biomass estimates and MSY-based reference points

Examples of other ASMFC-managed species assessed with these approaches: Black drum

Biomass Dynamics Model (e.g., surplus production model)

These assessment approaches are more comprehensive methods than the similar biomass dynamics-based data poor models that can be used if a reliable index of exploitable biomass is available to estimate exploitation, total stock biomass, and MSY-based reference points for exploitation, total stock biomass, and catch. These methods also allow for relaxing some of the assumptions of their data poor counterparts such as depletion levels or early catch histories. However, the same concerns about changing environmental conditions violating steady-state assumptions apply to these models.

Data requirements: Index of exploitable biomass and total fishery removals in weight

Outputs: Exploitation and biomass estimates and MSY-based reference points

Examples of other ASMFC-managed species assessed with these approaches: None

Collie-Sissenwine Analysis

This assessment approach tracks abundance of two stages, recruits entering the fishery in a given year and fully-recruited individuals, through time. This assessment approach has

frequently been applied to crustacean species that lack age composition data. Estimates of fishing mortality and abundance could be compared to complementary per-recruit analyses or, if changing environmental conditions invalidate steady-state assumptions of per-recruit analyses, an ad hoc, historical time period-based reference point to estimate stock status. A limitation that may preclude the use of this approach for Jonah crab assessment is limited data available for converting fishery removals in weight to number of individuals, particularly for earlier years.

Data requirements: Index of recruit and post-recruit abundance, total fishery removals in numbers, and a natural mortality estimate

Outputs: Fishing mortality, abundance, and stock status using complementary per-recruit analyses or an ad hoc time period-based reference point

Examples of other ASMFC-managed species assessed with these approaches: American lobster (historically)

Statistical Catch-at-Length Model (e.g., University of Maine Lobster Model)

These models track stock abundance-at-length through time by explicitly accounting for important processes such as individual growth. As with the Collie-Sissenwine analysis, estimates of fishing mortality and abundance could be compared to complementary per-recruit analyses or, if changing environmental conditions invalidate steady-state assumptions of per-recruit analyses, an ad hoc, historical time period-based reference point to estimate stock status. However, available data likely do not support the use of this assessment method to estimate Jonah crab stock status in the near-term. Future research needs to be done to determine if both fishery-independent and fishery-dependent size composition data sets contain measurable exploitation signals.

Data requirements: Index of abundance and size composition, total fishery removals and size composition, a natural mortality estimate, and growth transition matrices

Outputs: Fishing mortality, abundance, and stock status using complementary per-recruit analyses or an ad hoc time period-based reference point

Examples of other ASMFC-managed species assessed with these approaches: American lobster

6.4 Recommendation on Jonah Crab Stock Assessment Schedule

The TC believes it would be worthwhile to conduct a near-term stock assessment and recommends moving forward with a stock assessment to be completed in 2023, consistent with current Northeast Region Coordinating Council and ASMFC assessment schedules. The Jonah crab FMP is the result of industry concern over a lack of management, and questions regarding the status and sustainability of the Jonah crab resource. Management is now in place, but an assessment could help answer questions about the status and sustainability of the resource, provide more information with which to manage the fishery, as well as identify data needs, in addition to those identified during the pre-assessment data workshop (below), which if addressed, could help strengthen future assessments.

7 RESEARCH RECOMMENDATIONS

High Priority

- Information should be collected to help delineate stock boundaries (e.g. genetics). Identification of stock boundaries is an essential step in stock assessment that will inform many subsequent steps including development of input data and identification of methods applicable to the stock(s). Note: Some genetic research is currently being conducted by the Gloucester Marine Genomics Institute that may address this recommendation.
- Female migration pathways/seasonality and larval duration and dispersal need to be researched. Anecdotal information suggests seasonal aggregations in inshore areas, but research would help to understand these mechanisms and inform stock boundaries.
- Inter-molt duration of adult crabs is currently unknown and growth increment data for mature crabs is limited. These data will be necessary to transition to size- or age-based assessment methods.
- Develop fisheries-independent surveys (e.g. trap survey) to index post-settlement Jonah crab abundance from offshore areas where most of the fishery is executed.
- Increase fisheries-dependent monitoring of the offshore fleet. Sampling intensity by statistical area should be based on landings.
- Reproductive studies pertaining to male-female spawning size ratios, the possibility of successful spawning by physiologically mature but morphometrically immature male crabs, and potential for sperm limitations should be conducted.
- The amount of directed commercial effort on Jonah crabs vs. lobster should be quantified on a per trip basis.

Moderate Priority

- Cohort tracking analyses with existing data should be conducted across and within surveys to better understand if surveys are tracking true abundance signals and provide information on growth, mortality, and other demographic factors.
- Investigate the efficacy of existing lobster ventless trap surveys, including interaction between lobster and Jonah crab, to determine utility for indexing Jonah crab abundance. Research has shown that as lobster trap catch increases; crab catch within the same trap decreases (Miller and Addison 1995, Richards et al. 1983). This suggests abundance trends for Jonah crab will be heavily influenced by lobster density.

Low Priority

- Additional sampling to expand upon the University of Maine Settlement Collector Sampling should be conducted to provide a more comprehensive understanding and tracking of temporal and spatial settlement dynamics.
- The development of aging methods or determination of the mechanism responsible for the suspected annuli formation found in the gastric mill should be explored.

- Food habits data should be analyzed from offshore areas to better understand predation of Jonah crab.

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9 TABLES

Table 1. Morphometric and Gonadal size-at-maturity of male crabs.

Study	Year	Region	Morphometric	Gonadal
Moriyasu et al.	2002	Nova Scotia	128	69
Perry et al.	2017	GOM inshore	103	
Perry et al.	2017	GOM offshore	115	
Perry et al.	2017	Georges Bank	109	
Perry et al.	2017	SNE inshore		
Perry et al.	2017	SNE offshore	117	
Ordzie and Satchwill	1983	SNE inshore		50-60
Lawrence	2020	SNE	106	
Carpenter	1978	Mid Atlantic	90-100	
Olsen and Stevens	2020	Mid Atlantic	98	

Table 2. Morphometric and Gonadal size-at-maturity of female crabs.

Study	Year	Region	Morphometric	Gonadal
Perry et al.	2017	GOM offshore		98
Perry et al.	2017	Georges Bank	94	93
Perry et al.	2017	SNE inshore		86
Perry et al.	2017	SNE offshore	88	89
Ordzie and Satchwill	1983	SNE inshore	40-50	40-50
Carpenter	1978	Mid Atlantic	85	
Olsen and Stevens	2020	Mid Atlantic	88	

Table 3. Summary of Jonah crab sea sampling trips conducted by NH F&G.

Year	Total Number of Sampled Jonah Crabs	Number of Trips with Jonah crab Bycatch	Number of Trips without Jonah crab Bycatch*
2015	198	18	0
2016	192	7	7
2017	50	7	7
2018	22	7	7
2019	67	8	6

*River samples excluded from total number of trips without bycatch since no Jonah crab sampling occurs on these trips.

Table 4. Summary of Jonah crab port sampling trips conducted by NH F&G.

Year	Sample Number	Quarter	Number Sampled	Yearly totals
2016	201601	4	172	172
2017	201701	1	185	642
	201702	2	178	
	201703	3	154	
	201704	4	125	
2018	201801	1	19	675
	201802	2	5	
	201803	2	89	
	201804	3	238	
	201805	3	241	
	201806	4	83	
2019	201901	1	64	222
	201902	2	25	
	201903	3	33	
	201904	4	100	
2020	202001	1	100	400
	202002	2	100	
	202003	3	100	
	202004	4	100	
Total Jonah Crabs Sampled				2,111

Table 5. Summary of Jonah crab sea sampling trips conducted by RIDEM DMF.

Year	Quarter	Statistical Area(s)	Crabs Sampled
2016	2	537	329
2016	1	537	321
2016	3	539	869
2016	3	537	919
2016	3	539	616
2016	4	537	679
2016	4	539	838
2016	4	539	1219
2017	1	539	870
2017	2	539	1204
2017	2	539	467
2017	3	539	322

Table 6. Summary of port sampling trips for Jonah crab conducted by RIDEM DMF.

Year	Quarter	Statistical Area(s)	Crabs Sampled
2015	4	537	514
2016	1	526	228
2016	1	525	82
2016	2	526	142
2019	4	537	208
2019	4	526	137
2020	1	525	194
2020	1	526	229
2020	2	526	253
2020	2	616	155
2020	3	526	212

Table 7. Validated Jonah crab landings by state from the ACCSP Data Warehouse. Asterisks indicate confidential landings data that have been redacted.

Year	ME	NH	MA	RI	CT	NY	NJ	DE	MD	VA	NC	Total
1981			99,300	356,900		1,400		15,000	41,300			513,900
1982						7,300	14,200		52,200			73,700
1983			15,600	15,700		400	1,800		15,600	1,900		51,000
1984	2,330,960		3,120,498	114,900		5,800	12,000		35,800	12,400		5,632,358
1985	2,321,353		28	424,000		741	23,400	14,000	15,400	14,900		2,813,822
1986	1,862,525		43	580,900		400	9,500		18,200	38,100		2,509,668
1987	3,303,457		621,200	856,400		3,400	7,300		23,800	47,900		4,863,457
1988	3,120,498		1,065,000	1,192,900		100	5,500		10,000	34,000		5,427,998
1989	3,433,600		1,222,400	1,165,300			3,100		8,400	21,500		5,854,300
1990	3,596,796		1,264,321	882,843		480	18,845		6,573	13,044		5,782,902
1991	2,968,451		979,250	976,744			38,040		7,209	2,046		4,971,740
1992	1,930,396		1,487,991	1,067,826		1,040	37,833		5,448	28		4,530,562
1993	2,124,193		1,312,751	1,028,322		10,459	18,548	2,000	5,725	64		4,502,062
1994	2,012,073	**	1,294,893	1,059,321		249,150	22,431	400	**			4,638,268
1995	**		1,048,824	731,518	10	39,074	22,101		**	25		1,841,552
1996	1,800,214		1,202,790	958,031	9	331,467	26,253		1,028			4,319,792
1997	2,820,385	**	2,693,851	534,319	267	120,069	20,700		**	**		6,189,591
1998	**	**	1,118,194	843,575	535	115,261	76,792		490	**		2,154,847
1999	2,752,114	**	1,739,112	1,396,757	1,022	757	14,037		2,925	**		5,906,724
2000	**	**	1,358,571	225,435	16,806	54,919	16,446		**	**	**	1,672,177
2001	**	**	1,507,268	5,535	6,244	111,845	18,668		33,210		**	1,682,770
2002	9,535,874	**	1,667,683	127,992	688	34,763	18,308		**			11,385,308
2003	6,554,939	**	1,530,595	308,681		62,426	22,698	**	**			8,479,339
2004	6,065,510	**	933,869	906,661	570	35,444	7,209		93			7,949,356
2005	6,005,511		3,663,582	754,594	328	12,641	29,254		**	**		10,465,910
2006	4,489,135		3,614,261	1,096,857	2,460	26,387	**		3,416	**		9,232,516
2007	4,767,353		4,118,472	2,573,573	295	202,898	80,092		8,720	**		11,751,402
2008	3,588,218	**	4,478,547	3,265,159	287	561,386	115,995		12,188	**		12,021,779
2009	3,289,394	**	4,869,605	2,552,779	3,196	509,874	38,482		11,657	**		11,274,987
2010	3,231,202	**	5,689,431	3,720,443	955	968,122	28,400		18,045		**	13,656,598
2011	2,477,058	**	5,379,792	3,213,119	340	172,311	26,286		92,401	**	**	11,361,306
2012	1,725,695	**	7,540,819	3,774,300	2,349	411,657	68,252		**	**		13,523,072
2013	1,383,877	340,751	10,117,542	4,642,196	51,462	375,101	7,803		**	**		16,918,733
2014	1,793,245	404,703	11,904,611	4,435,038	50,070	78,115	33,104		153,714	**	**	18,852,600
2015	1,799,799	**	9,128,900	3,850,894	5,930	208,607	59,156	**	39,750	**		15,093,036
2016	2,085,038	150,341	10,660,653	4,224,092	145	166,197	241,528	**	14,656	3,088		17,545,739
2017	3,369,809	113,354	11,698,342	4,106,481	796	158,089	432,754	**	18,745	**		19,898,370
2018	3,608,046	22,118	13,227,083	4,627,043	320	195,143	868,211	**	14,922	**		22,562,885
2019	2,713,228	70,704	9,697,607	4,078,772	482	106,244	1,046,466	**	14,314		40	17,727,857

Table 8. Number of commercial biosampling trips by year and statistical area. The core statistical areas are bolded and underlined. Colors are scaled to the minimum and maximum number of trips, with green indicating the greatest sampling intensity and red indicating the lowest sampling intensity.

Year	626	627	622	623	616	612	613	611	<u>537</u>	<u>526</u>	<u>525</u>	539	522	562	561	514	515	464	513	465	512	511
2003	0	0	0	0	0	0	0	0	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0	0	9	1
2004	0	0	0	0	0	0	0	0	<u>0</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	1	0	2	0
2005	0	0	0	0	0	0	0	0	<u>0</u>	<u>1</u>	<u>0</u>	0	0	0	0	1	0	0	0	0	0	0
.....																						
2013	0	0	0	0	0	0	0	0	<u>2</u>	<u>0</u>	<u>0</u>	0	0	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	3	0	1	0	<u>26</u>	<u>2</u>	<u>18</u>	44	0	9	0	0	0	0	0	0	0	0
2015	1	0	0	0	1	0	3	0	<u>44</u>	<u>24</u>	<u>20</u>	77	0	9	4	3	0	1	0	2	2	0
2016	1	0	0	0	0	1	1	0	<u>41</u>	<u>13</u>	<u>23</u>	91	0	8	13	4	3	9	0	2	4	0
2017	0	0	5	0	0	0	26	0	<u>19</u>	<u>7</u>	<u>17</u>	92	0	4	17	6	2	1	5	1	6	1
2018	2	0	4	0	13	0	0	0	<u>32</u>	<u>25</u>	<u>9</u>	71	0	9	8	13	1	10	12	5	8	6
2019	3	1	3	1	11	0	0	1	<u>49</u>	<u>26</u>	<u>4</u>	72	0	3	23	0	10	6	12	12	13	1

Table 9. Number of commercial biosampling trips and individual Jonah crabs sampled by year, quarter, and trip type in the core statistical areas. Colors are scaled to the minimum and maximum number of trips within each trip type, with green indicating the greatest sampling intensity and red indicating the lowest sampling intensity.

Year	Quarter	537						526						525					
		SEA		PORT		TOTAL		SEA		PORT		TOTAL		SEA		PORT		TOTAL	
		Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples	Trips	Samples
2013	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2013	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2013	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2013	4	0	0	2	714	2	714	0	0	0	0	0	0	0	0	0	0	0	0
2014	1	3	459	2	2,600	5	3,059	1	3	0	0	1	3	0	0	0	0	0	0
2014	2	3	273	0	0	3	273	0	0	0	0	0	0	0	0	0	0	0	0
2014	3	13	959	0	0	13	959	0	0	0	0	0	0	7	694	0	0	7	694
2014	4	5	211	0	0	5	211	1	632	0	0	1	632	11	966	0	0	11	966
2015	1	2	543	0	0	2	543	7	4,727	1	754	8	5,481	3	310	0	0	3	310
2015	2	9	842	2	2,561	11	3,403	6	836	2	1,268	8	2,104	9	854	0	0	9	854
2015	3	12	8,085	0	0	12	8,085	3	531	0	0	3	531	4	1,357	0	0	4	1,357
2015	4	14	12,497	5	3,322	19	15,819	4	3,206	1	455	5	3,661	4	1,258	0	0	4	1,258
2016	1	7	1,280	3	2,227	10	3,507	0	0	3	1,608	3	1,608	4	383	1	82	5	465
2016	2	7	2,353	3	1,710	10	4,063	3	3,601	4	2,290	7	5,891	11	1,172	0	0	11	1,172
2016	3	11	1,612	1	760	12	2,372	2	130	1	640	3	770	6	263	0	0	6	263
2016	4	8	792	1	584	9	1,376	0	0	0	0	0	0	1	50	0	0	1	50
2017	1	3	182	0	0	3	182	1	101	0	0	1	101	1	67	0	0	1	67
2017	2	1	52	0	0	1	52	2	69	0	0	2	69	2	368	0	0	2	368
2017	3	9	2,285	0	0	9	2,285	4	306	0	0	4	306	9	388	0	0	9	388
2017	4	6	212	0	0	6	212	0	0	0	0	0	0	5	244	0	0	5	244
2018	1	5	463	0	0	5	463	0	0	0	0	0	0	2	86	0	0	2	86
2018	2	3	280	0	0	3	280	8	550	1	1,608	9	2,158	3	134	0	0	3	134
2018	3	11	563	0	0	11	563	7	449	0	0	7	449	2	101	0	0	2	101
2018	4	12	687	1	641	13	1,328	9	594	0	0	9	594	2	87	0	0	2	87
2019	1	4	545	0	0	4	545	2	337	1	711	3	1,048	2	159	1	626	3	785
2019	2	11	787	1	714	12	1,501	4	296	0	0	4	296	0	0	0	0	0	0
2019	3	13	600	1	14	14	614	10	870	1	570	11	1,440	1	52	0	0	1	52
2019	4	16	861	3	1,034	19	1,895	6	554	2	718	8	1,272	0	0	0	0	0	0

Table 10. ACCSP codes and descriptions for crab maturity data and number of Jonah crab assigned each code by agency.

ACCSP Codes	Description	Maine	Massachusetts	CFRF	NOAA Fisheries
C1	Immature	0	0	0	0
C2	Maturing	0	0	0	0
C3	Yellow-orange	11	0	0	0
C4	Brown	4	0	0	0
C5	Black	0	0	0	0
C6	Spent	0	0	0	0
C7	Inactive	769	0	7371	0
CX	Eggs present	0	0	72064	25
NA	orange	0	3	0	0

Table 11. Commercial discards of Jonah crab reported on Federal VTRs by harvesters with VTR reporting requirements landing in New Hampshire.

Year	Gill Net	Otter Trawl	Lobster or Crab Pot/Trap	Total
2004			118,090	118,090
2005			107,420	107,420
2006	XX		64,107	64,117
2007			54,280	54,280
2008			59,180	59,180
2009			49,440	49,440
2010	XX		80,537	80,538
2011			37,644	37,644
2012			18,512	18,512
2013			39,097	39,097
2014			88,543	88,543
2015			102,165	102,165
2016			97,745	97,745
2017			69,940	69,940
2018			84,151	84,151
2019			108,851	108,851
2020		XX	76,247	76,297

*Confidential values are indicated in red

Table 12. Recreational Jonah crab harvest from New Hampshire.

Year	Recreational Harvest (lbs)
2016	69
2017	70
2018	15
2019	11

Table 13. Summary of surveys encountering settling Jonah crabs and their likely utility for providing an index of abundance for a near-term stock assessment. Reasons identified for surveys unlikely to provide an index of abundance for a near-term assessment were lack of *Cancer* crab species identification (SID) and short and/or discontinuous time series (TS).

<i>Survey</i>	<i>Time Series</i>	<i>Carapace Widths</i>	<i>Unlikely to Provide an Index of Abundance for Assessment</i>	<i>Reason</i>
ME DMR Settlement Survey - Statistical Area 511	2001-present	Y		
ME DMR Settlement Survey - Statistical Area 512	2000-present	Y		
ME DMR Settlement Survey - Statistical Area 513	1989-present	Y		
NH F&G Settlement Survey	2009-present	Y		
Normandeau Plankton Survey	1982-present	N	Y	SID
MA DMF Settlement Survey	2011-present	Y		
RIDEM DMF Settlement Survey	1990-present	Y		
UMaine Deepwater Collectors	2007-present	Y	Y	TS

Table 14. Summary of surveys encountering post-settlement Jonah crabs and their likely utility for providing an index of abundance for a near-term stock assessment. Data fields collected after the start year when Jonah crab counts were added to survey protocols are included in parentheses. Reasons identified for surveys unlikely to provide an index of abundance for a near-term assessment were lack of spatial overlap between the survey domain and Jonah crab population and/or small spatial domain (SS), short and/or discontinuous time series (TS), and inadequate catch rates (CR).

<i>Survey</i>	<i>Time Series</i>	<i>Carapace Widths</i>	<i>Sex</i>	<i>Unlikely to Provide an Index of Abundance for Assessment</i>	<i>Reason</i>
ME Urchin Survey	2004-present	Y	Y	Y	SS
ME VTS	2011-present	Y (2016)	Y (2016)	Y	SS
NH VTS	2009-present	Y (2015)	Y (2015)	Y	SS
Normandeau VTS	1982-present	Y	Y	Y	SS
MA VTS	2007-present	Y	Y (2015)	Y	SS
SMAST VTS	2019	Y	Y	Y	SS, TS
CFRF VTS	2014-present	Y	Y		
CFRF SNE Cooperative VTS	2014-2018	Y	Y	Y	SS, TS
RI VTS	2006-present	Y	Y	Y	SS
NY VTS	2006-2010	N	N	Y	TS
NJ Fixed Gear Survey	2016-present	Y	Y	Y	TS
DE Structure Oriented Survey	2018-present	Y	Y (2020)	Y	TS
CFRF-South Fork Wind Farm Cox's Ledge/RI Sound Trawl	2020-present	Y	Y	Y	SS, TS
Coonamessett Farm Foundation Scallop Dredge	2010-present	N	N	Y	TS
ME/NH Trawl Survey	2001-present	Y	Y (2004)		
MA DMF Trawl Survey	1978-present	Y	Y (1981)		
RI Trawl Survey	2015-present	Y	Y	Y	TS
URI GSO Trawl Survey	2016-present	Y	Y	Y	TS
CT Trawl Survey	1979-present	Y	Y	Y	SS, CR
NY Trawl Survey	2017-present	Y	Y	Y	TS
NJ DFW Ocean Trawl Survey	1989-present	Y	Y (2021)		
NEAMAP Trawl Survey	2007-present	Y	Y	Y	CR
NEFSC Trawl Survey	1969-present	Y	Y		

Table 15. ME/NH seasonal indices of abundance (mean numbers per tow) and coefficients of variation.

Year	Spring		Fall	
	Index	CV	Index	CV
2000			1.83	0.49
2001	4.63	0.87	13.13	0.24
2002	4.41	0.71	6.91	0.68
2003	4.85	0.32	3.80	0.20
2004	6.71	0.51	7.26	0.32
2005	9.51	0.32	4.40	0.33
2006	7.87	0.51	4.03	0.40
2007	5.06	0.31	5.37	0.26
2008	3.93	0.21	6.37	0.20
2009	3.67	0.21	1.86	0.31
2010	2.20	0.39	2.09	0.34
2011	2.21	0.35	1.92	0.30
2012	1.87	0.23	1.68	0.26
2013	1.47	0.40	2.54	0.33
2014	4.98	0.50	1.30	0.33
2015	4.18	0.38	16.73	0.52
2016	12.06	0.44	11.83	0.25
2017	2.95	0.30	5.93	0.23
2018	2.09	0.31	3.93	0.35
2019	1.63	0.51	3.69	0.20

Table 16. MA DMF Spring Trawl Survey index of abundance, coefficients of variation, and percent of catch that is males from Gulf of Maine strata.

Year	Index (N)	CV	% male	Year	Index (N)	CV	% male
1978	2.95	0.63		1999	0.19	0.58	24%
1979	0.11	0.46		2000	0.75	0.31	53%
1980	0.13	0.90		2001	1.63	0.30	47%
1981	1.00	0.64		2002	0.45	0.31	63%
1982	2.25	0.67	40%	2003	0.29	0.32	55%
1983	0.03	1.00	100%	2004	0.43	0.50	29%
1984	0.21	0.45	18%	2005	0.63	0.65	50%
1985	0.31	0.56	82%	2006	0.93	0.30	37%
1986	0.25	0.52	42%	2007	0.35	0.35	62%
1987	0.63	0.65	51%	2008	0.84	0.33	64%
1988	0.03	1.00	100%	2009	0.52	0.26	71%
1989	0.23	0.63	77%	2010	0.12	0.61	41%
1990	0.16	0.61	24%	2011	1.12	0.39	41%
1991	0.05	0.71	96%	2012	0.09	0.50	100%
1992	0.18	0.53	87%	2013	0.31	0.62	56%
1993	0.50	0.60	60%	2014	0.04	0.72	100%
1994	0.39	0.50	48%	2015	2.56	0.31	97%
1995	0.19	0.41	84%	2016	7.75	0.18	71%
1996	0.33	0.39	48%	2017	1.99	0.22	81%
1997	0.18	0.40	60%	2018	1.27	0.32	41%
1998	0.44	0.52	38%	2019	1.15	0.24	56%

Table 17. MA DMF Fall Trawl Survey index of abundance, coefficients of variation, and percent of catch that is males from Gulf of Maine strata.

Year	Index (N)	CV	% male	Year	Index (N)	CV	% male
1978	5.07	0.29		1999	1.75	0.33	65%
1979	2.01	0.37		2000	3.47	0.24	63%
1980	0.98	0.45		2001	0.96	0.31	79%
1981	0.46	0.69		2002	5.13	0.48	45%
1982	1.12	0.39	26%	2003	5.75	0.14	47%
1983	5.4	0.32	28%	2004	2.54	0.27	46%
1984	4.15	0.61	10%	2005	1.31	0.43	45%
1985	3.66	0.32	41%	2006	4.01	0.26	36%
1986	1.98	0.19	25%	2007	3.47	0.17	38%
1987	3.03	0.43	36%	2008	8.77	0.23	30%
1988	1.07	0.18	46%	2009	0.87	0.26	41%
1989	0.32	0.59	80%	2010	3.86	0.21	39%
1990	0.25	0.27	56%	2011	8.09	0.24	30%
1991	1.09	0.38	47%	2012	6.08	0.23	34%
1992	1.36	0.38	35%	2013	1.46	0.19	49%
1993	0.4	0.41	38%	2014	1.58	0.34	55%
1994	0.13	0.69	18%	2015	18.75	0.22	83%
1995	3.81	0.28	42%	2016	8.38	0.21	64%
1996	0.53	0.40	10%	2017	13.61	0.31	13%
1997	0.25	0.47	33%	2018	9.52	0.21	22%
1998	0.74	0.49	33%	2019	1.3	0.39	21%

Table 18. ME DMR Settlement Survey indices of abundance (mean number per square meter) by NOAA statistical area for all sizes encountered and crabs less than 13 mm carapace width with coefficients of variation.

Year	513				512				511			
	All Sizes		<13 mm CW		All Sizes		<13 mm CW		All Sizes		<13 mm CW	
	Index	CV	Index	CV	Index	CV	Index	CV	Index	CV	Index	CV
1989	0.02	1.00	0.00									
1990	0.14	0.50	0.00									
1991	0.09	0.78	0.00									
1992	0.11	0.45	0.00									
1993	0.00		0.00									
1994	0.39	0.46	0.09	0.56								
1995	0.20	0.35	0.00									
1996	0.84	0.45	0.11	1.00								
1997	0.43	0.47	0.00									
1998	0.55	0.35	0.11	0.45								
1999	3.09	0.31	1.54	0.38								
2000	6.75	0.09	1.83	0.24	1.17	0.13	0.04	1.34				
2001	2.87	0.10	0.36	0.53	1.13	0.15	0.22	0.56	0.16	0.44	0.04	1.00
2002	4.73	0.05	0.71	0.23	0.55	0.19	0.00		0.04	1.00	0.00	
2003	2.58	0.10	0.48	0.40	0.76	0.19	0.00		0.03	1.00	0.00	
2004	1.95	0.13	0.37	0.48	0.63	0.22	0.06	1.28	0.00		0.00	
2005	0.98	0.24	0.17	1.27	0.55	0.21	0.00		0.04	1.00	0.00	
2006	2.63	0.11	0.77	0.24	1.42	0.13	0.00		0.16	0.63	0.00	
2007	2.55	0.08	0.82	0.23	0.57	0.25	0.03	2.09	0.16	0.56	0.00	
2008	2.09	0.15	0.40	0.85	0.51	0.31	0.02	2.88	0.16	0.63	0.03	1.00
2009	3.01	0.14	1.23	0.24	0.49	0.21	0.02	1.93	0.06	1.00	0.00	
2010	2.52	0.11	0.83	0.32	0.36	0.40	0.01	2.82	0.07	0.57	0.03	1.00
2011	2.91	0.10	1.22	0.21	0.77	0.18	0.13	0.66	0.00		0.00	
2012	5.60	0.07	3.19	0.14	2.42	0.09	1.57	0.12	2.22	0.21	1.50	0.20
2013	3.64	0.06	0.71	0.25	2.50	0.05	0.18	0.47	1.88	0.17	0.35	0.37
2014	3.75	0.05	0.85	0.16	2.25	0.07	0.30	0.52	1.85	0.25	0.35	0.74
2015	3.34	0.10	1.72	0.16	1.42	0.14	0.33	0.53	0.57	0.39	0.04	1.00
2016	4.20	0.06	2.64	0.09	3.35	0.05	1.53	0.14	1.26	0.34	0.60	0.45
2017	5.49	0.13	2.30	0.18	2.56	0.18	0.45	0.22	1.85	0.09	0.47	0.28
2018	4.98	0.15	3.10	0.21	2.95	0.14	1.15	0.22	2.27	0.44	1.14	0.49
2019	2.27	0.15	0.68	0.20	2.18	0.13	0.37	0.16	0.85	0.18	0.38	0.50

Table 19. Results of Kolmogorov-Smirnov tests comparing shape and location of length compositions between regional NEFSC trawl survey indices by period and season. Significant p-values (<0.05) are bolded and italicized.

Survey X	Survey Y	Period	Season	p-value
GB	SNE	Early	Spring	<i>0.013</i>
GB	SNE	Early	Fall	<i>0.001</i>
GB	SNE	Late	Spring	<i>0</i>
GB	SNE	Late	Fall	<i>0</i>
GOM	GB	Early	Spring	<i>0</i>
GOM	GB	Early	Fall	<i>0</i>
GOM	GB	Late	Spring	<i>0</i>
GOM	GB	Late	Fall	<i>0</i>
GOM	SNE	Early	Spring	<i>0</i>
GOM	SNE	Early	Fall	<i>0</i>
GOM	SNE	Late	Spring	<i>0</i>
GOM	SNE	Late	Fall	0.196
Core	GOM	Early	Spring	<i>0</i>
Core	GOM	Early	Fall	<i>0</i>
Core	GOM	Late	Spring	<i>0</i>
Core	GOM	Late	Fall	0.149
Core	GB	Early	Spring	<i>0</i>
Core	GB	Early	Fall	<i>0.023</i>
Core	GB	Late	Spring	<i>0</i>
Core	GB	Late	Fall	<i>0</i>
Core	SNE	Early	Spring	0.138
Core	SNE	Early	Fall	0.255
Core	SNE	Late	Spring	0.22
Core	SNE	Late	Fall	0.76

Table 20. Results of Kolmogorov-Smirnov tests comparing shape and location of length compositions between Gulf of Maine trawl survey indices by period and season. Significant p-values (<0.05) are bolded and italicized.

Survey X	Survey Y	Period	Season	p-value
MA DMF	NEFSC	Early	Spring	0.148
MA DMF	NEFSC	Early	Fall	<i>0</i>
MA DMF	NEFSC	Late	Spring	<i>0</i>
MA DMF	NEFSC	Late	Fall	<i>0</i>
MA DMF	ME/NH	Early	Spring	<i>0.001</i>
MA DMF	ME/NH	Early	Fall	<i>0</i>
MA DMF	ME/NH	Late	Spring	<i>0.025</i>
MA DMF	ME/NH	Late	Fall	0.054
NEFSC	ME/NH	Early	Spring	<i>0</i>
NEFSC	ME/NH	Early	Fall	<i>0</i>
NEFSC	ME/NH	Late	Spring	<i>0</i>
NEFSC	ME/NH	Late	Fall	<i>0</i>

10 FIGURES

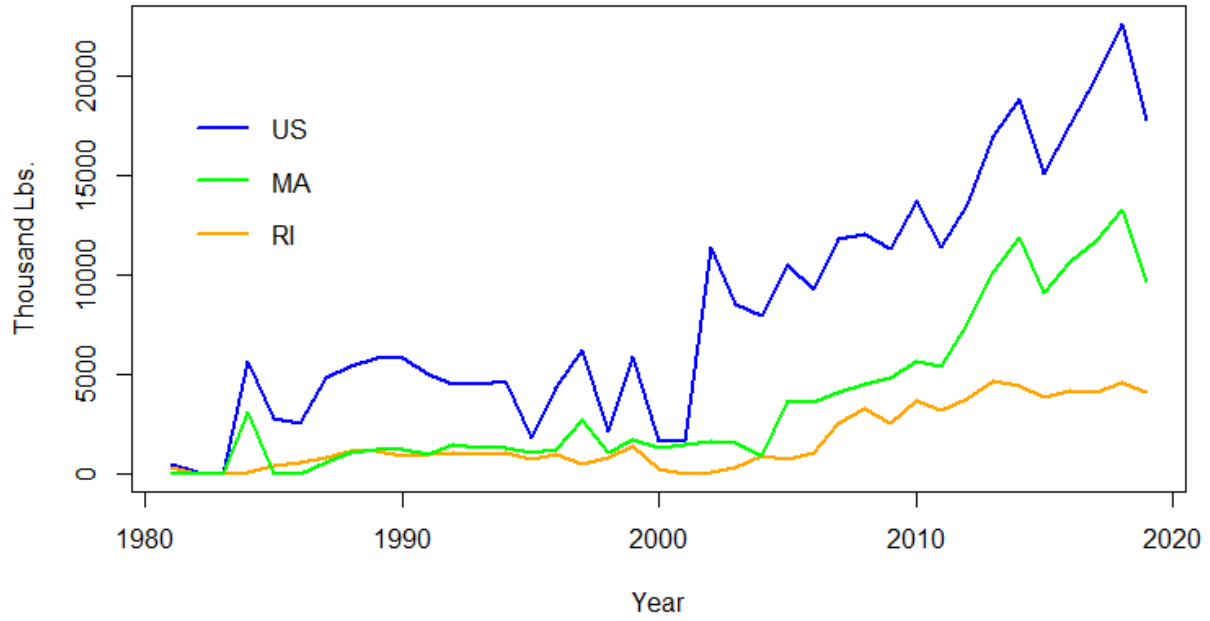


Figure 1. Total Jonah crab landings from U.S. waters and from states that are primary contributors to total landings.

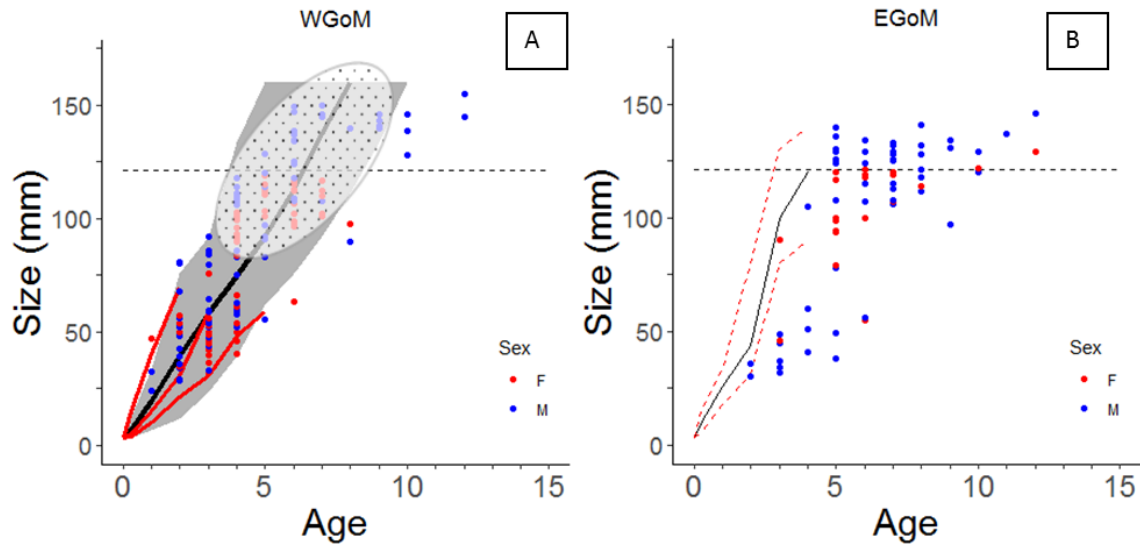


Figure 2. Size at age estimated for all methods for each contrasting thermal regime. A) WGoM, where direct band counts are shown as points, solid black line denotes growth model average with the gray area representing the 95% confidence interval; solid red lines represent the estimated range of age at size from length-frequency analysis. The dotted area represents the areas of increased correlation between settlement and time lagged survey catch at sizes. B) EGoM with the black line representing average size at age for the 2012 cohort in EGoM following the peak of settlement from ALSI through to the ME-NH trawl survey, with the dashed curves representing the range of sizes. The horizontal line denotes legal harvestable size.

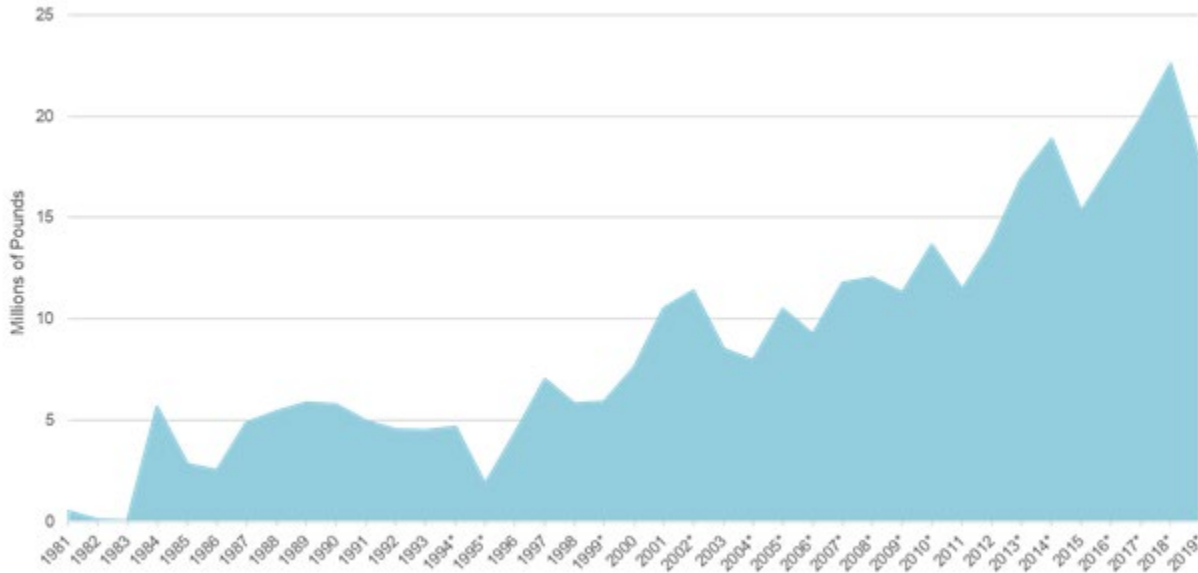


Figure 3. Validated coastwide Jonah crab landings from the ACCSP Data Warehouse. Asterisks indicate confidential landings data have been redacted from the total.

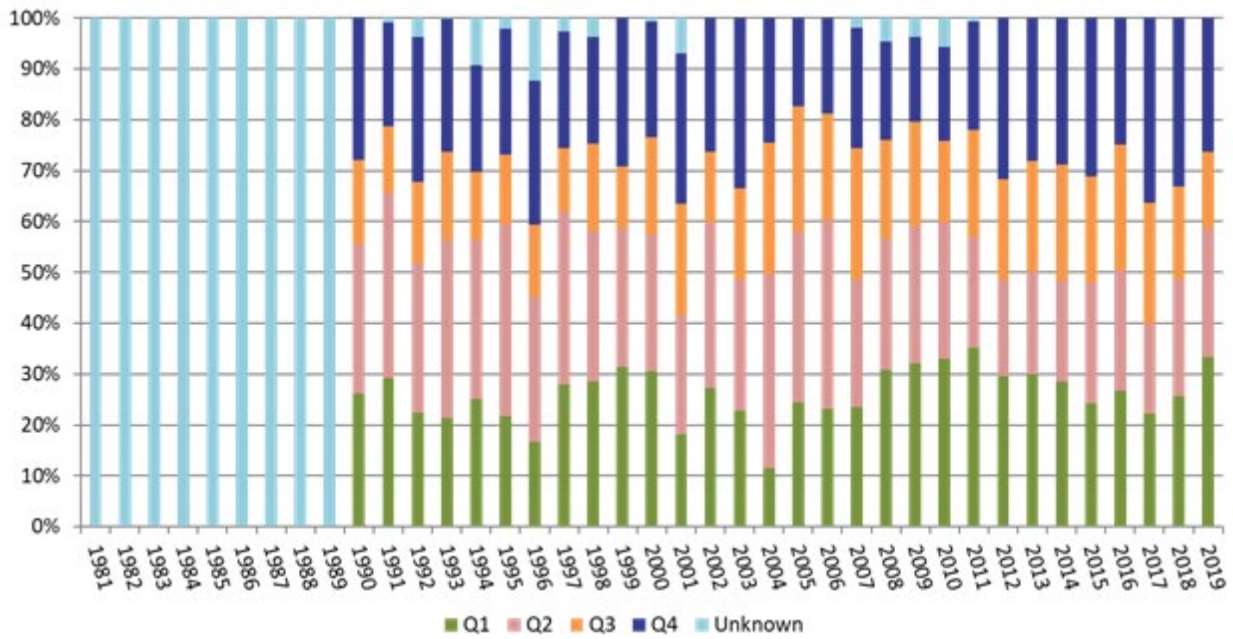


Figure 4. Proportion of coastwide Jonah crab landings by quarter and with unknown quarter. Quarters are three month time periods starting with January-March in quarter one. These seasonality data still need to be validated with state partners.

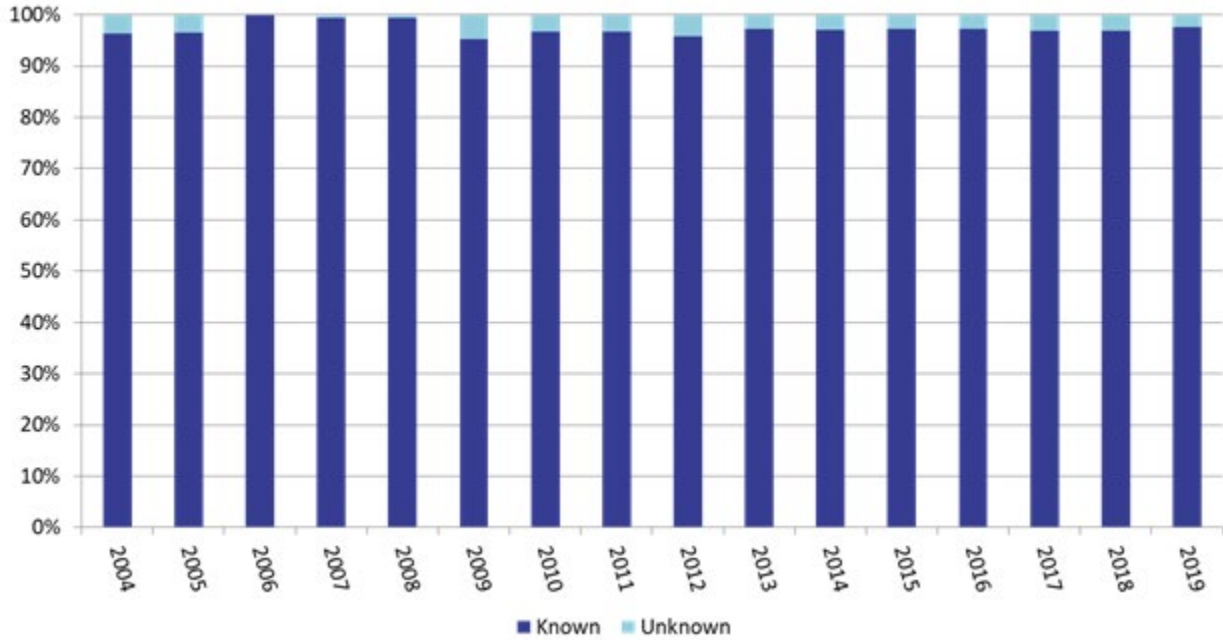


Figure 5. Proportion of Jonah crab landings with known and unknown statistical area from VTRs.

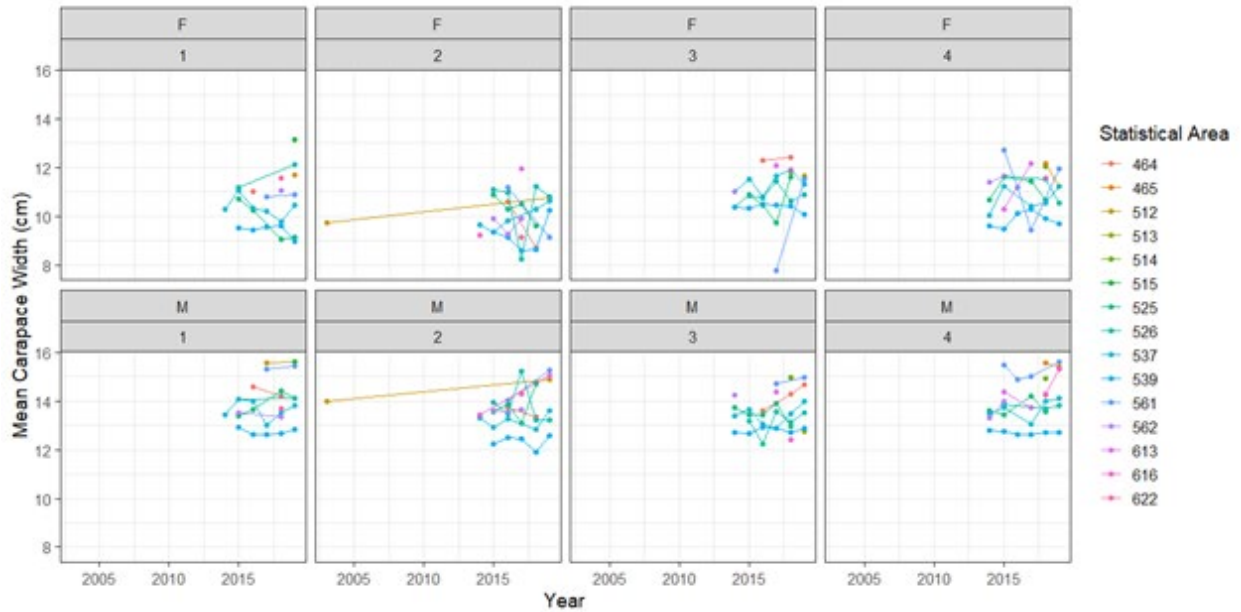


Figure 6. Mean size of Jonah crab sampled during sea sampling trips by sex, (top figure label), quarter (bottom figure label), and statistical area.

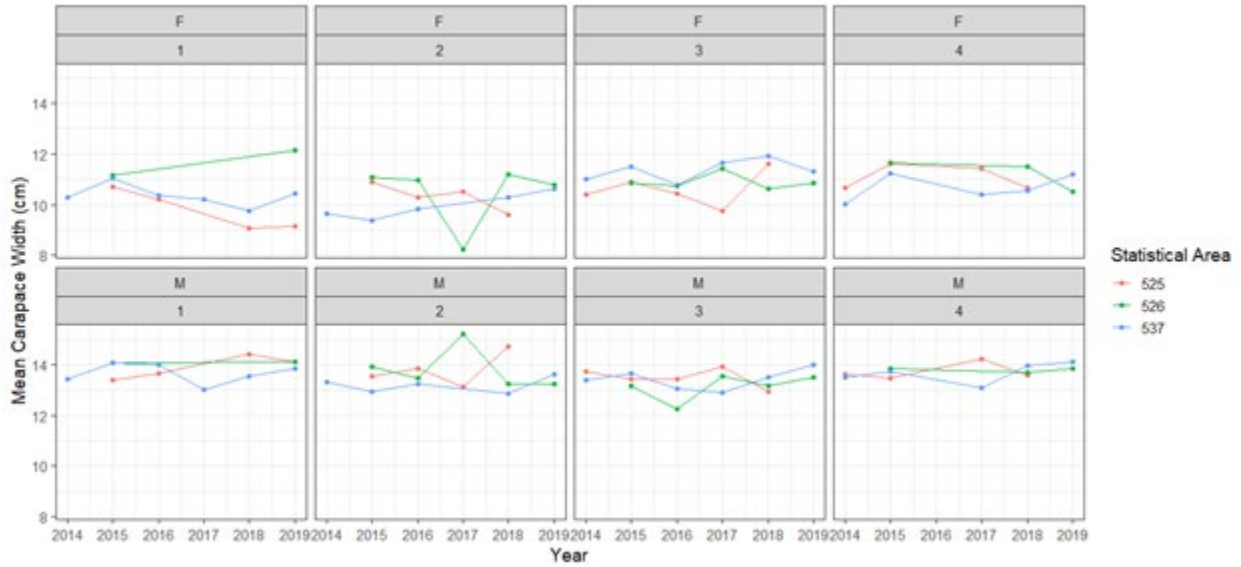


Figure 7. Mean size of Jonah crab sampled during sea sampling trips by sex, (top figure label) and quarter (bottom figure label) in core statistical areas.

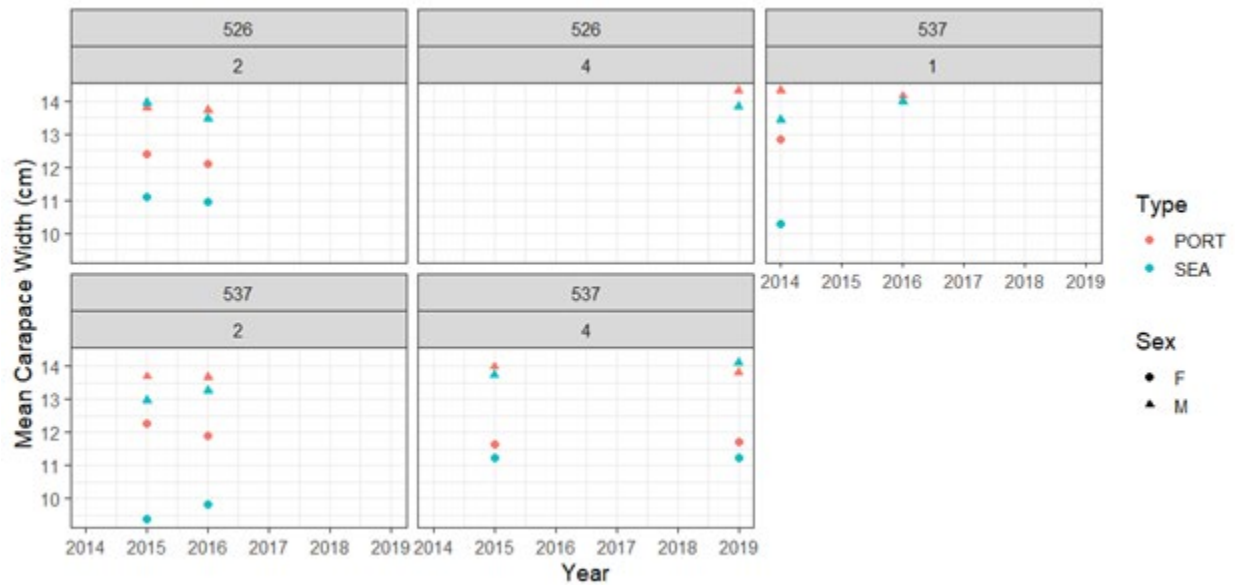


Figure 8. Mean size of Jonah crab sampled during biosampling trips by trip type, sex, statistical area (top figure label), and quarter (bottom figure label) in core statistical areas.

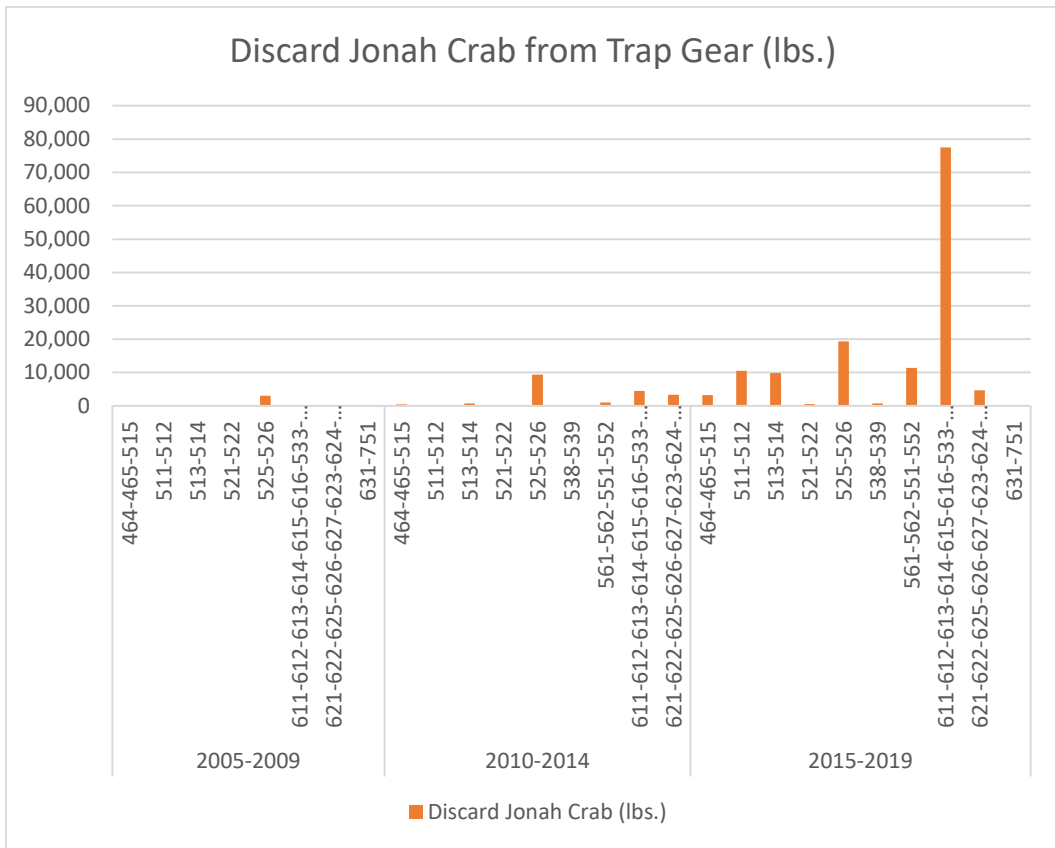
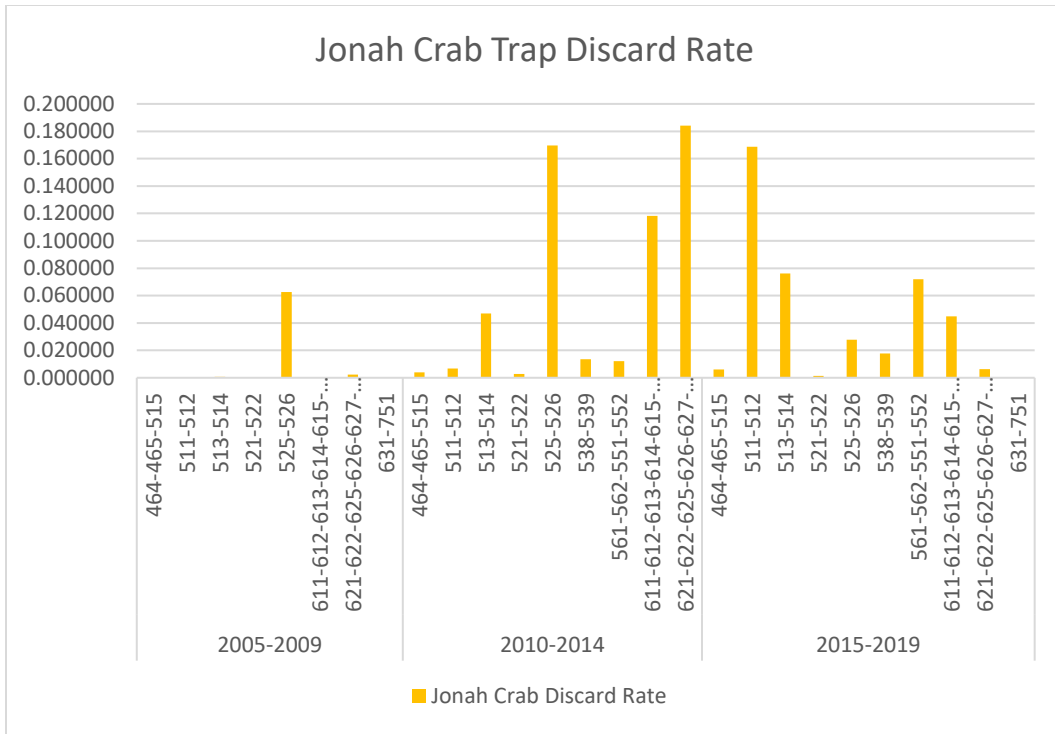


Figure 9. Trap gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.

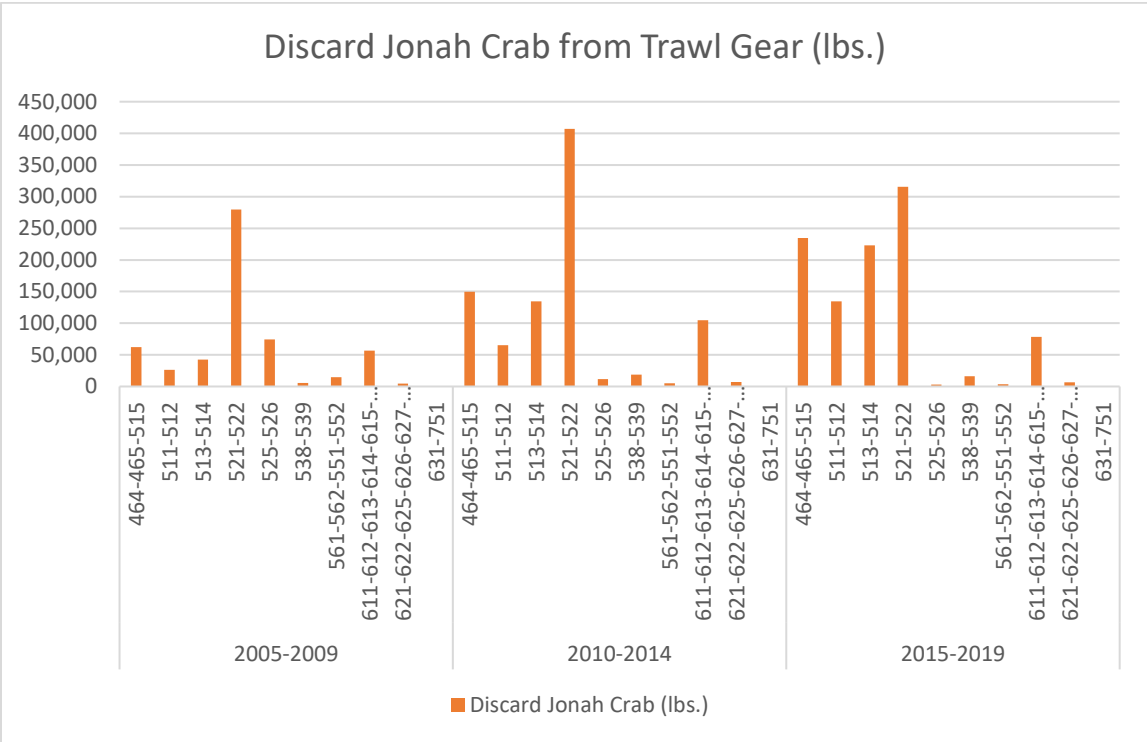
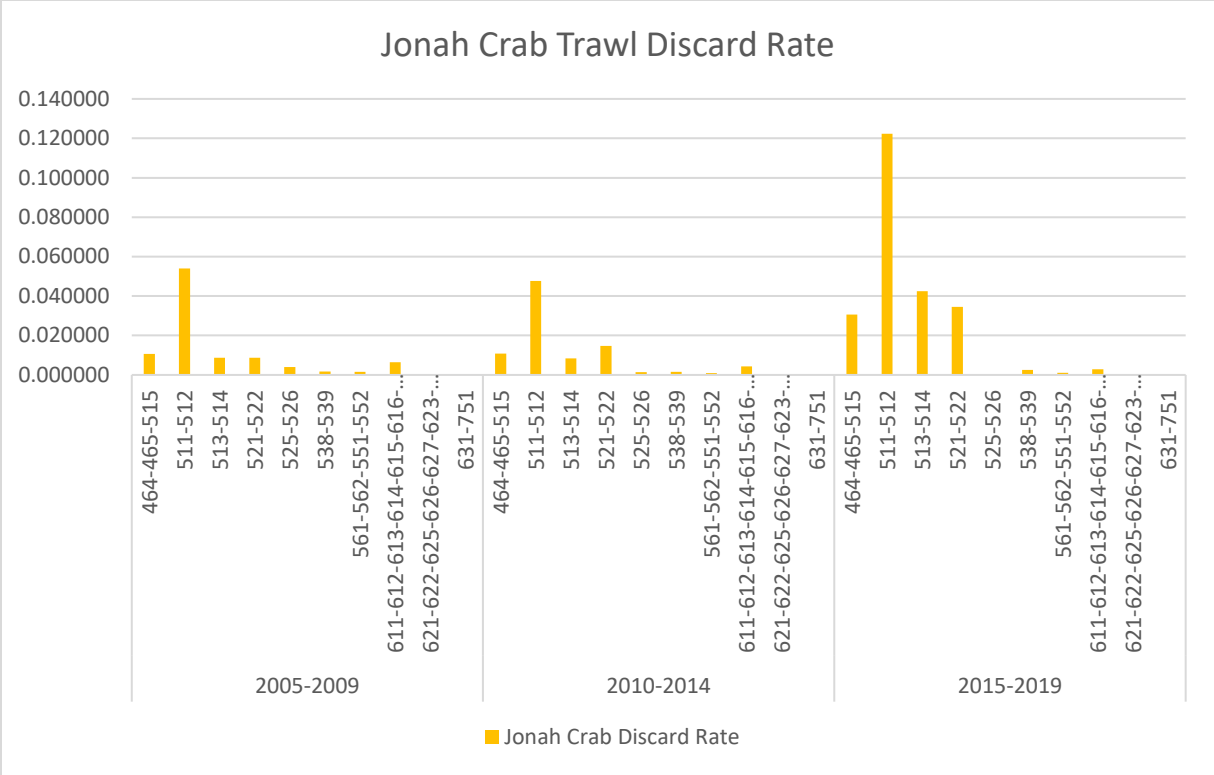


Figure 10. Trawl gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.

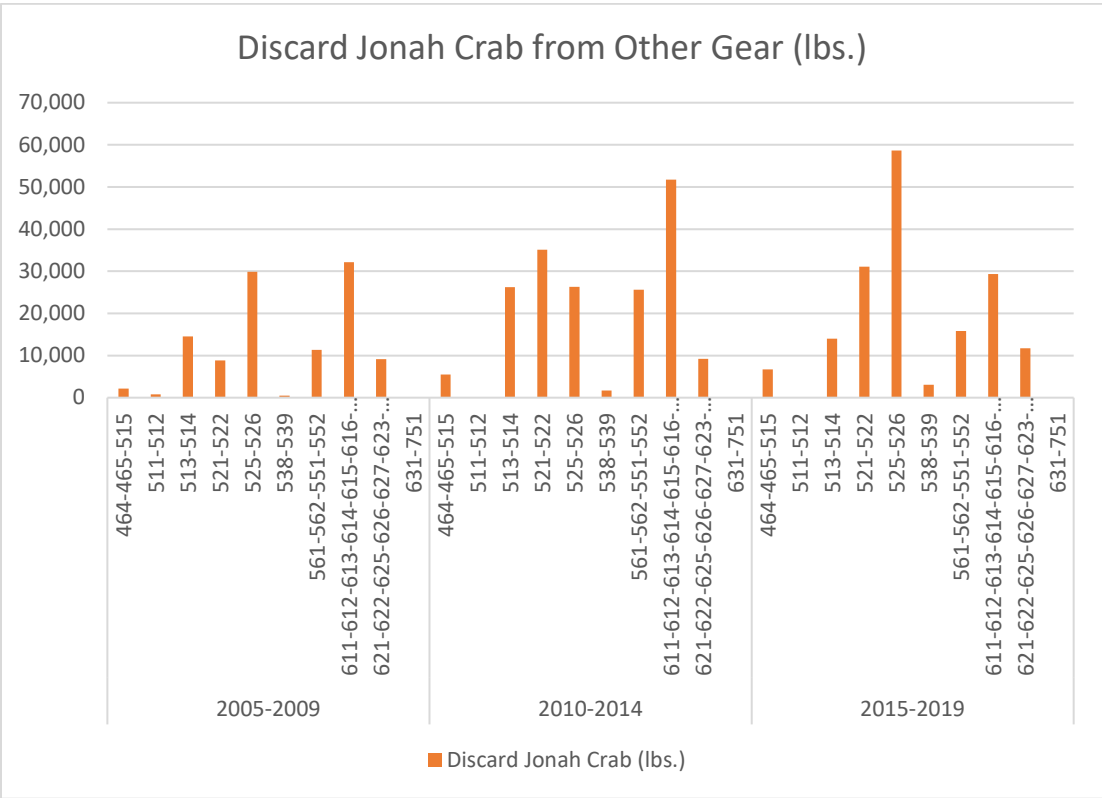
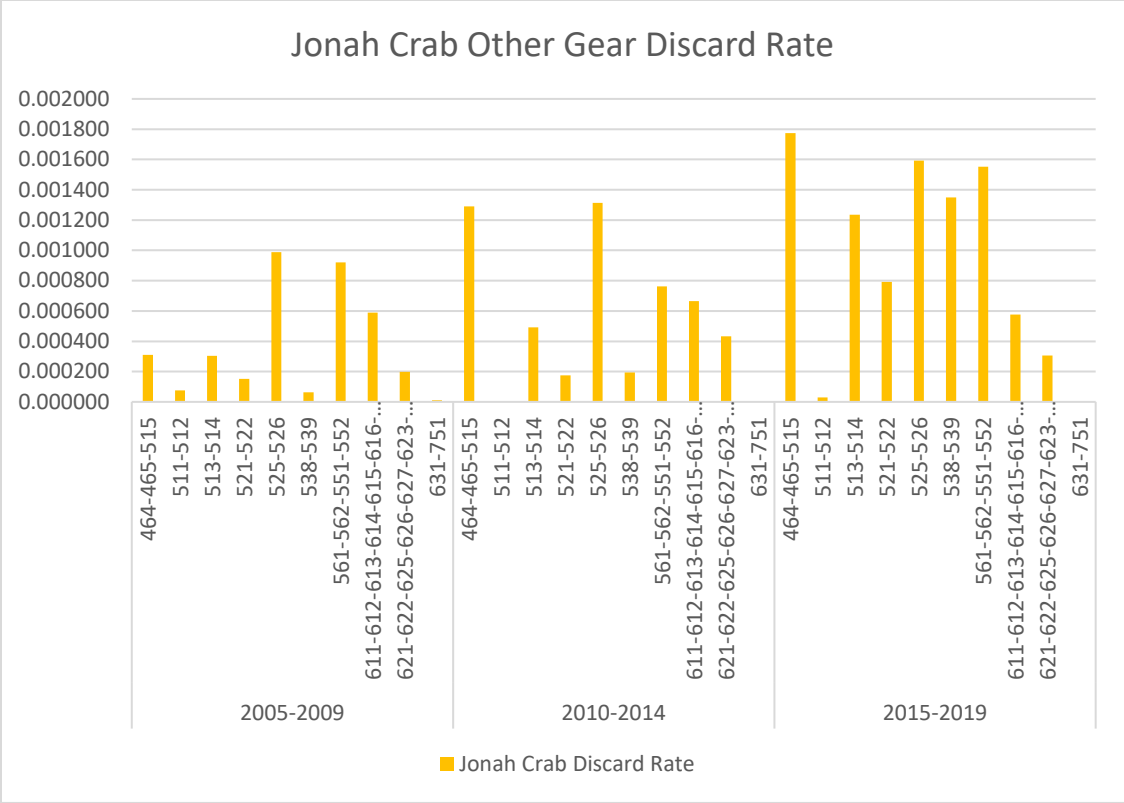


Figure 11. Other gear discard estimates from data collected during the Northeast Fisheries Science Center’s Northeast Fisheries Observer and At-Sea Monitoring programs.

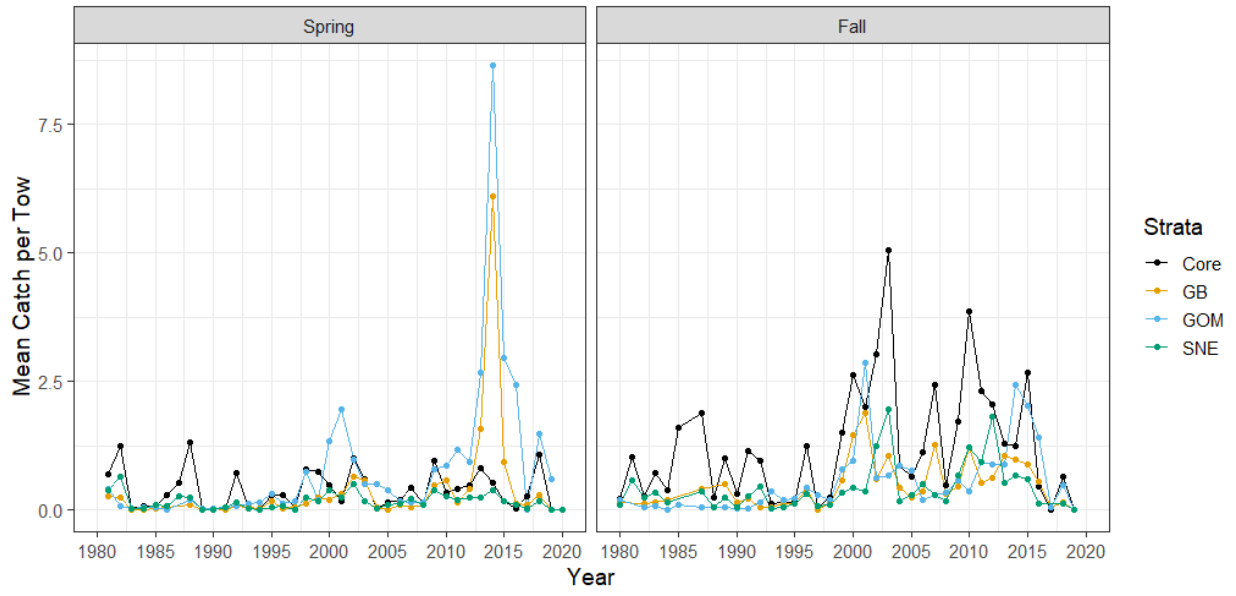


Figure 12. NEFSC trawl survey indices from regions sampled.

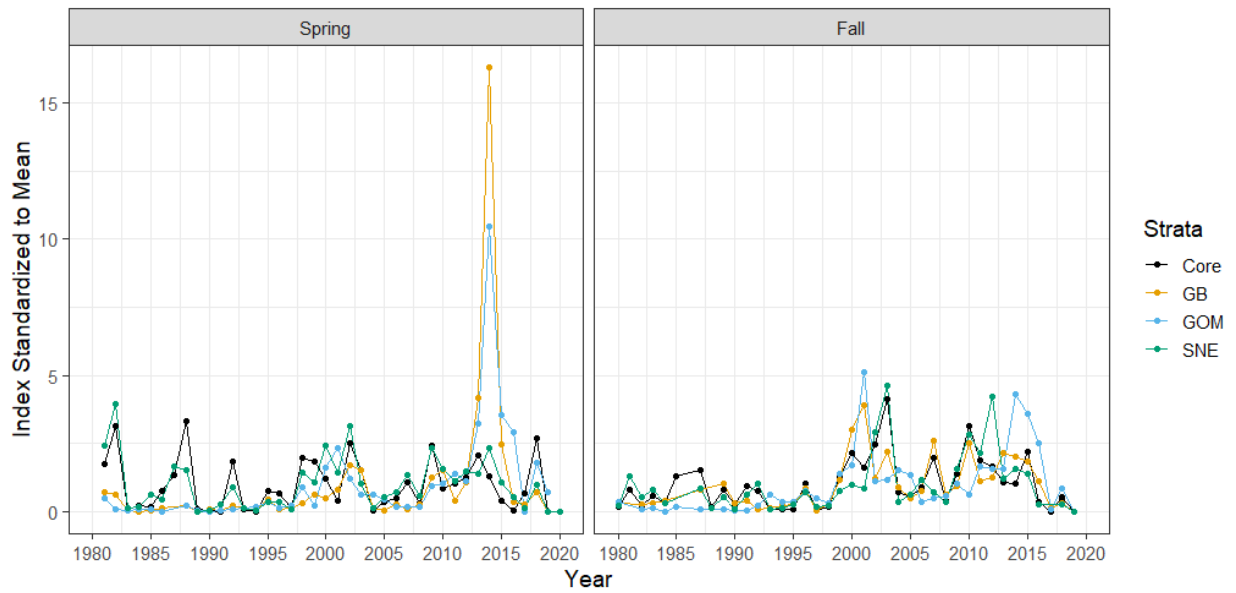


Figure 13. NEFSC trawl survey indices from regions sampled scaled to time series means.

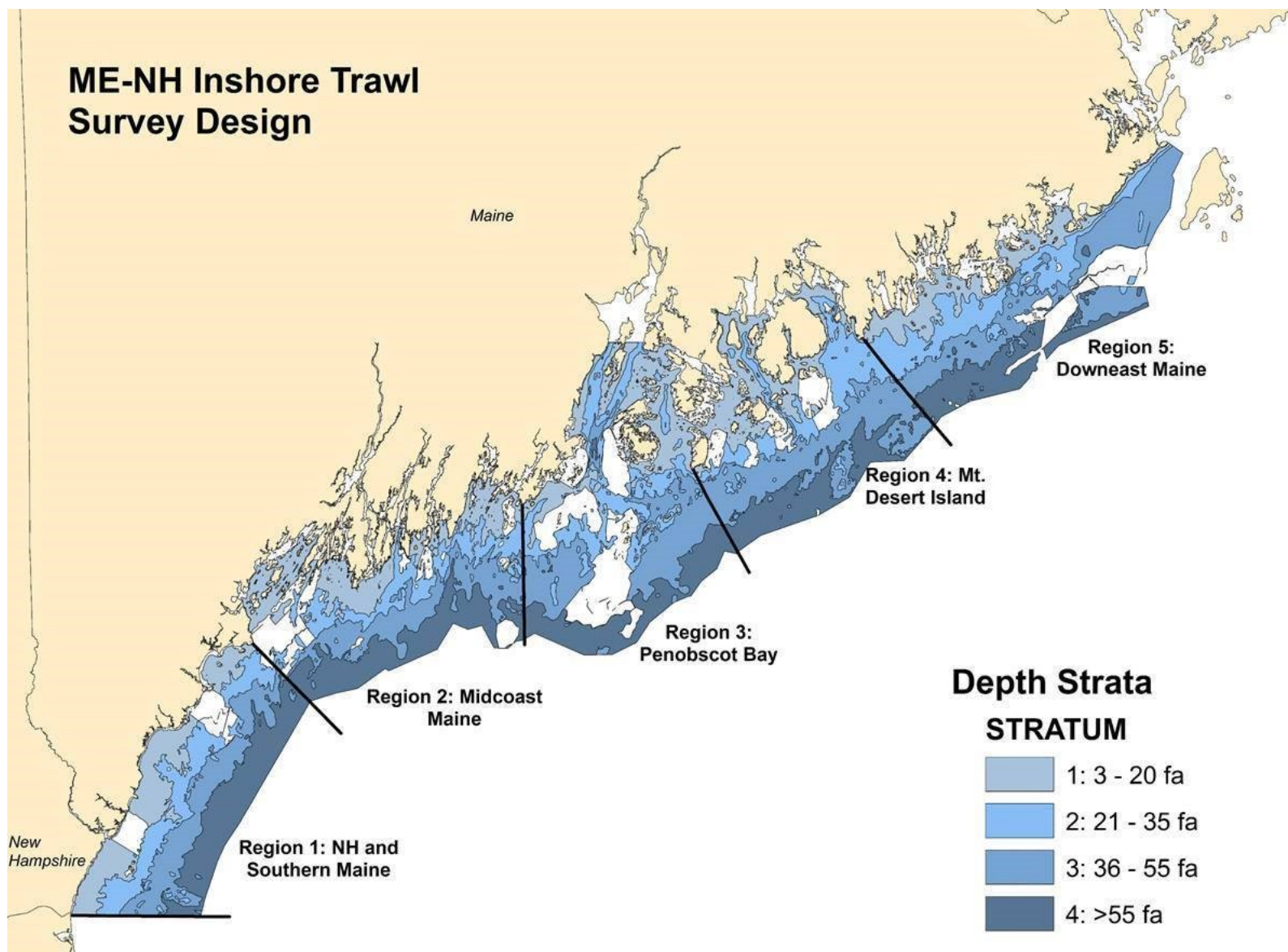


Figure 14. Sampling regions and depth strata for the Maine/New Hampshire trawl survey.

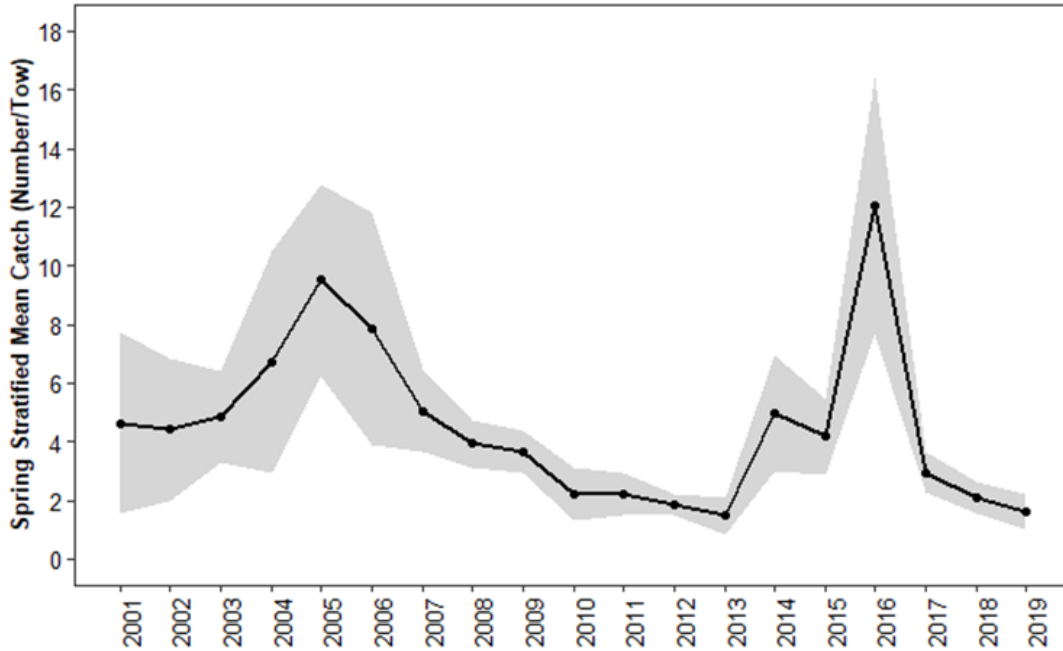


Figure 15. ME/NH spring trawl survey index of abundance (solid line with circles) with 95% confidence interval (shaded region).

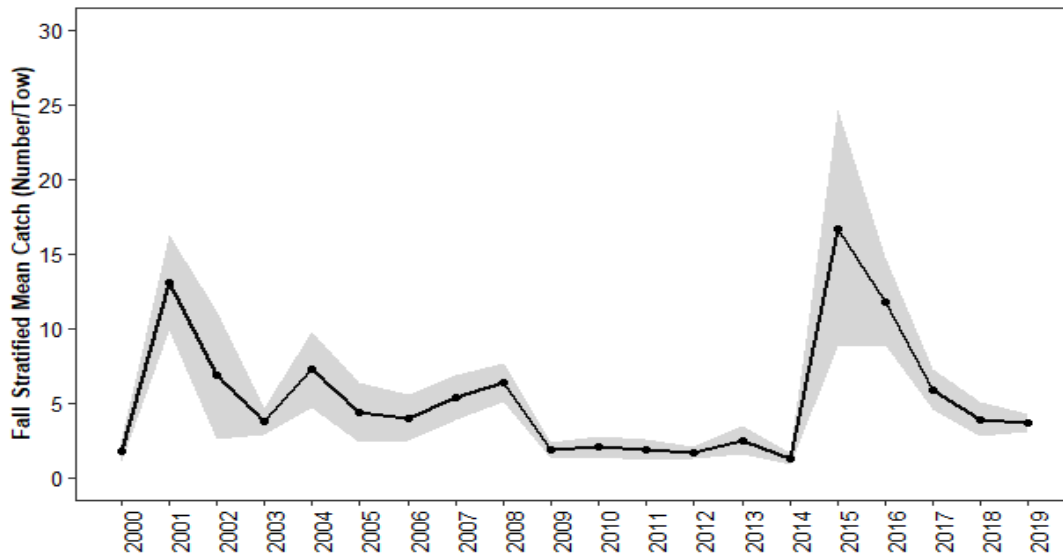


Figure 16. ME/NH fall trawl survey index of abundance (solid line with circles) with 95% confidence interval (shaded region).

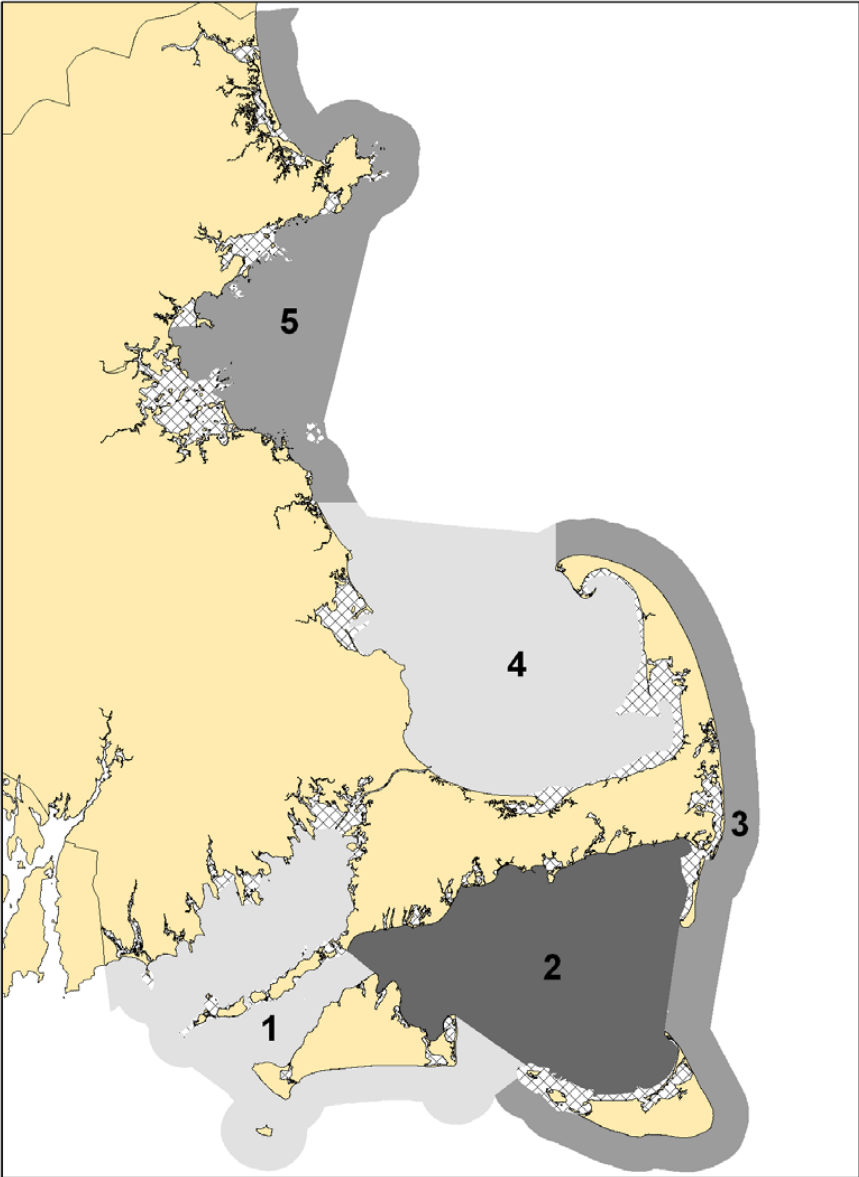


Figure 17. Sampling regions for the MA DMF trawl survey.

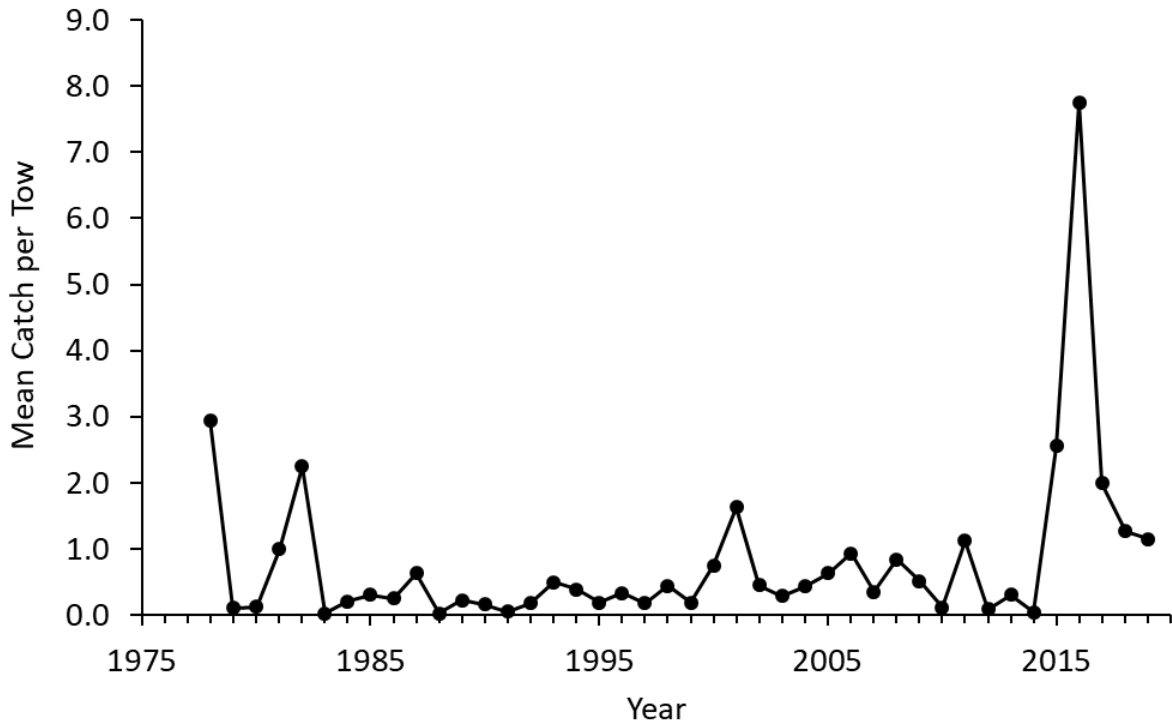


Figure 18. MA DMF Spring Trawl Survey index of abundance for Gulf of Maine strata.

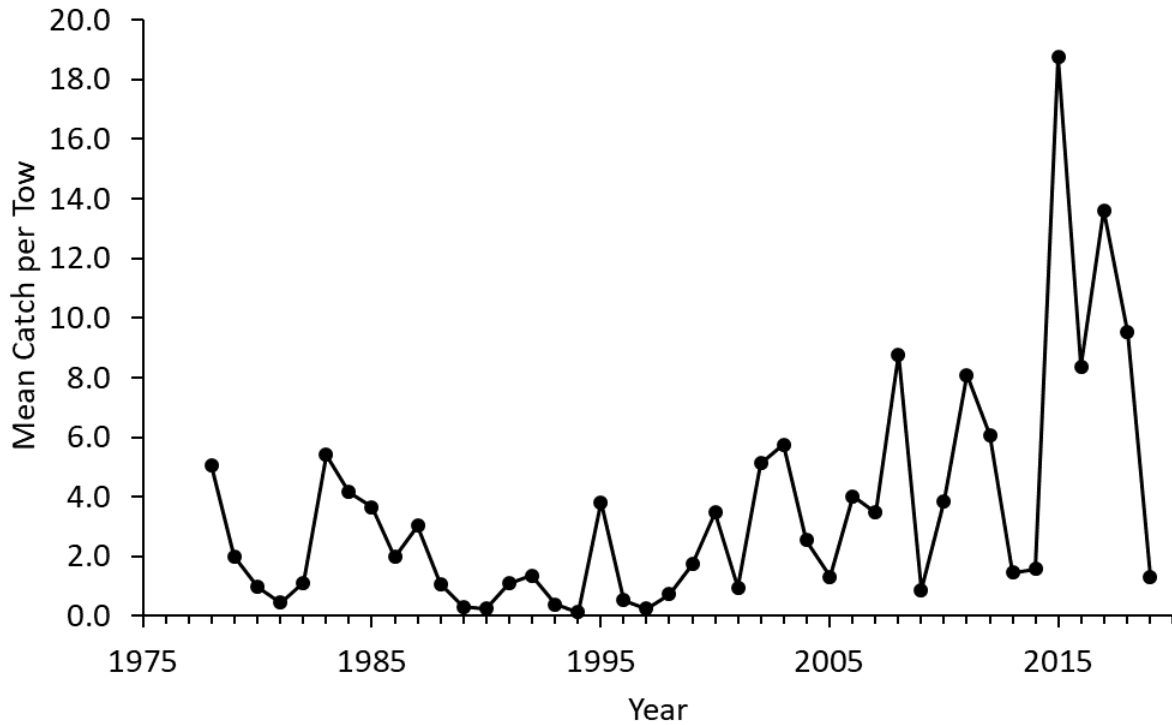


Figure 19. MA DMF Fall Trawl Survey index of abundance for Gulf of Maine strata.

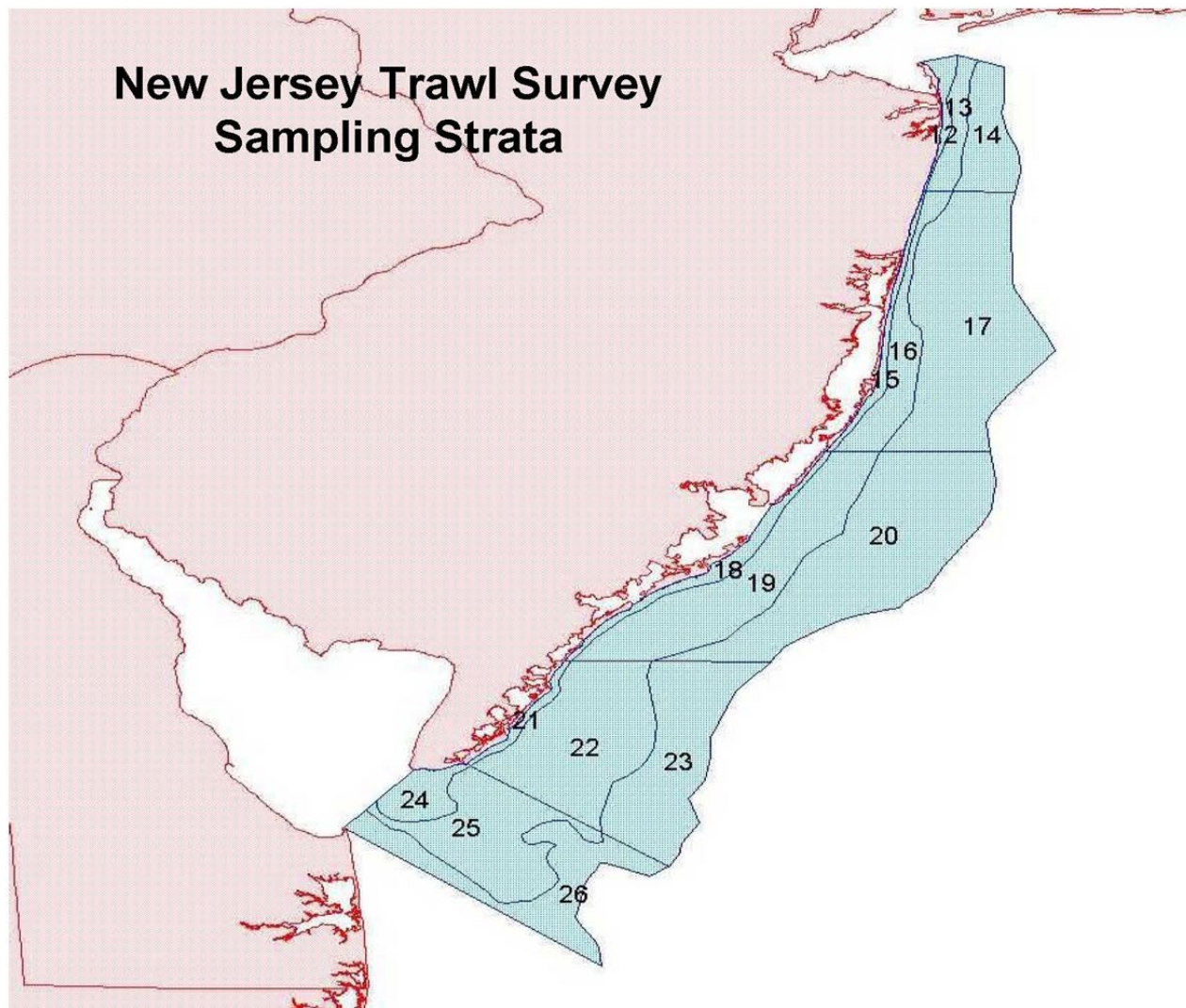


Figure 20. Sampling strata for the New Jersey Ocean Trawl Survey.

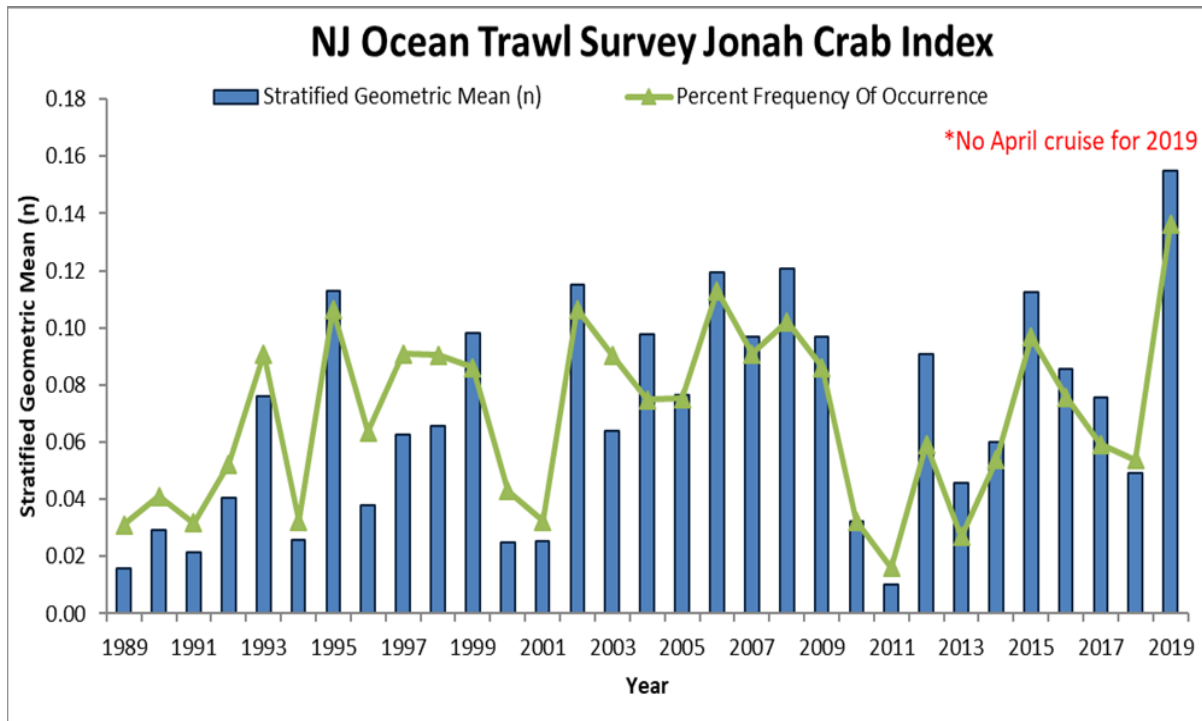


Figure 21. Jonah crab index of abundance and percent frequency occurrence on tows conducted by the New Jersey Ocean Trawl Survey.

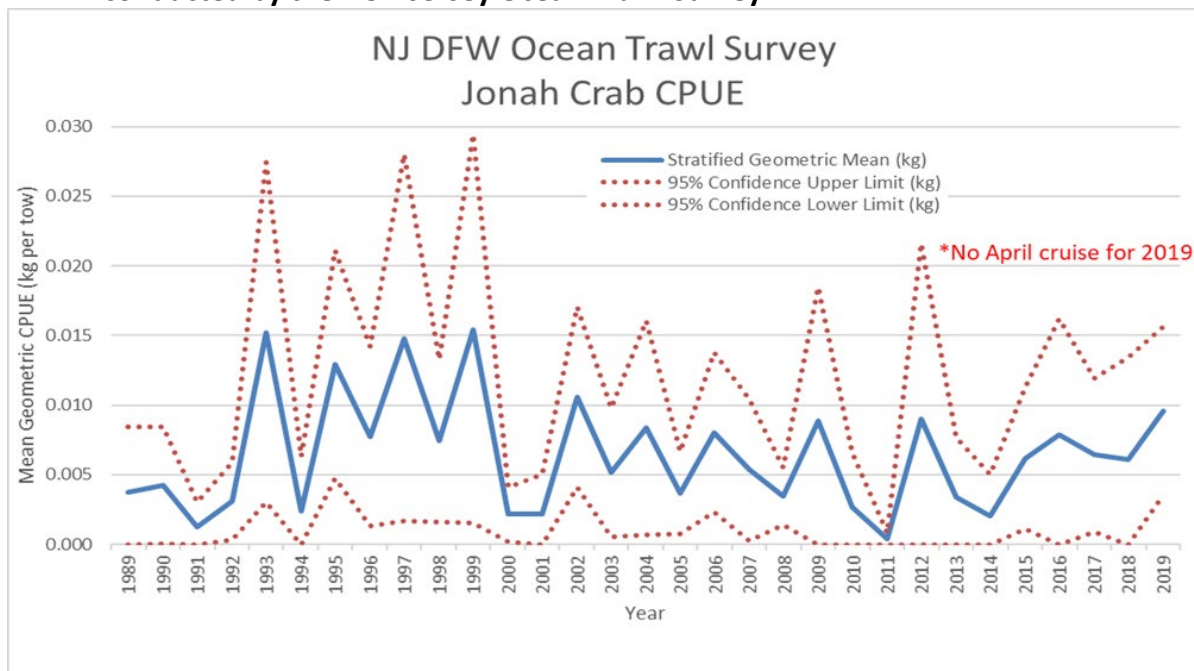


Figure 22. Jonah crab index of biomass for the New Jersey Ocean Trawl Survey.

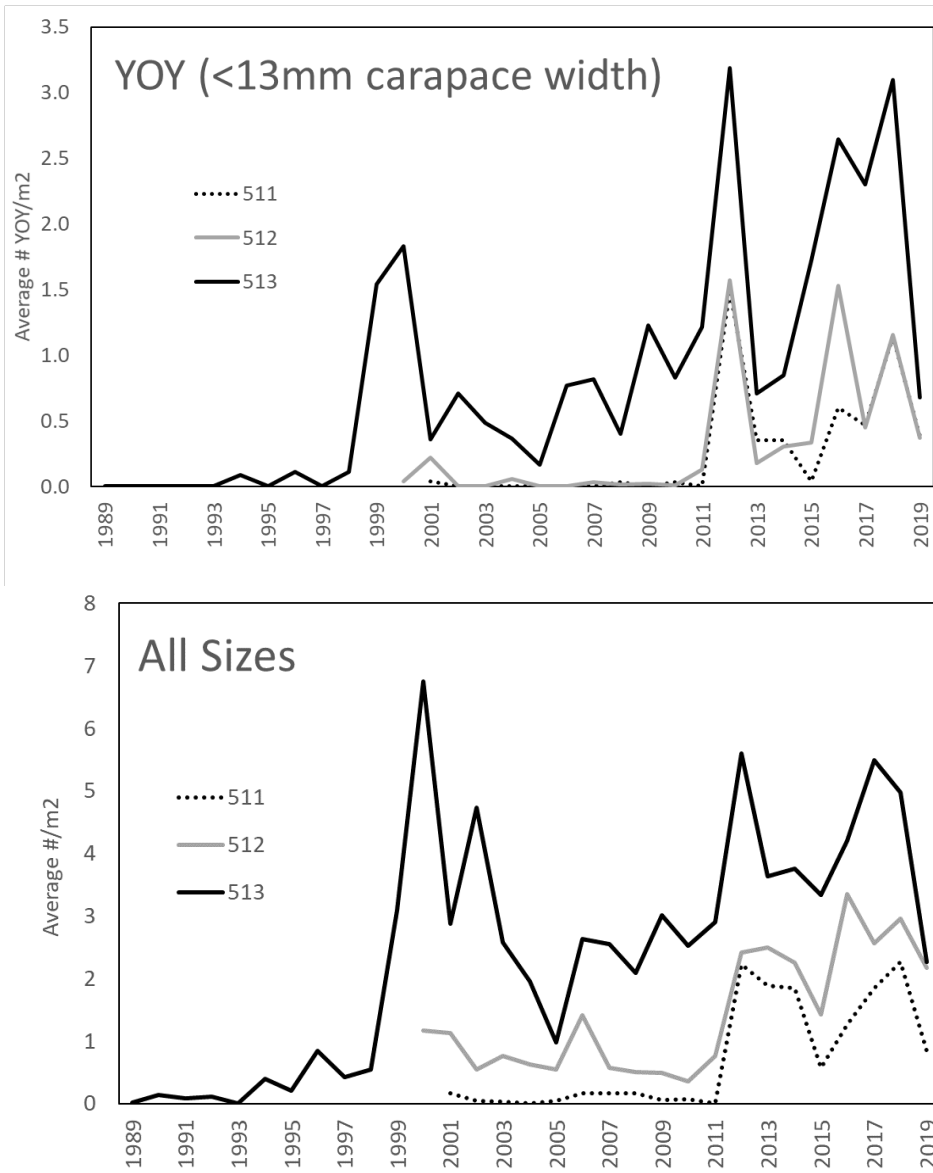


Figure 23. Indices of abundance by NOAA statistical area from the Maine DMR Settlement Survey.

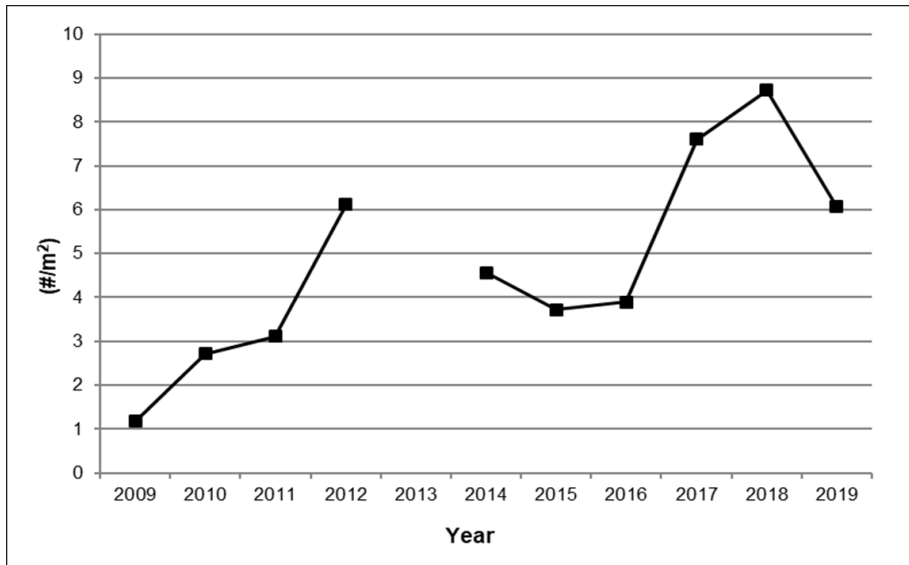


Figure 24. Index of abundance from the NHF&G American Lobster Settlement Survey.

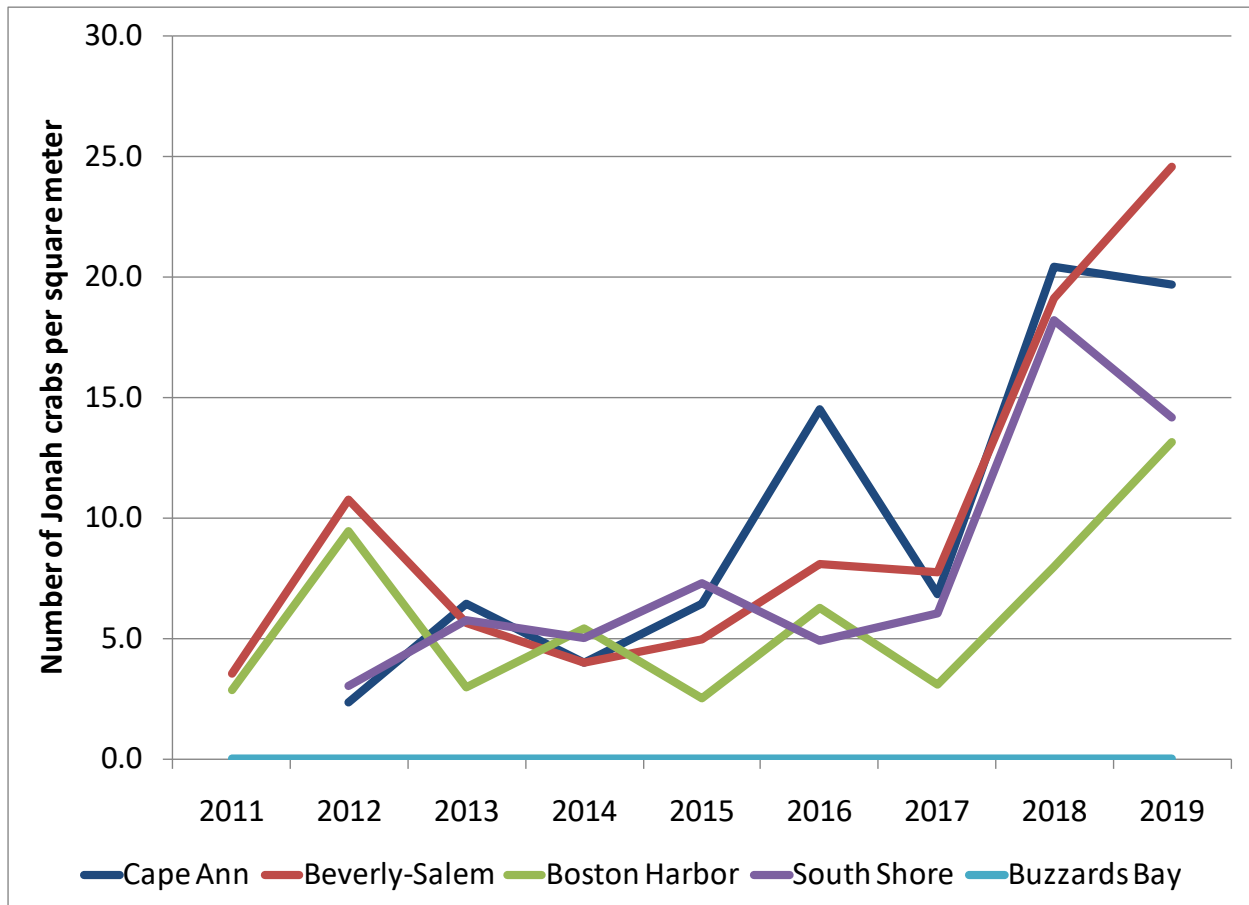


Figure 25. Indices of Jonah crab settlement by sampling area from the MA DMF Settlement Survey.

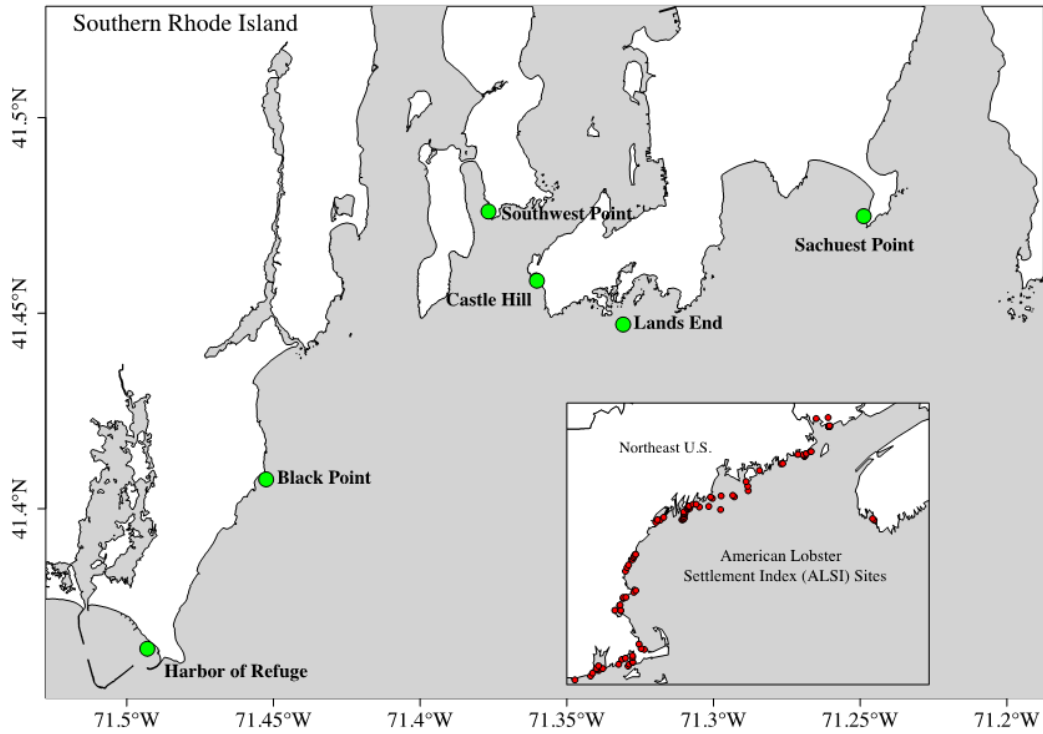


Figure 26. Map of six sites sampled by RIDEM DMF in yearly settlement survey.

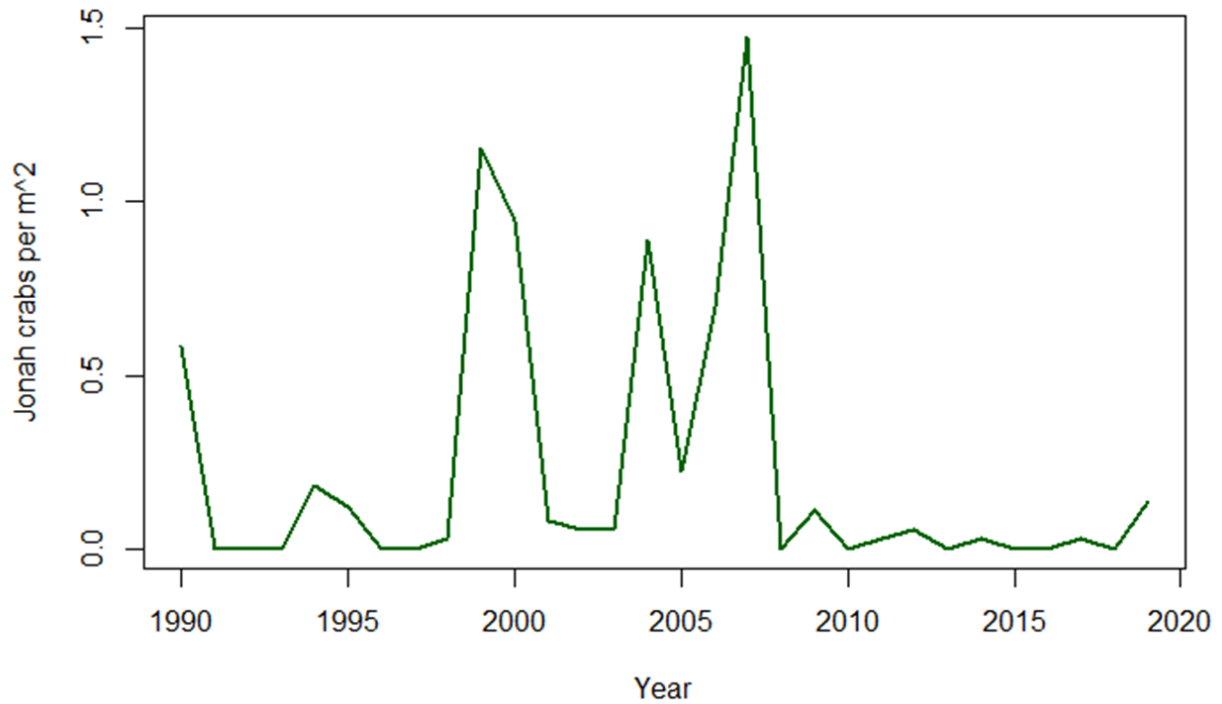


Figure 27. RIDEM DMF settlement survey index of abundance.

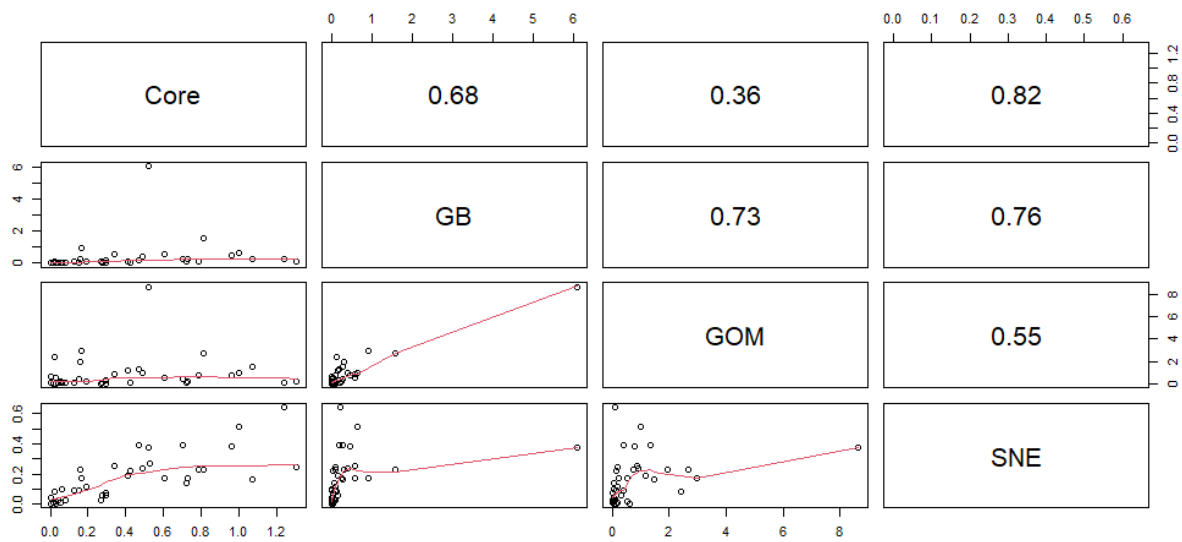


Figure 28. Spearman's rank-order correlation of NEFSC spring trawl survey indices from regions sampled. Plots in the lower panels are pairwise indices (black circles) from regions on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from regions on the corresponding column and row of the diagonal.

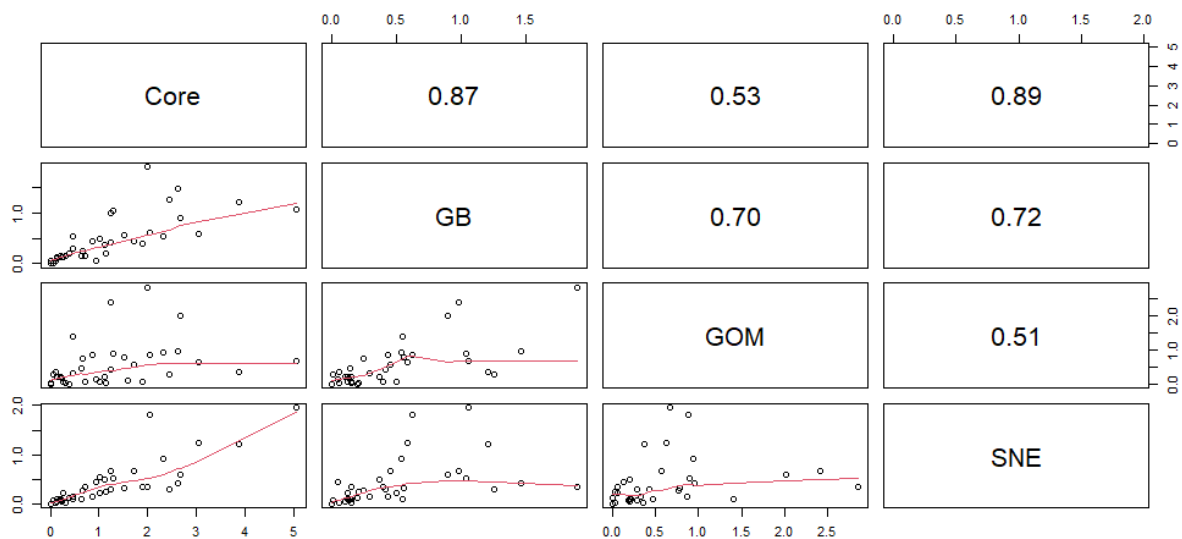


Figure 29. Spearman's rank-order correlation of NEFSC fall trawl survey indices from regions sampled. Plots in the lower panels are pairwise indices (black circles) from regions on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from regions on the corresponding column and row of the diagonal.

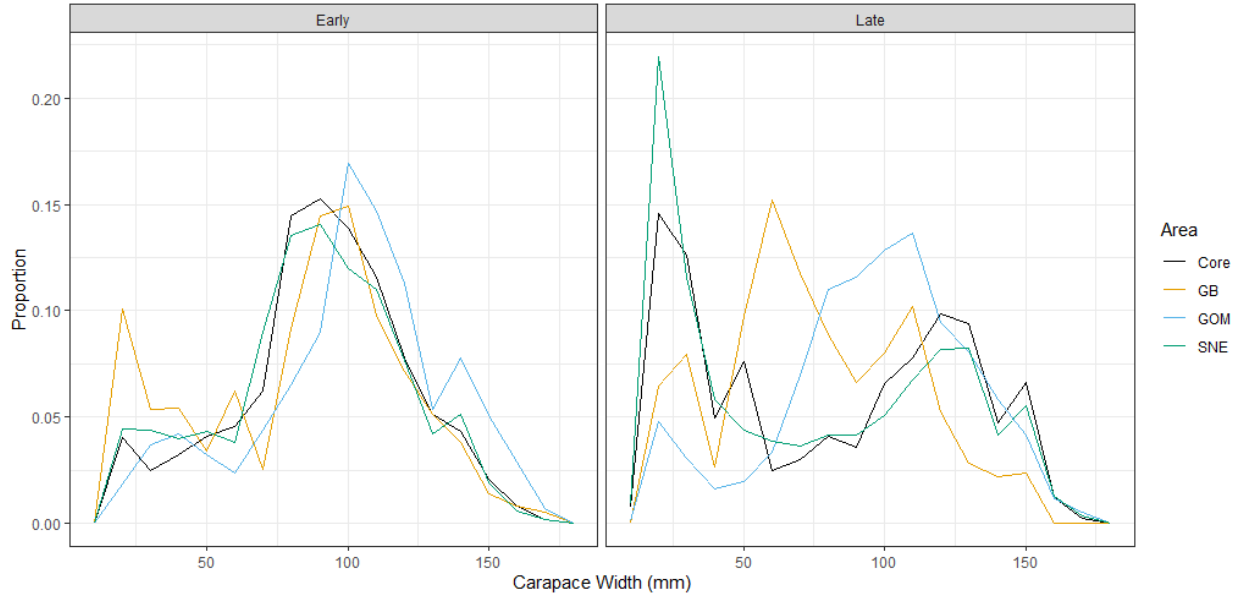


Figure 30. Length compositions of Jonah crab caught by period during the NEFSC spring trawl survey from regions sampled.

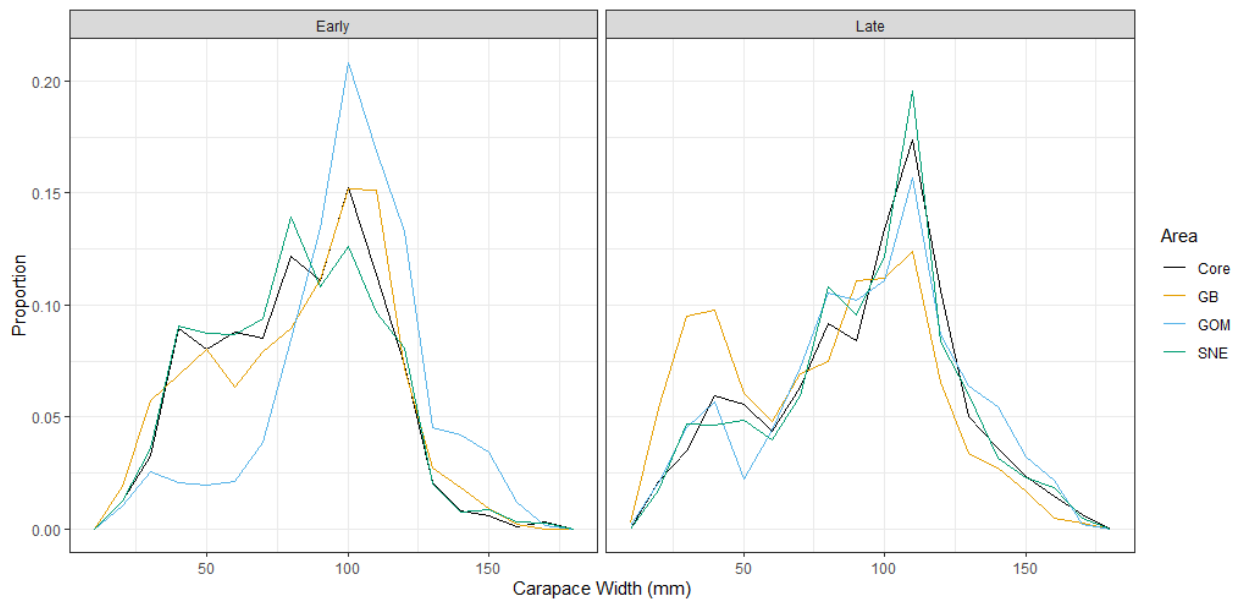


Figure 31. Length compositions of Jonah crab caught by period during the NEFSC fall trawl survey from regions sampled.

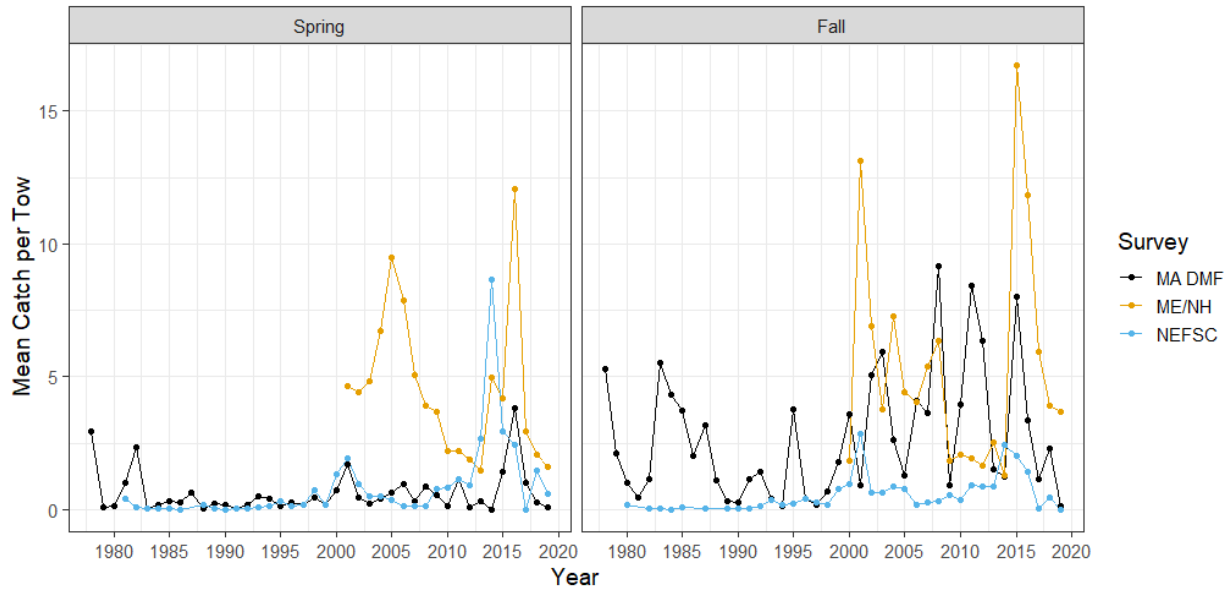


Figure 32. Indices from trawl surveys sampling the Gulf of Maine.

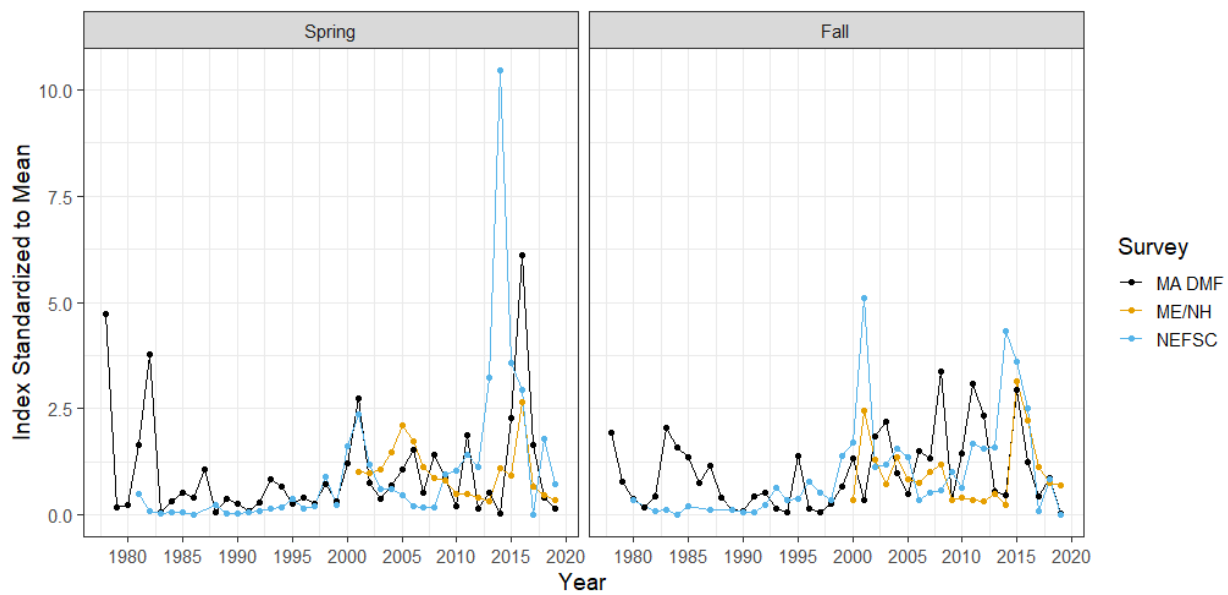


Figure 33. Indices from trawl surveys sampling the Gulf of Maine scaled to time series means.

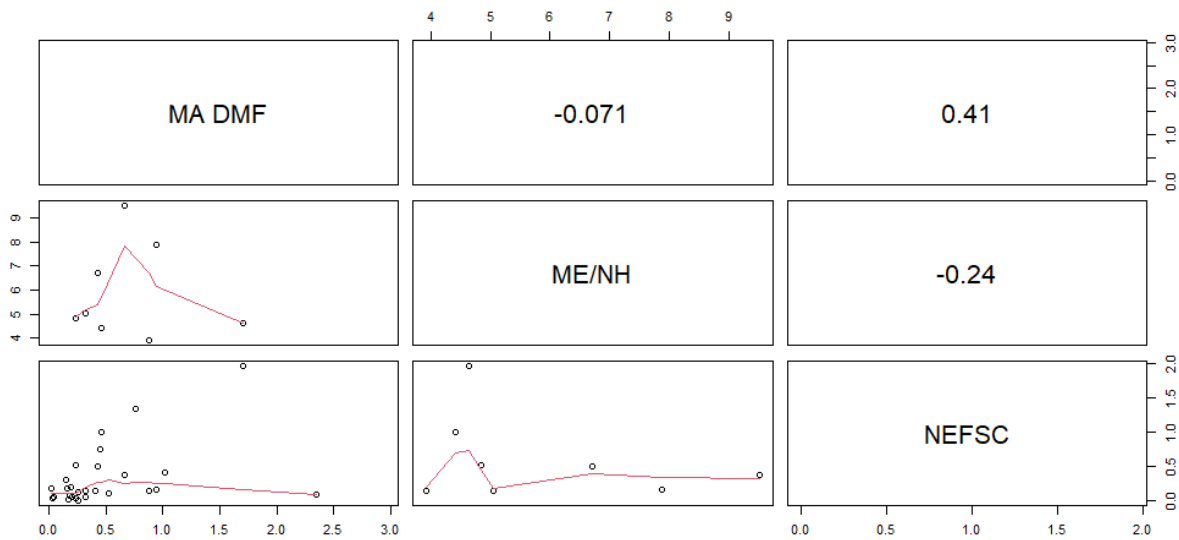


Figure 34. Spearman's rank-order correlation of spring indices from trawl surveys sampling the Gulf of Maine prior to the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.

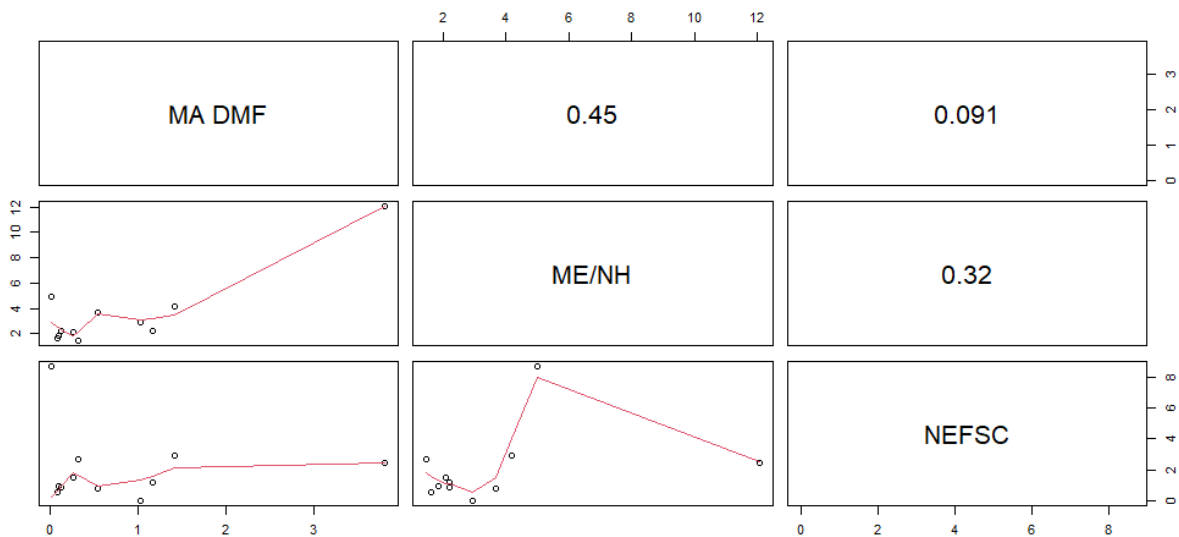


Figure 35. Spearman's rank-order correlation of spring indices from trawl surveys sampling the Gulf of Maine following the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.

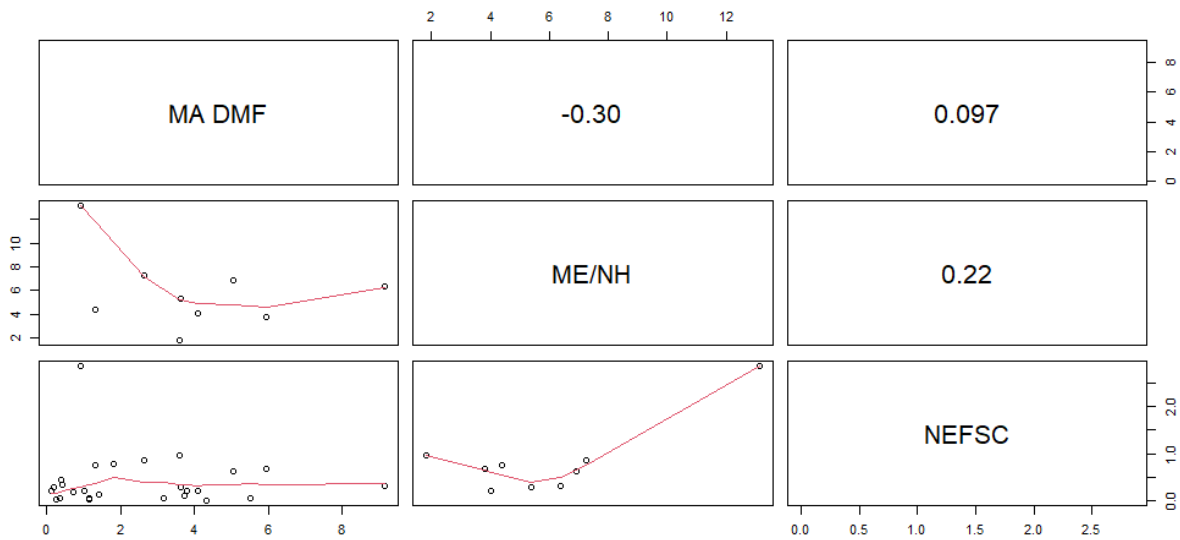


Figure 36. Spearman's rank-order correlation of fall indices from trawl surveys sampling the Gulf of Maine prior to the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.

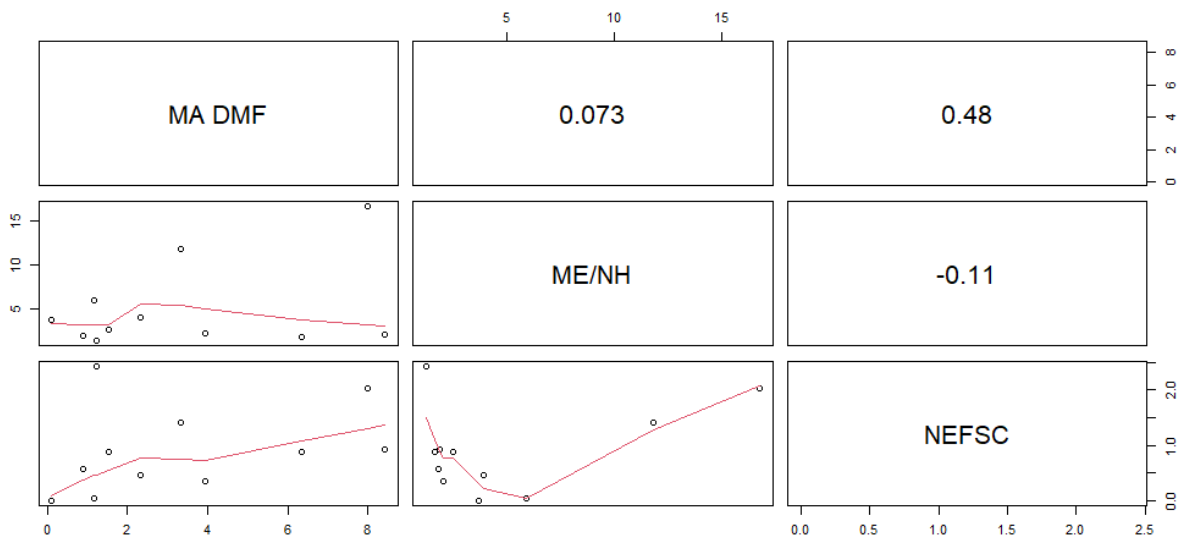


Figure 37. Spearman's rank-order correlation of fall indices from trawl surveys sampling the Gulf of Maine following the NEFSC Trawl Survey vessel change in 2009. Plots in the lower panels are pairwise indices (black circles) from surveys on the corresponding column and row of the diagonal fit with a LOWESS smoother (red line). Numbers in the upper panel plots are correlation coefficients between indices from surveys on the corresponding column and row of the diagonal.

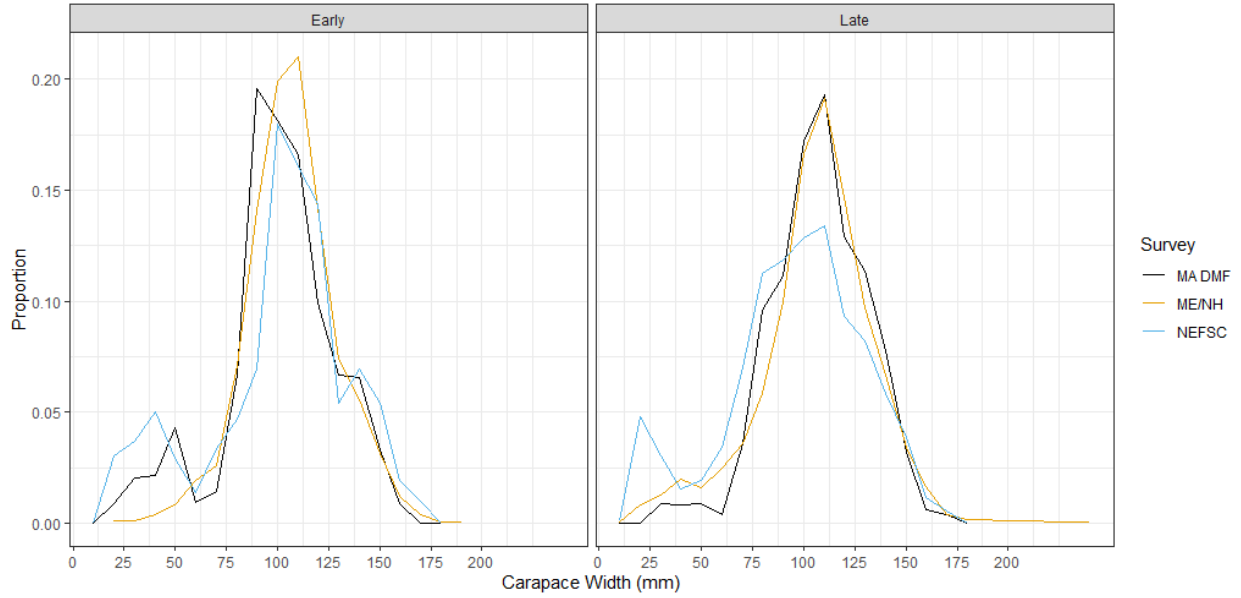


Figure 38. Length compositions of Jonah crab caught by period during spring trawl surveys sampling the Gulf of Maine.

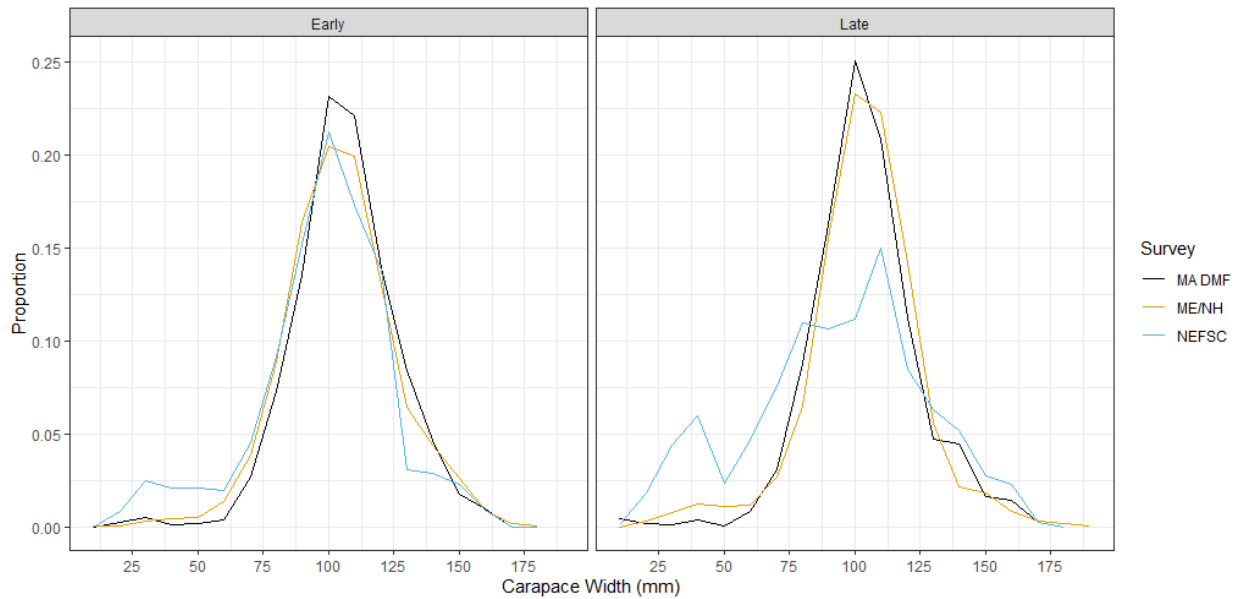


Figure 39. Length compositions of Jonah crab caught by period during fall trawl surveys sampling the Gulf of Maine.

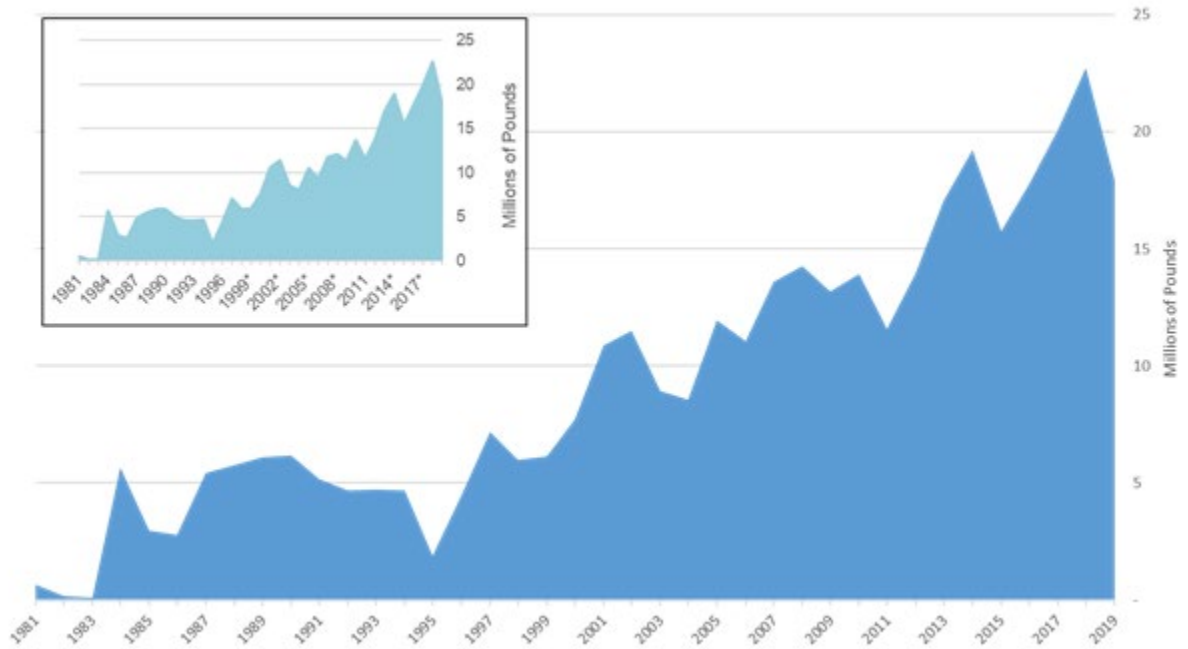


Figure 40. Coastwide Jonah crab landings (small, inset plot) and combined coastwide Jonah crab and Atlantic rock crab landings (large, main plot) from the ACCSP Data Warehouse. Asterisks indicate confidential landings data have been redacted from the total.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: American Lobster Management Board
FROM: American Lobster Technical Committee
DATE: April 16, 2021
SUBJECT: Lobster Management Strategy Evaluation Options

The Atlantic States Marine Fisheries Commission's Lobster Technical Committee (TC) was tasked by the American Lobster Management Board (Board) at the Commission's 2021 Winter Meeting to develop a set of prioritized options, timelines, and draft budgets to assist the Board in considering if management strategy evaluation (MSE) could be of use for management of the lobster fisheries. The TC met via webinar two times following the Winter Meeting to develop and prioritize these options. Options are outlined at the end of the memorandum, and include anticipated personnel needs, major budget line items, and timelines with milestones that would incur a substantial cost. However, the TC indicated that due to the highly interdisciplinary nature of MSE, additional perspectives are needed to provide a comprehensive work plan. Therefore, the TC has provided some recommendations for next steps for MSE development in addition to a recommended option to pursue. In addition to the line item cost estimates for each option, it is important to keep in mind that these costs do not include time and, consequently, indirect costs of several participants' time being allocated to participating in the MSE process (e.g., TC members); workloads would have to be prioritized and modified to accommodate the MSE workload. Competing workloads include the next lobster stock assessment (tentatively scheduled for 2025) and a potential Jonah crab stock assessment (tentatively scheduled for 2023), at a minimum. The details of the options provided at the end of the memorandum are considered preliminary and may change dependent on management goals and objectives (e.g., need to include anthropologists to address human dimensions objectives).

TC Recommendations on MSE Focus

The TC recommends the option for a two-phase MSE of the Gulf of Maine/Georges Bank (GOM/GBK) stock. The first phase of this option would provide an intermediate MSE at a coarser spatial resolution (i.e., stock level) that can be used to support a management framework in a relatively short timeframe, while also allowing time to build knowledge and tools to develop a subsequent, spatially-explicit MSE in phase two. This phased approach provides short term management guidance, while concurrently building the framework to expand to a spatially explicit approach in phase two. The extended timeframe may also allow several large-scale changes on the horizon for the lobster fishery to develop that could impact the lobster fishery and management goals, and thus better guide the cost and focus of incorporating spatial considerations explicitly into the MSE.

The TC believes MSE has potential for supporting a management framework for the Southern New England (SNE) stock, but believes a SNE-focused MSE is a lower priority option for several reasons. First, the scale of the fisheries in terms of fleet size and landings make the GOM/GBK stock a higher priority. Second, MSEs are generally focused on proactive management strategies for the future of the fishery, such as strategies intended to promote stock resilience, as opposed to reactive management strategies responding to stock conditions estimated in past stock assessments; the TC believes this further skews cost-benefit considerations of MSE in favor of the GOM/GBK stock. Third, the TC anticipates unique

M21-51

challenges that would require more complex tools to provide a successful SNE MSE. These challenges include the dominant mixed-crustacean nature of the fishery, and the degree and rate at which the lobster population and fishery have changed in response to climate change. These factors require modeling aspects of both Jonah crab and lobster population dynamics and distributions, as well as spatial dynamics of the fishery in any MSE option. There is also a high likelihood for an MSE to require customized model development and data collection by stock (e.g., socio-economic indicators), making MSE focused on one stock at a time most feasible.

TC Recommendations on Next Steps

The TC recommends two next steps for development of an MSE. First, a formal process is recommended to develop management goals and objectives for the future of the lobster fisheries. A good example is the process used by the Ecosystems Management Objectives Workshop conducted by the Commission to guide development of ecological reference points for Atlantic menhaden. Objectives developed from such a process would be used to further develop an MSE work plan for lobster. The second recommendation is to form a steering committee for additional scoping and development of a comprehensive work plan with a detailed timeline, including: outreach components that are not anticipated to incur a substantial cost but are imperative to the success of an MSE (e.g., outreach at regularly scheduled industry association meetings), identification of funding sources for the MSE costs, and identification of personnel. Representation recommended for the steering committee includes Board members, TC members, Commission staff, members of the Commission's Committee on Economics and Social Sciences, industry stakeholders (preferably those with past experience in MSE), and members of the Commission's Assessment and Science Committee or Management and Science Committee with past experience in MSE. To be effective, the number of people in the steering committee should be limited to approximately a dozen members.

The TC discussed two ongoing developments that will potentially streamline the development of a formal MSE approximately a year from now. First, University of Maine researchers have submitted a proposal to the current round of the Sea Grant's American Lobster Research Program funding; while funding is uncertain, the project is to evaluate population dynamics simulations that will incorporate environmental effects into the biological modeling framework likely to be used in a lobster MSE. Second, work towards the conceptualization of an economics model and economic data gathering is being funded by NOAA Fisheries; this will support development of an economic model within the MSE modeling framework. These developments support the TC recommendation for the formation of a steering committee, with a start date for the MSE to be determined pending the results of the steering committee's findings.

GOM/GBK MSE Option (high priority)

Phase One - Stockwide GOM/GBK MSE

Purpose: Evaluate performance of management strategies at the stock level for the GOM/GBK stock in response to changes in recruitment with biological, fishery, and other socio-economic performance metrics.

Timeline: Three years. One modeler workshop in the first year and one modeler and one stakeholder workshop in years two and three.

Personnel and responsibilities:

- ASMFC Lobster TC – Stakeholder recruitment and engagement, data gathering, guidance on technical aspects of the MSE, report writing, and training for using the MSE tools in future updates

- ASMFC Staff – Project management, data gathering, workshop coordination, and report writing/publishing
- ASMFC Lobster Board Members – Define management goals and provide guidance on the direction of the MSE based on established goals, participate in stakeholder input gathering (webinars and workshops)
- Stakeholders – Identify desired objectives and outcomes of an MSE and provide guidance on the direction of the MSE, participate in stakeholder input gathering (surveys, webinars, and workshops)
- Biological modeler – Couple existing assessment model and operating model in a closed-loop model (six months to program, six months to modify based on workshop feedback and to provide training to TC members)
- Economics modeler – Develop an economics model guided by NOAA Fisheries’ economic model conceptualization and data gathering work and couple with the assessment model and operating model in a closed-loop model.
- Professional facilitator - Facilitate stakeholder webinars and workshops, assist with stakeholder input survey development and analysis

Costs:

- Facilitator - \$25,000
- Travel - \$37,500 for two in-person stakeholder workshops (30 people), \$22,500 for three in-person modeler workshops (12 people)
- Biological model development - \$85,000 (one year postdoc with ASMFC indirect cost cap)
- Economic model development - \$115,000 (one year full time or two six month full time contractors)
- Total - \$285,000

Phase Two - Spatially-Explicit GOM/GBK MSE

Purpose: Evaluate performance of spatially-directed management strategies for the GOM/GBK stock triggered by external forces (e.g., whale interactions, wind farm development and operation, climate change).

Costs: Estimates to be developed during phase one.

Spatially-Explicit SNE MSE Option (low priority)

Purpose: Evaluate performance of spatially-directed management strategies for the SNE stock in response to changes in recruitment and diversification of the fishery (targeting lobster and Jonah crab) with biological, fishery, and other socio-economic performance metrics.

Timeline: Five years. One modeler workshop in years one through five. One stakeholder workshop in years two, four, and five.

Personnel and responsibilities:

- ASMFC Lobster TC – Stakeholder recruitment and engagement, data gathering, guidance on technical aspects of the MSE, report writing, and training for using the MSE tools in future updates

- ASMFC Staff – Project management, data gathering, workshop coordination, and report writing/publishing
- ASMFC Lobster Board Members – Define management goals and provide guidance on the direction of the MSE based on those pre-defined goals, participate in stakeholder input gathering (webinars and workshops)
- Stakeholders – Identify desired objectives and outcomes of an MSE and provide guidance on the direction of the MSE, participate in stakeholder input gathering (surveys, webinars, and workshops)
- Biological modeler – Conceptualize modeling of the spatial dynamics necessary to address stakeholder objectives by integrating lobster population distribution models along with Jonah crab population distribution and the resulting fleet dynamics. Identify biological and fleet spatial dynamics and resolution of each that can and cannot be modeled with available data to guide configuration of operating and assessment model. Couple assessment model and operating model in a closed-loop model (eighteen months to program, eighteen months to modify based on workshop feedback and provide training to TC members).
- Economics modeler – Conceptualize modeling of the economic processes driven by lobster landings, and interactions between lobster and Jonah crab effort and landings. Identify processes that can and cannot be modeled with available data to guide configuration of model. Couple economics model with the assessment model and operating model in a closed-loop model.
- Professional facilitator – Facilitate stakeholder webinars and workshops, assist with stakeholder input survey development and analysis
- ***Potentially others dependent on management and stakeholder objectives (e.g., reduce whale interactions would require a whale biologist and protected resource personnel)***

Costs:

- Facilitator - \$42,000
- Travel - \$56,250 for three in-person stakeholder workshops (30 people), \$46,875 for five in-person modeler workshops (15 people)
- Spatially-explicit closed-loop model development: \$255,000 (three year postdoc with ASMFC indirect cost cap)
- Economic model development: \$345,000 (three year full time or two one and half year full time contractors)
- Total - \$745,125 (minimum with potential for additional costs dependent on stakeholder objectives)

Atlantic States Marine Fisheries Commission

Atlantic Striped Bass Management Board

August 3, 2021
9:00 a.m. – 12:30 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/Call to Order (<i>D. Borden</i>) | 9:00 a.m. |
| 2. Board Consent | 9:00 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from March and May 2021 | |
| 3. Public Comment | 9:05 a.m. |
| 4. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year (<i>E. Franke</i>) Action | 9:15 a.m. |
| 5. Review Juvenile Abundance Index for the Albemarle Sound/Roanoke River | 10:00 a.m. |
| • Technical Committee Report (<i>C. Hoffman</i>) | |
| 6. Progress Report for Draft Amendment 7 | 10:20 a.m. |
| • Plan Development Team (PDT) Report (<i>E. Franke</i>) | |
| • Provide Guidance to the PDT for Draft Amendment 7 | |
| 7. Review Options for Addressing Commercial Quota Allocation in a Future Management Document (<i>E. Franke</i>) Possible Action | 12:00 p.m. |
| 8. Other Business/Adjourn | 12:30 p.m. |

MEETING OVERVIEW

Atlantic Striped Bass Management Board

August 3, 2021

9:00 a.m. – 12:30 p.m.

Webinar

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Kevin Sullivan (NH)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Martin Gary (PRFC)	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: May 5, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from March 2021 and May 2021

3. Public Comment – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Fishery Management Plan Review (9:15 – 10:00 a.m.) Action

Background

- State Compliance Reports were due on June 15, 2021.
- The Plan Review Team reviewed each state report and compiled the annual FMP Review.

Presentations

- Overview of the FMP Review Report by E. Franke (**Supplemental Materials**)

Board Actions for Consideration

- Accept 2020 FMP Review and State Compliance Report.

5. Review Juvenile Abundance Index for Albemarle Sound/Roanoke River (10:00 – 10:20 a.m.)

Background

- The juvenile abundance index (JAI) for the Albemarle Sound/Roanoke River (A-R) in North Carolina showed recruitment failure for three consecutive years (2018, 2019, 2020), which tripped the recruitment-based management trigger established through Amendment 6.
- The Technical Committee (TC) met on July 15, 2021 to review potential factors contributing to A-R recruitment declines and consider recommending action to the Management Board if appropriate (**Supplemental Materials**).
- Considering North Carolina's recent management action to reduce striped bass total allowable landings and analysis of the relationship between river flow and striped bass recruitment, the TC recommends no action by the Board at this time.

Presentations

- TC Report by C. Hoffman

6. Progress Report for Draft Amendment 7 (10:20 a.m. – 12:00 p.m.)

Background

- The status and understanding of the striped bass stock and fishery has changed considerably since implementation of Amendment 6 in 2003, which has raised concerns that the existing management program may no longer reflect current fishery needs and priorities.
- Accordingly, the Board initiated development of Draft Amendment 7 to consider addressing a number of important issues that have been facing striped bass management for a long time.
- In May 2021, the Board approved the following four issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class.
- The Plan Development Team (PDT) and the TC met multiple times between May and July 2021 and are requesting specific guidance from the Board on the type of options that should be further developed for some of the issues (**Briefing Materials**).
- Board guidance at this time is important to ensure the draft options and analyses meet the Board's intent and objectives for this amendment.

Presentations

- PDT Report by E. Franke

Board Actions for Consideration

- Provide Guidance to the PDT for Draft Amendment 7.

7. Review Options for Addressing Commercial Quota Allocation (12:00 – 12:25 p.m.) Potential Action

Background

- In May 2021, the motion to include the commercial quota allocation issue in Draft Amendment 7 failed for lack of a majority. Many Board members recognized that Delaware has raised this issue for some time and Delaware has been asking for a more equitable allocation. In addition there were some individuals that expressed an interest in reviewing more recent data to consider in the allocations.

- Although many Board members recognized these concerns, some Board members noted the Draft Amendment process is not the right time to address this because allocation discussions could make the process significantly longer and more complex. Some Board members suggested addressing quota allocation in a separate management document after Amendment 7 is complete.
- The Board Chair requested staff from the Commission and the State of Delaware prepare options and timelines for how this issue could be addressed moving forward (**Supplemental Materials**).

Presentations

- Overview of options by E. Franke

Board Actions for Consideration

- Consider options for addressing commercial quota allocation in a future management document.

9. Other Business/Adjourn (12:30 p.m.)

Atlantic Striped Bass

Activity level: High

Committee Overlap Score: Medium (TC/SAS/TSC overlaps with BERP, Atlantic menhaden, American eel, horseshoe crab, shad/river herring)

Committee Task List

- PDT – develop all documentation for the development of Draft Amendment 7
- SAS/TC – various tasks in response to the 2018 benchmark assessment and relating to development of Draft Amendment 7
- TC – June 15th: Annual compliance reports due

TC Members: Kevin Sullivan (NH, Chair), Carol Hoffman (NY, Vice Chair), Nicole Lengyel Costa (RI), Olivia Phillips (VA), Alexei Sharov (MD), Charlton Godwin (NC), Ellen Cosby (PRFC), Gail Wippelhauser (ME), Gary Nelson (MA), Brendan Harrison (NJ), Jeremy McCargo (NC), Kurt Gottschall (CT), Margaret Conroy (DE), Luke Lyon (DC), Tyler Grabowski (PA), Peter Schuhmann (UNCW), Tony Wood (NMFS), Steve Minkinen (USFWS), John Ellis (USFWS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

SAS Members: Michael Celestino (NJ, Chair), Gary Nelson (MA), Alexei Sharov (MD), Hank Liao (ODU), Justin Davis (CT), John Sweka (USFWS), Tony Wood (NMFS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

PDT Members: Nichola Meserve (MA), Nicole Lengyel Costa (RI), Brendan Harrison (NJ), Olivia Phillips (VA), Simon Brown (MD), Max Appelman (NMFS), Greg Wojcik (CT), Emilie Franke (ASMFC)

Tagging Subcommittee (TSC) Members: Stuart Welsh (WVU, Chair), Heather Corbett (NJ, Vice Chair), Angela Giuliano (MD), Beth Versak (MD), Chris Bonzak (VIMS), Gary Nelson (MA), Ian Park (DE), Jessica Best (NY), Carol Hoffman (NY), Tony Wood (NMFS), Josh Newhard (USFWS), Wilson Laney (USFWS), Katie Drew (ASMFC), Emilie Franke (ASMFC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Webinar
March 16, 2021**

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair David V. Borden.....1

Approval of Agenda1

Public Comment.....1

Consider Ad Hoc Committee Recommendations Regarding Circle Hook Issue.....1

Adjournment.....32

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 6, 2020** by consent (Page 1).
3. **Main Motion:**
Move to approve the following guidance for state implementation of circle hook measures for the recreational fishery: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached (Page 10). Motion by Mike Armstrong; second by Justin Davis.

Motion to Amend
Move to replace “as any marine or aquatic organism live or dead, whole or parts thereof” with “the living or dead, whole body or part of a body of an animal, or a processed product from an animal or vegetative source” (Page 15). Motion by Mike Luisi; second by Dennis Abbott. Motion failed (Page 19).

Main Motion
Move to approve the following guidance for state implementation of circle hook measures for the recreational fishery: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached. Motion carried (Page 19).
4. **Move to allow anglers to keep striped bass that are incidentally caught** (Page 20). Motion by Dennis Abbott; second by Tom Fote. Motion failed (Page 24).
5. **Move to approve the following guidance for state implementation of circle hook measures: striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury** (Page 25). Motion by Eric Reid; second by Mike Armstrong. Motion carried (Page 29)
6. **Adjourn** by consent (Page 32).

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
David Borden, RI (GA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS

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

Ex-Officio Members

Kevin Sullivan, Technical Committee Chair	Mike Celestino, Stock Assmnt. Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative	

Staff

Bob Beal	Katie Drew
Toni Kerns	Emilie Franke
Tina Berger	Chris Jacobs
Pat Campfield	Deke Tompkins

Guests

Karen Abrams, NOAA	Jason Boucher, DE DFW
Taylor Ailtmar, CBF	Matthew Broderick
Gerald Audet	Delayne Brown, NH F&G
Lawrence Audino	Jeff Brust, NJ DEP
Matt Ayer, MA DMF	Peter Cilento
John Azzinaro	John Clayton
David Behringer, NC DENR	Allison Colden, CBF
Rick Bellavance, N. Kingston, RI	Heather Corbett, NJ DEP
John Bello, CCA VA	Nicole Lengyel Costa, RI DEM
Jessica Best, NYS DEC	Caitlin Craig, NYS DEC
Lawrence Blake	Jack Creighton
Kalil Boghdan, Hamilton, MA	Greg Cudnik
	Brian Curry

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Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

Guests (continued)

Jessica Daher, NJ DEP	Jeff Merrill
Andrew D'Angelo	Nichola Meserve, MA DMF
Bob Danielson, S. Setauket, NY	John Migliori
Maureen Davidson, NYS DEC	Steve McKinnen, FL FWS
Jeff Deem, Lorton, VA	Chris Moore, CBF
John DePersenaire, RFA	Jerry Morgan, Madison, CT
Roman Dudus	Susanna Musick, VIMS
Wes Eakin, NYS DEC	Anthony Nascimento
Peter Fallon, MaineStrippers	Emily Olson, NYS DEC
Lynn Fegley, MD DNR	Patrick Paquette, MA SBA
Jim Flora	Justin Pellegrino, NYS DEC
John Gans, TRCP	Olivia Phillips, VMRC
Matt Gates, CT DEEP	Michael Pierdinock, Plymouth, MA
Barry Gibson	Mike Plaia, Newtown, CT
Lewis Gillingham, VMRC	Nick Popoff, FL FWS
Angela Giuliano, MD DNR	Anthony Pucci
Fred Golofaro	Michael Purvin, Purvin Law
Kurt Gottschall, CT DEEP	Jill Ramsey, VMRC
Saverio Governale, NYS DEC	Stephanie Rekemeyer, NYS DEC
Steve Haasz	Luis Sandoval
Nathaniel Hancock, NC DENR	Kyle Schaefer
Brendon Harrison, NYS DEC	Jared Silva, MD DMR
Rich Hittenger	Amanda Simmonds
Carol Hoffman, NYS DEC	Andrew Sinchuk, NYS DEC
Jeffrey Horne, MD DNR	Thomas Sminkey, NOAA
Ron Huber	Somers Smott, VMRC
Alan Huberman	Ross Squire
Robert Hunter	Scott Steinbeck, NOAA
Bob Humphrey	Michael Toole
Jim Hutchinson	Beth Versak, MD DNR
Dan King	Mike Waine, ASA
Alan Koop	Megan Ware, ME DMR
Peter Lopez	Brian Williams
Chip Lynch, NOAA	Chris Wilson, NC DENR
Shanna Madsen, VMRC	Barry Winter
John Maniscalco, NYS DEC	Charles Witek, W. Babylon, NY
Robert McDowell	Steven Witthuhn, Greenlawn, NY
Dan McKenna	Chris Wright, NOAA
Dan McKiernan, MA (AA)	Joseph Yoffa
Conor McManus, RI DEM	Kenneth Ziminski
Stephen Medeiros	Erik Zlokovitz, MD DNR

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, March 16, 2021, and was called to order at 1:00 p.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: Welcome to the Striped Bass Management Board meeting. Today's date is March 16, 2021. I'm David Borden; I'm the Chair, so welcome all. The purpose of the meeting is to deal with the circle hook issue, and receive a report from a subcommittee.

APPROVAL OF AGENDA

CHAIR BORDEN: I would just take the items in the order that they appeared on the agenda. Are there any comments, additions, deletions on the agenda? Any hands up, Toni?

MS. TONI KERNS: I don't see any hands up.

CHAIR BORDEN: If there are no hands up, I'm going to declare the agenda approved as submitted.

PUBLIC COMMENT

CHAIR BORDEN: Public comments, we normally take public comments at every board meeting, and we'll try to take comments during the Board meeting, depending upon the volume of comments we might get, and number of individuals.

But at this stage, I'm just looking for comments on issues that are not on the agenda. Are there any individuals, some members of the public that want to make comments on issues not on the agenda? I don't see any hands up, so we'll take the agenda in the order that it appears, and I'll try to weave in public comments as we move along.

CONSIDER AD HOC COMMITTEE RECOMMENDATIONS REGARDING CIRCLE HOOK ISSUE

CHAIR BORDEN: The purpose of today's meeting is basically to deal with the Circle Hook Ad Hoc Committee recommendations.

Just for background, what we intend to do is to have a report by Emilie, and then I'm going to ask Toni or Emilie to just quickly brief us on how some of the recommendations in the report might be used, in terms of process. Then I'm going to move to Dr. Davis, who Chairs the Subcommittee, and ask him whether or not he wants to ask any questions or offer any thoughts on the issue.

Then what I intend to do is go back to each issue, and deal with the Committee recommendations one at a time. The staff has prepared a draft motion, so we'll follow the normal process, and take questions first, comments, and then put up a draft motion, and see if we can get a quick resolution on these issues. Any process questions before we start? I see no hands up, so let's start out with Emilie's report. Emilie, thank you.

MS. EMILIE FRANKE: Thank you, Mr. Chair. Again, my name is Emilie Franke, and I am the new FMP Coordinator for Striped Bass, and I'll be providing an overview of the Ad Hoc Committee's recommendations today. These recommendations were provided in a memo from the Committee that was included in the meeting materials for today. To start off, just as a quick reminder. Addendum VI includes the following language on the circle hook requirement. The use of circle hooks as defined herein, is required when recreationally fishing for striped bass with bait. The Addendum also states that the use of circle hooks by anglers targeting striped bass with bait, live or chunk, has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries.

As a quick reminder, in October, 2020, the Board approved state implementation plans for the circle hook requirement, and at that time the Board did not permit any exemptions. After October, the Board and

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

several states received some questions and comments from the public about differing interpretations of the circle hook requirement.

As part of the February, 2021 meeting, the Board created this Circle Hook Ad Hoc Committee to address some of these questions. There were 10 members on the Committee, all of whom were nominated by the Board from different states along the coast. The Committee was a mix of managers, industry, scientists, as well as enforcement officials.

The Ad Hoc Committee met twice via webinar, to develop recommendations to the Board on the following three tasks. Task 1 was to develop a definition of bait that would require the use of circle hooks. Task 2 was to identify methods of fishing that would require the use of circle hooks, and Task 3 was to discuss how to handle incidental catch of striped bass when targeting other species with non-circle hooks.

I'll provide a brief overview of the Committee's discussion on each task, and their recommendations. Starting with Task 1, the definition of bait. The Committee came to a relatively quick consensus that the use of any aquatic or marine organism, live or dead, whole or part, used as bait should require the use of circle hooks.

The Committee did discuss using the term natural in the definition, as in natural bait, but after the discussion the Committee determined that using the term natural was not necessary, and that the simple definition of a marine or aquatic organism was sufficient here. The Committee also did consider whether the definition of bait should be extended to all organisms, including terrestrial organisms.

After that discussion the Committee noted that there is a relatively low incidence of using non-marine or non-aquatic organisms as bait, and the Committee agreed that including terrestrial organisms would create complications around the use of materials such as bucktail and pork

rinds. Ultimately, the Committee recommends defining bait here as any marine or aquatic organism, live or dead, whole or part.

Moving on to Task 2, which is methods of fishing. The Committee agreed that the circle hook requirements were not originally intended to apply to actively fished artificial lures with bait attached, and that there should be an exemption for this. The Committee considered including language specifying what those active fishing methods are, specifically language stating any artificial lure that is trolled, cast and retrieved, or vertically jigged. However, Law Enforcement noted that including these terms describing the active fishing methods could create potential complexity for enforcement officers, who would have to define each of those actions. The Committee agreed that that language specifying the active fishing methods was not necessary in the exemption, and that the exemption could simply focus on the use of artificial lures, and that would still capture the intent of exempting those active fishing methods.

In summary for Tasks 1 and 2, the Committee came to consensus, and recommends the following language. Circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organism, live or dead, whole or parts thereof, and this shall not apply to any artificial lure with bait attached.

Again, the Committee agrees that this language reflects the original intent of the circle hook requirement. The use of rigged eels was raised, and there was some extensive discussion by the Committee. Under the Committee's recommended language, a rigged eel would require a circle hook, because it is a marine organism, which is the definition of bait, and although it essentially functions as a lure, it is not artificial.

One Committee member did propose adding an exemption for rigged eels, but after some discussion, the Committee agreed that their recommended language should not include specific exemptions beyond the artificial lure exemption. The Committee noted that recreational fisheries vary widely among

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The Board will review the minutes during its next meeting.

the states, and so the recommended language should be clear and simple guidance, intended to cover the majority of scenarios when circle hooks should, and should not be required.

In the future states could pursue exemptions for fishing methods that are not covered by the recommended language. States would need to request the exemption, and propose additional specific language via the state implementation plans, which would be reviewed by the Striped Bass Plan Review Team, and considered for approval by the Board.

The Committee also noted that states requesting any exemptions in the future should consider working with industry, and collecting data to determine if the potential exemption aligns with the intent of the circle hook requirement. That wraps up the discussion around Tasks 1 and 2, so now moving on to Task Number 3, which is incidental catch. The Board had raised questions about how to address the incidental catch of striped bass when targeting other species with non-circle hooks with bait attached.

After extensive discussion, the Committee could not reach consensus on this task, and so has provided two options for the Board to consider today. Option A would be to allow anglers to keep striped bass that are incidentally caught in the scenario, and Option B would require anglers to release striped bass that are incidentally caught in this scenario.

Option A would be allowing anglers to keep striped bass that are caught incidentally, and Committee members who supported this option noted that requiring anglers to release striped bass in this situation, does not align with the goal of reducing discards in the fishery, since this would essentially be requiring a discard. Committee members in support of this option also noted that requiring the release of a fish that has a small probability of surviving, would not be reasonable to anglers. A Committee member also noted that it's difficult

to require release without data on the rates of incidental catch of striped bass in other fisheries. Finally, it was also noted that requiring the release would go beyond the mandate language in Addendum VI, and that language predicates the circle hook requirement on the targeting of striped bass specifically.

Option B would require anglers to release striped bass that are caught incidentally, except for artificial lures. Committee members who supported this option noted that requiring release is the only means to provide enforceability of the circle hook requirement, and that enforcement cannot prove angler intent or target species.

Without this requirement to release, the circle hook mandate would not be enforceable. Committee members in support of this option also noted that although there is a chance of release mortality, keeping the fish would guarantee mortality. Then finally, requiring release of incidentally caught striped bass may encourage anglers to use more circle hooks when targeting other species.

Again, just to summarize this task. The Committee could not reach consensus, and is presenting these two options for the Board's consideration around the issue of incidental catch. Option A, allowing anglers to keep the striped bass that are incidentally caught, would not require any additional regulatory language.

Option B, which would require anglers to release striped bass that are incidentally caught, would require some additional language. If the Board decides to pursue Option B, the Committee proposes the following language, it's listed here in blue on the bottom of the slide. Striped bass caught on any unapproved method of take, must be returned to the water immediately, without unnecessary injury. That brings me to the end of the presentation, so I'm happy to take questions.

CHAIR BORDEN: All right, thank you very much, Emilie, let's just hold off on the questions just for a minute. Toni, regardless of which way the Committee goes on the recommendations, could you just describe to everyone how this would be put into place? What

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

process is the Commission going to follow to put this into place? Then everyone has a good understanding of how that will work. After that I'm going to ask them to at least give them an opportunity to make any comments. Then we're going to go right back to Task 1 and take questions. Toni.

MS. KERNS: Sure, David. If the Board decides to provide any clarifications or guidance on the Addendum VI language, it would be making motions for guidance to the states on the implementation of circle hook measures. We're not making changes to the Addendum itself, but we're providing additional guidance to the states, as they are implementing vertical hook measures. It would not require states to submit new implementation plans, since the Board would be providing you all additional definitions or guidance, et cetera, depending on the actions that the Board takes today.

CHAIR BORDEN: Thank you very much. Dr. Davis, would you like to add anything to what Emilie just said?

MR. WILLIAM HYATT: Toni, this is Bill Hyatt. I just got a text message from Justin saying that he lost all audio, so he may be out of commission for a short period.

CHAIR BORDEN: Okay, thank you, Bill. What I would suggest is we'll go back to Justin later, and see if he has any input. Okay, so at this point we're going to go back to Emilie. Emilie, could you go back to your PowerPoint on Task 1, and put that up, and I'll ask for any questions from members of the Committee. Are there any members of the Committee that would like to speak on this issue, and if so, please raise your hand?

MR. KELIHER: David, this is Pat Keliher. My hand is up, but it was in relation to a shift to what Toni had just said.

CHAIR BORDEN: Go ahead, Pat.

MR. PATRICK C. KELIHER: I just want to make sure I understand, Toni, what you said, just to clarify. Anything we're doing here today, for the most part, is just clarifying what was meant within the Addendum, is that what you're saying?

MS. KERNS: That is correct, Pat.

MR. KELIHER: I think the only difference would be under incidental catch, depending on the direction we go there, because one of them, frankly, could become a compliance issue if we went in the wrong direction. I just want to flag that for you, Mr. Chairman, that one of those issues under, I believe Option A under incidental catch. If we went in that direction would create potential conflicts with some existing rules, and make things unenforceable, in probably more than one states.

CHAIR BORDEN: All right, thank you. Questions, Toni? Any hands up?

MS. KERNS: Yes, we have hands up from Roy Miller and John McMurray, and then let me know if you are going to accept questions from the public as well.

CHAIR BORDEN: Okay, Roy first, and then John McMurray.

MR. ROY W. MILLER: Thank you, David. I have a question for Emilie. Did the Committee discuss artificial bait such as Gulp, Fishbites, PowerBaits, those kinds of baits that may include fish oils, shrimp oils, other ingredients from live organisms, but are a manufactured bait? Did the Committee discuss them at all, and if so, are they okay to use, because that question has been posed to me? Thank you.

MS. FRANKE: Thanks for the question, Roy. Yes, the processed baits did come up in discussion, and Toni, correct me if I'm wrong here. But I believe those would be allowed under this definition, as this definition is focused on sort of those unmodified whole or parts of marine or aquatic organisms.

MS. KERNS: Yes, Emilie, I would concur with that.

MR. MILLER: May I follow up, David?

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Yes, certainly.

MR. MILLER: Let me make sure I understand that. Those types of baits are okay to use, according to the recommendations. Is that what you're saying?

MS. FRANKE: Yes, that is correct.

MR. MILLER: All right, thank you.

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: Emilie, I'm wondering if there was any Committee discussion about the term lure. What constitutes lure? Perhaps an attempt to define lure, because at first glance I can't help but think we'll be seeing people paint eyes and tie a little hair on a snag hook. I'm wondering if that was talked about at all.

MS. FRANKE: Thanks for the question, John. There was some discussion about defining the term artificial lure, but the Committee members determined that that term artificial lure is a pretty well understood term in itself, so they ultimately decided there was not a need to define that.

MR. McMURRAY: Thank you, I guess there is more discussion to be had on that point.

CHAIR BORDEN: Go ahead, John.

MR. McMURRAY: No that's okay, I'll save my comments for later.

CHAIR BORDEN: Toni, I'm not seeing any hands up, I'm not sure why. You're going to have to tell me if individuals put their hand up.

MS. KERNS: Right now, I don't have any, okay, Mike Luisi has his hand up.

MR. MICHAEL LUISI: Yes, thanks, Toni, can you guys hear me okay.

CHAIR BORDEN: Yes.

MR. LUISI: Thanks, Mr. Chair. I'm just wondering, so we have a defining, and it's okay. I mean our definition of bait in Maryland is a little more restrictive than this. I'm just wondering why the recommended language was focused on just aquatic organisms, live or dead. I just wonder where that conversation went.

Our definition here is any live or dead part of any animals, no matter what it is. Emilie, was there a conversation about aquatic organisms versus, you know other sources of bait? I'm just a little uncomfortable with the idea that there are other sources of bait, whether they are artificial, not artificial, but they are as Roy mentioned, synthetic versus just the aquatic organisms. How did that conversation go with the group?

MS. FRANKE: Yes, thanks for the question, Mike. This focus on marine and aquatic organisms sort of came up as folks were discussing bait that would occur naturally for striped bass in the marine environment. At first it was just marine, and then one of the Committee members suggested adding aquatic to encompass, you know any potential bait that originated from fresh water as well. But ultimately, the question of including all organisms, including terrestrial organisms, the Committee felt that the focus for circle hooks really just needed to be on that marine and aquatic component.

MR. LUISI: Okay, so a worm doesn't count, right? I mean dig up a worm in your back yard, you put it on a hook.

MS. FRANKE: Correct.

MR. LUISI: Okay, I'm not sure I can support the recommended language at this point, with that said. We'll see how things go. But thanks for that.

MS. KERNS: David, Justin Davis is back here. If it's okay, can we try to get his audio sorted?

CHAIR BORDEN: Justin, would you like to offer any comments in regard to Committee deliberations?

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

DR. JUSTIN DAVIS: Sure. Thanks. Sorry about that earlier. I guess really quickly, I would just start by thanking the members of the Committee. We had a really excellent committee of folks from diverse backgrounds, diverse geographically up and down the coast. But I think what everybody has in common was in-depth knowledge of the striped bass fishery.

That was really helpful to have those perspectives from up and down the coast, and from different portions of the fishery. Something I'll just touch on really quick. I think Emilie's presentation did a great job of capturing the results of the Committee's deliberations. A couple things I want to touch on really quick.

The thing that we came to consensus on very quickly, was the idea that the circle hook mandate was not originally intended, nor was it really necessary for artificial lures, or essentially active presentations that incorporate bait. You know we had a bunch of people with really good experience in the striped bass fishery who all generally agreed that circle hooks aren't necessary, or an important part of reducing discard mortality from the use of those kinds of fishing methods.

If we were to adopt this recommended language that would exempt artificial lures with bait attached, essentially that would take care of a lot of the issues that have been raised, concerns from the angling public about the circle hook mandate, and the no exemptions vote that was taken earlier last year. The other thing I'll just bring up really quick, and I can already see this emerging in the discussion. The Committee originally started out with much more complicated definitions of bait, and much more complicated language around the artificial lure exemption. The place we sort of came to is that simpler was better for a couple reasons. One was that you know for instance, there is no definition of artificial lure that you could engineer, that some creative person couldn't take a look at and find some way to fish

something with a J hook, and call it an artificial lure under that definition, when it's really truly not by most people's standards.

We spent a lot of time trying to develop really complicated language around things, and quickly decided that any time you introduce a new term or create additional language, you're just creating additional opportunity for a loophole, and in reality, people are creative. People who don't want to follow the rules will find a way to not follow the rules, unfortunately so.

That really segued into the final point, which was, I think there was consensus among the Committee that the focus should really be on outreach and education around the discard mortality in the striped bass fishery. This circle hook mandate is definitely part of that, but attempting to engineer a perfect set of language around this mandate, is really sort of a fool's errand. It can't be done.

We should try to develop language that will cover most circumstances, and then focus on sending the message to the public that they should be using circle hooks, and doing a host of other things to reduce discard mortality in this fishery. I just wanted to offer some of those perspectives on the Committee's deliberation. Thanks.

CHAIR BORDEN: Thank you very much, Justin, and while I've got the microphone, just let me thank you and all the members of the Committee. I think you did a really fine job. It sounds like it was an exceptionally productive Committee, it worked well together. Toni, I am having some kind of technical issue, so I can't see the hands. You're going to have to tell me who's hands are up.

MS. KERNS: Yes. Next, we have Cheri Patterson, and Pat Keliher, and then one of the Committee members, Bob Danielson also has his (fuzzed out) speak first.

CHAIR BORDEN: Okay, Cheri, and then Pat.

MS. PATTERSON: Yes, thank you, Mr. Chair. My question is, there was a law enforcement officer in the

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

Committee. Did he feel that this recommended language would pass muster in a courtroom?

MS. KERNS: Mr. Chairman, Kurt is on the line, so I think he can answer, Kurt Blanchard.

CHAIR BORDEN: Kurt Blanchard.

DEPUTY CHIEF BLANCHARD: Thank you, Chairman Borden, Kurt Blanchard. Cheri, we did weigh in on this definition, and we do support the wording.

CHAIR BORDEN: Thanks, Kurt.

MS. PATTERSON: Thank you.

CHAIR BORDEN: Pat Keliher.

MR. KELIHER: I don't know who this question is directed to, but Mike Luisi, I think may have been getting ready to touch on this. Were there any conversations around earthworms, night crawlers associated with this? I do know we do have, when you get into the upper parts of our larger rivers, people who will target striped bass using nightcrawlers. If they had a nightcrawler instead of a marine or bloodworm, sandworm on, they could say that they were not in violation.

MS. KERNS: Justin Davis has his hand up. I don't know if he is wanting to respond to Pat.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: Yes, there was discussion around that topic. We were working with a definition at one point that did include sort of all organisms, including terrestrial organisms. Part of the complication there was that then that would necessitate some language to exclude things like bucktail and pork rinds, which were a commonly expressed concern from anglers, that they wanted to know whether or not those materials would be considered bait that required circle hook they are typically used in an artificial lure presentation.

I think that is why the terrestrial organisms did not end up in the original definition. There was also at least a thought amongst the Committee that the use of terrestrial organisms for bait, while it might happen in some places, it's probably not a very common practice. We were sort of coming around to this place of wanting to develop simple language that would cover most situations.

Without trying to get wrapped up in covering every possible situation that might arise, where people might use different things to fish for striped bass. All that being said, I think if there was strong consensus on the Board that this definition needed to be extended to include terrestrial organisms, it would be simple enough to do that, by just modifying the language here slightly. That would be my thoughts on that.

CHAIR BORDEN: Thank you, Justin. Pat, have you got a follow up or not?

MR. KELIHER: I would just say, I'm not sure if we wanted to make a modification, if we would need to go as broad as terrestrial, because that will bring in potentially a lot of different organisms. But narrowing it down more might help solve the problem, and we can discuss that when we get to that point.

CHAIR BORDEN: Toni, hands.

MS. KERNS: We don't have any additional Commissioners with hands up. But as I said before, Bob Danielson, a member of the Ad Hoc Committee has his hand up, and then we also have a member of the public.

CHAIR BORDEN: Okay, so Bob, did you say? Bob, if you would like to speak as a member of the Committee.

MR. BOB DANIELSON: Yes, thank you, Mr. Commissioner. I would like to address Mike Luisi's question about the terrestrial, and Pat as well. If you ban the use of all terrestrial animals, you're just taking all the fly fishermen out of the striped bass fishery, for the most part. They could use circle hooks to retie every fly in their arsenal, but that was one of the

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

things that I had, as a member of the Ad Hoc Committee in my head, when this discussion arose. I was very comfortable with the recommended language, especially when Law Enforcement backed it.

I think that was where many of us on the Committee were, when developing the language, and I just wanted to add that into the discussion, so the Commissioners and the Board members in particular, understood what our thought process was, not including things like chicken feathers and rabbit strips for the fly fishermen, as part of the ban on J hooks for striped bass fishing. I hope that helps explain the thought process that I had. Thank you.

CHAIR BORDEN: All right, Toni, you said we had one hand up in the public?

MS. KERNS: John McMurray has since raised his hand, and now there are two members of the public. Just as a reminder to the public, this is for questions on the Committee recommendation.

CHAIR BORDEN: Right, so I'm going to take John McMurray first, then I'll take the two. I would ask Toni, since I can't see who has their hands up, to call off the two individuals. They can ask their questions, and then what I would like to do is go back to see the draft motion. All right, so John.

MR. McMURRAY: Yes, thank you, Mr. Chairman. This isn't a question, but it did occur to me that maybe there is an easy fix to Mike's concern and including language like terrestrial and vertebrates. Just throwing that out there. Sorry, that was not a question.

CHAIR BORDEN: Thanks, John. Toni, could you call off the two individuals that have their hands up from the public?

MS. KERNS: Will do. Mike Waine first, and then Anthony Nascimento, I hope I didn't totally butcher that.

CHAIR BORDEN: All right, Mike Waine.

MR. MIKE WAINE: Mike Waine from the American Sportfishing Association. I just wanted to echo Justin's comments about how well this process worked. AP members working with a subgroup of the Board members and the public, to try to come up with the specifics that are presented today.

I just have a question about kind of the intent of the decisions that get made by the Board here, and what the states ultimately implement, based off of those decisions. Commissioner Keliher asked the compliance question, and I thought that got at some of it, but I just wanted to kind of confirm that the intent of doing this exercise was to bring some consistency in how bait in the circle hook definition is going to be implemented in all of the states. I'm trying to figure out if there is not kind of a binding component to the decisions that are made by the Board here. How do we still achieve the intent of this action, which is to try to bring consistency across the geographic range of this fishery, and have the states follow through on that intent?

CHAIR BORDEN: Thanks, Mike, does somebody on the Board or in the Committee want to offer a response?

MS. KERNS: Bob Beal.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, to answer that question and reflect back on Pat Keliher's comments from earlier. I think, you know this is a clarification of the circle hook and bait language that was included in Addendum VI. I would argue that the definitions that are approved today of bait and fishing methods, you know when circle hooks are required, are compliance criteria.

It is clarifying the intent of the Board. We're not modifying the Addendum; we're just clarifying what the states are obligated to implement under the provisions of the Addendum. I would argue those are compliance criteria and binding. You know the one issue that Pat suggested we may want to discuss later, is the notion of incidental take.

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

I think we can tackle that when we get there, because the Addendum doesn't include incidental take language as it's written right now. That one may be a little bit different conversation, but I think on these first two tasks, I think the outcome of this meeting would be binding on the states.

CHAIR BORDEN: Toni, the other gentleman in the audience.

MS. KERNS: It is Anthony Nascimento.

MR. ANTHONY NASCIMENTO: Tony Nascimento. Good afternoon. My question is on the method of snag and drop with the weighted treble hook. I understand that once you catch a bunker on the treble hook you have to bring it in, and transfer it to a circle hook. That is pretty much understandable. What happens to the incidental catch of striper hitting it before you bring it in, and the striper perhaps swallows it, and it winds up becoming a mortality. What is the discretion that you may have had on that?

CHAIR BORDEN: Emilie, or somebody on the Committee.

MS. FRANKE: Thanks for the question. To my knowledge the Committee did not address that scenario specifically, so I'm not sure I have an answer for you on that one right now.

MR. NASCIMENTO: Okay, thank you. It's something to think about.

CHAIR BORDEN: We're going to have to go back to the Board, and Emilie, the staff prepared a draft motion. Could you put the motion up, the first motion, please?

MS. KERNS: Mr. Chairman, since you can't see hands, I'm just going to interrupt. I think we have an additional question, or maybe a point of clarification from Ritchie White and Jason McNamee.

CHAIR BORDEN: Ritchie, we haven't heard from you today, so would you like to go first?

MR. G. RITCHIE WHITE: Yes, my question was a follow up on Mike Waine and Bob Beal's answer. Doesn't a state have the ability to be more conservative on this? If a state decided that they wanted to leave in place the original circle hook requirement, that would be more conservative than this change. A state would have the ability to do that. That would be a question.

CHAIR BORDEN: Bob Beal.

EXECUTIVE DIRECTOR BEAL: The answer is yes. States can be more conservative. If a state wants to only allow circle hooks for anything anywhere, that is up to the state. That is applicable, or completely in bounds in the Commission process. States can always be more conservative.

CHAIR BORDEN: Dr. McNamee.

DR. JASON McNAMEE: I just had a question on what this applies to. I think this definition is meant to apply just to the recreational fishery, and so first I'm wondering if that is correct. Then if so, I wonder if we need to add something into that motion that was up a moment ago. That's my question, thank you.

MS. KERNS: Do you want me to respond, David?

CHAIR BORDEN: Please.

MS. KERNS: Addendum VI specifically states that the circle hooks are applied to the recreational fishery, Jason, not the commercial fishery.

DR. McNAMEE: If I could follow up, Mr. Chair. Just to make sure I understand.

CHAIR BORDEN: Go ahead.

DR. McNAMEE: Okay, thanks, Toni. Because of that we don't need to be more explicit with this definition, this definition would kind of sit under that as a subsection, therefore it's only applicable to the recreational fishery. Is that the implication?

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

MS. KERNS: Yes, but if it helps with clarifying language, of course we can add it to any motion that is made.

DR. McNAMEE: Okay, thank you.

CHAIR BORDEN: All right, so you have a suggestion from the staff for a draft motion. Does someone care to make this motion?

MS. KERNS: Mr. Chairman, Dennis Abbott has his hand up with a question.

CHAIR BORDEN: Dennis.

MR. DENNIS ABBOTT: Dr. McNamee said something and it got me thinking. In Massachusetts, commercial fishermen fish with rod and reel. Are we saying that they wouldn't be required to comply with these regulations, because they are not recreational, but they are commercial?

CHAIR BORDEN: Does someone want to respond?

MS. KERNS: Sure, Mr. Chairman. That is how the Board worded Addendum VI, Dennis, so under the provisions of Addendum VI, the circle hook requirements were for the recreational fishery.

CHAIR BORDEN: On the draft motion, does someone care to make the draft motion?

MS. KERNS: You have Mr. Armstrong.

CHAIR BORDEN: Mike Armstrong. Mike, would you like to read it into the record, please?

MR. MICHAEL ARMSTRONG: I move to approve the following guidance for state implementation of circle hook measures: circle hooks are required when fishing for striped bass with bait, which is defined as any marine or aquatic organisms live or dead, whole or parts thereof. This shall not apply to any artificial lure with bait attached.

CHAIR BORDEN: Motion by Mr. Armstrong, is there a second? Toni.

MS. KERNS: Justin Davis.

CHAIR BORDEN: Seconded by Dr. Davis, discussion on the motion. Any hands?

MS. KERNS: Yes, we have Pat Keliher, Jim Gilmore, John McMurray and Mike Luisi.

CHAIR BORDEN: Pat Keliher.

MR. KELIHER: We have several very large river systems in the state, where when you get above the salt water wedge up into the fresh water, you have a lot of people who will target striped bass using a mix of both marine worms, which would include blood worms and sand worms, as well as earthworms. I would hate to have a situation where people are targeting striped bass in the Kennebec River in Mary Meeting Bay, using J hooks, with an earthworm on it. It would defeat the purpose of what we're trying to do, especially considering in that particular area, we do have a very small native population of fish that are spawning. I would want to see; I would love to see a friendly amendment here that would include the use of earthworms when we define bait. Bait which is defined as marine or aquatic organisms live or dead, but somewhere in there include earthworms.

CHAIR BORDEN: All right, thanks, Pat. That is one suggestion. Toni, the second name that you called out, you were a little broken up.

MS. KERNS: It was Jim Gilmore, but he put his hand down.

MR. JAMES J. GILMORE: Yes Toni, I'm good. Pat actually covered it, so thanks.

CHAIR BORDEN: All right, so hop back to Pat Keliher's question in a minute. I've got John McMurray and then Mike Luisi.

MR. McMURRAY: My only problem with this is, and I brought this up before. By not defining artificial lure, we're kind of offering that loophole to people who

want to get around this, and arguably folks could paint an eye and put some hair on a snag treble hook, and call it a lure. That is really my primary concern is the snag and drop fishery here. I actually have a friendly amendment that would fix that, if the maker of the motion would accept one, and it's very simple. This shall not apply to any single hook artificial lure with bait attached.

CHAIR BORDEN: Mike Armstrong, John just suggested a friendly amendment. Are you receptive to that or not?

MR. ARMSTRONG: Well, yes. John, could you say it again? I missed part of it.

MR. McMURRAY: Yes, Mike, I would just insert single hook before artificial lure, and that negates the loophole for folks to legally snag and drop.

CHAIR BORDEN: Mike Armstrong, any reaction to that?

MR. ARMSTRONG: I'm trying to think of what it does, I'm sorry.

CHAIR BORDEN: We'll keep going, I've got one. Mike Luisi, and then I'm going to go back to Pat Keliher's suggestion, and then we'll go back to John McMurray's suggested perfection. I've got Mike Luisi.

MR. LUISI: I don't have any trouble with the artificial lure side of it, because there have been enough discussions over this time period, as we've discussed this. I have no trouble with that. What I'm struggling with is kind of the door that's opened when we refer to just the marine or aquatic organisms. Our regulations, and I don't know if you would want a motion to amend.

The regulations that we have here in Maryland state that bait means an attractant to fish, which includes the living or dead, whole body or part body of an animal, or a processed product

from an animal or vegetative source. It includes all the different types of bait that you would, in my mind it's fully inclusive of all the different synthetic, not even synthetics, but just the different sources of what you would put on a hook. I'm just going to say it. I don't think this motion is strong enough. I think there are going to be more people, they are going to try to find holes in it, and try to figure out how to continue to use J hooks.

If we get to the point where we're getting ready to vote on this, Mr. Chairman, I probably would, I'm going to draft it up right now, but I'll probably make a motion to amend. Maybe if you would come back to me, just I need to give it a little bit more thought, and kind of draft it up a little bit. But I'm just not comfortable with the way this is worded.

CHAIR BORDEN: Okay so thank you, Mike. Pat. Let's go back to your suggestion. What is your exact perfection, and then I'm going to ask Mike if he accepts that and Dr. Davis? If they do, we'll perfect the motion, if not then if you want to make a motion to amend, you can make a motion to amend.

MR. KELIHER: No, as I'm thinking about this, Mr. Chairman. The state of Maine just made the determination to require circle hooks when you're using earthworms. I would argue that we're being more conservative, and we would not be out of compliance. We're actually, we would more conservative. If you agree with that.

CHAIR BORDEN: I totally agree with that.

MR. KELIHER: Disregard my earlier comment.

CHAIR BORDEN: All right, so John McMurray, you're up next with your perfection. Mike Armstrong, do you want him to characterize it again? Mike.

MR. ARMSTRONG: Okay, well my question is, so this shall not apply to any single hook artificial lure with bait attached. That is the perfection, right? Doesn't that then mean any multi-hook artificial lure can be fished? I'm struggling to understand exactly what this accomplishes.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

MR. McMURRAY: If I may, Mr. Chairman.

MR. ARMSTRONG: Please.

CHAIR BORDEN: John.

MR. McMURRAY: Okay, I'm sorry. I kind of assumed folks knew what snag and drop was, it's a weighted treble hook that they find a bunker school and rip it back, and snag a menhaden and let it swim, and then the striped bass, that is really what I'm trying to avoid here. Put a bucktail on the thing and paint some eyes on it, now it qualifies for a lure. I'm trying to stop that from happening, simply by putting single hook on an artificial lure. Maybe we could clarify to say J hook. I'm just trying to avoid the use of weighted treble hooks as artificial lure.

MR. ARMSTRONG: Mr. Chairman, I think what John is saying. I do not want to see this motion allow snagging and dropping. I'm not sure what John has proposed does that.

CHAIR BORDEN: Mike, so you are clear, it is your prerogative whether or not you accept it. If you don't accept it that's fine. Then Mr. McMurray can make a motion to amend, and we'll vote that motion to amend up or down.

MR. ARMSTRONG: Yes, I don't accept it.

CHAIR BORDEN: Okay, so John McMurray, have you got a motion to amend?

MR. McMURRAY: Yes, I suppose I'll move to amend. But I'm not sure what I'm not being clear about. Snag and drop are done with a weighted treble hook. If you simply add single hook to this language, it prevents from happening. Maybe I'm not doing a good job of explaining myself, somebody else can weigh in and try to clarify what my intent is, before I make a motion.

MS. KERNS: Mr. Chairman, may I ask John a question, to try to help here?

CHAIR BORDEN: Certainly, Toni, we need help.

MS. KERNS: John, are you trying to say then that for the last sentence. Are you trying to say this shall not apply to any artificial lure with bait attached and any single hook artificial lure with bait attached? Like, are you wanting both?

MR. McMURRAY: No, no, no. This shall not apply to any single hook artificial lure with bait attached.

MS. KERNS: I think that what I'm hearing Mike Armstrong say that is if you add that qualifier in there, then artificial lures with multiple hooks could be fished, and they don't want to see that. By saying single hook artificial lure, you are really narrowing that focus of the artificial lure.

MR. McMURRAY: Okay, well, maybe somebody could help me out with language here, now that we understand what I'm getting at.

MS. KERNS: I'm going to go to our chairman of the, well I'm not going to, but David Borden, Justin Davis has his hand up as the Chairman of the Committee. I don't know if you want to go to him, and then I have a line of folks that have had their hands for you.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: I'll take a shot at this. The first sentence of what is up on the board here says that circle hooks have to be used when fishing with bait, as defined. Then the second sentence is creating an exemption for that requirement. As it currently reads, it would exempt any artificial lure with bait attached, and I think John's intent is to only exempt single hook artificial lures with bait attached, such that multi-hook lures with bait attached would not be exempt, and would be subject to the language up above. Basically, saying that if you're fishing some sort of multi-hook lure with bait attached, those hooks would have to be circle hooks. Does that represent your intent, John?

MR. McMURRAY: I think it does, Justin. I'm trying to process it. My first reaction is it does.

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CHAIR BORDEN: Justin, following up on your point, would you just change the location of the word single hook, and put it after lure to do that?

DR. DAVIS: I don't know that the placement of the word single hook matters to the meaning. I think single hook artificial lure represents an artificial lure with only one hook. I'll add a general comment that there was an array of artificial lure presentations that are actively fished that were of concern, or sort of brought up by Committee members and members of the public, as things that should be exempt.

I would ask members of the Committee to weigh in if they think I'm wrong here. But most of those are single hook artificial lures. I think the one notable exception would be eel skin plugs, which is a method in which the skin of an eel is put on a swimming plug that typically has multiple hooks attached and fished. I think by changing this to single hook artificial lure, we would be now saying that eel skin plugs are no longer in bounds for use with non-circle hooks.

CHAIR BORDEN: let me just ask, do we have a specific motion to amend? If not, then I would encourage people to debate the motion on the board. Toni, what do you have for hands up?

MS. KERNS: I have Tom Fote, Pat Keliher, and Justin, I don't know if you still have your hand up on purpose or not, and then we have two Committee members with their hand up, and one member of the public.

CHAIR BORDEN: Okay, so we'll take the two Board members first. Tom Fote and then Pat Keliher.

MR. THOMAS P. FOTE: Yes, I understand what John is trying to get at, but the intention of the wording he is using is not really clear. A bunker snag is a very particular piece of equipment, it's basically a weighted treble, it's got lead put on it, and it actually could have more, put three treble hooks above it, and throw it out and try to snag multiple bunkers at one time.

That is the way a lot of us fished it when we basically fished it from a boat and snagged it before everybody started casting it. But it is a problem. I don't wind up concerned about people painting eyes on it, because Law Enforcement has the discretion would basically look at, and a bunker snag with eyes on it doesn't make it nothing but a bunker snag. We all know the bunker snag if you're out in the fishery, and we know that is not supposed to be drop and snag.

I think the drop and snag definition is in the understanding of the language, unless we want to clarify that and make sure what drop and snag means. Once you snag a bunker, you need to bring it in and put it on the circle hook. That would be a clearer clarification. The problem here is, I don't want to make it so complicated that people try to read into this thing and get all confused, especially with striped bass fishermen. I mean striped bass fishermen, when I used to fish and I used to travel. I used to fish in North Carolina to Maine fishing for striped bass. It makes it very difficult in the states that have different regulations. I had a charter boat captain that went to Maine, because he had a pork rind on the end of his hook. He wasn't able to take it, and he said, I never heard of that before. What I don't want, because most of what Law Enforcement goes on in the recreational sector is peer pressure for doing it a certain way.

If the public, they are so disillusioned with a lot of the regulations we have right now, whether it's fluke or other species, that we don't want to get to use that where they basically lose confidence in our regulations and do whatever the hell they want. That is why I think we need to be clear on what we are basically saying, and clear to the public, and they can accept what we're putting out there, and address their problems. We addressed it with the buck tail.

I think the definition handles almost 99 percent of the problem we were dealing with. I mean I fly fish for them. We were talking about, I had rabbit fur, moose mane, and everything else I used to make flies out of. I don't want to be not able to use those materials when I'm tying flies. The other problem here, we needed to figure out a rigged eel.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

For those of you not familiar, I've rigged hundreds of rigged eels in my life, with real eels and then we would use rubber eels. On a rubber eel and a rigged eel, you could put a circle hook and a tail hook, but basically putting on a tin squid only has a single hook. There is the problem when you're using a rigged eel. The front hook, and just using a front hook and you're not putting a tail hook on it, you've got a J hook on it. You don't pour tin squid with a circle hook on it.

CHAIR BORDEN: All right, Tom, thank you. Pat Keliher.

MR. KELIHER: I support this language as it is just right now. I think this issue that we're kind of straying to is really about incidental catch. If somebody was going to try to paint eyes on a treble snag hook that is weighted, and they snag a fish and then catch a fish and bring it in and retain it, they would be in violation of a rule like this. I'm happy with the language the way it exists.

CHAIR BORDEN: All right, Toni, could you call out the two names of the Committee members that wanted to speak on this? I think we owe them the right to comment.

MS. KERNS: Will do, and I just want to let you know that two additional Commissioners have raised their hands as well, so the two Committee members are Delayne Brown and Andy Dangelo.

CHAIR BORDEN: The first one, please.

MS. KERNS: Delayne, Lieutenant Delayne Brown.

LT. DELAYNE BROWN: Thank you, Toni, thank you, Mr. Chairman. I don't want to muddy the waters. We have a statutory definition in New Hampshire that states what a single-hook artificial lure is, and it's a lure with one single hook with not more than three hook points, so that would include, a treble hook is considered

a single hook in New Hampshire. Because choosing with everything else has been closed. Thank you.

CHAIR BORDEN: Thank you. Andy, do you want to comment?

MR. ANDY DANGELO: Basically, you know if you're snagging and dropping to try to catch a striped bass, you're targeting striped bass, and you know the motion that we have here says that when you're fishing for striped bass, you've got to use a circle hook. If you're snagging and dropping, you are targeting striped bass, and that is illegal according to the motion. I agree with what the motion says right now. Thank you.

CHAIR BORDEN: Thanks, Andy. Back to the Committee, Toni, you said you had two hands up, and then I've got to go back to Mike Luisi.

MS. KERNS: Yes, okay we have Max Appelman and Jason McNamee, then you'll go to Mike.

CHAIR BORDEN: Mike.

MR. LUISI: Am I up now, or do you want to go to somebody else first?

CHAIR BORDEN: If you're going to raise a different subject, let me come back to you.

MR. LUISI: Yes, I was going to make a motion to amend after you hear from a few other people. Whenever you're ready just come back to me, I'll take my time and read it slowly, but that's my plan.

CHAIR BORDEN: Okay, so Toni, who is the first person on the list?

MS. KERNS: We have Max Appelman and then Jason McNamee.

CHAIR BORDEN: Okay, Max.

MR. MAX APPELMAN: I'll start this and just say that NOAA Fisheries can support this motion. But something I wanted to add was just what resonated with me listening to that Ad Hoc Committee

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

discussions, and the collaborative nature of that group when coming to consensus on recommended language.

I think that means a lot. You know they run in circles in sort of the same way that I hear this Board going right now. They came to the conclusion that simple is best, and I would hate to see us fall into that same pit. I think the consensus recommendation speaks for itself, and we can support this motion. Thank you.

MS. KERNS: David, you had Jason next.

CHAIR BORDEN: Jason McNamee.

DR. McNAMEE: I may be, so what I intend to offer is what I think is a perfection of the motion that is on the board, if that is appropriate to do right now. It's a simple, I think non-significant one.

CHAIR BORDEN: Go ahead.

DR. McNAMEE: This gets back to the comment I raised earlier about this being specific to the recreational fishery. I think it couldn't hurt to clarify that in this motion, and so what I would suggest we could do is simply add before the colon, you know after the word measures, the phrase "for the recreational fishery" and that would make it nice and clear that that is what we're talking about.

CHAIR BORDEN: Thanks, Jason. Mike Armstrong, will you accept that as a perfection?

MR. ARMSTRONG: Yes.

CHAIR BORDEN: Dr. Davis.

DR. DAVIS: Yes.

CHAIR BORDEN: You have a perfected motion, thanks, Jason. Anyone else other than Mike Luisi on the list, Toni?

MS. KERNS: Just a member of the public.

CHAIR BORDEN: I'm going to take Mike Luisi first. Mike.

MR. LUISI: I realize that there is a lot of support. Here is how I look at circle hooks. We're moving in the right direction, but I feel like this motion allows for too much, it's too liberal, and it's not constrictive enough. It's much more liberal than our state rules, and it's going to be challenged.

I think that if we're going to go in the direction of you know applying circle hooks, which you know we've already done. But determining what bait is, then we should be as inclusive in all forms of what that term is. I read it into the record earlier. I feel that our state has a definition of bait, which I strongly support.

I think that the marine and aquatic organism part is a little too liberal, in my opinion. I would offer a motion to amend. What I would like to do is after the word, which is defined as, so after as I would offer that bait be defined as the living or dead, whole body or part of a body of an animal or a processed product from an animal or vegetative source.

That is what we have in our regulations. That includes all the different products that are on the market, all the different things you can buy. If I get a second on this, I can offer a little more thought, but let's just see. Let's see how that goes. That would replace the section in the original motion after the word as, and we'll see how it goes. But I do support the artificial lure part of this. I don't want that to be replaced. I think artificial lures, if you're actively working an artificial lure, I have no problem with that. But it's basically the definition of bait. We'll see what happens. Thank you.

MS. KERNS: Mr. Chairman, before we get a second, can we make sure that we know exactly what we're replacing or adding here?

MR. LUISI: Yes, so Toni, what I would like to replace, motion to amend, so after "which is defined as" that is where. Instead of any marine or aquatic organism live or dead, whole or parts of thereof. I would replace that one part of that motion with the statement that I made, so defined as the living or

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

dead, whole body product, you know, I would just like to replace that wording to strengthen this circle hook requirement, which I feel is too weak at this point.

MS. KERNS: Yes, thanks, Mike, I have what you're saying, so Maya if you could say Motion to amend to replace, and then copy that language.

MR. LUISI: We could substitute. We could just put a whole new motion up with the different language. I thought just an amendment was appropriate, because it was only that one piece of the language that I thought I just wanted to strengthen.

MS. KERNS: That's okay, I just want to make it very clear to everybody what text is being replaced, that's all, Mike. Now we can get a second.

MR. LUISI: Thank you, Mr. Chairman for allowing me the opportunity to make that motion. We'll see if we get a second.

CHAIR BORDEN: All right, do we have a second? Toni.

MS. KERNS: Dennis Abbott, is your hand raised as a second?

MR. ABBOTT: I'll second the motion.

CHAIR BORDEN: Seconded by Mr. Abbott. Discussion on the motion to amend.

MR. ABBOTT: As the seconder can I comment?

CHAIR BORDEN: Certainly.

MR. ABBOTT: Thank you. At this point, I'm not so concerned with whatever the language is, because I think they were really getting too far down into the weeds. I don't believe that regardless of what we finally decide on, that we are going to affect mortality one little bit. I think we should leave as much of this up to the

states as possible, so I'm probably willing to go along with anything to reach a conclusion on this, because again I'll repeat, I do not believe that this will affect mortality nor end overfishing. Thanks.

CHAIR BORDEN: Thanks, Dennis. Any other comments on this? Toni.

MS. KERNS: Yes, we have Roy Miller, Chris Batsavage, John McMurray, Pat Geer, and Jim Gilmore. Then we have members of the public as well.

CHAIR BORDEN: All right, so we're going to deal with Roy Miller first. Roy.

MR. MILLER: I am not going to vote for the amendment to the motion, because of what we discussed earlier. By including vegetative source and processed product from an animal, I think we're precluding baits like PowerBaits and Gulp and Fishbites and all of them, by adding this perfection. My view of this is if a state wants to be more restrictive, they can. I favor the original motion, which gives the states the latitude to be more restrictive if they so choose.

CHAIR BORDEN: Thanks Roy, Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, Roy pointed out, I guess a question I had. But I think I understand that this would include things such as Gulp and Powerbait, which are lures that are made out of some sort of natural material, we're not really sure what. That is problematic, I think for a lot of our regulations. The regulations in North Carolina are more restrictive, they include basically any plant or animal material. We don't get into synthetic baits.

I know the way the language in the amended motion would include things such as fur and feathers, and ours doesn't exempt that, but we could definitely make that fix, while being more restrictive at the same time. I have to stick with the original motion, just knowing that the Committee really kind of threaded the needle, so to speak, on trying to find language that gets to where we need to be, without creating any more unforeseen, unintended consequences. Thanks.

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Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Thanks, Chris, John McMurray.

MR. McMURRAY: I just wanted to point out that Mike's amendment would support the use of pork rinds, which is something that the Committee was expressly trying to avoid.

CHAIR BORDEN: Okay, thank you. Toni, you're going to have to give me the last name. I couldn't write fast enough.

MS. KERNS: I apologize if I mess up the order, but I believe it was Jim Gilmore, and then Tom Fote.

CHAIR BORDEN: Okay, Jim Gilmore.

MR. GILMORE: I just will let go the last couple of comments. It really comes down to the first motion, the language is simpler, and I think more understandable. I know Mike's trying to get at being a little bit more prescriptive, but in doing that we start going back down that rabbit hole, where we've got so many words in there.

I think that actually may provide for more loopholes in it, so I would prefer the earlier language. However, I would like to hear, I don't want to put Justin on the spot as the head of the Committee, but both them and law enforcement, it's like is this making this better or worse, I guess would be, and the fact that the Committee, who I think did a great job in putting this language up, kept it simple. I still think we should be going with that.

CHAIR BORDEN: We've got Tom Fote.

MR. FOTE: I just agree with Jim Gilmore and Roy Miller, that's it.

CHAIR BORDEN: Thanks, Tom. We've heard a number of comments from Board members who basically have indicated they intend to support the underlying motion and not the motion to amend. Is there anybody that has not raised their hand that wants to speak in favor of this motion to amend? If not, I'm going

to call the question. Is there a hand up from a member of the Board that wants to speak in favor of this?

MS. KERNS: Mr. Chairman, you have Max Appelman. But before Max goes, can I just ask Maya. We actually don't need, which is defined, in that first sentence of the motion. That should actually stay. Thanks, Maya. David, your microphone, it sounds like you're in the wind, and so when you keep your microphone live, it causes sort of a feedback for the webinar. Just as an FYI.

CHAIR BORDEN: Who was it you wanted to call on next?

MS. KERNS: It was Max Appelman, and then you do have members of the public that have their hands raised.

MR. APPELMAN: I'm going to jump in. I don't know how I'm going to vote on the amended motion, but I feel like NOAA Fisheries can support both of these motions. I want to poll from some of my fellow Commissioners. Is this going to create more work? It sounded like covering the entire gambit might create more work down the road, as we exempt this, that and the other of these unintended types of bait that really aren't the target of this provision. I think I can support both of these. But I don't want to create more work for us in the end. I fall back on simple is probably best here.

CHAIR BORDEN: Okay, thanks, Max. Let me just point out that we're an hour and a half into a two-hour meeting. We haven't gotten to the most controversial part of the recommendation, and we need to move along here. Are there any other Board members who want to speak on this issue?

MS. KERNS: No hands raised.

CHAIR BORDEN: Okay, I'm going to take two public comments, and then I'm going to call the question. Toni.

MS. KERNS: You have Patrick Paquette first, and then Mike Waive.

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Pat.

MS. KERNS: I think I have Patrick muted, hold on. He put his hand down, so I can't find him as fast. Mike Waine, why don't you go first?

MR. WAINE: Mike Waine, American Sportfishing Association. We do not support the motion to amend. The Working Group, members of the Advisory Panel, Public, all put their heads together and tried to come up with a consensus recommendation here. I'm not sure why some of the Board members don't believe in that process.

I think the original motion is what their consensus recommendation was with some minor perfections that can be palatable. I guess I would just say that there has been some discussion about implementation of more conservative measures than what is agreed upon in this action. As Dennis Abbott said, these decisions will likely not have a conservation benefit to the resource.

I think that sometimes the states choose to be more conservative than the Plan requires. If there is a real conservation benefit to that action, I would argue that the intent here is instead to have consistency in the measures across the states. I hope with whatever decision occurs from today's Board action, the states can live with that decision, implement the intent of the Board decisions today, and leave actions that are more conservative than the plan requires for issues that would actually achieve that conservation benefit. Thank you.

CHAIR BORDEN: Thanks, Mike. Pat Paquette.

MR. PATRICK PAQUETTE: Thank you, Mr. Chairman. Patrick Paquette, Mass Striped Bass Association. I am a member of the AP. I just wanted to offer a couple of comments as the Board considers this motion. First of all, this is an impossible task, and I very much agree with what the Chair of the Working Group stated,

that there is no way to write a bullet proof regulation here.

I can come up with loopholes to anything you can write. I've been doing this too long. That being said, fishing with worms is common across every river and estuary in New England, especially in the spring, when small striped bass are the target and most popular thing being done in salt water. It needs to be clear that any type of a worm should be on a circle hook. Also, in my state in Massachusetts, there is no difference, boats that are recreational, commercial and for-hire are all in that snag and drop fishery, are all doing the same thing. I am absolutely baffled as to why we would separate out one of the three, or two of the three, and not have it have all anglers targeting striped bass need to follow this regulation. Thank you.

CHAIR BORDEN: Thanks, Pat. Okay, at this point I'm going to declare a two-minute caucus, so you can caucus among your delegations. In the meantime, Toni, if you could just stay on the line and you and I can figure out what my technical issue is. Two minutes.

MS. KERNS: David, when you come back from the two minutes, Delayne Brown has his hand up. He's the New Hampshire LEC rep, so I don't know if you want to go to him.

CHAIR BORDEN: Sure, I'll take him last, and then I'm going to call the question. We're back in session at this point. We have one of our enforcement officers would like to comment. Is it Delayne from New Hampshire?

LT. BROWN: Thank you, Mr. Chairman. My hand was raised for a little while. This goes back to the motion to amend to replace, by Mr. Luisi. I would just caution the use of processed product in the amended definition. I know New Hampshire has had at least one case, where we were unable to prove the ingredients of products.

In this case with PowerBait, because this particular product is patented and proprietary. When it comes to that, as a law enforcement officer, if it can't meet the burden of proof that a processed product has

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

animal parts in it, you can't make the case. That's all I had to add, thank you so much.

CHAIR BORDEN: Thank you. We're back in session, any more discussion on this? We've had a lot of discussion, and we're way behind schedule. Does somebody want to make a point that has not been made at this point? I do not see any hands up. Toni, have you got any hands up?

MS. KERNS: No, I do not.

CHAIR BORDEN: Okay, so all those in favor of the motion to amend by Mr. Luisi and Mr. Abbott, please signify by raising your hand. Toni, could you read the jurisdiction that vote yes, please into the record.

MS. KERNS: I have Pennsylvania.

CHAIR BORDEN: That's the only yes vote then.

MS. KERNS: Let me make sure I have that correct, hold on. Yes, that is the only state that I have.

CHAIR BORDEN: Okay, so we have one yes vote. Take down those hands, please. All those states in opposition to the motion to amend, please raise your hand. Then Toni, would you please read the states into the record.

MS. KERNS: I have Massachusetts, Connecticut, Maine, Delaware, New York, Virginia, Rhode Island, New Jersey, New Hampshire, North Carolina, PRFC.

CHAIR BORDEN: Is that 11?

MS. KERNS: I think so, Emilie, do you have 11?

MS. FRANKE: Yes, that's 11.

CHAIR BORDEN: We have 1 state in favor, 11 noes, any abstentions? Any hands up?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service. Pat Keliher, your hand is up. Is that intended? I thought you voted against.

MR. KELIHER: No, no, it was unintended. I get easily confused, Toni, you know that. Sorry.

MS. KERNS: Okay, thank you.

CHAIR BORDEN: He's a typical Chairman, trying to vote twice. We have 1 yes, 11 noes, 2 abstentions, any null votes?

MR. LUISI: Yes, Mr. Chairman, Maryland is a null vote.

CHAIR BORDEN: Maryland is a null vote. Okay, so motion fails. We're back to the main motion. We've had a lively discussion. Does someone want to raise a point that has not been raised? Mike Luisi, your hand is still up.

MR. LUISI: Yes, I just wanted to make a really quick point. We're going to support the motion. I feel like this is good progress, and there was a lot of work that went into this motion. The state of Maryland will support the motion, based on the fact that we're making progress and implementing circle hook requirements. Thank you.

CHAIR BORDEN: Given that observation, it would appear appropriate to ask, is there any objection to the main motion as written. Any hands up? Tom Fote, your hand is up, are you objecting?

MR. FOTE: I just have a question to ask. Listening to Pat Paquette, I basically wondered, are the states that have commercial hook and line fisheries are they going to stop drop and snag?

CHAIR BORDEN: Tom, I think we already went through that. In other words, my understanding, and Toni can correct me if I mischaracterize it. This whole Amendment was focused on recreational issues. Toni, correct me if I misstated that.

MS. KERNS: You're correct. Well, we just have provisions for the recreational fishery, not the whole amendment.

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CHAIR BORDEN: Is there any objection to the motion? There are no hands up, motion is adopted by consensus. Now we're going to move on to the second task, Emilie.

MS. FRANKE: Maya, if you could pull up the second to last slide, it summarizes Task 3, which is the Incidental Catch. Perfect. Here again at the top it just defines the scenarios and incidental catch of striped bass when targeting other species with non-circle hooks with bait attached. Again, there is the Option A, allowing anglers to keep striped bass in that situation. Option B, requiring anglers to release striped bass in that situation, and then at the bottom there is the proposed language, if the Board decides to pursue Option B. Thanks.

CHAIR BORDEN: Thank you, Emilie. You've got two options, and you've got some language that has been suggested if you want to adopt Option B. Does someone care to make a motion on this issue? Dennis Abbott.

MR. ABBOTT: I make a motion that we allow anglers to keep striped bass that are incidentally caught.

CHAIR BORDEN: Do I have a second? Seconded by Mike Armstrong. Are you seconding it?

MR. ARMSTRONG: Sorry, no. That was unintentional.

CHAIR BORDEN: Tom Fote, are you seconding the motion?

MR. FOTE: Yes, and I'll explain why.

CHAIR BORDEN: You have a valid motion on the table with a second, as made by Mr. Abbott, seconded by Mr. Fote. Discussion on the motion. Mike Armstrong, you have your hand up.

MR. ARMSTRONG: Okay, this one is for real. During our discussions of the Work Group, it was very clear, and enforcement was emphatic

that if we allowed this as written in the motion, it takes a very difficult to enforce rule, the circle hook rule, and makes it darn near impossible. You know maybe regionally that it's different.

We have a striped bass fishery that overlaps very heavily with bluefish. In effect, you would never have to use circle hooks, because you're always fishing for bluefish, and you happen to catch some striped bass. Because of those reasons, we can't support this motion.

CHAIR BORDEN: Next on the list I have Justin Davis, and then Tom Fote.

DR. DAVIS: I do support the motion, although I certainly respect the arguments on the other side, particularly the sentiment from law enforcement that by preventing anglers from keeping legal size striped bass that are caught incidentally, it might add some enforceability to the circle hook mandate.

I guess I just feel that not allowing incidental catch, will probably only provide a small amount of enhanced enforceability at the expense of potentially provoking backlash from the angling public, in that we are now essentially telling them that if they are not targeting striped bass at all, there are plenty of fisheries where anglers use bait, and they are not targeting striped bass, you know bottom fishing for scup and sea bass and fluke, and things like that, where occasionally an angler may catch a legal size stripe bass.

To tell those anglers they have to release those fish, because they weren't using a circle hook, to me just seems like a step beyond the original intent of this mandate, which was predicated on anglers who are targeting striped bass. I would also find it difficult to make an argument, based on data that it will provide enhanced conservation for the striped bass stock, by making folks release those fish. I'm sure the information might exist, but we don't have it on hand, on sort of rates of incidental capture of striped bass in other fisheries. I guess I come down on the side of supporting this motion. I can understand and respect the arguments on the other side, but I think this is the best path forward.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Thanks, Justin. I've got Tom Fote and Pat Keliher on deck.

MR. FOTE: The reason I seconded the motion with Dennis was because, I'll just give you an example. I've got the Governor's Surf Fishing Tournament coming up May 23rd. Summer flounder season will be open at that time from the surf also. I help people fishing in squid to catch summer flounder, particularly if they want to eat it.

If they accidentally catch a striped bass, of the probably 600 kids that I have fishing, because it's a family tournament. I will have to make them release the fish, and I don't want to really do that. I think we incidentally catch all fish. I can't remember one fish we had circle hook rules that if you catch, when you are tuna fishing and you're using a lure, I just don't understand it. I've really got to support this, just because a lot of kids catch the first striped bass as an incidental catch.

CHAIR BORDEN: Thanks, Tom, Pat Keliher and then Pat Geer, you're up next.

MR. KELIHER: I want to echo Mike Armstrong's sentiments, and would encourage people to vote no on this motion. We just spent a lot of time working on some language to clarify the use of circle hooks, and now all of a sudden, we are going to put language on the table that says, all you have to do is say I'm fishing for something else, and go target striped bass.

I know we've had circle hook regulations on the books, well this will be our eighth year, I believe. If we had to follow this, it would make it a non-enforceable situation. Everybody would know just to say no, no, I'm fishing in the upper part of the river, fishing for small mouth, or I'm in the lower part of the river, and I'm fishing for striped bass. I would very much caution any support on this language, and I will be voting no for the reasons stated. Thank you.

CHAIR BORDEN: Thanks, Pat, Pat Geer.

MR. PAT GEER: I'm sympathetic to both sides in this situation. I can see arguments on both sides, but I think Mr. Keliher made a very good point about the enforceability. What is the purpose of having circle hooks if we're going to allow retention without them? What I would really like to hear, is I would like to hear from Law Enforcement about their opinions on this, because they are the ones that are going to be on the water, having to enforce this. What are their thoughts on it, Mr. Blanchard, and other folks that may have been on the Work Group?

CHAIR BORDEN: Deputy Chief Blanchard, do you want to comment?

DEPUTY CHIEF BLANCHARD: Yes, Mr. Borden. I was quite vocal on the Committee meeting on this particular issue. This takes a, as Mr. Armstrong stated, this takes a very, very difficult regulation that we have to identify an individual actually fishing on the water, bringing the fish over the rail, and determine whether he's legal or illegal in his fair take. When we put this in here as incidental take, all that work and all that effort that is going into creating that regulation with this bait definition, the hours that have gone in the Committee work, the hours going to the Board work, all makes this completely unenforceable.

There is no way that we would have the ability to enforce incidental take at that point. We've worked with everybody to come up with that definition that is simple and understandable. We have included openly, and agreed to the lure allowance, and we're really getting into a situation of just a really isolated fishery on fluke or sea bass, where you might be using J hooks with bait, and you might take a fish.

To allow for that one-time effort that we may have an incidental catch, to throw everything else out the window. I just don't think that this is prudent, I really don't. I would abdicate against this motion, not that that is my position in Law Enforcement, but I do not see where this makes any sense in the overall picture.

The other discussion about first time takes and things like that. I really think that this is, I spoke to this on the Committee. I really think that that is our opportunity to talk to young folks, and others that

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

may be new to the fisheries, to talk about what conservation means, and take the opportunity to highlight why you're returning that fish, caught incidentally, back to the resource, and what that means for the future of the stock.

I just think we're kind of, it's exciting to take that one fish, maybe bring it home, take a picture, whatever. But it really is the point it gets released back. I feel strongly, and I think law enforcement across the Board would feel strongly about this. We have to go with Plan B, Option B. Thank you.

CHAIR BORDEN: Thanks, Kurt. We also have Delayne Brown, Officer Brown on the call, so Mr. Brown, would you like to comment on that, to follow up on Kurt?

LIEUTENANT BROWN: Thank you, Mr. Chairman. I think Deputy Chief Blanchard hit the nail on the head. Well said.

CHAIR BORDEN: Okay, so back on the list then. I've got Roy Miller.

MR. MILLER: It's probably not necessary, but I would agree with the sentiments expressed by Kurt Blanchard. I think if you take lower Delaware Bay, where you have a mixed fishery for bluefish, weakfish, summer flounder, lots of other species, and the occasional striped bass is caught. You just could not prove that they weren't fishing for something else.

Up on the Delaware River, where we currently have a circle hook requirement, it's less problematic. You really only have three choices up there. You've got striped bass, white perch, and catfish. Less of a problem in the river on the spawning grounds. We haven't had a problem with our circle hook requirement there, but I think Option A would be problematic in Delaware Bay. Therefore, I favor Option B, thank you.

CHAIR BORDEN: All right, I've got Bill Hyatt, and then David Sikorski.

MR. HYATT: I also want to speak in opposition to this motion. Prohibitions on retaining incidental catch or otherwise illegal catch are commonplace, and they are generally done for two important reasons. The first is to avoid perverse incentives. You know we don't allow anglers to keep gut hooked fish that are outside the allowed size limit, because it incentivizes cheating. Maybe more important in this case, we have these prohibitions on retaining incidental and otherwise illegal catch, to underscore the importance of the regulations, and to communicate that importance. Circle hook regulations are already difficult to enforce, because they involve intent. This has been mentioned many times.

There is already a running joke among Connecticut anglers that now they are all fishing for bluefish. If we were to further confuse this message by allowing incidental take to be kept, we're going to seriously undercut this effort even further. We would be telling people in effect, not to take the circle hook rules seriously.

I'll say that again, if we do this, we would be telling people not to take circle hook rules seriously. We'll be making it easy for anglers to rationalize gamesmanship, and I don't think we want to do any of that. Again, I'm against this. Thank you.

CHAIR BORDEN: Thank you, Bill, David, you're up next.

MR. DAVID SIKORSKI: I wanted to speak in support of Dr. Davis' comments previously, and all others who spoke in support of this motion. I was part of the Work Group, and I highly respect all the comments that are in support of B. But thinking about it from a Chesapeake Bay perspective, we're kind of a one-trick pony at this point, with folks fishing with bait.

We've put rules in place to make sure that circle hooks are used, and unfortunately recent enforcement actions were basically thrown out by judges. It was a harsh reminder that circle hooks at large are difficult to enforce. While I want what's best for this resource coastwide, I really do think we're shooting for the moon to land amongst the stars, and we have to really consider how this can affect the universe of

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

recreational anglers out there. It really is a difficult decision to make here, but I do support the motion. Thank you.

CHAIR BORDEN: I've got Mike Luisi. He may have had to step away from his microphone. I'm going to take one comment from the public, then I'm going to go back to Dennis Abbott, ask him whether or not he wants to make any further comments, and then I'm going to call the question. Patrick Paquette.

MR. PAQUETTE: Thank you, Mr. Chairman. Every single internet forum and every single Facebook page that has been discussing this, has somebody who has commented, while I'll just go blue fishing. This is the mother of all loopholes. This motion has to fail, if you want this to have any peer pressure behind it, this has to fail.

In addition, on February 22, the ASMFC released the hearing document that bluefish are in a rebuilding amendment. Maybe we should be encouraging circle hooks for bluefish too. But this absolutely kills the circle hook regulation, if you allow me to go blue fishing. Because bluefish forage on the exact same thing, and oh by the way, people are concerned legitimately on this Board with snag and drop. There is not a seminar speaker or a mainstream fisheries article writer who hasn't written or read or seen in a show, somebody talk about how bluefish are raging a school of bunker, and below it is the big striped bass. These two species are together. You can't target one without the other. This motion needs to fail. Thank you.

CHAIR BORDEN: Thank you, Patrick. I'm going to take one more comment from the audience, and then I'm going to come back to the Board. I'm going to take Andy Dangelo, who is also a member of the Subcommittee. Andy.

MR. DANGELO: The problem I've got, and I talked to Kurt about this at the Committee. I know it says incidentally caught, but if you go,

you know as a charterboat captain here, we'll go striped bass fishing a lot of times first, and then go to fluke fishing or sea bass, something like that. Is enforcement going to be a problem for striped bass that we have on the boat that were caught while targeting striped bass, and then go catch something else? That's my question. That is where I'm a little on either side here. That's what I had to say, thank you.

CHAIR BORDEN: Kurt, do you want to speak to that point? Kurt Blanchard.

DEPUTY CHIEF BLANCHARD: Yes, Andy and I did discuss this, and quite honestly, there will be no, the way I understand the regulation and following laws that support them all, these provisions is that possession of striped bass while fishing for these other species, it would not be prohibited. It's going to be strictly a take situation, so we're really going to have to observe the taking of striped bass for this to be enforceable. You may have possession on the water, it's not going to be sufficient enough to prove a case.

CHAIR BORDEN: Thank you, Kurt, let me go back, I've got Mike Luisi, and I'm going to go back to the maker of the motion. Dennis Abbott is going to get the last comment, and then I'm going to call the question. Mike Luisi.

MR. LUISI: I apologize, I had to switch devices, and I was on mute by the organizer, so I'm now back. I just want to echo what Dave Sikorski said. You know we implemented circle hook rules, I don't know a couple years ago now. One of our big points that we made in Maryland was that if a fish is caught without a circle hook it's okay to keep it, as long as it's legal.

I don't know how. I think we have a hard time here in our state implementing measures that incidentally caught fish without a circle hook would have to be returned to the water. I think we would have a really hard time here. I'm going to stay with Dave on this one, and support this motion. I just wanted everyone to know that. Thank you.

CHAIR BORDEN: Thanks, Mike. Dennis Abbott, you get the last statement, and then I'm going to declare a

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

two-minute break, and then we're going to call the question.

MR. ABBOTT: Thank you, Mr. Chair. I made this motion with good intentions, but listening to my more learned colleagues, I can see there is more to it. I do think the issue is unenforceable, for the most part. But I think the educational benefit of going in the other direction might be more beneficial, so I will probably vote against my own motion. But I do thank Mr. Fote for seconding my motion. I think good points have been made on both sides, but we'll go. Let's go.

CHAIR BORDEN: All right, I'm going to have a two-minute caucus. We'll reconvene in two minutes. Toni, do you have any hands up?

MS. KERNS: I took everybody's hand down to clear the slate for voting, since you said you were calling the question. But Dave Sikorski has his hand up.

CHAIR BORDEN: Okay, David, I'll go through that introduction again if you want to speak, and then I'm going to basically call the question. David.

MR. SIKORSKI: I just had one last point I forgot to make when I spoke previously, and you know I view this through the lens of all states can be more conservative in this action, and it will be difficult in Maryland for us to implement the Option B, thank you.

CHAIR BORDEN: All right, thank you, David. I'm calling the question. The motion is to allow anglers to keep striped bass that are incidentally caught. Motion by Mr. Abbott, it is seconded by Mr. Fote. All of those in favor of that motion raise your hand.

MS. KERNS: I have New Jersey and Maryland. I'll go ahead and clear the hands for you guys so it's easy. Okay, David.

CHAIR BORDEN: You are a little broken up, you have New Jersey and Maryland.

MS. KERNS: That is correct.

CHAIR BORDEN: Okay, so we have two in favor. If you take those hands down, we'll vote the noes. All those in opposition to the motion, raise your hand. Then Toni, please call the states so it will be reflected in the record.

MS. KERNS: I have Mass, Delaware, Virginia, Fish and Wildlife Service, NOAA Fisheries, Rhode Island, New Hampshire, Pennsylvania, PRFC, and New York.

CHAIR BORDEN: The total is?

MS. KERNS: Go ahead, Emily, thanks.

MS. FRANKE: I have 10 noes.

CHAIR BORDEN: We have 2 yesses, 10 noes. If you take down the hands, please.

MR. KELIHER: Mr. Chairman, I'm sorry, I was running back from a UPS driver who came to the door during the break, and I apologize, but I just put my hand up. That would have been 11 noes.

CHAIR BORDEN: Okay, 11 noes. Maine votes no. Take down the hands then, any abstentions?

MS. KERNS: I see no abstentions.

CHAIR BORDEN: No abstentions, Toni.

MS. KERNS: That is correct.

CHAIR BORDEN: Any null votes? No null votes.

MS. KERNS: You didn't let me speak, we have 2 null votes, Connecticut and North Carolina.

CHAIR BORDEN: Okay, thank you. The vote is 2, 10, 0, 2. Motion fails. Do I have another motion? Mr. Reid's hand is up.

MS. FRANKE: Mr. Chair, the total for the noes was 11.

CHAIR BORDEN: Oh, excuse me, thank you for correcting me. 2 to 11. Mr. Reid, you have the floor. Eric, are you on?

MR. ERIC REID: Yes, Sir, I am.

CHAIR BORDEN: Would you like to make a motion?

MR. REID: Yes, I would. Maya, I think you have the motion for Option B. I'm glad to read that for the record.

CHAIR BORDEN: Please.

MR. REID: Okay, I move to approve the following guidance for state implementation of circle hook measures: striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury. If I get a second, I don't think there is any rationale other than to support Law Enforcement in their efforts.

CHAIR BORDEN: Mike Armstrong, I see your hand up. Do you want to second this?

MR. ARMSTRONG: I do.

CHAIR BORDEN: Mike, do you want to speak in favor?

MR. ARMSTRONG: No, I think we've probably talked about it enough.

CHAIR BORDEN: Okay, so I'll open the floor. I would just comment that there has been a lot of discussion around this motion already, in terms of the pros and cons of the strategy. A number of states have already gone on record, kind of voting against the concept. I would ask members to refrain from being redundant. Anyone want to make a new comment on this? I don't see any hands up. Given the sensitivities on this, I think it's better if we vote, so the

states that may want to vote against it are clearly part of the record. Is there any objection to me calling the question? Does somebody want to make a point that has not been made so far?

MS. KERNS: Mr. Chair, you have Bill Gorham.

CHAIR BORDEN: Bill.

MR. BILL GORHAM: I was part of the Working Group, and I just believe that passing this it's in the name of enforcement or for enforcement on something that is extremely hard to enforce anyways, is an extremely disconcerting overall justification. I would like some more clarification upon the having possession of striped bass while targeting other species, and what that does with enforcement. I was a little confused on that last comment. Thank you.

CHAIR BORDEN: Are you asking for Deputy Chief Blanchard to expand or restate what he stated before?

MR. GORHAM: Yes, it's where if you have a charter that may be targeting multiple species, or at least rockfish, what impacts that has to enforcement for this rule.

CHAIR BORDEN: Okay, Kurt, would you mind repeating what you said before?

DEPUTY CHIEF BLANCHARD: No problem with that, Mr. Chairman. My understanding of the way this provision is being written and being pursued is that the requirements are while in use, so it's while taken. If you're just in mere possession of striped bass while you're at sea, and you're targeting other species at this point.

You're fishing for other types of species like sea bass, scup, fluke or whatever, and using different means to catch those fish, and you've already caught striped bass and you have it in possession. That would not be a violation. The violation would be documented, if in fact you were using those methods and bringing a striped bass over the rail with prohibited methods. This new motion that is being presented, that is where this would come in and strengthen the circle hook provisions.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

MR. GORHAM: Just a follow up, if possible, Mr. Chair.

CHAIR BORDEN: Okay, go ahead.

MR. GORHAM: In your experience, is that type of enforcement more likely to happen to shore-based anglers or boat anglers?

DEPUTY CHIEF BLANCHARD: That is really difficult to answer, it really is. In this particular situation the enforcement difficult comes in with the wording of targeting versus take and possess. We advocate, you'll see on our Guidelines for Resource Managers document, we talk about promoting the wording of take and/or possess. Those words have very strong meaning, and enforceability is gained with that type of wording. When we get into targeted, you start to talk about somebody's intent or what their acts are, it becomes much more difficult to enforce. I really can't measure shoreside versus at-sea, that question, I just can't.

CHAIR BORDEN: Thanks, Kurt. Anyone else on this subject? Mike Luisi.

MR. LUISI: Yes, I think in talking with Dave, Maryland is going to, we are not going to be able to support this. We have so many, our fishery here in the Chesapeake Bay, and I'll speak to the Chesapeake Bay. We have all along expressed our interest in educating and abdicating for circle hooks for the last few years, with the exception that if somebody does catch a striper that is a legal sized fish, you know fishing for something else, they are able to keep it.

We're going to have a really, really difficult time implementing something like this, and the messaging in our state is going to be very, very difficult. I just want the Board to understand that. We just have such a mixed fishery up here, with you know bottom fishing. It's going to be really hard. Just because we've got the resident fish, they are smaller. I don't need to

educate the Board; the Board understands that. But it's kind of a mixed bag.

In my opinion, I think that we need to take steps forward, which I think we are. We're taking the steps forward, but I think this is too restrictive. To ask somebody who catches a striper that is of legal size with a J hook to throw it back. I've listened to the discussion, and I understand the other side of it, but it's going to be really hard on our end, and I just want to make everybody aware of that. I'll stop there.

CHAIR BORDEN: Anyone else care to make a point that has not been made, a new point? If not, I'm going to call the question. I see no hands up.

MS. KERNS: David, you have two hands up, well, you have three hands up, two members of the Board and one member of the public. You have Pat Keliher and Tom Fote, do you see them?

CHAIR BORDEN: No, I don't see either one of them. Pat Keliher, and then Tom Fote, and then we'll go take one comment from a member of the public, and then we're going to call the question.

MR. KELIHER: I'll try to be brief here. I mean if anybody is going to retain a striped bass that is caught on unapproved methods, then they're in violation, and I think that is what Kurt is saying. I'm not saying I'm necessarily opposing this, but it kind of goes without saying. You can't retain anything with an unapproved method.

When I had these conversations with Marine Patrol, it was clear that we would be writing a violation in any of those type of situations. I would also go back to the very beginning of the meeting. I think Bob made a comment that the incidental catch is not part of the current Addendum. How are we going to address that? Are we going to now have to bring this into the Addendum at a later date, if this does pass? I am going to need some clarification there.

CHAIR BORDEN: Toni or Bob Beal.

EXECUTIVE DIRECTOR BEAL: This is Bob. The answer to Pat's question. It's a little bit tricky. You know

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

Addendum VI is finished, and it did not include this notion of incidental take and incidental catch, so adding that to a document that didn't contemplate this issue when it went out for public hearing is a little bit risky. You know there are a couple ways to do it.

You could start a new Addendum, but we're right in the middle of Amendment 7 process, that may not be the best way to do it. You could add this notion to Amendment 7, but it probably wouldn't be in place for a year plus. There is no real easy way to get this approved and required as a compliance criterion right now. It's clear that this is the direction the Board wants to go, or a lot of people on the Board want to go this way. I think that if this motion passes, I think that is probably the next discussion.

CHAIR BORDEN: Pat Keliher, did that answer your question?

MR. KELIHER: Yes, Mr. Chairman. It seems to me that we're going to be opening a door up for modification to the document if we load in the affirmative on this. Again, I would go back to what Kurt said, if I heard him correctly. I'm not sure if this strengthens the position of law enforcement or not. I don't think it would with the Maine Marine Patrol, based on the conversations I've had back home.

Again, if you're fishing with an unapproved method of gear and you retain a fish, you're in violation. I'm not sure we need to reiterate that in any document. It's clear, at least it will be clear for the enforcement standpoint in Maine, I don't want to speak for the other states. If Kurt wants to weigh in on that.

DEPUTY CHIEF BLANCHARD: Mr. Chair, I'm happy to comment if needed.

CHAIR BORDEN: Please.

DEPUTY CHIEF BLANCHARD: I was a little confused on what Pat was saying, but I think I

understand the tail end of what he was getting at. I believe that this wording absolutely strengthens what was already agreed upon in the previous discussions. Whether it's needed or not I think would be a Commission position.

I think by placing compliance measures, or wording the compliance measures that are already in place by default, this wording is there, it's just not stated. If I'm making myself clear on that. I think obviously whenever you put a regulation in place, you have to comply with that regulation. When the states adopt this and put it into their basic regulations back home, fishermen have to be required to comply.

If we're saying that these are the only approved methods. By default, any fish that are caught by unapproved methods should go back, and I think that's what Pat was getting at. I believe that we would have no problem enforcing that. I just do agree that this wording here strengthens that. I'm not sure how it might hurt the process for Amendment 6.

MR. KELIHER: Mr. Chairman, if I may follow up.

MS. KERNS: David, you're on mute if you're speaking.

CHAIR BORDEN: Okay, so I'm back on. Thank you, Pat, sorry about that. I've got Bill Hyatt on the list who wants to speak.

MR. HYATT: If I'm understanding this correctly, what Pat is saying is that the intent of this motion is implicit in the measures that have already been taken, and it's raised as guidance. As such, wouldn't passage of this motion simply be a clarification? I guess it's a question through you to Bob.

CHAIR BORDEN: I actually was going to say something similar, Bill, because of the word guidance in it, and the fact as Bob Beal related earlier in the dialogue. States always have the right to do something more restrictive. Between those two, if this is guidance, I think some of the problem that people are trying to characterize goes away. Is there anyone else that feels a compelling need to speak on this issue? I have no hands up.

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

MS. KERNS: I do have some hands that are raised. As I said before, there is one member of the public that has had their hand raised for a little bit, and then we have Max Appelman and Tom Fote.

CHAIR BORDEN: All right, we're going to take those three individuals, then I'm calling the questions. Tom Fote, you're next.

MR. FOTE: Yes, one of the things that concerns me, where we didn't put this in the Amendment, a lot of people supported the circle hook thinking it wasn't going to eliminate incidental catch. I think of tackle store owners that basically cater to the surf fishermen, basically went ahead and started stocking circle hooks.

But they also continued buying the mullet rigs. Unless you're a surf fisherman, you don't know what I'm talking about. A mullet rig is basically what you fish mullet with. It's a split hook, you know it's a two-prong hook that you put the mullet through, and you put this two-hook on. You catch bluefish, you catch kingfish, you catch whatever is in the surf, but it does catch striped bass.

You basically want to keep a fish, and it might be bluefish, striped bass. It does away with the mullet rigs. This is a big expense for tackle stores, because they basically stock up mullets for probably a year, so they have it in the spring, because they catch it in the fall. Now they have the hooks all set, means thousands of them in each tackle store, and they are basically going to stop selling those rigs.

The impact, at least with the circle hook they had time to basically get rid of their old stock, and I don't know what they're going to do with the stock now. They've had a hard time with the virus to begin with, and now they're going to have a further hard time. They wondered whether this would impact them that way, so I just wanted to bring that to your attention.

CHAIR BORDEN: Thanks, Tom, I've got Max, and then I'm going to take one comment from the public.

MR. APPELMAN: I might be getting even more confused by the second. I'm reading the Addendum, and I heard a lot of emphasis from Kurt on words like take versus target, and the Addendum doesn't specifically say the word target, but it says when recreationally fishing for striped bass with bait.

To me that is different than what we're trying to do here with this motion. I'm seeing a difference here. I think this does strengthen it, it is not implied in the way the Addendum is written now, in my opinion. I'm just getting a little confused here, and I just wanted to make sure I have that right, that this is not necessarily implied in the Addendum as it's currently written.

CHAIR BORDEN: Toni, who is the member of the public that you have?

MS. KERNS: You have Mike Waine.

CHAIR BORDEN: Mike Waine, you've got the last word, Mike.

MR. WAINE: Mike Waine with the American Sportfishing Association. I won't echo the comments that Tom Fote just made about the tackle shops scratching their heads. I think a lot of the angling community is going to be scratching their heads about the intent here. I just wanted to bring up a comment that I didn't really hear amongst the Board discussion.

I'm really hopeful that as states commit to education and outreach, assuming this motion passes. I think that's going to be a really critical component of getting the angling community onboard with the intent here. I really do hope that the states, and the Commission, frankly, take that education and outreach very seriously. Thanks.

CHAIR BORDEN: Thank you, so we're going to do a two-minute caucus, and then I'm going to come back and I'm going to call the question. Toni, are you back on?

MS. KERNS: Never left, David.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Thank God!

MS. KERNS: Couldn't leave you guys.

CHAIR BORDEN: Okay, so I would like to call the question. I'll just read the motion: Move to approve the following guidance for state implementation of circle hook measures, striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury. Motion by Mr. Reid, seconded by Mr. Armstrong. All those in favor of the motion, please signify by raising your right hand. Toni, if you would, call the roll, please.

MS. KERNS: Will do. I have Massachusetts, Connecticut, New York, Maine, Delaware, Virginia, NOAA Fisheries, Fish and Wildlife Service, Rhode Island, Connecticut, Pennsylvania, and PRFC. I will take the hands down for you all. I'm sorry, a hand came in. I don't know if I said New Hampshire.

MS. FRANKE: Mr. Chair, with New Hampshire, that would be 12 yesses.

CHAIR BORDEN: We have 12 yesses, the hands are taken down. All those opposed, raise your left hand.

MS. KERNS: It's like a trick. I have New Jersey. That's all I have, Mr. Chair.

CHAIR BORDEN: We have one no vote, any abstentions? Toni.

MS. KERNS: I see no abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: I have one null vote, North Carolina.

CHAIR BORDEN: We have 12 in favor, 1 opposed and 1 null vote, correct?

MS. KERNS: Yes.

CHAIR BORDEN: Okay, so motion passes. Is there any other business to come before the Board today? If not.

MS. KERNS: Sorry, David, since you can't see the hands, we have Pat Keliher and then Justin Davis have their hands up.

CHAIR BORDEN: Okay, thank you. Pat Keliher and then Dr. Davis.

MR. KELIHER: I was muted by the Organizer, I think Toni had enough of me, Mr. Chairman. At the last Striped Bass Board meeting we spent a lot of time discussing the study that Maine and Massachusetts were going to do regarding tube and worm. To me this conversation today, as it pertains to circle hooks, bait, and all these definitions, would now speak to the fact that that is now no longer needed. I just want to make sure we clarify that to today's meeting.

MS. KERNS: David, would you like me to respond?

CHAIR BORDEN: Please.

MS. KERNS: Pat, I agree that the tube and worm lure would be covered under the motion that was approved today, so you would not to do that study any longer.

MR. KELIHER: Great, thank you, Toni. That would be my belief as well. Do we need to memorialize this any way, Mr. Chairman, or do you feel like this has just been made clear in the record?

CHAIR BORDEN: Yes, I think I would ask the staff to make sure that point is clear in the record. That's all. I don't think we need a motion on the subject.

MR. KELIHER: Great, thank you, Mr. Chairman.

CHAIR BORDEN: Okay, and then Dr. Davis. Justin.

DR. DAVIS: I just wanted to clarify that there is no need here for anything like an implementation date or something, in that the rules that states already have had to put on the books to meet the original mandate

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

are more restrictive, I guess, than what we've agreed to today.

Although I wonder about this last bit with the guidance on incidental catch. Because like from Connecticut's standpoint, the rules we currently have on the books would allow take of incidental catch, and so we will have to revise our rules. I just wonder, is there any need for an implementation date?

CHAIR BORDEN: I would just offer the comment that that would be desirable, but I'm a little bit reluctant to get into that discussion. I think that one way you could handle it without us arbitrarily picking an implementation date, would be that all states communicate to Emily what their intentions are.

In terms of either modifying their regulations, in other words so that we have some understanding of what is going to take place in what timeframe. Does that make sense? Any further comments? Any other business to come before the Board? If not, the last thing I would like to do is once again, thank the Subcommittee.

MS. KERNS: David, I'm sorry. I can't get you fast enough. Ritchie White has his hand up.

CHAIR BORDEN: Ritchie White.

MR. WHITE: I guess I didn't quite understand what Pat just stated. This whole process began with the study. We implemented these regulations quickly, to undo what we had done or partially undo, I should say, what we had done when we first passed the circle hook mandate.

Then this regulation was based on proving that tube lures do not cause increased mortality using J hooks, as opposed to circle hooks. Also, to prove that circle hooks could or could not be used in tube lures. I guess I don't understand why that study is going away all of a sudden,

with the passing of these last two motions. Thank you.

CHAIR BORDEN: Pat, do you want to follow up on that?

MR. KELIHER: Sure, I would just point to the fact that we passed a motion today that specifies that circle hooks are required when fishing for striped bass with bait. It goes on to describe that bait, and it says this shall not apply to any artificial lure with bait attached. A tube and worm are an artificial lure with bait attached. If we've just approved that, why do we need to study it?

MR. WHITE: Follow up.

CHAIR BORDEN: Yes, Ritchie, go ahead.

MR. WHITE: Well, we need to study it to see that there is not increased mortality. This all started with, it's fine to exempt tube lures, which now has morphed into quite a lot more, because there is no increased mortality using J hooks and those methods, compared to circle hooks. Now, just by passing these, that goes away. Now we won't know whether tube lures with J hooks creates more mortality than circle hooks. Just because we passed this, I don't see why the study should go away.

CHAIR BORDEN: Thanks, Ritchie. I would ask the same group of states, and I think New Hampshire was part of it that discussed the need for studies originally, to at least caucus and talk through Ritchie's point. Maybe there is one state that wants to do a project with their constituency without some kind of mandate. I'm just a little bit reluctant to dive into this issue at this point on the agenda.

Anyone want to offer anything different on this? Pat, would you be willing to arrange a dialogue conference call between the states that expressed an interest, you, Massachusetts, I think New Hampshire, Rhode Island and staff can correct me. I think those were the states that wanted to talk about the details, and then address the point that Ritchie has made. Are you willing to do that?

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

MR. KELIHER: Sure, I would be happy to, Mr. Chairman.

CHAIR BORDEN: Thank you.

MR. WHITE: Dave, excuse me, another clarification, please?

CHAIR BORDEN: Go ahead.

MR. WHITE: I mean I think this issue is not between the states that were going to do the study, and New Hampshire was not part of that group. I think it's for the Board to determine. The Board voted to give an exemption to mandatory circle hooks that were in place, and the reasoning for that was to implement a two-year study.

The regulations were supposed to be in place for two years, while a study was conducted to look at the mortality of tube lures. Then at the end of the two years it would be analyzed whether the tube lures could continue with J hooks, or that it would have to revert to circle hooks if there was an increased mortality. The Board owns this, from the way I view this, not a couple of states that were going to do a study. I think that the Board passed this with the study as part of what we passed. I think the minutes would reflect that. Anyway, that is just my take. Maybe there is other Commissioners, or most other Commissioners don't agree. I don't know.

CHAIR BORDEN: Any other Commissioners want to discuss this? Bob Danielson.

MR. DANIELSON: As a member of the Advisory Panel and a member of the Committee, the Ad Hoc Committee on Circle Hooks. One of the first things that was pointed out to the Committee was the fact that the circle hook regulation was never intended to target lures that were being actively moved through the water, as opposed to something sitting static on the bottom.

I think based on that, I believe the second slide of Emilie's presentation this afternoon stated that fact outright, and I think that's why the thought was that with the exemptions put forward by the Committee, the study on the tube and worm rig was no longer necessary. I could have misinterpreted, but that was my takeaway from the discussions we had at the Subcommittee. Thank you, Mr. Chairman.

CHAIR BORDEN: Thank you very much, Bob. Is there anyone else? I have no other hands up on this, other than the point that Ritchie has made.

MS. KERNS: You have Dennis and Tom Fote, and then Ray Kane.

CHAIR BORDEN: Dennis Abbot.

MR. ABBOTT: Yes, thank you, Mr. Chair. I would like to hear Mike Armstrong's comments. It was my understanding that the Commonwealth was undertaking a two-year study regardless of whatever, before this even became, before we got to where we are today. Mike Armstrong is just dropping this, because we passed what we did today? I thought he made some sort of a promise or whatever that the Commonwealth would conduct a two-year study. That's my remembrance.

CHAIR BORDEN: Mike, do you want to follow up on this?

MR. ARMSTRONG: Sure. Boy, let me remember. I mean I think it is a moot point now. I think the language we just passed exempts tube and worm. We're not sure if we're going to do it or not now, if the Board allows us to not do it anymore, which I think it's probably the right thing to do.

At the time it was just purely to get an exemption for tube and worm, which anecdotally from all reports doesn't deep hook fish. We wanted to get that for our anglers, so we agreed to do the study. Now that it has been exempted by the Board, I don't see why we need to do it. We may in fact still do it, but I'm not going to promise that, because we may get interesting information from it anyway.

Draft Proceedings of the Atlantic Striped Bass Management Board
March 2021

CHAIR BORDEN: Thanks, Mike. I'm just going to go back to the same point I made before. Pat Keliher has agreed to coordinate among any states that have an interest in this, to talk about is there still a need to do a study on this? It seems to me that a conclusion will come out of that. Let's just take the state of Maine at their word that they will do that. Then they can report at the next meeting. Any objections to doing this? I don't see any hands up, so any other business to come before the Board?

MS. KERNS: Just to confirm, Ritchie White has his hand up.

CHAIR BORDEN: Ritchie.

MR. WHITE: Sorry, just didn't get it down.

ADJOURNMENT

CHAIR BORDEN: All right, so any other business? If not, meeting is adjourned.

(Whereupon the meeting adjourned at 3:40
p.m. on March 16, 2021)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

**Webinar
May 5, 2021**

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

TABLE OF CONTENTS

Call to Order, Chair David V. Borden.....	1
Approval of Agenda	1
Approval of Proceedings from February 2021.....	1
Public Comment.....	1
Commission Chair Addresses the Board	2
Consider the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment	2
Presentation of Stock Assessment and Peer Review Panel	2
North Carolina’s Management Response to Assessment	4
Technical Committee Report.....	7
Update on North Carolina Management Program.....	8
Consider Acceptance of Benchmark Stock Assessment and Peer Review Report for Management Use.....	8
Public Comment Summary to Draft Amendment 7 Public Information document	9
Work Priorities.....	9
Public Comment Summary	11
Advisory Panel Report	12
Draft Amendment 7	23
Provide Guidance to the Plan Development Team for Draft Amendment 7	25
Review and Populate Advisory Panel Membership	69
Adjournment.....	69

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from February 3, 2021** by consent (Page 1).
3. **Move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment and Peer Review Report for management use** (Page 8). Motion by Chris Batsavage; second by Emerson Hasbrouck. Motion carried (Page 9).
4. **Move to remove issue 1 from the PID and maintain existing goals and objectives** (Page 25). Motion by Ritchie White; second by John Clark. Motion carried (Page 29).
5. **Move to remove issue 2, biological reference points, from consideration for Draft Amendment 7** (Page 29). Motion by David Sikorski; second by Megan Ware. Motion carried (Page 36).
6. **Move to maintain issue 7, recreational release mortality in the development of Amendment 7** (Page 36). Motion by Marty Gary; second by Joe Cimino. Motion carried (Page 40).
7. **Main Motion**
Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 (Page 40). Motion by Justin Davis; second by John McMurray. Motion amended.
8. **Motion to Amend**
Move to amend to include the following text: add options for measures to protect the 2015 year class in the development of Draft Amendment 7 (Page 41). Motion by Megan Ware; second by Dave Sikorski. Motion carried (Page 45).

Main Motion as Amended
Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 and add options for measures to protect the 2015 year class in the development of Draft Amendment 7. Motion carried (Page 47).
9. **Move that issue 5, regional management, be removed from consideration in Draft Amendment 7** (Page 47). Motion by John McMurray; second by Mike Armstrong. Motion approved by consensus (Page 50).
10. **Move to include issue 6, conservation equivalency in Amendment 7** (Page 50). Motion by Ritchie White; second by Megan Ware. Motion carried (Page 52).
11. **Move to include issue 9, coastal commercial quota allocation in Draft Amendment 7** (Page 53). Motion by John Clark; second by Justin Davis. Motion failed for lack of a majority (Page 58).
12. **Main Motion**
Move that the female SSB and fishing mortality triggers be removed from consideration from Draft Amendment 7 and to task the Technical Committee with developing options for a more effective standard for recruitment based triggers (Page 59). Motion by John McMurray; second by Roy Miller. Motion substituted.

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INDEX OF MOTIONS (continued)

Motion to Substitute

Move to substitute to keep management triggers in Amendment 7 for analysis and consideration by the Board. (Page 62). Motion by Mike Luisi; second by Mike Armstrong.

Main Motion as Substituted

Move to keep management triggers in Amendment 7 for analysis and consideration by the Board. Motion passes by consensus (Page 64).

13. **Move to remove issue 8, recreational accountability from further consideration in Amendment 7** (Page 64). Motion by Mike Armstrong; second by Ritchie White. Motion carried (Page 68).
14. **Move to approve Jon Worthington, representing North Carolina, to the Striped Bass Advisory Panel** (Page 69). Motion by Jim Gilmore; second by Bill Gorham. Motion carried (Page 69).
15. **Motion to adjourn** by consent (Page 69).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	G. Warren Elliott, PA (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE (AA)
Mike Armstrong, MA, proxy for Dan McKiernan (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Jason McNamee (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Pat Geer, VA, proxy for S. Bowman (AA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Bryan King, DC
Joe Cimino, NJ (AA)	Max Appelman, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS

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

Ex-Officio Members

Kevin Sullivan, Technical Committee Chair	Mike Celestino, Stock Assmnt. Subcommittee Chair
Kurt Blanchard, Law Enforcement Representative	

Staff

Bob Beal	Maya Drzewicki	Savannah Lewis
Toni Kerns	Emilie Franke	Kirby Rootes-Murdy
Kristen Anstead	Chris Jacobs	Sarah Murray
Tina Berger	Jeff Kipp	Caitlin Starks
Pat Campfield	Dustin Colson Leaning	Deke Tompkins
Lisa Carty	Laura Leach	Geoff White

Guests

Karen Abrams, NOAA	Peter Benoit, Ofc. Sen. King	Allison Colden, CBF
Fred Akers, Newtonville, NJ	Alan Bianchi, NC DENR	Peter Conroy
Jeffrey Amorello	Jamie Botinovch	Heather Corbett, NJ DEP
Bill Anderson, MD (AA)	Jason Boucher, DE DFW	Nicole Lengyel Costa, RI DEM
Gerald Audet, VT	Dick Brame	Nathan Cowen
Pat Augustine, Coram, NY	Bill Brantley, NC DENR	John Dameron
Jennifer Aus	Delayne Brown, NH F&G	Bob Danielson
Matt Ayer, MA DMF	Jeff Brust, NJ DEP	Maureen Davidson, NYS DEC
Joseph Ballenger, SC DENR	Patrick Cassidy	Lorena De la Garza, NC DENR
David Behringer, NC DENR	Benson Chiles, Chiles Consulting	Monty Deihl, Ocean Fleet Svcs.
Rick Bellavance, N. Kingston, RI	Germaine Cloutier	Patrick Denno
John Bello, CCA VA	Joshua Cohn	Jason Devanski

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Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

Guests (continued)

Greg DiDomenico, Cape May NJ	Wilson Laney, NCCF	Daniel Ryan, DC
Evan Dintaman	Arnold Leo, NY	Cody Sands
Chris Dollar, CBF	Tom Little, Ofc. Asm Houghtaling	Alexei Sharov, MD DNR
Frazer Dougherty	Carl LoBue, TNC	Greg Shute
John Duane	Chip Lynch, NOAA	Jared Silva, MA DMR
Julie Evans	Shanna Madsen, VMRC	Melissa Smith, ME DMR
Peter Fallon	John Maniscalco, NYS DEC	Somers Smott, VMRC
Lynn Fegley, MD DNR	Casey Marker, MD DNR	Ross Squire
James Fletcher, Wanchese Fish Co	Genine McClair, MD DNR	Rene St. Amand, CT DEEP
Toby Frey	Joshua McGilly, ODU	Michael Standl DE DFW
Tony Friedrich, SGA	Dan McKiernan, MA (AA)	Norm Staunton
Thomas Fuda	Conor McManus	David Stormer, DE DFW
Alexa Galvan, VMRC	Kevin McMenamin	Jason Surma, Woods Hole Group
John Gans, TRCP	Nichola Meserve, MA DMF	John Sweka, US FWS
Paul Genovese, MD DNR	Rex Messing	George Sylvestre
Steven Gewirz, Potomac Investment	Steve Meyers, Williamsburg, VA	Chad Tokowicz, MRAA
Lewis Gillingham, VMRC	Mike Millard, US FWS	Michael Toole
Angela Giuliano, MD DNR	Steve McKinnen, US FWS	Jim Uphoff, MD DNR
Charlton Godwin NC DENR	Chris Moore, CBF	Chris Uraneck, ME DMR
Willy Goldsmith, SGA	Clinton Morgeson, VA DWR	Taylor Vavra, StripersForever
Melanie Griffin, MA DMF	Brandon Muffley, MAFMC	Beth Versak, MD DNR
Pam Lyons Gromen, WildOceans	Allison Murphy, NOAA	Ralph Vigmostad
David Gulman	Brian Neilan, NJ DEP	Mike Waine, ASA
Nathaniel Hancock, NC DENR	Jeff Nichols, ME DMF	Craig Weedon, MD DNR
Jon Hare, NOAA	Tyler O'Neill	Ben Whalley
Brendon Harrison, NYS DEC	George O'Donnell, MD DNR	Peter Whelan, Portsmouth, NH
Bill Hoffman, MA DMF	Zane Oliver, VCCS	Margaret Whitmore, VA DWR
Carol Hoffman, NYS DEC	Derek Orner, NOAA	Meredith Whitten, NC DENR
William Hoffman	Patrick Paquette, MA SBA	Kate Wilke, TNC
Harry Hornick, MD DNR	Ian Park, DE DFW	Angel Willey, MD DNR
Jesse Hornstein, NYS DEC	Wesley Phillips	Logan Williams
Asm. Eric Houghtaling, NJ (LA)	Mike Piper	John Williams
Rachel Howland, NC DENR	Kelly Place, Williamsburg, VA	Brian Williams
Glenn Hughes	Mike Plaia	Charles Witek
Brent Hunsinger	Nicholas Popoff, US FWS	Steve Witthuhn, Greenland, NY
Steven Jackson, US FWS	Will Poston	Michael Woods
Desmond Kahn	Evan Privolos	Chris Wright, NOAA
Patrick Keliher, ME (AA)	Jill Ramsey, VMRC	Rob Yagid
Carrie Kennedy, MD DNR	Stephanie Rekemeyer, NYS DEC	Dennis Zambrotta
Shawn Kimbro	Harry Rickabaugh, MD DNR	Dan Zapf, NC DENR
Thomas Kosinski	Jason Rock, NC DENR	Jordan Zimmerman, DE DFW
Adrienne Kotula	Mike Ruccio, NOAA	Erik Zlokovitz, MD DNR
Rob LaFrance, Quinnipiac Univ	Patrick Rudman	Rene Zobel, NH F&G
Ed Lambert	Leonard Rudow	

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, May 5, 2021, and was called to order at 1:00 p.m. by Chair David V. Borden.

CALL TO ORDER

CHAIR DAVID V. BORDEN: My name is David Borden; and I'm the Chairman of the Striped Bass Board, and welcome to the meeting. I am the Governor's Appointee from the state of Rhode Island. Today we have fairly extensive agenda issues that we're going to take up.

APPROVAL OF AGENDA

CHAIR BORDEN: The first order of business is to approve the agenda.

I have a couple of changes already on the agenda, and I'll just read through these. One is when we get into Item 4, we're going to get a report by North Carolina staff on the management actions that they are anticipating, and number two, Pat Keliher asked to briefly address the Board at the start of the meeting, which I will do.

Toni Kerns, once we get into Amendment 7 issues, has requested a brief period of time to address the Board, in terms of work priorities. Let me ask, oh and Mike Luisi has already requested time under other business. Are there any other changes to the agenda, or any other suggestions? Toni, any hands up?

MS. TONI KERNS: I have no hands, Mr. Chair.

CHAIR BORDEN: All right, so the modified agenda stands approved as discussed.

APPROVAL OF PROCEEDINGS

CHAIR BORDEN: We next get into the proceedings from February. Are there any comments, additions, corrections or objections? If not, what I will do is approve them as submitted. Any hands up, Toni?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, the proceedings stand approved without objection.

PUBLIC COMMENT

CHAIR BORDEN: Public comments. We normally take comments on items which are not on the agenda, and so items that are going to be discussed on the agenda are essentially off limits. Are there any members of the public that want to address the Board, and raise issues that are not on the agenda? Hands up, Toni?

MS. KERNS: I see no hands, Mr. Chair.

CHAIR BORDEN: All right, thank you. It is my intent, in terms of public comments, to take some public comments when we get to motions. But they will be limited by time constraints. The Board has three and a half hours to get through this issue, and that includes probably an hour and 15- or 20-minutes' worth of reports, and time for questioning. We've really got a confined timeline to try to get through this. I would ask members of the public to not raise your hand during the proceedings. In other words, when we get a motion on the table it will simplify the administration of the process, if just the Board members raise their hand. Before I call the question, I'll go to the audience, we'll take down all the Board hands, and basically go to the audience, so that some members of the audience.

If there are only a few people that want to speak to an issue, I'll probably recognize them, and if there are lots of people that want to speak on a particular issue, I'll probably just pick a few people from those that want to speak.

CHAIR BORDEN: Without further introduction, I think we're going to take Item 4, Albemarle Sound-Roanoke River Striped Bass Assessment.

On this particular issue we need action by the Board. We have a draft motion, which we will put up at the end of the discussion. The first item of discussion at this meeting, excuse me. I have gone by the Chair of the Commission asked for about two minutes to address the Board, so Pat Keliher, before we take up

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the Albemarle Sound issue, would you like to address the Board?

COMMISSION CHAIR ADDRESSES THE BOARD

MR. PATRICK C. KELIHER: Yes, Mr. Chairman, thank you very much, I appreciate that. Thank you for allowing me just a moment to address the Board as the Commission's Chair. As you all know, striped bass is known as the Commission's flagship species. You also likely know that Congress acted back in 1984, and passed the Atlantic Striped Bass Act.

This was the beginning of the moratorium years, a time we all sacrificed, and a time that the recovery of this flagship species began. Since then, we as a management body have strived to address and maintain the recovery in a way that benefited this fish, and the fisheries that support it. Throughout this time, we've continued to exercise our state's rights, and put forward our opinions on management that is best for both the species and our state's interest.

I would say we've likely had mixed results over the years. That brings us to today, I feel there is a lot at stake, not only for striped bass, but ASMFC as well. Some are stating that the Commission has a credibility problem, that we've taken our greatest fisheries management success story and reversed it.

Whether you agree or disagree with these comments, you must agree that we are at a crossroad with management, and today we are deciding which way we'll turn. Things are changing. Many species the Commission manages are seeing shifts in their abundance, and distribution. Striped bass is not immune to this change, as our stock assessment shows that the stock is overfished, and overfishing is occurring.

While I personally don't think we're at a point we were in 1984, the downward trend of the stock is evident in the assessment. For many of the Commission species, we're no longer in a

position to "hold out hope" that things will revert to what they've been previously, if we just hold static. Change is happening too fast, and actions need to be taken.

Today I would ask this Board to think about what is best for the species, but also what is best for the future of the Commission. I suspect that this will be a painful discussion, and sacrifices needed to find a path forward. The small amount of pain now pays us dividends down the road. Thank you very much, Mr. Chairman, for allowing me to address the Board, and good luck with this meeting. Thank you.

CONSIDER THE 2020 ALBEMARLE SOUND-ROANOKE RIVER STRIPED BASS STOCK ASSESSMENT

CHAIR BORDEN: Yes, thanks, Pat. I apologize for almost skipping by you. We'll go back on the agenda and deal with the Albemarle Sound-Roanoke Striped Bass Assessment. This is an action item on the agenda. We have to approve this.

PRESENTATION OF STOCK ASSESSMENT AND PEER REVIEW PANEL

CHAIR BORDEN: The first presentation will be on the stock assessment and the peer review, and the presentation is going to be made by Laura Lee and Charlton Godwin, so Laura, do you want to begin?

MS. LAURA LEE: Yes, thank you, Mr. Chair and management board members. Good afternoon, my name is Laura Lee. I'm the senior stock assessment scientist with the North Carolina Division of Marine Fisheries. Also with me is Charlton Godwin, and he is the North Carolina estuarine striped bass FMP co-lead for the North Carolina Division of Marine Fisheries.

The unit stock for the stock assessment includes all striped bass within the Albemarle-Sound and Roanoke River management areas, so we abbreviate it the AR stock. Striped bass in North Carolina are jointly managed between two state agencies, the North Carolina Division of Marine Fisheries manages commercial and recreational harvest, and the Albemarle Sound management area that is the ASMA, and the North Carolina Wildlife Resources Commission

manages recreational harvest in the Roanoke River Management Area, known as the RRMA.

Striped bass stocks in the Central Southern Management Area are not included in the Interstate FMP for Atlantic striped bass, due to their non-migratory nature. The stock assessment of the AR striped bass stock was conducted following the division standard operating procedure for stock assessments.

The stock assessment used data from 1991 through 2017, and it included both fisheries dependent and fisheries independent data, and are listed here. The fisheries dependent data gives us information on removals and the biological characterization of those removals, and the fisheries independent data are surveys that give us information on population trends on different components of the stock, as well as the biological samples that go along with those surveys.

On this graph we see the landings for the ASMA commercial sector, and the recreational landings for both the ASMA and the RRMA. The Y axis on the left there is in units of pounds. The two solid lines, which I hope are showing in blue and green, shows the total allowable landings or TAL, and that has been in place since 1991.

One thing to notice is that since the mid-2000s, neither sector met their TAL in most years, even after the 2014 revision that reduced the TAL landings, starting in 2015 from 550,000 pounds to 275,000 pounds, harvest did not reach the TAL. Okay, we're going to jump right into model estimates, and here we show the model estimates of recruitment as Age 0 fish, female spawning stock biomass, or SSB, and the SSB reference points.

Note that recruitment, which is shown in the blue bars, measured in thousands of fish on the second Y axis, which is on the right, peaked in the mid-1990s through 2000 has since declined, and has been especially low in the most recent

years of the assessment. SSB is shown in the green area graph there in the back, and is measured in pounds, and is represented on the first Y axis, which is to the left. Female SSB peaked in the late 1990s through mid-2000s, and you can see it's declined since. The solid black line represents the SSB threshold. In North Carolina, the threshold determines whether or not the stock is overfished.

That is, if the SSB in the most recent year of the assessment, which was 2017, if SSB is below the line then, then the stock is considered overfished in the final year. Here you can see that the SSB in 2017 is below the threshold, indicating an overfished stock in 2017. The dashed black line indicates the SSB target.

Here we show the model estimates of total population abundance and fishing mortality, represented by F. Population abundance of striped bass in the AR is shown in the light blue area graph to the back. It's measured in thousands of fish, and represented on the second Y axis, which is to the right.

It was highest in the mid-1990s through the early 2000s, and generally declined through 2017. Again, that's the final year of the stock assessment. If you recall the landings slides, you will remember that landings started declining in the mid-2000s, and that is the same timeframe when we see the total population start to decline in stock.

Estimates of F are shown by the green line with dots, and measured on the first Y axis to the left. The model shows that F was relatively low and steady through the '90s and the early 2000s, and since then F estimates have been more variable, and tend towards higher values. The solid black line represents F threshold, and this determines whether or not overfishing is occurring, that is if F in the most recent years of the assessment, 2017, is above this line then overfishing is occurring in that final year.

Here you can see that F in 2017 is above the threshold, indicating that overfishing is occurring. Now the dashed black line is our F target. Our FMP states that if the estimate of F is above this line, then management action is triggered. Here we have a summary of the biological reference points for female

spawning stock biomass on the top, and the biological reference points for fishing mortality is the second table there, compared to the terminal year or 2017 estimates from the stock assessment.

As I already mentioned, the stock is overfished and overfishing is occurring. All of North Carolina DMF stock assessments are subject to an independent peer review, and these workshops are open to the public. The peer review panel endorsed the results for management use for at least the next five years, and concluded that the stock status determination was consistent with professional opinion and observations.

They did make some recommendations, including that abiotic factors such as river flue and key biotic drivers, such as catfish predation and competition be considered in the next assessment. They also recommended a collection of sex-specific growth data to better inform growth estimates, and length rate specific mortality estimates, and also to resolve some of the concerns about growth estimates that were showing little difference in growth between the males and the females. As I said, the assessment ended in 2017, but to show how the trend in declining recruitment has continued, we updated our nominal and GLM standardized indices here through 2019. Poor recruitment is the primary reason we believe for the population decline. We did see many years of above average recruitment from the mid-1990s through 2000, and that resulted in a sharp increase in abundance.

Starting in 2001 though, several below average recruitment years led to some spawning failures, so those low recruitment years 2003, 4, 9 and 13, and then most recently very low recruitment in 2017, '18, '19, and '20. While the peer reviewers did approve the model for management use, and were confident in the declining trend in recruitment, based on assessment results and results from our juvenile abundance survey, there was a lot of

uncertainty in the potential causes in defining recruitment.

One really key uncertainty was related to the impacts of changes in river flow on Age 0 abundance. Reviewers also felt that predation by blue catfish could potentially impact recruitment of striped bass directly, or could influence food resources for striped bass through competition for prey.

The Review Panel suggested future assessments consider formally incorporating the flow recruitment relationship into the stock assessment, as bringing flow conditions are believed to influence recruitment and ultimately stock abundance. Thank you for your attention to my part.

NORTH CAROLINA'S MANAGEMENT RESPONSE TO ASSESSMENT

CHAIR BORDEN: Now I'll turn it over to Charlton, to walk you through North Carolina's management response to the assessment results.

MR. CHARLTON GODWIN: Thank you, Laura Lee, and good afternoon Mr. Chairman. Again, my name is Charlton Godwin, I'm with the Division of Marine Fisheries, and I'm also the Division's representative on the ASMFC Striped Bass Technical Committee. We've only got a couple of slides left to get through here, just to talk about our management response.

This is just a graphical representation of the process we are currently in. Starting at the top of this, the first step in the development of Amendment 2 to our state FMP was to conduct a stock assessment. Results of the assessment indicated the stock is overfished and overfishing is occurring, as Laura Lee mentioned, and within our management plan, our state management plan as well as Amendment 6, management action must be taken to reduce F back to the target.

The two boxes to the left are that reduction that we took under Amendment 1. That started in January of 2021, where we reduced the TAL based on the necessary reductions to get the F back to the target. But in conjunction with that, the North Carolina Division of Marine Fisheries and the Wildlife

Resources Commission staff are continuing to develop Amendment 2, with expected approval by our Marine Fisheries Commission in mid-2022.

To implement the native harvest reductions, the Division developed a November 2020 revision to Amendment 1. Basically, that's just a revision to our FMP that lowers the total allowable landings. We have a quota for all these fisheries. That lower total allowable landings will remain in place through the development of Amendment 2, and update to the stock assessment will occur in 2023, with data through 2022, to recalculate stock status, and potentially a new harvest quota. The calculation for this reduction was based on the necessary harvest reductions to get F back to the F target. Landings in 2017 from all sectors were 119,244 pounds, and they were needed to be reduced by 57 percent. Again, that was implemented through our November, 2020 revision to meet adaptive management in our amendment, and ASMFCs Amendment 6. Just to give you the quotas for our sectors, we have a commercial and recreational sector in the Albemarle Sound Management Area.

The commercial sector is 25,608 pounds, and the Albemarle and Roanoke River Management Sectors, for the recreational sectors, will be 12,804 pounds each. This is a drastic reduction from even the harvest levels that we had in the early '90s, when the stock was recovering again from being overfished as well. Just to remind the Board, our commercial sector has daily quota monitoring.

Our fish dealers must call in each day with the number of tags used, and the weight of the harvest fish, so we have the ability to close the season very quickly, to keep our harvest below these TALs. As a reminder, North Carolina also has striped bass surveys, creel surveys, specifically for the recreational harvest in Albemarle Sound and the Roanoke River, because MRIP does not cover those areas.

Again, we have the ability to generate estimates with about a week or two lag time, so we are hopefully going to be able to keep those harvest levels below those new TALs. The Wildlife Resources Commission runs that creel survey in the Roanoke River Management Area, and we run the one in the Albemarle Sound Management Area. With that, I'll be happy to take any questions from anybody from the Board, thank you.

CHAIR BORDEN: Thank you Charlton, any questions for either Laura or Charlton? Toni.

MS. KERNS: Mike Luisi is the only hand.

CHAIR BORDEN: Mike.

MR. MICHAEL LUISI: Yes, just a question for Charlton. Just so I understand, no, thanks for the presentation. It was a lot of good information. When the state of North Carolina goes through the regulatory process for making adjustments to the stock assessment results. Do you do that independent of ASMFC, or does that have to go through ASMFC? Do you have to propose that through the Commission? I know it's been a while since you made changes, but I'm just trying to get an understanding of what your process is, as it is different from ours.

MR. GODWIN: Well, it's similar to the ASMFC process. We through the previous addendum, the state of North Carolina now uses the biological reference points from our stock assessments, instead of the proxies from the Chesapeake Bay as we did. If we have changes to the management, just relative to reductions in TALs, I think that's a fairly easy process.

Our stock assessments do have to get, the overall stock assessment has to get approved by the Board for management use. But as far as, you know once that is approved, our adaptive management states that if our stock assessment says we're over the fishing mortality, then we reduce harvest, and I don't believe that would have to get approval by the Board.

MR. LUISI: Yes, it's a little different from how we do it with the rest of the stock. I mean I get it, you guys have your own assessment, and I'm trying to

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

understand you know your process for making changes, when you have results like you have. I thank you for that. I appreciate it, Charlton, thank you.

MR. GODWIN: Yes, Sir, thank you for the question.

MS. KERNS: Mr. Chair, you have Roy Miller.

MR. ROY W. MILLER: Charlton and Laura, thank you for the presentation. Historically, there was a time when the Albemarle-Roanoke Sound System was considered to contribute maybe 5 percent of the coastal stock. I don't know if that's still the case. But what I'm wondering is, now that the stock has been declared overfished and overfishing is occurring, do you think that that relationship still holds, or is there some ceiling below which there probably is minimal to no contribution to the coastal stock from the Albemarle System, when the stock is more depressed? I'm just curious about your opinion in that regard. Thank you.

MR. GODWIN: Yes, Sir, Mr. Miller, that is a great question. Our stock, based on tagging data. As our stock recovered and the age structure expanded, our fish don't immigrate out of the Albemarle Sound as an early age as they do in the Chesapeake Bay. As our stock recovered, and we saw stock abundance increase, and the age structure expanded out.

We still have a pretty broad age structure now. But the number of abundances in the age structure is smaller. We see more and more tag returns from up the coast, from New York, New Jersey, Massachusetts, and as our stock abundance does decline, that gets smaller as well. We still, you know we had a 31-year-old fish returned from one of our recreational anglers in the Roanoke River last year, tagged in 1999, I believe, or early 2000s from the '99-year class.

We do still have some older fish in there, and we do still see some tag returns from the

northern states. But again, as our population abundance has declined, and the number of those older fish decline, we have less contribution to the coastwide stock. I'm not sure that we really have the data to put a percentage.

Is it 5 percent, is it 10 percent? I'm not sure we have the data to do that. But it ebbs and flows, just as with the Chesapeake Bay and the Hudson stocks when they have big year classes, you know they'll contribute more as well. I hope that answers your question.

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: Thanks for the second opportunity to ask a question. I'm wondering where North Carolina stands on its involvement in the amendment that we're discussing. Is the Amendment, and this may be a silly question. It might be a really easy answer, but is the Amendment that we're discussing, does it include North Carolina, or is it not inclusive of North Carolina and their separate Albemarle Sound and Roanoke Fisheries?

CHAIR BORDEN: Toni and Bob, to that point.

MS. KERNS: Mike, in terms of the measures that North Carolina has put in place in response to their stock assessment, those don't go into the Amendment, because as indicated earlier, we default management of the Albemarle Sound-Roanoke River to the state of North Carolina. The Board, as it is in Addendum IV, just approve the stock assessment for management use.

MR. LUISI: Okay. I just want to make sure I'm clear, so through Addendum IV, if we start a new amendment, are we going to have to put something in that amendment to give North Carolina the ability to manage on their own? I mean how does that work?

MS. KERNS: It's already in the management plan for them to manage their stock on their own. Unless they change that, then it would continue forward.

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MR. LUISI: Perfect, all right thanks, Toni.

MR. GODWIN: Toni, this is Charlton. I will just add for the Board members. Harvest in our ocean waters, you know outside of the Albemarle Sound Management Area in the Atlantic Ocean from 0-3 miles. That does follow whatever regulations come down from the ASMFC amendments. Those are the regulations we have in place in the ocean, so we follow whatever ASMFC has in their amendments for our fishery in the ocean.

MS. KERNS: Correct.

CHAIR BORDEN: Toni, any other hands?

MS. KERNS: No, Mr. Chairman.

TECHNICAL COMMITTEE REPORT

CHAIR BORDEN: Okay, so we'll move on. The next issue to take up is a presentation of the stock assessment and peer review by the Technical Committee, Kevin Sullivan. Kevin, welcome.

MR. KEVIN SULLIVAN: Like he said, I'm Kevin Sullivan from New Hampshire Fish and Game. I'm the current Chair of the TC, and I would like to tell you what the TC had to say in the discussions about the Albemarle-Roanoke stock assessment that Laura Lee and Charlton just showed us.

As we just talked about, the TC was tasked with reviewing the 2020 stock assessment on the AR stock from NCDMF. Under Addendum IV, the stock is managed by the state of North Carolina using reference points from the latest stock assessment accepted by the TC, and then approved for management by the Board. The TC met on March 9. Laura Lee and Charlton Godwin, and other NCDMF staff members presented a similar presentation to what we just saw, I think ours was a little more thorough, that would include model results, stock status, and the management process. Then as always,

discussion followed. Laura did tell the TC that the assessment had been previously reviewed and approved by an independent external peer review process, and ultimately the TC recommends that the Board approve the stock assessment for management use. But they did provide recommendations to NCDMF to consider for future assessments. The TC recommended they continue discussions on their natural mortality estimates, specifically they noted in the assessment that they had some concerns about the value used, 0.4.

That might be a little high. TC recommended they continue exploring factors contributing to peaks in high fishing mortality and variability in the stock. They noted in their presentation four-year classes, I believe it was ages 3-5, and recruitment variability impacts that they believe are related to environmental conditions such as flow and predation.

They should consider impacts of movement of fish into and out of the management area, explore alternative target thresholds for female SSB that are less conservative, if the recruitment is largely driven by environmental factors. They should continue exploring factors that impact the recruitment, notably there is an observed pattern of two to three years of poor recruitment, followed by one to two years of higher recruitment.

I also believe that the peaks were becoming lower over time. They should consider developing interim projections for the time between assessments, consider using tagging data to validate the growth curves, continue reviewing historical data for insight on what could be considered normal for that stock. Any questions on that?

CHAIR BORDEN: Questions for Kevin? Toni?

MS. KERNS: I have no hands, Mr. Chair. Oh, Ritchie White.

CHAIR BORDEN: Ritchie White.

MR. G. RITCHIE WHITE: Thanks, Kevin. Notice the discussion about flows possibly being brought in to future assessments. Has the Technical Committee

given any thought to this for Chesapeake Bay and the other producer areas as something to be looked at, as it relates to the poor recruitment we've been having?

MR. SULLIVAN: Thanks, Ritchie, that's a great question. I don't think specifically that has been talked about by the TC. But I do know that in the discussion on this stock assessment, that they believe that that is a factor in their recruitment, and I know that in our coastwide assessment and the Chesapeake Bay assessment is part of that. You know recruitment is an issue in trying to track reasons for that. I don't think we specifically talked about flow, but it is definitely a point of interest for the TC, but we don't have anything specific on it.

CHAIR BORDEN: Any other questions, Toni?

MS. KERNS: No additional hands, Mr. Chair.

CHAIR BORDEN: Let me just thank Laura and Charlton and Kevin for their work on this. Kevin, pass along my thanks to the Technical Committee for the review. I very much appreciate the fact that the North Carolina staff is doing this.

UPDATE ON NORTH CAROLINA MANAGEMENT PROGRAM

CHAIR BORDEN: We're going to move on to management actions. We added this to the agenda. Basically, Chris Batsavage is going to update us on the management program. Chris.

MR. CHRIS BATSAVAGE: I think Charlton's slides covered a lot of that. What it showed was, what we're doing in place right now is we've put in measures to end overfishing starting in 2021, with the very low quotas for the commercial and recreational fisheries in the Albemarle Sound and Roanoke River, and that has resulted in much shorter seasons, and lower bag limits to ensure that we end overfishing and start rebuilding the stock as soon as possible.

As Charlton mentioned, we're further developing Amendment 2 to the North Carolina estuarine striped bass management plan, to put in more management measures, in addition to the ones we have right now to end overfishing and help rebuild the stock. If there is any additional information that the Board would like, willing to field questions, and Charlton is still on the line, so he can definitely help answer those, so thanks.

CHAIR BORDEN: Thanks, Chris. Any questions for Chris or his staff? Toni?

MS. KERNS: I see no hands.

CHAIR BORDEN: Thank you very much, Chris.

CONSIDER ACCEPTANCE OF BENCHMARK STOCK ASSESSMENT AND PEER REVIEW REPORT FOR MANAGEMENT USE

CHAIR BORDEN: This is an action item. We have a draft motion. Staff has prepared a draft motion, which Toni, if you could put that up, please, or Emilie.

MS. KERNS: Yes, Maya will do that for us, and I think Chris Batsavage has his hand up to make a motion.

CHAIR BORDEN: Chris, are you making this as a motion?

MR. BATSAVAGE: Yes, Mr. Chair, I move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Assessment and Peer Review Report for management use.

MS. KERNS: You have a second by Emerson Hasbrouck.

CHAIR BORDEN: Seconded by Emerson Hasbrouck, any discussion on the motion?

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Mike.

MR. LUISI: No Mr. Chairman, I'm sorry, I put my hand up to second the motion, so my hand is down now, no questions.

CHAIR BORDEN: Any other hands up?

MS. KERNS: No additional hands.

CHAIR BORDEN: No hands, so are there any members of the public want to comment on this motion? If you do, raise your hand.

MS. KERNS: Just giving them a second. I see no hands by any members of the public.

CHAIR BORDEN: Okay, so we're back to the Board. Any objection to approving the motion as submitted? Any hands up?

MS. KERNS: I see no hands.

CHAIR BORDEN: Motion stands approved by unanimous consent.

**PUBLIC COMMENT SUMMARY TO
DRAFT AMENDMENT 7
PUBLIC INFORMATION DOCUMENT**

CHAIR BORDEN: Next item of business is Amendment 7. What I would like to do is just kind of outline the process that I intend to follow on. This is an action item for the Board. As everyone is well aware, this has been preceded by an extensive outreach effort by the Commission.

There have been 11 hearings, almost 500 written comments submitted, including a number of comments from associations, which represent literally thousands of fishermen. We've had an opportunity for significant public comments. We're going to start the discussion with a series of reports by the staff on various issues, in order to provide the Board members with a comprehensive update on all aspects of the action.

Following each of the reports you are about to hear, I'll take questions and comments. If time allows, I'll take some public input.

WORK PRIORITIES

CHAIR BORDEN: Before we start this, Toni Kerns had asked for a minute to address the Board, in regard the issue of prioritizing issues and work availability, in terms of how much staff time and PDT time is available to address these issues. Toni, do you want to address the Board?

MS. KERNS: Thank you, Mr. Chairman, I would be happy to address the Board. I just want to remind the Board on the timeline that is outlined in this management document that Emilie will be going over. It is quite an aggressive timeline for what was originally put forward that this document would be approved in February of 2022. It would be up to the Board to determine whether or not that would be the implementation timeframe for that year, or implementation in 2023.

If all nine issues, or any additional issues from the tenth other category stay in this management document, it will be impossible for staff and the PDT to maintain this timeframe. Even if only four or five issues remain in this document, it could be potentially difficult to hold to this timeframe. As Emilie goes through these issues, it would be very helpful for the Board members to think about the prioritization of the issues, and when the issues need to be addressed.

I think it's important if you can consider putting something in the parking lot that still says it's an important issue to the management board, but you want it to be in the next document, because we've scoped for all of these issues. Several of them could easily be moved into an addendum immediately following the management documents completion. This will be Emilie's priority. She does have a couple other species that she works on, and obviously we hope that this will be the priority for the members of the PDT. Though we also recognize that they have additional jobs back in your states, and so we just want to make sure you take that into consideration, as you think about which issues you are going to carry forward in the development of Draft Amendment 7, and which issues you will take out and perhaps put in the parking lot for a future management document. Thank you, Mr. Chair.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Thank you, Toni. Any members of the Board want to ask Toni a question, if you do raise your hand, please?

MS. KERNS: I have two members of the Board, Mike Luisi, and then John Clark.

CHAIR BORDEN: Mike, and then followed by John.

MR. LUISI: Toni, did you say that the timeline for a possible 2023 implementation on any actions that come from the assessment, and any changes that we make through this document, your staff can only handle maybe, did you say four or five of the ten, or nine or ten elements or alternatives in the proposed amendment?

MS. KERNS: I didn't specifically say, I said you know four or five. It depends, Mike, on which issues you maintain. For example, if commercial allocation is maintained in this document, and how wide of considerations the management board wants staff to look at. As you know, allocation is a very difficult issue to address. That could take more time than another issue that might be simpler. It really does depend on the scope of the issue, and the direction that the Board provides.

MR. LUISI: Okay, yes thanks. Real quick follow up, Mr. Chairman, if that's okay. I think there are a number of issues that are connected, which are going to be hard to tease out from each other. But we'll see how the conversation goes. I understand as much as anyone the need to try to find some way to move forward with the resources we have to get things done.

Maybe not all these issues are going to be taken up in this amendment, but I think there is a lot of connectivity between the different issues, and I think it's going to be hard to peel some of these issues away, because they are all connected. I'll leave it there, and thank you Mr. Chairman. We'll see how the conversation goes

in a little bit, but thanks for the opportunity to comment.

CHAIR BORDEN: John Clark.

MR. JOHN CLARK: Hey Toni, it's just more of a process question. If a management issue is not in the Amendment, typically we can change things under the adaptive management measures within the amendment. I'm just curious how this will work if we have a new Amendment 7 that has let's say half the issues.

Half the issues that we had considered in the PID are not in the Amendment. Would those still be, would it be possible to put those into adaptive management, so that they can be changed in the future, or are these addendums all just going to be like standalone management actions that don't connect to the amendment?

MS. KERNS: John, just as you said, yes. If the adaptive management section states a management tool that can be changed through adaptive management, then we can do that through an addendum. Often times there is the catch all, if it's already in the management document. But you can also add additional tools that you might want to be using in the future, and those would be done through an addendum as well.

MR. CLARK: Just in summary that we can put it in adaptive management, even if the issue was not discussed in the amendment, so that it can be addressed in an addendum at a later date.

MS. KERNS: You can. Mr. Chair, you have Dennis Abbott.

CHAIR BORDEN: Dennis Abbott.

MR. DENNIS ABBOTT: Thank you, Mr. Chair. Would it not be my understanding that we're not obligated to put anything into the proposed Amendment at this point in time. That is left to us to decide today, and whenever we conclude our review of the PID and move forward.

CHAIR BORDEN: Dennis, if I understand your question, I know of no obligation to take one of these items and put it in. I think that is a decision up to the Board. But Toni if you, or Emilie, if you disagree with that, please speak up.

MS. KERNS: You are correct, Mr. Chair.

MR. ABBOTT: That is also my understanding, Mr. Chair.

PUBLIC COMMENT SUMMARY

CHAIR BORDEN: Thanks, Dennis. Okay, so what we're going to do is we're going to start off with the first series of reports. We're going to deal with public comments, and Emilie is going to go through all the comments, and then we're going to take questions on it, so Emilie.

MS. EMILIE FRANKE: If it's okay with you, Mr. Chair, this presentation includes both the public comment summary and the Advisory Panel report for all the issues, and then I'm happy to take questions at the end of the presentation. All right, so today again, this is Emilie Franke, FMP Coordinator for striped bass, and today I will start out with a brief background and the timeline that Toni mentioned for Amendment 7.

Then I'll go through the public comment summary, as well as the Advisory Panel Report for each issue, in the order that they were presented in the Public Information Document. To start off with some background. In 2019 the Board accepted the 2018 benchmark stock assessment, which indicated striped bass is overfished and experiencing overfishing.

In response to these results, the Board initiated Addendum VI in 2019, to end overfishing and bring fishing mortality to the target level in 2020. The Addendum VI measures are designed to achieve an 18 percent reduction in total removals coastwide, and they were implemented in 2020. Also, part of Addendum VI, the circle hook requirement when fishing for bait for the recreational fishery, was

implemented in 2021. In August, 2020, the Board initiated the development of Amendment 7 to the striped bass fishery management plan, to address a number of issues facing striped bass management.

The last plan amendment to the FMP was Amendment 6, which was adopted in 2003, and since then the status and understanding of the striped bass stock and fishery has changed. This has raised some concern that the current management program may no longer reflect current fishery needs and priorities, and so the Board initiated the development of Amendment 7.

Here is the proposed timeline for Amendment 7. The PID was the first step in the Commission's formal amendment process, and the PID was approved for public comment in February, 2021. That public comment period for the PID closed on April 9. The current step in this amendment development process is the Board meeting today.

As the Board reviews the public comment, as well as the Advisory Panel report, and considers providing guidance to the Plan Development Team on developing Draft Amendment 7. The next steps would be preparation of the draft amendment, and a Board review of that draft, and approval for public comment.

Then after our public comment period, the Board could consider final measures for the amendment as early as February of next year. Finally, just as a reminder of the stock assessment schedule for striped bass, the next striped bass stock assessment update is scheduled for 2022, to take place over the summer and fall timeframe of that year.

The Amendment 7 PID addressed nine issues listed here that the Board identified for consideration in Amendment 7, as well as Issue Number 10, which captures all other issues. The PID itself provided an overview of each issue, and outlined a series of questions for the public to consider, related to each issue.

As I mentioned, public comments were accepted on the PID through April 9, 2021. Eleven public hearings were conducted via webinar for 11 jurisdictions, and 491 individuals attended the hearings. That number

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does not include State staff, Commission staff, or Commissioners and Proxies. Some of these individuals did attend multiple hearings.

Not all hearing participants provided comments, so the hearing summaries only reflect the comments that were provided during those hearings. As far as written comments, a total of 3,063 comments were received on the PID, and a total of 50 organizations submitted comments, and then a total of 2,397 comments were received through 14 different form letters.

Some of these form letters were multiple variations of different organization's comments. Then 616 comments came from individual stakeholders, including recreational fishermen, commercial fishermen, and concerned citizens. Just a note here, some of the comment e-mails stated the same written comments as specific organizations, and so they were considered a form letter. Some of these form letter comments did include personal information, such as where the commenter lives, or where they fish. But the comments provided on striped bass management were from an organization. If the commenter provided additional comments on other management issues, or provided further explanation on the issues, beyond the organization's comments, then it was considered an individual comment.

ADVISORY PANEL REPORT

MS. EMILIE FRANKE: The Striped Bass Advisory Panel met via webinar on April 13, to discuss advisory panel recommendations on which issues from the PID to include in Draft Amendment 7.

There were 11 AP members in attendance at this meeting, as we see here on the screen. Commission staff presented an overview of each issue, and a general summary of the comments that were heard at the public hearings, and the AP discussed their recommendations for each issue, which were detailed in a written report that was included in the meeting materials for today.

In the following slides, I'll provide a summary of both the public comments, as well as the Advisory Panel recommendations for each issue in the PID. Each slide will note either PC for public comment, or AP for Advisory Panel, to make it clear what each slide is covering. As we all know, the PID covered a broad range of issues, so the public comments we received also covered a wide range of topics.

The public comment summary tables in the slides and in the written public comment summary, include the most common comments or common themes that we received, as well as additional relevant comments for each issue. Due to the breadth of comments received, the overview does not represent the entirety of all topics that were addressed by the public comments.

To start off with Issue 1, which is goals and objectives. A majority of public comments support maintaining the goals and objectives established in Amendment 6. Many comments noted that the goals and objectives are sound, but the issue is the Board not adhering to those. Many comments specifically stated this issue should be removed from consideration for Draft Amendment 7.

There were a few comments in support of changing the goal, or some of the objectives through Amendment 7. Then there were some other common comment themes related to management overall. There were a notable number of comments that support managing for abundance, rather than managing for harvest or yield, and regarding the management themes identified by the Board in the PID, which were management stability, flexibility, and regulatory consistency.

There was some general support for regulatory consistency, and more comments addressed regulatory consistency under Issues 5 and 6, which I'll discuss later. Then many comments noted that the management themes, particularly flexibility and stability, should not override the stated goals and objectives of the fishery management plan.

Some additional general comments about the general focus of Amendment 7. Some of the public comments noted concern that a rebuilding plan has not been put

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in place yet to address the overfished stock, and that the Board should focus on rebuilding the stock. Some comments noted concern about changing management before knowing how Addendum XI measures have performed. Then there were many comments noting the importance of the long-term value of the fishery, and wanting the resource to be available for future generations. Moving on to the AP report for Issue 1, goals and objectives. Different from the public comment majority, the AP recommends including Issue 1 in Draft Amendment 7. The AP noted that there should be an opportunity to evaluate and reconsider the objectives if necessary, through this amendment process.

They noted that a stricter objective to address declining stock trends could be considered, since the stock has been declining under these existing objectives, and also that the existing objective, addressing flexibility, may need to be addressed, given the public's concerns, particularly about conservation equivalency.

One AP member also noted that if the objectives are changed, the language should still be general enough so it does not restrict changes to management in the future. Moving on to Issue 2, biological reference points. This issue received the most public comments overall, compared to the other issues, and an overwhelming majority of the public comment support maintaining the current biological reference points, and note that 1995 is an appropriate reference year.

Many comments noted that not achieving the target thus far is not a reason to lower the target, and change the biological reference points, and many comments also noted there is no scientific justification for changing the reference points at this time. Many comments specifically stated that this issue should be removed from consideration in Amendment 7.

Then there were only a few comments that support changing the biological reference

points at this time. The Advisory Panel also recommends Issue 2 be removed from Amendment 7 consideration. The AP noted that the comments from the public were very clear in support of maintaining the current reference points, based on 1995 as the reference year.

The AP also noted the importance of communicating to the public, that although the spawning stock biomass target may be difficult to attain, it should still be the target to rebuild the stock. For Issue 3 management triggers, a majority of public comment support maintaining the current spawning stock biomass and fishing mortality base triggers, that are based on the biological reference points.

For the recruitment trigger, the majority of public comments were split on whether to maintain the current recruitment trigger, or to modify the recruitment trigger through Amendment 7. Just as a reminder, the current recruitment trigger is triggered after three consecutive years of recruitment failure.

Some of the public comment suggest changing that trigger to better reflect inherent variability in recruitment. For example, changing the trigger to an average of a number of years, instead of considering consecutive year values. Some comments also noted the Board's required response to the recruitment trigger should be more specific than what is currently required.

Continuing with public comment on Issue 4, as Issues 3 and 4 are presented together in the PID. A majority of public comment support maintaining the current ten-year rebuilding timeline, and note that the Board should adhere to this ten-year rebuilding timeline. There were a few comments that would support a faster rebuilding timeline. For example, five to seven years was a common suggestion. Overall, the comments expressed concern that there is no rebuilding plan in place to address the currently overfished stock, and the public comments noted they would like to see the Board take quicker action, in response to the management triggers. On Issues 3 and 4, the Advisory Panel also recommends removing the spawning stock biomass and the fishing mortality

base triggers, as well as the ten-year rebuilding plan from Amendment 7 consideration.

The AP noted public support for maintaining these SSB and fishing mortality-based triggers, as well as support for maintaining the ten-year rebuilding timeline. Again, the AP recognized that the public was calling for stricter adherence to those triggers and that timeline. For the recruitment trigger, the AP does recommend including the recruitment trigger in Amendment 7. The AP noted concern that the current recruitment trigger has not been tripped in recent years, even though there have been periods of low recruitment.

The AP noted that recruitment is an important factor contributing to stock abundance, and this importance needs to be more apparent through the management triggers. The AP also noted that the young of the year index may not be the best or the only proxy for a recruitment trigger, and the Board should consider how to account for environmental conditions in conjunction with the young of the year indices.

The AP recommends the Board improve their communication about their response to management triggers, and the process of taking action when a trigger is tripped, to address public concern that the Board has not responded quickly enough to the management triggers. Moving on to Issue 5, regional management.

A majority of the public comments received do not support pursuing regional management measures at this time, either because the two-stock assessment model is not yet ready for management use, or because the comments were opposed to regional management in general. Those comments opposed to regional management in general, noted that striped bass as a migratory fish, should be managed as one-unit coastwide.

Those comments would support regulatory consistency along the coast. Some comments

also expressed concern about shifting to regional management, at a time when the stock is in poor condition, and many comments specifically stated this issue should be removed from consideration in Amendment 7.

There were some comments in support of pursuing regional management at this time, to account for regional differences for spawning and nursery areas specifically. Most of these comments supporting regional management referenced the Chesapeake Bay. Then there were a few that also noted other spawning areas like the Hudson River and the Delaware Bay.

The Advisory Panel also recommends Issue 5 be removed from consideration for Draft Amendment 7. The AP noted that there is existing flexibility in current management to implement different measures in different states, and the AP also noted that the two-stock assessment model is not yet ready for management use. For Issue 6, conservation equivalency, there were a few public comments supporting the current use of conservation equivalency. However, the majority of public comments received support changing when conservation equivalency is used. The majority of comments support using conservation equivalency only when the stock is not overfished, and not experiencing overfishing. Then a notable number of comments support eliminating conservation equivalency altogether.

There was general concern about the lack of accountability. The inability to quantify and measure the effectiveness of conservation equivalency programs, and some concern about the lack of management consistency among the states. Overall, a majority of commenters noted the importance of having accountability measures in place to hold states accountable if they do not achieve their reduction outlined in their conservation equivalency plan.

The Advisory Panel also recommends that Issue 6 be included in Draft Amendment 7. The AP specifically noted concerns about the reliability of MRIP data, and the use of MRIP data in conservation equivalency proposals, and that this issue with MRIP data needs to

be discussed, particularly when the MRIP PSE is above 50 percent.

The AP also noted that stronger accountability measures for conservation equivalency need to be put in place, and there should be some discussion around the required data and data standards that would be needed to implement these accountability measures for conservation equivalency. The AP also noted that the comments at the public hearings expressed clear concern about the current use of conservation equivalency.

Finally, the AP did note that conservation equivalency can be an effective tool, but the Board needs to address the public concerns about it being a loophole. For Issue 7, recreational release mortality, there were a few comments noting that recreational release mortality should be treated the same as other sources of mortality.

But the majority of public comments received on this issue support addressing recreational release mortality through increased angler outreach and education, additional gear restrictions beyond circle hooks, and/or seasonal closures during conditions associated with higher mortality rates.

For education and outreach, a common suggestion was requiring anglers to watch a video or take a test on best fish handling practices, in order to get their license. For additional gear restrictions, suggestions for gear restrictions beyond requiring circle hooks include not allowing the use of treble hooks or gaffing, or also requiring barbless hooks.

Then there were only a few comments in support of measures to reduce effort, for example shortening the season or closing the fishery on certain days. Many comments also support additional research on release mortality rates for different fishing methods and gear types. Comments also support updating the

recreational release mortality estimate that is used in the stock assessment model.

Many commenters specifically noted the ongoing release mortality study that is being conducted by the Massachusetts Division of Marine Fisheries. The Advisory Panel recommends including Issue 7 in Draft Amendment 7, and the AP supports considering a wide variety of options to address recreational release mortality, including options for effort control and additional gear restrictions. The AP noted that unique conditions in certain regions, for example, warmer water temperatures, should be taken into account when considering which measures would be most effective in certain areas.

The AP also recognized that there is broad public support for addressing this issue, as heard at the public hearings. The AP noted the overall importance of continued angler outreach and education to address this issue. Finally, one AP member did note that as a predominantly recreational fishery, recreational release mortality needs to be accepted as part of the striped bass fishery.

Moving on to Issue 8, which is recreational accountability. Relative to some of the other issues, there were fewer comments overall that addressed Issue 8. The majority of public comments received on this issue note that this issue should not be included in Amendment 7, because it is a complex issue that applies to multiple species, and it might distract from other issues in Amendment 7.

Specific to recreational harvest limits, or RHLs, some comments do not support pursuing an RHL or other quota system at this time, because the current reporting systems and recreational catch data are not sufficient. Other comments were opposed to a quota system or RHL in general for the recreational striped bass fishery, and some of these comments noted that there is already accountability in place through existing regulations.

Many comments over all stated this issue should be removed from consideration for Draft Amendment 7. There were some comments in support of pursuing an RHL or quota system in Amendment 7, and these

comments noted that the recreational sector needs to be held to the same standard as the commercial sector.

Other comments support starting to address recreational accountability in general at this time, for example, by pursuing new reporting technologies and improving reporting. Some comments suggested creating a striped bass stamp to generate funds to improve MRIP data collection, and there were also a few comments in support of using a tag system to limit recreational harvest.

Overall, there was general concern about the uncertainty and reliability of current MRIP data. The Advisory Panel could not come to consensus on whether to remove or include Issue 8 in Draft Amendment 7, so for the AP members who support removing this issue from consideration for the Amendment, note that there is already existing accountability through existing measures, like effort controls, size limits and gear restrictions. Quotas that are used for the commercial fishery are not as applicable to the predominantly recreational striped bass fishery.

These AP members noted that it may be appropriate to consider sector-wide recreational accountability in the future, but not in Amendment 7. They also noted that this issue could be discussed by the ISFMP Policy Board as a commission-wide policy across multiple species, but it should not be included in Amendment 7. Then the AP also expressed some concern about how this issue was presented in the PID, and that there has been some confusion on what recreational accountability is referring to. Those AP members who support including Issue 8 in Draft Amendment 7, noted that there needs to be some discussion on what accountability could look like, since the majority of striped bass removals are from the recreational sector, and that there needs to be an opportunity to explore the options for recreational accountability for the striped bass fishery.

Then finally, these AP members noted that recreational accountability at a sector level is in place for other species, and so should be considered for striped bass. Moving on to Issue 9, which is coastal commercial quota allocation. Similar to Issue 8, there were fewer comments received overall that addressed this issue.

There were a few comments that support maintaining status quo allocation at this time, and did not support addressing this issue in Amendment 7. However, the majority of public comments received on this issue support updating the commercial quota allocation to be based on a more recent timeframe, to better align with current fishery conditions. The majority of the Advisory Panel recommend that Issue 9 be removed from consideration for Draft Amendment 7, with one objection.

Those AP members who support removing Issue 9 from consideration noted that there are not better data available to use for commercial allocation, because the current allocation system, based on the 1972 through '79 time period, has been in place for so long, since 1995. AP members noted concern that changing the allocation at this point may penalize states who have implemented conservative measures for their commercial fishery.

Some states may not be achieving their quota due to stringent regulations, and not because they couldn't catch their quota. AP members noted that they have not heard the commercial sector asking for the quota allocation to be updated, and the AP members noted that this allocation issue could be addressed in the future, but should not be addressed in Amendment 7.

As I mentioned, one AP member would support including Issue 9 in Draft Amendment 7, specifically they would like to see a mechanism for states to transfer unused quota to other states, particularly those states who received a commercial allocation, but did not have a commercial fishery. Just a note, this AP member provided these comments to staff via phone after the meeting, as they had to step away from the meeting before this issue was discussed by the full AP.

There was some AP discussion about states that currently receive a commercial quota allocation, but do not have a commercial fishery. One AP member noted concern that some states use their commercial quota to support a recreational bonus program. However, other AP members commented that states do have the authority to decide how they use their commercial quotas.

Again, one AP member noted that they would support a mechanism to transfer unused quota to other states, and another AP member noted they would be opposed to such a transfer mechanism. To wrap up today, I'll cover Issue 10. In Issue 10, other issues, summarizes other common themes from the public comment that were not directly related to Issues 1 through 9. Again, due to the wide range of comments received, this overview does not represent the entirety of topics that were addressed by the public comments. There were a range of comments on various harvest control measures, ranging from reducing commercial harvest to a few comments supporting a catch and release only fishery. Many comments related to harvest control supported a moratorium on all commercial and recreational harvest for some period of time. Suggested time periods ranged from three years to ten years, or until the stock is rebuilt. Some comments support designating striped bass as a game fish, and eliminating commercial harvest while allowing for a recreational harvest.

Other comments on harvest control included general support for a one-fish bag limit for the entire coast, and some comments proposed daily bag limits per boat for charter boats, instead of per person. Other issues that were common in the public comments. Many comments support increased funding for enforcement, as well as stronger penalties for poaching. To generate increased funds for enforcement, some comments suggested increase licensing fees, or the concept of a striper stamp to raise funds that could be allocated to enforcement.

Then there were some comments expressing concern that the 2015-year class is approaching the slot limit, and if the slot limit needs to be reevaluated, then potentially changed to protect this year class. Then related to commercial gear, there were some comments supporting a ban on commercial gillnets, and other comments on commercial gear included support for developing a metric to track commercial discard mortality.

There were many public comments that identified a variety of measures to protect spawning fish and large females. These comments included proposed spawning area closures, closing or putting additional restrictions on the spring season, eliminating the trophy fishery, some sort of maximum size limit to protect the large fish, addressing concerns about commercial harvest of large fish, and enhancing and protecting spawning habitat.

Then regarding spawning stock research, there were many comments supporting additional studies of individual spawning stocks to determine their relative contribution to the coastwide population. There were also many comments on the impacts of climate change and environmental factors, and commenters noted that management needs to be able to respond to these changing factors that impact striped bass mortality.

There were also many comments noting the importance of menhaden and other forage species to the health of striped bass. Some of these comments support reducing menhaden harvest, and others noted the importance of maintaining the striped bass biological reference points, since they are now connected to the ecological reference points or ERPs that have been adopted for menhaden.

Then for human dimensions research, comments support social science research to better understand the value of the recreational fishery and changes in angler behavior. The Advisory Panel also identified other issues to consider in Draft Amendment 7. Similar to the public comments the AP also identified protecting the 2015-year class, and considering a change to the current slot limit to protect this year class.

They also noted there should be some discussion on the use of slot limits in general. The AP also identified the importance of protecting spawning in pre-spawned fish, and the AP noted that area closures should be considered to protect these fish, and states may need to coordinate to consider potential closed areas and other measures that may be region specific. The AP also supports increased and stronger enforcement, and then additionally the impacts of predation on striped bass and the shifting distribution of the stock was brought up as well. Again, here is the list of the ten issues from the PID.

Now, here in red are issues that the public comment majority and/or the Advisory Panel would support, including or addressing in Amendment 7. Just to get a visual idea of what the public comments and the Advisory Panel is recommending. Then to wrap up, here again is the timeline for Amendment 7. Today the Board is considering providing guidance to the PDT on what to include in the development of Draft Amendment 7. With that, Mr. Chair, I am happy to take any questions on my presentation.

CHAIR BORDEN: Thank you, Emilie, very comprehensive. Questions for Emilie? Toni.

MS. KERNS: I just wanted to take just a brief moment to thank Emilie for all of her hard work. As many of you know, Emilie just joined us on staff this year, and she's done an amazing job of getting caught up and understanding the Striped Bass Management Board, and hosting all of these hearings that we did with striped bass. I just wanted to say thank you to that for her. For questions, I have John McMurray only right now.

CHAIR BORDEN: John McMurray.

MR. JOHN G. McMURRAY: I've got a quick question on what constitutes a form letter, because I think there is a little bit of confusion there with the public. Emilie, you seem to

indicate that if an individual endorsed the opinions of an organization, then that becomes a form letter, but I'm pretty sure that is not the case. Can you clarify that for me?

MS. FRANKE: Thanks for the question, John. If an individual provided the same comments that an organization provided word for word, then we did consider that a form letter. However, if the individual provided additional comments on other issues or additional explanation on the issues in those comments, then it was considered an individual comment. I'll see if Toni has anything to add here as well.

MS. KERNS: No, that covers it, Emily. John, it's a really tough decision sometimes for how staff to get through some of the comments, in particular if someone just says hi, my name is Joe Smith, and I enjoy fishing, and then they cut and paste the information from one of the organizations. We would consider something like that a form letter.

CHAIR BORDEN: Other questions, Toni?

MS. KERNS: I have Marty Gary followed by Justin Davis. Mr. Chair, John McMurray's connection was lost, so I'll try to get him back.

MR. BORDEN: Marty.

MR. MARTIN GARY: Kudos again, just two comments, one quick kudos again to both Emilie and Toni for the great job that they did with all the hearings. That was a very arduous process. I listened in on every single hearing, except the Maryland hearing, which was held on my birthday, and my wife told me I couldn't listen in.

But you all did a great job, and kudos to everybody in the public, those folks that are listening in right now, for taking the time and participating in the process. All that having been said, the Board members certainly have to, need to listen to, very intently to what those comments were. But this process was fascinating to me, Mr. Chairman, because of COVID, because of the virtual hearings.

There are certainly some pros. I got a chance to listen to what the folks from Maine and New Hampshire said, where if it was a regular hearing pre-COVID in brick-and-mortar structure, you know we would have gotten the report. You really didn't get a feel for how those people articulated their feelings. I thought there was some bonuses to that. But the flip side of that, and my last point on this is, for the public feedback is, there are certainly folks that struggled.

We had a significant commercial constituency in the Potomac, in our jurisdiction. I encouraged them best I could. I gave them as much advice on how to participate. I think there are a combination of technological challenges for some of those folks. That's not to say other sectors and people that participate in other sectors didn't have the same challenges.

But some of these folks were challenged by the technology, and some of them just are more comfortable in an in-person setting, which at least at PRFC we're used to. Typically, we have really good turnouts for those in-person settings. I just want to make sure everyone knows that I'm just speaking for myself and my experiences.

But I feel like there are some under-represented sectors, and we're just going to have to do the best we can as Board members, to take into account those folks that maybe tried. Maybe have a sidebar conversation with myself or other Board members to explain, because I can tell you, apathy was not an issue with this PID. People care, they were concerned. They continue to be concerned. I just want to make sure that folks consider that, so thank you, Mr. Chairman.

CHAIR BORDEN: Thanks, Marty. Dr. Davis.

DR. JUSTIN DAVIS: This is a question for Emilie or Toni, and it regards the statement we heard in the presentation that many members of the public have commented that the Commission

does not have a rebuilding plan in place for striped bass at the time. This is something I've heard quite a bit from our constituents in Connecticut, and I think it's one of the things out there that is sort of undermining public faith in Commission management of the species.

I think the statement is correct, in that following the 2018 stock assessment, during the Addendum VI process. I don't believe we tasked technical folks with doing projections of what it would take explicitly to get SSB rebuilt within ten years. The focus was primarily on the management trigger related to fishing mortality, and ending the overfishing condition within one year, and that is what the Addendum VI measures were designed to do. However, the projections that were done at that time showed that those Addendum VI measures would get the stock well on the way to rebuilding. Also, my understanding is that that FMP requirement is still in place, and the Board is still subject to it. We are still subject to the ten-year rebuilding timeline, unless we change something.

The stock needs to be rebuilt to SSB target by 2029. I guess my question is sort of, what I just said, does that sort of reflect the truth in the situation, or sort of your understanding that even if we don't have a formal ten-year rebuilding plan in place right now, we are still subject to that ten-year rebuilding timeframe. We're currently in it.

MS. FRANKE: Thanks for the question, Justin. Yes, per the current management triggers, the Board is subject to that rebuilding timeline as outlined in those management triggers.

CHAIR BORDEN: Justin, are you finished?

DR. DAVIS: Yes, I'm good, thank you.

CHAIR BORDEN: I'm going to go back. John McMurray, I may have cut you off. Did you have a follow up to your question?

MR. McMURRAY: Yes, sorry. I had trouble with my audio there, I'm back up. I did have a follow up, and it was more of a comment, because I know that there is a tendency to value form letters to some extent. We

shouldn't and we can't do that here, because some might not understand this, because I understand some exist in an environment surrounded by peers. But for most of the public all this is very difficult to understand.

Now, when other organizations are able to successfully simplify it all, well that is helpful. To be very clear, the folks who did submit form letters understand full well things like adjusting the reference points, or lowering the bar on what a rebuilt stock looks like. They understand conservation equivalency and how it's being used, and those letters just help that part of the public get their point across to managers, and that's all. Thanks.

CHAIR BORDEN: Thanks, John, other questions, Toni?

MS. KERNS: You have Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: Like Martin Gary, I listened in on nine of the public hearings, and it was very informative. I also must admit that I read 1,091 pages of public comment. Some of the pages I read rather quickly, but I did read the whole of the, not summary, but all of the comments. I don't think in all my years that I ever saw comments provided so thoroughly and so well thought out.

I think that if when we look at all those comments, and as we move forward in making, well determinations on where we should go, that the public has given us clear, clear direction on what we should be doing. Lastly, I will thank Emilie and Toni for doing such a good job. But Toni, I think it was very cruel to put Emilie in her first year on striped bass, but she did a wonderful job.

CHAIR BORDEN: Toni, any other hands up?

MS. KERNS: We just have one member of the public.

CHAIR BORDEN: Okay, so we're going to take that one member, who is it?

MS. KERNS: Des Kahn.

CHAIR BORDEN: Go ahead.

MR. DESMOND KAHN: The last speaker raised the question that I've been thinking about. What is the role of science versus public comment, in managing a species like striped bass, is the question? We had overwhelming comment from the public, mostly recreational anglers, that they want to either maintain the current reference points, or strive for even higher abundance levels of striped bass.

That is sort of a democratic pulse taking. However, science, and I'm referring here to science of population ecology, has learned that when you have a population, you're trying to manage at very high abundance levels, you get negative feedback and negative effects due to competition. That is why, if you're familiar with the original reference points in fisheries, which were known as maximum sustainable yield reference points.

For example, the original Schaeffer model, the target biomass was recommended was 50 percent of what was evaluated as the maximum potential carrying capacity that the stocks could support. In other words, 50 percent of the maximum abundance was the recommended target. Now, through the evolution of that, we're down to recommending 30 and 40 percent.

For example, fluke. It's 30 percent of the maximum potential abundance is really the target, because they use SPR 30 percent. The reason is, that when you get high abundance, you get negative impacts. Now is that occurring in striped bass? Absolutely. In the Chesapeake Bay, going back to the '90s, when I was on the tag committee, we discovered very high increases in natural mortality.

CHAIR BORDEN: Could you bring your comments to a close quickly?

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MR. KAHN: Sure. The mycobacteriosis epidemic and scientific evidence of starvation in Chesapeake Bay resident bass indicates our density is too high, and it is kind of irresponsible to then restrict catches further, which is going to increase wasting of fish. Thank you very much, Sir.

CHAIR BORDEN: Thank you. Toni, any other hands up?

MS. KERNS: Mr. Chair, you have Mike Luisi, and you did get another member of the public.

CHAIR BORDEN: Mike, I'm going to go back to the Board now.

MR. LUISI: Yes, Mr. Chairman, if you want to keep it to the public, I just have a comment after we get through the public comment. It's up to you, I guess.

CHAIR BORDEN: I'll take one more public comment, but to the members of the public, when you comment, please try to limit your comment to one minute. Thank you. Toni, who is the individual?

MS. KERNS: Jim Fletcher.

CHAIR BORDEN: Jim.

MR. JAMES FLETCHER: For three days, or two days, I have listened to this, and I go back to the original ASMFC has an article that allows for enhancement of the stock to respawning of fish and releasing them. It is about time we look at an enhancement program to bring this stock back that is done correctly with all female fish. On the other side of the coin, we are not addressing water quality and the surfactants that are in it.

If you look at the salmon spruce bud worm, and its ability to reduce the Atlantic salmon population, you could see where the problem is. But we are not addressing the problems with what we're doing. I beg you to get back to

some basic science, and look at where the true problem is. We have animals that lay a million eggs, and we cannot figure out how to get the populations up.

We need to get back to basic science, and not what we're doing. But all of this has been done, no one is asking the question, why aren't a million eggs from one fish replacing the stock? Thank you for your time, and like I say, for three days I've listened to it, and basically, we're not looking at where the problem is. Thank you for allowing me to comment.

CHAIR BORDEN: Thanks, Jim, for staying within the timeline. I'm going to go back to the Board, Mike Luisi.

MR. LUISI: Yes, thanks, Mr. Chairman, and yes thanks, Jim, for your comment. You know, as I sit here and listen to this, and I very much, I mean I have to give a lot of credit to Emilie and Toni and others that were involved in summarizing and putting together public comment for the Board's consideration.

I have been in this field now for 20 years, and I do find that sometimes there is a lack of what the consequence is, to what is being recommended. It is hard when you start an amendment, and you have as many elements in that amendment that are being suggested, to understand how they all incorporate together, and how they all bind together for managers to make those decisions at the end.

I guess what I'm saying is, I would prefer at this time, based on the comment, that we understand a little bit more about the consequences to commercial and recreational and charterboat fishing, based on the issues that are being discussed before we start to peel away the different alternatives. I know that it is a little more taxing on staff. There is a little more work that has to be done, and I know we have a timeline that we're trying to get things done, like in the next year, or maybe a little bit more than a year.

It's just my comment, Mr. Chairman, and I'll leave it there. I feel like there is still some development that needs to happen under some of these alternatives, so that the stakeholders can understand the

consequences of their comments. I'll stop there and leave it there. Thank you.

CHAIR BORDEN: We're going to move on with the agenda. We've got two more really brief comments. Emilie has already commented on, I believe on the stock assessment schedule. Do you want to comment further, Emilie on the timeline?

MS. FRANKE: I don't have any further comments, Mr. Chair, I can just pull up here the timeline again I just included at the bottom of the screen here, just a reminder of when the next stock assessment update is, which is next year.

CHAIR BORDEN: Okay, so we're going to move on to actually the action portion of the Board meeting, but before we do it, what I would like to do is just make a couple of brief comments. Then we're going to take about a 5-minute break to allow people to get up and stretch their legs, get something to eat or drink, and then we'll be back at it.

After the break, this is a process statement. After the break, Emilie is going to put up the same PowerPoint slide of the Amendment 7 issues. It is my intent at that point to allow any jurisdiction that would like to make a very brief comment on their preferences, to be able to do it. If a particular jurisdiction doesn't want to comment, there is no obligation to comment.

But this is in lieu of just taking like having a general discussion on issues. If two or three states want to sit there and look at the list of issues, and then offer an opinion to the Board that issues 1, 5, and 7 clearly should be removed and issues X, Y, and Z should be included in the Addendum, please do that at that time.

It's not necessary to give your reasons, because the process that I intend to follow after that is we're going to go back to that same list, and we're going to go through each one of the

items. Everyone on the Board is going to have the ability to add detailed comments on the item. What you do when we come back from the short break, is basically to offer your summary opinion, and you don't need to defend it.

You don't need to give a rationale. The reason I'm doing this is I want to see whether or not there is some common ground on issues. There are kind of a couple of ways that the Board can come at this. You can basically make a motion to include one of those ten items in the Amendment, or make a motion to exclude it from the Amendment, or make a motion to defer it, as John Clark had suggested earlier.

We've got a couple of options that we can utilize for some of the less important or less well-defined issues. That would be, we could take some of these issues and put those into a trailing amendment, or include those in the adaptive management. That is kind of my view of the range of options. I would just emphasize before we go to break, that we need to prioritize, given Toni's advice in terms of staff availability and PDT availability, we need to prioritize these issues. The more complex the issue, the fewer issues we should have on the list.

Depending upon the nature of the complexity of each issue will determine kind of the number that get included on the list. I'm just saying that as guidance, and when we come back, I'll just make a couple more comments on process, and then we'll go directly to the Board, and basically start asking for motions. We're going to take a five-minute break, it's 2:42. We'll reconvene at 2:47.

MR. LUISI: Mr. Chairman, can I ask for maybe more than five minutes? Can we do maybe, I'm sorry, I'm not trying to overstep your decision. But the five minutes sometimes, by the time we all get convened, it can be kind of tough. Can we do maybe ten minutes, and come back at.

CHAIR BORDEN: How about seven?

MR. LUISI: Or seven, seven if you want. It's just yesterday we got in a bind, and the five minutes

happened so fast, and we weren't able to make a vote, because we were all doing our caucus.

CHAIR BORDEN: Seven minutes.

MR. LUISI: How about we do 2:50? That is eight minutes, is that good?

CHAIR BORDEN: Yes, I'll give you the extra minute, Mike.

MR. LUISI: I appreciate that, thank you very much.

MR. THOMAS P. FOTE: Dave, this is Tom Fote, I've had my hand up for a while, but I'll wait until we come back.

(Whereupon a recess was taken.)

MS. KERNS: We're back on, and Mr. Chairman, Tom Fote had wanted to make a comment, but I didn't have a way to let you know his hand was raised.

CHAIR BORDEN: Okay, so Tom, you get the last comment, and then I'm just going to make two quick points, and then we're going to go straight to the issues, and start to get input on them directly. Tom Fote.

MR. FOTE: It was just a general comment on public hearings. I've noticed with this last public hearing, and the last couple ones we've done over virtually, which I expected to get bigger turnouts and more involvement. Actually, just the opposite has happened. I also remember that public hearings on what we're actually going to do with something at that time, a lot of people don't get involved. The people that do get involved are basically the ones that have strong opinions, but the people sitting in the audience have feelings the other way sometimes, because you're not going to affect them right away don't show up to it. I also realize from the conversation that was coming from the public hearings, and questions

that were asked and statements that were made.

I realize this is a lot younger crew that had not been around in the early days of the fishery. I'm from the early days of the fishery, in the '80s and the '90s, and most of them came were in the 2000s. They didn't know what the fishery was back then when they start talking about moratoriums.

I think we're missing a large, it's like people like me that don't do texting, don't do the smart phone, and don't want to do webinars, they don't show up. I have to do it, because I'm on the Commission. There is a lot of them that hate to get on the computer, and they are Zoomed out. I think that was part of the problem with the public hearing process. That is all I wanted to comment on.

DRAFT AMENDMENT 7

CHAIR BORDEN: Thanks, Tom. We're going to get back on the same schedule that I outlined. This is just as background for the comments. We need to decide which issues should be included in the Amendment, and which should be deferred or removed. That is what the task is for the Board. It is likely that there is going to be considerable discussion on some of these items.

I urge you to be as clear and non-repetitive as you can be. If we have a large number of individuals that want to comment on a particular issue, it's very likely you're only going to get to comment once. Use your opportunity at the microphone judiciously, and make your points. I very much urge people to not be repetitive.

If somebody else makes a statement that you agree with, just say I agree with so and so. Let's start the process, are there any jurisdictions that just want to make a one-minute statement on what their preferences are? If there are not, we're just going to move right into the list of issues, and I'm going to be looking for motions. Any hands up, Toni?

MS. KERNS: Mr. Chair, I have Massachusetts and Maryland and PRFC, so it will be Mike Armstrong for Mass.

CHAIR BORDEN: Stop right there, so we have Massachusetts first. Mass.

MR. MICHAEL ARMSTRONG: As I read this document, and what is happening with the fishery. We have to be laser focused on building an SSB, not wordsmithing, not refining things, and not including things that do not have a direct impact on F. F is the only tool we have to build this SSB back.

We have five years locked and loaded that are average or extremely poor. That is troubling. If 2021 comes in with another bad recruitment year, we're in a world of hurt, and I don't know how to get out of it, honestly. We need to pare this down to Item 7, help boost SSB. We have plenty of time to address any items that are left behind during the rebuilding period. I'm going to suggest we get rid of Items 1, 2, 5, 8, 9, and I'll leave it at that.

CHAIR BORDEN: I use Mike's comment as an example of why I asked for this. It just provides context for where Massachusetts might be coming from. The next state, and once again please try to confine your comment to about a minute, is Maryland.

MR. LUISI: Yes, thanks, Mr. Chairman, and I don't speak for all of our representatives on the Board, but I will speak for our state. I agree with a lot of what Mike just mentioned, but I do not support the removal of reference points as a discussion point. I think 1, I think fishery goals and objectives is the fundamental basis for what we do.

If you don't have the appropriate goals and objectives, none of the other elements and the other components make any difference. I would like to see us go forward with goals and objectives, reference points, triggers, stock rebuilding and schedule. Regional management has been a major issue for us.

I would like to get back to having the, I know that I get criticized sometimes for using the

term, you know we have our resident stock areas. Conservation equivalency could be dealt with at a different time. Recreational release mortality is super important. Recreational accountability, we have a Rec Reform Workgroup that I know that you are familiar with that is working with the Council.

That could be set aside, and the commercial quota, it just doesn't fit, even though I understand from the proponents for it from the state of Delaware. They want some consideration. I don't know that that needs to be in here. I'll offer that, Mr. Chairman, I appreciate it. Thank you for the opportunity to speak.

CHAIR BORDEN: PRFC.

MR. GARY: In the interest of brevity, I'll just go through the things I think should remain, from PRFCs perspective. Maintain number 1, goals and objectives, keep management triggers, I'm sorry, keep management triggers, maintain biological reference points in the document, maintain regional management, combine recreational discard mortality and recreational accountability.

That would be 6 and 8, I believe they are linked, or can be linked. Maintain conservation equivalency, and akin to Mike's comments on Number 9, I have empathy for the proponents on this one, and I would hope maybe we could deal with this as a separate addendum in parallel. Those are PRFC comments, Mr. Chairman, thank you.

MR. BORDEN: Anyone else, Toni that had their hand up? Before we go any further. Please don't comment as an individual. I was really looking for jurisdictional type comments, because we're going to get into, all the Board members are going to have an opportunity to comment as individuals, coming up, very briefly, hopefully. If you've got like an organization or a jurisdictional recommendation, please make it. Any other hands up, Toni?

MS. KERNS: We have Justin Davis of Connecticut, John Clark for Delaware, and Ritchie White, your hand was up but it went down, so if you could put it back up, if that was your intention to speak.

CHAIR BORDEN: Okay, Justin and John Clark, and then I'm going to move on to the motion portion of it. Justin.

DR. DAVIS: I think Connecticut is looking at this through three lenses, what will the current state of the science support moving forward on. What do we need to take immediate action on to address before 2022, when we're going to get the next stock assessment, and potentially have to take our next management action?

But perhaps most importantly is what feedback did we get from the public, what did the public support moving forward with at this time? Given that, Connecticut would favor removing Issues 1, 2, 4, 5, and 8 from the document. Issue 9, commercial allocation, as some other folks have said, I'm on the fence about that.

I'm very sympathetic to those states that feel like their allocation is outdated. I would like us to address that. I worry that including it in this amendment is going to slow things down. Perhaps we could move that to a parallel action. I think the issues that we would like to leave in, conservation equivalency is very important for us to resolve that, before we take action in response to the 2022 stock assessment.

I think there is a good reason to take a look at the management triggers, specifically the recruitment trigger, and obviously recreational release mortality is a major challenge right now that we need to continue to grapple with. That is where Connecticut is at.

CHAIR BORDEN: All right, John Clark, you've got the last general comment.

MR. CLARK: Just talking to my Commissioners from Delaware. We would like to see the goals and objectives kept in, and biological reference, 1, 2, and 3 kept in. The regional management, I agree with Marty about conservation equivalency and recreational accountability being kept together.

As far as recreational release mortality, an important issue, but we feel like we're doing what we can with it right now, so that could be something to be looked at later. Of course, we, as it's been pointed out, we have been bringing up the coastal commercial quota allocation. We think it is a very important issue, and we would like to see it stay in. Thanks.

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DRAFT AMENDMENT 7**

CHAIR BORDEN: Okay, so now we're at the point where I would like to see motions. I just want to remind everybody; we're going to discuss each one of these issues. I think we have, given the amount of public input that we've had on these issues. I think we need to address these issues right up front.

Tell the public what we intend to do in response to all their excellent comments on the issues. I would appreciate it if people would frame their motions in the mode of, make a motion to include it within Amendment 7, or reject it and not include it, or defer action on it, so to one of the other mechanisms that John Clark spoke about recently and before. Let me open the floor to anyone that wants to make a motion, keeping in mind we're going to deal with all ten of these, and please limit your motion to one particular item, so that we don't conflate the issues. Any hands up, Toni?

MS. KERNS: Mr. Chairman, I'm going to give you three hands at a time, and I'm just going to restate what you said before, so that the members of the public know I'm not ignoring them. We're going to wait until the Chairman asks for the members of the public, before I give him those names. The first three people that I have are Ritchie White, Dave Sikorski, and Marty Gary.

CHAIR BORDEN: Okay Ritchie, you've got the first motion.

MR. WHITE: I move to remove Issue 1 from the document, based on public input. This would mean that we're maintaining our existing goals and objective, thank you.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Ritchie, we've got a motion up on the Board, is that what you intend?

MR. WHITE: Correct.

CHAIR BORDEN: Okay, do we have a second? Toni.

MS. KERNS: John Clark, are you seconding that? Your hand is up, you are the first name on the list.

CHAIR BORDEN: Motion by Mr. White, seconded by Mr. Clark.

MS. KERNS: No.

MR. CLARK: I forgot it was up, but that is fine, because we need to discuss it anyhow, that's fine.

CHAIR BORDEN: Okay, so we have a valid motion on the table. Ritchie, do you want to comment, and then I'll go to John next, and then the other members of the Board. Ritchie.

MR. WHITE: Yes, thank you, Mr. Chair, it will be quick. The public clearly wants us to continue what we already are trying to do, maintain the existing goals and objectives. I'm listening to the public, and think we should do this. I think it's going to be hard to get more conservative. I mean some in the public would like us to get more conservative, and I think these goals and objectives are plenty conservative enough. Thank you.

CHAIR BORDEN: John Clark.

MR. CLARK: Sorry, my hand had been kept up. I had wanted to keep goals and objectives in, but based on what Ritchie said, keeping the current existing goals and objectives is something I think that is okay, thanks.

CHAIR BORDEN: All right, thanks, John. Any other members of the Board want to comment? Toni, hands?

MS. KERNS: Yes, I have John McMurray, Marty Gary, and Mike Luisi.

CHAIR BORDEN: Okay, John McMurray.

MR. McMURRAY: Thank you, Mr. Chair. I support removing Issue 1. I think the current goals and objectives are entirely appropriate, given striped bass life history, particularly those objectives related to the maintenance of a broad age structure, and an abundance of older, larger fish in the population. As the Board knows, there is no stock recruitment relationship, and spawning success really depends on environmental conditions, and a diverse age and size structure.

It is important to hedging against those poor recruitment years. Maintaining enough older, larger fish in the population provides a buffer against periods of average to below average recruitment, and lastly, the public is overwhelmingly in favor of keeping current goals and objectives intact. It's hard not to think that any tweaking of the goals and objectives is intended to liberalize how we manage this fishery, and I'm pretty sure the public overall doesn't want that.

CHAIR BORDEN: Thanks, John. Marty Gary.

MR. GARY: I'll pass on my turn as the previous speakers covered me. Thank you.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: You know I agree with John. But I also think that it doesn't hurt at times to revisit the objectives of the fishery. The last time that we set goals and objectives was almost 20 years ago. I think it's important for the public to understand that by considering new objectives, not that they have to be that different.

But by considering them, it doesn't mean they have to. There is always a status quo alternative, as part of the decision making. But it might be important to factor in some of the comments that may not have been part of the majority on maintaining status quo on this, for goals and objectives, and just giving it some thought.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

What do we really want from this fishery? At this point right now, I'm going to object to this motion. I would like this to be developed a little bit more, and get some PDT comment, and get their thoughts from the Board, from how this could be developed a little bit differently, and how we can look at this fishery differently. It's been 20 years, and the ocean is changing, the environment is changing. I think it's worth consideration, so thank you, Mr. Chairman.

CHAIR BORDEN: All right, Toni, who else do you have that hasn't spoken on the list?

MS. KERNS: You have Pat Geer, Tom Fote, Justin Davis and Dennis Abbott.

CHAIR BORDEN: Pat Geer.

MR. PAT GEER: More of a point of clarification. If we decide that we're going to maintain the existing goals and objectives, does that mean, as John put it, we would not have the ability to tweak the wording in these objectives? I mean it would remain exactly the same, because it has been 20 years, and there are new words and verbiage that could be used to update this. I don't want to change the objectives and the goals, but would we still be allowed to rework some of the wording in the goals and objectives if we do not move forward with this as an issue?

CHAIR BORDEN: Tom Fote.

MR. FOTE: I'll make mine real strong. I agree with Mike Luisi.

CHAIR BORDEN: Thanks, Tom, for being brief. Justin Davis.

DR. DAVIS: I had my hand up to make a motion on a subsequent issue, so I will defer speaking on this one.

CHAIR BORDEN: Okay, Toni, would you remind me of the last name, was it Dennis Abbott?

MS. KERNS: That is correct.

CHAIR BORDEN: Dennis Abbott.

MR. ABBOTT: I support this motion. I think the public has spoken clearly, and I hope that the Board members, if we could take a vote on this, we would see if they agree. If we try to change it, I don't think the public sentiment will change, and it will show that they are happy with the present goals and objectives.

CHAIR BORDEN: Toni, are there any other Board members that have not had an opportunity to speak once?

MS. KERNS: There are not, but I don't know if you want us to answer Pat Geer's question.

CHAIR BORDEN: I'm going to have to defer to you.

MR. LUISI: Yes, I would like an answer to that if you can, thanks.

MS. KERNS: I'm actually going to defer to Bob. I'm not sure if we can tweak language and not change the meaning or not, so I am going to ask him to respond.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: If the Public Information Document, Public Hearing Document doesn't include the notion of changing the goals and objectives, then those are locked in. We can't modify those, because we didn't bring that idea out to the public, and provide the public an opportunity to comment on potential changes.

You know the Board can even just bring the current versions out to the public, and see what they have to say, and decide if they want to make changes later or you stick with status quo. It's up to the group. But something needs to be in the public hearing draft of the amendment to be able to modify the goals and objectives later on.

CHAIR BORDEN: Pat, does that answer your question?

MR. GEER: Yes, it does, thank you, Mr. Chairman.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Toni, once again, are there any Board members that have their hands up that haven't already spoken?

MS. KERNS: You have no additional hands, Mr. Chair.

CHAIR BORDEN: I'm going to call the question. I'll give you a two-minute break to caucus on this, and then we'll reconvene. We're going to reconvene. Before I call the vote, I'm going to take two comments from any member of the public. You're going to be limited to one minute. Maya is going to put a clock up, and you have to adhere to the timeline. Are there any members of the public that want to comment?

MS. KERNS: The first two names I got were Patrick Paquette and Evan Dintaman.

CHAIR BORDEN: That's it, so Patrick, you are first.

MR. PATRICK PAQUETTE: My comment is more of a question, or a reference for consideration. The public has clearly, and I am one of those who believe that conservation equivalency needs to be severely limited or eliminated from this FMP. My question is.

CHAIR BORDEN: Patrick, this is on the motion. You have to comment on the motion.

MR. PAQUETTE: My question is, does the flexibility objective have to be edited or removed, in order for later on conservation equivalency to be dealt with in the document, because there is that flexibility objective, that one objective, that one line? I believe it is the fifth line, has been referenced by this body, by this Board in the past regarding conservation equivalency. I'm just bringing that up so that the public can achieve later motions.

CHAIR BORDEN: It would be my view that the Board has a right to deal with conservation equivalency later on. But if the staff disagrees with that they can speak up.

MS. KERNS: I think that you can still limit conservation equivalency, and keep the current goals and objectives as they are. The Board would have to be very clear on their rationale and objectives.

MR. PAQUETTE: Thank you for the clarification.

CHAIR BORDEN: Thank you, Patrick. The other name, Toni, I didn't get a chance to write it down.

MS. KERNS: I believe it is Evan Dintaman, and I'm sorry if I pronounced your name incorrectly.

CHAIR BORDEN: Evan.

MR. EVAN DINTAMAN: That's fine, thank you so much, guys. I just wanted to kind of speak to the Board. I am an angler that represents a lot of voices in the Maryland fishing community. I know and I've spoken to Mike in the past. I think the public comment was overwhelmingly unanimous, and I think a lot of very smart voices showed up in the public comment. I think a lot of very passionate voices showed up in the public comment.

I encourage the Board to frame their decision making to regain the trust of the public in managing this fishery. I've already heard a couple times in the last 10 to 15 minutes, Board members suggesting going against what was very clear public guidance and public comment. I encourage the Board to keep framing all of your discussions today around what is best for this fishery to quickly rebuild it, and listen to the unanimous public comment. Thank you.

CHAIR BORDEN: Thank you, Evan. I'm going to go back to the Board. **We have a motion on the table, move to remove Issue 1 from the PID, maintain the existing goals and objectives.** All those in favor, please raise your hand, and Toni, give me a count, please when you finish that.

MS. KERNS: Will do, Mr. Chair, I'm just going to let the hands settle. Okay, I have New York, the District of Columbia, U.S. Fish and Wildlife Service, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania,

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

Connecticut, and North Carolina. I will put your hands down. The hands are down, Mr. Chair.

CHAIR BORDEN: Hands down, please.

MS. KERNS: Yes, I put them down, we're good.

CHAIR BORDEN: All those opposed, vote no, raise your hand.

MS. KERNS: I'm going to let the hands settle for a second. I have Delaware, New Jersey, NOAA Fisheries, Virginia, Potomac River Fisheries Commission, and Maryland. I will put your hands down for you. I have done that, Mr. Chair.

CHAIR BORDEN: Any abstentions? Hands up.

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so Toni, would you give me the final count, please?

MS. KERNS: Emilie, can you give me that count?

MS. FRANKE: Yes, Mr. Chair, I have 10 in favor and 6 opposed.

CHAIR BORDEN We have 10 in favor, 6 opposed, no abstentions, no null votes. The motion carries. The next motion is by David Sikorski. David.

MR. SIKORSKI: This is David Sikorski; the ongoing Legislative Proxy from the state of Maryland. **I move to remove Issue Number 2, biological reference points from consideration for Draft Amendment 7, and if I receive a second, I would like to provide some brief justification.**

MS. KERNS: We have a second from Megan Ware.

CHAIR BORDEN: Motion made by Mr. Sikorski, and seconded by Megan Ware. David, you want to comment.

MR. SIKORSKI: Yes, sir, thank you. Then I'll be as brief as possible, but possibly repeat some things. The public and Advisory Panel input on this issue is crystal clear, and I believe now is not the time to consider changes in BRPs. The on-water fishing experience that comes from an increased abundance in broad age structure, which is reflected in our goals and objectives, is what the public wants.

That is crystal clear. Having estimates that show that we are not achieving the current BRPs is not a reason to change them. I think it is fair to say that this would be changing the rules in the middle of the game, while the public is very concerned about the status of this stock. I think we can take this issue up in a future benchmark stock assessment.

Now is the time to focus on controlling F. Mr. Armstrong's comments about being laser focused on controlling F is key, and that is why I make this motion today, again to reflect what the public and the Advisory Panel has clearly stated in the great work that they have done to advise us as a Board, thank you.

CHAIR BORDEN: Thank you, David. Megan, would you like to offer comments?

MS. MEGAN WARE: Yes, please. Thank you, Chair. Similar to Mr. Sikorski, I think it is very clear from the public comment that people want to see the Commission strengthen its commitment to meeting the current reference points, not loosen the reins here. I think that means changing fishing mortality to meet the SSB target, not lowering the SSB target to meet our F rate. If people want to see changes to the reference points, I would rather see the Stock Assessment Subcommittee continue to prioritize the development of the two-stock spatial model, and see the reference points that come out of that modeling effort, rather than change to another set of empirical reference points at this point. I'll also highlight Toni's comment; I think it is imperative that we pare down

the issues in this draft amendment in the most critical ones.

This has the potential to be one of the most complex amendments I've seen, in terms of the number and complexity of issues and alternatives. As we have seen in the past, this complex and confusing management document and long public hearings, generally impact the quality of the public comment we receive. We really have to start prioritizing issues as a Board, and for me that does not include reference points.

Then I would just finally like to say, I disagree with a previous comment that some of the stakeholders don't understand the consequences of their comments. The stakeholders I've talked to are very informed about striped bass management, and I think they completely understand what they are saying. I don't think we can discount the overwhelming public comment we got.

CHAIR BORDEN: I'm now going to take three comments from anyone that wants to support the motion, and then I'll do the same things for three people that want to oppose it. If you want to speak in favor of this motion, raise your hand. Toni.

MR. LUISI: Mr. Chairman, this is Mike, can you give us a minute to caucus? This is a big deal, and I just want to make sure.

CHAIR BORDEN: Mike, you're going to be able to caucus at the end of this. If you need extra time, I'll give you extra time.

MR. LUISI: I just thought you asked for the question. I thought you called the question, I'm sorry.

CHAIR BORDEN: No, no, I haven't called the question. I'm asking for up to three individuals that want to speak in favor of it, and then I'm going to let up to three individuals speak in opposition to it.

MR. LUISI: Okay, I'm sorry about that. I appreciate that. I'll likely raise my hand for opposition, so just let me know when you get to that.

CHAIR BORDEN: Okay, you will, I'm going to be equal on the treatment. Toni, do you have anyone that wants to speak in favor of it? Who are the top three?

MS. KERNS: The first three names I saw were Justin Davis, John McMurray, and Mike Armstrong.

CHAIR BORDEN: Okay, Justin, you're up.

DR. DAVIS: Mr. Chairman, Connecticut strongly supports this motion. I think there was a clear signal from the public in the public comment, that none of the stakeholders, the vast majority of stakeholders are not interested in seeing the Board change reference points at this time. I agree that I would like us eventually to get to a place where we're managing with model-based reference points. I'm optimistic that as we move forward, and hopefully get to a multi-stock model, and you advance the science we're going to get there, but we're not there yet.

Until that time, I don't know what we would use as a basis for justifying a new set of empirical reference points, when it's clear that the current set of empirical reference points reflect a broad consensus of stakeholders, of what they want the stock to look like. For those reasons, and the reasons stated previously that we really need to be focused on rebuilding the stock right now. I strongly support this motion.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: I support the motion. For those who think we need to revisit, well, we'll have a new benchmark coming up that could give us a better scientific basis for changing BRPs, should we decide we want to do that. Right now, the use of any other reference point would be arbitrary.

It's clearly intended to allow more harvest, at a time when the stock really can't handle it. It's probably not in the best interest of the majority of the fishermen along the coast. There is no scientific justification that

I'm aware of for selecting any other set of empirical reference points, and they should only be changed when and if they could be calculated from a peer review population model.

CHAIR BORDEN: Mike Armstrong.

MR. ARMSTRONG: Others have said similar things to what I'm going to say, but I'll say it very briefly. I get nervous seeing a target that we have never hit. That is bad management policy. But I'm still going to vote for this, because I don't think now is the time to work on reference points.

I think it's very important to take another crack at it, but I don't think we have the analytical tools to do it right now. The TC doesn't have enough time to do it, and all we would do, I think the threshold is fine. We would lower the target a little. I don't think we need to address it right now. That's it.

CHAIR BORDEN: Toni, could you take all the hands down, please?

MS. KERNS: I've done so.

CHAIR BORDEN: Anyone that wants to speak in opposition to the motion, raise your hand. The first three names, Toni.

MS. KERNS: The first three names that came up were Tom Fote, Jason McNamee, and John Clark.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I have to be consistent how I manage all fisheries, and I basically look at reference points. What we're supposed to do is actually goals that we can reach. I fought for summer flounder reference points, because we could never reach that thing, and it came down from 400 million pounds to 130.

The same thing with bluefish, we are now basically under constraints to build this stock, and where there is no way that we can do any management measures, it's more environmental cause. I want to put in reference points based on science, not just based on the numbers somebody sticks up in the air.

CHAIR BORDEN: Justin McNamee, excuse me, Jason. I'm combining two names.

DR. McNAMEE: That's quite all right, Mr. Chair. I'm sure you're juggling a lot of names. Thank you for the opportunity to speak. This is a challenging one. I am opposed to this, but I agree with a lot of the things that folks have said. My biggest challenge here is, for the case of striped bass, there is an issue with the current construct of the biological reference points.

This seems like the opportunity through an amendment process, to address some of those issues. We have a peer reviewed assessment, it's only a couple years old. We've got good information to work with. We see, I agree with some of the comments. I don't know if they were actually made on this call or in some of the discussions beforehand.

There is an issue with recruitment right now, so productivity in the stock seems to be affected. That is what I'm getting at. We need biological reference points that recognize those things, that recognize the population dynamics and feedback. It doesn't make sense to me to continue to have these targets and thresholds that have a weak connection back into the population dynamics.

The only reason I'm objecting to this is not that I want to see the reference points lowered or raised, or whatever. It's not about that in my view, it's about having good biologically based defensible reference points that can react to some of the things that we're seeing in the environment. We don't have that right now.

I know the stock assessment team investigated things like SPR reference points last time they found them, to not be feasible. But there are other things we can look at. I'm not sure if they had time to fully investigate it, since they were also simultaneously working on two separate models for review.

This seemed like the opportunity to investigate with a focus, some new opportunities for reference points, not just empirical. We also have an ecosystem group out there that has a multi-species model that has striped bass in it. Maybe there is an opportunity there, even just having a chance to look at some other options with the empirical methods seemed worthwhile to me. I just wanted to get on the record to say, you know I think our current reference points keep a cynicism about us trying to lower the goalposts. I think that is a poor characterization. I don't think it's fair. That is not what I'm trying to do. I think we should have reference points that connect back into the population dynamics as we know them, and this seems like the opportunity to investigate those types of options.

CHAIR BORDEN: I've got John Clark next.

MR. CLARK: I can't say it any better than Jason did, he really summarized things really well, and I would just add, I don't want to see us limit our flexibility to look at this. I'm not even sure what it means to remove from the Amendment. This means we're what, set in stone for the time of Amendment 7? I mean obviously we're going to put this into adaptive management, but this is such a critical issue, this has to stay in the amendment. Thank you.

CHAIR BORDEN: Let me go back. Toni, if you would take down the hands, I'm going to ask whether or not there are other individuals that have not spoken, that would like to speak in favor of it, and see how many hands go up.

MS. KERNS: We have one hand that has gone up. But I just want to clarify. If the issue is removed from consideration of the draft amendment, it carries over the old reference points, so they are not removed from the management document itself. They are still there, just we're not drafting options for other methods. Max Appelman.

CHAIR BORDEN: Max.

MR. MAX APPELMAN: I actually have a process question. Jay Mac got me thinking. My understanding is that there isn't really science to support a change, like model-based reference points aren't available right now. That could be possible with the next assessment, and if we removed biological reference points from the amendment, does that also mean we can't put new dialogue into the amendment that talks about some of the points that Jason was raising, and maybe the direction that we would like to see for reference points? Is that not possible if we remove this from the draft amendment?

CHAIR BORDEN: Staff. Toni.

MS. KERNS: Emilie, I think I'll take this one to help you out, since you've not done this before. Max, if the Board wants us to include work that the TC has been trying to do or considering. We can include that as part of the background, we would just need direction from the Board about what information you wanted, the Board would want us to have in the document to frame it.

CHAIR BORDEN: Max, do you have a follow up?

MR. APPELMAN: Yes, just a quick one, thank you. Yes, what I heard there Toni was, if reference points are removed in the form of developing alternatives that go out for public comment, that does not preclude the Board from updating the background sections of the document, to give a little more insight as to what our overall path forward looks like for reference points.

MS. KERNS: That is correct, because reference points would be a part of the background section already.

CHAIR BORDEN: Thanks, Toni, anyone else in favor of the motion that wants to speak? If not, I'm going to go to those that are opposed. Any other hands up, Toni?

MS. KERNS: I have no other hands.

CHAIR BORDEN: Okay, if you could lower all the hands. Anyone that wants to speak in opposition to the motion who hasn't already spoken, please raise your hand.

MS. KERNS: I only have two names, Marty Gary and Joe Cimino.

CHAIR BORDEN: Okay, Marty, you're up and then Joe. Then I plan to caucus for, Mike Luisi asked for a little bit of extra time, so we'll go three minutes on the caucus, and then we'll call the question. Marty and then Joe.

MR. GARY: I don't want to overly complicate things. I had two technical questions that I think are pretty easy, and then a comment. Is it okay to ask those?

CHAIR BORDEN: Yes.

MR. GARY: Okay, and I don't know if this would be Katie or Emilie, or whoever on staff thinks they can do it. I've heard multiple references today on this hearing, and also in the public comment that there is no scientific basis for changing biological reference points. From where I sit, I'm not even sure the reference points would change.

I just think we need to keep them in there and keep the discussion on the table. I ask a fundamental question to everyone. How well have these existing biological reference points served us, given the trajectory to where we are now. With that in mind, the technical questions I had is, given the fact that folks have said, and most recently Max had just said, there is no scientific basis for changing it.

My question would be to Katie or whoever can answer it. Was there a scientific basis for establishing the existing biological reference points? If the answer to that is yes, I would like to know what it is. To me it isn't clear that there is a scientific basis for them. That is my first one.

DR. KATIE DREW: Yes, so this is Katie, I can answer that question. I would say it's a combination, so right. With striped bass we struggle to find that stock recruit relationship, so we can't have MSY based reference points, so that that relationship is very uncertain and environmentally driven. The traditional MSY reference points are off the table. The SPR, you know 30 percent, 40 percent SPR values that we've used for other species in that situation, have not been working that they produce reference points, or levels of SSB that the TC did not consider realistic with the associated F levels. The reason we went with the SSB 1995, is that it's a value that was associated with the ability to produce strong year classes that was associated with the expanded age structure, and an abundance that managers wanted to manage towards. It's a combination, I think, it does reflect the management desires, in terms of that. You know we can't say, this is the exact right biological reason for this reference point.

But it has some backing, in terms of the observed empirical qualities of the stock that are consistent with both stock health and management desires. The F levels I would say, do have a strong scientific basis in that regard, that we are then linking the behavior of the population that we've seen in the past in the behavior of the fisheries, to that SSB target and that SSB threshold.

To ensure that there is a meaningful linkage between the F rates that we're trying to manage towards, and the SSB rates that we're trying to manage towards. I think when people say there is no scientific basis, I think they mean there is no traditional model-based reference points that are available for this stock, and I would agree with that. But I think there is a scientific basis or scientific advice behind these reference points.

MR. GARY: Okay, thank you, Katie. Now let folks decide for themselves how they would like to take your response. The second somewhat technical question is, if the biological reference point component of this is pulled from the document, and then we continue to go down a line where we don't, if the target is not hit, despite the constraints that have

been applied to it. We've gone through two rounds, 2015 and 2020. What happens?

CHAIR BORDEN: Staff.

DR. DREW: Yes, I'm sorry. Is that a question from like a scientific perspective, or is that a question from the management perspective?

MR. GARY: I guess the management perspective. If we don't hit the target, because we keep status quo, what happens?

MS. KERNS: I'm looking that up, Marty. Bob, do you know that? Bob has his hand up, thank goodness, my savior.

CHAIR BORDEN: Bob.

EXECUTIVE DIRECTOR BEAL: I don't have the plan open in front of me, but generally if you don't hit the target, you need to adjust your management measures to get to reduce mortality, or whatever it takes to get to the target, if you're talking about biomass targets, and or F targets.

MR. GARY: I understood, Bob, and I appreciate it. That is the answer I was expecting, and thank you for your patience, Mr. Chairman. I guess my last observation or comment is, and I'll be done. This is a really, really important topic, and I know others wanted to weigh in as well. But I keep going back, this is not a new discussion for anybody that is listening in. I keep going back to October, 2014, when we were in Mystic, Connecticut for the annual meeting of the Striped Bass Board, and I think it was like an 8- or 9-hour meeting, and we had quite a vigorous discussion about this issue. I keep thinking back to the comments that Mark Gibson made. Basically, I mean this is all captured in the document. But basically, he was struggling, and he basically said that if we're going to be left with these two lines, these thresholds and targets that we're dealing with now, with the existing biological reference points. We're going to have "a tortuous management process for as long as any of you

are going to be here, trying to keep your SSB between those lines."

That caught my attention, and it caught quite a few other people's attention. My point is that in a room full of really smart people, arguably the smartest person in the room questioned these BRPs. That is why it is such an important topic to discuss today. I'm not even necessarily advocating that we change them.

I'm wondering if we need to step back, take just a broader view of how we're using this tool, and ask the question. Is this tool serving us well, given the way the stock has performed? I don't think the stock is in good shape. I'm not advocating for liberalization. But I think this tool may actually be hampering us.

I think we need to look at it again. I don't know from a technical perspective, if there are other ways that we can address this. But the BRPs the way they are now, I'm very concerned how this may play out. I don't know if I did a great job articulating that concern, but hopefully you all sort of got the picture on that. Mr. Chairman, thank you so much for your patience, and allowing me to talk. Thank you.

CHAIR BORDEN: Joe Cimino, and then we are going to go to a break.

MR. JOE CIMINO: There seems to be a sentiment that has put this motion up, that because the vast majority of folks want to have the same goals for this species, that the BRPs shouldn't even be touched. I have great concerns with that, because two major things happened. During the last assessment, which we accepted for management, we were told, and Emilie reiterated it here today, that the recalibrated MRIP estimates completely changed our understanding of the historic catch for this species.

Therefore, we had a completely new understanding of what the stock has been doing this entire time. Many people have mentioned to me that does not mean we have to change reference points, but I do believe a discussion needs to happen, and I also completely support as concerns that the other significant event was that the Commission has moved forward with multispecies management for the striped bass stock

being a complete driver for menhaden reference points. I don't see how we can't at least leave the door open for a discussion on reference points.

CHAIR BORDEN: We're going to take a three-minute break, and then when we come back, we'll vote on the motion. This is the caucus opportunity, thank you. Toni.

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: I think we've gone up to three minutes.

MS. KERNS: Yes, for sure.

CHAIR BORDEN: Okay, so we're going to reconvene. As I did before, I'm going to take two public comments on it. I would ask the public to limit their comments to one minute, so Toni, do we have any members of the public that want to speak on this?

MS. KERNS: I'm going to give one second for any hand to go up. I have one name. I'll let that person start, and the next name I see, if I get another one, I'll call on that person. Mike Waine.

CHAIR BORDEN: Mike.

MR. MIKE WAINE: Thank you, Mr. Chairman, Mike Waine with American Sportfishing Association. I appreciate the discussion here; I just want to add a little bit more context. Under the existing reference points, the striped bass population and its fishery was very hoppy in the mid-2000s.

You could see that in the figures, you can see that on the water. The abundance of the population was realized by anglers, and that created incredible fishing opportunities for our industry. That hoppy fishery trickled down. The economic benefits, all aspects. I mean the tackle industry, the charter boats, the broader coastal economies along the Atlantic coast.

Right now, the focus should be on controlling fishing mortality, and reference points and changing them is just distraction. Remember what the Chairman said in his opening remarks. This is your flag ship species, and ASMFC needs to stay serious about rebuilding it. Thank you.

CHAIR BORDEN: Thanks, Mike. Have we got anybody else, Toni?

MS. KERNS: Brian Williams. Brian, you just have to click on your microphone to unmute yourself.

MR. BRIAN WILLIAMS: Just bear with me, guys. Just literally stepping off the boat right now after a morning of fishing for striped bass. I'm a full-time fishing guide, and I just want you guys to know the fishing public has made it apparent to speak in favor of conservation.

If most of the public that isn't as active in the fishery, even knew that this was being talked about, the idea of lowering our goal posts, to make it appear as if the stock is not overfished. To tell these children that I see walking down the street right now, they may never see as many striped bass in the water as there are today ever, due to a measure potentially like this. That is just absurd. That's all I have to say. Thank you.

CHAIR BORDEN: Thanks for the comment. We're going to go back to the Board, and call the vote. All those, as we did before, all those in favor of the motion, please raise your hand.

MS. KERNS: Hey, Mr. Chairman, I think the names have settled. I have New York, District of Columbia, U.S. Fish and Wildlife Service, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, and North Carolina. I'll put your hands down. I'm ready, Mr. Chair, for the next vote.

CHAIR BORDEN: All right. All those opposed, please raise your hand.

MS. KERNS: I have Delaware, New Jersey, Rhode Island, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put your hands down. I'm ready.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Any abstentions?

MS. KERNS: I see no hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: I see no hands.

CHAIR BORDEN: The final tally is what?

MS. FRANKE: Mr. Chair, I have 10 in favor, 6 opposed, 0 null votes, and 0 abstentions.

CHAIR BORDEN: The motion passes 10, 6, 0, 0.
Next motion is by Marty. Marty, you're up.

MR. GARY: Okay, Mr. Chairman.

CHAIR BORDEN: Marty, can I interject one quick comment? I intend to continue this meeting until five o'clock. We're kind of slowly moving through these issues. At five o'clock, I'm going to look for some guidance from Bob or Toni on whether three things should happen. We should continue the discussion for a time certain.

We should break, and reschedule a follow up session, or we should plan on continuing the dialogue at the summer meeting. If Toni and Bob can consult, and give me some guidance on what their preferences are at that point. You've got an hour to think about it. Marty, excuse me for interrupting. You're up.

MR. GARY: In the interest of proceeding in logic order, does it matter to you. We're going to go through all the items anyway. Do you want to go in chronological order?

CHAIR BORDEN: It doesn't make any difference, because I said at the start, we're going to take up every item.

MR. GARY: Okay, so let me jump to, I don't know which numbers Emilie had. Emilie, can you pop up the slide that had all the items? Is that possible?

MS. FRANKE: Sure, thanks, Maya.

MR. GARY: Thank you, Maya, thank you, Emilie. I had mentioned this before, and going back to the workgroup, where multiple members last summer, you know this is a predominantly recreational fishery. I would like to move to maintain recreational release mortality, and recreational accountability in the amendment, and help me with the wordsmithing if we can, staff, and link these two. I'm trying to be helpful to consolidate them, so two messages. Keep Number 7 and 8 in the amendment, and link them together, if that makes sense, Mr. Chairman.

CHAIR BORDEN: Marty, actually consistent with the advice I gave at the start, we're going to talk about each one of these. I realize that that would accelerate some of the discussions, but there is also a potential that we conflate discussions, and it might drag it out. If you could, I will be happy to recognize you to make two motions in a row. Just make a motion on each issue separately.

MR. GARY: I would be glad to do that, Mr. Chairman, so I would go ahead and make a motion to maintain recreational release mortality in this amendment, and also make a motion to maintain recreational accountability in this amendment.

CHAIR BORDEN: If you could fashion the first, it's two motions, so deal with them separately, please. **Marty, as I understand it, it's your intent to move to maintain recreational release mortality in the development of the amendment.**

MR. GARY: Yes, Mr. Chairman, do you want justification?

CHAIR BORDEN: Wait until I get a second. Do I have a second?

MS. KERNS: You have Mike Luisi.

CHAIR BORDEN: Motion by Marty Gary, seconded by Mike Luisi.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MR. LUISI: No, Mr. Chairman, I'm not going to second the motion. I had my hand up for a question for Marty, so I'm not seconding the motion.

CHAIR BORDEN: Do we have a second on the motion?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Who was that, Toni?

MS. KERNS: Joe Cimino.

CHAIR BORDEN: Oh, excuse me. Thanks, Joe. Okay, so Marty, you get the first bite of the apple, then we'll go to Joe, and then I'll recognize Mike Luisi for his question. Marty.

MR. GARY: Thanks, Mr. Chairman, I'll just be brief. The workgroup, multiple members identified recreational release mortality as an important issue, maybe the most important was quoted by several of the members. As we all know, it's predominantly a recreational fishery, and recreational dead discards are a large proportion of that mortality. I think it's logical to maintain that in the Amendment. It will be a huge task to grapple with, but this is something that needs to stay in the document. Thank you.

CHAIR BORDEN: Thanks, Marty. Joe, as the seconder.

MR. CIMINO: Thanks for the opportunity, Mr. Chair. I think, you know we've heard a lot of comments on the importance of this, and I agree with Marty, so I will just keep it that brief.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: No, I'll keep it really brief. I had my hand up more for the accountability issue, but I totally support the inclusion of release mortality as part of what this Amendment focuses on. I think back to discussions that we've had, and some Board members thought that this is one of the highest priorities. I look forward to

working with the Board to address the issue, and I'll support this, thanks.

CHAIR BORDEN: All right, as I did before, I'll take up to three Board members that want to speak in favor, and then I'll go to those that are opposed. If you want to speak in favor, please raise your hand.

MS. KERNS: The first three names I have are Max Appelman, Chris Batsavage, and Tom Fote.

CHAIR BORDEN: Okay, Max.

MR. APPELMAN: To be clear, I'm not necessarily speaking in favor or against at this point, but I do have a clarifying question about the intent of keeping this in to the makers and seconders. You know I think we've spent a lot of time, and the TC has spent a lot of time over the last year, exploring recreational release mortality. My question is, is the intent here to focus on the release mortality rate, which is what the TC has really delved into, or the idea of the high amount of releases and tools, to try to control that? That is my question.

CHAIR BORDEN: Marty, to that point.

MR. GARY: I'm sorry, I missed the last part of that. Max, I hate to ask you to reiterate.

MR. APPELMAN: Yes, I think there are two components of recreational release mortality when you say that term. You hear the release mortality rate, which we got a report from the Technical Committee that said, you know that is really not the issue, it's more about the sheer number of fish that are being caught. I was curious if the intent of moving forward with this item was to address the amount of fish that are being caught and released, as opposed to efforts to lower the release mortality rate.

MR. GARY: Well, I'll just say briefly, Max, I don't know what the exact answer would be. I think we're concerned about the rate. But we've also heard there may be very few options that we can employ to reduce it. I think everybody is concerned about it. How we can do that, we're already advancing a number of different actions with circle hooks. States

are going forward with their own initiatives to educate anglers on proper handling. But we all, I think know, that affecting that rate is going to be really challenging, right. I think it's a little bit of everything. I'm also acknowledging that it's really important for us to grow our angler base too.

It's the future to get new anglers introduced. It's really challenging, but I think I'm just acknowledging the magnitude of the problem, and that it needs to be part of this document. It might not be a to-the-letter answer for you, but I hope that captures some of the thoughts I have on it.

MR. APPELMAN: Follow up if I may.

CHAIR BORDEN: Go ahead, Max.

MR. APPELMAN: No, that's helpful. I support this motion, so long as it is focused on what we would say is a catch and release issue. I recognize that it is a very important part of this fishery. I think we all know that it has been for a very long time, and it will continue to be an important part.

But it's also, when we're hearing calls to control fishing mortality, and this is really the only sector of the fishery that doesn't have direct management controls. I think those are the reasons why I would support keeping this in the document, and exploring tools to try to control the catch and release component.

CHAIR BORDEN: Then I've got Chris Batsavage, and then Tom Fote is after that.

MR. BATSAVAGE: I think I could support the motion for the reasons already stated. I do share some of the concerns that Max raised, I guess in terms of what the options would look like. You know we heard plenty of ideas, such as barbless hooks, you know closed seasons or areas, better handling practices, which I think are all very good.

But I think we're starting to really challenge ourselves, as far as how we can implement management measures that are enforceable, as opposed to just better practices. I mean, if this is included, I'm curious to see just what kind of options we would have to accomplish this.

CHAIR BORDEN: Tom Fote.

MR. FOTE: Just the numbers that came out of the last meeting we were at, 52 percent of the recreational mortality comes from catch and release, 48 percent of the overall mortality comes from catch and release. We can't bury our heads in the sand over this issue. We need to look at, how do we basically stop those huge numbers of fish being killed, which denies the public fish to take home to eat, because we're basically catch and releasing them, and killing so many fish. I'm basically looking at; how do we handle that? Maybe we can't find the answers, but it should be in the information document, since it's basically 52 and 48 percent of the mortality.

CHAIR BORDEN: All right, so we're now going to move on to the individuals that want to speak in opposition to it. Toni, if you would lower the hands. Anyone that wants to speak in opposition to this motion, please raise your hand.

MS. KERNS: I have no hands, Mr. Chair.

CHAIR BORDEN: Okay, so I'm going to speed up the process. Are there any members of the public that want to speak on this issue?

MS. KERNS: Two members of the public.

CHAIR BORDEN: Okay, so Toni, would you call those names off, please?

MS. KERNS: Yes. I have Greg Shute and Mike Waine.

MR. GREG SHUTE: Yes, my name is Greg Shute. I just wanted to comment on the fact that the catch and release mortality is a function of the fact that we have a very high participation fishery, and if you start targeting that, the really only way to reduce that is to reduce participation.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

I'm a fishing guide. I also rep for a boat company, where I sell boats to the public. The last thing I think we need to target is participation. If anything, I actually think we need to accept the release mortality going up, in order to release overall mortality. If that is the way we can actually reduce mortality, while keeping participation high.

CHAIR BORDEN: Thank you. Next.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine again with American Sport Fishing Association. I'll be really brief. I echo some of the comments that I heard during the discussion. This is going to be a tough one to really get a handle on. We've got a lot of public participation in this meeting and in this process.

I just challenge the public and the anglers out there to really take a hard look at what they all can do to try to address this, because there aren't great management solutions here. I think keeping this in the document will help keep it on everybody's mind. We're going to have to try and find solutions together, because there aren't great kind of common-sense management measures that can be easily implemented to address this. Thanks so much.

CHAIR BORDEN: Thanks, Mike. We're going to take a two-minute caucus, and then I'm going to call the motion. Maya, could you please leave the clock on, and just put it on two minutes, please? Thank you.

MS. KERNS: Mr. Chairman, for the issues that remain in the document, or are staying for development. It will be helpful for the Board to give some guidance to the PDT on what aspects of that issue they want to explore. Otherwise, we're not really going to have a lot to bring back to the Board in August.

CHAIR BORDEN: Thanks, Toni, good point. Okay, two-minute caucus. All right, we're going to reconvene.

MS. KERNS: Mr. Chairman, Dave Sikorski put his hand up before you broke.

CHAIR BORDEN: Okay, David. We'll grandfather you.

MR. SIKORSKI: Sorry, Mr. Chairman, I was just going to speak to Toni's last comment before the break at the appropriate time. It doesn't have to happen now, regarding guidance on this topic at the appropriate time, so please call the question if that's what you choose to do at this point.

CHAIR BORDEN: Yes, and then I'll come back to you, David. Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I'm just letting the names settle. A lot of folks in favor here on this one. I have New York, Delaware, District of Columbia, Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, Potomac River Fisheries Commission, and Maryland. This just might be everyone.

CHAIR BORDEN: All right, if you could lower the hands, Toni, please. All right, all those opposed raise your hand.

MS. KERNS: There are no hands.

CHAIR BORDEN: No hands, any abstentions?

MS. KERNS: No hands.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so the vote count officially, Toni, is what?

MS. FRANKE: Sixteen in favor.

CHAIR BORDEN: What is it again, Maya, you were broken up.

MS. FRANKE: Sixteen in favor, Mr. Chair.

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

CHAIR BORDEN: Okay, so it's 16 in favor, 0 opposed, 0 abstentions, 0 null votes, motion carries. Marty, we're back to you with the second half of your motion.

MS. KERNS: Mr. Chair, if it's okay, could we get some guidance from Dave Sikorski? If he was going to give us some, it would be very helpful to the PDT.

CHAIR BORDEN: Okay, David, do you want to comment?

MR. SIKORSKI: Yes. I have broad shoulders, but I don't know if I can carry this weight here. You know, we've talked about release mortality quite a bit, and rightfully so, as Mr. Fote mentioned. That snapshot we received in the benchmark assessment is eye opening to many of us. But it's a snapshot, and we need to recognize the dynamics of this highly complex fishery.

I don't know what the guidance is, because I feel like it's so state by state, and there are choices that each state has to avoid, high periods of discard mortality, like we can in Maryland by closing fisheries during the summertime, like we do right now with our CE proposal that we're operating under.

It's complicated, and in some series of conversations about tradeoffs, and I just really want to put a pin in what Greg Shute mentioned, the member of the public, that we all need to start thinking about these tradeoffs, and of course harvest is a 100 percent mortality kind of situation, you know harvest that fish, it's dead.

Release mortality, if we assume the coastwide average, of course it's a 91 percent chance that fish is going to survive. We really need to take that to heart, to maintain access and do what's right to turn this stock around. I don't have any specific guidance, and I don't know how much

time we have to talk about it further. But I just wanted to get that out on the record. Mr. Shute made a great point.

CHAIR BORDEN: Thanks, David. Marty, on your second motion, please.

MR. GARY: Mr. Chairman, thank you. Originally, as I had mentioned was hoping to make your job a little bit easier by linking the two, but I understand you want to deal with them discretely. I'm happy to defer, and allow others to champion the remaining items, or I can go forward. Whatever your pleasure is.

CHAIR BORDEN: Well, I offered you an opportunity to do it. If you want to do it, please do it, and if not, I'll ask any other members of the Board that want to make motions, and we'll open it up, it's really your preference.

MR. GARY: Yes, I'll go ahead and defer to the greater good of the Commission.

CHAIR BORDEN: Okay, so the floor is open for new motions then. Toni, who do we have on the list? While Toni is doing that, we're going to need to work on removing some items from the discussion, just to limit it. Toni made it abundantly clear that there is a limited amount that the system can deal with, so some issues have to get either rejected or moved to the trailing actions, or the conservation equivalency mechanism. Toni, who do we have that wants to speak?

MS. KERNS: On my list I have Justin Davis, Megan Ware, and Ritchie White.

CHAIR BORDEN: Okay, so we'll take those in order. Dr. Davis.

DR. DAVIS: I could make a motion at this point, if that is appropriate.

CHAIR BORDEN: Certainly.

DR. DAVIS: I move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Okay, so it's a motion by Dr. Davis, is there a second?

MS. KERNS: I have John McMurray.

CHAIR BORDEN: John McMurray, thank you, John. Justin, do you want to speak to it?

DR. DAVIS: Sure, thank you, Mr. Chairman. I think it's appropriate to remove this issue from further consideration in Amendment 7. I think we heard a clear signal from the public that they think stock rebuilding is extremely important, and that the current timeline there is certainly no support, I don't think, for extending the timeline. We did hear some comments in favor of potentially considering shorter timeframes than 10 years.

In my estimation 10 years is an appropriate timeframe, given the biology of the species. My comments that I made back at the beginning of this meeting, discussing how this Board is still subject to the trigger that we tripped back in 2018, for the 10-year rebuilding timeframe. I just think the public should rest assured that this Board is cognizant of that, and that we will be adopting the measures necessary going forward, to achieve stock rebuilding by 2029.

We'll get an updated stock assessment here next year, and then have an opportunity to see how well we're doing along that rebuilding timeframe, and adjust as necessary. Essentially given that we are in a rebuilding process right now, just starting out. I don't think there is any justification for considering a different timeline, or really messing with it at this point, so that is why I've made this motion.

CHAIR BORDEN: John McMurray. John, would you like to comment as the seconder?

MR. McMURRAY: I think Justin pretty well covered it. I mean, we made a promise to the public with Amendment 6, and we should keep it. I know there is some question on whether or not we can rebuild in 10 years, but when you

look at the rebuilding that happened in the mid-'80s and early '90s, well we were in a much worse position back then. We certainly can rebuild, and we should absolutely try. Thank you.

CHAIR BORDEN: All right so, Toni, if you could take all the hands down. Anyone who wants to speak in favor of the motion, please raise your hand now. Toni, would you call off the first three names.

MS. KERNS: I have Megan Ware; she is the only one.

CHAIR BORDEN: Okay Megan, you're it.

MS. WARE: Oh man. I'm actually planning to do a motion to amend, or it could be a friendly, depending on how it's taken. I can do that now or wait.

CHAIR BORDEN: You can do that now if you would like.

MS. WARE: Okay. I am just going to say this really slowly, Maya, because part of this was in something else. **But move to amend to include options for measures to protect the 2015-year class, in the development of Draft Amendment 7**, and if I get a second, I will provide rationale. This would just be a second sentence on to the motion.

CHAIR BORDEN: We have a motion to amend, do we have a second to the motion to amend?

MS. KERNS: David Sikorski.

CHAIR BORDEN: David, so we have a motion to amend, Megan, do you want to site the justification, and then I'll go to David.

MS. WARE: Yes, thank you. You know I've heard a lot of stakeholders express pretty strong concerns about where this stock is headed. While I don't think we are at the place where the stock was in the 1980s, at this point we have had five years of average or below average recruitment.

It is this repeated poor recruitment that got us in trouble last time, so I think how we deal with this 2015-year class could be kind of make or break on

where this stock goes, and how successful we are in rebuilding. Going back to the addendum we just did, the TC did produce projections for the Board, which indicated that we could have a roughly 40 percent probability of hitting the SSB target by 2029.

Really, the key to that projection is whether the statistic holds, and whether that statistic holds is dependent on what catch and recruitment look like, kind of in the interim. So far, we've continued to have lower recruitment, and based on the MRIP numbers I saw, I think 2020 recreational landings were higher than 2019.

I'm not sure what the commercial landings were, but speaking just on the recreational, I believe they were higher. It is also concerning that we have this strong 2015-year class moving through the system, and as history has shown, this usually corresponds to a spike in catch. I really do believe the success of reaching that 10-year rebuilding timeframe is going to be dependent on what we do with this 2015-year class. I think this is warranting a discussion to the Board.

CHAIR BORDEN: Thanks, Megan. David, do you want to comment as the seconder?

MR. SIKORSKI: Yes sir, thank you. From the Chesapeake Bay perspective, I think history has already shown that we've had challenges in constraining fishing mortality, when we have a high abundance of fish. Unfortunately, recent Addendum VI measures probably failed to meet reducing fishing mortality on this 2015 stock, as implemented by all three Bay jurisdictions.

I really have the utmost concern of the impact we're already having on these fish. I think the best way to address this is to be laser focused on limiting fishing mortality on these fish that are left in the system, recognizing that they hold a lot of the hope for the future, as we all cross our fingers and hope that 2021 brings us brighter recruitment projections.

CHAIR BORDEN: All right, so once again, let me see a show of hands of those who want to speak on the motion to amend. Toni.

MS. KERNS: I'm just cross-referencing the list that I had for the first three names that I had seen before. I had John McMurray, Justin Davis, and Dennis Abbott.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: This is a welcome addition. If we want to rebuild it's important to protect those strong year classes. That is exactly how we rebuilt last time. There was emphasis on the husbanding one-year class through the process. It's particularly relevant now, considering that the 2015s are largely just recruiting into the fishery, into that slot limit. I think this is critical, and I hope we get some guidance from, should this pass, get some guidance from the TC on how that might look. How do we protect the 2015-year class?

CHAIR BORDEN: Justin Davis.

DR. DAVIS: I certainly appreciate the intent of this motion. I've been a strong proponent of the slot limit. But I will admit that there is a potential concern with this 2015-year class aging into the slot in coming years. I guess I've got two questions, one is that is this really a motion to amend, or is a motion to substitute?

In that is the intent here to remove the rebuilding schedule issue from Amendment 7, but somehow include this issue about new measures, as sort of a different issue, or is the intent here to keep the rebuilding schedule issue in the Amendment, and add to that issue the consideration of these new measures? That is one question. The second question I have is, thinking about the intersection of this with the stock assessment process.

Is the intent here to essentially develop measures that we would potentially implement for the 2022 fishing year, ahead of getting the stock assessment and a picture of where the stock is at, which we would normally use as the basis for changes to management? I guess that is two questions, probably best directed to the maker of the motion.

CHAIR BORDEN: Megan.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MS. WARE: Yes, so Justin, the motion I had sent to staff was to maintain the 10-year stock rebuilding timeline, and then include options for measures to protect the 2015-year class. My intent is not to have alternatives in the document to consider a different rebuilding timeline, but instead to include alternatives that protect the 2015-year class.

I consider that kind of a part of rebuilding, but I am not specifically looking to include alternatives on the rebuilding schedule. In terms of your second question about timing. You know if these measures are a part of the Amendment, I think it would kind of be locked into whatever that Amendment schedule ends up being, and that may depend on how many more issues we add to this document. I'm not sure if I can totally answer that question. I think it just depends when we finish the Amendment.

CHAIR BORDEN: Justin, do you want to follow up with that?

DR. DAVIS: Thank you for the clarifications, Megan, that was helpful. I think if the record reflects that the intent here is not to consider different options for rebuilding schedules, but to maintain the 10-year rebuilding schedule, and then add in this potential development of new measures to protect the 2015-year class, I'm good with that.

I guess I am concerned that if we are adding this into the document at this point, to me this is sort of adding a new issue to the document of changing fishery measures potentially in 2022. But it is my understanding that this will go back out for another round of public comment, correct? The public will have an opportunity to take a look at the Draft Amendment and comment on these potential measures. Is that correct?

CHAIR BORDEN: Toni.

MS. KERNS: I thought the question was to Megan.

MS. WARE: Yes, that is correct, and Justin I'll just note. There were comments about protecting the 2015-year class in our public comment record, so that is where I got this from.

CHAIR BORDEN: Okay, so the next person I have on the list is Dennis Abbott, and then we'll go to the people that want to oppose this. Dennis Abbott.

MR. ABBOTT: I fully support Megan's thoughts, but it strikes me that if we're amending it, we're going to remove Issue 4, and then include options for measures. It seems to me as Justin said, it should be a substitute motion, rather than what is put forward, because if we don't remove Issue 4, it's just not correct the way it's put forward, I think. I think that we should have a substitute motion.

MS. KERNS: Mr. Chairman, I thought Megan's intent was to add this text to Justin's motion, and I just want to clarify that with Megan.

CHAIR BORDEN: Megan.

MS. WARE: That's correct. Another option is, I could do a motion to substitute and add a sentence at the end that says maintain the 10-year rebuilding timeframe, if that is clearer.

CHAIR BORDEN: Since a number of speakers have suggested clarifying this, Megan, you and David want to withdraw the motion to amend? If you do, I will recognize you to make a substitute motion.

MS. KERNS: David, it's not their decision to withdraw, it would have to be the full Board. I do think that we didn't write the text down correctly as Megan asked for it. It should say, move to amend to include the following text, and just put that following text in front of.

CHAIR BORDEN: Megan, does that reflect your intent?

MS. WARE: Yes, thank you.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MS. KERNS: Maya, will you just write add options, put add in front of options.

CHAIR BORDEN: All right, is that what your intent is, both Megan and David?

MS. WARE: Yes, for Megan.

MR. SIKORSKI: Yes, Sir.

CHAIR BORDEN: I'm going to go to the noes. Anyone that wants to speak in opposition to this, please raise your hand.

MS. KERNS: I have Roy Miller, Tom Fote, and Mike Luisi.

CHAIR BORDEN: Roy.

MR. MILLER: Thank you, Mr. Chairman, it's not really in opposition. I just have a comment. We've already heard from others that the 2015 year class has entered the coastal recreational fishery. I'm just concerned that by trying to protect that particular year class, we're going to have a sliding scale over the years of varying size limits, that will add a layer of complexity, I think, to our management that we may not intend at this point in time. I'm concerned about trying to protect a year class that is already in the fishery.

CHAIR BORDEN: Tom Fote and then Mike Luisi.

MR. FOTE: Yes, I think this motion should have been made two years ago as a separate motion to basically protect that year class until we reach 95 percent of the size that they should be to spawn, the females. That's what we did in '82, we started doing that for the '82-year class. At this point in time, and we're talking adding this to this Amendment.

It's not going to go in place for three years. I think if you want to do this, it should be handled separately as an addendum that is going out now, but also if you're going to do that, are you going to raise the size limits,

because when we basically did this in the '80s to rebuild the stocks, we actually had no size limit on the high end, but just on the low end to protect that year class, until they spawned at least once. That was if I remember right 34 inches, and you had to change your regulations every year, to basically do that.

Now that is a difficult process every state has to go through the regulations. This is why it is confusing. I think it should be a separate amendment or an addendum going out, but not included in this one, because this would take too long to basically have any effect.

CHAIR BORDEN: Next we have Mike Luisi.

MR. LUISI: I'm going to say that while I understand the interest here from the management perspective, on trying to focus management efforts on a year class to try to manage that year class. I can't support that. I think the rebuilding schedule should be part of the Amendment, part of the discussion that we have, and so this whole discussion that is happening right now, I have a lot of concern with.

I think that what would end up happening as a result of trying to protect a particular year class, is going to be an inequity to the resource, depending on where that year class stands, whether it's resident stock, coastal stock. It's going to be too complex in already complex regulations, and I think we can come up with something better, so I'm not going to support it.

CHAIR BORDEN: Toni, if you could put down all the hands, and then is there anyone else that hasn't already spoken that wants to speak in favor of the motion to amend?

MS. KERNS: I just took the hands down, so I just want to see in favor. I have Mike Armstrong.

CHAIR BORDEN: Okay, so Mike on the favorable side, you're the last person to speak. Mike Armstrong.

MR. ARMSTRONG: I support this, I mean with a lot of reservations. It's hard to move the slot around. We all know the pit falls of changing the rules. But we've got five-year classes locked and loaded, with nothing

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

behind 2014. We have the 2015-year class, and 2014 was not bad out of the Hudson. That is all we've got to rebuild with. You know we targeted that for 0.2, and we have never achieved it, so I've got to assume we didn't hit it this time. We have to start doing draconian things to get this stock back. That is the bottom line for me, and so I support that.

CHAIR BORDEN: Hands down. Now Toni, anyone else on the no side? Any hands up? While Toni is waiting for the hands to come up, I'm not going to take public comments on this, until we get an amended motion, or we go back to the original motion. Toni, any further people want to comment on?

MS. KERNS: Max Appelman.

CHAIR BORDEN: Max, you're up, you're the last.

MR. APPELMAN: I know a lot can happen to a year class, you know from birth to year six, and I'm curious if there is any available information from the Technical Committee or science staff that can shed some light on the magnitude of that year class now, relative to, you know that recruitment estimate that we saw. I don't know if that question is coming across right. But I think it would be helpful to know if that year class stayed big, or if it has sort of diminished already.

CHAIR BORDEN: Max, I guess I would just comment that if in fact this stays in, and I'm not arguing one way or another. I think the technical people will be charged with looking at a wide range of issues, including what you just suggested, looking at the potential on the issue and the implications. We have no more noes. I'm going to declare a two-minute caucus on the motion to amend, and then call the question. Toni, times up?

MS. KERNS: I think so, we forgot to set the clock. I apologize. But it seems like two.

CHAIR BORDEN: That's all right, I looked at my watch. Is everyone ready for the question on this? Okay, so all those in favor of the motion to amend, signify by raising your hand.

MS. KERNS: I have New York, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, and Maryland. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: All those opposed to the motion, raise your hand.

MS. KERNS: I have Delaware, New Jersey, Virginia, and Potomac River Fisheries Commission. I'll put your hands down. I'm ready for the next vote.

CHAIR BORDEN: Any abstentions?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service. I'll put your hands down, I'm ready.

CHAIR BORDEN: Any null votes?

MS. KERNS: No hands.

CHAIR BORDEN: Okay so, what I have is 9 yesses, 4 noes, 2 abstentions, 0 nulls, is that correct?

MS. FRANKE: Yes, Mr. Chair, I have that as well.

CHAIR BORDEN: Okay, so motion passes. You're back to the amended motion. Toni, I think we should combine these two texts into a single motion, so everybody understands exactly what is being. Okay, thank you. Any further discussion on the amended motion? Any hands up?

MS. KERNS: I have Justin Davis.

CHAIR BORDEN: Justin.

DR. DAVIS: I guess I just wanted to reiterate, it's my understanding that it was clear in the record that this does not open the opportunity for consideration of other rebuilding schedule timelines. I still think this is sort of strange that we're removing an issue from the Amendment, but then we're adding options to that

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

issue. But I guess if everyone feels the record was clear enough on what we're doing here, I'm okay with that.

CHAIR BORDEN: Thanks, Justin, anyone else on this? Does anyone need a caucus on this? Any hands up?

MS. KERNS: I have no Board members with hands up.

CHAIR BORDEN: Okay, so I'm going to take two comments from members of the public. Toni, if you're a member of the public and you want to comment on this amended motion, please raise your hand.

MS. KERNS: I have Mike Waine.

CHAIR BORDEN: Okay, so Mike Waine, you've got the last word.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine, ASA. This is actually a question; you can decide whether it's in order or not. I'm just curious, like what happens, this is just a hypothetical, what happens if the next benchmark assessment gives us spatially explicit reference points, and that significantly changes where we are now.

Does that impact the rebuilding timeframe? You know, for those of you that have been following this for bluefish, I've been asking the same question, so I was just looking for a little clarity. If you want to say, let's talk about this later, I'm fine with that too.

CHAIR BORDEN: Does staff want to comment on that? Any staff?

MS. KERNS: Mr. Chairman, if we get a new assessment and the Board decides they want to change the reference points, then depending on the status of the stock at reference points, then the Board would then make changes to the measure, or respond to the change in reference points. It's really hard to give an answer to that

question, Mike, because you would be essentially starting a new clock if you started to judge the fishery in a new manner, unless the Board determined otherwise.

CHAIR BORDEN: Thank you, Toni. Does anyone need a caucus on this? Any hands up?

MS. KERNS: I have Justin Davis with his hand up.

CHAIR BORDEN: Okay, so we'll take a two-minute caucus, please.

MS. TINA L. BERGER: Mr. Chairman, can the motion be read into the record at some point before the vote?

CHAIR BORDEN: Yes.

DR. DAVIS: Mr. Chairman, this is Justin Davis. I'll apologize, my hand was up from before, I was not indicating that Connecticut needs to caucus on this.

CHAIR BORDEN: Okay, let me ask the question again then, does anybody need time for a caucus? Any hands up?

MS. KERNS: No hands.

CHAIR BORDEN: Okay, so we're going to take the question, I'll read the motion into the record: Move to remove Issue 4, the rebuilding schedule from further consideration in Amendment 7, and add options for measures to protect the 2015-year class, in the development of Draft Amendment 7. That's the motion. All right, all those in favor of the motion, signify by raising your hand.

MS. KERNS: We have New York, Delaware, Rhode Island, Maine, Massachusetts, New Hampshire, Pennsylvania, Connecticut, North Carolina, Virginia, PRFC, and Maryland. I will put your hands down.

CHAIR BORDEN: Toni, lower the hands, please. All those opposed to the motion, please raise your hand.

MS. KERNS: New Jersey. I will put your hands down, I'm ready.

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Okay, any abstentions? Raise your hand.

MS. KERNS: Two abstentions, NOAA Fisheries and Fish and Wildlife Service.

CHAIR BORDEN: Please put down the hands, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Okay, Maya, the final count, please, or Emilie.

MS. FRANKE: Mr. Chair, this is Emilie, I have 12 in favor, 1 opposed, and 2 abstentions.

CHAIR BORDEN: No null votes, so the vote is 12 in favor, 1 no vote, 2 abstentions, 0 null votes, the motion carries. Bob Beal, we are up to five o'clock. Would you like to provide some guidance on the issue of continuing, and it could be, continue for a while, for a time certain, or schedule another meeting? We still have a number of issues to go through.

EXECUTIVE DIRECTOR BEAL: Yes, I suggest we keep going. I know it's getting late, and it's a bit painful, but you know we're on Issue 4 out of basically 10, but the public is here. There are, I don't know last time I checked a couple hundred people on the line. You know, I think we owe it to the public to keep working through this.

I know it's painful, maybe we do another check in in an hour or so, and see how people are doing. I know we have had Board meetings where fatigue has caused some decisions that were rushed through, and we don't want to get to that point. But I think we can keep going. If people need a little bit of a break right now, maybe take a five-minute break, but I think we should probably keep pushing through as best we can.

CHAIR BORDEN: Okay, so the Board has heard the guidance, thank you very much for that. I believe, Toni, correct this if this is wrong. We've got Chris Batsavage who wants to make a motion, is that correct?

MS. KERNS: I believe that that was the next person on the list, yes.

CHAIR BORDEN: Then Tom Fote is next after that, so Chris, you're up.

MR. BATSAVAGE: Sorry, Mr. Chair, my hand went up by mistake, but I am not prepared to make a motion.

CHAIR BORDEN: Okay, thank you very much, Tom Fote.

MR. FOTE: Neither am I. My hand was down for something else.

MS. KERNS: Okay, then we'll take the next set of hands for motions. I had John McMurray and John Clark and Ritchie White.

CHAIR BORDEN: All right, John McMurray.

MR. McMURRAY: I move that Issue 5, regional management, be removed from further consideration in Draft Amendment 7. When the Chair is ready, I'll provide rationale if you would like me to.

CHAIR BORDEN: I'll come back to you. Do we have a second?

MS. KERNS: Mike Armstrong.

CHAIR BORDEN: Somebody has an open microphone; I'm getting some back feed. It's a motion by Mr. McMurray, seconded by Mr. Armstrong. All right, John, do you want to comment on the motion, and then I'll go to Mike.

MR. McMURRAY: Yes, thank you, Mr. Chairman. The science to develop a regional management model isn't there. A model was rejected by a peer review panel at the 66th Stock Assessment Workshop, and no other model has passed peer review that I'm aware of.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

Absent that, you know what are we going to use to inform separate regional management programs? I think it would be premature at this point. There is also the issue of practicality. Striped bass that spawn in the Chesapeake Bay, Delaware/Hudson, they all mix along the coast. As far as I'm aware, there is no practical way for an angler or a commercial fisherman to distinguish among them.

Plus, stock measures could really only be applied within the estuary where the fish originate, and even then, reference points specific to say, the Chesapeake Bay, which produces 80 percent of the coastal stock. You know it's questionable whether they are appropriate if they don't account for the impacts and the needs of those fish, once they exit the Bay and begin to migrate along the coast.

CHAIR BORDEN: All right, thanks, John. Mike Armstrong, do you want to comment as the seconder?

MR. ARMSTRONG: Very briefly, I think John covered it. We don't have the analytical skills and the data to manage like that yet. I don't know if it's appropriate for this Amendment at some point to call for moving forward with the two-stock model, which will be a lot of generating new data. But I'm not proposing that, but I do support taking this up now.

CHAIR BORDEN: All right, so let me reverse the order on how I count on the votes. Instead of going in favor and opposed, anyone opposed to this motion? If you're opposed to it, please raise your hand.

MS. KERNS: I see no hands raised right now for opposed.

CHAIR BORDEN: That was exactly the reason I reversed it, is because this motion is consistent with kind of the consensus comment when we went around to the different jurisdictions. Is there anyone on the support side that would

like to speak at this point? If not, I'm going to ask whether or not there is any objection to approving this by consensus. Anyone that wants to speak in favor of it can speak in favor or it, otherwise I'm going to ask the question of the Board.

MS. KERNS: You have Mike Luisi is the only one.

CHAIR BORDEN: Mike Luisi, you're up.

MR. LUISI: No, as I'm just looking at this, Mr. Chairman. I do apologize. I am opposed to removing this issue, so I should have put my hand up earlier. I think that the regional management of this fishery is something that we have abdicated for, for years since Addendum IV.

We, not just we in Maryland, but Virginia, Potomac River, Delaware, New York in the Hudson. I think this is an important consideration. I'm sorry I had my hand up at the wrong time, but I certainly do not support removing Issue 5 from this Addendum, and I'm strongly going to advocate for keeping it in.

CHAIR BORDEN: Okay, so does anyone on the Board want to speak in favor of this motion? If you do, raise your hand.

MS. KERNS: I have Dave Sikorski.

CHAIR BORDEN: Is that the only one on the list?

MS. KERNS: I don't have any other hands raised.

CHAIR BORDEN: Okay, so David, you get the last say on this. I am going to go to the public, as I've done before. David.

MR. SIKORSKI: Yes, I just wanted to state for the record that I generally support this motion, but I also respect Mr. Luisi's concerns, given Maryland's long focus on trying to return to some better regional management and some consistency there. I think where we are is we're waiting on science and the multi-stock model, or two-stock model to help guide this action. Personally, I think we're at a point now where we can remove this, but I would love some

clarity on when we might be able to revisit, assuming that this motion was to pass.

CHAIR BORDEN: David, I think the answer to that is you can revisit this at any point we're going to take a management action. You could basically reinsert it into any subsequent action. If it's proposed as an amendment, and Toni can correct this, we probably would have to do that as part of an amendment, unless we can framework it, or use adaptive management. Toni.

MR. SIKORSKI: Thank you, Sir.

MS. KERNS: Thank you, David. If it is the intent of the Board to want to take this up later on, we can make sure that it's something that can be addressed through the adaptive management section.

CHAIR BORDEN: Okay, thank you, Toni. If you could lower all the hands. Anyone in the public that wants to comment on this? I'm going to take a couple of points, you'll be limited to one minute, and then I'm going to call the question. We'll take a two-minute caucus at the end of this. Any hands up, Toni?

MS. KERNS: I just have one hand, and that is Julie Evans.

CHAIR BORDEN: Julie, you're up.

MS. JULIE EVANS: I'm kind of new to this forum, but I'm not new to striped bass. I just hope that everybody keeps in mind that we all have, up and down this coast, a potential for offshore wind turbines and that industry, to have an effect on all our migratory species, especially the striped bass. I haven't heard anywhere where this is being taken into consideration. I am the voice of the East Hampton Town Fisheries Advisory Committee, and I'm hoping that everyone looks to their waters and what is coming to populate them besides fish, thank you.

CHAIR BORDEN: Thank you, Julie, so back to the Board. We're going to take a two-minute caucus break. Maya, if you could run the clock, please. All right, we're going to reconvene. Is everyone ready for the motion? Toni, are you ready?

MR. LUISI: David, can I ask a quick question, before you call the question?

CHAIR BORDEN: Go ahead, you can ask a question, but the debate is over.

MR. LUISI: The debate is over, you said?

CHAIR BORDEN: Yes. But if you want to ask a clarifying question, go ahead.

MR. LUISI: I'm not arguing whether to support or not support the motion. I just want to make sure. The regional management has been very important for the Chesapeake Bay, especially in Maryland, and I heard Toni talk about the adaptive management response that we could do. I just want to be clear.

I mean I'm okay with taking this out, I mean I just talked with my Commissioners, and we're okay with removing it from this process, because it's not ready for primetime at this point. But I want to know how do we get it back in without doing another amendment? Is it an addendum process, or how do we get regional management considered again? Just so I can speak to my stakeholders on that.

MS. KERNS: David, do you want me to answer that?

CHAIR BORDEN: Toni.

MS. KERNS: Mike, what we're hearing from folks on some of these issues is that there are some things that they'll want to take on, once we have more information, or following the end of this document. We can ensure that those measures have the option to do it through an addendum, and we'll adjust the adaptive management sections accordingly, and then the Board can make that choice of whether or not they want to do it through an addendum, or an amendment. But it will be the Board's choice.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MR. LUISI: Okay, and so does that need to be clarified in this type of motion?

CHAIR BORDEN: No, I don't think so. The record is clear.

MR. LUISI: Okay. Well, you know down the road we'll hold the Board to the record, and yes, I appreciate that. Thank you, Mr. Chairman for giving me that opportunity to just ask that question. Maryland is going to support this, thank you.

CHAIR BORDEN: Okay, so all those in favor, please raise your hand.

MS. KERNS: Mr. Chairman, could you just ask if anybody is in opposition? It looks like to me everybody is in favor.

CHAIR BORDEN: Well, I actually tried to do that before. Anyone have an objection to approving this motion by consensus? Any hands up?

MS. KERNS: I have one hand, I have Virginia.

CHAIR BORDEN: Okay, so motion is approved by consensus, and I note that the Commonwealth of Virginia is in opposition to it.

MR. GEER: Excuse me, I'm not in opposition, I lowered my hand.

CHAIR BORDEN: Okay. Motion stands approved by consensus. Toni, who do we have next? We've got Ritchie White; I think next on the list.

MS. KERNS: That is correct.

CHAIR BORDEN: Okay Ritchie, you're up.

MR. WHITE: I don't have the number, if you put the issues up, I can do it by number. **The conservation equivalency, so Issue number 6, I make a motion to include that in the document. If it passes, then I have some options for the PDT, thank you.**

CHAIR BORDEN: My question, Ritchie, is do you want to include the options as part of the motion, or do you want to keep this clean, and just deal with it as the way you proposed it?

MR. WHITE: I would rather keep it clean and have it in the document, then if the options need a vote or not, then we could deal with that if this is still in the document.

MS. KERNS: I have a second.

CHAIR BORDEN: Okay, so we have a motion by Mr. White, is there a second?

MS. KERNS: Megan Ware.

CHAIR BORDEN: Megan Ware, so Ritchie, do you want to speak to the motion, and then Megan is up.

MR. WHITE: Sure. I think this issue the public was the most clear on. The public is extremely upset with the way conservation equivalency is presently working, and it really needs to have some changes to it. That is the justification, thank you.

CHAIR BORDEN: Megan, you're up.

MS. WARE: Yes, I'll just note Maine is a state which has used conservation equivalency in the past. But I think kind of reflecting on the experience we had with the last addendum, and what I saw in the public comment. This is a measure that is certainly contributing to lowering public confidence in the management process. I think it is impacting some of the outcomes of our management actions, so I do support including this option, continuing discussion, and thinking about how we can maybe put some bounds on it, thank you.

CHAIR BORDEN: All right, so back on the pros and cons. Does anyone want to speak in favor of it? If you do, raise your hand.

MS. KERNS: For in favor, the first three names that I saw were Jason McNamee, Justin Davis, and David Sikorski.

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Okay, Jason.

DR. McNAMEE: I'll just be quick, and note my support for this. Again, I think we heard a lot of comments about conservation equivalency. It seems like in the case of striped bass it needs some additional sideboards put on it. I will suggest though that I think it should be cross walked with the existing conservation equivalency guidelines that the ASMFC already has. But other than that, I'm supportive of this, and think it will help with the way people are thinking about conservation equivalency in the case of striped bass.

CHAIR BORDEN: Justin.

DR. DAVIS: I certainly support the motion. It was apparent to me after the Addendum VI process that we have some work to do on this issue. I don't approve of removing conservation equivalency altogether from the FMP, because I think there are legitimate reasons to use it. But I certainly think we need to tighten up the guidelines around its use for the species.

I also think this kind of like thing like mode splits, this is a larger issue than just striped bass. I appreciate Jason McNamee's comments that this should be cross walked against sort of overarching Commission policy about this topic. But I just don't think we can engage in another addendum process to potentially change measures on striped bass, without fixing this issue.

CHAIR BORDEN: Let's see, I've got David Sikorski.

MR. SIKORSKI: Yes, my shortest comment of the day. I'll say ditto to Jason and Justin's comments, thank you.

CHAIR BORDEN: We've had three pros, Toni, if you would lower the hands. Anyone that wants to speak in opposition to the motion, please raise your hand.

MS. KERNS: I see no hands in opposition.

CHAIR BORDEN: No hands. Does anyone else care to speak in favor of it? Any hands up?

MS. KERNS: Dennis Abbott.

CHAIR BORDEN: Dennis.

MR. ABBOTT: I probably don't have to say anything at this point, because I think that there has been a shift in how we're going to deal with conservation equivalency. But this is the first item of the ten that we're dealing with, that really gets to the meat and potatoes of why we have Amendment 7 in the works, and how we got to be overfished and overfishing occurring.

A little history, in 2009 I was quoted widely that conservation equivalency, as I said was "death by 1000 cuts," and that was in 2009. There was some reaction to that, positive reaction to that. But we continued on our merry way. In 2012 I stated again, and I quote, "we have a canary in the mine that will probably fall off its perch pretty soon, as it deals with conservation equivalency."

At that time, we didn't take any action to limit our catch and change our regulations. In 2020, I said that the ink wasn't even dry on the latest addendum, when states had their CEs in the works. It directly showed after these CEs or conservation equivalencies were approved, that we went from a proposed 18 percent savings with a 50 percent probability of success down to 15.

In large part, I think that our application of conservation equivalency has surely been a part of how we got there. As many of you know, I'm in strong opposition of conservation equivalencies, but I think that we can probably make some substantial changes in how we accomplish conservation equivalencies, and so on and so forth. I think Ritchie White is going to explain to you some of the ways that, if we use conservation equivalency, we can do it a lot better than what we have in the past. Thank you.

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Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Is there anybody else that wants to speak on this? Any hands up on the Board, Toni?

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, any members of the public that want to speak on this? I'm going to try to move this along.

MS. KERNS: No hands, Mr. Chairman.

CHAIR BORDEN: Okay, is there any objection to approving this by consensus? Any hands up?

MS. KERNS: No hands, oh, one hand, Mr. Chairman.

CHAIR BORDEN: Which jurisdiction?

MS. KERNS: New Jersey.

CHAIR BORDEN: Okay, so the motion is approved by consensus, and the minutes will note that the state of New Jersey was no. All right, I've gone through my list, does anyone else care to go on the list.

MR. WHITE: Excuse me, Mr. Chair. Do you want at this point, do you want options for the PDT on conservation equivalency?

CHAIR BORDEN: I'm not sure that we need a motion, but Ritchie, it would be helpful if you or Megan would like to put some suggestions into the minutes, which the PDT could look at.

MR. WHITE: Yes, my intent on this motion was, that just not myself but other people could provide options for the PDT. But I have three. The first would be to require a conservation equivalency proposal to provide 125 percent of savings, instead of the 100 percent presently required, so that would be one.

Second would be to require conservation equivalency proposals at thresholds of success, using a 75 percent probability of success. That

would be another one. The third would be conservation equivalency will not be allowed, if stock is overfished or overfishing is occurring. Again, I'm open, the vote clearly allows other options in there, thank you.

CHAIR BORDEN: Okay so, those are suggestions. I would hope that we can avoid making those as a motion. Those would be referred to the PDT for examination. Are there any other suggestions that people would like to refer to the PDT? Megan.

MS. WARE: I think what Ritchie provided is a good start, and I would be interested also in what the PDT has to come up with, or what others have.

CHAIR BORDEN: Any other guidance from any of the Board representatives?

MS. KERNS: Mr. Chair, I have three additional other folks, and I'll just reaffirm what you said is that we'll take all the suggestions to the PDT, and then when the Board gets a take at the document, that is when they can either decide to remove issues from it or not, before it goes out for public comment. I have Mike Luisi, Pat Geer, and Joe Cimino.

CHAIR BORDEN: Okay, Mike Luisi.

MR. LUISI: I don't have any suggestions on this. I'm going to support having this in the Amendment. I think, well it's already been approved. But we're not at the point right now where we need to start adding in, you know the different ways for which these alternatives are going to be developed.

I think the PDT can take some guidance, and I look forward to working through this. Conservation equivalency is one of the things that we've used in the past here in our state, and I look forward to the conversation. But I'm not ready at this time to provide guidance, but I look forward to what the PDT has to put together, so thanks.

CHAIR BORDEN: Okay, so I've got Pat Geer and then Joe Cimino.

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MR. GEER: I agree with what Mr. Luisi said. I would also like to point out that the Commission does have a conservation equivalency policy, and after what we went through with Addendum VI, where we had somewhere in the vicinity of 43 different plans, it may warrant dusting that off and looking at it, and trying to come up with some new protocols that could be used. I'm not prepared to add anything else at this time, as far as recommendations.

CHAIR BORDEN: Joe Cimino.

MR. CIMINO: I have rarely seen an item more demonized than this. I think it's a shame. You know we all struggle with MRIP estimates, there are point estimates to talk about, you know accountability in this way, I think is a little bit misguided. It isn't for the benefit of the stock. Those states that don't take CE have time and again by Board members here said they don't need to take action.

We're moving towards a place where a state that is continually increasing their harvest, but they're the only bad player, wouldn't have to do anything, as long as they're taking the coastwide measures. On the flip end of this, we have to talk about the reality of the paper exercise that we're looking at.

Where we're pretending that 2020 measures will have the same stock conditions, the same environmental conditions, the same fishing pressure as 2017 on paper, to prove we're going to need 125 percent reduction. It's just punitive, it's not a consideration for the stock. I don't know why we keep going down this road, thank you.

CHAIR BORDEN: Anything else on this issue? If not, Toni, have we exhausted the list of people that wanted to make motions?

MS. KERNS: I have Tom Fote.

MR. CLARK: I was on the list, Mr. Chair.

CHAIR BORDEN: That's correct, I apologize, Tom, you're up for a motion.

MR. FOTE: Not for a motion.

MR. CLARK: That was me, it was John Clark.

MS. KERNS: John, we're not to the motions yet.

MR. FOTE: I was up to talk about something after listening to Joe, and that is what I wanted to discuss. The fact is, that when we put in regulations on other species, like summer flounder. We basically took the fish away from the south, this was in the early parts of the management plan, and award it to New York and New Jersey, and Massachusetts and Connecticut.

The other states didn't have to take any real cuts, we just put sizes and bag limits in that we already had, where the south took huge cuts, and actually reduced their catch, and then we set quotas based on that catch for equivalency. I mean that is one of the reasons conservation was recruited in the plan, was to make sure that didn't happen. Sometimes it's really more stable to take a reduction by putting a certain size limit, but the reduction will be 22 percent or 25 percent, while some states say, well I'm staying status quo, and their reduction is only 2 percent. Some states feel the uneven burden of not having conservation equivalency, and that was why it was put in the plan. It was basically not to penalize some states over others.

CHAIR BORDEN: John Clark, did you ask to make a motion?

MR. CLARK: I did, Mr. Chair, I'm sorry for jumping the gun there. I thought I had been in the list before. I didn't realize you were still taking comments.

CHAIR BORDEN: No, no, go ahead, John. Perfectly all right, go ahead, John, you've got the floor.

MR. CLARK: Not a big surprise here, I would like to move to include Issue 9, coastal commercial quota allocation in the draft amendment.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: We have a motion by Mr. Clark, do we have a second?

MS. KERNS: I see no hands.

CHAIR BORDEN: Let me ask again, we have a motion by Mr. Clark, do we have a second for the motion?

MS. KERNS: Justin Davis.

CHAIR BORDEN: Seconded by Justin Davis. If you would like to speak to that.

MR. CLARK: Yes, thank you, Mr. Chair. We've brought this up many times from Delaware, that the quotas of course are based on data that is extremely old. Everybody on, well most of the Commissioners here have been through other allocation questions just recently, where we were saying that we had to reallocate, based on data that was nowhere near as old as this striped bass data.

I understand that this is a sensitive question, and I think this can be included in the Amendment, and done in simple matters, a matter of shifting from some jurisdictions to the other. We're not looking to increase the coastal quota; we just want it to be something where it is distributed more equitably. Thanks.

CHAIR BORDEN: Justin, would you like to comment?

DR. DAVIS: Sure, thank you, Mr. Chairman. That obviously touches on a larger issue that we've been dealing with a lot lately in the Commission process, which is quota allocation. I think any time any jurisdiction feels that their outdated quota allocation is disadvantaging other fishery, and they need consideration for additional opportunity. I think we all need to be receptive to that, and be willing to give it full consideration.

I do have some concerns about this, you know potentially maybe slowing down the

amendment process, given that it's something of a different animal than the other issues we're considering. But we've also voted today already to take a fair number of things out of this document. I think at this point it's fair to leave this in, continue to work on it. Maybe we'll decide at the next stop on the road that we need to split this off into its own action, but at this point I would support leaving it in. Thanks.

CHAIR BORDEN: As we've done before, anyone that wants to speak in favor of the motion, please raise your hand.

MS. KERNS: I have Dennis Abbott.

CHAIR BORDEN: All right, Dennis, you're the only yes, so you have the floor.

MR. ABBOTT: I think this is an issue of fairness. In talking to my friend, Craig Pugh from Delaware, when we were able to have face-to-face meetings. It was interesting getting what I would consider his side of the story, and as I say, what we do I don't know, but it is very fair to give this commercial quota issue a chance, or a look right at this point.

CHAIR BORDEN: All right, so that was the yesses, anyone want, hands down Toni, please.

MS. KERNS: Mr. Chair, there are two other hands that went up while Dennis was speaking for in favor, so do you want to go to those two individuals?

CHAIR BORDEN: Please.

MS. KERNS: They were Mike Luisi and Marty Gary.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: I wasn't necessarily speaking in favor. While I certainly agree. We've been dealing with a lot of allocations, both at the state and federal level recently. I think Delaware needs to have their commercial fishery have a look. I just don't know that it fits in this Amendment.

I need to caucus with my other Commissioners, but I think that this is one of those pieces of what got

brought up during the public comment period and through the scoping period, where this could be one of those things that could fall into an addendum, that kind of works parallel with the Amendment, since the Amendment is going to take on a longer process. I just don't know that it fits. I talked with John Clark and others, but that is kind of where I am right now.

I think it's going to bog things down a bit, but we did remove some stuff today that I didn't necessarily approve. But it is the Board's action, and so I almost need to kind of regroup and think about what we have left on the table, and whether or not this syncs in with the actions that need to be taken. I just need to give it a little bit more thought, but I just wanted to voice my opinion on the record.

CHAIR BORDEN: I've got Marty next, please.

MR. GARY: I think Justin and Mike framed it up pretty well, Justin particularly with the rationale for including it. I think the theme here is, there are a lot of us that would like to support this, but we're struggling with how it fits in. PRFC is going to vote this up, and at the very least if it isn't successful in being integrated, then hopefully as Mike said, it could be dealt with in parallel, so we can be attentive to Delaware's concerns.

CHAIR BORDEN: All right, thank you, Marty. Anyone else before I go to the noes? Anyone wants to oppose this, please raise your hand.

MS. KERNS: Mr. Chair, the hands are very mixed now. I think people may have been confused. Is it all right if I put the hands down, and let folks put their hands back up?

CHAIR BORDEN: Please.

MS. KERNS: All right, if you want to speak against the motion, please put your hand back up. All right, that seems much cleaner. I have Joe Cimino, John McMurray, and Chris Batsavage.

CHAIR BORDEN: Joe.

MR. CIMINO: I don't want to take more time, but I want to be clear to Delaware that we are very sympathetic on this issue as well, but I'm in the same place Mike Luisi is. I just don't see how it fits. I would rather take this up as soon as we can in an addendum process later. Thank you.

CHAIR BORDEN: John McMurray.

MR. McMURRAY: Mr. Chair, I'm not opposed to doing this, but I have a question for staff, if I may. What sort of analysis and time commitment is this going to create, and how is it likely to affect the timeline?

CHAIR BORDEN: John, I just offer a personal comment. Given the fact that we probably already have too many issues included in this at this point to get it through the system in a timely basis. One of my thoughts is, at the end of this when we actually know what we've got for priorities from the Board.

We should basically ask the staff to look at it from the perspective of, which of these issues could be integrated through a different process, either a framework or adaptive management, or whatever. In other words, we're not saying we're not going to move forward with them, but we might move forward with them under a different process.

Then they could come back to us at the next meeting, and kind of answer that question. I think we would get a better sense of what is possible, and in what timeline, and by which methodology. Does that sound like a reasonable thing to ask to address your point?

MR. McMURRAY: Yes, thank you.

CHAIR BORDEN: Okay, so I've got Chris Batsavage.

MR. BATSAVAGE: I don't support including this in the Amendment for the reasons given. Allocation issues are challenging, and although this one could potentially be a little more straightforward, like some allocation issues we've done in the past. It could also get very complicated very quickly, and sometimes the commercial allocations tend to do that.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

I would be concerned including it in with the other issues, especially since we've included one issue that looks at options to protect the 2015-year class. That seems to be a little more time sensitive, and I think it would be best to address this in a separate addendum, in which case I do support your looking at this, just not in this Amendment. Thanks.

CHAIRMAN BORDEN: Anyone else care to speak in favor of it or opposed? If you want to speak in favor of it raise your hand now. Any hands up, Toni?

MS. KERNS: I have Craig Pugh.

CHAIR BORDEN: You have who?

MR. KERNS: Craig.

MR. CRAIG PUGH: Thank you, David.

CHAIR BORDEN: Craig, you're up, sorry about that.

MR. PUGH: We've been looking for this movement for a long, long period of time. Delaware's allocation has been different than the rest of the coastwide allocation in its disbursement, and it's been to our degradation to our economic structure and our fisheries in the state of Delaware, which happened to be one of the points that was brought up Monday in the climate change thing, as far as fishermen and the communities, and how they are affected.

I can tell you that this degradation and this lack of recognition of our fishery, as in regards to the rest of the coast, is something that we think of every day, and how the Commission goes about responding to this issue that we've had for a number of years, I would say well over 25 at this point. I'm watching New York get reallocated eels.

I'm watching different allocations, we did menhaden, I was there for that in 2017, and we're getting ready to do it again it looks like. I kind of wondered why the state of Delaware keeps getting pushed in the corner. I know we're the little state of Delaware, but I would recognize that we go back.

Our fishermen and our communities are important to us. This issue is of great, great and vast importance in our state. As far as I'm concerned, it's our number one issue. We are recognized, or the Basin is recognized as possibly contributing up to 20 percent to the coastwide allocation. We certainly have never been recognized for that, or for whatever reasons. At any rate, our quota is rather miniscule compared to our neighbors, or maybe even our further neighbors. We do know that there is some quota out there that already exists, that is not being accessed, and has not been accessed for well over seven years.

Some sort of new distribution of that would be okay, would be fine. But at least some reaction to our plight of 25 years would be a positive for our fisheries in the state of Delaware. I'm not, if it seems to be the wish of the Board to put this in a separate addendum, we're in favor of that too. But please, please address this. This has been going on for way, way too long. We're trying to heal the wounds, not make them worse. I've got another little story, now that I have the floor.

I kind of feel like I'm on a different planet sometimes. I fished, I prosecuted the shad fishery in the mid-eighties, mainly because we didn't have striped bass, and striped bass was certainly in a moratorium during that period. I could tell you we would fish for, oh about 60 days, with about 300 yards of webbing. It ranged anywhere from 5.5 to 4-inch webbing, some down to 3.5.

During that period on those days, it would be from March through April. We would catch 6 striped bass through that two-month period. That is not the case today. Today we cannot prosecute other fisheries, because our nets fill with striped bass, and we have nowhere to go with them, as far as quota goes.

The other fisheries are kind of discounted. We've changed our gear, it's much larger now. We don't target the other species anymore, because they are kind of out of that marketplace that is in the sweeter spot. We've gotten much, much better at like dead discards, and what we catch goes to market. We're proud of that, we've worked at that really, really hard. We're looking for a little recognition here. Thank you, and I appreciate the time.

CHAIR BORDEN: Craig, thank you very much for the comments. Anyone else who wants to speak on this, please raise your hand.

MS. KERNS: I don't know if these are in favor or against any more, Mr. Chairman, but I have Eric Reid, Jim Gilmore, and Mike Luisi.

CHAIR BORDEN: Okay, and then after that I plan to ask for a couple of public comments, and then move on to call the question. Eric Reid.

MR. ERIC REID: Very quickly. I support this motion, but I would also support another mechanism that may be more timely, and faster than this Amendment. Either way, it has to be addressed. Thank you.

CHAIR BORDEN: Okay, Jim Gilmore.

MR. JAMES J. GILMORE: Just in a question. I agree this needs to be looked at. But I share the concern of others that this could slow things down tremendously. The question is, if we, and amendments typically take a long time to go. If we did this as an addendum, could that run parallel to this? Do we have to wait for the amendments to be completed before we could look at the allocation, or could we run it parallel? If we could, I think that would be a better way to address this in a more timely manner.

CHAIR BORDEN: Thanks, Jim. Toni, who was the third person you had on the list?

MS. KERNS: Mike Luisi.

CHAIR BORDEN: Mike, you already spoke once. If you want to make a quick comment, go ahead.

MR. LUISI: I wanted to make a quick comment to address. I was kind of where Jim was, and I think that this issue would be better served through an addendum, which wouldn't bog down a couple year process on an amendment. That was the question I was going to have for Toni, or Bob and staff, you know.

If we were to substitute at this point, and I would look to maybe Jim, or John to make a substitute motion, to initiate an addendum. Is that going to really tie staff up at this point, as far as trying to do two things at once? Just looking for guidance on that, because I think it is something that definitely needs to be addressed, but I don't think it belongs in this amendment, honestly. I mean that is just where I am.

CHAIR BORDEN: Just a comment from the Chair's perspective. I would prefer to actually vote on this, and see where the vote goes. I still intend to ask the staff at the end of this to go forward and look at whatever the list is we have, and figure out, number one what the workload is, whether or not they can get it done on a timely basis, and whether or not there is another way of accomplishing it.

If they do that, and if this passes it will be on the list, and it will get included in that evaluation. I would prefer not to make motions to amend. I think we should just vote it up or down, and then deal with it based on the result. Are there any members of the public that want to comment on this? If so, please raise your hand.

MS. KERNS: I don't see any hands, Mr. Chair.

CHAIR BORDEN: Okay, so I'm going to afford a two-minute caucus, then we'll come back and vote. All right, we're back in session. Toni, are we all connected?

MS. KERNS: Yes, we are, Mr. Chair.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: All those in favor of the motion. Let me read the motion. Motion to include Issue 9, coastal commercial quota allocations in draft Amendment 7. Made by Mr. Clark, and seconded by Dr. Davis. All those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have New York, Delaware, New Hampshire, Connecticut, Potomac River Fisheries Commission, and Maryland. I will put your hands down. I'm ready.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New Jersey, Rhode Island, Massachusetts, Pennsylvania, North Carolina and Virginia. I'm ready.

CHAIR BORDEN: All right, any abstentions?

MS. KERNS: I have NOAA Fisheries and Fish and Wildlife Service.

CHAIR BORDEN: Two, any null votes?

MS. KERNS: One null vote, Maine.

CHAIR BORDEN: One null vote, okay so is the count 6 to 6?

MS. KERNS: Emilie?

MS. FRANKE: That is correct, Mr. Chair, with two abstentions and one null.

CHAIR BORDEN: You were a little broken up, actually there is a siren going on in the background someplace. If the vote is 6-6-2-1, is that correct?

MS. FRANKE: Yes, that is correct.

CHAIR BORDEN: Okay, so motion fails for lack of a majority. Okay, I'm going to ask now, so it's part of the record that given the fact that this was basically a tie vote. I would like the

staff to examine this whole issue in the context of what I discussed earlier, basically to look at it and look at what other mechanisms are available, and then report at the next Board meeting.

I think it's only fair, given the fact that it's a tie vote. It stays out of the Amendment, so everybody is clear, it's going to stay out of the Amendment. But if there are options for moving this forward, staff will provide us guidance.

MS. KERNS: We'll do that, Mr. Chair, in consultation with John Clark, because I'll need some specifics from what the state of Delaware is looking for, in order to better inform the Board of a timeframe and mechanism.

CHAIR BORDEN: John, is that agreeable to you and your delegation?

MR. CLARK: Yes, Mr. Chair. In other words, this would be sort of the start of an addendum process, I take it, to address this issue. Toni will get with me and we'll look at how we can get this moving at the next meeting, I hope. Thanks.

CHAIR BORDEN: Yes. The only thing I would comment, John. This does not commit the Board to an addendum. All I want is the two staffs to collaborate on it, and figure out what needs to get done, what the staff work is, and what an expeditious process is. Then the Board will decide at the next meeting whether it moves forward, and if so, how. Is that all right?

MR. CLARK: Okay, that will work. Sure.

CHAIR BORDEN: Okay, so Toni, do we have anyone else on the list for motions?

MS. KERNS: I have two hands that are up, and can we open it up to anybody else that has a motion? Because I don't know if some people's motions have gone, since we have taken care of some things. On the list I have John McMurray and then Justin Davis.

CHAIR BORDEN: All right, John.

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Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MR. McMURRAY: We haven't touched on Issue 3, management triggers, and there seemed to be a lot of public concern regarding the last trigger, that deals with JAIs. **I have a motion. I would move to task the TC with developing options for a more effective standard for a recruitment-based trigger, using juvenile abundance indices.**

MS. DRZEWICKI: Can you just repeat the last part of that motion, please?

MR. McMURRAY: Yes. Developing more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: Okay, so we've got a motion by John McMurray. Is there a second?

MS. KERNS: I have Roy Miller.

CHAIR BORDEN: Seconded by Roy Miller. John, you want to speak to this?

MR. McMURRAY: Sure, thank you, Mr. Chairman. Management trigger 5 defines recruitment failure as three consecutive years when the juvenile abundance indices fall below 75 percent of all values in the time series. That has only occurred once in the entire 63-year history of the Maryland JAI, and that was in 1985, after Amendment 3 had been adopted, and the rebuilding plan was in place.

It hasn't been tripped, despite the poor recruitment we've been seeing in recent years, which has certainly contributed to the current state of the stock. Management Trigger 5 needs to be revised to render it more effective. I also think it should probably compel rather than suggest that the management board take action to address recruitment.

I think that the Board should really consider revising that management trigger, maybe do a three-year rolling average or by revising the description of recruitment failure. You know the precise form of that revision should be left

up to the TC, but it is definitely a concern we heard from the public during the public hearing process. Thanks.

CHAIR BORDEN: All right, Roy, do you want to comment?

MR. MILLER: I would just add to what John said, that it also may merit looking at the one-year-old index, as well as the juvenile index, in case there is an extraordinary mortality event, or something of that nature. I just think this whole issue of our juvenile abundance trigger needs another look. Thank you.

CHAIR BORDEN: All right, so we've got a valid motion on the table. Does anyone want to speak in favor, if you do raise your hand, please?

MS. KERNS: Mr. Chairman, I have Justin Davis.

CHAIR BORDEN: Justin, you're up.

DR. DAVIS: I'll start by saying, I do support this motion. But I've got a question for the maker of the motion. It seems like implicit in this motion is that we're leaving Issue 3 in Amendment 7, the management trigger issue. Is the intent here that we would only be going forward, taking a look at the recruitment-based trigger, and not potentially taking a look at the other triggers within the FMP?

CHAIR BORDEN: John.

MR. McMURRAY: Well, the intent was that we would only look at the JAI or Trigger 5. If you want to add, or make a friendly amendment to make that specific, I would certainly accept it.

CHAIR BORDEN: Justin, do you want me to come back to you?

DR. DAVIS: I guess I would ask; would it be appropriate to deal with this motion, vote it up or down, and then potentially entertain motions relative to the other triggers that are included under Issue 3, or would you rather just sort of deal with it all now?

CHAIR BORDEN: Well, if you have a suggestion, so we can make it comprehensive, so we don't have to have

multiple motions. I think it will actually speed things up. Suggest to John that the motion be perfected, John and Roy, that it be perfected in the following manner. Justin, if you want a minute to think about that, I'll take some people on the other side.

DR. DAVIS: Sure, that sounds like a plan. Thank you, Mr. Chairman.

CHAIR BORDEN: Okay, so on the no side, obviously Justin is going to work on a variant of this. Who would like to speak in opposition? If you're in opposition, please raise your hand.

MS. KERNS: Mike Luisi, are you in opposition, or were you in favor?

CHAIR BORDEN: I already asked for the people in favor, and the only hand that went up was Justin.

MR. LUISI: Mr. Chairman, I'm in favor of including this. But I don't know that we need to get into the specifics of the triggers. I think, like we have done with the other issues, we should just include it, and let the Plan Development Team working with staff, and working with the Board, develop it over time, rather than getting into the details of each one of the triggers. The way we've been working today has been more, you know it's been a little bit more high level, and so I think that is where we need to be.

CHAIR BORDEN: Thanks, Mike. Somebody has an open microphone, because I'm hearing discussions. Anyone in opposition to this who would like to speak?

MS. KERNS: I have Tom Fote.

CHAIR BORDEN: Tom Fote, you're up.

MR. FOTE: I'm in opposition to breaking it out. We should just move the whole thing and include it into the document, not just the recruitment-based triggers. Until we basically put everything together, I'm not supporting it.

MR. McMURRAY: Mr. Chair, can I take a crack at perfecting the motion?

CHAIR BORDEN: Actually, John, before you do that let me see if Justin wants to verbalize his thoughts, and then I'll come directly back to you. Justin.

DR. DAVIS: I think I would rather defer to John, and give him first crack, if he wants to try to clarify the motion.

CHAIR BORDEN: Okay, so John, you're up.

MR. McMURRAY: I would move that female SSB and fishing mortality triggers, and rebuilding schedules be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger, using the juvenile abundance indices.

CHAIR BORDEN: This would be a substitute motion, perfected motion. John, is that what you're suggesting, because I've got to get Roy Miller's permission?

MR. McMURRAY: If that is the easiest way to do it, yes.

CHAIR BORDEN: Roy, is it agreeable to you to perfect this motion?

MR. MILLER: Yes.

CHAIR BORDEN: Okay, so John, if you could repeat that slowly, staff will take this motion off and then you can put up the revised motion on the board.

MR. McMURRAY: **Okay, move that the female SSB and fishing mortality triggers, and rebuilding schedules, be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger using the juvenile abundance indices.**

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MS. KERNS: John, just a point of clarification. We already removed the rebuilding schedule from the Amendment, if I am correct. Emily, right?

MS. FRANKE: That is correct.

MS. KERNS: I don't think we need that in the motion.

MR. McMURRAY: Okay, so let's go ahead and delete that then.

MS. KERNS: My other question to you, John, while you are still perfecting. Are you trying to only be able to look at the recruitment-based triggers with a juvenile abundance index, or is that one of maybe two or three ways that you could get them?

MR. McMURRAY: No, the intent is to only look at Trigger 5.

MS. KERNS: Okay, but could they look at that trigger with something other than a juvenile abundance index? I don't know what it would be, but I'm just putting it out there.

MR. McMURRAY: I think leaving that option open for the TC would be a good idea, yes. Why don't we delete using the juvenile abundance indices?

MS. KERNS: Okay, and we know, through this record will know that that is one of the things that we want to look at.

MR. McMURRAY: Mr. Chair, would you like me to read that again into the record?

CHAIR BORDEN: Please.

MR. McMURRAY: Move that the female SSB and fishing mortality triggers be removed from consideration for draft Amendment 7, and to task the TC with developing options for a more effective standard for a recruitment-based trigger.

CHAIR BORDEN: That's a motion by Mr. McMurray, and as I understand it, it is still seconded by Mr. Miller. Roy, is that correct?

MR. MILLER: That is correct.

CHAIR BORDEN: Okay, so we have a motion. Discussion pros on the motion. Does anyone want to speak in favor of the motion? Toni?

MS. KERNS: I see no hands up currently.

CHAIR BORDEN: Okay, anyone want to speak opposed to the motion, raise your hand.

MS. KERNS: I see two hands, nope three hands. Mike Luisi, Tom Fote, and Max Appelman.

CHAIR BORDEN: Mike Luisi.

MR. LUISI: While I appreciate the interest of considering what we do with the triggers. What I don't like at this point is that we're being specific about which elements of the triggers of Amendment 6 are being considered for change. I think we went through a process over the summer this year.

We had a working group that spoke about the challenges that the triggers present regarding timing for management change, and for incorporation of new science into those triggers. I am completely comfortable with exploring how the triggers set themselves forward, you know I'm completely fine with how the triggers are evaluated.

But singling out just the recruitment trigger, and leaving everything else alone is not something I can support. I think the entire trigger mechanism needs to be reevaluated. Honestly, I'm just going to say it. You know over the last few hours we have cut and diced up this Amendment to the point where, you know we took a lot of really important things out of it.

I'm frustrated, but if triggers are something that we can still focus on, because triggers are going to be what dictate our management actions. I think this needs to be evaluated holistically, and not just one of

the many triggers that we have, and I'm not going to support this motion. But I do support maintaining the trigger portion of this Amendment in the Amendment, so thank you.

CHAIR BORDEN: Tom Fote.

MR. FOTE: I support what Mike just said. I'll keep it short.

CHAIR BORDEN: Okay, thanks for being brief, Tom. Max.

MR. APPELMAN: Yes, I agree with Mike, and I agree with the sentiment about the recruitment trigger for sure. But I think all five of these triggers need a fair scrub. They worked very well for most of the time under Amendment 6. But given the last two assessment cycles, I think it's pretty clear that they could benefit from an update that aligns more with the realities of what we're seeing, a highly variable F.

These triggers are based on point estimates, and I don't think it's going to fare well for the Board, and the public, and the stakeholders moving forward with each iteration of the assessment. I'm hoping that all of the management triggers get a fair scrub in Amendment 7.

CHAIR BORDEN: Let me ask one more time, because we only had, I think either no one or one person spoke in favor. Anybody that wants to speak in favor at this point, raise your hand.

MS. KERNS: You have John McMurray, the maker of the motion with his hand up.

CHAIR BORDEN: John, you've had two bites of the apple, so please be quick.

MR. McMURRAY: Very quickly, just to be clear. The public was very, very clear that it wants to maintain all of these triggers, and to take them out of the document, except for the fifth trigger. That's why I tried to just address that trigger. Thanks.

CHAIR BORDEN: Okay, so are we ready for a vote on this? Are there any members of the public that want to comment on it, and if so, raise your hand at this point?

MS. KERNS: Mr. Chair, I don't have a member of the public, but Mike Luisi has his hand up.

CHAIR BORDEN: Mike.

MR. LUISI: I don't know if this is the appropriate time, but I think following the procedure that we've used over the last, I don't know, four hours now. I would be inclined to make a motion to substitute, and staff might have to help me here on what alternative this is. But I would be inclined to make a motion to, just to reconsider triggers in this Amendment.

Let staff work on things, and talk with industry and with management, and the PDT, and come up with different approaches for how these triggers could be more well integrated, based on the timing, and the issues that came up during our working group sessions, where there were a number of things that were considered to be problematic.

I don't know if you could help me out with a motion, I would be inclined to make that motion to include this trigger alternative in the plan, not just for the recruitment-based triggers, but for all the triggers to be reconsidered. If you're willing to accept that as a motion to substitute. Yes, I guess it's not an amendment but a motion to substitute.

CHAIR BORDEN: You're entirely within your rights to make a substitute or motion to amend. But you've got to be specific on the language.

MR. LUISI: How about I do that? Yes, I can be specific. Motion to substitute, to keep management triggers in Amendment 7 for analysis and consideration by the Board.

CHAIR BORDEN: All right, we have a motion to substitute. Is there a second by Mr. Luisi?

MS. KERNS: I have Mike Armstrong.

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: Mike Armstrong. Okay, so Mike Luisi has already spoken to it. Mike Armstrong, do you want to speak to it?

MR. ARMSTRONG: Yes. I don't have a lot to add. I was part of the Working Group, and we did look at all these triggers. They are a little bit problematic, and I think they could be tweaked to be more effective, and keep us from chasing our tail a little bit too much, without getting rid of their effectiveness.

CHAIR BORDEN: All right, so you've heard from the maker of the motion and the seconder. Anyone want to speak in favor of this motion? If you do so, please raise your hand.

MS. KERNS: I see one hand, Max Appelman, oh two, Justin Davis.

CHAIR BORDEN: Okay, Max and then Justin and then I'll go to the noes.

MR. APPELMAN: I definitely support this motion. I'll just add that I don't think this is going to add, it's not a very analytical topic in my mind, to let the PDT go to the drawing board, do some retrospective analysis maybe. But I don't see this really slowing down progress on Amendment 7, so I support the motion, and I do hope that this passes.

CHAIR BORDEN: All right, Justin Davis.

DR. DAVIS: I'm really torn on this, but I think I am going to support the substitute motion. I agreed with John McMurray, that I think the priority should be taking a look at that recruitment-based trigger. But I think it's fair at this point to keep this issue in as a whole, and take a look at these management triggers.

I don't want anyone to construe that with sort of an attitude that we ought to relax these triggers, and make it easier for the Board to avoid a management response when the stock is overfished, or goes into overfishing. If

anything, we could take a look at these triggers and find ways to make them more strict, or find ways to make them more effective at spurring the Board into action. I do think it's really important to have effective triggers.

I guess I'm not ready at this point to remove the entire issue, other than the recruitment-based trigger from the document. I would like to see some more consideration and some more analysis. But I will be, down the road, looking at it through that lens of ensuring that we have effective triggers in place that will sort of hold the Board's feet to the fire, and make us take effective management action when the stock is overfished or in overfishing. Thanks.

CHAIR BORDEN: If someone would like to speak in opposition to the motion, please raise your hand at this point.

MS. KERNS: I don't have any hands up.

CHAIR BORDEN: Okay, let me just ask, we've done the pros and cons. Are there any members of the public that want to speak on this?

MS. KERNS: Just giving a moment. I see no hands.

CHAIR BORDEN: Okay, so does the Board want to caucus on this? One minute caucus?

MS. KERNS: I see a hand for a caucus.

CHAIR BORDEN: Okay, so we'll have a one-minute caucus.

MS. KERNS: Mr. Chairman, at the end if we do indeed keep all of the management triggers in, I can clear what the Board is looking for, for the Trigger 5. But I think we'll need some guidance for the PDT for these other triggers on what types of changes or options you may be looking for. We would be looking for that afterwards.

CHAIR BORDEN: All right, so are you ready for the question? Given the lack of no votes on this. Could I see a show of hands of individuals that are opposed to it?

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MS. KERNS: I have two hands, North Carolina and New York.

CHAIR BORDEN: We better vote on it, we've got more than one. All those in favor of the motion to substitute, please signify by raising your hand.

MS. KERNS: I'll read that list. Delaware, U.S. Fish and Wildlife Service, New Jersey, Rhode Island, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Pennsylvania, Connecticut, Virginia, Potomac River Fisheries Commission, and Maryland. I'll put the hands down, and I'm ready.

CHAIR BORDEN: All those opposed.

MS. KERNS: New York and North Carolina. I'm ready.

CHAIR BORDEN: Any abstentions?

MS. KERNS: No abstentions.

CHAIR BORDEN: Any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Okay, so the motion passes. What I have is 13-2-0-0, is that correct?

MS. FRANKE: Yes, that is correct, Mr. Chair.

CHAIR BORDEN: Okay, so motion passes. What other issues do we need to deal with?

MS. FRANKE: Mr. Chair, this is Emilie. The only issue the Board has no addressed so far is Issue Number 8, recreational accountability.

CHAIR BORDEN: Okay, let's deal with that issue.

MS. BERGER: Mr. Chairman, I believe you need to vote on the main motion.

CHAIR BORDEN: Oh, excuse me. Thank you very much for pointing that out. **Now we have**

a main motion has been substituted. Given the vote, is there any objection to approving it by consensus? Does anyone object?

MS. KERNS: I see no hands.

CHAIR BORDEN: No hands, motion stands approved by consensus. Thank you very much for pointing that out. Okay, so as was noted, we have one more issue to deal with, recreational accountability. Does someone care to make a motion on it?

MS. KERNS: You have Mike Armstrong.

CHAIR BORDEN: Mike, you're up.

MR. ARMSTRONG: Thank you. Motion to remove Item 8, recreational accountability from further consideration in Amendment 7.

MS. KERNS: Ritchie White is your seconder.

CHAIR BORDEN: We have a motion by Mr. Armstrong, second by Ritchie White. Discussion on the motion. If you're in favor of the motion, raise your hand and I'll call on you.

MR. ARMSTRONG: Mr. Chair, could I speak first?

CHAIR BORDEN: Yes, I'm just trying to move this on. Go ahead, Mike, and then I'll call on Ritchie.

MR. ARMSTRONG: The concept of accountability, of course everyone embraces it. But with using MRIP data, it is a fool's errand to try and use hard quota type system with recreational fishery. The data moves around because of randomness, because of weather, because of movement of fish, and it has nothing to do with a good-faith effort to put in a rule to control things. I think we've seen accountability is a big mess in fluke and other fisheries. I oppose it.

CHAIR BORDEN: Ritchie.

MR WHITE: Mike said it all, thanks.

CHAIR BORDEN: All right, so anyone that wants to speak in favor of the motion, please raise your hand and I'll call on you.

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Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

MS. KERNS: I have Dave Sikorski, Jason McNamee, and Mike Luisi.

CHAIR BORDEN: Okay, so David.

MR. SIKORSKI: You know I support this motion, because this term has gotten this issue all wrong, recreational angler accountability causes certain assumptions out there as the public discusses this. I think what we're trying to do here is better account for recreational catch. The previous speakers, you know had some really important points on that.

I just want to flag the concept that all of us as member states that all have recreational fisheries, really have a responsibility to focus on what we can do on a local level, maybe addressing certain low hanging fruit, if you will. You know, for example in Maryland, our for-hire fishery is accepting some electronic reporting, which helps in accountability in the recreational sector, and it's a great example of steps they've taken in the last year.

We know that the private recreational angler is willing to do what it takes to better manage this fish. This fishery and all fisheries, but we just have to develop some tools, and it's going to take a lot of hard work and funding. Frankly, I think climate change focus is a fresh new way to maybe look at some of this, and really try and find the balance between using this resource and protecting it when necessary. Thank you.

CHAIR BORDEN: Jason.

DR. McNAMEE: Thank you, Mr. Chair, very much support everything that has been said so far. I also just wanted to note. I think a lot of this discussion got conflated with the conservation equivalency discussion, just from my perception of the discussion during the public hearings. But it's not that I'm against accountability. I think accountability is great. It's just I don't think we have the tools available to do that in a meaningful way in the

recreational fishery at this point. I am supportive of this motion. Thank you.

CHAIR BORDEN: Mike Luisi, I think.

MR. LUISI: Yes, I'll support. Real quick, I'll echo what the other speakers said. Dave Sikorski spoke to the issue that I was going to bring up, so Maryland is going to support this. Thank you.

CHAIR BORDEN: All right, thank you, if someone would like to speak in opposition to the motion, please raise your hand.

MS. KERNS: I have two hands, Joe Cimino and Jim Gilmore.

CHAIR BORDEN: Could you repeat the first one, Toni?

MS. KERNS: I have Joe Cimino and Jim Gilmore, as well as Eric Reid.

CHAIR BORDEN: Okay, so Joe Cimino, you're up.

MR. CIMINO: I have concerns with this issue on both sides. It's amazing to me that some of the same people that feel the data aren't useable for this, are the same ones that say that folks that try and use conservation equivalency should be held accountable to this same exact data. But there are some challenges here, and I do not think that the recreational fishing community should necessarily be held accountable to (faded out) but I wouldn't entirely be opposed to exploring this more. That's not to say that I'm speaking for all of New Jersey here.

CHAIR BORDEN: Jim Gilmore.

MR. GILMORE: Actually, I'm not in opposition to the motion, but I'll follow along with what Joe just said. You know we can't do this because of the information, the data we have to track it. But does that not mean it is not a significant problem. In the last two weeks since the season opened, I've gotten, I won't go into the details, but two blatant disregards by recreational fishermen for any of the rules we have.

Again, that may be related to COVID, and I think that is exactly the excuse we have. But I think we need to

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continue discussing how we're going to get some accountability, despite the fact that we don't have a good system now. But I will support the motion, because I think at least it's as Mike said, a fool's errand at this point. Thank you.

CHAIR BORDEN: Eric Reid.

MR. REID: Well, if this is a fool's errand, I guess that makes me a fool. That's the first point I guess I should make. I recognize the magnitude of this topic. This is a giant effort to rebuild striped bass, and in my mind turning a blind eye to accountability is really counterproductive. The main component of this fishery is an open-access fishery.

If you look at MRIP effort data from 2015 to 2020, and you plug in almost all modes, all oceans, it shows that effort from 2019 pre-COVID to 2020 during COVID was up 8 percent. It also shows that it was up 17 percent over the entire time series, and actually three or four states had the highest effort on striped bass in the time series. It's a runaway train, equity in this fishery is a whole, meaning both open access and the limited access portions beg for accountability.

Earlier today, I think it was about 12 hours ago, a joint action effort that we probably all know about with the Mid-Atlantic and the Commission, a recreational reform initiative was mentioned as maybe being something that could deal with this. But in my opinion, it will not have a direct impact or bearing on striped bass, which is solely managed by the Commission. For these reasons, this fool opposes this motion. Thank you.

CHAIR BORDEN: All right, so let me go back and ask one more time, anybody want to speak in favor?

MS. KERNS: I have Pat Geer's hand up, I don't know if it's in favor or against.

MR. GEER: It's against.

CHAIR BORDEN: We'll let you go whichever direction you want to go in.

MR. GEER: All right, I appreciate that. I mean I completely understand the concerns with, you know the data isn't quite there and we're concerned, you know the fool's errand and things like that. But we don't have any accountability in our recreational fishery for striped bass. We're saying the MRIP data isn't good enough.

Well, in Virginia, with our cobia fishery, which our PSEs are a lot worse than they are for striped bass. We just recently had to take a 41 percent cut in our harvest, because of the MRIP numbers, because of an accountability measure that is in that plan. I'm kind of concerned about not having any recreational accountability at all. I understand the concerns with trying to have something, but we need to really start looking at this more carefully. If we're going to allow conservation equivalency, there has got to be some accountability for those plans.

CHAIR BORDEN: Thanks, Pat, anyone else want to speak on this? Any hands up, Toni?

MS. KERNS: You have Emerson Hasbrouck, Mike Luisi, and Eric Reid put his hand back up.

CHAIR BORDEN: I'm only going to call on people once, so give me the list again, please. Mike Luisi already spoke.

MS. KERNS: The only person that has not spoken is Emerson.

CHAIR BORDEN: Okay, so Emerson, you're the last speaker.

MR. EMERSON C. HASBROUCK: When you call the question, we're going to need time to caucus here, because I'm opposed to this motion. We really need to start a discussion about accountability in the recreational fishery. You know, there was some discussion a few hours ago about how, you know we set standards to reduce fishing mortality, and then we

Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

don't meet those targets, and then there is no accountability for that.

If we're going to go forward, and if we're going to rebuild this resource, and if we're going to rebuild it in a timely manner, recreational accountability has to be part of this. I think some people are confusing accountability with accounting. Those are two different things. But we need to have accountability here. If we're going to establish some targets, in terms of how we're going to build this resource, and if we don't meet them then what are we going to do? Accountability gives us the ability to do something about that. Thank you.

CHAIR BORDEN: Toni, are there any members of the public that want to speak to this?

MS. KERNS: Give me a second to have hands up. I see Patrick Paquette and Mike Waine.

CHAIR BORDEN: Okay, so Patrick, you're up. If you would limit your comment to a minute, please, and then Mike Waine is next.

MR. PAQUETTE: Thank you, Mr. Chairman, Patrick Paquette from Massachusetts Striped Bass Association. The subject is a valid subject, but it should be dealt with at the Policy Board level at the ASMFC, so that there is a comprehensive policy regarding how to approach this subject. From a personal point of view, anglers in the northeast absolutely begged the ASMFC not to go to 2 fish.

Anglers in the northeast absolutely begged the ASMFC to react as we saw the first 7 out of 10 years of decline in juvenile recruitment. The ASMFC continued to let more catch 'em all and kill 'em all states. We would love to not pay the consequences for overfishing in other states in Massachusetts, where we've been begging, begging, begging for conservation, more restriction on striped bass harvest up and down the coast. If we're going to talk about recreational accountability, get ready for a state-by-state discussion, because we're quite

frankly tired of greedy states, putting us in positions that are ruining our fisheries.

CHIAR BORDEN: Thank you, Patrick. Mike Waine.

MR. WAINE: Thank you, Mr. Chairman, Mike Waine with ASA. I feel like we've tried to address this at the federal level, through the Rec Management Reform. You know the anglers are accountable to the management measures. You all set the size limits, the bag limits and the seasons, and the anglers go out and follow that. If those measures miss the mark, in terms of what is supposed to be achieved, the accountability is on the managers.

I would echo the comments that have been made, like the data do not support, the MRIP data do not support point estimates, and using those to evaluate performance on an annual basis, and that is what we're trying to do with the Rec Reform in the Mid-Atlantic, and trying to keep this on a level where it makes sense. I wish I had a little bit more time, but I'll yield back, thanks.

CHAIR BORDEN: Thanks, Mike, so I'm going to declare a one-minute caucus, and then we're going to vote on it. Toni, are you ready?

MS. KERNS: Yes, Mr. Chair.

CHAIR BORDEN: Okay, so all those in favor of the motion, please signify by raising your hand.

MS. KERNS: I have Delaware, U.S. Fish and Wildlife Service, New Jersey, Maine, NOAA Fisheries, Massachusetts, New Hampshire, Connecticut, North Carolina, and Maryland. I will put the hands down, and I am ready for the next vote.

CHAIR BORDEN: All those opposed, raise your hand.

MS. KERNS: I have New York, Rhode Island, Pennsylvania, Virginia, and Potomac River Fisheries Commission. I am ready for the next.

CHAIR BORDEN: All right, all those who wish to abstain, raise your hand.

MS. KERNS: No abstentions.

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Draft Proceedings of the Atlantic Striped Bass Management Board
May 2021

CHAIR BORDEN: No abstentions, any null votes?

MS. KERNS: No null votes.

CHAIR BORDEN: Do I have it correct, 10-5-0-0?

MS. FRANKE: Yes, Mr. Chair, that is correct.

CHAIR BORDEN: Okay, so the motion passes. Any other issues to come before the Board today? Let me just add that I realize there are a number of issues under other types of suggestions, and my recommendation would be, is take those up at the next Board meeting.

We're obviously going to have to revisit a number of the decisions we made today, and I still think it's desirable. Now that the Board knows what the tasks are, what the priorities are for the Commission, for the staff to look at it from the perspective of, what is the workload, how much can get done in a reasonable period of time.

Are there other mechanisms to work on some of these issues, with the intent that it would slim down the Amendment? If the staff does that, and then reports at the next meeting. Based on whatever the recommendation is from the staff, we could decide whether or not we wanted to pursue some of these through alternative strategies. Is that agreeable to the Board?

MR. LUISI: Can I ask a real quick question, Mr. Chairman, to staff?

CHAIR BORDEN: Yes, Mike Luisi.

MR. LUISI: Yes, thank you very much, it will be 30 seconds. Toni and Emilie, do you plan to have an Advisory Panel meeting between now and the August meeting, or do you think that you're going to be working on developing this and have a meeting post August? Because my question earlier had to do with Advisory Panel membership, which I can hold off on until

August. I can work with the Commission Chair, Mr. Keliher on something with the Policy Board that we were considering maybe adding a commercial interest to the state of Maryland. Any feedback would be helpful.

MS. KERNS: I don't think we would, Mike, because I don't think we will have enough direction to take any issues to the AP yet. I don't anticipate a meeting.

MR. LUISI: If we put our package together for the August meeting that will be fine, and then we'll have a full AP, because we lost a few people through attrition and just other reasons. Okay, that's all I had. Thank you, Mr. Chairman for that, it gives me good guidance for getting things ready for the next couple months. Thank you.

CHAIR BORDEN: All right, thanks, Mike. Is there anything else under this agenda item to come forward, Toni or Emilie?

MS. KERNS: I have Jim Gilmore with his hand up.

CHAIR BORDEN: Jim.

MR. GILMORE: Mr. Chairman, do we need an overarching motion to move the as amended today over to the Plan Development Team?

CHAIR BORDEN: I'll defer to Toni.

MS. KERNS: We do not, Mr. Chair.

CHAIR BORDEN: Okay, so is there any other business under this agenda item? If not, we'll move on to the AP recommendations, and then Mike Luisi asked for a minute under Other Business.

MS. KERNS: I think Mike Luisi just said he doesn't need his minute under the Other Business, because he can hold off until August. I'm just going to note that Emilie and I are going to just take a quick glance at the PDT membership, and confirm with the states that all of those individuals are still available to continue working on the document, as it's been almost a year since we've had folks meeting to work on the document. We'll come back in August with probably more questions and directions for the Board in the

development of these options, or sections of the Amendment.

CHAIR BORDEN: Toni, that sounds good. My only suggestion is, if you need Board input on the PDT issues, composition, whatever. Just communicate to the Board via e-mail, if you need input.

MS. KERNS: That's the plan.

**REVIEW AND POPULATE
ADVISORY PANEL MEMBERSHIP**

CHAIR BORDEN: Okay. Any other business? We're on the AP issue. Toni, who is handling that?

MS. BERGER: I can do it, if you would like.

CHAIR BORDEN: Okay.

MS. BERGER: For the Board's consideration you have in your materials the nomination form for John Worthington, a recreational angler from North Carolina. I submit to you his nomination for approval to the AP.

CHAIR BORDEN: Any comments on this? Any objections to approving this by consensus.

MS. KERNS: Mr. Chair, I just need someone to make the motion. I need a hand. **I have, Jim Gilmore is making the motion and Bill Gorham is seconding it.**

CHAIR BORDEN: Okay, so any discussion on this? Any hands up?

MS. KERNS: Bill Gorham.

CHAIR BORDEN: Bill. Bill, would you like to comment on this, or Jim?

MR. GILMORE: No, Mr. Chairman, I read his background and I think he would be a welcome addition.

CHAIR BORDEN: Okay, any objection to approving this by consent? Any hands up?

MS. KERNS: I see no hands up.

CHAIR BORDEN: Okay, so the nomination stands approved without objection. Any other business to come before the Board? Any hands up?

MS. KERNS: I see no hands.

CHAIR BORDEN: Okay, so I guess.

MR. WHITE: Mr. Chairman, I just want to thank you for doing a great job getting us through this difficult process in one day, thanks.

MR. SIKORSKI: I just raised my hand to second that. Thank you, staff and Mr. Chairman.

MR. GILMORE: I just want to know, where is hospitality tonight?

ADJOURNMENT

CHAIR BORDEN: Exactly. Okay, thank you very much, and let me just take one second to thank all the staff members that have worked on this, particularly Emilie and Toni and Katie in the office and Tina on Advisory reports. This is a good team effort, and they've all done a very admirable job, so thank you very much for all your work. The meeting stands adjourned.

(Whereupon the meeting adjourned at 6:20 p.m. on
May 5, 2021)



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board
FROM: Atlantic Striped Bass Plan Development Team
DATE: July 19, 2021
SUBJECT: Board Direction Needed for Development of Draft Amendment 7

Background

In August 2020, the Striped Bass Management Board initiated development of Draft Amendment 7. The purpose of the amendment is to update the management program to better align fishery needs and priorities with the current status and understanding of the striped bass resource and fishery. The Board intends for the amendment to build on Addendum VI which aimed to end overfishing and initiate stock rebuilding. In February 2021, the Board approved for public comment the Public Information Document (PID) for Draft Amendment 7. The PID was the first step in the amendment process as a broad scoping document seeking public input on a number of important issues facing striped bass management. After the PID public comment period, which included 11 virtual public hearings and more than 3,000 written public comments, the Board approved in May 2021 the following four issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class.

The Plan Development Team (PDT) and Technical Committee (TC) met multiple times between May and July to begin developing options for Draft Amendment 7. This memo from the PDT and the enclosed memo from the TC request specific guidance from the Board on the type of options that should be further developed for some of the issues, including challenges, concerns, and recommendations with regard to specific analyses requested by Board members.

Based on guidance provided by the Board, the PDT will continue to develop options for Draft Amendment 7. Board guidance at this time is important to ensure the draft options and analyses meet the Board's intent and objectives for this amendment. Without specific guidance, the PDT may be limited in the options it can develop.

Requested Board Guidance

The PDT and TC are requesting Board direction on the following questions and challenges:

Recreational Release Mortality

- What types of effort control options should be included in the Draft Amendment?
 - There are challenges associated with both coastwide seasonal closure options and state-specific/regional seasonal closure options.
 - Without a specific effort reduction target in mind, it will be difficult for the PDT to develop specific closure options.
 - Should the PDT focus on no-harvest closure options and/or no-targeting closure options?

Conservation Equivalency (CE)

- Is the Board willing to specify now which sector(s) of the fishery would be subject to new restrictions on the use of CE?
- How does the Board want to proceed with options for restricting CE based on justification (e.g., biological reason)?
- Considering administrative challenges associated with restricting the number of alternatives submitted in CE proposals, does the Board still want to see options for specific number limitations?
- Considering concerns about trying to evaluate the performance of CE measures, does the Board want to pursue options for CE accountability measures?
- Does the Board support the PDT's recommendation to not pursue a probability of success metric for CE proposals?

Management Triggers

- What information does the Board want the recruitment trigger to provide (e.g. true recruitment failure or periods of below average recruitment)? (*TC memo*)
- How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered? (*TC memo*)

Recreational Release Mortality

The PDT is considering the following types of options to address recreational release mortality: effort controls, gear restrictions, fish handling requirements, and outreach/education. Although the impact of many of these options on the stock will be difficult to quantify, they are intended to reduce the number of recreational releases or improve post-release survival.

The PDT is requesting guidance on effort control options, specifically seasonal closures, which are intended to reduce the number of live releases by reducing the number of fishing trips (effort) that interact with striped bass.

Q: What types of effort control options should be included in the Draft Amendment?

Challenges: Coastwide closure options

PDT Discussion: Coastwide closure options (e.g., closure from Dec 15-Apr 15 to protect pre-spawn striped bass) would ensure consistency in the timing of closures across all states, but the PDT recognizes equitability as a primary challenge. Recreational fisheries operate very differently along the coast and coastwide closure options would result in different levels of effort reduction across states. Coastwide closures would impact each state fishery differently based on timing (availability of fish) and current management measures already in place in each state.

Challenges: State-specific or regional closure options

PDT Discussion: State-specific or regional closure options (e.g., state-specific closure dates during peak temperatures) could help account for unique biological, environmental, and socioeconomic considerations, as well as regulatory consistency within shared waterbodies, but this may result in a patchwork of season closures across the coast. The PDT would not be able to develop specific options for each state since these considerations are different for each state. States would need to develop closure proposals to pursue through their state public processes and submit for TC review and Board approval as part of state implementation plans.

The PDT could develop options that set some parameters on the scope of state closures; for example, requiring states to meet a specified percent reduction in number of releases through a seasonal closure. However, the state-level MRIP data needed to conduct these analyses would have high PSEs, particularly when broken out by wave, and the Board has not specified a reduction target at this point.

Challenge: Without a specific effort reduction target in mind, it will be difficult for the PDT to develop specific closure options.

- PDT Discussion: In the absence of a target for reducing effort (i.e., a percent reduction in the number of live releases), the PDT requests guidance on the range of days, months, or waves the Board would like to consider for coastwide or state-specific closures. Without additional direction, the PDT can only focus on options for biological and ecological closures, such as seasonal closures for spawning areas and for peak temperature periods.

Based on the direction the Board wants to go, the TC could provide a range of estimates, which consider different effort assumptions in response to closures, to help the Board understand the utility of different management measures:

- If the Board is comparing different closure options, what is the range of effort reduction we could expect for a set season closure (e.g. x days)?
- If the Board wants to reduce removals by X%, what range of seasonal closures is necessary?

Q: Should the PDT focus on no-harvest closure options (catch-and-release fishing allowed) and/or no-targeting closure options?

PDT Discussion: The draft amendment could include options for both no-harvest and no-targeting closures, or could only focus on one type. With any type of closure, there will still be fishing trips targeting other species that incidentally interact with striped bass, as well as striped bass directed trips that shift to targeting other species.

The PDT assumes maximum reduction of effort, and thus reduction in number of releases, would be achieved with no-targeting closures. However, the PDT recognizes enforceability concerns and uncertainty around the level of compliance, so compliance would have to be assumed under a no-targeting closure. With no-harvest closures, angler behavior may shift to catch-and-release fishing trips, thereby increasing the number of releases which is counter to the objective of reducing release mortality. Additionally, there is no information on the difference in release mortality rates between catch-and-release trips versus trips harvesting striped bass.

The most appropriate approach may depend on the reason for the closure; for example, implementing a no-targeting closure during high temperature periods when release mortality rates are increased. Various scenarios and assumptions can be explored with MRIP effort data, likely with high PSEs, but factors like changes in angler behavior are unpredictable and catch-and-release trips are not separable in MRIP.

Conservation Equivalency

The PDT is considering the following types of options to address concerns about the use of CE: restrictions on when CE can be used, CE proposal requirements, and CE accountability.

Q: Is the Board willing to specify now which sector(s) of the fishery would be subject to new restrictions on the use of CE?

PDT Discussion: Most of the issues and concerns surrounding CE, as identified in the PID and Board discussions, pertain to non-quota managed recreational fisheries for striped bass. However, the Board has not decisively indicated whether it wants to consider new restrictions for CE across all striped bass fisheries or only certain sectors. Accordingly, the PDT has drafted three options from which the Board could tailor its interest in seeing new restrictions on the use of CE (see below). If the Board can narrow its focus now, it would help streamline the PDT's development of options.

1. Recreational Fisheries Not Managed by a Quota (excludes tag-based "bonus programs")
2. All Recreational Fisheries (including tag-based "bonus programs")
3. All Recreational and Commercial Fisheries

From the PDT's perspective, there is a fundamental difference between the application of CE in fisheries that are quota-managed and those that are not with regards to quantifying and measuring the effectiveness of the program. Quota-managed fisheries (including commercial fisheries as well recreational "bonus program" fisheries) remain accountable to a CE-adjusted quota using census level harvest data, whereas non-quota-managed fisheries have a CE-adjusted harvest target that may or may not be exceeded as determined by survey-based harvest estimates.

There is also a difference between the application of CE in recreational and commercial fisheries with regards to regulatory consistency. While a uniform set of coastwide recreational measures (bag and size limit) for a rod and reel only fishery is feasible, the same cannot be said for the commercial fisheries throughout the management unit, given differences in gear use, participation level, and available quota by state. Even without CEs implemented in the commercial fishery, there will be variations in seasons and trip limits for the commercial fishery within and between states.

Q: How does the Board want to proceed with options for restricting CE based on justification (e.g., biological reason)?

PDT Discussion: The PDT could develop options restricting the use of CE based on a specified justification for the CE program; for example, biological reasons, such as the size availability of fish in an area being smaller than the coastwide measure. The idea is CE would be limited to times when a real hardship would otherwise occur due to implementation of the FMP standard.

The PDT requests guidance on considering general justification categories versus identifying specific justification scenarios. For general justification categories (e.g., CE can only be requested for biological reasons, when a hardship would otherwise occur, or to promote fair and equitable access CE), the PDT is concerned this would not provide enough guidance to states, and that most requested CEs could be framed in a way to fit such a general qualifier. However, identifying specific scenarios (e.g., size availability of fish) may result in some valid reason for a CE being left out.

Regarding other types of restrictions on when CE can be used, the PDT is also developing options that would restrict CE based on stock status.

Q: Considering administrative challenges associated with restricting the number of alternatives submitted in CE proposals, does the Board still want to see options for specific number limitations?

PDT Discussion: The Board requested options that restrict the number of management alternatives that a state can submit in a CE proposal. One option could be a hard cap on the number of alternatives (e.g., 5). While appreciating the challenges caused by the

high number of alternatives within the CE proposals for Addendum VI, the PDT also recognizes that there could be administrative challenges associated with implementing a hard cap. These challenges include:

- the timing of Board action/proposal submittal/implementation deadline with that of each state's public comment and regulatory process (e.g., if CE proposals are due prior to state public hearings can be held, a range of alternatives is needed);
- efforts to coordinate measures with neighboring states can increase the number of alternatives that need to be considered;
- and how fisheries management complexity varies among states (i.e., states with various fishery components—ocean, bay, river, catch and release season, spring trophy, etc.—likely need more flexibility in the number of alternatives that may be submitted).

If the Board would like a hard cap on the number of alternatives that may be submitted, the PDT requests the Board provide direction on the specific number for the cap.

In addition to considering the number of alternatives, the PDT is also developing options that would limit the range of alternatives within CE proposals. In this case, the Board would specify boundaries for alternative measures for any particular management action (e.g., no proposals that target fish greater than a certain size). This option would likely indirectly reduce the number of alternatives that are submitted.

Q: Considering concerns about trying to evaluate the performance of CE measures, does the Board want to pursue options for CE accountability measures?

PDT Discussion: Based on Board interest, the PDT is developing options that could require accountability measures for those instances when a state's harvest (or catch) under a CE program exceeds its target. Such accountability measures could be a requirement to revert back to the FMP standard or implement additional measures estimated to achieve the target. However, after discussion, the PDT recommends removing CE accountability options from in Draft Amendment 7.

The PDT emphasized the challenges with evaluating the performance of CE measures versus the FMP standard. It is not known how the FMP standard would have performed if implemented, and the effects of implementing any measures cannot be isolated from the effects of effort changes and fish availability. The PDT also notes that states implementing the FMP standard are not held accountable to their projected harvest, and that the Board removed the issue of recreational fishery accountability from Draft Amendment 7. The PDT is also concerned about the amount of Board time that could be spent on CE in the future if accountability measures are required.

From the PDT's perspective, the other front-end measures being developed for CE proposals (e.g., restrictions on when CE can be used, requiring an uncertainty buffer, setting data standards) are a more effective tool to improve the performance of CE in the striped bass fishery. Ultimately, the PDT recommends the removal of CE accountability options from Draft Amendment 7. For the same reasons, the PDT also does not consider a CE performance analysis as requested by the Board to be feasible at this time.

Board Member Request: Evaluate CE Performance

A Board member requested analysis to compare the performance of CE measures at the state/region level versus the performance of coastwide measures.

PDT Discussion: As stated above, the PDT and TC do not consider a CE performance analysis to be feasible at this time. The PDT and TC noted that differences in performance are influenced by a number of factors including changes in effort, fish availability, year class strength, and environmental factors. There is year-to-year variability even under consistent regulations due to different year classes moving through the stock and variability in effort and angler behavior. The TC also emphasized that identifying and comparing the effect of different management measures is not possible without a full management strategy evaluation (MSE) and robust simulations.

Q. Does the Board support the PDT's recommendation to not pursue a probability of success metric for CE proposals?

PDT Discussion: While recognizing the Board and public interest in using a probability of success metric for CE proposals, the PDT does not recommend pursuing this type of option. State CE proposals in the striped bass fishery are generally not developed in a manner that includes an estimated probability of success. While it would be possible to calculate the coastwide probability of achieving, for example, the fishing mortality (F) target for all different combinations of CE proposals being considered, this would add considerable time and complication to the process. For example, if the combined measures were not projected to achieve the F target, which states would have to amend their CE proposals, and by how much?

Management Triggers

The PDT is developing options for the SSB and F triggers and has tasked the TC with developing options for the recruitment trigger.

Q: What information does the Board want the recruitment trigger to provide (e.g. true recruitment failure or periods of below average recruitment)?

TC Discussion: Please see enclosed TC memo.

Q: How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?

TC Discussion: Please see enclosed TC memo.

Board Member Request: Retrospective Analysis of New SSB and F Triggers

A Board member requested that any newly proposed triggers be tested to evaluate their performance if implemented during Amendment 6 to address the question of whether different triggers could have helped the Board be more proactive in addressing poor stock status.

PDT Discussion: The PDT does not recommend conducting a retrospective analysis of alternative management triggers because it would not help determine how well those triggers would have performed. The TC discussed that if a retrospective analysis is performed, it should only use the current reference points and time series from the 2018 benchmark assessment. Therefore, it is unlikely that the results would provide useful information because the *F* reference points and understanding of the magnitude and slope of spawning stock biomass over time has changed considerably since the management triggers in Amendment 6 were developed. Furthermore, it is difficult to know how the stock would have responded if management action was tripped earlier in the time series without a full MSE and robust simulation. Lastly, any retrospective analysis would not consider the probability of exceeding or going below a particular management trigger, and could not account for the inherent uncertainty of triggers that are based on point estimates.

PDT Members

Nichola Meserve (MA), Nicole Lengyel Costa (RI), Greg Wojcik (CT), Brendan Harrison (NJ), Simon Brown (MD), Olivia Phillips (VA), Max Appelman (NOAA), Emilie Franke (ASMFC-Chair)



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Striped Bass Management Board
FROM: Atlantic Striped Bass Technical Committee
DATE: July 19, 2021
SUBJECT: Board Guidance on Recruitment Trigger Options for Draft Amendment 7

Background

Amendment 6 to the Atlantic Striped Bass FMP (2003) established a recruitment trigger based on an annual review of a set of state juvenile abundance indices (JAIs). If any JAI falls below the 25th percentile of the reference time period for that index for 3 consecutive years, the trigger would be tripped and the Board would review the cause of recruitment failure and determine the appropriate management action. Through Addendum II (2010), the reference time period for each index was fixed to the period of time from the first year of consistent methods for each survey to 2009; the length of the reference period varies between surveys (Table 1).

The recruitment trigger has only been tripped once (NC JAI in 2020) since it was established, even though the stock experienced a period of variable but below average recruitment from about 2005-2014 (Figure 1 and Figure 2). The Board and the public raised concerns about the performance of the trigger and the TC was tasked with exploring alternative options for the recruitment trigger that would better account for the inherent variability in the JAIs and would be tripped during periods of low recruitment.

The TC met during June and July 2021 to start developing options for the recruitment trigger and is requesting guidance from the Board. The TC emphasized that the best definition for the trigger depends on what kind of information the Board wants the trigger to provide and how it will be used.

Questions for the Board

1. What information does the Board want the recruitment trigger to provide (i.e., true recruitment failure or periods of below average recruitment)?
2. How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?

Q: Trigger Definition – What information does the Board want the trigger to provide?

The TC noted that the current trigger would have been tripped historically for most indices during the late 1970s and early 1980s, corresponding to a time period of very low abundance and poor recruitment (Figure 1 and Figure 2). If the intent of the trigger is to identify true

recruitment failure, i.e., a prolonged period of very low recruitment events as seen during the 1970s and 1980s, then the current trigger would perform adequately. However, if the Board wants to identify periods of below average recruitment that are not necessarily at historically low levels in order to be precautionary with future management, the trigger should be revised.

The TC is considering several options for a revised trigger, including a different trigger mechanism (e.g., 2 consecutive years, 3 out of 5 years, the 3 year average), a different reference point (e.g., the median of the current reference period), and a different reference period. Overall, varying the trigger mechanism while using the current reference period still did not trip during the recent below average recruitment period (Table 2), due to the fact that the current reference period includes the years of very low recruitment in the 1970s and 1980s. Changing the reference period to exclude those years and simultaneously changing the reference point to median or mean results in a more sensitive trigger that would have tripped multiple times for most indices during the period of below average recruitment (Table 2). The TC is considering two options to redefine the reference period: (1) to use only the years where the stock was considered rebuilt (1995-2012), and (2) to use a period of high recruitment identified by a change point analysis on the MD JAI (1992-2006 for JAI).

The TC is also discussing what data sources to use in this analysis. The current trigger includes JAIs from ME, NY, NJ, MD, VA, and NC. The TC is discussing adding age-1 indices to the trigger, using the estimates of recruitment from the stock assessment model instead of the JAIs, and excluding the JAIs from the extremes of the coastal mixed population range (i.e., ME and NC). The age-1 indices were correlated with the JAIs and did not provide any new or different information, and did not trigger any more often under the status quo trigger, so the TC does not recommend including them in a revised trigger.

The TC is considering the pros and cons to basing the trigger on the model recruitment estimates versus the JAIs. The recruitment estimates from the model are less variable overall and are what inform the estimates of SSB and F used in management, but are only available in years when an assessment has been conducted. The JAIs are more variable from year to year and often show conflicting results across indices (e.g., above average in one state and below average in another for the same year). However, the JAIs are available for review every year and may provide more up-to-date information on potential recruitment trends.

Based on what kind of information the Board wants the trigger to provide, the TC will continue to refine these options and provide recommendations to the Plan Development Team in August.

Q: Management Response - How does the Board intend to use a trigger that trips during periods of below average recruitment? What type of management response would be considered?

Currently, no management action is specified for the recruitment trigger; the Board decides on the appropriate response when the trigger is tripped. One option would be to update the

trigger definition to something more sensitive and leave the response to the Board's discretion. Another option could be to maintain the current recruitment failure trigger definition and update the management response to a more specific action to protect the weak year classes. The Board could also consider both updating the trigger definition and including a more specific management response.

Juvenile abundance indices and model recruitment estimates provide information on the near-term productivity of the stock. A run of several years of poor recruitment results in fewer fish entering the exploitable population and the spawning stock biomass, and levels of removals that were sustainable during average or above average recruitment regimes may not be sustainable in the future. If the Board wants to be proactive about responding to periods of lower recruitment, the Board could redefine the F target or the rebuilding framework to be more precautionary.

The fishing mortality (F) target for striped bass is defined as the level of F that will maintain the population at the SSB target in the long-term. That F target is calculated by drawing recruitment from the values observed from 1990 to 2017; this time period does not include the very low values in the 1980s, but it does include both high and low values from later in the time series. If recruitment is only drawn from a below-average period, the F target is lower. If the population is fished at the current F target but average recruitment remains lower than the 1990-2017 mean, then the population will not rebuild to the SSB target in the long term (Figure 3). In this case, the current FMP F target is 0.20, but when calculated using the low recruitment assumption, the F target would be 0.18.

If the recruitment trigger is tripped, the Board could switch to using the lower F target value based on the lower recruitment regime assumption for management, including taking action to reduce F to the new F target until the recruitment trigger is no longer tripped. The Board could also use the lower recruitment regime assumption in the rebuilding plan it develops if the stock is below the SSB target or threshold. The Board may also consider a recruitment regime approach where a high recruitment period is defined, and when a trigger indicates that the stock is in a high recruitment regime, the F target can be raised and the high recruitment assumption used to develop a rebuilding plan if necessary. The Board may also wish to consider a two-pronged trigger where a JAI-based trigger results in management review and a model recruitment-based trigger results in specific management action.

The TC requests feedback on how the Board intends to respond to the recruitment trigger and what types of management responses the Board would like to consider.

Table 1. Reference periods for state JAIs included in the current recruitment trigger.

State	Water Body	Reference Period
ME	Kennebec River	1987-2009
NY	Hudson River	1985-2009
NJ	Delaware River	1986-2009
MD	Chesapeake Bay	1957-2009
VA	Chesapeake Bay	1980-2009
NC	Albemarle-Roanoke	1955-2009

Table 2. Alternate trigger options and when they would have tripped since Amendment 6 was implemented.

Trigger Definition	Years when trigger tripped since 2003	States that tripped
Status quo: below the 25 th percentile of the reference period in 3 consecutive years	2020	NC
Below the 25 th percentile of the reference period in 2 consecutive years	2013, 2019, 2020	NY, NC
Below the 25 th percentile of the reference period in 3 of 5 years	2016, 2020	NY, NC
3-year average is below the 25 th percentile of the reference period	2006, 2013, 2019, 2020	NY, NJ, NC
Below the median of the reference period in 3 consecutive years	2006, 2013, 2019, 2020	NY, NJ, NC
Below the median of the recovered period (1995-2012) for 3 consecutive years	2006, 2010, 2013, 2019, 2020	NY, NJ, MD, VA, NC
Below the mean of the high recruitment period (1992-2006) for 3 consecutive years	2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020	All states
Below the median of the recovered period (1995-2012) for 2 out of 3 years	All years	All states

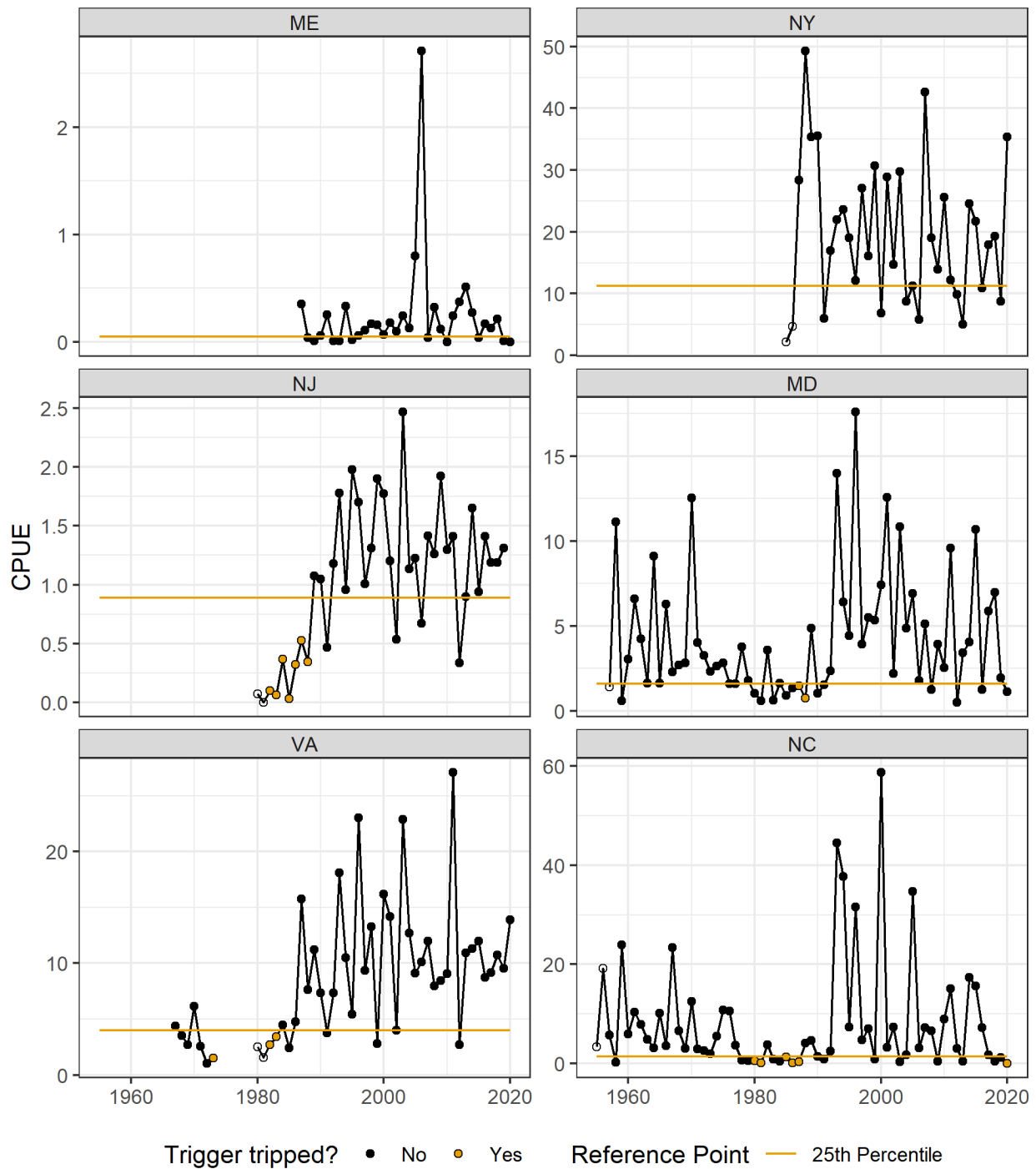


Figure 1. State JAIs included in the recruitment trigger analysis plotted with the 25th percentile of the reference period for each index. The point color indicates whether the trigger was tripped (i.e., whether the index was below the reference point for three consecutive years).

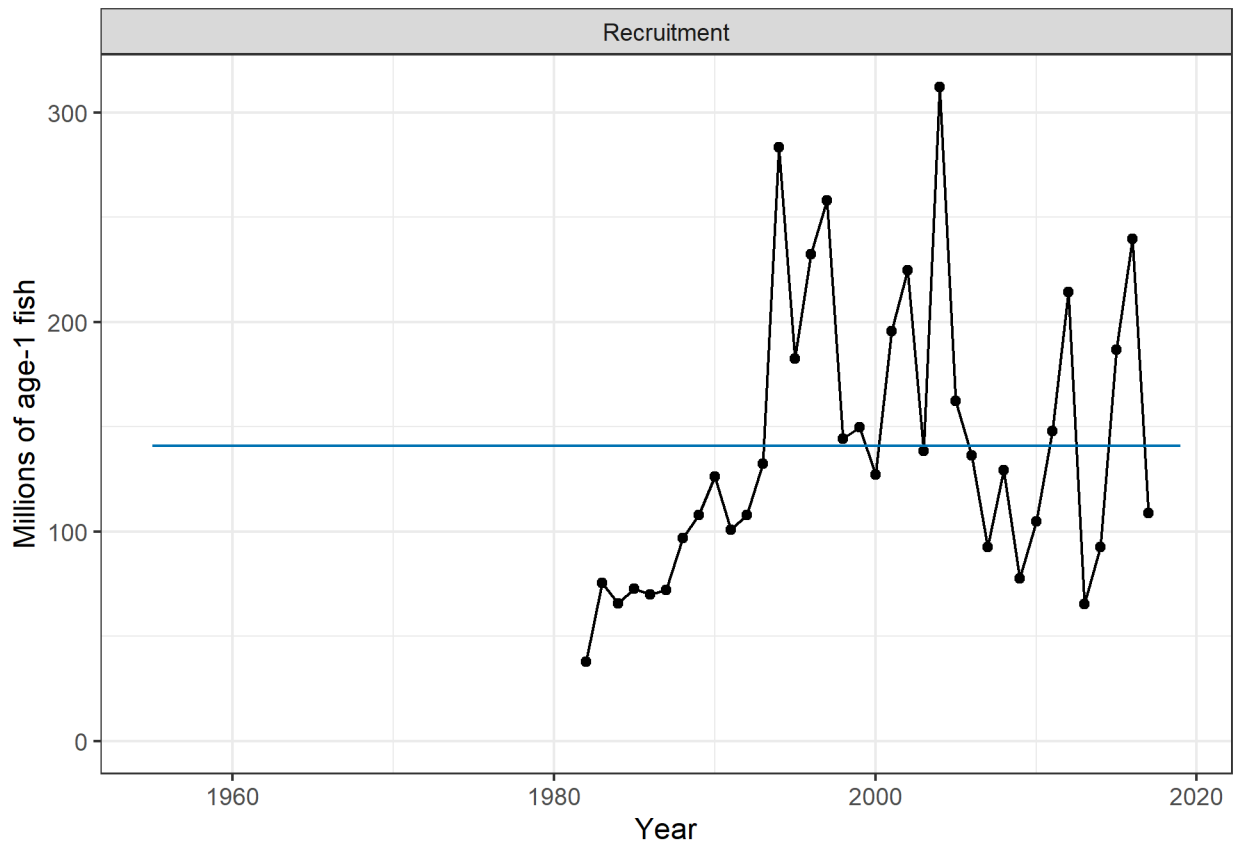


Figure 2. Recruitment estimates from the 2018 stock assessment plotted with the time-series average.

Low Recruitment, Catch @ $F=0.197$: 5,910,000 fish

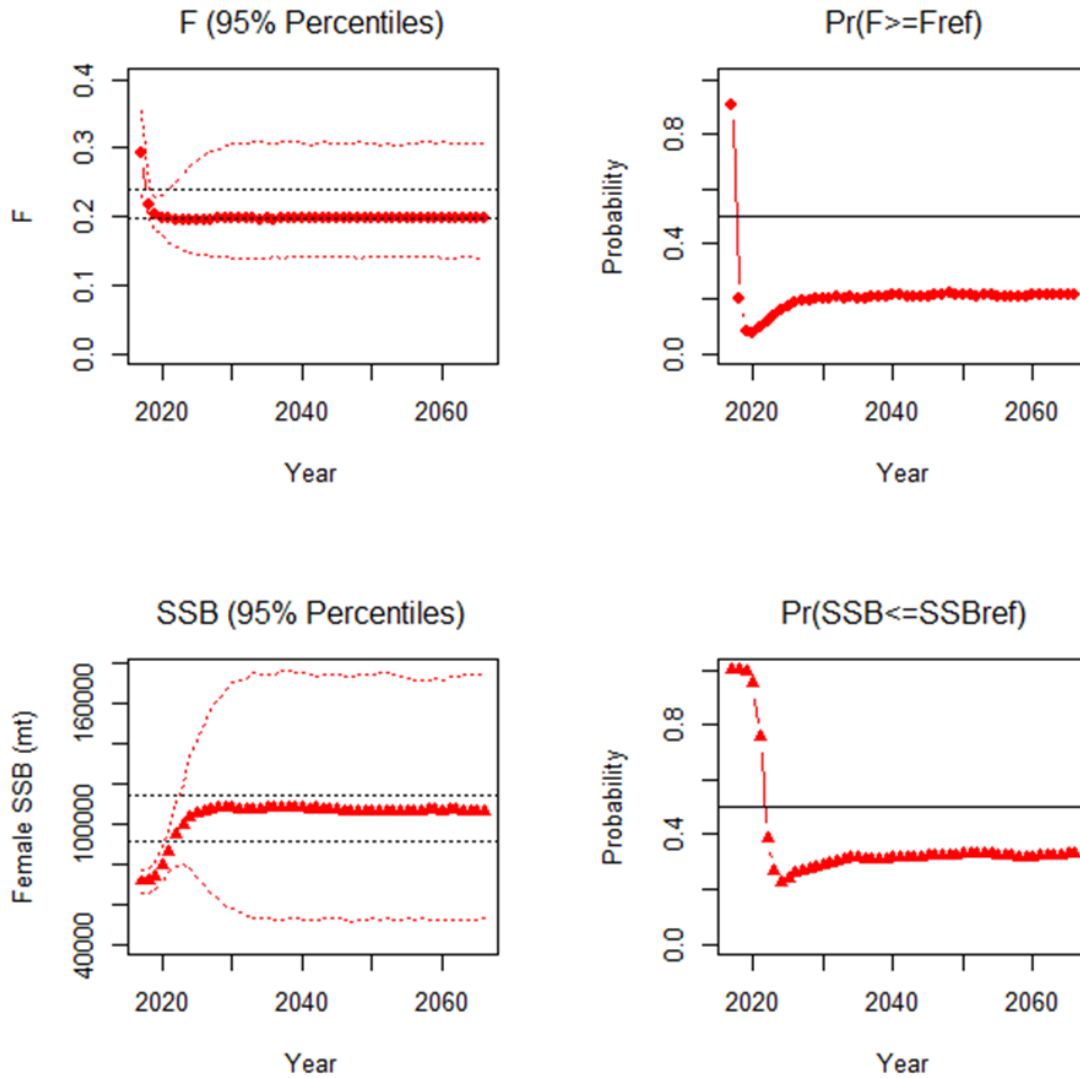


Figure 3. F rate and probability of overfishing over time (top) and female SSB and probability of being overfished (bottom) when the population is experiencing a period of low recruitment and is fished at the FMP F target. Horizontal dotted lines are threshold and target values.

Atlantic States Marine Fisheries Commission

Tautog Management Board

*August 3, 2021
1:30 – 3:00 p.m.*

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/Call to Order (<i>W. Hyatt</i>) | 1:30 p.m. |
| 2. Board Consent | 1:30 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from September 2020 | |
| 3. Public Comment | 1:35 p.m. |
| 4. Progress Report on 2021 Stock Assessment Update (<i>K. Drew</i>) | 1:45 p.m. |
| 5. Review and Discuss Risk and Uncertainty Decision Tool for Tautog (<i>S. Murray</i>) | 2:00 p.m. |
| 6. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year (<i>K. Rootes-Murdy</i>) Action | 2:15 p.m. |
| 7. Review Implementation of Commercial Tagging Program | 2:30 p.m. |
| • Technical Committee Report (<i>K. Rootes-Murdy</i>) | |
| • Advisory Panel Report (<i>K. Rootes-Murdy</i>) | |
| • Law Enforcement Report (<i>J. Snellbaker</i>) | |
| 8. Other Business/Adjourn | 3:00 p.m. |

MEETING OVERVIEW

Tautog Management Board

Tuesday, August 3, 2021

1:30 - 3:30 p.m.

Webinar

Chair: Bill Hyatt (CT) Assumed Chairmanship: 11/19	Technical Committee Chair: Coly Ares (RI)	Law Enforcement Committee Representative: Jason Snellbaker (NJ)
Vice-Chair: Mike Luisi (MD)	Advisory Panel Chair: VACANT	Previous Board Meeting: September 1, 2020
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS (9 votes)		

Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from September 1, 2020

3. Progress Report on 2021 Stock Assessment Update (1:45-2:00 p.m.)

Background

- The Stock Assessment Subcommittee (SAS) met monthly via webinar from March through June to review progress updating each regional stock assessment model. The SAS has worked to incorporate commercial and recreational data through 2020, as well as age and length information for each region.
- The Stock Assessment Update is scheduled to be completed later this year.

Presentations

- 2020 Stock Assessment Update by K. Drew

4. Review and Discuss Risk and Uncertainty Decision Tool for Tautog (2:00-2:15 p.m.)

Background

- In February, the ISFMP Policy Board indicated support for using Tautog as pilot case for the Risk and Uncertainty Policy. The pilot case is to be developed in conjunction with the

2021 Stock Assessment Update in order to use the most current information to help inform management decisions.

- The TC and SAS met jointly in April to learn more about the process to develop the Risk and Uncertainty Policy. Following the meeting, TC members provided feedback on elements of a risk and uncertainty decision tool that will be completed later this year.

Presentations

- Risk and Uncertainty Decision Tool for Tautog by S. Murray

5. Fishery Management Plan Review (2:15-2:30 p.m.) Action

Background

- State compliance reports were due May 1, 2021
- The Plan Review Team reviewed each state report and compiled the annual FMP Review.
- Delaware and Maryland have requested and meet the requirements of *de minimis*

Presentations

- Overview of the Tautog FMP Review by K. Rootes-Murdy (**Briefing Materials**)

Board Actions for consideration

- Accept 2020 FMP Review and State Compliance Reports
- Approve *de minimis* requests for Delaware and Maryland

4. Review Implementation of Commercial Tagging Program (2:30-3:00 p.m.)

Background

- The commercial harvest tagging program was implement in 2020 for all states with the exception of New York and Connecticut.
- The TC met to provide feedback on how implementation had gone in each state and provide recommendations for the Board's consideration (**Briefing Materials**)
- Questions were provided to the Advisory Panel (AP) and Law Enforcement Committee on the tagging program and a report from the AP is forthcoming (**Supplemental Materials**)

Presentations

- Technical Committee Report by K. Rootes-Murdy
- Advisory Panel Report by K. Rootes-Murdy
- Law Enforcement Report by J. Snellbaker

6. Other Business/Adjourn

Tautog 2021 Tasks

Activity Level: High

Committee Overlap Score: High (Menhaden, BERP, Summer Flounder, Scup, and Black Sea Bass)

Current Committee Tasks:

- TC – Evaluate biological sampling requirements (assess the feasibility of adding pelvic spines as an acceptable ageing structure)
- Review implementation of commercial tagging program
- TC – May 1, 2021: compliance reports due
- 2021: Complete stock assessment update process including analysis of revised MRIP data as well as develop risk and uncertainty decision tool as part of pilot case of the Commission's Risk and Uncertainty Policy

TC Members: Alexa Kretsh (VA), Coly Ares (Chair, RI), Linda Barry (NJ), Sandra Dumais (NY), Scott Newlin (DE), David Ellis (CT), Craig Weedon (Vice-Chair, MD), Sam Truesdell (MA), Kirby Rootes-Murdy (ASMFC Staff)

SAS Members: Coly Ares (RI), Linda Barry (NJ), Aexei Sharov (MD), Sam Truesdell (MA), Jacob Kasper (UCONN), Katie Drew (ASMFC Staff), Kirby Rootes-Murdy (ASMFC Staff)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
TAUTOG MANAGEMENT BOARD**

**Webinar
September 1, 2020**

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

TABLE OF CONTENTS

Call to Order, Chairman William Hyatt	1
Approval of Proceedings of May 2020.....	1
Commercial Tagging Program Update.....	1
Update on 2020 Progress	1
Discussion on 2021 Implementation	3
Progress Report on the 2021 Stock Assessment Update.....	13
Election of Vice-Chair.....	15
Adjournment.....	16

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

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from May 2020 by consent (Page 1).
3. **Move to approve New York's request to use 2020 tags for the 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of '2020' will be allowed in New York; all other states will use commercial tags with the year '2021'** (Page 6). Motion by Maureen Davidson; second by Dan McKiernan. Motion carried (Page 13).
4. **Move to nominate Mike Luisi from Maryland to be the new Vice-Chairman of the Tautog Management Board** (Page 15). Motion by Justin Davis; second by Dan McKiernan. Motion carried (Page 16).
5. **Move to adjourn** by consent (Page 16).

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

ATTENDANCE

Board Members

Dan McKiernan, MA (AA)	Joe Cimino, NJ (AA)
Raymond Kane, MA (GA)	Tom Fote, NJ (GA)
Jason McNamee, RI (AA)	Adam Nowalsky, NJ, Legislative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Justin Davis, CT (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Bill Hyatt, CT (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Sen. Monty Mason, VA (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Allison Ferrara, proxy for P. Burns, NMFS

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

Ex-Officio Members

Coly Ares, Technical Committee Chair

Jason Snellbaker, Law Enforcement Representative

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Katie Drew

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, September 1, 2020, and was called to order at 1:30 p.m. by Chairman William Hyatt.

CALL TO ORDER

CHAIRMAN WILLIAM HYATT: I don't think it should take a full two hours, so I might have just jinxed myself, but I think we can get this done, hopefully well before 3:30.

APPROVAL OF PROCEEDINGS

CHAIRMAN HYATT: Next is approval of the proceedings from the May 2020 meeting. Does anyone have any changes or edits? If so, please raise your hand.

MS. TONI KERNS: I don't see any hands. No hands.

CHAIRMAN HYATT: Seeing none, the proceedings from May 2020 are accepted. Toni, is there anyone signed up for public comment?

MS. KERNS: I would just ask if there is anybody from the members of the public that want to speak under public comment. Please raise your hand. No one asked ahead of time, but just in case. To raise your hand for the members of the public, you just click on that hand button. I don't see any hands raised, Bill.

COMMERCIAL TAGGING PROGRAM UPDATE

CHAIRMAN HYATT: Excellent, so we can move right along into the Commercial Tagging Program Update from Kirby, so take it away, Kirby.

MR. KIRBY ROOTES-MURDY: Moving into the next slide we have an outline that I'm going to walk through, provide you all a little background, provide a brief update on the state implementation, followed by considerations for planning the 2021 fishing season. Then

consider potential management action by this Board.

UPDATE ON 2020 PROGRESS

MR. ROOTES-MURDY: Going through the background. As the Board is aware, in October of 2018 the Board moved to delay implementation of the tagging program until January 1, 2020. Last fall, in preparation of this year's tagging program, the staff followed up with states to have an estimate of how many tags were needed. The terminology we used in the plan is we call it the biological metrics.

That is how each state comes up with the estimate of tags, based on either a combination of the number of commercial harvesters, and poundage that each state has landed in a certain period of years. Essentially what that biological metric gives us, the number of tags that each state needs initially, to carry out the tagging program in a year. We put that out to all the states last fall. It provided that information, and we put the orders in for those tags and applicators by early October, and in turn all states received their orders or tags and applicators by December last year. The plan had been moving into the beginning of this year to implement starting in January. In terms of an update, states do not need to reimburse the Commission for that initial order of 2020 tags, and as indicated before, states will be covering the costs of tags and applicators for the 2021 fishing season.

Starting in March, due to the challenges that the COVID-19 pandemic created, it delayed implementation for a number of states in putting in place the tagging program. There is obviously a memo that provided state-by-state details, and so I won't try to go through each state. But to just provide a summary highlighting some of the states and regions.

Rhode Island has seen an increase in a need for tags from their initial order last fall, and in turn have already gone forward with placing

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

additional tag orders this year. New Jersey has seen a lower market demand and activity in the spring, but will be planning to reopen their commercial fishery later this month.

The Delmarva states denied counter issues in distributing the tags, and beginning tagging this spring into the summer with Virginia planning to reopen the commercial fishery in November. One important note on the state-by-state update is that New York and Connecticut did not implement the tagging program due to challenges posed by the pandemic, but are planning to implement the tagging program next year in 2021.

Key considerations for 2021, the main thing to highlight is that while the Commission coordinated ordering the tags last year, much of that work will fall to the states this year, and in turn states should plan to designate a state contact for coordinating with national band and tag company to get orders in and tags delivered in time.

Along this line, states should work to have a plan in place for distributing tags ahead of the commercial fishing season. While many things are uncertain about the future, specifically around the impacts of the COVID-19 pandemic, and whether it persist well into next year. Having a plan to deal with either social distancing or other restrictions will be important.

Similar to last year, we will need every state to put together a biological metric, and have their tag requests ready soon. To aid the National Band and Tag Company in ensuring that enough materials are available to produce the tags in a timely fashion, I'll be reaching out to the states to provide an estimate of their tags, but they won't be used for the upcoming season, and hope to get that from states within the next few weeks.

Overall, to ensure the tags are delivered in enough time, we're asking that states be ready to send their order in to the National Band and Tag Company no later than October 1. That is a date by which to ensure that those tags are received before the end of this year. Just to be clear, the plan for the design of the 2021 tags is that it would be almost exactly the same as the tags that were used for this year, just with the date updated from 20 to 21.

As a reminder per the Amendment 1 requirement, states need to collect unused 2020 tags by February 15, 2021. This requirement is to help with tag accounting, to make sure unused tags are not available to be applied in most states, and create confusion for law enforcement. A report out on unused tags, for example how many were returned, and the disposition for any not accounted for, whether they were lost, used or broken, will need to be included in the annual compliance report, which will be due later next spring.

For the 2021 fishing season, New York is requesting to use their unused 2020 tags. This is because none were distributed to the industry and big financial cost. Per requirements in Amendment 1 under Section 4.4.2, commercial tagging on Page 74. There is a need to have single-use tags every year that are inscribed with the year of issue, the state of issue, and unique numbers.

As all other states plan to use tags inscribed with the year 2021, New York is looking to have an exception to this requirement, and in turn the Board will need to consider approval of it. To aid the Board's consideration of this request, the LEC, the Law Enforcement Committee was notified, and they provided feedback.

Overall, the LEC members noted the following: that with early enough notice to state and federal law enforcement staff, they don't anticipate this being a problem. This request by New York should be considered as a one-time

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

exception rather than precedent setting. As part of the tagging program, state accounting of unused tags will be important to ensure the 2020 tags from other states are not in circulation.

Then last: If the Board approves this the LEC should be notified well in advance of the upcoming fishing season. That concludes my presentation, I'll take any questions about the state-by-state updates, or any of the other things I covered. I'll just offer that if there are any specific questions to the New York regarding their situation this year or their plans for next year, that it is maybe referred to the New York Commissioners to answer those.

DISCUSSION ON 2021 IMPLEMENTATION

CHAIRMAN HYATT: We'll start off with some questions for Kirby. Once these questions are done, I will ask for a motion from New York regarding their request to use the 2020 tags in '21. Toni, is there anybody with their hands up with questions for Kirby?

MS. KERNS: Yes, John Clark.

CHAIRMAN HYATT: Go ahead, John.

MR. JOHN CLARK: Kirby, if New York is getting to use the 2020 tags again in 2021, why would that not be applicable to other states? I mean, I think like a lot of states not knowing what the demand would be for tags this year, we got a lot more than we needed that we'll probably end up using. I'm just curious as to why that couldn't be extended to other states.

MR. ROOTES-MURDY: I think the simplest way to look at it is that if there isn't uniformity in how the year is ascribed to tags for all states, it creates challenges for enforcement to ensure that tags from a previous year are not being applied. Having effectively an exception for one state, makes it clear across all state and federal law enforcement that they would only be

looking for one state to be using previous years tags.

CHAIRMAN HYATT: Kirby, correct me if I'm wrong, but wasn't that a specific comment by the Law Enforcement Committee that they were comfortable with this, so long as it was only New York.

MS. KERNS: I just wanted to let you know that Jason Snellbaker is the Law Enforcement representative, and he is on the call if you wanted Jason to answer any of these questions.

CHAIRMAN HYATT: I'm comfortable with anybody answering.

MS. KERNS: Jason, I've unmuted your line if you needed to answer those questions.

MR. JASON SNELLBAKER: Yes, that is correct. If there was only one state it wouldn't be a problem. If multiple states were doing it, you know that could cause some concern. To answer your question, yes. That's true. I believe it was okay, as long as it was only one state and there was an exception for this year alone.

MR. CLARK: Like I said, I was just curious about that. It does seem kind of interesting that if I recall, the tagging. The impetus for that was coming from New York, and the fact that they didn't get any tagging done this year is a little surprising.

CHAIRMAN HYATT: The only thing I'll remind you off, John, is that the epicenter of this pandemic was in the greater New York area, and it was hardest hit throughout late winter and throughout the spring.

MR. CLARK: Oh, I understand that Mr. Chair, but I'm just saying that the tags were distributed in 2019, and like many other states we distributed them before the pandemic really took hold, you know Delaware. I mean it

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

wouldn't have been impossible for them to distribute tags.

CHAIRMAN HYATT: Toni, do we have anybody else up for questions?

MS. KERNS: You have Maureen Davidson.

CHAIRMAN HYATT: Go ahead, Maureen.

MS. MAUREEN DAVIDSON: I just wanted to respond that I'm not sure when the season for tautog opens up for other states, but for New York our 2020 season, to be inclusive of both Long Island Sound and the Atlantic Ocean, would not have opened until April of 2020. We already had told our fishermen how many tags they were going to get. We already had sort of made our assignments. We were making up our bundles of tags as we would send them out.

As COVID started to spread, we were sent home. Our last day of work was March 13, right before we would have started to distribute tags. We realized once we were sent home, it would not have been possible for us to really adequately and fairly give out all of the tags, and make sure all the fishermen who need them would have them. Also, remember that I believe we asked for over 100,000 tags, and so we have a large amount of tags to distribute, and we currently have all of our 2020 tags. They were not distributed at all to any fishermen. Given that we were the epicenter, we were sent home in the first half of March. It was not possible for us to start initiating our tagging program in 2020.

CHAIRMAN HYATT: Thank you, Maureen. Toni, do we have any other hands up at this point?

MS. KERNS: Yes, you have Eric Reid and then Adam Nowalsky.

CHAIRMAN HYATT: Go ahead, Eric.

MR. ERIC REID: Could somebody remind me when the New York fishing season ends, please?

CHAIRMAN HYATT: Maureen, could you respond to that?

MS. DAVIDSON: Yes, so inclusive of both bodies of water. It opens April 16, and continues through January 25 of the following year. We were discussing tagging originally, we said that you would not see tagged New York state tautog until April.

MR. REID: Your season opened on January 1 or not?

MS. DAVIDSON: Our season is opened then, but we sort of consider that part of the previous year's season, and that we open in April.

CHAIRMAN HYATT: Eric, is that the information you need?

MR. REID: Yes, thank you.

CHAIRMAN HYATT: I believe Adam is next.

MR. ADAM NOWALSKY: The purpose of New York requesting to use the 2020 tags for 2021 is what? It's my understanding that the Commission is paying for the tags. I understand that there would clearly be a cost savings for the Commission. But is there any benefit to New York to not getting 2021 tags directly, instead of 2020 tags?

CHAIRMAN HYATT: Adam, I'll take a shot at that. Just for clarification. The Commission is covering the cost and not seeking reimbursement for all of the 2020 tags that had been distributed. Any advantage to New York is for the 100,000 plus tags that they are going to need during 2021. They would be able to use those 2020 tags that the Commission picked up the cost from, and therefore it would accrue some savings therein.

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

MR. NOWALSKY: The Commission is not paying for 2021 tags; states are paying for 2021 tags?

CHAIRMAN HYATT: Correct. Toni, is there anybody else with their hand up with a question?

MS. KERNS: Yes, Dan McKiernan.

CHAIRMAN HYATT: Dan, go ahead.

MR. DANIEL MCKIERNAN: I would ask the Commission staff to look a little closer at the question of tag purchases and reimbursements, because I was just communicating with my CFO. Massachusetts, I think sent ASMFC a payment of \$6,900.00 for our tags this year. That is just one comment.

The other is there are two aspects to this conservation regulation. One is the requirement to put tags on fish, and the other is to require tags in commerce. I guess one of the questions I would ask the other states is, despite the fact that we had a couple of states that didn't tag their fish this year. How does that affect the rules on possession of tagged tautog in commerce?

CHAIRMAN HYATT: Kirby, is that something that you can take a stab at?

MR. ROOTES-MURDY: Yes, Mr. Chair. I'll say that I'm a little puzzled. I'm not sure how best to respond. Dan, if you wouldn't mind kind of framing it again in terms of what you're looking for, if it's from staff or you're looking for the other states to provide clarity on that.

MR. MCKIERNAN: Sure, Kirby. Well my first question is, I thought I saw a slide earlier that said the Commission was going to cover the cost of tags in this first year. But I believe our state actually paid the Commission for the tags, the 2020 tags that we gave out to our fishermen over the last few weeks. Our fishery opens today.

I just want staff to reconfirm that, because I'm hearing in other aspects of this conversation an assumption that ASMFC is covering those costs this year. I don't think that is accurate across the board. The second question is, I just have questions about the impacts of two states not tagging fish this year, and what effect that has on the commerce standard that we have as states. In Massachusetts it's going to be unlawful for any dealer to have an untagged tautog, period, even if that tautog is coming from the state of New York.

I know New York is the epicenter of tautog marketing. Maybe by just New York not enforcing that standard on its dealers it all works out. There will be tagged fish and untagged fish, I assume this year. But I do have that question about how states are dealing with possible untagged fish, in the light of what we just heard about New York and Connecticut.

MR. ROOTES-MURDY: Gotcha. For the first one yes, Dan. The Commission is not seeking reimbursement for those 2020 tags that were ordered last fall and distributed to the states. We can work to try to get that squared away with you all regarding any reimbursement that you might have submitted already.

Regarding the second one, I think that is more of a question for each of the individual states to confirm. Outside of the fishing reports that we get, you know as part of compliance, you know that the tags needed to be applied this year. For a commerce standpoint, I'm not certain how much I can speak to that based on what is reported out at our annual compliance report. We'll be getting that next year, obviously based on how this year went.

CHAIRMAN HYATT: Dan, I don't think that entirely answers your question, but I think it's safe to say that that is something that folks are thinking about. Is there anyone who wants to add additional comment from any of the states?

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

Okay hearing none, Toni, does anybody else got their hand up?

MS. KERNS: I don't see any hands up. Dan, I just wanted to let you know that your line is still unmuted.

CHAIRMAN HYATT: Seeing no hands up or any further questions directed towards Kirby. Maureen, do you have a motion?

MS. DAVIDSON: Yes, I do.

CHAIRMAN HYATT: Okay, go ahead.

MS. DAVIDSON: I would like to move to approve New York's request to use 2020 tags for the 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021".

CHAIRMAN HYATT: Is there a second to that motion?

MS. KERNS: Dan McKiernan has his hand up.

CHAIRMAN HYATT: It's moved and seconded to approve New York's request to use 2020 tags for 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021", Maureen, would you like to add anything?

MS. DAVIDSON: Oh yes, thank you. As I said, we have not distributed any 2020 tags to our fishermen, so the only tags that New York will be able to use for, they should be able to use, will be the 2020 tags. Now, although we didn't have to pay for these tags, they do represent investments by ASMFC in the large number of

tags for New York State to be able to participate in the tagging program of 2020.

It would be a large waste if we just took those tags and threw them away, or took them to the recycling center. Our fish will be tagged for our 2021 fishing season. Starting in April, April 16, our fish will be tagged with these tags. In 2022, New York State will purchase the appropriate year to resume tagging with the correct tag for the correct year. We just want to be able to use the 2020 tags for the season of 2021. I'll be happy to answer any questions.

CHAIRMAN HYATT: We've got a motion on the table, is there any comment or discussion? If so, please raise your hand.

MS. KERNS: Dan, I'm not sure if you wanted to comment, you still have your hand raised from seconding, and then you have Mike Luisi, followed by Eric Reid.

MR. MCKIERNAN: Yes, I would like to ask Maureen a question, getting back to the commerce question. Will New York amend its regulations about possession for dealers that states that in the year 2021 that all tautog must be tagged with either a valid tag from the other states bearing a 2021 year, but for New York it will be for the 2020 year? I just want to make sure, because this is all about accountability and the trade of this fish. But this is a driving force behind this, and I just want to make sure that New York will amend its dealer standards as well.

MS. DAVIDSON: Yes, we'll make sure that our dealer standards correlate to what we're trying to do in practice. Obviously, our tags will have 2020 on them, and all the other states will have 2021. Did I answer your question?

CHAIRMAN HYATT: I guess the question Maureen is that Dan is asking, is that going to be reflected in some change that you're going to make to your state rules or regulations.

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

MS. DAVIDSON: I have to look at our regulations to see if they specify the year, then we will have to adjust, we'll have to change them.

CHAIRMAN HYATT: Dan, you good?

MS. DAVIDSON: They will correspond to what we're doing in practice. You will not have our regulations.

MR. MCKIERNAN: I'm good, thank you.

CHAIRMAN HYATT: Very good. I believe Mike Luisi was next.

MR. MICHAEL LUISI: I'm just trying to understand, and maybe I could ask a question of Maureen through you. What is the plan in New York, given the current situation that we're in, that would be any different two months from now if nothing has changed, and we're still working at home and the offices are not as functioning as they were when the pandemic started?

I mean I'm trying to understand the process of why the tags can't be distributed, so that they could start being applied at the first of the year rather than in April. I don't know if that is something that could be answered.

MS. DAVIDSON: Back in 2019, when we were discussing how the tags were going to be deployed for 2020, New York and one other state, I don't remember which one, said that we would not have our current year's tags in the markets in January, because our fishery will close January 25, and it reopens in April. The way we look at it, we include the three weeks in January in the previous year, and we start our season in April.

This gives us actually a period of time where there is no harvest of tautog, and we can ensure that only one year's tags will be in use and will be in the market. That was one of the

things that we also wanted to make sure, because this way the tags you're using in December are the tags you're going to use three weeks into January. Then our fishery season is closed, and we will use that period of time to eliminate all the previous year's tags, and start up new in April, with that current year's tags. At the time when we discussed this in, I think it was 2019. At that point it seemed like it was alright with everyone. If there are still questions about it, we can talk about it. But it really does make it a very clean season for us. When the previous year is over near the end of January, we have until April. We tell the dealers they can't have fish with that on it. We tell the fishermen they can't use them, and we start fresh in April.

CHAIRMAN HYATT: Mike, does that answer your question?

MR. LUISI: Yes, thanks Mr. Chairman. If I could just quick follow up. Thanks, Maureen for the reminder about kind of how New York's season operates, and the start and the end. I guess my follow up is, if the current situation that we're all operating under continues, is there a plan to actually have the tags distributed starting in 2021?

You know the commerce issue was kind of the main part of this, and I am just wondering if New York has an intention, if we remain under the, I wouldn't call it a lockdown, but if we remain in this kind of work at home situation. Is there a plan to get those tags out if this is approved, to make sure that in 2021 that all the states are going to have tags in circulation?

MS. DAVIDSON: Mike, I think actually this might apply to all states, in a way. The first thing I just want to say. I can't even predict what can happen with any one, any state with COVID-19. However, I could say at this point we have been in lockdown, we have been telecommuting for the past six months.

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

Being able to work from home or work from the office is something that we are definitely much more used to. I'm home right now participating in this. At this point it's not, you know when this happened, we were supposed to get them out in time for April, and we were sent home in March. There was just really no time for us to adapt, to figure out how do we do this?

How do we work from home? Right now, we have so many tools for working from home. We have the schedules. I think I'm foreseeing something really horrible, which I don't want to talk about. I believe right now we are definitely much better prepared to deal with making sure our tags are out in time for April 2021.

MR. LUISI: Thank you so much, I appreciate that.

CHAIRMAN HYATT: Mike, I'll add. I think your question is germane for Connecticut as well. Connecticut will be using the 2021 tags, but their plans to implement this year were scuttled in a similar manner to what happened in New York. In my discussions with Justin, he had indicated that now work at home is in place, and there is enough advanced time, in order to ensure that this is done as intended for 2021. Justin, do you want to add anything there?

DR. DAVIS: Sure Mr. Chairman, thanks. You covered it that Connecticut is not anticipating any issues with distributing these tags ahead of our April 1, 2021 season opener. It's not going to be as easy as it would have been otherwise. Our offices are still closed, everybody is still working from home. But we're going to make it work. We anticipate we'll be able to implement this program in 2021 as we intended to in 2020.

MR. LUISI: Understood. Thank you, guys, thank you everybody.

CHAIRMAN HYATT: Toni, do we have any other hands up?

MS. KERNS: Yes, Eric Reid has said his question was covered, so we now have Tom Fote, followed by Adam Nowalsky.

CHAIRMAN HYATT: Go ahead, Tom.

MR. THOMAS P. FOTE: I'm really concerned, and I'm trying to figure out how they are basically doing inspections with police in New York and Connecticut. If you have untagged fish, rockfish, you just said it was caught in the state, so we didn't put the tags on. Are you not allowed to basically ship out of state?

New Jersey would have to have tags on a fish before you can sell it, so you can't close that market deal. I'm trying to figure out how you're doing this in New York and Connecticut. Really, are you turning down fish in the market that have no tags, just by saying they're from New York or from Connecticut?

CHAIRMAN HYATT: I could speculate, Tom, but I think what I will ask is for Justin and Maureen to respond as best they can. They have better first-hand knowledge. Go ahead, one of you, pick it up.

DR. DAVIS: Sure, Mr. Chairman, this is Justin from Connecticut. You know essentially, we made a decision this year not to implement the tagging program. We had not distributed any tags yet. As Maureen mentioned, the timing of the pandemic and when we got sent home from work, it was about the same time as New York.

It was literally the week where we would have started distributing the tags. Everybody went home. We essentially decided not to implement the program this year. We did not distribute any tags to our fishermen. Our enforcement officers are essentially not forcing the requirement for tagging prior to offloading this year, because we didn't distribute any of the tags. In terms of what's happening in the marketplace, I honestly can't tell you.

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

Obviously, we have fish that could be potentially getting landed in Connecticut that are not being tagged. Those fish could then potentially be sold or brought to another state, and I can't sort of speculate on how other states are going to handle that. But I will acknowledge that it did create an issue that there can be fish entering the marketplace this year that are not tagged, that were landed in Connecticut.

CHAIRMAN HYATT: Maureen, is that answer pretty much consistent with New York as well?

MS. DAVIDSON: Yes. Our law enforcement did not look for tagged fish in the market this year, since our fish were not tagged, and we did not distribute tags. I cannot say what happens to New York State fish that went to other states, tried to go to the markets of other states. I know that our fishermen were definitely affected by this, and I can't say that there were that many fish available at times during this crisis. It might not have been as much of an issue, if it's in the year where people were fishing heavily. Yes, it's pretty much what Justin said.

CHAIRMAN HYATT: To summarize, in both Connecticut and New York, not implementing the program also meant not enforcing it within their state borders. However, there is an acknowledgement that fish potentially could be leaving those states and entering into the markets in other states, and causing confusion.

That is all 2020. What I'll remind the Board at this point in time, is that the motion that is before us has to do with 2021. If I can, I would like to shift the focus to the motion that is on the table, and the action that New York is proposing for 2021, a year in which all the states have committed to fully implementing this program as intended, with the one exception, New York's request to use their 100,000 plus 2020 tags during the 2021 fishing

season. Toni, is there, I believe Adam was in the queue. Go ahead, Adam.

MR. NOWALSKY: Given that from what I've heard, New York was already to go with this in March, and what stopped them from moving forward was being sent home, the COVID pandemic, not knowing how to work that way. In six months, we've learned how to work remotely. Observers have gone back on fishing vessels, enforcement is doing enforcement, we've got MRIP APAIS interviews. What is stopping New York from starting to use their 2020 tags ASAP through the end of their season in January of 2021?

CHAIRMAN HYATT: Maureen, that is a question to you.

MS. DAVIDSON: Adam, you're saying that we should just sort of distribute our tags now, and then use them through the end of our season in January?

MR. NOWALSKY: I'm asking the question, if New York was already to go in March to implement this for the entirety of their 2020 season, which would include this fall, which would include through January 20, 25, whatever the date was. Yes, the question at this point is, if everything was ready to go why not start distributing tags now, getting tags on those fish, getting them into the marketplace, as opposed to just putting off the tagging entirety for another eight months?

MS. DAVIDSON: First of all, we wouldn't adequately use the tags that we have right now. We would only use a portion of them, given we would only be having a portion of our fishing season. Also, it's sort of just cleaner. We were able to not implement the tagging program for 2020. Do you feel starting the season now in the middle of the year is adequate, it's appropriate? I think that it is just sort of cleaner that we just start with the following fishing season, the following fishing year.

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

Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

CHAIRMAN HYATT: I'll add that Adam, I think your question is germane to Connecticut as well, so Justin I'll put you on the spot as well, just to respond.

DR. DAVIS: Our commercial season is closed right now, but will open up again on October 1. I guess, you know a couple things. One is that we had already made a decision that we were not going to implement this program this year, and sent a notice indicating that to our fishing community. Does that mean we couldn't reverse that decision, and turn around and decide that we want to implement it for this year? I suppose not. It would be a fairly big production to try to implement it over the next month ahead of the October 1st opener.

I also feel like, given that New York and Connecticut share Long Island Sound, I feel like both states need to be doing this to make it effective for enforcement in Long Island Sound. Though our decision in Connecticut not to implement this year back during March, a big part of the calculus there was the fact that New York wasn't planning on implementing.

We didn't think it made sense for Connecticut to implement if New York wasn't. I guess that would be my answer that I would follow New York's lead on whichever way they want to go this year, with implementing or not. I'm not going to say we couldn't do it. It would be difficult.

We also have a much smaller fishery than New York and Long Island Sound, all of which is to say, it's not saying that there isn't value in us doing the program. That is kind of a bit of a long winded answer, but essentially it boils down to, there is nothing saying we couldn't do it this year, but we have not been planning on it, and we sent notice to our fishing communities saying, we weren't going to implement it this year.

CHAIRMAN HYATT: Adam, do you have any follow up?

MR. NOWALSKY: I don't have any follow up questions. If there is a comment to be made here, the comment would be made that we're all doing difficult things. I'm completely sympathetic to the plights of the biologists involved at the management level. I'm completely sympathetic to telling somebody one thing, only to tell them something different.

I think we've heard that certainly as fishermen we've heard that many times in the last six months. As individuals in all businesses we've heard different things. We've all done difficult in ways that we didn't think were probably possible seven months ago. I would really like to see these tags on these fish in the marketplace as soon as possible.

If both states were ready to go with this, and the only thing that was stopping them was being sent home from the office, and we didn't know how to work remotely, and we've learned that. I would like to see these two states make an effort here to get these tags on fish, so that they get in the marketplace, we can achieve the goals of the amendment. For that reason, I'm going to have to be opposed to the motion.

CHAIRMAN HYATT: Toni, who do we have next in the queue?

MS. KERNS: I'm not sure Tom's hand is raised from before or if he has re-raised his hand, Dan McKiernan, followed by Maureen Davidson.

CHAIRMAN HYATT: Tom.

MR. FOTE: Yes, I would like to follow up. I have concerns. What is happening in Connecticut and New York, since we're all supposedly tagging fish in New Jersey, Maryland, Rhode Island, Massachusetts. It leaves an illegal market open in New York, because if nobody is tagging fish, it means that, I hate to say this, my fishermen could possibly run fish across and basically land them and sell them in the market in New York.

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September 2020

There would be no way of following up on that. That is why I was thinking what Adam was saying. That's how it sounds to me, because it allows an illegal market opened up for five more months. If it's a mistake, how do they stop that?

CHAIRMAN HYATT: I think that is in part responded to by New York and Connecticut by saying that their suspend program also included suspension of enforcement. At least for those states I think that would be the answer that is given. My screen just went blank.

MS. KERNS: I think that might be you. I still see the screen.

CHAIRMAN HYATT: Okay very good. Unless there is somebody wanting something, then I'll move to Dan.

MS. KERNS: Jason Snellbaker, Law Enforcement representative has his hand raised, I think maybe to respond to that question. Is it okay if I unmute him?

CHAIRMAN HYATT: Absolutely.

MR. SNELLBAKER: You know I understand not having the metal tag creates a problem, and really hurts the intent of the whole tagging program. But it's not like there is not going to be any enforcement. I just want to put this out there that all states are required to have records of some sort. Yes, can somebody catch illegal fish in New York, and can there be records that say they came from Connecticut, where there is no tag on them currently? That could happen.

But we're really no worse off than we were before. I guess that's the reason we're having the tagging program is to make the system better. But I just want to put out there, there is still going to be enforcement. We can still look at records. Is it fool proof? Is it bomb proof?

Absolutely not, but there is still a sense of enforcement. You know we'll eventually five months from now hopefully get to the point where we'll have a fresh start with 100 percent tagging across the board.

CHAIRMAN HYATT: Thank you. I believe Dan was next.

MS. KERNS: That's correct, and then Maureen Davidson.

MR. MCKIERNAN: From Massachusetts perspective, I guess I would like to express a level of disappointment that the two states pulled the plug, really without sharing that detail, because you know we might have done the same, because our fishery opens on September 1. We just spent the last six weeks sending our staff into the office to make appointments with fishermen to hand out these tags. Having said that, there is an upside to us managing the Mass quota. We have a quota, as does Rhode Island. I'm looking forward to the benefits of managing our quota in a more accountable way. I don't have a real problem going forward with this program, at least by state level. I don't feel like it's a waste of time, because we still have some quota compliance issues that we're trying to get a handle on in Massachusetts. We still welcome that, and we think that's of course an important part of this program.

I understand that the gold standard was to make sure that every fish in commerce was tagged. If we don't get to that this year, I can live with that, because I think we're really close. We're only half a year away, and this is a pandemic year. This is the season of saying yes, when people have like serious challenges.

But I just want to be clear that, at least in my state, we're not going to back off of the need to see tagged fish in commerce. If there is a fish that is untagged in Massachusetts, we intend to seize that. If New York and Connecticut want to

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September 2020

have a different standard because of their tagging situation, I understand that.

But I think it makes more sense for us, in terms of us managing our quota for our local population of tautog that we share with Rhode Island, that we stick to our guns and maintain the tagging standard for the fishermen, and also in commerce. That should be made clear to, like a New York dealer who might want to ship fish to Massachusetts. I don't know if that actually happens on any great quantity, but they won't be able to ship any untagged fish to us. I'll stop there.

CHAIRMAN HYATT: After considerable discussion over 2020 and what happened and what didn't happen, and what the reasons are. The motion that is on the floor focuses on 2021, with implementation in 2021, albeit with New York using the 2020 tags. I'll ask, is there any further comments specifically on the motion that anybody would like to make?

MS. KERNS: You have Maureen Davidson with her hand up.

CHAIRMAN HYATT: Maureen.

MS. DAVIDSON: Thank you, I sort of was trying to respond to some of the comments that were coming through. Adam, yes. Back in March we were ready to send the tags out. Right now, for us to get the tags out I think it would be a waste of our tags, because we have so many tags that we would put 2020 tags out there and have to throw away.

I realize we all will be throwing away tags, but we really require many tags, and I think the wisest use of the tags would be to start them with a full fishing year. This was an unusual year. This is something that does not happen, what once in a hundred years? Yes, this is going to be sort of a bump in how fisheries management is being done. But New York right now has every intention of fully implementing

its tagging program in 2021. We just ask that we be able to use our tags that we have from 2020.

CHAIRMAN HYATT: Anybody else, Toni?

MS. KERNS: I don't see any other hands at this time. If I'm missing somebody, please raise your hand again.

CHAIRMAN HYATT: Seeing that there are no hands at this point in time, we'll close the discussion. The motion is, oh and by the way, Toni. I do not have anything on my screen, so I can hear what's going on without a screen, just to let you know. The motion is to approve New York's request to use 2020 tags for the 2021 fishing year as part of the Commercial Harvest Tagging Program.

Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021". There has been some opposition to this voiced, so I was hoping to be able to do this by consensus, but I don't think that's possible. We will go to a vote. Why don't we caucus for two minutes, and then Kirby, call the vote?

MS. KERNS: Bill, what we've been doing is just having the states raise their hand, and I will read out which states are voting in favor and against. Then Kirby can let you know the count.

CHAIRMAN HYATT: Okay, excellent. Two minutes. Okay Toni, why don't you help people vote.

MS. KERNS: All those in favor please raise your hand. I will take your hands down for you, so you can leave them up. I have Delaware, Connecticut, NOAA Fisheries, New York, Virginia, and Maryland. Kirby, what is that count?

MR. McKIERNAN: Toni, Massachusetts wants to vote yes.

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Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

MS. KERNS: Okay, and Massachusetts.

MR. ROOTES-MURDY: That is six for yes.

CHAIRMAN HYATT: I got seven.

MS. KERNS: Seven, including Massachusetts that is seven. All those against, please raise your hand. I have New Jersey, which is one against. That one I can count. Any abstentions? I do not see any abstentions. Any null votes? One null vote from Rhode Island.

CHAIRMAN HYATT: Okay, so the motion passes 7 in favor, 1 opposed, 0 abstentions, and 1 null.

CHAIRMAN HYATT: Next on the agenda is an update on the 2021 stock assessment update by Katie Drew.

MS. KERNS: Mr. Chairman, before we have Katie speak, if it would be all right for Bob Beal to make a comment.

CHAIRMAN HYATT: Absolutely, go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just want to make two quick points. The first is I think the conversation that the Tautog Board just had. It's probably going to happen again in a lot of different boards. Under the pandemic situation we're in, states have had, you know a big range of abilities to achieve compliance requirements in FMPs. A lot of times it's been fishery independent surveys, or biological sampling and different things. You know the Commission is going to have to have conversations on how much of that you know is (broke up) essentially. This Board handled it well and figured out a plan moving forward, and we may have to have that conversation in other management boards. That's just sort of (broke up).

Then the second point, I want to get back to Dan McKiernan's comment about Massachusetts reimbursing ASMFC for their

tags. This is one of those sort of awkward things of, if we were in the in-person meeting, staff would have ran over to the corner, huddled up, and said, hey what's going on with Dan's comment?

We had to do that over texts while you guys were having your (broke up). What we found out is Massachusetts, Rhode Island, New Jersey, Delaware, and Maryland have all reimbursed ASMFC for their tags so far, a few states did not. My recollection is that ASMFC was going to pay for the tags up front, and the states were going to pay us back.

We're going to go back to the minutes and make sure that is correct. You know it's a little bit unclear what we all agreed to. We just don't recall right off the top of our heads; you know what we all agreed to at the end of the last calendar year. We'll go back to the minutes, dig that out and let you know. But I wanted to sort of chime in that we hear you, Dan, and you're not alone. Four other states have paid the Commission back for those tags, and we'll dig into it and see what the situation is and let the Board know.

CHAIRMAN HYATT: Okay, thank you, Bob.

**PROGRESS REPORT ON THE 2021 STOCK
ASSESSMENT UPDATE**

CHAIRMAN HYATT: Again, as I said, next on the agenda is an Update on the 2021 Stock Assessment Update by Katie Drew. Toni, I'm going to leave and try to come back in to get my screen back up and working. I know it's a little bit of a risk, but I'm going to take it.

MS. KERNS: Thanks, Bill, and if Katie finishes, I'll just ask for questions if I don't see you back yet.

CHAIRMAN HYATT: Okay good, go ahead, Katie.

DR. KATIE DREW: I'm just going to give you a quick update on what's happening with the

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Draft Proceedings of the Tautog Management Board Meeting Webinar
September 2020

Stock Assessment Update. Here is the Stock Assessment Subcommittee. It's been updated since the time we did the last assessment update. As you can see, I think we just wanted to point out with this obviously, our great and very technical people who are going to do a great job with this assessment. But just as a reminder, this is technically four stock assessment updates, because we do this at the regional level.

We've tried to get staff members who can represent their region, and make sure that there is some regional representation to handle the lead analysis for each of these regions. Here is kind of the timetable that we're on. Basically, our plan, we started this early because we do plan to have the 2020 year be the terminal year, but because we have to go back and redo the catch at age for all regions to include the new MRIP data, so it's not just a matter of adding 2016 through 2020 data, we have to go back and redo the entire catch at age for all four regions. We've started the process this year, and we've compiled all of the data through 2019 has been submitted, and going forward the Stock Assessment Subcommittee members are working on redeveloping the catch at age with the new MRIP data through 2019, so that we can have that sort of in place and ready to go by the time we get the 2020 data.

We'll be doing some preliminary runs with the new MRIP data through 2019, just to make sure everything is working, and that we have a good base model run, so that when we get the 2020 data we can turn it around fairly quickly, and have the assessment update ready for the Board the week of October 19, that is Annual Meeting of next year with a terminal year of 2020.

Obviously, there are probably going to be a couple of caveats related to the current Corona Virus situation. Number one, I think it's unclear what the impact is going to be on the data, in

terms of the availability of MRIP estimates. Is there going to be any gap filling for the MRIP estimates? What is going on with the fishery independent and fishery dependent sampling for 2020, et cetera, so 2020 will of course be a year with a fairly high degree of uncertainty.

But because we averaged the fishing mortality rates over the past three years for this species, we felt that including 2020 in this year's estimate is going to be a little bit muted, that impact is going to be a little reduced with the averaging approach. We're going to continue to go forward, and include the 2020 data.

It's possible that the assessment timeline will get pushed back a little, depending on how long it takes to get any kind of validated or backfilled, if you will, MRIP estimates. The May 1 data assumes that we will have data available at that point, but I think it's very unclear as to what is going to happen on that side. This is our ideal timeline. We're continuing to work our way through it, and we'll just see what happens at the beginning of next year with this as with so many other things. I am happy to take questions now, thanks.

CHAIRMAN HYATT: Thanks Katie, anybody have any questions?

MS. KERNS: Justin Davis, followed by Jason McNamee.

CHAIRMAN HYATT: Justin.

DR. DAVIS: Katie, I'm wondering, this is the first tautog stock assessment that will include the new MRIP numbers, I believe. I'm just wondering, maybe it's too early to comment, but are we going to have the same dynamic with this species, where catch estimates have tripled or quadrupled relative to the old MRIP? You know we're going to have that same dynamic of those MRIP numbers sort of elevating stock biomass estimates, but also creating a much higher benchmark for

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recreational catch and harvest that we have to measure our potential harvest targets against.

DR. DREW: Yes, it's likely. Obviously with tautog, you know we have been seeing declining catch in the most recent years. I think this is probably going to be a little closer to the weakfish situation than to say the striped bass or bluefish situation. But it's likely that we will see a slight increase in the biomass, and therefore potentially a slight increase in the biomass target. Although it is unlikely to change stock status dramatically, but for sure I think the important thing for the comparison is going to be less about, did we hit our specific catch quotas, and more about have we brought F down under the F target yet.

Hopefully that component will not be as impacted by the MRIP changes as the biomass component. But again, it is something that we're going to have to wait and see. Plus, since we are adding five years of data to this assessment, and so there is the potential that things have changed biologically, although probably not significantly other than just the MRIP numbers.

CHAIRMAN HYATT: Very good. Jason.

DR. McNAMEE: I actually had a very similar question, and so it has been answered, thank you though, thanks Katie.

CHAIRMAN HYATT: Toni, any other hands up?

MS. KERNS: Not that I see.

CHAIRMAN HYATT: Good. Thank you, Katie.

ELECTION OF VICE-CHAIR

CHAIRMAN HYATT: This brings us to the election of a Vice-Chair. I believe Justin Davis is prepared to make a nomination. Justin.

DR. DAVIS: It is my pleasure to nominate Mike Luisi from Maryland to be the new Vice-Chairman of the Tautog Management Board.

CHAIRMAN HYATT: Do we do this via a motion, so it needs a second and all that, Toni? Okay, do we have a second?

MS. KERNS: We do, Dan McKiernan.

CHAIRMAN HYATT: Thanks, Dan. There, it has been moved to elect Mike Luisi as Vice-Chair of the Tautog Management Board, any discussion?

MS. KERNS: No one has their hand up.

CHAIRMAN HYATT: Okay, very good. Is it possible to unmute everybody? Toni, can you do that?

MS. KERNS: It will unmute every single person on this webinar if I do that.

CHAIRMAN HYATT: That's a bad thing, right?

MS. KERNS: If more than one person is unmuted at a time then the sound quality becomes very difficult. You could just ask if there is any objection to the motion.

CHAIRMAN HYATT: I know, I didn't want it that way. I wanted to have everybody in favor say Aye. We can't do that.

MS. KERNS: That's problematic.

CHAIRMAN HYATT: Is there anybody who doesn't want Mike Luisi being the Vice-Chair of the Tautog Management Board? Toni.

MS. KERNS: Bill, can you hear me?

CHAIRMAN HYATT: Yes, I can.

MS. KERNS: Okay, I see no hands raised in objection to the motion. I'm not sure if you

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September 2020

heard me say that. The webinar screen sort of did something weird there.

CHAIRMAN HYATT: Very good, so Mike, congratulations, you're the Vice-Chair for the Tautog Management Board.

MR. LUISI: Thank you, Mr. Chairman. Looking forward to it.

ADJOURNMENT

CHAIRMAN HYATT: At this point I'll ask if there is any other business.

MS. KERNS: I do not see any hands raised.

CHAIRMAN HYATT: Very good, then our business is concluded for the day, and we are adjourned. Thank you everyone.

(Whereupon the meeting was adjourned on
September 1, 2020 at 2:40 p.m.)



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Tautog Management Board

FROM: Sarah Murray, Fisheries Science Coordinator

DATE: July 16, 2021

SUBJECT: Risk and Uncertainty Policy

At the 2021 ASMFC Winter Meeting, the ISFMP Policy Board indicated support for the continued development of the Commission's Risk and Uncertainty Policy and approved using tautog as a pilot case for the policy and decision tool.

Risk and Uncertainty Policy Background

Recognizing that that fishery information is inherently variable and that successful management requires full consideration of this uncertainty and the associated risks, the Commission began developing a Risk and Uncertainty Policy. The purpose of the policy is to provide a consistent yet flexible mechanism to account for uncertainty in each Management Board (Board) decision-making process in order to protect all Commission-managed stocks from the risk of overfishing, while minimizing any adverse social, economic, or ecosystem effects. This Policy seeks to maximize the long-term benefits across all of our marine fishery resources by providing objective criteria to characterize both scientific and management uncertainty, and to evaluate management risk. Additionally, the Policy improves transparency in the management process, allowing for better communication among managers, industry, and other stakeholders.

The Risk and Uncertainty Work Group, in collaboration with members of the Committee on Economics and Social Sciences (CESS) and the Striped Bass Technical Committee (TC), developed a Risk and Uncertainty Decision Tool, as well as a striped bass example. The decision tool consists of a series of questions related to the risk and uncertainty of a species' management, which are weighted based on the relative importance of the information. Generally, as part of using the decision tool for specific species, the species TC and the CESS will provide the technical inputs, with feedback from the species Advisory Panel, while the Board will determine the weightings. However, the Board may provide additional feedback on the technical inputs when necessary. The decision tool combines all of the weighted inputs into a single value, a recommended probability of achieving the reference points (e.g., F below the F target), which can then be used for developing management options. Additional details on the decision tool, criteria, and the striped bass example can be found in the [Risk and Uncertainty Decision Tool spreadsheet](#).

Tautog Pilot Case

Unlike the striped bass example, the tautog pilot would be a full implementation of the risk and uncertainty process, though it would still allow flexibility to make any necessary changes to the process. Taking into account updated information from the current stock assessment update scheduled to be completed in fall 2021, each region will have its own decision tool, as technical inputs may vary between regions. The tautog decision tools will be developed with inputs from the Tautog Board, TC, AP, and CESS. The process will be iterative, allowing for adjustments to the decision tool to be made as needed.

M21-83

A first step for the Board will be to gather input on the weightings for the decision tool questions, i.e., the Board's perspective of the relative importance of the different components of the decision tool. A survey will be distributed to the Board to collect input and responses will be averaged and compiled into preliminary weightings for the decision tool. The Board will then review and discuss the preliminary weightings and either approve the weightings or make any necessary changes.

During the August 2021 Tautog Board Meeting, a presentation will be given explaining the Risk and Uncertainty decision tool, the general process for updating the decision tool based on Board and committee feedback, and the anticipated timeline for results to be presented to the Board in 2022.

ATLANTIC STATES MARINE FISHERIES COMMISSION
REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR TAUTOG
(Tautoga onitis)

2020 FISHING YEAR



Prepared by the Plan Review Team

June 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

**REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN AND STATE COMPLIANCE FOR
TAUTOG (*Tautoga onitis*) FOR THE 2020 FISHERY**

Management Summary

<u>Date of FMP:</u>	March 1996
<u>Addenda/Amendments:</u>	Addendum I to FMP (May 1997) Addendum II to FMP (November 1999) Addendum III to FMP (February 2002) Technical Addendum I (February 2003) Addendum IV to FMP (January 2007) Addendum V to FMP (August 2007) Addendum VI to FMP (March 2011, revised March 2012) Amendment 1 to FMP (October 2017)
<u>Management Unit:</u>	US state waters from Massachusetts through Virginia ¹ .
<u>States With Declared Interest:</u>	Massachusetts-Virginia, excluding Pennsylvania
<u>Additional Jurisdictions:</u>	National Marine Fisheries Service U.S. Fish & Wildlife Service
<u>Active Boards/Committees:</u>	Tautog Management Board (Board) Tautog Plan Development Team (PDT) Tautog Plan Review Team (PRT) Tautog Technical Committee (TC) Tautog Stock Assessment Subcommittee (SAS) Tautog Advisory Panel (AP)
<u>Stock Assessments:</u>	Benchmark: 1999, 2005, 2015 Update: 2011 (revised in 2012), 2016

¹ North Carolina was originally included in the management unit, but as of 2017 was removed due to insignificant landings. North Carolina's landings will continue to be monitored.

I. Status of Fishery Management Plan

[Fishery Management Plan for Tautog](#)

The original FMP responded to concerns about the vulnerability of tautog to overfishing and increasing fishing pressure in the early 1990s. It established goals and objectives for tautog management, and adopted a fishing mortality rate (F) target of 0.15 to rebuild the stocks and prevent overfishing; however, an interim target of 0.24 was applied for two years (1997–1998). States were required to implement state-specific, Board-approved plans to reduce F from the coastwide average of 0.58 (i.e., a 55% reduction), or an alternative state-specific F, if it could be demonstrated as equivalent. Recreational and commercial minimum size limits of 13" in 1997 and 14" beginning in 1998 were required. Tautog pots and traps were also required to have degradable fasteners on one panel or door.

[Addendum I](#)

Addendum I modified the FMP's compliance schedule to allow all states until April 1, 1998 to implement management measures to reach the interim F target. Several states were having difficulty determining a state-specific F to meet the original compliance schedule due to data deficiencies. In addition, the compliance schedule implemented the interim F target one year earlier in the area north of Delaware Bay (April 1, 1997) than further to the south (April 1, 1998). The addendum also delayed the implementation of management measures to achieve the permanent F target from April 1, 1999 to April 1, 2000. Finally, the Addendum included *de minimis* requirements and corrected several typographical errors in the FMP.

[Addendum II](#)

Addendum II further extended the compliance schedule to achieve the permanent F target until April 1, 2002 because the effects of the regulations to achieve the interim F target were uncertain. It also listed four issues to be considered in subsequent revisions of the FMP: (1) development of alternative F targets that will allow states to quantify harvest reductions associated with a variety of management approaches, (2) clarification of the F targets to be met by sector or overall state program, (3) monitoring requirements to improve fisheries and biological data collection, and (4) data requirements to analyze management options by fishing modes within commercial and recreational fisheries.

[Addendum III and Technical Addendum I](#)

Addendum III addressed the four issues listed in Addendum II. It adopted a new F target based on achieving 40% of the spawning stock biomass ($F_{40\%SSB}$), which was estimated at 0.29 (compared to the coastwide average F estimate of 0.41). The addendum required states to maintain current or more restrictive measures for 2002 and implement measures to achieve the new F target—a 48% reduction through restrictions in the recreational fishery only—by April 1, 2003. It also updated information on tautog habitat and established monitoring requirements to support stock assessments. Technical Addendum 1 corrected a typographical error in Addendum III.

Addendum IV

Addendum IV established SSB target and threshold reference points based on a benchmark stock assessment completed in 2005. The target was set as the average SSB over 1982–1991, and the threshold at 75% of this value. It also set a new F target of 0.20 to initiate rebuilding. States were required to implement recreational management programs to achieve a 28.6% reduction in F relative to 2005 (and maintain existing commercial management programs) by January 1, 2008.

Addendum V

As individual states developed management proposals to comply with Addendum IV's mandated reduction in fishing mortality, it became apparent that commercial harvest of tautog had grown in proportion to the recreational fishery in some states. The Board approved Addendum V to give states flexibility for implementing reductions in their recreational *and/or* commercial fisheries to reach the fishing mortality target rate of $F = 0.20$ established in Addendum IV by January 1, 2008.

Addendum VI

Based on the 2011 stock assessment update indicating that tautog were still overfished and experiencing overfishing, Addendum VI reduced the F target to 0.15 to rebuild the stock. States were required to implement Board-approved regulations in their commercial and/or recreational fisheries to reduce harvest by 39%. The addendum also allowed for regional considerations if a state or group of states could demonstrate that the local F is below the rates indicated in the stock assessment update.

Amendment 1

Amendment 1 replaced the original FMP, with an implementation date of April 1, 2018 for most measures. Major revisions to the FMP include: new goals and objectives, establishment of four tautog stocks for regional recreational and commercial management, and creation of a commercial harvest tagging program (implementation in 2020).

Goals:

- To sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management.
- To promote the conservation and enhancement of structured habitat to meet the needs of all stages of tautog's life cycle.

Objectives:

- To develop and implement management strategies to rebuild tautog stocks to sustainable levels (reduce fishing mortality to the target and restore spawning stock biomass to the target), while considering ecological and socio-economic impacts.
- To adopt compatible management measures among states within a regional management unit.
- To encourage compatible regulations between the states and the EEZ, which includes enacting management recommendations that apply to fish landed in each state (i.e., regulations apply to fish caught both inside and outside of state waters).

- To identify important habitat and environmental quality factors that support the long-term maintenance and productivity of sustainable tautog populations throughout their range.
- To promote cooperative interstate biological, social, and economic research, monitoring and law enforcement.
- To encourage sufficient monitoring of the resource and collection of additional data, particularly in the southern portion of the species range, that are necessary for development of effective long-term management strategies and evaluation of the management program.
- To work with law enforcement to minimize factors contributing to illegal harvest.

Regional Management: Based on the 2016 regional stock assessment, Amendment 1 delineates the stock into four regions due to differences in biology and fishery characteristics: Massachusetts - Rhode Island (MARI); Long Island Sound (LIS); New Jersey - New York Bight (NJ-NYB); and Delaware - Maryland - Virginia (DelMarVa). The four regions are required to implement measures to achieve the regional fishing mortality target with at least a 50% probability.

The 2016 assessment found that all regions except MARI were overfished, and overfishing was occurring in the LIS and NJ-NYB regions in 2015. As such, Amendment 1 requires the LIS region to reduce harvest by at least 20.3%, and the NJ-NYB region to reduce harvest by at least 2%. The MARI and DelMarVa regions were not required to reduce harvest, but established regional measures.

Commercial Harvest Tagging Program: Amendment 1 also establishes a commercial harvest tagging program to address an illegal, unreported, and undocumented fishery. Coastwide implementation of the program began in 2020; more information on the current implementation can be found in Section VI. Status of Management Measures and Issues.

II. Status of the Stocks

Current stock status is based on the 2016 stock assessment update. The assessment evaluates each of the four regions—MARI, LIS, NJ-NYB, and DelMarVa—separately using the ASAP statistical catch-at-age model with landings and index data through 2015. The assessment update indicated that all regions except MARI were overfished in 2015. It also found overfishing was occurring in the LIS and NJ-NYB regions in 2015. Overfishing was not occurring in the MARI nor DelMarVa regions. F was at the target in the DelMarVa region. The current overfishing and overfished definitions for management use are shown in Table 1, and spawning stock biomass (SSB) for each region relative to the respective targets and thresholds are shown in Figures 1-4. It is important to note that the status determinations were made using spawning potential ratio (SPR) reference points for the MARI, NJ-NYB and DelMarVa regions, and maximum sustainable yield (MSY) reference points for the LIS region. The next stock assessment update is scheduled to be completed in 2021.

III. Status of Assessment Advice

The current reference points for this fishery are based on a regional stock assessment update that includes data through 2015. The peer review panel in the 2005 and 2015 benchmark stock assessments advised a regional approach for tautog because of the potential for sub-stock structure; this species does not appear to make north-south migrations. The 2015 benchmark stock assessment peer review panel also endorsed the use of estimates from the ASAP regional model and supported use of the new reference points in conjunction with a regional management approach. A regional approach with new reference points has been adopted for management use through Amendment 1.

Since the last assessment, NOAA Fisheries has implemented improvements to the Marine Recreational Information Program's survey methodology for estimating recreational catch. A multi-year transition of the methods was completed in 2018, requiring the catch estimates for 1981–2017 to be calibrated for comparison to all subsequent years' estimates. Changes to the original 1981–2017 catch estimates for tautog are significant; for example, annual coastwide harvest (by weight) increased in all years—by 27% to 323%—after calibration. The tautog stock assessment update scheduled to be completed in 2021 will include the revised time series of recreational catch estimates. ***All recreational catch estimates included in this report reflect the current MRIP survey methodology.***

IV. Status of the Fishery

Total Harvest

Between 1981 and 2020², total coastwide tautog harvest (recreational + commercial) peaked at 22.5 million pounds in 1986. Harvest has since declined significantly, starting before state restrictions were implemented. Total harvest during the ASMFC managed period (1996–2020) has averaged approximately 7.5 million pounds per year (Figure 5, Table 2).

Recreational Harvest

Tautog is predominantly taken by the recreational fishery: 95% on average, by weight (Table 2). Coastwide, anglers harvested historic highs of over 20 million pounds of tautog in 1986 and 1992 (Figure 5). Since then, harvest has declined, fluctuating between 3.4 million pounds (in 2018) and 11.8 million pounds (in 2014). Harvest in 2020 is estimated at 6.2 million pounds. Note that to address reduced intercept sampling caused by the COVID-19 pandemic, 2020 harvest estimates use imputed data from previous fishing years, and may be subject to change. On the coastwide level, the contribution of imputed data to the total harvest of tautog in pounds was 10%, and ranges between 0–39% at the state level (for states within the management unit). Most recreational harvest occurs in September–December (Figure 6). At the state level, New York and Connecticut anglers harvested the most tautog in 2020 (Tables 4 and 5) though high harvesting states have varied significantly in recent years (Figure 7).

² Systematic recreational data collection for tautog began in 1981, while commercial data exists back to 1950.

Recreational live discards have generally increased relative to harvest over the time series. Prior to the FMP's implementation in 1996, discards were usually less than harvest, but since then the estimated number of fish discarded annually has been several times greater than the harvested number (Table 4). In 2020, the live discards of 14.6 million fish were more than eight times the estimated harvest of 1.7 million fish. A discard mortality rate of 2.5% is assumed for the recreational tautog fishery, resulting in an estimated 365,676 recreational dead discards in 2020. This equates to approximately 17% of recreational removals.

Commercial Landings

Historically, tautog was considered a “trash fish” until the late 1970s, when demand increased, and a directed commercial fishery developed. Landings quickly rose, peaking in 1987 at nearly 1.2 million pounds, then rapidly began to decline. In 1992, states began to implement commercial regulations, which contributed to a decline in landings (Figure 8, Table 2). Landings in 2020 were approximately 313,400 pounds. The ex-vessel price (dollars per pound) for tautog has steadily increased since the late 1970s. In 2020, the coastwide average price declined to \$3.45 per pound likely due to the impact of COVID pandemic restrictions on supply and demand (Figure 8).

Commercial landings accounted for approximately 5% of total coastwide harvest in 2020. On a state level, commercial landings comprised no more than 10% of a state's total landings (Table 3). New York had the most commercial landings of tautog in 2020 (58% of the coastwide total), with Massachusetts landing the second greatest amount (approximately 20% of the coastwide total) (Table 6). Data on commercial discards are not available.

V. Status of Research and Monitoring

Addendum III requires all states to collect the following data to continue support of a coast-wide stock assessment: commercial and recreational catch estimates, and 200 age and length samples per state, within the range of lengths commonly caught by the fisheries³. Table 9 lists the number and source of samples collected by states in 2020. A number of states struggled to obtain 200 age and length samples due to the COVID pandemic.

Ongoing fishery-independent and fishery-dependent monitoring programs performed by each state are summarized in Tables 10 and 11, respectively. Details of monitoring results are found in the state compliance reports.

VI. Status of Management Measures and Issues

³ Addendum III also required a suitable time series of fisheries independent indices of abundance as determined by the Tautog Technical Committee; however, the TC has not defined this and as such there are no fishery independent monitoring requirements.

Amendment 1 to the Tautog Fishery Management Plan was approved by the Board in October 2017. All states have adopted regulations compliant with the FMP including regional management programs and commercial harvest tagging program. Per the Amendment, the commercial tagging program was to be implemented by the 2019 fishing season; taking into account regulatory challenges among a number of the states, the Board postponed the implementation date to January 1, 2020. In 2020, due to the health risks posed by the COVID-19 pandemic, New York and Connecticut initially postponed implementation of the tagging program for the 2020 fishing season, with New York putting forward a formal request to the Board that was approved in September. Connecticut moved forward distributing commercial tags in fall 2020 but ultimately no data were collected. All other states implemented the tagging program in 2020 and a breakdown of their reporting is included in Table 12.

VII. Implementation of FMP Compliance Requirements

A. Submission of Compliance Report

All states in the tautog management unit submitted state compliance reports for the 2020 fishing year.

B. De Minimis Status Requests

A state may apply for *de minimis* status with regards to its commercial fishery. To qualify for *de minimis* status a state must prove that its commercial landings in the most recent year for which data are available did not exceed 10,000 pounds or 1% of the regional commercial landings, whichever is greater. States must request *de minimis* status each year, and requests for *de minimis* status will be reviewed by the PRT as part of the annual FMP review process.

If *de minimis* status is granted, the *de minimis* state is required to implement the commercial minimum size provisions, the pot and trap degradable fastener provisions, and regulations consistent with those in the recreational fishery (including possession limits and seasonal closures). The state must monitor its landings on at least an annual basis. If granted *de minimis* status, a state must continue to collect the required 200 age/length samples. *De minimis* status does not impact a state's compliance requirements in the recreational fishery.

The commercial landings threshold for *de minimis* status for 2020 in each region is 10,000 pounds. The states of Delaware and Maryland have requested and qualify for continued *de minimis status* for the commercial sector. The PRT recommends that the Board approve the states of Delaware and Maryland's requests.

C. Regulatory Requirements: 14" minimum size limit for recreational and commercial fisheries; degradable fasteners on one panel or door in fish pots and traps; and regional management programs to achieve the required regional target F.

State regulations are summarized in Tables 7 and 8. Nearly every state needed to adjust their commercial and recreational measures to comply with the provisions of Amendment 1. In 2020, both Massachusetts and Rhode Island’s commercial landings exceeded their respective state quotas, by 1% and 2.5% respectively. Both states have adjusted their 2021 quotas to account for the overages. The PRT finds that each state has met the regulatory requirements and recommends the Board find all states in compliance with the regulatory requirements.

D. Biological Sampling Requirements: commercial and recreational catch estimates; and 200 age/length samples (Addendum III)

Connecticut, New Jersey, Delaware, and Virginia did not collect 200 age/length samples in 2020 as required by Addendum III (Table 9). These states indicated that challenges posed by the COVID-19 pandemic prevented them from collecting 200 samples.

The PRT finds that all states met the intent of the sampling requirements and recommends the Board find all states in compliance with the sampling requirements of the FMP. In 2019, the Technical Committee reconfirmed that 200 was the minimum number of biological samples needed for adequate catch characterization.

VIII. Prioritized Research Needs

The Technical Committee identified the following research recommendations to improve the stock assessment and our understanding of tautog population and fishery dynamics. Research recommendations are organized by topic and level of priority. Research recommendations that should be completed before the next benchmark assessment are underlined. The Technical Committee will update these recommendations as part of the next benchmark stock assessment.

8.1 Fishery-Dependent Priorities

High

- Expand biological sampling of the commercial catch for each gear type over the entire range of the stock (including weight, lengths, age, sex, and discards).
- Continue collecting opercula from the tautog catch as the standard for biological sampling in addition to collecting paired sub-samples of otoliths and opercula.
- Increase catch and discard length sampling from the commercial and recreational fishery for all states from Massachusetts through Virginia.
- Increase collection of effort data for determining commercial and recreational CPUE.

- Increase MRIP sampling levels to improve recreational catch estimates by state and mode. Current sampling levels are high during times of the year when more abundant and popular species are abundant in catches, but much lower in early spring and late fall when tautog catches are more likely.

8.2 Fishery-Independent Priorities

High

- Conduct workshop and pilot studies to design a standardized, multi-state fishery independent survey for tautog along the lines of MARMAP and the lobster ventless trap survey.
- Establish standardized multi-state long-term fisheries-independent surveys to monitor tautog abundance and length-frequency distributions, and to develop YOY indices.
- Enhance collection of age information for smaller fish (<20 cm) to better fill in age-length keys

8.3 Life History, Biological, and Habitat Priorities

Moderate

- Define local and regional movement patterns and site fidelity in the southern part of the species range. This information may provide insight into questions of aggregation versus recruitment to artificial reef locations, and to clarify the need for local and regional assessment.
- Assemble regional reference collections of paired operculum and otolith samples and schedule regular exchanges to maintain and improve the precision of age readings between states that will be pooled in the regional age-length keys.
- Calibrate age readings every year by re-reading a subset of samples from previous years before ageing new samples. States that do not currently assess the precision of their age readings over time should do so by re-ageing a subset of their historical samples.

Low

- Evaluate the potential impacts of climate change on tautog range, life history, and productivity.
- Conduct a tag retention study to improve return rates, particularly in the northern region.
- Define the status (condition and extent) of optimum or suitable juvenile habitats and trends in specific areas important to the species. It is critical to protect these habitats or to stimulate restoration or enhancement, if required.
- Define the specific spawning and pre-spawning aggregating areas and wintering areas of juveniles and adults used by all major local populations, as well as the migration routes used by tautog to get to and from spawning and wintering areas and the criteria or

times of use. This information is required to protect these areas from damage and overuse or excessive exploitation.

- Define larval diets and prey availability requirements. This information can be used as determinants of recruitment success and habitat function status. Information can also be used to support aquaculture ventures with this species.
- Define the role of prey type and availability in local juvenile/adult population dynamics over the species range. This information can explain differences in local abundance, movements, growth, fecundity, etc. Conduct studies in areas where the availability of primary prey, such as blue mussels or crabs, is dependent on annual recruitment, the effect of prey recruitment variability as a factor in tautog movements (to find better prey fields), mortality (greater predation exposure when leaving shelter to forage open bottom), and relationship between reef prey availability/quality on tautog condition/fecundity.
- Define the susceptibility of juveniles to coastal/anthropogenic contamination and resulting effects. This information can explain differences in local abundance, movements, growth, fecundity, and serve to support continued or increased regulation of the inputs of these contaminants and to assess potential damage. Since oil spills seem to be a too frequent coastal impact problem where juvenile tautog live, it may be helpful to conduct specific studies on effects of various fuel oils and typical exposure concentrations, at various seasonal temperatures and salinities. Studies should also be conducted to evaluate the effect of common piling treatment leachates and common antifouling paints on YOY tautog. The synergistic effects of leaked fuel, bilge water, treated pilings, and antifouling paints on tautog health should also be studied.
- Define the source of offshore eggs and larvae (in situ or washed out coastal spawning).
- Confirm that tautog, like cunner, hibernate in the winter, and in what areas and temperature thresholds, for how long, and if there are special habitat requirements during these times that should be protected or conserved from damage or disturbance. This information will aid in understanding behavior variability and harvest availability.

8.4 Management, Law Enforcement, and Socioeconomic Priorities

Moderate

- Collect data to assess the magnitude of illegal harvest of tautog and the efficacy of the tagging program.

Low

- Collect basic sociocultural data on tautog user groups including demographics, location, and aspects of fishing practices such as seasonality.

Figures & Tables

Figure 1. Estimated spawning stock biomass, with target and threshold levels, for MARI region.
 Source: 2016 ASMFC Tautog Stock Assessment Update.

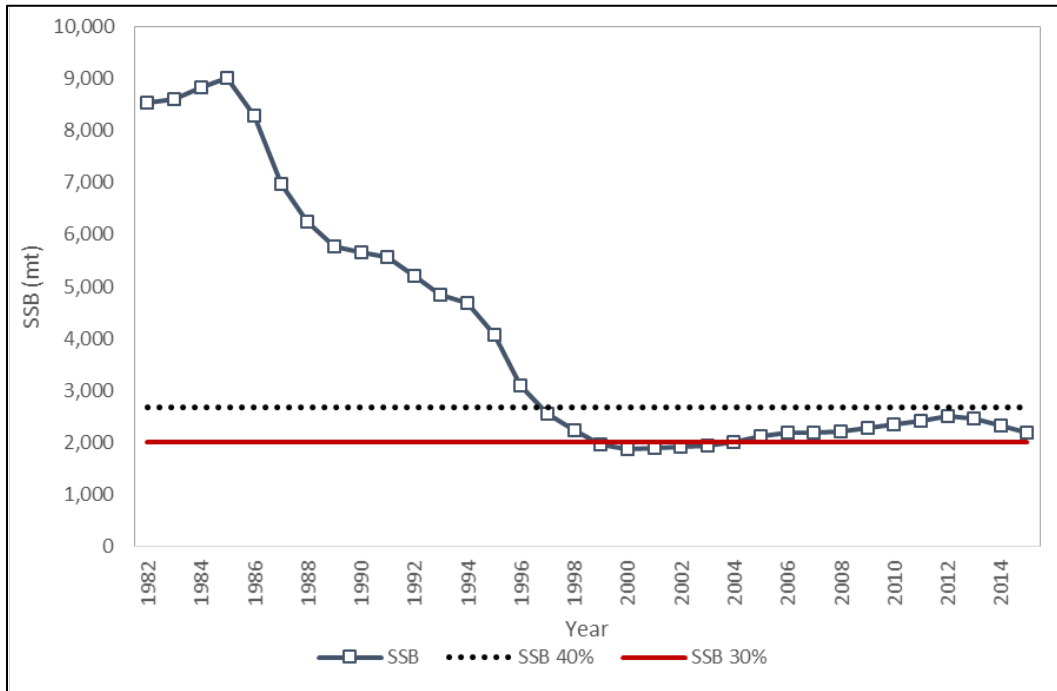


Figure 2. Estimated spawning stock biomass, with target and threshold levels, for LIS region.
 Source: 2016 ASMFC Tautog Stock Assessment Update.

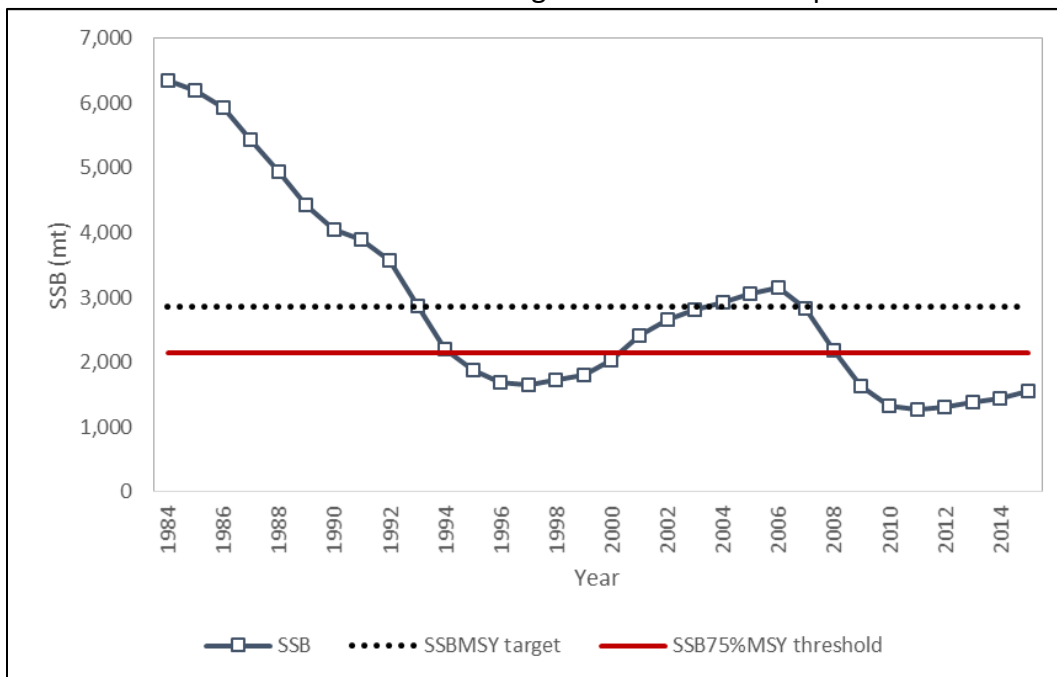


Figure 3. Estimated spawning stock biomass, with target and threshold levels, for NJ-NYB region.
 Source: 2016 ASMFC Tautog Stock Assessment Update.

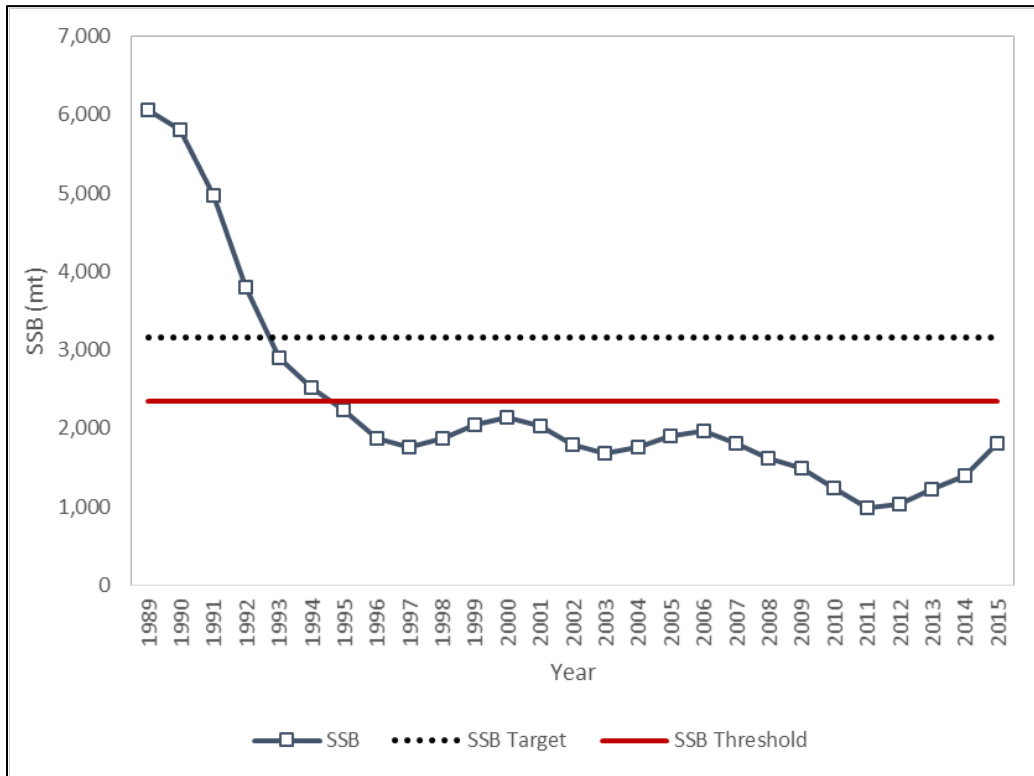


Figure 4. Estimated spawning stock biomass, with target and threshold levels, for DelMarVa region.
 Source: 2016 ASMFC Tautog Stock Assessment Update.

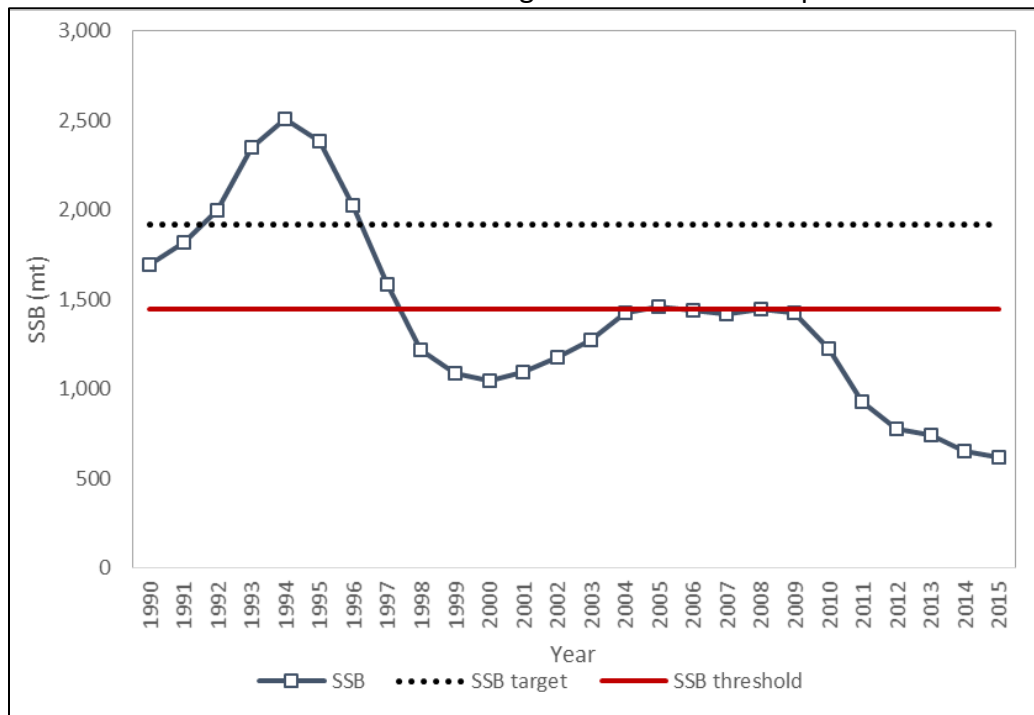


Figure 5. Total tautog harvest (recreational and commercial) in weight, 1981–2020.

Source: State compliance reports, MRIP.

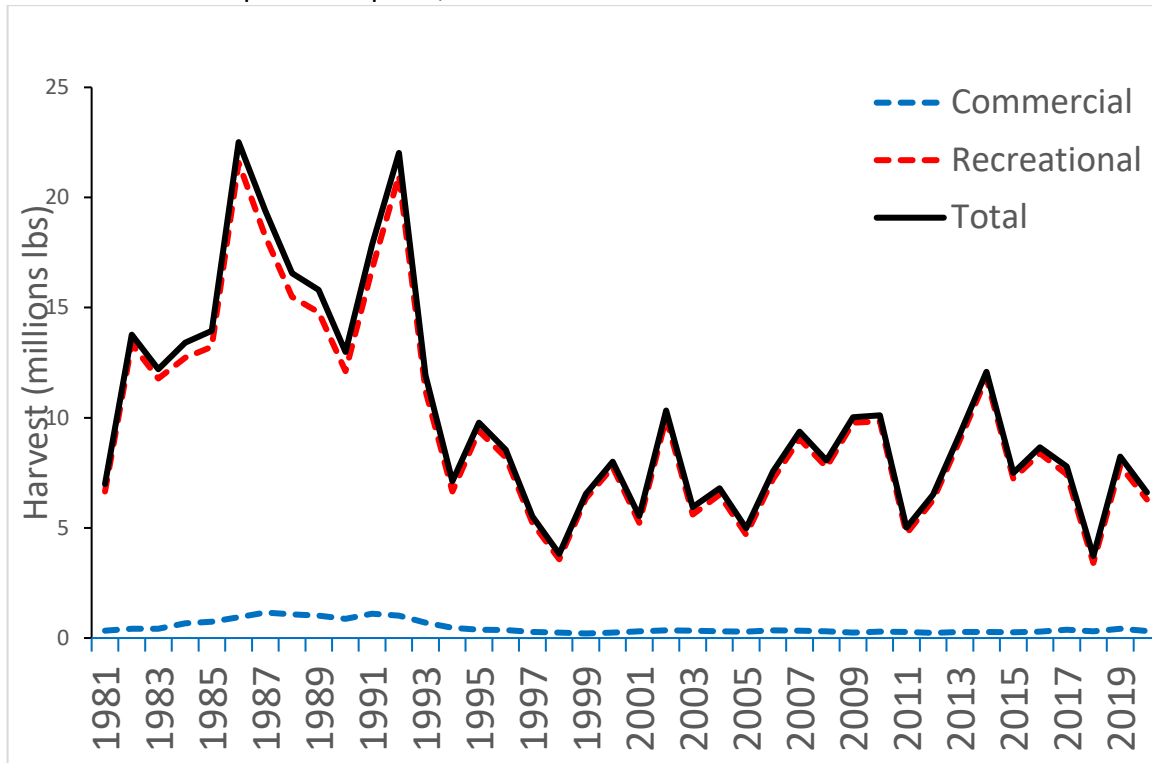


Figure 6. Percent of annual recreational tautog harvest by wave in numbers of fish (2018-2020).

Source: MRIP.

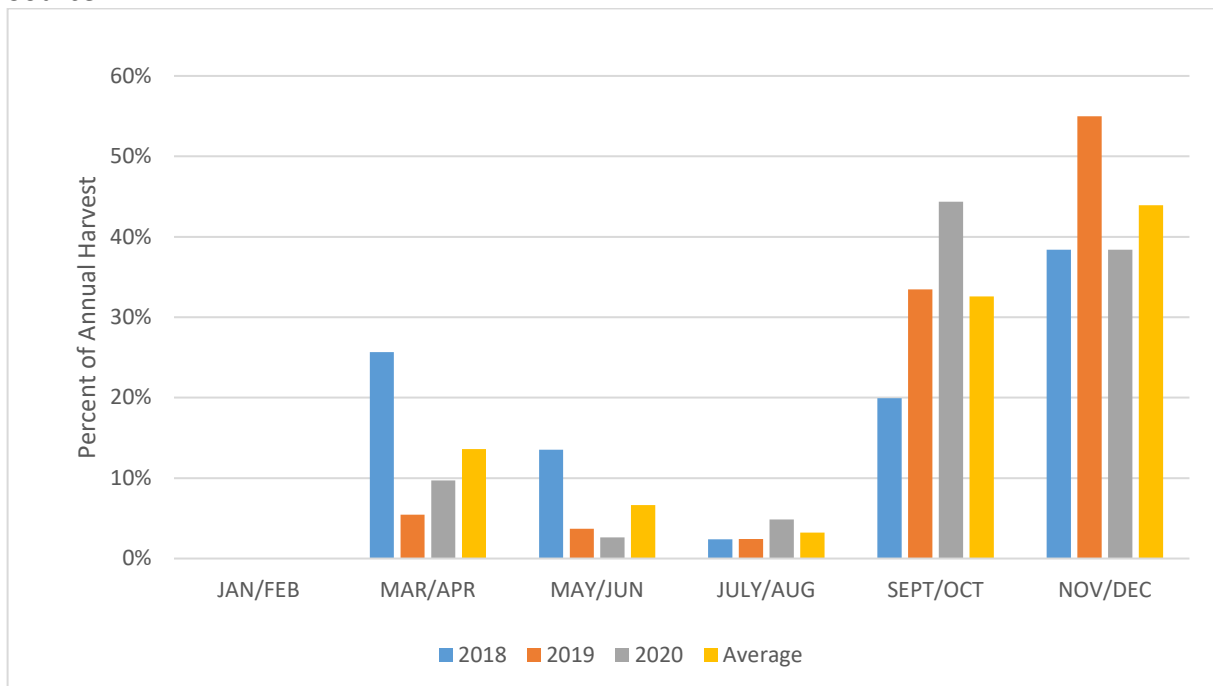


Figure 7. Percent of annual recreational tautog harvest by state in numbers of fish (2018-2020).
 Source: MRIP

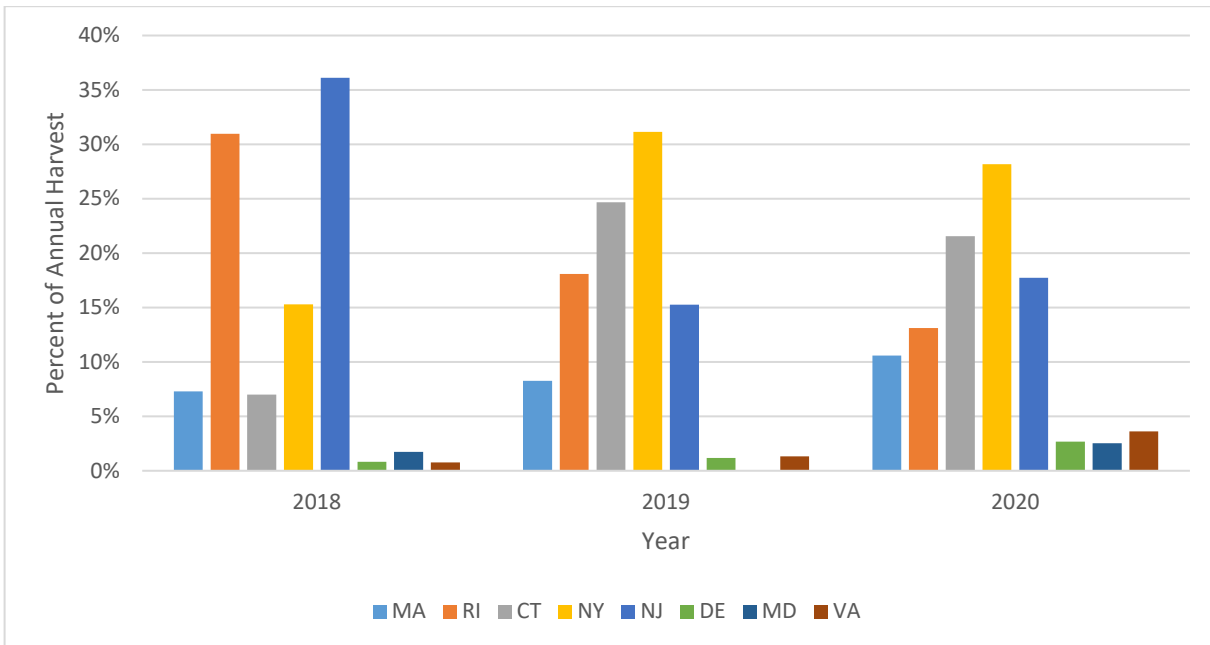


Figure 8. Changes in tautog commercial landings (mt) and price (\$/lb) over time, 1950–2020.
 Source: NMFS. Price unadjusted for inflation.

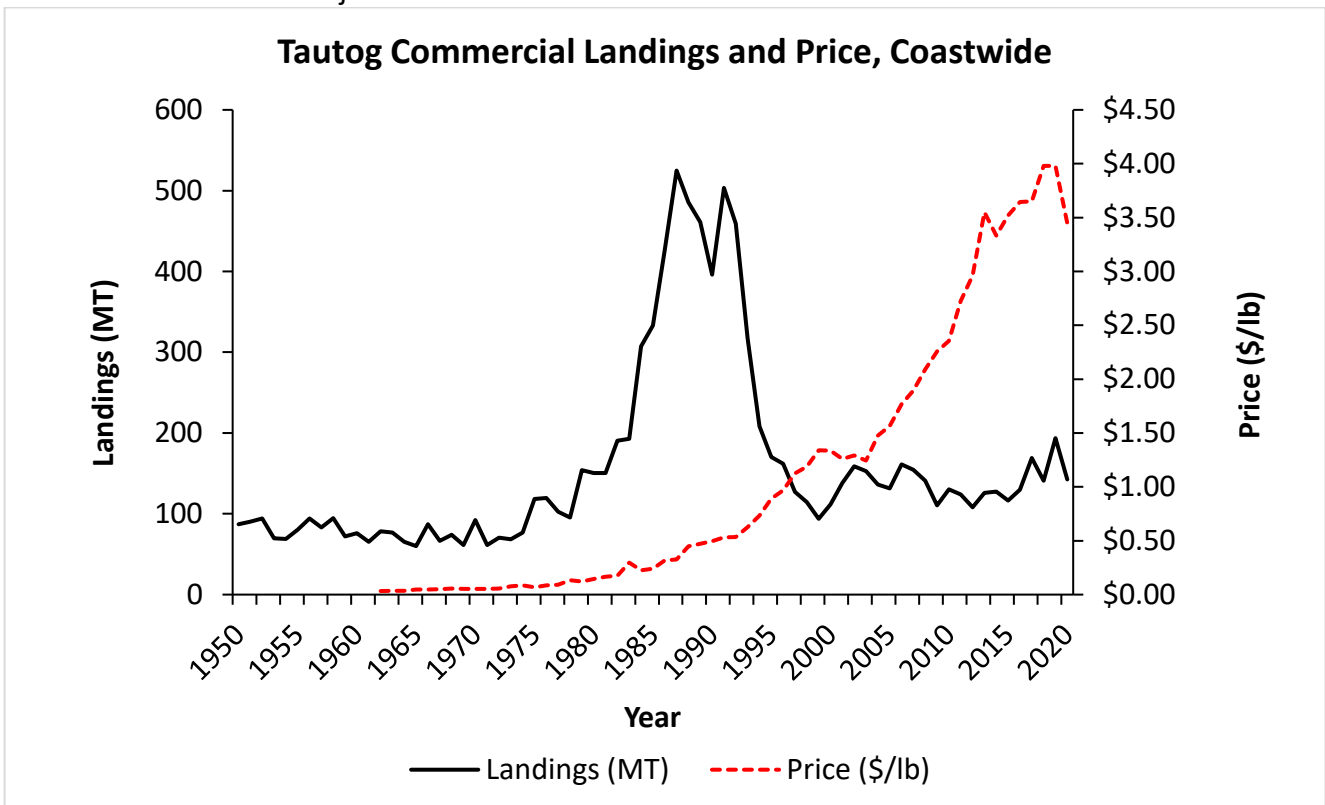


Table 1. Current fishing mortality and biomass targets and thresholds for each region, and stock status in 2015. Source: ASMFC 2016 Tautog Assessment Update.

Region	F_{target}	F_{threshold}	F_{3yravg}	SSB_{target}	SSB_{threshold}	SSB₂₀₁₅	MSY or SPR	Status
MARI	0.28	0.49	0.23	2,684 mt	2,004 mt	2,196 mt	SPR	Not overfished, overfishing not occurring
LIS	0.28	0.49	0.51	2,865 mt	2,148 mt	1,603 mt	MSY	Overfished, overfishing
NJ-NYB	0.20	0.34	0.54	3,154 mt	2,351 mt	1,809 mt	SPR	Overfished, overfishing
DelMarVa	0.16	0.24	0.16	1,919 mt	1,447 mt	621 mt	SPR	Overfished, overfishing not occurring

Table 2. Tautog recreational and commercial landings, 1996–2020, in pounds.

Source: State Compliance Reports, NMFS, and ACCSP Data Warehouse.

Year	Commercial Landings (lb)	Recreational Harvest (lb)	Total Harvest (lb)	% Recreational
1996	357,434	8,218,590	8,576,024	95.8
1997	280,912	5,314,384	5,595,296	95.0
1998	254,186	3,611,576	3,865,762	93.4
1999	207,981	6,350,388	6,558,369	96.8
2000	247,177	7,795,564	8,042,741	96.9
2001	305,193	5,249,781	5,554,974	94.5
2002	350,820	9,998,665	10,349,485	96.6
2003	336,685	5,630,853	5,967,538	94.4
2004	300,749	6,546,309	6,847,058	95.6
2005	289,984	4,755,445	5,045,429	94.3
2006	355,504	7,219,077	7,574,581	95.3
2007	340,925	9,189,558	9,530,483	96.4
2008	310,940	7,758,609	8,069,549	96.1
2009	243,644	9,801,365	10,045,009	97.6
2010	286,081	9,863,150	10,149,231	97.2
2011	263,241	4,740,790	5,004,031	94.7
2012	236,974	6,315,699	6,552,673	96.4
2013	275,839	9,017,101	9,292,940	97.0
2014	282,624	11,831,114	12,113,738	97.7
2015	255,915	7,246,071	7,501,986	96.6
2016	283,906	8,392,901	8,676,807	96.7
2017	364,736	7,546,839	7,911,575	95.4
2018	309,568	3,413,926	3,723,494	91.7
2019	427,078	7,815,557	8,242,635	94.8
2020	313,467	6,290,648	6,604,115	95.3
Average	299,585	7,162,670	7,465,635	96

Table 3. 2020 tautog landings by sector: percent recreational and commercial by weight.

State	Commercial Landings (%)	Recreational (A+B1) (%)
MA	8.4	91.6
RI	5.8	94.2
CT	0.8	99.2
NY	9.5	90.5
NJ	0.2	99.8
DE	0.4	99.6
MD	0.0	100.0
VA	0.9	99.1
Coastwide	4.8	95.2

Table 4. Tautog recreational harvest by state and coastwide discards, in number of fish, 1996-2020. Source: MRFSS/MRIP (calibrated estimates), queried June 7, 2021. 2020 estimates are subject to change. *indicates PSE above 50. Dead discards are calculated using a 2.5% release mortality rate.

Year	MA	RI	CT	NY	NJ	DE	MD	VA	Coastwide Harvest	Live Discards	Dead Discards
1996	216,698	143,609	150,523	122,153	1,186,204	116,010	72,805*	636,163	2,652,879	3,196,688	79,917
1997	78,669	174,516	83,153	156,487	573,479	117,773	193,521	161,549	1,554,155	2,443,651	61,091
1998	81,038	122,830	110,246	149,594	24,693	149,391	16,252*	183,083	854,272	3,030,403	75,760
1999	302,890	191,287	44,581*	407,886	279,728	267,875	23,468*	77,898	1,605,063	5,413,107	135,328
2000	347,448	152,459	68,080*	203,145*	986,483	188,453	63,231*	40,542	2,071,200	3,531,333	88,283
2001	246,811*	86,818	51,941	118,267	819,588	69,987	57,984*	39,132	1,498,230	4,264,960	106,624
2002	232,803	177,095	180,753	1,239,615	501,980	274,966	55,339	69,301	2,738,664	6,330,432	158,261
2003	95,969	328,392	337,867	245,762	215,920	100,802	18,223*	126,406	1,481,988	4,033,017	100,825
2004	39,975*	281,619*	30,930	471,302	238,123	163,916	18,286*	455,060	1,715,041	3,854,919	96,373
2005	155,754	311,966	75,848	153,333	110,308	98,542	63,320	165,204	1,161,365	3,618,496	90,462
2006	102,739	234,043	361,978	265,746	406,800	169,411	34,482*	207,062	1,784,650	5,027,287	125,682
2007	67,432*	234,152	544,712	509,816	624,915	203,846	118,459	155,012	2,495,017	6,694,584	167,365
2008	72,171*	288,487	244,689	577,628	440,588	162,604	45,166	208,062	2,040,362	5,771,440	144,286
2009	66,280	396,835	356,881	690,545	420,012	324,157	107,289	196,142	2,564,608	7,232,074	180,802
2010	153,978	369,830	274,246	540,667	716,531	182,090	289,634	323,725	2,862,574	8,169,876	204,247
2011	173,101	79,060*	42,289	322,704	313,745	117,938	64,295*	153,066	1,269,208	6,386,822	159,671
2012	96,356	341,478	411,072	302,811	92,340	95,299	20,018*	66,343*	1,477,673	8,150,037	203,751
2013	239,699	539,788	307,409	472,562	442,786	96,733	22,954	19,721*	2,158,780	10,173,418	254,335
2014	444,332	238,595	515,824	913,413*	533,299	131,857	1,155*	87,315	2,875,599	10,958,633	273,966
2015	188,145*	295,674	389,139	581,203	339,357	29,199	12,442*	24,493	1,864,810	10,664,826	266,621
2016	73,516	343,780	312,313	1,068,979	190,163	46,330	3,775*	39,759*	2,086,125	13,456,497	336,412
2017	635,994	140,778	218,506	405,691	568,940	32,315	18,741	22,259*	2,072,783	13,652,738	341,318
2018	77,951	330,372*	74,530	163,132	385,282	8,927	18,372*	8,186	1,069,341	9,570,073	239,252
2019	168,776	369,450	503,529	635,866	311,363	24,065	779*	27,215*	2,041,043	13,357,455	333,936
2020	184,653	228,996	376,271	491,869	309,379	46,617	44,088	63,372	1,745,245	14,627,028	365,676

Table 5. Tautog recreational harvest (A + B1) by state in pounds, 1996-2020.

Source: MRFSS/MRIP (calibrated estimates), queried June 7, 2021. 2020 estimates are subject to change. *indicates PSE above 50

Year	MA	RI	CT	NY	NJ	DE	MD	VA	Coastwide Harvest
1996	1,039,911	659,785	490,239	291,482	2,681,850	350,297	98,324*	2,579,379	8,191,267
1997	308,098	666,065	215,724	749,252*	1,712,208	440,518	497,161	644,872	5,233,898
1998	310,600	605,908	391,933	485,810	70,731*	659,866	69,541*	972,295	3,566,684
1999	1,489,331	788,279	153,339*	1,509,978	895,556	1,049,562	42,003*	402,028	6,330,076
2000	1,301,437	689,698	256,201*	662,491*	3,756,593	692,466	161,426*	241,231	7,761,543
2001	1,052,175*	392,503	205,109	506,301	2,502,115	240,770	168,595*	168,103	5,235,671
2002	994,467	743,409	811,658	4,428,842	1,530,757	948,850	140,672	385,679	9,984,334
2003	527,044	1,388,657	1,180,217	875,271	639,109	358,999	59,071	573,623	5,601,991
2004	213,380*	1,590,436*	144,278	1,687,077	639,685	563,332	41,259*	1,624,091	6,503,538
2005	744,036	1,575,454	290,848	566,375	333,101	357,682	167,633	663,938	4,699,067
2006	484,094	1,130,146	1,589,614	1,002,049	1,443,680	599,179	106,148*	858,131	7,213,041
2007	260,548*	1,173,787	2,109,801	1,923,067	2,073,632	598,291	270,530	622,935	9,032,591
2008	230,549*	1,385,061	1,077,399	2,238,161	1,261,010	575,319	119,209	870,249	7,756,957
2009	236,974	1,648,614	1,353,957	3,057,551	1,273,529	1,034,484	277,124	892,873	9,775,106
2010	506,622	1,933,773	1,073,576	1,818,920	1,864,817	464,859	920,773	1,246,454	9,829,794
2011	803,546	328,959*	137,565*	1,284,037	1,008,756	380,758	189,361*	604,361	4,737,343
2012	403,108	1,512,425	2,093,847	1,285,933	312,531	341,015	62,097*	252,111*	6,263,067
2013	860,594	2,602,962	1,290,726	2,207,750	1,530,776	341,896	81,662	75,449*	8,991,815
2014	1,623,717	1,017,780	2,274,293	4,188,165*	1,849,045	485,332	3,544*	365,657*	11,807,533
2015	1,041,058*	1,105,259	1,594,233	2,153,150	1,100,117	100,302	45,067*	100,143*	7,239,329
2016	317,006	1,290,428	1,368,363	4,514,164	582,199	164,887	15,059*	126,135*	8,378,241
2017	2,883,890	599,424	908,549	1,394,388	1,380,992	103,331	59,901*	88,228*	7,420,148
2018	300,067	1,075,131	295,758	536,332	1,091,046	30,240	54,332	25,766	3,408,672
2019	646,031	1,483,123	2,133,656	2,455,837	908,871	87,348	2,680	98,011	7,815,557
2020	692,588	853,470	1,462,227	1,733,995	1,010,011	154,065	148,760	235,532	6,290,648

Table 6. Commercial landings for tautog in pounds, by state, 1996-2020.

Source: ACCSP Data Warehouse and State Compliance Reports. 2020 Landings are preliminary.

Year	MA	RI	CT	NY	NJ	DE	MD	VA
1996	32,579	64,817	33,327	105,466	89,435	1,599	3,622	26,137
1997	64,240	39,601	14,519	78,228	49,726	841	7,663	25,471
1998	91,319	20,304	6,905	68,892	42,426	1,715	5,682	14,770
1999	75,619	26,090	12,961	37,886	27,307	confid	6,489	20,901
2000	96,001	43,719	8,504	39,953	39,636	confid	3,896	14,794
2001	84,330	56,065	22,259	62,795	60,152	confid	4,591	14,587
2002	148,073	50,007	26,781	60,805	36,605	confid	5,010	22,834
2003	86,205	54,650	40,784	72,264	66,766	confid	5,213	10,705
2004	88,192	36,581	26,037	76,606	51,057	3,064	6,049	13,079
2005	99,344	42,838	24,053	52,525	61,163	confid	4,338	5,667
2006	147,609	47,261	16,841	71,683	58,119	confid	5,411	8,533
2007	95,820	63,441	30,002	73,797	62,979	2,814	3,297	8,588
2008	73,867	48,027	20,160	88,571	63,958	2,253	2,964	10,946
2009	54,703	50,920	21,194	87,289	14,591	2,116	1,638	11,132
2010	75,317	44,054	16,948	93,153	49,213	confid	1,285	6,077
2011	57,787	47,426	14,784	82,761	45,865	confid	confid	14,590
2012	67,870	50,126	6,233	76,373	20,831	1,444	confid	13,870
2013	70,157	53,428	5,887	110,849	22,079	confid	1,458	11,776
2014	63,191	53,384	5,164	121,538	31,665	confid	confid	7,545
2015	61,752	47,140	7,249	111,925	17,538	2,108	1,173	6,937
2016	58,095	50,680	7,651	144,650	13,367	2,083	1,098	6,252
2017	66,481	52,844	8,485	231,644	6,551	1,372	confid	5,165
2018	61,055	51,451	7,341	186,108	1,559	654	273	1,349
2019	67,021	46,562	18,651	289,746	2,512	646	confid	1,982
2020	63,405	52,651	11,644	181,639	1,941	585	confid	2,210

Table 7. State recreational regulations implemented for Tautog in the 2020 fishing year.

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS	OPEN SEASONS
		(fish/person/day)	(dates inclusive)
Massachusetts	16"	3 1 3 5 (10 fish/day/vessel max for private/rental mode)	Apr 1-May 31 Jun 1-Jul 31 Aug 1-Oct 14 Oct 15-Dec 31
Rhode Island	16"	3 3 5 (10 fish/day/vessel max for private/rental mode)	Apr 15 – May 31 Aug 1 – Oct 14 Oct 15 – Dec 31
Connecticut	16"	2 2 3	Apr 1 – Apr 30 July 1 – Aug 31 Oct 10 – Nov 23
New York	16"	LIS: 2 LIS: 3 NY Bight: 2 NY Bight: 4	Apr 1- Apr 30 Oct 11-Dec 9 Apr 1- Apr 30 Oct 15-Dec 22
New Jersey	15"	4 4 1 5	Jan 1 – Feb 28 Apr 1 – Apr 30 Aug 1 – Nov 15 Nov 16 – Dec 31
Delaware	16"	4 4	Jan 1 – May 15 Jul 1 – Dec 31
Maryland	16"	4 2 4	Jan 1- May 15 Jul 1 – Oct 31 Nov 1 – Dec 31
Virginia	16"	3 3	Jan 1 – Apr 30 Sep 20 – Dec 31

Table 8. State commercial regulations implemented for Tautog in the 2020 fishing year.

STATE	SIZE LIMIT	POSSESSION LIMITS (number of fish)	OPEN SEASONS	QUOTA (pounds)	GEAR RESTRICTIONS
Massachusetts	16"	40	Sept 1 – 100% of Quota	64,753	Mandatory pot requirements. Limited entry and area/time closures for specific gear types. Fishery permit endorsement
Rhode Island	16"	10	Apr 1 – May 31 Oct 15 – Dec 31	51,348*	Harvest allowed by permitted gear types only.
Connecticut	16"	3 (restricted licenses) 10 (all other)	Apr 1 – Apr 30 Jul 1 – Aug 31 Oct 8 – Dec 24	-	Mandatory pot requirements.
New York	15"	25 (10 fish w/ lobster gear and when 6 lobsters are in possession)	LIS: May 7 – July 31; Sept 1- Nov 23 NY Bight: Apr 18 –Jan 25	-	Mandatory pot requirements. Gill or trammel net is prohibited.
New Jersey	15"	> 100 lb requires directed fishery permit; <= 100 lb requires either directed or non-directed fishery permit	Jan 1 – May 1 Sept 19-Dec 31	103,000	Mandatory pot requirements.
Delaware	16"	4	Jan 1 – May 15 July 1 – Dec 31	-	Mandatory pot requirements.
Maryland	16"	4 2 4	Jan 1-May 15 July 1 – Oct 31 Nov 1- Dec 31	-	Mandatory pot requirements.
Virginia	15"	-	Jan 1 – Jan 21 Mar 1 – May 15 Nov 1 – Dec 31	-	Mandatory pot requirements. Pots prohibited in tidal waters.

* Rhode Island's quota of 51,348 lbs is divided equally among the three sub-periods.

Table 9. Number of age/length samples by state in 2020. Addendum III requires all states to collect 200 samples per year. Source: State compliance reports

State	2020 Samples	Sample Sources
MA	364 lengths; 211 ages	Commercial Fishery Market sampling; Pot sampling; Rod and Reel sampling; F-I trawl survey; Lobster ventless trap survey
RI	251 lengths; 249 ages	Recreational fishery sampling, RIDMF Fish Pot Survey, RIDMF Trawl Survey, and Beach Seine survey
CT	0	Long Island Sound Trawl Survey
NY	285 lengths and ages	Commercial markets and recreational sampling; fishery independent surveys
NJ	185 lengths and ages	Recreational fishery and Artificial Reef Ventless Trap Survey
DE	161 lengths and ages	Recreational sampling
MD	202 lengths and ages	Recreational sampling
VA	109 lengths and ages	Commercial markets and recreational sampling

Table 10. Ongoing fishery-independent surveys, as of 2020. Shaded cells indicate survey data used in 2016 stock assessment.

State	Areas Surveyed	Survey Type	# of Survey Stations	Dates of Survey	Initial Year
MA	MA territorial waters*	Trawl	1 station per 19 square nautical miles	May and September	1978
	Buzzards Bay, south of the Elizabeth Islands, and portions of Rhode Island Sound	Trap	42 stations twice per month	June through September	2015
	Buzzards Bay and Vineyard Sound	Rod & Reel	48 stations per month	Spring (Apr-May) Fall (Sep-Nov)	2016 (fall)
RI	Narragansett Bay	Trawl	13 stations per month	June through October	1990
	Narragansett Bay, Rhode Island Sound and Block Island Sound	Trawl	44 stations	Spring (April-May) Fall (Sept/October)	1979
	Narragansett Bay Beach	Seine	18 stations per month	June through October	1988
	Coastal Ponds	Seine	24 stations in 8 coastal ponds per month	May through October	1994
	Narragansett Bay	Trap	10, 5 pot trawls set per month	April through October	2013
CT	Long Island Sound (CT and NY waters)	Trawl	40 stations per month	Spring (April-June) Fall (Sept-Oct)	1984
NY	Peconic Bay	Trawl	16 stations per week	May through October	1987
	Western Long Island (Little Neck, Manhasset Bay, Jamaica Bay)	Seine	5-10 sites, semimonthly	May through October	1984
	Long Island Sound	Trap	35 stations per week	May through October	2007
	East End Seine*	Seine	30 stations per month	June through October	2018
NJ	Nearshore ocean waters between Cape May and Sandy Hook*	Trawl	30 tows in Jan; 39 tows per month in Apr, Jun, Aug & Oct	Jan, Apr, June, Aug & Oct	August 1988
	Nearshore ocean waters within Sea Girt, Manasquan Inlet and Little Egg Artificial Reefs	Trap	48-54 traps set each Spring, Summer, Fall sampling periods	Spring (March-April); Summer (June-August); Fall (October-November)	2016
DE	Ventless Trap Survey	Trap	13 stations per two weeks	May through December	2018
MD	Maryland Coastal Bays	Trawl	20 stations per month	April through October	1989
		Seine	19 stations per month	June, September	1989
	Submerged Aquatic Habitat in Sinpuxent Bay	Seine	5 zones	September only	2015
VA	Fisheries independent surveys do not collect tautog in quantities needed for monitoring purposes				NA

*Survey did not run in 2020 due to the COVID-19 pandemic

Table 11. Ongoing fishery-dependent monitoring in each state, as of 2020

State	Fishery Sector	Data Collected	Data Source
MA	Commercial	Landings at the trip level	Harvesters and primary buyers
	Commercial	Length, Weight	Market sampling
RI	Recreational	Age, Length	Recreational harvest sampling
	Commercial	Age	Fish Pot Survey
CT	Commercial	Monthly landings	Harvesters and dealers
NY	Commercial	Age, Length	Markets and dockside sampling
NJ	Commercial	Age, Length, Weight, Sex	Commercial vessel sampling
	Recreational	Age, Length, Sex	Party/charter boat sampling (retained fish)
DE	Commercial	Landings	Monthly harvester logbooks
	Recreational	Age, Length	Recreational harvest sampling
MD	Recreational	Age, Length, Weight, Sex	Charter boat hook and line sampling
	Commercial	Landings	Harvest reports
VA	Commercial	Age, Length, Weights	Samples from commercial hook-and-line gear, haul seines, pots/traps, pound nets
	Recreational	Age, Length, Weights	VMRC Marine Sport Fish Collection Project
		Tagging data	Game Fish Tagging Program

*Surveys as part of MRIP occur in all states and are not included in the table. Commercial landings monitoring by the Standard Atlantic Fisheries Information System (SAFIS) is also excluded.

Table 12. Tagging Data collected in 2020. Amendment 1 requires all states to implement a commercial harvest tagging program. Source: state Compliance reports

State	Quota (if applicable)	Biological Metric (including initial tag request)	Number of Participants	Number of Tags Issued	Number of Tags Returned
MA	62,797	30,000 tags; 2014-2018 avg weight 3 lbs. Annual Commercial Quota ~ $64,753/3 = 21,584 + \text{tag loss}$	160	34,775	13,502
RI	51,348	15,405 tags; avg weight 4 lbs. Commercial Quota $51,348/4 * 1.2$ (tag loss buffer)= 15,405	295	25,501	8,369
CT	N/A	6,000 tags; Maximum number of fish landed by each permit holder (2016-2018) and rounded to the nearest multiple of 10	No Tagging in 2020		
NY (LIS)	N/A	170,000 tags; avg weight 3.3 lbs. Max fish landed between 2015-2018 (112,796)+ .2 buffer for loss+ .2 buffer for underreporting, rounded to nearest multiple of 25, then rounded to nearest 1,000	No Tagging in 2020		
NY (South Shore)					
NJ	103,000	10,000 tags; avg weight 2.6 lbs. Divide avg annually landing for past 10 years (22,127 lbs) by avg weight+ .2 buffer for tag failure and loss	22	4,900	2,789
DE	N/A	750 tags; Avg weight 2 lbs. Avg commercial landings 2016-2018 (1,254 lbs) divided by avg weight + .25 buffer	36	796	656
MD		500 tags; 2012-2018 avg weight 4 lbs. Annual landings from 2012-2018 divided by avg weight multiplied by .2 buffer to get tags required per year. 2013 was the highest estimate of needed tags (427 tags), rounded up to 500	1	25	21
VA		3,250 tags; avg weight 3.9 lbs. 5-year avg landings for each permit holder divided by avg weight + .3 buffer	25	2,055	1,604



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Tautog Management Board
FROM: Tautog Technical Committee
DATE: July 16, 2021
SUBJECT: Technical Committee Review of the Commercial Harvest Tagging Program

Attendees: Coly Ares (RI; Chair), Craig Weedon (MD; Vice-Chair), Lindy Barry (NJ), Sandy Dumais (NY), Rachel Sysak (NY), Dave Ellis (CT), Alexa Galvin (VA), Sam Truesdell (MA) Scott Newlin (DE) and William Hyatt (CT; Tautog Board Chair)

Staff: Kirby Rootes-Murdy

The Commission's Tautog Technical Committee (TC) met virtually on Wednesday July 7, 2021 to review information regarding the 2020 commercial harvest tagging program. An email from NY DEC describing numerous issues with the tag in general was distributed prior to the meeting. Kirby presented background and current information followed by a state-by-state update focused on the following questions:

- 1) How has the commercial harvest tagging program gone so far in your state?
- 2) Any change in the number of commercial tautog commercial harvesters following implementation of the tagging program?
- 3) Were there enough tags in your state in 2020?
- 4) Challenges with applying the tags? Were there any issues with tags adhering to the fish?
- 5) Any observed mortality associated with tagged fish?
- 6) What was the level of enforcement or monitoring of commercial harvesters and live fish markets (for those states that have them)?
- 7) Any recommendations or considerations for managers in continuing the tagging program?

Summary of state-by-state Implementation

Virginia

The program went well for VA. Aside from the COVID-19 pandemic, the biggest issue was some tag accounting errors by fishermen and federal fishing reports in SAFIS not allowing the tag number to be inputted with landings information. From mid-March through May (the end of the spring season) 2020, Staff could not issue tags due to office closures so the tagging requirement was temporarily waived. In spite of this, landings increased slightly in 2020 and there were plenty of tags available. Harvesters primarily sell to a fresh market, not live

market, and there was no reported issues. One harvester who does supply to live market reported that the tag hit the gill filament under the gill plate and killed the fish. He has moved on to the tagging the tail with no tag mortality. No law enforcement issues (LE) were noted. VMRC staff recommended that SAFIS modify its reporting to allow for tag data. NY said they also requested a field in SAFIS for tagging data, and in the meantime are using the comments field and an email for tag information.

Maryland

The tagging program was administered through COVID-19 pandemic with no issues. MD traditionally has a very small fishery and in 2020 participation was reduced to one individual. As such, there plenty of tags available. No issues report to MD DNR staff from LE.

Delaware

Similar to MD, DE has a very small fishery. The number of harvesters remained the same from prior to 2020, with harvest comparable to previous years. Based on the small fishery and number of participants, DE reduced the tag number order for the second year (2021). No issues applying the tags, minor fishery with dead market, no issues with LE.

New Jersey

NJ has a limited entry permit program, which will remain at 62 permits, even as the number of active fishermen changes year to year. Twenty-two fishermen picked up tags and seven actually used them, which is in line with previous harvest records over the years. NJ DFW staff indicated they had more than enough tags and are looking to order a smaller amount for 2022. Many NJ fishermen requested tags in fear of losing their permit but did not use them. No issues with applying tags to fish. The live markets were impacted by the COVID-19 restrictions and the fresh market did not have issues with tag mortality. LE reported no issues of enforcement with the tagging program. Harvesters report through SAFIS, and send blue copy of VTR and tag report to NJ DFW staff. To aid with reporting, NJ DFW plan to use a postcard system for tag reporting next year.

New York

NY DEC staff reported that preliminary 2021 data shows the number of harvesters has doubled and they expect to have increased demand for tags for their fall season. An initial 170,000 tags were purchased for the 2020 season (note: 2020 tags are being used for the 2021 fishing season and NY did not implement the tagging program in 2020), and 20% of the harvesters have requested additional tags this year.

Over 100 participants have reached out with concerns for the tagging program. Those expressing concerns were full-time commercial harvesters and catch the 25-fish per day for the live market. Some of the concerns about tags were about application inducing injuries such as cuts on their hands- there was reports of one fisherman being injured and sent to the hospital given the severity of the cut. The tags are dangerous when applied in a rush without gloves and there is a significant learning curve to applying the tags. Harvesters reported up to 50% mortality from tagging that was not seen in the spring. Some of the reasons/stressors likely causing the mortality center around the challenges in holding and tagging the fish as well as increased water temperature in the summer. Additional anecdotal reports indicated that a few harvesters, like VA, have come up with their own ways to get around tag mortality by tagging in the tail, or not tagging the fish while on their vessel, but instead having their

dealer tag the fish (note: this is not legal per NY DEC's regulations). NY has a substantial live market, and given the challenges indicated with tagging mortality, there was a lot of frustration among participants. Based on their experience, many harvesters were advocating for a different style tag that will cause less damage to the fish. NY DEC staff indicated that the standard Floy Tag may be the best alternative to the current tag. Floy tags were initially considered, but were ultimately not chosen due to the placement near the dorsal fin and concern over damage to the meat. Despite the anecdotal reports, the LE and commercial sampling teams are seeing tagged fish in the market place and compliance appears good. NY DEC staff indicate that based on the feedback they've received from their harvesters, the program is not working as intended as there are tags killing the fish, live fish with no tag but a scattering of tags on the bottom of the tanks in live markets and restaurants.

Connecticut

Tagging was implemented in 2021, not 2020, due the COVID-19 pandemic. CT DEEP staff indicated they have the same amount of commercial harvesters in 2021 as previous years. CT DEEP staff ordered 6,000 tags, handed out 3,000 tags and ordered another 1,000 more for fall. It was noted there was an issue with staff injured when mailing out tags (sharp edges). One fisherman complained about mortality from tagging over the rail (for example tagging the fish and then keeping them in a laundry mesh bag over the boat railing). CT DEEP staff indicated there was low mortality and no reported LE issues. Discussion about fishermen tagging in RI waters at the time of harvest and when it is required to be accomplished (over the rail vs at the dock before off-loading). Overall, CT has a relatively small fishery compared to neighboring states (RI and NY) with few issues reported on the tagging program.

Rhode Island

RI typically has about 250 participants and had 295 people request tags. The new program may have caused people to think if they did not get tags, they may never be able to fish for tautog again. People who never landed tautog in RI previously are asking for tags. The biological metric used to order the tags did not estimate many first time entrants in this fishery, and many of those tags issued were returned unused. Applying the tag did have a learning curve, once they figured it out it was not too bad. No complaints concerning mortality or LE issues. RI did have two MA fishermen reach out complaining they could not get tags in MA. RI was hoping to allow dealers to tag fish instead of the fishermen since it must easier logistically to accomplish.

Massachusetts

MA DMF shifted from an open access program with about 2,000 participants to a limited entry with 218 license holders. Overall, the tagging program went well after initial minor issues with the distribution of tags and initial allotments – these issues could be attributed to the COVID pandemic and that it was the first year of the program. In 2020 34,775 tags were issued and 13,502 were returned. MA DMF ordered 35,000 tag for 2021. MA DMF staff received a few minor complaints about applying these tags, with some problems attributed to individuals not purchasing the manufacturer's applicator and using other tools to attempt to apply the tags. There were limited complaints overall about tag loss or mortality; one mortality incident early on was attributed to improper tagging technique that damaged gill tissue. There were a handful of LE citations for tag violations. MA DMF staff recommend increasing the educational materials available to reduce tag loss and mortality. The MA tautog market is primarily for live fish.

TC recommendations to the Tautog Board

- Address the SAFIS reporting challenge

SAFIS reporting does not have a field for tag reporting, this field has been requested by NY and is pending due to other higher priority work. NY requires the number of fish and pounds of fish for each trip. The TC wants the SAFIS tag field available but not mandatory. The number of fish field is in the switchboard in the mobile application but may have issues in the desktop application. NY requires the tag serial number used in the SAFIS comments section and a follow up email to the VTR office.

- Consider additional research and trials of tag type

The TC recommends the Board review the challenges that have been reported by some sectors of the fishery as well as the analyses that led up to the decision to select the tag type that is currently in use. If a change in the type of tag is recommended, the TC suggests, if possible, a structured approach to evaluating tag performance, such as experiments examining the effects of tagging in warmer water environments. The TC was in agreement that having different tag types by state would be problematic, so if there is change it should be uniform across the coast. Given the need to evaluate alternative tags, the timetable if there was a change in the tag type would not be immediate. That being said, based on feedback from NY staff, a protracted timeframe to change the program may present challenges of continuing industry support for the program. Based on the language in Amendment 1, the Board has flexibility in changing what type of tag to use without going through an addendum process; the main consideration is whether there would be benefit in getting additional feedback from the public and industry through a public comment process.

- Consult with Law Enforcement Committee on the enforceability of tag placement

There were anecdotal reports from VA and NY that changing the tag location to the tail reduced mortality. Law enforcement may have issues on varied locations for tag placement. Tag placement is not specified in the FMP. The TC had previously discussed on which side of the fish should be tagged. The TC recommends that the Law Enforcement Committee provide feedback on tag placement in terms of enforceability.

- Define 'participants' as the number of people issued tags

As part of reporting out the tagging program information, states were required to provide the number of participants per state. Some states were defining the number of participants differently, such as listing 'active' participants using recent landing information to determine whether an individual was 'active' vs listing all participants. The TC was in agreement that listing all participants who are issued tags is the preferred approach. States may in addition to this, provide information on how many participants were actually used the tags.

- 2020 fishing year may not be a reliable biological metric for future tag justification

The TC discussed the role of the COVID-19 pandemic in affecting both the implementation and

fishing participation in 2020. With the easing of restrictions in 2021, participation in the tagging program and landings may be different from last year. Additionally, there should be consideration of potential further rebound in the fishery next year (2022). The TC recommends that states should consider how potential increases in participation may require them to adjust their tag estimates, especially in how to consider commercial data from 2020 and 2021 in their biological metric.

Atlantic States Marine Fisheries Commission

Sciaenids Management Board

August 3, 2021

3:15 – 5:15 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/Call to Order (*L. Fegley*) 3:15 p.m.
2. Board Consent 3:15 p.m.
 - Approval of Agenda
 - Approval of Proceedings from March 2021
3. Public Comment 3:20 p.m.
4. Review Traffic Light Analysis (TLA) for Spot and Atlantic Croaker and Technical Committee Recommendations (*D. Franco/H. Rickabaugh*) 3:30 p.m.
5. Review Technical Committee Recommendations for Black Drum TLA and Benchmark Stock Assessment (*H. Rickabaugh*) **Action** 4:15 p.m.
6. Consider Atlantic Croaker and Red Drum Fishery Management Plan Reviews and State Compliance for 2020 Fishing Year (*S. Lewis*) **Action** 4:45 p.m.
 - Consider State Implementation Plan from Florida for its Commercial Atlantic Croaker Fishery
7. Update on Red Drum Modeling Process and 2022 Simulation Stock Assessment (*J. Kipp*) 5:00 p.m.
8. Other Business/Adjourn 5:10 p.m.

MEETING OVERVIEW

Sciaenids Management Board
Meeting Tuesday, August 3, 2021
3:15 – 5:15 p.m.
Webinar

Chair: Lynn Fegley (MD) Assumed Chairmanship: 02/20	Technical Committee Chairs: Black Drum: Harry Rickabaugh (MD) Atlantic Croaker: Dawn Franco (GA) Red Drum: Lee Paramore (NC) Spot: Harry Rickabaugh (MD)	Law Enforcement Committee Representative: Capt. Chris Hodge (GA)
Vice Chair: Vacant	Advisory Panel Chair: Craig Freeman (VA)	Previous Board Meeting: March 18, 2021
Voting Members: NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS (10 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from March 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review Traffic Light Analysis (TLA) for Spot and Atlantic Croaker and Technical Committee Recommendations (3:30-4:15 p.m.)
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Background

- | |
|---|
| <ul style="list-style-type: none"> • The Traffic Light Analyses is updated annually for both spot and Atlantic croaker to assess changes to the population in non-benchmark stock assessment years. • The 2020 TLA triggered management action at the level of moderate concern, the Spot and Croaker Technical Committees ran the TLA for each species with the additional year’s data. (Briefing Materials). • Due to the COVID-19 pandemic, there were interruptions to surveys used in the TLA. The TC meet to review missing data and determine the impacts on the annual TLA process. (Briefing Materials) |
|---|

Presentations

- | |
|--|
| <ul style="list-style-type: none"> • Review of 2021 Traffic Light Analyses of the 2020 fishing year for Atlantic Croaker and Spot and missing data considerations by D. Franco and H. Rickabaugh. |
|--|

5. Review Technical Committee Recommendations for the Black Drum Traffic Light Approach and Benchmark Stock Assessment (4:15-4:45 p.m.) Action

Background

- During the 2020 FMP Review of the 2019 fishing year, the Plan Review Team (PRT) recommended the consideration of an interim method for monitoring black drum in the absence of an updated stock assessment.
- The Technical Committee met in April to review the use of a Traffic Light Approach for black drum, and consider whether the development of a TLA or pursuing an updated Benchmark Stock Assessment was more appropriate for the stock. **(Briefing Materials)**

Presentations

- Overview of the TC Discussion and recommendations by H. Rickabaugh.

Board actions for consideration at this meeting

- Initiate the formation of a Stock Assessment Subcommittee to begin the Benchmark Stock Assessment Process

6. Consider Approval of 2020 Fishery Management Plan Reviews and State Compliance for Red Drum and Atlantic Croaker, (4:45-4:15 p.m.) Action

Background

- Red Drum state compliance reports are due on July 1. The Red Drum Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. New Jersey and Delaware have requested continued *de minimis* status. **(Supplemental Materials)**
- Atlantic Croaker state compliance reports are due on July 1. The Atlantic Croaker Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. New Jersey and Delaware requested *de minimis* status for both their recreational and commercial fisheries, and South Carolina and Georgia requested *de minimis* status for their commercial fisheries. **(Supplemental Materials)**
- Due to the management actions triggered by Addendum III in 2020, states that were non-*de minimis* were required to submit state implementation plans for Board approval. Florida has not applied for *de minimis* status for 2022 during the compliance review process, and has submitted a state implementation plan for their commercial croaker fishery for Atlantic croaker. **(Supplemental Materials)**

Presentations

- 2020 FMP Reviews for Red Drum and Atlantic Croaker by S. Lewis.

Board actions for consideration at this meeting

- Consider approval of the 2020 FMP Review, state compliance reports, and New Jersey and Delaware's *de minimis* requests for Red Drum.
- Consider approval of the 2020 FMP Review, state compliance reports, and New Jersey, Delaware, South Carolina, Georgia, and Florida's *de minimis* requests for Atlantic Croaker

7. Update on Red Drum Modeling Process and 2022 Simulation Stock Assessment (5:00-5:15 p.m.)

Background

- In 2020, the Board initiated a simulation modeling process so the Red Drum Stock Assessment Subcommittee (SAS) may determine the most appropriate assessment strategy for red drum. An update will be provided into the progress of the simulation modeling process.

Presentations

- Stock assessment update by J. Kipp

8. Other Business/Adjourn

Sciaenids Management Board

Activity level: High

Committee Overlap Score: Moderate (American Eel TC, Bluefish TC, Menhaden TC, Weakfish TC)

Committee Task List

- Red Drum SAS – Conduct Red Drum Simulation Assessment
- Spot TC – Review State Proposals for Regulation Changes
- Atlantic Croaker TC – Review State Proposals for Regulation Changes
- Atlantic Croaker TC – July 1: Compliance Reports Due
- Red Drum TC – July 1: Compliance Reports Due
- Atlantic Croaker TC – Conduct 2021 Traffic Light Approach analysis for Annual Meeting
- Spot TC – Conduct 2021 Traffic Light Approach analysis for Annual Meeting
- Black Drum TC – August 1: Compliance Reports Due
- Spotted Seatrout PRT – September 1: Compliance Reports Due
- Spot PRT – November 1: Compliance Reports Due

TC Members:

Atlantic Croaker: Dawn Franco (GA, Chair), Kristen Anstead (ASMFC), Savannah Lewis (ASMFC), Stacy VanMorter (NJ), Michael Greco (DE), Harry Rickabaugh (MD), Somers Smott (VA, Vice Chair), Morgan Paris (NC), Chris McDonough (SC), Joseph Munyandorero (FL)

Black Drum: Harry Rickabaugh (MD, Chair), Jeff Kipp (ASMFC), Savannah Lewis (ASMFC), Craig Tomlin (NJ), Jordan Zimmerman (DE), Ethan Simpson (VA), Chris Stewart (NC), Chris McDonough (SC), Ryan Harrell (GA), Shanae Allen (FL)

Red Drum: Lee Paramore (NC, Chair), Jeff Kipp (ASMFC), Savannah Lewis (ASMFC), Alissa Wilson (NJ), Michael Greco (DE), Robert Bourdon (MD), Ethan Simpson (VA, Vice Chair), Joey Ballenger (SC), Chris Kalinowsky (GA), Roger Pugliese (SAFMC)

Spot: Harry Rickabaugh (MD, Chair), Jeff Kipp (ASMFC), Savannah Lewis (ASMFC), Stacy VanMorter (NJ), Michael Greco (DE), Somers Smott (VA), Morgan Paris (NC), Chris McDonough (SC), BJ Hilton (GA), Joseph Munyandorero (FL)

Spotted Seatrout (PRT): Savannah Lewis (ASMFC), Douglas Lipton (MD), Tracey Bauer (NC), Joey Ballenger (SC), Chris Kalinowsky (GA)

SAS Members:

Red Drum: Joey Ballenger (SC, Chair), Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Angela Giuliano (MD), Lee Paramore (NC), Thom Tears (NC), Jared Flowers (GA), Chris Swanson (FL)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SCIAENIDS MANAGEMENT BOARD**

**Webinar
March 18, 2021**

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

Draft Proceedings of the Sciaenids Management Board
March 2021

TABLE OF CONTENTS

Call to Order, Chair Lynn Fegley	1
Approval of Agenda.....	1
Approval of Proceedings from October 2020	1
Public Comment	1
Consider Spot Fishery Management Plan Review and State Compliance for 2019.....	1
Consider Approval of the State Implementation Plans for Spot and Atlantic Croaker	
Addendum III Management.....	5
Technical Committee Report	5
Consider Final Approval of State Implementation Plans	9
Update on Red Drum Modeling Process and Stock Assessment	11
Other Business.....	12
Adjournment	13

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The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Agenda approved** by consent (Page 1).
2. **Proceedings of October 2020** approved by consent (Page 1).
3. **Move to approve the Spot FMP Review for the 2019 fishing year, state compliance reports, and *de minimis* requests for the 2021 recreational and commercial spot fishery for New Jersey, Delaware, Georgia, and the Potomac River Fisheries Commission** (Page 4). Motion by Marty Gary; second by Jim Estes. Motion carried (Page 5).
4. **Move to approve the *de minimis* request for the commercial Atlantic croaker fishery for 2021 for the Potomac River Fisheries Commission** (Page 8). Motion by Pat Geer; second by Marty Gary. Motion carried (Page 9).
5. **Move to approve spot state implementation plans for Virginia, North Carolina, Florida, and Maryland** (Page 9). Motion by Doug Haymans; second by Malcolm Rhodes. Motion carried (Page 10).
6. **Motion to adjourn** by consent (Page 13).

Draft Proceedings of the Sciaenids Management Board
March 2021

ATTENDANCE

Board Members

Joe Cimino, NJ (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Tom Fote, NJ (GA)	Malcolm Rhodes, SC (GA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Doug Haymans, GA (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Spud Woodward, GA (GA)
Roy Miller, DE (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Lynn Fegley, MD, proxy for B. Anderson (AA)	Marty Gary, PRFC
David Sikorski, MD, proxy for Del. Stein (LA)	Jack McGovern, NMFS
Pat Geer, VA, proxy for S. Bowman (AA)	

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

Ex-Officio Members

Dawn Franco, Atl. Croaker Technical Committee Chair	Lee Paramore, Red Drum Technical Committee Chair
Angela Giuliano, Cobia Technical Committee Chair	Harry Rickabaugh, Black Drum & Spot Technical Committee Chair

Staff

Robert Beal	Emilie Franke
Toni Kerns	Chris Jacobs
Tina Berger	Jeff Kipp
Kristen Anstead	Savannah Lewis
Pat Campfield	Mike Rinaldi

Guests

Taylor Ailtmar, CBF	Shanna Madsen, VMRC
Erika Burgess, FL FWC	Genine McClair, MD DNR
Heather Corbett, NJ DEP	Chris McDonough, SC DNR
Timothy Ellis, NC DENR	Chris Moore, CBF
Corrin Flora, NC DENR	Morgan Paris, NC DENR
Craig Freeman	Somers Smott, VMRC
Michael Greco, DE DFW	Stacy VanMorte, NJ DEP
Wallace Jenkins, SC DNR	Dan Zapf, NC DENR
Wilson Laney	Jill Ramsey, VMRC

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Draft Proceedings of the Sciaenids Management Board
March 2021

The Sciaenids Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, March 18, 2021, and was called to order at 1:00 p.m. by Chair Lynn Fegley.

CALL TO ORDER

CHAIR LYNN FEGLEY: Welcome everybody to the newly formed Sciaenids Management Board. My one wish is that nobody ever makes me spell it. My name is Lynn Fegley; I represent the state of Maryland, and I'm serving as your Chair. Today we have a couple hours to get through our agenda.

APPROVAL OF AGENDA

CHAIR FEGLEY: We've got a couple of action items that we're going to be looking for motions on, so just get yourselves ready for that. I'm looking forward to good discussion. But first, the first order of business is there any opposition to the agenda as it stands? If you have, please raise your hand if you desire any changes or edits to the agenda.

Seeing none, we will consider the agenda approved by consensus.

APPROVAL OF PROCEEDINGS

CHAIR FEGLEY: The next order of business is the approval of the proceedings from October, 2020 that were in the meeting materials. I will say there was one minor wording change on Page 17, and it was sort of a funny typo. It's been corrected. Is there anybody else who would like to see changes or edits to the proceedings?

If you would like changes or edits, please raise your hand. Okay, seeing none, we'll just consider those approved by consent.

PUBLIC COMMENT

CHAIR FEGLEY: Moving on, the next order of business is public comment. Do we have anybody in the public who would like to provide

comment to the Board at this time? Please raise your hand if you do.

MS. KERNS: Lynn, I just want to tell everybody how to raise their hand, just in case folks haven't been on our webinar before. If you click on the hand icon that is below the red arrow and the microphone, your hand is raised when the red arrow is pointing downward. If it is the green arrow pointing up, your hand is not raised.

CHAIR FEGLEY: Great, thank you, Toni, for that. I'll just ask one more time, is there anybody from the public who would like to provide comment to the Board?

CONSIDER SPOT FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2019

CHAIR FEGLEY: Okay, seeing none, we will just roll on along, and we are now going to consider the Fishery Management Plan Review and State Compliance for the 2019 fishing year for spot. With that, I will turn it over to Savannah Lewis.

MS. SAVANNAH LEWIS: Thank you, Madam Chair. Good afternoon everyone, today I will be going over the Spot FMP Review for the 2019 fishing year, as well as *de minimis* requests for the 2021 spot fishery. The PRT met in December, 2020 to review state compliance reports and the FMP Review. This graph shows total landings, with commercial landings represented by the blue bars, and recreational landings represented by the black line. Years on the X axis with harvest in millions of pounds on the Y. Total coastwide spot landings in 2019 were estimated at 6.4 million pounds.

This represents an increase from 2018, but is the third lowest total harvest on record. The commercial and recreational fisheries harvested 30 percent and 70 percent of the total respectively. Coastwide commercial landings have varied, but declined in recent years. In 2019, 1.7 million pounds were harvested

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Draft Proceedings of the Sciaenids Management Board
March 2021

commercially, with the majority from Virginia and North Carolina.

This graph shows recreational harvest as orange bars, with releases shown by the black line. Years on the X axis, and catch in millions of fish on the Y. Recreational harvest has fluctuated throughout the time series from 12.8 million fish, to 54.4 million fish, 2018 had the lowest harvest in the time series, at 12.8 million fish, and 2019 saw an increase of 2.2 million fish, for a total of 15 million fish, or 4.7 million pounds.

Anglers in Virginia and North Carolina harvested the majority of the recreational spot. The estimated number of spot released in 2019 was 11.5 million fish, which is a significant increase from recent trends. In 2019, the harvest composite for spot triggered at the moderate response level for both the mid and South Atlantic groups for two out of the last three years.

Here you're seeing two figures that represent the traffic light approach that was presented at the annual meeting in October. The mean proportion of red from 2017 to 2019 in the Mid-Atlantic was 40.4 percent, and the mean in the South Atlantic was 35.6 percent. Due to a delay in the recalibration of the CHESMMAP Survey, which is used in the annual TLA reviews, no data points were available for spot in 2019 for abundance indices for the Mid-Atlantic region.

However, even without the data points for 2019, the Mid-Atlantic Adult Composite Index has been above the 30 percent threshold since 2011. The South Atlantic Adult Composite Characteristics did not exceed the 30 percent level in 2019, or in two of the last three consecutive years. Overall, there is a continued trend of disconnect between the harvest and abundance indices, with the harvest metric exhibiting a decreasing trend, while the abundance metric had an increasing trend, specifically in the South Atlantic.

However, because harvest indices for both regions and abundance indices for the Mid-Atlantic were above 30 percent in two of the last three years, management response as outlined in Addendum III was enacted at the annual meeting. Four states have applied for *de minimis*. New Jersey and Georgia applied for *de minimis* status through the annual state compliance report process.

Delaware and PRFC have applied through the state implementation plan process. Just a reminder about *de minimis*: States may apply for *de minimis* status if, for the preceding three years for which data are available, their average combined commercial and recreational landings by weight constitute less than 1 percent of the average combined coastwide commercial and recreational landings for the same period. All four states meet this requirement. Annually, state compliance reports for spot are due on November 1st. The PRT found that all states have implemented the requirements of the FMP. They recommend approving state compliance reports as well as *de minimis* requests for New Jersey, Georgia, Delaware, and PRFC. The PRT would also like the Board to consider reviewing the *de minimis* status for spot by splitting out commercial and recreational *de minimis* to mirror croaker.

This would also allow flexibility for states with their management. Additional research and monitoring recommendations can be found in the FMP Review document. With that, I'm happy to take any questions that the Board may have about the spot FMP Review, state compliance reports or *de minimis* requests.

CHAIR FEGLEY: Thank you, Savannah. Are there any questions at this time for Savannah, please raise your hands?

MS. KERNS: Lynn, you've got a hand.

MS. FEGLEY: I see Chris Batsavage, so Chris Batsavage. Go ahead, please.

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Draft Proceedings of the Sciaenids Management Board
March 2021

MR. CHRIS BATSAVAGE: A question for Savannah. Would changing the *de minimis* requirements for spot, where it's separate for commercial and recreational take an addendum to the plan, or is there another way to do that?

MS. LEWIS: Yes, great question, Chris. That would require an addendum to the plan.

CHAIR FEGLEY: Okay, thanks, Savannah. Just so that I'm clear. Since that requires an addendum, is there is a motion to approve the state compliance reports and request for *de minimis*? Does that automatically, do we need a separate motion then to direct to split *de minimis* or to initiate an addendum?

MS. KERNS: Savannah, do you want some help with that one?

MS. LEWIS: Yes, go ahead, Toni, because I haven't been through the process yet.

MS. KERNS: No problem. Lynn, any recommendations that are in the FMP Review from the PRT, the Board would actually have to take action to implement any of those. They are not automatically approved when you accept the FMP Review and the *de minimis* requests. You would have to take a separate action to initiate them.

For example, if the PRT suggested the Board task, the TC to do something, the Board would still need to task the TC to do that whatever thing. In this case, yes, you would initiate an amendment. Doug Haymans also had his hand up, I don't know if you can see him or not, so I just wanted to make sure you knew that.

MS. FEGLEY: Thank you very much, and I see it, Doug Haymans, go ahead.

MR. DOUG HAYMANS: I would be in favor of making a motion to accept the plan review, but any change to *de minimis* at this point I think we need to hold, because as many folks on the call know, the Policy Board rather, will be

having a discussion, hopefully in the near future about *de minimis* across the board.

I think to make a change right now to *de minimis*, would be in error, as they may wind up changing it again based on the decisions of the Policy Board. For instance, I'm in favor of keeping recreational and commercial together, and that may be something that comes up in the Policy. I don't think I would be in favor of a motion to split that apart or even to start an addendum at this point, until the Policy Board has had an opportunity to weigh in.

CHAIR FEGLEY: Yes, thank you for that, Doug; that is a really good point. Okay, so Roy Miller, I see your hand is up.

MR. ROY W. MILLER: Thank you, Lynn. I just wanted to agree with what Doug said, and the reason it's of interest to us is Delaware and New Jersey are *de minimis* states, with regard to spot. At times we have a fairly abundant recreational spot fishery in lower Delaware Bay. Common sense says that a limit of 50 is just kind of a common-sense measure, even for *de minimis* states, to prevent wanton waste, to prevent localized depletion, that kind of thing.

I agree, perhaps the best place to deal with this is via the Policy Board. But, I'm just sort of throwing that out there as something that we need to think about, and use a common-sense approach when it comes to setting *de minimis* measures, or setting minimum regulatory measures for *de minimis* states. Thank you.

CHAIR FEGLEY: Yes, good point. Tom Fote, I see your hand.

THOMAS P. FOTE: Well, I thought he made the motion, I was going to second it, to approve the plan, because we got a report.

CHAIR FEGLEY: Yes, I don't think we have a motion yet. Here is what I would like to do. I would like to, and Marty Gary, your hand just went up. Let's go to you before I say more.

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Draft Proceedings of the Sciaenids Management Board
March 2021

MR. MARTIN GARY: I was prepared also to make a motion to accept the *de minimis* request, the FMP review, et cetera. I'm not sure if we're quite there yet, but I am prepared to make that. But I did want to, since we kind of tangent into this discussion about rationale for *de minimis*. I wanted to give the Board members another wrinkle that we've experienced at PRFC.

For spot, we are right in the middle of a geographic zone where they should be, and our population of spot are, at least that is available to our fishermen, has declined dramatically, and hence our eligibility for the *de minimis* status that we requested. But we have an interesting scenario, and we're kind of bound by the commercial and the recreational being hinged together for *de minimis*.

Our preference would be, if we had the option to have *de minimis* for commercial, but not for recreational, because our neighboring jurisdictions of Virginia and Maryland, which we would be out of alignment with them from a regulatory perspective. There are nuances I won't go into, that cause problems for that. I just wanted to say for the record that if PRFCs *de minimis* is accepted, we may, and very, very, likely implement more restrictive measures for the recreational fishery, because we really feel like we need to. But I want to make sure folks on the Board knew that, and if we get to the point, we're prepared to make a motion, I'll certainly offer one, thank you.

CHAIR FEGLEY: Okay, thank you, Marty. Doug Haymans, your hand is still up. I assume that's an artifact, or do you have a follow up?

MR. HAYMANS: Artifact, apology.

CHAIR FEGLEY: No worries. Okay, so here is what I would like to do. I would like to just address these issues one at a time. What I want to know is if there is somebody who thinks we should initiate an addendum for this *de minimis* issue. If somebody would like to initiate, make

a motion to initiate an addendum, please raise your hand. If nobody comes forward, then we'll just assume we're going to call that issue resolved, and wait to handle that at a later date. Is there anybody out there, any Board member who would like to make a motion about *de minimis*?

Okay, I am seeing no hands up, so I think I do believe that is a wise choice by the Board, given what Doug Haymans said, that this issue is going to be considered holistically by the Commission, and to wait for that outcome I think is a good move. The next thing is, I would be looking for a motion to accept the FMP Review, state compliance and *de minimis* requests.

MR. GARY: Madam Chair, this is Marty, I would be happy to make that motion if you would like.

CHAIR FEGLEY: Thank you so much, Marty Gary, go ahead.

MR. GARY: Motion to approve the Spot FMP Review, state compliance reports, and *de minimis* requests for the 2021 recreational and commercial spot fishery for New Jersey, Delaware, Georgia, and the Potomac River Fisheries Commission.

CHAIR FEGLEY: Excellent, thank you, Marty, and I saw Jim Estes hand go up first, was that a second?

MR. JIM ESTES: Yes, Ma'am, it was.

CHAIR FEGLEY: Thank you, Mr. Estes.

MS. KERNS: Lynn, if it's all right. I just want to perfect this motion if I can. Savannah, this is the 2020 or the 2019 spot FMP review?

MS. LEWIS: The 2019 fishing year.

MS. KERNS: Yes, great. Could we just put that in the motion, so we're recording which one it is? Maya, thank you so much.

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Draft Proceedings of the Sciaenids Management Board
March 2021

CHAIR FEGLEY: Good call, Toni. Okay, forgive me, I have to move a couple things around on my screen, so that I can read the motion into the record, which I will do.

MS. KERNS: Maya, the *de minimis* requests were for the 2021 fishing year. We just need to add 2019 to the beginning, so it would be Move to approve the 2019 fishing year spot FMP review. Sorry, Lynn.

CHAIR FEGLEY: No, that's fine. I think that looks good, yes thank you, Maya. Okay, so the motion is to approve the 2019 fishing year spot fishery management plan review, state compliance reports and *de minimis* request for the 2021 recreational and commercial spot fishery for New Jersey, Georgia, Delaware, and for the Potomac River Fisheries Commission. **I'm just going to ask, is there any opposition to this motion? If yes, please raise your hand. Okay, seeing none, this motion is approved by consent.**

Thank you very much for that. We are on time and under budget.

**CONSIDER APPROVAL OF THE STATE
IMPLEMENTATION PLANS FOR SPOT AND
ATLANTIC CROAKER ADDENDUM III
MANAGEMENT**

CHAIR FEGLEY: The next item on the agenda is to consider state implementation plans for spot and croaker, Addendum III management we all know, due to the traffic light results, we have to implement some management for these species. Compliance reports were due back in February, February 15. With that I will turn it back over to Savannah, to go over the implementation plans.

MS. LEWIS: I'm going to give you a quick overview for the presentation today. First, I'm going to give a quick recap of the background for this discussion, then we will review a *de minimis* request before reviewing state

implementation plans and recommendations from the Technical Committees.

The traffic light approach, or TLA reports in 2020 indicated that both spot and Atlantic croaker exceeded the threshold for moderate concern, or 30 percent of the proportion is red. Addendum III for each species outlines the management response needed if this threshold was exceeded. Only non-*de minimis* states are required to make changes at the 30 percent level. States must have a 50 fish bag limit for their recreational fishery, and make a 1 percent reduction to the 10-year average of commercial harvest.

TECHNICAL COMMITTEE REPORT

MS. LEWIS: Measures must be in place for at least three years for Atlantic croaker, and two years for spot. States with more restrictive regulations are encouraged to keep them in place. The Technical Committees met to review state implementation plans, and determine if the methods were quantifiable, and met the requirements of the Addenda. PRFC, the Potomac River Fisheries Commission, has requested *de minimis* for their Atlantic croaker commercial fishery.

As a reminder, states may apply for the *de minimis* status if the proceeding three years for which data is available, their average commercial or recreational landings by weight constitute less than 1 percent of the average coastwide commercial or recreational landings for the same period. PRFC is above the 1 percent threshold, but have experienced a 99 percent decline in commercial landings from 2017 to 2019 with landings decreasing from tens of thousands of pounds to hundreds of pounds. The PRT discussed supporting the recommendation of *de minimis* for PRFC, but stressed that *de minimis* for states above the 1 percent limit are temporary for the year, and will be evaluated annually through the state compliance report process. During the approval process for the Atlantic croaker FMP review at

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Draft Proceedings of the Sciaenids Management Board
March 2021

the annual meeting, Florida was given temporary *de minimis* status for 2021, to ensure that their croaker fishery was actually growing, or if it was just experiencing an outlier year.

PRFC is requesting *de minimis* to allow time to evaluate their recent trends in landings as well. For the Atlantic croaker implementation plans, all non *de minimis* states were required to implement a 50-fish recreational bag limit, and regulations projected to produce a 1 percent reduction to the 10-year average commercial state landings.

State implementation plans were received from three states for Atlantic croaker; Virginia, North Carolina, and Florida. All states plan on implementing the 50-fish recreational bag limit. North Carolina and Virginia have proposed commercial season modifications, to meet the required reduction.

Florida currently has *de minimis* status for the commercial fishery, and is therefore not required to implement commercial regulation changes. Virginia and North Carolina use similar methodologies to calculate season modifications based on daily or weekly average catch rates, then removed enough days or weeks to meet the required reduction.

All states use landings from both state and federal waters to calculate their reductions. Virginia will have a two-week closure that is estimated to greatly exceed the 1 percent reduction with an estimated 12 percent reduction in commercial harvest. North Carolina's 16-day closure is estimated to exceed the needed reduction by a thousand pounds.

All states are expected to implement regulations this year. Response, all non-*de minimis* states are required to implement a 50-fish recreational bag limit, and a reduction that would reduce the 10-year average commercial state landings by 1 percent. State implementation plans were received from four

states for spot, Maryland, Virginia, North Carolina and Florida.

All states plan on implementing the 50 fish recreational bag limit, and all states have proposed commercial season modifications to meet the required reduction, with the exception of Florida. Maryland, Virginia, and North Carolina calculated season modifications based on daily or weekly average catch rates, then removed enough days or weeks to meet the required reduction.

Florida, which due to its highly variable seasonality for commercial harvest, elected to have a vessel limit that would meet the required reduction. They looked at annual commercial landings, and then selected a vessel limit that would produce an average annual 1 percent reduction. All states use landings from both state and federal waters to calculate their reductions.

Maryland is proposing a season from April 10 to November 24, Virginia is proposing a season from April 15 to December 8, and North Carolina is proposing a 116-day closure from December 10 to April 4. Florida will have a 2,200-pound vessel limit on spot harvested in state waters. All states will meet or exceed the required 1 percent reduction of the 10-year average commercial harvest. This table is a summary table that if approved, the current regulations for Atlantic croaker for all states with a declared interest. The bold wording indicates where changes are being made, including their *de minimis* request. The asterisks mean that they have additional for-hire language addressing the live-bait bag limit.

This table is a summary table for spot. If approved it's showing all current regulations for spot. For all states with a declared interest, the bold wording indicates where changes are being made, including the *de minimis* requests that were just approved. The asterisk means that they have additional charter language for live bait.

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Draft Proceedings of the Sciaenids Management Board
March 2021

The outcome of the Board approving *de minimis* will impact the regulations. The Plan Review Team for Atlantic croaker supported the 2021 *de minimis* request for PRFC, but only on a temporary status. The Technical Committees had no concerns with the final versions of the state implementation plans, and found the methods to be technically sound.

The commercial Technical Committees recommended the approval of the spot and Atlantic croaker state implementation plans for adjusting state regulations for the recreational and commercial spot and Atlantic croaker fisheries. With that I'm happy to take any questions that the Board may have.

CHAIR FEGLEY: Thank you, Savannah, great job. I just want to editorialize a little bit that I fully understand how difficult it can be to implement regulations for the fisheries that have historically not been regulated, so thank you to everyone, to all the states for their work on this to get this done.

CHAIR FEGLEY: With that, are there any questions for Savannah? I've got Chris Batsavage.

MR. BATSAVAGE: A couple of questions on the Florida implementation plan for the commercial spot fishery, just to better understand Florida state and federal waters fisheries, in terms of any enforcement issues with different regulations in those waters. First question, I guess it's probably to Jim Estes. What are the gears that land spot that are allowed in federal waters that aren't allowed in state waters?

CHAIR FEGLEY: Jim Estes.

MR. ESTES: Chris, a little over 85 percent of the spot that are landed in federal waters are landed in gillnets. Gillnets are not allowed in state waters. Does that answer your question?

MR. BATSAVAGE: Yes, that helps a lot, thanks, and just one follow up question. I understand

from the implementation plan the reasons for the differences to reduce chances of regulatory discards, which I think we all try to do with our implementation plans. I definitely support that. But just again, to get a clear understanding. Any landings greater than 2,200 pounds when they occur, which I know isn't often. Are those more likely to come from federal waters, or is it kind of a mix, depending on where the fish are located?

MR. ESTES: May I, Madam Chair?

CHAIR FEGLEY: Go ahead.

MR. ESTES: I think, Chris, I think it's a mix. In fact, if you look at the annual landings, they are really super variable. It's a mix. I think that Erica had given me some statistics, but if I remember right, it's a mix.

MR. BATSAVAGE: Great, thank you, I appreciate that.

CHAIR FEGLEY: Excellent, thank you, Jim. Are there any other questions for Savannah?

MS. KERNS: Lynn, I think that you must not be able to see Doug Haymans. He has his hand up.

CHAIR FEGLEY: Yes, I'm sorry, Doug. Yes, okay I see Doug Haymans. Please, go ahead, I'm sorry.

MR. HAYMANS: That's interesting, because I'm really hard to miss.

CHAIR FEGLEY: You're at the very top, and I was scrolled down, so please, go ahead.

MR. HAYMANS: My apologies, I have two webinars running in my office in case my main computer fails, and that's where the feedback came from. My question simply is regarding the PRFCs request for *de minimis*, and why the PRT suggested temporary in nature. I thought *de minimis* ran until the state was no longer *de minimis*, when they were over the 1 percent.

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Draft Proceedings of the Sciaenids Management Board
March 2021

CHAIR FEGLEY: I think the reason is, because they don't actually technically qualify. They are over the 1 percent threshold, but they are not sure whether or not this is a typical status for their fisheries that are asking for one year. I will send it over to Savannah if I misarticulated any of that, and then I see Marty Gary's hand up.

MS. LEWIS: Okay, Lynn, I'll just tack on to that. *De minimis* is reviewed annually by the PRT. States have to apply for it through their *de minimis* process. If the PRFC, this would be just, and the PRT made it very clear that this would just be for 2021, that if they were to extend it, they would have to meet that 1 percent reduction, or there would have to be another extenuating circumstance for the PRT to consider granting *de minimis*.

CHAIR FEGLEY: Okay, thank you, Savannah, and Marty Gary, do you want to add on to this?

MR. GARY: I think it's been pretty well captured, but thank you, Madam Chair. Our Commission met on March 5th, and our discussion, we were very conflicted as to whether we would go forward and ask for this *de minimis*. But I think it's been captured accurately. Savannah mentioned we've had a precipitous decline in the abundance of these fish in our jurisdiction for several years.

But again, historically we've had great abundance of this species, and we're hopeful that the status will change in a favorable direction. Even though we don't quite meet those criteria, and we're just above that threshold. We're just asking for this one year for 2021, finish this, take another look at it and see where we are, and hopefully we're in a better place and we won't need *de minimis* status. But we are requesting it for this year, and if you need a motion, I would be happy to make that at the appropriate time, Madam Chair.

CHAIR FEGLEY: Okay, thank you, Marty. I see Roy Miller and Pat Geer both have their hands

up, but first I want to just crosscheck with Doug Haymans. Is your question answered?

MR. HAYMANS: Yes.

CHAIR FEGLEY: Next, I would like to go to Roy Miller.

MR. MILLER: I would just like to reiterate the point I made with spot, and say I feel the same way about Atlantic croaker, in terms of once we get around to better defining *de minimis* and what the states have to do who are non *de minimis*. Certainly, Atlantic croaker kind of is in the same ballpark as spot, in terms of 50 Atlantic croaker a day seems like an ample amount to allow harvested for recreational purposes. Well, I'm just putting that out there so people understand where I'm coming from for both those species. The reasoning is similar.

CHAIR FEGLEY: Okay, thank you, Roy. Pat Geer.

MR. PAT GEER: I'm ready to make a motion if there is no other discussion.

CHAIR FEGLEY: Yes, I think we are ready to go down that road. Sure, go right ahead.

MR. GEER: Motion to approve the *de minimis* request for the commercial Atlantic croaker fishery for 2021 for PRFC.

CHAIR FEGLEY: Okay, thank you, Pat, and I see Marty Gary has his hand up, that is a second by Mr. Gary. Great, I'm going to go ahead and read this into the record. This is a motion to approve the *de minimis* request for the commercial Atlantic croaker fishery for 2021 for the Potomac River Fisheries Commission.

I guess before I do that, what I really need, I just need to make sure there is no discussion on this motion. Are we good? Okay, with that I'm just going to ask, is there any opposition to this motion? If there is, please raise your hand. Okay, Toni I see no hands, do you?

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MS. KERNS: I do not see any hands, and Pat Geer, your microphone is still open.

CHAIR FEGLEY: Okay, this motion is approved by consent. Thank you very much.

**CONSIDER FINAL APPROVAL OF
STATE IMPLEMENTATION PLANS**

CHAIR FEGLEY: Okay, and with that I think what we will be looking for is a motion for the approval of state implementation plans is next. Is there anybody out there who cares to make a motion? Pat Geer, I see your hand.

MR. GEER: I was going to try to do this all-in-one step, but I guess we're going to do it one at a time. A motion to approve the Atlantic croaker state implementation plans for Maryland, Virginia, North Carolina and Florida.

CHAIR FEGLEY: Great, I believe I see a second by Doug Haymans. Great, last chance. Is there anybody who wants to?

MS. LEWIS: Madam Chair, Maryland should be removed from this list.

CHAIR FEGLEY: You are correct, thank you Savannah for catching that. **Last chance, anyone care to discuss? Okay, is there anybody opposed to this motion, which is to approve Atlantic croaker state implementation plans for Virginia, North Carolina, and Florida? Motion by Mr. Geer, second by Mr. Haymans.**

Any opposition? I see no hands, and seeing none, this motion is approved by consent. Okay, thank you very much everyone for that.

CHAIR FEGLEY: We are going to now move away from spot and croaker, and get an update on the red drum modeling process and stock assessment, which I'm actually very interested to hear about, and for that we're going to go over to Jeff Kipp.

MS. LEWIS: Madam Chair, before we move on, we need to approve the spot implementation plans.

CHAIR FEGLEY: Oh, we do. Yes, thank you. With that we're going to back up. Is there a commissioner who would care to make a motion for the spot state implementation plans? Doug Haymans.

MR. HAYMANS: Madam Chair, I move to approve spot state implementation plans for Virginia, North Carolina, and Florida.

CHAIR FEGLEY: Okay, so for that one Maryland should be in there, I believe.

MS. LEWIS: Yes.

CHAIR FEGLEY: Are there any other states that should be in there that are not?

MS. LEWIS: No, Madam Chair, it looks good to go.

CHAIR FEGLEY: Okay, and I see a second by Malcolm Rhodes. Okay, once again last chance, any discussion on this motion? All right, it is a motion to approve the spot state implementation plans for Maryland, Virginia, North Carolina, and Florida. Is there any opposition? Chris Batsavage, I see your hand. Did you have a comment?

MR. BATSAVAGE: Yes, really quick. I can support this motion. I asked the questions about the differences in state and federal waters for Florida, because that's a problematic issue for our state. However, Florida is a different case, where they have different gears allowed in different states, which would improve their enforceability of the different measures, so I can support that, and just wanted to state that on the record. Also, I guess before we go to red drum after we're done with this, I would just have some general questions about implementation, timing and

Draft Proceedings of the Sciaenids Management Board
March 2021

just kind of nuts-and-bolts things with the addenda. Thanks.

CHAIR FEGLEY: Thank you, Chris. We'll get to those questions. Just before we go to the motion again, is there anybody else who has anything to say about this? **Okay, this is a motion to approve the spot state implementation plans for Maryland, Virginia, North Carolina, and Florida. Motion by Mr. Haymans, second by Dr. Rhodes.**

Is there any opposition to this motion, please raise your hand if so? Okay, I don't believe I see any hands, so this motion passes by consent. Okay, so now I think Chris Batsavage is correct. We really do need to talk about some implementation timelines. Chris, do you want to go ahead and ask the questions that you had? I think Savannah has the state implementation dates in her presentation. I'll turn it over to you, Chris.

MR. BATSAVAGE: I just want to be clear, just so we understand, and anyone listening in understands that with starting in 2021, 2021 would be considered the first full year of implementation when we're counting a minimum of two years for spot, and three years of croaker. Do I understand that correctly?

CHAIR FEGLEY: That is a good question. I'm going to turn that over to Savannah or Toni to get their read. We are certainly, in the state of Maryland, expecting that to be the case. But I'm going to turn it to them.

MS. KERNS: Lynn, I guess the question is, is there anybody that cannot implement their regulations in 2021, in time for their season of 2021. I think, I just want to make sure that that is correct before I say my answer.

CHAIR FEGLEY: Right, and I think if I remember there was one state, and I don't recall which state it was, but it had a late 2021 implementation date. Perhaps that was Florida.

MS. KERNS: I see Jim with his hand up.

CHAIR FEGLEY: Yes, Jim Estes, go ahead.

MR. ESTES: I am fairly confident that we can do it, but it would be late in the year.

MS. KERNS: The reason why I ask, Lynn, is because my assumption is that we need the two years in order to see if the regulations can have an impact on the stock, and that you see those changes in the traffic light. If everybody is able to get those measures in place, then 2021 would be the first year of the two years. Yes, if that makes sense.

CHAIR FEGLEY: I guess with that, I would, and I don't know, Savannah. It looks like the bulk of the states are going to be implemented within their season. I certainly, I'm not actually sure how to approach this, except to ask if any states feels as though they are going to miss enough of their season with this timing, that it would not be a complete reduction. If there is any state that feels that is the case, please raise your hand and let's talk about it. I know, Jim, you just said you're confident you can get it done, so I think you're good. Anybody else? Okay, so I think Maryland, Virginia, North Carolina and Florida, I believe what I'm hearing, Toni, is that this could be considered a full year. That is what I think I'm hearing.

MS. KERNS: That sounds good, because if I'm remembering correctly, the Addendum has implications for if we don't meet the reduction within the first two years, then it tells us what to do next. That is why I ask.

CHAIR FEGLEY: It does, yes it does. Hopefully, this will get us there. Is there anything else we need to do with that, Savannah, Toni, and Chris, does that answer your question?

MR. BATSAVAGE: I just have one follow up question, only because we've been getting questions about that, if I could. It's really quick. I promise not to take too much more time here.

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CHAIR FEGLEY: No, go ahead.

MR. BATSAVAGE: Okay, so we have these implementation plans set for two- or three-years periods, you know depending on whether it's spot or croaker. Can a state submit a conservation equivalency proposal during this period of issues such as increased regulatory discards arise from the season closures or bag limits? Are we able to adjust that, as long as whatever we do is conservation ally equivalent with what is outlined in the addenda?

CHAIR FEGLEY: Yes, good question. I'm going to go to staff for that one.

MS. KERNS: I'm reading the provisions in the plan to make sure it doesn't say anything.

MS. LEWIS: I checked earlier, Toni, and I didn't see any mention of conservation equivalency in the Addendum itself.

MS. KERNS: Chris, I think you can from what I'm reading. It doesn't say you can't, and that is really what the plan has to say, is that you can't use conservation equivalency. You should be able to. You are able to.

CHAIR FEGLEY: I'm just going to, Chris, try to restate your problem quickly so that we all understand. What you're saying is that with the regulations that you're proposing, you're not entirely sure what the result of those regulations is going to be on your discards. If those discards become unwieldy or too high, you would apply for a conservation equivalency to adjust that to lower the discards. Is that what you're proposing?

MR. BATSAVAGE: That's correct, Madam Chair, yes, we've never had specific spot and croaker regulations before, so we're definitely going into some unknown territory, as far as management goes. Thanks.

CHAIR FEGLEY: Sure, I think you know that makes sense, this is new territory, and you

know certainly the goal here is not to increase regulatory discards or create them. Okay, good. I think we're on the same page there. Are there any other questions about implementation for spot and croaker? Please, raise your hand if you have a question. Okay, so now it looks as though I believe we can move on to red drum, I think.

UPDATE ON RED DRUM MODELING PROCESS AND STOCK ASSESSMENT

MR. JEFF KIPP: Thank you, Madam Chair. I'm Jeff Kipp, I'm the Commission's Assessment Scientist working on red drum, and I'm here to just give a quick update on the current red drum assessment. Just as a quick refresher on the background of this current red drum assessment. It's a little different than our typical benchmark stock assessment for our species.

This is a simulation study, and it says recommended in consultation with the Assessment Science Committee, on how to proceed on assessing red drum. The purpose of this assessment is to evaluate the performance of several candidate assessment approaches, to inform the Technical Committee and the Peer Review Panel's recommendation on the most robust path for a benchmark assessment of red drum, following this simulation assessment.

We're really trying to get a good idea on what the best assessment approach out of several that we're considering is, moving forward for assessing red drum. This is the first update to the Board on this assessment, and since we've started, we've completed two of our major milestones for the assessment.

We had a data workshop back in November, and during that workshop we reviewed the available datasets for red drum, and we set up the simulation models that we're going to be using throughout this assessment. Then we just finished our first assessment workshop during the first week of March.

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March 2021

During that workshop we reviewed the outputs of the simulation models, and spent some time configuring our candidate assessment approaches, that we'll be shifting our focus to and evaluating those candidate assessment approaches for the remainder of this simulation assessment.

Moving forward, the Stock Assessment Subcommittee will be meeting biweekly, to check in on progress. Then we'll be meeting for a final assessment workshop, hopefully in person, but we'll see, later this year to review the performance of the candidate assessment approaches, then SCNR simulated populations.

The assessment is set to be completed and peer reviewed in 2022, at which point we'll present the results of that assessment and peer review to the Board, and then we'll immediately shift focus to the benchmark assessment of red drum, set to be completed in 2024. That concludes my update, and I can take any questions on the red drum simulation assessment.

CHAIR FEGLEY: Excellent, thank you very much, Jeff. Are there any questions for Jeff Kipp? Bill Gorham.

MR. BILL GORHAM: I was reading over the last stock assessment, and it was noting issues of capturing the spawning stock biomass, in part because of regulations. Are there any efforts to look at other sources of data, like angler photos, citations, et cetera to capture the huge schools of drum that are off North Carolina and Virginia?

MR. KIPP: The only data we've reviewed is more feedback on the size composition of the adult red drum that are caught and released in the recreational fishery. We've looked at several things like tag and recapture data, and then also some more citizen science-based efforts, data collection through phone apps during tournaments, and just from the general fishing population, to try and get some

information on the size composition of caught and released adult red drum.

Those have been the primary sources. We haven't looked at anything, in terms of fishery independent data. The only sources that are available are the longline surveys that are conducted by the states to capture the spawning red drum. That's what we've looked at to date in this assessment, and then you know we'll continue looking at those sources I mentioned on the length compositions of caught and released red drum during the benchmark assessment that follows this simulation assessment.

MR. GORHAM: Okay, well thank you, it's just looking at the increase, and I have guys here in the shop. Last year alone, whenever it blows southwest, you know they're catching a couple dozen of these large fish, and then turn around and tell them, you know looking at the assessment that we're never sure of the size of those fish, or those fish are even there. I feel it's troubling, and any way that we can better accurately assess those fish being out there. That's it for the eco-based system, those schools getting bigger and bigger play a role in other fisheries as well.

CHAIR FEGLEY: Are there any other questions for Jeff? I'm sorry, I was not unmuted. Thank you, Jeff.

OTHER BUSINESS

CHAIR FEGLEY: Thank you for that, and I think our last agenda item is other business, and Savannah, I believe, has an item for us.

MS. LEWIS: During the black drum annual compliance reports review process, the PRT discussed and recommended that the Board consider the use of a TLA for black drum. Black drum is a data poor species, and the stock assessment for black drum has already been delayed once, due to no change in terms of data

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March 2021

collection, and will likely be delayed again this year.

The last stock assessment was approved for management use in 2015, and indicated that black drum is not overfished, and not experiencing overfishing. The assessment did indicate that the medium biomass is estimated to be declining slowly. The use of the TLA would give the Technical Committee and the Board the ability to be proactive, and make sure that there is not any indication of stock trouble while the assessment is delayed. I wanted to bring this in front of the Board on behalf of the Plan Review Team for black drum.

CHAIR FEGLEY: Thank you, Savannah. Just to remind everybody. I believe that black drum is a species that we essentially everybody sort of froze their regulations where they were a number of years ago. I know Maryland wound up getting frozen in a moratorium. We've since filed, we created an addendum to allow some very limited harvest, harvest in Maryland that is consistent with what's happening in other states. I guess I'll just start by throwing this out to the Board for discussion. Does the Board support the development of a traffic light approach for black drum? Raise your hand. Chris Batsavage.

MR. BATSAVAGE: Just raising my hand for supporting it, thanks.

CHAIR FEGLEY: Okay, John Clark, I see your hand.

MR. JOHN CLARK: Like Chris, I think it's a good idea, I would support it.

CHAIR FEGLEY: Pat Geer.

MR. GEER: I think it's a good idea too, I mean I know it's more work for the TC, but it's a lot easier than a full stock assessment, so I would consider looking at it. I think it's a good idea too.

CHAIR FEGLEY: Okay, anybody else with commentary on a black drum traffic light? Savannah, do you need a motion for this, or is this something that the Board can just agree by consensus that the TC can go ahead and do?

MS. LEWIS: I'm going to double check with Toni, but I believe we need the Board to task the TC to make sure that this is something that is doable.

MS. KERNS: Lynn, we don't need a motion. As long as everybody is in concurrence with the task that the TC is going to explore a traffic light for black drum, and bring it back to the management board that's fine. I don't believe we would have enough time to do this between now and the May meeting, but I think we could do this between now and the August meeting, if that timeline is reasonable to the Board.

CHAIR FEGLEY: Yes, that was my next question is, when. What's the timeframe? I know this is a really busy group of people on Sciaenids, so August. I don't think this is a hair on fire situation, and I think August would be a really good time to see what sort of information they can pull together for a black drum traffic light.

Does anybody else have any other comments to add to this issue? Okay, so I think with that I'll just state for the record that we are in consensus to task the TC to explore a traffic light approach for black drum.

ADJOURNMENT

CHAIR FEGLEY: Okay, I think that gets us to the end of our agenda, so with that I would accept a motion to adjourn, or better yet I will ask if there is any objection to adjourning this meeting. If you object, raise your hand. Awesome, thank you everyone. I think we can adjourn, stay safe.

(Whereupon the meeting adjourned at
2:00 p.m. on March 18, 2021)

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Atlantic States Marine Fisheries Commission

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MEMORANDUM

July 16, 2021

To: Sciaenids Management Board

From: Savannah Lewis, FMP Coordinator

RE: Discussion of data limitations for the 2020 fishing year for the Traffic Light Analysis of spot and Atlantic croaker, and review of Atlantic croaker state implementation plan from Florida

Attendees: Dawn Franco (Atlantic Croaker Chair, GA), Harry Rickabaugh (Spot Chair, MD), Chris McDonough (SC), Stacy VanMorter (NJ), Michael Greco (DE), Ellen Cosby (PRFC), Somers Smott (VA), Morgan Paris (NC), Joseph Munyandorero (FL)

Staff: Savannah Lewis, Jeff Kipp, Kristen Anstead, Mike Rinaldi

This memorandum serves as a summary of the joint Spot and Atlantic Croaker Technical Committees (TCs) call on June 23, 2021. The following outlines the TCs' discussions and recommendations for the Board regarding the 2020 data gaps of the Traffic Light Analysis (TLA). Additionally, a recommendation from the Atlantic Croaker TC regarding Florida's state implementation plan for their commercial Atlantic croaker industry is included.

Background

Annually, the TLA evaluates a Mid-Atlantic and a South Atlantic harvest metric, which is a combination of commercial and recreational landings in the region. It also evaluates a Mid-Atlantic and South Atlantic abundance metric, which is a combination of indices of abundance from surveys in each region. Metrics are evaluated using a color proportion of green, yellow, or red based on comparing that year to a 2002-2012 reference period. Addendum III for each species defined 30% red as a moderate concern and 60% red as a significant concern to the fishery. Management action is triggered according to the 30% red and 60% red thresholds if both the adult abundance and harvest thresholds are exceeded in a set number of terminal years. In 2020, the TLA for the 2019 fishing year indicated that both species triggered at the 30% red threshold for both species, and state implementation plans for management measures were approved in early 2021.

Impact of COVID-19 on Data Availability

The COVID-19 pandemic had far reaching impacts economically on both the recreational and commercial industries. The annual TLA reports for spot and Atlantic croaker use data from both for the composite harvest metrics. While both datasets were available for 2020, there are

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caveats for the 2020 fishing year harvest metric. While effort data for both species was uninterrupted, some of the recreational harvest rate data was imputed due to data gaps in dockside sampling for MRIP due to COVID-19. The amount of imputed data varied by species and along the coast, ranging from 0% in some states to over 70% in New Jersey due to gaps in dockside sampling. Closures and disruptions to the charter and headboat industry may have also impacted the recreational harvest metric. Fishery performance, markets, and effort throughout the year due to the pandemic impacted the commercial fleet. While data availability was maintained, the impact of the pandemic on the ability to fish, and comparability to previous years, of harvest metrics must be considered.

The pandemic directly impacted almost all state and federal fishery independent monitoring programs at some point during 2020. These impacts ranged from short term interruptions in sampling (on the scale of weeks or a month or two) to complete shutdowns for the year due to social distancing requirements on research vessels. The social distancing requirements made it impossible for some programs to work in enclosed spaces and close quarters for both daily sampling as well as extended at-sea work requiring days and weeks to complete. For the TLA, the impact was felt most significantly for the larger scale regional monitoring surveys, which were not able to sample at all in 2020. The Northeast Fishery Science Center (NEFSC) Multispecies Bottom Trawl Survey did not run in 2020, and is one of two surveys that makes up the Mid-Atlantic abundance index for both species. The South Atlantic abundance index for both species is based partially on the Southeast Area Monitoring and Assessment Program (SEAMAP), which also did not run in 2020. Both the Mid-Atlantic and South Atlantic abundance metrics could not be calculated for 2020 due to the missing data.

Other Data Issues

Another important fishery independent survey to the TLAs for both species is the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP). ChesMMAP did not have available data for 2019 or 2020 due to lack of calibration factors from a vessel and gear change that occurred in 2019. However, it is anticipated that data should be available in summer 2022 for all impacted years.

Recommendation

After reviewing the data gaps for the 2021 TLA reports on the 2020 fishing year for both spot and Atlantic croaker, the TCs discussed how to address the missing data and whether additional surveys should be added. The TCs determined for 2021 that, regardless of whether the data had been collected normally or not, management measures would not have changed as the result of 2020 data. With the TLA triggering management action for both species in 2020, and measures having been implemented in 2021, Addendum III for each species has a discriminate amount of time that measures have to be in place before measures can be liberalized based on values dropping below the triggering threshold. Spot measures have to be in place for two years, and Atlantic croaker for three. The TCs determined 2021 was the first year measures were in place, and measures for spot could not be relaxed until 2023 and Atlantic croaker until 2024 if abundance composite indices were below the 30% threshold. Because management

measures enacted would impact the harvest composite indices, only the adult abundance indices can be used to either trigger additional management measures or relax measures.

Moreover, the abundance indices for the 2020 fishing year would not have triggered additional management action for Atlantic croaker at the 60% threshold due to the required time period of elevated red levels outlined in the addendum. For Atlantic croaker to trigger at the 60% threshold, the proportion red must be above 60% for three out of the four most recent years. The harvest metric was above 60% in the Mid-Atlantic region but none of the last four years have been above 60% red for abundance metric. Therefore, elevated management response was not triggered at 60% threshold for Atlantic croaker. For spot, the indices would need to exceed 60% red for two out of the last three terminal years. There were no Mid-Atlantic composite adult abundance data points in 2019 or 2020, so the trigger response of this metric is unknown for the 2020 fishing year. However, the harvest metric in this region did not trigger at the 60% threshold for the 2020 fishing year. Therefore, an elevated management response for spot triggered by the 60% threshold could not be triggered.

For the annual TLA in 2022 using the 2021 fishing year data, the TCs will be able to revisit the composite abundance indices for both species. ChesMMAP data will be available for the missing time period (2019-2021), and availability of 2021 sampling data from NEFSC and SEAMAP will allow for a more robust estimation of a 2020 value for both surveys.

Consideration was given to the addition of NEAMAP into composite indices to help with missing 2020 data. The TC decided the adjusted reference period for NEAMAP, which does not contain the initial four years of data (2002-2006) representing healthy stocks for both species, made it inappropriate to add at this time. This adjusted reference period elevated the proportion of red within the abundance indices, and the addition of new surveys needs further consideration when there are not large data gaps. The TCs may revisit the addition of NEAMAP once it is incorporated into the next stock assessment.

Florida State Implementation Plan Review

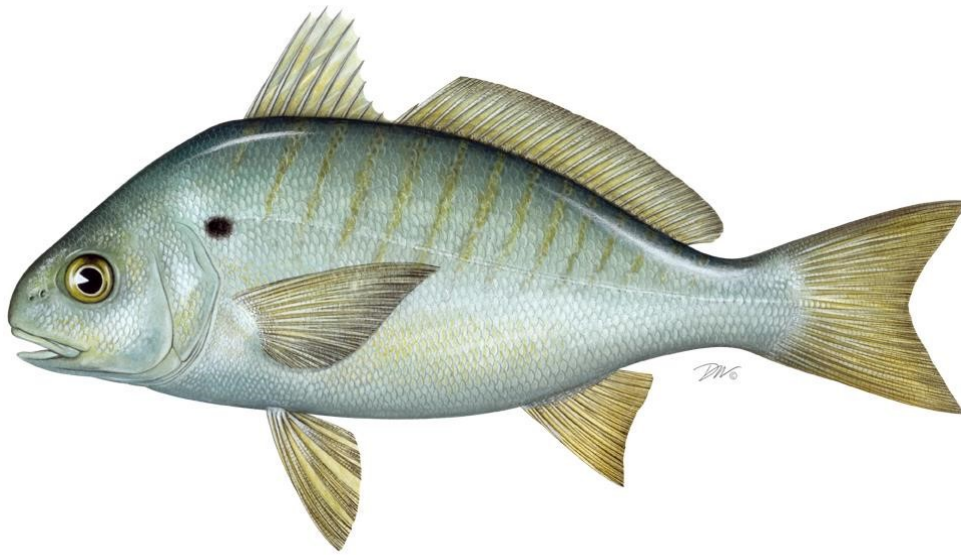
While compiling data for the annual Atlantic croaker state compliance report for the FMP review, FWC staff noted that the state may no longer qualify *de minimis* status for the commercial fishery. Last year Florida was granted temporary *de minimis* status for the 2019 fishing year because they wanted one more year to evaluate if increases in harvest were a growing trend or an oddity. In anticipation of having to comply with Addendum III due to the TLA triggering in 2020, Florida submitted an implementation plan to reduce the 10-year average commercial landings by 1% to the TC for review and recommendation to the Board. The TC had no concerns with the state implementation plan, and found the methods to be technically sound. The TC recommends approval of the state implementation plan for adjusting state regulations for the commercial Atlantic croaker fishery.

For more information, please contact Savannah Lewis, Fishery Management Plan Coordinator, at 703.842.0740 or slewis@asmfc.org.

ATLANTIC STATES MARINE FISHERIES COMMISSION

2021 TRAFFIC LIGHT ANALYSIS REPORT FOR SPOT (*Leiostomus xanthurus*)

2020 Fishing Year



Prepared by the Technical Committee
Drafted June 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

EXECUTIVE SUMMARY

Background

The purpose of this report is to evaluate the current status of spot using the annual Traffic Light Analysis (TLA). Spot is managed under Addendum III (2020) which outlined the population characteristics evaluated, management triggers, and management responses. Annually, the TLA evaluates a Mid-Atlantic and a South Atlantic harvest metric, which is a combination of commercial and recreational landings in the region. It also evaluates a Mid-Atlantic and South Atlantic abundance metric, which is a combination of indices of abundance from surveys in the region. Each metric is evaluated using a color proportion of green, yellow, or red based on comparing that year to a 2002-2012 reference period. Addendum III defined 30% red as a moderate concern and 60% red as a significant concern to the fishery. Management action is triggered according to the 30% red and 60% red thresholds if both the adult abundance and harvest thresholds are exceeded for either region in any two of the three terminal years.

Impact of COVID on Data Availability

The TLA harvest metric uses commercial and recreational harvest, both of which were available for 2020, although the pandemic impacted harvest and monitoring programs. The Mid-Atlantic abundance index is based on the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP) which was not available for 2020 due to lack of calibration factors and the Northeast Fishery Science Center (NEFSC) Multispecies Bottom Trawl Survey which did not sample in 2020. The South Atlantic abundance index is based on the South Carolina Department of Natural Resources (SCDNR) Trammel Net Survey, which was available in 2020, and the Southeast Area Monitoring and Assessment Program (SEAMAP), which did not sample in 2020. Therefore, the harvest metric was calculated for 2020, but both the Mid-Atlantic and South Atlantic abundance metrics are incomplete for 2020.

2020 Harvest Metrics

The Mid-Atlantic harvest metric has triggered at 30% red in two of the three terminal years (2018 and 2019) and the South Atlantic harvest metric has triggered at 30% red in two of the three terminal years (2018 and 2019).

2020 Abundance Metrics

While abundance metrics could not be calculated due to missing 2020 data, Addendum III specifies TLA triggers based on the three terminal years so assumptions can still be made regarding abundance. For the Mid-Atlantic, one of the three terminal years triggered at 30% red (2018) while two of the three are unknown (2019-2020). This metric did trigger at 30% during 2020 TLA for the 2019 fishing year. In the South Atlantic, two of the three terminal years (2018-2019) did not trigger at any level and therefore the 2020 data would not change status regardless of its value.

Conclusions

The harvest triggered at the 30% threshold in both the Mid-Atlantic and South in 2020 indicating continued concern. The abundance did not trigger at any level for the South Atlantic and is undetermined for the Mid-Atlantic due to missing 2020 data, although it could be

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determined that the Mid-Atlantic did not trigger at the elevated 60% threshold because the harvest metric did not trigger at this elevated level. Regardless, the previous TLA indicated that the Mid-Atlantic triggered at 30%. Addendum III requires management action taken in 2021 to remain in place for a minimum of two years (thorough and including the 2022 season). Therefore, the TC recommends maintaining management actions taken in 2021 during 2022.

1 INTRODUCTION

Spot is managed under the Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel (2011), Addendum II (2014), and Addendum III (2020). The Omnibus Amendment updates all three species plans with requirements of the Atlantic States Mariner Fisheries Commission's (ASMFC) Interstate Fisheries Management Program (ISFMP) Charter. The benchmark stock assessment for spot in 2017 was not recommended for management use due to uncertainty in biomass estimates from conflicting signals among abundance indices and catch time series, as well as sensitivity of model results to assumptions and model inputs.

Previously, in the absence of a coastwide stock assessment, the South Atlantic Board (SAB) approved Addendum II to the Spot Fishery Management Plan (FMP) in 2014. The Addendum established the use of a Traffic Light Analysis (TLA), similar to that used for Atlantic croaker, to evaluate fisheries trends and develop state-specified management actions (e.g., bag limits, size restrictions, time and area closures, and gear restrictions) when harvest and abundance thresholds are exceeded for two consecutive years. The TLA is a statistically-robust way to incorporate multiple data sources (both fishery -independent and -dependent) into a single, easily understood metric for management advice. It is often used for data-poor species, or species which are not assessed on a frequent basis. The name comes from assigning a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increase relative to their long-term mean, the proportion of green in a given year will increase and as harvest or abundance decrease, the amount of red in that year becomes more predominant. The TLA improves the management approach as it illustrates long-term trends in the stock and includes specific management recommendations in response to declines in the stock or fishery. Under Addendum II, state-specific management action would be initiated when the proportion of red exceeds specified thresholds (30% or 60%), for both harvest and abundance, over two consecutive years.

Starting in the late 2000s, there were inconsistent signals in the data used to examine the resource. While strong declines in harvest and reports of poor fishing prompted concern, management action was not triggered through the TLA because similar declines were not observed in abundance indices. These conflicting signals suggested the abundance indices being used in the TLA may not adequately represent coastwide adult abundance and the TLA may not be sensitive enough to trigger management action if declines in the population and fishery occur. Additionally, management lacked specificity in what measures to implement if a trigger did occur and how the fishery should be evaluated following management action. In February 2020, the SAB approved Addendum III to the Spot FMP. Addendum III addressed these issues by modifying the TLA to better reflect stock characteristics and identify achievable management actions based on stock conditions.

Addendum III incorporated the use of a regional approach to better reflect localized fishery trends and changed the TLA to trigger management action if two of the three most recent years of characteristics exceed threshold levels. These changes allow the TLA to better detect population and fishery declines. Addendum III also defined management responses for the

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recreational and commercial fisheries and a method for evaluating the population's response to TLA-triggered management measures.

The following changes were incorporated into the TLA by Addendum III:

- Incorporation of indices from the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP) and the North Carolina Division of Marine Fisheries (NCDMF) Pamlico Sound Survey (Program 195) into the adult composite characteristic index, in addition to the currently used indices from the Northeast Fisheries Science Center (NEFSC) Multispecies Bottom Trawl Survey and the South Atlantic component of the Southeast Area Monitoring and Assessment Program (SEAMAP).
- Use of revised adult abundance indices from the surveys mentioned above, in which age-length keys and length composition information are used to estimate the number of adult (age 1+) individuals caught by each survey.
- Use of regional metrics to characterize the fisheries north and south of the Virginia-North Carolina state border. The ChesMMAP and NEFSC surveys will be used to characterize abundance north of the border, and the NCDMF Program 195 and SEAMAP surveys will be used to characterize abundance south of the border.
- Change/establish the reference time period for all surveys to be 2002-2012.
- Change the triggering mechanism to the following: Management action will be triggered according to the current 30% and 60% red thresholds if both the abundance and harvest thresholds are exceeded in either region in any two of the three terminal years.

Addendum III also established a Spot Technical Committee (TC) with the ability to alter the TLA as needed to best represent trends in spot harvest and abundance, including selection of surveys and methods to analyze and evaluate these data. Such changes may be made without an addendum, but Addendum III was necessary because of the change to the management-triggering mechanism. The TC will evaluate state implementation of management responses triggered through the TLA.

This report includes the harvest and abundance composite indices in Section 2 which are the TLAs that trigger management action. Individual TLAs for commercial and recreational harvest by region, which go into the harvest composite, as well as effort and discards of spot in the South Atlantic Shrimp Trawl Fishery, which are included as supplementary information to be reviewed by the TC and are not included in harvest composite indices, are described in Section 4. TLAs for each fishery-independent index that go into the abundance composite, as well as indices of age zero abundance, which are included as supplementary information to be reviewed by the TC and are not included in abundance composite indices, are described in Section 5. Supplemental information with NEAMAP incorporated into the TLAs is provided in Section 6.

The 2020 TLA report indicated spot had red proportions that exceeded the 30% threshold of in both metrics in one region (Mid-Atlantic). Exceeding the 30% threshold represents moderate concern to the fishery and initiated a moderate management response. All non-*de minimis*

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states were required to institute a recreational bag limit of no more than 50 spot per person per day. States with more restrictive measures in place were encouraged to maintain those measures. For commercial fisheries, states had to set a regulation that, if applied to the state's 2010-2019 average commercial harvest, would have produced at least a 1% reduction. States established different measures by trip limits or season modifications, as long as measures implemented were quantifiable and are projected to achieve this 1% reduction. All states have submitted state implementation plans to meet required recreational and commercial management measures. Management actions were initiated in 2021, and Addendum III specifies they will remain in place for a minimum of two years.

The COVID-19 pandemic had far reaching impacts on almost all state and federal fishery independent monitoring programs at some point during 2020. These impacts ranged from short term interruptions in sampling (on the scale of weeks or a month or two) to complete shutdown for the year due to social distancing requirements on research vessels. The social distancing requirements made it impossible for programs to work in enclosed spaces and close quarters for both daily sampling as well as extended at-sea work requiring days and weeks to complete. For the TLA, the impact was felt most significantly for the larger scale regional monitoring surveys (NEFSC groundfish survey and the SEAMAP survey) which were not able to sample at all in 2020. Additionally, the ChesMMAP survey has not completed the calibration estimates for converting the index for use over the entire time series due to the vessel and gear change that occurred in 2019. ChesMMAP anticipates having the calibration estimates completed in 2022. NEFSC and SEAMAP data will be available for 2021, and future TLAs will be able to utilize the most recent years (2019-2021) of the data series beginning with the 2021 fishing year TLA report.

The COVID-19 pandemic also had far reaching impacts economically on both the recreational and commercial industries. While both commercial and recreational harvest datasets were available for 2020, there are caveats for the 2020 fishing year harvest metric. The component of the Marine Recreational Information Program (MRIP) that samples dockside catch rate data (Access Point Angler Intercept Survey - APAIS) was interrupted by the pandemic. Due to this interruption, catch rate data were imputed as needed from 2018 and 2019 to generate total catch estimates in 2020. The contribution of imputed data for spot harvest estimates by state ranged from 0-69% (Table 1). The impact of imputed data on total catch estimates is unknown. While data availability was maintained, the impact of the pandemic on the accuracy of harvest metrics must be considered.

Table 1. Contribution of imputed harvest rate data from 2018 and 2019 for 2020 MRIP harvest estimates of spot.

State	2020 Harvest (A+B1) Total Weight (lb)	PSE	Contribution of Imputed Data to Total Harvest Rate
NEW YORK	1,000	101.6	0%
NEW JERSEY	450	96.3	0%
DELAWARE	19,392	28.9	0%
MARYLAND	1,019,065	18	1%
VIRGINIA	4,589,353	38.4	13%
NORTH CAROLINA	297,813	17.7	4%
SOUTH CAROLINA	131,952	32	9%
GEORGIA	7,377	52.8	0%
FLORIDA	234,040	60.4	69%

2 TRAFFIC LIGHT ANALYSIS (COMPOSITE INDICES)

2.1 Harvest Composite Characteristic Index

- The harvest (recreational and commercial landings) composite TLA index showed an increase in landings in 2020 in both the Mid-Atlantic and South Atlantic (Figure 1 and Figure 2). However index levels were still well below the long term mean.
- The composite characteristic for the Mid-Atlantic has exceeded the 30% threshold for four of the last six years (Figure 1) with an average red proportion of 40.4%. The red proportion in 2020 was below the 30% threshold but still triggered since it was above that threshold for two of the terminal three years (2018-2020).
- The composite characteristic for the South Atlantic has exceeded the 30% threshold for three of the last four years (Figure 2) with an average proportion of 35.6%. Although the red proportion in 2020 was below the 30% threshold it still triggered since it was above that threshold for two of the terminal three years (2018-2020).
- The TLA composite index triggered in 2020 at the 30% threshold for both regions.

Figure 1. Annual harvest composite (commercial and recreational landings) TLA color proportions for Mid-Atlantic (NJ-VA) spot using a 2002-2012 reference period.

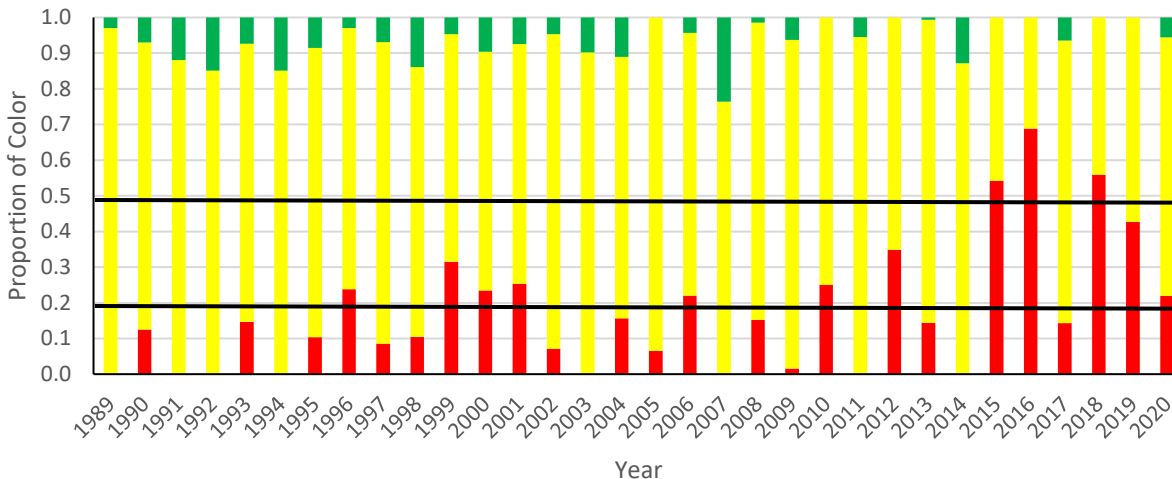
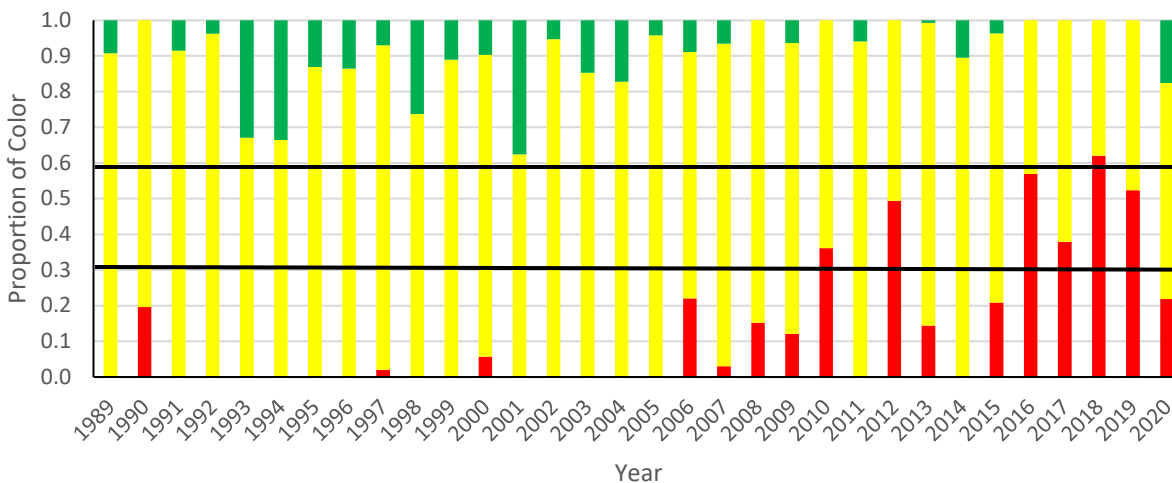


Figure 2. Annual harvest composite (commercial and recreational landings) TLA color proportions for South Atlantic (NC-FL) spot using a 2002-2012 reference period.



2.2 Abundance Composite Characteristic Index

****Important note:**

The NEFSC and SEAMAP trawl surveys did not operate in 2020. The ChesMMAAP survey has not completed the calibrations necessary to convert the 2019 and 2020 index values that would allow use of the entire time series after the vessel and gear changes that occurred in 2019 (see ChesMMAAP section below). ChesMMAAP was able to sample in 2020, so once calibration exercises are complete the index data should be available in 2022. Therefore, the NEFSC fall groundfish survey and SEAMAP are only presented through 2019 in this report, ChesMMAAP

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only goes through 2018, and all three surveys have not been updated from the 2020 TLA report on the 2019 fishing year.

The abundance composite TLA index for spot in each region is broken into two components based on age composition, including an adult index and a juvenile index. Only adult abundance is used to determine if management action is triggered. Juvenile data is presented as supplementary information only (Section 5). The adult composite index was generated from the NEFSC and ChesMMAP surveys for the Mid-Atlantic and SEAMAP and NCDMF Program 195 in the South Atlantic since the majority of spot captured in these surveys were ages 1+. Since neither Mid-Atlantic index was available in 2020 and only NEFSC data was available for 2019, the TLA still uses 2018 as the terminal year. Both NEFSC and ChesMMAP survey indices should be available for the 2021 sampling year, as well as calibrated indices for 2019 and 2020 for ChesMMAP.

In the South Atlantic, SEAMAP data was not available in 2020 because the survey did not run, so data is only presented through 2019. The NCDMF Pamlico Sound Trawl Survey (Program 195) data was available in 2020 for both adults and juveniles but is currently only used in the TLA as a juvenile index for the south Atlantic. Sampling during the 2020 season for Program 195 was restricted to day trips and only the sites accessible from a nearby port were sampled which primarily included the river strata (Neuse River, Pamlico River, and Pungo River) and those sites close to the mouth of the rivers. A total of 28 stations were towed during the June 2020 survey (54 stations are sampled in June under normal conditions).

2.2.1 Mid-Atlantic

- The TLA composite characteristics for spot abundance (NEFSC and ChesMMAP surveys) in the Mid-Atlantic did not have 2019-2020 data points since the ChesMMAP survey indices were not available (Figure 3).
- The adult index triggered at the 30% threshold in the 2018 fishing year because the red proportions in the index have exceeded the 30% threshold for the previous five years (Figure 3).

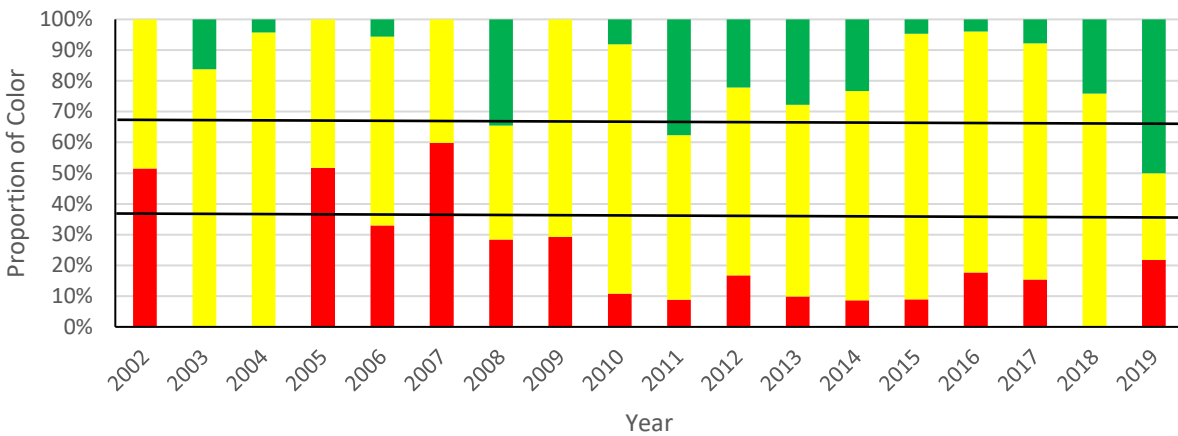
Figure 3. Annual TLA composite characteristic for adult (age 1+) spot in the Mid-Atlantic (NJ-VA) (NEFSC and ChesMMAAP) using a 2002-2012 reference period.



2.2.2 South Atlantic

- Since SEAMAP data was not available for 2020, the TLA composite presented only goes through 2019, although the NCDMF Program 195 data was available for 2020 (see Section 5.4 below) and did have a red proportion of 31.5%. The South Atlantic adult abundance composite characteristic did not trigger in the 2019 fishing year since none of the red proportions from 2017-2019 exceeded the 30% red threshold (Figure 4). There has been a bit of conflict in the index with both red and green proportions in the same years. This has been due to the NCDMF Program 195 index having higher red proportions and SEAMAP having relatively high green proportions in recent years.

Figure 4. Annual TLA composite characteristic for adult spot (age 1+) in the South Atlantic (SEAMAP and NCDMF Program 195) using a 2002-2012 reference period.



3 SUMMARY

- The harvest composite TLA for spot exceeded the 30% threshold in both regions and triggered in 2020.
- The Mid-Atlantic abundance composite characteristic did not have 2019-2020 data points, but did trigger the two previous years thus triggering at 30% in last year’s TLA.
- The South Atlantic abundance composite characteristic did not trigger in 2020 for adults with red proportions in the terminal three years either not present or below the 30% threshold of concern.
- With the harvest TLAs triggering at 30% for both regions in 2020, significant management concern cannot be triggered by the TLA for either region (60% red threshold) and coastwide management action outlined in Addendum III remains triggered at the moderate concern level in 2021.
- Table 2 provides an overview of the past three years of trigger thresholds for each region, as well as the current TLA status. The adult abundance indices currently have an unknown status; as discussed above, ChesMMAAP will be available in the future once calibration factors are developed.

Table 2. Traffic light metrics for the Mid- and South Atlantic regions with known and unknown values, given missing 2020 data. Management action is triggered according to the current 30% red and 60% red thresholds if both the adult abundance and harvest thresholds are exceeded in any two of the three terminal years within either region.

TLA Metric	Spot		
	2018	2019	2020
Mid-Atlantic Harvest	56% red	43% red	22% red
South Atlantic Harvest	62% red	52% red	22% red
Mid-Atlantic Adult Index	44% red	Unknown	Unknown
South Atlantic Adult Index	24% green	50% green	Unknown; cannot trigger regardless of 2020 data
2021 TLA Status	Triggered at 30% (Mid-Atl Harvest, S. Atl Harvest, Mid-Atl Index unknown; S. Atl Index did not trigger)		

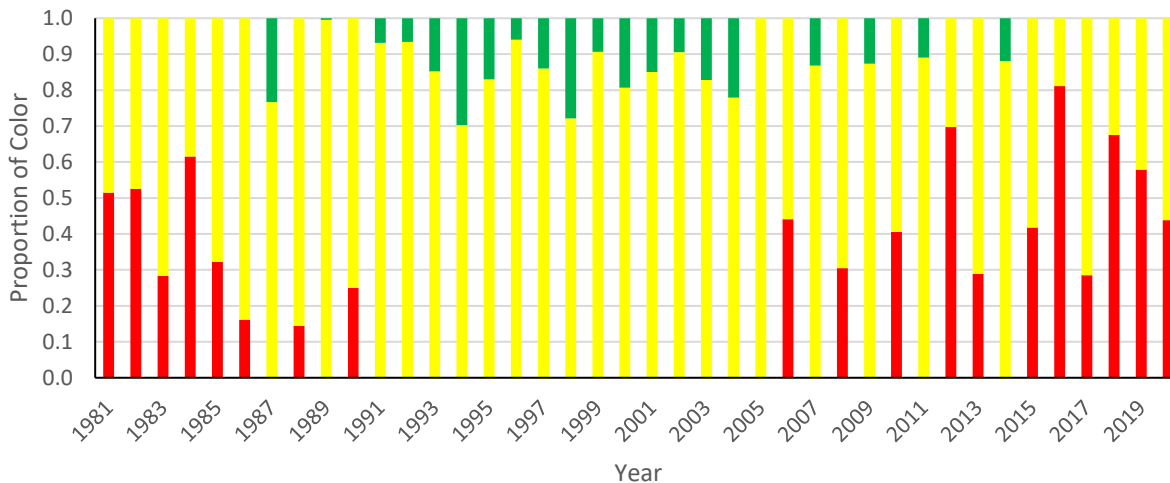
4 TRAFFIC LIGHT ANALYSIS (FISHERY DEPENDENT)

4.1 Commercial Landings

4.1.1 Mid-Atlantic

- Commercial landings of spot on the Atlantic coast increased 44.6% in 2020 from 2019. Landings were still well below the long term mean, although they were up from the time series low which occurred in 2016. Long term, commercial landings are still relatively low, a trend that has been occurring since 2003. Total annual landings have declined 68.6% from 2004 to 2020 (Figure 5).
- The TLA for commercial landings in the Mid-Atlantic peaked in the 1990s and early 2000s (Figure 5). The general trend has been a decline since 2005, although there is some year-to-year variability between red and green proportions. In the last six years the red proportion has been above the 30% threshold in all but one year.
- The TLA commercial index was above the 30% threshold level in 2020 and represents the third year above this threshold.

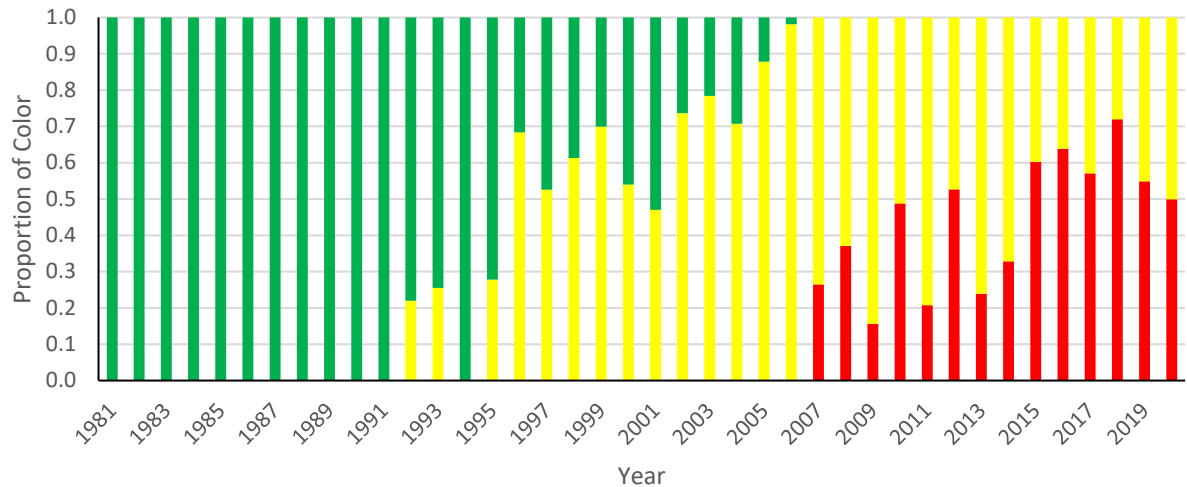
Figure 5. Annual TLA color proportions using 2002-2012 reference period for spot from commercial landings for the Mid-Atlantic (NJ-VA) coast of the US.



4.1.2 South Atlantic

- In the South Atlantic, commercial spot landings were high from the 1980s through the mid-2000s (Figure 6). Commercial spot landings began to decline steadily from 2005 onward and red proportion levels have been above the 30% threshold for most years since 2010. Commercial spot landings in the south Atlantic increased 13.6% in 2020, but red proportion was still above the 30% threshold.
- The continued decline in commercial landings may be due to changes in effort in some other fisheries (most notably the shrimp trawl fishery) so it is difficult to determine the exact cause of the general decline in commercial landings in the South Atlantic.

Figure 6. Annual TLA color proportions using a 2002-2012 reference period for spot from commercial landings for the South Atlantic (NC-FL) coast of the US.



4.2 Commercial Discards

4.2.1 South Atlantic

- Discard estimates of spot in the South Atlantic Shrimp Trawl Fishery are informed by catch rates observed during the SEAMAP Coastal Trawl Survey and South Atlantic Shrimp Trawl Fishery Observer Program, and total effort of the South Atlantic Shrimp Trawl Fishery. Increases in discards could be an indicator of higher abundance of juveniles in the region, an increase in effort by the fishery, or a combination of both.
- Total effort (net hours) in the South Atlantic Shrimp Trawl Fishery declined from a time series high in 1991 to a time series low in 2005 (Figure 7). Effort then varied around an increasing trend through 2017 and was variable and lower through 2020.
- Total discards of spot in the South Atlantic Shrimp Trawl Fishery were highest during the late 1980s and early 1990s, declined to relatively low levels in the 2000s, and then increased to slightly higher levels in the 2010s (Figure 7; right). Discards in the last two years of the time series were highly variable, decreasing from one of the highest estimates in 2019 to one of the lowest estimates in 2020.
- There were no SEAMAP Coastal Trawl Survey tows conducted in 2020, so the trend for the 2020 discard estimate relative to previous years is solely informed by South Atlantic Shrimp Trawl Fishery Observer catch rates. Further, there was reduced observer coverage of shrimp trawl fisheries during 2020. Sampling occurred January-March and August-November at levels similar to prior years which includes months in both seasons (off-season and peak-season) used as a factor in the model to estimate catch rates, but there was no observer coverage from April-July. The observer catch rates of spot over the reduced sampling season in 2020 declined relative to 2019 catch rates using both full observer coverage and SEAMAP tows, and this trend was likely influenced by the

lack of SEAMAP tows and reduced observer coverage. Figure 8 shows how the trends in catch rates track in years prior to 2020. As in all years, the magnitude of the 2020 discard estimate is informed by the observer data (magnitude of catch rates) and shrimp trawl effort data (expansion factor to expand catch rates to total discards), so the magnitude of catch rates was likely also impacted by reduced observer coverage.

- For additional information on the South Atlantic Shrimp Trawl Fishery discard estimation, please see Appendix 1 of the 2020 TLA Update Report.

Figure 7. Total net hours fished (left) and discards of spot (right) in the South Atlantic Shrimp Trawl Fishery.

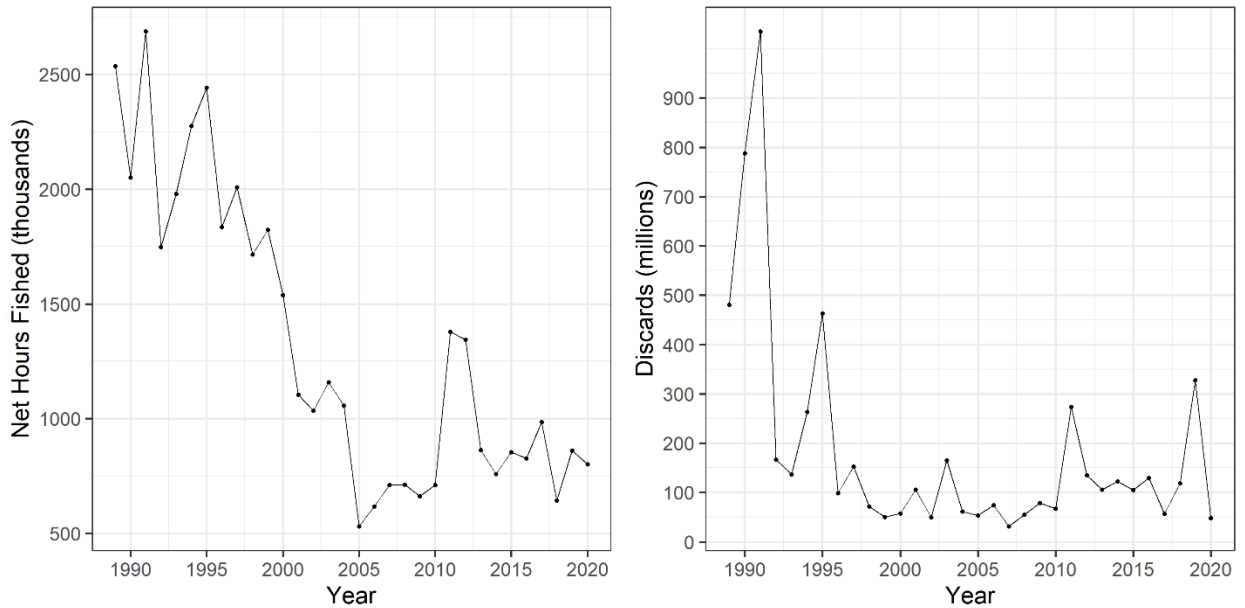
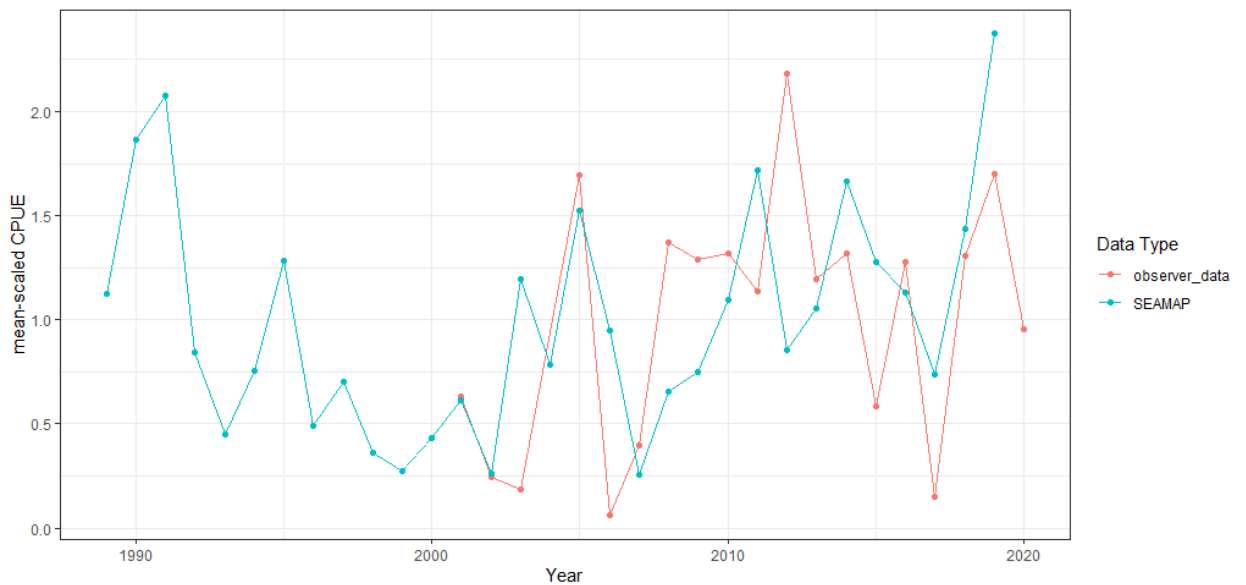


Figure 8. Comparison of spot mean-scaled catch-per-unit-effort from SEAMAP Coastal Trawl Survey data and South Atlantic Shrimp Trawl Fishery Observer data.



4.3 Recreational

In July 2018, the Marine Recreational Information Program transitioned from the catch estimates based on effort information from the Coastal Household Telephone Survey (CHTS) to effort information from the mail-based Fishing Effort Survey (FES). FES estimates are used in this and future reports, so recreational estimates and analyses may be different from previous years that used CHTS estimates.

- The recreational harvest of spot on the Mid-Atlantic coast increased 94.4% in 2020 from 2019, with values of 5,814,976 pounds and 2,991,200 pounds, respectively.
- Annual harvest in the recreational fishery has been above the long term mean (LTM) for the second time since 2015 (Figure 9).
- There was no red in the TLA in 2020 and a green proportion of 11.2%. The recreational TLA only exceed the 30% threshold in one of the last three years (2018; Figure 9).
- In the South Atlantic, recreational harvest increased 329% in 2020 (6,574,038 lbs) from 2019 (1,531,869 lbs).
- Recreational harvest in 2020 was above the long term mean as evidenced by a green proportion of 35.2%. Although, red proportions have been above the 30% threshold since 2016 (Figure 10) and the index did trip since it exceeded the 30% red threshold in 2 of the three terminal years.

Figure 9. Annual color proportions for the Mid-Atlantic (NJ-VA) coast of the US for recreationally harvested spot using a 2002-2012 reference period.

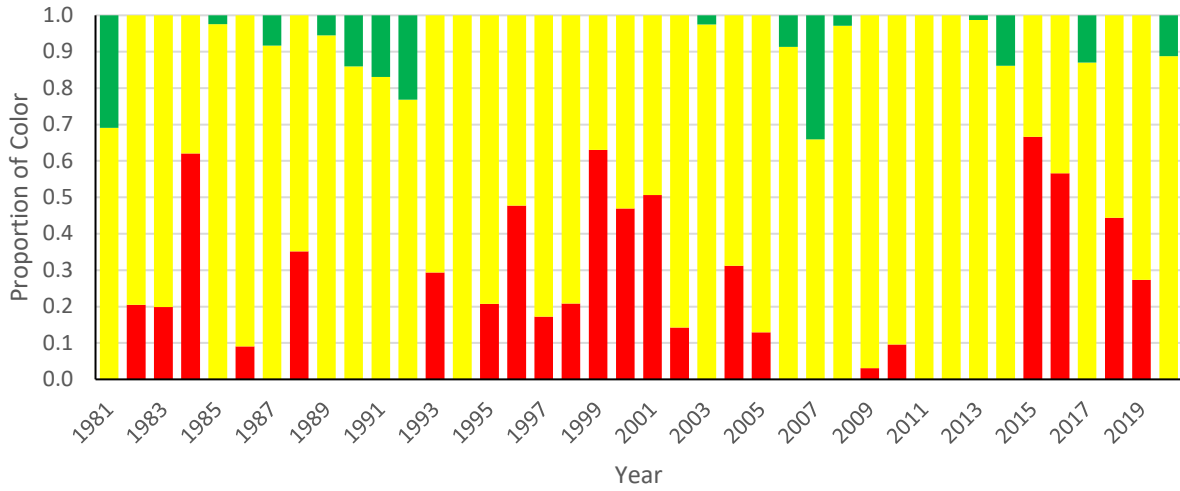
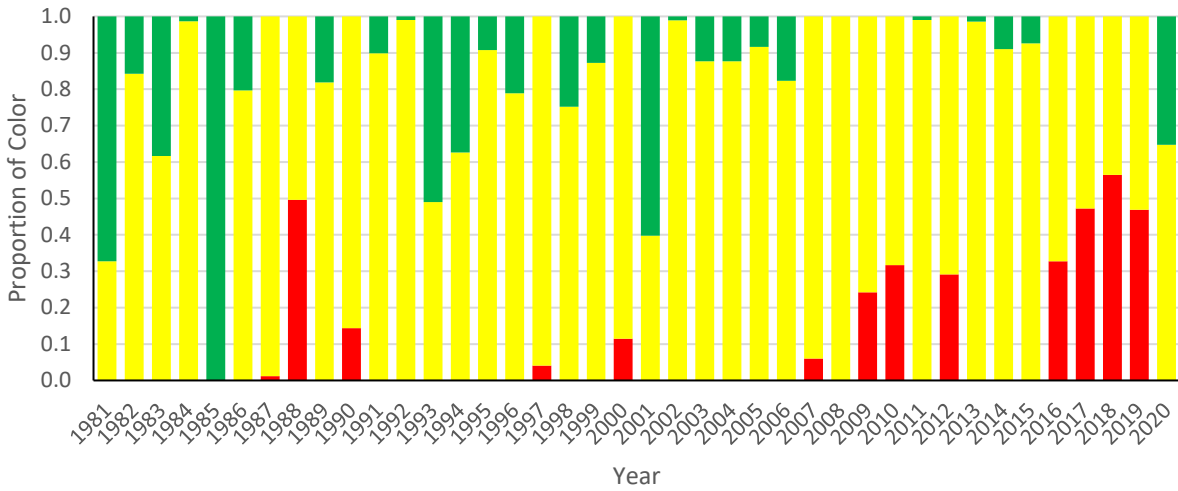


Figure 10. Annual color proportions for the South Atlantic (NC-FL) coast of the US for recreationally harvested spot using a 2002-2012 reference period.

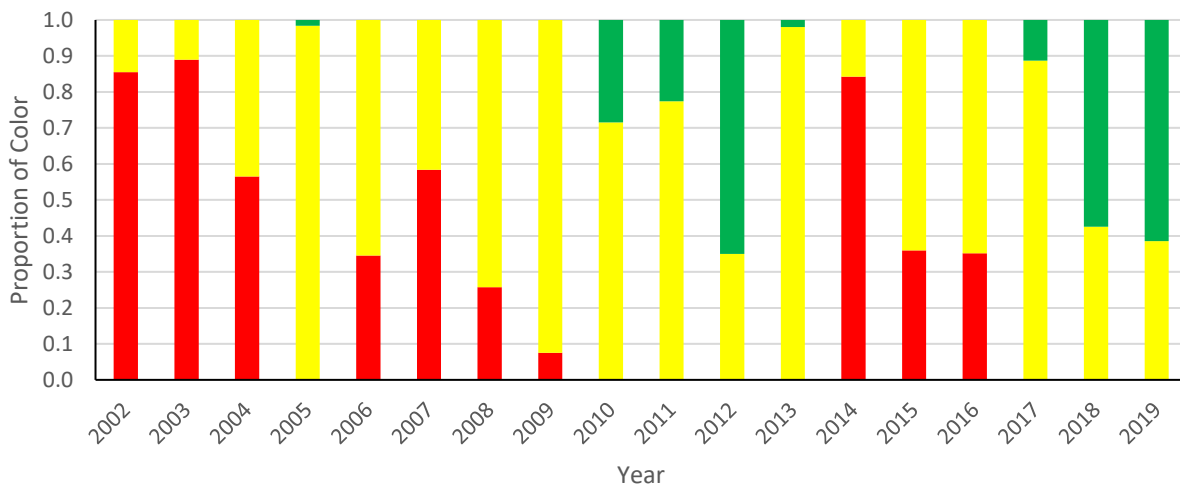


5 TRAFFIC LIGHT ANALYSIS (FISHERY INDEPENDENT)

5.1 NEFSC Fall Groundfish Trawl Survey

- Since there was no sampling carried out in 2020 for the NEFSC survey, the TLA data is the same as the 2019 report.
- The CPUE for spot in 2019 increased 4.4% from 2018 and was in a similar range to the series peak value seen in 2012.
- There was no red in the TLA index for 2019, so this index did not exceed the 30% threshold (Figure 11).
- The NEFSC was not carried out in 2017 due to mechanical problems with the RV Bigelow. An imputed index for 2017 was calculated as the mean of 2015-2016 and 2018.

Figure 11. Annual TLA color proportions for adult spot (age 1+) from Mid-Atlantic NEFSC fall groundfish trawl survey using a 2002-2012 reference period.



5.2 ChesMMAP Trawl Survey

- The ChesMMAP survey made major changes to the survey in 2019 (vessel change, gear change, altered protocols, etc.) but maintained the same sampling strata and design. Side-by-side comparison tows were made between the new and old vessels/gears and the survey is in the process of producing conversion factors by species so that historic survey index values can be compared to ongoing survey values in the future. Since the conversion factor determination won't likely be finished until 2022, the ChesMMAP index is only available through 2018 for the adult and juvenile TLA composite characteristics.
- The juvenile spot index showed a declining trend from the late 2000s through the present (Figure 12) with high proportions of red. Red proportions exceeded the 30%

threshold for all years since 2011 and exceeded the 60% threshold for six of the last eight years in the data series.

- The adult spot index also showed a similar declining trend during the same time period (2010-2018) with red proportions exceeding the 60% threshold in the terminal four years of the time series (Figure 13).
- With the currently missing values for 2019-2020, whether or not the ChesMMAP index would have exceeded either the 30% or 60% thresholds of concern is unclear (Figure 12 and 13). These index values will be available in the future (likely 2022), but until then any estimate of whether the ChesMMAP index triggered in 2020 is speculative.

Figure 12. Annual TLA color proportions for juvenile spot (age 0) from the Mid-Atlantic ChesMMAP survey using a 2002-2012 reference period.

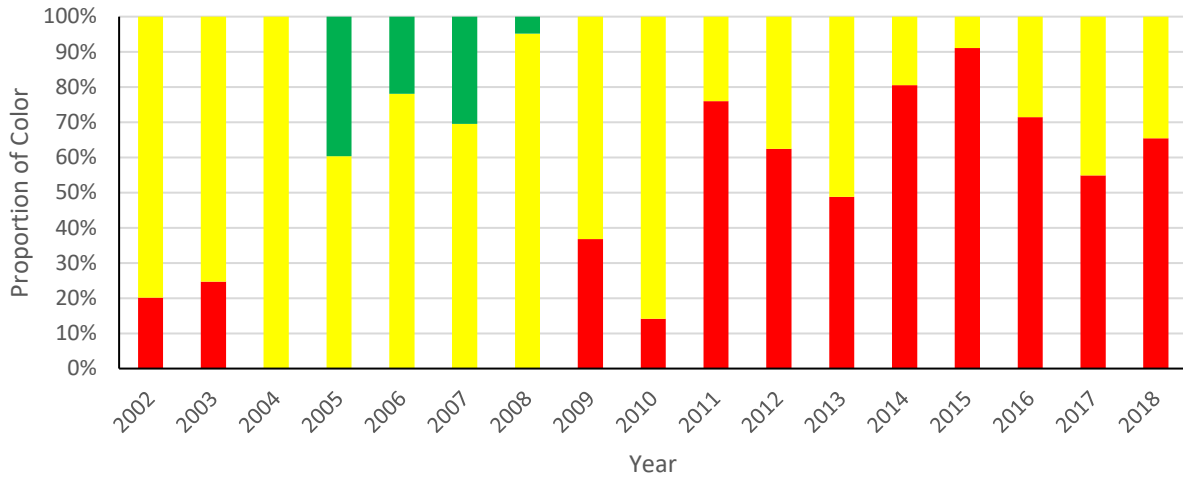
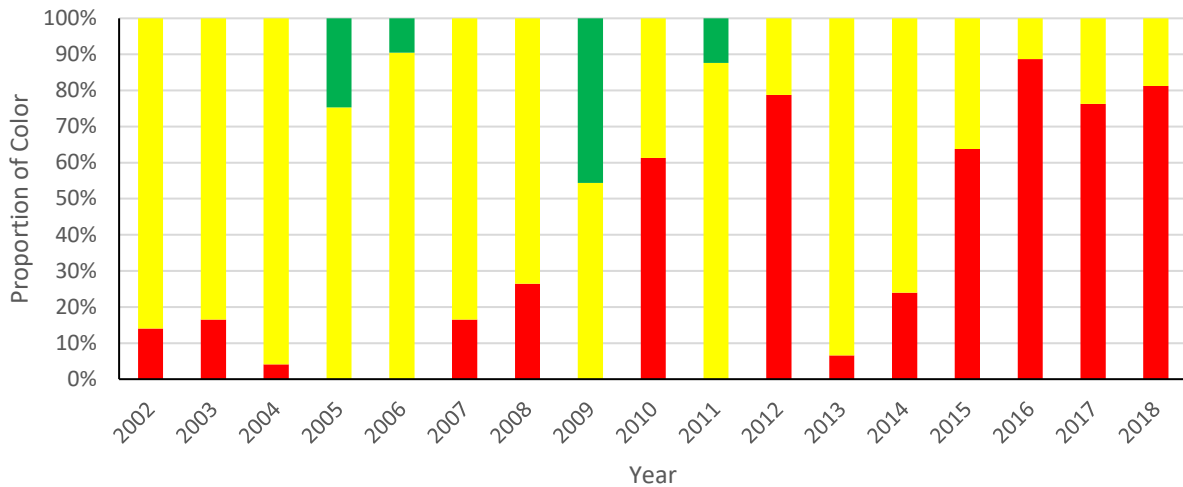


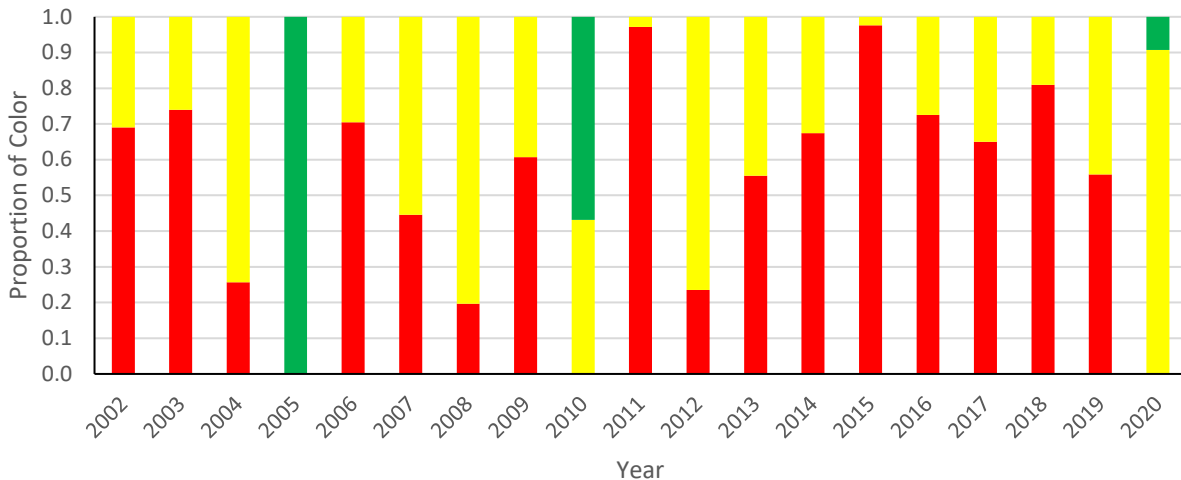
Figure 13. Annual TLA color proportions for adult spot (age 1+) from the Mid-Atlantic ChesMMAP survey using a 2002-2012 reference period.



5.3 Maryland Juvenile Fish Seine Survey

- The Maryland CPUE increased 165% in 2020 from 2019, and was above the long-term mean for the first time since 2010 (see green proportions in Figure 14).
- CPUE was above the long-term mean for the first time since 2010, indicating annual recruitment was up in the Maryland portion of the Chesapeake Bay in 2020.
- Although the TLA did not have any red in 2020, the index still exceeded the 30% threshold for two of the three terminal years and tripped in 2020.
- While spot numbers were up in 2020, the index still exceeded the 30% threshold level for the 2013-2019 time-period indicating there is still cause for concern for a general decline in recruitment in Maryland waters.

Figure 14. Annual TLA color proportions for the Mid-Atlantic Maryland seine survey juvenile spot (age 0) index using a 2002-2012 reference period.



5.4 NCDMF Program 195 (Pamlico Sound Survey)

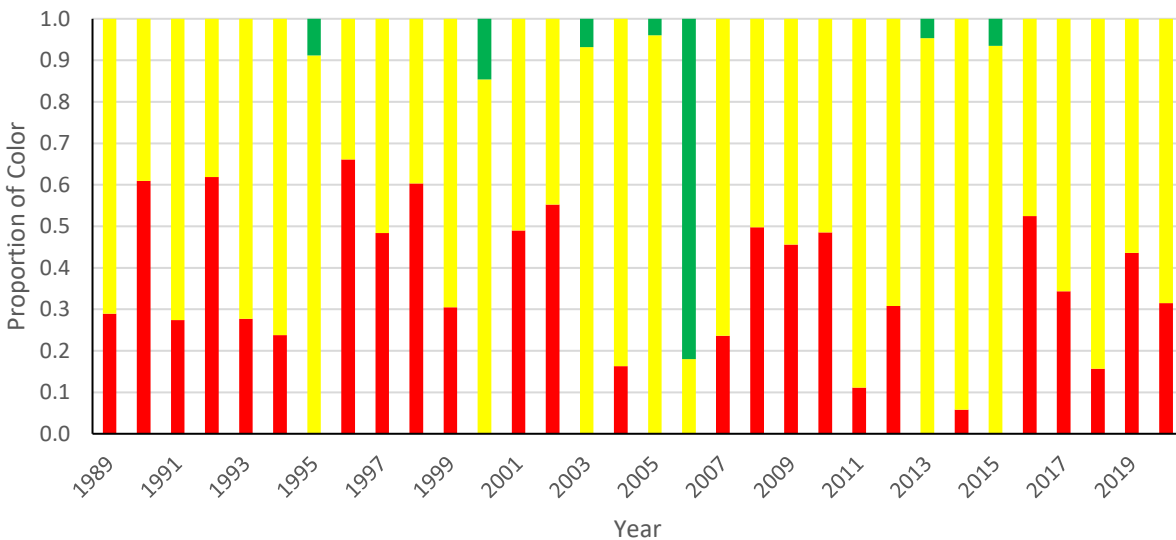
- The NCDMF Program 195 survey saw declines in juveniles as indicated by increasing red proportions in the juvenile TLA (Figure 15) in 2020. The adult TLA indicates a slight increase in abundance indicated by the decreasing red proportions in 2020, but remained above the 30% threshold (Figure 16).
- The juveniles abundance declined 55.6% in 2020 (240.6 fish per set) versus 2019 (542.4 fish per set) with the red proportion exceeding the 30% threshold for the first time since 2016 (Figure 15).
- The adult abundance increased slightly (21.4%) in 2020 compared to the decline seen in 2019 (33.0%) (Figure 15). The adult TLA red proportions exceeded the 30% threshold for four of the last five years (2016-2017 and 2019-2020).

- The adult TLA did trigger at the 30% in 2020 with two of the previous three years exceeding that threshold (2019-2020)
- Note sampling during June 2020 was limited to day trips and only the sites accessible from a nearby port were sampled – which primarily included the river strata (Neuse River, Pamlico River, and Pungo River) and those sites close to the mouth of the rivers. A total of 28 stations were towed during June 2020 (54 stations are sampled each June under normal conditions)

Figure 15. Annual TLA color proportions for juvenile spot (age 0) from the South Atlantic NCDMF Program 195 Survey using a 2002-2012 reference period.



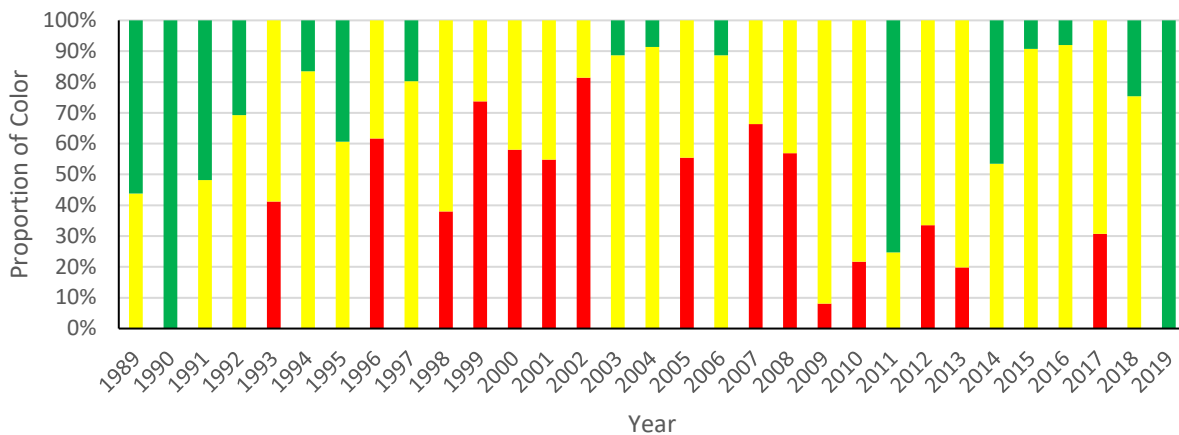
Figure 16. Annual TLA color proportions for adult spot (age 1+) from the South Atlantic NCDMF Program 195 Survey using a 2002-2012 reference period.



5.5 SEAMAP Trawl Survey

- Since there were no SEAMAP cruises in 2020, the current TLA only reflects data through 2019.
- The SEAMAP index used the spring season CPUE because it only catches adult spot (age 1+) during that season.
- The annual CPUE increased 265% in 2019 (48.6 kg/tow) from 2018 (13.3 kg/tow) and was the highest value in the time series.
- The TLA index has only exceeded the 30% threshold once in the past seven years (Figure 17).

Figure 17. Annual color proportions for Adult spot (age 1+) TLA from the fall South Atlantic SEAMAP survey using a 2002-2012 reference period.

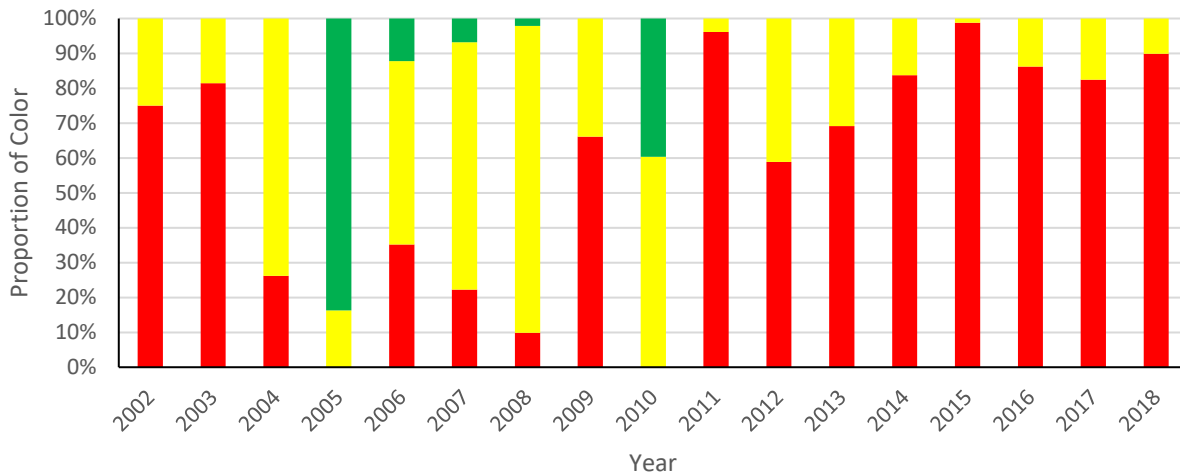


5.6 Juvenile Abundance Composite Indices

The juvenile composite index in the Mid-Atlantic was generated from the ChesMMAP and the Maryland juvenile fish seine survey. ChesMMAP has an age specific index for ages 0 which allowed its use as a juvenile index. The juvenile composite uses a terminal year of 2018, the most recent year the ChesMAPP index is available.

- The juvenile spot TLA for the Mid-Atlantic (MD survey and ChesMMAP) also showed a general decline in recruitment with very high red proportions for the last 8 years (Figure 18).
- The juvenile composite index was above the 30% threshold in two of the three terminal years (Figure 18).
- The South Atlantic juvenile spot index (NCDMF Program 195), CPUE declined 55.6% in 2020 (240.6 fish per set) versus 2019 (542.4 fish per set) with the red proportion exceeding the 30% threshold for the first time since 2016 (See Figure 15).

Figure 18. Annual TLA for juvenile (age 0) spot for composite characteristic of fishery independent suveys in the Mid-Atlantic (NJ-VA) (MD seine survey and ChesMMAP) using a 2002-2012 reference period.



6 SUPPLEMENTAL MATERIALS

6.1 NEAMAP Survey

One additional survey that is available in the Mid-Atlantic is the Northeast Area Monitoring and Assessment Program (NEAMAP) which samples from Block Island Sound south to Cape Hatteras. The NEAMAP survey has been considered for use in the TLA but is currently not used due to the shorter time frame (2007-2020) compared to the other surveys. This section describes the trends in the NEAMAP survey and gives composite characteristics that include NEAMAP.

- The juvenile spot TLA index shows the evidence of low recruitment across all years except 2008 and 2012. This is similar to the declining trends seen in the MD seine survey and the ChesMMAP survey across the same years.
- Red proportions in 2020 exceeded the 30% threshold (Figure 19).
- The adult spot TLA index showed a generally declining trend from 2010 through 2018 with red proportions exceeding the 60% threshold but has increased above the long term mean with green proportions in the last two years (Figure 20). 2020 showed a significant increase in spot abundance.
- The trend in higher red proportions was very similar to the trends seen in the ChesMMAP survey across years prior to 2019, but did not correlate with the NEFSC survey in terms of general trends.
- The juvenile TLA did exceed the 30% threshold in 2018 and 2020 but not in 2019, thus would have triggered in two of the three terminal years. The adult index did not trigger in 2020.

Figure 19. Annual color proportions from TLA for juvenile (age 0) spot from the Mid-Atlantic NEAMAP survey using a 2007-2019 reference period.

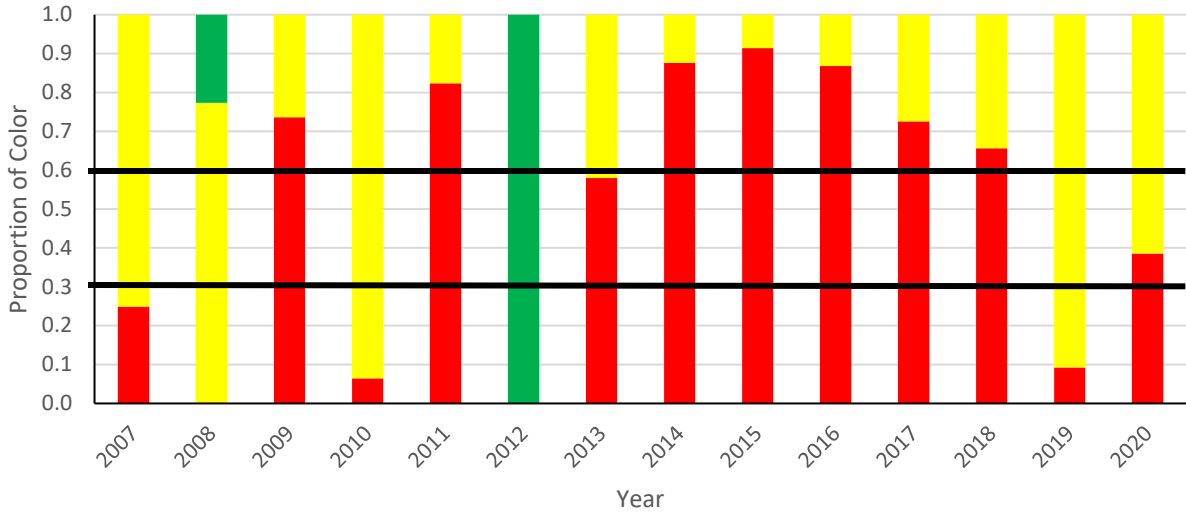
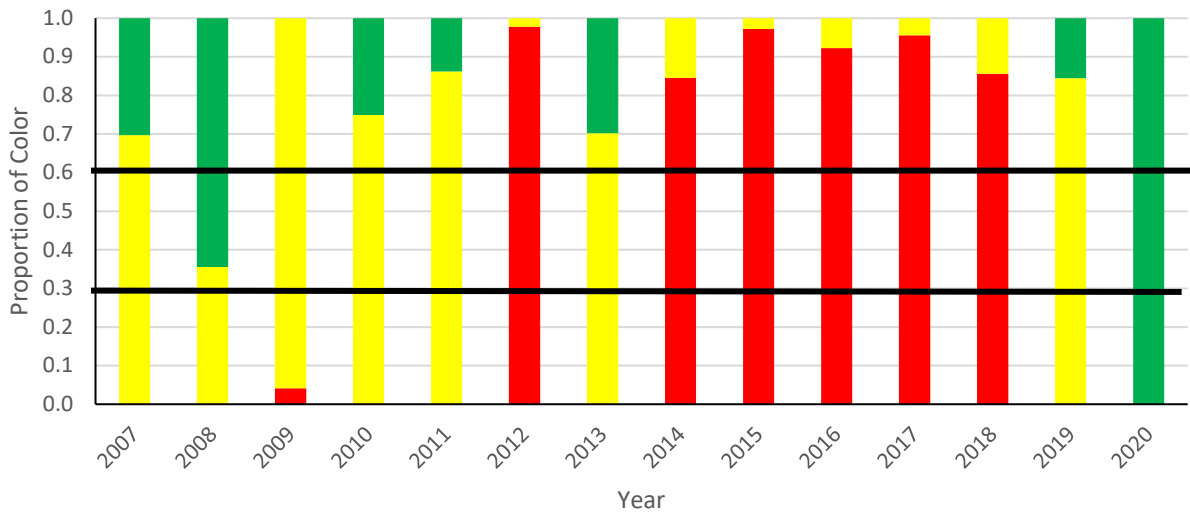


Figure 20. Annual color proportion from TLA for adult (age 1+) spot from the Mid-Atlantic NEAMAP survey using a 2007-2019 reference period.



6.2 Composite TLA Characteristic for Mid-Atlantic including NEAMAP

In order to generate the composite TLA index that included NEAMAP in the Mid-Atlantic, the other Mid-Atlantic indices (NEFSC, ChesMMAP, and MD Seine Survey) had to be recalculated using the common time period of all three surveys (2007-2019) in order to have a common reference. Since the ChesMMAP survey was not available for 2019-2020, the juvenile composite TLA (age 0) is presented using only NEAMAP and the MD juvenile fish seine survey. Since ChesMMAP for adults (age 1+) in 2019-2020 and NEFSC was not available in 2020 the TLA

presented only goes through 2019 and is the composite TLA using NEFSC and NEAMAP only (as this was the data available).

- The juvenile spot composite characteristic (Figure 21) supported the general decline in recruitment in the Mid-Atlantic region with red proportions in excess of the 60% threshold from 2013 through 2019. The increase in the MD index in 2020 put the composite TLA below the 30% threshold for the first time since 2012.
- The adult spot composite characteristic (Figure 22) showed a similar overall low abundance trends from 2012, with red proportions above the 30% threshold from in all but two years and exceeding the 60% threshold three years. 2019 was the first year the TLA dropped below the 30% threshold since 2013.
- Both the juvenile and adult indices tripped in the terminal years presented for each TLA (2020 for juveniles and 2019 for adults) since two of the three terminal years exceeded the 30% threshold.

6.3 Summary

The addition of the NEAMAP survey generally supported the declining trends in recent years seen in the harvest composite characteristic as well as the fishery-independent surveys (with the exception of the NEFSC survey). The TC might consider adding the NEAMAP survey to the Traffic Light Analysis after the next scheduled benchmark assessment for spot and re-evaluate the use of the NEFSC survey for use in the TLA. The impact of COVID-19 in 2020 on the different fishery independent surveys and the availability of the fully calibrated ChesMMAP index also makes it a good idea to wait on considering changes to the TLA until report year 2022.

Figure 21. Juvenile spot (age 0) TLA composite characteristic index for the Mid-Atlantic (NJ-VA) using NEAMAP and MD Seine surveys with a 2007-2019 reference period.

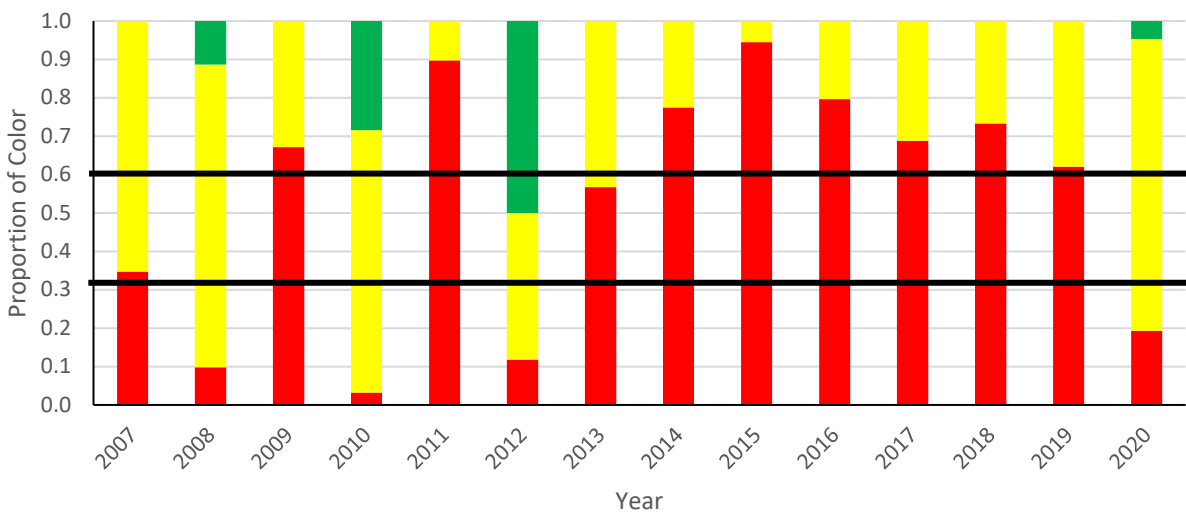
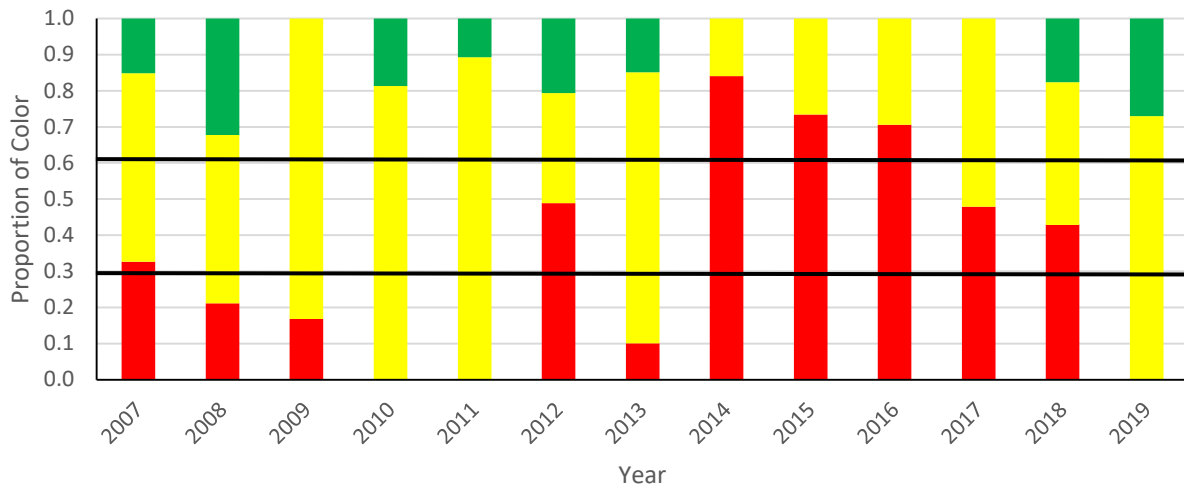


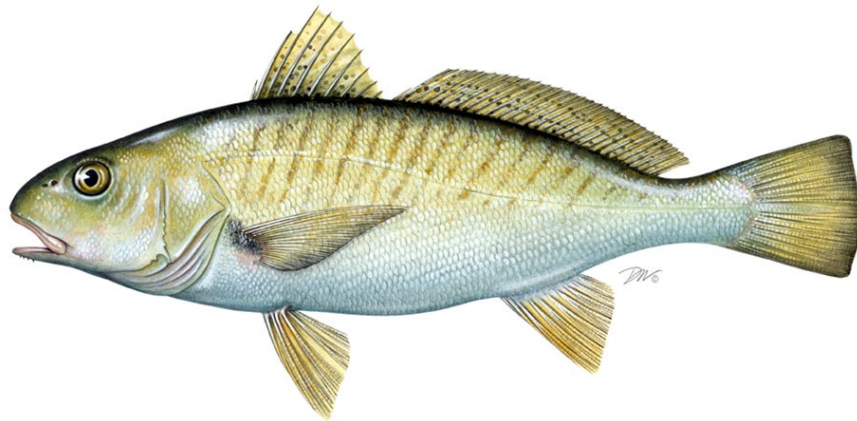
Figure 22. Adult spot (age 1+) TLA composite characteristic index for Mid-Atlantic (NJ-VA) using NEFSC and NEAMAP surveys with a 2007-2019 reference period.



ATLANTIC STATES MARINE FISHERIES COMMISSION

2021 TRAFFIC LIGHT ANALYSIS REPORT FOR ATLANTIC CROAKER (*Micropogonias undulatus*)

2020 Fishing Year



Prepared by the Technical Committee
Drafted June 2021



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

EXECUTIVE SUMMARY

Background

The purpose of this report is to evaluate the current status of Atlantic croaker using the annual Traffic Light Analysis (TLA). Atlantic croaker is managed under Addendum III (2020) which outlines the population characteristics evaluated, management triggers, and management responses. Annually, the TLA evaluates a Mid-Atlantic and a South Atlantic harvest metric, which is a combination of commercial and recreational landings in the region. It also evaluates a Mid-Atlantic and South Atlantic abundance metric, which is a combination of indices of abundance from fishery-independent surveys in each region. Each metric is evaluated using a color proportion of green, yellow, or red based on comparing that year to a 2002-2012 reference period. Addendum III defined 30% red threshold as a moderate concern and 60% red threshold as a significant concern to the fishery. Management action is triggered according to the 30% red and 60% red thresholds if both the adult abundance and harvest thresholds are exceeded for either region in any three of the four terminal years.

Impact of COVID on Data Availability

The TLA uses commercial and recreational harvest, both of which were available for 2020, although the pandemic impacted harvest and monitoring programs. The Mid-Atlantic abundance index is based on the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP) which was not available for 2020 due to lack of calibration factors and the Northeast Fishery Science Center (NEFSC) Multispecies Bottom Trawl Survey which did not sample in 2020. The South Atlantic abundance index is based on the South Carolina Department of Natural Resources (SCDNR) Trammel Net Survey which was available in 2020 and Southeast Area Monitoring and Assessment Program (SEAMAP) which did not sample in 2020. Therefore, the harvest metric was calculated in 2020 for both regions, but both the Mid-Atlantic and South Atlantic abundance metrics are incomplete for 2020.

2020 Harvest Metrics

The Mid-Atlantic harvest metric has triggered at 60% red threshold in three of the four terminal years (2018-2020) and the South Atlantic harvest metric has triggered at 30% red threshold in all four terminal years (2017-2020). This is the second consecutive year the harvest metric in both region has triggered at least at the 30% threshold.

2020 Abundance Metrics

While the abundance metrics could not be calculated due to missing 2020 data, Addendum III specifies TLA trigger based on the four terminal years so assumptions can still be made regarding abundance. For the Mid-Atlantic, two of the four terminal years triggered at 30% red (2017-2018) while two of the four are unknown (2019-2020). This metric did trigger at the 30% threshold during the 2019 TLA. For the South Atlantic, three of the four terminal years (2017-2019) did not trigger at any level and therefore the 2020 data would not change status regardless of its value.

Conclusions

The harvest triggered in both the Mid-Atlantic (60% threshold) and South Atlantic (30% threshold) in 2020 indicating continued concern. The abundance did not trigger at any level for the South Atlantic and although the last two years are undetermined for the Mid-Atlantic due to missing 2020 data, the two years that are available are below the 60% threshold. Regardless, the previous TLA indicated that the Mid-Atlantic triggered at 30%. Addendum III requires management action taken in 2021 to remain in place for a minimum of three years (through and including the 2023 season). The Atlantic croaker remains triggered at the 30% threshold and the TC recommends maintaining management enacted in 2021.

1 INTRODUCTION

Atlantic croaker are managed under Amendment 1 to the Interstate Fishery Management Plan for Atlantic Croaker (2005) and Addendum I (2011), Addendum II (2014), and Addendum III (2020). The Amendment does not require any specific measures restricting harvest but encourages states with conservative measures to maintain them. It also implemented a set of management triggers, based on an annual review of certain metrics, to respond to changes in the fishery or resource, and initiate a formal stock assessment on an accelerated timeline if necessary. Addendum I revised the management program's biological reference points to assess stock condition on a coastwide basis as recommended by the 2010 stock assessment.

In August 2014, the South Atlantic State/Federal Fisheries Management Board (SAB) approved Addendum II to Amendment I to the Atlantic Croaker Fishery Management Plan (FMP). The Addendum established the Traffic Light Approach (or TLA) to evaluate fisheries trends and develop state-specific management actions (i.e., bag limits, size restrictions, time and area closures, and gear restrictions) when harvest and abundance thresholds are exceeded. Addendum II established the TLA as a precautionary management framework to evaluate fishery trends and develop management actions. Starting in the late 2000s, there were inconsistent signals in the data used to examine the resource. The lack of clear information from the TLA and the assessment made it difficult to provide management advice.

The most recent benchmark stock assessment for Atlantic croaker was completed in 2017 and provided more data for further refinement and modification of the existing TLA, as recommended by the Atlantic Croaker Technical Committee (TC). In addition, the 2017 stock assessment was not recommended for management use. In February of 2020, the SAB approved Addendum III to Amendment I allowing modification of the TLA to use a regional approach as well as establishing management actions to be taken if the TLA triggers were tripped. Addendum III addressed several issues by modifying the TLA to better reflect stock characteristics and identifying achievable management actions based on stock conditions.

The TLA is a statistically-robust way to incorporate multiple data sources (both fishery-independent and -dependent) into a single, easily understood metric for management advice. It is often used for data-limited species, or species that are not assessed on a frequent basis. As such, it serves as an excellent management tool for Atlantic croaker. The name comes from assigning a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as

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harvest or abundance increase relative to their long-term mean, the proportion of green in a given year will increase, and as harvest or abundance decrease, the amount of red in that year becomes more predominant. Under Addendum II, state-specific management action would be initiated when the proportion of red exceeds specified thresholds (30% or 60%), for both harvest and abundance, over three consecutive years. The thresholds were maintained in Addendum III but the trigger mechanism was changed as described below.

Addendum III incorporated the following changes into the TLA:

1. Incorporation of indices from the Chesapeake Bay Multispecies Monitoring and Assessment Program (ChesMMAP) and the South Carolina Department of Natural Resources (SCDNR) Trammel Net Survey into the adult composite characteristic index, in addition to the currently used indices from the Northeast Fishery Science Center (NEFSC) Multispecies Bottom Trawl Survey and Southeast Area Monitoring and Assessment Program (SEAMAP).
2. Use of revised adult abundance indices from the surveys mentioned above, in which age-length keys and length composition information are used to estimate the number of adult (age 2+) individuals caught by each survey.
3. Use of regional metrics to characterize the fisheries north and south of the Virginia-North Carolina state border. The ChesMMAP and NEFSC surveys will be used to characterize abundance north of the border, and the SCDNR Trammel Net and SEAMAP surveys will be used to characterize abundance south of the border.
4. Change/establish the reference time period for all surveys to be 2002-2012.
5. Change the triggering mechanism to the following: Management action will be triggered according to the current 30% red and 60% red thresholds if both the abundance and harvest thresholds are exceeded in either region in any three of the four terminal years.

Addendum III retained the TC's ability to alter the TLA as needed to best represent trends in Atlantic croaker harvest and abundance, including selection of surveys and methods to analyze and evaluate these data. Such changes may be made without an addendum, but Addendum III was necessary because of the change to the management-triggering mechanism.

From the 2020 TLA report, Atlantic croaker had red proportions that exceeded the threshold of 30% in both metrics in the Mid-Atlantic. The South Atlantic region harvest metric triggered in 2020. Exceeding the 30% threshold represents moderate concern to the fishery and initiated a moderate management response. All non-*de minimis* states were required to institute a recreational bag limit of no more than 50 Atlantic croaker per person per day. States with more restrictive measures in place were encouraged to maintain those measures. For commercial fisheries, states had to set a regulation that, if applied to the state's 2010-2019 average

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commercial harvest, would have produced at least a 1% reduction. States established different measures by trip limits or season modifications, as long as measures implemented were quantifiable and are projected to achieve this 1% reduction. All states have submitted state implementation plans to meet the required recreational and commercial management measures. Management measures were initiated in 2021 and are required to remain in place for three years, through 2023.

The COVID-19 pandemic had far reaching impacts on almost all state and federal fishery independent monitoring programs at some point during 2020. These impacts ranged from short term interruptions in sampling (on the scale of weeks or a month or two) to complete shutdown for the year due to social distancing requirements on research vessels. The social distancing requirements made it impossible for programs to work in enclosed spaces and close quarters for both daily sampling as well as extended at-sea work requiring days and weeks to complete. For the TLA, the impact was felt most significantly for the larger scale regional monitoring surveys (NEFSC groundfish survey and the SEAMAP survey) which were not able sample at all in 2020. Additionally, the ChesMMAP survey has not completed the calibration estimates for converting the index for use over the entire time series due to the vessel and gear change that occurred in 2019. ChesMMAP anticipates having the calibration estimates completed in 2022. NEFSC and SEAMAP data will be available for 2021, and future TLAs will be able to utilize the most recent years (2019-2021) of the data series beginning with the 2021 fishing year TLA report.

The COVID-19 pandemic also had far reaching impacts economically on both the recreational and commercial industries. While both **commercial and recreational harvest** datasets were available for 2020, there are caveats for the 2020 fishing year harvest metric. The component of the Marine Recreational Information Program (MRIP) that samples dockside catch rate data (Access Point Angler Intercept Survey - APAIS) was interrupted by the pandemic. Due to this interruption, catch rate data were imputed as needed from 2018 and 2019 to generate total catch estimates in 2020. The contribution of imputed data for Atlantic croaker harvest estimates by state ranged from 0-70% (Table 1). The impact of imputed data on total catch estimates is unknown. Closures and disruptions to the charter and headboat industry may have also have impacted the recreational harvest metric. Fishery performance, markets, and effort throughout the year due to the pandemic impacted the commercial fleet. While data availability was maintained, the impact of the pandemic on the accuracy harvest metrics must be considered.

Table 1. Contribution of imputed harvest rate data from 2018 and 2019 for 2020 MRIP harvest estimates of Atlantic croaker.

State	2020 Harvest (A+B1) Total Weight (lb)	PSE	Contribution of Imputed Data to Total Harvest Rate
NEW JERSEY	16,358	60.6	70%
DELAWARE	21,870	26.8	33%
MARYLAND	91,047	36.9	0%
VIRGINIA	2,410,612	20.2	50%
NORTH CAROLINA	223,685	20.6	21%
SOUTH CAROLINA	230,205	19.1	2%
GEORGIA	77,876	41.4	13%
FLORIDA	1,072,714	27.5	3%

2 TRAFFIC LIGHT ANALYSIS (COMPOSITE INDEXES)

2.1 Harvest Composite Index

- The harvest composite TLA index for the Mid-Atlantic indicates that the management response trigger would have been tripped at the 60% threshold in 2020 (Figure 1).
- The mean red proportion for the most recent three year time period (2018-2020) in the Mid-Atlantic was 73.3% with the red proportion being above 60% since 2018 which indicates a significant level of concern (Figure 1).
- The harvest composite TLA index for the South Atlantic also triggered in 2020 at the 30% threshold and represented the seventh consecutive year above 30% (Figure 2).
- The mean red proportion in the South Atlantic region for 2018-2020 was 46.9% (Figure 2).
- The important trend to point out in both regions is the continuing decline in recreational and commercial landings for Atlantic croaker with TLA red proportions now exceeding 60% for commercial landings.

Figure 1. Annual color proportions for the harvest composite TLA of Mid-Atlantic (NJ-VA) Atlantic croaker recreational and commercial landings

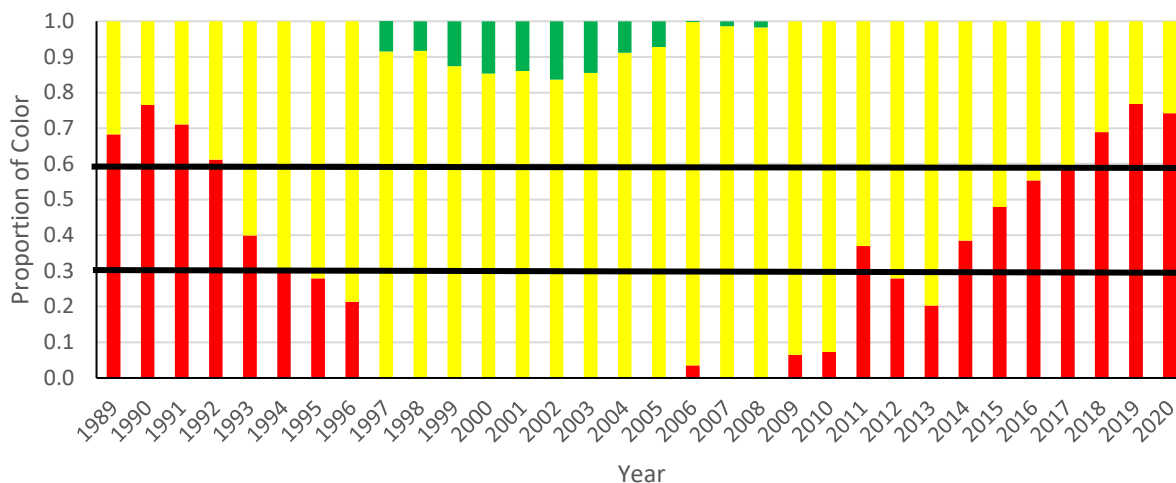
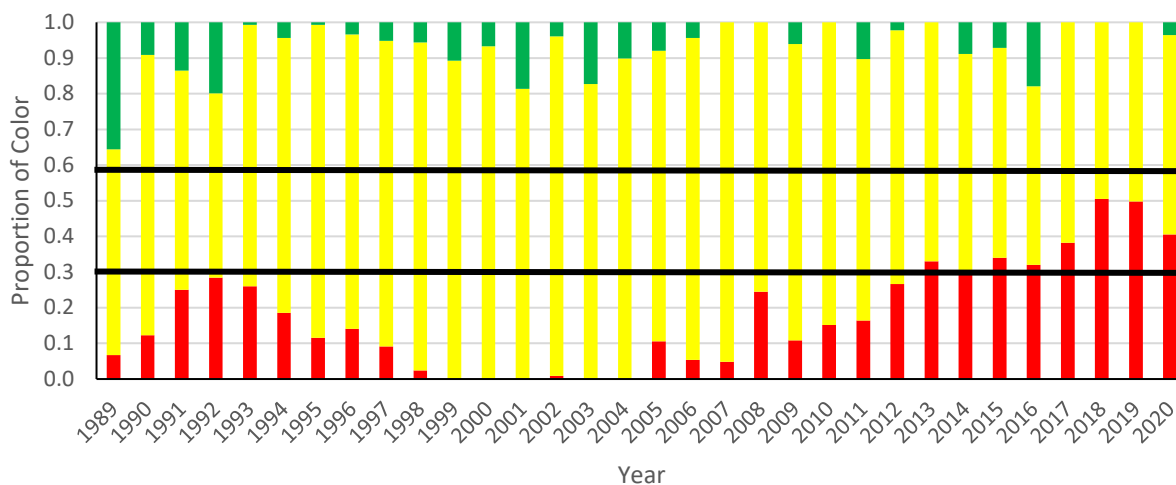


Figure 2. Annual color proportions for the harvest composite TLA of South Atlantic (NC-FL) Atlantic croaker recreational and commercial landings using a 2002-2012 reference period



2.2 Abundance Composite Characteristic Indexes

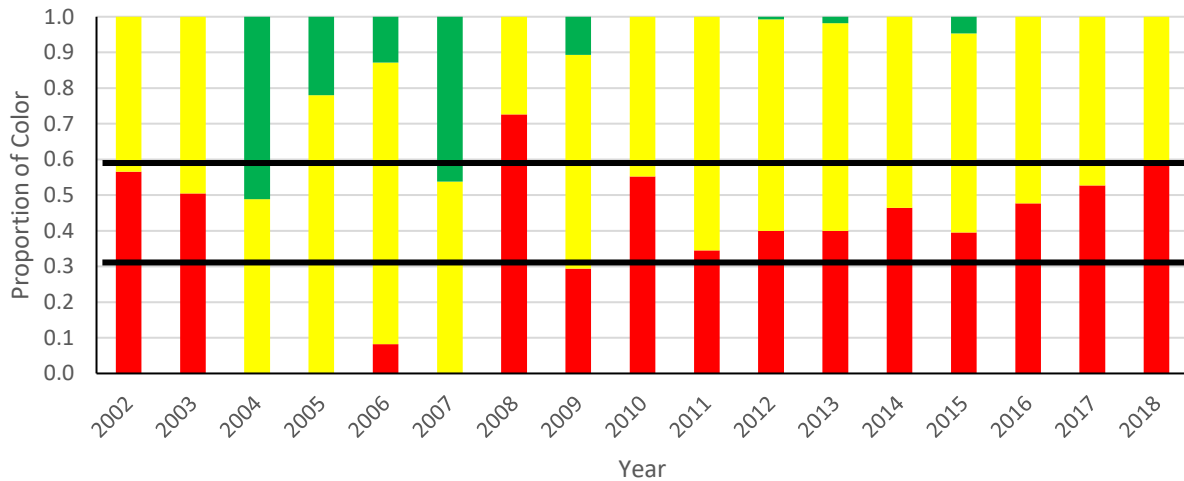
The abundance composite TLA index in each region was broken into two components based on age composition, including an adult index and a juvenile index. Only adult abundance is used to determine if management action is triggered. Juvenile data is presented as supplementary information only (Section 5). The adult composite index was generated from the NEFSC and ChesMMAAP surveys for the Mid-Atlantic and SEAMAP and SCDNR trammel net survey in the South Atlantic, since the majority of Atlantic croaker captured in these surveys were ages 2+.

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The juvenile composite index in the Mid-Atlantic was generated from the ChesMMAP and VIMS surveys, because VIMS is a juvenile survey and ChesMMAP has an age specific index for ages 0-1. The juvenile composite index in the South Atlantic was generated from the NCDMF Pamlico Sound Survey (Program 195) because the survey encounters age-0 croaker. As stated above, the COVID-19 pandemic in 2020 made survey work impossible for the NEFSC survey and the ChesMMAP survey does not have the updated calibrations to use the entire time series.

- The adult composite TLA characteristic for the Mid-Atlantic (Figure 3) showed a trend of increasing red proportions over the last five years, although the index has not been calculated since 2018 due to unavailable data from ChesMMAP
- The composite index (Figure 3) has been above the 30% threshold since 2010 (only available through 2018 since there was no 2019-2020 values for ChesMMAP).

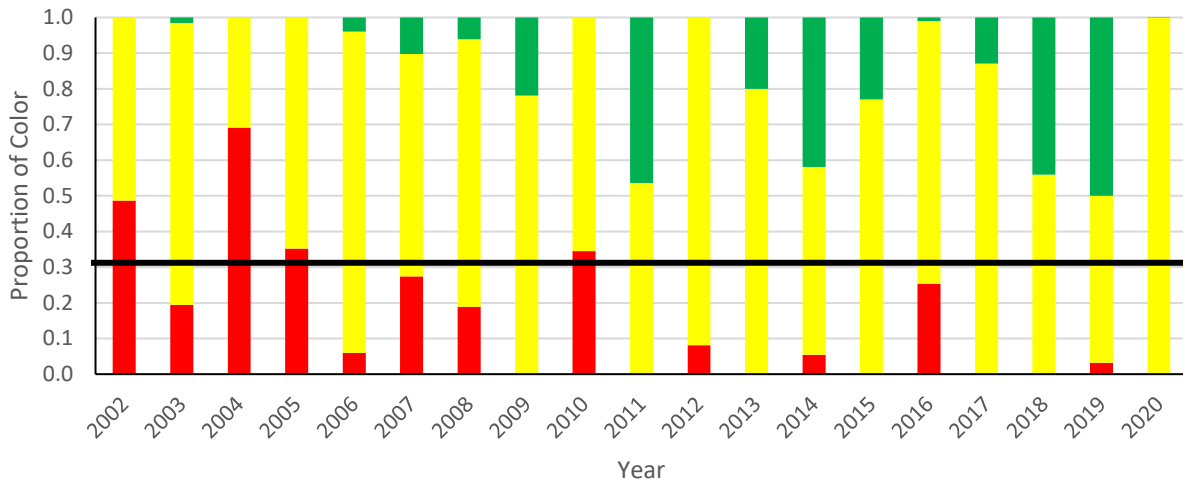
Figure 3. Adult (age 2+) Atlantic croaker TLA composite characteristic index for the Mid-Atlantic (NEFSC and ChesMMAP surveys)



The harvest composite characteristic triggered in the Mid-Atlantic in 2020, but the lack of index data for the fishery independent composite characteristic did not allow the Mid-Atlantic TLA to be updated for 2020. However, if the downward trend in the TLA continued, then the independent composite would have likely triggered in 2020. The continued declining trend is cause for concern in the Mid-Atlantic region. The continued declining trend in the juvenile composite does not bode well for changes in the adult population if recruitment continues to decline.

- The adult composite TLA index for the South Atlantic did not trigger any management response in 2020 for the South Atlantic region.

Figure 4. Adult (age 2+) Atlantic croaker TLA composite characteristic index for the South Atlantic (SEAMAP and SCDNR trammel survey)



3 SUMMARY

The harvest composite TLA characteristic remained above triggered thresholds in both the Mid-Atlantic (60% threshold) and South Atlantic (30% threshold) in 2020 indicating continued concern. The continued declining trend in the commercial and recreational harvests for the Atlantic coast is a concern since the decline has become greater in the last two years, but further management measures can only be triggered based on the abundance composites. The lack of enough indices to run a mid-Atlantic TLA for the fishery independent composite in the current form (NEFSC and ChesMMAP) made 2020 difficult to monitor. Even though the South Atlantic fishery independent indices still remained below the trigger threshold, management measures triggered in 2020 as a result of addendum III will remain in place until at least 2023. The lack of 2020 survey data to inform composite indices may impact future management triggers if the stock continues to decline, as seen in available indices. Table 2 provides an overview of the past four years of trigger thresholds for each region, as well as the current TLA status. The adult abundance indices currently have an unknown status; as discussed above, ChesMMAP will be available in the future once calibration factors are developed.

Table 2. Traffic light metrics for the Mid- and South Atlantic regions with known and unknown values, given missing 2020 data. Management action is triggered according to the current 30% red and 60% red thresholds if both the adult abundance and harvest thresholds are exceeded in any three of the four terminal years within either region.

TLA Metric	Atlantic Croaker			
	2017	2018	2019	2020
Mid-Atlantic Harvest	59% red	69% red	77% red	74% red
South Atlantic Harvest	38% red	51% red	50% red	41% red
Mid-Atlantic Adult Index	53% red	58% red	Unknown	Unknown
South Atlantic Adult Index	13% green	44% green	50% green	Unknown; cannot trigger at 30% or 60% regardless of 2020 data
2021 TLA Status	Likely still triggered at 30% (Mid-Atl Harvest triggered at 60%; S. Atl Harvest triggered at 30%; Mid-Atl Index unknown; S. Atl Index did not trigger)			

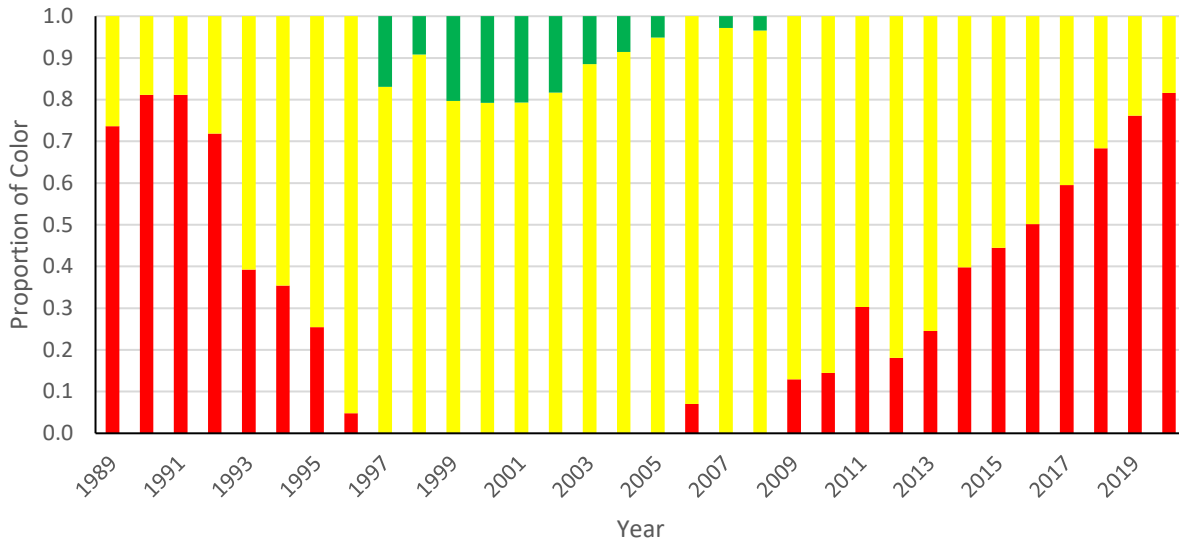
4 TRAFFIC LIGHT ANALYSIS (FISHERY DEPENDENT)

4.1 Commercial Landings

4.1.1 Mid-Atlantic

- Commercial landings in the Mid-Atlantic declined 83.1% in 2020 (65.2 metric tons) from 2019 (385.9 metric tons) and represented the 15th year of decline in commercial croaker landings (Figure 5).
- The TLA for commercial landings has been above the 30% threshold every year since 2011 (Figure 5) and 2020 was the 7th year in a row where landings were above the 30% threshold.
- More concerning is that the red proportion has been above the 60% red threshold for the last three years of the series (2018-2020) and was only just under 60% in 2017 (59.5%).
- The three year mean red proportion for croaker has exceeded 30% since 2010 and exceeded 60% in 2020. The continued steady decline in croaker landings in recent years represent some of the lowest landings levels in the time series.

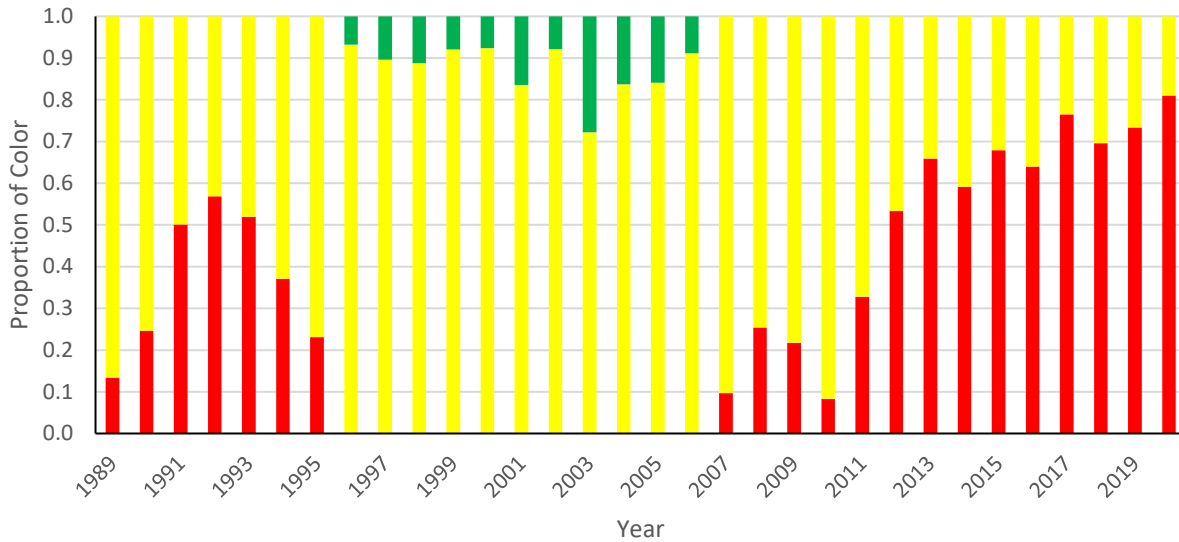
Figure 5. Annual TLA color proportions for Atlantic croaker commercial landings for the Mid-Atlantic (NJ-VA) coast of the US



4.1.2 South Atlantic

- Commercial landings in the South Atlantic declined 53.0% in 2020 (290.4 metric tons) from 2019 (618.1 metric tons) and represented the 13th year of decline in commercial croaker landings in the South Atlantic (Figure 6).
- The TLA for commercial landings in the South Atlantic has been above the 30% threshold every year since 2011 (Figure 6) and 2020 was the 10th year in a row where landings were above the 30% threshold.
- More concerning is that the red proportion has been above the 60% red threshold for seven of the past eight years of the series (2013-2020) and was only just under 60% in 2014 (59.1%).
- The three year mean red proportion for croaker has exceeded 30% since 2010 and exceeded 60% for the past six years. The continued steady decline in croaker landings in recent years represent some of the lowest landings levels in the time series.

Figure 6. Annual TLA color proportions for Atlantic croaker commercial landings for the South Atlantic (NC-FL) coast of the US



4.2 Commercial Discards

4.2.1 South Atlantic

- Discard estimates of Atlantic croaker in the South Atlantic Shrimp Trawl Fishery are informed by catch rates observed during the SEAMAP Coastal Trawl Survey and South Atlantic Shrimp Trawl Fishery Observer Program, and total effort of the South Atlantic Shrimp Trawl Fishery. Increases in discards could be an indicator of higher abundance of juveniles in the region, an increase in effort by the fishery, or a combination of both.
- Total effort (net hours) in the South Atlantic Shrimp Trawl Fishery declined from a time series high in 1991 to a time series low in 2005 (Figure 7). Effort then varied around an increasing trend through 2017 and was variable and lower through 2020.
- Total discards of Atlantic croaker in the South Atlantic Shrimp Trawl Fishery were high during the late 1980s and early 1990s, declined to relatively low levels in the early to mid-2000s, and then increased to levels similar to the beginning of the time series during the 2010s (Figure 7). Discards during the final three years of the time series were the highest since 1995.
- There were no SEAMAP Coastal Trawl Survey tows conducted in 2020, so the trend for the 2020 discard estimate relative to previous years is solely informed by South Atlantic Shrimp Trawl Fishery Observer catch rates. Further, there was reduced observer coverage of shrimp trawl fisheries during 2020. Sampling occurred January-March and August-November at levels similar to prior years which includes months in both seasons (off-season and peak-season) used as a factor in the model to estimate catch rates, but there was no observer coverage from April-July. The observer catch rates of Atlantic croaker over the reduced sampling season in 2020 increased relative to 2019 catch rates

using both full observer coverage and SEAMAP tows, and this trend was likely influenced by the lack of SEAMAP tows and reduced observer coverage. Figure 8 shows how the trends in catch rates track in years prior to 2020. As in all years, the magnitude of the 2020 discard estimate is informed by the observer data (magnitude of catch rates) and shrimp trawl effort data (expansion factor to expand catch rates to total discards), so the magnitude of catch rates was likely also impacted by reduced observer coverage.

- For additional information on the South Atlantic Shrimp Trawl Fishery discard estimation, please see Appendix 1 of the 2020 TLA Update Report.

Figure 7. Total net hours fished (left) and discards of Atlantic croaker (right) in the South Atlantic Shrimp Trawl Fishery.

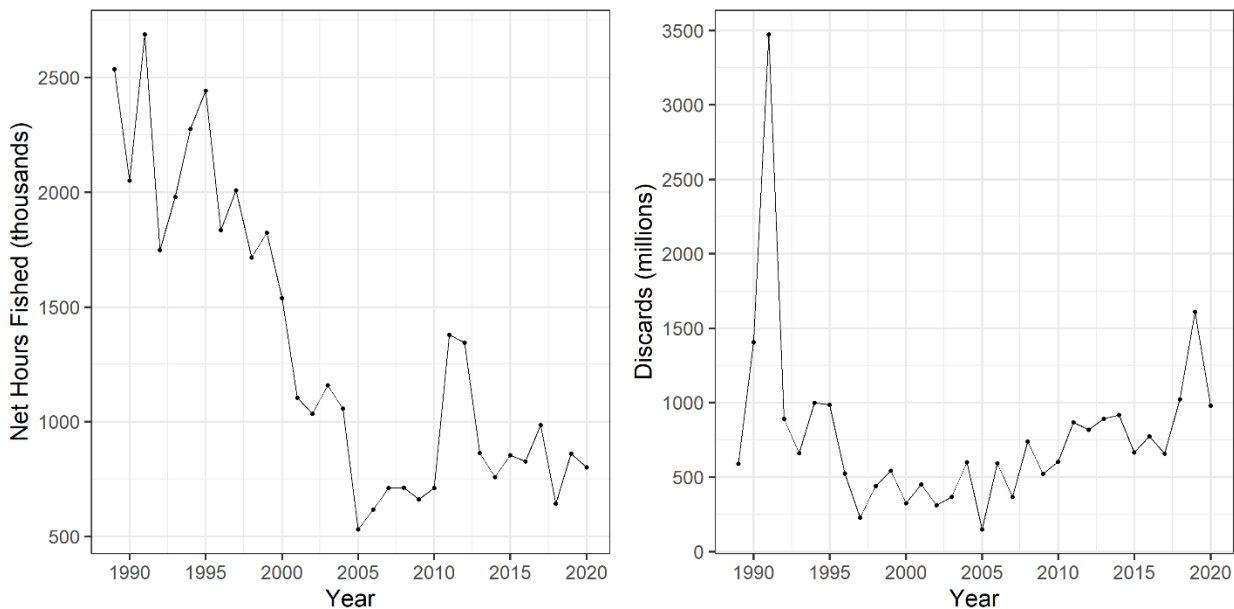
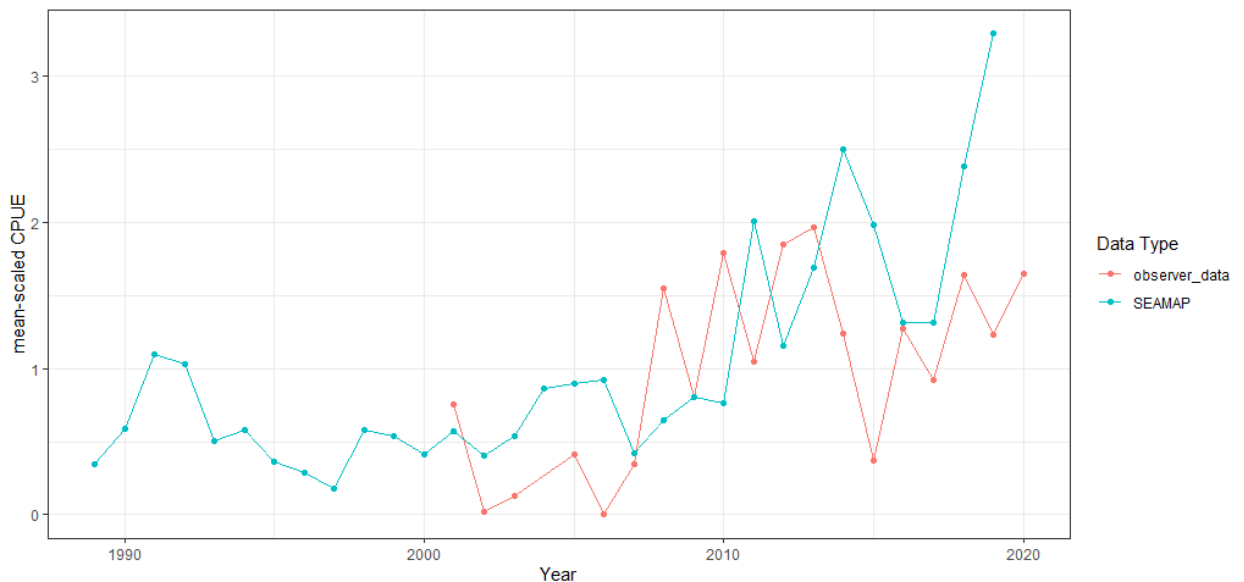


Figure 8. Comparison of Atlantic croaker mean-scaled catch-per-unit-effort from SEAMAP Coastal Trawl Survey data and South Atlantic Shrimp Trawl Fishery Observer data.



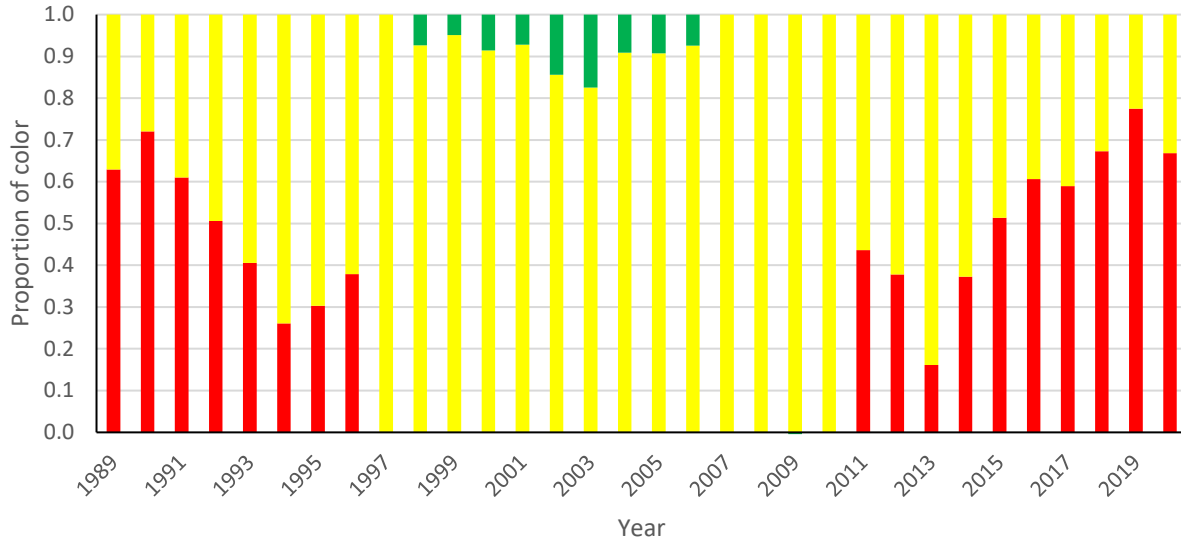
4.3 Recreational Harvest

In July 2018, the Marine Recreational Information Program transitioned from the catch estimates based on effort information from the Coastal Household Telephone Survey (CHTS) to effort information from the mail-based Fishing Effort Survey (FES). FES estimates are used in this and future reports, so recreational estimates and analyses may be different from previous years that used CHTS estimates. See the Introduction section for a detailed discussion on impacts from COVID-19 on recreational harvest data.

4.3.1 Mid-Atlantic

- The recreational harvest increased in 2020, up 144% (1,142.7 metric tons) from 2019 (468.2 metric tons).
- While the increase in recreational harvest in 2020 was significant, the recreational harvest level in 2019 was the lowest annual harvest in the entire time series (1981-2020) for the Mid-Atlantic.
- The proportion of red in the TLA was 66.8% in 2020 decreasing from 77.5% in 2019 (Figure 9), indicating the recreational index has reached trigger levels at the 30% level since 2014 and has been above the 60% level for the last three years..
- As with commercial landings, the continued decline in harvest levels for Atlantic croaker in the recreational fishery are also cause for concern.

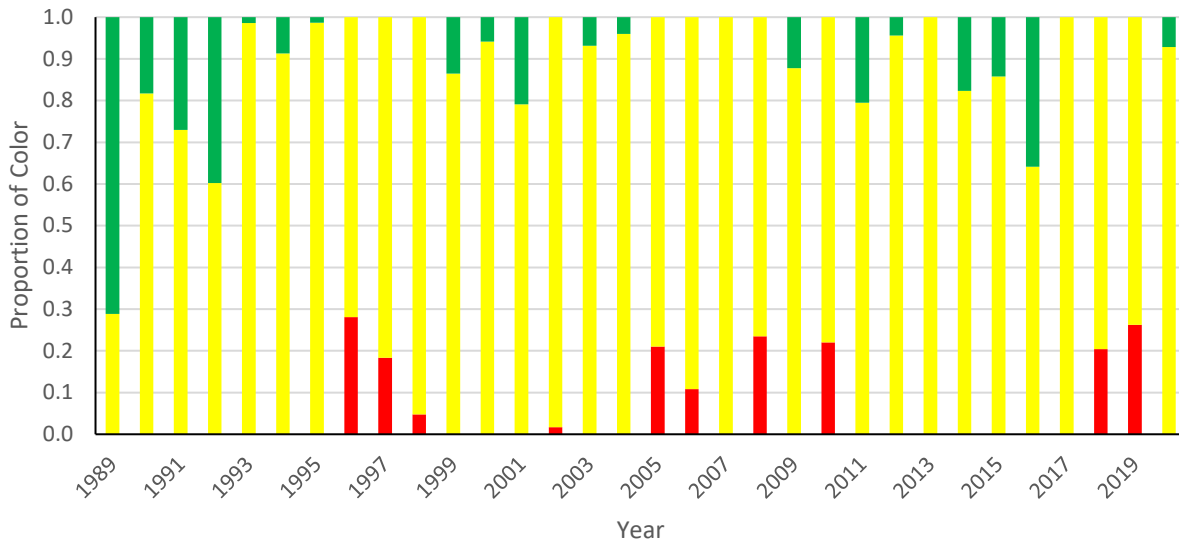
Figure 9. Annual TLA color proportions for Atlantic croaker from the Mid-Atlantic (NJ-VA) coast recreational harvest of the U.S. based on a 2002-2012 reference period



4.3.2 South Atlantic

- The recreational harvest index for the South Atlantic increased 76.5% in 2020 to 758.1 metric tons from 429.5 metric tons in 2019.
- This was the first increase in recreational landings in the South Atlantic in the past two years with no red proportion in 2020 (Figure 10).

Figure 10. Annual TLA color proportions for Atlantic croaker for the South Atlantic (NC-FL) recreational harvest of the U.S. based on a 2002-2012 reference period



5 TRAFFIC LIGHT ANALYSIS (FISHERY-INDEPENDENT SURVEYS)

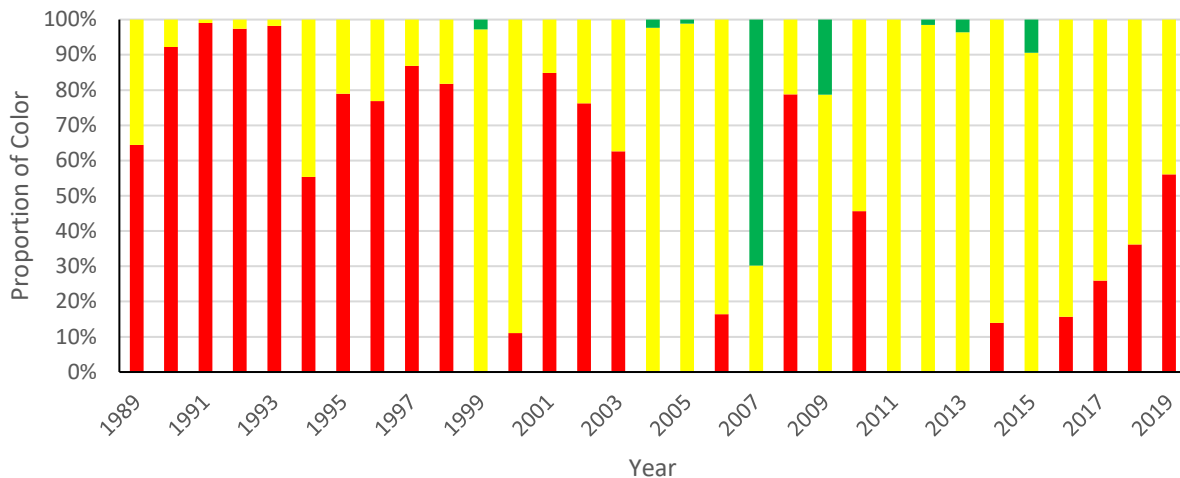
**Important note:

The ChesMMAP survey has not completed the calibrations necessary to convert the 2019 and 2020 index values that would allow full use of the entire time series after the vessel and gear changes that occurred in 2019 (see Section 3.2). ChesMMAP was able to sample in 2020, so once calibration exercises are complete the index data should be available in 2022. As discussed in the Introduction, the NEFSC fall groundfish survey and SEAMAP are only presented through 2019 due to impacts from the pandemic, and ChesMMAP only goes through 2018 in this report.

5.1 NEFSC Fall Groundfish Survey

- The index value for 2019 was 269.8 fish per tow and represented a 31.5% decrease from 2018 (394.0 fish per tow).
- The NEFSC was not carried out in 2017 due to mechanical problems with the RV Bigelow. An imputed index for 2017 was calculated as the mean of 2015-2016 and 2018 (Figure 11).
- The index has been below the long term mean (452.7 fish per tow) for the past four years.
- The general trend for the index has been declining since the series peak in 2007.
- The red proportion of the TLA has exceeded the 30% threshold for the last two years with the 3 year red proportion average being 39.4%.

Figure 11. Annual TLA color proportions for Atlantic croaker from NEFSC ground-fish trawl survey based on 2002-2012 reference period



5.2 ChesMMAP Survey

- The ChesMMAP survey made major changes to the survey in 2019 (vessel change, gear change, altered protocols, etc.) but maintained the same sampling strata and design. Side-by-side comparison tows were made between the new and old vessels/gears and the survey is in the process of producing conversion factors by species so that historic survey index values can be compared to ongoing survey values in the future. Since the conversion factor determination won't likely be finished until the end of 2021, the ChesMMAP index is only available through 2018 for the adult and juvenile TLA composite characteristics.
- The overall declining trend in catch of Atlantic croaker was evident in both the adult (age 2+) and juvenile (ages 0-1) indices, although the adult index was higher than the juvenile index in the early years of the survey (Figure 12 and Figure 13). The series peak for juveniles occurred in 2007 and the series peak for adults occurred in 2004. Since 2008 abundances for both age groups have remained relatively low.
- The TLA reflected these trends with high proportions of red since 2008 (Figure 12 and Figure 13).
- Proportionately, the decline was slightly greater for juveniles than for adults in recent years.

Figure 12. ChesMMAP survey annual TLA color proportions for Atlantic croaker ages 0-1 using a 2002-2012 reference period

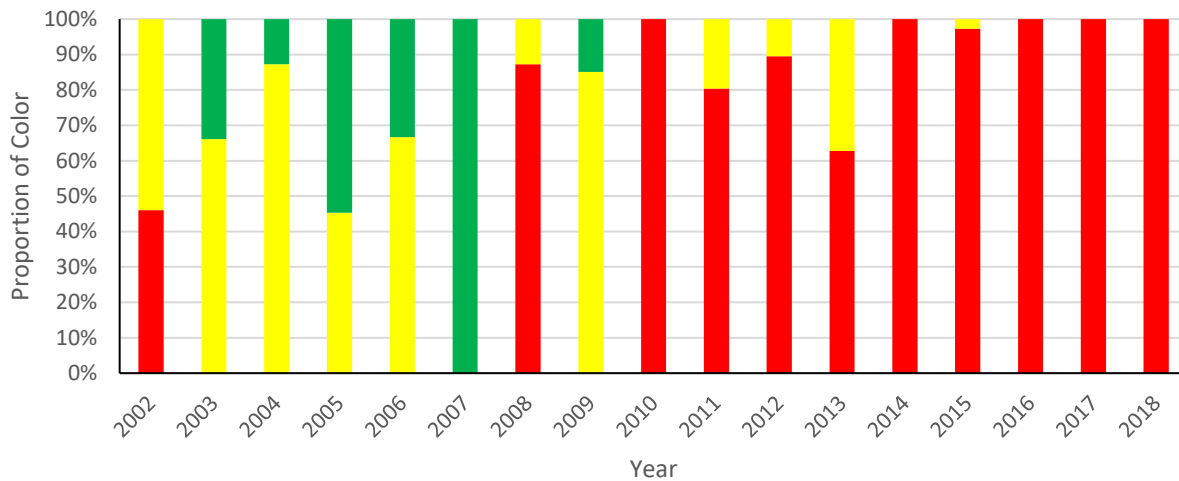
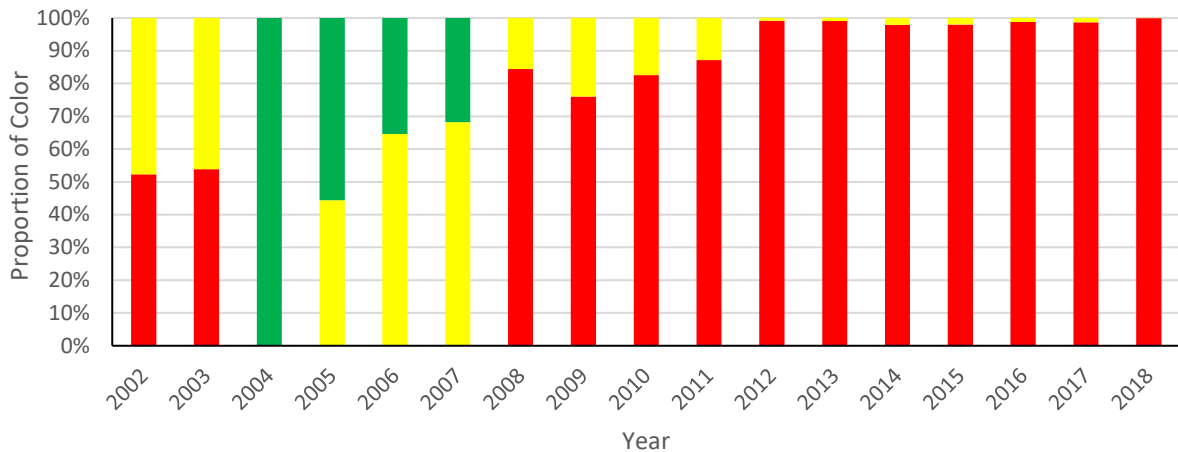


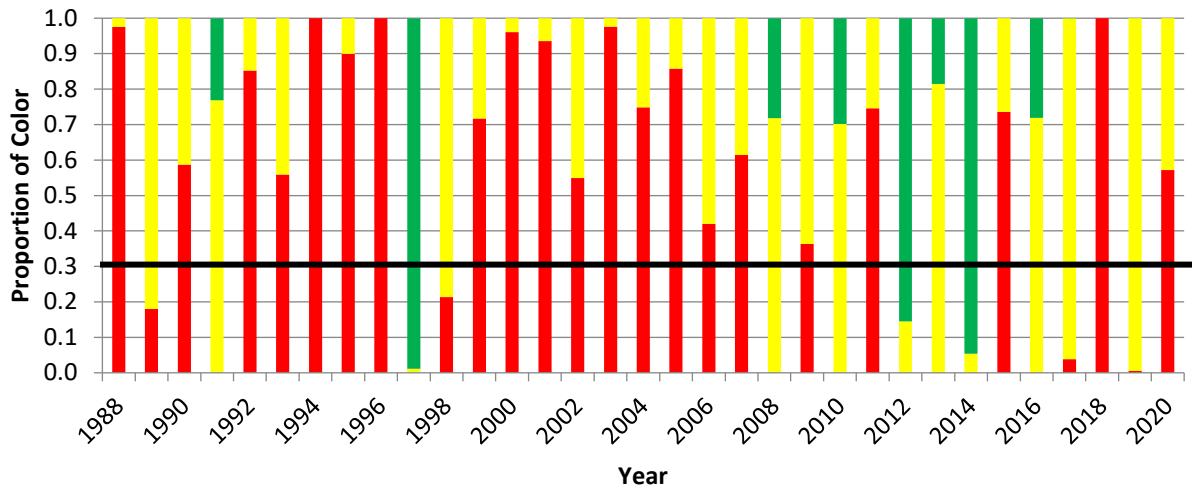
Figure 13. ChesMMAP survey annual TLA color proportions for Atlantic croaker ages 2+ using a 2002-2012 reference period



5.3 VIMS Survey

- Due to COVID-19 restrictions, no sampling occurred in April or May 2020 and June sampling was limited to Bay and York River only. However, the index was still calibrated using April - June with the limited sampling in 2020 taken into account so that the index for the entire time series could be utilized for the TLA. The VIMS juvenile trawl survey uses the relative catch levels of 1-year-old juvenile croaker as the proxy for the previous year's recruitment index.
- The VIMS index showed a decrease (54.8%) in 2020 from 2019 going from 15.6 fish per tow in 2019 to 7.05 fish per tow in 2020. High variability in the TLA color proportions was likely due to annual recruitment variations, which would not be uncommon for a juvenile index (Figure 14).
- The index value was below the long term mean in 2020 with a red proportion of 57.2%. However, the index would not have tripped the TLA trigger in 2020 since the red proportion was not above the 30% threshold for 3 of the previous 4 years.

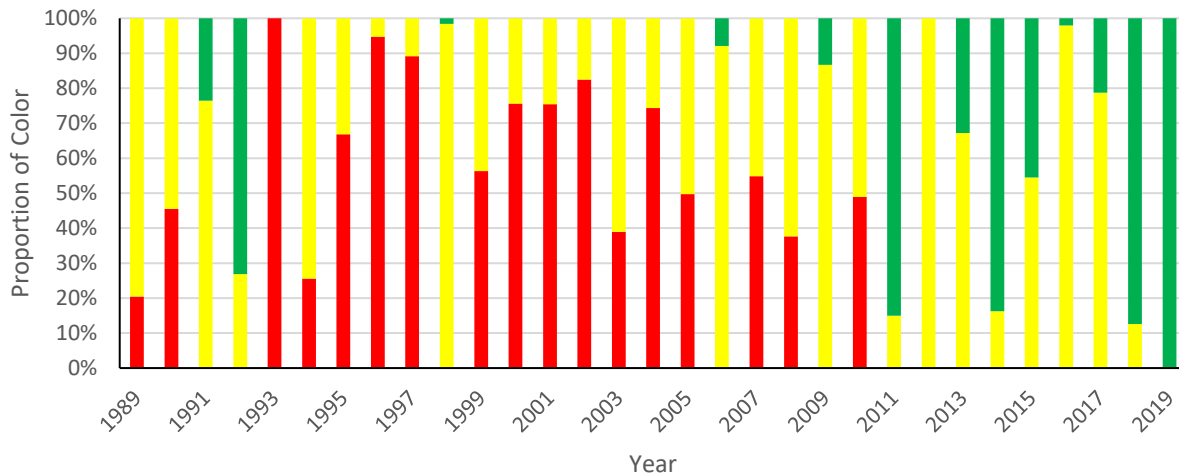
Figure 14. Annual TLA color proportions for age zero Atlantic croaker from VIMS spring trawl survey using 2002-2012 reference period



5.4 SEAMAP Survey

- The SEAMAP survey index used was for the spring season when adult Atlantic croaker (ages 2+) are captured.
- The SEAMAP index increased 12.7% in 2019 (34.7 kg/tow) from 2018 (30.7 kg/tow).
- Index values have remained above the long term mean since 2011 so there was no red in the TLA for recent years (Figure 15).
- The TLA trigger for the SEAMAP survey did not trip in 2019.

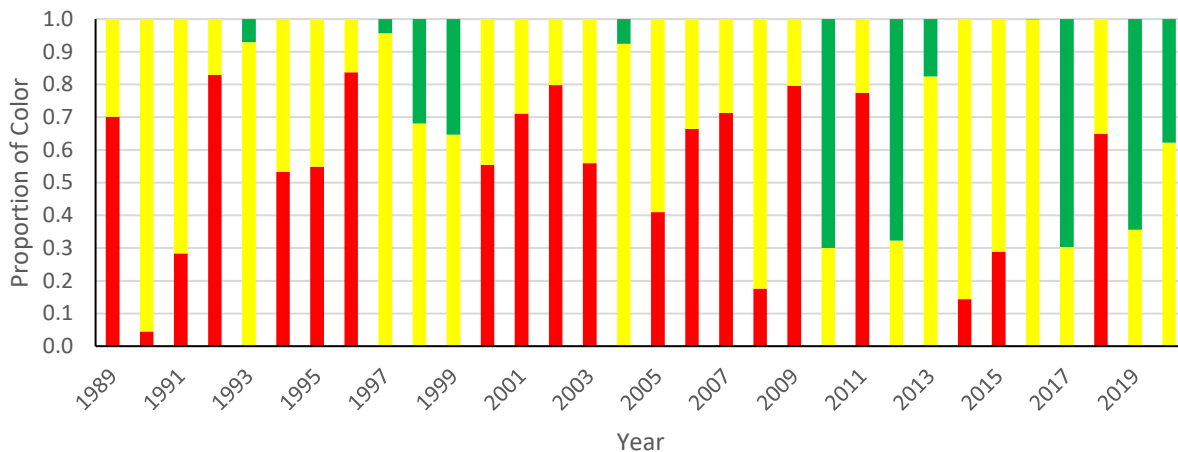
Figure 15. Traffic Light Analysis for SEAMAP catch data by weight in spring using a 2002-2012 reference period



5.5 North Carolina Program 195

- The North Carolina index declined in 2020 (27.6%) to 804.3 fish/tow (versus 1,110.8 fish/tow in 2019) and was still well above the long term mean (290.3 fish per tow) resulting in a green proportion of 37.8% in the TLA (Figure 16).
- While there was a decrease in CPUE, there was still a relatively high green proportion, likely indicating recruitment remained strong in 2020.
- Note sampling during June 2020 was limited to day trips and only the sites accessible from a nearby port were sampled which primarily included the river strata (Neuse River, Pamlico River, and Pungo River) and those sites close to the mouth of the rivers. A total of 28 stations were towed during the June 2020 (54 stations are sampled each June under normal conditions).

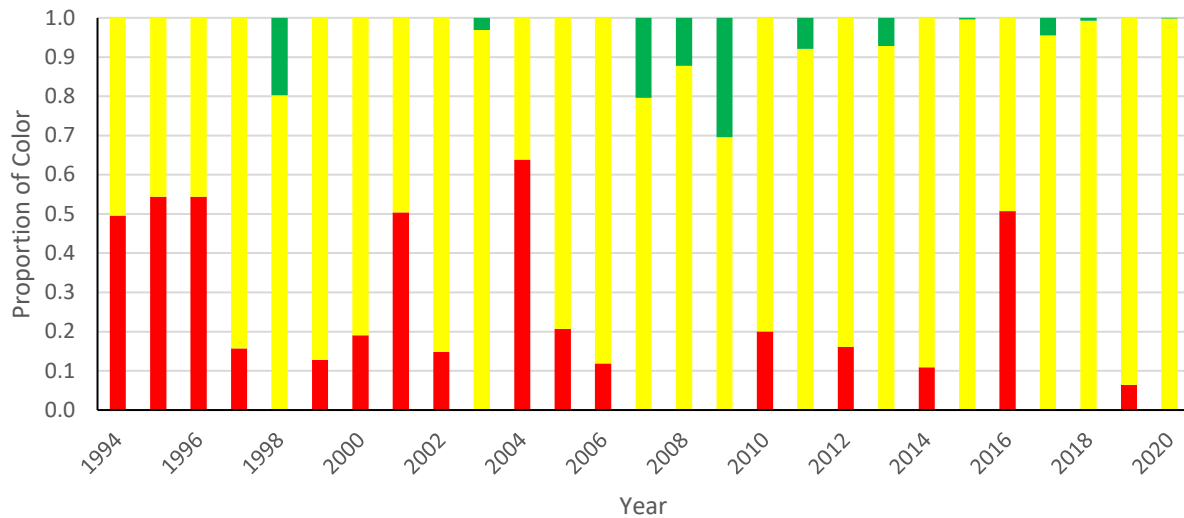
Figure 16. NCDMF Program 195 TLA color proportions for juvenile Atlantic croaker using 2002-2012 reference period



5.6 SCDNR Trammel Net Survey

- The SCDNR trammel index increased 12.9% in 2020 (1.52 fish per set) compared to 2019 (1.35 fish per set). Annual CPUE has been variably above and below the long term mean (1.34 fish per set) since 2009, indicated by annual alterations between red and green proportions in the TLA (Figure 17).
- The 2020 index value was only just above the long term mean.

Figure 17. SCDNR trammel net survey TLA color proportions for Atlantic croaker using a 2002-2012 reference period.



5.7 Juvenile Composite Indices

- The juvenile composite TLA (Figure 18) for the mid-Atlantic is only shown through 2018 since that was the latest year available for ChesMMAP. The VIMS survey was available through 2020 and is in the Fishery Independent survey section above (Section 5.3).
- The juvenile composite TLA characteristic (Figure 18) for the mid-Atlantic in 2018 was above the 60% red threshold using ChesMMAP and VIMS and was the 9th year above the 30% threshold. The Mid-Atlantic juvenile composite index likely triggered in 2019 and 2020 regardless of whether index values had been available since it met the threshold of triggering in three of the previous four years.
- The high red proportions in recent years are indicative of continued poor Atlantic croaker recruitment in the Mid-Atlantic region.
- The juvenile index for the South Atlantic TLA composite characteristic was the NC Program 195 and it did not trigger in 2020 with three of the four terminal years showing green proportions in the index (Figure 19).

Figure 18. Juvenile croaker (ages 0-1) TLA composite characteristic index for the Mid-Atlantic (ChesMMA and VIMS through 2018)

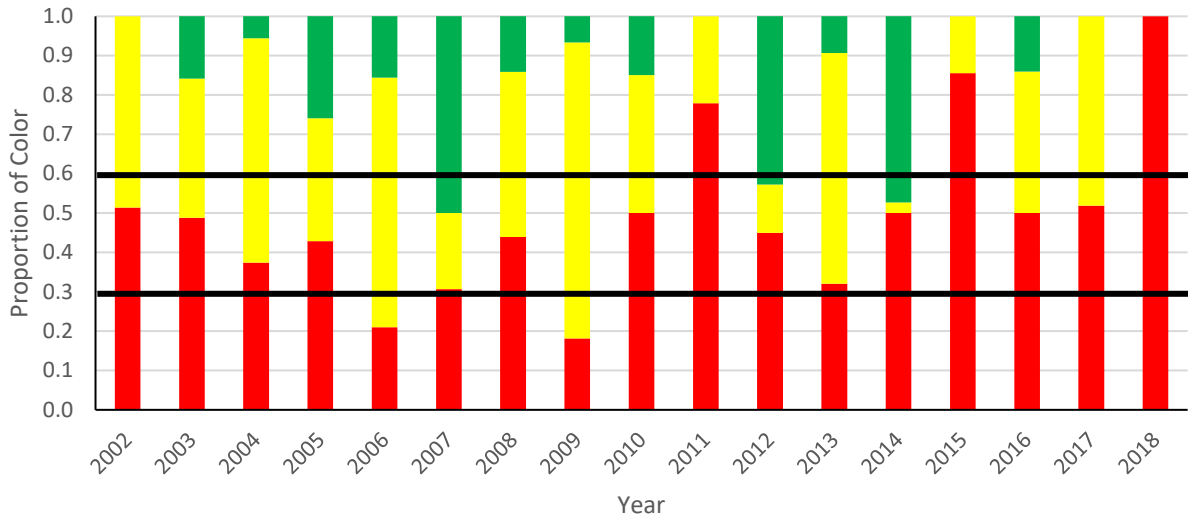
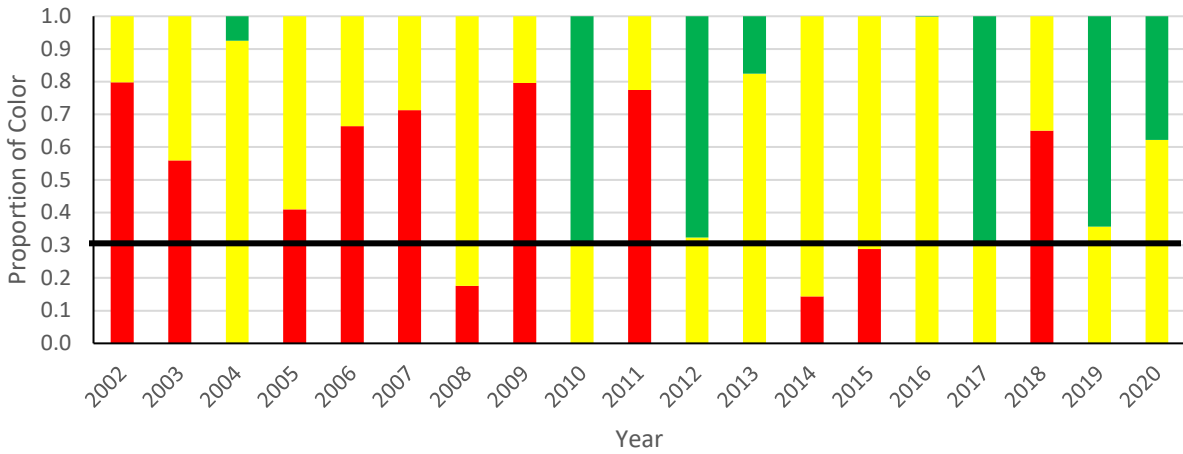


Figure 19. Juvenile (ages 0) Atlantic croaker index for the South Atlantic using NCDMF Program 195.



6 SUPPLEMENTAL MATERIAL

6.1 NEAMAP Survey

One additional survey that is available in the Mid-Atlantic is the Northeast Area Monitoring and Assessment Program (NEAMAP) which samples from Block Island Sound south to Cape Hatteras. The NEAMAP survey has been considered for use in the TLA but is currently not used due to the shorter time frame (2007-2020) compared to the other surveys. This survey may come into use with the TLA once it reaches a 15 year sampling time span, which corresponds approximately to the max life span of Atlantic croaker, but that will likely have to wait until the next stock assessment. This section describes the trends in the NEAMAP survey and gives composite characteristics that include NEAMAP.

- Juvenile recruitment has been on a declining trend since 2012 as indicated by high red proportions above the 60% threshold for the last five years (Figure 20). This trend continued in 2020 with a red proportion of 69.5%.
- This corresponds well with the decline seen in the ChesMMAP survey for juveniles in recent years as well.
- The adult Atlantic croaker index for NEAMAP also showed a declining pattern in recent years (Figure 21), although not as much of decline as that seen in the juvenile fish.
- The NEAMAP survey TLA would have triggered in 2020 for adult fish with red proportions above the 30% threshold for three of the four previous years (Figure 21). Red proportions in 2019 and 2020 exceeded the 60% threshold as well.

Figure 20. Juvenile (ages 0-1) TLA color proportions for Atlantic croaker from NEAMAP survey using a 2007-2019 reference period

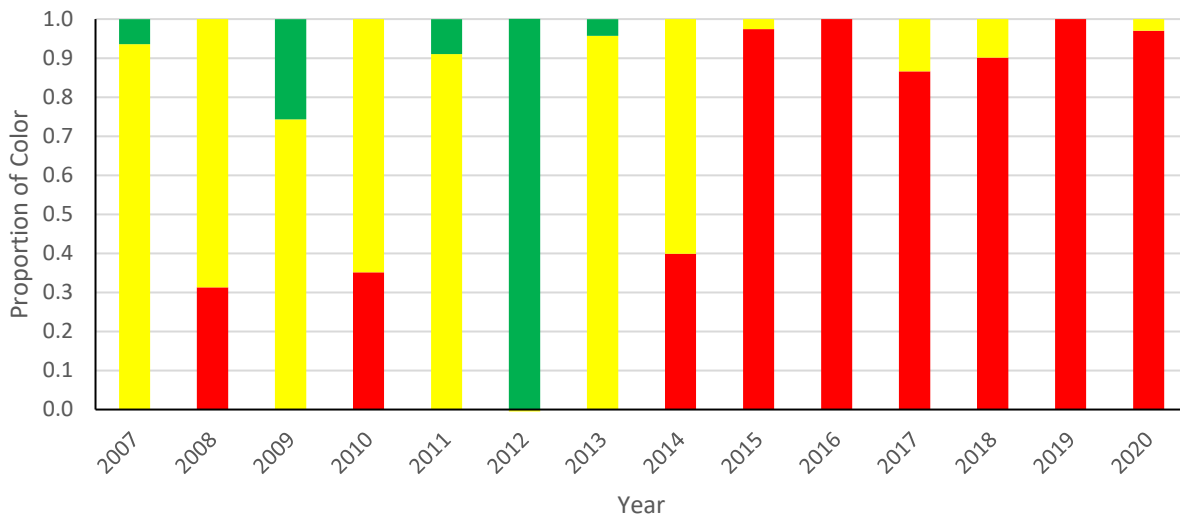
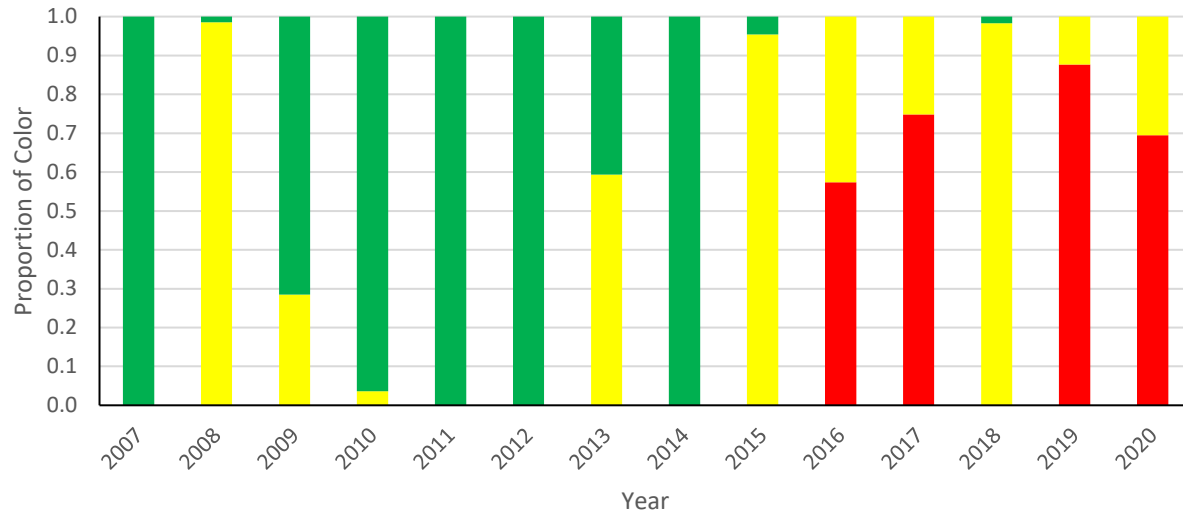


Figure 21. Adult (ages 2+) TLA color proportions for Atlantic croaker from the NEAMAP survey using a 2007-2019 reference period



6.2 Composite TLA Characteristic for Mid-Atlantic including NEAMAP

In order to generate the composite TLA index that included NEAMAP in the Mid-Atlantic, the other Mid-Atlantic indices (NEFSC, ChesMMAP, VIMS) had to be recalculated using the common time period of all three surveys (2007-2019) in order to have a common reference. However, since both the NEFSC and ChesMMAP indices were not available in 2020 due to COVID-19 impacts, NEAMAP was the only available regional index in 2020. Additionally, the VIMS survey was not available in 2019, also due to COVID-19, so the juvenile TLA for 2020 only uses NEAMAP.

- The addition of NEAMAP to the Mid-Atlantic TLA composite characteristic for juvenile Atlantic croaker showed the same general trend of declining recruitment and high levels (> 60%) of red in recent years (Figure 22). While the composite only went through 2018 in order to correspond to data available from the ChesMMAP and VIMS surveys, red proportions were still above 60% for just the NEAMAP survey (Figure 22).
- The adult Atlantic croaker composite characteristic for the Mid-Atlantic with NEAMAP included also showed increasing proportions of red and would have triggered in 2019 at the 30% threshold (Figure 23).

6.3 Summary

The addition of the NEAMAP survey to the Mid-Atlantic composite characteristics supports trends seen with the other indices used in the composite characteristic. The only limitation on the NEAMAP survey is a more limited time frame compared to the other surveys. The TC might consider adding the NEAMAP survey to the Traffic Light Analysis after the next scheduled benchmark assessment for Atlantic croaker and re-evaluate the use of the NEFSC survey for use in the TLA. The impact of COVID-19 in 2020 on the different fishery independent surveys and

the availability of the fully calibrated ChesMMAp index also makes it a good idea to wait on making changes on the TLA until report year 2022.

Figure 22. Juvenile Atlantic croaker (ages 0-1) TLA composite characteristic index for the Mid-Atlantic through 2018 using NEAMAP and VIMS with a 2007-2019 reference period

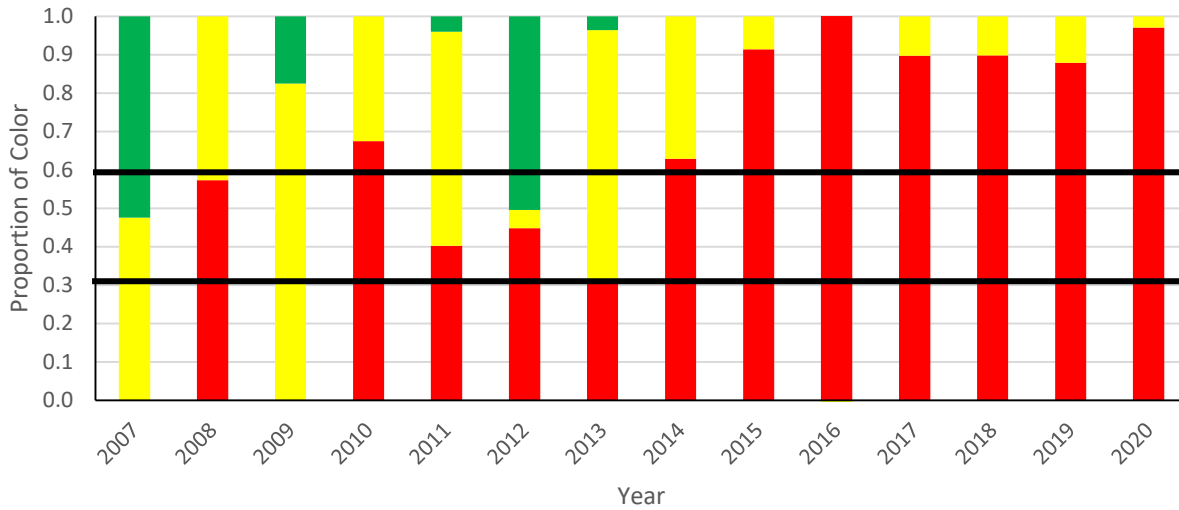
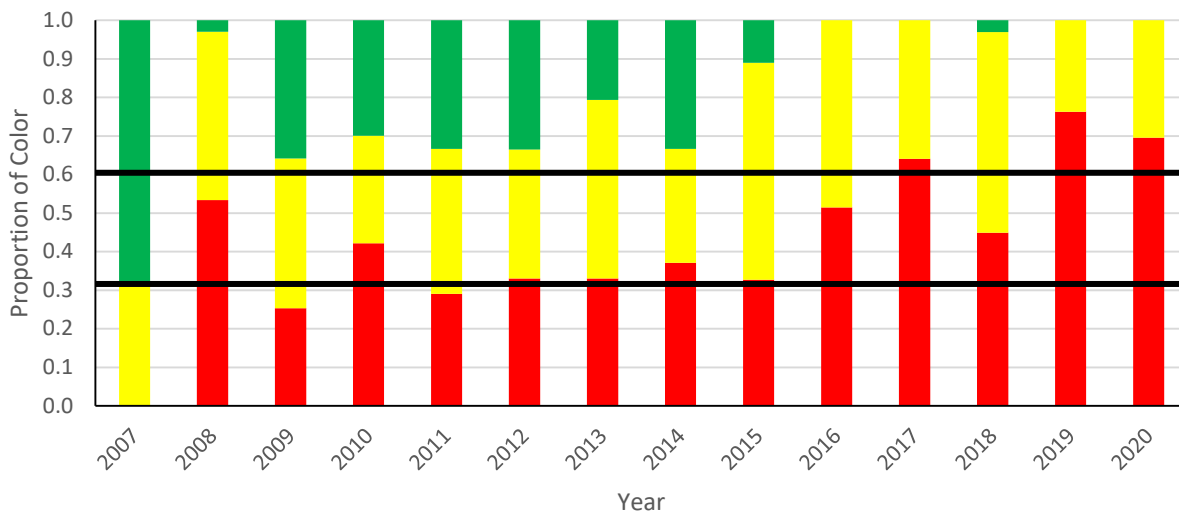


Figure 23. Adult Atlantic croaker (ages 2+) TLA composite characteristic index for the Mid-Atlantic (NJ-VA) through 2018 using NEFSC, NEAMAP and ChesMMAp (2007-2018), NEFSC and NEAMAP (2019) and NEAMAP only (2020) with a 2007-2019 reference period





Atlantic States Marine Fisheries Commission

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MEMORANDUM

July 16, 2021

To: Sciaenids Management Board

From: Savannah Lewis, FMP Coordinator

RE: Discussion of the next stock assessment and application of a Traffic Light Analysis for black drum

Attendees: Harry Rickabaugh (Chair, MD), Chris McDonough (SC), Chris Stewart (NC), Craig Tomlin (NJ), Ethan Simpson (VA), Jordan Zimmerman (DE), Ryan Harrell (GA), Shanae Allen (FL)

Staff: Savannah Lewis, Jeff Kipp

This memorandum serves as a summary of the Black Drum Technical Committee (TC) call on April 29, 2021. The following outlines the TC's discussion, consensus statements, and recommendation for the Board's consideration regarding the next stock assessment and the use of a Traffic Light Analysis (TLA) for monitoring black drum.

Background

Black drum is considered a data-poor species, and the previous assessment approved for management use in 2015 relied on data-poor, catch-based modeling methods. Recreational catch (harvest and discards) and, to a lesser extent, commercial landings were important components of the assessment. Limited size and age composition data have been collected, and black drum rarity and complex migratory patterns lead to highly variable levels of encounter in fishery independent-surveys and fisheries. In 2019, the TC met to review available data and recommended the Board consider postponing the scheduling of the next assessment until 2022.

During the annual FMP Review process in 2020, the Black Drum Plan Review Team (PRT) recommended the Sciaenid Management Board (Board) consider the use of a TLA to evaluate stock status in the absence of an updated stock assessment. The TLA is a statistically-robust analysis to incorporate multiple data sources (both fishery -independent and -dependent) into a single, easily understood metric for management advice. It is often used for data-poor species, or species which are not assessed on a frequent basis. Due in part to a lack of new data, the stock assessment was postponed in 2019. The Board tasked the TC to evaluate the feasibility of a black drum TLA if the stock assessment was delayed again and provide a report at the August 2021 meeting.

M21-076

Call Summary

- Staff presented MRIP values, both calibrated historical estimates and the new estimates since the TC meeting in 2019. The trends in catch are similar through time between the uncalibrated and calibrated estimates. Likely, the revised MRIP numbers would impact the scale of the population estimate and reference points to a greater degree than the trends.
- Each state TC member presented available state commercial landings and survey data. Members discussed the different surveys, as well as patterns in the data sets and any changes in recent years. Few fishery-independent surveys regularly encounter black drum, and the majority of biological data comes from fishery dependent sampling. Some states have reported an increase in charter trips targeting black drum. New information that could be used include tagging data, observer data, and charter logbook data.
- The TC Chair presented information about a TLA and a stock assessment, including pros and cons of each for the TC discussion on the appropriate next step for black drum management advice. For example, a benchmark stock assessment has the potential to improve the prior model or use new methodology due to increased years of data, but the lack of new and updated data may prevent a stock assessment from advancing from data poor assessment approaches. A TLA can provide updates to the Board that are easier to generate and interpret, but there are no good coastwide surveys and potential problems setting the red proportion triggers. The TC discussed the benefits and drawbacks of both with the presented available state data.

TC Consensus Statements

- Since 2013 there has been an increase in the proportion of released alive black drum, as well as a larger average size of black drum landed in the recreational fishery. The TC attributes these changes to the minimum size limit implemented through the FMP. Additionally MRIP data indicates there has been an increase in recreational fishing trips targeting black drum in recent years. The TC attributes this change to anglers shifting away from targeting other popular species for a variety of reasons including depleted weakfish stocks, increased minimum sizes and truncated seasons for summer flounder, and the truncation of spring fishing seasons for Tautog.
- Since the last stock assessment was completed in 2014, calibrated MRIP numbers have been released for the full time series. The biological reference points and management criteria developed through that assessment were calculated based on uncalibrated MRIP values.
- The use of a 'Guardrails' approach, such as stock indicators, or empirical metrics, could potentially be developed during or after the stock assessment process to monitor the stock between future stock assessments. The selected 'Guardrails' should be easily applied, take minimal time to complete, and reviewed annually in some formal process or structure.
- If a TLA is to be developed for black drum, the current reference points need to first be updated with the revised MRIP data. The TC discussed that a benchmark stock

assessment should come before a TLA, even if the assessment is just an update of the current, data-poor model.

Recommendation

The TC recommends not pursuing a black drum TLA at this time, and instead devote that time to conducting the already scheduled benchmark stock assessment to be completed in 2022. The TC indicated it is important to develop reference points which include the revised MRIP data, and to develop stock indicators to monitor the resource between stock assessments. Additionally, the next assessment will help provide information for the Board's consideration of management triggers, a critical component in the development of a TLA.

The TC notes there continues to be limited available data including, but not limited to, length and age composition, sex, growth, movement, selectivity, discards, and catch-and-release mortality rates— which are important components for modeling the resource. Additionally, there is no coastwide fishery-independent survey that regularly encounters black drum. Without this information the recommended 2022 benchmark assessment and future assessments will likely continue to rely on data-poor modeling approaches again or be delayed until the TC determines there is a reason for an updated assessment, such as selected indicators indicating concerning trends.

For more information, please contact Savannah Lewis, Fishery Management Plan Coordinator, at 703.842.0740 or slewis@asmfc.org.

Atlantic States Marine Fisheries Commission

Executive Committee

*August 4, 2021
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 May 2021
3. Public Comment
4. CARES “The Act” Update (*R. Beal*)
5. Report from Administrative Oversight Committee (*S. Woodward*)
6. Discuss Annual Meeting Attendance and Future Meeting Formats (*R. Beal*)
7. Discuss Pending Shark Finning Legislation (*R. Beal*)
8. Other Business/Adjourn

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

**Virtual via GoToMeeting
Arlington, VA
May 5, 2021**

INDEX OF MOTIONS

1. **Approval of Agenda by Consent. (Page 2)**
2. **Approval of Meeting Summary from February 3, 2021 by Consent. (Page 2)**
3. **“On behalf of the AOC, I move approval of the FY21 Budget as presented.” (Mr. Woodward on behalf of the AOC) Motion passed unanimously. (Page 2)**
4. **On behalf of the Administrative Oversight Committee, move approval of the Statement of Investment Policy Guidelines. (Mr. Woodward on behalf of the AOC) Motion was tabled until the Summer Meeting. (Page 2)**
5. **Adjournment by Consent (Page 2)**

ATTENDANCE

Committee Members

Pat Keliher, ME	Kris Kuhn, PA
Cheri Patterson, NH	John Clark, DE
Dennis Abbott, NH (LA Chair)	Roy Miller, DE (GA Chair)
Dan McKiernan, MA	Bill Anderson, MD
Jason McNamee, RI	Steve Bowman, VA
Justin Davis, CT	Chris Batsavage, proxy for Kathy Rawls, NC
Jim Gilmore, NY	Mel Bell, proxy for Phil Maier, SC
Joe Cimino, NJ	Spud Woodward, GA

Other Commissioners/Proxies

David Borden, RI (GA)	Robert LaFrance, CT (GA Proxy)
Maureen Davidson, NY (AA Proxy)	Mike Luisi, MD DNR
Tom Fote, NJ (GA)	Sen. Dave Miramant, ME (LA)
Pat Geer, VA (AA Proxy)	Eric Reid, RI (LA Proxy)
Doug Haymans, GA (AA)	Malcolm Rhodes, SC (GA)
Bill Hyatt, CT (GA)	Megan Ware, ME (AA Proxy)
Raymond Kane, MA (GA)	Ritchie White, NH (GA)

Staff

Bob Beal	Dustin Colson Leaning
Laura Leach	Toni Kerns
Kristen Anstead	Savannah Lewis
Lindsey Aubart	Kirby Rootes-Murdy
Pat Campfield	Sarah Murray
Lisa Carty	Deke Tompkins
Emilie Franke	Geoff White
Chris Jacobs	

Others

Karen Abrams, NOAA
Pat Augustine, Coram, NY
Joe Ballenger, SC DNR
Ellen Bolen, VMRC
Jamie Botinovch
Colleen Bouffard, CT DEEP
William Brantley, NC DENR
Jeff Brust, NJ DEP
Allison Colden, CBF
Julie Evans
Peter Fallon, Maine Stripers
Cynthia Ferrio, NOAA
Alexa Galvan, VMRC
Deidre Gilbert, ME DMR
Angela Giuliano, MD DNR
Zach Greenberg, Pew Trusts
Jeff Kaelin, Lund's Fisheries
Wilson Laney

Dee Lupton, NC DENR
Chip Lynch, NOAA
Shanna Madsen, VMRC
Nichola Meserve, MA DMF
Steve Meyers
Mike Millard, US FWS
Chris Moore, CBF
Clint Morgeson, VA DWR
Daniel Namur, NOAA
Jeff Nichols, ME DMF
Derek Orner, NOAA Fisheries
Jill Ramsey, VMRC
Story Reed, MA DMF
Jared Silva, MA DMF
Somers Smott, VMRC
Chris Wright, NOAA
Renee Zobel, NH F&G

CALL TO ORDER

The Executive Committee of the Atlantic States Marine Fisheries Commission convened virtually via a GoToMeeting webinar May 5, 2021. The meeting was called to order at 8:00 a.m. by Chair Pat Keliher.

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PROCEEDINGS

The summary minutes from the February 3, 2021 meeting were approved as presented

PUBLIC COMMENT

There was no public comment.

REPORT OF THE ADMINISTRATIVE OVERSIGHT COMMITTEE (AOC)

Mr. Woodward presented the report of the AOC. The AOC reviewed the proposed FY22 Budget and forwarded it to the Executive Committee with the following motion: **On behalf of the Administrative Oversight Committee, move approval of the FY22 Budget.** Motion by Spud Woodward. Motion passed unanimously.

The Statement of Investment Policy Guidelines (IPG) was reviewed by the AOC and forwarded to the Executive Committee with the following motion: **On behalf of the Administrative Oversight Committee, move approval of the Statement of Investment Policy Guidelines.** Motion by Spud Woodward. The Committee discussed the revised IPG and received questions about the intent of the IPG. The Chair suggested the AOC further discuss the IPG and report back to the Executive Committee at the Summer Meeting. With the possibility of further revisions to the IPG, the Vice-Chair proposed tabling the motion to approve until the Summer Meeting.

UPDATE ON ALLOCATION WORK GROUP

Mr. Beal provided a brief overview of the Allocation Work Group (AWG). Eleven members have been appointed and the first AWG meeting is scheduled to be held on May 13th. It is anticipated there will be several additional meetings of the AWG to work through the issues raised during previous Executive Committee meetings.

CARES ACT (ROUND 2) UPDATE

Mr. Beal provided a brief overview of the second round of CARES assistance, technically known as the Consolidated Appropriations Act of 2021, or The Act. Clarification was provided by NOAA Staff Karen Abrams and Dan Namur regarding the September 30, 2021 date. According to The ACT, the funds must be obligated by this date, and Congress prefers the funds are disbursed by this date, but the funds will not revert if not spent by the states by 9/30/21. NOAA will provide a list of projects, other than direct payments to individuals or businesses, that can be undertaken with The Act funds, but the list will not be exhaustive, so states are encouraged to develop their spend plans as they deem appropriate.

FUTURE ANNUAL MEETINGS

Mrs. Leach provided an update on future Annual Meetings, with plans to hold the 80th Annual Meeting in Long Branch, NJ, October 18-21, 2021. Future Annual Meetings will be conducted in North Carolina (2022), Maryland (2023), and Delaware (2024).

ADJOURN

The Executive Committee adjourned at 9:30 a.m. to go into a closed session to conduct the Executive Director's review.

Atlantic States Marine Fisheries Commission

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board concurrent with the Mid-Atlantic Fishery Management Council

*August 4, 2021
10:15 a.m.–12:15 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/Call to Order (<i>A. Nowalsky</i>) | 10:15 a.m. |
| 2. Board Consent | 10:15 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2021 | |
| 3. Public Comment | 10:20 a.m. |
| 4. Consider ISFMP Policy Board Directive for Changes to Addendum XXXIII: Black Sea Bass Commercial Allocation Final Action | 10:30 a.m. |
| 5. Consider Fishery Management Plan Reviews and State Compliance for the 2020 Fishing Year for Summer Flounder, Scup, and Black Sea Bass (<i>D. Colson Leaning/S. Lewis</i>) Action | 11:45 a.m. |
| 6. Other Business/Adjourn | 12:15 p.m. |

MEETING OVERVIEW

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board concurrent with the Mid-Atlantic Fishery Management Council

August 4, 2021

10:15 a.m. – 12:15 p.m.

Webinar

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (MD)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: April 6, 2021
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider ISFMP Policy Board Directive for Changes to Addendum XXXIII: Black Sea Bass Commercial Allocation (10:30-11:45 a.m.) Final Action

Background

- At the May 2021 meeting of the Commission’s ISFMP Policy Board, the state of New York filed an appeal for Section 3.1.1 of Addendum XXXIII regarding baseline quota allocations. The Policy Board found New York’s appeal justified and remanded Section 3.1.1. Baseline Quota Allocations, back to the Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York’s baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound (see draft ISFMP Policy Board Minutes in briefing materials).
- Based on the Policy Board motion corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a decrease in Connecticut’s baseline allocation to less than 3% or decrease the percentage of quota redistributed according to regional biomass

Presentations

- Staff will present Policy Board decision and direction for Board.

Board Actions for Consideration

- Final approval of change section 3.1.1 of Addendum XXXIII

5. Consider Fishery Management Plan Reviews and State Compliance for the 2020 Fishing Year for Summer Flounder, Scup, and Black Sea Bass (11:45-12:15 p.m.) Action**Background**

- Summer Flounder, Scup, and Black Sea Bass state compliance reports are due on June 1. The SFSBSB Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. (**Supplemental Materials**)

Presentations

- 2020 FMP Reviews for Summer Flounder, Scup, and Black Sea Bass by D. Colson Leaning and S. Lewis

Board Actions for Consideration

- Consider approval of the 2020 FMP Reviews and state compliance reports.

6. Other Business/Adjourn

Summer Flounder, Scup, & Black Sea Bass 2021 TC Tasks

Activity level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- July 2021: Develop recommendations on 2022 specifications (coastwide quota and RHLs) and commercial management measures for summer flounder, scup and black sea bass
- November 2021: Meeting on 2022 recreational measures

TC Members: Greg Wojcik (CT, TC Chair), Julia Beaty (MAFMC), Peter Clarke (NJ), Dustin Colson Leaning (ASMFC), Karson Coutre (MAFMC), Kiley Dancy (MAFMC), Lorena de la Garza (NC), Steve Doctor (MD), Emily Keiley (NOAA), Jeff Kipp (ASMFC), Alexa Kretsch (VA), Savannah Lewis (ASMFC), John Maniscalco (NY), Gary Shepherd (NOAA), Corinne Truesdale (RI), Sam Truesdell (MA), Mark Terceiro (NOAA), Richard Wong (DE)

DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD
AND
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Webinar
February 1, 2021

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair Adam Nowalsky1

Approval of Agenda1

Approval of Proceedings from August 20201

Public Comment.....1

2021 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass1
 Consider State Proposals for Adjusting 2021 Recreational Measures1
 Consider Virginia Proposal for Wave 1 Recreational Black Sea Bass Fishery2

Recess for ISFMP Policy Board & Mid-Atlantic Fishery Management Council (MAFMC) Discussion on
Recreational Management Reform Initiative4

Reconvene as a Joint Meeting with MAFMC4

Consider Addendum XXXIII and Council Amendment on Black Sea Bass Commercial State Allocations for4
Final Approval4

Adjournment.....55

INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May 2020** by Consent (Page 1).
3. **Board Only Motions**
Move to approve the following 2021 recreational conservational equivalency season adjustments: New Jersey summer flounder fishery (May 28 through September 28), and Massachusetts's black sea bass fishery (options A, May 15 – Sept 3, and B, May 22 – Sept 14), and approve Virginia's proposal for adjusting recreational black sea bass measures to account for February harvest (Page 3). Motion by Jim Gilmore; second by Mike Luisi. Motion carried (Page 3).
4. **Board and Council Motions**
Main Motion
Move to Approve:
Modified Option B - Increase CT to 3% and NY to 9%, with the change occurring over 2 years,

Option C - DARA approach, with the following sub options:
 - **Sub-option C1-B: allocations based 50% on stock distribution and 50% on the initial allocations at the end of the transition phase**
 - **Sub-option C2-A: 5% change in weights per adjustment**
 - **Sub-option C3-A: annual adjustment to factor weights**
 - **Modified allocation adjustment cap (C4-A): cap the change in regional allocations at a maximum of 5% per adjustment.**
Regional configuration option G2 – NJ as separate region
Board: Motion by Jason McNamee; second by Emerson Hasbrouck (Page 19).
Council: Motion by Tony DiLernia; second by Maureen Davidson (Page 20).

Motion to Substitute
Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B - Increase Connecticut Quota to 3%; Option D - Trigger Approach, with a trigger of 4 M lbs. (a trigger value between Sub Options D1-A and D1-B); Sub-option D2-B - Distribution of surplus quota based on regional biomass from stock assessment; Sub-option D3-B - Proportional distribution of regional surplus quota; Sub-option D4-A - Static base allocations; Option G - Regional Configuration Options; and Sub-option G2 - Establishing three regions with New Jersey as a separate region.
Board: Motion by John Clark; second by Ellen Bolen (Page 21).
Council: Motion by Ellen Bolen; second by Joe Cimino (Page 21).

Motion to Amend Substitute Motion
Move to amend the substitute motion option b: "increase Connecticut's base allocation to 3% and New York's base allocation to 9%."
Board: Motion by David Borden; second by Justin Davis. Motion fails for lack of a majority (5 in favor, 6 opposed, 1 abstention) (Page 30).
Council: Motion by Dan Farnham; second by Tony DiLernia (Page 30).

INDEX OF MOTIONS (continued)

Motion to Substitute

Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B - Increase Connecticut Quota to 3%; Option D - Trigger Approach, with a trigger of 4 M lbs. (a trigger value between Sub Options D1-A and D1-B); Sub-option D2-B - Distribution of surplus quota based on regional biomass from stock assessment; Sub-option D3-B - Proportional distribution of regional surplus quota; Sub-option D4-A - Static base allocations; Option G - Regional Configuration Options; and Sub-option G2 - Establishing three regions with New Jersey as a separate region.

Board: Motion by John Clark; second by Ellen Bolen (Page 21). Motion fails for lack of a majority (6 in favor, 6 opposed) (Page 38).

Council: Motion by Ellen Bolen (Page 21); second by Joe Cimino.

Main Motion

Move to approve:

Modified Option B – Increase CT to 3% and NY to 9%, with the change occurring over 2 years

Option C – DARA approach, with the following sub options:

- **Sub-option C1-B: allocations based 50% on stock distribution and 50% on the initial allocations at the end of the transition phase**
- **Sub-option C2-A: 5% change in weights per adjustment**
- **Sub-option C3-A: annual adjustment to factor weights**
- **Modified allocation adjustment cap (C4-A): cap the change in regional allocations at a maximum of 5% per adjustment.**

Regional configuration option G2 – NJ as separate region

Board: Motion by Justin McNamee; second by Emerson Hasbrouck (Page 19). Motion fails for lack of a majority (6 in favor, 6 opposed) (Page 37).

Council: Motion made by Mr. DiLernia and seconded by Ms. Davidson (Page 20).

Main Motion

Move to adopt the following options for black sea bass commercial allocations:

- **Modified Alternative B: Increase CT's base allocation to 3% and NY's base allocation to 9%.**
- **Alternative F: Percentage of coastwide quota distributed based on initial allocations:**
- **Sub-alternative F1-B: 75% of the coastwide quota allocated using the initial allocations.**
- **Sub-alternative F2-B: Remaining quota (25%) allocated based on regional biomass from the stock assessment.**
- **Sub-alternative F3-B: Proportional distribution of regional quota.**
- **Sub-alternative G2: Establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC.**

Board: Motion by Nichola Meserve; second by Justin Davis (Page 40).

Council: Motion by Maureen Davidson; second by Dan Farnham (Page 41).

Motion to Amend

Move to amend to modify alternative B to remove "and NY's base allocation to 9%" and add at the end of the motion "to review the state by state allocations in not more than 5 years".

Board: Motion by Chris Batsavage; second by John Clark (Page 42). Motion carried (6 in favor, 5 opposed, 1 abstention) (Page 48).

Council: Motion by Chris Batsavage; second by Joe Cimino. Motion carried (14 in favor, 5 opposed, 1 abstention) (Page 42).

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The Board will review the minutes during its next meeting.

INDEX OF MOTIONS (continued)

Main Motion as Amended

Move to adopt the following options for black sea bass commercial allocations:

- **Modified Alternative B: Increase CT's base allocation to 3%.**
- **Alternative F: Percentage of coastwide quota distributed based on initial allocations:**
- **Sub-alternative F1-B: 75% of the coastwide quota allocated using the initial allocations.**
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- **Sub-alternative F3-B: Proportional distribution of regional quota.**
- **Sub-alternative G2: Establish three regions: 1) ME-NY; 2) NJ; and 3) DE-NC.**

Review the state by state allocations in not more than 5 years.

Board: Motion carried (10 in favor, 2 opposed) (Page 52).

Council: Motion carried (13 in favor, 7 opposed) (Page 52).

5. **Board Only:**

Move to approve Addendum XXXIII, as modified today, with an implementation date of January 1, 2022 (Page 54). Motion by Nichola Meserve; second by Justin Davis. Motion carried with one abstention (NOAA Fisheries (11 in favor, 1 abstention) (Page 53).

6. **Council Only:**

Move to submit the Black Sea Bass Commercial State Allocation Amendment, with identification of the preferred alternatives, to NMFS (Page 54). Motion by Peter defur; second by Joe Cimino. Motion carried (13 in favor, 2 opposed, 3 abstentions) (Page 54).

ATTENDANCE

Board Members

Cheri Patterson, NH (AA)	Tom Fote, NJ (GA)
Ritchie White, NH (GA)	Adam Nowalsky, NJ, Legislative proxy
Nichola Meserve, MA, proxy for D. McKiernan (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Jim Gilmore, NY (AA)	Jerry Mannen, NC (GA)
Emerson Hasbrouck, NY (GA)	Bill Gorham, NC, proxy for Sen. Steinburg (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Mike Pentony, NMFS

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

Ex-Officio Members

Staff

Bob Beal	Dustin Colson Leaning
Toni Kerns	Savannah Lewis
Kristen Anstead	Sarah Murray
Maya Drzewicki	Kirby Rootes-Murdy
Emilie Franke	Mike Rinaldi
Chris Jacobs	Caitlin Starks
Jeff Kipp	Deke Tompkins
Laura Leach	Geoff White

Guests

Dennis Abbott, Newmarket, NH	K. Bradbury, Ofc. Sen. Whitehouse	Peter deFur
Karen Abrams, NOAA	Bonnie Brady	John DePersenaire, RFA
Fred Akers	William Brantley, NC DENR	Greg DiDomenico
John Almeida, NOAA	Delayne Brown, NH F&G	Anthony DiLernia
Bill Anderson, MD (AA)	Jeff Brust, NJ DEP	Steve Doctor, MD DNR
Nathan Andrews, RI DEM	Richard Cody, NOAA	Michelle Duval, MAFMC
Max Appelman, NOAA	Heather Corbett, NJ DEP	Warren Elliott, PA (LA)
Regina Asmutis-Silvia	Morgan Corey, NOAA	Julie Evans
Pat Augustine, Coram, NY	Karson Coutre, MAFMC	Dan Farnham
Richard Balouskus, RI DEM	Jessica Daher, NJ DEP	Lynn Fegley, MD DNR
Julia Beaty, MAFMC	Kiley Dancy, MAFMC	Marianne Ferguson, NOAA
David Behringer, NC DENR	Jessica Daher, NJ DEP	Cynthia Ferrio, NOAA
Rick Bellavance	Maureen Davidson, NYS DEC	James Fletcher
Alan Bianchi, NC DENR	Lorena de la Garza, NC DENR	Tony Friedrich, SGA
Sarah Bland, NOAA	Jeff Deem	Jack Fullmer

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Guests (continued)

Alexa Galvan, VMRC
Angela Giuliano, MD DNR
Kurt Gottschall, CT
Sonny Gwin
Jon Hare, NOAA
Bridget Harner, NOAA
Amalia Harrington, Univ. Maine
Dewey Hemilright
Jay Hermsen, NOAA
Helen Takade-Heumacher, EDF
Rich Hittinger
Asm. Eric Houghtaling, NJ (LA)
Rachel Howland, NC DENR
Peter Hughes
Bob Humphrey
Miluska Olivera-Hyde, USGS
Jeff Kaelin, Lund's Fisheries
Emily Keiley, NOAA
Moirra Kelly, NOAA
Adam Kenyon, VMRC
Tony Kratowicz
Kris Kuhn, PA F&B
Robert LaFrance, Quinnipiac U.
Nicole Lengyel, RI DEM
Scott Lenox
Tom Little, Ofc. Asm. Houghtaling
Paul Lozeau
Pat Geer, VMRC
Chip Lynch, NOAA

John Maniscalco, NYS DEC
Genine McClair, MD DNR
Ashleigh McCord, NOAA
Chris McDonough, SC DNR
Dan McKiernan, MA (AA)
Conor McManus, RI DEM
Mike Millard, FL FWS
Chris Moore, MAFMC
Patrick Moran, MA Env. Police
Jerry Morgan
Wendy Morrison, NOAA
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Kennedy Neill
Gerry O'Neill, Cape Seafoods
Derek Orner, NOAA
Hanna Rose Peralta
Mike Plaia
Chad Power, NJ DEP
Paul Rago
Jill Ramsey, VMRC
Paul Risi, City Univ. of NY
Jessica Ruggieri, URI
Mary Sabo, NOAA
Scott Sakowski, NOAA
John Schoenig
Tara Scott, NOAA
Lewis Gillingham
Matthew Seeley, MAFMC

McLean Seward, NC DENR
Thomas Sminkey, NOAA
Somers Smott, VMRC
Scott Steinback, NOAA
David Stormer, DE DFW
Mark Taylor
Mark Terceiro, NOAA
John Toth, JCIA
Wes Townsend, Dogsboro, DE
Corinne Truesdale, RI DEM
Sam Truesdell, MA DMF
Mike Waine, ASA
Megan Ware, ME DMR
Craig Weedon, MD DNR
Philip Welsh
Peter Whelan
Patrick White
Meredith Whitten, NC DENR
Kate Wilke, TNC
Angel Willey, MD DNR
Sara Winslow
Steven Whitthuhn
Anthony Wood, NOAA
Chris Wright, NOAA
Phil Zalesak
Erik Zlokovitz, MD DNR

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, February 1, 2021, and was called to order at 9:30 a.m. by Chair Adam Nowalsky.

CALL TO ORDER

CHAIR ADAM NOWALSKY: Let's welcome everyone to the winter meeting of the ASMFC. This is the Summer Flounder, Scup, and Black Sea Bass Management Board. This will be Board action only this morning, but we are joined by the Mid-Atlantic Council today. We will have joint actions that will be taken up throughout the day, the Policy Board meeting coming up after this meeting, followed by continuation of this Board meeting for Black Sea Bass Commercial Addendum action, which will be joint actions with the Council.

Welcome everyone! To those being impacted by weather today, be safe. Enjoy, if you like the snow. If not, well put the shades down on that side. This meeting has been called to order.

APPROVAL OF AGENDA

CHAIR NOWALSKY: We'll begin with an approval of an agenda, the agenda that was provided in the meeting materials. We'll note that after we recess this morning, we do plan to reconvene jointly at 12:45, not one o'clock. Are there any other objections to the agenda as provided, or changes?

Seeing no changes and hearing no objections, the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR NOWALSKY: Next, we'll go on to approval of proceedings from the August, 2020 Board meeting. Are there any objections to approval of those proceedings? Okay, I'm not seeing any objections, so those proceedings will stand approved as provided.

PUBLIC COMMENT

CHAIR NOWALSKY: Next, we'll go on to public comment for any actions that are not on this

morning's portion of the agenda, which is state proposals for the 2021 recreational season.

Is there any public comment for anything else that is not on our agenda? Not seeing any hands raised or hearing anything, we will then proceed.

2021 RECREATIONAL MANAGEMENT MEASURES FOR SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

CHAIR NOWALSKY: The next agenda item is a presentation for 2021 Recreational Management Measure changes by a select number of states. We'll turn it over to staff for that, thank you very much.

CONSIDER STATE PROPOSALS FOR ADJUSTING 2021 RECREATIONAL MEASURES

MR. DUSTIN COLSON LEANING: As was just alluded to, this is the Summer Flounder, Black Sea Bass and Recreational Proposals Consideration for the Board. This agenda item was originally an hour and 15 minutes, and it got whittled down to 30 minutes, so I'll keep it very concise and to the point.

We'll just cover the background, give a little perspective on what this process is about, and then we'll cover the proposals to modify recreational fisheries themselves, then followed by the TC recommendations, and then the Board Action today will be considering approval of the proposals. Just to jog your memory, this happened before the holiday break. The joint meeting in December that was hosted by the Council was with the Board as well, and they voted to maintain status quo of summer flounder, scup, and black sea bass recreational measures for 2021. However, there was the exception made where the Board was allowed to have states submit proposals for small adjustments to season for recreational fisheries through the conservation equivalency process.

This would just allow states to add some flexibility, if they wanted to start on a Friday or a Saturday, considering that the dates were set as a number not a day of the week. In all, we received three proposals. Two are going through the conservation

equivalency process, New Jersey and Massachusetts for summer flounder and black sea bass respectively.

Then we have the annual Virginia February fishery proposal for black sea bass, and Savannah will be covering the black sea bass items. I'll launch right into the New Jersey proposal for summer flounder. This proposal is actually very similar to last year's proposal; New Jersey is very keen on opening on the Friday of Memorial Day Weekend, which would mean a May 28 to September 28 season.

This proposal would actually delay the start of the season by six days, compared to the status quo dates of last year, and it would then add nine days to the end of the season to account for the delay. It's not a one-for-one adjustment there, or a day-for-day adjustment, because we estimated effect of moving the season forward by six days would have a greater reduction than six days being added to the end of the season.

When you look at daily harvest rates, computed by taking total landings per wave in numbers of fish, and dividing by the number of days in each wave for each year. Then you get a daily harvest rate for Wave 3 and Wave 5. This analysis found that Wave 3 harvest daily average harvest is greater than Wave 5, using 2018 and 2019 MRIP data.

The proposal ends with just three more days than they would have had last year, but the actual harvest itself is projected to be 0.09 percent lower than harvest done under the status quo season. It's important to note here that all other regulations will be kept consistent. We're only talking about a small seasonal adjustment. Next slide, and Savannah, you can take it from here.

CONSIDER VIRGINIA PROPOSAL FOR WAVE 1 RECREATIONAL BLACK SEA BASS FISHERY

MS. SAVANNAH LEWIS: Now I'm going to review the proposals that we got for black sea bass. We received a proposal from Massachusetts to modify their 2021 recreational black sea bass fishery under conservation equivalency. Traditionally they've had

a Saturday opening. Currently, under status quo, the season will open on a Tuesday.

They came up with two different alternative options to have the season opening on a Saturday. Option A, which opens the Saturday before status quo on May 15, and Option B, which opens the Saturday after status quo on May 22. To account for the shift in season opening, they looked at modified season closure dates.

These dates were calculated using the mean daily harvest rates by wave for 2018 and 2019. The TC ended up approving a combined 2018 and 2019 methodology. Due to the difference in harvest rates for Wave 3 compared to Wave 5, different season openings resulted in different season closures dates. For Option A the season will close on September 3, for a total of 112 days. For Option B the season will close on September 14, for a total of 116 days. All other regulations will be kept consistent, and the options, if approved today, will be taken out for public comment to determine which option Massachusetts will go with. Both options are expected to produce harvest that is similar or less than previous harvest rates. They have to calculate the differences in season closures due to the different harvest rates between Wave 3 and Wave 5.

For Virginia, as Dustin alluded, this is again a traditional opening now for them. They will be opening their recreational black sea bass from February 1 to February 28, as a response to NOAA Fisheries opening in federal waters.

They intend to calculate landings in February from their mandatory angler reporting, and make appropriate season adjustments. Due to the lack of MRIP data in 2020, 2021 harvest will be compared to daily harvest rates by wave from 2018 and 2019 MRIP landings in pounds, and the number of days open in each wave by year.

VMRC will then submit a proposal for season adjustments for the remainder of 2021, to account for all February harvest. All other regulations will be kept consistent. The Technical Committee met on January 19 via webinar, to review the proposals from

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the three states. The Technical Committee had no concern for the proposals, and found all of the methods to be technically sound.

The Technical Committee recommends approval of all three proposals for adjusting measures. The Technical Committee was also supportive of streamlining this process, such that the TC would review proposals over e-mail, and the Board would then vote via e-mail instead of at a meeting.

Finally, here is a list of the Board actions to be taken today. First, the Board can consider approval of 2021 Summer Flounder Recreational Fishery Proposal from New Jersey, consider the approval of the 2021 Black Sea Bass Recreational Fishery for Massachusetts, and consider approval of 2021 Black Sea Bass February Recreational Fishery Proposal from Virginia. With that Dustin and I are happy to take any questions.

CHAIR NOWALSKY: All right, thank you very much to staff for that presentation. Are there any questions from anyone around the table on the information provided? Okay, not seeing any hands up or hearing anything for anyone that can't raise their hand. Our next step would be to entertain a motion for approval of these. Would anyone be willing to make that motion? First hand up I saw was Jim Gilmore. Would you like to make a motion regarding these proposals, Jim?

MR. JAMES J. GILMORE, JR.: Sure, Mr. Chairman. I move to approve the recreational measures for summer flounder for New Jersey, black sea bass for Massachusetts, black sea bass for Virginia. Oh, you've got one up already, all right, I'll go with that.

MS. TONI KERNS: Jim, we'll need you to read that for the record, please.

MR. GILMORE: Move to approve the following 2021 recreational conservational equivalency season adjustments: New Jersey summer flounder fishery (May 28 through September 28), and Massachusetts's black sea bass fishery (Options A, May 15 – September 3, and B, May 22 – September 19), and approve Virginia's proposal for adjusting

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recreational black sea bass measures to account for February harvest.

CHAIR NOWALSKY: Very good, thank you very much, I see a hand raised from Mike Luisi. Is that to second this motion?

MR. MICHAEL LUISI: That is Adam, thank you, yes, I'll second that.

CHAIR NOWALSKY: Very good, so we have a motion that has been made and seconded. Is there any discussion on this motion? Jim, did you want to go ahead and provide any other information, or was your hand still up from making the motion?

MR. GILMORE: Sorry, Mr. Chairman, my hand was just up. I'll put it down and I'm good to go.

CHAIR NOWALSKY: Very good, thank you very much, I've got a hand raised from Nichola Meserve.

MS. NICHOLA MESERVE: I just wanted to point out that the date for Option B in Massachusetts should be September 14.

CHAIR NOWALSKY: All right, we've corrected that on screen. Is there any objection to having that that perfected on screen with the Option B motion being corrected to an end date of September 14? Not seeing any objections to that. Would you like me to go ahead and reread the motion, since there was that change made to it since it was originally read in, or is that not necessary, Toni?

MS. KERNS: I think it's okay, since we have that correction on the record.

CHAIR NOWALSKY: Very good, is there any public comment on this motion? All right, not seeing any public comment, I am going to go ahead and ask the Board. **Is there any objection to this motion? Okay, seeing no objections the motion stands approved.** Thank you very much. With that, unless there is any other business to come before us this morning, we're ready to move to recess, Toni, for Policy Board.

MS. KERNS: That's correct, Adam. Policy Board starts at 10:15.

**RECESS FOR ISFMP POLICY BOARD & MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL (MAFMC)
DISCUSSION ON RECREATIONAL MANAGEMENT
REFORM INITIATIVE**

(Whereupon a recess was taken and the Board and Council reconvened at 12:45.)

RECONVENE AS A JOINT MEETING WITH MAFMC

ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP, AND BLACK SEA
BASS MANAGEMENT BOARD AND
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

**CONSIDER ADDENDUM XXXIII AND COUNCIL
AMENDMENT ON BLACK SEA BASS COMMERCIAL
STATE ALLOCATIONS FOR
FINAL APPROVAL**

MS. CAITLIN STARKS: Okay, this is Caitlin Starks. I am the, I guess outgoing FMP Coordinator for black sea bass. After this meeting we'll be passing that off to Savannah Lewis. But I'll be going over the Draft Addendum XXXIII and Council Amendment presentation today. In this presentation I'll first cover some background information on this action leading up to this meeting.

Then, I'll review the different options for the black sea bass commercial state allocations, go over the way forward versus the action on the Addendum and Amendment, and take steps for implementation. As a reminder, Draft Addendum XXXIII and the Council Amendment mainly address two things.

First is, considering modifying the state commercial allocations as the black sea bass quota, and second is whether to add those state allocations to the Council's FMP. In the December joint meeting the Board and Council met at the Mid-Atlantic Council meeting, and they reviewed Draft Addendum XXXIII and the Council Amendment, the public comment, AP input and a Draft Impact Analysis.

At that meeting the Board and Council selected alternatives for the federal management portion to the action, but agreed to postpone decisions on the allocation and the final action on the document until February 2021, for this meeting. This table summarizes the proposed alternatives for federal management that were selected, and the boxes highlighted in green are those alternatives that were selected by the Board and Council at the December meeting.

For the first issue, the Board and Council voted to add the state allocations to the Council FMP, and maintain status quo for payback of state quota overages, and on the next issue they voted to modify the regulations for federal in-season closures, so that a quota would occur when landings are projected to exceed the coastwide quota, plus a buffer of up to 5 percent, which would be established annually through specifications by the Board and Council.

Today the Board and Council will consider which of the options for the state allocations to adopt. I'll go over each of those options, which are summarized again on this flow chart, and I'm going to move fairly quickly through these, since they have been presented to the Board and Council before, but I can always come back with questions on more detail if there any at the end.

Option A is status quo state allocations, which are shown in the table at the right, and these allocations were implemented in 2003 through Amendment 13, and were loosely based on historical landings from 1980 to 2001. Option B proposes to increase Connecticut's allocation from 1 percent to 5 percent, in order to address the disparity between their current allocation and the increased availability of black sea bass in Connecticut state waters.

The option proposes to get that allocation from 1 percent to 5 percent by holding Delaware and New York constant, moving 0.25 percent each from Maine and New Hampshire to Connecticut, and finally moving some quota from each of the remaining states to Connecticut, in proportion to their current allocation as we get to that total of 5 percent for Connecticut overall allocation.

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The last column in the table shows what the allocations would be that result from this method. I'll note again that this option is intended either as a standalone change to the allocation, or as a starting point for additional allocation changes through one of the other options. Option C is dynamic adjustments to regional allocations a.k.a. the DARA approach, which aims to practically address the state allocations while incorporating information on the changing stock distribution.

During the first phase a transition would take place over several years, where the initial allocations are gradually adjusted using a formula to become more dependent on the current stock distribution. At the end of that transition period the allocations would be based partially on stock distribution information, and partially on the initial allocation.

In Phase 2, the formula is no longer being adjusted to give more weight to the stock distribution component, but instead allocations would only be updated when new information on regional stock distribution becomes available, such as when there is a new stock assessment. The sub-options for this approach are designed to represent ranges of values that the Board and Council can work within to determine how fast and how much the allocations are changed overall through this approach.

As a quick reminder of how the DARA approach works, the first step is to divide the coastwide quota into one portion that would be allocated based on the initial allocations, and one portion that would be allocated according to the stock distribution. What those percentages are in each year would be determined by the sub-options that are selected.

Next, the first portion gets distributed to all states, based on their initial allocation, and the second portion is divided regionally, based on the proportion of stock biomass in each region. Then those regional portions get allocated to the states in each region in proportion to their initial allocation, and finally each state gets its overall allocation from the part of it that got allocated using initial allocation, plus the part of the quota that allocated regionally.

As a quick note, this would look slightly different in the last few steps if New Jersey were made an individual region. Sub-option set C-1 for the DARA approach determines the relative weight of the initial allocations, versus the resource distribution information in determining the state allocations at the end of the transition phase.

Option C1-A is that at the end of the transition phase the allocations would be 90 percent based on stock distribution, and 10 percent based on the initial allocations. Option C1-B is that the allocations end up being based 50 percent on stock distribution and 50 percent on the initial allocation.

As a reminder, the Board and Council could choose a final option falling between these two if desired. These are just examples of how those would be split out under these two options. Sub-options set C2 would determine how much the relative weights of the initial allocation and the resource distribution factors change with each adjustment during the transition phase. Sub-option C2-A is that the relative weight could change by 5 percent per adjustment, which is a slower transition, and Sub-option C2-B is that the relative weights would change by 20 percent per adjustment, and that would give you a faster transition to those final weights. DARA Sub-option set C3 determines how often during the transition period those adjustments are made to the weight of the initial allocation and stock distribution factors, and the two actions are either to do adjustments every year or every other year.

Set C4 provides the option to set a task on the amount of change in the regional allocations per adjustment during the transition period. There are three options here, a 3 percent cap, a 10 percent cap, or no cap. The general function of a cap is that it reduces the amount of change in the allocations that can happen during a single adjustment.

If during an adjustment the formula is dictating that there be no allocations to change by 9 percent overall, but you have that 3 percent cap in place. In that adjustment the regional change would only be 3 percent. That does end up drawing out the

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transition period over time if the cap is needed during all full years.

The next proposed option is Option D, which is the trigger approach, and this establishes a minimum level of coastwide quota as a trigger for a change in the state allocations, and if the annual coastwide quota exceeds that trigger then the amount of coastwide quota up to and including that amount, would be distributed to the states according to the base allocation, their initial allocation, and the surplus quota above the trigger would be distributed differently.

Sub-options D1-A or D1-E would determine the trigger levels, and D1-A is a 3-million-pound trigger, whereas D1-B is a 4.5-million-pound trigger. The figure just shows how the trigger levels compare to the coastwide quotas since 1998, and as a reminder these sub-options are also meant to provide a range so the Board and Council could select something between 3 and 4.5 million pounds.

Sub-option set D2 determines how the surplus quota above the trigger value is distributed to the states. Option B2-A is to distribute the surplus quota evenly for all states from Massachusetts through North Carolina, and Option B2-B is to distribute the surplus quota among regions, based on regional biomass proportions from the stock assessment.

Under both of these options, Maine and New Hampshire would each be receiving only 1 percent of the surplus quota. If Option D2-B is chosen from the last set, then there are two sub-options that would determine how the regional surplus quotas would be divided among states within each region.

D3-A is that the states would each get equal shares of the regional surplus, and D3-C is that the regional quota would be divided among the states in a region in proportion to their initial allocations. Again, Maine and New Hampshire are the exception, each only getting 1 percent of the northern region surplus.

The last set of options for the trigger approach determines if the base allocations for the quota up to and including the trigger would change over time,

and these sub-options are only applicable if the options for regional surplus allocations is selected. Sub-option D4-A is for a static based allocation, where the quota up to and including the trigger would always be allocated using the same initial allocation, and Sub-Option D4-B is for dynamic based allocations. That means that each year the quota up to and including the trigger amount would be allocated according to the previous year's final state allocation. That results in those base allocations changing over time. Next in Option E, this is also a trigger approach, but the surplus quota would be applied to increase the Connecticut and New York allocations first, before going to other states.

It proposes using the 3-million-pound trigger level, and the first 3 million pounds would be distributed based on those initial allocations, and then surplus quota would first be used to increase Connecticut's allocation from 1 percent to 5 percent, and then additional surplus after that would be to increase New York's allocation from 7 percent to 9 percent.

Then lastly, any remaining surplus quota would be split between the northern and southern regions, based on the proportion of biomass in each region from the stock assessment, and then allocated to the states within each region in proportion to their initial allocation. The last approach is Option F, which we're calling the percentage approach.

The way it would work is that it would allocate a certain fixed percentage of the annual coastwide quota to the states, based on the initial allocation, and the remaining percentage would be allocated in a different way, either evenly among the states or regionally. Sub-option set F1 determines the percentage of coastwide quota that would be allocated based on the initial allocations.

The two options are either 25 percent or 75 percent, and like other sub-options these are also meant to represent a range for the Board and Council to work within. The 25 percent option would result in allocations that are more different from the current allocations, and the 75 percent option would result in allocations that are more similar to the current allocations.

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Like the trigger approach, this percentage approach also has sub-options that determine how to distribute the percentage of the annual quota that is not allocated based on the initial allocation. With Sub-option F2-A, remaining quota would be allocated to all states equally, except for Maine and New Hampshire, which again get 1 percent each of the remaining portion.

With Sub-option F2-B the remaining quota is distributed based on the regional biomass from the stock assessment, and if Option F2-B is chosen then Option set F3 determines how the regional quota is distributed to those states within a region. F3-A is to distribute the regional quota evenly to states within each region, and F3-B is to distribute the regional quota in proportion to the initial interregional allocation.

Again, under both these options Maine and New Hampshire are getting 1 percent of the northern region quota. For those options that would use a regional distribution of black sea bass from the stock assessment as a basis for regional allocation. There are two options for defining the regional configuration.

Option G1 would establish two regions, a northern region, including Maine through New York, and a southern region including New Jersey through North Carolina, and Option G2 would establish three regions, Maine through New York would make up the northern region. New Jersey would be an individual region, and Delaware through North Carolina would make up the southern region. While both of these are generally aligned with the spatial sub units used in the stock assessment, which are just divided approximately at Hudson Canyon, Option G2 is attempting to address New Jersey's unique position where some of its waters are in the northern region and some in the south.

Under Option G2, New Jersey is treated as if half of its initial 20 percent allocation comes from the northern region and half from the southern region. That covers all of the options for the state commercial allocations, and this is just a summary table of everything I just went over for reference.

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That brings us to today, the Board and Council will be considering which of the state allocations to adopt, and following that decision considering final approval of Addendum XXXIII and the Council Amendment. If the Addendum and Amendment are approved today, then these are the next steps for each action.

For the Commission Addendum, the Board can select the implementation date, and that's when a new allocation would go into effect for the states. For the Council Amendment, if approved, the Council would need to write out the Draft Environmental Assessment and submit that with the Amendment to NOAA Fisheries, and then additional changes to the document might be made based on the feedback from NOAA Fisheries, and once that's done, the federal rule making process would begin, including the proposed rule and public comment period, and then Final Rule.

From today to publishing the Final Rule, you would usually expect this process will take between 10 and 16 months, but there is a possibility of that taking longer if there is additional workload of some other actions ongoing. With that, that is all I have to cover, but I will pass it over to Julia Beaty of Council staff now, to go over the Council staff recommendation.

MS. JULIA BEATY: Just to kind of kick off the discussion. This is the Council staff recommendation for changes to the allocation percentages among states. It's based on the percentage approach, but it does first allow for that increase for Connecticut, the increase from 1 percent to 5 percent.

Then it uses the percentage approach to first allocate 75 percent of the annual quota, based on those initial allocations, which would account for that Connecticut increase to 5 percent, and then the remaining 25 percent of the quota will be allocated based on the most recent regional biomass distribution information from the assessment.

Then that regional amount is further divided among the states within the regions in proportion to their initial state allocations, which would account for that Connecticut increase to 5 percent, and accept that

Maine and New Hampshire would each receive 1 percent of the northern region quota, as Caitlin described.

Under this recommendation there is the three-region approach, with Maine through New York as one region, New Jersey as its own region, and Delaware through North Carolina as a third region. The reason that this combination of alternatives is the Council staff recommendation, is that first of all it addresses the unique position of both Connecticut and New Jersey, and they are unique for different ways. As Caitlin described, Connecticut has this particularly low current allocation, which is kind of a mismatch with the big increase in availability that they've seen in recent years, so this recommendation addresses that.

Then it also addresses the fact that New Jersey is in a unique position, in that it straddles the border between the northern and southern sub-units as defined in the stock assessment, so it allows for that kind of, for New Jersey to be treated as if it's different from the other states in that way.

But also, the rationale behind the percentage approach is that it allows for some amount of the quota to account for recent distribution information, regardless of whatever the overall quota level is. This is different than this trigger approach, for example. A trigger approach would have the allocations change, depending on what the overall quota level is.

This approach is the same no matter what the overall quota is. You always have some amount of the quota that would account for distribution information, but most of the quota, 75 percent would be allocated according to these initial allocations, so it is seeking to balance a desire to account for the historical dependence of states on the fishery, that is that 75 percent, and then while also allowing for some amount of allocation to shift around to account for more current biomass distribution.

This would be updated every time we get new distribution information from the stock assessment.

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In that way it will help to provide continued fair access to the resource, because it is not going to send allocation, this is going to stay completely unchanged for you know two decades, because part of it would be always updated every time, we get that new biomass distribution information.

There is an example of what the recommendations would look like under that most recent biomass distribution information, which is based on data through 2018, the information that we have right now. Again, the staff recommendation is to approve that process that I described. You wouldn't be approving a specific percentage to a state in any given year, but this is an example of what that process would result in with the current biomass distribution information.

To kind of walk through this table, there is a row for every state, and then that first column there is what the allocations currently are, and then the next column is what would be to find the initial allocations accounting for first bringing Connecticut up to 5 percent. Then the next column is the revised allocations, where 75 percent of the allocations is based on those initial allocations, and the remaining 25 percent accounts for biomass distribution, according to the most recent information that we have.

Then the last column is the difference between that revised allocations column and the current allocations column. You can see that under this example, no state would lose more than 4.21 percent of the total coastwide quota, and no state besides Connecticut would be more than 2.1 percent. It moves a total of 10.21 percent from New Jersey to North Carolina to Maine through New York. It does move some allocations to account for recent biomass distributions, but it's not taking a huge amount from some states and giving a huge amount to other states, so it's trying to keep a balance in that way. That's all I have for the Council staff recommendation for the group to consider, and I think that's it for the whole presentation. I don't know if Caitlin, you needed to say anything else at this point. But that's all I have to say for the Council staff recommendations.

MS. STARKS: Thanks, Julia, no that is all I have as well, so I think we're happy to take any questions, if that's okay with the Chairs.

CHAIR NOWALSKY: All right, thank you very much both Caitlin and Julia. First, let me begin for thanking Caitlin for all her time and efforts on black sea bass over the years. It's been a pleasure working with her. I suspect no one is counting down the clock until 4:30 faster than Caitlin today. That being said, let me first turn to Mike Luisi, to see if he's got anything he would like to add, based on the presentation we've heard. Then we will turn to the Board and Council for questions.

CHAIR LUISI: No, I don't have anything to add, other than I think what we need to discuss is process. During our December meeting we had the conversation about voting on these alternatives. We decided that at the time the Council would vote first on whether or not to add the allocations into the federal FMP, and we did that.

I think at this point, you know Adam, you and I have talked. We're at the point where any motion that is made regarding a state-by-state allocation will be taken up first by the Board, then the Council will follow, and I'll call the question for the Council. As far as process that is the one thing I wanted to add. The other thing I wanted. I had a question, if it's okay, Mr. Chairman, if I ask a question of Julia or Caitlin, is that okay?

CHAIR NOWASLKSZY: One hundred percent okay.

CHAIR LUISI: I wanted to get a little better handle on what the difference is between New Jersey being its own region or being within the southern region. Is there information about how allocations would be different, or does it all basically smooth out and, you know once it is all said and done, if New Jersey is its own region.

Are the allocations all the same? I just want to get a little bit better understanding about what the difference is between them being by themselves, or being with the southern region, as far as allocations go, based on the alternatives? Maybe that's a

question for Julia, or Caitlin, but if you can help me with that that will be great, thanks.

MS. STARKS: Mike, this is Caitlin. I'm happy to try and answer that in a general sense. In Draft Addendum XXXIII there were some analyses done in the appendix with all the different examples of the trigger approach and the percentage approach, and how those outcomes might look. Some of those examples included a two-region approach, and some included a New Jersey individual region. That is a good place to look if you want some specifics. But in general, I would say, from looking through most of those examples that were done, is that New Jersey when it's treated as an individual region, because it's treated as if some of its quota is coming from the northern region and some of it is coming from the southern region. As those allocations are shifted, based on the regional distribution of biomass, New Jersey has seen some increases for a part of this.

Its quota is derived from the northern region in part, so it is seeing an increase from that part, and a decrease simultaneously from the southern region. New Jersey's allocation doesn't change as much as some of the other states do over time, and I would say it kind of hovers around that 20 percent, more closely than some of the other state allocations, if that makes sense.

CHAIR LUISI: Yes, that helps, thank you.

CHAIR NOWALSKY: All right, so a full disclosure in the list of questions. Mike did have his hand up first, so that contributes to his 100 percent okay rating for going ahead and answering questions. In terms of hands that I see right now. I've got Jim Gilmore, Tony DiLernia, and then Jay McNamee, so we'll go to Jim Gilmore first.

MR. GILMORE: I got it pretty clear from Julia and Caitlin, so the staff recommendation was under F, and I think you explained pretty well the rationale behind it. However, the one thing you didn't elaborate on and I wish you could, is that I guess it supposes that this is better than the DARA option.

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But I'm still having a little trouble understanding why the DARA options are not being considered, or the F option was a higher priority than the DARA option, because the one thing that any of the triggers or Option F does, we're still holding onto the past. We're going to forever use data that we have that will become at some time 50 to 80 years old, and we're going to possibly include that.

To me the one thing that the DARA option provides is that it does this gradually, and it really looks at leaving the past and going into the future may be the right way to do it. Some of those DARA options provide less impact to the southern states, the percentages are a lot smaller. Could you just elaborate a little bit more, as to why the DARA options were not chosen, and why the F ones are really superior to them?

CHAIR NOWALSKY: Jim, before I turn to staff, let me just make a couple of clarifications. Number one, the recommendation that is before us right now is a Council staff recommendation, it is not an ASMFC staff recommendation at the present time, and Julia was kind enough to offer that up as a starting point for discussion. But let me say that as we go through the day, after we get through questions and we get to motions.

It is not my intention to have that be the first motion. It will be at the discretion of the Board. If in the order of operations of people speaking, we get to a point where we're ready for motions, and somebody chooses to make that motion and it becomes the first motion, so be it. But it is not the default first motion that we're going to consider, it is a Council staff motion and it is not an ASMFC staff motion. I just want to provide that little bit of clarity before we turn to Julia, if she wants to elaborate, since it was a Council staff recommendation or any other staff members that would be appropriate to provide feedback to Jim.

MS. BEATY: This is Julia, I can respond to that. You know in short, the reasons this was preferred by staff over the DARA approach is that it's more simple. The intent by half behind having it be the 75/25

percentage, is that gets at a similar idea to what you said with DARA, where it's not making a big change.

It would be updated every time you get new biomass distribution information that 25 percent as provided among the regions would shift, potentially every time you get new biomass distribution information. But you're right with the DARA approach, you could kind of phase the changes in more explicitly, and if you wanted a bigger change you could phase that in over time through the DARA approach, and this does not have a phase-in.

But because this 75 percent is always distributed based on the initial allocations, Council staff thought that this could be okay to not phase it in, because it's not a tremendous change. If there is any other part of the question that I missed, I can elaborate. But you know as far as this is a more simple, straightforward approach that was trying to achieve some similar things to what the DARA approach is trying to achieve.

MR. GILMORE: Thanks, Julia, that's good.

CHAIR NOWALSKY: I suspect there is going to be a lot more discussion as we get into motions about the merits of the opposed view, so thank you. Next up we're going to Tony DiLernia.

MR. TONY DiLERNIA: To continue this discussion on the DARA approach and what Julia was mentioning. Julia, the DARA approach basically is a percentage distribution, but could you use the formula in the DARA percentage distribution and apply it to the regions? Is that a way that this could be, the calculation of the DARA approach be applied towards the different regions. Can you do that?

MS. STARKS: This is Caitlin. I'm just going to jump in front of Julia, because I think I probably can answer that. First, I want to make sure it's clear that the DARA approach does a regional approach. That is the first part. I guess with that knowledge, does that answer your question?

MR. DiLERNIA: No, no, that is what I thought. I thought I could use the DARA approach; it is

extremely clear as a regional approach. Then, I guess the next question is a process question to leadership again, to you, Mr. Chairman. If there is going to be a decision tree that occurs in this discussion.

I would think that the first decision would be what the regions would look like. If we're going to use a regional approach and what the regions would look like, because once that is determined then I think everything else flows from the composition of the different regions. That's my thought. I don't know what your preference was, Mr. Chairman, in making again, following this decision tree. But my recommendation would be first to decide if we're going to use regions, and if we are going to use regions what those regions would look like.

CHAIR NOWALSKY: Well, I'll offer my thoughts on that. The document as it currently lays out would suggest that perhaps the greater precedent is what to do with regards to any slot late adjustment to any state, Connecticut in particular. With regards to the regional approach, I think the implication of those regions vary by approach that we take, and for example, once we get down to the trigger, the trigger does what it does regardless of what the configuration of the regions are.

From my perspective, in our conversations with leadership and staff. We did not come into this discussion with any preconceived notion of what the order of decisions would be. Again, I think I would leave it to the Board and the Council, and the preference of motions that are made, to actually decide that. I'll turn to Mike if he's got any other thoughts with regards to the preference, and whether he feels there is a need for a regional decision to be made before any other decisions.

CHAIR LUISI: No, nothing more to add. To Tony's question. Tony, I think what's going to happen, from discussions that I've had with folks over the week, last week, is that kind of a full suite of the allocation decision is going to be kind of packaged together like a suite of options that combined together present the direction forward.

But like Adam said, if you would rather take it piece by piece that's okay too. I just think that it might be cleaner if all of it presented, all of the allocation alternatives are presented in one package. I think of it as like a package. That might be an easier way to make decisions, because you're making a decision based on the full suite of options, instead of one option at a time.

MR. DiLERNIA: You're right, I understand what you're staying.

CHAIR LUISI: It's up to the Board and the Council how they want to deal with it.

MR. DiLERNIA: Okay, but there is a lot of moving parts here all at the same time. Maybe going back to what Adam was discussing, I want to say suggesting that maybe we make the decision first, do we want to use the trigger approach or not? If you don't want to use the trigger approach, if you discount the trigger approach, then that discounts automatically a whole bunch of different options, so that you can begin to focus on other options as you go down that decision tree.

That's fine. My suggestion would be somehow to try to just make this a linear type of decision process in which you decide trigger or no trigger. If there is no trigger then what's the next, that would probably be DARA, and then once you get there, well it would be DARA, and then do we want to do what are the regions going to look like? Just try to kind of slow down all these parts going in a different direction. Right now, I feel like an octopus here, trying to cover everything at the same time.

CHAIR NOWALSKY: What I've got on a list of people right now, and this is questions. Let's make sure that we leave ourselves enough time. Again, I'm expecting a number of motions to be made on this topic, and I think we're going to have a lot of debate and we're going to need time on them. Let's make sure that any questions right now are relevant to what is going to impact your decision making, as to whether or not you want to put a motion up. I'm going to go through a list of people that I have right

now to speak, and if you have a question, raise your hand now.

We'll go through this process one more time after this bout of questions, to see if it raised any other questions. Then after we get through the list of questions, then I'll come back and we'll go ahead and we'll have a race to raise hands to see who can get the first motion on the table first. Let me see a show of hands of people that have a distinct question that is going to impact their decision making. I had Jay McNamee from before, other hands have gone up.

I've got Eric Reid, I've got Emerson Hasbrouck, I've got Dan Farnham, and I've got Dave Borden. We're going to go with that for a list of questions, and then again, I'll ask one more time after we go through these five individuals, and then we'll get on to the business of decision making. Jay, you're up next with a question. I see Jay toggling back and forth in the webinar, but we're not getting anything on this end. Let me go on to the next person, Eric Reid, and then I'll come back to Jay again after Eric.

MR. ERIC REID: I've got a general question on, maybe on the process. Would that be fair game right now?

CHAIR NOWALSKY: Go ahead.

MR. REID: Since this is now a joint action of the Commission and the Council, my question relates to National Standard 4, which is allocations, and it's with regards to two specific states. Section B, National Standard 4 is discrimination amongst residence of different states, and it says that an FMP may not differentiate among U.S. citizens, national resident aliens or corporations on the basis of their state of residence.

Subsection 1 further states that an FMP that restricts fishing in the EEZ to those holding a permit from State X that violates Standard 4, with State X fishing permits only their own citizens. I asked this question. State X relates to Maryland and Delaware, and their ITQ fisheries which occur in the EEZ. Is there any guidance on how this action affects those?

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CHAIR NOWALSKY: Thanks for the question. Let me turn to staff to see if they've given any consideration, as I know they've done a lot of analysis work that would have to be included in an Amendment. Let me turn to staff first, and depending on what they're able to provide, perhaps we can go to Fisheries Service. I'm guessing if we were all in a room together, they would probably be looking at each other, wondering who was going to try to kick it.

MS. BEATY: This is Julia. I can start, I guess. On the one hand, from the federal perspective, it's not restricting who can have a permit in which state. It's just saying how much black sea bass can be landed in each state. The federal side of things isn't going to restrict to individuals as a resident of a state for example, it's just going to say where can these black sea bass be landed, and I'm not sure if there is anything else to add to that from the individual state perspective. Also, maybe GARFO might have other things to weigh in on that. But that's all I can say from my initial first thoughts on that from a Council staff perspective.

CHAIR NOWALSKY: Anything from the Service or legal from the Service might want to weigh in on National Standard 4 on the discussion so far, understanding that they haven't seen all the documents of the analysis, but based on Eric's questions? Mike Pentony, I see your hand is up. Is this to weigh in on this question?

MR. MIKE PENTONY: Yes.

CHAIR NOWALSKY: Go ahead, please.

MR. PENTONY: I'm actually trying to figure out, or see exactly what it was that Eric Reid was just reading, because there was some text that he was reading that went beyond the script reading of what is in National Standards 4 in the Magnuson Act, which in terms of this approach is. National Standard 4 says that allocation shall be fair and equitable to all fishermen, reasonably calculated to promote conservation, and carried out so that no individual has an excessive share. I'm hoping to get,

maybe Mr. Reid can point me to the additional text that he was reading.

CHAIR NOWALSKY: Eric, are you able to help Mike out on that?

MR. REID: Yes, sure. I'm reading an electronic code of federal regulations CFR data, current as of January 1, 2021. It's National Standard 4, which is 600-325, and I'm referring to Section B and Subsection 1 in that line.

MR. PENTONY: That's also sent out from the National Standard Guidelines. Let me take a quick look at that and I can get back to the Board and the Council on that.

CHAIR NOWALSKY: Yes, that would be great. If you just go ahead and put your hand down, and put your hand back up when you're prepared to go ahead and provide some more input, we'll come back to you. Next, Jay McNamee. How are you making out with audio on your end?

DR. JASON McNAMEE: Hi Mr. Chair, can you hear me?

CHAIR NOWALSKY: Outstanding, you're good to go.

DR. McNAMEE: Okay, and what I will do is say never mind, I'm good. Thank you.

CHAIR NOWALSKY: All right, well we've proved that we can get your audio going, so that gets you in a good spot. All right, next up Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you, Caitlin and Julia for your presentations. I have a couple of questions. Jim already asked kind of what I was going to ask, so I don't need to repeat that. But I'm wondering, Caitlin or Julia, would you have any information or a table that shows what percentage of the state quota each state harvested, in like 2020 or 2019? Have all states been harvesting 100 percent of their quota? I would like to see that; you know what percentage of the individual state quota states are harvesting.

CHAIR NOWALSKY: Do we have that information available, or would that be something we would have to pull up and come back to?

MS. STARKS: I would have to pull it up and come back to it. We do have the information for previous years, although I would say for 2020 data is still preliminary, so definitely not final. I don't know if we should share those data or not. More vetted, but I can pull up information from 2019 and previous.

CHAIR NOWALSKY: All right, we'll give you an opportunity to do that and come back to that. Emerson, did you have another question you wanted to ask? Right now, you're on mute on the webinar, Emerson.

MR. HASBROUCK: Yes, I'm sorry, Mr. Chairman. I couldn't hear what the response was. I lost audio from the webinar.

CHAIR NOWALSKY: The response from staff was they don't have that information immediately available; they will try to pull up 2019 info in short order. They may not be able to provide 2020 at this point, due to it not being finalized. We'll try to get an answer to that percentage of state allocation that was harvested as quickly as they can. While they are looking at that did you have another question you wanted to ask?

MR. HASBROUCK: No, thank you, Mr. Chairman, I'm good for now.

CHAIR NOWALSKY: We'll check back with staff. Just chime in, since I can't see hands raised for staff. Just when there is a break here just go ahead and chime in if you've got an answer to that. Let me go back to Mike Pentony, he's got his hand back up to try to address Eric's question about NS4 document. Mike.

MR. PENTONY: Yes, thanks. This isn't probably going to be a terribly helpful response, and John Almeida may want to follow on. As I'm reading the National Standard Guidelines, the section that Eric Reid was reading is kind of an expansion of National Standard 4, Subpart A. The National Standard is that all allocations, well allocations shall not discriminate between residence of different states.

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Any allocations that are necessary should be fair and equitable to all such fishermen. Then the National Standard 4 kind of expansion of that is getting at that you can't differentiate among citizens on the basis of their state of residence. I've always interpreted that, and I believe the Agency has always interpreted and applied that to mean that our regulations can't be based on the state of residence.

In other words, if we issue a fishing permit to Vessel A. We can't say, well your possession limit is 10,000 pounds if you come from Massachusetts, but if you come from New York your possession limit is 100 pounds. We issue a federal permit, and the federal permit does not discriminate what you can or can't do based on your state of residence. Now that's a very different issue than allocating quota of what can be landed in a state, which we've clearly done in a number of FMPs on the federal side, summer flounder and bluefish jump immediately to mind, and we've never had any National Standard 4 issues with the state-by-state allocation.

Allocating quota to a state for landing is, in my mind, a very different question than discriminating of the residence of the state, in terms of what they can or can't do with their federal permit. I hope that helps a little bit.

CHAIR NOWALSKY: All right, thanks Mike, we'll take that as a reply for right now, and as we get into motions later, perhaps that information will be used in rationalization for the motions, thank you. Next up I've got Dan Farnham, and Dan you are presently muted in the webinar. There you go, you are unmuted in the webinar, make sure your local device is not muted and go ahead.

MR. DAN FARNHAM: Number one, my internet is starting to go, I'm sure I might lose it here. If I do, I'm going to call you on my cell phone. But in the meantime, I just have a quick question for staff. On the memo for staff recommendations that I have. For regional configuration alternatives, I thought the original memo had down Sub-alternative 1G-1, which is two regions. But now in the presentation, if I heard it correctly it's 1G-2 with three, with New Jersey being alone. If that's the case, is there any

rationale. If I read this right and I see it right, what was the rationale for changing the opinion, if you did?

CHAIR NOWALSKY: You did read that correctly. That was a change in the Council staff recommendation from the December meeting. Julia, would you like to go ahead and offer Dan some feedback on that?

MS. BEATY: Sure, yes, that is correct. Back in December the Council staff recommendation was for two regions. Again, because it was a more simple approach, kind of just directly taking the regions and splitting them up that way. But then after further consideration, and you know discussion with staff and others. You know it was determined that New Jersey is in a unique position, and the stock assessment itself did acknowledge that New Jersey straddles that boundary.

It's not overly complicated to add on another step to it, split New Jersey out the way that is described in the document, where New Jersey will be treated as if half of its allocation is associated with the north and half associated with the south. Just further consideration it did seem appropriate to add one additional step in the calculations to acknowledge the unique position of New Jersey.

CHAIR NOWALSKY: Great, thanks, Julia. Next up I've got Dave Borden.

MR. DAVID V. BORDEN: I've got a couple of questions, simple ones. It's highly likely that somebody is going to propose something that is between, the values will be between some of the values that have been analyzed. Do we have all of this information in a spreadsheet, so it can be analyzed on the spot to answer questions about its impact on different states?

CHAIR NOWALSKY: I can't promise, Dave, that we're going to have every analysis for every possible range of percent option that could be come up with between status quo and the changes that these documents contemplate at their greatest divergence, if staff is able to at the time provide information. We will certainly ask them to provide as much as they

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can. But I can't guarantee that for every motion that comes before us today you're going to be able to see a concrete analysis of what that percent change means to every state, and in what timeline that is going to be.

MR. BORDEN: Okay, and then the follow up would be. On the landing information, I looked earlier on the NOAA site at the landing information. Basically, I recognize that it's preliminary, subject to change, and it will change. But that landing information basically indicates that most of the New England states, with the exception of Rhode Island, caught their quota in 2020, and the states south of New Jersey did not, some by very substantial amounts.

I would just make the comment that that I think is a significant factor we're all going to have to take into consideration. The last question relates to an issue that has already come up, which is ITQs. I'm just wondering whether or not the Council staff has gotten any guidance from NOAA about this issue. We have three states in the Mid that have ITQs, which is certainly their right. Do they have, has the Council staff looked at the issue of extending those ITQ fishing rights into federal waters without going through the formal process that is required by Magnuson?

CHAIR NOWALSKY: We'll turn to staff, if they have any input again, or the Regional Office, with regards to the implications of ITQs, and these allocations being written into the federal fishery management plan.

MS. BEATY: That sounded like a question related to alternatives impacting federal waters, so I think I'll take a stab at. This is Julia. If I understood the question it was, does the document contemplate using ITQs in federal waters basically, or extending the state waters ITQ to federal waters. The answer is no.

There are no changes to the federal waters permit, which the federal waters permit allows you to fish anywhere in federal waters, and that would continue to be the same under any of the alternatives in the document. The changes in this document that we're

talking about today just relate to how many fish can be landed in any particular state. Anybody who has the appropriate permits could land in whatever state.

If you have a federal permit you can catch your fish anywhere in federal waters, and you know all the states have different requirements for who can get a permit. There are plenty of fishermen who have permits in multiple states. Anything under consideration in this document you could continue to land in the states that is open, if you have the right permits. If you have a federal permit you could continue to fish anywhere in federal waters. There is no contemplation of extending ITQs into federal waters in this document.

CHAIR NOWALSKY: Thanks for that. It's a direct answer with regards to not extending the ITQs into federal waters. I appreciate that. Again, since we've already had the motion to go ahead and move that into the federal FMP, we'll leave that there, absent some motion to reconsider, which I don't think that anyone is intending to make that has been brought to my attention so far. We went through a list of initial people.

Additional hands have gone up during that discussion include John Clark and Wes Townsend, so I am going to go to both of those individuals. Let me also just bring to Dave Borden, Dan Farnham, Mike Pentony and Emerson Hasbrouck that your hands are still up. If you do have something else you need to add, I see we've got a lot of them down with that so that's good. But if you did have something else to add, then go ahead and leave the hand up. Let me go to John Clark and then Wes Townsend. John, you're up.

MR. JOHN CLARK: We have direct experience. Eric mentioned Delaware specifically on the question about the ITQs. We did have a black sea bass federal permit that was up for sale a couple years ago. We were challenged about the fact that you also needed a Delaware permit to land in Delaware.

Not to belabor the point, the upshot was that yes, we were found to be fine. We were operating under

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Magnuson Stevens, and there was no problem at the federal side, as far as us requiring both a federal and a state permit to land black sea bass in Delaware, and it was also fine for us to allocate our black sea bass by ITQ. Thank you.

CHAIR NOWALSKY: Thanks for that follow up, John. Wes Townsend, question?

MR. WES TOWNSEND: No, Mr. Chairman, just to answer Eric. Similar to what John had to say. There is, all Delaware permits are not owned by Delaware residents, and it's the same way in Maryland. All Maryland permits are not owned by Maryland residents. All right, thank you.

CHAIRMAN NOWALSKY: Paul Risi, did you have a question you wanted to ask? All right, I'll give him a moment. Again, I've got Paul's hand up, but I see he is muted in the webinar right now. We'll give him a moment. We're an hour into the agenda, we've gone through presentations, we've gone through quite a few questions. I'm going to ask one last time.

I've got Jay McNamee's hand up, we'll come back to him. We'll try to get Paul Risi here. Are there any other pressing questions before I ask everybody to put their hands down? Then I think we'll get onto the business of somebody getting a motion before us. Hands up if you have any more questions that have to get answered before we move forward. Let me go back to Jay McNamee, and then again, we'll try Paul, if he can get unmuted off the webinar, go ahead, Jay.

DR. McNAMEE: I was just nervous before that somebody had asked my question. I didn't want to waste everyone's time, but I don't think it has. My question is, there was a little bit of economic information in the document itself. My question is, I was wondering if there has been any synthesis of that information, either by the Mid-Atlantic Council or the ASMFC. I'm not sure, seeing as how this wasn't in the federal plan up until recently. I'm not sure if NOAA has looked at the economics, or doing any economic analysis. But I would be curious if there is any information on the economics of these various options that anybody is willing to share.

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CHAIR NOWALSKY: I'll turn to staff for trying to answer the question. Is there any economic information to help inform our decision making today?

MS. BEATY: This is Julia, I think I might be the best one to jump in here, unless Commission staff want to. But we did have some pretty simple economic analysis in the document. It's one of those backup slides, it looks like it's Slide Number 57, if someone could move to that slide. There is a figure in the document that shows the relationship between the average price per pound and total landings broken down by region. Yes, that one.

This is as fancy as we got. Landings, and sorry about that X axis. It's supposed to say 0.51, 1.52, not 11-22-33, so sorry about that. Anyway, the open circle, so the average price per pound associated with the landings in that year for the northern region states of Maine through New York, and in this figure, New Jersey is included with the southern region.

Then New Jersey through North Carolina are lumped together in those solid gray dots. What this is showing is that when you, if you first look at those gray dots, and there is a gray line associated with it. There is generally more towards the white, because there are higher landings on the right.

The states of New Jersey through North Carolina as a group have a greater amount of the allocation than the other states, but they have higher landings in any given year. Then you can see that that line is kind of like angling down, and that means that in years when there are higher landings in those states, the average price per pound tends to be a little bit lower.

Then for the northern region states that are over to the left, with the open circles, I guess. There is also a downward sloping line there, but you can see the equations on the chart that lower our squared value means that it's not a significant relationship. You can see that those open circles are kind of all over the place, they are not forming a clear downward trend like the gray circles.

Long story short that there does seem to be more of a relationship between price and volume landed in the southern region states compared to the northern region states. But the southern region states have been able to land more historically than the northern region. We didn't get into any particular specific alternative, in terms of quantifying the economic impacts in this way.

But in general, if you look at a figure like this you could make a conclusion, based on this price and volume relationship, maybe this would suggest that if you have a high amount of total allowable landings, and you shift some of that to the north. You know maybe that would have different economic impacts in the north than the south, because the south does seem to have more of this negative relationship between price in volume landed.

At the higher landing's levels, they are not seeing, you know from just this whole, some of that increase is mitigated by this relationship between price per pound, and there is not that same relationship in the north. Maybe the total economic benefits to harvesters could be increased if you moved some amount of allocation from the south to the north. But we didn't specify, this is the exact percentage that would maximize economic benefits. We didn't try to spell it out for any individual alternatives.

Also, you could make a socioeconomic statement along the lines of, you know if you knew how the states manage things differently. Maybe there are differences in terms of number of people that can participate in the fisheries, as you shift things to different states. It kind of makes some general statements along those lines, but nothing that can conclusively say, like this is the alternative. These are the allocation percentages that would maximize your economic benefits.

CHAIR NOWALSKY: I think the answer to your question, Jay, is that there has been some economic analysis done. Whether or not you feel it is complete enough or accurate is a different question. But I think this is something that there is some economic analysis has been done so far.

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DR. McNAMEE: I appreciate that, thank you.

CHAIR NOWALSKY: Let me try Paul again, I did see him get the webinar to toggle off his muting. Let's see if he can get that again. Paul Risi. Yes, there you go, you are able to speak on the webinar. Make sure your device is not muted, go ahead.

MR. PAUL RISI: My question is about the Council recommendation. I'm curious. Can staff offer any insight about how maintaining the volume harvest rate of the present state is affecting, and going forward how it is going to affect the already diminishing biomass that is down there? Like is there a table of local fishing mortality in each state, compared to the FMPs target F?

CHAIR NOWALSKY: With regards to the question about diminishing biomass. I think we've got a lot of information about increasing biomass in the north. I'll defer to staff if they think that information has suggested there has been a decrease in southern biomass, or if this increase is the increasing at the northern end at a faster rate. Then beyond that I'll turn to staff, to see if they've got anything else that they would like to add.

MS. STARKS: This is Caitlin, and I can at least answer the first part of the question related to the stock biomasses in each region. You are correct in saying that the southern region hasn't necessarily diminished over time, it's kind of a flattish line with a slightly increasing slope at the end of the last couple of years of the time series.

But the northern region has increased much more drastically over time, and you know there has also been a slight decrease in the northern region in the last year or two, according to the stock assessment. Then as for the question related to F in the different states. I don't believe we have that information. Julia, feel free to jump in if you have a different answer than that, but when it's appropriate I also have an answer to the previous question that was asked about the states harvesting their quotas as a percentage averaged over time.

CHAIR NOWALSKY: Great, so let me just see if Julia has anything else that she would like to add on this topic, and then we'll come back to you about that question that Emerson had. Julia.

MS. BEATY: I would like to add on to that. It's true, there is a figure that we didn't put in the presentation, but it's in a document that shows biomass remaining fairly stable over time in the south, but increasing in the north. In general, the stock assessment does show that overall biomass is on, last we knew anyway, it's still very, very high overall, but on a downward trend compared to a peak of a few years ago.

But I also wanted to make it clear that we don't have separate regional like target biomass levels or reference points. We're not managing them separately, so we're not aiming for like a target fishing mortality level for each region, or a target biomass level for each region. That is not the intent of this action at all. We're still managing it as one stock, with one biomass target, you know one overall catch limit.

The stock assessment does use a regional structure, but in the various levels of peer review of the assessment it was kind of very clear that they are not meant to be managed as separate stocks, that they're modeled separately because it helps into the model, but they are not separate stocks. We are going to continue to manage them kind of as a coastwide unit, and all these alternatives would do is just shift around where those fish could be landed.

Like I said earlier, if you have a federal permit you can still fish anywhere in federal waters, and then you can land them in any state that you have the permit for. States do allow you to have permits in multiple states, like was discussed you don't have to be a resident of the state to be able to land in that state.

You might have to meet some other conditions, depending on the state, but this is not expected to really change where the fish are harvested. It is going to change where they are landed. If you only have a state permit, maybe that will impact where

you harvest your fish, if you're not already fishing in federal waters.

But if you're already fishing in federal waters, to some extent you're already going where the fish are. You are choosing where to fish, based on a number of factors, and then you're landing also based on a number of factors, one of which is the allocation. I just want to make it really clear that we're not going to manage these with separate catch limits. We're not managing separate regions. We're just considering changing how many fish can be landed in each state.

CHAIR NOWALSKY: All right, thanks for that, Julie, I appreciate it very much. Let's go back to Caitlin at this point to try to wrap up Emerson's earlier question.

MS. STARKS: As I mentioned, 2020 data is not final, so I am going to be talking just about 2019 back to 2015 as kind of the most recent years. In those years, in general the states from Massachusetts to New Jersey have harvested their share of the coastwide quota, and then some of those states have also harvested beyond that through the use of transfers from other states. As for the states of Delaware through North Carolina, they've generally been close to their allocation. In some years they've fallen a little bit more below, and they have provided transfers to other states. That's a general sense, I don't know if you would like me to give more specific percentages, but that's kind of the average across those years.

CHAIR NOWALSKY: Emerson, is that generalization satisfactory right now, or do you need to see specific percentages inform you that are going to inform your actions as we go through motions today?

MR. HASBROUCK: Well, it's okay but it's just general, right. I mean it was some years they were generally below their quota. I don't know what that means, you know was it 5 percent below, or was it more significant than that? Dave Borden mentioned before that he had some preliminary 2020 data that showed that the southern states were utilizing far less than what their quota is.

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CHAIR NOWALSKY: Emerson, magic is appearing right before your very eyes, kind of like snowflakes out of the sky.

MR. HASBROUCK: That's great, thank you.

CHAIR NOWALSKY: I'll give staff an opportunity to go ahead and put this up here. I don't intend to get into a long discussion about it, but I'll ask staff to leave it up here for consumption by everyone.

What we're going to do at this point is I'm going to ask if anybody has still got a hand up from the Board and Council, we're going to go ahead and put hands down.

We will go to the public with regards to comments on motions before we vote on anything. We'll be sure to go to the public before we take a vote on motions. What we're going to do, is in a moment I'm going to go ahead and ask for hands to go up of people that intend to make a motion here.

I'll call on the first one that I see that goes up at that point. That motion will need to, it can be made by either the Council or the Board. It will need a second from the same body. It will then need to be made and seconded by the other body, either the Board or the Council. We will then go ahead, and if somebody has a substitute motion, I'm going to get right to getting that substitute motion posted at the same time.

Once somebody makes a motion, if there is a desire to make a substitute to the motion that is posted. We're going to get that up at the same time. At that point I'll then get a show of hands, and we'll go ahead and begin debating the motions. I expect they are going to be somewhat in opposition to each other. Then we'll make sure that if one of those motions, if we get to a point that we vote on it up or down, it becomes the main motion. If there is another action that needs to be taken on it, we'll go ahead and do that as well.

The vote again, as Chairman Luisi mentioned earlier, will be done Board first, and then assuming it passes,

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the Board, motions will then need to go before the Council. With that let me go ahead and see a show of hands of people that intend to make a motion on these state allocations.

All right, so I saw three hands up. In the order that I saw them, I saw Jay McNamee, John Clark, and then I saw Nichola put her hand down. Let me first go to Jay McNamee, for an opportunity here to make a motion. From Jay it would be coming on behalf of the Board, so it would need a second by a Board member, and then it will need like motions from the Council. Then we'll go ahead and turn to John Clark afterwards. Go ahead, Jay.

DR. McNAMEE: I'll make the motion, and then if I get a second, I'll come back to my reasoning. **The motion is, I move to approve a modified Option B, which is to increase Connecticut to 3 percent, New York to 9 percent, with a change occurring over two years. Then further that motion to approve Option C, the DARA approach, with the following sub-options. Sub-option C1-B, which is the allocations will be based on 50 percent on the stock distribution and 50 percent on the initial allocations at the end of the transition phase.**

Sub-option C2-A, which is a 5 percent change in weights per adjustment. Sub-option C3-A, that there will be annual adjustments to the factor weight, a modified allocation adjustment cap, which is a modification for C4-A, which is to cap the change in regional allocations at a maximum of 5 percent per adjustment. Then finally, I will offer a regional configuration of Option G2, which has New Jersey as a separate region.

CHAIR NOWALSKY: All right great, thanks for reading that and sparing me. I appreciate it very much. Let me just make a note to staff. Be prepared, please resize this, so we could fit something of similar size on the screen at the same time, when we get another motion. As you suggested, once we go ahead and get a valid motion with seconds and like motions.

I will come back to you to offer rationalization before I go back to John Clark. A second from the Board for

this. John Clark's hand was still up, but I don't believe that was to make a second. If I'm wrong, John, just let me know. I believe I saw Emerson Hasbrouck's hand go up. Emerson, are you seconding this motion for the Board?

MR. HASBROUCK: Yes, Mr. Chairman, I am.

CHAIR NOWALSKY: The next hand I saw go up from a Council member was Tony DiLernia. **Tony, are you making this motion on behalf of the Council?**

MR. DiLERNIA: Yes, Mr. Chairman, I so move, thank you.

CHAIR NOWALSKY: Thank you very much. We'll need a second from the Council to move forward. Do we have a second for this motion from the Council? We've got Maureen Davidson with her hand raised. Maureen, are you seconding this motion on behalf of the Council?

MS. MAUREEN DAVIDSON: Yes, I am.

CHAIR NOWALSKY: Okay, very good. We now have a valid motion before us. I'm going to turn back to Dr. McNamee to offer opportunity for rationalization on his motion, and then I'm going to turn to John Clark next. Then we'll debate the motion's pros and cons. Go ahead, Dr. McNamee.

DR. McNAMEE: I'm going to start off, I know there was a lot of hesitancy with the DARA approach, at least early on, where folks were concerned about its complexity. What I'll offer is, it's not actually at its core that complex. It's just the, it's addition, you know with some weighting. But it's fairly simple, and what made it appear complex was all of the options that got added in.

But those options were added in, not for the sake of complexity, but to give the Board maximum control over how they wanted this approach to work, and how fast they wanted it to go and how far they wanted it to go. I guess I just wanted to offer a comment that at its core it's really not that complex, it's just simply taking those distributions and

historical allocation, weighting them, and kind of combining them together.

The proposal that I've offered here kind of locks those things that made it seem kind of complex. It locks them in, so it takes away some of the mystique of the proposal. What this particular configuration does, it allows the change to occur slowly over a fairly long period, and it continues to give high weight to the historical allocations, even at the end.

It's still half of the weight on the historical allocation. I believe that this is the only option that truly addresses, Caitlin showed those two objectives of the document, and this one truly addresses that initial bullet. You know this one can account for climate driven population shifts, but it's also important to remember that these shifts can occur in both directions.

A lot of what happens with climate driven effects is there is a lot of uncertainty, a lot of variability in what goes on. The DARA approach can account for that. This configuration, it's a really slow transition. It continues to weight the historical, and it also addresses at the top there the inequities that have been voiced both by the state of Connecticut and New York, so it gets them lined up with the rest of the state.

Then the rest of the process kind of goes along. They do something like this right now with the Canadians, so this isn't a new approach, it's been used in other applications for a long time, over a decade at least. If we can do it with a whole separate country, I'm sure we could do it amongst the states. A couple of final points, Mr. Chair, and I'll wrap it up.

One thing I'll note with some of the trigger options is that when you're putting in a hard threshold, based on poundage. You're going to run into an issue if the assessment rescales at some point, and we've seen that happen with a number of different Commission stocks over recent years.

I just caution folks that that hard biomass trigger that's in there. You're going to run into difficulty if the assessment rescales it. Those 3 million, 4 million,

5-million-pound thresholds might not make as much sense in the future. Again, this approach is truly dynamic, so if the biomass shifts back to the south, you know south of the Hudson Canyon. This approach is going to be able to track that, and it will be able to adjust to that reverse shift in biomass. I think I've said enough there, Mr. Chair, so I'll let others have a chance to speak.

CHAIR NOWALSKY: With regards to the seconder for the Board, and the motion makers for the Council, I will come back to them and give them the opportunity to speak on this. Let me next go to John Clark, however, to see if in fact he had raised his hand when I asked for people who wanted to make a motion. John, do you have a substitute motion that you would like to offer us?

MR. CLARK: I do have a substitute motion. I sent it to staff before, it's a motion developed by the Administrative Commissioners of the southern region, and I will read it. Move to substitute to address Black Sea Bass Commercial State Allocations by approving Option B – Increase Connecticut quota to 3 percent.

Option D – Trigger Approach, with a trigger of 4 million pounds, which is a value between sub-options D1-A and D1-B; Sub-option D2-B, Distribution of surplus quota based on the regional biomass from stock assessment. Sub-option D3-B, proportional distribution of regional surplus quota, and Sub-option D4-A, Static base allocations, and Option G – Regional Configuration Options, and Sub-option G2 – Establishing three regions with New Jersey as a separate region.

CHAIR NOWALSKY: All right, thank you very much, John. Maureen and Jay McNamee, your hands are still up. Unless you intend to make a motion as part of John's motion, if you could put them down that would be great. Again, we'll come back to you with the opportunity to speak. Do we have a second for this motion on behalf of the Board?

We have a second on behalf of the Board from Ellen Bolen. Okay, let me next turn to the Council. Do we have an individual from the Council who would like

to make this motion on behalf of the Council? Ellen, did you want to make it both as a second for the Board and as a motion for the Council?

MS. ELLEN BOLEN: I am happy to make the motion for the Council as well.

CHAIR NOWALSKY: We'll have that motion made by Ellen Bolen. I had seen Joe Cimino's hand. Joe, were you going to second this on behalf of the Council?

MR. JOE CIMINO: I will, Mr. Chair.

CHAIR NOWALSKY: All right, very good. In like manner to the last motion, let me turn to John to offer rationalization on his motion, and then what we're going to do is we're going to take a five-minute break, we've been at this for an hour and a half.

During that five-minute time, I'm going to ask staff to take these two motions, format them a little bit to get the like sections in a similar order, so we can compare and contrast these motions on the screen very easily. We'll start by going through the individuals that had seconded and made the motion, and speaking for them, and then we'll open it up to the rest of the Board and Council members. John, you're up.

MR. CLARK: Going through the motion bit by bit, the first part of course it does provide a chance for Connecticut fishery, which we all recognize is a unique situation. A fixed trigger gives the necessary stability to harvesters in the southern region, who haven't been catching their allocations. Four million pounds is between the two options in the plan that's mentioned, and it's about a 66 percent of the 2021 total quota. It redistributes more of the current quota than the percentage approach, allocating 75 percent, as it would allow a third of the quota to be allocated based on distribution.

As it's been expressed at a previous meeting, and on this call right now, while the center of black sea bass distribution shifted north, there are still plenty of black sea bass in the southern region. Once again, we are not having a problem in the southern region,

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most of the southern region, we're catching the black sea bass.

We also recognize the fact that due to the changes in the sector allocations and commercial quota based on the assessment, there could be changes necessary for the future, and I think the southern region is well aware of that, and will consider those down the road. But for the time being, this motion provides more of the quota to the north, and also provides stability for the southern region. Thank you.

CHAIR NOWALSKY: All right, very good. We're going to take a five-minute break. We're going to come back at 2:25. Let's just go ahead and change the Board motion by Mr. Clark, to be consistent with everything else that we've done, and then during the five-minute break, if I could just ask staff to reformat this motion here, to make it look like it's divided the same way that the previous motion was. Perfect, they've already done that.

We're still going to go ahead and take the five-minute break though. Now staff gets a break also, so I'm actually really happy to see this, because I don't have to feel bad about myself now. Five minutes, 2:25, we'll have Emerson, Tony, Maureen, Ellen, and Joe up, and then we'll get a show of hands for additional people that want to speak on these motions. Thanks, see you in five minutes.

(Whereupon a five-minute break was taken.)

CHAIR NOWALSKY: I've got 2:25, so let's continue now that we've got a couple valid motions here. Let me begin by going back to the seconders and the makers of the motion for the Council. I will first ask individuals if they want to speak on it. Emerson, would you like to speak on behalf of the first motion, which is essentially in speaking.

When we vote, our first vote that we'll be taking will be on the substitute motion. Essentially, if you're speaking in opposition to the substitute at this point, you're basically speaking in favor of the main motion. Let me go to Emerson, would you like to speak?

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MR. HASBROUCK: Yes, thank you, Mr. Chairman. I'm opposed to the substitute motion. Stand by for a second, I've got several devices going here, and our caucus is still talking in the background. Sorry, Mr. Chairman. I'm in opposition to the substitute motion, and obviously I'm in favor of the original motion, for all of the reasons that Jason outlined when he made the motion. The substitute motion keeps us stuck in the past, stuck on those base allocations that for a variety of reasons were detrimental to New York and some of the other states. We need to move forward with an allocation based on biomass, not based on landings from 20 years ago or more. The northern region has 84 percent of the biomass, but it only has 33 percent of the allocation. We need to go into the future with this, not stuck in the past.

Also, I think all of you have seen the letter from New York Senator Schumer, who is also now the majority leader of the Senate, who is watching this very closely on behalf of fluke. We can either take care of business ourselves here with the Board and the Council, or we can chance having this decided for us through federal legislation. I would rather we take care of business ourselves, and I think the best option is the original motion. I cannot support the substitute motion. That's all I have right now, Mr. Chairman.

CHAIR NOWALSKY: Ellen Bolen, would you like to speak in favor of the motion to substitute?

MS. BOLEN: Sure, thank you, Mr. Chair. I want to echo Mr. Clark's comments, since he laid out a lot of the reasons that we support this. I think one of the things that I would stress is that we have a lot of uncertainties on the table right now for our commercial fisheries, when it comes to commercial recreation reallocation, stock assessments et cetera. One of my objectives is going to be to try to get some certainty for the commercial fishery, and I think that the DARA approach will create a lot of havoc initially, and I think that the trigger approach is the best way forward right now.

CHAIR NOWALSKY: Tony DiLernia, would you like to speak?

MR. DiLERNIA: I would like to speak to my motion. I think Jason mentioned that he said that this approach has been in use for quite some time. Actually, I think it was first developed when we had to deal with the Hague Line in the late seventies and the early eighties. It's up in New England for cod fish, and it's worked out pretty good.

I agree with everything that Jason said, that's why I was quick to jump on making that motion for the Council, because I believe that it is very consistent with, some of you may have seen a position paper that I've written recently regarding addressing species shift, how we should be managing species shifts.

I think this is consistent with some of the sentiments in the paper that has to be distributed to you, as well as it's consistent with the thinking of the current administration in DC, regarding how we're going to deal with climate change. Clearly, we're going to have to deal with climate change and species shifts in the management of our stocks.

As a matter of fact, in 2014 the Agency, NMFS, ran a whole workshop about dealing with species shifts, and very little has come out of it since then, but this is a good attempt at dealing with and addressing the species shift. It also does preserve the southern states ability to fish. We're not just swiping fish, but we're looking at it, and it's consistent with you know trying to preserve the past, while at the same time we address what's carrying the future. That's really about it. We either have to stay in the past, which is the substitute motion, or we can go forward in the future. Again, let me emphasize something that Jay said, this should go both ways. This goes back and forth. This is a way of addressing where the biomass is, which is consistent with the Magnuson Act. The Magnuson Act said, fishermen get to manage fish offshore of their states. Well, that's what this does. For all a whole bunch of reasons I think that are right, I made the motion, and I continue to support my original motion, and I oppose the substitute.

CHAIR NOWALSKY: Before I go to Maureen and Joe, and then get a list of hands that want to speak. I see

John Almeida's hand up. If you want to raise an issue with the process we're following here.

MR. JOHN ALMEIDA: Just process wise. If I could make a suggestion. It might be the best approach with a motion to substitute that the bodies try to perfect the motion, so that when the vote for whether to substitute or not comes up, we have the motions as the bodies would best like them to be, so they can make the choice then. Does that make sense?

CHAIR NOWALSKY: Certainly. I haven't heard any suggestions for perfection of these motions along the way. Did I miss a comment that suggested a perfection of one or both of these motions from the speakers so far?

MR. ALMEIDA: I might have misunderstood. But I thought I heard the path that you were proposing was to go straight to the motion to substitute, but not necessarily entertaining motions to amend to perfect the two options here. But if I misunderstood, and that option is still on the table, then by all means I would suggest that would be the way to go.

CHAIR NOWALSKY: No. Thank you for that clarification, and no I would certainly not be precluding anything that would be under normal operations of Roberts Rules at this point. It's not my intention to preclude any other parliamentary procedures outside of the motion.

MR. ALMEIDA: Thank you, Mr. Chair.

CHAIR NOWALSKY: No, thank you very much. I appreciate it very much. All right, so let me go to Joe Cimino. Did you want to speak on these motions, Joe?

MR. CIMINO: Yes, thanks, Mr. Chair. I want to say, I appreciate all the work that has gone into this document by staff and others, including Jason McNamee for bringing this DARA approach along. I have a lot of respect for it. Jay mentioned a concern that there is a lot of strong feelings that the model is too complex. To me, I agree, the model is math. It's not too complex. But there are a lot of moving parts

within this. When we talked about the socioeconomic impacts of any of these many, many alternatives.

To me that is where the DARA approach seems to be too complex. If we're slowly shifting quota away from states, only to get to a point where we're slowly shifting them back, in such short order that no state has a chance to really increase trip limits, or have extended seasons, compared to what they had. I don't know what it buys us, and I have great concerns over that, especially considering we have commercial rec reallocation looming. I support the substitute motion for that reason. I think despite this idea that we have to move on from the past. I think many state representatives would agree that you also have to protect the infrastructure and businesses that this has been so important to all these years. The trigger amount in the motion that is here is going to get more quota to the north in the short term. As I said, we're going to get by a new allocation amendment, that being commercial and recreational, and we'll have an updated assessment in the near future. I don't see this not being revisited in the future. I think for right now this is the best motion.

CHAIR NOWALSKY: Maureen Davidson, would you like to speak?

MS. DAVIDSON: Yes, thank you. I would like to speak in defense of the original motion. The motion to amend is heavily based on historic landings. Now, are we now and will continue to rely on landings that occurred decades in the past, regardless of where the actual biomass distribution is?

I understand now one of the reasons why we're doing this is to protect the investment and infrastructure of certain states. But in doing so, we're leaving other states to struggle economically, and not be able to improve their infrastructure, despite the fact fish are right there off their shores.

I understand the need to protect what you have and what your state has invested in. But through the DARA system the changes would be gradual, not as though one day your state has fish, and the next day

your state doesn't. Okay, we're just looking for a more fair and equitable opportunity to catch the fish that are right on our shore.

Now, the DARA system is responsive to where the biomass is located. Instead of us being chosen, we're going to be constantly competing for the fish that are there, either protecting our infrastructure, or trying to promote our economy in other states. You would have something that as we see the biomass change through a stock assessment, we would be able to adjust.

All of the states would be able to adjust to what is actually happening to the stock. I am very concerned that we are going to remain locked into the landings that happened a long time ago, and sort of for some people could remain feeling secure that their fisheries are fine, nothing is going to change, we'll always have that, and other states will not be able to have that kind of security.

I understand that we're all trying to protect our fisheries. We're trying to protect our investments. But how long will we do this? I would like to see some change. Let's move away from these historic landings, maybe not 100 percent, but let's step away from this, so that all the states can have an opportunity to benefit from, shall we say the amount of black sea bass we now have off our coast. All right, thank you very much. I didn't mean to go on for too long.

CHAIR NOWALSKY: Thank you very much, much appreciated. I do have a hand up from the public. Again, I will go to the public for any other questions or comments, prior to taking a vote on the motion. John Almeida, your hand was still up. Did you have anything else to add, or was that just up from your comments before, John?

MR. ALMEIDA: Yes, I'm sorry, it was up from before. Is it still up? I'm sorry.

CHAIR NOWALSKY: Still up as of right now. Great, now it's down, thank you so much. Let me now go ahead, and let me get a show of hands. If everybody could put their hand down for a moment. Let me get

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a show of hands that want to speak in favor of the motion to substitute. Okay, I've got Mike Luisi and Tom Fote, and I had Peter Hughes.

I don't have Peter Hughes any more, it's one of those up and down things in the room that we looked at and was not sure what it is. I try to look at this screen, and I try to envision people's faces and hands going up when I see it. It makes it more real here for me. For right now I've just got Mike and Tom. Let me see a show of hands.

If you two could put your hands down for a moment, of individuals that want to speak in opposition to the motion to substitute. I'm jotting them down; I've got a fairly substantial list here. In terms of Council and Board members, we've got Dave Borden, Justin Davis, Dan Farnham, Mike Pentony, Jim Gilmore, Nichola Meserve and Tony DiLernia. I see Dave Borden's hand went down. Dave was that just because I had recognized you added to the list, or because you did not want to speak in opposition to the substitute?

MR. BORDEN: Because you recognized me.

CHAIR NOWALSKY: All right great, thank you. Is there anyone else who would like to speak, but they aren't sure that they want to commit to the substitute in favor of/in opposition, but they know they want to speak and get something with regards to Board and Council members? Okay, nobody on the fence here right now.

I'm going to try to split this up somewhat evenly here, to try to maintain some decorum of debate. Let me go with Dave Borden and Justin Davis. Then I'll go back to Mike Luisi, then I'll take a couple more in opposition, and then I'll come back to Tom Fote. I would request that when you're making comments, please make comments that are new rationale for your position. We can save some time hopefully by not rehashing comments that other people have made. Dave Borden, you're up.

MR. BORDEN: I favor the underlying motion. I'm opposed to the motion to substitute. Jason did an excellent job of characterizing the reasons to do that,

and Emerson's added. I won't repeat that in the interest of time. But what I would like to emphasize is that part of the reason we're in this situation is we've had an underlying deficiency, in terms of Connecticut, for going on two decades.

That same deficiency exists for the state of New York. New York basically controls half of Long Island Sound, and that is where the Connecticut fish have been most abundant. I think we should, and I would be willing to make a motion to amend, a motion to substitute to add a provision, which would increase the New York base allocation to 9 percent.

CHAIR NOWALSKY: All right, so you're offering an amendment to the substitute, which would be a third level, which under Roberts Rules we could entertain. Are you offering that increase to 9 percent in conjunction, I guess, with the Connecticut increase, so it would look similar to what Jay's initial motion was, Dave?

MR. BORDEN: That is correct. You could use the exact language, so it would read Option B, increase Connecticut's quota to 3 percent, and increase New York's quota to 9 percent. I so move.

CHAIR NOWALSKY: Let me ask you this question, Dave. Before we take this up now, do you think this will materially change the vote on the motion to substitute, that it's worth taking that amendment up right now, or we should see whether or not the substitute becomes the main motion, and then pursue that amendment, if it should become the main motion.

MR. BORDEN: My answer, Mr. Chairman is yes, and I'm also prepared to make a motion to adjust the trigger.

CHAIR NOWALSKY: Well, we can go three levels deep with Roberts Rules, so if there is a modification to the motion to substitute that you would like to make, we can entertain those. Let me do the following. Let me go through our list of speakers, see where we are at that point, and then I'll come back to you with that potential modification.

Joe Cimino, were you raising a point of order? No, I don't think that's what it was, or were you just speaking, we're okay then. Let me go through a couple more comments, and you're suggesting that, and can you just describe the proposed change to the trigger that you would be offering also, Dave?

MR. BORDEN: I'm going to do it in separate motions. In the interest of time, it might be better to take it up separately. The concept would be to lower the trigger to Sub-option B1-A, the trigger value of 3 million pounds.

CHAIR NOWALSKY: Okay, so at least we know that that is out there. Let me get through a few more comments, and then we'll come back to pursuing an amendment to the motion to substitute. Justin Davis.

DR. JUSTIN DAVIS: It seems like Dave Borden and I are thinking along the same lines, so I think I'll save some of the comments I was going to make until the point at which we're able to have those motions for an amendment to the substitute motion on the board to discuss. I'll just make a couple of general points.

One is that I wanted to specifically address the fact that both these motions incorporate an increase of Connecticut's quota to 3 percent, rather than the 5 percent contemplated in Option B. I just wanted to get on the record that Connecticut is okay with that. Our ask under Option B had been for 5 percent.

We feel that generally the state was within its rights, wasn't making unreasonable ask to propose being increased to 5 percent, given that is sort of the de facto minimum allocation along the coast right now. As everyone around the table seems to agree, Connecticut's quota being at 1 percent was just way too low, and didn't make sense. Connecticut would acquiesce to an initial increase to 3 percent, for the sake of creating more room and more flexibility to achieve a follow-on action for broader reallocation along the coast. Along those lines, I do support the original motion, but not the substitute motion, for one reason being that incorporates an increase to New York as well as to Connecticut initially.

New York has also experienced a substantial rise in abundance of the species in their waters, particularly in the shared waters of Long Island Sound. Like Connecticut, they also do a relatively low current allocation within the northern region. I think an initial increase to New York, as well as Connecticut is completely appropriate. If you think about it, if you're thinking of increasing Connecticut from 1 to 5 percent that's a 4-percentage point increase.

Taking that and splitting it in half, and giving 2 percent to Connecticut and 2 percent to New York, I think is a very reasonable approach. I'll also just make a general point that I prefer the DARA approach to the trigger approach, because I think it is more forward looking. When you think about these approaches on a gradient of, to what degree are we using historical information and historical patterns of landings, and not incorporating new scientific information.

I view the DARA approach as being all the way on one side, where we're really making a big loop towards a more dynamic way of thinking about allocation that incorporates more information, and the trigger approach being all the way on the other side, where it's more conservative, particularly with a trigger formally in pounds, which I view as too high, and sort of giving heavy weight to historical allocations.

I completely understand the appeal of the trigger approach to those states that currently have high allocations, and has a history built up around those allocations. I recognize that a trigger approach might be the only path forward that is palatable to those states. But I expect we'll have some more conversation later on, when there is an amendment to this motion, about what the appropriate level of a trigger ought to be.

CHAIR NOWALSKY: I was planning to go to Mike Luisi next to speak in favor of the motion to substitute. However, the Chairman has indicated he's dealing with some technical difficulties, so let me go to Tom Fote to speak on behalf of the motion to substitute.

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MR. THOMAS P. FOTE: When I look at species distribution, it's been used I think in some ways wrongly. When we started making adjustments, back when we first put the black sea bass in the summer flounder plan, we started raising the size limits on black sea bass. We started to raise the size limit of summer flounder.

As we basically have known historically, as we raise the size limit and fish move to the north. The bigger they are, and it keeps going further and further north. When you wound up with the distribution of bigger fish up north, which means the poundage was larger. I don't know if the numbers of fish are any larger.

Nobody has really given me, and I've asked that question a couple of times, but we redistributed the number of fish that you can catch by doing this. I look at what was going on. No matter what happens, New Jersey is going to pretty much remain the same. In order to make this plan work years ago, New Jersey gave up 20 percent of its commercial quota. Though we look like we're going to be giving up a few percentages here no matter which way we say. We have no problem with that.

But most of that quota was given to New York, to basically firm up, because they said they didn't have a quota, so we used that 20 percent. We did not give it to the south, as far as I can remember. But I wasn't sitting on the Board at that time. That was the year I was off, way back when. I look at that and I basically say, okay. I have no problem giving Connecticut. I would have given you the 5 percent, because they really have gotten stuck by this.

But again, when I look at New York, I don't hear them saying, well we'll take 8 percent or 7 percent instead of going to 9 percent. They're just looking for an increase, and the same way they have looked at summer flounder and other species. They use the excuse of climate change and those fish are moving north, and a lot of time it's just because there are bigger fish up north, and they're landing by the size of the fish, and you pushed us out.

I also remember that when we first did this, the southern state's summer flounder took a huge hit, when we raised the size limit of summer flounder. The same thing happened with bass. New York, New Jersey, and other states didn't take a hit at all. We just increased our catch, because we basically got bigger fish.

History means something. I've been around a long time, and I get a lot of heat when I basically do history lessons here, but it does mean something. I'm not prone to basically flip a switch and just arbitrarily decide that we should move it here, and so I'm really, not really understand what is going on besides climate change. I agree climate change is sad to see. I mean look at cobia, and how its moving further and further north.

But again, we don't know what happens with some species. I don't know what's happened to weakfish, and I don't know what's happening with the clams. I think I know what happened, but we don't manage for environmental conditions, and it's a lot more than climate change that's the problem, it's the pollution and everything else we're doing in the Bays and estuaries. To conserve time, I'll just stop where I am right now. That's why I'm supporting the substitute.

CHAIR NOWALSKY: Next up we'll go to Dan Farnham. Do you have something you would like to add in opposition to the motion to substitute that we haven't heard so far? Dan, if you did want to speak, you're presently muted on the webinar. All right, while we're waiting on Dan, let me go to Mike Pentony.

MR. PENTONY: I'm not sure if I was jumping the line, or if you had me on your list already.

CHAIR NOWALSKY: I had you on the list.

MR. PENTONY: Okay, thanks. I think everybody recalls from the last meeting, I voted in opposition to the motion that proposed to bring the state-by-state allocations into the federal FMP. But given that I did not prevail on that, we are now looking at a joint amendment that would bring the state-by-state

allocations into the federal FMP, you know I'm paying close attention to this discussion. I will say that, you know at times there is discussions of, we need to do what is legal, and I don't know that this is one of those. I guess what I mean is, I think we're not talking about something that is legal versus something that is not legal.

I think what we're talking about is, how can we get the optimal outcome in this situation, given these discussions?. I think in this case, I have some concerns about the trigger approach, you know largely because it's not as adaptive as the DARA approach. I think with climate change, changes in stock distribution.

I'm hoping that the Commission, the Board, the Council, you know can start moving the needle to be responsive, and look at management strategies and approaches that can adapt more easily, and evolve as conditions change in the ocean. I'm concerned that the trigger approach as currently described, really doesn't do that. It certainly, you know is an approach to the right, you know it's going in the right direction when black sea bass stock levels are high, as they are right now.

But should we see a downturn in the stock, which obviously with climate change things can be pretty unpredictable. We could easily find ourselves back in a situation with 3.5, 4-million-pound quotas, and the stock having moved significantly during that time, or contracted to the north as the stock declines, and yet the allocations would still be based on the original allocations that don't reflect a shift to the north.

I'm going to vote against the motion to substitute, because I really want to see the DARA approach, you know kind of get its day in court, if you will, for a full discussion. I think what the DARA approach presents is an opportunity for the Council and the Board, as I said, to move the needle forward, to look at a more responsive, more adaptive management approach that can evolve as conditions in the fishery and in the resource change.

CHAIR NOWALSKY: Dan Farnham, did you get the, yes you are able to unmute yourself, go ahead.

MR. FARNHAM: I did, thank you, Mr. Chairman. I had to switch modes there. We lost our power at the east end of Long Island. I'm going to be brief here. I want to reiterate everything that Mr. Pentony just said, and I'm going to elaborate a little bit on that. In my mind we're going to have to address the discard issue, and potentially increasing discard issue that this fishery is going under right now. I mean we're not just seeing a slow increase in the biomass up here; we're seeing a large push to the east and the north with these fish.

We've had fish catch black sea bass last week on the Hague Line. Now, as these things start moving that way and become more prolific up in that area. If we don't allow more opportunity for the fishermen to keep what they're catching, they're not even targeting these fish. But right now, they have to discard them, and unless we give them more access to them as they move north and east, we're going to continue to have discards. Now this is an opportunity to turn discards into landings, if I've ever seen one.

CHAIR NOWALSKY: Mike Luisi, you're back with us, Mr. Chairman, I believe.

MR. LUISI: Wow, so after Mr. Pentony's comments, I'm a little, first of all let me just say that I support the substitute motion. I am not in favor of the leap, which I see it as, regarding the first motion on the DARA approach. You know it's really easy when you are a state asking for more, you can ask for more, it's really easy to do that.

But as a state that is going to be giving something up, it makes it very challenging. There are six states, including New Jersey, in the southern region that have discussed how we would approach this allocation review. We're committed, all of us are committed to finding a solution that works for everybody, something that works for our industry, as well as providing for additional resources, allocation resources, in New England, where their stock is plentiful.

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I've heard a number of times during this conversation, I've heard a number of people say that the stock has shifted into New England. Well, that's not the case. Okay, everybody needs to understand that this is an expansion of the stock, and not a shift. We have lost nothing down in the Mid-Atlantic. We have the same resource that we had ten years ago here now.

You know our commitment to finding a solution to give more access to southern New England, is a real one. There are issues like Connecticut has with the quota that they have. You know we're committed to finding a little bit extra for them. But this leap into this DARA approach. There is so much uncertainty.

The uncertainty is where I personally, and where I won't speak for my other states in the southern region. But I think they would all agree, the uncertainty about where we're going to be in the near future, not only with the stock assessment coming up, but with the sector allocation amendment that we're dealing with. The uncertainty is too much.

The state of Maryland relies entirely on its black sea bass quota. The fishermen, and there are a few of them on this call today. They will support me in what I'm saying, in that black sea bass is the glue holding our fort together. If we give up too much, it's going to fall apart. What I'm committed to, what we are committed to in Maryland, is the substitute motion, which would give Connecticut a slight increase in their quota, so that they can have a directed fishery, and set an appropriate trigger.

We're talking about a 4-million-pound trigger. The quota is at 6 million pounds right now. That's a third of the quota is going to get distributed, 85 percent to New England. I don't understand why there are so many people against the idea of moving forward in that direction. It's making me crazy a little bit.

You know here we are as a group of states, where the stock has not changed. We have the resource available to us. We're trying to deal with the problem, and we've come up with a solution. We're

saying that we would send some quota north to increase all the northern states quotas to some degree, and we can all get onboard with that. All I've been hearing is negative criticism around that. We've built an industry. Our industry has built the infrastructure around black sea bass. If we lose too much, it's going to fall apart. This is a first step. I see it as a first step, this substitute motion is a first step in getting the time to try to solve some of the problems. But not taking away so much from the industry and the infrastructure that we have that things collapse. I hope that there are more people on this call that will support that idea, and you know continue to review. Maybe we review this in five years, and we'll see where we are.

I would have no problem with that. But right now, jumping to the main motion and going to the DARA approach, is just too much of a leap. There is too much uncertainty, and I can't support that. I'm going to support the new motion, thank you, Mr. Chairman, sorry for the long-winded explanation.

CHAIR NOWALSKY: Thank you, Mr. Chairman, for getting yourself back online. I appreciate it. We all have to take on this new role of being Tech Support pros for ourselves here that we didn't see coming a year ago. We've heard a number of comments in favor and in opposition. I had three more speakers that I was going to acknowledge on the opposition to the substitute, but one of the speakers so far has expressed a desire to amend the substitute motion.

At this point I'm going to go back to Dave Borden, who wants to offer a motion to, I believe his intention is to offer a motion to amend the substitute, and assuming that's the case, then we'll go to those other speakers I had in the queue. Dave Borden, let me come back to you now. You wanted to take these one at a time, which I think would be great. Do you intend to make a motion to amend the substitute?

MR. BORDEN: Yes, sir. Are you ready?

CHAIR NOWALSKY: Please go ahead with your motion to amend the substitute.

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MR. BORDEN: I would amend Option B to read, increase Connecticut's quota to 3 percent, and New York to 9 percent.

CHAIR NOWALSKY: That would not incorporate the two-year change that was in Dr. McNamee's original motion. Your period was your period.

MR. BORDEN: Correct.

CHAIR NOWALSKY: All right, thank you, I did not want to put words in your mouth, but you were very clear with the period, so thank you. Waiting for staff to complete getting that up on my screen. I don't know if they're still working on that.

MS. MYRA DRZEWICKI: Could you repeat the motion, please.

CHAIR NOWALSKY: Sorry Dave, can you repeat that once more?

MR. BORDEN: The motion would read: To move to amend the substitute motion to increase Connecticut's quota to 3 percent, and New York to 9 percent.

CHAIR NOWALSKY: Let's just change the wording of the beginning of this. Move to amend the substitute motion Option B.

MR. BORDEN: Correct. Thank you, Mr. Chairman.

CHAIR NOWALSKY: Thank you for your patience. Okay, you're making that on behalf of the Board. Again, if I could just get everybody else to drop their hands. Justin, do you want to make the motion to second on behalf of the Board?

DR. DAVIS: That's correct, Mr. Chairman. I'm also wondering if I could offer a friendly suggestion of the wording, if that's appropriate at this point.

CHAIR NOWALSKY: Go ahead.

DR. DAVIS: I'm wondering if it would be better worded as increase Connecticut's base allocation to 3 percent and New York's base allocation to 9

percent, to reflect that that is what we're doing is increasing the base allocation, and not setting Connecticut and New York's overall quota to 3 and 9 percent.

CHAIR NOWALSKY: Let me turn to staff, if they think that is more appropriate.

MS. STARKS: All right, I was trying to find my mute button, but I do agree with that. It does reflect that it's the base allocation that is changing to 3 percent and New York 9 percent.

CHAIR NOWALSKY: Then I assume when we get back to the other motion, we can make a similar perfection on those. But let's just deal with this right now. We're going to change the word quota to base allocation in the motion here. Dave, you're fine with that?

MR. BORDEN: Correct.

CHAIR NOWALSKY: We've got the motion by Dave Borden now read, move to amend the substitute motion, Option B, increase Connecticut's base allocation to 3 percent and New York's base allocation to 9 percent. Motion for the Board by Mr. Borden, seconded by Mr. Davis. Would someone like to make this motion on behalf of the Council? Mike Luisi, I saw your hand go up. Was that a comment as my Co-Chair here today, or was that actually to make that motion?

CHAIR LUISI: No, thank you, Mr. Chairman. No, I will not be making that motion. I had a question. But let's see if it becomes a motion first, before I ask my question.

CHAIR NOWALSKY: All right, I've got Dan Farnham's hand up. Dan, you would like to make this motion on behalf of the Council?

MR. FARNHAM: Yes, I would, Mr. Chairman, thank you.

CHAIR NOWALSKY: Do I have a second on behalf of the Council? Tony DiLernia, are you seconding this

motion on behalf of the Council? You are presently on mute on the webinar, Tony.

MR. DiLERNIA: Yes, Mr. Chairman, I will second this on behalf of the Council, but do not presume that I endorse the substitute motion. But I will second the amendment to the substitute motion.

CHAIR NOWALSKY: We have a motion by Mr. Farnham, seconded by Mr. DiLernia. All right, so now let's discuss and debate the amendment to the substitute only. Let's stay very focused just on that. People that I had listed to speak previously, do you want to speak on this motion? I had Jim Gilmore, Nichola Meserve, and Tony DiLernia. Jim, do you want to speak on this motion?

MR. GILMORE: Yes, Mr. Chairman.

CHAIR NOWALSKY: Go ahead, please. Are you speaking in favor or in opposition?

MR. GILMORE: I'm speaking in opposition to it, and I didn't get a chance before, so I'm going to delve back into the reasoning for the whole deal here. First off, it is an improvement, the 9 percent. Thanks to Dave Borden for recognizing the south side of Long Island Sound is indeed New York, so thank you, Dave.

It's an improvement in the motion, but it's still problematic to me, because it is the past, as I said before. I won't reiterate a lot of that. But what we've done in my entire time with the Commission and the Council and before that, was our management is snapshots. We take a snapshot.

We have these battles in these meetings, and then we come up with a solution, and then everybody doesn't want to touch it again for five, ten years, and sorry Mike, in five years we may want to look at it. No one is going to want to look at this again in five years, after the pain we're going through.

What we need is a change, an overall management change approach to a lot of what we're doing, not just black sea bass, not just summer flounder. John Hare's study a few years ago, and it's continued to, I

think there are only 30 species that are moving up and down the coast from climate change.

If we keep continuing to do these little tweaks to fixing this problem, we're all probably going to be in health problems, because of like the arguments we have to go through. We need a new approach to this. Unfortunately, the substitute motion is just taking what we've done for decades and tweaking it a little bit more, just to think that we're trying to fix this overall problem, when in indeed we're not doing that at all.

The DARA approach is really where we need to go in the future, for not only black sea bass, but a whole lot of species. It is the future. The way Jason McNamee has proposed it, it minimizes impact over a very long period of time, so these issues about infrastructure change and loss of fisheries. We're all talking about little tiny changes over time that eventually focuses us in on what the populations are doing, and how they're moving, and we should be managing for that, because that's what we all signed up for, to manage the resources as they change.

Additionally, that DARA approach doesn't run in conflict with Magnuson, it's using the most recent data. It's using the equity. It's essentially providing equity for all the states, so Magnuson there is no issue with that. It really comes up with, Mike Pentony used the word, it's an adaptive way to doing management, and it's really the way we should be going.

Just my last point to what was said earlier was that we've got a lot of focus on this from the federal government. Beyond some of the elected officials that wrote letters, we also have the Hoffman Bill, and now we've got the west coast looking at this, and looking at changes in distribution because of climate change, and recognizing that the way we've managed since Magnuson was passed in '76 is just not working anymore.

DARA is the future, and it's where we've got to go, so I am opposed to the amended motion, the substitute, and I'm back to the original motion, because I firmly believe it's where we need to go,

and with that we can minimize impacts to each one of the members. I understand going back to your state and saying I lost 1 percent is difficult to do, they think they are being betrayed. But the reality is they are probably not going to harvest that 1 percent, because it's moving away, and we really need to move forward on this.

CHAIR NOWALSKY: All right, so I'm going to go to Nichola and Tony, because I had their hands up still from before. Speaking on this motion, or since you had your hands up before on the other motion. Nichola Meserve.

MS. MESERVE: My comment was going to be on the initial substitute motion. I do support the amendment to the substitute, because I think it helps to move New York in the direction that they seek to move away from the historical allocations that are incomplete for their state. But I don't support the substitute, because it uses the trigger approach, and as has been said, it fails to address the change in the stock, and the fishery conditions, as soon as you get one pound pull that trigger.

It doesn't meet, you know neither the Council or Commission's strategic plans that call for us to have adaptive management approaches that respond to these changing fishery conditions. It's been referenced as kind of good enough for now, and since it's a short-term fix, but I'm really more interested in a longer-term solution to the issue.

The semantics of a stock shift and expansion continue to come up, and I just wanted to address the fact that I recognize that the southern states have not seen a decline in their sea bass availability, but we are awash in them in the north. The increasing quotas that all the states have enjoyed last year is the consequence of that northern expansion growth/shift, all of it.

I do appreciate that the more southern states come in with this motion, and putting forward something that would reallocate 34 percent of the quota. However, it doesn't provide any stability, in that sense, as the quota may change. I go back to supporting the initial motion for DARA, thank you.

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CHAIR NOWALSKY: Thank you, Nichola, Tony DiLernia.

MR. DiLERNIA: I agree completely what I just heard come from Jim Gilmore and Nichola Meserve, 100 percent I agree with them. Let me just point out that this morning the Commission listened to petitions from northern states to add the speckled sea trout and Spanish mackerel. We recognized those states and put them on the management board for those species. It's consistent with the Commission's philosophy of managing, giving the states the ability to have a say in managing the fish offshore of their coastlines.

That is what the DARA approach does. I supported the amendment to the substitute motion, because I like the amendment, but I still oppose the substitute motion, and I will support the original DARA approach, because it is consistent with everything what we're trying to do here, recognizing climate change. It is not a shift; it is an expansion of the stock and it lets those states manage the expanded stocks offshore of their coasts. For all those reasons I will support the amendment and oppose the substitute. Thank you.

CHAIR NOWALSKY: All right, so at this point I'm going to ask for a show of hands of Board and Council members that wish to speak solely on the amendment to the substitute. Who would like to speak in favor of the amendment to substitute? Only keep your hand up if that is what you would like to speak to.

All right, I have no hands of people to speak in favor of the motion to substitute. Hands of people who would like to speak in opposition to the amendment to substitute. Yes, I've got two hands, three hands, and I've got a Dave Borden hand. Dave, you were going to speak in opposition of your amendment?

MR. BORDEN: No, sir. I would just like to, and I don't have to do it right now, you can call on the rest of the list. But I would like to comment on Mr. Gilmore's comment.

CHAIR NOWALSKY: We're going to go ahead and I've got Mike Luisi, I've got Justin Davis, and I've got Tom Fote. Let me start, the first hand I saw go up was Justin, so Justin you can speak in opposition to the amendment to substitute, and then I'm going to ask Mike and Tom to consider whether what they need to offer is going to materially change the conversation. Justin, you're up.

DR. DAVIS: I think there was a miscommunication. I was planning on speaking in favor of the Amendment. I'll defer to you as to whether you would like to give me the floor at this point or not.

CHAIR NOWALSKY: No, go ahead. I was somewhat surprised to see you as the seconder, so go ahead in favor of the amendment to substitute, Justin.

DR. DAVIS: I'll just real briefly reiterate some of what I said earlier in the discussions about the two motions we had up on the board. I think New York has also experienced a substantial increase in black sea bass abundance in their local waters, particularly in the shared waters of Long Island Sound. I think providing some initial increase to their base allocation, as well as Connecticut is appropriate.

I've heard at least one person around the table today say that they were in favor of Connecticut increasing to 5 percent in our base allocation need, that means that person is in favor of a 4 percent increase being given to Connecticut. What this is essentially doing is taking that 4 percent and splitting it between Connecticut and New York, which I think is appropriate, so I am in favor of the motion to amend here.

CHAIR NOWALSKY: Mike Luisi, in opposition of the motion to amend the substitute.

CHAIR. LUISI: Going into this discussion and considering these changes to allocation. I was comfortable with Connecticut's suggestion for increasing their allocation. They only have a 1 percent allocation. With 1 percent of the coastwide quota there is no way to have any type of directed fishery.

With the expansion of the stock into the Sound, I totally understand Connecticut's ask for additional quota, so that they can actually try to manage a commercial fishery. Under the alternative that I would be supportive of, which is the substitute motions for the trigger approach, two-thirds of the quota is going to be moved, 84 percent of it is going to move to New England.

I think that under that scenario, New York, Rhode Island, and Massachusetts, the other states that are in that area are going to receive additional allocation to help supplement their baseline quota. Therefore, I do not support the handout to New York with its base allocation increasing it to 9 percent. I feel like Connecticut had a point; we're going to address that point. But I cannot agree on just a handout to New York from a state perspective.

CHAIR NOWALSKY: Tom Fote, do you have anything to add that's going to materially change people's minds on the motion to amend the substitute?

MR. FOTE: I guess I think I do, Adam. I mainly was listening to the National Marine Fisheries Service, justifying his shift to the north. Instead of really looking at the quota, realize that we've had an artificially low quota, not based on what I consider real science, but basically considered on a lot of precautionary approaches, and because the north and the south again were not allowed to harvest, which should have been harvesting a larger quota for the last five years on black sea bass.

Now to get out of the fact that we haven't been able to basically harvest those, NMFS is agreeing that we should shift the quota to the north. I really find this strictly objectionable. I mean I really have a hard time dealing with this. You know, when we start talking about politicians, we've got the same politicians, and they happen to belong to the same party as the ones in charge of New York, so it's going to be an interesting battle if we want to go to Congress over this. I didn't want to use that; you know I think that's a false herring putting on us in this environment. But again, I will state what I said before. There is not any less fish in the south than there was before. That is why this trigger approach,

basically, and I didn't talk about it before. I agree with what Mike Luisi just said. You're giving them allocation of more fish up north. I don't know where New Jersey is going to fall.

I mean, a place where we're going to be by ourselves or are we going to be put in the south, where we really get penalized, and you take away more than the 20 percent we gave years ago? I really have to look at, and when you say well, it's only going to be a small percentage in the southern states. We'll all surviving on small percentages.

With the COVID-19 and everything else that we've had in the south, and basically, we watched markets dry up the same way as New England has. Our industry is suffering unbelievably, and a lot of people are going out of business, both commercially and recreationally. Anything you do that will affect the next couple of years will have a dramatic effect of maybe putting those businesses out of business. I've really got to look out for what's going on to all the states south of me.

CHAIR NOWALSKY: Dave Borden, last word on this motion. Then I'm going to go to the public, specifically on the motion to amend the substitute. We're going to caucus, and then we're going to vote.

MR. BORDEN: I would just like to follow up on Jim Gilmore's comment. I totally agree with all the logic that he presented. I just want to be clear on the record that I like the original motion that Jason made, but since we have a substitute that's on the table, and we're going to vote on it first, which we may never get back to the original motion in that case, under certain circumstances.

I'm trying to make the underlying motion as palatable as possible, not because I prefer it, because I want to fine tune the ingredients in that motion, so that should it have, it addresses some of the concerns that various Board members have raised. That is my purpose, in terms of making these amendments. I still support the underlying motion, the original motion that Jason made, and will probably vote that way in the end. But I'm trying to at least correct some of these deficiencies.

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CHAIR NOWALSKY: If I could have Board and Council members put their hands down. Most everybody, I've got four still up that are people that have spoken recently. Let me next turn to the public, specifically for or against comments on the motion to amend the substitute motion. I've got Greg DiDomenico, go ahead.

MR. GREG DiDOMENICO: This is Greg DiDomenico, Lund's Fisheries, Cape May, New Jersey. On behalf of Lund's Fishery, we oppose the substitute motion, thank you.

CHAIR NOWALSKY: Thank you very much for being very direct, greatly appreciated. James Fletcher, comment with regards to the motion to amend the substitute?

MR. JAMES FLETCHER: We at National Fishermen's Association oppose this motion, but we also think it's right that we have put on the table a way to enhance the stock that New York and Connecticut can get fish, rule in hand, and not have to take anything from the southern states, and it has not been discussed. But we oppose this motion.

CHAIR NOWALSKY: Okay thank you very much, Mr. Fletcher. We're now going to take two minutes to caucus. What I'm going to ask states to do during their caucusing also, and maybe we'll extend this out to three minutes, is to begin the conversation at the state level on the other motions as well.

Let's take a couple moments to caucus. We will come back. We will call the question on the motion to amend for the Board. If it passes the Board, Chairman Luisi will then take the motion up for the Council. Three minutes, 3:33. All right, I've got 3:33, is there any state delegation on the Commission side that is not prepared to vote? Okay, I'm not seeing any indication of that.

MS. KERNS: Adam, I'm going to take these hands down, if that's okay. There are three hands that are up, I think they are leftover.

CHAIR NOWALSKY: Greg DiDomenico, Dave Borden, Mike Luisi, Justin Davis. Toni is about to remove

your hands. All right, it gives new meaning to all thumbs now. **Okay, on behalf of the motion, move to amend the substitute motion, Option B, Increase Connecticut's base allocation to 3 percent and New York's base allocation to 9 percent.**

All those state delegations in favor of the motion, please raise your hand. I have four in favor, Connecticut, Rhode Island, New York, Massachusetts. Please lower those hands. All those state delegations in opposition to the motion to amend the substitute please raise a hand. I count six, I have Virginia, Delaware, Maryland, New Jersey, North Carolina, Potomac River Fisheries Commission.

Please go ahead and put those hands down. Abstentions on the motion to amend, I have two, New Hampshire and National Marine Fisheries Service. **That is 12 votes. The motion fails the Board, 4 in favor, 6 opposed, 2 abstentions.** Chairman Luisi, did you have something to add with your hand?

CHAIR. LUISI: No Adam, sorry, I thought I put it down.

CHAIR NOWALSKY: The motion fails, 4 in favor, 6 opposed, 2 abstentions.

CHAIR. LUISI: It doesn't need to go to the Council at this point, because it failed the Board.

CHAIR NOWALSKY: That is correct.

CHAIR. LUISI: We're back to the substitute and the main motion.

CHAIR NOWALSKY: That is correct. I'm going to come back to Dave Borden. You had suggested you might have something to further modify Option D. However, given that the Option B Amendment did not pass, again I'll ask you, do you think this is going to materially change the vote on the motion to substitute, or does it make sense to move forward on dispensing with this motion, and potentially take further action, should the substitute become the main motion? Dave, how would you like to proceed?

MR. BORDEN: I think it changes the results. In other words, I think 3 million pounds is a lot more consistent with the quotas that we've had over the last few years, and that 4 is setting the value too high. But given the vote on the last motion, I think we all know the results without voting. I'm not going to make that. If somebody else thinks that is important, please step up and make that motion.

CHAIR NOWALSKY: We've had an awful lot of debate on this so far. What I'm going to do at this point is I'm going to go back to the public for an opportunity to comment on the motion to substitute, with the allowance for going ahead and providing comments on the main motion at this point as well.

At that point I will then come back and ask for any more for and against, or any other action to modify the motion to substitute, before we vote on that. Let me go back to the public again for public comment on the motion to substitute and the main motion. Yes, I've got a hand up Captain Julie Evans you can go ahead and speak. Please provide your name and any affiliations that you are speaking on behalf of today, thank you very much for doing that.

CAPTAIN JULIE EVANS: Yes, nice to meet you and thank you for recognizing me. I'm assuming you can hear me now. I represent the East Hampton Town Fisheries Advisory Committee, and I am very impressed by the way everyone is speaking and is so knowledgeable about this very complicated situation we have going forward.

I appreciate both sides of the issue, having been running commercial and charter boats in the Florida Keys and in Montauk with my late husband, Captain Mike Brown. You know it's important that people who are in the industry and have the ability to catch fish, can put them in the boat and provide them for public consumption when they're available.

My industry tells me there are a lot of fish in the area right now, I don't know black sea bass. I am for the first, the original Option B that would increase New York to 9 percent, because the fish are here. I also believe that the DARA approach is a nimble approach and will allow our people to make changes when

necessary, and I do like the fact that it will go over two years, it's not going to be something we're going to just jump into.

However, I do appreciate the people in the south, you know being a little anxiety ridden about losing any quota. We've gone through that too here. I do think that we need to change the way things are done, and so I ultimately, I hope that the people that can vote will vote for Option B, thank you.

CHAIR NOWALSKY: Thank you so much for joining us today, and taking the time to comment. I don't see any other hands up from the public. Is there anybody who is on the phone only, and doesn't have access to the webinar that wanted to comment on these motions? Okay, seeing no other comments from the public. I still have hands up from Mike and Cheri. Did either or both of you need to speak on something, before I go ahead and ask for, for and against of the motions here for any further debate? Mike's hand is down. Cheri Patterson.

MS. CHERI PATTERSON: I don't know what happened. There was some sort of delay. We were voting yes on that last, or we were going to vote yes on that last motion, and it ended up being an abstention.

CHAIR NOWALSKY: All right, let me turn to staff. Given the fact that that would not materially have changed the outcome of the vote, is there a level of comfort with just modifying this to reflect 5, 6, 1, or at this point that we've moved forward, should we leave it as such? How would staff like to proceed?

MS. KERNS: Adam, I think we can just reflect the 5, 6, 1 in the vote in this record. It doesn't change the outcome, you are correct.

CHAIR NOWALSKY: All right, so let the record reflect that the vote then will be 5 to 6, 1 that New Hampshire had a vote and did not abstain, had voted in favor of the previous motion. All right, let me ask again. We've had a lot of debate on this. I'm not still sure where we go. I think I'll just put out there that I believe there is a possibility that should the motion

to substitute become the main motion, that there may be another motion yet to come before us.

Again, given where we're at in time for the day, is there anyone else who needs to speak in favor or against the motion to substitute, before we go ahead and take the vote? All right, so I'm not seeing any hands. I had requested delegations consider caucusing on the last topic as well. I've got Mike Pentony's hand up, Mike.

MR. PENTONY: I guess this is a point of order question, which is, we have a motion to substitute and a main motion. I know this was mentioned earlier. I've certainly been at meetings where the idea is both motions get perfected before you vote on the motion to substitute, with the idea that if the motion to substitute passes, becomes the main motion, then you bar any future amendments, because those should have been brought forward while it was a motion to substitute. I'm not clear if you were going to entertain motions after this point, or if these two motions are effectively frozen as of right now.

CHAIR NOWALSKY: Well, at this point, Mike, we've had an awful lot of discussion. I did not hear anyone else, other than Dave Borden, offer suggestions for modifications to the motion to substitute. He had two options, one of them we went forward and voted on. The second item he decided to withhold. I haven't had anyone else bring anything forward.

I did not hear anything during discussion about interest in changing anything about the main motion, but following on John Almeida's comments earlier, I will allow before we go ahead and vote on the motion to substitute, is there any specific interest in making a modification to the main motion. Again, let me ask it with, do you think it's going to materially change the outcome of the motion to substitute of the vote? Again, to go ahead and to make a motion for something to change. Again, let's hear what you've got, but I would ask that it comes forward only if you think it's going to materially change the outcome of the motion to substitute. I've got one hand went up, Justin Davis, go ahead.

DR. DAVIS: Just a clarifying statement, I don't have a motion to amend the substitute now that were it to become the main motion, that at that point you wouldn't entertain any more motions to amend it.

CHAIR NOWALSKY: No, what I'm saying is that should the substitute motion become the main motion, I will entertain whatever other motions the Board would like to make, that are in order at that point to modify the motion that has become the main motion. What I'm saying is that if you believe there is something about the current main motion made by Dr. McNamee, that you think at this point.

Given the discussion we've had, we need to have discussion about modifying that main motion made by Dr. McNamee that's going to materially change the outcome of the vote on the motion to substitute, I'm willing to entertain that now. But any other motions, should the substitute become the main motion, we will then entertain those. That didn't quite come out as clearly as I hoped it would, but did that get through?

DR. DAVIS: It did, thank you, Mr. Chairman.

CHAIR NOWALSKY: I'm not seeing anything else. Mike Pentony, your hand was still up from raising that question, or did you? That's down, Justin, if you're good you can put your hand down please. **We are back to going ahead, and we are now going to vote on the motion to substitute.**

Does the Board need additional time to caucus? I'm not seeing any hands raised, nor am I hearing anything. Therefore, we're going to proceed with the vote on the motion to substitute. All those delegations in favor of the motion to substitute, for the Board, please go ahead and raise a hand.

I'll just note for Council members that we're presently on a Board vote, so if you're a Council member, please do not raise your hand right now. I'm not even saying that was the case, I'll just say that was a reminder, in case anybody was thinking about it. Okay, I have 6 votes in favor of the motion to substitute; Virginia, Delaware, Maryland, New Jersey, North Carolina, PRFC.

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Please go ahead and put those hands down. Those have been cleared. All delegations in opposition to the motion to substitute. Okay, I have 6 in opposition. I have New Hampshire, Connecticut, National Marine Fisheries Service, I'm back to 5, I lost one. Just make sure everybody who is in opposition please go ahead and raise your hand. All right, I'm back to 6 again. I've got 6 hands up; I'm going to read them again.

New Hampshire, Connecticut, National Marine Fisheries Service, Rhode Island, New York, and Massachusetts. Okay, so you can go ahead and put those hands down. **That is 12 votes, 6 in favor, 6 opposed. The motion fails for lack of a majority.** No action is required by the Council. We are now back to the main motion. I think at this point staff can go ahead and push everything below the main motion down the screen below the main motion back up, and we can then entertain a way to proceed on that. I've got a hand up from Dennis Abbott. Dennis, you're muted on the webinar presently, if you are trying to speak, and now unmuted on the webinar, go ahead.

MR. DENNIS ABBOTT: Thank you, Adam, you've been doing a wonderful job keeping this going. I don't think anyone could have done better. A question I would have. The substitute motion failed. Can I assume that anything that was in the substitute motion cannot be amended to be put into the main motion, being that it has failed previously? That would be my question.

CHAIR NOWALSKY: If the question is can you take anything from the substitute motion, and bring it into the main motion. I would say I would entertain that. I think the substantive point of the two was a trigger approach versus the DARA approach. I think if there is some element of things that want to modify something, I would certainly entertain it, and hear it, and then I would have to rule on it. But right now, I think my position is that that was the substantive difference between these two motions was the DARA approach versus the trigger approach.

MR. ABBOTT: Follow up, Adam?

CHAIR NOWALSKY: Yes, please go ahead, and your comments are greatly appreciated.

MR. ABBOTT: On Option C, we're really talking basically DARA versus trigger approach. I don't think that someone could come in and substitute Number 2 the DARA approach with the trigger approach. Maybe some sub-parts of that but not the major part. That's my issue. But thank you, Adam.

CHAIR NOWALSKY: All right, Chairman Luisi, where we're at, at this point. Would you like to add something?

CHAIR LUISI: Yes, thanks, Adam. I'm just going to jump ahead and say that I think we all know where we stand on all of this. With the votes being 6, 6, I don't expect that there is going to be any difference in any vote that is made over the next hour or two, where the southern region and the northern region are going to find compromise.

If we were to take a vote on this option right now, which is the main motion, it's going to be 6, 6, it's going to fail. The southern region has worked really hard to try to find some compromise, as a region who is giving up an enormous amount of fish to try to address the problem, and I'm just disappointed in the fact that we couldn't see through the options and find some compromising solution to something that the group that is giving up the most was okay with.

I'm just disappointed in that. I'm not going to support this motion. I would support another motion, perhaps that stayed with the trigger approach, perhaps with maybe some different numbers, but I'm not going to support the DARA approach. I think it's too much of a leap with the uncertainty that we have, and it's not something that I'm going to be able to support. I'll leave it there, thanks, Adam, I appreciate you calling on me.

CHAIR NOWALSKY: Thanks for that insight, and in full disclosure, my goal is to wrap this up in 37 minutes, not another hour or two, but we'll do the best we can. I do think it would be reasonable, given, we don't know for sure. I think we've got

some insight. If we took a vote on this motion right now, what would occur?

I think we've got some insight to that at this point. I think it warrants some discussion about what happens at that point. Should that fail, any motion fails on setting allocations. I think at that point we have no document, and this process stops entirely, or I'll defer to you, Mike. I'll defer to staff for some other way forward.

I'm of the opinion at this point that if we can't come up with an option that is acceptable to both bodies here today, that essentially it brings these documents to a halt. Again, I'm open to other thoughts on that. Let me hear. Mike, if you've got something to add, staff has something to add. Then I think my next step is to say, is there anyone that wants to make any other motion relative to the main motion.

My thinking again was that the difference between the two approaches in the motion was substantially the DARA approach versus the trigger approach. If there is another approach that someone felt a motion to make, I think we could entertain that. If anyone wanted to make any material modifications to this main motion, I think we can entertain that.

Mike, staff, do you have any thoughts about that if we can't move forward with this today, we're pretty much tossing this process, and everything just remains as it is, without anything in the FMP at the federal level. Then once we complete that, then we move into if anyone wants to make any other motions.

CHAIR LUISI: Yes, thanks Adam, you know I appreciate you recognizing me. I'll take that. I won't be long winded. Yes, we're at the point where, based on the previous vote in the interest of the southern region, unless one of the states decides to support this, this isn't going to pass either. That leaves us at status quo.

Status quo, it's not solving any of the problems that exist. The challenge is, the southern region put up a proposal that we thought was going to get some

support, in an attempt to provide more allocation, more resources to southern New England, but it failed, and now we're here. My biggest fear is that we end up with nothing, because I've been committed all along, and I made a point on the record and to my colleagues from other states that we're committed to trying to find some solutions.

This isn't the answer. This option is not the answer. It's too much of a reach with the uncertainties that exist. I'm hoping that maybe we can try to find something. Maybe there is a way. Maybe somebody can come up with another substitute motion. I don't know, I would like to hear from states about maybe dropping the trigger line down to 3.75 rather than 4. I mean its another 250,000 pounds being allocated to the northern states.

But Adam to your question, I think we need to end this. This isn't something, in my opinion, that should go on to another meeting. I think we need to come up with some kind of compromise today, and we need to solve the issues at hand at best we can as managers today, rather than punting this until, you know the spring meeting, or you know a meeting of the Council. That's where I am. As your Co-Chair that is my advice, but I'll leave it up to you to decide how we move forward, thank you. I appreciate that, Adam.

CHAIR NOWALSKY: Well, Mike, I want you to know that I really appreciate your making sure that this wound up at this Commission meeting for me to resolve that, thank you. I greatly appreciate it.

CHAIR LUISI: Yes, if we postpone it again, it will make us make sure that it's the Commission's spring meeting instead of the Council's June meeting.

CHAIR NOWALSKY: I don't want to go back and forth and have discussion about where we are, we've got to complete this or not. What I really want to do is if somebody has, one of two things is going to happen. One, we're going to take a vote on this motion, or two, somebody is going to offer a substantive change to the motion, via amendment or substitute, that they believe is likely to change the outcome of this process.

That's where we're at. Either we're going to vote on it, or somebody is going to make a motion to change something. I have a number of hands that are up. But I'm going to ask you to only leave your hand up, if you are ready to make a motion to modify this main motion.

MR. PENTONY: Point of order, Mr. Chairman.

CHAIR NOWALSKY: Yes, go ahead.

MR. PENTONY: I guess I'm trying to understand why those are the only two options. We have a motion, a main motion. We had a motion to substitute, a lengthy discussion over the motion to substitute. We're back to the main motion. This could pass, it could fail. If it fails, I fail to understand why at that point someone wouldn't be free to make a new motion.

CHAIR NOWALSKY: My preference would be at this point. I think we have a good sense of what will likely happen at this point. You raise a good point. No, just because we take a vote on this motion, the meeting does not come to an end. That is a valid point, thank you for raising it, and if I've provided that as the sense of things, fine.

But my sense is if somebody is going to make another motion, now is the time for that motion to come forward, is my sense. You want from the procedural perspective that if this fails, then some other motion may come forward afterward. But I think my preference would be to get that out on the table now. Nichola Meserve.

MS. MESERVE: You may have seen my hand go up and down a couple times there, because I'm a bit conflicted. I do potentially have a motion for another option, but I do not want to make it before I know for certain that the DARA approach cannot pass, so I'll just put it out there that if we can take this vote, conclude whether or not DARA can pass, then I would be in a position to make a different motion for an option that I think breaches the two.

CHAIR NOWALSKY: Okay. Emerson, do you have your hand up to make a motion?

MR. HASBROUCK: I have my hand up to call the question.

CHAIR NOWALSKY: All right thank you for that. I'll go ahead and give one last chance here, and again, in line with Mike's comments, which again are completely valid that just because this motion fails doesn't mean we can't entertain any additional motions. But the point is that if we don't take definitive action on the allocations today that is when things come to a halt.

Do any of the state delegations need to caucus at this point? Then not seeing any hands nor hearing anything, we are going to go to the judges. **We are back to the main motion. All of those delegations in favor of the main motion, please go ahead and raise your hand. I have six in favor, New Hampshire, Connecticut, National Marine Fisheries Service, Rhode Island, New York, Massachusetts.**

Let's go ahead and put those hands down. Waiting on Connecticut, all right thank you. All those delegations that are opposed to the motion, please raise your hands. **We have six opposed, Virginia, Delaware, Maryland, New Jersey, North Carolina, and PRFC. The motion for the Board fails, 6 in favor, 6 opposed.** Are there any other motions that someone would like to put forward today? Nichola Meserve.

MS. MESERVE: I appreciate working through the steps with you. I would like to make a motion that maintains some elements of the first motion, but changes the most substantive change is changing the Option F, which is the Option in where a set percent of the coastwise quota is distributed based on the initial allocations.

This is very similar to the staff's recommended motion, but does make that change for the modified alternative B, where Connecticut goes to 3 percent and New York goes to 9 percent. I'll read it into the record, and I'll hope to get a second. **Move to adopt the following options for Black Sea Bass Commercial Allocations, modified Alternative B, increase Connecticut's allocation to 3 percent and New York allocation to 9 percent.**

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Alternative F, percentage of coastwise quota distributed based on initial allocations, Sub-alternative F1-B, 75 percent of the coastwise quota allocated using the initial allocations. Sub-alternative F2-B, remaining quota (25%) allocated based on regional biomass from the stock assessment. Sub-alternative F3-B, proportional distribution of regional quota, and Sub-alternative G2, establish three regions, 1, Maine through New York, 2, New Jersey, and 3 Delaware through North Carolina.

CHAIR NOWALSKY: Thank you, Nichola. Before I ask for a second for that, just to confirm, so this is the Council staff recommendation with a change to Alternative B. Instead of increasing only Connecticut, it is a change to both Connecticut and New York by increasing each of those state's base allocations by 2 percent. I'll just note that the language you have for Sub-alternative F3-B, differs slightly from how staff has worded it. But you make no modifications in your motion to F3-B from what appears in the document.

MS. MESERVE: That is correct.

CHAIR NOWALSKY: Thank you very much for clarifying that. Do I have a second from the Board? John Clark, are you raising your hand to second this on behalf of the Board?

MR. CLARK: No, Mr. Chair. I didn't realize my hand was up, sorry.

CHAIR NOWALSKY: Okay, Justin Davis, are you raising your hand to second this on behalf of the Board?

DR. DAVIS: That's correct, Mr. Chairman.

CHAIR NOWALSKY: Okay, thank you, Justin, we now have a valid motion for the Board. **Do we have a like motion on behalf of the Council? Maureen Davidson, are you raising your hand to make this motion on behalf of the Council?**

MS. DAVIDSON: Yes.

CHAIR NOWALSKY: Dan Farnham, are you raising your hand to second this motion on behalf of the Council?

MR. FARNHAM: Yes, I am Mr. Chairman, thank you.

CHAIR NOWALSKY: Nichola, let me turn to you, to give you an opportunity to further. I mean I think you went into pretty good detail before you made the motion. Now that you know it's a valid motion before us, would you like to add anything else?

MS. MESERVE: Just to reiterate a couple of points that were kind of already made on the prior motions. You know the problem with the DARA, I believe, was that the 50 percent redistribution was too much. This is 25 percent, which is less than the trigger option that was proposed using a 4-million-pound quota, based on the current quota. That would have reallocated 33 or 34 percent of the quota, so this is only 25 percent, so this moderates that problem.

But the problem with the trigger approach from a number of our standpoints is that it does not do any reallocation, if you go below that trigger level. It was my attempt here to find an option that is in between the two, and hopefully finds enough for both sides to support, so that we can do something here today, and not leave with the status quo situation, which you know is my sense that is really not a tenable situation at this point, so I appreciate it.

MR. NOWALSKY: Well, we appreciate your patience in getting to this as well. I think we worked through every possible combination before getting back here. Let me ask for a show of hands of Board and Council members that would like to speak in favor of this motion. Just put your hand up if you think you need to speak in favor of it. Again, I think we've had substantive discussion, so if you need to speak in favor because you think what you have to say you really need to sway somebody else's vote, I want to hear from you. Otherwise, we've had an awful lot today. All right, so I've got Justin and Tony to speak in favor. Is there anyone that wants to be recognized to speak in opposition to the motion? Mike Luisi, did you raise your hand to speak in opposition?

CHAIR LUISI: Yes.

CHAIR NOWALSKY: Okay. Chris Batsavage, I've had your hand come up. Were you going to speak for or against or somewhere in between?

MR. CHRIS BATSAVAGE: Probably more along the lines of somewhere in between. We'll see how it goes.

CHAIR NOWALSKY: All right. I'm going to go Justin in favor, Mike against, Tony DiLernia in favor, and then I'll come back to Chris. All right Justin, you're up.

DR. DAVIS: In the interest of time, I will try to be brief here. I think this option is sort of a Goldilocks option, it's just right, it's kind of in the middle. From the standpoint of trying to preserve some of the historic access to the resource that states with higher allocations have enjoyed, this option takes 75 percent of the quota, three-quarters of it, and says we will allocate that according to the initial allocations.

To me that represents a substantial sort of pretension of the historic allocation. However, it does take 25 percent, and say we will allocate that based on science, based on regional biomass, regardless of the overall quota levels. This gets away from the issue of the trigger option, where we're going to do reallocation, but only when the quota is above some level when times are good.

Then when times are tough, we're just going to resort back to the old way of allocating, and make those states that were enjoying the above trigger reallocation, essentially bear the brunt of conservation when we drop below the trigger. I think this incorporates options that I think there was general consensus around today at the table that there is some value in increasing Connecticut and New York states allocations, and of establishing three regions.

But for me I think, you know this option sort of meets that need that if these two bodies do our job, everybody should walk away from the table feeling like they got some of the things they wanted, but not

everything. This is sort of a good compromise middle ground. I'll just add that I think it would be really just a disaster, if at the end of this multiyear process all these meetings, all this work put in by staff and the Agency folks, contributions from the public.

If we get to a point where we can't take action and do something here, I just think that is a real black eye for both the Commission and Council. I really urge my fellow folks around the table today to give this some serious consideration as a reasonable compromise, and maybe just takes a small change to this to get it over the line, then somebody should offer an amendment. Thank you.

CHAIR NOWALSKY: Mike Luisi.

CHAIR LUISI: Thanks Justin for your comment. I agree with a lot of what you said. You know based on my previous comments, I have a little bit of a problem with modified Alternative B, considering New York in this case. In looking at the numbers, under the scenario that we're in with the quota that we have, this alternative actually provides less fish to the southern New England region than the trigger alternative.

But that is under the current situation. The concern that I have, speaking for my industry. If this quota were to fall, and get below 4 million pounds, we're going to really start to feel the pinch in our state. I don't know, I know we've talked a little bit about the idea of reviewing kind of how the quota allocation scenario plays out over the next few years.

I know there is an assessment this summer. I would feel a little more comfortable under this scenario right now, if the increase was only to Connecticut. Maybe there is something added to the language for a review of the allocation alternatives, if the quota drops below what the southern region kind of figured was kind of the hard line at 4 million pounds.

If the quota was to drop below 4 million pounds, maybe it would initiate some further review or action by the Council and the Board. I'm just thinking out loud, which is never a good thing. But I

would feel more comfortable in moving forward with those two provisions added to this motion, thanks, Adam.

MS. KERNS: Adam, I can't raise my hand, it's Toni. I just thought I would point out that at least through the Board action process, and I think through the Council process as well, the Board and Council can choose to bring up an addendum at any point in time for a framework through the Council process. If the stock assessment shows something, the Board and Council can always do an addendum or a framework.

CHAIR NOWALSKY: Thank you, Toni, now that you have everybody else's, you can just jump in whenever you need to, so that's appreciated. Next up, Tony DiLernia.

MR. DiLERNIA: My hand was up, I guess from before, so I didn't mean to put it up. But now that I have the floor and the base of what Toni just said. That is where I was going to go. Can we revisit this? If what I think is occurring is occurring, and there is a distribution of the stock, and trying to deal with a species shift.

I would be very comfortable if somehow, we're obligated to revisit this in five years. I don't know if you wanted it to be to amend the motion. But if we could revisit this in five years, as far as what the distribution of the stock looks like five years from now, I would be much more comfortable with this motion. Thank you.

CHAIR NOWALSKY: Chris Batsavage.

MR. BATSAVAGE: I am willing to offer an amendment to this motion, I'll just see if we can move things forward. I would, I guess start by amending in Modified Alternative B, to remove New York's base allocations to 9 percent, and maybe at the end add language that the allocations will be reviewed in no greater than five years. I can make that on behalf of the Board and the Council.

CHAIR NOWALSKY: All right, so we have Chris Batsavage that is going to move to amend to modify Alternative B to remove "and New York's base

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allocation to 9 percent” and add at the end of the motion “to review the state-by-state allocations in not more than five years.” Did I hear you correctly?

MR. BATSAVAGE: Yes, I think that will do, and if there are any perfection that we need to that language, I’m willing to do that.

CHAIR NOWALSKY: You’re making that motion on behalf of both the Board and the Council.

MR. BATSAVAGE: Yes, please.

CHAIR NOWALSKY: Okay, thank you very much, do I have a second to the motion for the Board? There were some other hands up. John Clark, your hand is one I recognize as a new hand that popped up. Are you making this as a second for the Board?

MR. CLARK: I will second for the Board.

CHAIR NOWALSKY: Thank you, John, do I have a second for the Council? Joe Cimino, I see your hand pop up. I wasn’t sure if that was to be a second, or to comment. Are you seconding this motion for the Council?

MR. CIMINO: Yes, Mr. Chair, it’s to second.

CHAIR NOWALSKY: All right, so we now have a motion to amend. Chris, would you like to comment on the motion to add anything beyond what you’ve already added?

MR. BATSAVAGE: Yes, really quick, Mr. Chair, because I think the other points have been made already. I think the motion Nichola offered is the best middle road approach to take, based on the how the votes have gone so far. The amendments I think are to cover some of the other concerns we heard today, to see if we could maybe find a solution here to reallocate the state quotas in some meaningful way.

CHAIR NOWALSKY: Let me see a show of hands, or if you have raised your hand previously, keep it up, so people that want to speak in favor of this motion. Hands to speak in favor of the motion only. Dave

Borden, your hand was up prior, did you want to speak in favor of this motion, or not?

MR. BORDEN: I would like to speak on the motion,

Mr. Chairman. Could the staff put up a table of state allocations that would result if this motion passes? The underlying motion.

CHAIR NOWALSKY: The main motion?

MR. BORDEN: Correct.

CHAIR NOWALSKY: I’ll go ahead and give staff a chance to think about that for a moment. We had in favor, all those people that want to speak in opposition to the motion to amend. All right, I’ve got Jim Gilmore, Emerson Hasbrouck, and Dan Farnham. Let me first briefly go to staff. Staff, do you feel that you can with some time or in short order, pull up something that reflects what those changes in quotas would be that would incorporate the modified alternative, or is that not something you think you would be able to pull up in short order?

MS. STARKS: This is Caitlin. I believe that if Nichola, who put the proposal together, were to send me her Excel spreadsheet, I could do it relatively quickly.

CHAIR NOWALSKY: All right, we’ll go to some speakers, and then we’ll see where we are. We last heard from Chris Batsavage in favor, I’ll go to Jim Gilmore in opposition to the motion.

MR. GILMORE: Before when I put my hand up, I was actually sort of on the fence about this, because the one thing I clearly liked was the 9 percent for New York. I’ll come back to that in a second. The thing that was concerning me still is that we were going with the past. However, with the five-year addition, that got me back over the edge.

But now that we’ve taken the 9 percent out, one thing that maybe some folks aren’t aware of, but like several species, New York is trying to get equity within the region. If you look across the states, take Connecticut out of it, because they are obviously, I

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think everybody agrees they need to have a higher percentage.

But if you go through New Jersey, New York, Rhode Island, and Massachusetts, New York's allocation has been half of those states, which I've said many times before makes absolutely no sense. If you've got a historic fishery that was harvesting those fish, and that those fish exist in the water equally, then New York gets some equal access to it.

At least the 2 percent increase for New York was making this at least going in the right direction, so I was supportive of it. However, if the 9 percent is taken out, then I cannot support this motion, because I think it's just somewhat punitive, quite frankly. Anyway, if someone wants to consider changing their mind on this, and putting the 9 percent back in, I would vote for it.

CHAIR NOWALSKY: Joe Cimino.

MR. CIMINO: I think if I was in Mr. Gilmore's place, I would feel exactly the same way, it just seems like it's punitive. I support this motion, and that's not what it is to me at all. I don't like the concept of just putting quota on the table for the sake of doing it, but none of these options were going to help Connecticut out enough to get them started in a fishery.

I hoped that 3 percent would do that. I was supportive of 5. For New York at a base of 7 percent right now, there are other states that are in a similar situation, and with some of these shifts in quotas, they'll be moving beyond that. Some states might be moving below that. I don't think 9 is necessarily a reasonable or needed baseline. These allocation discussions are tough, but you know doing it as a regional approach isn't necessarily that accurate either, right, because Connecticut is always going to be below everyone.

CHAIR NOWALSKY: Emerson Hasbrouck, on the motion to amend.

MR. HASBROUCK: I agree fully with what Jim Gilmore just said. I could support the underlying

motion, but I cannot support this amendment. I think that my esteemed colleagues from the south of New York need a bit of a refresher here on geography. You have a body of water up there called Long Island Sound, and it's situated between New York and Connecticut.

The increase of fish in Long Island Sound, are within both New York and Connecticut's waters. To say that New York should not get an increase here as part of Alternative B, is like saying that in the Chesapeake if there was an increase in abundance of fish, that perhaps Virginia should get an increase in allocation, but Maryland should not, even though they fish in the same water.

CHAIR NOWALSKY: Dan Farnham.

MR. FARNHAM: I haven't been here that long. I'm not sure what New York did before I got here, to get the reaction I'm hearing on this webinar today. I don't know. New York, I can understand one thing, these fish are being caught. Fish are being caught; they are being discarded. What we are trying to do is turn discards into landings.

I cannot support this motion to amend. I can support the main motion, but not with the motion to amend. When you take away the 2 percent from New York, New York goes up from 7 percent to 8.9 percent of the overall quota. It's not going to be enough to cover what we're catching and throwing back into the water right now. That's where I stand, thank you.

MS. STARKS: Mr. Chair, I believe staff has a table of what was asked.

CHAIR NOWALSKY: All right, let's go ahead and pull that table up, thank you. While staff is pulling that table up, Tony DiLernia, you still had your hand up. Did you have something substantive to add to this?

MR. DiLERNIA: Yes, I do, Mr. Chairman. I think some of the states are being a bit disingenuous. The states to our south. Boats know what happens when boats leave that coast, they're from New Jersey, they are steaming northeast. Those boats are steaming

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northeast to fish, and very often they are closer to the state of New York than they are to the state of New Jersey, when they are coming up to the northeast to fish.

They say that well, New York shouldn't get an increase in allocation of 9 percent. It's a bit disingenuous, because you realize the fish are there. You're steaming up here to fish for them in the first place, but then you say well, no, no, you guys shouldn't get an increase. Anyone who really knows how this fishery is being prosecuted understands that, and they are being a big disingenuous when you say New York should not get an increase to 9 percent.

CHAIR NOWALSKY: Thanks to staff for bringing this table up. This reflects the percentages on the main motion, and just for comparison's sake, if we were to apply the proposed amendment, I believe what that would do, is slightly decrease Mass, Rhode Island, New Jersey, Delaware, Maryland, Virginia, and North Carolina by a distribution that adds up to 2 percent, and would then increase New York by that 2 percent. Do I interpret that correctly what the amendment would do?

MS. STARKS: Mr. Chair, this table is showing the amendment that was suggested, and I also have a table for Massachusetts, the main motion that Nichola presented.

CHAIR NOWALSKY: This would include the New York 2 percent increase?

MS. STARKS: No, this includes New York with 7 percent only.

CHAIR NOWALSKY: This is the main motion as it stands, not the amendment to the main motion.

MS. STARKS: If I understand correctly, the amendment is to remove New York's getting 9 percent at the beginning, so this is the amended motion, and this is the main motion, let me make it larger.

CHAIR NOWALSKY: Okay, you're correct, thank you. You are 100 percent correct, thank you. Okay, so what we're going to do at this point is, I'm going to go to the public. I'm going to ask for comments on the motion to amend, as well as the main motion. We're then going to caucus as needed, and vote on the motion to amend.

The caucus, we're going to go ahead and take a five-minute caucus, to give people opportunity to one, get a break, because we've been at this over two hours, as well as to try to consolidate the caucus between the motion to amend and the main motion. Let me go ahead and get hands from the public. We're going to go ahead and entertain comments on the motion to amend and the main motion. I think at this point if staff could bring those both up again, so the public can comment, then I would appreciate that. Let me first go to Julie Evans, please.

CAPTAIN EVANS: Thank you for letting me speak. I have to urge people that will make this a reality to listen very closely to Jim Gilmore's comments, Emerson Hasbrouck, and Dan Farnham. This is a very small amount New York is asking for this increase. It seems very stingy, I have to say, on the part of the southern states exactly, not to allow New York a small increase of the fish that live in the waters where they fish.

These fish are going to be caught anyway, you know. They are going to be caught anyway, so I urge the people that can vote to allow New York a very small 2 percent increase, and let this proposal go forward. I do not support the amendment. I do support the original alternative, the modified alternative as presented, but I do not support the amendment on behalf of the East Hampton Town Fisheries Advisory Committee. Thank you.

CHAIR NOWALSKY: Thank you, Greg DiDomenico.

MR. DiDOMENICO: Good afternoon, Mr. Chairman. This is Greg DiDomenico, speaking on behalf of Lund's Fisheries. First, I would like to support the amendment to modify Alternative B from Mr. Batsavage and Mr. Farnham and Mr. Cimino. I would also like to point out, I believe that the intent in this

motion is not to cap New York at 9 percent, but I think they are saying 9 percent is not an appropriate baseline.

If I need to be corrected on that, that would be great. But I think I understand the intent of the motion, and consider the intent of the motion to be friendly, not stingy, and very generous. I look forward to continuing working on this amendment as it develops. But for now, I would like to see this, I do support this amendment to modify Alternative B, thank you very much.

CHAIR NOWALSKY: Bonnie Brady.

MS. BONNIE BRADY: Can you all hear me?

CHAIR NOWALSKY: Yes, Bonnie, go ahead.

MS. BRADY: Great, thank you, Bonnie Brady, Long Island Commercial Fishing Association. We cannot support the amendment. We've been asking for this on a myriad of fisheries. I've been at it for 20 years; you all have heard me. At this point, especially since we share the same waters, specifically around Connecticut. It would be really nice listening to other states who don't want to lose any of theirs, to feel the need to help to frankly throw New York a bone.

We have had one fishery after another lost via state by state, and it's always a have versus have not. Two percent for New York is amazing. Compared to everyone else, when we know to the north and south you both caught, we were on equal par 25 years ago. Please, I can't support the motion to amend, we support the motion as is by Ms. Davidson and Mr. Farnham, thank you.

CHAIR NOWALSKY: James Fletcher.

MR. FLETCHER: I find it amazing that those in advised where I put it on the table a number of times. I'm opposed, but I put it on the table a number of times for New York and Connecticut, if it will enhance both their stock, and justify increasing their landings more than 3 to 5 percent. All they have to do is stock enhancement program. I find it amazing that it's

been on the table for at least the last four years and it never makes his point. But I'm opposed to giving, United American Fishermen's Association is opposed to giving them quota. Thank you.

CHAIR NOWALSKY: Is there any member of the public who is on the phone only, and not on the webinar, and cannot raise their hand? All right, not hearing anything. We are at the point where I'm going to ask if there is anyone else who feels they have something substantive to add at this point, prior to taking a five-minute caucus break. Dave Borden and Emerson Hasbrouck, are your hands still up from before?

Emerson's is down, Dave, your hand. All right, that hand is down. I've got four hands that are up of people that want to speak at this point, so we're going to do those four people, and then we're going to take a five-minute break, and then we're going to call the question. I'm going to do them in the order I saw them go up. Joe Cimino.

MR. CIMINO: I felt I had to raise my hand, because some of the most recent comments sounded as if this is a vote to keep New York from being able to achieve 9 percent of the coastwide quota. This is a motion that says, we don't feel that 9 percent is a needed baseline. It's not that New York won't get that amount of quota.

If the biomass is there, that 25 percent reallocation that's moving around should get them there. If it goes away, then it won't. That is part of what we're dealing with, with these baselines. Again, you know we all felt that Connecticut was in somewhat of a different situation, being so low that none of these options could help.

CHAIR NOWALSKY: Thanks Joe. I've got Justin Davis, Mike Luisi, Ellen Bolen, and then we're taking a break.

DR. DAVIS: I just wanted to make a very quick comment that Connecticut does not support the amendment here, but it's because of the first part, about removing that about New York's base allocation being increased to 9 percent. Connecticut

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does support the idea of coming up with a timeline to revisit these decisions, five years seems appropriate.

I would just want to communicate that to other states that if that sort of requirement is something that might help states see their way to vote on the main motion, that even though we're going to vote no on this amendment, that is something that I think we would consider. Thanks.

CHAIR NOWALSKY: Mike Luisi.

CHAIR LUISI: Yes, I wanted to make sure that we would have the opportunity to comment after we caucused, in case there is something that comes up during that caucus regarding the motion. If we can, maybe just have an opportunity if need be, to make comments that would be great, before we cast a vote.

CHAIR NOWALSKY: Would you be comfortable with taking the vote on the motion to amend, and then take any further comments, or you think those comments may affect the motion to amend?

CHAIR LUISI: Honestly Adam, I think we're at a good stopping point. I need to talk with my representatives from Maryland. At this point, I think if we take a five- or ten-minute break, and we can talk about all of it, so that we don't have to take another caucus. You've made that recommendation before. But I think we're at a good stopping point for that discussion to happen.

CHAIR NOWALSKY: All right, Ellen Bolen.

MS. BOLEN: I think actually I was following up; I think what Mike was saying is, is there going to be a chance to speak to the underlying amendment after caucus? I know you had requested comments for both, but I just wanted to sort of figure out when those would best be spoken.

CHAIR NOWALSKY: Ellen, are you asking for a comment period from the Board and Council on the main motion or on the amendment after we come back from caucus?

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MS. BOLEN: Asking clarification, not asking for further comment on the amendment, because there is going to be additional conversation on the underlying motion.

CHAIR NOWALSKY: All right, so the plan is five-minute break, we're back at 4:50. We are going to vote on the motion to amend. We are then going to open the floor for any final comments on the main motion. We are then going to vote on the main motion. See everybody in five minutes, thank you.

(Whereupon a recess was taken.)

CHAIR NOWALSKY: We have before us a motion, move to amend to modify Alternative B to remove "and New York state's allocation to 9 percent" and add at the end of the motion "to review the state-by-state allocation in not more than 5 years." Again, we're going to go ahead and we're going to vote on this motion.

We'll then open the floor for some limited additional debate, and then move on to either polling the question on the main motion, or if there are any further modifications, perfections needed there. Let me just run down a couple of hands here. Jim Gilmore, you had your hand up, was there an issue regarding the caucus still, Jim?

MR. GILMORE: It was in the caucus, Mr. Chairman, so I had my microphone off before. We just discussed a possible modification to the amendment that maybe will get us through this quicker. Is that appropriate at this point?

CHAIR NOWALSKY: How would you like to modify it, Jim?

MR. GILMORE: I would move to amend to modify Alternative B, and add at the end of the motion to review the state-by-state allocations in not more than five years. Essentially, remove this piece on the 9 percent.

CHAIR NOWALSKY: Here is what we're going to do. We're going to vote on this motion, and then if we

want to add back that five-year part to the main motion, we'll do that. Mike Luisi, did you have something else to add?

CHAIR LUISI: Yes, I was going to ask for an extra minute. I was still having a caucus with my Commissioners, but we can probably handle that without an extra minute. I'm just going to go on mute and talk with them before we cast the vote. Yes, I'll leave it there.

CHAIR NOWALSKY: I'll take a long time adding the votes up. To Jim Gilmore's point, what we'll do if the goal of delegations and possibly Council members, is to ultimately have this first part of the motion to amend removed, but keep in the second part, vote no on this motion, and then we'll come up with a way to add a review back to the main motion. All right, let's go ahead and have all delegations in favor of the motion to amend, as posted on the screen, please raise your hand. I have five in favor of the motion to amend; **I now have six in favor of the motion to amend. Virginia, Delaware, Maryland, New Jersey, North Carolina, PRFC. I'm guessing I probably didn't need to read those six. But those are the six in the record.** Those hands can go down, please.

All those delegations in opposition to the motion, please raise your hands. I need to get the hands that were in favor down. Let's go ahead. Toni, can you just clear all the hands for me, please? If everybody could just leave their hands for a moment. Toni has cleared everybody, please have the delegations in opposition to the motion raise their hand.

I have five in opposition, New Hampshire, Connecticut, Rhode Island, New York, Massachusetts. Please lower those hands. Abstentions on this motion, I have one abstention from the National Marine Fisheries Service. This vote carries, 6 in favor, 5 opposed, 1 abstention. Mr. Chairman Luisi, you may now go ahead and call the question for the Council.

CHAIR LUISI: To the members of the Council. The motion is: Move to amend to modify Alternative B to remove "and New York's base allocation to 9

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percent," and add at the end of the motion "to review the state-by-state allocations in not more than 5 years". All those members of the Council that support the motion, please raise your hand. Toni, I'm going to ask you, I can't see that, so if you can give me a count.

MS. KERNS: Do you need me to read the names as well, or just count?

CHAIR LUISI: For the record, it wouldn't hurt to read the names. Yes.

MS. KERNS: I have **Adam Nowalsky, David Stormer, Kate Wilke, Ellen Bolen, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Dewey Hemilright, and Scott Lenox.** If I didn't call your name and your hand is up, someone added their name as I was reading, and it goes in alphabetical order, so it's hard. I have 14, is that what you have, Julia?

MS. BEATY: I think I actually can't see all this, so sorry I couldn't run that.

MS. KERNS: Okay, I didn't know if you were counting or not. I have 14, I'll put your hands down.

CHAIR LUISI: Thanks, Toni, we'll get the count right, but let's go ahead and, I can't see it but are the hands down at this point?

MS. KERNS: Hands are down.

CHAIR LUISI: Let me ask, for those members of the Council that oppose this motion to amend, please raise your hand. I'm going to have Toni call that out, and I'll count as she calls it out.

MS. KERNS: Just going to give everybody a quick opportunity to get the hands up. **I have Maureen Davidson, Wes Townsend, Dan Farnham, Tony DiLernia, and Paul Risi.**

CHAIR LUISI: Is that five? I think it was five.

MS. KERNS: Yes, I had five.

CHAIR LUISI: Five and 17, that is too many people. It should be 5 and 15.

MS. KERNS: I said 14.

CHAIR LUISI: Oh, I'm sorry, I thought you said 17. Okay, so 14 and 5 is 19, without my vote, there is one person missing. Maybe we could ask for abstentions.

MS. KERNS: We have one abstention from NOAA Fisheries.

CHAIR LUISI: Okay, perfect. One abstention, the motion carries. Therefore, we've amended the main motion, and so I'm going to turn it back over to Adam, and allow staff to amend that motion, and then you can take a vote on the main motion, or consider any alternative to that motion.

CHAIR NOWALSKY: Very good, thank you very much, Mr. Chairman. We're going to take a moment and staff is going to provide the amended motion, which is now the property of both bodies, by removing "and New York states allocation to 9 percent" from the modified Alternative B, and going ahead and adding a line in about review in not more than 5 years, so we could see that as a main motion if we could get that amendment taken care of, please. We'll give staff a moment to do that.

MS. KERNS: Caitlin, for the wording of this, is that just an alternative B? Oh no, it's been modified still, because it's 3 percent. Never mind, I apologize.

CHAIR NOWALSKY: Again, this motion is now the property of the joint body, after the modifications that were made to it. At this point, again let me ask for a show of hands in favor of the modified motion. Again, please raise your hand if you think your comments are going to materially change the outcome at this point. Peter deFur, were you wanting to speak in favor, or did you have a general question, or did you want to speak in opposition?

MR. PETER deFUR: It's a general question, and I wanted to get clarification on a comment that I

thought I heard staff say is that will the review in 5 years take the form of an amendment or a framework? I thought I understood him to say that because we've had such extensive discussion that it would be a framework-able item, is that true?

CHAIR NOWALSKY: I'll turn to staff for that, with one answering is it a framework on the Council side? We know it can be done by addendum on the Commission side, since that's what we're doing. Then the second element of that is would this language be interpreted as begin that process within 5 years, not more than 5 years, or have the review process completed in not more than 5 years.

MS. BEATY: I can answer that, this is Julia. Right now, this is an amendment for the Council. Once this amendment is complete, then after that we can make changes to the allocation through a framework in the future. I would assume that this would mean that that review would start within not more than 5 years. I don't think that would mean completed. I would assume it would mean that it would start.

CHAIR NOWALSKY: All right, so let's go ahead with the review. The allocations to change via framework, the review would begin in not more than 5 years from the time this goes into effect.

MS. KERNS: Adam, just to make sure I'm clear of the Board's and Council's intention here, because the way the question was just given, not. But when the Commission has had review allocation in a certain time within its management documents, it doesn't mean that you have to initiate a management document. The Board can have a discussion, review information in front of them, and then decide if they're going to initiate a management document or not. It doesn't require the management document to occur. But they do have to review data, and then make that decision.

CHAIR NOWALSKY: I think that's a good clarification. I would just request removal of the form the time this goes into effect, because it wasn't actually written into the motion before. It is in the record now that we've heard it here today. All right, so people go ahead and raise hands if you feel you need

to speak on this motion. Right now, I have Jim Gilmore and Mike Pentony. Is there anyone else that feels they need to speak on this motion before we go ahead and vote on it? Jim Gilmore, are you going to be in favor or opposed to this motion? Your hand has gone down.

MR. GILMORE: I will be opposed to the motion, Mr. Chairman.

CHAIR NOWALSKY: We've got you opposed. Mike Pentony, are you going to be in favor or against?

MR. PENTONY: It's actually a comment on the preceding discussion about the review process.

CHAIR NOWALSKY: All right, Ellen, are you going to be in favor or against?

MS. BOLEN: I think it is just more commenting on the overall situation.

CHAIR NOWALSKY: Okay, so we've got lots of commenting on the overall situation. Go ahead, Jim Gilmore.

MR. GILMORE: Just quickly too, we're going to need a caucus for a couple minutes after this, so we can put that on the list. Just quickly, and I felt obliged that Mr. Luisi commented before how he was disappointed. I am disappointed right now in that we are trying to work towards equity in the future, and it seems we're getting stuck right now.

The one comment I will make is my 13-year experience with the Commission and the Council, every time we have gotten to the point where one vote decides a management approach, we're in a lot of trouble, and a lot of agita coming up. I just wanted to make that point, and we'll be voting shortly, thank you.

CHAIR NOWALSKY: Mike Pentony.

MR. PENTONY: I just hope we can be clear on the review of state-by-state allocations in not more than 5 years, does not compel either the Council or the Board to take an action. It seems to me that is

tasking the staff to conduct a review and present information for the Council and the Board, which then could be used to initiate an action.

But, whether that action is a framework or an amendment, at least I think a minor shift in allocation it probably could be done through a framework adjustment based on the current reading of this amendment. But even a substantial change or shift in how we determine the allocations in 5 years, could require an amendment, regardless of what is in the regulations regarding what can be done via framework action.

CHAIR NOWALSKY: Ellen Bolen.

MS. BOLEN: I wasn't being purposely obtuse when you asked support or opposed, but I think it's going to be a fairly last second decision for Virginia. I mean it's always a hard vote to take when it comes to allocation. I've been on the record saying that we understand that things need to shift as the stock expands.

The stock is expanding, but this stock would take quota from Virginia, when we still catch all of our quota. We catch all of our quota relatively close to our coast. It's a pretty hard vote to take, and I know that people will be walking away from the table sort of feeling like nothing went right. Anyway, I wanted it on the record that this is a pretty hard vote to take, and I also want to say that I really appreciate everybody's being willing to listen, and trying to come up with creative solutions to this. Thanks.

CHAIR NOWALSKY: We've got a number of hands that went up. Again, I'm going to come back to the point of, we're at a point where if you think there is something you want to change about this motion to change the outcome. I think it goes without saying at this point that there has been a lot of efforts been made, a lot of people have worked very hard today.

We've gone down a lot of different roads. Yes, we want to get to a point of something that we can all live with. There are no guarantees every time we come into this discussion we're going to get there. With the hands that are up, I'm going to ask, and

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board.

The Board will review the minutes during its next meeting.

those additional hands at this point would include Chris Batsavage, Tony DiLernia, and Emerson Hasbrouck.

I would ask, do you intend to modify this motion, to change the outcome of the vote? I don't think that having another period of how difficult this is. We all recognize how difficult it is. Either we've got something to move this forward, or we vote on the matter, and we accept the consequence. Tony DiLernia, you still have your hand up, so I'll assume that means you've got something substantial to add.

MR. DiLERNIA: My question is actually for the Regional Administrator, who just recently said, well relatively minor. How would we define relatively minor to a change in the state by state that would require that could be done by framework, versus an amendment? Based on the answer to that question, I'll decide whether or not I'm going to vote or not vote for this motion.

CHAIR NOWALSKY: Mike, are you prepared to answer that?

MR. PENTONY: Not with anything concrete. I don't have, so I think it's a discussion that we had in the December meeting that would authorize changes to the commercial quota allocation system in the framework. I'm not sure if there are any parameters around that contemplated in this current amendment.

Council staff might be better able to answer that part of it. But in general, I think we would have to look at the situation, and determine whether we're making, you know a small shift. Small, I don't know what that would mean. But within the overall structure, or completely changing the structure.

For example, shifting from alternative F to a trigger approach, or implementing DARA in a more comprehensive way. Those types of substantial changes would clearly require an amendment, in my view. Sticking with this approach, but making sort of small change to one of the parameters might be something we could do for a framework adjustment.

CHAIR NOWALSKY: All right thanks for that. I think that's the answer we're going to move forward with. Dan Farnham, last word, and then we're going to vote.

MR. FARNHAM: I think it might be helpful if we could take another look at the revised table from the Massachusetts option here. The revised table, but with New York not at 9 percent, at 7 percent. Is there any way we could take a look at that before we caucus and vote?

CHAIR NOWALSKY: We should be able to put that up. We'll take a three-minute caucus. Staff, you can put that back up as this motion is written, correct? I'm going to take their silence as they're working really hard to make that happen. While they are going to either get it up, or they're not. We're going to take three minutes to caucus, and we'll be back. Hopefully during that three-minute period, we'll get that up there.

CHAIR LUISI: Hey Adam, this is Mike. Do you think you can maybe add a few minutes to that caucus, maybe five?

CHAIR NOWALSKY: We'll go five, Mike. We'll see everybody back here at 5:20.

CHAIR LUISI: Sounds good, thanks.

CHAIR NOWALSKY: Those that are diligently caucusing, but can still see the screen and hear me. Staff has completed putting up the percentages as they apply to the current motion. Thanks so much for your efforts. All right, we're back. Here is what we're going to do. We're going to go ahead and vote on this motion.

If the motion passes, we're then going to go ahead and dispense with the other matters regarding implementation dates. If it doesn't pass, then what we're going to do is we're going to take another five-minute break to allow myself to consult with Mike and other staff about what they think we might still be able to accomplish today, should this not pass, or just to give a final what our path forward here is at this point. But again, the shortcoming here is not

being able to be in a room to huddle somewhere. If this passes then we'll move on with our business.

If it doesn't, then I'm going to need a couple minutes just to consult with staff, and Mike as Chair of the Council, to determine what else he thinks we could possibly accomplish today. If staff could go ahead and put the motion back up on the board, please. All right, the motion is back up. For the Board, all those delegations in favor.

If you could go ahead and clear the hands, Toni. Okay, for the Board, all those delegations in favor of the motion, please raise a hand. All right, I count 10 in favor, Delaware, Maryland, New Hampshire, New Jersey, Connecticut, National Marine Fisheries Service, North Carolina, Rhode Island, PRFC, and Massachusetts. Please clear the hands.

I'm waiting for all the hands to go down. They are now all down. All delegations opposed. I have two opposed, Virginia and New York. The motion carries the Board by a vote of 10 to 2. I'll turn it over to you, Mr. Chairman to call the Council question.

MS. KERNS: Did we lose Mike?

CHAIR NOWALSKY: Well, he's on mute on the webinar. We're waiting, you're back off mute on the webinar, Mike.

CHAIR LUISI: I'm sorry about that, I was having a sidebar on the other line. Okay, so I don't need to read the motion back into the record. I'm just going to call the question of the Council. With the question before us, for those members of the Mid-Atlantic Council that support the motion, can you please raise your hand? I'm going to have Toni call your names out, since I can't see those.

MS. KERNS: Mike, I'm just letting the hands come up, because they shift in order.

CHAIR LUISI: Take your time. Once everybody gets settled, if you could just read the names of those in support, and then we'll do opposition.

MS. KERNS: I have David Stormer, Kate Wilke, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Mike Pentony, and Scott Lenox, so I have 12.

CHAIR NOWALSKY: Add Adam Nowalsky to that list, I can't raise the hand as the organizer, thank you very much.

MS. KERNS: Thanks Adam, sorry I wasn't looking at my phone, so that is 13 in favor. I'm going to put your hands down. The hands are down, Mike.

MS. TINA L. BERGER: Toni, I count 14, sorry.

MS. KERNS: There was a member of the public with their hand up, so it's okay, thanks though.

MS. BERGER: Got you!

CHAIR LUISI: We have 13 in favor, all of those who oppose the motion, please raise your hand. Toni will count those down.

MS. KERNS: I have Ellen Bolen, Maureen Davidson, Wes Townsend, Dan Farnham, Tony DiLernia, Dewey Hemilright, and Paul Risi, so I have 7.

CHAIR LUISI: That sounds right, are there any abstentions?

MS. KERNS: I don't see any hands raised with an abstention.

CHAIR LUISI: There are 0 abstentions, motion carries the Council. Back to you, Adam.

CHAIR NOWALSKY: Thank you very much. I think everyone has done a tremendous job in working forward on this today. This has definitely been very hard, and we're not quite done yet. Now that we have approved options for the document, there are two separate actions that would still need to occur for the Board only, an implementation date would have to be approved.

I think we had seen earlier today in the presentation, it doesn't seem like today anymore, but it still is. I

think we have seen a proposed January 1, 2022 implementation date from staff. On the Council side we would need a motion to submit the Allocation Amendment to the Service. Let me start on the Board side, and again, many, many, thanks to everyone involved here today around the table, and thank you to the public for participating. We would need a motion for the Board for an implementation date.

MS. KERNS: Mike Luisi, your microphone is on.

CHAIR NOWALSKY: Nichola.

MS. MESERVE: Could I do both of those things in one motion?

CHAIR NOWALSKY: No, unfortunately not, as a Board member you're going to have to make the Board motion only, I believe.

MS. MESERVE: Right, I meant, okay if they have to be like motions then I would move to approve a January 1, 2022 implementation date for Addendum XXXIII. That was the combined motion I wanted to make, thank you, staff. Move to approve Addendum XXXIII as modified today, with an implementation date of January 1, 2022.

CHAIR NOWALSKY: Thank you, Nichola. Is there a second, Justin Davis, you are seconding this motion, is that correct?

DR. DAVIS: That is correct.

CHAIR NOWALSKY: Thank you very much. Again, this is a Board only motion. Given the nature of the last vote, I'm going to go ahead and ask for a show of hands on this. All delegations in favor of the motion, please go ahead and raise your hands. **I'm counting 9 in favor; Delaware, New Hampshire, New Jersey, Connecticut, North Carolina, Rhode Island, New York, PRFC, and Massachusetts.** Go ahead and put all those hands down. Delegations in opposition, please go ahead and raise your hands. No hands raised, abstentions.

MS. BOLEN: Mr. Chair, this isn't an abstention, I was trying to vote yes to approve as modified. I think I got my hand up late, this is Ellen.

CHAIR NOWALSKY: Let's go backwards for a moment. Let's clear the hands. We've come this far, let's do this right. All delegations in favor of the motion. **Eleven in favor, and that is going to be all states, and this is going to be an abstention from the Service, would that be correct?**

MR. PENTONY: Yes.

CHAIR NOWALSKY: This motion carries 11 in favor, no opposition, one abstention.

MS. KERNS: Adam, when you say without opposition, is NOAA Fisheries? You already, sorry.

CHAIR NOWALSKY: That's correct. There are 11 in favor, no opposed, 1 abstention, and that abstention is NOAA Fisheries.

MS. KERNS: I'm not sure if that's Maya or Caitlin now. Can you just write motion carries without objection, with one abstention from NOAA Fisheries? Thank you, because this is final action, so I just need to make that note.

CHAIR NOWALSKY: I will turn it over now to Chairman Luisi, who has now gone offline. Mike, are you still with us? Well, Wes Townsend, you're on the spot.

MR. WES TOWNSEND: All right, not a problem. I guess I don't have to read the motion either.

CHAIR NOWALSKY: Wes, you are going to have to ask for the motion to submit the Allocation Amendment to the Service.

MR. TOWNSEND: Okay, so I guess I am going to have to take the motion to ask the Council to send the recommendation to the Service, is that correct?

CHAIR NOWALSKY: I think staff will.

MR. TOWNSEND: Move to submit the Black Sea Bass Commercial State Allocation Amendment, with identification of the preferred alternative to National Marine Fisheries Service.

MR. deFUR: Move to submit, Peter deFur.

MR. TOWNSEND: Do we have a second?

MS. KERNS: Joe Cimino.

MR. TOWNSEND: All right, I don't think we need really any more discussion on this, so all those in favor raise your hand.

MS. KERNS: I'm just waiting for the hands to settle, Wes, and then I will read them out for you. I have David Stormer, Ellen Bolen, Sara Winslow, Peter Hughes, Peter deFur, Sonny Gwin, Kris Kuhn, Chris Batsavage, Joe Cimino, Michelle Duval, Dewey Hemilright, and Adam Nowalsky.

MR. TOWNSEND: All right, should be 12.

MS. KERNS: I have 12, yes, and I'm going to put the hands down for everybody when the hands are clear we'll move on.

MR. TOWNSEND: All right, all those in opposition, please raise your hands.

MS. KERNS: Waiting for the hands to settle here. I've lost some Council members. I have Tony DiLernia and Paul Risi.

MS. BOLEN: Hey Toni, this is Ellen again. I'm speaking up for Kate Wilke, who is saying that she cannot raise her hand and cannot speak.

MS. KERNS: Okay.

MS. BOLEN: But she supported the motion.

MR. deFUR: Yes, she was a yes, this is Peter deFur. Exactly what Ellen said.

MR. TOWNSEND: That means our total now should be 13 to 2, so it passes.

CHAIR NOWALSKY: Would you like to confirm any abstentions on that vote?

MR. TOWNSEND: Oh, yes, any abstentions? Thank you, Adam.

MS. KERNS: I hadn't put the hands down yet, so if you guys don't mind, let me just get the hands down, and Wes, if you could ask them to raise their hands again.

MR. TOWNSEND: Tell me when you're ready, Toni.

MS. KERNS: I'm ready now.

MR. TOWNSEND: All right, any abstentions?

MS. KERNS: I have three abstentions, Maureen Davidson, Dan Farnham, and Mike Pentony.

MR. TOWNSEND: All right, that should make our totals 13, 2 to 3, is that what you have?

MS. KERNS: Yes.

MR. TOWNSEND: With that the motion passes this time, and Adam, I guess it's back to you now.

CHAIR NOWALSKY: Mike looks like he's on about four different times now. Are you with us, Mr. Chairman? No, all right, struggling. Thanks so much for that, Wes, appreciate it. If I haven't said thank you, I'll say thank you again. Let me turn to staff. Is there any other business that needs to come before us on this action today?

MS. KERNS: Adam, I just wanted to say thank you to Caitlin for all her hard work on black sea bass, in particular this document. I don't know if everybody realizes if all the Council members know that Caitlin has switched on to some new species, and Savannah Lewis is going to be taking over full time for black sea bass. I just wanted to say thank you to Caitlin for this, and onward to new challenges with lobster.

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board and
Mid-Atlantic Marine Fisheries Council Meeting Webinar
February 2021

CHAIR NOWALSKY: I'll reiterate my thanks as well from earlier today, and we managed to get an extra 68 minutes out of her on sea bass today, Toni.

MS. KERNS: I'm sure she loved it.

ADJOURNMENT

CHAIR NOWALSKY: I'm sure she did. All right, seeing no further business, and having completed the agenda as it was provided, we are adjourned. Thank you very much everyone, and many thanks to the Council for joining us today, and we look forward to you hosting us next week on the bluefish side. Thanks so much.

(Whereupon the meeting adjourned at 5:40 p.m. on
February 1, 2021)

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Management Board

August 4, 2021

1:15 – 5:15 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/Call to Order (<i>S. Woodward</i>) | 1:15 p.m. |
| 2. Board Consent | 1:15 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from May 2021 | |
| 3. Public Comment | 1:20 p.m. |
| 4. Review Data Needs for Spatially Explicit Management of Atlantic Menhaden in the Chesapeake Bay (<i>J. Newhard</i>) | 1:30 p.m. |
| 5. Review Work Group Report on Commercial Quota Re-allocation and Other Provisions of Amendment 3 (<i>R. LaFrance</i>) | 2:45 p.m. |
| 6. Consider Initiation of Addendum on Commercial Fishery Measures (<i>K. Rootes-Murdy</i>) Action | 3:15 p.m. |
| 7. Other Business/Adjourn | 5:15 p.m. |

MEETING OVERVIEW

Atlantic Menhaden Management Board

Wednesday, August 4, 2021

1:15 – 5:15 p.m.

Webinar

Chair: Spud Woodward (GA) Assumed Chairmanship: 03/20	Technical Committee Chair: Josh Newhard (USFWS)	Law Enforcement Committee Representative: Robert Kersey (MD)
Vice Chair: Mel Bell (ME)	Advisory Panel Chair: Meghan Lapp (RI)	Previous Board Meeting: May 4, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 4, 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review Data Needs for Spatially Explicit Management of Atlantic Menhaden in the Chesapeake Bay (1:30-2:45 p.m.)

Background

- The 2019 Atlantic menhaden benchmark stock assessments outlined a research recommendation to ‘develop a spatially-explicit model’.
- In February, the Board tasked the TC and Ecological Reference Points Work Group (ERP WG) with providing additional detail regarding data and modelling needs to develop a spatially-explicit model that could help inform management in the Chesapeake Bay.
- The TC and ERP WG met in March and discussed data needs and potential timelines depending on the management objectives the Board wants the next benchmark stock assessment to address. **(Briefing Materials)**

Presentations

- TC and ERP WG review of Spatial and Regional Model Needs by J. Newhard

5. Review Work Group Report on Commercial Quota Re-allocation and Other Provisions of Amendment 3 (2:45-3:15 p.m.)

Background

- In May, the Board formed a workgroup (WG) to review provisions of Amendment 3 (2017) as part of considering to initiate an addendum on commercial quota re-allocation.
- The Menhaden WG met five times from June and July to develop a report on provisions of Amendment 3 to be revisited, identify current issues, and develop potential strategies. **(Briefing Materials)**

Presentations

- Menhaden WG Report by R. LaFrance

6. Consider Initiation of Addendum on Commercial Fishery Measures (3:15-5:15 p.m.)

Action

Background

- Amendment 3, implemented in 2018, establishes that the Board will revisit quota allocations every three years following implementation.
- The Menhaden WG report outlines in addition to commercial quota re-allocation, other provisions of Amendment 3 including Incidental Catch and Small-Scale Fisheries, the Episodic Event Set-Aside Program, and Quota Transfers.

Presentations

- Revisiting Amendment 3 Provisions by K. Rootes-Murdy

Board Actions for Consideration

- Initiate an addendum on commercial fishery measures

7. Other Business/Adjourn

Atlantic Menhaden

Activity level: High

Committee Overlap Score: High (SAS, ERP WG overlaps with American eel, striped bass, northern shrimp, Atlantic herring, horseshoe crab, weakfish)

Committee Task List

- TC, SAS, ERP WG – various taskings relating to management response to the 2019 benchmark stock assessments
- TC,SAS, ERP WG- begin work to complete 2022 stock assessment update
- TC – April 1st: Annual compliance reports due

TC Members: Josh Newhard (USFWS, Chair), Corrin Flora (NC), Joey Ballenger (SC), Jason McNamee (RI), Eddie Leonard (GA), Jeff Brust (NJ), Matt Cieri (ME), Ellen Cosby (PRFC), Micah Dean (MA), Kurt Gottschall (CT), Caitlin Craig (NY), Shanna Madsen (VMRC), Chris Swanson (FL), Ray Mroch (NMFS), Amy Schueller (NMFS), Alexei Sharov (MD), Jeff Tinsman (DE), Kristen Anstead (ASMFC), Kirby Rootes-Murdy (ASMFC)

SAS Members: Amy Schueller (NMFS, SAS Chair), Matt Cieri (ME), Micah Dean (MA), Robert Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Jason McNamee (RI), Alexei Sharov (MD), Jeff Brust (NJ) Kristen Anstead (ASMFC), Kirby Rootes-Murdy (ASMFC), Joey Ballenger (SC)

ERP WG Members: Jason Boucher (NOAA), Matt Cieri (ME,ERP Chair), Michael Celestino (NJ), David Chagaris (FL), Micah Dean (MA), Rob Latour (VIMS), Jason McNamee (RI), Amy Schueller (NFMS), Alexei Sharov (MD), Howard Townsend (NFMS), Jim Uphoff (MD), Kristen Anstead (ASMFC), Katie Drew (ASMFC), Sara Murray (ASMFC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD**

**Webinar
May 4, 2021**

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

TABLE OF CONTENTS

Call to Order, Chair Spud Woodward.....1

Approval of Agenda1

Approval of Proceedings from February 2, 20211

Public Comment.....1

Consider the Fishery Management Plan Review and State Compliance for the 2020 Fishing Year3

Discussion to Revisit the Commercial Quota Provisions of Amendment 311

Adjournment.....32

INDEX OF MOTIONS

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of February 2, 2021** by Consent (Page 1).
3. **Move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimus* requests from Pennsylvania, South Carolina, Georgia, and Florida** (Page 10) Motion by Emerson Hasbrouck; second by Malcolm Rhodes. Motion carried (Page 11).
4. **Main Motion**
Move to initiate an Addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. In addition to status quo, explore and analyze:
 - **Changes to the allocation timeframe, including options based on more recent years of landings data (e.g., average or best over the last 3 or 4 years) and an option with 50% based on these more recent years of landings data and 50% based on the status quo 2009-2011 landings basis.**
 - **Also, consider in these new timeframes option(s) to reduce the fixed minimum (e.g. 0.25%) in addition to the status quo of 0.5% fixed min.**
 - **Changes to the episodic set aside up to 5%.**(Page 14). Motion by Megan Ware; second by Ritchie White. Motion substituted.

Motion to Substitute

Move to substitute to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility (Page 18). Motion by Joe Cimino; second by Lynn Fegley. Motion carried (Page 26).

Main Motion as Substituted

Move to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion to Substitute

Move to substitute to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time (Page 28). Motion by Joe Cimino; second by Dennis Abbott. Motion carried (Page 31).

Main Motion as Substituted

Move to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time. Motion carried (Page 30).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Loren Lustig, PA (GA)
Sen. David Miramant, ME (LA)	G. Warren Elliott, PA (LA)
Cheri Patterson, NH (AA)	John Clark, DE (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)
Nichola Meserve, MA, proxy for Dan McKiernan (AA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Allison Colden, MD, proxy for Del. Stein (LA)
Conor McManus, RI, proxy for Jason McNamee (AA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Jerry Mannen, NC (GA)
Justin Davis, CT (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Tom Fote, NJ (GA)	Max Appelman, NMFS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Millard, USFWS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	

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

Ex-Officio Members

Joshua Newhard, Technical Committee Chair	Amy Schueller, SASC Chair
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Staff

Bob Beal	Lisa Carty	Savannah Lewis
Toni Kerns	Emilie Franke	Kirby Rootes-Murdy
Maya Drzewicki	Chris Jacobs	Sarah Murray
Kristen Anstead	Jeff Kipp	Caitlin Starks
Tina Berger	Laura Leach	Deke Tompkins
Pat Campfield	Dustin Colson Leaning	

Guests

Karen Abrams, NOAA	Dick Brame	Maureen Davidson, NYS DEC
Taylor Ailtmar, CBF	William Brantley, NC DENR	Lorena de la Garza, NC DENR
Fred Akers, Newtonville, NJ	Delayne Brown, NH F&G	Taylor Deihl, Omega Protein
Bill Anderson, MD (AA)	Jeff Brust, NJ DEP	Monty Deihl, Ocean Fleet Svcs.
Pat Augustine, Coram, NY	Mike Celestino, NJ DEP	Lynn Delahay, ME Senate
Vincent Balzano, Saco, ME	Benson Chiles	Greg DiDomenico, Cape May NJ
David Behringer, NC DENR	Heather Corbett, NJ DEP	John Duane
John Bello, CCA VA	Riley Cornell, Ofc. Rep. Altman	William Dunn
Alan Bianchi, NC DENR	Caitlin Craig, NYS DEC	James Fletcher, Wanchese Fish Co
Jason Boucher, DE DFW	Jessica Daher, NJ DEP	Tony Friedrich, SGA

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The Board will review the minutes during its next meeting.

Guests (continued)

David Frulla, ME
Alexa Galvan, VMRC
Matt Gates, CT DEEP
Pat Geer, VMRC
Shaun Gehan, Gehan Law
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Willy Goldsmith, SGA
Zoe Goozner, Pew Trusts
Pam Lyons Gromen, WildOceans
Brendan Harrison, NJ DEP
Helen Takade-Heumacher, EDF
Peter Himchak, Cooke Aqua
Carol Hoffman, NYS DEC
Harry Hornick, MD DNR
Edward Houde, UMCES
Asm. Eric Houghtaling, NJ (LA)
Bill Hyatt, CT (GA)
Jeff Kaelin, Lund's Fisheries
Pat Keliher, ME (AA)
Adrienne Kotula

Ben Landry, Ocean Fleet Svcs
Wilson Laney, NCCF
Tom Lilly
Carl LoBue, TNC
Mike Luisi, MD DNR
Chip Lynch, NOAA
Shanna Madsen, VMRC
Dan McKiernan, MA DMF
Steve Meyers, Williamsburg, VA
Aaron Miner, NY Senate
Chris Moore, CBF
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Brian Neilan, NJ DEP
Jeff Nichols, ME DMR
Derek Orner, NOAA
Patrick Paquette, MA SBA
Nick Popoff, FL FWS
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
Mike Ruccio, NOAA

Jocelyn Runnebaum, TNC
Tara Scott, NOAA
McLean Seward, NC DENR
David Sikorski, CCA MD
Melissa Smith, ME DMR
Somers Smott, VMRC
Rene St. Amand, CT DEEP
David Stormer, DE DFW
John Sweka, USFWS
Jim Uphoff, MD DNR
Chris Uранеck, ME DMR
Jessica Valenti, Rutgers
Mike Waive, ASA
DeVonte Weems USGS
Kelly Whitmore, MA DMF
Kate Wilke, TNC
Angel Willey, MD DNR
Chris Woods
Chris Wright, NOAA
Phil Zalesak, Timbers, MD
Rene Zobel, NH F & G

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 4, 2021, and was called to order at 2:15 p.m. by Chair Spud Woodward.

CALL TO ORDER

CHAIR A.G. "SPUD" WOODWARD: Good afternoon everybody. This is Spud Woodward; Governor's Appointee Commissioner from the state of Georgia, and Chair of your Atlantic Menhaden Management Board, and I want to call our meeting to order.

APPROVAL OF AGENDA

CHAIR WOODWARD: Our first item of business is you have a draft agenda. Are there any requested modifications or changes to the agenda? If so, raise your hand and be recognized. I don't see anything, do you see anything, Toni?

MS. TONI KERNS: No, you're all good.

CHAIR WOODWARD: Any opposition to adopting the agenda as presented, again, raise your hand to be recognized. Okay, I don't see anything, so we'll consider the agenda adopted by consent.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: Next item of business is the approval of the proceedings from our February, 2021 meeting. You have those in the materials.

Are there any recommended changes, edits, improvements, modifications? If so, raise your hand. If not, is there any opposition to adopting the proceedings as presented? Again, raise your hand. Okay, I don't see anything, so we'll consider the proceedings adopted by consent. Also, I just wanted to point out that we have Rob LaFrance filling in for Bill Hyatt today, so welcome, Rob, I appreciate your being here.

MR. ROBERT LaFRANCE: Thank you, Mr. Chair.

PUBLIC COMMENT

CHAIR WOODWARD: Our next item of business is public comment, and Kirby, I believe, we have a couple folks queued up for public comment. We've got a pretty full agenda, so I'm asking that you please keep your comments to three minutes or less. I'm going to have a timer up on the screen. Whoever do that.

MS. KERNS: Maya can pull it up in just a second. There we go.

CHAIR WOODWARD: All right, who is first, Kirby?

MR. KIRBY ROOTES-MURDY: It's your call, Chair Woodward, if you want to start with either Tom or Phil.

CHAIR WOODWARD: All right, how about Phil, how about you lead off? Again, I just ask you to keep your comments within three minutes, we appreciate it.

MR. PHIL ZALESAK: All right, can you hear me before we start the timer here?

CHAIR WOODWARD: Yes, we've got you, I've got you loud and clear.

MR. ZALESAK: All right, now I sent you all an e-mail at 1:30 this afternoon, so you could follow along. I'll try to put some inflection in my voice, so I don't put you to sleep. But the purpose of these comments today is to preset the current status of Atlantic menhaden, and their predators, and describe what can be done if this Board decides to act.

The latest science of the ecological reference point study published last year; it clearly states there are plenty of Atlantic menhaden in the Atlantic Ocean. However, there are not enough Atlantic menhaden available to feed striped bass, bluefish, and weakfish to ensure their survivability. The Board did lower the total allowable catch of Atlantic

Draft Proceedings of the Atlantic Menhaden Management Board Webinar
May 2021

menhaden on the Atlantic coast by 10 percent from 216,000 metric tons to a little over 192,000 metric tons.

However, the Board did nothing to reduce the reduction fishing cap of 51,000 metric tons from the Virginia portion of the Chesapeake Bay. This cap represents 26.5 percent of the total allowable catch for the entire Atlantic coast. Clearly, overharvesting is occurring in the Chesapeake Bay. I have documented the devastating decline in commercial harvest of striped bass, bluefish, and weakfish in the Chesapeake Bay Region for the last 23 years.

I've also documented the devastating decline in commercial fishermen, in both Maryland and Virginia for the last 20 years, almost up to 700 now. Research published by the Chesapeake Bay Foundation on their website last September, reported that Atlantic menhaden diet for striped bass has gone from 70 percent to 8 percent in the Chesapeake Bay.

Research conducted at William and Mary over the last 50 years, indicates that there are not enough Atlantic menhaden in the main stem of the Chesapeake Bay to feed the osprey. Management is about taking action to achieve a specific goal. The goal of this Board is to manage the Atlantic menhaden fishery, in a manner which equitably allocates the benefits between all user groups.

Today, 71 percent of the total allowable catch for the entire Atlantic coast is being allocated to a Canadian owned reduction fishery, based on current allocations of this Board and Virginia. What is the solution? Another 5-10 years of research is not required. Yes, I read the technical report that was attached to the announcement for this meeting.

You have all the research and data you need to make a management decision today. Limit the reduction fishery to 3 nautical miles outside the exclusive economic zone. Do this in the form of a motion today. I'm requesting any member of

the Board to make this motion to start the process. I thank you for your time.

CHAIR WOODWARD: Thank you, Phil, thank you for keeping your comments within the time. We appreciate it. All right, Tom Lilly, you're next.

MR. TOM LILLY: Spud, yes, thank you for the opportunity here. I have a question. If you all will click on the attachment that I sent you in my mail to you on Sunday, it's titled Virginia allocations. It's a picture of the Chesapeake Bay and some of my conclusions. If you could take a minute and go back and click on that attachment.

Members of the Board, the question here is, it's about 50 to 60 percent of Omega's catch of Bay menhaden under your Virginia allocation of menhaden. Menhaden that would have come from Maryland, but for the fishing in Virginia. Another way to put this question is this, is Omega's quota from Virginia being partly filled with fish that belonged in equity, and possibly in law to Marylanders.

You can picture Chesapeake Bay for a minute, down to the entrance of the Bay. I think we can agree there that there is probably a 50/50 split there of the menhaden that are migrating in between Maryland and Virginia. Each Bay is about 100 miles long, and about 2,000 square miles in area. We know right there from the get go, coming into the Bay, that 50 percent of those fish, the purse seiners are catching, are fish that would get to Maryland, except for that fishing, 50 percent, half right there.

Real quickly, I hope you read my diagram, but as that catching moves north, what happens is the schools of menhaden disburse out into Virginia. Virginia gets their menhaden. But that group of fish that is headed toward Maryland, partly for Virginia, partly for Maryland, proceeding up to the Maryland line. Those are the fish that are ultimately going to get to Maryland.

By the time they get to Reedville, which is about five miles below the line, where a lot of this fishing takes place, past the Rappahannock River. I think

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it's fair to say, as I did in that red circle, that almost all of those schools caught there are Maryland's fish, are fish that were bound for Maryland, and if they did not catch them there, they would be in Maryland.

We're talking about a major issue here. I wish I had more time to talk about it, but I don't see any way to solve this inequitable treatment of Maryland, other than by moving the factory fishing out into the U.S. Atlantic, north of the entrance of the Bay. If you did that, they would not be fishing from this common stream. They would be fishing from the plentiful Atlantic menhaden stream. Thank you.

CHAIR WOODWARD: Thank you, Tom, I appreciate you keeping your comments brief. Anybody else, Kirby or Toni, that would like to make public comment? Jeff Kaelin, I see your hand up. Go ahead, Jeff.

MR. JEFF KAELIN: Thank you, Mr. Woodward. Good afternoon, members of the Management Board. I'm Jeff Kaelin with Lund's Fisheries. Mr. Chairman, I'm not sure. I guess this is technically a time to comment for things not on the agenda. I'm not sure that that was what happened with the previous comments. My question to you is, I would like to comment on the recommendations of the Plan Review Team to the Board. It's repeated on Page 4 of the memo, and also Page 10 of the FMP review. Is this a good time to do that, or will you go back to the audience after that topic has been introduced later?

CHAIR WOODWARD: Why don't you go ahead and take care of that, Jeff.

MR. KAELIN: Okay, thanks. I don't have much more time left then; my introduction took up most of my time. I can do that easily. I just wanted to support the review of the Amendment 3 allocation provisions concerning the incidental catch allowance. It was my understanding from the beginning that this was

to be utilized after the directed fishery in a state closes.

I encourage the Board to clarify that, because I think that it is being abused now, in certain parts of the coast, I'm referring to 13 million pounds of 6,000-pound incidental catch harvested by Maine. We're under 20,000 here in New Jersey. We supported that 6,000 pounds, to allow our gill netters to fish after our directed fishery was closed.

I think this is becoming a significant problem, and while it may not be a biological issue, it certainly is an issue of equity. I hope that perhaps either the 6,000 pounds can be eliminated, or that it could be tied to a cap that would be proportional, relative to the Amendment 3 landings allocations that the states have received. That is my comment, and I really appreciate the opportunity to do that now, Spud, and that's it, thank you.

CHAIR WOODWARD: Anyone else from the public, if you would like to comment. I don't see anybody in my little box down there, so we will proceed ahead with the agenda.

CONSIDER THE FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2020 FISHING YEAR

CHAIR WOODWARD: Our next item is to Consider the Fishery Management Plan Review and State Compliance for the 2020 Fishing Year, so Kirby, I'll turn it over to you.

MR. ROOTES-MURDY: Good afternoon, this is Kirby Rootes-Murdy. I have a presentation on the 2020 Fishery Management Plan Review. That document was included in supplemental materials. I will walk through in this presentation an overview of each section in that report, status of the FMP, status of the stock, status of the fishery, compliance requirements, and then the PRT, the Plan Review Team's recommendation.

Amendment 3, approved in 2017, and implemented starting in 2018, is the most current management document that the fishery operates under. For

notable changes, such as Board actions from 2019 to 2020, we'll start with the Chesapeake Bay reduction fishery cap. As many of you are aware, the Bay cap was exceeded in 2019, and to account for that overage the cap was adjusted for the 2020 fishing season, to 36,000 metric tons.

Following feedback and discussion by the management board in May and August of last year, the Board approved menhaden-specific ecological reference points, or ERPs for management. In October of last year, the Board set the total allowable catch or the TAC for the 2021 and 2022 fishing seasons at 194,400 metric tons, based on the Board approved ERPs.

The TAC is estimated to have a 58 percent and a 52 percent probability of exceeding the ERP target in 2021 and in 2022, respectively. With the ERPs adopted last year that did adjust the reference points used for management. I'll note that based on the 2017 values, the F estimate is below the threshold, but not quite at the target, while fecundity is above the target. Therefore, the stock is not overfished, and overfishing is not occurring. Total commercial Atlantic menhaden landings in 2020, including directed, incidental catch, and episodic set-aside landings, are estimated at 184,150 metric tons, or approximately 405 million pounds, which is an approximate 12 percent decrease, relative to 2019.

The non-incidental catch fishery landings, which is directed landings plus landings that occur under the episodic set-aside program. Total for 2020 is 177,827 metric tons, or 392 million pounds, which is a 13 percent decrease from 2019, and represents approximately 82 percent of the coastwide TAC.

Landings from the incidental catch fishery are estimated at 6,330 metric tons, or 13.9 million pounds, and do not count towards the coastwide TAC. Moving on to the reduction fishery. For 2020, harvest for reduction

purposes is estimated at 124,600 metric tons, which is a 17 percent decrease from 2019, and 11 percent below the previous five-year average of 140,380 metric tons, or 309 million pounds.

Omega Protein's Plant in Reedville, Virginia, is the only active Atlantic menhaden reduction factory on the Atlantic coast. In 2020, the reduction plant was shut down for three weeks, due to the COVID-19 pandemic. Anecdotal reports also indicated that in addition to the pandemic, bad weather may have contributed to lower harvest.

As previously noted, the reduction fisheries cap in the Bay, known as the Bay cap, was reduced for 2020, based on the 2019 overage. Landings in the Bay were approximately 27,700 metric tons, which is under the adjusted cap by approximately 9,000 metric tons. As a result, the cap for 2021 is set at approximately 51,000 metric tons.

On this slide here, the figure shows landings from the reduction and the bait sectors through time. Reduction landings on the left axis, and bait landings are on the right. It is important to note that each of these have different scales with the reduction landings an order of magnitude larger than the bait landings.

But overall, what you can see is that there has been a general decline in the reduction landings over time, while bait landings have been increasing. Incidental catch landings in 2020 are estimated, as mentioned before, at 6,330 metric tons, which is a 30 percent increase relative to 2019 and the highest level in the time series.

Maine, Massachusetts, New York, and New Jersey reported incidental catch landings, approximately 88 percent from purse seines, and 8 percent from gillnets in 2020. Maine accounted for 97 percent of total incidental fishery landings in 2020, and incidental catch trips in 2020 were higher than trips from 2016 through 2019.

Moving on, the episodic set-aside program in 2020 was set again at 2,160 metric tons or 4.76 million pounds. Landings were estimated at 2,080 metric

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tons. Maine and Massachusetts were the only participating states, and with their combined landings being under the episodic set-aside, approximately 80 metric tons or 176,000 pounds were redistributed to the other states in the fall of 2020. On this slide, it demonstrates quota performance, in terms of the number of transfers over time. In 2020, quota transfers remained relatively high for the 2020 fishing season. There were at least 16 instances of quota transfers, as you can see, and a number of instances that involved multiple states, so it wasn't necessarily just one state receiving and one state giving.

Moving on to biological sampling requirements. Just as a reminder, non-*de minimus* states are required to conduct biological monitoring based on their landings, as well as their geographic region. For Maine through Delaware, requirement is one 10-fish sample per 300 metric tons, or Maryland through North Carolina, it's one fish sample or 200 metric tons.

In 2020, Maine, Massachusetts, and the Potomac River Fisheries Commission fell short of the required samples. I'll note that while North Carolina indicated they had fallen short of the requirement, as shown in the FMP review, and after further evaluating their landings level, they met the requirement.

All three jurisdictions that fell short, indicated that the COVID-19 pandemic in 2020 prevented them from collecting the full samples. As restrictions remain in place for many states currently in 2021, in response to the pandemic. There is a strong chance that some states may not be able to meet their 2021 sampling requirements.

That being said, all other jurisdictions met the biological monitoring requirements in 2020. I'll note at this point that the PRT has continued to discuss whether a sufficient number of samples are being collected from different gear types and regions, and whether additional sampling should be collected from other gear types.

In terms of - qualifications, to be eligible for a *de minimus* status, a state's bait landings must be less than 1 percent of the total coastwide bait landings for the two most recent years. The states of Pennsylvania, South Carolina, Georgia, and Florida requested and qualified for *de minimus* status for the 2021 fishing season.

Moving on to other PRT comments and recommendations. While I noted on a previous slide the PRTs comments on the biological sampling, I'll say that the PRTs recommendation is that this requirement be evaluated as part of the next management action, or during the next benchmark stock assessment.

In consulting with members of the Stock Assessment Subcommittee, they noted that in instances where the full samples can't be obtained from the directed fishery, it's possible to substitute in ages from fishery independent surveys in the region. But in terms of lengths, that really needs to come from those fishery dependent sources.

Moving on to catch and effort requirements for the pound net fishery. The PRT noted concern regarding how this is being collected in North Carolina. Amendment III requires that at a minimum, each state with a pound net fishery must collect catch and effort elements, such as total pounds landed per day, number of pound nets fished per day. In May of 2013, the Board approved North Carolina's request to omit this information, on the basis that it did not have the current reporting structure to require a quantity of gear field by harvesters or dealers. In recent years, North Carolina Division of Marine Fishery staff has worked to develop a proxy method to estimate effort, but this approach likely would not work for developing an adult CPUE index. I'll note that as part of this ongoing dialogue with North Carolina DMF staff, included in supplemental materials were the memo that outlines how they have worked to try to provide this information with a proxy approach.

Chris Batsavage, I believe, is in attendance today and he can speak to this in greater detail after I'm done with my presentation, if people have

additional questions. But the PRT seeks clarification from the Board, whether this exemption remains in place for North Carolina. All other states with a pound net fishery met this requirement.

I'll go through this briefly, as it will be covered in greater detail in the next agenda item, but landings data suggests that menhaden has been increasingly available in the Gulf of Maine in recent years, so we're really looking at 2016 through 2020. In 2020 the state of Maine reported landings in excess of 25 million pounds, marking a 13 percent increase relative to 2019 landings, and a 316 percent increase relative to 2016.

In 2020, Massachusetts reported about 8.8 million pounds, marking a 26 percent increase relative to 2019. While New Hampshire's 2018 and 2020 landings are confidential, I'll note that in 2019 the states of Maine through Massachusetts accounted for nearly 7 percent of the coastwide total landings.

Maine has requested additional quota through in-season transfers each year since 2016. Both New Hampshire and Massachusetts have also received additional quota through transfers in 2020, and as noted earlier, Maine and Massachusetts were the only two states to opt into the episodic set-aside fishery last year.

For Maine that marks four consecutive years of participation in that program. Both states, Maine and Massachusetts reported incidental catch landings in 2020. As part of that I'll also note that the driver that seems to be really pushing this is a reduction in the quota of Atlantic herring. For the incidental catch fishery, landings in 2020 increased to 13.7 million pounds, which is a 30 percent increase from 2019 and a new time series high.

In 2020, incidental catch was approximately 10 percent of the bait fishery landings, so 2019 and 2020 were the highest levels of incidental catch since the provision was implemented through

Amendment II in 2013. Current landings may not reflect the original intent of the provision, and as noted in previous FMP reviews, state management of quota has at times created instances when a state moves to the incidental catch fishery, prior to the state's quota having been met.

The PRT requested the Board consider two things. First, addressing whether the provisions of the incidental catch program need to be revisited, or adjusted in the next management document, and the second is in the meantime provide guidance on how to evaluate the incidental catch program annually moving forward.

For the Board's consideration today, as noted, I'm looking to get some guidance at the PRT level regarding how to evaluate the incidental catch provisions annually, provide guidance on the North Carolina pound net data collection, and then in terms of items that would require motions, consider approval of the FMP review and State Compliance, as well as *de minimus* requests. With that I'll take any questions, thank you.

CHAIR WOODWARD: Are there questions for Kirby about his report? If there are questions after that, I would like to deal with each one of these PRT comments or recommendations in order, so that we can make some decisions there to help guide our PRT. Any questions, raise your hand, please? John Clark.

MR. JOHN CLARK: Thanks for the presentation, Kirby. Could you just give us a little more background on the fleet that is actually catching all these incidental catch menhaden up in the Gulf of Maine? How many boats are we looking at? I gather from the report these are mostly purse seiners, and it seems like there must be a lot of fishing power up there, since there were over 3,000 trips that reported incidental catch of menhaden, which can't be more than, what was it 6,000 or 12,000 an average trip. Thanks, Kirby.

MR. ROOTES-MURDY: Yes, I can't get into too much of the specifics for the variety of different gear types, because we move into, or at least assigning a

value for the state regarding them, because that would start to compromise confidentiality. But I would say the overwhelming majority of those landings in the incidental catch category for Maine are from the purse seine fishery. The next after that is in their anchored or stake gillnet gear type. But those are vastly different, in terms of the quantity. To that end, I could turn it to Megan, and she may be able to provide more context or information for the state of Maine.

CHAIR WOODWARD: Megan, I saw your hand was up, and now I don't see it again. Would you want to respond to John's inquiry?

MS. MEGAN WARE: Sure. Yes, I was just offering to help Kirby out. Yes, it is primarily purse seine. I think maybe roughly, I'll say 90 percent of what we're landing under that provision is purse seine, and then as Kirby mentioned it's gillnet. To, I think maybe talk about some of the other comments I've heard.

To be clear, we are not opening up the incidental small-scale fishery before our quota is met. We are doing that after our quota is met, and I'll note it's called the incidental and small-scale catch fishery provision. I think we are landing more under the small-scale fishery part of that. There are specific gear types that are defined in Amendment 3 for the small-scale fishery, so approved gear types under that list that are participating.

But I agree, John, there is a fair bit of effort, or a lot of effort, and they are able to land a lot, even at 6,000 pounds, and that is primarily because we moved through our quota so quickly, that we end up sitting in this provision for most of July on. I think this kind of gets into our next agenda items, but that can hopefully answer some of your questions.

MR. CLARK: Just a quick follow up, I'm just curious as to whether a 6,000-pound limit, are these boats that are targeting these purse seiners? Is that a full load, or is that just a small

load? Are they catching other things when they are catching this incidental catch of bunker? Thanks.

MS WARE: Yes, no problem. Sorry, Chair, if I can respond to that.

CHAIR WOODWARD: Go ahead, Megan.

MS. WARE: No, they are targeting menhaden when they do this. It is 6,000 pounds that they land per day, so we don't allow for that 12,000-pound option. Their load would be 6,000 pounds. We do have a spread of landings between the 0 and the 6,000 pounds in the small-scale fishery, so we have a bit of a peak between the 1- and 1,000-pound range, and then a larger peak, I would say, between the 5,000- and 6,000-pound range.

CHAIR WOODWARD: Let's see, Lynn, I saw your hand up, and then Nichola after Lynn.

MS. LYNN FEGLEY: I think this conversation is going to morph. It's tangled up with the next conversation that we're going to have. But in terms of the annual... I agree that there should be some annual evaluation of this bycatch provision. I do just want to say up front though that, you know when this thing began way back with Amendment 2.

It was really the spirit of it was for the stationary gears, you know like pounds nets that are non-selective, they can't move, they can't chase this. They have to wait for the fish to come to them. When you look at the trajectory of how it's been working in Maryland, it's working as it should. When we have years when floods come in, we use a little bit of it, but when we don't, we don't.

It's a life saver, both for the fishery and administratively in Maryland. I think we really need to figure out a way to evaluate it annually. But I also think we need to figure out a way to evaluate how this thing is implemented in its entirety, what's in the spirit of it, and that should be part of the next conversation. Thanks.

CHAIR WOODWARD: Nichola.

MS. NICHOLA MESERVE: I just wanted to comment as another state in the Gulf of Maine with some incidental catch landings last year. It was actually our first year in Massachusetts to have incidental catch landings, and really, it's for Massachusetts it was several magnitudes smaller than Maine's, around 50,000 pounds.

It's interesting, because in prior years Massachusetts has had the last 5 percent of its quota set aside for a 6,000-pound limit, so we essentially closed, you know the large-scale directed fishery at a 95 percent limit, in order not to use the incidental allowance very heavily. Yet we found that prevented us from ever reaching our quota, and then having the ability to get into the episodic event set-aside fishery.

That was kind of a consequence of our doing that, that we hadn't necessarily foreseen. But with regards to the landings that we did have last year, since then we have adopted a maximum purse seine limit that is smaller than what the FMP allows for the small-scale fishery. In order to hopefully right size the gear to the trip limit that is available under that provision. But I think, you know we have somewhat minimal use of the incidental provision right now, but there is potential for it to grow, not to the level of Maine, I don't think, but there is potential for that.

CHAIR WOODWARD: Thank you, Nichola, that was very helpful. Any other questions for Kirby? If not, Kirby, I think why don't we try to dispense with the PRT recommendations, and then we'll circle back around, and see if we can get a motion to approve some of the items. First issue, and maybe we could bring the slide back up, is concern about the bio sampling. Obviously 2020 was an extraordinary year, and it lingers into 2021. We certainly need to be cautious about using probably either/or these years as a barometer of normality.

The question I've got for the Board is, is this a sufficient concern to warrant some sort of action as it relates to compliance, or do we

want to recommend to the PRT that they come back to the Board after the next assessment, and revisit the sampling levels, and give us some guidance. Then we could possibly incorporate those in a future management document. If you've got comments, concerns, please let me know. Megan, go ahead.

MS. WARE: Thank you, I just kind of wanted to speak to, I see another bullet point here, Maine fell short in 2020. I think our requirement was 38 samples, and we got 37, so I am admitting and recognizing that we were one short, but admittedly I'm actually quite proud of our sampling team for the effort that they put in during a pandemic. It was only a few years ago when we were required 6 samples, so to be able to scale up so quickly to 37 samples, I have to give kudos to that team. Not trying to make excuses, just trying to provide some context.

CHAIR WOODWARD: Anyone else? If I don't hear anything to the contrary, I think we should consider advising the PRT or maybe hit the pause button on this issue of concern, until the next benchmark assessment, and then come back to us and give us some comments that we may need to consider for incorporating into a future management. Is anyone uncomfortable with that approach? If so, please let me know. Tom Fote.

MR. THOMAS P. FOTE: Yes, I just was curious about where North Carolina does not collect the data. Are they going to actually start collecting the data from their pound net fishery?

CHAIR WOODWARD: Yes, we'll get to that one next, and I'm going to call on Chris Batsavage to give us a little context for that. If everyone is fine with that approach for biological sampling, then that is what we'll be going forward. I don't see or hear any opposition. Nichola.

MS. MESERVE: I guess I thought there were two different issues with biological sampling, and I'm not sure if I'm just misinterpreting what you're saying wrong or not. There were two issues, right? Where Maine, Mass and PRFC fell short in 2020,

and I think it's understandable that there were challenges with sampling last year, and that we can say those states did the best that they could in the year and move on.

However, I think the PRT was also commenting that they weren't sure that the formula by which we determine each state's level of sampling, if that is adequate. It was recommended that that be addressed in the next management action. That part of it, I think you know could be part of our next agenda item as well.

CHAIR WOODWARD: Yes, that's correct. I did not get a sense that anyone was longing to find Maine, Massachusetts, or PRFC out of compliance, based on the lack of biological sampling. If someone feels differently, please let me know. The other was obviously, as you described it, the magnitude of the sampling, and is that consistent with providing the best scientific information available for our decisions.

Hopefully that's clear. Now, the catch and effort data from the pound net fishery. Obviously, there were some background documents in the briefing materials, and Chris Batsavage, could I call on you just to give a little context, and explain this for folks?

MR. CHRIS BATSAVAGE: Yes, I appreciate the opportunity to do that. As the Board is aware, we're using a proxy to meet this requirement in the FMP, where our trip ticket program doesn't collect information on pound net landings, to the level that is required in Amendment 3. To come up with kind of an alternate way to do it, we've been doing this for a few years.

But it doesn't really get to the level of getting that CPUE data. In order to get that, if my understanding is correct, we would need to either add a new permit for the pound net fishery, that is catching menhaden, you know to get this information, or add it on to the existing pound net permits that we have, you know for

people just to have these, allow them to set the gear in the water where they do.

Both are not light loads really, when you kind of consider the other things that we have, as far as monitoring and all. I guess to just put it in perspective. Although we're not meeting the requirements of Amendment 3, the North Carolina pound net fishery is pretty small, in terms of menhaden landings overall.

I think last year we landed about 115,000 pounds of menhaden from pound nets, and it has been pretty consistent in that 100-to-150,000-pound level for a few years. It's not a very big fishery, and again, with pound nets it's a matter of scale, in terms of just the size of the nets. In other words, a pound net in Core Sound is quite a bit smaller than one in the northern part of the state in Albemarle Sound.

You know there is maybe some comparability issues, in terms of CPUEs, not only for our state, but comparative to other states. I just wanted to give a little bit of background, some explanation, and some context, I guess, as far as how our fishery operates, some of the challenges we have in meeting the full suite of recommendations, and just see if the Board has any questions, or what their thoughts are on us moving forward. Thanks.

CHAIR WOODWARD: Thank you, Chris, any questions for Chris regarding his comments? Any concerns? You know we as a Board have been exempting North Carolina, and approving their proxy method. Obviously, it doesn't necessarily meet all the absolute requirements, but I believe I'm correct that the CPUE index hasn't really been a vital part of the assessment anyway.

While it is certainly desirable to have the most precise data we can have, it's not limiting the quality of the assessment, as I understand it. Someone can correct me if I'm wrong there. Were there any concerns with staying the course, with regard to North Carolina's proxy method for estimating CPUE in their pound net fishery? If so, please raise your hand and be recognized. I don't see anyone, so with that I think we can give

guidance back to the PRT that we certainly appreciate and understand their concern, but maybe also hit the pause button on this one, until maybe the next benchmark assessment, when it may be found that data of this type may actually be more integral and important than we think. Third item, and if you'll go to, I guess to the next slide there is the concerns about incidental catch, and the provisions thereof.

This is something I think that has obviously peaked everyone's interest. You can certainly move comments and discussions about this into our next agenda item, but I want to give everyone a chance to address it now if they want to. If not, we can certainly talk about it at our next agenda item. I don't see any hands up.

MR. ROOTES-MURDY: Hey Spud, just to help with framing it. You know, I think the PRT is really trying to flag if there is any specific guidance the Board wants to give the PRT, in evaluating how states currently operate their state quota management using incidental catch. If there isn't any consensus or Board guidance on that, then the other component of incidental catch.

The fact that it's increased, and whether the Board wants to overall change that program, or adjust it in a future management document, that can be taken up in our next agenda item. But at this stage, we're really looking for any guidance for the PRT, in how to look at how states are either opting into incidental catch or not, based on how they manage their quota.

CHAIR WOODWARD: Thanks, Kirby, for clarifying that. I see Joe Cimino, you've got your hand up.

MR. JOE CIMINO: Yes, Mr. Chair, thanks. New Jersey is one of the states that has gear-specific allocations, and as such, it certainly is easier for us to move specific gears that have taken their quota over to incidental. You know you can see from those tables that has been performing as we expect the incidental catch to perform,

while still allowing other gear types to remain in their directed fisheries.

I think that option, that idea, does go towards what incidental catch was meant to be, as opposed to leaving those gear types closed until all harvest has happened, in which case that could be very challenging for us, because we're usually seeking to keep that fishery going, and with the way quota transfers have been happening in recent years. When we get close quota has been available.

My hope would be that we can clear it up, that that remains a possibility. I think it's within the concept of incidental catch. I think this obviously is something we need to keep an eye on as we go forward. But it doesn't count against the overall quota, so I don't think a state should be required to catch their entire quota, just to shift into incidental. Then as I said, we will be getting to, is the incidental catch happening as it should as a whole. Thanks.

CHAIR WOODWARD: Anyone else at this point? Are we getting the information we need in the way we need it, to evaluate if they have to still be in incidental catch provisions, to make sure they are working as we intend them to do? If not, I need comments from the Board on what we do need to better assess it. If we're getting what we need that's fine. I don't see any hands up. Okay, again, this is certainly not the end all be all. We can circle back around to this. All right, at this point I would certainly entertain a motion to approve the FMP Review, the State Compliance Reports, and the *de minimus* requests, if someone is willing to offer that, and raise their hand. I see Emerson Hasbrouck. Is that a question or a motion?

MR. EMERSON HASBROUCK: No, Mr. Chair, I'm willing to make that motion.

CHAIR WOODWARD: All right, proceed.

MR. HASBROUCK: Does staff have a motion prepared? I move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimus* requests from Pennsylvania, South Carolina, Georgia and Florida.

CHAIR WOODWARD: I see a whole lot of hands up; I assume mean a second. I think the first one of those was Malcolm Rhodes, is that correct, Dr. Rhodes? Are you seconding that motion?

DR. MALCOLM RHODES: Yes, Sir.

CHAIR WOODWARD: All right, thank you very much. We have a motion for consideration, any further discussion on the motion? Any opposition to the motion? If so, please raise your hand. I don't see any, so we'll consider the motion accepted unanimously. Thank you all very much, and thank you, Kirby.

DISCUSSION TO REVISIT THE COMMERCIAL QUOTA PROVISIONS OF AMENDMENT 3

CHAIR WOODWARD: We'll go on to our next agenda item, which is to Discuss Revisiting the Commercial Quota Provisions of Amendment 3. Kirby, I'll turn it back over to you.

MR. ROOTES-MURDY: Next I have a presentation on recent menhaden quota landings. A memo with this information was included in the briefing materials. As we've talked about, at the last Board meeting and earlier today, Amendment 3 is really the management document that establishes how the current management regime operates.

It established the current quota allocations to manage the total allowable catch, each jurisdiction is allocated a 0.5 percent fixed minimum quota, and the remainder of that TAC is allocated based on a three-year average of landings from 2009 through 2011. Annually, jurisdictions have the option to relinquish their fixed minimum quota by December 1st of the preceding fishing year, and any quota relinquished by a jurisdiction is redistributed to other jurisdictions, based on landings data from 2009 through 2011.

Any overage of a quota allocation is determined based on final allocations, and the overage

amount is subtracted from that jurisdiction's quota in the subsequent year on a pound-for-pound basis. As a reminder, outlined in the Amendment is the allocations that are to be revisited at least every three years following implementation.

That is why we are going through recent landings and quota performance today. What I'll be presenting on that was included in the memo, are relinquished quota from 2018 through 2021, jurisdiction's total landings as a percentage of the coastwide from 2016 through 2020. Incidental catch from 2017 through 2020, and the episodic set-aside landings from 2018 through 2020. All right, first going on to relinquished quota. Under Amendment 3, as mentioned, jurisdictions have the option to relinquish part or all of their fixed minimum quota by December 1st of the preceding fishing year. What this table shows you, is that only three states have relinquished quota from 2018 through 2021, Delaware, South Carolina, and Georgia. Delaware is the only state that relinquished quota every year during this time, averaging 1.9 million pounds annually.

Georgia relinquished its full quota, 2.35 million pounds annually from 2018 through 2020. Okay, so next is quota transfers, on the next slide. This was asked to be brought up again, and I just want to make sure the Board is aware of what this is showing. This is showing quota transfers from 2018 through 2020. The gray cell are jurisdictions that received quota. As noted, before not every jurisdiction transfers quota consistently, only Maine, Connecticut, New York, Maryland and Florida either gave or received quota every year from 2018 through 2020.

Those states are bolded. For all three years, the only jurisdictions that have a net increase in quota through transfers were Maine, New Hampshire, and Massachusetts. This is a table that was presented to the Board back in February, and it's just been updated with what landings as a percentage of the coastwide total is for 2020.

The key thing to note here is relative to what was presented before. You could see that for Maine,

Massachusetts, and New Jersey, their percentage of the coastwide landings total increased in 2020, relative to 2019. I'll also note that while there are states that have no value included in their cell, it doesn't mean that they didn't have landings, it's just based on landing 0.1 percent of the coastwide total that didn't register.

Additionally, New Hampshire's landings in 2020 were confidential, but I can indicate that they landed more than what their initial allocation was in 2020. When I get done with the presentation, I know that New Hampshire Commissioners may want to speak in greater detail to how their landings have changed over time.

As we talked about in the FMP Review, the bycatch allowance was first implemented under Amendment 2 in 2013. It was modified by Addendum 1 to Amendment 2, and it's continued under Amendment 3. As outlined in Amendment 3, after a jurisdiction's allocation is met, and its directed fishery is closed, menhaden landings can continue to occur as incidental catch under specific gear types.

There are small-scale gear types, cast nets, traps, pots, haul seines, fyke nets, hook and line, bag nets, hoop nets, handlines, trammel nets, bait nets and purse seines, which are smaller than 150 fathom long and 8 fathoms deep. Then non-directed gears, which include pound nets, anchored/stake gillnets, drift gillnets, trawls, fishing weirs, fyke nets, and floating fish traps.

These gear types may land up to 6,000 pounds of menhaden per trip per day. Over the last three years, a total of ten different jurisdictions have had incidental catch landings. Seven jurisdictions reported incidental catch in a year, in 2017, and only one in 2019. The annual coastwide total incidental catch ranged from approximately 3.3 million pounds to 13.9 million pounds, and it was not related to the number of states reporting incidental catch

landings. A majority of the incidental catch landings occur on trips that land either a thousand pounds or less, so about 37 percent of those trips land a thousand pounds or less, or between 5,000 and 6,000 pounds, 34 percent. The majority of the incidental landings have been caught by purse seine, with the next gear type being fixed gillnets.

The share of incidental catch landings using purse seine gear has increased, from 57 percent in 2017 to approximately 88 percent in 2019 and 2020. From 2018 to 2019, incidental catch increased by about 225 percent, with Maine being the only state with incidental catch that year. From 2019 to 2020, as noted in the FMP Review, incidental catch increased again, and this time it included four states, Maine, Massachusetts, New York, and New Jersey. The Episodic Set-Aside Program was another requested item to be in the memo.

As the Board is aware, this program was first implemented under Amendment 2 in 2013, and modified through a technical addendum later that year. Amendment 3 made no changes to the program. Just as a reminder of how this works. Annually, 1 percent of the TAC is set aside for episodic events, which are defined as any instance once a qualified state has reached its quota allocation prior to September 1, and a state can prove the presence of an unusually large amount of menhaden in state waters.

To demonstrate a large amount of menhaden in their state waters, a state can use either surveys, whether they are aerial or seine, to indicate high biomass, release of landings information or information highlighting the potential for a fish kill, associated human health concerns that would arise from that addressing this, and that harvest would reduce or eliminate that fish kill.

The goal of the program is to add flexibility to menhaden management, to allow harvest during an episodic event, to help reduce discards and prevent fish kills. It is important to note that only the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island and New York are currently eligible to opt in annually.

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

I'll note that one of the challenges that we do run into, is that in evaluating this program annually, we are going off the landings that are being reported by the state in real time, and so there can be at times differences between what is put forward as the in-season, final total that they give, and then what the finalized landings value that they offer when the compliance reports are due in the subsequent year.

This just is a byproduct of preliminary data that is being used to monitor the set-aside program. For the Board's consideration today, what I'm putting out is whether reallocation is something that the Board wishes to pursue, and if so that that is understood. It could be completed through an addendum.

From a staff standpoint it would be helpful that if an addendum is to be initiated, that the purpose and scope of that addendum is made clear. Reallocation ideas or options can be helpful, but they should ultimately be linked to what the overall purpose of the action is. It's a way to help check to ensure that what the Board is seeking to address is then providing guidance to what would likely be a Plan Development Team, to develop these options that meet that need. Then if there are other specific provisions that the Board wishes this addendum or management action to address, such as quota transfers, incidental catch, or the episodic set-aside in the fishery management plan, that those be made clear in the motion. I will note that confidentiality, as noted in February, will pose some challenges for how this landings data can be displayed in any type of management document.

For the Board's consideration today, possible Board action is whether to consider initiating a management document on reallocation. If the Board would like to pursue that, then our Plan Development Team would need to be populated. It doesn't have to be today. States would be able to follow up with me afterwards.

We do have parameters around how many people we have on a Plan Development Team or PDT, and I could provide more information to that in a follow up e-mail to the Board. It's important to note at this point that PDT members would need to obtain confidential data access, given this is a coastwide management board that would be for all states, Maine through Florida.

As part of what could be a management document, ACCSP is working to pull together landings data from 1985 through 2020. They have indicated that that will be available later this month, validated. That type of information could be available for a management document in developing options.

But again, confidentiality may pose challenges for how that information can be broken out and presented, to both the Board and the public for consideration and developing options that meet the Board's needs. Lastly, I'll just hit home again that clarity on the purpose and the scope of what the Board hopes to achieve in any type of management action, will help us, and the Plan Development Team in developing a document in a timely manner. With that I'll take any questions. Thank you.

CHAIR WOODWARD: Thank you, Kirby, I appreciate that presentation. You did a good job of summing up where we are at, and I'll open it up to any questions. I see Ritchie White.

MR. G. RITCHIE WHITE: Yes, I just wanted to clarify New Hampshire's landing situation, and the harvesters that did land provided me with landing data, and authorized me to use that in this setting. I'm not going to quote actual poundage, but I'm going to give a (even though I could), I'll give a sense of what New Hampshire landed this year.

I just want to clarify this did not come from the Department, that it was from the harvesters directly. New Hampshire harvested about just under 5 million pounds last year, and if it weren't for issues in one of the vessels that was going to continue to fish, in all likelihood we would have had another million pounds landed. Just wanted to clarify where that landed, so that when we do get

in, hopefully get into looking at any changes in quotas, that the actual number can be used. Thank you.

CHAIR WOODWARD: Thank you, Ritchie, I appreciate that. That is very helpful. Any other, I see Lynn, you've got your hand up.

MS. FEGLEY: I admit we have a power outage here, so I can't see what I usually see, in terms of materials. But as I remember, both South Carolina and Georgia stopped relinquishing their base allocation, as we moved in more recent years. But I think that South Carolina transferred some quota later, in a year when they didn't relinquish. What I'm trying to understand is, you know if there are enough Board members from this state that can speak to this a little bit. I'm trying to understand what their rationale is for not relinquishing.

CHAIR WOODWARD: Not to put anybody on the hot seat, but it sounds like that is a question for Mel and for Doug, so Mel, I see your hand up, go ahead.

MR. MEL BELL: Yes, so as far as when we may have relinquished in the past, as far as it's before my time. But I know we hadn't relinquished. Lynn is right, in '19 and '20 we did transfer. That might be in part due to just the need, I mean we were asked, there was a need. You know I was onboard at that point; I think Robert had already shifted off. We just felt like we were responding to a specific request from states that were kind of in a bind, and trying to help out.

But in terms of why we never relinquished, I'm not sure, other than we just might want to make sure we have something there, in the event that at some point in the future there is a potential for a fishery. It's sort of like not surrendering our options there. But yes, indeed we did transfer some in '19 and '20 but haven't relinquished, so that is a fair assessment of where we are.

CHAIR WOODWARD: Doug, go ahead.

MR. DOUG HAYMANS: Yes, the proverbial hot seat. Lynn, quite honestly, we look back at how the relinquished quota have been divvied up, you know based on the previous reference point. I felt like that maybe the majority of what we were relinquishing didn't need to go to the reduction fishery, and felt like that it was probably best used, if another state in the bait fishery were to ask for it. In 2021, this year I have not relinquished it, and am waiting on a New England state to ask for a transfer of quota, rather than putting it into the overall pool.

CHAIR WOODWARD: Thank you, Doug. Lynn, do you have any follow up on that?

MS. FEGLEY: No, thank you so much. That helps. I very much appreciate their responses.

CHAIR WOODWARD: All right, any other questions for Kirby about his presentation? If not, just sort of again to reset our context. You know a review does not require a reaffirmation of existing allocation, or does not require a change.

However, if the Board feels that status quo is not accomplishing the goals and objectives of the allocation scheme, then it is certainly incumbent upon any member of the Board to offer a motion to start a management action to revisit allocation, and to offer options. At this point, I would open the floor up. I see Megan, you have your hand up.

MS. WARE: I'll take you up on the offer, I have a motion, and I believe staff has that ready to go. I can read this in, and then if I get a second, I will provide some rationale.

CHAIR WOODWARD: Go ahead.

MS. WARE: Thank you. Move to initiate an addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability, while providing a level of access to the fishery by all

Atlantic coast jurisdictions, and reduce the need for quota transfers.

In addition to status quo, explore and analyze: Changes to the allocation timeframe, including options based on more recent years of landings data, example average or best over the last three or four years, and an option with 50 percent, based on these more recent years of landings data, and 50 percent based on status quo of 2009 to 2011 landings basis. Also consider in these new timeframes options to reduce the fixed minimum, (e.g., 0.25 percent), in addition to the status quo of 0.5 percent fixed minimum. Changes to the episodic set-aside up to 5 percent.

CHAIR WOODWARD: Thank you, Megan, do we have a second? I see Ritchie White, is that a second, Ritchie?

MR. WHITE: Yes, it is, thank you, Mr. Chair.

CHAIR WOODWARD: We have a motion and we have a second. With that I'll open up the floor for discussion about the motion, and so if you have questions of the maker, comments, please signify by raising your hand.

MS. WARE: Mr. Chair, this is Megan, could I provide some rationale if that is okay?

CHAIR WOODWARD: Please do, go ahead.

MS. WARE: Thank you. Obviously at the last Board meeting I talked about some of the challenges that Maine has been facing, given kind of the level of quota we're allocated, versus the exponential increase in the fish we're seeing. As a result of this, we've become completely reliant on things like quota transfers and the small-scale fishery.

I think that is what we're seeing in those FMP review numbers. You know a lot of these flexibilities in Amendment 3 have held Maine over in the short term. I don't think these are long-term solutions. Obviously, there is a fair

bit of focus on Maine's small-scale landings, but this is a symptom, I believe of the mismatch between Maine's fish and versus our quota.

We're kind of getting squeezed into this provision of the Amendment, and we end up sitting in that small-scale fishery for about four months, and that is how we accumulate such high landings. I am proposing an addendum at this point. As Kirby mentioned, Amendment 3 does allow us to change allocations via an addendum.

During the Amendment 3 process, there was really extensive discussion amongst the Board members, and members of the public regarding a range of quota allocation methods. As a result, I don't see a clear need for coastwide scoping on allocation just a few years later. Everything that is included in my motion, in terms of things for the PDT to explore, is already an element in our Amendment. I've also tried to provide some ideas for the PDT to explore. However, I'll note that there is always latitude for the PDT to investigate other options as they see fit. I will also note that just like any other addendum.

If the Board wants the Board will get an opportunity to review the draft at a subsequent Board meeting, and if we want, we can always make changes to that draft or add options, and send it back for further PDT work. There are opportunities abound for the Board to kind of develop this through an addendum. Thank you.

CHAIR WOODWARD: I would assume that it would certainly be Maine's interest in having this be effective for the next fishing year if at all possible. Is that correct?

MS. WARE: I think, you know it's more important at this point to make sure that everyone is onboard with this document. If that means taking two meetings to develop the addendum, then I think that needs to be the priority. If it only takes one, and we can do this by next year, that's great.

CHAIR WOODWARD: All right, I'll take these as I read them from top down, so if I'm skipping over folks, I apologize. But I've got a pretty long list here.

I'm going to start with Justin Davis, and then Doug Haymans will be next.

DR. JUSTIN DAVIS: I note that this motion doesn't include a consideration of the incidental landing provision, and we had some discussion earlier at this meeting about sort of how potentially the use or intent of that provision has shifted, from maybe what it was originally. I think I would like to hear some more discussion around the table about that topic.

But I think at this point, I would be leaning towards offering an amendment to the motion to add that in to the addendum. But I guess I'm not ready to do that at this point, and I would like to hear more discussion on the topic, hopefully as we go around the table.

CHAIR WOODWARD: Kirby, just a point of clarification, to make sure we don't get derailed here. If we were to explore changes of the incidental catch provision, is that still within the scope of the addendum process?

MR. ROOTES-MURDY: That is my understanding.

CHAIR WOODWARD: Okay, Doug Haymans is next, and then Ritchie White.

MR. HAYMANS: I just want to make sure I understand the need for the reduction of those states that have a half percent down to a quarter. If I look at Table 8, which was in Kirby's presentation, it looks like to me there is roughly 11 million pounds that was transferred in 2020 from most of the states on the Board, and only three of those states are affected by the reduction from 0.5 to 0.25, and of those three. I mean that's a change of 3 million pounds. I guess I would ask what the need is to affect those three states, when it's less than a third of what was transferred in 2020.

CHAIR WOODWARD: Megan, would you like to respond to that need?

MS. WARE: Sure, was that Doug? I'm sorry, I don't know who was speaking there.

CHAIR WOODWARD: Yes, Doug Haymans.

MS. WARE: Doug, I can look at the table that you are referencing. But I've included that, because quite frankly there are a number of states who have a 0.5 percent fixed minimum allocation, whose landings are under that amount. I'm trying to put forward a variety of options to see what the numbers come out as.

Kind of give the PDT some tools to work with, to see what shakes out. If we come back in the next Board meeting, and that's not an option that is favorable to the Board, then we can take it out. But again, just trying to provide some latitude for the PDT to explore different options.

CHAIR WOODWARD: Next I've got Ritchie White, and then Roy Miller.

MR. WHITE: My second is clearly to get an addendum moving forward. Whether this is the final layout of the addendum, you know I'm not sure that there aren't other alternatives that could be added into this, and that this couldn't be tweaked, if needed once we see what this does to each state.

But the need for this is clear in New England. Four or five years ago, New Hampshire had no landings at all, and now we're 5, 6-million pounds a year, and may go up substantially this year, if we have additional vessels moving in to the fishery, supposedly. The herring, Atlantic herring quota is so low that there is a number of large vessels that said that they are not even going to enter the fishery this year to fish for it, because it is not economic.

That shows you the need for bait for the billion-dollar New England lobster fishery. It's kind of a perfect storm of the loss of herring, the need for this large amount of bait, and the availability of menhaden, you know in a stock that is doing well. I think it is critical that we go forward with this

addendum. I guess I would say, less to focus on the exact details of it, and add additional ideas for the PDT to work on, and bring back to us at the next meeting.

CHAIR WOODWARD: Again, we're reiterating what you heard from Kirby, is that the more specificity we can give the PDT on the options that we want analyzed, the greater likelihood that we'll be able to have what we need to ultimately make a decision when we get to that point. Roy Miller and Nichola, you're on deck.

MR. ROY W. MILLER: I would like to ask a question of Megan, and then I have a short comment. But as a follow up to Ritchie White's remarks. I'm assuming that Maine's incidental catch landings in recent years are a reflection of the stock of the menhaden that are in Maine waters. What I'm wondering is how much of it is due to the bait fleet not being able to capture enough Atlantic herring, and switching over to menhaden, or is it strictly increased abundance of menhaden due to climate change, or other effects? That is the first question I have for Megan.

CHAIR WOODWARD: Megan, would you please respond to Roy's question?

MS. WARE: Yes, thanks Roy for the question. I think herring is part of the story, but I guess I disagree with kind of what was put in the FMP review that it's the primary driver. We have a vessel size limit for the menhaden fishery, so many of the herring vessels that we have in Maine don't actually qualify, or can't participate in the menhaden fishery.

We are not seeing like a direct transfer of herring boats switching over to menhaden. I think it's actually much more complex, where we're seeing a change in almost the bait infrastructure in Maine from kind of these bait dealers, I'll say, that were predominantly herring, to almost wharf-specific bait sourcing through menhaden.

What we're seeing is a lot more small vessels and lobstermen going out and catching their own bait. That is, it's a very different set of participation I would say in the menhaden and herring fishery. It's not a transition, and again, I think it is a more complex story than just not having herring. This is wharves going out, seeing an abundant resource, and wanting to catch their own bait for their businesses.

CHAIR WOODWARD: Back to you, Roy.

MR. MILLER: Mr. Chairman, if I may, just a quick comment. Listening earlier to Lynn Fegley's understanding of what incidental catch, why that category was created in the first place. It seems to me that the menhaden incidental landings in Maine don't fit the definition, really, of an incidental catch, because let's face it, purse seine is a directed gear. It's not like, the fish inadvertently swam into pound nets. I think we need to change over that incidental catch in Maine to directed fisheries landings, if we're going to deal with this problem. That is just my opinion.

CHAIR WOODWARD: Nichola, and then we have Lynn on deck.

MS. MESERVE: I would like to speak in favor of initiating an addendum to look at the reallocation and associated provisions. I think that the 2009 to 2011 time series that are used as the basis reflect a time period that the distribution of menhaden was different from now, and we're seeing that in Massachusetts and in the Gulf of Maine. It's a pretty narrow timeframe, so it makes sense to me to include some additional years, more recent years.

As Megan has addressed, you know that could go a long way to addressing the issue of the small-scale and incidental landings that are occurring under that provision. However, I wouldn't be opposed to also including potential changes to how that allowance is used in this addendum as well.

A cap as Mr. Kaelin referenced, or some other type of restriction on the use of it. In Massachusetts

we've been fortunate to have the episodic event set-aside as well recently to use. But I'm glad to see if this motion also includes looking at a different percentage for that. I think when Amendment 2 was passed, 1 percent of the quota sounded like a lot. Based on the current distribution of the resource in the northeast, 1 percent can be taken very quickly. I appreciate Megan including that in her motion as well. I think another idea that I would like to address is potentially some type of, and this could go along with reducing the fixed minimum allocation, as some type of threshold for a state to receive the default minimum, some type of passed or expected commercial fishing activity to get that allocation.

CHAIR WOODWARD: Lynn, and then we've got Dennis Abbott on deck.

MS. FEGLEY: If it's okay, I am very uncomfortable with this motion, and I would actually like to offer a substitute, and then if I get a second, I would like to speak to it.

CHAIR WOODWARD: Go ahead.

MS. KERNS: We lost her.

CHAIR WOODWARD: All right, well when she gets back let's move ahead. Dennis Abbott, and then Jim Gilmore, I had you on deck.

MR. DENNIS ABBOTT: I'm in full support of Megan's motion, and seconded by Ritchie White. It's very clear that the resource has, I won't say shifted northward, but it is available northward. The very fact that through the incidental catch many small boats in the state of Maine have been able to go out and catch 13 million pounds, surely shows that there is a resource available there.

Also, when we initiated the amendment, and we gave the states the minimum of 0.5 percent, those figures were very arbitrary, and it's been proven that a number of states that received allocations did not need 0.5 percent. But I think

that was part of our bargain in passing the amendment. There is a big need for changing it, and there has to be a recognition that the New England states and the Gulf of Maine should have access to this resource. Thank you.

CHAIR WOODWARD: All right, Jim Gilmore and then we have Joe Cimino on deck.

MR. JAMES J. GILMORE: Just quickly, I support the motion. Obviously, what we did a few years ago, we based the management back a few years back on assumptions that are probably no longer appropriate, and I think we definitely need a change with that. Dennis is right, we took a best guess at some of these things, and came up with what we thought was reasonable. Now that we've got more information, plus things that have changed between growth of the stock for menhaden, coupled with a decline in sea herring. We obviously need to reevaluate this, so we're definitely in support of the motion.

CHAIR WOODWARD: All right, Joe Cimino, and then Megan, I have your hand back up, so you're on deck.

MR. CIMINO: I see Lynn is back, so maybe we can do this a little differently. Lynn had had a chance to text me, and I shared her concerns, and so there was this thought of a substitute motion. We are going to be at the Executive Committee, and anyone who wants to get up early tomorrow will hear a presentation on a very large subcommittee that is looking at reallocation. While I appreciate Megan's motion for an addendum, I would like to substitute, in consideration that there is a group working on reallocation in general. I am concerned that this is just too narrow of a frame to move forward with. I would like to move to substitute to initiate an addendum to reconsider menhaden allocation.

I would move that the Board create a working group to develop allocation options for review at the August, 2021 Board meeting, and for those to be presented to the PDT. I also feel that the incidental take needs to be looked at. I think the

PDT can do that. I don't know the exact wording, but I do think that the incidental take needs to be reviewed by the Plan Development Team, including what gears qualify.

CHAIR WOODWARD: Okay, we have a substitute motion for Board consideration, and let me editorialize here a little bit, because I want to make sure that we're getting the horse and the cart in proper alignment. I assume that there is a second, Lynn, that you would second this motion?

MS. FEGLEY: Yes, Mr. Chair, I would second, thank you, and I would love to speak to it as well at some point.

CHAIR WOODWARD: All right, but before we enter discussion about this substitute motion, and this I guess is a question for Kirby and Toni is, do we need an addendum to create a working group, or if the purpose of the motion is to create a working group to develop allocation options, should the working group, if it's the will of the Board to create a working group, could that working group be created and develop options, and then bring those back to the Board for consideration within an addendum? I would appreciate some advice on that.

MS. KERNS: I mean it is the prerogative of the Board in the order that you go. But you definitely don't need an addendum to have a work group be formed. It would be good to give that work group, as we have in our work group guidance document there needs to be some specific goals and objectives for that work group to follow. But you don't need to initiate a management document prior to.

CHAIR WOODWARD: Okay with that said and clarified, I'll open it up for some questions and discussion on this. Joe, would you like to add anymore to your rationale to this, and then I'll call on Lynn after that?

MR. CIMINO: I think the cart before the horse was simply in my wording, and I apologize to everyone, including Lynn for that. But the concept here is to start an addendum process, and that is what the substitute motion is doing. The idea behind the working group going in conjunction with that. Again, it speaks to the hope that we would have a much broader scope, and have that at our next meeting. Since there is a subcommittee, a very large subcommittee that is looking at this, I thought there was need for that.

CHAIR WOODWARD: Okay, Lynn, would you like to add your comments, and then I'm going to open it up to the folks that have their hands raised.

MS. FEGLEY: Yes, thank you, Mr. Chair, and I really apologize for the technical problems. You know I was just extremely uncomfortable with the motion as it stood. Allocation, this is such a complex issue. We heard it in the comments of Board members leading up to, you know after the motion was made about the minimum base allocation, about the incidental gears.

I will say that from a Maryland centric place, that to look at timeframes of allocation that are based on more recent years. That puts a target squarely on the backs of Maryland. I know I keep repeating myself, but we have a very small, limited entry fishery that can't move. It is the backbone of our communities. They catch menhaden for our bait for our crab fishery.

In terms of staff availability, you know I've been told the last two years that the fish have been in the Bay, but the pound nets are all sitting in shoal water. The fish have just bypassed the pound nets by staying in deeper water. I honestly can't rationalize a way that I could stand before our commercial community, and tell them that we would be facing quota cuts of up to 60 percent, which means we would have been fishing over our quota for the last few years.

That is just an intractable option for us, and I think there is room here. I think with the incidental catch bycatch allowance, you know that works really well

for us. It's been in place for nine years; it hasn't yet caused an issue. I think that would provide us some flexibility; you know to talk about how we might adjust our quotas.

But I think the states need to sit down and have this conversation, not under parliamentary procedures. Allow the states to go back and make sure they are checked in with their industries, and then come back to the Board in August, and really provide the PDT with some options, some of which would just be tragedy for a state.

I feel really strongly about this. We can't fast track allocation, and I so appreciate again, you know the sentiments that keep us all at the table, but I would really prefer to preload this, and get a work group together to discuss. I have a lot to say, but I'm going to stop talking there, thank you.

CHAIR WOODWARD: I'm going to call on Kirby for a point of order regarding the substitute motion.

MR. ROOTES-MURDY: I know we're dealing with some connection issues with a few Board members, and Maya that's been doing a great job with trying to get these motions down. But reading the substitute motion, I think the second sentence is a little unclear, so I want to ask the makers of the motion if they could clarify. It says, move the Board create a work group to develop allocation options for review.

Is it to be at the August Board meeting, and if so, we want to make sure that is in the substitute motion? Then the other point of clarification is that is the intent for the work group to develop allocation options that are presented to the Board, or then presented to the Plan Development Team? I guess I'm trying to better understand what the thought process is for how that moves forward.

MS. FEGLEY: Mr. Chair, I could speak to that.

CHAIR WOODWARD: Please do.

MS. FEGLEY: The intent of the motion was to create a work group that would develop allocation options for the Board to review and discuss at the August, 2021 meeting. Then coming out of that meeting, the results of that discussion would go to the PDT to guide the development of a document.

MR. ROOTES-MURDY: Okay, thank you.

CHAIR WOODWARD: Go ahead, Joe.

MR. CIMINO: I think August got misplaced, but so did the concept that the PDT should be looking at the incidental catch. I don't see anything here in this current motion about incidental catch.

MS. KERNS: Joe, can you just specifically wordsmith for Maya, so she knows exactly what you want her to write? Do you want it to say, move that the Board create a work group to develop allocation options for review and discussion at the August, 2021 Board meeting, and I don't know how you want to finish it?

MR. CIMINO: Yes, Toni, as Lynn mentioned, yes. After 2021 Board meeting it would be for discussion.

CHAIR WOODWARD: Where does the incidental catch component of this come in?

MR. CIMINO: We can remove the presented to the PDT, and start that the Plan Development Team would develop options to review the incidental catch, including gear type eligibility.

CHAIR WOODWARD: Kirby are you satisfied? Toni and Kirby. Are you all satisfied with that? Is that clear enough for us to move forward with further discussion?

MR. ROOTES-MURDY: It's just until we're all understanding the sequence here. What this substitute motion, from what I am seeing as staff. This would create a work group that would need to be populated, either today or following this

meeting, and after that work group had put together allocation options, specific to reallocation of the commercial quota, that are then to be presented at the August Board meeting.

Following that a Plan Development Team would also need to be formed, and they would be tasked with looking at those allocation options, as well as reviewing the incidental catch provision, including eligible gear type. That is how I'm reading it right now.

MS. KERNS: I guess, Kirby, I'm not sure I'm reading that the PDT couldn't work in sync at the same time. Like the PDT couldn't get together and work this summer on incidental catch. Unless, Joe and Lynn, you are thinking otherwise.

MS. FEGLEY: No, this is Lynn. I think that's fine.

MR. CIMINO: Yes, agreed.

CHAIR WOODWARD: Well again, just to clarify. It's the initiation of an addendum that makes the creation of the PDT necessary. In order to have the PDT, we need to do that. But I think it could benefit for some clarify in that last sentence, the PDT will evaluate allocation options, once they are presented.

It's a little cumbersome, but if you're fine with it, Kirby and Toni, I can certainly live with it, and we need to carry on, especially since we are 17 minutes over our time, and we are far from finished. I don't want to rush this, but at the same time I want to be respectful of our allotted time. Toni, and Kirby, you're okay with this?

MS. KERNS: Mr. Chairman, if I could just ask Maya to delete, in the second sentence I don't think we need the word move again, so if we can take away move that, and just say the Board will create a work group.

CHAIR WOODWARD: All right.

MS. KERNS: I think through your discussion now, it is understood that the PDT will take on the allocation options that the Board then brings to them after the August meeting. I will say that the PDT might need some clarity on, some guidance on how they should be looking at incidental catch. Right now, there is no guidance here, and they will need something to work off of. Without that they will have no direction.

CHAIR WOODWARD: Again, not to put words in the maker or seconder of the motion, I assume that the intent of this is to have them evaluate the efficacy of the incidental catch provisions for a very intended purpose. Is that correct?

MS. FEGLEY: Yes. I believe that is correct. It's going back and it's looking at what was the initial purpose of the incidental catch, and also, I think part of the evaluation and looking at options is, what is the risk of the incidental catch with the differing gear? You know we know that in the situation that Maine is in, the incidental catch winds up being a bigger risk to breaching the quota, I would think, just because that is where they have to sit, in order to catch the fish.

When you look at the smaller scale fisheries that really just use incidental quota periodically, it poses less risk to breaching the quota, and also, I think some examinations of the gear are criteria. You know what is the difference between a gear that can go out and chase down a school of menhaden, versus a passive gear that just catches menhaden as they swim by. I hope that helps.

CHAIR WOODWARD: Toni and Kirby, does that help narrow it down a bit?

MS. KERNS: The problem that I see here is that the Board defines what the incidental catch was. It's clear that it is not clear to the states of what that original intention was. To ask the PDT to evaluate based on something that not everybody is clear on, is going to be really difficult for them to do. I would ask that we have, because right here it says to develop options to review the incidental catch. What is the range of options that you're looking for,

you know that type of direction for them? You don't have to be specific, but just what are their bounds?

CHAIR WOODWARD: That's a fair point. We don't really want to set up the PDT for failure, by not giving them specific direction. But we seem to be hung up right here, and we certainly need to move along. What clarifying language can be added to this, to remedy the situation? Do you have something you can offer?

MS. KERNS: Spud, it doesn't have to be in the motion. I'm just saying through this discussion we're going to need some clarity of what it is that you want the PDT to look at. Maybe we'll get that out of this discussion from here. You know you have a ton of hands, so maybe some folks will have some ideas.

CHAIR WOODWARD: Okay, well let's move forward with further discussion, and I'll try my best to keep up with the list. Folks are sort of popping up and disappearing off my little box down there, so I'm going to work my way down, the way I have them. The first of those is Megan Ware, and then Conor McManus is on the deck.

MS. WARE: I appreciate Joe and Lynn. I think that you guys are trying to find a point of compromise here. I have a couple concerns. My first is that particularly recently, work groups have been extremely contentious, in terms of who participates on those groups. I think that is going to be augmented and heightened at the Menhaden Board, where it's a coastwide board. I can see some pretty contentious starts to this work group.

I'm also concerned that if a work group is developing allocation options, that is moving into the purpose of a Plan Development Team. You know Lynn spoke with such passion for her fishermen and her fisheries, but that is exactly why the PDT is a better body for this. That is a neutral place for discussion and setting of ideas.

I just think that that is the purpose of the PDT, and we're kind of having the work group take on this identity. In terms of the small scale and incidental catch fishery, I guess I would plead with people to actually call it what it is. I think there is maybe a bit of misunderstanding as to what the provision is, but in Amendment 3 it is called incidental and small-scale fishery provision.

We had this exact conversation with Amendment 3, in terms of is this incidental, do we allow directed small scale under this? In the end, the Board decided to combine those two ideas into one under that provision. They did so by creating specific gear types for the small-scale fishery, and specific ones for incidental. At the very least, I would ask that the motion reflect what the provision is actually called.

In terms of options that are developed. You know I hope it's not just elimination of a gear type, that it is broader to maybe considering reducing catch by gear types, whether that is a lower trip limit or days out, to provide some points of compromise there. You know there was talk of risk of breaching a TAC, although we were 70 million pounds below the TAC this year. I don't think that the landings by Maine are jeopardizing our ability to stay under the TAC, but I understand that they are significant landings, and people are concerned about them. Thank you.

CHAIR WOODWARD: All right, I have Conor McManus and then Doug Haymans on deck.

MR. CONOR McMANUS: My comments were regarding earlier discussions on the original motion, not so much the substitute. I guess I'll just share a little bit of caution on the idea of recent years particularly, but the past year in terms of how that influenced effort and the ability to fish, as well as there are some unique instances for certain states that had medical hardships and such.

That may not really reflect their longstanding fishery, particularly in the last two to three years. But I just wanted to pass that out as information, because I think there are going to be unique situations like that for different states that is worth thinking about. I guess, perhaps in a larger context,

you know we've talked about the distribution of the resource.

I think we're thinking about other species and reallocation discussions, we've talked about how the resource has actually been redistributed, and how we have used scientific information to actually inform that assessment. I guess I may have questions for staff involving menhaden.

Just if they could quickly comment on the availability of science, the data either from surveys or assessments to kind of guide or inform that notion of a true resource redistribution or shift to the center of biomass, and to what extent, I guess, and whether there is the ability to bring science that informs any future reallocation discussions.

CHAIR WOODWARD: Maybe we can deal with your questions when we get to our Board agenda item, hopefully, because that is going to deal with, we're going to have spatially explicit information on which to base menhaden management. I have Doug Haymans and then Mel Bell on deck.

MR. HAYMANS: I actually lowered my hand long ago, because the point of order was clarified. However, since you called on me. I think it was Megan a moment ago, I think I could agree with bringing the bullets from the main motion down to the substitute motion, so that at least there is a starting point that the Maine motion maker wanted to include. I could agree with bringing those in as part of the substitute motion.

CHAIR WOODWARD: Mel Bel, then Dennis Abbott on deck.

MR. BELL: Yes, thanks, I did the same thing. I pulled my hand down, but it has evolved so much. My question was really kind of back to Megan, I guess, as whether or not this second effort, the substitute covered what she was attempting to do. It sounded like not

necessarily. But as Doug suggested, if you kind of created a hybrid of both of these, maybe you would end up where you were trying to get. I was getting kind of confused in the evolution of the substitute.

CHAIR WOODWARD: I think we've also found ourselves down in a rabbit hole in these a lot. Dennis, and then I have Eric Reid on deck.

MR. ABBOTT: I actually took my hand down, probably 15 minutes ago. However, based on what Mel Bell just said, I agree with him that maybe we should move vote on this substitute motion, and then add an amendment adding what Mel suggested, by adding the bullet points in Megan Ware's original memo. I think that would be helpful to everybody. But to move it along, let's vote on the substitute, and add those. I think it's a good idea.

CHAIR WOODWARD: All right, thank you, I'll tell you what. If everyone could do me a favor, just put your hands down for a little bit, and then those who need to speak, if you will put your hands back up, I'll call on you. Okay, I've got Eric Reid and then Cheri Patterson.

MR. ERIC REID: I really don't care to have the bullet points moved down. I would like to see them moved away. It's not to states who have not caught fish in the last few years advantage. But what I would be interested in is, taking Ms. Ware's and Mr. White's second sentence, and putting that in the substitute motion.

Because the way I read the substitute motion now, it says develop allocation options for review. It doesn't really tell you what's the goal of that. That second sentence clearly outlines what the goal would be. That would be my suggestion. I would also like to see the episodic event included in the substitute as well, which I guess is a bullet point. That's my two pounds worth of menhaden.

CHAIR WOODWARD: I see Nichola's hand up.

MS. MESERVE: I'm still struggling with the substitute motion a little bit. Before voting on it, I

could use clarity on whether the work group is only going to discuss the state-by-state allocations, or the intent is to also have the work group address the episodic event set aside, the incidental limit, and then all of that based on the discussion in August, 2021. The PDT is going to be tasked with developing options. I'm more comfortable with that, rather than this dual process of a work group doing part of it, and a Plan Development Team doing the other part of it doesn't make a lot of sense to me as it is right now.

CHAIR WOODWARD: All right, Kirby, you have another point of order for us?

MR. ROOTES-MURDY: I think actually Nichola captured it pretty well, and it built off of some of the points raised by Megan that, for the Board's consideration on the substitute motion, I think it really needs to be clear what each of these two groups are supposed to do, and when they would be working, because having them both work at the same time, from my standpoint, seems like they might be duplicative efforts to do work. I think it really needs to be clarified by the makers what the intent of these two different groups are, and when they would be working.

CHAIR WOODWARD: All right, we've got a little bit of a predicament here to extract ourselves out of. The desire is to call the question on this substitute motion, but I'm not sure the substitute motion is clear enough for people to make an informed decision about. I've got hands that keep coming up, and we're bogging ourselves down in this. I'm going to call on folks that haven't had a chance to talk. Cheri, I know you've had your hand up, you go ahead.

MS. CHERI PATTERSON: We already have a work group put together for allocation. I mean why are we creating another work group for this purpose? I think that the PDT should be dealing with options that are controversial, because they can be more objective. I'm wondering if it would be better to move the

PDT to actually working on allocation options, and the work group working on incidental catch, including gear type eligibility.

Especially if they're working in tandem, instead of working off of each other. I just think it's going to be confusing the way this motion is set up. I like the premise of it, and I think that Megan's motion brings all the salient points that need to be brought up. Thanks.

CHAIR WOODWARD: I'm going to take one more comment, and then we've had a request to call the question. I think in order to clear this up, we need to dispense of at least one of these motions, and get it off the deck, and then if we have another substitute motion that is more clear that's fine. Emerson, I'm going to call on you.

MR. HASBROUCK: Yes, I'm not in favor of the substitute motion. I think it just confuses and confounds the process. We don't need two different groups working at the same time on this reallocation issue. I mean both of these motions, the main motion and the substitute, both want to initiate an addendum, which I think is fine.

I'm in support of that. But again, I think having this additional work group just confounds things. The only difference I really see between the main motion and the substitute, is the issue about the incidental and small-scale fishery. I agree with Megan that that is what it is. It's not just incidental, it's the incidental and small-scale fishery.

But I think that looking at reallocation is going to address some of the issues that some people have about the incidental and small-scale fishery. But at this time, I cannot support the substitute. But going forward if the substitute does not pass, I might be willing to support a substitute that includes some discussion about the incidental and small-scale fishery.

CHAIR WOODWARD: Tom, you haven't had a chance to speak, I'm going to give you the last word on this, and then we're going to vote on the substitute.

Draft Proceedings of the Atlantic Menhaden Management Board Webinar
May 2021

MR. THOMAS P. FOTE: Yes, I think the first motion just basically looks at what is advantage to two states. That is why everybody is having a problem with this. We need to look at the whole problem. That is why I think the second motion, with a little correction, would basically address that. Again, we have this team that the Executive Committee is talking about tomorrow, and that is where we should basically look at the working group to basically look at reallocation.

CHAIR WOODWARD: I'm going to call the question on this. Since it's obviously not going to be a unanimous vote, Toni, how do you want to handle this voting? Toni and Kirby.

MS. KERNS: Mr. Chair, if you could ask for the yesses, and then I'll read off the states.

CHAIR WOODWARD: All those in favor.

MR. CLARK: Can we caucus?

CHAIR WOODWARD: I'll give you a few minutes for a caucus.

MS. KERNS: Mr. Chairman, if this motion does pass, is it okay if I could ask for some clarity and guidance for each of the work groups that would be greatly appreciated.

CHAIR WOODWARD: Yes, Ma'am that is my intent is, if it does pass is to try to perfect this to the point that it becomes clear who does what and when.

MS. KERNS: Mr. Chairman, Marty Gary has his hand up. I don't know if it is for a question of clarification.

CHAIR WOODWARD: Okay, go ahead, Marty.

MR. MARTIN GARY: Thanks, Toni, for reading my mind. If is a point of clarification. I may have heard you wrong, but are we doing a roll call by voice acknowledgement? Are you going to call by state, or is this something different?

MS. KERNS: It defaults to a roll call, since I say how each state votes. It defaults that way. I don't call out each states name, but I read each state's name, so that is just like a roll call.

MR. GARY: Okay that's fine, thank you.

CHAIR WOODWARD: Okay, are we ready to vote? Anybody still need some time for the caucus? If so, raise your hand up. I don't see a hand, and we'll proceed with the vote. All those in favor of the substitute motion, signify by saying yea, or raising your hand. Whoever is casting the vote for the delegation.

MS. KERNS: All right, Mr. Chairman, it looks like the names have settled, so I'm going to read off the state names. Virginia, Connecticut, Delaware, Rhode Island, Pennsylvania, North Carolina, New Jersey, and Potomac River Fisheries Commission.

CHAIR WOODWARD: Okay. All those opposed to the substitute motion.

MS. KERNS: Let me put the hands down for everyone. Okay, I'm ready for the next one.

CHAIR WOODWARD: Okay, all those opposed.

MS. KERNS: It looks like the hands have settled, I have Maine, Georgia, South Carolina, New Hampshire, New York, and Massachusetts. I will put the hands down.

CHAIR WOODWARD: All right, abstentions.

MS. KERNS: I have two abstentions, U.S. Fish and Wildlife Service and NOAA Fisheries.

CHAIR WOODWARD: All right, then last but not least, any null votes?

MS. KERNS: I do not have any hands.

CHAIR WOODWARD: Okay, so what's the score?

MR. ROOTES-MURDY: Eight yes, 6, no, 2 abstentions.

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

CHAIR WOODWARD: All right, so the substitute motion carries, now becomes the main motion. But before it becomes the main motion, we need to help staff perfect this, so that there is clarity on the roles of the work group, the PDT, and the Board, and when this will be done. I'll go ahead at this point now.

If this carries forward, then we're not even going to have the basis for developing the specifics of the addendum until maybe the annual meeting. Again, that could make it, if the goal is to have this in place for 2022 fishing season, I don't know if we're setting reasonable expectations for ourselves or not. Anyway, Toni and Kirby, what can be done to help with this? What do you need?

MS. KERNS: Mr. Chairman, I'll start with the Board work group. As a reminder that work groups are a subset of Board members that will be approved by the Chair, we will need a Chair of that work group, and that the Board needs to fully describe the task or the issue that the work group is to address, and there should be a very clear directive of deliverables, and a timeframe for which the Board will review that.

MR. ABBOTT: Excuse me, I would like to make a point of order, Dennis Abbott.

CHAIR WOODWARD: Go ahead.

MR. ABBOTT: We just now have a main motion; we have not voted on the main motion. To me, we're in a position with a motion available, and it's still available to be amended, if someone cares to add a substitute or an amended motion, probably to incorporate what Toni Kerns is saying. But again, I think we got ahead of ourselves a little bit, by not voting on the main motion at this point.

CHAIR WOODWARD: My intent here, Dennis was to help address the concerns of staff, to make sure that the motion that is going to be voted on is clear to everyone who is voting on it. I was hoping for a friendly amendment, so

that we could get the clarity there, because I'm sure there are people on the Board who if they vote on it right now, they're not exactly sure what they're voting for.

MR. ABBOTT: Yes, I thank you, Mr. Chairman, you're doing a good job under difficult circumstances, as usual.

CHAIR WOODWARD: Back to Toni, let me yield it back to you.

MS. KERNS: Mr. Chairman, if you could select a directive, you know right now to develop allocation options, it would be helpful to have a directive that provides some guidance to that work group, unless you just want it to be everything under the sun.

CHAIR WOODWARD: That's not acceptable. That's not fair to the PDT, and I don't think it will be over a result for the Board to deliberate upon. I'm going to put this back on the maker and the seconder of the motion. I see Joe and Lynn, let me call on you all. Let's try to get this thing across the finish line, it's 4:30.

MS. FEGLEY: Yes, Mr. Chairman, I really apologize, because I have such bad connectivity problems, and this is definitely derailed in a way. I would like to try to make a friendly amendment to clear this up. I think first, there should not be two groups working on this, working on two different things simultaneously.

A work group of the Board should discuss allocation options, it should discuss the incidental and small-scale fisheries, and it should discuss the episodic set-aside, and all of the complexities therein. The Board and the work group of the Board should bring that to the Board for review, and then to the PDT.

I also very much agree with Eric Reid's comment that the second sentence, I think, of Megan Ware's motion that outlines the goal and objectives, should be moved into this motion. I think we need a specific goal and objective, and I think that the work group needs to come up with how they want this Addendum to be shaped.

I think right now what we don't want to do is go out of the block being too prescriptive. I understand the conflict with the overarching allocation work group, but the overarching Allocation Work Group is going to work on allocation as a bigger picture for all species. This is something more urgent. I think we need to get some Board members together, and we need to discuss how we want this addendum to look, and bring it to the PDT, and then they start working.

CHAIR WOODWARD: All right, we've got a suggestion, Joe, as the maker of the motion, are you receptive to some amendments per Lynn's suggestions?

MR. CIMINO: As the last however amount of time, it has painfully proved difficult to craft a motion that covers everything. The substitute was a concern that the first motion was just too simple, and didn't cover enough. I think the working group would need to look at that, and I certainly support that the working group then would get incidental and the small-scale fisheries as one.

CHAIR WOODWARD: All right, so we need some words in this motion.

MR. HASBROUCK: Excuse me, Mr. Chairman.

CHAIR WOODWARD: Yes, go ahead.

MR. HASBROUCK: I'm a little uncomfortable, in terms of what we're doing right now. I mean this motion no longer belongs to the maker and the seconder. I mean this was a substitute motion that the Board just voted on, and to allow the maker and the seconder to now modify this. I don't know, I'm looking for some guidance here, in terms of Robert's Rules. I'm uncomfortable with this process. I don't know if anybody else is.

MR. ABBOTT: Could I offer something?

CHAIR WOODWARD: Go ahead.

MR. ABBOTT: Emerson is exactly correct; the motion does belong to the Board. But it is open to amendment, and I think that the amendment could be offered by Lynn Fegley, who was the second of the first motion. I might suggest that we take a five-minute pause, and allow Lynn Fegley and Mr. Chairman and Joe Cimino and Kirby to come up, and Toni Kerns, to come up with the correct words.

Come back in five or so minutes, and give us an amended motion that we can vote on. Then I think we'll clarify things very much. I would like to also add that I think there should be complete separation between the Allocation Work Group, and a work group assigned to deal with menhaden. They are two separate issues completely, and I don't think we want to get bogged down with the, like Lynn put it, the overarching allocation issue.

CHAIR WOODWARD: Toni, Bob, Kirby, we need to extricate ourselves out of this. A suggestion has been made, I'm certainly fine with that, if we think we can affect this to the point that staff has clear direction, and that the Board knows exactly what it's voting on, or what to expect. Kirby, Toni, thoughts.

MS. KERNS: Mr. Chairman, if you're amendable to a five-minute recess. The difficulty in this is that Lynn can't hear everything that we're saying, because she is in the car, and she cannot see what is on the screen. Being able to communicate with her would be good, but I see that Bob's hand is up, so we can try to go from there.

CHAIR WOODWARD: Go ahead, Bob, and I have a question for you too.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I just wanted to chime in on a couple things. You know technically this is the property of the Board, and it should be modified. You know we always try to do this, and sometimes it backfires. You know try to quickly modify this on the fly, to craft what the original intent was.

But you know, we may need a substitute motion here, which we can work on during a quick break. I

also wanted to chime in really quickly, and comment on the Allocation Work Group, and sort of control expectations for tomorrow's Executive Committee. There is not going to be a grand presentation tomorrow, by any means. That group hasn't met yet, they just defined their first meeting date and their membership, and tomorrow's update is really to ask the Executive Committee if there is any additional direction they want to provide to that group. I think that Allocation Work Group is a longer-term project, probably, then the timeline most folks are talking about here today for menhaden. I don't think you want to wait on the Allocation Work Group necessarily for this menhaden addendum, if you go down that road.

CHAIR WOODWARD: I've been asked the question, and frankly I guess I should know the answer to this, I believe I do, but I'm going to ask you, and that is. I've been asked whether we could table this motion, have work on it between now and Policy Board, and have it brought to the Policy Board for consideration. You know we could ask at the Council level; I don't recall us doing that at the Commission level.

EXECUTIVE DIRECTOR BEAL: Yes, the Commission we try not to do that, try to keep the species issues at the species boards. I think if we had a break or something right now, maybe we can facilitate something. I think the idea that Lynn raised, about let's set up a working group, take on those three projects, which are allocation, small-scale incidental catch, and episodic events, and maybe weave in that second sentence from Megan Ware's original motion that was substituted.

I think that seems to get at a lot of what folks are talking about here, and may make people comfortable. I think it solves the problem of concurrent PDT and work group activity. You know I think a small group of us can probably turn that into a substitute motion, if you're comfortable with that approach, Mr. Chairman.

CHAIR WOODWARD: I am, and so I'm going to let's recess the Board until, I'm going to say 4:50. There is the language of the substitute motion. I need a maker and a seconder of that motion, if you'll please raise your hand. I've got Joe Cimino, is that to make the motion?

MR. CIMINO: Yes, let's move this along. This is a substitute motion group to develop a statement of the problem for reallocation. The goals of this action are to better align jurisdictions commercial quotas with current landings and fish availability, while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. Hopefully, we'll get a second.

CHAIR WOODWARD: All right, do I have a seconder of this motion?

MR. ABBOTT: I'll second it, Spud.

CHAIR WOODWARD: Dennis Abbott has seconded it. We've talked around various versions of this for what seems like a small eternity. I want to offer opportunity for discussion, but let's please try to keep it brief. Megan.

MS. WARE: Yikes, okay, this is a bit different than what I was expecting. I'm disappointed that we're no longer initiating action. I'm struggling with the purpose of the work group. I think we answer the purpose of a statement of the problem in the following sentence, the goals of this action. I feel like we have already fulfilled the task of the work group in the second sentence of this motion. I can't support this.

CHAIR WOODWARD: Okay, Cheri Patterson.

MS. PATTERSON: I have similar reservations about this as well as there is no timing involved in when that's coming back to the Board. I liked having some sort of end date for us to be looking at this. Thanks.

CHAIR WOODWARD: Mr. Cimino is your hand still up?

MR. CIMINO: I apologize. I think that this should be, I agree with Cheri, and I think that the intent here should be for this working group to have this back by August, by the August, 2021 meeting.

MR. ABBOTT: I agree, that should be in there.

CHAIR WOODWARD: All right, can we get some language in there to address these concerns? We're running out of time here, folks. It's an important issue, and I don't want to give it short shrift. I'm sure at the same time we've got to make sure that whatever we approve is going to accomplish our intended outcome.

MS. KERNS: Mr. Chairman, based on what Joe and Dennis just said, that they meant to have that language in there. Maya, could you add the workgroup will report back to the Board at the August, 2021 meeting?

CHAIR WOODWARD: That's it. I'm certainly fine with that.

MR. ROOTES-MURDY: Chairman Woodward, just to clarify for the Board. You know after voting on this there will be the need following this meeting for that work group to be populated, a Chair to be appointed. Those are things that I think the Board should be aware of.

CHAIR WOODWARD: All right. I think what I've heard is some concern, at least I heard it from Megan that we've got some lack of clarity here. Again, in an effort to move this along, if the language of this were to create a work group to develop options to better align jurisdictions commercial quotas of current landings of fish availability, while providing a level of access, so forth and so on, and then the work group will report back to the Board. Would that satisfy some of the concerns that I've heard, Megan specifically?

MS. WARE: Sorry, is that a question to me, Mr. Chair?

CHAIR WOODWARD: Yes, I'm just again trying to, I may be running a little roughshod over parliamentary procedure here, but trying to basically to create a work group to develop options to better align jurisdictions, and so forth and so on for allocation options.

MS. WARE: Take out the part of the problem statement. I think that is better, it is now, yes.

CHAIR WOODWARD: Can we make some adjustments to this, Toni? Is that possible. Can we wordsmith this on the screen?

MR. CIMINO: If the maker and seconder are amenable.

MR. ABBOTT: Knowing that I'm very strict on parliamentary procedure through the years. Today, I will relax my objections to doing things as we are, because we do have to move this along, as Spud is saying. The idea is to get this airplane off the ground right now. That is, I think what we're trying to do.

MS. KERNS: Maya, it would be: Substitute motion to create a work group, and then delete the rest of that sentence.

CHAIR WOODWARD: To develop, a work group to develop allocation options, to better align jurisdictions, so forth and so on.

MS. KERNS: Maya, you have that there, so you just need to delete the words. Yes, there you go, you've got it. I think. Yes.

CHAIR WOODWARD: Emerson, you've got your hand up. Thank you for being patient.

MR. HASBROUCK: My concern with the substitute motion is that we've just spent whatever it's been, two, two and a half, three hours here, talking about the original motion that Megan had, which was to initiate an addendum. The substitute motion, which is now the main motion to initiate an addendum, and now this substitute motion, which was supposed to resolve some of the issues and

questions we had doesn't say anything about initiating an addendum.

That is where I wanted to go today, was to initiate an addendum. This got just deleted out of this, and I don't recall in any of the debate that we've had over the past couple of hours, about not initiating an addendum. I don't know that I can support this substitute motion, based on the fact that it just takes out of the discussion, initiating an addendum at this time. Thank you.

CHAIR WOODWARD: Well, I guess my response to that is that we've got to have some basis on which to develop a draft addendum. At this point we don't have that. The suggestion has been made to develop a work group that would come back to the Board and present the Board options for consideration that would be the content of that draft addendum. If I'm not representing that properly, Toni or Joe or Lynn or anybody else, certainly correct me.

MR. ABBOTT: You are, Spud, this is just the first step. I think the understanding would be that in August the addendum would actually be initiated, after we get the results of the work group.

MR. HASBROUCK: Then why isn't that part of the motion?

MR. ABBOTT: I think we have to realize that we're all working remotely, and it's difficult hard to put the exact words. I think there has to be a little bit of trust involved in where we're going at this point. Just my opinion.

CHAIR WOODWARD: Well, if this makes folks comfortable, I mean that last sentence could be modified, the work group will report back to the Board at the August 2021 meeting, and the Board will initiate an addendum at that time. Does that address your concerns, Emerson?

MR. ABBOTT: That's good.

MR. HASBROUCK: Yes, that's fine with me, thank you.

CHAIR WOODWARD: Is it okay with the maker and the seconder? I've heard the seconder is fine. You're fine with that, Joe?

MR. CIMINO: Yes, I support that.

CHAIR WOODWARD: Rob LaFrance, I haven't heard from you, go ahead, Rob.

MR. LaFRANCE: I agree with everybody, it is very difficult to do this thing remotely. But one of the things I wanted to add was, it seems that the review of the incidental catch, including gear type eligibility seems to have fallen out of the second motion. I think most folks agreed that we would be looking at that as part of the overall structure of the work group, just a point of view that I would like to see that added.

CHAIR WOODWARD: Can you offer some specific language for consideration?

MR. LaFRANCE: Sure, I think we could add; to better align jurisdiction commercial quotas with landings and fish availability. It had all that stuff, and then before and add, review the incidental catch including gear type eligibility, and reduce the need for quota transfers. Basically, take the last line, develop options to review the incidental catch, including gear type by eligibility, and putting that just before the and.

CHAIR WOODWARD: Okay, Toni and Maya, we can capture that. I know this is tough. I apologize for everybody.

MS. KERNS: As long as it's okay with the maker and the seconder, I can help Maya.

MR. CIMINO: Yes, Mr. Chair, over the ten-minute break that is exactly what the intent here was, so my apologies once again.

CHAIR WOODWARD: Are you fine with this, Dennis?

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May 2021

MR. ABBOTT: Yes, I guess.

MS. KERNS: Rob, the other part is, is that we know that that is part of the intent of this work group through this discussion, so it doesn't have to say the words. But if it absolutely needs to, then we'll put them in there.

MR. LaFRANCE: I was just seeking clarification on what we're supposed to do as a work group so we have it. I know it's a long sentence, but I think it adds part of what we were trying to get to.

MS. KERNS: Okay, so Maya, after the.

MR. LaFRANCE: She has it in there now.

MS. DRZEWICKI: I did put it in, if that is correct.

MR. LaFRANCE: I think it is correct.

CHAIR WOODWARD: I think perhaps we could develop options to review in front of incidental catch. I think the purpose of the work group, you can correct me if I'm wrong, Rob, is to review the incidental catch provisions, including gear type eligibility. Is that correct?

MR. LaFRANCE: That is my understanding, yes, Mr. Chair.

MS. KERNS: Maya, if you could add provision after catch.

MR. LaFRANCE: Thank you, Mr. Chair, thank you everyone.

CHAIR WOODWARD: We have a substitute motion, is there any other discussion? Bob Beal.

EXECUTIVE DIRECTOR BEAL: I'm not going to suggest adding anything else to the motion, but I think the idea of episodic events is also part of the charge to the work group. All these pieces work together on allocating menhaden quota to the commercial fishery. The state shares, the

incidental catch, and it's episodic events. I think that is all fair game, and just if everyone understands that, what they're voting on here, we don't need to modify the motion, just want to make sure everybody knows that.

CHAIR WOODWARD: Good point, and thank you for bringing that up. I think that certainly was the intent, Bob. Last chance, any comments, suggestions, discussions? If not, I'm going to call the question. All those in favor of the substitute motion, signify so by saying yea.

MS. KERNS: Okay, Mr. Chairman, when the hands settle, I will start to read the state. I have Virginia, Connecticut, Delaware, Maine, Georgia, South Carolina, Rhode Island, New Hampshire, Pennsylvania, New York, North Carolina, New Jersey, Maryland, Massachusetts, and Potomac River Fisheries Commission. I will put the hands down.

CHAIR WOODWARD: Okay, all those opposed, signify by raising your hand.

MS. KERNS: I have Rhode Island.

MR. ROOTES-MURDY: Sorry, Toni, that's turned off, that's Eric.

MS. KERNS: Strike Rhode Island. I have no hands opposed.

CHAIR WOODWARD: Null votes. I don't see any null votes, abstentions.

MS. KERNS: I have two abstentions, U.S. Fish and Wildlife Service, and NOAA Fisheries.

CHAIR WOODWARD: All right, thank you. I believe the motion carries; the motion now becomes the main motion. I'm going to do this hopefully simply. Is there any opposition to the main motion? Any null votes, any abstentions?

MS. KERNS: To note for the record, we have two abstentions; NOAA Fisheries and U.S. Fish and Wildlife Service.

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

CHAIR WOODWARD: Okay, thank you everyone for your patience, and for working through this. I know this is a difficult topic, made more difficult by the fact that we're all scattered over thousands of miles from each other. Now the next challenge is going to be to identify the members of the work group, and to have a Chair, and to get this body working on the task at hand. Toni and Kirby, what are our options for doing that?

MS. KERNS: Mr. Chairman, we can send an e-mail requesting nominations for the work group, the Chairman appoints the members to the Board, and then also asks for someone to be the Chair of that work group, is what we have done in the past.

CHAIR WOODWARD: Okay, we will, I guess try to get that done as expediently as we can, once the meeting week is over. I conversed with Kirby. Our third agenda item is important. I don't believe we can give it the attention it needs at this time. I think everybody is probably exhausted. I'm going to recommend that we defer discussion of that until our next meeting, so that we can give it adequate attention. You have the written report.

I would ask that everybody take the time to look at that report, to be thinking about it, so when we convene in August at our next meeting, that we can give some direction to the Technical Committee and the ERP work group as to what our priorities are for moving forward with continued spatially explicit guidance on menhaden management. It's an ambitious undertaking, and we need to give them guidance to focus their efforts.

ADJOURNMENT

CHAIR WOODWARD: At this point, is there any other business to come before the Menhaden Board? Do I have a motion to adjourn?

MR. ABBOTT: Adjourned.

CHAIR WOODWARD: All right, I have a motion to adjourn, thanks everybody. It was a hard task, but I appreciate everybody's hard work. I guess we'll see everybody tomorrow virtually.

(Whereupon the meeting convened at 5:00 p.m. on Tuesday, May 4, 2021.)



Atlantic States Marine Fisheries Commission


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MEMORANDUM

TO: Atlantic Menhaden Management Board
FROM: Ecological Reference Point Work Group and Atlantic Menhaden Technical Committee
DATE: April 26, 2021
SUBJECT: Atlantic Menhaden Spatial Model Needs

At the 2021 Winter Meeting, the Atlantic Menhaden Management Board tasked the Ecological Reference Point Work Group (ERP WG) and Atlantic Menhaden Technical Committee (TC) to provide additional detail regarding the research recommendation in the 2019 benchmark stock assessment to “develop a spatially-explicit model.” Specifically, the Board requested information on what data would be needed, a timeline for development and implementation, and if it would resolve questions regarding management of menhaden in the Chesapeake Bay.

The ERP WG and TC discussed potential approaches for developing a spatially-explicit model for Atlantic menhaden. These approaches cover a range of spatial complexity, data needs, and timelines, and provide different levels of information to support management. In this memo, the ERP WG and TC provide an initial outline of potential approaches, including the data and modeling development needs, timelines, and expected management information produced, and highlight areas where Board input is needed. The ERP WG and TC stress that the needs and timelines listed here are based on the group’s current understanding of what is feasible and may change once model development and data analysis are underway. The approach the group chooses will depend on management goals, as well as data and funding availability.

Attributes	Approach
 Coarse spatial scale, minimal additional data requirements	Coastwide Beaufort Assessment Model (BAM) + coastwide Northwest Atlantic Coastal Shelf Model of Intermediate Complexity for Ecosystems (NWACS-MICE) + supplemental Bay information
	Coarse spatial BAM + coastwide NWACS-MICE ERPs
	Coarse spatial BAM + coarse spatial NWACS-MICE ERPs
	Detailed spatial BAM + detailed spatial ERPs (NWACS-MICE or alternative detailed spatial multispecies model)

1. Coastwide BAM and NWACS-MICE with supplemental Bay information

These approaches would use the existing BAM plus NWACS-MICE approach to develop coastwide ERPs for Atlantic menhaden to produce a Total Allowable Catch (TAC) that takes into account Atlantic menhaden's role as a forage fish on a coastwide basis, as is done now, but would also provide supplemental information on the Chesapeake Bay.

a. Supplemental Bay Atlantic menhaden abundance information

Approach: Supplemental information on absolute Atlantic menhaden abundance in the Chesapeake Bay, such as from an aerial survey, could be used to determine what proportion of the TAC could be taken from the Chesapeake Bay in order to keep exploitation in the Bay at an acceptable level. This simpler, escapement-based approach could be an efficient way to develop information to inform the Chesapeake Bay Cap; however, it would not provide broader spatial information and therefore would not provide advice for regional allocation discussions. In addition, the ERPs developed would be on the coastwide scale, and thus would not include consideration of predator-prey interactions or needs on a finer spatial scale. The ERP WG and TC also noted the uncertainty introduced by combining two different methods of abundance estimation (the BAM and the fishery-independent Bay method), and the lack of information on seasonal migration rates into and out of the Bay.

Data & development needs: This approach would not require additional model development, but would require a significant investment in a robust source of information on absolute abundance in the Chesapeake Bay, which is currently does not exist. It may be possible to use a shorter time series of abundance in this framework than the 10 years that the TC requires for indices of relative abundance within the BAM; however, this will depend on review of the data after collection. An absolute abundance survey would likely require 1-2 years of gear calibration and pilot studies, plus a minimum of 3 years data, in order to evaluate interannual variability and uncertainty in the abundance estimates from the survey, meaning this approach could potentially be taken to peer review within 5-7 years of initiating the survey. However, if interannual variability is high, more years of data would be needed before the approach is ready for management use. Although shorter time series might be sufficient for the initial analysis, the survey would need to be conducted on a regular basis in order to provide management advice in subsequent years.

b. Supplemental Bay multispecies indicators

Approach: Supplemental information such as the state of major predators (striped bass, blue fish, birds) abundance and body fat condition for the Bay could be used as ecosystem indicators to inform management control rules in parallel with the single species BAM and MICE models. Indicators would likely provide qualitative rather than quantitative advice on the Bay cap.

Data & development needs: Ecosystem indicators could be developed from existing datasets, but would require some work to synthesize different data sources and develop a meaningful control rule or traffic light approach to inform management.

2. Coarse spatial model approaches

These approaches would provide information on a coarse spatial scale, e.g., North, Mid, and South Atlantic plus a Chesapeake Bay region. However, it is important to note that, due to data limitations, the Chesapeake Bay region would include the coastal waters of Maryland and Virginia. Additional analysis of the tagging data would be required to determine the significance of including ocean waters and whether or not this information could be used to inform the Bay Cap. Both of these approaches would take approximately 5-7 year to complete, though this could change depending on funding and data availability.

a. Coarse spatial BAM with coastwide NWACS-MICE ERPs

Approach: This approach would refine the BAM to include spatial dynamics at a coarse scale and produce regional estimates of biomass, while the NWACS-MICE model would provide coastwide ERPs. The BAM plus NWACS-MICE would be used to develop a coastwide TAC, as is done now. An escapement-based approach could be used to determine what proportion of the TAC could be taken from each region. Regions would be defined to match management needs and the existing information on migration rates. Again, in the coarse approaches the Chesapeake Bay region would include Maryland and Virginia coastal waters due to its inclusion in the Bay region in the historical tagging study. The coastwide ERPs would not include the ecosystem considerations on a finer spatial scale. Currently, genetic and tagging data indicate Atlantic menhaden comprise a single stock on the Atlantic coast, and the BAM includes some consideration of spatial dynamics with the fleets-as-areas approach. Incorporating spatial structure could provide some improvements to our understanding of the stock, including differences in recruitment and life history characteristics.

Data & development needs: Catch-at-age data are already available on a coarse regional basis. Existing fishery-independent indices could be assigned to or developed at the regional level. The existing information on migration rates between large scale regions is not differentiated by age, and so the model would assume that all ages share the same migration patterns. This would introduce additional uncertainty in the spatial model. Information on the proportion of total recruitment that comes from each region could also be a limitation for this model. This approach could be attempted with the existing datasets, but would require investment of personnel time and effort. This approach would likely be ready for peer review in 5-7 years, but that frame could be longer if existing data are not adequate.

b. Coarse spatial BAM with coarse spatial NWACS-MICE ERPs

Approach: This approach would build on the coarse spatial BAM approach described above, but combine it with a coarse spatial NWACS-MICE. To develop ERPs that take into account spatial dynamics in predator-prey interactions, a spatially-explicit multispecies model is necessary. The most straightforward approach would be to combine a spatially-explicit version of the NWACS-MICE model with a spatially-explicit version of the BAM. Both models would have a similar coarse spatial scale determined by management needs and data availability. Again, note that the Chesapeake Bay region would include Maryland and Virginia coastal waters. This approach could be used to provide advice on both the Chesapeake Bay Cap and broader regional allocation discussions. For example, it would be possible to run scenarios with differing levels of

fishing in the Chesapeake Bay region to estimate specific impacts on predators that use the region.

Data & development needs: A spatially-explicit multispecies model is more data intensive than the spatially-explicit BAM. To develop a coarse NWACS-MICE spatial model, we would need estimates of dispersal rates for all modeled species, information on seasonal spawning, recruitment, and migration patterns, and also information on spatial fishing effort for all fishing fleets in the model. In absence of actual data, expert opinion and rules-of-thumb can be used to parameterize the spatial model. For calibration and validation of the spatial model, we would need reliable species distribution maps that are seasonally resolved, region-specific trends in abundance and catch, fishing effort maps, and region-specific food habit data. The scale of the existing diet data is a weakness in current data availability in developing ERPs that account for finer scale ecosystem dynamics, especially for non-fish predators. Investment in enhanced diet data collection from new or existing fishery-independent sampling programs at the state or federal level for the species in the NWACS-MICE model would benefit these models. This approach could be attempted with the existing datasets, but would require investment of personnel time and effort. This approach would likely be ready for peer review in 5-7 years; however, that frame could be longer if existing data are not adequate or shorter if resources are made available and more time can be allocated to model development.

3. Complex Spatial Modeling Approaches

These approaches would further refine the spatial scale. If the data were available, these approaches could provide information on the Chesapeake Bay specifically (i.e., not including ocean waters) and other regions beyond the coarse spatial scale. Both of these approaches would likely take at least 10 years, though this could change depending on funding and data availability.

a. Refined spatial BAM with NWACS-MICE ERPs

Approach: This approach would develop a more refined spatial BAM, which would be able to provide information on the Chesapeake Bay specifically (separate from MD and VA ocean waters) and other regions beyond the coarse spatial scale described above. It could be used with a coastwide NWACS-MICE or a refined spatial NWACS-MICE, depending on data availability. Depending on which NWACS-MICE approach was used, this approach would provide information similar to the escapement-based approaches or the coarse NWACS-MICE approach, respectively, but on a more refined spatial scale.

Data & development needs: In order to provide information on a true Chesapeake Bay region, or other regions beyond the coarse spatial scale described above, the BAM would require more fine-scale information on migration rates at age between the regions of interest. This would require a new comprehensive tagging study to provide that information. If complementary data on seasonal spatial distribution maps and trends in abundance and catch were available for the NWACS-MICE model, ERPs could be developed on a similar scale to the BAM's regional structure. If not, coastwide ERPs could be used in conjunction with the more refined BAM model. The refined spatial ERPs require significant investment in movement studies as well as in

diet data and model development. This approach would not be feasible until the necessary movement data are available.

b. Detailed spatial BAM and detailed spatial ERPs

Detailed spatial BAM and detailed spatial ERPs

Approach: The most complex approach would be to develop a fully-realized fine-scale spatial multispecies or ecosystem model for Atlantic menhaden. This could be achieved with NWACS-MICE, or another model such as the multi-species statistical catch-at-age model developed for the 2019 ERP Benchmark Assessment. A fully realized NWACS-MICE or other spatial model would use a much finer spatial resolution (on the order of 10-minute squares) that represented habitat gradients and jurisdictional boundaries. The model could be driven by static and/or spatial-temporal habitat maps, for example from satellite data or oceanographic model. This approach could simulate a broader range of environmental and policy options, such as warming sea temperatures and species range expansion into the northern region. Higher spatial resolution in the model would allow for better representation of spatial fishing effort in and out of the Bay.

Data & development needs: The disadvantage of this approach is that it is far more computationally demanding and requires information on species-habitat interactions that may not be available for some species. Typically, the habitat preference functions are derived from survey data. Assembling habitat maps, combining survey datasets, and estimating species preference functions for the different habitat types adds considerable time to model development. For species/life stages that are not captured in any surveys, expert opinion and online data repositories such as AquaMaps can be used instead. Validating the high-resolution spatial MICE model could be done by comparing region-specific time series (similar to the coarse scale model), comparing predicted and observed species distribution maps, or on a point-by-point basis. Higher resolution movement and diet data would significantly enhance model development and result in more reliable ERP estimates. Spatially-explicit statistical catch-at-age models do exist (i.e., Stock Synthesis and others); however, they do not exist in a multispecies model construct at this point, so would require software development. This approach would not be feasible until the necessary spatial data are available.

Immediate Funding Needs

The ERP WG and the TC indicated that some form of a coarsely structured spatial model was possible to develop for the next benchmark assessment if the Board was willing to accept a longer time frame for the next benchmark (2027-2028 instead of 2025). The approach that the groups pursue will depend on management goals (see 'Management input needs' below), data availability, and development resources. Table 1 provides a comparison of the approaches based on advice provided, data needs, and timeline.

The major areas that would require or benefit from funding to address data or model limitations are summarized below. In addition, the ERP WG and TC noted that timeline for model development could be shortened somewhat with funding for dedicated modelers.

Approach	Major Funding Need
Coastwide model with supplemental Bay information	3-5+ years of reliable absolute abundance estimates for the Chesapeake Bay
Coarse spatial ERPs	Spatially and seasonally explicit diet data and spatial distributions for key predator and prey species; additional model development
Refined spatial ERPs	Spatially- and seasonally-explicit diet data for key predator and prey species; fine-scale information on migration rates between regions by age; additional model development

Management input needs

The TC and ERP WG need guidance from the Board on specific goals and priorities to determine a path forward. The ERP WG and TC pose the following questions to the Board:

- What is the primary goal for spatially-explicit modeling? (e.g., advice on Chesapeake Bay Cap, regional allocation advice, enhance accuracy of coastwide ERPs, something else)
- Are there secondary goals?
- Are the ecosystem management objectives for the Chesapeake Bay the same as those used to develop the coastwide ERPs?
- What tradeoffs is the Board willing to make between the spatial scale/detail of the modeling and the timeline for the next benchmark?
- Would the Board be satisfied with a regional approach that separates MD and VA from the rest of the coast if modeling the Chesapeake Bay separately is not feasible for the next benchmark?

For example, the primary goal could be to provide advice on the Chesapeake Bay Cap by the next benchmark assessment, and the secondary goal could be to provide information to inform regional allocations. In this case, if there were challenges with developing a model to provide regional allocation information in the next benchmark timeframe, the group could switch to an approach that would only provide advice on the Chesapeake Bay Cap. Alternatively, if the Board prioritized regional allocation in addition to the Bay Cap and indicated that they were willing to wait longer for results, the group could delay completion of the benchmark assessment in order to complete that approach.

The TC and ERP WG will need direction from the Board as soon as possible (no later than Annual Meeting) in order to pursue a spatially-explicit modeling as part of the next benchmark stock assessment and follow the current assessment schedule.

Table 1. Comparison of potential approaches for developing a spatially-explicit model for Atlantic menhaden.

Approach	Advice				Data Needs		Timeline***
	Single-spp. CB	Multi-spp. CB	Multi-spp. Regional Allocations	Fine-scale Spatial Dynamics	Possible w/ Existing Data	Addt'l data needs	
Coastwide BAM + NWACS-MICE + supplemental Bay abundance	✓					Absolute abundance estimates in C. Bay	5-7 years
Coastwide BAM + NWACS-MICE + Bay indicators	✓*	✓*			✓		5-7 years
Coarse spatial BAM + coastwide NWACS-MICE ERPs	✓**				✓		5-7 years
Coarse spatial BAM + coarse spatial NWACS-MICE ERPs	✓**	✓**	✓		✓	Better diet data for ERP species	5-7 years.
Refined spatial BAM + NWACS-MICE ERPs	✓	✓	✓			Migration at age data for desired regions, better diet data for ERP species	10+ years
Detailed spatial BAM + detailed spatial ERPs	✓	✓	✓	✓		Finer scale data (all types) for ERP species	10+ years

*: This approach would likely provide qualitative, not quantitative, information on Chesapeake Bay Cap

** : Existing data could provide information on MD and VA separately from the rest of the coast, but not Chesapeake Bay itself.

***: These timelines are preliminary estimates and could be revised once model development is underway.



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MEMORANDUM

July 16, 2021

To: Atlantic Menhaden Management Board
From: Atlantic Menhaden Work Group
RE: Strategies to address challenges with current Amendment 3 provisions through next Management Action

At its May 2021 meeting, the Atlantic Menhaden Management Board (Board) agreed to form a work group (WG) of Board members to begin revisiting allocations and other provisions of Amendment 3 prior to Board initiation of a management action in August. The following volunteers participated on the WG, and were selected to create a balance of different backgrounds, perspectives, and regional representation.

WG Membership: Rob LaFrance (CT) (Chair), Megan Ware (ME), Nichola Meserve (MA), Joe Cimino (NJ), Allison Colden (MD), Pat Geer (VA), and Chris Batsavage (NC)

The WG task was outlined in the following Board approved motion:

Move to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time.

The WG met five times in June and July via webinar to discuss these and other issues that could be considered in a future management document. Recognizing the WG is not a decision-making body and that management action has not yet been initiated, the WG acknowledged the difference between the WG task and a Plan Development Team, which would be responsible for developing management alternatives. Based on this and consistent with [ASMFC SOPPs for work groups](#), the WG discussions focused on identifying issues or concerns with the current Amendment 3 provisions, developing potential strategies to address these concerns, outlining the benefits and challenges of these differing management strategies, and identifying potential areas for feedback from the public. The goal of this memo is to provide the Board with a summary of the discussion and strategies to consider in the development of the next management document.

Background

Atlantic menhaden are currently managed under [Amendment 3](#) to the Interstate Fishery Management Plan (FMP) by the Board. The Amendment established commercial quota allocations that provide fishing opportunities for jurisdictions which previously had little quota while still recognizing historic landings. Each jurisdiction is allocated a baseline quota of 0.5% and then the remainder of the annual Total Allowable Catch (TAC) is allocated based on a three-year average of landings between 2009 and 2011.

Additionally, Amendment 3 created a provision known as *Incidental Catch and Small-Scale Fisheries* that allows—following the closure of a jurisdiction’s quota-managed fishery—a 6,000 pound trip limit (12,000 by two individual from a single vessel) for applicable gear types. There is no annual cap on landings under this provision and they do not count against jurisdictional quotas, nor against the TAC. The Amendment also continued an annual set-aside of the TAC for episodic events from Amendment 2, fixed at 1% of the annual TAC. The states of New York through Maine are eligible to access the Episodic Events Set Aside (EESA) after exhausting their state quota so long as they meet specific provisions such as daily trip level reporting, restrict landings to state waters, and implement a maximum daily trip limit.

The current TAC for the 2021 and 2022 fishing seasons is 194,400 metric tons (mt) and was approved by the Board based on Ecological Reference Points (ERPs) adopted in 2020. By approving the TAC based on ERPs, the Board has chosen to account for the species’ role as an important forage fish. A stock assessment update is scheduled for 2022 which will inform TAC specifications for the 2023 fishing season and beyond.

Since the implementation of Amendment 3, the dynamics of jurisdictional fisheries have changed, most notably the increase of landings in the Gulf of Maine. This change may be driven by increasing availability of the resource and increasing capacity in the region as well as the decreasing availability of other bait fish that support regional fisheries. This trend in landings has had a cascading effect on other Amendment 3 provisions, most notably increased landings categorized as incidental catch or from small-scale fisheries, as well as more New England states relying on the EESA. With these changing dynamics, quota transfers have become a critical and challenging tool for jurisdictions to keep their fisheries open throughout the fishing season. With the reduced TAC level starting in 2021, recent landings trends and fishery dynamics may further challenge jurisdictions to collectively utilize the full TAC without exceeding it.

The following report provides a brief background of each topic identified in the Board motion; a summary of issues discussed under each topic by the WG; and a table of potential strategies to address the issues of each topic, with benefits and challenges for the Board’s consideration. The WG understands that the issues and potential strategies set forth in this report may not account for all possible considerations. As such, prior to initiating the addendum, the Board should consider clearly outlining the issues as well as goals and objectives to be addressed by the addendum. It is the WG’s hope that this report aids in that effort.

Menhaden WG Review of Amendment 3 Provisions

I. Allocation

Background

Per Amendment 3 (2017), each jurisdiction is allocated a 0.5% minimum quota and the remainder of the TAC is allocated based on a three-year average of landings from 2009-2011. Amendment 2 (2012) also based jurisdictional allocations on the three-year average of landings from 2009-2011; however, there was no fixed minimum. Table 1 shows a comparison of jurisdictional quotas under Amendments 2 and 3, and highlights the influence of the 0.5% fixed minimum on states' allocations. It also shows that the 0.5% fixed minimum is a primary component of many jurisdictions' current allocation.

Table 1. A comparison of jurisdictional allocations under menhaden Amendment 2 and Amendment 3. Both Amendments used a 2009-2011 allocation timeframe; Amendment 3 included a 0.5% fixed minimum.

State	Amendment 2 Allocation (%)	Amendment 3 Allocation (%)
Maine	0.04	0.52
New Hampshire	0	0.50
Massachusetts	0.84	1.27
Rhode Island	0.02	0.52
Connecticut	0.02	0.52
New York	0.06	0.69
New Jersey	11.19	10.87
Pennsylvania	-	0.50
Delaware	0.01	0.51
Maryland	1.37	1.89
PRFC	0.62	1.07
Virginia	85.32	78.66
North Carolina	0.49	0.96
South Carolina	0	0.50
Georgia	0	0.50
Florida	0.02	0.52

Issues

WG members spoke to the current mismatch between quota and fish availability. As a result, some jurisdictions are dependent on quota transfers (e.g., Maine, Massachusetts, New Hampshire, New York in 2020; Maine, Massachusetts, New Hampshire, and Rhode Island in 2021) and landing under the small-scale/incidental catch fisheries provision. Moreover, jurisdictions in need of quota are reliant on the flexibilities within the current FMP provisions, rather than their current allocation. While this is a significant problem for some, evident by the volume of quota transfers in recent years, total landings (from a combination of jurisdictional quota, incidental catch/small-scale fishery, and EESA) did not meet or exceed the TAC between 2018-2020. As such, not all jurisdictions are landing their allocation and there could be

increased focus on fully using the TAC. It is important to note when accounting for landings under the TAC that landings from incidental catch/small scale fisheries are not included.

Additionally, the seasonality of the fisheries across the coast presents challenges, particularly in terms of quota transfers. Jurisdictions with fall fisheries limit how much they transfer to the New England states in the summer, when quota in that region is needed. In recent years, some jurisdictions have exhausted their allocated quota and the episodic set aside by early summer; this has prompted New England states to seek quota transfers earlier in the year. In some cases, such as in Maine, transferred quota is consumed in July causing the state to start landing under catch under the incidental catch/small-scale fishery provision when menhaden biomass can be at its highest in state waters. The challenges surrounding quota transfers to ameliorate the current allocations are augmented by the fact not all states can easily transfer quota; for example, Virginia has regulations in place that prevent quota transfers until the season ends in December.

In addition, the WG discussion focused on two aspects of the Amendment 3 allocation: the allocation timeframe (2009-2011) and the fixed minimum (0.5%). It was acknowledged that the discussion would focus on jurisdictional allocations, with the assumption that most Board members want to maintain state-by-state allocations. If the Board wants to move to another type of allocation method (e.g., by gear type, region, bait vs. reduction) that would warrant an additional conversation.

In its discussion on the existing allocation timeframe, it was acknowledged that while the timeframe includes years before a TAC was established in the menhaden fishery, several challenges have emerged. These include changes in fish availability in some regions since the 2009-2011 timeframe. The WG also discussed that some jurisdictions' fisheries have changed over the last decade which can have variable impacts on landings. The WG noted that many factors can impact a state's landings including: regulatory changes in authorized gear types and limited-entry permitting, changes in inlet navigation, the location of fish in comparison to stationary gears, jurisdictional specific management structures such as Rhode Island's biomass management system in Narragansett Bay, and changes in capacity, whether that be an increase or decrease. These numerous impacts to landings can convolute the discussion of allocation timeframes.

Some WG members also expressed uncertainty as to whether the presence of menhaden in New England waters represents a permanent or temporary distribution shift. This uncertainty can complicate discussions on the allocation timeframe if there is not consensus or full knowledge on future distributions of menhaden. As a note, the current stock assessment for menhaden is coastwide; however, at the upcoming ASMFC meeting, the Board will be reviewing information on the steps and information needed to further refine spatial precision in the menhaden stock assessment.

In regard to challenges with the existing 0.5% fixed minimum, it was acknowledged that while this creates opportunities for all jurisdictions to participate in the menhaden fishery and

provides many states with enough quota to cover their landings throughout the year (thereby reducing the need in some jurisdictions for timely reporting, in-season regulations changes, transfers, etc.), the fixed minimum has resulted in latent quota (unused quota). This contributes to an overarching challenge of not fully using the TAC, particularly if latent quota is not transferred. Another challenge identified was that, while the 0.5% fixed minimum provided an equal baseline level of opportunity in all states, fisheries in each jurisdiction significantly vary by harvest level. For example, some of these states have directed fisheries while others are primarily incidental or do not have recorded landings in the time series. As a result, the 0.5% fixed minimum is comparable to landings in some states, lower than landings in other states, and significantly higher than landings in other states.

Finally, a third challenge identified with the fixed minimum is that the value of 0.5% in pounds varies depending on the value of the TAC. For example, the implementation of ERPs resulted in a change in the TAC in 2021 from the 2018-2020 TAC which reduced the poundage associated with the fixed minimum.

Potential Strategies

The benefits and challenges of potential strategies discussed are summarized below. As a note, the WG did discuss a phased-in approach to quota allocation changes but ultimately decided not to include it as a potential strategy given several concerns. These included challenges determining how effective a new allocation strategy is if it takes multiple years to implement and concern that frequent revisiting of quota (currently set at every three years) with a phased-in approach could lead to a constant flux in quotas.

Strategy Approach	Benefits	Challenges
Consider a 50/50 split between the current allocation timeframe and more recent years	Considers recent changes in the fishery as well as historical landings	Sometimes weighted allocations do not result in significant changes to allocation; quota transfers may still be needed
Consider a more recent allocation timeframe	Reflects current distribution of landings amongst jurisdictions and would likely reduce quota transfers	Would not recognize historic trends in effort and landings in the fishery
Consider a longer time series, examining landings data from 2009 and forward (i.e. not using landings data prior to 2009)	Considers a broader landings history from all jurisdictions, including times of higher and lower landings; incorporates more recent years in the timeframe	May not reflect the most recent changes in the fishery given the pace of recent change

Consider a tiered approach to the fixed minimum [some jurisdictions at 0.5% and others at 0.1% for example]	Reflects that jurisdictions primarily fishing under a 0.5% fixed min have a wide range of landings; still provides each jurisdiction an opportunity to participate in the menhaden fishery	Establishing criteria to determine which jurisdictions fall into which fixed minimum tier
Consider a jurisdiction's best year of landings in a time-series, as opposed to an average	Allows jurisdictions to benefit from their highest landings and not be penalized for a year of lower landings	Potential for outliers in a jurisdiction's landings history to impact allocations
Continue to review allocation regularly (i.e. 3-5 years)	Addresses concerns regarding continued changes in the distribution of menhaden and resulting impacts on allocation; allows for incorporation of new landings information and new science on spatial distribution of menhaden if/when available	Requires a higher level of time and attention on the part of the Board and staff
Limit the percent reduction in allocation for jurisdictions (for example to 20%)	Can limit a jurisdiction's lost fishery revenue due to changes in the allocation timeframe and dampen impacts on existing shore-side infrastructure	Quota transfers may still be required if the resulting allocation does not match current landings

II. Incidental Catch and Small-Scale Fisheries

Background

Incidental catch provisions were first introduced in Amendment 2 (2012). These provisions implemented a bycatch allowance of up to 6,000 pounds per trip per vessel per day after the quota allocation for a jurisdiction was met and the directed fishery was closed. The bycatch allowance was adjusted in Addendum I to Amendment 2 (2016) to allow two authorized individuals working from the same vessel fishing stationary multi-species gear to work together and land up to 12,000 pounds from a single vessel, limited to one trip per day.

The bycatch allowance was carried through in Amendment 3 with the addition of small-scale fisheries under the Incidental Catch and Small-Scale Fisheries provision. Small-scale fisheries, defined by gear type, are subject to the same eligibility requirements and trip limits as incidental catch. Per Amendment 3, after the quota allocation is met for a jurisdiction, the fishery moves into an incidental catch fishery where small-scale gears and non-directed gear types may land up to 6,000 pounds of menhaden per vessel per day. Two authorized individuals, working from the same vessel fishing stationary multi-species gear, are permitted to work together and land up to 12,000 pounds from a single vessel- limited to one vessel trip per day.

In addition to adding small-scale fisheries to this provision, Amendment 3 included language to address situations in which landings increased under this provision due to increases in capacity in small-scale fisheries or directed landings being landed under incidental catch. Amendment 3 states, “Should a specific gear type show a continued and significant increase in landings under the incidental catch provision, or it becomes clear that a non-directed gear type is directing on menhaden under the incidental catch provision, the Board has the authority, through Adaptive Management (Section 4.6), to alter the trip limit or remove that gear from the incidental catch provision.” Jurisdictions do not have a cap on the total amount of landings from incidental catch and small scale fisheries each year and landings under this provision do not count against either a jurisdictions’ quota or against the TAC.

Issues

Since the adoption of Amendment 3, landings under this provision have increased from an annual average of 4.5 million pounds to a record high 13.9 million pounds in 2020. WG members noted that although Amendment 3 did not specify what constitutes a “significant increase” in landings under this provision, the recent, rapid increase in landings is a concern. The WG discussed that this type of increase is likely not what the Board intended in implementing this provision.

Since 2017, the majority (88%) of landings under this provision has been landed by purse seines, up from 57% prior to Amendment 3. Based on Amendment 3 guidance, the Board should reconsider the eligibility of certain gears, particularly purse seines, for participation in the small-scale fishery. The WG also discussed redefining “small-scale” to include a certain volume of landings in addition to gear types, recognizing that the landings attributed to small-scale fisheries varies broadly based on the dominant gear type in a jurisdiction. Reducing trip limits could also be considered, as the number of trips maxing out the allowed 6,000 pounds per trip has also increased, suggesting an increase in directed landings under this provision.

WG members also expressed concern about having both small-scale (directed) and incidental catch (non-directed) under the same provision and referring to both as “incidental catch”, which may not be appropriate given how states have been applying and attributing landings to this provision in recent years. It may be more appropriate to separate incidental catch from small-scale fisheries, though some WG members expressed concern that such a delineation could be difficult for multi-species gears. Separating these two provisions could allow for separate trip limits, attribution of one or the other toward the TAC, and/or different management responses for changes in landings.

Recently, the Plan Review Team highlighted the issue of several jurisdictions entering the incidental catch and small scale fishery prior to the full utilization of their allocation. In these cases, states have implemented in-state sector allocations and allowed certain sectors to enter the incidental catch fishery before the entirety of the state’s allocation is exhausted. Some WG members expressed concern that this does not meet the eligibility requirements under Amendment 3 and that those states should use their entire directed allocation before entering the incidental catch and small scale fishery. Other WG members stated that this approach is in

line with the spirit of the Amendment 3 provisions and noted that these landings did not cause an overage of the TAC.

Lastly, WG members acknowledged that despite the increase in recent years, landings under this provision, if applied toward the TAC, would not have caused the TAC to be exceeded in any year. However, WG members noted that changes to allocation amongst the jurisdictions may result in a greater utilization of the TAC. If landings under the incidental catch and small scale fisheries provision do not decrease (*i.e.* landings do not move into the directed fishery under the TAC), then there is an increased likelihood that total landings could exceed the TAC. WG members expressed concern with the possibility of exceeding the TAC, particularly in light of the adoption of ERPs and the ecosystem-based goals of menhaden management. Counting these landings toward the TAC would create greater accountability for these landings; however, it would require the development of a management trigger or other response as Amendment 3 currently does not include any provisions for exceeding the TAC.

Potential Strategies

Benefits and Challenges of potential strategies discussed are summarized below:

Strategy Approach	Benefits	Challenges
Separate small-scale and incidental catch fisheries	Will clarify the intent of the program and better reflect 'incidental catch'	Separating gear types may be difficult; additional provisions may make management more complicated
Adjust which gear types are eligible for small-scale fisheries	Will limit the landings occurring under this category	Landings by certain gear types would need to be attributed elsewhere (<i>i.e.</i> jurisdictional quota, transferred quota, EESA), and significant quota transfers may still be required without adjustments to allocation
Reduce trip limit for incidental catch/small-scale fisheries	Could limit the landings occurring under this category	May negatively impact small-scale fisheries; may cause discarding in incidental fisheries; may not reduce landings if capacity continues to increase
Count all incidental catch and small-scale fisheries landings towards the TAC (e.g., using a	Creates accountability in managing landings from the incidental catch/small-scale fisheries category	Developing an accountability system that may be in addition

set-aside of the TAC), with a management trigger		to the current quota management system
Develop a landings cap for small-scale fisheries (e.g. % of TAC or total volume) with a management trigger	Limits the landings occurring under this category (while still not counting them against jurisdictional quotas or the TAC)	Developing an accountability system that may be in addition to the current quota management system
Require states to utilize their full directed allocation prior to entering the incidental catch fishery, regardless of in-state allocations	Better aligns implementation with the provisions of Amendment 3	May result in long closures for certain fishery sectors; may increase discards if no bycatch landings are allowed
Eliminate the small-scale fisheries provision (revert to bycatch allowance only)	Realigns program more directly with 'incidental catch'	Landings by certain gear types would need to be attributed elsewhere (jurisdictional quota, transferred quota, EESA)

III. Episodic Event Set Aside Program (EESA)

Background

Under Amendment 3, the goal of EESA is to add flexibility for harvest during episodic events, reduce discards, and prevent fish kills. Amendment 3 defines an “episodic event” as any instance in which an eligible state has reached its annual quota allocation available prior to September 1 and the jurisdiction can prove the presence of unusually large amounts of menhaden in its waters.” The set-aside is a guaranteed 1% of the TAC, available to jurisdictions from New York to Maine (excluding any *de minimis* states of which there are currently none) when episodic conditions are met, and access is granted by the ASMFC. Options to document the presence of unusually large amounts of menhaden include the use of aerial or other surveys; landings trends; or evidence suggestive of a potential fish kill. Jurisdictions must have regulations that restrict harvest and landing to the state; set no more than a 120,000-pound trip limit; and require daily reporting from harvesters. The frequency of state reports to ASMFC is dependent on how many jurisdictions are participating at any one time and how much set-aside remains. If no jurisdictions has entered into EESA by September 1 or if any EESA remains as of October 31, it is distributed to jurisdictions according to 2009-2011 landings. Any overage of the EESA must be deducted from next year’s EESA unless covered by a quota transfer.

From 2013 through July 2021, the EESA has been used by Maine (6 years), Massachusetts (2 years), Rhode Island (5 years excluding one in which no landings occurred), and New York (2 years). Up to three jurisdictions have participated at the same time. The date of states opting

into the program has ranged from mid-May to mid-August, with Rhode Island and New York tending to have earlier entry dates than Massachusetts and Maine. Over 90% of the set-aside has been used in all years since 2016. Multiple states have implemented harvest control measures beyond the FMP's 120,000-pound trip limit, including: lower daily landings limits, weekly limits, and landing days. Various other general menhaden fishery measures in states may also apply during the EESA fishery including limited entry programs; biomass-based openings and closures; and weekend/holiday/night restrictions on purse seine use.

Issues

WG members discussed how the amount of the EESA may no longer align with the current magnitude of menhaden in New England, given its full and rapid utilization in recent years. Increasing the amount of the EESA may be a tool to reduce quota transfers (a Board interest) given that nearly all state quota transfers since 2013 have been received by the EESA eligible states. However, given the scale of these quota transfers in recent years, the amount of the EESA increase would have to be sizeable to curtail all transfers (especially if purse seines were removed from the incidental/small-scale allowance). The WG considered several mechanisms by which the amount of the EESA could be increased (see Potential Strategies table). WG members also noted, however, the relationship between the EESA and the state allocations, and how a perceived need to increase the EESA could be mitigated by revised state allocations. At present, it is difficult to say whether the increased availability/landings in New England is truly "episodic" or more long-lasting, which may speak to the need for different management strategies. In either event, WG members commented that the amount of the EESA should be reviewed regularly, similar to the state allocations (e.g., every 3 years), to address changes in menhaden distribution.

While providing the New England states with more access through what has effectively become a secondary regional quota, WG members noted that management of the EESA has more administrative burden (on states and ASMFC staff) than providing these states with larger allocations reflective of recent landings. As a regional quota, the EESA program also provides an incentive to states to use their own quota as fast as possible to gain access to the set-aside prior to other states and can promote a race to fish when multiple states are participating at the same time. Once the EESA is exhausted, these states may have to rely on the incidental/small-scale fishery provision more heavily (especially if quota is not available for transfer) which presents a greater risk for exceeding the TAC.

Increasing the EESA as a primary method to address increased availability/landings in New England could worsen these dynamics, unless done in a significant manner. If not, consideration of additional constraints on jurisdictions while harvesting under the EESA may be warranted, such as individual vessel constraints like landing days or weekly limits that have already been implemented by some jurisdictions; or potentially a jurisdictional constraint, such as no jurisdiction being allowed to harvest more than half (or some other percent) of the EESA. However, establishing these constraints, especially if done on an annual or in-season basis, would present additional administrative burden. Several WG members noted disfavor for a

potential constraint on the earliest date that a jurisdiction could enter the EESA, given the likely disproportionate impact to states based on the timing of resource migration.

In terms of administration of the EESA program, two suggestions were made. First, the date when unused EESA is redistributed could be moved up from October 31, especially if the amount of the set aside is increased. Second, allow states to enter the EESA prior to 100% of their jurisdiction quota being met, such as 90 or 95%. This could help jurisdictions make a more seamless transition into the EESA (without a closure in between) and allow for some directed harvest in a state after the EESA is exhausted. This could be more important if quota is not available for transfer and/or changes are made to gear eligibility for incidental/small scale use.

Whether to expand eligibility to other states was raised by a WG member. Discussion touched on the Board’s original intent in creating the program. During the development of Amendment 2, an earlier draft version of the EESA program would have granted access to any state with less than 2% of the bait landings during 2009-2011, including Maine, New Hampshire, Rhode Island, Connecticut, New York, Delaware, South Carolina, Georgia and Florida. However, the Board ultimately made a decision that the EESA program was for the New England states and New York in recognition of the years prior to the reference periods that were proposed (none of which considered years prior to 2005) in which menhaden had been more abundant and landings much higher there. The Potential Strategies table below does not include a revision to the eligible jurisdictions; however, ideas for an amount of the TAC being shared by a larger/different collection of jurisdictions is offered in the additional strategies of Section IV.

Potential Strategies

Benefits and Challenges of potential strategies discussed are summarized below:

Strategy Approach	Benefits	Challenges
Adjust the set-aside percentage (e.g., 5%), to be reviewed regularly (e.g., every 3 years as part of allocation review).	Allow for more landings under EESA with a higher fixed percentage in response to high availability in New England waters that may potentially reduce the need for quota transfers.	Administrative burden of EESA participation and race-to-fish characteristics of regional quota management. As stand-alone change, may require additional constraints on EESA use by participating states.
For any particular year, allow (or potentially require) states to transfer unused quota or relinquish quota into the EESA.	Provide more flexibility in how states donate quota within a year, potentially adding to EESA amount and reducing quota transfers.	More uncertain as to how much EESA will be available in a year than a change to the set-aside percent.

Permanently reallocate states' latent quota (or a portion thereof) to the EESA.	Increase the EESA amount without drawing down the allocations of jurisdictions that are utilizing their quota.	May not provide enough EESA quota to reduce quota transfers in NE.
Roll back unused EESA sooner than October 31.	Improve the opportunity for non-eligible states to utilize unused EESA in a year.	Relies on accurate and timely reporting of state EESA landings.
Additional restrictions on state use of EESA (e.g., weekly limits, landing days, state cap).	May be necessary to control pace and shared use of EESA landings if competition among states is increased.	Administrative burden.
Allow state EESA access at less than 100% quota use.	Provide flexibility to states moving between quota, EESA, and incidental/small scale fisheries.	Accounting for landings between directed allocation and EESA may become more difficult, specifically in determining whether a jurisdiction has met or exceeded their quota

IV. Additional Strategies to address current Provisions of Amendment 3

Quota Bank

During the WG's discussions, a few other topics emerged about the movement of quota between jurisdictions. One of these topics included what to do with relinquished quota. Under the current approach of redistribution based on 2009-2011 landings, some of the jurisdictions receiving relinquished quota are already allocated a large percentage of the quota and others are not able to utilize the quota they are given. The latter issue tends to require transfers amongst states to then distribute quota to jurisdictions who are in need.

In addition to the potential strategy for the EESA to be increased by relinquished quota (see above), one WG member suggested relinquished quota could go to a "Quota Bank" which jurisdictions could withdraw from when needed. The idea for the Quota Bank was to be a replacement for the ESSA Program in which more states would be eligible to participate. Unused quota from states could also be moved to the Quota Bank. For example, if a state that doesn't have a fall or winter fishery for menhaden and does not use or transfer its quota by October 1st that quota is automatically relinquished to the Quota Bank. Some questions that would need to be answered is how and when states can utilize the Quota Bank and how much.

One WG member noted that in recent years the amount of quota that has been relinquished by states has decreased so there may be minimal gains from making changes to the relinquished quota system. Another WG questioned replacing the EESA program with a Quota Bank system open to more states given that nearly all quota transfers have gone to those states able to

access EESA. Another WG member noted that the Quota Bank could create a race to fish amongst states who wish to access that quota, similar to challenges discussed above with the EESA. Some analysis on the seasonality of landings by state would be helpful to better consider this idea, as some states may remain hesitant in relinquishing or contributing to the quota bank in order to ensure they have enough quota later in the fishing season. An additional consideration is that if states fish under a quota bank similar to the EESA, this would likely require significantly more coordination among those states and ASMFC staff to monitor the available quota to make sure it's not exceeded.

Beyond states annually opting to contribute to the Quota Bank, if the fixed minimum was adjusted from 0.5% to 0.1% the difference in jurisdictional quota could create an annual set aside amount similar to how the EESA is determined annually. Since this change in quota allocation would impact states in all regions it was discussed by the WG that the Quota Bank should be accessible to all states if this strategy were implemented in conjunction with, or in place of, a 1% ESSA set aside. With the current TAC the change from 0.5% to 0.1% is a difference of over 1.7 million pounds per state.

Pooled Quota

The WG also reviewed a multi-state allocation strategy. From 2016-2020, approximately 93% of the coastwide landings (inclusive of incidental landings) have occurred in Virginia and New Jersey, with the remaining ~7% being landed by the other states. One WG member proposed that all other jurisdictions could potentially fish under a "pooled" quota, where the combined landings are evaluated collectively, instead of on a jurisdictional basis. An approximate 90%/10% breakdown of the two pooled groups may allow enough buffer for states that have higher landings in recent years than their 2009-2011 landings percentage. Under this approach, as long as the entire pooled quota was not exceeded, the allocations as outlined in Amendment 3 would not need to be adjusted. Having a common pool could be a way to eliminate the need for transfers or close monitoring to ensure a shutdown of a directed fishery before being able to participate in EESA or incidental catch.

The WG member noted this approach could work similar to the Coastwide Cap implemented for the yellow eel fishery as outlined in [Addendum V to the American Eel FMP](#). In discussing this approach, it was noted that Maine and to a lesser extent New Hampshire and Massachusetts over the last three years have transitioned to significantly more annual landings and ensuring that the pooled total quota is adequate to prevent an overage, may be challenging. This could potentially be addressed depending on which years are used to determine which states are in which pooled quota group. A WG member noted that gear types permitted by jurisdiction may need to be considered as a criteria for harvesting under the pooled quota as some gear types (i.e. purse seines) have a higher capacity than other gears. This approach could also raise concerns about accountability, as landings are evaluated post-hoc. Identifying which states contributed to an overage of the pooled quota and if and how that overage would be paid back and by which states could be challenging. Additionally, it was highlighted that creating a similar strategy to the Coastwide Cap for American eel may not be suitable given the accountability

system for the Coastwide Cap has not been applied yet due to declining coastwide yellow eel landings.

Potential Strategies

Benefits and Challenges of potential strategies discussed are summarized below:

Strategy Approach	Benefits	Challenges
Create a ‘quota or allocation bank’ where jurisdictions could opt to relinquish commercial quota that would go only to the bait fishery	Allow jurisdictions to relinquish quota into a bait fishery only set-aside, which has been identified as a problem with the current relinquished allocation model- it can go to both reduction and bait fisheries based on historical allocations	Determining a process for further redistribution or applying to receive allocation within the quota bank is needed and may create new complexities if added on top of the current relinquish/redistribution provision in Amendment 3
‘Pooled’ Quota, landings evaluated against the pooled total. Similar to Coastwide Cap used for American eel management	Could allow for jurisdictions to have increased landings annually without the need to manage to jurisdictional quota and reduce the need for quota transfers.	Accountability may be challenging and determining which years are used as the basis for pooling state will be very important to ensure overages are not a regular problem.

V. Quota Transfers

Related to the topics covered in the previous sections, the WG discussed quota transfers. Since the implementation of Amendment 3, the number of quota transfers has increased over time; in 2018, seven inter-state quota transfers occurred. Jurisdictional quota transfers increased in 2019 and 2020 to a total of 17 and 15, respectively. At the same time, not every jurisdiction transferred quota consistently; only Maine, Connecticut, New York, Maryland, and Florida either gave or received quota every year from 2018-2020. For all three years, the only jurisdictions to have a net increase in quota through transfers were Maine, New Hampshire, and Massachusetts. The net increase in quota over the 3 years ranged from 1.3 to 6.57 million pound (Table 2).

Table 2. Quota transfers in pounds by jurisdiction for 2013-2020. Gray cells indicate transfers that increased quota and bolded cells indicate states that transferred quota every year since implementation of Amendment 3 (2018-2020)

Jurisdiction	2013	2014	2015	2016	2017	2018	2019	2020	2018-2020 Net Total	2018-2020 Average
Maine				1,800,000	195,180	5,400,000	6,573,592	5,450,000	17,423,592	5,807,864
New Hampshire						0	3,373,592	2,300,000	5,673,592	1,891,197
Massachusetts	-500,000	-260,000	-508,685	-35,986		0	1,300,000	2,350,000	3,650,000	1,216,667
Rhode Island	15,000	50,000	33,685	35,986		0	-400,000	-1,800,000	-2,200,000	-733,333
Connecticut						-500,000	-2,400,000	-2,000,000	-4,900,000	-1,633,333
New York	1,000,000	210,000	475,000	492,823	300,000	-1,000,000	-1,900,000	500,000	-2,400,000	-800,000
New Jersey						0	0	0	0	0
Pennsylvania						0	0	-500,000	-500,000	-166,667
Delaware						-150,000	0	-100,000	-250,000	-83,333
Maryland						-1,500,000	-1,000,000	-1,350,000	-3,850,000	-1,283,333
PRFC						0	0	0	0	0
Virginia				-1,500,000		-1,000,000	-1,000,000	0	-2,000,000	-666,667
North Carolina	-575,000			-877,823	-495,180	0	-600,000	-1,800,000	-2,400,000	-800,000
South Carolina						0	-2,347,184	-1,650,000	-3,997,184	-1,332,395
Georgia						0	0	0	0	0
Florida	60,000			85,000		-1,250,000	-1,600,000	-1,400,000	-4,250,000	-1,416,667

The WG discussed the administrative burden posed by the annual quota transfer process, both in seeking to secure transfers as well as ongoing accounting between state and Commission staff. Additionally, the timing of when a jurisdiction may need to close its directed fishery and enter into the EESA or upon exiting the EESA and restarting their fishery under a transfer-adjusted quota, is problematic given the current landings demand in certain regions. In discussing these challenges, the WG indicated their support for promoting the use of quota transfers if jurisdictions are not fully utilizing their quota. The WG also discussed the need for “compelling” quota transfers given landings have been significantly below the TAC and some states have unused quota that does not get transferred to other jurisdictions. This type of provision may provide coverage/leverage to states who have trouble getting quota transfers approved by being able to point to a provision in the document which says transfers should happen. Lastly, the idea of adjusting the fishing season to be offset from the calendar year (for example, March 1, 2021 to February 28, 2022) may potentially allow downtime to better account for available quota prior to larger harvesting periods in the year. Staff pointed out that adjusting the fishing year would need to be done through Board action and it is unclear if this adjustment would ease the volume of quota transfers if it was not coupled with changes to the current allocation.

Atlantic States Marine Fisheries Commission

Atlantic Coastal Cooperative Statistics Program Coordinating Council

*August 5, 2021
10:45-11:45 a.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/Call to Order (*J. Carmichael*)
2. Council Consent
 - Approval of Agenda
 - Approval of Proceedings from May 2021
 - Program Update Document
3. Public Comment
4. Review ACCSP Funding Projections and 2022 Proposals Summary (*G. White*)
5. Accountability Subgroup Report (*J. Simpson*)
6. Discuss Atlantic Recreational Implementation Plan Priorities (*G. White*)
7. Other Business/Adjourn

**DRAFT PROCEEDINGS OF THE
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM
COORDINATING COUNCIL**

**Webinar
May 4, 2021**

These minutes are draft and subject to approval by the
Atlantic Coastal Cooperative Statistics Program Coordinating Council
The Council will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair John Carmichael1

Approval of Agenda1

Approval of Proceedings, from February 20211

Public Comment.....1

Review of the Funding Decision Document and 2022 Request for Proposals.....1

Program Updates6

Adjournment.....19

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Minutes of February 2021** by Consent (Page 1).
3. **Move to approve the FY22 Funding Decision Document and RFP as presented to the ACCSP Coordinating Council** (Page 6). Motion by Lynn Fegley; second by Jason McNamee. Motion carried (Page 6).
4. **Motion to adjourn** by Consent (Page 19).

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ATTENDANCE

Board Members

Bob Beal, ASMFC	Lewis Gillingham, VA, proxy for P. Geer
Megan Ware, ME, proxy for P. Keliher	Dee Lupton, NC, proxy for K. Rawls
Renee Zobel, NH, proxy for C. Patterson	Mel Bell, SC, proxy for P. Maier
Nichola Meserve, MA, proxy for D. McKiernan	Kathy Knowlton, GA, proxy for D. Haymans
Jason McNamee, RI, Vice-Chair	Jim Estes, FL, proxy for J. McCawley
Greg Wojcik, CT, proxy for J. Davis	John Carmichael, SAFMC, Chair
Maureen Davidson, NY, proxy for J. Gilmore	Brandon Muffley, MAFMC, proxy for C. Moore
Joe Cimino, NJ	Mike Millard, USFWS
Kris Kuhn, PA, proxy for T. Schaeffer	Max Appelman, NOAA
John Clark, DE	Richard Cody, NOAA
Lynn Fegley, MD, proxy for B. Anderson	

Staff

Toni Kerns	Jeff Kipp	Jennifer Ni
Kristen Anstead	Heather Konell	Marisa Powell
Lindsey Aubart	Laura Leach	Mike Rinaldi
Tina Berger	Dustin Colson Leaning	Julie Defilippi Simpson
Lisa Carty	Savannah Lewis	Caitlin Starks
Maya Drzewicki	Kirby Rootes-Murdy	Deke Tompkins
Emilie Franke	Sarah Murray	Geoff White
Chris Jacobs	Joe Myers	

Guests

Karen Abrams, NOAA	Angela Giuliano, MD DNR	Vicky Pohoresky, NC DENR
Bill Anderson, MD (AA)	Melanie Griffin, MA DMF	Nicholas Popoff, US FWS
Joe Ballenger, SC DNR	Doug Haymans, GA (AA)	Bill Post, SC DNR
Chris Batsavage, NC DENR	Asm. Eric Houghtaling, NJ (LA)	Eric Reid, Kingstown, RI
Alan Bianchi, NC DENR	Raymond Kane, MA (GA)	David Sikorski, CCA
David Borden, RI (GA)	Catherine Krikstan, NOAA	Tom Sminkey, NOAA
William Brantley, NC DENR	Rob LaFrance, Quinnipiac Univ.	Somers Smott, VMRC
Jeff Brust, NJ DEP	Wilson Laney	Renee St. Amand, CT DEEP
Heather Corbett, NJ DEP	Mike Luisi, MD DNR	Jason Surma, Woods Hole Group
Karson Coutre, MAFMC	Chip Lynch, NOAA	Jessica Valenti, Rutgers Marine
Jessica Daher, NJ Dep	Shanna Madsen, VMRC	Scott Curatolo-Wagemann, Cornell
Russell Dize, MD (GA)	Jerry Mannen, NC (GA)	DeVonte Weems, USCG
Phil Edwards, RI DEM	Genine McClair, MD DNR	Chris Wright, NOAA
Julie Evans	Steve Meyers	
Pat Geer, VMRC	Roy Miller, DE (GA)	
Jim Gilmore, NY (AA)	George O'Donnell, MD DNR	

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

The Atlantic Coastal Cooperative Statistics Program Coordinating Council of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 4, 2021 and was called to order at 9:00 a.m. by Chair John Carmichael.

CALL TO ORDER

CHAIR JOHN CARMICHAEL: Thank you, Geoff, and thanks everybody for being here this morning. It's 9:00 a.m. not 9:30 on May the 4th, the first two items are Approving the Agenda and Approving the Minutes from our last meeting, February, 2021 by consent.

APPROVAL OF AGENDA

CHAIR CARMICHAEL: Do I have an agenda to display? I expect everyone has that to see if there are any comments on the agenda. Does anybody have any comments on the agenda, raise your hand?

Seeing none here, we'll consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR CARMICHAEL: And then, any comment or discussion on the minutes from February, 2021? All right, seeing no comments on them, the minutes stand approved.

PUBLIC COMMENT

CHAIR CARMICHAEL: Our next item is Public Comment. I'll say if any members of the public wish to make a comment, please raise your hand. All right, Geoff, I'm not seeing any. I'm assuming that your little box there is updating itself.

MR. GEOFF WHITE: Yes, Maya has that as she is presenting, so we should be good to move on to Julie and the Funding Decision Document when you're ready.

REVIEW OF THE FUNDING DECISION DOCUMENT AND 2022 REQUEST FOR PROPOSALS

CHAIR CARMICHAEL: Sounds great, then Julie, take it away and tell us about the Funding Decision Document for this year.

MS. JULIE DeFILIPPI SIMPSON: Okay, thank you, John. The Funding Subcommittee met to consider the recommendations that came through the Operations Advisory Committees, and then through the Coordinating Council. The question was to consider the projects that were at the very end of the life cycle, and would be ending the step-down process.

The Funding Subcommittee has made the following recommendation that the projects that are in the step-down process could have a single-year hiatus, and that all of their 2022 proposals should include a short summary of why the extension was needed by their partner specifically.

Then also if the funds from the previous year were spent in either accomplishing their goals, or perhaps possibly in some cases staff were paid, even though they weren't able to accomplish the goal, simply because of COVID or for some other reason. These are the recommendations from the Funding Subcommittee.

CHAIR CARMICHAEL: Okay thank you, Julie, and so considering the discussion that has gone into the step-down process over the years. I just wanted to see if there was any discussion on this from the Committee. Julie, do you think it's best to do that now, or review the actual language? I think it's probably fine, this lays out the gist of it, to at least see if there is support for that at this point, before we go on.

MS. SIMPSON: Sure, just let me know when you want me to review the language.

CHAIR CARMICHAEL: Sure, let's see, so Megan, I see your hand up.

MS. MEGAN WARE: Thank you, Morning, Julie. I had a couple questions, if that's okay.

CHAIR CARMICHAEL: Yes, please.

MS. WARE: My first question was, I thought it was Appendix A with the projects, so would those projects have gone to 0 in Fiscal Year 2022? Am I reading that right?

MS. SIMPSON: Yes, you're reading that correct. Those projects would have gone to 0, and the hiatus allows them to remain in their Year 6, which is essentially 66 percent reduction from their baseline.

MS. WARE: Okay, and then my second question is, I'm trying to figure out, like where the crunch is going to be, in terms of funding, because it seems like if I'm understanding correctly, we're now going to have seven years of projects. I think under the maintenance funding, because the projects that will go from new to maintenance are now Year 0 instead of Year 1. Am I understanding that correctly that there will basically now be more projects under the maintenance funding, and that that will last, kind of until that Year 0 suite of maintenance projects moves through the system?

MS. SIMPSON: That was actually discussed at the Operations Committee, and hopefully I made all of the appropriate corrections in the Coordinating Council Materials. There was a misinterpretation in the way that the language was written for the Operations and Advisory Committees that the intent of the Funding Subcommittee was that all maintenance proposals would be in a one-year hiatus.

The Operations folk clarified that that was actually supposed to not be all maintenance projects, but only those maintenance projects that were actually in the step-down process, which would be somewhere in that series of 33 percent reduction, which at this point is only those that were actually in the Year 6, so it

doesn't actually extend the maintenance series for all maintenance projects.

MS. WARE: Okay, so this would be more like a short-term crunch for the maintenance funding, as opposed to a longer term one.

MS. SIMPSON: Correct, it's a one-year hiatus for those that are in the step down.

MS. WARE: Okay, thank you very much.

CHAIR CARMICHAEL: Okay, next up I see Dee.

MS. DEE LUPTON: To follow up on that question, so those that are in the new category this past year, and if they submit again, they will move in the maintenance categories, correct? If that is so, that means that the maintenance category expands quite a bit, with those that should have rolled off are in there along with new projects moving into the maintenance category.

Making that category highly competitive. I reckon it will still go through the review process. I'm just thinking this through, as far as rankings, but someone is going to get cut short here. Even though they are in the step down, it doesn't necessarily mean that they will be approved for funding next year, is that correct?

MS. SIMPSON: Correct, Dee. If there are projects that were maintenance or new last year and they continue, they would become maintenance. Then the ranking process would kick in. If it exceeds that 75 percent threshold, then the projects that fell to the bottom, regardless of whether they are in Year 6 or Year 2, then the rankings would take effect.

MS. LUPTON: Yes, we can allow the criteria to let projects fall where they may. We could still get new projects under the new category. That keeps innovation, but I just worry that some of these newer projects that may want to go into a maintenance mode, just for a couple of years, may get short changed, because these longer terms they were ranked higher. I'm just trying to think through

how this is going to work out, but thank you for the clarification.

CHAIR CARMICHAEL: That's a good point, all right thank you, Dee, and next up I see Lynn.

MS. LYNN FEGLEY: Good morning. I just wanted to continue the discussion, because it looks like from the way that I'm reading this that if you're states would need to provide a rationale as to why they need this hiatus. I guess I would mean that they are going to provide this appendix with a summary of why the extension is needed, and if there were any funds from the previous year that were not spent.

I guess that means that ultimately this body would decide whether a request is granted. I'm just wondering where that, I guess the Operations Committee would make a recommendation, and the Coordinating Council would decide. Is that how that would work?

MS. SIMPSON: Yes, the Funding Subcommittee basically felt that it was appropriate for everyone to actually voice the reasons why there was this need for the extension, and also to note whether or not they had spent the funds from the previous year. Because if the funds hadn't been spent, and there has been an extension, then theoretically there are funds available, and you don't need the additional funds. There is no move to actually make that an official part of the rankings, but the idea of the appendix is to make that information available during the decision process.

CHAIR CARMICHAEL: Julie, the expectation is that, I'm assuming there will be Ops review of the situation, or recommendations from the Ops, and then a decision by the Coordinating Council?

MS. SIMPSON: Yes, that is correct.

CHAIR CARMICHAEL: This has been a good discussion; I think it has helped clarify the situation. I guess, you know Julie, one question I have, and I'm not sure that it is fully clear, certainly in the language of the statement. Is it intended that this is a done deal for folks, or is it actually intended that as we just discussed, this is more of an opportunity, and you're going to have to provide a justification?

I think some of the questions that should be added are one, are you asking for an extension? If so, why is it needed? Are there funds from the previous year, and how are those funds from the previous year potentially going to be used in this extended year? Ending up with, you know how much additional funds are you asking for, for the extended year?

MS. SIMPSON: The Funding Subcommittee hadn't, I think your additional questions are actually very appropriate. The Funding Subcommittee was looking to give everyone this equal opportunity to apply for these extra funds, mostly because there was the recognition that if extra funds were available, most partners' leadership would say, there is no reason not to try to apply for extra funds.

I know that Kathy is on the phone, and she was part of this discussion as well, and Bob as well, because he Chairs that Committee. If either of them has anything to add to my answers, please jump in and supplement. But I think adding your question, John, about you know do you need the extension. I think that is a valid question to ask.

CHAIR CARMICHAEL: Yes, thanks, Julie, and I see, Bob, you have your hand up?

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think your words are exactly right, John, which is this is an opportunity for the partners, not a guarantee. Each partner will have to go through the application process, and justify the extension, and exactly how much they need, if there is any money left over from the previous year, et cetera, et cetera.

This isn't you know guaranteed that those, I forget it's five or six projects, get funding carried over to 2022. It's just, if there are circumstances in your jurisdiction that need extra help because of COVID, or budget shortfalls with your legislative process, or whatever it may have been. But provide that in your application, and then we'll work it through the Ops Committee Advisors, and ultimately the Coordinating Council approval process.

CHAIR CARMICHAEL: Thanks, Bob. I agree. I'm glad the Funding Subcommittee talked about this, and were considering this, knowing that last year was a pretty unprecedented year, and likely threw monkey wrenches into some plans at the states, for getting off of this funding as legislatures turn their attention to more pressing issues to them, certainly in dealing with COVID. Richard Cody, I see you have your hand up.

MR. RICHARD CODY: Yes, John. I just had a question. If the proposals are supposed to include a short summary, and there two basic questions they have to answer, you know, why is the extension needed and are there any funds from the previous year that were unspent. It seems to me that the second question could apply to any proposal that was funded the previous year.

It could be part of the decision-making process to fund for the following year. I just wanted to know if there is some clarification on there if it's just targeting the step-down projects that are in their final year, or if it applies to all maintenance projects?

CHAIR CARMICHAEL: That's a good question, so Julie, I wonder if you all talked about that, and if not, certainly that is something that could help head off the issue that Dee raised, about the squeeze on maintenance projects that is expected.

MS. SIMPSON: Yes, this question is part of the appendix, because it is something that the Funding Subcommittee wanted the folks who were asking for the extension to respond to specifically. However, the unexpended fund is a report that the Operations and Advisors review at all of their meetings. We as staff, will go to both of the regional offices, and they show us all of the rewards, and it shows, you know this was the amount of the award.

This is how much has been expended at this point. This is when it expires, and this is how much is left. The Operations and Advisory Committee is regularly reviewing essentially how those awards are being spent down, and reminding folks to get an extension if necessary, or in the case of Florida.

They ended up not needing a little bit of money, and they were able to put it back into the process. At that level there is a consistent review of sort of the unexpended funds. We don't ask everyone to specifically provide that. This is just something that they wanted as part of the appendix for this group. But as an overall, we do review that report on a very regular basis.

MR. CODY: Thanks, Julie.

CHAIR CARMICHAEL: All right, so seeing no further hands. I'll give you a second, but I think we can probably move on, Julie, now that we've provided, I think good clarification on this.

MS. SIMPSON: Okay, great. I'm just going to jump into the summary of changes. This is the language that was put in the RFP, and in the Funding Decision Document. It's the same language, it's just duplicated. This is what explains, all maintenance projects in the step-down process will be in the same year of the step-down process as they were for FY21. Before I move to the next slide, are there any questions about this language, or any edits that folks feel should be made to this language?

CHAIR CARMICHAEL: Julie, I do think it probably should be updated a bit, to not make it so sounding

like such a guarantee. You know it says the process will be paused, and I think something that makes it clear as we discussed, that it is an opportunity to pause it and submit a justification, and have that evaluated.

MS. SIMPSON: Okay. Thank you.

CHAIR CARMICHAEL: Megan.

MS. WARE: I may need more coffee this morning. I think I'm still a little confused. I'm reading all the maintenance projects in the step-down process will be in the same year of the step-down process as they were in 2021. What I'm thinking is, in 2022, a Year 1 maintenance project would still be a Year 1.

But then in 2023, you will have the projects from 2020 that were new that apply to maintenance in Year 1, but you will also have the projects from 2022 that were a Year 0 maintenance go into Year 1. Is that correct? I guess I feel like there is still going to be this crunch of Year 1 maintenance projects in 2023, so maybe I'm thinking about this wrong.

MS. SIMPSON: Yes, and this is something that we had language about, the portion of the step-down process is those projects that are already receiving some sort of cut to their baseline. There is that, in these ending years it's that you know you get your baseline minus 33%, then minus 66%, and then you go to 0. If they were in that step down, they're getting the extension.

If a maintenance project is just applying without part of that reduction, then they aren't considered to be in the step-down process. I can tweak that language. There aren't any projects that were in Year 5, so I can tweak that language, and have it simply say the projects that were in Year 6, and that should make it clearer, simply because step-down process would apply to Years 5 or 6, and there is no Year 5. Would that help, Megan, to make it

more clear as to which projects are affected by this?

MS. WARE: Yes, that would help. Thanks, Julie.

MR. WHITE: Julie, this is Geoff, another opportunity would just say the seven projects listed in Appendix A in the Funding Decision Document. The language already has Appendix A of the FDD, the Funding Decision Document. But just for Committee Member's awareness, those specific seven projects.

CHAIR CARMICHAEL: All right, does that sound good? Any other comments on this? Julie, are you clear with the intent?

MS. SIMPSON: Yes, I think I'm good. Okay, so the other changes that were made, all of the dates have been updated so that they are relevant. The July meeting language in the Funding Decision Document, that has been changed to simply note that the PIs are invited, but not required to be at the July meeting, so that they can answer questions and hear feedback on their proposals.

This is something that everyone has found to be very useful, so we wanted to make it clear that it was a place where we wanted to include the PIs. We've updated all of the references for Year 6, to just say Year 6/7, so that it addresses the Funding Decision Document. Then also, the Biological Review Panel Bycatch Prioritization Committee have completed new matrices which will be in effect for the next two fiscal years. Both of those documents have been updated. Those are all of the updates to the RFP for FY22.

CHAIR CARMICHAEL: I have one question on the second bullet, including PIs. I'll put on my budget hat and say, is this something that ACCSP would support the travel of, or is this on them, or would they be participating via webinar or something?

MS. SIMPSON: It's only ever a webinar. The July meeting is always a webinar, it's usually a one- or two-hour meeting. The purpose of the Ops July meeting is just to do the initial review proposal. We find that as we go through the proposals, it's helpful

to have the PI there, so that when someone says, I don't understand what this means, the PI can not only explain it to the group, but hear that is the question. That way when they revise their proposal, they are able to revise it in a way that actually clarifies things.

CHAIR CARMICHAEL: Yes, I think it's a great idea, and since this meeting is always webinar, we do not have to worry about any added expense, so excellent suggestion. I don't see any other hands, so we can probably continue on.

MS. SIMPSON: Those are all the summary of changes, so I think I'll pass it back to you, John, and to Geoff for any potential action.

CHAIR CARMICHAEL: All right, sounds good. Thank you. We would be looking for a motion to approve the RFP, I expect it will be as modified. Lynn, I see your hand.

MS. FEGLEY: Sure, thank you, Mr. Chair. I would make that motion to approve the FY22 request for proposals as modified today, or if somebody wants to tweak that language so it's better that's fine.

CHAIR CARMICHAEL: Geoff has it up here for us. Motion to approve the FY22 Funding Decision Document and RFP as presented. I think Geoff, just make that as modified, or as presented and modified.

MR. WHITE: Yes, and Maya is actually helping us out on the screen work, so she is taking care of that for us. Thank you, Maya.

CHAIR CARMICHAEL: Thank you, Maya, well done, and do we have a second? I see Jason, do you have your hand as a second?

DR. JASON McNAMEE: Yes, Mr. Chair that's a second.

CHAIR CARMICHAEL: All right, thank you. Is there any objection to the motion? Please raise your hand. All right, seeing no objections, the motion stands approved.

PROGRAM UPDATES

CHAIR CARMICHAEL: I think the next business is the Program Updates.

MR. WHITE: Yes, John, thank you so much, Mr. Chair. The agenda for the Program Update is up on screen, and we'll jump through this. Thanks, John and Committee and Julie for getting it this far this efficiently, so fantastic. A couple of themes that kind of run through all of these, and what I wanted to present to you today, is both some coordination and metrics that have to do with these topics as we go through, a little bit more of what we accomplished so far this year, and in only a few cases do we say this is the plan for the rest of the year.

With that let's kind of jump in, and go one more slide to the Committee Newsletter. The Newsletters have been big on your agenda for a while now. Everybody likes how the Committee Newsletter is going out and the highlights. But a little bit of the metrics that we were able to pull from how it goes out.

The Newsletter goes to about 130 people, or e-mail addresses distinct per month. The average kind of 50 percent click rate of opening the e-mail, as well as following the links in it, is actually pretty high for the outreach industry. We've gotten a lot of eyeballs and contact points on finding out who your other Committee members are, checking the monthly calendar, which includes not just ACCSP activities, but some of the other major meetings as well.

We found ourselves constantly saying, well wait, when is this other group meeting? So, we added some of the major Councils and Commission meeting weeks to the ACCSP calendar as well. As well as following the highlights towards things like

the Data Warehouse. We've got updates on that a little bit later.

We think not only is the perception of the newsletters doing a good job of getting each committee to be aware of what the other committees are doing, and foster a bit of partner collaboration within house. You know, hey this happened in Coordinating Council, let me check with my Council member.

This happened at a Technical Committee. Let me check with that Technical Committee member, and get a few more details. That was pretty great. One of the things that is coming up next about Committee Newsletters is the Advisor's Campaign and Request for New Members is coming up next month.

I believe that's going to be in the May Newsletter, and in the recent article development for Fishery's Focus and things, is also kind of the interviews that we had with some of the Advisors, and Jerry Morgan as well, so Highlights on Committee Newsletters. Jumping forward is a highlight on some of the things to keep the trains running, but we've always paid attention to information systems and security.

The real task here is of course to balance functionality to staff and end users, the security of the data and the other information that we're passing around, and the resources both in-house of staff and contractors, and what partners can provide. Just a couple of quick notes here, it's been a busy several months. The infrastructure of the SAFIS database was implemented, with both new hardware, and moving up to Oracle 19, and patching that up the ways the e-mail configuration was updated.

You've probably seen plenty of things in the news about different e-mail security items. We've updated three of the six data connections with our federal partner systems. Two others will be updated, probably in the

next month, we just had a call last week with the OCIO and a couple of the regional partners to implement, so updated and improved security in those connections. Then the Data Warehouse, kind of circling back up to the top will get the upgrade to Oracle 19 this summer. I mention those things here, because they are functional and they help.

But the versions of Oracle that can talk to each other does take a bit of coordination with our partners, to make sure that everybody can still continue to communicate and get the information that they need on a regular basis. With FISMA, the Federal Information Security Management Act, we gained the authority to connect last summer, and part of that is quarterly self-assessments.

The Security Team is Ed Martino, Julie DeFilippi Simpson, and myself. Part of that agreement is an annual external audit, and that was just completed over the last two months with a high amount of activity and interviews, and tweaks to our systems and documentation that really was we had a contractor doing the external audit, but Ed was supporting that whole process, and he did a great job of getting us through that.

Fantastic progress, strong security posture overall. We have half of the recommendations that we had last year, and those are really at a more granular level, and raise a couple of areas for improvement. Some of those are process and documentation, a couple of them are technical tweaks to the systems.

It's something that is continuing and ongoing. This is our second year in the solid FISMA process, it has come to the third year, where we have been looking at these and moving towards FISMA and monitoring. It's an ongoing phase, it's getting a bit easier as we bring ourselves up to these levels, and appreciate the work that's gone into it, and we've maintained the confidentiality and the functionality at the same time. That's it for the Info Systems and Security updates.

Next slide we move into some of the recreational activities, and what I want to highlight here is there

are three slides. The first one provides a bit of an update of activities that are going on right now, and then the next two are items that I want to raise awareness for, and ask for your feedback, either during this call or afterwards.

Of course, weather is getting warmer, folks are able to get out and get sampling, and MRIP has provided, as we mentioned last year through the Modern Fish Act additional funding for APAIS sampling to reduce the standard error on the estimates. That is for the Atlantic, about \$900,000 a year.

That translates to about 2,100 assignments, and the table shows kind of that percentage of how many base assignments per sight assignments occur each year. How many were added on, and what those percentages are. Again, those percentages are really based on where there was a longer season, greater species diversity, or a need for additional sampling.

Certainly, want to call out a thank you to the states that come traditionally, and continue to do their own state-funded add-ons, above and beyond what this base is, and that is Massachusetts, Rhode Island does some, Delaware does, as well as North Carolina. Thanks to the states that add on all those extra things. The For-Hire Telephone Survey conduct has been, MRIP has made a bunch of changes to the Vessel Directory, including which vessels are doing logbooks in the HMS permit integration that adds to calling efficiencies for the states, as well as kind of clarity of how the data are collected.

Within the FHCS, we're continuing to make incremental improvements to the system, to make those calls, which really while it's a centralized cost at the moment, it saves time and effort out at the states, as well as in the data checking that the recreational team does on a monthly basis. We're beginning to put on our radar planning for 2022, and the

socioeconomic add-on survey. That is done about every five years.

The Atlantic Coast did it in 2017, the Atlantic and Gulf are going to be doing it in 2022, and MRIP has provided some additional funds to integrate that and program that into the tablet data collection that the field samplers are using. Once that's programmed through our side of that, it's be done in coordination and conjunction with the Gulf of Mexico, and the Gulf States Marine Fisheries Commission.

We'll hand that development right over to them as well. They are using the tablets this year, and so far, getting some good feedback on that, and they have a desire to also implement the FHTS computer assisted telephone interview. They are looking into that as well, and that is really just a big highlight to the sharing relationship between us, and how the funds and the effort we've put into developing it gets shared, and becomes more valuable, the wider the basis that gets used.

Your next item, this is an upcoming item, the Recreational Implementation Priorities are something that really helps MRIP guide the regional priorities across the country to come up with the Strategic Plan. I'm just updating their five-year strategic plan this year. This is a good time for the Atlantic to update our recreational implementation plan and priorities.

Last time that was done in 2017, we kind of did a full bottom-up process, and Rec-Tech Committee was very helpful, in not just defining the priorities in these six items, but also filling in the details of that document. That is, what is the need, what is the next approach, what is the dollar value of what would be requested? This really guides across the board, where MRIP hits, and highlights the need for all the partners, the Councils, the states, and everybody to weigh in on this process, so it becomes a helpful document.

As we move forward, the question I have for you as a group is, are these six items still the top priorities

in this order, or are there additional items that you would like Rec-Tech and staff to work through and add in, as potential other sources. When we presented this to the Operations Committee last month, we did have one e-mail follow up that suggested that volunteer angler reporting and citizen science was certainly an item.

I will note that that is starting, some work for that is starting in the 2021 Action Plan, Goal 3 for ACCSP. We're also supporting an AFS symposium this November in Baltimore, about voluntary angler reporting and some of the standards. However, that is likely to remain an area of interest, what data are best collected via citizen science, to supplement the MRIP general survey. That is one item that we put in here, and what I would ask is if you've got discussion items that we'll pause at the end of this slide, or if you wanted to just simply e-mail Alex DiJohnson and myself any ideas that you would like explored that are bubbling up. At this point I would just take a moment and look for hands, if there is requested discussion.

CHAIR CARMICHAEL: Okay, thank you, Geoff. We'll give a minute for some hands. I see some going up, so I think that this is a big topic, so we'll get some suggestions here. But then Geoff, I think I would like to hear some about the timing and the plan to make sure that we have adequate time to talk about it, because it is very critical. I think, Dee, your hand was up first, so Dee Lupton.

MS. LUPTON: I'll just put it on the list that we could discuss later, and I really don't put it in the citizen science category, but we need some real-time reporting in the recreational industry. I know that has been out there for a long time, as we, I hate to call them quotas. But they are quotas. We're getting a lot of pressure in our own state to develop something real-time.

I really won't even say it supplements MRIP. I would say sometimes it may need to replace

the general survey, because it should be census level, much like on the commercial side. I would like to see that as some sort of priority, maybe not for implementation, but some discussion and develop the other program that can be either species-by-species or coastwide. I don't know how to address it. That is one I would like to see discussed.

CHAIR CARMICHAEL: Thank you, Dee. Next, I have Lynn.

MS. FEGLEY: I was actually just frantically writing down what Dee was saying. I actually wanted to go back a slide. I just wanted to comment on the 2022 SEAS add on to the survey, and just really make a plea that there be some sort of fairly intensive public outreach about this, you know whether it's web based or handouts to the states somehow that can go out with fishing licenses, so that people understand why this data is important.

It's been our experience that people freak out when you start asking them some of their economic data. I know in Maryland, and in our case, you know I'm a little bit talking now about charter and head boats, but it certainly goes for the general public too. People tend to refuse interviews when you go into that economic stuff. I just wanted to bring that up and hope that there is some sort of plans to really get some outreach out there. Thanks.

CHAIR CARMICHAEL: It's a good point. Next, we have Jason.

DR. McNAMEE: I think I'll start with saying, you know the current priorities look right to me, and they seem to be in a sensible order as well. I'll follow on by saying, I agree with what Lynn just said, that I think that's important, hopefully plans for something like that. But I think it will help, certainly the folks that are out on the streets, as they say, if that word is kind of out there ahead of them that's helpful.

Then to the comments that Geoff led off with, and that Dee spoke to. I am very interested in that as

well. I don't know that we can every get to levels of census level data, certainly something to strive for. But one thing that I was more thinking about by way of extending this notion on citizen science and monitor angler information, is not just the collection of it, but how do we integrate that into the overall set of information that we have? I think it's kind of two-fold, you know the collection mechanism. I think we have lots of good ideas and tools that are sort of developed for that kind of thing.

It's that second step of, you know people are making this effort, collecting this data, and then it's used indirectly or not used at all. I think figuring out ways to integrate it into the management realm, I think is sort of a supplement to that concept. Well thanks for the time.

CHAIR CARMICHAEL: Yes, thank you, Jason. You know Geoff and Julie, I think one I would add for is as we mentioned, things to discuss later, is some way of getting better resolution on recreational effort. You know characterizing things as the trip being in the EEZ in a private boat.

It really doesn't do justice to the variety of fishing effort and techniques, and ways of targeting different species that is going on out there. I've long felt that is one of the reasons we end up getting some really odd estimates at times, and struggle with some of these other fisheries that have fairly specific methods and specialized techniques. Richard Cody, I see your hand is up.

MR. CODY: Yes, just a couple of things, as far as VIMS request about outreach for SEAS. I'll bring your concerns to the Office of Science and Technology, and let them know that you have a concern that there needs to be an improved outreach. Then the other relates to the prioritization of voluntary recording. There are two things I would like to point to for this year.

There is a National Academy's Review that I think that the report is expected sometime in July that looks at the compatibility of MRIP with in-season management. Then there is a second report from a MAFAC Task Force on electronic reporting that looks at the feasibility of monitoring methods, and the appropriate types of data that they might be used for, in terms of their ability to collect data for management purposes.

Those two reports are expected sometime this year, I would say the MAFAC Report is probably going to be later in the year. But they I think would be informative in prioritizing any kind of BR initiative. Then the other thing that I will just mention is that you know NOAA supports non-probability methods when they are used with a probability method, to validate the information that is reported.

CHAIR CARMICHAEL: Thanks, Richard. Other Committee members? I guess one idea I have, it maybe covers a lot of these things. Not so much a specific priority as much as an idea to keep in mind, and might help many, is finding ways to make better use of electronic technologies, electronic reporting, electronic monitoring, as ways to perhaps make progress on really several of these current priorities.

MR. WHITE: You had asked me at the beginning to kind of touch on timing, and maybe respond to a few of these other points. The first one that you clearly asked was timing. I wanted to raise this now as a thought item. I really appreciate the ideas and the thoughts that have come out already. This is a document that would take pretty much the rest of this calendar year to get fleshed out by Rec-Tech, and would come back to the Coordinating Council for review and approval, either best case in November, or potentially the winter, you know the February, 2022 meeting would be the goal timeline. But putting these ideas out now, in terms of what are the issues that are important to kind of flesh out, is very, very helpful, so thank you.

CHAIR CARMICHAEL: I appreciate that, so I think we can consider this fair warning that this is going to be

underway, and everyone should start working within their own folks that they talk with on their staffs, et cetera, to try to see what our priorities should be.

MR. WHITE: Yes. Shall we keep going?

CHAIR CARMICHAEL: Yes, I think so, I don't see any further hands, so I think we can move on to the next topic. I think it's been a good discussion, and I appreciate the guidance and ideas.

MR. WHITE: Again, I wanted to raise the MRIP Survey and Data Standards that were published in the fall of 2020. Just in the last two weeks there were some website changes in frequently asked questions that were updated by MRIP and their staff, to be very helpful. The Operations Committee had a document added to their meeting.

Really to flag this here is the idea that most of the seven parts of the survey and data standards, most of this is already being covered by MRIP in the general surveys, the APAIS, the For-Hire Telephone Survey, the Large Pelagic Survey. That doesn't really require additional bits or pieces of workload on ACCSP or the partners.

They do provide clarifications for things like Paperwork Reduction Act for alternate surveys, and some of these other aspects. When you get away from the general survey approach, and go through a different methodology, there are some kinds of additional indirect tasks that need to be thought of, and that is included in this area in Data Standards.

Those made a lot of sense to myself and those that were reviewing them. The item for your awareness at this point is the Data Presentation Changes. Sometime this summer the shift to present high-quality data for MRIP web presentation, will be estimates with a PSE less than or equal to 50. Above 50 right now are presented with kind of a red highlight of they

are pretty imprecise, be cautious. But those are going to be not be presented on the website.

The other piece would be to provide annual estimates only for past full years, so 1981 forward, and for the current year instead of providing individual wave-based estimates, it will become cumulative through the year, and that would be you know Wave 1, 2, 3 would be combined, instead of separate Waves 1, 2, and 3, still by state and species and mode, but cumulative through the year.

That presentation would begin this year, and in conversations with all the partners, those wave-based used would be available on the MRIP website for some time, likely through 2022. I wanted to put this on your radars of awareness, as a partner in MRIP data collection. I've already committed to say that ACCSP Public Warehouse Website will match what MRIP does, and we're talking about potential changes in the Data Warehouse for named user login and additional data presentations for Agency staff. Instead of simply presenting for a period of time for the assessment and management to kind of catch up to the available presentation, and the direction that MRIP is heading on this, to use the platform of ACCSP as a standard way to run those calculations and present it out, to help the partners and their staff, instead of pushing that workload off.

Again, if you have questions, you can submit those over e-mail. We'll get someone from MRIP to help gather that information and present to you at a future meeting. It didn't want to do that right now, because when they are able to present these tools sometime in the summer, we'll have a better ability to kind of see what they are talking about, and look at that either at the August meeting or a little bit later. I'm going to pause there, because I see Richard's hand up.

MR. CODY: Yes, Geoff. I just wanted to just add some context to that. I mean basically the standards would affect the publication estimates on the NOAA website, so anything above a 50 percent PSE wouldn't be published. The reason for doing

this is not really just to censor the data, it is really to put us in line with what other statistical surveys do.

There are standards for publication of data that are met by different surveys, such as the census and CVC and BLS and their estimates that they produce. However, that said, the raw data, the microdata that can be used to develop estimates at different domain levels, will still be available, and tools will be available for users to generate their own estimates. It just really affects what we would publish on our website, so that we're more consistent with other surveys.

MR. WHITE: Thank you, Richard, and yes. The survey data itself would continue to be available on the MRIP website. I did not have it on my slide. I see Lynn's hand up.

MS. FEGLEY: Yes, I just had a couple questions about this, and some of it may be due to my incomplete understanding. I appreciate your forbearance. But on the not listing data or estimates with a PSE greater than 50, will the website present which species those are? Would it say like, for example, I don't know snowy grouper, no estimate PSE greater than 50, so that people can actually see which species fell into that category? That is one question, and I had a second question maybe after that answer.

MR. WHITE: I think that is an excellent question, and since it hasn't been shown out to me. I don't know what group is working on this. Since we don't have that visibility yet, which was part of why I would want to wait until it's presented alongside the current data later this summer, before we have that discussion. But otherwise, I would rely on Richard, or someone else from MRIP to answer that.

MR. CODY: Yes, Lynn, I can bring that up with the folks that are working on the web queries, because you know right now, we just have a

suite of species that we cover through the drop-down menu. You know if you pulled up one of those, it would produce no estimate, where in a PSE was greater than 50 percent. I'll get clarification on whether if you include a suite of species, you know those are excluded or not.

MS. FEGLEY: Okay, that is great, thank you. Then my second question has to do with the wave-specific data. The first part of it is kind of philosophical, that if a wave-specific estimate has a PSE that is less than 50, you know or even less than 30, for example. Why not present it? Then the second part of that is, I'm assuming so this is going to now be cumulative.

I'll go on in maybe March sometime or April and see Wave 1, and then the next time later in the year I'll see the estimate for Wave 1 plus 2. If I kept Wave 1 written down, I could subtract it from Wave 2 and get wave-specific estimates. I just want to be clear that there will be no way for the public really to go back, and look at the cumulative estimates. If that makes sense. Once you get to Wave 3, you have that cumulative estimate, but you're not going to be able to go back and get the Wave 1 and 2 cumulative estimates.

MR. CODY: Well, yes. I don't think that is going to be the case, because once you're doing a cumulative estimate. Once you reach that 50 percent threshold, it doesn't really matter what the PSE is for the following wave. If you have reached it in that Wave 2, for instance, you could have all of the subsequent waves below or greater than 50, and they would be added, and you could back calculate your estimate.

But the thing is, the concern for us is publishing the estimates on the website. We are providing the tools for people to do this, so I don't think it's an issue for people to go back and subtract the types of exercises to get to the estimates that they're looking for. But you know we are providing the tools anyway, so they will be able to get a wave level estimate, you know still be able to do that. If

it was a privacy concern, yes, we would try to cover that. But that I think would get very complicated.

CHAIR CARMICHAEL: Joe, you have your hand up?

MR. JOE CIMINO: I do want to say, it is obviously very important that technical staff get a chance to look at this. We're going through Rec Reform Initiatives that are going to require people to see the raw data still. It's been a tough world for the fluke and sea bass fishermen on the Atlantic coast. They pay a lot of attention, and I do have some concerns with what they are able to see and not see.

In 2020, our four main fairly managed species that are recreationally important, flounder, scup, sea bass and bluefish, all exceeded their RHL. I think the public is very interested in transparency, and they are on these websites trying to see who is the culprit. Spoiler alert, it's usually New York and New Jersey.

If suddenly they are not able to see some of this data, I do have some concerns on where it goes. I understand that there are standards. But we all know this survey is very different than a lot of the surveys we deal with. I know it's just the way it's going to be, but I wouldn't be surprised if there is some public interest in losing some transparency.

CHAIR CARMICHAEL: Yes, Joe, that is a good point. I feel that way too, obviously coming from the Council perspective, in an area with a lot of high PSE species. There could be some issues with transparency, if the fishery gets closed early, or some other in-season accountability measure applies, or even post season if the end of the year is over 50, and nobody can actually see that information. I expect it will raise some concerns with saying, well you don't think the data is good enough to tell the public. But you do think it's good enough to impose restrictions on the public

using it. But I think we'll just see how that plays out in the court of public opinion, and maybe the legal courts as this process goes forward, because my impression is MRIP has made this decision, and we'll just have to deal with the consequences of it.

MR. WHITE: Thanks everybody.

CHAIR CARMICHAEL: Richard, I see you have your hand up again.

MR. CODY: Just one comment there related to John's concerns. I think we're rolling this out in a phased approach, so nothing is going to happen overnight. I expect that the earliest would be the middle of next year, before we switch to going to the new standard for publication. We do acknowledge the fact that sometimes the data you have is what you have.

But in the interest of improving the survey and the estimates that we get, we have to hold ourselves to a standard, I think that at least the other statistical surveys do, and you know try to work with our partners as best we can, to make sure that they have the data they need to base the management decisions that they have, to make them as informed as they can.

CHAIR CARMICHAEL: Thanks, Richard, and Geoff, I don't see any further hands, so I think we can move ahead.

MR. WHITE: Perfect. Thanks everybody for your discussion on that and brining that up. As I said, if you've got other ideas that you would like us to flesh out and find responses for, please go ahead and e-mail those to me after the meeting. All right, the next section is really about software. We've been presenting some of these redesign type ideas in the past.

Just to kind of revision or revisiting, what does redesign mean? It's really being labeled as SAFIS Version 2, the picture under the left was kind of how the online was developed, then the upload was developed, then the mobile was developed, then

they were kind of three different functional processing that were developed at different times.

Therefore, it took a lot more work to keep those aligned and processing the same way, and doing all the same data validations and those things. The redesign for all the different modules, really to look to take the different pathways of data coming in use one set of gears, and process the data the same way.

It's both efficient from a programming standpoint, and it's a bit more robust, because you're putting it in one place, and you don't lose track of an exception that you had programmed in at one point. It provides, you know as you see in the big green checkboxes and checkmarks there, consistency, efficiency, and ultimately flexibility back to the partners.

Because it allows for a change to be implemented across all those platforms, and guess what? Do exactly what ACCSP is all about, which is at least providing standardization of our own tools, in terms of what questions are being asked, how the data are being validated, and how things go forward. A big part of the redesign, and why it's taking a long time is this data processing in the code that goes towards that means to an end, is a lot of invisible, but highly useful and time-consuming work.

It includes the API, the application programming interface that interacts with our systems, as well as other vendor systems, to get the data in. The piece that folks see is the user interface redesign. On the left there is the pictures of the online, so the older version of online you see more boxes and highlights and dropdown lists.

Those things tend to still exist, but if you notice the picture on the bottom of the redesign eTrips interface, it's a simpler look and feel. It's got a better flow to it, and it has more validations that are included in that. A similar

approach has been taken with eTrips/mobile 2, so that is on Android, IOS, and Windows platforms.

The beauty of what's been done underneath this is the switchboard features. Where questions have to show up, based on a user permit or a species, or a whole suite of items that different partners have in place. Once that switchboard change has been made essentially, those extra questions immediately show up in both the online and the mobile setup.

It relies a bit more on the partner management to get that all right. On the other hand, that is where the flexibility comes back in. I just wanted to kind of highlight and reshow you what some of those pictures are, and what that looks like. But it ultimately does improve the standardization of ACCSP software platforms, and it simplifies to the extent possible, there are a lot of people that want to ask a lot of questions, the data entry.

Staff are constantly looking for approaches to improve that efficiency. One of the areas looking forward, there has been a lot of work on spatial map tools, to collect various location information. Instead of collecting up to four or five different areas, a statistical area, a sub-area, a local area, a lobster management area, a shellfish area. You know things go on that pathway.

But to provide tools where, you know clicking within a map grid or multiple map grids for the lobster 10-minute squares allows an easier data entry that can suffice for multiple questions on the form, and still end up getting the partners the data fields that they need for their requirements. Those are some really cool things that are happening, and will continue to be rolled out.

A side note on that is, as some of these new software tools have been released, we're also allowing some of the historical data entry tools to function for consistent calendar year 2020 data entry. There are still some paper forms that are being processed at the partner level, and entered into the system by staff. We expect that to

continue through June, before we can kind of take some of the older tools and retire those off.

We do those retirements and phases in a communicated way, to make sure that those timelines are supported by the partners that are relying on those systems. Looking forward, we hear SAFIS redesign, and yet SAFIS redesign, SAFIS itself is a pretty big umbrella. When we speak specifically about eTRIPS, well it has the mobile, the online, and the upload components. This year those got rolled out on different days, even though they were within a three-month period, and we're still doing some modifications for SERO and other partners. But the intent is to complete the eTRIPS redesign and bug mixes in major programming parts by June. One piece of that is the PC or the E-1ticket used by South Carolina and Georgia.

That functionality has been built in to eTRIPS at this point, to be able to create a Dealer Report for the partners that need it. That is out in test for partners to test, and we expect that to go into production in cooperation with our partners sometime soon, and hopefully this summer. Then the electronic dealer reporting was one of the major forays into data collection for ACCSP, starting back in 2003, 2004, with the federal electronic dealer reporting.

That is also right for a redesign, and the Action Plan had a goal to really move further on that in 2021, eTRIPS is taking a little bit longer, but for a good reason and doing well. While there is a desire to have the EDR done, there amount of work for that to happen and be robust and roll out online uploaded mobile on the same day, means that there will be development in 2021.

Testing probably early to mid-2022, and that production TBD is really reliant on how long the development takes, what kind of testing occurs, and some of the decision points of, should that be release mid fishing year, or is it really better to do it at a calendar year. Even if we're done

with the development and testing side, to not go all in on the production push for these things, until a partner agreed on date.

With that, there are other areas under registration tracking, lobster trap tags, other systems that ACCSP supports. But those are the major focus points I wanted to at least put on your awareness screen for today. With that, a lot of what happens in SAFIS eTRIPS, it relates to the One-Stop Reporting Objective. Julie has been leading that as our Deputy Director, and doing a great job leading at least the ACCSP side of that. The project is led by others. But I'm going to turn it over to Julie now, to lead and walk you through a couple of our items.

MS. SIMPSON: Okay, thanks, Geoff. The One-Stop Reporting Project, the real objective here is we're developing technical specifications for the eVTR system, and the goal here is to enable an operator to fill out a single eVTR and satisfy the reporting requirements of multiple fishing management authorities on the east coast, whether that be SERO or the Science Center with the SEFHIER program, HMS, GARFO, and also the states.

That brings in our team members, and this was an FIS project that Barry Clifford led it up. This is a list of all of the PIs, and as you can see, there is a range of folks from many of the agencies I already mentioned here. On the next slide, what you can see is that basically what has happened is we got into this, and we realized that the project was much larger than we had really been ready to do, especially given the timing of some of the things that are coming along.

We have the Mid-Atlantic and New England mandatory reporting coming along this year. The promise was out there that we would have some sort of application ready, so that folks who had to do this mandatory reporting could do so, and didn't have to fill out multiple reports. What we realized was, we weren't going to be able to do the full objective in the timeline that was necessary. Really what we're doing here is there is the current phase that we're in right now, and in order to meet the

timing objectives, what we've done is we've broken this up into two phases. Our goal for mid-2021 is essentially to have an OSR compliant application, and that is going to be the eTRIPS application. That would allow someone to fill out their report and it will be good for the SEFHIER reporting, it will be good for HMS reporting, it will be good for the GARFO reporting, and then theoretically it will also be important for the Southeast Commercial Logbook reporting.

Right now, the SEFHIER reporting and the GARFO reporting are already covered, as is the HMS reporting. We're making a few tweaks to the HMS for June, just to make sure that it meets all of their requirements. We're also working with the Southeast Commercial Logbook Program, and so our goal is to meet their timelines as they need us to.

Once we get through Phase 1, what we're going to do is we're going to use the existing technical specifications and some new documentation to essentially create a tech spec for this first phase, and then we're going to move into Phase 2, and this will pick up any remaining federal programs. It's also going to pick up all of the state reporting. Really, the objective long term hasn't changed, we just needed to break it up into two phases, so that we could achieve our goals, and this is where we are now. Before I move on, are there any questions?

CHAIR CARMICHAEL: No seeing any, Julie. Oh wait, Renee, yes.

MS. RENEE ZOBEL: Is there a timeline for being able to integrate the state reporting, I mean I know this is a guestimate for you, but state reporting requirements with our dual federal permit holders, who are reporting through GARFO, or another federal authority?

MS. SIMPSON: I think what has to happen is, we need to get through the middle of this year and complete Phase 1. Once we do that we'll

start scoping Phase 2. I think the questions at that point will become again, do we bite off everything and go forward and do all of Phase 2 at once, or is there a low hanging fruit and/or some priority, and lobster is coming to mind, of things that need to happen sooner, in which case maybe we work on those first.

Perhaps Phase 2 doesn't happen all at once. But I would say that probably within the next two to three months we'll actually probably be able to be in a position to start scoping that. I think it has the potential to break Phase 2 up, and so we can achieve some of the things that are higher priority first.

MS. ZOBEL: Okay, thank you.

MS. SIMPSON: The 2020 Spring Load, this was another excellent year. Big kudos to all of the ACCSP partners, and also the Data Team staff. We were able to officially release the data four days before the official deadline of when we needed to have it ready. This was really another success of partner coordination.

There were a couple of partners that just were not going to be able to make the deadline, and that is just due to staffing and other COVID related issues. We wanted to be able to present those data publicly prior to our standard Fall Load. This year we're going to have a Mid-Summer Load, and the first e-mail for the Mid-Summer Load actually went out yesterday. We're going to be able to pick up the North Carolina and New York dataset in June, and then we're going to be able to release those data around July 4th. In early July we'll be able to publicly release data that includes all of the North Carolina and New York datasets. There are some data that is out there, but right now it's not complete New York or North Carolina data.

Because of this, what we're going to do is bump the Fall deadline. Normally you see the data in September. That will probably get bumped by about a month, just so that we give everyone a little bit of a break, and we're not constantly doing data loads. But, I wanted to let everybody know that

one, we truly appreciate everybody's cooperation this Spring, especially because we know that a lot of the staff that work with us have also been doing a lot of work for the CARES Act. Everyone has been exceptionally busy.

We also appreciate everybody responding to this Mid-Summer Load, and hopefully this adjustment in schedule by adding a Load to the process, will make data available as soon as possible to everyone. Okay, I'm going to go straight into the Bio Module. The Biological Module has really sort of taken off, in terms of development.

There was a Biological Working Group, and this included folks from the Biological Panel, but also from the Bycatch Committee, the Rec-Tech Committee, some HMS staff, and then ACCSP staff. Really, the goal here was to create biological sample standards that included a unit of measure. They have been able to do this.

The data structures were updated by the Biological Review Panel quite a few years ago, and those have now been implemented as well. But the need for the sample standard to update as well, was really because there are samples that were being collected where codes did not exist, and so those codes needed to be created.

We also realized that there were places where lengths were being collected, where the unit of measure was not being determined. It was important to make sure that we had a standard that met the needs of all the samples being collected, but also had flexibility to adjust to anything new. We have added all of these codes into the system.

We also brought in a couple of additional ones so that we could accommodate some of the existing data, and also provide that flexibility moving forward. What we've been able to do so far is we're moving the historical data into the new data structures in production. We are

also, we have been working with the Jonah crab folks on their upcoming assessment.

Their biological data is being added in, and this is the first stream really to use the new transfer format. We did get comments from folks who have been sending biological data. We have been getting a limited amount of biological data for specific species. Folks that had already been using the transfer format did note that it wasn't easy to change that transfer format and use the new version.

However, ACCSP feels that once you've made the change, then the change is in place and you have the flexibility moving forward. We understand that the change is difficult, but we're hoping that that burden is going to lessen as folks make the change, and also for those folks that haven't been using the biological transfer format. Whatever they come onboard using is going to be new to them, regardless. We're going to continue to do outreach, so we can improve the data flow, and work with everyone on the new transfer format.

We're also going to start seeking out new data streams moving forward, so that we can slowly but surely really start populating the biological module with the biological data that is available at the partner level. Does anyone have any questions before I pass it back to Geoff?

CHAIR CARMICHAEL: I'm not seeing any, so we've got about two minutes left, so let's pass it over to Geoff, and see if we can't move through these last few things pretty quickly.

MR. WHITE: Everybody, we've got three slides here. This is a summary of what has already been posted in the materials for what projects were funded. I don't need to spend a lot of time here, other than making sure that I say a thank you to Florida, for being aware and returning some funds that they weren't able to use on the project that it was intended for with the head boats.

When we came up a little bit less, and I say a little bit, but about \$54,000.00 less than expected in the funding from NOAA, we found ways to make some adjustments, and still fund all the projects. Rhode Island took a small subtraction, which was agreed to back in February. Between February and now, PRFC was really willing to support projects coastwide, by reducing the cost of their project by \$48,000.00.

That may affect some of their completion points, but in their first year they thought that was very doable, so thank you to Florida and PRFC and Rhode Island in doing that. It flags that the Admin Grant about \$138,000.00 less than the Option 1, which was a new Data Team Lead and a new Software Team member.

Then there were further reductions in when we could actually hire those and fill the Data Team position, and cut a little bit more out for meetings and things, because of how the year is going. All those things are happening, and I just want to flag that while we think we're still going to be pretty successful, there might be some associated tasks that we're going to have to change the timelines on because of that.

This reiterates a little bit of the same idea that Fiscal Year 2021 we really prioritized, and the Leadership Team I have to thank for this. The Partner Project Funding, the Admin Grant reductions, the Data Team Supervisor was posted, and offered, but we needed to repost that position, and to backfill the Data Team Lead spot, and have Julie on one job as Deputy Director, instead of doing two jobs.

That is the pathway, and one of the things that is coming up on future staffing. This goes to the Admin Grant Proposal for next year. The Software Team at the moment, and the ACCSP staff in general, has really great capability and backup standpoints on database storage, record processing, some of the programming pieces. However, we are requesting kind of growth in the areas of mobile app development. Right

now, that is all contractor based. The maintenance and deployment of that is something that I see us needing to onboard a bit more. The other item would be kind of the mobile app testing across environments and features. That is something where we've tried in the past to back off a little bit, and request partners to help out with that. But because of the number of features and the number of partner-specific flexibility, that testing gets a little bit dicey, and partners don't always have time to do that testing. To provide robust applications that have been thoroughly vetted and tested, some additional staff time is requested there.

CHAIR CARMICHAEL: Geoff, you have a question from Kathy.

MR. WHITE: Yes, go ahead.

MS. KATHY KNOWLTON: Sorry, it wasn't so much a question as that I would just like to publicly acknowledge Julie's work in two positions right now. It's continued a little bit on, since you're having to repost, but I don't know how she does it. I've had the honor of working with her for months on a project, and she is the queen of time management and prioritization. I just wanted to publicly acknowledge that. Thank you, Julie.

MS. SIMPSON: Thank you, very much.

CHAIR CARMICHAEL: Well-put, Kathy, thank you!

MR. WHITE: Very well put. Wherever we need organization, I always check with Julie first, does this fit? Are these good colors? But project management is absolutely one of her strong suits, which is why we have her as Deputy Director, to keep us all moving. I have one more slide, and then there may or may not be questions or time for questions. I think some of these things have already been noted.

There is a goal to include the ACCSP Leadership Team to comment on next year's Admin Grant Proposal before it gets done. The process last year noted the need to get some comments in earlier, so

we are going to be doing that. Also, earlier in the proposal process, is the opportunity for staff to work with Ops and Advisors in the rankings and the awareness to note what impacts are in other proposals or on the ACCSP work load within that review process.

If there are funding items for things like the SAFIS Help Desk that should be part of the partner projects, then we can add those in early in the process. Again, while there are projects that are stacking up in the Maintenance and the New Areas, and the amount of funding. I think we're quickly going to have more need and more desire for projects than funding available. But the Leadership Team and the process in general is really supporting opportunities to find and rank projects that have the greatest potential for regional impacts and efficiency.

Developing a tool that can be used by many partners, the VMS integration into SAFIS seems to be one of those high impact projects that is a year and a half, two years in, and may have some real use coming up in the next year as well. Those are some of the things that we're looking at in our ongoing discussions, and trying to balance out the growth of staff versus the reliance on contractors and the ability to maintain things that we're developing in-house. With that, I turn it back to you, Mr. Chair, and thank you everybody for your focus today.

ADJOURNMENT

CHAIR CARMICHAEL: All right, thank you, Geoff. Any further questions? We're 10:35, so about ready to wrap it up if there is nothing else. We are done, and we hand it back over to, I guess Bob, prepping for your next meeting.

(Whereupon the meeting convened at
10:35 a.m. on Tuesday May 4, 2021.)

	Partner	Title	Primary Module	Others	Cost	Year 6 Max	Extension
MAINTENANCE	1	ME DMR	FY21: Managing 100% Lobster Harvester Reporting in Maine	Catch/Effort (100%)		\$ 335,662	
	2	ME DMR	FY22: Managing Mandatory Dealer Reporting in Maine	Catch/Effort (100%)		\$ 61,304	\$ 61,312 X
	3	ME DMR	Portside Commercial Catch Sampling and Comparative Bycatch Sampling for Atlantic Herring, Atlantic Mackerel and Atlantic Menhaden fisheries	Biological (70%)	Bycatch (30%)	\$ 26,254	\$ 44,484 X
	4	RI DEM	Advancing Fishery Dependent Data Collection for Black Sea Bass (<i>Cetopristis striata</i>) in the Southern New England and Mid-Atlantic Region Utilizing Modern Technology and a Vessel Research Fleet Approach	Biological (50%)	Catch/Effort (25%), Bycatch (25%)	\$ 132,005	
	5	SAFMC/NCDMF	FY21: SAFIS Expansion of Customizable Fisheries Citizen Science Data Collection Application	Biological (90%)	Catch/Effort (10%)	\$ 116,182	
	6	RIDEM/GADNR USCG	Continued development of a mobile application to assist Maritime Law Enforcement Personnel with fisheries enforcement tasks	Catch/Effort (100%)		\$ 50,000	
	7	PRFC	Electronic Trip-Level Reporting for the Potomac River Fisheries Commission Commercial Fisheries Sector	Catch/Effort (100%)		\$ 209,476	
Total Maintenance					\$ 930,883		

	Partner	Title	Primary Module	Others	Cost	
New	1	MADMF/RIDMF	Integration of vessel monitoring systems and electronic reporting in SAFIS and SAFIS applications through API development and field testing of multiple hardware options: Phase 2	Catch/Effort (100%)	\$86,244	
	2	NCDMF	Implementation of Electronic Quota Monitoring Reporting in North Carolina	Catch/Effort (100%)	\$63,854	
	3	NCDMF	North Carolina fishery-dependent biological data transmissions to the Atlantic Coastal Cooperative Statistics Program Data	Biological	Bycatch	\$79,887
	4	NJDFW	FY22: DNA and Bycatch Characterization of New Jersey's American Shad Fishery in Delaware Bay	Biological (80%)	Bycatch (20%)	\$91,778
Total New					\$ 321,763	

Admin	ACCSP	ACCSP Administrative Budget	Admin		\$2,347,039
	Grand Total Proposed				

**Atlantic Coastal Cooperative Statistics Program
Coordinating Council August Webinar**

MRIP: Recreational Fishing Survey and Data Standards

<https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-survey-and-data-standards>

These standards promote data quality, consistency, and comparability across the Marine Recreational Information Program's national network of recreational fishing surveys.

NOAA Fisheries' Recreational Fishing Survey and Data Standards guide the design, improvement, and quality of the information produced by the recreational fishing surveys that are administered or funded through the agency's [Marine Recreational Information Program](#). The standards promote data quality, consistency, and comparability across these [data collection programs](#), thereby facilitating the shared use of the statistics these programs produce. They reflect best practices currently in place at the National Center for Health Statistics, U.S. Census Bureau, and other federal agencies, as well as statistical survey [standards and guidelines](#) published by the Office of Management and Budget.

While the standards were [established](#) in 2020, their implementation will be phased. This will give our partners and data customers time to familiarize themselves with the standards and with changes to the way NOAA Fisheries will present its recreational fisheries statistics. Ultimately, the standards will further ensure the integrity of our data collection efforts, the quality of our recreational fisheries statistics, and the strength of science-based management decisions.

Summary points: Seven major sections that apply to all recreational surveys that are part of historical general survey and/or are alternate state surveys with certified designs. While all are critical for quality data through implementation, the core changes to proposed data presentation changes in 2022 are described in section 7.

- 1) Survey Concepts and Justification
- 2) Survey Design
- 3) Data Quality
- 4) Transition Planning
- 5) Review Procedures
- 6) Process Improvement
- 7) Access and Information Management

MRIP has published data standard 7.2 on estimation as follows:

- 7.2.1: Cumulative Estimates: For each survey year, MRIP publishes cumulative estimates where estimates are available sub-annually, beginning with the first survey administration of the survey year.
- 7.2.2: Key Statistics:
 - 7.2.2.1: Total (estimated or censused) finfish catch (landed and released) by year, state, fishing mode, area fished, and species.

- 7.2.2.2: Total (estimated or censused) finfish trips by year, state, mode, and area.
- 7.2.3: Measures of Precision for Estimates Posted Publicly: OMB has established [Standards and Guidelines for Statistical Surveys](#) that require agencies to identify criteria for determining when errors are too large for a survey estimate to be publicly released. The U.S. Census Bureau, also within the Department of Commerce, [does not publicly release an estimate](#) when its coefficient of variation exceeds 30 percent. Given the pulse nature and high variability of many recreational fisheries, MRIP has adopted a more liberal precision standard: MRIP presents a warning when the percent standard error (PSE) for an estimate exceeds 30 percent and will not publish an estimate when the PSE exceeds 50 percent.
 - 7.2.3.1: Measures of Precision: All published estimates must include a point estimate and a measure of precision.
 - 7.2.3.2: Estimates are not published if the PSE is greater than 50 percent (i.e., if the standard error represents more than 50 percent of the estimate).
 - 7.2.3.3: Warnings are presented for estimates with PSEs between 30 and 50 percent. (Estimates with a PSE of 30 percent or greater are not considered sufficiently reliable for most purposes, and should be treated with caution.)

ACCSP Notes:

These data presentation standards are intended to focus MRIP website data queries that are regional in scope, aggregating to the annual level to reduce PSE and provide data for species most commonly encountered by the surveys. The survey data will continue to be available for download and development of domain estimates.

MRIP is developing updated data queries and comparisons to current data for users to see in mid-2021 alongside the current estimates (wave by wave for all species PSE's).

The changes, when implemented sometime in 2022, will present cumulative data for the current year (e.g. waves 1-3 combined). Prior year's data will only be presented at the annual level. Records with PSE > 50 will not be presented on the MRIP website.

MRIP staff presented the survey data standards to the ACCSP Recreational Technical Committee in June. The committee shared concerns on the workload for state and federal staff to run more detailed data estimates historically available through the MRIP website, such as wave by wave estimates. The RecTech Committee also supported a standardized approach to named agency users. ACCSP and MRIP are developing options recognizing the tradeoffs. One option is to utilize ACCSP resources to support assessment and management data use. That process requires more discussion at the technical level on implementation goals, resources required and time to complete.

NOTE: MRIP staff are presenting the data standards during the ASMFC Policy Board immediately following the ACCSP Coordinating Council.

Atlantic Coastal Cooperative Statistics Program
Coordinating Council August Webinar

Atlantic Recreational Implementation Plan

The Implementation plan was first created in 2017 to guide the MRIP strategic plan on items of greatest importance to the Atlantic regional partners. The plan is due for updating in 2022 and was briefly discussed at the spring Operations Committee and May Coordinating Council Meetings. The priorities are also used in the ACCSP's annual request for Proposals.

The prioritized list of data needs, which were reviewed and approved by the ACCSP Coordinating Council in 2017, is provided below:

- 1. Improve precision (PSE) of MRIP catch estimates**
- 2. (t) Comprehensive for-hire data collection and monitoring**
- 2. (t) Improved recreational fishery discard and release data**
- 4. Biological sampling for recreational fisheries separate from MRIP APAIS**
- 5. Improved spatial resolution and technical guidance for post-stratification of MRIP estimates**
- 6. Improved timeliness of recreational catch and harvest estimates**

Additional items suggested for inclusion in the next Atlantic Implementation plan are:

- Recreational in-season quota monitoring as follow up to the National Academy of Science report (website release July 21, 2021: <https://www.nap.edu/catalog/26185/data-and-management-strategies-for-recreational-fisheries-with-annual-catch-limits>)
- Citizen-Science angler reporting, data collection and use

The Council is asked for additional topics for inclusion in the 2022 Atlantic Implementation Plan to be provided to Geoff White and Alex DiJohnson by the end of August, 2021.

The draft document will be presented to the Coordination Council for action at a future meeting.

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

August 5, 2021
12:15 -2:45 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/Call to Order (*P. Keliher*) 12:15 p.m.
2. Board Consent (*P. Keliher*) 12:15 p.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2021
3. Public Comment 12:20 p.m.
4. Update on Marine Recreational Information Program (*R. Cody*) 12:30 p.m.
 - 2020 Catch Estimate Methodology Review
 - MRIP Survey Data Standards and Future Presentation Changes
5. Reports from the Executive Committee and State Directors Meeting (*P. Keliher*) 1:40 p.m.
6. Update on East Coast Climate Change Scenario Planning Initiative (*T. Kerns*) 1:55 p.m.
7. Update on the Mid-Atlantic Fishery Management Council's Research Steering Committee to Evaluate Restarting the Research Set-Aside Program (*R. Beal*) 2:00 p.m.
8. Committee Reports 2:10 p.m.
 - Assessment Science Committee (*S. Murray*) **Action**
 - Habitat Committee (*L. Havel*)
 - Atlantic Coastal Fish Habitat Partnership (*L. Havel*)
9. Review Noncompliance Findings (If Necessary) **Action** 2:30 p.m.
10. Other Business/Adjourn 2:45 p.m.

MEETING OVERVIEW

ISFMP Policy Board
Thursday August 5, 2021
12:15 – 2:45 p.m.
Webinar

Chair: Pat Keliher (ME) Assumed Chairmanship: 10/19	Vice Chair: Spud Woodward (GA)	Previous Board Meetings: May 6, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 6, 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Update on Marine Recreational Information Program (12:30-1:40 p.m.)

Background

- The COVID-19 pandemic disrupted the Access Point Angler Intercept Survey (APAIS), its overall impact on recreational fishing data collection was lower than first expected, and NOAA Fisheries was able to fill gaps in 2020 catch data with data collected in 2018 and 2019. These imputed data—also known as proxy, or replacement, data—match the time, place, and fishing mode combinations that would have been sampled had the APAIS continued uninterrupted. Imputed data were combined with observed data to produce catch estimates using our standard estimation methodology.
- MRIP has released Survey Data Standards and Future Presentation Changes

Presentations

- R. Cody will present updates to the MRIP program

Board action for consideration at this meeting

- none

5. Executive Committee Report (1:40-1:55 p.m.)**Background**

- State Directors will meet with NOAA Leadership in August
- The Executive Committee will meet on August 4, 2021

Presentations

- P. Keliher will provide an update of the Executive Committee's work and a report from the State Director's meeting

Board action for consideration at this meeting

- none

6. Update on East Coast Climate Change Scenario Planning Initiative (1:55-2:00 p.m.)**Background**

- In November 2020, the Northeast Region Coordinating Council (NRCC) initiated a region-wide scenario planning initiative. Through this East Coast Climate Change Scenario Planning Initiative, fishery managers and scientists are working collaboratively to explore jurisdictional and governance issues related to climate change and shifting fishery stocks.
- The specific focus of this scenario project is (i) to assess how climate change might affect stock distribution, availability and other aspects of east coast marine fisheries over the next 20 years, and (ii) to identify what this means for effective future governance and fisheries management.
- The Core Team has been planning a series of that will introduce the East Coast Fisheries Climate Change Scenario Planning Initiative.

Presentations

- T. Kerns will provide an update of the initiative

Board action for consideration at this meeting

- None

7. Update on the MAFMC's Research Steering Committee to Evaluate Restarting the RSA Program (2:00-2:10 p.m.)**Background**

- The MAFMC is hosting a series of 4 workshops (3 webinars and 1 in-person meeting) to explore the possible redevelopment of the Research Set-Aside program. The goal of these workshops is to develop recommendations regarding whether and how the RSA program should be redeveloped.
- The first workshop was held on July 15.

Presentations

- R. Beal will provide update of the initiative

Board action for consideration at this meeting

- None

8. Committee Reports (2:10-2:30 p.m.) Action**Background**

- The Assessment Science Committee met on May 13th, 2021, to discuss and approve a revised ASMFC Stock Assessment Schedule.

- | |
|--|
| <ul style="list-style-type: none">• The Habitat Committee met in the Spring of 2021• The ACFHP met in the Spring of 2021 |
| Presentations <ul style="list-style-type: none">• S. Murray will present a revised stock assessment schedule• L. Havel will present a summary of the HC Spring meeting• L. Havel will present an overview of ACFHP activities |
| Board action for consideration at this meeting <ul style="list-style-type: none">• Approval of the revised stock assessment schedule |

Presentations

- S. Murray will present a revised stock assessment schedule
- L. Havel will present a summary of the HC Spring meeting
- L. Havel will present an overview of ACFHP activities

Board action for consideration at this meeting

- Approval of the revised stock assessment schedule

9. Review Non-Compliance Findings, if Necessary Action

10. Other Business

11. Adjourn

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD**

**Webinar
May 6, 2021**

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

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

TABLE OF CONTENTS

Call to Order, Patrick C. Keliher1

Approval of Agenda1

Approval of Proceedings from February 2021.....1

Public Comment.....1

Executive Committee Report.....2

Review and Consider New York Appeal of Addendum XXXIII to the Summer Flounder, Scup, and
Black Sea Bass Fishery Management Plan4

Discussion of De Minimis within Commission Fishery Management Plans29

Discussion of East Coast Climate Change Scenario Planning Initiative32
 Review Strategy for Scenario Planning Process33

Board Discussion of Process of Approving Fishery Management Plan Reviews and Recommendations
from the Plan Development Team39

Update on the Mid-Atlantic Fishery Management Council’s Research Steering Committee to Evaluate
Restarting the Research Set-Aside Program.....40

SEAMAP Report43

Adjournment.....45

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

INDEX OF MOTIONS

1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 4, 2021 Webinar** by Consent (Page 1).
3. **Move to find that New York’s appeal of Addendum XXXIII, based upon Criterion 1, Addendum is inconsistent with the Statement of the Problem, is justified** (Page 16). Motion by Justin Davis; second by Mel Bell. Motion carried (Page 22).
4. **Main Motion**
Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York’s baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass (Page 22). Motion by Justin Davis; second by Dave Borden.
Motion to Amend
Move to amend this motion to remove the last sentence (Page 24). Motion by Adam Nowalsky; second by John Clark. Motion fails (Page 26).
Main Motion
Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York’s baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass. Motion carried (Page 27).
5. **Move that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American shad:**
 - **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
 - **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications** (Page 45). Motion by Justin Davis on behalf of the Shad and River Herring Management Board. Motion passes by consensus with one abstention from NOAA Fisheries (Page 45).
6. **Move to adjourn** by consent (Page 46).

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Warren Elliott, PA (LA)
Sen. David Miramant, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Anderson, MD (AA)
Dan McKiernan, MA (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jerry Mannen, NJ (GA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Doug Haymans, GA (AA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Tom Fote, NJ (GA)	Karen Abrams, NMFS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Pentony, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS

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

Staff

Robert Beal	Jeff Kipp
Toni Kerns	Laura Leach
Maya Drzewicki	Dustin Colson Leaning
Kristen Anstead	Savannah Lewis
Tina Berger	Kirby Rootes-Murdy
Pat Campfield	Sarah Murray
Lisa Carty	Caitlin Starks
Emilie Franke	Deke Tompkins
Chris Jacobs	Geoff White

Guests

John Almeida, NOAA	William Brantley, NC DENR	James Fletcher
Max Appelman, NOAA	Jeff Brust, NC DENR	Kathryn Frens, NOAA
Pat Augustine, Coram, NY	Erika Burgess, FL FWC	Alexa Galvan
Joe Ballenger, SC DNR	Mike Celestino, NJ DEP	Pat Geer, VMRC
Julia Beaty, MAFMC	Karson Coutre, MAFMC	Lewis Gillingham, VMRC
Carolyn Belcher, GA DNR	Jessica Daher, NJ DEP	Angela Giuliano, MD DMR
Alan Bianchi, NC DENR	Kiley Dancy, MAFMC	Amalia Harrington, U Maine
Sarah Bland	Lorena De la Garza, NC DENR	Heidi Henninger, Offshore Lobster
Deidre Boelke, NEFMC	Julie Evans	Jay Hermsen, NOAA
Ellen Bolen, VMRC	Lynn Fegley, MD DNR	Pete Himchak, Cooke Aqua
Jamie Botinovch	Cynthia Ferrio, NOAA	Carol Hoffman, NYS DEC

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The Board will review the minutes during its next meeting.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

Guests (continued)

Kyle Hoffman, SC DNR
Asm. Eric Houghtaling, NJ (LA)
Jesse Hornstein, NYS DEC
Rachel Howland, NC DENR
Channing Wistar-Jones, NY AG
Emily Keiley, NOAA
Adam Kenyon, VMRC
Kathy Knowlton, GA DNR
Rob LaFrance, Quinnipiac U
Wilson Laney
Tom Little, Ofc Asm.
Houghtaling
Mike Luisi, MD DNR
Chip Lynch, NOAA
Shanna Madsen, VMRC
John Maniscalco, NYS DEC

Casey Marker, MD DNR
Genine McClair, MD DNR
Chris McDonough, SC DNR
Nichola Meserve, MA DMF
Steve Meyers
Jose Montanez
Chris Moore, MAFMC
Brandon Muffley, MAFMC
Allison Murphy, CBF
Brian Neilan, NJ DEP
Jeff Nichols, ME DMR
Derek Orner, NOAA
Nicholas Popoff, FL FWS
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
Jason Rock, NC DENR

Mike Ruccio, NOAA
Tara Scott, NOAA
McLean Seward, NC DENR
Melissa Smith, ME DMF
Somers Smott, VMRC
Gregory Sorg, SC DNR
Michael Thompson, NC DNER
Mike Waine, ASA
Megan Ware, ME DMF
Craig Weedon, MD DNR
Meredith Whitten, NC DENR
Angel Wiley, MD DNR
Steven Witthuhn
Chris Wright, NOAA
Renee Zobel, NH F&G

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, May 6, 2021, and was called to order at 9:00 a.m. by Chair Patrick C. Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: Good morning everybody. Welcome to the ISFMP Policy Board. Today is May 6, and we're just going to jump right into it. I would remind everybody we have until noon today, but we do have a little over an hour blocked off for the New York appeal. I am going to be trying to manage the time the best I can, to ensure that we do end on time.

To help with that, I would ask everybody this morning, as you're interacting through the webinar and using the hand raising feature. Once you've been called on, I would ask you to put your hand down, and try to remember to do that. I have also been given the great status of being an organizer here with the webinar.

I am going to try to manage that the best I can, and occasionally you'll actually see your hand go down, because that will either be myself or Toni doing it as well. But I would ask Toni, if you would help keep me on task, making sure that I'm not skipping anybody, if folks are jumping in with a lot of hands coming up.

MS. TONI KERNS: Will do, Mr. Chair.

APPROVAL OF AGENDA

CHAIR KELIHER: Let's get right into the meeting here this morning. The first item on the agenda is Board consent regarding agenda and the proceedings from the February, 2021 meeting. Are there any additions to the agenda here today? Seeing no hands, I will deem the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: And then the proceedings from the February, 2021 meeting. Do we have any comments on the proceedings from February, 2021? Tom Fote.

MR. THOMAS P. FOTE: Yes, I was just looking at the final agenda that was sent, the last one. I noticed it in the Policy Board meeting it says New Jersey is appealing black sea bass. I think that's a mistake.

CHAIR KELIHER: Yes, okay. The agenda I'm looking at definitely says New York's appeal. If anybody that has an incorrect agenda and it says New Jersey, that should obviously say New York.

CHAIR KELIHER: Thanks, Tom. Back to the proceedings from February, 2021. Are there any comments on those proceedings? Seeing no hands, hearing no objections, they will be considered consent of the Board to approve those.

PUBLIC COMMENT

CHAIR KELIHER: Item Number 3 is Public Comments. Is there any member of the public that has something they would like to bring to the Policy Board that is not on the agenda?

MR. TOM LILLY: Yes, this is Tom Lilly, yes, I think I do.

CHAIR KELIHER: Okay, Tom, I'm going to give you three minutes, please, if you would. Go ahead.

MR. TOM LILLY: Okay, thank you so much. First off, I really wanted to thank all of the members of the Board for your patience and understanding. I know we've sent you a lot of material, and what can I say, thank you so much? I also wanted to throw out some thanks to Bob, Kirby, and Josh for all their helpfulness and input in this situation.

Lastly, I would like to throw out a thank you to Toni, just hearing her very cheerful voice in the morning. I'm sure after it's been a long week. Let me get into this. The topic here is whether the factory fishing in Virginia may be catching an inappropriate amount of menhaden schools that are headed to Maryland.

If you look at the chart that I sent you, good. But if not, just think about down there Norfolk way, where the Chesapeake Bay Bridge/Tunnel crosses. That is where all the menhaden come in from the ocean. Yes, so picture that if you will. When Omega fishes in that area, you know there are no flags on the schools to

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

tell whether those schools are headed to Maryland, or whether they just like it down there in Virginia. Omega really just catches all of them.

I guess it seems pretty likely that half of those schools were Maryland bound, were going to come up here to Maryland. We may have a situation, where nearly half the menhaden Omega catches in the Virginia Bay really would have ended up in Maryland to feed our fish and wildlife, except for that fishing. You know this really raises some questions of fairness and equity to Maryland. No other state than Maryland is in this vulnerable position, as you all know.

Okay, you have scientific opinions that there are not enough menhaden in the Bay right now to support rebuilding the striped, the spawning rockfish stock, not enough for the osprey babies. This is from Matt Cieri, Tom Miller and Brian Matz, three of our top scientists. Moving the factory fishing out from the Bay into the U.S. Atlantic, north of Cape Charles, Virginia, guys and ladies could really solve a number of these problems, including the one I'm talking about. You know this is the kind of solution.

CHAIR KELIHER: Thirty seconds, Mr. Lilly.

MR. LILLY: This is the kind of solution recommended by Bob Beal. I hope you will give what we've given you some thought. The important thing here is to treat Maryland with fairness and equity. Thank you.

CHAIR KELIHER: Thank you, Mr. Lilly, for those remarks. There will be, obviously, a lot of conversations around menhaden in the coming months, with a work group and additional board meetings. Thank you for the input. Any other members of the public?

EXECUTIVE COMMITTEE REPORT

CHAIR KELIHER: Seeing none, hearing none, we are going to move right along to the Executive Committee report. I'll try to be brief on this, but

if there are any questions, we'll certainly leave time to address those at the end. The Executive Committee heard a report from the Administrative Oversight Committee on both the FY22 budget, along with the recommendations for our Policy Investment Guidelines. The FY22 budget was a modest increase over the fiscal year '21. As a reminder to the Policy Board, the Commission's office is now paid off, so that is quite a savings on an annual basis. It probably goes without saying here, but we underspent in 2021 by a significant amount, because of the lack of travel cost due to the pandemic.

After the AOC reviewed, and the Executive Committee reviewed and commented, it was recommended that the fiscal year FY22 budget be approved, and it was approved unanimously. Any questions from members of the Board on the budget? Seeing no hands, I'll move right along to the recommendation for a new policy investment guideline, excuse me, a policy on the investment guidelines.

The Appraisal Oversight Committee did approve moving those forward to the Executive Committee. At the Executive Committee there were a couple comments regarding the transparency of the investments, and the reports and when they will be done. We will now, based on the changes that we will be making, we will see on an annual basis at the spring meeting, a presentation on the numbers regarding investments, both short term and long-term investments.

However, another additional question came up around transparency and the use of those funds. It has been, Laura can correct me if I'm wrong, I believe it's been 15 or 20 years since we've had to dip in and use any of our investment funds. These accounts continue to grow. But there were some ideas about potential use of those funds, and I'm not going to go into detail.

But it was determined by the Executive Committee that we would table any action on these new investment guidelines, until the Appraisal Oversight with a couple members of the LGAs reviewed them again, and then we would bring them back for subsequent conversations at a future Executive Committee meeting.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

Then we would report those back out to the Policy Board. That concludes that portion, are there any questions around the investment guidelines? Seeing no hands. Bob Beal did a quick update on the Allocation Subcommittee that has been put together. We currently have 11 members, and May 13 will be the first meeting.

The Executive Committee will be notified of those meetings, and then the meetings will also be posted on the web page, so if anybody is interested in listening in to the conversations on the Allocation Subcommittee, they will have that opportunity to do so. We also had a CARES Act update from the Agency. There was a fair amount of conversations around the CARES Act. As it stands right now, the deadline for CARES Act and distribution of funds, it looks like for direct payouts is the end of September.

There will be some flexibility for projects, about spending that money after that deadline, but we've pretty much had the same set of guidelines for distributing those, this second round, what I call CARES Act 2.0. There will be continued conversations with the Executive Committee in regards to CARES Act. We've had really good, what I would say is really good cooperation with the Agency. We don't always get the answers that we like. We would like some more flexibility on spending these dollars, but certainly that is made almost impossible in some cases, because of the language in the federal statutes. Moving right along, also we had an update from Laura Leach on the annual meeting. We are currently planning on a face-to-face meeting in New Jersey, for our annual meeting in October.

That being said, this hinges on any relaxing of the rules currently in place under their state of emergency dealing with the pandemic. Joe Cimino is communicating weekly with staff around any changes that come up, and the Executive Committee will continue to get updates from staff. Fingers crossed, that hopefully we will see some changes.

Just why I'm talking about face-to-face meetings. There will be a survey, it's currently being developed by staff, that we're going to send out to all members, with the idea of gathering input on what state's rules might be prohibiting out-of-state travel, and then kind of the feelings of face-to-face meetings going forward.

Try to get an idea, there has been a lot of different thoughts around hybrid meetings, just going back fully, back to normal, and then basically everything in between. There is a lot of work to do there, but the Executive Committee, I think will continue to have in-depth conversations. You will plan to see a survey. I don't even want to guess when it's going to go out.

But hopefully, within the next 30 days. Please make sure you give good attention to that survey, because I think the more folk's we can get to fill that out, the easier it will be to make determinations on how we'll move back to face-to-face meetings. Just a reminder, North Carolina will host in 2022, Maryland in 2023, and then I believe it's, Laura can correct me if I'm wrong, I can't even read my writing. I believe it's Delaware in 2024.

Let me just check my notes. There was some additional conversation, and you probably kind of heard some of the conversations prior to every species Board meeting, around hands and keeping track of hands, so we're not missing people who want to participate in these meetings. As you all know, especially when we get into certain situations, where there is a lot of interest and a lot of hands go up.

Sometimes it's tough to keep track of those. Staff has done a really good job keeping the Chair's organized, but staff is going to go look at some other possible tools that we can have up on the screen to keep track, so it's just not an alphabetized list of hands like we have with this type of Go-To Webinar, that it will keep track based in order of hands raised.

That is something we'll continue to get input on from staff. The last item on the Executive Committee agenda was a closed session for the Performance Review of our Executive Director. You know I consider ourselves really lucky. We are lucky to have Bob Beal

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as our Director. He has, and I am speaking on behalf of the Executive Committee here.

He has shown great leadership. You know he is extraordinarily responsive; you know very much takes a balanced approach to the demands, very objective in how he looks at issues. I would say he has done a tremendous job in the face of this pandemic, keeping everybody on task. I continue to believe we've got high morale with staff, and a lot of that is certainly reflective on the leadership of Bob Beal. The approach that we take, it's an approach that I started last year, which is a self-evaluation approach. Director Beal, frankly is harder on himself than the Executive Committee or leadership was. But at the end of the day, no issues have been raised around his performance, and it was a unanimous decision to approve the Director's appraisal review for the last calendar year. With that, that concludes my report. Do we have any questions or comments from the Policy Board? Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Well first of all, thank you for the kind words. I really appreciate it. It's a privilege to work at the Commission, and working with 45 Commissioners sounds daunting, but it's actually great. You get a lot of different perspectives, so thank you for the kind words.

Just one quick addition to your CARES Act summary. A number of the states are interested, or considering options other than direct payments to individuals and businesses, such as infrastructure changes, training, marketing, et cetera. National Marine Fisheries Service agreed to send us a list, probably not an exhaustive list.

But at least a list of examples of the types of projects that are what we're calling sort of in-bounds, or are available for the states to consider. Once we get that list, we can share it with everyone, just to know what the universe of options may be for other ways to spend the CARES Act money, other than direct payment, if

a state wants to consider that in their CARES 2.0 spend plan. Thank you, Mr. Chair.

CHAIR KELIHER: Thank you, Bob. Any other comments from the Policy Board? It looks like your hand went back up, Bob, but I think you're all set.

**REVIEW AND CONSIDER NEW YORK APPEAL OF
ADDENDUM XXXIII TO THE
SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS
FISHERY MANAGEMENT PLAN**

CHAIR KELIHER: Okay, moving right along in the agenda. Agenda Number 5 is Review and Consider New York Appeal of the Summer Flounder, Scup, Black Sea Bass Fisheries Management Plan.

The state of New York filed an appeal back on March 19. On April 5, accordance to the appeal process, both myself as Commission Chair, Spud Woodward as the Vice-Chair, and then Mel Bell, along with Commission staff, convened a conference call to review the New York appeal. Just so everybody knows, Mel Bell replaced Jim Gilmore, the Commission's past Chair would normally be on that Appeals Board, because Mr. Gilmore is obviously a signatory to the New York appeal.

On that call it was determined that the appeal could be forwarded to the ISFMP Policy Board for appeal consideration under Criterion 1. Criterion 2 and 3 were not met, and Criterion 4 was not considered, because it was not referenced in their appeal. I want to remind the Board that this is not an allocation decision here today.

This is a policy decision, and it's a policy decision to determine if the appeal is justified, and then if it is justified, what the remedy will be. The remedy, if we get that far. When we talk about a remedy, it will be remanding something back to the species board for consideration of a change in what that allocation will be. I want to continue to make sure it's clear that we will not get into allocation conversations here today. This is strictly a policy conversation, in regards to justification of the appeal and remanding, and again, if justified remanding something back to the species board. Toni will be giving an overview of the appeal, and then New York will be given an opportunity to

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

present their appeal, and they have put together a power point, we'll present 10 or 15 slides. After some questions and answers on their appeal, I'm going to be looking for two separate motions.

Again, first I want the motion to make clear whether the appeal is justified or it is not justified. As I said earlier, if it is justified, then a second motion will be needed in regards to remedy. I'm going to turn it over now to Toni Kerns, and give Toni an opportunity to give us that background that I referenced earlier. Toni, the floor is yours.

MS. KERNS: Thank you, Mr. Chairman. As the Chairman said, New York appealed Addendum XXXIII, which is the Addendum that addresses the commercial black sea bass state-by-state shares or quota. The decision that the Policy Board is considering is under Criterion 1. The decision by the management board wasn't consistent with the statement of the problem of the Addendum.

In my presentation today, I'm going to give a quick overview of the appeal process, since it's been a while since we've gone through an appeal, and the process was revised slightly in 2019. I'll give background on the development and approval of Addendum XXXIII, provide the Board's justification for the approval of Addendum XXXIII, and then provide any potential impacts to states under the actions requested in the appeal.

These are all things that are outlined in the appeals process, that is the job of the ISFMP Director. As a reminder, for the appeals process there are four different criteria from which a state can appeal an addendum or an amendment. Today we are going under the decision that is not consistent or contrary to the FMPs goals or objectives, or the statement of the problem of an addendum.

As Pat said, today's decision by the Policy Board is looking at, was the Summer Flounder, Scup,

and Black Sea Bass Board actions justified, so specifically to this appeal, did the Board address the expansion of the black sea bass stock in Long Island Sound for New York waters, in the changing allocation as it was approved. If the Policy Board agrees that the Board's actions were justified, then we'll need no further action today.

If not, then the Policy Board will have to afford corrective action to the Summer Flounder, Scup, and Black Sea Bass Board. The Policy Board should state the specific finding that the Board's action was not justified, and then the Policy Board should provide specific guidance back to the Summer Flounder, Scup, and Black Sea Bass Board for the corrective action that should be taken.

Some information on Addendum XXXIII, in which the document is being appealed. This is a document that was considered by both the Summer Flounder, Scup, and Black Sea Bass Board, as well as the Mid-Atlantic Council, because this management plan is jointly managed by the two bodies. The two defined goals in the management bodies in addressing this management action were first to consider adjusting the commercial black sea bass allocations, using current distribution and abundance of black sea bass is one of several adjustment factors to achieve a more balanced access to the resource. Second was to consider whether the state allocation should continue to be managed under the Commission's FMP, or whether they should be managed by both the Commission and the Council. Prior to the approval of this management action, the commercial quota shares were managed only under the Commission's FMP.

There were three statements of the problems that were addressed in the Addendum. The state-by-state allocations of the commercial black sea bass quota were originally implemented in 2003, as a part of Amendment 13. They were loosely based on historical landings from 1980 to 2001. The state shares in Amendment 3 when looked at by regions were allocated to 67 percent of the coastwide quota to the states of New Jersey through North Carolina, and that is north of Cape Hatteras for North Carolina.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

Then 33 percent among the states of New York through Maine. They had been unchanged since they were implemented in 2003. Over the last decade, the distribution of the black sea bass stock has changed in abundance, and biomass has increased significantly. There have been corresponding changes in fishing effort and fishing behavior.

According to the most recent black sea bass stock assessment, which modeled fish north and south of Hudson Canyon separately. The majority of the stock occurred in the southern region prior to the mid-2000s, and then since then the biomass in the northern region has grown considerably.

Although the amount of biomass in the southern region has not declined in recent years, the northern region currently accounts for the majority of the spawning stock biomass, as you can see in this figure. The shift in black sea bass biomass distribution has also been supported by other peer review scientific information.

The last portion of the statement of the problem addressed the expansion of the black sea bass stock into areas with historically minimal fishing effort, had created significant disparities between state allocations and current abundance in resource availability. The most noteworthy case was Connecticut, in which it experienced significant increases in their black sea bass abundance and fish availability within Long Island Sound, but was only allocated 1 percent of the coastwide quota.

Addendum XXXIII looked at many different ways to allocate the stock. This list here just represents all the different management options that were presented to the public, and for the Board and Council to consider. What was approved is listed here. Under the approved changes, Connecticut's baseline allocation was increased from 1 percent to 3 percent of the coastwide quota.

Once we had a new baseline quota for all of the states based on that, and most of the states' baseline quotas were changed ever so slightly, to account for that 2 percent increase to Connecticut. Then the quota was allocated 75 percent according to these baseline allocations, and 25 percent according to the regional distribution from the most recent stock assessment. The three regions are Maine to New York, New Jersey and Delaware through North Carolina. The regional allocations are distributed amongst the states within a region in proportion to their baseline allocation, except for Maine and New Hampshire, which just received 1 percent of the northern region quota together. Because the allocations are based in part on the regional biomass distribution from the stock assessment, they'll be adjusted if new assessments indicate a change in the biomass distribution.

Lastly, the quota allocation program will be evaluated within five years' time. For those that have not been involved in this process, it's probably hard to picture exactly what happened. This table here shows what each state's original historical allocation, so where we were up until we made this change through Addendum XXXIII.

The column on the far right is the change to the baseline allocation, which 75 percent of the quota is distributed via. That middle column shows you the difference in the baseline from the historical allocation. This new baseline is not the state's final allocation. I will show you some of those tables in a minute.

This table here shows you the change, and all of the state's final allocation. The change is based on the final allocation that were provided as an example in the Addendum for what the quotas would be in the upcoming year, if no changes in the stock assessment information came forward. As I said earlier, 25 percent of the quota is distributed based on biomass distribution of the stock assessment.

What you would call final allocation has the potential to change every time a new stock assessment comes out, so I don't really call it a final non-changing allocation, if that makes sense. The Board's justification for making these changes, in particular in

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

considering not having an increase in New York's baseline allocation, which was under consideration during the Board meeting.

There were votes that considered increasing New York's baseline to 9 percent, but the rationale that the Board provided was that they were increasing Connecticut's baseline allocation from 1 percent to 3 percent, because none of the management options as presented to the Board, were going to make a significant difference to Connecticut quota, without upping the baseline.

They wanted to make sure that Connecticut would have some additional access to these fish that would address the abundance that they were seeing in Long Island Sound. In the discussions around New York, and why New York's baseline was not increased. It wasn't that the Board didn't think that New York shouldn't get to 9 percent in the end.

It just felt as though their baseline didn't need to be increased at that time, because they had had a fishery prior to, and that the baseline that they currently have would be significant enough to be increased, if the abundance was there. Meaning that in the 25 percent of the quota that is being distributed, based on the abundance of the stock assessment, would account for any increases that New York was seeing in their waters.

It's hard to say exactly what the Board would be considering for changes, in terms of what would be the impacts to states. But I just provided an example of what it would look like, if New York's baseline was bumped by 2 percent, so it would be at 9 percent, versus what was approved by the Board. You can see here in the first two columns under the scenario where Connecticut is at 3 percent, and New York is at 9 percent for their baseline, what each state's base allocation goes to, and then the next column is what the final example quota allocations would be. Then you can compare that to the next two columns, which is what

was approved in the Addendum, so where we are right now for allocations, and see the relative difference between those two for each of the states. Mr. Chairman, that is all the information I have. I can take questions, or you can go directly to New York.

CHAIR KELIHER: Toni, thanks for that presentation. Why don't we take a few questions on Toni's presentation, before we ask New York to present? Any members of the Policy Board have any questions for Toni? Seeing no hands then, we will go right to the presentation from New York, and I know we have a small PowerPoint presentation. Jim Gilmore, are you taking the lead on that?

MR. JAMES J. GILMORE: Thanks, Mr. Chairman. Actually, if it pleases the Board, what we'll do is John Maniscalco will do the PowerPoint presentation, which should take about 8 to 10 minutes, and then each one of the New York Commissioners, myself, Emerson Hasbrouck and John McMurray will just do a one-minute summary, and then we'll give it back to you for questions and consideration of motions, if that is acceptable, Mr. Chairman.

CHAIR KELIHER: Yes, that's fine, Jim. Let's turn it right over to John for the presentation then.

MT. JOHN MANISCALCO: Good morning all! My name is John Maniscalco from New York, and thank you for the opportunity, and for your consideration. Toni Kerns gave a pretty thorough background, so I'm going to jump right into New York's appeal. New York appealed Addendum XXXIII in a March letter to the Commission leadership.

Commission leadership granted this appeal under Criteria 1, decision not consistent with the statement of the problem. The leadership April 21 letter to New York, states that New York correctly notes the Addendum only discusses this increase as it relates to Connecticut, in the statement of the problem, though New York is similarly affected by the increase, as Long Island Sound is a shared waterbody of the two states.

Addendum XXXIII was prompted in part by a significant change in stock distribution and abundance. The Addendum statement of the problem

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

says, in some cases expansion of the black sea bass stock into areas with historically minimal fishing effort, has created significant disparities between state allocations and current abundance and resource availability.

While the example given was Connecticut in Long Island Sound, Long Island Sound is a shared waterbody, and New York has been similarly impacted. Is there a map? Can anyone see a map, or is it still the Addendum and statement of the problem slide?

MS. KERNS: I think it's stuck, John.

CHAIR KELIHER: There we go.

MR. MANISCALCO: Okay, please go back. Thank you. This is just a quick review of the geography. Long Island Sound is a large inland water body, bordered by Connecticut to its north and Long Island New York to its south. Black sea bass commercial allocations were established as part of the Amendment 13 process, and first implemented in 2003.

Amendment materials included essential fish habitat information on black sea bass. At that time, adults were considered rare in Long Island Sound, and Long Island Sound was not designated as essential fish habitat for adult black sea bass. Interestingly, estuaries both north and south of Long Island Sound were designated as EFH, including Buzzard's Bay and Narraganset Bay to the north, and Delaware Bay and Chesapeake Bay to the south.

Allocation established as part of the Amendment 13 process, were based upon landings from 1980 to 2001. The Long Island Sound Trawl Survey Index shows that abundance and biomass in Long Island Sound during these years was very low. While the survey is conducted by Connecticut, it thoroughly samples the state waters of both Connecticut and New York.

During the baseline years used by Amendment 13 to established commercial allocations, Connecticut was landing an annual total average of about 15,000 pounds. A 1999 snapshot from Amendment 13 materials show that of Connecticut's 14,000-pound landings in that year, only 14 percent came from state waters.

In contrast, 44 percent of Connecticut's fluke and 90 percent of its scup came from Long Island Sound. During this time the majority of New York's landings were also coming from federal waters, about just over 60 percent in 1999. But New York did have ocean fisheries in state waters off of southern and eastern Long Island.

As has been documented by science, stock distribution has changed and expanded into Long Island Sound. The Trawl Survey Index shows a dramatic increase in abundance and biomass in the Sound after 2010 or so. The map to the left shows stations in both states' waters, and highlights the tows conducted specifically in May, 2018 as an example.

The NOAA Lab in Milford, Connecticut found a dramatic increase in black sea bass trap CPUE out of Rocky Reef and Long Island Sound. Independently corroborating the trend shown by the Trawl Survey. The expansion of the stock into Long Island Sound, has resulted in a large increase in Connecticut's commercial black sea bass landings from Long Island Sound specifically after 2010.

The same increasing trend can be seen in New York's black sea bass landings also from Long Island Sound. This figure shows how the proportion of each state's total commercial black sea bass harvest from Long Island sound has increased since the stock expanded into Long Island Sound. Both states harvested a small proportion of their annual total earlier in the time series, and after the stock's expansion.

Long Island Sound now accounts consistently for 50 percent or more of both state's commercial black sea bass harvest. We've shown that adult black sea bass were not present in Long Island Sound in significant numbers when Amendment 13 allocations were established. Connecticut fishermen fished in Long

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

Island Sound, but didn't land significant numbers of black sea bass from there. New York fishermen experienced the same type of catch from the Sound as Connecticut fishermen did. The majority of 1980 to 2001 landings that established baseline allocations for New York and Connecticut, did not come from Long Island Sound, but from ocean and federal waters.

New York had a larger ocean fishery than Connecticut, hence New York's 7 percent historical allocation. As we've covered in the late 2000s, black sea bass expanded into Long Island Sound. Black sea bass now represent an abundant resource in the shared waters of New York and Connecticut.

This new state waters fishery is causing management difficulties for both states. In New York the quota demand is strained between the traditional ocean fishery that established New York's 7 percent historical allocation, and this New Long Island Sound fishery, resulting in low trip limit and frequent unplanned closures.

Addendum XXXIII addresses this new fishery only for the state of Connecticut. The lack of adjustment made to New York's baseline allocation under Addendum XXXIII, means that the subsequent distribution of regional biomass takes into account only the catch from its historical ocean fishery, and fails to address the new and robust fishery that now exists for New York in Long Island Sound.

Long Island Sound is a large water body shared by Connecticut and New York. It's 1,300 square miles dwarf most other inland water bodies, including the others found in New York. The Addendum explicitly grants additional access to one state that shares these waters, while denying the other adjacent state.

This is the equivalent of granting access to Maryland in the Chesapeake Bay, or New Jersey in Delaware Bay, while denying requests from Virginia or Delaware. The Addendum's allocation, according to regional biomass, is a

step towards addressing the change in the stock distribution that has been documented by science.

However, by adjusting only the baseline of Connecticut, Addendum XXXIII failed to address impacts to New York, as a result of the stock expansion into an area with historically minimal fishing effort. New York asks that the Policy Board find that Addendum XXXIII as currently written is not consistent with the Addendum's statement of the problem, and remands Section 3.11 based on quota allocations back to the species board for corrective action.

Corrective action taken by the species board should address the identified inconsistency with the Addendum statement of the problem for New York, in a manner comparable with the way which has been addressed by Connecticut. Corrective action taken by the species board should not reduce the Connecticut, based on allocation below 3 percent.

New York requests that the species board reconsider the original proposal made by the Commissioner from Massachusetts, to address the expansion of the stock. That proposal included a 2 percent to the baseline allocations of both states. This results in a 200 percent increase in baseline for Connecticut, and a 29 percent increase for New York. The table shows the changes that result to baseline allocations, if New York's baseline were increased by 2 percent. This table shows example state allocations, once regional biomass distribution is implemented, assuming current assessment information. I thank you all for your attention. Maya, thank you for your assistance, and now New York's Commissioners would like to briefly address the Policy Board.

CHAIR KELIHER: Thank you, John, for that presentation. Jim, I'll turn it over to you to start. If you guys could try to keep your comments to a couple minutes, and then we'll open it up for Q & A.

MR. GILMORE: If Toni could tee up her last slide in her presentation, I think it would be helpful for the discussion. If you get that going while I just sum up. First off, and just to put this more in layman's terms, back to the Addendum. John did a great job on the

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

technical aspects of it, but it really boils down to the primary objective of the Addendum was to identify increases in abundance of black sea bass, and it just allocated for those impacted areas.

Long Island is clearly identified through the extensive data as one of those areas. Long Island Sound is a state border water, solely bounded by Connecticut and New York. The Board recognized this, but the result of the February meeting was to only provide relief to Connecticut. Once you, and essentially give their base allocation an increase of 2 percent. Without that New York only received about a 1.5 percent increase overall, when you factor in the biomass increase across the coast.

It's significantly low, and unable for us to manage the fishery because of the expansion and the explosion of that population in Long Island Sound. Providing a baseline increase to New York results, we believe, is a minimal impact to the other states, based upon adding New York in. Some cases it's only a couple of a 10 percent of either an increase or a decrease in some of the states, so not a significant change, in terms of the other states.

We believe this is a small step that will have minimal impact to the other states, but an important step in the Commission moving forward with our overall allocation issue. We have the Subcommittee moving forward, and I think this would be, again a small step that will help us moving forward, and keeping the issue of allocation and changes to that into the future, with the body, with ASMFC, and maybe not in other places.

New York is requesting that this be remanded back to the species board, but first that the appeal is supported, and then secondly remand it back to the species board, because at this point, we're just making a policy decision, and we will discuss remedies at the species board. Again, I'll turn it over to Emerson and John

McMurray now for some brief comments, and then back to you, Mr. Chairman. Thank you.

CHAIR KELIHER: Thank you, Jim. Emerson.

MR. EMERSON C. HASBROUCK: Yes, thank you, Mr. Chairman. Maya, could you go back to the New York PowerPoint, please? Okay, I think we've got these queued up. Okay, I think you're working off of an earlier presentation. Okay, so go back to Slide 6, please?

MS. KERNS: I'm sorry you guys, I didn't see John's e-mail from early this morning, so I didn't send that to Maya. It's not Maya's fault, it's mine.

MR. HASBROUCK: That's okay, no problem. I just wanted to review the geography here again. Long Island Sound is a shared waterbody bounded by Connecticut and New York. The dividing line in the Sound between the two states, is horizontally down the middle there from left to right. Each state has about the same amount of Long Island Sound within their state waters.

The Sound is a shared resource between both states. Again, I just want to reinforce the geography here. This shows the black sea bass harvested from Long Island Sound as a percent of total black sea bass landings for each state. New York is in blue, Connecticut in red. During the early part of the time series, and going back to the baseline period, less than 10 percent of New York black sea bass landings came from Long Island Sound.

During the baseline period, on which the state-by-state allocations were calculated, the New York and Connecticut black sea bass fisheries occurred primarily outside of Long Island Sound. During the baseline period, landings for both New York and Connecticut were minimal in Long Island Sound. That's because there were hardly any black sea bass in Long Island Sound.

Black sea bass were pretty rare in Long Island Sound all the way through about 2012, when the biomass started to increase in the northern area. Right around that time period, fishermen began to see an increase

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

in abundance, in availability, and increased their catch in Long Island Sound. By 2014, there was an increased directed fishery in Long Island Sound.

By 2018, because of the significant increase in black sea bass biomass in Long Island Sound, the proportion of each state's black sea bass landings from Long Island Sound have increased considerably. Now, both in New York and Connecticut, over 50 percent of each state's black sea bass landings come from Long Island Sound. This is due to the significant increase in black sea bass biomass in the northern region.

We developed Addendum XXXIII to address this issue of the increase in biomass in the northern region. The problem statement of Addendum XXXIII addresses this issue, and specifically highlights the fact that the expansion of the black sea bass stock into areas with historically minimal fishing effort, has created significant disparities between state allocations and current abundance in resource availability.

This is particularly so in Long Island Sound. The increase that New York received due to the regional reallocation, is based on the fishery that existed during the baseline period, and accounts for increased biomass in the ocean fishery. It does not address the significant increase in biomass in Long Island Sound, an area with historically minimal fishing effort. The Board addressed this issue for Connecticut, by increasing its baseline allocation to 2 percent. No such consideration was afforded to New York for the significant biomass in a related fishery in Long Island Sound. The failure to address the increase abundance in Long Island Sound for New York, resulted in the fact that Section 3.1 of Addendum XXXIII is not consistent with the Addendum XXXIII Statement of the Problem. Because it's inconsistent, we are here today on this appeal. The vote here today is not an allocation vote. It is a policy vote this morning on the consistency of Addendum XXXIII, with the Commission policies. I urge you to vote on that basis. Thank you.

CHAIR KELIHER: Thank you, Emerson. I'm going to turn it right over to John McMurray. Joe, I do see your hand up, but I'm going to take questions after the presentation. Go ahead, John.

MR. JOHN McMURRAY: Toni, can we go to Slide 8, please? Here is the short version. This is 100 percent of climate change management issue, one that shows outside parties, particularly those in Congress, how effective we are at dealing with such clear spatial changes in species distribution.

As you can see by the Trawl Survey chart, black sea bass were pretty rare in Long Island Sound, all the way up until about 2012. Right around there, Long Island Sound fishermen began to see an increase in abundance and availability. By 2014, there was a real directed fishery in the Sound, and by 2018 well, it's been described as an explosion.

Now, quota demand in New York has become severely strained between the historical ocean fishery, which largely made-up New York's baseline, and a new Long Island Sound fishery. The result of course has been low trip limits and unplanned closures. What Addendum XXXIII did, was increase Connecticut's baseline allocation to 3 percent because of that new fishery created by the explosion of black sea bass.

Clearly, Long Island Sound is a shared waterway between New York and Connecticut, but New York received no such allocation. The stated intent of Addendum XXXIII is to address changes in distribution of the stock, specifically for Long Island Sound. Clearly, that didn't happen, if it addressed it for one state, but intentionally left out the other.

Now, I know some of you see this from a coastal perspective, and yes, we got a little bit more quota. But you need to look at it from a spatial one. This is not the ocean, this is Long Island Sound, and New York can't just shift effort to Long Island Sound and everything will be fine. We need relief for Long Island Sound fishermen.

Those guys lost the lobster because of climate change, they should be able to take advantage of some of the influx of black sea bass. That is only fair. To be crystal

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

clear, the problem here is that Addendum XXXVIII explicitly grants access to a newly abundant resource in shared state waters to one adjacent state, while essentially ignoring the other state.

As John correctly pointed out in his presentation, this is the equivalent of granting access to a public resource to Maryland in the Chesapeake, and to hell with Virginia, or Delaware Bay granting access to New Jersey, and to hell with Delaware. It seems to me that just about anyone looking at this objectively, can understand how problematic this is. Now, I understand some states on the Policy Board might want to stay out of this, because it's not their state that is being affected. I understand that they may perceive this solely as an allocation dispute between states, but it's not. It's a climate change management issue, and if we can't deal with this sort of thing, which is relatively simple, will likely have minimal impact. Well, we failed, and will likely continue to fail at truly addressing climate change as it relates to stock redistribution.

To be clear again, this is not a species board, where abstaining is appropriate, because it is not a species important to that state. The Policy Board exists to make tough, but just decisions like this. That is why we're here, to help decide these sorts of issues. I would encourage those states to look at this issue objectively, and vote on a motion that I'm guessing we'll see up here shortly, thank you.

CHAIR KELIHER: Thank you, John, and thank you to the state of New York for your presentation. What I would like to do now, is just take questions for the state of New York's presentation, or we can go back to questions for Toni as well. Does anybody have any questions at this time? Roy Miller.

MR. ROY W. MILLER: Jim, or John or John, could you educate me as to the types of fisheries in the New York side of Long Island Sound? Is there a trawl fishery in that portion of the Long

Island Sound, or are the existing fisheries primarily pot fisheries? How would you characterize the fisheries? The reason I'm asking that question, is to see what bycatch losses might be, if there were no relief granted, in terms of black sea bass landings.

MR. GILMORE: Go ahead, John.

MR. MANISCALCO: Yes, thanks for the question. There are trawl fisheries in Long Island Sound, particularly in the eastern portion of it, in addition to, you know pots and hook and line.

CHAIR KELIHER: Thanks, John, Roy Miller, follow up?

MR. MILLER: Yes, please. Is there much of a lobster pot fishery, or has that totally collapsed? What I'm getting at, are black sea bass being captured in lobster pots?

MR. MANISCALCO: I'm going to assume I'm going to answer that. Roy, there are relatively few active Long Island Sound lobster fishermen left. Certainly, there are some, but much, much smaller than in the 1990s.

CHAIR KELIHER: Thank you, Roy, David Borden.

MR. DAVID V. BORDEN: This is a process question. If the appeal is granted, then it goes back to the species board, and does the species board deal with this issue alone, or would they then schedule a joint meeting? What I'm struggling with is, whether or not the Commission has to deal with it first, and then if and when they address this, they then schedule a joint meeting with the Mid. Could somebody elaborate on that point, please?

CHAIR KELIHER: Thanks for the question, David. I'm going to ask Toni to give her perspective, but I think as I'm looking at it, prior to the conversation around a remedy. The issue should be around justification, and then I think we may need to have a conversation around how the interface will look. But Toni, do you have any thoughts on that?

MS. KERNS: I'll give you what I believe is the correct answer, and have Bob fact check me. If the Board agrees, and remands this back to the Summer

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

Flounder, Scup, and Black Sea Bass Board, we would inform the Mid-Atlantic Council of what has happened, and when we plan to meet as Summer Flounder, Scup, and Black Sea Bass Board. I believe that would be the August meeting, and see if they want to be a part of that discussion. But Bob, is that correct?

EXECUTIVE DIRECTOR BEAL: Yes, thanks. Yes, Toni, I think that is correct. The big question is, ultimately this is a species management board issue if the Policy Board remands it back. Under this process, if the Policy Board remands something back to the species board, the species board is obligated to take action to make a change.

It can't go back to the species board and the species board says no, actually what we did was, we like what we did and we're going to stay status quo. The species board is obligated to make a change. It gets a little bit difficult or tricky, because obviously the Policy Board can't obligate the Mid-Atlantic Council to make a change.

The decision point will have to be, how do we want to structure a joint meeting, if we go that route, and voting and other things. I think an argument can be made that a joint vote with the Mid-Atlantic Council and ASMFC on this appeal, probably isn't the appropriate first step. I think this is a species board issue that they have to sort out.

Having the Mid-Atlantic council involved makes some sense, since it's jointly managed. But I'm not sure our strict joint voting process may make sense, should something go back to the species board. I don't want to presuppose the outcome here.

CHAIR KELIHER: David, do you need any more?

MR. BORDEN: Yes, just a quick point. Bob Beal just made one of the points that I wanted to get to, is that I think it is incumbent upon the process when this goes back to the species

board. The species board should vote on it up or down, and address the issue, without the joint voting implications being brought into this.

That interjects a dynamic into the Board action that I don't think is warranted. The Board needs to take a position on this, and then once we get a position, we can work with our partners in the Mid-Atlantic Council. But we need to have our own position on this going into that joint session. Thank you.

CHAIR KELIHER: Thanks for those thoughts, David. Mike Luisi, I see your hand is up, and I'm going to allow you to comment as the Mid-Atlantic Chair, if you could keep them brief, because I think we probably need to come back to this conversation at some point, after we've made a determination around both justification and remedy. But go ahead, Mike.

MR. MICHAEL LUISI: Thanks, Mr. Chairman. I can hold off on my comments, you know, and I am not on the Policy Board, but as the Chair of the Mid-Atlantic Council, I'm happy to answer questions. The Mid-Atlantic Council does not have any intention in revisiting this decision.

If the Board determines that this decision needs to be reconsidered, and the Board decides to make a change, we will then have both federal and state waters allocations different, which is something that we've talked about many times. I'm happy to talk more about it. I will respect your request, Mr. Chairman, to keep those points brief.

But I am here, and I've been in conversation with leadership of the Council on this issue. Please, just call me if you need some answers, or need some questions based on the joint management plan that we have with the Board, as far as Council and Board participation in this, so thank you.

CHAIR KELIHER: Thanks, Mike. It's a little disheartening to hear that the Mid would not consider readdressing this issue, so if that is the case, then I think that the Commission needs to move on with the idea that we will make a determination without the Mid, if that is the case. But again, I think we need to

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

revisit this issue after the final votes are taken. John Clark, questions to New York or to Toni?

MR. JOHN CLARK: Yes, I think this question is being directed to New York. New York did get an increase from 7 to 8.57 percent of the quota. As we all know, based on the latest assessment, the commercial quota for black sea bass coastwide went up 59 percent. Long Island Sound, yes, it's part of New York, so all the fishermen, ocean and Long Island Sound are permitted in New York.

What action has New York taken to reallocate some of the allocation you have now to the Long Island Sound? What is preventing you from doing that? I mean this seems like an issue that with the big increases that you've gotten, both from the 59 percent increase a couple years ago, and from the 1.5 percent increase in the overall stock, that should give you some relief as is. Thanks.

MR. GILMORE: I'll take that, Mr. Chairman. If Toni could put up that last slide, or whatever. John, the original allocation that New York had back in 2003, gave New York only 7 percent of the coastwide allocation. I've noted this before, our adjacent states each have, I think New Jersey has a 20 percent allocation, Rhode Island and Massachusetts are in the teens, somewhere around 14 to 15 percent.

We've been struggling for the last few years in the ocean fishery, because that 7 percent really was not adequate for the resource that we actually had. With the 2 percent increase, if we had gotten that. We would have been about at 11 percent, and we believe that is more of a manageable allocation, in terms of our fishery.

If you still note, New Jersey, Rhode Island and Massachusetts still are significantly higher, and they go up in terms of their percentages. Essentially saying that we're going to transfer some of that 7 percent into a new fishery in Long Island Sound, does not give us adequate quota to manage that fishery. As John had

indicated in the presentation, I've been signing closures on a monthly basis now, because we just don't have significant quota, based upon our historical allocation, with the increase that occurred in Long Island Sound. That switch will not resolve the issue that we have.

MR. CLARK: Can I follow up, Mr. Chair?

CHAIR KELIHER: Yes, go ahead, John.

MR. CLARK: Jim, I mean we know really the main problem is, is that the stock as has been pointed out time and time again by the states in the southern region. There is plenty of black sea bass down here too, and if you look at those statistical areas in the landings, you see that Delaware, the area right off of Delaware Bay is consistently one of the top areas for landings.

You know once again; the problem is the quota overall for the whole coast is obviously just too low. I think that you know no state came out of this happy, and I don't know, you know based on some of the things that have been said here, whether this will really solve the problem.

CHAIR KELIHER: Thank you, John. I've got Chris Batsavage and then Emerson Hasbrouck.

MR. CHRIS BATSAVAGE: This question is for the New York Commissioners. The presentation showed the percent of black sea bass landings from Long Island Sound for both Connecticut and New York, and that answered a question that I had going into this. I don't recall hearing or seeing that information before.

Reading through the draft minutes in the February meeting, I didn't see anything like that in there, to just kind of give the relative importance percentage of landings of black sea bass from Long Island for New York, or Long Island Sound for New York. I'm just wondering, why wasn't that point raised during the February meeting?

MR. GILMORE: Chris, I believe the information was in the overall supporting document, but the specific breakout for Long Island Sound wasn't included, and

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

at the time it was our understanding, the discussion if you looked at one of the options that Toni had put up before. Toni, if you could put your slide presentation back up that would be helpful.

Essentially, there was a recommendation that if some of the options such as DARA or triggers didn't work, that there was an option that was New York and Connecticut would both have a 2 percent increase in their base allocation. We had thought, you know talking with some of the other states and Massachusetts, well that was going to be a motion that would be supported. It was a bit of a surprise that it was removed during the meeting, and if we had known it, we probably would have done more emphasis on the fishery specific to Long Island Sound.

CHAIR KELIHER: Emerson.

MR. HASBROUCK: I just wanted to respond to John Clark's question. What John seems to be getting at is the allocation issue here. My suggestion is that his concerns and questions might more appropriately be debated if this gets remanded back to the Board. I just want to bring us back here at the Policy Board to the fact that we're not asking the Policy Board here to act on reallocation. What we're asking here is for the Policy Board to decide on whether or not there was a failure to address the increase in abundance in Long Island Sound for New York, that resulted from the fact that Section 3.1 of Addendum XXXIII is not consistent with the Addendum XXXIII Statement of the Problem, not to argue allocation here.

CHAIR KELIHER: Thanks, Emerson, that is a good reminder that again, we're not trying to get into an allocation conversation here. This is a policy conversation around the justification of the appeal. It is easy to kind of stray into those conversations obviously, so I just would remind everybody to be mindful of that. I've got Dan McKiernan, go ahead, Dan.

MR. DANIEL McKIERNAN: Regarding Mike Luisi's comment on the lack of interest by the Mid-Atlantic Council to alter the allocation scheme on the federal side. Am I correct that the Regional Administrator has yet to approve the federal allocations, and one option or one outcome could be the Regional Administrator could defer to the ASMFC approved quotas, as is the case now?

CHAIR KELIHER: I believe that is correct, but I'm going to let the Regional Administrator answer that. Mike.

MR. MICHAEL PENTONY: Thanks, Mr. Chairman, yes thanks for the question. It is correct. We have received the initial draft of the Council's allocation amendment only. We have not started the Secretarial review process of that amendment. We've made no determination on approving or disapproving any aspect of that Amendment. I will say that if we do not have the option, and maybe this wasn't the intent of the question.

We do not have the option to adopt the Commission's allocations into the federal FMP. But we may have grounds to disapprove bringing the state-by-state allocations into the federal FMP, particularly if the Council's proposed allocations in the Amendment are different from any resulting allocations that the Commission approves. I think that would make it very challenging for us to approve the Council's FMP, if by doing so we would be creating disparities in the allocations at the state-by-state level.

CHAIR KELIHER: Thanks, Mike. Dan, does that answer your question in full?

MR. McKIERNAN: It certainly does, thank you.

CHAIR KELIHER: I do see a member of the public whose hand is up. I am not going to take questions from the members of the public, this is a Policy Board discussion. When we get to motions, I may take a few public comments around motions. But at this time, I'm going to keep all of the questions focused here at the table. With that, I'm going to recognize now Dr. Davis.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

DR. JUSTIN DAVIS: I'm prepared to make a motion, in the interest of moving this along, if that is appropriate at this time.

CHAIR KELIHER: Hold that just for a second, Justin. Are there any other questions for New York at this time? Seeing no questions, go ahead with that motion, Justin.

DR. DAVIS: I think staff has the motion, so I would ask if they could put it up on the screen. Thank you, so, I move to find that New York's appeal of Addendum XXXIII, based upon Criterion 1, Addendum, inconsistent with the Statement of the Problem, is justified.

CHAIR KELIHER: Thank you. We have a motion on the board, do we have a second? Mel Bell, are you seconding?

MR. MEL BELL: Yes, Sir.

CHAIR KELIHER: A second by Mel Bell. Justin and Mel, would you like to give any additional supporting information?

DR. DAVIS: Sure, thank you, Mr. Chairman. I think I'll start out by just acknowledging all the hard work and tough decisions that went into Addendum XXXIII. I particularly want to acknowledge all the great work that was done by Commission and Mid-Atlantic Council staff throughout that long process.

From my standpoint, I thought there was a lot of good that came out of Addendum XXXIII. You know allocation is a really tough issue. I mean that is becoming, we can't go through a meeting now without someone saying that, like maybe we need to get tee shirts printed up with that slogan on it.

But for sure, it's one of the biggest challenges we have to deal with on the Commission these days. I think from my standpoint, what is really important is that we engage with the problem often, and that every time we do, we try to move the ball forward. From that standpoint, I

thought Addendum XXXIII was a success, in that I thought particularly the approach we adopted towards regional allocation was really a good step forward, it was much more equitable.

It directly incorporated science, which I thought was really important. Something out of that process that I also was really heartened by, was that people around the table took tough votes on Addendum XXXIII. They took votes that were against the direct interest of their states, for the sake of the greater good.

I thought that was also really important. I don't want to adopt a tone that I thought Addendum XXXIII did not make substantial progress on the greater issue of allocation for the Commission, but I think now that the dust has settled, and we've made the decision and moved away from it. I do think it is apparent that we maybe didn't quite get it all the way right, and I think we can be forgiven for that.

That was a long meeting back in February, with a lot of twists and turns. It was made all the more difficult, because we were doing it in the virtual environment. I think we're finding that is a tough environment to deal with difficult issues like this. I think New York has made a compelling case, that the outcome of Addendum XXXIII did not provide them adequate relief for the substantial increase of black sea bass in the shared waters of Long Island Sound. Certainly, Connecticut was grateful and pleased that the outcome of Addendum XXXIII recognized Connecticut's singular problem with, essentially our lack of allocation that prevented us from having a directed fishery, to take advantage of the noticeable increase of black sea bass in our waters.

But I think New York, again has made a great case here, that they have also experienced the same increase in black sea bass in the shared waters of Long Island Sound, and the dynamic they have with an established ocean fishery that was operating under existing allocation, has created problems where the relief they had been provided by Addendum XXXIII isn't enough. I think there is a good case here to find their appeal justified, and I hope everybody could agree, and we could give it full consideration, thanks.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

CHAIR KELIHER: Thank you, Justin. Before I take any comments either for or against, Mel Bell, do you have any additional justification for the motion?

MR. BELL: Yes, Sir, thanks. Obviously, I'm not on the Board that was dealing with the Addendum. I would like to think I am kind of looking at this from a little, the benefit of sort of a little more objectivity. I wasn't involved in the decision, and certainly admit that. But I will admit that after hearing the presentation from New York this morning, as well as the input from the Commissioners.

I feel much better about where I was with this. I think this is an example, as John McMurray said. This is an example of what we're going to be dealing with over the next several decades, perhaps, of a world of fisheries that we've been in that we kind of treated as sort of static. But they are not static, and we're seeing that now, and we're seeing these range expansions, and I'm very sensitive to it down here from a Council role, you know as well as a state perspective.

I mean we're seeing sort of the center of mass, if you will, of some species shift. There are countless examples. I mean from the Commission's perspective, whether it's lobster or menhaden, cobia. Cobia is an example that we've dealt with down here in our part of the coast, where they've obviously shifted north, and now the Commission is managing that as a state water fishery.

We're in a very dynamic situation right now, so this just seemed to me, looking at it objectively, as an example of that's occurring, and then perhaps the Board didn't adequately account for that in how they, you know they compensated Connecticut, but not New York from the same body of water. That just struck me, so I felt that the appeal was well grounded, and I do feel much better this morning, after looking at all the data. I'm convinced.

I think, and as we said, this is not about allocations, it's about policy. This may just be, you know the first example of something that we're going to find ourselves, whether we're on the Commission or whether we're on Councils. We're going to be dealing with this for quite a while. As the fish do what the fish are going to do, in response to the changing water temperatures and all. I felt that the appeal was well founded, and I agree, and I support the appeal.

CHAIR KELIHER: Thank you, Mel. What I would like to do now is take, there are probably several people that are going to want to talk, I would like to take three comments for, three comments against, see where we are, see if there are any more additional folks that want to comment. But before I do, Toni Kerns, I think would like to make one small grammatical change to the motion, Toni.

MS. KERNS: I think if we said Addendum is inconsistent with the Statement of the Problem is justified, if that is okay with the maker and the seconder.

CHAIR KELIHER: Any objection from the maker or the seconder?

MR. BELL: No.

DR. DAVIS: None, Mr. Chairman, thanks.

CHAIR KELIHER: Okay great, thank you, the motion has been changed. At this point I will take three comments in favor of the motion, and then three comments in opposition, and I've got a lot of hands going up. I'm assuming they are all in favor. I'm going to keep this to the Policy Board for now. The first on my list is Jason McNamee.

DR. JASON McNAMEE: I appreciate the opportunity to speak. I very much support this motion. I just want to thank and congratulate John and the team from New York on a really well-done presentation today, and it's unfortunate that they had to go through all of that work. You know I felt the same way at the time of the meeting as I do now, where there was a significant inequity with how New York was treated during those tortured deliberations.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

I also appreciated Dr. Davis' positivity and his comments. I have to say that I still haven't gotten to that point yet, but I appreciated his thoughts on that. I just want to remind folks that we can see, we saw maps, we all already knew that Long Island Sound is a shared waterbody between New York and Connecticut.

I just want to restate that the Addendum, that action was not about giving a state with a small quota more quota, which was the reason I heard people give for why they gave it to Connecticut and not New York. The Addendum was about dealing with a spatial management issue. I just want to remind folks of that point, and it speaks directly to the motion.

There is really no good justification to have taken an action with Connecticut, and not with New York. I'm interested in revisiting this, and I very much support and feel that the appeal is justified. This is coming from a state that will likely lose a little bit more. I know that part is to be determined, but just to sort of let you know where my comments are coming from, so thank you for the time, Mr. Chair.

CHAIR KELIHER: Adam Nowalsky, is this in favor?

MR. ADAM NOWALSKY: As Board Chair, to whom this would come back, this would be a couple of process questions for leadership and members that may speak, Mr. Chairman, if you would entertain that at this time.

CHAIR KELIHER: I will entertain that, Adam, go ahead with your process questions.

MR. NOWALSKY: Thank you very much. Those people that have reviewed the materials know that the Addendum, which was done as a Council Amendment as well, to complement this management action, since it is a joint management plan, did have options in the document that provided the opportunity for an increase in base allocation to New York during the development of the document.

The Board and Council jointly made the decision to remove those. Ultimately, in the final decision making, the decision making included that was final action on this, did include yes votes from the number of people that have spoken in favor of this so far, including the state of New York today.

The specific question I would have for leadership on this appeal is, so that we don't come back here. If this motion passes, this is sent back to the Board. The Board takes some other action. I understand that this is a two-step process, right? This first step is, is it justified, and then the second step is, what is the remediation to occur, which may occur remanding it back to the Board.

This might be premature, but I think it is worth people thinking about as they vote on this motion, and again I would look for leadership's guidance here and input, in terms of if this were back to the Board or it were some other action, what is going to keep this from coming back to the Policy Board again? Was the decision making by the leadership for this appeal to go forward, was it based on the amount that was given to Connecticut and New York different.

Was that the basis? If their numbers had been equal, would leadership have felt differently about this, or was the decision that the total increase given to the Sound was inadequate? I think that is very important in determining how we would ultimately, potentially move forward. I think this is really important in consideration of how we vote on this motion. What did leadership specifically find inconsistent, that New York and Connecticut were treated differently, or that not enough was gone ahead and allocated to the Sound?

CHAIR KELIHER: Thank you, Adam. This was all based on Criterion 1, and claimed under Criterion 1 were decisions not consistent with the statement of the problem. That was the final determination. I'm not sure if it makes a difference on what the overarching reason is, if it's a decision around consistency with the Statement of the Problem. But I guess I would ask Bob or Toni if they want to weigh in on that.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

EXECUTIVE DIRECTOR BEAL: I'll chime in a little bit. I think, Adam, it's important to keep in mind the roles of the different things here. The Leadership Group that Chairman Keliher mentioned at the beginning, that is the first review of any appeal that is submitted. The job of those three individuals is not to pass judgment, and decide what was wrong or right with the decision that happened at the species board. Their job is just to review what was presented by New York, and determine if there is enough there for, and do they meet the appeal criteria, to bring something forward to the Policy Board for a full discussion. Their job is not to decide, you know was not enough allocated to the entire waterbody of Long Island Sound, et cetera.

Their job is to say, yes, New York has provided rationale that is consistent with one of the appeal criteria, and this is justified coming forward. I think that discussion of if the appeal is justified. That is a decision of the Policy Board, and that is what this motion does. Then as you said, there is that second motion that will decide what guidance is provided back to the species board on what the corrective action should look like. I think you're asking for sort of an interpretation or a finding from the Leadership Committee that it's not their job to make.

CHAIR KELIHER: Adam, does that answer your question?

MR. NOWALSKY: I think what I'm hearing as an answer is that that decision wasn't made by leadership, and I guess the question that I'm asking that needs to be answered here as we move forward today, and I'll look forward to that continued discussion and guidance. I'll probably come back to this. But I think it's really important to understand, so that we're clear on what we need to be doing, so we'll keep the conversation going, thank you.

CHAIR KELIHER: Great, thank you, Adam. I'm going to go back to the comments in favor of

the motion, and I have Ritchie White and Mike Millard. Ritchie.

MR. G. RITCHIE WHITE: I support this motion, and part of looking at this issue for me was having the knowledge or the understanding that there are vessels leaving a southern state, and steaming quite a distance to the north, and harvesting black sea bass in federal waters, and then steaming long distance back, and landing them in the southern state, all of which I have no problem with.

It's perfectly fine, and that state gets landings from federal waters, but way to the north. What this is telling me is, that the degree to which this stock has expanded and/or shifted to the north, clearly vessels would not be, if they could just go right out in front of their state in federal waters and catch the black sea bass, they would be doing it.

They are not. They are spending a lot of time and money on fuel and time, to go where the fishing is better. It comes back to our reluctance, and understandable reluctance, for a state to give up any quota. But when we're basing things on historic landings to such a degree, that is going to have to change.

There is going to have to be an adjustment. That is part of the reason I look at the degree to which this population has shifted, and how New York was treated unfairly in this. I mean it's a simple fairness test, and this was not fair, and I support this motion. Thank you.

CHAIR KELIHER: Mike Millard.

MR. MIKE MILLARD: I support this motion, and I guess as a federal entity on the Policy Board, I feel compelled to explain that a little bit. My support for this fairly focused motion, and I take to heart the notion that this is a policy issue at this point and not an allocation issue. That support is support for the notion that the decision was not consistent with the statement of the problem, and nothing beyond that. I listened to the presentations this morning.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

They seemed very convincing to me. I read the materials, it seemed convincing to me, so I feel justified as a federal entity in supporting this policy issue. Since I have the floor, I'll say it now and I won't have to waste time later. If there is a second motion about remediation, it's my opinion, and I guess it could be argued with, but it is probably my opinion that that is likely to tip too far into the allocation world, and the Service would probably abstain from that. Thank you.

CHAIR KELIHER: Thank you, Mike. At this time, I would like to take three comments in opposition to the motion, and first up is Joe Cimino.

MR. JOE CIMINO: I am opposed to this. You know if this was an amendment and not an addendum, the vote to have the allocation scheme that we have now, passed with just two states voting against, New York and Virginia. The next vote of course is for the Board to approve the Addendum as amended, and no states objected to that at the time, not even New York, although NMFS did abstain.

Now the Policy Board is being asked to weigh in. Again, they would have before with a nearly unanimous vote, and I think the Policy Board would have approved this, and the appeal would have been much more interesting. To me the question comes down to this idea of distribution. Long Island Sound is only mentioned once in this Addendum, and it's as an example that Connecticut did not use to have a fishery.

Distribution of the stock is mentioned 20 times. New York is asking in this appeal to lock up an extra 2 percent as a baseline quota, a quota that would be higher than quite a few states, instead of the distribution portion of the motion that the Board did pass. For me one of the biggest problems in this entire process of cooperative management, and this is no disrespect to the folks from New York on the Commission who have done a great deal with this, and folks on the Council.

But since at least 2012, the Board and Council members have been hearing from New York's appointees as messengers. We've been threatened and bullied that if we don't vote the way New York wants, that their Governor will sue, or their Senator will write legislation that takes this decision away from us.

You know I think this Policy Board doesn't hear that all the time, but that has been part of this process longstanding, that if we don't make this decision on this appeal, it will be taken away from us. We hear it time and again. I think that is the part of the process the really needs to change. I hope the Policy Board realizes once again, that New York isn't asking this appeal for a distribution change, they are looking at it as locking up an extra baseline quota. Thank you.

CHAIR KELIHER: Do I have any other comments in opposition to the motion? Tom Fote.

MR. FOTE: Yes, I've been at the losing end of New York's constant basically trying to take quota from other states, whether summer flounder, whether it's black sea bass, whether it's other species. As Joe pointed out, if the idea of getting legislation or suing the Commission, the same way Virginia does over menhaden. It really irks me; it gets me upset.

When we looked at this, we also, and you say this is not an allocation, but it is an allocation, because that's what's going to go back to the Board, how do we allocate? We all have seen an increase, and I understand what Ritchie's saying that these are migrating. Black sea bass is not one of those things.

New York, New Jersey, Delaware, Maryland and Virginia see more black sea bass than they have seen before, and we have not been able to basically harvest it, and that is because of joint plan, because we're stuck with New York. The Mid-Atlantic Council's recommendation from their SSC about where we could go with the quota.

We've had years where this has been 200 percent above the spawning stock biomass, and yet we haven't seen increases. Now with all the new MRIP numbers, you just screwed everything all up, and

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

we've been looking at how these have gone on for years. Probably we'll have better success when New Jersey asks for appeals coming before this Board, and I guess maybe that's part of our personalities.

But I look at this and I say, what are we really doing here, and what we really are doing is basically going at an allocation? Our Raritan Bay has seen an increase in the pot fishing, and Delaware Bay has seen an increase in the pot fishermen's availability, but they were stuck under their state's quota, so they share it equally, and we've made an accommodation between our pot fishermen inside and outside, to basically reap some of the rewards of the quota increase.

No matter how small it is, we try to divide it by that. That takes tough decisions, and New Jersey has made those. I imagine Delaware has made the same type of decisions. We don't ask for special remediations for our Bays and estuaries, because we figure we handle it by the overall quota and the overall increases, not just looking for a double dip at the stick. Thank you for your patience.

CHAIR KELIHER: Any other members of the Policy Board that would like to speak in opposition of the motion? Seeing no more hands, are there any members of the, uh, we've got Chris Batsavage. Is this in opposition, Chris?

MR. BATSAVAGE: Mr. Chair, I guess I'm kind of uncertain, as far as for or against, so if you want to go to someone else before me that's fine. I was kind of waiting to have some people speak in favor and opposition first.

CHAIR KELIHER: Chris, your microphone is open, you've got the floor. Why don't you make your statements, and then I'll go to members of the public for quick comments?

MR. BATSAVAGE: I asked earlier about the information that you were provided, as far as percentage of landings from Long Island Sound,

total landings and wondered why it wasn't provided earlier. That kind of puts a different light, in terms of the issue at hand that wasn't entirely clear in Addendum XXXIII. It was very clear that the black sea bass abundance has increased, but it wasn't clear that the commercial fisheries, at least in both states, well, New York at least, as it increased as well.

I guess the way I was thinking about this is, you know using another big waterbody like Pamlico Sound, if we had a species that increased its abundance in Pamlico Sound, but the percent of commercial landings really didn't increase from that waterbody. I don't know if that would justify an increase in allocation for whatever species, if it came to that.

But in what New York has shown today is a little different than, I think my understanding and maybe other people's understanding of the situation was during the process of approving Addendum XXXIII. Just wanted to just kind of make that point, in terms of where I am or not on this motion. Thanks.

CHAIR KELIHER: At this time, I'm going to take a couple comments from the public, and I'm going to call, if you can keep them brief, Julie, but I'll call on you, Julie Evans.

MS. JULIE EVANS: Thank you, Mr. Chairman, for allowing me to speak. My name is Julie Evans, I am the East Hampton Town Fisheries Advisory Committee representative to the Commission and the Council. I wanted to let this Board know how important the Long Island Sound fishery is to New York fishermen, especially on the Twin Forks.

We catch, I would say the majority of both commercial, recreational and in the for-hire industry. When we heard that we would be diminished in our catches for black sea bass, there was an outcry. We feel that New York is not getting a fair and equitable shake on this thing, so I urge the Commission to carefully consider the New York appeal, as it effects hundreds of fishermen on Long Island Sound, and on the Twin Forks, who fish there.

We are dependent on black sea bass for a lot of our income, and so are the associated industries here. I

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

want to also thank Mr. Gilmore, Mr. Hasbrouck, Mr. Murray, and John Maniscalco for the presentation. I think it was effective, and I urge you to consider this appeal. Thank you.

CHAIR KELIHER: Thank you, Julie, seeing no other hands from the public, I'm going to call the question. I'm going to read into the record the motion. Move to find that New York's appeal of Addendum XXXIII, based upon Criterion 1, the Addendum is consistent with the Statement of the Problem, is justified. All those in favor of the motion, please raise your hand.

MR. CLARK: Can we caucus, Mr. Chair?

CHAIR KELIHER: Yes, I'm sorry, I'm sorry. Why don't we take a two-minute caucus, and if staff could put up the timer, thank you. Okay, the two minutes is up. Hopefully everybody has had an opportunity to finalize their votes by state. I do want to make sure that I read this clearly into the record, so I'm going to read it one more time. Move to find that New York's appeal to Addendum XXXIII, based upon Criterion 1, Addendum is inconsistent with the Statement of the Problem is justified. With that, I would like all, is staff ready to count the votes? Toni.

MS. KERNS: I am, Mr. Chair.

CHAIR KELIHER: Great, all those in favor, please raise your hand.

MS. KERNS: I'm going to let the hands settle for a second. I have Rhode Island, Connecticut, New York, Delaware, New Hampshire, South Carolina, Massachusetts, Maine, Florida, Georgia, U.S. Fish and Wildlife Service, North Carolina, and Pennsylvania.

CHAIR KELIHER: Great, thank you. If you clear your hands, Toni, can you clear the hands?

MS. KERNS: I will.

CHAIR KELIHER: All hands are cleared, now all those in opposition, please raise your hand.

MS. KERNS: I have Virginia, New Jersey, Maryland, and Potomac River Fisheries Commission.

CHAIR KELIHER: Great, any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR KELIHER: NOAA Fisheries abstaining, any null votes?

MS. KERNS: No null votes.

CHAIR KELIHER: Do you have the count, Toni?

MS. KERNS: I have 13. Tina, I just want to confirm that that is correct, in favor, 4 noes, 1 abstention, 0 nulls. Tina, will you confirm that for the team?

MS. TINA L. BERGER: That is correct, Toni.

MS. KERNS: Thank you.

CHAIR KELIHER: The motion passes 13 for, 4 against, 1 abstention, and 0 null votes. Thank you very much. At this point in time, we need to move on to a motion in regards to remedy. Does anybody have a motion on remedy? Justin Davis.

DR. DAVIS: I do have a motion, and I believe staff has that motion, if they would be willing to put it up on the screen. Great, thank you. **I move to remand Addendum XXXIII, specifically Section 3.1.1, baseline quota allocations, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Management Board should not result in a Connecticut baseline allocation less than 3 percent, or decrease the percentage of quota redistributed according to regional biomass.**

CHAIR KELIHER: Thank you, Dr. Davis, do we have a second on this motion? David Borden. Justin, would you like to give some further justification?

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

DR. DAVIS: Sure, thank you, Mr. Chairman. I'll start out by acknowledging the comment made by Jason McNamee about my positivity about Addendum XXXIII. I do want to say that I'll temper that enthusiasm by saying that I don't think we've arrived at our destination, when it comes to allocation.

I think Addendum XXXIII made some important steps forward, that being adopting a fixed regional allocation, rather than the trigger approach we had previously used for summer flounder, and also direct incorporation of science into the allocation framework. I think one of the other victories of Addendum XXXIII was the development of the DARA approach, which I think is ultimately where we want to get to with allocation, that sort of approach.

At least we were able to develop it and have it in that document, and consider it. Unfortunately, we didn't ultimately adopt it. But really the sort of underlying thing of my motion here is to try not throw out the baby with the bath water, and preserve those aspects of Addendum XXXIII that I think were positive steps forward.

Again, that approach of a fixed allocation to the two different regions that is based on science, and I think there was broad agreement across the Board that Connecticut's 1 percent allocation with a singular problem. It prevented our state from having a directed fishery, and taking advantage of the increase of black sea bass in our local waters.

I would hope that there is agreement across the Board that allocating less than 3 percent to Connecticut as our baseline allocation, would basically put Connecticut back into a place where we were before with our allocation, without sufficient quota to support a directed fishery. Thanks.

CHAIR KELIHER: David, as the seconder, would you like to give any additional information?

MR. BORDEN: No, Sir, I think Justin just covered it. Thank you.

CHAIR KELIHER: I am going to take the same approach that I did on the last motion, take three in favor, three against, and we'll see if we have any additional hands after that. I will go to the public for very quick input as well after that. At some point, depending on how this conversation is moving.

I may ask for a recess to let some folks possibly get together if we get into a situation where this motion may need to be refined or modified. I am cognizant of the time. It is now just shy of 11:00, so we are just about 25 minutes over on this item alone. At this time, I'll take some hands for opposition, and the first hand is Adam Nowalsky. Excuse me, I'm sorry, Adam. At this time, I'm not following my own script. I'm going to take three hands in favor, and then three hands in opposition. My apologies. Can I have hands in favor of the motion? I'm not seeing any hands. Any hands in opposition to the motion? I have Adam and then Joe Cimino.

MR. NOWALSKY: I'll get right to it, now that we've gone ahead and stated that the Policy Board has determined that there was an issue, fine, we accept it. But the answers to the questions earlier, with regards to leadership hadn't made a decision, and that this Policy Board would likely want to leave the ultimate decision about the allocation to the management board.

My opposition to this motion as it stands right now, is with this last sentence. If you want to have the Management Board reconsider what happened that's fine. But I feel the Management Board needs to have full flexibility to go back and look at all of the options in 3.1.1 that were in the Addendum.

Not go ahead and selectively pick out certain things that were beneficial to some states, and say, we're going to keep them in. If you're going to send this back to the Management Board, the Management Board should have the ability to make that decision freely. **Therefore, I move to amend this motion to remove the last sentence.**

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

CHAIR KELIHER: We have a motion to amend, by removing of the last sentence. Do we have a second to that motion? John Clark. Adam, would you like to give any additional comments on your motion? Hearing none, John Clark, do you have any additional comments to the motion?

MR. CLARK: Yes, Mr. Chair, thank you. I think Adam stated it well. We've been told that these decisions are not about allocation, and yet this motion already, as Adam pointed out, locks us into a certain set of allocation options. I think that the motion is fine without that last sentence, and I agree with Adam on that, thank you.

CHAIR KELIHER: I am going to follow the same process that I did before. I am going to take three in favor and then three against. But before I do, Director Beal has a comment.

EXECUTIVE DIRECTOR BEAL: Just to be clear on the way I interpret this motion. I don't want to speak for the maker and seconder, and I'm more speaking of the main motion than the motion to amend at this point. You know remanding this back to the Black Sea Bass Board with the language in the main motion, doesn't guarantee New York necessarily the full 2 percent.

You know the corrective action taken by the Summer Flounder Board can be somewhat different than that. I don't know what it may be, but I want to sort of control expectations on what this means. The Summer Flounder, Scup, Black Sea Bass Board has room to operate, but it doesn't fully guarantee or prescribe the outcome that what will happen in the next step, should this motion pass, or this series of motions pass.

CHAIR KELIHER: Thanks for that, Bob, and thanks for that clarity. I am going to take some comments in favor of this motion. First up is Joe Cimino.

MR. CIMINO: Yes, I do agree with the statements by Adam and John on this. You know we heard a lot on the decision on distribution was important. I think if the Flounder, Scup and Sea Bass Board did anything wrong, it was locking up 3 percent in a baseline. I think that was the decision that seems to be the real issue here, that is against the problem statement of distribution of the stock. I think we need to be able to revisit that decision as well. Thank you.

CHAIR KELIHER: Thank you, Joe, any additional hands in favor of the motion to amend, Tom Fote.

MR. FOTE: Yes, as we said going to debate, everybody said it was not about allocation, but you're talking about allocation in the motion as it's presently written. That is why I support Adam's and Clark's amendment to the motion.

CHAIR KELIHER: Thank you, Tom, any additional hands in favor of the motion to amend? Seeing none, do we have any opposition to the motion to amend? Jason McNamee.

DR. McNAMEE: Just to offer, you know I think it's unfortunate that folks are trying to, I don't know imply hypocrisy, or something to that effect. My interpretation of the original motion, which I support is, we're trying not to re-litigate what was again, a long and tortured discussion.

We're trying to focus it in on the relevant part from all our previous action. I think that is a wise decision to try and keep this focused in on the exact element that was being appealed, which I think the original motion does, and I think the amendment undoes, so I don't support the amendment.

CHAIR KELIHER: Thank you, Jason, Justin Davis.

DR. DAVIS: I am also in opposition to this amendment to the motion. I think Jason really captured it. Nobody, I think, is really interested in going back and revisiting the meeting we had in February, and opening the entire Addendum back up, and considering all the options there, and redoing that debate.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

I think the intent of the original motion here is to try to preserve those aspects that I think were the best outcomes from Addendum XXXIII, and that there was broad consensus on, and also to try to provide some direction to the Management Board for when we open this back up for reconsideration, to address New York's concerns.

I think New York did a good job of narrowing the focus of their appeal to essentially a small adjustment, possibly to their baseline allocation. I know we're not supposed to be talking about allocation here, but there was a table presented in both Toni's presentation and in John's presentation.

That showed essentially the adjustment they're looking for result in very small changes to other state's allocations. I think what we're looking for here is a small adjustment to the outcome we got out of Addendum XXXIII, not sort of a broad reconsideration of multiple decisions we made during that meeting. Thanks.

CHAIR KELIHER: I'll take one more comment, if there is one, in opposition to the motion to amend. Seeing none, I've got one in under the wire, Jim Gilmore.

MR. GILMORE: Just a comment, Mr. Chairman, and I believe in this motion, and back to the meeting in February. No matter what part of the discussion we had, we pretty much had consensus about a baseline to 3 percent for Connecticut. I don't think there was any controversy about that, because of Connecticut's unique position, and how the earlier allocation had been done.

I understand the technicality about it, but it's just, I think preserving something that I think everybody agreed to, and if I'm wrong in that, then maybe I wasn't listening. But it doesn't trouble me to have that in there, because again, it was very much a consensus thing that Connecticut needed a good bump in their base allocation, thank you.

CHAIR KELIHER: Doug Haymans. Doug's hand went down. Doug, do you have a question or a comment?

MR. HAYMANS: I have a question, Mr. Chairman, if that's okay. It just concerns what the Board is being asked to do. Are they able to come back with the same decision as made previously, after reconsideration, or do they have to render a different decision?

CHAIR KELIHER: Yes, thanks for that question, Doug. Just as a reminder, anything that is remanded back to the species board must be a change from the decision that was made prior. The species board cannot debate this and say that status quo is going to be the answer. There must be a change to the allocation.

This particular motion would focus it into that particular section. With that, if there are no more hands or burning desires for comments either for or against, I'm going to call the question. This is a motion to amend the motion to remove the last sentence of the original motion. Toni, are you ready for hands?

MS. KERNS: I am, Mr. Chair.

CHAIR KELIHER: All those in favor of the motion to amend, please raise your hand.

MS. KERNS: Waiting for the hands to settle. I have Delaware, Virginia, South Carolina, New Jersey, Maryland and Potomac River Fisheries Commission.

CHAIR KELIHER: I'll clear the hands. All those in opposition to the motion to amend, please raise a hand.

MS. KERNS: I'm waiting for the hands to settle here. I have Rhode Island, Connecticut, New York, New Hampshire, Massachusetts, Maine, Florida, Georgia, Pennsylvania, and North Carolina.

CHAIR KELIHER: Great, do we have any null votes?

MS. KERNS: No null votes.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

CHAIR KELIHER: Any abstentions? Two abstentions, NOAA and U.S. Fish and Wildlife Service. Toni, can you read the tally?

MS. KERNS: Yes, 7 in favor, 10 against, 2 abstentions, and 0 null votes.

MS. BERGER: Toni, I have 6 in favor.

MS. KERNS: Thank you, Tina, sorry about that.

CHAIR KELIHER: I did as well.

MS. KERNS: I can't read slashes.

CHAIR KELIHER: **The motion to amend fails by a vote of 6 to 10 to 2, with 0 nulls. We are back to the main motion.** I'll take a couple additional comments on the main motion, then I'm going to see if there are any members of the public that would like to respond. Any members of the Policy Board that would like to comment on the main motion, either for or against. Seeing no hands, is there any members of the public that would like to make a very quick comment on the motion?

Seeing no hands, I am going to read the motion into the record, and then call the question. Move to remand Addendum XXXIII, specifically Section 3.1.1, baseline quota allocation, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses the impact to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound.

Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Management Board should not result in a Connecticut baseline allocation less than 3 percent, or decrease the percentage of quota redistributed according to regional biomass. The motion was made by Dr. Davis, and seconded by Mr. Borden. Joe, I see your hand is up. Do you have a question, or are you all set?

MR. CIMINO: No, Sir, I was going to ask for a minute to caucus, but I think we're all set even there.

CHAIR KELIHER: I'm going to give two minutes to caucus, so if staff could put the clock up, and we'll take a two-minute caucus. We're ready to vote. Toni, are you ready for a show of hands?

MS. KERNS: I am, Mr. Chair.

CHAIR KELIHER: Thank you, all those in favor of the motion, please raise your hand.

MS. KERNS: Rhode Island, Connecticut, Delaware, New York, New Hampshire, South Carolina, Massachusetts, Maine, Florida, Georgia, Pennsylvania, and North Carolina.

CHAIR KELIHER: All those in opposition to the motion.

MS. KERNS: I have Virginia, New Jersey, Maryland, and Potomac River Fisheries Commission.

CHAIR KELIHER: Great thank you, and abstentions, NOAA and U.S. Fish and Wildlife Service. Do we have any null votes?

MS. KERNS: I see no null votes.

CHAIR KELIHER: Do you have a tally?

MS. KERNS: Yes, 12 in favor, 4 against, 2 abstentions, 0 nulls.

MS. BERGER: That's what I have as well.

CHAIR KELIHER: The motion to remand passes, 12 in favor, 4 against, 2 abstentions and 0 null votes, the motion passes. Thank you very much. There were some conversations that have been brought up in regards to whether the species board will be joint or not. It seems to me the Mid-Atlantic Council Chairman has made a statement that they would not be readdressing this.

I think at this point it will have to be made, a determination will have to be made by leadership, including the Chairman of the Black Sea Bass Board on

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The Board will review the minutes during its next meeting.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

determining whether we do want to have further conversations around the joint meeting or not. I will take a few comments on this, but considering the time, we need to keep this brief. I've got Adam Nowalsky, Ritchie White, and then Mike Luisi.

MR. NOWALSKY: Now that this passed in referencing 3.1.1 while the vote was being taken. I was just looking back at our February meeting materials on the ASMFC website, and 3.1 was broken down into A, B, C, D, E, F and G. I just wanted to get, again as Board Chair, an understanding from staff, which of these A, B, C, D, E, F and Gs are now in play for the Board to take up? I think that is also potentially important with regards to how this interacts with the Mid-Atlantic Council.

CHAIR KELIHER: Toni or Bob.

EXECUTIVE DIRECTOR BEAL: Toni, I wish she would answer, but she didn't, so I'll give it a shot. We were both trying to wait out each other.

CHAIR KELIHER: They're probably scrambling to open the document, would be my guess.

EXECUTIVE DIRECTOR BEAL: Yes, I don't have it open right now. But you know Adam, I think anything that falls under Section 3.1.1, Baseline Quota Allocations is part of the conversation that the species board can have, when they get together to address this remanded issue.

MR. NOWALSKY: Right, and that's what I am trying to find here again, there is the 3.1 and things were broken down A through G, so again, I'm just trying to identify what staff is referring to here as 3.1.1.

EXECUTIVE DIRECTOR BEAL: All those sub-options A through G are under 3.1.1, and based on the wording of the motion, I don't consider this a staff interpretation. But based on the wording of the motion, I think all of those are available for discussion.

MR. NOWALSKY: Again, that is what I'm trying to figure out, Bob, is that they are labeled as 3.1 here. I'm trying to find in our February document, what was 3.1.1, and I'm not finding it, unless I downloaded the wrong link here from the meeting materials from February.

EXECUTIVE DIRECTOR BEAL: Okay, I see what you're saying now.

MR. NOWALSKY: One of the complexities here was that we went ahead and had the new option that was introduced, because originally, we were slated to take final action in December. We did not take final action in December, there was a new option brought forward, that was then what we came out with.

I'm just trying to find out if that was one of the revised versions as a supplemental version. Again, I just think it's really important. The Council is going to have to figure out what to do here. The Service is going to have a decision to make, so I just want to make sure that everybody is leaving here not looking back at our meeting materials, unclear what 3.1.1 is, if it is not in the meeting materials from February.

MS. KERNS: Mr. Chairman, I think I can help, and I apologize, the construction next door has really ramped up.

CHAIR KELIHER: We can hear you fine though, Toni, go ahead.

MS. KERNS: Adam, the 3.1.1 is specifically referencing the final document that was approved, and so that section is addressing the baseline quotas. What is in game is making changes to the baseline quota itself, so how we adjust that. Whether or not you give an increase to New York's baseline quota.

MR. NOWALSKY: All right, I'll just ask if staff could forward what that final version that is being submitted to the Service would be again, because I don't have that specific language here. I would appreciate your going ahead, and being able to pass that on with the final implementation of the document. Thank you.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

MS. KERNS: Adam, just as a reference, I'll send you the final addendum, but it also was on meeting materials.

CHAIR KELIHER: Thank you, Toni, I've got Mike Luisi's hand up. Mike, as Mid-Atlantic Council Chair.

MR. LUISI: Yes, thanks, Mr. Chairman. I do appreciate you recognizing me. I'm not on the Policy Board. But I think given the joint nature of this management board with the Mid-Atlantic Council, I just wanted to offer that I think it would be beneficial. It may have been said before, I was in and out a little bit of the conversation.

I would prefer, this is an ask of me to you, Mr. Chairman, that we convene, you know leadership to decide what this is going to look like. I think folks from GARFO, you know leadership of the Council, leadership of the Commission, and even maybe some attorneys, John Almeida, who is our Council attorney. Maybe we try to put together some kind of discussion, or some kind of call in the next week or two, to just play this out and see what could happen as a result of these actions today.

Although my state of Maryland did not support these actions, you know I am appreciative of the Board's action here, and we just need to work through it. But I would like to have, because I'm going to get lots of phone calls, and I would like to be able to speak with leadership, to figure out kind of how this is going to play out over the next few months, before our August meeting.

CHAIR KELIHER: Thank you for that, Mike. Commission leadership will continue to have discussions in regard to what the next step would be, and as I said, we would bring in the species board Chair to make that determination, and we may reach out. I mean you made the statement earlier that the Mid-Atlantic would not be reconsidering this. It seems now that you, I don't know if you're

saying that they may reconsider or not. But that earlier comment was, I think pretty clear, at least clear to the Policy Board.

MR. LUISI: No, I appreciate that, Pat, and if I can just mention, I was speaking on behalf of Council leadership that our plan is to move forward with what was decided at the previous discussion, based on the Council. I don't anticipate the Council taking this issue back up, and Mr. Pentony in his comments earlier was very clear that depending on what happens here at the Board, he has an intent to possibly disapprove the Council's inclusion of the state allocations in the federal FMP, if there were going to be changes that were made.

I don't want to put words in Mike's mouth, but that is how I heard it. I just think we need to be part of the discussion. This is a Board action, and I totally appreciate that. You know I've worked with Adam, and I'm part of the Board, so I plan to be included in that. But I just would like, for questions sake and for communication with the public, I think we need to come up with a path forward, and figure out how that is going to look. I'll stop there, I know we're way over time. But I just wanted to offer that before we move on. Thanks, Pat.

CHAIR KELIHER: Thanks, Mike. As I said, Commission leadership will have further conversations along with the species board Chair, and then would be in contact accordingly. Eric Reid, last comment on this issue.

MR. ERIC REID: Given the last conversation and earlier conversations about who is going to do what. The formal nature of this conversation for the last couple hours, I would strongly suggest that the Policy Board send a letter to the Mid-Atlantic and to the Service, explaining exactly what we have done and what our position is. That way it's clear, and there is an administrative record, instead of us just talking back and forth. If that is necessary, and if people think that that is worthwhile, I'm more than happy to make that motion.

CHAIR KELIHER: Eric, the idea would be a letter that would state what has transpired up until this date, or

are you thinking that we would do it after the species management board also met?

MR. REID: I'm honestly, we've started the ball rolling backwards or forwards, I guess that's up to you, Mr. Chair. But I think at this point, you know I'm hearing, we're going to have conversations between leadership, and we're going to bring in lawyers. That always means you've got to have your record very clear. I would say we would do it as of today's action.

CHAIR KELIHER: Yes. I appreciate that thought, and I would ask Bob or others to weigh in, but I think we have what has transpired very clearly on the record from today, and GARFO would certainly, through the Regional Administrator, has heard all of these conversations and comments as well as the Mid-Atlantic Chair. I feel like we are covered, but I would like to hear from Bob and others, if they feel like they would like a stronger administrative record.

EXECUTIVE DIRECTOR BEAL: Thank you, Mr. Chair. Looking back at the Appeals Process Document. One of the outputs of this meeting will be a summary of the meeting that is provided to the Policy Board, as well as the species management board that describes what happened, and what the obligation of the species management board is.

I think, you know maybe we can put a short cover letter on that meeting summary, which will provide a lot of the information that Eric is asking for. We're obligated to pull together that summary, and we can share that with the Mid-Atlantic Council and GARFO. That will probably cover most of the bases of what Mr. Reid is asking for.

CHAIR KELIHER: Great, that's a good reminder, Bob. I had forgotten about that additional information that has to be pulled together. Mr. Reid, does that satisfy your interest there?

MR. REID: Yes, that's fine with me, Mr. Chairman, it's really up to you guys. That's the

way I see it. You know we've got to cover our collective backside as a Commission.

CHAIR KELIHER: Great, great. I appreciate that. I'm going to take that as the last comment on this issue. I very much appreciate the attention of the Policy Board on this Appeal. It's been a long time since an appeal has reached the Policy Board, a lot of new members, new faces around the table.

I appreciate everybody's time and attention to this matter today, and we will finalize the record, and we will have further conversations around the interplay between the species board and the Council. Thank you very much, and moving right along.

DISCUSSION OF DE MINIMIS WITHIN COMMISSION FISHERY MANAGEMENT PLANS

CHAIR KELIHER: We're going to go to Item Number 6, the de minimis conversation within the Commission and the fisheries management plan, so I'm going to recognize Toni Kerns.

MS. KERNS: I'm just going to go ahead and start while Maya gets the PowerPoint up. In your briefing materials there was a white paper-ish a discussion document on de minimis within the Commission fishery management plans. This has come up a couple of times many years ago, and then within the past couple years at the management board level, as well as the Policy Board level about the inconsistency in de minimis within the different species FMPs.

The Commission charter includes a definition of de minimis, and the requirements to include de minimis provisions in each of the Commission's FMPs. I am not going to read the definition. I will say that we do have a couple of FMPs that do not have de minimis in them, and those are specifically the jointly managed species.

I believe that the rationale for that is that when the joint plans were approved, the de minimis sections were not approved by NOAA Fisheries in the end, and therefore they didn't carry forward in the FMPs. I failed to say, in the meeting materials there is a spreadsheet of all of the different species FMPs, how the plan qualifies de minimis, as well as to what fisheries de minimis applies to.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

In that spreadsheet you'll see that there are not consistent requirements for qualifying. The data requirements can vary for one year of a species landings, an average of multiple years. The landings have to be less than a certain percentage of the coastwide harvest. It could be 1 percent, it might be 2 percent, it might be a set specific value.

The de minimis provision can apply in some plans as only recreational, or only commercial. In some plans it's both. Then, within the plans, once a state is granted the de minimis status, most plans don't actually state what it means to that state, in terms of what do they get out of. Is it that they are getting out of biological data requirements?

Are they getting out of actual management measures requirements? In most cases, the Board has to specify when they grant that state the de minimis status, what they are actually getting out of. Oftentimes that is not made clear, when the Board is approving FMP reviews and de minimis status.

In the previous discussions that the Policy Board had several years ago, there was a robust discussion around the balance between standardization across FMPs, and the flexibility for the different species management boards in developing de minimis provisions. The Policy Board never really came to a final decision on how to do that, but some of the questions that they asked is, should de minimis apply across all of the fisheries, meaning commercial, recreational or both.

Should this apply consistently across all of the plans? Then if the Policy Board were to make a decision on de minimis, then how would that decision be implemented? Would there be a broad policy that modified the de minimis provisions within all of the FMPs, or would each species board have to consider modifications through amendments or addenda's, as they are developed in that plan? For today's discussion, we're looking for some direction to how we

want to make these changes. If we do want to have these broad change decisions for the de minimis provisions, then as I had said before that a broad policy, is it uniform measures, or does the Board want to have flexibility in the guidelines, so that each species board can make specific requirements within their plans, and then how do we implement that? I'll take questions from there.

CHAIR KELIHER: Any questions for Toni on de minimis? Okay, I'm not seeing any hands go up. Staff does need some direction on this. Doug. There's Doug's hand, I was waiting for Doug to jump in. I've got Doug and then Jason McNamee.

MR. DOUG HAYMANS: Thank you, Mr. Chair. It wasn't that I didn't have a comment. I just didn't have a question for Toni.

CHAIR KELIHER: Go right ahead.

MR. HAYMANS: I do appreciate the Policy Board taking this back up, I know I've been asking for it for a while. I am truly a little disappointed that we're having to follow the black sea bass discussion, because I think everybody is pretty tired from that. I do believe that de minimis needs as healthy and robust a discussion as perhaps black sea bass just had.

You know coming from a small state that has an interest in about 15 of the fishery management plans, we're currently de minimis in over half of those plans. It's not so much, or in every case that we don't have the fish. It's that Georgia had the foresight in the '50s to limit its commercial activity and the commercial gear we used, and therefore we've never had developed commercial fisheries for a lot of our fisheries.

That said, I would have initially read, you know the definition for de minimis and the discussions over multiple meetings in the past, would have said that there is enough in the definition that we don't need to do anything. You know if a state is de minimis then whatever it does is insignificant to the overall conservation of the species. But bluefish in particular caught me by surprise.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

When we were being asked to do things that I felt like weren't necessary, and then tack on to that cobia, where we required de minimis states to the north to be so restrictive, as they could only land one fish. It got me thinking, maybe this policy needs to be addressed on a plan wide basis, because as Toni said, you do have plans that have a tenth of a percent, 1 percent, 2 years, 1 year, 3 year rolling average. I just think it's confusing, and needs the attention of the Policy Board. I'll leave my comments there for the moment, and give somebody else an opportunity.

CHAIR KELIHER: Doug, I'm cognizant of your comment early on in that we did just come through a fairly lengthy conversation about black sea bass, and I certainly would not be opposed to putting this on an agenda in the future, if folks think that's what we need. But let's take a few more questions before we get to that point, see if we can get any additional focus that can give staff some direction. I've got Dan McKiernan, Jason McNamee, and then Chris Batsavage.

MR. MCKIERNAN: Thank you, Pat. I think flexibility is needed on a species-by-species basis. When I think about the issue of de minimis, I think about the administrative burden on the Agency, to either enact rules to prevent loopholes for, like interstate commerce, or for landing in a state that maybe product was caught in another state, and then landed in a different state, because of that lack of regulations if de minimis exempted that state.

Then there is the biological sampling, which I think that the TC could probably come in and say, yes, it's so small that particular state doesn't need to chase down a tiny fishery for biological samples. I'm in favor of the flexible model, because each of these species has kind of a different element regarding the degree of interstate commerce, the degree of loopholes that could be created, and then the particular biological sampling mandates.

CHAIR KELIHER: Thanks for those comments, Dan, Jason McNamee.

DR. McNAMEE: First I'll just try to be funny and say, I think Doug referred to his state as a small state, so I'm not sure where that leaves Rhode Island. In any case, I think I end up somewhere in between Doug and Dan, in that I would appreciate some, I think there are elements of the de minimis provision that could be consistent.

For instance, can we have one single qualifying proportion, you know that 1 percent or whatever. I think there can be some high-level elements of the de minimis provision that is consistent across all of the FMPs, but then I do agree with Dan. I think there are foibles within each plan. But we should try and keep those minimized to the extent possible, maybe have them focus on certain elements, bio samples, reporting, you know that sort of thing.

I think setting some high-level criteria consistently is a good idea, and allowing for some flexibility to enhance that in the FMP, as long as it doesn't completely undo the whole point of trying to get some consistency into the provision. I would be open to that. I think it deserves a look. I'm in agreement on that.

CHAIR KELIHER: I've got Chris Batsavage and then Roy Miller.

MR. BATSAVAGE: Similar comments to Jason's. I agree that there needs to be some flexibility and specificity in de minimis for the different FMPs. I think there could be some consistency along, you know what do states need to do, as far as reporting and biological sampling, if they are declared de minimis across the FMPs.

Maybe looking at number of years to determine whether or not a state qualifies as de minimis. The percentages, in terms of defining de minimis, might need to be at the FMP level. I just remember with cobia that we have different percent landings differences, because it would mean very different things if we had the same percent for commercial and recreational.

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I like the idea of having separate de minimis qualifications for commercial and recreational fisheries. I do like the fact that states have to implement management measures if they are de minimis, especially on the recreational side, where you look at uncertainty in MRIP estimates, especially as species move around, they become rare event species, that are always hard to capture, and MRIP I think just not exempting a state from any regulations probably could be a dangerous thing. You know if the fish are being caught there but they just aren't showing up in MRIP. Anyway, just kind of some thoughts to add to what Jason and Dan said about this, thanks.

CHAIR KELIHER: Great, thank you, Chris, Roy Miller.

MR. MILLER: Very briefly. I agree with the three previous speakers. We may want to give some consideration to whether a stock is overfished and overfishing is occurring, when we use that board flexibility to decide on specifics for de minimis. But basically, I'm in agreement with the speakers thus far. Thanks.

CHAIR KELIHER: Cheri Patterson. Cheri.

MS. CHERI PATTERSON: I also agree with the individuals that have already spoken. I think that each board needs flexibility to develop de minimis requirements. Species are different, fisheries are different. I think flexibility is definitely needed. I don't see a problem with having a broad policy drafted, that kind of defines de minimis and options available to consider.

But not restricted to, in case some species management boards just overlook something, they could look at this guidance policy for guidance. But I think once you get down to specificity, it needs to be on the management board level. Thank you.

CHAIR KELIHER: Thank you, Cheri. I think we have kind of a very wide range of options and

opinions here now. The one, I think one of the key themes seems to be the whole idea of flexibility around de minimis. I guess at this point in time, maybe what I could ask is, the speakers who just chimed in with these opinions.

Maybe if it's all right with you, would you be willing to get on a call to talk through those ideas, talk about this policy concept that Cheri just mentioned, working with Doug to see if there is a way to come together on these particular issues, and then if we could have some additional conversations, if you guys reported back to the Executive Committee, and then maybe we could bring something as a final policy back to the Policy Board at the summer meeting. Doug.

MR. HAYMANS: I'm certainly willing to do that. You know I had offered a motion to Toni earlier. Of course, I'm not going to offer a motion now, but it's certainly a starting place that I could send to the other speakers just now, to get that conversation rolling. I guess this is just short of a work group, not quite a work group.

CHAIR KELIHER: Yes, I think at this point in time, I think we could keep it pretty organic. Maybe Dan, Jason, Chris, Roy, if he's interested, and yourself. If others are interested, could raise your hand and join the call. But then after that conversation we could have further conversations with the Executive Committee, prior to the summer meeting.

Are there any objections to that approach? I'm not seeing any hands, so let's consider that the final decision on how we'll move forward with this issue of de minimis, and see if we can't bring some of these thoughts and ideas a little closer together for a final policy.

EAST COAST CLIMATE CHANGE SCENARIO PLANNING INITIATIVE

CHAIR KELIHER: With that I'm going to move right along to the next agenda item, which is East Coast Climate Change Scenario Planning, Toni Kerns.

MS. KERNS: I recognizes that some folks have already seen this presentation at the Mid-Atlantic Council, as well as the New England Council, and I apologize for

those of you that have to hear this presentation again. Maybe you can get yourself another cup of coffee.

CHAIR KELIHER: Hey Toni, let me just jump in really quick. Are there any members of the Policy Board that really have a time constraint here today? It's 11:50, and that is when we had planned to adjourn. We could potentially move one or two of these items off to a future meeting, but Doug, go ahead.

MR. HAYMANS: I was just responding that yes, I do have a hard time constraint of noon. I have to get on the road at twelve o'clock.

CHAIR KELIHER: Okay, are there any other members of the Policy Board, or can we push through and finalize the agenda?

MS. KERNS: Mr. Chairman, if we need to, we can, I can tell you at least one agenda item that is not urgent, the PRT recommendation discussion can be pushed off to a later date.

CHAIR KELIHER: Okay, I do have a couple requests for a very short break right now. If that's the case, if we're going to push through the rest of these. Doug, if we could just follow up with you, or you could follow up with staff on any of the other items, since you've got a hard stop. But why don't we take a five-minute break right now, and then just finish the agenda, if that's okay.

MS. KERNS: Doug, just as an FYI, you'll get this presentation, the South Atlantic Council will get this presentation. I'm not sure if you'll sit on that or not, but that is the plan.

MR. HAYMANS: Thank you, Toni, and we'll talk next week. Thank you.

MS. KERNS: Okay.

CHAIR KELIHER: Why don't we come back to the table, why don't we just say noon time we'll

be back at the table, and then we'll finalize all the other items on the agenda.

(Whereupon a recess was taken.)

REVIEW STRATEGY FOR SCENARIO PLANNING PROCESS

CHAIR KELIHER: It is now noon, hopefully everybody is back, and Toni, I'm going to give you back over the floor for the Climate Change Scenario Planning.

MS. KERNS: During the 2021 priorities discussion that the Commission had, we agreed to work with our east coast partners to support discussions about impacts of climate change on fishery resources, and fisheries management in our regions, and identify different strategies and management approaches we can use to effectively address these potential impacts. We agreed to do this through this East Coast Climate Change Scenario Planning Initiative, that was started up via the Northeast Regional Coordinating Council, or the NRCC. This is an update to the Commission on this East Coast Climate Change Scenario Planning Initiative.

It's an informational update with no action needed at the end of the day. Any feedback that the Commission or individuals have is greatly appreciated. I'll recap the NRCCs initiation of the project, give a brief review of scenario planning itself. I myself did not know about scenario planning until we started this process. I'll give an overview of the draft proposed processes and touch on next steps. I just want to reiterate that all of these processes are draft, and will have to have approval by the NRCC. The NRCC first agreed to explore scenario planning in late 2019, to address governing issues related to shifting stocks and climate change.

At that meeting they agreed to form a working group, to further explore and plan for a potential process. The group was formed in early 2020, with staff representatives from each of the member organizations, as well as the South Atlantic Council. For those that are not totally familiar with the NRCC, that includes the New England Council, Mid-Atlantic Council, GARFO, the Northeast Fisheries Science Center, as well as the Commission.

The NRCC met to review the Working Group recommendations in July of 2020, decided to go back to each organization for further clarity on organizational priorities, and available resources to participate. The NRCC met again in November of 2020, to revisit the Working Group recommendations, and agreed to move forward with the East Coast Initiative, with all member organizations plus the South Atlantic Council participating.

For this process the NRCC, with the addition of the South Atlantic Council representative, will serve as the primary decision-making body, although that will be further discussed later. We'll regularly update and involve both the Councils and the Commission, as well as their stakeholders.

What is scenario planning? It's a tool that managers can use to test decisions or develop strategy in context to uncontrollable and uncertain environmental social, political, economic or technical factors. A few slides with a review of what scenario planning is. The Commission has not discussed this topic in too much detail in the past, so there is a brief overview of scenario planning.

I think we gave it like two meetings ago, when we discussed the Commission priorities, but I'll review some of that information today. Scenario planning has a long history with applications in the military, as well as the fossil fuel industry. But in recent years it's become clear that it's a tool that lends itself well in the natural resource planning, in the face of climate change.

There are so many factors that are both unpredictable and outside of our control, in the context of natural resource management, particularly related to climate change and changing social political environment. Scenario planning is essentially the creation of a set of stories or scenarios under different assumptions of future conditions, that can help inform our planning and strategy today. It's designed to provide a structure process for

managers to explore, and describe multiple plausible futures, and to consider how to best adapt and respond to them. The scenarios are created in response to a focal question, develop space on a major strategic challenge faced by a group or an organization.

This allows for explicit consideration of the uncertainty in future conditions. However, it's not a tool for predicting or forecasting. Allows us to think about the plausible combinations of future conditions in a qualitative way. The process does not have to be data intensive, and it does not include quantitative projections.

How is scenario planning used? Managers can use the resulting scenarios to strategize and prioritize for the future, including by identifying near-term actions to take now, or to avoid now. That would allow for adapting to different plausible future conditions. Specifically, it is helpful to think about actions that could be taken now that are likely to be beneficial under a range of future conditions.

It's also helpful to identify actions to avoid, that may reduce flexibility or increase the difficulty of adapting to future conditions. Scenario planning can also provide insights into data gaps and monitoring needs for changing conditions. What are the benefits? First, scenario planning helps managers and stakeholders apply their underlying assumptions and perceptions about future conditions, which may vary among different groups.

It reduces the tendency for managers to become over confident in their expectations of future conditions, too focused on a limited view of the future, or paralyzed by uncertainty that the future holds. Scenario thinking also provides a way to organize complex information about changing conditions, and stimulates creative and innovative thinking about how to prepare for those changes.

In terms of how the scenarios are developed, this is also done at a work shop or some other participatory format. There are several methods for creating scenarios, but a typical and relatively simple method is using a 2 by 2 matrix. This method considers two

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

different critical and uncertain driving forces that present a spectrum of uncertainty. Ideally, these uncertainties are from separate categories of drivers such as one social political and one ecological.

Overlapping these two spectrums of uncertainty produces a matrix with four quadrants, and four possible scenarios. The resulting scenarios in each of the quadrants are then intended to be plausible, relevant, challenging, and divergent. For scenario planning overview that is sort of the basic recap. It's likely what we'll have is some more thorough introduction to as we move forward in this scenario planning process with the NRCC.

But if anybody is interested, there are additional resources that are linked to the meeting materials in the memo that was sent out to the Policy Board earlier. There is also a website that the Mid-Atlantic Council has created on their website specific to our initiative through the NRCC. In addition to that, there is a scenario planning that is getting close to its conclusion, that is being done through the Pacific Council. Now I'm going to talk a little bit more about the specifics of the plan for this east coast process, starting with the Core Team. The Core Team for this process has been appointed by the NRCC, and will serve as the primary technical team working in coordination with the facilitator, to conduct the research, planning, coordination, and producing all the materials for the various points in the process.

It's similar to a Plan Development Team in the Commission's process. So far, the Core Team has met twice. The first meeting was on March 11, and a summary of that meeting was in the meeting materials. Our second meeting was just last Friday, so we have not produced a summary of that meeting.

You'll see a list of all the representatives on the Core Team. We're hoping that we can add some additional expertise from NOAA Headquarters, as well as the Southeast Fisheries Science

Center. I am the Commission's representative on the Core Team. In terms of facilitation, the NRCC and the Core Team were both supportive of hiring an experienced facilitator to guide us through this process.

I think very few of us have actually gone through a scenario planning process before, and having an expert to lead us would be quite beneficial. The facilitator would be responsible for a lot of the planning in coordination with the Core Team, as well as preparation for and facilitation of meetings, workshop, relevant to the initiative.

We are in the process of finalizing a contractor for a facilitator as we speak. We hope that it will be finalized soon, and the funding for the facilitator is being provided by the Nature Conservancy, and each member organization will be providing resources for staff and member participation.

The objective and the focal question for the process. One of the first big steps in the process will be defining the objectives and focal question of the scenario planning initiative more specifically. The general topic identified by the NRCC is management and governance issues related to climate driven changes in fisheries, particularly changing stock distribution.

It will be very helpful to identify more specifically exactly what question we're trying to address, in order to get useful stakeholder input, and to design scenarios that will really be helpful to all of our organizations, in thinking about long term strategies, and priorities related to climate driven changes in fisheries.

The specific objectives and questions will be further developed by the Core Team, the facilitator, as well as the NRCC. At our Core Team meetings, we discuss that we could develop draft objectives for consideration by the NRCC, but also recommended that even after the NRCC reviews them, that we leave those objectives as draft through the public scoping process, to get feedback from each organization and their stakeholders on specific objectives of this topic.

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Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

We want to make sure that there is enough flexibility as possible. Another element that we expect to clarify in the initial stages of this process are the expected outcomes and applications of this process. We know that scenario planning has a lot of potential benefits, but we want to be clear about exactly what we expect to get out of the process for the benefit of all of the participants. The Core Team is going to work with the facilitator and the NRCC to further clarify the specific expected outcomes and benefits of the process, as they are applied across the east coast. But some of the possibilities can include a list of near term and long-term broad management priorities that are robust to future conditions, as well as a list of actions to avoid that reduce flexibility to adapt.

Given the scale of this initiative, these are likely to be broad strategic goals, and not likely to be specific FMP level proposed management changes. Although some of the strategies can be more applicable to some FMPs than others. This slide summarizes the general tentative plan for the structure and participation in the process, but this could be subject to change, and is still under discussion by the Core Team and the NRCC.

As I previously mentioned, the NRCC plus the South Atlantic representatives will serve as the primary decision-making body, given the complexity and number and scope of different participating organizations. We do expect to regularly update the Commission and Councils, and seek feedback through each respective organization's process, and expect some level of involvement of each of the management bodies and their stakeholders, particularly during scoping and during the planned workshop.

The Core Team has discussed the logistics of potentially involving our advisory bodies, such as Advisory Panels, Technical Committees, SSCs, and it's something that may be especially beneficial during the early stages of the process, in particular scoping. But given the number of

organizations and the number of advisory bodies, we're going to have to think carefully how to balance the input with the logistical complexities.

In terms of stakeholder input involvement, this is also something we're still trying to strategize, and we'll discuss further with the NRCC. But the level of involvement will likely have to vary throughout the process, given the scale of the initiative. We're hoping to get very broad input at the outset during scoping, but then for later stages, particularly in the scenario development workshop, we're likely to have to limit participation, to have a productive scenario development process.

It's not clear at this point how we will do that, but we will need to aim for a balanced representation amongst the management groups, the stakeholder interests, as well as along the entire east coast. Now I'll touch on the proposed process for the initiative, which is based on the NRCC Work Group recommendations from last summer, which will follow the process outlined in the National Parks handbook, and the recent National Marine Fisheries Service publication on scenario planning for fisheries managers.

Again, while the NRCC has seen a lot of this proposed process, in terms of the Working Group recommendations, we're aiming to have a more focused discussion with the NRCC in May, about whether this is the process that they want to develop and adopt. This is still tentative at this point.

Broadly, the proposed plan is to start with public scoping, followed by two workshops. One workshop for building scenarios, and a second workshop to discuss the implications and applications of the scenarios. The draft proposed process is a six-phase process that would tentatively extend from now until next summer. This is a very aggressive timeframe, and will not begin in earnest until we have a facilitator finalized, and that the NRCC approve the overall process as being recommended in May.

Things could also move slower than expected, with so many organizations involved. The first phase is orientation, which is where we are now. This is where

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The Board will review the minutes during its next meeting.

Draft Proceedings of the ISFMP Policy Board Webinar
May 2021

the project objectives are established, as well as the process and structure for scenario planning initiatives. We have a Core Team, we're in the process of hiring the facilitator, and then we'll plan for scoping in this phase.

We hope to transition in early 2020 for scoping. For Phase 2, is where we conduct a structured outreach program, to gather stakeholder perspective on key uncertainties driving changes in east coast fisheries, as well as feedback on the project objectives. This would be expected to occur in the summer

One thing that the Core Team emphasized regarding scoping, is the importance of taking our time, and planning a well thought out process, where those that are commenting are well informed on scenario planning. It takes education of all of the stakeholders to understand the scenario planning process.

For Phase 3, this is exploration, which involves identifying and analyzing a list of key uncertainties driving change in east coast fisheries, and preparation for the first workshop. This would be informed by the scoping comments, as well as potentially additional discussions with managers and experts.

This phase would tentatively be conducted in the fall of this year. Phase 4 is the synthesis, which is the primary scenario building phase, and would involve a workshop with stakeholders to build out draft scenarios for east coast fisheries. This has been discussed as potentially occurring in late 2021, possibly November.

After the workshop the details of the scenarios will be further described and validated. Phase 5 would follow the scenario development, and could involve one or more workshop to discuss the implications of scenarios, and to come up with management responses and recommendations, in other words, to discuss

what we do with the input gained from the scenario development process.

The last phase, Phase 6, is monitoring, which depending on the outcomes of the previous phases, could be ongoing beyond 2022. The phase of identifying a plan for monitoring would be expected to wrap up, along with any final products from the initiative by the summer of 2022. As I had said before, some of you have seen this presentation.

The South Atlantic Council will receive this presentation in June. We're going to present this process to the NRCC in May, and continue to hold Core Team meetings to start working on the scoping process. Mr. Chairman that's all I have for my presentation, and I'm looking for any feedback that the Commissioners have on, you know the process itself, whether or not you feel that this is the appropriate way to move forward with scenario planning, any input on ideas for goals and objectives is also welcome.

CHAIR KELIHER: Thank you, Toni. Members of the Policy Board for questions for Toni. John Clark and then Bill Anderson.

MR. CLARK: Toni, you mention that the Pacific Council, I believe it was, has already done this. Has the output of this scenario planning been used in management there, or are they planning to? I mean what kind of separates this from a standard kind of planning exercise. Not to be cynical, but a lot of times they just end up making recommendations that are ignored.

MS. KERNS: That's a fair point to make, John. As far as I know, and I don't know if Kylie is on our webinar or not. But as far as I know, they are in the wrapping up process of making their final recommendations, and then those recommendations would be then applied to different fishery management plans. As I said before, the outcomes of the scenario planning are not measures for the plans, but concepts and ideas of how to implement different types of measures.

CHAIR KELIHER: Bill Anderson is next on the list.

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May 2021

MR. BILL ANDERSON: Toni, well done. Not a question, but a comment. Unfortunately, I think this comment may throw a level of complexity into all of this. Ellen Bolen and I had a chance earlier this week to speak to the opening plenary session of the Mid-Atlantic Committee on the Ocean, that is New York, New Jersey, Delaware, Maryland, Virginia, and the Tribal Nations in those states.

As you might imagine, this topic is a top issue for them. I know that for example the coastal zone management programs in each state are tasked with activities here, as are the climate change organizations in each state. The one thing that is bothering me a little bit, oh and by the way, the folks representing New York, New Jersey and Delaware, unlike Maryland and Virginia, did not have a fisheries person in that open session early in the week.

New York was represented by NY CERDA, New Jersey and Delaware, I think by their environmental folks. But it kind of leads to my point. This thing is such an important issue to the administration. It is going to get an awful lot of people coming out of the woodwork, to position themselves, and try to drive the agenda.

I'm a little concerned that it sounds like you guys on the fishery side are well coordinated. What happens with all these other organizations along the Atlantic coast that are going to be potentially looking at different data, different assumptions, and maybe different outcomes? I just present that as something to think about, Toni.

This is so big; I'm concerned that mixed messages from various organizations will really confuse the heck out of the public. I don't know if there is a way to coordinate even beyond this fisheries group you put together, to make sure this overall effort by the administration is very consistent in the base data and assumptions, that every one of these various organizations are using it. I know it's a monumental task,

Toni, but I would keep that in the back of your mind as you're working through this. That's all I had, thank you, Mr. Chairman.

CHAIR KELIHER: Thanks, Bill. Toni, do you want to reply to any of that?

MS. KERNS: Bill, I understand that concern, and in this initiative, I can't imagine that all the different concepts of ocean use and ocean planning, if it doesn't come up in the scoping, I would be shocked, right? Those concepts will have to be worked into the workshop.

I'll bring up this concern with the NRCC about the overlapping group that are addressing these issues, but in different ways, and probably thinking about the data in different ways, and how we can try to incorporate those groups, or to not have as many, conflicting maybe outcomes between the different groups, or at least to consider that.

MR. ANDERSON: Well thanks, Toni, I know you use it in the appropriate fashion, for what it was worth. I appreciate it.

CHAIR KELIHER: John Clark, your hand is back up.

MR. CLARK: Sorry, Mr. Chair, I forgot to put it down.

CHAIR KELIHER: No worries, any other members of the Policy Board that have any questions or comments? Spud Woodward.

MR. A.G. "SPUD" WOODWARD: My hand got up by mistake there, Mr. Chairman, sorry.

CHAIR KELIHER: No worries, no worries. Any other Policy Board members? Seeing none, I see Julie Evans hand is up. I'm not going to call on you, Julie. This is a preliminary conversation with the Policy Board, but if you have thoughts, I would invite you to send an e-mail in through to staff, and we could try to get back to you on that. I think we're kind of crunched for time here.

Toni, I think on this issue, it's been a long day. I would invite members of the Policy Board who do have

thoughts, in regards to scenario planning, to continue to raise them with staff or if appropriate, we can have further conversations through the Executive Committee. It is a process that is moving forward into Bill Anderson's point.

There are a lot of other people who are looking at the issues around climate, and making plans, whether it is at the state level, regional level, or the national level. I think associated with that, some of you may be aware now, but the Biden Administration today announced some of the processes they'll use for the 30-30 initiative, so keep an eye on your inbox for that. That will likely add a whole other layer of complexities to some of these conversations. With that, Toni, unless you have any parting comments, I'm going to move on to the next agenda item.

MS. KERNS: That sounds good, Mr. Chair.

BOARD PROCESS OF APPROVING FISHERY MANAGEMENT PLAN REVIEWS AND RECOMMENDATIONS

CHAIR KELIHER: That next agenda item is also yours to discuss Board Process of Approving Fishery Management Plan Reviews and Recommendations.

MS. KERNS: This is the last of the Toni show today. This presentation is much shorter, I promise. I'll try to keep this discussion brief. It was requested that we discuss how we approve or not approve the Plan Review Team recommendations that come within the annual FMP reviews. Each FMP review has a series of Plan Review Team recommendations.

They often vary by species, sometimes the Plan Review Team recommendations focus just on management or policy issues, while others can also include research or science focused recommendations. Sometimes in the FMP reviews the recommendations that come out of the stock assessment get blended in with the PRT recommendations.

The recommendations are often not specifically addressed by the management board. There was a question to staff after an FMP review had been approved, whether or not that automatically put in motion the recommendations of the Plan Review Team. It does not, unless a board specifically tasks a group or item to address a Plan Review Team recommendation, action is not taken on that recommendation.

A board member requested that staff bring forward some considerations to the Policy Board on how we could better address the PRT recommendations, so staff put forward a series of ideas for the Policy Board to consider. Within the FMP review, the PRT recommendations can be limited to just policy and management issues. There could be science implications to those policy issues, but they shouldn't be a continuation of the assessment recommendations.

Those research recommendations could be a separate section within the FMP review, so it's still front and center, and available for folks to have, but not within the PRT recommendations, and that they would be limited. The recommendations could be prioritized, and limited to a reasonable number that the Board could address in one meeting.

This recognizes that if you get ten recommendations from the PRT, that would be a lot to try to tackle at one time, and so maybe it's up to the Board to determine what a reasonable number might be, but maybe it's 3 to 5 recommendations. Then the Board should consider those recommendations during the meeting that the annual FMP review is taken up by the management board.

It's not necessarily that the management board has to take action on each of the recommendations, the board could task a committee to look into something, they could defer action or defer taking up the issue until a later time, or they could reject the recommendation altogether, and then that could be noted in the FMP review, so that the board doesn't have to continually look at a recommendation year after year after year. Those are my presentation, I'll take any questions, Mr. Chairman.

CHAIR KELIHER: Any questions for Toni? Cheri. I lost you, Cheri. If you're talking, Cheri, you're on mute.

MS. PATTERSON: Yes, sorry, no I was just getting trigger happy. I'm good.

CHAIR KELIHER: Everybody is getting trigger happy now. Any additional questions, or any questions for Toni on this issue? Great, I realize the hour is getting along here. We've had a full plate today. I again would suggest that after the meeting ends, if you have any thoughts or questions that come up, just to reach out to Toni directly.

That concludes the Toni Kerns Show here today.

**UPDATE ON THE MID-ATLANTIC FISHERY
MANAGEMENT COUNCIL'S RESEARCH
STEERING COMMITTEE TO EVALUATE TO
RESTART THE RESEARCH SET-ASIDE PROGRAM**

CHAIR KELIHER: So, we're going to move on to Agenda Item Number 9, which is an update on the Mid-Atlantic Fishery Management Council's Research Steering Committee to evaluate to restart the Research Set-Aside Program, and that is Bob Beal.

EXECUTIVE DIRECTOR BEAL: I can go pretty quickly through this. For everyone that's involved in the Mid-Atlantic Council, and has been around for a little while, you'll remember there was a Research Set-Aside Program that the Mid-Atlantic Council as well as ASMFC had administered a number of years ago.

It allowed for up to 3 percent of the quota to be set aside for summer flounder, scup, black sea bass, bluefish, dogfish, and a number of other species that are solely managed by the Mid-Atlantic Council and not ASMFC. That program went along pretty well for a while, and funded a lot of good research, including the NEAMAP Survey for a while.

However, there were a number of enforcement issues with that and, based on the number of

infractions and problems with enforcement, that program was discontinued, I don't know, five years ago or so, and hasn't been functional since then. The Mid-Atlantic Council has reinitiated the conversations to restart the Research Set-Aside Program.

It's being run through the Research Steering Committee at the Mid-Atlantic Council, and fortunately Adam Nowalsky is the Chair of that Committee, so he is on here, and he can correct anything that I say that is wrong. Even though the Research Steering Committee is driving this conversation, Adam and the rest of the members of the group have been very accommodating, and recognize that state involvement is very important here.

The Commission needs to agree to the same set-asides as the Mid-Atlantic, so we keep the overall quotas consistent. The enforcement issues obviously happen, a lot of them at the state levels, as well as the number of permitting, and potentially experimental fishing permits, and other things that happen at the state level.

Getting the states involved is critically important in this. You know the idea of this agenda item really is just to let everyone know this conversation has been started at the Mid-Atlantic Council, and I think I'm working off the most recent document, Adam, let me know if I'm not. But the plan is to have three webinars, and one in-person workshop.

The webinars will start this summer, and the in-person workshop will take place, hopefully late fall of this calendar year. On the list of invitees for these workshops, webinars as well as the face-to-face workshop is Commission staff, as well as administrative commissioners, and I think other commissioners can participate as well in these workshops, but you know the idea is just if and when this program is restarted, what does it look like, and how do we deal with all the problems that had occurred in the past? As I said, the concept was great, you know set aside a little bit of the quota to support fisheries research for those important species. However, the execution lacked a little bit of detail, and

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May 2021

there were some problems with some folks that were “gaming the system,” we’ll say.

That is the update. I can keep the members of the Policy Board updated as these webinars get planned, and folks can listen in and/or participate. But the idea is just to give an update, and let everyone know that this is occurring, and stay tuned, we’ll give you more details as they come around. With that, Mr. Chairman, that is my update. Adam probably has a lot more details than I do. If he would like to share any that would probably be a good idea as well.

CHAIR KELIHER: Yes, Adam, why don’t you go ahead, please. We’ve got some technical difficulties.

MS. KERNS: Adam was disconnected, I’m sending him his audio pin.

CHAIR KELIHER: While we’re waiting for that, Dan McKiernan, why don’t you go ahead.

MR. MCKIERNAN: I look forward to these conversations in the future. We had some real heartburn up in Massachusetts on this, and for a couple of reasons. Bob, you referred to it as enforcement issues, but there was also something as simple as enforcement burden, where it was a burden on our law enforcement officers to have to be monitoring and checking in on these vessels with these experimental exempted fisheries permits.

A lot of these decisions were being made through the auction process, and we weren’t even informed, until they came to us looking for these permits. That was really a problem. On the commercial side it was a little bit cleaner, but I think it all went really downhill when the recreational sector was given quota, because the recreational fishery is not quota managed.

It really became a “get out of jail free card” if you had the letter, and it became very difficult to monitor. I would be really careful about this

in the future, especially from states that are not represented at the Mid-Atlantic Council, when a lot of these decisions are being made. Thanks.

CHAIR KELIHER: Thanks, Dan. Do we have Adam on the line yet? While Adam is trying to join, Jason McNamee has his hand up, and then Emerson Hasbrouck.

DR. MCNAMEE: I agree with the things that Dan McKiernan just said. All that being said, I also agree with a comment that Bob Beal made, and that is, I think it was a good program. It had value, it generated good dollars to get some good research done. I think we should reinvestigate it. I’m just sort of offering. I would be interested in updates, and any opportunity that we have, those of us not on the Mid-Atlantic, to offer comments. You know I would welcome that, because I think we have some experience to offer to the process, so just wanted to offer that.

CHAIR KELIHER: I’m going to go back to Adam, he’s on the line now, and then I’ll have Emerson Hasbrouck and Tom Fote.

MR. NOWALSKY: I’m good now?

CHAIR KELIHER: Yes, you’re good, we can hear you loud and clear.

MR. NOWALSKY: Thanks for those couple comments here that we’ve heard so far. I appreciate it. I appreciate those Commission members that have been part of the process in the past, as well as moving forward. Just a couple updates. I think Bob did a very good job of summarizing things.

Originally the Research Steering Committee of the Mid-Atlantic Council intended to convene workshops last year. Like a lot of things, those were delayed due to COVID. Our plan this year was initially to go ahead and do all of those things in person later in the year. But in an effort to jump start the discussions to ultimately make a decision, and again I need to stress, the decision first needs to be made about restarting the program.

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May 2021

But in order to make that decision, we think we need to go ahead and better define what a redefined program would look like to address the problems that had previously been brought forward and mentioned. In order to jumpstart that, the Research Steering Committee recently decided to convene.

As Bob mentioned, what will likely be three webinars, although it is possible that one or two, the second or third one could potentially be in-person, depending on how things go, followed by an in-person workshop at the end of the year, late fall. What those three webinars were, again possibly an in-person meeting, will center around is three areas, enforcement and funding, and the program itself.

There is the Science and Statistical Committee of the Mid-Atlantic Council has a working group, primarily composed of economic specialists, who are looking at the economic considerations, and they are going to have subject matter experts on all three of the areas I mentioned. They will be providing input, and we thought that in conjunction with that work from the SSC, as well as the desire to jumpstart these discussions, this was a good way forward.

The next meeting of the Research Steering Committee of the Mid-Atlantic Council, is presently scheduled for June 2, at 9:00 a.m. I would encourage any Commissioners that want to be part of the discussions to join us. At that meeting, the Committee, and again, while we got a lot of input from the Council's SSC and the Working Group, this is a Research Steering Committee process for going ahead and facilitating these discussions.

We've identified a significant number of attendees from lots of different areas, including enforcement, including the Commission, leadership, GARFO, et cetera that will be convening with these workshops, as well as members of the public. Again, to decide if we move forward, what would a re-envisioned program look like? Again, I'll extend that

invitation. June 2nd, the Steering Committee will meet. We'll go ahead and formalize what the agenda would look like for each of those three workshops. We do intend for the three workshops to look very similar to each other, the three webinars, just with a different topic for each of them, with the intention based on what we learned, what we develop, what decisions we make during each of those webinars, to synthesize all of that before the end of the year, and provide a recommendation back to the Council.

Again, because these are jointly managed species with summer flounder, scup, black sea bass, bluefish in particular, where there has been RSA allocated as a percentage of the annual specifications and quota, I do view that as a joint process. June 2nd, next Committee meeting, three webinars during the course of the summer and early fall, one in-person workshop to synthesize things, and then hopefully we'll have a recommendation. Thanks.

CHAIR KELIHER: Adam, thanks for that additional information, that's appreciated. I have Emerson Hasbrouck, and then Tom Fote. If you have new information, Gentlemen, please would be great. Just cognizant of the time.

MR. HASBROUCK: Yes, I just wanted to thank Adam and the members of the Research Steering Committee on their efforts to reconsider the RSA program. For people who are not all that familiar with it, when it was operational it provided annually over a million dollars' worth of funds to conduct critical fisheries and fisheries related research.

I was the PI on several successful RSA projects over the years, and it's a really important source, or was a really important source of funding. I think what Adam and the Committee is trying to do is to come up with a strategy to overcome some of the problems that existed in the past. You know there are ways to conduct an RSA program that help to alleviate those issues.

You know the RSA projects that I conducted did not have any enforcement issues related to that. I also want to caution people that the auction is not the RSA program and the RSA program is not the auction. The

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auction was a process that developed during the RSA process. I think it's important to realize that the auction is not the RSA program, and an RSA program can in fact exist without an auction, or an auction that is vastly different from what it was before.

CHAIR KELIHER: Tom Fote.

MR. FOTE: Like Emerson, we basically in New Jersey and New York, we had a group formed together of commercial and recreational fishing groups that would put in for research and put our own money in basically, and usually got research set-aside money to help basically fund some of those programs.

The lottery caused a lot of problems, and New Jersey started getting a lot of heat from our charter boat fleets and party boat fleets, because they wanted to get in what New York was doing. We didn't have the law enforcement and it put too much of a burden, so we didn't do it, and the division caught a lot of heat back in those years, because they didn't implement those programs, but they didn't have the money to do it. If it adds problems on law enforcement and the states management of it, it needs to be corrected and handled, and some way fixed.

CHAIR KELIHER: Thanks, Tom, I appreciate that. I do note there are a couple members of the public who have raised their hand on this. I apologize, it is a late hour. I'm not going to take public comment on this particular issue. But I would invite you to send written comments in through staff, and they can pass them on to the appropriate folks.

SEAMAP REPORT

CHAIR KELIHER: I'm going to move right along to Item Number 10 on the agenda, which is the SEAMAP Report, and that is from Sarah Murray.

MS. SARAH MURRAY: Thank you, Mr. Chair, I'll try to be as brief as possible here. I think Maya should have a presentation for me, but I'll go

ahead and get started anyway. As an FYI, SEAMAP used to be a report to the South Atlantic Board, but obviously with reconfiguration there, we had to change things up a bit, so it will be now reporting directly to the Policy Board as NEAMAP does.

Just as a brief background for anyone who is not familiar, SEAMAP is a cooperative program that facilitates collection, management and dissemination of fishery independent data in the southeast. It has three components, the South Atlantic, which is coordinated by the Commission, the Gulf, and Caribbean.

SEAMAP South Atlantic partners include state agencies from North Carolina to Florida, the Southeast Science Center, Fish and Wildlife Service, the South Atlantic Council and the Commission. It also collaborates with NEAMAP. SEAMAP South Atlantic surveys consist of two trawl surveys, the coastal trawl survey operates from Cape Hatteras to Cape Canaveral.

The Pamlico Sound Survey in North Carolina, three coastal longline surveys in North Carolina, South Carolina, and Georgia, which target red drum, and also coastal sharks. Reef fish surveys, which their primary gear is chevron traps, but also incorporates short-bottom longline and rod and reel. Those are conducted in collaboration with MARMAP and SEFIS.

SEAMAP data is used for a number of stock assessments, including a number of Commission species, menhaden, bluefish, croaker, spot, horseshoe crab, coastal sharks. The data are also used for management documents, such as compliance reports, research both within agencies and in academia, and ecosystem modeling efforts, such as the development of the South Atlantic ecosystem model.

South Atlantic creates a number of GIS products, including maps of survey data that are housed in the SEAMAP-SA Fisheries web app, story maps that explain the program and surveys, and spatial analysis tools, such as hot spot analysis would be an example for Atlantic croaker here. Historically SEAMAP-South Atlantic database has been hosted by South Carolina DNR.

However, in recent years SEAMAP has been collaborating with SECOORA and Axiom Data Science to migrate data to the SECOORA Portal. This has a lot of advantages to it. One, just having the tech support that they are able to provide there. It also has many more end user tools for exploring and summarizing data.

You see an example of a map to the right, and there is also the ability to link SEAMAP-South Atlantic data to oceanographic and meteorological data that are housed within SECOORA. While this is being migrated to the portal, SCDNR staff and the Data Management Work Group will continue to be managing SEAMAP-South Atlantic data behind the scenes. The SEAMAP components jointly create five-year plans in collaboration. Typically, in the past this has been one plan, but this time we decided to split this into two separate plans. The first is the 2021 to 2025 SEAMAP Management Plan, which includes current goals, management policies, and procedures, SEAMAP history and accomplishments.

The second is the SEAMAP Strategic Plan, which includes a prioritized list of future project activities to maintain and expand upon current activities. I'll just briefly review some highlights from the South Atlantic part of the Strategic Plan. However, please note that the Strategic Plan Document provides a lot more detail, including estimated costs for some of the items discussed here.

The Strategic Plan activities are divided into three categories, which are listed in order of priority. The first category and top priority for funding is operating the existing SEAMAP-South Atlantic programs and all of the other programs at full utilization. In recent years, SEAMAP activities have been impacted by stagnating and declining funding to the core surveys.

As a result, additional funding is needed to maintain the baseline, and bring programs up to full utilization. Funding is needed across the surveys for sea days, personnel and other costs,

and I should note that stagnant or reduced funding in the future will likely result in reduced sampling efforts or sampling processing, etc.

The second set of activities are those that expand current projects to collect additional data on existing platforms or survey programs. These activities include expanding or resuming life history and data collection on the SEAMAP South Atlantic Surveys, collecting oceanographic and bottom mapping data in conjunction with these surveys, adding additional cruise legs, in particular for the Pamlico Sound Survey, and expanding data management to accommodate any new data.

The final part of the Strategic Plan are activities that would develop new fishery independent data collection programs. South Atlantic proposed surveys are listed in order of priority here. Briefly, these include a new pelagic survey that could study species such as mackerel, dolphins and wahoo, developing a survey for cobia, which currently does not have a coastwide index of abundance for the Atlantic migratory group of cobia.

A handful of different surveys, or supporting existing surveys collecting ichthyoplankton data. Developing a combined live bottom mapping and finfish trapping program, and effort to support or expand existing tagging studies and acoustic arrays in the South Atlantic, and enhance the use of this data for stock structure and other management. Provide support for existing Southeast Regional Estuarine Trawl Surveys, and developing a regional Crustacean Assessment, for example for blue crab or shrimp. With that I would be happy to take any questions.

CHAIR KELIHER: Thanks for that overview, Sarah. Are there any questions for Sarah? The Executive Director just reminded me we'll be seeing all of those species in Maine before long. Not seeing any hands up, Sarah, thank you for that report. I would like to report out to the Board that all of our business is done, but I'm afraid we've got one more, quick item of business. The Shad and River Herring Board did ask for the Policy Board to approve a letter, so with that I'm going to ask Dr. Davis to come on, and ask staff to put the motion up on the board.

DR. DAVIS: Thank you, Mr. Chairman. I move that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities and dam passage review to provide increased opportunities for population recovery for American shad. Dam barrier removals should be the preferred approach to restore fish species habitat access for population restoration, and for habitat restoration benefits when dam removal is not an option. Development and use of fish passage performance standards in river systems, based on available data, fish passage modeling tools, and fish passage expertise is recommended if the required information to develop performance standards are not available, support their development for such purposes and applications.

CHAIR KELIHER: Great, thank you Justin. This is a motion from the Shad and River Herring Board, so it does not need a second. Are there any members of the Policy Board that has any questions or comments on the motion? Seeing none, is there any objections to the motion? Any abstentions?

We have one abstention, Karen Abrams is, so we just have one. **Let the record show that the motion passes by consensus with one abstention from NOAA Fisheries.** With that, thank you, Justin for that quick bit of work on that letter. That concludes our business. I will give one last opportunity for Policy Board members, if there is any additional information or items that need to be discussed here today. Cheri Patterson.

MS. PATTERSON: I'm sorry I was unable to, at the moment, to talk further about Toni's presentation on the Board's considerations for PRT or PDT recommendations. I would just like to support these considerations. I think our PRT and PDTs spend a lot of time creating these recommendations, and are very thoughtful about them.

A lot of times it just seems to me that when we are approving FMPs, for example, that we just kind of gloss over these sorts of recommendations. I think we just need to be a little bit more thoughtful about that in our future FMP approval process, and at least consider their recommendations and move those recommendations forward, if the various boards agree with them. Thank you.

CHAIR KELIHER: Thanks, Cheri, for those comments. I think it's clear that there are some things that we need to do, as far as final considerations. I think staff has captured those, and I believe, hopefully Cheri you believe that there is some clarity now on what we can comment on. Any additional comments on that topic? Seeing none, I would like to thank all the members of the Commission for their attention on some pretty weighted conversations.

This spring meeting a lot of meetings ran long. Some issues that we actually needed to take a lot of time on. I certainly appreciate all of your time and attention to all of those matters. With that, unless staff has any final announcements, a motion to adjourn would be in order. Tom, Bob or Toni. Hearing none. Justin, I saw your hand go up were you motion to adjourn?

DR. DAVIS: That is correct, Mr. Chairman.

ADJOURNMENT

CHAIR KELIHER: Motion to adjourn, Cheri's hand up, I'll take that as a second. I'm assuming there is no opposition, so with that we stand adjourned. Thank you very much for a very productive meeting week.

(Whereupon the meeting adjourned on Thursday, May 6 at 1:00 p.m.)

Atlantic States Marine Fisheries Commission

Assessment Science Committee Report

The Assessment Science Committee (ASC) met on May 13th, 2021 to address several agenda items, including assessment report streamlining, 2020 data challenges, and revising the ASMFC stock assessment schedule.

Revised ASMFC Stock Assessment Schedule

The following proposed changes were made to the ASMFC Stock Assessment Schedule since the previous schedule was approved by the ISFMP Policy Board in August 2020:

- **Atlantic menhaden:** The update of the Ecological Reference Point (ERP) assessment in 2022 was removed per the ERP Work Group's recommendation to only update the single-species assessment before the next ERP benchmark.
- **Striped bass:** The striped bass assessment update was shifted from 2021 to 2022 to allow time for management changes to take effect and to avoid challenges that could result from having a 2020 terminal year for the assessment. The 2023 assessment update was shifted to 2024 to maintain the two-year assessment update schedule.
- **Black drum:** A benchmark assessment for black drum was scheduled for 2022 per the Black Drum Technical Committee's recommendation.
- **River herring:** The assessment schedule was revised to indicate the 2023 river herring assessment will be a benchmark assessment.
- **Spanish mackerel:** The expected completion date for the Spanish mackerel assessment shifted from 2021 to 2022.

DRAFT Long-Term Stock Assessment and Peer Review Schedule (Updated May 2021)

Species	2015	2016	2017	2018	2019	2020		2021	2022	2023	2024
American Eel			Update						x		
American Shad						ASMFC					
American Lobster	ASMFC					ASMFC					
Atlantic Croaker			ASMFC								x
Atlantic Menhaden			Update		SEDAR				Update		
Atl. Menhaden ERPs					SEDAR						
Atlantic Sea Herring	Update			SARC-Spring		Management			Management		Management
Atlantic Striped Bass	Update	Update		SARC-Fall					Update		Update
Atlantic Sturgeon			ASMFC								x
Black Drum									ASMFC		
Black Sea Bass	Update	SARC- Fall	Update	Update	Operational*			Management	SARC - Fall	Management	
Bluefish	SARC-Spring	Update	Update	Update	Operational*			Management	SARC - Fall	Management	
Coastal Sharks	SEDAR	SEDAR	SEDAR			SEDAR			SEDAR		
Cobia					SEDAR						
Horseshoe Crab					ASMFC			ASMFC (ARM)			Update
Jonah Crab										Management	
Northern Shrimp	Update	Update	Update	ASMFC				Update		Update	
Red Drum	SEDAR								ASMFC		SEDAR
River Herring			Update							ASMFC	
Scup	SARC-Spring	Update	Update	Update	Operational*			Management		Management	
Spanish Mackerel									Operational		
Spiny Dogfish	Update	Update	Update	Update					SARC - Spring		
Spot			ASMFC								x
Spotted Seatrout	VA/NC	FL									
Summer Flounder	Update	Update	Update	SARC-Fall				Management		Management	
Tautog		ASMFC						Update			
Weakfish		ASMFC			Update						
Winter Flounder	Update		Update			Management			Management		Management

Note all species scheduled for review must be prioritized by management boards and Policy Board.

Additional Notes:

- Coastal Sharks Hammerhead benchmark assessment 2022
- Spotted Seatrout States conduct individual assessments
- Management Track NE region assessments allowing small to moderate changes (similar to Assessment Updates)
- Research Track NE region assessments open to all changes; also includes Research Topics (similar to Benchmark Assessments)

- SEDAR Peer Review
 - ASMFC Peer Review
 - Fall SARC Review (November; Research Track)
 - Spring SARC Review (June; Research Track)
 - x = 5 year trigger date or potential review
 - Completed
- Italics = under consideration, not officially scheduled*



Update to the
Atlantic States Marine Fisheries Commission

Profiles of State Artificial Reef Programs and Projects

July 2021



Bluestriped grunt, French grunt, porkfish, schoolmaster, yellowtail snapper and other reef fish at the bow section of Joe's Tug located six miles south of Key West, FL at a depth of 65 feet. Joe's Tug was a 90 foot steel tugboat prepared and deployed as an artificial reef on January 21, 1989. Photo credit: Keith Mille, FL FWC.

Atlantic Artificial Reef Summary Information

PERMITTED SITES	
In federal waters	168
In offshore state waters	80
In inshore state waters	89
Total	337
NUMBER OF MITIGATION REEFS	
at least 38	
AVERAGE ANNUAL OPERATING BUDGET*	
\$458,852	

* For some states this is the operational budget, for others it is the annual construction materials budget.

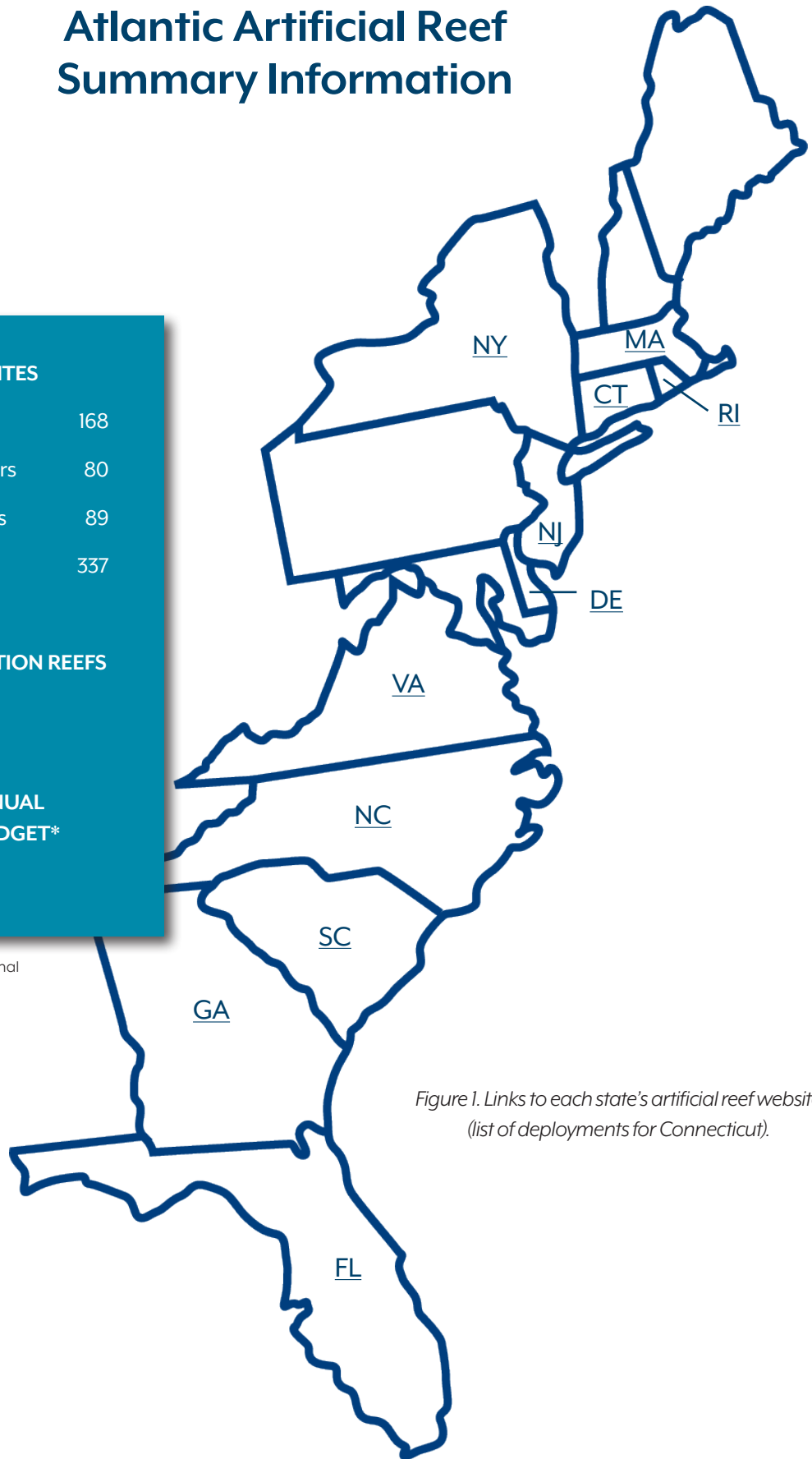


Figure 1. Links to each state's artificial reef website (list of deployments for Connecticut).

Introduction

In 1988, the Atlantic States Marine Fisheries Commission published *A Profile of Atlantic Artificial Reef Development*, which featured profiles for each state’s artificial reef program (ARP, see appendix for list of abbreviations and acronyms). In the 30+ years since its release, many states have expanded their programs; deployed a variety of artificial reefs (ARs) using best management practices for construction, materials, and siting; and have monitored sites for use – both by fishers and divers, as well as by marine life. This publication is an update to the 1988 profiles, providing summary information on each state’s program, as well as featuring some reefing highlights over the last three decades.

Table of Contents

Summary Information	i
Introduction	ii
Massachusetts	1
Rhode Island	6
Connecticut	10
New York	12
New Jersey	17
Delaware	19
Virginia	22
North Carolina	26
South Carolina	30
Georgia	35
Florida	37
Conclusion	42
Appendix	44

Massachusetts

MASSACHUSETTS ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	5 (all in offshore waters)
Number of Mitigation Reefs	2

PROGRAM DETAILS

Artificial Reef Management Authority	Massachusetts Division of Marine Fisheries (MA DMF)
Average Annual Operating Budget	\$10,000
State Artificial Reef Plan	https://www.mass.gov/media/9591/download
Reef Coordinator	Mark Rousseau; Mark.Rousseau@mass.gov
Shellfish Reef Program Contact (separate from the ARP)	Jeff Kennedy; Jeff.Kennedy@mass.gov
Artificial Reef Website, with list of deployments	https://www.mass.gov/service-details/artificial-reefs
State Reef Publications	https://www.mass.gov/media/9596/download
Research Collaborations	https://www.tandfonline.com/doi/pdf/10.1080/00288330909510001

The Massachusetts ARP was formalized in 2008 with the completion of the Massachusetts Marine Artificial Reef Plan. The MA DMF Fisheries Habitat Program oversees all ARP developments. Prior to 2008, artificial reefing activity in Massachusetts consisted of a series of ad-hoc deployments for research pilot projects or mitigation. Four of the five Massachusetts permitted reef sites are less than 25 years old. The Dartmouth reef in Buzzard’s Bay was created in 1997 using Reef Balls by the University of Massachusetts as a pilot research project. The Sculpin Ledge reef in Boston Harbor is a 1999 mitigation project designed using concrete terrace structures to address subtidal habitat loss at Spectacle Island resulting from the capping of a landfill using “Big Dig” project fill. The Boston Harbor HubLine reef was constructed in 2006 as mitigation for hard bottom habitat impacts resulting from the installation of the HubLine natural gas pipeline between Boston and Salem. The Harwich Reef in Nantucket Sound was created in 2016 using concrete recycled from the demolition of the local high school. The Harwich reef was a collaborative effort with the local charter boat captains and was the first reef project funded using revenue from Massachusetts Recreational Saltwater Fishing License sales. This is a recreation-only reef, with all commercial fishing activity prohibited through regulation enacted in 2016. The permit remains open to accept additional materials in the future.

Permits for the Yarmouth reef, Massachusetts’ oldest AR originally created in 1978, were reissued in 2016 to allow additional material to be deployed in vacant areas of the 125-acre site. In 2019, derelict concrete navigation buoy moorings were donated and deployed by the United States Coast Guard (USCG), with additional USCG deployments expected in the future. Additionally, 2,000 cubic yards of granite and concrete were added to the site, using funding by Massachusetts Department of Fish and Game’s In-lieu Fee Mitigation Program to pay for deployment.

The Massachusetts ARP is currently focused on addressing three programmatic bottlenecks to help position the program for sustained success: permitting new sites, acquiring free materials, and securing funding for future

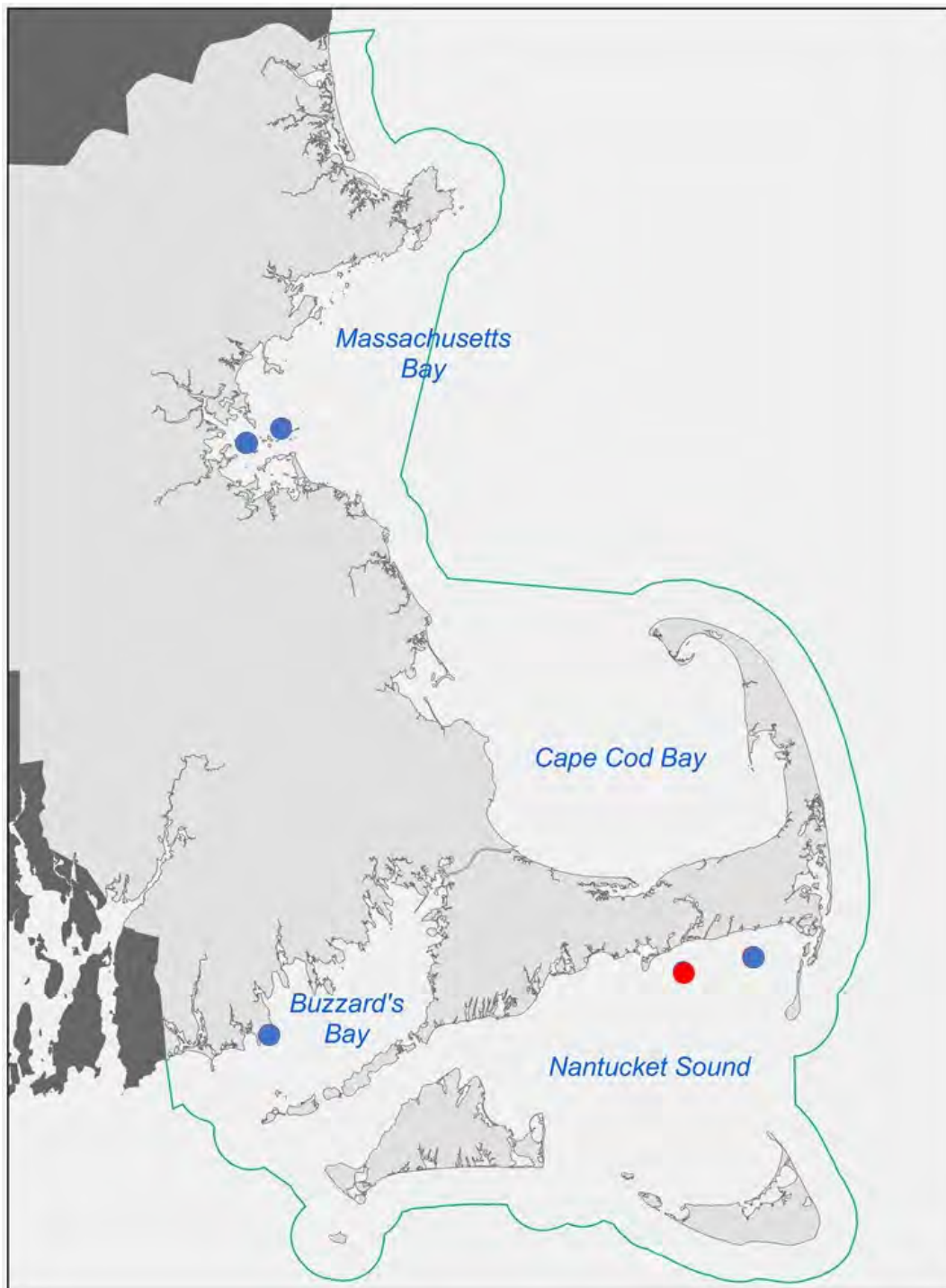


Figure 2. ARs in Massachusetts. Red circles indicate reefs placed before 1988, and blue circles indicate reefs placed after 1988.

deployments. Progress on ARP development is limited by the availability of funding and dedicated staff. A part-time coordinator oversees the ARP and utilizes staff from other programs to conduct reef-associated activities. Collaborations with local communities and other state agencies are utilized to secure free materials and to obtain new permits. All Massachusetts reef sites have established stations for collecting long term monitoring data, including acoustic monitoring of fish and bottom temperature data collection, to take advantage of ongoing efforts from other MA DMF projects to assist with reef monitoring.

PROGRAM HIGHLIGHTS

Completion of the Massachusetts Artificial Reef Plan in 2008 formally established guidance to direct future artificial reefing activities in Massachusetts. Dedicated funding for the program is limited for site selection and monitoring, requiring program staff to build on collaborative efforts with local and state agencies to secure materials of opportunity and funding for deployments. Despite these limitations, the ARP continues to make strides building reefs, siting new reef sites to permit, securing new materials of opportunity, and researching and monitoring existing reef sites.

Harwich Artificial Reef

Massachusetts's newest AR is the Harwich Reef in Nantucket Sound, deployed in 2016.

The project was a collaborative effort between the Town of Harwich and MA DMF.

The first deployment of materials consisted of 1,600 cubic yards of concrete rubble obtained from the demolition of the Old Harwich High School, deployed to create patch habitat arrays across a 10-acre site. MA DMF enacted a regulation prohibiting all commercial fishing activity on the reef site and within a 100-meter perimeter buffer zone. The regulation makes this the first and only reef site in Massachusetts dedicated exclusively to recreational saltwater fishing. The reef is very popular within the local community. The permit remains open to allow for the deployment of additional materials to the site.



Figure 3. USCG Vessel Oak deploying derelict concrete navigational aid “sinkers” on the Yarmouth Reef in Nantucket Sound. Photo credit: Mark Rousseau, MA DMF.



Figure 4. Deployment of materials to the Harwich Artificial Reef site. Photo credit: Mark Rousseau, MA DMF.



Figure 5. BRUV Research in Nantucket Sound. Photo credit: Simonetta Harrison, MA DMF intern/NEU.



Figure 6. Collaborative monitoring in Nantucket Sound with the Cape Cod Salties and NEU graduate intern. Photo credit: Mark Rousseau, MA DMF.

Monitoring

MA DMF utilizes ARs as long-term monitoring stations to track movement of radio tagged finfish and horseshoe crabs using acoustic receivers, and for the collection of time series bottom temperature data in jurisdictional waters. Temperature data collection dates back to 2006 on some AR locations. MA DMF also conducts periodic sidescan sonar surveys of reef sites to verify material placement and stability. An Underwater Visual Census (UVC) survey using divers collects data on the HubLine mitigation reef in Boston Harbor annually to document long-term successional changes to both native and invasive species on AR habitat compared to nearby natural, hard structured habitats. The UVC survey has been completed every July since 2006. In Nantucket Sound, a 2019 study using Baited Remote Underwater Video Stations (BRUVS) compared reef productivity of the Yarmouth and Harwich ARs, Massachusetts' oldest and newest ARs. Species richness, diversity, abundance, and age structure of economically important demersal fish species were compared to fish aggregations on nearby natural reefs and sand bottom habitats. The study identified an increase in abundance of reef-associated species with increases in reef age. Future research on reefs in Nantucket Sound will utilize BRUVS to assess structured habitat connectivity to determine appropriate spacing of new reefs to existing reefs and natural structured habitats. To complete AR monitoring studies, MA DMF has relied on volunteer services of recreational sport fishing clubs and graduate student interns to assist MA DMF's monitoring efforts, particularly in Nantucket Sound. In 2019, collaborations to complete BRUV research on Nantucket Sound reef sites included a Northeastern University's (NEU) Three Seas Program graduate intern and several members of the Cape Cod Salties who donated vessel time to MA DMF.

Site Selection

The success of the Harwich reef deployment in 2016 generated significant demand for the permitting of additional reef sites in Massachusetts. In 2017, MA DMF began assessing potential AR locations in structure-limited areas of lower Cape Cod Bay. To identify potential sites, information about existing benthic conditions was collected in three distinct phases: sidescan imaging acoustic surveys, underwater camera groundtruth imaging, and SCUBA diver transect monitoring. Over 12,000 acres of bottom were surveyed in four distinct locations using sidescan sonar. Survey locations were ranked based on absence of structure, proximity to structure, and ideal bathymetric conditions. With the assistance of an NEU graduate intern, over 300 sediment photos and more than 5,000 linear feet of diver transect data were collected and analyzed to identify five potential new reef locations in lower Cape Cod Bay. If permitted, the five sites identified in Cape Cod Bay will double the number of ARs in Massachusetts jurisdictional waters.

Material Acquisition

Reef sites with open permits are a desirable option for government agencies looking to donate suitable materials of opportunity for reefing as a means to recognize cost savings for large-scale infrastructure improvement projects when disposal debris can meet MA DMF reefing materials requirements. MA DMF is working with the Massachusetts Department of Fish and Game and the Massachusetts Department of Transportation to secure free materials of opportunity from large transportation upgrades such as the Massachusetts South Coast Railway Improvement project. Over 1,000 cubic yards of granite from more than 60 culvert and bridge infrastructure upgrades along the rail line have been donated to the MA DMF reef program for reefing. With no funding immediately available for material deployments, MA DMF has secured a temporary lease from the New Bedford Marine Commerce Terminal for staging the donated granite until deployment funding is secured. Additionally, MA DMF is collaborating with the USCG Stations Newport and Woods Hole to receive derelict navigation aid moorings, known as sinkers, to reef sites in Nantucket Sound. The USCG delivers and deploys materials to areas on the reef designated in advance by MA DMF at no cost to the state.

Future reef deployments will focus on barge loading of materials from coastal construction projects, with direct delivery to reef sites. In order for this to be a successful, economically feasible option, MA DMF will be required to maintain several open reef permits in several locations.

Figure 7. Lower Cape Cod Bay sites selected for permitting.
Image credit: Kristen Schmicker, MA DMF intern/NEU.

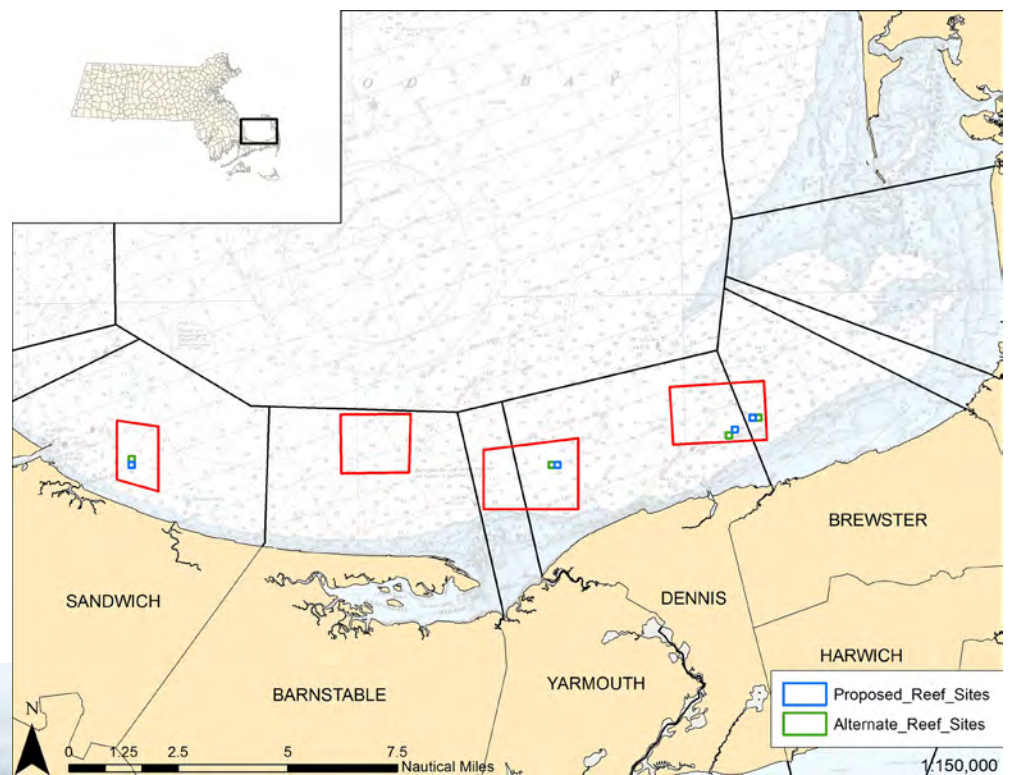


Figure 8. Material from the MA Department of Transportation South Coast Railway Project stored at the Clean Energy Center's Marine Commerce Terminal in New Bedford.
Photo credit: Mark Rousseau, MA DMF.

Rhode Island

RHODE ISLAND ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	3 (in offshore waters); 4 (in inshore state waters)
Number of Mitigation Reefs	1

PROGRAM DETAILS

Artificial Reef Management Authority	New England Fishery Management Council, Rhode Island Department of Environmental Management Division of Marine Fisheries (RI DMF)
Average Annual Operating Budget	\$10,000
State Artificial Reef Plan	No official state plan, reviewing the current guidelines for artificial reef planning
Reef Coordinator	Patrick Barrett; Patrick.Barrett@dem.ri.gov
Shellfish Reef Program Contact (separate from the ARP)	Eric Schneider; Eric.Schneider@dem.ri.gov Patrick Barrett; Patrick.Barrett@dem.ri.gov
Artificial Reef Website, with list of deployments	http://www.dem.ri.gov/programs/marine-fisheries/surveys-pubs/habitat.php
Research Collaborations	Sheehy, D. 1976. Utilization of artificial shelters by the American lobster (<i>Homarus americanus</i>). Journal of the Fisheries Research Board of Canada 33: 1615-1622. Sheehy, D.J. 1982. The use of designed and prefabricated artificial reefs in the United States. Marine Fisheries Review 44(6-7): 4-15. Castro, K.M., J.S. Cobb, R.A. Wahle & J. Catena. 2001. Habitat addition and stock enhancement for American lobsters, <i>Homarus americanus</i> . Marine and Freshwater Research 52(8): 1253-1261.

ARs were first deployed in Rhode Island waters during the early 1970s. During this time there was no state sponsored ARP, but the state supported research projects undertaken by the University of Rhode Island (URI) to investigate the use of pre-fabricated concrete modules as a tool to increase species specific abundance in otherwise unstructured benthic marine habitat (i.e. sand bottom). Specifically, this work focused on determining if ARs can be used as a tool to increase the carrying capacity of lobsters in areas devoid of natural shelter. The results suggested that these species-specific modules were readily occupied by lobster and can significantly increase the abundance of lobster at certain locations (Sheehy 1976). These lobster modules were the only ARs on record in Rhode Island at the time of the ASMFC's 1988 Profile on Artificial Reef Development. Findings from this work provided promising results and garnered the state's interest in ARs as a fisheries management tool. However, AR planning and development did not expand until the late '90s.

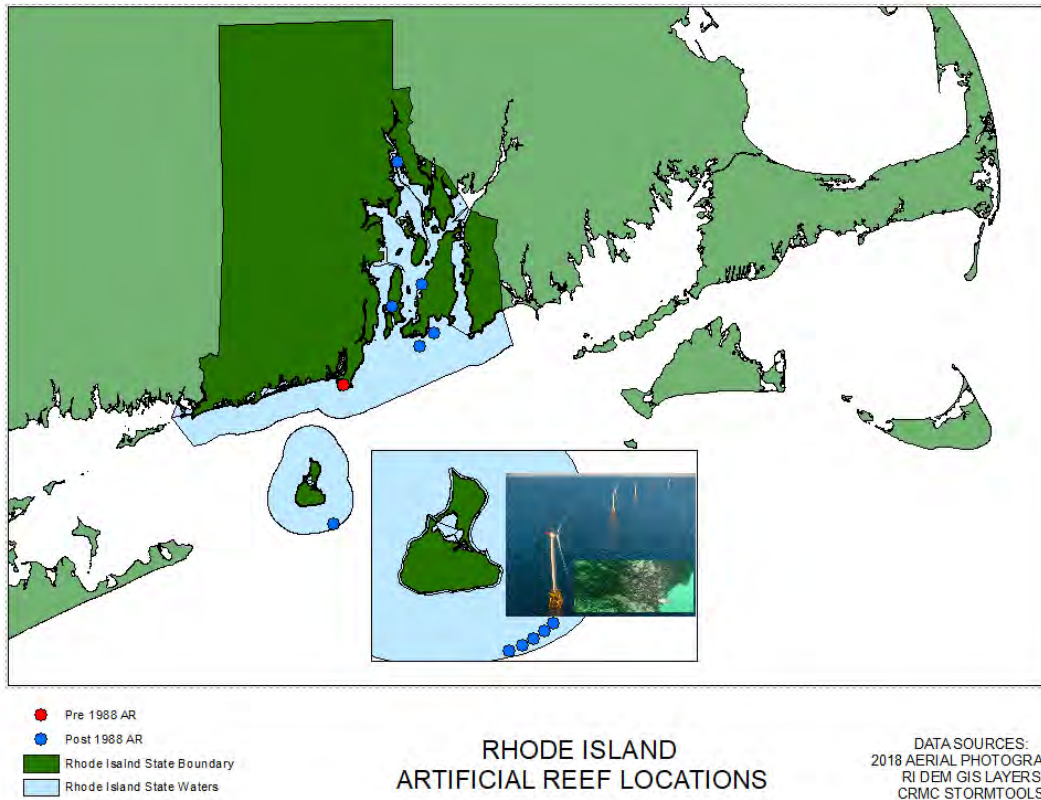


Figure 9. ARs in Rhode Island. Red circle indicates reefs placed before 1988, and blue circles indicate reefs placed after 1988.

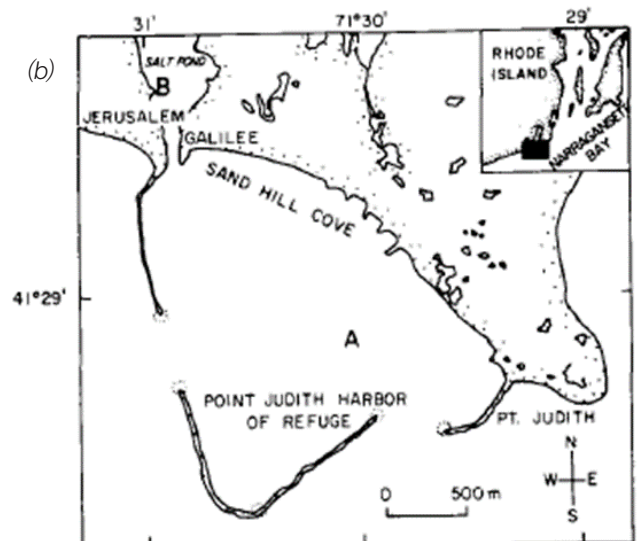


Figure 10. (a) Lobster occupying two-piece single-chamber shelter, and (b) map of lobster module enhancement areas as cited in Sheehy 1982 and 1976 respectively.

In 1997, a second AR project conducted by the URI was developed with the same purpose of improving the stock of American lobster. Instead of pre-fabricated modules, this deployment consisted of six reefs split into two grades of cobble stone (10-20 cm and 20-40 cm) deployed off the western side of Jamestown, near Dutch Island (Castro et al. 2001). Castro found that the ARs increased the abundance of adult lobsters relative structured and unstructured habitat controls. The success of these two reefs provided the state with more confidence that the implementation of ARs can be used as a successful management tool. Not too long after, ARs returned to Narragansett Bay as part of a mitigation measure taken by the U.S. Navy post remediation of the McAllister Point Landfill. From 1955-1970s,

the McAllister Landfill accepted all waste from the Newport Naval Station. In 1989, the landfill, in conjunction with other sites on the base, were included on the Environmental Protection Agency's (EPA's) National Priority List. As a post remediation mitigation measure, specifically post-dredging of the nearby marine sediment, the U.S. Navy was required to conduct post-eelgrass restoration and AR enhancement work at the sites dredged and backfilled during the remediation work. While some projects arise out of a necessity to react, others arose more opportunistically.

In 2003, the Rhode Island Department of Transportation (DOT) started to plan the removal of the Old Jamestown Bridge that was closed after the completion of the Jamestown-Verrazano Bridge in 1992. Since the bridges spanned the east passage of Narragansett Bay, Rhode Island was presented with a unique opportunity to repurpose this old bridge material as an AR, which proved to be a more cost effective option than landfill disposal. The demolition of the Old Jamestown Bridge began in 2006 and with funds acquired by the Rhode Island DOT from the Federal Highway Administration, the state was able to construct two ARs, Gooseberry Island and Sheep Point Reef, in nearshore waters off the coast of Newport. In addition to the recycled bridge materials (i.e., concrete slabs, rebar, concrete rubble) these ARs were improved by cryptic habitat units that enhanced vertical relief and protected juvenile and cryptic fishes.

Currently, there is no official ARP but a draft guideline for AR planning in Rhode Island was developed by Rhode Island Division of Marine Fisheries (RI DMF) in conjunction with a 2013 permit application for a reef ball project in estuarine waters. The project permit was withdrawn but the document and AR site suitability analysis stands as the most up to date plan for AR enhancement in the state. This work is currently being reviewed and considered for potential improvements in order to adopt into an official plan state plan.



Figure 11. The through truss span of the Old Jamestown Bridge, just before it hits the water following the first controlled explosive demolition in 2006. Photo credit: RIDOT.

Currently, all habitat restoration falls under one of two programs, either the Shellfish Restoration Program or the Fish Habitat Enhancement Program. AR work is conducted under the Fish Habitat Enhancement Program consisting of a couple members of the state's Habitat Team. Since last year, the RI DMF Habitat Team has continued to monitor essential fish habitat (EFH) such as oyster reefs, eelgrass, and kelp, in addition to siting potential locations for AR work. Over the last four years the team, in collaboration with The Nature Conservancy, has been using a combination of monitoring techniques (e.g. multi gear surveys, benthic video monitoring, and dive surveys) to determine suitable locations for fish habitat enhancement projects in the Upper Narragansett Bay and Providence River. This research has led to the first permitted AR project specifically aimed towards enhancing fish habitat since 2006. Deployment of the Sabin Point AR project was completed in October 2019.

PROGRAM HIGHLIGHTS

Jamestown Bridge Artificial Reef Project

Gooseberry Island and Sheep Point reefs were completed in August 2007. The main goal of the work was to enhance inshore, flat sandy bottom habitat, with more complex structure with the understanding that these improvements to the benthic structural complexity will likely result in increased fish biomass, juvenile fish abundance,



Figure 12. Cryptic habitat units prior to be deployed.
Photo credit: Natasha Pinckard.



Figure 13. AR being deployed at Sabin Point.
Photo credit: Grace Kelly, ecoRI.

and social standpoint. DMF intends to utilize a dive transect monitoring protocol that is designed to sample common algae, invertebrates, and fish species to monitor changes to AR habitats over time. From this work they will establish fish habitat linkages by comparing productivity estimates on AR in relation to sand flat controls, and other important finfish habitats (e.g. oyster reefs, kelp, eelgrass). In addition to the biological surveys DMF is also interested in conducting recreational angler interviews to see how perception of the park, and the fishing opportunity, has changed at Sabin Point since the creation of the AR.

and provide additional recreational fishing and SCUBA diving opportunities in Rhode Island. These reefs were constructed in 65-85 feet of water on sandy, unstructured, habitat, and surveyed via transect methods on SCUBA. In addition to these materials, cryptic habitat units were deployed and hauled at various intervals to measure the colonization of cryptic and juvenile finfish species.

Sabin Point Artificial Reef Project

The goal of this project is to enhance fish abundance at a site, which currently provides fishing access but supports a moderate-low fish abundance. This work aims to enhance the size and abundance of targeted species (e.g. scup, tautog, black sea bass), as well as support juvenile fish and prey species by adding structure to relatively featureless bottom habitat to a location in close proximity to a local fishing pier. The project site has been carefully chosen to balance the goal and objectives of the project while taking into consideration the environmental constraints, logistics of implementation, and competing uses. This is the first AR project since 2006, and the first AR to use Reef Balls in Rhode Island.

Artificial Reef Productivity Monitoring

As AR work continues to grow in Rhode Island, DMF is looking to identify the best monitoring methods to evaluate the success of their AR work. DMF will be using the Sabin Point project as a pilot study for the use of Reef Balls in Rhode Island waters, as well as to identify monitoring guidelines for future AR projects. DMF is also interested in determining the relative habitat value produced by creating ARs in the bay, both from a biological

Connecticut

CONNECTICUT ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites 1 (in inshore state waters)

Number of Mitigation Reefs 1

PROGRAM DETAILS

Artificial Reef Management Authority Connecticut Department of Energy and Environmental Protection (CT DEEP), Fisheries Division, Marine Fisheries Program

Average Annual Operating Budget \$0

Reef Coordinator David Molnar; David.Molnar@ct.gov

Shellfish Reef Program Contact (separate from the ARP) David Carey; David.Carey@ct.gov

List of deployments https://www.nfwf.org/sites/default/files/finalreports/1401.13.039429-final_report.pdf

ARs were first deployed in Connecticut waters in 2014. During this time there was no state sponsored AR program, but the state authorized research projects undertaken by Sacred Heart University (SHU) to investigate the use of pre-fabricated concrete modules “Pallet Reef Balls” and native vegetation as a tool to decrease erosion of intertidal sediments and restore intertidal wildlife habitats. Specifically, this work focused on determining if ARs can be used as a tool to reduce wave action and stabilize the shoreline, subsequently aiding in marsh grass restoration and species recolonization. The results suggested that wave energy has been reduced and sedimentation has increased (NFWF 2018).



Figure 14. AR in Connecticut. Red circle indicates reef placed in 2014.

PROGRAM HIGHLIGHTS

Stratford Point Living Shoreline Project

Stratford Point was formerly owned by Remington Gun Club for 50 years and was used as a gun firing range, subsequently leading to lead pollution in the intertidal shoreline from the bullets. DuPont acquired the land and conducted remediation efforts in the early 2000s to remove the pollution, however, in the process, the cleanup disturbed the intertidal habitat. In 2011, Dr. Mattei, Professor at SHU, became involved in Stratford Point's ecological system.

Pallet Balls were installed at Stratford Point Living Shoreline in May 2014. The main goal of the work was to protect coastal shorelines from storm-generated erosion (NFWF 2018). The deployment of 64 Pallet Balls helped improve the benthic habitat, serving as substrate for marine organisms such as juvenile finfish, oysters, barnacles, algae, sponges, clams, snails, and crabs. The installation of smooth cordgrass (*Spartina alterniflora*) helped the establishment of a fringe marsh and provided additional wave attenuation. These reefs were constructed during low tide, approximately 18 meters seaward of the mean high water elevation. As part of the project, and per requirements of the state's Certificate Permission, subsequent monitoring of abiotic and biotic data was collected for five years to determine if the living shoreline was successful in terms of increasing coastal resilience over time. Presently, the attenuation of wave energy has been reduced by 30% and within the first year of the installation, 15 cm of sediment accreted landward of the Pallet Balls (NFWF 2018).

Funding for this project was provided by U.S. Army Corps of Engineers (USACE) Connecticut In-Lieu Fee Program (\$250,000), Connecticut Institute for Resilience and Climate Adaptation (CIRCA) Matching Funds (\$91,000), and Long Island Sound Futures Fund (\$115,198). The leading stakeholders involved in this project are SHU professors, DuPont, Connecticut Audubon Society and National Audubon Connecticut, AECOM (formerly URS) and CIRCA.

Reference

National Fish and Wildlife Foundation (NFWF). "Final Programmatic Report Narrative" 23 Dec. 2019, http://www.nfwf.org/finalreports/1401.13.039429-final_report.pdf

Figure 16. The living shoreline project consisted of an artificial reef and intertidal marsh. Reef balls are located approximately 18 meters seaward of the mean high-water elevation. Photo credit: CT DEEP.



Figure 15. Precast concrete reef balls called Pallet Balls being deployed at the Stratford Point Living Shoreline in 2014. Photo credit: CT DEEP.



NEW YORK ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	3 (in federal waters - 2007 acres); 5 (in offshore waters - 1,321 acres); 4 (in inshore waters - 61 acres)
Number of Mitigation Reefs	0

PROGRAM DETAILS

Artificial Reef Management Authority	New York State
Average Annual Operating Budget	\$750,000
Artificial Reef Plan	https://www.dec.ny.gov/docs/fish_marine_pdf/dmrreeffsgeis.pdf
Reef Coordinator	Christopher LaPorta; Christopher.LaPorta@dec.ny.gov
Shellfish Reef Program Contact (separate from the ARP)	Debra Barnes; debra.barnes@dec.ny.gov
Map of deployments	https://www.dec.ny.gov/outdoor/71702.html
Artificial Reef Website	https://www.dec.ny.gov/outdoor/7896.html

The New York State Department of Environmental Conservation (NYSDEC) ARP was established in 1962 to enhance and restore fisheries habitat as part of New York State’s Marine Fisheries Management Program and provide additional fishing and diving opportunities.

A Generic Environmental Impact Statement and Plan for the Development of Artificial Reefs in New York’s Marine and Coastal District (GEIS/Reef Plan) was written by NYSDEC in 1993 to establish programmatic guidelines and goals and to secure permits authorizing the construction, repair and maintenance of ARs in both New York and adjacent federal waters.

The GEIS/Reef Plan was updated through the completion of a Supplemental GEIS/Reef Plan (SGEIS). The SGEIS was completed in 2020 and addressed the advancements in science and knowledge surrounding AR development and the programmatic questions raised in the 1993 GEIS. The SGEIS will be an integral part of the ARP’s path forward toward significantly increasing overall reef area through the expansion of existing sites and the creation of new sites.

The ARP maintains 12 reef sites in New York’s Marine and Coastal District including eight sites in the Atlantic Ocean, two in Great South Bay and two in Long Island Sound. All but one site (Twelve Mile Reef) were permitted prior to 1988 (see map). Reef sites are strategically positioned in proximity to major inlets for increased boating access.

Program compliance and performance monitoring of the sites is conducted through aerial surveys, SCUBA, bathymetric surveys, remote operated vehicle (ROV), trap surveys, and contracted biological monitoring surveys. Supplemental monitoring information is also received through volunteer angler and diver surveys.

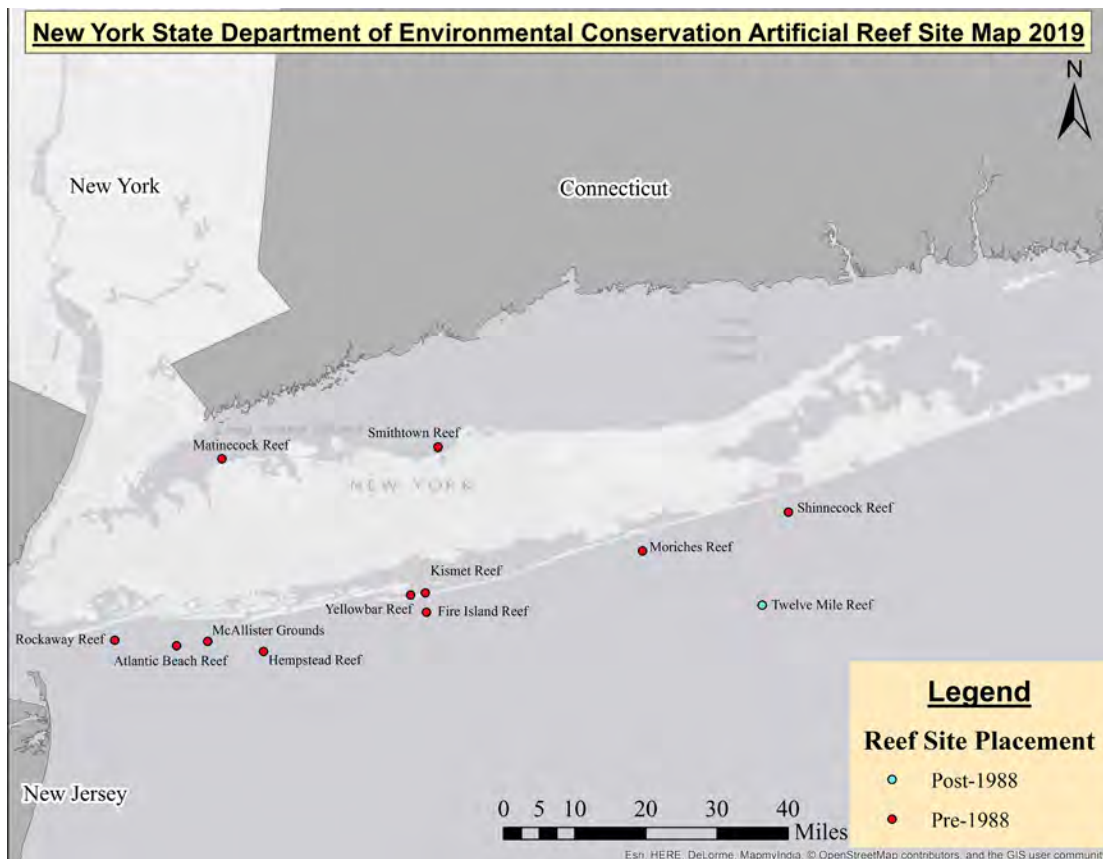


Figure 17. ARs in New York. Red circles indicate reefs placed before 1988, and blue circles indicate reefs placed after 1988.

Materials of opportunity are utilized to create patch reefs on ARP sites. Reef building materials that have been used include, but are not limited to, rock (dredged and jetty), concrete (pipes, blocks, slabs, bridge decking, rubble), steel (vessels, barges, pipe, buoys, automobile bodies), wood (drydocks, barges, vessels) and tires. A majority of these materials were used because of their abundance and availability. Over time performance monitoring determined which materials proved to have superior reef building characteristics (stability and durability) for sustained use. Car bodies and tires are no longer used by the ARP due to their poor performance as reef material. In the past other available and abundant materials such as wood (barges and vessels) have been predominantly replaced by the significantly more stable and durable rock and steel.

Historically, the ARP had no dedicated budget to acquire, prepare and deploy materials on its sites. Some project and monitoring funding has been secured through the New York State Environmental Protection Fund.

A majority of deployed materials have been acquired through ARP partnerships. Federal agencies, such as the USACE and the National Marine Fisheries Service (NOAA Fisheries) have donated reef building materials ranging from large volumes of dredge rock to steel fishing vessels.

Other partnerships with construction companies have produced large volumes of material (concrete and steel) from demolition projects where reefing was more economically feasible than alternate disposal methods. Additional reef building collaborations were forged with local fishing clubs and saltwater angler based organizations (Fisherman and Fishing Line magazines) through specific reef site sponsorship.

Perhaps the most significant challenge encountered by the New York ARP has been the increased value of and preparation cost for reef building materials that were once readily available and commonly used. A key factor has

been the exorbitant increase in scrap steel value making acquisition of steel vessels, barges, and pipes among other steel products onerous due to greater scrapping value.

PROGRAM HIGHLIGHTS

Atlantic Beach Reef

The most significant ARP material deployment was the result of a successful partnership with New York District USACE during an ongoing New York Harbor Channel Deepening Project. This project produced large volumes of dredged bedrock from New York Harbor to allow deep draft vessels access to the Port of New York. The partnership was a “win-win” for the USACE, who aquatically recycled large volumes of disposal material, and the ARP who gained large volumes of high-quality reef building material at no cost.

Reef placements occurred from 1998 through 2001 producing over 200 deployments yielding approximately 600,000 cubic yards of rock. To date this is the largest patch reef created in ARP history located on the Atlantic Beach Reef.

After blasting and dredging, the rock was loaded into hopper barges and towed to a series of designated target coordinates on the Atlantic Beach Reef for deployment. The rock drops created an extended patch reef that defines the northern boundary of the site easily located by the large number of vessels frequenting it.

The Atlantic Beach Reef “rockpile” remains one of the most popular and frequented destinations to date as is evidenced by the photo of the “rack-line” of boats enjoying the fishing and diving opportunities this massive patch reef offers.

SCUBA monitoring of this large reef has documented a considerable number of large interstitial spaces that could easily house a “double-digit” lobster or tautog!



Figure 18. Atlantic Beach Reef line of boats. Photo credit: NYSDEC.

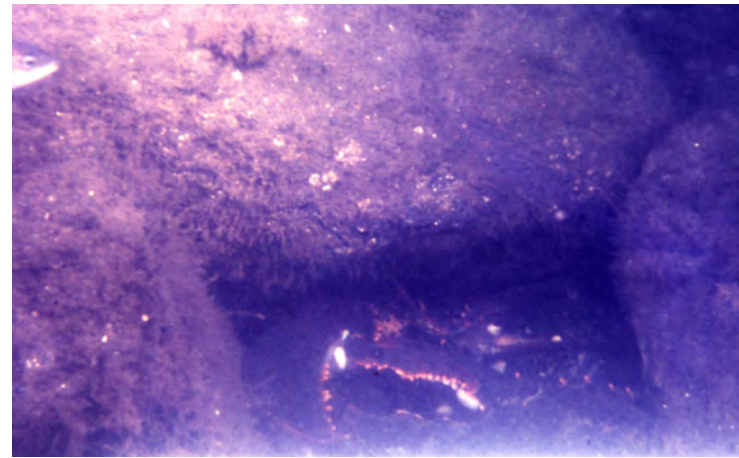


Figure 19. Lobster in rocks. Photo credit: NYSDEC.

Figure 20. Rocks for the Atlantic Beach Reef. Photo credit: NYSDEC.



Moriches Anglers Reef

The largest vessel deployed by the New York ARP began its life as a 167-foot steam freighter. The vessel currently known as The Boat went by many prior monikers such as Philip J, SS Newport, Boulogne Sur Mer, and Bad Bob's Big Boat before going to its final resting place on the Moriches Anglers Reef.

The original steam freighter was gutted and converted into the floating Four Star French Restaurant SS Newport that was berthed in Newport Harbor, Rhode Island for 10 years. When the SS Newport fell on hard times it was sold and converted into its final incarnation as the floating Nightclub Bad Bob's Big Boat berthed in Newport Harbor for 20 years. Bad Bob's Big Boat had a colorful reputation as an upper-class destination but eventually declined and became a hangout for rowdy crowds. Over time the Newport City Council issued an eviction notice for the vessel and eventually a settlement spelled out terms for The Boat's removal from Newport Harbor. The last owner of The Boat was a SCUBA diver who was familiar with the New York ARP. He contacted the ARP and offered to donate the vessel. The vessel's dimensions of 167-feet long, 27-foot beam, and 25-foot keel made it a good candidate for reefing.

Local divers have reported that The Boat rests on its keel in 70 feet of water on the Moriches Anglers Reef. The large voids and open decks of The Boat have been documented to hold large numbers of tautog, black sea bass, and scup. This patch reef remains one of the more popular diving destinations of the New York sites due to its size.

The project was sponsored by the local fishing club The Moriches Anglers who adopted the Moriches Anglers Reef because many club members frequented the site to fish and dive. Over time members of the club created the not for profit organization Moriches Offshore Reef Fund (MORF) that was ultimately responsible for improving over half the reef site with patch reefs primarily in the form of steel vessels and barges preferred by club members. MORF's long-term sponsorship of the Moriches Anglers Reef has been the most successful single site sponsor partnership with the New York ARP to date.

Governor Cuomo's Reef Initiative/Tappan Zee Bridge

Demolition of the Tappan Zee Bridge and the resulting opportunity to "aquatically recycle" materials to reduce landfill burden produced significant changes for the ARP. Starting in 2018 Governor Andrew Cuomo's Artificial Reef Initiative (Reef Initiative) rejuvenated the ARP through the provision of resources, acquisition and deployment of unprecedented volumes of surplus reef building materials located throughout New York. Materials were received from the following state agencies: New York Power Authority (NYPA), New York Thruway Authority (NYTA), New

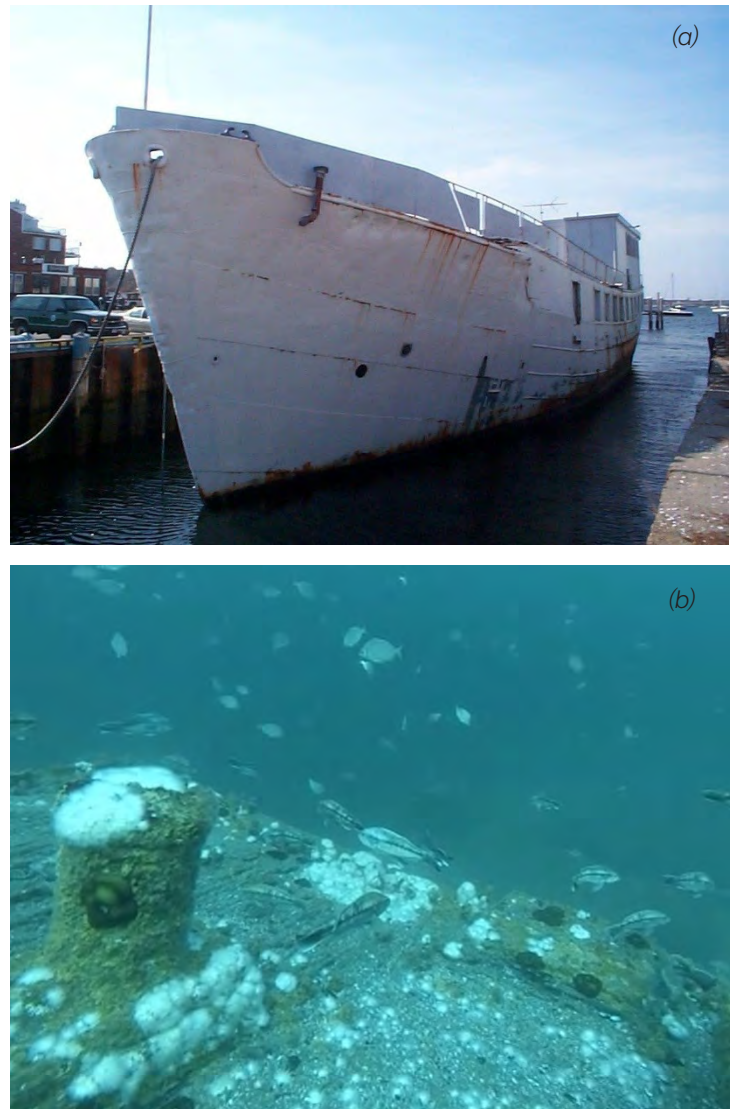


Figure 21. The Boat (a) before reefing and (b) under water. Photo credit: NYSDEC.

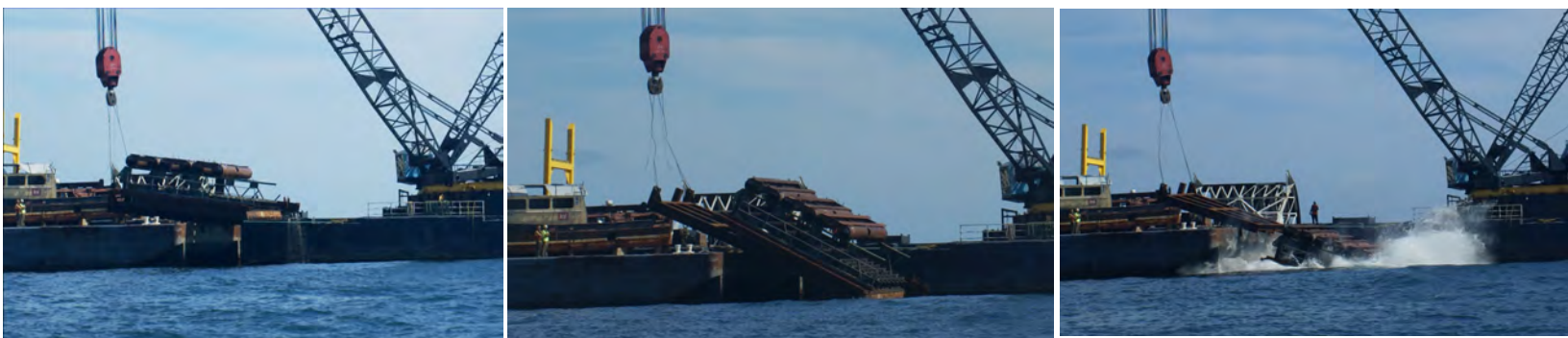


Figure 22. The deployment of the steel bridge/mitter gate/pontoon sculpture off the “slip and slide.” Photo credit: NYSDEC.

York Department of Transportation (NYDOT) and New York Canals Corporation (NYCC). The New York City (NYC) Department of Transportation, National Grid (NAGD) and the USACE also contributed materials to the Reef Initiative.

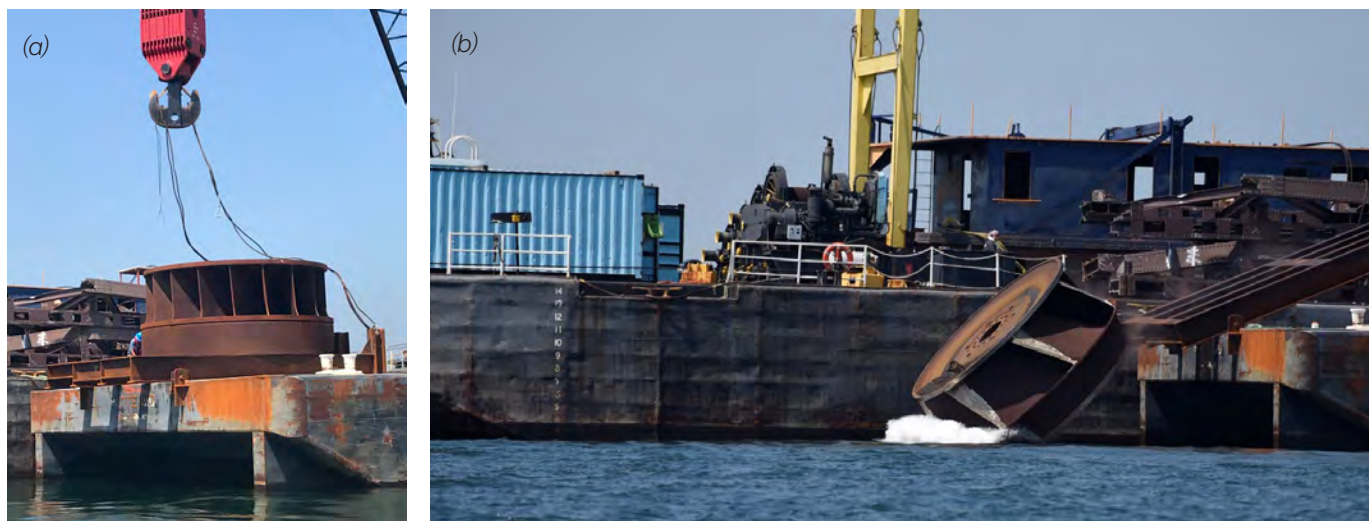
The concerted multi-agency Reef Initiative effort resulted in the first ever deployment of materials onto all 12 New York reef sites from 2018 through 2019 totalling nearly 100 individual patch reefs.

Materials recycled through the Reef Initiative included surplus NYCC steel vessels and barges, NYPA and NAGD power producing equipment (steel rotors and turbines), NYDOT concrete and steel bridge and highway demolition materials and NYTA steel trusses and concrete supports and decking from Tappan Zee Bridge. All materials were either transported over land or via waterways (Erie Canal and Hudson River) to New York’s Coastal Marine District for deployment.

One Reef Initiative project of interest was the result of a marine contractor who used a variety of NYCC materials to create a steel sculpture. The sculpture design was made from various steel parts (mitter gate, lift bridge section and pontoons) welded together with the understanding that greater surface area and increased profile are important characteristics for reef building success. The fabricated sculptures produced large surfaces of attachment for marine colonizers with increased conduit for water flow resulting in enhanced shelter and foraging opportunities for various reef-associated species.

In addition to the imaginative reef material design, a new method of material deployment was devised and named the “slip-and-slide.” This method employed large spare steel I-beams welded together to form a movable base. The sculptures and other reef materials (70-ton steel turbine runners) were placed on this base for overboard deployment. A large crane was used to control lifting of the onboard section of the “slip-and-slide” until the materials literally slipped off and over the side of the barge.

Figure 23. The 70-ton steel turbine (a) on deck and (b) being deployed. Photo credit: NYSDEC.



NEW JERSEY ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS	
Number of Permitted Sites	14 (in federal waters); 4 (in offshore state waters)
Number of Mitigation Reefs	0
PROGRAM DETAILS	
Artificial Reef Management Authority	New Jersey Division of Fish and Wildlife (NJDFW) ARP
Average Annual Operating Budget	\$180,000 plus donations
Reef Coordinator	Peter Clarke; Peter.Clarke@dep.nj.gov
Artificial Reef Website	https://www.nj.gov/dep/fgw/artreef.htm

In 1984, NJDFW initiated its ARP with permitting through USACE in order to develop a hard-bottom habitat that is beneficial to marine life. This permitting provided the development of an AR system with standardized oversight using best environmental practices. NJDFW started with four reef locations: the Sea Girt Reef off Monmouth County, the Garden State North and Garden State South reefs off Long Beach Island in Ocean County, and the Atlantic City Reef off Atlantic County. By 1994, the network increased to include a total of 14 permitted reef sites ranging from Sandy Hook to Cape May. An additional reef was added in 2005, with two more added in 2017, bringing the total to 17 reef sites covering 7.8%, or 35 square miles, of seafloor managed by NJDFW at present. With over 4,300 deployments made over the 17 reef sites, 91% of the total permitted area is still undeveloped. Four of the reef sites are located inside of the three-mile state waters territory, while the remaining 13 sites are in federal waters (see map of ARs above). New Jersey has one estuarine reef site located in the Delaware Bay.

Historically, ARs have been constructed out of a wide range of materials, but recently they have been limited to three material types: steel, rock, and concrete. Steel is generally acquired as ex-fishing vessels, barges, tug boats, army tanks, and subway cars that are no longer considered suitable for their intended use. Rock is often provided through many river and port deepening projects and consists of the largest quantity of material encountered during the project period, preferably larger than a basketball and frequently bigger than a car. Concrete typically originates from bridge decommissioning projects, old piers and pilings, road culverts, and other pre-cast material. Rather than these materials going to recycling, NJDFW is able to repurpose them to create new underwater habitat. All material is inspected for suitability before it is deployed. If determined fit for deployment, it is cleaned and prepared using the best environmental practices.

PROGRAM HIGHLIGHTS

Monitoring

Currently, NJDFW is conducting an independent fixed gear reef survey on three reef sites within the New Jersey reef network. This project was initially a collaborative effort with Rutgers University for years one through three and is now conducted entirely by New Jersey. Sampling includes three seasons consisting of five-week sampling events equating to a total of 15 weeks of trap hauls per year. Reefs sampled include Sea Girt, Manasquan Inlet, and Little

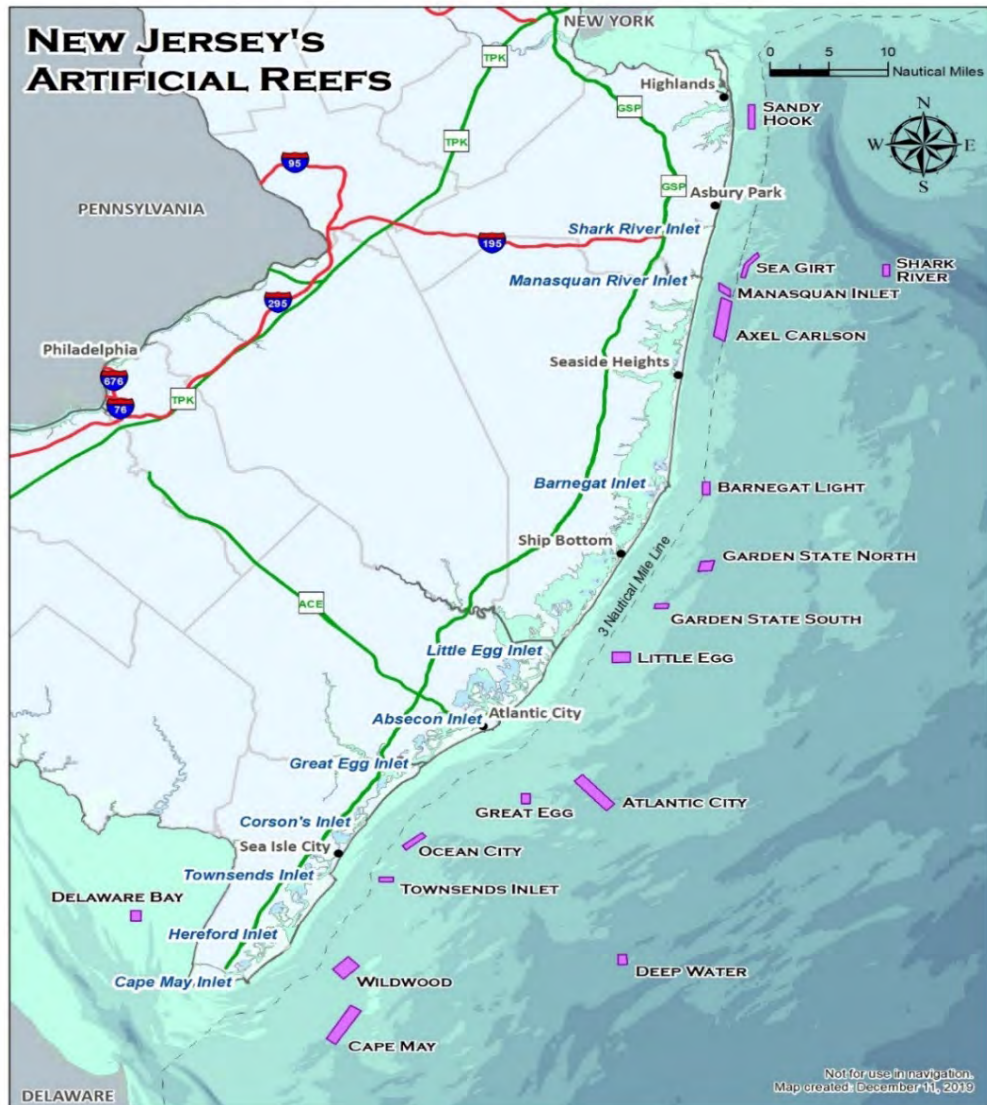


Figure 24. ARs in New Jersey. The 17 reef sites are depicted in purple shaded symbols, four occur in state waters (0-3 nm), 14 are in federal waters (3-200 nm). The gray dotted line indicates the state waters boundaries.

Egg Inlet reefs. Measurements include the initial absence of marine life and evaluating the rate of presence as fish species develop on the material, enumerating species as development occurs, weighing and measuring all species collected. Sampling techniques include video recordings, side scan sonar, and fixed gear with bottom temperature monitoring.

Funding

The NJDFW ARP receives funding through two sources. The operating budget for staff salaries and fringe/indirect benefits including monitoring and supplies averaged over five years is roughly \$180,000 of Sport Fish Restoration Funds. All funds for material acquisition, preparation, and deployment are supplied by outside sources from sport fishing clubs and environmental advocacy groups.

Recent Deployments

In 2019, the New Jersey ARP performed eight deployments; these included two Reef Ball deployments on the Ocean City Reef; three barges on the Townsends Inlet Reef; two Caisson Gates, one on the Atlantic City Reef, the second on the Cape May Reef; and a concrete bridge rubble deployment on the Townsends Inlet Reef. In total, material deployed in 2019 equaled roughly 5,000 cubic yards of new habitat.

DELAWARE ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	5 (in federal waters); 9 (in inshore state waters)
Number of Mitigation Reefs	2: USACE Mitigation Reef and Public Service Electric and Gas reef deployment funding

PROGRAM DETAILS

Artificial Reef Management Authority	Delaware Division of Fish and Wildlife (DE DFW); permitting under USACE (federal waters) and Delaware Division of Water, Wetlands and Subaqueous Lands Section (state waters)
Average Annual Operating Budget	\$600,000 plus additional funding for large projects.
Reef Coordinator	Jeff Tinsman; Jeffrey.Tinsman@delaware.gov
Artificial Reef Website	https://dnrec.alpha.delaware.gov/fish-wildlife/fishing/artificial-reefs/
List of deployments	http://www.dnrec.delaware.gov/fw/Fisheries/Documents/2015-16%20DELAWARE%20REEF%20GUIDE.pdf

Delaware was the last state along the Atlantic coast between New York and Texas to initiate a state-sponsored reef program, with development starting in 1995. Most of Delaware's salt water access is along Delaware Bay and most reef sites (8 of 14) are estuarine. Delaware uses materials of opportunity such as concrete products and retired vessels as reef materials. Concrete piles deployed from an anchored barge are stable after initial settling and provide a high profile. All types of concrete are very durable, gaining strength over time. Delaware Bay provides foraging and breeding habitat for tautog and juvenile habitat for black sea bass, as well as seasonal habitat for flounder, triggerfish, scup, spadefish, croaker and a variety of pelagic types. The cost of production of donated concrete products is used to provide the required 25% match for federal Sport Fish Restoration funding. Match from concrete donations is more than enough to match the cost of the concrete deployment and excess can be used for vessels and other materials which do not generate match. Since December 2017, Delaware has been receiving rock from the Delaware Main Channel deepening project. Both bedrock and glacial rock have been placed on sites four, six and seven in Delaware Bay. To date, more than 2.1 million tons of granite have been placed on these sites. Benefits go beyond enhanced fishing as this habitat should enhance the growth and survival of estuarine-dependent juvenile black sea bass. Black sea bass are not harvested in Delaware Bay, but at ocean sites after they recruit into the recreational size category (12.5 inches). Delaware's ocean sites are the resting place for retired vessels of various sizes as well as non-traditional materials like retired NYC subway cars. Black sea bass, tautog and summer flounder are most commonly caught on these sites. Delaware uses a variety of monitoring efforts to characterize various aspects of the reefs. Periodic sidescan sonar surveys are used to ensure permit compliance for materials deployed and remaining stable on the reef. Diver sampling of the invertebrate community can be used to estimate the food resources available to fish, compared with the natural bottom. A randomized aerial flight survey estimates fishing effort on each site and these data are used to estimate the economic value of the reef program to the coastal economy of the tristate region, about \$7 million/year in recent years. Delaware does not use state employees, prison, or volunteer labor to operate the program, but contracts with a marine contractor. For many years the reef program operated with annual projects. In 2018, DE DFW switched to

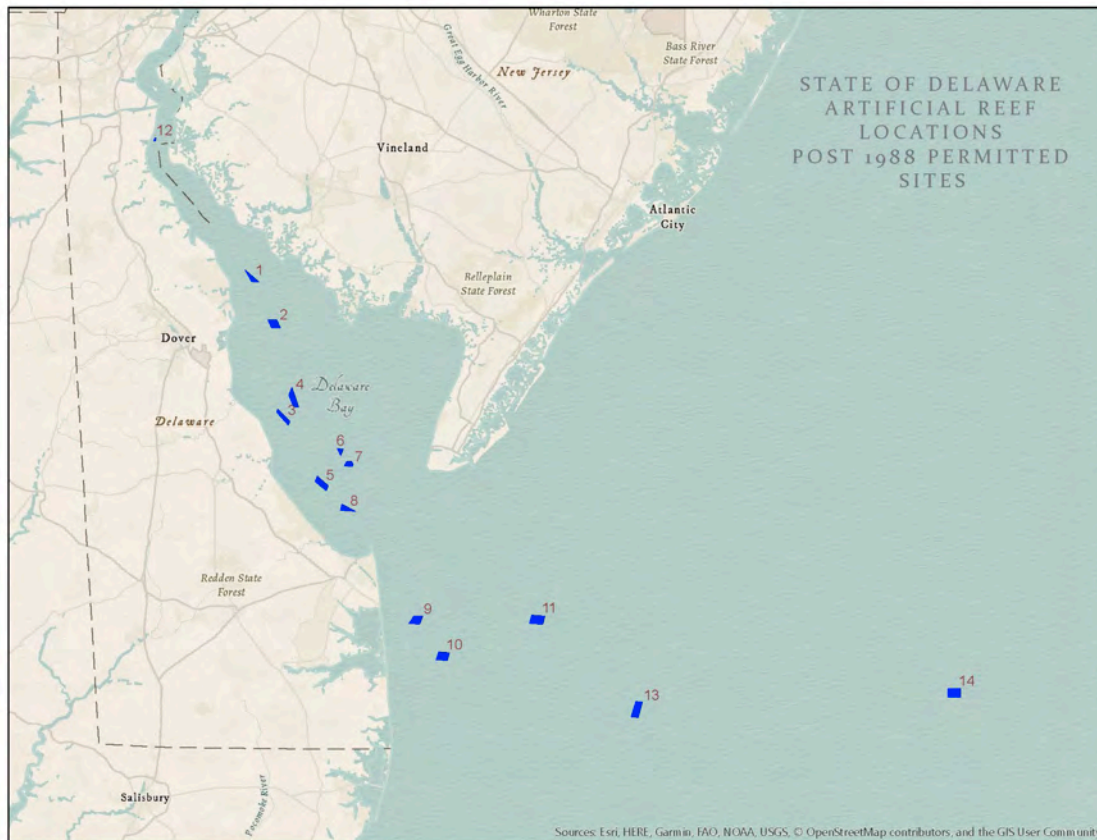


Figure 25. ARs in Delaware. All were permitted post-1988.

a five-year federal aid project and issued a request for proposals (RFP) seeking a marine contractor to do all concrete work, and to find, purchase, prepare, clean, tow, and deploy mutually agreed upon vessels. Each vessel just requires an addendum to the five year contract, which runs concurrent with the federal aid project. This five year format allows more time to generate match, which must be used in the project segment in which it is generated and the five year contract for the reef contractor eliminates the repetitious need to write a new contract for each project. With a steady funding source and a contractor dedicated primarily to reef work, Delaware has one of the most active reef programs along the Atlantic coast.

PROGRAM HIGHLIGHTS

Use of Non-traditional Materials

Reef materials should be thought of as having common characteristics, like stability, durability and being non-toxic. Materials not stable are subject to moving off the permitted site in storms. Materials not durable enough to last decades would be hard to justify the cost of deployment. Toxic materials will harm the environment. All of Delaware's usual materials, like concrete and steel ships, meet these criteria. When something different is offered it should be judged against these measures. In 2001, NYTA was retiring about 1,500 1960s vintage subway cars, painted red and nicknamed "Redbirds." These contained small amounts of non-friable asbestos, making remediation and recycling prohibitively expensive, so they were offered to the Atlantic coast reef programs. Delaware was able to effectively make the argument that asbestos was not an issue in the marine environment, and by comparison to a few Southeastern Pennsylvania Transit Authority cars surviving on a New Jersey reef site, that stability and durability were adequate. Delaware held a public meeting with National Oceanic and Atmospheric Administration (NOAA) and EPA representatives and local and regional environmental groups invited in order to educate the interested public. In the end, there was no opposition, and Delaware became the first of five states to accept cars, and did so early enough to make the project viable. After two rounds of deployments (2001-2003 and 2007-2009) Delaware accepted 1,329 cars

and Site #11 (Redbird Reef) went from bare bottom to fully developed. This is one of the most successful of Delaware's reef projects. A huge amount of reef material was deployed at no cost to the program in a short amount of time. The value of the donation of effort to clean the cars and barge them to Delaware was over \$8 million and this provided match for other reef projects for 15 years.

Three State Effort (Delaware, New Jersey, and Maryland) to Sink the Retired Destroyer Arthur W. Radford

In early 2009, the U.S. Navy announced that they would make a retired 653 foot Spruance-class destroyer (Arthur W. Radford) available to the reefing community. This opportunity was rumored by 2006 and allowed time for planning and preparation. Delaware and New Jersey reef personnel got permission to tour the vessels, docked in Philadelphia. The states invited a marine contractor to join in order to get an idea of preparation costs and the volume of non-ferrous metals onboard, which would mitigate costs. Delaware had two deeper water reef sites permitted in 2006, to accommodate the vertical profile of a destroyer. These sites were selected to be nearly equidistant from Indian River Inlet (Delaware); Cape May, New Jersey; and Ocean City, Maryland. With joint development by three states as a goal, the sites were named Del-Jersey-Land Inshore (135 feet deep) and Offshore (190 feet deep). Delaware, being the permit holder was the lead agency. Delaware had to change its policy of not accepting title until after sinking, in order to comply with the U.S. Navy's policy of always transferring title to a state. This situation necessitated that the ARP deal with the State Insurance Commissioner regarding liability insurance. This was paid by the state with no cost to the Delaware ARP. In order to meet the rigorous application schedule, the three states had to tour the vessels again, advertise for a marine contractor and include them in the tour, issue an RFP to interested contractors, review and rank the proposals, then submit the winning bid with our application for the vessel to the U.S. Navy. There was much back and forth prior to the awarding of the vessel, including preparing an EFH Assessment. In June 2010, the Radford was moved to a private dock in the Philadelphia Navy Yard for preparation and the title passed to Delaware. One of DE DFW's goals was to show that properly done, large vessel projects need not take nearly a decade to complete, or cost \$5-10 million, as has been the case with some other large vessel projects in other locations in the past. In our case, the Radford was sunk on August 10, 2011, 15 months after Delaware accepted title. Cost was less than \$1 million, shared between Delaware, New Jersey, Maryland and the U.S. Navy. It is the longest vessel ever reefed in the Atlantic. Delaware was able to make this project work because they had an adequate reef site previously permitted; the vessel was docked in Philadelphia, minimizing the cost of towing; and it was relatively clean, having been built toward the end of the polychlorinated biphenyl (PCB) era. The contractor, American Marine Group, was a dedicated, experienced group specializing in reef development and intimately familiar with the Best Management Practices for preparing vessels for reefing. They performed all tasks from clean-up to creating diver safe spaces to towing and sinking, rather than subcontracting many tasks.

A Great, Once in a Generation Windfall from Another Project

During the 1990s when reef development was just getting underway, the USACE was in the planning stages of deepening the Delaware Main Navigational Channel from 40 to 45 feet in depth to accommodate the upstream passage of more modern, deeper draft commercial vessels and to keep Delaware River ports (Wilmington, Delaware; Philadelphia, Pennsylvania and Trenton, New Jersey) competitive with other East Coast ports. Delaware Bay and the lower reaches of the river are all fine sediments, but as you approach upstream ports, two types of rock are encountered: bedrock which is blasted to the 45 foot depth profile, and large glacial boulders buried in sand. This rock is separated from fine sediment and small rocks and loaded by clamshell dredge into a hopper barge. A tug transports the barge to the permitted site where the rock is discharged at identified target locations. Rock placement continued until the required clearance above structure, generally 15 feet at bay sites, was approached. From December 2017 until March 2019, more than two million tons of rock were placed on these three sites. In that short time span, over 90% of the materials on the Delaware reef sites had become natural rock. Delaware may receive additional rock in the future from maintenance dredging of the spur channels. Based on the volume of the material, the fact that it was delivered at no cost to the reef program, and that it has promise to enhance black sea bass juvenile habitat, this project ranks very high as one of Delaware's best.

Virginia

VIRGINIA ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	5 (in federal waters); 18 (in inshore state waters)
Number of Mitigation Reefs	0

PROGRAM DETAILS

Artificial Reef Management Authority	Virginia Marine Resources Commission (VMRC) under permits from the USACE
Average Annual Operating Budget	\$69,520
Reef Coordinator	Alicia Nelson; Alicia.Nelson@mrc.virginia.gov
Shellfish Reef Program Contact (separate from the ARP)	Andrew Button; Andrew.Button@mrc.virginia.gov
Artificial Reef Website	https://webapps.mrc.virginia.gov/public/maps/artificial_reefs_list.php
Map of Deployments	https://webapps.mrc.virginia.gov/public/maps/artificial_reefs.php

Virginia became formally involved in AR development in 1972 with the acquisition of six surplus World War II Liberty Ships, under Public Law 92-402. Virginia was awarded six ships, and VMRC was deemed as the state's authorized recipient for these vessels, which were sunk at two offshore reef sites (Parramore Reef and Triangle Reef). In the 1980s Virginia began acquiring its own reef permits. Initially, permits in Virginia were held by private organizations, but were eventually turned over to VMRC over concerns with liability and financial responsibility for wash ups. Additional reefs were developed through a siting plan written as part of a three-year AR study, conducted for VMRC, by Old Dominion University (ODU). This siting plan was largely responsible for the present system of bay AR sites. VMRC now holds USACE construction permits for 18 bay and five ocean reefs. Three of these reefs: Back River, Gwynn Island, and Wachapreague were initially permitted to ODU for use as test sites. They were turned over to VMRC after the conclusion of the study. Additional sites were chosen with considerations based on the recommendations of the three year study and after reviewing such factors as water depth, existing users, bottom type, and distance to ramps and other facilities. Input was gathered from the sport fishing community, both by ODU and by the ARP, before making final site selection decisions. The most recent reef site was permitted in 2006. No new locations are planned at this time. Instead, the ARP has focused on providing updated material to the existing 23 locations within the ARP.

The current ARP is constrained by loss of the majority of the annual funding and all dedicated AR personnel over the last 10 years. The ARP exists almost entirely on donations of material from local construction programs, and is exploring partnerships with local fishing clubs and organizations for targeted deployments near popular fishing areas.

When material is offered for donation, VMRC staff inspect the material prior to deployment for compliance with USACE and EPA regulations. The most common reason for rejection is crumbling pieces or exposed rebar which

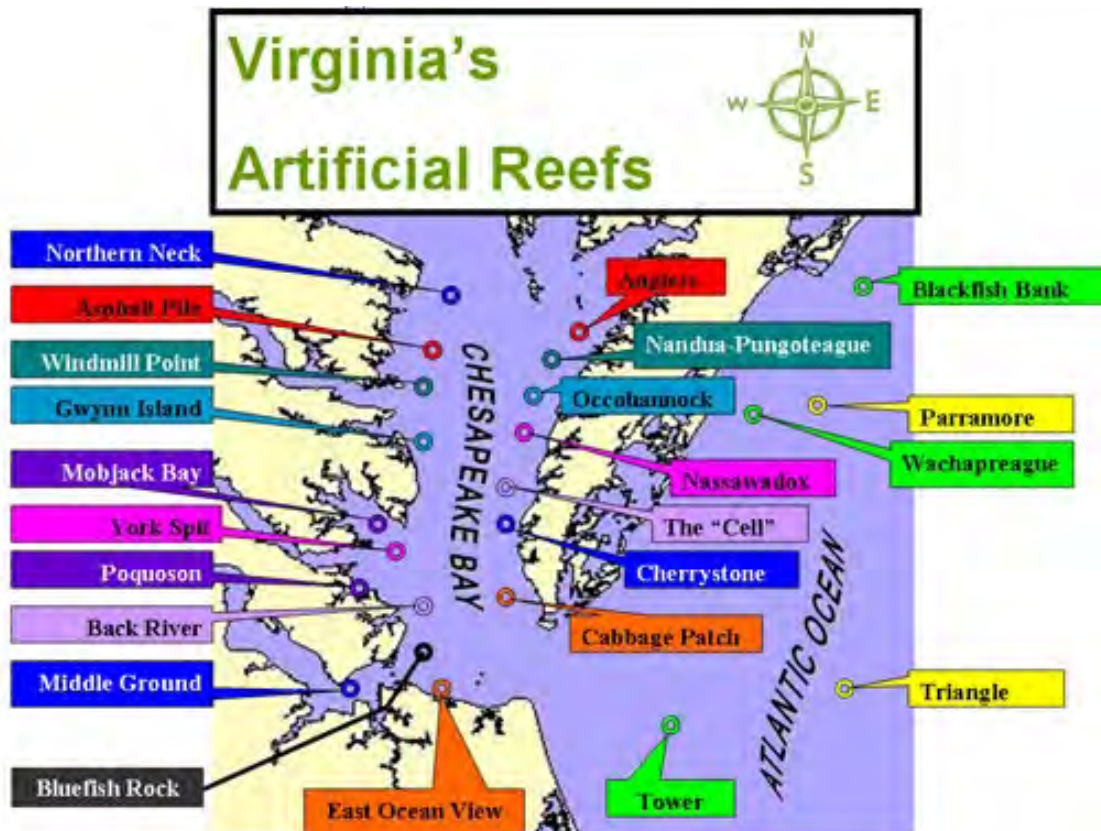


Figure 26. ARs in Virginia.

can be trimmed. VMRC staff is present for deployments and verifies the location and clearances of the materials deployed. Occasionally, the program receives donations by the U.S. Navy and local USCG of armored cable or concrete block.

Despite the reduced capabilities of the program in recent years, VMRC has focused on providing the deployment information in a more efficient way to the angling public. Beginning in 2017, new material locations were mapped using an online interactive mapping system and mobile application. These new interactive maps allow users to pinpoint GPS locations, zoom in and out of map features, and get metadata (such as date placed and amount of material) for each new deployment. Where available, previous deployment sites were incorporated into the new system.

PROGRAM HIGHLIGHTS

In 2016 and 2017, the Virginia ARP was very active due to multiple large deployments of bridge material from the replacement of the Lesner Bridge in Virginia Beach.

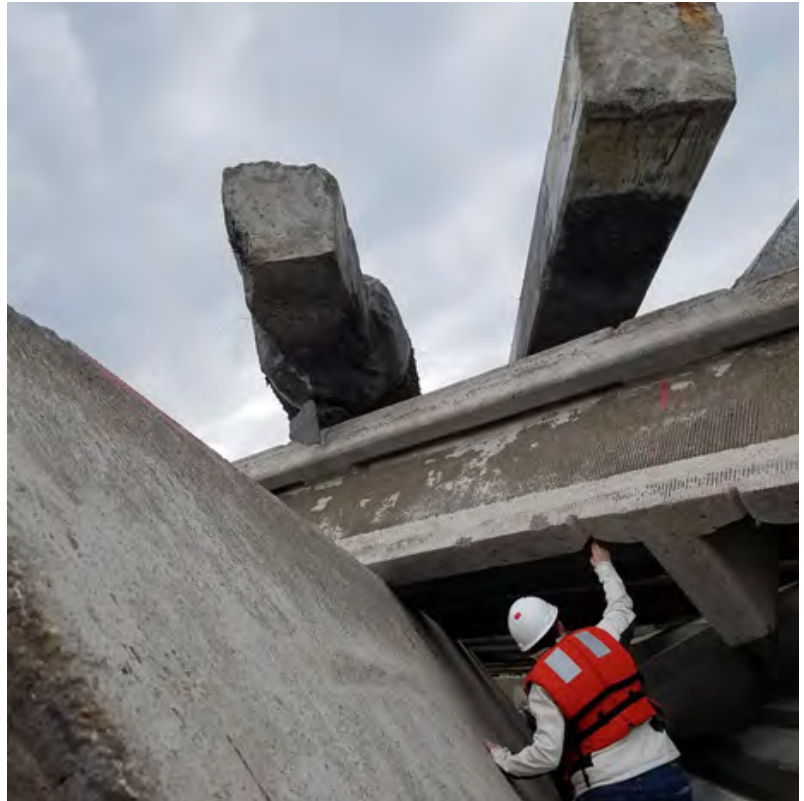
Permits for the bridge replacement required donation of usable materials to the ARP. Including this requirement early in the process simplified the donation. ARP staff met with representatives from McLean Contracting Company prior to demolition to clarify the donation process, choose sites (and backup sites) within the permitted locations, and to agree on protocol for material inspection and deployment.

As the demolition progressed, VMRC staff had to be available to inspect material and monitor deployments in a timely manner so that construction would not be delayed. The material consisted of concrete girders, pieces of deck, pile caps, columns, and footings. Pre-deployment inspections were performed on every loaded barge

of material. The most frequent issue found was protruding rebar, which was trimmed from the material prior to deployment. Planning around weather conditions was difficult, as the VMRC observation vessel is smaller and less able to handle the conditions than most of the construction vessels.

Two preferred sites were chosen for the materials, one on each side of the Chesapeake Bay. This was done to provide options for the deployment teams based on wind and wave conditions on the scheduled days of activity. Most of the material (almost 10,000 tons of concrete) was placed at the Cabbage Patch Reef, while several deployments were placed at Blue Rock Reef when weather conditions were more favorable there. In total, over 13,000 tons of material from the Lesner Bridge replacement were deployed to ARs in the Chesapeake Bay.

While this type of deployment is entirely dependent on local construction projects, it is the most frequent type of the deployment for the Virginia ARP. There are several upcoming construction projects in the area that include plans to donate any usable material to the ARP. Despite the sporadic availability of large-scale construction projects, the number of bridge and other large construction projects in the areas surrounding the Chesapeake Bay provide a large resource in potential material for the ARP.



(left) Figure 27. Adam Kenyon (VMRC) inspects pieces of Lesner Bridge being donated by the McClean Construction Company to the Cabbage Patch Reef (2017). Photo credit: VMRC.

(above) Figure 28. Alicia Nelson (VMRC) inspects pieces of Lesner Bridge being donated by the McClean Construction Company to the Cabbage Patch Reef (2017). Photo credit: VMRC.



Figure 29. Deployment of Lesner Bridge material to the Cabbage Patch by McClean Contracting Company (2017). Photo credit: VMRC.

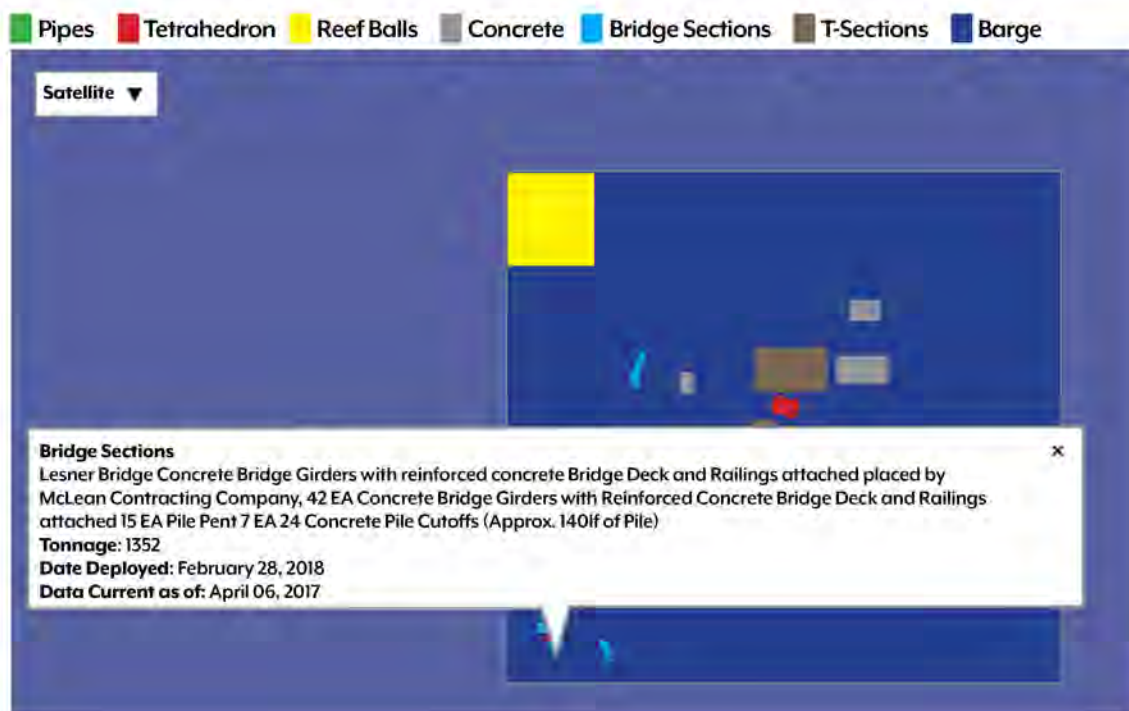


Figure 30. Interactive mapping tool for Virginia ARs. Image credit: VMRC.

North Carolina

NORTH CAROLINA ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	30 (in federal waters); 13 (in offshore state waters); 25 (in inshore state waters)
Number of Mitigation Reefs	0

PROGRAM DETAILS

Artificial Reef Management Authority	North Carolina Division of Marine Fisheries (NCDMF)
Average Annual Operating Budget	\$1,869,000
State Artificial Reef Plan	http://portal.ncdenr.org/c/document_library/get_file?uuid=d7dddb18-f546-48c8-98d1-4cc43016ed2a&groupId=38337
Reef Coordinator	Jordan Byrum; Jordan.Byrum@ncdenr.gov
Shellfish Reef Program Contact (separate from the ARP)	Jason Peters; Jason.Peters@ncdenr.gov
Artificial Reef Website	http://portal.ncdenr.org/web/mf/artificial-reefs-program
State Reef Publications	http://portal.ncdenr.org/c/document_library/get_file?uuid=24160156-4b96-49e6-9126-4fa488b49cbb&groupId=38337
Map of Deployments	https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=3b27e8594cb6444c88b5525bf763aa55

Since 1988 the North Carolina ARP has permitted and constructed 17 offshore reefs and 20 inshore ARs. These reefs have been distributed throughout the four major bays on the North Carolina coast and in each major sound. Various donated and pre-fabricated materials have been deployed on offshore and inshore reefs in efforts to create cost-effective habitat, such as recycled concrete, boat molds, and aircraft. Deployment locations and material types have historically been led by partnering groups with less focus on biological impact or material suitability. Monitoring of these materials for stability and longevity has limited the accepted material types to concrete structures and steel vessels, as all other types are susceptible to movement and quick deterioration.

In recent years, changes to legislation surrounding fishing license revenues have resulted in a large budget for materials and deployment for the ARP. This has enabled the ARP to regularly construct large projects offshore and continue to annually build small inshore reefs. In fall 2019, NOAA Fisheries issued a long-awaited programmatic Section 7 consultation, which evaluated the ARP's impact to protected species. This increase in funding and streamlined permitting process have expedited reef building in North Carolina. Planning of ARs is now aimed at maximizing the habitat value through material comparison with nearby natural reefs, planned longevity, and strategic methods of creating complex vertical structure.

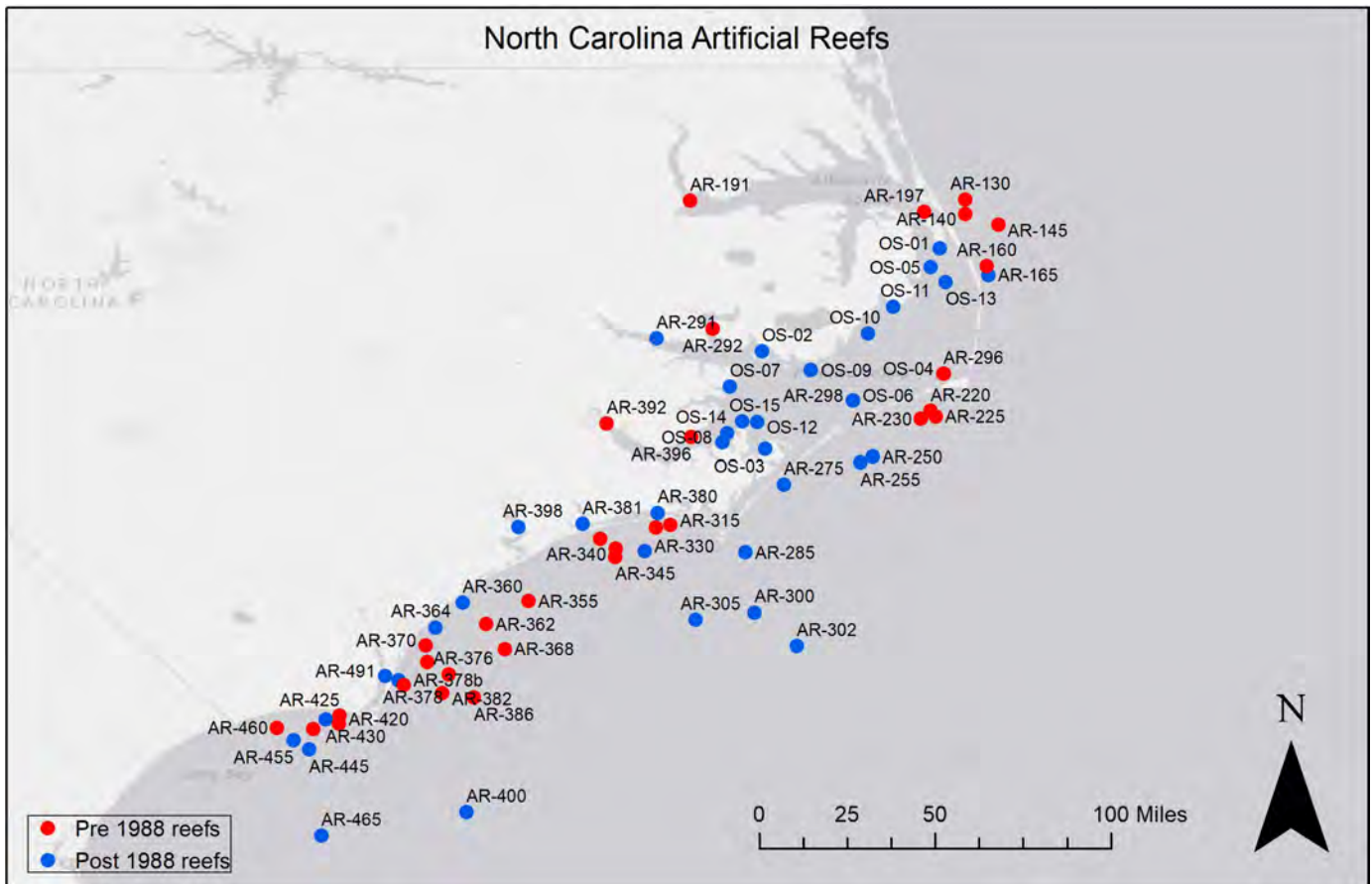


Figure 31. ARs in North Carolina. Red circles indicate reefs placed before 1988, and blue circles indicate reefs placed after 1988.

The ARP has conducted several projects on ocean reefs recently. Annual deployments of Eternal Reef Balls occur at AR-360, just offshore of Topsail Island. This is the result of a partnership between NCDMF and Eternal Reefs. The ARP also sank a 100 foot class tugboat, Fort Fisher, at AR-320 in September 2018. Almost 700 Reef Balls have been poured to be deployed at AR-250 and AR-255 off Ocracoke and AR-368 off Wilmington alongside a 180-200 foot class vessel. The construction of these sites was planned for early 2020 and is the second year of a four-year budget designated for reef material purchase, transportation, and deployment grant. Purchasing for a reef construction project is also in process at AR-165 off the Outer Banks using state funding secured by the Outer Banks Anglers Club. During late spring 2019, demolition of the Herbert C. Bonner Bridge over Oregon Inlet began. This bridge connected the islands of the Outer Banks and has recently been replaced with a new bridge. The old bridge is being disassembled and deployed at four nearby offshore reef sites: AR-130, AR-140, AR-145, and AR-160, totaling around 80,000 tons of concrete bridge material. As of November 2019 the project was around 50% complete.

In 2018, the ARP constructed two new inshore reefs, AR-380 and AR-381 in Bogue Sound. Both reefs are accessible by small boats or kayaks. AR-380 was constructed using 96 bay balls, and AR-381 used 50 NCDMF designed reef units. Each of these reefs were constructed with a division-owned vessel. Planning and purchasing for reef construction is underway for AR-197, located north of Roanoke Island, and will also be constructed using division-owned vessels.

The ARP continues to utilize a dedicated mapping vessel to survey all new reef enhancements and prospective sites. ARs are also monitored via SCUBA for material condition and by water quality sondes for seasonal

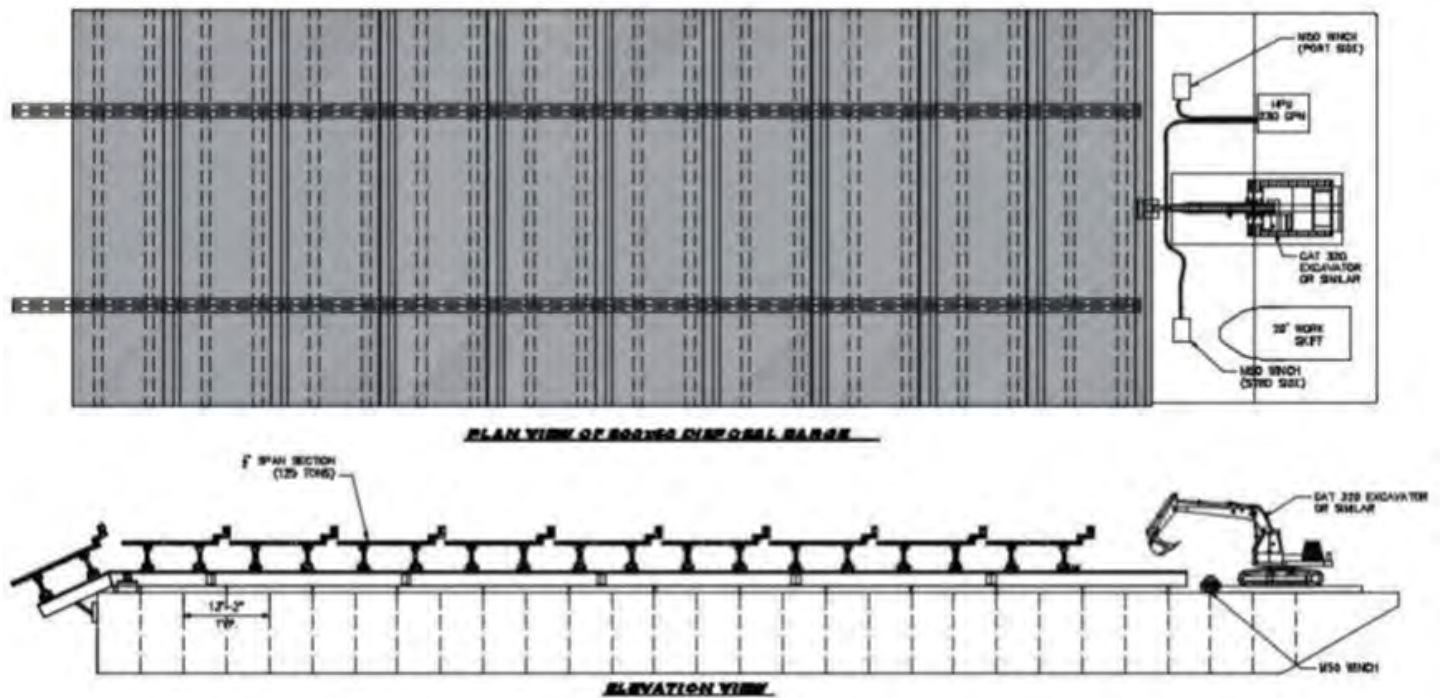


Figure 32. Blueprint from PCL Construction showing the deployment barge loaded with bridge material.
Image credit: NCDMF.

changes in water quality. In early 2018, a new buoy system was implemented on all estuarine reef sites. These new buoys are small and can be serviced by outboard-powered vessels rather than a large self-propelled barge.

PROGRAM HIGHLIGHTS

In early 2016, construction of a new bridge over Oregon Inlet on North Carolina’s Outer Banks began. This project was the culmination of efforts between numerous contractors, state and federal agencies, local groups, and municipalities. After completion of the new bridge, the old bridge was scheduled for demolition. This was anticipated to produce approximately 80,000 tons of concrete that would cost millions to crush and transport to landfills for disposal. Because of a well-maintained relationship with the North Carolina Department of Transportation (NCDOT), the NCDMF ARP was included in these discussions. Through coordination between NCDOT, their contractor, and NCDMF, a plan was developed to dispose of the bridge material on four ARs located offshore of Oregon Inlet.

As the permit holders, a major concern for the ARP included routine issues of accuracy of deployment within AR boundaries and avoidance of pre-existing reef material. The bridge material is loaded onto 250-foot barges with around 1,500 tons of material per barge. These are towed offshore by a tugboat. The material is seated on a set of rails fitted with hydraulic cylinders used to push the bridge pieces off. Maneuverability and fine-scale positioning of a barge under tow are somewhat limited, particularly in the ocean. In order to provide the highest likelihood of successfully placing materials in the desired area, deployment areas were designated as roughly 40 acres.

In order to ensure materials are deployed in the correct location and meet vertical clearance requirements, NCDMF staff are typically on-site for all deployments. Due to moving shoals and no regular maintenance dredging, Oregon Inlet is particularly dangerous and unpredictable. Decisions regarding reef deployments often are made with little advance notice. Deployment of bridge material is restricted by the tugboat’s ability to

navigate the inlet with the barge. The lack of regular schedule, long travel distance from NCDMF office, and concerns about marginal weather in smaller NCDMF vessels made on-site monitoring challenging. To alleviate concerns about monitoring deployments, NCDMF is instead using Automatic Identification System (AIS) tracking software to monitor the tugboat and barge. The software allows for real-time monitoring of the deployment vessel's location with accuracy within the minute, as well as visualization of the deployment boxes within each reef.

As of November 2019, bridge deployments were just over 50% completed, all occurring well within the permitted boundaries and with very little outside of the designated deployment areas. Sidescan and bathymetric surveys were conducted after about 35% of deployments were completed. These confirmed the AIS tracking records of the deployments remaining in or very near deployment boxes, and all material remaining within each reef boundary. Continual sidescan and bathymetric surveys will be conducted at completion intervals. The project is estimated to be completed by spring or summer 2020.

AR-140 Deployment

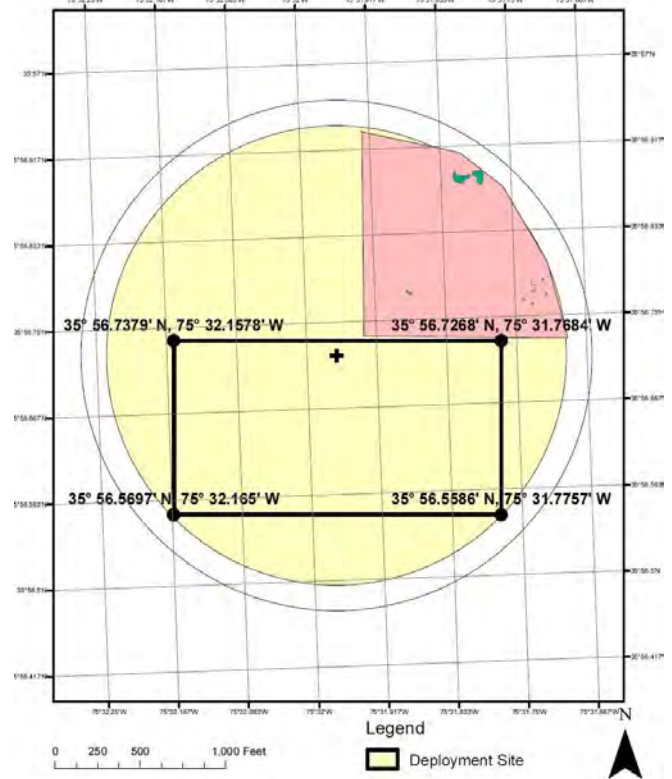


Figure 33: Deployment Plan for AR-140. Image credit: NCDMF.

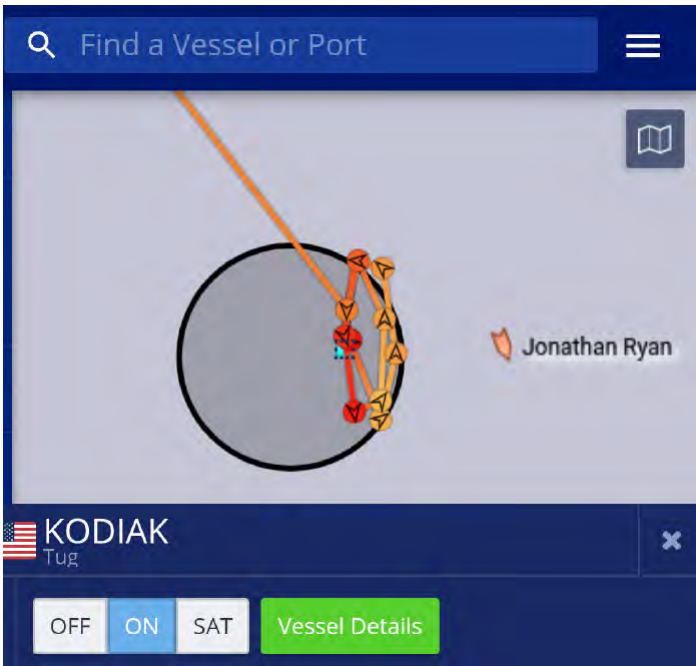


Figure 34: AIS Tracking of Deployment Barge on AR-160. Image credit: NCDMF.

AR-140

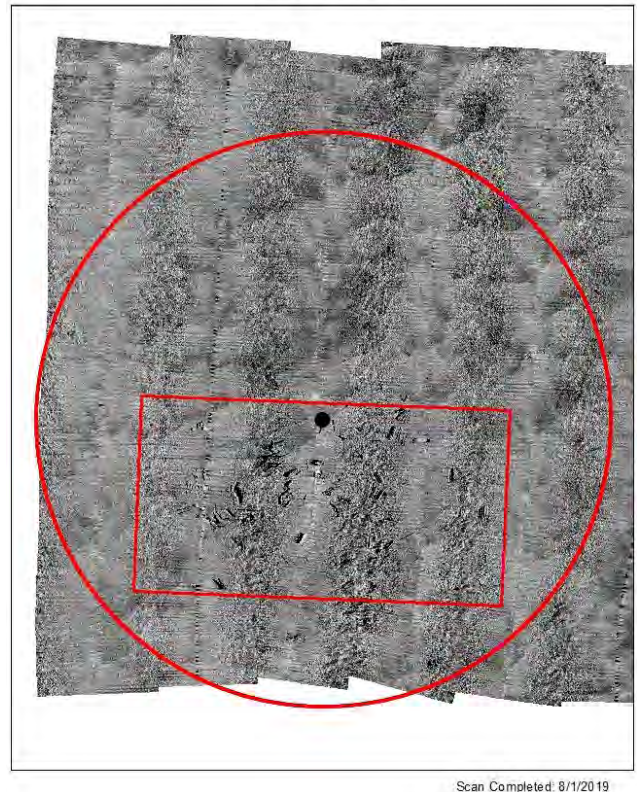


Figure 35: Sidescan imagery of AR-140 bridge deployments. Image credit: NCDMF.

South Carolina

SOUTH CAROLINA ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	35 (in federal waters); 9 (in offshore state waters); 3 (in inshore state waters)
Number of Mitigation Reefs	0

PROGRAM DETAILS

Artificial Reef Management Authority	South Carolina Department of Natural Resources (SCDNR)
Average Annual Operating Budget	\$500,000
Reef Coordinator	Robert Martore; MartoreB@dnr.sc.gov
Shellfish Reef Program Contact (separate from the ARP)	Ben Dyar; DyarB@dnr.sc.gov
Artificial Reef Website	http://saltwaterfishing.sc.gov/artificialreef.html
List of Deployments	http://www.dnr.sc.gov/artificialreefs/docs/ReefGuide2015.pdf

The South Carolina Marine Artificial Reef Program (SCMARP) was created in 1973 to enhance recreational fishing and diving opportunities in the state's coastal waters and to enhance marine and estuarine fishery stocks by increasing the amount of productive hard bottom habitat on the ocean bottom. Initially, SCMARP was minimally staffed with state-supported personnel, but had no dedicated funds to support reef construction activities. ARs were constructed solely through donated materials and services or through funds specifically appropriated for individual projects. Reef construction activities were, as a consequence, sporadic, with little long-term planning or coordination. Prior to 1988 there were 23 AR sites in South Carolina estuarine and offshore waters constructed primarily of surplus materials.

In 1991, the state enacted the Recreational Fisheries Stamp Program (now the Saltwater Recreational Fisheries License Program) whereby anglers were required to purchase a license to fish in saltwater off the coast of South Carolina. A portion of the funds raised was dedicated to finance the SCMARP. With the addition of dedicated funding AR construction expanded considerably across the state. To better manage this anticipated growth, the SCDNR drafted the South Carolina Marine Artificial Reef Management Plan (1991). The plan outlines appropriate materials for use in reef construction, cleaning protocols for surplus materials, and provides long-term planning goals for equitable distribution of reef sites and materials across all coastal counties. SCMARP currently maintains 47 AR construction sites along approximately 160 miles of coastline. These sites range in location from estuarine creeks to as far as 50 miles offshore. Each manmade reef site consists of a permitted area ranging from several thousand square yards to as much as 24 square miles. A total of approximately 40 square miles of coastal and open ocean bottom has been permitted. The increase in number of permitted reef sites is not the only measure of growth for the program. Since introduction of the Recreational Fisheries Stamp Program the average number of yearly deployments on these sites has risen from less than six per year to 16.

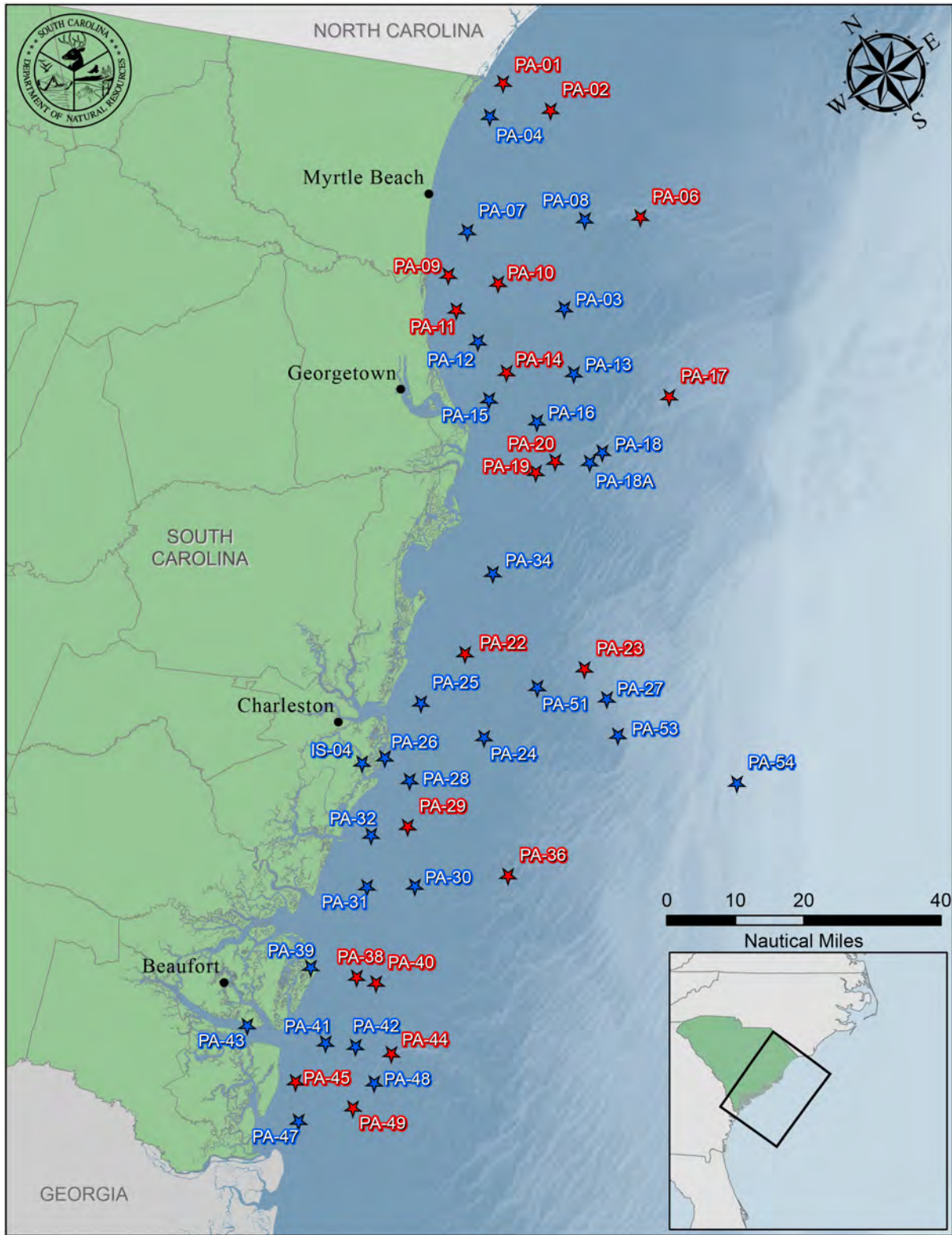


Figure 36. ARs in South Carolina. Red indicates reefs placed before 1988, and blue indicates reefs placed after 1988.

Since adoption of the Artificial Reef Management Plan, materials used in reef construction on South Carolina reefs have been much more highly regulated. Donated surplus items such as car and truck tires and automobile bodies were commonly used on the state's first ARs. Decades of observations of these materials has shown their limited value as long lasting reef structure, therefore, these items are no longer allowed for use in the SCMARF. Concrete structures, both surplus and designed, are currently the most commonly used materials in reef building. Surplus materials like culvert pipe or concrete junction boxes are usually donated to the SCMARF. Construction of designed structures are either contracted out or built in-house. SCMARF has designed, built, and tested over a dozen different designs of concrete reef habitat modules. Tens of thousands of these units have been placed on all reef sites across the state. Steel-hulled vessels are the next most commonly utilized material on South Carolina ARs. Hundreds of vessels ranging in length from 40-460 feet have been deployed on all reef sites across the state including barges, tugboats, freighters, trawlers, landing craft, as well as army and naval ships.

PROGRAM HIGHLIGHTS

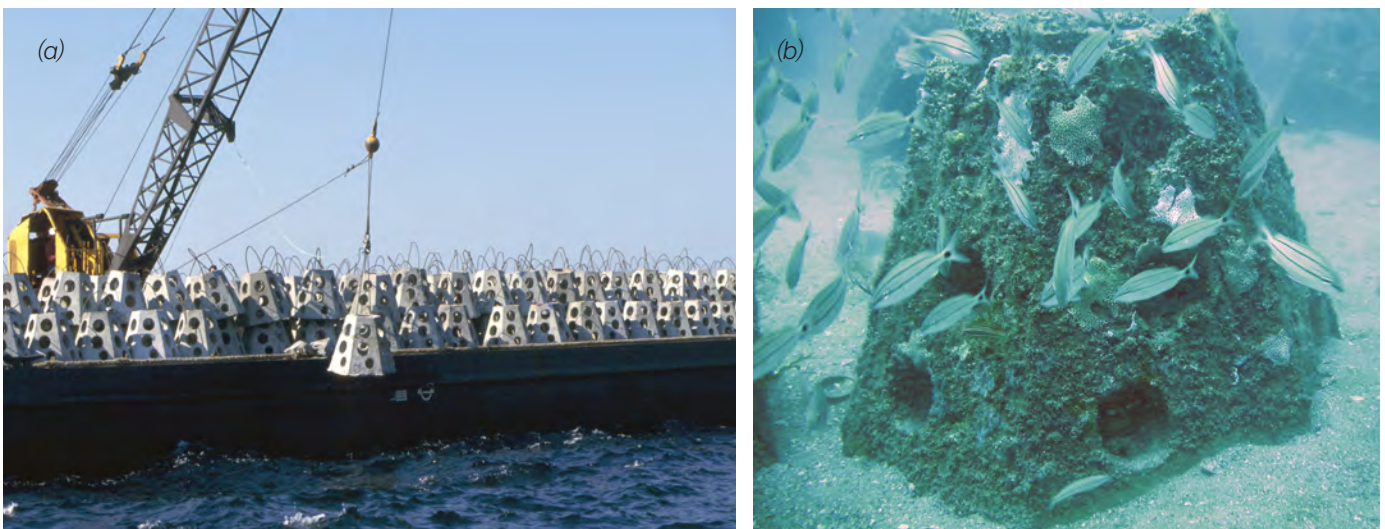


Figure 37 a and b. The design of concrete cones made by SCDNR allows stacking on a barge so that hundreds of units can be deployed at one time. Photo credit: SCDNR.

In addition to reef construction, SCMARF is responsible for monitoring and research activities on all South Carolina reef sites. SCMARF utilizes sidescan and hull mounted sonar, aerial surveys, and SCUBA to monitor colonization of reef materials, development of fish assemblages, and structural stability of reef materials. Past research projects have included examining heavy metals and PCBs in organisms found on ARs, feeding habits and trophic relationships of fishes on ARs, succession and biodiversity, and development of invertebrate assemblages. SCMARF is currently looking at the effect of invasive lionfish on ARs. To help better determine utilization patterns on ARs, acoustic receivers have been placed on numerous reef sites along South Carolina's coast to detect the presence of fish implanted with radio tags. They continue to show the seasonal presence of highly migratory species from as far away as Massachusetts and Florida, as well as local migrants (inshore to offshore) like sturgeon.

Many reef construction projects off South Carolina are conducted with assistance from outside organizations. From 1997-2014, SCMARF carried out joint reef building projects with the South Carolina Army National Guard. The Guard provided materials and assisted with de-militarization and cleaning of those materials while the state permitted all reef sites, provided permanent marker buoys on the sites, and conducts all follow up monitoring and underwater surveys. To date over 500 armored military vehicles, 250 steel shipping containers, and approximately 35,000 tons of concrete have been deployed through this cooperative program, creating over 1,120,000 cubic feet of new reef habitat. Nearly every AR site off South Carolina has received material from this project.



Figure 38 a and b. Armored personnel carriers are deployed on a South Carolina AR site.
Photo credit: SCDNR.

Over the past decade, SCMARP has deployed numerous steel-hulled vessels with the assistance of the Coastal Conservation Association (CCA) of South Carolina. A typical project would involve reef program personnel identifying an appropriate vessel, coordinating either vessel purchase or donation, and arranging a contractor for cleaning, preparation, and towing of the vessel. Total costs would then be split between the SCMARP and CCA. Vessels procured through this partnership include barges, shrimp trawlers, landing craft, and tugboats. The long-term goal of this joint venture is to place smaller vessels on near-shore reefs and larger vessels on deeper reefs off each of South Carolina's coastal counties and, eventually, place CCA-sponsored material on every reef site off the state.

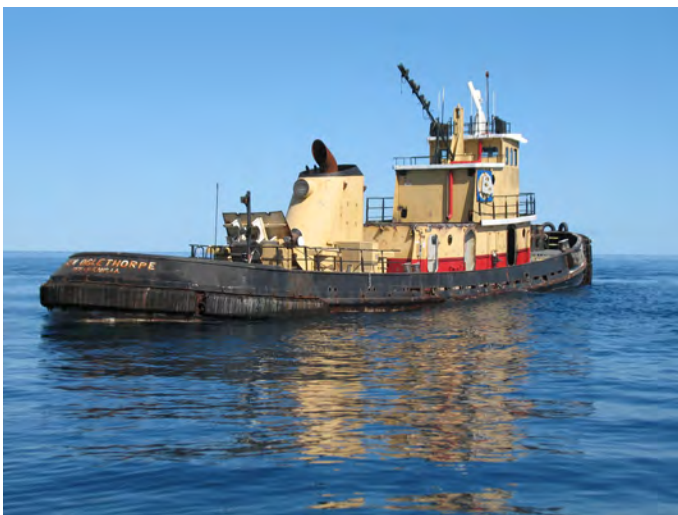


Figure 39. Two CCA sponsored 106-foot long tugboats sunk on 100-foot deep South Carolina ARs. The (a) General Oglethorpe and the (b) Grace McAllister. Photo credit: SCDNR.

To better manage the use of permitted manmade reefs in offshore waters and to ensure their long-term viability the SCDNR has, through the South Atlantic Fishery Management Council (SAFMC), obtained special management zone (SMZ) status for 29 of the 35 permitted reef sites located in federal waters (the remaining, newer sites are now also under consideration by the SAFMC for SMZ status). Fishing on those reef sites granted SMZ status is restricted to hand-held hook and line gear and spearfishing (without powerheads) and take is limited to the current recreational

bag limits. In 2014 the program began construction of a first-of-its-kind deep-water (>300 feet) AR marine protected area (MPA) with the goal of creating spawning habitat for deep-water snapper and grouper species and protecting spawning stocks. To create structures of sufficient size to be effective as reef material in 300 feet of water items such as steel I-beams, cell phone towers, 40-foot long container boxes, and a surplus derrick crane were welded to the decks of two 260-foot barges to create vertical structures nearly 100 feet in height. Subsequently, a 170-foot long steel bridge truss, also welded to the deck of a barge, was added to the site named the Charleston Deep Reef, creating the first AR MPA in the nation. Since creation of this protected reef site two of SCDNR's experimental ARs, originally permitted to examine the feasibility and possible benefits of establishing no-take manmade reefs solely for the purpose of stock and habitat enhancement, have been granted Spawning SMZ status by the SAFMC. Like the Type II MPAs in deeper water, fishing for or possessing species from the Snapper-Grouper Management Unit is prohibited within these areas. South Carolina now has three ARs deployed and maintained exclusively for the protection and enhancement of its reef fish fisheries resources.

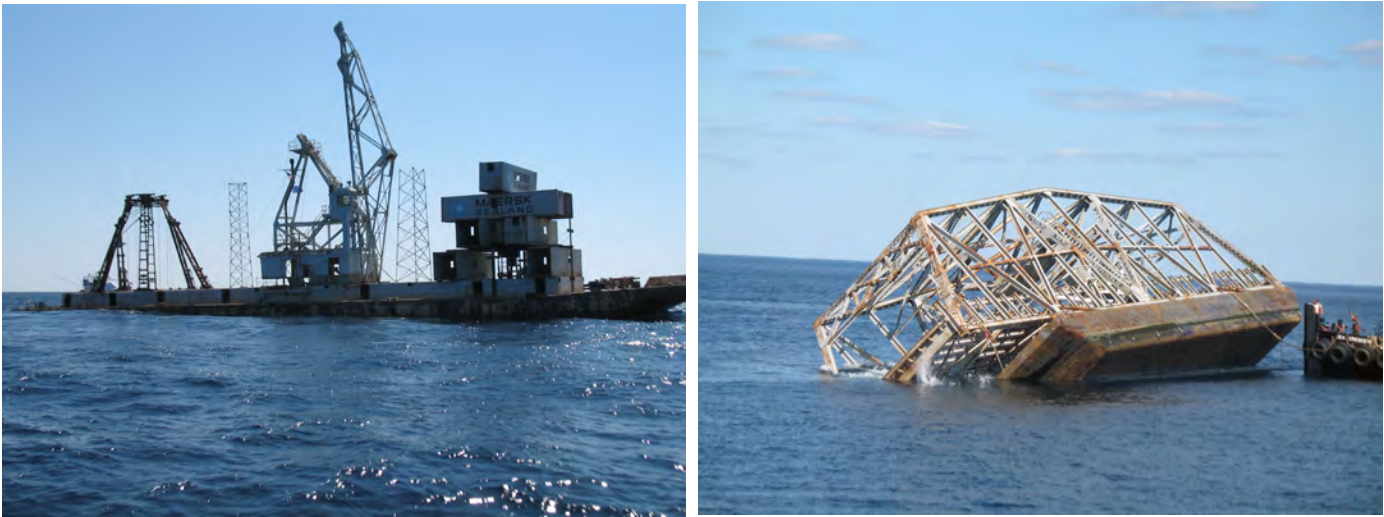


Figure 40. Barges with added profile and a steel bridge truss welded to a deck barge were used to create the Charleston Deep Reef Marine Protected Area. Photo credit: Robert Martore, SCDNR.



Figure 41. Warsaw grouper on the Charleston Deep Reef MPA. Photo credit: NOAA ROV footage, 2016.

GEORGIA ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	28 (in federal waters); 3 (in offshore state waters); 15 (in inshore state waters)
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PROGRAM DETAILS

Artificial Reef Management Authority	Georgia Department of Natural Resources (GADNR), Coastal Resources Division under permits from the USACE and Georgia Coastal Marshlands Protection Act
Reef Coordinator	Paul Medders; Paul.Medders@dnr.ga.gov
Artificial Reef Website	https://coastalgadnr.org/HERU
Map of Deployments	https://coastalgadnr.org/sites/default/files/crd/Reefs/Reef%20Booklet%202016%20Update%20%28Edited%205-24-17%29.pdf https://coastalgadnr.org/sites/default/files/crd/Reefs/InshoreReef-Web.pdf
State Reef Publications	https://coastalgadnr.org/HERU/downloads

The Offshore Artificial Reef (OAR) Project in Georgia began in 1970 under the authority of the Georgia State Game and Fish Commission and is currently administered by GADNR's Coastal Resources Division (CRD). In the mid-1980s as inshore saltwater fishing's popularity grew in Georgia, so did anglers' desire for additional fishing sites. The CRD responded with Sport Fish Restoration, state, and private funds, to establish an Inshore Artificial Reef Enhancement Project.

The GADNR OAR Project is currently funded through federal dollars from the U.S. Fish and Wildlife Service's Federal Aid in Sport Fish Restoration Program. Historically, state funding was limited during the 1980s, although some budget increases were afforded sporadically during the 1990s and beyond through occasional legislative appropriations. Following the licensing of recreational fishermen in Georgia's marine waters in 1998, funding for the OAR Project increased and stabilized. In recent years additional funding has been generated for marine habitat enhancement through the sale of specialty license plates. The first projects funded through this revenue source are in progress.

Items used for AR enhancement in Georgia are typically materials of opportunity. For example, in 2015, the CRD deployed approximately 400 concrete transmission line poles and bases donated from the Georgia Power Corporation, the Georgia Transmission Corporation at AR F.

In 2018, the CRD deployed ~3,000 tons of concrete and metal materials, as an enhancement to AR DRH. The size of this deployment was only possible through the support of a numerous partners. This included funding from Federal Aid in Sport Fish Restoration, the Sapelo Saltwater Fishing Club, CCA of Georgia, and the Building

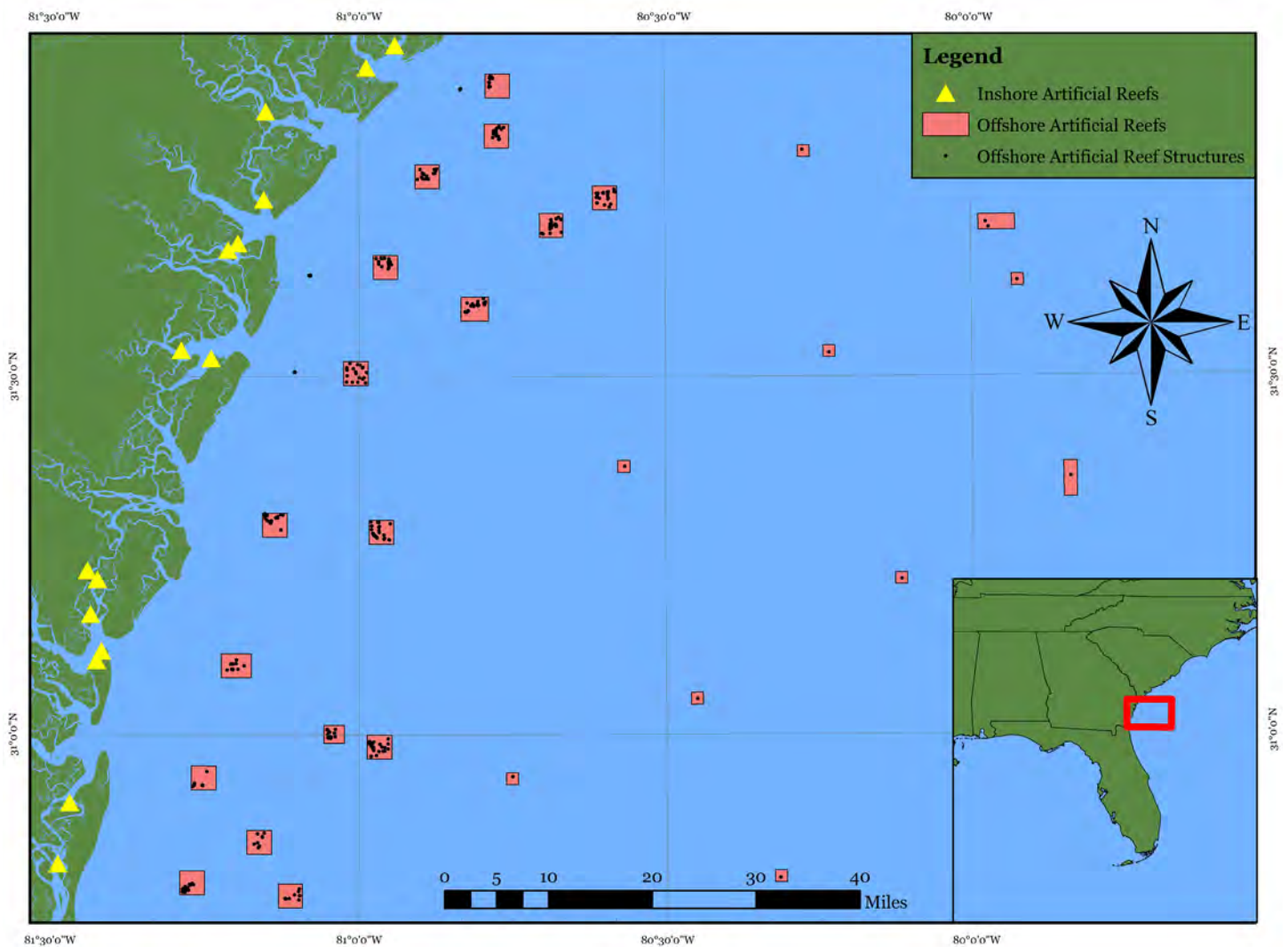


Figure 42. ARs in Georgia.

Conservation Trust – CCA’s National Habitat Program – as well as the donation of materials from the City of Brunswick, Georgia and Claxton Poultry Company.

Partnerships also provide opportunities to acquire materials that are not normally available such as subway cars. Through a multi-year partnership with NYTA the CRD has deployed total of 182 subway cars, the most recent of which was a deployment of 44 cars at reef JY in 2009.

FLORIDA ARTIFICIAL REEF PROGRAM OVERVIEW

ARTIFICIAL REEF DETAILS

Number of Permitted Sites	48 (in federal waters); 38 (in offshore state waters); 10 (in inshore state waters)
Number of Mitigation Reefs	32

PROGRAM DETAILS

Artificial Reef Management Authority	The FWC ARP provides financial and technical assistance to local coastal governments, nonprofit organizations, and universities to develop and monitor ARs. ARs must be deployed in designated permitted areas that are regulated by the USACE and must also meet additional Department of Environmental Protection (DEP) permit requirements in state waters.
Average Annual Operating Budget	\$600,000
Reef Coordinator	Keith Mille; Keith.Mille@myfwc.com
Shellfish Reef Program Contact (separate from the ARP)	Katie Konchar; Katie.Konchar@myfwc.com
Artificial Reef Website	https://myfwc.com/fishing/saltwater/artificial-reefs/
Map of Deployments	http://myfwc.maps.arcgis.com/apps/View/index.html?appid=4675e1db32ac43a9a4308e757965d17d%20%20
State Artificial Reef Plan	https://myfwc.com/media/4889/flarstrategicplan2.pdf

The FWC Division of Marine Fisheries Management administers a state ARP that was legislatively created in 1982. In November 2003, the FWC adopted a state Artificial Reef Strategic Plan developed by an advisory board of interested stakeholders. The plan listed several goals of the ARP to ensure that ARs are utilized to benefit Florida's economy and fisheries, while also being incorporated into research projects to obtain a better understanding of how ARs impact the ecological function of an area. Over the last 37 years, Florida has distributed more than \$26 million in state and federal funds to local coastal governments, non-profit organizations and state universities for AR-related activities. Florida tracks ongoing AR deployments using patch reef designations, which is defined as any material within 150 feet of each other. Of the greater than 3,600 artificial patch reefs that have been constructed and deployed offshore of Florida: 38% are secondary-use concrete materials, 33% are prefabricated concrete modules, 15% are vessels/barges, 8% are metal, 4% are boulders, and 2% are other materials. Each year, approximately 140 patch reefs are added in Florida waters.

The ARP allocates federal funds from the U.S. Fish and Wildlife Service Federal Aid in Sport Fish Restoration Program through an annual grant cycle, which is awarded to applicants based on a suite of criteria. The funds available for this program have been steadily funded for the past decade, providing funding for typically seven to eight construction projects and two to three monitoring projects annually. Competition for grant funds is high due to rising AR deployment costs and the lack of available material, so the total funding requested through the grant

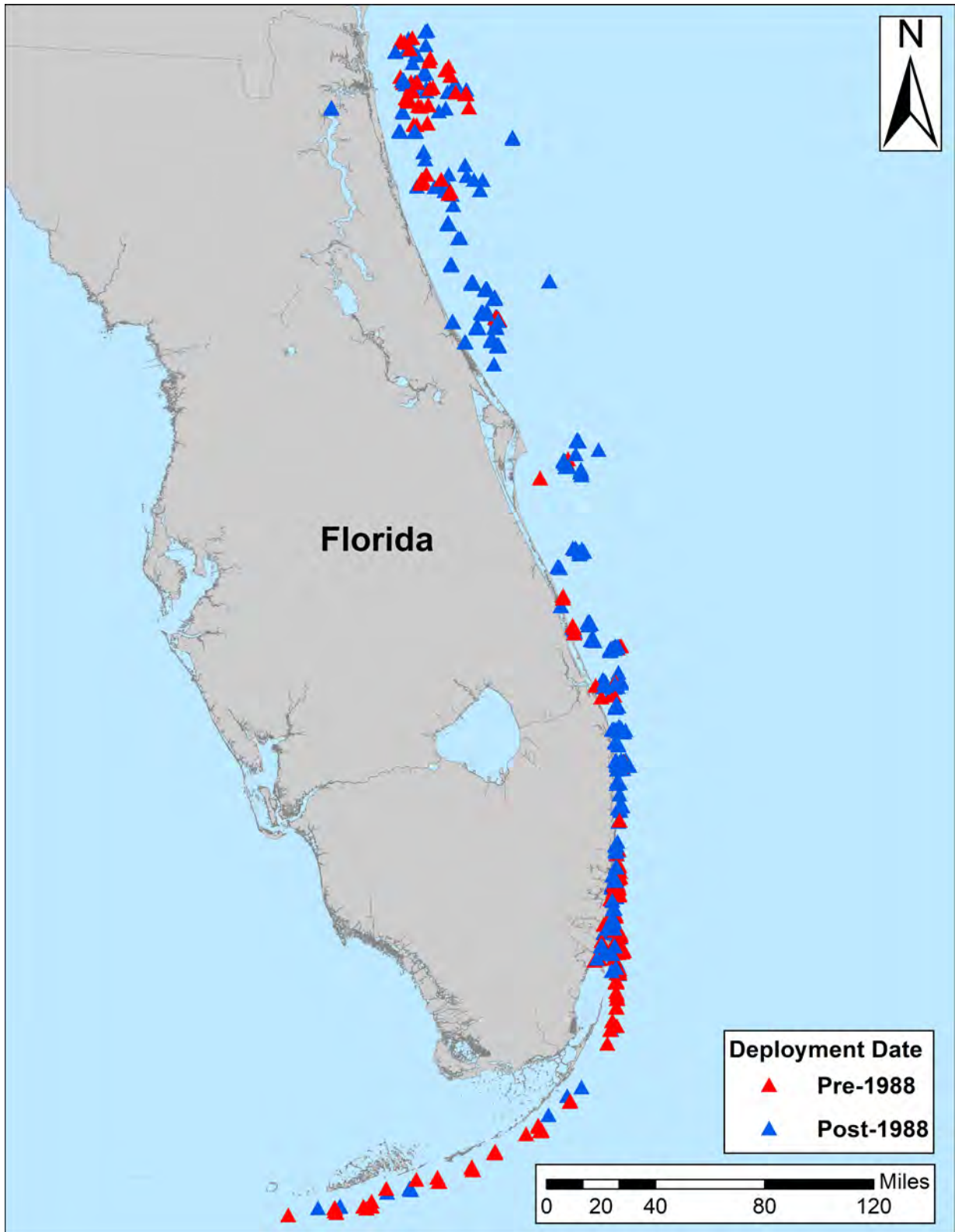


Figure 43. ARs on the east coast of Florida. Red triangles indicate reefs placed before 1988, and blue triangles indicate reefs placed after 1988.

program is typically double the available funds. In addition to managing annual grant awards, the FWC ARP also conducts fish censuses, sidescan sonar mapping, material evaluation, and other monitoring activities. These activities are conducted in-house by small team within the ARP, which consists of an environmental administrator, two permanent fishery biologists and one temporary fishery biologist. The information gained from these monitoring activities is used to evaluate the change in fish community spatially and temporally, impacts from environmental perturbations (e.g. hurricanes, red tide, etc.), and durability of various AR material. One of the current monitoring projects being conducted by FWC staff is using underwater hydrophones to record boat noise in proximity to ARs to quantify and compare boater visitation rates at different reef sites. FWC also recently funded another project that will evaluate the difference in permit (*Trachinotus falcatus*) spawning aggregation behavior and fishing mortality at natural and AR sites in the Florida Keys. These monitoring projects are examples of how the FWC ARP selects specific projects for funding to help achieve AR and fisheries management objectives.

In addition to grant management and monitoring, another important role of the FWC ARP is to provide opportunities for stakeholders to discuss issues related to AR management. The FWC ARP and Florida Sea Grant organize regional AR workshops every two years, and a statewide AR summit every five years. These venues provide an opportunity for a diverse group of stakeholders (e.g. county managers, fishers, non-profit organizations, researchers, etc.) to disseminate information regarding AR best practices, new research findings, and future challenges for AR development in Florida.

PROGRAM HIGHLIGHTS

With over 3,600 AR patch reefs state-wide, Florida has a diverse assemblage of AR habitats between the Atlantic Ocean, Gulf of Mexico, and estuarine regions throughout the state. Recent trends include an increase in the use of concrete module ARs, including more requests for artform ARs (e.g. statues), and an increase in efforts for more purpose-built ARs to provide habitat to satisfy fisheries management objectives. Large steel vessels continue to be popular and deployed statewide despite rising costs to prepare and deploy. Large bridge demolition projects continue to comprise the greatest tonnage of AR deployments overall, while use of secondary-use concrete such as concrete culverts and manholes are in decline due to lower availability from an increase in concrete recycling. The use of ARs as mitigation to offset impacts from beach nourishment or ship groundings continues, with advancements in material design such as the ability to be used as nurse areas for reef-building corals. The following paragraphs spotlight three recent projects off southeast Florida.

Palm Beach Reef Darts

During 2017, Palm Beach County worked with one of the oldest recreational fishing clubs in Florida (Palm Beach Fishing Club) to design a “reef dart” module that uses concrete power poles to create an array of high relief features to attract grouper and pelagic fish species. Ultimately, the Palm Beach Fishing Club wants to focus on building deepwater reef habitat to attract snapper and grouper species at depths greater than 400 feet. There have been three deployments of this module type as of 2019, so the long-term success of this module type is still unknown. The first version of the reef darts was deployed offshore Palm Beach in a depth of 105 feet. Post-deployment dives observed that several of the poles had snapped during deployment upon impact to the seafloor, and the reef darts were placed too far apart (>100 feet). The reef dart design was upgraded with a reinforced power pole base to prevent it from breaking on impact, and a larger (40 feet) power pole made from pre-stressed concrete. Each module measures 45 feet tall, weighs 8 to 10 tons, and costs ~\$3,500 to create. The improved reef darts were deployed in the same location as the first deployment but were placed closer together in order to create more complex habitat. The strong current made the deployment challenging and some of the reef darts were damaged when they landed on top of one another during deployment. The majority of the reef darts were undamaged and provide the relief and complexity that the fishing club was hoping for.

The most recent deployment of reef darts occurred in 2019 offshore Palm Beach at a depth of 500 feet. The deeper reef darts were deployed to create habitat that was attractive to deep water grouper species. Researchers from the Florida Fish and Wildlife Research Institute are planning on placing acoustic receivers at both the shallow and deep reef dart site to track fish movements around each site. In addition, the West Palm Beach Fishing Club is planning to deploy deep water video gear to monitor changes in the fish community at the deep reef dart site.



Figure 44. Reef darts that were deployed offshore Palm Beach, where some of the structures were damaged during deployment. Each structure is around 30 feet tall and was designed by a local fishing club.

Photo credit: FL FWC.

The reef dart initiative is a great example of the collaboration between local fishermen, county managers, and state agency representatives to create ARs to achieve a specific goal defined by the local stakeholders. Additionally, the partners involved have plans to monitor the sites to evaluate project performance, user satisfaction, and to determine if their goal is being met.

USS Vandenberg

The U.S. Navy and the U.S. DOT Maritime Administration (MARAD) will occasionally have large decommissioned military vessels available as a donation to the states for shallow water ARs (less than 500 foot depth) as an authorized disposal option. Availability of large military ships for donation is typically greatest when the value of scrap steel and other metals is low, resulting in high costs to otherwise scrap the decommissioned vessels. A 540 foot long former missile tracking ship, the USS Vandenberg, became available from MARAD for reefing in 2001 but



Figure 45. Bow of the USS Vandenberg offshore Key West after it was deployed in 2009.

Photo credit: FL FWC.

the estimated cost of cleaning and deploying the vessel was \$5.69 million. The high cost was due to the size of the vessel, the deteriorating hull and cleaning of PCBs. MARAD committed to covering a portion of the cleanup costs, but funds had to be raised by Monroe County, the City of Key West, the state of Florida (FWC and the Florida Office of Tourism and Economic Development), and private donors before the title would be transferred.

By the time the Vandenberg entered dry dock in April 2007, PCB remediation costs were

significantly higher than expected and the vessel was eventually seized by the U.S. Marshal due to back bills owed to the shipyard. FWC and Florida's Governor's Office approved another \$2.6 million to salvage the project and cover outstanding debts. The Vandenberg was towed to Key West in 2009 where a series of walkthrough inspections were conducted by FWC and the EPA to ensure cleanup was completed in accordance with all state and federal regulating requirements. In May 2009 the Vandenberg was successfully sunk within a designated permitted area six miles off Key West at a depth of 142 feet within the boundaries of the Florida Keys National Marine Sanctuary.

In September 2017, a major Category 4 storm (Hurricane Irma) impacted the Florida Keys. Post-hurricane dives on the USS Vandenberg indicated that the vessel was still upright but it had shifted towards deeper water and one of the radar dishes was ripped off. However, this vessel still remains an iconic dive spot for visitors and residents of the Florida Keys. Divers visiting the vessel can observe a wide range of reef fish species from smaller tropical fish (damselfish, *Chromis*, butterflyfish, etc.), resident Goliath grouper, and large pelagic species (amberjack, sharks, horseeye jacks, etc.). A socio-economic study also found that the Vandenberg contributed to significant increases in business for dive operators resulting in an increase in sales, income, and employment in the Florida Keys economy.

Boca Step Reef

Palm Beach County has been constructing nearshore limestone boulder reefs since 2009 to create "stepping stone" reefs to promote offshore movement of recreationally and commercially important fish species from inshore nursery habitat. Southeast Florida has experienced a decline in nearshore hard bottom habitat due to beach nourishment, so the step reef concept is trying to regain some of this critical habitat. Four of the nearshore boulder reefs were monitored by a non-profit organization in 2018, and the limestone boulder sites had the highest average abundance of fish compared to other reef types and over 40 unique fish species between the reef sites. The fish species observed at these sites included schooling baitfish as well as juvenile/sub-adult grunts, wrasses, jacks, and snapper. However, it has yet to be determined as to whether these nearshore reefs have increased the density of fish species at adjacent offshore reefs.

The FWC ARP funded Palm Beach County to deploy another nearshore limestone boulder reef in 2018. The limestone boulders were deployed in a depth of 35 feet to create a patch reef consisting of 15 foot tall limestone boulder piles that are approximately 100 feet apart. Each pile is comprised of approximately 250 tons of 3-4 foot diameter boulders at the cost of about \$60,000 per patch reef (\$240 per ton). They were placed in an area devoid of hard bottom so there would be no unintentional impacts to the existing natural reefs in the region. Monitoring of over two dozen ARs offshore Palm Beach County conducted by a non-profit organization in 2015 found that the three AR sites with the highest abundance of fish were all step reefs.



Figure 46. Florida Fish and Wildlife biologist inspecting the recently deployed Boca Step Reef boulders in Palm Beach. Photo credit: FL FWC.

Conclusion

ARPs on the Atlantic coast have seen many changes over the past three decades. These range from changes in material selection, usage of new technology, and increasing complexity in permitting reef projects. Despite some differences in program structures, funding, and objectives, many similarities exist across state lines.

Since 1988, program use of most reef materials have shifted towards those with superior performance value such as heavy concrete structures, aggregate rock, and steel vessels rather than tires, vehicles, and other assorted scrap metal which lack stability and durability. This transition was just beginning at the time the state profiles were originally published in 1988. With recently updated material guidance (*Guidelines for Marine Artificial Reef Materials Third Edition*) there is reef building consistency among state programs on the Atlantic and Gulf coasts. Interestingly, in the 1988 report, several states described plans to build prefabricated concrete structures. These structures are ubiquitous among reef programs today.

Nearly every state has embraced new technologies like ROVs, underwater video cameras, sidescan sonar, multi-beam surveys, and GPS to designate new sites, map existing materials, and evaluate established reef habitats. These technologies provide considerably more information about reef sites than was previously known and provide more accurate methods (GPS) for placement and users to locate deployed materials. Many state reef programs have developed reef guides and other related online and printed reef resources so anglers and divers can identify reef site locations and compositions.

Over the past three decades it's become commonplace to conduct bathymetric surveys and benthic characterizations before reef construction permits are authorized. Survey requirements are not the only changes to the permitting process. In many states, USACE now requires consultation with NOAA Fisheries Protected Resources Division to assess impacts of ARs to protected species and EFH. Additional consultations are also required with many state and federal agencies including but not limited to the USCG, EPA, U.S. Fish and Wildlife Service, and National Ocean Service. Mapping technology advancements have improved each reef program's ability to identify key areas for AR enhancement, avoid impacts to essential fish habitat, and adhere to changing state and federal requirements. However, this process has slowed reef construction in several states and is a topic of increased concern for ARPs. With the limited resources and budgets for many ARPs, meeting these requirements has significant costs and ultimately decreases the programs' ability to effectively enhance fish habitat through AR projects.

Though there are many differences in individual state reef program characteristics (e.g. size and funding), some overarching themes are consistent. Large reef projects are often made possible through donation of acceptable materials and services from local entities such as the state's DOT or private companies. Reefing of project material (i.e. concrete and steel bridge material) is most attractive to companies looking for a low-cost disposal method. Many projects are located on or near the water which facilitates the transport of the material to a reef site. State programs typically do not have funding to conduct projects of this scale on their own, as waterfront property is at a premium, causing state programs to have less opportunity to accept and stockpile donated material.

Research needs are broadly similar among states. Some reef programs are affiliated with local universities interested in evolving reef research issues. Emphasis is given to existing habitat enhancement, fisheries production, population dynamics, and reef usage by fishermen and divers.

ARPs continue to provide beneficial use of aquatically recycled materials of opportunity that create new research, fishing, and diving opportunities in the coastal U.S., as well as contribute to responsible fisheries management.

Appendix

Abbreviations and Acronyms

in order of appearance

AR	artificial reef	NYC	New York City
MA DMF	Massachusetts Division of Marine Fisheries	NAGD	National Grid
USCG	United States Coast Guard	NJDFW	New Jersey Division of Fish and Wildlife
UVC	Underwater Visual Census	DE DFW	Delaware Division of Fish and Wildlife
BRUVS	Baited Remote Underwater Video Stations	RFP	request for proposals
NEU	Northeastern University	PCB	polychlorinated biphenyl
EPA	Environmental Protection Agency	VMRC	Virginia Marine Resources Commission
DOT	Department of Transportation	ODU	Old Dominion University
RI DMF	Rhode Island Division of Marine Fisheries	NCDMF	North Carolina Division of Marine Fisheries
EFH	Essential Fish Habitat	NCDOT	North Carolina Department of Transportation
SHU	Sacred Heart University	AIS	Automatic Identification System
USACE	United States Army Corps of Engineers	SCDNR	South Carolina Department of Natural Resources
CIRCA	Connecticut Institute for Resilience and Climate Adaptation	SCMARP	South Carolina Marine Artificial Reef Program
NYSDEC	New York State Department of Environmental Conservation	CCA	Coastal Conservation Association
GEIS	Generic Environmental Impact Statement	SAFMC	South Atlantic Fishery Management Council
SGEIS	Supplemental Generic Environmental Impact Statement	SMZ	Special Management Zone
ROV	Remote Operated Vehicle	MPA	Marine Protected Area
NOAA Fisheries	National Oceanic and Atmospheric Administration National Marine Fisheries Service	GADNR	Georgia Department of Natural Resources
MORF	Moriches Offshore Reef Fund	OAR	Offshore Artificial Reef
Reef Initiative	Governor Andrew Cuomo's Artificial Reef Initiative	CRD	Coastal Resources Division
NYPA	New York Power Authority	FWC	Florida Fish and Wildlife Conservation Commission
NYTA	New York Transit Authority	DEP	Department of Environmental Protection
NYDOT	New York Department of Transportation	MARAD	Maritime Administration
NYCC	New York Canals Corporation		



Atlantic States Marine Fisheries Commission

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Atlantic States Marine Fisheries Commission

Business Session

Thursday, August 5, 2021

2:45 – 3:00 p.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/Call to Order (<i>P. Keliher</i>) | 2:45 p.m. |
| 2. Committee Consent | 2:45 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 2020 | |
| 3. Public Comment | 2:45 p.m. |
| 4. Consider Approval of the Bluefish Allocation and Rebuilding Amendment Final Action | 2:50 p.m. |
| 5. Consider Noncompliance Recommendations (if necessary) | 2:55 p.m. |
| 6. Other Business/Adjourn | 3:00 p.m. |

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

**Webinar
October 22, 2020**

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

TABLE OF CONTENTS

Call to Order, Chair Patrick Keliher..... 1

Approval of Agenda 1

Approval of Proceedings from February 6, 2020..... 1

Public Comment..... 1

Review and Consider Approval of the 2021 Action Plan..... 1

Fisheries Management 1

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ACCSP 5

Law Enforcement 7

Habitat and the Atlantic Coastal Fish Habitat Partnership 7

Stakeholder and Public Support..... 7

Legislative..... 8

Finance Administration10

Election of Chair and Vice-Chair.....101

Adjournment12

INDEX OF MOTIONS

1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from February 6, 2020** by Consent (Page 1)
3. **Move to approve the 2021 Action Plan** (Page 10). Motion by Bill Anderson; second by Tom Fote. Motion carried (Page 10).
4. **Move to nominate Pat Keliher as Chair of the ASMFC, effective at the end of the Annual Meeting** (Page 11). Motion by Jim Gilmore on behalf of the Nominating Committee. Motion approved by Consent (Page 11).
5. **Move to nominate Spud Woodward as Vice-Chair of the ASMFC, effective at the end of the Annual Meeting** (Page 11). Motion by Jim Gilmore on behalf of the Nominating Committee. Motion approved by Consent (Page 12).
6. **Move to adjourn** by Consent (Page 13).

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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)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Dan McKiernan, MA (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	Phil Langley, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Sen. Monty Mason, VA (LA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Sen. Steinberg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Doug Haymans, GA (AA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Sherry White, USFWS

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

Staff

Robert Beal	Laura Leach
Toni Kerns	Savannah Lewis
Kristen Anstead	Sarah Murray
Max Appelman	Joe Myers
Lindsey Aubart	Marisa Powell
Pat Campfield	Mike Rinaldi
Maya Drzewicki	Julie Defilippi Simpson
Dustin Colson Leaning	Caitlin Starks
Chris Jacobs	Deke Tompkins
Jeff Kipp	Geoff White
Heather Konell	

Guests

Bill Anderson, MD (AA)	Peter Fallon, Maine Stripers
Pat Augustine, Coram, NY	Cynthia Ferrio, NOAA
Joey Ballenger, SC DNR	Dawn Franco, GA DNR
Chris Batsavage, NC DENR	Tony Friedrich, SGA
Alan Bianchi, NC DENR	Pat Geer, VMRC
Jeff Brust, NJ DEP	Lewis Gillingham, VMRC
Mike Celestino, NJ DEP	Angela Giuliano, MD DNR
Jamie Darrow, NJ DEP	Carol Hoffman, NYS DEC
Jessica Daher, NJ DEP	Mike Luisi, MD DNR
Maureen Davidson, NYS DEC	Dee Lupton, NC DENR

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Draft Proceedings of the Business Session
October 2020

Guests (continued)

Chip Lynch, NOAA
John Maniscalco, NYS DEC
Nicola Meserve, MA DMF
Allison Murphy, NOAA
Ken Neill
Gerry O'Neill, Cape Seafoods
Michael Pierdinock, CPF Charters
Jeff Rose

Andrew Sinchuk, NYS DEC
Melissa Smith, ME DMF
Helen Takade-Heumacher, EDF
Beth Versak, MD DNR
Megan Ware, ME DMF
Chris Wright, NOAA
Erik Zlokovitz, MD DNR
Renee Zobel, NH F&G

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Draft Proceedings of the Business Session
October 2020

The Business Session of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, October 22, 2020, and was called to order at 10:00 a.m. by Chair Patrick C. Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: Welcome everybody to the Annual Meeting's Business Session.

APPROVAL OF AGENDA

CHAIR KELIHER: I'm going to roll right into the agenda items. First up is Committee consent on Approval of the Agenda. Does anybody have any additions or deletions or questions around the agenda? Seeing no hands, the agenda is approved by consensus.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Then, the approval of the proceedings from the August 2020 meeting. Does anybody have any questions, additions, deletions for those proceedings? Seeing no hands, they are approved by consensus.

PUBLIC COMMENT

CHAIR KELIHER: Item Number 3 is Public Comment. Is there any member of the public that has comments for the Business Committee, the full Commission?

Not hearing anybody chime in, no hands.

**REVIEW AND CONSIDER APPROVAL OF THE
2021 ACTION PLAN**

CHAIR KELIHER: Great, we're going to move right on to Item Number 4, which is Review and Consider the Approval of the 2021 Action Plan. We have a big chunk of time scheduled for this. I want to make sure that we are able to do a good review, but if we could just hit the highlights, and then if we need to get any details somebody can please raise your hand as the presentations are being made. I'll turn it right over to Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thanks, Pat, I think we'll go through our kind of regular format where each staff person will go through their section, and as you said just hit the highlights, and we'll pause after each goal to see if there are any questions, additions, deletions, that sort of thing. Toni Kerns is the first one with Goal 1, Fishery Management Section, if you're ready to go, Pat.

CHAIR KELIHER: Yes, please proceed.

FISHERIES MANAGEMENT

MS. TONI KERNS: Maya, if you'll just pull up and do your best to scroll through with me the Action Plan that will be great. We're going to start off. In bold are the new items that are coming through for each of the species, and as you recall we've split the species groupings into high priority and medium low priority, in terms of staff workload and focus for Commissioners.

For American eel we're going to continue on with the American eel benchmark stock assessment and peer review, which will be completed in 2022, as well as monitor the international action on the Convention of International Trade for Endangered Species, through communications with Fish and Wildlife Service. For lobster we will work on management actions to the benchmark stock assessment, as well as the resiliency document for Gulf of Maine. In addition, the Board added a white paper on the use of trackers, in particular for the focus for lobster vessels fishing in federal waters, and we'll need to add that bullet into the document specifically. For Atlantic Herring, we will finalize and implement Addendum III once the Amendment 8 has been finalized. If we need to, we will respond to that Amendment that NOAA Fisheries is working to do a final rule for.

We'll also follow the work of New England Fishery Management Council for Framework 7, which is spawning protections in Georges Bank and North Nantucket Shoals, as well as

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Draft Proceedings of the Business Session
October 2020

Framework 8, which is the specifications and incidental catch limit, and respond if necessary. For Atlantic menhaden, we'll review the Amendment 3 quota allocations and initiate a management action if necessary, as well as initiate the benchmark assessment to be completed in 2022.

For striped bass we will work on Draft Amendment 7, to ensure stock rebuilding and address all of the current fishery management issues as talked about earlier this week, and complete the 2021 stock assessment and address the findings, most likely Amendment 7 if necessary. The Board will need to discuss, once we know what kind of recreational catch estimates we will have to determine if this stock assessment will be completed or not.

For black sea bass, we'll work with the Council on this. Some of the items here will also apply to summer flounder and scup, and I'll know which ones. But we will work with the Mid-Atlantic Council on finalizing an addendum or an amendment for commercial recreational allocation, kicking into our addendum their amendment on the commercial recreational allocation, taking into account calibrated recreational estimates.

We will also develop in coordination with the Council an action to address recreational reform, and this will also apply to summer flounder and scup. We will finalize the commercial state allocations through Addendum XXXIII, and contribute data for the 2021 management track assessment, and the 2022 research track assessment.

For bluefish, we will finalize the amendment that is looking at the commercial and recreational allocation that we are working on with the Mid-Atlantic Council. This includes the calibrated MRIP estimates, and goals and objectives quota transfers and rebuilding programs. The recreational reform addendum also applies to bluefish. I don't think I said that before.

We will also review the effectiveness of the current fishery independent data requirement and evaluate an optimal range in sample size for age data that is required and necessary for the stock assessment. Bluefish will also undergo a management track assessment in '21, and a research track in 2022. Horseshoe crab will continue the ARM revisions.

For scup both of these actions have already been addressed under the black sea bass, and for summer flounder, the only additional thing that I haven't mentioned is developing in coordination with the Mid-Atlantic Council's management action, a management strategy evaluation regarding the benefits of minimizing discards, and turning discards into landings in the recreational sector. For tautog, we'll work on the 2021 stock assessment update, and consider any management responses if necessary in the fall. Then moving on to the medium-low priority species. For both Atlantic croaker and spot, we'll be implementing the measures triggered from the 2020 traffic light analysis, as outlined in Addendum III, and discussed earlier in this week. Coastal sharks there will be a SEDAR for the blacktip shark stock assessment, and we'll consider management response if necessary, and work closely with HMS for that.

We'll also monitor the activities of HMS, specifically with regards to HMS Amendment 14, which is looking at annual catch limit and accountability measures. If there is anything that we need to respond to for this, we will take those up. For cobia, we'll be implementing the Addendum that got approved today, which is a provision to the allocations and some of the de minimis rule measures.

For Jonah crab we'll be implementing all of the data elements to improve the data collection and characterization of the fishery, and continue to work with all of our partners, to make sure that these data elements are incorporated. We will also identify the data that is available, it's limitations, the uncertainties around it, and make

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Draft Proceedings of the Business Session
October 2020

recommendations for stock assessment approaches for this fishery. We have yet to have a coastwide stock for Jonah crab.

The northern shrimp will conduct a stock assessment update and set specifications. The moratorium that has been in place for the last three years sunsets at the end of 2021. We'll also continue to explore long term management options given the environmental changes in the Gulf of Maine, and it's that shrimp has depleted stock status.

Red drum will continue to work on the simulations for future use of stock assessment models. For shad and river herring we'll continue to move on to the 2020 American shad benchmark stock assessment. Through this response we'll identify improvements to the fishery management plan, with regards to recreational catch.

For recreational management systems with low harvest and high abundance indexes looking at sustainable fishery management plan alternatives, as well as incorporation as assessment information in this SFMP. We'll also work on completing the shad updates to the shad habitat plan. These are just updates, not entire new habitat plans.

For spiny dogfish we'll be contributing data and participating in the 2022 research stock assessment. For winter flounder we'll work cooperatively with the New England Fishery Management Council to respond to the management track assessment. Things that are cross-cutting between multiple departments at the Commission include raising awareness of COVID-19 impacts to MRIPs availability to produce catch estimates.

We'll also raise awareness to MRIPs data standards, and impacts to the Commission's FMP and stock assessments. We'll be working to seek ways within our existing management structure to address the concerns of the recreational community, with regard to

Commission managed and jointly managed species.

We'll also be participating in and provide administrative support for scenario planning activities to address changes in stocks and fisheries due to climate and fisheries governance. This is a collaborative effort along the coast with all three of the councils as well as GARFO and the Science Center. Then lastly, we'll evaluate COVID impacts on the 2020 fishery dependent and fishery independent data collection, and develop strategies to mitigate impacts to the stock assessment, as well as the FMP. That's all I have, Mr. Chair.

CHAIR KELIHER: Thanks, Toni. I see Tom Fote, you have your hand up, Tom.

MR. THOMAS P. FOTE: Yes, just by mistake.

CHAIR KELIHER: Anybody have any questions for Toni? Seeing none, we'll go right on to the next portion.

MS. KERNS: Before you go on. Maya, if there is a way to try to fill the whole screen. I think it's hard for some people to read the text. Maybe one more hit? Perfect, thanks.

MR. PATRICK A. CAMPFIELD: Good morning everyone, this is Pat Campfield. Can you hear me okay?

CHAIR KELIHER: Yes, go ahead, Pat.

SCIENCE

MR. CAMPFIELD: Goal 2 covers all of our fisheries research; surveys and stock assessment activities for 2021. First up under the Scientific Committee activities, we plan to evaluate and pursue expansion of coastwide stock assessment capacity through either a new hire, or strengthening capacity at the Northeast Fisheries Science Center to work on ASMFC assessments.

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Draft Proceedings of the Business Session
October 2020

The second highlight is to continue incorporating socioeconomic information in the management documents through the work of our CESS Committee on economics and social sciences. Under data collection and the regional surveys. Under SEAMAP, a program that has been in place for almost four years, just one minor change to collaborate with the Southeast Coastal Ocean Observing Association, to potentially host the SEAMAP South Atlantic Survey data.

Under NEAMAP, a few new additions. The first is to develop common methodology and protocols for NEAMAP surveys, so that we are promoting consistent data collection across the various trawl surveys in the northeast area. In early 2020, before the travel restrictions and the pandemic hit, we conducted our first Maturity Staging Workshop.

If and when travel resumes in 2021, I would hope to build on that success, and host a second Maturity Staging Workshop through the NEAMAP partners. An additional workshop that would be valuable for the NEAMAP trawl survey community is a calibration workshop to develop common methods for how to conduct calibration, if and when changes in vessels are needed.

We have initiated a project to develop a genetic sampling and analysis repository for shad and river herring, in close collaboration with the U.S. Geological Survey. We highlight this project, but it's one of many new projects that we have collaborated on with USGS over the past few years, and look to further expand that partnership. Scrolling down to fisheries research, just one quick hit on stock assessment modeling. We just completed the 2020 American lobster stock assessment. One of the major recommendations for future assessments was to add time-varying thermal habitat affects, and growth to the catch-at-length model. We will continue to work with the group at the University of Maine and our Stock Assessment Subcommittee to develop the model further.

Scrolling down to ecosystem-based management and changing ocean conditions, we'll highlight a task from the Executive Committee to develop criteria for adding or subtracting states for fishery management boards if and when an individual stock's distribution changes. This is something that the Management and Science Committee will take up.

Then finally, under competing ocean uses, we added as task to explore opportunities to characterize the geographic extent of fisheries using trackers as a tool. I will stop there. Those are the highlights for our fisheries science program.

CHAIR KELIHER: Thanks, Pat, does anybody have any questions for Pat? John Clark.

MR. JOHN CLARK: I just want to get back to one of the first comments you made about incorporating the socioeconomic data into assessments. When might we start seeing that? I mean a good example just the other day was the menhaden vote for the issue about changing the TAC there.

We heard a big concern from the Advisory Panel about the economic impacts of lowering the TAC, yet during the material I saw and during the conversation, we didn't have anything concrete about that, as to what lowering the TAC levels would do to the economics of our fishing public here. Just curious as to when we might start seeing more input into these documents from the Economic and Social Sciences Committee.

MR. CAMPFIELD: It's really a multi-pronged approach. The first is through the members of the CESS, the Committee on Economics and Social Sciences. Our coordinator, Sarah Murray has done an excellent job of getting the various Committee members assigned to different species. They have had a longstanding goal to participate in PDT meetings, some TC meetings where there are management regulations discussions with socioeconomic aspects.

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Draft Proceedings of the Business Session
October 2020

That is one of the most direct ways to have the socioeconomic experts involved in this Committee and team discussions to provide input and advice. I guess the second aspect is the Risk and Uncertainty Policy that has been in development, and we hope to finalize soon, as was raised earlier this week.

But again, Sarah and the CESS Committee have been working pretty hard on developing criteria and scoring ranges for socioeconomic questions and elements of that Risk and Uncertainty Policy. The intent is to have that be a more formal type of input on socioeconomics for your decision making. The third piece is that the FMPs have had socioeconomic information, but we can probably do a better job of rounding that out.

Often, we're limited by the socioeconomic data that are available coastwide. We've worked closely in the ACCSP to make use of what they have in their databases, but we often run into the hurdle of that type of data being fairly limited. But we are spending a fair amount of time on it through the CESS Committee the last couple of years.

MR. CLARK: Thanks, Pat, but menhaden in particular, to me this was a pretty glaring example where the science that we're using for the single species is excellent for the assessment there. But, here I would say it was more speculative and yet we didn't have any. There could have been, to me, pretty simply done what the cost might be.

You know even just a ballpark range as to what we would be looking at for our, for example our fisheries that use menhaden for bait. What reducing the TAC to a certain level, how it might impact that. I mean, it doesn't seem like it would be that difficult. If we can manage this species now, and set a TAC based on some fairly speculative science. It seems like we could have some kind of numbers there.

CHAIR KELIHER: Great, thanks, John. Jason McNamee.

DR. JASON McNAMEE: Pat, thanks for the presentation, Pat. The very last thing you brought up. I was just wondering if you could give a little more detail on that. I hadn't heard about at least the tracker one. Just curious as to what that is.

MR. CAMPFIELD: Sure, I think there are a couple of purposes, and Toni alluded to it under Goal 1, and perhaps our Chairman can speak to it too. It was a task that was raised during the initial review of the action plan through the Administrative Oversight Committee. But my understanding is it relates to understanding where lobster fishing is taking place, as it may relate to offshore wind development, and perhaps for other purposes. But that's as much as I can say about it.

DR. McNAMEE: Okay, thanks.

MS. KERNS: I was just going to say, the Board came up with a more specific task and workgroup at the meeting, and so that is why I brought it up under lobster before. Here we were sort of thinking, trying to think towards the future of trackers, and how they could improve in a more timely fashion information related to fisheries that we don't have good data for, Jay.

DR. McNAMEE: Trackers on boats is what they're talking about, I got you, thanks.

MS. KERNS: Yes.

CHAIR KELIHER: Yes, great. Any other questions for Pat? Seeing no hands, why don't we go on to the next presenter?

ACCSP

MR. GEOFF WHITE: Thank you, Pat, this is Geoff White covering Goal 3 for ACCSP. The top parts are about the same. The sold item on a continuing basis that we've highlighted there is we've moved it from last year FISMA is the Internet Security Act. We moved it from its own item to moving up to some ongoing

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activity. Really this is a significant ongoing staff time and cost for software tools, and annual external reviews of our security status. Part of having our FISMA authority connects the six different federal systems that we work with. That is why it's moved up into our continuing items. Under Program Management, these are some updated items here that are not vastly different of things that you've heard before, immigrating with the Commission's communications plan, of course selecting and monitoring that ranked proposal project.

The uptick to the Atlantic recreational implementation plan is really on about a five-year cycle. We're four years in at the moment, and this is to include coastal priorities for projects and direction. It is then used by APAIS in input by the states and the Councils and used by MRIP to address their kind of long-term activities and funding privacy. That is a big item for us, the Rec Tech group and ACCSP (broke up).

Really, we'll continue our support for partner implementation of the tools that we have out there. The middle sector here is really changing the focus from the redesign, prioritizing not as much on the trip aspects of the dealer landings reporting. That is moving the SAFIS management system, the switchboard is a tool that we use to make that more flexible, and updating the end use for tools to be able to have some really visible components of what the SAFIS redesign of the database and props and samplings are doing for the end users in those flexibility tools.

Electronic dealer reporting will be our focus for improving those tools next year, and also some of the items below support that in terms of the participant and permit data base design, and the trip management system, having a unique by dealers, it's shared and coordinates things such as the actual trip reports, the dealer report, potentially there will be biological information as well.

The title of this one did change, we added the word standards in here, along with distribution and use. In the data warehouse there is continued focus to incorporate these data elements, redesign the user interface there, improve the content on biological data, and recreational estimates. That means better align tools with what MRIP is showing on their website, as well as finding ways to support our partners in the presentation of those data fields.

Under recreational fisheries, the big points there are really to begin evaluating the utility and standards for private angler solitary mobile applications. That is a very wordy bullet item, but focuses on finding out where those private angler apps are best utilized for their data, and what are the common data fields that could be recommended.

That's defining the appropriate uses to guide stakeholder expectations, so are these apps going to provide supplementary information? How might it be used relative to MRIP relative to the assessment process relative to other processes? That is really trying to capture the best guidance there, is what the bullet is about.

Of course, that involves developing the core fields for data collection, the things that would be consistent and useful across the source application. The last item under recreational fisheries is really to continue an ongoing path, which was the ability to more fully incorporate for-hire logbooks into the catch statistics. With the additional federal for-hire logbook and HMS regulations, sorry not regulations, important incorporation of some of these tools. How does that factor in to the way the for-hire estimates are being created? That is a methodology that is really part of the implementation plan, it's also part of something that Rec-Tech is developing. With that I will stop, and ask for any questions.

CHAIR KELIHER: Thank you, Geoff, any questions for Geoff? Seeing none, I think you're

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off the hook, Geoff, so we can move on to Goal 4.

LAW ENFORCEMENT

MS. KERNS: Goal 4 is the Commission's Law Enforcement Committee goal. You'll see that we don't have any folded tasks really for the Law Enforcement Committee. Most of the work that they do is looking at our FMPs and new management measures to those FMPs, and revealing and providing input to the Board on enforcement for those measures.

While those are new every year, well we are proposing plans every year, the specifics are unknown until it comes up. We'll continue on with that, and note that the Law Enforcement Committee will continue to engage with the Lobster Board on offshore enforcement activities, as well as engage with real enforcement activities. That's all I've got.

CHAIR KELIHER: Any questions on that goal? Seeing no hands, we'll move on to Goal 5.

HABITAT AND ATLANTIC COASTAL FISH HABITAT PARTNERSHIP

MR. CAMPFIELD: Goal 5 covers all the activities for our habitat program, and the Atlantic Coastal Fish Habitat Partnership. Just a couple of highlights for 2021. Under the integrate category to complete the fish habitats of concern descriptions to be considered for integration into the Commission's fishery management plans.

Secondly, under ACFHP, there have been a number of projects since the partnership started over a decade ago, and we want to collect information on the long-term success of ACFHPs on the ground conservation projects, to understand improvements to habitat after the projects are completed. That's all under Goal 5.

CHAIR KELIHER: Great, thank you, Pat, any questions on Goal 5? Seeing no hands, we'll move on to the next goal.

STAKEHOLDER AND PUBLIC SUPPORT

MS. TINA L. BERGER: Thanks, Pat, this goal is regarding stakeholder and public support for the Commission, under increasing public understanding support. We are going to be building upon our Fisheries Management 101 webpage, if you all haven't seen it, be sure to check it out under our Fisheries Management Program page.

We'll be turning that into a primer for folks to use and distribute to their stakeholders as needed. We are going to look at a couple of different ways of highlighting our current status of the stocks. We currently have the stock status package, but we'll see if we can refine that a bit more. On our plate as well is to update the Guide to Fisheries Science and Stock Assessments.

That was first developed in 2009, and it's pretty dated in some areas, so we're going to work on bringing that up to speed. For 2021 we identified a couple of issues that we are going to focus increased outreach on, and these include development of the Striped Bass Amendment, implementation of the circle hooks requirement as part of that amendment, or as part of Addendum VI, as well as continue to work on outreach on the use of ERPs. Regarding stock assessments upcoming for 2021, we will put together some outreach materials on the upcoming horseshoe crab ARM benchmark assessment, and will do as time allows, do updates and overviews for management track assessments for striped bass, bluefish, black sea bass, and summer flounder.

Under new technologies, we're going to do some upgrading and updating of our website, make it HTTPS compliant, find ways to increase accessibility and user friendliness, and add new pages for ERPs as well as climate change effects on managed species. We're going to continue to focus on using webinars, videos, and story maps to engage and inform the public about current activities for all our programs.

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Draft Proceedings of the Business Session
October 2020

Under media relations and networking, I have been working on an implementation, I've been working on a communications plan to fully integrate all our departments and coordinate outreach activities. Part of that plan will be to develop a baseline, so we will be conducting a survey of all our products and tools, and to get a sense of how effective they are, and where we can make further progress in the future.

The only last thing is we do coordinate this Atlantic Coast Fisheries Communication Group, which is outreach folks from all the states and the Councils and the federal agencies we work with. We hope to have a meeting in 2021 to talk about some shared communications issues, and how we can move forward on joint messaging. That's it for Goal 6.

CHAIR KELIHER: Thank you, Tina, any questions for Tina? John Clark.

MR. CLARK: Thank you, Tina. The Management 101 webpage is really nice. I just was curious as to whether ASMFC has worked with MRIP at all about getting the public to understand the new MRIP better, because there is a ton of dissatisfaction among anglers with the recreational data that is coming in.

You know obviously the new MRIP is supposed to be an improvement, but because of the impact it's had on several assessments, I think there is a lot of distrust of it in the angling public, and a lot of it comes out of hearings how little people think of MRIP. I'm just curious as to whether you had any plans to explain that data on the ASMFC website.

MS. BERGER: It is in part captured under Goal 1, in terms of increasing awareness on cross-cutting issues regarding MRIP. I know the Mid-Atlantic Council has developed an MRIP page. We haven't discussed it at the staff level, although both Geoff and I and Toni and Bob were all involved in MRIP communications at some level. But that is certainly something we could discuss, and potentially address, if that is the desire of the Board or the Business Session.

CHAIR KELIHER: John, does that answer your question?

MR. CLARK: That's fine. Like I said, I was just curious, and you know as I said, I just think the more avenues to get the information out to the public, hopefully the better understanding and eventual acceptance of it. Like I said, as of right now there is a lot of distrust of that data.

CHAIR KELIHER: Yes, I think those type of conversations is certainly going to play out over time with several species' management boards, but I appreciate that question. Tom Fote.

MR. FOTE: We offered virtual meetings for the last eight months, nine months, and we should basically look at how we could use this tool to better interact with the public. Maybe have like a Commission open house one day, where we have different presentations on different species, and we share things about the species, and have people ask questions and things like that.

Usually when we basically reach out to the public, rather than have a public hearing we're going to have this. Maybe we should have an open house to get acquainted, in a more-friendlier atmosphere when we're not cutting back quota or doing something else.

CHAIR KELIHER: Thanks, Tom. John, your hand is still up. Do you have a comment, or is that an old hand? Nope, must have been an old hand. Any other questions for Tina? Seeing none, let's move on to Goal 7.

LEGISLATIVE

EXECUTIVE DIRECTOR BEAL: I'll take that one. Goal 7 is our legislative activities, and it's really most of it is the ongoing activities that Deke and I engage in, you know working with Congressional offices and working with a number of you guys to bring you up to Capitol Hill, and a lot of you do it independently, interacting with your Congressional offices.

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Draft Proceedings of the Business Session
October 2020

There are a couple bullet items, if you scroll down a teeny bit, Maya. The first one is that there is an election coming up, apparently, and we're going to react to that. No one knows the outcome of the election, but we'll see who we need to react to and who we need to start interacting with after that election.

The Legislative Committee has been revamped, and is up and running and doing well this year, and we've got a number of activities there that that group is contemplating working on. The idea is to continue their momentum into 2021. One of the big items that is being talked about is when should we seek reauthorization of the Atlantic Striped Bass Act and Atlantic Coastal Act?

I don't think anyone, I haven't heard of any significant changes that anybody wants to those Acts but they haven't been reauthorized for a while, and the authorization level could be increased, and I think that would benefit the states as we try to seek more funds to support Commission activities. We also want to seek federal appropriations for a number of surveys that are important to the member states in the Commission, as well as the horseshoe crab activities.

Those are the highlights of our legislative activities, and we'll continue to monitor bills and special legislation on Capitol Hill, and share all that information with you. If any one of you want to go up to Capitol Hill, or interact with your state delegations, let us know and we're happy to do that. Happy to answer any questions, Pat.

CHAIR KELIHER: Great, Bob, thanks for that. Tom Fote.

MR. FOTE: After the last Congressional election I asked Bob Beal and Congressman (broke up) to host (broke up) because we had a lot of new delegation. We had, I think it was five members of the New Jersey Congressional delegation. David asked Congressman Small, because the Congress Committee had a big office that could

host a whole delegation with resights, Bob Beal, and a few other people on fisheries and how it went. I don't know how Bob felt.

But I thought it was important, that this is how you reach out to the whole delegation like from New Jersey, and we do this with other states. I mean once you figure out the Congressional (broke up) and your state that can basically help somebody like this, and bring all those delegations to at least inform, not just the one person or two persons of fisheries, but all the delegation that you can fit in a room.

CHAIR KELIHER: Thank you, Tom. Ritchie White.

MR. G. RITCHIE WHITE: If the Commission makes the decision that the Commission is in good shape financially, separate from the surveys that need funding. I think that that, and I don't know if that would be something that there would be a decision made for that. My thinking is, when we go to the delegations, we almost always go asking for money.

It would be great to go and say the Commission is okay for now. You know outside the individual issues, surveys that we need money for. Anyway, that is my sense. I don't know if there is a decision made that we are in that situation, and if so then I think that is a message we should put forward.

CHAIR KELIHER: I think as we get into late fall early winter, we'll certainly be having more conversations about appropriations, that Council and Commission line has been one that I think all of our individual states have focused on, as far as continuing to support. It certainly helps when you say, we're in pretty good shape on this line.

But we're obviously going to have more areas we're going to have to refocus on, especially considering all of the impacts to the individual state budgets. I think your point is well taken. Any other questions on this topic? Not seeing

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any other hands, Bob, are there any more goals? Do we have one more to go?

EXECUTIVE DIRECTOR BEAL: Yes, one more, the Finance Administration. Laura's got it.

CHAIR KELIHER: Laura, you're up.

FINANCE ADMINISTRATION

MS. LAURA C. LEACH: Thank you very much, Mr. Chairman. I will try to make up time, because basically a majority of the goals are tasked under Goal 8 are ongoing, making sure the Commission is run well, runs smoothly. That involves our grants and budgets and all that. The one area that we did put a lot of new tasks in this year was due to the pandemic, and what we're learning from the whole teleworking situation, and where we need to bolster our ability to do that.

I'm not going to read through all of these, because I think you all can read them very well. The thing that I would point out under Human Resources is that I'm going to work on pursuing hiring a Finance Administration Deputy Director next year. I think that the rest of the tasks are pretty clearly outlined. May I answer any questions?

CHAIR KELIHER: Any questions for Laura? Seeing no hands going up, I think the fact that Ritchie brought up the issues around finance and that the Commission continues to be doing very well financially remains a direct link back to you, Laura, and the work that you're doing with your team. It certainly probably reflects the fact that we're not getting a lot of questions. With that I'm going to turn it back over to Toni. This is a final action item, so we will need a **motion to approve the 2021 Action Plan**. Maybe I should be turning it back over to Bob.

EXECUTIVE DIRECTOR BEAL: I think, Pat, if anyone is willing to make that motion, we can get it up, and then the group can vote.

CHAIR KELIHER: Bill Anderson, are you making a motion?

MR. BILL ANDERSON: I am, Mr. Chairman, thank you.

CHAIR KELIHER: I also got a second from Tom Fote.

MR. FOTE: Yes.

CHAIR KELIHER: We'll let them get it on the screen for everybody. The motion is pretty self-evident here. Is there any discussion on the motion?

MS. KERNS: Pat, I just want to let Maya know that the motion was by Bill Anderson and seconded by Tom Fote.

CHAIR KELIHER: Seeing no hands going up, is there any objections to the motion? Hearing no objection, the motion passes. Thank you very much.

ELECTION OF CHAIR AND VICE-CHAIR

CHAIR KELIHER: The Item Number 5 is the Election of a Chair and a Vice-Chair. I'll turn it over to Bob Beal.

EXECUTIVE DIRECTOR BEAL: Just a quick reminder. Each year the Commission elects a Chair and Vice-Chair from its member ranks. However, our tradition has been to have Chairs and Vice-Chairs serve two-year terms. We're at the end of the first year for Mr. Keliher as Chair and Mr. Woodward as Vice-Chair, but we do need to go through the election process to verify their second year. There is a Nominations Committee, and Jim Gilmore is the Chair of that Committee, so I will go ahead and call on Jim for nominations for the Chair of the Commission, please.

MR. JAMES J. GILMORE: Just for everyone, the Nomination Committee considered myself, Cheri Patterson, and Jim Estes. Our normal process actually has been to reach out to you

Draft Proceedings of the Business Session
October 2020

the last couple of weeks to see if there were additional nominations. However, I was out of commission the last couple of weeks, so that didn't happen, completely my fault.

But we do want to have an opportunity to see if there are any nominations from the floor. My only comment on my last two weeks is if you haven't gotten the shingles vaccine, do it on the way home today. First essentially, we have good news in that both Pat and Spud are both willing to continue on, so their names are up for nomination. I was thinking, Bob, that we would take these one at a time. I'll offer to the floor anyone who would like to make a nomination for Chairman for the upcoming year. If you want to make a nomination, please raise your hand, and Bob I think can inspect to see if there are any hands raised.

EXECUTIVE DIRECTOR BEAL: Actually, Toni, are there any hands up?

MS. KERNS: No one has their hand up.

EXECUTIVE DIRECTOR BEAL: Okay, so Jim, it sounds like there is no additional nominations, so do you want to go ahead and nominate Mr. Keliher for reelection for a second year?

MR. GILMORE: Yes, on behalf of the Nominating Committee, I nominate Pat Keliher as Chair of the ASMFC, effective at the end of the Annual Meeting.

EXECUTIVE DIRECTOR BEAL: Thank you, Jim, and since that is on behalf of the Committee there is no need for a second. We'll try to do this the efficient way. Are there any objections to having Mr. Keliher serve a second year as Chair of the ASMFC?

MS. KERNS: No hands are raised.

EXECUTIVE DIRECTOR BEAL: No hands. Well, congratulations, Pat! It appears you have been unanimously elected as Chair for a second year.

CHAIR KELIHER: Thank you very much everybody, appreciate that.

EXECUTIVE DIRECTOR BEAL: Jim, do you want to follow up to see if there are any other nominations for Vice-Chair, or if not nominate Mr. Woodward for a second term?

MR. GILMORE: Yes, so back to the Board. Are there any additional nominations beyond Spud for Vice-Chairman of the ASMFC for the upcoming year, please raise your hand and let Toni know?

MS. KERNS: I see no additional hands raised, Jim.

MR. GILMORE: Okay then, on behalf of the Nominating Committee, I nominate Spud Woodward as Vice-Chair of the ASMFC, effective at the end of the Annual Meeting.

EXECUTIVE DIRECTOR BEAL: Excellent, thank you, and again, it's a motion on behalf of a Committee, therefore no need for a second, and we'll try the same voting technique. Are there any objections to having Mr. Woodward serve as the Vice-Chair for a second year?

MS. KERNS: I see no hands raised.

EXECUTIVE DIRECTOR BEAL: Excellent, thank you, Toni. **Again, by unanimous vote or unanimous consent, Spud, you are the Vice-Chair for a second term.** It's been really great working with Pat and Spud. There are no two greater leadership guys to go through a pandemic with than both these guys, so thank you for everything. Jim, I hope your shingles, I hope you continue to recover from those. It sounds like it's been a rough grind for you for the last couple weeks. Hang in there, we hope you get better. With that, Mr. Chairman, I think it's all yours.

MR. GILMORE: Well, thank you, Bob.

CHAIR KELIHER: I want to thank everybody again for the vote of confidence for Spud and I.

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Draft Proceedings of the Business Session
October 2020

We may have secretly been wishing for a coup, it has been quite a year with the pandemic. Frankly, I think the fact that we're getting together, at least from the Administrative Commissioners perspective, nearly weekly.

It allows us all to kind of have these broader conversations, and help get through this together. Again, I appreciate the vote of support. Let's finalize the Business Session here. Is there any other, I'm sorry, Tom Fote's hand just went up. Tom.

MR. FOTE: Yes, I sent an e-mail to you and Bob. I just wanted to mention that this Sunday we lost one of our past Commissioners. Some of you will remember, it was George Harris, Director of Fish and Wildlife for the state of New Jersey. He basically worked for the Agency for 40 years. George was one of my mentors when I first got involved, as a matter of fact.

One of the reasons I'm here is because he talked me into doing a lot of these jobs. He also pointed out the fact that we need to work with other groups, like in New Jersey the hunters and the fishermen all needed to work together. When he retired at 65, he did not quit. He actually would become president of the Federation and brought all these groups together, the New Jersey State Federation of Sportsmen Club and reorganized it.

If you look at deer management and how it's being done nowadays, it was really up to George, because when George was appointed and got involved with managing deer he basically allowed for a doe hunt, back before in the ancient times, you didn't shoot female deer. He changed that in New Jersey, and before he was finished it was all over the country.

He also trained the other directors that you've known from New Jersey, Bob Labelle, Dave Chanda, Matty LaFleur. He's got a long legacy of people he's trained in the Division, and some are still around. I just figured I would let you know, as I said he was one of my mentors also back then.

CHAIR KELIHER: Thank you, Tom, for that. I think we're all following the footsteps of a lot of different people, and many of them before us certainly created some big shoes to fill. Thanks for bringing that forward.

MR. FOTE: One more point, Pat. He was also part of the greatest generation, and it was interesting, because (breaking up) those directors that are going on back there. A lot of them from the federal agencies like Dick ? and Dick ? and ? (broke up) They all served in World War II. George was a marine, right in the beaches in the South Pacific. Pete Mahoney is the other Vice-Chairman of New Jersey; he was a bomber pilot over in England. They learned how to work together, and they kept at it when they basically became directors (broke up). I'll try to get past all the differences and our arguments, and I took direction from him when I was younger.

CHAIR KELIHER: Thanks for that, Tom. We're going to move on. Is there any other business to be brought before the full Commission? I'm not seeing any hands go up. We were to go into recess, and then consider noncompliance findings after the Policy Board, but seeing there are thankfully no noncompliance findings.

ADJOURNMENT

CHAIR KELIHER: I think a motion to adjourn would be a good thing to hear right now, and then we can move back on to the Policy Board. Doug Haymans, motion to adjourn. Is there a second? Second by Cheri. Any objections to adjourning? Seeing no hands, thank you very much, I appreciate everybody.

(Whereupon the meeting adjourned on October 22, 2020 at 10:57 a.m.)

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