

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ISFMP POLICY BOARD**

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**August 3, 2023  
Approved October 2023**

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings of May 3, 2023 Meeting** by Consent (Page 1).
3. **Main Motion**  
**Move to approve Option 4 board discretion for allowing Conservation Equivalency** (Page 17). Motion by John Clark; second by Erika Burgess. Motion postponed until next meeting of the ISFMP Policy Board (Page 21).  
  
**Motion to Substitute**  
**Motion to substitute to adopt Option 1 with an allowance for 2/3 majority to override** (Page 17). Motion by Motion by Dan McKiernan; second by Cheri Patterson.  
  
**Motion to Postpone**  
**Move to postpone decision on Conservation Equivalency until the next meeting of the Policy Board** (Page 20). Motion by Lynn Fegley; second by Marty Gary. Motion passes with one null vote (Page 21).
4. **Move that the Commission leadership reach out to the three Atlantic Coast Councils and schedule a meeting to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management** (Page 27). Motion by Dan McKiernan; second by Mel Bell. Motion carries with one abstention (Page 27).
5. **Move to adjourn** by Consent (Page 28).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Lynn Fegley, MD (AA, Acting)
Allison Hepler, ME (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Cheri Patterson, NH (AA)	Russell Dize, MA (GA)
Dennis Abbott, NH proxy for Sen. Watters (LA)	Pat Geer, VA, proxy for J. Green (AA)
Doug Grout, NH (GA)	Shanna Madsen VA, proxy for M. Mason (LA)
Dan McKiernan, MA (AA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (RI)	Ben Dyar, VA, proxy for Sen. Cromer (LA)
Robert LaFrance, CT, proxy for B. Hyatt (GA)	Kathy Rawls, NC (AA)
John Maniscalco, NY, proxy for B. Seggos (AA)	Mel Bell, SC (AA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Spud Woodward, GA (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Jeff Kaelin, NJ (GA)	Gary Jennings, FL (GA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Marty Gary, PRFC
Loren Lustig, PA (GA)	Mike Ruccio, NOAA
John Clark, DE (AA)	Chris Wright, NOAA
Roy Miller, DE (GA)	

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

**Staff**

Robert Beal	Tracey Bauer	James Boyle
Toni Kerns	Alexander Law	Caitlin Starks
Tina Berger	Chris Jacobs	Chelsea Tuohy
Madeline Musante	Trevor Scheffel	Kurt Blanchard
Lindsey Aubart	Katie Drew	

**Guests**

Michael Academia, CCB	Donald Dicostanzo	Emily Keiley, NOAA
Max Appleman, NOAA	Bill Dunn	Blaik Keppler, SC DNR
Mike Armstrong, MA DMF	Cynthia Ferrio, NOAA	Tom Lilly
Robert Atwood, NH F&G	James Fletcher, United National	Michael Luisi, MD DNR
Pat Augustine	Fisherman's Association	Chip Lynch, NOAA
Chris Batsavage, NC DEQ	Jared Flowers, GA DNR	Nichola Meserve, MA DMF
Carolyn Belcher, GA DNR	Thomas Fote, Jersey Coast Anglers	Chris McDonough, SC DNR
Alan Bianchi, NC DMF	Association	Joshua McGilly, VMRC
Jeff Brust, NJ DEP	Tony Friedrich, ASGA	Kevin McMenamin, Annapolis Anglers
Nicole Caudell, MD DNR	Alexa Galvan, VMRC	Club
Mike Celestino, NJ DEP	Angela Giuliano, MD DNR	Steve Meyers
Peter Clarke, NJ DEP	Hannah Hart, MAFMC	Brandon Muffley, AFMC
Haley Clinton, NC DEQ	Jay Hermsen, NOAA	Allison Murphy, NOAA
Kiley Dancy, MAFMC	Jesse Hornstein, NYS DEC	Thomas Newman
Jamie Darrow, NJ DEP	Yan Jiao, Virginia Tech	Nicole Pitts, NOAA

**Guests (continued)**

Will Poston, ASGA  
Jill Ramsey, VMRC  
Kirby Rootes-Murdy, USGS  
Erin Schnettler, NOAA  
Alexandra Schwaab, AFWA  
Christopher Scott, NYS DEC  
McLean Seward, NC DMF

Ethan Simpson, VMRC  
Somers Smott, VMRC  
Renee St. Amand, CT DEEP  
Kevin Sullivan, NH F&G  
Chad Thomas, NC Marine & Estuary  
Foundation  
Mike Waine, ASA

Megan Ware, MA DMF  
Craig Weedon, MD DNR  
Kelly Whitmore, MA DMF  
Kate Wilke  
Angel Willey, MD DNR  
Phil Zalesak, SMRFO  
Renee Zobel, NH F&G

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Thursday, August 3, 2023, and was called to order at 9:10 a.m. by A.G. “Spud” Woodward.

### **CALL TO ORDER**

CHAIR SPUD WOODWARD: We’ll get everything going here this morning, call the meeting of the Atlantic States Marine Fisheries ISFMP Policy Board to order. Good morning, everybody. For those of you that are online, this is Spud Woodward, Governor’s Appointee from the state of Georgia, and current Chair.

Before we get into our business, I’ve got a couple of things. One is very important. On my right here sits Toni Kerns, and this is Toni’s 20th year. We hired her when she was three. (Applause.) She was directly recruited out of daycare, and brought onboard. I believe that there are going to be commemorative doughnuts in the room. Lisa is back there in the back. Please, as you choose, help yourself. Toni has been with us a long time, and everybody in this room has worked with here.

She is a great asset to the Commission, and we’re very proud to have her. I mean anybody that can get up and go rowing in the morning, and then be here early and get everything going, I mean that’s an inspiration to all of us. Thank you, Toni, for all your service, and we hope you’ll continue to hang with us. Bob has got one other thing he wanted to mention, just kind of a housekeeping thing about travel reimbursements.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Not as important as recognizing Toni’s 20 years. But any Commissioners or anyone that participates in these meetings that would want to switch over to electronic deposit, rather than receiving an actual paper check, and having to deposit that

and everything else, we can do that. We would rather do that.

We would rather not send out checks, we would rather do electronic deposit. We are going to send the ACH Electronic Deposit Form out to all the Commissioners and participants in these meetings. If you haven’t already switched over and you want to, fill out the form and get it back to us, it will save time and money for everybody involved, and just a quicker and more secure way to move money around.

If you want to do that, we’ll give you the opportunity to do it. You can extend the same offer to any of your staff that participates in technical committees and other things that travels for the Commission, just to save time and money for everybody. Just as Spud said, a housekeeping thing that will make things more efficient.

CHAIR WOODWARD: If you would like your reimbursement in cash, you have to meet Laura on a certain designated street corner in Arlington, at a certain hour of the evening. But anyway, yes, everybody avail yourself of that opportunity, if you choose to. Moving along, you’ve got an agenda in front of you. We’ve got a couple little things under Other Business; I just want to mention.

One will be, Toni is going to talk a little bit about the spot and croaker assessment. Everybody should have gotten an update about that, and the need to try to recruit some stock assessment support, so she’s going to mention that. Then I’m going to call on Dan for a little bit of discussion to follow up on some things we talked about at Executive Committee on what appears to be a diminishing commitment to some of these important surveys that we rely on for Interstate Fisheries Management, so I’m going to call on Dan for that.

### **APPROVAL OF AGENDA**

CHAIR WOODWARD: Any other additions to the agenda? Any opposition to accepting the agenda as modified? Seeing none; we will consider the agenda accepted by unanimous consent.

**APPROVAL OF PROCEEDINGS**

CHAIR WOODWARD: You also have the proceedings from our May, 2023 meeting. Are there any corrections, modifications to the proceedings? Seeing none; we'll consider that accepted by unanimous consent.

**PUBLIC COMMENT**

CHAIR WOODWARD: This is the time in our meeting when we allow public comment. We have ten minutes set aside for public comment. If there is anyone here that wishes to comment, you can step up to the public microphone. I just appreciate it if you would keep it to three minutes. Just identify yourself and who you're affiliated with, thank you.

MR. PHIL ZALESK: Good morning, my name is Phil Zalesak; President of the Southern Maryland Recreational Fishing Organization. Chairman, first on June 29 at the Maryland department of Natural Resources Tidal and Recreational Fishing's Committee meeting, I made a motion, which was seconded by Lenny Rudow the Committee Chairman, which reads as follows.

The Maryland delegation to the Atlantic States Marine Fishery Commission and Atlantic Menhaden Management Board, needs to put forth a motion which states, the Atlantic menhaden reduction fishery shall be limited to federal waters east of the western boundary of the Exclusive Economic Zone, beginning at three nautical miles from the Atlantic Coast.

There were no objections and one abstention. The Committee represents thousands of Maryland fishermen, both recreational and charter captains. The Committee based this decision on a 20-minute presentation covering the latest science and empirical data regarding localized depletion of Atlantic menhaden in Virginia waters.

Who else supports this motion? Steve Atkinson, President of the Virginia Saltwater Sports Fishing Association, Captain Bill Pathos, whose sworn

testimony last December represents over a dozen Virginia Beach charter captains. Dr. Bryan Watts of the College of William and Mary, who has been documenting 50 years of decline of osprey in the Chesapeake Bay, to the lack of available menhaden.

Michael Academia of the Center of Conservation Biology, who is sitting behind me, who has conducted the most recent osprey research by quantifying their dependency on Atlantic menhaden for their survival. That is my first point. Second point, there is no reason to ever cancel a quarterly meeting, when the public has only four opportunities a year to express their concern about a fishery. In limiting public comment to under 30 minutes each meeting, leaves a perception that public comment is something to be tolerated rather than embraced by those supposedly serving the public.

Third, there is no science or logic to support the industrial harvesting of three-quarters of a billion menhaden the size of my hand in Virginia waters. All other states have ended this destructive policy. The Atlantic Menhaden Management Board needs to end Atlantic menhaden reduction fishery in Virginia waters at the October meeting with an effective date of January 1, 2024.

Oh, by the way, you may want to go to Facebook to something called Menhaden, Little Fish, Big Deal. Seven industrial reduction fishery boats were off the coast of New York and New Jersey. If there are plenty of menhaden in the Chesapeake Bay, why are they there? You can also go this morning and take a look. They can't find any menhaden in Chesapeake Bay this morning, and I suspect they are going to be going back out off of New York and New Jersey today. I thank you for your time, Mr. Chairman.

CHAIR WOODWARD: Thank you, Mr. Zalesak. I believe I saw another hand back there. Just come on up to the public microphone and just identify yourself, please, and your affiliation.

MR. MICHAEL ACADEMIA: Thank you for your audience. My name is Michael Academia; Scientist with the Center for Conservation Biology, and William and Mary. This year we have documented

the highest rate of osprey nest failure every recorded within the lower Chesapeake Bay. Only 17 of 167 nests monitored during the season, produced any young. The nesting population produced only 21 young, resulting in a reproductive rate of 0.12 young per pair.

This rate is the below that recorded during the height of the DDT era. In order for the population to sustain itself, pairs should produce 1.15 young per active nest. The poor reproductive performance documented this year is a trend that has been observed for the past 15 years. In Mobjack Bay, productivity peaked during the 1980s, and has declined to the present day.

We believe that the ongoing decline in young production is driven by localized depletion of Atlantic menhaden. Within osprey pairs, males are responsible for hunting and providing fish to broods. Between 1985 and 2021, the rate of menhaden captures by male osprey declined from 2.4 fish per 10 hours, to only 0.4 fish per 10 hours, a decline of more than 80 percent.

Although osprey do feed on other fish species within the lower Chesapeake Bay, none of these species offer comparable nutritional content. Atlantic menhaden is a keystone species that osprey depend on during the nesting season. We conducted a supplemental feeding experiment in 2021, by providing osprey broods with menhaden, and demonstrated that reproductive rates could be driven back to sustainable levels.

On a broad scale, recovery of reproductive rates will require the restoration of the menhaden stock. Osprey, as an ecological reference point within the lower Bay, are increasingly demonstrating that our choices about harvest policy are having consequence for the broader Chesapeake Bay ecosystem. Thank you.

CHAIR WOODWARD: Thank you, Mr. Academia, thank you both for your comment. We certainly appreciate it. We distribute all the information

that is provided to the Commission as broadly and quickly as we can. It is very important, and all this information is certainly incorporated into our decision making as we move forward with menhaden management.

We certainly do appreciate the comment, and your efforts to bring it to us. Any other public comment, anything online? None online, all right, we will move along.

#### **EXECUTIVE COMMITTEE REPORT**

CHAIR WOODWARD: Next on the agenda is my Executive Committee Report. I'll move through this pretty quickly. Executive Committee met yesterday morning. We discussed a variety of topics after we approved the agenda and the meeting summary from our May, 2023 meeting.

First was a report from Laura and Bob on the consolidated preparation of that, because with CARES, CARES 1 is almost completely expended. There is approximately \$159.00 and some change that will be returned to the federal government, so kudos to everybody at the states and at the Commission for very efficiently spending a tremendously large sum of money, with little preparation.

Then CARES 2, plans are underway to extend that down to as close to zero as possible. Those states that are still actively executing spend plans, will keep moving forward with that. Then there needs to be some adjustments and tweaks, and we'll probably talk about that at the annual meeting. Next was review of findings of the legislative and governor appointee Commissioner Survey regarding stipends.

We had 14 respondents to that survey, of that 10 of those individuals said that they would be eligible to receive a stipend per the conditions that we had discussed, and only 6 said that they would. That matter is concluded for the time being. It is certainly something that can be brought back up and discussed in the future, but for now that matter is concluded.



Then Alexander gave us an update on activities of the Legislative Committee, as relates to federal legislation. There are two things, and you'll be hearing more about them later on in the meeting, so I won't get into a lot of detail, but what's called the NOAA Organic Act and the Fish Act, so Alexander will be talking about those a little later in our agenda.

Then we had a conversation about per diem rates. There is some interest in possibly increasing that Commission's per diem rates. A sort of preliminary analysis was done about if we did that, you now increased them by 30 percent, and had that applied to the four quarterly meetings for Commissioners.

It would be a fairly nominal physical impact, but the discussion led to a recommendation that staff go back and look at a 30 percent increase, and applying that across all Commission reimbursement travel. That would be Technical Committees, Stock Assessment Subcommittees, and so forth and so on. At the next meeting the Executive Committee will look at that number and be making some decisions about whether we want to consider making adjustments in the per diem rate. We also had a pretty good discussion about some things that came up during the NOAA Fisheries State Directors Meeting, and Dan is going to have some more detailed discussion about that. But I'll just sort of summarize by saying that their great concern that some of these longstanding surveys are diminishing in their temporal and spatial coverage, and there are consequences to that that are pretty dire, when we look at uncertainty in our fisheries management decisions.

The culmination of that discussion is that the Commission needs to really come up with a focused strategy on how do we influence the funding decisions, to make sure that the priorities of the Commission are being addressed, as well as it can be. I mean it's 15 states. We have a lot of power, in terms of advocacy, but we've got to make sure that we're focusing that.

I kind of liken it to, do you want to shoot a target with a shotgun, or do you want to shoot it with a bullet? Bullets have a tendency to go to the bullseye, where the shot scatters. Right now, I think sometimes we're more of shotgun than a bullet, so we need to focus our efforts. We're going to have some further discussions about that at our next meeting about some sort of actionable things we can do to improve our advocacy for funding for these surveys that are fundamental to our ability to make good decisions.

Then Bob talked briefly about sort of a reality check that happened accidentally. You know the Commission hires folks and puts them out in the field in various states to do APAIS interviews, and things of that nature. Unfortunately, there was kind of a rude surprise when we found out that somebody standing on the dock talking to fishermen, is considered by insurers as the same thing as a stevedore who is driving forklifts and handling heavy cargo.

That ended up with some consequences, as far as workers comp and all goes. They worked their way through it, but that does mean that there are some additional costs that will be associated with positioning those folks out in those state work forces. Just kind of a heads up to folks, to let them know that some of that cost may have to be transferred out to those states.

Nothing catastrophic, we're not talking about anything major, but yet it is just part of doing business. That's pretty much what we covered during the Executive Committee. If there is anybody on the Executive Committee wants to add anything to it or have any questions, please feel free to do so. All right, I don't see anybody, we'll move forward.

#### **REVIEW AND CONSIDER CHANGES TO CONSERVATION EQUIVALENCY: POLICY AND TECHNICAL GUIDANCE DOCUMENT**

CHAIR WOODWARD: I'm going to go to Toni, and talk about the Conservation Equivalency Policy and Technical Guidance Document.

You see possible action. It would be nice if we can get this across the finish line. We don't want to do it prematurely. We want everybody to be as comfortable as they can. I mean we start changing words like should to will, sometimes that makes people a little nervous. I think we've had a chance to recover it a little bit. This will be another opportunity to decide if we're ready to make some definitive decisions here. Toni, it's all yours.

MS. TONI KERNS: The Policy and Guidance Document was included in your supplemental materials, and I'm going to go through all those wills and should today, since we only had it on supplemental, and I want to make sure everybody is comfortable. Just a reminder that the application of conservation equivalency is defined in the ISFMP Charter, and the guidelines are in the Conservation Equivalency Policy and Technical Guidance Document. We've been working on this policy for quite some time. At the Executive Committee a subset of the Management and Science Committee have been providing information over the course of the last, probably year and a half, maybe two years that have led to the revisions that staff has made to the Guidance Document and was in your materials.

First off, in the original guidance it provided guidance on using conservation equivalency in an FMP document itself, and then outside of the FMP document process. We have not in the, probably 20 years that I have worked here at the Commission, used conservation equivalency in the FMP itself. We suggested, and have struck reference to conservation equivalency development within the FMP.

That would be and what's online, it should be the entire third paragraph should have been deleted, not just the last sentence, as well as the first sentence under the review process on Page 6, and that is just because it is referencing the FMP itself. The revisions require states to include a single more restrictive measure in compliance reports.

It doesn't have to be approved by the Board, but we just want to make sure we're informed of those. If a state is going to do multiple measures that are more restrictive, those still need to be approved by a management board. Previously, we had just said if a state wants to do something that is more restrictive, they can always do that on their own.

But there was a concern that if a state put forward multiple measures, one of the measures could be in opposition of a coastwide measure, depending on how the combinations of those measures added up. In addition, one of the proposed changes is that conservation equivalency programs would be required to be described and evaluated in the annual compliance review, unless the Board set some alternative timeline.

Conservation equivalency programs will have a length of time that it is set in place in the proposed plan. Plan Review Team review proposals, they do not approve proposals. A decision point that we will need to make today is when conservation equivalency should be allowed. There are four options that are outlined in the document.

Should it be allowed if the stock is overfished? Should it be allowed if overfishing is occurring? Should it be allowed if it is overfished and overfishing is occurring, or should it be left to the Board's discretion? The document specifies additional language that we give as guidance if it is left to the Board discretion. I will not read it out loud for you all.

The next proposed changes are that measures that cannot be quantified are not permitted in conservation equivalency, if their sole purpose is for credit for a reduction. There is a series of guidelines that follow this. This is something that is new to the document. It is required that states show measurable reductions in their plans.

Non-measurable reductions could be used as buffers. The Technical Committee would determine if something is non-measurable or nonquantifiable. It provides the examples of items that we currently cannot measure, circle hooks, no-targeting zones,

gaffing, outreach promoting best practices, are some. If there is a target coastwide reduction needed, it cannot be achieved through a combination of some states implementing the coastwide measure and some states implementing a coastwide percent reduction at the state levels. The Board is allowed to cap the number of options that a state can present in a proposal.

We ask that states keep it to a reasonable level. In the past we've had some states submit up to 20 options, which can make it difficult for the Plan Review Team and the Technical Committee to review those in a timely fashion, depending on how complex each of the options are. The requirements that have been identified in the guidance document are requirements now, they are not things that should be included in the proposals.

The document also provides recommendations for minimum data standards. These are not requirements, as we recognize that each species has different types of data that are available to them. It allows the Technical Committee to put forward standards that they know meets the needs of that species, and the data that are available to them. The document requires the availability to be considered when the TC is analyzing closed seasons.

The document requires that proposals will include timeframes for the length of the proposal, and it requires that the proposal is reviewed annually. It also allows for extensions of the timeframe in the proposal, but it recommends that it not go beyond the next benchmark stock assessment, and that in the discussion that we had with the Management and Science folks, they said it would be best that all proposals were finished at the time of the next benchmark, and would need to be reviewed with a new stock status.

It also identifies steps in the process. It identifies the steps for the review process are all required, before they were just suggested. It also includes

changes in the review timeline. One is that proposals cannot be submitted less than three weeks before the Board meets, and then there is a question for the Policy Board, in terms of when submissions are allowed.

Is it two months prior to the Board meeting, or three months prior to the Board meeting? We put forward these new requirements in particular in the proposals which have a lot of information that the state has to provide to the TC, and then the TC is required to go through to make sure each of the plans are following the requirements.

We are a little concerned that if it is only two months that all of the committees have to review, it may be tight. We're trying to figure out if it's best to do two months prior to or three months prior to. Three months is typically the timeframe between meetings. Then lastly, we'll be looking, possibly, for consideration of approval of the document as we modify it today. I will take questions.

CHAIR WOODWARD: Start off with John Maniscalco.

MR. JOHN MANISCALCO: Toni, I just have a question about one of the points you made late in your discussion. You're talking about post benchmark. Post benchmark assessments that every CE proposal would kind of have to be re-reviewed. I'm just wondering, especially in relation to that discussion that occurred during striped bass. Does everything kind of revert back to the FMP standard, and then we proceed from there? A little more clarity would be great, thank you.

MS. KERNS: I think it's making the recommendation that a Board not approve a conservation equivalency plan that goes beyond the next benchmark, so it sunsets at the timing of that next benchmark, or a timing that allows the new measures to be put in place after the benchmark stock assessment. I don't think it needs to expire on the date of the benchmark, but a reasonable amount of time afterwards, to develop a new program, if necessary. But say a Board says you can't put in CE if the stock is overfished, and that new benchmark says the stock is overfished.

Then whatever measures get put in place to address that overfished status is what that state would then go to, because CE wouldn't be allowed any more, and if CE is still allowed under the new assessment, then the state would need to bring forward a new proposal for conservation equivalency. It could be the same measures, but you still need to bring forward a new proposal that uses that new assessment information, and how those new measures coincide with what the assessment found.

CHAIR WOODWARD: You've got Roy and then Jason and then Justin.

ROY W. MILLER: I wonder if I could probe that question that John raised a little more, Toni. Specifically, thinking of striped bass as a specific example. We have some conservation equivalency measures that have been around since the 1990s. Are we saying now, do I understand this document to mean that every time there is a benchmark stock assessment, those conservation equivalency measures that have been grandfathered in for all those years, will have to be reevaluated and resubmitted? Is that what we're saying?

MS. KERNS: Roy, I would say that is the Board's discretion to determine. But this policy would suggest yes. If the Board is going to provide some grandfathers, then that is the prerogative of that Board to do so. I think it just needs to provide rationale for why it is deviating from the policy.

MR. MILLER: That gives me a measure of discomfort. I just wonder if that's what we really intend to do.

EXECUTIVE DIRECTOR BEAL: I think that is the whole point of this discussion, is how much, or even backing up. The last time this Policy Board discussed this, it's trying to find a sweet spot of flexibility versus accountability. Apparently, it's really hard to do. It seems reasonable to check in on conservation equivalency proposals at

some interval, and make sure they are working and achieving what they're supposed to do.

But I take your point. Some of these have been in place for a long time. On the striped bass commercial quotas, for example, length and size limit, those are more mechanical and you know on direct calculations they seem to work well. Some of the recreational ones, the impact and effectiveness of those changes over time as fishing patterns change, and availability of fish change and that sort of thing. You know I think that's the question here is, how prescriptive do you want this policy to be, versus how much flexibility do you want to provide the individual boards? It's a hard thing to put on paper. But I think that's what this conversation is all about.

MR. MILLER: I would agree with you, Bob, if I may. I think the Board needs some flexibility in this regard. I don't think it should be overly prescriptive. We're going to be reinventing the wheel a lot, particularly with a species like striped bass, where CE has been in place for so long.

MS. KERNS: Roy, like I said, it's the Board's discretion to deviate, and they would just need to identify where they're deviating and the rationale for that. You could still have those plans, and the Board just needs to identify those.

CHAIR WOODWARD: Yes, I think this is the sort of paradox we always deal with, and that is like the concept of nimbleness. It's like flexible stability, do those two things exist in the same universe? I think that is what we always struggle with is, we want to preserve the spirit of conservation equivalency.

But how do we do that and ensure that we as the decision makers, and the public we serve, has confidence that it is not being used as an escape from doing the difficult things. I think that is what we're trying to achieve with this. It is not easy to get there, and I think it's not unlike de minimis. I mean we sort of found our way through the maze of de minimis, to a place that we thought we could live with. The question for this is, can we do the same? I'm going to you, Jason, and then Justin.

DR. JASON McNAMEE: I was still pondering flexible stability, that's awesome. Toni, one of our decision points is not allowing CE under certain stock status conditions. What I was wondering, with respect to that is, I think it makes sense in like certain instances, where you have kind of standard coastwide measures. I wonder how does this apply to something like summer flounder, where that CE is the management process. Maybe you've thought about how that interacts here already.

MS. KERNS: I really wish in summer flounder, scup, black sea bass and bluefish we had called that something different than conservation equivalency. In all aspects of how I think about what we do in summer flounder, scup and black sea bass, it's an aspect of the FMP that is a specific directive.

It is not conservation equivalency, as pertained in this guidance document. It is how we set the recreational measures, and it happens to be called conservation equivalency, unfortunately. I don't see that at all following this plan. Now, if a state decided they wanted to try to deviate from whatever the standard set of recreational measures were identified in summer flounder, as the Board and Council approved it, for an alternative set of regulations through this process.

It is possible, I guess for a state to do that, unless the Board said outright, CE under the Commission's plan is not allowed for the recreational measures in summer flounder, scup, black sea bass and bluefish. Any Board can do that for any set of measures. But that would be the prerogative of the Board. We can identify measures that are not allowed to be used for CE if a Board wants. But in that process, this is not what we do there.

DR. McNAMEE: Got you, okay. I appreciate that. It's kind of like it's what we do there. It's not like there is some other option that we're deviating from. That makes sense to me.

CHAIR WOODWARD: All right, Justin, and then I'm going to go to Adam online.

DR. JUSTIN DAVIS: To Roy's concern. I mean it seems reasonable to me to expect that any time we get a new stock assessment, and we're undertaking a management action and considering revising FMP standards, that we should take a holistic look at whatever CE programs are in place.

I don't think what that would contemplate, particularly given the advice that the Board could always decide not to put some CE programs up for reconsideration. It doesn't seem too much different than what we're doing now. Like I'm thinking about Amendment 7 for striped bass, where we sort of grandfathered in the Delaware Bay and the Huson River CE programs, and said, even though we're not going to allow CE when the stock is overfished, but those CE programs are okay.

It seems like any Board would have the discretion to sort of take certain CE programs and say, these are not up for reconsideration. If the Board wanted to reconsider those CE programs, it's probably because they think they're incompatible with whatever is going on with the stock at the moment, or what we're trying to do.

In another comment to the question of two months or three months, the deadline for submitting. I mean I can understand the concern about the closer you submit them to a meeting, the less time the TC has to review them. But I just can't, given that three months is the gap between meetings, I can't see that as workable.

Because if we have one meeting where we take final action on a document, create the new FMP standard, that is when a state will probably know whether or not it wants to pursue CE, and that it needs some time to develop those proposals. I just can't see the three-month deadline being workable, really.

CHAIR WOODWARD: All right, Adam, I'm going to go to you.

MR. ADAM NOWALSKY: I appreciate the last comments that specify that what we're doing for summer flounder, scup, black sea bass and bluefish is in traditional CE, as described in this document. I would support some addition somewhere, a footnote or something that clearly sets that out moving forward, so people don't have to go back and dig through audio from these meeting materials, to find out that it had been stated on this date that summer flounder, scup, black sea bass, bluefish process doesn't in fact apply.

With regards to the timeframes here. Was there any discussion about how these timeframes for submission of proposals could be altered, or have some flexibility where evaluation of them is done outside of our TC process? I understand that we just established that the recreational measures for a number of our recreational species aren't part of CE. But when I see work that the Science Center is doing on developing the decision support tool, a lot of people around the table haven't seen it yet. But there is work ongoing for summer flounder, scup, black sea bass, for basically evaluating size, season and bag limits. I can see tools like that coming about for other species as well. When those evaluations are outside of our state biologist to be able to evaluate outside of our TCs or perhaps even ASMFC staff to evaluate. What do we do when those evaluations are dependent on some third party to do that data analysis for us?

MS. KERNS: To your first question, Adam. I'm not 100 percent sure if you were asking this. But we do have language in the document that allows states to ask for submission less than two months, and then it's the discretion of the Chair whether or not we can get to that proposal in time for the next board meeting. Sometimes proposals are not very complicated, and the TC can review them and all the other committees can review them quickly, and so we can make that work.

For review that relies on an outside source for that review, I still believe the way the document

reads, and to the discretion of the Board that those outside sources would need to be presenting that information to the species Technical Committee, to make sure that it fits within the framework of that species FMP. It's not to say that we can't utilize those outside resources, but it's still our species committees that are providing feedback to the management board.

CHAIR WOODWARD: Any follow up on that, Adam?

MR. NOWALSKY: No, I appreciate that feedback, and again I just think adding some footnotes here that makes clear that our recreational stuff that we're doing on the species mentioned, hopefully that can be done through consensus. If there is some other way to add that, I just think it's important to have clear, so we don't have to have this debate or ask this question, Mr. Chair when those species come up. Thank you again.

CHAIR WOODWARD: I'm going to go to Doug Haymans and then Joe Cimino.

MR. DOUG HAYMANS: Similar to my issues with de minimis over the last couple years. I think conservation equivalency should be part of every management plan options, regardless of fishery status. However, I think that the status of the fishery in an assessment, whether it's overfished, overfishing, should be the trigger to review conservation equivalency.

It seems reasonable that if a stock all of a sudden, pops overfished, well what are the causes for that, and could a states conservation equivalency be lending itself towards that? But I think that we shouldn't limit a Board's ability to offer conservation equivalency. If we do, then something like bluefish, I'll be forced into something that is very unpalatable to the state of Georgia, which is sector separation. I think that needs to remain on the table regardless of status.

CHAIR WOODWARD: Joe and then I'll go to Mike Ruccio.

MR. JOE CIMINO: I think I'll keep my comments to this part of it. In general, I agree with Doug that this should be Board discretion. We do a great job in managing commercial quotas. We struggle with MRIP estimates, and so for a lot of our species we'll see overfishing based on those MRIP estimates, and sometimes it could just be a rather anomalous spike near the terminal year that puts us in an overfishing status. Overfished is a bigger concern. I would be more comfortable if we had to lean towards Option 1. Not everyone here, in fact a lot of people don't sit on the Coastal Pelagic Board, but I'll rehash briefly what John Carmichael explained happened with the Spanish mackerel stock, and that is it's only been getting updates for some time now, and they haven't been able to tweak something like natural mortality, even though a lot has changed with how we deal with natural mortality since 2011.

There, if you have an M estimate that is inaccurate, it really impacts the productivity of the stock. By simply getting a more accurate estimate, you can take a stock out of overfished status, just by being more accurate with your M estimate. The schedule has not allowed us to do that for that species. We could be sitting here in a situation, if we decide to choose Option 1, that we don't have Board discretion on something we know is inaccurate. I'm leaning towards Option 4 here.

CHAIR WOODWARD: Mike, then I'll go to Dan McKiernan.

MR. MIKE RUCCIO: First of all, congratulations, Toni. I really have valued this conversation so far. I think the document is in a really good spot. There are a lot of things in there that I think are good, particularly valued the unquantifiable metrics, and just how those do or don't play nicely with CE.

The comments already made about clarifying how this works with joint FMPs I think is really good and important, and would like to see that included in the document, just for clarity. On this

discussion about decision points relative to stock status. We've had a lot of conversations around this. I think getting clarity on joint managed FMPs helps considerably.

The one thing that I would offer that I haven't heard yet, kind of in this discussion about Option 1, overfished vs Option 4 Board discretion. It may be unpopular to say, but I recognize it is very difficult in the moment to make good decisions when backs are against the wall. The flip side to that is, if we do adopt something like Option 1, then that also paints us a little bit into a corner.

I get this conversation about flexibility vs accountability. I think, my inclination is to whether or not CE is allowed when a stock is overfished, to certainly have a decision point, some kind of forcing function associated with that, to evaluate whether or not CE is appropriate moving forward. I think relative to Option 2, overfishing, those are warning signs.

One of the things, and I think this was part of what Joe was commenting on. We see a lot of oscillation in where F is in any given year. I think if we went so far as to say, you can't use CE when you get an overfishing determination. I would be concerned about how often that signal might change, and whether or not it is in fact a true signal, or we're chasing noise, and what that would do to the management system.

But even there again, I think that is a warning shot when something is subject to overfishing, we should be paying attention and evaluating whether or not CE is still efficacious, in terms of what our management objectives are. I would value some more conversation on this. I would be in favor of moving to Option 1, with perhaps the caveat being not just taking CE completely off the table, but having some kind of forcing mechanism that makes a deliberate evaluation as to whether or not it is still appropriate. You could argue that maybe that's the same thing as Board discretion, but I think in my mind at least it's a little bit different, and if that's not clear, because I haven't explained it well.

CHAIR WOODWARD: I'm going to go to Dan and then to Dennis, and then Doug Grout and then Erika, you are on the list.

MR. DANIEL MCKIERNAN: Spud, I'm going to hold.

CHAIR WOODWARD: Okay, well Dennis, I'll go to you and then it will be Doug Grout.

MR. DENNIS ABBOTT: I would like to address the part about grandfathering in previous CE measures. While we were talking, I Googled up the definition of grandfathering. The definition is it's a clause creating an exemption based on circumstances previously existing. We have to consider that the conditions on which that CE might have been allowed many years ago may not exist.

I don't think that asking anyone that has one of these old grandfather clauses to provide justification after an assessment, of why that CE should exist. If it was good then and it's good now, then I'm sure the Board would believe it. But another example they gave of grandfathering was how in the 1800s we disenfranchised black voters by grandfathering in white people who couldn't read or write, but making it a requirement for black people to be able to do so.

I think that having someone required to reapply for conservation equivalency, if nothing else, it makes them show compliance with our latest regulations or guidelines that we're proposing here. If it's good then and it's good now, we'll be okay. But I don't think that we should just say, because you had it a long time ago you should have it now.

They gave another example of, you know having a subscription to a magazine from 20 years ago, and still be paying the same price today, because you were grandfathered in. Things change, and we have to change with it. That's what we're doing with this conservation document that some of us have worked quite a number of years

on seeing this done, to tighten up the conservation equivalency program.

CHAIR WOODWARD: Doug Grout, and then I'll go to Erika after Doug.

MR. DOUGLAS E. GROUT: I too would like to have some kind of a trigger mechanism after a stock assessment, which would force a Board to consider whether or not to allow conservation equivalency, or to continue to allow it if they already have it in there, as opposed to just saying overfished means no conservation equivalency.

But something where there would have to be an actionable item on the board, in making a decision one way or the other, what they are going to do with it. There is a lot of very good things here that I think in the document, that will tighten things up on what will be effective conservation equivalency, and I hope we keep all those tightening up of will, as opposed to might. The other thing that I think is very important in this is the review process. I think from my perspective, I think we should be reviewing even some of the historical ones. I think a lot of the conservational equivalency measures we've had in striped bass were very good. They helped us get through management of this species. But I think every conservation equivalency also needs to be reevaluated on a periodic basis. I think that is an important concept that we need to keep in here.

CHAIR WOODWARD: Erika and then Lynn.

MS. ERIKA BURGESS: I was hoping to jump in earlier, because I have questions about the document that I think would inform some of this. I'll leave it to you. Do you want to settle discussion on this decision point, or is it all right if I bring up my question?

CHAIR WOODWARD: I don't think we're quite where we need to make a decision about when it's permitted. I think we're having some good discussion, and hopefully leading towards that, because it sounds to me like we may not be able to get this thing across the finish line. But we need to at least get certain components of it across the finish line, and that one seems to be the one that is



probably going to be the most difficult one to reconcile. Let's continue to have some discussion on that. Is there anything you want to add at this point then? Do you have another question?

MS. BURGESS: Yes, so I had multiple questions throughout the document, if you will allow me to go through.

CHAIR WOODWARD: Yes, go ahead.

MS. BURGESS: In the paragraph underneath the options for when conservation equivalency will not be permitted. The tone of this paragraph sounds like conservation equivalency would be required to reduce harvest below the FMP requirements. But I believe the expectation and the tradition of conservation equivalency is that it would be equivalent to the requirements of the FMP.

I'm speaking specifically to the third line; it ends with a measurable reduction in harvest. It may not be that the intended element of an FMP is to reduce harvest, but to constrain harvest to a certain goal. I don't think that is captured by the language in this document, and there are a few other places where it seems like idea of conservation equivalency is very narrow in scope, where it's not about in generally being equivalent but forcing a reduction in harvest.

MS. KERNS: Erika, that paragraph is specific to nonquantifiable measures, and so when we do conservation equivalency, is to do a different set of measures for what the plan is putting in place. I would say that 99.9 percent of the time it is a reduction that is occurring, because you don't have to do conservation equivalency programs for liberalizations.

I think what we're trying to get at here in particular, is that if it cannot be quantified, we cannot use it, and we're trying to drive the point home about that you have to be able to find a measurable reduction out of it, or I can change it to a measurable change if that is more helpful.

MS. BURGESS: No, I understand the concerns for some of the other boards, but I think about some of the species managed by the Sciaenids Board, red fish for example. There is a conservation equivalency that Georgia has. We're not aiming to reduce the harvest of redfish, there is nothing driving that. But they have regulations that are very different, and I would like to think about all the species that the ASMFC manages, not just the problem children, when we think about conservation equivalency.

MS. KERNS: I guess I would say that when that measure was originally put in place it was for a reduction, most likely, right or no?

MS. BURGESS: Redfish had a goal for everyone to achieve a certain SPR. We weren't trying to reduce, it was set your regulations, and this was on both the Gulf and Atlantic Coast. We have a desired SPR for this fishery, come up with a set of regulations that will achieve this SPR. Although the default regulation would be a certain bag limit and size limit.

MS. KERNS: Does measurable change work?

MS. BURGESS: But that state might not need a change, so Georgia might be or Florida might be implementing or having regulations that hold their stated status quo, because their harvest is currently at an acceptable level to meet the coastwide goals.

MS. KERNS: As I sit here, I will try to think about a way to revise this sentence, but make sure, I mean we are trying to drive a point that it needs to be measurable. I don't want there to be any leeway in what measurable means. I think it was a huge concern of the committees, because of some plans that have been put in the past. I'll try to figure out a way to say it differently and bring it back to the Board.

MS. BURGESS: Then in that same paragraph at the end, it says nonquantifiable measures could include circle hooks, nontargeting zones. No gaffing. I think this list of very specifics isn't necessary, and I would recommend removal, to be less prescriptive in this document. Again, combining coastwide and

conservation equivalency in the next paragraph is too focused on achieving reductions.

I would like to see that made broader. Then again, underneath standards for state conservation equivalency proposals, the second bullet, second sub-bullet, it says any closed period must come from a period of high availability and include at least two consecutive weekend periods, Friday, Saturday and Sunday. I think that is also too specific and prescriptive.

We could achieve the same amount of reduction with a longer season over less popular periods or less availability periods, I understand that. No weekend is equivalent throughout the year, a weekend and a weekday are not equivalent, but there is some way that you could craft a formula that would allow a closed season to be on or include, not the peak of availability. Those are the points I would like to bring up and consider, and it's for this policy.

MS. KERNS: I think it would be helpful, if we're going to make these kinds of changes, if we make motions to either change them or not change them. In particular, the evaluation group for the second half of that sentence, the two-week periods, was super important to the committees, because anything less than two weeks they felt recruitment would make the closure not mean anything. That is why they put that information in there. If you are looking for something less than two weeks and not including that specific language to make that change, I think it would be good to have a motion.

MS. BURGESS: I'll need some time to craft a motion and think about it, but it wasn't the concern about two weeks, it was saying it must include at least two weeks. I think that is saying something different than what I heard you just verbalize, or at least I'm interpreting it differently.

Mr. Chair, I've gone through several points that I think are kind of all over the board, but are important to Florida, in regards to the

conservation equivalency. I will defer to you whether you would like me to handle these with motions now, or let the conversation about the item on the board continue.

CHAIR WOODWARD: Yes, why don't you work on articulating these in motions. I think it will help everybody else understand what the intent is, and then we'll move along. We can circle back on that. Go to you, Lynn, and then Shanna.

MS. LYNN FEGLEY: I appreciate Erika's point about the document, maybe being inspired by the problem children. But I think I like the document. I think to Erika's point on this proposed change on the slide. Board discretion is going to be important, and I think that the backstops that are presented in the document in these other places.

What kind of data can be used? Is it measurable? You know sort of these specifics really sort of solve some of these other concerns, you know that were brought up about having people's backs against the wall, and not making great decisions in the heat of the moment. I think having those facts up in the document helps.

To Erika's point, if there is Board discretion, then that may provide you know some flexibility if some of those particulars are really inappropriate for a particular species at a particular time. I also, after sitting through yesterday's climate scenario building session, and thinking about climate ready fisheries.

You know I sort of feel like this conservation equivalency may be important for species boards in that regard, because to me it almost is a mechanism to be more nimble when things change, in terms of fish distribution when we're not ready for it. It maybe allows us to act a little more quickly, and that sort of brings me to the point that to me there is a bit of a fine line between conservation equivalency and regional management.

I mean we've done conservation equivalency in the Bay for striped bass, because we truly have a different segment of the population in the Bay that our size, everything is different. Therefore, we sort

of need a different management framework. I guess that's a long-winded way of saying, you know I like the document. I appreciate that we need to also remember the fish that are working well, and I think Board discretion is going to be important going forward. I also just made a note into Erika's point about measurable harvest reduction. Maybe a phrase that would work would be measurable impact on harvest to achieve FMP goals. Just of note, maybe that would fix it.

CHAIR WOODWARD: Thank you, Lynn, Shanna and then I'll go to John Clark.

MS. SHANNA MADSEN: I'm going to stick to, I think the decision points that we've got before us today. I kind of was struck by Mike's comments and Doug's following Mike's. I think that some combination of Option 1 and 4 is where I'm going to feel most comfortable. I do think it's really important for us to have some level of transparency in our decision making.

I think stopping, like providing some sort of backstop that says, at the point when the stock is overfished, the Board is going to consider why that stock is overfished, and whether or not CE should be allowed. I think that sort of gets to the point that Joe was making previous to those comments, where if it's something that we're recognizing is an issue, either in the data or in the terminal year or something like that.

I think that it's incredibly important for us to state that on the record, before moving forward with conservation equivalency. I find that Option 4 kind of doesn't provide a backstop, and at least keeping us accountable and making sure that we're being transparent in our decisions makings.

I know that sometimes you know obviously in a Board meeting we get there eventually, I think with the conversations, but this makes a spot where we have to have that conversation. When a stock is overfished, I think it's really important

for us to have that conversation. For me, some sort of combo between 1 and 4 would be great.

I don't know quite how to get there, but Toni, I trust your discretion there on that one. The other comment that I wanted to make was towards the timing of when things are brought forward to the committees. I think in the document for the review process, it says that if you need to submit something outside of that, like two-month timeframe, that it is up to the discretion of the species board chair.

I would love to see something in there that might say, up to the discretion of the species management board chair, in consultation with either the TC Chair or the coordinator, because I think it's really important to make sure that we take a step back and talk to our TCs, and understand kind of where they're at.

Sometimes there is a disconnect between, you know the Board and its understanding of what all of the tasks that the TC is currently working on looks like. The TC is probably best to determine whether or not looking at a conservation equivalency proposal is going to be a really, really heavy lift, or if like Toni was saying, it's something a little bit more simple. They don't really need that whole two months to review the timeline. But I think that it's important for us to make sure that we're consulting with our TCs to really make that determination.

CHAIR WOODWARD: I'm going to go to John Clark and then to Dave Sikorski online.

MR. CLARK: I didn't think we would be ready to finalize this today in hearing the discussion. I would really like to see whatever changes we make today before we consider finalizing. But if we are going to dispose of this decision point, and you would like to have a motion up there, I would move to accept Option 4.

I still think that Board discretion is something we're going to need for CE, regardless of the species or situation. If we need something like that, just to discuss whether we're going to move on from this decision point, or whether we're coming back next

time to continue discussing this decision point, I would be glad to make that. But I'll just leave it at that for now.

CHAIR WOODWARD: Okay, let me work through the other two names we've got on here, and then I would be maybe ready for that. Dave, I've got you online, can you hear us? Go ahead.

MR. DAVID SIKORSKI: Members, I wish I was still in the room, but couldn't do that. I'm generally in support of Option 1 and Option 4. I think Lynn and Shanna's comments were spot on. One that stands out in Lynn's comments was having backs against the wall. You know coming from Maryland, I think we've had a couple tough conservation equivalency challenges recently.

I think the public has reflected that, or has responded in certain ways, you know positive or negative. Those were backs against the wall situations, and I think they were both backs against the wall ecologically, or what's going on with the status of the stock, but also politically, where folks are grasping at different chunks of the fishery and trying to hold the line and not, not participate in conservation on striped bass.

That is just the nature of the beast, and that is why the stock of the fishery matters. I'm sorry, the status of the stock absolutely matters. Overfishing is a concern, but if we're going to have a blanket policy, we need to recognize how different these fisheries are and the data sources and such. I know that's been discussed this morning.

But ultimately, there is no question that conservation equivalency is an important tool. I guess I have a question. The four example items that were mentioned previously, no targeting, circle hooks, gaffing. Those are the nonquantifiable things that frankly have given me some heartburn, in the way we've been given credit for them in Maryland, not knowing that we're saving fish in this time of conservation.

When I think those being listed somewhere, whether it's within the species-specific plans or as a blanket statement are a good thing, because they can provide that history that, hey these are the things that have been a bit of a red flag, whether from a science perspective, or even from a political perspective, whether or not they meet the goals that we have in our management plans.

I think that can allow us to find that flexibility and stability if we have these types of four examples clearly spelled out, so we don't lose them to history. There is a lot of good stuff that has been done in the past with CE. There is some stuff we want to avoid, and so that again goes back to where I have confidence in board discretion, as long as we have the boundaries that are based on the biology of the stock. I guess I have a question just to make it clear, about where those four examples may live, if they don't already. I'm not 100 percent certain if they kind of live in perpetuity in the management plan.

MS. KERNS: I'm not sure if they live in, for example the striped bass FMP, I cannot remember. I don't believe they are. Here on Page 3, where it is in the plan or in the guidance document. It says nonquantifiable measures could include, because I recognize that at some point one of these measures could become quantifiable.

But at this time, you know they are not, and we were trying to provide examples so that folks understood what these measures may be. That was the purpose of having them here. If a Board decides they want to identify constraints within their plans, they can do that. Striped bass has constraints within their plan about what you can and cannot do, and how you can do it for conservation equivalency, and that is allowed within an FMP.

MR. SIKORSKI: Thank you, I'll follow up offline. I have some different ideas. I don't want to clog up the conversation here, but I really appreciate that, thank you.

CHAIR WOODWARD: We'll go to Dan McKiernan and then Mel and then Doug Haymans.

MR. McKIERNAN: I've heard a couple of speakers favor a combination of 1 and 4. I'm wondering if it would be viable to craft a motion with 1 and 4, but the Board discretion would have to be like a super majority. Thinking about Doug Hayman's comment about his conservation equivalency, if he didn't get it, he would have to go to sector separation.

I'm guessing that majority of the Board would want to give him that relief. Given the number of really close striped bass votes we often have, I'm wondering if it would make sense to have a stronger majority on the Board discretion, such as Option 1, if the stock is overfished it wouldn't be allowed, unless the Board approved it by a three-quarters majority, or something like that.

CHAIR WOODWARD: I think when we get to the point of a motion, which I want to move to pretty quickly here after these next couple speakers, that that is when we can maybe fine tune this content of 4 to reflect what the will of the Board is, in terms of sort of blending 1 and 4. Mel, and then I'll go to Doug.

MR. MEL BELL: Yes, I really like the path that Mike sort of started us on, and then followed up with the blending of 1 and 4. I agree with that. I think if you consider that what we're talking about is a tool, and I appreciate Lynn's comments related to having that tool in our toolbox as we approach, potentially, more uncertainty in what things may be going on in fisheries in the future.

I wouldn't want to be too restrictive now and throw the tool out of the toolbox, or over prescribe the tool at this point. I'm thinking we're at a point where we need to do a good bit more tweaking with this before we would have something for approval. But I kind of like that approach of the 1 and 4 blending, appropriately worded.

CHAIR WOODWARD: All right, go ahead, Doug.

MR. HAYMANS: Dan expressed my concerns exactly, and I'm in favor of some blend where a majority vote overrides, because bluefish is my example. Thank you, Dan.

CHAIR WOODWARD: All right, we've got a couple more folks that hands have been raised. After that I would really like to move to see if we can dispense with this particular part of this, and I'll go back to you John, to start that. I've got Pat Keliher, then I'll go back to you, Dennis.

MR. PATRICK C. KELIHER: I'm sorry I'm not there in person today. I too am leaning towards a combination of Option 1 and 4, but Dan McKiernan's comments around a super majority has really kind of piqued my interest. I think it really helped me become more comfortable with that type of an approach. You know we've taken some lumps on CE, and I think maybe if we're going to go in that direction, maybe a super majority vote from a Board moving the direction of CE would be appropriate.

CHAIR WOODWARD: Dennis.

MR. ABBOTT: I think the public has weighed in on conservation equivalency strongly, and therefore, I think that if we went to Option 4, we're basically back to where we were before we even started this exercise. I think that needs to be more of a stoplight in that when a certain event is occurring, be it overfished or overfishing occurring, that that is a stoplight and you can't have conservation equivalency.

Having Board discretion concerns me that it just puts us back where we are, where we have states with different views on particular issues and we're back to ground zero. Again, I would favor seeing something along the lines of a 1 and a 4, and again going along with Dan McKiernan's idea of requiring a super majority to have Board discretion be the determining factor, I think is important. Because using striped bass as an example, we've had too many close votes, you know not a good place to be.

CHAIR WOODWARD: Erika is that to this?

MS. BURGESS: I'm prepared to offer a motion for you.

CHAIR WOODWARD: On this topic? Well, John was going to offer one too. Let me let John have the first say, and we may need to modify it with yours. John, go ahead.

MR. CLARK: Yes, hearing the conversation, Mr. Chair, I think it will be modified. But to get the conversation started then we once again reiterate where I'm coming from. I **move to approve Option 4, board discretion for allowing Conservation Equivalency**. Thank you.

CHAIR WOODWARD: All right, so we have a motion, do we have a second? Okay, so is that a second, Erika? We have a motion and a second. Now we have a motion that belongs to the Policy Board for discussion. Do you want to follow that up, John, with some discussion.

MR. CLARK: Yes, just I believe that I understand the concern about Option 1, but I believe Board discretion includes the discretion to not allow CE if the stock is overfished. I believe the Board can make these decisions. I understand the concerns about that, but as a state that has used CE for several species, and found it critical to keep our fisheries open. I would really like to see it kept at the point where each board can decide whether a state's proposals are valid, and I'll give you an example of Addendum VI for striped bass.

We reached the 18 percent reduction by taking less from the commercial fishery and more from the recreational fishery, and in 2020 we were a little above 18 percent of the reduction. The proposals can be crafted. I think CE can be done in a way that meets the goals of the Board. I would just like to keep the Board having the discretion.

CHAIR WOODWARD: As the seconder, Erika, do you have any comments?

MS. BURGESS: Nothing to add, thank you.

CHAIR WOODWARD: Now we're going to have discussion on this motion, so John, and then I'll go to Jason.

MR. MANISCALCO: CE is an important tool, but when a situation like a stock being overfished is occurring, I think the bar has to be higher. I think proposals need to be more rigorous, need should be demonstrated, and I think some other people around this table have come up with some good suggestions on how we can accomplish that. I would like to hear from them.

CHAIR WOODWARD: All right, Jason, and then I'll go to Dan McKiernan.

DR. McNAMEE: Yes, I appreciated everything John offered, and his feeling that option for us kind of inclusive of Option 1. However, I was really compelled by what Shanna brought up earlier in this idea that to kind of get to that Board discretion piece you have to be really explicit about why you're doing that, in order to kind of override Option 1. I'm not in support of this currently, I just wanted to offer that.

CHAIR WOODWARD: Dan.

**MR. MCKIERNAN: I would like to offer a motion to substitute.**

CHAIR WOODWARD: Proceed.

**MR. MCKIERNAN: Motion to substitute to adopt Option 1 with an allowance for a 2/3 majority of the Board to override.**

CHAIR WOODWARD: I'll ask for a second. That would be to override the prohibition, so it would be a 2/3 majority vote to override on CE under that condition. All right, have a second, Cheri. All right we have a second, so now let's have some discussion on this substitute motion. Just follow up if you would, Dan.

MR. MCKIERNAN: I think it's probably reflective of some of the sentiment we've had around the table today that a lot of us do like the idea of having a more rigid standard. But given the idiosyncrasies of

different species, different situations, two-thirds does give the Board a lot of discretion. I think that is consistent with what John Clark was looking for, in spirit.

CHAIR WOODWARD: All right, further discussion on the substitute motion. We did, I got a second from Cheri. Cheri, would you like to make some comments?

MS. CHERI PATTERSON: No, nothing really further other than I was crafting something real similar to what Dan had indicated, based on the conversation around the table.

CHAIR WOODWARD: All right, I have a couple of folks that raised their hand out in the public world of cyber space. I'm going to ask them if they want to make comments to this substitute motion, just to give them an opportunity. I have Mike Waine, Mike do you wish to comment on this motion before the Policy Board?

MR. MIKE WAINE: Mr. Chairman, I just had a question, so I'll hold until you allow me that opportunity, thanks.

CHAIR WOODWARD: I tell you what, just go ahead while we've got you on the microphone.

MR. WAINE: Okay, thanks. My question is, does the new policy allow states to circumvent Board action? What I mean when I say that is the example that John Clark gave as his justification for the motion, where some states and jurisdictions chose to take more of a reduction from one sector over another.

That actually flew in the face of a vote by the entire Board to take it equally. I guess my question is, like that frustrated some of the advocacy space, because what is the point in voting at the Board level if conservation equivalency can be used to just circumvent that vote? I was just looking for a little clarity about whether the new policy addresses that.

MS. KERNS: Mike, I think that you could argue that any measure that a state proposes under conservation equivalency is different than that of what the Board voted on. A Board can make the decision to allow a state to do something different, if that is something that they want to do with the conservation equivalency program, or they can say no, that is not going to be allowed.

If the Board did not want to allow, in the example you provided, states to switch up how the reduction was taken, then they could have said, you cannot use CE against this measure. I wouldn't say that using CE is circumventing what a Board did, it is allowing a state to provide a different alternative to get at what the plan has required.

MR. WAINE: Just a quick follow up for clarity. Given what happened this week with striped bass, if the Board voted to not allow mode splits to occur, then they would also have to specify that states couldn't use conservation equivalency to achieve mode splits? Is that what I'm hearing?

MS. KERNS: Yes. But in the example of striped bass right now, CE is not allowed in recreational measures, so they can't do it right now.

CHAIR WOODWARD: Thanks, Mike, also we had Thomas Newman. Thomas, do you have a comment related to this motion before the Board? I think your hand might have gone down, okay, we'll move forward. If it comes back up, I'll give you a chance. We have a substitute motion before the Board. Is there any more discussion before I give us an opportunity to, Roy.

MR. MILLER: I appreciate the opportunity to comment twice on this matter. I think with the substitute motion we've sort of lost track of where I thought we were going. Comments from Mike and Shanna, with a combination of 1 and 4, because if I had my druthers, I would have said if a stock is overfished that will trigger Board review of conservation equivalency measures to determine if those measures shall continue, as long as the stock is overfished.

I think that sort of encompasses what they were getting at, that there would be a specific time when Board discretion would be allowed, or would be triggered, and that would be when the stock is considered overfished. I don't know how to get back to that now. You could even throw in the two-thirds majority in that for overriding that Dan suggested.

CHAIR WOODWARD: Yes, I think we've got a situation here where what would happen under Option 4 happens anyway. It's kind of like a Board is always going to sit there and discuss the various alternatives that are before it, to deal with an issue, whether it's overfishing, overfished, whatever it might be, and that there is always going to be Board discretion.

I think what, and again, Dan, maybe I've got it wrong. But what this motion does, it says if after that discussion you have to have a two-thirds majority to say we're not going to allow conservation equivalency in that overfished situation. If this Board believes that we need to be more prescriptive about review, because I think we're talking about review of conservation equivalency pursuant to the condition of a fishery.

This doesn't really specifically address that per se. I mean it's kind of like allocation, like having an allocation review policy that says if this, then we will review. You know if you have a change in the status of a stock as a result of a stock assessment, and the Board is going to always review management of that stock in its deliberations.

I would assume that if a reduction is necessary, a reduction in fishing mortality, whatever, you almost have to review conservation equivalency to determine whether or not a state is still capable of meeting those requirements. I think that is what we're kind of struggling with is, we've got a policy that talks about using conservation equivalency, how you use it, that kind of thing. I'm not sure, maybe it's not, is it clear about when conservation equivalency has

to be reviewed? Maybe it's there and we need to be more explicit about it, I don't know.

MS. KERNS: Under the motion that is up for substitute. As soon as the stock is overfished, conservation equivalency is off the board for any species FMP, unless the Board by two-thirds majority vote puts it back on the table. That is what this motion would do.

CHAIR WOODWARD: Okay, John, go ahead.

MR. MANISCALCO: I mean with that interpretation, I guess I'm inclined to consider proposals on a case-by-case basis, and apply that two-thirds majority, not conservation equivalency is or is not okay. I think again, it's based upon demonstration of need, how vigorous that proposal is, how uncertain the data and the results are. If we need to modify the motion, I would be willing to do that.

CHAIR WOODWARD: Yes, I think we're kind of getting tangled up here in what our intent is. I think we're trying to find something that is specific yet general. I think that is always a challenge when you're trying to make decisions. Dan, go ahead.

MR. MCKIERNAN: Yes, when I made the motion, I was kind of thinking about future actions. I wasn't necessarily thinking it through. Like as soon as a stock status was changed, all of a sudden, things were going to be wiped out. I'm thinking kind of like back to the last striped bass addendum before the amendment, when a vote was taken and then at least one state went for conservation equivalency to alleviate the pain of that particular action. I was thinking in that route, I wasn't really cognizant that this would require a wipe out of existing management measures.

MS. KERNS: Dan, I wasn't trying to say it wiped out existing management measures, I was trying to say that you can no longer move forward with conservation equivalency plans. The document does recommend, as it does say should, evaluate all conservation equivalency programs after a benchmark. It also recommends that the Board not



approve conservation equivalency programs beyond a benchmark, it does not require.

CHAIR WOODWARD: We've got several hands up now. I've got Pat Geer, and then I'll go to Lynn, and then you, Justin.

MR. PAT GEER: Just a thought. What if we reversed this and we said adopt Option 4, unless the stock is overfished and we need a two-thirds majority override? Boy that was deep.

CHAIR WOODWARD: It's been a long week, and we're getting into abstract thinking here, and that's always a challenge, you know when your brain has already been a little tasked.

MR. GEER: The thought is it would be discretionary if the stock wasn't overfished, but if it was overfished, you would need a two-thirds majority to approve CE. The default would be it's up to the Board's discretion.

CHAIR WOODWARD: Yes, I think we've kind of a got a glass half full, glass half empty, but the same amount of water in the glass kind of thing going here.

MR. GEER: the way Toni defined this; this option would do away with CE.

MR. WOODWARD: Well, as I understand it, no what it would do is it would say, unless you had a two-thirds vote going forward. If you had an existing CE in place, and that CE was still compatible with future management, it would not abolish that preexisting CE. What it would say is going forward, if a new CE proposal was brought before, you would have to have a two-thirds majority vote of that Board to proceed with the new CE. I could have this wrong, but that's the way I, is that?

MS. KERNS: I was not interpreting this that way. I was interpreting this as, the Board is saying, we do not want to allow conservation equivalency plans if the stock is, is it overfished or overfishing, I can't remember anymore? If the

stock is overfished. If the Board wants to allow conservation equivalency plans for that FMP, then they need a two-thirds majority vote when you approve the stock assessment, or whenever it may be, to say no, we are going to actually allow CE.

I don't interpret this as a plan-by-plan basis. I see it as for this FMP you are going to allow CE, even though the stock is overfished. You make that statement when you have the stock assessment come to you. Then you can continue moving forward following your guidelines. That is how I interpreted this, because I think you need a definitive guidance for all of the states to know whether or not they can bring forward proposals or not.

CHAIR WOODWARD: All right, we've gotten ourselves stuck in the tar pit here and we're running out of time. I've got a few more speakers, I think maybe it's best, good points and good concerns have been brought up here. But it might be best that those get processed, go back to the drawing board, craft some of this into some new content, so that we can focus our deliberations more specifically, because I think we're trying to grab at things and kind of stick them in now. I that is not being a very productive use of our time. I had Lynn and then Justin and then Mike Ruccio.

MS. FEGLEY: That is where I was going. I think we are trying to rewrite the policy with a motion, and we're really tangled in striped bass. I might be out of procedural order, but I was going to **move to postpone until the next meeting**, so that we can maybe have some conversations about this offline, and submit our comments. Then we can take it up again when we're a little more clear headed.

CHAIR WOODWARD: All right, so I'll take **that that is a motion to postpone deliberations on this motion to the next meeting**. Do I have a second? Okay, multiple seconds here, so I'm going to say second from Marty. **Any discussion on that motion? Any opposition to that motion?** John.

MR. CLARK: I was just going to ask if Toni might send the actual Word version of the marked-up copy there, so it would be easier to see, so I could accept

the changes and see how it turns out with that, and all those things. Thanks.

MS. KERNS: I would be happy to do so. If folks want alternative language, if you can send me that alternative language, and when I bring it back to the Board, I will provide options for the alternative language that folks are looking for.

CHAIR WOODWARD: It's more than just this particular topic. Anything in there right now that is causing heartburn, if you think there is a better way to say it so that it is more clear, and that we accomplish our end goal here, which is preserving the spirit of conservation equivalency, but also increasing the accountability.

You know we certainly want this to be as perfected as it can be, you know given the complexities of trying to apply one size shoe across a lot of different feet. **If everybody is comfortable with that, we'll just suspend discussion on this topic. Is everybody okay with that? Thank you, I appreciate the good discussion. Jason.**

**DR. McNAMEE: Just noting that Rhode Island would be a null on that.**

#### **UPDATE ON THE RISK AND UNCERTAINTY POLICY DEVELOPMENT**

CHAIR WOODWARD: All right. Well, while you have the microphone warmed up, go ahead, you're our next agenda item, Update on the Risk and Uncertainty Policy.

DR. McNAMEE: Mr. Chair, while they are kind of tidying up there, I can sort of ramble on for a minute or two until the presentation comes up.

CHAIR WOODWARD: Sure.

DR. McNAMEE: Thanks for the time, Mr. Chair. We haven't talked in a little while about the Risk and Uncertainty Decision Tool, and there has also been a change in staff at the ASMFC with the

staff member that had been managing this, Sara, left. Now Jainita is here, and shortly after she got herself settled in, I started pestering her about risk and uncertainty.

We talked a little bit, and thought it might be good to just kind of check in with the Board. We had another thought as we were discussing this with Toni and Katie Drew as well. We are going to talk, just a reminder, that the risk and uncertainty decision tool is still a thing, and just some thoughts on the best next step here.

Just a quick reminder of what I'm talking about. We have a draft risk and uncertainty policy and decision tool, and the point of this tool is it provides a method for arriving at an appropriate risk tolerance level for a stock, given some management action that you want to take. You generate a risk tolerance level, and you can then use that to select, for instance, a harvest level based on some projections, or something similar to that.

Just a reminder that this isn't management strategy evaluation, this is a different sort of thing. This is more, I think a really good example is menhaden. Often what people will do is they will ask for a whole series of differing, we want a 50 percent probability of achieving our F, how about 55, how about a 45. Then we end up asking the technical folks to do like 15 different versions.

When really what we should be doing is basing that 50 percent or 55 percent or 45 percent on specific criteria. That is what the tool does for us. The way that it works, if you recall we asked the technical folks to kind of take the first cut at generating, so the tool is basically a series of questions. We populate those questions with information, and we get the initial cut at that from the Technical Committee, as well as the Committee for Economic and Social Sciences. Well, within the tool there is information on stock status, model uncertainty, management uncertainty, ecosystem importance, and then there is a series of socioeconomic considerations as well. The Board plays an important role by weighting the importance of each of these factors.

If you recall in the tautog exercise that we did, the Board got together and did those weightings kind of a priori, and that's how that part works. That is where the Board can have influence. Then the Board can also have influence by correcting if they disagree with one of the things that the technical group put in there. They have some leeway to offer changes there as well.

The risk and uncertainty tool provides the recommended probability of achieving fishing mortality or spawning stock biomass reference points for setting specifications. We gave this a shot with tautog. We recommended using tautog as kind of our pilot case. We had done a couple of like mock cases prior to the tautog, but the tautog exercise is going to be the first time that we really applied the tool to an actual stock during an actual management process.

We did that back in August of 2021. We developed the preliminary risk and uncertainty decision tool information, and we did that, if you recall tautog has four separate regions within it, so we did that for all four regions. We got information from the Board, the Technical Committee, the Committee for Economic and Social Science.

The Board reviewed the decision tool in the preliminary tautog risk and uncertainty report, and then everything was good with tautog, which is good, but not for our risk and uncertainty exercise. We ended up just sort of developing some kind of scenarios based on tautog, things that could have happened if everything wasn't great with tautog.

We ran through the process and then kind of didn't get to do it, in sort of the real way that we had anticipated. After that happened, we met with you all, and talked about what the next step should be. We had identified cobia as maybe the next viable opportunity to kind of run through the decision tool process again.

It feels like kind of a ways off, so that is one of the things that Katie, Jainita and I talked about

was, is there something that is coming up quicker that might also be a good candidate. My concern was, you know I didn't want it to get so far off that everybody forgets about it, and we have to kind of relearn everything that we've kind of gone through, which is sort of what keeps happening to the risk and uncertainty policy over time.

We identified red drum as a good candidate for our next test case. We checked in, I think it was Jeff Kipp might be the lead on that, so we talked with Jeff as well. Some of the attributes of red drum is it is data rich, has a stock assessment that is scheduled for about a year from now. There is a chance of management action needed in the near future.

I'll just note, it's kind of funny, like hoping for bad results to come out of a stock assessment. That is not what I'm doing here, but there is the potential that we actually have to use the risk and uncertainty tool for red drum, and the management framework aligns with the tool output, so it doesn't have a quota. But if a reduction in removals is necessary, we can use the tool to help us with that. Next steps, and the point of giving you this is both to inform you, but also to offer an opportunity if anybody thinks that this is a terrible idea to use red drum. I'm hoping that is not the case. Our next steps, if it's okay with the Board, would be to reconvene the Risk and Uncertainty Working Group to begin the process.

Jainita will then reach out to the Red Drum Technical Committee, and the Committee for Economic and Social Science to provide those technical inputs, and then the Red Drum Board will provide input on the weighting, so we'll do that exercise again with the Red Drum Board. That's it, so happy to take any questions, Mr. Chair.

CHAIR WOODWARD: Thank you, Justin, any questions for Justin, any concerns about the plans to use red drum? Nobody shot any flares up or anything, so I guess they're good to go. Thank you.

#### COMMITTEE REPORTS

CHAIR WOODWARD: All right, we've got a couple of committee reports. We're going to start off with

Atlantic Coast Fish Habitat Partnership, and Simon, you're up.

#### **ATLANTIC COAST FISH HABITAT PARTNERSHIP**

MR. SIMON KAALSTAD: Hi there, good morning. I'm Simon Kaalstad; I'm the Habitat Coordinator here at ASMFC, as well as the Coordinator for the Atlantic Coastal Fish Habitat Partnership, also the Coordinator for the Habitat Committee, so I'm the Habitat Guy. Just wanted to give you guys a brief update about what ACFHP has been up to recently.

Last week the Steering Committee met in Philadelphia, Pennsylvania, and we got through a number of items that have been sort of put on hold during the transition of me starting here. But we got through the Strategic Plan, so we now have a five-year Strategic Plan approved, conservation objectives and strategies, as well as we got through the action planning, so more specific to your plan on what we will accomplish.

We also decided on the recipient for the 2023 Melissa Laser Habitat Conservation Award, and then in addition to those we discussed a number of items, including the recent BIL and IRA funding opportunities. We have discussed that we will be applying for the NOAA Climate Resilience Regional Challenge, so we're sort of in the process of combining heads and putting together a letter of intent for that, as well as the next annual RFP for FY'25, which will be released around September and October.

Then we were also fortunate enough to have Alex Atkinson from NOAA, who is on the National Fish Habitat Partnership Board join us in Philadelphia, and clarified some issues with the Beyond the Pond fundraising, as well as the Congressional designation, which is a requirement by the ACE Act. The Congressional designation process is a pretty straightforward process. The Fish Habitat Partnerships will submit a draft application to the NFHP Board by the end of this year.

Then from then until about June 1st, we will submit and work with the NFHP Board to finalize that application. Then at the end of June they will vote on the finalist of FHPs to recommend for Congressional designation, and then in 2025, ideally, funding will continue through the U.S. Fisheries and Wildlife Service. For this past RFP that was put out, we have two on the ground projects plus operational support. There is one dam removal project in New Jersey, removal of the Upper Collins Dam on the Pequest River, as well as there is a salt marsh restoration in Maryland, sort of short name, Maryland Coastal Bay Salt Marsh Restoration, it's a multiple-phase project. For this funding cycle, ACFHP does remain in the top tier of funding, and we expect to receive approximately \$300,000 in funding through NFHP for FY'24. The first project, just a brief overview, the removal of the Upper E.R. Collins Dam.

It is headed by the Nature Conservancy, and the objective is to restore three miles of Pequest River spawning and foraging habitat, since this is an important tributary to the Delaware River, and it, I guess, covers a number of priority species, including American shad, American eel, herring and sea lamprey.

This is just a photo of the site. The upper and lower dams are very close to each other, so it has been sort of proposed as a single project. One part was funded in the previous funding cycle, the Upper Dam will be funded in this cycle. Then the second project that is in the works is the Maryland Coastal Bays Salt Marsh Restoration Project.

This is headed by the Delmarva Resource Conservation and Development Council, and the objective there is to restore 39 acres of salt marsh, using a number of restoration techniques, including you know sediment addition, to nourish the degraded marsh from grit ditching, filling manmade ditches, creating meandering channels for drainage, and planting marsh grasses to revegetate pools.

It also hits a number of priority species such as Silverside, red drum, summer flounder, winter flounder, blue crab, spot, Atlantic croaker and Atlantic needlefish. This is also just an image. There

are two different sites. This is private land, but it will be opened up, I think some sections, to the public.

But primarily, these two different sites have a number of issues, and here you can see sort of the examples of the ditches and the marshes that will be restored, to sort of return back to normal marsh processes. That is all I have; I am happy to take any questions. Thank you for your time.

EXECUTIVE DIRECTOR BEAL: Great, thanks, Simon, appreciate it. The Chair briefly stepped out, but he'll be back. Any questions for Simon, the self-proclaimed Habitat Guy. All right, seeing none, thank you. While I'm speaking, well, we have relatively new staff. I don't know if everyone has met Jainita.

Jainita is in the back there waving her hand. She is the new Science Program Projects Coordinator. You know she will be onboard. Please introduce yourself. She's got a pretty wide portfolio of things, so you guys will all start interacting with her more. With that, the Chairman has come back, so I'm off the hook, and you're up to the Legislative Update.

CHAIR WOODWARD: Alexander, are you ready to go?

MR. ALEXANDER LAW: Yes, I am.

### LEGISLATIVE

MR. LAW: Good morning, everyone. During the Executive Committee, I updated everyone on the NOAA Organic Act and the Fishes Act. As a reminder, the NOAA Organic Act would remove NOAA from under commerce, making them an independent agency. The Fishes Act would clarify OMBs role in complying with timelines in the Fishery Resource Disaster Improvement Act. We heard an update from Ms. Wallace about the new timelines on fisheries disaster relief. It is unclear if OMB thinks they comply with or fall under those new timelines. This is a bill that

would institute a 30-day timeline on OMB for approving spend plans. This goes beyond the 90-day timeline in the Fisheries Resource Disaster Improvement Act. In the supplemental materials 2, you'll find the letter of opposition to the NOAA Organic Act. It goes over some of the main issues that we have with the bill.

There is not a clear priority of fisheries management as an independent agency. It also brings up issues with funding and a complication of regulations, and how an independent NOAA would interact with Magnuson and the Atlantic Coastal Act. I'll be looking for approval to send the letter to the appropriate House and Senate Committees.

House of Natural Resources staff has asked us to send the letter as soon as possible, should we choose to send it out. The Gulf Committee has already sent a letter of opposition on this bill. I'll also be looking for direction on the Fishes Act, should we choose to respond or address the bill. I can draft a letter and circulate it to this body later on. Happy to take any questions on this at this time.

CHAIR WOODWARD: Any questions for Alexander? Erika. No questions. All right, so you had a draft letter related to the NOAA Organic Act in the supplemental materials. Is there any opposition to sending that letter? Anybody online? We'll get that letter out as soon as we can. Is there any opposition to having staff draft up a letter of support for the Fishes Act? Again, what that would do is make it abundantly clear what OMBs timelines are within the context of a Fisheries Disaster Declaration Review Process.

Because as Alexander said, that is sort of a vulnerable point in the process right now, and this will make that very specific of what they are required to do. We will draft that up and circulate it around for everybody's review, before we would send it out. Is that okay to everybody? We're good to go, then. Thank you, Alexander, Toni, you're up next.

**UPDATE ON THE RECREATIONAL SECTOR  
SEPARATION AND CATCH ACCOUNTING  
AMENDMENT TIMELINE**

MS. KERNS: I will be brief. We have the Sector Separation and Catch Accounting Amendment for the Summer Flounder, Scup, Black Sea Bass and Bluefish FMPs that we are working in conjunction with the Mid-Atlantic Council on. The Mid-Atlantic Council is suggesting we delay ever so slightly this document, due to staff workloads.

The formation of the FMAT and the PDT would shift from spring/summer of this year to summer/fall of this year. The timing of the FMAT and PDT developing issues for consideration, and drafting the document, shifts the fall of '23 to early 2024, and in the scoping for the PDT, we'll be seeking individuals with expertise in recreational data collection, the use of recreational data management, and the for-hire and private fisheries, just as an FYI.

I will send an e-mail out asking for members, but that is the kind of expertise we'll be looking for. The Board and the Council approving the PID for public comment will shift from December of '23 to the spring of '24. Then the public hearings shift from spring of '25 to the winter of '25, and final action shifts from August of '25 to spring of '26. We're still good to work with NOAA Fisheries and the Council on an effective date that is usually a little bit harder to determine, just with review processes and such going through NOAA Fisheries. It's not too much of a delay, but it is a little bit of a delay. We just wanted to inform the Board and see if the Board had any issues with this. If so, we can bring that back to the Mid-Atlantic Council.

CHAIR WOODWARD: Any questions, concerns over this? I don't see any hands or heads nodding, so okay, thanks for that update.

**OTHER BUSINESS**

CHAIR WOODWARD: We do not have any noncompliance findings, thankfully, so we'll

move on to our Other Business items, and you're going to do the Spot and Croaker.

**SPOT AND CROAKER ASSESSMENT**

MS. KERNS: The spot and croaker assessments are ongoing. We had planned to do those two assessments side by side. The individual that I believe was working on the spot assessment, if I'm remembering this correctly, the lead scientist to do this, has taken another job, and will no longer be working in a capacity where they can work on stock assessments for the Commission.

We are down a lead modeler. I am asking this Policy Board today if anybody has a scientist that might be familiar with stock synthesis, even if you don't have stock synthesis, scientists, anybody that has the capability of reading a model, it would be wonderful if that individual could help the spot and croaker assessment.

If we cannot find a new lead modeler, it is likely that we will split these two assessments, and work on them in different timeframes. Then it will delay potentially both of the assessments. We'll have to make some decisions on whether or not we do one and then do the other one and then peer review them together, or if we peer review one, the one that we get done first, and then peer review the one we get done second.

These decisions will all have budget implications, and we'll figure that out down the line. But we are just hoping that a state, it doesn't have to be a state that has spot or croaker in their waters. We are just looking for someone with the expertise in stock synthesis if we got it, to help out this committee. As Katie alluded to during striped bass, we will be seeking some additional assessment help.

CHAIR WOODWARD: Lynn.

MS. FEGLEY: Toni, can you, if you already did this I'll go back to my inbox. But can you provide some idea of timing and intensity of this work, you know like what the timeline is, and sort of your best estimate of, are we talking 40 hours a week, you know what is

sort of the time demand. We have some assessment scientists, but we would have to, like everybody, move stuff around. It would be helpful to kind of understand when and how much.

MS. KERNS: Can I do that, Katie, or Jeff.

DR. KATIE DREW: Great question. The current plan was to have both of those peer-reviewed by the end of 2024, i.e., next year, so we would need to be working on them pretty heavily, both together through 2024, in order to present at the November annual meeting in 2024. We are heavily into the work right now. It would be, if we were able to add somebody, we would be still sort of focused on that timeline, maybe shift it back one meeting cycle, but basically, the majority of the work would be occurring between now and probably the next year, next 15 months. In terms of hours per week, I don't think we have a specific number on that. But we would be looking for somebody to take on the lead analyst role for one of those species.

Probably several hours a week, it's not a full-time job, obviously, but several hours a week, peaking up to much more than that, attending the workshops, things like that during intensive periods, but for sure several hours a week out of their time. I think it also depends on sort of how we can allocate workload. Are we going to pause spot anyway, and things like that. If you have maybe some ideas about the resources within your state. If it's not a hard yes or a hard no, definitely reach out and we can talk about how to accommodate the availability of your analyst's time.

CHAIR WOODWARD: Jason, you good, okay, Shanna.

**DIMINISHING COMMITMENT  
TO SURVEYS FOR ISFMP**

MS. MADSEN: I think this is maybe a topic for another day, but I do think it's important for perhaps the Policy Board or another group of the

ASMFC to start to have a conversation about some of the issues I feel like we're kind of running into with stock assessment scientists and the states being able to provide.

I don't think that falls on the Commission, I think that falls on the states. I do think that we need to have some conversations around the table of what we're able to give to stock assessments, because it's incredibly important for us to be getting, you know we ask more and more and more, I feel like of our stock assessment scientists.

We want our benchmarks faster, we want our updates faster. But I think in a lot of places where we're not donating the resources to the Commission that I hope that we could. I would love for us to have kind of an open conversation amongst the states, kind of talking about what they can and can't provide.

What might be able to help them to bring in more stock assessment scientists, lessons learned, things like that. Because I feel like this is starting to be a little bit of a pattern with some of our species, that we're struggling to fully populate our SASs, and I think the states should be discussing that, and figuring out how best to support ASMFC.

CHAIR WOODWARD: Yes, there were some discussions about that at the State Directors Meeting about strategies, short term and long-term strategies, but that is a good segue, because I think that is sort of what Dan encapsulated. Are you ready?

MR. DANIEL MCKIERNAN: Thank you, I'll be brief. Earlier this week we've had numerous conversations about what many perceive as an erosion of core services by NOAA Fisheries in the area of surveys and port sampling. I was hoping that through ASMFC leadership we could maybe convene other interested parties that are in the same conversation, such as Council leadership here on the east coast.

I think at the end of it all, some kind of a white paper would be really valuable, so that in our dealings with Congress, you know trying to get NOAA Fisheries a

budget increase. We all know that level funded budgets or level funded budgets toward certain activities is in fact a functional cut, as you move forward with cost-of-living increases. We have a lot of concern at home. I've heard a lot of concern among our Council delegation, and to that end I have a motion.

The motion is to **move that the Commission leadership reach out to the three Atlantic Coast Councils and schedule a meeting to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management.**

CHAIR WOODWARD: All right, thanks, Dan, do I have a second? I have a second from Mel. I think that is one of those ones we can all agree on. Any comments, further comments? I think that is pretty self-explanatory. Mike Ruccio.

MR. RUCCIO: I'll just be very brief. I listened, both during the State Directors Meeting and then again during the Executive Committee session. I'll abstain on this, but we welcome this evaluation. You know there were things in that conversation that were really difficult to hear and to acknowledge, very real concerns. It's not an easy situation for us to be in. Just know that we are talking a lot about it. There are things that we can control and things we can't, but we would welcome this evaluation and look at it as a way to be productive and proactive.

CHAIR WOODWARD: Any other comments? Kirby.

MR. KIRBY ROOTS-MURDY: I'll be brief, and maybe just a consideration for the motion makers. USGS today is not in a position to offer a stock assessment to help out on these assessments that Toni spoke to. But if the Board sees us as a priority, we would be willing to discuss this idea further with our USGS Cooperative Research Unit Director.

If you're not familiar, the Cooperative Research Unit was established back in 1935, and it enhances graduate education, opportunities in fisheries and wildlife sciences to facilitate research between national resource agencies and universities. There are about 40 cooperative research units in 38 states, and the nice thing is there is actually a little bit of a history at ASMFC of leveraging that for some assessments such as horseshoe crab.

We've had a variety of scientists, not just at the Science Center I work at, the Eastern Ecological Science Center, but other cooperative research units take part in that. Just a consideration for this Board that if it is a high priority, USGS would like to find ways to support that, and we would be happy to discuss further if helpful.

CHAIR WOODWARD: Thank you, Kirby, I think we all agree that we need to leverage all the resources available to us to move things forward. We certainly appreciate having you there to continue to make us aware of those opportunities. Sometimes you know we get tunnel vision, and we need to be reminded that there is something else out there that we can take advantage of. Mel.

MR. BELL: Yes, I appreciate Dan making the motion, and I will say being on both the Council and the Commission, this is something that comes up frequently, and I appreciate the sensitivities to it and all. But I will say it's not only diminished data collection, stock assessment capacity, it's making sure we have sufficient capacity from here on out to deal with what will be becoming even more and more demanding environment for this need. I think this is warranted, in terms of let's take a look at what we've got and what our deficiencies are, and also be thinking about the future, because it's only going to get more and more demanding as we deal with climate change, wind energy, all this stuff going on. I appreciate it Dan.

CHAIR WOODWARD: Any other questions or discussion? **Any opposition to this motion? Want to make sure we get everybody accounted for. We don't have any hands, so we'll consider this approved by unanimous consent,** and we'll work



and see what we can get set up. If we can maybe get something done before the end of the year, we'll see, but we'll put it on the short-term planning process, not something and let it linger. **Motion carries with one abstention, which is NOAA Fisheries.** I think we've finally made it to the end of our agenda. Is there anything else for the good of the policy board? Seeing none, thanks everybody.

#### **ADJOURNMENT**

CHAIR WOODWARD: It was a good meeting. We got a lot accomplished. I look forward to the annual meeting up in Beaufort. My understand is that's a great time for fishing in the outer banks area so those of you who are interested in it need to be prepared. I'm sure we'll be hearing a little bit more from our hosts in North Carolina about those opportunities and all. Thank you everybody and we'll stand adjourned.

(Whereupon the meeting adjourned at 11:23 a.m. on Thursday, August 3, 2023)