

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

**Webinar
August 5, 2021**

Approved October 21, 2021

Proceedings of the ISFMP Policy Board Webinar
August 2021

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Dan McKiernan, MA (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jerry Mannen, NJ (GA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Spud Woodward, GA (GA)
Tom Fote, NJ (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Marty Gary, PRFC
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Karen Abrams, NMFS
Loren Lustig, PA (GA)	Lowell Whitney, USFWS

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

Staff

Robert Beal	Lisa Havel
Toni Kerns	Chris Jacobs
Tina Berger	Jeff Kipp
Laura Leach	Dustin Colson Leaning
Lisa Carty	Savannah Lewis
Maya Drzewicki	Kirby Rootes-Murdy
Pat Campfield	Sarah Murray
Kristen Anstead	Caitlin Starks
Alex DiJohnson	Deke Tompkins
Emilie Franke	Geoff White

Guests

Dustin Addis, FL FWC	Richard Cody, NOAA	Zoe Goozner, Pew Trusts
Renee St. Amand, CT DEP	Heather Corbett, NJ DEP	Melanie Griffin, MA DMF
Bill Anderson, MD (AA)	Judd Curtis, SAFMC	Jay Hermsen, NOAA
Max Appelman, NOAA	Jessica Daher, NJ DEP	Carol Hoffman, NYS DEC
Pat Augustine, Coram, NY	Cynthia Ferrio, NOAA	Harry Hornick, MD DNR
Lauren Benoit	James Fletcher, Wanchese Fish Co	Emily Keiley, NOAA
Dierdre Boelke, NEFMC	Dawn Franco, GA DNR	Kathy Knowlton, GA DNR
Bonnie Brady	Alexa Galvan, VMRC	Ben Landry, Omega Protein
Jeff Brust, NJ DEP	Matt Gates, CT DEEP	Rob LaFrance, Quinnipiac Univ
Mike Celestino, NJ DEP	Lewis Gillingham, VMRC	Wilson Laney

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Guests (continued)

Nicole Lengyel, RI DEM
Mike Luisi, MD DNR
Chip Lynch, NOAA
Shanna Madsen, VMRC
Alyson Martin, CBF
Nichola Meserve, MA DMF
Steve Meyers
Mike Millard, US FWS
Chris Moore, MAFMC
Brandon Muffley, MAFMC
Joseph Munyandor, FL FWC
Allison Murphy, CBF
Brian Neilan, NJ DEP

Joe O'Hop
Gerry O'Neill, Cape Seafoods
Michael Plaia, Newton, CT
Nicholas Popoff, FL FWS
Kathy Rawls, NC (AA)
Story Reed, MA DMF
Scott Schaffer, MA DMF
Tara Scott, NOAA
Michael Seeley, MAFMC
Olivia Siegal, VMRC
David Sikorski, CCA MD
Thomas Sminkey, NOAA
Melissa Smith, ME DMF

Somers Smott, VMRC
David Stormer, DE DFW
Kevin Sullivan, NH FGD
Chris Swanson, FL FWC
Douglas Vaughan, Beaufort, NC
Craig Weedon, MD DNR
Kelly Whitmore, MA DMF
Kate Wilke, TNC
Rich Wong, DE DFW
Chris Wright, NOAA
Erik Zlokovitz, MD DNR
Renee Zobel, NH F&G

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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, August 5, 2021, and was called to order at 12:15 p.m. by Chair Patrick C. Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: All right, it's 12:15; I am going to call the ISFMP Policy Board to order. This is Pat Keliher, Board Chair. We have a fairly lengthy agenda today, so I'm going to try to move through it as efficiently as we can. It is noon hour, so probably a lot of people are going to use this as a working lunch.

Just remind yourself to mind your mute button on this great rainy day. It's raining up here too, Spud, so it's a long storm here.

APPROVAL OF AGENDA

CHAIR KELIHER: I want to just first bring your attention to the first item, which is the approval of the agenda. Does anybody have any comments on the agenda? Are there any new additions to the agenda? Adam Nowalsky.

MR. ADAM NOWALSKY: I was just hoping for a few minutes this afternoon under Other Business to talk about a couple of issues that came to my attention about the appeals process, as Chair of the Summer Flounder, Scup, and Black Sea Bass Board, as we worked through the New York issue.

CHAIR KELIHER: Great, thanks, Adam. We'll add that to Other Business. Is there anybody else? Seeing no other hands, is there any objection to adding that to the existing agenda? Hearing no objections, we have consent for the approval of the agenda.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Moving along to the approval of the proceedings from May, 2021.

Does anybody have any comments on the minutes from that meeting? Seeing no hands, we have consent on the approval.

PUBLIC COMMENT

CHAIR KELIHER: That brings us to public comment. I have one person signed up for public comment today on items not on the agenda, and that is Ben Landry. Is there anybody else that has an item that they would like to bring to the Policy Board that is not on the agenda? Not seeing any hands, so with that, Mr. Landry, are you on with us?

MR. BEN LANDRY: I am, thank you.

CHAIR KELIHER: We do have a pretty lengthy agenda today, so I'm going to try to keep you to three minutes, if I could, Ben.

MR. BEN LANDRY: No, that's fine, thank you, Mr. Chairman, and members. My name is Ben Landry, I represent Omega Protein and Omega harvesters a menhaden fishing operation out of Greenville, Virginia. For what it's worth, I mean you guys have likely heard of Omega Protein understands the regulatory process that seems to be ever present about this fishery. My comment today, or more to urge the Commission to review its public comment process. You know I've been to these meetings somewhere in the neighborhood of 15, 16 years, and it is increasingly getting a little bit more outrageous, in terms of the public comment.

You know this is not an effort to censor anyone's views or to ensure that someone can't share their personal thoughts, but these have to be rooted in fact. My company particularly goes extra hard, to ensure that anything that we say in the public domain is accurate. We oftentimes present citations, particularly in our written communication to that statement that we make.

That doesn't appear to be occurring with a number of people that are making public comment. You know opinions are one thing, but they have to be rooted in fact. The species in particular of menhaden, I do not think is getting that right now,

in terms of the public comment. You know for instance yesterday, and for several meetings leading up to it.

We've heard a couple of gentlemen, particularly from the state of Maryland, you know constantly repeat overfishing of menhaden, overfishing of menhaden in the Bay. You know the BAM model and the ERP model that this Commission is extraordinarily proud of. We had recently put out a press release explaining the ERP process and how it is a great success.

None of those documents indicated that it is overfishing. Yet, when the public makes those comments, it just falls flat. There is no one there to correct it. There is no one there to say, well listen, actually this species is very healthy, and we've taken precautionary measures over a decade to ensure that it's healthy.

I would like to see the Commission look inward, and see if there is some policy that could be developed or some committee that can be formed, even if the individual TC Chairman from that specific species, step up and correct some of the more egregious things during the public comment process.

I see that I'm running up against my three minutes, but it's a big deal to us, particularly a company like Omega Protein that is always seen under the gun. Let's kind of clean out this public comment process, and make sure that accurate information is being shared, and not misstatements. Thank you for your time, and if there is anything that you guys ever need from Omega Protein, please don't hesitate to ask.

CHAIR KELIHER: Thank you, Ben, I appreciate those comments. Is there anybody else from the public that would like to make a comment today? Not seeing any other hands, so we'll move right along on the agenda.

UPDATE ON THE MARINE RECREATIONAL INFORMATION PROGRAM

CHAIR KELIHER: The next item on the agenda is the Update on the Marine Recreational Information Program, and I believe Richard Cody is presenting. Richard, are you on?

DR. RICHARD CODY: Yes, I'm on.

CHAIR KELIHER: Great, the floor is yours.

DR. CODY: All right, I have two back-to-back presentations here, so if it's okay, Mr. Chair, at the end of the first one we can allow time for questions, or we can keep them for the end. It's whatever your call is on that one.

CHAIR KELIHER: No, Richard, I think it's fine. Let's pause at the end of the first presentation, take a few questions, then we'll go right into the second one.

2020 CATCH ESTIMATE METHODOLOGY REVIEW

DR. CODY: All right, well thank you. The title of the talk today is an Overview of the Methodology of Use for the 2020 Estimation Process. Basically, as you all know, we had some challenges last year, in terms of data collection in light of COVID. I have a few points that I wanted to make up front, and try to guide the presentation as I complete it.

The main point is that for 2020 Catch and Effort Estimates, in general there were no really, what I would call extreme or unexpected results, as a result of the methodology that we used, 2020 is typically in line with the prior years or recent trends, so 2018 or 2019 in particular. The impact of the data gaps and imputation was variable, of course.

But as you increased the resolution of the estimates, you know it tends to be more variable. But at the state level, not the regional level the impacts were fairly minimal. What I'll do today is I'll review the data gaps from COVID-19, to try and give

you a picture of some of the challenges to the MRIP surveys, and other state led surveys as well.

I'll provide a brief overview of the data imputation and estimation methods. I don't have particularly detailed descriptions of these, because basically, our methodology for 2020, with the exception of including the imputation process, a simple imputation process, didn't vary that much. We tried to keep it as consistent as we could with previous years, just so that the information would be comparable.

Then lastly, I have a presentation of the Catch and Effort Estimates, starting out with catch, looking at recent time series, 2018 through 2020. Then a comparison of estimates with and without imputed records included. Then there is a little piece on next steps. As far as 2020 data gaps were concerned, the main impacts were to the access point angler intercept survey.

That is the source of our catch rate information, but it's also used to supply some supplemental effort information. It accounts for fishing effort made by out of state or noncoastal anglers. It also is how MRIP allocates effort to fishing areas, so it's a state and federal in inland waters. The largest data gaps, or the main data gaps, I should say, were primarily focused in Wave 2, so March and April, although it did extend into May and into later months as well.

But the main point here is that most states had resumed sampling at some level in May, or by the end of May. There were a couple of exceptions, Connecticut, New Jersey, and Virginia. These states didn't resume until later, and that was largely because of state mandated safety protocols. Headboat mode, no state had resumed by the end of 2020 their headboat sampling.

A couple of attempts were made, but social distancing was very difficult to maintain, as you can imagine on a headboat. Then the point

here is that the APAIS sampling for those headboats occurs at sea, as ride-along trips or observer trips. Then, and this is largely limited to the Mid-Atlantic and New England Regions. In the Southeast, North Carolina south, we had the Southeast Regional Headboat Survey. Biological sampling by that survey was suspended, but samplers were able to continue their validation and quality assurance visits, so just to verify trips made, things like that, but no biological data were collected.

These are a little busy, so I'm going to spend a little bit of time on this first slide, because the next few are basically the same, but refer to lengths and weights information as well. But what you have here is a heat map of assignments or intercepts, so our intercept tallies. What we've done here is we've compared 2020, we'll call it sampler productivity or the numbers of intercepts, with the previous three years, 2017 through 2019.

They are compared to the average of those previous three years, so where you have a green box that means that sampling was at a level of 75 percent or above the average for the previous three years. Then it cascades down to zero, so the gray boxes refer to an absence of sampling. You'll see at the top there the various states included in the different regions.

We have Region 4, 5, 6, and 7; Region 4 being the North Atlantic, Region 5 the Mid, 6 South Atlantic, and then 7 the Gulf of Mexico. I'm going to focus largely on the Atlantic Coast and I won't be providing any catch examples from the Gulf. What the main point of this graph, you see that there are weeks and months on the vertical axis, and you have a number of different boxes, depending on the state.

The boxes really refer to a mode and a region within the state. Some states may have more than others. But the main point here is that you can see that most of the gaps occurred earlier in the year, starting in March, where sampling had initiated, and continuing through August in some states. But largely by August sampling had resumed, and was

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approaching levels that we have seen for the previous three years.

But you can see for April in particular, there is almost a complete absence of sampling, with just a few states, Rhode Island being one, that were able to maintain their sample levels. What we have here are the collection of lengths associated with those intercepts. One of the main concerns that we had when we were evaluating the data throughout the year, was the impact that social distancing might have on the collection of lengths and weights from fish.

Obviously, you have to get close to a fisherman and to his cooler, or her cooler, to get the weight and lengths of the fish that are landed. We do see, I would say less weights, once we resumed sampling throughout the year than we have in the previous three years, in some cases. There are some blocks here where you will see the gray boxes extend to the end of the year, basically. That is something that did concern us, because we do use an imputation process for length and weight information.

This is just the equivalent of the weight's measurements. For our intercepts, generally samplers will try to get a weight and a length, and priority is given to a weight, although that is not always possible, depending on the amount of time that an angler has available. But you can see it's a similar pattern to what we've seen with the length information, and also with the intercept information. You see some difficulties were had, and some differences between the states existed, in their ability to collect weights through the end of the year. As far as data imputation and estimation is concerned, as you've seen, the sampling suspensions and resulting data gaps for the states varied. But they are known, so that does help us identify where the data gaps are.

We had a lot of help in doing this, and I have to commend the states and state directors. I was able to participate in Mike Pentony's monthly, or regular meetings with state directors, and

this was very beneficial to us, in terms of assessing where states were in their recovery process, when it comes to sampling.

I'm grateful for the chance to hear from the states at that venue. As I said, we used a simple imputation approach to fill gaps. Basically, what that means is that where our gaps were identified, and you saw them in the first few slides. That is where we included imputed data. We looked at 2018 and 2019, the two most proximate years that were available to fill those data gaps.

One thing that I will mention is that because we used two years of data, we down weighted each year by a factor of 2, to take into consideration that we were using two years of data. We did have input from statistical consultants Jean Opsomer, Mike Brick and others on the reliability or the ability approach that we looked at.

As far as estimation is concerned, standard MRIP methodology, as I said, we continued to use that for both catch and effort estimates. For 2020, even though we didn't produce the wave level estimates during the year, wave level estimates are available at this point, along with the final annual estimates. Just to give you some context for the decision on imputation, we did look at other more complex methods, modeling approaches, et cetera.

The decision was made because of the urgency with the need for the data, that this would be a rather resource intensive approach. I mean we could look into it at a later point, but in the interest of getting data out as quickly as possible, and then also in trying to maintain a level of fidelity with our current estimation methods. We went with the simpler approach, which we felt would be more reproducible and less subject to variation, and keep us basically at a level of comparability that we wouldn't have had if we had gone the modeling approach.

The other thing about looking at more complex methods is that they do require some sources of auxiliary information. You know part of our decision process there was that during the year we did

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approach the White House Office of Management and Budget for TRA clearance on modifications to the APAIS questionnaire.

Those were not approved, and we felt that since that was our vehicle for obtaining additional information, it would be difficult for us to entertain standalone surveys in addition to the MRIP APAIS surveys. We were forced really, to abandon any modifications to the APAIS questionnaire.

Then the last thing I'll mention here also, is that we do plan to revisit the 2020 estimates when complete data are available for 2021. One of the suggestions that has been made to us, and I think it's really a responsibility of ours to look at the two shoulder years, rather than the two most recent proximate, or previous years, to see if there were any differences between using 2019 and 2021 versus 2018 and 2019 data. That is something we plan to do, once 2021 data become available. There are still some questions regarding the integrity of the 2021 data.

You know we're part way through the year, we haven't had what I would call any interruptions of sampling so far. But we will monitor that as the year continues. The next few slides I'm going to basically categorize them as two different kinds. The first set will sort of concentrate on 2018 to 2020 time series.

I'll have annual landings by state and region, just for a select few species as examples. Then the second set will look at 2020 estimates in particular, with and without imputed records for comparison. But we'll do a similar type of comparison. I apologize about the amount of detail that is in this slide. Obviously, if you're looking at a laptop, this is going to be hard to see.

The take home here is that we have three years of data side by side, represented in the various bars. I'll present this for the South Atlantic, Mid-Atlantic and North Atlantic Regions.

Basically, you have three years of data represented by the blue, sort of red and green bars, 2018, 2019, and 2020 data, or estimates.

The 2020 estimates are the imputed estimates. For South Atlantic we have black sea bass, scup and gray snapper, gray triggerfish, king mackerel, red drum, Spanish mackerel and spotted sea trout. You can see for the most part there were not real large deviations from the previous years. I do highlight one here, Spanish mackerel, and if we go to the next slide, I can show you what we have here is a comparison of estimates with and without the imputed data included.

For instance, the blue bars refer to the estimates with imputed data included, and then the red bars are without imputed data. You can see for the Spanish mackerel example that the two data, the two versions, are similar. The relative effect of the imputed data on the estimate is low. It wasn't due to the imputation methodology in this case, that we saw a spike in the Spanish mackerel landings.

I can't say with 100 percent certainty that that would be the case for all comparisons, it would depend on the species, and on the data that were available, and the level of sampling that occurred as well. There were a number of different factors that would come into play. But in general, what you see here is that at this regional level we don't see very much in the way of variation, or differences between imputed and non-imputed estimates, for which the non-imputed estimates are available.

This is a similar set of graphs for New England and Mid-Atlantic. For New England I have Atlantic cod, mackerel, black sea bass, bluefish, haddock, and you can see the estimates, well hopefully you can see, for total landings here are fairly similar between the three years, in most cases. Then for the Mid-Atlantic we have Atlantic croaker, black sea bass and bluefish, again.

In the case of New York, we see that for bluefish, 2019, is the spike here. When you combine the imputed data for 2018 and 2019, and down weight them based on the fact that there are two years of

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data being used of imputation. It doesn't, at least it's not terribly obvious from the data, or from the estimate in 2020 that it had an impact, you know a large impact on the estimate. Again, this is the same set of species, and we're looking at imputed versus non-imputed estimates. You can see fairly good agreement between the two.

There are some situations such as Atlantic croaker, where there is quite a bit of a difference between the imputed versus the non-imputed estimate. We recognize that using imputed data is not an ideal situation, when it comes to providing catch information or advice, at least in terms of predicting or estimating landings.

To give managers at least some tools to at least evaluate the data, based on the contribution of the imputed data to the overall estimate. What we did for the query tool is we provided for each of the different catch components, Type A, Type B-1, Type B-2, and then harvest versus release catches. We provided an evaluation, or at least a metric for looking at the relative weighted contribution of the imputed data to the overall estimate.

This gives you an idea of the amount, we'll say, of the contribution to the estimate from the imputed data. For instance, with shore mode in the North Atlantic at the top row there. For shore we have 38 percent of the catch rate information came from imputed data. That's the way to interpret that information. We hope that that will at least provide managers and assessors with some kind of a metric that will allow them to assess the overall contribution of imputed data.

The next slide is really a similar slide to the last one, but for black sea bass. You can see for party boat mode, obviously there is a high amount of imputed data used in that estimate, largely because there were very few trips being made, and then also the amount of information

that was possible on an absence of APAIS information.

That would mean that largely the estimates would be based on 2018/2019 data. This is sort of a similar presentation on the effort estimates, and again we're looking at 2018 through 2020 annual effort by region, and then annual effort by charter and headboat modes as well, broken out. Then the second set will be the estimates with or without imputed records.

I've got the four different MRIP regions here. You have New England, Mid-Atlantic, South Atlantic and Gulf of Mexico. Overall, the annual effort estimates were in line with previous years. We didn't see the huge reductions that were predicted early on, at least not for the private boat and shore modes.

Then in fact, you know there was plenty of anecdotal information that suggests that fishing picked up in certain areas, as a way to get outside and do something, or you could socially distance and still take advantage of the outdoors. In these slides here we have the imputed estimates. As I said, the effort survey continued largely uninterrupted throughout the year.

For the charterboat mode, we did stop conducting telephone calls for a short period. I think it was New York shut down the sector, but resumed it just to confirm zero trip reporting from the fleet. In this graph here you can see that in some cases, the Mid-Atlantic and the Gulf of Mexico, you had increases in effort in 2020, relative to the previous years. In this slide we have it broken out for charter and headboat effort, and it's a different picture really for the for-hire sector. If you look at New England you can see there is a fairly marked drop in effort for charter and headboats from 2019 to 2020. We see a similar trend in the Mid-Atlantic as well, and to a lesser extent in the Gulf of Mexico.

But the trend stayed pretty consistent for the South Atlantic for 2019 and 2020 were similar in the level of headboat or for-hire effort. As far as 2020 effort estimates are concerned, in the New England and Mid-Atlantic Regions, we did have, as I said,

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domains or estimation domains that had zero trips reported.

We were interested in seeing how these might have affected the overall effort estimates, if we included those in the imputation process. In this case here you can see the red bar compared to the green bar and the blue bar. You have imputation, you have imputation excluding the zero trips, or you don't have corresponding catch rate information for trips that were zeros, basically.

Then you have the full complement of imputed information. You can see for the Mid-Atlantic and New England, where that occurred, those values are consistent, so there is little or no impact due to the inclusion of zeros. In the South Atlantic and the Gulf of Mexico, we didn't experience that data gap to that extent, so you don't see a red bar in either of those two regions.

As far as next steps are concerned, we did release the estimates in April, on schedule for our normal annual release, and along with that release we did also include the wave level estimates as well. Those are available on the website right now through the query tool. The complete data are also available for download, included the imputed data as well.

We are continuing our communications efforts with the regions to try and keep our finger on the pulse, basically, of sampling efforts. You know this has been sort of a roller coaster ride for many people. You know we're trying to keep up abreast as much as we can with any changes that might occur in sampling efforts.

With that, you know we are continuing to monitor the sampling, as we had in 2020 throughout 2021. Part of the reason for that too, is if we do revisit or when we do revisit the estimates at the end of early 2022, and we plan to look at the 2021 estimates. Any information that we have that can inform the use of those data, will hopefully help us in evaluating

whether they provide any benefit relative to the 2018/2019 imputed estimates.

I think that is the last slide in the estimation process, and I know I kind of threw a lot of data at people, and the slides were maybe a little bit hard to follow. Ahead of asking any questions, I will offer, my e-mail is on the first slide, so if you need to reach out to me after this meeting or anytime, please do. But if it's okay with you, Mr. Chair, I could take questions now, if you would like.

CHAIR KELIHER: Yes, let's do that, Richard. Does any member of the Policy Board have any questions for Richard on the 2020 Catch Estimates? I've got a couple hands up; we're going to go with Jason McNamee and then Lynn Fegley. Jason.

DR. JASON McNAMEE: Thank you, Richard for that really good presentation. In particular, I liked seeing those comparisons. It's really helpful to kind of see it in that way. Two quick, I guess I'll call them comments more than questions, if you don't mind. The first is, I think it is important to think ahead a little bit to the use of this data in stock assessments.

The main thing I think could use some thought is, how to characterize the uncertainty for that year, so you have kind of a standard method to encountering uncertainty in the normal survey, and I imagine it's different, or will be different for that year. That may or may not matter, but I think it could become an important factor, as folks are kind of working through various stock assessments.

If your team is able to provide some information on what you think is best, you know that would be I think helpful to the analytical teams. Then the other quick thing I wanted to offer is, I really like this idea of kind of revisiting. You know you used an imputation method that kind of patched your through leaning on the preceding two years.

I like this idea of now kind of looking, okay now we can use a year before and a year after. I think it's good and smart idea to continue to investigate the best process for patching in that 2020 number, with limits. I think at some point, a year, or maybe two

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years from now, we should call it good and move on. You know, so it doesn't get recreated forever off into the future. Just a couple of comments, thank you, Mr. Chair.

DR. CODY: Thank you, Jay.

CHAIR KELIHER: Richard, if you have a response, feel free to jump in.

DR. CODY: I will mention that we are looking at using a similar approach that we used for 2020, and evaluating the 2021 data to look at if there were any, it looks like there is a drop in productivity, because you know there are still some concerns about the ability of samplers to do their jobs safely in the field.

We'll be trying to look at that throughout the year. I think that that will be important, I think in any consideration of using 2021 as a shoulder year, you know to compare with the previous imputation method. Jay, I do take to heart your advice there to look at what we have, and try to at least provide the context that is needed for management and assessment, to treat the data appropriately.

CHAIR KELIHER: Great, thank you, Richard. I had Lynn Fegley's hand up, but Lynn, it's down now. Lynn, did you have a comment?

MS. LYNN FEGLEY: I did. I just had a quick question. I wonder, Maya, if you could go back to the screen that showed the query, the screenshot of the query for the catch. Yes, that's it. My question really is, because I can see constituents jumping on this a little bit, and I'm just trying to figure out what a good answer might be. For black sea bass in the Mid-Atlantic on your party boat, you've got 100 percent imputed data, yet the PSE for that estimate is quite low. Then above that you've got black sea bass onshore at the very low imputed data, but a very high PSE. Clearly there is no impact of the amount of contribution of imputed data on the PSE. But I just wondered, especially given the criteria that are coming forward about not

publishing the data whose PSE is greater than a certain amount, I forget what it is. I just wondered if you had any comment on that sort of relationship between the estimate that is almost 100 percent imputed, and to Jay Mac's point, you know how to characterize the uncertainty, and is it explainable that an imputed estimate has a very low PSE. If that makes sense, I think.

DR. CODY: No, no, that makes perfect sense. What you pointed out is exactly right, is that the variance estimation process makes no distinction between different years of data. The only thing it takes into consideration is the weighting applied to the data. There are some things possibly that we can do to better tie the contribution of the imputed data to the variance estimate.

That will be something that we can look at this year, to see if there is a better metric that we can apply. I mean our concern was really, if people see that all of the data comes from the 2020, 2018, 2019 year, regardless of the PSE, then it should be treated with some caution. But I think that you're right, there might be a need for at least some other metric that might frame the variance estimate a little better.

MS. FEGLEY: Thank you so much.

CHAIR KELIHER: The next hand up is Chris Batsavage. Chris, the floor is yours.

MR. CHRIS BATSAVAGE: Thank you, Mr. Chair, and thank you Dr. Cody, you learn something new every time I see this presentation, so I appreciate you giving it again. On the heat maps, where you showed the different sampling by state over the course of 2020, and how to compare to the other years.

I think you mentioned that some of that was due to limitations of what the samplers were able to do, as far as sampling in the different states. Did refusal rate fishermen play a role in getting fewer samples, due to their concerns with social distancing and the pandemic, and if so, has that refusal rate by anglers improved in 2021?

DR. CODY: Yes, I don't have the actual numbers for the refusal rates, or at least mid-interview refusals. But we could look at that for certain. My guess is, and this is a guess, is that it is a mix of different things. We know for instance, in the conversations that I had with some of the state directors, that there were concerns in some regions and some states, with the ability of samplers to conduct their surveys safely.

It wasn't so much based on whether an angler would participate or not, or hostile or not. It had a lot to do with the amount of anglers that were present on a site, and how crowded a site was. You know that, I think, played a role, probably more so than I think refusals did. But we can certainly look at the refusal rates across the different modes, to see if that was the case.

CHAIR KELIHER: Thank you, Richard, I don't have any more hands up at this time. Why don't we move right along into your second presentation?

MRIP SURVEY DATA STANDARDS AND FUTURE PRESENTATION CHANGES

DR. CODY: All right, thank you. In December of 2020, MRIP unveiled their Survey and Data Standards. The whole idea, or the focus of the data standards were to guide the design and improvement, and quality of information produced by the various surveys participating in MRIP, and also to provide guidance for state level surveys, in terms of precision levels, compatibility, and some of the parameters that would be important, in terms of their comparability of information to other surveys.

Why did we do this? Well, probably the most important driver for it was advice that came from the 2017 National Academies Review. Their message was that we establish performance standards and guidance for regional surveys. That was really a recommendation that NOAA provides some leadership, in terms of guidance for development of surveys.

Following up on that, and we just got the 2021 National Academies Review of data management and strategies, with respect to ACLs. There is information in there that would probably modify, or at least be added to some of the recommendations that were provided earlier by the National Academies, in terms of the components that we have identified as different standards, such as transitioning surveys, and development of surveys.

We're looking at those right now, and it's going to take a while to, I think, nail down the different recommendations, and our responses to it, but I can provide people with the length of this report, if you're so interested. The guidance and the recommendations are largely summarized in the final two chapters of that report. Lastly, the main reason, or the other reasons why we developed these standards, is to support our strategic goals, to provide quality products and ensure sound science.

Those are the two main drivers, as I said, for the development of these standards. I'm not going to go into an awful lot of detail right now on what the specifics are for the standards, but I will summarize what the basic categories of the different standards, and we'll focus a little bit of attention to the publication standard, which I think is the main concern of this group.

Some of the building blocks or the framework used to develop these standards, largely come from existing federal guidelines and best practices, in terms of the dissemination of statistical information. We noted that most surveys have precision standards that they maintain for the publication of data, and we felt that we needed to be consistent with those surveys, in terms of the standard of information that we provide.

Some of the sources that we looked at were the National Academies themselves. They have a report on Principals and Practices for Federal Agencies. There is also an OMB guideline or document for standards and guidelines for statistical surveys, and then also there are various other survey documentation available.

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Surveys themselves that have information available on their practices, such as the CDC, the Census Bureau, United Nations, and then various collaborative, I call it international types of surveys that are conducted, sort of collaboratively with different country and state entities. Then we have the Australian Bureau of Statistics, so those are some of the sources that we used to come up with the standards. As I mentioned, there were seven standards in all, and they have various components to them, and I won't get too much into the details here. But the whole idea here is to provide our partners and our stakeholders with a single set of guidelines, with respect to those seven standards, focusing on recreational data collection and estimation. Sorry for breezing through these.

But I'm going to pump the standards three per slide, and then focus on the last one separately. The first one pertains to survey concepts and justification, and really this is about identifying the need for the survey, whether it be a legislative mandate or a data need within a region that is not being met.

Also, how the survey plans to produce the key statistics that are needed, that and provide information on precision or uncertainty with the survey. Then of course, from the federal perspective, if there are some legislative mandates, there may be a need to look at adherence to OMB guidelines for a paper or report production, and reducing responsibility on surveys as well.

The second one is largely a documentation standard, and basically what it tries to do is to provide some guidance, so that when multiple sources of data are provided, say for stock assessment purposes or for management purposes, they have comparable information of sufficient quality, to be able to compare those survey designs, and those survey designs are adequately described within those.

Then an important aspect of that would be the tie in between the survey design and the actual estimation that they match up accordingly. Then the third one here is data quality, and that describes some procedures for data processing and handling things like item nonresponse and weighting of data, things like that that help with evaluating the responses that are received for a given survey, and also providing some guidance on where these adjustments are made within the process for estimation.

These next three slides, and I think the last two standards, really refer to developing implementing surveys, and transitioning between surveys. Also, the quality control that is needed for the improvement process. Number 4 here talks about transition planning. As part of our certification process, one of the things that surveys or sponsors for surveys are supposed to have, is a transition plan for the survey.

If it's replacing another source of data, or it's augmenting other source of data, there should be a plan in place to handle the transition. That might mean developing calibrations for that survey, if needed, and taking into consideration any breaks that might occur in a time series. I will point out that for a lot of surveys, they don't produce a calibrated continuation of a time series, or calibrations going back in time.

Many times, what is done is a break in the survey that timelines indicate, and a disclaimer is put in there that data before and after the break can't be compared directly. They leave it up to the data user to find ways to do that. The review procedures, some of you here, Jay McNamee in particular, is familiar with some of the review processes that we have in place for the calibration that we use for the APAIS and the FES surveys. It's important that there is a comparable level of review, and that the review methods are meaningful and consistent. We put some emphasis there on that, and tie it into the existing certification requirements that we have developed through our Policy and Procedure Directives. Then 6, the process for improvement. One thing that is important with surveys is that, you

know it is a constant quest for improvement, so it is to be expected that surveys are not static into these, that they respond to the populations that they are trying to monitor.

There may be improvements or changes made to the surveys over time, and it's important that those are documented, and at least accounted for in comparisons of data, where there have been survey changes made. Then lastly, I would say, you know for the first six standards that we rolled out, we didn't get much in the way of, I would say negative feedback.

For this seventh standard here we did receive some concerns from stakeholders and data users, that this would restrict access to data. We do recognize that that is an issue. What this standard does is, you know we currently we publish all PSEs or all estimates with PSEs of all levels. Now we do flag the ones that occur above 50 percent.

But it's common practice among most of the statistical surveys to provide a cut off for a reasonable estimate, or for a valid estimate with a PSE of around 30 percent. You will see some variation among the survey. Our plan is to, realizing that we do have data needs, and we do have users that may have a need to examine the data.

We're not being as restrictive, or as conservative in our PSE standard. We are pushing that to 50 percent, so instead of flagging values that are above 50 percent, we will now be adhering to that standard of 50 percent that those estimates above that will not be published on the wave level. We have tried to put into effect some ways to mitigate the data loss, or concerns over the data.

One being that we would produce estimates that are cumulative. At some point during the year for most estimates, those values would reach the 50 percent threshold and be published. Obviously, for some species at some domain levels, we won't be able to reach that.

That said, we're not planning to leave people just to fend for themselves.

The intent of the standards was to really, to use practices that were already in use largely, and to remove some of the ambiguities over whether something is a practice or a recommendation, and provide some clear guidance on that. We realize that there are some impacts that are expected from the rollout of these standards, and in particular the last one, the publication standards.

Ultimately, the goal here is to promote data quality consistency and comparability. The standards we hope will improve our ability to ensure integrity in the quality of our statistics. But also, put our money where our mouth is, in terms of our standing behind an estimate that we publish on our website.

What we plan to do is not just flip a switch at some point, and the queries won't be available. We plan to do this is a phased approach, and as I mentioned earlier, we do expect some input from the current National Academies Review, which will take some time to assess. Realistically, we had looked at the standards for data access and publication being implemented no sooner than 2022. But I think that that date is probably pushed out, possibly a year at this point, because there were some things that we would like to do before we get to that stage. One is to produce a data user manual, which we're in the process of doing right now. We also plan to hold some data user workshops, which will provide guidance and tools on how to do custom estimates for the data that are available.

The difference being that those estimates that would have been available, now would have to be produced by the data user, or with our help, but not be published on our website. Then the idea also would be, in this data user workshop, that we would preview some of the anticipated changes to the query tool, and have input from data users on what that might look like, and if there are improvements that could be made that would still be consistent with the standard, we would be able to do that.

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But as I said, you know the idea isn't to just flip a switch and remove people's ability to get to estimates at a wave level that are somewhat imprecise or highly imprecise. We will provide tools and guidance on how to do custom estimates. There is some information on the website regarding the standards.

As I said, we're in the early stage of development here. We're in the process of producing the Data Users Guide, and that is going to take some time to happen. As I said, this is a phased approach, so we will be working with our state partners, to make sure that people have the tools they need to get the information they need. I think that's it; I can take any questions.

CHAIR KELIHER: Thank you, Richard. We do have one hand up, Bill Hyatt.

MR. WILLIAM HYATT: I have kind of a general question, it's not specific to the data standards, but more general in nature. If the state had a desire or a need to increase the precisions of estimates of catch and effort vs a specific fishery or specific area, presumably by increasing their sample size by some amount.

Could you talk for a minute about the possibilities of doing that, you know figuring out what is needed to achieve what those objectives of increased precision, what the process and the timing might be? I'm just curious if there are any states that are doing that for specific fisheries or areas.

DR. CODY: Thanks for the question. There is flexibility within the APAIS draw to add samples, and to actually even target samples to say an offshore mode or to state waters or federal waters. There are some ways that sampling can be targeted that way. That said, we were able to get some funding through the Modern Fish Act, where we would try to address the primary regional implementation plan priority for advantaged states, and that was improving

precision and sample size., 900K sounds like a lot of money.

But it only goes so far. I think from my perspective, we do need the standards to help us identify where the gaps are, in terms of possibly improving sample sizes, or the coverage of the different surveys. It does set ourselves up for some criticism, but in the long run, I think it does provide us with some way to assess improvements as they occur. The only thing I would say is that we'll work with ACCSP and the states to allot the funding that we have available to us, to try to address the primary precision concerns the best we can, you know within the constraints of the survey. But there are some things, I think, that can be done, in terms of the flexibility of the draw, to incorporate sample that might improve precision of some species. That's probably a roundabout way of saying it. Yes, go ahead.

MR. HYATT: Yes, so just wondering if a specific state wanted to allocate funding, for example, to increase sampling. Is there the option of doing that, and are say federal statisticians available to work with state folks, to figure out what actually needs to be done?

DR. CODY: Yes, we already do that to some extent with some of the other states, particularly in the Gulf, where we coordinate our sample draws. We have in the past had state add-ons in North Carolina and other states that add sample to what's available through MRIP. In some cases, the states will identify how much personnel that they may have available.

The draw is flexible enough to account for the addition of personnel, or the addition of assignments to the draw. For instance, if a state for instance wants to, say double their sample size, that is a fairly easy undertaking to do. It's just a matter of refining the draw so that it knows there are more samplers available, and that sample draw can be increased.

MR. GEOFF WHITE: Mr. Chairman, this is Geoff White with ACCSP. I have my hand up when you want to get there.

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CHAIR KELIHER: Thanks, Geoff, your hand does not show on my screen. First up is Erika Burgess.

MS. ERIKA BURGESS: Thank you, Mr. Chairman, I just want to take this opportunity to respond to that last question, by highlighting the Florida State Reef Fish Survey, which we're very proud of in Florida. We worked with the MRIP folks to develop this supplemental survey to MRIP. First to improve estimates of recreational catch and harvest of reef fish on the Gulf Coast, and our state legislature appropriated continuing funding for it, to extend throughout our state.

I know Richard was very closely involved in the development of that program when he was with FWC, and as he transitioned over to NOAA. I don't have the exact numbers for how it improved precision with me right now, but if anyone would like to know more about how we're approaching it in Florida, I would be happy to talk with you after the meeting.

CHAIR KELIHER: Erika, thanks for offering that up, Erika. Do we have any other members of the Policy Board that have questions for Richard? I don't see any other hands. Geoff, do you want to go ahead?

MR. WHITE: Yes, thank you very much. As organizer from the last meeting, I wasn't able to raise my hand. Richard, thank you again for the presentation, and the opportunity to discuss this. ACCSP has a role in state conduct, and for the rest of the Policy Board, states that have already been doing state funded add-ons include Massachusetts, Rhode Island, Delaware, and North Carolina. When that is organized and done with state staff or other staff, it's actually a very open process to say, if you want more additional sample, and to request that through ACCSP, and MRIP in the process says to add those samples. I do think Tom Sminkey and the rest of the MRIP team have been able to help guide what would make the most impact on PSE for particular fisheries. One of the things with the Modern Fish Act \$900,000.00, that resulted

in about 2,000 additional six-hour site assignments for the calendar year 2021.

That was spread across all of the states, and is in process of occurring. That is going on, and if there is desire to do additional sampling from Maine through Georgia, Florida is handled through the Gulf Commission, then please let us know. On a different tact. Of course, ACCSP is also kind of a data user and stakeholder.

I want to offer that we've been in contact with MRIP a lot about the Survey Data Standards and presentation, and we'll be attending the user workshops, and we're looking forward to ways that we can help with kind of standardized data access to more detailed domain estimates, which is the smaller scale, the wave-based estimates or other things, to help the management process along the Atlantic coast. I don't know exactly what that will look like yet, but we are certainly participating in the process to help that out. Thank you, Mr. Chairman for the time to comment.

CHAIR KELIHER: Thanks, Geoff. Are there any other additional questions from the Policy Board? Seeing no hands, and hearing nobody jumping in, Richard, thank you very much for those presentations. We appreciate the thoroughness of them, and unless you have any closing comments, we're going to move right along.

DR. CODY: The only think I would mention is that my e-mail is on the first slide, so if anybody has any follow up questions, you know please feel free to contact me. I appreciate the opportunity to talk to this group. Thank you.

CHAIR KELIHER: You bet, thank you, Richard, thank you very much, appreciate that. We're going to move right along on the agenda.

**REPORTS FROM THE EXECUTIVE COMMITTEE AND
STATE DIRECTOR'S MEETING**

CHAIR KELIHER: Next up are the reports from both the Executive Committee and the State Director's meeting, and I'm going to jump right into those.

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This past Monday morning, the State Director's had an opportunity to get together with NOAA leadership.

It included the new Assistant Administrator for Fisheries Janet Coit, along with Sam Rauch, Paul Doremus. There were a lot of folks from the Agency on the webinar. We did have leadership from the Science Centers and the Regional Offices as well. I'm not going to go into all the names, but you folks know who they are.

It was really good to have an opportunity to have Janet be part of the meeting. She stayed on for the entire meeting, which was appreciated, gave us an overview of what she sees the big priorities, as she's coming into her new role. I know I for one am excited to have somebody with a state background coming into this.

I think she'll come at it with a perspective of understanding the concerns that we raise as a Commission, and as states. I think that's good news for us. In particular, her comments were focused around climate change, offshore wind, a diversity, North Atlantic Right whales, bycatch and seafood marketing, a pretty good discussion about all those issues. It's clear that she's going to remain personally engaged with the Commission. Her former role as Secretary of Environmental Agency for the state of Rhode Island certainly gives her a lot of background on all of those particular issues. It's nice to have someone that's coming in with that fishery perspective, again from the state level.

We also had a presentation from Paul Doremus on the federal budget. Paul gave a very high-level overview. There are a lot of pieces to this. I think the take home is that there was some good news in these particular budgets, and I think some of that good news will spread down to benefiting the state and the Commission.

Immediately following that, our Executive Director gave an overview of the Commission's budget priorities, and you could definitely see

some overlap between these two, which was good to see. In particular, the top items were the Atlantic Coastal Act, NEAMAP, SEAMAP, ACCSP and FINS, as well as the Interjurisdictional Fisheries Act and Recreational Data Collection.

Again, a lot of overlap between our priorities and what we heard within the federal budget, so some additional good news. Jennifer Anderson from GARFO also did an update on the Right Whale conservation framework that was included in the most recent bi-op for right whales. As a reminder, that's a 10-year rebuilding plan, and it is going to touch us all now.

I'm sure you all participated in the presentation by GARFO beyond the trap pot fisheries for lobster. Certainly, gillnets and other trap pot fisheries up and down the east coast are going to come into play now, so we can all enjoy the discussions on this, instead of just the northeast now.

Brian McManus from Florida did a presentation on Fisheries Disaster Assistance, the process and the improvements that were needed. He went over some of the improvements. We've had some of these conversations at the Executive Committee. It was good to be able to elevate it to the Agency directly, with Janet being involved.

No additional information there, but certainly it was good to get that in front of them. Then lastly is this issue, which is a high priority for the Biden administration, which is diversity within the regional fisheries management councils, along with the appointments that are going to be made. Both Janet and Sam led the discussion on this, and raised the issue of expanding diversity on the Councils.

A lot of very good input from the states. I think a lot of us that have advisory panels within our agencies certainly use those as a stepping stone into coming up and getting more involved in fisheries management issues. There was a lot of conversation around that, and around the use of committees as well. It's something that we commented on from a Commission perspective that

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we may need to take a look at as we move forward, and especially with our advisory panels.

That concludes the big items from the State Director's meeting, and I'm not even going to pause there, I'm going to go right into the Executive Committee meeting that was held yesterday morning. I'll leave some room at the end to take a few questions, if there are any. The Executive Committee met yesterday morning. The Executive Director did a Cares Act update, gave us a quick update on Cares Act 2.0, as I call it. About half of the states have filed spend plans with the Commission. Bob did remind us all to not panic too much, because there is a September 30th deadline within the federal statute around spending the money. That is not a hard deadline, there is a lot of flexibility around that.

The good news is we have the money in-hand, and we will have time beyond that to spend it. Some of us may not even get finalized until right up until that deadline, as far as our spend plans are concerned. That flexibility and that report out on that was certainly appreciated. Next up on the agenda was the report from the Administrative Oversight Committee, and it was a very quick report, because the committee didn't have an opportunity to meet.

The AOC was schedule to meet to address an issue of the investments that we have within our finite side of the business around the Commission, and we'll be doing so between now and the annual meeting, and we'll report out to the Policy Board at that time. The next item on the agenda was to discuss the meeting attendance and future meeting formats.

Again, our Executive Director reported out on the results of the survey that was sent out to everybody. Around 34 people filled out the survey. All did state that they were going to attend the in-person annual meeting, but they also had a caveat to say, you know except things change within the pandemic, then that

may change their thinking of where we're going.

Now, immediately following the release of the survey, and as we're gathering information back at the office, we started hearing the concerns around the Delta variants. We started to see an uptick in the infection rates around the country, and some of the high-level infection rates. You're all watching the news, I don't need to go into that.

But it does leave a question mark going forward, in particular looking at the annual meeting this October. The Executive Committee leadership will continue to report to the Executive Committee during these interim meetings between now and the annual meeting. If we see that we need to make any kind of change between now and then, we will obviously report out to the Full Commission.

Bob and I did discuss this particular issue this morning, and we would encourage you at this time not to start buying plane tickets for the annual meeting. Just put a hold on those, we'll continue to communicate around that. Right now, Joe Cimino is keeping us up to date on any issues going into New Jersey.

Right now, he reported out that it is status quo there right now, but as we all know, things can change and can change quickly. I would also ask the State Directors, if you have any policy changes in the coming weeks that would impact your travel, to please let Bob or I know as soon as possible.

I know here in Maine we had a meeting earlier this week. It was reported out that we may see some additional travel restrictions, depending on what goes on with the rest of the country. I'm sure all of our agencies are going to be hearing from our own respective governor's offices on things like that, so any information you have that could give us a heads up on would be very much appreciated. We also had a discussion on pending shark finning legislation. There are several bills in Congress. Deke and Bob gave us an update on where those are. Deke gave a thorough update of the conversations that have been happening with our Legislative Committee. In particular, there are a

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few different processes that each bill looks at from a banning of sale of fins, to more of a fisheries management approach.

No action was taken by the Executive Committee, other than to ask the Legislative Committee to continue to remain fully engaged in that topic, and to report out to the Executive Committee if there is any change. That leads us into other new business that was brought up to the Executive Committee.

The first item was the Recovering America's Wildlife Act or RAWA. For those of you that don't know, it's a bill that provides funding for the conservation and restoration of wildlife from plant species to the greatest conservation in need or listed species. The Wildlife Conservation strategies of states, Indian tribes or territories and wildlife conservation education and recreational projects.

The Commission has had some conversations with AFWA on this particular issue, and we've engaged our Legislative Committee. Earlier this summer the Executive Committee approved a letter to support RAWA, and sent that letter to House leadership, and at yesterday's Executive Committee meeting, approved sending a second letter that will be sent to Senate Leadership as the bill moves in that direction.

This particular bill with a little bit finer point on it. This is money that would come in through other federal funds, and then if the bill passes it would be money that would be directed back out to the states to work on those species of the greatest need. It certainly would be much needed money for the states, as we work on issues related to ESA.

Then lastly, Dennis Abbott raised the issue of conservation equivalencies. There has been a lot of focus on this as a management tool as of late, especially as it related to the striped bass addendum. Because the question was asked by Dennis, his thinking was, should we be having a

Commission-wide conversation around this particular issue.

There was good discussion at the Executive Committee, and there was a recommendation that maybe the Management and Science Committee look at this. It was felt as the conversation continued that it probably wouldn't be a good idea to just send it to him broadly and say, hey look at our policy around conservation equivalencies, let us know what you think.

A small workgroup is going to be established. That workgroup will look at the existing policy, look more broadly at some of their most recent conversations, and then make some recommendations on whether we should make some recommendations on what the focus of a conversation with the Management Science Committee would be.

That is going to move forward, and then if obviously any actions that come up through the Committee process will come back to the Policy Board for further conversations. That concludes the business of the Executive Committee. At this point in time, I would be happy to, that's a lot of information between the two State Directors and Executive Committee meetings, but I would be happy to answer any questions or take any comments on those items. I am not seeing any hands. Bob, did I miss anything, just before I move on to the next agenda item?

EXECUTIVE DIRECTOR ROBER E. BEAL: No, I don't think you missed anything, just one thing to add to it, and a segue for your next agenda item is, when Janet Coit was giving her presentation, and sort of the important issues that she'll be working on. One of the things she brought up was governance along the East Coast, and noted the difficulties of climate change, and how quickly things are changing, and the relationship between the three councils and ASMFC and the 15 states.

It's just a really complex structure, and she was looking sort of within the existing laws and what could be done to streamline governance, or have governance be more responsive to climate change.

One of the things she brought up was the very next agenda item, which is the Scenario Planning Initiative along the east coast, which will bring together all three councils and the Commission, and Toni will explain that better. But I think, you know governance along the East Coast is on Janet's radar, and that was interesting to hear for me.

CHAIR KELIHER: Great, it certainly was. I'm glad you reminded me of that, because when that issue did come up, I came back around to it with her, because governance, when you hear government is broadly, and she's focusing on the East Coast, I was wondering if that was going to include the Commission and the Commission process.

The example she gave certainly didn't at this time, but that will be interesting to see how things move forward, especially with reauthorization of Magnuson, if that gets any traction in the future. It's obviously something our Legislative Committee is going to have to keep a really close eye on. That was an excellent pivot town. Before I do pivot all the way over to Toni, just looking for any hands, if there are any comments.

UPDATE ON EAST COAST CLIMATE CHANGE SCENARIO PLANNING

CHAIR KELIHER: Seeing no hands, let's segue right into the next item then, the Update on East Coast Climate Change Scenario Planning, Toni.

MS. TONI KERNS: Thank you, Mr. Chairman, and thank you, Maya for pulling the presentation up. As a reminder, this East Coast Climate Change Scenario Planning is an initiative that we are working on with NOAA Fisheries and the three Atlantic Coastal Fishery Management Councils, so it is a cooperative effort.

Just a quick reminder of what this Scenario Planning Initiative is. This initiative is a way of

exploring how fishery management might have to evolve in the next couple of decades, as climate change becomes a bigger issue. We don't know exactly how climate change will play out and the precise effects it will have, so we're using scenario planning to explore what might happen, and think through what we need to do, in order to adapt to those potential changes.

Scenarios are stories about possible future development. We create different scenarios, thinking of things like a rain shift here, warm waters over there, wind farms are over here, to imagine the worlds that we can face in the decades ahead, and we use these worlds to think about the changes we as managers need to make now, to be better prepared for the future. In this case we're thinking broadly about the implications of climate change for the East Coast fishery management and governance process. But we expect that the conversations could take us into other territories as well. More than anything else, these scenarios are structured in an engaging way, to bring a variety of people together with different perspectives, to discuss complex issues, and in this case it's all about how we as fishery managers and stakeholders prepare for the future of climate change.

For our specific process, the project objectives hope to explore how fisheries governance and management issues will be affected by climate change in fisheries, particularly shifting stock availability and distributions on the East Coast, and second, to develop a set of tools and processes, which provide flexible and resilient fisheries management strategies that will effectively address uncertainty in an era of climate change.

Our draft project focal question is how might climate change affect stock distribution, availability, and other aspects of east coast marine fisheries over the next 20 years, and what does it mean for the future of governance and management across multiple jurisdictions? Some of the expected outcomes that we are thinking we are going to get is a set of scenarios.

These are a few stories that describe in qualitative terms different ways the changing climate might affect the future of fisheries. We'll have a better understanding of the challenges and opportunities facing fishery management. We'll look at a set of near-term and long-term management priorities that help achieve fishery management objectives under different future conditions.

We'll have policy recommendations for broader governance changes that could improve our ability to adapt to these future scenarios. We'll have a list of data gaps and research needs, and monitoring needs for changing conditions, and a framework for ongoing conversations and idea generations for all stakeholders to use.

This is just a quick timeline for process steps that we're going to be using. Currently, we are about to be in the scoping stage. The core group, which includes members from each of the participating organizations, for the last couple of months have been busy putting together draft objectives and expected outcomes, and working on presentations that we're going to use with stakeholders for scoping.

After we scope, we'll go through the exploration stage, where we analyze different forces driving climate change in greater detail, through the analysis of the scoping. Then we will conduct a series of workshops to construct and discuss different scenarios. Then we'll use the scenarios to identify actions and recommendations to the management bodies.

Then from there, we'll identify key indicators to monitor change and outline the next step. As I just said, we are stepping into the scoping stage. In the next couple weeks, you'll see press releases from each of the participating organizations, announcing kick-off webinars to introduce the initiative.

You see on the screen here the dates of those webinars. This is really to introduce climate

change and scenario planning to both managers and stakeholders, and we're looking for all different kinds of stakeholders to come and learn about this process, and to start to gather some information. Following the webinars, we will put out a questionnaire to gather information from the public on these driving forces. That is all I have, Mr. Chairman. I can take any questions.

CHAIR KELIHER: Thank you, Toni, any questions for Toni? John Clark.

MR. JOHN CLARK: Yes, Toni, I was just curious. Thanks for the presentation. I was curious if one of the scenarios being discussed will cover situations such as black sea bass, where the stock is still abundant in its original range, but has expanded greatly into a new range, because as we saw that definitely leads to a very difficult situation to manage.

MS. KERNS: John, the scenarios are not predefined, so through the scoping process we'll hear all different types of ideas. That is something that you can bring to the process. I can't imagine that range shifts and abundance shifts wouldn't be part of those discussions, but anything is fair game. We don't predetermine what the scenarios will be.

CHAIR KELIHER: Thanks for the question, John, any other hands? I am not seeing any hands. Toni, thank you for that update.

**UPDATE ON THE MID-ATLANTIC FISHERIES
MANAGEMENT COUNCIL'S RESEARCH STEERING
COMMITTEE TO EVALUATE RESTARTING THE
RESEARCH SET-ASIDE PROGRAM**

CHAIR KELIHER: Moving right along on the agenda, the next item is Update on the Mid-Atlantic Fisheries Management Council's Research Steering Committee to evaluate Restarting the Research Set-Aside Program, and I've got Adam Nowalsky up for this one. Adam, are you there?

MR. NOWALSKY: Yes, good afternoon, I am. I appreciate the opportunity. I am Chair of the Mid-Atlantic Council's Research Steering Committee.

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The Research Steering Committee has been spearheading the Council's effort with these RSA Workshops. Research Set-Aside is something that has been a collaborative effort between a lot of organizations, including the ASMFC.

When the program was suspended a number of years ago, there was discussion last year, well prior to last year, about how best to consider restarting the program, and what would need to change. These workshops were developed with the goal to develop recommendations regarding whether and how the RSA Program should be redeveloped.

It's just important to note that restarting of the program itself is not a foregone conclusion as part of this process. That is one of the questions that we intend to answer. Regionally, we had planned to do a couple of in-person workshops last year during 2020. COVID put a hold on that. We had at the Council and Committee level considered whether to delay the in-person workshops until after the health emergency had completely passed, and we could definitely meet in person.

The decision was made, due to the uncertainty, to try to get a jump start on things, so the Committee went with a hybrid approach, where we're hosting three webinars with one planned in-person workshop later this year. Our first workshop was held on July 15. We had approximately 40 participants, in addition to members of the public. Those participants came from a number of states and different groups at the federal and state level, with experience either administering the program or taking part of it, including fishermen that have been part of the program, a number of people that had participated as principal investigators on projects as well. Again, that first workshop from July 15, was focused on a research aspect. Next steps for the process are to hold our second workshop, which will center around funding concerns. That is scheduled for August 31.

The third workshop will center discussion around enforcement concerns. That is scheduled for October 14, and the in-person workshop is presently scheduled to be held in Baltimore on November 16. Again, we're hoping to be able to do that in-person, but as the Executive Committee discussion went about in-person meetings.

We'll play it by ear, see how things go, and hope for the best. I'll extend a word of thanks for all those people from the Commission who did participate in the first workshop, look forward to their continued contributions, and I would be happy to take any other questions. Thank you again for the time.

CHAIR KELIHER: Great, thanks, Adam, for that report. Any questions from the Policy Board for Adam? Not seeing any hands going up, Adam, you're off the hook.

COMMITTEE REPORTS

CHAIR KELIHER: Perfect, let's move right along to the next item, which are committee reports, starting off with the Assessment Science Committee. Who is up for that one, Sara?

ASSESSMENT SCIENCE COMMITTEE

MS. SARA MURRAY: Yes, thank you, Mr. Chair. I'll just give a brief report from the Assessment Science Committee. The Committee met on May 13 to address several agenda items, including assessment report streamlining, 2020 data challenges, and revising the stock assessment schedule.

The schedule proposed by the ASC is available in meeting materials. However, I will also briefly review the changes that have been made to the schedule since the Board last approved it at the 2020 summer meeting. First the update of the ecological reference point assessment that was on the schedule for 2022, was removed per the ERP Workgroup's recommendation to only update the single-species assessment and the BAM model before the next benchmark.

For striped bass, the assessment update was shifted from 2021 to 2022, to allow time for management

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changes to take effect, and also to avoid challenges that could result from having a 2020 terminal year for the assessment. The 2023 assessment for striped bass, the assessment update was also shifted to 2024, to maintain the two-year assessment update schedule.

A benchmark assessment for black drum was scheduled for 2022, per the Black Drum Technical Committee's recommendation. The assessment schedule was revised for river herring, there was just an error that indicated it was an update, when in fact it will be a benchmark assessment. Then finally, the Spanish mackerel assessment has been shifted from 2021 to a 2022 expected completion, and with that I'm happy to take any questions on the proposed schedule.

CHAIR KELIHER: Thank you, let's see we've got one hand up with questions. Chris Batsavage.

MR. BATSAVAGE: Thank you for presenting the schedule, because it's pretty busy for the next few years. I noticed that weakfish and cobia aren't on the list just for the next few years. Are those on the horizon for say 2025 onward? I don't know if the Assessment Science Committee has talked about future plans for those two species.

MS. MURRAY: Yes, I don't have the schedule in front of me for the NRCC. Katie or others may have better recollection of that. My thought is that yes, they are on the horizon. If anyone has that off the top of your head, feel free to chime in.

CHAIR KELIHER: Not hearing anybody else chime in.

MS. KERNS: Cobia would be on the SEDAR, Sara, and weakfish would just be something that we would do.

MS. MURRAY: Oh sorry, I heard winter flounder.

MS. KERNS: Cobia and weakfish, and I don't remember weakfish off the top of my head, what the TC recommended last year.

MS. MURRAY: Yes, I know that last time around we sort of pushed for an update to align with the ERP assessment, so I would hope and guess that that may be the case as well. In which case that would be an update in 2022. But I can't promise things for the weakfish.

MS. KERNS: Sara, Pat's got his hand up. He might be able to help us out.

MR. PATRICK A. CAMPFIELD: Thanks Toni, thanks, Mr. Chairman. For cobia specifically, I'm digging for the SEDAR schedule right now. But we'll have to get back to you, as it shows on the schedule here, cobia was assessed a couple years ago, and that was a multiyear effort to evaluate cobia stock structure, as well as follow that with a benchmark assessment.

I think it will be several years, and perhaps beyond this 2024 horizon, in terms of what the SEDAR crowd is considering. But I might pitch the question back to you, Chris. If there is a preference or an urgency to the next cobia assessment, please let us know what that is, and at least for Bob and my part and participating on the SEDAR Steering Committee, we can put a request in formally, to get that on the schedule for an out year.

CHAIR KELIHER: Thanks, Pat, and Chris can chime in with you offline if he needs to on that. Lynn Fegley.

MS. FEGLEY: I have similar questions, spot and croaker, I should probably know the answer to this. But I was under the impression that those would go through another benchmark, and I'm just curious what that means in 2024 that if the trigger date/potential review. Would they be doing a benchmark, or what are we doing there?

MS. MURRAY: Yes, the trigger is just that it hasn't been formally scheduled yet. I believe you are correct that it's a benchmark though. I can't remember if it is for both of them. I'm trying to pull up our last go around we had shifted them back to

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account for the bottleneck that was occurring in 2022, I believe it was. Give me a moment, I can try to pull that up though, or if one of the stock assessment scientists knows off the top of their head.

DR. KRISTEN ANSTEAD: Yes, this is Kristen. Those are supposed to be benchmarks, croaker and spot in 2024.

MS. FEGLEY: Awesome, thank you so much.

CHAIR KELIHER: Thank you, I appreciate that. I don't see any other hands. We have a proposed update to the assessment schedule. Is there any opposition to the changes in the schedule? If there is, if you could raise your hand.

MS. KERNS: Mr. Chairman, before you ask for that, can I just ask one more clarification from Sara?

CHAIR KELIHER: Absolutely, go ahead.

MS. KERNS: I apologize, I just want to make sure we have it right on the record. The slide says an update in 2024 for striped bass here, and I thought your other slide said benchmark for 2024 for striped bass. I just want to be clear of what it is.

MS. MURRAY: I believe update is correct. I don't know if the previous slide had the wrong information.

DR. KATIE DREW: This is Katie.

MS. MURRAY: Yes, it's update.

DR. DREW: I think 2024 would be the five-year trigger for striped bass, but it has not been officially scheduled or added to the SARC schedule yet. I think we have an update, because we would be doing at least an update to support the ERP benchmark process, as well as management. But it hasn't been formally scheduled either way, and I think that is

something that the TC needs to weigh in on, to figure out if we'll be ready for a benchmark or not in 2024.

MS. KERNS: Thanks, Katie.

CHAIR KELIHER: Great, and thank you for that clarification, so back to the Policy Board. We have an updated assessment schedule in front of you. Are there any objections to the updated schedule? Seeing no hands going up, hearing nobody chiming in, then we'll consider the assessment schedule updated by consensus. Thank you very much, and let's move right along with the reports, and we'll go to the Habitat Committee. Lisa.

**ATLANTIC COASTAL FISH HABITAT PARTNERSHIP
STEERING COMMITTEE**

DR. LISA HAVEL: I'm going to start with the ACFHP one. The ACFHP Steering Committee met virtually June 29 to 30. We discussed the progress made on the National Fish Habitat Conservation Through Partnership Act, which was passed back in October of 2020. The Steering Committee also received an update on current on the ground projects, and I'll go into some of those in the next couple slides. I gave an update on the progress on our fundraising development strategy. The Steering Committee approved the 2021 Melissa Laser Fish Habitat Conservation Award recipient, and hopefully we'll be able to present that award in October in New Jersey at the annual meeting, but of course we'll be keeping an eye on Delta, as Mr. Chair already mentioned.

We welcome Restore America's Estuaries as the newest ACFHP partner. For fiscal year 2021, National Fish Habitat funding, we received funding for three on the ground projects plus operational support for ACFHP, and the amount of funding was considered Level 3, which is the highest amount of funding available to a fish habitat partnership, and this is based on performance in previous years. We're excited to be getting this level of funding.

The first project that we'll be funding for 2021 is titled Living with Water-USS Battleship North

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Carolina Habitat Restoration. This is in the Cape Fear River, Wilmington, North Carolina. They'll be receiving \$50,000.00 from NFHAP funding, and the total cost of the project is 3 million dollars, led by Battleship, North Carolina, and the goal is to connect hydrologic function and services to the Cape Fear River, to restore 800 linear feet of inner tidal shoreline, and establish two acres of tidal wetland.

Here is an aerial view of the project site. The second project that will be funded is Armstrong Dam Removal on the Monaquot River in Braintree, Massachusetts. Hopefully I pronounced that correctly. They'll be receiving \$50,000.00 of NFHAP funding. Total cost of the project is 3.34 million.

This project is led by the town of Braintree, and will restore 36 miles of upstream access for river herring and American eel, and it's part of a multi-barrier removal project on the river. Here is a picture of the Armstrong Dam, as well as an aerial view of the project site. The third project that will be funded with NFHAP funding is ecological restoration of 39 salt marsh acres at Great Meadows Marsh.

This is at the Stewart B. McKinney National Wildlife Refuge in Stratford, Connecticut. They'll be receiving \$47,333.00, and the total cost of the project is 1.57 million. This is led by Audubon Connecticut, and the goal is to remove invasive plants and dredged fill soils, in order to restore marsh elevation, to reconnect a pond to the tidal channel, and remove two defunct culverts.

Here is an image of the degraded marsh, as well as an aerial view. ACFHP also received funding from NOAA Recreational Fisheries through a grant called Increasing Recreational Fisheries Engagement through the Fish Habitat Partnership. This funding will go towards Bill Burton Pier in Cambridge, Maryland.

We received \$65,968.00, and the funding will go to CCA Maryland, in order to improve

outreach, both in Spanish and English about the 350 reef balls that are located under the pier. The outreach will include a live camera, as well as reef ball building activities. A video about the project and signage along the pier about the project and the species that it's benefiting. Here is a map/aerial view of where the live cams will be, as well as where the restoration site is. ACFHP also endorsed four projects since the last time I provided an update. Two of these are proposals that are led by universities, and two of them are on the ground projects. As far as the two on the ground projects, the first one is Carysfort Estuarine and Rockland Hammock Restoration on Key Largo. This project is led by Florida Department of Environmental Protection and Dagny Johnson Key Largo Hammock Botanical State Park, which is quite a mouthful.

It will restore over two acres of mangrove, tidal flat, and rockland hammock. The second project endorsement is also in Florida, it is Cape Sable Coastal Wetland Restoration Project in the Everglades, led by Florida Fish and Wildlife Conservation Commission. It will restore 50,000 acres of salt marsh, mangrove and loose fine sediment.

ACFHP as always, would like to thank ASMFC for your continued operational support, and I'm going to jump into the other updates, and then I'll be happy to take any questions at the end, if that's okay. Next up is the Habitat Committee report, and this one will be much more brief. The Habitat Committee met virtually on June 24, and they received updates on the documents in progress, Acoustic Impacts to Fish and Fish Habitat, as well as the Habitat Hotline. The topic of this year's Habitat Hotline will be Coastal Fish Habitats as Climate Change Buffers.

We also continued working on the Fish Habitats of Concern, which is very close to going out to the Technical Committee's for review. I'm happy to say I just have a couple species left to go on that one. We had a discussion on dredge window elimination proposal in the U.S. Army Corp of Engineer Savannah District, and the Habitat Committee has a draft letter in process.

This letter is very similar to the letter that was sent by the Commission earlier this year to the Army Corp Wilmington District, in regards to concerns around the Army Corps proposal to eliminate dredging windows, and how the elimination of those dredging windows will affect Commission managed species, as well as set precedent for other districts along the coast. But this letter to the Savannah District will also include additional information on protected species.

HABITAT COMMITTEE

DR. HAVEL: The Habitat Committee is hoping to get right now from the Policy Board, consensus to send the letter to the Corp, and staff has discussed with leadership to have the Commission Chair, Vice-Chair and Doug Haymans sign off on the letter, in order to get this out in a timely fashion. I might stop right here, Mr. Chair, if that is okay with you, and see if we can get consensus from the Policy Board, to just have the Chair, Vice Chair, and Doug Haymans sign off on the letter once it's ready.

CHAIR KELIHER: Sure, thanks, Lisa. I did see a draft of the letter, and I do know it's still a work in progress at this time. Does the Policy Board have any objections of leadership working with Doug, to finalize this letter? I am seeing no hands, so I will take that as consensus of the Policy Board to advance the letter to leadership to be finalized. With that, you can continue on, Lisa.

DR. HAVEL: Great, thank you, Mr. Chair. Finally, with the Habitat Committee, we have a couple of new members since the last update, Alexa Fournier from New York, David Dippold from Pennsylvania, and Randy Owen from Virginia.

ARTIFICIAL REEF COMMITTEE

DR. HAVEL: Finally, the Artificial Reef Committee report, which I have just one slide to put on here. The Artificial Reef Committee released an update to the ASMFC Profiles of

State Artificial Reef Programs and Projects, and this original publication was from 1988, and the update was released in July, and highlights some of the accomplishments over the last 30 plus years.

The Policy Board approved the language of this update, I believe back in the winter. The publication summarizes the number of permitted sites, mitigation rates and average annual budget along the coast. Has information for each state with an artificial reef program, and the publication is available on the ASMFC website. As always, the Habitat Committee and Artificial Reef Committee welcome any suggestions for action items that you would like to have us work on. With that I'm happy to take any questions.

CHAIR KELIHER: Thanks, Lisa, any questions for Lisa on any of these issues? Adam Nowalsky.

MR. NOWALSKY: Thanks very much for that report. Could you provide some further detail about the scope of the acoustic impacts work that you're doing and reporting out on through the Habitat Committee? Specifically, what I would be interested in knowing, if any of that would be doing any research related to offshore energy development, wind in particular.

We at the Mid-Atlantic Council have had some discussion about concerns and potential impacts that have been reported with angler interactions with sub-acoustic bottom profiling, for example. Was wondering if the acoustic impacts work that you're doing right now would include something like that, and if not what the scope of it would be that might be relevant to wind development.

DR. HAVEL: Sure, a lot of the acoustics draft right now is completed, except for, I would say the impacts to fish habitat sections. We have a lot of information right now ready to go on the introduction, Impacts to Fish, and we're still trying to compile the literature on how it might impact the habitat portion.

We are considering wind as part of that, and I would assume one of the recommendations would

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be to research more, because as we saw earlier today, you know there are impacts on the fish, but the studies are few and far between. I think we're limited right now, in terms of the literature and the case studies on this. But we do want to include wind in the report.

MR. NOWALSKY: Just one follow up if I may, Mr. Chairman.

CHAIR KELIHER: Absolutely.

MR. NOWALSKY: Would you agree that impacts of sub-acoustic bottom profiling gear would be appropriate for inclusion in the report, at least as to whether or not you can find any literature that may be relevant to those impacts? Would I expect to see that in this report, or would I not expect to see that in this?

DR. HAVEL: If we can find the literature on sub-acoustic bottom profiling gear, and if you have any to send me, I'm happy to share that with those preparing the report. Any literature that you have on that, I'm happy to review, and then the Habitat Committee is happy to consider putting it into the report.

MR. NOWALSKY: Thank you very much.

CHAIR KELIHER: Thanks, Adam, do we have any members of the Policy Board that have any questions for Lisa? We do have one member of the public. Mr. Fletcher, we're starting to run into some time constraints, so I'll give you three minutes, please.

MR. JAMES FLETCHER: The National Coastal Conditions Report put out by EPA lists a number of chemicals, man-made chemicals in all of the coastal waters. When will the Habitat and stuff address the man-made chemicals and plastics in the coastal waters? Will that ever be addressed by the Habitat Committee? Will water conditions be addressed by Habitat Committee? Thank you.

CHAIR KELIHER: Thank you, Mr. Fletcher. Lisa, do you have any comment on that?

DR. HAVEL: If that is of interest for the Policy Board or a specific management board for the Habitat Committee to take on and discuss, we're very happy to do that. Water quality is definitely an issue, and the water column is obviously a habitat for fish. If that is something that the Commission is concerned with, we are happy to take that on.

CHAIR KELIHER: Great, thank you, Lisa. Before I switch, I'm going to give the Policy Board one more bite at the apple here for any last questions, before we go to the next item. Seeing no hands, that concludes the committee reports. I want to thank Sara and Lisa for those excellent reports. The next item is Review of Noncompliance, and happy to report that we have no noncompliance finding at this time.

OTHER BUSINESS

With that we will move on to Other Business, and I have Adam Nowalsky regarding the appeals process. Adam.

NEW YORK APPEAL OF ADDENDUM XXXIII TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN

MR. NOWALSKY: Thank you very much, Mr. Chairman. As I'm sure probably everyone has heard by now, the Summer Flounder, Scup and Black Sea Bass Management Board did complete its deliberations yesterday in working with the Mid-Atlantic Council. As a result of the appeal, New York was given a 1 percent increase to the baseline allocation.

Let me just start off by thanking everybody that was involved in that process. It was a lengthy meeting yesterday. Thankfully, it didn't seem to impact the Menhaden Board by us taking up too much time, so thanks again to everybody for their working on that. During the course of getting ready for that meeting, there were two items relevant to the appeal that

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came to my attention that I wanted to bring before the Policy Board today.

I've passed these notes along to you already, Mr. Chairman, so you have seen them earlier today. The first one is that the appeals process as it was last modified and approved back in 2019, is essentially silent on what happens after the Policy Board makes a directive to a species management board. What we're left with in the document right now is, upon receipt of the Policy Board recommendation, the management board will discuss the findings and make the necessary changes. The management board is obligated to make changes that respond to the finding of the Policy Board. Specifically, what's come up is the question of, should a management board not be able to come to a decision that is within the findings of the Policy Board, what happens at that point?

Some possible scenarios that have been discussed between myself and staff was that the Policy Board may take ultimate action. What is also missing here is any type of timeline. There was some discussion that perhaps a management board might benefit from some work by a technical committee or a PDT potentially.

The timeline that will be required, I think the assumption was that the management board would take action at its next meeting. But I think there might be some room for discussion. I'm not saying that decision has to be made here today, but I just wanted to raise that issue of what happens after the topic goes back to the management board. I think the appeals process is somewhat lacking in further detail in that.

The other item to bring up, and this came up during the discussion yesterday, as well as some management board members have brought it up today, and I don't know if you want to entertain any input from some of them who may be on. There is concern about, is there a potential precedent setting by a Policy Board

being drawn into an appeals process that results in a change to an allocation decision.

There was talk about whether perhaps this might be appropriate to bounce back to the Allocation Working Group. There was talk about the management board itself possibly trying to dive deeper into this and discuss it. We did not have time yesterday, but possibly at a future meeting. But I certainly think it would be helpful for the Policy Board to at least provide some direction to those that were interested in that concern, about what you may be doing to address it. Thank you for giving me the opportunity to bring those issues forward.

CHAIR KELIHER: Thanks, Adam, I appreciate you bringing those forward. I think on the first point, well let me back up. I did have a conversation with our Executive Director around these particular issues. I think we were both in agreement that the appeal process, as it pertained to black sea bass, and the appeal from the state of New York.

Certainly, the process worked, and we carried it right out through to the very end, with the result of the 1 percent change in the allocations, as you suggested, Adam. I think from that standpoint things worked. This question of what happens if the species board did not act. To me the natural thing would be that it would have to then go back to the Policy Board and be addressed.

With that in mind though, I think it's clear that the document is silent on that. What I would suggest is that staff takes a look at that document, makes potentially some corrected changes in a draft format, and then brings it to the Executive Committee, and then ultimately back to the Policy Board for a final vote on any changes that are needed in that document. Then, regarding the deliberations. I mean I felt like we were really consistent with the issue at hand yesterday, with both leaderships finding that the appeal was warranted, and the fact that the Policy Board then stayed very focused on that one particular issue, and trying not to broaden it. I think the fact that we didn't broaden it has raised some level of criticism.

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I wouldn't necessarily agree with it, but I am just one of many of us. I would be happy to entertain a few comments around the particular issues that Adam has raised at this time.

Maybe if there is agreement by the Policy Board that we have staff take a look at this and bring it back up through. We'll use the Executive Committee again, as kind of a workgroup on this matter, and then we can bring it back to the Policy Board for any final adoptions, if that is the case. I'm going to go back to the Policy Board at this time. I've got one hand up, Pat Geer.

MR. PAT GEER: First I would like to thank Mr. Nowalsky for bringing this up. I don't sit on the Summer Flounder, Black Sea Bass and Scup Board, but I was listening in. The entire Virginia delegation from both the Council and the Commission expressed concerns about this. We would greatly appreciate the Executive Board looking into this, and exploring it further. I just want to again thank you for the consideration on this, and hopefully we can straighten this out so we don't have the problem moving forward in the future.

CHAIR KELIHER: Great, thanks for that comment, Pat. John Clark.

MR. CLARK: I'm glad these points came up. I think the process was, depends on your perspective. I don't think it worked very well, mainly because I think the Policy Board, what they sent back to the management board were options that were not in the Addendum. I know we're not as restricted as we are, like in a regulatory process, where you have to follow the Administrative Procedures Act, I know every state has one, federal government has one.

But at the same time, we ended up being told to do an option that wasn't even in the plan. I've heard that went out to the public for comment. You know in those cases, I think we need to be a little more careful with the Policy Board, that if they are going to remand

something back to the management board, that they need to remand something that is based on what went out to the public, and was seen by the public.

I mean this came as a rebuke, in my estimation, to the states that had voted legitimately for the options that went into what was then the approved Addendum XXXIII, and then to have it come back, you know I get it, with the appeal, fine. But to be told to then cobble together some options that weren't even in the Addendum that went out to the public. I think that is something else we have to look at. I mean if there is going to be remand, I think it has to be something that is in the actual Addendum that goes out for public comment. Thank you.

CHAIR KELIHER: Thanks, John. I believe some of that was in the document that went out and was discussed at the Board meeting back in February, but not to debate the point. The level of flexibility.

MR. CLARK: Pat, I don't want to debate it, I'm just saying that you kind of have to look at the Draft Addendum cross eyed and sideways to come up with that option. I mean it really was not a straight up option that was reviewed by the public. I mean I know we often do things that are between two options when it is in a single option, as we did with Connecticut. You know, instead of 5 percent they were given 2 percent. But this was really cobbled together from several different options there, and that was never discussed in the Draft Addendum that the public saw. I'll just leave it at that, but you know again, if this happens again let's just be a little more careful.

CHAIR KELIHER: Pat, I see your hand is back up. Was it left up, or do you have another comment?

MR. GEER: I apologize, Sir.

CHAIR KELIHER: No need to apologize, thank you. Any other questions or comments from the Policy Board? I'm not seeing any additional hands. I do want to thank Adam for bringing this particular issue up. Similar to the conservation equivalency

conversations that were had at the Executive Committee, we have a Policy Document on this.

These policy documents are meant to be adaptive and meant to change as we come up with or run into issues that hadn't been thought of, right? This is the case here. With no objection, we'll have staff go back, review the document, review the comments here today, and then bring any potential changes to the Executive Committee for further discussion, use the Executive Committee, as I said, as a workgroup, and then we'll advance it back to the Policy Board for the October meeting. Any objections to that approach?

ADJOURNMENT

CHAIR KELIHER: Seeing no hands and hearing no objections, then we'll move forward in that direction. That concludes our business of the ISFMP Policy Board, unless there are any additional items that people would like to bring up under Other Business. Seeing no hands, I will adjourn the Policy Board meeting at this time.

The Business Session is scheduled to begin at 2:45, and let's just stick with that schedule. We've all been here sitting in our chairs for quite some time. We'll take a 15-minute break, and then we'll come back at 2:45, where we've got some quick business to deal with. Well, thank you very much for your time on this particular item, and we'll talk to you in about 15 minutes. Thank you.

(Whereupon the meeting adjourned on
Thursday, August 5, 2021 at 2:30 p.m.)