

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

**The Westin Crystal City
Arlington, Virginia
August 7, 2019**

Approved October 31, 2019

Proceedings of the ISFMP Policy Board
August 2019

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1. **Approval of agenda** by consent (Page 1).
2. Approval of Proceedings of May 2019 by Consent (Page 1)
3. **Move to approve changes to the ISFMP Charter, changes to the Technical Guidance and Benchmark Stock Assessment document, and approve Working Group SOPPs as modified today** (Page 19).
Motion by Dennis Abbott; second by Justin Davis. Motion carried (Page 19).
4. **Move to adjourn** by consent (Page 24).

ATTENDANCE

Board Members

Pat Kelihier, ME (AA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Sen. David Miramant, ME (LA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	Stewart Michels, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Mike Luisi, MD, Administrative proxy
Raymond Kane, MA (GA)	Robert Brown, MD, proxy for R. Dize (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Steve Murphey, NC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, proxy for R. Boyles (AA)
Bill Hyatt, CT (GA)	Doug Haymans, GA (AA)
Jim Gilmore, NY (AA)	Spud Woodward, GA (GA)
Maureen Davidson, NY, Administrative proxy	Erika Burgess, FL, proxy for J. McCawley (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Sen. Thad Altman, FL (LA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Tom Fote, NJ (GA)	Alesia Read, NMFS
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak	Sherry White, USFWS

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

Staff

Robert Beal	Jessica Kuesel
Toni Kerns	Mark Robson
Caitlin Starks	Tina Berger

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The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 7, 2019, and was called to order at 8:30 o'clock a.m. by Chair James J. Gilmore.

CALL TO ORDER

CHAIR JAMES J. GILMORE: Good morning everyone. Welcome to the ISFMP Policy Board. My name is Jim Gilmore, I will be chairing the meeting today, along with our assistant Chairman, whatever, I'm all right, Pat Keliher, and Toni of course will be keeping me out of trouble, and she's already failed. But first before we get going, I would like to recognize Mike Luisi. Mike had wanted to make a statement. Mike.

MR. MICHAEL LUISI: I thought that this would be a good time to recognize the passing of a good friend and long-time colleague of mine, Captain Ed O'Brien, who I know all of you know very well. Ed passed away on June 1st of this year after a long battle with cancer. He was an amazing man, and lived a life that folks in Hollywood make movies about.

Ed's passion and dedication was recognized this past March, when our Governor Larry Hogan bestowed the highest honor to Captain Ed, naming him Admiral of the Chesapeake Bay, for committing his talents to improving the management of our natural resources, and preserving our state's fishing heritage and charterboat industry for over 40 years.

I was fortunate enough to be there that day when Ed, surrounded by his family, was recognized for this great achievement, and in true Ed fashion when I shook his hand to congratulate him, the first thing he said to me was, "Are there any updates on the striped bass situation?" Ed spoke of this Commission as an extension of his family, and in recognition of his passing I ask that we honor him with a moment of silence. Thank you, Mr. Chairman.

CHAIR GILMORE: Thank you, Mike, and yes we'll definitely miss Ed. Ed was a great guy.

APPROVAL OF AGENDA

CHAIR GILMORE: Okay, we're going to first go into approval of the agenda. Are there any changes to the agenda or additions? I have a couple already. We're going to add on an LGA Summary, and Dennis Abbott is going to be doing that. Then we had a comment about striped bass tagging, Marty Gary put it on, so we're going to add that to Other Business. Are there any other changes to the agenda? David Borden.

MR. DAVID V. BORDEN: I request like two or three minutes to talk about right whales.

CHAIR GILMORE: What kind of whales? No. Okay, any other changes to the agenda? I will put that on at the end, David.

APPROVAL OF PROCEEDINGS

CHAIR GILMORE: Moving along, we had the proceedings from the May, 2019 meeting. They were in your briefing packet. Are there any changes or additions, subtractions from the proceedings? All right seeing none, we will adopt that by unanimous consent.

PUBLIC COMMENT

CHAIR GILMORE: Next is public comment. Is there anyone in the audience that would like to make a comment on things not on the agenda? Now is the time you could come up. But we haven't exactly packed the room, so I don't think we have public comment, so we'll move right along.

**UPDATE FROM THE EXECUTIVE COMMITTEE
AND THE STATE DIRECTORS MEETING**

CHAIR GILMORE: The first business item is the update from the Executive Committee and the State Directors Meeting.

I'll start with the Executive Committee, because that is more fresh in my mind. I think Toni and

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Bob maybe will help out on the State Director's Meeting, since that was so many days ago. Anyway, yesterday the Executive Committee met, and we had several topics we went over. The first was about dues in arrears for the ASMFC dues.

There had been an issue that came up, and Pennsylvania had been in arrears. But thanks to the efforts of Andy Shiels, we've pretty much got that back on track. Their process for doing this was different from the other states, so it had been lagging actually for several years. Currently, and Andy reported out yesterday that the 2019 dues are up-to-date for all three Commissioners.

Then the back fees that hadn't been sent to the Commission, we should be receiving them in the next 30 to 60 days. Andy again, thanks for resolving that whole thing, so that made it a much quicker discussion. However, after reviewing this it turns out this is not the first time this has happened, it's actually happened a couple of times in the past.

The Executive Committee, we talked about it a bit and we decided it was probably not the best place to resolve this, if you've got a state that is currently in arrears. Now that everybody is sort of paid up, we decided we would proceed with putting together a policy on this so that it is clear. If we do get into a situation where some state cannot pay or whatever, or is behind their payments that there is some clear guidelines as to what we should or shouldn't be doing, and that they understand.

I think Andy made a comment too at this particular instance. If they had had a policy it probably would have been easier to bring that to say look, if we don't get caught up these are the steps that are going to happen. Pat and I and Bob are going to flesh out a policy, for essentially a document. Laura has already been working on that that we'll bring before the Annual Meeting, and we'll try to get that finalized so that we have some clear guidance, so if this happens again in the future we'll all be

clear as to what happens. Are there any questions on that?

Okay, next item was Revision of the Annual Report. We had talked about that the report had gotten very large, and Tina has done a great job as to this magnificent report, and the information on it. But it was getting to the point it was a great deal of work, it was getting very large. A lot of the information was available on the website.

We're going to have, I think everyone in the room pretty much agreed, that a printed copy of the report was still important because we could bring that to Capitol Hill or State Legislatures, whatever. But we were going to do a reduced version of it, so a scaled down one that maybe people will look at when we bring it. The larger document tended to get maybe thrown on a coffee table or whatever. We're going to have the larger version reduced down to maybe a quarter of the size. We'll be I guess putting together some drafts on that.

Tina has already gotten one version that looked pretty good. However, all the information will still be available on the website, so it's kind of like if you've got the report you can use that as a guide, but if people really want to get into the weeds on it they still can get referred to the website, which has everything that ever want to know about ASMFC, questions on that?

Seeing none, the next topic was the For-Hire Telephone Survey Transfer. I think at the last Executive Committee meeting there was probably a split 50/50 about maybe some states wanted to do the survey, others didn't. But after getting more detail on it, yesterday's discussion pretty much it was almost unanimous that most of the states are going to take on the Federal Survey, and add onto what they're doing with APAIS.

They'll be doing the phone calls for the for-hire part of the survey, with the exception of Delaware. Delaware for other reasons, they were concerned about it. They have such a

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small for-hire fleet that the Commission is just going to take over that part of it, and they'll be doing the calls for that.

But the other states that serve part of the survey will be transitioned to the individual states. The NOAA Fisheries has provided additional funding for this, so we'll all be working on implementing that as we move forward, questions on that? Seeing none, the next topic was Bio-security in Bait Sources.

There was a concern about some of the baits that are being brought in now, and this was actually an education for me after we talked about it. I run the shellfish program in my state, and we have very strict standards about what can be brought in, because of disease or parasites or whatever that could be being transported with that.

But now that we're getting creative in the types of baits that are being brought in from different areas, either different regions of the U.S. or even internationally that there is some concern about that. This started with the Lobster Board, and there was a draft Resolution that was put together that we reviewed yesterday.

There was pretty much agreement that this would be a good thing to pursue, and maybe put together a work group to figure out how we want to proceed on this. We agreed that the resolution would be brought forward. I think we're going to make some modifications to it. Then we would bring it before the Policy Board at the Annual Meeting.

You should be seeing a version of that between now and the Annual Meeting. Are there any comments on that? Okay lastly, Laura went over the Annual Meetings, just an update of where we are. The next meeting is going to be in New Hampshire, and I know that New Hampshire folks are working diligently on that. In fact they're meeting with Laura at lunchtime today to finalize everything. From what they've told me, it sounds like it's going to be a great time. There is some kind of a lobster smack

down with Maine, but I'm not getting in the middle of that. Who has got the biggest lobsters in the northeast? Then the following year will be in New Jersey, so we'll be somewhere in New Jersey, but I don't think they've picked a spot yet at this point, and then after that North Carolina.

Then I know this one, because I will have done the circuit, because the first meeting I went to was Maryland, so I will be here 15 years and 3 years. We're looking forward to that. On that we'll go into the Monday meeting. We essentially met, for all you who aren't aware is that once a year we meet with NOAA Fisheries at the start, and it's pretty much been the Monday of the Summer Meeting.

The State Directors sit down with NOAA Fisheries, and we go over a bunch of things; issues that are up before us, budgets, and a whole list of things, so we get a more candid discussion. Sam Rauch had come down from Silver Springs along with Kelly Denit, Derek, and a whole bunch of other folks. We had a pretty good representation from NOAA Fisheries. It was a productive meeting. Bob, do you want to go into any specific details about the meeting? Okay, go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a couple quick highlights. The meeting was a full day, so I won't go into all those details. One of the primary reasons that we get together with the NOAA leadership from Headquarters, as well as the Southeast and Northeast Region is to talk about budget priorities for the Commission.

Hopefully as NOAA develops their out year budgets they'll consider the priorities and the feedback from the states. It also gives all the states and Deke and I some perspective when we go to Capitol Hill and talk to staff and appropriation staff, on what are the priorities and what are the things the Commission would like to see.

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Make sure that the funding continues and isn't degraded over time, and then maybe even some increases. The budget lines that came out as priorities during that conversation were obviously the Atlantic Coastal Act, which is a portion of the Federal Council and Commission's Line in the federal budget.

There is one line that funds the three Interstate Commissions and the eight Regional Councils. The share that we, ASMFC we receive of that is under the Atlantic Coastal Act. Obviously looking out for the Council and Commission budget line, and the ASMFC share of that is the highest priority, and really what keeps us going here.

There was a pretty significant increase in that line last year, about a 12 percent increase. Of that increase the Commission decided that that increase all should go out to the states, to conduct state level data collection and keep all the programs going at the state level that are needed to implement the Atlantic Coastal Act.

That was a big success, and I think that the allocation directly to the states seems to be having the desired effect, and a lot of the state budgets have been cut over the years, and this has allowed a lot of states to reinvigorate some surveys, or at least keep some surveys going at baseline levels, which was good. Some of the other priorities that came out, obviously we'll go with the NEAMAP Program, which is a fishery independent survey in the northeast, SEAMAP Program, which again is fishery independent work, but in the southeast. SEAMAP Program has not received much of an increase over time, and is in fact losing sampling stations and is in a pretty tough spot. We want to keep looking out for that.

The next priority was fishery information networks, the FIN Programs, we call that ACCSP, but the other coast calls it FIN Programs. Interjurisdictional Fisheries Act, which is a grant program that goes out to the states, there is a requirement for matching funds at the state level, so it's about a 2 million dollar program,

but once you put the matching funds in it amounts to about 4 million dollars-worth of work that goes on up and down the coast. It's pretty important.

Recreational data collection obviously is important. Funding for that is spread out across a couple lines in the federal budget. But the notion that we need to keep MRIP going at current levels, and in fact any time we can increase sample sizes through the site intercepts that provides better data to the program.

Then we also talked a little bit about Saltonstall-Kennedy, which is a competitive grant program. It was zeroed out essentially for the competitive grants in this year. Next year we're hopeful that there will be more competitive money available, and S-K will be again available for the states and other folks to apply to receive some money.

There were a number of other discussion topics that we had. We wanted to ensure that the continuing support comes out of the Northeast and Southeast Fishery Science Center at NOAA. A lot of those folks sit on our Technical Committees, and they do great work for us. We wanted to make sure that again that work continued.

We did have some concern about some of the peer review slots through the SAW/SARC Process and the SEDAR Process in the Southeast, and wanted to make sure that we are still able to get ASMFC species into the mix there and on the schedule, and peer reviewed. If we're unable to do that then we have to revert back to ASMFC peer reviews, which are equally robust, but they cost the Commission a fair amount of money to find reviewers and venues and other things.

That was another topic. We did talk a bit about the Modern Fish Act. Kelly Denit provided an update on the Modern Fish Act. That was the act that was approved December 31, 2018, I believe. It includes a number of provisions and

a number of studies looking at limited access, LAPPs, Limited Access Privilege Programs, and there is recreational data provisions in there about how do we incorporate states and other data into stock assessments and management. There is going to be a study on in-season adjustments using the MRIP data.

There is a series of studies coming out. Most of them end either at the end of this calendar year, or at the end of 2020. We do have a Power Point on that if anyone would like it, just let me know, I can forward that PowerPoint to you. Mr. Chairman, I think those are the highlights. We did talk about some other ESA issues and aquaculture, and what's the disposition of seized illegal harvest, and a number of other things. But in the interest of time I'm happy to answer any questions, but I don't want to provide a whole lot of detail on that unless folks want it.

CHAIR GILMORE: Thanks Bob, any questions on the State Directors Meeting? Okay again, if anybody has got stuff, we would be happy to talk about it more after the meeting today. Just before we go into the LGA Report, I'm going to put you up next Dennis, if you're ready. I just wanted to acknowledge, I was remiss that we have a new member at the table. Alicia Reid is sitting at the table, representing NOAA Fisheries at the Policy Board. Welcome, Alicia. You've got a big pile of people that you follow, so welcome. Okay Dennis, it's all yours.

MR. DENNIS ABBOTT: I'm going to defer to Roy Miller to give the report.

CHAIR GILMORE: Okay Roy.

LGA REPORT

MR. ROY W. MILLER: Thank you, Dennis. We had good attendance at the LGA Luncheon, a good crowd. Just about everyone contributed to our discussions. Dennis got the ball rolling by posing a question to each and every one, and that question was specifically. If you were king, how would you address the problems

associated with shifting fish stocks and antiquated allocation methods?

Tina and I took some notes, and Tina was kind enough to summarize them, so I'll quickly go through the summarization that Tina provided. The discussion was robust, and some of the issues discussed included building in the concept of conditional allocation into our management programs that would allow dynamic allocation, based on resource, health and distribution.

For quota managed species, establish a pool of unassigned quota that could either be used by the states that need it, or held back when the species conservation demands it. Next bullet point is recognition that the public is increasingly intolerant of allocation paralysis. The observation that we may not be including important information or data on species, due to the rigorous criteria maintained by our Technical Committees regarding the number of samples in the dataset, or the limited time series of a data collection program.

Next bullet point, the need to evaluate current studies identifying those species that are most vulnerable to distribution shifts, and I should point out that some of the species that were used repeatedly as examples in our discussion, included Atlantic menhaden and black sea bass. Certainly there are others.

The concept of using the market to determine species allocations between sectors that was discussed. Next bullet point, how do you reallocate quota and maintain critical infrastructure that was created as a result of historical allocations schemes? Then the final bullet point, the recognition that if we don't address this head on, someone else will force our hands to do so, or do it for us, i.e. Congress for instance.

Based on this discussion the LGAs recommended the ISFMP Policy Board consider a workshop to allow for a thorough discussion of shifting species distribution and reallocation

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that is not tied to a specific species. It further recommended that the staff draft a white paper that provides background on those species that are exhibiting distribution shifts, with some examples of some species allocation schemes. We even went so far as to bring in invasive species. Blue catfish were brought up as an example of an invasive species that is having an impact on our managed resources. If the Chair is inclined, I would consider making a motion to the effect that and I'll repeat that last paragraph. Recommend that the ISFMP Policy Board conduct a workshop to allow for a thorough discussion of shifting species distribution and reallocation, and recommend that the staff draft a white paper that provides background on those species that are exhibiting distribution shifts, with some examples of some species allocation schemes. Mr. Chair, if you're inclined I will make that motion to that effect.

CHAIR GILMORE: Okay Roy, hang on to the motion for a moment. I would like to get some discussion on this, and I'm not even sure if we need a motion, depending on how that goes. Let's start with just; does anybody have questions, comments, whatever for Roy? Dave Borden.

MR. BORDEN: I was not in attendance. I was in an airplane at the time. I support the motion, but I would raise a concern that this is very similar to what you discussed yesterday, and the fact that the leadership is already working on this. I just raise the concern that it may be a little bit duplicative. I think the message that the LGAs have sent is a powerful, useful message. But I think the leadership should try to figure out what the best methodology is for doing this. I'm not sure we need the motion.

CHAIR GILMORE: Other comments, questions? Mel Bell.

MR. MEL BELL: Just somewhat similar. From the Council perspective or the Council Coordination Committee perspective, those same things are being discussed by others, and workshops. I don't know if there are

advantages to kind of syncing some of this up to take advantage of folk's already discussing similar things, perhaps for different species or the same species. I guess everybody is aware that's going on with the Council's and all as well.

CHAIR GILMORE: Ritchie White.

MR. G. RITCHIE WHITE: If the timing is not right for this motion at this point, I think the concept of what the LGAs did I think would be helpful for the Board to use as a process, because we just don't. The Full Commission very seldom has the ability to sit around and figure out stuff and talk back and forth. We're always in the more structured situation. I thought we got some good ideas out from that process. Whether it's now or later on, I think using that process might be helpful.

CHAIR GILMORE: Steve Murphy.

MR. STEVE MURPHY: I concur with that comment that it would be a little less structured environment, probably more productive than standing amongst the Full Board. I would also like to just remind the Board that it's not just distribution it's expansion as well, so that we kind of bring all of that in.

CHAIR GILMORE: Any other comments on that? Tom Fote.

MR. THOMAS P. FOTE: Again I pointed out that basically when we look at distribution and expansion, we also look at the fact that some of the bigger fish are up in the northern areas, but there might be just as many fish, and when we start looking at this we start looking at it by numbers, not just by the size of fish. Because if you just look at the size of fish, and you look at the size limits, you can skew the data about what's available in all the regions.

CHAIR GILMORE: Doug Grout.

MR. DOUGLAS E. GROUT: Yes, and if we do move forward with this workshop, I think you

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should bring forward the policy that we passed about two or three years ago on management and climate change.

CHAIR GILMORE: Yes, good point, Doug. Are there any other comments? Mike Luisi.

MR. LUISI: I think there is a little bit of a chicken and an egg thing happening here as well. You know we just did the Summer Flounder Amendment; we're having discussions about black sea bass. I think the Board needs to figure out what's going to come first, deciding on allocation policy or doing it on the fly as we go.

CHAIR GILMORE: Okay, any other comments? Okay based upon what I'm hearing, and I pretty much I think Dave, you summarized it pretty well. Yes, leadership has sort of already been tackling this. I think there was some appeal I had yesterday. I sat through the meeting, and the fact that we tend to talk about it in the context of a particular species board maybe doesn't help, so a more generic discussion I think would be helpful.

But I think we do have a lot of different efforts going on, and I think leadership needs to sort that out. I think for the time being, Roy. I think we'll hold off on a formal motion for a workshop. Not to say I think we may end up getting there, but I think we need to kind of sit down and figure out an efficient path for dealing with this thing. If that is okay with the LGAs, I think we'll definitely pursue that but not at this particular time. Is that okay, Roy?

MR. MILLER: It's okay with me. Dennis.

CHAIR GILMORE: David.

MR. BORDEN: A follow up question. Could we anticipate a report at the next meeting on that very issue, in other words a status report?

CHAIR GILMORE: Yes, I think that's well obviously it is due at this point, and the fact that the LGAs have raised it. I think that term that came out yes, with allocation paralysis or whatever the right term was. I think it is pretty

clear that we really need to address this as we move forward, so yes we'll get something for the next meeting.

MR. BORDEN: Thank you.

CHAIR GILMORE: Tom Fote.

MR. FOTE: Sitting here thinking about it, and I think about Summits we've had, NMFS has put together on recreational fishing and other Summits, and back when Hogarth was head of NMFS. We did a lot of workshops and facilitated meetings to discuss important issues, like what we did about law suits and things like that back in the '90s.

Maybe it's a time to basically do that kind of Summit, where we have a facilitated meeting just to deal with this issue, because I think it's a good place to iron out deals, and you have somebody independent going through and basically looking at the Councils and Commission at the same time.

CHAIR GILMORE: We'll definitely take that into consideration. Are there any other comments on this? Go ahead, Toni.

MS. TONI KERNS: Not directly related to this, but for those of you that are interested in allocation for shifting marine species, the Lenfest Foundation is having a three day workshop in October, which may overlap with our Annual Meeting. I'm not 100 percent, it's the days before. They have an open application for folks to apply, and they're looking for fishermen, stakeholders, managers, and scientists. If anybody is interested let me know, and I can send the link on to you. The workshop is here in D.C.

**REVIEW OF THE 2019 ANNUAL
PERFORMANCE OF THE STOCK**

CHAIR GILMORE: Great and we'll be leaving town. Perfect. Okay, moving on to the next topic, we have Review of the 2019 Annual

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Performance of the Stock and Toni is going to lead that. Toni.

MS. KERNS: I'm going to just go ahead and start. The first couple of slides are not really necessary. We are going to go through the annual performance of the stocks as the title states. It's something that we do every year. It's a part of the strategic planning process and in the Action Plan. We started doing this back in 2009.

This is to review the status of the stocks, look at the rate of progress that we are bringing back those stocks that are unhealthy, and a time for the Policy Board to identify if the rate of progress is not acceptable to identify corrective action. For today what I'm looking for is any direction or feedback to bring back to species management boards, if the Policy Board feels that there needs to be corrective action, as well as gathering input for issues that we feel might be priority issues for the 2020 Action Plan.

As you all remember, we have changed how we do the Action Plan to have high priority species and low priority species. We have five categories for stock status, rebuilt sustainable, which is stock biomass is equal to or above the biomass level established by the FMP to ensure population sustainability.

When between benchmark assessments, a stock can still be considered rebuilt and sustainable if it drops below the target but remains above the threshold. For recovering and rebuilding these stocks exhibit stable or increasing trends. The stock biomass is between the threshold and the target level established by the FMP. For those species that are concerned, the stocks are developing some type of emerging issue, for example it could be increased effort but declining landings, or having impacts due to environmental concerns. For depleted, this is stocks that reflect low levels of abundance though it's unclear why fishing mortality is the primary cause for reduced stock size, and lastly is unknown,

where we don't have an accepted stock assessment to estimate stock status.

For the rebuilt and sustainable, and recovering and rebuilding stocks, the changes that we saw here were Atlantic herring moved out of the rebuilding and sustainable to depleted. Horseshoe crab went from species of concern to rebuilt-sustainable for the southeast, as well as for recovering and rebuilding for the Delaware Bay stock.

Summer flounder went from a species of concern to recovering and rebuilding. For species of concern, the two stocks in here are coastal sharks and winter flounder, Gulf of Maine. For winter flounder we haven't had an assessment in recent years. I believe there will be an assessment next year through the SAW/SARC Process.

In 2018 NOAA Fisheries reduced the state waters subcomponent to 67 metric tons, and reduced the total stock wide ACL to 428 metric tons. The Commission has maintained trip limits and size limits in Gulf of Maine winter flounder since 2012. For depleted species, I'll note that striped bass, Atlantic herring, and horseshoe crab for the New York/Connecticut area all moved into depleted.

Striped bass is unique in that it doesn't fit in really well with any of our categories. It is overfished, and overfishing is occurring, and we know the source of mortality so we put it in depleted. But if we have an overfished or overfishing status we would have stuck it into there. As I said it is overfished and overfishing is occurring, the stock experienced a period of low recruitment from 2005 to 2011, and with a continued constant fishing effort the stock is overfished. The scientific advice is to have an 18 percent reduction in overall removals.

The Board has initiated an Addendum to address the overfishing status that will be reviewed tomorrow, and has begun discussions of what to do to address the overfished status through a potential amendment, which also will

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be re-discussed tomorrow. For Atlantic herring, based on projections and assuming the recruitment and landings trends continue the stock is expected to become overfished, with overfishing occurring starting in this year.

A stock assessment update would be done to confirm that next year. The Council significantly lowered the ACLs to respond to this changing stock status immediately after the assessment came out last year. The Board has approved new spawning protections in the Area 1A to respond to this changing stock status, as well as the Board is working with the New England Fishery Management Council to evaluate what types of spawning protections we could put into the offshore.

For river herring, of the 54 in-river stocks of river herring, for which data were available, 16, are experiencing increasing trends over the 10 most recent years of the assessment update. Two are experiencing decreasing trends, 8 were stable, 10 rivers experienced no discernible trend, and 18 did not have enough data to assess recent trends, including one that had no returning fish. One of the 16 young-of-the-year seine surveys indicated the declining trend over the last 10 years, and 2 indicated increasing trends, and 13 indicated no trends at all. States have implemented sustainable fishery management plans for in-river herring harvest. Both the New England Council and the Mid-Atlantic Fishery Management Council have implemented catch caps for fisheries with high incidental river herring bycatch in federal waters.

The Mid-Atlantic Council will be addressing catch caps in their mackerel fishery next week, and the New England Council is still working on setting their catch caps for next year as well. For northern shrimp, based on the results of the 2018 assessment update the stock remains depleted, with a spawning stock biomass at extremely low levels since 2013.

The Board has implemented a three-year moratorium starting last year. We've had a

moratorium in place since 2015. Low recruitment and high natural mortality hinder stock recovery in this species. For winter flounder southern New England and Mid-Atlantic, the stock is at 18 percent of its SSB target. The stock has remained low and declining since the early 2000s.

Since 1981 recruitment has been declining to an all-time low in 2013, and there has been a slight increase in recruitment in recent years. Following the TC advice the Board maintained a 50 pound trip limit for non-thoroughly permitted commercial vessels, and in 2018 NOAA Fisheries set the state water subcomponent at 73 metric tons, which is a slight increase from the 70 metric tons in 2017, and the total stock wide annual catch limit was reduced to 700 metric tons from 749.

For the unknown species, horseshoe crab New England moved into unknown from concerned. Jonah crab, we have yet to have been able to do a stock assessment for Jonah crab. We're continuing to do research on maturity and migratory patterns, in order to be able to create and complete an assessment.

But, Jonah crab landings have increased 6.5 fold since the early 2000s. Over 17 million pounds were landed in 2014. These high landings have continued. Last year the landings were at 20.2 million pounds, which was up about 3 million pounds from 2017. To address concerns about bycatch the Board did approve 1,000 pound crab limit for non-trap lobster gear, as well as to address concerns about unknown information on landings.

We have increased harvester reporting along with the increased harvester reporting for lobster, and we'll have better spatial resolution of the harvester data, and that reporting requirements will come into fruition for states that don't have them in the next three years. Then lastly, horseshoe crab New England, with one of two surveys, well the stock is considered neutral. One of the two surveys in the analysis showed an increasing trend in the stock, and

the other two showed a decreasing trend, so we called it neutral.

But it said we are unknown on the stock status because of those two diverging analyses. It may be an improvement from the previous two stock assessments, which categorized this region as poor. However, there is considerable uncertainty due to this designation due to the conflicting signals in the different surveys, and the limited amount of spatial coverage by the surveys that were modeled. That is the species that I am going to go through.

CHAIR GILMORE: Questions for Toni go ahead Ritchie White.

MR. WHITE: More of a comment. Just after listening to the presentation, which is always good, Toni, I was wondering if we should have a category below depleted. My thinking is northern shrimp, maybe southern New England lobster that it gives us a bad record to list it as depleted, when we have absolutely no control over restoring the stock.

Should we have a category, I don't know what you would call it, but something unable to recover due to environmental conditions or something. That way we would have less in the column of depleted that the public would be saying, why aren't you doing something to fix that?

MS. KERNS: Ritchie, so depleted was that category. That is why we did create that category. The definition is that it reflects low level of abundance, but it's unclear whether fishing mortality is the primary cause for that reduced stock size. I guess maybe you're looking for something even more directed on that.

I guess what we could do is talk through whether we need to change the depleted category definition. Something Katie and I talked about was we probably should add an overfishing category as well, with the issue that we came into with striped bass, it not fitting in

here, because we do know what the cause of that mortality is in striped bass, where in shrimp we don't.

CHAIR GILMORE: That was my understanding too, Ritchie, it was like we added that in because it was always this overfishing was when we were doing something wrong and weren't. I think we're okay. If it turns out it doesn't cover it at some point, we could always depleted with an asterisk or something along those lines. Roy Miller.

MR. MILLER: Along those same lines, Ritchie and I had a similar thought process on this. I was somewhat surprised to see striped bass lumped into the depleted category along with weakfish, which I think of as a classic depleted species. I was also surprised to see tautog among the depleted.

Instead of a category, are we avoiding the terms overfished and overfishing occurring? Is that a conscious decision on our part, or are we just lumping everything into depleted that result either from overfishing or from other causes beyond our immediate control? If you could address that I would appreciate it.

MS. KERNS: I think that for species like weakfish where we've had basically a moratorium in place for four or five years, and it has not responded back. We would still consider the fishing mortality somewhat unknown. Mortality levels from an unknown source. Weakfish I'm not sure would fit into an overfishing status. But tautog, we could have some questions there.

I turn to Katie perhaps to answer that one. But for example, as I said before, when we developed these definitions we did not put in an overfishing status, and that might have just been oversight on staff's part, because at the time when we were doing these definitions, none of the species that were in depleted had an overfished status. I think it was an oversight on our part for leaving that out. It's something that we can change based on direction that

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Ritchie has just given, which I don't think anybody was disagreeing with. We can reevaluate these definitions and bring them back to the Board to add an overfishing, and see if we could change the definition of depleted or add another one for those species that we really just don't seem to have any control over changing the status of that resource, even when a moratorium has been put in place.

CHAIR GILMORE: Are you good, Roy?

MR. MILLER: I think so. I think Ritchie and I were getting at the same general idea. It is glaringly obvious that striped bass is thrown into the depleted category, and I just don't think of that species yet as a depleted species.

CHAIR GILMORE: Good point. Dan McKiernan.

MR. DANIEL MCKIERNAN: I'm looking at the graph up on the screen, and I have a concern about it, because there is a line that is about more than twice as high as the landings and the line represents the ASMFC quota and the landings appear to be less than half of that. That sort of suggests that the fishery is underperforming, but in fact our regulations reduced the ASMFC quota by half.

In our wisdom we think the ASMFC approved quota in the early 2000s was inflated. It was based on data that was probably unsubstantiated. I'm not sure what message is trying to be sent with that. But we have very aggressive horseshoe crab regulations. We're satisfied with what we're accomplishing there.

I would point out our striped bass commercial fishery may not reach its commercial quota this year, because we have very, very aggressive rules on number of days you can fish, and a very high minimum size. I don't want the inability to reach a quota to suggest that the stock is in trouble, when it represents good conservation.

MS. KERNS: I guess Dan; the reason why we put this stock in the unknown category is because there are two conflicting surveys. One says the

stock is in good health, the other one says the stock is in poor health. Therefore, the TC put it as considered neutral or unknown, and therefore it fell into this category. Until we have more information where we can develop reference points, and have a model for each of the stock areas for horseshoe crab, and that would need additional survey data et cetera. Then we're in a bit of a tough spot.

CHAIR GILMORE: Adam Nowalsky.

MR. ADAM NOWALSKY: I think the discussion I've heard so far makes it clear that there is concern around the table about striped bass in particular in the depleted category. I think that is spurring a lot of the conversation. Two questions I have. One is there any opportunity for feedback from this Board today to move something, maybe say it belongs in the concerned category not depleted, based on our definitions.

The second question is the depleted definition says reflects low levels of abundance, but the question is relative to what? The striped bass female SSB may be somewhere below a recent high, but it's still three times higher than where it was in the charts we're presenting to the public. I think that also contributes to the conversation we're hearing about is it really depleted, depending on that? Those would be the two questions. Do we have the ability to suggest moving something here today? How would we go about doing that? Then two, what is staff using as a benchmark for reflects low levels of abundance?

CHAIR GILMORE: Yes, and Toni will go for more detail.

MS. KERNS: I was happy to have feedback on moving stocks. I would even be more happy to have feedback on how the information that it receives here helps you all guide staff to action planning. Are there some species that you think should be high priority for us to work on different issues for 2020? As well as that is there any feedback back to any of the

management boards on how they are rebuilding stocks?

As I said at the beginning when I went through striped bass, we said that it didn't fit into any of the categories. If we had an overfishing category we would have put it in there. We didn't think it was depleted, but that was the best fit in all of them, because it certainly wasn't rebuilt, it wasn't rebuilding, it wasn't unknown.

It wasn't necessarily a concern, because we knew that overfishing was occurring and it was overfished. We can create a new category based on the Board's direction, and we'll move it into the overfished category or overfishing category. But it would be great to hear feedback on other stocks to change them.

CHAIR GILMORE: Okay, Tom Fote.

MR. FOTE: I was going to confirm what Adam was saying. I mean, we talked about putting striped bass in that category, yet we had the fourth highest young of the year in 2011 and the eighth highest young of the year in 2015. Now, when we look at weakfish, I know time speeds up. We forget how long it has been, but it's been 10 years flew by that we really started trying to do something with weakfish, and nothing we have done.

Winter flounder is close behind the 10 years right now and we have nothing. There must be a category that we put fish in. At least with sturgeon we could basically look at 75 years they would rebuild, or something like that. I have no idea what's going to happen with winter flounder or with weakfish, and it's one of my biggest disappointments with sitting around this table for the last 29 years. Because we did everything I think right on both of those species, and still we see no headway.

CHAIR GILMORE: I've got Loren Lustig; I've got Rob O'Reilly and then Steve Murphy. Loren.

MR. LOREN W. LUSTIG: I've listened closely to the discussion, and I appreciate it. Getting back to the points made by Roy and Ritchie, in considering the highest level, which I believe is entitled rebuilt and sustainable. I would wonder whether we should have a higher category than that based upon historic numbers of the species. If the habitat itself, if the ecological health itself would allow for recovery at a higher level, I would encourage that sort of change, so that we could have a goal that would be more reflective of what the habitat would actually allow. Perhaps we could consider that. Also it would give the public, who may be looking at these analyses in a somewhat casual way, it would give them a false sense that the numbers were up, at or near the maximum that could be allowed by the habitat. I would be concerned about that.

CHAIR GILMORE: Rob O'Reilly.

MR. ROB O'REILLY: Thank you Toni and I recognize that this is not just an easy process, and it's difficult to get the categorization exactly right. I do understand that. I think the feedback we're able to give is really important, and mine is on summer flounder. A year ago I would have thought more of a rebuilding situation for summer flounder.

The benchmark assessment changed that from 2018. It's a little contrary; because we know the commercial fishery had a 60 percent increase. The process we're under and the new MRIP didn't fare so well on the recreational side. But the public knows that there have been these increases. There is not an overfishing, and I guess Toni that is something as well for summer flounder that you know the assessment came back not overfished, overfishing is not occurring.

I don't know how you look at that. We would like summer flounder to rebuild some more, absolutely. We would actually like to reach the target, get to BMSY, which we thought happened earlier but then we found out no. That didn't happen. I just want to say I

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recognize the difficulties to categorize everything, and this feedback I hope will help.

CHAIR GILMORE: Steve Murphy.

MR. MURPHY: I just wanted to share what we've done in North Carolina on this with the 13 managed stocks that we have in our state fishery management plans. We're mandated by law to manage those stocks. We kind of got in a box with categories, because the difference between one category and another tended to boomerang. The public didn't understand them as completely.

Now, we've eliminated the categories, and we basically do a stock overview, where we tell the public the facts that we know, is overfishing occurring, is it overfished, do we have a stock assessment? What are the conditions of that stock relative to the established reference points that we've developed for that? There was a little resistance to that but I think it provides a clearer understanding, without trying to say whether this is four stars or five stars. I think that is the trap you fall into with categories.

CHAIR GILMORE: It's a good point. I think we recognize this is somewhat subjective. That is probably why we're getting so much discussion on it. Mike Luisi.

MR. LUISI: Just a quick question for Toni. Toni, do you define rebuilding as actually seeing a positive trend in the biomass, or could it be? I think of it in two different ways. You see the positive trends or that the Management Board is taking significant action to reverse the declining trend, in a case like striped bass. How would you best define your use of rebuilding when you're aligning these species?

MS. KERNS: For rebuilding we define them as a stock that exhibits stable or increasing trends, and the biomass is between the threshold and the target level that has been established by the FMP. I will reiterate at this time, just to try to move us along out of the category discussion,

which I think I have direction on what you all want us to do.

Moving us to is there feedback on anything for action planning stocks that you think we should be addressing as high priority species or low priority species, or is there any direction back to the individual management boards on actions that they are actually taking, or not taking to make some corrective action on these species that are not doing as well, or even the recovering and rebuilding ones.

CHAIR GILMORE: We'll think about that for a moment, because that is really the feedback Toni is trying to get. We probably could spend the entire day talking about what category is right and what we should add or subtract. But let's go to some wisdom from the audience, and bring up Arnold Leo, who will give us some great guidance. Arnold.

MR. ARNOLD LEO: Thanks, Jim. Arnold Leo, I represent the fishing industry of the Town of East Hampton, Long Island. With regards to the depleted status for striped bass that is really, I feel extremely misleading, and tends to bring some of the screechers out of the woodwork, you know it's depleted. We would have to like ban all commercial fishing or whatever.

As I understand it, the striped bass stock, the total numbers are actually still up at the rebuilt level, and it's a question of the spawning stock and the recruitment being below certain trigger points. I just wonder, instead of depleted Toni, I'm addressing this to you, though so far you haven't heard. Toni, I'm addressing this to you. It seems to me that instead of depleted, which in the case of striped bass as many people have made the point around the table here, is quite misleading.

How about something along the lines of action required, you see? There is a category of depleted, which would include weakfish and winter flounder. Then there is action required, which would be an appropriate category for striped bass. I mean when the total numbers of

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the stock is up at the rebuilt level, depleted is extremely misleading. Thanks.

MS. KERNS: Thanks Arnold. As I said before, depleted was the only option that we had for striped bass, and because we didn't have an overfishing category. By the direction of the Board we have been given the latitude to add a category to this, and we are going to move it into overfishing, because that is what is occurring in striped bass. We will add that as the category and move it. As I said from the beginning, we never thought it was depleted, but it was the only one that it would fit in for what we had available for our use.

CHAIR GILMORE: All right guys we really need to focus in on the big picture on this. We're having a striped bass meeting tomorrow, so enough on striped bass. If someone's got a general thing that's going to help Toni, in terms of are we doing enough for the particular species that's what we need input on. I'll go to Justin first.

DR. JUSTIN DAVIS: Toni, I have a question relative to tautog. I noticed in going through the materials here there doesn't appear to be the next assessment for tautog on the schedule. There is an indefinite time for it. That was my first question, is there a timeframe for the next assessment on tautog? Then related to that the most recent benchmark split the stock out into regions, and in particular the Long Island Sound Region was experiencing overfishing, was overfished, was in a poorer status relative to the other regional stocks.

I'm wondering generally if it's not viewed as a priority to do another assessment for tautog anytime soon, if it might be possible to do an assessment just for the Long Island Sound stock, given the status of the stock in the last assessment, and the fact that we made some changes to measures. I'm personally sort of interested in seeing on a pretty short timeframe whether those changes and measures we made have produced any sort of recovery.

MS. KERNS: We are evaluating when to do the next assessment. We're waiting to hear back if some genetic work is going to be available soon. If it's not then we would do an update next year, or am I off Katie? Sorry, I was looking for a head nod.

DR. KATIE DREW: Sorry, yes the Technical Committee's plan would be to do an update in 2021 with data through 2020, because we use a three-year average to calculate F, we would want the full three years under the new management scenarios in all of these regions, in order to get the full picture about whether management has had an effect or not. I think the intent would be in the absence of new genetic data, or other reasons to do a benchmark assessment, we would do an update in 2021 with data through 2020.

MS. KERNS: Would that fit the sort of immediate timeframe for you, Justin?

DR. DAVIS: Yes it would, thank you.

CHAIR GILMORE: That was Justin Davis. I have to say it for the people listening from around the world. Adam Nowalsky.

MR. NOWASKY: The two species that I look at here that I think maybe warrants concern, when you look at Gulf of Maine lobster and questions about settlement in recent years, and we've had discussions. Does that warrant concern would be a question, and what are staffs thoughts are about that?

I see cobia here as well, when I see the increased landings that they're dealing with, significant potential for change in measures. Those are concerns I have, and would be interested in feedback that you had in your discussions why those concerns didn't translate to putting it in that category.

MS. KERNS: I guess we didn't have this discussion on cobia. We knew that there would be an assessment coming up, and so we figured we would leave it as it was and be able to

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change next year in response to the assessment for cobia. We welcome feedback on whether or not we think that we should be moving it into concern. I see where you're going, and could see how you would want to move it there. For Gulf of Maine lobster it is definitely something that has been an issue on my mind that there is a concern about the low levels of settlement, and high levels of landings. This year landings are definitely down in Gulf of Maine, but sometimes they come in late.

While we've had these low levels of settlement, the landings have continued to remain viable. It is a discussion that the TC continuously has. That is why we have the stock indicators, because we want to make sure that we don't have the same scenario happen that we did have in southern New England happen to the Gulf of Maine resource. I welcome discussion from the Full Board on whether or not you think we should move it into species of concern. We are here to do and make these changes based on what the Board desires.

CHAIR GILMORE: Andy Shiels.

MR. ANDREW SHIELS: I certainly did not think that this was going to be a controversial meeting this morning. I thought it would be a rather mundane checklist of policy items. I'm very concerned what I'm hearing is that we're arguing over definitions of the worst of the worst, rather than concerning ourselves that by my count 33 percent, a third of all the species we manage are either depleted or in the rebuilding stage.

That's not a good track record, and maybe like the rest of you I'm getting deluged with e-mails right now regarding tomorrow's meeting on striped bass. A lot of those e-mails start out with; confidence in Atlantic States Marine Fisheries Commission is at an all-time low. There is distrust, you don't know what you're doing, you don't know how to do your job, you're not rebuilding fisheries, and you're not protecting fisheries. I keep seeing that statement.

Well those are opinions, but those opinions could be supported by what we're hearing this morning that a third of our species are in serious trouble. We're sitting here arguing about how to define the worst of the worst, and whether we should move it up a category so we can check one off, so instead of being 33 percent depleted maybe it is 30 percent depleted.

As I heard there was an LGA discussion regarding what we might do about stock shifting and allocation. We also hear that discussion over at the Council, Mid-Atlantic Council. That is a legitimate and good discussion that should be had. I'm wondering if the Board has a policy, or the Policy Board or the Commission has a policy on what is our threshold for the number of species we will not tolerate reaching the rebuild or depleted phase. I'm sorry, depleted or needing rebuilt phase?

As a goal maybe moving forward we should say, we should take all steps necessary that no less than X percent, maybe no less than 80 percent, maybe no less than 90 percent are in this category that we're worrying about right now. I don't know what it would take to do that but that seems like a policy discussion about how the Board operates, about how the Board provides guidance to the rest of the Commission, and the different management boards about where we should be. I think we need to refocus and be more concerned about what we're not doing as opposed to defining the lowest levels of the bad. Let me check my list and see if there is anything else. Nope that's it. Thank you very much.

MS. KERNS: We don't have a policy; I can tell you that Andy. But I would like to go back to Adam's point. I think he raised two good points on two species that have the potential to move into concerned for valid reasons, and I would like to hear if that is something that the Board would like us to do or not like us to do, from their perspective.

CHAIR GILMORE: Doug, you have a comment?

MR. GROUT: I certainly have been quite aware of the low Settlement Survey, particularly in the southwest portion of the Gulf of Maine for a number of years. But one of the things that I've been also looking at with my staff is the Ventless Trap Survey, which is essentially the pre-recruitment. From what I've seen so far from that that low settlement isn't translating into lower recruitment, pre-recruits excuse me, from the Settlement Survey.

If that indeed does transpire in the near future, and I know we have a stock assessment that they're working on right now. Then I would definitely, I think the new stock assessment would show that and it certainly should result in this Commission taking some actions to try and address that.

One of the things that the Lobster Board had been working on, prior to having to get into endangered species and right whale, was trying to have a management action that would improve the resiliency of lobster. But with our new assessment of right whales, suddenly our efforts have suddenly had to be focused away from trying to improve the resiliency of lobsters into trying to avoid the right whales being affected by our lobster fishery.

I hope that at some point in the future, once we get beyond this endline reduction and changing of lines and what we need that we can develop a management action that will improve the resiliency of lobsters. That is my one thing on lobsters. I can't speak to cobia, because I'm not on cobia. I certainly think that striped bass should be a high priority, and I think we are headed in that direction with our meeting tomorrow.

Hopefully we'll continue to make that a high priority to end overfishing, and then eventually to rebuild the stocks above the SSB threshold. The same thing with Atlantic herring, I think that's a high priority now that we're at a low level, but we've already taken some significant action to reduce the quotas, to try and prevent overfishing and to try and rebuild those stocks.

But I think those are the two high priorities that I see within that depleted category. Thank you.

CHAIR GILMORE: All right, I'm going to take one more comment and I think we're going to move on after this, because again, we had a little more discussion, this was really not supposed to be a discussion on the categories, and most of it got dominated by that. We'll regroup a little on this, but we'll let Ray Kane have the last comment on this. Ray.

MR. RAYMOND W. KANE: I think Doug said it all. We're looking at a benchmark lobster assessment Gulf of Maine, Georges Bank in February.

MS. KERNS: That assessment has been delayed until summer/fall.

CHAIR GILMORE: Toni just wanted to know does anybody have a comment just on cobia. Don't feel obliged, but if you have a burning need to bring something up on cobia, does anybody have a comment on that?

REVIEW AND CONSIDER CHANGES TO COMMISSION GUIDING DOCUMENTS

CHAIR GILMORE: Seeing none, we're going to move on to the next topic, Review and Consider Changes to Commission Guiding Documents. We've got a few things here. This is an action item, so we're going to need motions on this, so Toni, take it away.

MS. KERNS: Do you want to try to do one motion or individual ones?

CHAIR GILMORE: If we can that would be great to do it all in one motion.

ISFMP CHARTER

MS. KERNS: All right then I'm going to go through all three documents. It's pretty simple, so hopefully it won't be too bad. The first is the ISFMP Charter. We changed the Charter a few years ago, and one of the changes that we made was dropping the number of required

public hearings when you do an FMP or an amendment from four to three.

Well it turns out that the Atlantic Coastal Fishery Cooperative Management Act requires four public hearings, so we need to change the Charter back to four hearings. That is the only change for the Charter.

TECHNICAL GUIDANCE DOCUMENT AND STOCK ASSESSMENT PROCESS

MS. KERNS: For the Technical Guidance Document and Stock Assessment Process, I would like to thank Dr. Katie Drew and Kirby Rootes-Murdy for going through this document with both the science and ISFMP stuff very thoroughly to update this document, and make sure all of our processes are clear and transparent.

We added the ACCSP Committees to this document, as well as clarified some of the sections to better provide guidance on process to our Committee members and the general public. Those sections that had major significant changes to them were the Committee member expectations for committee meetings as well as the assessment process.

The Methods Workshop for assessment, and lastly in the Appendix the checklist for tracking progress for assessments. None of the clarifications changed any of the actual steps that we're taking, but it just made things a little bit clearer. The only real change to the document was adding ACCSP.

WORKING GROUP SOPPS

MS. KERNS: Then, lastly are Work group's thoughts, in recent years the Commission management boards have started using work groups a lot more to efficiently explore complex management issues. The process and procedures the different work groups followed were different, and we felt that as the practice of using work groups becomes more and more,

we should have some SOPPs for how we establish work groups, and then how they work.

The Executive Committee reviewed the document that was on the meeting materials and approved it. I'll go through this document. To establish a work group can be done by species management board or the Policy Board. The membership is limited to a subset of Board members, the Board itself, or the Board Chair can approve the members of the work group. Ideally the work group will represent a diverse perspective on the issue at hand, and they can also request non Board members to provide information to them, but those individuals would not be actual members of the work group itself. Each work group will have a designated Chair. To the extent possible we try not to have Commission staff be those Chairs, and the Board Chair does not necessarily have to be the work group Chair. The Chair will facilitate and lead all work group meetings and conference calls.

The Board should fully describe the task at hand for that work group. There should be a clear directive of deliverables and a timeline to bring the issues back to the Board for their review. We should try to limit the membership of the work group to have efficiency in the process. If the entire Board is a member of the work group then it's not really a work group any more.

For the purpose of the work group itself, they are established when the Board needs additional time outside of our quarterly meeting weeks to work through an issue. A work group is not deliberative, nor is it decision making. They are intended to present and explore a range of strategies that have the potential to address an issue the Board is trying to take on.

Work groups are intended to deliver strategies to address the issue for Board deliberation at a later meeting. All approaches that the Board believes have merit would then be further fleshed out, either by a Technical Committee or a Plan Development Team. At the start of each

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meeting the work group Chair would always remind the work group of what their purpose is, and what task they were assigned by the Board.

All these meetings are open to the public, and will be posted on the Commission's website. The work group should be used to present ideas and engage in constructive discussion. It is the responsibility of the work group members to reach out to the rest of the Board to gather ideas and thoughts that the work group should be exploring.

It is also the responsibility of the Board to reach out to work group members when they have ideas that they want the work group to further explore as well. Staff will provide a progress report to be given to the Board between quarterly meetings when it's possible, as long as the work group members have gotten their work done to provide that update to the Board staff can do that.

But if the work group members don't do their work, then it's difficult for us to provide an update to the Board. Then the either work group Chair or Commission staff will provide updates at meetings if it takes the work group longer than one meeting to get their assignment done. Then all ideas will be presented to the Board, as well as key considerations for the Board to be taken into account once the work group is finished, and that is all.

CHAIR GILMORE: Does anyone have questions or comments on any of the three documents? Adam Nowalsky.

MR. NOWALSKY: With the work groups I've seen established, typically at that Board meeting we'll ask for volunteers. There will be other suggestions, and it will kind of be by consent these are the people that get added. There has been some concern raised, and I think it is part of the impetus for this document that there have sometimes been people added that nobody knew was added from the Board level. I'm just wondering if there are two

elements. Obviously the Board elects the Chair, so there is a confidence level in the Board Chairs, but I'm wondering if we could tweak the Working Group Operating Procedures as they're here, to the elements that where members are approved by the Chair, and the Chair of the Board appoints the working group Chair.

I wonder if it might be practical to include with the consent of the Board, or something to that point, just to complete that element of transparency, and just so that nobody can go back and say there were any surprises, or I wish I would have known there were people being added, such and such would have been a good addition. I think there is a small area for improvement there.

CHAIR GILMORE: I think that's a good idea. Are there any other comments? Okay, we're going to need a motion, and since there seems to be general consensus on it if we get a motion to approve all three would be terrific. Let's flesh out a so moved from Dennis, and see if we can get a second to it. Okay do we have a second to the motion up on the board? Justin Davis. Dennis, go ahead and read it. It's your motion.

MR. ABBOTT: Move to approve changes to the ISFMP Charter, changes to the Technical Guidance and Benchmark Stock Assessment document, and approve Working Group SOPPs as modified today.

CHAIR GILMORE: It is seconded by Justin Davis. Is there any discussion on the motion? Go ahead, Justin.

DR. DAVIS: I just wanted the record to reflect that the document, the Working Group SOPPs will reflect the change that Adam wanted in the final version.

CHAIR GILMORE: Yes. Any other comments, yes Senator Miramant?

SENATOR DAVID MIRAMANT: SOPPs as opposed to SOPs? What does that mean?

MS. KERNS: Practices and procedures, standard operating practices and procedures.

CHAIR GILMORE: **Any other discussion on the motion? Okay is there any objection to the motion? Seeing none, we will adopt this by unanimous consent. The motion is approved.**

UPDATE ON THE LOBSTER ENFORCEMENT VESSEL

CHAIR GILMORE: The next order of business, we're going to have an update on the Lobster Enforcement Vessel, and Bob is going to lead us on that. Bob. Wait a minute, well it said you, Bob, but Pat is just itching to talk about this, so do you want to do it, Pat? Toni cut Pat off.

MR. PATRICK C. KELIHER: Yes, I was starting to think that was on purpose. There have been a lot of conversations around an offshore patrol vessel, as it pertains to in particular the lobster fishery. This has been driven, in regards to issues around right whale and compliance within the offshore fleet.

We have had several conversations with a small working group, as well as the Law Enforcement Committee. The original focus of an offshore patrol vessel was pertaining to a large steel vessel in the 70 to 75 foot range. The costs were becoming prohibitive, there were some challenges in regards to staffing as it pertained to state law enforcement agencies, especially as you linked it back to the differences in contractual agreements and staffing and overnights. This has morphed now into a little bit smaller vessel with a focus of the vessel, instead of being a NOAA vessel, becoming a Maine vessel.

There have been conversations with law enforcement leadership, in regards to staffing. It would be a Maine focused vessel that would still work in Area 3, and would be shared crews on specific details. The smaller vessel, the only way this will work will be through an agreement with the Coast Guard, so they can have a shadow vessel to work within weather

windows, and then have a safety net if there were issues around whether when they're looking at hauling gear greater than 70 miles offshore.

All of that said, there is an onus now on the state of Maine to provide the Commission with an outline of how this would look, the Specs of a vessel, and kind of talking about the shared work agreement with the other New England states. That is still ongoing. We are late providing that and the reason we're late providing that is that my Major of the Maine Marine Patrol is working with some individual Captains and boat owners, to try to figure out if we can create this boat to haul the varying styles of gear within the offshore fishery.

We've tried to haul lobster gear with our 46 plus boats that we have, but the Area 3 fishery the gear is set up, it's so much more heavier that it's become problematic. Once we've worked out those details, we'll be able to figure out how we can finalize the specifications on the boat, and then we'll give further update, both through the Lobster Board and the Policy Board. That's all I have, Mr. Chairman.

CHAIR GILMORE: Questions for Pat, Ritchie White.

MR WHITE: I have been serving on the Committee. I favored the 70-75 foot steel boat that would provide adequate law enforcement for Area 3. We were unable to as Pat has said, figure out cost and staffing and stuff from a state perspective. My opinion is the vessel we're getting will add a great piece of law enforcement, and it's certainly needed in Offshore Area 1, and will do some enforcement in Area 3.

But I don't believe in any way that it's adequate law enforcement for Area 3, and since the states have been unable to kind of figure out this process, I think the Service needs to proceed with a vessel that would provide adequate law enforcement. I think especially with the right whale issue, I think it's critical

that the Service starts this process as soon as possible.

CHAIR GILMORE: Other comments, questions. David Borden.

MR. BORDEN: I concur with Ritchie's comments, in terms of the size. I also support what Pat outlined in terms of this kind of intermediate size vessel, and being able to put that to work in the near term. But we shouldn't lose track of the fact that we need a bigger boat to operate in the offshore areas, and it probably should be a 75 or 80 foot boat if you want to have adequate enforcement. I think it's really incumbent upon the system to try to get on with this as soon as possible, figure out the most expedient way to build this vessel, equip it, and put it into operation. If you start talking to some of the states about different fisheries, there is a whole range of uses that I think the states could put a vessel like this to work at. If you talk to some of the enforcement staff in the Mid-Atlantic, I think they'll be talking about well we need more black sea bass enforcement offshore, and those types of considerations. There is some real urgency here to get on with this, but we should continue our planning for the bigger boat.

CHAIR GILMORE: Pat.

MR. KELIHER: I concur with both comments from Ritchie and David. David, I know you're going to bring up an issue in regards to right whales at the end of the agenda. A comment in this regard from an enforcement perspective through the process that you want to outline might be very appropriate at this time.

CHAIR GILMORE: This is true. It's not a gender thing. My wife says men always want a bigger boat, so we really do need a bigger boat though. Are there any other comments on this? Thanks Pat, and yes I think the importance of this is pretty well discussed and understood, so hopefully we'll get this going soon.

ATLANTIC COASTAL FISH HABITAT

PARTNERSHIP REPORTS

CHAIR GILMORE: Next, we're going to go to the Atlantic Coastal Fish Habitat Partnership Reports, and Lisa Havel is going to lead us in that. Lisa.

MS. LISA HAVEL: The Atlantic Coastal Fish Habitat Partnership ACFHP met May 15 through 16 in Fernandina Beach, Florida. We received an update on the FY2019 project funding, an update on our Conservation Mapping Projects both in the southeast and the northeast. We finalized our Business Plan and discussed implementation.

We discussed our Outreach and Communications Initiatives through 2019, came to consensus on the Melissa Laser Fish Habitat Conservation Award recipients for 2019, and reviewed the 2017 through 2019 Action Plan. Currently the FY2020 National Fish Habitat Action Plan, U.S. Fish and Wildlife Service, On the Ground Conservation Funding RFP is now open.

The deadline to submit proposals is September 13, 2019. To learn more about how to submit proposals, you can visit our website at www.atlanticfishhabitat.org/funding-opportunities or shoot me an e-mail and I can send you the link directly. Our black sea bass research in the Mid-Atlantic Bight was completed in the spring, and our final report was received in May.

The results will be presented by Dr. Stevens of University of Maryland Eastern Shore later today at the Summer Flounder, Scup, Black Sea Bass Management Board. They came in under budget, so they asked for a no cost extension through December 31, 2019, in order to continue monitoring sea whip growth, present findings at a conference, publish the results, buy some new scuba gear, and also add a little bit to their salary.

We endorsed two projects recently. The first one was Fireplace Neck, New York, and this was

a salt marsh habitat restoration project in Brookhaven. They are working to restore tidal wetland hydrology, in order to improve coastal resiliency. There is currently ponding and pool formation, which is increasing with rising sea levels and that, is drowning healthy vegetation and providing less protection from flooding and storm surge. This is due to intensive historical grid ditching, and their restoration methods that they will employ will demonstrate feasibility to other marshes in the area. This work will benefit winter and summer flounder, scup, bluefish, striped bass and many prey items as well. This complements other restoration efforts on a 500 acre marsh system. This marsh system is part of the largest remaining contiguous marsh on Long Island, and it's being led by New York DEC, and they are working with Ducks Unlimited and Henningson, Durham and Richardson Architecture and Engineering P.C., and seeking funding through NOAA Habitat Restoration.

The second project endorsement that we had recently was an AC Oyster recycling program. New Jersey DEP Bureau of Shellfisheries will work in Atlantic County, in order to collect clean, recycled oyster shells from local businesses. These shells will be placed on Mullica River seedbeds on the Atlantic Coast of New Jersey, and this bed is the last sustaining oyster bed on the Atlantic side of New Jersey.

This work will enhance the naturally occurring beds, and provide more habitat, filter the water, and stabilize sediments. Increasing the bed size will increase resiliency to storms, disease, predation, and sedimentation. Partners on this project include the Atlantic City Hard Rock Café, Jetty Apparel, Jetty Rock Foundation, Reclaim the Bay, Inc., Stockton University, and Rutgers Cooperative Extension

We also welcomed two new partners, the PEW Charitable Trust and the Mid-Atlantic Fishery Management Council, and both are serving now on the Steering Committee, and also the Outreach and Communications Committee. As always we would like to thank ASMFC for your

continued operational support, and I'm happy to take any questions.

CHAIR GILMORE: Any questions for Lisa? Seeing none I have to do a disclaimer here, because the Long Island Project of course is in my backyard, and our Jersey home is on the mouth of the Mullica River. I had absolutely nothing to do with either one of these things, so just to be clear. Go ahead, Lisa.

MS. HAVEL: If there are any projects in your area that you are interested in ACFHP endorsing, we can do a very quick turnaround in the course of about a week, and we endorse the project at any stage, so if you're in need of funding, a letter of support might be helpful with that all the way up to project completion.

If you want to add the ACFHP logo to your project we're happy to review the work that you've done, and then you can say that ACFHP endorsed it once it's finalized as well, so at any stage we're happy to look that over. Come to me if you have any questions about that and I can point you to how to apply for endorsement.

CHAIR GILMORE: Thanks a lot Lisa, great report.

PROGRESS UPDATE ON THE SHAD BENCHMARK STOCK ASSESSMENT

CHAIR GILMORE: Okay, the next item is we're going to have a Progress Update on the Shad Benchmark Stock Assessment, and Jeff Kipp is going to do that. Jeff.

MR. JEFF J. KIPP: The Shad and River Herring Stock Assessment Subcommittee have been working away on the methods, or identified as the Methods Workshop as part of the stock assessment process. We are meeting on roughly a biweekly schedule right now to review progress and provide feedback on the various methods, and we will be meeting for our last in-person meeting of the assessment in late November. That is the Assessment Workshop. I did just want to take this opportunity to encourage everyone, if you do

have a staff member on the Stock Assessment Subcommittee.

Shad assessment remains a high priority in our workload, and that they are able to devote adequate time to contributing to the assessment, so that we are able to stay on track and meet the assessment timeline. That's my update and I can take any questions on the shad assessment progress.

MS. KERNS: If you're reading between the lines of what Jeff is saying I will be more direct and say that it's very important for these Committee members to get their tasks done and turn them in on time. As we've reported to the Board before that this Committee has, for many reasons, not because people are just not doing their job, but they have so many different things going on back home that these tasks have not been getting done on time, and so therefore we did delay the assessment already once. We don't want to have to do that again.

CHAIR GILMORE: Any questions for Jeff? Seeing none we're going to move on. Our next item is actually noncompliance findings, so we don't have any, so we don't have to get into that today, thank God!

OTHER BUSINESS

CHAIR GILMORE: We're going to go into other business now, so the first topic under Other Business was Striped Bass Tagging, and Marty you have the floor.

STRIPED BASS TAGGING

MR. MARTIN GARY: Board members recall last Annual Meeting up in New York we brought up the issue of continuity for the Annual Tagging Survey that's been done on the striped bass wintering grounds. It targets striped bass, but also tags other species. It started in the late '80s, and I think last year or this most recent year was its 30th consecutive year.

There was a funding issue; the encumbrance for the funding of this tagging survey was largely on

the shoulders of the state of North Carolina for many years. For reasons I won't go into, but Steve had mention they no longer could shoulder that so a bridge was put in place for last year to keep that survey going.

When we had the discussion in New York, I brought up the question to staff, Katie, whether the data there was valuable and used, and she corroborated that it was. It was part of the assessment process. Given the concerns we have for this species and the discussions that we're having. It seems that this is probably something we would like to continue, at least that is my thought and I hope other Board members feel the same way.

In some years the fish have been difficult to find, and apparently that was the case this past year. But that's not the only time that's happened. But again the fish in the wintertime, the only data that we have for that species at that time of the year or on their wintering grounds, which has been changing. In recent years they've been out in the exclusive economic zone.

It just seems that this would be something we would want to continue, at least from my perspective. I wanted to put it back on the table for discussion. I didn't want it to sit until the Annual Meeting, and then all of a sudden we're doing triage at the last minute to see whether we can keep it going. The survey typically occurs in January, so I wanted to bring it up just to kind of get ahead of the curve, Mr. Chairman.

CHAIR GILMORE: Anybody have some comments, suggestions, money? Ray.

MR. KANE: Yes Bob, we should have funds left in the up funding?

EXECUTIVE DIRECTOR BEAL: Thanks Ray for the question. There is a chunk of money left over from some Plus-up money from two years ago that we received. I don't know if Marty mentioned it, but you know this is relatively

inexpensive, between \$20,000.00 and \$25,000.00 for between 10 and 15 trips out to tag fish, and in the past they've been able to tag hundreds of fish during the year.

Last year wasn't quite as productive. It is relatively inexpensive. I would suggest moving forward; Mr. Chairman that staff can reach out to the Captain of the vessel, see what the timeline is on when he would need a contract and commitment from the Commission to pay for this. Then if this decision can wait until the Annual Meeting, we can have the Executive Committee review this and decide if it's a priority for use of the remaining funds, and if it is we can go ahead and contract with the vessel.

When we talk to the Captain if it needs to happen prior to the Annual Meeting we can do something via conference call, the Executive Committee or correspondence via e-mail, or something along those lines. I think this is relatively inexpensive, but very important data. Losing this stream of 30 years plus tagging data would be detrimental to the stock assessment, and our understanding of the growth and migration of striped bass. Hopefully we can find some funds to cover it.

CHAIR GILMORE: Thanks Bob that sounds like a good path forward. Is there any disagreement with moving forward on that? Marty is that good for you? Does that work with your schedule?

MR. GARY: Excellent, thank you Mr. Chairman, I appreciate it.

CHAIR GILMORE: Okay, so I'll proceed on Bob's recommendations and hopefully get that done.

RIGHT WHALES

CHAIR GILMORE: Okay, the next item we had was David Borden wanted to discuss right whales. David.

MR. BORDEN: This will be really brief. NOAA Fisheries is in the process of conducting eight scoping meetings up and down the coast. It's

going to start this Thursday in Rhode Island. What is entailed with that there isn't a document that's been presented to us or anyone else, but what I envision taking place according to the NOAA staff is that they're basically going to talk about the goals and objectives for the exercise, and some of the TRT recommendations, and solicit input.

What they'll be talking about is the line, in terms of goals and objectives, the line reduction targets, serious injury targets, the sharing arrangement 50/50 sharing arrangement with Canada, and those types of things. Then the ideas that came up at the TRT. Every state around this table will eventually have fishermen affected by the results of this process. I'm a little concerned that the Commission doesn't have recommendations on some of those goals and objectives. All I would request is that the leadership, you Bob, Pat, consider either drafting some comments on that or forming some kind of working group that could help you formalize some written comments.

As Pat suggested earlier in the day. I think the enforcement boat should be part of the comments that we submit, and then circulate a draft letter to the entire Commission, so we could make sure it meets the requirements of all the states. I'm not going to make a motion; I'm just deferring that to the leadership.

CHAIR GILMORE: Yes I think we can. That's a good idea, Bob. Pat and I will get together, good suggestion. Are there any comments on that? Ritchie White.

MR. WHITE: Yes in addition to what Dave has brought up, the other issue the state's may be facing is that lobster fishermen with state licenses that also fish in federal waters, will be facing regulations in federal waters and the concern will be where different states may have different state regulations, and then how will those fishermen be treated in federal waters. Will they be treated the same or will they be able to carry their state regulations in essence

to federal waters? I mean that's another issue I think for the Commission.

CHAIR GILMORE: Toni.

MS. KERNS: Ritchie, just to get some clarification for what you are wanting in the letter regarding that. Are you looking to have consistent regulations? Are you looking to have the most restrictive rule apply, or are you wanting the state regulations to override the federal regulations, even though they may not be as conservative?

MR. WHITE: I certainly want the states that have less restrictive regulations in state waters to not have to adopt more restrictive regulations that other states may have to abide by. I want some recognition in federal waters for states that have less restrictive regulations. It's unclear whether the Feds can do that or not, and if they can how can they? That is just a concern at this point, so we don't know if this is a problem or not yet. But our fishermen are very concerned about that.

CHAIR GILMORE: Doug.

MR. GROUT: I think in a simple way of putting this is to have the regulations tied to where their license comes out of, the state licenses they come out of. Now obviously those that don't have state fishing licenses and only fish in federal waters may be in a different category.

CHAIR GILMORE: Pat.

MR. KELIHER: I think to both of those points. It's clear that under Marine Mammal Protection Act and Endangered Species Act they can implement rules that go right to the beach. I think the issue of consistency is important, but also a message of ensuring or asking the Agency to continue to work directly with the states on those consistencies becomes important.

CHAIR GILMORE: Any other discussion on this? Okay David yes, we will be following up on it.

ADJOURNMENT

CHAIR GILMORE: Okay, we've actually come to the end of our list. Is there any other business to come before the Policy Board? Seeing none, we are adjourned, and the Business Session will be starting at 10:30. Oh, now! Don't leave.

(Whereupon the meetings adjourned at 10:16 o'clock a.m. on August 7, 2019)