

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

**Webinar
February 1 and
February 4, 2021**

Approved May 6, 2021

Proceedings of the ISFMP Policy Board
February 2021

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INDEX OF MOTIONS

1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings of October 2, 2020 Webinar** by Consent (Page 1).
3. **Move to approve the changes to the species declared interest** (Page 3). Motion by Tom Fote; second by Malcolm Rhodes. Motion carried (Page 3).
4. **On behalf of the Lobster Board, move the Commission to send letters to NOAA Fisheries with comments on the proposed rule to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan and the draft biological opinion. The Biological opinion letter should include the following:**
 - The bi-op should be completed so it will support the proposed rule to avoid a jeopardy.
 - A statement that address the burden the US Fishery could bear based on the actions of Canada.
 - The Atlantic Large Whale Take Reduction Plan letter should include the following:
 - The rule should be completed by the end of May to ensure the court does not intervene.
 - Implementation timeline recommendations that address practical start dates
 - Supporting trawl conservation equivalency that would allow for modifications related to trawl lengths as well as address the need to fish a single endline in areas. Example 8 traps with 2 endlines = 4 traps with 1 endline
 - Support enforcement and coordination with state agencies

Motion by Dan McKiernan (Page 43). Motion carried with one abstention (NOAA Fisheries) (Page 44).
5. **On behalf of the Lobster Board, move the Commission to send a letter to the Secretary of the Interior restating the Commission's position on modifying the Northeast Canyons and Seamounts Marine National Monument** (Page 44). Motion by Dan McKiernan. Motion carried with one abstention (NOAA Fisheries) (Page 45).
6. **Move to request the Commission send a letter to NOAA requesting a short extension of the comment period on the Endangered Species Act Section 7 Consultation-Biological Opinion from February 19 to March 1, 2021** (Page 44). Motion by David Borden; second by Cheri Patterson. Motion carried with one abstention (NOAA Fisheries) (Page 45).
7. **On behalf of the Shad and River Herring Board, move to send a letter to NOAA Fisheries to request that shad be made a higher sampling priority, particularly for genetic stock composition sampling, to improve our understanding of the impacts of mixed-stock fisheries on system-specific stocks, as recommended by the 2020 Assessment and Peer Review and the Technical Committee** (Page 45). Motion by Mike Armstrong. Motion carried with 2 abstentions (NOAA Fisheries and USFWS) (Page 45).
8. **Move to adjourn** (Page 46). Motion by Steve Bowman; second by Doug Haymans. Motion carried (Page 46).

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Warren Elliott, PA (LA)
Sen. David Miramant, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Anderson, MD (AA)
Dan McKiernan, MA (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	David Sikorski, MD, proxy for Del. Stein (LA)
Rep. Sarah Peake, MA (LA)	Steve Bowman, VA (AA)
Jason McNamee, RI (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jerry Mannen, NJ (GA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	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, NOAA
	Mike Millard, USFWS, proxy for S. White

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

Staff

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

Guests

Fred Akers	Bonnie Brady	Alan Bianchi, NC DENR
John Almeida, NOAA	Delayne Brown, NH F&G	Ellen Bolen, VMRC
Max Appelman, NOAA	Jeff Brust, NC DENR	Rob Bourdon, MD DNR
Mike Armstrong, MA DMF	Andrew Cathey, NC DENR	Heather Corbett, NJ DEP
Pat Augustine, Coram, NY	Mike Celestino, NJ DEP	Nicole Costa, RI DEM
Russ Babb, NJ DEP	Yong Chen, Univ ME	David Behringer, NC DENR
Chris Balouskus, RI DRM	Richard Cody, NOAA	Rick Bellavance
Julia Beaty, MAFMC	Allison Colden, CBF	Karson Coutre, MAFMC

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Guests (continued)

Derek Cox, FL FWS
Rip Cunningham
Jessica Daher, NJ DEP
Kiley Dancy, MAFMC
Lorena De la Garza, NC DENR
Jeff Deem
Peter deFur
John DePersenaire, RFA
Greg DiDomenico
Anthony DiLernia
Sandra Dumas, NYS DEC
Michelle Duval, MAFMC
Julie Evans
Lynn Fegley, MD DNR
Marianne Ferguson, NOAA
Cynthia Ferrio, NOAA
Kimberly Fine
Dawn Franco
Tony Friedrich, SGA
Tom Fuda
Jack Fullmer
Alexa Galvan
Matt Gates, CT DEEP
Lewis Gillingham, VMRC
Angela Giuliano, MD DMR
Willy Goldsmith, SGA
Melanie Griffin, MA DMF
Sonny Gwin
Jon Hare, NOAA
Bridget Harner, NOAA
Amalia Harrington, U Maine
Brendan Harrison, NJ DEP
Hannah Hart, FL FWC
Dewey Hemilright

Jay Hermsen, NOAA
Helen Heumacher, US FWS
Rich Hittinger
Carol Hoffman, NYS DEC
Asm. Eric Houghtaling, NJ (LA)
Rachel Howland, NC DENR
Peter Hughes, Atlantic Capes
Bob Humphrey
Miluska Hyde, USGS
Jimmy Johnson, NC DENR
Jeff Kaelin, Lund's Fisheries
Emily Keiley, NOAA
Moirra Kelly, NOAA
Adam Kenyon, VMRC
Craig King, ME DMF
Kathy Knowlton, GA DNR
Rob LaFrance, Quinnipiac
Wilson Laney
Edward Leonard, GA DNR
Tom Little, Ofc Asm.
Houghtaling
Chip Lynch, NOAA
Genine McClair, MD DNR
Ashleigh McCord, NOAA
Conor McManus, RI DEM
Nichola Meserve, MA DMF
Chris Moore, MAFMC
Patrick Moran, MA DMF
Jerry Morgan
Brandon Muffley, MAFMC
Trish Murphey, NC DENR
Allison Murphy, CBF
Brian Neilan, NJ DEP
Ken Neill

Derek Orner, NOAA
Mike Pentony, NOAA
Kelly Place
Mike Plaia
Nicholas Popoff, FL FWS
Paul Rago
Paul Risi, KCC NY
Jessica Ruggieri, Univ RI
Scott Sakowski, NOAA
Sara Saunders, UFL
CJ Schlick, NC DENR
John Schoenig
Matt Seeley, MAFMC
McLean Seward, NC DENR
Andrew Sinchuk, NYS DEC
Tom Sminkey, NOAA
Melissa Smith, ME DMF
Somers Smott, VMRC
David Stormer, DE DFW
Mark Taylor
Mark Terceiro, NOAA
John Toth
Wes Townsend
Joseph Tripptree
Corinne Truesdale, RI DEM
Mike Waine, ASA
Philip Welsh
Meredith Whitten
Kate Wilke, TNC
Chris Wright, NOAA
Sarah York, 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; Monday, February 1, 2021, and was called to order at 10:45 a.m. by Chair Patrick C. Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: Welcome everybody to the ISFMP Policy Board. It is February 1st. This is the first part of our Policy Board meeting. We will be reconvening on Thursday afternoon. We have scheduled today this portion of the Policy Board to continue until 11:45.

I would like to try to make sure that we conclude all of our business, so people have time to take a break before Summer Flounder, Scup and Black Sea Bass resumes again at 12:45.

APPROVAL OF AGENDA

CHAIR KELIHER: I'm going to jump right into the second agenda item, which is Board Consent for Approval of the Agenda. Does anybody have any issues with the agenda? Is there any new business to be brought before the Policy Board?

MS. TONI KERNS: There are no hands raised, Pat.

CHAIR KELIHER: Great, we have consensus on the agenda.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Then, Approval of the Proceedings from October, 2020. Does anybody have any questions or comments on those notes from those proceedings? Seeing no hands and hearing nobody's objections, the approval of the proceedings, we will say they have been approved by consensus, thank you.

PUBLIC COMMENT

CHAIR KELIHER: Item three on the agenda is Public Comment. Is there any member of the public that would have a comment? Has anybody signed up, or is there anybody that would like to raise your hand from the public?

MS. KERNS: I see no hands, Pat.

CHAIR KELIHER: Great, we're going to move it right along then.

**REVIEW STATE MEMBERSHIP ON SPECIES
MANAGEMENT BOARDS**

CHAIR KELIHER: Agenda Item Number 4 is Review State Membership on Species Management Boards. I'm going to turn that right over to you, Toni.

MS. KERNS: Maya, if you could pull up the presentation for State Declared Interest that would be great. While Maya is pulling that presentation up, I'll just give a little background. Each year the states have an opportunity to declare interest in or out of species. If you declare an interest into the species, then you are saying that your state has landings in their state waters.

You have historical landings, you are a part of the FMP, and the management unit of that FMP, and you want to start taking an active role in the fishery on species management boards. Whether that is through, as species start to move north sometimes that is through de minimis measures, then the other times that is the real active directed fisheries in those states. We had a significant number of changes this year. We hadn't had very many changes in the species declared interest in quite some time. This year, the U.S. Fish and Wildlife Service withdrew from several species managed declared interest, and that includes black sea bass, summer flounder, scup, bluefish, Spanish mackerel, tautaug, weakfish, winter flounder, cobia, black drum, red drum, spot, spotted sea trout, and Atlantic croaker.

These were Boards that the Fish and Wildlife Service were not active on previously, and wanted to devote their time and resources to those species that there

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are more interactions with the Agency, and the Agency's science goals and objectives. The state of Massachusetts has pulled out of the Weakfish Board, due to the lack of the species in their state waters.

They will go ahead and hold onto the current regulations in the recreational fishery and the commercial fishery as they are for now. Then there are several states that want to declare interest into some species. As everybody knows, this year the South Atlantic State and Federal Species Management Board was split into two management boards this year.

We now have the Pelagics Board, which is cobia and Spanish mackerel, and we have the Sciaenid's, which includes spot, spotted sea trout, red drum, black drum, and Atlantic croaker. With that split we had a couple of states wanting to declare into either Spanish mackerel and/or cobia.

Then Delaware has started to see an increase in spotted sea trout in both their commercial and recreational landings, so therefore they felt as though they need to start participating into this fishery. Their recreational landings in the last five years have ranged anywhere from 0-11,000 pounds, and they also have some commercial landings, but I believe they are confidential, so I'm not going to say those out loud.

New York has declared into Spanish mackerel. They are starting to see commercial landings in their state for Spanish mackerel in the last couple years. They range from 800 to 5,000 pounds. Rhode Island is declaring into Spanish mackerel and cobia. They are starting to see both Spanish mackerel and cobia commercial landings in their state waters, which are in the commercial fishery, but these are confidential landings.

New Hampshire has asked to declare into the black sea bass fishery. New Hampshire is already in the management unit within the FMP for black sea bass. They receive an allocation,

and they are also required to keep regulations in place in the recreational fishery. They have been on this Board before, withdrawn, and are asking to come back onto the management board. That is my presentation and I am happy to take any questions on any of these changes, or go to the state or agency that has asked for changes, Mr. Chairman.

CHAIR KELIHER: Thanks, Toni, are there any questions for Toni?

MS. KERNS: I have Joe Cimino.

CHAIR KELIHER: Go ahead, Joe.

MR. JOE CIMINO: Toni, if I missed it, New Jersey's connection with spotted sea trout. I had mentioned sending in speckled trout compliance reports already, but I didn't know if that was all right.

MS. KERNS: I apologize, Joe. New Jersey is also declaring into the spotted sea trout as well. I somehow missed that. It should have been next to the Delaware.

CHAIR KELIHER: Any other hands, Toni?

MS. KERNS: Emerson Hasbrouck, Mr. Chair.

CHAIR KELIHER: Go ahead, Emerson.

EMERSON C. HASBROUCK: I'm wondering, when are these changes effective? When do they become effective? Is that going to start today, for instance, so will New Hampshire this afternoon be sitting in on the black sea bass discussion?

MS. KERNS: If the Policy Board approves these changes, then they would be effective immediately.

CHAIR KELIHER: Anybody else, Toni? Toni, I don't know why. Is there any way you can make the change so I can actually see the hands when they go up on my screen?

MS. KERNS: Yes, sure can, Pat.

CHAIR KELIHER: That would be great.

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MS. KERNS: All right, Pat, you should be able to see hands.

CHAIR KELIHER: Perfect, great, thank you. I don't see any other hands up at this time. Toni, do you think we can do this by consensus, or do you want a motion?

MS. KERNS: I think it would be good just to have a motion for the record, and thank you Maya for adding that for New Jersey. It can be a general motion for declaring into the Board meeting today. You can see if there is no objection, but just having a typed-out motion for the record would be great.

CHAIR KELIHER: Would somebody like to make a motion on the declared interest?

MS. KERNS: Pat, don't forget you have to click on that little hand, the black outlined hand, in order to get all of the hands raised, and you had Tom Fote with his hand up, and Ellen Bolen also had her hand up.

CHAIR KELIHER: All right, I'll go to Tom and then Ellen.

MR. THOMAS P. FOTE: I'll make the motion.

CHAIR KELIHER: Motion by Mr. Fote, do I have a second?

MS. KERNS: Malcolm Rhodes, and Tom, if you could read that motion.

MR. FOTE: Move to approve the changes to the species declared interest.

CHAIR KELIHER: Thank you, Tom, we have a motion by Mr. Fote and a second by Malcolm Rhodes, is there any discussion on the motion?

MS. KERNS: Do you see Cheri's hand, Pat?

CHAIR KELIHER: For some reason I'm not seeing those, but Cheri, go ahead.

MS. CHERI PATTERSON: No, I was just going to second the motion.

CHAIR KELIHER: Okay. The motion has been seconded. **Is there any further discussion on the motion? Hearing no discussion, is there any objections? Seeing no hands, hearing no objections, the motion passes by consensus.**

**DISCUSS RECREATIONAL MANAGEMENT REFORM
INITIATIVES WITH MID-ATLANTIC FISHERIES
MANAGEMENT COUNCIL**

CHAIR KELIHER: Great, thank you very much, we will move to the next item on the agenda, which is to Discuss Recreational Management Reform Initiatives, and I believe Julia Beaty is going to present on this one, am I correct, Toni?

MS. KERNS: That is correct.

MS. JULIA BEATY: Hi everybody, yes, I'm here ready to go. Toni, Council staff we're checking the attendance list, and when you last did audio checks, I think there are a few Council members still missing, so I don't know if any have joined, and if you'll go onto an audio check with any of them before I get started.

MS. KERNS: Yes, I'm happy to do that. If there are any Council members that have joined since we've gotten started. If you could raise your hand that will be the fastest way for me to find you. Just to note, Pat, that we would be as I get here, this portion of the meeting will now be convened jointly with the Mid-Atlantic Council, and Mike Luisi is the Chair of the Mid-Atlantic Council. I'll start with you, Sara Winslow on your audio.

MS. SARA WINSLOW: Can you hear me?

MS. KERNS: I sure can, Sara. Chris Moore.

MR. CHRIS MOORE: Hi, Toni.

MS. KERNS: Hi, Kate Wilke, you put your hand up again, and Tony DiLernia, you had put your hand up again.

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MR. ANTHONY DiLERNIA: Yes. Toni, should my name be listed with a double zero in front of it?

MS. KERNS: It's okay, it's more for the beginning of the meeting that that is helpful. At this point, explaining how to change it is a little difficult, and we can't change it for you, unfortunately, so you're fine. Any time you want to speak just raise your hand.

MR. DiLERNIA: Well, you'll know I'm here. Thank you, Toni.

MS. KERNS: Okay, just one last check, has anybody not been able to do an audio check? If you raise your hand by clicking on the little hand button, Scott Lenox, go ahead.

MR. SCOTT LENOX: Yes, good morning.

MS. KERNS: Good morning, Scott. All right, so we will not convene the joint portion of this Policy Board to go over the Recreational Reform Initiative, if that is good with you, Mr. Chairman.

CHAIR KELIHER: Yes, absolutely. Thanks for reminding me that we're now in a joint session. I will turn it over to Julia for her presentation.

MS. BEATY: Great, thank you, Mr. Chair, and good morning everybody. I have a fairly brief presentation. This is the outline of the presentation. First, I'm going to briefly summarize the timeline of how we go where we are today with the Recreational Reform Initiative. I'll remind you of the goals of the Recreational Reform Initiative. I'll briefly touch on the prioritized topics, and then we'll have a discussion of next steps.

In terms of how we got to where we are today. The Recreational Reform Initiative evolved out of conversations that had been happening for several years, mostly focused on black sea bass, and challenges with recreational management of that species. But the conversations really gained momentum after the Summer Flounder,

Scup, Black Sea Bass Management Board Chair and Vice-Chair at the time, put forward a document titled A Strategic Plan for Reforming Recreational Black Sea Bass Management, in the spring of 2018.

That document had a lot of suggestions for how to reform the management system, again with a focus on black sea bass, and this stimulated a lot of discussion among the Council and the Management Board, and ultimately as a result of those conversations, the Council and the Management Board agreed to form a joint Steering Committee to further develop some of those topics, and to kind of open it up to consider all four jointly managed recreational species, not just black sea bass.

Now it's Summer Flounder, Scup, Black Sea Bass and Bluefish, and the intent is to focus on improvements to the recreational management system that could apply to all four species, although some of the considerations might be slightly different, depending on the species and stock status, and things like that.

The Steering Committee consisted of staff and leadership from the Councils, the Commission and GARFO, and the Steering Committee over a little bit more than a year, developed a Goal Statement for the Recreational Reform Initiative, and an outline of suggested priority topics. In October of last year, the Council and the Policy Board considered all of those topics that the Steering Committee put forward, as well as some other topics that had been discussed through some other ongoing actions. Ultimately the Council and Board initiated a joint framework and addendum, and an amendment, to address several prioritized topics, as part of the Recreational Reform Initiative.

On a later slide I will summarize what those topics are, but first I wanted to remind you of the overarching goal of the Recreational Reform Initiative. This statement was developed by the Steering Committee, and approved by the Council and the Policy Board. The overarching goal is to have more stability in the recreational management measures, so the bag size and season limits for the four jointly managed recreational species. To have more flexibility in the

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management process, and to have accessibility that is aligned with availability in stock status.

There is a little asterisk, because the Steering Committee wanted to make it very clear that the intent is not to circumvent the requirement to constrain catch to the annual catch limit, nor is the intent to change the current method for deriving catch and landings, when it's as defined in the fishery management plan. But rather how can we work within the requirement to achieve these objectives of having more stability, flexibility, and accessibility for these fisheries.

This table lists all the topics that the Council and Board prioritized in October of last year, when they initiated a joint framework and addendum and an amendment to address all of the topics shown on the screen here. As you can see, there are many different topics. This table actually reflects a staff recommendation that some of the topics which were identified for inclusion in the framework and addendum be addressed through a Technical Guidance Document. That is what is showing in that first column there.

Specifically, this would include developing a process for identifying and smoothing outlier MRIP estimates, evaluating the pros and cons of using preliminary current year MRIP data, and developing guidelines for maintaining status quo management measures. If we can develop these topics through a Technical Guidance Document that would allow us to get this all done in a more efficient manner than if all of those things were also part of the framework and addendum.

We think this is possible, because depending on the specific details considered, we think these topics are not going to require a change to the fishery management plan. We think they could be done through a technical document, rather than a framework and addendum. That would leave four topics in the framework and addendum, including a harvest control rule,

which I will describe in more detail on the next slide.

Another topic, which we're calling the envelope of uncertainty approach, where we would explicitly consider variability in the projected harvest estimate, compared to the next years recreational harvest limit, when determining if measures should change. Another topic, which is developing a process for setting management measures that apply for two years at a time.

That is what we're calling multi-year measures here. There would be a commitment to making no changes in the interim year. Then the last topic is considering making recommendations for federal waters measures earlier in the year than December of the prior year, which is our current practice. I should say, in the briefing materials there is a lot more detail on what all of these mean. I'm just briefly touching on all of them here, just to remind you of what is part of all of these actions.

That leaves the last column here, which is the Recreational Reform Amendment, and that Amendment would consider recreational sector separation, which means managing the for-hire sector separately from the rest of the recreational sector, and there is a number of different ways you could do that, as well as actions related to recreational catch accounting.

This could include things such as private angler reporting, changes to the VTR requirements, and other topics. Again, these are all the topics that the Council and the Policy Board prioritized back in October, and this is a suggestion of how to put them in three different bins, to help get everything done in the most efficient manner possible.

I wanted to note that this binning, especially of those first two bins, isn't necessarily set-in stone. Some things might have to get shifted around between those first two columns, depending on future considerations related to the specific changes that are desired. It might be determined that something might need a change to the accountability measures, so if we put it in a framework and addendum category, or if something is more just guidelines related to how we

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use the data, then it could go to the Technical Guidance Document category.

But this is what we're thinking right now for how we think it should bin it, but I just wanted to give you the understanding that it might shift around a little bit. But everything that is listed under the amendment definitely requires an amendment, so that wouldn't change. Anyway, the intent to get all this done would be to first focus on the highest priority topics within this list.

That could be something to talk about today. What are the highest priority topics? For example, based on past discussions, we think the two items listed under the amendment, our understanding is that those are a lower priority for the immediate near term, compared to some of these other items.

As of now, we're not intending to make much progress on the amendment until later in 2021, but we could focus on some of these other topics first. Within those other two columns, some of them might be a higher priority than others. Some of them will be more straightforward to get done than others. We might focus on some of those first.

Related to the discussion of priorities, I wanted to provide a little bit more detail on the Harvest Control Rule that was listed in that framework and addendum column, that middle column. There has been some indication from GARFO and some Council and Board members, some discussion of previous meetings, suggesting that this topic might be one of the highest priorities for the Recreational Reform Initiative.

I wanted to provide more background on what this means to help inform the discussion today. I've summarized at the previous meetings, it's all in the briefing book, but just to kind of give you a refresher. This Harvest Control Rule was a proposal that was initially put forward by six recreational organizations, and the conceptual idea behind it is that you would have a range of

predefined management measures that are referred to as steps, and there is a figure on the screen here that is an illustration of how it would work. You have Step A, B, C and D. It doesn't have to be four steps; this is just an example.

Step A is associated with the highest biomass compared to the target level, so the best stock status, and it's associated with the most level of access. Step A is the most liberal management measure, and then as you move down and to the left, Step B is the most restrictive set of management measures, the least amount of access associated with the smallest biomass, the poorest stock status.

The idea behind this proposal is that each step has predefined management measures associated with it. Under the proposal that was put forward, it was noted that states could have different management measures from each other, and from federal waters, but everything would be predefined.

Step A, you have this set of management measures in federal waters, and then it also lists the management measures in each state that would be associated with that. The same thing for all of the other steps. You would determine which step you're at in a given year, just based on biomass. How does biomass compare to the target?

This is intending to address some concerns related to stakeholder perception that our current management measures don't feel like they are related to availability in biomass, because in some cases we have more restrictive management measures under higher availability than we did in the past, under lower availability.

This would explicitly tie the measures to stock status, and there is some level of predictability, in that you know what the measures are with each step. You might not know which step you're at in a given year, in a future year. But you know what your options are, because it will fall within one of these steps.

Then another important aspect to this proposal is that, as it's described in the proposal is that the upper and lower bounds, so Step A and Step B, are informed

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by stakeholder input. The idea is that Step A is the most liberal set of management measures that you would have, at the most high biomass, highest availability.

Stakeholders would inform that by saying, you know for this species this is the most liberal set of management measures that I could possibly need. I don't need a higher bag limit than however amount of fish. I don't need a smaller minimum size than X inches, for example, and that would inform Step A.

On the other hand, Step B, the most restrictive set of management measures would also be informed by stakeholder input, and stakeholders would provide advice such as, if you go any more restrictive than this set of management measures, then we're going to have major economic impacts, major loss of businesses. The proposal also suggests that maybe there is not even a conservation benefit of going more restrictive than a certain level. This is all conceptual at this point. We haven't analyzed this to see if this would really work the way it is spelled out. But there has been some interest expressed in going through the analysis to see if this could work. Discussions among staff and the Steering Committee, we think that we could come up with these steps, but it would have to be clear that these are just the starting point for consideration.

They would have to be regularly reevaluated. We wouldn't be able to, for example say we're never going to go more restrictive than whatever we put at Step D. There would have to be some flexibility within this. But again, the idea is to have these predetermined management measures, so that you have that predictability.

Also, just to emphasize that this would represent a big change from how we currently do things, because you would be choosing your management measures say on stock status, and you wouldn't be, for example, trying to predict next year's harvest, compare it to the RHL. The

measures would not be based on performance of the recreational fishery, compared to an RHL as explicitly as it has been in the past. It would be more explicitly based on biomass.

Again, this is something that is largely conceptual. We've heard a lot of interest in this proposal, and we could further evaluate this, to see if it could even meet the requirements of Magnuson, where we have to have an annual catch limit, and prevent overfishing by trying to control overall catch that we have to measure in pounds or numbers in fish.

How can we make this proposal work within those constraints? We think that's something that needs a little bit more evaluation, which brings me to the next slide, which is next steps for the Recreational Reform Initiative overall. Again, there is a lot of topics that are part of this initiative, and we have a lot of other pretty important, high priority, ongoing and anticipated actions for these four species over the next year or so.

The briefing book does include an example timeline, but I wasn't planning to touch on that in detail, because it's just an example, and it's highly dependent on prioritization, both within the Recreational Reform Initiative, compared to other ongoing actions, in terms of what do you want us to work on first, and things like that.

One suggestion for the immediate next step is for the Council and Commission and GARFO staff, to work with a few additional NMFS staff who have expertise in things like the Magnuson Act requirements, and maybe MRIP expertise, depending on the topics that we want to focus on first for the immediate next step. For example, if the Harvest Control Rule is a very high priority for the Council and Board to focus on in the immediate future, we think it would be helpful to first answer questions about how can we make the Harvest Control Rule so it will work within the confines of the Magnuson Act requirements.

That could help us determine the next step, figure out should this be a high priority, how do some of those other topics fit within that, and we think that would help us moving forward. That is the staff recommendations, again for the immediate next step

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is to focus on that, if that is what the Council and Board would like to do. That is basically all I had for my presentation, and next the intent was just to open it up for discussion of next steps. We can talk about that recommendation for Council, Commission, and GARFO staff working with additional NMFS staff, to focus on the Harvest Control Rule if that is what the Council and Board want to do. We don't necessarily need an explicit action today, or a motion to be moved forward.

We'll move forward with these next steps as presented, unless a different path forward is approved during the discussion today. With that I'm happy to answer any questions, and I can provide more detail on anything that I glossed over, if needed. Thank you.

CHAIR KELIHER: Thanks, Julia, I appreciate the presentation. It seems to me with that intercept with Magnuson, that working group would be a good first step. But let's open it up for questions before we determine what the path will be. Does anybody have any questions of Julia?

MS. KERNS: Pat, I don't know if you see the hands raised. I hope you get to see the hands raised. At the very top of your attendees pop out list, there should be an outline of a hand that is in black. If you click on that little black outlined hand, you should be able to see them.

CHAIR KELIHER: Yes, I've got them, thanks. The first three on the list are Jason McNamee, John Clark, and Mike Luisi.

DR. JASON McNAMEE: I thought I heard my name first. Thanks for the report, Julia. I am definitely interested in that Harvest Control Rule idea, and I think the suggestion here is a really good one. I would offer two other quick thoughts. You know on the slide it said, the steps would be kind of set based on stakeholder input.

I just think there needs to be, I think that is an important part, and it needs to be balanced

with some sort of regulatory setup that won't put the stock in jeopardy, as well. I'm guessing that balance is where you would end up anyways with this group. One other quick thought is, there is actually, I've been thinking about this a bit.

I'm aware of some work going on at the Science Center with yellowtail flounder, and the development of kind of an interesting tool by some scientists at the Science Center for yellowtail flounder. I just kind of put that bug in your ear, as I think there is application for what they are working on with yellowtail flounder in this situation as well. I would be happy to provide less cryptic information afterwards, if folks are interested.

CHAIR KELIHER: Great, thanks, Jason. Julia, did you need to follow up with any of that?

MS. BEATY: No, I don't think so.

CHAIR KELIHER: I've got John Clark then Mike Luisi, Martin Gary and Rick Bellavance.

MR. JOHN CLARK: Just to clarify. This definitely gives you a knowledge of what the regulations have changed to, based on the steps. But in terms of stability, you could still end up changing fairly often, depending on the stock status, or does this smooth that out somewhat also?

MS. BEATY: Yes, that is a good question. I guess it depends on how many steps there are. But yes, as you get new stock status information, there is a potential to change the step that you're at every time stock status is updated. It could still change frequently, but there is still some level of predictability, provided that you know ahead of time what measures are associated with each step.

CHAIR KELIHER: Mike Luisi.

MR. MICHAEL LUISI: Thanks for your presentation, Julia. I guess where I am right now with questions is, I'm trying to figure out. You know we've been talking about Rec reform for a number of years now, and I'm trying to get a sense both from a Council perspective,

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and from the state of Maryland, as to when. Nothing has been initiated.

I mean we've supported the Policy Board and the Council has supported the continued development of the Rec Reform Initiative for the last couple years. But at what point do you think, Julia, that we need to initiate an amendment or addenda frameworks? Are we not there yet? Does staff need to continue to develop concepts, before we start something up officially?

Correct me if I'm wrong, but I just want to make sure that as far as process goes, that we've got a plan. I know that it's on the Mid-Atlantic Council's priorities list for 2021, as far as developing this initiative even further. But I don't know if you can give us some perspective from the staff level, as to when you would need decisions to put forth a formal document. I hope that question made some sense.

MS. BEATY: Great question. Maya, can you go back to Slide 5. In October, the Council and the Policy Board had a joint meeting, and did initiate a framework and addendum, and an amendment. This table lists all the topics that were part of the motion that the Council and the Policy Board already passed and approved for getting all of these things done.

The only thing that is different is that staff are recommending doing some of them through a Technical Guidance Document, rather than a framework and addendum. But an action already has been initiated by both the Council and the Policy Board. Staff do feel like we do already have the direction that we need, that we should move forward with all these, and these are all priorities.

Just the intent behind kind of having this discussion and talking about next steps, there is a lot on this list, and there is a lot of other things happening with these species. We just wanted to provide an update of what we think is the best path forward for getting all of this

one, because there are some concerns about staff workload, between the Council, the Commission, and GARFO to get all this done.

We're operating as if, you know, these are already all priorities. The framework and addendum have already been initiated, so just how can we work within that kind of get these all done? We're not going to work on everything all at once, initially just focus on what we think are the highest priorities, and/or the most straightforward, most helpful things. There is again the suggestion for how to do that in more details in the briefing book. But I just wanted to make it clear that we don't need to initiate any sort of actions today, because that already happened back in October.

CHAIR KELIHER: Toni, do you want to follow up on that as well?

MS. KERNS: I think actually Julia covered everything that I was going to say, Pat. Thank you.

MR. LUISI: Mr. Chairman, if I could just a quick follow up, Mr. Chairman that would be great.

CHAIR KELIHER: Go ahead, Mike.

MR. LUISI: Thanks, Julia. It's amazing what you forget, and yes, thanks for the reminder that we have approved the continued development of these options moving forward. I guess where I am, I am trying to figure out where do we start? There are a lot of things here. We have a lot of other activities going on with summer flounder, scup, black sea bass and bluefish. I guess that's what we need to think about, as far as prioritizing these different measures going forward. Thanks, Julia, I appreciate the reminder on the initiation of these actions, thank you.

CHAIR KELIHER: Next on my list is Marty Gary.

MR. MARTIN GARY: Thanks, Julia for your presentation. I appreciate all the hard work that has gone in to this, and I'm supportive of the concept going forward. My question is just out of curiosity, Julia. It was probably in the briefing materials, but you mentioned that six recreational groups supported this,

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and I'm just curious as to who those groups are. Given the diversity of our recreational stakeholder community, and all the different species they interact with, I'm curious who they are and how they might represent our coastal recreational community, if you have that available.

MS. BEATY: Yes, just give me a second, I'm pulling up the initial document. They initially put it forward as part of a different action in the, okay let's see. American Sport Fishing Association, Center for Sportfishing Policies, Coastal Conservation Association, Congressional Sportsmen's Foundation, National Marine Manufacturers Association, and the Recreational Fishing Alliance.

MR. GARY: Okay, thank you very much, Julia.

CHAIR KELIHER: Thanks, Marty. I've got Rick Bellavance, then Chris Batsavage and Roy Miller. Go ahead, Rick.

MR. RICK BELLAVANCE: Just a quick question. I was wondering if Julia could explain to me, what if any role the New England Council might have in the working group participation, just to get an idea on that.

MS. BEATY: Sure. At this stage we had envisioned it just being Mid-Atlantic Council, Commission and GARFO staff, and just a few additional folks from other parts of NMFS, maybe from Headquarters. You know, if the goal is to focus first on the Harvest Control Rule, we thought that would be the best way to do it, is to just have it be that smaller group of staff first to first try to answer questions about how can we make this work under Magnuson, and then when we get further into developing specific alternatives, maybe we could think about what other folks we need to bring in. But because we're just focusing on those initial questions, and the four species that are jointly managed between the Mid-Atlantic Council and the Commission. We hadn't planned to bring in the New England Council at these early stages.

CHAIR KELIHER: Chris Batsavage.

MR. CHRIS BATSAVAGE: Julia, I think earlier you said that some of the items on this table might be of higher priority to the Council and Policy Board. Then there are others that are more straightforward to do, and also will help the process. I was curious to know, for the last item under framework and addendum, changes to the timing of recommending federal waters measures.

Would that kind of fall under the category of being a pretty straightforward issue to address? Well, I guess it will be up to the Council and Board to determine whether they want to pursue it, but would that be one that's maybe a little more straightforward than some of the others on the list? Thanks.

MS. BEATY: Sure, yes. It could be. Another thing about these topics is that a lot of them are potentially intertwined. If we changed the timing of when we recommend federal water measures, that also relates to how we use preliminary current year MRIP data, which is listed as a separate topic. But it's related.

There are considerations related to that, like what data you have available. It would require some probably minor changes to the fishery management plan, because that timing part is spelled out in some parts of the fishery management plan for the specific type of conservation equivalency, where you can waive federal waters measures, in favor of state waters measures.

That has been allowed for summer flounder for several years, and is now an option for black sea bass as well. There are parts of the FMP that relate to that, that do spell out the timeline. For that reason, it would require a change to the FMP, and it would require a framework and addendum, so that would make it a little bit more involved, and if we could just do it through a Technical Guidance Document.

But even within that, that is potentially more straightforward than some of the other topics, because I think mostly it would just entail, you know really thinking harder about the pros and cons of the

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data that you have available at different times of year, and how that would play into the process.

CHAIR KELIHER: Great, Chris, do you have a follow up on that?

MR. BATSAVAGE: No, that answered my question, thank you.

CHAIR KELIHER: I've got Roy Miller and Eric Reid. Roy, go ahead.

MR. ROY W. MILLER: Julia, while these three columns are before us, I wanted to move over to the amendment side. You mentioned that that would be a lower priority, for instance, recreational sector separation, and yet as I think about it, some of the actions we've taken thus far for bluefish, for instance, and to a lesser extent for summer flounder.

That showed we've already dipped our toes into the waters of sector separation, and I'm wondering if by giving us a lower priority, are we in effect saying that future consideration of sector separation in our measures will wait, until we take action on this proposed amendment, or are we going to handle sector separation in the recreational fishery on a sort of ad hoc basis as it comes up, like we have done in the past? That's my question, thank you.

MS. BEATY: Yes, I can respond to that. I mean the intent was just not to say that we're deprioritizing it, but to say that we're focusing on some of these other things first, for the more immediate next steps. Then it would be potentially later in 2021 that we would pick up that particular amendment.

Start developing a scoping document, and moving forward with that, so that it is something that we do plan to move forward with, just maybe on a slower timeline than some of these other topics here. That is how the Council and Policy Board had talked about it

back in October, but if the group wants to revisit that, then that is open for discussion too.

CHAIR KELIHER: Great, the last on my list is Eric Reid.

MR. ERIC REID: I appreciate that last question and answer. My question is about the Harvest Control Rule itself. I mean to me something is missing in that concept, the concept that is supported by the six groups. Step D is the most restrictive measure based on socioeconomics that can be tolerated without loss of business.

However, the biomass status could require a Step E, which means no fishing at all, and that has to be in any Harvest Control Rule. It's in place in some of our commercial fisheries that we use now. My question is, would the six support further development of a Harvest Control Rule if that step was included?

CHAIR KELIHER: Julia, if you're talking, you're on mute.

MS. BEATY: I wasn't talking, because I just don't feel like I can answer that question. I feel like that is a question for the groups that put that forward, and I don't think I can answer that for them. But that would be something, you know we still have to prevent overfishing, so we might have to consider something like that as part of the further developing that concept.

MR. ADAM NOWALSKY: Julia, and Mr. Chairman, this is Adam Nowalsky. Unfortunately, I don't have the ability to raise my hand right now. I'm still listed as an organizer from earlier this morning. If you would like me to respond, as having worked with those groups, I'll be happy to do so.

CHAIR KELIHER: Yes, go ahead, Adam.

MR. NOWALSKY: Part of one of the things with that most restrictive set of measures that the groups that I've worked with have definitely advocated for, is that one of the things we've learned in less management, learned it with weakfish, learned it on the commercial side with northern shrimp.

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You get to a point where the set of measures that there is just no biological benefit anymore, or what we've learned with summer flounder that the path you think we go down could actually become more destructive biologically, by going in a particular direction, such as larger maximum sizes.

Mr. Reid's comment that that set of measures should incorporate something about biology is 100 percent on point, and the addition to that, the most restrictive set of measures that industry can support. There is a second part of that that would include without providing tangible, biological benefits.

CHAIR KELIHER: Great, thanks for that Adam, filling in the blanks. I've got Doug Haymans and then Roy Miller and Tom Fote.

MR. DOUG HAYMANS: Good morning. Since Roy opened the door, I thought I would step in. I continue to beat the drum regarding sector separation. Although I realize if we dipped our toe regarding the splitting of bag limits with bluefish between charter and recreational, I still feel as though us discussing sector separation amongst four species is a very dangerous precedent to be setting, especially since one-third of our membership just voted it down with the South Atlantic Council.

I would prefer to put off recreational sector separation as long as possible, and have it as a discussion amongst the entire Commission. I realize we're here as the Policy Board, but rather than targeting these four species, I would rather debate sector separation as a Commission, its merits and its dangers, than do it amongst a committee of four species. I'll just continue to beat that each time sector separation comes up, until I get my way. Thank you, Mr. Chairman.

CHAIR KELIHER: We'll look forward to more of that drum beating later, but actually, I think that's a good comment, Doug. As we're just sitting up here in the northeast corner, kind of

away from these species. But thinking about the precedent that it would set; I think it may actually deserve a broader conversation with the Policy Board at a later date. The last hand up is Tom Fote. I think Roy, your hand was up and then went down. I'm assuming you're all set?

MR. MILLER: I'm all set.

CHAIR KELIHER: Okay thank you, Tom Fote.

MR. FOTE: My follow up is to Roy's question. We did this on bluefish without actually going to public hearing. It was an arbitrary decision made at the time by the National Marine Fisheries Service that we could do this. But there really was no input from the public at the time, we did it at a Board meeting. I was very upset over the fact that we did this, so I really think if we're going to go down this road, we need to set up rules of how we do this, and how we basically take care of this before we do another sector separation without going out to the public.

CHAIR KELIHER: Thanks, Tom. I don't see any more hands. Julia, could you go back to your slide with the staff recommendation, please?

MS. BEATY: Yes, Maya will have to do that for me.

MS. MAYA DRZEWICKI: What slide is that?

MS. BEATY: Oh, sorry.

CHAIR KELIHER: I think it's the last slide.

MS. BEATY: Yes, Number eight.

CHAIR KELIHER: Perfect, great. I want to come back to this recommendation by staff, based on the comments, and several people did touch on the conversion with Magnuson. I think if we were going to move forward with this, we wouldn't need to do so with a motion, just an agreement to develop this expanded working group, to evaluate how a Harvest Control Rule would in fact work under Magnuson, and determine if there are any other issues, as well.

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Does anybody object to moving forward with the staff recommendation? Seeing no hands, hearing no objections, I think we have consensus to move forward with that recommendation. Does anybody have any additional items as it pertains to Rec Reform? Mike Luisi.

MR. LUISI: I think for process, maybe I should ask the Council as well.

CHAIR KELIHER: Yes, all right.

MR. LUISI: Let me ask the Council, is there anybody that objects to moving forward with the staff recommendation? I don't have the ability to see hands raised, so Toni or Pat, if you see somebody raise their hand, please let me know.

CHAIR KELIHER: No hands are up, Mike.

MR. LUISI: Okay, so I'll assume that the Council would support that based on consensus, thank you. That's all.

CHAIR KELIHER: Great, thanks, Mike. With consensus of both the Policy Board and the Mid-Atlantic, I think we've got a direction to move forward with a working group on this particular topic. Seeing no additional hands, I think what we will do is we will end this joint meeting of the Policy Board and the Mid-Atlantic Council, and I would remind everybody that the Policy Board will stand in recess until February 4 at 1:45 p.m. With that I want to thank everybody for your time today, it was good discussion, and we'll reconvene on the fourth, thank you very much.

RECESS

(Whereupon the meeting recessed at 11:45, to reconvene Thursday, February 4 at 1:45 p.m.)

RESUME

FEBRUARY 4, 2021
DAY 2

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened via webinar; Thursday, February 4, 2021, and was called to order at 1:45 p.m. by Chair Patrick C. Keliher.

CHAIR PATRICK C. KELIHER: Welcome everybody, we are reconvening the ISFMP Policy Board. We started with these conversations on Monday.

PUBLIC COMMENT

CHAIR KELIHER: As a reminder, we did approve the agenda, but before we get started, I do want to ask if anybody has anything additional at this point in time that they might want to add at the end. No seeing any hands, great.

MS. TONI KERNS: Mr. Chairman, as a note, we do have additional letters from two Boards, the Lobster Board and the Shad and River Herring Board.

CHAIR KELIHER: Great, I've got those, Toni, yes, I have those in my notes, thank you.

MS. KERNS: And Cheri has her hand up.

CHAIR KELIHER: I do have a hand up, Cheri.

MS. CHERI PATTERSON: I just wanted to under other business, bring up a question and a recommendation in regards to including TC or PRTs recommendations when we do our canned motions, thanks.

CHAIR KELIHER: Great, I will call on you under Other Business, thanks, Cheri. Anybody else? Not seeing any other hands. Great, as is customary when we start any of our meetings, I know this is kind of Round 2 for the Policy Board. I would like to ask if there is any member of the public that has anything that they would like to bring to the Policy Board that is not on the agenda? Desmond Kahn.

MR. DESMOND KAHN: Actually, my name is pronounced Kahn, but I know you couldn't tell that. In

any case, I would like to speak for a minute about the MRIP program. I understand that some members of the Policy Board and other people have been expressing unease with some of the MRIP results, and I myself and other colleagues share that concern. Before the new version of MRIP, which greatly increased the estimates of effort and catch, my colleague Dr. Victor Crecco from the Connecticut Bureau of Marine Fisheries, he's now retired, started studying MRIP. He found that it was very difficult to ground truth the estimates from MRIP. However, there was one of their products that could be compared with other sources, and that was their estimate of the number of participants in fisheries.

On their query, you know query form, you can request that information. This was back in like say around 2010 or a little before. When we produced their estimates of the participants in the fisheries, they were extremely high, they were inflated. They were usually between three and four times the number of marine licenses sold in a state.

For example, I'm from Delaware, I was working for Delaware at the time. We were selling something like 110,000 licenses. According to MRIP, there were over 300,000 participants in our fishery most years. The one thing that implies is that the majority of people in our fishery, and this is also true for Connecticut, did not have licenses, because they couldn't.

Both Dr. Crecco and I checked with our respective enforcement agencies to find out, you know what percentage of people that they checked are unlicensed. In both cases it was about 15 to 20 percent. That evidence seemed to falsify the MRIP estimates. Now, since they were very greatly overestimating the number of participants, we thought that could indicate they were overestimating the number of fishing trips, and consequently the catch.

We talked to them about this, but they said well, that estimate of participants is not really

the same thing as what we use to estimate trips and effort, and so forth. We were kind of stonewalled for a minute there. But then they did this upgrade. They were telling Dr. Crecco on some of the ASMFC Boards, they are trying to fix this.

They did a big effort, as you know, and it came up with all of a sudden, now they've got far more trips. I recently went back and queried them for the number of participants in the fishery, just to see if that had changed. Well, turns out they output the number of participants up to, I think it's 2016, and after that they do not derive anymore estimates. Now that is since they've increased the estimates of trips.

I don't know why they stopped producing these estimates, but I would like to suggest that the Commission consider investigating this, and find out how they calculate these estimates, because that's why they are not producing them currently, at least the last time I checked last year. See if that gives some kind of clues as to what has been going on with the MRIP estimates. I can provide the Board with reports, a report that Dr. Crecco wrote, and also some data I collected. I made a presentation to the Striped Bass Board.

CHAIR KELIHER: Desmond, I do have to cut you short, you're over three minutes into this. I appreciate you bringing that forward. If you do want to supply anything to the Commission, I would ask you to do so. I think you brought up issues that I know have been talked about amongst managers in the past. I do appreciate you raising that again, and again, please feel free to share anything that you might like to.

MR. KAHN: Yes, thank you.

CHAIR KELIHER: You're welcome, and sorry about mispronouncing your name. I knew how to do it, it just caught me by surprise. Any other members of the public? Not seeing any other hands go up.

EXECUTIVE COMMITTEE REPORT

CHAIR KELIHER: I am going to move right into the Executive Committee report, and I'll ask Director Beal to jump in and back me up on a couple of these issues.

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As you all know, the Executive Committee has been meeting also by phone, in between the regular meeting schedules, to address issues in particular the CARES Act. I think we've had probably four or five, maybe even six calls between the October meeting and now. The February 3rd Executive Committee is part of this winter meeting.

It was fairly extensive. We discussed a few bigger topics. We discussed several times in particular, we've had many calls, excuse me, in particular around the CARES Act, and the third was no exception. We had a presentation by Kelly Denit on the CARES Act. She did explain to us that Round 2 was approved by Congress.

There will be an additional \$255 million that will go out to the states and territories, and another \$30 million for federally recognized tribes, and \$15 million for their Great Lakes Region. NOAA's company working with the new administration on the timing regarding the release of the funds, and they currently don't have an estimate at when that might happen.

I did tell the Executive Committee that they do have a date of September 2021, that they need to have the money out the door by, but as was the case last time, the states will have more flexibility on that, as long as their spend plans have been finalized. There will be some additional information coming regarding the remaining funds from Round 1 as well, and the fact that they are not going to be able to be comingled with funds that will be available in Round 2.

More details, as I say, will be coming on that. I know Laura Leach will be engaged in those conversations around that financial management of funds. The Executive Committee did have many questions for Kelly. I'm not going to go through them all here today. She has tried to work with us on a lot of these questions and answers over time, and I've been very appreciative of the support that she's given to all of the states.

There was one question in particular that was asked, I think that will be interesting for folks to find out, and hopefully we'll receive positive information. But it was in regards to the "made more than whole." Bill Anderson asked the question around whether they could put a floor on that, because it's not part of the Act.

It's actually a policy that NOAA has put forward associated with the spend plans, and if their floor could be put in place, and we wouldn't have quite so much oversight on the "made more than whole." We are looking forward to getting an answer back in particular on that topic as well.

She did promise that she'll follow up with us on that, and many other questions, and I'm sure we'll have her back to the Executive Committee for any additional questions that might come up. As she gets that information, regarding the new Round 2, I know she'll be reaching out. With that, I'm going to just pause for a second to see if there are any questions that pertain to the CARES Act. Not seeing any hands, I'm going to keep going. Bob Beal did give us an overview of some legislative and appropriations issues.

He updated the Executive Committee. Bob presented that he and Deke will continue to monitor all Congressional activities, as always is the case. At this time there seems to be no focus on anything pertaining to the Atlantic Coast Act, so that is good news. As I'm sure you're all aware, the Secretary of Commerce appointment has been made, that is Governor Raimondo from Rhode Island.

I believe her confirmation hearing was today, and likely the vote will be today. Several leadership positions within NOAA, including the Chief of Staff have been named. The Assistant Administrative Position is yet to be filled, but Paul Doremus, who we all know, has been named the Acting Assistant Administrator.

Bob also reported out that the Hill Committees and the membership on those committees are continuing to be worked out, especially on the Senate side, with a 50/50 split in makeup. They are trying to figure out who will be leading what committee, so I'm sure it's

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going to be a little bit before we hear anything more final on that.

The Executive Committee also has approved a letter that was advanced by the Legislative Committee. This letter has been drafted and reviewed by the Executive Committee to be sent to the Office of Management and Budget. It spells out the priorities of the Commission. This particular letter did draw some conversation at the Executive Committee around the Chesapeake Bay and needed money for doing some assessments within the Bay, pertaining to menhaden.

The Executive Committee did support including a line around that need for additional dollars, and that change in the letter will be made and shared with the Executive Committee before it is sent out. If you did see my Chairs memo, in regards to the committee makeups and appointments. One of the committees that we did leave unnamed at the time was the Legislative Committee.

The Legislative Committee was renewed with new focus and energy last year, and it has been very active, looking at issues that are important to the Commission. The reason I left it blank this year was to not only review its progress, but determine whether we needed to strengthen the membership with people with stronger Hill experience.

I do want to make it clear with that statement, I'm not disparaging the people that are on it by any stretch of the imagination, but the conversations that Bob and I have had around Hill work, pertaining to a new administration coming in, raised the issues of do we need more people on that Committee with stronger Hill experience?

There was not a lot of input from the Executive Committee on that topic, other than seeing some head nods seeming you're on the right track. We will be looking at the membership, and we'll finalize the makeup of the Legislative

Committee in the coming weeks. Are there any questions about the legislative issues or budgets for Bob or I? Not seeing any hands, I will continue on. Switching gears, Laura Leach did update us on the 2021 Annual Meeting. Obviously, we're hoping by October the travel restrictions for all the states will be lifted, and we'll be seeing some positive changes dealing with the pandemic.

This we're going to hold true to the plan from last year, so Joe Cimino and the New Jersey delegation will be hosting us in 2021. Under new business, the Executive Committee did have a conversation around black sea bass allocation, and the decision that happened on Monday. Jim Gilmore from New York raised the issue, not to rehash the vote, but just to discuss how we as a body are going to deal directly with the allocations issue in the face of climate change.

John Hare did chime in on this topic, and reminded us that the Science Center, along with the Commission and the Nature Conservancy are pulling together a contract that would allow us to do some scenario planning on that topic. There will be more information coming on that, but after the meeting we did talk about the need for having a presentation to the Policy Board on scenario planning, and Dr. Hare did promise to make staff available to do that presentation.

There will be a lot more conversations around this going forward. There was recommendation that a working group consisting of members to the Policy Board get together to start working on this. Bob and I will be discussing that more, and the Executive Committee will hash that out, and we'll bring something back to the Policy Board for consideration, likely at the spring meeting.

That concludes my report of the Executive Committee. Does anybody have any additional questions before we move on with the agenda?

**PROGRESS UPDATE ON THE
RISK AND UNCERTAINTY POLICY**

CHAIR KELIHER: Seeing no hands, we'll move right on to Agenda Item Number 8 then, which is Progress Update on the Risk and Uncertainty Policy, and that is

Jason McNamee. Jason, are you out there somewhere in the virtual world? Go ahead, Jason.

REVIEW DRAFT OF THE RISK AND UNCERTAINTY POLICY

DR. JASON McNAMEE: Thanks everybody. We wanted to give you an update. There has been some work done on the Risk and Uncertainty Policy, and we've got our presentation that I'll jump through here. Just a reminder, the goal of the Policy is to provide a consistent yet flexible mechanism to account for risk and uncertainty in the decision making that we do as a Commission.

The reason for this is to protect all of the Commission managed stocks from the risk of overfishing, as one example, and to also minimize adverse social, economic, or ecosystem effects, or at least take account of them within our risk management, and when we're making these decisions. The tool consists of a series of questions. The questions, not shockingly, are related to risk and uncertainty.

These responses are weighted, based on their relative importance within the overall decision tree. These weighted responses are combined, and what they spit out at the end is a recommended probability of achieving whatever management objective it was that we were trying to achieve. As an example, it could be the probability that we want F to be less than that F threshold. That is just a graphical representation where you can see the weightings go along with the responses to each of the questions. They kind of make their way through the decision tool, and then provide a recommended probability. The tool questions are split basically into four components. The first is stock status, so that's one we talk about routinely. The second category is additional uncertainty, so that is model uncertainty, management uncertainty, environmental uncertainty. The third category is sort of an additional risk category.

One of the things that we've been thinking about for that category right now is ecosystem importance, so the importance of whatever species it is that we're talking about within the ecosystem. Then there is a fourth category where we will consider socio and economic issues. The way the tool works is the first three components, they add to the probability, meaning they make it more conservative, depending on how much you add in, or where you are with regard to stock status and things like that.

This is the unique part for the tool that we're trying to develop. The socioeconomic component can add or subtract from that probability, so if you were going to, for instance impact dramatically a highly dependent fishing community. That would actually pull that buffer back, you know to make it less conservative to consider those types of factors.

We're talking a little bit more in detail about the criteria. The Risk and Uncertainty Working Group was tasked with refining the criteria for the decision tool inputs, basically the responses that would go into the tool, and a group of Risk and Uncertainty Working Group members and Assessment Science Committee members provided input on basically those first three categories, the model and management and environmental uncertainty.

I'm sorry, the third category, which was the model, management, and environmental uncertainty, and not the third category but the second category, sorry. From that group we got a recommendation, and that was for the criteria for those components, for them to be broad. The reason for that, that would allow the Technical Committees to adapt their scoring to factors that are most relevant for their species.

It's basically to allow customization for the species being analyzed. The individual technical committees may develop specific scoring rubrics for their species, so it will be spelled out specifically for that species, but everything will be working basically under the same framework. There is consistency there, but allowing for some customization, because each of the species that we manage have their own foibles, and they are unique.

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The refined criteria, they include a list of factors that the Technical Committee may consider when scoring each decision tool question, and again, which factors are important for each individual species is up to the technical committee. They are going to provide that guidance. This is just a subsample of the different types of things that could fit under these different categories, just to give you a sense of what we're talking about here.

There is a little bit more in the meeting materials, a little more detail that you can look at. But this gives you, you know a sense of what we're talking about here. Model uncertainty would be things like retrospective patterns, sensitivity runs, and the uncertainty associated with those. The model fits, management uncertainty would be the performance of a management that we implemented in the past, initiation of relevant management actions, like how long does it take us to get those going, and then things like illegal or underreported fishing activities. Then under the categories of environmental uncertainty, we could be talking about environmental drivers on recruitment, climate vulnerability, natural mortality, or uncertainty in the natural mortality for that species.

Then the ecosystem trophic importance that could be, does the species provide some specific ecosystem services. What is the importance of that species to other key species in the ecosystem? That gives you a sense of the types of things that the Technical Committee could consider, and what they would build into their species-specific rubric for the decision tool.

Now, getting into some of the socioeconomic criteria. The Committee for Economic and Social Science, they've developed specific criteria for scoring these socioeconomic components. It's pretty formulaic. You've got short term and long-term effects of proposed management, and then those are subdivided into commercial and recreational.

You end up with roughly four questions for each sector, commercial or recreational, you have a short term and a long-term effect. This is just a graphical representation of what I just talked about on the last slide, so for the commercial fishery importance you have the economic value of the fishery.

The fishery dependence for the communities that exist in the fishery, then you've got your short-term management effects, your long-term management effects, and then you get your score from those, same thing on the recreational side. You have your fishery desirability, like how popular, how many people participate in that fishery, and again dependent communities on that fishery, and then short term and long-term effects.

Now, these all pivot off of the proposed management action or actions that are being considered by the Board. I'll talk a little bit more about, you know the early stuff that I've been talking about, and then these socioeconomic criteria, and how those work in the process in a minute. The following indicators, they would be used for scoring that socioeconomic criteria.

You've got commercial and economic value, things like total ex-vessel value along the coast. Then you've got your commercial community dependents, and so that could be defined as ex-vessel value as a percent of the ex-vessel value for all species, for the top ten communities. I won't read through the entire slide; you can read it.

But, the idea here is you look at a three-year average for each of these and then this is the data you would put together to create your socioeconomic score. A little bit about the weightings, so I mentioned that early on. What the weightings are, they are multipliers that impact how much each decision tool question impacts that final outcome.

If you change the weightings, what that can do is it can actually change the size of the buffer that you're adding, so whether the overfished status adds 2 percent to 5 percent to 10 percent, you know onto your buffer, but it also defines the relative importance of that component within the overall tool. The example here is, is stock status on equal footing with

the other components in the tool, or is it two times as important, ten times as important, et cetera, et cetera. You can get a sense of the importance of these weightings, and this is the really important policy aspect of the overall tool. How do we get at these weightings? One of the ways we could do that is we could develop a survey, and we can use that survey to determine the Board's preferences, and there is an example survey within the meeting materials. I think it's Page 58 of the PDF under the first link to the Policy Board meeting materials.

You can take a peek at that, and that is one mechanism we could use to get at these weightings, in kind of in an objective and comprehensive way with the Boards. Okay, so a little bit about the process. Some adjustments were made to what we've talked about previously with the risk and uncertainty process, and we did this to avoid bottlenecks in the management process.

It keeps the creation and updating of the decision tool from the actual, when you're in the throes of a management action, you want to have that tool developed already, to some extent, ahead of time. But it also allows the socioeconomic component to then assess the effect of the specified proposed management action. This would be separated out, so you would separate out the socioeconomic component, because that would be kind of more of the immediate reaction to a proposed management action.

This is where the Board can really, you know dig into this tool and have their influence. The nice thing about that, and what we've talked about all along is having these things kind of explicitly spelled out provides a lot of transparency in our process. We're out there telling the public why we're down weighting the short-term effect, or up weighting the short-term effect, relative to the long-term effect, and things of that nature.

Developing the decision tool, this tool is developed separately from the management action. Generally, the Board provides input on the weightings, and then the Technical Committee and the Committee for Economic and Social Science, they provide the responses to the decision tool questions. But then the Board can make adjustments to those inputs if appropriate.

When developing the decision tool, all of the components of the decision tool will be completed, except the management effect portion of the socioeconomic component. Those will be scored when a specific management action is being developed and considered, and then this can be iterative. The Board can provide feedback on those weightings in the decision tool answers, and that will kind of feedback in to the tool, so it can evolve over time.

You're not locked into some static decision. But you'll have to do those types of changes explicitly, and yearly define why we want to make those changes. Almost to the end here, Mr. Chair. Let's say we had an anticipated management action for a species, so we had a stock assessment, and there is a need for action.

That will trigger a review, possible update of the decision tool. Then the Technical Committee, they are going to take a look at that. They may leave it. Everything might still be relevant, so they might not have much work to do at all, or they'll make any necessary updates that they need to make, you know based on stock assessment outputs or whatever.

Then they'll produce the preliminary probability and harvest level. This is without that socioeconomic component. Then that will be developed into a report. That report, including that preliminary probability will be forwarded to the SES. The SES then evaluates the management effect portions of the socioeconomic component.

They'll base that on the preliminary harvest level and other relevant information provided by the Technical Committee, and they may also update the other socioeconomic scores as needed. Then the final socioeconomic scores are added to the decision tool in a final recommended probability is produced.

The report is then made to the Board, it will include all of those decision tool influx justifications, and that preliminary probability and harvest level, and then the final recommended probability will be there for the Board's consideration. Then the Board can get involved. We can make any changes to the decision tool, and you just need to justify those changes, and add those to the reports, and now we've got a good document of our process.

Then once that probability is approved, it will be used to develop those management options. Here is a look at the striped bass example. Important note, this is just illustrative. There are a lot of things, we just made this up, just to kind of show you what it would look like. To orient you to the table, you can see here we've got the column called weight.

Those would be the weightings for each of those, and you can see in this case the weightings are all equal. Then you can see the various scores associated with each of those line items in the decision tool, and then you get your outcome. In this mock example this would have been a recommended probability of 62 percent probability of whatever the management objective was supposed to be.

Here is our proposed next step. You asked us previously to walk through that striped bass example. We've provided that a couple of times, I just did a quick run through. What we would like to do now is use the actual developed tool on the upcoming update assessment for tautaug. This would be a pilot case for the Policy. Unlike the striped bass example, which was just kind of mocked up, this will be a real implementation of the process, but we're doing that prior to making this the official policy of the Commission.

If the outcome, we're going to provide you the outcome. You could consider it in your management action that you take at the end of the tautaug assessment process, but you won't be bound by it. You can kind of see how it goes,

and then we can update the decision tool by running through this real-world example. With that, Mr. Chair, I am happy to take any questions that anybody has.

CHAIR KELIHER: Great Jason, I appreciate that. That was a great presentation. There will be a test at the end of the meeting. Does anybody have any questions of Jason? Bill Hyatt.

DISCUSS STEPS TO CONSIDER FINAL APPROVAL OF THE POLICY

MR. WILLIAM HYATT: Yes, Jay, I have a question. I've read through the materials, but I just can't grasp why socioeconomic uncertainty is combined with the bilateral stock assessment uncertainty, into a single outcome number. It just sort of intuitively makes more sense to me that those would be presented as separate uncertainty levels. I guess I don't know exactly how the justification for combining them, and I guess I don't understand why there is a benefit to combining them as opposed to presenting them separately.

DR. McNAMEE: Thanks, Bill. I mean I think that the short answer to your question is. I don't know how the Board would manage within our existing process with two kind of competing separate probabilities, you know of setting like a fishing mortality threshold tolerance, or something to that effect.

Now if your concern is that you want to be able to kind of look at these things separately. You'll be able to do that in that you'll have all of the information separated out. Remember in this latest process, we are actually doing the latter portion of the tool separately. That happens, you know once there is a management action proposed and on the table.

You can kind of see it, like what it's doing within the overall probability that is produced. But in the end what the Technical Committee needs is or the Stock Assessment Committee or whoever. What they need is a probability with which to then produce some options for the management board of different potential management outcomes. What we tend to do now is, you know we have this kind of multiplicative, okay give us a 40, 50, 60 percent probability of these

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four possible management actions. This cuts out that first layer of that and simplifies the process.

CHAIR KELIHER: Bill, did that answer all your questions?

MR. HYATT: Well, it certainly gave me more to think about. I think it's going to take me a while to wrap my mind around this concept in total, but thank you, Jay.

CHAIR KELIHER: I have David Borden, John Clark, and then Eric Reid. David.

MR. DAVID V. BORDEN: Jason, fine job as always. Would your tautaug example, since we have multiple stocks, will the estimates be made? Will we have an estimate for each one of the stocks?

DR. McNAMEE: Yes, thank you for that, David. I said that same thing to Sara. Sara's very funny response was, "The good thing about using tautaug is that we get to test it four times, because there are four separate stocks, and the bad thing about doing the tautaug example is that we have to do it four times." Yes, that is the idea is there would be kind of four unique outcomes here, so good observation, David.

CHAIR KELIHER: I've got John Clark, Eric Reid, and then Justin Davis.

MR. JOHN CLARK: Thank you for the presentation, Jason, and this is really amazing work. My question is the weightings. I mean obviously that seems to be the more subjective part of this whole formula. Is the idea kind of like a wisdom of the crowds, where you would hope that everybody that is answering the survey is doing so independently, because obviously the results could be skewed if people knew? Well, take like if a faction of the Board knew that if we weight this heavily, it will work to the result we want to get. Just curious.

DR. McNAMEE: No, it's a really good point, John. I think you're right. You could. The first

thing I'll say is, that is kind of the idea. By doing your stuff independent of a management action, it allows more objectivity. Within the overall process, yes this is absolutely. It's subjective, it the part that the Board really applies its policy desires on the decision tool. That's kind of, it's subjective, but it's also reflective of the Commission or the Board's policy.

Meaning, we want to have really high weight, technical information, and less weight on the economic and social information, or we want equal weights on those things. Someone could game it. I think there could be things within it that would have counterintuitive effects. I guess I would suggest that people should take the survey and be truthful and sincere in taking the survey, because what they think they might be gaining in the system might backfire on them. I guess I'll end my yammering there.

CHAIR KELIHER: Thanks, Jason, Eric Reid.

MR. CLARK: Thanks, Jay, that was very interesting, and as I said, I think that if it is done in the spirit that you say, it could be very useful. Just one follow up on the economic considerations. The fact that you are weighting like short-term and long-term effects with the similar weight. Wouldn't they kind of offset themselves in some of these things? I mean, we always will say like, well we've got to cut harvest now, because it will pay off in the long run, so economically short-term pain but long-term gain.

DR. McNAMEE: Really good observation, John. I think you are right that they could offset each other, but they don't have to, and there are two ways that they might not directly offset each other. One would be if the weightings are not equal, so you thought, you know you wanted to up weight the long term over the short term. That could create a situation where they are not always just canceling each other out.

Then, the other way is in the actual score. You could have equal weightings on these things, but then the scores, depending on whatever the management objective is, management action that is being proposed. The scores could be different. You know you could get a really significant short-term effect with little long-term benefit, and so those two scores

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would be reflective of that, and they wouldn't cancel each other out.

CHAIR KELIHER: Great, all set, John?

MR. CLARK: Yes, thanks a lot, Jay. That was very interesting.

CHAIR KELIHER: I've got Eric Reid, Justin Davis and then Tom Fote.

MR. ERIC REID: Thank you, Mr. Chair and thank you Doctor. I appreciate the fact that this socioeconomic data is in there. If I remember correctly, I think I have a vague memory of the few items we do with our partners at the Mid-Atlantic, I think there are a few. I appreciate the socioeconomic data being included there, especially in relationship with National Standard 8, which addresses communities. But my question is, I see in the presentation you talk about ex-vessel price and weightings and so on and so forth. Where does the economic multiplier for any particular species fit into this program? Do you also consider willingness to pay in the commercial fishing industry?

DR. McNAMEE: Awesome questions, Eric. The prime construct of these came from the experts on the Committee for Economic and Social Science, as some good solid metrics that they thought might be a good place to start. Now, as mentioned a couple times, I think some customization could occur within the tool itself.

If there were other metrics or ways of looking at the existing metrics in a different way, I think those could be built in. I think that's what we were talking about with regard to, you have this overarching framework that we've stepped through in this presentation. But then you would kind of get down to the species level, and that's where the stuff that you're talking about can kind of come into the tool, and influence it.

I think the stuff you're talking about could be built in as a standalone metric, or as a supplement to one of the existing four metrics

that we've offered. I think those would have to be done, I would guess the economic multipliers and effects and things like that are very different for the different species. That is where that would come into play.

CHAIR KELIHER: We're going to move right along to Justin Davis then Tom Fote.

DR. JUSTIN DAVIS: Thanks for the presentation, Jason, and all the work by you and the Workgroup. I've followed this with a lot of interest as it has moved along. I think this is great. It's providing transparency and standardization to a process that I think all of us as Commissioners or delegations do in our own heads, when we're making management decisions.

But we're all probably doing it a little different, or weighing things differently. It's probably a good idea to get it all out on paper and standardize it. One thought I had, in looking at the schemes you laid out. It's possible I missed this, but there is a point in there for input from the Board, from the TC, and from the Committee on Economic and Social Science.

But I'm thinking there should be a point in there where the Advisory Panel has some input, particularly when you're considering socioeconomic impacts. I think that is something that we have to give our Advisors a chance to weigh in on, because they have context and understanding there that probably goes beyond what the Board and TC have.

DR. McNAMEE: Justin, thank you very much, I think that is a really excellent point. I vaguely recall thinking about where the AP would fit into this process, and I think you've kind of put that back on the radar. That is an important consideration that we'll go back and figure out. I'm guessing it comes in, in parallel with where the Board kind of comes in. I think that would be the most logical place for that to come in. But we will address that, and I'll come back with a response to that.

CHAIR KELIHER: Thank you. Moving along to Tom Fote.

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MR. THOMAS P. FOTE: I know there is a lot of work going into this. I'm always very concerned when I hear, you know the short-term pain, we're going to see long-term gain. Now, we've been telling that to commercial and recreational fishermen for the last 30 year, and we keep cutting back on the quotas, as we've done over the last 30 years and put more and more restrictions.

The only thing a lot of them have seen is commercial fishing is going out of business, recreational party and charter boats going out of business, recreational tackle stores going out of business. The short-term pain just turns into a long-term pain for a lot of members of the industry, both commercial and the recreational fishing industries.

We weight things, and the weighting seems never to basically really look at the pain it caused those fishing communities, both fishing communities. I have real concerns. I made promises 30 years ago, and one of those promises that I thought would actually happen never did. As we ask politicians, are we better off than we were 30 years ago?

Yes, we might have more fish in the water according to the estimates of MRIP, but has the recreational and the fishing communities done any better? When you start catching 25 percent of what fish you were catching 30 years ago when we started in most species, and we're just seeing more and more regulations.

We don't see the rebuilding of the stocks like we thought we would see, or because of the approaches we used are precautionary, are basically not allowed for those even increases to be circled through the community. I'm always concerned when we get new models, because the models are only as good, I learned a long time ago when I was going to graduate school, and I was in computers and advertising, and that's what my background was.

The surveys and the modeling you do is only as good as the data you put in. I'm still very concerned that that data that we put into it, especially with the new MRIPs numbers causing all this pain, and considerations that I'm not sure that those numbers are any better than the numbers we had before. That's just my comments on it.

DR. McNAMEE: Yes, Tom, you know I think that's totally fair. What I would offer you. I appreciate the comments. I hear them myself; you know in Rhode Island. I think one of the attributes of this decision tool is, you can express that in here by up weighting the short-term effects and down weighting the long-term effects.

The long-term effects like you said, they are uncertain. I think there is a track record there as well, although it may be different, depending on the stock you're looking at. But you can actually express your views that you just offered, within the mathematics of this tool, by adjusting the weights commensurate with that.

MR. FOTE: Just one short follow up. If you're using tautaug, I know in the last 15 to 20 years, because New Jersey thought that was, and we all thought that one of the fish that state-by-state, because unlike black sea bass and summer flounder, they don't usually migrate out and north, they usually migrate in and out. The thing that we could basically get proposed to actually do state by state management of this. Even with all the data we tried to accumulate, we always got told it was not enough. Finally, we gave up, because you're spending time and effort trying to do that. You just find out you're never going to be able to do it. If this would help, I don't know.

DR. McNAMEE: Good point.

CHAIR KELIHER: Bill Gorham.

MR. BILL GORHAM: I think Tom's points are very well put. It seems like it's very important to get a lot of the socioeconomics right. Just looking at some of the more recent decisions by certain fisheries. It was in the recreational community, the subsections, that people that don't own boats.

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There are bucket fishermen, pier fishermen, and maybe it's just a policy or acknowledgement, the Board or Commission needs to acknowledge is that when we get these reports in, if there is going to be an adverse effect on a certain subsection like pier fishermen, that we can reassess.

Oftentimes, you know we see reports and it's not taken into account. We're at this stage of the game we can't go back, but the report itself is lacking critical socioeconomics. I'm just wondering if that is something that this model has the capability of doing, if something is missed, you know during the input process. Thank you.

DR. McNAMEE: Yes, and you can kind of redirect me if I'm not actually answering the question you asked. But I think the answer is absolutely. This is meant to be kind of an evolutionary process; you know it's supposed to iterate. In particular in the beginning, you know we're going to learn as we go.

We learned a lot by running through kind of the mock striped bass example, and we're hoping we think it's improved a lot, and we hope that it continues to evolve. That is exactly how it is sort of built, to progress. Let's just stick with striped bass. Let's say we got to the Board and you noticed that, hey we've got a highly dependent shore fishing community, and that is not identified here. That comment could be made, and the tool can be adjusted to account for that.

I think there is, and we want to get to a point, where at some point it stabilizes, and we're not adjusting it every single time, because it sort of loses its effectiveness. But in particular on the first couple of uses, I do see that happening. Sometimes that's the best way to go, right? You don't recognize some things until you are kind of confronted with them. This process that we've outlined here, allows the ability to update and evolve.

MR. GORHAM: Yes, thank you. I think it is really critical, as you were going through the presentation, there was a lot of TC involvement, I guess a lack of public involvement, to where my fear is that we could continue to overlook things that just aren't captured in the data, which we know is abundant. But if there is the ability to go back and reweight it, and a willingness to go back and reweight it, regardless of timeline. Not necessary process, but to get a better understanding of the world of the fishery and on the stocks, I think it would be fantastic, because on paper it looks great. But if it's lacking the critical information, it just looks great. Thank you.

CHAIR KELIHER: I see Tom Fote your hand is back up, and we have a member of the public that wants to make a comment. Are there any other Board members that have not spoken on this topic yet? Tom, do you have a very quick follow up?

MR. FOTE: I do.

CHAIR KELIHER: Go right ahead.

MR. FOTE: When he was starting to talk about shore-based anglers, and one of the things that really has grated me over the years, is that we look at the management measures we put in place, especially in the recreational community. We never look at the impact it has amongst different sectors of the fishery.

For example, every time we raise the size limit, we put shore-based anglers further and further away from the resource, because they do not see the same size fish as the boat anglers. Because they are not at most of the meetings, and you have the party and charter boats, which is important to the industry and everything else, but they get squeaky wheels, and we kind of loose those people on the side.

Over the years I've brought this up many times, but we've basically forced a lot of shore-based anglers, if they want to actually take a fish home to eat, they are going to be poaching most of the time, because they don't really see the size limit that we put in. Are you fishing Jamaica Bay stuff? You'll never catch one that is big enough to take home to eat. We could weigh this, if I am understanding this. We could give that

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more weight that we don't alienate that population when we do a rule.

DR. McNAMEE: Yes. You know I think in that specific example, that would come into those dependent community parts of the socioeconomic aspects. Now the ability to get that granular with it, we'll just have to see how that kind of plays out, because I actually don't know if it can get that defined. But the answer to your question is yes, like that type of thing is directly, that is where that community dependency part comes into play.

CHAIR KELIHER: Captain Julie Evans, do you have a comment?

CAPTAIN JULIE EVANS: Yes, sir. Yes, I do. I'm amazed at this model, and appreciate it so much. I'm also, I've known Tom Fote for a very long time, and I appreciate his comments, as they are very true. I've been a reporter in commercial and for-hire industry in the past. I've also been a participant. There is one thing I might want to remind, well there are two things. We have more and more subsistence fishermen, as Tom was referring to in Jamaica Bay. I'm located in Montauk.

But people are, I think, more dependent on shore-based fishing and not just for fun recreation, but for food. That is one thing. I would like everyone to kind of be cognizant of that fact. The other is that we're faced here in East Hampton with a project that is going to be very disruptive to the fisheries. Our town leaders have gone into an agreement with a wind development company called Orsted, and they are going to be running a cable from Cox's Ledge to Wainscott.

CHAIR KELIHER: Julie, I'm going to ask you to stay on topic, as it pertains to the Risk and Uncertainty Policy.

CAPTAIN EVANS: Well, I was wondering whether the Risk and Uncertainty Policy would

be considerate of the fact that will be disruptive to fishermen and fisheries.

CHAIR KELIHER: Okay, thanks for that question. Jason.

DR. McNAMEE: Yes, I think so. I appreciate the question. I think it's a tricky one, in that it would depend if that management action were somehow integrated into the Commission management process. Then things like that could be vetted in here. Now things are happening that are kind of outside of the realm of the Commission management action, you know that it wouldn't connect into this tool. Hopefully that made sense.

CAPTAIN EVANS: If I might. If people might be willing to think about this as something that might be put into this management tool in the future, I think a lot of people would appreciate it, thank you.

CHAIR KELIHER: Thank you, Julie. I'm going to ask staff if they can go back one slide, please with the recommendations here. Thanks for that. The proposed next steps are using this for a pilot case with tautaug. I just wanted to get a sense of the Policy Board and the direction you want to go. I don't think we need a motion on this, but if we have consensus, I think we can give Jason and the team what they need to start moving forward.

Is there anybody that would be opposed to the next steps? I'm not seeing any hands go up. Nobody is jumping in, so Jason, I think you have an answer and support for your proposed next steps. I want to just take a step back and thank you for that. I mean that is very comprehensive work that you've done, and I think it will be very beneficial as we move forward. I want to personally thank you for all that work.

DR. McNAMEE: Thank you, Mr. Chair. Could I have just five more seconds? I would like to thank someone also. You know Sara Murray has really kept this going, and so I get to be the front man here, and that is fun for me. But behind the scene Sara Murray has been the ASMFC person who has really kept on top of this and kept it rolling, and so my thanks go to her for a lot of the work in keeping this moving forward.

CHAIR KELIHER: Great, thank you for saying that. Your thanks are also our thanks as a Policy Board, so great work, great team. Thank you very much. We will continue now to move right on, on the agenda.

REVIEW AND DISCUSS THE 2020 COMMISSIONER SURVEY RESULTS

CHAIR KELIHER: The next item is Review and Discuss the 2020 Commissioner Survey Results. I believe, Deke, you're in the queue to give a presentation on that.

MR. DEKE TOMPKINS: Good afternoon! I think we can head over to the second slide, please, Maya. Cool, so this is a presentation of the overview. I'm going to break the analysis of the 2020 Commissioner Survey down into four categories. Check out some whole time series trends, the lowest and highest scores for 2020, and then we'll look at the declines and increases from last year to this year.

Finally, we'll do a brief summary of the comments. All right, so the survey was initiated in 2009. The 2020 version of the survey was open from January 7 through 24, and it is composed of 16 rating questions, and 5 comment questions. As I'm sure everyone who filled it out noticed there is a new question on the 2020 survey, asking you to rate the ACCSP product, so that is similar to Science and ISFMP. This slide shows the number of respondents and average scores for each year in the time series. It's pretty self-explanatory, you can see both categories ticked up just a little from last year. This is the whole time series slide, and this slide describes the negative trends throughout the whole time series, using a linear trend line.

Essentially, this is the slope of the trend running across all years, so you can see these are the questions that have gone down when you've got a linear trend line to that data point. I would also note that Questions 7, 8, and 9 are in italics, because those were added to the survey in 2014. Now when you get to the good news slide, these are same as last slide, but the

questions have been trending up throughout the whole time series, and note Question 14 and 15 were new to 2014, so they don't go back all the way to 2009.

You can see here is a number of questions that are making good progress as well. This slide shows the lowest scores for the 2020 survey, and I would note that these were also the lowest two scores from 2019 as well. I'll also note that the score for Question 8, progress to end overfishing has fallen every year since 2017.

These are the highest scores, so everything that go above an 8, Questions 11, 13, 14, 15, and 16 have remained above 8 throughout the time series, so those are among our highest performers every year, and Questions 6 and 10 for securing resources and engaging with Legislator, while a bit noisy, are trending up overall in the time series, as described back in Slide 6.

We are going to now talk about the questions that had a score declining from last year to this year. It's pretty self-explanatory, cooperation with federal partners, progress to end overfishing, our relationship with constituent partners, cooperation among Commissioners, and engaging our state and federal legislators, all took a little reduction. This slide shows all the questions with a gain of over 0.1 on a scale of 1-10.

These are starting up top with some high performers, and then going down it's a pretty small increase, but I wanted to provide a complete picture here for you. All right, now we're moving into the comments. It's really tough to distill all the comments down into a couple slides, but I tried to stack the comments that were commented multiple times up top. For the obstacles to rebuilding fish stocks, I think you can see climate change and environmental conditions were a very popular one, and so was politics, cooperation, and outside interests. I think the second one and the first one both are really getting at some of the allocation issues that we have been dealing with recently, and that down there, there are actually some that definitely just referenced allocation. The most useful

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ASMFC products, so the science is always up there, and that was up there again.

The meeting materials, all of Tina's great outreach products, and ASMFC staff and the ISFMP products are some of the most noted, and then Lisa Havel's Habitat technical products were also pretty popular ones, so thanks. This is always a tricky one, request for additional products. I think quota monitoring web page has been mentioned for a couple years now.

Then there are a number of other ones, I'm not going to read through all these, and they are in the meeting materials, if you want to take a closer look. These are issues needing more attention, and once again climate change and the environment is right up there on top. Public outreach and politics and cooperation and outside interest were up there.

Data management and MRIP was also one that received a couple multiple comments. Lastly under additional comments, this one should make all the ASMFC staff feel good, and thanks for the complements. A lot of these had to do with Laura's shop, and helping with the CARES Act stuff. With that I'll take any questions.

CHAIR KELIHER: Thanks, Deke, any questions on Deke around the survey? Steve Bowman.

MR. STEVEN G. BOWMAN: I was just noting the one page that dealt with a significant reductions. In looking over that page I was just wondering, it just seems to me that some of those things that have gone down may be an artifact of the pandemic that we're dealing with, the lack of being able to work with each other, see each other, and things like that. I just wanted to put that out for consideration. Thank you.

MS. KERNS: Pat, if you're talking, we can't hear you.

CHAIR KELIHER: Thank you. For some reason my computer has just frozen up here a little bit. Can you hear me now, Toni?

MS. KERNS: Sure can.

CHAIR KELIHER: You kind of froze up and all the audio stopped on there for a second, about half way into Steve's comment. Do I need to follow up with you, Steve on anything? I'm sorry.

MR. BOWMAN: No, sir, I was just indicating that before we take those comments too, not to be a double negative, but negatively. I was just making the point that I thought that maybe some of those may have been a result of the pandemic that we're dealing with, and the lack of our face-to-face communication, whether with our constituents, whether with our fellow Commissioners or other artifacts of that possibility. Thank you.

CHAIR KELIHER: Yes, the fact of angst. Steve, I think those are real good comments. Certainly, we are in a very, very different time. I looked at that survey as much more positive than negative. Actually, when I was talking to Toni about it, she said kind of we've got to look at the scale here of what some of those declines are. They are just off by a bit. Overall, I see it as very positive. Joe Cimino.

MR. JOE CIMINO: Thanks, Deke, I appreciate it when you hit us with this. There are always some interesting things in there. I think one of them to me was our Commissioner's concern with being able to deal with overfishing. One of the reasons why I say that is, it started in 2017 that we've been saying that.

It really wasn't until after we received the new MRIP numbers that we saw a stock status of overfishing for two of our key species. I think before that we were dealing with depleted status in quite a few species, but maybe only tautog that had overfishing. Yet, I still had to rank it high, because those are two species along with sea bass and fluke, where we can't necessarily seem to manage our way out of these things.

Rec discards and environmental conditions are such a challenge. I just wanted to put it out there that, you know we had a curve ball thrown at us in a big way with the new MRIP estimates, changing an entire understanding of our time series of management. But you know still a very real concern. Thank you.

CHAIR KELIHER: Thanks, Joe, for those comments. Any other members of the Board like to comment? I don't see any other hands going up. I know Toni you had a comment you wanted to make?

MS. KERNS: Yes. You know Deke addressed for a couple years now; some folks have had interest in a quota monitoring page. It's not that we have been ignoring that suggestion, it's the difficulty that we find for the species that are left that have state-by-state quotas that aren't covered under the quota monitoring page through NOAA Fisheries, have a lot of confidentiality issues with them. We wouldn't be able to show several states landings, and so we seem to be settling with how then we would show quota monitoring page for those species.

CHAIR KELIHER: Seeing no other hands on this, Deke, I want to thank you for pulling all that information together. The survey, you know sometimes when I get it, I was like, ah the survey is here again already. It seems like we just did it. But I think it's important. We have a good reply rate from members of the Board.

I think it's important that we do this on an annual basis, to kind of keep us all on track.

REVIEW STATE MEMBERSHIP ON SPECIES MANAGEMENT BOARDS

Deke, I want to thank you again, and with that we'll move on to the next item on the agenda, which is Review State Membership on Species Management Boards, so that is you, Toni. It's all yours.

REVIEW PENNSYLVANIA'S MEMBERSHIP ON THE ATLANTIC MENHADEN MANAGEMENT BOARD

MS. KERNS: Since we moved the first half of this agenda item to Monday, we're going to go to the second part, which Bob is actually going to cover which is Pennsylvania's membership on the Menhaden Board.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Mr. Chair, is it okay if I jump right in?

CHAIR KELIHER: Yes, please do, Bob, sorry.

EXECUTIVE DIRECTOR BEAL: I wasn't sure if you had any comments before I jumped into it.

CHAIR KELIHER: No, no, no, no, go right ahead.

EXECUTIVE DIRECTOR BEAL: I'll try to keep this brief, but the Executive Committee has talked about this a number of times. There are a number of members of the Policy Board that probably haven't sat in on those conversations, or sort of been caught up on the whole issue around Pennsylvania and the Menhaden Management Board.

For those reading along in the briefing materials, Page 60 of the Policy Board materials has a draft memo that may memorialize the decision of the Policy Board at the end of this process. Ultimately at the end of this conversation, the Chair will likely ask if you are comfortable with that wording, and if so, we can adopt the language in that memo.

The quick background is, in February of 2016, five years ago, the Policy Board unanimously approved Pennsylvania's participation on the management board. Pennsylvania asked to be put on, and the Policy Board quickly and unanimously said yes that that works out. Since 2016, Pennsylvania, coincidentally, fell behind on their due's payments to ASMFC for a variety of reasons that have all been adjusted, and Pennsylvania is currently up to date, and in great standing financially with the Commission.

But, when they were in arrears the Executive Committee was looking into the consequences and impacts of states being behind on the due's payments,

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and we worked with the Commission's Attorney, Sean Donahue, to look into that issue and sort of figure out, all right if a state really falls behind, what can we and what do we do about that?

Coincident to that review, Attorney Donahue noticed, sort of brought to the attention of the Executive Committee, and he did this from the perspective of being a good attorney and good Commission Counsel, and said hey, you guys may have some exposure or liability here with Pennsylvania serving on the Menhaden Board.

His rationale for that was that he went back to the Guiding Documents of the Commission, the Compact and the Rules and Regulations. In the Compact there are a number of descriptions on how states operate and where states can and can't participate. One of those provisions is pretty direct, and it says Pennsylvania and Vermont are essentially limited to participating in the Commission process for anadromous species.

He raised a red flag and said, hey you may want to think about this issue, and should menhaden continue to be, continue to participate on the Menhaden Board. You know there may be some exposure here that the Commission needs to think through a little bit. We had that back-and-forth conversation at the Executive Committee. Then as the conversation evolved a little bit, the Commission also approved Ecological Reference Points through the Menhaden Board, and ultimately the Policy Board. As everyone knows, the Ecological Reference Points sort of intimately linked menhaden and striped bass, striped bass obviously being an anadromous species. As the conversations at the Executive Committee evolved, they came up with essentially what's included in this memo, which is given the importance and the linkage between menhaden as a forage base, and striped bass as an anadromous predator.

It seems to be acceptable for Pennsylvania to stay on the Menhaden Board, given that

relationship between menhaden and striped bass. That's what's recorded in this memo. We talked through this with our Attorney again, and he feels that given the sort of new direction that the Commission is moving in, toward ecosystem management, and linkages between predator and prey.

He does not have remaining concern about exposure or liability of the Commission, feels that the Commission can justify keeping Pennsylvania on the Menhaden Board, if they choose to do so, and that does not cause significant or concerns to him that down the road he'll be in front of a judge or have a case that he's not able to adequately justify why Pennsylvania is participating on the Menhaden Management Board.

Again, the summary of my sort of long-winded background here, is included in that short memo. The last item, the last bullet Number 4 I think is important as well, which is this. This doesn't set a precedent, it is unique, it's sort of a one-off situation, where Pennsylvania is listed as a state in the charter that has limited participation in some of our species.

But, given that this sort of direction that the Commission is moving in, it seems to be okay in this one instance. But if there are other instances, we'll have to consider those individually in the future. I'm happy to answer any questions, Mr. Chair, but that's my somewhat quick summary of the issue.

CHAIR KELIHER: Thanks for that, Bob. I think that Bullet Number 4 in particular, or Item Number 4, is particularly important, as far as precedent setting. The fact, I think, the Executive Committee had a couple different conversations about this. I think the fact that the Attorney has looked at this and feels comfortable as well with this new information, gave the Executive Committee some comfort having this move forward, memorializing it with a memo in the file, so it's not lost in the future.

Before we make any final decisions here, I want to open it up for any questions or comments to Bob. Any hands? I don't see any hands. From a process standpoint, we do not need a motion, because Pennsylvania is on the Board. From my standpoint, Bob, correct me if I'm wrong, we can just memorialize

this that consensus was reached on this issue, and we can put this letter in the file.

EXECUTIVE DIRECTOR BEAL: Yes, that's correct. We'll finalize this memo, you know include today's date, and I'll sign it, and we'll be all set. I can obviously share a copy of this with all the Commissioners, in case they want one just to have it in their files. But that is a good plan moving forward, Pat.

CHAIR KELIHER: Okay, that sounds good. Well, I don't see any other hands on this issue, or any hands on this issue, so with that we will have this letter signed. I think, Bob, that is a good idea, as far as getting this copy out to everybody on the Policy Board. If you guys could do that, that would be great. Okay, Toni, I don't think you had anything else under this item.

MS. KERNS: I did not, Mr. Chairman.

**DISCUSS COMMISSION PROCESS FOR
WORKING ON RECREATIONAL REFORM ISSUES
WITH MAFMC**

CHAIR KELIHER: Okay, we'll move right along, because you're up next as well, so Item Number 11 is Discuss Commission Process for Working on Recreational Reform Issues, Toni.

MS. KERNS: I have two, I guess things to go over with the Board on this one. The Policy Board has been meeting jointly with the Mid-Atlantic Council on Rec Reform for Commission species, summer flounder, scup, black sea bass, and bluefish. The Policy Board has been involved, because it is two management boards that are being addressed.

Since the Policy Board is the overarching management board for all the species management boards, we thought it made the most sense for this body to engage with the Mid-Atlantic Council on these Rec Reform issues. At some point along the way we said we would come back to this Board and confirm that

that is the way we want to move forward, as management documents are initiated.

We have initiated a management document, so one, the first thing we want to do is just to confirm that it is this Policy Board that should be engaging with the Mid-Atlantic Council on these issues. Then the second piece of information that we want to get advice from the Policy Board is, how to move forward with voting with the Mid-Atlantic Council. What we're looking for today is recommendations to bring back to the Council, as the two bodies discuss how voting would take place.

But we just want to get the position of the Policy Board before moving into those discussions with the Council. For the Summer Flounder, Scup, and Black Sea Bass Board and the Bluefish Board, who have joint FMPs with the Mid-Atlantic Council, the process that we use is making like decisions. If a motion is raised, each body has to have the exact same motion for that motion to be able to be voted on. Both bodies have to pass that motion for the motion to carry.

This is a unique system that we have with the Mid-Atlantic Council for these jointly managed species. When we take on issues that are for species that are complementary with other management entities, such as the South Atlantic Council, or the New England Council, we do not use this like-motion process. We are looking for recommendations on how we want to discuss the voting with the Mid-Atlantic Council. That is the second part, and that is my background of this discussion, Pat.

CHAIR KELIHER: Thank you, Toni, questions of Toni on this issue? Tom Fote.

MR. THOMAS P. FOTE: Thank you for your hard work on that, Toni. I mean I'm looking at, I see a serious problem here, and I'll just pick bluefish, because it basically shows the whole problem. We basically have representation from North Carolina to New York on the Mid-Atlantic Council. We have some New England representatives; Eric sits here as a representative from New England Council. When we come to the South Atlantic, there is no representation whatsoever, and those states do not have the votes on the Council to

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basically equalize. I mean I'm just looking at; the Mid-Atlantic Council can control what happens in the South Atlantic and the New England part.

Some of the member states from both New England and South Atlantic don't really like that too much, and I agree with them. There is a problem there. I don't know how we get around it. I mean if we had a super council, or a committee of the three councils that would meet on species like this, that we have a total membership of up and down the coast, that would make more sense.

But basically, the Mid-Atlantic Council as a deciding vote from our four members or five members below them, including southern then because of North Carolina, and from Rhode Island north. How do we correct that problem? That is one of the things I've been trying to think about. I think with everything else, over this pandemic it's actually given me more time to think about the whole process in what I've been doing. I think that's why some of those comments in the survey were more interesting this year. I'll leave it at that.

CHAIR KELIHER: Thanks, Tom for that. I've got two other hands up, Ritchie White and then David Borden.

MR. G. RITCHIE WHITE: Yes, sitting in black sea bass for the first time in a number of years. Watching or participating in that process, it just struck me that in the process the Mid-Atlantic gets to veto whatever the Commission comes up with, as the Commission determines votes first. The Commission would pass a motion, and then the Mid-Atlantic Council can just say no to it.

The concern is that it's obviously state waters and federal waters fishery, but to me I think it's new, in that it's allowing you know a federal entity or representative of the Feds, control over state water fisheries. I don't know the answer, because obviously species has to be managed in both entities. But it was new to me,

and it gives me some concern, but I don't have any recommendations.

CHAIR KELIHER: I'm going to try to bring us back with some recommendations in a moment, but I would like to recognize Dave Borden, and then Adam Nowalsky.

MR. DAVID V. BORDEN: I'm just going to follow up on both Tom's point and Ritchie's point. You know over a long period of time I have had my ears burned by New England fishermen about the lack of New England representation on the Mid-Atlantic Council.

The issue that really comes up in my mind, is the fact that since you need identical motions, and there are no New England representatives on the Mid-Atlantic Council, then in essence it's very difficult for the New England contingent to get a motion, even on the floor. I think that is a real problem with the system. Like Ritchie, I don't know how to address it.

CHAIR KELIHER: Adam Nowalsky.

MR. ADAM NOWALSKY: Great, thanks very much, and I appreciate Ritchie's comments. I don't know if Mike Luisi is participating today that he would want to comment as Chair of the Mid-Atlantic Council. But I do want to highlight that the process that took place earlier this week between the joint bodies, was somewhat different, with regards to the order of voting that took place, and was in fact requested by some member states from the Commission.

It's typically the process when we vote on joint motions at a joint meeting that the Council and the Commission would alternate on a motion-by-motion basis, which body votes first, which then essentially gives the other body that veto power. When on black sea bass commercial, the two bodies met jointly in December.

It was determined, again at the request of board members in consulting with leadership. When we discussed the issue of inclusion of the allocations in the federal FMP, it was decided for the December meeting on that portion of the agenda, that we would forego the alternating process, only have the Mid-

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Atlantic vote first on those options, followed by a vote from the Board, if the Mid-Atlantic motion passed.

Then for the issue of the allocations at this meeting, it was again determined ahead of time that the Board would vote first on all of these motions, followed by the Council. But our typical joint meeting process is not what we saw. We typically go back and forth. The Board votes first on one motion, which gives Council, as you call it veto authority.

The next motion the Council would vote first, which again in the terminology we're using would give the Board veto authority, and go back and forth on motions throughout the order of the business of the day that way. This meeting was different this week. I know it's been a few meetings since New Hampshire has been a part of that, but I did want to highlight that.

CHAIR KELIHER: Thanks, Adam, I'm going to go to Mike Luisi, and then I'm going to try to bring an idea forward. Mike, go ahead.

MR. MIKE LUISI: Is there something that's being asked of? You know we've been dealing with joint meetings for quite some time, and I speak not as a member of the Policy Board, but as the Chair of the Mid-Atlantic Council. I feel like we try to make sure that everybody has an opportunity to speak, and to be represented, as far as the decision-making groups.

You know, I will say that I missed the beginning part of this conversation, I was on a phone call during another meeting. I don't know, Pat. Is there something being asked of the Mid? You know maybe I can ask you that question, and see where we go from there. But I'll limit my comment to that point, and see what you think.

CHAIR KELIHER: Yes, thanks, Mike, I appreciate that. There may be a question asked of the Mid. I've been talking to staff about this. I guess the one benefit of sitting up here in the northeast

corner is that I've been kind of watching it from afar. Listening to the conversations, both at the table and obviously the online table, I guess I should say, as well as talking to a few folks around the virtual table, but talking to staff as well. We've got two issues we've got to consider, the first is the simpler one. Is the Policy Board still the right Board to take part in these discussions? Then second, what's the voting process? Does the Policy Board, if it is the Board, want to recommend to MAFC? There may be a decision point here. As it has been stated by Toni, and you know we've got two Commission management boards. It seems reasonable for the Policy Board to take part in these discussions.

It was suggested that would be the case. Before I go on, I just want to make sure. Does the Board agree that the Policy Board is the right body to continue these discussions with the Mid? If not, is there a better process from who is going to be engaged in this? Does anybody object to the Policy Board continuing with those discussions?

MS. KERNS: Pat, can I just clarify that we're talking about Rec Reform here. We're not talking about how we engage with the individual Bluefish Board and the Mid-Atlantic Council, or the individual Summer Flounder, Scup, and Black Sea Bass Board and the Mid-Atlantic Council, it's about Rec Reform issues only is what we're getting a recommendation for, so then we can carry forward a recommendation to the Council about how we vote together, as well as is this the right body.

CHAIR KELIHER: Yes, thanks, Toni for saying that, because I think there is still a lot of energy around that black sea bass issue, so thanks for kind of refocusing this on the Rec Reform issue. Is there any objection from the Policy Board that the Policy Board remains the board that will be engaged with the Mid on this issue? Adam Nowalsky, your hand is up.

MR. NOWALSKY: I don't want to object to that process, but I just want to ask a question. Does the wording in the FMP allow the Commission as a whole to be part of that joint process for these jointly managed species? Is there something that explicitly states that joint management action takes place with

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one of those species-specific boards? In which case, action is part of Rec Reform that might modify the FMP, might need to come from the Board specifically. I don't know the answer to that, but I did want to ask.

CHAIR KELIHER: Yes, thanks Adam, that's a great question. I'm going to let staff jump in, but from my perspective, because this is an overarching policy around Rec Reform, the Policy Board is the right place, and then when it gets used at the lower levels with the species board, then that's where they become engaged. Toni or Bob, do you want to jump in on that?

EXECUTIVE DIRECTOR BEAL: Yes, Pat, I can jump in. I would have said the exact same thing you said, which is the Policy Board is the overarching board, and traditionally our practice is for the Policy Board to tackle multispecies issues, or issues that span more than one species management board. While I'm talking really quickly, Toni may have said this in her opening statement.

You know the other unique thing with Rec Reform is, some of our Commissioners during the development of this have suggested that, you know if we come up with some really good ideas in Rec Reform, those may be applicable to other Commission only managed species, striped bass, tautaug, whatever it might be. Sort of part of that conversation was, you know it seems awkward or strange maybe for the Mid-Atlantic Council to be too involved, if the Commission is developing a broad policy on rec reform that may apply to species outside of the four that we jointly manage with the Mid. That kind of muddies the water even a little bit more. Happy to answer questions on that.

CHAIR KELIHER: Mike Luisi.

MR. LUISI: Yes, I think honestly, you know I'm speaking on behalf of the Council at this point, as Chair of the Council. You know I think you, Pat, I think you, Bob, Toni and I, Chris Moore, we need to just have a conversation about how

we're going to work forward with this Rec Reform Initiative.

You know I'm willing to have that conversation with you guys, to try to figure out how we're going to operate, so that we don't find ourselves in the position where the decisions that we make are questioned, to the point where whether the Commission or the Council votes in a particular way. I just think that we need to be transparent in how we're going to handle that down the road. Right now, it's all kind of theoretical. You know there is a lot of good work to be done, but at some point, there are going to be motions made, and we just need to figure that out.

CHAIR KELIHER: I agree that we're going to have to have more discussions on this, and I note that there are a couple other hands that have gone up, and I'm going to come to you in a second. But I do want to put an idea on the table for the Policy Board's consideration, and I think it would fit into that broader conversation that you just referenced, Mike.

You know Toni discussed this earlier, as far as the joint management process, where we need to have like motions between the Commission and the Council. Sitting up here in the northeast, I looked at that process. It certainly does give the Mid kind of more voting power the way it is currently set up.

Adam brought up this idea about kind of switching back and forth on who gets potential veto power. In talking to staff, what we've come up with is potentially an idea that kind of removes that kind of veil of veto power. What I would like to do is suggest as far as Rec Reform decisions are made, like motions would not be required, as they are in a joint management process to vote on issues.

While this could potentially mean separate documents in final decisions, it preserves an equal voting voice in power among the states, as it's intended under ACFCMA. A little bit more work, two sets of documents, but after those things are done, then it would be kind of bring these things together, to try to resolve. But it just felt better than trying to see one body having veto power over another.

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That is the thinking that has evolved with staff and myself. Again, I'm kind of looking at it from a distance. We have those two issues, the Policy Board, and this type of decision making, a new type of decision-making process. I've got two hands up. Karen, when your hand went up earlier, did you still have a question, or did your question get answered?

MS. KAREN ABRAMS: I put my hand down. Thank you, Mr. Chair.

CHAIR KELIHER: I have a bunch of hands going up now. I'm going to start with Tom Fote, Eric Reid, Jim Gilmore, Joe Cimino, and Mike Luisi.

MR. FOTE: I have confidence in the Commission. I mean we have a lot of checks and balances that the Councils do not have. When you voted a caucus vote, you have to get a legislator, a state director, and a governor's appointee all to agree on a vote, otherwise you wind up with a null vote, we wind up with an abstention, or we wind up voting for an issue.

But it also makes sure that we basically cover all, whether commercial or recreational, it doesn't matter. You've got to work with your other Commissioners, so you all work together on getting into a consensus of what should be done for all your fishermen in your state. The Councils are set up a little differently.

You know I know they are supposed to represent all the fishermen, and look beyond whether you're commercial or recreational. After dealing with the Council for 35 years, I've noticed that that doesn't happen much. That is why I have confidence in the way the Commission deals with these issues.

Sometimes New Jersey is on the short end of the stick. We've been there a couple times, but at least I know I'm dealing with three Commissioners that have to caucus together, to bring out a decision. I always respected and still respect that process to no end, and will defend that process. I do not feel the same way as I've

been watching the Council system operate over the last couple of years.

It's gotten more partisan to how you feel about it, you know how it affects you, not how it affects your state. I think that's where we do the best job at doing this. I want to complement the Commission for the job it does, because that's what it does best.

CHAIR KELIHER: Eric Reid.

MR. REID: I do appreciate this particular piece of guidance. I am fine with the Policy Board handling it. I am the liaison from New England to the Mid-Atlantic, and Chairman Luisi and Dr. Moore give me a lot of latitude. But at the end of the day, I'm not voting. I can't do it; I can't do a lot of things. That is not very comfortable. I've mentioned in every meeting there is, sooner or later how the New England position is diluted in the process, even joint with the ASMFC. If that helps distill the diluted mess down a little bit, I'm 100 percent for it.

CHAIR KELIHER: Thanks, Eric. I was going to say something about we all give you a lot of latitude, but I won't say that. Next on the list is Jim Gilmore.

MR. JAMES J. GILMORE: I think Pat, your suggestion, and first off yes. The Policy Board is the right place to do this. Your suggestion of trying to do this, I think some agreement between the Commission and the Council, I think is a good start, because if we can resolve this at the lowest level. I think that we'll give it a try, and maybe we can come up with something that works. My concern with it though is, and it really comes down to how the Councils were formed, which is now 45 years ago when Magnuson was passed. I don't think Magnuson envisioned a lot of things, maybe that the fisheries were going to be more static than they are now. As I've said, I've mentioned this before. A few years ago, we all went down to D.C. and the one thing that came out of that, that was clear, that was the governance based upon the structure of the Council was problematic for what we're dealing with, with stocks shifting around.

Unfortunately, I think if we really want to try to fix this beyond your suggestion, Mr. Chairman. I don't know if the statute that originally created Magnuson is going

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to allow for that. I guess we'll have to deal with it. But I think it's a good suggestion. Let's try to do this in a cooperative effort with the Council, and then if it doesn't work, we'll have to maybe do some more serious options.

CHAIR KELIHER: Joe Cimino.

MR. CIMINO: I support the Policy Board's involvement in this. At first blush, your suggestion that for Rec Reform like motions aren't needed, sounds reasonable to me. I know a lot of us fear that the biggest challenges to some of those very good ideas in Rec Reform will be strict interpretation of Magnuson. As the Commission develops an overarching policy for other species, that may not be an issue. I do worry about those species that are jointly managed.

At times the Council, for certain species like sea bass and fluke will come up with non-preferred options, kind of nuclear options, if NOAA is too concerned that the options being chosen are not risk averse enough. I would worry that if Council and Commission are making different decisions for state waters on jointly managed species, that it could put the Council in a tough position at times.

CHAIR KELIHER: Thanks, Joe. Mike Luisi, back to you.

MR. LUISI: Yes, Joe just summarized where I was kind of going. Do you think there is an opportunity for the Policy Board and, so I guess my question to you, Mr. Chairman is, at what point are we going to make a decision on this? Is today the day to make a decision about whether or not the Policy Board and the Council don't have to have like motions in moving forward with Rec Reform?

I mean, my opinion would be that I don't think that's the right way forward. I think if we're going to do something, you know at the federal level and with the Council, that we would do it together. But I guess I'm looking for some

advice, or some guidance from your end, as to when. It's part of the discussion today, but do we need to have a more thorough, more informed conversation, you know between now and when a decision gets made? I'm just looking to you for some advice, as to how you think the Commission is going to work through this.

CHAIR KELIHER: As I was thinking about this, you know a little spit balling here. You made a comment earlier, Mike, as it pertains to leadership getting together. I think there is likely agreement around the table now that the Policy Board is the right board from a Commission standpoint. Maybe what we need to do from this point is take this concept that I laid out, have leadership for both Mid and the Commission get together, to kind of work on that concept, you know just in the spirit of cooperation, and see where we go from there. I wouldn't mind getting Toni or Bob's thoughts on that as well.

MS. KERNS: Mr. Chairman, I think you hit the nail on the head. It was the intent here. We knew that this discussion needed to happen, and we wanted to know what it was that this body wanted us to bring forward in those discussions. We didn't want to speak for you, we wanted to know how you guys wanted to carry out actions. If we have that recommendation from this body, then we can take that to leadership. I see that Bob has his hand up as well, so I will let him take the reins from here.

CHAIR KELIHER: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Yes, I agree with where you're going, Pat, and Toni's comments. Only thing, sort of responding to Mike's question on the timeline, and when do these decisions need to be made. We don't have to do it today necessarily; we can have a leadership call.

But, I think we need to decide pretty soon because the Rec Reform schedule is ambitious, to say the least. You know, we're going to have to have a number of meetings throughout the remainder of this year to try to get that done, and maintain that schedule. We'll need to figure something out, whatever it looks like, pretty quick.

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CHAIR KELIHER: Mike, does that make sense to you, this approach?

MR. LUISI: Yes. I think that the sooner the better. I'm going to be working out of my kitchen for the next year probably. I'm willing to have the conversation with leadership from ASMFC and the Council, you know anytime you guys want to plan it. But I do think that, so what I would like to see is a discussion that gets brought back to the Policy Board. The problem is, Bob and you guys, there is not another Policy Board meeting until May. Like the spring meeting is going to be the next time the Policy Board gets together, or could you do something in between now and May?

CHAIR KELIHER: I think there is possibility with a webinar to do something between now and May.

MR. LUISI: I would hate for a delay.

CHAIR KELIHER: Yes, I think as Bob said. I agree, Mike. As Bob said, there is an ambitious schedule that is laid out here. I think we may have to come back around to this, unless the Policy Board wants the Executive Committee to deal with it directly. I think the first step is, let's get, as long as there is agreement from the Policy Board now.

We agree that the Policy Board is the right body. Leadership gets together with the Mid to kind of work on this concept that came out, to see if it is the right way to go. Then we make a determination yes or no, and bring that back to the Policy Board for final adoption. We may be able to do it with an e-mail vote, or if it's needed, we may be able to pull together a webinar. Bob, I'll let you jump in.

EXECUTIVE DIRECTOR BEAL: I was going to say the same thing that a webinar between now and May, you know we can find an hour and a half or so to bounce this off the Policy Board, I would think. Unless the Policy Board wants to delegate the authority to the Executive

Committee, and that is up to the group that's on the webinar right now.

CHAIR KELIHER: I've got one new hand that just, Tom Fote, I see your hand up. I'm going to actually go to Roy Miller who has not made a comment on this. Roy, go ahead.

MR. ROY W. MILLER: I would just suggest that we stick to the Policy Board, rather than the Executive Committee. If it's the Executive Committee then we lose a lot of potential participation from LGA. Right now, only Dennis Abbot and I represent the LGAs on the Executive Committee. I think everyone should be kept abreast of what develops with this Rec Reform issue, and joint voting with the Mid-Atlantic Council representation, et cetera. My opinion, thank you.

CHAIR KELIHER: Thank you, Roy, I think it's a solid opinion as well. Tom Fote.

MR. FOTE: I was just going to say what Roy was going to say. Also, the fact that we need to really do it, so we can get the LGAs basically at these meetings. It's hard for people, with their schedules, even though a lot of us are at home. It is hard for some people that still have to work, scheduling in between teaching their kids and everything else. You really need to have these meetings scheduled at a certain time, and not when it is a Council meeting, maybe not when it's a Commission meeting.

CHAIR KELIHER: I've got two other new hands that have gone up. I've got double O, Dennis Abbott. Dennis, the floor is yours.

MR. DENNIS ABBOTT: I agree with Roy. Neither he or I would be prepared to properly represent the LGAs in this issue. Their voices need to be heard individually, thank you.

CHAIR KELIHER: David Borden.

MR. BORDEN: I totally agree with your suggested way forward, and I think it's logical. I think it's in the best interest of the Commission, thank you.

CHAIR KELIHER: Seeing no other hands. Unless somebody wants to object, the Policy Board will continue to be the body that will move this forward. I agree with the comments, as far as bringing this back around to the Policy Board and not the Executive Committee. Staff will reach out to leadership of the Mid.

We'll get meetings set up as soon as possible, figure out what the time constraint is going to be on that, and then we will report back out to the Policy Board on how those discussions are going, and if we're going to need a meeting to adopt anything. If there are any objections to that, please raise your hand, if not, we're going to move this conversation along to the next item.

DISCUSS POSSIBLE REPORTING PROGRAMS TO CAPTURE RECREATIONAL RELEASE DATA

CHAIR KELIHER: Great, thank you very much that was a good conversation, and moving along on the agenda, Item Number 12, which is Toni again. Discuss Possible Reporting Programs to Capture Recreational Release Data.

MS. KERNS: This is a bit of a follow up from the Bluefish Board discussion that was had earlier today, and as well back in December when we met jointly with the Mid-Atlantic Council. I'll briefly cover for the background. In a recent review, the Biological Reporting Requirements, the Bluefish TC had noted that the stock assessment recommendation to accurately characterize the recreational release length is very integral to the assessments.

Improvements to the methodology used to collect this data is recommended. You heard this today at the Bluefish Board meeting. The TC discussed options for electronic reporting that could be used for collecting recreational angler release data to remove the need for states to create their own individual data collection system.

The TC at that time had recommended the Bluefish Board advance the importance of

bodily collecting reliable recreational release length frequency data for all recreational species, by asking the Bluefish Board to ask the Policy Board to task the Assessment Science Committee to work with ACCSP, to develop a comprehensive program for recording released fish of all recreationally important species that the Commission manages.

The Bluefish Board had concerns about the lack of specificity in the recommended tasks, and weren't prepared to do so. What we said was that staff would put together some information for the Policy Board to think about, in terms of recreational discard data collection, and provide some recommendations to the Policy Board, instead of going to the specific task.

There are a lot of different electronic reporting Apps out there. In the past and currently, some concerns have been raised when discussing reporting Apps that produce population level estimates of recreational catch. A large portion of anglers would have to consistently use them to report accurate information about their fishing trips, and a specifically valid probability-based sampling survey would also have to validate self-reported data, monitor the extent of the reporting, and account for unreported trips.

But option or non-mandatory angler reporting Apps have been found useful in some cases for collecting quantitative data via citizen science incentives. For example, the Florida Fish and Gamefish Foundation, anglers working with Florida Fish and Wildlife assessment scientists to collect and use angler data in stock assessments.

However, in most cases the lack of comprehensive data collection and validation has limited the use of that data in stock assessments. But there are aspects of these opt in on mandatory angler reporting Apps that can be used for other information. Some of these reporting Apps that are being used, but none are completely comprehensive for the entire east coast.

A couple of examples are the scamp release program. Previously it was only used for scamp, but that program is adding other snapper grouper species in April of 2021. The My-Fish Count focuses on South Atlantic species. It has 23 species that can be reported through this APP, but not bluefish, iSnapper focuses

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on snappers, but in Gulf Waters. ACCSP is currently developing Scifish. This product is a combination of Scamp Release and Catch You Later, which is North Carolina DMF. It focuses on ten grouper species, plus flounder, spotted sea trout, weakfish, kingfish, and red drum.

ACCSP is in the process of conducting scoping meetings for the Scifish application that will expand the features and standardize the data collection. The medium to long term goal is to expand this application, so that it can be customized for many different species. There will be a questionnaire that is going to be distributed on February 8, and there will be Town Hall meetings on March 9 and 11.

You can contact Julie Simpson at ACCSP for more information on these meetings. It's our staff recommendation that instead of having the Commission develop a specific program themselves that Commission staff and Assessment Science Committee continues to engage with ACCSP, as they develop Scifish.

The Assessment Science Committee continue to receive updates and advise in communication with the Rec Tec lead to this specific program. The comments and information that we can provide back to ACCSP will be relative to information that would be useful for Commission managed stock assessments, and management activities. We thought that this would be a more streamlined approach to trying to bring into the data needs for our stock assessment, instead of trying to recreate the wheel.

That is all I have here, and I can answer questions, and I also have some backup folks for questions that I cannot answer. I'm not really looking for an action here, I was just trying to provide a different path forward from the Bluefish TCs recommendation, but still find ways that we can co-access information. It might not be this year that these applications are ready for bluefish, but perhaps in the next coming years.

CHAIR KELIHER: I've got a couple hands up already for questions. Jim Gilmore and then John Clark.

MR. GILMORE: Toni, just a couple of questions, and I agree, I think the going with the ACCSP approach with Scifish, although it sounds like a cable channel. Just a couple of questions. I'm assuming this would be an App that they would develop, and will there be a fee associated with it?

I think we should go with it, because I know we hitched our wagon to a couple of things like Pocket Ranger and Fish Rules that was a freebee to get information, and now they are all coming back looking for significant amounts of money now to keep the thing going. Yes, I think it makes sense to do our own thing, but what would it cost, and is this developing our own App?

MS. KERNS: We need to phone a friend for this, Mr. Chairman. I would ask that Geoff or Julie answer this question, one of them.

CHAIR KELIHER: Yes, go ahead, just remember you only have three lifelines.

MR. GEOFF WHITE: Thanks Toni, this is Geoff. Just confirm you guys can hear me on this headset.

CHAIR KELIHER: You're all set, Geoff, go ahead.

MR. WHITE: In terms of availability to the anglers developing it in-house, there is already plans for the development cost for Scifish for 2021. Those were two ACCSP approved projects. The cost to use these Apps out in the field is of course nothing to the anglers, and then the ongoing thought of what would it cost to support this, interact with the anglers. Points well taken, Mr. Gilmore, and the long-term costs have not been fully identified.

CHAIR KELIHER: Great, thanks, Geoff. I see Julie had her hand up too. Julie, did you have something on that topic?

MS. JULIE DEFILIPPI SIMPSON: I'm going to go with what Geoff said.

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CHAIR KELIHER: Perfect, Excellent. John Clark.

MR. CLARK: Along the lines of what Jim was bringing up about the cost. I was approached by one of the three applications that Toni mentioned, and they did want a pretty sizable payment to provide it to anglers in Delaware, you know for Delaware Fish and Wildlife to pay for it. If we can get something that doesn't cost that would be great.

CHAIR KELIHER: Any comment on that? Toni.

MS. KERNS: Not beyond what Geoff provided.

CHAIR KELIHER: Jim Gilmore, your hand is back up, follow up?

MR. GILMORE: No, Mr. Chairman, I'm just sleeping, I've got to put it back down, thanks.

CHAIR KELIHER: I should have done that myself. They gave me control, which is always dangerous. I don't see any other hands up at this time. I take that back, Bill Gorham.

MR. GORHAM: I sent the e-mail to Mr. Beal yesterday, and there are line items for the most recent budget of 3.5 million to go to help the states implement such a plan. I would be really interested to see if you were to just put this out to the public, how many Apps we could probably get for relatively free, just getting the angler feedback information. But I would love to see it happen, and if you have to go through appropriate channels, and that seems to be the fastest way, I would love to see this go through.

CHAIR KELIHER: Toni, you're not looking for a motion here. What do you need from the Policy Board?

MS. KERNS: I don't need really anything, it was more of an informational update and a different route, a different solution/recommendation to what the Bluefish Board had started to talk about back in December.

CHAIR KELIHER: Hearing no objections, you did get some feedback, so I think Commission staff should move forward and engage with ACCSP on that. Assuming you will bring those conversations back to the Policy Board at the next meeting.

MS. KERNS: I'm not sure it will be at the next meeting, Pat, but we'll keep you updated on the progress of the application and we'll go from there.

CHAIR KELIHER: All right, that sounds good, perfect.

COMMITTEE REPORTS

CHAIR KELIHER: Great, moving right along on the agenda. We have Committee reports. We've got Habitat Committee up first, so Lisa.

ATLANTIC COAST FISHERIES HABITAT PARTNERSHIP

MS. LISA HAVEL: I'm going to start with ACFHP, since we don't have any action items for this one. The Steering Committee met virtually November 9 and 10, and we discussed the National Fish Habitat Conservation through Partnership Act. This was signed by President Trump at the end of October, and it codifies NFHP into law.

There are some major changes for how the Partnership operates that goes along with this Act, and how it administers funding. We're hopefully spending this year, 2021 to figure out this implementation collectively. We also had updates on current on-the-ground projects funded by the Fish and Wildlife Service, NOAA Recreational Fishing as well as NOAA GARFO and the Fish America Foundation.

We discussed the finalized conservation mapping project that I've presented to you all in the past. The funded projects in conservation mapping projects are on the ACFHP website under the Our Work tab, if you wanted to see more. For FY2021, Fish and Wildlife Service on the ground conservation funding, we received 14 applications this year, and we will be recommending 11 for funding.

We received proposals from seven states in the North, Mid, and South Atlantic sub-regions. These proposals would improve tidal vegetation, riverine bottom and

shellfish bed priority habitats, and benefit species such as shad and river herring, Atlantic sturgeon, striped bass, American eel, horseshoe crabs and more.

Mutually, the Fish and Wildlife Service announces which projects are funded in the late spring. We also endorsed a couple of projects since my last presentation to the Board back in August. The first one is the Big Pine Key Aquatic Habitat Hydrological Restoration Project. This is co-led by Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service, and it's taking place on Big Pine Key in the Florida Key.

It will restore 108 acres of freshwater marsh, 28 acres of mangrove forest, and 16 acres of salt marsh to provide fresh water to threatened and endangered species in the Florida Keys National Key Deer Refuge. Another project that we endorsed was evaluating an approach to long-term SAV monitoring in North Carolina. This was led by the Albemarle Pamlico National Estuary Partnership. As I said, it takes place in North Carolina, and this is in support of an RFP for the National Estuarine Research Reserve Science Collaborative. This project, if funded, will evaluate the effectiveness or recommended protocols for a North Carolina coast polyhalene sea grass monitoring and assessment program, and ACFHP serves on the Advisory Panel for this project.

Finally, the last project that we endorsed was Tuckerton Reef. This project is led by Stockton University, and takes place in Little Egg Harbor Bay, New Jersey. It is a research and restoration project on a constructed oyster reef, and they are hoping to expand the reef, as well as do some research on it.

It will improve water quality and provide fish habitat, and it involves state, local, NGO, academia, and industry partners. ACFHP would like to thank ASMFC for your continued operational support, as usual, and I'll move on to the Habitat Committee report, and I'll take

questions about ACFHP at the end, if that's okay.

CHAIR KELIHER: Yes, that's fine.

HABITAT COMMITTEE

DR. HAVEL: Great. The Habitat Committee met virtually November 12 and 13, and we received updates on the documents in progress, the acoustic impacts to fisheries and fish habitat, as well as the Habitat Hotline. The Habitat Hotline was released at the end of December, and focused on fish and fish habitat sustenance along the coast.

We also continued working on the fish habitats of concern. We've been making good headway with that project, and we had a discussion on dredge windows elimination proposal in the Army Corps Wilmington District, and I'll get into that a little bit more next. We included in the supplementary materials a comment letter about the dredging windows.

In August, the Army Corps of Engineers proposed to eliminate existing hopper dredging windows in portions of Wilmington Harbor and Morehead City Harbor, so that maintenance dredging and bed leveling can occur year-round, with offshore or nearshore placement of dredge material.

In December, the Army Corps addendum limits this proposal, which was originally put out in August, to a three-year period, ending at the end of December, 2023, and commits to studies on the impacts. But these studies are yet to be specified. The purpose of eliminating their window is to maximize flexibility to obtain contract dredges for maintenance dredging.

The current window is from December 1 to April 15, and has been in place for over 20 years, in order to minimize impacts to fishery resources migrating between the ocean and vital nursery habitats. The Habitat Committee was concerned with this decision. Concern for both the immediate impacts on ASMFC managed species in North Carolina, as well as the precedent it sets for the rest of the coast.

The comment letter that was included in the supplemental materials for your consideration, it includes references to other agencies and organizations that have made comments on this EA, and it elaborates on specific ASMFC managed species

that this decision could impact. The draft letter was presented to the Executive Committee in early January, but it was updated to include information from the Addendum. Action is needed to approve the letter if the Policy Board so decides. I'm not sure if you would like to discuss action on the letter now, or at the end of my presentation.

CHAIR KELIHER: Let's do it at the end.

DR. HAVEL: Okay, great, I'll continue. Finally, for the Habitat Committee, there were a couple of updates to membership. We have a couple of new members. Robert LaFrance is representing Connecticut, Claire Enterline is representing Maine, and we're very excited about both of these members, because Connecticut and Maine haven't been represented for a few years now on the Committee.

"Tripp" Boltin is representing Fish and Wildlife Service for the Southeast Region, replacing Wilson Laney's position, and Wilson is now representing North Carolina Coastal Federation. We have a new Chair, Jimmy Johnson from North Carolina, and a new Vice-Chair, Russ Babb from New Jersey.

ARTIFICIAL REEF COMMITTEE REPORT

DR. HAVEL: I'll move on to the Artificial Reef Committee Report. The Artificial Reef Committee usually meets around now, but we decided to meet later in the year, with the hopes of possibly meeting in person. If not, we will meet virtually, but we decided to have a little hope for that. But in the meantime, the Committee drafted an update to the ASMFC profiles of state artificial reef programs and projects, which was published in 1988.

This update highlights some of the accomplishments of artificial reef programs in the states over the last 30 plus years. It summarizes the number of permitted sites, mitigation reefs, and average annual operating budget along the coast. It has an introduction and information for each state that has an artificial reef program.

For each state there is a summary table and contact information, as well as a map of the reefs, pre-1988, and post 1988. There is a summary of the state's programs since 1988, and some of the highlights over the past 30 years. States have chosen to identify specific reefs, different successes in monitoring or collaborations, and this update will also include photos, once the text is approved by the Policy Board, if you so decide to approve it.

For this document, which was included in the briefing materials, we're seeking approval of the document text to go ahead with the formatting and the publication of this update. As always, we welcome the suggestions for action items that you would like for the Habitat and Artificial Reef Committees to work on, and with that I'm happy to take any questions, or comments on the two requests for approval for the document. Thank you.

CHAIR KELIHER: Thanks, Lisa, I appreciate that. Before we get to the letter, approval of your letter, is there any questions of Lisa? John Clark.

MR. CLARK: Thanks for the presentations, Lisa, very interesting. I just have a question about that Tuckerton Reef in New Jersey. You said it was going to be a constructed oyster reef. What material will that be made from? Is it still going to use shell, or is it going to be something different?

DR. HAVEL: I believe that it is a combination of, I think it's seeded reef balls, but I can follow up with you if I go back and look at the proposal for you. There is already a reef there, and then they are looking to expand upon the reef that is already there.

CHAIR KELIHER: Any other questions? Seeing none, Lisa, can you just do a very quick overview of the letter? I think a lot of people are aware of the letter and the issue, and just give it a couple minutes, and then we need to move, I think take action and approve it, as long as there are no objections, obviously.

DR. HAVEL: Sure, so the letter contains first background information on the Commission, and a little bit of background on the EA that the Army Corps

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put out, as well as the Addendum that they put out in December. The letter would be commenting on something that was already decided, but we have found in the past that even if the window for comments has closed, they do take what the Commission has to say into consideration.

Then it specifically calls out these different species that are likely to be impacted by the Wilmington District specific proposal, including alewife, American eel, shad, croaker, menhaden, striped bass, sturgeon, black drum, blueback herring, hickory shad, red drum, spot, spotted sea trout, and bluefish.

There is a potential for a lot of impacts, since a lot of these species migrate between the ocean and the nursery habitat, so we call that out in the letter. We also acknowledge the other agencies that have commented already, and then we have an attachment that lists all the species that I just mentioned, as well as who manages it, whether it's ASMFC, or it is jointly managed with the Council, and then under which fishery management plan it falls under as well. It's in total five pages, and that includes the attachment of the list of species.

CHAIR KELIHER: Great. Thank you, Lisa. Joe Cimino has got his hand up.

MR. CIMINO: Just to get back to John Clark's question, so Lisa doesn't have to follow up later. It's all going to be spat on shell for the Tuckerton Reef, John.

CHAIR KELIHER: Back to the letter. Are there any objections from the Policy Board to sending that letter? Jim Gilmore.

MR. GILMORE: Not an objection, just when Lisa went through the species, I didn't hear all of them. It was all of our managed species, but is there any mention of endangered or threatened species in that? That is a lot of the windows we have up in our core district, they tend to pay attention to Atlantic sturgeon and things like

that, and the rest of the species there we're always fighting with them on. Are they included in the letter?

DR. HAVEL: We kept the letter focused on only species under ASMFC jurisdiction, and those that occur within the geographic range, which includes Beaufort and Cape Fear River Inlets, since that is what the proposed EA would impact. But we do express the concern that this could set precedents for other districts along the coast that also fall under the Commission's geography.

CHAIR KELIHER: I know the precedent setting issue is certainly what's important to my state. If there are no objections, I think we can just say that there is consensus that the letter would be sent, and seeing no hands, I think we can get that letter out by the end of the week. Great, thank you very much, Lisa. Moving along, Item Number 14 is Review Noncompliance Findings, Jim your hand went back up. Did you just to forget to put it down?

MR. GILMORE: No, no, I just had a quick follow up to Lisa on artificial reefs. I saw in New York it says we have our annual budget is zero. You can make that \$750,000.00 now, and the actual price last year was 10 million, but I don't think I'm getting that this year, just if you want to include that update, thanks.

DR. HAVEL: Okay, thank you. I'll make that edit. Mr. Chair, is it okay to have a discussion on the update to the artificial reef profiles as well, to get that approved?

CHAIR KELIHER: Oh yes, please. Is there anything else you want to bring forward on that? Any objections to that approval? I don't hear any objections, Lisa, so I think you're all set on the Artificial Reef Proposal as well.

DR. HAVEL: Great, thank you, Mr. Chair.

REVIEW NONCOMPLIANCE FINDINGS

CHAIR KELIHER: Moving along to Item Number 14 is Review Noncompliance Findings, and we have none, which is always good, which brings us to the last agenda item, which is Item Number 15.

OTHER BUSINESS

CHAIR KELIHER: We do have some letters that need to be approved, so I'm going to ask, first I'm going to go to Dan McKiernan to discuss the letters that were brought forward in the Lobster Management Board discussion.

LETTERS REQUESTED BY THE LOBSTER MANAGEMENT BOARD

MR. DAN MCKIERNAN: Thank you, Pat, there are three letters that came out of the Lobster Management Board. The first one had to do with the National Marine Fisheries Service's recent Biological Opinion on the bundled Biological Opinion concerning the impacts on endangered species, and notably right whales. The second is a comment letter on the proposed Take Reduction Plan Rules and the Draft Environmental Impact Statements. That particular comment period is open until the end of February.

Then the third is a letter concerning the Northeast Canyons and the Sea Mount. The Department of Interior is mandated by President Biden to comment on whether to amend President Trump's Executive Order, which allowed fishing within that particular monument. We hope that the Policy Board would approve three letters, one on each item. I believe there are some text for some motions that can be brought up to the screen.

CHAIR KELIHER: Did you have anything that you were going to show us, Toni?

MS. KERNS: Maya is working on just getting the motions up on the board for you guys to see. Two different motions.

MS. DRZEWICKI: I have them on separate slides, do you want me to put them all on one slide?

CHAIR KELIHER: That one slide fills the screen with the first letter. Dan, do you want to just read that into the record? It does not need a

second, because it's a motion that is coming from the Board.

MR. MCKIERNAN: I certainly can. On behalf of the Lobster Board, move the Commission send letters to NOAA Fisheries with comments on the proposed rule to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan and the draft opinion. The Biological Opinion letter should include the following:

First, the Bi-Op should be completed so it will support the proposed rule to avoid jeopardy. A statement that addresses the burden the U.S. Fishery could bear based on the actions of Canada. The Atlantic Large Whale Take Reduction Plan letter should include the following: The rule should be completed by the end of May to ensure the court does not intervene.

Implementation timeline recommendations that address practical start dates. Supporting trawl equivalency, I think that may be a typo there, that would allow for modifications related to trawl length, such as to address the need to fish a single end line in the areas, example 8 traps with 2 endlines equals 4 traps with 1 end line. Finally, to support enforcement and coordination with state agencies.

CHAIR KELIHER: Great, thank you, Dan. That is the motion on the floor, it does not need a second, coming from the Board. David Borden.

MR. BORDEN: I totally support the Commission submitting a letter. The only thought I've had since is, we have two deadlines, one for the Bi-Op, and the other one for the proposed rule. One is February 19, and the other one is March 1. It might make some sense to request a minor extension in the comment period on the Bi-Op, so that both comment periods end on March 1. I don't think that will delay anything at NOAA. But in terms of how to handle it, Mr. Chairman, I'm prepared to make that as a motion to amend, or we could do it as a standalone motion, whatever you prefer.

CHAIR KELIHER: David thanks. I think what I would like to do is vote on this motion, and then bring that up as

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a standalone motion. Let's do that after we take care of this letter and the Monument letter. Karen Abrams.

MS. ABRAMS: This is Karen Abrams, NOAA Fisheries. I certainly have no objections to this motion, but I'm going to abstain from this vote.

CHAIR KELIHER: **Okay, thank you very much for that, Karen. Any objections to the motion? Noting the one abstention from NOAA Fisheries, and hearing no objections, the motion passes.** If we could put the next motion up on the board for the second letter. Dan, you've got the floor again.

MR. McKIERNAN: Sure. Move to request the Commission send a letter to NOAA requesting a short extension of the comment period on the Endangered Species Act Section 7 Consultation-Biological Opinion from February 19 to March 1, 2021.

CHAIR KELIHER: Well, that was not the one. Let's put a hold on that. That was the motion that Dave was going to make. Maya, you should have another letter or another motion from the Lobster Board on the Monument. There it is right there. There you go, Dan.

MR. McKIERNAN: Okay. Regarding the Monument: On behalf of the Lobster Board, move the Commission send a letter to the Secretary of the Interior restating the Commission's position on modifying the Northeast Canyons and Seamounts Marine National Monument.

CHAIR KELIHER: Great, thank you very much. Are there any objections to the motion on the board? It does not need a second. Karen, I assume you will be abstaining again, am I correct on that one?

MS. ABRAMS: Yes, that is correct, Mr. Chairman.

CHAIR KELIHER: Mike, I assume you'll be abstaining?

MR. MIKE PENTONY: Yes, sir.

CHAIR KELIHER: Noting that both NOAA and U.S. Fish and Wildlife will be abstaining, are there any objections to the motion? Hearing and seeing none, the motion passes. Maya, if you could put that other motion back up. I think that is the motion that David Borden was going to make. David, if you wanted to read that into the record.

MR. BORDEN: I move to request the Commission send a letter to NOAA requesting a short extension on the comment period on the Endangered Species Act Section 7 Consultation-Biological Opinion from February 19 to March 1, 2021. I so move.

CHAIR KELIHER: This is not a motion of the Lobster Board, so it would need a second. Cheri Patterson.

MS. PATTERSON: Yes, I'm seconding the motion.

CHAIR KELIHER: Thank you. Motion by Mr. Borden, seconded by Ms. Patterson. Is there any discussion on the motion? Karen, I'm assuming you're abstaining.

MS. ABRAMS: Yes, that is correct, thank you.

CHAIR KELIHER: Noting the abstention from NOAA Fisheries, is there any objection to the motion? Seeing no objections, hearing no objections, the motion passes. Great, thank you very much. That concludes the letters from the Lobster Management Board and the new motion by Mr. Borden. We do have one more letter that has been recommended by Shad and River Herring Board. Mike Armstrong, are you online?

MR. MICHAEL ARMSTRONG: I am.

CHAIR KELIHER: Great, would you like to read this motion into the record?

LETTER REQUEST BY THE SHAD AND RIVER HERRING BOARD

MR. ARMSTRONG: Sure. On behalf of the Shad and River Herring Board, move to send a letter to NOAA Fisheries to request that shad be made a higher

sampling priority, particularly for genetic stock composition sampling, to improve our understanding of the impacts of mixed-stock fisheries on system-specific stocks, as recommended by the 2020 Assessment and Peer Review and the Technical Committee.

CHAIR KELIHER: Great, thanks, Mike. This is a motion brought forward by the Shad and River Herring Board, it does not need a second. Are there any questions of Mike? Karen, assuming it's an abstention?

MS. ABRAMS: That is correct, Mr. Chairman.

CHAIR KELIHER: Mike, the same with Fish and Wildlife?

MR. PENTONY: Yes sir, thank you.

CHAIR KELIHER: Noting the abstentions of both NOAA Fisheries and U.S. Fish and Wildlife Service, is there any objections to the letter? Seeing no objections, the letter passes. Thank you very much. That concludes the votes on what ended up being five separate letters. Cheri, you had one new item for business. Why don't you go ahead with that?

MS. PATTERSON: Yes, thank you. I'll start out with a question. When we are voting on species specific plans, and there are recommendations from the PRTs or the TCs, but yet we don't include those within the vote of accepting these plans. Is that correct that they follow through with the vote to accept these motions, or do we need to be including the recommendations from the PRTs or the TCs?

CHAIR KELIHER: I'm going to use one of my lifelines, and ask Bob or Toni.

MS. KERNS: Thanks, Mr. Chairman. Cheri, I would say oftentimes recommendations come in the form of tasking a body to do something for doing research. Those would require a Board tasking, so it would not automatically happen by approving the FMP review. If the Board does

want a task to occur that is being recommended, then you would need to task that body to do so. The approval does not make it automatic. Does that answer?

MS. PATTERSON: It does, thank you. I would just like to have a recommendation that when we are voting on, for example compliance reports and such, that there be an additional slide that indicates what the TC or the PRTs are recommending, so that that can be inclusive into the motions to accept. This is just an example, any compliance reports. It would extend out beyond that to assure that when we're approving a motion for accepting these reports, or whatever, that we can be inclusive of what PRTs and TCs are wanting us to include.

MS. KERNS: Following up, if that's okay, Mr. Chair.

CHAIR KELIHER: Yes, please.

MS. KERNS: When the ISFMP staff member, they would ask the Board that specific question, are you including any of the specific recommendations in this motion, or do you want us to remind the Board of that? Is that what you're asking for, or are you sort of saying in general, folks that are making that motion would need to also include the language of what recommendations they want to carry forward?

MS. PATTERSON: Inclusive with the, a lot of times we just have a canned motion that indicates, will you approve, for example the compliance report. If there was a PRT or TC recommendations to that, it might be nice for the management board to be able to see those recommendations, and include those in that canned motion.

CHAIR KELIHER: Cheri, if I might. I think I'm following where you're going, but I think there is a level of complication here, and looking at the hour. I'm wondering if we might want to just bring this back up at the Executive Committee, since we'll be having several calls between now and the next meeting, just to make sure we fully understand. Then we can have if need be, have additional Policy Board conversations around it.

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MS. PATTERSON: That's fine with me. Thanks.

CHAIR KELIHER: Great, thank you, Cheri, I appreciate that. Is there any additional business to be brought before the Policy Board? Bob Beal.

EXECUTIVE DIRECTOR BEAL: No, I was going to comment on the last thing, but all set. I knew my arm was tired. I guess I was holding my hand up too long.

CHAIR KELIHER: Great. I really appreciate the conversations we've had this week. This has been a long week, and ending here at 4:30 on a Thursday afternoon. The only benefit is we're not all running to Washington Reagan to jump on a plane. A lot of good conversations, a lot of difficult conversations this week. You know states' rights continue to prevail within the organization, which I'm always appreciative of. But obviously more work to do, and based on the survey results, there is always more work to do.

ADJOURNMENT

CHAIR KELIHER: At this time, knowing that we do not need a Business Session, I would be looking for a motion to adjourn. Steve Bowman. Steve has made a motion to adjourn, seconded by Doug Haymans. Any objections to the motion to adjourn? Seeing none. Mel Bell, your hand is up. Did you have something? Mel Bell's hand is now not up, so motion to adjourn passes without objection. I want to thank you all again for a very productive week. Have a great rest of the week, and be safe. Thank you very much. This concludes our business for the winter meeting.

(Whereupon the meeting adjourned on
Thursday, February 4 at 4:30p.m.)