

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

**The Westin Crystal City
Arlington, Virginia
February 6, 2020**

Approved August 5, 2020

Proceedings of the ISFMP Policy Board
February 2020

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of October 2019** by Consent (Page 1).
3. **Move to adjourn** by consent (Page 22).

ATTENDANCE

Board Members

| | |
|--|---|
| Pat Keliher, ME (AA) | Loren Lustig, PA (GA) |
| Cheri Patterson, NH (AA) | John Clark, DE, proxy for D. Saveikis (AA) |
| Ritchie White, NH (GA) | Roy Miller, DE (GA) |
| Dennis Abbott, NH, proxy for Sen. Watters (LA) | Craig Pugh, DE, proxy for Rep. Carson (LA) |
| Dan McKiernan, MA (AA) | Lynn Fegley, MD, proxy for Bill Anderson (AA) |
| Raymond Kane, MA (GA) | Russell Dize, MD (GA) |
| Sarah Ferrara, MA, proxy for Rep. Peake (LA) | Ellen Bolen, VA, proxy for S. Bowman (AA) |
| Jason McNamee, RI (AA) | Steve Murphey, NC (AA) |
| Justin Davis, CT (AA) | Mel Bell, SC, proxy for R. Boyles, Jr. (AA) |
| Jim Gilmore, NY (AA) | Doug Haymans, GA (AA) |
| John McMurray, NY, proxy for Sen. Kaminsky (LA) | Spud Woodward, GA (GA) |
| Joe Cimino, NJ (AA) | Jim Estes, FL, proxy for J. McCawley (AA) |
| Russ Allen, NJ, proxy for T. Fote (GA) | Marty Gary, PRFC |
| Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA) | Derek Orner, NMFS |
| Kris Kuhn, PA, proxy for T. Schaeffer (AA) | Mike Millard, USFWS |

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Maya Drzewicki

Guests

Chris Batsavage, NC DMF
Pat Geer, VMRC

Jay Odell, TNC
Mike Waine, ASA

Draft Proceedings of the ISFMP Policy Board Meeting
February 2020

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 6, 2020, and was called to order at 10:15 o'clock a.m. by Chair Patrick C. Keliher.

CALL TO ORDER

CHAIR PATRICK C. KELIHER: I am Pat Keliher; the newly appointed Chair of the Commission, and as I was reminded by Dave Borden yesterday, the honeymoon is over. You have an agenda in front of you. We already have one item of new business, just to touch base on something from the South Atlantic Board.

APPROVAL OF AGENDA

CHAIR KELIHER: Are there any other items that would like to be added to the agenda at this time? Seeing none.

APPROVAL OF PROCEEDINGS

CHAIR KELIHER: Within your packet you should have received the approval of the proceedings from the October, 2019 meeting. Are there any additions, deletions, or any general comments on those proceedings? Seeing none they are approved by consensus.

PUBLIC COMMENT

CHAIR KELIHER: I know we have one item under Public Comment, Jay Odell, and Jay Mac is going to introduce him in a moment. Is there anybody else here, not that there is anybody here. Is there anybody else here that would like to comment on anything that is not on the agenda? Seeing none, I'll turn it over to Jason McNamee.

DR. JASON McNAMEE: We will hear a public comment this morning from Mr. Jay Odell. Some of you already know Mr. Odell from his years of service on the Commission's Habitat Committee when he was the Nature Conservancy's Mid-Atlantic Marine Lead. He

stepped off that committee a couple years ago, when he took a new position as TNCs North American Fisheries Director. He's been with TNC for 16 years, prior to that he had a 13 year career with the Washington State Department of Fish and Wildlife.

He worked on all aspects of fishery management, from running stock assessment surveys to intergovernmental policy coordination. He knows very well the difficulties and foibles of working for a state agency. Mr. Odell will be speaking with us today about a survey at the University of Washington and the Nature Conservancy is conducting to help characterize state managed and unmanaged fisheries in the United States.

They believe that the U.S. Fisheries not subject to federal management plans are a critically important and underappreciated public asset that deserves more attention and resources, and compared to the federally managed U.S fish stocks, there is very little national scale information available about their condition. That gives us a little bit of context for Mr. Odell's public comment, and with that I turn it over to you, Mr. Odell.

CHAIR KELIHER: Mr. Odell, before you start, we have many people who have flights around the table around two or two thirty. We do have an ambitious agenda in front of us, so with that in mind I just try to make sure we're concise, and if needed a few times to ask any clarifying questions, so thank you.

MR. JAY ODELL: Thank you, Jason for that nice introduction, and thanks for the opportunity to see the Commission and talk to you today. It's nice to be back here. I will try to show you about five, six slides in five minutes, and try to keep it as brief as I can. I'll share our motivation and our investment in this topic.

State managed fisheries, state landed species, incredibly important, as you all know, for example, lobster and menhaden being in the

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top tier of all fisheries in the U.S., in terms of volume and value. We've done just some preliminary estimates, and figure that about well over 25 percent of both total landed volume of fish seafood products in the U.S. are under state management, and really close to 40 percent of the value, so it's a big deal.

This is not news to any of you all. The federal managed fisheries are very well studied. We have the annual reports that tend to briefly dominate the news and get big press. There is really no comparable summary information for unmanaged or state managed stocks, stocks that aren't subject to a federal FMP.

We really know that state managed fisheries and state managed fisheries managers, and ASMFC staff tend to be overlooked and underappreciated. We want sustainable. You know The Nature Conservancy is for fisheries. We want to see sustainably caught seafood in the water, in kitchens, in restaurants.

But on a national scale we really just can't say much about how they are doing, so the first step is to collect information, and hence the survey. We're partnering with Ray Hilborn and Mike Melnychuk at the University of Washington. We looked at what types of methods would be most useful.

They have a very well established and published methodology called the Fishery Management Index that covers things such as vulnerability, monitoring and assessment, stock condition, management practices, enforcement, socioeconomic attributes. The survey is designed to be filled out by an expert, a fishery manager, in roughly maybe 30 minutes, using information that is already in your head, not needing to consult external resources.

Our sampling design, we're trying to pull the top 50 species by volume and by value, and some additional ones that were added because they are iconic or have some kind of strong cultural or ecological importance. We're

surveying about 28 U.S. coastal states and territories, and aiming to capture in the neighborhood of 300 fisheries or stocks in this survey.

We've had some initial conversations that folks are a little bit puzzled sometimes with the list of species that we're including in the survey, and the ones that we're not. They will not include any that are covered under a federal FMP. We know it will include a lot that are basically unmanaged for all states. The survey does include questions and space to record explanatory variables, things that are largely beyond the control of managers, like climate and habitat, funding levels, et cetera. I go back and forth between describing this as a survey of state managed species or stocks versus state landed, which is probably more accurate. We know that many landed species are not considered or managed as fisheries, and we understand it is not realistic to expect that they all are.

We get, what do you mean the striped sea robin fishery? That's not a fishery, and that sort of thing. But we really want to just to get a handle on what's coming across the docks. We know that you know part of the reason that Fish and Wildlife agencies can't always pay the amount of attention they want to, to state managed fisheries is because the tremendous amount of time that you contribute to processes like this, and particularly the federal fishery management process that is largely run and powered by the work of states.

Our goal is very much a national and a regional scale characterization of patterns and trends for non-federally managed species fisheries. Answering questions like, are some species complexes, flat fish, crustaceans, what have you doing better than others, and what proportion of landed species actually have very limited information, and similar examination of some of the explanatory variables, patterns relating to commercial versus recreational fishing, landings proportions, climate or habitat issues.

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How things like that relate to stock condition and other things. Are there common challenges with data collection, funding, enforcement? Some of these may be rhetorical questions, I'm not sure. But are all state fish and wildlife management agencies under-funded? Sometimes it's helpful to have a little bit of data; just to underpin something that everyone is pretty sure is true.

We really hope that we can bring some national and local attention to the challenges that the agencies face, really in service of increasing public funding. Lastly, we are very mindful that helping with this survey is probably pretty far outside the regular duties of you and your staff. We're hopeful that the results will be useful in different and diverse ways, including bringing useful attention to your work.

Our strategy is to, we know in some cases a tall ask, and we're reaching out through our staff in the coastal states to you and your staff. We've made some of those contacts already. We've had some initial very positive conversations and reactions in conversations in Connecticut and New Hampshire, Rhode Island, Alaska, and I think North Carolina.

Please be on the lookout for a letter or further contacts from us asking for your help to suggest staff that would be most qualified to fill out the survey for species in your state, and we will be so grateful for your help with this. We'll owe you, and we'll keep working on coastal habitat in all your states, and trying to make more fish. Thanks very much, and hopefully I left a little time for questions.

CHAIR KELIHER: Thank you, Mr. Odell. I always like to hear it when a nonprofit such as The Nature Conservancy says they might owe us. Just one clarifying question from me, are you looking for one survey response from each state?

MR. ODELL: Yes. Well one survey response per species, and some states will be lucky winners and might get, we would love you to do ten

species, if you can figure out a way to muster the capacity to do that.

MR. KELIHER: Thank you for that clarifying answer. Are there any questions for Mr. Odell at this time? Lynn.

MS. LYNN FEGLEY: Thank you for that it was very interesting. I just want to be clear, state managed. You mentioned federal FMPs, but are ASMFC FMPs included? Is an ASMFC managed species a state managed species, or are you talking about the real unmanaged stuff, like whelk?

MR. ODELL: Yes. In the early design of the survey we kind of scratched our head a bit about ASMFC, and how to treat those species. We decided that they are state. For the purposes of this survey they are state managed. We are not evaluating ASMFC as a unit, as a sampling unit, but we are including some of the species that are managed by the Commission.

CHAIR KELIHER: Steve.

MR. STEVE MURPHY: Just a quick question. We have a lot of state species that we don't manage, but we do collect landings for them. We could provide that information. You can go online and find that right now. But I mean they may not have a formal management plan.

MR. ODELL: That's right. I think, I'm guessing that is going to be the case maybe for the majority of the hundreds of species in this list. For those that are where the landings are tracked, there is I think three or four questions that relate to our landings data collected on a regular basis, and such like. We would ask that you just kind of try to bear with us, and think about the species without, and if it is not managed as a fishery with a specific FMP that is totally fine. We just want to collect as much information as we can.

CHAIR KELIHER: Great. Seeing no more hands, I appreciate, Mr. Odell your time here this

morning. I think this endeavor; anything that can make an underappreciated state manager feel more appreciated is worthwhile as far as we're concerned I think. Thank you very much for that information, and we'll look forward to seeing the surveys.

MR. ODELL: Thank you all.

UPDATE FROM THE EXECUTIVE COMMITTEE

CHAIR KELIHER: Moving down the agenda. Item Number 4 is an update from the Executive Committee. I'm quickly going to go over some of the conversations and the results we had from the meeting just a few minutes ago, and I'm going to ask Bob Beal to chime in if he feels like I missed anything.

One of the first conversations that we had was around the allocation of the Plus-Up funds. We have about an additional \$175,000.00 remaining. After some very good conversations it was clear that there was no final decision could be made by the Executive Committee on the Plus-Up funds. Jay McNamee then offered to develop a little bit of a survey so we could do a better job of ranking them from the Executive Committee. The Executive Committee is going to follow that process Jay has raised his hand and willing to lead that. We hope to have a much more polished list, ranked list if you will for future meetings. There will be more to come on that. The next item revolved around the review of our advisory panels and public input process.

That rose from our luncheon with the governors and legislative appointees, came back to the Executive Committee. Tina did a great job pulling together the attendance from the Advisory Panels over the last bunch of years. It was very telling to see a decline in participation from the Advisory Panels.

We also talked quite a bit about the public hearing process, as well as the use of webinars and surveys as a potential tool. The end result was that there is going to be additional work

from the Management and Science Committee, and the Management and Science Committee will report to the Executive Committee, hopefully at their next meeting.

Next there was no shortage of kind of weighty topics here. Next on our list this morning was potential Board changes based on shift in species. Basically the focus of the conversation is when is it appropriate for a state to be obliged to participate in fisheries management. Currently we have this, we have *de minimis* status.

We've actually had states such as Maine and New Hampshire become involved in the fishery, even though we remain *de minimis*, because there was a growing interest with a shifting species. We certainly have other parameters that could be looked at as well. One of the ideas was to identify very different parameters to highlight the fact that a state was much more involved in a fishery, elevate that information to the Executive Committee and further to the Policy Board for discussions on whether a state should be brought into the process.

There is also conversations about, for instance with the South Atlantic. Should there be a multispecies approach to this in areas where we have shifting stocks? No final answer on any of those things. I think it was a very good conversation with the Executive Committee, and here again we're going to refer some of these questions back to the Management and Science Committee, and that information we'll ask to come either back to us at the May, or likely the summer meeting, considering we've got some additional work on their plate.

Bob, did you have anything you wanted to add on that one? Were you raising your hand, or were you just exercising your finger. Okay, flopping around. He's flopping around. The next item was splitting modes within recreational fisheries management between recreational party charter and the for-hire fleet.

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This was a very interesting conversation with very different opinions around the table at the Executive Committee, on how to deal with this, and at the end of that conversation it was determined that we needed a working group to see if it would be possible to develop a broad policy that we could bring back to the Policy Board for further discussion in the future. We have asked for folks to raise their hand and sign up for that. I think we've got a good list started. Do you have that list in front of you, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: If I can read my handwriting I do. I think it's Cheri, Dan McKiernan, Doug, Jay McNamee, Justin, Bill Anderson, Steve Murphy and Jim Estes.

CHAIR KELIHER: I think that is a good balance based on what I heard from people on both sides of the issue. I think it's going to be some work to see if we can come up with a common policy on this, but based on the conversation I certainly think it is important. We haven't determined a Chair on that.

But this particular one, based on the division we may need some additional staff direction on that and help on that. I think the Committee can talk about that and determine who the Chair would be. I don't have my agenda up in front of me. I think the next item moving on down the list was the Annual Meeting.

New Jersey will be hosting somewhere in New Jersey. I don't know anything about New Jersey, no offense, but Joe made it sound like we're going to have a good time and it will be a very worthwhile meeting. There will be additional information on that. Where is it? Long Branch, New Jersey.

There is such a place as Long Branch, New Jersey in northern New Jersey. I think they're holding it up north to make me feel better about the north. I appreciate that. I appreciate the work, Joe that you guys are all doing on that. Obviously the Annual Meetings are critically important. Quickly under items that

were not on the agenda. I recently with the help of Bob filled out some of the standing committees that we have here at the Commission.

The one that I left off was the Legislative Committee. The reason I did that is the Legislative Committee has really been a committee that has worked on these bigger issues, bigger federal policy issues, Magnuson-Stevens Reauthorization, and it kind of ebbs and flows as far as its participation with the Commission.

What I've asked is that we do a little bit more work to formalize that committee, and have it become much more active. I'm not looking for everybody to start throwing names forward right now, but Ellen Bolen has agreed to Chair this committee with Spud acting as Vice-Chair. What I'm looking for is a good representation from administrative Commissioners, Legislative, and Governor's Appointees to participate on this committee.

If you have an interest, as you're sitting around the table if you have an interest in this committee, please see Ellen or Spud or Bob or I, and we'll make sure you get added to the list. Deke up front will be the staff coordinator on this committee, and will ensure that it is meeting much more often.

Speaking of underutilized species, based on the TNC presentation, there was a conversation brought forth by Virginia around whelk issues in particular the size of the individuals that are being harvested, and the harvest of individuals that have not reached sexual maturity. There is an agreement amongst the states in regard to whelk that some coordination needs to happen. I think with Pat Geer's help and assistance in coordinating with some of the other states, they're going to reach out to Sea Grant to see if Sea Grant might be willing to help fund and coordinate a meeting of the states that have interest on this, and maybe facilitate it. But they are going to bring that back to the

Executive Committee to see if additional help from the Commission might be needed.

Moving down the list is the issue of participation on boards. The Executive Committee at the last meeting discussed the participation of Pennsylvania on the Menhaden Board, and the Executive Committee asked for some legal advice on this particular issue, because it was clear in the charter that both Pennsylvania and Vermont could participate as it pertained to anadromous or diadromous species, and then the overarching legislation was very specific to participation within the Commission, but from a policy perspective.

Bob has asked for some legal advice based on comments from the Executive Committee. We've received that advice in draft form. That information is going to be finalized. The legal advice will be finalized, shared with members of the Executive Committee, as well as Pennsylvania for their ability to respond to the Executive Committee on this particular issue.

Obviously the Policy Board is the Board who will have final authority and say on that. Because of the sensitivities around it though, we wanted to start the conversation in the Executive Committee, and then we will bring that forward. Bob, do you have anything you want to add on this topic?

EXECUTIVE DIRECTOR BEAL: No, I think you've covered it very well. Only one technicality, at the beginning of your comments you mentioned that the charter limits Vermont and Pennsylvania to diadromous species, but it's actually the Compact. But other than that I think you covered it very well.

CHAIR KELIHER: Lastly we had an issue around billing with APAIS. I think that has been settled. APAIS now has to be billed by waves, and so the states will be receiving invoices by waves instead of the larger onetime payment that there has been in the past. I believe it's been a onetime payment in the past.

States that were having issues with that have been put on notice, and I think everything is going to be worked out, and it looks like we're moving in the right direction as far as APAIS and billing around APAIS. With that I will end my comments of the Executive Committee. Are there any comments? Joe Cimino.

MR. JOE CIMINO: One and I think it's important. Going back to that recreational mode split. I appreciate that there is going to be a further discussion on it. It's very important. As you mentioned there were a lot of differing opinions, but I would like to state for the public record that everyone around that table at the Executive Committee agreed that the way bluefish was handled wasn't the way to go forward. We are certainly intending to learn from that.

CHAIR KELIHER: Thank you for that comment, Joe. I did have that in my notes and forgot to bring that forward. That certainly, this was brought up prior too, but the bluefish decision certainly elevated this as a topic of importance. Are there any additional questions regarding the Executive Committee meeting?

REVIEW AND DISCUSS THE 2019 COMMISSIONER SURVEY

CHAIR KELIHER: Seeing none, let's move right down the agenda to Item Number 5, Review and Discuss the 2019 Commissioner Survey. Deke is prepared to go through the results of that. Deke.

MR. DEKE TOMPKINS: All right the survey was initiated in 2009, and the 2019 data was collected January 6 through 20th. It is just this last year comprised of 15 weighting questions and 5 comment questions. This slide shows the average score for each year of the survey and the number of participants each year. This year we had some good news. Scores increased for all but two questions from last year. Overall, looking at the entire time series there is a relatively small variation in scores from year to year. On the average score for all

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of the ranking questions through all years is 7.7, and the standard deviation is 7.2.

The highest levels of variation throughout the ten years are within the two cooperation questions, which is cooperation with our federal partners and cooperation between Commissioners. You can see a swing of 7.7 to 5.2 with our federal partner score, and the cooperation between Commissioners has maxed out at 8.2, but been as low as 6.5.

Okay we're ready for the next slide. These are the two scores that declined in 2019. These are the only two, tracking the number of stocks where fishing is no longer occurring as a metric of Commission progress, and satisfaction with progress to end overfishing. The four questions with the biggest gains are shown here: Commission actions to reflect progress toward its vision, cooperation with federal partners, cooperation between Commissioners, and a clear and achievable plan to reach the vision.

These best scores are perennially at the top of the list; use of fiscal human resources, resources spent on issues within our control, ISFMP and Science Department outputs, and securing fiscal resources for the Commission. The worst scores from this year are ability to manage rebuilt stocks, cooperation between Commissioners, and progress to end overfishing.

Then we move on to the comment section, which I think provides a little more insight into what folks were thinking this year. I have underlined the first three, because these seem to be persistent issues from year to year, so I put them right at the top. Impacts of climate change, cooperation among states and Commissioners, and again cooperation between ASMFC and our federal partners.

Some other issues that stood out, I didn't list every single answer. But some of the larger themes include responding to new information, especially stock assessments and the new MRIP FES survey. Balancing socioeconomics and

conservation, commercial versus recreational interest, conservational equivalency came up, and then prioritizing all of the Commission's species groups.

Then some areas for increased focus and resources that were identified were again, stock distribution and abundance shifts, and tying that in with allocation. The frequency of stock assessments, we heard a request for more technical analysis of some of these issues like juvenile indices, environmental variables and habitat. We had a couple calls for more involvement from the Law Enforcement Committee. There was a comment about improving conservation practices, which has been occurring for striped bass. There were a couple calls to finalize the Risk and Uncertainty Policy, and there were a handful of different comments about federal legislation, addressing discrepancies between the Atlantic Coastal Act and the federal Magnuson Act.

Then there were a few comments tying back into distribution and allocation in climate change for some legislation possibly to deal with that. Then kind of wrapping up, the most useful Commission products are pretty similar from last year, so you can read those. But a lot of them you get in your inbox, and then the other thing that were big was just being able to reach out to staff for various issues that you have.

There were some requests for new products, and I think a lot of these if you aren't readily able to find them, if you reach out to staff they should be able to help you. If you're trying to get a table from one of our publications, if you reach out to Tina she can provide you an electronic copy that is in a format that you can get that.

If you have questions about any of those, I think just go ahead and reach out directly to staff. There are a couple of logistical things from the comment section that folks were requesting electronic motions. They would like to see a

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little bit more of a democratic process, with regard to opportunities to speak at Board meetings, and a few technical things. But I think with that I'll end my presentation, and I thank you for the time.

CHAIR KELIHER: Great, thank you very much, Deke. Are there any questions for Deke? Loren.

MR. LOREN W. LUSTIG: Thank you, Deke for that report. I was very interested on the slide that showed the number of responses over the last, say ten years. It looked like that this past cycle and a year before that there were 31 responses. I believe that eight or nine years ago there were 21 responses, sort of the lowest figure presented. Could you please relate to us any strategies that you might have to increase the percentage of responses, and it would be helpful to know what the number 31, what is the percentage that that would indicate of responses?

MR. TOMPKINS: There is one response per Commissioner, so if you have a proxy you just submit one form, so that would be approximately two-thirds, 66 percent response rate. We open the survey. We try to send reminders, and keep it open as long as we can, noting that we have to finalize it in time to put this on the briefing materials. We start about as early as possible in January this year, and I think we kept it open until two days before supplemental materials were closed. There were two to three e-mail reminders sent out to folks.

CHAIR KELIHER: John Clark.

MR. JOHN CLARK: Deke, is there any way to save your survey for me? When I saw how small the changes were in some of those questions, I just kind of wonder if I might have given it like a slightly higher mark this year than I did last year. It would be nice to know what I actually voted on some of these things last year.

MR. TOMPKINS: I remember that comment from last year that you made. I looked into it, and because it is anonymous, we don't have the option to really pull that out for you. We also use the free version of their software. Each year the survey goes on we're a little more limited in the add-ons that we can use. But I could definitely look into that again.

MR. CLARK: I'll just have to remember to write down my responses then, thanks.

CHAIR KELIHER: I'm glad you offered that John, so I didn't have to. Are there any additional questions for Deke on the survey? In looking at the survey and Deke's report, the one question I have for the Policy Board is, is this a valuable annual survey? Should this be spread out? Do we utilize it?

I mean I went through, looked at the answers and it is nice to see, as Spud just said, you know we've had a lot of turnover, but the scores are remaining pretty consistent, which is telling as well. Are there any thoughts about the use of this annually, or whether we should be thinking about using it differently? Jim Gilmore.

MR. JAMES J. GILMORE: I think it's still useful for some corrective actions. I know there was the one comment about maybe monopolizing conversations, and I think that is a part of maybe that parliamentary training, which we're going to do again. For all the new Commissioners, you're only supposed to speak once.

Now that is up to the prerogative of the Chair, and I will violate that as much as anyone. Sometimes you're talking six, seven, eight times. But I think with that training, and again sometimes if you don't have the survey you start getting away, or you get back into bad habits. It is still useful.

CHAIR KELIHER: I'm glad you said you violated it, so I didn't have to. Are there any additional comments on the survey? Does anybody want

to object to its annual use? Are we all in agreement with Jim, we should just continue it? No big strong feelings there. Why don't we continue?

We've got a couple of nodding heads now to continue, okay. Thank you very much, and thank you Deke for that information.

**DISCUSS STRATEGIES TO INCORPORATE
ECOSYSTEMS MANAGEMENT INTO
INTERSTATE FISHERIES MANAGEMENT
PROCESSES**

CHAIR KELIHER: Moving down the list, to Discuss Strategies to Incorporate Ecosystems Management into Interstate Fisheries Management Processes, we've got Toni Kerns and Katie Drew. Katie.

DR. KATIE DREW: I'm sure many of you were here yesterday for the Menhaden Board meeting and the discussion, and sort of the first reveal of the Ecosystem Reference Point Assessment for Menhaden. That obviously has implications for not just menhaden, but a lot of the species that we manage. I think we wanted to start this discussion at the Policy Board, to talk about issues outside of menhaden, species outside of menhaden, and how to start bringing the ERP approach into the Commission fully. I'm just going to go over a quick review of the 2020 ERP Assessment. I know a lot of you did see this yesterday, but I think it's good to refresh it for everybody, talk about some of the implications for other species, and then Toni is going to take over and talk about potential strategies for moving ecosystem-based management into the ASMFC process from sort of an FMP or from an ASMFC process perspective.

The 2020 ERP Assessment was reviewed at the end of 2019, accepted, passed peer review. It was accepted for management use yesterday, and the accepted model from the assessment process was what we're calling the NWACS MICE model. This is an ecopath with ecosim, or

EWE model that uses a limited number of predator and prey species, where we have the most confidence in the data, and where those species are most relevant to the Commission.

That includes predators such as striped bass, bluefish, weakfish, and spiny dogfish, as well as prey such as menhaden, Atlantic herring, and bay anchovy. This tool allows managers to examine the tradeoff between menhaden harvest and predator biomass. I'm going to go through our rainbow plots in a moment, because I think they really illustrate the fact that there is no one right answer for ERPs.

This is something we tried to stress to the Menhaden Board, but it's also relevant to the Commission as a whole that the right answer is dependent on the management objectives for this entire ecosystem. What do you want your predator populations to look like? What do you want your predator fisheries to look like?

How heavily do you want to be able to fish these predators, and what do you want your prey fisheries to look like? Is it valuable for you to try to maximize harvest of some species over others? To do that we can use this NWACS MICE tool to kind of look at these tradeoffs. This is the graph that you guys all saw yesterday, without any lines on it, because the important part here is you have striped bass F on the Y axis.

You have menhaden F on the X axis, and those colors represent what happens to striped bass biomass if you fish them at these different rates. What you can see is that you have those red colors up in the corner where you have high striped bass F, and high menhaden F gives you low striped bass biomass.

Then it moves into those cooler colors, and you have higher striped bass biomass and higher under lower striped bass F and lower menhaden F, which makes sense when you think about it that the more menhaden that are available to these predators, the better they will

be able to do. The less you're fishing them the better they will be able to do.

But then you get the question of well, where should you be on this plot? What is that right intersection of striped bass F and menhaden F? The answer is, it depends on what you want. We can put these curves on the graph, where you have these solid black lines, where biomass is equal to the biomass threshold for striped bass, and where biomass is equal to the biomass target for striped bass.

But each of those lines still represents a combination of striped bass F and menhaden F. If you fish striped bass more heavily, you have to fish menhaden less heavily, in order to keep it at its target or to keep it at its threshold, and vice versa. If you fish menhaden more heavily, you have to fish striped bass less heavily, in order to keep them at their target or keep them at their threshold. Even if you fish striped bass, what the Menhaden Board saw yesterday was that once you start limiting the possibilities here that you fix your striped bass F, say at the F target.

Then there is essentially one menhaden F that will keep you at your target, and one that will keep you at your threshold. That is that straight line across is the striped bass F, and you can see where it intercepts with those curves. Those are your two options for menhaden F. However, I think you understand that this is relying on the Striped Bass Board having set the F target and the biomass target, and the biomass threshold for striped bass already.

In a sense that limits the options on this plot. If you decrease the striped bass F you can keep them at a different biomass with a different level of menhaden F, and vice versa. The Menhaden Board is going to go forward with ERPs that allow other species to meet the reference points in their own FMPs, more or less.

There is still some discussion going on at this, but to a certain extent this is sort of the next logical step, and we're going to provide some of that information to help the Board evaluate this. But this is what you can do. To be clear, this is a huge step forward for ecosystem-based management. But this is only the first step.

These other reference points are set without considering the ecological tradeoffs or the ecosystem management objectives. Our predator species already have their single species reference points set in the single species context. There is no chance right now or no opportunity to use this tool for other species.

Right now we've already fixed our striped bass, we've set those lines on the plot, which is great, we can move forward with that. But the question is really now, how do we bring this conversation and this tool into other species and into the Commission's management process?

MS. TONI KERNS: This leads us to questions for the Commission as a whole, is how do we want to manage ecosystem management, and how do we want to move forward with this? Katie has shown us that you know an action taken by the Menhaden Board could have the potential to have an interaction with another species management board, and should one species management board be able to have implications for another species management board or not?

The model that was presented for ERPs includes four predator species, and three prey species. Some of those species are managed by the Commission solely, and others are jointly managed with our federal partners at the Councils, and some of them are complementary managed by our partners at the federal councils.

I think that there are a couple of things that the Commission, the Policy Board needs to think

about, in terms of ecosystem management, before we I think make final decisions on sort of how to manage these is what is the goal of ecosystem-based management for the Commission? I have on the screen some goals that are set by NOAA for ecosystem-based fishery management, and then the Mid-Atlantic Council has ecosystem approaches to fishery based management. These are just two goals that are out there. But you may want to have a policy that takes into consideration the full range of cumulative effects and tradeoffs across various management regimes and human uses, as well as the impacts of these management decisions to our full environment.

I think that we'll also have to think about does the Board want to include the full gamut of species that are in the NWACS MICE model, or do you just want to take into consideration one or two of the species, and how we manage those as a first step. If any of those species, like I said before, are not solely managed by the Commission, then how do we bring in our federal partners?

Katie provided an example of the striped bass, and we know that coming up it's highly likely that the striped bass biological reference points are going to change, which will then change how the ERP reference points look. How do we manage that? Do we have joint board meetings, or does that decision come to the Policy Board, or some other management board that is created? I think there are a lot of questions that need to be answered by the Commission before we move forward, on how to utilize this framework. We'll leave it at that for now.

CHAIR KELIHER: Leaving it at that for now. Thank you, Toni. Are there any questions for Katie or Toni on this topic? Don't all jump in at once, Steve, and then Ritchie White?

MR. STEVE MURPHY: Yes, I think this is incredible work that you guys have done. I mean this is exciting to be here when we're

taking these big steps. We've kind of talked about the forage role in the ecosystem-based management. But to me the sort of a big missing link in that is sort of a habitat inclusion, right?

Often it is the habitat that is the limiting factor, and I certainly wouldn't know how to begin to even include that. But I'm wondering if that is an approach that has merit in the future, bringing in some sort of habitat part of this type of look in ecosystem management.

DR. DREW: Yes, well I think the short answer is that is definitely future work. I think the key is in really understanding the effect of, we can go out and we can measure habitat to a certain degree, and we can measure changes in habitat over time. But then connecting that back to sort of a mortality component or an effect on the population is difficult.

But I do think that is one of the longer term goals of this project, is to have more spatial, and we talked yesterday, more spatial and more seasonal components, and that can include environmental drivers, which could be linked to habitat and things like that. I think obviously the more moving parts you have in this the more complex it becomes.

The more key data is really what is limiting you. But I think moving forward that is certainly something we would like to include in a more holistic framework, but kind of how do we bring that in, in sort of intermediate steps going forward, I think is something for the Policy Board to discuss.

CHAIR KELIHER: Follow up.

MR. MURPHY: Yes, there is a lot of data out there on habitat and spatial mapping of that habitat, whether it be hard bottom or SAV. What I kind of don't see the connection in, and we tend to do this, you know we do at our state level. Where we look at habitat and the habitat protection, and then we're over here managing

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fish on another side, but we don't look at sort of the spatial extent of say at high salinity SAV habitat versus stock status of a fish where that is a key part of the life history.

That is kind of like how do you plug those two things together I think is the big question that we need to ask for. Otherwise I think this type of an approach gets you so far, and then it is not going to produce anymore results. You really have to bring in that component, in order to make it sort of a more holistic approach to this.

CHAIR KELIHER: To complicate that whole concept even more is through the effect of climate change on all that. Certainly, as Katie said, more work needs to be done in the future. I've got Ritchie White and Mel Bell.

MR. G. RITCHIE WHITE: Are you looking for just questions or comments?

CHAIR KELIHER: Questions or comments are fine.

MR. WHITE: Yes, thinking about this since the meeting, and thinking about the role of the Policy Board. I think we ended up in a lucky place, where things all fit together with bluefish, striped bass, and menhaden. I'm hoping we adopt the reference points in May, and then I think we have to see how that plays out when things change.

Because I'm not sure we can figure out exactly a policy that will take us through dealing with councils and the Service, thinking dogfish, and even bluefish councils. Until the perfect situation that we now have, until that changes I think it is going to be hard to predict what an overall policy would be, until we kind of get into that situation, and then try to figure out okay, how do we deal with it?

CHAIR KELIHER: Mel Bell and then Jay Mac.

MR. MEL BELL: Yes to echo Steve's comments about this is a tremendous amount of work and great stuff. We're really on the cutting edge here, because I've been dealing with the concept at the Council level, in talking about ecosystem-based management, and at our SSC meetings and asking the question, what is it going to look like when we get ready to do it.

We're now at the point for us anyway, where we're considering the implementation of this. When we were talking about menhaden and striped bass, menhaden and striped bass, I get that and that is fairly simple. But then yesterday you remember we had the graphic. We added on four more species. To one of your points you had up earlier.

If we can start simple, if it's not oversimplifying this, but it seems like if you can sort of start at a level where you're trying to look at the effect of one thing on another species, and kind of keep it down to your juggling two balls, instead of trying to juggle six balls at once. If we can take that approach that would be great, and then kind of work into it, and if we get an outcome from an action over here results in potentially an outcome here, and we actually stay on the graph as predicted. That would seem to me to be kind of if we can start simple then move towards more advanced, unless I'm totally oversimplifying this.

Because I realize all of those other species that we listed, and a bunch of them that we didn't, are involved in the overall what happens with menhaden or other species. But if we can start simple and demonstrate the concept, sort of proof of concept that helps us to build on that it's kind of a crawl, walk, run approach maybe, if that is reasonable. That would be my suggestion.

CHAIR KELIHER: I've got Jay McNamee and then John Clark.

DR. McNAMEE: I'm actually going to just support what Mel just said. I think taking it

sequentially is the way to go. We've got our current situation, which is great. We kind of let the predators dictate where their Fs are going to be, and we adapt menhaden to it. Then the next step could be okay now we're going to get menhaden and striped bass together, and try to think about it a little more comprehensively.

Then scale it up from there. We need to kind of start small, see how it can work in this more controlled way. I think that is by far the best approach to do it that way. I think that will give us time as well. I think there are some you know additional tools, additional things to think about that can help when we get into the more complex scenarios down the road, applying some economics theory, like game theory and Nash equilibriums to try and figure out.

You know, what is a nice spot for all of these things? Rather than trying to wrestle each other, you know oh I want mine at F target. No, you can't be that sort of thing. We can get a good spot to start, using some of these economic theories and then adjust from that. We need some time for that but let's baby step our way up. I thought that was a great way to put it.

CHAIR KELIHER: John Clark.

MR. CLARK: This really is very cutting edge, interesting work. A comment made yesterday, I think it was Bill Hyatt brought up about the seabirds. I know they are not in the model, but it did set off a cautionary note in my head, because I saw the same e-mails from some of these birding groups, and as you know we already have a species where we're managing horseshoe crabs in conjunction with a bird species.

The most recent assessment of the Delaware Bay stock of horseshoe crab showed the female population is back to a level where we could possibly allow some female harvest. But of course on the bird side that is not the case, and

I would say just knowing the other parts of the situation, the other aspects of the situation.

I doubt we're going to see female harvest of the Delaware Bay stock anytime soon. But just as we go forward with this, just something for us to all be aware of is that once you start adding these other species it can be probably hard to keep some of these other ones out. I was just wondering if that has been a consideration so far.

DR. DREW: I think the species that are included in the model can be dictated by the Policy Board and the Commission. We focused on species that from a scientific perspective had the best available data, and also from the trawl survey diet data it indicated they were major predators of menhaden.

This was the top set of species that had the largest component of menhaden in their diet, based on the trawl survey data. But certainly there is a policy component of it, and if it becomes important to the Board to consider seabirds or whales and marine mammals, I think that is something they can dictate to the ERP group, and we can work on incorporating that into the model.

I will say I think the horseshoe crab, ARM example is a great example, and should get more credit as really the first ecosystem approach to fisheries management that this Commission did, and has been in place for a while. But the way the ARM is set up is it doesn't really allow other sources of mortality on that bird population.

Obviously the ability to provide food for the birds is an important part of their survival, but you're also missing a lot of the other sources of mortality on that population that is not linked to horseshoe crab fishing. The EwE model allows more sources of external mortality, including fishing on these other predators.

As we saw yesterday, you can't rebuild striped bass by menhaden alone, and this model can

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recognize that. There is a little bit of difference in how those models are set up, and hopefully we could incorporate some of that information into the NWACS MICE model if we were to ever try to incorporate birds into them as well.

MR. CLARK: If I could just follow up. That is exactly what I was heading towards, Katie is just that that data will be out there for a lot of these other species, and there will be pressure put on. Once you've started adding species it's going to be like well, how can you consider spiny dogfish but not consider right whales, or whatever. I'm just saying it's going to be very interesting moving ahead with this, because for all its benefits it's going to add a lot of complications too.

MR. KELIHER: Somebody always has to bring up right whales, Justin Davis and Joe Cimino.

DR. JUSTIN DAVIS: I'll join everyone around the table who have spoken so far in saying that I think this is a really exciting development. I've been involved with fisheries management for about 20 years, and the whole time I've been in the field people have been talking about ecosystem management.

There have been a lot of challenges to actually implement it. It looks like we're getting ready to take potentially a big step here, which I think is great. I will also join the call for incremental moves. I think making a big move right off the bat is not only going to be challenging, but also might be difficult to sort of explain to the public how we're radically changing, potentially the way we manage some of these species. I think the NWACS MICE model, without really changing any of the way that our boards are comprised right now, or how we're managing, can immediately play a role in our process, because it can just be used as another source of information when we're making decisions about how to set reference points or goals for any of these species, menhaden, bluefish, striped bass. It's just another source of information that can

tell us what we're potentially going to achieve with different goals and objectives.

I think without even changing a whole lot it can really add to our process. It does seem to me that if we wanted to go another step further. If the Commission made a policy decision that essentially predator fisheries, predator populations are going to be the priority. Then we can set goals for those fisheries, for those stocks, and then manage menhaden in a way to support those goals.

We could do that by an amendment to the menhaden FMP possibly, where we make explicit in the FMP that we'll set ERPs that allow us to fish bluefish, striped bass, whatever else at F target. That would be one way without changing our current single-species board composition of essentially making a decision about tradeoffs using this tool, and doing more ecosystem-based management.

I think that is something to consider. In terms of combining boards, I think that may be where we ultimately have to head, but I think that is a tough thing to think about now, and to think about how we do that. I see that as something that is maybe three, four, five years down the road. I think that would be tough to accomplish in the short term.

I would just hope, you know thinking about how we're going to move here that we find a way to use this new tool immediately to improve our management process without having to engage in a multiyear three to five year process of trying to take the next step.

CHAIR KELIHER: I've got Joe and then Marty.

MR. CIMINO: This was something that I was thinking about during the Menhaden Management Board, and the task that we gave to the ERP. A species like weakfish where F values really don't play a role at this point, I think the Boards have to consider maybe shifting some of these species like weakfish in

particular to that other level of whales and birds.

What is the biomass target that we feel there is an interaction and there is a need for these prey species, and not just having it based on F values. I'm sure there is a conversion currency there, Katie. I wanted to ask you, and mad about that a little, but of course menhaden was going along, so.

CHAIR KELIHER: Marty.

MR. MARTIN GARY: Just jumping on the train that I'm hearing around the table of simplification and an iterative, sequential process. I don't know if that would be as Jason said as simple as striped bass on the predator side of the equation in menhaden, or maybe in the spirit of geographic inclusivity, adding striped bass and weakfish, something that all of our member states can get around with menhaden, but just a thought.

CHAIR KELIHER: Are there any additional questions or comments? Path forward, we obviously don't need to make a decision today. The Menhaden Board has advanced the use of ERPs as a tool. We have had a motion to postpone, not to postpone but to task the Technical Committee for further information in regards to the other species.

I think that is information that will be very useful for the Menhaden Board and for all of us in the future. I know for myself as I've thought about this issue. It took us over ten years to get to this point. The concept of baby steps rings very true to me that we don't want to rush into this. I would have concerns.

I understand where Ritchie White is coming from. We want to make sure we can utilize these as a tool for management. But I want to make sure that we also think through the policy ramifications as it pertains to this, because if we jumped in with all these species, the scenarios

and the management scenarios could become very complicated very quickly.

You have multiple management boards from the Council perspective as well that would overlay here from the Mid-Atlantic and New England, which certainly would complicate things going forward. Then there is the human nature side of this that we've never dealt with before as a management body.

We sit here around the table, and a silo, species by species, and all of a sudden we're going to be at a species management board thinking, how do I want to vote here as I think about what I'm going to do later in the week with menhaden, or with striped bass? That is certainly a dynamic that we've never had before, and one I don't think we should just glance over as something that we can work through.

I think we do need to be thinking about that and it could be that we just need to be thinking about it more between now and the spring meeting. We're obviously going to have a report back for menhaden. Other than Marty bringing up weakfish, I think there looks to be some consistent thoughts and nods around the table, as I was watching, about starting slowly with menhaden and striped bass.

But the question to the Policy Board is there anything that you believe we should be doing between now and the spring meeting, to think through some of these scenarios, think through some of the dynamics from a management perspective as it pertains to the use of ERPs? We've got Craig, and did I see another hand over here, and Adam.

MR. CRAIG D. PUGH: The biggest takeaway that the information has provided me was the affirmation of the appropriate action that we have taken with these species. I think that was highly valued. It gives us the sense that there is no real urgency here, there is no crisis. With that my recommendation would be a side-by-

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side approach, to see how they can be worked out, and give it some time in the future.

If we can apply, I am excited about the idea of looking into striped bass and the weakfish issue on the same level. But the cautionary period to see this work out together and make them match up for this Board and Commission, I believe would be prudent.

CHAIR KELIHER: Adam Nowalsky.

MR. ADAM NOWALSKY: I would not be in favor of anything at the Policy Board level outside of continuing to monitor what the Menhaden Board is doing right now, and my reason for that is because I believe the Menhaden Board with the motion that came from your state, Mr. Chairman, essentially took the next step for us with regards to asking for what would this look like under different stock status levels, different fishing levels for a number of different species.

We took four or five different species. We've asked to see what those different variables would look like, potentially. That to me was the next logical step, so I think the Board did that work for us. We should continue to monitor that work, see what the outcome of it is, learn from what that Board is doing, and then revisit this issue later in the year.

CHAIR KELIHER: I've got Spud and then we'll go back over here.

MR. A.G. "SPUD" WOODWARD: Just looking ahead to May and I just want us to all be conscious of something that could possibly happen. If we convene as a Menhaden Board, which is pretty much everybody that sits around this table right now, and we make a decision to adopt ERPs based on the analysis presented.

Then we come back here as a Policy Board and everybody's discomfort level goes up, and we say oh it's premature, and we're worried about unintended consequences. Then we sort of contradict what happens at the Menhaden

Board. That is going to send a really strange, mixed message out to the folks that have been watching this process for all these years.

I don't know how the Menhaden Board will go, but I get a sense that there is going to be a lot of interest in moving forward with the adoption of some ERPs on menhaden, based on the models that have been presented to us, the results of those models. Again, just thinking ahead, it's something I think we all need to be pondering on as we move towards that meeting.

CHAIR KELIHER: It's my belief that this Policy Board is the final word on what species. The Menhaden Board can't determine an action that is going to impact the other species boards, right? The Policy Board is going to have to make a call on what species are going to be included with the ERPs. Is there any disagreement with that from a policy perspective? Okay seeing none, we're all on the same page there. Lynn.

MS. LYNN FEGLEY: I was going a little bit in the same direction as Spud that I think we do need to go home and think about May, because in May we're going to see a range of values now. We're going to have a range of ERPs and their associated values, and it is likely at that point that the Menhaden Board will choose to adopt one of those values.

At that point then, we have simultaneously a Striped Bass Board that is on the cusp of developing a new Amendment, and there is talk about new, just switching up the reference points for striped bass. What that does is when that happens that will change that value for whatever the Menhaden Board adopts. I think there needs to be, and I think Justin you might have said it that we could set a policy where we're going to prioritize the predator species, and fish them at their targets and their biomass. But we need to be cognizant of a situation with a fishery like menhaden, where the Striped Bass Board could make an amendment decision that

is going to very much impact you know that fishery. I think there has to be a place when we adopt, if and when the Menhaden Board adopts, I think we have to be very ready for how we're going to handle that feedback. I agree completely with the sentiment around the table that we should start simple.

We can do due diligence in looking at how tradeoffs happen when we set TACs for menhaden, and reference points for striped bass. But I do think that we need to be ready in May to figure out how that feedback loop is going to happen, so the Striped Bass Board isn't just by accident pulling the rug out from under the menhaden fishery.

CHAIR KELIHER: Spud, do you have something you want to add?

MR. WOODWARD: I think that speaks for something that I brought up yesterday in the form of a question, and that is the synchronization of how these board actions occur, because if you get disconnects in decision making and stock status determinations, then you start adding in problems. As I understand it we would probably have another run of the single species assessment, and I guess conceivably the ecological reference point model in 2023, something like that 2024.

We're talking about three-year cycles. The Amendment would probably go into effect around 2023, and then you would have a new assessment. That is a resource management issue of how we manage our science assets, and how we manage our management assets. It is just something that we're going to have to. Again this is a paradigm shift of how we synchronize things different than what we've been doing in the past.

CHAIR KELIHER: Jim Gilmore.

MR. GILMORE: I think one effort we should probably all do to help this out is as we go between now and the May meeting is to engage

our stakeholders, so that they understand how complex this is. I think there were comments from yesterday about us kicking the can down the road, and I don't think the general public of a lot of the groups understand that we're really going from single species, first to multispecies into ecosystem, because we've only got a couple of species in this.

When we started this a decade ago that was the big concern. How do you get a dozen or more species habitat, everything factored into this with no data, and whatever. We really have to do this in increments, so that we make sure we don't completely undermine our efforts to manage the resources. I think that effort for a lot of the groups that are watching us right now is going to be worth the effort, so that they understand we're not kicking the can down the road, we're trying to implement this appropriately and successfully.

CHAIR KELIHER: I've got Mel and then Jason.

MR. BELL: You kind of brought this up in thinking towards the future. Let's say we do initiate a process here and we start slowly. But at some point this might get more and more complex, and as you said it's going to touch on how different boards might work together. One way you can kind of explore how your, what I'll call Command Control Structure, your plans, your instructions, your operations, how they work under different scenarios is you can do the equivalent of sort of war gaming or tabletop exercises.

You work in different scenarios and see how does your structure adapt to that and then what changes might you need to make? Who needs to be involved in decisions? That is kind of more an exercise in exploring future use of this, or how this process might play out in our current structure here. But to the degree that you can invest time in that sort of, we'll call it training, or exercising. You sort of exercise the ASMFCs current structure and authorities, and

policies, instructions, procedures. That is just something for the future to think about.

CHAIR KELIHER: Jason.

DR. McNAMEE: Actually my thought is something I just wanted to put on the table as kind of a parting thing, so if you're driving at something, as long as I can stay in the queue I'll park it for now.

CHAIR KELIHER: Why don't you go ahead, because I am ready to kind of give some direction and thought on next steps here?

DR. McNAMEE: Okay. The other consideration, so we're wrangling with the notion of this interaction between boards, and that's good, and so we'll kind of come to a resolution there. There is another aspect I just wanted to make sure people are aware of so it doesn't catch them off guard at some point in the future.

Not only is there this interaction between species, but the other characteristic of ecological reference points is the reference point's move, depending on what's going on. This is another thing we're going to have to think about, because it is outside of our current paradigm. It's not static anymore, it moves, unless we develop some system around it where we buffer so that it can stay static through time, again, just another thing to make your brain hurt between now and the spring.

CHAIR KELIHER: I always appreciate your added thoughts, Jason to make my brain hurt. Several of us had conversations around kind of next steps. Where do we go from here? Almost every one of the thoughts has come up around the table here today. I think we were wrestling with; do we need kind of a work group across species?

However, considering that there seems to be kind of a growing consensus here for a simple start to scale up this process. My belief is we should let the Menhaden Board continue its work. Let's get the report back from the

Technical Committee, and in the meantime instead of a working group, I think if we can continue to talk. We all have good relationships with each other. We're all interacting with each other through different meetings. Let's continue to think about this as it pertains to, as Jay just brought up, these moving reference points, the human dimension of management as it pertains to managing one species for another and the complexities around that. I would recommend that we just continue this conversation at the next Policy Board meeting, and then see if at that point in time whether we're going to need potentially a workgroup to kind of look towards the development of a goal.

The term goal has come up here several times here today. I think in this case a goal with some objectives to help give guidance, not only to this Policy Board, but to potentially Striped Bass and Menhaden is going to be a valuable tool. With that unless anybody has any objections or additional thoughts, I'm going to move on. Seeing none that is the direction we'll continue.

PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENTS FOR AMERICAN SHAD AND AMERICAN LOBSTER

CHAIR KELIHER: Thank you very much for that discussion, moving on to Item Number 7, Progress Update on Benchmark Stock Assessments for Shad and Lobster. Here he comes, Jeff Kipp.

MR. JEFF KIPP: I have updates on two current benchmark stock assessments in progress. The first is American Shad. We do have our final Stock Assessment Subcommittee call scheduled, actually this coming Monday, to finalize a few decisions for that assessment. Following that call we will finish report writing, and the report will go to the Technical Committee at the end of this month.

Then from that we'll go to the Peer Reviewers. Right now we're focusing in on either late May or early June for the Peer Review Workshop.

Then the results of that peer review will be presented to the Shad and River Herring Board at the August Commission meeting. The other stock assessment I'll be providing an update on is the American Lobster Stock Assessment. We have our last in-person meeting for that stock assessment schedule at the end of this month.

That is going to be at URI. We'll be meeting to finalize our base models for that assessment, and address some of the other terms of reference as part of that assessment. That stock assessment is scheduled to go to Peer Review this summer. The results of that stock assessment will be presented to the American Lobster Board at the Commission's Annual Meeting this October. If there are any questions on those two stock assessments I can take those now.

CHAIR KELIHER: Are there any questions for Jeff? Jason.

DR. McNAMEE: Thanks for that Jeff. I was wondering, I think I heard positive information on this, but has the help from NOAA kind of emerged from the right whale world, and so are you guys getting more support now from NOAA on the Lobster Assessment work?

MR. KIPP: Yes, it has become clear that our NOAA membership, their workload has been reduced on the right whale work and all of that. Yes that has come around, and we've been getting more interaction with those folks, so yes it has brought positive information to report back on that.

CHAIR KELIHER: Are there any additional questions or comments for Jeff? Seeing none thank you very much, moving right along.

**REVIEW AND CONSIDER REVISIONS TO
STOCK STATUS DEFINITIONS**

CHAIR KELIHER: Item Number 8 on the agenda is Review and Consider Revisions to Stock Status Definitions. Toni.

MS. KERNS: Back in August we go through, well every August we go through the Annual Performance of the Stocks. In that Annual Performance of the Stock we have five stock categories that we place all the stocks into; rebuilt sustainable, recovering rebuilding, concerned, depleted, and unknown.

This past year we realized we ran into an issue when we had the striped bass stock overfished and overfishing occurring that it didn't really fit into any of these categories. We spent quite a bit of time discussing that. We brought forward a memo that was in your briefing materials to recommend two new categories, overfished and overfishing.

Under our current categories, depleted is the only category that addressed overfished and overfishing, but for depleted we are very specific to the fact that it is unclear whether fishing mortality is the primary cause for reduced stock size. In the suggested addition of overfished and overfishing to these categories, in the overfished category it is very clear that the decline is driven primarily by fishing mortality.

We're making that distinction between depleted and overfished. We recognize that this is a little bit different than what Magnuson has in their definitions of overfished, but we're trying to be more transparent to the public about what's going on with these stocks, and that's why we made the recommendation to include these.

We had these definitions reviewed by the Management and Science Committee and that comment about the difference did come forward. What we're looking for today is to see if the Policy Board is okay with adding these two additional categories to the annual performance of the stock.

CHAIR KELIHER: Cheri.

MS. CHERI PATTERSON: I don't have a problem with these being brought forward. I just have on your table in the materials you have a definition for concern that I would just recommend wordsmithing on that. It's a little confusing. I would just indicate a stock with emerging issues; developing and emerging are pretty much the same word.

MS. KERNS: Noted.

CHAIR KELIHER: Jason.

DR. McNAMEE: I'm also okay with these. I just have a little hesitation. I'll start here. We have this tension of limited resources in a bunch of stocks that we continue to throw resources at that don't seem to help. I understand that. I get a little worried though, and to cut to the chase, at the MSC meeting I was present and offered.

I think something we need to start looking forward to is developing some sort of a control rule around these stocks, like a winter flounder, like a northern shrimp, where we kind of objectively set some parameters around when we're going to stop investing, but not giving up necessarily. If harvest drops below some amount, then we're just going to stop worrying about trying to chase it all the way down to zero. I have more detailed thoughts on that but I want to get it back on the table, because I want to get away from this idea. I think right now it's this binary thought process of, you know we need to keep worrying about it and investing in it or we're just going to forget it, throw our hands up and walk away from it. There is a middle way, so I just wanted to have that on the table.

MS. KERNS: I think, Jay that is a second part of some of the information that we had brought back to the MSC, and sort of looking at ways to provide better information to the Policy Board when we present the Annual Performance of the Stock, in order to help you all engage either with the species management boards or

discussion here at the Policy Board on what to do with the stocks when they're being presented, in particular those stocks that are depleted or have concern. The Management and Science Committee still has work to do on that issue, so I think it will continue and will come back to this Board.

CHAIR KELIHER: Does that sound good, Jason? We do have some recommended new categories. Jim, did you have a question?

MR. GILMORE: Were you ready for a motion?

CHAIR KELIHER: I was going to say that if we have consensus around the table I wasn't going to worry about a motion, we'll just adopt by consensus. Do we have consensus around the table, with the understanding of the wordsmithing from Cheri? I think we have consensus, so these new recommended categories are approved by consensus.

Moving right along, Review Noncompliance Findings. We don't have any. That is always nice. My first time at the Policy Board I appreciate the fact that that is the case.

OTHER BUSINESS

CHAIR KELIHER: We do have some other business to be brought before the Board. I think something that came up at the South Atlantic Board, and Toni do you want to talk to that?

MS. KERNS: And Jeff, just make sure I don't say anything out of place, just for the red drum assessment timeframe. At the South Atlantic Board the Assessment Science Committee and the Stock Assessment Committee presented a roadmap for a new red drum assessment. Previously red drum was on the assessment schedule for 2022 through a SEDAR Review. The Management Board from recommendations from this group agreed that they should recommend to the Policy Board that that timeframe change. We've had difficulties moving forward with red drum

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assessments in the past, and we want to make sure that we bring forward something that is best for that species, and provides good management advice to the South Atlantic Board.

What is being recommended is to do a two-step process. First take two years to basically do a Modeling Workshop, so we can come forward with the best model to bring forward for red drum, and then take two additional years to actually do the assessment once we've provided a model to move forward with. That would change the assessment schedule for red drum. We just want to make sure that that is something that this Policy Board is okay with. We will still need to bring forward a full schedule for the stock assessments in the coming years.

When the Policy Board approved the assessment schedule the last time it was noted that there several assessments coming up next year, or two years from now. That would have to be revisited based on state staff time, as well as Commission staff time. When we do that recognizing that red drum is still on that schedule. We'll have to make some choices probably down the line soon.

CHAIR KELIHER: Are there any questions or concerns on that? Seeing none, I think you've got your direction, Toni, perfect. That is the last item. Are there any other items of business, so much for that? Russell.

MR. H. RUSSELL DIZE: I just want to give a shout out to Tina Berger for her job that she did representing the Atlantic States Marine Fisheries Commission at the East Coast Commercial Fisherman's Trade Expo in Ocean City, Maryland in January. She did a good job of explaining what goes on at this organization. I even learned a little bit from it. For the Q & A time she gave and she did a great job. Thank you! (Applause)

CHAIR KELIHER: Roy, did you have your hand up?

MR. ROY W. MILLER: I did, Mr. Chair. I should have brought this up when we were talking about our previous agenda item concerning the ecosystem management. It occurred to me that we now have, thanks to the elegant presentations the other day concerning potential impacts of menhaden on striped bass, striped bass being the species that we have identified thus far that is most dependent on menhaden dynamics.

We don't know much about the other direction effects. In other words, are there effects of striped bass population abundance on menhaden, or effects of striped bass population abundance on weakfish, for instance? Maybe that is something we ought to have in the back of our mind that these ecological diagrams go both ways, and potential impacts in each direction.

CHAIR KELIHER: Point well taken, Roy. We'll add that to the future list of thinking. It certainly is one that is reality. You are reminding me of a point that I forgot to bring up under the Executive Committee notes. It was brought up to the Executive Committee to our attention that we did start striped bass very, very early based on the time that was advertised. We left some people off the table. No actions were taken while they weren't here, but they were left out of the discussion.

It is a point well taken by myself as Chair, and staff. We're going to try to do our best to avoid those long. If we do see some sort of a long delay between the times we end a board and the time the next one starts, we'll ensure that we take those types of things into account, and I appreciate you bringing that to our attention, Roy.

ADJOURNMENT

CHAIR KELIHER: Are there any other items to be brought before the Policy Board? Seeing none,

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I would like a motion to adjourn, and we'll jump right into the Business Session.

(Whereupon the meeting adjourned at 11:50
a.m. on February 6, 2020)