

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*August 5, 2020
10:30 a.m.-12:15 p.m.
Via Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*P. Keliher*) 10:30 a.m.
2. Board Consent (*P. Keliher*) 10:30 a.m.
 - Approval of Agenda
 - Approval of February and July Proceedings, 2020
3. Public Comment 10:35 a.m.
4. Executive Committee Report (*P. Keliher*) 10:45 a.m.
5. Progress Update on the Risk and Uncertainty Policy (*J. McNamee*) 11:00 a.m.
6. Committee Reports 11:35 a.m.
 - Assessment Science Committee (*S. Murray*) **Action**
 - Habitat Committee (*L. Havel*)
 - Atlantic Coast Habitat Partnership (*L. Havel*)
7. Review Non-Compliance Actions, If Necessary **Action** 12:00 p.m.
8. Other Business/Adjourn 12:05 p.m.

MEETING OVERVIEW

ISFMP Policy Board Meeting
Wednesday August 5, 2020
10:30 a.m.-12:15 p.m.
Webinar

Chair: Pat Keliher (ME) Assumed Chairmanship: 10/19	Vice Chair: Spud Woodward (GA)	Previous Board Meetings: February 6 and July 14, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 6 and July 14, 2020

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Executive Committee Report (10:45-11:00 a.m.)

Background

- The Executive Committee will meet on August 5, 2020

Presentations

- P. Keliher will provide an update of the committees work

Board action for consideration at this meeting

- none

5. Progress Update on the Risk and Uncertainty Policy (11:00-11:35 a.m.)

Background

- At the 2018 Winter Meeting, Commissioners participated in a workshop to explore a preliminary risk and uncertainty decision tool.
- The Policy Board tasked the Risk and Uncertainty Policy Workgroup with further refining the tool based on Commissioner feedback and consultation with the Striped Bass Technical Committee.

Presentations

- J. McNamee will review the draft Risk and Uncertainty Policy

Board discussion for consideration at this meeting

- None

6. Committee Reports Action (11:35 a.m. -12:00 p.m.)**Background**

- The Assessment Science Committee had a conference call on May 20, 2020 to review the ASMFC Stock Assessment Schedule.
- The Spring 2020 Steering Committee meeting was held in May and reviewed the Fish Habitat Conservation Mapping Project, FY2020 funded projects, and 2020 endorsed projects.
- The Habitat Committee meeting was held in May. Since the meeting, the Committee finalized the aquaculture document and discussed the need for a policy on living shorelines impacts to SAVs

Presentations

- S. Murray will review changes to the Commission's stock assessment schedule
- L. Havel will present the ACFHP Report
- L. Havel will present the Habitat Committee Report

Board action for consideration at this meeting

- Approve the revised stock assessment schedule
- Task the Habitat Committee with drafting a policy on living shorelines impact on SAVs

8. Review Non-Compliance Findings, if Necessary Action**9. Other Business****10. Adjourn**

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

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

These minutes are draft and subject to approval by the ISFMP Policy Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the ISFMP Policy Board Meeting
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 Wayne, ASA

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

CALL TO ORDER

CHAIRMAN 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

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

APPROVAL OF PROCEEDINGS

CHAIRMAN 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

CHAIRMAN 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.

CHAIRMAN 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

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example, lobster and menhaden being in the 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

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commercial versus recreational fishing, landings proportions, climate or habitat issues.

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.

CHAIRMAN 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.

CHAIRMAN 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.

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CHAIRMAN 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

CHAIRMAN 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

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recreational fisheries management between recreational party charter and the for-hire fleet.

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.

CHAIRMAN 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

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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.

CHAIRMAN 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.

CHAIRMAN 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

CHAIRMAN 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.

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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 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.

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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 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.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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**

CHAIRMAN 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.

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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

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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.

CHAIRMAN 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.

CHAIRMAN KELIHER: Follow up.

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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 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.

CHAIRMAN 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?

CHAIRMAN 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?

CHAIRMAN 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

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that is reasonable. That would be my suggestion.

CHAIRMAN 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.

CHAIRMAN 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

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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 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.

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

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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.

CHAIRMAN 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.

CHAIRMAN 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

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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-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.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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

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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.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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

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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.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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

CHAIRMAN 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

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two additional categories to the annual performance of the stock.

CHAIRMAN 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.

CHAIRMAN 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.

CHAIRMAN 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?

CHAIRMAN 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

CHAIRMAN 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.

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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 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.

CHAIRMAN 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)

CHAIRMAN 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.

CHAIRMAN 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.

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ADJOURNMENT

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

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

**Via Webinar
July 14, 2020**

These minutes are draft and subject to approval by the ISFMP Policy Board.
The Board will review the minutes during its next meeting.

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve the guidance from the Executive Committee for states submitting proposals to adjust the individual species 2020 recreational measures to address lost fishing opportunities to the COVID-19 restrictions** (Page 8). Motion by Dan McKiernan; second by Eric Reid. The motion failed, 5 to 9, with no abstentions and no nulls (Page 11).
3. **Move to adjourn** by consent (Page 13).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Anderson, MD (AA)
Dan McKiernan, MA (AA)	Steve Bowman, VA (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Pat Geer, VA, Administrative proxy
Matthew Gates, CT, proxy for J. Davis (AA)	Steve Murphey, NC (AA)
Jim Gilmore, NY (AA)	Chris Batsavage, NC, Administrative proxy
Emerson Hasbrouck, NY (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Joe Cimino, NJ (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Karen Abrams, NMFS

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

Ex-Officio Members

Staff

Robert Beal	Maya Drzewicki
Toni Kerns	Max Appelman
Tina Berger	Kirby Rootes-Murdy

Guests

Mike Armstrong, MA DMF	Brandon Muffley, MAFMC
David Bard, NOAA	Allison Murphy, NOAA
Erika Burgess, FL FWC	Derek Orner, NOAA
Derek Cox, FL FWC	Joanne Pellegrino, NOAA
Kiley Dancy, MAFMC	Nicholas Pieper, NOAA
Cynthia Ferrio, NOAA	Mike Ruccio, NOAA
Willy Goldsmith, SGA	Tim Sartwell, NOAA
Melanie Griffin, MA DMF	John Schoenig
Bob Humphrey	Ralph Vigmostad
Clifford Hutt, NOAA	Mike Wayne, ASA
Kathy Knowlton, GA DNR	Chris Wright, NOAA
Catherine Krikstan, NOAA	Douglas Zemeckis, Rutgers
Jose Martinez, MAFMC	Eric Zlokovitz, MD DNR
Nichola Meserve, MA DMF	

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The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, July 14, 2020, and was called to order at 1:05 p.m. by Chairman Patrick C. Keliher.

CALL TO ORDER

CHAIRMAN PATRICK C. KELIHER: It is 1:05 p.m., July 14. This is the Atlantic States Marine Fisheries Commission ISFMP Policy Board meeting.

APPROVAL OF AGENDA

CHAIRMAN KELIHER: We are going to discuss a recommendation from the Executive Committee to the Policy Board regarding adjustments to recreational management measures. Toni has sent out an agenda and you would have received another updated copy yesterday. Is there any objection to the agenda?

MS. TONI KERNS: I don't see any hands raised.

CHAIRMAN KELIHER: Okay great. With no objections to the agenda, no changes, we will go ahead with the consent of the Board to approve the agenda.

PUBLIC COMMENT

CHAIRMAN KELIHER: Item Number 3 is Public Comment. Is there any member of the public who would like to bring forward any issues to the Policy Board that are not on the agenda? Any hands, Toni?

MS. KERNS: I don't see any hands, Pat.

REVIEW AND CONSIDER THE APPROVAL OF PROPOSED GUIDANCE ON ADJUSTING RECREATIONAL MEASURES DUE TO COVID-19 IMPACTS

CHAIRMAN KELIHER: Okay, then we're going to run right down to Item Number 4, which is Review and Consider the Approval of Proposed Guidance. Just as a reminder, the Executive Committee back at the spring meeting several species boards

discussed the impacts of COVID and the ongoing impact of COVID. The Executive Committee has had several conversations around this issue, and developed a memo for the Policy Board to review, and their discussions potential approval. With that I'm going to turn it over to Toni to present this information.

MS. KERNS: Maya, if you could just throw up the PowerPoint presentation that would be fantastic. I'll just quickly go through the memo that looks at guidance for adjusting recreational management measures due to COVID-19 impacts. As Pat just said, the COVID-19 pandemic has had some impact on the different recreational fisheries. Several species boards requested guidance for receipts, if they are going to be considering changes to their 2020 recreational measures.

The Executive Committee has had several discussions regarding the issue. The Committee recognizes that there has been significant impact from COVID-19 on all U.S. fisheries, and there have been funds from the CARES Act that will provide some relief to the industry, including for-hire businesses. But we recognize that those funds may not make businesses whole. The lack of complete MRIP data makes evaluating proposals difficult, and the variability of the closures from each of the states make it very difficult to set a single set of measures for adjusting an individual species. For example, one state may have been closed March 15 through June 1, whereas another state was closed from April 15 to May 30. The Executive Committee is recommending that states be allowed to submit proposals to adjust their 2020 recreational measures.

But, the Committee is also recognizing that the precedent that could be set if measures were adjusted just due to lost fishing opportunities. We want to make sure that the proposals that are reviewed by the Technical Committees and the Boards are limited to fisheries that meet the criteria that I'm going to go over, and that they are specifically in response to the global pandemic.

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It is not that we're just adjusting recreational measures for poor weather or limited fish availability, or other reasons. The recommended guidelines include that there was a Civil Emergency Action or other state or federal action due to the COVID-19 pandemic that closes recreational fishing. This can include those specific closures.

There is verification that the state made a good effort to enforce that closures from the state. The proposals may only adjust season length. There can be no other measures that can be adjusted. The only species that can be considered are those that are no overfished and/or overfishing is occurring. It can be both or just one. That is the recommended guidelines. Are there any questions?

CHAIRMAN KELIHER: Are there any questions to the Policy Board? I can't see your hand, so Toni go ahead and call on people as they click on the hand.

MS. KERNS: We have a question from Matt Gates, Dennis Abbott, and Adam Nowalsky, and then Joe Cimino, and I'll let you know those folks again.

MR. MATTHEW GATES: Hi, this is Matt.

CHAIRMAN KELIHER: Yes, go ahead Matt.

MR. GATES: Thanks for the opportunity. Are these proposals, do they have to be conservationally equivalent? It doesn't really spell it out in there that that is one of the requirements. Do they have to be conservationally equivalent to the amount of time that they lost?

MS. KERNS: Pat, do you want me to answer that or do you want to?

CHAIRMAN KELIHER: Yes, go ahead, Toni.

MS. KERNS: They would be equivalent to the time that the closure occurred from the state.

MR. GATES: Does it exact a day for day?

MS. KERNS: It's not necessarily a day for day, because we recognize that a day in Wave 3 may not equal a day in Wave 5 or 6, so the TC would need to look at the MRIP information, evaluate and come back with information on that. For a lot of the species that already do recreational proposals this is a pretty normal process that they go through, so that there is something that is already set through their recreational settings process to deal with that issue. Then we had Dennis Abbott.

CHAIRMAN KELIHER: Yes, go ahead, Dennis.

MR. DENNIS ABBOTT: It was my understanding from the Executive Committee when we talked about this issue, we talked about it several times that there were pros and cons expressed by the Executive Committee. It wasn't my understanding that the Committee recommended states be allowed to submit proposals, but that we felt that this issue should be brought to the Policy Board for their decision.

I think that it came from the Executive Committee, at least in my opinion, without recommendation from the Executive Committee. A number of issues were raised that there was a feeling that all the Commissioners should be involved in this decision. I would also ask Toni, you don't have to answer the question now, but how many of the LGAs are able to participate today?

You know, it occurred to be that asking the LGAs to meet in the middle of a week is probably quite burdensome for some that have jobs, unlike myself who is a retiree. I would like to know how much attendance we have from the LGAs. But again, I think it's my understanding that we didn't recommend that this be a given by the Executive Committee, but a decision to be made by the Policy Board.

CHAIRMAN KELIHER: Dennis, thanks for that. That is what I believe we're doing here. Our

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Executive Committee made a determination based on consensus to move the issue to the Policy Board for a final decision on whether this would move forward or not.

MR. ABBOTT: That's correct then.

CHAIRMAN KELIHER: Yes. Toni, I'll just let you continue on with identifying the other people on the list.

MS. KERNS: I'll let Dennis know that I think my count is correct that there are 9 LGAs on this call right now, and 15 non LGAs. The next person was Adam Nowalsky.

MR. ADAM NOWALSKY: Thanks to the Executive Committee for their work in looking at this issue. This is certainly something of very much interest by the public, in fact our Marine Fisheries Council here in New Jersey last Thursday night passed a motion asking our Bureau of Marine Fisheries to look at what we could do for black sea bass specifically.

I'm trying to get some clarity about what the bounds of this first bullet point actually entail. I think in the case of where a mode-specific closure occurs very prescriptively for a number of days that is very clear to pursue. With regards to our black sea bass, in New Jersey our season was slated to open on a Friday originally. We had direction that the fishery was closed. On that Friday for-hire vessels were told they could begin sailing on Saturday. Now very few, if any, vessels actually sailed, just because the ability to get fuel, get bait, get customers under that circumstance for that entire weekend and much of the following weekend, even into the week or so beyond that.

It was really a couple weeks until those vessels could get going again. The first question would be, would this allow us to submit a proposal that takes that into account, using VCR or some other information. That even though our vessels were told explicitly to stay tied at the dock for one day,

because of the late notice they lost more than, a week or more of days that they could actually sail.

Then when they were allowed to sail those vessels, inspected vessels specifically that are capable of carrying 100 or more passengers, were initially constrained to a passenger limit of only 10 people. The result of that basically discouraged a number of those vessels to continue to stay tied to the docks, because it wasn't reasonable to go with that light of a load.

That was incrementally increased up from there. Essentially, our black sea bass season, which our Marine Fisheries Council has directed our Bureau of Marine Fisheries to look for some relief on for the fall, was physically closed on one day. However, the late notice caused many folks to stay tied to the dock beyond that and then a number of those boats stayed to the dock longer, because of the limited load capacity. How would this first bullet point, what would our directive be for a state like New Jersey, and I'm sure other states had similar examples.

CHAIRMAN KELIHER: I think certainly that is a complicated case in my mind, and it is one that I think the Executive Committee kind of wrestled with, as far as trying to keep this as clean and concise as possible, because of the complexities around different scenarios. I think all states certainly saw impacts based on inspected vessels, number of passengers they could carry. But in this case, we certainly kept it strictly to "the season was closed."

We know, even if you look at the CARES Act, the fact that nobody is going to actually be made whole through this process, whether it's going to be financially or from a trip perspective. Toni, I would like you to jump in, or Bob can jump in. But I know I would have some concern. I don't have concern about the state submitting something, I would have concerns about how far we would go with that type of example. But, Bob or Toni, do you have anything you want to add?

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MS. KERNS: The Executive Committee when they talked about this issue. The issue arose that it would be very difficult for, I guess it comes back to the Technical Committee then to determine the number of days that there was actually a closure. Without having specific information from an essential closure, then how do you interpret what that loss was?

It asks them to be subjective on the loss when you don't have MRIP data for the species. It made it really hard, and we were trying to fit some, in the discussions it sounded like you wanted to have clear, hard lines, in order for the committees to then evaluate state proposals, and so hence that recommendation came forward.

MR. NOWALSKY: I think the question from New Jersey would be with the information I've provided. If a motion came to the floor to approve these bullet points as recommended, would New Jersey at least be allowed to submit a proposal, and then ultimately have it come down to the TCs recommendation and Board approval whether or not to do anything for New Jersey?

CHAIRMAN KELIHER: My read is you would be able to submit a proposal as it pertained to the closed portion of the fishery and what the impact was around that. What I heard you say was it was closed, then it reopened, and then there was kind of a lag effect, and how it impacted the fleet. The Executive Committee I don't think was thinking about that lag effect, it was the footprint of the closure itself.

MS. KERNS: You have Joe Cimino and then Jim Gilmore.

MR. JOE CIMINO: I guess yes, to follow up on Adam's question. You know one would be a discussion on tying the two when we're talking about that specific sector. If a state has 100 percent requirement for a vessel trip reporting. I'm curious what the Policy Board thinks on using that VTR data to show changes from 2020s fishery compared to previous years. I was hoping to get some folks to weigh in on that as well.

CHAIRMAN KELIHER: You're suggesting then outside of a closure that we use VTR data to show an impact, and then potentially make adjustment to the season?

MR. CIMINO: As the Administrator for New Jersey, you know this becomes a task for my staff, since our Marine Fisheries Council has asked us to look into this. At this point in time they've only asked us to look into it. They haven't said that they absolutely submit something. The only way I can see doing that is using VTR data. That is why I'm putting it out there.

CHAIRMAN KELIHER: Does anybody on the Policy Board have any thoughts that they would like to bring up around Joe's point?

MS. KERNS: I don't know if these are in response to Joe's point, but we have new hands, well Matt Gates and Cheri Patterson and Dennis Abbott. But prior to them Jim Gilmore's hand was up.

CHAIRMAN KELIHER: As we're going through, if you have a member of the Policy Board has a comment on Joe's, as you're being recognized why don't you just bring it up then. Let's just stay in line with the hands that went up and go there. Is Jim Gilmore next, Toni?

MS. KERNS: Yes, and then Cheri. I don't know if Adam's hand is up again after that.

CHAIRMAN KELIHER: Okay, Jim Gilmore.

MR. JAMES J. GILMORE: No, I'll put mine down, I'm sorry.

MR. GATES: This is primarily a question for Toni. Toni, I think the assumption was, and I think it's pretty accurate that when the party boats or for-hire guys were not fishing, essentially there was no harvest from that sector. Essentially, doing the math would be pretty straightforward, and the TC could pretty much evaluate that even on a state-by-state basis.

However, we know the individual fishermen were out, and in fact some of them were out it appears

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in larger numbers. We don't have any MRIP data on that. When the TC gets to evaluate, you know one of these proposals, are they just going to assume no harvest? Are they just going to ignore the individual boats or the individual anglers, or how are they going to address that? Is there any thought given to that yet?

MS. KERNS: It is very complicated, and that is why when the Executive Committee was making these recommendations that I think they drew some of these hard lines around it, because we are not sure what is exactly happening in the fishery as you just stated. In some areas we're hearing that the private fishery effort has been higher than it's been in a long time, just based on what people are seeing out on the waters.

But, the Technical Committee won't be able to evaluate that. That information won't be available at the time when the Committee is evaluating those measures. All they can really go off of is the information that they have in front of them. Whether that be from VTRs if there is compliance in states in filling out VTRs.

Obviously, some states have requirements, other states do not, or if it's just from you know these closures that have been mandated by the state, either all fisheries fishing or just a sector of the recreational fishery. No, I don't think that they'll be evaluating the private sector at this time, unless they were closed. Next, we have Cheri, and then we have Dan.

MS. CHERI PATTERSON: Our problem is those charter vessels, not the party boats but the charter vessels that fish solely in state waters, so they have no federal permit, which is the mandated VTR reporting process. We would have no clear understanding of the number of trips that a state-only-licensed charter vessel took in the past or took this year, for that matter. Using VTRs is fine for those that have that federal mandate reporting process. However, I'm not sure all states have mandated reporting process to cover those that fish only in state waters.

MS. KERNS: We have Dan McKiernan, Eric Reid, and Bill Anderson.

MR. DANIEL MCKIERNAN: I would be concerned as Cheri is about the lack of data for the charter boats. I also think it would be incredibly complex, because what happened in Massachusetts, and I'm sure in other states that even when the fishery was opened to the for-hire sector.

The limit on passengers resulted in the head boats still not being able to go at full capacity. I think we're going to be creating an unacceptable level of complexity. Then you're going to be relying on MRIP estimates, which are already highly variable. I would prefer that the Policy Board adopt the four bullet points that we see on the screen.

CHAIRMAN KELIHER: Eric Reid.

MR. ERIC REID: This is essentially an income recovery program, is that correct?

CHAIRMAN KELIHER: Certainly, gives a segment of the industry the ability to try to recover some, if in fact they were closed due to COVID, and would give an option to be able to reopen.

MR. REID: But what happens to any vessel that may have taken advantage of like PPP or some other source of funds to help them through this time, as opposed to other vessels who did not?

CHAIRMAN KELIHER: I think that's a great question. That is something that came up for the Executive Committee, the fact that some segments of the fleet certainly would have taken advantage of PPP or unemployment insurance for the self-employed. I think it would be very difficult for us to make that determination, whether this action would make them whole or not if they did receive that information.

That being said, you know we're not under the bounds of the CARES Act here, where making business whole becomes problematic. I'm not sure we would have any way to take those type of

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things into consideration on whether we should approve or not approve.

MS. KERNS: Bill Anderson.

MR. BILL ANDERSON: Whether folks think it's right or wrong, I think the Executive Committee did try to draw a very bright, clear line as to what would be included in the recommendation and what would not. Certainly the New Jersey example is compelling, and as every other state has indicated, we probably all have similar issues and concerns.

But, if you kind of begin to open that Pandora's Box a little bit, how far do you go? Sure, every state had a maximum group sizes, which impacted especially the big head boats for a while, for us a very long time. We know of situations where charter boats were getting cancelations of trips that went well beyond the end of the fishing ban, and they didn't recover all of those trips.

Then we have people, and I'm sure this is the case around the other states, people who book trips, then cancel the trips for concern about the ability to have social distancing on these vessels. Exactly how far do we go down that road, and allow it to be included in here? Maryland is very supportive of the guidelines as they're written. I just don't know how you make that value judgment of where you stop if you cross that clear line, Pat. I just don't know where you take it.

CHAIRMAN KELIHER: Yes, thanks Bill for that comment, and I think that is a reminder that I was going to make. I think the Executive Committee certainly with the memo that was brought forward from the Executive Committee, tried to create that distinction between open and closed, and the fact that we were very, very concerned in regards to the precedent setting nature of this action, by keeping it very black and white with open and closed. It gave us a little bit of comfort to advance this issue to the Policy Board. Toni, who did you have next on your list?

MS. KERNS: It's hard to tell if Cheri and Eric had their hands up from before. Now, Eric put his hand down. I think that it was Dennis then Cheri, and then Steve Bowman.

CHAIRMAN KELIHER: Dennis.

MR. ABBOTT: Going back to when we started discussing this. Dan McKiernan seemed to have a very clear situation. Massachusetts was closed for X number of days. He said he had a formula where he would be asking for X number of days at the end of his season, and that seemed sort of reasonable. Except one of the thoughts that came to my mind was he was going to add days at the end of the season for the for-hire fishery.

But the recreational fishermen in the same area would be shut out, and that would cause problems, you know within his own state. In trying to make this black and white that became the big issue on the Executive Committee. All the things that were mentioned today by Eric and others were issues that we wrestled with.

If we do have something and don't keep it completely black and white it's not going to be a good thing. It's going to set precedence. Everybody is going to have a problem with this, so all in all it just doesn't seem like it's a good idea. Eric brought up the financial issues about, you know whether people have been reimbursed for lost fishing days through the CARES Act or PPP or whatever. We have to be careful, because this is potentially a real bucket of worms.

CHAIRMAN KELIHER: Cheri.

MS. PATTERSON: The very first bullet indicates closed recreational fishing. I guess I'm struggling with that terminology, considering that that would include private boats, not just the for-hire industry. At least in New Hampshire, the private boats could go out and do whatever kind of fishing they wanted to do, as long as they could find a ramp that was open. This primarily pertained, in my mind, to the for-hire recreational

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industry, and not the recreational industry as a whole.

CHAIRMAN KELIHER: Yes, I think what we were trying to do is recognize the fact that the state may have actually closed all of their fisheries, and have that potential ability to add on to the end of the season if that was the case. I'm not sure if there are any examples of those out there. Most of them that I heard of were the for-hire segments of the fleet. I think we were trying to, correct me if I'm wrong, Toni. I think in the development of the memo, we were trying to be inclusive.

MS. KERNS: Pat, you're correct, and that is why we added that bit of language at the end that said it could include both specific closures.

CHAIRMAN KELIHER: Any additional questions around the memo?

MS. KERNS: Steve Bowman had his hand up.

CHAIRMAN KELIHER: Yes Steve, I'm sorry. Steve, go ahead.

MR. STEVEN G. BOWMAN: A lot of good debate today. I think as good managers we try to go down the path to do what is right in this situation. Just a couple things, and we I think have heard, this has been batted around, and Dennis Abbott pretty much hit the same points. But just a few things. Number one, we have insufficient data. That is the bottom line, if you get right down to it, as far as what we're trying to make good decisions upon. That is, I think our charge.

Number two, it really puts our Technical Committee in a bad position. These Technical Committees we rely upon heavily to give us good information that can withstand any test that gets thrown at us. I think that to put them in this position, when we have what we have out there, as far as data for them to work with, is putting them really in a bad place.

Last but not least, this Commission has a responsibility to be credible, and has to be able to

withstand again the test of what comes at us. I think the old saying about the road to hell being paved with good intentions. This is very much well intended, but I think there are just too many variables out there that allow this to withstand the test. If we're still here at two o'clock, because I have a meeting at two, I will not be voting for the measure.

CHAIRMAN KELIHER: Is there anyone else on your list, Toni?

MS. KERNS: Dan McKiernan has his hand up.

CHAIRMAN KELIHER: Dan, go ahead.

MR. MCKIERNAN: Toni, is it appropriate at this time to make a motion?

MS. KERNS: Ask your Chairman.

CHAIRMAN KELIHER: I am fine with that. I think we've had good discussion on this, so I'm kind of both sides of the coin, and I think make your motion at this point in time would be warranted.

MR. MCKIERNAN: Okay then, I would like to move to approve the guidance from the Executive Committee for states submitting proposals to adjust individual species 2020 recreational measures to address lost fishing opportunity due to COVID-19 restrictions.

CHAIRMAN KELIHER: All right, thank you Dan. We have a motion on the board, is there a second?

MS. KERNS: Steve Bowman, are you seconding that with your hand up, or is your hand up from before?

MR. BOWMAN: No, I would like to make a substitute motion.

CHAIRMAN KELIHER: We need a second here on this one first. Is there a second to this motion?

MS. KERNS: Eric Reid.

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CHAIRMAN KELIHER: Eric, you are seconding the motion?

MR. REID: Yes, I am.

CHAIRMAN KELIHER: We have a motion by Dan McKiernan, seconded by Eric Reid. I'm just going to read it quickly and then we'll open the floor back up. Move to approve the guidance from the Executive Committee for states submitting proposals to adjust the individual species 2020 recreational measures to address lost fishing opportunities to the COVID-19 restrictions. Are there any questions or comments on the motion?

MS. KERNS: Dan, did you want to want to comment on your motion?

MR. McKIERNAN: Yes, if I could. Consistent with what Dennis mentioned earlier. This is a very conservative motion by Massachusetts to address the legally binding closures that were enacted on our for-hire fleet specifically. That will be the net effect, where not only did the governor announce that the for-hire fishing shouldn't take place, or would not take place, but DMF conditioned every for-hire boat permit, prohibiting them from doing that.

We did enforce the closure. We did have one violation. We would like to use what has been described as the exchange rate, based on the expected catch rates from the Wave 3 period to extend our fishery for some time period going into Wave 5. We think that is reasonable. We also think it's very conservative, because the foot traffic on that sector still remains fairly low, given the problems of the pandemic and people's fear about being in crowded settings.

But some of the members of that industry are able to take trips out with entire families that live together, or at reduced densities. This is the appropriate thing to do to help them. It is not going to make them whole in any fashion, and our CARES Act payments are still going to be very modest, something in the range of about \$3,000 to \$4,000 per charterboat, a little bit more for a party boat. But that industry has really been hurt,

I think the worst of all the industries that we're hoping to assist through the CARES Act. I hope there will be support for this motion.

CHAIRMAN KELIHER: Does the seconder of the motion like to make a comment?

MR. REID: No, I think Mr. McKiernan did a fine job. You know my previous comments aside that that sector has suffered and is suffering. I watch those guys leave in the morning every morning. Some of them go and some of them don't. Most of them there is plenty of room on those boats, so they're having a hard time.

I will speak for my roots in Point Pleasant, New Jersey. They are having the same problem. I have no problem trying to bolster those guys up a little bit. They really need it. I can't speak for the rest of the coast, but for those two communities, I really think that we should do the best that we can to help them out.

CHAIRMAN KELIHER: Toni, any other hands up?

MS. KERNS: We have Roy Miller and Adam Nowalsky.

CHAIRMAN KELIHER: Roy.

MR. ROY W. MILLER: Just a question of clarification in the motion as it's stated. If the season is adjusted, let's say the impetus for the proposed season adjustment was the for-hire fleet. Would the extended season that would be granted if the proposal was approved be only for the for-hire fleet, or would there be additional recreational fishing opportunity for everyone during the extended period if it's approved?

MS. KERNS: Roy, from how I understand it is if there was a closure for only the for-hire fleet, then that extended season would only impact the for-hire fleet. If there was a closure for the entire recreational fishery then it would impact the entire recreational fishery. It just depends on how the closure was set up by the state.

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MR. MILLER: All right, thank you for that clarification.

CHAIRMAN KELIHER: Adam Nowalsky.

MR. NOWALSKY: As written, and based on the earlier direction that the advice of the Executive Committee would allow in New Jersey's case the opportunity for black sea bass to recover at most one day. I can't vote in favor of this motion. I would hope we could have some additional conversation and clarification, and there could be some guidance given that would allow a state to make a determination if they have enough data, to bring something substantive to a Technical Committee.

When we look at what the language here is, taken verbatim of the Executive Committee recommendation, due to the COVID-19 pandemic that closed recreational fishing. I think there are two types of closures. One, there is a regulatory closure. I think Massachusetts proposal brings something that addresses that.

But then you have the closure that occurred, the lag effect as our Chairman mentioned before, and I believe I heard him say that that wasn't fully considered by the Executive Committee that effect. Mr. Reid's comments about helping Point Pleasant. This motion and the previous discussion, this isn't going to help Point Pleasant at all, as I suspect a lot of other states are going to be in.

I would like to see flexibility provided for states, we're talking about in New Jersey use of CARES Act money requiring a minimum \$10,000 loss to recover \$1,000. We're not talking about making anybody whole or beyond that even with PPP money or anything. This gets nowhere near any of that.

We've heard conversation on this call today about the low carrying rates, or lack of sailing entirely that continue to impact the for-hire sector. To simply say, well we're going to take the most conservative approach we can in a time of a

world-wide and national pandemic. I think it sends a horrible message to the fishermen we claim to represent. We need to provide flexibility to the states that if they feel they have data to provide to a Technical Committee and a species board, to at least give them the flexibility to do so. Again, based on the previous direction I can't support this. If the conversation moves to support a record that allows states to have that flexibility, to at least submit a proposal that would go beyond purely the regulatory closure, then I would fully support moving forward with this.

CHAIRMAN KELIHER: Toni, any other hands?

MS. KERNS: Cheri Patterson and then Tom Fote.

CHAIRMAN KELIHER: Cheri. You may be muted.

MS. KERNS: No, she put her hand down.

MS. PATTERSON: No, I'm sorry. I'm here. I was muted. I'm still struggling with this to some degree. Are we trying to help the for-hire industry, or are we trying to help a recreational industry as a whole? I think if we're just addressing a for-hire industry that actually got an economic loss scenario.

I can sort of support this maybe. But for the whole recreational fishery, I'm not sure why we would be doing that when probably most of them would still be able to go out and fish. I don't know how many states actually had access not allowed. This just still kind of confounds me. It seems too vague to me.

CHAIRMAN KELIHER: I think the intention was to ensure that if any segment of the fishery was closed, to give the state the ability to bring forward a proposal, and the case of Massachusetts, it's a discreet segment of the for-hire industry. Tom Fote.

MR. THOMAS P. FOTE: Adam made my points on the for-hire industry, so I'm not going to repeat what Adam said. But I also want, I just listened to Cheri, when we basically look at the recreational fishing industry. The recreational fishery should

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consist of more than just party and charterboat. It consists of the tackle stores, the marinas, the gas pumps, and everything else that depends on it.

When the recreational boats weren't sailing, like in New Jersey, because the only people that could be on your boat, on your private boat is your family, and also most people were not actually sailing. We basically lose the impact, not on that. When you increase the season you not only increase the season for the recreational boats to go out to fish, but you also increase the marina, the gas, everything else that goes on there.

Tackle stores, because they sell tackle. I mean they were eating all kinds of crabs that they had hoarded, because nobody was going out black sea bass fishing, they wanted to use the baits for the clams and everything else. I'm just looking at how we're basically doing it. It's always tough on a community when we sit here a compact for 15 states, and we design a program that only one state can basically meet the guidelines for. States like New Jersey are left out in the cold, and we say well, how is that fair and equitable, because we had the same economic impact? We're not sailing. We don't have the same amount of people on the boats due to social distancing. The economic impact there. Pretty much for all the party and charter boats the same, and to basically write up rules that only one state can basically deal with, when the rec boat would represent a compact of 15 states it doesn't sound right.

I have a real serious problem with it, and I guess I cannot vote for the motion as stated, if New Jersey cannot basically put in at least a ? How do I explain that to my fishermen? The captains, because they're losing money, but you don't count because you don't follow the special guidelines that were only put up to basically benefit one state. We can't do that.

CHAIRMAN KELIHER: Are there any other hands up, Toni?

MS. KERNS: One more, Dan McKiernan.

MR. McKIERNAN: Yes, I would just want to sort of respond to some of those comments, because recreational fishing in Massachusetts was not closed. But the for-hire businesses were told to stay tied up completely. We're just trying to address those rules, not the reduced traffic but the rules that were levied on them.

Believe me, I am not a big fan of split modes management in the recreational sector. But in this case, this mode was split, not by a fisheries management decision, but by the governor and his restrictions for COVID-19. This is a very clean proposal. I understand that it doesn't shower benefits on every state. But I think it's a fair way to address this for any state that was subjected to this kind of a rule. I would urge the Policy Board to support the motion as presented.

CHAIRMAN KELIHER: Toni, is there any other hands up?

MS. KERNS: That is all your hands.

CHAIRMAN KELIHER: I'm going to call the question. Toni, if you could do a roll call, please.

MS. KERNS: Will do, Pat. Pat, are you going to vote today? You're the only. Ritchie had his hand up.

MR. G. RITCHIE WHITE: I need a caucus; can we have five minutes to caucus?

CHAIRMAN KELIHER: Yes. Do we need five minutes? Can we do it in two or three?

MR. WHITE: Three.

CHAIRMAN KELIHER: Thank you, three-minute caucus. Okay, it's been three minutes. Toni, are you there?

MS. KERNS: I'm here.

CHAIRMAN KELIHER: All right, hopefully that gave states a sufficient time to caucus. Toni, if you

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could do the roll call please, and I will not be voting unless there is a tie.

MS. KERNS: I know some states the Administrative Commissioner is not on the line, so I'm just going to call the state and someone from the state can give me your state's vote.

MS. KERNS: New Hampshire.

MR. ABBOTT: No.

MS. KERNS: Massachusetts

MR. McKIERNAN: Yes.

MS. KERNS: Rhode Island.

MR. REID: Yes.

MS. KERNS: Connecticut.

MR. GATES: Yes.

MS. KERNS: New York.

MR. GILMORE: No.

MS. KERNS: New Jersey.

MR. CIMINO: No.

MS. KERNS: Delaware.

MR. MILLER: No.

MS. KERNS: Pennsylvania. Loren, are you still on the phone? Maryland.

MR. ANDERSON: Yes.

MS. KERNS: Virginia.

MR. BOWMAN: No.

MS. KERNS: PRFC.

MR. MARTIN GARY: No.

MS. KERNS: North Carolina. I'm not hearing you, Steve. I'll come back to you. South Carolina.

SOUTH CAROLINA: No.

MS. KERNS: Georgia.

MR. DOUG HAYMANS: No.

MS. KERNS: Florida. I don't believe anyone from Florida is on the call. NOAA Fisheries.

NOAA FISHERIES: Yes.

MS. KERNS: I'm going to go back to North Carolina. I don't know if you're in contact with Steve, but we can't hear him.

MS. TINA BERGER: Erica Burgess is on the call.

MS. KERNS: I didn't know she was proxying, sorry Erica. She might not be able to speak, actually. Hold on, I'll go back to you Erica. I apologize. You can talk, Erica.

MS. ERICA BURGESS: Hi Toni. I'm not a proxy at this meeting, I'm just listening in.

MS. KERNS: Thanks.

MR. BOWMAN: Hey Toni, Steve Murphey says it won't let him unmute. He's voting no, if he could.

MS. KERNS: Okay.

MS. BERGER: It just unmuted, Steve.

MR. MURPHEY: No.

MS. KERNS: Thank you, Steve. I counted 5 yesses and 9 noes.

CHAIRMAN KELIHER: Yes, that is my count. **The motion fails, 5 to 9, with no abstentions and no nulls.** Unless anybody has another motion that would conclude the business of the Policy Board, unless there is anything else under Other Business that a member would like to bring up.

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MS. KERNS: Pat, I have four hands that are raised; Adam Nowalsky, Ritchie White, Tom Fote, and Dennis Abbott. Ritchie's hand just went down so it's Adam, Tom, and just Adam.

CHAIRMAN KELIHER: Adam, go ahead.

MR. NOWALSKY: I certainly don't want to draw this out, and the difficulty I have right now is with 9 no votes. I heard a couple of those people that voted no, I think I've got a sense of where they're coming from in their rationale for the noes. But a lot of the other states I didn't hear from, and I don't know if they are opposed to this in its entirety, or if they are opposed to it for some of the reasons I offered.

I would make a motion that is similar to what was up on the board, with the caveat to allow some additional flexibility for lost fishing effort, not just regulatorily. But before I did that Mr. Chairman, if you had the willingness to just poll a couple of those other states that voted no, in particular maybe some from the south, New York that we didn't hear from during the discussion, just to get a sense of where they were coming from.

There is no point in my making a motion if they shared similar concerns that we heard from, I believe Virginia and New Hampshire. But if they shared my concerns, then I would be prepared to make a motion to offer a little bit more liberalization to states to at least submit proposals for more specific DTs.

CHAIRMAN KELIHER: Adam, I appreciate that. I am also very cognizant of the time. We had this scheduled from one to two. While I did not vote, I have very serious concerns about setting precedence, and creating a slippery slope, because I'm not sure where this ends, and are we then kind of opening up the door.

We've only talked about the recreational side. There have certainly been impacts on the commercial side as well, due to lost markets. Where do we stop this conversation? If there is anybody that did vote no that has an interest in

the direction that Adam is looking. If any of you want to offer up any additional comments, I would be hearing those now.

MS. KERNS: You have Steve Murphey and Dennis Abbott.

MR. MURPHEY: I agree with that Mr. Chair. I think it is a slippery slope, and a troublesome precedent to set. You know we did not close our for-hire fleet didn't do anything during that period of time, because nobody was traveling. There was not a closure, per se, but there was just a reticence on the part of the public to even go. There were impacts there that wouldn't fit into this.

But on a broader scale, you know if we get back-to-back hurricanes, can we do the same thing in the south? I mean Ocracoke, for example, and Hatteras their charter fleet is still not back to where it was two years ago. I just think, I sympathize with the for-hire fleet on that. What we're seeing, they are making up for lost ground. But I just think it's a bad precedent to set to sort of allow these types of these management issues, because like you said, you just don't really know where it's going to end.

CHAIRMAN KELIHER: Dennis Abbott.

MR. ABBOTT: I think we had a good discussion. I think we had a good vote. I think everybody realizes the complexity of the situation. Everyone, and I'm sure some of us that voted no sympathize, et cetera and et cetera. It's been brought up repeatedly that it is precedent setting, and it's not what we should be doing. At this point I would like to make a motion to adjourn. Before I go. You know I asked early in this meeting about how many LGAs there were, and I think Toni told me 9.

That's out of 30, so having these meetings like this Policy Board meetings, you know short of having our spring/summer meeting that we've had is problematic. We really need to do these things with everyone involved, and we don't have

that right now. But I think we made a good decision, and again I think we should adjourn. Everybody made a good, honest effort today.

CHAIRMAN KELIHER: Thank you, Dennis, and I think we can bring the other issue back up at the Executive Committee. I do know that we did a Doodle Poll to try to ensure good participation. But we can have that be further discussed at the Executive Committee. We did have another hand up, and I don't want to miss that. I appreciate your intent here, but I know we're running a little bit long, but I don't want to cut conversations off too prematurely. I think Ritchie White also had his hand up.

MS. KERNS: It wasn't Ritchie, unless I'm wrong. I don't see his hand up right now. We had Tom and Joe.

CHAIRMAN KELIHER: Okay, Tom. Specific to Adam.

MR. FOTE: I just want to reiterate what Dennis just said. If we're going to do these, like these virtual calls, during the week when people are working, people have other committees, especially LGAs, maybe we actually should be doing it like we do Advisors, at night after six o'clock. To me it makes no difference, I'm around, I'm home. But there are other people that cannot do that. They're on call for their businesses and everything else, and it's hard enough doing business over the phone. I would recommend that.

CHAIRMAN KELIHER: Thank you, Tom. We'll bring this back up at the Executive Committee level for further discussion. Adam, last word.

MS. KERNS: It was Joe Cimino.

CHAIRMAN KELIHER: Sorry, I'm looking at my old list. Joe.

MR. CIMINO: You know this all sprouted out of the Executive Committee deciding to try and give guidance on proposals that come in as

Massachusetts has put one forward. To me this vote was a vote for what the guidance is. I don't understand how a no vote would stop anyone from still putting in proposals. Now there is just no guidance in doing that. Is that correct, so states can still submit proposals?

CHAIRMAN KELIHER: I think a state is free to submit proposals, but it would have to be considered under conservation equivalency. Wouldn't that be correct, Toni? I mean, I'm not sure how would you do that.

MS. KERNS: I would have to think through that. But I think that would be what they would need to do, is make a request to change their measures from their state and use conservation equivalency to do that.

CHAIRMAN KELIHER: Does that answer your question?

MR. CIMINO: Yes, Mr. Chair, thank you.

CHAIRMAN KELIHER: I think we've had good conversation around this, and at this time we do have before we adjourn there was Item Number 5 for Other Business. Is there any other business to be brought before the Policy Board? If there is, I would ask you to be brief.

MS. KERNS: Is your hand up, Joe, or did you just not put it down from before? It's down.

ADJOURNMENT

CHAIRMAN KELIHER: If there is no other business to be brought before the Policy Board, Dennis your motion would be in order.

MR. ABBOTT: Adjourn.

CHAIRMAN KELIHER: Motion to adjourn. I'm assuming we've got a second for that. I want to thank everybody for their time today, and for the conversation around this issue. If there are additional thoughts that we need to discuss going forward, the Policy Board continues to have weekly catch-up calls. They are continuing to be

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scheduled, so if there is anything to be brought forward the Administrative Commissioner certainly could do that on behalf of the states. With that I want to appreciate everybody's time, and ask you all to be safe. Thank you very much.

(Whereupon the meeting adjourned at 2:05 p.m.
on July 14, 2020)

These minutes are draft and subject to approval by the ISFMP Policy Board.
The Board will review the minutes during its next meeting.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

July 19, 2020

To: ISFMP Policy Board
From: Risk and Uncertainty Policy Work Group
RE: Risk and Uncertainty Policy

At the 2018 Winter Meeting, Commissioners participated in a workshop to explore a preliminary risk and uncertainty decision tool. The Policy Board tasked the Risk and Uncertainty Policy Work Group (R&U WG) with further refining the tool based on Commissioner feedback and consultation with the Striped Bass Technical Committee (TC).

Through collaboration with the Striped Bass TC and Committee on Economics and Social Sciences (CESS), the R&U WG developed a revised risk and uncertainty decision tool, as well as documentation of the proposed approach and process. The revised decision tool follows the same basic premise of the preliminary tool: it incorporates diverse information about risk and uncertainty for a species into a final probability of management success, which can then be used for developing management options. However, the revised decision tool has a number of advantages: 1. it is easily adaptable to different species or new information; 2. it is able to handle extreme scenarios while still providing a reasonable output; and 3. it separates the technical inputs from the value judgements about the relative importance of information and risk tolerance levels, allowing for greater transparency and a more straightforward process.

The R&U WG met on June 26th to review and approve the revised Risk and Uncertainty Policy, including the proposed process, decision tool, and supporting documentation. The R&U WG recommended presenting this approach to the ISFMP Policy Board. They also recommended that the ISFMP Policy Board discuss methods for determining weightings and the possibility of both positive and negative weightings. Finally, they recommended tasking the Assessment Science Committee and CESS with developing more specific criteria for the responses to the decision tool input questions.

The following documents are provided to describe and demonstrate the proposed risk and uncertainty process:

- a Risk and Uncertainty Policy document, which describes the general proposed approach to managing risk and uncertainty in decision-making
- a Risk and Uncertainty TC Guidance Document, which outlines the specifics of the proposed risk and uncertainty process
- the Risk and Uncertainty Decision Tool

The R&U WG is looking for specific feedback on two aspects of the decision tool (see the blue boxes in the Risk & Uncertainty TC Guidance Document, briefing materials), as well as general feedback on the new tool and whether to continue development.

DRAFT ASMFC Risk and Uncertainty Policy

Risk and Uncertainty Policy Statement

The Commission recognizes that fishery information is inherently variable, and that successful management requires full consideration of this uncertainty and the associated risks on management decisions. The purpose of the Commission's Risk and Uncertainty Policy is to provide a consistent yet flexible mechanism to account for both scientific and management uncertainty in the Commission's decision-making process in order to protect all Commission-managed stocks from the risk of overfishing, while minimizing any adverse social, economic, or ecosystem effects. This Policy seeks to maximize the long-term benefits across all of our marine fishery resources by providing objective criteria to characterize both scientific and management uncertainty, and to evaluate management risk. Additionally, the Policy improves transparency in the management process, allowing for better communication among managers, industry, and other stakeholders.

Risk and Uncertainty Approach

The Commission's approach consists of a framework, the Risk and Uncertainty Decision Tool (decision tool), that can be adapted to fit the needs of a particular species, while also providing transparency and consistency across species. The logistic tool incorporates diverse information about risk and uncertainty, as well as the relative importance of this information, into a single value. The current version of the tool arrives at a probability of management success, to be used with projections for that species; however, it could be adapted for other management questions in the future.

The Risk and Uncertainty Decision Tool consists of a series of questions related to the risk and uncertainty of a species' management. Responses to the questions may be quantitative or qualitative, and may be indices or scores composed of multiple pieces of information. All responses will be converted to the same numerical scale for entry in the decision tool. These responses are then weighted based on relative importance of the information for the species. The decision tool combines all of this information into a single value, in this case the probability of management success, through a sigmoid function.

The resulting probability of management success can then be applied to a management action. The probability of success will help determine the available options for meeting the management action goals for the species being examined and help the Technical Committee (TC) or Plan Development Team (PDT) constrain the continuum of options to only those that meet the Board's risk tolerance.

Development of Risk and Uncertainty Tools

The ISFMP Policy Board will develop a general ASMFC Risk and Uncertainty Decision Tool, which can be used as a template for the species-specific tool. A species Board can adapt the ASMFC decision tool to meet the specific needs of a species (e.g. by adjusting the weightings for different categories or adding additional information). However, information on stock status, modeling uncertainty, environmental uncertainty, and social and economic considerations should always be incorporated. The Policy Board may develop further guidance for species-specific decision tools.

If a risk and uncertainty tool has not yet been created for a species, the species Board may either approve the template ASMFC decision tool for use for the species or develop a species-specific decision

tool. To develop a species-specific decision tool, the species Board, in consultation with the TC, will adapt the template to fit the species characteristics, type of stock assessment, and nature of the fishery, while ensuring that it still addresses the key risk and uncertainty categories. The TC will also develop a species matrix, a document recording the information relevant to the decision tree questions, for the species.

Risk and Uncertainty Process

The species Board will first provide guidance on the information to be included in the species decision tool (e.g., new decision tool questions) and the weightings (i.e., relative importance of the information). The species Board may develop the weightings by discussion at a meeting or by another method for determining collective input, such as a survey. This information will then be passed on to the species TC.

The species TC, including a representative from the Committee on Economics and Social Sciences (CESS), will create the species matrix with information relevant to the decision tool. The TC, including the CESS representative, will use this information to assign responses to the decision tool input questions, arriving at a preliminary probability of management success.

The TC will present a report outlining the initial risk and uncertainty input determinations to the species Board. The report will efficiently detail the responses to the decision tool input questions, a concise explanation of the reasoning behind each response, and the preliminary probability of management success output.

The species Board will review the report, including the TC's responses to the decision tool input questions, in a public setting, allowing for maximum transparency in the process. The species Board may make changes to the question weightings (i.e., the relative importance of the information). In addition, the Board may make changes to the responses to the input questions if warranted, though the quantitative sections should be accepted unless there is a significant reason to change them. The species Board will approve the finalized responses to the risk and uncertainty decision tree and the associated result (e.g., the final probability of management success).

Once the report is finalized, it will be transferred as guidance to the TC or PDT responsible for developing management action documents. The probability of management success will be used for developing management options that reflect the species Board's risk preferences.

As new information arises, the decision tool may be updated and a new probability of management success produced. The species TC should periodically review the species matrix and decision tool inputs to ensure that all information is up-to-date. A determination that management action is needed for a species will trigger a review, and possible update, of the species matrix and decision tool. If the decision tool is updated, the TC will produce a revised risk and uncertainty report, including the new probability of management success, and present it to the Board. This revised probability may be approved without revisiting the decision tool weightings. The species Board should revisit weightings every 5 years to ensure that they still reflect the Boards' preferences.

DRAFT Risk & Uncertainty TC Guidance Document

The Risk & Uncertainty Decision Tool

The Risk and Uncertainty Decision Tool consists of a series of questions related to the risk and uncertainty of a species' management. Responses to the questions may be quantitative or qualitative, and may be indices or scores composed of multiple pieces of information. All responses will be converted to the same numerical scale for entry in the decision tool. These responses are then weighted based on relative importance of the information for the species. The decision tool combines all of this information into a single value, in this case the probability of management success, through a sigmoid function.

The logistic function for calculating the probability of management success is:

$$p(Z) = \frac{1}{1 + e^{-Z}}$$

Where $Z = a + b_1x_1 + b_2x_2 + \dots$, denoting a list of inputs times their weighting coefficients. The intercept, a , sets the initial scale of the Z score. An a of 0, as used here, corresponds to a default value of 50% when the stock is at or above its biomass target and at or below its F target, and no additional risk or uncertainty factors are considered. The intercept can also be adjusted.

“Management success” is defined relative to the goals of the analysis required. The initial implementation of the logistic tool would be to set a total allowable catch (TAC) or harvest strategy to that would have the recommended probability of meeting a specific objective. That objective could be being at or below the F target (for setting annual specifications), being at or below the F threshold (for ending overfishing), or being at or above the SSB target or threshold at a specified point in time (for stock rebuilding).

Template Decision Tool Inputs & Default Weightings

The following is a template decision tool inputs and default weightings, which may be adapted to suit the needs of a particular species.

Decision Tool Inputs	Default Weighting
<i>1. Stock Assessment & Technical Determinations (0 to 1 scale)</i>	
Stock status: is stock overfished/depleted?	0.10
Stock status: is stock above or below biomass target?	0.10
Stock status: is overfishing occurring?	0.10
Stock status: is fishing mortality above or below the target?	0.10
<i>2. Additional Uncertainty Determinations (0 to 5 scale)</i>	
Model uncertainty	0.10
Management uncertainty	0.10
Environmental uncertainty	0.10
<i>3. Additional Risk Determinations (0 to 5 scale)</i>	
Trophic importance	0.10
<i>4. Social & Economic Determinations* (-5 to 5 scale)</i>	
Commercial short-term economic & social considerations	0.05

Commercial long-term economic & social considerations	0.05
Recreational short-term economic & social considerations	0.05
Recreational long-term economic & social considerations	0.05

Note: The Board can adjust the weightings of short-term and long-term socioeconomic considerations in order to indicate their relative preference for mitigating short-term negative impacts versus ensuring long-term sustainability.

Policy Board input requested: In this example of the decision tool, the additional uncertainty and risk determinations only increase the recommended probability of management success. The social & economic determinations can result in either an increase (when being more risk averse will have positive socioeconomic impacts) or a decrease (when the socioeconomic impacts of being more risk averse are negative) in the probability of success.

- Is this the preferred approach, or should risk and uncertainty scores also have the possibility of decreasing the recommended probability of management success? E.g., should models with low uncertainty result in a lower probability of management success?

Species-Specific Decision Tools

Species-specific Risk and Uncertainty Decision Tools will be developed as relevant management needs for ASMFC species occur. A species Board, in consultation with the TC, can adapt the template decision tool questions and weightings to meet the specific needs of a species (e.g. by adjusting the weightings for different categories or adding additional information). However, all decision tools should incorporate information on stock status, modeling uncertainty, environmental uncertainty, and social and economic considerations.

Risk and Uncertainty Process

If it is the first time the process is triggered for a species, the species-specific decision tool and supporting documents will be created following the process outlined below.

1. Development or revision of a species-specific decision tool is initiated by the species Board, including:
 - a. guidance on changes to or additional categories for the decision tool
 - b. preliminary weightings for the decision tool input categories

Policy Board input requested: In the process outlined here, the species Board will determine the weightings (i.e., relative importance) of the various inputs to the decision tool (e.g. stock status, socioeconomic factors, etc.). There are multiple methods that could be used to arrive at these weightings collectively, including a standard Board discussion. However, the Risk & Uncertainty Policy Workgroup recommended using surveys and/or real-time voting technology (clickers) to arrive at collective weighting preferences. Commissioners would individually rate the relative importance of the different components, then their responses would be averaged to produce the weightings.

→ What is the preferred approach for determining weighting preferences?

2. TC, including a Committee on Economics and Social Sciences (CESS) representative, gathers information relevant to the input questions and compiles it in a species matrix (see Species Matrix)
3. TC, including CESS representative, provides responses to the input questions (see Decision Tool Questions below), converting responses to the appropriate scale. The decision tool's logistic formula is used to arrive at a preliminary probability of management success.
4. The TC drafts a report including:
 - a. The responses to the input questions
 - b. A brief summary of the reasoning behind the responses to the questions, including supporting information/data from the species matrix
 - c. The preliminary recommended probability of management success
5. The TC will present the report to the species Board
6. During a meeting, the Board may make revisions to the decision tool and report, including:
 - a. Adjusting the weightings of the categories
 - b. Revising the responses to the input questions
 - i. Note: responses to the Stock Assessment & Technical Determinations questions should be accepted unless there is a significant reason to change them
 - ii. The reasoning behind any changes to the input questions should be documented in the report, including any additional relevant information
7. The Board approves the final report, including the final probability of management success
8. The final probability of management success will be provided to the TC or PDT as guidance for developing management options.

Updating the Decision Tool

As new information arises, the decision tool may be updated and a new probability of management success produced. The species TC should periodically review the species matrix and decision tool inputs to ensure that all information is up-to-date. A determination that management action is needed for a species will trigger a review, and possible update, of the species matrix and decision tool.

1. Decision tool review triggered by review schedule or future management action
 - a. If the TC determines that not updates are needed at that time, the existing probability of management success will continue to be used

- b. If the TC determines that updates are needed, they will follow the process outlined below
2. Species matrix and decision tool updated by TC, including CESS representative, with new information and revised input determinations, as needed. A new probability of management success is generated.
3. The TC drafts a report including:
 - a. The responses to the input questions, highlighting changes to the responses
 - b. A brief summary of the reasoning behind the responses to the questions, including supporting information/data from the species matrix
 - c. The preliminary recommended probability of management success
4. The TC will present the report to the species Board
5. During the meeting, the species Board may make adjustments to the decision tool and report, if warranted. The species Board will then approve the revised decision tool, report, and final probability of management success
6. The final probability of management success will be provided to the TC or PDT as guidance for developing management options.

In addition, the species Board should revisit weightings every 5 years to ensure that they still reflect the Boards' preferences. The revised weightings will be passed on to the species TC to update the species decision tool.

Decision Tool Questions

The following lists the template decision tool input questions and the types of information that could be used to generate responses; however, these may be adapted to fit species needs and information availability. Further criteria for assessing and providing responses to the decision tool questions will be developed by the Assessment Science Committee and CESS.

Input Question	Information to Determine Response
<i>Stock Assessment & Technical Determinations (0 to 1 scale)</i>	
Is the stock overfished/depleted? Responses: overfished/depleted, not overfished, unknown	Overfished = stock biomass below threshold established by the FMP Depleted = reflects low levels of abundance, though it is unclear whether fishing mortality is the primary cause for reduced stock size Not overfished = stock biomass above threshold established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being below the biomass threshold if available from the assessment, or as a binary (0=not overfished/depleted, 1=overfished/depleted, unknown scored by TC as appropriate to the scenario)
Is biomass above or below the target? Responses: above, below, unknown	At or Above = Biomass is at or above target established by the FMP Below = Biomass is below the target established by the FMP Unknown = there is no accepted stock assessment to estimate stock status

	Input as the probability of being below the biomass target if available from the assessment, or as a binary (0=above the target, 1=below the target, unknown scored by TC as appropriate to the scenario)
Is overfishing occurring? Responses: overfishing occurring, no overfishing occurring, unknown	Overfishing occurring = Fishing mortality exceeds threshold established by the FMP No Overfishing occurring = Fishing mortality below the threshold established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being above the F threshold if available from the assessment, or as a binary (0=not overfishing, 1=overfishing, unknown scored by TC as appropriate to the scenario)
Is fishing mortality above or below the target? Responses: above, below, unknown	Above = Fishing mortality exceeds target established by the FMP At or Below = Fishing mortality at or below the target established by the FMP Unknown = there is no accepted stock assessment to estimate stock status Input as the probability of being above the F target if available from the assessment, or as a binary (0=below the target, 1=above the target, unknown scored by TC as appropriate to the scenario)
<i>Additional Uncertainty Determinations (0 to 5 scale)</i>	
<i>0=No additional uncertainty or already included, 1=Low uncertainty, 5=High uncertainty</i>	
Is model uncertainty accounted for? If no, how much model uncertainty is there?	How well does the model perform and are all sources of uncertainty included in the probabilities for stock status? Important model diagnostics to consider: retrospectives, sensitivities, bootstrap bounds, ability to estimate recruitment
Is management uncertainty accounted for? If no, how much management uncertainty is there?	Is management uncertainty already accounted for in assessment and/or management? If it is not, how much management uncertainty is there? Examples of information to be considered: stock assessments, management plans, and performance of management towards goals, including quantitative information if available (e.g. Management Strategy Evaluation), etc.
Is environmental uncertainty accounted for? If no, how much environmental uncertainty is there?	Is environmental uncertainty already accounted for in assessment and/or management? If it is not, how much environmental uncertainty is there? Examples of information to be considered: recruitment dynamics, sensitivity to environmental drivers, climate vulnerability, trophic interactions (i.e. do other species impact this species), etc.
<i>Additional Risk Determinations (0 to 5 scale)</i>	
<i>0=No additional precaution needed or already included, 1=Low precaution, 5=High precaution</i>	
Is there a need for precaution due to trophic importance?	Does the importance of this species for other species or the ecosystem as a whole warrant a decrease in risk tolerance? If so, how important is the species (how much should risk tolerance be changed)?

If yes, how important is the species to the ecosystem?	Examples of information to be considered: importance to key trophic dynamics, importance to key ecosystem functions, importance to other fished species, importance to endangered or threatened species
<i>Human Dimensions Determinations* (-5 to 5 scale)</i>	
<i>-5=very negative impacts of being more risk averse in management, 0=neutral/negligible impacts, 5=very positive impacts of being more risk averse in management</i>	
What are the short-term social and economic impacts of management actions on the commercial fishery?	To what extent are the fishery and its communities sensitive or resilient to short-term changes in management (e.g. reductions in quota)? Examples of information to be considered: economic impact of commercial fishery, value of landings, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
What are the long-term social and economic impacts of management actions to the commercial fishery?	To what extent are the fishery and its communities sensitive or resilient to long-term changes in the fishery or stock (i.e. how important is long-term sustainability of the fishery)? Examples of information to be considered: economic impact of commercial fishery, value of landings, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
What are the short-term social and economic impacts of management actions to the recreational fishery?	To what extent are the fishery and its communities sensitive or resilient to short-term changes in management (e.g. reductions in quota)? Examples of information to be considered: economic impact of recreational fishery, value of landings and trips, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance
What are the long-term social and economic impacts of management actions to the recreational fishery?	To what extent are the fishery and its communities sensitive or resilient to long-term changes in the fishery or stock (i.e. how important is long-term sustainability of the fishery)? Examples of information to be considered: economic impact of recreational fishery, value of landings and trips, dependence on fishery, jobs created by fishery, vulnerability of fishing communities, cultural importance

*Note: The human dimensions questions may incorporate much of the same information in the short-term and long-term responses. However, by weighting the two categories (short-term and long-term) differently, the Board can indicate to what extent they are prioritizing short-term impacts over long-term sustainability, or vice-versa.

Species Matrix

The species matrix is a document for recording all information relevant to the risk and uncertainty decision tool. This document can be periodically updated by the TC and CESS representative, and should

be updated each time the risk and uncertainty process is initiated. The matrix should be adapted to fit the needs of the species and its decision tool.

Risk and Uncertainty Report

The TC will draft and the Board will revise a Risk and Uncertainty Report for each risk and uncertainty process. The report will efficiently detail the responses to the decision tool input questions, a concise explanation of the reasoning behind each response, and the probability of management success output. The report will be standardized across species, with some variation allowed to account for the differences between species-specific management objectives.

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Atlantic States Marine Fisheries Commission

Assessment Science Committee Report

The Assessment Science Committee (ASC) met on May 20th, 2020 to address several agenda items, including assessment report streamlining, rescheduling the advanced stock assessment training, and revising the ASMFC stock assessment schedule.

Revised ASMFC Stock Assessment Schedule

The following proposed changes were made to the ASMFC Stock Assessment Schedule since the previous schedule was approved by the ISFMP Policy Board in October 2019:

- The years 2023 and 2024 were added to the schedule and populated based on NMFS assessment schedules and standard ASMFC assessment frequencies.
- **Horseshoe Crab:** a separate line for the Adaptive Resource Management (ARM) Framework was included and the ARM benchmark in 2021 was added to the schedule.
- **Jonah Crab:** a first-time assessment was tentatively scheduled for 2023.
- In the schedule approved in 2019, eleven benchmark assessments and four assessment updates were scheduled for 2022. Recognizing the 2022 workload bottleneck, the ASC recommends the following changes to redistribute the workload to other years:
 - **Atlantic croaker:** shift the benchmark assessment from 2022 to 2024.
 - **Atlantic sturgeon:** shift the assessment update from 2022 to 2024.
 - **Spot:** shift the benchmark assessment from 2022 to 2024.
- **River herring:** shift the assessment update from 2022 to 2023 to reflect the substantial workload and time needed to complete the update.
- **Striped bass:** While the schedule for striped bass remained the same, with a tentative assessment update in 2021, the ASC recommended consulting the Striped Bass Management Board and Technical Committee on the pros and cons of shifting the update to a later year.

DRAFT Long-Term Stock Assessment and Peer Review Schedule (Revised May 2020)

Species	2012	2015	2016	2017	2018	2019		2020	2021	2022	2023	2024
American Eel	ASMFC			Update						x		
American Shad								ASMFC				
American Lobster		ASMFC						ASMFC				
Atlantic Croaker				ASMFC								x
Atlantic Menhaden	Update			Update		SEDAR				Update		
Atl. Menhaden ERPs	Update					SEDAR				Update		
Atlantic Sea Herring	SARC 54	Update			SARC-Spring			Management		Management		Management
Atlantic Striped Bass		Update	Update		SARC-Fall				<i>Update</i>		Update	
Atlantic Sturgeon				ASMFC								x
Black Drum										x		
Black Sea Bass	Update	Update	SARC- Fall	Update	Update	Operational*			Management	SARC - Fall	Management	
Bluefish	Update	SARC-Spring	Update	Update	Update	Operational*			Management	SARC - Fall	Management	
Coastal Sharks		SEDAR	SEDAR	SEDAR				SEDAR		SEDAR		
Cobia						SEDAR						
Horseshoe Crab						ASMFC			ASMFC (ARM)			Update
Jonah Crab											Management	
Northern Shrimp	Update	Update	Update	Update	ASMFC				<i>Update</i>		Update	
Red Drum		SEDAR								ASMFC		SEDAR
River Herring	ASMFC			Update							Update	
Scup	Update	SARC-Spring	Update	Update	Update	Operational*			Management		Management	
Spanish Mackerel	SEDAR 28								Operational			
Spiny Dogfish	Update	Update	Update	Update	Update					SARC - Spring		
Spot				ASMFC								x
Spotted Seatrout		VA/NC	FL									
Summer Flounder	Update	Update	Update	Update	SARC-Fall				Management		Management	
Tautog			ASMFC						Update			
Weakfish			ASMFC			Update						
Winter Flounder		Update		Update				Management		Management		Management

Note all species scheduled for review must be prioritized by management boards and Policy Board.

Additional Notes:

- BSB, Bluefish, Scup *Summer 2019 operational assessments with new MRIP data
- Coastal Sharks Blacktip benchmark assessment Fall 2020; Hammerhead benchmark assessment 2022
- Spotted Seatrout States conduct individual assessments
- Management Track Northeast region assessments allowing small to moderate changes (similar to Assessment Updates)
- Research Track Northeast region assessments open to all changes; also includes Research Topics (similar to Benchmark Assessments)

- SEDAR Peer Review
 - ASMFC Peer Review
 - Fall SARC Review (November) (Research Track)
 - Spring SARC Review (June) (Research Track)
 - x = 5 year trigger date or potential review
 - Completed
- Italics = under consideration, not officially scheduled*

Problem Statement - Living Shorelines and Natural Material Impacts to SAV

Over the past several years, there has been an increased interest in using natural and nature-based solutions to provide shoreline stabilization, wave attenuation, and erosion control rather than using bulkheads and other shoreline hardening measures. The use of these “living shorelines” has become the preferred practice for shoreline stabilization in many states along the Atlantic coast. Some states have codified this preference in their laws and regulations. The term “living shoreline” has itself progressed to take on a more general meaning, encompassing a wide variety of projects that simply integrate ecological principles into the engineering design. Streamlined permitting processes have also been developed on the federal and state level. In general, these are positive developments, but not when they come at the expense of rooted seagrass (hereafter referred to as submerged aquatic vegetation (SAV)) conservation.

“Living shoreline” is a broad term that encompasses a range of shoreline stabilization techniques along, ideally, stretches of lower wave energy systems, like estuarine coasts, bays, sheltered coastlines, and tributaries. A living shoreline has a footprint that is made up mostly of native and inert, natural material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (e.g. oyster reefs or rock sills) for added stability. Living shorelines typically maintain continuity of the natural land-water interface and reduce erosion while providing habitat value and enhancing coastal resilience to storm events and the overall effects of sea level rise. A brief [factsheet](#) on living shorelines, and some [case studies and resources](#), are available on the ASMFC [habitat webpage](#).

While the Habitat Committee fully supports the use of these softer, more ecologically beneficial means of stabilizing and protecting eroding shorelines, they are increasingly being proposed in areas supporting SAV and designed in a manner that either directly or indirectly impacts this important SAV habitat. The Commission has [highlighted the importance](#) of SAV to our managed species and the need for the conservation and enhancement of coastal SAV resources in multiple publications including our SAV policy document issued in [1997](#) and updated in [2018](#). Declines in SAV habitat continues to be reported in most Atlantic coastal states, and SAV is one of the most rapidly declining habitats around the world, with up to 7% loss in area annually due to human impacts¹. Our primary goal is to preserve and conserve SAV where possible, and restore or mitigate if preservation is not possible, in order to achieve a net gain in distribution and abundance of this important fishery-supporting habitat along the Atlantic coast and within tidal tributaries, and to prevent any further losses of SAV in individual states by encouraging the following:

- Protect existing SAV beds from further losses due to degradation of water quality, physical destruction to the plants, or disruption to the local benthic environment;
- Continue to promote state or regional water and habitat quality objectives that will result in restoration of SAV through natural re-vegetation;
- Continue to promote, develop, attain, and update as needed, state SAV restoration goals in terms of acreage, abundance, and species diversity, considering historical distribution records and estimates of potential habitat.
- Continue to promote SAV protection at local, state, and federal levels and when unavoidable impacts to SAV occur from permitted coastal alterations or other unintended actions, agencies should implement in-kind compensatory mitigation for the functional and temporal impacts.

¹ Waycott et al. 2009. Accelerating loss of seagrasses across the globe threatens coastal ecosystems. *Proceedings of the National Academy of Sciences of the United States of America* 106: 12377 – 12381.

SAV beds are one of the most productive ecosystems in the world. These areas provide chemical cycling, carbon sequestration, food, and shelter to valuable nearshore aquatic communities. They stabilize sediments and absorb wave energy, thus reducing erosion. In some cases, the loss of SAV can hasten the erosion that property owners are trying to avoid by installing living shorelines. Healthy SAV beds form the basis for healthy fish and invertebrate stocks, successful fisheries, and long-term community sustainability. In addition, the Mid-Atlantic Fishery Management Council has designated SAV as Habitat Areas of Particular Concern (HAPC) for summer flounder due to its exceptional ecological value as fisheries habitat, relative scarcity, and susceptibility to environmental and human disturbance. SAV beds are also highlighted in the New England Fishery Management Council's Essential Fish Habitat (EFH) designations for winter flounder early life stages. The South Atlantic Fishery Management Council designated SAV as EFH for several federally managed species, including Penaeid shrimp, spiny lobster, snapper-grouper species, and Atlantic group cobia. It is also designated as an HAPC for snapper-grouper species and juvenile summer flounder. The U.S. Environmental Protection Agency (EPA) has designated SAV as a special aquatic site under Section 404(b)(1) of the federal Clean Water Act because of its importance as nesting, spawning, nursery cover, and forage areas for fish and wildlife.

While SAV can be found at greater depths in New England due to generally colder, clearer water, areas of deeper water (>1 m) throughout the estuaries of the Mid-Atlantic (specifically the lower Chesapeake Bay and its tributaries), as well as South Carolina and Georgia waters, do not support persistent beds of SAV due to higher water temperature, less water clarity, higher tidal range and stronger tidal currents (South Carolina and Georgia), and limited light availability on the bottom. When SAV is present, living shorelines and other nature-based or engineered structures should be designed to avoid direct and indirect impacts to SAV. SAV should be considered an integral part of any living shoreline or nature based solution. However, stabilization measures are increasingly being proposed in locations that result in direct or indirect losses of SAV. This may be a result of a lack of understanding that the purpose of a living shoreline is to stabilize the shore and that it is not a flood protection measure, nor will it eliminate the effects of sea level rise. States that provide incentives or encourage the use of living shorelines should ensure that there are controls in place to avoid impacts to SAV.

SAV can also be present and persistent in areas where the shoreline is extremely dynamic and/or experiencing active detrimental erosion. In these situations, preserving SAV habitat can come into conflict with efforts to stabilize the shoreline, even when stabilization uses living shoreline techniques. In these instances, alternatives that avoid or minimize impacts to SAV should be considered. For example, offshore shoreline erosion control structures such as breakwaters and stone sills, often used in conjunction with and to protect "softer" more natural or nature-based living shoreline techniques, can either be sited or configured landward (sills) or channelward (breakwaters) of SAV to avoid impacts.

A hierarchical approach to siting and design of living shorelines that incorporates avoidance and minimization measures should always be demonstrated before unavoidable impacts to SAV are considered. Generally, avoidance of SAV habitat (i.e. either present or historically present) should be a critical constraint that influences the selection and design of a living shoreline or nature-based project. Where impacts to SAV are truly unavoidable to accomplish project goals without compromising the integrity of the design, compensatory in-kind mitigation may be needed to offset the lost ecological functions. However, as our existing SAV policy states, a concerted effort should be made to protect those areas where SAV currently exists since experience shows that it is often challenging to successfully restore or mitigate SAV losses. Often when compensatory mitigation for SAV losses is undertaken, it is out-of-kind, and occurs outside of the affected water body. This results in the loss of the important ecological functions of SAV in some locations where it may be needed most.

Because of the ecological importance of SAV and the increasing instances of living shoreline and nature-based projects being proposed that are in conflict with this highly productive habitat, the continued reported losses of SAV habitat along the Atlantic coast and worldwide, and the difficulties associated with mitigating and restoring SAV, the Habitat Committee requests Policy Board approval to develop a Living Shoreline Policy that would be protective of SAV.