

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SHAD AND RIVER HERRING MANAGEMENT BOARD**

**Webinar
May 5, 2021**

Approved October 19, 2021

Proceedings of the Shad and River Herring Management Board Meeting
May 2021

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 2021** by Consent (Page 1).
3. **Move to approve the Technical Guidance Document for Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan** (Page 7). Motion by John Clark; second by Malcolm Rhodes. Motion carried (Page 7).
4. **Move to recommend to the ISFMP Policy Board that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American Shad** (Page 12):
 - **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
 - **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications.**

Motion by Allison Colden; second by Cheri Patterson. Motion carried with abstentions from NOAA Fisheries and USFWS (Page 13).
5. **Move to task the Technical Committee with prioritizing systems for shad recovery and developing an inventory of available data that would support development of fish passage criteria** (Page 13). Motion by Max Appelman; second by Mike Millard. Motion carried (Page 14).
6. **Move to approve the Shad Habitat Plan Updates from MA, RI, CT, Delaware River, SC and FL as presented today** (Page 15). Motion by Mike Armstrong; second by Lynn Fegley. Motion carried (Page 15).
7. **Move to adjourn** by consent (Page 15).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	G. Warren Elliott, PA (LA)
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)
Mike Armstrong, MA (Chair)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Raymond Kane, MA (GA)	Allison Colden, MD, proxy for Del. Stein (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Phil Edwards, RI, proxy for J. McNamee (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Jerry Mannen, NC (GA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Sen. Steinburg (LA)
Bill Hyatt, CT (GA)	Ross Self, SC, proxy for P. Maier
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Hannah Hart, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, Legislative proxy (Chair)	Max Appelman, NOAA
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, US FWS
Loren Lustig, PA (GA)	

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

Ex-Officio Members

Brian Neilan, Technical Committee Chair

Staff

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

Guests

Fred Akers	Jamie Botinovch
Pat Augustine, Coram, NY	Jason Boucher, NOAA
Joe Ballenger, SC DNR	Delayne Brown, NH F&G
Alan Bianchi, NC DNR	Heather Corbett, NJ DEP
Dierdre Boelke, NEFMC	Caitlin Craig, NYS DEC

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Guests (continued)

Jessica Daher, NJ DEP
Lorena de la Garza, NC DENR
Greg DiDomenico
John Duane
Wes Eakin, NYS DEC
Julie Evans
James Fletcher, Wanchese Fish Co
Toni Friedrich, SGA
Alexa Galvan, VMRC
Lewis Gillingham, VMRC
Zoe Goozner, Pew Trusts
Zach Greenberg, Pew Trusts
Melanie Griffin, MA DMF
Pam Lyons Gromen, Wild Oceans
Jon Hare, NOAA
Brendan Harrison, NJ DEP
Helen Takade-Heumacher
Carol Hoffman, NYS DEC
Kyle Hoffman, SC DNR
Jesse Hornstein, NYS DEC
Rachel Howland, NC DENR
Asm. Eric Houghtaling, NJ (LA)
Stephen Jackson, FL FWS
Jeff Kaelin, Lund's Fisheries
Desmond Kahn
Greg Kenney, NYS DEC
Wilson Laney
Chip Lynch, NOAA
Steve Meyers

Chris Moore, CBF
Clinton Morgeson, VA DWR
Allison Murphy, NOAA
Derek Orner, NOAA
Paul Piavis, MD DNR
Nicholas Popoff, US FWS
Bill Post, SC DNR
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
McLean Seward, NC DENR
David Sikorski, CCA
Andrew Sinchuk, NYS DEC
Melissa Smith, ME DMR
Gregory Sorg, SC DNR
Renee St. Amand, CT DEEP
Michael Stangl, DE DFW
David Stormer, DE DFW
Jason Surma, Woods Hole Group
Chris Uraneck, ME DMR
Mike Waine, ASA
Craig Weedon, MD DNR
Ashley Weston, NOAA
Holly White, NC DENR
Kelly Whitmore, MA DMF
Margaret Whitmore, VA DWR
Chris Wright, NOAA
Renee Zobel, NH F&G

Proceedings of the Shad and River Herring Board Meeting
May 2021

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, May 5, 2021, and was called to order at 10:30 a.m. by Chair Justin Davis.

CALL TO ORDER

CHAIR JUSTIN DAVIS: Good morning everybody. I'm going to call to order this meeting of the Shad and River Herring Management Board. My name is Justin Davis; I'm the Administrative Commissioner from the state of Connecticut, and starting with today's meeting I will be taking over as Chair of this Board.

Quickly, I just want to acknowledge the great leadership of our outgoing Board Chair, Mike Armstrong, from the state of Massachusetts. Thanks, Mike, for all your work and leading this Board over the last couple years. I'm thankful for the opportunity to take over.

APPROVAL OF AGENDA

CHAIR DAVIS: The first item on our agenda today is approval of the agenda. I'll ask if there is any suggested modifications or additions to today's agenda.

MS. TONI KERNS: No hands, Justin.

CHAIR DAVIS: Okay, great, so we'll consider the agenda approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR DAVIS: Moving on, the proceedings from the February, 2021 meeting of this Board were provided in the meeting materials. Are there any suggested corrections or additions to those proceedings from the February meeting?

MS. KERNS: No hands, Mr. Chair.

CHAIR DAVIS: Okay, great, we'll consider the proceedings from the February meeting approved by consent.

PUBLIC COMMENT

CHAIR DAVIS: The next item on our agenda is public comment. Caitlin or Toni, did we have anybody sign up to provide public comment?

MS. CAITLIN STARKS: Not to my knowledge.

MS. KERNS: Des Kahn has his hand up though, Mr. Chair.

CHAIR DAVIS: Okay, sure. Des, go ahead.

MR. DESMOND KAHN: Thank you, Mr. Chair. I made some comments at the last meeting of this Board in February, about evidence that striped bass predation has a negative impact on shad abundance in the Delaware River in particular. For this meeting I arranged with ASMFC staff to distribute a document that portrays this evidence. I trust Board members have received this. If you get a chance to look at it, I don't know if you have it available now. But what you'll see is that the first thing is the index of abundance of American shad in the Delaware River from about 1984 to 2014. That is at the Lewis Haul Seine, that is the Lewis family in New Jersey freshwater area both at the head of tide. It's a very long-term index. It goes way back before '84.

The next chart you'll see is a plot of the catch per trip of striped bass in the waters of the state of Delaware, between 1984 and 2014. This is pretty much very similar to the time series of abundance portrayed by the statistical catch at age model in the striped bass stock assessment, showing a low period in the '80s, and an increase and a peak in about the 2000s, and then some decline.

Then you'll see a plot of the two indices together. As I mentioned last time, you'll have a chance to look at this. When striped bass were low, shad were blooming in the '80s, in particular. As striped bass increased in the '90s, shad declined. When you had the sort of peak of striped bass in the 2000s, shad were at their lowest level.

I don't know if you were involved back then, but in 2005, due to a coastwide decline of shad, the Shad

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Management Board shut down an intercept gillnet fishery along the coast, with the idea that that might be the cause of this shad decline. That had no impact whatsoever. If you look at the plot of the Delaware Index of Abundance. There was no response.

What that implies is that the fishery was having, it implied it had little to no impact on stock abundance. In other words, it was a very minimal impact. These two indices are highly significantly statistically negatively correlated. What that is taking in fisheries ecology to mean is that the predator is controlling the prey.

That is known as top-down control, when you have a negative correlation between abundance of these two species like this. What the implication of this is, and I'm going to wrap this up, is that as long as we have this very high abundance of striped bass, with very large individuals that can consume adult shad, we're not going to get a return of shad or blueback herring to the high abundance that they enjoyed in a period like the '80s.

This has also been borne out on the Connecticut River, including by work that you, yourself, Mr. Chairman did as a graduate student there, showing consumption of adult shad by large striped bass in the river. Victor Crecco and Tom Savoy of Connecticut, Bureau of Marine Fisheries documented this in several publications.

Lastly, Victor Crecco told me he had visual evidence when he could see schools of large striped bass herding American shad up against the Holyoke Dam, all the way up in Massachusetts, and preying on them. We've got the mechanism predation for this negative correlation, and I wanted to make the Board aware of this evidence. Thank you very much.

CHAIR DAVIS: Thank you, Des. Appreciate that comment, and also appreciate you making those materials available to the Board ahead of this meeting. Are there any other members of

the public who would like to make comment today? Do we have any hands, Toni?

MS. KERNS: Jeff Kaelin has his hand up.

CHAIR DAVIS: Okay, Jeff, go ahead.

MR. JEFF KAELIN: I didn't know we were going to open up comments, but I just wanted to say that I really did appreciate Des' work, I thought it was really interesting, because you know the shorthand version of blueback and shad declines recently has been the offshore fishing fleet. You know obviously it's really a little more complex than that.

I do know, I just was talking to Jason Didden at the Council the other day. A few years ago, when this came up, we did go back and look at the shore-side monitoring data, which several years of 50 percent of the trips in the midwater trawl fishery. Really, that fleet doesn't catch very much shad. There are some data out there, Mr. Chairman.

I think I brought it up as an AP member, so I just wanted to make that point. Certainly, we want to see these stocks rebuild. It is complex, so I wanted to thank Des for his work, and for the Committee to consider this in a very broad way, so thanks for allowing me to make those comments.

CHAIR DAVIS: Okay, thank you, Jeff. Any other members of the public who would like to make comment?

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

**REVIEW OF TECHNICAL COMMITTEE PROGRESS ON
BOARD TASKS**

CHAIR DAVIS: Okay great, thanks, Toni. We'll move on to the next item on our agenda, which is to get a review of Technical Committee Progress on Board Tasks. We've got the Chair of our Technical Committee, Brian Neilan here this morning, he is going to be giving us a presentation on three different items, two of which will require some Board action.

I think the way I would like to proceed here is to give the presentation on each item, and then stop and have a period of time for questions and comments, and then potentially taking action on that item. That being said, you know we've got about 35 minutes on the clock here, to get through these three items, so I will be looking to move things along, to try to keep us on schedule. With that, Brian, I'll go ahead and turn it over to you.

MR. BRIAN NEILAN: All right, thank you, Mr. Chair, and good morning to the Board. My name is Brian Neilan, I'm the TC Chair and Rep from New Jersey. Today we have a couple presentations our staff put together for you. First, we will have this presentation on the TCs progress on a few Board tasks, and then I'll review some shad habitat plan updates as well. Here is a quick overview of what this presentation will cover.

First, at the last Board meeting the Board tasked the TC with developing a guidance document for implementing requirements under Amendment 2 and 3. We'll review the highlights of this document, and then the Board will consider it for approval. Second, I'll go over the progress made so far in regards to the task of evaluating and addressing bycatch in mixed-stock fisheries in state waters, and finally we'll go over a letter with recommendations from the TC on addressing fish passage performance, which we know has been a significant impediment to stock recovery.

**CONSIDER TECHNICAL GUIDANCE DOCUMENT
FOR IMPLEMENTATION OF AMENDMENTS 2
AND 3 TO THE SHAD AND RIVER HERRING FMP**

MR. NEILAN: Okay, so first up is a review of the Technical Guidance Document developed by the TC to help states and jurisdictions better implement Amendments 2 and 3 to the FMP. For some background, back in late 2017, the Board tasked the TC to develop proposed improvements to Amendments 2 and 3, in regards to these five issues here.

Management and monitoring of rivers with low abundance in harvest, standardization of SFMP requirements, incorporation of stock assessment information into SFMPs, and discussion on the timeline for renewing plans, clarification of de minimis requirements, as they pertain to SFMPs, and a review of years of data required for developing an SFMP.

At the previous Board meeting in February, the Board approved the TCs recommendations and subsequently tasked the TC with developing a guidance document. This document is to help states and jurisdictions best implement the measures required by Amendments 2 and 3, and the draft document was included with your meeting materials for this meeting.

Just for the record, the TC does not recommend any changes to the FMP to address commercial fisheries. These will still have an SFMP requirement. An FMP should clarify the management of recreational fisheries specifically, and the recreational fishery should be dependent on the availability of harvest and monitoring information.

The fish chart rubric that staff put together, and the Board approved for allowing recreational harvest, should be used when a state is deciding which type of FMP to develop, either a standard SFMP, or an alternative management plan, as allowed under the amendments. Which type of plan a state can implement is dependent upon the known or suspected presence of shad or river herring in the system, as well as the quantity and quality of the data available to support a given type of plan.

The Board approved this chart back in February, and its use for recreational fisheries. Unless there are any specific questions, to keep it moving I won't go over the entire chart. Not hearing any, we can go to the next slide. In regards to technical guidance on the standardization of FMP requirements, a plan should provide details on management responses to trip triggers, including the type of restrictions that will be considered. That can be a suite of options.

States must notify the Board if the threshold is exceeded, and implement a management response in the following fishing year. Any restriction that is

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implemented in response to an exceeded threshold, must be in place until the associated target that was tripped is met for five consecutive years. Finally, in the case of interjurisdictional waterbodies. States should cooperatively develop FMPs and implement identical sustainability targets and management measures on that interjurisdictional waterbody.

For Issue 3, incorporation of stock assessment information into SFMPs. The TC will continue to review information on required and ongoing monitoring efforts, and develop recommendations for improvements. The data used in these plans and assessments, essentially the TC will continue to review data on a case-by-case basis, and make appropriate recommendations on what should be included in a given SFMP, based on the data that we have available. Also, plans will continue to be required to be updated and reviewed every five years. The document makes no changes to the de minimis requirements. To qualify for de minimis status, states must land less than 1 percent of the coastwide commercial total, to be exempted from subsampling commercial and recreational catch for biological data.

This does not exempt states from the requirement to prohibit recreational harvest and possession, with exceptions for systems that have an approved sustainable fishery plan. The TC guidance on minimum number of years of data required to develop and establish a primary sustainability metric, is 10 years of data for American shad, consecutive years of data, and 10 years of data for river herring.

In the case of river herring, the TC may accept a time series of 7 to 9 years, with consideration of additional information to justify this shorter time series, such as exploitation rate, stock size, passage efficiency, really just case by case. The TC also developed some further guidance beyond the initial Board task, as it was reviewing the amendments in regards to the use of alternative management plans.

Going forward, the document requires that states proposing an AMP should now also include a rationale and justification for why a standard fishery management plan cannot be used. Justification that the proposed management program will be conservationally equivalent to catch and release.

Explanation of how the state will determine if or when an AMP is no longer appropriate, including a data source and trigger, such as three years of harvest that is observed through a creel survey, or something similar. A description of management response if the trigger is met. We have an example here, if harvest is documented through a creel survey for three consecutive years, catch and release only regulations will be implemented statewide, or for specified systems.

If a management trigger in an AMP is met the state must notify the Board in the next compliance report, and pursue implementation of a management response for the following calendar year. That is all I have, in regards to the TCs guidance document. I could take any questions anyone might have, before the Board considers the document for approval.

CHAIR DAVIS: All right, thanks, Brian. I'll turn it back to the Board and ask if anybody has questions for Brian on the presentation.

MS. KERNS: Right now, I just see Cheri Patterson with her hand up.

CHAIR DAVIS: Okay, go ahead, Cheri.

MS. CHERI PATTERSON: Would you please go back to Slide 7, I believe, if that is possible? I have a question in regards to B, where you have management restrictions implemented in response to a stock falling below the sustainability target, must stay in place until the target or targets have been met for at least five consecutive years of sufficient data collection. What was the purpose of going up to five consecutive years, as opposed to what is in there currently, where it indicates proposals to reopen closed fisheries may be submitted as part of the annual compliance report, and will be subject to review by the Plan Development Team, TC, and management board? I'm thinking this

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five consecutive years is a little extreme for some instances, and I would like to know why it went to five consecutive years.

MR. NEILAN: Sure, so the TC felt that they wanted some hard number. Just basically, sometimes we have a lot of gray, and we're looking for a little more "black and white" in the Amendments 2 and 3. Five consecutive years is considered basically one shad generation. Given the results from the assessment and the general coastwide depleted status, the TC felt that five years was conservative, at a level of conservation that they felt they were comfortable with.

MS. PATTERSON: Okay, follow up, Mr. Chair?

CHAIR DAVIS: Absolutely, go ahead.

MS. PATTERSON: Thank you. This regards both shad and river herring, correct?

MR. NEILAN: Yes, that is correct.

MS. PATTERSON: I don't have a problem with everything else stated within this technical guidance. However, I do with 2B. I think that five consecutive years may be fine for shad, it doesn't have to be that high for river herring, as well as, there are many reasons behind instituting a management restriction, that may not have to do with the stock itself having an issue. An example could be what we've run into in New Hampshire.

We had a dam removal occur, and it's taken us two to three years to figure out how to now account for the fish passing through that former dam sight. We have reduced numbers counted for those reasons, as well as when anybody does a fish passage modification, that could affect passage until the modification is realized or not realized, and more modification needs to occur. It's not saying that the fish, the stock itself is failing. It's the accountability for how various states are counting these targets and thresholds.

I'm a little leery of this one, and I would prefer to have the previous language be put into this particular standardization, where it says that the proposals to reopen closed fisheries, may be submitted as part of the annual compliance report, and still be subject to that review by all three members or portions of the management, being the Plan Development Team, the TC, and the management board, because there are exceptions to this. I would hate to see some standardization interrupt those exceptions.

MS. STARKS: Mr. Chair, if I could follow up. This is Caitlin.

CHAIR DAVIS: Sure, go ahead, Caitlin.

MS. STARKS: I definitely hear Cheri's concerns, and I just wanted to kind of offer how this document would be utilized. Just to clarify. There wouldn't be necessarily a hard requirement, since this wouldn't be written into the FMP for there to be at least five years, where that sustainability target is being met. It would still be subject to TC review, but this is to give the Technical Committee some more structure with how they're looking at these requests. I do believe that indicates that Cheri has described, where there is another reason besides the population itself that is causing a sustainability target to not be met.

The Technical Committee would still have some ability to take that information into account, when they're making a decision or a recommendation to the Board about whether to reopen or remove a management restriction. Then ultimately, it would still be the Board's purview to approve or not approve such a request.

MS. PATTERSON: Follow up, Mr. Chair.

CHAIR DAVIS: Sure, go ahead, Cheri.

MS. PATTERSON: Thank you. I appreciate that, Caitlin, that it allows the TC some guidelines. That being said, you have guidelines here specific to shad, whereas you can have a lower consecutive year data collection for river herring. Why aren't you putting three to five years or three years for river herring and five for consecutive years for shad?

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MS. STARKS: I can allow Brian to answer that, but I don't believe, I guess I was under the impression that the five years was applied to both species, not just shad, so Brian if you have any follow up to add.

MR. NEILAN: Sure, yes in this case it was both species, not just shad. Given the state of the river herring and shad stocks, I think the TC wanted to err on the side of caution, and applies a longer time series to both species. I think Caitlin made a great point there that if a jurisdiction submits some sort of a reason as to why their numbers might be off, and it's not just the fishery. We have these consecutive years of sufficient data collection here, and I think if you could make the case, the TC is going to review it and understand that.

CHAIR DAVIS: Thanks, Brian, and I'll ask at this point, if we maybe hit pause on this particular discussion. I'm just going to ask if any other Board members have questions related to the presentation we were just given, on the Technical Guidance Document.

MS. KERNS: We have one hand, Bill Hyatt.

CHAIR DAVIS: Okay, Bill.

MR. WILLIAM HYATT: Yes, I just wanted to say that I thought this guidance document provides a nice balance between giving states flexibility and requiring consistent, clear standards. That said, I do have one question, and that pertains to the use of alternative management plans for recreational fisheries.

You said that alternative recreational management plans could be used in instances where they have the same conservation value as catch and release for recreational fisheries. I was just wondering if you could expand upon that with an example, to make that a little easier to understand. Thank you.

CHAIR DAVIS: Thanks Bill, Brian, do you want to field that one?

MR. NEILAN: Sure, I guess we could go to the previous slide, is that what we're looking at? Just to get an idea what I'm answering here to better understand how to apply the AMPs to the recreational fisheries?

MR. HYATT: My question had to do specifically with equivalency to catch and release, just sort of an example that would make that a little bit clearer.

MR. NEILAN: Okay, sure. I think in some of the southern states, I think particularly this might have come up specifically for Georgia, where they have exceptionally low presence of these species. The idea here was that the species are so low to begin with, and encountered so infrequently in the fishery, that if somebody does take one home it's so infrequent that it's going to have almost no effect, almost to the point of having a closed fishery or no harvest.

MR. HYATT: It would require some documentation that there was either extremely low abundance or an extremely minimal fishery.

MR. NEILAN: Yes, so the justification, if you're applying for an AMP that justification would be required, and you would also have to have some sort of system to look for a signal that the fishery was increasing, or abundance was increasing. Then go from there once you are starting to see fish, if you see them more frequently.

MS. STARKS: If I could follow up, Mr. Chair.

CHAIR DAVIS: Go ahead, Caitlin.

MS. STARKS: I just wanted to let everyone know that there are three alternative management plans that were approved by the Board already for recreational fisheries. The Technical Committee was kind of following their process with approving those, in developing these recommendations for this Technical Guidance Document. If you're interested in looking at those, they are on our website for South Carolina, Georgia, and Florida already AMPs in place for recreational harvest.

CHAIR DAVIS: Okay, thanks, Caitlin. I think at this point, we do need to take some Board action on this item, and Caitlin, am I correct in assuming that what

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we were looking for here is a motion from the Board to approve this Technical Guidance Document?

MS. STARKS: Yes, I think we would need a motion to approve it.

MS. KERNS: You have John Clark with his hand up.

CHAIR DAVIS: Okay, go ahead, John.

MR. JOHN CLARK: Thank you, Mr. Chair, if you're ready I have a motion.

CHAIR DAVIS: Go ahead.

MR. CLARK: Move to approve the Technical Guidance Document for implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan.

CHAIR DAVIS: Okay, thank you, John, do we have a second to the motion?

MS. KERNS: Dr. Malcolm Rhodes.

CHAIR DAVIS: Thank you, Dr. Rhodes. Any discussion on the motion?

MS. KERNS: I don't know if John is, he still has his hand up, I don't know if he wants to speak to it. He put his hand down.

CHAIR DAVIS: John, did you want to speak to the motion?

MR. CLARK: Sorry about that, I just put my hand down. I think the motion is self-explanatory, thanks.

CHAIR DAVIS: I'll ask again if there is any discussion on the motion.

MS. KERNS: I don't have any hands raised, Justin.

CHAIR DAVIS: Okay, given that, I'll ask if there are any objections to the motion.

MS. KERNS: I see no hands raised.

CHAIR DAVIS: Okay, so given that we'll consider the motion approved by unanimous consent.

UPDATE ON METHODS TO EVALUATE BYCATCH IN MIXED-STOCK FISHERIES

CHAIR DAVIS: Moving on, we'll move on to our second item under Review of Technical Committee Progress, which would be an update on Methods to Evaluate Bycatch in Mixed-stock Fisheries. Brian, go ahead.

MR. NEILAN: As Mr. Chair said, we'll be going over the TCs progress on evaluating bycatch in mixed-stock fisheries in state waters. A bit of background. Back in August of 2020, after receiving the results of the stock assessment, the Board tasked the TC with identifying potential paths forward to improve shad stock along the coast. Some system-specific recommendations were made at the last Board meeting in February, and the TC identified the need to better understand and possibly reduce impacts to external stocks of directed mixed-stock fisheries.

An example that is often used is Hudson and Connecticut River shad being caught in the lower Delaware Bay. At that February meeting, the TC was tasked with developing methods to evaluate bycatch removals in directed mixed-stocked fisheries in state waters in order to understand and reduce impacts to these stocks.

So far, we've developed a roadmap for going forward to accomplish this task, as you see here. First we are going to define our goals and expectations, identify where these mixed-stock fisheries are being executed, and collect any and all data available from these areas. This includes past and present DNA studies, tagging data, and commercial and recreational harvest data, to determine where these mixed-stock fisheries occur, and to what degree. Once we know what data we have available, we can determine the feasibility of developing modeling methods to estimate composition of mixed-stock fisheries.

After that we can evaluate any new or existing methods of reducing or eliminating mixed-stock

harvest, and finally, the goal here is to develop recommendations from the Board on reducing or eliminating mixed-stock harvest or recommend research priorities going forward to address this task.

Here is where we are as of right now. The TC Task Group has been populated, which sent out a data request and data template to all state representatives, looking for information on mixed-stock fisheries and/or bycatch. States with mixed-stock fisheries have filled out the template with their available data, and submitted them to the Task Group.

The Task Group will be meeting later this month for the first time, to start evaluating the available data, and plan how to move forward on this task. That is generally where we are currently, in regards to this task. Like I said before, your TC Task Group will be meeting for the first time later this month, and I can take any questions that the Board may have.

CHAIR DAVIS: I'll ask if anyone from the Board has questions for Brian on this item.

MS. KERNS: I don't see any hands raised at this time.

**CONSIDER TECHNICAL COMMITTEE
RECOMMENDATIONS ON ADDRESSING
FISH PASSAGE PERFORMANCE**

CHAIR DAVIS: Okay, thanks, Toni. Brian, I guess that means you can go ahead and move on to our last item under Review of Technical Committee Progress, Considering the Technical Committee Recommendations on addressing Fish Passage Performance.

CHAIR DAVIS: All right, recommendations on addressing fish passage. We can go right to the next slide. Starting with a little background. This ties into the original Board task of identifying potential paths forward to improve shad stocks. The TC indicated that further action is needed to improve fish passage, due to

passage mortality posing a significant threat to stock recovery.

Analysis done in the recent stock assessment suggests passage barriers reduced coastwide spawner production potential by up to 41 percent. As a result, the TC prepared a memo with recommendations for Board action related to passage. Here we have some key information highlighted in the memo.

The cumulative effect of barriers should be recognized as one of the most impactful obstacles to the recovery of American shad, in part due to a bunch of issues, including migratory delays, injuries and stress, and mortality to upstream and downstream migrants at adult and juvenile life stages.

Assessment modeling of current passage efficiencies showed a less than 10 percent increase in spawner potential, versus no passage at all at a first encountered barrier. Quantitative fish passage performance criteria are needed to test the effectiveness of fish passage facilities, to achieve management goals. Fish passage prescription authority lies with the Fish and Wildlife Service and NMFS under the Federal Power Act, as well as states often having the ability to address fish passage when issuing water quality certificates for operation. In regards to TC recommendations, the TC feels that the following actions are needed to reduce impacts of barriers, and provide for population recovery.

First and foremost, barrier removal is the preferred approach to restored habitat access. Obviously, this is not an option all the time, or in every instance. When dam removal is not an option, the development and use of fish passage performance standards in river systems, based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards is not available, it should be developed.

The TC recommends that the Commission forward letters to agencies with relative authorities to request prioritizations of these here mentioned issues, when considering licensing and permitting of projects that might impede access to spawning grounds and out-

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migration. Next steps for today, we already addressed the draft Technical Guidance Document, so I can take any questions on the fish passage letter, otherwise hand it over to the Board to consider.

CHAIR DAVIS: Great, thanks, Brian. Before I potentially entertain questions related to this last part of the presentation. I wanted to invite the Board members representing the federal agencies in question here, to potentially provide comment on their sort of perceived value of sending letters to their respective agencies requesting prioritization, according to the TC recommendation. I'll just sort of put that out there, Max or Mike, if either of you would like to comment on this idea of sending letters.

MS. KERNS: You have Mike Millard and then Max.

CHAIR DAVIS: Okay, go ahead, Mike.

MR. MIKE MILLARD: First of all, I guess I would like to say that the intent of that recommendation is certainly good. The Service agrees that fish passage is a huge issue, and probably the single largest action we can take to restore a system is removal of a dam, and then followed by passage mechanics after that.

I guess I would say, speaking internally for the Service in my region, and probably the southeast region. But a letter such as this may not move the needle too much. We feel like we already prioritize fish passage, at least in the northeast we have full time fish passage engineers that are really busy. We have a fish passage discretionary pot of money every year that we move out, move out to our partners, including states and NGOs.

In the northeast it is about just under 1.5 million dollars a year, and I assume it's similar in the southeast region. Could we do more? Sure. But that would come at the cost of other issues that are priorities, and I know everyone on the Board understands how that works. Having said

that, such a letter could be useful when we get into FERC negotiations, right? Everything you prescribe in a FERC settlement needs to be justified pretty tightly. A letter like this and the results that it might produce, could be useful in those FERC negotiations for justifying prescriptive actions to utilities. Thank you.

CHAIR DAVIS: Thanks, Mike. Max.

MR. MAX APPELMAN: Yes, so following on what Mike just said. I think for the Agency we would echo a lot of those sentiments that very important work, and I don't think we would disagree with a lot of those bullet points on the previous slide. We do prioritize this work, and I think there is a lot of great examples in the northeast, and then successes in the past, and ongoing work here with other systems.

We also require, you know testing and minor modifications to fishways during the life of FERC licenses, but of course major changes are really only feasible during relicensing, or when the license is first issued. We do prioritize that work. We exercise our authorities under the Federal Power Act. In regard to FERC relicensing, we reserve those authorities. But that's not to say that a letter of support, like Mike was saying, wouldn't be valuable.

I think having the management authority's perspective, in this case the Commission's voice on why this work is needed to achieve certain management goals or objectives, could help ground truth, as Mike was getting at, some of our requests and proposals for fishways could definitely help tie that in with the Commission's perspective. That could be helpful. I think as part of that, it might be useful to have the Technical Committee help identify those systems that are high priority for shad recovery.

Maybe inventory available data at those sites, or other sites that could support the development of this fish passage criteria. I think that might help provide some guidance or direction to, not just the federal agencies, but also the states, you know where to focus conservation efforts in the future. I'll end there, and see what other Board members had to say on this.

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CHAIR DAVIS: Thank you, Max and Mike for those comments. I think those are very helpful to the Boards on how to move forward with this item. I'll ask if there are any other questions and comments from the Board on this topic.

MS. KERNS: The only name I Have is Allison Colden.

CHAIR DAVIS: Okay, go ahead, Allison.

MS. ALLISON COLDEN: This kind of follows along with the question or comment that Max just made. I was curious if there is already available, or could be developed, basically a list or a timeline of existing facilities that will be up for relicensing. It seems like, you know relicensing or the point of licensing is one of the very few opportunities that states have to enforce or implement these performance standards.

I think it would be helpful if we knew when those facilities were up for relicensing, to plan ahead to prioritize the development of those performance metrics. I was wondering if that was currently available, or could be developed relatively easily.

CHAIR DAVIS: Thanks, Allison. Brian, I'm going to defer to you on that one, although we can also ask for input from Max or Mike if needed.

MR. NEILAN: Sure, Ken Sprankle with the Fish and Wildlife Service has over the past couple years been spearheading an effort to put together a database of different impoundments on a system-by-system or state-by-state basis, just to kind of get full coverage of the Atlantic coast, and where we have impoundments, and possibly using that to prioritize where efforts at removing them will have the most effect. I don't think we have a list, in terms of FERC renewals coming up. But I'm sure that is something that could be put together.

MS. KERNS: Mr. Chair, you have Mike Millard.

CHAIR DAVIS: Okay, go ahead, Mike.

MR. MILLARD: I can speak for the Service, and I'll let Max, I guess weigh in for NOAA, but we have full time FERC coordinators on staff, that I assume have a list like that or could easily get this type data, FERC relicensing schedules coming up. I guess I would add while I have the floor. To Max's recommendation, and I hate to dump more back on the TC. But it is one thing, it's a good thing to have a schedule of FERC relicensing's coming up.

It would be value added to have that schedule with some sort of priority of the bang for the buck, with a cross benefit of those FERC events coming up, in terms of fish passage and benefit to the fishery resources. Every negotiation I think, that the Service has to sort of weigh the cost benefit of how much to invest in that particular negotiation. Knowing that for a fishery resource would help us inform those decisions.

CHAIR DAVIS: Toni, was there another hand up after Mike?

MS. KERNS: Those were all the hands that I have so far.

CHAIR DAVIS: Okay, great, thanks. My takeaway from the discussion here is what we've heard from our federal partners is that there would be some value to sending the letters that the Technical Committee is recommending, particularly when it comes to the FERC relicensing process.

Max Appelman also suggested that there might be some value as part of that correspondence in providing information to the Agencies on prioritization of different projects, that also might be helpful during the FERC relicensing process for these agencies to make, sort of cost benefit decisions. At this point we can take action on this item, and Caitlin, I think we would be looking for a motion from the Board, relative to potentially sending these letters, correct?

MS. STARKS: Yes, it's up to the Board how they would like to proceed. I guess if the Board would like to send a letter, we would need a motion to recommend that

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to the ISFMP Policy Board. But I guess I wanted to clarify process wise for the Technical Committee. Is it preferable to have the Technical Committee try to gather this information? Look at the list of FERC relicenses, and prioritize those and then include that information in a letter that would go to the agencies, or is it preferable to, I guess send a letter today with less information, and then follow up with that prioritization? I guess that is what I would like to clarify.

CHAIR DAVIS: Brian, do you want to provide some input on that?

MR. NEILAN: Sure. I think anytime you have more data you can put into the letter; it would be more convincing. I think Caitlin brings up a pretty good point here. That might be worth going down that avenue. I guess just I would be remiss to not get some guidance on the Board. We also have the other task of the mixed-stock fisheries. I guess we would look to the Board for some guidance on prioritization on the tasks as well.

MS. KERNS: Mr. Chair, you have two Board members and a member of the public. Your Board members are Allison Colden and Megan Ware, and just let me know if you want to go to the public.

CHAIR DAVIS: Okay, Megan, go ahead, and then I'll go to you, Allison.

MS. MEGAN WARE: Kind of just listening, because that's a question I had for the TC. I feel like we're starting to talk maybe about like river-specific data or recommendations, so I'm wondering, was the original intent of the letter to be, I don't want to say generic, but kind of like a single letter that everyone gets, or was the thought process that this would be a letter formulated for kind of each agency or state with specific information in it?

MR. NEILAN: Both. I think the original intent here was to kind of send this out to the

appropriate agencies, as one letter. If we go the avenue of looking at prioritizations and system-specific evaluations, it's certainly going to delay the sending of this letter, I'm sure by quite a bit. I think that's something to consider as well.

CHAIR DAVIS: Okay thanks, Allison.

MS. COLDEN: I had my hand raised previously, just being willing to offer a motion to this regard. But happy to hold that until we figure out this issue of general versus specific letters.

CHAIR DAVIS: Okay thanks, and Toni, you mentioned there was someone from the public who had their hand up?

MS. KERNS: Wilson Laney.

CHAIR DAVIS: Okay, Wilson, go ahead. I will ask you to try to keep it brief, because we are running up against the end of our allotted time on the agenda.

DR. WILSON LANEY: I will keep it brief, Mr. Chairman, and thank you for recognizing me. To the question about whether or not there is a list of upcoming FERC licenses, the answer is yes. It's on the FERC website, all you have to do is download it. Then with regard to prioritization of passage of barriers within individual states. Some while back, and Caitlin should be able to find this information. Jeff Kipp was the staff person who was coordinating the ASMFC Fish Passage Working Group. That was one thing the Work Group did, was we worked with the Technical Committee and the state representatives on the Fish Passage Working Group, to put together a list of barrier priorities within each jurisdiction. It probably is somewhat dated now, since I think we did that quite a few years ago.

But the Technical Committee would not have to start from scratch, is the point, if you all wanted to charge them with taking a look at both the FERC list and that previous list put together by the Fish Passage Work Group in considering whether or not to include that information in any letter that you might send to the Fish and Wildlife Service, NMFS, and FERC. Thank you.

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CHAIR DAVIS: Great, thanks very much for that comment, Wilson. Any other hands up at this point, Toni?

MS. KERNS: I don't have any other hands.

CHAIR DAVIS: Okay, well at this point, I think it's probably time for us to potentially make a motion to take action, and Allison, I'll turn back to you, since you mentioned that you were potentially ready to make a motion. Would you like to do so?

MS. COLDEN: Sure. I don't know if staff has one ready, but I can try and do this on the fly as well, if not.

MS. STARKS: Allison, were you making a motion to send a letter, or to task the TC?

MS. COLDEN: I was going to go ahead and make the motion to send the letter to the agencies.

MS. STARKS: Okay, Maya, can you pull that motion up please that I drafted? The third one.

MS. COLDEN: Okay, move to recommend to the ISFMP Policy Board that the Commission write a letter to NOAA Fisheries and U.S. Fish and Wildlife Service, to prioritize the following actions to provide increased opportunities for population recovery of American shad. First, dam and barrier removals are the preferred approach to restore fish species habitat access for population restoration, and for habitat restoration benefits.

When dam removal is not an option, the development and use of fish passage performance standards in river systems, based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information developed performance standards are not available, support their development for such purposes and application.

CHAIR DAVIS: Thank you, Allison, do we have a second to the motion?

MS. KERNS: Cheri Patterson.

CHAIR DAVIS: Thank you, Cheri, any discussion on the motion?

MS. KERNS: Max Appelman.

CHAIR DAVIS: Okay, go ahead, Max.

MR. APPELMAN: Of course, given the intent of this motion, I would be abstaining. But I just wanted to comment on sort of the tone of what this looks like right now. I think what Mike and I were saying earlier is that we already do prioritize this work, so if the intent here is to request prioritization, I don't think that is going to do much. But again, if the tone were more in a supportive nature, I think that is something that we could take to the table at these FERC negotiations. Just making that sort of comment on what the tone of this letter, how this letter could help the agency.

CHAIR DAVIS: Any other discussion on the motion?

MS. KERNS: I don't see any other hands raised, Justin.

CHAIR DAVIS: Okay, process question, Toni. I can ask if there are any objections, and if there aren't any, should I also ask if there are any abstentions, given that we've had one Board member indicating they are going to abstain from the vote.

MS. KERNS: Yes, we can do it that way, ask if there are objections, and then we'll indicate one abstention, unless Mike also abstains, and he has his hand up as an abstention, so we could do those two. Allison Colden does have her hand up now.

CHAIR DAVIS: Allison, go ahead.

MS. COLDEN: In response to Max, I was wondering if slightly modifying this language would help, and I would suggest move to recommend to the ISFMP Policy Board that the Commission write a letter to NOAA Fisheries and U.S. Fish and Wildlife Service,

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supporting their activities in dam passage review, to provide increased opportunities, et cetera. I would love some feedback, and would be willing, if the seconder was comfortable with that, to make that adjustment.

CHAIR DAVIS: Okay, thanks, Allison. I guess I'll first ask Max to respond if he would view this as an improvement to the motion.

MR. APPELMAN: Sure, yes. I do. I think Allison is on the right track here, you know maybe just finding a way to cut out prioritize and substitute with support actions. Maybe that is a clean way to do it.

CHAIR DAVIS: Okay, thanks, Max. Allison, would you be good with that wording?

MS. COLDEN: Yes, that's fine with me, thank you.

CHAIR DAVIS: Cheri, I'll also ask you as the seconder of the motion if you're good with that.

MS. PATTERSON: Yes, thank you.

CHAIR DAVIS: Okay, any other discussion on the motion?

MS. KERNS: You have no hands raised.

CHAIR DAVIS: Okay, given that I'll ask if there are any objections to this motion.

MS. TINA L. BERGER: I'm sorry, but I'm not sure the motion is in a final language.

MS. STARKS: Yes, I was just going to pick and come back, I wanted to remove prioritize, so maybe it should say supporting their activities in dam passage review, to provide increased opportunities. Is that what you said, Allison?

MS. COLDEN: Yes, I think that is correct.

MR. APPELMAN: If I could just jump in again, Mr. Chair, and just say, as long as we're clear on the record of when staff actually goes and

writes this letter, and that it takes a tone, a supporting tone, as opposed to a directive. I think I'm fine with this. Of course, I am abstaining.

CHAIR DAVIS: Okay, thanks, Max, and thank everybody for keeping me honest there, and noting that the motion wasn't in final form yet. Now that I believe we've got it in final form, I'll ask again if there are any objections, noting that there are already two abstentions on the record from U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service.

MS. KERNS: I see no hands raised in objection.

CHAIR DAVIS: Great, thanks, we'll consider this approved by consent. I think the other matter we have to deal with here is there was some discussion about potential value in taking the Technical Committee with coming up with prioritizations of different barriers for restoration action, potentially using the list of upcoming FERC actions as a guiding tool for that. Also keeping in mind though, that the Technical Committee already currently has one task on their docket ongoing, the evaluation of bycatch in mixed-stock fisheries.

I guess I'll put this back to the Board. Would anyone care to make a motion to task the Technical Committee with an additional task related to prioritization of fish passage projects, keeping in mind that we should then also give some guidance on prioritization of the Technical Committee's tasking.

MS. KERNS: Max Appelman.

CHAIR DAVIS: Go ahead, Max.

MR. APPELMAN: Yes, I'm happy to make that motion. I think this is a valuable exercise, and hearing from Wilson, they don't really need to start from scratch, there might be some documents there to get it started. I do have a motion. I don't know if staff wants to, yes, great.

I would move to task the Technical Committee with prioritizing systems for shad recovery, and developing an inventory of available data that would support development of fish passage criteria. The

intent here, given the workload already on the TC, would be to prioritize this below those ongoing TC tasks.

CHAIR DAVIS: Okay, great, thanks, Max. Do we have a second to the motion?

MS. KERNS: Mike Millard.

CHAIR DAVIS: Thanks, Mike, any discussion on the motion?

MS. KERNS: Mike Millard.

CHAIR DAVIS: Go ahead, Mike.

MR. MILLARD: I obviously support the motion, since I seconded it. But I guess I would add that there are, in addition to what Wilson identified, I know there is more than a couple map-based prioritization tools for some sort of Hec-8 level, I think or maybe even finer than that. We're prioritizing where you get the biggest bang for the buck for fish passage, given the fishery resources in the basin. There are tools available for the TC to go off on.

CHAIR DAVIS: Any other discussion on the motion?

MS. KERNS: No additional hands, Mr. Chair.

CHAIR DAVIS: Given that, I'll ask if there are any objections to the motion.

MS. KERNS: I see no hands.

CHAIR DAVIS: Okay, we'll consider the motion approved by unanimous consent. Thanks everybody.

CONSIDER APPROVAL OF THE SHAD HABITAT PLAN UPDATES

CHAIR DAVIS: All right, and we'll now move on to the last item on our agenda. I apologize, we have run a bit over our allotted time here, so we'll attempt to move through this last item

quickly, which is to Consider Approval of the Shad Habitat Plan Updates. Brian, I'll turn it back over to you.

MR. NEILAN: Thank you, Mr. Chair, I'll try to move quickly. I don't want to cut into people's lunches too much. We have some Shad Habitat Plan updates for you. Just a bit of background. Under Amendment 3 all states and jurisdictions are required to submit habitat plans for American shad, which are meant to contain a summary of information current and historical spawning and nursery habitats, threats to those habitats, and any restoration programs that the states are undertaking.

In February, the Board agreed that these plans should be updated every five years or so, similar to SFMPs, and asked that states update existing plans originally approved in 2014, and for the states with missing plans to submit new habitat plans. This is the Merrimack and the Hudson. Six habitat plans were approved by the Board back in February. Today we have another six habitat plans for Board consideration. The TC has reviewed all these plans, and recommends them all for Board approval. Here is our habitat plan updates. For the Massachusetts coastal rivers, new sections were incorporated in regards to shad runs in the Jones, North, South, and Neponset rivers.

They did a whole bunch of updates, new summaries on their Table 1, looking at the different shad runs in the state. Generally, just a general update, nothing too crazy. Rhode Island updated its Habitat Plan with recent dam removals and fishway installations and improvements on the Pawcatuck and Pawtuxet rivers.

Connecticut updated many of its tables and figures, as well as maps in the Habitat Plan, updated threats to the threat's assessment section, updated the habitat assessment, as well as the habitat restoration sections, with any new info that has come up since the previous plan. The Delaware River Basin states updated their plan, so New York, New Jersey, Pennsylvania and Delaware.

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More information on salt front location and primary historical spawning grounds in the background section. They also updated main stem and tributary habitat assessment, updated the nursery habitat section, as well as the threat assessment section. For South Carolina there was the acknowledgement of the approved joint Shad Habitat Plan for the Savannah River, between South Carolina and Georgia.

They updated information regarding the Yadkin and Pee Dee River for relicensing issued to Duke Energy some river specific online tools available to the public that include information for a whole bunch of different issues, in regards to licensing in specific rivers, and information regarding the Santee-Cooper FERC license, which has not yet been issued.

They also added some additional fish passage consideration. Finally, Florida updated sections on the St. Johns, the Econlockhatchee River and the Ocklawaha. I think I might have added an extra A in there somewhere. Specifically updated the Basin Management Action Plan for Lake Jesup, which discharges into the historical spawning grounds for shad, as well as the Basin Management Plans for the first three springs that discharge into the St. Johns River.

Updated, like I said the Econlockhatchee Plan and the Ocklawaha. The St. John's River Management District updated its review of impacts, removing the dam on nutrient dynamics downstream. Today the Board needs to consider approval of the six plans presented. The TC recommends that all six plans that I just went through there should be approved by the Board.

Also, a possible recommendation that the remaining states update habitat plans, and submit new plans in the case of the Hudson and the Merrimack, in time for the TC to review for the next Board meeting. I can take any questions if anybody has any, otherwise I'll turn it over to Mr. Chair.

CHAIR DAVIS: Thank you, Brian, I admire your courage in attempting some of those river names, there were some doozies in there. I'll ask if anyone on the Board has questions for Brian.

MS. KERNS: I do not see any hands, Mr. Chair.

CHAIR DAVIS: Okay, thanks, Toni. Given that, I'll ask if anyone on the Board would care to make a motion.

MS. KERNS: I'm sorry, Mike Armstrong just put his hand up, I apologize.

CHAIR DAVIS: Okay, go ahead, Mike.

DR. MICHAEL ARMSTRONG: I'm sorry, I was anticipating your next words. I assume they were asking for a motion, is that correct, Mr. Chairman?

CHAIR DAVIS: That is correct, Mike.

DR. ARMSTRONG: All right, I have one for you. Move to approve the Shad Habitat Plan Updates for Mass, Rhode Island, Connecticut, Delaware River, South Carolina, and Florida, as presented today.

CHAIR DAVIS: Okay, thank you, Dr. Armstrong, do we have a second to the motion?

MS. STARKS: I saw Lynn Fegley's hand first.

CHAIR DAVIS: Okay Lynn, thank you. Any discussion from the Board? I will make one note. There was a recommendation in there from the Technical Committee which states we have plans still outstanding, submit those in time for review before the next Board meeting. I guess I would ask the maker of the motion if he would be amendable to adding something in there to the motion to address that recommendation.

MS. STARKS: I don't think it's necessary, but if you would like to include it in the motion that is fine.

CHAIR DAVIS: Okay, thanks, Caitlin. Given that, maybe it's not necessary.

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MS. KERNS: I don't see any hands wanting to comment on the motion, Mr. Chair.

CHAIR DAVIS: Okay, given that I'll ask if there are any objections to the motion.

MS. KERNS: I see no hands raised.

CHAIR DAVIS: Okay, we'll consider the motion approved by unanimous consent. Thanks everyone.

ADJOURNMENT

CHAIR DAVIS: Moving on to our last item on the agenda, is there any other business to come before this Board today?

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

CHAIR DAVIS: All right, then I'll entertain a motion to adjourn.

(Whereupon the meeting convened at 11:45
a.m. on May 5, 2021.)