

# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

May 6, 2026  
1:30 – 4:30 p.m.

### 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 (*D. McKiernan*) 1:30 p.m.
2. Board Consent (*D. McKiernan*) 1:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2026
3. Public Comment 1:35 p.m.
4. Executive Committee Report (*D. McKiernan*) 1:45 p.m.
5. Review Report from the Declared Interests and Voting Privileges Work Group 1:55 p.m.  
(*T. Kerns/R. Beal*) **Possible Action**
6. Committee Reports 3:10 p.m.
  - Habitat Committee (*K. Wilke*)
  - Law Enforcement Committee (*K. Blanchard*)
7. Update on Recreational Angler Partnership Improvement Directive (RAPID) Initiative (*R. Beal*) 3:25 p.m.
8. Discuss Proposed Changes to Monterey Bay Aquarium Seafood Watch's Standards for Fisheries (*T. Kerns*) **Possible Action** 3:40 pm
9. Review Noncompliance Findings (If Necessary) **Action** 3:50p.m.
10. Other Business 4:00 p.m.
11. Adjourn 4:30 p.m.

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details.

# MEETING OVERVIEW

ISFMP Policy Board  
Wednesday May 6, 2026  
1:30 – 4:30 p.m.

Chair: Dan McKiernan (MA) Assumed Chairmanship: 10/25	Vice Chair: Doug Haymens (GA)	Previous Board Meetings: February 5, 2026
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 2026

**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.

<b>4. Executive Committee Report (1:45 -1:55 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Executive Committee will meet on May 6, 2026</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• D. McKiernan will provide an update of the Executive Committee’s work</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• None</li></ul>

<b>5. Review Report from the Declared Interest and Voting Privileges Work Group (1:55 – 3:10 p.m.) Possible Action</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Commission’s Executive Committee has discussed a series of procedures and practices since last Spring.</li><li>• A Work Group was formed to address concerns related to Board voting procedures and declared interest procedures and definitions.</li><li>• The report summarizes the Work Group’s recommendations to address concerns raised by Executive Committee members on these issues.</li></ul>

**Presentations**

- Staff will present recommendations from the Work Group (**Meeting Materials**)

**Board action for consideration at this meeting**

- Consider approval of Work Group recommendations

**6. Committee Reports (3:10 – 3:25 p.m.)****Background**

- The Habitat Committee met on March 17, 2026
- The Law Enforcement Committee met on May 5 and 6, 2026

**Presentations**

- K. Wilke will present the work of the Habitat Committee
- K. Blanchard will present the work of the LEC Committee

**Board action for consideration at this meeting**

- None

**7. Update on Recreational Angler Partnership Improvement Directive (RAPID) Initiative (3:25 – 3:40 p.m.)****Background**

- In April 2026, NOAA Fisheries introduced RAPID as a core component of its updated National Saltwater Recreational Fisheries Policy. RAPID is designed to modernize the way saltwater recreational fishing data is collected and managed by transforming the existing Marine Recreational Information Program (MRIP)

**Presentations**

- R. Beal will present an update on the progress of the initiative

**Board action for consideration at this meeting**

- None

**8. Discuss Proposed Changes to Monterey Bay Aquarium Seafood Watch's Standards for Fisheries (3:40 – 3:50 p.m.)****Background**

- The [Seafood Watch's Standard for fisheries](#) provides the system to review wild-caught fishing against the Monterey Bay Aquarium's definition of sustainable fishing. Each fishery is reviewed using four main areas—from the health of targeted and accidentally caught species to management and ecosystem effects.
- Every five years, they update these standards. Public comment is open until May 25 on the [proposed changes](#).

**Presentations**

- T. Kerns will present an overview of the proposed changes

**Board action for consideration at this meeting**

- Consider developing comments as a Commission or individually

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

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**February 5, 2026**

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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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of February 2025** by consent (Page 1).
3. **Move to approve the Habitat Management Series Report on Atlantic States Shell Recycling** (Page 15).  
Motion by Renee Zobel; second by Joe Grist. Motion passes unanimously (Page 15).
4. **Move to adjourn** by consent (Page 16).

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**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for C. Wilson (AA)	Loren Lustig, PA (GA)
Renee Zobel, NH (AA)	John Clark, DE (AA)
Doug Grout, NH (GA)	Roy Miller, DE (GA)
Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Ray Kane, MA (GA)	Michael Luisi, MD, proxy for K. Charbonneau (AA)
Jason McNamee, RI (AA)	Joe Grist (Acting AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Ben Dyar, SC, proxy for B. Keppler (AA)
Matt Gates, CT (AA)	Robert Boyles, SC, proxy for Sen. Cromer (LA)
Marty Gary, NY (AA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Jeff Renchen, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Gary Jennings, FL (GA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Karyl Brewster-Geisz, NMFS

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

**Ex-Officio Members**

**Staff**

Bob Beal	Jeff Kipp	Jeff Kipp
Toni Kerns	Tracey Bauer	Samara Nehemiah
Tina Berger	James Boyle	Jainita Patel
Madeline Musante	Chelsea Tuohy	Simen Kaalstad
Alexander Law	Pat Campfield	
Caitlin Starks	Katie Drew	

The ISFMP Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, February 5, 2026, and was called to order at 11:15 a.m. by Chair Daniel McKiernan.

### **CALL TO ORDER**

CHAIR DANIEL MCKIERNAN: Good morning, everyone. Let's commence the Policy Board discussion. I'm Dan McKiernan; the Chairman and the Commissioner from Massachusetts, and beside me, of course, is Doug Haymans the Vice-Chair from Georgia.

### **APPROVAL OF THE AGENDA**

CHAIR MCKIERNAN: First on the agenda, approval of the agenda. Does anyone want a change to this agenda? Seeing none; accepted.

### **APPROVAL OF PROCEEDINGS**

CHAIR MCKIERNAN: Proceedings from October 20, 2025. Any requested changes to the proceedings? Seeing none; consider it accepted. I want to take a moment right now to recognize someone. Robert Boyles it's great to see you again. I just want to say that you served the Commission in so many capacities in leadership from 2006 to 2011.

You were awarded the Hart Award in 2023, but we were all disappointed that you had another commitment. Even the speech that you sent along because you were in an outdoor setting, we didn't get to hear you so well. But it is really great to see you again, even as a young man you were a silverback and today even more so.

On Tuesday night I was trying to recognize you, but again you were AWOL. But Pat Kelliher was convinced that that cheap covered easel was for you, so it helped with the face. But anyways, I just want the Commission to recognize you in person for all the work that

you did. We know that you were a big advocate of transparency of process.

You always had such a great welcoming demeanor. You were always our best historian, so it's great to see you back again. We know that you're filling in for Mel Bell, and we wish Mel the best in his recovery. But it is really great to see you. I would like to give you a round of applause, two and a half years late. (Applause) Now everyone, do not leave this room without signing the Mel Bell get well card, and it's back there on the table. Let's move into the agenda. Actually, would you like a moment to say something?

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. I just want to tell you how grateful I am to be back, albeit short. It is a short stint, because I do fully expect Mel to be back serving as proxy for Senator Cromer, and my deep regret at not being able to join you in person in Beaufort. This is a very, very special group, and you all have a very, very, very difficult job. I want to thank each one of you for teaching me and being patient with me over the course of my tenure around this table. I did a lot of growing up here, and continue to do so. I am really grateful to be back, and appreciate the very warm welcome. Thank you, Mr. Chairman.

CHAIR MCKIERNAN: You are very welcome, thank you.

### **PUBLIC COMMENT**

CHAIR MCKIERNAN: First on the agenda will be the public comment. Is there anyone in the public who would like to speak on an issue that is not on the agenda. I would turn to staff to see if that would include those who are virtual. Toni, anyone?

MS. TONI KERNS: None.

CHAIR MCKIERNAN: Very good.

### **EXECUTIVE COMMITTEE REPORT**

CHAIR MCKIERNAN: Executive Committee Report, that would be given by me, the Chair. We met yesterday morning and we reviewed some of the

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issues regarding the declared interest in voting privileges, which is a work in progress. I believe Bob Beal is going to speak to that.

There are some nuances about how we list action items on various board agendas, and we're working on some stock language that would put folks on notice that there are potential actions that could be taken. It's not necessarily a final action, but in the case of even tasking a Technical Committee or PDT, something in that regard still constitutes an action. It would be best if the language of the Board agendas would reflect that. We got a good Legislative Budget update from Alexander, and it's been quite positive, given the backdrop of what's been going on.

There was a CARES Act update. The funds that have been deficient coming from New Jersey and Florida, many of those cases are being resolved. We did get another year stay from NOAA and that is positive. Future meetings we're going to be in Rhode Island, followed by South Carolina and then to Massachusetts. I do want to say that I am going to work with staff to try to figure out sort of the overlap sometimes of Executive Committee and Policy Board.

Some of the members who spoke at the Executive Committee yesterday gave great comments, very useful. But they weren't part of the Executive Committee, they were simply taking advantage of a front row seat and a breakfast. I'm trying to work with Bob to avoid that redundancy, but I'll get back to you in an upcoming meeting.

### **REVIEW AND DISCUSS 2025 COMMISSIONER SURVEY RESULTS**

CHAIR MCKIERNAN: Why don't we move on to the next issue, which is the 2025 Commissioner Survey results from Alexander.

MR. ALEXANDER LAW: Good morning, everyone. I'm here to present the 2025 Commissioner Survey results. The Full 2025

Commissioner Survey is included in the supplementary materials. I'll just be going over a brief summary at this time. Twenty-three Commissioners completed this year's survey with 17 to 22 answering each question.

This is the lowest completion rate in the time series; 2024 had 28 respondents, 2023 had 33 respondents, 13 of 16 questions saw a decrease in average scores from last years. Questions about our relationship with constituents and use of overfishing as a metric for success saw the largest decreases by over a point. Relationship with Federal partners consistently ranks as our worst score, this year is no different. This year's score for that question is our second worse score across all years and all questions. Questions 11, 14, 15; the questions regarding the utilization of fiscal and human resources products of ISFMP department and products of the Science department were the only three questions to see an increase in their average scores from last year.

I grouped open-ended questions 17, 19 and 20 together, because they are the questions with generally negative answers or answers that point to opportunities for growth for the Commission. Obstacles to the Commission's success in rebuilding stock, question 17. Many of the respondents mentioned politics getting in the way of recommended management actions, far more than in previous years.

Private change was mentioned multiple times. This has been consistent over the past couple years and mentioned multiple times over the past couple of years. Then MRIP and the need for accurate information was mentioned as well. Additional products the Commission could provide. Many of the respondents talked about socioeconomic information, like having an economist on staff at the Commission would be beneficial to your decision making.

Plain language materials were mentioned. This has come up multiple times in the past couple years. Then a white paper on the authorities and scope of the Commission was mentioned as well. Issues the

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Commission should focus more on, industry and stakeholder outreach, which factors into the plain language materials.

A focus on economics was carried over from question 19. All other answer varied wildly. I included this open-ended response in the presentation, because it's emblematic of concerns about political influence in our process that were much more prevalent than in previous years. I will give you all a minute to read this.

Constituent outreach and better socioeconomic information on a list of answers that were common and kind of all factor into the politics of our process. The most useful products produced by the Commission include FMP reviews, stock assessments, summary documents and the new action tracker on the website.

Most ASMFC products were mentioned at least once. Then additional comments, many folks declined to answer this question, but those who did commented on how thankful they were for the staff and their effort. Would appreciate folks around this tables input on maybe increasing engagement with the Commissioner survey each year.

I talked to John Clark and Dennis Abbott about how beneficial it would be to reflect upon previous years answers. I need to look into if this is a feature on Survey Monkey, something that I can turn that on and then have Commissioners keep track of their answers from year to year. I feel that would be beneficial, so I'll look into that and get back to you guys. Happy to take any questions.

CHAIR MCKIERNAN: Thank you, Alexander. I'm going to go first. Alexander, my impression of the reduced participation may have been related to some Commission turnover. I'm wondering if you feel that that could be the case. I did send an e-mail to the head of each of the delegations, the Administrative Leads, to

just get a read on at least to the delegation members.

I believe this is an anonymous survey. It wouldn't be possible for you all to tell us who filled it out, but I think that is my take on it. But I'll welcome any discussion from folks at the table about the declining participation.

MR. LAW: You're right, it is an anonymous survey, so I'm not keeping track of who exactly is participating. I don't believe that outgoing commissioners played a large role in participation. There were, I believe I sent the survey out before some of the commissioners that have left, have moved on. I think there was an opportunity for some of those outgoing commissioners to participate.

CHAIR MCKIERNAN: Do you think it would be helpful if leadership kind of echoed or amplified sort of the value of the survey?

MR. LAW: That could certainly help, but I would look to folks around the table to see if that would motivate more folks to participate.

CHAIR MCKIERNAN: Okay, any discussion? John Clark.

MR. JOHN CLARK: Thank you, Alexander, I think you know as I brought up to you. If commissioners could save their responses from year to year it would be really helpful. You know sometimes there might be a drop that is just from whatever the mood was at the time. Whereas, if I could look at my previous years and kind of understand where my thinking was going on that. I think that would really help everybody. I just wanted to say, I am happy to report that the Delaware delegation all filled out the survey.

CHAIR MCKIERNAN: Anyone else. Bob, you and I spoke that even despite the reduced participation, this is probably a pretty good tool for you as you set the Director and Office Manager to provide this kind of feedback to the staff.

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EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, there is a lot of information in here, even though the participation is lower. What are the best products? Where can we improve? What are our obstacles that we need to overcome and focus on. I think all that is still great feedback. You know it would be better if it was a larger group, but it depends how you look at this. If you want normal surveys if you got 50% return that's great. But I think in this group we could probably hope for a lot better than that.

CHAIR MCKIERNAN: Well, I'll pledge to do a little cheerleading late fall when this goes out again. Any more discussion on this? If not.

#### **UPDATE FROM THE DECLARED INTERESTS AND VOTING PRIVILEGES WORK GROUP**

CHAIR MCKIERNAN: I'll go on to the next agenda item, which is Update from the Declared Interests and Voting Privileges Work Group; and that is Bob Beal.

EXECUTIVE DIRECTOR BEAL: I think as you mentioned earlier, a lot of people that were at the Executive Committee are here now. I'll be pretty brief. I think as everyone remembers, the Executive Committee set up a working group at the annual meeting. The Working Group has 7 members from south to north if I can remember; Erika Burgess, Ben Dyar, Chris Batsavage, Joe Grist, Mike Luisi, David Borden and Nichola Meserve, are the 7 individuals on that Work Group.

They've had a number of meetings since the annual meeting. A lot of their conversations so far have focused on the criteria for declared interest in a species. What does it take to get on to a management board, essentially. There currently are 3 criteria that if any state meets any 1 of those criteria they are eligible to serve on a management board and fully participate and vote.

The group is recommending merging the first two, which I won't get into now, and ultimately

ending up with only 2 criteria that a state would have to achieve, 1 of those to be allowed on the management board. The Executive Committee brought up some ideas that a bit of presence of the species in at least one year, but within what timeframe or something.

They wanted more conversation at the Working Group, so we're going to take that back and work on that. The Working Group also agreed that it makes a lot of sense to do regular reviews of board membership. Rather than just once you're on a board you are kind of on there for life now, unless you want off.

There is probably some value in looking at membership of boards. Looking back at the potentially new criteria and determining if a state still qualifies to serve on that board. That is going to be recommended to be done at two-year intervals at a minimum or when a new stock assessment is completed, in case the management unit changes as part of that stock assessment.

As everyone knows, there are some of our management boards that have multispecies management under one umbrella board, summer flounder, scup, black sea bass, the sciaenids, coastal pelagics, et cetera. The Working Group agreed that not all states should vote on all of the species, necessarily that fall under that umbrella of that species management board.

The first review we'll refine the membership of the boards to determine what states should vote on what species. Those are all moving forward and significant progress in all those. The area about voting privileges is still complicated. The group is tackling it. As everyone knows, or I think everyone knows, it comes down to, even though you are a member of the management board, should all states be voting on all issues from that management board.

The group is developing what they are calling Best Management Practices for Voting, so things that should be, and these best management practices may be mandatory or advisory. That is still being

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worked on by the group. You can all be considering, does the action from the Board impact your state.

Are there mixing issues that impact your state, are there market and allocation issues that impact your state, and other things that would determine whether you should or should not consider abstaining from that vote. The ultimate timeline here is we're going to have a number of meetings between now and the spring meeting, hopefully bring back a full suite of recommendations for the spring meeting. That will go first to the Executive Committee and then back to this Board for consideration for changing the way things are handled at management boards, as far as voting and declared interest. Happy to answer any questions, but that is a fairly quick summary of where we are.

CHAIR MCKIERNAN: Thank you, Bob, any questions for Bob?

### **NOAA HMS UPDATE ON RECENT COASTAL SHARK ACTIONS**

CHAIR MCKIERNAN: NOAA HMS Update on Recent Coastal Shark Actions. Karyl Brewster-Geisz

MS. KARYL BREWSTER-GEISZ: Hello, everybody. For those of you who don't know me, I am Karyl Brewster-Geisz; I work in NOAA Fisheries Highly Migratory Species Management Division, and I represent NOAA Fisheries on the Coastal Shark Board. I do want to thank Toni for finding room on the agenda for us, because I know I normally don't present to this Board.

I am here today to give an update on various shark actions. Most important from my standpoint is to hear and try to answer any questions you might have and hear your comments on a Proposed Rule we have out regarding the commercial blacknose fishery and changes we are proposing for recreational minimum sizes and retention limits.

All of these changes, or at least most of them could impact what is in the Coastal Shark FMP. But I will also be giving an update on a few other measures that we are working on. Then just so you are aware, if you do have questions after the fact I have Guy DuBeck and Ann Williamson in the audience as well, to help me answer any questions.

The actual Proposed Rule, as I said it's regarding our commercial Atlantic Region blacknose shark fishery along with our recreational fisheries. We are taking this action in order to increase our management flexibility, so we can adapt to a lot of the changes that have happened in the shark fishery.

We are hoping to optimize the ability of the commercial fishery to land its quotas and the recreational fishermen to take advantage of the sharks that are on the water. We are trying to be responsive to some of the changes that we finalized in Amendment 14 to the HMS Fishery Management Plan, but to the shark measures that are in there.

We also are looking and pulling a lot of the need for this from our Shark Fishery Review or SHARE document that I've discussed in the past. Along with being responsive to some of the public comments we received when we scoped on Amendment 16. Amendment 16 was taking a very large look and trying to do a lot of things for the shark fishery.

What we heard is that action was too large, so we pulled these particular actions out of Amendment 16. Then there have been a lot of, or at least several domestic laws and statutes that have changed the shark fishery in recent years, along with some international agreements that have had some really direct impacts on the commercial fishery.

Diving into the commercial blacknose fishery. If you take a look at the map on the left, that shows a red line where we have a management boundary. ASMFC does not have the same management boundary. But we put this boundary in place in order to allow for small coastal shark fishing to continue along the Atlantic coast when the

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blacknose shark quota was reached, because we had those quotas combined. If one quota was met, everything closed. In recent years we have not been landing either the blacknose or the small coastal quota, so we don't feel that this line management boundary is needed anymore.

Additionally, more and more blacknose sharks are being seen north of that line. We are proposing to remove that management boundary from our regulations, so commercial blacknose fishing could happen throughout the Atlantic Region instead of just south of that line. We are also proposing to establish a flexible blacknose shark retention limit.

Right now, the retention limit, and this matches in your coastal FMP, the retention limit is 8 blacknose sharks per vessel per trip. We are proposing to make that flexible, to range between 0 and 60 blacknose sharks per vessel per trip, with a default limit starting at 25. If the quota is being reached quickly, we could lower the retention limit to slow the rate or if the quota is not being caught, we could increase that retention limit as appropriate.

Moving away from the commercial fishery and into the recreational fishery, we are making some changes that we have not thought about or considered for a number of years. A lot of these would require complementary changes at the ASMFC level. Regarding the minimum size, I think many of you know that the minimum size generally, there are a couple pulling out, is 54 inches fork length for almost all the species, 78 for hammerhead, there is no size limit for Sharpnose or smooth dogfish.

But generally, 54, and that was based off of the size at maturity for sandbar sharks. We are proposing to sort of group the species together based on minimum size at maturity for the females, what species are grouped together in terms of they look similar, or they are caught at about the same time on the same gear.

All of these have changes. I don't want to go through all the specifics. They all are a range of going up to a certain amount. Sharpnose, bonnethead and smoothhound would have a default of no minimum size limit. Blacknose and Finetooth would have a default of 38 inches. Blacktip and spinner 28. The hammerheads would maintain their default of 78. Then we have a couple others which would be 54.

A lot of changes, going much more species specific than we currently have. Similarly, we are looking at the actual retention limits. Currently the retention limit is 1 shark per vessel per trip, with a little bit of specificity for some of those small coastals and species accounts. Just like with the commercial blacknose fishery, we are looking at a flexible retention limit that would go up to 3 or 4, or for blacktip sharks 5, or no limit, which would be a change.

If we were to increase it all the way up to no limit there would be no limit, just like what we have in place for smoothhounds or smooth dogfish right now. You can land as many as you wanted. All of these are also down to 8 per vessel per trip limit. Right now, for Sharpnose, for example, we have a per person per vessel per trip limit. We have had some public comment that had indicated headboats would prefer a per person limit as opposed to a per vessel limit. But the proposal as it stands is a per vessel limit and then the default would be 1 for each of these groups, so it would be 1 shark from that top group, which has a lot of species, 1 Sharpnose, 1 bonnethead, 1 blacktip, no limit on smoothhound. It is, however you look at it, it would be an increase from what we have now in place.

In this Proposed Rule we are also looking at making a few other miscellaneous regulatory changes. One of them we had finalized in Amendment 14, but Amendment 14 didn't have any regulatory text, so that is removing those quota linkages that I talked about how blacknose and small coastal are linked.

We also have links for the large coastals with the hammerheads, and we would be removing all of those linkages, so if the large coastal quota was

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every met, only large coastals would be closed, not large coastal and hammerhead together. We're also planning on clarifying some of the references to thresher sharks in our regulations, so it's clear whether we're talking about common thresher or bigeye thresher.

We are going to be updating the name of the pelagic shark group, because there are really only two sharks in that group right now, and that is common thresher and shortfin mako. Shortfin mako of course cannot be landed at this time. Then remove references that we have found after the fact, after making oceanic whitefin sharks prohibited. Unfortunately, there are still a couple references we need to remove from our commercial regulations.

This is currently opened for public comment through March 6. We have had one request to have the comment period extended, so we are considering that, so it may last longer than a March 6. I would really appreciate any questions or comments you might have on that. There are a couple other actions, just a few that I wanted to go through before hopefully I get your comments on the Proposed Rule.

Last summer we had a proposed rule out for prohibiting the retention of mobulid rays. This was in response to a binding recommendation from the International Commission for the Conservation of Atlantic Tunas or ICAT. That binding recommendation requires us to protect mobulid rays and minimize their bycatch.

We proposed prohibiting the retention of mobulid rays in all of our HMS fisheries, so anyone who has an HMS permit would not be able to retain any mobulid rays. We are not aware of anyone trying to retain them anyway. But to the extent they could this would stop them. They would also require them to release mobulid rays unharmed.

For pelagic longline fishermen to actually follow handling and release practices similar to what they do for sea turtles or prohibited sharks and

disentangle the ray and release it unharmed. The proposed rule was released last summer, the comment period is already closed and we are working on a final rule to be out, fingers crossed, knocking on wood, later this year.

Stock assessments, it's been a long time since we've talked about changes in stock status of sharks. You may remember that for a number of years the Science Center and SEDAR were doing what they called a research track assessment process, where the scientists would go through the whole process for a stock assessment and then after the fact would do an operational assessment to give us management advice. We finished the research track portion for hammerhead sharks; that's great, smooth, scalloped and Carolina, a while ago. The Science Center was working on an operational assessment.

They have had some issues. We may not ever get final operational assessments on hammerhead sharks, so we are actively working with the Science Center to find a way to update the biomass and overfishing status for hammerhead sharks, but at the moment we do not have a final stock status for any of the hammerheads.

Sandbar shark, we had originally intended, I would have been presenting you a final stock assessment for sandbar sharks had everything worked out. Unfortunately, last year as I think all of you are aware, NOAA Fisheries had a lot of people leave, and that affected the shark scientists tremendously, and to the point that we had to delay the sandbar assessment.

We rescheduled it and then we were shut down right when we were supposed to be starting that process again, so third times the charm. We now have the Data Workshop scheduled, ready to go in April. We had a data scoping workshop just this past week, so hopefully again we're ready to go, and in about a year I'll have final results.

Then the last thing I wanted to talk about was Convention on International Trade and Endangered Species or CITES. There was a meeting that took

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place at the end of November, beginning of December last year. CITES if you remember, has several appendices. Appendix II allows for trade happened of species, but requires permits and it's basically tracing all the trade that happens on the species.

Appendix I means that there is no trade allowed for the species. At the meeting that happened at the end of last year, oceanic whitetip, if you remember earlier is a prohibited species, mobulid rays and whale sharks, which is another prohibited species, were all transferred from Appendix II, which would allow trade to Appendix I, and that is effective on March 5.

Then smooth dogfish, well all smoothhound sharks, but for the purposes of this body smooth dogfish were added to Appendix II with an 18-month delayed implementation. As of June 5, 2027, anybody wishing to export smooth dogfish would be required to work through Fish and Wildlife Service to obtain a Fish and Wildlife Service CITES export or re-export permit.

This is a result of the listing of tope shark, which is a Pacific based shark, and the belief that Mustelus species are lookalike species to tope sharks. If you have questions about the smooth dogfish fishery, I can help you with that, but if you have questions about CITES listings, I would point you to Fish and Wildlife Service.

That is all I have, thank you for putting the question slide up. As I said, Guy Dubeck and Ann Williamson are with me here today, and then if you have questions about mobulid I can handle that or you could reach out to Carrie, my staff. Then if there are questions on the CITES issues you have CITES contact information there.

CHAIR McKIERNAN: Thank you, Karyl. I am going to turn to Toni, since she has done a lot of experience with coordinating comments, but she has been to Uzbekistan, where all the action is. Go ahead, Toni.

MS. KERNS: Thanks so much, Karyl, and just kind of to the Board. Typically, what we do when there is a proposed rule out, we either make a decision of whether or not we have enough collective shared comments of whether or not we want to comment on the proposed rule to NOAA Fisheries or an official letter.

Here in this room, we provide Karyl comments and she takes those back or individual states have specific needs that they want to provide comments back to HMS on, and then the states just send letters themselves. Just as a reminder to the Board. I believe I am getting this correctly. But we set annual specifications for blacknose sharks, and we typically follow, see what NOAA does.

I don't think we would need to change our FMP for that. For some of the other things that Karyl went through for the species groups, there is a potential we would have to change our FMP, because we are pretty specific in what the species groups are listed. There is not usually a ramification for the species group, so I don't know.

We'll have to see how urgent that may or may not be. Then Karyl, I don't believe we have any rules for the rays in our FMP, but I will need to confirm that. We don't have those. Then I think maybe if we could deal with the blacknose piece first, would be best. Then we can come back to the CITES issue, if that's okay, Dan.

CHAIR McKIERNAN: Any questions for Karyl and her staff while she's here, or comments for that matter. Yes, go ahead, Doug.

MR. DOUG HAYMANS: Karyl, so the list of preferred alternatives is pretty firm, and you think you are going to stick there.

MS. BREWSTER-GEISZ: Well, it's a Proposed Rule, so we could always change if we received comments indicating that we should. For the most part, the comments that we have received so far have been very supportive of what we proposed with, as I said, the concern from some of the recreational fishermen that the retention limits

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wouldn't be enough for headboats or potentially charter boats.

MR. HAYMANS: The preferred fit Georgia's regulations as they are right now, and I would prefer not to change for one inch, change our regs for one inch on some fish.

MS. BREWSTER-GEISZ: Thank you.

CHAIR MCKIERNAN: Roy Miller.

MR. ROY W. MILLER: Karyl, I was wondering if I could ask a kind of general question. I was struck by the proposed change from 1 fish a day for a number of the shark species to up to 3 or 4 per day. What has changed over the years? Have we had success in restoring some of these species? Perhaps you could comment on what is the impetus for that proposed change from 1 to 3 or 4.

MS. BREWSTER-GEISZ: Thanks for that. The change is we are not fully taking our quotas and we want to try to optimize the ability for everybody to take them. When it comes to the recreational fishery what we saw in our SHARE document is the vast majority of sharks are catch and release, and very few people retain them.

We wanted to provide the opportunity for people to retain sharks if we feel we need to or not. In a draft Amendment 16, one of the things we will be looking at and that was scoped was setting up not just commercial quotas but recreational quotas as well that we would be monitoring.

By doing this action now we're setting ourselves up for the ability to help either fully catch those recreational quotas, or if they are overharvested one year to reduce the retention limit and address that over harvest that way, so more active management in the future regarding the recreational fishery. Does that help answer your question?

MR. MILLER: Yes and no. Has the science evolved that would allow additional retention of these sharks when really for years, as long as I can remember, the limits have been 1 per day per vessel, and now suddenly we're going to 3 or 4. Thanks.

MS. BREWSTER-GEISZ: Yes, and I want to say we made the change to go on 1 shark in '99. Before then it was separated. I want to say it was like 3 or 4 for large coastals, and 3 or 4, maybe 5 for some of the small coastals. Some of our sharks right now have no limit, as I mentioned smooth dogfish, Sharpnose, bonnethead; you can land as many as you want.

The other ones, yes, we do have healthy stocks for, example for blacktip sharks, where we are not coming anywhere close to acceptable biological catches that were indicated in these stock assessments. We have also had indications that a lot of the other species are rebuilding. By setting up the flexible trip limits it allows us the ability to, hopefully in the future, more closely match the science with what can happen on the water.

CHAIR MCKIERNAN: All set, Roy? Ben Dyar, followed by Matt Gates and then Jeff Renchen.

MR. BEN DYAR: Thank you for the presentation, Karyl. Specifically speaking to some of the retention limits and even some of the size limits. You know South Carolina certainly is interested in liberalization of some of those, specifically want to speak to blacktip, as that is one of the most pervasive species in our coastal waters.

We continue to hear, I'm assuming everyone as well, issues with depredation, and our recreational fishermen feeling like they don't have any tools in the toolbox, and I think this might help. But I would like some clarity essentially on the range. It seems up to 5 or no limit at all. How is that going to be determined moving forward, what those might be and what that might look like, as opposed to public comment and is that going to be based on public comment or what?

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MS. BREWSTER-GEISZ: As I said in draft Amendment 16, we're looking at maybe establishing recreational quotas. What we would be doing is looking at the three-year data. These changes would not have been on an in-season basis. We would establish them at the beginning of the year after looking at the average over the past three years.

It indicates that the quota has been reached. People have been catching 3 sharks. Maybe we would reduce that limit to 2 sharks, to allow for us, to make sure we are not exceeding the quota. If the quota isn't anywhere close to being reached, maybe we would increase the limit up all the way to 5, or maybe if it's really low and it's just nowhere even close, we could go for no limit at all. We would be looking at all those factors when making those decisions.

MR. DYAR: Thank you, and would that be done on an annual basis?

MS. BREWSTER-GEISZ: Yes, that would all be done annually.

CHAIR MCKIERNAN: All right, Matt Gates.

MR. MATTHEW GATES: Thanks for the presentation. A little bit of my question was just answered there. I just have one curiosity, an itch that needs scratching. The range in possession limits is for some sharks 1 to 3 or 1 to 4 or no limit. This is something about shark management I'm not getting. But why does it just not 1 to no limit? You couldn't do like 6 sharks? I have not seen possession limits described that way before.

MS. BREWSTER-GEISZ: Good point. We usually have had limits, particularly for sharks, because in the past we have had issues where the limits have been too large. I would just thank you for your comment.

MR. GATES: I guess I was kind of curious if there was up to 4 and then the next option is no limit. There was no 5. The other quick

comment while I have the mic is I'm glad to see a sandbar shark assessment planned.

CHAIR MCKIERNAN: Jeff Ranchen.

MR. JEFFREY RENCHEN: My question is that if the ultimate goal is to eventually go to some sort of recreational catch limit, recreational quota. You know I almost feel like we're getting the cart before the horse here. Like why not first establish those and then think about what regular season would need to fit that.

Because right now you said that you would be flexing the different retention limits or size limits to keep the quota. Well, there is no quota right now, so I almost feel like we're getting ahead of ourselves. Shouldn't we be setting up the ACL, like the catch limits first, before getting into the retention limits.

MS. BREWSTER-GEISZ: That was a good question too. When we went out for scoping with Amendment 16, that is what we were planning on doing all at once; setting up the quotas, setting up the retention limits. Here Amendment 16 is too big, so we are trying to pull certain things out that can move faster. We know from looking at the data that right now recreationally it is too restrictive, what we have. People need some relief, need the ability to go out and catch more sharks. It was a balancing act on our part, in order to try to find some way to provide the flexibility, provide the ability to land more sharks.

Commensurate with the amount of sharks that we're seeing that are out there with data that we have, with the acknowledgement that yes, we still need to establish those quotas, in order to know exactly what the limits should be. But it is easier to be able to adjust the flexible trip limits once we have a quota than it is to then set a quota that might be more limiting, and not have any changeability in the retention limits, if that makes sense.

MR. RENCHEN: Just a quick follow up. Yes, we definitely appreciate having more harvest

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opportunities in state waters for sharks. We definitely appreciate the intent here. I'm also curious about, do you feel like you have enough data, especially in the recreational side, to actually understand how close we are to a quota or what the effect would be to these changes. Because I know the data for sharks is especially limited when it comes to MRIP.

MS. BREWSTER-GEISZ: Yes, some of the MRIP sharks are really good and other MRIP is not. We can through on an LTS if we cannot rely on MRIP. But that is why we would be looking at the data on a three-year timeframe as opposed to just using one point in time.

It's not saying like the commercial quotas we look at the commercial landings as we are going along the year. But for the recreational we will be looking back in time to get that average, the three years as opposed to just using the most recent year.

CHAIR MCKIERNAN: Okay, we've had a handful of delegations speak on this matter. I am going to ask Toni to help lead a discussion as to whether or not we want to have those states and other states communicate through the Commission or individually to NOAA Fisheries. Help me out, Toni.

MS. KERNS: I guess that is a question to the Board. Do we want to send a collective letter? What I sort of heard some comments is, some folks are interested in being able to harvest more sharks in state waters. Some folks are not interested in small size limit changes. I think that is most of what I'm hearing.

CHAIR MCKIERNAN: Go ahead, Ben.

MR. DYAR: Question for Toni. How cumbersome, if it is an annual change that this flexibility has been proposed. How cumbersome is that for our process at the Board level?

MS. KERNS: I do need to dive into, the annual specifications I did just look them up, and it's just we do it through a Board motion every year. It has never specified recreational versus commercial before. I'm looking at Karyl to make sure I'm correct.

I need to make sure that that doesn't matter within the FMP. That is the only part that I am unclear on for what would happen, whether or not we would need to do an addendum to specify that piece. But right now, we can set annual specifications. That's how it's worded in the FMP, through a Board action.

CHAIR MCKIERNAN: Jeff.

MR. RANCHEN: I guess my comment is that it would feel more comfortable if the Coastal Sharks Board had the opportunity to actually meet and discuss this, because I don't think they even met to talk about this yet, and I think that would be valuable input.

MS. KERNS: It was very late in the game that we figured out that this Proposed Rule would actually go out. It was after we had set the meeting schedule, and so therefore we didn't have Coastal Sharks Board meet. This Board is almost identical to the Coastal Sharks Board, so that is why we felt like we could utilize this Board in order to get comments to Karyl.

But we also could make a request to NOAA to delay until the Coastal Sharks Board can meet in May. But I also am curious if folks' opinions would change later on or not, or comment that you would provide specific to the blacknose regs.

CHAIR MCKIERNAN: Jeff.

MR. RANCHEN: Yes, I think Florida is going to send a letter your way individually, but I would definitely support an extension to the commenting period.

CHAIR MCKIERNAN: Does that include a Coastal Sharks Board meeting in May?

MR. RANCHEN: Yes.

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MS. KERNS: Karyl, do you need an official letter from us for that extension, or does this request here at the meeting suffice?

MS. BREWSTER-GEISZ: It's always good to have an official letter.

CHAIR MCKIERNAN: All right, any other comments on this issue?

MS. KERNS: Is there opposition from this Board for sending that letter? Just want to make sure.

CHAIR MCKIERNAN: Seeing no opposition a letter will go. Thank you, Karyl.

MR. ERIC REID: Sorry, Mr. Chair. Yes, it is always nice to have an official letter. It would be nice if the industry would have an official letter explaining what is going on with smooth dogfish, *Mustelus Canis*, just so we will know how to react to something that we didn't know anything about.

MS. KERNS: I think, Eric, so for CITES that's my second piece of this. We did bring up CITES under the Spiny Dogfish Board meeting as an FYI for those of you that were not here, as Karyl said, CITES was listed under Appendix II or smooth dogfish were listed under CITES Appendix II, and is delayed until May of 2027. Michelle Turton is here from Fish and Wildlife in the back of the room, if anyone wants to speak to her.

What we are currently working, smooth hounds were listed because they are a lookalike species for tope, which were also listed in Appendix II, that is a Pacific shark. When the CITES proposal came out for smoothhound it was two different species not the Atlantic version of smoothhound.

Then when Fish and Wildlife Service released their comments a couple days before the meeting, they had noted that they were not opposed to the listing of all species, so that caught us off guard, not thinking that

smoothhounds would be even part of the Appendix II listing. They did get included. Obviously, we are working with our partners at NOAA and Fish and Wildlife Service to figure out.

Of the harvest on the Atlantic Coast, how much of that harvest is actually being exported? Because the impact will be to the industry that is exporting those sharks, so for those fishermen that are catching them and then the dealers that are exporting may have additional permitting requirements.

Fish and Wildlife Service has agreed to come and speak to us at the May meeting with more information on what would be required to achieve those permits and I am hoping by then to have a better sense of which states fisheries, smoothhound dogfish are being exported. Right now, no one has been able to answer that question for me, so I am working on it, the actual amount. I know that they are being exported, but I don't know how much of each state's landings are being exported.

CHAIR MCKIERNAN: Toni, I'm guessing that those exports might be happening by a secondary or tertiary dealer, and we only collect landings data from the primary buyer. I'm curious how we can track down the dealers who are actually involved in exporting.

MS. KERNS: I have reached out to a Maine dealer, a major dealer who does not export smoothhounds at all. But that dealer is going to try to talk to some other dealers to see what might be going on.

#### **CONSIDER HABITAT MANAGEMENT SERIES REPORT ON ATLANTIC STATES SHELL RECYCLING**

CHAIR MCKIERNAN: Let's move on to the next agenda item, which is the Habitat Management Series Report on Shell Recycling. Simen.

MR. SIMEN KAALSTAD: I guess today I am going to briefly summarize the Atlantic States Shell Recycling Report that we are requesting approval for. This comes from the Habitat Committee. Just a little bit

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of background on why shell recycling is becoming an increasingly important tool for coastal restoration.

As we all know, oyster reefs are one of the most valuable habitats in our estuaries. They improve water quality by filter feeding, they provide habitat for fish and invertebrates and help stabilize shorelines by producing wave energy. However, a lot of oyster populations along the Atlantic Coast have declined significantly due to overharvesting, pollution and habitat loss. In the restoration realm, one major challenge today is the shortage of natural shells needed for young oysters and larvae to settle and grow. For that reason, shell recycling programs help address this shortage by collecting shells that would otherwise go to landfills, and returning them to coastal waters where they can once again support oyster habitat.

An added benefit of these programs is that it reduces waste disposal cost for restaurants, and engages the community directly in restoration efforts. The process itself is pretty straightforward, but requires coordination and infrastructure. What this report kind of lays out is useful tips and tricks from curing and staging to storage and recruitment strategies, permitting.

Going through here, first shells are collected from restaurants or seafood markets. The shells are transported to designated curing locations where they will remain there for several months, so again material will break down and pathogens are neutralized. After curing shells are deployed in restoration projects like oyster reef enhancements or living shoreline projects.

While the concept is simple, the programs obviously need vehicles, containers, churn space and a lot of logistics planning. They also have to manage odor, contamination and storage challenges, all while keeping track of

volumes and donor participation. A lot of these programs along the east coast vary in size.

Some are volunteers within operations and then there are others that are statewide programs like in New Jersey, for example. But they all rely on partnerships among agencies, nonprofits and communities. One component of the shell recycling document focuses on curing. It is one of the most important steps in the process. Most programs rely on open air curing, allowing shells to dry in the sun for at least six months, sometimes longer in cooler climates.

Proper curing ensures shells are safe to reuse and reduces odor and pest issues. Shells are typically stored on gravel pad or pallets or concrete surfaces to dry efficiently and to make sure that the ground water is not contaminated, so good drainage, airflow are key to preventing odors and pest problems.

All of this is sort of laid out in the table form or various figures in the document. Programs with larger volumes can also use washing or sorting equipment to remove debris and finds, especially when shells are destined for hatcheries or aquaculture uses.

Of course, with all of this, maintaining good records of your shells, tracking where shells come from and where they are ultimately deployed is important for quality control and reporting purposes as well. As I mentioned, there is some guidelines in this document about permitting coordination.

Permitting is essential for program success, and it varies widely. For example, programs that only collect inshore shells typically face fewer regulatory hurdles. However, once the shells are placed back into the tidal waters for restoration, additional permits are usually required to ensure the protection of the water quality, navigation, and sensitive habitats. In the document there are a lot of links to either state agency sites or the Federal sites, and sort of pointing folks in the right direction of all the regulatory frameworks. Because regulatory frameworks differ so much among the

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states, the one sort of common piece of advice across all these programs is that early coordination with your state agencies or your restoration partners is imperative to avoid delays. You know building relationships with regulators early often results in smoother implementation and faster project approvals.

Again, there is some metrics that are included in this document that sort of, it's not meant to standardize the data collection on the program side. But it does sort of lay out what are the common metrics that these long earning and larger operations are collecting. Most programs they track operational metrics like total shell collected or the number of participating restaurants, contamination rates even, volunteer involvement and overall program costs.

In this report we also include information on outreach and recruitment strategies. On the restoration side success is of course measured through oyster recruitment, reef stability and improvements in habitat and shoreline protection. But one important note is that this report does not necessarily cover the restoration or the monitoring techniques as much.

It really focuses on the ins and outs of shell recycling alone, as far as transportation logistics, how we drop off points, partnerships with restaurants. But we do highlight how standardized monitoring approaches is important and allows comparisons across projects, and helps demonstrate the ecological return on investment.

Most programs have one thing in common in that looking forward, you know its pending shell recycling capacity ultimately will depend on strengthening partnerships and improving infrastructure, as well as increasing community participation. Shell recycling alone is not going to restore oyster populations everywhere, but it does remain one of the most practical and community supported tools available for

rebuilding habitat and improving coastal resilience.

This document that you have before you have been in the works for a bit and hopefully will be a useful tool to any small organizations that are looking into getting a shell recycling program started in their respective county. With that I am happy to take any questions.

CHAIR MCKIERNAN: Any questions for Simen? John Clark.

MR. CLARK: Are most of these recycling programs mostly collecting aquaculture oysters? It seemed like, I think most of the big shucking houses it is really hard to get shell from them for restoration efforts out, like in Delaware Bay, because it seems like all that shell is already spoken for really quickly.

MR. KAALSTAD: Yes, and that is a good question. It kind of varies from state to state. I know Delaware and New Jersey are sort of limited by competing entities that are interested in the shell, and where the recycled shell ultimately comes from is restaurants and community events, or like seafood festivals.

The next link in the chain up from that I'm not sure, is usually like a factor, so to speak. You know they will take shells wherever they can get them. But I could maybe try to track that down as well. Delaware, I believe, the Partnership for the Delaware Estuary has a fairly small operation and then there is the, I'm not sure if San Fernandina Bay has a data program as well. Yes, there is some information in there on those programs included. What I forgot to mention is that after all the tables are used for equipment and curing strategies and outreach strategies. The reason the document is so long is because we have sort of each state included as well, sort of the comprehensive summary of their shell recycling programs.

The only states that are mostly excluded from this report are Maine and Virginia. There is a short list of active programs in Virginia, but that is about it. Whereas all the other state articles in there you know features problems unique to their particular

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program or their state. Maryland has a tax incentive program that is fairly successful, but I think is being restructured. New York state I believe is considering a tax incentive program. All of that and more is in the report.

CHAIR MCKIERNAN: I know with the growth of oyster aquaculture, disposing of shell is a challenging opportunity in all of our states. We really appreciate the report. We would like to get a **motion to accept the report today**. I see Renee, motion and seconded by Joe Grist. **Any objections to accepting the report today? Seeing none; accepted unanimously.** Thank you very much, Simen, well done.

CHAIR MCKIERNAN: Any noncompliance findings, Toni or not?

MS. KERNS: No, Dan.

CHAIR MCKIERNAN: There was a gentleman who came to the Executive Committee meeting by the name of Jason Joyce, and he raised issues about his concerns about some of the funding and some of the mechanisms of ropeless fishing. He wanted the Commission to sort of have a longer conversation about it. Bob and I spoke to him after he spoke on the record.

I think what we'll do is we'll ask him to maybe put some of his concerns in writing and maybe we can put together a discussion item for the May Policy Board meeting. Is there any other business that comes before. Go ahead, Eric Reid.

MR. REID: I appreciate the fact that you acknowledged the public comment. I mean it is really important to the industry, and his conversation is really well founded in reality. Thanks for that. I am going to apologize to Roy Miller, but I have a request. Yesterday we had our Legislative and Governor's Appointees and Proxies luncheon and we had a pretty brisk discussion.

But for our spring meeting it would be great if there could be a summary of what we talked about yesterday. We're talking about some important action items for that meeting, and also some logistics regarding virtual participation. I think it would be important for the 41% of our appointed members that weren't present to know what happened, just so they can be prepared for that. If that would be possible that would be great. Roy, sorry about that.

CHAIR MCKIERNAN: Go ahead, Roy.

MR. MILLER: Thank you for bringing that up, Eric. I did work on a summary between yesterday and today, and I set a copy to Dennis and to Bob. I still need to finalize some of what I thought were conclusions that were reached yesterday. I would say it's still draft, but we can distribute that as soon as Bob and Dennis have reviewed it and we agree on the contents of what we decided yesterday.

MR. REID: I would appreciate that, but I think that the people, obviously there is no ability to attend virtually, at least now. I think that they should understand exactly what is going to happen at our spring meeting. I really appreciate it, Roy, and sorry for the burden.

CHAIR MCKIERNAN: Just to clarify, you will present a report in writing to me or the Executive Director, and that will be part of the materials for the May meeting.

MR. MILLER: I've already set a draft via e-mail to Bob and to Dennis. It just needs to be reviewed and perhaps revised.

CHAIR MCKIERNAN: Just to clarify for me, that report might get reviewed at the Executive Committee or at the Policy Board?

EXECUTIVE DIRECTOR BEAL: I don't know if Mr. Reid had a preference. Executive Committee has all the members of the commission that weren't in attendance at that lunch, but it may be better to do it before the whole group.

MR. REID: Just hold on. My intent, I mean you can review it anywhere you want, but because that luncheon occurs before/after, I forget the timing of it, but yes right, it varies exactly. The members of that particular group need to have that report regardless of whether or not anybody else reviews it.

I'm happy with the leadership, if Mr. Miller, Mr. Abbot and Bob and you are comfortable with it that is fine with me. But we have things coming up that are a little bit different than the way we've been doing business before, and I really think people should understand that so they are prepared.

CHAIR MCKIERNAN: What I'm hearing is you want to make sure that that gets into the hands of that committee. All right, thank you, Eric.  
Message received.

#### **ADJOURNMENT**

CHAIR MCKIERNAN: Any other business to come before this Board today? Seeing none; motion to adjourn. Unanimous, thank you, everyone.

(Whereupon the meeting adjourned at 12:25 p.m. on Thursday, February 5, 2026)

# Atlantic States Marine Fisheries Commission

## Declared Interest and Voting Privileges Work Group Report to the ISFMP Policy Board

April 20, 2026

### Work Group Membership

Nichola Meserve (MA), David Borden (RI), Micheal Luisi (MD)  
Joe Grist (VA), Chris Batsavage (NC), Ben Dyar (SC), and Erika Burgess (FL)

### Background

The Commission's Executive Committee has discussed a series of procedures and practices since last Spring. The discussions have focused on declared interests and voting privileges and were prompted by several circumstances. Most notable is the changing distribution and residency of many species managed by the Commission, which in turn has resulted in (and is anticipated to result in additional) interest by states to alter their participation on one or more species management boards. The Executive Committee formed a Work Group to develop possible solutions to concerns raised by committee members.

This report summarizes the Work Group's recommendations to address concerns raised by Executive Committee members on these issues.

For this document the term "State" means Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.

### Declared Interests

States have an opportunity to declare an interest in a fishery, which results in the ability to participate as a voting member of that fishery's management board (see Table 1. Declared Interests by Species). The ISFMP Policy Board (Policy Board) reviews declared interest requests to determine the membership of each board. The Commission's [Rules and Regulations](#) include the criteria used to determine interest in a species, as follows:

*A state shall be deemed to have an interest in a fishery if, according to the latest published statistics or available records of the National Marine Fisheries Service or equivalent state statistics, it meets any of the following criteria:*

*(a) Such fish are found customarily in its territorial waters;*

- (b) Such fish are customarily or periodically in the territorial waters of such state for the purpose of spawning or in transit to and from spawning grounds; or*
- (c) The citizens of the state are recorded as having taken 5 percent or more of the total Atlantic coast catch of the species of fish in any of the five preceding years.*

The Policy Board has generally accepted requests for declared interest if the requesting state provides basic evidence to support its request. Note that a state must only meet one of the criteria to have a declared interest in a fishery.

Concerns were raised that the criteria listed in the Rules and Regulations are not specific enough to help guide the Policy Board in evaluating a declared interest request. The Work Group recommends the Commission's Rules and Regulations be revised and the criteria to determine a declared interest be replaced with the following text:

*A state shall be deemed to have an interest in a fishery if it meets either of the following criteria:*

- (a) The species is found in the waters under the state's jurisdiction in at least two of the past five years, as documented with state or federal fishery-dependent or independent data or other credible evidence brought forth by the state (such as data from spawning migrations, peer-reviewed publications, eDNA, or other).*
- (b) The state's fishery participants are recorded as having taken at least 1% of the total Atlantic coast commercial or recreational landings of the species in at least three of the past five years, as documented by state or federal statistics.*

These recommended changes are meant to add specificity to the eligibility criteria, clarify valid data sources, correct for redundant and outdated language, and better reflect the species and fisheries under Commission management.

### **Review of Declared Interests**

The Policy Board currently does not review declared interests on a regular timeframe. When states seek to be added to a board, the Policy Board will review and consider these requests. However, the Policy Board does not re-evaluate board membership eligibility, unless requested by a state.

The Work Group discussed this issue and recommends initiating a regular and recurring review of declared interests. The Work Group developed the following recommended language to facilitate the declared interest review process:

*Reviews of declared interests will be conducted by the species plan review team as part of fishery management plan reviews. Reviews will occur at a minimum of every two years, but will always occur within a year after a benchmark stock assessment. The plan review team (PRT) will advise the species board, of any change in a member state's ability to meet the*

*criteria for declared interest. The species board will review the PRT advice and make a recommendation to the Policy Board regarding a state's eligibility. If a change to a state's eligibility for declared interest is approved by the Policy Board, it would issue correspondence to that state. This does not preclude any state from petitioning to be added to or taken off a board at any time, in which it should provide rationale and data for doing so.*

### **Voting by De Minimis States**

The Work Group considered the voting privileges for *de minimis* states. The recommendation is for all states with a declared interest in a fishery to be able to vote on issues at the board regardless of *de minimis* status. This is consistent with the current board voting practices. In coming to this recommendation, the Work Group discussed the various reasons a state may have for requesting *de minimis* status (such as available resources or lack thereof to complete all monitoring requirements) and the implications for removing voting privileges from *de minimis* states.

### **Voting Privileges**

Voting privileges have been a complex issue. The ISFMP Charter establishes that all states with a declared interest in a fishery are voting members of the board, eligible to participate in any and all board votes. The impetus, in part, for considering changes to voting practices is a range of philosophies regarding the role of Commissioners. While all recognize that Commissioners are selected by their states to represent their interests and consider the sustainability of the stocks managed under the Commission, there are differing views of the role of Commissioners on their responsibilities that extend beyond that. Some Commissioners believe their role is to participate in the management across the entire Atlantic Coast serving as a trustee for all populations of fish managed by the Commission. Other Commissioners consider their role to advocate and support their state fisheries, in concert with other states, but not as a coast-wide manager. While others straddle these philosophies, by striking a balance between advocating for their state interests while supporting coastwide sustainability.

These differing philosophies of the role of Commissioners pertain explicitly to voting. Some states have raised concern that other states weigh in on decisions that appear to have little or no effect on their state fisheries. Others have expressed the importance of all declared interest states voting to protect the stocks as a whole and to help cast votes that would otherwise be unpopular and controversial with the constituents of the affected state(s). What also adds to the different views, in part, is the proximity of states to one another, the concurrent isolation of some states from others geographically, regional identities (or the lack thereof), and the extent a state spans a few or multiple sub ecosystems, habitats, or species stock units. Due to these differences, voting rules were explored.

The Work Group developed a set of draft guidelines for states to consider when voting at species management boards. These guidelines would not apply to ISFMP Policy Board,

Commission (Business Session), Executive Committee federal agencies or fishery management councils votes. serving on species management boards. The intent of the guidelines would be to assist states in navigating voting scenarios while allowing for flexibility based on individual cases, as these would not be binding rules for voting privileges. Staff and board chairs would not provide guidance to states on whether to vote on a pending action based on these guidelines, given the complexities of doing so and the importance of maintaining each state's independence in making decisions as responsible members of the Commission.

**Why Guidelines only?**

The Work Group explored whether the guidelines below should be guidance or requirements. After much deliberation, the group concluded that guidelines would perform better at this time. However, the group recommends these guidelines be revisited after three years to determine if they are: 1) functioning as intended; 2) in need of revision for clarity; and 3) addressing the underlying concerns expressed. The Work Group determined guidelines were best because:

- Limiting voting in various ways might impinge on the general charter of the Commission and Commissioners’ responsibilities to be voting members.
- Voting restrictions might unduly constrain a state’s interests and participation in ways undesirable or difficult to predict.
- Determining state voting eligibility on a vote-by-vote basis would likely be controversial and contested—creating the need for a parliamentarian or an arbiter—and highly time-consuming.
- Voting requirements would require a much more detailed set of rules, which would take an extensive amount of time to develop, leading to a lack of resolution at this time. The group determined it would be better to craft and implement guidelines and review them within a reasonable period to see whether they are sufficient to address concerns. The group also noted that the recommended changes to the declared interest criteria and regular review process may diminish the debate over voting privileges.

**Detailed Guidance for Voting or Abstaining**

Note that a State has the right to vote or abstain as they see fit, regardless of these guidelines.

<b>Condition</b>	<b>Suggest to Vote or Consider Abstaining</b>
1. The pending action will directly affect the allocation, species abundance, or fishery in your state, be that biological or economic.	Consider Voting
2. The pending action will indirectly affect your state by impacting the achievement of an FMP goal or objective for a stock that occurs in your state’s waters.	Consider Voting

<p>3. The pending action will indirectly affect the allocation or species abundance in your state because you are at the edge of a discrete management unit (i.e., a mixing zone) or the discrete management unit is based more on social or jurisdictional elements rather than ecosystem and natural system considerations.</p>	<p>Consider Voting</p>
<p>4. The pending action will indirectly affect your state by shifting effort or demand to the species of interest within your state.</p>	<p>Consider Voting</p>
<p>5. The pending action does not directly or indirectly affect your fishery in any discernible way, be that biological or economic.</p>	<p>Consider Abstaining</p>
<p>6. The pending action will have minimal direct or indirect effects on your state, be that biological or economic.</p>	<p>Consider Abstaining</p>
<p>7. The pending action will have: a) minimal direct or indirect effects on your state and b) at least one or more states directly affected by a decision have requested discrete decision-making given the impact to them and the limited-to-no impact to others.</p>	<p>Consider Abstaining</p>

*Note: The Working Group did not reach consensus on considerations #6 and #7. Staff will present the differing Work Group perspectives.*

**Summary of Voting Recommendation**

The recommendation on whether to vote as a member of a management board is based on the presumed impact of the outcome of the vote on a state’s fishery. A state should consider abstaining from a vote if the pending action does not directly or indirectly affect its fisheries. If the pending action has only a minimal direct or indirect effect on a state, the state should also consider abstaining from a vote. Further, a state should consider abstaining from voting if the pending action has only a minimal direct or indirect effect on that state and the state or states directly affected by the vote have requested discrete decision-making.

**Recommendations to the ISFMP Policy Board**

The Working Group recommends the Commission’s Rules and Regulations be modified to reflect the recommended criteria for declared interest in the Report. The Work Group also recommends the Policy Board approve the voluntary voting Guidance.

**Table 1. Declared Interests; D = *De minimis*; C = *De minimis* for comm.; R = *De minimis* for rec.; S = *De minimis* for shad; RH = *De minimis* for river herring**

	ME	NH	MA	RI	CT	NY	NJ	PA	DE	MD	DC	PRFC	VA	NC	SC	GA	FL	NMFS	USFWS	Councils
<b>Managed Species</b>																				
American Eel	*	D	D	*	*	*	*	D	*	*	D	*	*	*	*	D	*	*	*	
American Lobster	*	*	*	*	*	*	*		D	D			D					*		
Atlantic Herring	*	*	*	*	*	*	*											*		NEFMC
Atlantic Menhaden	*	*	*	*	*	*	*	<b>D</b>	*	*		*	*	D	D	D	D	*	*	
Atlantic Striped Bass	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			*	*	
Atlantic Sturgeon	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Bluefish	D	*	*	*	*	*	*		*	*		*	*	*	D	D	*	*		
Coastal Sharks			D	*	*	*	*		*	*			*	*	*	*	*	*		
Horseshoe Crab			*	*	*	*	*		*	*		*	*	*	D	D	D	*	*	
Jonah Crab	*	*	*	*	*	*	*		D	D			D					*		NEFMC
Northern Shrimp	*	*	*																	
Shad & River Herring	S	S/RH	S	*	*	*	*	*	*	*	*	*	*	*	*	RH	S/RH	*	*	
Spiny Dogfish	*	*	*	*	*	D	*		D	*			*	*				*		
Tautog			*	*	*	*	*		D	D			*					*		
Weakfish			D	*	*	*	*		*	*		*	*	*	*	D	D	*		
Winter Flounder	*	*	*	*	*	*	C											*		
Summer Flounder, Scup and Black Sea Bass																				
Summer Flounder			*	*	*	*	*		D	*		*	*	*				*		
Scup			*	*	*	*	*		D	*			*	*				*		
Black Sea Bass		*	*	*	*	*	*		*	*		*	*	*				*		
Coastal Pelagics																				
Cobia				C/R		R	C/R		C/R	C/R		*	*	*	*	C	C/R	*		SAFMC
Spanish Mackerel				D		*	D		D	*		*	*	*	*	D	*	*		SAFMC
Sciaenids																				
Atlantic Croaker							C/R		*	*		*	*	*	C	C	*	*		
Black Drum							*		*	*		*	*	*	*	*	*	*		
Red Drum							D		D	*		*	*	*	*	*	*	*		
Spot							D		D	*		*	*	*	*	D	*	*		
Spotted Seatrout							D		D	*		*	*	*	*	*	*	*		
Total # of Species	12	13	18	20	18	19	25	5	23	23	4	17	23	20	15	15	15	23	7	