

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

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

May 2, 2024

Approved August 8, 2024

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from January 25, 2024** by Consent (Page 1).
3. **Move to approve the Revised Guidelines for Resource Managers on the Enforceability of Fishery Management Measures** (Page 25). Motion by Pat Keliher; second by John Clark. Motion passes by consent (Page 25).
4. **On behalf of the American Lobster Management Board move the Commission to send a letter to Canada DFO and relevant Canadian industry associations as identified by the board chair and the executive director. This letter would request Canada increase the minimum size for lobster on the same schedule as ASMFC or soon as possible as captured in Addendum XXVII** (Page 26). Motion by Pat Keliher. Motion approved by consent (Page 27).
5. **Move to send a letter to the US Ambassador in Canada encouraging Canada to implement rules and laws as quickly as possible to ensure the protection of the American eel resource** (Page 30). Motion by Pat Keliher; second by Cheri Patterson. Motion approved by consent (Page 30).
6. **Move to adjourn** by Consent (Page 30).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Cheri Patterson, NH (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Dennis Abbott, NH proxy for Sen. Watters (LA)	Loren Lustig, PA (GA)
Doug Grout, NH (GA)	John Clark, DE (AA)
Dan McKiernan, MA (AA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Lynn Fegley, MD (AA, Acting)
Eric Reid, RI, proxy for Sen. Sosnowski (RI)	Shanna Madsen VA, proxy for J. Green (AA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
William Hyatt, CT (GA)	Ben Dyar, SC, proxy for Blaik Keppler (AA)
Marty Gary, NY (AA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Doug Haymans, GA (AA)
Amy Karlnosky, NY, proxy for Sen. Gopal (LA)	Jeff Renchen, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Gary Jennings, FL (GA)
Jeff Kaelin, NJ (GA)	Ron Owens, PRFC
	Mike Ruccio, NOAA

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

Staff

Bob Beal	Chelsea Tuohy	Katie Drew
Toni Kerns	Caitlin Starks	Kristen Anstead
Tina Berger	Emily Franke	Jeff Kipp
Alexander Law	James Boyle	Pat Campfield
Madeline Musante	Tracey Bauer	Kurt Blanchard

Guests

Max Appelman, NOAA	James Fletcher, Unites	John Maniscalco, NYS DEC
Mike Armstrong, MA DMF	National Fisherman's Assn.	Tara McClintock, Cornell
Alan Bianchi, NC DMF	Anthony Friedrich, ASGA	University Cooperative
Tom Bleifuss, USCG	Sarah Gaichas, NOAA	Extension
Jason Boucher, NOAA	Alexa Galvan, VMRC	Kevin McMenamin, Annapolis
Robert Boyles	Keilin Gamboa-Salazar, SC DNR	Anglers Club
Jeffrey Brust, NJ DFW	Matthew Gates	Meredith Mendelson, ME DMR
Michael Celestino, NJ DFW	Pat Geer, VMRC	Alex Mercado, Cornell
Richard Cody, NOAA	Lewis Gillingham, VMRC	Cooperative Extension of
Brain Collins	Jamie Green, SC DNR	Suffolk County
Jennifer Couture, NEFMC	Melanie Griffin, MA DMF	Nichola Meserve, RI DEM
Jessica Daher, NJ DEP	Hannah Hart, MAFMC	Steve Meyers
Chris Dollar, Coastal Cons. Assn.	Jesse Hornstein, NYS DEC	Brandon Muffley, MAFMC
Mitchell Eigabaum	Todd Janeski, VCU	Ed Mullis, B&C Seafood Inc.
Julie Evans, East Hampton	Robert LaCava, MD DNR	Allison Murphy, NOAA
Town Fisheries Advisory Cmte.	Laura Lee, US FWS	Thomas Newman, North
	Tom Lilly, Menhaden Project	Carolina Fisheries Assn.

Guests (Continued)

Jay Odell, Monmouth
University Urban Coast
Institute
Anna Quintrell, NOAA
Jill Ramsey, VMRC
Sefatia Romeo Theken, MA
DFG
Daniel Salerno, NEFMC

Tara Scott, NMFS
McLean Seward, NC DEQ
Amanda Small, MD DNR
Somers Smott, VMRC
Renee St. Amand, CT DEEP
Kristen Thiebault, MA DMF
Chad Thomas, NC Marine &
Estuary Foundation

Mike Waine, ASA
Kelly Whitmore, MA DMF
Angel Willey, MD DNR
Travis Williams, NC DEQ
Chris Wright, NOAA
Daniel Zapf, NC DEQ
Renee Zobel, NH FGD

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, May 2, 2024, and was called to order at 10:00 a.m. by Chair Joe Cimino.

CALL TO ORDER

CHAIR JOE CIMINO: Good morning, everyone, my name is Joe Cimino; I'm the Administrative Commissioner for New Jersey, Chair of the ASMFC. I'm going to call to order the Interstate Fisheries Management Plan Program Policy Board, and begin the wrap up of our meeting this spring.

APPROVAL OF AGENDA

CHAIR CIMINO: We're going to go for Board Consent on Approval of the Agenda. Are there any changes or additions to the agenda? Seeing none.

APPROVAL OF PROCEEDINGS

CHAIR CIMINO: Also, Approval of the Proceedings from our January meeting. We have a motion from Pat to approve, second. We'll consider that approved by consent.

PUBLIC COMMENT

CHAIR CIMINO: Any Public Comment for items not on the agenda? It looks like we have one. It looks like we have two, so go ahead and we'll give two minutes. Sorry, please introduce yourself.

MR. MITCHELL FEIGENBAUM: Yes, my name is Mitchell Feigenbaum; I'm the Chairman of the Advisory Panel for American eel. I'm a former Commissioner in the role of the Proxy for the Pennsylvania Legislative Rep. I've been a member of the AP for approximately 18 years, and I've devoted my entire adult professional life for the last 25 years to the American eel business industry and regulatory management in both Canada and the U.S.

It's very difficult to restrain my comments to two minutes. I refrained from making public comments

during earlier meetings, as well as at the Executive Committee, and was hoping to engage in maybe ten minutes of discussion about a very vital matter, but I'll do my best and we'll see where it goes.

I shared these comments with the Law Enforcement Committee yesterday, and I also shared some thoughts in a little bit more elaborate form in some comments that were added to the supplementary materials to the American eel package that was sent out to all Board members. There is a serious problem in the Canadian glass eel fishery, it is spilling into the U.S., and it will only increase in coming years, unless the ASMFC plays its part in helping to address them.

Canada has become the hub for the illegal unregulated and unreported trafficking of baby eels. The situation is described in the Shiraishi and Kaifu report included in the meeting materials, which Commissioner Miller referred to yesterday. That report states that Hong Kong imported 150 tons of glass eels from the Americas in 2022, 100 tons from Haiti, 42 tons from Canada, 13 tons from the U.S. With certainty, I can assure the Commission that those numbers are grossly exaggerated. Still, they reflect a terrible reality. Criminal organizations involving glass eel smuggling are creating false records and engaging in fraudulent tactics to hide and mislabel a vast number of lookalike eel species, that Hong Kong and Chinese importers bring from all over the world.

False documents changed the apparent origin of illegal eels to make them appear legal. False practices enable criminals to increase the value of cheap eels from places like Indonesia, Africa and the Philippines, by recasting them as highly valued American eel. Organized criminals behind the problem include and are dominated by powerful Chinese interests, Haitian gangs, and native leaders in Canada that do not recognize that country's right to regulate their activities.

CHAIR CIMINO: Mitchell, if you will. I appreciate you being here, and representing the AP for eel. Personally, I just want to say that I agree that this is important. But having you rush through this is

probably not the best way to get this information to us, since you are an Advisor, I would encourage you to send information to staff.

MR. FEIGENBAUM: If I may respond, I have sent the information, and I would appeal to the Chairman and the Commission to indulge me for another two or three minutes at least, to frame the issue, and why I feel it is a matter of ISFMP Policy. While I don't expect the Commission to take up the substance of my requests, suggestions and current concerns today, I would like to get them out on the record, and I can certainly do so in another three minutes.

CHAIR CIMINO: Adam.

MR. ADAM NOWALSKY: I would kindly request, Mr. Chairman that you see what other participants of the public want to comment, and if they are limited or not, I would request that we defer time from the time that is already on the agenda to hear Mr. Feigenbaum out for a couple more minutes.

CHAIR CIMINO: Pat.

MR. PATRICK C. KELIHER: I was not going to speak about additional time, but I was going to ask for this to be added under Other Business, because I've been very engaged with Canada on this particular issue, and I have something to add to the Board, and potentially a request for a letter to do it.

CHAIR CIMINO: Mitch, we're going to make time because of that, and I apologize. I'm going to give you the option to let us take this up in Other Business, if that is all right with you.

MR. FEIGENBAUM: No apology is necessary. I appreciate the attention and the ability to speak at the appropriate time, and I would be happy to defer my comments until that section of the meeting.

CHAIR CIMINO: We'll do that, thank you. I believe we have two others.

MS. TONI KERNS: Jim Fletcher, and Jim, you just need to unmute yourself.

MR. JAMES FLETCHER: James Fletcher, United National Fishermen's Association. I have a question. With the sturgeon being managed the way they are, and the dogfish being managed the way they are, it looks like we're going to be landing smaller fish, and that is going to require the building of processing equipment. My question is, does ASMFC or anywhere in the system, other than Sea Grant, have funds available to develop equipment to handle small dogfish? Is there any money in ASMFC to develop equipment, any grants? Sea Grant is not an option.

MS. KERNS: Jim, there is not any funding for changes in processing by the Commission at this time. I think the Dogfish Board can ask for implications to the changes in the Dogfish Fishery, relative to the needed changes for protections to Atlantic sturgeon though, as a part of the draft Addendum document. Next on the list was Tom Lilly, if that is helpful.

CHAIR CIMINO: Go ahead, Tom, you have two minutes.

MR. TOM LILLY: Tom Lilly from Whitehaven, Maryland. Fishermen, Charter Captains and 22 conservation groups like Audabon, Sierra Club, Interfaith Partners of the Chesapeake, and the Lutheran Congregations, have joined together in a resolution, asking you to end the factory fishing in Virginia.

These groups represent the values of more than 500 thousand people across Chesapeake Bay. The poor condition of the Bay wildlife is damaging their quality of life and that of their children and my grandchildren. Are you going to take action now to consider what they want? Your charter requires a fish management plan to reflect the values of the interested groups.

There are two peer reviewed scientific articles concerning Virginia Ospreys that are dying off due to menhaden overharvesting. In the study area in Virginia, 150 of 167 nests failed completely. This means that all of the babies in 150 nests starved to death, most during the first week of life.

There is a saying in law and ethics; “Res Ipsa Loquitur, the thing speaks for itself.” It speaks for action now. Board members, isn’t that what you have here, right in front of you here? This Board can take action right now by asking on this problem right now, by asking the staff and relevant committees to meet with the sponsors of the resolution and other interested groups in the next month, to move forward with management options to solve this problem. Will you do that? Res Ipsa Loquitur.

CHAIR CIMINO: We have one other, go ahead, please introduce yourself.

MR. BRIAN COLLINS: My name is Brian Collins; I’m a concerned citizen from Alexandria, Virginia, and I just wanted to make a couple comments. I’m part of a Citizen Public Community dialogue, and I wanted to share with you the concern that ASMFC is losing credibility with the sportfishing community and the public, and here is why. It appears you are not acknowledging the Chesapeake Bay as a separate ecosystem from the ocean. You manage menhaden as a single stock. You don’t have any shared scientific data to support your Bay menhaden quotas. Your ocean and Bay quotas overlap. At the mouth of the Bay, you allow another 230 million pounds to be taken, in addition to 112. Those aren’t acknowledged, but we know the fish come in and out of the Bay, that is the problem. Your striped bass regulations do not acknowledge the fact that the Chesapeake Bay is a nursery for the majority of the east coast striped bass stock. Striped bass live in the Bay nine years before heading to the ocean when they’re 32 inches long.

That is a captive audience that we need to feed, and it doesn’t appear that that is incorporated in any of your science. All the blame is put on sport fishing. Osprey nest thing is failing in higher salinity areas, and nobody believes that historical catch of menhaden is a reasonable metric for validating a quota of 112 million pounds in the Bay. That is like a federal agency getting their funding every year to spend it all to validate it.

We have some members of your community that are saying we have data that documents how many menhaden we have in the Bay, and how many we need. But none of that data is shared with the public. It appears there is no common sense being used in your quota management, and all appearances are from the public, because of the things I’ve said. It appears that you are beholden to special interest, and I appreciate your time to offer public comment. Thank you.

CHAIR CIMINO: Thank you for your time, appreciate that. I know there has been considerable discussions and frustrations with menhaden management, and we are, I hope getting the message across that we are listening and doing our best to explain how our multispecies approach is working, and we will continue to do that. I’m going to move on. Next item is from me.

EXECUTIVE COMMITTEE REPORT

CHAIR CIMINO: The report on the Executive Committee; we’ve got two major items. One being the fiscal year budget, well I think both major items are something that we are just extremely fortunate as a Commission to have, incredible staff that have been running things very smoothly, and no surprise. In Laura’s sector, we went through the fiscal year ’25 budget.

I don’t know if there are any particular comments from Executive Committee members on the budget, but we’re in a situation where even with a couple of law suits that the Commission is either dealing with directly, or more tangentially, there is money available to deal with that, and other issues that have popped up.

We had a motion to accept the fiscal year budget from our AOC out to the Executive Committee, and that passed unanimously. We went through a legislative update with Alexander, and I think most of you are pretty familiar with where we are there. We went through the future annual meeting update.

I will just give you the preface, which is that we will be meeting in Annapolis this October, I believe. Yes, this October, and so that is pretty exciting, with folks from Mid-Atlantic Fishery Management Council are familiar with the location, it's a very nice spot. Lastly, we went through the Executive Director's performance review, and well, once again we left Bob off.

No, we're just extremely appreciative of Bob's leadership, his direction here when he needs to step in and get us untangled. It's just incredible performance of everyone on staff that we are somewhat attributing to Bob. I'll leave it at that. Next up is the 2024 State of the Ecosystem Report, sorry, go ahead, Pat.

MR. KELIHER: I'm sorry, Mr. Chairman, but within your chairman's report, one of the things we also considered were our priorities out of the legislative and appropriations priorities. Upon conversations yesterday, and then listening to the Spiny Dogfish conversation as it pertained to sturgeon. It highlighted the fact that to me, that we also missed an area within our priorities, which were species recovery grants under Section 6. It is not listed as one of our priorities.

Bill Hyatt, our Legislative Committee Chair sent out an e-mail to the Legislative Committee this morning saying we should revisit that. Since we're all here, I would urge that we add that as a priority. It has certainly been a priority for the state of Maine. It's been zeroed out, along with many other items within the President's budget, but it's going to be key for all of the states in the northeast and mid-Atlantic, as we continue to work on sturgeon related issues. I thought I would pass that along for consideration.

CHAIR CIMINO: Yes, that is great. Thank you, Pat. I'm going to open it up then to the Policy Board, any comments on what Pat, and I guess Bill have brought up. Any further thoughts on that? If not, is there any objection to adding that as a priority? I don't see any objections, thank you, Pat, and thank you, Bill, I appreciate that.

2024 STATE OF THE ECOSYSTEM REPORT

CHAIR CIMINO: The 2024 State of the Ecosystem Report is something that, well, the state of the ecosystem report is something that some Commission members may not be familiar with. But folks from the New England and Mid-Atlantic Fishery Management Councils are. It's something that plays into our important reviews for MSA actions for our risk policies, socioeconomic stuff in general, climate change stuff in general. I think especially in the climate scenario planning context, I would hope that Board members would take into account this just tremendous report that we get every year.

It has been added to over the years, it has been honed. Sarah will go through all the contributors and the amount of work that has gone into this. I'll just add that for a lot of us, it's one of the favorite presentations we get within a year, and Sarah is kind of our T. Swift, to be honest with you. I'm going to introduce Sarah Gaichas, and let her go through the State of the Ecosystem Report. Go ahead, Sarah, when you're ready.

DR. SARAH GAICHAS: I'll confirm that you can hear me and you can see my screen.

MS. KERNS: Hold on, Sarah. I made you the presenter on my computer, but it doesn't carry over to the main, we can hear you.

CHAIR CIMINO: Yes, we can hear you fine. Toni said, we have it on either the webinar, at least hers, but not yet in the room, Sarah, so give us a second.

MS. KERNS: We are good now.

DR. GAICHAS: Great, all right, well I will roll on. Well, first of all thank you very much for taking this report. What I'm going to give you is a very abbreviated version of what either the Mid-Atlantic or the New England Councils would get. But I welcome any questions or feedback that the Commission has on this report, and we would love to make it more useful to you as well, to the extent that we can. First, I'll acknowledge the other main

contributors here though. Caracappa is the editor of the New England Report.

I am the editor of the Mid-Atlantic Report, and then we have a long list of people who have been working on the data in the sections here. The contributors to the SOE are a slide with at least 80 names on it at the end of this, so I'll get to that soon. Please jump in if something goes wrong with audio, or I say something that doesn't make sense. I welcome that. Just on background on the State of the Ecosystem, or you'll see the acronym SOE.

The idea on this report, for those who aren't familiar, is to improve the ecosystem information and synthesis that we can get into the fishery management system. The idea here is we are showing ecosystem indicators that are linked to the management objectives, very general management objectives. This is contextual information.

The Councils do not take direct action based on this report, but it is intended to provide context for other actions. We've been producing the report since 2016, and evolving it with our management partners, and it is intended to be a fishery relevant subset of what might be a full ecosystem status report.

We don't try to cram everything into this, but just keep it focused on fishery management objectives. We have an open science emphasis. The data, the methods, everything is available to anyone who would like to use them. This report is used within the Mid-Atlantic Fishery Management Council's Ecosystem Process. There are several papers there that you can see.

It basically feeds into the Risk Assessment, and then the Risk Assessment feeds into conceptual modeling and management strategy evaluation at the Mid. Just to give you an idea of the structure of the reports, and some minor changes we've made for 2024. We began the report with summary pages, and that is mostly what I'm going to go over today, just to give you a brief overview.

There is a graphical summary, Page 1 is always a report card relative to management objectives, and the table on the right-hand side there are the objectives that we're looking at. These are broadscale management objectives pulled from national legislation, and guidance on implementing that legislation.

It's things like the definition of optimum yield for federal fisheries is maximizing benefits to the nation, in terms of food production and recreational opportunities. You'll see seafood production and recreation on there. Obviously, we're also trying to have economically viable fisheries, stable fisheries. We have social and cultural objectives and protected species objectives.

In order to have those things happen from the ecosystem, there are some supporting and regulating ecosystem services that are necessary, so we also look at things like biomass, productivity, trophic structure, and habitat as objectives. There is a list of the types of indicators that we report that are aligned with each of those objectives there. Page 1 of the Mid-Atlantic Report and Pages 1 and 2 of the New England Report are these report cards. The next page is summary bullets of risks to meeting management objectives, and then Page 3 is new for this year.

It's Page 4 in the New England Report, is a snapshot of 2023, some conditions that we noted and wanted to bring to managers, so that everyone would know about them, in as close to real time as possible. Then Section 2 of the report is going into detail on the performance relative to management objectives, and Section 3 is going into detail on the risks to meeting those objectives.

This year we have updated the climate and ecosystem risk section, in order to better align it with some of the types of decisions that you make. We also highlight risks that come from offshore wind development. I won't have time to go over those today, but it's not to say there would be no benefits from offshore wind development, but again, these reports are focused on fishery

management and what the risks might be from that use of the oceans.

That is the structure. We have some themes for synthesis, so we're trying very hard not to just make this a list of indicators. What we would like is to be able to integrate them and really synthesize what the main messages might be, in terms of management implications. There are three ways that we characterize ecosystem change.

The first is that there are multiple system drivers. There are social, biological, physical, and chemical factors that can drive what we see in marine ecosystems. There are a lot of different pathways. What we try to do, obviously we don't have all the answers, but what we try to do is disentangle some of those pathways, to the extent that we can when we see a change.

I'll show you an example of that. The changes in those drivers can lead to regime shifts, and this we define as a large, abrupt, and persistent change in the structure and function of the ecosystem. I'm currently in a workshop for the next two days, where we're hoping to get more clarity on what we mean by all of these words, and some scientific consensus.

Right now, the reports don't emphasize this too much. But in the future, we would really like to be able to tell you if we've seen one of these large and abrupt changes across many different things in the ecosystem. Regime shifts and changes in the drivers could result in ecosystem reorganization, as everything in the system is responding to new environments.

That is the picture you're seeing there on the bottom right-hand side. It's not to say that different regimes are better or worse, they are just different, and so we need to understand how they work, in order for management to be effective within that regime or reorganized ecosystem, if that happens. Like I said, right now we mostly emphasize multiple system drivers, but we're moving towards being able to understand whether there has been a regime shift or not, and whether that has resulted

in new organization for you to consider in management.

Brief words on the scale and figure. You've gotten both reports from Mid-Atlantic and New England. The Mid-Atlantic state of the ecosystem report covers generally indicators for the Mid-Atlantic Bight there in light blue in the map, and the New England report covers indicators for both the Gulf of Maine and Georges Bank in the darker blue colors on the map. But there are some indicators that are coastwide, and I'll show you a couple examples of those today. Everything in red here in these slides is a link to an online supplement, so there is a glossary of terms, technical methods, the data itself, and a catalogue going into detailed indicators.

They are all available online, and we welcome feedback on any of that information to make it more useful to you. So that you can understand the standardized figures to the report, this is kind of a key, and what we're using here is one of our indicators on changes in a long shelf distance and depth of all of the species together on the Northeast Fisheries Science Center Trawl Survey.

Our time series figures will have time on the X axis, obviously, and they'll have whatever the indicator is listed on the Y axis, and then the black dots are the observations, the lines can connect them, and if you see an orange line that means there is a significant increase in the indicator. If you see a purple line that means there is a significant decrease in the indicator.

The gray shading in the end is showing you the most recent ten years, just so you can orient to what the most recent years have been doing relative to the whole time series, and the dash line is the time series average. Just so you know, like now are we above or below the time series average. We only assess trends for 30 plus years right now, but that may change next year.

If you don't see a line, either the time series is less than 30 years, or there is no significant trend. That is a little orientation there. I'm just going to go through the results of all of the reports right now,

and then I'll walk you through a couple of examples. Obviously, we won't go through everything.

But for the Mid-Atlantic the performance relative to management objectives is listed on the first page, and you're not going to be able to read this, I'm just going to walk you through what it says. We do trend, status and implications on the first page. Both seafood production and profits are showing long term declining trends in the Mid-Atlantic, and both are below the long-term average right now.

Recreational opportunities are kind of a mixed bag, so effort is up and above long-term average, but effort diversity, in terms of number of different kind of sectors of the recreational fleet is actually declining significantly and below the long-term average. Our stability indicators are fairly mixed and mostly showing stability in both the fisheries and the ecological side.

We have social and cultural indicators that are not trend indicators, but just status. Those look at fishing engagement and reliance by fishing communities, and environmental justice vulnerability by community. The engagement and reliance characterize the fishing community, but the environmental justice vulnerability characterizes the entire municipality of that community.

That helps people understanding if the major fishing communities are facing challenges, in terms of just community structure that might be affected by, say climate change or regulatory change. Then for protected species objectives, we have two of them that we highlight, maintaining bycatch below thresholds. Those objectives are currently being met for harbor porpoise and gray seals, although the trends in bycatch are mixed between those two, and recovering endangered populations. The Mid-Atlantic and across all the systems, that is NARW is North Atlantic Right Whale, and as I think everyone knows that population has a declining trend right now and is still well below its recovery target. That is where we're at with protected species. Now I'll go through, we have the same page for New England, but we split them into two, because we emphasized

Georges Bank indicators and Gulf of Maine indicators separately.

What you see is slightly different story on Georges Bank. Seafood production is basically total production does not have a trend, but the species managed by New England Council are declining, and both are below the long-term average. Similarly, profits do not have a trend, but they are currently above the long-term average on Georges Bank.

Recreational opportunities are not showing trends, either in effort or effort diversity, and are just about around the long-term average for stability. This also is similar to the Mid-Atlantic in that the trends are kind of mixed, but commercial fisheries, stability as the diversity indicator is actually down on Georges Bank, whereas the recreational and ecological indicators are all kind of mixed in there with the long-term average indicating relative stability.

Same indicators but for New England, for social and cultural, and protected species have basically the same as in the Mid-Atlantic, except gray seal can be looked at here. That species is actually above the long-term average and increasing. Similarly in the Gulf of Maine, I've grayed out the ones that are identical between Gulf of Maine and Georges Bank.

But in Gulf of Maine, seafood production is again different, so long term declining trend and below the long-term average, more similar to the Mid, and profits are above the long-term average for total, but declining and below long-term average for New England managed species. The additional endangered species. here in the Gulf of Maine is salmon, and that is showing a downward trajectory and below long-term average.

When we start to look at risks to meeting fishery management objectives, that kind of combines those for both reports on this slide, and I'll go through one of these in detail for you. But right now, the way we've organized these is to talk about risks to spatial management, to seasonal management and to quota setting and rebuilding. What are those risks, that climate is posing to those? In summary, what we're seeing are

definitely shifts in fish and protected species distributions. I'll show you those.

We're also seeing change in spawning and migration timing, which might have implications for any regulations that are trying to align seasons with when fish are available, or when they are spawning or not spawning. Also, we are seeing multiple stocks with poor conditioning and declining in productivity.

For other ocean uses, we focus on offshore wind development, and what we list in the report is current revenue in the proposed lease areas. That could be up to 23 percent by Mid-Atlantic ports, and 34 percent by New England ports, and some of these ports do have environmental justice concerns that may make them have a harder time adjusting to change. For the species themselves it is up to 20 percent of revenue by Mid-Atlantic managed species and up to 54 percent by New England managed species. There are overlaps of offshore wind areas with important right whale foraging habitats, which potentially increases vessel strike and noise risks. In the Gulf of Maine there is an integrated ecosystem assessment in progress, that is looking at Gulf of Maine fisheries and offshore wind. That could be some information that would be useful to you all in the future.

This is our highlights of 2023. This is a new summary page this year, and we welcome feedback on this if you think this type of thing is useful. It's the first time we've done it. The notable events in 2023 include construction actually starting on some of these wind projects. In South Fork and Vinyard Wind 1 started construction.

There was a scallop die-off in the Elephant Trunk between 2022 and 2023. We were noting hypoxia and mortality events in New Jersey coastal waters over the summer in 2023. However, there was record low hypoxia in Chesapeake Bay. It shows that these conditions really can change spatially.

We had a summer phytoplankton bloom that was just off the scale in the Gulf of Maine, and the Gulf of Maine had the second ranked bottom

temperature heat wave that we've noted over the time series that we've got. There was warm water everywhere in the northwest Atlantic, except in spring on the northeast U.S. shelf.

Again, these conditions can really vary here locally. We're seeing a lot of changes in the Gulf Stream that alter the shelf break habitats that could be really important to some of the squid fisheries and other fisheries out on the edge. This was an El Nino year in 2023, it was the warmest year on record globally, and again is there because we do report quite often that we just had the warmest year on record globally. That is a trend that continues.

I'm just going to take the remaining time here and walk you through a couple of more in depth examples. The Councils would get the full report, but we'll spare you that today. I'm going to walk you through what the seafood production objective looks like, in terms of the indicators for both the Mid-Atlantic and New England.

The indicators we have for seafood production, which is again declining and below the long-term average, are commercial landings over on the left-hand side of the screen, and recreational harvest on the right-hand side. You can see those purple lines for significant decrease in trends for several of our indicators.

The question is, what is driving this? What we try to do in the report is go through and look at things like ecosystem and stock production, management actions, stock status, market conditions, environmental change, et cetera, to try to sort out what may be driving this. In the Mid-Atlantic the first thing we look at is stock status, and that is the plot on the left-hand side.

I think you can see most of the Mid-Atlantic stocks are in pretty good shape. They've got good status, there are a couple that are below the biomass limit. There is one below the biomass limit, a couple below the target, and one that is currently above the fishery management fishing mortality threshold. But in general, most of these stocks have decent status, so it suggests that stock status alone is

driving the landings in this region. We also look at total ABC or ACL, and the realized catch relative to the management target, and in the Mid-Atlantic this is fairly flat for the last decade or so. It suggests that it isn't big changes in allowable catch that are driving landings declines. Similarly, the catch within that target has been mostly within the target, so the red line in the plot below here on the lower right-hand side is where the median catch is across all the years.

There are a few things that go above the allowable catch, but for the most part things are below. It suggests that they don't really have binding limits most of them, and management is likely less to be playing a role in that landings decline so much. We can look at biomass in the ecosystem, and that too doesn't appear to drive the landings trend. What you're seeing here are spring and fall, the two columns on the left-hand side, with piscivores, benthivores, planktivores and benthos. Basically, your different trophic levels of biomass in the ecosystem from both the Northeast Fisheries Science Center Bottom Trawl Survey and the NEAMAP Survey in red.

None of these have declining trends, basically, a couple of them have increasing trends. That suggests it's not overall biomass in the system. What we look at here then is we break up those landings into those same trophic levels, and we can ask, well which portions of those might be driving it. We see two negative trends, one is planktivores in the Mid. This is actually the long-term fishery consolidation in the menhaden fishery that is driving this trend here.

Then for benthos in the Mid, we're seeing both in red. That is Mid-Atlantic managed benthos, that is surf clams and ocean quahogs, and then black it adds the New England managed ones, so that is scallops. Basically, the suggestion here is its markets for the surf clam and ocean quahogs, because they are not currently hitting their quotas.

Possibly availability of scallops that are driving this decline in landings for benthos in the Mid-Atlantic. The reports suggest continue monitoring for things

like climate risk, because benthos is really economically important, and also somewhat susceptible to things like ocean acidification and temperature, and to keep monitoring things like ecosystem, composition and production changes that are shown later in the report, as well as changes in fishing engagement, which can all effect landings.

For the story of New England, similar decline in commercial and recreational landings, but possibly different drivers in New England. We go through the same set of indicators, and in New England there are actually more stocks that have status that would require rebuilding. That does suggest that keeping landings low to allow rebuilding is one of the reasons that we see lower landings in New England.

A survey biomass though looks a lot like in the Mid-Atlantic, we don't see big declining trends here, so that suggests biomass is an unlikely driver for the landing's trends in New England, and we can break those up similarly to the Mid-Atlantic, and ask what's going on here? We do see declines in piscivores in both Georges Bank and the Gulf of Maine, and planktivores in the Gulf of Maine, benthivore's in Georges, so a lot of these do have to do with requirements to rebuild some of the individual stocks, which may actually constrain fisheries for other stocks, as well as market dynamics. There are probably other things affecting recreational landings though. For sharks it's fishery management, and possibly the survey methodology that we use for understanding recreational fishing.

The same recommendations to monitor changes in the ecosystem for landings drivers in New England. Slightly different story, maybe different drivers, but that is an example of how we try to look at multiple system drivers. I'll just briefly show you one of our risk sections for meeting fishery management objectives, that is fish distribution shifts and Cetacean distribution shifts, so these are risks to spatial management.

We are, as you know, seeing changes in distributions all across the ecosystem. These are

coastwide indicators are in both reports. We see this increase in a long shelf distance. That means basically everything is moving to the northeast, in terms of fish and invertebrates on the Northeast Fisheries Science Center Bottom Trawl Survey.

They are also moving into deeper water over time. For Cetaceans this one is broken up by seasons. You see a lot of these species are moving in the same direction, with some moving in a different direction by season. It's not always in the same direction, but there is a lot of movement going on out there with a lot of our managed populations.

Some of the drivers potentially of that, could be forage fish shifting. It could be changes in temperature and changing ocean habitat. Just briefly, some of the indicators on those, we're seeing eastward and northwards significant increases of forage fish in the fall, all across the shelf. We're seeing a long-term increase in sea surface temperature.

I think that is well known to everyone, but especially the last decade has been very warm. We're seeing a change in the Gulf Stream, where it is getting further north along the coast, and that will change the habitat available to these species, and potentially drive distribution shifts. Another important component of the habitat is the Mid-Atlantic cold pool.

We're seeing that cold pool gets both warmer over time and smaller over time. These changes in habitat temperature and forage will all probably drive some of these changes in distribution that we're seeing. The outcome here is we're suggesting that the distribution shifts are basically unlikely to flip back, they are likely to continue.

What we're hoping to have online soon is near term oceanographic forecasts, but we're going to have to also understand how some of the changes in ocean habitats are affecting these species. The good news is, I think, ASMFC as well as the Councils are involved in the East Coast Climate Scenario Planning, which I think will help coordinate some of the management here, and there are a lot of

projects going on with near-term predictions of distribution shifts.

Hope to bringing more information on this in the future. I'll just end with the 2023 highlights, because these may be of interest to folks on the Commission. We're seeing hypoxia, like I said, and ocean acidification off New Jersey in 2023, so the pink line over here in the middle plot is showing you where there were dissolved oxygen less than three milligrams per liter. That is kind of a big deal in the coastal ocean, doesn't happen very often. The red exes are showing where there were mortality events. But again, like I said, it was record-low hypoxia in Chesapeake Bay, so it is not like a blanket statement, how things are changing in the oceans here. The sea scallop recruitment that was detected to be strong in spring of '22 was basically gone in 2023, and we think this was a mortality event.

What we're showing over here on the right-hand side of the screen is the number of days in 2022 where bottom temperatures were at or above the scallop stress temperature, about 17 to 19 degrees C, and this box here is the Elephant Trunk Area, and the light green is showing you that those temperatures at the bottom, what was stressful for scallops, were experienced for over a month in 2022.

That is some suggestions that we are seeing enough changes in the habitat that could start to affect some of these important commercial and recreational species. The other thing, like I said, the Gulf Stream was actually inshore and had fewer rings in 2023, so this can affect things like the offshore *Illex* fishery, as well as any of the other fisheries along the shelf.

We did see warm waters get all the way up onto the shelf, which can be episodic events that could threaten some of these species, especially the ones that aren't mobile, like scallops. We don't know the implications to this yet, but it's something we'll be keeping an eye out for, for future reports.

Similarly, there was a huge phytoplankton bloom in the Gulf of Maine, as well as a bottom heat wave,

so you're seeing it in the plot, the red is how much higher it was than normal for the chlorophyll in the Gulf of Maine, it spread down into Georges Bank, a little bit into the Mid. You can see the green line is the chlorophyll for each of our regions, Georges Bank, Gulf of Maine and Mid-Atlantic, and you can see the Gulf of Maine this summer was off the charts here.

This was not a species that is typically eaten by a lot of things, so it's not clear that it's going to make its way into the food web. The jury is still out on what impacts this might have, but again, we'll keep an eye on this for everyone and report back next year. I want to thank everyone for your attention. I know that was kind of a whirlwind, but I just wanted to give you a taste of what the reports are like.

This is a list we hope that is complete, of the people who are contributing to this report, there are many. There are at least 20 institutions, at least 80 contributors here, and we have to thank them all, because this could not be done without them. I'll leave you with some references and also, these are links to the additional resources, for anyone who would like to follow up, and I welcome any questions or feedback. Thanks very much.

CHAIR CIMINO: Thank you, Sarah, that was fantastic, and as enjoyable as the longer presentations are for the Councils, I truly appreciate getting this out to the Commission, and you taking the time to help us do that. I think it is a tremendous tool. There are many elements of the report now, I think that are just stuff that states can have at their fingertips that they just couldn't do on their own. I encourage anyone who hasn't looked at these reports, to please do so. As Sarah said, she is ready for questions or she would appreciate feedback or comments. I'll look for hands. Jason McNamee.

DR. JASON McNAMEE: Doctor, great, just thank you very much, great presentation. Always really enjoy these, as Joe mentioned. I look forward to them. Another great, or I guess couple of reports here, good context. I wanted to in particular mention. I

think you guys are so thoughtful about the visualizations that you put into the report.

I appreciate that, I think they are great, they are super intuitive, and I always get good ideas from looking at the way you guys visualize the information. Just feedback, and you requested it during your presentation. I like the notable events or your kind of like headline parts of the report. It's great.

You know I think we all think of different things that happen locally, but it's nice to get that kind of, you know the headlines from the group of experts, like what you saw as being particularly important. I like that. I hope you keep that. Then the final comment I'll make is, there is a risk policy initiative going on at the New England Council right now, and the Commission has also been working on one for a couple of years.

I see these reports as being super critical to those, and so the one that we're looking at for the New England Council, which is still in development, it has a lot of similarities to what we're looking at, at the Commission as well. It has these kinds of categories in it that we'll need at some point, indicators to kind of put the information in there, to know if we're in a good spot or a bad spot, or what have you. I just wanted to flag that for you and your group.

I'm guessing at some point we're going to need to connect in with you all, to start to hone in on kind of a core set of these indices, in particular, I think some of them are intuitive for us. But the socioeconomic indicators, and so far, both of the risks policies have that type of information in them. That's just a flag for you. You know I would love to; we would love to I'm guessing, connect with you all to knock heads on that a little bit at some point.

I offer that, because I think I always really enjoy these reports. I think they provide awesome context, but I also always try and think about ways we can operationalize some of this stuff, and these risk policies I think, are a place that we can really operationalize directly some of this information.

Sorry, that was probably longer than you wanted, Mr. Chair, but I appreciate the time.

CHAIR CIMINO: Other hands? Loren, go ahead.

MR. LOREN W. LUSTIG: Thanks to our speaker for a fascinating report. Early on in the report, under the section relating to recreational opportunities, I took note of two terms, effort, and as a lifelong angler, I certainly understand effort. But the second term, effort diversity, I would like to have a little bit of clarity about that. For example, does that relate to the angler seeking different species, or focusing on different habitat areas, for example inshore or offshore, or even the amount of time spent on the water? A clarification would be helpful. Thank you.

DR. GAICHAS: Yes, absolutely, and sorry I could have shown those indicators, but I selected the landings one instead. The effort diversity is actually, it's broader than what you are describing. It is intended to get a picture like across a really big area. The effort diversity is more by just sector, so it is asking, basically, what proportion of the recreational effort is from shore-based angling from party charter or from headboats.

Yes, I think it's really just three sectors, and I apologize, because this is not my area of expertise. But the diversity is looking at the composition of the full recreational effort across those sectors. What we're seeing is decline, basically in the party/charter component of recreational fishing, and a shift more toward shore-based angling.

What that suggests in the report is that the overall number of recreational opportunities has been increasing, but the sort of different options to participate in the recreational fishery are changing, and possibly reduced because of this reduction in the party charter pool. I hope that helped.

CHAIR CIMINO: Yes, Loren is nodding his head. It does for me as well, and I know that I can only speak for what we've been requesting in the Mid-Atlantic, and part of that, Loren is, you know to understand opportunities and what is changing and

what we need to focus on. I believe I saw Lynn's hand. Go ahead, Lynn.

MS. LYNN FEGLEY: Thank you, Dr. Gaichas for this awesome presentation. I really appreciate you and your team and your ability, your really big thinking and in your ability to fill it into something like this. I have some questions or a question, sort of a little bit of feedback. About the Chesapeake Bay and I know that we're starting to get some information about the Bay to you through the Chesapeake Bay, the NOAA Chesapeake Bay Office.

But I wonder if there is a way to tackle places where the Bay is really linked to some of these ocean indicators that we were looking at. I was checking out a figure, 55 in particular, which shows the path of that bolstering in October, which is about the time when we'd have other baby Callinectes out there, the little blue crabs. We're suffering from low blue crab recruitment in the Chesapeake right now.

There are some of these real key Bay species, and obviously coastal species like striped bass, that are they are linked from the ocean conditions to big conditions. I don't know, I mean that is really hard stuff to get at. But I throw it out there, wondering if you guys can do that. With your big thinking that is just awesome, so thank you.

DR. GAICHAS: Thank you for the excellent suggestion. We do get really good stuff from the NOAA Chesapeake Bay office each year, as a contribution to the report. That's how we knew the hypoxia was lower than average this year. But I think that's a really excellent point, because I think right now, you know we've got all our data in the coastal ocean.

They've got all their data in the Bay, and we've been putting them in the same report, but have not been able to spend much effort into synthesizing connections. I really like that suggestion, and let me talk to the folks there who are contributing, and see if there is some way we can start to work on that. My guess is we won't have a great answer for you in next years report, but if we work towards it, I think we can start to get there. I think we would all really

like to see the estuarine coastal ocean connectivity a bit more. Thank you very much for that comment.

CHAIR CIMINO: Any other hands, comment. John Clark.

MR. JOHN CLARK: Thank you for the fascinating report, Dr. Gaichas. I was just curious about a couple of the trends you mentioned there. The ocean hypoxia, is that something that has periodically occurred over the years, or is it something that is increasing? Then with the Gulf Stream shift, is that something that seems to be a more permanent feature, or is that something that moves back and forth over time?

DR. GAICHAS: Yes, thank you for the questions. I'll do my best to answer them. I'm not a physical oceanographer, but my understanding is that the hypoxia that we observed in the coastal ocean is uncommon. You can get hypoxia in Bays and enclosed waters, because you know they are enclosed, and the water can kind of sit there and the oxygen is depleted if there are too many nutrients. But the coastal ocean is much more open.

It's unusual to see this type of thing happen in the ocean, and it's kind of a confluence of like temperature, and also the local oceanography may be trapping water where it would normally be kind of ventilated more. My understanding is this is rare, but we don't know if we're going to keep seeing it. Luckily, Rutgers has these different gliders out there measuring it in real time, so we are definitely going to keep an eye on that, and try to understand whether something has changed and we can expect to see this more.

In terms of the Gulf Stream, again I'm not a physical oceanographer, but people were really, I don't know how to put it into words. The oceanographers were very kind of excited about 2023, because of how different it was. The Gulf Stream was doing things that they hadn't really seen before, and so they are also trying to understand if this is a new pattern that we're locked into, or if it's just being variable.

My understanding is the Gulf Stream has gotten more variable over time, so it's got more of these meanders, and it can make more of these warm core rings, which is the plot you are seeing in the top right here. There was kind of a shift from having maybe 20 rings per year to having something more like 35 rings per year.

Right around 2000 that was noted, but then recently again this year, it kind of dropped back down into the 20 range. But the Gulf Stream was acting very differently. I think we still don't understand if this type of behavior from the Gulf Stream is to be expected more in the future, or if this was just a one-off thing in 2023.

But it is definitely something we're keeping an eye on, because the Gulf Stream is extremely influential, as you know, on what is going on in the coastal ocean here. We're seeing the oceanographers just keep using the word crazy for this, and I trust them, so I wish I had a better answer for you, but that is why we put this out there. We want to kind of keep an eye on it. Thanks.

CHAIR CIMINO: I'll just follow up, John, as far as monitoring off the coast of New Jersey, and the DEP, I'm proud to say, has been doing that for quite a few years. DEP and the Board of Public Utilities in New Jersey, have required through the offshore wind solicitations, money to go into research and monitoring. Not only will we be continuing the work that we've done with the gliders, but we're going to be adding to that in several areas. Any other hands?

Okay, Sarah, I'll take a minute, and I apologize if I should know this. You know at the Councils we ask a lot of these reports. But is there kind of like at the end of a peer review. Is there a research recommendation? Are there things that we have listed out as priorities that we also have wanted to look at, but we just don't have the data, and so there is something available to say, you know if the funding is ever available that we would kind of dive into that.

DR. GAICHAS: Yes, I think what we do is kind of gather comments from all of our management

partners, and we produce a list. I think I sent you all that, it's called the request memo. Currently it has the requests from the Mid-Atlantic and New England Councils. If ASMFC would like to add to that, like obviously we can't get to all of it right now, and we are trying to prioritize that.

We've worked through that with the Mid-Atlantic Council, and this year we would really like to work through it with both Councils, but there are probably common things that are useful to all the managers in there. I would love to have the Commission as part of that as well. I think you can send us written comments, you can just send us an e-mail.

Yes, we keep that list so that we know what the highest priorities are, so that we don't just always do the easy thing, and we're actually working towards doing the harder things that take a little bit of time. We do use that when we can get extra money or extra funding to put somebody on specific indicators or projects. Is that what you were getting at? We would be happy to have more comments from the Commission.

CHAIR CIMINO: Yes, thanks. No, I guess what I'm getting at is I should have known. Toni also has a comment, so I'll let her go.

MS. KERNS: Thanks so much, Sarah, for presenting. I really enjoy these reports, and it usually takes me a couple times to absorb it all. Sarah presented this report to the Core Team, which is the team that works on the East Coast Climate Change Scenario Planning Group, and the five management bodies will set priorities each year for all of the Councils, the Commission and NOAA, to think about what of the draft action plan items that we want to tackle.

We use this report as one of our items to try to figure out what is needed to be updated or changed in that draft Action Plan. One of the things that we talked about is trying to help get additional funding for Sarah's group, so that they could include more state water bodies. We are lucky that we got the Chesapeake Bay information, because of that NOAA Chesapeake Bay Office, and provide it to them.

From what I understand from Sarah, it's not that they don't want to include that data, but they just don't have the staff resources to bring that additional data in, and then synthesize that you got it into these reports. That is one of the priorities that the Core Team did put in there, to have those additional resources, so that these reports can have some additional information for the states to help us better understand how our state water bodies interact with these ecosystems.

CHAIR CIMINO: Any other hands on this? I'm not seeing any, you said there is one online? Okay, I'm going to turn to the public then, we have one online. Mr. Fletcher, go ahead.

MR. FLETCHER: James Fletcher, United National Fishermen's Association. I have a question. If I made the same presentation and laid it all to nano and microplastics and plastics, none of the other things that you mentioned, just nano plastics, micro plastics and plastics and manmade other chemicals.

Couldn't I make the same presentation and lay it all to the introduction of plastics, and the plastics in the Chesapeake Bay, and the plastics on the bottom where the scallops are? Isn't this program totally missing the effects of plastics; micro, nano and even smaller? My question is, why did nothing in this report mention plastics? Thank you for your time.

DR. GAICHAS: Thank you. I appreciate that, and I agree. We don't have a lot of information on that, and I think it is sort of a missing piece for us is pollution in the offshore environment. I think if we could get the additional resources, I think that is something that we could look into, for the scallop die off in particular.

I know that the Research Track Working Group is looking at multiple things, not just temperature. They are looking at things like disease, and so I think contaminants are not off the table there at all. I just don't know what information they might have. But I would say that we're not ignoring it, we just don't have great data on it.

CHAIR CIMINO: We don't have any other hands online, but I will ask if there are any members of the public in the room that have any feedback for Dr. Gaichas. Not seeing any, Sarah, I think you're off the hook. Once again, really appreciate you taking the time to do this, presenting this to the Commission. I hope that our Board members will continue to use this as a tool.

DR. GAICHAS: Great, thank you, I'll stop sharing now and hopefully I won't break anything.

MS. KERNS: Thanks, Sarah.

CHAIR CIMINO: Commission members should be familiar with the industry-based survey discussions that have come up recently, and the importance of them.

**NORTHEAST TRAWL ADVISORY PANEL PROGRESS
REPORT FOR INDUSTRY- BASE SURVEY PILOT
PROGRAM**

CHAIR CIMINO: Our next presentation, next agenda item is the Northeast Trawl Advisory Program Progress Report on the Industry-Base, they like to call it IBS for some odd reason, Survey by that program. I like to call it moderate to severe industry-base survey program, sorry Dan.

MR. DANIEL J. SALERNO: That's quite all right. Yes, I've heard that joke a number of times already, so definitely understand where you're going on that one. For those that don't know me; my name is Dan Salerno. I'm a New England Fishery Management Council member from New Hampshire. I'm also the Northeast Trawl Advisory Panel Co-Chair for the New England Management Council. I also wanted to make sure you understand that this report that I'm presenting to you guys has already been presenting to the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council. This report has been put together by not only myself, but also the Co-Chair from the Mid-Atlantic, which is Wes Townsend, who is also the Chair of the Council, and also Dr. Kathryn Ford, who is our Northeast Fisheries Science Center lead.

Although she's not mentioned on here, we couldn't have put this presentation without our Mid-Atlantic staffer, Hannah Hart. I'll just jump right into it. Just to kind of give a sense of where we're at, the industry-based survey, is actually part of a larger contingency plan. We have put together the Bigelow Contingency Plan.

This was put together, because we've known in the recent past that the Bigelow in itself, the performance has been not as good as they should be, and even when you take out the consideration of the COVID years, you know survey performance and tow completion has been a little suspect in the past couple years.

There was a request to develop a contingency plan, basically when the Bigelow is not available on short notice. This doesn't take into account when the Bigelow is going to be going off the line for its midlife repair in a couple years. We already know that if that is the case that the Pisces, which is a sister ship, will be taking over.

But this larger Bigelow contingency plan is when the vessel just can't get out of the shipyard on a timely basis. Just to kind of give a where we're at with some of those other pieces of the pie. Obviously, the Bigelow contingency plan has, our number one idea is looking at the Pisces. You know as the sister ship, their readiness plan has been drafted, and is being refined through the National Marine Fisheries Service and the Office of Marine and Aviation Operations.

The Pisces is primarily the Southeast Fisheries Science Center's vessel survey vessel, and it will become the primary backup for the Bigelow, in case there are issues with the Bigelow. Obviously, there are some concerns here, when we're looking at, well when do you trigger that the Bigelow is not going to be available? How do we get the Pisces here?

Is the Pisces ready? Is there funding? Is a specific plan in place to have the Pisces kind of sitting and waiting? There are also concerns with this from the NTAP, particularly from the industry members is

that the Agency feels that getting the vessel from Mississippi to New England shouldn't be a problem, you know we could probably get it here in a week's time.

Where some of us more feel that this is probably more of a two-to-three-week time period of getting that vessel up in here into the New England region, and actually conducting the survey tows as needed. Another option in the contingency plan is, you know looking at the Northeast Fishery Science Center, is having another vessel calibrated to the Bigelow.

This proposal actually is on the table. It is in the hands of the Science Center's Director, Dr. Jon Hare, and is being discussed at Headquarters. There is kind of an optimistic timeframe that this will only take about a year to a year and a half to acquire a vessel. This is actually a real-world concern, because as some of you know, that this is where the Gloria Michelle comes in, it is the vessel that conducts the, well it used to conduct the Shrimp Survey, it also is the Massachusetts State Survey. This vessel is actually, it's ending its end of life, so there is this concern that there will be a new vessel coming online to fill in where the Gloria Michelle used to.

Part 3 of the plan is looking for an industry vessel that is calibrated to the Bigelow. While there is no progress on that, but there are some commercial vessels in probably the New Jersey, Mid-Atlantic region that may be able to fit this bill. But like I said, we haven't really made any movement on that as the contingency plan has been moving forward.

What we're really here for is an update of the IBS Survey, the Industry-Based Survey. This is going to be a separate survey that is not calibrated to the Bigelow, so in essence the theory is that this would be a whole new time series moving forward.

Just to give an idea of how we got here. As we all know that in September between the Commission and the two Councils have requested from the Science Center a white paper on what it would take to do, outlining what an industry-based survey would look like, and that was presented to all of us in the January/February time period.

There was a follow-on request from the Science Center to further develop, put some more meat on the bones of actually developing a pilot survey, because the feeling was, yes, we have a white paper, but we wanted to take it to the next step to make sure that this is something we wanted to move forward on.

There seems to be a lot of momentum behind everyone that between the Commission and the Council and the industry, did the Science Center really feel that this was probably something we do want to move forward with. Where we're at right now is, there has been some movement of how we're putting together of what a pilot would look like.

We did have some early discussions at the full NTAP Panel meeting in early February in Virginia. But we also had a more dedicated working group to really answer, start drilling down, what are some of the things that we would really like to see in an industry-based survey, and what can we look at in a pilot survey?

One of the main objectives that we kind of felt was important is, this industry-based survey should be able to work in wind farms. Obviously, we all know that wind energy areas are popping up, theoretically up and down the coast. We're really looking at, can this industry-based survey, through the pilot. Can we determine, can we do this survey work within wind energy farms.

We feel that this is a possibility or probability, because as we know some of these areas that are already up and running, being developed in the southern New England region, do have vessel-specific monitoring, industry monitoring vessels in there. But keep in mind that those have different objectives, as opposed to what our industry-based pilot survey would be doing. Our focus is on looking at what we would need for stock assessment needs, you know so looking at indexes of abundance. Our plan was to use the same strata as what the Northeast Fisheries Science Center does for the Bigelow. Currently the stratification for the Bigelow is under review, and vetted changes come out of

that, that would be applied to what we would do in this industry-based survey under the pilot. We feel that the focus of the industry-based survey, as we mentioned is for stock assessment needs.

This is not a full-blown ecosystem type of survey. We would be looking to truncate our depth strata to probably the 130 to 150 fathom max range, instead of going out to the 200 plus. It would really be an analysis of what is the bang for the buck? Where are we getting what we need for stock assessments, and kind of cutting it off, you know where we start losing that dataset that really doesn't add to the stock assessment needs.

Our survey focus, we are looking at multiple ages, it's not going to be just one specific area, so we are interested in looking in the Gulf of Maine area, the Georges Bank, the Southern New England and the Mid-Atlantic. Under the pilot survey we're looking to see what we can do between a five-to-ten-day window in each area, but not necessarily at the same time.

The reason why we're looking at maybe doing it in different timeframes, because this is probably even under a pilot, this is kind of a resource intensive, between equipment, humans, vessels. We're kind of looking to how we can do this on a cost savings approach as well. There has been discussion of what type of vessels, how much survey, is it going to be daytime, 24 hours?

What we've settled on is looking at similar size paired vessels operating on a 12 hour per day basis over the 24 hours. To answer the question of, well day tows versus night tows. We figured we would split it up more along the noon to midnight, and the midnight to noon. For full effect those would be both surveying, the pairs would be surveying both nighttime and the daytime, to hopefully get away from some of the concerns of the bias of the day and night fishing.

The survey gear approach, we agreed on that we're going to use the same trawl gear that is used on the Bigelow, that is the 400 by 12 four seam net. But we're not going to use the same doors that are on the Bigelow. How we plan to approach the door

question is using the Rhule rope or the restrictor rope that has gone through some study recently on the Darana R.

Basically, we're going to use that. It's a rope that is using to connect the two doors to kind of standardize the spread over multiple depths, and it also helps to standardize the gear across multiple platforms as well. It kind of gets to, well we know the gear should be doing the same thing regardless of who is towing it and where they are towing it.

One of the other things that we discuss is that we don't feel an otter trawl system is necessary. The otter trawl system, for those that don't know. This is what is used on the Bigelow to constantly ping and bringing in and putting out wire, to make sure that it's based on tension, to theoretically keep the gear in line.

But we feel that this is probably overkill, and this is also something that would potentially add to the cost of our pilot, and overall if we did move forward with an IBS Survey. What we're looking to collect. Under this pilot program we're trying to see what we can collect; how much we can collect. This not only includes the biological data, but we're going to be collecting net mensuration gear. All the electronics that are on the vessels, you know also looking at CTD tasks, plankton and the acoustic data. We're trying to get an understanding of what we're going to collect. But one of the things that we're also looking at is trying to use what is available, so what is on the vessels currently. You know if we would use their net mensuration gear, or whatever electronics they have on the vessel.

Some of the other objectives we're looking to under the pilot right now is we want to meet with other scientific survey crews in the region. Obviously, specifically we're referring to the VIMS NEAMAP Survey folks, the Science Center folks, also the Maine/New Hampshire Trawl folks, also the Massachusetts, to get an understanding of the sampling stations that are needed.

Obviously, we would want to have some kind of portable system that could move from vessel to

vessel, and these things have already been developed across other platforms, so what does it take? Where could we save some time and energy and money in looking at what has already been created?

We're also looking to develop some workshops with those interested vessel captains/owners that would be interested in participating in the pilot survey, just to give them an understanding of what the expectations are, what would they be doing for us, and what we could be doing for them, to help them get this moving forward.

Those are the things that we've worked through already, and I think we have a good handle on. If we move to the next slide, this is where we're still lacking on what we need to kind of work through. These are the elements that we still need to kind of think about, and I think we'll probably be looking at this over the next couple months, between now and probably summertime, when NTAP has another full membership member leading.

One of the key questions is, who is going to manage the pilot, you know as we develop it and go through an implementation process? Will this be directly with the Science Center? Will there be a third party that is going to be brought onboard to do the pilot? This is also kind of thinking not only just the pilot itself, but if we moved into a larger scale, you know there are resources that we need. Even if it's a third-party entity, we need to include that.

There still will be resources needed from the Science Center. We need to get a better handle on the management of the project. As I mentioned, these work sampling stations, we need to get an understanding of what is required for space, and also the electrical requirements. Keep in mind we're doing data collection.

Electronic data collection nowadays, you're talking about computers, not only on deck, for the link for the input of the tablets and what have you, but we're also having servers onboard on the vessel as well, so there are obviously some additional

electrical requirements that go beyond what a normal commercial operation would need.

There is also the data management implication. You know we're going to be collecting a whole host of data. We'll be using multiple net mensuration gear, also multiple electronic type equipment. Will we be collecting that in the same format, same frequency? There is that question. Will we be able to kind of collate all that data across multiple platforms? Also, we're looking at what we need to kind of think through is, what is the biological sampling and how much data we're going to collect. We're looking at the industry-based survey, hopefully we'll understand what is the volume, and who is going to process all this stuff? Who is also going to do the data analysis?

Those are some of the questions that we're still thinking about data wise. There are certain parts of the survey, the pilot survey, that would probably be more of on the water type review and refinement, specifically talking the scope of the water. How far behind the boat is the gear going to be depending on depth?

Also, the tow speed and tow duration. You know that when the Northeast Fisheries Science Center went from the Albatross to the Bigelow, again some changes in those components. It's kind of understanding of where we would like to see this industry-based survey looking at a time duration component, to get an understanding of, are we collecting enough without going overboard.

Obviously, the cost is a big deal. We've had some back of the calculation calculations of what we feel that this will cost, and a rather conservative estimate, we came up with is 1 to 2 million. I know there have been some people looking around that are actually probably looking for more in the range of 3 million dollars, just to get this pilot survey up.

I think it's a good estimate, because we want to have a good robust pilot to inform, if we went further on in industry-based survey. Also, some of the other discussion points that we need to work through is the statistical design of what this

industry-based survey would look like under the pilot. You know, do we want to capture some of those shallower depth ranges that were lost when the Bigelow came on?

The timing of the survey, obviously the highlight here is because, you know we talk about wind energy areas as one of the big elephants in the room when we talk about loss of survey strata. But other, as we saw in the last presentation. You know we're seeing climate change effects. Do we want to focus this survey to kind of focus on, do we want to address how climate change has affected the catches in our current surveys?

Do we want to look at maybe doing a survey at a different time period versus what is being conducted by the Northeast Fisheries Science Center? Also, we're thinking about, do we want to overlap with some of the other NEAMAP surveys? How far inshore do we want to cover into some of those state water strata? We also need to think about the design in itself when we're talking about the adaptability for the future loss of survey areas. Obviously, it is a Southern New England, Mid-Atlantic region.

What we're seeing now is a lot of these fixed-station wind energy areas. There is potential for these offshore aquaculture operations that we're going to lose, that we may or may not be to tow in and around. But keep in mind in the Gulf of Maine, and even in the Southern New England/Mid-Atlantic regions, some of these further offshore areas, we're going to have floating ones, which is a whole different concern of how mobile gear type surveys will be able to operate in that. That is basically a lot, those are the things that we're still trying to work through. I think we have some good ideas. We have a very good panel. Hopefully we can get through that. We've gotten some really good feedback from the New England Council, the Mid-Atlantic Council, of how we can kind of proceed. But that is where we are right now. That is all I've got for you guys, open to any questions, concerns, comments and I'll definitely bring it back to the larger group as we move forward on the IBS Survey. Thank you.

CHAIR CIMINO: Thank you, Dan. I'll look around the room. I don't think it could be stressed enough how important it is to get this going. We appreciate the progress report, but there is still quite a bit left unanswered. I'm going to go to Pat Keliher first.

MR. KELIHER: Dan, thanks for that report, it was excellent, and a lot of really good background. One of your last slides you gave a cost for the industry-based survey for this pilot of 1 to 2 million dollars. ASMFC has highlighted within our appropriations priority the need for 3 million. I'm wondering what the disconnect there. Is it because we have potentially data analysis and processing built into our numbers that is not in that number? I just want to make sure that the numbers that we're using line up with what the need is as we're talking to Congress.

MR. SALERNO: I appreciate the question, Pat. I think you've hit on it pretty well; you know. I think when we were looking at the 1 to 2 million, we were thinking of hardware, software, you know the physical. But as you mentioned, we didn't think beyond of who is going to do this data? Who is going to do the management? Who is going to do the processing? I think you are in the ballpark there of closer to the 3 million, when you consider the overall, every component of the project.

CHAIR CIMINO: Other questions or comments?
John Clark.

MR. CLARK: Yes, I'm just curious, Dan. Do you have any idea how many industry vessels would A. be eligible to do this work that are the right size and all that, and B. would have interest in doing this?

MR SALERNO: I can answer A, a lot easier than I can the B. We're trying to design the survey around being cost conscious, but also making sure we can have a larger pool than participants. Some of the things we thought about not having an otter trawl. I mean there are very few vessels in our region that have that, so by not having that, that opens up the pool of candidates.

By not going out to the 200-fathom depth, that also opens up a larger pool of candidates that could

participate in this. We're probably thinking vessels in the 70-to-90-foot range, which as you know that is a pretty fair number of vessels in that range. Anything larger, you know if you were talking about the 24-hour sampling.

This kind of gets to our Part 3 of the Bigelow contingency plan. When you're trying to replace the Bigelow with something that could do what the Bigelow does, you're really shrinking that pool down. We're trying to make sure that we're having a program, a project that is getting what we need but that could be open to more people. I would turn to Chairman Reid, who has his ear to the ground more with the industry of who would be interested. But I would think that there would be definitely folks interested in participating in this, because as we know, we always hear that the industry is like, we want to help you with your survey methods, where can we get online and work through with this problem with you. I think there will be interest. We just don't know who the candidates are yet that would be interested.

CHAIR CIMINO: Thanks, Dan, for that answer. I believe Chairman Reid had his hand up, so Erick, if you want to go ahead.

MR. ERIC REID: Thanks for the question, Mr. Clark. You know we are not replacing the Bigelow with an industry vessel, because of what Dan said. There are maybe one or two vessels that are capable of that. But in order to do it with industry vessels and accomplish the tasks. You know one of the reasons we went to the 12-hour day, noon to midnight, midnight to noon, was crew size. The horse power and the tow capabilities of a lot of boats are reasonably the same.

But when you're talking about a science crew of 15, 17, something like that people for a 24-hour day operation, nobody can carry that many people, or very few boats can carry that many people. That is why we went to the two-boat system, where you have room for the crew, you know four guys or five guys, and a room for a science group through four or five guys as well. That brings a lot more vessels

into the pool of possible candidates. The other thing is, the use of the Rhule rope.

That stabilizes the gear regardless of the vessel effect, or reasonably without the vessel effect. You're only towing one mile at 3 knots, so the horsepower capability of those boats can cover a very, very wide range. There are a lot of reasons for the way we did things, mostly to get the data we need. But to get the industry one, to participate, and two, to buy-in, which they're all buying in already. I think we'll have plenty of willing participants.

CHAIR CIMINO: Thank you, Eric, any other questions or comment? Go ahead, Kris.

MR. KRIS KUHN: Yes, Dan, more of a clarification question. You said the intention, I guess the stated intention was that the continuation for the IBS would be essentially starting a new survey, so a continuation of the datasets. I'm thinking of the way we use stuff for stock assessments, and use the historical data going back in the Albatross/Bigelow combined, that we wouldn't really be able to get the continuation in the datasets for a lot of species that we currently use with the groundfish survey.

MR. SALERNO: Yes, because this is a new dataset, I mean and that is the approach that we're taking. This will be a new dataset, so using indexes of abundances, obviously we would take, you need a number of years before we could start using that. But I think there are other data components. You know some of the environmental data collection, or even some of the biological weight at age or maturity. That type of information could start feeding into the stock assessment sooner. But yes, anytime a new survey starts, we understand that it is going to take a while before at least the index of abundance type information can be used in a stock assessment process.

CHAIR CIMINO: All right, Dan, thanks again. We don't see any hands here, so I think that is going to wrap it for now, and we will appreciate continued updates on this.

MR. SALERNO: Okay, thank you.

CONSIDER REVISED GUIDELINES FOR RESOURCE MANAGERS ON THE ENFORCEABILITY OF FISHERY MANAGEMENT MEASURES

CHAIR CIMINO: Our next agenda item is Consider Revised Guidelines for Resource Managers on the Enforceability of Fishery Management Measures. For those newer Commissioners and those of us that are somewhat forgetful. Kurt Blanchard has promised that he'll give a little background on this. Without any other introduction, I'll turn it over to Kurt. Thanks.

MR. KURT BLANCHARD: Over the past year the Law Enforcement Committee has conducted a review of the guidelines for resource managers on the enforceability of fishery management measures. The Law Enforcement first prepared guidelines for resource managers on the enforceability of fisheries management measures for guidelines back in 2000.

In keeping with ASMFC direction, periodically review and update the guidelines, the LEC revised this document in 2002, 2007, 2009, 2015, and now the Sixth addition in 2024. The LEC strongly encourages managers to consider the enforceability of all management regulations that are developed.

We believe the guidelines to support and strengthen the effectiveness of the Commission's efforts to conserve our marine fisheries resources. Compliance in natural resource regulations help to ensure sustainable fisheries. Many factors contribute toward compliance, including but not limited to perceived legitimacy of the regulations and/or process, moral norms, voluntary compliance, enforcement and enforceability.

The guidelines were organized into five sections for ease of reference. Section 1 is the general enforcement operations. Section 2, enforcement tools, it's a new section. Section 3, general enforcement precepts, Section 4, enforceability ratings, and Section 5, the enforcement strategies and recommendations.

Under Section 1, this section provides a statement on the general enforcement operations that should be considered when implementing new management options or strategies. Available enforcement resources are maximized by enacting regulations that can be enforced at more than one point during fishing activity.

Law enforcement relies on state and federal partnerships for at-sea patrol inspection efforts. Officers work with these partners to provide effective at-sea enforcement of state and federal regulations, particularly those involving area, gear and prohibited species restrictions. Section 2, as we stated is a new section.

Enforcement tools are management measures that are not specifically designed to limit catch or effort, but to aid in the enforcement of other management measures that do so. Enforcement tools such as electronic reporting, prelanding notifications, and VMS have improved the effectiveness of certain regulations, by allowing enforcement staff to focus effort on high priority areas. These tools do not replace traditional enforcement, but rather complement patrol work and inspections. Requirement for some of these tools should be considered essential for effective enforcement of some management measures, for example, VMS for closed areas. Newer emerging technology such as cameras, ropeless fishing and others should continue to be explored. Section 3 are the general enforcement precepts.

These are kind of the backbone of the thinking of law enforcement in regulatory development. Simplicity, the most enforceable regulations are those that are simple, realistic, easy to understand, and presented in an acceptable way to the regulated community. Consistency, regulations should make every effort to minimize exceptions and exemptions.

Wherever possible, managers should adopt the same management measures among different fisheries management plans, across different state boundaries, and between state and federal waters. Stability, regulations should avoid frequent

changes. When this occurs, there must be concerted outreach and educational effort to adequately inform the public.

Effectiveness, in general the most effective regulations for an enforceability perspective, are those based on controlling effort, closed areas and/or seasons and not the outputs, catch quota and/or trip limits. Most importantly, safety. Regulations should be designed so they do not create an unintended safety-at-sea issue.

Section 4 talks about the enforceability ratings. The 2024 Guidelines included a survey of 20 voting members of the LEC, who numerically rated the enforceability of 27 management measures based on three categories; dockside, at-sea and airborne. The enforceability of each management measure was rated on a scale of 1 to 5, 1 being the least enforceable, 5 being the most enforceable.

For each of the three categories, an average at-sea and dockside rating from the survey is also presented. It is important to note the survey indicated limited applicability for airborne resources in the enforcement of most management measures. Therefore, the airborne value was only included in the average ratings when it increased the average value of the management measures.

If the airborne rating increased the average rating, the inclusive average is indicated in parentheses. The results of the updated survey are presented below in a visual matrix. Management measures are arranged in descending order of their average ratings from the survey. Responses receiving a score of greater than or equal to four are color coded in green.

Those with an average score greater than or equal to 3, but less than 4, are color coded in yellow, and those with less than 3 are color coded on red. Basically; green, slow down, stop. What you see before you now is the matrix. It's just for a quick reference snap shot on where Law Enforcement stands on different management measure.

As you kind of digest this a little bit, you'll see in the upper portion of the document, permits, slot limits, prohibited species, bag possession limit, low volume, minimum and maximum size limits, closed seasons and our latest or newest management measure that was added to this document is a tagging, labeling, marking of species. You'll see where those are basically 4.00 or higher, all in green, good to go. As you work down the document, you pick up on closed areas and gear restricted areas. Those have the dual values where the airborne applicability was added to it. You can see where the average of just dockside and at-sea fell for closed areas, for example at 3.26, with the added emphasis of the airborne, it rose to 3.58. Again, important to note on this document, as you go to the bottom of the document, where we get into the red zone.

Consistently over the last several editions of this document, and it continues to be, tagging prohibitions, limited drag and soak time always fall at the bottom. ITQs, IFQs, Limited Access programs, those still fall low, but I think that is based on the complexity of those types of programs. Section 5 talks about the enforcement strategies and recommendations.

This section provides information about each of the management measures that were considered in the Guidelines. Included is a brief definition of the measure, it's numerical ranking based on the survey results, and some thoughts for consideration when drafting regulations. For ease of organization, the management measures were listed alphabetically.

In 2009 the LEC evaluated 19 management measures, in 2015, 26 management measures. In 2015, 26 management measures, and now in 2024, 27 management measures. The tagging, labeling, marking of marine species. This was the added management measure for 2024. This slide to show you two pieces, one to talk about this new management measure, but also to show you the makeup of what each management measure is provided for within the document.

We defined what the management measure is. In this particular instance, the act of placing an approved manufactured tag, label or a manipulation/alteration of your perspective marine species, for the purpose of marking a marine species for management purpose. They include the overall rating of it, in this particular case, 4.00 in the green zone, you're good to go.

Recommendations that should be considered when adopting a regulation. Tags should be in an approved device that is identifiable, traceable and tamper proof. The tags should be placed in a marine species in a location that will cause least harm to the species, whether alive or dead. When any alteration to a marine species, (i.e., fin clipping, v-notching or other.) The requirement should be consistent among all jurisdictions.

Improved documentation in the labeling of fish and fish products, would enable the law enforcement to track such products back to the harvester and the initial purchaser, and to intercept unlawful seafood products at various points between harvest and final sale for consumption.

The LEC gratefully acknowledges some of our current and past members, who contribute time and expertise to the guidelines. We thank NOAA Fisheries Office of Law Enforcement, NOAA General Counsel, U.S. Coast Guard, Districts 1 and 7. This group being the authors of the enforceability precepts for the Northeast Regional Fisheries Management Councils, dated June, 2013.

For them sharing their publication with us, and allowing us to incorporate selected material from this document. I would like to thank the staff here, Toni Kerns, Tina Berger, Madeline Musante, for their assistance in updating the document. We also acknowledge the opportunity afforded to our Committee by the Commissioners and staff at ASMFC to revise the guidelines, to make them available for routine use and reference. I'm available for any questions and I believe we need to ask for approval of this document.

CHAIR CIMINO: Toni says, correct. Let's start with any questions or comments. I'll look around the table. John Clark.

MR. CLARK: Yes, thank you for the presentation, Kurt. I was just curious. One complaint we hear often is individually marked gear, like in this case crab pots. I know from the enforcement side, counting them is very difficult, and yet there is a lot of concern that some might have too many out there. Has the LEC looked into something like drones and cameras on that for counting? Because I know how difficult that has got to be if somebody is allowed to have 300, 500 pots out there, to try to count everything.

MR. BLANCHARD: It's difficult to count fixed gear for trap and trap limits, based on a visual aerial type observation. We can detect where the gear is, but ultimately, you're not going to get a final count unless you're hauling that gear. To have those resources to do that, many states do have the resource to haul gear.

There are a lot of concerns in hauling of gear, liability concerns, things like that. Airborne, the interesting on airborne is only about 60 percent of the agencies have some type of airborne capability. We broke that out between traditional aircraft, drones, who has both, and who may not have any.

Basically, 36 percent of the Agencies had 0 use of aircraft. The other ones that did have, whether you're using drones, for example, are still working through some of the policy issues and all of that type of privacy concerns with drone use. Traditional aircraft, you're typically pretty good to go. But that is usually a shared resource, maybe from our federal partners, to a state partner or from a state-to-state partner.

CHAIR CIMINO: Other hands, Roy and then Craig.

MR. ROY W. MILLER: Thank you for the excellent report and the excellent visual. I noticed in that visual you used at the very end of your talk, where it ranked the various techniques. I couldn't help but notice that targeting prohibitions were ranked at

the very bottom of that scale in the red zone, and yet we spent a great deal of time at yesterday's meeting and prior meetings, talking about targeting proposals, the very same thing that is ranked the lowest. I just wanted to highlight that. Thank you.

CHAIR CIMINO: Craig.

MR. CRAIG PUGH: I want to expand on what John's question was. I will listen, and that is why I'm asking you this, because I don't know what is really enforceable for a judge. If there was a time stamp with latitude and longitude of such gear, would that be admissible, and do you think that would be valid? Say, if you took that with a drone of a time stamp position from me to you, Pat Geer, boing, boing, boing. You take a latitude and longitude, apply that to that. I don't know if there is a certain calibration we have to do, like weight and measure. But wouldn't that be a reliable source in front of a judge, I would think? If I'm going to vote for that I think I would have a concern.

MR. BLANCHARD: Would a drone use some kind of stamp or location stamp on a drone or GPS use on the vessels, or whatever. Respective states and agencies have to prove the reliability of the device recording that. That type of information needs to be produced in prosecuting cases, so it does get a little bit complex on where you're trying to get that.

You could get into a situation, depending on the level of case, whether you might need industry manufacturers to come in and talk about proof of reliability of those devices. You know GPS in general has been more accepted within the courts, but it can rise to that level of complexity of having other experts come in.

CHAIR CIMINO: Jay.

DR. JASON McNAMEE: Nice presentation, Kurt. I also really liked the matrix. I bet that is shocking to you in particular. This is more of a comment, but I really did appreciate this, and I think it could be really useful as a guide, so as we're developing an addendum or an amendment or whatever. You know we are proposing different types of regulations.

We can use this as a guide to sort of flag, we often bounce back to Law Enforcement Committee to sort of have you guys verbalize what you now put together for us. I just offer that thought that we could use this as a guide, and maybe include it in some of the information that we are putting out for the public to see as well.

MS. KERNS: The resource is available on the website, right, so there is that tool. But we could also have staff, when we're pooling tools, remind the Board either in the PDT document, or in the staff presentation to say enforcement, this is a green or a red or a yellow on some enforceability guidelines. As Kurt said, some things have to be in context of what's going on. But the Law Enforcement Rep can also provide that context during the Board's discussion.

DR. McNAMEE: Right, just to follow up. I am in complete agreement. Yes, so however it lifts, we can sort of think about that. But I agree. Then I think it changes from what does enforcement think about this to now kind of digging into. We have this general statement of what enforcement thinks about this, put it in the context of this particular action, and how does it fair? I think it changes the conversation a little bit, makes it better in my head.

MR. BLANCHARD: Also, just to your point, and thank you for those comments. The discussion around the table with the final approval of this from the Law Enforcement Committee was that the representatives that sit at this Board table represent law enforcement, needs to reference this more. As you know, it's been around since 2000, and maybe anecdotally somebody might reference it. But we don't incorporate it typically in our response, and I think that is something we could do better.

CHAIR CIMINO: Pat, you had a comment?

MR. KELIHER: If a motion would be in order, Mr. Chairman, I would be happy to make one.

CHAIR CIMINO: I appreciate that, and I am so sorry to everybody, but I have a question. I know we're

kind of behind on time here. We have the information on what is and isn't enforceable. Some of the stuff that really isn't so much, is stuff that is kind of really important to us, right. It's a way to manage. I'm just curious. I'm not going to put you on the spot, in the interest of time, so a yes or no. Has there been discussions around finding a way to do these things, say soak patterns, for example.

At least it's in there, or even targeting. For the most egregious cases, you absolutely know those nets have been there forever, and it's just a mess right now, but you can't pull it, because there is no regulation on it. Has there at least been a discussion on finding a way, that we're not asking you to enforce it at all times for everybody, but that there is something for the most egregious cases.

MR. BLANCHARD: The simple answer to that is, yes, we do consider it. We know that managers and these boards have a job to do and a mission to complete, and we want to support that. We don't discount any one of your management measures, it's just important to know, and we've mentioned on different occasions, like we use limited drag and soak time.

The amount is so manpower intensive to monitor that, because you will have to be there at time of set, you will have to be there at time of pull, things like that. To try to monitor those types of things. In a sense that is why we always talk about it. We talk more about use of technologies, because some of that can help us do our job better. It's an additional enforcement tool. It supports, it supports the management measure that you might be trying to facilitate. We actually now have the means to be more proactive in supporting that.

CHAIR CIMINO: Thank you, and I appreciate all the work that went into this. It was a great report. I'll look to Pat then for a motion. I appreciate that, Pat.

MR. KELIHER: Kurt, I really appreciate this report. It's clear that this is not a status report, you're making changes to this report based on the comfort level within the enforcement community about different things. I was able to witness some of those

conversations a couple days ago. Appreciate the word on this, and with that thought I would **move to accept the modified report for usage by management.**

CHAIR CIMINO: Second by John Clark. The first one who had his hand up out of many. I'll read it into the record as written, Pat. The motion here with a second is, move to approve the Revised Guidelines for Resource Managers on the Enforceability of Fishery Management Measures. Any discussion on the motion? Go ahead, Adam.

MR NOWALSKY: No other discussion, just one other question about it. The enforcement element, I was surprised that out of the 27 management measures, prosecute or prosecution was only referred to for a half dozen of them, in the extended part here. At one end of the spectrum that says to me, well, 21 of these have a high percentage of being able to be prosecuted when used. When we bring it before a court the Court says, yes, this is good information. On the other end, I'm concerned that enforcement says we're throwing all these things out here, the courts don't really give a darn. Maybe there wasn't as much focus on the ability to prosecute here, because enforcement has just kind of thrown their hands up on the lack of prosecution that occurs. I'm hoping the answer is closer to my first part, but I would like to know your thoughts on why we didn't hear more about the success level of prosecution with these management measures.

MR. BLANCHARD: Maybe it's unintended in there, but I think the success level of prosecution comes from the values being rated higher. I don't have that right in front of me, as far as which ones had prosecution mentioned in each and every one of them. But I suspect that those were in the lower column, more in the red columns or the low yellows. I think it is implied that they are more enforceable. They are more enforceable. That prosecution element comes into that also. Thank you, Adam.

CHAIR CIMINO: Any further discussion? Not seeing hands. **Any objections to the motion? None, okay. I'll consider that passed by consent.** Once again,

thank you, Kurt. Next up, and sorry for the delay. Dr. Katie Drew on the Stock Assessment Updates.

STOCK ASSESSMENT UPDATES

DR. KATIE DREW: I'll make this quick. We have a number of assessments going on right now, but I'm only going to provide an update on two that did not have board meetings this week, the River Herring Benchmark Assessment, we're still finalizing the dates for the peer review, but we plan to have that completed by the end of this month, so that it can be presented at the August meeting. Similarly, the sturgeon assessment update is well in progress, and will be ready for presentation at the August meeting as well. Thank you.

CHAIR CIMINO: Any questions for Katie? No, okay, great. Next item on this agenda is Review of Noncompliance Findings. There aren't any, and the good news there means that there will be no intra-business session after this.

OTHER BUSINESS

CHAIR CIMINO: We have two items for Other Business. I'm going to start with Toni Kerns, and then Pat, I'm going to go to you when we talk eel, and actually even on the other one.

LETTERS FOR CONSIDERATION ON BEHALF OF THE AMERICAN LOBSTER BOARD

MS. KERNS: We have two letters for consideration by the Policy Board on behalf of the Lobster Board, and Pat, I will introduce the first letter for you, and then you can talk about the second letter. The first letter was just a consent letter, so we don't have any physical motion on the Board for you all to read. But it's to send a letter to the New England Fishery Management Council highlighting the key points of the Technical Committee's report on the conduct of the lobster fishery on the northern edge of Georges Bank.

The Council is considering management action to open to potential areas to the scallop fishery, so the Lobster Technical Committee was tasked to describe the abundance and makeup of the lobster

resource on the Georges Bank, and then potential impacts to the scallop gear for that lobster. The additional piece is that we are going to try, if we can, if we can find the available information to provide some economic data for that fishery that is occurring, and provide that to the Council in the letter as well.

CHAIR CIMINO: Cheri.

MS. CHERI PATTERSON: Would it be possible to add into that, any sort of, I'll just say it's possible, any sort of thought about offshore wind and any sort of displacement of gear that may occur in that area in the future, which would also be a consideration for the northern edge?

MS. KERNS: I think that we could express concerns for potential displacement into those areas, whether or not we would have that data available for us now, or we would express the desire to see if the Council can analyze that type of information in that letter, if that is the pleasure of the Board.

CHAIR CIMINO: Dan, you have a comment?

MR. DANIEL MCKIERNAN: I would suggest we add a line to the letter that might say that if the lobster fleet is displaced from the area by the scallopers, you know bear in mind there is going to be additional displacement to the offshore lobster fleet when the offshore wind areas are developed. I think conceptually, I think Cheri is on to something that is a second level of stress on that, attributable to displacement on that fleet.

CHAIR CIMINO: Okay, with that addition, any objection by the Policy Board to moving this letter forward? Seeing none. Toni, do you want to introduce the second letter? Go right to Pat. Go ahead, Pat.

MR. KELIHER: Yesterday, I don't know, did you have that language you were going to put up? Yesterday also on, yesterday, several months ago it seems like now, the Lobster Board met to discuss some of the challenges we have with the gauge increase as it

pertains to trade with Canada, and some of the timing issues.

A motion was made, which is up on the board right now that was recommended that it be sent to the Policy Board for consideration and approval. I would say, and I would look to the maker of this motion, that we did include in the full last sentence, the letter would request Canada increase the minimum size for lobsters in the Gulf of Maine.

But the trade issue also pertains to lobsters that would come from the Gulf of St. Lawrence as well, so we may want to just be, I'll look to the maker of the motion, but we may want to just be silent on the Gulf of Maine, and just say the minimum size of lobsters on the same schedule as the Commission.

MR. MCKIERNAN: I concur with that.

CHAIR CIMINO: Seeing some other heads nod. Any other comments on the fine tuning of this yet? Let's get it up, let's get the motion corrected before we move forward.

MR. KELIHER: I'm being directed to read this. **On behalf of the American Lobster Management Board, move that the Commission to send a letter to Canada DFO and relevant Canadian industry associations, as identified by the Board Chair and the Executive Director. This letter would request that Canada increase the minimum size for lobster on the same schedule as ASMFC, or as soon as possible, as captured in Addendum XXVII.**

CHAIR CIMINO: This is moving forward on behalf of the American Lobster Management Board. I see a hand up, Mike Ruccio, go ahead.

MR. MICHAEL RUCCIO: Not to muddy the waters on this. I think as we've discussed before when we've had issues, where the Lobster Board in particular has discussed communications with Canada and DFO. I would encourage the Lobster Board, certainly you are well within your rights to do as you please on this, but to engage NOAA and our International Trade Group.

We do have regular bilaterals that occur government to government, so however to loop those in, whether they are part of the letter, you might need to review or signatories, or whether they are just kind of looped in as a courtesy. I strongly encourage that. I think it can help in the overall messaging to have multiple fronts of communication on that. Thanks.

CHAIR CIMINO: Yes, go ahead, Pat.

MR. KELIHER: Yes, I appreciate Mike's comments on that, and I don't disagree at all. I'm not sure we need to capture it in the motion itself, as far as the letter is concerned, but I think from a Policy Board perspective, the record could clearly show that we would agree that we need to engage with NOAA on a continuous basis on this issue, as it relates to trade.

CHAIR CIMINO: Yes, I agree as well, and I think that as we continue to update the Lobster Board on this that we will reiterate that cooperation as well. With that; as I mentioned, you know we have a motion before us that doesn't need a second. Is there any further discussion? I see someone who thought better. Any other discussion on this? **Okay, is there any objection to this? Not seeing any, we'll consider this approved by Policy Board by consent.**

LEC UPDATE

CHAIR CIMINO: We do have one other agenda item, and that is the LEC Update. Kurt.

MR. BLANCHARD: I was thinking we might skip that based on time. I will keep it super-fast. We conducted a hybrid meeting this week with the spring meeting. The Committee welcomed Brian Scott of New Jersey Fish and Wildlife as a new LEC Representative from New Jersey, and Captain Scott Pierce, the Florida Fish and Wildlife Conservation Commission, transitioning to the role of Chair of the LEC.

Lieutenant Delayne Brown from New Hampshire Fish and Game was elected the position of Vice-Chair. We covered some species issues, we had

discussions on striped bass, Atlantic cobia, spiny dogfish. I won't jump too far into the details on that, and American lobster. We had a really good presentation on the American lobster piece.

The LEC discussed the status of Addendum XXX of Amendment 3 of the lobster plan, this discussion centered around the Mitchell Provision and how the Addendum will interface with Addendum XXVII. The LEC will continue to follow development of this Addendum, and offer comments as appropriate. Some of our general business issues we discussed. We had a presentation on the North American Wildlife Law Enforcement Accreditation Program from John Cobb and Captain Rob Ham from Virginia Department of Wildlife Resources provided a presentation on new wildlife law enforcement accreditation, being implemented through SEAFWA. Created in 2022, NAWLEA offers a comprehensive accreditation program for wildlife law enforcement agencies.

Their team is composed of experts in the field who are dedicated to ensuring the highest standard of professionalism among member agencies. This is a credentialing program that is recognized by the U.S. Department of Justice. We had a good conversation and a good presentation from representatives of the Maine Marine Patrol and the U.S. Fish and Wildlife Service on the status of the elver fishery.

Information was shared about the Canadian elver fishery closure and its impacts on domestic fisheries, some shared success stories were discussed as a deterrent to illegal trade of the side value resource. We also discussed, or continued to discuss the interstate wildlife violators compact. The Committee continued to discuss how best to implement and use the Interstate Violators Compact, specifically state agencies share best practices among each state on how to model their respective programs.

As you know, I've jumped into trying to offer you guys some notable case works that is being done out there, so I'm going to jump through these pretty quick. A federal grand jury in the District of Puerto Rico returned an indictment February 29, 2024, charging two Dominican nationals for smuggling

goods from the United States. He got trafficking and failure to yield too.

During a morning patrol a customs and boarder protection aircraft detected suspicious vessel, approximately 39 nautical miles north of Arecibo, Puerto Rico. The United States Coast Guard responded to intercept the vessel, which was flagless and outfitted for smuggling. On approach, the defendants failed to heave to, obligating the United States Coast Guard to neutralizes the vessel. Strong words there, but yes, they shot up the motors.

The defendants were caught onboard in possession of approximately 22 bags of over 5,000 live American eels per bag that were being transported from Puerto Rico to Dominican Republic. This case is still under investigation through NOAA and U. S. Fish and Wildlife Offices of Law Enforcement and the case is being prosecuted through the Environmental Crime Section of the U.S. Department of Justice, and the U.S. Attorney's Office for the District of Puerto Rico.

Just a side note on this. The case is being prosecuted by the Environmental Crime Section of the U.S. Department of Justice. Wayne Hettenbach sits on our committee; he is such a high-level guy to have as an advisor and consultant in our deliberations. He is invaluable to us. A little closer to home. New Jersey officers charged North Carolina commercial fishing vessel owner and operator, after identifying violations against New Jersey's possession in excess of a daily limit license.

The license allows commercial fishing vessels to enter New Jersey ports with summer flounder and black sea bass that will eventually be landed in other states. The vessel must properly be licensed, and the excess fish must be lawfully landed and sold in the intended state. In this situation, the vessel operator landed a trip limit of New Jersey summer flounder in Cape May, and declares intention for the excess summer flounder onboard to be landed and sold in Virginia. When the vessel left New Jersey, it immediately transited to Massachusetts, landing in New Bedford. Jersey officers contacted

Massachusetts authorities, who conducted an inspection of the vessel and determined the excess summer flounder was unlawfully filleted at sea, and concealed in various places onboard. The operator admitted to also discarding an additional amount of excess summer flounder on the way into port.

The vessel captain was also charged in Massachusetts for landing summer flounder without a permit, and for filleting at sea. The final case I would like to highlight, Connecticut Encon police, several regions of the state worked collaboratively to patrol the lower Housatonic River, from November 1st 2023 through April 9, 2024. This area is a known hot spot for striped bass poaching, especially during the winter months.

Fourteen officers voluntarily worked overnight shifts, utilizing Fish and Game detection canines, night vision and surveillance to identify violations to take enforcement action. This enforcement initiative accounted for the following documented activity, \$32,343 dollars in fines levied for stripe bass violations, 385 counts of violations of Connecticut striped bass regulations were documented, 374 calls of service, 120 violators were issued an infraction or a warning, and 49 striped bass were located by the Fish and Game detection canine.

Additionally, one offender had his fishing license suspended. This was due to being cited for violations on four previous instances during this initiative. He was caught a fifth time, and charged again with fishing while suspended, along with new striped bass violations. Mr. Chair, that is my brief report. Thank you.

CHAIR CIMINO: Thank you, Kurt, and I'm going to ask a very specific question of the Policy Board here, and that is, do you have any urgent questions or comments? Otherwise, I would strongly encourage if you could reach out to him offline. Loren.

MR. LOREN W. LUSTIG: I'll certainly make this brief. Several examples of what you just said, Sir, related to something that is of concern to me. We've talked

in the past about violators considering fines simply a cost of doing business. Would the example of the person who had his license suspended, if he has been already caught four times, this is the fifth time. Wouldn't we need to increase the pain on that guy, to make sure that there was a cessation of this kind of activity?

MR. BLANCHARD: I appreciate that, Loren. In this particular case, this guy is egregious. He was paying fines of up to \$2,000.00 for each of the previous offenses, so it was a cost of doing business. It is my understanding that Connecticut is moving forward with revocation of his privileges.

LETTER FOR CONSIDERATION ON AMERICAN EEL RESOURCE MANAGEMENT

CHAIR CIMINO: We'll move on to Other Business, and Pat, I'm going to start with you, since it was your request to put this item that Mitch brought to us on there. If you can give us a little bit of an intro, and we'll allow Mitch some time as well.

MR. KELIHER: Yes, I'll be brief, and maybe we can try to wrap this up very quickly. Mr. Feigenbaum raised some issues associated with Canada. I want the Policy Board to know that the Maine Department of Marine Resources have been heavily involved with DFO in Canada. We've had them down as guests, both Policy and Law Enforcement at very high levels within DFO, to understand how we manage our elver fishery in Maine.

We've gone over all of our laws and rules with them. I've met with the Fisheries Minister down at the Boston Seafood Show to stress the importance of the totality of these laws and rules, as they exist within the state of Maine, and how they have really helped subside all of the other illegal activities that we have on the east coast.

I think that was highlighted within the Law Enforcement reports that while we're never going to get rid of poaching of eels, the level of poaching up and down the east coast has certainly subsided, and I think our Law Enforcement Committee Rep could verify that. But what we have happening now

in Maritime Canada is, what we were seeing when the price spiked in the United States and we didn't have these other rules in place.

I was invited to speak to the Parliament, the Senate Subcommittee Parliament for Fisheries and Oceans. I presented all of the information to them. It is clear that there is interest in trying to move forward within Canada. But I think it is really imperative upon us, as a body, to signal to DFO, in maybe not such an ordinary way that we would encourage them to act as quickly as possible. Because what is happening in Canada is impacting the domestic legal trade of elvers in the United States.

You can clearly see that with the price per pound issue that is being paid in Maine this year. With that, Mr. Chairman, I would recommend sending a letter to the U.S. Embassy in Canada, and to the Ambassador, to keep up to the United States to Canada, and request that he encourage the country to implement rules and regulations that would be protective of the resource, because ultimately this is a resource question. I'm not going to speak to the validity of what some report is saying that Mitch represented, but Maine Marine Patrol is directly engaged with Canada.

We're getting weekly updates on illegal activity there. The Law Enforcement Committee probably heard a lot of details in their closed session, as it pertains to what is happening in Canada, hundreds of arrests, 20 or 30 trucks have been seized. The amount of illegal activity is staggering, far beyond what we probably saw in this country, actually. I think it is imperative that we voice our concerns to them through appropriate channels.

CHAIR CIMINO: Okay, since we're starting off with a motion, I would like to get that motion up. I'll look for a second. I'll keep it for the Board first, Mitch, but I will allow you to speak on this as well. A second from Cheri.

MS. KERNS: Pat, can you help us a little, that was a lot, and so how do you want us to concisely put it in a motion?

MR. KELIHER: **I move to send a letter to the U.S. Ambassador in Canada encouraging Canada to implement rules and laws as quickly as possible, to ensure the protection of the American eel resource.**

CHAIR CIMINO: Cheri are you still okay with that? I realize we haven't gotten it up yet. But as Pat has worded it.

MR. RUCCIO: Mr. Chair, perhaps while they are perfecting the motion, I would make a similar comment, I think, on this level of correspondence. Again, you know I think the Policy Board is well within its rights to communicate how it sees fit. But looping in the federal agency that is a management partner could be of benefit here, so using IATC and just kind of looping in NOAA.

CHAIR CIMINO: Absolutely, thanks Mike. That is acknowledged and agreed to. Pat, do you feel that wording is appropriate here? Cheri, are you seconding this, okay. We have a motion with a second. Any discussion on this motion? I don't see any hands from the Board, so Mitch, do you have any comments? If you do, yes, quickly.

MR. FEIGENBAUM: I do, and it will be very quick. I just wanted to assure the Board that the Ambassador Cohen and his staff have been briefed on this issue. They voted resources to this issue. They have been very receptive to input on this issue. When the industry made a similar request to Ambassador Cohen's staff, please ask the Ambassador to make this outreach, and the response was rather supportive.

Except the fact that such a request really needs to come from official sources, not a constituent, which is why I brought this to my colleagues at ASMFC, including Pat and others. Thank you very much for the consideration. I think this will be a very meaningful step, and I would like to say to Mike, I look forward to meeting him and talking about some of the ways NOAA could actually play a helpful role in this matter as well. Thank you.

CHAIR CIMINO: No, very good, thank you. Not seeing any further hands for comment. Oh, go ahead, Cheri.

MS. PATTERSON: Mike, while I appreciate NOAAs involvement, but should we also be including U.S. Fish and Wildlife Service in that as a partner to this process, considering their management of eels?

CHAIR CIMINO: We'll acknowledge that as looping in our federal partners. With that, I'll just ask. **Is there any objection to this motion for this letter? No seeing any; approved by consent.** Hopefully that covers everything unless there is any other, again, urgent other items to come before the Board. Oh, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: More of a statement than a conversation provoking thing, I hope. We've been notified by a couple states that you may not have received your invoice for the annual Commission dues or appropriations. If your state did not receive that invoice, let us know. They should have been sent out March 29, I believe, but we have been told by a couple states they didn't get them. I don't know if this is part of our e-mail glitch, but if you didn't get yours, let us know. That's all, thanks, Joe.

CHAIR CIMINO: No problem, noted.

ADJOURNMENT

CHAIR CIMINO: With that I would like to adjourn our meeting. As mentioned before, there is no need for a Business Session, thank you.

(Whereupon the meeting adjourned at 12:15 a.m. on Thursday, May 2, 2024.)