

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

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

**May 6, 2025
May 8, 2025**

Approved August 7, 2025

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of February 2025** by consent (Page 1).
3. **Move to change “will” to “may” in the last paragraph of page 2, and for stock status condition on page 3 (first “will”)** (Page 12). Motion by Adam Nowalsky; second by Dave Sikorski. Motion passes (8 in favor 7 opposed) (Page 14).
4. **Move to adjourn** by consent (Page 25).

ATTENDANCE

Board Members

Carl Wilson, ME (AA)	John Clark, DE (AA)
Rep. Allison Hepler, ME (LA)	Roy Miller, DE (GA)
Renne Zobel, NH, proxy for C. Patterson (AA)	Lynn Fegley, MD (AA)
Doug Grout, NH (GA)	Robert Brown, MD, proxy for R. Dize (GA)
Dennis Abbott, NH proxy for Sen. Watters (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Dan McKiernan, MA (AA)	Allison Colden, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Jamie Green, VA (AA)
Sarah Ferrara, MA, proxy for Rep. Armini (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Jason McNamee, RI (AA)	Rep. Brian Turner, NC (LA)
David Borden, RI (GA)	Ben Dyar, SC, proxy for B. Keppler (AA)
Eric Reid, RI, proxy for Sen. Sosnowski	Malcolm Rhodes, SC (GA)
Matt Gates, CT, proxy for J. Davis (AA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
William Hyatt, CT (GA)	Doug Haymans, GA (AA)
Robert LaFrance, CT, proxy for Rep. Gresko (LA)	Spud Woodward, GA (GA)
Marty Gary, NY (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Gary Jennings, FL (GA)
Jeff Kaelin, NJ (GA)	Ron Owens, PRFC
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Chip Lynch, NOAA
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Tom Bleifus, USGS
Loren Lustig, PA (GA)	

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

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	

The ISFMP 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; Tuesday, May 6, 2025, and was called to order at 9:00 a.m. by Chair Joe Cimino.

CALL TO ORDER

CHAIR JOE CIMINO: Good morning, everyone. My name is Joe Cimino; I am the Administrative Commissioner from New Jersey, current Chair of the Commission, and I am going to call the Policy Board to order. This is going to be Episode 1, also known as the Board so nice we do it twice.

For the Policy Board members, well actually, the meeting materials have everything that we all need to see, but the Policy Board members, Toni sent out a document some time ago, where we kind of realized that some of the stuff in our conservation equivalency policy is not perfectly clear. We are here this morning to kind of get some clarifications, get some guidance.

I hope all of you had a chance to read the materials Toni provided. There are some staff recommendations, and quite a few highlights on the things that we need to go over. That is what we are starting off with this morning.

APPROVAL OF AGENDA

CHAIR JOE CIMINO: I am going to look for Approval of the Agenda first. Are there any other additions that folks want to bring forward at this version of Policy Board? Not seeing any hands, we will consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR JOE CIMINO: The proceedings from the February meeting, is there any concern with meeting minutes for that? Not seeing any, great.

PUBLIC COMMENT

CHAIR JOE CIMINO: I will open it up for Public Comment. If there is any public comment to come before Policy Board. Okay, I see online we have Tom Lilly. Tom, go ahead.

MR. TOM LILLY: Thank you all for this opportunity. On Wednesday, the Menhaden Board will be deciding whether to take action to protect Chesapeake Bay menhaden. We are asking you, as the conscience of the Commission, to remind the Menhaden Board that Charter Section 6 requires that this resource is to be allocated fairly and equitably between the states, and this includes Maryland and Virginia.

I would like to speak to you about this issue this morning. This past Monday, Ocean Harvesters began sending eight purse seine ships into the Virginia Bay, that have the capacity to catch every school of menhaden trying to make migrate to Maryland to rebuild our forage base for our wildlife. Put in terms of ten-ton schools, they catch 5,000 schools in the Virginia Bay. Isn't it very likely that at least 2500 of these schools would have made it to Maryland to see our forage space and other wildlife, but they were caught. Is that treating Maryland fairly and equitably? Isn't Maryland's loss of those 2500 menhaden schools a year the root cause of the decades long decline of the Maryland Bay ecology?

The last data from Beaufort Labs says that 70% of the factory catch is Age 1 and under fish that have not spawned and never will spawn, because they have been caught. Thousands of schools of menhaden that would have gone into the ocean to mature and spawn, and return to the Maryland Bay year after year, but they never will.

Is that fairness and equity to Maryland? Every week the season opening is delayed decreases the unfairness to Maryland and begins to fulfill your charter obligations to treat Maryland fairly. Maryland would be receiving all the menhaden migrating to its Bay in the wave that the season is delayed. That is fairness and equity.

Maryland protects the menhaden it gets, because no factory fishing is allowed. I'm wrapping this up now. Substantially delaying the opening of the season would be a great step forward in reviving the ecology of the Maryland part of Chesapeake Bay.

Requiring that they only fish in the U.S. Atlantic Zone, away from the Bay entrance, would fulfill your obligation of fairness to Maryland completely. Thank you for your time and attention, and we are hopeful that you will discuss the issues raised in this comment with the Menhaden Board. Thank you very much. Have a great meeting.

CHAIR CIMINO: You too, Mr. Lilly, thank you, and I appreciate you staying within those three minutes, without me even having to say it. With that, unless we see any other hands online, I'm going to look to move on into the Review of the CE Policy. Okay, I might turn this over to you to start us off.

**REVIEW AND CONSIDER CONSERVATION
EQUIVALENCY: POLICY AND TECHNICAL
GUIDANCE DOCUMENT**

MS. TONI KERNS: As Joe said, this document was sent out to the Board, probably in early March or so, just so everyone had time to chew it over for a little while and think about it. I'm just going to quickly go through some of the main discussion points, and then pull up the suggested changes that we made from staff.

We just realized that in some cases the document had some errors in it, and so we did some editorial clean-up that I did not mark. Then we did some redline changes and some suggestions, based on what we anticipated you all were thinking about with the review of the minutes. I just want to make sure that my understanding of what the minutes said were your actual thoughts about how this process should be working.

First, is thinking about stock status determination. There was a spot in the document, and in the motion when we talked about the use of CE, and whether or not it should be allowed after each stock assessment, or was it after just a benchmark and update or after the stock status change? I think it was the intention to have the review of conservation equivalency after each stock assessment, whether it was a benchmark or an update. Even if the stock status changed from the Board minutes discussion, I'll be looking to confirm that. Then the document also talked about adding a new section to the policy to clarify the process to evaluate the use of CE, and this just ensures that reviews are done consistently, and provides the Board the information to make informed decisions, and we wrote up a new section for that. We realized after the striped bass stock assessment that we didn't really have a process for that, and we didn't know exactly how you would want us to proceed.

For some suggested changes that we put forward on Page 2 of the redline document. The first, and I'm sorry that this is smaller, it's trying to capture the comments as well. But this is in the document that you can follow along with that is in the meeting materials. The first part is just an error on my part.

You all said that there should be no limit on the length of time and I did not delete that, so I have gotten rid of it. The second one talks about just a change in making it clear on the conservation equivalency proposals, and whether or not you need to put a proposal in if the measures are more restrictive or not.

We wanted just to clarify that as long as it doesn't have an impact to another measure, single changes to the FMP to be more restrictive do not need to be approved by the management board. But there are times that a single management measure change could have an impact on another measure within the FMP, and so that is why we wanted to add that clarifying language there.

We felt that the qualifier at the end of the paragraph, where it says the sentence is thinking

about how combined impact is more restrictive. The state has to submit a conservation equivalency proposal, and we just felt like the rest of that sentence really wasn't needed any more. If someone feels differently, we can put it back in. That was just for readability.

Then moving into the questions about the stock status determination. This first part is on Page 3; I'm going to jump ahead and then go backwards. We're looking, as I said before, to confirm that at each assessment that we are evaluating conservation equivalency. That would also be changed on Page 2. In the second part of this on Page 2 we would add the word each assessment, if that is the Board's intention.

If the Board determines that conservation equivalency is not permitted, it would apply to future actions of the Board and existing conservation equivalency programs. I am trying to determine whether or not a current conservation equivalency program can continue or not. It was my understanding from the Board's minutes that those current conservation equivalency programs would end.

The Board would determine a timeline in which those conservation equivalency programs that were in existence would end, and go back to the standards of the FMP, if the Board no longer allowed conservation equivalency after a stock assessment. We added that language, but if that was not the Board's intention, then I can remove that language.

Then jumping to Slide 8, this is the language that was added to the document that gets at the evaluation process for after each stock assessment. What we're proposing is, after the presentation of the stock assessment, staff will bring forward a couple of slides to remind the Board of the current conservation equivalency status for the FMP. What that means is that we'll include whether or not conservation equivalency is allowed. Any sector specific limits or requirements, and then lastly a list of

active conservation equivalency programs. The Board then will determine if a change to the conservation equivalency allowance is needed, or if additional information is necessary for the Board to make that determination.

If they need additional information, we would task a TC to provide that additional information to the Board at the next meeting, and then if conservation equivalency is no longer permitted under that FMP, the Board would have to determine a timeframe for those states with existing conservation equivalency programs to adjust their regulations back to the standards of the FMP.

It doesn't necessarily mean that it is immediate at that meeting, that the state would have to go home and fix everything. But we would just establish a timeline in which those states would come back into the FMP. Then something else that I'm not necessarily saying that this Board needs to make decisions on.

But something that we realized when evaluating the striped bass measures, because they are the only FMP that actually has existing conservation equivalency restrictions within the plan, is that when FMPs get restrictions, they should be clear about how those restrictions work with this policy and guidance.

Right now, I have a series of questions for the Striped Bass Board, because it is not clear to staff on how the restrictions of the FMP work with this new guidance. For example, in Striped Bass there is an allowance for quota managed species to utilize conservation equivalency. Do we need to evaluate that after every stock assessment?

Should we be evaluating allowing other fisheries within the striped bass fishery to have conservation equivalency after each assessment? Is it just straight up, these are the things that can happen and nothing else gets evaluated? We just will need additional guidance. But as for allowed for restrictions within the FMP, then we also need to be clear about the policy and guidance in this document.

It's not all through the Striped Bass Board, they've had those measures in place long before this policy was put in place. But it is just something that we're seeking some clarity on. We can go back to, I can answer any questions first, and then we'll just go back to the changes that are proposed, and see if that is something that the Board agrees with or doesn't agree with.

CHAIR CIMINO: Sounds good, Toni. Let's start with questions for Toni, and then I would like to get into a discussion. There was a working group that helped Toni put this document together. Clearly, there are still some questions. Every item that we consider as conservation equivalency in different plans is unique, I think, in some way.

Some of those are really evaluated at every compliance report, right. Like New Jersey Striped Bass Bonus Program is considered a CE proposal. We report at each compliance report we report on how that performed. There are those evaluations and abilities to raise red flags. But we certainly have some need for clarification here. What happens after assessments. Any questions, first. Okay, I'm not seeing any hands so we'll open it up for discussion on where folks feel this should be going. Is it a clarification or maybe even a pivot, which is certainly acceptable too.

MS. KERNS: We did start with the first set of changes, and that first change is, I guess is there any issue with removing that first sentence, where the management boards place a limit on the length of time. I think that was a pretty easy one, but I just want to make sure that that was all right.

CHAIR CIMINO: I'm not seeing any objections.

MS. KERNS: All right, fantastic. Then the next one is whether or not it was the intention to have conservation equivalency programs be evaluated after each stock assessment.

CHAIR CIMINO: Good, we have some hands. I guess part of the question too is, does it come before the Board if there is a red flag for any reason? Does it come before the Board if there is a change in stock status? I saw Jay and I apologize, I saw some hands down this way, but we'll start with Jason and then Jeff Kaelin.

DR. JASON McNAMEE: I was thinking about, so I think we're on the one. I guess comments from me. I think this is right. I think your interpretation is right. That was our intent. I'll say like, I'll make a comment about that in a minute, but just to kind of talk about thinking back to that meeting. There was like a balance we were trying to achieve, where people who wanted to be really restrictive, and folks who wanted to allow more flexibility.

I think this was the compromise between the two positions. That is my recollection. I do agree with the comments here that it's supposed to be after each assessment update or benchmark or whatever. Thinking about it again though, maybe I should start by saying, I'm not suggesting we change. I just want to make the comment. We should run the experiment, see how this works. But I also want to have the opportunity to say, I told you so, maybe at some point in the future.

I just think about now, every time when we're like in the throws of getting new stock information and trying to figure out if we need to do management, lumping on top of that now a discussion about conservation equivalency. I guess maybe we just need to add in more time to those discussions, because to say it snark-ily, they are a piece of cake, those discussions, right, they are quick. They are challenging for some species, maybe not for others.

Summer flounder we might be like, yup, we're good, it's allowed. We sort of move on. I understand those are jointly managed, but just to offer the example on striped bass. It's going to be more of a discussion. In thinking about it, I just think we need to at least map in some more time. But this has been worked on for a couple years. I say we move it forward and run the experiment, and revisit it if needed.

MS. KERNS: Thanks, Jason, and I think I didn't say this in my presentation, but I did write it in the notes that staff had suggested that regardless of the fact that the stock status did or did not change, that the Board does evaluate the use of conservation equivalency, and I made that recommendation because you all said you wanted that flexibility. If you wanted the flexibility to be able to go back and forth, that that additional information that may come with an assessment that still has the same stock status, may give you more forethought into how you want to manage that stock so it provides you that ability to either go back to the old way or change to something new.

CHAIR CIMINO: I also remember the idea of a compromise. I think one of the things that we were trying to avoid was that state would have to constantly be applying, you know kind of defending why they are doing this and resending in some document. You know the idea, I think behind this was, that we can evaluate it.

Whether it's a Plan Review Team or a Technical Committee or the Stock Assessment Subcommittee, and if there is a red flag bring that before the Board, as opposed to constantly defending, more or less. I had Jeff Kaelin, and then I believe Erika.

MR. JEFF KAELIN: I seem to remember there was a lot of support for the idea that CE would only be evaluated if there was a change in stock status. I don't understand the staff's recommendation that we change that now. It seems to me that CE has been controversial, but it has also been valuable for states.

It seems kind of pejorative, really, to say, well we're going to take current opportunity, even if status doesn't change after an assessment to review the CEs that are in place. I just find that a negative connotation about the use of conservation equivalency. What is the staff's justification for suggesting that that language come out? I'm personally opposed to it.

MS. KERNS: The way I interpreted the minutes, the Board wanted the flexibility to be able to allow for conservation equivalency, even if the stock status was overfished and overfishing was occurring. It took that two-thirds majority vote. You took all the information that was provided in the assessment, and if there was some additional information that you felt okay about, it comes in and you said, you know what, we actually think CE will be okay, because of X, Y or Z reason.

Then if the stock status stays overfished and overfishing for multiple assessments in a row, and the Board wants to constantly be able to evaluate, if they wanted to allow for conservation equivalency through each of those assessments, then you need to be able to do that, you know regardless of stock status changing.

It also can occur on the flipside. Say a Board allows for conservation equivalency, and then the new assessment comes in and some piece of information comes in that tells you, you know what, if we allow for this conservation equivalency to occur, but this new information is telling us some things that we actually don't feel great about that. We want to turn back on that, but the stock status still hasn't changed.

It seemed to me from the discussion you all were looking for a lot of flexibility. In order to have flexibility, then you have to evaluate it after each assessment, regardless if the status changes or not. If you are not looking for that flexibility then pull back that recommendation. But the discussion centered a lot around flexibility.

MR. KAELIN: It seems to me we're talking about a may versus a shall. That is why I am opposed to the shall here, which is represented by eliminating that line, which I am only one person, obviously, but I don't see a need to change it.

MR. CIMINO: I think we share very similar sentiments on this. But I do think that the ability to evaluate is kind of baked into so much of what we do, that I don't think it's burdensome, even though I do agree that it seems to be following a notion that it is more dangerous or less risk averse. But at the

same time, I think the ability to do it is there, the technical expertise is there, and if it raises a red flag then it still can come before the Board. Appreciate the comments very much. Erika.

MS. ERIKA BURGESS: Before I go, are we talking about votes and those here that have been changed?

MS. KERNS: It's the sentence on Page 2, it adds the word "each" and then on Page 3, it does say each, so it is confirming that that "each" is correct. That's it.

MS. BURGESS: It's a little challenging for me to pull apart my thoughts on the paragraph on Page 3. Forgive me if I'm going out of order here. We had kind of a sidebar here, I think it may go along with what some other folks are thinking. That maybe the trigger for reconsidering CE shouldn't be a stock assessment, actually.

Maybe it should be when the Board considers a management action in response to a stock assessment. I think that would go along with what you were saying, Toni, if status doesn't change but the Board may think perhaps the current regulations, for the long-term goal the stock may not be getting us where we are, so stock status could be consistently positive.

But you may evaluate the need to change regulations regardless. Maybe it's when the Board considers management action in response to a stock assessment you would have the opportunity to reevaluate conservation equivalency. While I have the privilege to speak, going back to Page 2, going up a little bit.

The paragraph before when conservation equivalency will not be permitted. It talks about adopting a single more restrictive measure. I prefer to have more flexibility there, because states may consider multiple more conservative measures at the same time, and I think this is too specific.

For example, if we consider bag limit reduction and a vessel limit reduction, we would have to bring that before the Board, even though collectively those are both conservative. I would prefer the opportunity to just do that as my state, without having to come before the Board to get approval.

MS. KERNS: I'm going to go to your second one first, and then back to your first one, if that is all right. The rationale for the original group who put this document together, in terms of not being able to automatically do more than one measure is because it is possible to put together two measures that as a whole are more restrictive, but individually are not, or the combination of those two things can counter each other. It can be slightly deceiving on paper of what it does. We always have said that if you have more than one measure, that it needs to be evaluated by the TC, to make sure it doesn't have any negative consequences. That is the plain rationale for that, that that group has put together, because combining measures sometimes is not as straightforward as it appears to be.

Then for your first one, in terms of making the recommendation to evaluate the conservation equivalency when you're doing management measures. I guess it would be a totally different approach to this document then. I'll just say, I'm interested to see what the Board has to think about that. It's harder at times, because then you're making your decision about the management measures themselves and not the stock status. It can get more complicated.

CHAIR CIMINO: Go ahead, Erika.

MR. BURGESS: Going back to my second point. How would I describe to my commissioners if we have conservation equivalency in place, and they want to drop a bag limit and a vessel limit at the same time, and I tell them, I'm sorry, Commissioners, you can't do that, because I need to go ask permission from ASMFC first. How am I supposed to have that conversation?

CHAIR CIMINO: It's as good question, because as a general policy, more restrictive is something that is

allowed. I think what Toni is pointing out in the workgroup, you might not always have these discussions. There are other elements that you may put together, such as a season, which has its own reduction estimates.

Then adding something to that, which you have to figure out how to evaluate the fact that those two combinations end up in a different place than if it was just one. I think if maybe an evaluation, if we don't see that combination. If the approach was put forward and we didn't see a concern over, you know the combination of the two would lessen a reduction.

I don't know. I think as a general policy, we were hoping that things would come before the Board, just to make sure that that isn't an element. If folks think that there is another path forward here, I would like to hear it. We certainly have had a longstanding policy of; you can be more conservative. The general intent here was, we just want to make sure everyone is thinking through this. I am going to leave Erika's question open to the Board in general. Jay.

DR. McNAMEE: If this is not what you meant you can stop me. Just to respond. I mean, I think it's a good question that Erika raises, and I'm sort of thinking through scenarios in my head as well. But I think in the exact example that she gave, I would, if I were Florida, I would say those are both possession limits, that is actually only a single measure.

Then Joe, exactly what you said. Like the problem why we sort of put this in is, it is sort of why we needed the recreational demand model for some of our species, it's because you change one thing, you can kind of calculate the effect. You change two things, you can calculate the effects of those two things, plus there is an interaction between those two things. If you raise the minimum size, now the poor little fish that are available is smaller, therefore that is going to impact the effect of your bag limit, things like that. That is where there are like

these technical issues that occur when you start to combine different types of measures. But maybe that is something to think about is like a vessel limit and a bag limit. I think are kind of the same measure. Maybe those types of things, a state could make the case that those are in fact the same, but when they are completely changing the measure itself, that is when it's just an interpretation for what this document says.

CHAIR CIMINO: I fully agree. I think some of this is about timing. Not every Board meets every meeting, and obviously we only meet quarterly. Toni, you have something to add?

MS. KERNS: I think the other thing that we try to do when thinking about conservation equivalency is, usually states will reach out to us and say, hey, we're thinking about doing this thing. Is that something that I need to run past the Board or not? I think that with the TC Chair and staff, we can figure out if that change is something that is truly more restrictive or not, and not have to get too nitty gritty into the details.

You know for example, the striped bass example I'll throw out there. I think I'm going to get it wrong, but someone was thinking to raise their size limit and we were like, oh no problem, that is totally more restrictive. Well, in the end, it actually means that they have to lower their quota, and so it wasn't more or they could have increased their quota, so that is not more restrictive.

It's not always simple Simon when it comes to things, and so we figured that out after SAS and TC were looking at the measure and said, okay that is not actually something you can do, but this is what you would need to do in order to get that done. I think if that communication can occur it can be something that could easily be resolved.

MS. BURGESS: I mean ideally, that communication would occur, but for those of us who work with commissions, we know that states sometimes have a mind of their own. They may hear something in a meeting and make a final decision in that meeting, so it's not always possible.

CHAIR CIMINO: Yes, well in a situation like that, I think it goes back to something that Jason said earlier, you're running an experiment and we can see what happens, I guess. Erika, I think to your other comment about doing it as a management action to a stock assessment. I think that is a good point.

I think it certainly has value if a red flag is raised to be brought before the Commission, as they are accepting a peer review or after accepting to that peer review on the fish. It seems to be an issue with the CE policy that has been in place. Other than that, I don't necessarily know that we need to change the wording.

I say that only because the Board's interactions with assessments kind of come at a point where we are taking action. I don't know if we have others. I know I had hands up. I have Roy and Mike Ruccio, but I will look to hands just if there is anything else on this discussion before we move on to other comments. I saw Doug raise his hand.

MR. DOUGLAS E. GROUT: Concerning Erika's suggestion, having it tied to us taking a management action. Initially I thought, gee, that would be a good thing to have as a clause in there. But as I thought about it more. Well, one of the concerns I would have, is that even if stock status didn't change, at the time to take a management action, we would have to have some other change that we're going to make via this management action, before we would even consider the ability to review the conservation equivalency programs.

There may be a case, and I think it would be a very minor case. I don't think it would happen very often. Where we see something that there is an interaction between conservation equivalencies, between different states that aren't appropriate any more, because of either we're going down or we're going up or whatever. To me, tying it to a management action is saying, we've got to have some other

reason to make a change. I'm not sure that is the way to go.

I see this as Toni put up, these are the three things we're going to look at, and 90% of the time we're going to go, no we're fine with the way things are. It's just looking at it and making sure everybody is thinking about it after every assessment. I don't see that there is going to be wholesale changes even 50%, 75% of the time to 25% of the times we haven't discussed.

CHAIR CIMINO: Toni and I were kind of saying the same thing is that sometimes things move along smoothly, unfortunately not as often as we would like. Yes, we would be missing the ability to evaluate, because maybe no other action was needed. But if there was, again, it goes back to Jeff Kaelin's point.

It's not necessarily that there has to be an assumption that this is wrong. The evaluation is kind of baked in. I mean we have the capacity to do it, so if we do it and we see a red flag, have a policy that allows us to bring it to the Board, right. Now, my apologies, Mr. Miller, it's been a while. I'm going to go to Roy and then I'll go to Mike Ruccio.

MR. ROY W. MILLER: Every time the subject of conservation equivalency comes up, my mind immediately goes to the striped bass. You could say it's a poster child for conservation equivalency. I'm thinking back over some of the conservation equivalency measures that we've repeatedly carried forward over the years, beginning in 1990, when we had the first good year class after ten years of misery, you might say.

I'll give you a for instance. Commercial gillnet minimum size limits for striped bass were set in Delaware in 1990, and they have carried forward since then. You mentioned, Mr. Chairman, the New Jersey trophy bonus season. That has carried forward since that era. The Maryland Ocean size limit of 24 inches has carried forward.

I just want to caution the Board. Must these longstanding measures, which when they were put

in place they became the new normal. As stocks waxed and waned in response, including those particular conservation measures that were instituted a long time ago. Must we review them every time we have a stock assessment update? That is my point, because I think, while I agree with what Jeff Kaelin said and I think part of what Erika said pertains to this same thing. It's when must we do this, Mr. Chair?

CHAIR CIMINO: I'm going to turn it over to Toni.

MS. KERNS: Roy, I think that is the prerogative of the Board, because if the Board doesn't want to have to review them all the time, then all you have to do is put it into the FMP. Once something is part of the FMP, then it becomes part of the FMP, and it is no longer a conservation equivalency program.

If the Board is comfortable with that plan, and they put it into the FMP, and then you're good. But the things that the Board are, I recall either thinking about it as an experiment, or you think might work but you're not sure what the long-term impacts are going to be, then you are going to use a CE for that.

Then the next time the plan changes you have the ability to go forward and put it into the management document. I'll use Maryland's example of what they are trying to do right now. They are trying to re-standardize how they are looking at their fishery, so they are putting it into the FMP, in order to do that.

That is a perfectly acceptable path to move forward in making changes, because there are two things that I think about in conservation equivalency that folks had concerns about, and that was one, that there is not a public process to evaluate what a state is doing. You wanted to be able to take it out for public comment and hear what people had to say. When you do that, you have the FMP process or the Addendum process to get that public comment.

The other part is like thinking more long term about what the measures, how those measures interact with other management measures that you're utilizing, or how do those measures make it more or less complicated to do a stock assessment? The longer you have something in place, then maybe the easier it is to figure out the answers to those questions. It may still keep things complicated, I don't know, but at least you've kind of evaluated that through that addendum and amendment process.

CHAIR CIMINO: Yes, Roy, I think my comments would go back exactly to what I said to Jeff, and the notion that the Working Group was trying to move past states have to constantly reapply the idea. I guess this is going to be a drum beat of mine, but the idea that the evaluations can happen fairly easily, without burdens to the state necessarily. If there is a red flag, be brought before the Board is hopefully outside of the fact, when do we have to do this or how often do we have to do this? I see Adam's hand, so I'm going to go to Mike Ruccio and then Adam.

MR. MICHAEL RUCCIO: I hope everybody can hear me okay. I've really valued this discussion, a lot of really good points have been raised, lots to consider. But the two things that I really come away with is, in some regards it feels like we're conflating the complexity of CE and the evaluation of CE with what I think is intended to be more general in this policy. Then we're kind of getting into the details and that is natural, right.

We're trying to wrestle with, what does this look like and what are the outcomes. Then we get into the machinations of what CE is and it's a very complex program, which to me is supporting this concept that yes, we should look at it after a stock assessment. It is very complex. There are a lot of interrelated issues that happen when you start to change or consider change to a measure. I really value the points that have been made that this may not be much of a lift at all. But I do think that there is good intent in having that forcing function, having a deliberate check to make sure that what is in place for CE if there is a new assessment, is still

valid or if people want to change, then it has a process that is kind of baked in. I think those are all positives, and Toni has spoken about the fact that people want to see kind of a transparent process around CE, and so this helps bolster those things, which as I said are positive.

The other thing that strikes me is, you know if you look at some of the stock assessments over, you know whatever span you want to pick here, take a decade. We have had some really interesting outcomes that aren't necessarily a status change, but stock productivity is changed so the reference points are vastly different than what they had been.

The stock may be much less productive in some cases, but not be overfished or subject to overfishing. I think in that instance you would certainly want to look and see if your CE program is still configured in a way that is consistent with what you understand about the stock. We've also had, you know our tendency is to only think about the negatives and the potential impacts therein.

But we've had signal changes in assessments as well, where stocks have done much better than we had expected, based on the last look to the new look. In that case, I think you would want to be able to capture in a program the ability to again, have that deliberate, thoughtful evaluation. Maybe there is greater opportunity for harvest or changing your CE program to respond to that new information.

Just given that assessments, much like CE are very complex, I would support having it so that the Board does take a look, as has been mentioned by others. I'll reiterate here, that could just be a check the box, yes, we think everything is good, or if states want to dig in then the rest of the language here really supports that the onus is on kind of doing that technical evaluation, coming before the Board, I think which are all good things.

I understand that does create more process. It's not lost on me some of the things that Erika and others have said about how difficult and challenging that can be. But I think it is good management practice to kind of have this so that it's clear, and people know what to expect. Then there is some accountability for us within the Board and the individual species boards too.

Thanks, I'm curious to see where we land on this, but do want to try to resist the urge to tinker too much in CE, which I think is kind of separate, and keep this more general. Just really, the question of should we do it after each assessment. If we're not going to do it after each assessment, kind of why and what would we do in lieu of that, are really the things that I think we're trying to decide here. But do appreciate the technical references of how complex things get typically.

CHAIR CIMINO: Yes, I very much appreciate you bringing up the notion that it isn't always negative, that there are times where we're looking at other elements of this. I also think, personally, that the fishing power of one state isn't equivalent to the fishing power of another state. I think not allowing CE could be a path where every state is being forced to ratchet down, because one or two states have availability of fish and a level of fishing power that doesn't exist elsewhere. I've always seen that as very important. Two more hands, I'm going to look to Adam and then Bill, and then I'm going to turn it over to Toni to see, you know we need to kind of wrap this up and make sure that we have this right. Adam.

MR. ADAM NOWALSKY: I hear Mr. Kaelin's concern and his objection to this as written today on the basis of this shall evaluation versus a may evaluate. It sounded like there was some sympathy for that position from yourself, Mr. Chairman. I think Toni did a very good job of expressing the flexibility issue that would arise, in allowing after the stock assessment for the Board to reconsider the Conservation Equivalency Act.

I wonder if the way to reconcile those traditions is to make two additional changes to this document.

The last paragraph on Page 2, and the stock status conditions paragraph on Page 3, where it says the Board will evaluate conservation equivalency programs and will consider if a change in the use of conservation equivalency is necessary on Page 3.

Just changing those words will to may, I think in those instances it provides the flexibility for a Technical Committee or someone from the stock assessment to raise a red flag, with whatever the current status of conservation equivalency is. Additionally, it gives the flexibility of Board members who have a concern about the current status of conservation equivalency to share that concern with others.

It ultimately gives the Board the flexibility to go ahead and make a change to conservation equivalency, with the guidelines of this document, without us being forced to do work to do that evaluation, when no one really has the desire to do so anyway. That would be my suggestion, based on the conversation I've heard so far.

CHAIR CIMINO: You know, actually I'm going to go to Bill and then Bob has some comments. I have some thoughts on what you put out. Bill.

MR. WILLIAM HYATT: Yes, I agree with a lot of what I believe Mike said previously, so I am just going to offer a short perspective. In a previous life, when I had to go in and answer to our Agency Commissioner, and answer questions relative to conservation equivalency. They never had to deal with what was going on or what some of the options were for our state.

It was always to answer the question, how are they getting away with it? You know, how the hell are they getting away with this in some other state. I always felt that being able to answer those questions and to address those concerns, by being able to explain a process that was as rigorous and also as structured and as regular as possible was advantageous.

I think this would have helped in those circumstances, the ability to be able to say there is a policy in place, where conservation equivalency is revisited after every stock assessment. For that simple reason I like this suggested change, and I think it is obviously just from previous battle scars that it could have been helpful at that time.

CHAIR CIMINO: Thanks, I think you're bringing us back to the whole reason why we have a policy, this notion that folks are getting away with something, and not everyone sits at the table for every species. You have a species like striped bass, where southern folks sitting across from me luckily get to sit out those fights. But you know when you talk about a single coastwide season or a single coastwide bag limit. It may be very different impacts closing during a certain wave.

Not necessarily getting away with something in some states, but in others yes, sure that's not even a problem. I'm going to go to Bob, and then we'll have Toni bring up the very specific stuff here. I do have some comments thinking about what Adam said that I think may help us vet. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'll be brief. I just want to go back to the point that Erika made a little while ago about states being allowed to be more conservative. You know states being, I mean that is a fundamental underpinning of ASMFC. States should be and always have been allowed to be more conservative.

The way this is written, after maybe we run the experiment for a little bit, shows that that is becoming more difficult or less efficient for states to be more conservative. I think that triggers bringing this back to the Policy Board in my mind. I think that is a concern. I think states should have that flexibility.

I understand there are some of those scenarios where if you adjust A, it impacts B dimension of your regulations. The example of, if the state wanted to increase a commercial size limit, they would be allowed to increase their quota. If that

state didn't want to increase their quota, all they wanted to do was change their size limit.

Then I think that state should be allowed to do that without any complex review by the Board or anyone. I think maybe go with this for a while, but if there is something that is getting in the way of states being more conservative or keeping that process very simple, as it has been. I think that triggers a review in my mind to come back here and talk about this.

CHAIR CIMINO: I think that certainly plays in. Roy pointed out the New Jersey Striped Bass Bonus Program. He had mentioned that it was a trophy program, and it's actually it's sort of an allowance for smaller fish, and that reduced the quota. There are those interplays, whereas as Jay mentioned, you may increase the size limit but you can increase your quota.

You fish on fish that haven't had as much of a chance to spawn and you reduce your spawning potential and you have those issues. I just want to say to Adam's comments. Adam, I agree with you that when this comes before the Board, the idea that it's a may is worthwhile, but do we have to talk about it?

I think staff and the folks that are going to be working on this need the guidance to know when, and if it's a may review, that is always a challenge. The whole idea, I think behind the policy is we have something specific. If we allow that trigger to happen at every assessment, and we put that in this policy, but it only comes before the Board if there is a red flag or a concern. I think maybe that addresses what you are bringing up. You know the Board doesn't have to have a discussion about it, but staff needs that guidance to know when it happens. Again, I think really that we have the expertise and things are baked in that those reviews, there aren't a lot of them. Doug was absolutely right. We're talking about a very small percentage of times where these issues are even going to be brought before us. I think that that is a concern of staff, so I think having it

say that the trigger happens the review happens is going to be important. I'll leave it at that. I'll have Toni bring up the wording. We'll go through and we'll see if we have any issues or if we can move forward.

MS. KERNS: I'm going to try the easy way, and then if not, I'm going to need a motion. I guess is there an objection to the language that the Board will evaluate conservation equivalency after each stock assessment. Go ahead, Adam.

MR. NOWALSKY: I appreciate that comment. I have more concerns about will evaluate, creating the possibility of more problems, because it is not specific about the depth of that evaluation. Is it just simply a, we think it's okay, or is somebody going to make the case for something much deeper and much greater.

I'm far more comfortable hearing the discussion today. Myself, with changing the two instances of will to may, and I'm willing to make that motion if that is what is required. I will make the **motion to change the word "will" to the word "may" in the last paragraph on Page 2, and for the stock status conditions paragraph on Page 3.**

CHAIR CIMINO: Dave Sikorski second. We have a motion and a second.

MS. KERNS: I'll just say that for staff that makes it very difficult to know when to bring, like when to bring back to the Board conservation equivalency use or not. Because if it says "shall" or "may" then we don't know after each assessment if we're supposed to bring it to you or not. When are you guys going to tell us if you want it to come back or not? The ambiguity there makes it harder for staff to implement the process.

Just because the Board is going to say after each stock assessment yes or no to conservation equivalency, it doesn't have to be a detailed piece. You can just say no, we don't want to do this. But all staff is going to do, if the Board agrees with the paragraph below, is after each assessment you're going to say conservation can be used, it can be

used in this way, and here are your CE programs that are out there. Then you make your decision.

MR. NOWALSKY: My response to that, Toni, is that I don't think it is the staff's job to have to do that. I think the fact that these paragraphs, the sentences in question begin with "The Board". It is our responsibility to follow along with what is going on, and advise staff whether we want to do that. I would encourage staff to do, with each stock assessment presentation, exactly what you just said.

Here is the current status of conservation equivalency, okay, go ahead and raise any red flags that came up during the assessment about the impacts of conservation equivalency, and then it is incumbent upon us to do our jobs. I'm not trying to make staff work harder here, and I appreciate your concerns. That would be my response to you, I appreciate your "we do it all for you, Board" mentality of the entire Commission and staff. I'm willing to take it upon the Board's shoulders as these paragraphs, these sentences begin, and that's where that onus should lie.

CHAIR CIMINO: I think you've laid out a case, so if you're okay I'm going to look to the seconder to see, David, do you have any comments? No. I'm going to look to discussion on the motion. I saw Jeff Kaelin's hand.

MR. KAELIN: I guess ask Adam. His motion doesn't address the language that has been suggested by staff to be removed, relative to stock status review. I think this works very well if that language remains in the paragraph, so that it would be and when the stock status is changed. I'm not favor of taking that language out.

I think what Adam is suggesting works very well if that language is retained. I guess that is the question to the maker and the seconder of the motion, if that is their intent, because I do think that works very well to leave that language in

about also doing this when the stock status is changed.

CHAIR CIMINO: I think like CE, as you start to put two different elements together you have combinations that may have different impacts. I think that if we are going to take that up, I would take that as a separate motion, actually. Adam, did you have a follow up to that?

MR. NOWALSKY: No, I just wanted to clarify that it was not my intention through the motion on the board to suggest changing any of the changes that staff has already suggested, and that if Mr. Kaelin feels strong enough, it would be exactly as you suggest, we would need some additional motions.

CHAIR CIMINO: Back to discussion on the motion on the board, and I have Jason McNamee.

DR. McNAMEE: Just maybe a comment first. Like I'm almost positive when we were working on this it was may, and we changed it to will. That may not be true, but I think it might be. It may be true. I guess I feel like this small change, and I don't disagree with anything that Adam said, but I totally get what he's trying to achieve. I just think it sort of undoes what I think the intent of this was, which was to put some stronger sideboards on the approach to conservation equivalency. I'm like having a hard time with this. I'm not sure if I'm going to support it.

CHAIR CIMINO: I see Spud's hand. Now I was Spud's co-chairman here, and was so impressed that he got the de minimis and CE policy put through in his time. But here we are Spud, so do you have some comment?

MR. SPUD WOODWARD: Well, it seems like things never actually get quite done in this business, do they? My question is really more for clarification purposes; I think to help some of us on this end of the table to understand. When compliance reports are reviewed, to what degree are CE programs reviewed as part of that process?

If they are is that not sort of an ongoing check on the efficacy of those programs in the context of the existing plan? I'm just trying to figure out, how do we get to where I think everybody wants to be, but understand if we're already investing some effort in doing that, what is this adding to the process?

MS. KERNS: To my understanding what we were doing in this portion of the process is deciding whether or not you're allowing conservation equivalency to carry forward or not. Maybe the language should be worded differently, but this is based off of the motions from before.

But it is not actually evaluating each individual state's program, but you're saying you're going to allow conservation equivalency or not in this FMP. If you are not going to allow conservation equivalency in this FMP, then all the existing programs need to go back to the standards of the FMP. In that sense, and through the process of making the decision, staff brings forward each of the CE programs that are in place.

For every compliance report from the newer CE programs, a state has to come and bring information about how that program is working. You get that in the FMP review each year for striped bass. There are some species, someone texted me in the middle of this, like how many species use CE?

Well, we have some species like lobster that has CE in it that we have not been evaluating the use of the CE program, because I'm not even sure exactly what all those are. It's going to take a little bit of work on Caitlin's and my part to figure out what those CEs are when the assessment comes forward, because those were from 15 years ago, and we didn't have these guidelines where you have to evaluate. The newer programs, they get done every time, old ones not so much.

CHAIR CIMINO: Okay, we are running a bit late. Adam, you have a follow up to that?

MR. NOWALSKY: Yes, just briefly so that the record accurately reflects. I just want to make sure, since there are two instances of the word "will" in the stock status conditions paragraph on Page 3, this instance of "will" applies only to the first instance in that paragraph. Just want to make sure that is completely clear.

CHAIR CIMINO: Noted on the record, appreciate that. We are running a bit late. Any further discussion? Not seeing any hands. I'm going to call the question here on this motion. Do we need a minute, yes, I'm going to give a minute and a half, just kidding. All right, I still hear some chatter, but I'm going to look.

Throw up a hand if you still need some time, if not I'm going to call the question. Okay, I am not seeing any hands. Toni will help me here. **All of those in favor of the motion, please raise your hand. Okay, put your hands down, thank you. All of those opposed. Any abstentions, null votes, so we have 8 and 7. We have 8 in favor, 7 opposed, so the motion passes.** Mr. Grout.

MR. GROUT: Given that that motion passed, I'm wondering if there is a way within this document that we can have the process, at least the first sentence of the process on the last page included, where the Board after each stock assessment will have the staff remind the Board of current conservation equivalency status for the FMP. This will include equivalency is allowed under the FMP, including any sector-specific limits in process, and list as an active conservation equivalency program, any active conservation equivalency. Have that as a staff task that will occur with each assessment, but then the Board may determine if any changes are needed, because what the Board's action is what I understood Adam's concern was. I'm just looking for that information with each assessment, and the Board may consider whether to do an evaluation.

CHAIR CIMINO: It's a good point and I think that's important. As Toni pointed out, there are some CE,

it might have come in and it wasn't even considered CE when it first started, but that is kind of where it falls, because it is outside of what is spelled out in an FMP. I think that is a great point, Doug, and I think we can do that.

I don't necessarily think we need a motion, I think it's just part of the evaluation that occurs as we move forward, and we have a motion that passed here, as you pointed out. We have now determined that it may come before the Board, but the notion that everyone knows that there are some states that are doing something outside of the FMP, should always be there for everyone.

MS. KERNS: Just for clarity, I was going to come to this section last, but now we'll just go to it now. Is there objection to the language in this new section noting that the "will" in the Board will determine if a change to the conservation equivalency is allowed, will change to a "may" based on that last vote. But otherwise, is there an issue with this?

Does anybody have objection to adding this to the document? Okay, great. Based on the motion that we had just now, we said that the Board may determine if a change to conservation equivalency is needed. I'm making a change to this paragraph to say "may," but the paragraph itself will stay the same in the document otherwise.

MR. RUCCIO: Thank you, I just thought you were going to add some of what Doug had said to that text.

MS. KERNS: Well, everything that Doug said was already in there, it's already listed.

MR. RUCCIO: I guess I didn't see it in there, but I'll take a closer look.

MS. KERNS: Then, we'll stay on this Page 3 change. Is there objection to adding the language, no sorry. On Page 2, is there objection to striking "if the stock status is

changed". Seeing no objection to striking that language, we will move forward. Is there objection to adding the language on Page 3 that says, "as long as it does not have an impact to another measure" and then gives the example. Excellent. Oh, sorry.

MS. BURGESS: Talked about this a little bit earlier. But with that addition, could we not then change the single more restrictive measure to be multiple? Because you have that caveat in there, as long as it does not impact another measure.

CHAIR CIMINO: I think that is a really good question. There is an evaluation that is taking place, and we have the stipulation, "as long as it doesn't impact another measure." Then it's determined that it is just more restrictive. Yes, I think that works. I guess do we move additional language is the question.

MS. KERNS: I think it's fine. I think about a lot of these things as being fine, and then later on I get in trouble. Based on Erika's suggestion, is there objection to dropping in that very first sentence of the paragraph, the word "single" can we delete that? That allows a state to do multiple more restrictive measures, as long as it does not impact another measure.

Fantastic, gone. The last sentence that we struck in that paragraph, "due to unexpected consequences". Is there objection to deleting that? That was just readability. The next one is the addition on Page 3, the first paragraph under stock status condition. If the Board determines conservation equivalency is not permitted, it will apply to future actions of the Board and existing conservation equivalency programs. Erika.

MS. BURGESS: I think here is another case where maybe the Work Group or staff was thinking about the worst-case scenario. There may be an existing set of regulations that were approved under a conservation equivalency program that would still be appropriate for the stock and the coastwide efforts to manage that stock.

I want to offer maybe a substitution here to revise it to say, I won't make a motion yet, I'll let folks talk about it first. It will apply to future action of the Board. Additionally, all existing conservation equivalency programs would need to be reevaluated by the Board. That way it is not saying you can continue or you can't, it's just, we'll look at it.

If one state continues to be more conservative in the outcome of the regulations that it may not match the requirements of the FMP. They are not forced to change, because it is sometimes very challenging for us to get through regulation changes in our state, and if it's really not necessary to achieve conservation, I would like the opportunity to retain the regulations that exist.

CHAIR CIMINO: Apologies, we did that last change without a motion and I think that's fine. I don't know if folks want to see the wording here, kind of do this as a motion. But yes, Toni and I were kind of side barring and I think it does move us a little bit more into a gray area. I think if we're going to go that route, we need to see the wording on the board. John and then Lynn.

MR. JOHN CLARK: Can we consider just tabling any more action on this for now, I mean we're already running a half hour over. We're making changes. I can't evaluate these changes we've made now without seeing the entire finished document. I mean it seems that clearly, we are not ready to finalize this document today.

CHAIR CIMINO: Yes, that is a fair comment. As we pointed out at the very beginning of this, you know Toni had passed this on to Policy Board. I think we can do that again and revisit. I think that is what we'll do, so I appreciate that, John. Toni wants to talk too, to be honest with you. I do think folks probably need to sit with this. I think we can put forward Erika's wording as an option too, so we've got a bunch here. I want to go to Lynn and back to Erika. Lynn, go ahead, please.

MS. LYNN FEGLEY: I don't have a lot to add, except that with John, I'm beginning to feel a little bit like where are we in the conversation that we had. I did not read through the transcript of our discussions leading into this, and I feel like now is the time. I need a little more time to review all the Board's logic when we started this, because now we're starting to relitigate what we're doing. But that was off hand.

CHAIR CIMINO: I do worry, as Jay pointed out as a member of the Working Group that there was an intention to put sideboards, and I don't know how far we're going away from that back to almost no policy whatsoever. Eric, did you have a comment?

MR. ERIC REID: Yes, my comment is, I know Toni want to get this done at this meeting. We're only on Part 1 of the Policy Board, we could take it up again first thing on our next session, and maybe that will give people time to analyze what might be the last action we need to take.

CHAIR CIMINO: I think we'll gauge comfort levels in between our Episode 1 and 2 of Policy Board. We ended up with a cliff hanger, which is how you're supposed to do Part 1 of any episode, obviously. Sorry about that, Toni. We'll gauge comfort levels on that. Erika, if you don't mind, we'll get your wording. Do you have a follow up comment?

MS. BURGESS: I was going to ask. I don't know that relitigating is a correct term, but as time has passed and more examples have come before the southern states, so we get to see what you all are more familiar with and have dealt with in the past. I've found several things I find problematic within this policy. What is the best way to bring those before the Board, because I have multiple more points I would have reconsidered in this policy that I don't think we'll get through in this meeting, whether it be today or when we reconvene on Thursday.

CHAIR CIMINO: Yes, that's great. I think if you can send those to Toni, and then I think maybe a discussion at Policy Board is do we get another working group back together and kind of hammer out some of this. But I think that was bound to

happen, because some of the things that we consider CE now are so old that that is not how they were proposed, but that is how they have to be considered now, because they are not necessarily part of the FMP.

I think it's very valuable to kind of reconsider some of this stuff, so I appreciate that. If you send that to Toni, then we'll have a discussion. We'll add it as an agenda item for how we're going to handle this at Policy Board Part 2, Attack of the Clones, I guess, Jay.

MS. KERNS: Erika, if you could just redline what you propose. If you're proposing new language redline it in the document, and then just send it to me or if you want a conceptual change then what that conceptual change is. I'll say that this will make striped bass a little harder for Emilie and I, but we will carry forward to the best of our ability with the direction that you've given us so far today.

CHAIR CIMINO: Okay, I do not like to keep Dr. Drew waiting in the wing. Katie. We're going to go to Progress Update on Ongoing Stock Assessments.

PROGRESS UPDATES ON ON-GOING STOCK ASSESSMENTS

DR. KATIE DREW: This will be very quick. This is only an update on species that do not have a meeting this meeting cycle, so you will be getting updates on other species in progress, including lobster, croaker, tautaug, menhaden, et cetera at their respective board meetings, so this is only an update on weakfish, which unfortunately does not have a board meeting, because the assessment has been delayed until the summer meeting.

As you all know, we had some delays getting the data together, and then our hope was that we could present it to you at this board meeting, but as we worked with the model we realized we needed some additional time to, basically to update the model for software

reasons, so we're still working on that, but are hoping to get it to you by the summer meeting. If you have any questions, I'm happy to take those maybe offline, so thank you.

CHAIR CIMINO: That is your state fish, hey, Doug? Our long-neglected dare to love weakfish. But yes, we look forward to that, I appreciate that. Any questions for Katie? As she said, let's do that offline. I apologize to everyone, but I think that is an easier way to do that.

RECESS

CHAIR CIMINO: We'll move to recess here, and we'll be reconvening on Thursday.

(Whereupon the meeting recessed at 11:25 a.m. on Tuesday, May 6, 2025)

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, May 8, 2025, and was called to order at 10:30 a.m. by Chair Joe Cimino.

RECONVENE

CHAIR CIMINO: Good morning, everyone. It is my pleasure to reconvene Policy Board here. With that, we're not doing approval of the agenda or proceedings. However, we do have at the front of the table a couple things that we want to take up that are not yet on the agenda. We will be honestly; I'll be sprinkling them in throughout what we have here in our bulleted points. I'm also going to look around the Policy Board to see if anyone else has anything that they need to add under Other Business. Excellent, that is good to see. Wait, Lynn, go ahead.

MS. FEGLEY: Just really quick, just to talk about some funding issues really quickly.

CHAIR CIMINO: Thanks, Lynn, we'll put that in Other Business. Toni has something as well, but right now I'm going to turn it over to Dan McKiernan.

MR. DANIEAL MCKIERNAN: I just want to take a moment and recognize Sarah Ferrara, who is the proxy currently to Representative Jenni Armini. This will be Sarah's last meeting here as proxy, because we're hiring her from the Legislative branch over to the Executive branch to work at the Division of Marine Fisheries, and I just want to thank her for her service. She's been a great friend and a great performer here, and a familiar face to all of you. Thank you, Sarah for your commission. Congratulations on your new job!

CHAIR CIMINO: I'm going to go to Bob Beal.

EXECUTIVE DIRECTOR BEAL: Yes, just one quick introduction on the new staff that I should have done earlier, at the first session of the Policy Board, but I forgot. I want to introduce everyone. I think folks have met Samara Nehemiah. She is the new Stock Assessment person on ASMFC staff. She is fitting in great already, and if you haven't met her yet, please go back and introduce yourselves, and she will be around helping us fulfill our pretty lengthy list of stock assessments we need to work on. Just want to make that introduction.

EXECUTIVE COMMITTEE REPORT

CHAIR CIMINO: Yes, absolutely, thank you. Very exciting, we will all consider ourselves very lucky. With that, I am going to go into our next agenda item which is the Executive Committee Report. We had an Executive Committee session yesterday morning that included a closed session.

The first item for business for us was approving the fiscal year '26 budget. That was approved with a report from the Administrative Oversight Committee, which is chaired by our Vice-Chair of the Commission, Dan McKiernan. I think we are all aware that we are in uncertain times, but

with the approval of this budget we do feel like we are in pretty good shape.

I know it's in meeting materials, so if folks want to take a look at that they are welcome to do so. Any other questions or thoughts on just that part of it? I'll move on to, we had some legislative updates from Alexander, and a section included some executive order actions that have been taking place that impact us.

If you have any questions on any of that stuff, I absolutely encourage you to speak to Alexander. He's incredibly informed and up to date on everything that is going on that impacts us. We had a brief conversation about how one of the executive orders that has a task for the Councils does not include or mention the Commissions at all.

From our end of it, being a commission that interacts with three different councils, that is something that we're going to have to take on, on our own.

REVIEW DISCUSSION PAPER ON DECLARED INTERESTS AND VOTING PRIVILEGES

CHAIR CIMINO: I'll move on to, we had a discussion on a paper prepared by staff on some issues that have come up on both declared interest and voting privileges.

We did not come to a conclusion on where that should go at the Executive Committee, so we are not quite prepared at this point to present anything to Policy Board on possible actions. We had some homework that Dan, Bob and I, along with staff, are going to work on declared interest, which has been sitting around for a long time.

Bob, if I could put you on the spot, I meant to ask you before this. That is listed in Rules and Regulations. Okay, great, thank you, appreciate that. We will be looking at that and be presenting that back to Ex Com. Ex Com members in general have a homework assignment as well, and that is to look at what exists in voting privileges.

But since that will of course come before the full Policy Board, I would hope that Ex Com members work with all of our Commission representatives. If there are items that want to be put forward under what we're discussing, under voting privileges, that would be much appreciated. Provide that to staff, so that we can take this up again at another Executive Committee meeting. Any questions there? Any further discussion on that before we just again, get to our homework assignments. Not seeing any, okay with that, yes, okay sorry. Actually, one thing we wanted to do. We did have another item that we were discussing, which is our conservation equivalency policy, and more homework assignments. Toni is going to touch briefly on that. It's not something we're going to try and finish off today either, so I'll let her go on to that.

MS. KERNS: First of all, I would like to thank Erika for sending me her comments and some redline stuff. I appreciate that. I think what Joe has heard from you all is that folks want time to be able to see the document. What I am going to do is send out a redline version of the document, give you deadlines in which you need to respond.

Then we'll bring a new document back to the Policy Board at the summer meeting, and I'll incorporate, to the best of my ability, the redline issues that you guys bring up. But I wanted to sort of present possibilities, I guess, for the existing CE programs as you work on your homework, because I think that there are some fundamental questions that this Board needs to answer on existing CE.

Just as a review, of sort of what we're saying I think will happen, is that anytime an assessment is done, the results will be presented, and if the stock is overfished or depleted, the Board may choose to allow for CE by two-thirds vote, when otherwise it would not be permitted. At that time, staff will present the use of CE in accordance to the policy.

It will also spell out any specific requirements that are in that species FMP. Then staff will provide a brief overview of the existing CE programs and the use. That overview can include information such as the number of years it's been in place, has the program been meeting its intended goals.

It a state is collecting and reporting the data per the proposal, and maybe a couple other things we can sort of work those out. But we don't want to have an extensive report, it's not meant to take hours. Then the Board may determine the use of CE is no longer allowed, and then at that time they have the option to limit CE by sector as well. It's not like it's yes or no for everything, you could be limiting it by sector. Fundamentally, does the Board intend to allow existing CE programs to continue if conservation equivalency is not allowed?

I think that is a question you all need to decide. In thinking about it, with my workgroup, is it automatic that conservation equivalency is no longer allowed by default of the policy, and therefore existing CE programs must end and revert back to the FMP standards, or is the Board required to include direction on CE programs in the motion that is allowing for conservation equivalency to occur when the stock is overfished and depleted and the Board does or not.

Then at that time, if you're saying yes to allow existing CE programs, is it all of them, just a blanket yes to all the existing, or are you reviewing each one individually and making a decision for each of those? I will make sure that these questions are in my redline document and memo, but I think that is sort of fundamentally what you're trying to make your decision on, based on what I've heard. If it's something else then let me know.

CHAIR CIMINO: Dan.

MR. MCKIERNAN: I would like to bring forward some of the things I heard from colleagues about this issue. One of them is, we need a better accounting of what the CEs are, conservation equivalencies. I talked to ASMFC staff about this a little bit, and one recommendation I would make is

that when there is a conservation equivalency that has been approved and is enforced, maybe that could be attached to the back of that specific addendum.

Even though the addendum might have been approved, let's say May of 2024, if the conservation equivalency gets approved at a subsequent date, you could have a second date on there. Also, have a second accounting of all the conservation equivalencies, because I had forgotten some of them for some of our species that I know are out there. Especially for newer members to the Board that probably are completely oblivious to what some of those are. I think a better accounting or inventory of the conservation equivalencies would be really helpful.

CHAIR CIMINO: I was thinking something similar, I just felt guilty about tasking staff with that, so I'm glad you did. But they are, and we know that some of these are so longstanding that we have talked about this previously that some of them we're really not thinking about. At the very least, I think Toni, if we could just get a couple examples, you know up front, eventually with an inventory, but a couple of the examples of how complicated it is if states are forced to reverse after 20, 30 years, or what that even means.

New Jersey, I think is a perfect example with our commercial quota, or if we would have totally been allowed to harvest all of that commercial quota, but we use a CE program where we use a small portion of it, 20, 30%, and we're told we can't do that anymore. That seems pretty odd to me. Something to think about there. I appreciate that. I'm trying to see if I got to everything, no I didn't. Still within Ex Com, I apologize.

While we talked about the future annual meetings, Dewey Delaware coming up. Jay, you said we have a town, we're in Newport? Yes, so Newport, Rhode Island after that, pretty exciting stuff. We'll go down to South Carolina

after that, but I don't believe we have a location yet. Then I mentioned we had a closed session.

We talked about litigation that the Commission is involved with on lobster trappers, and on striped bass with Maryland. I would just say that if anyone on Policy Board has questions on that, please get up with Bob, and he can walk you through some of that. Similarly, we had an update on the CARES repayment.

In general, there has been very good progress. We continue to work with NOAA on this, and the states of Florida and New Jersey, along with ASMFC staff continue to work very hard on that. I believe that now covers my Executive Committee Report. With that we'll move to our Law Enforcement Committee Report, and I believe we have Kurt online.

MS. KERNS: Kurt, you should be able to unmute yourself now.

LAW ENFORCEMENT COMMITTEE REPORT

MR. KURT BLANCHARD: Good afternoon, all. The Law Enforcement Committee has held two meetings since our last report, a virtual meeting held on March 27, 2025, followed by a hybrid meeting during the 2025 spring meeting week. We had the opportunity to welcome Captain David Bailey from the Maryland Natural Resource Police and Captain Jack Chapin from the Massachusetts Environmental Police, as new state representatives.

Additionally, I would like to extend my gratitude to NOAA General Council attorney, Robert Hogan, for his years of support and participation in the LEC. I think Mr. Hogan has close to 20 years if not longer being at our table. He has recently retired, and he has been succeeded on the committee by Mr. Joseph Heckwolf.

We had some specie discussion during these meetings, specifically the Atlantic Striped Bass Addendum III on March 27, 2025. The LEC conducted a virtual meeting to address various questions presented by the Striped Bass PDT. The focal point of the discussions was the enforcement

specific management measures under consideration in the development of Draft Addendum III.

A comprehensive meeting summary was provided to Striped Bass Management Board during the spring meeting, and we look forward to supporting future addendum conversations as it moves through the process. The second species was under bluefish. Staff briefed the Law Enforcement Committee on Technical Committee's application of the risk and uncertainty tool.

The TC is considering using this tool to quantify management uncertainty within the commercial and recreational bluefish fisheries. Two of the elements of this tool, compliance and enforcement have enforcement implications, and may require the LEC input beyond state compliance reports.

The goal of this presentation was to open a dialogue with the LEC and familiarize the committee with this tool for its future application of fisheries management. Under Other Business, Lieutenant Delayne Brown presented a case study concerning striped bass enforcement efforts by the New Hampshire Fish and Game Department during summer of 2024.

Two specific cases were highlighted. The first case was the Castile, the Bureau and Catone Case, and the second case was the Travis case. Both cases were presented by the LEC Committee in notable cases to this Board back at the 82nd Annual Meeting. Lieutenant Brown provided an in-depth study of the origin, procedures and penalties associated with these cases.

Both incidences involved Massachusetts commercial fishers crossing into New Hampshire state waters, and exceeding the permitted limit for taking in or possession of oversized striped bass. Lieutenant Brown shared details of the initial reports of illegal activity, the comprehensive operational plan

and the surveillance techniques employed to apprehend the poachers.

The investigation strengths and weaknesses were discussed, as learning tools for other agencies. Lieutenant Brown acknowledged the cooperation and effort of Massachusetts Environmental Police, the Maine Marine Patrol, and several local police agencies in successfully resolving these cases. The penalty phase resulted in a total of 34 warnings being issued, 46 violations cited, amounting to fines totaling \$5,478.00. Additionally, the state of Massachusetts has suspended the commercial permits of these fishers for three years. A closed session of our meeting was afforded to openly discuss new and emerging law enforcement issues, as well as providing time for respective agencies to highlight their current enforcement efforts.

On this notable case work, Connecticut Environmental Conservation Police. On Tuesday, December 17, 2024, two En Con Officers and canine Luna were patrolling the Housatonic River for striped bass poaching activity. Officers encountered a group of six anglers fishing. Observations included one angler climbing the riverbank, scaling over a guardrail, running across the road, and entering a steep wooded hillside on the opposite side of the road, subsequently disappearing into the woods.

The angler was carrying something heavy. After a few minutes, the anglers returned to the riverbank empty handed and resumed fishing. Upon officers approaching the anglers, it was discovered two individuals did not possess fishing licenses, and claimed to have caught no striped bass.

Canine Luna was deployed, unleashed along roadside, and instructed a search of the wooded hillside. She discovered four separate bags of striped bass, each buried in the ground and covered with leaves, spanning about a 75-yard stretch of roadside. In total, she recovered 34 striped bass, all ranging in size from 12.5 inches to 25 inches in length, violating the striped bass slot limit of 28 to 31 inches.

The anglers were cited for 64 striped bass violations, issuing fines totaling \$4,974.00. All the fish were donated to a nonprofit rehabilitator. Second case I would like to highlight is out of South Carolina, which was a joint investigation. This is a case from 2023, but the federal jury just recently convicted a Florida commercial fisherman after a three-day trial.

The fisher was found guilty of making false statements on trip reports about the quantity and quality of fish caught, and providing inaccurate information to federal agents. A joint investigation by NOAA OLE, the U.S. Coast Guard, South Carolina DNR Saltwater Team, and the U.S. Department of Justice, uncovered evidence of these violations.

The fishers managed several commercial fishing vessels, including two docked at a federally permitted South Carolina Seafood Dealer. It was revealed that the manager of these vessels facilitated a scheme that one vessel took an excessive amount of two regulated species, transferred this overage to another vessel, and then to a waiting vehicle.

The fish was sold to two separate dealers to conceal the surplus. In a mandatory trip report filed shortly thereafter, the fisher reported his catch was in the limit, concealing the overfishing by the first vessel and attributing a significant amount to the second vessel, which had not caught any fish. When interviewed by NOAA Agents, the fisher falsely claimed that the fish had been contaminated by a fuel spill and disposed of in a dumpster.

The fisher is awaiting sentencing, but does face a maximum penalty of five years in federal prison, a fine up to \$250,000.00, restitution, and three years of supervised release following imprisonment. Mr. Chair, this is my report. I welcome any questions and/or comments. Thank you.

CHAIR CIMINO: Excellent, thanks, Kurt, much appreciated. I do want to note, before I open it

up to questions that this hotel is pet friendly. I hope Connecticut gets strong consideration for next year's annual award of excellence. Since we are, I think a little ahead of schedule, I'll give a little story about a college class I had on natural resources law enforcement.

It was first day, and our conservation officer told us a story about approaching some anglers on the bank that also took off. Caught up to the guys asked for their fishing license and said they had it. He said, then why did you run? He said, because my friends didn't. They managed to get away. Thank you, I appreciate you allowing me to tell that story. Any questions? I've got Loren.

MR. LOREN W. LUSTIG: I really appreciated the report that we just heard. I can't thank the person speaking about these fascinating cases. It reminded me that for many years the Pennsylvania Fish and Boat Commission had reported both orally and, in their magazine, cases of boating accidents, some of which fatalities were involved. There is a lot of value in receiving those reports, because of course, you would have to analyze your own liability if you were caught in a similar situation.

I taught boating safety for about 25 years, and on most of those years I opened the class with an example from one of those fatalities that occurred on Lake Eerie, and then question the students, what did these boaters do wrong and what did they do right? That was the whole point of the use of that actual case. I really appreciate receiving these kinds of reports, because they're not only interesting, but they are also educational for me, personally, thank you very much.

CHAIR CIMINO: Any other questions for Kurt? Okay, thank you and again, thank you for the report. We're going to move into Other Business. I don't know that we had any hands other than Lynn. But I'm going to let Toni go first, Lynn, and then we'll go to you.

OTHER BUSINESS

MS. KERNS: There are two things that are CITES related to inform the Board about.

CITES LISTING

MS. KERNS: One is just to let you know that Deb Hahn from the Association of Fish and Wildlife Agencies has informed Caitlin and I that they are aware that the EU will be submitting a proposal to American Eel under Appendix 2 for CITES.

As we understand more about that, we will be probably reaching out to the Board to either gather additional information, or understand better comments that we would want to bring forward. I don't think that the positions have changed too much, but if we do need any additional information, we will let you all know.

The second, Caitlin sent out an e-mail to the Administrative Commissioners, I believe, because we got an e-mail also from Deb, that the IUCN is considering a motion to take hammerhead sharks and move them from an Appendix 2 to an Appendix 1 under CITES. This is a motion that the IUCN is taking up under their World Conservation Congress meeting, I believe, and that this group has the potential to influence conservation policy to look at the species, despite the national and global level. They wanted to better understand how the states feel about this change, and how it may impact you all if the hammerheads were to move from Appendix 2 to Appendix 1. As a reminder to those, Appendix 1 pretty much restricts trade of a species altogether. I think you can get some trade under rare circumstances.

But species like gorillas and giant pandas are listed under Appendix 1, if that is helpful for folks to understand. What we're trying to figure out from you all is that for those states that do harvest hammerhead, do you know what happens to your charts? Are they being exported or not, to try to figure out if this would

be a substantial negative financial impact to your fisheries or not?

Deb has to weigh in on the 12th, which is Monday, and so we are hoping to get information from you by close of business on Friday, so that we can compile some information and provide it to Deb on Monday. We can take any questions.

CHAIR CIMINO: Ben.

MR. BEN DYAR: Questions about the eel. Do they intend to, or do you know at this time, do they intend to list it? I think last time it was Appendix 2, is that right?

MS. KERNS: That is correct, Ben. It's Appendix 2 and it's still the same. The proposal will have to be brought forward, June/July timeframe, and it will go to the Full Conference of Parties, which will be in November/December in Uzbekistan.

CHAIR CIMINO: Any other questions or comments for Toni? Erika.

MS. BURGESS: Toni, I appreciate the early communication on this, and we'll be working to get you our statement on these today. I don't know that we'll be able to tell you whether these are shipped internationally or not. In Florida state waters hammerhead sharks are prohibited from harvest, but HMS does allow their harvest in federal waters. A little bit of a concern here about the way that the CITES process works.

Smooth hammerhead, their stock is healthy. Scallop hammerheads show signs that it has been rebuilt and is healthy, and only great hammerheads is overfished, but it's not undergoing overfishing. I know there is a concerted effort to try and increase the harvest of sharks for some species, or allow more opportunities for harvest. Any measure that would make it more difficult or placed burdens on it, would be counter to those efforts that are going on.

MS. KERNS: Just to be very clear to how I understand it, and Caitlin, you can correct me if I'm

wrong. It's that the IUCN would be requesting to move them from Appendix 2 to Appendix 1 in CITES, and I think that as a group, as a whole, since they have such influence on other NGOs, it might encourage other NGOs to also make that ask.

CHAIR CIMINO: If that is all on that, I am going to go to Lynn, and then Dan has an item as well.

FUNDING ISSUES

MS. FEGLEY: People are probably aware of this, but there have been some e-mails circulating that it does look like the recreational fishing and boating or Boating and Fishing Foundation is zeroed out at this point. That is WildPro funding, and while they are not directly impacting this body, that is our three activities that support our license sales, that support our work that we do to keep in compliance with ASMFC.

I just wanted to make people aware. I'm going to get acronyms wrong, but the Association of Fish and Wildlife is keeping a really tight eye on this. But I just wanted to make everybody aware that it's another piece, and it's just getting one step closer to that sportfish restoration.

CHAIR CIMINO: I appreciate that. I think that our discussion at Ex Com when Alexander gave us legislative updates, we had talked about our relationship with AFWA and how we are in a pretty good place right now, as far as strong communication. We will look to him to keep us informed on that, and of course he will. As I have said during Ex Com, he's our award-winning Alexander Law. With that, I'm going to go to Dan.

BONITO UPDATE

MR. McKIERNAN: Just want to give the Board an update of an issue back in Massachusetts. I came to this Board, I think about three years ago, with some constituent concerns about Bonito being targeted and harvested as young of the year, all the way into the Gulf of Maine. I

think it's sort of a species shift/climate change event, even though it's not a very popular issue to be talking like that these days.

But clearly seeing young of the year Bonito in the Gulf of Maine was kind of an eye opener. Those local groups kept at it with us, and so we went out to public hearing and we did propose and we did enact some rules. I have up on the board, it's a plot of the weight and pounds, estimated weight from MRIP, and you can see the 2024 year was phenomenal, and in fact this was consistent with what a lot of the anglers and the charterboat captains reported to us.

That in the absence of striped bass during the warm summer months, and bluefish being down, these so-called hard tails, both with albacore and bonito are really carrying the fishery. There was a fair amount of support for our proposal, which was a 16-inch minimum size on both species, as well as a five-fish limit an aggregate of the two species.

Now we all know, almost nobody retains false albacore, so it's kind of essentially a five-fish bonito limit. But I just wanted to bring that to your attention. Tina already sent around a state advisory about that action that we took. I think our analysis was showing that Massachusetts was landing about a third of all the bonito on the east coast on a pretty regular basis, so I just wanted to share that.

CHAIR CIMINO: I have a couple comments myself that I'll just kind of kick us off. You know these obviously aren't Commission managed species, but we have used the Commission to kind of help us organize discussions on this, and several states have met several times to have discussions on this.

Mass is moving ahead of other states. I think another example would be sand land, and kind of an organization and connection through the states that I feel is facilitated by the Commission just in the amount of close work we do together kind of got some motivation for states to put in regulations on sand land. You know it is interesting. I think that we have a lot to do here. It is difficult to have discussions on the Commission expanding our

management realm, and yet we continue to have this close communication that helps in at least sometime regional decisions that are even outside of the Commission. Are there any questions or any discussions on this, since as I mentioned, a bunch of states have been making considerations here. Roy Miller.

MR. MILLER: Quickly, Mr. Chair. Dan, was that Massachusetts intends to implement that bag limit or they already have?

MR. McKIERNAN: We did, it went in effect, I think this week.

CHAIR CIMINO: Not seeing any other hands.

ADJOURNMENT

CHAIR CIMINO: That is all we have for Other Business for Episode 2 of Policy Board.

(Whereupon the meeting adjourned at 11:04 a.m. on Thursday, May 8, 2025)