PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

May 6, 2026

Approved August 6, 2026

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1. **Approval of agenda** by consent (Page 1).

2. **Move to start the process to change the declared interest section of the rules and regulations** (Page 10). Motion by John Clark; second by David Borden. Motion passes with no objections (Page 12).

3. **Move to accept the voluntary guidance for voting that's in the document for Sections 1-5** (Page 18). Motion by Bill Hyatt; second by Marty Gary. Motion fails (5, 11, 1 abstention, 1 null) (Page 20).

4. **Move to task the Commission Chair, under Article IV Section 4 of the Rules and Regulations to formally establish the Legislative and Governor Appointee (and proxies) Sections as a Committee** (Page 22). Motion by Eric Reid; second by Joe Grist (Page 23). Motion passes by unanimous consent.

5. **Move to adjourn** by consent (Page 31).

ATTENDANCE

Board Members

Carl Wilson, ME (AA)
Rep. Allison Hepler, ME (LA)
Renee Zobel, NH (AA)
Dan McKiernan, ME (AA)
Ray Kane, MA (GA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Shanna Madsen, CT (AA)
Bill Hyatt, CT (GA)
Robert LaFrance, CT proxy for Rep. Gresko, CT (LA)
Marty Gary, NY (AA)
Joe Cimino, NJ (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Loren Lustig, PA (GA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Michael Luisi, MD, proxy for K. Charbonnaeu (AA)
Joe Grist, VA (Acting AA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Ben Dyar, SC, proxy for B. Keppler (AA)
Malcolm Rhodes, SC (GA)
Chris McDonough, SC, proxy for Sen. Cromer (LA)
Doug Haymans, GA (AA)
Spud Woodward, GA (GA)
Erika Burgess, FL, proxy for J. McCawley (AA)
Gary Jennings, FL (GA)
Ronald Owens, PRFC
Mike Ruccio, NMFS

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

Staff

Bob Beal
Toni Kerns
Tina Berger
Madeline Musante
Caitlin Starks
Tracey Bauer
Chelsea Tuohy
James Boyle
Jeff Kipp
Samara Nehemiah
Pat Campfield
Kurt Blanchard

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, May 6, 2026, and was called to order at 1:05 p.m. by Chair Daniel McKiernan.

CALL TO ORDER

CHAIR DANIEL McKIERNAN: Good afternoon, everyone. This is the start of the ISFMP Policy Board meeting. I'm Dan McKiernan from Massachusetts I'm the Chair.

APPROVAL OF AGENDA

CHAIR McKIERNAN: First thing I would like to do is approve the agenda. I do have some requested agenda changes. I'll bring this forward.

The first agenda change is to move the Habitat Committee Report after Number 4; The Executive Committee Report. The second change that has been requested is a brief stock assessment report under 6 for Committee Reports; and finally, an LGA Legislative and Governor's Appointees Report as well, from yesterday.

That would all be under Number 6. Toni, do we need a motion to approve the agenda as amended? Can anyone make that motion for me? I've got Eric Reid; seconded by Joe. Do you have other comments, Joe or is that just a second?

MR. JOE CIMINO: I just wanted a heads up. I have a request under new business that should only take a second.

CHAIR McKIERNAN: Okay. Eric.

MR. ERIC REID: I have a tasking motion for after that LGA.

CHAIR McKIERNAN: That will come as part of your report?

MR. REID: Yes, sir, it will.

CHAIR McKIERNAN: All right, very good. I have a motion by Eric, I have a second from Joe, to approve the agenda as amended.

PUBLIC COMMENT

CHAIR McKIERNAN: Under public comment, is there anyone in the room or online that would like to speak to any of the items that are not on this agenda?

MS. TONI KERNS: I don't have any hands, but I just wanted to note that we have Doug Haymans from Georgia, Mike Ruccio from NOAA Fisheries, Adam Nowalsky from New Jersey online, and I think I've got everybody; but if I missed someone, let me know.

EXECUTIVE COMMITTEE REPORT

CHAIR McKIERNAN: Next on the agenda is mine, it's the Executive Committee Report. We met this morning. We had a short meeting. We received the budget from the Commission staff, and we approved it. Some of the notable parts of the budget were reports that the Commission is in excellent financial shape, with enough reserve funds to cover, at this point, a lot of the extra costs that have been coming in this year, especially involving litigation.

We did not do any update on the Declared Interest and Voting Privileges Work Group, because we're going to focus on that during this meeting. I am doing my best to parse Executive Committee business from Policy Board business. On the Legislative Update, it was given by Bob, but primarily focusing on budgets.

One thing to note is, and I brought this up, is that at the National Directors Meeting there was a Power Point given by NOAA Fisheries CFO, and it's really quite revealing. It explains a lot, in terms of the machinations over the last ten years of the

President's budget, the House budget, the Senate budget and the final numbers.

I would urge anyone interested in that topic to reach out to Bob and receive a copy of that. We got a CARES update, and then finally we got an annual meeting update. I think everybody knows, Rhode Island in the fall, and then South Carolina the year after, along with Massachusetts in 2028. Then finally, we went into Executive Session and we reviewed the Executive Director's Annual Performance.

I am pleased to report there was unanimous praise for Bob Beal. Folks noted his accessibility to members, his diligence, working on Capitol Hill, especially with his staff. Regarding staff, an incredible staff retention. It is really noteworthy among Commission members that so many of the excellent staff perform so well and continue to work here. We know it must be a pretty good work environment.

Also, Bob's attention to detail and his attention to the mission. Joe Cimino, who is the former Chair expressed some regrets that he doesn't get to call Bob every Monday morning, so he kind of misses him. Bob, if you could call Joe on occasion, I think it would help. Anyway, congratulations, Bob, you're doing a great job and we are all pleased that you are in the position.

CHAIR McKIERNAN: Next on the agenda is a Review Report from the Declared Interest and Voting Privileges Work Group. Oh, sorry.

COMMITTEE REPORTS

CHAIR McKIERNAN: Kate Wilke, Habitat Committee. You'll have to wait with baited breath on the other one, sorry, Kate.

HABITAT COMMITTEE REPORT

MS. KATE WILKE: Thank you for squeezing me in before the next session, I appreciate it. Hi, everyone, I am Kate Wilke. I am the Chair of the Habitat Committee. I am here to give a quick report on the activities of the Committee. I just have two things to report out on. The Committee is considering doing a habitat mapping project. Habitat maps for Commission managed species don't really exist in an acceptable format for everyone. Recently the Councils have done a really fantastic work to update their EFH and HAPCs and the Habitat Committee is exploring ideas for mapping Commission managed species using similar techniques and methods. The benefit for doing this would be to provide a common spatial reference for identifying where habitats for Commission managed species exist, and where they are most vulnerable.

This type of visualization could support state agency permit consultations and restoration planning and any number of activities. The Habitat Committee is just starting to talk about this idea as a follow on to the fish habitat of concern descriptions that the Policy Board passed in January '24, and we're talking with contractors from Monmouth University and MARCO to pull together a scope of working cost, and we're going to bring that back to this Board later this year.

Secondly, the Habitat Committee is taking on a Commissioner Outreach Project in 2026. It's to help us identify priority topics for the Habitat Committee to focus on. The Habitat Committee supports Commission management by providing expertise and information about habitats that might affect fish production.

The Committee has generated a variety of products over the years. Those are some images of some of the products. We do documents or reports on timely topics such as acoustic impacts to fish and fish habitat; aquaculture impacts to fish habitat. We recently did a Practitioner's Guide for starting shell recycling programs in states.

In those photos you can see there is a story map. We also support the species fact sheets, which describe habitat needs for Commission managed species. Annually, we publish a Habitat Hotline, which is a newsletter that reports out on all variety of state restoration work that goes on, on the Atlantic Coast.

The Committee would like to better understand what habitat related questions, concerns, priorities that the Atlantic Coast states have, in order to inform our work over the next 1 to 3 years. We're doing a Commissioner Outreach Project, and we've developed a short survey that you all will see in your e-mail inboxes from Toni next week.

We ask that you please complete that survey. You can speak with your staff or anybody else to sort out what your habitat related priorities are. Then we're also going to ask the Habitat Committee members to reach out to Commissioners and have a conversation, to try to understand what habitat priorities you might have too. That's it, thank you.

CHAIR McKIERNAN: Any questions on the report? Rob.

MR. ROB LaFRANCE: Not really a question, but a comment. I would really encourage everybody; I sit on the Habitat Committee as well. I'm hoping all the Commissioners will give us some feedback, it's really helpful for us to understand what your needs are, what you think is important. There is a lot of new data, new information, a lot of new mapping tools. Anything you can give us back will be really helpful, and Kate, I think you are doing a wonderful job as the Chair.

MS. WILKE: Thanks, Rob.

CHAIR McKIERNAN: Any other comments or questions? All right, seeing none; thank you very much for the report. Now we can do it.

REVIEW REPORT FROM THE DECLARED INTERESTS AND VOTING PRIVILEGES WORK GROUP

CHAIR McKIERNAN: We are going to Review the Report from the Declared Interest and Voting Privileges Work Group. Toni, I assume you have a presentation. Oh, Bob, good.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thank you and to the Executive Committee for the kind words, really appreciate it. Joe, look forward to talking to you on Monday morning, so it's going to be great. The Declared Interest and Voting Privileges has been a long ongoing conversation at the Commission.

It's been chatted about at the Executive Committee a number of times, and at the Policy Board briefly a number of times. As those discussions went on, it became clear that some sort of working group, or something where we could have a group that had the ability to go into longer conversations, and not try to squeeze it into a Policy Board or Executive Committee meeting would be needed.

The Policy Board formed a working group to tackle this issue, and the members of that working group were David Borden, Nichola Meserve, Erika Burgess, Chris Batsavage, Ben Dyar, Mike Luisi, and Joe Grist. We hired on a facilitator, Pat Field, who many of you know, to help that group work through these issues; and Toni and I kind of staffed it.

That group met, I don't know 6 or 8 or 9 times, a lot, a lot. They had individual small group meetings, they had one-on-one meetings with the facilitator, staff conversations. They put a lot of time into this. Toni is going to go into the details, but the details are here, were not sort of scribbled on a napkin at a bar one evening.

There has been a lot of thought put into this. It seems to be a good product with a lot of thought. There are some areas that Toni will present that need some decision and some conversation here at the Policy Board. But they seem to be heading in generally a favorable direction that folks are supporting within the Working Group.

This is a big issue, and voting privileges on management boards and de minimis states and stock units. There are a lot of variables and a lot of dimensions that can be woven into this conversation, and the working group, I think did a pretty good job of boiling those down to some relatively simple concepts anyway.

With that, I think Toni will jump into the details. David Borden and Nichola, I think all the other members of the working group are in the room, but David Borden and Nichola are online, and if they have comments as this conversation moves forward, we ask them to chime in, raise their hand. But with that I think we can turn it over to Toni, and she can go through the specifics of what is included in the report.

MS. KERNS: Thanks, Bob. There are three areas of topics. The first topic is thinking about declared interest. Declared interests are approved by the Policy Board. The Policy Board has generally accepted those requests for declared interest if the state provides states with evidence to support the request to join the species management board. Some concerns were raised that the criteria listed in the rules and regulations are not specific enough to help guide the Policy Board in evaluating a state's declared interest request.

The Work Group is recommending the Rules and Regulations be revised with the language that is on the slide. I'm just going to note that for the entire presentation a state refers to all states jurisdictions and jurisdictions include The Commonwealth, District of Colombia, and Potomac River Fisheries Commission for the document in discussion.

We used to have three criteria that you looked at. You only needed to meet one of the three criteria. We still would only need to meet one of these two criteria in the bullets that are underlined here. The change that we've done is put a timeframe around it, so that species need to be found under the state jurisdiction in at least 2 of the past 5 years, and it can be documented with fishery independent, dependent or other credible sources of information.

The other criteria are that the state fishery participants are recorded to having at least 1% of the commercial or recreational landings of that species in at least 3 of the last 5 years, as documented by state or federal statistics. In addition, there previously was not a process to review declared interest on a regular timeframe.

When states seek to be added to a board the Policy Board would, so we put together a process for us to review a state's ability to stay on a species board, as well as the process to change how we declare into a species board. The reviews would be conducted by the Plan Review Team as a part of the FMP reviews.

They would occur at least every two years, but always within a year of a benchmark stock assessment. The PRT advises the Board of any changes in the states eligibility to meet the criteria that are in the Rules and Regulations. The Board makes a recommendation to the Policy Board regarding that state's eligibility. Then the Policy Board would make the decision of whether the state stays on or does not stay on the species board, and would notify that state.

A state can petition a Policy Board change at any time. The next subject matter is voting by a de minimis state. The Work Group talked about this a bit, but decided not to make any changes to the current board voting practices on this one, and all states with a declared interest would be able to vote on issues at the Board, regardless of their de minimis status.

Then looking at next subject matter is voting guidelines. I'm going to go over a set of voluntary voting guidelines, you know why did this Work Group decide to put forward a set of voting guidelines. They felt that limiting voting in various ways might impinge on the general charter of the Commission, and the Commissioner's responsibility to be voting members.

Voting restrictions could unduly constrain a state's interest in participation in ways that are undesirable or difficult to predict, and determining a state's voting eligibility on a vote-by-vote basis would probably be a bit controversial, maybe get contested at time, potentially creating the need for some sort of arbitrator and would be highly time consuming. The voting requirements would require

a much more detailed set of rules, which would take an extensive amount of time to develop, leading to a lack of resolution to the problem at hand at the time, and the group determined it would be better to craft and implement guidelines to review them within a reasonable time period, to see whether they are sufficient to address the concerns.

The group also noted that the recommended changes to the declared interest criteria and regulatory review process may diminish some of the debate over the voting privileges. The Work Group developed these set of draft guidelines for states to consider when voting at a species management board.

The intent of the guidelines is to assist a state in navigating voting scenarios while allowing for flexibility based on the individual cases, as they are not binding rules for voting privileges. Staff and Board Chairs would not provide guidance to the state on whether to vote or not on the pending action, based on these guidelines, given the complexities of doing so and the importance of maintaining each state's independence in making decisions as members of the Commission.

There are 7 guidelines that were listed, or 7 issues within the guidelines. The first, I think four are labeled to consider voting. Those are pending actions will directly affect the allocation, species abundance or fishery in your state, be that biological or economic, suggest that you vote. The pending action would indirectly affect your state by impacting the achievement of an FMP goal or objective for the stock that occurs in your state waters. It is suggested that you vote.

The pending action would indirectly affect your allocation or species abundance in your state, because you are at the edge of a discreet management unit, or the discreet management unit is based on more social or jurisdictional elements rather than ecosystem and natural system considerations. It's suggested that you vote.

The pending action will indirectly affect your state by shifting effort or demand the species of interest within your state, suggested to vote. The next ones are suggestions to consider abstaining. The pending action does not directly or indirectly affect your fishery in any discernable way, the biological or economic, consider abstaining.

The next two options or issues are the two where the Work Group did not come to consensus. I am going to go over them, and then go over the different perspectives that were brought forward by the Work Group. The first is, the pending action would have minimal direct or indirect effects on your state, be it biological or economic, it would be consider abstaining.

The last one is the pending action will have a minimal direct or indirect effect on your state, and at least one or more states would be directly affected by the decision have requested a discreet decision making, given the impact to them and the limited to no impact to others, consider abstaining.

There were some members of the Work Group that did not agree with Number 6, and they suggested that this guideline be deleted. They felt that the states have a default responsibility to vote when there are affects, even if they are minimal. For those that wanted to keep Option 6, or if Option 6 got deleted, they recommended to change Option 7 slightly and they felt that was important, because clear guidance either to vote or abstain was needed, for when there was minimal direct or indirect impact to a state. The last part is, for those that wanted to delete Option 6, they did not want to see the alternation to 7. There are 2 different camps there in the Work Group.

For the next steps today as we go through is to potentially consider the recommended changes to the Rules and Regulations for the declared interest in making changes to the Rules and Regulations. They must be posted for a minimum of 30 days, so we would not be able to make those changes until

August. Then we could consider approval of the voluntary voting guidelines today if it is the will of the Board. I can take any questions.

CHAIR McKIERNAN: Any questions for Toni? Oh, we've got a lot of questions, hold on. I've got Bill Hyatt followed by Shanna, anyone else, Joe, Doug. It's Chris McDonough and Renee. All right, let's go, Bill Hyatt.

MR. WILLIAM HYATT: Toni, I'm wondering if you could share with us a little bit more of the detail of the discussion that surrounded discreet decision making and that request. You know quite honestly, I read through this and Number 7 and that part was the only thing that I found particularly objectionable in it. But I also feel that I don't have a full understanding of the debate and the discussion. I'm sure it involved how that process is used in other organizations and institutions similar to ours. I just have a void on the detail behind it.

CHAIR McKIERNAN: Bob Beal.

EXECUTIVE DIRECTOR BEAL: Yes, I'll give it a try and then some of the Work Group members can chime in if I don't characterize it completely. But there was a lot of conversation about certain decisions only affect a subset of states, so what is the best way to handle those types of decisions when a Board is coastwide, or whatever it might be?

The members of the Working Group suggested that if a group of states or an individual state says, this issue that is before the Board right now is a really big deal to us, it is really important, we don't think it really affects anyone else, so if you're okay abstaining the rest of the coast, we'll vote on this ourselves.

There is no like, when it says request discreet decision making, there is not like a formal request. It goes to the Policy Board and voting privileges within that Board are modified. It's just sort of during the course of Board deliberations, the state or a group of state says hey, this one is really important to us, and we think it only affects our group of states. If the other states are comfortable abstaining, that would be great.

It's kind of as far as they were comfortable taking that. Under this voluntary approach that is being proposed, you know even if a group of states or a state says, this is an issue we hope we can have discreet sort of just handle it ourselves here at the Board. It is still voluntary. All these provisions are voluntary, where states can or cannot vote. But these 7 criteria as they are now, 7 criteria give the states something to think about as they are considering voting or not. Is that helpful, Bill?

MR. HYATT: Yes, if I could follow. But the intent is for that request for discreet decision making to be made in open forum, correct? It's not a conversation in the hallway. In essence, that would put a state that has a declared interest that has been accepted by this group on the defensive.

In essence, they would be put in a position where they at least feel, maybe not technically, but at least feel they've got to defend their right to participate in the discussion for which they've been granted full access to. That is how I'm reading this, even with your explanation. Am I on track?

EXECUTIVE DIRECTOR BEAL: Yes, I think you are on track. I don't want to push in any direction. If that is how you read it, that is fair. These are voluntary and there is room for interpretation here.

MR. HYATT: But the part about the request for discreet decision-making being in open forum, I'm accurate in that respect, right?

EXECUTIVE DIRECTOR BEAL: Yes, correct, yes.

CHAIR McKIERNAN: All right, Shanna.

MS. SHANNA MADSEN: Mr. Hyatt already took quite a bit of my questioning, but I did want to get a little bit of clarification from Toni. Toni, I was a little confused with your explanation between 6 and 7. Can you kind of reiterate like where, those who

wanted 6 didn't want 7, or those who wanted 7 didn't want 6? I'm trying to reconcile. Like one just seems to have a little bit more direction, I guess I would call it. I'm trying to like determine which part was problematic, et cetera.

MS. KERNS: Those who wanted 6 deleted, they did not want to see the alteration to 7, because they felt that the alteration to 7 was just repeating 6. Those that wanted to keep 6 then would keep 7 as is. But if we deleted 6, then they wanted to alter 7 to read as on the screen here. Does that help?

CHAIR McKIERNAN: Joe Cimino.

MR. CIMINO: As much as I miss my Monday morning calls with Bob, I do not miss trying to chair these discussions. I have two questions, one maybe Toni. Was there any discussion on declared interest that it would be, if you were found to meet one of those criteria, you are in, not whether or not you petition in, but in fact you would have to petition out?

MS. KERNS: We did not discuss it in that way. We still kept it as, you petition in and you provide that information. If you're getting at sort of some of the conversation that we had, or I think you were leading to this morning in the Sciaenids Board. Staff does reach out to states when we start to see landings consistently that we think would, to say hey, we think you might need to be a part of these discussions. We're not going to force you, but we may keep asking you over and over again. I don't know if that's where you're going.

MR. CIMINO: No, I'm not going anywhere, it was just a question. But I did pat Marty on the shoulder. But I did have one other question, and that is, was this followed out to Policy Board? This always kind of confused me. I think you had an instance where people are asked to sit on their hands, because it really doesn't affect them, and then maybe 45 minutes later the same people are voting at the Policy Board, or are they abstaining at the Policy Board, if say it was final action into an FMP, because Policy Board would have to approve it later?

MS. KERNS: Do you mean when somebody is suggested that they no longer meet the requirements?

MR. CIMINO: No, sorry, totally different question, Toni. Outside of the declared interest now, going to some of the recommendations to abstain. If you abstain at that Board level and it's an action that the Policy Board then needs to approve afterwards. Are you expected to abstain again, or then at the Policy Board can you now vote on something that you should have abstained on before?

MS. KERNS: These guidelines, and sorry if I did not say this in my presentation, I meant to, don't apply to the Business Session or the Policy Board, nor do they apply to the federal agencies and the Executive Committee.

CHAIR McKIERNAN: Are you good, Joe? Doug Haymans online.

MR. DOUG HAYMANS: Again, apologies for not being there. Keeping it into the declared interest realm. I find Number 4A at least to be a very, very low par. Just curious as to the discussion. What led to this was cobia and 6 states, 3 of which had landings in1 year out of 5. Was there discussion on 1 criterion for declared interest, and that is that you have landings in at least 3 of 5 years, no matter the level, less than1 greater than 1, it doesn't matter, so long as you had landings in at least 3 out of 5 years. Was that a topic discussed at all?

MS. KERNS: I don't know. Look to the Work Group members. We generally talked about it, Doug. It previously did not have a percentage around it and then we added the percentage to it. Bob, I don't know if you have additional or other Work Group members.

EXECUTIVE DIRECTOR BEAL: The group has a little bit of discussion on it, Doug, and the hard part was the resolution of the recreational data collection. States thought that 3 out of 5 might be hard to

justify, because maybe MRIP missed cobia, for example. That's a good example, I think, up north.

But there are social media postings and all sorts of other things that people have caught cobia. They struggled with, how do you determine that the catch stream and the data that shows in reality what the catch is in that state, was kind of the hang up that the group had, based on my recollection.

CHAIR McKIERNAN: Doug, you good. Chris McDonough.

MR. CHRIS McDONOUGH: Actually, my question, similar vein to Doug's on the declared interest. Seems like a low bar, particular for me was the use of eDNA. I would be fine with that if it's used in combination with some other things. But in and of itself it sets a very low bar for declaring interest.

CHAIR McKIERNAN: Renee.

MS. RENEE ZOBEL: Sticking with the Declared Interest kind of section of this. I'm just wondering if the Work Group had any discussion. Maybe this is to Toni, maybe this is to a Work Group member on episodic species and fisheries moratorium species. For example, the menhaden in the Northeast, right. We had nothing and then now it is a fishery we heavily rely on, and brings in incredible amount of economics to kind of the most northern states.

I just didn't know if there was discussion or you know we have shrimp and sturgeon that are moratorium species. Some you may be able to meet that kind of low bar that people are talking about, about having species presence, and others you may not. Just curiosity question, neither of those were really addressed, so I was just curious.

CHAIR McKIERNAN: Those are good questions. My take on this is it says consider, and so when you talk about a protected species like sturgeon, you know I think it is not typical, like in terms of looking at landings, because obviously you can't find landings. But I'll let Toni speak to that.

MS. KERNS: We did not talk about moratorium species specific because of the declared interest. I think I guess it depends on how you want to look at it, and that was the purpose of reviewing, to make sure that it's states that really are have these fish in their waters, are on the board when they do, and if they don't then they come off the board when they don't have them in their waters. There is the2 out of 5 years, so it doesn't have to be all the time, so that potentially could work with some of the episodic species.

There is no amount that is specific to the first bullet, so it could be 5 fish. I mean that is up to the Policy Board to decide if they are willing to accept 5 fish, but you know there is no amount listed. I don't think that there is a bar that you have to achieve. I don't know if that was deliberative or not. I would ask the Work Group members if that was deliberative or not.

CHAIR McKIERNAN: Do any of the Work Group members want to weigh in? No hands. David Borden.

MR. DAVID V.D. BORDEN: Just a follow up on Renee's comment and some others. One of the problems with making this much more specific is that you get into the reality that some of you raised about the sampling program that determines the qualifying criteria. Take an example where in one particular year MRIP does a great job of sampling a particular species that is a rare visitor to your state.

Then the next benchmark comes along and it's using the updated information that has done a poor job. Then a state could conceivably find itself qualifying to participate and develop the regulations and then be out of that whole process. I think you have to leave this, at least my own view, you have to leave this somewhat general. If you make it too specific, there are lots of different circumstances I think that will come back and haunt us. You don't want states, think of it from a

minimal state participation, someone like for instance, New Hampshire is the example on black sea bass, where they are a rare visitor in the area.

They are just starting to get hip and then the state delegation participation management of that species, then all of a sudden you do the benchmark and the benchmark doesn't meet the criteria and they are out. Then actions may take place that disadvantage that state.

I recognize the concerns about making it more specific, but I really think you need to have it be this general, at least initially, if it's tied in with a review process. We review this policy every few years, which is what I would recommend.

CHAIR McKIERNAN: Ben Dyar.

MR. BEN DYAR: To kind of add on David's comments. Not to speak for the entire Work Group, but there was a back and forth. I think there was a desire to try to look into making something quantitative, if possible, you know that is more specific and you could lean on it and it's equal for everybody.

But when you start looking at it, and David hinted to this, you know we started thinking about all of the different scenarios, the what if this and what if that and what about this species and what about this Board. It came quite clear that the Work Group didn't want to be the one to determine or try to pre-think about every different possible scenario that could possibly ever happen.

Also, fearful that that would limit discretion towards the Board as well, to hear any kind of petitions for declared interest. I think there is a lot of interest in having discretion for the Board and for states to be able to implement that. In regards to specifically to moratorium species, we did not directly bring that word up or discuss it, but there was in that first bullet some, I think points in there that made for independent data and documentation provided. At the very last parentheses is says, or others, and I think I remember, please correct me other members, but I think it was very open to whatever the states could possibly think of that might somehow be able to determine this. Again, this was up to the states to think if it was justifiable, and up to the Policy Board to determine if it was justifiable, again, leaving that discretion in place.

CHAIR McKIERNAN: I have a question for Bob and Toni. One scenario is we take out, if the group can agree on new declared interest criteria, then we leave here with a vote and that gets posted for the public to understand that ASMFC is amending their rules and regulations. Do we have to come back in August and revote that? Okay. Then the voting privileges would be not put into that scenario, instead it would just be something that we could adopt as guidelines.

EXECUTIVE DIRECTOR BEAL: Yes, correct. The group would have to take another vote in August on the pending changes to the Rules and Regulations. Relative to the voting guidelines, those guidelines are nonbinding, nonpolicy, and they would just become a standalone document that I think we would attach that to the briefing materials before the quarterly meetings.

Probably any meetings of the Mid-Atlantic Council and the joint meetings and so on. Just to have those in front of everybody to remind them, here are some things to consider as you're moving forward with these votes on management boards, but no other approval process would be needed.

CHAIR McKIERNAN: I will consider some motions at this point. We've given folks opportunities to weigh in. We have the Work Group members here, as well as online. Do we have a motion to consider on the declared interest or the voting guidelines? Toni would like you to start with declared interest. Start with declared interest, which would be posted until the August meeting for a final vote, but it is what this group would like to vote on today to send out to the public. Do I see Spud?

MR. SPUD WOODWARD: Not to make a motion and not to belabor this, but I'm still trying to understand how this would actually work in practical application. Let me just take a minute and walk us through a scenario. You have species A, it shows up in a new jurisdiction in Year 1, and was documented appropriately. It doesn't show up in Year 2, doesn't show up in Year 3, doesn't show up in Year 4, but it shows up in Year 5.

Now you've tripped the bridge hole of 2 and 5, so now you are able to have declared interest in the management of that species. Well, now another 5-year block starts. It doesn't show up in Year 1, doesn't show up in Year 2, doesn't show up in Year 3, because a review in Year 2. But doesn't that jurisdiction have 5 years before they could be removed by the absence of that species in their jurisdiction?

Again, just trying to think how this would work, because we're talking about a review period intersecting with the way we're establishing this declared interest criteria. I'm just trying to make sure I understand what the ramifications of this will be when we execute it.

CHAIR McKIERNAN: Toni.

MS. KERNS: The review period is every 2 years, so the PRT would look at the data, whatever they have on the books. If for the last 5 years from that year backwards, I think that is how they would look at it. They don't see any landings they may make a recommendation to the Board that it be removed.

But I think it is the Board's discretion to evaluate whether or not, if the inconsistency of seeing fish in a state water is consistent, that you don't see them for extended period of time, that might be telling to a Board. But if a state is, you know on the threshold of coming in and coming out, that can be, I think the prerogative of the Board to say, we're going to allow them to stay in for a little while and see what happens. There isn't a set of guidelines to say when someone has to be removed, it's just a review of the PRT. The PRT makes a recommendation to the state. The state shares that recommendation with the Policy Board, and the Policy Board makes the decision.

CHAIR McKIERNAN: It's a moving 5-year period, it continues to slide.

MS. KERNS: You're right, constantly. But the reviews are every 2 years, so at the beginning they may not, if they show up in the first 2 years, they don't even have a whole 5 years to look at, right.

CHAIR McKIERNAN: Anymore discussion? John Clark.

MR. JOHN CLARK: You want a motion?

CHAIR McKIERNAN: I would love a motion.

MR. CLARK: Do you have a motion?

MS. KERNS: No, because I didn't think we needed a motion for this part.

MR. CLARK: Well, I can improvise. I **move to accept the definition of declared interest** as modified today.

CHAIR McKIERNAN: That would be for purposes of putting it out for public comment and a final action in August.

MR. CLARK: Beautiful.

CHAIR McKIERNAN: No, Toni says no again.

MS. KERNS: I think, John, it would be maybe just to move to start the process to change the declared interest section of the Rules and Regulations.

MR. CLARK: That works great for me, I'm fine with that.

CHAIR McKIERNAN: That process is well defined in the manual.

MS. KERNS: And was listed today, and David Borden has his hand up.

CHAIR McKIERNAN: David Borden, online.

MR. BORDEN: I'll second that, Mr. Chairman.

MS. KERNS: David, don't forget to re-mute yourself.

CHAIR McKIERNAN: Any discussion on this motion? Marty Gary.

MR. MARTIN GARY: Yes, quick question and then comment. With that motion we would basically be accepting the way it is written here as it would appear in the document?

CHAIR McKIERNAN: Repeat the question from the beginning, please.

MR. GARY: With that motion we would basically be accepting this language, is that correct? I guess the comment would be, you know Joe tapped me on the shoulder, as he noted, and I think that is a tacit acknowledgement that New York may be the next member of the Sciaenid Board, possibly.

Maybe it's not if but when, as we see increasing numbers of croaker, spot and red drum in our waters. It seems like that first bullet is a pretty easy threshold for us to cross. I'm not saying one way or another, I'm just saying that is a pretty open door, in my opinion.

CHAIR McKIERNAN: Bob, comment.

EXECUTIVE DIRECTOR BEAL: Yes, just a little bit on process. The notification that the Commission is considering, changing Rules and Regulations is a little bit different than taking out a Draft Addendum for public comment. It's really just saying, heads up, at a meeting in the future, more than 30 days out, the Commission is considering doing something. If this motion were to pass, the Board still has the ability to make changes to these two criteria at the August meeting.

If Chris McDonough is successful in saying, hey this eDNA thing, maybe we should strike that. You can still make changes at the August meeting and not have to go back out and notify again. It's really just allowing the public to be aware that meeting is going to happen and participate and make comment if they would like to. You are not as boxed in as you would be on draft management issues.

CHAIR McKIERNAN: That is helpful, Bob, thank you. All right, Rob LaFrance.

MR. ROBERT LaFRANCE: Just a question on that, Bob. You're just going to go out to notice saying that the Atlantic States Marine Fisheries regulations are going to be changed in this area. You don't actually have to provide a draft of the changes, or do you?

EXECUTIVE DIRECTOR BEAL: We will provide a draft with a description that these changes are going to be considered at the next meeting and modifications may be made to the text that is provided here.

MR. LaFRANCE: That helped me very much.

CHAIR McKIERNAN: Is there any other discussion? Carl Wilson.

MR. CARL WILSON: Let me just take this back a little bit in the conversation, so my apologies. But when you have a species such as menhaden, that is episodic by nature, especially in the Northeast, is there, and potentially a state might not have triggered A or B, but it has a history of being an episodic by definition. Is there any conversation within the Working Group or around the Board today about just calling out such species as that, whether it be menhaden or shrimp or maybe others?

MS. KERNS: We didn't specifically talk about episodic directly as a Work Group. But I will go to

the Work Group members to see. It was based on the suggestion from the Policy Board to add a timeframe to this option, that first bullet. I will bring it back to you all as to, was there a reason why you wanted to put the timeframe in there?

If so, would there be an exception for episodic, or would you want a species to be on a Board and then you give the consideration to its episodic nature once a state is on a Board? I don't know, I bring that question back to you all to try to help Carl.

CHAIR McKIERNAN: Chris and then Ben.

MR. CHRIS BATSAVAGE: Make sure I understand this correctly. In terms of the time period, I think we wanted to look at what was happening most recently. Noone has really talked about episodic events as much as just what species are in which states waters currently, because we know things are changing quite a bit, in terms of where fish are found.

Carl, I think that is what you're asking, in terms of like looking back in history saying, well you know every X number of years the species shows up in our waters and we don't know when they are going to show up again. I think we were trying to look at a more discreet recent time for what is there, and whether a state should declare interest at that time, based on what we're seeing currently, as opposed to too far in the past.

CHAIR McKIERNAN: Ben.

MR. DYAR: Yes, just to reiterate Chris's point. I think it was coming from the recommendation from the Policy Board to put some type of timeframe on it, because if you remove that then it's basically any fish, any time at any point, which although these are fairly easy to hit marks, as Marty mentioned. That would leave it quite quite open. I think there was some interest, because Chris mentioned to have some type of timeframe on it. That was 2 out of 3, 1 out of 5. That was belabored for a little bit about that timeframe.

CHAIR McKIERNAN: I think we have David Borden online.

MR. BORDEN: Ben made the point. The only point I would add to it is that states have the right to appeal. We get into a situation where something happens that they don't like what is going on, they can appeal directly to the Policy Board. That is one of the provisions of the plan.

CHAIR McKIERNAN: All right, so Bob, to reiterate your point. If we adopt those now than they are draft. The public is notified, and then we come back in August, and we can make sub amendments to them, based either on the comments, or just based on the extra 3 months of thinking.

EXECUTIVE DIRECTOR BEAL: Yes, exactly.

CHAIR McKIERNAN: Well, we're enacting them as draft.

EXECUTIVE DIRECTOR BEAL: Yes, yes, exactly, and they can be modified in August if public comment and//or just conversations around the next 3 months as you said, warrant that.

CHAIR McKIERNAN: As the conversation wains, is there any objection to us going forward with these as drafted? I will lead it into the record. Move to start the process to change the declared interest section of the Rules and Regulations as modified today. Motion by Mr. Clark, seconded by Mr. Borden. We have struck the phrase, as modified today. **Motion carries without objection**. Now, the second half of this conversation that concerns voting privileges.

MS. KERNS: For the voting privileges we have these 7, I'll call them criteria, I don't know what to call them, options, issues, guidelines. The last two were the ones where the group could not come to consensus, so as we discuss these it will be helpful to get direction from the group on if we are going to

move forward with them, how we would want to address these last two.

CHAIR McKIERNAN: Marty Gary.

MR. GARY: I'll try to bring forward some productive comment for the group. I'm looking at 6 and 7 and I'm thinking about, I've been on both the giving and the receiving end of a state that has the species, and int this case it was black sea bass. The jurisdictions where my voting privileges are PRFC and now in New York.

In the Potomac River there are plenty of black sea bass in the lower third of that river. They are there all the time and there is a real need for regulations for minimum size, because you would have a ton of poaching if you didn't have it. Those animals are in level waters of the Potomac.

But as I look at these two Numbers 6 and 7, I think back to when I joined PRFC, and there were a couple of votes where it came down to 1 vote. By all values I cast the deciding vote. They were the southern region over the northern region. There wasn't this criterion in place. I was continuing participation in that Board that had been in place with my predecessor, so it was just Board continuity.

But 6 and 7 would have formalized and given me some pause, as to whether or not it had given me an option for abstaining. I think retrospectively, if I had seen, I think especially Number 7 in place where 4 is in there inserted. Minimal effect on your state, minimal effect on PRFC. It would have been directly affecting Northern states. I think I would have abstained.

Maybe I should have abstained at that time, I don't know. It's easy to reflect back. That is my thoughts, that is a real-life example that I've sat in both seats. I'm thinking that my gut reaction to this is that 7 is a preferred path forward, so maybe that helps.

CHAIR McKIERNAN: Erika.

MS. ERIKA BURGESS: There are 7 guidelines in the document, and I see them covering a spectrum of situations. That is why you would want to include both 6 and 7, to cover the full spectrum. I understand there might not be agreement on what the guidelines should be with 6. But if you leave 6 out there is a hole that doesn't give that guidance to a state who might wonder, what should I do if there are minimal effects? I'll give an example between Georgia and Florida. It's a hypothetical scenario.

This week Georgia presented options that they are proposing for recommendations for red drum regulations in the state of Florida. They included bag limits that were higher than in Florida. Now, someone may choose to go fishing for red drum in Georgia, and forego a trip in Florida because of that bag limit.

But the conservation of that action by Georgia would be the same regardless, but all the options met for criteria. That might be a minimal effect on my state. I should not necessarily vote down Georgia's proposal because of that minimal effect on my state, I might abstain because it is not going to impact Florida and it is not going to hurt the conservation of the species.

That is a rough example, but an example you might want to consider and why that guidance might be helpful. Another situation might be where Florida is geographically removed from a lot of the more northern states, and there may be a particular species issue that is very localized to the northern part of the coast or the Mid-Atlantic.

It is something that I do not have expertise on. The resulting decision may not have a conservation impact on the stock or an economic effect on Florida. I don't feel like it should be my default mode to vote on that. If I'm not fully educated enough to see, I think the states and members of the Board were informed on that hyper localized issue.

As long as the outcome is not going to affect the conservation of the stock, should be the ones voting

on that, and I should feel comfortable abstaining, and not feel like I am forced to vote on an issue I am not fully educated on. It's impossible for all of us to know everything about all these species, and all along the coast at all times. I think that including a guidance for the scrip of 6, regardless of what the ultimate guideline is. It is important that we have that full continuum of guidelines.

CHAIR McKIERNAN: Erika, are you suggesting keep 6 and 7?

MS. BURGESS: As provided in the document.

CHAIR McKIERNAN: All right, I'll go with Bill Hyatt and then Shanna.

MR. HYATT: I actually agree with everything that was just said. The difference being that I feel that it is covered with the conditions 1 through 5. I think that does provide the guidance, Number 5 does provide the guidance. It says a pending action does not directly or indirectly affect your fishery in any discernable way, be that biological or economic, and it says consider abstaining. I think that carries forth the message that was just made. I think my concern is more with that being presented in a more forceful way to states that under the criteria that we just discussed, has a declared interest.

CHAIR McKIERNAN: Shanna.

MS. MADSEN: I'm going to do a little bit of a history here on myself, just because I feel like I feel very intimately tied to this in some ways. Like 15 years ago I joined ASMFC as the Fishery Science Coordinator. I was right out of graduate school, and I was still trying to figure out exactly what I wanted to do in this marine science world.

What I did know then is that I wanted to do something that impacted change and contributed meaningful to the marine science realm. Seeing this Commission in action was, and watching the Boards like wrestle with all of these difficult decisions in service of both their fisheries and the resources that are dependent on, showed me exactly the kind of work that I had been hoping to do.

Everyone that I've met through these boards and technical committees has brought a level of commitment, expertise and integrity that I think makes the process a lot stronger. All of our shared dedication is what makes the Commission effective as a cooperative, deliberative body, which is why these guidelines should be really careful, considerably, I think in light of our mission.

For me the voting rights section of this document as presented in the report feels difficult for me to reconcile with the spirit of the Commission that I saw built on collaboration, fairness, transparency, and kind of long-term stewardship of our resources. As I was kind of contemplating this document, for me the heart of the issue was kind of simple.

The Commission works because all of you bring your knowledge, your expertise and your perspective to the table in good faith. I can't imagine, especially with point number 7 asking a colleague who has devoted years to education, service and professional judgment to this work to not vote.

Every time I listen to the expertise around the table, I am reminded how much I learned from all of you, and that collective wisdom really matters. The way we share that collective wisdom is through voting. I think that one of a really good examples I heard this week is during striped bass, and I hope Megan doesn't mind me bringing up her comment.

She spoke saying that Maine was kind of on the fringe of striped bass, and it really signals to them when the stock condenses an unhealthy stock, and that signals a problem with that stock. I can't imagine asking Maine, because the stock was in poor health, not to vote. They are there, they have the expertise, they should be able to do that.

I think that asking someone to vote is completely against the heart of what this Commission is. For that reason, I kind of think this voting should remain broadly inclusive. I don't think that the section of this document is necessary at all, but at the least I would remove 6 and 7 from it.

CHAIR McKIERNAN: Jason.

DR. JASON McNAMEE: The way Shanna kind of characterized this is generally the way that I feel about it. I wanted to start by saying, I think the Working Group did a nice job in particular. I was highly suspicious at even being able to pull off something reasonable for the declared interest.

But I looked at those and kind of applied some different scenarios to it. I think they did a nice job with that piece of it. I think this piece is also, you know they did a lot of work, tried to kind of shoot the middle on this stuff. But in the end, I don't know, and even some of the discussion earlier.

Like a lot of this stuff, it doesn't always have to be transactional, like it doesn't always have to. There was a paragraph in there about different philosophies that people had, and I found that part really interesting. I definitely fall into one of those philosophical camps and not the other. You know I guess when I think about this stuff I think about Rhode Island, but I also think about the stock and I think about all sorts of things.

Like Shanna just said, I want to offer those insights or whatever, however people feel about them, to the group. Just kind of going back. You know Marty's comments earlier were really interesting, because it wasn't where I thought he was going initially. But you know I appreciated those comments and also Erika's comments and the example that she gave.

I guess I'll offer, I appreciate those. I think I agree with the discussion or the kind of thinking that they had around them. I think we can do all that now, like I don't think we need this stuff. I don't think it's needed. I think we all have discretion to, maybe you still vote but you abstain or you vote in a certain way.

If you're not comfortable for whatever reason, you don't think you're contributing, like we can do that now. I don't see a lot of value in adding this, because I see a lot of risk in that now somebody gets mad that somebody voted and these, we're calling them guidelines, but I've seen the other instances and I'll use the assessment guidelines that were developed a couple years back with.

I was on the group that developed the guidelines, not the requirements, and guess what they became? Immediately they were the requirements, no you can't do a new survey and a management track, you can't do this, you can't do that. They were guidelines, they were meant to be guidelines, but they became more than guidelines really quickly.

I think there is a risk with that here. I think it can muddle what are already complicated and challenging discussions that we have around this table. I just don't think we need this part of the work that the working group did.

CHAIR McKIERNAN: Joe and then Mike Luisi.

MR. CIMINO: I'm glad I'm going after Jay, because it will make it pretty easy. I agree with everything he just said. Spending eight years in a state that sits on every board except Northern Shrimp, I guess I have seen a lot of examples. You know I think of horseshoe crab and the ideas of abstaining.

I mean there is a species where probably 90% of the meetings in the past decade have only been about the Delaware Bay stock. But it would be very different discussions if the pressure was not to vote. I think you would have constituents who might not think the quality species management issues would require everybody to be speaking, regardless of the impact of that fishery in their state.

There are other implications, obviously for menhaden, for horseshoe crab of course. I don't really see the value in this, although I fully supported the exploration and I agree that I think it's even a better outcome than I could have expected. But I still have more concern than support.

CHAIR McKIERNAN: Mike.

MR. MICHAEL LUISI: I'll try to be quick. I was on the working group and a lot of the comments that I was planning on, the discussions that we had were already captured through what Toni presented. But I do want to say something that just came to me, a couple things.

Erika, I thought your description, what you just went through, kind of the example that you provided. I fully, fully support what you said and the thought that goes into the process for determining whether or not you're either informed enough or prepared or feel as if you have. The impact of the decision is either going to fall on your state or not.

I absolutely agree, as did Bill with you. But I also agree with Bill, that I think that the process and the thought that we need to give to voting could stop at Number 5. The first 5 examples provide a very black and white example for what you need to consider in the guidance. When you get into 6 and 7, you start seeing words like minimal.

Minimal is a word that would be debated around this table for hours if Chairman would allow it to happen. We could go back and forth trying to determine what the word minimal is. I understand this is all guidance, but something that really strikes me with Number 7. This has to do a little bit more about the philosophy that we work under.

Maybe this is just me, but as I've sat here now for a decade and a half or more, I have found that the challenges that I face within my state. I would prefer to garner support for the issue than ask a state not to get involved. The reason that is the way I like to do things, is because I learn from the conversations that I have with my colleagues. When I'm trying to propose something, as I did last year, when we had our Striped Bass Board discussing actions that the state of Maryland wanted to take for recreational fishing in Maryland. I wasn't going around to other states that are on the fringes, asking them to just stay out of the picture. I was trying to convince the states that the actions we were taking were appropriate, and they would benefit some of the users in our state. It also helped me when I got back after all of those discussions to say that the Board, the full Board supported this action, rather than a discreet, only Virginia and Potomac River were on, the three of us decided that this was going to be the action that we would take. I find that there are some serious challenges with 6 and 7. I think at this point I could support the document staying intact through Number 5, and we'll see where it goes from there. But that is kind of what I'm thinking as I'm listening through the discussion around the table.

CHAIR McKIERNAN: I've got Eric and then Erika. Spud, was your hand up? No, okay so Eric and then Erika.

MR. REID: I'm looking at these.

CHAIR McKIERNAN: Could you come close to your mic?

MR. REID: Sure, you may not want me to do that. I understand, well I guess the first thing I should say is getting outvoted sucks. But it's on a couple different levels. This is where I'm struggling with this a little bit. I mean if you're in the thick of the biomass, I mean you're in, and that means all three of you are in.

If you're on the fringe, well, I just envision us having a vote and then Mr. Borden, myself and Mr. McNamee have to decide what the state will be. Maybe David says, well maybe we should abstain, but I think we're in this fishery, whatever it is. Now

all of a sudden, your caucus is going to be 25 minutes, and I have some concern with that.

As far as asking somebody to abstain, I don't think that that is appropriate. I think it's more talking to the people in this room and trying to get your point across, and having a discussion about where you're coming from and why you're coming from there. Then everybody can make up their own mind.

I don't think that the guidance of considering abstaining really applies here. I mean you're here all the time anyway, you've got to think about it. I would tend to lean to accepting the first 5 and eliminating 6 and 7, but I'm really kind of conflicted about what Jay said about guidance becomes fact, or whatever you want to call it.

I mean that is not why we're here. We're here to make up our own minds and inform each other and inform yourself, on how to behave when it comes to voting. I'm not all that comfortable with having guidance. I would rather have conversations about what is the right thing to do with my peers. That's kind of where I'm at.

CHAIR McKIERNAN: Erika, and then I'm going to look for a motion.

MS. BURGESS: Thank you for another opportunity to speak on this. A lot of the conversation that I've heard around this table has really been mainly about single stock multiple state issues. But when we have a Board that has the same species, multiple stocks; we'll use red fish as an example. It's not as if a southern stock issue is going to affect the northern states, necessarily. They are distinct stocks, they are separate and the states may have different philosophies on how they would like those to be seen and were here. I disagree fundamentally that because we are all professionals we have this Kumbaya approach, everyone's voice should be equal. We are also here to represent the people in our state, their interests and when they conflict, yet there is no true impact to a northern state or southern state.

We are not giving the people that we represent a fair seat at the table, when those philosophies are different and there is really no overlap. I think we're trying to find something here to protect the interest of the public, when it is their fishery from folks who it's not their fishery getting to weigh in on policy.

That is why it is so important to Florida and that is why we're advocating for these things. I understand like usual; Florida will probably be outvoted. But fundamentally there is a discrepancy between approaches of states in this body, and I would like to see some recognition of that. I would argue for keeping this, and that is my last statement, Mr. Chair.

CHAIR McKIERNAN: Okay, can I ask for a motion to get this decision-making process launched? I'm looking at John Clark.

MR. CLARK: Rather than a motion, considering all the discussion we've had, can we just postpone further discussion of this until the next meeting? Give people more of a chance to consider this. I mean we've heard a lot of people want to eliminate 6 and 7, others want to keep them in there. It doesn't seem like we can come to a consensus on a motion right now, plus we're cutting into nap time.

CHAIR McKIERNAN: Bob Beal.

EXECUTIVE DIRECTOR BEAL: Yes, there is no urgency to approve these. The Policy Board is not a timeline to approve anything here. Obviously, the declared interest provisions that will be in the Rules and Regulations or will be considered to be changed in the Rules and Regulations are coming back at the August meeting.

CHAIR McKIERNAN: Okay, we've got some hands up, Bill and Shanna. Bill first.

MR. HYATT: I would like to put forward a motion. I do believe that there is some level of consent that is

around the table, and I do believe that if what is put forward is accepted, that it could always be readdressed in the future. But I would like to put forward a **motion to accept the detailed guidance for voting or abstaining that is in the document for Conditions 1 through 5.**

CHAIR McKIERNAN: Is there a second? I have a second from Marty Gary. Discussion on the motion, would you like to testify further, or have you done enough?

MR. HYATT: I don't think I need to add anything more, I think we've had a great discussion so far.

CHAIR McKIERNAN: Further discussion on the motion, Eric.

MR. REID: Your motion is to move forward 1 through 5, but that doesn't preclude us from having a discussion on 6 and 7 at or prior to the August meeting, is that correct?

CHAIR McKIERNAN: Go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: I think that is correct, Eric. I think if this motion were to pass, criteria or considerations 1 through 5 would be approved. This motion doesn't include a disposition of 6 and 7, so they are still in limbo and uncertain what would happen to those two criteria or considerations.

CHAIR McKIERNAN: There would need to be an initiative to bring back 6 and 7 at a future Policy Board meeting.

EXECUTIVE DIRECTOR BEAL: Or later within this meeting, either way, yes.

CHAIR McKIERNAN: But if we're rejecting 6 and 7 as part of a motion, you have to reconsider the whole motion.

EXECUTIVE DIRECTOR BEAL: I don't think this motion necessarily rejects 6 and 7, I think it says, we approve 1 through 5, 6 and 7 are in limbo.

CHAIR McKIERNAN: That is a good way to put it, Mr. diplomat. All right, where are we? Do you want to come back, Bill, it's your motion.

MR. HYATT: Yes, I would just like to clarify that the intent here is exactly as Bob said, to approve 1 through 5. Even though I am opposed to 6 and 7, the intent here is not to take them out of future discussion.

CHAIR McKIERNAN: Thank you, I'm too binomial. How about you, Joe, do you have your hand up? Go ahead.

MR. CIMINO: I'm against moving the guidance forward. To Erika's question, I know I've said it in the past, but it is those smaller stocks that I keep thinking about. A lot of the tog regions are two-state units, and if those two states don't agree, I don't know where anybody goes with that. You know there are other times when I think there are going to be similar situations, where I think that really could lead to a lot more in fighting if a smaller group has some serious issues. I can't support it.

CHAIR McKIERNAN: Toni has got a comment, and then I'll get to you, Roy.

MS. KERNS: Two things. Bill, we did slightly modify what you said, so I just want to make sure you're okay. We just used the terminology that is in the document and just called it the Voluntary Guidance for Voting, if that is all right. Then the other part is, I just want to reiterate if I didn't iterate it will enough at the beginning. The Working Group recommended that the guidance be reviewed in roughly 3 years' time, to make sure that it is actually working the way that the Policy Board intended it to be working, if not working maybe just adjust it or something. But that it does get reviewed roughly every three years.

CHAIR McKIERNAN: Roy Miller.

MR. ROY W. MILLER: I was going to remain silent on this for the time being, but Erika stimulated me

to request clarification. Are we, did the working group, which I did not participate in, consider the, I'll call it the subspecies level voting privileges. The specific example that Erika gave is appropriate.

I think the northern and southern red drum stock; we can make the same argument to the tautog stocks that have been identified. Was that beyond their assignment to consider the subspecies level, and if so, will we be dealing with that at some future point?

CHAIR McKIERNAN: Bob Beal.

EXECUTIVE DIRECTOR BEAL: Yes, this is my recollection, and members of the Working Group can correct me if I'm wrong. But the group talked about that and used some of these examples with tautog and horseshoe crab and red drum, obviously, and felt that getting that down to that granular level would be difficult.

That became very prescriptive, saying who could or could not vote on species issues, and it got really blurry on mixing zones between stocks and other things. Then as they continued to talk, they ended up at these sorts of general guidelines that don't really comment specifically about stock units.

But the idea of how much those impact what is going on in your backyard is whether you should or should not abstain. They sort of backed away from that granular level of small stock units and went sort of bigger picture, philosophical guidelines kind of in 1 through 5 and 1 through 7, whatever it ends up being.

CHAIR McKIERNAN: I've got Erika and I've got Jason.

MS. BURGESS: Bob represented it well. That is what led to the development of Option 6 and 7. Not calling it out specifically to deal with discreet units, but you might fit into that category if you're thinking about discreet units, but it wouldn't necessarily preclude a neighboring state and immediately adjacent state who has an interest in voting on that other unit from making a vote if they wanted to.

CHAIR McKIERNAN: Jason.

DR. McNAMEE: It's not that I have really an issue with the things that are kind of stated in 1 through 5. I don't know what Rhode Island is going to do, but I personally am not in favor of this motion. It comes down to what I said earlier, and that is, so now you have these very explicit things where you can consider voting. Then it's silent on the other things, so does that mean you should never, if it doesn't fall into one of these 5 categories. I'm uncomfortable with that, and that's why I just wanted to offer that for the record. Then one tangential discussion of something that has been discussed here. You know we have these units of management are management constructs. By and large these are not genetically distinct groups of species. Even if the management in one stock management area might not have apparent impacts.

There are population dynamics within this species where there is flow of genes between these different stock units. I don't agree with that part of the discussion either. I think it is hard to know when somebody has a vested interest and when they don't. They can make that decision for themselves.

CHAIR McKIERNAN: Jason, could you clarify your position on this motion for me.

DR. McNAMEE: Yes, I don't know where Rhode Island is going to be, but I am not in support of this motion.

CHAIR McKIERNAN: Because you would like to not see any of the 5 adopted, you want to just keep it status quo.

DR. McNAMEE: Correct.

CHAIR McKIERNAN: All right, should we caucus? Take a vote, what do you think? One minute

caucus. Two-minute caucus, says the Executive Director. Do folks need more time? No, I am not seeing any requests for more time. All right, all in favor of the motion on the Board, shall I read the motion? Motion is to move to accept the voluntary guidance for voting that is in the document for Sections 1-5. Motion by Mr. Hyatt, seconded by Mr. Gary. **All in favor.**

MS. KERNS: Florida, Georgia, South Carolina, North Carolina, Virginia.

CHAIR McKIERNAN: All opposed.

MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Potomac River Fisheries Commission, Maryland, Delaware, Maine, New Hampshire.

CHAIR McKIERNAN: Any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR McKIERNAN: Any null votes? The tally is, motion fails 5 in favor, 11 in opposition and 1 abstention. Is there anything else to discuss or to deal with on this issue? Bob.

EXECUTIVE DIRECTOR BEAL: You know Item 6 and 7 are still sort of in limbo, but I don't know if there is any interest around the table to discuss those any more, given that the first 5 weren't approved. But it is up to the group.

CHAIR McKIERNAN: Okay, well, I think we should probably maybe see if we want to take that up at the next meeting, given all the other business we have today. You know this is something that we can reconsider. We can continue our internal discussions among the delegations. I recommend everybody do that. Thank you to the Committee that worked on the document, and to the facilitator that did the work as well.

COMMITTEE REPORTS

CHAIR McKIERNAN: Toni, next on the agenda.

MS. KERNS: I'm going to swing our Committee Reports around a little bit, because I think Kurt is still going and I have Katie with the supplement stuff, and then go to the LGAs if that works, and then we'll have Kurt last.

CHAIR McKIERNAN: All right, Katie Drew.

STOCK ASSESSMENT REPORT

DR. KATIE DREW: I just have a few updates on ongoing assessments and a heads up for the Board about the potential future assessment schedule. Cobia recently completed their Data Workshop. They used a process of several virtual data workshop webinars and then an in-person meeting.

The methods workshop will be in September with an assessment workshop at the end of the year, so that it can go to a SEDAR Peer Review in May, 2027, and come to this Board in August of next year. That is fairly well on track, and obviously there are certain data challenges, but they are going to do the best that they can.

Sturgeon has started their process with a data workshop in late July. We will be using a similar approach to the Cobia Workshop with a series of webinars for the Technical Committee and any external data providers, and then an in-person workshop in August for the SAS.

We have put out our request for data, both to our Technical Committee members and also the sort of press release that ASMFC does to external data providers, and we encourage anyone who is aware of research on sturgeon that maybe is not done through the states, to encourage them to provide data, or anyone listening to this webinar to provide data reach out to us, ideally by July 1st, so that we can incorporate that into our data workshop, which will be in late July.

This is aimed to have peer review done by the end of 2028. The last thing I wanted to bring to the

Board's attention is the Tautog Board requested that the tautog benchmark assessment be expedited. Right now, tautog is currently on schedule for a peer review in 2029, meaning we would start work probably sometime early next year on that process. If we wanted to move that up, that would require probably bumping another species back.

The ASC will discuss this on their call coming up at the end of this month, and come back to the Policy Board with sort of a recommendation or some options for the Board to consider going forward, in terms of what are the tradeoffs of moving tautog up versus keeping it where it is, and allowing another species to continue in its place. That's all I have, and I'm happy to take any questions.

CHAIR McKIERNAN: Thank you, Dr. Drew, any questions? Don't see any, thank you so much.

LEGISLATIVE AND GOVERNOR'S APPOINTEE REPORT

CHAIR McKIERNAN: Next on the agenda we are going to go to the Legislative and Governors Appointees Section Report. We're going to start with Roy.

MR. MILLER: I'll go through our deliberations at the luncheon yesterday and I'll do it very briefly. Our primary responsibility at this particular meeting was to have an election of new Chairs and Vice-Chairs. We did not formally have Vice-Chairs before, so this is a new addition to our operating procedures. The elections went as follows.

For the Legislative Appointees, Eric Reid was voted in as the new Chair and for the Vice-Chair of the Legislative Appointees, Adam Nowalsky was voted in, even in his absence as the Vice-Chair. For the Governor's Appointees, I will be continuing on for another year, Dennis Abbott stepped down after a long and productive tenure as a Legislative Appointee Chair.

We had a choice between Steve Train and Gary Jennings, and Steve elected to defer for consideration for at least a year, so that we would have more of a north/south split among our Chairs and Vice-Chairs. Gary Jennings will be taking over for the next year as the Vice-Chair of the Governor's Appointees.

Let me explain, the Vice-Chair does not necessarily ascend to the Chairmanship when the two-year term of appointment is over, and instead, if the Vice-Chair was interested in running for the position of Chair they would have to be so nominated. Also, a Chair or Vice-Chair that assumes the position would hold that position for two years, unless so nominated to continue beyond two years. That person could select to stay on as Chair if so nominated and approved for that process.

Then finally, we talked a bit about something that is within our purview as LGAs that may not be available to the State Administrative Folks, and that is our ability to perhaps influence our legislators and/or governors, administration in Washington, both at the state level and the federal level on trying to avoid interference with our approved state/federal actions.

We've identified that as a problem in the past. It may become more abundant, it may not. But anyway, we recognize that as LGAs we have kind of a unique ability to address these issues, when perhaps the Administrative Commissioners might not have that ability. Thank you, Mr. Chair, if there is nothing else, you might want to consider, Eric has a suggestion.

CHAIR McKIERNAN: Just say it's an interesting section, because it represents two-thirds of the Commission, and each of you are either a Legislature Appointee or Governor's Appointee, and each of you has its own Chair, so you are essentially Co-Chairs. Now I'm going to turn to the new Co-Chair, Eric Reid.

MR. REID: Thank you, Mr. Chair, and thank you, Mr. Miller for your report. Just to follow on Roy's discussion about what we talked about, about

political pressure. We had really good discussion. But what I took away from that was it's better to be proactive when it comes to dealing with your Legislators, than it is to have to go to them and talk to them when something is about to hit the fan. There were several examples from people in the room about how to engage with your legislators, you're elected officials, so you become a resource to them. When these issues come up, they are going to call you and say hey, what do you think? I thought that was a really productive conversation and I would like to have more of those conversations, you know. It's similar to the Law Enforcement Committee, it's an open meeting.

It's a nice informal conversation, and I want to continue that and I think that is great, and we have pretty good participation from everybody, including new members and old members. But the LGA Group is actually two sections. In our regulations they are referred to as Sections. It is not a committee.

I would like to, I have a motion that I would like to make to chang that, and turn that group into a committee. It is really a technicality. I don't intend, at least in my tenure for the next two years to change the way that committee behaves. I talked to Mr. Beal, and it doesn't require any extra effort on the part of the Commission.

We're still going to have our meeting; we do have an agenda. We do a report. My motion, if it's okay with you, Mr. Chair. The motion is, **move to task the Commission Chair, under Article IV, Section 4 of the Rules and Regulations to formally establish the Legislative and Governor Appointee (and proxies) Sections as a Committee.** That is not a committee motion, because we're not a committee, so I'm going to need a second.

CHAIR McKIERNAN: Right, I've got Joe Grist seconding. Bob, do you want to speak to the mechanics of this?

EXECUTIVE DIRECTOR BEAL: Yes, happy to do it, thank you. Yes, as Eric said, this is a bit of a technicality, but I think it is important to formalize the structure of this group a little bit more. They've taken a number of steps forward in how they develop their election process over the last six months or so. The Commission Chair has the authority to form committees. I guess the only question I would have is, it will be a single committee with Co-Chairs, is that the idea, Mr. Reid?

MR. REID: Yes, thanks Bob for the question. Actually, in the Rules and Regulations it is Article 4, I think it is Section 3, already lays out what that group is. It's in two sections, each has its own elections and we now have a structure for the elections. We're going to have them every two years, stagger between one side and the other for every two years.

We do have regulations for that. It is also, you know we also know who is going to be on that committee. There is no need to appoint people to the committee, because it says in that section that Legislative and Governor's Appointees are on that committee. We have the who, we have the where. We're going to meet every meeting except for the annual meeting.

We have all these regulations in place already, it's just a matter in my mind, you know we have made in my 12 years on that committee, I think we've made one or two recommendations to this Board. A bunch of people having lunch making a recommendation. They haven't done it a lot, but I really think it's important to really develop this committee a little bit more, and maybe provide some advice to the Commission as a whole. But I would like it to have the authority of coming from a committee, a committee motion to me is something that is a little bit more powerful than a bunch of people having lunch and coming up with some ideas. That is my intention.

CHAIR McKIERNAN: To address this question, are you comfortable having Co-Chairs?

MR. REID: The Co-Chairs is in the section that talks about what this group is. It's already in there, so I am very comfortable with that.
CHAIR McKIERNAN: Okay, so that can be done by me working with you through correspondence to the Commission as a whole.

EXECUITVE DIRECTOR BEAL: Yes, the only thing that just popped into my mind is, if we're ultimately going to change the Rules and Regulations, we may fall into the exact same category that we talked about in the declared interest, where we have to notice a chang to the Rules and Regulations.

I need to go back and reread those with this in mind, but we can do that. If that is necessary when we notice about the change in the declared interest criteria, we'll notice this and do it all at once in August. After the meeting you and I can get back together and pedal up on the process.

CHAIR McKIERNAN: All right, I have a motion on the board, is there any more discussion**? Is there any objection to the motion as written? Seeing none; passed by unanimous consent**. Thank you, Eric.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIR McKIERNAN: Next on the agenda is the Law Enforcement Committee Report, Kurt Blanchard. Welcome, Kurt.

MR. KURT BLANCHARD: We just finished up, a day and a half meeting. The Law Enforcement Committee conducted a hybrid meeting in a joint session with the Gulf States Marine Fisheries Commission LEC During the 2026 spring meeting week of the Atlantic States Marine Fisheries Commission.

The Chair welcomed the new member, Major Edward Mann of North Carolina, and recognized Major Jason Walker from North Carolina for his years of participation in the LEC. The Committee discussed the following topics.

Under species discussion, Tautog Management. The Committee reviewed the Tautog Management Board's intent to advance Addendum I to Amendment 1 of the Tautog Fisheries Management Plan.

Staff provided details about a proposal that the state of New York, which requested that an addendum include an option to utilize an alternate tag type for commercially taken tautog. This request arose to persistent concerns regarding damage to fish retained in New York's live market fishery.

The LEC continues to monitor this issue closely, and is informed about the research and testing conducted by New York, as they work to identify a suitable alternate tag option. At this stage, New York EEC has not finalized specific alternative tags, although several potential options are under consideration. The LEC supports the commercial tagging program outlined in the FMP, and is open to endorsing an alternative tag. Provided it meets the established requirements of the program. The Committee requests the opportunity to review the proposed option in the draft addendum before the Board grants final approval. Under Other Business, we discussed the JEA program and updates. Bryan Landry of NOAA OLE engaged the Committee in a discussion concerning the status of the JEA program.

He shared a positive update reporting that NOAA funding for the program has been included in the Fiscal Year '26. This development is welcomed by the LEC as it supports the continuation and effectiveness of the JEA program. The LEC reviewed its shared expectations and priorities regarding the JEA program.

The Committee reaffirmed the commitment of participating states to the program's objectives and collaborative enforcement efforts. Members expressed hope that NOAA will further enhance the funding for JEA in Fiscal Year '27, strengthening the partnership and advancing fisheries enforcement initiatives.

Our next topic was on the Guidelines for Resource Managers on the Enforceability of the Fishery Management Measures. At the request of the Gulf State partners, staff delivered a comprehensive presentation focused on the development, history and application of the guidelines document.

Key points included the documents evolution, its practical use in fisheries management and how it addresses challenges faced by managers working to ensure compliance with regulatory plans. Our next topic was the new NOAA Field Forensics Program. Again, NOAA Office of Law Enforcement has initiated pilot testing of a newly developed rapid power mist chain reaction, PCR from the COVID days.

This technology allows officers to perform genetic analysis directly in the field, delivering immediate results and eliminating the need to send samples to external laboratories. U.S. law prohibits the false labeling of important seafood products. Despite this, visual identifying fish species during port inspections is often difficult as physical characteristic alone may not be sufficient.

In the past NOAA officers collected genetic samples and sent them to forensic laboratories for confirmation, a process that could take several weeks and potentially delay the movement of seafood through U.S. ports. The introduction of the Rapid PCR technology provides enforcement personnel with the capability to swiftly identify species on sight.

This advancement helps officers collect evidence, investigate seafood fraud more efficiently, by expediting the identification process, the device helps prevent illegal seafood products from entering the U.S. marketplace, and strengthens the effectiveness of inspections and operations. Our next topic. We've covered a lot of things in the last day and a half.

Court Authorized Surveillance. Sargeant Jeffrey Kirk out of Maine's Department of Marine Resources conducted a presentation on the best practices in the use of court authorized surveillance techniques. Sargent Kirk highlighted successful case prosecutions in the state of Maine, and the process is used in supporting these cases. This presentation focused on the illegal deployment of traps in the lobster fishery. Moving on, the illegal, unreported, unregulated fishing enforcement, IUU fishing. Assistant command a game warden, Les Casterline of Texas Parks and Wildlife offered a presentation on his agency's effort in enforcement of IUU fishing. HE discussed illegal fishing activities along the Texas Mexico Border. Enforcement efforts, new initiatives to combat seafood fraud and regulations for seafood import monitoring.

The Seafood Import Monitoring, SIM is designed to regulate the entry of seafood into the United States. This program tracks the journey of seafood products from point of harvest all the way through the arrival at U.S. Borders. By monitoring this entire process, SIM helps ensure the imported seafood meets legal requirements and maintains transparency throughout the supply chain.
Sim simply targets 13 priority species. Among these are red snapper, shark and blue crab. These species were selected due to their vulnerability to illegal fishing practices and a need for greater oversight in their trade. To support lawful harvesting and production, the program requires comprehensive of record keeping and data collection for each imported shipment.

Importers must provide detailed documentation that demonstrates that seafood was harvested and produced in accordance with established laws and regulations. This information is then used to verify compliance and prevent illegal, unreported, unregulated fishing for impacting U.S. markets.

These enforcement efforts have been collaboration with department agencies, including Texas Parks and Wildlife, NOAA, Customs, U.S. Fish and Wildlife and the FDA. Moving on to Case Studies.
Operation Scale Deception. Lieutenant Patrick Carron from the Mississippi Department of Marine

Resources offered a presentation on this enforcement action as it relates to the fraudulent use of trip tickets in their commercial fisheries.

This presentation detailed a multiyear investigation into illegal finfish harvesting and trafficking between Mississippi and Alabama, focusing on spotted sea trout and red drum. The investigation began in 2018 when Alabama Marine Resources noticed large quantities of spotted sea trout being sold in Alabama, without proper reporting on Mississippi trip tickets.

Mississippi has a strict regulation, including Total Allowable Catch for spotted sea trout, which was exploited by commercial fishermen, who sold unreported catches to a seafood dealer in Alabama. In 2020 complaints arose about suspiciously high quantities of red drum being harvested and sold, leading to further investigations.

Authorities discovered fraudulent reporting, hidden compartments in boats, and connections between Mississippi and Alabama fishermen. Cellular data and social media posts revealed that some fishermen were laundering illegally harvested fish from Alabama on Mississippi trip tickets.

The investigation dubbed Operation Scale Deception involved collaboration between Mississippi, Alabama and the U.S. Fish and Wildlife Service. It identified 44 participants in the scheme, resulting in 8 convictions, $21,446.00 in fines, and a lifetime forfeiture of gillnet license for one dealer. The total amount of illegally harvested finfish was 101,673 pounds, with a retail value of roughly 1.5 million dollars. Key lessons learned include the need for better communication between agencies, the exploitation of regulatory differences between states, and the inadequacy of current fines per criminal activity.

The next case presented was Operation Atlantis out of the state of Florida. Captain Scott Pierce, also the Chair of the LEC, from FWC offered a presentation on false tagging of seafood products. This presentation discussed illegal lobster importations, mislabeling practices, enforcement actions, violations and legal proceedings related to Florida fisheries.

The FWC and NOAA investigated Florida based seafood companies for allegedly importing large quantities of Caribbean lobster, mislabeling them as U.S. origin, and reexporting them to China. Inspections revealed violations such as improper reporting, lack of notification, and breaches of spiny lobster regulations.

Federal charges, including wire fraud and conspiracy were brought against two seafood dealers, highlighting concerns about reputational harm to American fishermen and insufficient government oversight. The investigation began when officials noticed discrepancies in import documentation shipping records, which prompted a series of inspections at warehouses and facilities.

Companies failed to properly document the sources of their lobsters or notify authorities about the incoming shipments, as required under both federal and state laws regulating seafood trade. These regulatory breeches included exporting lobsters that did not meet size requirements, and failing to comply with conservation measures intended to protect the species.

Prosecutors alleged that the deliberate mislabeling was intended to circumvent tariffs and trade restrictions, contributing to unfair competition of legitimate U.S. producers. The probate determined how widespread this fraudulent practice has become, with the industry and whether additional enforcement actions or regulatory forms were needed to protect both marine resources and the integrity of the American fisheries.

This particular case brought in a little over $500,000.00 in fines with a five-year probation on the dealers. A closed session was convened during

our meeting to facilitate open discussions regarding new and emerging issues within law enforcement, and each agency was given the opportunity to highlight its work and shared updates on ongoing enforcement initiatives.

We would like to thank the Commission for allowing this joint session with the Gulf States LEC, that has not happened in many years. We did do it on a regular basis a number of years back. It was a really good opportunity and really good shared information, so thank you, Mr. Chair, and I'm all set.

CHAIR McKIERNAN: Any questions for Kurt? John Clark.

MR. CLARK: Just quickly, how accurate is that field forensic testing of the fish? Has it been pretty accurate so far?

MR. BLANCHARD: Still in the testing phases. Preliminary data it's been highly successful. It has identified over 100 species that can be tested with this device.

CHAIR McKIERNAN: Thanks, Kurt, great report. Sounds like a great meeting.

UPDATE ON RECREATIONAL ANGLER PARTNERSHIP IMPROVEMENT DIRECTIVE (RAPID) INITIATIVE

CHAIR McKIERNAN: Next is Bob Beal with an update on RAPID, Recreational Angler Participation Improvement Directive, coming out of NOAA Fisheries.

EXECUTIVE DIRECTOR BEAL: I will be relatively brief, Mr. Chair. For those of you that were at the ACCSP meeting at the beginning of the week, only two days ago, it feels like a week now. The NOAA representatives came in and gave an update on RAPID Initiative.

The goal is to redesign recreational data collection around the country, and it involves states, NOAA Fisheries and the Councils all getting together and figuring out what that future recreational data collection is going to look like, sorting out everyone's role as we move forward in the future, and to improve recreational data collection around the whole country.

There is essentially two parts that are going on simultaneously right now. One is increasing sample size for the current APAIS Program. NOAA fisheries is going to move nearly 2 million dollars to ASMFC, to increase sample size for the APAIS Program that goes on up and down the coast, Maine through Georgia.

I don't believe Florida is part of that APAIS Program, I could be wrong, Erika, but I don't think Florida is part of that program. That is going to be in the short term. That part of APAIS will be coordinated through ACCSP, and Alex DiJohnson and Geoff White. They've already started reaching out to the states, talking about what capacity do the states have to increase sampling.

You can't just flip a switch and increase sampling by 40%. You've got to hire new people, you've got to determine what waves and when these sampling efforts should take place and everything else. That is one effort that is shorter to medium term. The other effort is regional workshops, talked about it at the beginning, which is figure out how the states and NOAA and the Councils all want to work together to figure out improving recreational data collection.

The model right now is anyway, 8 regional workshops based on the Council's regions. That money will come to ASMFC and we will pay for the coordination of this, and also hire a facilitator. We will not be the facilitators for those workshops. But we are going to rely heavily on the states to coordinate those workshops. Where should they be?

When should they occur within the states when people aren't out fishing, and how do we get the most people there? These 8 regional workshops are really focused on what I said, NOAA Fisheries, the states and the Councils. They are not public

facing meetings. Like they will be open to the public, I believe. But the idea is not to bring together a lot of recreational angling public at these meetings, it's to get the agency folks all together and talk about what the future of recreational data looks like. Following those 8 regional workshops there will be one nationwide workshop that is the public facing workshop. I don't know if that would be virtual or in person, that hasn't been decided. If you get really, what is the public perspective on recreational data collection. Then the final sort of capstone tent workshop will be a group that hasn't been defined yet that will bring all of the 8 regional workshops and the public perspectives together, and synthesize all of that into what the future of recreational data looks like.

It is not going to be one-size-fits-all around the country, but one key on the east coast that has been talked about is sort of compatibility. Even if some states are doing things a little different or if there are some differences up and down the coast by region, maybe. It will be really important to be able to compare what one region does to the next and what the landings are state to state up and down the entire coast.

Maybe the methodology is a little different, maybe not. But that compatibility issue is going to be really important to support future management stock assessment decisions. NOAA wants us to move very quickly on these workshops, and we would love to have them done in this calendar year. I don't know if that is realistic.

That is a lot of planning, hiring a facilitator. We don't have access to those funds yet. It's kind of a fast-moving process, but the other premise here, a couple things. NOAA appears to want much greater state involvement in recreational data collection. They want to shift some of that responsibility from the federal government to the states, which obviously requires resources to do that, and that is part of this conversation. The other is, NOAA doesn't want to be too sort of top heavy. They don't want, you know people are asking for more details. What is this RAPID thing, tell us what it's going to be. NOAA is reluctant to talk too much about that, or to be too heavy handed and tell the states what it is going to look like in the future.

They want these workshops to be what determines the future of update of collection rather than NOAA, sort of reconfiguring MRIP and telling the states what it's going to look like in the future. It is really designed to be collaborative and put a lot of effort and responsibility on the states to figure this out, and figure out what the recreational data in the future is going to look like. That is the quick update. I can try to answer questions; I don't have a lot more than that. But that is what the future of the program is.

CHAIR McKIERNAN: Any questions for Bob? All right, more to come, for sure.

DISCUSS PROPOSED CHANGES TO MONTEREY BAY AQUARIUM SEAFOOD WATCH'S STANDARDS FOR FISHERIES

CHAIR McKIERNAN: Toni, I think you're up next with a Monterey Bay Aquarium Seafood Watch's Standards for Fisheries and possible changes.

MS. KERNS: I was asked to provide some information on the proposed revisions to the Monterey Bay Aquarium standards for fisheries. They are proposing changes to the system, and this is the system that establishes their seafood card, so they are red, yellow and green for species around the world.

I am going to state that this is my interpretation of these, after digging around a little bit on their website. On the meeting materials I provided the one pager, but I personally did not find that that was super informative. Again, these are my interpretations and I am not an expert in their seafood cards, so we'll put that out there. I think there are a handful of changes that I think could have substantial impacts on ratings. Not necessary

that I think that all of these things apply to the Commission species, I don't know which one of them would apply to Commission species, I did not do that much digging. But the first is the stricter, best choice, the green threshold for stock status.

A proposed new decision rule would require that a fishery has to score green for either stock abundance or management effectiveness, not just achieve a high overall numerical score to earn the best choice rating, so fisheries with poorly known stock status and management that is not highly effective and does not necessarily reflect the intent of the best choice category, even when ecosystem impacts are minimal.

This would directly downgrade some fisheries that currently squeak into the green ratings on the strength of either low bycatch or habitat scores alone. They tightened the stock rebuilding thresholds. The proposed abundance scoring would reclassify rebuilding stocks more stringently. Stocks are proposed to be classified as moderate concern if they are below the 75% of Bmsy or a similar reference point and a low concern above that point. Previously the structure was not always considered sufficiently precautionary for depleted stocks. Under the discard and date used, that can now drive a red color rating. Currently high discard rates lower a numerical score, but it doesn't change the color rating for criterion 2. The proposed change would base the color rating of criterion 2 on the final score rather than the sub-score, which allows the discard modifier to influence the color rating of criterion 2.

Then the overall recommendation in more cases than it previously did. Fisheries with discard and bait ratios at or above 100% of the landings could be pushed from yellow to red. For the revised reference points guidance, the proposed revision moves away from treating MSY as the universal benchmark Seafood Watch is proposing to provide its guidance on the reference points to ensure that their appropriateness is judged on principals of conservation and system resilience, rather than comparison to MSY. This could alter scores for fisheries that currently use non MSY reference points to justify their management.

I think this will be more impactful on global fisheries, but we do have some species that don't use MSY or MSY proxy. Again, data poor fisheries I believe will face harsher scoring. The revisions propose that data poor quality or availability can more directly contribute to lower scores, and even in a void recommendation rather than simply noting uncertainty.

This could substantially downgrade many small-scale or develop rural fisheries that lack robust stock assessments. Again, for the most part global fisheries. But again, there are species in the United States that have poor data availability. Then there are some changes that I think have little impact on the ratings. There are streamlined fishing mortality table for bycatch species. One of the goals of the proposal is to streamline the fishing mortality factor by solely focusing on fishing mortality, combining the low and very low concern categories, just to simplify the assessment. I believe this is a clarity and efficiency change that would not change most of the fisheries actual scores. Revisions for the guidance on language on alternative reference points. The criteria have been edited to indicate that reference points that are not as conservative as Fmsy should not be considered equivalent.

What I can tell, this guidance already existed in some of the appendices, so this change is mainly about making the existing rules more difficult. In their criteria table, rather than introducing a new standard. There is the consolidation of criteria structure. The review is exploring, combining criterion 3, which is habitat, and criteria 9, which is wildlife mortalities into a single habitat and biodiversity criterion, and this is a structural reorganization.

It's unlikely to shift final ratings for most fisheries is what I gleaned. There is more explicit guidance for illegal activities and unknown impacts, then complication process proposes clear scoring language for situations where illegal activities or impacts are unknown. This is a codification of how the assessors had already handled these cases, rather than a new role.

Then lastly, there is new metric reporting's. The Seafood Watch is considering publishing metrics proposed with each assessment, to the level that corresponds to each scope within the report, potentially including a dashboard. I think this would enhance transparency, but is informational and wouldn't factor into the ratings themselves.

The question to the Board is, do we want to provide comments? If we do want to provide comments, is it each individual state wants to provide comments, or do we want to provide comments as a Commission, do we not want to provide comments at all, and if we do, I would definitely need some specific guidance from you all, as I don't know how folks would feel.

CHAIR McKIERNAN: The comments would be due by the end of the month.

MS. KERNS: Yes.

CHAIR McKIERNAN: Thank you, Toni. One of the members actually, it was Joe, who brought this to our attention. I know Monterey Bay Aquarium Sea Watch comes up often in a lot of our daily deliberations regarding seafood marketing and seafood promotion.

We thought it would be appropriate for Toni, she's done all this work to sort of summarize what's in play here, and get the Commission's collective view as to whether or not we think a Commission letter or any of our individual states might be interested in just comment. I think it's an important issue or can be an important issue, in terms of the marketability of our seafood.

Especially for fisheries that are totally in compliance with our plans and with Magnuson, and yet they are earning a red do not purchase classification, which is frustrating. Is there any discussion around the Board, any thoughts on next steps? Go ahead, Carl.

MR. WILSON: Just a question for Toni, at this point. Did they mention any modifications on how a particular fishery relates to protected resources?

MS. KERNS: In the score card, I don't recall significant proposed changes to that, but it's been like three weeks since I've looked at these, Carl.

MR. WILSON: I mean to Dan's last point then, here we have fisheries that are doing exactly what they are supposed to be doing under the letter of the law of how we operate that are scoring red, as avoid. This came up with lobster in Maine. It was a pretty big discussion point. It just really left us with a bad taste.

CHAIR McKIERNAN: Carl, is your recommendation to leave it alone?

MR. WILSON: Each state takes up comments that would be specific to their experiences.

CHAIR McKIERNAN: I just thought it would be valuable to just bring it out in the open that there are opportunities for them, that they are amending their standards. I didn't know what those amendments were, now I do. Any other thoughts on whether we should. Erika.

MS. BURGESS: I appreciate, Mr. Chairman, your question and your comments, and also Carl's point. Have seen in Florida basically a blanket decision making. If your fishing gear in the fishery involves any vertical lines, you automatically get a bad choice, no matter how sustainably managed that fishery is.

I kind of view it as, they've opened it up for comments. If we as a collective group share the

same comments about the decision process for how they do their rating, I would support us sending a letter to comment on that, even though it may not be exactly what they're looking for.

We do have some misalignment between what we think at the ASMFC body is a well-managed fishery, and what Monterey Bay Aquarium says is a well-managed fishery. If we have the opportunity to highlight it, we should. If we can't come to agreement on the content of the letter, I understand that. Florida will be sending their own letter on this as well.

CHAIR McKIERNAN: If any of the states decide to send letters, maybe we share those letters, blind copies or whatever to the other states, I think that might be helpful. I take your point. Yes, Eric.

MR. REID: We absolutely should send a letter, absolutely, do not fail. I don't know if any of you ever looked at the Monterey Bay Aquarium list. It's interesting reading, to the point where sometimes it's pretty comical, because of what you said, Mr. Chairman. You know fisheries that are doing great are red listed and fisheries that are not doing great are, you know eat these tomorrow and every day of the week.

My concern is data poor species. I'm in the squid business, or I was in the squid business. Our partner at the Mid-Atlantic Council manages two species of squids, which are well managed, they are sustainable. But they are data poor, and here we are with a fishery that, I mean it's a giant economic driver for the east coast, well managed, it's got quotas, you know it's got all these requirements. But that is going to get harsher treatment, which is not right. I agree that the Commission should send one and the states should send one, and perhaps if we overlap a little bit in our discussion, but absolutely you've got to tell these people something.

CHAIR McKIERNAN: In the case of squid, it's data poor because of the life history, not because people aren't collecting data. All right, so the intent is for states to send individual letters among those who desire to. But can the Commission consider some kind of a letter as well? Bob.

EXECUTIVE DIRECTOR BEAL: Absolutely, if the group wants the Commission to send a letter, we can definitely do that, and it sounds like that is what Carl, Erika and Eric are suggesting that we should do. We may need a little bit more guidance on exactly what to include in that letter. But I tend to agree, a letter from the Commission carries the weight of the 15 states, and that is pretty important.

CHAIR McKIERNAN: Sharpen the knives. Ben, please.

MR. DYAR: I just wanted to second that I would support a letter as well from the Commission. We've run into some issues specifically with some shrimp and our oyster fisheries. They were nice enough to actually reach out to us; to gain further information regarding some of our oyster fisheries and still we were not speaking the same language.

It was very difficult to get some of that through and it did not result in a positive result. That has since changed, but it was actually a lot of misunderstandings even directly talking to them. You know we would be interested in supporting a Commission letter as well.

CHAIR McKIERNAN: Your experience is a common one among the states that have engaged with that entity. Toni.

MS. KERNS: Comments close May 25. I would just need some help on what you're looking for, either today or, I don't know how close. If some of the states that are thinking about sending letters are sending a letter that has a section that is more general.

Because I think what I'm hearing us say is we don't agree with how they do the score card process, in

terms of when a Commission or Council has a sustainably managed species, then why are you scoring us into the red. If anybody has sections like that already written, then I would love to take that from you all. But if there is any additional detail for sort of the whys behind some of that, I can pull up some information, but just strength behind it would be appreciated.

CHAIR McKIERNAN: Can we communicate that to you after this meeting and not at this moment?

MS. KERNS: Yes, that would be great.

CHAIR McKIERNAN: All right, so the Commission will write a letter and states are invited to write individual letters as well.

MS. KERNS: One more thing, Dan. Because it is due May 25, I don't know if I will have time to send it to the full Board, depending on the timing of feedback from everybody. But I definitely would work with Dan and Doug to do that, and if anybody else wanted to see the draft before I sent it, shoot me an e-mail and I'll include you on that.

CHAIR McKIERNAN: Thank you, Toni. Erika.

MS. BURGESS: I just wanted to offer that I would feel comfortable if Dan and Doug approve the Commission's letter, it going out.

CHAIR McKIERNAN: All right, Review Noncompliance Findings (If Necessary), but there are none. Therefore, go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: Not a noncompliance finding. Just a quick comment here. During this meeting we talked about two potential changes, potential changes to the Rules and Regulations, and the Policy Board can start that process, but to finalize that it has to be done at the Full Commission.

In August when we get together to talk about the Committee versus Section and potential changes to the declared interest criteria. That will be done at the Full Commission rather than at the Policy Board. Almost the same group, but different enough.

CHAIR McKIERNAN: Okay, thank you, and I would like to thank the members of this Board for some really sincere and honest conversation about the issues that we brought up earlier regarding voting privileges and the like. Because some of the folks in this room have been faced with some of those questions, and I thought the dialogue was really helpful. Joe, did you have your hand up?

MR. CIMINO: Just a reminder about my other request.

CHAIR McKIERNAN: Oh, all right, under Other Business, what do we got, Joe?
MR. CIMINO: This may just be to your discretion, but the Sciaenids Board has, with the help of the PRT, looked at some non de minimis criteria for those specific FMPs that I felt at the time may be of value for a Policy Board discussion, since we have an overarching de minimis policy.
I just wanted to kind of make the request to you that if we could get that on, like the next Policy Board agenda. That way this Board has a chance to catch up to what Sciaenids Board has already been presented briefly, and then see if it's worth looking at the policy.

CHAIR McKIERNAN: Can I get Toni's blessing on that?

MS. KERNS: I think we can do it for August. I want to talk to you, depending on like what we want to bring forward, if it's more in depth then maybe the annual meeting, but no longer than that.

CHAIR McKIERNAN: Thank you for bringing that up, Joe, and we'll definitely consider that for the August meeting. Bob, what would you like to do next?

ADJOURNMENT

CHAIR McKIERNAN: Motion to adjourn and then reconvene the Business Session right away? Okay, all right, motion to adjourn this meeting from Joe Grist, second by Ben Dyar. Meeting is adjourned.

(Whereupon the meeting adjourned at 3:30 p.m. on Wednesday, May 6, 2026)