

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

**The Westin Crystal City
Arlington, Virginia
August 9, 2018**

Approved October 25, 2018

TABLE OF CONTENTS

Call to Order, Chairman James J. Gilmore 1

Approval of Agenda 1

Approval of Proceedings, May 2018 1

Public Comment 1

Update from State Director’s Meeting and Executive Committee 4

Review of the Annual Performance of the Stocks 11

Coordination between ASMFC and the New England Fisheries Management Council..... 20
 Consider Changing the Atlantic Herring Section to a Management Board 20

Update on the Atlantic Coastal Fish Habitat Partnership 21

Progress Update on Benchmark Stock Assessments 22
 American Shad 22
 Horseshoe Crab 23

Adjournment..... 26

TABLE OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of May 2018** by Consent (Page 1).
3. **On behalf of the Atlantic Herring Section, move to recommend to change the Herring Section to a Board and invite the NEFMC to have one voting seat. This action is conditional on NEFMC adding an ASMFC staff seat to their Herring PDT and an ASMFC seat to the Herring Committee, with the understanding that is not the same person** (Page 20). Motion passes by unanimous consent (Page 21).
4. **Motion to Adjourn** by consent (Page 26).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	David Blazer, MD (AA)
Doug Grout, NH (AA)	Russell Dize, MD (GA)
Ritchie White, NH (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Steve Bowman, VA (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Brian Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Steve Murphey, NC (AA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
David Borden, RI (GA)	Robert Boyles, SC (AA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Malcolm Rhodes, SC (GA)
Sen. Craig Miner, CT (LA)	Ross Self, SC, proxy for Sen. Cromer (LA)
James Gilmore, NY (AA)	Spud Woodward, GA (AA)
Emerson Hasbrouck , NY (GA)	Doug Haymans, GA (GA)
Joe Cimino, NJ, proxy for L. Herrighty (AA)	Krista Shipley, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Martin Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Sherry White, USFWS
Andy Shiels, PA, proxy for J. Arway (AA)	Rachel Baker, NMFS
Roy Miller, DE (GA)	

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

Staff

Bob Beal	Kristen Anstead
Toni Kerns	Jeff Kipp
Lisa Havel	

Guests

(Sign-in sheet not available)

Mel Bell
Annie Hawkins, RODA
Arnold Leo, E. Hampton, NY

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; Thursday, August 9, 2018, and was called to order at 8:00 o'clock a.m. by Chairman James J. Gilmore.

CALL TO ORDER

CHAIRMAN JAMES J. GILMORE: Good morning everyone. Welcome to the ISFMP Policy Board Meeting. My name is Jim Gilmore; I'll be chairing the meeting today. A few of us are a little tired from our festivities last night. Then we were wandering the city for hours because Toni abandoned us after she took us to a ballgame, and people like me who aren't familiar with cities were completely stressed out trying to find my way back home.

No, we had a great time last night at the ballgame. Even though the Nats lost, the folks from the south were thrilled that the Braves won. Congratulations!

APPROVAL OF AGENDA

CHAIRMAN GILMORE: Let's get into the agenda. First off, we have to approve the agenda. But I think we have a few changes we're going to make. First off, there was an Item 8 on the Update on Risk and Uncertainty. We're going to postpone that until the annual meeting; because that was Jay Mac.

If you haven't heard, Jay Mac had knee yesterday or the day before; oh ankle surgery, sorry, some kind of leg surgery. Anyway, he's out of commission, so we're going to postpone that to the annual meeting. We are going to add in, there is a topic we were talking about strategic planning at the last meeting. Leadership went and had a meeting on this so we're going to do an update on that. Are there any other changes to the agenda? Okay seeing those we'll adopt those with the changes I just made.

APPROVAL OF PROCEEDINGS

CHAIRMAN GILMORE: We had proceedings from May of 2018. They are in the briefing information. Are there any changes to the proceedings? Okay, seeing none; we'll adopt those by unanimous consent.

PUBLIC COMMENT

CHAIRMAN GILMORE: Before each meeting we have a chance for public comment on issues not on the agenda. Are there any public comments? I believe we have one from Anne Hawkins is going to talk about RODA. Come on up to the public microphone, Anne.

MS. ANNE HAWKINS: I'm Annie Hawkins. I work with the Responsible Offshore Development Alliance; and wanted to take a brief opportunity to introduce this new group that we've formed to the Commission, and talk a little bit about what we're doing and how we may be able to work together.

I apologize for having the sniffles this morning. But at least I decided not to make everyone fall asleep with a PowerPoint, so we'll keep it short. We're a new group that has come together of commercial fishermen up and down the Atlantic coast. We've got board members from Maine; all the way down to North Carolina, some of whom are Commission members, some of whom are Council members. Eric Reid is the Treasurer of RODA; so he is also a good resource to ask any follow up questions, or he can correct me or supplement anything if he's got anything else to add.

The point of RODA is to sort of take a new approach to improve the compatibility of the new developments that we're seeing offshore on the Outer Continental Shelf with commercial fisheries. Right now we're particularly focused on offshore wind; as it's a huge issue. But we're also sort of structured in a way to address other things that will come down the pike; like sand and gravel extraction, offshore aquaculture, things that we're starting to see in the Atlantic.

We found that over the last few years the permitting processes and the use of scientific data going into these processes really has not been what we would like to see from the commercial fishing side. We want to make sure that we are coming together with a unified voice; in a way that makes us a lot more able to participate effectively in the process. Like I said, we have 13 board members at this point from Maine down to North Carolina. Board members are individuals with direct interest in the commercial fishing industry.

We have representatives from essentially every federally permitted fishery; and some state permitted fisheries in the Atlantic. We are a membership-based organization. Our goal would be to have membership from absolutely anybody from the commercial fishing side who is interested in joining us and working with us on these topics.

RODA has sort of two main points; one is policy and the other is science. On the policy side, like I said the main goal was to bring this unified voice so that we can be more effectively engaged in these permitting processes. We think there is a lot of value in having conversations directly with the fishing industry; and with offshore energy developers, and other developers and lease holders on the Outer Continental Shelf. Those conversations have not been happening too much to date.

To coordinate among the many efforts that are going on with sort of each state and each developer that have their own advisory panels and are convening their own working groups of fishermen. It has been a lot of work for a lot of fisheries and a lot of fishing representatives who attend all of these meetings; and to really keep on top of everything that is going on with every state and then federally.

We're hoping to sort of be – not only hoping to but we have been – a way to coordinate a lot of those interactions; and to be a clearing house. Get information out to the industry; get

information back from developers, and just make everything a little bit more streamlined, so that we're not spending so much time and effort chasing each individual project and each individual proposal.

On the science side we're in discussions with National Marine Fisheries Service; both at GARFO, the Science Center, and Headquarters to form a formal partnership on a new collaborative research program, where we can really start to identify/prioritize the data gaps that we have and the sort of analytical efforts that we need to start to better understand how offshore leases should be sited and designed, and make sure that they're as compatible as possible with fishing interests. I think that is sort of the brief overview. I didn't want to take too much time; but just to let the Commission know that we're starting on this effort. We're starting to form our partnerships; sort of across the board, and hoping to interact with you guys down the road as we develop and really get rolling here. Thanks.

CHAIRMAN GILMORE: Thanks, Anne. Okay, we'll take a couple of questions.

MR. THOMAS P. FOTE: Anne, I noticed in your presentation when you started beginning, you started talking about also sand and gravel. Now, I'm very tied into the recreational community, and we've been looking at what's been going on in New Jersey with them doing 30 miles of beach replenishment for the last two years. Basically, we have no inshore fishery in the last couple of years; and the same thing with the commercial, we lost numerous lumps, and numerous places little fish spots.

Somehow they got on the plan and basically have been destroyed over the period of time. I think if you're looking for a partner in some of this stuff when it comes to sand mining and things like that; also I've been at a number of BOEM meetings, and basically sat with Greg and yelled at them, when they basically don't put the proper overlays and show where the fish

areas are. If we can help, basically we'll work with you.

MS. HAWKINS: Great thanks that's good to hear. I've had a lot of conversations with BOEM that that program is going to be expanding quickly for New Jersey, from Maine all the way down to Florida. We're definitely keeping an eye on that.

CHAIRMAN GILMORE: I'll let Eric have, actually Dennis had something else or whatever. I don't want to get into a big discussion on this; because I don't want to break with the rules of public comment, and we start getting into dialogue on it. But I'll take two questions. I've got, who is it Eric and Dave? Go ahead, Dave.

MR. DAVID BLAZER: Yes, I'm sorry. I just wanted to, because in Maryland we're going through a lot of these different issues. I just want to make sure that I get your contact information; so that we can put our commercial fishermen in touch with these folks, so they know that there is a concerted effort, because they are struggling right now.

CHAIRMAN GILMORE: Eric.

MR. ERIC REID: I don't have a question. I just wanted to say thank you, Mr. Chairman. Being from New York, you have some idea of what is going on with wind power. Love four letter words; wind is a four letter word. There are a lot of other four letter words that are associated with wind power.

Executive Director Beal has had some conversations with myself; and I really appreciate you guys giving us some time this morning. We're more than happy to talk to you offline. Obviously there is some interest in covering our collective rear ends for this matter. Thanks a lot, I appreciate it.

CHAIRMAN GILMORE: Thanks Eric and Anne. Thank you again, yes and my state and many of the New England states and expanding south

now. This is becoming a major issue that I think the coordination and communication is going to be key in getting us out of this; because we've had some very spirited meeting in New York on the topic. Thanks again. Dennis, do you have a comment on this or public comment? Go ahead.

MR. DENNIS ABBOTT: I just wanted to comment about our meeting conduct. I don't have a problem. But in the past couple of meetings I've noticed a couple things; and I'll use some specific examples. Yesterday Marty Gary chose to abstain in a vote. I don't think that the Chair is under any obligation to abstain. I think the Chair should be voting; because they're here representing, in his case the Potomac River, Bob Ballou in the past representing Rhode Island.

I think it is incumbent, and I thought it was obligatory for the Chairs to vote. I mean the argument could be made that Chairs only vote to make a tie or break a tie. If that was the case then I think that if you called a roll call, you would call the Chair last to do that. But I think the Chairs should be voting.

They probably think they're doing the proper thing by not voting; but I think that they come here to vote, and especially in a three-person caucus. It could make the difference of if there is a divided delegation. I just think we should make it clear that the Chairs should vote. The other thing is several times the Chairs have recused themselves from chairing the meeting.

Pat did that and I don't know who else did it. But I thought you only had to do that if you were representing yourself; and not representing the department or the state. I don't see a problem with sitting in the Chair. But you know if you're going to make a speech about something singular to yourself, then you should recuse. Again, I think that the Chairs should essentially conduct the whole meeting; other than exceptional circumstances. I just wanted to bring that up.

CHAIRMAN GILMORE: Yes, I appreciate it Dennis. I think that the Chair voting issue I think it is important you raise it that they have the opportunity to vote. But again, there is that rule about, I mean most of my local councils are the tie breaker issue. But I think it is important to note that if the Chair so decides to either vote or not vote that is still their prerogative.

But they do have the capability to vote if it's an important enough issue; so I think that's good. The recusing thing that's a judgment call, and I understand that. But I think you're probably right in some cases we probably could stay at the table. We've become more sensitive in a lot of states about the perception of what we're doing. Are we being purely objective in running a meeting? That's usually what I got. But good comments, thank you.

UPDATE FROM STATE DIRECTOR'S MEETING AND EXECUTIVE COMMITTEE

CHAIRMAN GILMORE: Is there any other public comment before we move on? Okay seeing none; our first agenda item is an update from the State Director's meeting, so I'm going to go into my notes the best I can. First off, there was one item that also J. Mac was not at the Executive Committee meeting, and he was going to do an update on the appeals process.

But we did not do that; so we've delayed that or rescheduled that for the annual meeting. One thing we did do, John Clark had sent a letter in on another point that we should consider under that. We decided we are going to include that under Jay's efforts. I think that letter was distributed to everyone; I believe. If you see that letter, you can get into the details of John's. But we are going to include that in the evaluation of the appeals process.

CHAIRMAN GILMORE: The next item we got into was the update on federal appropriations.

The short story is that we find ourselves in the great position of having a surplus; as we're

going into our upcoming times. Bob is going to just do a quick summary of what he went through; just so you understand it. Then we'll come back to some suggestions out what we're going to do. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just very briefly. The bottom line is that due to Congressional increases to the Council and Commission line, as well as some procedural changes at National Marine Fisheries Service, about 2.9 million dollars of additional funding came to the three interstate commissions.

Obviously not all of it came to ASMC; but a fair chunk of it did, and some of it was indirectly coming to projects like SEAMAP and some others. The procedural changes, I think the best example is SEAMAP. Prior to the changes there was overhead or administrative fees taken off of Headquarters, and then also at the Regional Office.

The National Marine Fisheries Service made the decision that only maintenance and administration fees should be taken off at Headquarters, and no regional deductions would be made. In the SEAMAP example, this freed up about \$350,000.00 that could be applied to the SEAMAP program in the Southeast, Caribbean, and the Gulf of Mexico.

About a third of that went to the east coast. It required no additional appropriations from Congress; but the National Marine Fisheries Service decided to treat some of the overhead issues differently. It ultimately resulted in more dollars available for on-the-water research; which is great, because the SEAMAP program was really kind of scraping bottom for now. There are other examples like that. Those procedural examples are about 1.4 million dollars accumulative; when you look at all three Commissions. It's a fair amount of money.

The Congressional increase to the Council and Commission budget line was on the order of like about 1.6 million dollars. The Congressional

language associated with that said that all of the increase was going to be distributed to the three interstate commissions; so ASMFC, the Gulf States Commission, Pacific States Commissions, and one international commission, which is a Pacific Salmon Commission.

After a number of machinations and back and forth with the commissions and everything else, about in the ballpark a half a million dollars of that money has come to ASMFC; or will be coming to ASMFC in a five-year-cooperative agreement. The final budget was approved by Congress pretty late in the process; as you folks know.

The only option that we really had was bringing that money to essentially our office; and parking that in that five-year-cooperative agreement. We didn't have time to work with NOAA to distribute that money to the states through the Atlantic Coastal Act formula. The bottom line is we have on the order of half a million dollars at ASMFC; about \$70,000.00 of that has already been set aside for an ACCSP data security audit. Since ACCSP houses obviously a lot of federal data, there are federal standards that must be upheld; as far as establishing firewalls and passwords, and all the other things that ensure folks aren't able to go through a website or some other portal and gain access to that federal data.

As I said, \$60,000.00 or \$70,000.00 of that is going to be to conduct the audit. There may be some expenses on the back end to update hardware and software; but we'll know that once we get there. After the Commission's overhead and other things, there is on the order of \$400,000.00 available for the states to do things through the Commission.

At the State Director's meeting and the Executive Committee, it was agreed that staff would go back and put together a proposal and some options for; what are the priority projects that this money should be used for. The one

thing that we need to be able to do is go back to Congress and say, hey we did some good stuff with this increased money.

It can't just sort of be absorbed into the cracks and fund some meetings and other kind of non-spectacular things. We need to make sure we have impressive and interesting projects; and things that we can go back to Congress and say we appreciate the money, and in fact we did some good stuff with the money you gave us. We'll be working on that between now and the annual meeting. If you have any ideas that you think you want to get put onto this list.

The Executive Committee will be the ultimate folks who decide on the priorities. But I think one of the important things to remember, it is five-year money. We don't have to spend it all right away. Keeping some available in case there are some dips in funding in future years may be part of the strategy as well. Mr. Chairman that is a summary of where we are; and we'll be reporting back at the annual meeting to the Executive Committee.

CHAIRMAN GILMORE: Thanks Bob. I think since the Executive Committee meeting I've already been approached with several ideas. At this point, I think the best thing to do if you've got ideas is to send them directly to Bob, and then just cc me and Pat. We'll make sure they're included within staff's effort right now.

Then we'll obviously have more discussion. I guess that's what happens when you say you have a lot of money in a meeting. Nobody has any ideas; but they go to bed and then suddenly there are a thousand ideas, which is good. Questions for Bob on this, okay seeing none; our next item was on aquaculture.

Louis Daniel, who has been heading up the Commission's aquaculture efforts essentially, did an overview on the expanding world of aquaculture. I think traditionally most of us in our states have had smaller scale things; heavily

focused on shellfish. However, the last couple of years it has expanded dramatically.

Now, with the federal priority of aquaculture, it's expanding quite dramatically into things; not only our traditional shellfish, but also inshore finfish, offshore shellfish, kelp. I didn't know what sugar kelp was until a few months ago. Now everybody wants to grow sugar kelp. It's the same thing with conflicting uses on it; so it's a very big issue, emerging issue at this point. I think there was consensus in the room that it's an emerging issue for the Commission and important to the Commission; since it can have impacts not only maybe directly but also in the species we manage, because we have a lot of areas that if you go offshore we've got offshore wind, we've got offshore aquaculture, we've got shipping.

We've got a whole lot of things going on out in the ocean. I told at the meeting the other day, I was at a resiliency meeting for the federal government a few weeks ago in Cape May. I had a slide; and it's a fishing boat. If you start bringing all these in, it looks like he's in the middle of the ocean; and by the time you put in cruise ships and protected species or whatever. Suddenly the ocean gets to be a very crowded place for our commercial fishermen trying to make a living.

Anyway, with all of these issues and particularly our focus on aquaculture, there was consensus that we should move ahead. We've going to form a committee made up of state and federal experts from different camps or whatever; to start looking and better defining this issue, its relationship to the Commission.

I volunteered my two new staff I have; because our Governor has committed ten million dollars to just shellfish aquaculture in the last year. We were fortunate to get staff; so I've got some people that we want to put on this to better define how we move forward on this. We will have this committee.

Actually, we're not sure if it's a new committee or a resurrection of a previous committee. But we will have a group looking at this and then reporting back to us; hopefully initially at the annual meeting on suggestions on how we move forward. That is that. Are there any questions on that? Craig.

SENATOR CRAIG A. MINER: More of a comment I guess. In Connecticut aquaculture is predominantly done, at least shellfish, through the Department of Agriculture. I don't know how you imagine communication occurring; if it's just with our Agency of DEEP, it wouldn't necessarily give the Commission the whole story. Have you thought about that?

CHAIRMAN GILMORE: I'm not sure how many states are like that. I know we were having the same problem with whelk; and now Agriculture gave DEEP whelk in Connecticut. Now we can start talking about whelk. That's a good point, Craig. I'm not sure; we probably maybe have to broaden that once we get an idea of how many states actually have it in their Agricultural Department.

But one thing, just in terms of Connecticut that makes this complicated, and Louis had brought this up is that some of these things, in terms of harvest or whatever involve federal permits from the Army Corp. We have an issue in Oyster Bay that is the different standards for Oyster Bay versus when we look at Connecticut and we can see your dredges working; that don't have the same restrictions that we have in New York. There is a lot of inconsistency across the board we're going to have to look into. It's a good point. Eric.

MR. REID: I really appreciate the fact that the Commission is going to take up this issue. Being in the commercial fishing industry, we're suffering not quite the death by a thousand cuts, but we're getting close. It is a concern to us; because the ocean is a lot smaller than you would think it is. I appreciate the Commission

either reactivating or activating whatever it is. But it's good to see that effort.

CHAIRMAN GILMORE: Other questions, comments? Seeing none; we'll move on to our next topic was ecosystem reports. Toni is going to give us a little update on that. Essentially the Councils put together, these ecosystem reports are pretty useful and we want to maybe partner with them on it. Toni.

MS. TONI KERNS: Actually, I spoke with Jon Hare the other day; after following up from our meeting. We're going to work together to either develop an ecosystem report for just the Commission; or blend some Commission species into the current reports that the Northeast Fisheries Science Center is already doing for the Mid-Atlantic; as well as the Gulf of Maine and New England areas.

The South Atlantic Fisheries Science Center is I think in the process of starting to put together reports for the South Atlantic Council. We'll work with them to see if we can also get some Commission species into those reports. Jon said that he would help us with that as well; so we appreciate that a lot.

CHAIRMAN GILMORE: Are there any comments or questions for Toni? Wow, we're going to be out of here at eight thirty. The next topic was MRIP. Mike Cahall came in. There is a white paper that was put together. As most of you are probably aware that we took over. We had APAIS and it's been working very well.

Mike presented a series of graphs and charts; and actually we've exceeded improvements. I think they were looking for a 10-15 percent improvement; a lot of them are over 20 percent, which was indicative that the states are running the program. The data is getting much better. I think those interactions with the fishing community and people that understand the fishery works a lot better than having contractors.

There is essentially the NOAA Fisheries is interested in us taking over other parts of that survey. Mike has been looking into that aspect; and reported back that he's going to be pursuing that more diligently now, since it seems to make sense. There are three other aspects of the program that he is looking into. We'll be continuing to work on it.

I believe and if I recall, I guess we would be shooting for some time in 2020; where we would maybe take on these new efforts. But there will be updates on the details of that. What it means obviously the Feds have said that they would pay for the additional cost that would be transferred to the states.

There are a whole lot of administrative and funding issues that we would have to look at. But the general message was that if it is working under APAIS that we should maybe take on some other aspects of this; to improve the data, and just get MRIP to be a better predictive tool for our recreational fisheries. That was sort of an update and to be continued; and we'll be getting updates in the next couple of meetings. Are there any questions on that? Okay seeing none; our next item was, oh we're going to go into the last thing we had was actually went into a closed door session we had under the whale law suit.

Bob had given us an update on that; which is only procedural things. Other than that that was pretty much the end of the Executive Committee meeting. Any questions on anything I brought up during the Executive Committee meeting? Seeing none; we're going to go into the one item I added in, which was Strategic Planning.

We currently are at the point where we are supposed to be doing a new Strategic Plan. We talked about this a few months ago. But because of a lot of the things going on at the Commission right now, a lot of times the Strategic Plans, we go through a workshop exercise and produce a document. Then put a

lot of effort to it and then nobody kind of looks at it any more.

There are so many issues going on, we decided that we would have a discussion among the leadership; and talk about maybe what is the best effort to be doing right now, in terms of the next few years. We had a meeting up in Burnt Island, Maine. Bob will give us the details; because he took notes, thank God. The rest of us were eating lobsters and drinking, no. Actually, you know what, in some respects when we got there and our planes were all screwed up.

We got there late at night. I think we stayed up until probably eleven o'clock that night without any agenda. I think it was probably one of the best meetings I've had at the Commission; because you got to think and brainstorm without really a lot of noise around you. We kind of fed off each other; which I thought was very helpful. Pat graciously offered Burnt Island for us to meet; a nice perfect location that was away from all the noise except for the fog horn. Bob.

EXECUTIVE DIRECTOR BEAL: I was going to say the same thing. If Pat Keliher invites you to an island off of Maine in the summer, you should probably take him up on it. If he offers to bring lobster, you should really take him up on it. It was a good spot. The group that got together was me and Jim Gilmore and Pat as the current Chair; then we had previous Chairs, Doug Grout, Robert Boyles, and David Borden.

The six of us got together for about a day and a half and just tried to figure out where the Commission could and should go in the future. At the previous Strategic Planning conversation that the Commission had, there seemed to be two levels of conversation going on. One is the very mechanical. We've got a Strategic Plan that expires at the end of this calendar year; and we need to figure out what to do about that.

Then the next level was kind of the more philosophical, higher level thinking of how do we make the Commission function better? How do we get the states to cooperate as efficiently and as effectively as they can? I mean are we comfortable with where the Commission is going and how it's operating right now? Really we took a lot more time talking about the latter; the kind of higher level, how do we get the Commission functioning like the well-oiled machine that it can be, and it is obviously a very effective organization. How do we capitalize on 15 states coming together? Really the first thing that we agreed to is that the premise or the principal for all of our conversation is that the states are better off working together than individually. Going into it with the mindset that bringing this group together is better than trying to have 15 states individually manage 27 species of fish.

All the conversations stem from that. There were a lot of different levels. But one of the things that we talked about is driving forces. What are we reacting to right now? Climate change came up, or changing ocean conditions I guess is what we're supposed to call it. Changing ocean conditions came up quite a bit.

That seems to be one of the underpinnings of everything that is happening around here. Fish are being distributed differently, productivity is changing, animals are in different places, and that obviously sparks the need and the interest for reallocation. Reallocation is a tough issue. Reallocation strains the cooperation between states.

Strained cooperation between states means sometimes we knock on the door of the Secretary of Commerce and ask for his help. You know all those things are just interrelated. Climate change, allocation, cooperation, Secretarial interactions, those seem to be collectively. When you put those four issues together it seems to be collectively the main issues that we need to tackle as a group of 15 states.

Again, that seems to be the driving force and it seems to be what we need to address in order to have this group continue to function as a strong organization. One of the things that came up quite a bit was prioritization. The Commission, we have obviously the Five Year Strategic Plan, we do a very detailed One Year Action Plan, but in the middle we don't do much.

There is this two to three year planning horizon where there is not much going on. We don't have kind of a rolling one year or a two year prioritization and work schedule. The group agreed that we need this sort of mid-term two to three year planning is what we need to focus on. Putting together a 25 page action plan each year with all the details of that sort of play-by-play things that the Commission is going to do, probably isn't the most effective tool.

A lot of thing in that large action plan are things that we have to do every year; they are mechanical. Deke and I are going to go to Capitol Hill and do outreach on Capitol Hill. Laura is going to manage grants. Mike Cahall is going to manage data. But the things we need to focus on are, what are the new projects and what are the priorities moving forward?

Part of that discussion was you know there are some species that we deal with that maybe we can let them ride for a little bit. We need to refocus the energy of the Commission on the high priority issues; the high profile things, the difficult questions. Sometimes we try to tackle every problem simultaneously across 27 species of fish. I don't think we can do that.

I think it strains sort of every level of the Commission. It strains the staff to write the documents, it strains the scientists to support the documents, and it strains frankly the folks around this table. You guys only have so much time and so much bandwidth that you can put into the Commission. If you're trying to tackle high priority, medium priority, and low priority all at the same time, it gets pretty difficult.

Those are some of the big issues we talked about are reprioritizing those. The other thing that is related to that was improving our working relationship with the three councils and NOAA Fisheries. There is obviously, as fish are moving differently, and this goes back to climate change somewhat.

As fish are moving differently, the portfolio of activities at ASMFC, and the three east coast councils, and NOAA Fisheries seems to need to change a little bit. There are times when we're cooperating and tripping over each other. We don't have time to do our jobs; let alone duplicate effort at one of the councils.

We need to focus on that; and the idea is bringing the leadership of the Commission, some leadership from the Regions and NOAA Fisheries, as well as Headquarters, and the three councils all together and start talking about this distribution of work between all of us. We'll try to get that going; maybe through the NRCC, and bringing the southern states or the South Atlantic Council to an NRCC meeting and start talking about that division of labor.

Predictability, stability, it came up quite a bit as something that we want to work on. Orientation of new commissioners came up a lot. Can we do a better job of that? A lot of times there are new folks that pop up at our meetings on a fairly regular basis; and it seems to be at an increasing rate. How can we do that a little bit better?

I think we've done a good job of sort of mechanically getting new Commissioners up to speed on what hotel they need to go to and how they fill out a travel form. But we may not be doing as good a job as we can; about how do we kind of get those folks immersed in the Commission culture, and develop friendships, and working partnerships with other states, and the leadership of the Commission? That orientation indoctrination issue came up quite a bit.

After we had all these discussions, and I haven't finalized the notes they're still in working form. But the outcome, I think at the end of the day and a half meeting was that there is room for improvement; and we'll pull together all these ideas in a functioning document. It's not functioning yet; it's just my random notes.

Ultimately I think what we decided was a workshop of some sort at the annual meeting in New York to bring everyone together, to highlight and give some more detail of the conversations that we had, and really highlight some of the action items that we came up with on Burnt Island. Get the input from the rest of you and make sure where the six of us thought we might be able to go makes sense for the rest of the group.

We'll put aside a couple hours at the annual meeting to talk strategic planning. We may not have a new Strategic Plan on January 1, 2019. But we'll figure out a way to bridge that gap. We'll get an action plan that focuses on one year; but incorporates two to three year timeline. We'll bring that to the annual meeting as well.

I think that is the next step is to put these notes in a functional form, get them to you guys, and get everybody together and start talking about where the Commission goes collectively as a group of 15 states with our federal partners. That is my quick summary; maybe not that quick. But that is my summary of what we did. You know the other folks that were here can chime in if they would like to.

CHAIRMAN GILMORE: That was perfect, Bob. I think that covered it pretty well. Other than to emphasize that the last, I've been here a little over 10 years now, maybe 11, and in that time I think prior to my coming in 2007 and '08, the Commission turnover was pretty low. Then I think in the last few years in particular, we've got some folks that have been around a long time, but more often than not we've gotten new folks.

Kind of like that core of maybe what made the Commission function more efficiently in the past; I think we want to tap into. Plus, with the new folks and the new Commissioners in the room there are new ideas we want to tap into. Again, following that theme of on Burnt Island, I think if we can get a workshop together and not have distractions for a couple hours. I think we can come up with even some better ideas as we move forward.

I'll leave it up to the other folks that were at the meeting. We did have to take Robert Boyles' cell phone away; because he's been Googling all those great expressions, well you know. Hanging together or we'll hang alone. That's very helpful, it's great though. Other comments, or if any of the other members that were at Burnt Island want to chime in and make some comments; please do, if there are questions or comments about how we're going to proceed. John Clark.

MR. JOHN CLARK: Those sound like great ideas. I feel the same way about the Five Year Plan. Every time it comes up it's like, oh that's right there is a five year plan. I'm just curious when you say a two to three year plan coming off of one year. What is the difference here? Can you give a little more detail of what you're thinking on that Bob?

EXECUTIVE DIRECTOR BEAL: Yes John, I think the group felt that two to three year kind of rolling plan would be a lot more effective and a lot more informative to the Commissioners; rather than this document that we only look at once every five years. Then it gets dusty. It would be a document that – we haven't really mapped it out – but I envision something with a lot of detail in Year 1.

In Year 2 and 3 it maps out some of the longer term projects such as stock assessments and amendments and longer term addenda that we're going to work on. I think hopefully it's a helpful tool that says maybe we need to do something on species X. But that's going to

have to wait until Year 2 or Year 3 to tackle that. It's not as high priority as sorting out black sea bass; as Adam Nowalsky was talking about yesterday.

We've got a mess on our hands there; and we need to put a lot of horsepower into that to figure it out. Maybe things that are lower priority and longer term issues, they get displaced a little bit while we work on the high priority issues. I think we still have to have, or it's still valuable to put down some of the driving forces and other things. But I think we really want to focus on mapping out our workload over the next two to three years.

CHAIRMAN GILMORE: Other questions? Bob Ballou.

MR. ROBERT BALLOU: I just want to throw out the thought about the application of strategic planning at the Board level; and black sea bass is a perfect case in point. I think we emerged from yesterday's Board meeting with three working groups; one to continue, two new ones. I mean we're doing everything we can to try to get our arms around the vast arrays of issues.

There are quite a number associated with black sea bass; which as Board Chair makes me feel compelled to try to get those organized in some sort of strategic plan for just that species, and of course that Board deals with three species. I'm not aware that that is really a part of our process; that we do strategic planning at the Board level.

While I totally recognize and appreciate the importance of doing it at the higher level, I think part of the discussion should be to think about how we could sort of institutionalize it at the Board level; because I think it could really help. We spin so many issues up; and then we only have an hour and a half to address them all. Inevitably we don't get to them all; and inevitably some fall off. Then people say didn't

we already decide to do that; and where is that?

I just want to throw that out as a suggestion. It may not be as applicable for every board; but certainly for the board that I'm currently working on. Boy do we need organization and guiding principles to kind of move us through the next two to four years; as it may be, to try to fix some of the major problems we're facing in those fisheries. I just wanted to throw that out as something that relates; but didn't sound like it was in the mix of discussion. But I think it might be an element worth pursuing.

CHAIRMAN GILMORE: Great point. I think that's right on the money. I think that will help out in our discussion when we move this forward. You did a great job yesterday; by the way. I was sitting there. It's exactly that point is kind of stepping back and looking at how we're managing stuff; instead of just following what we've done in the past is really where we need to get to.

Are there other questions? Okay, so we'll get that together for the annual meeting; and hopefully we'll have a more robust discussion at that point.

REVIEW OF THE ANNUAL PERFORMANCE OF THE STOCKS

CHAIRMAN GILMORE: Are there other questions? Okay, so we'll get that together for the annual meeting; and hopefully we'll have a more robust discussion at that point. Okay, next item is the Review of Annual Performance of Stocks; and Toni is going to lead us through that. Toni.

MS. KERNS: As a reminder, this is a part of our Five Year Strategic Plan. We do get reminded of our Strategic Plan every year when I go over the Annual Performance of the Stock; slightly. This was initiated back in 2009; and several of the tasks that we developed for our One Year Action Plan come from this Review of the

Annual Performance of the Stock, or in theory would come from this Review of the Annual Performance of the Stock.

We want to validate the status of each of our species; as well as look at the rate of progress that the boards are making in rebuilding these important fisheries. If the Policy Board is not satisfied with the speed at which some of these stocks are rebuilding, then is there any additional corrective action that this Board could make in recommendations to the individual species board? That leads to input in the 2019 Action Planning process; which may be a little different, as we just heard, for next year.

But it doesn't mean that this can't lead to advice into whatever process that we use; as well as I said before, feedback to those species management boards. We have five categories for species; the rebuilt and sustainable, recovering and rebuilding, species of concern, depleted species, and species that are unknown. I'm going to get more into the species of concern, depleted, and unknown.

The list for species that are rebuilt and sustainable or recovering and rebuilding, have not changed from last year. These have all stayed status quo. Well, this is all based on information that we had prior to the Board meeting. As we did hear from the assessment from Atlantic herring, I would suggest it probably would move to a species of concern.

While it is not overfished and overfishing is not occurring; as the base of the current assessment, if we added one more year of data we would probably have overfishing occurring, and be overfished, Megan or just overfished? That's all right, sorry. I put you on the spot there. For species of concern we have coastal sharks, horseshoe crab, summer flounder and winter flounder.

For two of these species, horseshoe crab and summer flounder, we'll be having assessments in the upcoming year; so there is not much

information that has really changed, in terms of the science and the recommendations that the TC has made. I'm not going to go into details on those; and coastal sharks have such a large number of species and species complexes.

I'm not going to go into each of those individual species. But the Coastal Sharks Board yesterday did initiate a management action; to help the Board respond to some of the changes in a quicker fashion, when it's looking at management changes that HMS has either promulgated through emergency action, or already done through federal rule making, in order to close loopholes in state waters more quickly.

For winter flounder, the first addendum in 2009, Addendum I, reduced both the recreational and commercial harvest by 11 and 31 percent. Then following in 2011, for the stock status NOAA Fisheries increased the 2012 state water subcomponent to 272 metric tons; based on the overfishing status.

This was an expansion of the rebuilding timeframe; which allowed that change to occur. The Commission's Winter Flounder Board in 2012 increased the maximum possession limit for non-federally permitted commercial vessels, from 250 to 500 pounds. Then in 2017, NOAA Fisheries reduced the states waters subcomponent to 67 metric tons; and reduced the total stock wide annual catch limit to 428 metric tons.

The Commission's Board has maintained its trip limits in the Gulf of Maine winter flounder since 2012. This is one of the stocks that the Commission has expressed concerns to the New England Council. While we have some fairly restrictive measures in this fishery; we haven't seen much change in the rebuilding of this species.

We're just concerned; because we are just not really sure why that rebuilding is not occurring, and it's something that we've had some

conversations with the Council about, and hope to move those forward. For depleted species we have American eel, the southern New England American lobster, American shad, Atlantic sturgeon, northern shrimp, river herring, tautog, weakfish, and winter flounder. The only change is that sturgeon moved from unknown into depleted; with the results of the stock assessment last year. For southern New England lobster there is not a lot of changes; in terms of the status of the stock since the 2013 assessment.

I won't go over those again. The Technical Committee had advised to use output controls. The Board continues to use input controls. The TC had recommended some extreme reductions in harvest; but the Board approved a 10 percent reduction. The Board did approve additional reporting. It's going to move to 100 percent reporting over a five-year timeframe; which is something that the TC had been recommending to the Board for a while.

For river herring, while the Commission has in place sustainable fishery management plans for in-river harvest, the TC has also made recommendations to address bycatch in ocean fisheries. Both the New England Fishery Management Council and the Mid-Atlantic Council have addressed bycatch in federal waters through catch caps.

Some of the states have not addressed bycatch in their states ocean waters. For northern shrimp, we have seen some all-time lows in total biomass since roughly 2012 in the northern shrimp fishery. There has been a moratorium in place since 2015. The Section has continued to do that over time; following the advice of the Technical Committee.

This is another species where we're not seeing significant changes in rebuilding; even though we've made some drastic changes to the fishery, and not having one at all. For tautog, the 2016 stock assessment indicated that the Long Island Sound and the New Jersey/New

York Bight regions were experiencing overfishing.

Then the Long Island Sound, New Jersey/New York Bight and the Delmarva Regions are overfished. The assessment proposed new reference points for each region; and management programs in which the Board adopted through Amendment 1. The one difference was that the Board approved a lower harvest reduction for Long Island Sound; 23.3 percent versus 47 percent that was recommended by the Technical Committee.

While I have everyone's attention on tautog, I've gotten a lot of questions about the tagging program that is a part of Amendment 1. Caitlin and myself have been trying to work together with the tagging company to get the applicator for tags; as well as the tags, so that both products are easy to use on the water. We're having some difficulty with that company.

There is only one company so far really that we have found that the tags are non-tamperable, and can hold all the information that we need. We are going to continue to do that; but I don't believe we are going to be able to implement that program for 2019 at this point, based on not having a prototype that seems feasible to Caitlin and I, as well as the timeframe in which states would need to implement a mandatory tagging program at this point.

We're hoping that we can get a better prototype; so that states can have their fishermen at least do some trials in 2019, and then have that program be a requirement for 2020. If we can't get the company to make an applicator, and it's really the applicator that is the problem right now, if we can't get the company to make an applicator, we're going to try to source an applicator from a metal smith in some other way, as soon as I track a metal smith down. If anybody knows any let me know. Moving on, winter flounder in the southern New England, Mid-Atlantic area, the stock is at 18 percent of the SSB target. It has

remained low and declining since the early 2000s.

Recruitment has been declining since the early '80s. It was at an all-time low in 2013; and there was an ever so small slight increase in recruitment in recent years. Following the TC advice, the Board maintained a 50 pound trip limit for non-federally permitted commercial vessels. In 2018, NOAA set the state water subcomponent at 73 metric tons; which was a slight increase from the 70 metric tons in 2017.

The total stock-wide-annual-catch limit was reduced to 700 metric tons from 749. This is another species that we are working with the New England Council on; and hope to make some progress with them. For unknown species, there is the Atlantic croaker, Jonah crab, spot, and spotted sea trout.

For Jonah crab, the landings have continued to increase in a rapid rate since the early 2000s. The landings were at 17.25 million pounds in 2017. The status of this resource is still unknown; and there is not enough information to conduct a coastwide stock assessment at this point. We still need to get age information.

There are some states that are conducting age-at-maturity studies to help with this. We also need to get additional information on the extended motivation of their migration patterns; and have research on the recruitment of juvenile Jonah crabs, as well as get size distribution, sex composition for Jonah crabs, in order to conduct the assessment.

Included in that lobster mandatory harvester reporting requirement, Jonah crab will be a part of that. We will get some additional information from all states in that five year timeframe; when that addendum comes into play. After this meeting the Board will hear some new information on Atlantic croaker and spot; in terms of how to get better information on this species for status of the resource using the traffic light analysis.

The TC is going to recommend that we use this new version of the traffic light; which looks at age and regional distributions. It will be their recommendation to utilize those; and do some management changes, because some of the triggers under the new traffic light will get tripped for both of those species.

We'll see how the South Atlantic Board responds to the TCs advice for those two species. Again, from this is there any direction or feedback that is necessary of needed to go to individual species management boards; and is there anything that this Board would like to direct for planning in 2019?

CHAIRMAN GILMORE: Questions, comments, directions? We put this on the agenda too early; no one is awake yet. Roy Miller.

MR. ROY W. MILLER: Thank you Toni for that briefing. Do we have any special emphasis on depleted species? You know we continue to list southern New England winter flounder, weakfish, and southern New England lobster as depleted species. American eel is another one; still listed as a depleted species year after year after year. The public sees this; and the optics of it is frankly not favorable for us. What can we do to emphasize work on depleted species; and what are we doing? I'm curious.

MS. KERNS: It's what each of the management boards, how they respond to the TCs advice on these depleted species. At times I understand that some of the advice is not necessarily fishing related. It may be something else for shad and river herring, eel. It may be looking at habitat recommendations; in order to improve passage, those types of things.

But it is up to the Board to either put the emphasis on those species or not. In some cases there is some emphasis; in other cases I think that there is less emphasis, and the priority goes to other species. It's the direction from either this Board to those individual species boards to do more work on those

species; or up to the individual species boards as well.

But this is the kind of feedback that we would be seeking here; in order to drive the action plan for next year, or specific directives back to those individual species board. My other question back would be to you all. Roy was the only person that had his hand up before. Every year we go through this action of going over the annual performance of the stocks; but there is usually not much direction. I'm trying to determine whether or not if this is a useful activity for this Board or not.

CHAIRMAN GILMORE: Go ahead Roy, follow up.

MR. MILLER: Quick follow up. I think the public would benefit from an explanation. I know we have our annual status of the stock reports. I think the public can understand that there are certain things that are beyond our control; like climate change which has already been discussed. But if we were to emphasize in our stock reports for these depleted species, what we think the drivers are, what is within our control and what is not within our control. I think it would be helpful for the general public to gauge how we're doing as a Commission.

CHAIRMAN GILMORE: Yes, I like that idea, Roy. I know under Magnuson, some of the suggestions to get rid of overfished or depleted; but then how much of that is under our control? I think that is probably a good idea to start listing the things that maybe we'll have a chance of improving; given the circumstances. Ritchie White.

MR. G. RITCHIE WHITE: That is what I was going to add to what Roy was initially saying; that for the public I think it's really important to show the species that there is nothing left for us to do. I mean we can't affect a comeback and have those listed separately from ones that we are working on; and that we do have some ability to make some changes.

CHAIRMAN GILMORE: Go ahead.

MR. DOUGLAS E. GROUT: I had a similar point; because I look at some of these species. The Board on some of these species has been very active. Southern New England lobster, since we got this overfished, we've spent a lot of time trying to address that. We put in a number of management actions; whether it's going to be effective or not that is the question.

You know because of the impact of climate change. There has been a lot, even though shad and river herring, we have put through major amendments. But there is a lot of work going on up and down the coast to try and improve the habitat; and the availability of habitat. The Council has put in actions to try and reduce, or at least cap the amount of bycatch that's going on.

There is a lot of work that's going on. Some of them you're right. Southern New England winter flounder, we've been kind of sitting there. But that's because it seems that the Council is the driving factor on this; even though we do have our own management plan that addresses things in state waters.

I know some of the reviews here talk about some of the actions that we've been working on. They've had a brief description in there; but maybe this whole concept of species that we have definitive information that climate change is affecting their abundance levels. Maybe we need to have something like that in there for the public to realize that some species like northern shrimp, there is not much we can do other than to put a moratorium on there.

CHAIRMAN GILMORE: Dan.

MR. DANIEL McKIERNAN: I think one of the problems comes from the term depleted. If I haven't done my laundry in a week, my sock draw is depleted. I think the implication of a stock that is depleted is that it's been overused

or extracted to a very large extent. We always struggle with that. But to Roy's point.

I think it would be useful when ASMFC publishes some kind of a report that depicts a stock in not so healthy condition; that they could include links to things that the individual states and the Commission are doing. For example, in the case of eels, there is a lot going on with enhancing eel passage. You know Maine is taking down dams, and in Massachusetts we're putting up eel ladders. I think Roy brings up a good point. Try to get some highlights of the little things that are going on collectively by the states.

CHAIRMAN GILMORE: Eric.

MR. REID: There is something in state waters that's we don't ever, we want to talk about it but we never talk about it; because we can't, and that's seals. You know when you come to something like flounders. I mean they're depleted because the seals are eating the damn things. We need to have some conversation at some point what the effect of that population is on fish stocks in general.

We just don't seem to be able to have it. When you talk about cod you should talk about seals. When you talk about anything that is in state waters you should talk about seals. I would like to see that in the mix too. What is the effect of that population?

CHAIRMAN GILMORE: Yes, seals and cormorants. I told my council that the day I have to give out depuration permits on seals, I think I'm quitting, because I don't want to be around for that feedback. Tom.

MR. FOTE: Yes, we can blame seals for a lot of things. But a lot of what is affecting the stocks like winter flounder are not seals but other environmental things that we've been doing. One of the reasons we started a Habitat Committee in '93, was to look at this; and then

we ran into the brick wall, because we don't control what other agencies do.

You look at what some of these stocks; it always makes me sad when I look at weakfish. I mean the last Atlantic Coast Conservation Act came about because now Senator Carper, but then Congressman Carper wanted to put a bill in on weakfish to bring it back. I thought we did everything we should to bring it back; but look at the stocks now. They are in worse shape than when we started building the plan; and it is not fault of our plan, it is things that we can't control.

But there is a lot of man-made factors that are affecting what stocks are doing; especially in the inshore stocks. If we look at winter flounder, we look at weakfish, we look at any of the estuarine-dependent species; and you look at the change of sewer plants from the '70s on. The Clean Water Act, when we changed how we handled sewer and started putting chemicals into the environment that weren't there before; because they bind to the chemicals.

We need to basically point that out. But we don't have any control over it. There is nothing we can do as an agency; and that's always where the problem ran. We would make comments. Even the National Marine Fisheries Service makes suggestions; but then it's BOEM or somebody else that makes the decisions or the Army Corps of Engineers as we found out over the years. There are real concerns of how we do that.

CHAIRMAN GILMORE: Other questions? I'll go to the audience in a second, Arnold. When you said seals, Eric, we were at the State Directors meeting in South Carolina. We had this problem, and I thought how difficult it is with these things eating our species we're trying to manage. Then Oregon, if you haven't heard, has that unique thing where they have the endangered seal eating the endangered salmon.

It was almost funny that they said well, did you ever think of moving the seals out? They said yes, we put them in trucks; we drive them to the coast. They are so in tune to this, they beat the truck back to the place where they were eating all the salmon again. I said well there you go; we don't have it that bad at least, we don't have endangered species eating other ones. Are there any comments on the Board before I go to a hand from the audience? Okay, Toni.

MS. KERNS: I'm still going to pose my question back to the Board. Is this a useful exercise every year for you all? Is there any advice or recommendations that you want us to utilize; in order to drive the action plan for next year, or advice back to the species board? We have the one page status of the stock sheets that we already do.

Then we do this in addition to those. I'm just trying to figure out what is the best way to get information to this Board; and then get feedback to the species boards or to staff for doing the annual reviews. There doesn't seem to be much advice back for either of those things coming out of this discussion. I'm trying to figure out if this is a useful exercise every year or not.

CHAIRMAN GILMORE: Pat.

MR. PATRICK C. KELIHER: Toni, I think it's a very useful exercise; and I think moving forward, if we do go in the direction of this kind of two to three year rolling plan, it becomes even more relevant. I think the comments made here today in regards to these species that cannot be helped in a separate section or column for those species is going to be critical; and I think the depleted comments by Dan are on point.

I am surprised that Dan does his own laundry though. But other than that I also see it more broadly than just this Board. I think I get more comments about this list from the public than I do individual boards. I think from a public perception, you know the outward facing

transparency of the Commission is important. I think that is really where this list comes to play.

CHAIRMAN GILMORE: Steve.

MR. STEVEN W. MURPHY: Yes, I concur. I think this is very useful. I think we're from North Carolina's perspective, where I think we were getting hung up is in the terminology; and the terminology was confusing to the public, and so we did away with it. Our stock overview for this year that I'm going to present to our state commission next week, will just be specific to the fishery management terms.

Is it overfished? Is overfishing occurring? Then if we do have concerns what are those? If we have unknowns, what are those? I think often we get trapped on our own terminology; trying to be helpful. For example, with herring going from rebuilt sustainable. Then it kind of skips recovering and goes right to concern. From a public perception standpoint there, everybody would be like oh my God, what happened, you skipped one? I think it's very helpful. I think the narrative is extremely helpful for us as a state.

CHAIRMAN GILMORE: Emerson.

MR. EMERSON C. HASBROUCK: Yes, I find this to be helpful; and would suggest that we continue with it. It condenses all this information into one place for us and for the public; and it brings this information in front of us every year, so that we can have a discussion like this, and as well as keeping this information in mind when we go back to the work of our individual boards.

CHAIRMAN GILMORE: Doug. I had Adam first.

MR. ADAM NOWALSKY: I would defer to a past Chairman.

MR. GROUT: I will be glad to defer to the distinguished Commissioner from New Jersey; and I'll take second seat here.

MR. NOWALSKY: Well, I want to get home today so I'll continue with my comments. I agree that this is useful. I think the comments we've heard around the table about perhaps there are some concerns about the information we're presenting to the public; and how it's perceived may be relevant.

I recall when we went through the process of providing the definitions for the five status that we offer; came to the conclusion that depleted was a better use for overfished, where we were using a term previously. We came up with the definition of reflects low levels of abundance though it is unclear whether fishing mortality is the primary cause.

Well I think we can all conclude that for a number of these species under depleted at this point, weakfish, winter flounder, southern New England, northern shrimp. Fishing mortality is definitely not the primary cause at this point. I don't know whether we can just modify that definition we've had; whether it's time for a sixth definition here. Whether we find some way to add that discussion to the individual species sheets; where we're clearly identifying that.

But if there is this concern about the public perception of depleted; and the public believing that it may be due to us not doing our jobs due to fishing mortality. We would use this tool to find a way to clearly define that for those species we know, fishing mortality is not the primary cause, let's put that front and center.

CHAIRMAN GILMORE: Doug.

MR. GROUT: The distinguished Commissioner from New Jersey stole my thunder. But I agree with him totally. I know we struggle. We work very hard to come up with some definitions to replace overfished and overfishing; to try and get the public perception that it was in some cases that we weren't doing our job, to depleted and depleted clearly reflects, at least according to our definition that we worked very

hard on that it may not necessarily be something related to fishing mortality.

There are a number of species where that applies. Now maybe, as Adam suggested as well as Dan. You know maybe there needs to be some kind of a split out; where if we know the cause is overfishing, then we need to put those species in one category, and then the ones that are impacted by changing ocean conditions into a depleted category.

CHAIRMAN GILMORE: Bob.

EXECUTIVE DIRECTOR BEAL: The other thought is that the species that are on the rebuilt/sustainable is kind of the good news list. It almost implies there is nothing to do; or we're in good shape, we can let them ride. Reflecting back on our conversation in Maine, there is a lot of work to be done on some of those species.

You know Pat Keliher and I were running around Capitol Hill trying to find money for Gulf of Maine/Georges Bank lobster to do research; to stay ahead of climate change issues, and make sure they don't get into the northern shrimp category, where there is nothing else we can do, or the southern New England lobster category. You know black sea bass as I mentioned earlier. It's on the good news list; because the stock is in good shape. It doesn't mean there is not a lot of work that the Commission and Council have to do to fix those species. I think highlighting the challenges; even though there are a lot of them, doesn't mean we can just sort of sit on our hands and let those kind of cruise for a while there. There is a lot of work to be done on some of those.

As Toni said, this has been going on since 2009. We've been providing this report; and it was really focused on biology. Are there enough animals in the ocean of each species? I think we've kind of evolved since then; and there are some other pieces that we can probably include in this presentation. Help the public understand that just because there is a lot of

them doesn't mean there is nothing we need to do; and just because there are none of them doesn't mean there is a lot we can do. Just to describe where they are a little bit better; but just another thought.

CHAIRMAN GILMORE: Good points there everyone. Since a few have mentioned that you only hear from the public, why don't we take a public comment, Arnold Leo?

MR. ARNOLD LEO: I am Arnold Leo; I represent the fishing industry of the town of East Hampton, Long Island. Well, first I should say I have always found this summary very useful, Toni, and hope that it continues to be available. The first comment for Toni, I'm not sure if you've ever tried to manually, physically handle tautog; but they are an extremely powerful fish, and very, very difficult to handle.

When I was pound trap fishing, we always did everything we could to avoid having to actually put our hands on them. We usually moved them around with a dip net. I just think that any tagging program for them is going to run up against that difficulty of actually handling them to put a tag into them, you know. I just mention that for the record.

But the concern I have is that with the recalibrated landings data. It seems to me that it may affect some of these categorizations here. For example, striped bass actually is at 150 percent of its rebuild goal; has certain triggers that are sort of right on the edge. With a recalibrated biomass that may indeed show that it's in much better shape than believed. Is that being taken into account?

MS. KERNS: Arnold, for each of these species we will do assessments with the updated MRIP information; the calibrated data. When we do those assessments it will be reflected in this report. But until a stock assessment is done for each individual species, we won't use the new calibrated data.

It will be just a part of our assessment process each species will go through. For species that we don't have reference points that are based on the catch, if there are some then we can start to utilize the calibrated data in the next year's report. But this report mostly just used the un-calibrated information; since it was pulled together before that data were released.

MR. LEO: Thanks, and just finally, as Adam and others have said. I think it would really be useful on the depleted stock to make that further distinction between those species such as weakfish; where no matter how much you curtail fishing effort, it has yet to show any improvement in the biomass. It just seems that that would be very useful to show in this listing those species which are beyond the reach of management efforts.

CHAIRMAN GILMORE: From the sounds of it, it looks like it's a good idea to continue this for all the reasons mentioned; and just also that we periodically then are forced to look at it, because if we don't we're going to forget about them, and then somebody said whatever happened to weakfish or winter flounder, which occasionally shown pulses of improvement. We've gotten some actually good numbers this year on winter flounder on the south shore, which nobody can figure out. Toni, you did a great job on this; and that's what you get as your reward is you get to continue this.

MS. KERNS: Thank you, Mr. Chairman; I have great staff members that help pull this together.

CHAIRMAN GILMORE: Craig.

SENATOR MINER: Of all the species that are on one list or the other, is it possible to have staff make a recommendation as to which one is most likely to fall from a good list to a not-so-good list; and one that we could conceivably move the needle on if we did certain things? I think about this new found resource of federal money; and wonder whether science might help us get somewhere.

Eels for instance, there may be some states that have a population that don't know they have a population; don't have the resources to know whether they have a population. Yet the value of that resource is such that if we did have that information, we might be able to stimulate changes in behavior; where passageways were developed, dams were removed that sort of thing.

I don't have any idea what might trigger those decisions. But I just wonder. Sometimes it's a matter of picking something that we can make a difference on; rather than looking at the totality of some number of species and saying, you know if we put a little bit of focus here and a little bit of focus there we can't demonstrate a significant change. That was my thought. But I do think it is a worthwhile exercise that you're going through now.

MS. KERNS: I don't have an answer for you, Craig; I would have to think about it a little. Maybe for some species we could; and other species we might not be able to figure that out at all.

SENATOR MINER: Well, and that's my point. If there is some that we could then maybe that is where we should focus; not to say that any is less valuable. It's just that there might be an impact.

CHAIRMAN GILMORE: All right, we'll get Toni a crystal ball for her toolbox.

**COORDINATION BETWEEN ASMFC AND THE
NEW ENGLAND FISHERIES MANAGEMENT
COUNCIL**

**CONSIDER CHANGING THE ATLANTIC HERRING
SECTION TO A MANAGEMENT BOARD**

CHAIRMAN GILMORE: All right we've got to move on. Our next topic is coordination between ASMFC and the New England Fisheries Management Council on Atlantic herring. Bob, Pat, and I met several weeks ago with the New

England Council leadership to discuss sea herring management. I think from that meeting we agreed that better communication and coordination on sea herring management was necessary; considering the status of the stock. There was one suggestion that the Herring Section was a Section with ASMFC, and maybe that was not conducive to the improved communication. It was brought up at the Atlantic Herring Section on Tuesday; and Pat was the Chair. Do you want to just do a little background?

MS. KERNS: The motion's up there.

MR. KELIHER: Perfect. As the Chair said there have been a couple conversations actually; a meeting between leadership and the Council, and then it spilled into the, as my staff called it, the jamboree we had on Burnt Island. I don't know where they got that idea, but. We did have a very good conversation at the Section; and there is nothing like a depleted stock to bring everybody together in the spirit of cooperation.

As such a motion was made by Mr. Reid and seconded by myself. I'll read it into the record. Move to recommend the Policy Board to change the Herring Section to a Board, and invite the New England Fisheries Management Council to have one voting seat. This action is conditional on the Council adding an ASMFC seat to their Herring PDT and an ASMFC seat to the Herring Committee; with the understanding it is not the same person. As this was a Section motion it doesn't need a second. But we would open the floor for conversations. Toni.

MS. KERNS: I just want to add one little word in there that it was an ASMFC staff seat to their Herring PDT; and then ASMFC seat to the Herring Committee. There is a small distinction.

CHAIRMAN GILMORE: **Discussion on the motion? Seeing none; is there any objection to the motion? Seeing none; we will adopt that**

and approve that by unanimous consent. The Herring Section is now the Herring Board.
Thanks everyone.

UPDATE ON THE ATLANTIC COASTAL FISH HABITAT PARTNERSHIP

CHAIRMAN GILMORE: Okay, Item 7 is we have an update on the Atlantic Coastal Fish Habitat Partnership; and Lisa Havel is going to give us that update.

DR. LISA HAVEL: I'll be brief; as always. The Steering Committee for ACFHP met in person May 17 through 18 in Savannah, Georgia. We received updates on the Science and Data Initiatives, our Southeast mapping project, our website update, and collaboration with the National Fish Habitat Partnership and other fish habitat partnerships.

We'll give a little bit of information on our Southeast Fish Habitat Mapping Project. This is funded by NOAA; and it covers North Carolina down to Florida. We're spatially prioritizing fish habitat protection and restoration sites. We're using variables in the analysis such as habitat, threats like impervious surface, as well as species diversity for some regions.

This is a JS mapping and analysis; and we're looking at diadromous, estuarine, as well as coastal for south Florida corals. The results of the analysis will be available online; in a website-based tool. We will also have static maps available for each weighted variable that went into each analysis; and provide information on how to access the original datasets.

This will be finalized in the next few weeks; and we have received funding from NOAA to move this project up to the northeast as well, so we'll be covering the entire Atlantic coast. ACFHP is also currently working on updating our website. We've contracted Zing Studios; based on Boulder, Colorado to do this. We're updating all of our content; as well as the layout. We'll

have more information on our priority habitats; as well as our conservation projects. We're also creating a species habitat matrix database. We published a paper on our species habitat matrix back in 2016; and we're now going to have a queryable database that you could modify and download as a CSV file, which you can search and modify by sub-regions, species life stage, as well as habitat.

This year we funded four conservation projects through U.S. Fish and Wildlife National Fish Habitat Action Plan Funding. These are in New York, New Jersey, Maryland, and North Carolina. This is our first time funding conservation projects in New York and New Jersey; and it's also our first year funding for projects.

The first project is a seagrass conservation moorings project in Cockles Harbor, on Shelters Island in New York. Cockles Harbor has the most substantial eel grass extent in any New York harbor; and we'll be working to retrofit traditional chain and black moorings with bungee-like conservation moorings to reduce the impact on the seagrass below.

This will improve eelgrass habitat extent and quality; and will benefit species such as bay scallop, fluke, puffers, alewives, American eel, and striped bass. This is being led by the New York State DEC; the Division of Marine Resources. In New Jersey we helped fund a portion of the Colombia Dam Removal Project.

This will open up 11 miles of river and 9 miles of tributaries for shad and river herring, American eel and sea lamprey. This is part of a larger project to restore Paulinskill, which is New Jersey's third largest tributary to the Delaware River. The dam is the first obstruction to fish migration for Paulinskill.

This project will also improve public safety to reduce flooding; and is being led by the Nature Conservancy. The project we're funding in Maryland will help restore SAV in fresh water

and mesohaline regions. The Maryland DNR will be collecting seeds and distributing three different species of mesohaline and one freshwater species of SAV.

The SAV will filter polluted runoff, provide food for water fowl, provide habitat for blue crabs, juvenile striped bass, and other species, and will help the Chesapeake Bay program reach their goal of 185,000 acres of SAV. Finally, in North Carolina, we're helping to fund an oyster reef restoration project in Back Sound in the Rachel Carson Reserve.

This will restore 0.11 acres of oyster reefs along Carrot Island in Beaufort. They'll be using oyster catcher materials to protect over three acres of salt marsh. In this area the shoreline is eroding at a rate of one to two meters per year; so hoping this will help reduce that erosion rate, and will benefit species such as red and black drum, spotted sea trout, blue crab, black sea bass, flounder and gag grouper. This project is being led by East Carolina University.

I would also like to let you all know that we this week released our FY 2019 funding. You can find it under opportunities, and then funding on our website; and the deadline to apply for projects is September 25. If you need help accessing that announcement, just come and find me at that table over there and I'll point you to it; so that if you have any projects in mind we're happy to take a look at them. I would like to thank you all for your continued operational support; and with that I'll take any questions.

CHAIRMAN GILMORE: Thanks Lisa, questions? Mel.

MR. MEL BELL: If I wanted to learn a little bit about that oyster catcher material, should I just talk to you afterwards? I'm just curious as to what it was.

DR. HAVEL: Yes absolutely. Actually, we had the inventor of it come to our Steering

Committee meeting back in May; so I have a whole PowerPoint presentation on it, happy to share that with you.

CHAIRMAN GILMORE: Thanks Lisa, great report and keep up the great work. As I said Item 8 was a Jay Mac item; so we're going to skip that to the annual meeting.

PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENTS

CHAIRMAN GILMORE: We're up to Item Number 9; which is a progress update on stock assessments and Jeff Kipp is going to do shad first, and then Kristen is going to do horseshoe crabs. Jeff.

AMERICAN SHAD

MR. JEFF J. KIPP: I'm here to give an update on the progress of the 2019 American shad benchmark stock assessment. Since I think I've given a previous progress report, we've had our data deadline come and go on June 1. We have experienced many delays in the data submissions.

At this point we have the majority of datasets submitted; we are still waiting on a few datasets from some of the agencies. That has led to a little bit of a delay in our milestones for the assessment. Our next milestone is our methods workshop. That was originally scheduled for October; and we're now going to bump that back a little bit into November.

We're currently planning that methods workshop; the timing and location of that workshop in November. That will be our next in-person meeting for the shad assessment; and again that will be tentatively schedule to present that to the Shad and River Herring Management Board at the annual meeting in 2019. I can take any questions on this shad assessment now; if there are any.

CHAIRMAN GILMORE: Justin.

MR. JUSTIN DAVIS: I'm just curious, Jeff. The Methods Workshop, what exactly is that and what sort of topics will that be covering?

MR. KIPP: Actually this is really the first time we're doing a titled methods workshop; and so it's a little bit new take to the assessment process for some species that either have never been assessed or haven't been assessed in a long time. The idea and objective of that workshop is to sit down; take a look at what we have now from the available data, the types of inputs we were able to develop from those available data.

Start generating some ideas and some discussions on what we think the appropriate assessment techniques are for that assessment. Given for shad we're assessing several stocks along the coast with varying degrees of data availability and data types; we think that will be a really useful workshop, to give some clarity as to how we're going to proceed for assessing those different stocks.

CHAIRMAN GILMORE: Other questions. Doug.

MR. GROUT: For the data that you're still waiting on. Are the Directors of the States that you're waiting on data aware that they are still waiting on this data?

MR. KIPP: At this point I don't think we have reached out to the Directors. We've been working with state's TC members to get those resolved; and again at this point we have the majority of the datasets, but there are still some. I think we've at least been in contact with the TC members; and have an idea of what the bottlenecks are there, and what the issues are.

But I just wanted to make that clear that the data did come in quite late for a lot of the datasets; and for those we're still waiting on, it's unclear for some when they'll be available. But we are working with the TC members at this

point; to try and get those all available to the Stock Assessment Subcommittee.

CHAIRMAN GILMORE: John Clark.

MR. CLARK: Jeff, I know some of the stocks such as the Delaware are assessed independently. Is this assessment to look at all these together; or is it just putting all these individual assessments together?

MR. KIPP: It is to look at the coastwide resource; but we do have a stock structure group within the assessment, and right now we are moving forward with a stock structure of mostly by river systems. It will be looking at individual rivers; and treating those as independent stocks.

HORSESHOE CRAB

CHAIRMAN GILMORE: Other questions for Jeff? Okay seeing none; Kristen is going to do horseshoe crabs now. Kristen.

DR. KRISTEN ANSTEAD: I'll actually echo what Jeff said; which is we've also experienced quite a lot of data issues with horseshoe crab, as well as modeling issues. We are also facing a delayed timeline. I'll start with the data issues. We did our landings validation back in November; and coming out of that we noticed very large discrepancies between our ACCSP validated landings, and the compliance reports.

We do expect some wiggle room around terminal years; it wasn't that. It wasn't a thousand crabs here or there; it was sometimes on the order of 30,000 crabs from one state by year, so that our landings were several hundred thousand crabs different when we compared compliance reports to our validated landings.

We reached back out to some individuals. It was clear that this was more than one state; so Heather Konell at ACCSP actually had to do a second landing validation for horseshoe crab. That happened in April and May of this year.

We were scheduled to give you the stock assessment by February next year; and we actually did not have final landings until last month. We had some pretty big data problems for our landings. After that we had similar problems with our biomedical landings; which we also need to assess this stock, as it's one of our TORs. Those are still unresolved as of today. We also had some issues with fishery independent data; sort of what Jeff was saying, some delays, some submissions that had problems that had to be revised.

All of that has sort of delayed our modeling; as we handle these data management and QA/QC issues. We had our second modeling workshop last week actually; and there we also identified some modeling problems. It was clear that the CSA for the Delaware Bay was not fully developed. At that meeting, where we anticipated viewing final runs and coming up with stock status, we were not able to do that.

We did spend some extra time developing that model; and need some more time to move that from its current platform into another modeling language. The positive news coming out of this is I think the CSA is going to be much more developed than it was last time. We're adding biomedical into the CSA; which was not there last time for the Delaware Bay.

We've made bycatch estimates; and we should have a simulation model that we're testing it with, to address some of the peer review comments from last time. The good news is I think this is going to be a really good model. The bad news is it's not fully developed; and we're going to need more time.

We're proposing moving it from presenting it to you all in February of next year to the following meeting. We'll have our peer review around February; and hopefully bring it to you in May. Just an update then from that final product, we will have similar to last time, time series for the regions outside of Delaware Bay. Unfortunately we don't have the level of data we need to run

a model in those regions; to get stock status and reference points at more of a quantitative level.

We will do the time series, ARIMA, and we're exploring some others that will relate indices to catch. In the Delaware Bay like I said; we should have much better CSA models than we had last time, and give us a really nice way to compare it to what's coming out of the ARM model, so positive news there. With that I can take some questions.

CHAIRMAN GILMORE: Ritchie.

MR. WHITE: This actually would be a question for Jim. It seems like there is fairly substantial timely reporting and data availability. I'm wondering if it is something that staff or the Executive Committee, is it worth reviewing these to see if there needs to be any changes? I guess that would be my question. Is it something that should be looked into?

CHAIRMAN GILMORE: Okay, Toni has got an opinion.

MS. KERNS: Well, I don't know about an opinion. I think Ritchie; it's a two-part issue. One has to do with the validation portion. The Coordinating Council talked about this; and we're trying to work through this problem. I think that ACCSP staff and assessment staff and coordinators are doing an excellent job trying to work through this issue; but there is disconnect at times between the state ACCSP coordinator and the TC member, and the information that they are providing to the Commission. I think that there needs to be potentially a little bit more work on the state side on that coordination. ACCSP is doing a great job trying to get that to happen. We have changed some of our processes; in order to try to better coordinate that. But I think back home if folks could help us with that; that would be good.

On the second part there are delays that are happening. At times we are bringing that to

State Directors when science staff says to me; hey this person has gone way beyond their deadline. Then I go and I'll talk to perhaps Jim, or Doug, whoever it is and let them know that is occurring. I don't know if there is some additional steps that we need to do on that level; and that would be say something that we could talk about.

CHAIRMAN GILMORE: Maybe we'll put this on the Executive Committee meeting, and just have an update on it to see, better frame it out a little bit more and discuss it at that point. Yes, Bob.

EXECUTIVE DIRECTOR BEAL: This data issue is confounding; it's difficult. There are a lot of different sources for it. Our science staff, the modeler folks is spending a lot of time chasing down data. You know we've got a lot of talented people; but a lot of their time goes to chasing data versus modeling. That's probably not the most productive use of their time.

Lynn Fegley, I think is in the back there. Lynn Fegley is the Chair of ACCSP Coordinating Council right now; and she is pushing an initiative to, I think she is calling it Data Accountability or something along those lines, to help make sure that the data that is being provided by the states is up to the ACCSP standards.

Then it may reconcile some of the differences between annual compliance reports and the ACCSP output from the database and those sorts of things. There are efforts going on to sort this out. But I think Executive Committee or some other conversation to work through this would be helpful, for sure.

CHAIRMAN GILMORE: Ah, horseshoe crabs and data. John Clark.

MR. CLARK: Thanks for that update, Kristen. Rich Wong showed me some of the work that's been done that he's been doing with the Delaware Bay stock; and it really looks great.

Does pushing this back mean he'll have more time; because I know we've told him to move ahead with getting the help he needs to do the ADMB work on that? He'll have more time to get that work done?

DR. ANSTEAD: That's the goal; to give him more time to fully develop that model, as well as move it into a platform where he can get some error around his point estimates of fishing mortality and population abundance, because especially if that number is slightly different from what is coming out of the ARM. I think it's going to be critical that we have error around that. We need that to bring that to peer review.

It will also give us time to do that simulation testing; which the peer review that's one of the reasons the peer review did not approve either of the models or any of the models last time; was because they hadn't been tested, and we did test the surplus production model, and in fact eliminated it as a possibility for modeling horseshoe crabs. We need that extra time for that as well as developing a reference point to compare the model output.

CHAIRMAN GILMORE: Bob Ballou.

MR. BALLOU: Kristen, can you speak more to the delays associated with the biomedical data; and whether that is also being resolved, or whether that's really sort of snagged?

DR. ANSTEAD: Some of the landings in the biomedical overlapped. ACCSP does not house the biomedical data; with the exception of some New England, because of that double use policy. ACCSP we get the bait landings from them. It's less of a kind of compliance report ACCSP. But we did have some issues with some states putting their biomedical, and with their landings is partially doing that. That was the first level of problems; is can you please separate these out.

The second level was then when we tried to extend that time series; because biomedical does start in 2004, when we started collecting that data more robustly. That would limit any modeling in the Delaware Bay from 2004 on; which is actually quite short for a horseshoe crab life span. We kind of reached out to the biomedical; can you help us reconstruct a few years of data based on your record keeping, because they've kept wonderful records.

At which point we found inconsistencies then between what we had and what they had. We had three data streams, ACCSP, biomedical, and state data. We have not yet resolved that. Fortunately right now, the unresolved state is not in the Delaware Bay. We can continue to model on that in the meantime. It's certainly been an issue for several data streams, and several sources of that discrepancy.

MR. BALLOU: Just a quick follow. I mean I very much appreciate the efforts you guys are going through. It just strikes me as almost hypocritical that we spend so much time complaining about the need for more timely stock assessments; and then once we get into the weeds, we get bogged down with these data issues. You know I think it's really incumbent upon all of us, up and down the chain, to come together, and really up front and early.

Work as hard as we can to support the science needs to get these assessments done. This is almost like a sad commentary on a problem that I realize is multifaceted; and has to do with a lot of different moving pieces, so it doesn't sound like there is one particular direction to point in. But I'm guessing I speak for many when I say we really need to do our jobs as best as we can to support the science; because we keep saying we need better science in a more timely fashion. Then we hear these reports.

CHAIRMAN GILMORE: Okay, any other questions for Kristen? Seeing none; Kristen, Jeff, thanks for your reports.

CHAIRMAN GILMORE: Item Number 10 is under noncompliance findings. Since we do not have one, we don't have an action under that.

ADJOURNMENT

CHAIRMAN GILMORE: That moves us into our last item, Other Business. Is there other business to come before the ISFMP Policy Board? Seeing none; we are adjourned.

(Whereupon the meeting adjourned at 9:50 o'clock a.m. on August 9, 2018)