

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

**Webinar
July 11, 2023
Approved October 2023**

TABLE OF CONTENTS

Call to Order, Chair Spud Woodward	0
Approval of Agenda	0
Public Comment	0
Discuss and Make a Recommendation on the Future of Mid-Atlantic Fishery Management Council’s Research Set-aside Program.....	0
Overview of Research Set-aside Program.....	1
Adjournment	22

INDEX OF MOTIONS

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

2. **Main Motion**

Move that the Atlantic States Marine Fisheries Commission ISFMP Policy Board support the Mid-Atlantic Fishery Management Council's activities to continue the process of exploring the redevelopment of the Mid-Atlantic Research Set-aside Program using the program framework outlined by the Mid-Atlantic Fishery Management Council's Research Steering Committee, and based on their four RSA workshops, to inform a possible future management action. Such redevelopment activity should address the alternatives and ameliorate the concerns and problems identified by the RSA and the recent RSA workshops, and in the July 30, 2014 Mid-Atlantic Fishery Management Council staff RSA memo (Page 17). Motion by Emerson Hasbrouck; second by Jason McNamee. Motion substituted.

Motion to Substitute

Move to substitute "to recommend to the Mid Atlantic Council to consider future RSA Programs only for those species not jointly managed with the ASMFC. This would preclude RSA Programs being conducted for summer flounder, black sea bass, scup, dogfish and bluefish" (Page 20). Motion by Dan McKiernan; second by John Clark. Motion passes (Roll call: In Favor – CT, SC, DE, GA, NH, MA, PA, MD, NJ, FL, ME; Opposed – VA, RI, NY, NC, PRFC; Abstentions – NOAA; Null – None) (Page 21).

Motion as Substituted

Motion to recommend to the Mid Atlantic Council to consider future RSA Programs only for those species not jointly managed with the ASMFC. This would preclude RSA Programs being conducted for summer flounder, black sea bass, scup, dogfish and bluefish (Page 21). Motion passes (Roll call: In Favor – CT, SC, DE, VA, GA, NH, MA, PA, MD, NJ, PRFC, FL, ME; Opposed – RI, NY, NC; Abstentions – NOAA; Null – None) (Page 21).

3. **Move to adjourn** by Consent (Page 23).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	John Clark, DE (AA)
Dennis Abbott, NH proxy for Sen. Watters (LA)	Lynn Fegley, MD (AA, Acting)
Dan McKiernan, MA (AA)	Pat Geer, VA, proxy for Jamie Green (AA)
Raymond Kane, MA (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Jason McNamee, RI (AA)	Mel Bell, SC (AA)
Justin Davis, CT (AA)	Doug Haymans, GA (AA)
Bill Hyatt, CT (GA)	Spud Woodward, GA (GA)
Jim Gilmore, NY, proxy for B. Seggos (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Mike Ruccio, NOAA
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Chris Wright, NOAA

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

Staff

Robert Beal	Madeline Musante	Geoff White
Toni Kerns	Patrick Campfield	Julie DeFilippi Simpson
Tina Berger	Tracey Bauer	

Guests

Megan Ware, ME DMR	Ryan Silva, NOAA	Maureen Davidson, NYS DEC
Renee Zobel, NH F&G	Scott Travers, Rhode Island	Michelle Duval, MAFMC
Nichola Meserve, MA DMF	Saltwater Anglers Association	Robert Gill
Max Appelman, NOAA	Jesse Hornstein, NYS DEC	Tara McClintock, Cornell
Pat Augustine, Coram, NY	Todd Smith, NOAA	S Meyer
Jeff Kaelin, Lund's Fisheries	Scott Curatolo-Wagemann,	Brandon Muffley, MAFMC
Mike Celestino, NJ DEP	Cornell	Brian Neilan, NJ DEP

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened via Webinar, Tuesday, July 11, 2023, and was called to order at 1:00 p.m. by A.G. “Spud” Woodward.

CALL TO ORDER

CHAIR SPUD WOODWARD: Good afternoon, everybody. This is Spud Woodward; Governor’s Appointee Commissioner from Georgia, and Chair of the ISFMP Policy Board, and I want to call this meeting of the Board to order.

APPROVAL OF AGENDA

CHAIR WOODWARD: Our first item of business is consent with the agenda. That is a pretty straightforward one item agenda. Are there any recommendations from the Board to modify the agenda? If so, signify by raising your hand, and Toni can recognize you. Give everybody a second or two. Do we have anything, Toni?

MS. TONI KERNS: I have no hands, Mr. Chair.

CHAIR WOODWARD: All right, then we’ll consider the agenda accepted by unanimous consent.

PUBLIC COMMENT

CHAIR WOODWARD: Next agenda item is public comment. Do we have any members of the public who are listening in, who wish to comment on the item on this agenda? Again, signify by raising your hand, and you’ll be recognized.

MS. KERNS: We have one person; it is Robert Gill.

CHAIR WOODWARD: All right, Mr. Gill, I’ll give you a couple three minutes to make your comments, so go ahead.

MR. ROBERT GILL: Thank you, Mr. Chairman, my name is Bob Gill, and I appreciate this opportunity. I’ll only take a couple minutes. I am

a member of the Gulf of Mexico Fishery Management Council, and for those of you that don’t know, we are in the very early stages of looking at whether an RSA program might be appropriate for the Gulf.

Brandon gave us a layout of the Mid-Atlantic’s current status, it seems like forever ago, but we’re looking closely at what you all are doing, and hopefully that will provide us some guidance on what may be suitable for us. With that, thank you, Mr. Chairman.

CHAIR WOODWARD: Thank you, Bob, and glad to have you listening in. Certainly, if you have some questions later on during the presentation, just let me know, and we’ll make sure you get an opportunity to ask those questions. All right, we’ll move on to our action item in the agenda, and for that I’m going to call on Bob, to sort of give us some background and context. Then he will allow Brandon Muffley to come in and give us a presentation on the topic for our consideration, so Bob, are you ready to go?

DISCUSS AND MAKE A RECOMMENDATION ON THE FUTURE OF MID-ATLANTIC FISHERY MANAGEMENT COUNCIL’S RESEARCH SET-ASIDE PROGRAM

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, thank you, Mr. Chairman. I’ll make this very brief. I think Brandon is going to hit a lot of the highlights on, you know where this program has come from and what the potential options moving forward are. The Policy Board has discussed this issue a couple times, and really hasn’t decided the direction they want to move forward.

There is, as everyone knows, RSA Program existed for a number of years, and Brandon will talk about the good parts and the bad parts of the previous incarnation of the Research Set-aside Program that ASMFC and the Mid-Atlantic Council implemented. Ultimately, it is really a Council program, but a lot of the pieces of this fall on the Commission.

Actually, fall on the member states of the Commission through enforcement and administrative activities, including licensing, et cetera. Then our species management board had also mirror actions by the Councils to set aside a portion of the quota, so that we're working with the same quotas from year to year.

As Brandon will mention, there were a number of enforcement and administrative burdens that concern the states. There was some concern that the science that was generated through this program wasn't directly contributing to, or all of it was. Some of it was not contributing is the best way to say it.

Some of the science was not contributing to improving the management of the species that were being set aside and used to support the program. Given the enforcement concerns and the concerns about the quality and end-use of some of the science, the program was discontinued in 2015, and it has been idle since then.

The Mid-Atlantic Council spent a lot of time and a number of workshops trying to explore options on, you know if this program moves forward, how should it be modified to address those concerns of the last iteration of this program? The question for the Policy Board today, and we'll have a couple slides on this at the end of Brandon's presentation, is what does the Commission want to say to the Mid-Atlantic Council regarding the future of this program?

Do we want to sort of wholeheartedly say go forward, and continue exploring ways to reinstate the RSA Program? Are there concerns from the states that you want to do the opposite, which is encourage the Mid-Atlantic Council not to move forward with this, due to the administrative burdens, or is there somewhere in the middle?

Where you limit the number of species, or limit the number of participants, or conduct a program significantly different than the last

time, to make it workable and enforceable, but still producing valuable science that is needed across all these species? I think with that, Mr. Chairman, I'm happy to answer any questions. But I think the presentation by Brandon will really highlight all the details that I kind of went through very quickly here.

CHAIR WOODWARD: All right, thank you, Bob, any questions for Bob about the background and sort of the context for what we're trying to accomplish this afternoon? No hands?

MS. KERNS: No hands.

CHAIR WOODWARD: Very good. All right, Brandon, I'll turn it over to you.

OVERVIEW OF RESEARCH SET-ASIDE PROGRAM

MR. BRANDON W. MUFFLEY: Great, and thank you, Mr. Chairman, and thanks to the Policy Board for giving me an opportunity to talk to you today. It's good to hear your voices, and talk through this. I think as Bob had indicated, this work is really critical, you know the collaboration with the Commission and state partners on the RSA Program is really critical, in order for the program to be successful and for it to be carried out.

I appreciate the time on the agenda today, and that you all are talking about it to provide the Council with some feedback, in regards to where we want to go. Hopefully, this won't be too long, but I do want to rehash some of the things that Bob had talked about, some of the things that Bob had covered in some previous presentations to the Policy Board.

But to give you a general sense of how the program operated, the work that the Council took in 2021 and '22, to really dive into the issues and see if we could come up with ways to resolve it, and then where the Council is in regards to the continuing redevelopment of the program. We'll start by taking a step back, in regards to when the program was first developed.

This is really one of the first big omnibus actions for the Council. This was Framework 1 to all of our

different fishery management plans. Almost all of our Council species have an RSA program, except for our two clam species, they already had an ITQ Program set up, and they were not included in the RSA Program, but all of our other species were, including those that we jointly managed with the Commission.

We were really trying to with the program, to meet the unaddressed research needs that we had. Right, we all have long lists of research that needs to get done for all of our different fisheries, but not enough money to carry out all of those research needs. But I think the second part of the sentence was really important too, was part of the goal of the RSA Program was really to get scientists and industry together, and talking about ways to improve the science that stakeholders believed in, and trusted in making management decisions.

I think that was a really critical component of why the RSA Program was started, and some of the reasons why I think we sort of lost sight of that. I'll get into that in a little while. But the Framework was approved in 2021, and the first projects funded under the RSA Program started in 2002.

The RSA Program itself, the founding of it, doesn't have any money associated with it, right? We have fish. The Council doesn't have money to be able to hand out to research, but there are fish available. What the RSA Program does is converts those fish that we do have, and converts them into funding.

As Bob had said, what we typically did, particularly for those jointly managed species, when you all meet in August. You would agree to how much of the overall quota or ABC you would set aside for the RSA Program, and that was anywhere from 0 to 3 percent, and that was consistent across all of our species. Every year the Council, during their Spec Setting Cycle for whatever species they were looking at, they would set aside some portion, up to 3 percent, of the quota for research. But again, we still

have fish. We don't have money yet, and the way we generate money is through compensation fishing, which is actually defined under Magnuson.

It's really just trying to, allowing for fishing operations to occur, but that offset the cost of research that has direct application to management. We need incentives for fishermen to actually pay to go out to go fishing, right? They already can go out and go fishing for the species that they have permits for, why would they pay to go out and do that?

There are incentives to allow for that to provide for the funding for the research. The incentives really that we have at our disposal are allowing vessels to fish during closed seasons, or when there is a directed quota. When a state closes a particular quota for a particular period, the RSA Program would allow vessels participating in the RSA Program to fish when it was closed, or it allowed vessels to have higher possession limits or trip limits.

Those were the things that fishermen were actually paying for, were to get these incentives to have additional opportunities to harvest fish. Given those incentives, right allowing for folks to fish outside of the season, or have higher possession limits, it required both federal exempted fishing permits to be issued, and typically the state to also have their own exempted fishing permit equivalent, right?

I know when I was in New Jersey, we didn't have anything exactly an exempted fishing permit, but there was a permit available to allow vessels to come in and participate in the RSA Program. How did people participate in the program, and how do we generate those funds? We had grant recipients, which were principal investigators.

They would submit a proposal to do a particular type of a research, and depending upon the research that they were interested in, and the species that they were interested, they were given quota that the Council and the Commission may have set aside for the particular species. Then it was up to the principal investigator to identify partners or fishing vessels to participate, and how they would actually generate the funds. It was really all up to the principal

investigator to decide that, and they really had two options.

The first was these bilateral agreements between the principal investigator and the vessel. This really happened when the vessels and the principal investigator were working together on the research. The research was happening at the same time that these compensation fishing trips were taking place. There was either an agreement between the vessel and the principal investigator about how much a particular species the vessel would pay, or they would split the proceeds from the landings on that research trip, and to help fund the particular research.

That was one way to provide funds. The other was, the principal investigator could take their pounds of fish that they were allocated to support the research, and give it to a third-party auction. There, vessels then would bid on these specific quota lots. For example, a thousand pounds of summer flounder, or 500 pounds of bluefish. A vessel that is not participating in compensation fishing or working directly with a researcher, they would just buy those lots of quota, and allow them then to go out and utilize their 1,000 pounds of summer flounder how they wanted to, either outside of the season or above a state trip limit. Still, the money raised through the auction then, then covered the particular research that was taking place. I think an important note on the third-party auction was that the National Marine Fisheries Service of the Council don't have any authority in regards to the third-party auction. That was happening independently.

The rules and sort of the regulations, and how that was all conducted, was being done independently, because we don't have a mechanism to sort of oversee that third-party auction party. Who participated? It was primarily in the beginning was really commercial vessels. But by the end of the program for-hire vessels were participating, primarily through this

third-party auction process, and both state and federally permitted vessels were participating.

I just wanted to step through this. I think Bob had showed this to you at our last when you all met back in May. But I think this is really important for folks to understand who had what roles. This is really a collaborative effort in order for the RSA Program to operate. The Council has very specific areas that they deal with, and it's really the program creation and how it's going to operate, setting aside those quota specifications.

They are also involved in what the research priorities should be and reviewing proposals. NOAA Fisheries, through GARFO and the Northeast Fishery Science Center, they are really overseeing the program administration. All the stuff from the science side, from the permitting side, they are providing technical support.

They are actually the ones selecting the projects at the end of it that actually are going to get funded and be implemented. They provide all of the results, so they are sort of the oversight folks. Then the states and the Commission, sort of everything that's happening, you know on land as those vessels that are participating are bringing home those RSA landed fish.

All of the dockside enforcement that needs to take place, any of the state-specific permitting that needs to take place. There is a lot of quota monitoring that is going on, because there are mixed trips, or someone is going out and landing summer flounder. Some of the summer flounder may be going towards the state-specific quota, some of those landings are going to RSA, so the states need to keep track of where the RSA landings are going.

There is a lot of work from a lot of the different entities in order to make this program happen. Throughout the course of the program from 2022 to 2024, we on average funded 2-5 projects a year. We generated anywhere from a million to two million dollars. Over the course of the program, 39 projects were funded, covering 16 million dollars.

The diagram down there at the bottom is actually all of the RSA Programs that are in place. New England has three different RSA Programs for herring, monkfish and scallops. The blue line that is the scallop RSA, which is really that is sort of the gold standard for how the RSA Program is operated, and the green bar is what the Mid-Atlantic Council revenues were generating on an annual basis. It did produce some quality research, some stuff that was really informative, particularly when it comes to gear related issues, looking at vent sizes and vent shapes to support the appropriate escapement for scup and black sea bass. The RSA Program really funded the NEMAP Program as it was just getting started, so I don't know if we would have a NEMAP Program that we have today without the RSA Program supporting that when it was first getting started, so it was really important to NEMAP. There were some examples of where the research that came out of it was really helpful to management and to the science that we're interested in collecting.

But when you're looking at the species that are available through the RSA Program, not all species have the same value, and I mean value in a few different ways, right? Other than the actual price, some species are worth a lot more at the dock than other species, and not all species have the same incentives.

If a fishery, if the quotas are never met or trip limits aren't binding, or there aren't closed seasons, well, there is a lot fewer incentives in place for some of our species than you have for some of our other ones. Someone is not going to buy a particular species if there is not advantage being give to go out and fish, you know to have a higher possession limit or the ability to fish in a closed season.

But all of our species need research, even the ones that are only worth a few cents at the dock, we're still managing them, and they have research needs, so how do we take advantage of those species that are bringing in money, and still support the research needs of species that aren't generating a lot of funds.

The old RSA Program did allocate some things that 75 percent of the funds that were raised for a particular species, so for summer flounder for example, were supposed to be targeted on summer flounder research, and 25 percent of those funds could be used for other species. There were exemptions for multi-species research like NEMAP.

That is collecting information on all of our different fisheries, and so there wasn't some of these making sure the allocations were split 75/25. But it's also worth noting that the value of our fisheries changes over time. As quotas change the values may change, as incentives change over time. What might be valuable today may not be as valuable in the future, or something that was less valuable in the past may be more valuable in the future.

Trying to keep track of where the values in our fisheries are is going to be challenging, given how things change over time. There were a number of strengths. It did allow for high priority research to be done that didn't require any federal dollars. In order for that to happen, it allowed managers to participate in deciding what those research priorities were. Again, this goal of really trying to get fishermen and researchers together and working collaboratively, so that folks trust the science that is going into it.

You know, and allow for us to figure out some of the issues that we have with our fisheries. However, as Bob had mentioned, we had a number of issues with the program, and I'm not going to go into all of these. But certainly, there were administrative enforcement costs that when the program was first developed, we never, by the end of the program and how things had changed, never envisioned how much those costs were actually going to be, particularly at the state level.

Maybe those costs began to outweigh the benefits that we were actually receiving. There were a number of different enforcement incentives. There were hundreds of dealer reports that were falsified, and VTRs that were falsified, accounting for hundreds of thousands of underreported summer flounder, which may have led to issues within our

stock assessment, that is why National Standard 1 is there.

That was certainly the most egregious issue, but there were other areas. Like I said, we allowed for-hire vessels to begin to participate in the RSA Program. Well, there is no way to verify what those recreational vessels are landing, because they are not sending any of that information to a dealer, so how do we account for landings that are taking place on the for-hire vessels?

We were getting more and more vessels participating, it said in 2014 that 103 vessels were in the program, that accounted for more than 2,000 trips. That's a lot of enforcement, if you were to try to monitor all of those trips individually, and the research. There were a number of research outcomes that failed peer review, and I think there was some frustration amongst principal investigators.

While NEMAP was really important to fund, and people were behind that. The NEMAP Program utilized almost all of the funds that were available, and so there was little funding for other researchers, and so I think some researchers felt, you know, well what is the point of the program? You know, I'm not going to get any funds, because all the money is going to go to the NEMAP Program.

I think folks were also beginning to get a little bit disenfranchised by the program that was actually in place and the research that was getting funded. That, as Bob had mentioned, led to the suspension of the program in 2015. The Council really started to think about the RSA Program again in 2019, 2020. We still have research needs. We still have a lot of priorities. We still need funds to cover many of those needs. The Council started with a series of exploration workshops in 2021 and 2022, really digging into what were the issues under the old program.

We focused on some of these broader themes of research, funding, law enforcement, monitoring

and administration. Out of all of those workshops were sort of recommendations or best practices. A lot of ideas came out of that and sort of that is what the last workshop was, was to sort of synthesize all of the information we got from those first three workshops.

See if we could come up with some initial recommendations that could go to the Research Steering Committee, who oversaw the development of these workshops, and held at the same time a series of their own meetings to really dive into these issues, and the recommendations that were coming out of the workshops.

We also called in our SSC, and we had an SSC Economic Workgroup that was really engaged in all of these workshops and all of our Research Steering Committees, to really dive into the issues. They provide us a lot of science advice, in regards to some of the tradeoffs we might be thinking about in regards to the program, and some of the economic considerations we want to work with. The Research Steering Committee took all of this and tried to come up with a potentially revised program that might address all of these issues that the old program suffered from. I'm not going to spend any time sort of going through this, but the Committee did come up with a series of four goals, and under each goal came up with a number of objectives to meet those goals, again, focusing on some of these larger issues. First one deals with, Goal 1 deals with research, that being the most important thing. We're trying to get research out of our RSA Program, and that should still be our focus. But Goal 2 and Goal 3 get at some of those other issues that we saw under the old program, dealing with enforcement, administration and funding.

Then Goal 4 gets back to that, how do we build collaboration and trust between scientists and our fishing communities. But these goals sort of, you can't maximize all of these things. You can't maximize funding for research while at the same time maximizing the amount of participants you want in the program, because that's going to really increase your administrative and enforcement cost.

There is a lot of tradeoffs behind like, what is the right amount of funding that you need, but allows you to appropriately enforce and monitor the program in view of those things? You can't just let everybody in the program to try to maximize funds, because then you'll never be able to enforce the program again.

It's really trying to understand what those tradeoffs might be, and where the right amount is within each of these goals. Again, I don't plan to go into all of these, I'm just trying to give you a sense that the workshops and the Steering Committee really tried to dive into all of the particular issues that the first program suffered from.

We spent a lot of time on each of these, this is just a list of some of the areas that we sort of dove into and tried to come up with recommendations for the Council to consider. I'll just touch upon; these are some specific proposed changes under those different topics that I just showed on the previous slide.

There is a lot of additional under administrative and enforcement, a lot of additional notification requirements, pre-trip and pre-landing notifications, and maybe the potential to limit where those off-loadings occur, and at what time those off-loadings occurred, not mixing trips. Maybe vessels that are participating need to have some sort of monitoring system on their vessel, either VMS or AIS. We talked a lot about where the states fit in to all of these different components.

One of those under the administration was allowing states maybe to opt in or opt out of participating in the program, similar to, although slightly different to the way we have things under the black sea bass Wave 1 fishery, where folks opt in to participate, and so maybe there are opportunities there for states to view or weigh in, whether or not they want to actually commit the resources to participate in. Why all of this? Why presenting to you?

Like I've said and hopefully made clear, and as Bob had said, any potential future program is really going to require both the Commission and state support and cooperation, in order for any of this to take place. We called out, and I think there was in the background materials, the summary tables. I tried to call out all of those areas where either decisions would be made to the states, or areas where it's going to require a lot of different state investment, so I set this opt in or opt out provision. Whether or not states want to limit the number of vessels and the types of vessels that are going to participate in the program. Do you want to limit where off-loading could take place? Do states want to put observers on these recreational, on these for-hire vessels, to make sure we're appropriately tracking harvest that comes off of those vessels. Using the Commission's Law Enforcement Committee to help develop best practices and standards across all of the different states, in terms of how we're monitoring and dealing with it.

Obviously, there is a lot of state engagement and involvement there. It would likely require, if we were to move forward, a joint management action, either through our framework in an addendum, or an amendment process. It depends on how detailed and how many changes we would actually make to the program, to determine if it would meet an addendum or an amendment. All of those things still need to take place, depending on where do we go with the program. I'm almost done, I think this is my last slide. Where is the Council?

I presented this, this all happened last June, June of 2022. This was all presented to the Council, and actually shortly after that meeting, I actually talked to Bob and the Gulf Council, in regards to where we are. We haven't done a whole lot since June of 2022, and so during that meeting the Council supported the continued redevelopment of the RSA Program, but also recognized there is a lot of work that still needs to happen.

There are still a lot of unresolved issues before they were to make any final decision. We've already identified a number of the critical issues that we still need to work through. There are a lot of specifics

that we need to talk through. But all of that is going to take a lot of time, and it's going to take a lot of resources.

Not only from the Council but also the Commission, the states, from National Marine Fisheries Service, right? This is something now that GARFO, although they did in the past, they haven't been implementing an RSA Program in the Mid-Atlantic, so that is going to require commitments. There are a lot of things that both in the short term to figure out if and how a new program would be run.

Then going forward, it's a lot of work to keep the RSA Program going and operating into the future. There is sort of these long- and short-term cost and resource commitments that we want to make sure that we are all onboard with, before we continue to go down this road, just given the amount of resources it takes to get this program going. That is my last slide, I'm happy to take any questions, and I am looking forward to the discussion.

CHAIR WOODWARD: Thank you, Brandon, appreciate that very comprehensive overview of a complicated subject. But at this point I'm going to open it up to Board members for questions for Brandon. Opportunity to maybe dive a little deeper in to some of the content of these slides. Just raise your hand and then between Toni and I, we'll try to keep things flowing along here.

MS. KERNS: When we're done with questions, I have a couple of slides for the Board to consider as we make a recommendation to the Council. I'm not seeing any hands yet, okay I have one hand. Emerson, you have a question?

MR. EMERSON C. HASBROUCK: Yes, thank you. Actually, with the Chair's permission, I have two very quick questions.

CHAIR WOODWARD: Go right ahead, Emerson.

MR. HASBROUCK: Brandon, I just wanted to verify that back in 2014, the program was suspended not eliminated. Is that correct?

MR. MUFFLEY: Yes, thanks, Emerson. If I had indicated that or said that, that was a mistake. It was just suspended. The program is still in our regulations, it's still there, it still exists, it hasn't been removed from our ability to implement it.

MR. HASBROUCK: Yes, thank you, I just wanted to verify that. Then the second question is, you mentioned in 2022 the Mid-Atlantic Council voted to continue the process to explore the redevelopment of RSA. If I recall, that was a unanimous vote, wasn't it?

MR. MUFFLEY: I would have to go back and doublecheck to verify, Emerson, but I believe so. I believe it was a unanimous vote.

MR. HASBROUCK: Thank you, Brandon. Mr. Chair, I know you're not ready yet, but when you are ready, I do have a motion to offer to the floor. Thank you.

CHAIR WOODWARD: Any other hands up, Toni?

MS. KERNS: We have Lynn Fegley, followed up by John Clark.

CHAIR WOODWARD: All right, go ahead, Lynn.

MS. LYNN FEGLEY: I have a lot of questions, but I guess if I may ask two quick ones. I'm sort of curious, because certainly a concern from our end is the administrative end of that. I mean in Maryland we just simply don't have the bandwidth to add another layer onto quota monitoring.

My question was, I actually maybe wanted to hear from a state who, maybe with the scallop or the monkfish fishery, and just hear a little bit about what sort of effort that they need to put in. Then the other question I had was, if the workgroups at all had any ideas to disentangle the value of the fish from the amount of money that is generated for research, because it seems like, as Brandon pointed out,

different species are worth very different amounts, but all the research is expensive.

If you fish a cheap fish, that PI, you know if he or she is trying to sell quota to a ten cent per pound fishery, they are going to have a much harder time achieving the same level of research than maybe the scallop fishery would. It seems like it would be in a perfect utopic world, the amount of money that is generated for the RSA would be consistent among the critters, and I just wondered if there were any ideas on how to separate those two.

CHAIR WOODWARD: Go ahead, Brandon, if you've got an answer.

MR. MUFFLEY: Yes, I'll try to. Lynn, I can't speak to actually how scallops or monkfish work, but I just will point out, and it was one of the slides that I had put in for the Gulf Council, like scallops operate quite differently than summer flounder, for example. You know it's all federally managed.

It primarily takes place in federal waters. It's primarily from one specific gear type. I'm not saying it's easy. There is a lot of work that goes into the scallop RSA, and it's worth a lot of money, which also makes it more advantageous to support research. But versus, you know where are you with dealing with summer flounder.

Well, we have fishing that is taking place in state and federal waters. You have different types of vessels that are participating, different gear types that are participating. It can be a lot more complex to sort of view it within a particular state, and just speaking from my old experience, when I was in New Jersey and issuing the permits under the RSA Program, just tracking the number of vessels that are participating, because quota can get transferred from vessel to vessel throughout the year.

Knowing how much quota is on a particular vessel for what particular species, it can be quite

time consuming, and obviously all of the enforcement that goes into making sure that those things work out. Like I said, and the quota monitoring piece of it, because under the old program, you could land a mixed bag of summer flounder or black sea bass.

Some of those would be going to your state-specific quota, some of those would be going to the RSA, and making sure that RSA landings weren't getting counted against your state quota. Now one of the resolutions, or one of the options that the Research Steering Committee talked about was not allowing for that anymore, that if you were going to go out, use black sea bass RSA, that you could still land other species if you had the appropriate permits for them.

But if you were going out on an RSA trip for black sea bass, all of your black sea bass that you would be bringing in, all had to get counted against your RSA. It couldn't get some of it towards the state quota, no more of that, because that makes things a lot more challenging to sort of monitor and keep track of.

In regards to the different fishing values. I mean that is the hard part, like you said. I mean dogfish isn't worth a whole lot back at the dock, or even bluefish. You know we could get some reasonable amounts of money raised for bluefish, but you saw that bar graph. Almost all of the money generated is through summer flounder and black sea bass.

That is where the value is, that is where the incentives are, because we are fully utilizing those two fisheries. People are willing to pay to take advantages under those two particular species. But recognizing that all of our species have needs, and some of them are never going to generate the amount of money needed for research. But like the scallop program, the scallop RSA only funds research on scallops. The monkfish RSA only funds research for monkfish, where here in the Mid-Atlantic we have utilized that, where recognizing that our species are a little different, we utilize those funds to support research for other species.

CHAIR WOODWARD: All right with Brandon on that?

MS. KERNS: It doesn't look like Lynn had follow up, and then John Clark was next.

CHAIR WOODWARD: Go ahead, John.

MR. JOHN CLARK: Thank you for the presentation, Brandon. My interest was similar to what Lynn asked. Just curious as to, from that experience, the RSA just really seems to work best on high value fisheries, and how does that help offset, obviously the administrative costs are going to be similar across species, or does it vary by species?

It seems like with scallops you were saying, since it's a very directed offshore fishery, maybe that gets folded into the administrative cost easier than it would for some of these lower value fisheries that are pursued more widely, as we have here in the Mid-Atlantic.

CHAIR WOODWARD: Go ahead, Brandon.

MR. MUFFLEY: It's tough for me to speak about the scallop one. Then I will also say about scallops. If you recall, we have in the Mid-Atlantic those two different funding mechanisms that we generally use, right, the auction and those bilateral agreements, where the researchers and industry are working together.

That partnership, that is primarily, from my understanding, how things operate on the scallop RSA, is where those researchers and the industry are working collaboratively. The setup is quite different, you know even just in terms of how things are operated and how the funds are generated for the research there.

I don't know if anybody from GARFO has additional information in regards to like how the administration of that operates differently, and what the associated costs are. But the programs just given the value, given how our fisheries operate in the Mid-Atlantic are just very different than scallops, and so it doesn't lend itself to all of the sort of smoothness that scallops may provide.

CHAIR WOODWARD: Any other hands up, Toni?

MS. KERNS: Mr. Chair, Ryan Silva, who has managed the RSA Program in the GARFO Office of NOAA has his hand up.

CHAIR WOODWARD: All right, go ahead, Ryan.

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

MR. RYAN SILVA: Good afternoon and thank you. Ryan Silva, GARFO. I do still manage the Research Set-aside Programs. Just to add a little bit more detail to Brandon's explanation. I think he captured it in that when the Mid-Atlantic Program was functioning, I think the administrative burden derived largely from the amount of vessel activity, the number of vessels involved, and the interaction between the federal and state regulations.

You know if the scallop fishery and the monkfish fishery, we monitor the harvest of set-aside, so the reporting requirements are largely the same between programs. We get notification before they leave, before they come back, what was harvested, other information that allows us to correlate the vessel reports with other data sources like VTR and dealer data.

It's just the volume of trips is much lower in the Scallop RSA Program, and then the regulations that those vessels are exempted from are also fewer. I think it's just the nature of the multiple fisheries that interface with the state regulations and the number of the vessels involved.

CHAIR WOODWARD: Thanks, Ryan. Any other hands up for questions, Toni?

MS. KERNS: I do not have any other hands.

CHAIR WOODWARD: I've got one for you, Brandon. Back when the program was operational, and when circumstances arose and people had obviously violated against the terms and conditions of the program, and I guess possibly applicable state laws.

I mean what were the consequences to those individuals that did that?

MR. MUFFLEY: That is a good question, Spud. Those large violations, the ones that I've talked about in regards to summer flounder, those were out of New York. Those individual dealers and fishermen were prosecuted. I don't remember exactly what the fines were, but they were pretty substantial, and loss of licenses and those things. It can be pretty substantial. Some of them though, again, this was one of the points that I had made. Each state has a different type of what you would call an exempted fishing permit.

In order to have these vessels land above your state-specific possession limit, or outside of the season, the states generally need to issue a permit in order for those vessels to come in and offload in your particular state. It's quite varying in regards to what the authority is on those different permits, and what you can actually do. In New Jersey it is not very much.

You could just remove them from that permit, but it really wouldn't carry much else. Those are things where getting feedback from the Law Enforcement Committee, make sure some of these additional permits have the teeth to carry substantial penalties if someone is violating. Certainly, there is opportunities under the federal exempted fishing permit to do that, but some of the state permits are quite varying that allow vessels to do this, and making sure that those have some weight to penalize vessels that break the RSA rules is really going to be important.

CHAIR WOODWARD: Alright, last call for questions for Brandon, if there are not any, I'll turn it back to you, Toni and you and Bob for the questions back to the Board.

MS. KERNS: We have one more hand raised, and that is Jim Gilmore.

CHAIR WOODWARD: All right, go ahead, Jim.

MR. JAMES J. GILMORE: Just to follow up on a little more detail on Brandon's last statement, and the deterrent, in terms of what the fines were. The most egregious in New York, I don't remember the exact numbers, but the penalty was in major dollars of hundreds of thousands of dollars, if not even up to a million, I think.

There was also the individual lost every permit. He had to close his business, was out of the business, and went to federal prison in a maximum-security ward for four months. As bad as it was, the penalties that the individual got was substantial. Hopefully that would be enough of a deterrent that if we go back into this program there are serious consequences if somebody doesn't play by the rules.

CHAIR WOODWARD: All right, Toni, I'll turn it back to you and Bob for questions back to the Board.

MS. KERNS: I think for the rest of the day today, of this call, the time we have allotted. I have a couple of questions for the Board, and trying to determine whether or not the Commission wants to recommend to the Mid-Atlantic Fishery Management Council if the RSA Program continues or not.

A very important question in that portion of the recommendation is, do the states have the administrative capacity to carry out and enforce the program? If the states do not have the administrative capacity, as Brandon highlighted, is that this cooperation between the states and NOAA Fisheries in carrying out this program is essential.

If we do have that capacity, and the Commission does want to make a recommendation to move forward with the program, do we want to have some specifics in our recommendation. Some things just to think about and consider, Brandon went over a bunch of different thoughts that the Research Steering Committee discussed, but a couple of highlights.

Should the program include both the commercial and the for-hire sectors, or only just one of those sectors in moving forward? Should the program be

limited to a specific species or a series of species, if so which ones? Should the program be limited to specific ports and/or dealers, and should a state be able to opt in or out of the program? Meaning, can a state not allow RSA quota to be landed in their state? Those are the questions that I had for the Board to think about, Mr. Chair.

CHAIR WOODWARD: All right, thanks, Toni. I know Emerson, you have a motion pursuant to this first question. Before we get there though, I would like to just open it up for feedback from state folks to this question. Sort of the big question here of, you know are the states that would bear the burden of making this program successful, do they have the capacity to do it? I'll just open up the floor for some feedback on this first question, and then depending on where we go with that and any subsequent motions, we'll perhaps dive a little deeper into those other questions. With that I'll just open the floor up.

MS. KERNS: Okay, I have Dan McKiernan, Bill Hyatt, Jason McNamee.

MR. DANIEL MCKIERNAN: From my perspective, Massachusetts does not have the resources to carry out a Mid-Atlantic RSA Program, as was designed in the past. I have a motion as well, and I suggest that it should be specific to the federally managed species, those that are exclusively managed that the Mid-Atlantic Council oversees. Lynn Fegley asked a question about, you know how do these other successful RSA Programs run by New England, what is the state burden in that setting? It's zero.

Those programs don't require my state of Massachusetts to do anything for the scallop set-aside, for the herring set-aside. Although we have been beneficiaries of that. We've worked with some of the vessels. But it doesn't require us to exert any enforcement or compliance or monitoring. I'll just stop there, but I have a whole lot of other points I would like to make, but that is my first point I would like to make at this time.

CHAIR WOODWARD: Bill Hyatt, and then I'll go to J. Mac.

MR. WILLIAM HYATT: This is just a question that I probably should have asked a few moments ago. If it proceeds such that the state has the option of opting out, is it safe to say that their quota, their allocation would not be affected, or is it assumed that the cut for the RSA would come off the top, and that the states would have a diminishment in quota allocation anyways? I ask that primarily, because I was not involved at all in any of the preceding program, and just wondering how it's envisioned that would unfold.

CHAIR WOODWARD: Brandon, I'll let you respond to that if you can.

MR. MUFFLEY: I mean the way it has operated in the past, and I think the Research Steering Committee had some suggestions for how we would maybe do things a little bit differently. But the RSA quota would essentially, it comes off the top. If the Council and the Board agree to take 3 percent of the ABC for, and maybe it's not the ABC.

I don't remember exactly where it gets deducted, but it gets deducted before it gets sent to all of the different states if there are state-specific quotas. If you take 3 percent of summer flounder off everybody's, allocation essentially is going down, because you are taking that off the top before it gets allocated down. Does that make sense, Bill?

MR. HYATT: Yes, thank you. It basically told me it's not just taken from those who opt into the program if they have that option.

MR. MUFFLEY: That's correct, yes.

CHAIR WOODWARD: Go ahead, Jay.

DR. JASON McNAMEE: I'll try not to get too far into the specifics. I think maybe that is for later. But generally, I thought, so we had a lot of RSA, Mid-Atlantic RSA landings in Rhode Island when the program was going on. I felt like we had a decent

system. We had decent accountability. There were things that kind of evolved back then as well.

Like I believe SAFIS has, you know a switch or something in it that you can hit if it is an RSA landing versus a regular state quota landing, so you can differentiate the catch in the electronic dealer reporting. I felt like we had the capacity back then. I feel like we have the capacity now. Although I do think we've learned a lot, and can improve the program.

We can probably get pretty close to the situation that Dan McKiernan was talking about, where the states don't have as much administrative burden if these things are automated to the extent possible. You know I think the RSA in that summary document, I think they identified a lot of the core areas that need to be tightened up.

I guess I have more optimism than some of the comments we've heard so far, that we could redevelop this program. We could do it in a way that doesn't have a huge amount of administrative burden on the states. I think there is a lot of benefits, both to the fishing industry, as well as the state that gets the landings, or gets the outcomes of the research or what have you.

Some of the things I just wanted to mention really quick that they are kind of in some of the background materials, but I just want to emphasize. One of the things that we could do is require any vessel participating in RSA have electronic vessel monitoring of some sort. That is a good technique for having a really high accountability.

Then one other comment I will make is, you know we heard comments about the idea that the research wasn't relevant or wasn't related to the species, and things like that. I agree with that. I think there was a lot of great stuff that came out of it, and Brandon mentioned NEMAP is sort of like the crowning achievement. But there is other good work that came out of the

program. You know I think one thing we may need to think about, and I don't remember, this may have been in the background materials,

I don't remember seeing it. But to have like a Research Steering Committee or something like that, that can better kind of look at a proposal, and determine whether or not it meets the objectives of the program. Just I wanted to give a little bit more optimism than some of the other folks who have commented, and offer those couple of specific things to the second slide that Toni talked about.

CHAIR WOODWARD: Any other hands up now, Toni?

MS. KERNS: We have Emerson Hasbrouck, Jim Gilmore, followed up by Dan McKiernan.

CHAIR WOODWARD: All right, go ahead, Emerson.

MR. HASBROUCK: Jason actually mentioned a bit of what I was going to say. But also, if one would look at the background materials that were available for this meeting, the Research Steering Committee Report of the Workshop has a range of options to reduce the administrative and enforcement burden of the states. There are a lot of technologies that are available now that were not available previously, that can help to reduce the administrative burden. Jason just mentioned a couple of them. Also, what's possible is some assistance for the states from the RSA Principal Investigators.

For instance, I had a Cornell staff member in the DEC Office for a couple of years, to assist them with that administrative burden. That was mostly a paperwork burden, because everything was paperwork then. You know there was not eVTRs, there was not electronic dealer reporting. There are those electronic technologies, and additional electronic technologies that can be brought to bear on this.

CHAIR WOODWARD: Who was next, Toni, was it Jim or Dan?

MS. KERNS: It was Jim followed by Dan.

CHAIR WOODWARD: All right, go ahead, Jim.

MR. GILMORE: Emerson touched on it a little bit, but it's a two-part question, and the first part, which I would assume that the states wouldn't be precluded in using some parts of revenue, or whatever, to beef up the administrative parts of it. Whether they wanted to use their own revenues or part of whatever was in the RSA Program, that would still be feasible. Because Emerson was right.

We had staff from Cornell that was in our office, and we've already ramped up quite a bit our data group, in particular vessel trip reports, so we've kind of increased that already. The other part of it though, and Brandon, you may have covered this, maybe I missed it. I forget the name of the organization that was doing.

You know when we got to the part where they were handing it out to the individual fishermen, whatever, that helped fund them. I forget the name of it again, but what was the funding behind that? There was a third party that was acting as an intermediary to put whatever quota you were going to bid on. How did that get funded?

CHAIR WOODWARD: Yes, go ahead, Brandon.

MR. MUFFLEY: I am completely drawing a blank, now that you said it, Jim, on the name of the organization that ran the auction. There were a few different ways, in terms of how they were supported. In order for a vessel or an individual to bid on an auction, to bid on an auction, they had to pay to be a member of this organization, the organization that ran the auction itself.

That is something, I don't remember what the exact costs are. They did bring it down quite a bit as more people were getting into the auction bidding process. That is one way that funds were generated to support this third party, was that you had to pay to be a part of it, and you had to be a part of it in order to bid on the auction. Then they also, they took an administrative fee.

Out of those fees generated from the auction, they, and I don't remember what it was, 15 percent or 8 percent of something like that of the fees generated were used to support the administrative cost of running the auction. Those folks, it wasn't just running the auction, I mean that was the major part of it, but those folks were also dealing with quota that would be getting transferred between vessels as well, that had participated in the program. There was a number of administrative issues that they were sort of dealing with as they were tracking through the program.

MR. GILMORE: Okay, thanks, Brandon, that is helpful. I just got this shotgun blast, it was the National Fisheries Institute people, so thanks.

CHAIR WOODWARD: Dan, go ahead.

MR. McKIERNAN: I would like to follow up on Jason's comments about the commercial landings and SAFIS. I agree with Jason, and I would applaud the state of Rhode Island's quota monitoring system. They do an outstanding job. But what I'm concerned about is the old program evolved to the point where the for-hire sector became the majority holders of these essentially quotas.

If you think about this in modern times, compared to back 10 or 15 years ago, back then all the species, you know, scup, sea bass, fluke were overfished, and the quotas were a limiting factor. But today, we have a huge surplus of scup quota. We have a lot of unused fluke quota. I don't think the revenues are going to be there from the commercial sector.

But what you're going to have, because of the sharing the percentages that are built into the Mid-Atlantic Council's plans. You have a desperate need for more recreational allocation. The new systems are going to be predominantly party charter purchases, and we cannot manage that through SAFIS. They are not reporting to SAFIS.

We don't have the ability to monitor all the folks who would want to buy quota to fish out of compliance, with a slightly higher bag limit or during a closed period. It would be incompatible. I have some still

serious concerns. I just want everybody to think that through. We just can't turn back the clock and tweak a few features, we have to think about this in the modern conditions of where quota is desired and who is going to buy these quotas, if we proceed with a system where auction is the preferred or the selected method.

CHAIR WOODWARD: Toni, any other hands?

MS. KERNS: I have no other hands at this time.

CHAIR WOODWARD: All right, well I think in the interest of moving forward, I know Emerson had a motion that you wanted to offer for consideration, so I think maybe that will help us focus our remaining time we have. I know, Dan, you've got one, so we can dive into this and see if we can move things forward. We've got a draft motion, Emerson, I will let you read it into the record, and then we'll see if we can get a second.

MR. HASBROUCK: Move that the Atlantic States Marine Fisheries Commission ISFMP Policy Board support the Mid-Atlantic Fishery Management Council's activities to continue the process of exploring the redevelopment of the Mid-Atlantic Research Set-aside Program using the program framework outlined by the Mid-Atlantic Fishery Management Council's Research Steering Committee, and based on their four RSA workshops, to inform a possible future management action. Such redevelopment activity should address the alternatives and ameliorate the concerns and problems identified by the RSA and the recent RSA workshops, and in the July 30, 2014 Mid-Atlantic Fishery Management Council staff RSA memo. I would be happy to provide my justification if I get a second. Thank you, Mr. Chairman.

CHAIR WOODWARD: Do we have a second? If so, raise your hand and signify.

MS. KERNS: You have Jason McNamee.

CHAIR WOODWARD: All right, so we have a motion and we have a second, so I'll go back to you, Emerson, as the maker of the motion for some further explanation.

MR. HASBROUCK: The RSA Program was a valuable program providing funding to address research priorities for several species. Other funding was not adequate to address those research priorities, and in fact it's still not adequate. Not only did the RSA Program provide research funding, it also encouraged researchers in the fishing industry to work together in a cooperative approach.

Now admittedly, there were problems with the old RSA Program, which is why it was suspended. But the Research Steering Committee has accomplished significant work in examining and identifying those previous problems, and developing draft recommendations to address those previous problems and shortcomings, and a lot of that information is in the meeting material that were posted for this meeting.

Other than having funding for fisheries research, and conducting that research, a new redeveloped program will not look like the previous program, it can't and it won't. When you look at the slides that Brandon presented, you can see that many of the problems that were identified, the problems of the previous program that were identified, and the solutions to those problems, are addressed through the Research Steering Committee.

In fact, I would direct people's attention to the administrative and enforcement section that I think addresses most state's critical concerns. Specifically, you know those recommendations are related to, a lot of them are related to administrative and enforcement burden. The issues raised in Toni's slide actually are addressed in the Research Steering Committee information, including, consider limiting offloading times and ports and dealers.

The use of electronic technology to reduce administrative and enforcement burden. There are many new technologies that are available now that were not available previously. Also, the Research

Steering Committee has recommended that state's decide participation by sector and number of vessels. If a state doesn't want to have a particular sector to participate, or wants to limit the number of vessels, those options are currently in the draft document that has been developed. Also, you know the other objectives address some of the other concerns that have been raised. I therefore encourage the Policy Board to support and be involved in the Mid-Atlantic Fishery Management Council's efforts to continue the process of exploring the redevelopment of the RSA Program. This is not a final approval of implementation of the RSA Program.

We'll be able to weigh in on that in the future, when the Research Steering Committee has completed its work. Then just lastly, it's up to the PI to decide how they are going to turn fish into dollars. It doesn't have to go into an auction, in fact it cannot be mandated selling to an auction, nor does it have to be individual agreements between the PI and the commercial fishing vessels involved. That is up to the PI. That is what I have for now.

CHAIR WOODWARD: Jason, as the seconder, anything you would like to add to that?

DR. McNAMEE: I think Emerson did a great job, so I won't offer too much more than he did. I think there are a lot of benefits. I really appreciated Dan McKiernan's comments about, you know the kind of recreational version of it. Now, I'm not saying I'm opposed to the recreational version of it, but these are the things I feel like we have had a group that has spent a lot of time thinking, generating information.

Generating the lessons learned from the previous version of it. I feel like let's put a framework together. Let's get a look at it before we rush to judgment. I think we might be more comfortable when we see what the new version of the program looks like. I fully support continuing the development of this, because I'm

really interested in seeing what that more perfected program looks like.

CHAIR WOODWARD: All right, I'm going to open it up to the Board for comments, either for or against. Toni, any hands?

MS. KERNS: You have Mel Bell.

CHAIR WOODWARD: Go ahead, Mel.

MS. KERNS: Followed by Dan.

MR. MEL BELL: Obviously not from the Mid, but I heard a couple people point out that perhaps one of the things that would be considered, in terms of kind of making a new and improved program would be, perhaps reliance on some other different degree of law enforcement involvement, related to offloading and timing, and perhaps offloading places, and then use of VMS. I would just from experience, we have a fishery in the South Atlantic, it's wreckfish, which some of that exists.

It is a little more complex than it sounds, perhaps, and it even kind of results in the need to bring the states, in terms of law enforcement capabilities, into managing something like that. I am certainly not in opposition to, you know if folks want to further explore this and look at it in the Mid that is fine, it makes sense. I would just encourage that it definitely involves law enforcement in the discussions of how you might wire this thing, in terms of if you want to have some of those additional capabilities in exploring offloading and timing and VMS and that sort of thing, because it isn't perhaps as easy as it sounds. We just experienced that from one simple fishery, a very small fishery actually in the South Atlantic. I would just encourage to definitely keep law enforcement in the discussions on this from the very beginning. That's it, thanks.

CHAIR WOODWARD: All right, Dan, back to you.

MR. MCKIERNAN: I'm opposed to this motion. At some point I would like to make a substitute to only go with those species that are managed in the New England style, which is where the states don't co-

manage those species, which would include the ocean quahogs, the squids, et cetera. But just a few rhetorical questions.

I don't think it's lawful to exclude, or maybe it is, the for-hire sector from buying some of this quota. I think that's probably why we wound up accommodating all the for-hire interest, because of issues of fairness. But I guarantee you that is what undermined this program, and I think that is just going to create an unenforceable and unmanageable end product.

In my view, this is going to go down the path of IFQs for the recreational fishery. As far as Massachusetts goes, we have 84 offices, half of them is assigned to the coast. That 84 number is down from a high of about 140. I don't necessarily have a lot of enforcement resources in Massachusetts that can be diverted to this new program.

Finally, as long as we keep looking back to RSA, because it worked once, and I understand the folks at Rutgers and the folks at Cornell really enjoy those benefits. But as long as we keep looking to this flawed program, we're never going to do what needs to be done, which is to go get less complicated funding sources, whether it be an expanded SK Program of another Congressional Appropriation.

Twenty years ago, there was something called the Northeast Consortium, and the New Hampshire Congressmen shoveled tons of money to do cooperative research. There are other avenues, there are other means to get funding for cooperative research. I don't want to be perceived as not wanting to encourage cooperative research and to develop great working relationships with the stakeholders.

I just think this thing is just so terribly complicated, and so having said that, I would like to make the substitute motion, which is, I don't know if this is the time, Mr. Chairman, but it would be to go with this alternative, only those species not jointly managed with the

Commission and the states. I just think that the burden is too great on the states to pull this off.

CHAIR WOODWARD: All right, Dan, we'll go ahead and read that motion into the record, and we'll see if we get a second.

MR. McKIERNAN: Motion to substitute to recommend to the Mid Atlantic Council to consider future RSA Programs only for those species not jointly managed with the ASMFC. This would preclude RSA Programs being conducted for summer flounder, black sea bass, scup, dogfish and bluefish.

CHAIR WOODWARD: We've got a motion, do we have a second, if so, raise your hand and signify so.

MS. KERNS: John Clark.

CHAIR WOODWARD: All right we have a second by John Clark. We have a substitute motion now before the Board, so I will open up. I think Dan, you sort of go ahead and lay the groundwork for the rationale behind this, but John, I'll give you an opportunity as the seconder to speak to the motion.

MR. CLARK: I think Dan has made all the points. I agree with what Dan said, and his reasons for making the motion, thank you.

CHAIR WOODWARD: At this point I'll open it up for the Board for discussion on this substitute motion. Just raise your hand and I'll call on you.

MS. KERNS: The first hand, I have Erica, Cheri, and Dan, your hand is still up. I'm not sure if you want to speak again or not, all right, you put it down, so Erica followed by Cheri, and then lastly Lynn.

CHAIR WOODWARD: All right, go ahead, Erika.

MS. ERIKA BURGESS: I appreciate Dan's comments and his making of this motion. Given that Florida only had one species that could potentially be impacted by this, I felt uncomfortable voicing strong opposition to the interest of the Mid-Atlantic Council to explore options for their fishery. But because

bluefish would be removed from the discussion, I'm supportive of this motion.

CHAIR WOODWARD: All right, Cheri.

MS. CHERI PATTERSON: Yes, I support this motion also. I think that there is just a lot of effort involved in RSA programs when it comes to including the states in any sort of federal fisheries. I've seen success happen at the New England Fisheries Management Council level with scallops, so I know that there are successes to this. But I also know that we had an RSA Program for the northern shrimp, and that was very, very labor intensive. Not sure that that really benefited any sort of research that came out of that. I am in support of this motion.

CHAIR WOODWARD: Lynn.

MS. FEGLEY: I support this substitute motion. I think it really sort of threads the needle and let some of this work proceed and grow, and provides us an opportunity to learn from what's happening on the federal end. As a state, I have so many concerns about this. To Dan's point, all of us think that we may have some problems of authority and legality as well. If we have, you know principal investigators for projects, you are singling out vessels that may have a financial advantage. You know in Maryland we can't really run programs that offer financial advantages to stakeholders, to commercial fishermen or recreational fishermen, without creating some sort of, you know everybody has to sort of be able to apply under the same criteria. I worry that it would sort of open up a ball, a can of worms, so I support the motion.

CHAIR WOODWARD: Yes, I think a ball of worms is worse than a can of worms, but yes. All right, Toni, any other hands raised?

MS. KERNS: I have Emerson, Jim Gilmore, Joe Cimino, Pat Keliher, and then Ryan Silva. Ryan put his hand up as Lynn spoke. I guess, I don't know if you would indulge him, if he had to raise a point too. Ryan, if you're just commenting

generally, we'll keep you in line, but if you were responding to a point Lynn made, then maybe go ahead.

MR. SILVA: No, it is more relative to the motion and the implication for funding and what the program might support under this scenario. Happy to speak now or later.

MS. KERNS: It's up to the Chair, so I'll wait for him.

CHAIR WOODWARD: Well, I'll tell you what. While we've got you queued up, let's go ahead, and that way it might actually help inform the further discussion. Go ahead, Ryan.

MR. SILVA: Thank you, Mr. Chair, just relative to Brandon's presentation that he provided earlier. You know I think it's important to keep in mind, you know the primary goal of the Program is to support research to help with the Council's and Commission's management programs.

Those prior research projects were almost entirely funded through summer flounder, black sea bass and scup. I think we would have some concern from the Fishery Service about trying to redevelop a program where it's not clear that there is viable funding in order to support the research. Something I think that would give us pause with this motion, thank you.

CHAIR WOODWARD: All right, I'm going to go back to my list and let's see we've got Emerson and then it will be Jim Gilmore.

MR. HASBROUCK: Obviously I'm opposed to this substitute motion. I think we should give the Mid-Atlantic Council and its Research Steering Committee the ability to continue the process of exploring the redevelopment of the RSA Program. Give them the opportunity to address the problems that have been identified by the Research Steering Committee that have been identified back in 2014 by Mid-Atlantic Council staff, that have been identified today by my fellow Commissioners.

Let's give them the opportunity to do that, and let's see what comes out the other end. As I said before,

this is not a final vote on reimplementing the RSA Program. This is just a vote to provide support to the Council to further develop the options. Essentially, let's not kill it now. Let's give the Research Steering Committee the opportunity to go through this process, and see what comes out the other end, and choose what we like and maybe not choose what we don't like.

CHAIR WOODWARD: All right, Jim Gilmore, and then I'll go to Joe Cimino.

MR. GILMORE: You know along with what Emerson just said, I think this is premature. The whole concept of this was to look at it again, and now we're essentially taking off some of the more variable species off of this that would actually probably help the program work. At some point if we find out that, you know maybe it is too complicated, that we would maybe entertain such a motion.

But at this point, I just think it's premature or prejudging things before we have really looked into it. Remember the RSA Program got suspended almost 10 years ago. It was using technology that was done 15 years or more before that. As Emerson had said before, we've got a lot more tools now, and a lot more monitoring capability than we had back then.

The new RSA Program, I think is going to be a lot, well it's going to be difficult, but there still is a lot more tools that we'll be able to track and monitor it. Again, I'm opposed to the motion, because I just think it's premature at this point. We really need to flesh this out before we start taking chunks of fisheries out of this.

CHAIR WOODWARD: All right, Joe, and then I'll go to Pat Keliher.

MR. JOE CIMINO: Somehow it seems like we might be doing a little (muffled), because I sympathize with where Emerson and Jim are. But given the species that we're talking about that are jointly managed, even though I think dogfish might be a great candidate, and maybe

someday bluefish. You know those stocks are not in a place where we're going to be looking at really additional quota as being on the table.

Then I very much share Dan's concerns with flounder, scup and sea bass and the for-hire fleets. You know there is no time limit set on this recommendation for only dealing with these species, and I think that this motion by Dan has a better chance of passing instead of nothing happening again. I'm supportive of the motion, and I think at some point in time we can reconsider, as Lynn mentioned, maybe we can learn from some of this as we move forward.

CHAIR WOODWARD: All right, Pat Keliher.

MR. PATRICK C. KELIHER: I was going to stay completely out of this conversation. Obviously, we don't have a dog in this fight. However, as the conversation has unfolded, and after hearing about the concerns from an administrative standpoint and a law enforcement standpoint. I do garner a little bit of sympathy for the states that are in that position.

We've certainly run into that in Maine with the Herring RSA, where the PI was not communicating with the state, and then vessels were landing in Maine, outside of the days at sea that were established through the Herring Committee. Those things do exist. There are burdens to the states, and to me Dan is, to use Lynn's term, has threaded the needle here a little bit. I would support this motion to substitute. Thank you.

CHAIR WOODWARD: Toni, do you want to update my list of hands?

MS. KERNS: It's empty.

CHAIR WOODWARD: It's empty? Okay, we've had some good back and forth discussion on this. I think it's time to call the question to deal with the substitute motion. I know it's kind of hard to do this caucusing virtual world, but we had to do it for a couple years, so I'm just going to pause for a minute or two, in case folks need to caucus via text or whatever, and then we'll come back and have a vote.

Toni, how are we going to do this vote? Just call out the states?

MS. KERNS: I'll do it just like I do Board meetings, if you will just ask for the yesses and I'll say the state names out loud.

CHAIR WOODWARD: Okay, sounds good. I'll give everybody a couple of minutes to bring any caucus needs.

MS. KERNS: I started a clock, I'll let you know when a few minutes is up.

CHAIR WOODWARD: All right, very good, thank you.

MS. KERNS: Mr. Chairman, I think we are ready to call the question, or ask the question.

CHAIR WOODWARD: **All those Policy Board members in favor of the substitute motion signify by raising your hand**, and then Toni will name off the states represented.

MS. KERNS: I'm just going to give the hands a second to settle. **I have Connecticut, South Carolina, Delaware, Georgia, New Hampshire, Massachusetts, Pennsylvania, Maryland, New Jersey, Florida and Maine.** If I missed anyone, speak up, otherwise I'll put your hands down for you.

CHAIR WOODWARD: All right, are you ready for the noes?

MS. KERNS: I am.

CHAIR WOODWARD: **Those opposed to the substitute motion, signify by raising your hand.**

MS. KERNS: **I have Virginia, Rhode Island, New York, North Carolina and Potomac River Fisheries Commission.**

CHAIR WOODWARD: **All right, are there any abstentions?**

MS. KERNS: I had to put the hands down, now for the abstentions, if you could raise the hand, sorry about that. **Ryan, I'm assuming you're voting for NOAA here.**

MR. SILVA: **Oh, that's right, thanks, Toni.**

MS. KERNS: Yes, I just wanted to doublecheck. **One abstention, NOAA Fisheries.**

CHAIR WOODWARD: **All right and null votes, any null votes signify by raising your hand.**

MS. KERNS: **I have no hands.**

CHAIR WOODWARD: **All right, so no null votes. According to my count that is 11 yesses and 5 noes, and 1 abstention**, is that correct?

MS. KERNS: That is what I have as well, Mr. Chair.

CHAIR WOODWARD: **The substitute motion now becomes the main motion.** All right, before we call for votes on what is now the main motion, I wanted to just afford one last opportunity for any questions, because I think again, I will certainly take the opportunity to make it clear that what we're doing is providing advice to the Mid-Atlantic Council. It is my understanding, and you know Brandon, Toni, Bob, whoever, correct me.

That we're providing this advice to the Mid-Atlantic Council, but this motion in and of itself is not limiting or binding on the Mid-Atlantic Council, other than the fact that if they realize that the states that would be required to participate in RSAs on a certain species are not likely to do it, I guess that certainly would change the nature of the discussion, as Ryan had already commented on. Anyway, are there any questions about the intent and the effect of this motion before we vote on it? Any hands, Toni?

MS. KERNS: I do not see any hands, Mr. Chair.

CHAIR WOODWARD: Any discussion on this motion before we vote?

MS. KERNS: I have no hands.

CHAIR WOODWARD: All right, then at that point we'll conduct a vote on what is now the main motion, so all those in favor of the motion. Does this need to be read back into the record, Toni?

MS. KERNS: I believe yes, it would be helpful.

CHAIR WOODWARD: All right, I'll read it if that's okay. We have a **motion to recommend to the Mid Atlantic Council to consider future RSA Programs only for those species that are not jointly managed with the ASMFC. This would preclude RSA Programs being conducted for summer flounder, black sea bass, scup, dogfish and bluefish.** All those in favor of this motion, signify by raising your hand.

MS. KERNS: Again, I'm just going to let the hands settle for a second. **I have Connecticut, South Carolina, Delaware, Virginia, Georgia, New Hampshire, Massachusetts, Pennsylvania, Maryland, New Jersey, Potomac River Fisheries Commission and Florida and Maine.** If I missed anybody, please call out, and I will put the hands down.

CHAIR WOODWARD: All right, let me know when you're ready for the call for no votes.

MS. KERNS: I'm ready.

CHAIR WOODWARD: All right, **all those opposed to the motion, signify by raising your hand.**

MS. KERNS: **I have Rhode Island, New York and North Carolina.**

CHAIR WOODWARD: **Okay, any null votes?**

MS. KERNS: **No null votes.**

CHAIR WOODWARD: **Any abstentions?**

MS. KERNS: **NOAA Fisheries.**

CHAIR WOODWARD: **Let me count this up. I have 12 yes votes, 3 no votes and 1 abstention. Does that match your count, Toni?**

MS. KERNS: **I think I had 13 yesses, Bob, did you get 13 yesses?**

EXECUTIVE DIRECTOR BEAL: **Yes, I got 13 also.**

MS. KERNS: **I have 13, 3, 0, 1.**

CHAIR WOODWARD: All right, just in the time we've got remaining between now and three o'clock, I would like to go back to that second set of questions that Toni had read before, just to see if there are some particularly strong feelings from the Board about responses to the questions. We've actually addressed Number 2. How about Number 1? I think Number 1 is one that would be interesting to have some feedback on. Does anybody want to comment on that?

MS. KERNS: Dan McKiernan.

CHAIR WOODWARD: All right, go ahead, Dan.

MR. MCKIERNAN: Pardon me for being redundant, but the comments I made earlier about the for-hire sector being recipients of quota creates a serious incompatible management system. I guess I have an open question, maybe it's for Ryan, as to whether or not a program could go forward, where we could exclude the for-hire sector from obtaining this RSA quota in the fashion that it was done in the past. Maybe Ryan could speak to that.

CHAIR WOODWARD: Yes, go ahead, Ryan.

MS. KERNS: Ryan, I don't know if you're still with us or not.

CHAIR WOODWARD: Obviously, again, this is a work in progress, so there are going to be some further discussions I'm sure, as this continues to evolve. Yes, because I had a question about, I'm sure there is some critical mass of where you've got to have enough states to opt in to make something be feasible.

I guess that is another issue that would be dealt with on a species-by-species or fisheries-by-fisheries basis as to whether or not an RSA would be feasible, based

on the number of states that opt in or opt out. Again, I think we're giving, I think guidance to the Mid, clearly about our concerns, but again it's advice and it is guidance. Brandon, just to, I mean we can sort of wrap this up. This will be taken back to the Mid and incorporated in future discussions, is that correct?

MR. MUFFLEY: Yes, thanks, Mr. Chair, correct. This will be discussed at the August Council Meeting, so there is time on the agenda, not a ton of time, but sort of just where the Council is, and obviously the big, I think focus of the discussion will be, is the feedback that you all provided here. I think the Council will have at least some initial general discussions about how they want to move forward. But this will be on the August agenda for the Council.

CHAIR WOODWARD: Yes, go ahead, Toni.

MS. KERNS: I was just going to say, Bob has his hand up, Mr. Chair, and Mike Ruccio put in the comments that just in response to Dan's question earlier about the recreational fishery. He thinks that the answer is, it depends. It's how the program is resurrected, and what type of direction is provided to the Agency, just as an FYI. But Bob had his hand up.

CHAIR WOODWARD: All right, thanks, go ahead, Bob.

EXECUTIVE DIRECTOR BEAL: I just wanted to follow up on a couple of the comments about, you know these species, the jointly managed species in particular now. You know I do have a number of research priorities that are unanswered, and no one on this call has really spoken against the value of cooperative research.

I think everybody has highlighted the value of cooperative research. You know I think moving forward, as the Commission has its conversations about future budget priorities and priorities to Capital Hill. You know I think this notion of finding money for cooperative research is something we need to put that higher

on our list of priorities, or budget priorities for the Commission.

I think there is a lot of good work that could be done through this joint, you know cooperative projects with the industry. RSA, you know based on the vote it appears the shortcomings of the RSA aren't the avenue to consider to fund this research. I think unless someone disagrees, as I work on these lists of priorities, and talk with folks on Capitol Hill. This will be one of the items that I add to the list of our priorities, is cooperative research and the need for increased support to get a better understanding of what is going on in these fisheries, and support for management. Just a sort of editorial comment that I'm happy to help folks pursue, you know state help is always useful when we're talking to Congressional delegations on funding as well. Just wanted to bring that up, Mr. Chair.

CHAIR WOODWARD: Bob and I talked the other day about, you know we're coming to the end of a strategic plan, and we're going to be involved in another strategic planning process. You know this is the kind of thing that I think the Policy Board is certainly going to have to consider is, how do we go forward to ensure that we're getting the best underlying science-based information we can?

If I recall correctly, I think the concept of study fleets was a pretty high ranking when we were going through the Scenario Planning. Again, there is a lot of value from cooperative research, but again, it's how do you fund it adequately and with enough stability to produce meaningful results? Thanks for that, Bob. All right, I think we're at the point where we can wrap up. Is there any other business to come before the Policy Board? We've got a few minutes.

MS. KERNS: I do not see any hands raised, Mr. Chairman.

CHAIR WOODWARD: All right, I want to thank everybody, good conversation, discussion, and again this is a process that we're still in the middle of. I'm sure there will be additional opportunities for the Commission to weigh in, as the Mid continues to deliberate on this. I want to thank Brandon for being

here and Ryan as well, and I thank you all for your participation.

ADJOURNMENT

CHAIR WOODWARD: If there is no opposition, I will adjourn the meeting of the ISFMP Policy Board. I hope everybody has a good rest of your day.

(Whereupon the meeting adjourned at 2:40 p.m. on Tuesday, July 11, 2023)