

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

**The Westin Crystal City  
Arlington, Virginia  
May 2, 2019**

**Approved August 7, 2019**

Proceedings of the ISFMP Policy Board  
May 2019

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**TABLE OF MOTIONS**

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of February 2019** by Consent (Page 1).
3. **Move to direct the Spiny Dogfish Management Board to initiate an Addendum to allow unused quota allocated to the northern states collectively to be transferred in the second half of the fishing year to the states that have state-specific allocations. This action is intended to promote full utilization of the overall commercial quota.**  
  
**It is intended that these proposed transfers shall only be allowed if there is unanimous consent among the northern states regarding the timing and the amount. Also, the Board shall include quota overage forgiveness language similar to that in Addendum XX of the Summer Flounder, Scup, and Black Sea Bass FMP where in the event the overall annual quota of black sea bass and scup (during the summer) among the states is not exceeded, then individual state overages are forgiven.** (Page 13). Motion by Dan McKiernan; second by Justin Davis. Motion carried (Page 16).
4. **On behalf of the Atlantic Striped Bass Board, move to forward the Block Island Transit Zone letter to NOAA Fisheries** (Page 17). Motion carried (Page 17).
5. **Motion to Adjourn** by consent (Page 24).

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**ATTENDANCE**

**Board Members**

Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Ray Kane, MA (GA)	Lynn Fegley, MD, proxy for D. Blazer (AA)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Justin Davis, CT (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
William Hyatt, CT (GA)	Steve Murphey, NC (AA)
Jim Gilmore, NY (AA)	Robert Boyles, SC (AA)
Maureen Davidson, NY, Administrative proxy	Mel Bell, SC, proxy for Sen. Cromer (LA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (GA)
Joe Cimino, NJ (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Casey Brennan, NMFS
Andy Shiels, PA, proxy for T. Schaeffer (AA)	

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

**Staff**

Bob Beal	Caitlin Starks
Toni Kerns	Jessica Kuesel
Mark Robson	Tina Berger

**Guests**

Richard Cody, NOAA	Chip Lynch, NOAA
Catherine Krikstan, ECS, NOAA	Jack Travelstead, CCA
Arnold Leo, E. Hampton, NY	John Whiteside, SFA

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, May 2, 2019, and was called to order at 8:00 o'clock a.m. by Chairman James J Gilmore.

#### **CALL TO ORDER**

CHAIR JAMES J. GILMORE: Good morning everyone. Welcome to the ISFMP Policy Board, I'm Jim Gilmore; I'll be Chairing the meeting today. Thank you everybody for getting up early. The coffee is flowing, so please help yourself.

#### **APPROVAL OF AGENDA**

CHAIR GILMORE: We have several items on the agenda today, so we'll just get right into it. First off we have Approval of the Agenda. Are there any additions to the agenda? Dan McKiernan.

MR. DANIEL MCKIERNAN: Yes, under Other Business I would like to discuss the possibility of a Policy Board tasking the Spiny Dogfish Board between the next two meetings to develop a draft addendum to facilitate transfers of quota that would be essentially underages midyear, to the southern states collectively, because at this point there isn't an opportunity if there is an underage in the north to get that fish into the hands of the states that still have fisheries.

CHAIR GILMORE: Okay Dan, I'll add that. Are there any other additions, Ray Kane?

MR. RAYMOND W. KANE: I would like to address state allocations under Other Business.

CHAIR GILMORE: Okay Ray, I'll add that to it. We also have two other items. We have to talk about a lobster letter, and also a striped bass letter probably, so I'm going to add those two. Are there any other additions to the agenda? Okay seeing none, we will adopt the agenda.

#### **APPROVAL OF PROCEEDINGS**

CHAIR GILMORE: The next item is the approval of the proceedings from the February, 2019 meeting.

That information was in your briefing documents. Are there any changes to the proceedings from the last meeting? Okay seeing none, we will adopt those by unanimous consent.

#### **PUBLIC COMMENT**

CHAIR GILMORE: Before every meeting we have public comments on items not on the agenda. Is there any public comment today?

#### **UPDATE FROM THE EXECUTIVE COMMITTEE**

CHAIR GILMORE: Okay seeing none, we will move right into an Update from the Executive Committee, which is actually me. Our Executive Committee met yesterday morning at 7:30, so you know you guys slept in today.

We essentially went through several items, and I'll do a brief summary on those. First off the FY2020 budget was discussed. Pat Keliher, who is Chairman of the Administrative Oversight Committee, led that discussion, but Laura Leach had given us kind of a brief overview of the detailed document. There was generally a modest increase from the previous year, so everything pretty much stayed the same. There was some discussion about it, but very minimal, and the Executive Committee approved the budget for 2020 by unanimous consent. We can go into detail if anybody has any questions on it, and Toni has got more detail. Does anybody have any questions on the budget? Go ahead, Adam.

MR. ADAM NOWALSKY: Do you have any update on Plus-up funds and availability, and what the Executive Committee would intend to do with them for this year?

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CHAIR GILMORE: We're getting to that Adam, a couple of items down. Are there any other questions on the budget? Okay, so in any event the budget has been adopted for 2020. The next item was an issue about some, particularly Pennsylvania, there are some dues issues that were discussed about Pennsylvania has a rather unique situation, and our Rep at the table has proudly paid his dues every year.

However, the other two Commissioners, they pay them independently and they're a little bit in arrears right now to the tune of several years, so we are going to write a letter to the Governor, instructing them that the longstanding since 1942 issue about paying dues to sit at the table needs to be addressed. We'll be sending a letter off on that and hopefully correcting that.

Next item was, Bob did go over the APAIS budget and a little bit more detail on that as to what was going on, and that was just sort of an update, so if anybody has any questions on that we can get into it. But, generally it was just an update on what we're doing for 2019 and 2020. Are there any questions on the APAIS budget?

Seeing none, now we've got to the allocation of the Atlantic Coastal Plus-up Funding. As you realize, and it's been discussed by Bob for the last few meetings is that we have additional funds, and we had talked about some different options on how we were going to use that money. It was delayed because of the federal shutdown, initially.

Then we finally got numbers, and Laura and Derek from NOAA Fisheries went over them and agreed with the numbers. There were some small projects that were approved, but it was decided that we were just going to add the additional funding and spread it among the states, based upon the distribution that's under the Commission charter.

That motion was put up and unanimously approved that any of the additional funding will

be distributed to the states according to the distribution. Are there any questions on that and Adam, does that answer your question, or do you have additional comments on that?

MR. NOWALSKY: Those small projects then, they're all funded. The rest of the money is going to the states, so that allocates what there was to allocate.

MS. TONI KERNS: Adam, I believe there is roughly a little over \$200,000.00 left from the Plus-up money from this year, and the states have not determined what projects to use those for. I believe when they were talking that because there is some uncertainty in the 2020 budget, due to that being a census year that that money will sit on the table, and if there are projects that come up that folks think we should work on, then we can use those funds. But those funds can last for another three years.

CHAIR GILMORE: Is there any other question on the Plus-up funding? Okay seeing none we'll move along. The next item was, at the February meeting, because of some of the work groups and some of the issues that had come out of some of the working groups we had; we had tasked staff to come up with a standard operating set of procedures and policies for the management board working groups.

Toni had taken that task on, and developed a draft that we discussed yesterday. There were some changes that were discussed during the Executive Committee that were incorporated into the document, and then at the end the new Standard Operating Procedures and Policies were adopted by the EC by unanimous decision.

We'll be distributing that I guess soon. Essentially it's a good set of rules. It really does give some guidance as to some sideboards on how the work group should operate, and if there are some decisions that need to be made,

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it gives a bunch of authority to the Board Chairs to make decisions. But Toni could add anything.

MS. KERNS: Once the Executive Committee finalizes the document, I will review those policies and procedures with the Policy Board at the August Board meeting.

CHAIR GILMORE: Okay any questions on that? Seeing none, we will move next to the future annual meetings. For 2019 for all of you who have not been paying attention, the next meeting will be in New Hampshire, October 28th through the 31st. I don't know if Doug or Dennis wants to say anything about that. But they're planning a wonderful good time, better than New York, if you can believe that. Do you guys have anything to add on that?

DOUGLAS E. GROUT: I'll just say it's going to be a beautiful time of year in the fall. There is fishing opportunities, but the Laura Leach tournament will probably be indoors, just in case. We're planning a lobster bake. The dress will be casual, not business casual, casual. Come prepared to have a delicious meal, and please take advantage of our beautiful nearby town, the city of Portsmouth. You'll really enjoy it.

CHAIR GILMORE: I understand there was a move to have host Commissioner's wives were not allowed to participate, after my wife won in the New York one. But, I don't know if that's true or not, but anyway. Then Laura went in too, so in 2020 it will be in New Jersey. I don't think they've picked a venue yet.

But, we were talking about that at dinner last night, so we've got a bunch of suggestions for you folks if you're running out of ideas. In 2021 we'll be back to North Carolina, and then 2022 we'll be back at Maryland, so we will be planning those. In 2021, I will be my full cycle. I will have done 15 annual meetings, so back to Annapolis, or hopefully in Annapolis to start over again. Yes, Dennis.

MR. DENNIS ABBOTT: Yes, back to the New Hampshire meeting. If you Google Wentworth by the Sea, Newcastle, New Hampshire, that is where we'll be. It's a grand hotel from the old days, which has been refurbished by Marriott. It's right on the, not call it in a harbor, back channel. A very nice location, a very nice hotel, and I am sure your spouses will sure enjoy being there. They did 15 years ago.

CHAIR GILMORE: Yes, Ray.

MR. KANE: A question to the New Hampshire contingency. Are you going to make sure that the hotel keeps the heat on, because I can remember Doctor Duval having to wear wool gloves at the round table at the Maine annual meeting?

MR. ABBOTT: It's not our problem that the folks from the southern states have such thin blood.

CHAIR GILMORE: That was actually Maine, Ray. It's much warmer in New Hampshire than it is in Maine. The next item we actually got a discussion which was an add-on, on the annual report. I forgot my prop, but Tina has done an outstanding job. That annual report is just gorgeous this year, and not because New York City is on the cover, it just is a beautiful report that was done.

However, there was a discussion about it is pretty long, and there was a combination of the time to prepare it, and how many pages it is, the length of it. Was it useful to the Commissioners, in terms of their business, and would it be better to keep producing that report as it is, would it be a paper copy and printing it?

Would it be better to, or use just the electronic version? It is on the website, completely available on that. We had quite a bit of discussion about this, and I don't think we got to any conclusion other than there was a bunch of folks that were yes, they use that report.

They bring it when they're meeting with legislators, or different fishing groups or whatever that are interested in seeing the report.

Others prefer the electronic version. What we have concluded at the end of, I think a healthy discussion that was pretty much split down the middle. Some folks really would like the report to stay as it is, others would like an electronic version. Then Jay McNamee came up with a suggestion that maybe there was a hybrid version of this is that maybe we could have a scaled down version of it, and so we would have a paper copy to bring, but maybe not as lengthy.

Then also have an electronic version of that. What staff is going to do is work up maybe a mock up that we can look at and review for maybe the upcoming meeting or whatever, and see. Then we'll discuss it again, and see where everybody wants to go on it. Keep your eyes out for that and again, we'll see what everybody's opinion is. I've been going more electronic these days, because my experience has been as I bring that a legislator will flip through it and throw it on the table, and never look at it again.

But evidently there are other states that have representatives that actually use that document quite extensively. We'll have further discussion on that. But at this point are there any questions or comments on that? Okay, stay tuned on the annual report and what we do with that. The last official item we had on was the Executive Director's Review. We sent Bob out of the room for three or four hours, it was a rather good discussion. I'll be happy to note that it was completely unanimous and a lot of accolades about the job that Bob is doing. We all believe he's doing a terrific job, and we want to keep him on. There was actually a long list of accomplishments he's done for the last year, which is including, and the one I think we should highlight again, remember that some of the additional money Bob stuck to and did a lot

of work on that and kept our 12 percent increase.

Anyway, Bob has passed his performance evaluation with flying colors, as voted by the Executive Committee. Keep up the good work, Bob! That is the Executive Committee, and that's everything, any other questions on the Executive Committee from yesterday?

#### **UPDATE ON THE RISK POLICY WORK GROUP**

CHAIR GILMORE: Okay, next item on the agenda is an Update on the Risk Policy Work Group, and Jay McNamee is going to lead us on that. Jay.

MR. JASON McNAMEE: I'll be really brief. We just wanted to remind people that we were out there still. Last time we chatted, we had developed a couple of things to kind of support the Risk and Uncertainty Policy. Sara Murray and I have been continuing to develop that specifically with an eye towards developing guidance for the technical folks that will take a look at this.

The current plan is to bring that now developed guidance to the Striped Bass Technical Committee. We'll introduce it to them on an upcoming call. They are going to be busy. We don't think this is going to take up a lot of their time, but it is really important that we get this in front of them, so that they can review it, because this is exactly the type of process that it's meant for, and that's what we all agreed to as a Board.

Then the other group that we will be bringing this to is the SAS Committee, and we'll get on a call with them as well. We've got a couple more groups we're going to get this in front of, and work through, and then once we get that pilot run done, we will bring it back before this Board, and that's it.

CHAIR GILMORE: Are there any questions for Jay? John Clark.

MR. JOHN CLARK: Jay, the Technical Committee report for the striped bass. I noticed they had in there the 50 percent chance of reaching F in one year. Is this sort of what you're talking about doing?

MR. McNAMEE: Yes, thanks John, exactly. This would better inform the process of arriving to that probability. As it happened, I thought the other day was a perfect example of why this is needed. I just kind of lobbed that out on the table, just to give them some guidance, because they had none otherwise. This process is meant to get them through a series of questions that arrived at the appropriate probability based on all of the parameters in the decision process.

CHAIR GILMORE: Go ahead, John.

MR. CLARK: It is follow up. I hope when we get this ready to take out to the public that it's explained very clearly what it actually means, when you say 50 percent probability of getting F back down to the target.

MR. McNAMEE: Yes, good point. I think it is a difficult concept. I brought that up at the meeting too. People often, oh it's a coin toss. That's not right. It drives me crazy. Hopefully this will help both explain that better and also let people know in a very clear way how we get to these decisions.

CHAIR GILMORE: Other questions for Jay. Okay seeing none, keep up the good work, Jay, and we'll look forward to the new progress.

#### **UPDATE ON THE MRIP TRANSITION TO NEW SURVEYS**

CHAIR GILMORE: Next we have an update from the MRIP transition to new surveys. Dave Van Voorhees was originally on the schedule, but Rich Cody is going to give the presentation for that so would Rich, come on up.

MR. RICHARD CODY: I'll just introduce myself. I'm Richard Cody with the Marine Recreational

Information Program. I just wanted to give you some updates, short updates on some ongoing activities with MRIP, but also basically to ask for your help in that we're trying to better establish a communications at all levels between states and MRIP, and between all the stakeholders.

If you have any concerns, I'm planning to make myself available at the ASMFC meetings regularly, so if there are any concerns I'll be here to help address those. I want to just make a point that we welcome any kind of questioning or concerns that you may have, and try to address them as best I can.

The other item that I wanted to mention is related to that and that we have been invited to participate in a South Atlantic Council Workshop on looking at potential differences in the FES based estimates relative to the older CHTS estimates. The workshop is hopefully planned for some time in August, and we'll keep you updated on the developments there.

But we're seeing it as an opportunity for us to address some of the concerns that were out there that we don't necessarily hear on a regular basis. Hopefully, by trying to establish this relationship here, we can do a better job of addressing them more proactively. That's basically what I wanted to mention, Jim.

CHAIR GILMORE: Thanks, Richard. Are there any questions for Richard? Tom Fote.

MR. THOMAS P. FOTE: Richard, with the shutdown there was a lot of problems, because we rushed things through, and it wasn't a lot of communication going on during the shutdown. I found it very upsetting to find out at the joint meeting what was going on and all of a sudden this huge increase in the quota.

It didn't give us time, and I think it was a missed opportunity, how we could have figured out to do something on the quota. I think I'm going to later on in the meeting ask for a working group. If it happens in black sea bass, let's get out in

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front of it, so we decide what we're going to do with that increase.

But also, nobody looked at the impact. I mean I got a strange call from a commercial fisherman that was a former Council member saying, Tom, will you take half of our quota on the recreational side, and I said you've got to be kidding me? We can't do it, but why? He said, because we're going to flood the markets, and basically because you're giving that quota all in the last half of the year. Now it's a combination, I know it's not all yours, but it's a combination of things, so it needs better coordination. I'll leave it at that. Because they're worried that it will not only hurt this year, but hurt future years on that. We need to know ahead of time, and we need to work through that.

CHAIR GILMORE: Toni has got a comment on that, Tom.

MS. KERNS: Hey Tom, I actually don't think that is, the quota difference is how the numbers went into the assessment. We all knew that these assessments would be having higher numbers. Then the results of the assessment were that we had a much higher stock number, and then thus got higher quotas.

Something that the Council and the Commission Summer Flounder, Scup, and Black Sea Bass Board will have to look at is do the states want to look at the quotas, the allocations between the commercial and the recreational sector? Do we want to make any shifts to those numbers, because that's how the commercial quota ended up getting a lot more fish, because we haven't looked at that allocation yet?

MR. FOTE: I think Toni, you misunderstood what I said. I'm not saying about the allocation. What I'm saying is between the commercial communities, how do we deal with that huge increase at one shot, because it affects their markets? That's what I'm saying, how do we do that? Plus, we could have done some of that

where we're trying to smooth out states, do something like that. That's why I'm saying we need to get out in front of this, in case it happens with one of the other species that we come back with a huge quota.

MR. CODY: Tom, I agree with you that probably the commercial sector should have been a little bit more engaged in the process all along. I mean that said though, I think that we have made some steps towards improving that level of communication.

CHAIR GILMORE: Lynn Fegley.

MS. LYNN FEGLEY: To that point, all I wanted to say was thank you for making yourself available. We do field some pretty tough questions, and some of them are good from our stakeholders, so really appreciate your presence and willing to help us answer some questions, so thank you for that.

CHAIR GILMORE: Other questions? Erika.

MS. ERIKA BURGESS: Hi Richard, Erika Burgess with Florida FWC. The state of Florida, as I know you're aware, is extremely disturbed by the results of the new FES survey estimates, not the survey itself, but the estimates that are actually produced. Let me give you an example. FES generated an estimate of an average of 4,000 trips per day for each of Florida's 35 coastal counties, which is an average of 65 trips per day for each mile of tidal shoreline in Florida, and that is unrealistic. What is MRIP going to do to address and identify the biases in the FES estimates?

MR. CODY: Well to that affect, we are meeting with FWC this coming week, actually May 22, Beverly Sauls and Luiz Barbieri are coming up to Silver Springs to plan a workshop, to look at differences between the FES and the Gulf Reef Fish Survey, and other Gulf surveys, and to evaluate those concerns that the state has said to us.

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MS. BURGESS: To that point, the Gulf Reef Fish Survey estimates refer to offshore fishing effort for reef fish, and I specifically brought up the shoreline estimates that are state wide.

MR. CODY: The question is, or you had a question?

MS. BURGESS: What are the plans to address the shoreline estimates? Do you plan to move beyond the Gulf Reef Fish Survey estimates, and address larger biases?

MR. CODY: The main concern with the FES right now is the discrepancy between the CHTS and the FES. We all know the CHTS was wrong. It was biased and it was biased low. I don't want to get into a back and forth here, but I think we will present information in the SSC workshop in August that will show that the FES is a better fit overall for estimating effort, than the CHTS was.

I would caution against surveys, or states that want to align their survey estimates with the previous estimates, because we know they were low. We know they were biased; they weren't representative of the general population. We have specific information that we'll present in that workshop, and also at the FWC workshop.

The plan is to plan the workshop on May 22 with Beverly and Luiz, probably in the St. Pete FWRI Lab, and involve the necessary folks. We're hoping that we can get some engagement from Division of Marine Fisheries Management, as well as the FWRI crew, the research end of things.

CHAIR GILMORE: Other questions? Justin. I have to say everybody's last name. They actually said say your last names, I said Davis.

DR. JUSTIN DAVIS: I'm wondering, would it be helpful ahead of this August workshop for states, if they have certain estimates that have come out of the new MRIP model with the FES survey that seem aberrant, that seem to not

make sense. Would it be helpful to forward those to the program as examples to potentially look at when you're trying to reconcile, perhaps differences between FES and CHTS?

I'll echo some of the comments that were made from Florida that we've seen some estimates from our shore modes that just seem astronomical, and don't seem to make sense. Now I understand the overarching that the survey FES may very well be a much better survey than CHTS, but that there may be certain instances for certain fisheries, and perhaps there is patterns across states that might emerge if states send in examples of certain fisheries that seem to be producing unusual estimates. Would that be helpful to send in that sort of thing ahead of August?

MR. CODY: It probably would. There are a suite of species that the South Atlantic Council wants to look at in their workshop, and they've listed three or four that they would specifically like to look at, and they might be good examples for other states as well, because I think what you were referring to is the calibrations that are being used, and how they may have impacted the previous trends, so you know resulting in spikes or troughs in the data.

Those are the things. I mean I would be happy to look at other species, but I think that for the workshop we would like to keep it to a limited few, so we can get through them and give them a good thorough deep dive, so to speak.

CHAIR GILMORE: Go ahead, Justin.

DR. DAVIS: Just to clarify, I'm talking about some estimates that have come out of recent years, the new years, not necessarily the back calibrations of the old surveys. But from what I'm hearing you say is that it might be helpful to forward that information. It might not get addressed in the August workshop, but that it might generally be helpful for the program to forward that?

MR. CODY: It certainly would be helpful.

DR. DAVIS: Thank you.

CHAIR GILMORE: Any other questions for Richard? Seeing none, thanks Richard for being here and giving us an update. I think it's going to be a definite benefit having better communication on this. Just so you know, Richard actually has come to; he recently did a meeting in New York at our Council meeting.

It was great having him there, because the fishermen were more angry at him than me, and he's got a very thick skin. He thought that was an easy meeting, so I thought that was very good. Thanks a lot.

## COMMITTEE REPORTS

### LAW ENFORCEMENT COMMITTEE

CHAIR GILMORE: Okay, next we're going to get into committee reports. The first one up is the Law Enforcement Committee. Law Enforcement met this week for two days, and Mark Robson is going to give us an update on that. Mark.

MR. MARK ROBSON: As Jim indicated, we met Tuesday and Wednesday of this week, and had a very productive meeting. I would also like to thank several members of the Commission who attended the meeting, and helped participate in some of the discussion. We provided some initial input.

Mike Schmidtke from staff came in and briefed the Law Enforcement Committee on some of the preliminary options that are being considered for management of the cobia fishery in federal waters. We took a look at some of those. I don't want to go into great detail, because some of that information will be presented to the South Atlantic Board today.

But of course, as usual, the Law Enforcement Committee is certainly always striving for some level of consistency. To the extent that that can

happen between state and federal waters, and between state boundaries adjacent to federal waters that's going to be very important. But there were some concerns expressed about some of the options, in terms of their complexity.

We recognize there is a lot of moving parts to this, in terms of either having coastwide regulations in federal waters or not. But we'll allow that process to go forward. These are just initial comments that we're going to be making on the cobia draft amendment. We also had some discussions, again with some of the Commissioners who came in, and helped in that review of the ongoing efforts to work with improving enforcement in the offshore American lobster fishery.

As you've probably heard, we have a group who is working on a way to purchase and operate a large offshore enforcement vessel, particularly for extending out beyond 12 miles, in some of these deeper waters. We also related to that had some review of the discussions going on with another work group, to develop an offshore tracking system for these vessels that are operating far from shore, and also tracking systems that might be useful in determining when traps are actually being hauled, when hydraulic gear is actually being activated.

We reiterated the importance of having that kind of a tracking system available to better target the use of this eventual offshore vessel to make it more effectively operating, and going where the fishermen are working, and being able to maximize the efficiency of that equipment. There are a lot of details that will continue to be worked out.

The state of Maine is taking kind of a lead role in looking at operating that vessel, but it would also be a shared platform, perhaps with other states. Of course there were questions from the Law Enforcement Committee about funding, and getting the money for the vessel,

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not only to purchase it, but also for its continued maintenance and operation.

It's important to the Law Enforcement Committee members that that money doesn't somehow get taken away from existing joint enforcement agreement funds, or other funds that are needed to do the operations that they're doing now. We also had some pretty good discussions about some enforcement tools and technology.

Pat Moran from Massachusetts, our Committee member from Massachusetts, their state has been working closely with an organization called PAARI which is the Police Assisted; get this right, the Police Assisted Addiction and Recovery Initiative. This is an organization or an agency that is set up to assist law enforcement agencies around the country in dealing with response to opioid overdoses, and problems that are encountered by officers in those situations.

Just like everywhere else in our society, this is something that we think is obviously, potentially a problem in the fishing industry in certain areas, just as it is in the community at large. Several of the states have indicated that in terms of enforcement, they are already carrying some of the antidote equipment with kits, to deal with opioid or fentanyl, and some of the other kinds of drugs, overdoses when they're encountered.

This potentially is a lifesaving action. But in addition to that PAARI, this organization is focusing also on outreach and education and follow up, sort of a community policing approach. This is something that I think is very helpful for our Natural Resource Officers to engage with the community at large, and to work with them, not just to react to an overdose situation, but to actually help in dealing with this problem, which is a serious one obviously throughout the country. We also discussed a little bit about the development of continuing use of drones in enforcement work,

and particularly in natural resources. It's interesting, a number of the states, now we talked about this a little bit last year, and it sounded like there are two or three more states now that have acquired drones, and have got officers trained up to be pilots of those drones.

It's still at an early stage of technology use in law enforcement, where it's definitely being used as a tool in search and rescue, general surveillance, security, making sure that an area is secure, if groundwork is being done. But most of the states are still not using it directly as an enforcement tool to make cases, or to detect violations, or to use that surveillance information in making a case.

It's working its way in that direction. There are obviously concerns and issues from a privacy standpoint, and an admissibility of evidence issue. But it is something I think you're going to see more of our resource agencies using in the future for enforcement work. We also had a request through George Lapointe from the NOAA Southeastern Region Office down in St. Petersburg, to get some input from the Law Enforcement Committee regarding the development of electronic reporting systems, and implementation of those systems for the for-hire sector.

These are things that are being implemented, particularly in the Gulf of Mexico and up the east coast. The NOAA Southeast Region was very interested in getting some input from this Law Enforcement Committee, the Commission's Law Enforcement Committee. We heard that report from George; it was a very good one.

We're going to continue to follow up with him, and try to address some of the questions that he has for law enforcement, as far as how such a system would work, and whether there are any pitfalls or problems that we need to address from an enforcement perspective. Also, I think there were some comments made at a Commission meeting regarding, are there

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ways that we can take a look at measuring the effectiveness of our enforcement activities.

This is a very good question that is something that our Law Enforcement Committee generally wrestles with all the time, I think. We started an initial discussion at our meeting this week to think about ways that we can take a look at, or measure, or evaluate the effectiveness of our enforcement. We'll be continuing to develop those kinds of ideas. But it was interesting to me, because in the discussions it came out that one of the key areas is in terms of how do we determine how effective we are being?

We have issues with basic staffing and equipment levels. If there are some standards that could be applied that would indicate how much staffing you need, how much equipment you need, to adequately address enforcement needs in our marine areas based on population size or coastal area, or criteria like that.

But these are standards that might be good to try to work up. I think as a Committee we're going to put our heads together and try to take a look at some of those evaluation techniques, for how we determine how to best be effective as an enforcement agency. Then finally, at the last meeting in October, we received a presentation from the Mid-Atlantic Fishery Management Council, looking for some input from our Committee on a For-Hire Enforcement Workshop that was being planned for November. We provided that input, and then we also followed up with some materials provided to Andy Loftus from the Mid-Atlantic Council, and Doug Mesick from our Committee, Delaware representative from our Committee attended the workshop.

We kind of did a circle back around on that to let the members of the LEC know how that workshop went. We kind of reiterated some of the basic concerns with the questions that were being asked, about the responsibility of for-hire captains for any activities or violations that occur on their vessels.

Of course, the Law Enforcement Committee members did feel pretty strongly that the captains do need to be held accountable, that they are accountable for potential violations. This particularly is important when you start thinking about comingling of catch, sharing of fish and other issues where it may be difficult otherwise to find a violator on that vessel, if you're making a dockside or a boarding check.

But it becomes even more important to hold those captains accountable for the activities on their vessels. I think we've had a request for more input on enforcement issues from the Mid-Atlantic Council. We will pursue that and work through Toni and you as a Policy Board, in developing any further recommendations on those issues, and Mr. Chairman that's my report.

CHAIR GILMORE: Toni's got an addition to that. Toni.

MS. KERNS: What Mark was alluding to at the end there was a specific request from the Council regarding tilefish, and making a recommendation to have consistent regulations between federal and state waters. We're going to circle back with the Council to get a better understanding of what they're actually looking for us to do, since the Commission does not manage tilefish. We're just trying to have a better understanding of what they're looking for from us, and the Law Enforcement Committee.

CHAIR GILMORE: Okay, questions for Mark. John Clark.

MR. CLARK: Thank you for the report, Mark. Hey, on the effectiveness of enforcement. I was just wondering if the topic of actual prosecution for violations came up. I know one of the frustrations that our officers have is that they'll write up a bunch of violations, and a lot of times the Attorney General's Office will plea it down to practically nothing.

I know it's also a frustration for the vast majority of our commercial fishermen that are playing by the rules, that we have developed a small group of guys that feel it's more profitable to break the rules than follow the rules. I'm just curious as whether it's a problem in other states also.

MR. ROBSON: Yes that's a good question, and it did come up. Those are sort of the basic metrics that we initially were thinking about. A year or two ago this came up, and there was some concern or problems expressed that it was hard to get that information as to the actual disposition of cases, because in some cases they are handled through county courts, and so you have a lot of judicial jurisdictions that you have to work through to get that data. But apparently more of that information is now readily available to the enforcement officers, or the administrators. It is something that I think we would look at to get a better handle on how well cases are working through the system, and whether actual convictions and penalties are being applied adequately, because that certainly has a lot to do with their effectiveness.

CHAIR GILMORE: Mel Bell.

MR. MEL BELL: Hi Mark. I know you guys talked about cobia the first day, and I didn't get to hear that. As we move forward with Amendment 1, obviously with cobia there are going to be a lot of different boundaries and things, where perhaps you have dissimilar regulations on either side of a boundary.

Did you all discuss, or have kind of a preference for what would work most effectively for enforcement in that situation? In other words, would it be preferred or better if in the waters in which you intercept the fishermen while they're fishing, if everything was consistent there, or if it's easier to deal with it from a standpoint of back in the waters in which they're landed, or at the dock or that type of thing? Was there a preference? Did you all discuss that some?

MR. ROBSON: We did, Mel. Basically, Mike presented us with three different options that are being looked at in the Amendment, and frankly the Committee had some issues with pretty much all three of the options as being somewhat problematic to actually enforce out there on the water, or to have situations where you might have an area closure in federal waters on one side, but not on the other, depending on which state regulations are being applied.

I think in general, first of all there was an Option C, I believe, and Mike can get into this in more detail. It was going to provide for the regulations for the state to apply, depending on where you're landing. But with the additional complication of special areas, special area regulations and how those would fit in, and that seemed very complicated, and I don't think the LEC was too much in favor of that one.

I think the issue of having the state regulations apply to where the fish are landed made the most sense, as far as the available options. But the Law Enforcement Committee suggested that that be tied specifically to the state where they're permitted as well. You nail it down a little bit better, and that furthermore if it's somebody who has multiple permits from different jurisdictions that the regulations would apply that are the strictest. That is kind of where they left that issue.

CHAIR GILMORE: Other questions, Roy Miller.

MR. ROY W. MILLER: Thank you, Mark. At the Coastal Shark Board meeting the other day, the issue came up of potential circle hook compliance for fishing for Mako sharks, and or other regulated species of sharks. It was noted that as the Commission wrestles with this particular concept, Law Enforcement personnel input would be highly valued and appreciated. I'm just kind of giving you a heads up that that is on our radar, probably between now and the annual meeting we'll be looking for Law Enforcement's input to help us wrestle with this

concept of mandatory use of circle hooks for shark fishing.

Eric Schneider as the Rhode Island representative.

#### **ARTIFICIAL REEFS COMMITTEE**

CHAIR GILMORE: Are there any other questions for Mark? Okay thanks, Mark, great report. Next up we have another Committee report, Artificial Reefs, my favorite topic in New York these days, so Lisa Havel is going to give us an update from the Committee. Lisa.

Jeff Renchen replaced Christine Kittle as the Florida representative, David Molnar is representing Connecticut now on the Committee, and Chris LaPorta is the new Vice Chair, and he is from New York. As always, we welcome any suggestions for action items that you would like the Committee to work on, and with that I'll take any questions.

MS. LISA HAVEL: As usual I'll be very brief. I only have a couple slides. Atlantic Coastal Fish Habitat Partnership and Habitat Committee are meeting in three weeks, so I'll have an update at the summer meeting on those two committees. The Artificial Reef Committee met February 26 and 27 in Savannah, with the Gulf States Marine Fisheries Commission Artificial Reef Committee.

CHAIR GILMORE: Any questions, John Clark.

There were discussions on the artificial reef materials guidelines update, which should be coming out soon. The deadline to submit all of the updates, was April 1, so hopefully that is getting released soon. We had a discussion on the impacts by Hurricane Michael to artificial reefs in the Gulf of Mexico, off of Florida.

MR. CLARK: Just curious about the materials update you were doing. Is this related to just overall, the durability of some of the materials that have been used in the past, or is this more based on contaminant guidelines?

We discussed monitoring protocols across the states, and how to better integrate artificial reefs into the Commission process. I welcome any feedback from all of you on that. We had guest presentations from Geoff White on the APAIS Artificial Reef Survey Question, and a presentation on ocean brick system in the Red Sea.

MS. HAVEL: It covers all different reefing materials. What's been done in the past, what we're no longer doing, anything from train cars to descriptions on tires, to the different types of reef modules that we're putting out there, how to reef ships, all of that is going to be covered and updated.

Everyone presented state updates, and then our next meeting will be held in 2020 by the Gulf States. We had a couple of committee changes. After the meeting Jordon Byrum replaced Jason Peters as the North Carolina representative, and the new Chair. Paul Medders replaced January Murray as the Georgia representative; Patrick Barrett replaced

CHAIR GILMORE: Yes, John. Actually that is a good question, because with the resurgence of the New York program, I have been getting some interesting requests on materials, anything from voting machines, all the way up to entire buildings. That is going to be very helpful as we move forward. Are there any other questions for Lisa?

CHAIR GILMORE: Okay Lisa, thanks very much for that.

#### **OTHER BUSINESS**

CHAIR GILMORE: We're up to Item 8, which is a Review of Noncompliance Findings, which we don't have any here, so we can jump right past that one. We're into Other Business, so let's take these in order. We'll start with the issue

on spiny dogfish. Dan, do you want to start that discussion?

#### **TASKS FOR THE SPINY DOGFISH BOARD**

MR. McKIERNAN: As you know, the Spiny Dogfish Plan is a little complicated, a little unique, in that the northern part of the range, the northern states have a quota that is shared, and they have a seasonal fishery, which typically ends by Thanksgiving, or around Christmas. Then all the states to the Mid-Atlantic and South have state-by-state quotas.

With the reduction in the quota that's occurring this year or next year, much lower than what has been historically. **It has been brought to our attention, among some of the processors that they fear that if there is an underage in the first part of the year that that fish cannot be transferred, as the second half of the year's fish can be. The southern states are allowed, under the plan, to move fish between them to cover overages, and unexpected occurrences.**

I'm suggesting, and I'll say it right up front, I don't think this is a complicated proposal, and the Division of Marine Fisheries will pledge to carry a lot of the work burden on developing this document, because I know it's not in the ASMFCs work plan. **But I propose that we develop an addendum to be reviewed at the next meeting, at the August meeting, to allow such transfers, and I have a motion if staff could put it up.**

CHAIR GILMORE: Let's see if we've got a second to that first. All right, second by Justin Davis.

MR. McKIERNAN: A little bit more detail.

CHAIR GILMORE: Go ahead, Dan. Why don't you speak to your motion?

MR. McKIERNAN: My vision here is that around Thanksgiving, is it four or five states? I can't recall what the northern group is, I think it's four states, would get together and decide

either to, if not send all the fish, a majority of the unused fish, maybe 75, 80, 90 percent that they don't feel is going to be coming in, in the last four or five months of the year, to the overall quota of the south, and all those other states could get them in equal shares, equal shares meaning consistent with the shares that they have now proportional.

Then the second part you can see here after the word also. **I'm suggesting that we adopt for spiny dogfish, a very favored approach that we like in the black sea bass and scup plans, where if an individual state has a minor overage, and the overall quota is not exceeded, then no harm, no foul, and that state doesn't have to pay back the overage.** I think it works well, it's consistent with the overall conservation rules, and it minimizes the administrative burden of people having to move fish around.

CHAIR GILMORE: I'm going to have a new rule, no Pierce-sized motions before 9:00 a.m., but anyway, Toni, do you have some comments on it?

MS. KERNS: I just want to give the Board some information, and just as Dan said, spiny dogfish is a low priority in the action plan this year. As you recall we worked on the action plan a little bit differently, and you all set high priority and low priority species. The only thing that is in the action plan would be to respond to changes in the data update for spiny dogfish for this year.

But because it's only a data update, I do not anticipate the quotas changing much, unless there is some dramatic change that we see in the data information. There is no money in the budget for spiny dogfish this year. You will see here the southern states total catch this year was roughly 8.3 million pounds, and if Jess slides over, obviously they had a higher quota this year at 16 million pounds.

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Next year's quota they'll be at 8.6 million pounds. If the southern states were to catch equal amount this year, next year they'll still be under their quota. There would have to be a pledge for transferring of fish amongst those southern states, but they would be able to take care of it without that transfer from the northern states.

Then next year after that the quota does go up in total by 7 million pounds. The southern states will have roughly 3 million more pounds, so that quota would be increasing. I'm not sure if this is a resolution to a short term problem, or if it does need to be a long term fix of not. There are some other issues that we are trying to work through with the Mid-Atlantic Council and the New England Council, in terms of the trip limit.

The Spiny Dogfish Board has requested, as well as members of the Mid-Atlantic Council, to lift the federal trip limit to allow states and regions to set trip limits, in order to utilize their full quota, and so if that ever does change, which we're hoping that we can move forward action on that as early as next year, through the Council process.

Then I don't know how that would impact these types of transfers, et cetera, or if there would need to be any additional changes to the Commission's management plan, which would require action at that time. Just putting this out there, certainly if the Board prioritizes to make changes, then we would need to adjust the budget accordingly, to pay for public hearings, which I assume the states would want to have, to do this change. That would be up to this Board.

CHAIR GILMORE: Dan.

MR. McKIERNAN: I would counter that this is such a simple proposal that I don't expect a need for a road show and public hearings. The total addenda may be two pages in length. I

would urge this Board to approve this going forward.

CHAIR GILMORE: Okay Dan, Rob O'Reilly.

MR. ROB O'REILLY: I support what Dan is indicating, and the concern I think is, and Toni will have the information, but I think it was 2016-17 season the landings were closer to 26 million. There is concern that with the just over 20 million pound quota that the market will stop early. You know that type of approach doesn't bode well for the following season even. I know that the quotas were much higher. I think they were approaching 50 million pounds, maybe five years ago. There is a data issue definitely. You know without going into a lot of that I think that's still being worked on, as far as strictly taking the average of three years of the spring trawl survey, when there is imperfect coverage of all the stations that need to be covered, and using that and making that decision.

That decision stands right now. I hope there is more work on that. One of the things that were talked about is the situation of a mismatch between the survey and the abundance of spiny dogfish, so we can look forward to that too. But I think the main problem is you are allowed to carry over 5 percent, and that's not a whole lot. Virginia this year was fortunate to receive a transfer from North Carolina, but can't guarantee that those transfers that Toni is talking about among the southern states will be available this coming season, which started yesterday.

CHAIR GILMORE: Other discussion on the motion, I've got Jay McNamee. Actually, Jess, can you put the motion back up? Go ahead, Jay.

MR. McNAMEE: Rhode Island can support this as well, however maybe I'll start here. I talked with Toni. One of the things that we're interested in, is readdressing possession limits in Rhode Island. It's my understanding, based

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on my discussion with Toni that that can happen external to an addendum. I just wanted to get it on the record that we're okay with this, but we have some other items that we would like to discuss with regard to spiny dogfish, namely possession limits.

CHAIR GILMORE: Okay Jay, thanks, Eric.

MR. ERIC REID: I certainly support anything that would max out the fishery. It is a relatively market driven situation. Certainly addressing Mr. McNamee's comments are correct. You need to be able to take advantage of economies of scale, to keep the cost down, in order to just make it work period.

But as far as this motion goes, it's also critical for the U.S. as a whole, the fishermen, the dealers, the processor and everybody, to maintain a constant supply of raw material into the market, so we can maintain our market share on an international basis. If this motion helps us do that I think in the long run, for the success of the fishery. I think that's a very good outcome.

CHAIR GILMORE: Other discussion. Steve Murphy.

MR. STEVE MURPHY: I would support this motion. As Rob indicated, North Carolina was able to transfer a little quota. We don't anticipate necessarily being able to do that with the reduced overall quota. But this processing of these fish is fairly specialized, and as indicated, you kind of have to have supply in order for this to work. We would support this.

CHAIR GILMORE: Other comments? I'll go to the audience in a second, but anybody else at the table want to have a comment or a question? Well, I have one comment and Dan, I understand. You know we can try to simplify this. You know the workload issue is probably from the Chair seat, is the concern for staff. I think it can be maybe quick, but we know how these things go sometimes, and maybe the

question for Toni. Are there other alternatives for addressing this that doesn't get us into an addendum right away? I'm just thinking off the top of my head. I mean if it did come. We're going to do an addendum for essentially the one year. Then it's going to kind of get fixed again, and then is there maybe if we are going to hit the problem this year, a fast track later in the year, or something along those lines. But I'll turn it over to Toni, and see if there are other options for this. Go ahead, Dan.

MR. McKIERNAN: Could we ask the states if this were to go forward if they would want a public hearing, so that Toni can be comfortable about workload, because Massachusetts will not be requesting a public hearing, we'll take the public comment.

CHAIR GILMORE: All right, well that's a good question. Go ahead, Doug.

MR. GROUT: Well, I would request the public hearing for it, yes. You know I'm certainly willing to move forward with this, to consider this concept, if Mass DMF is doing the lion share of the administrative workload. I ask that we have some landings data in there, showing it by month to see how late in the year spiny dogfish landings are occurring up in the north.

Because I believe our landings have been going later and later in the year. I may be incorrect, and obviously I can check that myself, but I would ask that that be in it. But I'm certainly willing to consider this, because I certainly believe in trying to be able to achieve optimal yield here.

CHAIR GILMORE: Before I go to Rob, just a show of hands. How many states think they would want a public hearing if we go with this addendum? Five, okay go ahead.

MR. O'REILLY: From time to time ASMFC staff enlists the state representatives to conduct the public hearings. I agree, if there is a public hearing there is no reason why the state

representatives can't hold those public hearings. That may help out as well. You know granted, usually when we do that there is a ton of public hearings.

But in this case if there are just four public hearings, I don't see why the states couldn't conduct those public hearings with the materials provided by staff, which doesn't seem to be insurmountable. Am I not in the microphone again, Kirby?

CHAIR GILMORE: Toni's got a question.

MS. KERNS: Let me know if you want a hearing with Commission staff at the hearing.

CHAIR GILMORE: Okay, let's have a show of hands, so who wants a hearing with Commission staff. Okay that looks better, nobody. I had a couple of hands up again. Steve Murphy, are you good or do you need another comment? Okay, anybody else have a question or a comment? Okay, I do have a comment from the audience, if you want to come up to the microphone and identify yourself, your name and affiliation.

JOHN F. WHITESIDE, JR.: Good morning, Mr. Chairman, Attorney John Whiteside, representing the Sustainable Fisheries Association, the Dogfish Processors, and my first comment would be a follow up to Mr. Grout's question. There is no appreciable landings in the north after December 1st, just a very minimal when you're considering the overall 8.5 million pounds that were landed.

By my calculations we're talking about roughly 3.5 million pounds that we were using this year's landings figures that around December 1st we were looking at having just over 3.5 million pounds left in the north quota that could not be transferred to the south. At that point there was just over a million in the south.

As of now there is just over a million in the south, and we're just under 3.5 in the north

that can't be transferred down. With this really dramatic, roughly 50 percent cut in the quota, it really would help with just being able to sustain our market share throughout the world, and be able to alleviate any issues of transfers within the southern states, by sending the rest of some appreciable amount of that quota down to the south where it's needed, so we can maximize landings for the year.

CHAIR GILMORE: Okay, back to the table, are there any other comments, questions? Dan, are you going to run the hearing in my state? Only kidding, seeing no additional comments, ready to call the question. Do we need any time to caucus? All right, I'm seeing everyone shaking their head no. **Why don't we start with, is there any objection to the motion? Seeing none, we will adopt the motion by unanimous consent.** Okay Dan, thanks.

#### **LETTER TO NOAA FISHERIES FROM THE AMERICAN LOBSTER BOARD REQUESTING A CONTROL RULE FOR AREA 1**

CHAIR GILMORE: Our next item is the lobster letter. Toni is going to talk to us about that. Toni.

MS. KERNS: The Chairmen have left the building for Lobster, so on behalf of the Lobster Board; I will give you some background. The Lobster Board heard an update from the Atlantic Large Whale Take Reduction Team. That meeting had happened a week ago. That Team made a recommendation to NOAA Fisheries to collectively make a 60 percent reduction in risk to Atlantic Large Whales, through reductions in vertical lines, as well as changes in rope, which would be 1,700 pound rope, or a configuration of that.

The Board made a motion to do a Control Rule for Area 1, which is the New England portion, Gulf of Maine portion of the lobster fishery. In that we are going to be asking NOAA Fisheries to implement that control rule as well for the federal waters portion of that fishery. The

Lobster Board would be requesting that the Policy Board send a letter to NOAA Fisheries making that request for a Control Rule.

CHAIR GILMORE: This is on behalf of the Board, so we don't need a second.

MS. KERNS: It's not to actually establish the Control Rule, but it's just for the NOAA Fisheries portion of it, so it's not the Control Rule in state waters that this Board is taking care of, it's just making the recommendation to NOAA Fisheries, so we'll need to clean this up a little bit. We don't actually need a motion if we can just have consensus. But I wanted to put the motion up there for reference, for folks to see what the Lobster Board actually did.

CHAIR GILMORE: Okay Toni, thanks for the clarification, any comments, questions? Eric Reid.

MR. REID: I wanted clarification at that meeting about what we're asking the Feds to do, which is to set a control date for the offshore portion of Area 1 only, not for all federal waters. That was clarified that that was the intent, just so we're clear on that.

CHAIR GILMORE: Any other comments? We don't need a vote on this, we just need a consensus, so if there is anybody that has an issue with this. Okay, seeing none I think we're good to go on it.

**LETTER TO NOAA FISHERIES FROM THE STRIPED BASS BOARD REGARDING THE BLOCK ISLAND TRANSIT ZONE**

CHAIR GILMORE: The next letter from the Striped Bass Board, we have to do some action on that so Toni.

MS. KERNS: This one I do have a motion for, and I lost both of my Chairs for the Striped Bass Board. The Striped Bass Board took up the discussion of the Block Island Transit Zone, and the motion is, **On behalf of the Atlantic Striped**

**Bass Board, move to forward the Block Island Transit Zone letter to NOAA Fisheries. This letter is a comment to NOAA Fisheries to not open that transit zone.**

CHAIR GILMORE: **Discussion on this motion? Okay seeing none, is there objection to this motion? Actually, I guess I should have seen, does anybody need to caucus? No, is there any objection to the motion? Seeing none, we will adopt that by unanimous consent.** Thanks, Toni.

**STATE ALLOCATIONS**

CHAIR GILMORE: Our last item that we had for additional business, Ray Kane wanted to talk about allocations. Ray.

MR. KANE: First and foremost, I want to congratulate the Commission, we just had a Kumbaya moment with the dogfish motion. Now I'm going to regress to yesterday's conversation on summer flounder. Presently, one of the states that belong to the Mid-Atlantic Fishery Management Council is going through a judicial and a legislative process for fairness within the Plan.

I've heard from another state about the socioeconomic impacts, and I'm speaking specifically to the state of Massachusetts. We have endured this failed plan for years. For years when I sat in the public audience and this is my third year at the table. I have to respond to fishermen, recreational, commercial, fishermen harvesters in the state of Massachusetts.

Fortunately, being the Governor's Appointee, I can tell the fishermen, if you can't speak to me in a civil tone then I'm not going to continue the conversation. Unfortunately, the employees on the DMF staff in Massachusetts, being how they're state employees, they have to deal with civil unrest on this entire management plan.

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We've been told for years, and this is the message I brought back to our fishermen and our state that there is a process in place, we come through with management plans starting at the Mid-Atlantic Council, moving through the Commission. My charge now is that the Mid-Atlantic Fishery Management Council has failed this Commission, in moving forward on that Summer, Scup, and Black Sea Bass Plan.

I'm going to recommend to the Commission, and I've thought about this for years, and I've heard it spoken about for years that the Commission reach out to a third independent party, a well-respected party, and have them review the entire FMP plan coming out of the Mid-Atlantic, because I don't feel that the northern region is being treated fairly, and I've been telling constituents for years that we will get this changed. I heard yesterday, one state sends vessels; they steam for 24 hours, fish for 12, and steam for another 24 hours to take out. In Massachusetts, the fishermen steam 10 minutes and they're catching black sea bass.

I saw what happened with summer flounder, and my fear is that the Mid-Atlantic Council is going to say well, we pushed it through for summer flounder, let's use the same method to push black sea bass through. I'm really looking to this Commission, because I believe in this Commission more so than the Councils, that we bring in a third party, independent party that's well respected, to review the entire FMP.

CHAIR GILMORE: Well let me just make some comments on that first, and I'll try to stay neutral. It's a great idea. I think part of what we're seeing; I was sort of in a quandary myself, because I'm looking at two issues that happened yesterday. As Commission Chair, I really want to protect our process, but as a State Commissioner, I want to make sure that we're moving forward, so it was a difficult time for me.

So you know, along those ideas, Bob and I and Mike Luisi, and Chris Moore, Pat Keliher, and

Warren Elliot, have had a couple of meetings now, and we're looking at the bigger picture of that. Along the same lines, but not only just for that species, but for the other ones, black sea bass, summer flounder.

It came up from Delaware this week about maybe reallocating striped bass. We need a different approach, and I think you're 100 percent right. One of the problems we have is our territories. We have to protect our state's interest, in addition to the conflict that we have to look at the best data. Right now we're running into brick walls over that.

We need to look at the approach, and maybe in our toolbox right now we don't have it, and maybe your suggestion is what we've already talked about. We need some independents of this, and maybe a process that we're going to agree to, so that when we get to the table, it maybe neutralizes some of that.

I don't know what the solution is. But your suggestion of a third party, I mean we even hit it around as maybe we should have the Gulf States manage our fisheries and we'll do theirs, because we all know the science. But when you have a dog in the fight it gets to be more difficult to try and say yes, the science is saying this is different than it was a time ago, but I don't want to lose something for my state.

Anyway, we're going to pursue that through the leadership, and try to come up with some better ideas on who the third party would be, or different ideas on the third party. But anyway, we are already going ahead with that and I think we're going to have a lot of discussion on that. That is my opinion; I'll open it up to the table for discussion. John Clark.

MR. CLARK: I just wanted to check to see if you're talking about this for all species, not just for – because as Craig brought up the other day – striped bass of course is a special concern to us, and I'm sure every state has allocation issues that they would like to see discussed.

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Are you talking like an arbitrator or a marriage counselor?

CHAIR GILMORE: First off, to answer your question yes, it's for all species, because again it's a process issue or whatever that we really need to look at. Again, we've talked to NOAA Fisheries about this. Everybody seems to be coming to the same conclusion at that point. What it is right now, I don't know, and working group sounds too light for me. Whatever we put together is going to have to have more clout to it than a typical working group. Robert Boyles.

MR. ROBERT H. BOYLES, JR.: I agree with the comments that have been made. It is regretful that we find ourselves in these tough spots. I would just challenge us and encourage us, as we move forward with these difficult issues. To your point, Mr. Chairman, your struggle with being the Chairman, and also representing state interests, we all have people we answer to back home.

I would just challenge us and encourage us that as we move forward that we recognize our obligations to those folks back home. But also, recognize our obligations to each other, as a body, as a process. We've all been banged on when we go back home, and for instance, a number of times I have been yelled at for not fighting for South Carolina, necessarily.

I recognize I'm guilty of that from time to time. But the way I look at this is I view my role here is to bring a South Carolina perspective to the problems and the challenges that we are facing, and perhaps not necessarily all the time fighting for South Carolina. A little bit of a nuance, but I would just encourage us and challenge us as we move forward, to keep that longer term and broader perspective in view.

CHAIR GILMORE: Other comments from the Board? Dennis.

MR. ABBOTT: Could we expect some sort of feedback in August, or solution in August? No, not really.

CHAIR GILMORE: Feedback absolutely, and yes we don't want to let this thing sit. We really need to start addressing this. I think our meeting with the Council, they agree 100 percent. We're probably late to the table at this, and we really need to start working on it, so yes we will definitely have feedback at the August meeting. I seriously doubt we'll have a solution. Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I agree with what Raymond was saying, and I certainly support going forward to explore an option here, to help us make some strides, and real effort towards allocation and reallocation. I can certainly understand why Commissioner's from states that have a relatively high allocation of whatever species, are going to be resistant to voting to reduce their state's allocation for the benefit of another state.

But if we can develop a system, whereby we don't put those Commissioners really on the spot, to vote to reduce their own state's allocation, maybe the process would work a little bit better. How we do that I don't know, but that's something to explore going forward.

CHAIR GILMORE: Other comments from the Board, Tom Fote.

MR. FOTE: As I said when we were talking about this yesterday. We had a system in place we had worked on at working group that actually came up with a solution many years ago. The problem was that we went from where we thought our quota was going to go up to about 32 million pounds, and we were going to do this over a certain point. It went just the opposite direction.

I never brought up the fact about looking at reallocation between commercial and recreational, because what are we fighting over,

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scraps? It wouldn't make that much difference when you're looking at these low numbers. As the numbers increase, and again I think we missed an opportunity where we could have done something with this great increase. That's why I said; we should get out in front and see what happens in the future on those types of issues.

CHAIR GILMORE: Okay, I have a comment from the audience. Arnold Leo, do you want to come up to the public microphone?

MR. ARNOLD LEO: I am Arnold Leo, representing the Fishing Industry of the Town of East Hampton. With mention of that idea of using an independent body, you know to address some of our issues. I thought it worthwhile to bring up, because I was once involved, in an arbitration procedure between a labor union and an employer. There you have that situation, where the Union and the employer simply are never going to agree.

Wisely, somewhere along the line they created the arbitration system, and it works. I think it would be very wise now for the Commission to consider beginning to use that technique of arbitration, with some of these issues such as allocation, where we simply cannot expect, at least not readily, to come to any kind of sane compromise. I just wanted to introduce that idea, thanks.

CHAIR GILMORE: Thanks, Arnold, back to the table, Eric Reid.

MR. REID: I would have no problem with an independent body of some sort. Yesterday I suggested we needed an unbiased something. But it would not surprise me if an independent body would come back to us and say, well if you had a mathematical model that it would help you in an unbiased way, which in my opinion we may have. It may need further work, but I think we have that tool in the toolbox, you know. But if it takes an independent body to tell us that's

what it is going to take, I think that's a good step.

CHAIR GILMORE: Dennis.

MR. ABBOTT: It's a very good idea to have a third party. But I think that we have to consider having the agreement of the Commission, to abide by the results of the arbitrator, prior to even any decisions being made. I mean if a third party comes back and says this is the results, and there are plusses and there are minuses, and we sit down at the table, and it's time for a vote. We're back at Ground Zero, are we not? I think that the Commission really has to come to an agreement that we would abide by the results of whatever we decide to move forward with. Is that not true?

CHAIR GILMORE: Excellent point, Dennis. That's exactly, you said it much better than I did, but yes we would have to have a process we would agree to, before we could go down a road of an arbitrator, or whatever we're going to do. But it's a great point. I've got, oh now everybody has lightened up. I've got Bill, go ahead, Bill.

MR. WILLIAM HYATT: Maybe just stating the obvious, but just to point out that setting up an arbitration process or a third party review actually removes or disincentivizes the initiative to compromise at this level. It's just something to keep in mind that going this route might actually reduce some of the compromise that takes place around this table.

CHAIR GILMORE: Next I have Adam. Dan's up. Let me go to Adam first.

MR. NOWALSKY: I just wanted to offer that with our jointly managed species, we essentially have a third party that's been telling us what to do with things that being the Mid-Atlantic SSC. I think many of us would agree that that has given us a lot of angst over the years. I would caution us all who say we can't do this on our own, let's let somebody else take a crack at it,

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because I'm not sure that it gets us to a better place.

It's a lot of work. The work that the Board is going through on the black sea bass side, I give a lot of credit to Chairman Ballou, for helping spearhead this effort. But there have been a lot of people who have gotten onboard with it, including the Service. It may not be moving as quickly as we would like it to, but at least we're making progress. I have every confidence that we can continue to make that progress on all of these issues, if we just make that commitment to work on them, and do the very best we can for everyone.

CHAIR GILMORE: I would have absolutely no desire to abdicate our responsibility, maybe something of a hybrid, but again, don't know what it's going to look like, but it's a good point. Dan.

MR. McKIERNAN: One thing I've noticed that we're facing is sort of the Magnuson conundrum, where we've got these dual objectives, or those competing, counteracting objectives. I noticed in the discussion yesterday, we talked about reallocating based on redistribution, but then there is this caveat that talks about preserving communities. They are really counteracting. I think at some point the Commission should not be giving that kind of a task to a third party.

The Commission could give the first one or the second one, but you can't be everything to everyone. If we're going to redistribute quota, based on shifting stocks that's got to be what it is, or if we want to give this group or an arbitration group a mandate, preserve 25 percent of the change, keep it for the community, do that. But everything is just too fluid with these counteracting objectives.

CHAIR GILMORE: Tom Fote.

MR. FOTE: I've been through arbitration and seen it work with unions, and there is always a

bias when you get to the arbitrator. He has his own bias, or she has her own biases when they start arbitrating. We're a compact of 15 states. That is what we basically signed on when we passed the Atlantic Coast Conservation Act. We're supposed to work together to come up with solutions.

I think the biggest problem here is we have to deal with the Council and the Magnuson-Stevens Act, because I think if it were just us sitting around the table, we could come up with a solution fast. We could have implemented this thing we did yesterday, we voted on the other day, which actually would have started solving some of the problems.

I don't think it's the Compact that is failing us, I think it's the ability that we can work within ourselves to basically come up with solutions, without going through the other parties involved. I don't trust outside arbitrators, I really don't. I learned over the period of time dealing with it. Nobody is purely unbiased; they are all bringing what they basically have gone through over the years and where you're from.

CHAIR GILMORE: Maybe we just need a special council doing an investigation that worked so well lately. John Clark.

MR. CLARK: I know the idea went over like a led balloon about auctions, but quota is money, and that is the reason this is such a contentious issue between states. Psychology shows that people feel the pain of loss much more than they savor the feeling of gain. I can guarantee that states that lose quota in the process will be hearing about it in the states that gain it. They'll be hearing, why is that all you got for us, when you come back with an extra 1 or 2 percent. I think again that it is an economic issue, and we should start looking at some sort of market-based solution to this.

CHAIR GILMORE: Rob O'Reilly.

MR. O'REILLY: That was my sentiment as well, in that we often don't talk about the economic aspects. We hear time and again how quickly market forces change. We heard a little bit about that with dogfish today. Yes, there can be more quota spread around, but what does it do to the economics? I think the social and economic part is something that I know is difficult to really get information that's current.

But you know we talked about the summer flounder yesterday, and North Carolina and Virginia and New Jersey, they do try to at least increase their market share by virtue of when these commercial fisheries open and close. We have interjurisdictional fisheries, and yet we don't have interjurisdictional considerations of the market, and how that all takes place.

I mean this has been talked about for years at the ASMFC, and yet we're just talking about wanting differences, you know allocations give differences the way they stand now. But it would be really great if we had some economic profiles, and even some social profiles. You know we've heard a lot before about with New York, some of the infrastructure has been lost.

I mean I've heard that from Emerson a couple of times, and now we have to consider how we bring infrastructure back, if there is reallocation. I think along the coast that is the case. I don't know how we do that in particular. I know with menhaden there was at least a social and economic profile of that fishery.

Short of that I can't really remember anything in depth from the ASMFC. When you talk about the federal side, and doing an EIS or an EA, I mean that's incumbent on those plans there. But I'm not even sure there that it translates into the decision making. I agree wholeheartedly with John Clark that that is something that we really should consider, and when the day is done, and reallocation happens. What have we done for the economics for the market and everything else?

CHAIR GILMORE: Steve Murphy.

MR. MURPHY: I totally agree with the market analysis. Really if you look at this, if you kind of did root cause analysis, it leads you to limited entry discussion, to me. It's important to note that even though these are interstate fisheries, commercial fisheries at least in North Carolina, and I would suspect in other states as well, are certainly coastwide. North Carolina trawlers travel to Florida for shrimp, and work up and down the coast, just as those trawlers travel up here.

We fish for scallops off New England. All of those have been sort of integrated into business models, markets, and largely into coastal counties, where that's all there is. You either commercial fish or you farm. If you're in the Wanchese or Dare/Hyde County areas, there is not a whole lot unless you're into tourism. It's important to keep that market in the equation, because that's really what's so important for the states with this allocation.

CHAIR GILMORE: Lynn Fegley.

MS. FEGLEY: Just jumping off of what Steve just said. I sat on a webinar with some social scientists who were starting to look at the dynamics, and the socioeconomics of shifting stocks. What they were seeing was, you know the fleets will follow, the fleets will travel, because that's all they can do is move where the stocks are going.

But they would obviously prefer to fish close. But the problem is that they can't, because there is nothing to fish on close, because they don't have the allocation, or the quota, or the species. What that kind of leads to, is that this is the sort of thing that can't be considered in a species-specific vacuum. It really almost becomes a multispecies problem, whereas the stocks are shifting, if we're trying to keep fleets close to home, what's going to fill the void as allocation shifts?

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CHAIR GILMORE: Okay, I think we've had a good discussion on this. Again, this is the beginning of this right now. Obviously, we're going to be discussing it quite a bit. I thank Ray for raising it. It's a great point, and obviously just about every state weighed in on this, so it's something we are going to have to address. I guess Bob and I work with the Council, and we'll come back, and hopefully start getting something on paper that maybe gets us in the right direction. Tom Fote. Is there any other business to come before the Board? Go ahead, Tom.

MR. FOTE: As we saw with striped bass, and as we're seeing with summer flounder and black sea bass and red snapper, we have a big problem with catch and release. When the numbers in the recreational sector start basically rising above what we're taken home, we're killing by catch and release, it starts being an extreme problem, especially when it starts affecting the stocks.;

Years ago the ASMFC formed a committee, I sat as Chair of that actually a working group to look at circle hooks and what circle hooks we should be doing if we were going to do it with law enforcement. Since I was on the Board of ASA at the time, I asked them if they would get the hook manufacturers.

Well after two years of trying to deal with Mustad, Gamakatsu, Eagle Claw, trying to find out what they thought was a circle hook. There were 14 different hooks they said were circle hooks. It winds up being a problem, but we need to move in that direction. I would be willing to basically talk to ASA again, try to get the hook manufacturers and do that.

The other thing I looked at years ago on summer flounder. We shouldn't be selling rigs in the tackle stores that have 1-0 and 2-0 hooks for summer flounder. It's a gut hooking experience when I see them up there. Again, we looked at a phase-in period that way you get

off those hooks, because we now know they should be at least 5, 6, or 7-0 hooks.

I think we really should start looking at that. Of course, I sit as Governor of Affairs at ASA, so I hear all the red snapper stories going on and on forever in the Gulf and the West Coast. I think we need to do that. We need to start looking at how we do that. I would volunteer to be on any of those working groups you want, and if you want me to reach out to ASA about the hook thing, I could put a little group together, to sit and look at it.

But we're not discussing how the hook is. We go to Law Enforcement and tell them we want circle hooks, then they're going to ask us, well what is a circle hook, can it be offset, can it not be offset, and all those questions. I'm just trying to get the ball rolling. I know it's late, and I've got to catch a flight, but anyway. I'm just bringing that to your attention, and I'm willing to work on it.

CHAIR GILMORE: Okay Tom, thanks and I'll follow up with you on that after, Marty.

MR. MARTIN GARY: Just hopefully a simple inquiry into the status of the funding for the Cooperative Winter Striped Bag Tagging Efforts, if we know any. I know we had that bridge for this past year. That dataset is now past 30 years, and I'm just curious where we are with that if we know.

MS. KERNS: Marty, I'm going to have to e-mail the Board out that information. I don't think we've really brought up questions about next year's tagging study yet, and we'll have to do that and go there.

CHAIR GILMORE: You win the award, Marty. You stumped Toni. Roy Miller.

MR. MILLER: Just a quick follow up to Tom Fote's comments. I think as a Commission we would be wise to be thinking in the future about ways to reduce hook and release mortality. It

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isn't just circle hooks. There are other methods in the toolbox for reducing hook and release mortality. Maryland made some strides with that with their striped bass proposal in the Bay. There may be other possibilities that would help us down that road, thank you.

**ADJOURNMENT**

CHAIR GILMORE: Agreed, Roy, good point. Okay, anything else to bring up before the Policy Board. Seeing none; a motion to adjourn by Doug Grout, and seconded by everyone. Thanks, everyone.

(Whereupon the meeting adjourned at 9:45 o'clock a.m. on May 2, 2019)