

PROCEEDINGS OF
THE ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD

The Westin Crystal City
Arlington, Virginia
February 7, 2019

Approved May 2, 2019

Proceedings of the ISFMP Policy Board
February 2019

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TABLE OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of October 2018 by Consent** (Page 1).
3. **Move to approve the new recommendations to the Appeals Guidance Document as modified today** (Page 6). Motion by Doug Grout; second by David Borden. Motion carried (Page 6).
4. **Move to approve the 2019 specifications for Atlantic herring as presented today** (Page 14). Motion by Robert Boyles; second by Doug Grout. Motion carried (Roll Call: In Favor – NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, NOAA Fisheries; Abstentions – FL; Absentees – ME, DC, USFWS (Page 15).
5. **On behalf of the American Lobster Board, move the Policy Board send a letter to NOAA Fisheries for consideration by the Atlantic Large Whale take reduction to develop and support a suite of options for electronic vessel monitoring for federally permitted vessels** (Page 15). Motion by Dan McKiernan. Motion carried (page 15).
6. **Motion to adjourn by consent** (Page 16).

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ATTENDANCE

Board Members

Doug Grout, NH (AA)	Roy Miller, DE (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	David Blazer, MD (AA)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Justin Davis, CT (AA)	Steve Murphey, NC (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Robert Boyles, SC (AA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Spud Woodward, GA (AA)
Russ Allen, NJ, proxy for T. Fote (GA)	Doug Haymans, GA (GA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Andy Shiels, PA, proxy for T. Schaeffer (AA)	Derek Orner, NMFS
Loren Lustig, PA (GA)	

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

Staff

Bob Beal	Toni Kerns
Jessica Kuesel	

Guests

(list not distributed)

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Thursday, February 7, 2019, and was called to order at 10:55 o'clock a.m. by Executive Director Robert E. Beal.

CALL TO ORDER

CHAIR ROBERT E. BEAL: Good morning. We'll go ahead and start the ISFMP Policy Board meeting. I'm Bob Beal, Executive Director of ASMFC. Jim Gilmore, the Chair had to leave for a family situation; and Pat Keliher left to try to get ahead of some weather that's heading into the state of Maine. The Commission Charter provides that I can Chair the meeting in their absence. That's what we'll be doing for the Policy Board here.

APPROVAL OF AGENDA

CHAIR BEAL: We have a fairly lengthy agenda but I think we can move through some of these pretty efficiently. There are two additions that we would like to add to the agenda; one is the Atlantic herring specifications, and then the second is a letter from the Lobster Board. Are there any other additions to the agenda for the Policy Board this morning?

Seeing none; we'll go with that agenda. Are there any other changes or things to the agenda? Is everybody comfortable with it? All right we'll go with that agenda.

APPROVAL OF PROCEEDINGS

CHAIR BEAL: The next item is approval of proceedings from October, 2018 at the annual meeting. Are there any edits or changes that folks need to make to those minutes from the annual meeting Policy Board? Seeing none; those minutes will stand approved.

PUBLIC COMMENT

CHAIR BEAL: The next we have is Public Comment. Are there any individuals that want to make public comment on anything that is not on the agenda? I don't have anyone signed up. Not

seeing any hands in the back of the room we'll keep moving forward with the agenda. The next item is an Update from the Executive Committee.

UPDATE FROM THE EXECUTIVE COMMITTEE

CHAIR BEAL: Before Jim Gilmore left, he was kind enough to write up a summary of what happened at the Executive Committee; so I'll move through that pretty quickly. The Executive Committee met yesterday morning from about eight to ten in the morning; tackled a number of issues. The first one was Plus-up funding.

At the annual meeting the Executive Committee reviewed or was informed that the Commission had about \$400,000.00 of Plus-up money; and the question was how do they want to use it? At the time they agreed to fund five high priority projects. That used about half the funds that were available. Those projects were; striped bass tagging, hook and line survey, coordination for the offshore lobster enforcement vessel, lobster maturity work, offshore spawning for the herring fishery, and data collection in that fishery as well as the menhaden aerial and hydro acoustic survey design. All those projects are moving forward. We talked about a couple of them at different times during this week. I could answer questions on any of those; if you would like to hear more. The Executive Committee then talked about what do we do with the remaining funds? They looked at a couple other options such as an additional stock assessment person or supporting some additional stock assessment work for summer flounder.

But, given that Congress hasn't yet finalized the FY2019 budget, the Executive Committee said let's just hold tight and not allocate any of those funds. They don't have to be spent very quickly. We've got until actually 2022 to spend that additional Plus-up money. We have some flexibility; and the Executive Committee said let's wait until we're fully informed on what the budget looks like before we make any other changes.

ACCSP Recreational Data Collection was the next topic that the Executive Committee tackled. Mike

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Cahall from ACCSP came in and gave an update on where things stand; on APAIS and some other things. Overall the APAIS Program is collecting data a lot more efficiently and effectively than they have in the past or since, spending about the same amount of money, but we're achieving about 30 percent increase in successful interviews at the dock. That's good news.

Based on that success the question was; do the states want to take on the for-hire telephone survey, which is a survey that it sounds like, which is calling the for-hire vessels and asking them about their fishing trips. ACCSP and APAIS folks have developed a computer-aided survey tool that helps with that data collection; and there was an agreement within the Executive Committee to move forward on that to start working with NOAA on transitioning the for-hire telephone survey to the states.

However, the states would have the option of doing it themselves or using ASMFC as essentially a contractor to do that work for them. This may evolve over a number of years; but we're working toward that direction of the states and ACCSP and ASMFC collecting additional recreational data, since the idea is that the states are closer to the individual fishermen, and they can build a rapport with the fishermen and collect better data. That will be moving forward.

MRIP outreach, there is some concern raised by the Marine Recreational Information Program staff that the outreach efforts by the states and on their websites are kind of scattered and all over the place and inconsistent; and some is old, some is nonexistent. There is an agreement to work with the Atlantic Coastal Outreach Committee; and have them work with the MRIP staff to develop some standard MRIP outreach materials that can be used by the states on their websites, or the states can link their websites back to the standard information, either at ASMFC website or the MRIP website. That will be going forward as well.

The next item was aquaculture activities. Last year the Commission through federal funding

funded seven different aquaculture projects. Those are all moving forward pretty well; one is actually completed, the other six are ongoing and making great progress. The Commission Monday of this week advertised a request for proposals for development of an oyster research consortium on the East Coast. It's a lot of money, it is \$880,000.00 or so, so there may be more than one that can be funded. The idea is that the consortium will help out individual growers; and tackle projects that individual growers can't really tackle themselves. The idea is that things like genetic work and hatcheries and other things that are beyond the scope of an individual oyster grower, this consortium will be able to help out and tackle some of these big picture items that can benefit all the growers up and down the coast.

That is out on the streets right now. March 15 is the deadline for the pre-proposals, so if folks have any interest in applying, please do. We would love to have a great pile of qualified proposals that we can select from. That is moving forward. You also see another proposal from us for aquaculture pilot programs; not limited to oysters, it could be essentially anything except oysters, right Pat? Oysters are not included in that one since we have this other consortium.

In the past it has funded clams and some small scale, I think finfish, seaweed projects, all sorts of things can be funded by this. You will see that proposal; it's going to be about \$550,000.00 or so that can be applied by individuals or states, or anyone that's interested in tackling some of these projects. Aquaculture activities are busy.

The current administration is putting a lot of money into aquaculture and growing that. States are doing different things; and having different levels of success, and controversy in growing aquaculture. It's a complicated issue; but it's one that there is a lot of money to promote that right now.

The next topic that the Executive Committee tackled was use and structure of Management Board Working Groups. As you all know there have been a series of working groups that have

been formed over the past number of years that tackled everything from eel allocation, black sea bass allocation, lobster offshore enforcement, lobster-whale interactions, all these different things, recreational issues for some of the jointly managed Mid-Atlantic species.

Those are really effective groups; but there was not a lot of structure on those. They are kind of catch-as-catch-can ad hoc things that are run differently, staff kind of Chair some of them, Commissioners Chair some of them. The question was do we want to add some more structure to that system. Transparency is always a question with that type of group as well.

The Executive Committee sort of settled on we don't want to put too much structure on them; because they are all unique in themselves. But we do want clear charge to the group, clear tasking, and try to define an end point. This group should get together and do this finite project; make recommendations to the management board that they work for, and then that is the end of their existence.

It was very clear, or needs to be made clear that these groups are not decisional; they just provide recommendations to the management boards for action. I think we wanted to also increase the public involvement; and make them a little bit more accessible, so the public knows what's going on. It's a tough balance of how big those groups get; how big the audience gets, you know what they want to do and how quickly they can operate, trying to strike the right balance there.

The Executive Committee also approved some modifications to the Awards Committee standard operating procedures, and Dennis Miller, not Dennis Miller. Dennis Abbott and Roy Miller that's a combination that's perfect, who are the Chairs of the Legislators and Governor's Appointee Commissioners, developed a primer for sort of indoctrinating and orienting new Legislative and Governor's Appointee Commissioners. That document was reviewed at the Executive Committee; which is a lot of the

State Directors it was also reviewed during the LGA lunch, which is the LGA.

I think everyone around the table has had a shot at it; and at least got a chance to look at it. If you have feedback send it to either me or Dennis or Roy; and we can weave those in for the next go around. Those are the highlights of the Executive Committee meeting that took place yesterday morning.

I would be happy to answer any questions; and again, all Commissioners are welcome to attend those meetings if you would like. That's that summary; any questions? All right seeing none; the next item is Review and Consider Revisions to the Appeals Guidance Document. Toni is going to introduce those changes.

CONSIDER REVISIONS TO THE APPEALS GUIDANCE DOCUMENT

MS. TONI KERNS: The Executive Committee is making a series of recommendations to change the Appeals Guidance Document. These recommendations are to provide additional clarity to states that are making appeals when drafting and bringing those appeals forward to the full Commission; not to make any changes to the guidance itself, but just to give more information.

I'm going to go through some of the clarity that the Executive Committee is recommending to the Policy Board. For the first one, where the group is recommending that we state where the current goals and objectives are in the different FMPs; it's letting folks know that goals and objectives can be found in either the goals and objectives sections of amendments, and when then looking at addendums you can see some of those in either the statement of the problem or its in the statement of the problem of the addenda.

Then looking at Number 2, Failure to Follow Process, it's just identifying where the Commission has those processes listed; so things like the Charter, the Rules and Regulations, and other guiding documents of the Commission like the Conservation Equivalency Guidance Document.

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Number 3 is adding examples to what insufficient, inaccurate, incorrect application of technical information can be.

There are a series of additions here; I'm not going to read them all for everybody. But for example, if any data used as the basis for a decision undergoes a modification which impacts the results after a decision had been rendered; you could bring that forward for an appeal. Then in addition we did add that any appeal based on Criteria 3, could be verified independently by a technical body that would be appointed by the Chair as needed.

It's not necessarily something that has to happen every time a state used Criteria 3; but if the Chair felt that additional verification would be needed then they could appoint a technical body as needed. It doesn't necessarily have to be the Technical Committee for that species. It could be a subset or different individuals. We pulled out Number 4, historical landings period not adequately addressed; not because it's not viable for an appeal, but the group felt that that issue was addressed under Issue 3, Insufficient, inaccurate, or incorrect application of the data. It's just considered a part of that criterion. Then lastly, management actions resulting in unforeseen circumstances or impacts that were not considered by the Board as the Management Document was developed.

It's just specifying that it's things that were not considered during the development of the document, which wasn't specified before. Those are all the clarifications that were added to this document. If this Policy Board is okay with those clarifications then we would need to approve the changes; we'll make them and then post them.

CHAIR BEAL: Great thanks, Toni. As a bit of background, this document was developed at least a decade ago. It kind of sat on a shelf and thankfully got a little bit dusty, and we didn't have to use it, and we didn't have many appeals. But in the recent future we've had a flurry of appeals; and it's been used a little bit more often.

Through those recent appeals we recognized, and the Executive Committee recognized there are areas that it could be improved. That's kind of why it was opened up and looked at as do we need to update this to reflect how it's actually functioning? With that are there any questions for Toni, or thoughts on approving these changes? Yes, Justin.

DR. JUSTIN DAVIS: I'm just wondering if the list of examples underneath Number 3 is meant to be an exhaustive list, or is sort of these are potential examples but there could be other types?

MS. KEARNS: These are potentially examples; and there could be other types.

CHAIR BEAL: Justin, do you think we need to clarify that; that it's including but not limited to kind of language?

DR. DAVIS: Yes I guess. I mean I would leave that up to your discretion. If you think the intent is clear with the existing language that's fine. I don't know want to sit here and wordsmith the document.

MS. KERNS: We can add but not limited to after the word include.

CHAIR BEAL: We will do that to make that a little more clear; any other thoughts, Adam?

MR. ADAM NOWALSKY: I think this historical landings item is a difficult one to address. I understand the sense that Number 3 includes a reference to historical landings. But I think the reference to it is very different in principle; found to be incorrect as a technical error is very different in my opinion than not adequately addressed.

My read on this is that this document as modified would significantly diminish the importance of historical landings in the decision making process; because it would take away that element as an appeal criteria. I would be very interested in hearing more about the rationale in making this decision; or discussion here today before we approve this about the sense of how much

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importance do we put on historical landings in our decision making, and do we really want to take that away as an appeal, because I feel that that is essentially what these changes do.

CHAIR BEAL: Adam, I think part of the conversation that we had. I don't remember if it was the Executive Committee or the Working Group that was working on this. But the idea is that historic information is sort of part of the broader suite of technical information. I'm not saying you're right or wrong.

That was part of the conversation that took place, and let's put all the sort of how is technical information and data considered put that all in one criterion. That's part of the thought process. I'm not saying it is right or wrong, just sort of as background. Jason may have some comments as well.

MR. JASON McNAMEE: Adam, I think you are 100 percent correct. That was exactly the intent was to take it out of the realm that it was in; move it into a more technical realm of there was a mistake or something of that nature. I think the reason we were comfortable doing that was because we felt the notion of not adequately addressed was captured in one of the other appeals criteria; in a more general way.

We didn't think it was necessary to call it out. I can't remember exactly which one it is; but it is one of the first two appeal criteria, where it has to do with there wasn't an adequate process, or the process wasn't documented correctly. We felt that it was the notion of; you know you didn't look at enough combinations of historical periods or something like that was already captured. Knowing that historical landings are important in a lot of the things that we do, we wanted to still have it in there, but to bring it more into a technical there was an error realm.

CHAIR BEAL: Toni, you have a comment?

MS. KERNS: Adam, specifically I remember in the Working Group call we talked about it being insufficient use of historical allocation data. Folks felt like that was saying the same thing as

historical landings periods were not adequately addressed.

CHAIR BEAL: Adam, does that help with your concern, make your concern worse? Where do you stand?

MR. NOWALSKY: I think I would be interested in hearing any other conversation around here today; or a specific reference made to which document, whether it's the Charter, or whether it's some other guiding document. I'm thinking probably each FMP with goals and objectives in the individual FMPs may treat historical landings differently. Again as I prefaced this with, I think this is difficult. I would be interested in hearing more conversation to determine what my comfort level is with taking this out at this point.

CHAIR BEAL: That's fair; other thoughts and comments about use and appeal-ability, if that's a word, of historic data. Yes, John.

MR. JOHN CLARK: Having appealed in the past that was one of the reasons I was interested in updating these; because they are very ambiguous. I felt that that was, I agreed with Jay that that is a pretty ambiguous category right there that could be captured more strongly in the third criterion, as Jay pointed out, in terms of strictly a technical standpoint. Then as part of the process in Number 2 there, but I think they're all, it's kind of tough to get too specific and yet some of these I think were so ambiguous that it was hard to see how an appeal could actually be considered on some of that.

CHAIR BEAL: Adam, there also was a bit of a conversation about, maybe it was already said, but allocations in the future will be based on historic landings and possibly on a lot of other things. Having it as a standalone criteria for an appeal, I think some folks felt it should be blended with a lot of the other technical information.

Historic data usually, or I think every time would be an allocation question really. Are we sort of getting to the point where we're weaving together a lot of things to allocate? I'm not saying it is right

or wrong again, just that was part of the conversation as well. Other thoughts on how this new wording affects the use and the ability to appeal on historic data? Eric Reid.

MR. ERIC REID: I would share Adam's concerns but the explanation I have today kind of makes me comfortable with the direction you're taking. That will be my position.

CHAIR BEAL: Maureen.

MS. MAUREEN DAVIDSON: Right now at this time I am a little uncomfortable with the change; given the current state of New York filing a suit discussing historic landings; and how they apply to our allocation for summer flounder. I understand the desire to make it a more technical type of reference; just now at this time I'm a little uncomfortable at changing it.

CHAIR BEAL: Yes, you guys are in unique spot right now; so got it. Doug.

MR. DOUGLAS E. GROUT: Are you ready for a motion?

CHAIR BEAL: Yes I think so. If people are getting close to their comfort level with this conversation; I think a motion would be fine.

MR. GROUT: I would move to approve the new recommendations for the appeals process as improved today.

CHAIR BEAL: Thank you is there a second, David Borden. Additional comments, Doug do you have anything else you want to say in support?

MR. GROUT: No, other than to thank the working group that worked on this for their excellent and insightful modifications to this. I think it is an improvement over something that was kind of vague; and at the time it may have been intended to be vague. But now I think it is better that we have a little more clarity on this.

CHAIR BEAL: David. It should be noted this is a working group and you were not part of it; that's unique. That's good.

MR. DAVID V. BORDEN: I would note, Mr. Chairman, you took the words right out of my mouth.

CHAIR BEAL: Adam.

MR. NOWALSKY: While I expect I could get a second to a motion to deal with Number 4; not having heard much support for the concept of keeping 4 in around the table. I think I would just leave it go at that; and in the future should the question of historical landings come up, reference the discussion we've had here around the table that the discussion did not suggest that we're removing that as a grounds for an appeal, but just that it would fall into one of the other categories and it would be incumbent upon the appellant to find the correct reference to it for that particular issue.

CHAIR BEAL: I think that's a fair point. Any other thoughts before we vote? **All right let's try this. Are there any objections to the motion that's up on the board? One, New York is voting in opposition; any other, seeing no other votes in opposition any abstentions or null votes? Seeing none; the motion carries.** All right we're scheduled for a lunch break; but I don't think we're necessarily there yet, so we'll keep moving and discuss the benchmark stock assessment timeline; Toni and Katie are ready to roll.

DISCUSS THE BENCHMARK STOCK ASSESSMENT TIMELINE

MS. KERNS: As I noted earlier today or earlier in the week, the delay in the shad stock assessment would come back at Policy Board. For those of you that were not at the Shad and River Herring Board meeting, Jeff went over the progress that they've been making to date. There have been some delays in deliverables of data; and that is due to several factors, including the unavailability of the data as well as staff who are working on

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that information having the priority time to bring that data forward to the Assessment Team.

It's the recommendation of the Committee as well as the Board agreed to delay that assessment until August of 2020; which is the same delivery time as the lobster stock assessment. Jeff Kipp is the ASMFC staff person on both of those assessments; I will lead it over to my team member, Katie here to go through the implications of that.

DR. KATIE DREW: There is not a tremendous amount of overlap between the Lobster Stock Assessment Subcommittee and the Shad and River Herring Stock Assessment Subcommittee; with really the exception of ASMFC staff on this issue. However, it does fall to ASMFC staff usually to put a tremendous amount of work into developing the assessment report. We expect both of these assessment reports to be large and complex; especially on the shad side.

Right now we do have the workload planned out that both of those can be accomplished in the time that is allotted to them. However, if we continue to have issues with deadlines being met, with products being brought forward on a timely manner, I guess the prioritization process of the Stock Assessment Team at this point is to prioritize lobster as a higher priority than shad and river herring, so that staff time will be allocated to lobster over shad should this occur. The consequences of that are if the Shad Stock Assessment Subcommittee members can't step up to prepare the document in a timely fashion; it's going to be shad that gets bumped back, not lobster. We wanted to bring this decision to you guys to make sure everybody is on board with that; otherwise we're going to have to re-discuss how to prioritize these assessments as well as staff time and Technical Committee time on these issues.

CHAIR BEAL: All right, any comments on the change and the notion that should lobster and shad assessments kind of start to overlap and conflict with each other, given the staffing workload. We may have to slow down the shad

assessment over slowing down the lobster assessment. Is everybody okay with that?

You know there is a potential that, if state scientists are able to step up and provide a lot more support to the shad assessment, they can both move forward in parallel. But it would take some assistance from the state scientists to be able to do that; and the shad assessment has suffered a couple of setbacks over time.

Some of those are due, and again not being critical, but some of those are due to the workload issues associated with the state scientists and their ability to provide data and fulfill their roles on that committee. It's just not critical but a workload for sure. David.

MR. DAVID BLAZER: I guess I just have one question. Did the Shad Management Board make any comment related to this news?

MS. KERNS: To the assessment being delayed, no.

CHAIR BEAL: That's an easy answer. There didn't seem to be any heartburn at the Board level. Are there any other comments on the timeline for the assessments? Yes, John.

MR. CLARK: Just a question. Katie, yesterday of course we saw the striped bass stock assessment, and we assume that will be up in May. The SSB now is a heck of a lot higher than it will likely be. Is the ERP kind of the Ecological Reference Points for menhaden, do they take into account things like where we're setting the SSB for striped bass?

DR. KATIE DREW: Yes. The models will be using, our plan is to use information on the predator species that includes the newest MRIP information; so that scale factor will go in, and we will be looking at the current existing targets and thresholds for striped bass and the other predator species when we're trying to establish how these things all balance out. We are putting a lot of effort into incorporating that updated information for striped bass; and the other predator species.

CHAIR BEAL: Great. Are there any other questions or comments on the benchmark assessment

timeline? Seeing none; thank you, Katie again for your presentation. Now Dr. Lisa Havel is here to update us on the Atlantic Coastal Fish Habitat Partnership.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP REPORT

DR. LISA HAVEL: Thank you Mr. Executive Director. Our Steering Committee met November 15 through 16 in Newburyport, Massachusetts. They approved the recommendations for the FY19 National Fish Habitat Action Plan funding. Massachusetts Division of Marine Fisheries presented on the conservation moorings that they've been working on in the state. We received updates on the ACFHP website, Southeast Mapping Project, Business Plan, and National Fish Habitat Partnership. There was also a presentation from Ipswich Shellfish Group on commercial clamming.

Our Southeast Mapping Project is wrapping up; hopefully this is the last time I say that to you all. This work is a spatial prioritization for fish habitat conservation areas from North Carolina through Florida; and it's to help ACFHP and partners identify where best to invest efforts in future project funds.

We conducted four separate analyses; a diadromous assessment from North Carolina down to Cape Canaveral, two estuarine assessments, one from North Carolina to Cape Canaveral and one from Cape Canaveral down through the Florida Keys, and then a coastal coral assessment from Cape Canaveral through the Florida Keys.

Here are the results of the diadromous assessment. It included variables such as impervious surface, point source pollution, non-point source pollution, riparian buffers, fragmentation, diadromous presence, and sturgeon critical habitat designations. Red areas are potentially better suited for protection; whereas yellow and orange areas might be better suited for restoration, based on the variables that we used in this analysis.

These are the results of our northern estuarine assessment; and variables included sea grass, oyster reef, and tidal vegetation coverage, proximity to protected habitats, and proximity to development, water quality, hardened shoreline, and habitat fragmentation. Here are the southern estuarine results; and they included the same variables as the northern.

Then the coastal assessment was a little different. We decided as a group that all coral habitats off of Florida was in need of conservation; regardless of the quality, due to their slow growth and then the immediate threats that they're facing right now, which includes bleaching, pollution, burial, and the disease that's been going on since 2014.

We thought it would be best to just point out where all of the coral and hardbottom is off of South Florida; and use this more as an outreach tool, as opposed to identifying areas for restoration. This was a pilot project to start a conversation in identifying places for protection or restoration. It does not contain all metrics; for example it doesn't include any fish presence data besides in our diadromous assessment, and it doesn't include any information on fishing grounds.

We urge caution if you're going to apply this for protection. For example, in the estuarine assessments a lot of the deep water in the estuary came out high as areas for protection; but those might be great trawling grounds, and we're not saying you need to shut down trawling in those areas. That is just the way that the results came out.

Then you could use that to decide whether or not the results actually make sense in that particular area. The final report is coming soon; and we'll be starting our Northeast Assessment once that wraps up as well. The maps are available on line on databasin.com. On this tool you can zoom in. You can toggle the different analyses on and off, change the transparency and compare the results with secured protected lands and other layers as well. Moving on, in December we launched our new website.

Up here is the home page. The website has, I'm just going to run you through it really quickly. The about us section includes information on our priority habitats, mission and vision, the ACFHP Region, our team, our guidance documents, and the National Fish Habitat Partnership. We have different sections for our five different priority habitats; submerged aquatic vegetation, tidal vegetation, shellfish beds, coral and live hard bottom and riverine bottom.

These contain background information; why they are important fish habitat, the primary threats facing each habitat, and then the work that ACFHP has done in order to conserve those habitats. Our work identifies our on-the-ground projects, science and data projects, and outreach and communication projects, as well as some projects from our partners, including ASMFC.

This is our on-the-ground page. There is a map that includes all of our funded and endorsed projects. You can click on the icon and it takes you to a separate page; where it has press releases on the projects, different photos from the projects, a little background information, the partners involved, et cetera.

Our getting involved section has information on our meetings; how to donate to ACFHP, how to sign up for our newsletter, funding opportunities, project endorsement, the Melissa Laser Fish Habitat Conservation Award, and how to become an ACFHP member. One of the things that we're most excited about on the new website is our species habitat matrix database.

I screen shot all of this; because I know how slow the internet can be here. The database populates in real time. You can use any combination of categories; and you can sort them by the arrows. It is easy to add or remove variables. You can download the entire dataset; or just share results as a CSV.

We think this might be a good tool for identifying fish habitats of concern for Commission managed species. We also endorsed a dragline ditch restoration project in Northern Florida. This is

being led by the Florida Fish and Wildlife Conservation Commission, St. John's Regional Watershed Management District, and U.S. Fish and Wildlife Service.

They're working to restore spoil piles built for mosquito control in the mid-1900s to an elevation suitable for salt marsh re-colonization. In total they've restored approximately 625 acres around Florida; which has yielded 250 new acres of wetlands. They calculate that around 50 pounds of fish are benefited per acre per year; which produces about 31,250 pounds of fish through this project. There are hundreds of acres of spoil piles that remain.

Here's a diagram of what they're doing. They're taking elevations that were high over to the gray areas and smoothing them out; to create new wetlands so that the tidal vegetation can move in. Currently these spoil piles consist of remnant wetlands, deep channels and upland plants, including invasive species like Brazilian peppers. These areas are often designated as impaired for certain water quality parameters like nitrogen, phosphorous, dissolved oxygen, et cetera, and by redistributing the sediments, again it allows the re-colonization. It traps sediments, so allows for more growth, traps nutrients, produces oxygen, and allows for more fish habitat. Here is a photo of what the areas look like before the work is done; and then after smoothing them out, and then an aerial shot.

Here is from July of 2009, and one of the areas that has been restored, and then June, 2015. A lot of that Brazilian pepper has been removed; and then you can get the tidal vegetation moving in. As usual, ACFHP would like to thank the ASMFC for all of your continued operational support.

I wanted to do a quick shout out that the ASMFC Habitat Committee is going to be putting together an aquaculture survey in the near future; to refocus and repurpose the aquaculture document that we've been working on the past couple of years. I'll be happy to share that with you all if you're interested in providing input on what you

would like to see in an aquaculture document; and I'll take any questions that you might have.

CHAIR BEAL: Any questions, comments, thoughts? You know one thing real quick. The new ACFHP website has a lot of great information on it; you know access to all the projects they funded that are completed and underway, and the database that Lisa mentioned and some other things.

As you have time, spend some time on there. It's pretty impressive what they've been able to do; and the website is great and highlights all their accomplishments. Thank you, Lisa, for that. Thanks for all the hard work. Are there any questions or comments? Doug, do you have your hand up. Okay, I thought I saw it. Steve.

MR. STEVE MURPHEY: Yes Lisa, I'm intrigued by the project down in Florida. I mean we also have lots of old mosquito ditch ditches. I'm curious as to how that was permitted. That would seem like the big hurdle to do; because of dredge and fill issues. Do you have any information; or could you point me to the people in charge of that?

DR. HAVEL: Yes, they actually have a website on the projects; and I'm happy to share that with you, and then also put you in contact with Jeff Beal, who is the Project Manager for it.

MR. MURPHEY: All right, thank you.

CHAIR BEAL: Great, anything else on the habitat activities? Roy, do you have your hand up or are you just resting your arm? You're resting that's good, do that; yes, David Blazer.

MR. BLAZER: Just one real quick question. Will the Aquaculture Workgroup that we've put together recently, can they help with the survey, or can they get a look at the survey before it goes out? Is there some cooperation between those two projects?

CHAIR BEAL: Toni is looking like she really wants to answer this one. I'm going to take that.

MS. KERNS: They can. But I think the Habitat Committee would really like to put together a document that will help inform you all as managers on what types of information you're looking for out of an aquaculture document; relative to habitat to the Committee. We can share it with both groups; but we still want your input as well, just to reiterate that for Lisa, because that document started to go in a lot of different directions, so we're really trying to bring it back into focus.

DR. HAVEL: Yes that document ballooned out into including everything but the kitchen sink; so we're trying to refocus. We could really use your feedback on what you would find most valuable in an impacts to fish habitat document; so we could definitely use help on developing the survey. But we would like you all to fill it out if you're interested in providing the input.

CHAIR BEAL: Great thank you. As soon as Lisa walks about ten feet away, any other questions? We can get her to walk back and forth as many times as possible. Anything else, seeing none. I think Lisa the other thing that really strikes me on that Florida project is you can equate acres of restoration to pounds of fish.

That's something we can all relate to is we did this work, we got this out of it. I think that's a great way to characterize it any way we can. With that seeing nothing else; I think you're safe to go now, Lisa. Thanks again.

DISCUSS THE MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2017

CHAIR BEAL: The next agenda item is the Modern Fish Act. I'll give a quick overview of that; and I don't claim to be an expert on this.

But, there is Kelly maybe in the back of the room can help us out. You know the full title is the Modernizing Recreational Fisheries Management Act of 2017. It was approved on December 31 of 2018. It wasn't approved very long ago. Most of the time since that document has been approved; the Federal Government has been shut down.

What we're lacking completely or for the most part, is the federal interpretation of what this law means, how it's going to be implemented at the federal level through the Council systems and everywhere else. Kelly may be able to shed some light on that toward the end of this; but I know they have not had a lot of time to chew on this.

Quickly, the background is this was the champions and the sponsors were Wicker from Mississippi, Nelson from Florida, and Graves from Louisiana; so obviously a Gulf centric group of sponsors that were working on this law. It started out as a comprehensive amendment to the Magnuson Stevens Management Act.

It was diluted over time; and negotiated down to some of the less controversial issues. It struck a balance between different user groups. A lot of the controversial issues were sort of taken out and converted into study areas, rather than mandatory or legal law changes to the Magnuson Act. There is a lot of follow up work that will be done on this act.

The big thing that probably will trickle down and affect the ASMFC more than anything else; well there are two parts. First is the Modern Fish Act allows alternate recreational fishery management measures; including extraction rates, fishing mortality rates and targets, and a harvest control rule. Other ways of managing recreational fisheries other than the RHL, recreational harvest limit that we all know and love due to a lot of the jointly managed species with the Mid-Atlantic Council and other Councils. Not critical of the Councils; just the rules that they are bound by. It appears there is going to be some more flexibility in recreational management through the federal process under this new law.

Again, I think that is one area that needs a lot of interpretation from the federal government; as to what exactly that means and how it's going to be implemented. There is also a provision that allows the implementation of the 2017 National Academy of Sciences Review of Marine Recreational Information Program; so there is a

series of recommendations, series of changes that came out of that 2017 study from the National Academy of Sciences that can be implemented or will be implemented under this new law.

There is a state federal partnership to improve angler registries. The idea there is like it sounds; just get a better picture of what the recreational fishing universe is. All the states have licensees. Some have registry systems. There are federal licenses. Is there a better way to coordinate that? You get a better, more dynamic picture of what and who is out recreational fishing.

The series of reports, recommendations and studies that are included include explorations of the federal mixed use fishery, allocations in the South Atlantic and Gulf. Red snapper was a driving force for this; which isn't a surprise to a lot of folks probably. There is some reallocation and consideration of the current allocations down there.

There is a study of the Limited Access Privilege Programs and mixed-use fisheries; some of the ITQ systems and other things that are used in mixed-use fisheries, incorporation of state and nongovernmental data, analysis in stock assessments and surveys. The question is; what data beyond MRIP and some of the other areas can be used, citizen science, self-reporting, all these other things.

How can they be used? How can they be incorporated in the management and the science? That's a pretty big question; a very open-ended question. It's going to take some work. Then the last bullet is the MRIPs compatibility with the annual catch limit. MRIP, as everyone knows is done on these two month waves. There is about a six week lag.

But, some of the recreational fisheries at the federal level are managed through annual catch limits. How is that system working out where you've got two month waves with a bit of a lag, and you've got annual catch limits that we're trying to maintain through some of the recreational management programs? How do those two differing systems mesh together?

That's a quick summary of what's in the Modern Fish Act. There will be, my understanding in talking to some of the MRIP staff is that there will be a lot of involvement with the FINs, the Fishery Information Networks; which is ACCSP on the East Coast, Gulf FIN, PacFIN, RecFIN on the West Coast.

Those groups are going to be relied on a lot to conduct some of these studies; and incorporate some of this information into the changes that this law will implement, and some of the studies that it requires. Again, a brief summary, there are other folks around the table that have studied this; and they know more of the details than I do. But thanks to Deke; for putting together a summary for me. Kelly, I don't know if you have anything to add from the Federal level, other than it's still new to you as well.

MS. KELLY DENIT: Thanks Bob, yes I think the only thing I would add is with respect to the extraction rates and the other components that were incorporated in 1520; is that from our preliminary review that is putting into statute flexibilities that we believed already existed and were being used. The Modernized Fish Act explicitly still requires annual catch limits and preventing overfishing; and so that is important to understand.

CHAIR BEAL: Any questions or other thoughts on this? John.

MR. CLARK: Just some of the summaries I've seen of the Bill state that there is going to be much more emphasis on anglers self-reporting their catch; and that it almost seemed like in the summaries I've seen that there is a mandate for, in this case ACCSP to use that data. I was just wondering if any thought has been given to how that is going to work. I asked yesterday to Mike Cahall. It sounded like they're already planning to develop some interface for anglers to use.

CHAIR BEAL: Yes, we're definitely developing, or they are developing systems to collect our data and warehouse that data; or at least that data is going to come in. It's going to start coming in

through a number of self-reporting Apps and other things, and ACCSP will be able to house that data.

The question is; how do you use that data? That's a pretty complicated statistical question, I think. There are avidity questions; you know the more avid anglers may do the self-reporting, so they may not represent the general fishing public, and all these other things that we've heard over and over about self-reported data.

There is also a lot of the self-reporting programs that have been implemented; in Year 1 and 2 there is a pulse of activity, then it kind of tapers off. The novelty of that self-reporting App on their phone kind of wears off; and they've moved on to something else. The system in general, the assessment side of things and the statistics folks, are going to have to figure out how that data compares with MRIP.

I don't think MRIP as we know it is going to necessarily go away by any means; so how do you balance out self-reported data with statistically sampled survey data that is not a census by any means, the MRIP Program, but it is pretty solid data, even though there are some problems with it. The short answer is I don't think we know yet, John, how the self-reported data is going to link into the survey data.

MR. CLARK: I guess just the follow up, Bob, would be in summaries I've seen is that true though? Is it a mandate in this Bill that that data has got to be used, or has to be used in fisheries management?

CHAIR BEAL: Kelly, do you want to comment on that?

MS. DENIT: Sure, thanks Bob. I didn't reread the statute, John. I don't recall there being a mandate to use that. I believe that we are mandated to explore opportunities; and I recall at least in one version that there was something to require the use of self-reported data, in the sense of moving to electronic technologies for MRIP data collection. But I can't remember if that was in the final version; so let me double check, and we'll get

back to Toni and Bob to confirm that. But as far as I remember there is no mandate.

CHAIR BEAL: The South Atlantic Council is working on their Citizen Science Data Program; they've got that kind of moving along pretty well. There is a lot of different sort of initiatives that are moving citizen science, citizen self-reported data forward. We're going to have to figure out how to use all that information once we get it. Are there any other questions or comments on the Modern Fish Act? Yes, Adam.

MR. NOWALSKY: My understanding is that this was not a complete reauthorization of the Act; that the previous reauthorization had had the authorization of appropriations expire about five years ago. Did 1520 reauthorize any appropriations, or are we still dependent on Congress's discretion to continue that funding?

CHAIR BEAL: I don't think there was any reauthorization. Kelly, have you seen it differently?

MS. DENIT: I don't remember. I'll double check.

CHAIR BEAL: But I don't think there was anything about appropriations in here, Deke. Deke is shaking his head no; and he's looked at this pretty well. Yes, I think it is Congress's discretion; if it makes you feel comfortable or not is up to you. Are there any other thoughts on the Modern Fish Act?

We'll continue to report out on this, John, to help answer your questions. There is going to be a lot of interpretation and sort of decisions made through the FIN programs and some others on how to roll this out in the MRIP Program, and we'll be able to give you some more updates, once we have more feedback from the Federal Government. Yes, John.

MR. CLARK: The other part was the FIN; as you mentioned there. I mean from my understanding all the states have implemented FIN number issuance and collection. I'm just curious as to what's going to change with that.

CHAIR BEAL: Yes I don't know; and you and I are using two different terms, FIN. You're the Fisher Identification Number and I'm the Fishery Information Network kind of person; the same acronym, two different things. But the one I was using is implementing a number of these changes through ACCSP; but what you said is true.

I don't know if any changes to your version of FIN are going to change at all; but time will tell. Anything else? All right, seeing none.

ATLANTIC HERRING SPECIFICATIONS FOR 2019

CHAIR BEAL: The next agenda item is Reviewing Noncompliance, thankfully we don't have any of those, so that brings us to the Atlantic Herring Specifications. If you were at the Atlantic Herring Board, which was the first meeting this week, you would know that the Federal Government had not published the final specifications for the Atlantic herring fishery as of Monday of this week. They were published about three hours ago; and we have that sort of hot-off-the-presses update on that. The Atlantic Herring Board deferred to this Board final approval of herring specifications for ASMFC and the states. That is why this issue has been brought to the Policy Board and wasn't handled at an individual species board. With that I will ask Megan to update us on where we are and what the hot-off-the-press information is.

MS. MEGAN WARE: Just a reminder of how we got to where we are today. We had our 2018 stock assessment that showed concerning signs for the Atlantic herring resource. There was concern that poor recruitment would likely result in a substantial decline in herring biomass. As a result, in August of 2018 we had an in-season adjustment to reduce the risk of overfishing. Our 2018 specifications were reduced in-season.

The Council was scheduled to develop 2019 through 2021 specifications in a new package; but due to timing, 2019 has been separated out from 2020 and 2021. As Bob mentioned, the 2019 specifications were filed this morning. This is where we were at the second half of 2018; so

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these were the in-season numbers that were adjusted.

The middle column there is the New England Council recommended 2019 specifications; and a key component of that was to use the ABC Control Rule that was approved by the Council in Amendment 8. You can see that those numbers are different than what came out in the 2019 Proposed Rulemaking; and so the difference here is that that Proposed Rule still used the Interim Control Rule, where there is a 50 percent probability of preventing overfishing.

Then finally, these are the final 2019 specifications; so you can see that it is the Council's recommendation that has been implemented or will be implemented for 2019. The sub-ACL allocation percentages are still the same as those used in the 2016 to 2018 specification package, so those percentages have not changed. But obviously we have a lower ABC than what was in the Proposed Rulemaking.

CHAIR BEAL: Any questions for Megan on the new information that came out this morning on herring specifications? All right seeing none; that's good. We do need a motion to approve the specifications for this year. This is a final motion, so it will be a roll call vote. I know the southern states are not quite as informed as the rest of the other folks. But there will be a roll call vote; so you can vote your conscience. With that I think, Robert.

MR. ROBERT H. BOYLES, JR.: I take that as a challenge, Mr. Chairman. I would make a motion that we approve the specifications as presented.

CHAIR BEAL: All right, we have a second from Doug Grout. Are there any other comments on the motion? Any other comments or questions on this, I think it's pretty straightforward. Robert feels it's a good set of specifications, so we're in good shape. Yes, Doug.

MR. GROUT: I appreciate the cooperation between the north and the south on this.

CHAIR BEAL: It's the opposite of global warming; the herring are heading down there maybe. Since this is a roll call vote I'll ask Toni to do a roll call and we'll go from there.

MS. KERNS: Maine is absent. New Hampshire.

MR. GROUT: Yes.

MS. KERNS: Mass.

MR. DANIEL McKIERNAN: Yes.

MS. KERNS: Rhode Island.

MR. REID: Yes.

MS. KERNS: Connecticut.

DR. DAVIS: Yes.

MS. KERNS: New York.

MS. DAVIDSON: Yes.

MS. KERNS: New Jersey.

MS. HEATHER CORBETT: Yes.

MS. KERNS: Pennsylvania.

MR. ANDREW SHIELS: Yes.

MS. KERNS: Delaware.

MR. CLARK: Yes.

MS. KERNS: Maryland.

MR. BLAZER: Yes.

MS. KERNS: District of Columbia is absent; Potomac River Fisheries Commission.

MR. MARTY GARY: Yes.

MS. KERNS: Virginia.

MR. PAT GEER: Yes.

MS. KERNS: North Carolina.

MR. MURPHEY: Yes.

MS. KERNS: South Carolina.

MR. BOYLES: Yes.

MS. KERNS: Georgia.

MR. SPUD WOODWARD: Yes.

MS. KERNS: Florida.

FLORIDA: Abstain.

MS. KERNS: U.S. Fish and Wildlife Service is absent, sorry; NOAA Fisheries.

MS. DENIT: Yes.

CHAIR BEAL: The motion carries 15 yes, with one abstention. The motion carries; how is that for coastal cooperation, perfect? Is there anything else on the herring specification?

AMERICAN LOBSTER MANAGEMENT BOARD LETTER OF RECOMMENDATION

CHAIR BEAL: Seeing none; the final item is a recommendation from a letter that came forward from the American Lobster Management Board earlier this week. Toni is going to handle the lobster letter issue.

MS. KERNS: At the Lobster Board meeting the management board discussed making a recommendation to NOAA Fisheries to have vessel monitoring systems on all Federal vessels. This recommendation had come from two different working groups; one from the Whale-Lobster Working Group that is addressing changes in lobster management in light of changes coming from NOAA Fisheries, due to conservation of North Atlantic large right whales.

In addition there was a working group that was looking at enforcement in offshore waters; and that enforcement group had also made a

recommendation for vessel monitoring in the offshore fishery. The Board had come up with a motion that Dan has said he would read into the record for the Policy Board; to send a letter to NOAA Fisheries via the Take Reduction Team.

The rationale for sending the letter to NOAA Fisheries to the Take Reduction Team is that the Take Reduction Team would be an efficient process to have these measures implemented; if they are so deemed important to get information on the offshore fishery, as well as conservation of right whales.

MR. MCKIERNAN: My motion: on behalf of the American Lobster Board, move the Policy Board send a letter to NOAA Fisheries for consideration by the Atlantic Large Whale Take Reduction Team, to develop and support a suite of options for electronic vessel monitoring for federally permitted vessels.

CHAIR BEAL: Since this is on behalf of the Lobster Board it does not need a second. Is there any objection to sending this letter to the Take Reduction Team through NOAA Fisheries? All right seeing none; we will craft that letter and work with the leadership of the Lobster Board to get that signed and sent off pretty quickly, so the Take Reduction Team can consider it as quickly as possible.

OTHER BUSINESS

CHAIR BEAL: Is there anything else to come before the Policy Board today? Toni.

MS. KERNS: On the subject of whales and maybe data, sort of. Each of the states should have received an e-mail from a contract group that is working with NOAA in collecting data regarding the Take Reduction Team. I believe his first name is Bob, Bob Black. I don't know who the e-mail goes to in each of our individual states. But they are looking for data on your fisheries; all fisheries not just lobster fisheries, in order to develop a model that looks at what gear is out, and then the potential for that gear to interact with right whales.

It will be used for evaluating interactions with right whales. I just would like to stress or reiterate the importance of the states reviewing that information; knowing that that data will be used for something that's very important, making sure that IEC has the correct data for your state, and that your state agrees with the model that they use to inform the TRT, the Take Reduction Team for right whales. It is very important information, so please make sure that that data is being reviewed by your state.

CHAIR BEAL: Great, thanks Toni. That data is going to be critically important. It goes all the way to Florida; so no one escapes this whale issue, I don't think.

ADJOURNMENT

CHAIR BEAL: John, do you have a question? Are there any other questions, comments, issues to come before the Policy Board today? Seeing none; I think we'll go ahead and adjourn the Policy Board.

(Whereupon the meeting adjourned on February 7, 2019 at 11:59 a.m.)