

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD**

**Webinar
May 4, 2021**

Approved August 4, 2021

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INDEX OF MOTIONS

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of February 2, 2021** by Consent (Page 1).
3. **Move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimus* requests from Pennsylvania, South Carolina, Georgia, and Florida** (Page 10) Motion by Emerson Hasbrouck; second by Malcolm Rhodes. Motion carried (Page 11).
4. **Main Motion**
Move to initiate an Addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. In addition to status quo, explore and analyze:
 - **Changes to the allocation timeframe, including options based on more recent years of landings data (e.g., average or best over the last 3 or 4 years) and an option with 50% based on these more recent years of landings data and 50% based on the status quo 2009-2011 landings basis.**
 - **Also, consider in these new timeframes option(s) to reduce the fixed minimum (e.g. 0.25%) in addition to the status quo of 0.5% fixed min.**
 - **Changes to the episodic set aside up to 5%.**(Page 14). Motion by Megan Ware; second by Ritchie White. Motion substituted.

Motion to Substitute

Move to substitute to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility (Page 18). Motion by Joe Cimino; second by Lynn Fegley. Motion carried (Page 26).

Main Motion as Substituted

Move to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion to Substitute

Move to substitute to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time (Page 28). Motion by Joe Cimino; second by Dennis Abbott. Motion carried (Page 31).

Main Motion as Substituted

Move to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time. Motion carried (Page 30).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Loren Lustig, PA (GA)
Sen. David Miramant, ME (LA)	G. Warren Elliott, PA (LA)
Cheri Patterson, NH (AA)	John Clark, DE (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Nichola Meserve, MA, proxy for Dan McKiernan (AA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Allison Colden, MD, proxy for Del. Stein (LA)
Conor McManus, RI, proxy for Jason McNamee (AA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for J. Batherson (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Jerry Mannen, NC (GA)
Justin Davis, CT (AA)	Bill Gorham, NC proxy for Rep. Steinberg (LA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)	Mel Bell, SC, proxy for P. Maier (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Tom Fote, NJ (GA)	Max Appelman, NMFS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Millard, USFWS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	

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

Ex-Officio Members

Joshua Newhard, Technical Committee Chair	Amy Schueller, SASC Chair
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Staff

Bob Beal	Lisa Carty	Savannah Lewis
Toni Kerns	Emilie Franke	Kirby Rootes-Murdy
Maya Drzewicki	Chris Jacobs	Sarah Murray
Kristen Anstead	Jeff Kipp	Caitlin Starks
Tina Berger	Laura Leach	Deke Tompkins
Pat Campfield	Dustin Colson Leaning	

Guests

Karen Abrams, NOAA	Dick Brame	Maureen Davidson, NYS DEC
Taylor Ailtmar, CBF	William Brantley, NC DENR	Lorena de la Garza, NC DENR
Fred Akers, Newtonville, NJ	Delayne Brown, NH F&G	Taylor Deihl, Omega Protein
Bill Anderson, MD (AA)	Jeff Brust, NJ DEP	Monty Deihl, Ocean Fleet Svcs.
Pat Augustine, Coram, NY	Mike Celestino, NJ DEP	Lynn Delahay, ME Senate
Vincent Balzano, Saco, ME	Benson Chiles	Greg DiDomenico, Cape May NJ
David Behringer, NC DENR	Heather Corbett, NJ DEP	John Duane
John Bello, CCA VA	Riley Cornell, Ofc. Rep. Altman	William Dunn
Alan Bianchi, NC DENR	Caitlin Craig, NYS DEC	James Fletcher, Wanchese Fish Co
Jason Boucher, DE DFW	Jessica Daher, NJ DEP	Tony Friedrich, SGA

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Guests (continued)

David Frulla, ME
Alexa Galvan, VMRC
Matt Gates, CT DEEP
Pat Geer, VMRC
Shaun Gehan, Gehan Law
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Willy Goldsmith, SGA
Zoe Goozner, Pew Trusts
Pam Lyons Gromen, WildOceans
Brendan Harrison, NJ DEP
Helen Takade-Heumacher, EDF
Peter Himchak, Cooke Aqua
Carol Hoffman, NYS DEC
Harry Hornick, MD DNR
Edward Houde, UMCES
Asm. Eric Houghtaling, NJ (LA)
Bill Hyatt, CT (GA)
Jeff Kaelin, Lund's Fisheries
Pat Keliher, ME (AA)
Adrienne Kotula

Ben Landry, Ocean Fleet Svcs
Wilson Laney, NCCF
Tom Lilly
Carl LoBue, TNC
Mike Luisi, MD DNR
Chip Lynch, NOAA
Shanna Madsen, VMRC
Dan McKiernan, MA DMF
Steve Meyers, Williamsburg, VA
Aaron Miner, NY Senate
Chris Moore, CBF
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Brian Neilan, NJ DEP
Jeff Nichols, ME DMR
Derek Orner, NOAA
Patrick Paquette, MA SBA
Nick Popoff, FL FWS
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
Mike Ruccio, NOAA

Jocelyn Runnebaum, TNC
Tara Scott, NOAA
McLean Seward, NC DENR
David Sikorski, CCA MD
Melissa Smith, ME DMR
Somers Smott, VMRC
Rene St. Amand, CT DEEP
David Stormer, DE DFW
John Sweka, USFWS
Jim Uphoff, MD DNR
Chris Uранеck, ME DMR
Jessica Valenti, Rutgers
Mike Waive, ASA
DeVonte Weems USGS
Kelly Whitmore, MA DMF
Kate Wilke, TNC
Angel Willey, MD DNR
Chris Woods
Chris Wright, NOAA
Phil Zalesak, Timbers, MD
Rene Zobel, NH F & G

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, May 4, 2021, and was called to order at 2:15 p.m. by Chair Spud Woodward.

CALL TO ORDER

CHAIR A.G. "SPUD" WOODWARD: Good afternoon everybody. This is Spud Woodward; Governor's Appointee Commissioner from the state of Georgia, and Chair of your Atlantic Menhaden Management Board, and I want to call our meeting to order.

APPROVAL OF AGENDA

CHAIR WOODWARD: Our first item of business is you have a draft agenda. Are there any requested modifications or changes to the agenda? If so, raise your hand and be recognized. I don't see anything, do you see anything, Toni?

MS. TONI KERNS: No, you're all good.

CHAIR WOODWARD: Any opposition to adopting the agenda as presented, again, raise your hand to be recognized. Okay, I don't see anything, so we'll consider the agenda adopted by consent.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: Next item of business is the approval of the proceedings from our February, 2021 meeting. You have those in the materials.

Are there any recommended changes, edits, improvements, modifications? If so, raise your hand. If not, is there any opposition to adopting the proceedings as presented? Again, raise your hand. Okay, I don't see anything, so we'll consider the proceedings adopted by consent. Also, I just wanted to point out that we have Rob LaFrance filling in for Bill Hyatt today, so welcome, Rob, I appreciate your being here.

MR. ROBERT LaFRANCE: Thank you, Mr. Chair.

PUBLIC COMMENT

CHAIR WOODWARD: Our next item of business is public comment, and Kirby, I believe, we have a couple folks queued up for public comment. We've got a pretty full agenda, so I'm asking that you please keep your comments to three minutes or less. I'm going to have a timer up on the screen. Whoever do that.

MS. KERNS: Maya can pull it up in just a second. There we go.

CHAIR WOODWARD: All right, who is first, Kirby?

MR. KIRBY ROOTES-MURDY: It's your call, Chair Woodward, if you want to start with either Tom or Phil.

CHAIR WOODWARD: All right, how about Phil, how about you lead off? Again, I just ask you to keep your comments within three minutes, we appreciate it.

MR. PHIL ZALESK: All right, can you hear me before we start the timer here?

CHAIR WOODWARD: Yes, we've got you, I've got you loud and clear.

MR. ZALESK: All right, now I sent you all an e-mail at 1:30 this afternoon, so you could follow along. I'll try to put some inflection in my voice, so I don't put you to sleep. But the purpose of these comments today is to preset the current status of Atlantic menhaden, and their predators, and describe what can be done if this Board decides to act.

The latest science of the ecological reference point study published last year; it clearly states there are plenty of Atlantic menhaden in the Atlantic Ocean. However, there are not enough Atlantic menhaden available to feed striped bass, bluefish, and weakfish to ensure their survivability. The Board did lower the total allowable catch of Atlantic

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menhaden on the Atlantic coast by 10 percent from 216,000 metric tons to a little over 192,000 metric tons.

However, the Board did nothing to reduce the reduction fishing cap of 51,000 metric tons from the Virginia portion of the Chesapeake Bay. This cap represents 26.5 percent of the total allowable catch for the entire Atlantic coast. Clearly, overharvesting is occurring in the Chesapeake Bay. I have documented the devastating decline in commercial harvest of striped bass, bluefish, and weakfish in the Chesapeake Bay Region for the last 23 years.

I've also documented the devastating decline in commercial fishermen, in both Maryland and Virginia for the last 20 years, almost up to 700 now. Research published by the Chesapeake Bay Foundation on their website last September, reported that Atlantic menhaden diet for striped bass has gone from 70 percent to 8 percent in the Chesapeake Bay.

Research conducted at William and Mary over the last 50 years, indicates that there are not enough Atlantic menhaden in the main stem of the Chesapeake Bay to feed the osprey. Management is about taking action to achieve a specific goal. The goal of this Board is to manage the Atlantic menhaden fishery, in a manner which equitably allocates the benefits between all user groups.

Today, 71 percent of the total allowable catch for the entire Atlantic coast is being allocated to a Canadian owned reduction fishery, based on current allocations of this Board and Virginia. What is the solution? Another 5-10 years of research is not required. Yes, I read the technical report that was attached to the announcement for this meeting.

You have all the research and data you need to make a management decision today. Limit the reduction fishery to 3 nautical miles outside the exclusive economic zone. Do this in the form of a motion today. I'm requesting any member of

the Board to make this motion to start the process. I thank you for your time.

CHAIR WOODWARD: Thank you, Phil, thank you for keeping your comments within the time. We appreciate it. All right, Tom Lilly, you're next.

MR. TOM LILLY: Spud, yes, thank you for the opportunity here. I have a question. If you all will click on the attachment that I sent you in my mail to you on Sunday, it's titled Virginia allocations. It's a picture of the Chesapeake Bay and some of my conclusions. If you could take a minute and go back and click on that attachment.

Members of the Board, the question here is, it's about 50 to 60 percent of Omega's catch of Bay menhaden under your Virginia allocation of menhaden. Menhaden that would have come from Maryland, but for the fishing in Virginia. Another way to put this question is this, is Omega's quota from Virginia being partly filled with fish that belonged in equity, and possibly in law to Marylanders.

You can picture Chesapeake Bay for a minute, down to the entrance of the Bay. I think we can agree there that there is probably a 50/50 split there of the menhaden that are migrating in between Maryland and Virginia. Each Bay is about 100 miles long, and about 2,000 square miles in area. We know right there from the get go, coming into the Bay, that 50 percent of those fish, the purse seiners are catching, are fish that would get to Maryland, except for that fishing, 50 percent, half right there.

Real quickly, I hope you read my diagram, but as that catching moves north, what happens is the schools of menhaden disburse out into Virginia. Virginia gets their menhaden. But that group of fish that is headed toward Maryland, partly for Virginia, partly for Maryland, proceeding up to the Maryland line. Those are the fish that are ultimately going to get to Maryland.

By the time they get to Reedville, which is about five miles below the line, where a lot of this fishing takes place, past the Rappahannock River. I think

it's fair to say, as I did in that red circle, that almost all of those schools caught there are Maryland's fish, are fish that were bound for Maryland, and if they did not catch them there, they would be in Maryland.

We're talking about a major issue here. I wish I had more time to talk about it, but I don't see any way to solve this inequitable treatment of Maryland, other than by moving the factory fishing out into the U.S. Atlantic, north of the entrance of the Bay. If you did that, they would not be fishing from this common stream. They would be fishing from the plentiful Atlantic menhaden stream. Thank you.

CHAIR WOODWARD: Thank you, Tom, I appreciate you keeping your comments brief. Anybody else, Kirby or Toni, that would like to make public comment? Jeff Kaelin, I see your hand up. Go ahead, Jeff.

MR. JEFF KAELIN: Thank you, Mr. Woodward. Good afternoon, members of the Management Board. I'm Jeff Kaelin with Lund's Fisheries. Mr. Chairman, I'm not sure. I guess this is technically a time to comment for things not on the agenda. I'm not sure that that was what happened with the previous comments. My question to you is, I would like to comment on the recommendations of the Plan Review Team to the Board. It's repeated on Page 4 of the memo, and also Page 10 of the FMP review. Is this a good time to do that, or will you go back to the audience after that topic has been introduced later?

CHAIR WOODWARD: Why don't you go ahead and take care of that, Jeff.

MR. KAELIN: Okay, thanks. I don't have much more time left then; my introduction took up most of my time. I can do that easily. I just wanted to support the review of the Amendment 3 allocation provisions concerning the incidental catch allowance. It was my understanding from the beginning that this was

to be utilized after the directed fishery in a state closes.

I encourage the Board to clarify that, because I think that it is being abused now, in certain parts of the coast, I'm referring to 13 million pounds of 6,000-pound incidental catch harvested by Maine. We're under 20,000 here in New Jersey. We supported that 6,000 pounds, to allow our gill netters to fish after our directed fishery was closed.

I think this is becoming a significant problem, and while it may not be a biological issue, it certainly is an issue of equity. I hope that perhaps either the 6,000 pounds can be eliminated, or that it could be tied to a cap that would be proportional, relative to the Amendment 3 landings allocations that the states have received. That is my comment, and I really appreciate the opportunity to do that now, Spud, and that's it, thank you.

CHAIR WOODWARD: Anyone else from the public, if you would like to comment. I don't see anybody in my little box down there, so we will proceed ahead with the agenda.

**CONSIDER THE FISHERY MANAGEMENT PLAN
REVIEW AND STATE COMPLIANCE FOR THE
2020 FISHING YEAR**

CHAIR WOODWARD: Our next item is to Consider the Fishery Management Plan Review and State Compliance for the 2020 Fishing Year, so Kirby, I'll turn it over to you.

MR. ROOTES-MURDY: Good afternoon, this is Kirby Rootes-Murdy. I have a presentation on the 2020 Fishery Management Plan Review. That document was included in supplemental materials. I will walk through in this presentation an overview of each section in that report, status of the FMP, status of the stock, status of the fishery, compliance requirements, and then the PRT, the Plan Review Team's recommendation.

Amendment 3, approved in 2017, and implemented starting in 2018, is the most current management document that the fishery operates under. For

notable changes, such as Board actions from 2019 to 2020, we'll start with the Chesapeake Bay reduction fishery cap. As many of you are aware, the Bay cap was exceeded in 2019, and to account for that overage the cap was adjusted for the 2020 fishing season, to 36,000 metric tons.

Following feedback and discussion by the management board in May and August of last year, the Board approved menhaden-specific ecological reference points, or ERPs for management. In October of last year, the Board set the total allowable catch or the TAC for the 2021 and 2022 fishing seasons at 194,400 metric tons, based on the Board approved ERPs.

The TAC is estimated to have a 58 percent and a 52 percent probability of exceeding the ERP target in 2021 and in 2022, respectively. With the ERPs adopted last year that did adjust the reference points used for management. I'll note that based on the 2017 values, the F estimate is below the threshold, but not quite at the target, while fecundity is above the target. Therefore, the stock is not overfished, and overfishing is not occurring. Total commercial Atlantic menhaden landings in 2020, including directed, incidental catch, and episodic set-aside landings, are estimated at 184,150 metric tons, or approximately 405 million pounds, which is an approximate 12 percent decrease, relative to 2019.

The non-incidental catch fishery landings, which is directed landings plus landings that occur under the episodic set-aside program. Total for 2020 is 177,827 metric tons, or 392 million pounds, which is a 13 percent decrease from 2019, and represents approximately 82 percent of the coastwide TAC.

Landings from the incidental catch fishery are estimated at 6,330 metric tons, or 13.9 million pounds, and do not count towards the coastwide TAC. Moving on to the reduction fishery. For 2020, harvest for reduction

purposes is estimated at 124,600 metric tons, which is a 17 percent decrease from 2019, and 11 percent below the previous five-year average of 140,380 metric tons, or 309 million pounds.

Omega Protein's Plant in Reedville, Virginia, is the only active Atlantic menhaden reduction factory on the Atlantic coast. In 2020, the reduction plant was shut down for three weeks, due to the COVID-19 pandemic. Anecdotal reports also indicated that in addition to the pandemic, bad weather may have contributed to lower harvest.

As previously noted, the reduction fisheries cap in the Bay, known as the Bay cap, was reduced for 2020, based on the 2019 overage. Landings in the Bay were approximately 27,700 metric tons, which is under the adjusted cap by approximately 9,000 metric tons. As a result, the cap for 2021 is set at approximately 51,000 metric tons.

On this slide here, the figure shows landings from the reduction and the bait sectors through time. Reduction landings on the left axis, and bait landings are on the right. It is important to note that each of these have different scales with the reduction landings an order of magnitude larger than the bait landings.

But overall, what you can see is that there has been a general decline in the reduction landings over time, while bait landings have been increasing. Incidental catch landings in 2020 are estimated, as mentioned before, at 6,330 metric tons, which is a 30 percent increase relative to 2019 and the highest level in the time series.

Maine, Massachusetts, New York, and New Jersey reported incidental catch landings, approximately 88 percent from purse seines, and 8 percent from gillnets in 2020. Maine accounted for 97 percent of total incidental fishery landings in 2020, and incidental catch trips in 2020 were higher than trips from 2016 through 2019.

Moving on, the episodic set-aside program in 2020 was set again at 2,160 metric tons or 4.76 million pounds. Landings were estimated at 2,080 metric

tons. Maine and Massachusetts were the only participating states, and with their combined landings being under the episodic set-aside, approximately 80 metric tons or 176,000 pounds were redistributed to the other states in the fall of 2020. On this slide, it demonstrates quota performance, in terms of the number of transfers over time. In 2020, quota transfers remained relatively high for the 2020 fishing season. There were at least 16 instances of quota transfers, as you can see, and a number of instances that involved multiple states, so it wasn't necessarily just one state receiving and one state giving.

Moving on to biological sampling requirements. Just as a reminder, non-*de minimus* states are required to conduct biological monitoring based on their landings, as well as their geographic region. For Maine through Delaware, requirement is one 10-fish sample per 300 metric tons, or Maryland through North Carolina, it's one fish sample or 200 metric tons.

In 2020, Maine, Massachusetts, and the Potomac River Fisheries Commission fell short of the required samples. I'll note that while North Carolina indicated they had fallen short of the requirement, as shown in the FMP review, and after further evaluating their landings level, they met the requirement.

All three jurisdictions that fell short, indicated that the COVID-19 pandemic in 2020 prevented them from collecting the full samples. As restrictions remain in place for many states currently in 2021, in response to the pandemic. There is a strong chance that some states may not be able to meet their 2021 sampling requirements.

That being said, all other jurisdictions met the biological monitoring requirements in 2020. I'll note at this point that the PRT has continued to discuss whether a sufficient number of samples are being collected from different gear types and regions, and whether additional sampling should be collected from other gear types.

In terms of - qualifications, to be eligible for a *de minimus* status, a state's bait landings must be less than 1 percent of the total coastwide bait landings for the two most recent years. The states of Pennsylvania, South Carolina, Georgia, and Florida requested and qualified for *de minimus* status for the 2021 fishing season.

Moving on to other PRT comments and recommendations. While I noted on a previous slide the PRTs comments on the biological sampling, I'll say that the PRTs recommendation is that this requirement be evaluated as part of the next management action, or during the next benchmark stock assessment.

In consulting with members of the Stock Assessment Subcommittee, they noted that in instances where the full samples can't be obtained from the directed fishery, it's possible to substitute in ages from fishery independent surveys in the region. But in terms of lengths, that really needs to come from those fishery dependent sources.

Moving on to catch and effort requirements for the pound net fishery. The PRT noted concern regarding how this is being collected in North Carolina. Amendment III requires that at a minimum, each state with a pound net fishery must collect catch and effort elements, such as total pounds landed per day, number of pound nets fished per day. In May of 2013, the Board approved North Carolina's request to omit this information, on the basis that it did not have the current reporting structure to require a quantity of gear field by harvesters or dealers. In recent years, North Carolina Division of Marine Fishery staff has worked to develop a proxy method to estimate effort, but this approach likely would not work for developing an adult CPUE index. I'll note that as part of this ongoing dialogue with North Carolina DMF staff, included in supplemental materials were the memo that outlines how they have worked to try to provide this information with a proxy approach.

Chris Batsavage, I believe, is in attendance today and he can speak to this in greater detail after I'm done with my presentation, if people have

additional questions. But the PRT seeks clarification from the Board, whether this exemption remains in place for North Carolina. All other states with a pound net fishery met this requirement.

I'll go through this briefly, as it will be covered in greater detail in the next agenda item, but landings data suggests that menhaden has been increasingly available in the Gulf of Maine in recent years, so we're really looking at 2016 through 2020. In 2020 the state of Maine reported landings in excess of 25 million pounds, marking a 13 percent increase relative to 2019 landings, and a 316 percent increase relative to 2016.

In 2020, Massachusetts reported about 8.8 million pounds, marking a 26 percent increase relative to 2019. While New Hampshire's 2018 and 2020 landings are confidential, I'll note that in 2019 the states of Maine through Massachusetts accounted for nearly 7 percent of the coastwide total landings.

Maine has requested additional quota through in-season transfers each year since 2016. Both New Hampshire and Massachusetts have also received additional quota through transfers in 2020, and as noted earlier, Maine and Massachusetts were the only two states to opt into the episodic set-aside fishery last year.

For Maine that marks four consecutive years of participation in that program. Both states, Maine and Massachusetts reported incidental catch landings in 2020. As part of that I'll also note that the driver that seems to be really pushing this is a reduction in the quota of Atlantic herring. For the incidental catch fishery, landings in 2020 increased to 13.7 million pounds, which is a 30 percent increase from 2019 and a new time series high.

In 2020, incidental catch was approximately 10 percent of the bait fishery landings, so 2019 and 2020 were the highest levels of incidental catch since the provision was implemented through

Amendment II in 2013. Current landings may not reflect the original intent of the provision, and as noted in previous FMP reviews, state management of quota has at times created instances when a state moves to the incidental catch fishery, prior to the state's quota having been met.

The PRT requested the Board consider two things. First, addressing whether the provisions of the incidental catch program need to be revisited, or adjusted in the next management document, and the second is in the meantime provide guidance on how to evaluate the incidental catch program annually moving forward.

For the Board's consideration today, as noted, I'm looking to get some guidance at the PRT level regarding how to evaluate the incidental catch provisions annually, provide guidance on the North Carolina pound net data collection, and then in terms of items that would require motions, consider approval of the FMP review and State Compliance, as well as *de minimus* requests. With that I'll take any questions, thank you.

CHAIR WOODWARD: Are there questions for Kirby about his report? If there are questions after that, I would like to deal with each one of these PRT comments or recommendations in order, so that we can make some decisions there to help guide our PRT. Any questions, raise your hand, please? John Clark.

MR. JOHN CLARK: Thanks for the presentation, Kirby. Could you just give us a little more background on the fleet that is actually catching all these incidental catch menhaden up in the Gulf of Maine? How many boats are we looking at? I gather from the report these are mostly purse seiners, and it seems like there must be a lot of fishing power up there, since there were over 3,000 trips that reported incidental catch of menhaden, which can't be more than, what was it 6,000 or 12,000 an average trip. Thanks, Kirby.

MR. ROOTES-MURDY: Yes, I can't get into too much of the specifics for the variety of different gear types, because we move into, or at least assigning a

value for the state regarding them, because that would start to compromise confidentiality. But I would say the overwhelming majority of those landings in the incidental catch category for Maine are from the purse seine fishery. The next after that is in their anchored or stake gillnet gear type. But those are vastly different, in terms of the quantity. To that end, I could turn it to Megan, and she may be able to provide more context or information for the state of Maine.

CHAIR WOODWARD: Megan, I saw your hand was up, and now I don't see it again. Would you want to respond to John's inquiry?

MS. MEGAN WARE: Sure. Yes, I was just offering to help Kirby out. Yes, it is primarily purse seine. I think maybe roughly, I'll say 90 percent of what we're landing under that provision is purse seine, and then as Kirby mentioned it's gillnet. To, I think maybe talk about some of the other comments I've heard.

To be clear, we are not opening up the incidental small-scale fishery before our quota is met. We are doing that after our quota is met, and I'll note it's called the incidental and small-scale catch fishery provision. I think we are landing more under the small-scale fishery part of that. There are specific gear types that are defined in Amendment 3 for the small-scale fishery, so approved gear types under that list that are participating.

But I agree, John, there is a fair bit of effort, or a lot of effort, and they are able to land a lot, even at 6,000 pounds, and that is primarily because we moved through our quota so quickly, that we end up sitting in this provision for most of July on. I think this kind of gets into our next agenda items, but that can hopefully answer some of your questions.

MR. CLARK: Just a quick follow up, I'm just curious as to whether a 6,000-pound limit, are these boats that are targeting these purse seiners? Is that a full load, or is that just a small

load? Are they catching other things when they are catching this incidental catch of bunker? Thanks.

MS WARE: Yes, no problem. Sorry, Chair, if I can respond to that.

CHAIR WOODWARD: Go ahead, Megan.

MS. WARE: No, they are targeting menhaden when they do this. It is 6,000 pounds that they land per day, so we don't allow for that 12,000-pound option. Their load would be 6,000 pounds. We do have a spread of landings between the 0 and the 6,000 pounds in the small-scale fishery, so we have a bit of a peak between the 1- and 1,000-pound range, and then a larger peak, I would say, between the 5,000- and 6,000-pound range.

CHAIR WOODWARD: Let's see, Lynn, I saw your hand up, and then Nichola after Lynn.

MS. LYNN FEGLEY: I think this conversation is going to morph. It's tangled up with the next conversation that we're going to have. But in terms of the annual... I agree that there should be some annual evaluation of this bycatch provision. I do just want to say up front though that, you know when this thing began way back with Amendment 2.

It was really the spirit of it was for the stationary gears, you know like pounds nets that are non-selective, they can't move, they can't chase this. They have to wait for the fish to come to them. When you look at the trajectory of how it's been working in Maryland, it's working as it should. When we have years when floods come in, we use a little bit of it, but when we don't, we don't.

It's a life saver, both for the fishery and administratively in Maryland. I think we really need to figure out a way to evaluate it annually. But I also think we need to figure out a way to evaluate how this thing is implemented in its entirety, what's in the spirit of it, and that should be part of the next conversation. Thanks.

CHAIR WOODWARD: Nichola.

MS. NICHOLA MESERVE: I just wanted to comment as another state in the Gulf of Maine with some incidental catch landings last year. It was actually our first year in Massachusetts to have incidental catch landings, and really, it's for Massachusetts it was several magnitudes smaller than Maine's, around 50,000 pounds.

It's interesting, because in prior years Massachusetts has had the last 5 percent of its quota set aside for a 6,000-pound limit, so we essentially closed, you know the large-scale directed fishery at a 95 percent limit, in order not to use the incidental allowance very heavily. Yet we found that prevented us from ever reaching our quota, and then having the ability to get into the episodic event set-aside fishery.

That was kind of a consequence of our doing that, that we hadn't necessarily foreseen. But with regards to the landings that we did have last year, since then we have adopted a maximum purse seine limit that is smaller than what the FMP allows for the small-scale fishery. In order to hopefully right size the gear to the trip limit that is available under that provision. But I think, you know we have somewhat minimal use of the incidental provision right now, but there is potential for it to grow, not to the level of Maine, I don't think, but there is potential for that.

CHAIR WOODWARD: Thank you, Nichola, that was very helpful. Any other questions for Kirby? If not, Kirby, I think why don't we try to dispense with the PRT recommendations, and then we'll circle back around, and see if we can get a motion to approve some of the items. First issue, and maybe we could bring the slide back up, is concern about the bio sampling. Obviously 2020 was an extraordinary year, and it lingers into 2021. We certainly need to be cautious about using probably either/or these years as a barometer of normality.

The question I've got for the Board is, is this a sufficient concern to warrant some sort of action as it relates to compliance, or do we

want to recommend to the PRT that they come back to the Board after the next assessment, and revisit the sampling levels, and give us some guidance. Then we could possibly incorporate those in a future management document. If you've got comments, concerns, please let me know. Megan, go ahead.

MS. WARE: Thank you, I just kind of wanted to speak to, I see another bullet point here, Maine fell short in 2020. I think our requirement was 38 samples, and we got 37, so I am admitting and recognizing that we were one short, but admittedly I'm actually quite proud of our sampling team for the effort that they put in during a pandemic. It was only a few years ago when we were required 6 samples, so to be able to scale up so quickly to 37 samples, I have to give kudos to that team. Not trying to make excuses, just trying to provide some context.

CHAIR WOODWARD: Anyone else? If I don't hear anything to the contrary, I think we should consider advising the PRT or maybe hit the pause button on this issue of concern, until the next benchmark assessment, and then come back to us and give us some comments that we may need to consider for incorporating into a future management. Is anyone uncomfortable with that approach? If so, please let me know. Tom Fote.

MR. THOMAS P. FOTE: Yes, I just was curious about where North Carolina does not collect the data. Are they going to actually start collecting the data from their pound net fishery?

CHAIR WOODWARD: Yes, we'll get to that one next, and I'm going to call on Chris Batsavage to give us a little context for that. If everyone is fine with that approach for biological sampling, then that is what we'll be going forward. I don't see or hear any opposition. Nichola.

MS. MESERVE: I guess I thought there were two different issues with biological sampling, and I'm not sure if I'm just misinterpreting what you're saying wrong or not. There were two issues, right? Where Maine, Mass and PRFC fell short in 2020,

and I think it's understandable that there were challenges with sampling last year, and that we can say those states did the best that they could in the year and move on.

However, I think the PRT was also commenting that they weren't sure that the formula by which we determine each state's level of sampling, if that is adequate. It was recommended that that be addressed in the next management action. That part of it, I think you know could be part of our next agenda item as well.

CHAIR WOODWARD: Yes, that's correct. I did not get a sense that anyone was longing to find Maine, Massachusetts, or PRFC out of compliance, based on the lack of biological sampling. If someone feels differently, please let me know. The other was obviously, as you described it, the magnitude of the sampling, and is that consistent with providing the best scientific information available for our decisions.

Hopefully that's clear. Now, the catch and effort data from the pound net fishery. Obviously, there were some background documents in the briefing materials, and Chris Batsavage, could I call on you just to give a little context, and explain this for folks?

MR. CHRIS BATSAVAGE: Yes, I appreciate the opportunity to do that. As the Board is aware, we're using a proxy to meet this requirement in the FMP, where our trip ticket program doesn't collect information on pound net landings, to the level that is required in Amendment 3. To come up with kind of an alternate way to do it, we've been doing this for a few years.

But it doesn't really get to the level of getting that CPUE data. In order to get that, if my understanding is correct, we would need to either add a new permit for the pound net fishery, that is catching menhaden, you know to get this information, or add it on to the existing pound net permits that we have, you know for

people just to have these, allow them to set the gear in the water where they do.

Both are not light loads really, when you kind of consider the other things that we have, as far as monitoring and all. I guess to just put it in perspective. Although we're not meeting the requirements of Amendment 3, the North Carolina pound net fishery is pretty small, in terms of menhaden landings overall.

I think last year we landed about 115,000 pounds of menhaden from pound nets, and it has been pretty consistent in that 100-to-150,000-pound level for a few years. It's not a very big fishery, and again, with pound nets it's a matter of scale, in terms of just the size of the nets. In other words, a pound net in Core Sound is quite a bit smaller than one in the northern part of the state in Albemarle Sound.

You know there is maybe some comparability issues, in terms of CPUEs, not only for our state, but comparative to other states. I just wanted to give a little bit of background, some explanation, and some context, I guess, as far as how our fishery operates, some of the challenges we have in meeting the full suite of recommendations, and just see if the Board has any questions, or what their thoughts are on us moving forward. Thanks.

CHAIR WOODWARD: Thank you, Chris, any questions for Chris regarding his comments? Any concerns? You know we as a Board have been exempting North Carolina, and approving their proxy method. Obviously, it doesn't necessarily meet all the absolute requirements, but I believe I'm correct that the CPUE index hasn't really been a vital part of the assessment anyway.

While it is certainly desirable to have the most precise data we can have, it's not limiting the quality of the assessment, as I understand it. Someone can correct me if I'm wrong there. Were there any concerns with staying the course, with regard to North Carolina's proxy method for estimating CPUE in their pound net fishery? If so, please raise your hand and be recognized. I don't see anyone, so with that I think we can give

guidance back to the PRT that we certainly appreciate and understand their concern, but maybe also hit the pause button on this one, until maybe the next benchmark assessment, when it may be found that data of this type may actually be more integral and important than we think. Third item, and if you'll go to, I guess to the next slide there is the concerns about incidental catch, and the provisions thereof.

This is something I think that has obviously peaked everyone's interest. You can certainly move comments and discussions about this into our next agenda item, but I want to give everyone a chance to address it now if they want to. If not, we can certainly talk about it at our next agenda item. I don't see any hands up.

MR. ROOTES-MURDY: Hey Spud, just to help with framing it. You know, I think the PRT is really trying to flag if there is any specific guidance the Board wants to give the PRT, in evaluating how states currently operate their state quota management using incidental catch. If there isn't any consensus or Board guidance on that, then the other component of incidental catch.

The fact that it's increased, and whether the Board wants to overall change that program, or adjust it in a future management document, that can be taken up in our next agenda item. But at this stage, we're really looking for any guidance for the PRT, in how to look at how states are either opting into incidental catch or not, based on how they manage their quota.

CHAIR WOODWARD: Thanks, Kirby, for clarifying that. I see Joe Cimino, you've got your hand up.

MR. JOE CIMINO: Yes, Mr. Chair, thanks. New Jersey is one of the states that has gear-specific allocations, and as such, it certainly is easier for us to move specific gears that have taken their quota over to incidental. You know you can see from those tables that has been performing as we expect the incidental catch to perform,

while still allowing other gear types to remain in their directed fisheries.

I think that option, that idea, does go towards what incidental catch was meant to be, as opposed to leaving those gear types closed until all harvest has happened, in which case that could be very challenging for us, because we're usually seeking to keep that fishery going, and with the way quota transfers have been happening in recent years. When we get close quota has been available.

My hope would be that we can clear it up, that that remains a possibility. I think it's within the concept of incidental catch. I think this obviously is something we need to keep an eye on as we go forward. But it doesn't count against the overall quota, so I don't think a state should be required to catch their entire quota, just to shift into incidental. Then as I said, we will be getting to, is the incidental catch happening as it should as a whole. Thanks.

CHAIR WOODWARD: Anyone else at this point? Are we getting the information we need in the way we need it, to evaluate if they have to still be in incidental catch provisions, to make sure they are working as we intend them to do? If not, I need comments from the Board on what we do need to better assess it. If we're getting what we need that's fine. I don't see any hands up. Okay, again, this is certainly not the end all be all. We can circle back around to this. All right, at this point I would certainly entertain a motion to approve the FMP Review, the State Compliance Reports, and the *de minimus* requests, if someone is willing to offer that, and raise their hand. I see Emerson Hasbrouck. Is that a question or a motion?

MR. EMERSON HASBROUCK: No, Mr. Chair, I'm willing to make that motion.

CHAIR WOODWARD: All right, proceed.

MR. HASBROUCK: Does staff have a motion prepared? I move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimus* requests from Pennsylvania, South Carolina, Georgia and Florida.

CHAIR WOODWARD: I see a whole lot of hands up; I assume mean a second. I think the first one of those was Malcolm Rhodes, is that correct, Dr. Rhodes? Are you seconding that motion?

DR. MALCOLM RHODES: Yes, Sir.

CHAIR WOODWARD: All right, thank you very much. We have a motion for consideration, any further discussion on the motion? Any opposition to the motion? If so, please raise your hand. I don't see any, so we'll consider the motion accepted unanimously. Thank you all very much, and thank you, Kirby.

DISCUSSION TO REVISIT THE COMMERCIAL QUOTA PROVISIONS OF AMENDMENT 3

CHAIR WOODWARD: We'll go on to our next agenda item, which is to Discuss Revisiting the Commercial Quota Provisions of Amendment 3. Kirby, I'll turn it back over to you.

MR. ROOTES-MURDY: Next I have a presentation on recent menhaden quota landings. A memo with this information was included in the briefing materials. As we've talked about, at the last Board meeting and earlier today, Amendment 3 is really the management document that establishes how the current management regime operates.

It established the current quota allocations to manage the total allowable catch, each jurisdiction is allocated a 0.5 percent fixed minimum quota, and the remainder of that TAC is allocated based on a three-year average of landings from 2009 through 2011. Annually, jurisdictions have the option to relinquish their fixed minimum quota by December 1st of the preceding fishing year, and any quota relinquished by a jurisdiction is redistributed to other jurisdictions, based on landings data from 2009 through 2011.

Any overage of a quota allocation is determined based on final allocations, and the overage

amount is subtracted from that jurisdiction's quota in the subsequent year on a pound-for-pound basis. As a reminder, outlined in the Amendment is the allocations that are to be revisited at least every three years following implementation.

That is why we are going through recent landings and quota performance today. What I'll be presenting on that was included in the memo, are relinquished quota from 2018 through 2021, jurisdiction's total landings as a percentage of the coastwide from 2016 through 2020. Incidental catch from 2017 through 2020, and the episodic set-aside landings from 2018 through 2020. All right, first going on to relinquished quota. Under Amendment 3, as mentioned, jurisdictions have the option to relinquish part or all of their fixed minimum quota by December 1st of the preceding fishing year. What this table shows you, is that only three states have relinquished quota from 2018 through 2021, Delaware, South Carolina, and Georgia. Delaware is the only state that relinquished quota every year during this time, averaging 1.9 million pounds annually.

Georgia relinquished its full quota, 2.35 million pounds annually from 2018 through 2020. Okay, so next is quota transfers, on the next slide. This was asked to be brought up again, and I just want to make sure the Board is aware of what this is showing. This is showing quota transfers from 2018 through 2020. The gray cell are jurisdictions that received quota. As noted, before not every jurisdiction transfers quota consistently, only Maine, Connecticut, New York, Maryland and Florida either gave or received quota every year from 2018 through 2020.

Those states are bolded. For all three years, the only jurisdictions that have a net increase in quota through transfers were Maine, New Hampshire, and Massachusetts. This is a table that was presented to the Board back in February, and it's just been updated with what landings as a percentage of the coastwide total is for 2020.

The key thing to note here is relative to what was presented before. You could see that for Maine,

Massachusetts, and New Jersey, their percentage of the coastwide landings total increased in 2020, relative to 2019. I'll also note that while there are states that have no value included in their cell, it doesn't mean that they didn't have landings, it's just based on landing 0.1 percent of the coastwide total that didn't register.

Additionally, New Hampshire's landings in 2020 were confidential, but I can indicate that they landed more than what their initial allocation was in 2020. When I get done with the presentation, I know that New Hampshire Commissioners may want to speak in greater detail to how their landings have changed over time.

As we talked about in the FMP Review, the bycatch allowance was first implemented under Amendment 2 in 2013. It was modified by Addendum 1 to Amendment 2, and it's continued under Amendment 3. As outlined in Amendment 3, after a jurisdiction's allocation is met, and its directed fishery is closed, menhaden landings can continue to occur as incidental catch under specific gear types.

There are small-scale gear types, cast nets, traps, pots, haul seines, fyke nets, hook and line, bag nets, hoop nets, handlines, trammel nets, bait nets and purse seines, which are smaller than 150 fathom long and 8 fathoms deep. Then non-directed gears, which include pound nets, anchored/stake gillnets, drift gillnets, trawls, fishing weirs, fyke nets, and floating fish traps.

These gear types may land up to 6,000 pounds of menhaden per trip per day. Over the last three years, a total of ten different jurisdictions have had incidental catch landings. Seven jurisdictions reported incidental catch in a year, in 2017, and only one in 2019. The annual coastwide total incidental catch ranged from approximately 3.3 million pounds to 13.9 million pounds, and it was not related to the number of states reporting incidental catch

landings. A majority of the incidental catch landings occur on trips that land either a thousand pounds or less, so about 37 percent of those trips land a thousand pounds or less, or between 5,000 and 6,000 pounds, 34 percent. The majority of the incidental landings have been caught by purse seine, with the next gear type being fixed gillnets.

The share of incidental catch landings using purse seine gear has increased, from 57 percent in 2017 to approximately 88 percent in 2019 and 2020. From 2018 to 2019, incidental catch increased by about 225 percent, with Maine being the only state with incidental catch that year. From 2019 to 2020, as noted in the FMP Review, incidental catch increased again, and this time it included four states, Maine, Massachusetts, New York, and New Jersey. The Episodic Set-Aside Program was another requested item to be in the memo.

As the Board is aware, this program was first implemented under Amendment 2 in 2013, and modified through a technical addendum later that year. Amendment 3 made no changes to the program. Just as a reminder of how this works. Annually, 1 percent of the TAC is set aside for episodic events, which are defined as any instance once a qualified state has reached its quota allocation prior to September 1, and a state can prove the presence of an unusually large amount of menhaden in state waters.

To demonstrate a large amount of menhaden in their state waters, a state can use either surveys, whether they are aerial or seine, to indicate high biomass, release of landings information or information highlighting the potential for a fish kill, associated human health concerns that would arise from that addressing this, and that harvest would reduce or eliminate that fish kill.

The goal of the program is to add flexibility to menhaden management, to allow harvest during an episodic event, to help reduce discards and prevent fish kills. It is important to note that only the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island and New York are currently eligible to opt in annually.

I'll note that one of the challenges that we do run into, is that in evaluating this program annually, we are going off the landings that are being reported by the state in real time, and so there can be at times differences between what is put forward as the in-season, final total that they give, and then what the finalized landings value that they offer when the compliance reports are due in the subsequent year.

This just is a byproduct of preliminary data that is being used to monitor the set-aside program. For the Board's consideration today, what I'm putting out is whether reallocation is something that the Board wishes to pursue, and if so that that is understood. It could be completed through an addendum.

From a staff standpoint it would be helpful that if an addendum is to be initiated, that the purpose and scope of that addendum is made clear. Reallocation ideas or options can be helpful, but they should ultimately be linked to what the overall purpose of the action is. It's a way to help check to ensure that what the Board is seeking to address is then providing guidance to what would likely be a Plan Development Team, to develop these options that meet that need. Then if there are other specific provisions that the Board wishes this addendum or management action to address, such as quota transfers, incidental catch, or the episodic set-aside in the fishery management plan, that those be made clear in the motion. I will note that confidentiality, as noted in February, will pose some challenges for how this landings data can be displayed in any type of management document.

For the Board's consideration today, possible Board action is whether to consider initiating a management document on reallocation. If the Board would like to pursue that, then our Plan Development Team would need to be populated. It doesn't have to be today. States would be able to follow up with me afterwards.

We do have parameters around how many people we have on a Plan Development Team or PDT, and I could provide more information to that in a follow up e-mail to the Board. It's important to note at this point that PDT members would need to obtain confidential data access, given this is a coastwide management board that would be for all states, Maine through Florida.

As part of what could be a management document, ACCSP is working to pull together landings data from 1985 through 2020. They have indicated that that will be available later this month, validated. That type of information could be available for a management document in developing options.

But again, confidentiality may pose challenges for how that information can be broken out and presented, to both the Board and the public for consideration and developing options that meet the Board's needs. Lastly, I'll just hit home again that clarity on the purpose and the scope of what the Board hopes to achieve in any type of management action, will help us, and the Plan Development Team in developing a document in a timely manner. With that I'll take any questions. Thank you.

CHAIR WOODWARD: Thank you, Kirby, I appreciate that presentation. You did a good job of summing up where we are at, and I'll open it up to any questions. I see Ritchie White.

MR. G. RITCHIE WHITE: Yes, I just wanted to clarify New Hampshire's landing situation, and the harvesters that did land provided me with landing data, and authorized me to use that in this setting. I'm not going to quote actual poundage, but I'm going to give a (even though I could), I'll give a sense of what New Hampshire landed this year.

I just want to clarify this did not come from the Department, that it was from the harvesters directly. New Hampshire harvested about just under 5 million pounds last year, and if it weren't for issues in one of the vessels that was going to continue to fish, in all likelihood we would have had another million pounds landed. Just wanted to clarify where that landed, so that when we do get

in, hopefully get into looking at any changes in quotas, that the actual number can be used. Thank you.

CHAIR WOODWARD: Thank you, Ritchie, I appreciate that. That is very helpful. Any other, I see Lynn, you've got your hand up.

MS. FEGLEY: I admit we have a power outage here, so I can't see what I usually see, in terms of materials. But as I remember, both South Carolina and Georgia stopped relinquishing their base allocation, as we moved in more recent years. But I think that South Carolina transferred some quota later, in a year when they didn't relinquish. What I'm trying to understand is, you know if there are enough Board members from this state that can speak to this a little bit. I'm trying to understand what their rationale is for not relinquishing.

CHAIR WOODWARD: Not to put anybody on the hot seat, but it sounds like that is a question for Mel and for Doug, so Mel, I see your hand up, go ahead.

MR. MEL BELL: Yes, so as far as when we may have relinquished in the past, as far as it's before my time. But I know we hadn't relinquished. Lynn is right, in '19 and '20 we did transfer. That might be in part due to just the need, I mean we were asked, there was a need. You know I was onboard at that point; I think Robert had already shifted off. We just felt like we were responding to a specific request from states that were kind of in a bind, and trying to help out.

But in terms of why we never relinquished, I'm not sure, other than we just might want to make sure we have something there, in the event that at some point in the future there is a potential for a fishery. It's sort of like not surrendering our options there. But yes, indeed we did transfer some in '19 and '20 but haven't relinquished, so that is a fair assessment of where we are.

CHAIR WOODWARD: Doug, go ahead.

MR. DOUG HAYMANS: Yes, the proverbial hot seat. Lynn, quite honestly, we look back at how the relinquished quota have been divvied up, you know based on the previous reference point. I felt like that maybe the majority of what we were relinquishing didn't need to go to the reduction fishery, and felt like that it was probably best used, if another state in the bait fishery were to ask for it. In 2021, this year I have not relinquished it, and am waiting on a New England state to ask for a transfer of quota, rather than putting it into the overall pool.

CHAIR WOODWARD: Thank you, Doug. Lynn, do you have any follow up on that?

MS. FEGLEY: No, thank you so much. That helps. I very much appreciate their responses.

CHAIR WOODWARD: All right, any other questions for Kirby about his presentation? If not, just sort of again to reset our context. You know a review does not require a reaffirmation of existing allocation, or does not require a change.

However, if the Board feels that status quo is not accomplishing the goals and objectives of the allocation scheme, then it is certainly incumbent upon any member of the Board to offer a motion to start a management action to revisit allocation, and to offer options. At this point, I would open the floor up. I see Megan, you have your hand up.

MS. WARE: I'll take you up on the offer, I have a motion, and I believe staff has that ready to go. I can read this in, and then if I get a second, I will provide some rationale.

CHAIR WOODWARD: Go ahead.

MS. WARE: Thank you. Move to initiate an addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability, while providing a level of access to the fishery by all

Atlantic coast jurisdictions, and reduce the need for quota transfers.

In addition to status quo, explore and analyze: Changes to the allocation timeframe, including options based on more recent years of landings data, example average or best over the last three or four years, and an option with 50 percent, based on these more recent years of landings data, and 50 percent based on status quo of 2009 to 2011 landings basis. Also consider in these new timeframes options to reduce the fixed minimum, (e.g., 0.25 percent), in addition to the status quo of 0.5 percent fixed minimum. Changes to the episodic set-aside up to 5 percent.

CHAIR WOODWARD: Thank you, Megan, do we have a second? I see Ritchie White, is that a second, Ritchie?

MR. WHITE: Yes, it is, thank you, Mr. Chair.

CHAIR WOODWARD: We have a motion and we have a second. With that I'll open up the floor for discussion about the motion, and so if you have questions of the maker, comments, please signify by raising your hand.

MS. WARE: Mr. Chair, this is Megan, could I provide some rationale if that is okay?

CHAIR WOODWARD: Please do, go ahead.

MS. WARE: Thank you. Obviously at the last Board meeting I talked about some of the challenges that Maine has been facing, given kind of the level of quota we're allocated, versus the exponential increase in the fish we're seeing. As a result of this, we've become completely reliant on things like quota transfers and the small-scale fishery.

I think that is what we're seeing in those FMP review numbers. You know a lot of these flexibilities in Amendment 3 have held Maine over in the short term. I don't think these are long-term solutions. Obviously, there is a fair

bit of focus on Maine's small-scale landings, but this is a symptom, I believe of the mismatch between Maine's fish and versus our quota.

We're kind of getting squeezed into this provision of the Amendment, and we end up sitting in that small-scale fishery for about four months, and that is how we accumulate such high landings. I am proposing an addendum at this point. As Kirby mentioned, Amendment 3 does allow us to change allocations via an addendum.

During the Amendment 3 process, there was really extensive discussion amongst the Board members, and members of the public regarding a range of quota allocation methods. As a result, I don't see a clear need for coastwide scoping on allocation just a few years later. Everything that is included in my motion, in terms of things for the PDT to explore, is already an element in our Amendment. I've also tried to provide some ideas for the PDT to explore. However, I'll note that there is always latitude for the PDT to investigate other options as they see fit. I will also note that just like any other addendum.

If the Board wants the Board will get an opportunity to review the draft at a subsequent Board meeting, and if we want, we can always make changes to that draft or add options, and send it back for further PDT work. There are opportunities abound for the Board to kind of develop this through an addendum. Thank you.

CHAIR WOODWARD: I would assume that it would certainly be Maine's interest in having this be effective for the next fishing year if at all possible. Is that correct?

MS. WARE: I think, you know it's more important at this point to make sure that everyone is onboard with this document. If that means taking two meetings to develop the addendum, then I think that needs to be the priority. If it only takes one, and we can do this by next year, that's great.

CHAIR WOODWARD: All right, I'll take these as I read them from top down, so if I'm skipping over folks, I apologize. But I've got a pretty long list here.

I'm going to start with Justin Davis, and then Doug Haymans will be next.

DR. JUSTIN DAVIS: I note that this motion doesn't include a consideration of the incidental landing provision, and we had some discussion earlier at this meeting about sort of how potentially the use or intent of that provision has shifted, from maybe what it was originally. I think I would like to hear some more discussion around the table about that topic.

But I think at this point, I would be leaning towards offering an amendment to the motion to add that in to the addendum. But I guess I'm not ready to do that at this point, and I would like to hear more discussion on the topic, hopefully as we go around the table.

CHAIR WOODWARD: Kirby, just a point of clarification, to make sure we don't get derailed here. If we were to explore changes of the incidental catch provision, is that still within the scope of the addendum process?

MR. ROOTES-MURDY: That is my understanding.

CHAIR WOODWARD: Okay, Doug Haymans is next, and then Ritchie White.

MR. HAYMANS: I just want to make sure I understand the need for the reduction of those states that have a half percent down to a quarter. If I look at Table 8, which was in Kirby's presentation, it looks like to me there is roughly 11 million pounds that was transferred in 2020 from most of the states on the Board, and only three of those states are affected by the reduction from 0.5 to 0.25, and of those three. I mean that's a change of 3 million pounds. I guess I would ask what the need is to affect those three states, when it's less than a third of what was transferred in 2020.

CHAIR WOODWARD: Megan, would you like to respond to that need?

MS. WARE: Sure, was that Doug? I'm sorry, I don't know who was speaking there.

CHAIR WOODWARD: Yes, Doug Haymans.

MS. WARE: Doug, I can look at the table that you are referencing. But I've included that, because quite frankly there are a number of states who have a 0.5 percent fixed minimum allocation, whose landings are under that amount. I'm trying to put forward a variety of options to see what the numbers come out as.

Kind of give the PDT some tools to work with, to see what shakes out. If we come back in the next Board meeting, and that's not an option that is favorable to the Board, then we can take it out. But again, just trying to provide some latitude for the PDT to explore different options.

CHAIR WOODWARD: Next I've got Ritchie White, and then Roy Miller.

MR. WHITE: My second is clearly to get an addendum moving forward. Whether this is the final layout of the addendum, you know I'm not sure that there aren't other alternatives that could be added into this, and that this couldn't be tweaked, if needed once we see what this does to each state.

But the need for this is clear in New England. Four or five years ago, New Hampshire had no landings at all, and now we're 5, 6-million pounds a year, and may go up substantially this year, if we have additional vessels moving in to the fishery, supposedly. The herring, Atlantic herring quota is so low that there is a number of large vessels that said that they are not even going to enter the fishery this year to fish for it, because it is not economic.

That shows you the need for bait for the billion-dollar New England lobster fishery. It's kind of a perfect storm of the loss of herring, the need for this large amount of bait, and the availability of menhaden, you know in a stock that is doing well. I think it is critical that we go forward with this

addendum. I guess I would say, less to focus on the exact details of it, and add additional ideas for the PDT to work on, and bring back to us at the next meeting.

CHAIR WOODWARD: Again, we're reiterating what you heard from Kirby, is that the more specificity we can give the PDT on the options that we want analyzed, the greater likelihood that we'll be able to have what we need to ultimately make a decision when we get to that point. Roy Miller and Nichola, you're on deck.

MR. ROY W. MILLER: I would like to ask a question of Megan, and then I have a short comment. But as a follow up to Ritchie White's remarks. I'm assuming that Maine's incidental catch landings in recent years are a reflection of the stock of the menhaden that are in Maine waters. What I'm wondering is how much of it is due to the bait fleet not being able to capture enough Atlantic herring, and switching over to menhaden, or is it strictly increased abundance of menhaden due to climate change, or other effects? That is the first question I have for Megan.

CHAIR WOODWARD: Megan, would you please respond to Roy's question?

MS. WARE: Yes, thanks Roy for the question. I think herring is part of the story, but I guess I disagree with kind of what was put in the FMP review that it's the primary driver. We have a vessel size limit for the menhaden fishery, so many of the herring vessels that we have in Maine don't actually qualify, or can't participate in the menhaden fishery.

We are not seeing like a direct transfer of herring boats switching over to menhaden. I think it's actually much more complex, where we're seeing a change in almost the bait infrastructure in Maine from kind of these bait dealers, I'll say, that were predominantly herring, to almost wharf-specific bait sourcing through menhaden.

What we're seeing is a lot more small vessels and lobstermen going out and catching their own bait. That is, it's a very different set of participation I would say in the menhaden and herring fishery. It's not a transition, and again, I think it is a more complex story than just not having herring. This is wharves going out, seeing an abundant resource, and wanting to catch their own bait for their businesses.

CHAIR WOODWARD: Back to you, Roy.

MR. MILLER: Mr. Chairman, if I may, just a quick comment. Listening earlier to Lynn Fegley's understanding of what incidental catch, why that category was created in the first place. It seems to me that the menhaden incidental landings in Maine don't fit the definition, really, of an incidental catch, because let's face it, purse seine is a directed gear. It's not like, the fish inadvertently swam into pound nets. I think we need to change over that incidental catch in Maine to directed fisheries landings, if we're going to deal with this problem. That is just my opinion.

CHAIR WOODWARD: Nichola, and then we have Lynn on deck.

MS. MESERVE: I would like to speak in favor of initiating an addendum to look at the reallocation and associated provisions. I think that the 2009 to 2011 time series that are used as the basis reflect a time period that the distribution of menhaden was different from now, and we're seeing that in Massachusetts and in the Gulf of Maine. It's a pretty narrow timeframe, so it makes sense to me to include some additional years, more recent years.

As Megan has addressed, you know that could go a long way to addressing the issue of the small-scale and incidental landings that are occurring under that provision. However, I wouldn't be opposed to also including potential changes to how that allowance is used in this addendum as well.

A cap as Mr. Kaelin referenced, or some other type of restriction on the use of it. In Massachusetts

we've been fortunate to have the episodic event set-aside as well recently to use. But I'm glad to see if this motion also includes looking at a different percentage for that. I think when Amendment 2 was passed, 1 percent of the quota sounded like a lot. Based on the current distribution of the resource in the northeast, 1 percent can be taken very quickly. I appreciate Megan including that in her motion as well. I think another idea that I would like to address is potentially some type of, and this could go along with reducing the fixed minimum allocation, as some type of threshold for a state to receive the default minimum, some type of passed or expected commercial fishing activity to get that allocation.

CHAIR WOODWARD: Lynn, and then we've got Dennis Abbott on deck.

MS. FEGLEY: If it's okay, I am very uncomfortable with this motion, and I would actually like to offer a substitute, and then if I get a second, I would like to speak to it.

CHAIR WOODWARD: Go ahead.

MS. KERNS: We lost her.

CHAIR WOODWARD: All right, well when she gets back let's move ahead. Dennis Abbott, and then Jim Gilmore, I had you on deck.

MR. DENNIS ABBOTT: I'm in full support of Megan's motion, and seconded by Ritchie White. It's very clear that the resource has, I won't say shifted northward, but it is available northward. The very fact that through the incidental catch many small boats in the state of Maine have been able to go out and catch 13 million pounds, surely shows that there is a resource available there.

Also, when we initiated the amendment, and we gave the states the minimum of 0.5 percent, those figures were very arbitrary, and it's been proven that a number of states that received allocations did not need 0.5 percent. But I think

that was part of our bargain in passing the amendment. There is a big need for changing it, and there has to be a recognition that the New England states and the Gulf of Maine should have access to this resource. Thank you.

CHAIR WOODWARD: All right, Jim Gilmore and then we have Joe Cimino on deck.

MR. JAMES J. GILMORE: Just quickly, I support the motion. Obviously, what we did a few years ago, we based the management back a few years back on assumptions that are probably no longer appropriate, and I think we definitely need a change with that. Dennis is right, we took a best guess at some of these things, and came up with what we thought was reasonable. Now that we've got more information, plus things that have changed between growth of the stock for menhaden, coupled with a decline in sea herring. We obviously need to reevaluate this, so we're definitely in support of the motion.

CHAIR WOODWARD: All right, Joe Cimino, and then Megan, I have your hand back up, so you're on deck.

MR. CIMINO: I see Lynn is back, so maybe we can do this a little differently. Lynn had had a chance to text me, and I shared her concerns, and so there was this thought of a substitute motion. We are going to be at the Executive Committee, and anyone who wants to get up early tomorrow will hear a presentation on a very large subcommittee that is looking at reallocation. While I appreciate Megan's motion for an addendum, I would like to substitute, in consideration that there is a group working on reallocation in general. I am concerned that this is just too narrow of a frame to move forward with. I would like to move to substitute to initiate an addendum to reconsider menhaden allocation.

I would move that the Board create a working group to develop allocation options for review at the August, 2021 Board meeting, and for those to be presented to the PDT. I also feel that the incidental take needs to be looked at. I think the

PDT can do that. I don't know the exact wording, but I do think that the incidental take needs to be reviewed by the Plan Development Team, including what gears qualify.

CHAIR WOODWARD: Okay, we have a substitute motion for Board consideration, and let me editorialize here a little bit, because I want to make sure that we're getting the horse and the cart in proper alignment. I assume that there is a second, Lynn, that you would second this motion?

MS. FEGLEY: Yes, Mr. Chair, I would second, thank you, and I would love to speak to it as well at some point.

CHAIR WOODWARD: All right, but before we enter discussion about this substitute motion, and this I guess is a question for Kirby and Toni is, do we need an addendum to create a working group, or if the purpose of the motion is to create a working group to develop allocation options, should the working group, if it's the will of the Board to create a working group, could that working group be created and develop options, and then bring those back to the Board for consideration within an addendum? I would appreciate some advice on that.

MS. KERNS: I mean it is the prerogative of the Board in the order that you go. But you definitely don't need an addendum to have a work group be formed. It would be good to give that work group, as we have in our work group guidance document there needs to be some specific goals and objectives for that work group to follow. But you don't need to initiate a management document prior to.

CHAIR WOODWARD: Okay with that said and clarified, I'll open it up for some questions and discussion on this. Joe, would you like to add anymore to your rationale to this, and then I'll call on Lynn after that?

MR. CIMINO: I think the cart before the horse was simply in my wording, and I apologize to everyone, including Lynn for that. But the concept here is to start an addendum process, and that is what the substitute motion is doing. The idea behind the working group going in conjunction with that. Again, it speaks to the hope that we would have a much broader scope, and have that at our next meeting. Since there is a subcommittee, a very large subcommittee that is looking at this, I thought there was need for that.

CHAIR WOODWARD: Okay, Lynn, would you like to add your comments, and then I'm going to open it up to the folks that have their hands raised.

MS. FEGLEY: Yes, thank you, Mr. Chair, and I really apologize for the technical problems. You know I was just extremely uncomfortable with the motion as it stood. Allocation, this is such a complex issue. We heard it in the comments of Board members leading up to, you know after the motion was made about the minimum base allocation, about the incidental gears.

I will say that from a Maryland centric place, that to look at timeframes of allocation that are based on more recent years. That puts a target squarely on the backs of Maryland. I know I keep repeating myself, but we have a very small, limited entry fishery that can't move. It is the backbone of our communities. They catch menhaden for our bait for our crab fishery.

In terms of staff availability, you know I've been told the last two years that the fish have been in the Bay, but the pound nets are all sitting in shoal water. The fish have just bypassed the pound nets by staying in deeper water. I honestly can't rationalize a way that I could stand before our commercial community, and tell them that we would be facing quota cuts of up to 60 percent, which means we would have been fishing over our quota for the last few years.

That is just an intractable option for us, and I think there is room here. I think with the incidental catch bycatch allowance, you know that works really well

for us. It's been in place for nine years; it hasn't yet caused an issue. I think that would provide us some flexibility; you know to talk about how we might adjust our quotas.

But I think the states need to sit down and have this conversation, not under parliamentary procedures. Allow the states to go back and make sure they are checked in with their industries, and then come back to the Board in August, and really provide the PDT with some options, some of which would just be tragedy for a state.

I feel really strongly about this. We can't fast track allocation, and I so appreciate again, you know the sentiments that keep us all at the table, but I would really prefer to preload this, and get a work group together to discuss. I have a lot to say, but I'm going to stop talking there, thank you.

CHAIR WOODWARD: I'm going to call on Kirby for a point of order regarding the substitute motion.

MR. ROOTES-MURDY: I know we're dealing with some connection issues with a few Board members, and Maya that's been doing a great job with trying to get these motions down. But reading the substitute motion, I think the second sentence is a little unclear, so I want to ask the makers of the motion if they could clarify. It says, move the Board create a work group to develop allocation options for review.

Is it to be at the August Board meeting, and if so, we want to make sure that is in the substitute motion? Then the other point of clarification is that is the intent for the work group to develop allocation options that are presented to the Board, or then presented to the Plan Development Team? I guess I'm trying to better understand what the thought process is for how that moves forward.

MS. FEGLEY: Mr. Chair, I could speak to that.

CHAIR WOODWARD: Please do.

MS. FEGLEY: The intent of the motion was to create a work group that would develop allocation options for the Board to review and discuss at the August, 2021 meeting. Then coming out of that meeting, the results of that discussion would go to the PDT to guide the development of a document.

MR. ROOTES-MURDY: Okay, thank you.

CHAIR WOODWARD: Go ahead, Joe.

MR. CIMINO: I think August got misplaced, but so did the concept that the PDT should be looking at the incidental catch. I don't see anything here in this current motion about incidental catch.

MS. KERNS: Joe, can you just specifically wordsmith for Maya, so she knows exactly what you want her to write? Do you want it to say, move that the Board create a work group to develop allocation options for review and discussion at the August, 2021 Board meeting, and I don't know how you want to finish it?

MR. CIMINO: Yes, Toni, as Lynn mentioned, yes. After 2021 Board meeting it would be for discussion.

CHAIR WOODWARD: Where does the incidental catch component of this come in?

MR. CIMINO: We can remove the presented to the PDT, and start that the Plan Development Team would develop options to review the incidental catch, including gear type eligibility.

CHAIR WOODWARD: Kirby are you satisfied? Toni and Kirby. Are you all satisfied with that? Is that clear enough for us to move forward with further discussion?

MR. ROOTES-MURDY: It's just until we're all understanding the sequence here. What this substitute motion, from what I am seeing as staff. This would create a work group that would need to be populated, either today or following this

meeting, and after that work group had put together allocation options, specific to reallocation of the commercial quota, that are then to be presented at the August Board meeting.

Following that a Plan Development Team would also need to be formed, and they would be tasked with looking at those allocation options, as well as reviewing the incidental catch provision, including eligible gear type. That is how I'm reading it right now.

MS. KERNS: I guess, Kirby, I'm not sure I'm reading that the PDT couldn't work in sync at the same time. Like the PDT couldn't get together and work this summer on incidental catch. Unless, Joe and Lynn, you are thinking otherwise.

MS. FEGLEY: No, this is Lynn. I think that's fine.

MR. CIMINO: Yes, agreed.

CHAIR WOODWARD: Well again, just to clarify. It's the initiation of an addendum that makes the creation of the PDT necessary. In order to have the PDT, we need to do that. But I think it could benefit for some clarify in that last sentence, the PDT will evaluate allocation options, once they are presented.

It's a little cumbersome, but if you're fine with it, Kirby and Toni, I can certainly live with it, and we need to carry on, especially since we are 17 minutes over our time, and we are far from finished. I don't want to rush this, but at the same time I want to be respectful of our allotted time. Toni, and Kirby, you're okay with this?

MS. KERNS: Mr. Chairman, if I could just ask Maya to delete, in the second sentence I don't think we need the word move again, so if we can take away move that, and just say the Board will create a work group.

CHAIR WOODWARD: All right.

MS. KERNS: I think through your discussion now, it is understood that the PDT will take on the allocation options that the Board then brings to them after the August meeting. I will say that the PDT might need some clarity on, some guidance on how they should be looking at incidental catch. Right now, there is no guidance here, and they will need something to work off of. Without that they will have no direction.

CHAIR WOODWARD: Again, not to put words in the maker or seconder of the motion, I assume that the intent of this is to have them evaluate the efficacy of the incidental catch provisions for a very intended purpose. Is that correct?

MS. FEGLEY: Yes. I believe that is correct. It's going back and it's looking at what was the initial purpose of the incidental catch, and also, I think part of the evaluation and looking at options is, what is the risk of the incidental catch with the differing gear? You know we know that in the situation that Maine is in, the incidental catch winds up being a bigger risk to breaching the quota, I would think, just because that is where they have to sit, in order to catch the fish.

When you look at the smaller scale fisheries that really just use incidental quota periodically, it poses less risk to breaching the quota, and also, I think some examinations of the gear are criteria. You know what is the difference between a gear that can go out and chase down a school of menhaden, versus a passive gear that just catches menhaden as they swim by. I hope that helps.

CHAIR WOODWARD: Toni and Kirby, does that help narrow it down a bit?

MS. KERNS: The problem that I see here is that the Board defines what the incidental catch was. It's clear that it is not clear to the states of what that original intention was. To ask the PDT to evaluate based on something that not everybody is clear on, is going to be really difficult for them to do. I would ask that we have, because right here it says to develop options to review the incidental catch. What is the range of options that you're looking for,

you know that type of direction for them? You don't have to be specific, but just what are their bounds?

CHAIR WOODWARD: That's a fair point. We don't really want to set up the PDT for failure, by not giving them specific direction. But we seem to be hung up right here, and we certainly need to move along. What clarifying language can be added to this, to remedy the situation? Do you have something you can offer?

MS. KERNS: Spud, it doesn't have to be in the motion. I'm just saying through this discussion we're going to need some clarity of what it is that you want the PDT to look at. Maybe we'll get that out of this discussion from here. You know you have a ton of hands, so maybe some folks will have some ideas.

CHAIR WOODWARD: Okay, well let's move forward with further discussion, and I'll try my best to keep up with the list. Folks are sort of popping up and disappearing off my little box down there, so I'm going to work my way down, the way I have them. The first of those is Megan Ware, and then Conor McManus is on the deck.

MS. WARE: I appreciate Joe and Lynn. I think that you guys are trying to find a point of compromise here. I have a couple concerns. My first is that particularly recently, work groups have been extremely contentious, in terms of who participates on those groups. I think that is going to be augmented and heightened at the Menhaden Board, where it's a coastwide board. I can see some pretty contentious starts to this work group.

I'm also concerned that if a work group is developing allocation options, that is moving into the purpose of a Plan Development Team. You know Lynn spoke with such passion for her fishermen and her fisheries, but that is exactly why the PDT is a better body for this. That is a neutral place for discussion and setting of ideas.

I just think that that is the purpose of the PDT, and we're kind of having the work group take on this identity. In terms of the small scale and incidental catch fishery, I guess I would plead with people to actually call it what it is. I think there is maybe a bit of misunderstanding as to what the provision is, but in Amendment 3 it is called incidental and small-scale fishery provision.

We had this exact conversation with Amendment 3, in terms of is this incidental, do we allow directed small scale under this? In the end, the Board decided to combine those two ideas into one under that provision. They did so by creating specific gear types for the small-scale fishery, and specific ones for incidental. At the very least, I would ask that the motion reflect what the provision is actually called.

In terms of options that are developed. You know I hope it's not just elimination of a gear type, that it is broader to maybe considering reducing catch by gear types, whether that is a lower trip limit or days out, to provide some points of compromise there. You know there was talk of risk of breaching a TAC, although we were 70 million pounds below the TAC this year. I don't think that the landings by Maine are jeopardizing our ability to stay under the TAC, but I understand that they are significant landings, and people are concerned about them. Thank you.

CHAIR WOODWARD: All right, I have Conor McManus and then Doug Haymans on deck.

MR. CONOR McMANUS: My comments were regarding earlier discussions on the original motion, not so much the substitute. I guess I'll just share a little bit of caution on the idea of recent years particularly, but the past year in terms of how that influenced effort and the ability to fish, as well as there are some unique instances for certain states that had medical hardships and such.

That may not really reflect their longstanding fishery, particularly in the last two to three years. But I just wanted to pass that out as information, because I think there are going to be unique situations like that for different states that is worth thinking about. I guess, perhaps in a larger context,

you know we've talked about the distribution of the resource.

I think we're thinking about other species and reallocation discussions, we've talked about how the resource has actually been redistributed, and how we have used scientific information to actually inform that assessment. I guess I may have questions for staff involving menhaden.

Just if they could quickly comment on the availability of science, the data either from surveys or assessments to kind of guide or inform that notion of a true resource redistribution or shift to the center of biomass, and to what extent, I guess, and whether there is the ability to bring science that informs any future reallocation discussions.

CHAIR WOODWARD: Maybe we can deal with your questions when we get to our Board agenda item, hopefully, because that is going to deal with, we're going to have spatially explicit information on which to base menhaden management. I have Doug Haymans and then Mel Bell on deck.

MR. HAYMANS: I actually lowered my hand long ago, because the point of order was clarified. However, since you called on me. I think it was Megan a moment ago, I think I could agree with bringing the bullets from the main motion down to the substitute motion, so that at least there is a starting point that the Maine motion maker wanted to include. I could agree with bringing those in as part of the substitute motion.

CHAIR WOODWARD: Mel Bell, then Dennis Abbott on deck.

MR. BELL: Yes, thanks, I did the same thing. I pulled my hand down, but it has evolved so much. My question was really kind of back to Megan, I guess, as whether or not this second effort, the substitute covered what she was attempting to do. It sounded like not

necessarily. But as Doug suggested, if you kind of created a hybrid of both of these, maybe you would end up where you were trying to get. I was getting kind of confused in the evolution of the substitute.

CHAIR WOODWARD: I think we've also found ourselves down in a rabbit hole in these a lot. Dennis, and then I have Eric Reid on deck.

MR. ABBOTT: I actually took my hand down, probably 15 minutes ago. However, based on what Mel Bell just said, I agree with him that maybe we should move vote on this substitute motion, and then add an amendment adding what Mel suggested, by adding the bullet points in Megan Ware's original memo. I think that would be helpful to everybody. But to move it along, let's vote on the substitute, and add those. I think it's a good idea.

CHAIR WOODWARD: All right, thank you, I'll tell you what. If everyone could do me a favor, just put your hands down for a little bit, and then those who need to speak, if you will put your hands back up, I'll call on you. Okay, I've got Eric Reid and then Cheri Patterson.

MR. ERIC REID: I really don't care to have the bullet points moved down. I would like to see them moved away. It's not to states who have not caught fish in the last few years advantage. But what I would be interested in is, taking Ms. Ware's and Mr. White's second sentence, and putting that in the substitute motion.

Because the way I read the substitute motion now, it says develop allocation options for review. It doesn't really tell you what's the goal of that. That second sentence clearly outlines what the goal would be. That would be my suggestion. I would also like to see the episodic event included in the substitute as well, which I guess is a bullet point. That's my two pounds worth of menhaden.

CHAIR WOODWARD: I see Nichola's hand up.

MS. MESERVE: I'm still struggling with the substitute motion a little bit. Before voting on it, I

could use clarity on whether the work group is only going to discuss the state-by-state allocations, or the intent is to also have the work group address the episodic event set aside, the incidental limit, and then all of that based on the discussion in August, 2021. The PDT is going to be tasked with developing options. I'm more comfortable with that, rather than this dual process of a work group doing part of it, and a Plan Development Team doing the other part of it doesn't make a lot of sense to me as it is right now.

CHAIR WOODWARD: All right, Kirby, you have another point of order for us?

MR. ROOTES-MURDY: I think actually Nichola captured it pretty well, and it built off of some of the points raised by Megan that, for the Board's consideration on the substitute motion, I think it really needs to be clear what each of these two groups are supposed to do, and when they would be working, because having them both work at the same time, from my standpoint, seems like they might be duplicative efforts to do work. I think it really needs to be clarified by the makers what the intent of these two different groups are, and when they would be working.

CHAIR WOODWARD: All right, we've got a little bit of a predicament here to extract ourselves out of. The desire is to call the question on this substitute motion, but I'm not sure the substitute motion is clear enough for people to make an informed decision about. I've got hands that keep coming up, and we're bogging ourselves down in this. I'm going to call on folks that haven't had a chance to talk. Cheri, I know you've had your hand up, you go ahead.

MS. CHERI PATTERSON: We already have a work group put together for allocation. I mean why are we creating another work group for this purpose? I think that the PDT should be dealing with options that are controversial, because they can be more objective. I'm wondering if it would be better to move the

PDT to actually working on allocation options, and the work group working on incidental catch, including gear type eligibility.

Especially if they're working in tandem, instead of working off of each other. I just think it's going to be confusing the way this motion is set up. I like the premise of it, and I think that Megan's motion brings all the salient points that need to be brought up. Thanks.

CHAIR WOODWARD: I'm going to take one more comment, and then we've had a request to call the question. I think in order to clear this up, we need to dispense of at least one of these motions, and get it off the deck, and then if we have another substitute motion that is more clear that's fine. Emerson, I'm going to call on you.

MR. HASBROUCK: Yes, I'm not in favor of the substitute motion. I think it just confuses and confounds the process. We don't need two different groups working at the same time on this reallocation issue. I mean both of these motions, the main motion and the substitute, both want to initiate an addendum, which I think is fine.

I'm in support of that. But again, I think having this additional work group just confounds things. The only difference I really see between the main motion and the substitute, is the issue about the incidental and small-scale fishery. I agree with Megan that that is what it is. It's not just incidental, it's the incidental and small-scale fishery.

But I think that looking at reallocation is going to address some of the issues that some people have about the incidental and small-scale fishery. But at this time, I cannot support the substitute. But going forward if the substitute does not pass, I might be willing to support a substitute that includes some discussion about the incidental and small-scale fishery.

CHAIR WOODWARD: Tom, you haven't had a chance to speak, I'm going to give you the last word on this, and then we're going to vote on the substitute.

MR. THOMAS P. FOTE: Yes, I think the first motion just basically looks at what is advantage to two states. That is why everybody is having a problem with this. We need to look at the whole problem. That is why I think the second motion, with a little correction, would basically address that. Again, we have this team that the Executive Committee is talking about tomorrow, and that is where we should basically look at the working group to basically look at reallocation.

CHAIR WOODWARD: I'm going to call the question on this. Since it's obviously not going to be a unanimous vote, Toni, how do you want to handle this voting? Toni and Kirby.

MS. KERNS: Mr. Chair, if you could ask for the yesses, and then I'll read off the states.

CHAIR WOODWARD: All those in favor.

MR. CLARK: Can we caucus?

CHAIR WOODWARD: I'll give you a few minutes for a caucus.

MS. KERNS: Mr. Chairman, if this motion does pass, is it okay if I could ask for some clarity and guidance for each of the work groups that would be greatly appreciated.

CHAIR WOODWARD: Yes, Ma'am that is my intent is, if it does pass is to try to perfect this to the point that it becomes clear who does what and when.

MS. KERNS: Mr. Chairman, Marty Gary has his hand up. I don't know if it is for a question of clarification.

CHAIR WOODWARD: Okay, go ahead, Marty.

MR. MARTIN GARY: Thanks, Toni, for reading my mind. If is a point of clarification. I may have heard you wrong, but are we doing a roll call by voice acknowledgement? Are you going to call by state, or is this something different?

MS. KERNS: It defaults to a roll call, since I say how each state votes. It defaults that way. I don't call out each states name, but I read each state's name, so that is just like a roll call.

MR. GARY: Okay that's fine, thank you.

CHAIR WOODWARD: Okay, are we ready to vote? Anybody still need some time for the caucus? If so, raise your hand up. I don't see a hand, and we'll proceed with the vote. All those in favor of the substitute motion, signify by saying yea, or raising your hand. Whoever is casting the vote for the delegation.

MS. KERNS: All right, Mr. Chairman, it looks like the names have settled, so I'm going to read off the state names. Virginia, Connecticut, Delaware, Rhode Island, Pennsylvania, North Carolina, New Jersey, and Potomac River Fisheries Commission.

CHAIR WOODWARD: Okay. All those opposed to the substitute motion.

MS. KERNS: Let me put the hands down for everyone. Okay, I'm ready for the next one.

CHAIR WOODWARD: Okay, all those opposed.

MS. KERNS: It looks like the hands have settled, I have Maine, Georgia, South Carolina, New Hampshire, New York, and Massachusetts. I will put the hands down.

CHAIR WOODWARD: All right, abstentions.

MS. KERNS: I have two abstentions, U.S. Fish and Wildlife Service and NOAA Fisheries.

CHAIR WOODWARD: All right, then last but not least, any null votes?

MS. KERNS: I do not have any hands.

CHAIR WOODWARD: Okay, so what's the score?

MR. ROOTES-MURDY: Eight yes, 6, no, 2 abstentions.

CHAIR WOODWARD: All right, so the substitute motion carries, now becomes the main motion. But before it becomes the main motion, we need to help staff perfect this, so that there is clarity on the roles of the work group, the PDT, and the Board, and when this will be done. I'll go ahead at this point now.

If this carries forward, then we're not even going to have the basis for developing the specifics of the addendum until maybe the annual meeting. Again, that could make it, if the goal is to have this in place for 2022 fishing season, I don't know if we're setting reasonable expectations for ourselves or not. Anyway, Toni and Kirby, what can be done to help with this? What do you need?

MS. KERNS: Mr. Chairman, I'll start with the Board work group. As a reminder that work groups are a subset of Board members that will be approved by the Chair, we will need a Chair of that work group, and that the Board needs to fully describe the task or the issue that the work group is to address, and there should be a very clear directive of deliverables, and a timeframe for which the Board will review that.

MR. ABBOTT: Excuse me, I would like to make a point of order, Dennis Abbott.

CHAIR WOODWARD: Go ahead.

MR. ABBOTT: We just now have a main motion; we have not voted on the main motion. To me, we're in a position with a motion available, and it's still available to be amended, if someone cares to add a substitute or an amended motion, probably to incorporate what Toni Kerns is saying. But again, I think we got ahead of ourselves a little bit, by not voting on the main motion at this point.

CHAIR WOODWARD: My intent here, Dennis was to help address the concerns of staff, to make sure that the motion that is going to be voted on is clear to everyone who is voting on it. I was hoping for a friendly amendment, so

that we could get the clarity there, because I'm sure there are people on the Board who if they vote on it right now, they're not exactly sure what they're voting for.

MR. ABBOTT: Yes, I thank you, Mr. Chairman, you're doing a good job under difficult circumstances, as usual.

CHAIR WOODWARD: Back to Toni, let me yield it back to you.

MS. KERNS: Mr. Chairman, if you could select a directive, you know right now to develop allocation options, it would be helpful to have a directive that provides some guidance to that work group, unless you just want it to be everything under the sun.

CHAIR WOODWARD: That's not acceptable. That's not fair to the PDT, and I don't think it will be over a result for the Board to deliberate upon. I'm going to put this back on the maker and the seconder of the motion. I see Joe and Lynn, let me call on you all. Let's try to get this thing across the finish line, it's 4:30.

MS. FEGLEY: Yes, Mr. Chairman, I really apologize, because I have such bad connectivity problems, and this is definitely derailed in a way. I would like to try to make a friendly amendment to clear this up. I think first, there should not be two groups working on this, working on two different things simultaneously.

A work group of the Board should discuss allocation options, it should discuss the incidental and small-scale fisheries, and it should discuss the episodic set-aside, and all of the complexities therein. The Board and the work group of the Board should bring that to the Board for review, and then to the PDT.

I also very much agree with Eric Reid's comment that the second sentence, I think, of Megan Ware's motion that outlines the goal and objectives, should be moved into this motion. I think we need a specific goal and objective, and I think that the work group needs to come up with how they want this Addendum to be shaped.

I think right now what we don't want to do is go out of the block being too prescriptive. I understand the conflict with the overarching allocation work group, but the overarching Allocation Work Group is going to work on allocation as a bigger picture for all species. This is something more urgent. I think we need to get some Board members together, and we need to discuss how we want this addendum to look, and bring it to the PDT, and then they start working.

CHAIR WOODWARD: All right, we've got a suggestion, Joe, as the maker of the motion, are you receptive to some amendments per Lynn's suggestions?

MR. CIMINO: As the last however amount of time, it has painfully proved difficult to craft a motion that covers everything. The substitute was a concern that the first motion was just too simple, and didn't cover enough. I think the working group would need to look at that, and I certainly support that the working group then would get incidental and the small-scale fisheries as one.

CHAIR WOODWARD: All right, so we need some words in this motion.

MR. HASBROUCK: Excuse me, Mr. Chairman.

CHAIR WOODWARD: Yes, go ahead.

MR. HASBROUCK: I'm a little uncomfortable, in terms of what we're doing right now. I mean this motion no longer belongs to the maker and the seconder. I mean this was a substitute motion that the Board just voted on, and to allow the maker and the seconder to now modify this. I don't know, I'm looking for some guidance here, in terms of Robert's Rules. I'm uncomfortable with this process. I don't know if anybody else is.

MR. ABBOTT: Could I offer something?

CHAIR WOODWARD: Go ahead.

MR. ABBOTT: Emerson is exactly correct; the motion does belong to the Board. But it is open to amendment, and I think that the amendment could be offered by Lynn Fegley, who was the second of the first motion. I might suggest that we take a five-minute pause, and allow Lynn Fegley and Mr. Chairman and Joe Cimino and Kirby to come up, and Toni Kerns, to come up with the correct words.

Come back in five or so minutes, and give us an amended motion that we can vote on. Then I think we'll clarify things very much. I would like to also add that I think there should be complete separation between the Allocation Work Group, and a work group assigned to deal with menhaden. They are two separate issues completely, and I don't think we want to get bogged down with the, like Lynn put it, the overarching allocation issue.

CHAIR WOODWARD: Toni, Bob, Kirby, we need to extricate ourselves out of this. A suggestion has been made, I'm certainly fine with that, if we think we can affect this to the point that staff has clear direction, and that the Board knows exactly what it's voting on, or what to expect. Kirby, Toni, thoughts.

MS. KERNS: Mr. Chairman, if you're amendable to a five-minute recess. The difficulty in this is that Lynn can't hear everything that we're saying, because she is in the car, and she cannot see what is on the screen. Being able to communicate with her would be good, but I see that Bob's hand is up, so we can try to go from there.

CHAIR WOODWARD: Go ahead, Bob, and I have a question for you too.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I just wanted to chime in on a couple things. You know technically this is the property of the Board, and it should be modified. You know we always try to do this, and sometimes it backfires. You know try to quickly modify this on the fly, to craft what the original intent was.

But you know, we may need a substitute motion here, which we can work on during a quick break. I

also wanted to chime in really quickly, and comment on the Allocation Work Group, and sort of control expectations for tomorrow's Executive Committee. There is not going to be a grand presentation tomorrow, by any means. That group hasn't met yet, they just defined their first meeting date and their membership, and tomorrow's update is really to ask the Executive Committee if there is any additional direction they want to provide to that group. I think that Allocation Work Group is a longer-term project, probably, then the timeline most folks are talking about here today for menhaden. I don't think you want to wait on the Allocation Work Group necessarily for this menhaden addendum, if you go down that road.

CHAIR WOODWARD: I've been asked the question, and frankly I guess I should know the answer to this, I believe I do, but I'm going to ask you, and that is. I've been asked whether we could table this motion, have work on it between now and Policy Board, and have it brought to the Policy Board for consideration. You know we could ask at the Council level; I don't recall us doing that at the Commission level.

EXECUTIVE DIRECTOR BEAL: Yes, the Commission we try not to do that, try to keep the species issues at the species boards. I think if we had a break or something right now, maybe we can facilitate something. I think the idea that Lynn raised, about let's set up a working group, take on those three projects, which are allocation, small-scale incidental catch, and episodic events, and maybe weave in that second sentence from Megan Ware's original motion that was substituted.

I think that seems to get at a lot of what folks are talking about here, and may make people comfortable. I think it solves the problem of concurrent PDT and work group activity. You know I think a small group of us can probably turn that into a substitute motion, if you're comfortable with that approach, Mr. Chairman.

CHAIR WOODWARD: I am, and so I'm going to let's recess the Board until, I'm going to say 4:50. There is the language of the substitute motion. I need a maker and a seconder of that motion, if you'll please raise your hand. I've got Joe Cimino, is that to make the motion?

MR. CIMINO: Yes, let's move this along. This is a substitute motion group to develop a statement of the problem for reallocation. The goals of this action are to better align jurisdictions commercial quotas with current landings and fish availability, while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. Hopefully, we'll get a second.

CHAIR WOODWARD: All right, do I have a seconder of this motion?

MR. ABBOTT: I'll second it, Spud.

CHAIR WOODWARD: Dennis Abbott has seconded it. We've talked around various versions of this for what seems like a small eternity. I want to offer opportunity for discussion, but let's please try to keep it brief. Megan.

MS. WARE: Yikes, okay, this is a bit different than what I was expecting. I'm disappointed that we're no longer initiating action. I'm struggling with the purpose of the work group. I think we answer the purpose of a statement of the problem in the following sentence, the goals of this action. I feel like we have already fulfilled the task of the work group in the second sentence of this motion. I can't support this.

CHAIR WOODWARD: Okay, Cheri Patterson.

MS. PATTERSON: I have similar reservations about this as well as there is no timing involved in when that's coming back to the Board. I liked having some sort of end date for us to be looking at this. Thanks.

CHAIR WOODWARD: Mr. Cimino is your hand still up?

MR. CIMINO: I apologize. I think that this should be, I agree with Cheri, and I think that the intent here should be for this working group to have this back by August, by the August, 2021 meeting.

MR. ABBOTT: I agree, that should be in there.

CHAIR WOODWARD: All right, can we get some language in there to address these concerns? We're running out of time here, folks. It's an important issue, and I don't want to give it short shrift. I'm sure at the same time we've got to make sure that whatever we approve is going to accomplish our intended outcome.

MS. KERNS: Mr. Chairman, based on what Joe and Dennis just said, that they meant to have that language in there. Maya, could you add the workgroup will report back to the Board at the August, 2021 meeting?

CHAIR WOODWARD: That's it. I'm certainly fine with that.

MR. ROOTES-MURDY: Chairman Woodward, just to clarify for the Board. You know after voting on this there will be the need following this meeting for that work group to be populated, a Chair to be appointed. Those are things that I think the Board should be aware of.

CHAIR WOODWARD: All right. I think what I've heard is some concern, at least I heard it from Megan that we've got some lack of clarity here. Again, in an effort to move this along, if the language of this were to create a work group to develop options to better align jurisdictions commercial quotas of current landings of fish availability, while providing a level of access, so forth and so on, and then the work group will report back to the Board. Would that satisfy some of the concerns that I've heard, Megan specifically?

MS. WARE: Sorry, is that a question to me, Mr. Chair?

CHAIR WOODWARD: Yes, I'm just again trying to, I may be running a little roughshod over parliamentary procedure here, but trying to basically to create a work group to develop options to better align jurisdictions, and so forth and so on for allocation options.

MS. WARE: Take out the part of the problem statement. I think that is better, it is now, yes.

CHAIR WOODWARD: Can we make some adjustments to this, Toni? Is that possible. Can we wordsmith this on the screen?

MR. CIMINO: If the maker and seconder are amenable.

MR. ABBOTT: Knowing that I'm very strict on parliamentary procedure through the years. Today, I will relax my objections to doing things as we are, because we do have to move this along, as Spud is saying. The idea is to get this airplane off the ground right now. That is, I think what we're trying to do.

MS. KERNS: Maya, it would be: Substitute motion to create a work group, and then delete the rest of that sentence.

CHAIR WOODWARD: To develop, a work group to develop allocation options, to better align jurisdictions, so forth and so on.

MS. KERNS: Maya, you have that there, so you just need to delete the words. Yes, there you go, you've got it. I think. Yes.

CHAIR WOODWARD: Emerson, you've got your hand up. Thank you for being patient.

MR. HASBROUCK: My concern with the substitute motion is that we've just spent whatever it's been, two, two and a half, three hours here, talking about the original motion that Megan had, which was to initiate an addendum. The substitute motion, which is now the main motion to initiate an addendum, and now this substitute motion, which was supposed to resolve some of the issues and

questions we had doesn't say anything about initiating an addendum.

That is where I wanted to go today, was to initiate an addendum. This got just deleted out of this, and I don't recall in any of the debate that we've had over the past couple of hours, about not initiating an addendum. I don't know that I can support this substitute motion, based on the fact that it just takes out of the discussion, initiating an addendum at this time. Thank you.

CHAIR WOODWARD: Well, I guess my response to that is that we've got to have some basis on which to develop a draft addendum. At this point we don't have that. The suggestion has been made to develop a work group that would come back to the Board and present the Board options for consideration that would be the content of that draft addendum. If I'm not representing that properly, Toni or Joe or Lynn or anybody else, certainly correct me.

MR. ABBOTT: You are, Spud, this is just the first step. I think the understanding would be that in August the addendum would actually be initiated, after we get the results of the work group.

MR. HASBROUCK: Then why isn't that part of the motion?

MR. ABBOTT: I think we have to realize that we're all working remotely, and it's difficult hard to put the exact words. I think there has to be a little bit of trust involved in where we're going at this point. Just my opinion.

CHAIR WOODWARD: Well, if this makes folks comfortable, I mean that last sentence could be modified, the work group will report back to the Board at the August 2021 meeting, and the Board will initiate an addendum at that time. Does that address your concerns, Emerson?

MR. ABBOTT: That's good.

MR. HASBROUCK: Yes, that's fine with me, thank you.

CHAIR WOODWARD: Is it okay with the maker and the seconder? I've heard the seconder is fine. You're fine with that, Joe?

MR. CIMINO: Yes, I support that.

CHAIR WOODWARD: Rob LaFrance, I haven't heard from you, go ahead, Rob.

MR. LaFRANCE: I agree with everybody, it is very difficult to do this thing remotely. But one of the things I wanted to add was, it seems that the review of the incidental catch, including gear type eligibility seems to have fallen out of the second motion. I think most folks agreed that we would be looking at that as part of the overall structure of the work group, just a point of view that I would like to see that added.

CHAIR WOODWARD: Can you offer some specific language for consideration?

MR. LaFRANCE: Sure, I think we could add; to better align jurisdiction commercial quotas with landings and fish availability. It had all that stuff, and then before and add, review the incidental catch including gear type eligibility, and reduce the need for quota transfers. Basically, take the last line, develop options to review the incidental catch, including gear type by eligibility, and putting that just before the and.

CHAIR WOODWARD: Okay, Toni and Maya, we can capture that. I know this is tough. I apologize for everybody.

MS. KERNS: As long as it's okay with the maker and the seconder, I can help Maya.

MR. CIMINO: Yes, Mr. Chair, over the ten-minute break that is exactly what the intent here was, so my apologies once again.

CHAIR WOODWARD: Are you fine with this, Dennis?

MR. ABBOTT: Yes, I guess.

MS. KERNS: Rob, the other part is, is that we know that that is part of the intent of this work group through this discussion, so it doesn't have to say the words. But if it absolutely needs to, then we'll put them in there.

MR. LaFRANCE: I was just seeking clarification on what we're supposed to do as a work group so we have it. I know it's a long sentence, but I think it adds part of what we were trying to get to.

MS. KERNS: Okay, so Maya, after the.

MR. LaFRANCE: She has it in there now.

MS. DRZEWICKI: I did put it in, if that is correct.

MR. LaFRANCE: I think it is correct.

CHAIR WOODWARD: I think perhaps we could develop options to review in front of incidental catch. I think the purpose of the work group, you can correct me if I'm wrong, Rob, is to review the incidental catch provisions, including gear type eligibility. Is that correct?

MR. LaFRANCE: That is my understanding, yes, Mr. Chair.

MS. KERNS: Maya, if you could add provision after catch.

MR. LaFRANCE: Thank you, Mr. Chair, thank you everyone.

CHAIR WOODWARD: We have a substitute motion, is there any other discussion? Bob Beal.

EXECUTIVE DIRECTOR BEAL: I'm not going to suggest adding anything else to the motion, but I think the idea of episodic events is also part of the charge to the work group. All these pieces work together on allocating menhaden quota to the commercial fishery. The state shares, the

incidental catch, and it's episodic events. I think that is all fair game, and just if everyone understands that, what they're voting on here, we don't need to modify the motion, just want to make sure everybody knows that.

CHAIR WOODWARD: Good point, and thank you for bringing that up. I think that certainly was the intent, Bob. Last chance, any comments, suggestions, discussions? If not, I'm going to call the question. All those in favor of the substitute motion, signify so by saying yea.

MS. KERNS: Okay, Mr. Chairman, when the hands settle, I will start to read the state. I have Virginia, Connecticut, Delaware, Maine, Georgia, South Carolina, Rhode Island, New Hampshire, Pennsylvania, New York, North Carolina, New Jersey, Maryland, Massachusetts, and Potomac River Fisheries Commission. I will put the hands down.

CHAIR WOODWARD: Okay, all those opposed, signify by raising your hand.

MS. KERNS: I have Rhode Island.

MR. ROOTES-MURDY: Sorry, Toni, that's turned off, that's Eric.

MS. KERNS: Strike Rhode Island. I have no hands opposed.

CHAIR WOODWARD: Null votes. I don't see any null votes, abstentions.

MS. KERNS: I have two abstentions, U.S. Fish and Wildlife Service, and NOAA Fisheries.

CHAIR WOODWARD: All right, thank you. I believe the motion carries; the motion now becomes the main motion. I'm going to do this hopefully simply. Is there any opposition to the main motion? Any null votes, any abstentions?

MS. KERNS: To note for the record, we have two abstentions; NOAA Fisheries and U.S. Fish and Wildlife Service.

CHAIR WOODWARD: Okay, thank you everyone for your patience, and for working through this. I know this is a difficult topic, made more difficult by the fact that we're all scattered over thousands of miles from each other. Now the next challenge is going to be to identify the members of the work group, and to have a Chair, and to get this body working on the task at hand. Toni and Kirby, what are our options for doing that?

MS. KERNS: Mr. Chairman, we can send an e-mail requesting nominations for the work group, the Chairman appoints the members to the Board, and then also asks for someone to be the Chair of that work group, is what we have done in the past.

CHAIR WOODWARD: Okay, we will, I guess try to get that done as expediently as we can, once the meeting week is over. I conversed with Kirby. Our third agenda item is important. I don't believe we can give it the attention it needs at this time. I think everybody is probably exhausted. I'm going to recommend that we defer discussion of that until our next meeting, so that we can give it adequate attention. You have the written report.

I would ask that everybody take the time to look at that report, to be thinking about it, so when we convene in August at our next meeting, that we can give some direction to the Technical Committee and the ERP work group as to what our priorities are for moving forward with continued spatially explicit guidance on menhaden management. It's an ambitious undertaking, and we need to give them guidance to focus their efforts.

ADJOURNMENT

CHAIR WOODWARD: At this point, is there any other business to come before the Menhaden Board? Do I have a motion to adjourn?

MR. ABBOTT: Adjourned.

CHAIR WOODWARD: All right, I have a motion to adjourn, thanks everybody. It was a hard task, but I appreciate everybody's hard work. I guess we'll see everybody tomorrow virtually.

(Whereupon the meeting convened at 5:00 p.m. on Tuesday, May 4, 2021.)