

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**Webinar  
October 20, 2021**

**Approved by the Business Session January 27, 2022**

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from August 5, 2021** by Consent (Page 1).
3. **On behalf of the Administrative Oversight Committee, move to approve the 2022 ASMFC Action Plan as modified today** (Page 10). Motion by Spud Woodward. Motion carried (Page 10).
4. **On behalf of the Nominations Committee, move to nominate Mr. Spud Woodward as Chair of ASMFC** (Page 13). Motion by Jim Gilmore. Motion approved by Consent (Page 13).
5. **On behalf of the Nominations Committee, move to nominate Joe Cimino as Vice-Chair of the ASMFC** (Page 14). Motion by Jim Gilmore. Motion approved by Consent (Page 14).
6. **Move to adjourn** by Consent (Page 15).

**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
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)
Dan McKiernan, MA (AA)	Bill Anderson, MD (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Steve Bowman, VA (AA)
David Borden, RI (GA)	Shanna Madsen, VA, proxy for B. Plumlee (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Bill Gorham, NC, proxy for Sen. Steinberg (LA)
Jim Gilmore, NY (AA)	Mel Bell, SC, proxy for P. Maier (AA)
Emerson Hasbrouck, NY (GA)	Malcolm Rhodes, SC (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Sen. Ronnie Cromer, SC (LA)
Joe Cimino, NJ (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Spud Woodward, GA (GA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	

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

**Staff**

Robert Beal	Maya Drzewicki	Sarah Murray
Toni Kerns	Kristen Anstead	Julie Defilippi Simpson
Laura Leach	Emilie Franke	Caitlin Starks
Lisa Carty	Chris Jacobs	Deke Tompkins
Tina Berger	Jeff Kipp	Geoff White
Pat Campfield	Savannah Lewis	

**Guests**

Max Appelman, NOAA	Asm. Eric Houghtaling, NJ (LA)	Evan Priovolos
Pat Augustine, Coram, NY	Bob Humphrey	Cody Rubner
Alan Bianchi, NC DENR	Wilson Laney	Tara Scott, NOAA
Jeff Brust, NJ DEP	Michael Louie	Melissa Smith, ME DMR
Jessica Daher, NJ DEP	Mike Luisi, MD DNR	Somers Smott
Lennie Day	Chip Lynch, NOAA	Megan Ware, ME DMR
Lynn Fegley, MD DNR	John Maniscalco, NYS DEC	Angel Willey, MD DNR
James Fletcher	Nicola Meserve, MA DMF	Sarah York, NOAA
Terry Haggerty	Steve Meyers	Renee Zobel, NH FGD
Eric Harrison	Allison Murphy, NOAA	
Jay Hermsen, NOAA	Dick Omrod	

The Business Session of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, October 20, 2021, and was called to order at 11:15 a.m. by Chair Patrick C. Keliher.

### **CALL TO ORDER**

CHAIR PATRICK C. KELIHER: This is Pat Keliher, and welcome to this morning's Business Session. We've got a couple action items on the agenda for this morning, which is the approval of the Action Plan and the Election of the Chair and Vice-Chair. Plus, you're going to have to bear with me and listen to me as I give a little farewell, thank you as well.

### **APPROVAL OF AGENDA**

CHAIR KELIHER: Before we get into all of that we need Board consent. First, Approval of the Agenda. Are there any additions to the agenda, just raise your hand? Seeing no hands, if no objections to the agenda it is approved as presented.

### **APPROVAL OF PROCEEDINGS**

CHAIR KELIHER: The Approval of the Proceedings from the August, 2021 Meeting. Are there any additions, deletions, corrections for those proceedings?

Seeing no hands, the proceedings are approved by consensus.

### **CONSIDER APPROVAL OF THE 2022 ACTION PLAN**

CHAIR KELIHER: At this time, I would like to go to the public, to see if there is any member of the public who would like to comment on anything that is not on the agenda. Seeing no hands, we are going to go right into the next agenda item, which is Agenda Item Number 4, which is Consider the Approval of the 2022 Action Plan. With that I think what I'll do, Toni, I believe you are first on the list to start us off.

MS. TONI KERNS: That is correct, Mr. Chair. Today I'm going to run through each of the species. I'm just going to hit the highlights mostly, and ongoing or new management documents and stock assessments. Then I'll pause at the end to see if there are any questions. As a reminder, we have categorized the species into high priority, and then low to medium priority.

It's not that we think that some species are better than others, it's more about the workload for each of these species, and how we prioritize them. To start us off, the American eel will receive the results of the benchmark stock assessment, and respond with any management changes if necessary. For American lobster, we'll continue with the resiliency addendum for Gulf of Maine and Georges Bank, in addition, continue with the Addendum IV vessel tracking.

The Board put off the management strategy evaluation until, to consider it at least, until 2023, so we'll remove that from the document, and we will also continue to work with NOAA on Atlantic Large Whale Take Reduction Plan modifications, as well as with the Law Enforcement Committee on improving enforcement in both state and offshore waters for lobster.

For menhaden, we'll finalize the Addendum on quota allocation, and review the stock assessment update, and respond if necessary. For Atlantic striped bass we will finalize and implement Amendment 7, and if the Board moves forward with Addendum VII, we will also finalize that, and Addendum VII is considering transfers of commercial quota. We'll also receive a stock assessment update and respond if necessary. For summer flounder, scup, black sea bass and bluefish, we're working in coordination with the Mid-Atlantic Council on the Harvest Control Rule Addendum. We'll finalize and implement that Addendum next year.

We will also for all four of those species work on any remaining issues that address recreational reform with the Mid-Atlantic Council. For both black sea bass and for bluefish, we'll contribute data for a 2022 research track assessment, and for black sea bass, summer flounder, and scup we will work with the Mid-Atlantic Council to finalize the Amendment on the commercial and recreational allocation changes.

Then for bluefish, we'll work with the Mid-Atlantic Council to implement Amendment 2, which has already made changes to the commercial and recreational allocation amendment, as well as a rebuilding program. For horseshoe crab, we'll review the adaptive resource management framework revisions and peer review report, and respond with a management document, if necessary, to make changes to the ARM.

For Jonah crab, we will work on the tracking addendum. It also impacts the Jonah crab fishery as well, and continue work on the stock assessment for 2023. I've already covered all the issues for scup, and then for summer flounder the last remaining issue is to work with the Mid-Atlantic Council on their management strategy evaluation, looking at the benefits of minimizing discards and converting discards into landings for the recreational sector.

For tautog, the management board decided to not move forward based on the results of the assessment, to use the risk and uncertainty decision tool for management responses to the stock assessment. We're just going to use it to sort of hypothetically go through the risk and uncertainty tool.

We're going to delete that first bullet, and it's our recommendation then, since we won't be doing a management response, to move tautog down into the medium low priority species. But we will work with the Law Enforcement Committee to continue to monitor the implementation of the tagging program.

For both Atlantic croaker and spot we'll conduct a traffic light analysis and respond as necessary. For Atlantic herring we may reconsider Draft Addendum III, which looks at how we allocate the Area 1A quota. We'll also review the 2022 management track assessment and respond if necessary, and continue to work with the New England Council on several of their activities, and respond if necessary to make changes to our plan if needed.

They have Framework 7, which looks at spawning protections for Georges Bank and Nantucket Shoals, Framework 9, which looks at potential changes to the industry funded monitoring program. For Atlantic sturgeon, we'll continue to monitor federal activities and the five-year status review and recovery plan. But John will be continuing the benchmark stock assessment for peer review, and for coastal sharks HMS will be conducting a stock assessment for all of the hammerheads through SEDAR. For cobia we will continue to work with the SERO to monitor and respond to any changes necessary for NOAA rulemaking. For northern shrimp, based on the decisions made later this year, we'll conduct the appropriate stock evaluation and respond if necessary, and we'll continue to explore long term management options, given the environmental changes in the Gulf of Maine and the depleted stock status of shrimp.

For red drum, we'll review the assessment simulation model and peer review results, and then from those results initiate the benchmark stock assessment that will be completed in 2024. For shad and river herring we'll continue the development of the river herring assessment for 2023. We'll continue updates for SFMPs for both species, and the Habitat Plan.

For Spanish mackerel we'll review the SEDAR results, and then work with the South Atlantic Fishery Management Council to respond if necessary. For spiny dogfish we'll work in collaboration with the Science Center and the Mid-Atlantic and the New England Council on a

stock assessment. For winter flounder we'll review the management track assessment and respond if necessary. I'm going to pause there, Mr. Chair, before getting into the cross-cutting issues, to see if there are any questions on species.

CHAIR KELIHER: Great, thank you, Toni, any questions for Toni? We've got a couple hands. I've got Adam Nowalsky and Erika Burgess. Adam.

MR. ADAM NOWALSKY: If there was some opportunity for summer flounder, scup, black sea bass, and scup as we work on the harvest control rule work, that right now is dependent on models that are outside the control of the ASMFC. If there came some opportunity during the 2022 year to further contribute on those, to make them more useful. Do you feel that that would fall under the bullet points that we have here, or should we have some other consideration, so that if that opportunity should arise, we could be responsive?

MS. KERNS: Adam, I think that they would fall under either bullet, depending on what the work was for the Harvest Control itself, or the work on the remaining rec reform issues. I think we would be covered there.

MR. NOWALSKY: Thank you very much.

CHAIR KELIHER: Erika.

MS. ERIKA BURGESS: I was wondering about Spanish mackerel. I'm wondering whether that SEDAR actually will be available for us next year. I think there was some talks about revising the schedules at the SEDAR Steering Committee, and I don't know if anyone was able to provide an update on that.

MS. KERNS: I'll go to Pat or Bob for that schedule, because I am not sure, Erika.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Mr. Chair, I can chime in if you would like.

CHAIR KELIHER: Yes, please, Bob.

EXECUTIVE DIRECTOR BEAL: Yes, Erika, that's a great question. You're right, the SEDAR schedule was talked about, I guess it was last week, and some movement is happening, apparently. It sounds like the benchmark results are only going to be pushed back one month for Spanish mackerel. We will get those results during the course of next year.

The difficulty is it will be, I think the results will be available in May, which kind of pushed the presentation back from our May meeting, and probably out of the Council's, I think June meeting, if I am remembering the schedule correctly. It will, even though it's only a one-month delay, it's going to push back the planning, I think a whole Council and Commission meeting cycle. But it should still happen in 2022.

MS. BURGESS: Thanks, Bob.

CHAIR KELIHER: Any other hands for Toni? No seeing any other hands, Toni, do you want to just touch on the cross-cutting issues?

MS. KERNS: Will do, Mr. Chair, thanks. A couple of things that are here we are going to evaluate the MRIP implementation of data presentation standards to the Commission FMP and stock assessments. These are the sort of rolling changes that are coming out, have just recently started coming out and will continue to come out over the next couple of months, on how data will be presented on the website, and provided to the public.

We'll update existing management programs to address concerns of the recreational community with regard to Commission and jointly managed species. We'll continue to provide administrative support for scenario planning activities that address changes in stock and fisheries due to climate and fisheries governance, and we're doing that in collaboration with all three Councils, and both regions and NOAA Headquarters.

We'll evaluate COVID-19 impacts on fishery independent and dependent data, and we'll develop strategies to adapt stock assessment methods. We'll work with NOAA on the TRT plans for North Atlantic Right Whales, continue to participate on the Council's Research Steering Committee to examine reestablishing the Research Set-aside Program.

We'll evaluate the conservation equivalency program and update any guidance documents as necessary. We'll also explore allocation strategies for the Commission's quota managed species, to reflect current fishery conditions. Those are the newer ones, the ones that we have. I'll take any questions.

CHAIR KELIHER: Mel Bell.

MR. MEL BELL: Just a quick question. Toni, I thought when you were covering scup, and we don't deal with scup, I wasn't really listening that hard. But you mentioned something about an MSE process concerning conversion of recreational discards into landings. Who is doing that?

MS. KERNS: It is for summer flounder, and it is the Mid-Atlantic Council is taking the lead on a management strategy evaluation for that.

MR. BELL: Okay, got you, summer flounder.

MS. KERNS: We have staff that are participating in the process.

MR. BELL: Great, thank you.

CHAIR KELIHER: Any other questions for Toni? Seeing none, thank you, Toni. Let's go right to Goal Number 2, which is Pat Campfield.

PATRICK A. CAMPFIELD: As highlighted in Goal 1, next year 2022 will be very busy for stock assessments, about a dozen assessments overall. One of the highlights in our Science Committee activities is to support a new stock assessment scientist hire at a state agency, to

expand our coastwide analytical capacity, to try to keep up with the stock assessment workload.

In the socioeconomic realm, we plan to participate in the development of NMFS Northeast Science Center's Ecosystem and Socioeconomic Profiles, and also work on developing a lobster socioeconomic data inventory, to enhance stock and fishery indicators. At the Shad and River Herring Board we heard a lot of talk about the alosine genetics repository, so that will be an activity ramping up next year to coordinate closely with several state agencies, as well as USGS, to collect those samples and have the genetic analyses run at USGS.

As part of that project, we will continue to collaborate with NOAA Fisheries to request shad and river herring genetic samples from the Atlantic herring fishery through their Observer Program. Under the Fisheries Research category, the Commission always conducts aging workshops each year. In 2022 we plan to focus on menhaden and Atlantic sturgeon.

Finally, under Ecosystem Based Management and Changing Ocean Conditions, we plan to provide input to NOAA Fisheries Atlantic Coast Science Coordination Initiative that kicked off earlier this year, as well as participate in the East Coast Climate Change Scenario Planning Initiative with all three Councils as well as GARFO and the Northeast Science Center. Those are the highlights, Mr. Chairman.

CHAIR KELIHER: Great, thank you, Pat. Any questions for Pat Campfield? Seeing no hands, why don't we go right on to Section 3, which is Geoff White. Geoff, are you ready?

MR. GEOFF WHITE: ACCSP will also be busy helping out, and continuing items. You see the kind of the continuing basis items. There is significant workload there, but we're happy to be relied on for it, and that's all good. The short highlights, as we go through this. Under the Program Management.

The biggest one there is really updating the recreational implementation plan that guides MRIP on regional priorities for kind of five-year funding needs, so involving not just ACCSP staff but all partners in that, including the states, Councils, and Fish and Wildlife Service. It will be great to have everyone's input. Under Data Collection there is support for the trip location data, be that for lobster or other initiatives, including SEFHIER, and connecting to that within the databases. Also support for one-stop reporting, so the multiple permits coming through one application and being shared on the back end. We've had great success on the federal sources in 2021, and will be expanding that for clarification on the federal and the addition of some of the state permit needs in 2022. Then the really big one in the middle is resource dependent. It's really the background work on updating dealer reporting systems that we are hosting because of the structures, the functionality and the Apps for that in the background.

The goal is for 2023 end user application release, but that may change as we get into that. There is a fair amount of complex work to make that happen, and we are trying to get the resources in place to do so. Under data standards, distribution and work and use the highlight item there is really expanding biological data feeds and the online queries.

We have some program inventories that we wanted to change from kind of an Excel reference available to an online searchable and updatable format, and also now that we've got the bio module, which is in place, and support things like the Jonah crab assessment this year, to be able to do more online queries for that.

Under the recreational piece, it's really long-term expansion of the existing work on the for-hire methodology to include logbook information more fully, and to work on standards for Citizen Science Data. Moving that direction, in terms of what data fields, what data centralization can be there and provide

maybe some guidance to where that can be useful for the assessment and to the management processes. That is the summary for Goal 3.

CHAIR KELIHER: Great, thanks, Geoff, any questions for Geoff? Not seeing any hands go up, let's move right on to Goal 4 and 5, which are both yours, Toni. You can just take us right from one to the next, if you would like.

MS. KERNS: Sounds great, thanks, Pat. These will be faster, because we have streamlined both of these goals. Goal 4 is our goal associated with our Law Enforcement Committee for compliance with fishery management plans, and for here we're just highlighting the exploring methods for improved enforcement of the offshore lobster regulations, and then moving into Goal 5.

This is our fish habitat goal, where also the Atlantic Coastal Fish Habitat Partnership falls under. For this we'll be completing the Habitat Management Series Document on acoustics this year. These are acoustics affecting fish habitat. Once that document is completed, we will initiate the next Habitat Management Series Document. We don't have a topic picked out, so if the Board has any topics that they're interested in, we can let the Habitat Committee know.

Then under ACFHP the National Fish Habitat Partnership is going to be releasing project evaluation guidance in the coming months. Once that information has been released, then ACFHP will compile monitoring data on their previously funded on the ground projects, and then ACFHP will also be developing a new strategic plan for activities over the next five years. I will take any questions on both of those.

CHAIR KELIHER: Adam Nowalsky has got his hand.

MR. NOWALSKY: The Mid-Atlantic Council at their August meeting, which was where they did

some focus on offshore wind energy development, had sent a letter to developers requesting a suspension of certain bottom profiling work this fall, as a result of some information they had received.

With the bullet point here about acoustics affecting fish habitat, and I think I brought this up with Habitat here before. Do you know if that would cover, potentially, something like that, or is that something I would need to take up directly with the Habitat Committee, or talk more about here today if there is interest in working with the offshore wind developers on that type of work?

MS. KERNS: Adam, is it to send a letter to them to collaborate, or is it for information on impacts to habitat, you know like having additional information on the impacts to habitat? I just want to get clarity what direction we would be going.

MR. NOWALSKY: The Council had sent a letter asking for the bottom profiling acoustic work to cease for a period of time, and advocated for ongoing cooperative research with management and with fishing communities. The letter that was sent back to the Council indicated that they were unable to suspend activities this fall.

But they were interested in that ongoing research type of work. I'm not sure if that helps at all, and maybe if the answer is we just need to take this offline, okay, but again, I understand the importance of these plans here, and just want to make sure anything that might provide benefit to us as managers in the fisheries we manage, make sure that we've got ourselves covered here.

MS. KERNS: Unless Pat Campfield has an idea of how to work it in, off the top of his head, maybe you and I can collaborate together offline. But I'm going to see if Pat has any ideas right away, or Bob.

MR. CAMPFIELD: This is Pat, I don't have anything right offhand, but might suggest we follow up offline with Mr. Nowalsky.

CHAIR KELIHER: Great, so Adam, you all set with that for a follow up offline?

MR. NOWALSKY: Yes, that's fine, and I would think that hopefully this conversation on the record here today, if those offline conversations do yield something that's fruitful, that staff feels would be appropriate. Hopefully that would be an allowable addition at a future time if it's deemed appropriate here.

CHAIR KELIHER: Yes, I think we can just address it at the next meeting, but certainly the ability to update is there, so we can certainly do that. Thank you very much for that. Any other questions or comments for Toni? Seeing none, we'll go right into Goal 6, which is Tina.

MS. TINA L. BERGER: Thank you, Mr. Chair. I will be brief. Many of our activities are the same from year to year, but we focus on different things. This year, we will focus on outreach materials that highlight successes in our ending overfishing and better describe challenges in rebuilding efforts for depleted species. As Toni and Pat mentioned, there are a number of stock assessments that are coming onboard, and a number of major management activities, so we will focus our outreach efforts on those, and they are listed below. Under use of current and new technologies, we will upgrade our website to include some additional content on Recreational Reform Initiative, Recreational Data and Best Fishing Practices, as well as looking at exploring, moving a number of our websites that are currently maintained and hosted on sight to an offsite host, and modify and update those websites accordingly.

Next year we're going to move to full digital distribution of our newsletters, and under stakeholder participation, we're going to attempt to revitalize Advisory Panels for American Lobster, Bluefish, Tautog, Summer Flounder, Scup and Black Sea Bass, to

strengthen input on those management activities that are pending for those species.

We will also coordinate with the South Atlantic Council on providing input for their Spanish mackerel management development. We will look at post COVID-19 processes, to facilitate stakeholder participation at both in-person meetings and via webinar. We will be working and have been working with NOAA Fisheries to develop and conduct the recreational fishing summit schedule for March of next year.

In terms of media relations and networking. We continue to modify our social media plan to ensure consistent messaging. I will continue to work with Bill Leeds from the NRCC and South Atlantic Council to promote the activities of the Climate Change Scenario Initiative, and that's it for me. I welcome any questions.

CHAIR KELIHER: Great, thank you, Tina, Adam Nowalsky has got his hand.

MR. NOWALSKY: I sure hope somebody else will chime in and help me out here, so I'm not dominating all this today. I appreciate the time. The Mid-Atlantic Council had created a new Advisory Panel for themselves this past year on Communication and Outreach. I was thinking it might be appropriate to consider a bullet point somewhere in here that would consider coordination with the Council on the use of communication and outreach with that AP for those species that are jointly managed.

MS. BERGER: Thanks, Adam, I put a note for myself. I am also on the South Atlantic Council's similar committee, so I can reach out to the Mid-Atlantic Council to get better coordinated. Just so you know, I am very involved with the NRCC Communications folks, which include the Mid-Atlantic Council, so we are in constant communication. But I will pursue that as well. Thank you.

CHAIR KELIHER: I've got a couple more hands, I've got Loren Lustig and then John Clark. Loren.

MR. LOREN W. LUSTIG: Tina, thank you for that report. I'm always interested in the outreach discussions, and in particular environmental education initiatives. Can you describe anything that might be new or on the horizon regarding environmental education via ASMFC outreach efforts?

MS. BERGER: Well, last year we released a story map on ecological reference points that got pretty positive feedback on it. We will continue to use story maps as a way of not only getting the word out, but also improving education on some major issues. You'll see within my goal that there is a couple of places where we identify what those could be.

Including climate change scenario planning, recreational reform initiative, management strategy evaluation, and risk and uncertainty tool, as well as the American lobster and Jonah crab tracker development. We will continue to use that as one of our major tools, and focus some educational outreach efforts on those issues.

CHAIR KELIHER: Moving down the list I've got John Clark and then Roy Miller.

MR. JOHN CLARK: Thanks for the update, Tina, and the great communications work. I'm just curious as to why you are going to be moving those websites to an offsite host, and then also just wondering how the progress is coming along for hybrid webinars for the future.

MS. BERGER: You know there has been a number of discussions, most primarily those websites are hosted currently on a server that is nearing the end of its efficacy or performance. We are going to look at the possibility of moving our websites offsite. Not only will it potentially be cost savings, in terms of maintenance onsite, but it very much could improve security on those websites through an

external host vendor. I forgot your second question.

MR. CLARK: Thanks for that, and that makes a lot of sense. I was just curious as to whether you're working on, as we move more toward hybrid meetings in the future, how progress on that is going.

MS. BERGER: You know, we talked a lot about it prior to the decision to have the October meeting change to a virtual format. Given that we, the Executive Committee made a decision this morning to move towards the in-person meeting in January, I am sure we are going to double our efforts to look into that. We have explored it initially, but we are going to need to do some testing and playing with that as we approach that January meeting.

MR. CLARK: Thank you.

CHAIR KELIHER: Roy Miller.

MR. ROY W. MILLER: John covered with his second question covered my question for the most part. I'm just curious about for the January meeting, if we're going to attempt to integrate hybrid technology. Is that going to be targeted mostly, Tina, at public participation or would there also be hybrid participation opportunities for Commissioners at the January meeting?

MS. BERGER: I think that's really a decision that you all need to make. I think whatever we can do to ensure full participation of our commissioners and proxies in our process, that's what we're going to do. But I can't speak to that fully. Maybe Bob could speak to that a bit more.

CHAIR KELIHER: Bob.

EXECUTIVE DIRECTOR BEAL: I'll chime in Pat, if that's okay. Roy, I agree with Tina. It's sort of a decision of the Executive Committee and the Commissioners on how exactly they want to tackle the hybrid meeting format, and what

they want it to look like. Not to duck your question, but a little bit of it is almost premature.

In other words, we don't know where we're going to be with COVID, we don't know if the majority of Commissioners are going to feel very comfortable, or the majority are going to feel somewhat comfortable coming to the meeting in January. I think it may be a decision and details that we have to work out as we get a little bit closer to the January meeting, and see what the climate is at that time.

MR. MILLER: Thanks, Bob.

CHAIR KELIHER: Seeing no more hands for questions for Tina, I'm going to move right along and go to Goal 7, and Bob, your microphone is on so the floor is yours.

EXECUTIVE DIRECTOR BEAL: Thank you, Mr. Chairman. Yes, just briefly, Goal 7 is the Commission's goal on legislative activities and Capitol Hill Outreach that Deke and I tackle with the help from many of you. It's pretty much continuing sort of steady as she goes on this outreach, but there are a couple highlights worth noting.

One is that we'll get ready for the mid-term elections that are going to take place later this year, about a year from now, so yes not this year next year, about a year from now, and Deke and I will be ready to react to those, and see if anything changes up on Capitol Hill. Then as you go on, you'll see some bolded text.

We're going to consider authorizing legislation, see if we can get something more permanent, as far as funding goes for funding for horseshoe crab, menhaden and NEMAP work. It's been catch as catch can so far, so we'll look into that and see if we can do any better. Then there is a list of pending legislative issues that we'll track.

In and under Pursue Federal Resources heading there is a list of priority activities that the Commission engages in, and these are the areas

that Deke and I seek funding for, and make sure that there are no shortfalls and in fact we will hopefully provide some increases. Underneath that same heading it's worth noting that there is a new reference to the U.S. Geological Survey, USGS activity, and as you guys have heard during this meeting week and previously, ASMFC and the USGS have sort of an emerging scientific partnership.

Things are going really well there, so we want to note that to our Capital Hill partners, and that's really it. You know the most importantly Deke and I will continue to provide opportunities for any and all commissioners to go to Capitol Hill and participate in meetings, whenever you guys are interested in doing that.

CHAIR KELIHER: Great, thanks, Bob. This certainly highlights the fact that our presence on Capitol Hill and these larger issues continues to expand in a very positive way, so I want to thank Bob and Deke for their efforts on that. Do we have any questions for Bob on any of these activities? Seeing none, we will roll right into Goal Number 8 on Fiscal Stability, and Laura, the floor is yours.

MS. LAURA C. LEACH: Thank you, Pat. Very quickly, very briefly. Most of what we do in my department is ongoing, and so I'm not going to highlight too many. I will highlight four different things we're going to evaluate our equipment leases, in light of the hybrid work environment that seems to be here to stay. We're also working on implementing or plan to work on implementing a paperless process for accounting inspections, HR functions and that because of the fact that we're not necessarily in the office together.

It just makes more sense to be paperless. We're going to work on developing a Commission Internet, to connect our hybrid workforce via seamless and transparent communication. We're going to explore approaches for commissioners to caucus during virtual meetings. Then everything else you can

read is things we do on an annual basis or a regular basis. That concludes my goal.

CHAIR KELIHER: Any questions of Laura? Adam Nowalsky.

MR. NOWALSKY: From the couple of conversations we've had, both through the Executive Committee and either here at this Board meeting, with regards to getting back together. One of the topics that has come up is policies regarding masks, potentially vaccination needs to consider exemptions that might go along with those.

Where does the Human Resources aspect plan have a plan for consideration of those policies regarding vaccination, masking and then addressing how you're going to handle exemptions. Is that something that is covered elsewhere, or would this be something specifically that you need to account for, for 2022?

MS. LEACH: If I might. Adam, I'm not sure that that needs to be in the Action Plan. I think that that's a management decision that Bob with leadership will make. I did not capture that in there for a reason. Bob, do you have anything to add?

EXECUTIVE DIRECTOR BEAL: Pat, if I might. I guess Adam, a question to answer your question, which isn't helpful. Are you asking about when staff returns to the office how we're going to handle it, or is it the larger, how vaccines and masks and other things are going to be considered during commission meeting weeks when we start getting back together?

MR. NOWALSKY: I think it's a three-pronged effort. One certainly, staff is of importance. You're going to have to deal with this issue on a daily basis. You're going to, I think, have to deal with policies on a commission-wide basis for commissioners when you deal with meetings. Then you're also going to have to consider concerns for the public, both at meetings and at other public hearings, and other things that we

hopefully will begin to resume in person. I think that this concern covers all three of those aspects.

EXECUTIVE DIRECTOR BEAL: I guess, Adam, to follow up. The in-office decisions. I've been making those independently, talking to staff, see what they're comfortable with, and moving on from there. Everyone in the office has indicated they're vaccinated, so I think we're in a pretty safe spot in the office. But for meeting weeks and other things, we're going to have to figure that out, you're right. Again, it's somewhat similar to Roy's question. In other words, we will have to see where the Delta variant and some other things are, as we progress through late fall and early winter, and make decisions about the January meeting.

But we'll definitely have to do that. I don't know if we need any action plan. It's something we can't avoid and we're going to have to do it. If the commissioners feel they want a placeholder here to memorialize that we need to do that, that's fine, or there is a realization we can't go on without doing it, I think that's fine too.

CHAIR KELIHER: This is Pat, I think we've got a situation where the Executive Committee has been very engaged in these conversations. When I report out tomorrow on today's Executive Committee meeting, I am going to give the Policy Board and opportunity to weigh in on just the larger issues around vaccination, masks, as well as the exceptions to those type of rules as well, because we're going to have to deal with that.

The idea would be to get some comments from the larger groups that the Executive Committee can then hold on to, as they develop their final plans. I would agree with Bob. I personally don't think this needs to be part of the Action Plan. I think it is just ongoing conversations and management decisions that will ultimately end up in policy.

If people disagree with that, please raise your hand and we'll have a conversation about it now. I'm not seeing any additional hands, so I'll just take it that we've got consensus on that. The AOC did report out, or did review the Action Plan in detail with staff. With that I'm going to turn it over to Spud for the AOC recommendation as it relates to the Action Plan.

**MR. A. G. "SPUD" WOODWARD: On behalf of the Administrative Oversight Committee, I move to approve the 2022 ASMFC Action Plan as modified by today's discussion.**

CHAIR KELIHER: Great, thank you, Spud. As a committee recommendation this does not need a second. Are there any questions or comments on the motion? **Seeing none, is there any objection to the motion? Seeing no hands raised or voices in objection, the motion passes.** Perfect, thank you very much, and thanks staff for the work on the Action Plan.

A lot of time and effort goes into this on an annual basis, and I want to recognize the staff who spend a lot of time pulling this together, so thank you very much. We now are going to move on to Item Number 5, which is the election of the Chair and Vice-Chair. Before I turn it over to our Executive Director for running the election, I do want to make some statements and some words of thanks to the Commission.

This is my last time that I get to speak to you guys as the Commission Chair. It was a few weeks ago, maybe a month ago that China blamed COVID on Maine lobster, on a shipment of Maine lobster that spread COVID. I'm not sure if you saw that, but it was pretty amazing to think Maine lobster was connected to COVID. Several people then called me up to say, do I have anything to do with it, because they know how much I love social engagements and being around everybody, and they thought maybe I had something to do with it. But I just want to set the record straight. I had nothing to do with it. It wasn't because I had just become Chair

and didn't want to have to go to these meetings. A lot of time and effort has gone into these meetings over the last year and a half during this period, and I've got a lot of thanks to give to everybody.

I want to thank you all for your support that you have given, both to myself and to Spud over the past two years. Again, it's certainly been a challenging time for the Commission, the states, our stakeholders and the world at large. With the exception of my first meeting as Chair in February, 2020, we've been conducting all of the Commission's business through virtual meetings.

I don't know how many Executive Committee meetings we've had. But at times we were holding them weekly. I think that effort at the Executive Committee level certainly helped move the Commission forward. But despite the drawbacks of not meeting in person, I continue to be incredibly impressed with the scope of work we've accomplished over that time.

The accomplishments include quick action by the states to end overfishing of Atlantic striped bass, the implementation of ecological reference points to manage Atlantic menhaden. The positive stock status for all four tautog populations after years of efforts to rebuild these stocks. A new Plan Amendment for bluefish, and the completion of a benchmark stock assessment for American lobster, American shad, cobia and tautog.

We've also had the difficult, but important discussions about reallocation that will continue in the next year and beyond, as we seek to respond to changes in the species distribution along the coast. Looking ahead, Spud and your new Vice-Chair will have a full plate of issues to address. They include a new plan amendment for Atlantic striped bass, as well as broader issues such as responding to climate impacts to our managed stocks, along with reallocation.

I know one of Spud's goals while Chair is to strengthen the Commission's fundamental

management principals, such as conservation equivalencies, the use of de minimis provisions and our appeals process, to ensure regulatory and management stability. That's a big workload right there, so Spud is going to need a lot of help, and a lot of luck frankly to get through some of that work, because they are not inconsequential tasks.

But in all seriousness, I am very grateful for the individual and collective efforts of our commissioners, proxies, technical and industry advisors, and our regional and federal partners in advancing the sustainability and management of the Atlantic Coastal Fisheries, despite the challenges that the pandemic has placed upon us.

I also want to give a big thank you to staff at all levels within the Commission. This organization is what it is because of your commitments to not only the states, but to our public resources. From a personal standpoint it is very humbling to be elected by my peers to oversee the Commission.

I have a long history with ASMFC, starting as Advisor over 25 years ago, to serving as your Chair for the past two years. I can honestly say that all of that time, while sometimes frustrating and even infuriating, has always been a privilege. For me that link to the privilege is directly related to the fact that the Commission is a States' rights organization. We should never, ever lose sight of that. Our individual states rights create our greatest challenges, as we balance sustainability with the needs of our respective states. Climate change and shifting stocks without a doubt will continue to clash with state needs, and I urge you all in the years ahead to stay committed to addressing these challenges.

It will not be easy, but it must happen. I remain committed to working with our new leadership and all of you in the years ahead, to further our missions and shared goals. I want to thank you all for what you do for our Atlantic coast fisheries. With that I will turn it over to our

Executive Director to move forward with the elections.

EXECUTIVE DIRECTOR BEAL: Great, thanks, Pat, and appreciate the kind words and appreciate all your work. Just before I jump into elections, a couple words of thanks to Pat. First of all, Pat, there is additional evidence that you had something to do with this COVID situation we're all in. We know that you are not fond of hosting hospitality in your suite, and that was one of the responsibilities of Chairs.

I think there may be some more evidence that you had stuff to do with COVID, so you could duck out of that responsibility for the past seven meeting cycles. But we'll keep looking into that and see if there is any truth to that rumor too. But seriously, Pat, on behalf of the commissioners and staff, I just want to thank you for the past two years of your leadership and guidance and friendship. It's been great.

I've often joked with you and Spud that I can't think of two greater people to go through a global pandemic with than both of you. Everything that's going on this year it's been extra busy. Chairing the Commission is always a pretty busy job, and when you put in COVID and CARES Act and this little whale issue thing that you've got going on back at home.

You know, it's required of you to be available almost 24/7 to me and staff and your fellow commissioners. I know I've called you at weird hours and texted you and done all sorts of things, and you've always been quick to respond. I hope I never woke you up or didn't wake you up too often.

I appreciate it, and just again, thank you for the last two years, all your hard work and everything that you've done. It's been greatly appreciated. I'm pretty confident if we were in person right now you would be getting a big round of applause and a standing ovation from the group, so we really appreciate your efforts.

Our tradition has been to recognize the outgoing Chair with a crystal clock to commemorate your time as a Chair, and we'll get that to you once we can meet in person, hopefully in January. On a personal note, and on behalf of the staff and commissioners, thanks for the past two years, Pat, we really appreciate it.

CHAIR KELIHER: Thank you very much, I appreciate that.

#### **ELECTION OF ASMFC CHAIR AND VICE-CHAIR**

EXECUTIVE DIRECTOR BEAL: With that, we'll go into maybe Pat's favorite part of the whole meeting week, which is the election. The way this will be conducted is a little bit different, obviously, since we're meeting virtually. But just as a reminder, the Nomination Committee has been working for the past month or so coming up with nominations for Chair and Vice-Chair, and hopefully all of you were contacted in that process.

Voting occurs on a state basis. Each state is one state, one vote, so it's just caucusing similar to how we operate in board meetings and everything else that the Commission does. I will call on Jim Gilmore in a moment to provide the nominations for Chair. We'll take a vote on that, and then we'll go into Vice-Chair.

One of the provisions that is unique to the ASMFC election process is that it always provides an opportunity for write in nominees, which is tricky when we're not in the same room or we don't have little ballots or pieces of paper in front of us. What I would like to do is say that once Jim gives his nominations, and I'll give a couple minutes for caucus at the state level.

If there are any write in nominations that need to occur, I ask that you quickly e-mail your write in nomination to Jim Gilmore. Jim is the Chair of the Nominating Committee, and he'll notify the group that there has been an additional

nomination, and we'll have to account for that in the election.

I think it's been probably a fairly thorough process that the Nominating Committee went through. We may not have any write in votes, but if we do, they are definitely in bounds, and please e-mail Jim Gilmore very quickly if you have a write in nomination for Chair or Vice-Chair. With that, Mr. Gilmore, can you provide the Nominations Committee report, please?

MR. JAMES J. GILMORE: I certainly can, Mr. Beal. Just quickly to add my points to Pat, having recently been Chair. I know the tough job it can be, and I think Pat you did just beyond an outstanding job. I just wanted to add my voice to that. In any event, let me just give you a little bit of our process of the Nomination Committee.

I thank the other two members, Cheri Patterson was covering the New England area, Mel Bell was doing the South Atlantic area, and myself for the Mid-Atlantic. We've solicited interest in being nominated for both Chair and Vice-Chair over the last few weeks, and we met on a couple of occasions by phone.

At this point, I would like to first take the Chairman. **We have one nomination for Chairman, and would like to forward the one candidate, Spud Woodward for your consideration.** Back to you, Bob. Oh, and if there is, just so you know. My e-mail is [James.Gilmore@DEC](mailto:James.Gilmore@DEC) Donald, Edward, Charlie. NY.GOV, that's DEC.NY.GOV if anybody does want to e-mail me for a write in. Thanks, Bob.

EXECUTIVE DIRECTOR BEAL: Maya, can you pull up the nomination for Commission Chair? Since this is a nomination on behalf of the Nominations Committee, it does not need a second. With that, I think we'll take about a two-minute pause to provide caucusing time and opportunity for any write in votes, and then we'll come back and vote on this motion. All right, two minutes are pretty close to up. Jim,

did you receive any e-mails on write in nominations?

MR. GILMORE: No, Bob, I did not receive any write-ins.

EXECUTIVE DIRECTOR BEAL: All right, thanks, Jim. Well, with that are there any objections to electing Spud Woodward as the next Chair of the Atlantic States Marine Fisheries Commission? Toni, can you note if there are any hands raised?

MS. KERNS: Yes, I will. I have no hands raised.

**EXECUTIVE DIRECTOR BEAL: With that, congratulations, Spud, you have been elected unanimously as the next Chair of the Atlantic States Marine Fisheries Commission.**

MR. WOODWARD: Thank you very much, Bob. When we conclude the election, I would like to make a few remarks, please.

EXECUTIVE DIRECTOR BEAL: Absolutely, you will be the Chair, you can do whatever you want. With that let's go ahead back to Jim for nominations for Vice-Chair of the Commission, please, Jim.

**MR. GILMORE: Thanks Bob, and same process. We solicited from all of the east coast states and we have one nomination for Vice-Chairman. On behalf of the Committee, I would like to forward the nomination for Joe Cimino from New Jersey.**

EXECUTIVE DIRECTOR BEAL: Great, thank you, Jim. Maya will put that up, so we have one, and again it's a motion from the Nominations Committee, so it does not need a second. With that I think we'll go to the same process, two-minute pause for caucusing and write in votes, and if you have anything to let Jim know about as far as write ins, please do it. Pretty close to two minutes again, Jim, do you have any e-mails on write in nominations for Vice-Chair?

MR. GILMORE: No, Bob. There is no write in nominations.

EXECUTIVE DIRECTOR BEAL: All right, thank you. With that, are there any objections to electing Joe Cimino as the Vice-Chair of the Atlantic States Marine Fisheries Commission? If you object, please raise your hand.

MS. KERNS: I don't have any hands, Bob.

**EXECUTIVE DIRECTOR BEAL: Thanks, Toni. It stands, Joe Cimino is elected unanimously as the Vice-Chair of the Atlantic States Marine Fisheries Commission.** Congratulations, Joe, and then Spud, we will go back to you for your comments, if that works for you.

CHAIR A.G. "SPUD" WOODWARD: Thanks, Bob, and congratulations to Joe. I look forward to working with you. I'm honored to be selected as Chair of the Commission. You know a couple of my predecessors at Georgia DNR were honored to do that while still being actively employed. I decided to try to stay involved with the Commission after retirement. I really did not expect to be chosen for a leadership position, so I am certainly humbled and honored. I'm sure me and Joe will do our best to help us pull out of this pandemic. In some ways I think getting out of it is going to perhaps be more challenging than having gone into it. With that I certainly would like to express my thanks to Pat.

You know to us folks down south; you know New Englanders were kind of mysterious. But we've always thought of Mainers as pretty hardy, toe the line, no nonsense people, and I can't think of anyone better than a man like Pat to have led us through the uncertainties and tumultuous times of this pandemic. He set a new standard, I think, for communications albeit virtual.

We've learned that that is a tool in our toolbox, it isn't a substitute for in-person meetings, and I'm certainly going to strive to have us back to in-person meetings, in whatever form they can take, as soon as possible. I know Pat was presented with challenges unlike any of his predecessors, and I appreciate the hard work he

did. He kept me involved, kept me engaged, and gave all of us a chance to be involved in making the decisions that affected us. Joe and I have got some big shoes to fill, but we'll do our best, so thanks.

EXECUTIVE DIRECTOR BEAL: Great, thank you, Spud. Pat, I think you're still technically presiding over this meeting. I don't know if you want to take back over and wrap it up.

CHAIR KELIHER: Yes, I'm happy to do that. Spud has asked me to stay on as Chair, dealing with the business of the Commission until the end of the meeting tomorrow. You will continue to hear my voice until then. I do want to thank Spud for his time as Vice-Chair. I couldn't have done this work without him, and want to congratulate him for stepping into the Chairman's role, and Joe of course into the Vice-Chair role. I think we've got a great team at the helm moving forward over the next couple of years.

I again, look forward to working with both of them. With that, there is no other business before the Business Session today. We would resume, if needed, at 4:30 tomorrow afternoon.

#### ADJOURNMENT

CHAIR KELIHER: Unless there are other hands that have comments for the Business Session, we will stand adjourned. I see no hands, so we stand adjourned until tomorrow, if we are needed. With that, I want to thank everybody. I want to thank everybody for the kind words. We've got a lot of work to do, so let's get back at it. Thank you very much.

(Whereupon the meeting adjourned at 1:17 p.m. on October 22, 2020.)