

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

February 2, 2023

Approved May 3, 2023

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NOTE: Call to Order not recorded. Begins with discussion during Board Consent for Approval of Agenda

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings of November 10, 2022 Hybrid Meeting** by Consent (Page 1).
3. **Move to approve the Terms of Reference for the 2024 Red Drum Benchmark Stock Assessment as presented today.** (Page 16). Motion by Mel Bell; second by Pat Geer. Motion carried by unanimous consent (Page 16).
4. **Move to approve the Terms of Reference for the 2024 Atlantic Croaker and Spot Benchmark Stock Assessments as presented today** (Page 16). Motion by Lynn Fegley; second by Mel Bell. Motion carried by unanimous consent (Page 16).
5. **Move to adjourn** by Consent (Page 20).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Roy Miller, DE (GA)
Steve Train, ME(GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Cheri Patterson, NH (AA)	Lynn Fegley, MD (AA) (Acting)
Doug Grout, NH (GA)	Russell Dize, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Pat Geer, VA, proxy for J. Green (AA)
Dan McKiernan, MA (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Raymond Kane, MA (GA)	Jerry Mannen, NC (GA)
Jason McNamee, RI (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Dave Borden, RI (GA)	Mel Bell, SC (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Malcolm Rhodes, SC (GA)
Justin Davis, CT (AA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Bill Hyatt, CT (GA)	Doug Haymans, GA (AA)
John Maniscalco, NY, proxy for B. Seggos (AA)	Spud Woodward, GA (GA)
Emerson Hasbrouck, NY (GA)	Carolyn Belcher, GA, proxy for Rep. Rhodes (LA)
Joe Cimino, NJ (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Peter Clarke, NJ, proxy for T. Fote (GA)	Gary Jennings, FL (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Marty Gary, PRFC
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Ruccio, NOAA
Loren Lustig, PA (GA)	Rick Jacobson, US FWS
John Clark, DE (AA)	

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

Staff

Robert Beal	Lindsey Aubart	Chris Jacobs
Toni Kerns	Kurt Blanchard	Jeff Kipp
Tina Berger	Pat Campfield	Caitlin Starks
Madeline Musante	Emilie Franke	

Guests

Mike Armstrong, MA DMF	Willy Goldsmith, Pelagics Strategies	Jill Ramsey, VMRC
Pat Augustine, Coram, NY	Rep. Allison Hepler, ME (LA)	Harry Rickabaugh, MD DNR
Rob Beal, ME DMR	Emily Hill, US FWS	Tony Sarcona
Alan Bianchi, NC DENR	Carol Hoffman	Erin Schnettler, NOAA
Jeff Brust, NJ DEP	Jesse Hornstein, NYS DEC	Tara Scott, NOAA
Heather Corbett, NJ DEP	Kathy Knowlton, GA DNR	Somers Smott, VMRC
Jessica Daher, NJ DEP	Laura Lee, NC DENR	ElizaBeth Streifeneder, NYS DEC
Wes Eakin, NYS DEC	Steve Meyers	Mike Waime, ASA
Glen Fernandes	Mike Nardolilli	Craig Weedon, MD DNR
Jared Flowers, GA DNR	Thomas Newman	Tim Wildman, CT DEEP
Anthony Friedrich, SGA	Gerry O'Neill, Cape Seafoods	Kate Wilke, TNC
Alexa Galvan, VMRC	Nicole Pitts, NOAA	Chris Wright, NOAA
Lewis Gillingham, VMRC	Marisa Ponte, NC DENR	Erik Zlokovitz, MD DNR
Angela Giuliano, MD DNR	Will Poston, ASGA	

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, February 2, 2023, and was called to order at 9:20 a.m. by Chair Spud Woodward.

NOTE: Recording missing Call to Order. Starts with discussion during Board Consent for Approval of Agenda.

MR. PATRICK C. KELIHER: States from the northeast have issues with flights due to storms on occasion, and we're all going home to 20 and 30 and 40 below temperatures. Also, on the news this morning, I noticed that a rodent in Pennsylvania has made a determination for six more weeks of winter. Based on the forecast and based on that recent news, I would like to send a letter to the Commonwealth of Pennsylvania, to see if we can eradicate said rodent. I'm not sure you need a motion on that. It seems like there is consensus.

CHAIR SPUD WOODWARD: Yes, I'm not sure what the poor folks at the weather channel will do. You know they put on such a big to do. But I think yes, those of you who are subject to old man winter in a much more brutal fashion than us down south. I can agree with your sentiment there. We'll take that under advisement, Mr. Keliher. Any other? Mike Ruccio.

MR. MIKE RUCCIO: Yes, I have an item for Other Business at the end, if it please the Chair.

APPROVAL OF AGENDA

CHAIR WOODWARD: All right, thank you. We will add that to the agenda. Any other recommended changes? Seeing none; any opposition to the modified agenda? Sorry, any objection to the modified agenda? Seeing none; we have general consent on the agenda.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: Also have the proceedings from our November, 2022 meeting.

Any modifications, edits, corrections to the proceedings of our November, 2022 meeting? I don't see any. Any objection to accepting those proceedings as presented? Seeing none; we'll consider those accepted by general consent.

PUBLIC COMMENT

CHAIR WOODWARD: At this point we provide an opportunity for Public Comment. Do we have anybody present or online to provide public comment? Anybody online? I don't see anybody present and no one on line, so we'll move ahead.

EXECUTIVE COMMITTEE REPORT

CHAIR WOODWARD: I will give you a brief summary of our Executive Committee meeting from yesterday, which we held early in the morning after a very liberal breakfast. After we approved our agenda and proceedings from our previous meeting, we had an update on the status of CARES Act funds by Bob Beal and Laura Leach. There is approximately \$50,000.00 remaining in CARES 1, but there is also approximately \$100,000.00 in uncashed checks. As far as CARES 1 goes, there is still a small amount of money there that will have to be reconciled. But the more significant issue is CARES 2. We discussed a couple of the scenarios for expenditure of the estimated 8.6 million remaining in CARES 2 that are projected to be unspent under the current spend plans.

A couple of alternative expenditure plans were offered by Ex Com members, with a plan ultimately being approved by general consent that would best balance the need with availability for the following states, Massachusetts, Florida, New York, North Carolina, Virginia, Rhode Island, New Hampshire, and Connecticut.

We'll have this plan in place, there will probably be some tweaking that will need to be done to extend plans as that 8.6 million is just an estimate. We

might probably will have a little bit more than that left, but I certainly want to give a shout out to the staff of the Commission. This has been above and beyond, doing something like this.

I think I mentioned this before, that unfortunately when you prove yourself a very competent Certified Public Accounting Agency, it makes everybody want to start using you for that function. I think as an oversight body of our very capable staff, we've got to back their play when they are starting to say, thank you but no thank you, and then there are times when it may be appropriate for the Commission to take on that role as a banker.

They've done an outstanding job. Those states that are going to be receiving this additional money have some obligations to meet, so we'll keep that moving forward. I believe we're talking about a one-year extension, so we've got some time. But anyway, it was an opportunity, and the staff has done an outstanding job. I want to make sure that they are recognized for that.

Our next issue was the subject of stipends for Legislative and Governor Appointee Commissioners. This has been brought up before at a couple of meetings. Bob Beal presented a couple of scenarios with some fiscal impacts. The first was being compensation for extraordinary meetings. Those would be the kind of meetings like the Recreational Fishing Summit, the Herring Board meetings, things like that.

The second would be compensation for all meetings outside of the quarterly Commission meetings. Both of them have a price tag associated with them. There was no consensus reached on this issue, but the possibility of LGA Commissioners deriving a tax benefit for their voluntary service to the Commission was discussed, and it would be fully investigated by the staff.

This issue will be discussed further at our next Ex Com meeting, and hopefully we'll reach a

decision point about that. Are there any questions about the stipend issue? I know it was discussed at the LGA Luncheon as well, so I think everybody is pretty much up to speed on where we are with this. But my goal is to reach a decision point, hopefully at our next meeting, and decide what our path forward is going to be.

Our next issue was Collection of Shark Species for Education and Disciplinary Purposes in State Waters. John Clark brought this to us. There is some concern that a high demand for shark collections may be contrary to conservation. Fortunately, Guy DuBeck from NOAA Fisheries was online, and was able to provide some clarifying comments about the federal oversight of shark collections for education and display purposes. But after our discussion, I think it's pretty clear that there is a need for some better coordination between the state agencies and the federal government on how many specimens of certain species can be collected, based on area and time.

That is something that I think there will be some further discussions about. I know John and Guy are going to have a conversation themselves. You know if there is something that we need to do better as a Commission, to help coordinate that. That should be something that we may discuss in the future.

You will remember, we created the Coastal Sharks Management Board to really facilitate better coordination between the states and the federal government. This may be one of those issues where there is an opportunity to use our processes to help that. Any questions on that? All right, seeing none.

Next, the Ex-Com discussed whether to provide a comment letter to NOAA Fisheries, urging that funds from the FY2023 Omnibus Spending Bill be made available for approved and pending fisheries disasters along the Atlantic Coast. We had a pretty good conversation about that. Mike Ruccio gave us some clarifying comments.

In the end the Ex-Com agreed that a letter should be sent that not only addresses the use of existing funds for fisheries disasters along the Atlantic Coast, but

also reiterates the need for improvements to be made in the process itself. There are a lot of steps that have to be taken, and oftentimes when it moves from one step to the other things can kind of bog down.

I'll give you an example, that we had a 2018 shrimp fishery disaster in Georgia, and we still haven't funded the recipients of that disaster yet. There is plenty of room for improvement, and I think everybody wants to see that improve. Unless there is some opposition from the Policy Board, staff will draft up a letter and we'll send it around for folks to look at, and get that out to NOAA Fisheries.

Next, Bob Beal discussed the shortfall of biological sampling in the northeast region. Lots of reasons for that, but in short, he asked that the states determine whether or not their staffs could supplement this existing sampling, to reduce the shortfall, which right now is probably looking at around the 60 percent from what it has traditionally been.

What this shortfall means is a degradation of the source data that we use for doing our business. After a discussion, there were several of those states that responded in the affirmative that they would certainly be willing to muster their resources to help supplement that. We probably can't completely close the gap, but we can certainly reduce that gap down to something less.

It's something that really needs a long-term fix that was discussed. But at least in the short term we can mitigate some of the impacts of that by combining our resources. Lastly, our reminder date has come. There was a letter from the Southeastern Massachusetts Pine Barrens Alliance in our briefing materials, expressing concern about the Horseshoe Crab Board. There was no real discussion about it, but just want to make sure that everybody is aware of that letter. That is my report on the Ex-Com-meeting, any questions? All right, thank you very much.

REVIEW AND DISCUSS THE COMMISSIONER SURVEY RESULTS

CHAIR WOODWARD: Next, I want to turn it over to Toni, to Review and Discuss the Commissioner Survey Results.

MS. TONI KERNS: In your supplemental materials you had the results of the 2022 Commissioner Survey. As a reminder, this survey is a part of the Commission's Action Plan, and Strategic Plan each year to review progress from that year, and your thoughts on how we're doing. This year we had 29 respondents, which is about close to what we've had in the past couple of years, maybe a little bit down.

We have been doing this survey since 2009, and just as a reminder, a couple of the questions changed over time. But we do our best to present all of the historical information as well. We can see the average scores across all of the questions over time, and there is sort of an upward slope to indicate you think we are progressing, and having positive outcomes over time.

There is not a lot of variation within these scores, so please keep that in mind as we review the information. The scores really only range within one point for most questions, 2022 is the second highest since the survey began. Those questions really experience very little change in scores over the past three years. Where we've made some notable progress over time.

You can see on the board that Questions 8, 7, and 10 were the ones where we've seen the most positive change compared to last year, somewhere between a half a point and higher. We had other scores that slightly increased, except for Question 12, which is, how comfortable are you with the Commission's performance in reacting to new information, and adapting accordingly to achieve the Commission's goals. That response stayed exactly the same.

Where you think we can make some improvements are on Question 4 and 1, and those are how satisfied that we are working with our federal partners, and how comfortable are you that we can actually reach

our vision. We can see that those changes are quite small. Then for Obstacles to rebuilding our stocks that the Commission manages.

We have concerns about climate change, and really our lack of adaptability when responding to climate change conditions and regulations. Having too much of a cumbersome management response to make those changes, and our inability to have frequent stock assessments to sort of monitor how much change is occurring within the species.

Managing competing interest is also an obstacle. Crafting equitable sacrifice in management decisions across states and regions, and building buy-in for really hard management decisions. In terms of what are our most useful products. Up on the board, these were the ones that we saw. Of these, staff knowledge and the ISFMP came out as the top products that prove most useful for our commissioners.

Some comments noted the need for improvement regarding timeliness, clarity and straightforwardness of the communication of these issues. In terms of request for additional products, most responses could not think of additional products to provide, so a lot of those responses were blank. But of these ones that are listed up here on the board, early access to meeting materials and summaries of lengthy documents were requested multiple times. Some of these others were just one off from folks. Then issues that need more attention, many of the comments addressed big-picture issues like climate change, ecosystem-based management and shifting stocks, and those are things we have been hearing over the past couple of years.

We thought that one comment summed up the general attitude of the comments pretty well, and that person said that they believe the Commission is currently focusing on the priority issues. However, the growing number of issues that can't be affected by the Commission's authority but have a tremendous impact on our

ability to successfully prevent overfishing, rebuilding stocks and have viable fisheries.

These included protected species interactions with existing fisheries, and competing uses of estuarine and ocean environment. The Commission should engage in these and other issues, when there is an opportunity to affect the outcomes that contribute to successful interstate management.

One of our comments suggested looking into virtual meetings to better use Commission resources, and another suggested that the relations that we have with our federal partners is a two-way street, especially with jointly managed species. For additional comments, there was praise for the work of the Commission as a whole, and for ACCSP, especially in navigating challenging topics, and the ability to weather the pandemic.

We really appreciate those comments from you all. Some comments reiterated the challenges that we need to address, and again those are structural issues in our relationships with our Councils and federal partners, the limited participation in the Commission itself, and sluggish management in dynamic environment. That is all I have to report, Mr. Chair, are there any questions?

CHAIR WOODWARD: Thanks, Toni, any questions, comments? John Clark.

MR. JOHN CLARK: Toni, I see it says that 29 Commissioners completed the survey this year. How does that compare to previous years?

MS. KERNS: It's lower than some years. Last year was 28, the year before 32, 31, 31, 34, 26, 37. The highest we've ever had been 39, the lowest was 21.

MR. CLARK: I'm just curious. I take the survey every year, and I don't know if my results would be the same year to year. It's the same questions, right? I'm just curious if the results kind of depend on whatever the issue of the moment happens to be, if people are affected by that.

MS. KERNS: I would put that question back to you, John, since you're filling it out, not me. But I would assume yes, but.

MR. CLARK: I can't remember two weeks ago; I certainly don't remember what I answered the previous year.

MS. KERNS: I'll say in terms of the respondents, and you know we do this survey in January or December timeframe, and sometimes that is when some new Commissioners are coming on, especially if there has been a change in legislatures and governors, etcetera. If it's a brand-new person we do not ask them to fill.

It goes out to them, but we understand why they do not fill out the survey, because they were not there the previous year. We ask that between the Commissioner and the proxy, if that Commissioner has a proxy that only one of them fill out the survey, to try to keep it to the 45 Commissioners.

CHAIR WOODWARD: Any other questions or comments? Bill.

MR. WILLIAM HYATT: I'll just add to that discussion that I never see the first notice that comes out about the survey, it's always the reminder that I respond to. I assume I get the first notices, but I think that plays into the timeframe thing you were getting at, Toni. I just wonder if maybe a third notice might be helpful. You're probably going to tell me, Bill, it's the third notice you're actually seeing.

MS. KERNS: Who knows? I think it depends on how many people we've had fill out to how many notices I end up sending. But I send the e-mail to the same list every time, so I'm pretty sure you're getting a first notice.

CHAIR WOODWARD: Yes, I know sometimes it's easy to overlook that, but I think it's a useful introspective tool for us, you know especially since we've been doing it the same way for so long. I know any of us have had an experience

with what we call focus groups. It's pretty interesting to see how things change over time in response to some of the same questions. I think you are right, John.

I think some of our responses probably depends on what our most recent experience was in this process. That can be good, bad or mediocre. I think that does probably affect us a lot. But then that is important to know that too. You know if we have some chronic areas of dissatisfaction, then those are things that we really need to focus on how do we make improvements, or can we make improvements. I know we've always been frustrated in our environment that there are a lot of things that affect fisheries that we don't have any control over.

That is a hard thing to accept sometimes. But those are the limits of our power. I would certainly encourage all of us when the next opportunity arises, to please avail yourself of it, because it is a useful, introspective tool. Any further questions or comments? By the way, those that didn't respond, your travel reimbursement will be very slow, just so you know. No, we don't do that. We treat everybody the same. Roy.

MR. ROY W. MILLER: I just wanted to comment that I've noticed in looking through your summary of the individual comments, Toni. Getting the meeting materials out as soon as possible seems to be a repetitive theme, and I would like to reiterate. That is really helpful if we're not loaded up two or three days before the meeting starts, the weekend before the meeting. The sooner we can get those materials, the easier we can get through them, and would it help eliminate the crush on the weekend before the meeting starts. Thank you.

MS. KERNS: We take that to heart in both ISFMP and the Science department. We will continue to try to improve that. Sometimes some of these reports are out of our team's control, and we're relying on information coming in, sometimes from the states, sometimes from other places. If we can't get it from those individuals, we have to wait until the second round of materials. But we take it to heart.

DISCUSS ATLANTIC BONITO MANAGEMENT

CHAIR WOODWARD: Okay, our next agenda item, I want to call on Dan McKiernan to talk about Atlantic Bonito.

MR. DANIEL MCKIERNAN: We have gotten numerous requests from some anglers in Massachusetts, asking us to address the relatively new phenomenon over the last five or so years, and that is an abundance of young of the year Atlantic Bonito. We've always had an adult fishery during our late summer and fall months, especially on the south side, the warmer side of Massachusetts.

But in the past few years we're seeing young of the year fish, even into the Gulf of Maine waters, such as Cape Cod Bay and Mass Bay. Some of the anglers are treating them like mackerel, like they are taking buckets of these fish. It has kind of outraged some of the anglers, you know demanding that the government take some action for conservation.

We've communicated to NOAA Fisheries about the potential for federal action, but of course it's an HMS species, and I understand the South Atlantic Council was looking into analogous management of false albacore. I just want to bring it to the attention, especially of my northeast neighbors, because I think if this continues, it might be something that we might want to address on the state level.

You know Atlantic Bonito is not a game fish, per say, but it is predominantly caught by the recreational community, and I think the recreational community would like to see us institute some kind of conservation. One of the ideas that I came up with, you know talking to one of the constituents was a simple minimum size to prevent these fish being treated as forage, because they are kind of a predator and a predator species, and one that is important to the recreational community.

I don't think any of us would be comfortable, in fact it's illegal, to use say juvenile striped bass as bait to catch tuna. I mean there are certain values that we place on various species. To the recreational community, I think we're hearing that they would like us to treat this fish with a fair amount of respect and some minimal conservation.

I intend to continue the conversation with my New England neighbors about the chances of just taking action at the state level, to institute a minimum size, something in the realm of, I don't know like a 12-inch minimum size or so, which would simply take those young of the year fish, you know out of reach of harvest. I don't know if any of the other northeast states are seeing something similar, but it's been a real interesting phenomenon that is probably related to ocean warming. This is just these challenges that come up as the ocean warms that people need to be nimble on. I do understand that there is a process for any species to be taken on, in terms of federal management. I concede that there is no stock assessment. I concede that there is very little information on size at maturity. But I think something like what I'm proposing and what the anglers are looking for would be a pretty light lift, and I think would resonate pretty well with that community.

CHAIR WOODWARD: All right, thanks, Dan. Any questions for Dan or comments? Mel.

MR. MEL BELL: It is an HMS managed, regulated species?

MR. MCKIERNAN: I'm going to turn it to Mike Ruccio.

MR. MIKE RUCCIO: Thank you, Mr. Chair, if it's okay I'll wade in. I appreciated Dan kind of bringing this to us before the meeting, so we had a chance to kind of do our homework. It's complicated. It's not as straightforward as people would probably like. It technically is not currently under HMS authority.

ICCAT does have authority to manage tuna-like species, and has talked for a number of years about additional management measures that might bring in species like Bonito, but that has not happened at

the ICCAT level, and as a result, it has not happened at the domestic level through our HMS group.

This was a pretty prevalent thread of conversation when the Mid-Atlantic council was developing their forage fish amendment. There were several species that were kind of the next tier of consideration, and it's something that they have talked about getting back into and a subsequent action.

Ultimately, Bonito and a couple others, little tunny and others were not put forth in that forage fish amendment. The too long digit read on this is we would fully support the states doing something. That is probably the cleanest and shortest distance between two points. If there is a federal nexus, we're happy to enjoin in that and talk about how we could best align, and whether there is need to spin up something.

But at the end of the day, if the states saw fit to do something to kind of constrain harvest, or set some management measures, that is probably the quickest and cleanest for all parties, and we can worry about federal nexus and ICCAT, if and when it comes down the pike through a Council and/or through ICCAT. Thanks.

CHAIR WOODWARD: Thanks, Mike. Then we have Chris Batsavage online. I think he wants to comment, then I'll go to you, Steve.

MR. CHRIS BATSAVAGE: Yes, a question for Dan, and maybe others. Are we seeing an increase in recreational catch estimates for Atlantic Bonito up in New England or anywhere else along the coast?

MR. MCKIERNAN: I don't know, but I know we're seeing an increase in the catch of that size class. But that size class never appeared before in our MRIP data, and suddenly there is a big bump in that Age 0 size composition. But I would have to get back to you on the overall trends.

CHAIR WOODWARD: All right, Steve and then we've got David Borden online.

MR. STEPHEN TRAIN: I don't know if this is a question for Dan or for Mike, or what. But if this is not a regulated species, it's not something that is under our jurisdiction, it's in a gray zone with the Feds and we don't have scientific studies from the states. How do we set limits? I'm not against it, I understand the precaution. But how do we justify any limits we set on something like that, or the states do?

CHAIR WOODWARD: Yes, I think that's always one of the conundrums we face, you know with precautionary management. You know when you don't have sound science about stock status, or sometimes even the biology of the species, you can find yourself challenged to make a good decision.

I know that there are times when at the state level, it's in my home state, we've implemented precautionary management. But at least we had something like 3 percent maturity at size or age, things like that that you could fall back on and say, well with a precautionary approach you can at least do this, and you know you're affording some protection.

I don't know what the scope of biological information on Atlantic Bonito is, if there is even enough to know where those points are, to accomplish some conservation. But that's sort of a fundamental question, you know when you get into this. All right, I want to call on David Borden online. Go ahead, David.

MR. DAVID V. BORDEN: I completely support what Dan is proposing, but would suggest a slightly different avenue. I would remind everyone that about six years ago we had a similar situation, or maybe eight years ago we had a similar situation when Jonah crab came up. We didn't have an interstate plan, and we didn't have a federal plan.

A workgroup got together and just started to tease out some of the issues, and identify what information was available, and what the regulatory

constraints were. That whole process ended up with the Commission adopting a plan, and I think Toni can correct me if I'm wrong. I think we adopted a plan in a record period of time.

We may want to think in a slightly broader manner, and talk about doing the same type of thing. Have a group of volunteers basically try to put together what information is available, and then put this back on an agenda. I think we would get a better result out of it than just having the states try to do this unilaterally.

The reason I say that is, in the case of Rhode Island, they have a commercial fishery on this species, so you are going to immediately run into that issue. This is one of the premiere what I would characterize as sport fish in New England. People take whole vacations around when the false albacore arrive, because they are so great to catch on a flyrod. I would suggest that to Dan, that avenue, and I would be happy to volunteer for the Committee, if he's looking for a volunteer. Thank you.

CHAIR WOODWARD: Thank you, David. Yes, I think one thing I want to make sure. We're talking about Atlantic Bonito, which is a species separate from false albacore and little tunny. But obviously they are sort of in this, what I would call under-loved tunas' category right now. We probably need to; you know if we're going to move forward with something.

We need to really look at both of them, because the South Atlantic Council was approached by the American Saltwater Guide's Association about potentially bringing them under Magnuson-Stevens Act management, and staff produced a white paper. There really wasn't any appetite, because most of the fishery is occurring in state waters anyway. We'll have some more conversation about this, but we probably need to consider both of those species, if we're going to move forward with this. I've got Mel and Roy and then Bill Hyatt.

MR. MEL BELL: I think there is, my understanding from things that we've experienced looking at Florida. There is a legal mechanism if Massachusetts felt that it wanted to manage a species that is not regulated federally, and some of the fisheries in their waters and federal waters, but they can sort of extend influence out into federal waters under a current mechanism.

If it's not federally managed or regulated, and the state wishes to manage it, and they want to manage it in their waters, and extend that into the federal waters with NOAAs concurrence. I think they can do that. That is just from an individual state or Commonwealth perspective.

CHAIR WOODWARD: All right, Roy, and then I'll go to Bill Hyatt.

MR. MILLER: I was just going to make the point that you made, Mr. Chairman, concerning the false albacore or little tunny a related species. As long as we're considering Atlantic Bonito, it would be good to have a look at both species. The false albacore, as most of us know, is not a commercial species, per say. But there were always rumors that commercial fisheries could start for false albacore. But I don't believe they have thus far, so it is a premiere sport fish.

CHAIR WOODWARD: Bill Hyatt.

MR. WILLIAM HYATT: I would agree with what David Borden said and what Roy just said, about both false albacore and Bonito being a highly sought-after fish that attracts a huge amount of attention that is on the uprise, in the southern New England area in particular. The fishery is focused entirely on adult fish.

This is the first I've heard of any type of occurrence, and any type of focus and interest on juvenile fish being in the area and being fished. But I'm also sensing around the group some reluctance or hesitancy for states to take precautionary unilateral action with establishing a relatively conservative minimum size limit.

Again, as a precautionary approach, as you described, Mr. Chair. I'm just wondering if I'm correct in sensing that reluctance, and the need to do something more complicated, and wondering why, if anybody has any insight that they might be able to share with me, and why there is such a reluctance to do such.

CHAIR WOODWARD: Toni has got some comments in response to that.

MS. KERNS: Bill, I don't know why there is a reluctance. That would be a discussion around the table for you all. But I think that there are two paths that you can take as an approach for how you move forward. If it is your desire for staff to put together a white paper on either Atlantic Bonito or false albacore, I do not have clarity on what the Board is wanting, so that would be one that would be great to have.

We can put together a white paper. We would probably like a little bit of help, since there is not a lot of information out there, and particularly at least, the only thing that I had looked up previously was Atlantic Bonito. I did not get into false albacore, and my initial look-see was very little information.

Then we can present that to the Policy Board at a future meeting, and then we've gone two paths. David is correct. This is how we started management for Jonah crab, and it ended up becoming an FMP. The second path is that the states can get together and decide to put in a set of regulations on their own, and that is similar to what we have done with welk.

If you all recall, we had a white paper on welk. We decided that the migratory habits of welk was not significant enough to deem an FMP for that species, and so we just went ahead and did state regulations there. Those are two possible paths, if that is something that you desire. I guess there is a third, which Dan just says everybody puts in a minimum size and we do not come back to the Policy Board on this. I will leave it to the discussion on the hesitancy.

CHAIR WOODWARD: Thanks, Toni, I'm going to Dan and then Pat Keliher, and then to Lynn.

MR. McKIERNAN: Bill, my response would be, I don't think Massachusetts is hesitant about taking this conservation standard. I'm just bringing it up today. I think I'm accomplishing my goals, which is to just start this conversation, to bring it out in the open. If I had a crystal ball, I would say that at least 10 years from now we'll probably have an interstate or a federal plan for Bonito. But in the interim, we could probably use that minimum size.

I will probably be reaching out to the northern New England states and those to the south, and just say hey, we're going to do this if you want to join us, because we have a large area of state waters, which is the Cape Cod Bay, Mass Bay. We could actually probably affect a lot of fishing behaviors, and so it would be great if the other states wanted to join us, because I think there will be a ground swell among the angling community for this.

CHAIR WOODWARD: All right, Pat Keliher.

MR. KELIHER: I think Dan is spot on bringing this up. I don't have reluctance for the states getting engaged in this. My reluctance really is around the Commission process. I still have the effect of formally wearing the Chairman hat and worrying about staffing of these issues. It seems to me that before we start worrying about white papers from a Commission standpoint, that the states need to go back, do a little homework, see what the problem is and then come back. If we do a Commission action, I'll be requesting de minimis status, so just put that on record now.

CHAIR WOODWARD: Lynn, and then we'll go to Chris Batsavage.

MS. LYNN FEGLEY: I just want to, just speaking of hesitancy, you know in Maryland we do draw our authority to manage from fishery management plans. We cannot just regulate on a species that doesn't have an FMP, and we don't have an FMP for this critter in Maryland. That is part of it. You know we're not real free to move, until there is some sort

of management plan in place, which we could do on a state-specific level, but that's a little harder.

CHAIR WOODWARD: Chris Batsavage, and then I'm going to go to the public microphone.

MR. BATSAVAGE: Yes, similar to Lynn in Maryland. In North Carolina we don't have rulemaking authority for Atlantic Bonito or false albacore, and we received a similar request from our Marine Fisheries Commission for a white paper on potential management of false albacore.

But I think the idea of the states getting together and looking at the available information. They want to work kind of collectively or individually to put in some precautionary measures is a good idea. I think just so the Board is aware that some states have administrative barriers that others don't have. It comes down to the state level, as far as putting in management measures.

CHAIR WOODWARD: Thanks, Chris, and then on the public microphone, if you would just identify yourself.

MR. WILL POSTON: Thank you, Mr. Chairman, Will Poston with the American Saltwater Guides Association. I just wanted to offer some words of encouragement for this conversation. The light tackle and fly community was incredibly energized this past fall when we opened up our Albie Tagging Project, which we did in Vineyard Sound and Nantucket Sound.

Then accompanying that we did a genetic study with Cornell geneticists, and that took place in Vineyard Sound, Montauk area, North Carolina. They were able to find out that looking at those three locations, it looks like one genetic stock of false albacore. You know again, we would be super supportive of any precautionary measures for this species that is tremendously important for our communities, and I'm happy to share any of these findings, you know today, in the future, what have you. Thank you.

CHAIR WOODWARD: Thank you, Will. Somewhere a path forward goes. The South Atlantic Council has already done a little bit of work on false albacore, so they are available, I think it can be pulled into this discussion. I think there is enough interest here to move forward with something. What I'll do, I think, is ask staff, maybe before our next meeting just sort of map out this path forward options thing a little more, and then in the meantime the states that have the interest in this as a precautionary measure, be thinking about what you would need to do. We can capture all that perhaps in a source document that will help us have a more informed decision about the pros and cons of letting each state deal with this individually, versus the need to have some sort of coordinated management, as possibly a necessary preface to a state doing it.

I think that's what's up there we can do, and it wouldn't be too onerous on staff. But we'll, just for clarification's sake this will be Atlantic Bonito and false albacore, the two species together. Is everybody comfortable with that approach? All right, very good, thank you all. Are you doing ongoing stock assessments?

MS. KERNS: If we could go back to David Borden, he had his hand raised.

CHAIR WOODWARD: Sorry, David, I missed you earlier. I think right after the discussion on the Commissioners survey. You had a comment, so I apologize for that. But go ahead.

MR. BORDEN: I'm easy to miss, I'm a long way away. I just wanted to add the comment that I think, two comments. One is that on the positive side, I think that the Commission and their partners do a really good job of managing species, and generally select strategies that are science based. I think that has helped us greatly in the process.

It's a little bit distressing to see the decline in some of these stocks that we have managed conservatively. I think that what I'm a little bit concerned about is how we use the comment at the end. I think there were a lot of really good comments. A question, Mr. Chairman, if I might, and

then maybe a further comment. How do we prioritize those now?

CHAIR WOODWARD: That's a good question. Toni, I'll let you respond to that, maybe Bob too.

MS. KERNS: David, we don't have any sort of priority order in how you distribute the comments, as in like one comment is more important than another. We do categorize them to try to be more efficient for you all, so we keep all the organizational comments in one bin, individual comments in another bin. We do the, what I'll call a form letter in another bin, and then we put the hearings separate. I think those are all the bins that we do. But every comment as we count them, all hold the same level of importance in the mindset of the coordinators.

MR. BORDEN: Thank you very much. Mr. Chairman, I might make a comment if that's all right.

CHAIR WOODWARD: Yes, go ahead, David.

MR. BORDEN: Okay, so the comment, and I'll try to make this fast. I think one of the weaknesses or one of the negatives that we're all trying to deal with, and I'm guilty of it myself, is that we're not terribly effective at dealing with issues, what I would characterize as broadscale, crosscutting issues in advance. I'll give you a positive example instead of a negative example. When I first got involved in the Commission, there was endless discussion about the need to improve the data collection system. Over the decades, literally, the Commission constantly went back to that issue, and now we're on the cusp of implementing all sorts of wonderful improvements to the data collection system. But that took time and a lot of work, because there was a lot of uncertainty in it. I think that when we get to this issue of review of what Commission members feel, I think to some extent we should try to prioritize the major concerns and then figure out a process to resolve those.

I'll give you one recreational example and one commercial example. Recreational example is release-mortality. Somehow the Commission has to figure out how to do that, and put together a plan to deal with that. If you look at striped bass, one of the major sources of mortality in the stock is due to release mortality.

We can liberalize the recreational regulations, if we figure out how to reduce that. Somehow there has got to be a way to put together a plan to deal with that. The first step may be, we need more science on it. But at least we could figure out what types of studies and prioritize those studies.

Then on the commercial side of it, I think one of the issues we're going to have to confront going forward is this issue of fixed gear and vertical lines. We're not going to escape it, as I said the other day, and we're going to have to figure out strategies that reduce the risk to a whole host of protected species.

The long and short of it is, I think what I would ask is like the Executive Committee to talk about a way of doing that, and prioritizing these things, and then bringing the results back to the Commission, so that we could figure out how to work on those. It may take a decade to resolve some of those things. But at least we would have a strategy and an approach to really deal with the major issues. Thank you very much, I'm sorry to take so long.

CHAIR WOODWARD: No that's quite all right, David, I appreciate it. Yes, I think that at the minimum, we can take the comments from the Commissioner surveys and bundle them by similarity, and the things that are most frequently occurring in those comments, certainly I think would be a good indicator of what's most important and of greatest concern to the Commissioners.

We'll certainly look at doing that and discuss it. What can we produce as actionable plans, as a result of the survey? I think that would be a better use of the survey results if we possibly can. I appreciate the comments. Thank you, David.

UPDATE ON ONGOING STOCK ASSESSMENTS

CHAIR WOODWARD: I'm going to call on Jeff Kipp to give us an update on Ongoing Stock Assessments.

MR. JEFF J. KIPP: Good morning, everyone. I'm Jeff Kipp, the Commission's Science Staff, and I'm working on spot and red drum. That's what I'm here to give an update on in this agenda item. I'll be presenting the terms of reference and the timelines for the 2024 benchmark assessments of Atlantic croaker, spot and red drum, on behalf of the Atlantic Croaker, Spot and Red Drum Technical Committees.

We're presenting these to the Policy Board, because the Sciaenids Board did not meet during this meeting week, and these assessments will be well underway by the next time the Board meets. Two memos for this agenda item were included with meeting materials, one for the spot and croaker assessment and one for the red drum assessment. As has been done in the past, spot and croaker will be assessed in a joint assessment process, given similarities in datasets and personnel working on these species.

Red drum will be assessed in its own assessment process, but on a similar timeline as the spot and croaker assessments. I'll start out covering terms of reference in the timeline for the croaker and spot assessments, and then finish with the TORs and timeline for the red drum assessment. Included in those memos in meeting materials, they had three components each.

The first component in each is the terms of reference for the assessment. These are the terms of reference to be addressed by the Technical Committee and Stock Assessment Subcommittee during the stock assessment, and I'll be presenting those here in my following slides. The second component of each memo are the terms of reference for the Peer Review, and these are the TORs to be addressed by the

Peer Review Panel that reviews the stock assessments upon completion by the TC and SAS.

These are essentially the same as the stock assessment TORs for directing the review panel to evaluate the TC and SASs fulfillment of the stock assessment TORs, so I won't cover these in the presentation. Then the final component in each memo is the timeline of the assessment, and I'll present these with select milestones following the assessment TORs.

The objective of this agenda item is to consider the terms of reference and timelines for approval, so the Committees can begin work on the TORs. Jumping right into the assessment TORs for Atlantic croaker and spot. The first term of reference is to define population structure based on available data, if alternative population structures are used in the models justify use of each population structure, explore possible impacts of environmental change on range shift.

TOR 2 is to evaluate new information on life history, such as growth rates, size at maturation, natural mortality rates and migrations, and review potential impacts of environmental change on these characteristics. Explore possible impacts of environmental change on life history characteristics.

TOR 3 is to characterizes precision and accuracy of fishery dependent and fishery independent data used in the assessment. TOR 4 is to develop models used to estimate population parameters, and biological reference points, and analyze model performance. TOR 5 is to state assumptions made for all models, and explain the likely effects of assumption violations on synthesis of input data and model outputs. TOR 6 is to characterize uncertainty of model estimates and biological or empirical reference points.

TOR 7 is to perform retrospective analyses, assess magnitude and direction of retrospective patterns detected, and discuss model consistency due to implications of any observed retrospective pattern for uncertainty in population parameters, reference points, and/or management measures. TOR 8 is to

recommend stock status as related to reference points. TOR 9 is to compare stock status and management advice from the assessment with the results of the traffic light analysis currently used for management. If outcomes differ, discuss potential causes of observed discrepancies and preferred method. TOR 10 is if a minority report has been filed, explain majority reason against adopting approach suggested in that report. The minority report should explain reasoning against adopting approach suggested by the majority. TOR 11 is to develop detailed short- and long-term prioritized lists of recommendations for future research, data collection, and assessment methodology.

Highlight improvements that would be beneficial to the next benchmark. The last TOR, TOR 12 is to recommend timing of next benchmark assessment, and intermediate updates if necessary relative to biology and current management of the species. Those are the TORs for the assessment, and this is the proposed timeline for the assessment.

We have already initiated a request for data to support the assessments of spot and croaker, and some other key milestones are, we'll have our first workshop, the data workshop in May. Then we have tentatively two assessment workshops scheduled, one in September of this year, and then one in February of next year.

We anticipate a peer review in the summer of 2024, and then presenting the stock assessment and Peer Review Reports to the Sciaenids Management Board at the 2024 annual meeting. That covers it for spot and croaker, and I can stop there or just carry on into red drum and hold off until the end.

CHAIR WOODWARD: Let's go ahead and take any questions about the spot and croaker TORs and timeline. Jay.

DR. JASON McNAMEE: Thanks, Jeff. The only question I have is, so you've got the Term of

Reference 2, which has kind of like the life history stuff in it. I guess I was wondering, I don't see at least explicitly in here like ecosystem roles, so thinking about like predator/prey type stuff. I'm perfectly fine to hear that is not important for these species. I know spot at least is a prey item for a lot of predators. I just wanted to flag that, or maybe you think it is captured in there already. That's my question.

MR. KIPP: Yes, thanks for your question, Jay. I think we would probably kind of capture that under natural mortality and the impacts there. Thanks for bringing that to attention, and we'll definitely dig into any information we have on predation for these species.

CHAIR WOODWARD: All right, we've got Chris Batsavage online, go ahead, Chris.

MR. BATSAVAGE: Thank you, Jeff. Yes, my question is actually almost the same as Jay's, maybe just slightly rephrased. Yes, also on natural mortality, along those lines, Jeff, will the SAS look at the potential for changes in natural mortality rates over the time series, similar to what was looked at for weakfish?

MR. KIPP: Yes, I think we'll take the data that we get. We will be making our standard data request to the public through the Commission, through a press release, and hopeful that we will get some additional information here that may not have been available during the last assessment. But certainly, we'll look at the datasets that we have available, and whether there is any indication and changing natural mortality at the time for these species.

CHAIR WOODWARD: Any other questions for Jeff on the spot and croaker? All right, don't see any. Proceed with red drum.

MR. KIPP: All right, so jumping into the terms of reference for the red drum assessment, so again this will be done separately, but is being covered here along with spot and croaker. This first TOR is unique to the two-part assessment process that we're conducting for red drum. The first part was a

simulation-based assessment, evaluating performance of several different modeling approaches for estimating known population parameters from simulated populations.

The second part of this process will be a traditional benchmark stock assessment with those models that we recommended out of that first part fit to the observed data for red drum. That is what will be covered in these TORs coming up is that second part, the traditional benchmark assessment. The first TOR is to evaluate simulation assessment Peer Review Panel recommendations for the simulation-based analyses used to guide assessment approaches in this benchmark assessment.

This will be sort of connecting the dots between that simulation assessment that was done previously, and then this traditional benchmark assessment, which we'll be presenting as sort of a complete package to the Sciaenids Board. TOR 2 is to provide descriptions of each fishery dependent and fishery independent data source.

A lot of these you will see are somewhat redundant with what we saw for spot and croaker, but there are some differences in language, depending on the Technical Committee's take on the TORs. TOR 3 is to develop models used to estimate population parameters and reference points, and analyze model performance.

TOR 4 is to discuss the effects of data strengths and weaknesses on model inputs and outputs. TOR 5 is to state assumptions made for all models, and explain the likely effects of assumption violations on synthesis of input data and model outputs. TOR 6 is to characterize uncertainty of model estimates and reference points.

TOR 7 is to perform retrospective analyses, assess magnitude and direction of retrospective patterns detected, and discuss implications of any observed retrospective pattern for uncertainty in population parameters, reference

points and or management measures. TOR 8 is to recommend stock status as related to reference points. TOR 9 is a sort of catch-all for any other potential scientific issues facing the red drum stocks.

The first sub-bullet here says compare trends in population parameters and reference points, with current and proposed modeling approaches. If outcomes differ, discuss potential causes of observed discrepancies and the second part here is to compare reference points derived in this assessment with what is known about the general life history of the exploited stocks, explain any inconsistencies. TOR 10, if a minority report has been filed, explain majority reasoning against adopting approach suggested in that report, the minority report should explain reasoning against adopting approach, suggested by the majority. TOR 11 is to develop detailed short- and long-term prioritized lists of recommendations for future research, data collection and assessment methodology, and the final TOR, TOR 12 is to recommend timing of the next benchmark assessment and intermediate updates, if necessary, relative to the biology and current management of red drum.

That covers the TORs for red drum, and this is the proposed timeline for the stock assessment. As with spot and croaker, we have initiated the data request here just a couple days ago to the Technical Committee, and we'll also be making a call to the general public for any datasets out there that could help inform the assessment.

We do have a data workshop scheduled tentatively for June of this year. Then also anticipate two assessment workshops, one in March of 2024, I'm sorry, one in October of this year and then the second in March of 2024. This will be a SEDAR Peer Review, and we anticipate that Review Workshop occurring in August of 2024.

Then plan on presenting the assessment and peer review at the same time as the spot and croaker assessments to the Sciaenids Board at the Commission's 2024 annual meeting. That is what I

had for the red drum assessment. I can stop there and see if there are any questions.

CHAIR WOODWARD: All right, any questions for Jeff on the red drum TORs? Jay.

DR. McNAMEE: Jeff, I was having the same sort of thought as I had for spot and croaker, but I'll kind of change it up. What I got to wondering was, do you guys have any connection with the folks in the EDAB Branch of NOAA? The reason I ask that is, I think they've been working really hard to create these, they are awesome reports.

They are kind of like bio history reports. They probably have all kinds of other information as well. But I wondered if you guys were already sort of dialed in, maybe you have somebody on the Working Group from the EDAB folks. I'm thinking NOAA might not be super involved with these. But even if they're not, it still may be worth connecting with them, because I think a lot of these things, they are sort of quantitated.

I think they can generate information. I could be totally wrong about that, but it's worth connecting with them to find out if there is any you know products that they have available, where you could plug in a different species and generate some information from the datasets that they are already working with. Hopefully that made sense.

MR. KIPP: Yes, thanks. Most of the rounds of these assessments there has not been a heavy federal presence in those assessments. It was more historically when they had a bigger part in the management of red drum. I think it's EDAB, I'm not familiar with the acronym, Ecosystem Branch there.

DR. McNAMEE: I think that is like Scott Larges crew, it is the Ecosystem Dynamics and Assessment Branch. I think that's what it stands for. Again, I'm not trying to obligate their resources. I don't have that authority. It just popped into my head they may be happy to talk

to you about it, and they might have something that is easy for them to produce.

MR. KIPP: Yes, thanks for bringing that up. That has certainly been, I think a bigger consideration recently for spot and croaker. It seems like there is a significant environmental effect on those species. But certainly, a good thing, and I think we will reach out. We've had them in the past assessments. Anyone representative from that branch who will reach out and try to make a connection to those folks for these assessments.

DR. McNAMEE: Just one last quick thing. Just how I'm kind of processing this. We have a gentleman on the Black Sea Bass Working Group, Ricky Canberra, I think his name is. Just to offer, he's not involved obviously with this at all, he's on the black sea bass one. But I'm hoping that gives you enough information so people know what the heck Jay was talking about at the Commission meeting. Thanks, Jeff.

CHAIR WOODWARD: Thanks, Jay, any other questions for Jeff? Erika.

MS. ERIKA BURGESS: Jeff, can you remind me what the stock boundary that was used in the previous assessment, and will that boundary be explored in this assessment?

MR. KIPP: Yes, the stock boundary that was used in the past assessment, there was a northern stock and a southern stock, and the split between those stocks is treated as the North Carolina/South Carolina border. Certainly, stock boundary and stock structure information will be reviewed as this had been a benchmark stock assessment. We didn't explicitly identify that as a TOR, but it will be certainly a consideration by the TC and SAS during this assessment.

MS. BURGESS: Thank you, and what is the terminal year of data that you anticipate using?

MR. KIPP: It will be 2022.

MS. BURGESS: Okay. Florida recently changed the regulations for red fish, but those took effect mid-year in 2022. I'm not sure how that is going to complicate the assessment.

CHAIR WOODWARD: All right, any other questions for Jeff? Seeing none; we will need Policy Board approval of these TORs and timelines, so we've got some motions prepared. We're going to have separate motions for spot and croaker and for red drum. Let's get that up. I will entertain a motion from the Policy Board. Mel.

MR. BELL: Yes, Mr. Chair, I move to approve the Terms of Reference for the 2024 Red Drum Benchmark Stock Assessment as presented today.

CHAIR WOODWARD: I assume that's a second from Pat Geer. It is moved and seconded to approve the Terms of Reference for the 2024 Red Drum Benchmark Stock Assessment as presented today. **Any discussion? Any objection to the motion? Seeing none; the motion carries by unanimous consent.** Thank you. All right, and we've got a follow-up motion, I think on spot and croaker. All right, so similar situation. We need Policy Board approval here. I'll entertain a motion to approve the Spot and Croaker TORs. Lynn, are you willing to make that motion?

MS. LYNN FEGLEY: I move to approve the Terms of Reference for the 2024 Atlantic Croaker and Spot Benchmark Stock Assessment as presented today.

CHAIR WOODWARD: Second. (Mel Bell) It's move to approve the Terms of Reference for the 2024 Atlantic Croaker and Spot Benchmark Stock Assessment as presented today. It's supposed to be debate; I'm struggling to use the word debate versus discussion. Debate sounds so confrontational versus discussion sounds so much more collegial.

Is there any debate on this motion? Anybody online? All right, is there any objection to the motion? Seeing none; the motion is approved by unanimous consent. Thank you very much, and thank you, Jeff. Carolyn Belcher, from Georgia. I think she's online. Do you have a question, Carolyn?

MS. CAROLYN BELCHER: Yes, can you all hear me, okay?

CHAIR WOODWARD: Yes, got you.

MS. BELCHER: I just wanted to get on the record. Doug and I had been discussing this a little while ago, as Georgia was looking in to changing its regulations. We had some requests from constituents about looking at red drum. One of the things that came up was a request to look at size limit changes. The only information we had was the bag and size analysis from 2002.

What we would like to, at least put on the record as a request for after the assessment, that they redo the bag and size analysis, regardless of the status outcome. I know we didn't do it on the last assessment, because we did not have an overfishing status. But again, for us to be able to maintain the compliancy with the SPRs we kind of need to see what they are. If we have some more interest from our constituents to change the size, we would at least like to be able to look at that in the context moving forward.

CHAIR WOODWARD: Jeff, do you want to respond to that?

MR. KIPP: Yes, thanks and that has been brought to our attention this request, so yes, we will definitely keep this on the radar as we move into that red drum assessment.

OTHER BUSINESS

MONKFISH SURVEY

CHAIR WOODWARD: All right, thank you, Jeff. Thank you, Board. We have no noncompliance findings, thankfully, so I'll move into Other Business. First, I

want to call on Emerson Hasbrouck, to talk a little bit about a monkfish survey.

MR. EMERSON C. HASBROUCK: Thank you, Mr. Chairman. The Cornell Marine Program, their work, has just recently received funding through the SK Program, to try to increase domestic local demand for monkfish through product development and audience expansion. I know the Commission; I know that here at the Commission we don't do anything with monkfish. But I would like some help with something. We're going to be working with commercial fishermen and dealers and processors, to develop an effective means of promoting and marketing monkfish. We also want to engage the public and consumers, to encourage people to become familiar with eating monkfish. Your input is valuable to our project. We want to know who is interacting with monkfish and how they are doing so, to help us build our outreach program.

We also want input from people who are unfamiliar with consuming monkfish. I would ask that you take a few minutes when you have a chance to fill out an online survey. Toni has the link there, but well maybe you can see it if you're looking on your laptop.

If you could log on sometime and take a survey, or you can just Google the Cornell Marine Program, and then when you get there just search for monkfish. We have a couple of different surveys, one is for consumers, one is for fishermen, another for dealer/processors, another for retailers, and another for restaurant.

Whatever category or multiple categories that you think you fit into, please help us develop this marketing program, and fill out a survey. Again, even if you've never eaten monkfish, even if you've never thought about eating monkfish, that would also be helpful to guide us in developing this program. Thank you for your time.

CHAIR WOODWARD: Thank you, Emerson, any questions for Emerson? All right, seeing none. If I've eaten monkfish it was disguised as something else. I'll certainly take the survey as an uninformed party, so that will help you all out.

MR. HASBROUCK: That's great, thank you. Monkfish is actually very good, so if anybody ever has a chance to try monkfish, I suggest that you try it. You'll be up for a pleasant surprise.

CHAIR WOODWARD: We have another item of Other Business, want to call on Mike Ruccio.

FEDERAL ALLOCATION OF MENHADEN

MR. RUCCIO: I am pleased to see this on monkfish, but I'm also personally disappointed if the price goes through the roof. I get it on Fridays from my fish monger, and it is delicious. Don't sleep on monkfish, it's great. At the risk of peeking at a bit of a scab here. I wanted to revisit the issue of the Federal Services voting on allocation matters before the Commission.

As you know, we voted on Atlantic menhaden, and I think that raised some eyebrows for some folks. We had good conversation; I think following that vote. I appreciate that as we've been here this week, we've had the opportunity to speak with a number of people one-on-one. I just wanted to kind of set some context, set the record straight, and to some degree put the Commission on notice. We are an equal partner in this process. While we have not voted historically on allocation issues, you know we do vote on a number of matters.

We tend to as an Agency vote with prevailing science, when it aligns with the overarching statutes, our internal guidance, policies and practices. There are a number of reasons that we may vote. We try to be very clear and transparent about when and where we do exercise that right, particularly if it's not something that we've done in the past. You know for an example, we might vote to bring something to the floor for further discussion, even if it's not something that we ultimately may fully want to have go through, but we think that development is

necessary. That's just one example, you know, of how a partner in this process may exercise that right. When it comes to issues of allocation, I think something that you probably heard quite a bit about and will continue to hear a lot about from the Service, are climate-ready fisheries. We have spent an awful lot of time internally, thinking about how oceanographic climate change is affecting fish stocks.

I think for a number of the species that are Commission managed, you can see the writing on the wall. There is redistribution happening. The productivity is changing. With those things we have built very stovepipe systems, including in some cases our allocations that are based solely on historic use of the resource.

Our point is not to vote in an effort to create different winners and losers in the allocation scheme, because allocation is one of the hardest things that I think we as fishery managers ever have to enter into and deal with, because it does, it creates winners and losers. But our desire is to see more dynamic allocation systems, things that are adaptive, and consider how these changes will play out, and get us into phases where we can respond in turn.

You know I commend; the Commission has been very active in the ongoing Scenario Planning effort. We think things like this that kind of is forward looking, and trying to envision what fisheries may look like, and then develop adaptive tools around those, rather than kind of static allocations, are one way to go forward with climate-ready fisheries. Really value that effort and that conversation. It's not to say that it has to be all or nothing, right?

There is room and a place for consideration of historic use in allocation. It doesn't have to be just that though. There can be different allocation schemes that have both that as part of the foundation, as well as things that look for a dynamic or adaptable changes over time. You know we have as always, I think, tried to be good partners in the process. We're happy to talk with

folks away from the table. We're happy to try to provide our justifications at the table.

You know we like to operate on a no-surprise principal. I think you know in this specific instance we're talking about with menhaden, we went to some great lengths to try to establish our rationale. But it was new, and that was the first time, so I think people may not have appreciated where we're going, in terms of that vote at the time being.

I'm happy to answer additional questions, but just wanted to try to clear the air and get some additional context on that. It's not to say that anytime the word allocation is involved that means that we're going to have a vote or we're going to have a say. Each of these things, as you all know, is kind of addressed on the individual merits and the circumstances that arise. I'll leave it at that, and happy to answer any questions or respond to any clarifying comments.

CHAIR WOODWARD: Thank you very much, Mike, for that. I appreciate it. I think any time there is a perceived or real departure from historical activities that our first instinct is to think that something is bad. Well, that may not always be the case. I appreciate your thoughtfulness in coming before us and presenting that background and context for us. John Clark.

MR. JOHN CLARK: Thank you, Mike. I did ask the question at the Menhaden Board, and I certainly understand the reasons and as you say, you're a full partner, the Services are. I just caution that when it comes to some of these fraught allocation issues, I don't know that it really does the Services much good to be seen as putting their finger on the scale one way or the other. I mean a lot of these species, yes, they are responding to climate change.

But there is also obviously in the states where they were historically, in certain cases they are still there in large numbers too. It's a very difficult situation, but I'm just saying, I think the Services need to be careful, because you do work with all the states, and it can be seen as bias on the part of the Services in certain cases. But I appreciate the reasoning you gave and all that. I was just curious at that time,

because it seemed a bit out of character for the Services to be voting on that. Thanks.

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

MR. KELLIHER: Mike, thanks for those comments. In the face of climate change and shifting stocks, I think it is becoming much more appropriate, actually for the Service to weigh in on those particular issues. I think as it pertains to just historic allocations, without those overlays of environmental influences, it's maybe not pertinent to weigh in.

But I think certainly with shifting stocks and what we're dealing with, having an equal partner but maybe an unbiased partner. You know the allocation conversations around this table are the hardest ones we have. Allocation begins with, I won't say begins with, but it has four letters. I think it's appropriate. I for one appreciate it. Thank you.

CHAIR WOODWARD: All right, Eric.

MR. ERIC REID: Thank you, Mr. Ruccio. Those are great comments. I guess my comment goes to not necessarily ASMFC as a solo act. When we meet jointly with the Mid-Atlantic to discuss allocation, and not necessarily, I mean allocation between one sector and another. It would be really helpful to me, to have a better idea what the Services interpretation of the National Standards are right up front.

I mean my interpretation of the National Standards may not be, as always, what my equal partner at the end of the table, because at the end of the day they make the final decision, and that interpretation is not necessarily equal. But just to get some clarification on those particular items.

Earlier in the process would be really helpful to me. I do appreciate Mr. Ruccio's comments, and for me personally he's a great partner, and the rest of the Service is a great partner as well. It's

not a disparaging comment, it's just come for some clarity a little earlier in the process.

CHAIR WOODWARD: Anyone else? Yes, as has been said, allocation is probably the most difficult piece of gristle that we have to chew on. Sometimes we don't know whether to swallow it or spit it out, but we still have it. Fair and equitable is like art, it's oftentimes in the eye of the beholder, and it just probably will continue to be one of the most vexing issues.

It's vexing when things are stable, it becomes increasingly so when our futures are changing in ways that none of us could have ever predicted or contemplated. Again, Mike, thank you. We appreciate the partnership and appreciate your candor about that. I think the main thing is to keep those lines of communication open. Most misunderstandings come when people don't have a full appreciation for the other one's point of view. I think the more we can keep those lines of communication open, the better off we'll all be. Bill Hyatt.

MR. HYATT: Yes, Rick Jacobson of the U.S. Fish and Wildlife Service asked me to bring up a question for him. He had to leave quickly to go grab a flight. I'm looking at his question. I suspect this is something that might not be able to be answered on the spot, but somebody might need to be able to get back to Rick on it. Rick wanted to know, could the Commission provide an update on progress on developing alternatives for public engagement to reassess risk tolerance parameters incorporated in the horseshoe crab/red knot model.

MS. KERNS: I can answer that question, as a matter of fact, Bill. We promised at the May meeting of the Horseshoe Crab Board, and we still will be bringing that at the May meeting.

ADJOURNMENT

CHAIR WOODWARD: Okay, any other business, closing comments? If not, I'll entertain a motion from the Policy Board to adjourn. Mike.

MR. RUCCIO: Seeing we have this federal partnership, I'll make such a motion, Mr. Chair. Motion to adjourn.

CHAIR WOODWARD: Well, it's always appreciated. Is there a second? All right, a second. I assume there is no objection to adjournment. Seeing none; we will stand adjourned. Thank you everybody.

(Whereupon the meeting adjourned at 10:30 a.m. on Thursday, February 2, 2023)