

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

Webinar
January 26, 2022
Approved May 3, 2022

Proceedings of the Atlantic Menhaden Management Board Webinar
January 2022

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INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of October 19, 2021** by Consent (Page 1).
3. **Move to remove option 3: 3-tiered fixed minimum approach, under 3.1.1 options for addressing minimum allocation** (Page19). Motion by Lynn Fegley; second by Emerson Hasbrouck. Motion fails (3 in favor, 12 opposed, 3 abstentions) (Page 22).
4. **Main Motion**
Move to modify section 3.1.1. Option 3 to put DE and FL in tier 2 (0.25%) (Page 22). Motion by Nichola Meserve; second by Erika Burgess.

Motion to Amend
Move to amend to move New York into tier 3 (Page 23). Motion by Emerson Hasbrouck; second by Roy Miller. Motion carried (Page 25).

Main Motion as Amended
Move to modify section 3.1.1 option 3 to put Delaware and Florida in tier 2 (0.25%) and move NY into tier 3 (.5%). Motion carried (Page 26).
5. **Main Motion**
Move to remove from Draft Addendum I in Section 3.1.2:
Option 2: 2009-2020
 - **Option 4: Second Highest Year**
 - **Option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020)**Motion by Megan Ware; second by John Clark (Page 28).

Motion to Amend
Move to amend to remove option 6b and replace with option 6a (2009-2011 and 2018-2020) (Page 29). Motion by Joe Cimino; second by Justin Davis. Motion fails for lack of a majority (6 in favor, 6 opposed, 5 abstentions, 1 null) (Page 32).

Main Motion
Move to remove from Draft Addendum I in Section 3.1.2:
Option 2: 2009-2020
 - **Option 4: Second Highest Year**
 - **Option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020).**
Motion to Amend
Move to amend to remove option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020) (Page 33). Motion by Justin Davis; second by Tom Fote. Motion carried (Page 33).

INDEX OF MOTIONS (continued)

Main Motion as Amended

Move to remove from draft Addendum I in Section 3.1.2:

- **Option 2: 2009-2020**
- **Option 4: Second Highest Year**

Motion carried without objection with 3 abstentions from USFWS, NOAA Fisheries, and South Carolina (Page 35).

6. **Move to eliminate sub-options 3 (weighing 75/25) to both 6a (2009-2011/2018-2020) and 6b (2009-2012/2017-2020)** (Page 35). Motion by Cheri Patterson; second by Lynn Fegley. Motion carried (Page 36).
7. **Move to eliminate sub-option 1 (weighing 25/75 to both 6a (2009-2011/2018-2020) and 6b (2009-2012/2017-2020) from section 3.1.2** (Page 37). Motion by Pat Geer; second by Craig Pugh. Motion fails (2 in favor, 13 opposed, 3 abstentions) (Page 39).
8. **Move to remove Option 5 (moving average) from section 3.1.2** (Page 39). Motion by Erika Burgess; second by Pat Geer. Motion fails (2 in favor, 13 opposed, 3 abstentions) (Page 41).
9. **Move to nominate Michael Dawson of Maine and William Caldwell of New York to the Atlantic Menhaden Advisory Panel** (Page 54). Motion by Jim Gilmore; second by Justin Davis. Motion carried (Page 54).
10. **Move to nominate Conor McManus of Rhode Island as Vice-Chair of the Atlantic Menhaden Management Board** (Page 54). Motion by Eric Reid; second by Megan Ware. Motion carried (Page 54).
11. **Move to adjourn** by consent (Page 55)

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ATTENDANCE

Board Members

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

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

Ex-Officio Members

Joshua Newhard, Technical Committee Chair

Staff

Bob Beal	James Boyle	Adam Lee
Toni Kerns	Katie Drew	Kirby Rootes-Murdy
Laura Leach	Maya Drzewicki	Sarah Murray
Lisa Carty	Emilie Franke	Caitlin Starks
Tina Berger	Lisa Havel	Anna-Mai Svajdlenka
Pat Campfield	Chris Jacobs	Deke Tompkins
Kristen Anstead	Jeff Kipp	

Guests

Karen Abrams, NOAA	Will Caldwell	Paul Eidman
Pat Augustine, Coram, NY	Mike Celestino, NJ DEP	AJ Erskine
Jason Avila, Avila Global	Matt Cieri, ME DMR	Peter Fallon, Maine Stripers
John Bello	Heather Corbett, NJ DEP	Cynthia Ferrio, NOAA
Alan Bianchi, NC DENR	Jessica Daher, NJ DEP	Tony Friedrich, SGA
Rob Bourdon, US FWS	Taylor Deihl, Omega Protein	Alexa Galvan, VMRC
Jeff Brust, NJ DEP	Bill Dunn	Lorena de la Garza, NC DENR

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Guests (continued)

Shaun Gehan, Gehan Law
Lewis Gillingham, VMRC
Angela Giuliano, MD DNR
Brendan Harrison, NJ DEP
Hannah Hart, FL FWC
Jaclyn Higgins, TRCP
Helen Takade-Heumacher, EDF
Peter Himchak, Cooke Aqua
Rich Hittinger
Carol Hoffman, NYS DEC
Jesse Hornstein, NYS DEC
Jeff Kaelin, Lund's Fisheries
Pat Keliher, ME (AA)
Adam Kenyon, VMRC
John Kollar
Jake LaBelle, WCS
Ben Landry, Omega Protein
Wilson Laney
Meghan Lapp, Seafreeze Ltd
Tom Lilly
Nick Lombardi

Brooke Lowman, VMRC
Mike Luisi, MD DNR
Chip Lynch, NOAA
Pam Lyons, Wild Oceans
Kurt Manz
Genine McClair, MD DNR
Chris McDonough, SC DNR
Dan McKiernan, MA (AA)
Jason McNamee, RI (AA)
Frank Meisel
Steve Meyers, Williamsburg, VA
Steve Minkinen, US FWS
Chris Moore, CBF
Brandon Muffley, MAFMC
Allison Murphy, NOAA
Adam Nowalsky, Pt. Republic, NJ
Bradley O'Bier, NOAA
Derek Orner, NOAA
Willow Patten, NC DENR
Will Poston, SGA
Chad Power, NJ DEP

Jill Ramsey, VMRC
Kathy Rawls, NC (AA)
Amanda Rezek, NOAA
Harry Rickabaugh, MD DNR
Andrew Scheld, VIMS
Amy Schueller, NOAA
Tara Scott, NOAA
Alexei Sharov, MD DNR
Ethan Simpson, VMRC
Melissa Smith, ME DMR
John Sweka, US FWS
Chris Uraneck, ME DMR
Beth Versak, MD DNR
Mike Waive, ASA
Kate Wilke, TNC
Angel Willey, MD DNR
John Page Williams
Dan Zapf, NC DENR
Erik Zlokovitz, MD DNR

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The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, January 27, 2022, and was called to order at 8:30 a.m. by Chair Mel Bell.

CALL TO ORDER

CHAIR MEL BELL: Good morning, everybody, thanks for being here. This is the call to order of the Atlantic States Marine Fisheries Commission Atlantic Menhaden Management Board. I am going to be your Chair, Mel Bell, from South Carolina. This will be my first meeting. I will be taking the reins from our previous Chair, now Commission Chair, Spud Woodward, so big shoes to fill.

Spud left us with me with a lot of things to accomplish here. We've got a big one today that we'll get through, and get right to it. Thanks for your participation, and thanks to everybody that has kind of responded to a call for a little bit of homework ahead of time, that will hopefully be able to help us move efficiently through the major item we'll deal with today.

APPROVAL OF AGENDA

CHAIR BELL: If we get into this, let's see first of all if we go ahead and deal with things we've got to do administratively, Approval of the Agenda. Are there any desired modifications to the agenda, anything to add to the agenda? Raise your hand, remember red is raised.

MS. TONI KERNS: I have no hands.

CHAIR BELL: Okay, no hands, if there is no objection to approval of the agenda then the agenda will be considered approved by consensus.

APPROVAL OF PROCEEDINGS

CHAIR BELL: Next would be approval of the proceedings from the October, 2021 meeting. Are there any edits needed to the minutes from the October, 2021 meeting, please, raise your hand?

MS. KERNS: I have no hands.

CHAIR BELL: No hands, then we'll consider the minutes from the October, 2021 meeting approved by consensus. Thanks.

PUBLIC COMMENT

CHAIR BELL: That takes us to our first item to deal with, which would be public comment. Now remember this would be public comment for things not on the agenda. I know we've received public comment up to this point in writing.

A number of things that are related to one of the agenda items for sure, and some very recent public comment that folks may have received related to that. What I would like to do is still stick with public comment right now related to items not on the agenda, and then when we get to the particular agenda item we might be moving through, we'll try to work in public comment at an appropriate point there related to these specific items we're dealing with. That will be particularly Addendum I. If there is an interest in commenting on Addendum I, we'll work that in at an appropriate point as we're working through Addendum I, maybe after different sections that we're dealing with. That is my plan, so right now is there any interest in public comment for things not on the agenda? Raise your hand.

MS. KERNS: I have no hands at this time.

CHAIR BELL: Okay, we'll assume there is no public comment for things not on the agenda.

**UPDATE ON THE 2020/2021
ATLANTIC MENHADEN MORTALITY EVENTS**

CHAIR BELL: We'll move right into our first action item. Jeff Brust is going to give us an update on the 2020/2021 Atlantic Menhaden Mortality Events. This is something we had on the agenda, I believe, at the last meeting but didn't get to it. We wanted to make sure we gave it a little bit of time. We've got some time now for Jeff to make the presentation, and then we'll move along. If we

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need to transfer screens or something. Jeff, if you are ready to roll with that.

MR. JEFFREY BRUST: I am, thank you, Chairman Bell. Good morning, everyone. Jeff Brust with New Jersey Marine Fisheries. As Chairman Bell said, I'll go through a quick update on some of the unusual mortality events that we are seeing the last 18 months, two years or so. Of course, we're dealing with menhaden.

We all know that mass mortality events are not uncommon for this species. The fact that they form large, dense schools makes them susceptible to environmental stressors in large numbers, and also these dense schools facilitate transmission of diseases. Some of the more common suspects in these mortality events, probably the most common is hypoxia.

This generally occurs during the summer and early fall, when the temperatures are high. It increases the metabolism of menhaden and many of the other species, and they use up the oxygen quickly. A dense school, whether it's in an embayment that has low flushing, or if they're pushed inshore from predators or things like that.

A dense school can deplete the ambient oxygen in the area, and they essentially drown themselves through lack of oxygen. One that may be a little less common but that we see in cold weather is called gas bubble disease. It's when the menhaden are acclimated to cold water, and then they enter an area that has much higher water temperatures.

Often, they'll get entrained in a cooling tower discharge, where the temperature is much higher. The oxygen is actually super saturated throughout the ambient water, and the fish aren't able to process it. What you see is they'll get gas bubbles under their skin and in their gills. The bottom picture there, it's kind of hard to see, but those bubbles that are right on its chin, those are actually under the skin.

Then one that we're all familiar with also, is what's called spinning disease. We see this throughout the

region, all up through the Mid-Atlantic, New England, and even into South Atlantic. You'll see some erratic swimming behavior. The fish will be swimming in circles, hence the name. Some of the other symptoms are hemorrhaging of the eyes and the base of the fins. Some work done in the 1970s from the Chesapeake Bay, found that this could be attributed to a viral infection. This is common enough that we hear reports of it throughout the region, pretty much every year. Again, generally in the spring time. Just stepping back a couple of years in the Raritan/Hudson Region. We see fish exhibiting signs similar to spinning disease pretty much annually.

Every spring we'll get calls we've got fish swimming in circles, generally not very large events, a couple dozen fish maybe. Again, usually around the Raritan Bay, or most common around the Raritan Bay and the surrounding rivers. New Jersey's wildlife pathology and forensic lab has been sampling these fish since at least 2015.

Every year we'll go out and collect a couple of samples. We generally collaborate with several other labs. The first thing we look for is whether it's the virus associated with spinning disease. You know for the last five, six years, every sample has come back negative for the spinning disease virus, even though it's showing signs similar to the spinning disease.

Again, we see this every year in the spring time. Spring of 2020, everything seemed normal. We started getting calls March, April, small events, same area, same time of year. It wasn't a very extensive geographic range, same as always. What became unusual is later in 2020, beginning in November, we started getting calls of what were termed significant mortality events. Significant in the eyes of the public might be more than a handful of fish.

You see the photo there. There is a couple dozen there, but it's not like some of those hypoxia pictures I showed, where entire marinas were covered in fish. Significant events, similar to the one in the photo there. But what was unusual is

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that this was happening in the fall. As you remember, I said spinning disease is generally common in the spring, but they were showing the same signs.

Spinning in circles, lethargic at the surface, you could pick them up with your hand, even though they're still alive. It lasted about two months, November into December. Again, it was first reported around the Raritan and the Hudson, but this one it was extending a little bit farther. Geographically we had reports into Long Island Sound, and all the way up to Rhode Island, so a little bit more unusual than we were expecting.

Wrong time of year, a bit more extreme, in terms of the geographic scope. Spring of 2021, we started seeing similar events in the spring, about the same time, but they were bigger than usual. You see the photo on the right there. That is sort of what we were seeing last spring, and again, it extended at a much larger geographic range.

We had seen it in the north of New Jersey, we had never seen it in the south of New Jersey, but we had several instances down in Delaware Bay around May. We had a suspected case up in the Northshore, Massachusetts in May, and then we even had a confirmed case up in Maine in June.

Throughout this, again New Jersey was doing some sampling. New York was also doing some sampling, coordinating with several other labs, universities, and the U.S.G.S. Signs were very similar, like I said, to spinning disease. We had hemorrhages to eyes and the bases of the fins. When we did internal investigations, there were signs of degeneration of the kidney and spleen and some of the other internal organs, and then the bottom picture there shows there is hemorrhage around the brain, and some of those fish that had hemorrhage around the brain, there was bacteria present in the tissue surrounding the brain. Again, when we did pathological studies, there was no viruses found whatsoever, including the one for spinning disease. The main culprit, it appeared, was a bacterium. It was a species of vibrio that was found in the brain

regions of most of these fish. It didn't seem to be a virus, it appeared to be a vibrio species.

Beginning in 2021, we continued the sampling, and we were able to collect samples not just from New Jersey, not just from the central region where we usually see it, but from some of the other regions as well. We sampled at the beginning, the middle, and the end of the event. We were prepared for it, so we knew what we were looking for.

We were expecting it, I guess. Continued our coordination with some of these other labs. Environmental conditions seemed to be in the normal range, so it didn't appear to be hypoxia or any thermal event, as might be seen with gas bubble disease, and the pathology results were consistent with what we saw in 2020.

This was throughout the region, not just the Hudson and Raritan, but also in Delaware Bay and up in Maine. The main culprit appeared to be this *Vibrio Anguillarum*. There were a few secondary minor infections, but the primary suspect was this *Vibrio*. A little bit more about this *Vibrio Anguillarum*. It is naturally occurring; it is not something new.

It's common in marine and estuarine areas throughout the world. We've seen it in many species, including some that we manage here at ASMFC, including eel and striped bass, another species of concern is salmon, and mainly because of the impacts to aquaculture, when we have fish in close proximity, again, it's easy to spread diseases as well.

Some concerns with *Vibrio Anguillarum* in the aquaculture world. There are a handful of different strains of this critter. Depending on which strain you have, they are virulent at different temperatures. The figure on the right, the yellow bars, show the range of virulence for the different strains of vibrio.

The blue lines show the water temperatures around the center of the events, so up near the Raritan estuary. You can see for the months that we were seeing the highest number of cases, March, April,

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May, and November/December. You see that the water temperatures were right smack in the middle of this virulence range for this critter. What is uncommon though is generally *Vibrio Anguillarum* causes systemic infection, so infection to the major internal organs in the gut.

It does not generally cause neurological symptoms in the brains and nerves, but that's where we saw most of the impacts for these 2020 and 2021 events. Mainly it was concentrated in the brain tissue. This slide is pure speculation. None of us know why it happened, but I just put together a couple of ideas for what could be causing this.

Environmental factors such as temperature, so if the fish are hanging out in waters warmer than usual in times of year that they're not there. It could be that *Vibrio* is always there, and the fish just happened to be there that year. Physiological factors, one of the papers I was reading about *Vibrio* said that many of the fish, not necessarily with menhaden, but in some lab studies that were done, many of the fish showed deficiencies in certain vitamins, minerals, things like that. If you'll remember from the last stock assessment, there has been a trend in decreasing body weight at size for menhaden, so perhaps there is some body condition factor that is playing into the higher rates of infection.

Population factors, were the schools more dense than usual? Was the population larger than usual? That might facilitate transmission of this critter. How about the distribution? Like I said, perhaps they were hanging out in areas overwinter where they don't normally hang out, which put them in close contact with *Vibrio*, and that's where it came from. Then there is always the possibility of it's a new strain of *Anguillarum* that we've never seen before, and for whatever reason it's just popped up in the menhaden population.

We know it impacts menhaden. There is, at least in New Jersey we were getting questions from the press and from the public about, what about the striped bass that I'm catching with the menhaden? What happens if I touch one of these sick

menhaden? I wanted to just put it out there that there is very little concern, as far as I can tell, about other species getting impacted, including humans.

We didn't get any reports of other major kills of other species, when we were seeing the kills of menhaden. There is no known effect of wildlife predators being infected from eating infected fish. There have been a few cases of humans getting *Vibrio Anguillarum* from handling, but it's rare and uncommon.

Yes, the biggest concern is the effect of *Anguillarum* on the aquaculture industry. I just wanted to compare these events with what we normally see from other fish kills, menhaden fish kills. This was, it appeared to be a much more chronic event, rather than like a hypoxia event that would affect one embayment or one school of fish individually. This appeared to be much more chronic. There was a prolonged duration over several months over a wide geographic area.

We don't know the full extent of the mortality. We know what we saw, but there could be events that if the fish aren't visible to the public, or to researchers, it could happen and we would never know about it. Compared to hypoxia events or other events like this, none of them appeared excessive in terms of, like the number of fish that were killed at a time.

My professional, my personal opinion, based on what I know about menhaden, I'm certainly not a pathologist, but from what I've gained from our pathology lab, so what I know about *Anguillarum*. It doesn't appear that the effect on the overall menhaden population would be excessive. That is my personal and professional opinion.

Just to put things in perspective, the figure on the left you've seen before. This seemed to be like the worst case, you know a photo of the worst case that I saw during these events. That is a lot of fish, and could be concerning to public who aren't fully aware of the size of the menhaden population. Most of the photos that I've seen, and most of the incidents that I've seen, look more like what's on

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the right there. It's still a lot of fish, but relatively speaking relative to the menhaden population, it's not that bad, and relative to say a hypoxia event, where an entire school is decimated. Staff asked me to put together, I made a statement that I don't think the impact of the menhaden population is large, but staff asked me if I could try to quantify that. That is kind of hard to do, again not knowing the full extent of the mortality, but this is a slide where I try to put things into perspective.

Speaking with our pathology lab. The folks in my lab who have gone out and seen these events, speaking to folks in New York who had seen the events in their area, estimating that several hundred thousand minimum fish were killed that we were able to see, but it was no more than a million fish that were observed throughout all the kills throughout the region.

Again, if we take into account some events that were not observed, because they were offshore, maybe there is a multiplier up to ten. Maybe we only saw 10 percent of the mortality. Outside estimate, and I consider this a very outside estimate, we might be looking at 10 million fish total that died.

I find it difficult to believe that the multiplier would be that high. At least in New Jersey many of these events were occurring when our fleet was fishing, and I think if there were large rafts of dead fish floating around out there, they would have let us know. I think that ten times multiplier is probably pretty high.

But just for the sake of argument, let's go with ten million fish cumulative throughout all of these events combined. Recall from the most recent stock assessment that the population of Age 3 plus menhaden is about 2.3 billion, and I used 3 plus, sorry I meant to mention this. We took length measurements from all our samples, and they tended to be in the range, these weren't small fish, these weren't peanut bunker, they were 2 plus, 3 plus, they were larger fish.

I'm using the 3 plus population estimate, because that is about the size that we were looking at. Ten

million fish dead out of 2.3 billion fish in the population. You're looking at a mortality rate of 0.43 percent, less than half of 1 percent of mortality from these events. If you compare that to the natural mortality that we used in the stock assessment for the same age range, that is somewhere north of 0.50 percent.

The mortality rate from these events of less than half a percent compared to the natural mortality that we generally would see, associated with predation, old age, disease, all those things, everything but fishing. It's 100 times higher. Again, all in all this seems to be a very minor impact to the overall stock.

When we do these stock assessments, we estimate mortality, and then we do sensitivity around it. I think a difference of less than half a percent, we would certainly capture that when we do our sensitivity runs. Again, my personal opinion is it looked messy, it probably smelled badly after a couple of days, but overall, its impact to the population itself is going to be minor.

I will say, I didn't put a slide together for this, but the first unusual event we saw was in the fall of 2020. The spring 2021 event was larger than we had normally seen, so we were all kind of walking on pins and needles in the fall of 2021, wondering if it was going to happen again.

I'm happy to report that I am aware of only one small instance in New Jersey, a couple hundred fish maximum, and I heard from New York that they had been sampling throughout the time period, and John Maniscalco or Jesse, either one of you can correct me if I have this wrong.

But my understanding is that of all the samples that they collected, only one fish was positive for this *Vibrio Anguillarum*. Yes, I do want to thank Jan Lovy, our lead pathologist here in New Jersey, John Maniscalco and Jesse Hornstein, both from New York, who provided photos and info from their region. With that I will stop and take any questions, Mr. Chairman.

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CHAIR BELL: All right, thanks, Jeff. Thanks for putting that together, do appreciate that very informative. I know we don't see anything on that scale down here, but occasionally when we have low DO events increase and things, it's the fish floating that people call in about. It does get attention, certainly something we need to pay attention to, especially on a larger scale.

Thank you for doing that. We've got a couple of minutes here. This wasn't an action item for us today, it's basically informational brief, but if there are Board members who would like to ask some questions, and Jeff, since you put all this together for us, we can take a few questions, and that will keep us on schedule. Does a Board member have a question, raise a hand?

MS. KERNS: All right, Mel, I will start us off. We have four hands raised; John Clark, Roy Miller, Loren Lustig, and Conor McManus.

CHAIR BELL: All right, thanks, Toni. John, go ahead.

MR. JOHN CLARK: Thanks for the great presentation, Jeff. I just want to confirm, you're saying you've only seen this in the adult bunker? I think you solved the mystery, because we've seen some of these same types of small-scale kills in late winter, early spring along Delaware Bay. We also get a lot of parasitic kills, it looks like, peanut bunker in the summer, so you've never seen this at other times of the year?

MR. BRUST: Thanks, John, good question. Again, our lab, our Marine Fisheries Lab has not been the one doing the sampling, our Fish and Wildlife Forensic and Pathology Lab has. For all of the samples that I've seen collected, relative to these kills, all of the fish were large, 250 millimeters and bigger.

Not to say that it wouldn't impact the peanuts, but we have not seen that here in New Jersey, or at least we have not sampled those here in New Jersey. I guess I can't say unequivocally that it wouldn't happen to peanuts. But that is not what we've been seeing around our region.

MR. CLARK: Thanks, Jeff, that's interesting.

MR. BRUST: If I can follow up. If you see these, and if you are able to get live fish, you know Jan has been looking for a collaboration, and he's always willing to take samples from somewhere else. If we can get some samples from you, not to speak for Jan and his work load, but we can probably figure out how to get those into our rotation of samples.

MR. CLARK: Well, that would be great, we'll keep our eyes out. Hopefully we don't see them, but if we do, we'll see if we can get some live ones. Thanks, Jeff.

CHAIR BELL: All right, Roy Miller, question.

MR. ROY W. MILLER: Yes, thank you, Mr. Chair, just to follow up a little bit. Good morning, Jeff. I was wondering if all of these events that you think were caused by Vibrio, were they pretty much open water events, they weren't confined to the lagoons where we see these large kills of peanut bunker?

MR. BRUST: That's a good question. We actually saw them; they were most prevalent in the tributaries to the Raritan Bay. We saw them on the shores of the Raritan, but a lot of them were occurring in the rivers leading into the Bay. We got quite a lot of press when the fish started floating up on the banks right behind Governor Murphy's house. Yes, they tended to be in the river, so not great flushing rates. They were not necessarily open water, but not closed lagoons and things like that.

MR. MILLER: One quick follow up, Jeff.

MR. BRUST: Sure.

MR. MILLER: With no suspicion of potentially toxic dinoflagellates or anything like that, in terms of plankton caused fish kills.

MR. BRUST: Good question. We also had our Water Monitoring Group out taking samples. I have not gotten word from them that yes, it was a dinoflagellate or anything like that. It appears to be

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an internal, this *Vibrio Anguillarum*. There was no water quality issue that I had heard of.

CHAIR BELL: Next, I had Loren.

MR. LOREN W. LUSTIG: Yes, good morning and thank you, Mr. Chair. I thank Jeff for a very, very interesting presentation. I should take a note of a number of things that you said, Sir. I'm very happy that the fish kill is 0.43 percent, which is wonderful news. I also noted that you said they looked messy and smelled bad. I'm sure that is true.

I am interested in knowing about the relative difficulty in removing fish, in terms of time and cost from public areas, like beaches or marinas, and also, I'm interested in knowing whether the public is reasonably satisfied with what has been done, or whether there are negative editorials or a letter to the editor or that kind of thing, based on misconceptions. Thank you.

MR. BRUST: That's a very good question. Obviously, while these were occurring there was lots of media, lots of phone calls. We did, DEP, not just Marine Fisheries, but DEP as a whole worked with several townships to figure out how to clean them up. We did sort of, I can't say we mobilized our emergency response team, but certainly townships were pointed towards them, in terms of how to do the cleanup. I don't think DEP actually did any of the cleanup, we just gave guidance to the municipalities on what they should be doing. Generally, it was, wear protective clothing, just in case there might be an event of human transmission. Still, I can't speak to what the cost was or how timely it was. We were certainly getting calls saying, hey somebody needs to do something. But the higher up in the chain the decision was made that it was the municipalities' responsibility. I'm going to, if I may, Mr. Chairman, I might phone a friend, and Joe, you were more involved with those discussions than I was. I don't know if I captured that properly.

CHAIR BELL: Sure, go ahead.

MR. JOE CIMINO: That's correct, Jeff. You know it was unfortunately there is no budget within DEP to handle these types of events. Some of the politicians stepped up and found funding to help the municipalities do the cleanup, and that is kind of where it ended for us.

MR. BRUST: Thank you, Joe, just to your second question, Loren. I haven't seen any bad press that DEP didn't do what they should have. You know we get daily press updates. Every day we get the headlines for where DEP is mentioned. I haven't seen any bad press. Certainly, a lot was happening, you know a lot of articles as the events were happening, but now that the fish are gone, I haven't seen anything bad.

CHAIR BELL: Okay, thanks. Let's go ahead and take the one more question here. Conor, I think you had a question.

DR. CONOR McMANUS: Yes, thank you, Jeff, for your presentation. I was just curious from the outreach perspective, and maybe this is directed more for Commission staff. I guess I was curious if you or others had thought about constructing a consensus of information for outreach in the public for perhaps other states to use, or maybe at a minimum, is the contents from your talk today available for other states? You know in Rhode Island for example, a lot of this content would be really great as we communicate with the public and scientists for that matter, as to what we saw during these events.

MR. BRUST: Yes, good question, Conor. When these events were happening, we were getting so many press-calls we put together sort of an FAQ. It wasn't a full-blown press release, but we did make a statement and then put together an FAQ. Those are all available on our website, the New Jersey Fish and Wildlife website.

I can find those for you, and get them to Kirby or Pat Campfield actually with the Science Department was sort of spearheading communication among the different states when these were happening. I

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can get our information to either Pat or Kirby to distribute to the states, for whoever wants it.

DR. McMANUS: That's great, thanks so much.

MS. KERNS: That will be great, Kirby's last day is on Friday.

MR. BRUST: I have the microphone, if I may, Mr. Chairman. I worked with Kirby. Kirby has been around a long time. I was trying to think this morning of any species that he hasn't worked on. For staff here in New Jersey, I just wanted to say one great big thank you to Kirby for all of his work over all of the years. Now I will go eat. Thank you very much, everyone.

CHAIR BELL: Thank you, Jeff, thanks for that and thanks to everybody, Jan, John and Jesse. That's interesting everybody has got a J name up there. Thanks to everybody for that. That was very informative. If anybody else has any other questions, I would just recommend. Normally I would say find Jeff in the passage way and have a discussion, but just shoot him an e-mail or something. But we're going to go ahead and move on here, in the interest of keeping on schedule.

Nice segue way into our first action item on the agenda, which is going to be moving forward with Addendum I to Amendment 3, is trying to get the document ready for public comment, for public comment the next step in the process. What we're going to spend the bulk of our time here today is working on getting that document in a form that the Board is comfortable with in moving forward to public hearing.

As you've mentioned and seen it's a rather complex document at the moment, so we've got our work cut out for us there. But I know a number of you have some good thoughts and ideas in ways we can move on that. That takes me to Kirby. Yes, so my first meeting as Chair and Kirby is leaving. Kirby has been with the Commission for, I guess about nine years, and like Jeff said, he's been such a number of different species he's done, we are definitely going to miss him.

I'm really going to miss him, because I was looking forward to at least some very experienced and knowledgeable hand holding for the new Chair. But we'll make do. We want all the best for Kirby. But this will be Kirby's last meeting with us, and I'm going to shut up and let him basically work us through a process here.

What he will basically give us to breathe, a pattern I want to try to follow if he's going to work through sort of section by section, so we'll have a discussion and work through a section. We'll see if we can make progress, in terms of editing through the document, hopefully removing a number of things, because what we have right now is pretty massive.

Anything that we can remove at this point, and the Board is still comfortable with that, we would like to do that. To get this thing down to something that is a little bit more manageable for the public to comprehend, and to be able to give us some valuable feedback on. We'll basically work through it section by section.

We'll have motions associated with that section, and if this works out that there are public comments specifically related to the motions we are making with that section, we'll try to factor those in as well. That is sort of the process we'll follow. Kirby has got a great presentation here. I'm going to just let him run us through this.

But that is the idea. We would like to be able to finish today with something that the Board is comfortable with in taking to public comment. We'll see how things look as we go through, and try to take a break at an appropriate point when we need to. Kirby, I think that kind of covered it as teeing up for you. I'm going to just turn it over to you, and we'll run with it.

**CONSIDER DRAFT ADDENDUM I TO AMENDMENT
3 FOR PUBLIC COMMENT**

MR. KIRBY ROOTES-MURDY: Thank you, Chairman Bell, and thank you for the kind words. Yes, let's go ahead and get started. Good morning, everyone.

I'll be presenting Draft Addendum I to Amendment 3 for Board review today. This is a presentation outline. I'm going to go through an overview and timeline, then review the draft options that are in the document.

Going section by section as Mel mentioned, commercial allocation, and then episodic event set-aside, followed by incidental catch and small-scale fisheries. After going through each section, I'm going to have the PDT recommendations, and following that Meghan Lapp, our AP Chair will provide a summary of comments the AP had specific to those sections.

As Mel mentioned, we want the Board to consider removing options from the Addendum today at the end of each section, and then at the end of this agenda item, consider approval of the Draft Addendum for public comment. Just quickly, I wanted to put up on the screen so that everyone is aware of the Plan Development Team that helped put this document together.

They were incredible, they did a really great job, in my opinion, in putting this document and all the complex pieces in a succinct, clear manner. Thank you, Melissa, Micah, Nichole, Jeff, Harry, and Shanna. Just quickly, some background. As many of you remember, the Board tasked a Board workgroup to develop strategies to align commercial allocations with availability, review incidental catch and small-scale fisheries provision, and reduce quota transfers back in May of last year.

PLAN DEVELOPMENT TEAM REPORT

Over the summer that workgroup worked to put together a report, and that was presented in August, in which the workgroup outlined a number of strategies for the Board to consider in addressing these items. Based off of that report, the Plan Development Team was tasked with using this report as a starting point in developing this Draft Addendum.

As many of you remember, in October I presented a progress report memo from the Plan Development

Team that identified a number of key concepts and options that the Board needed to consider and provide feedback on, to further develop the document. In terms of the timeline here that I wanted to highlight.

As you guys are aware, the plan today is to review this document and approve it for public comment. If that happens, this is what the general timeline would look coming at us in the meeting today. There would be a public comment period that would likely begin next month, possibly go through March.

Staff would be working to pull those public comments together, summarize them, and then present them back to the Board in May, at which point the Board would consider taking final action on the Addendum. Right now, the Addendum has noted at the end that the provisions would be implemented in 2023.

But if the Board wishes to change that, you know those would be considerations to be made later on, when the document is considered for final approval. In reviewing the Draft Addendum today, I'm going to provide an overview of each section by focusing on the objectives, and then the management options that are in the document. I'll have the Plan Development Team recommendations. As mentioned, Meghan Lapp will present the AP report, and will take any questions Board members have. Following that, then we'll have the Board consider motions to remove options. I will do my best to try to mirror what Emilie did so well with the striped bass presentation in October. If there is a Board motion to remove a specific option, we will strike through it, and it will be noted in red throughout the presentation, so that people can keep track.

I'll also note that in my presentation, as well as the document, we have an asterisk next to options that the Plan Development Team recommended moving. Getting into our first section, Commercial Allocation, the objective here is for allocations to be adjusted to align with recent availability of the resource, enable states to maintain current directed

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fisheries with minimal interruptions during the season, reduce the need for quota transfers, and fully use the annual total allowable catch, also known as the TAC, without overage.

In this section we have two subsections, and it's important to understand that in trying to determine an allocation, there is these two steps. The first, under 3.1.1 is the allocation option for addressing the minimum allocation that each state would get. The next step in Section 3.1.2, are then the timeframes to be used to allocate the remaining portion of the TAC.

Under Step 1, we have three different options right now. Our first option is status quo, as many of you are aware that means each state gets a 0.50 percent of the TAC. Option 2 is a two-tiered fixed minimum approach, in which the states of Pennsylvania, Delaware, South Carolina, Georgia and Florida would receive a 0.01 percent of the TAC, and then the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Potomac River Fisheries Commission, Virginia and North Carolina would receive a 0.50 percent.

Option 3 is a three-tiered fixed minimum. Similar to Option 2, the first-tier states remain the same. But there is now a second tier under this option, in which the states of Connecticut, New York and North Carolina would receive a 0.25 percent, and the third-tier states of Maine, New Hampshire, Massachusetts, Rhode Island, New Jersey, Maryland and Potomac River Fisheries Commission, and Virginia would receive a 0.50 percent.

After that first step, there is allocating the remaining portion of the TAC based on different timeframes. In breaking this out into these two decision points, Option 1 provides a timeframe that is the status quo of what is laid out in Amendment 3, which is 2009 to 2011. Option 2 is to use the years of 2009 through 2020.

As many of you know, this includes both periods of high landings and low landings for a number of states, but it's important to note that it also dilutes

recent trends. Option 3 is more recent years landings of 2018 through 2020. In turn this reflects more recent landings trends, stock distribution, but obviously does not contain information on landings in the past.

Now these three first options are fairly straightforward; in that they are using average landings from each of the listed timeframes. Option 4, the second highest year option, selects a best landing year for each state, using data from 2009 through 2020. The general process is that the total landings are tallied, and then determined percentages are based off of that. In turn, the percentages are not based on a given years TAC, or on the biomass that comes out of the assessment. The thought process here is that a second highest year may be less of an outlier than the highest year, and may provide states better opportunity. Option 5 is a three-year moving average that is lagged by one year. You'll see this clearly in the tables in the document that I'll go through shortly.

Option 6 is a weighted allocation approach. Whereas many of you remember during the last Board meeting there were three different weighting approaches, 25/75, that's starting with our older timeframe and newer timeframe, 50/50 evenly weighting it between the two timeframes, and then 75/25, so weighting it more heavily towards the past versus the present.

Under Option 6 there are two sub-options. Option 6A is 2009 through 2011, and 2018 through 2020. As noted, because of these different weightings, there are three sub-options for Option 6A. For Option 6B, 2009-2012, and 2017 through 2020, very similar to Option 6A, but has an additional year added on each end.

To help visually make sense of these two steps in the document, this decision tree outlines generally how each of these options would interact with each other. You would start with selecting first a minimum allocation under Step 1, and then under Step 2 is choosing the timeframe. As you can see at this level, there are a number of different combinations that come out of this process.

We'll come back to this slide later on if needed, to help demonstrate which options the Board chooses to remove would look like. I'm going to go through each of the tables now, and just to help make sure people are understanding what they are presenting. Options under Table 6, which are A1 through 4 are where the minimum allocation is 0.50 plus the timeframes that were listed earlier of status quo 2009 through 2020, 2018 through 2020, and the second highest year.

Table 7 is where the fixed minimum of 0.50 is added with the three-year moving average. You can see here that you have a three-year moving average that is lagged by one year. In the very first column with numbers, at the top you see the three years that are chosen, and then the year that would be in use. It would not be immediately after. To help you get a sense of what it could look like, for example this year, you have the years of 2018 through 2020, and that would be implemented for the year 2022. That is in the far-right column.

Next is the fixed minimum of 0.50 plus the weighted timeframe. As we walked through before, there are two different timeframes that are being looked at, 6A and 6B. Additionally, there are three weightings under each. This is our first set of tables again that have a fixed minimum of 0.50. The next sets of tables are going to be very similar to these, but they are using the tiered approaches.

I'm going to go through those a little bit more quickly. Again, you can follow along with these tables in the document. Table 9 is a two-tiered minimum with Options 1 through 4. Next is the two-tiered minimum with the moving average, and then next is the two-tiered minimum with the weighted timeframe. Then the last three tables I'm going to go through are the three-tiered minimum. Three-tier minimum with the four options as noted. Table 12, three-tiered minimum with the moving average in Table 13, and then the three-tiered minimum with the weighted timeframe. Again, this is on Table 14. Please, be sure to reference this in your materials that were sent out to the Board earlier this month. Next are the Plan Development Team recommendations for this section. The Plan

Development Team recommends removing the following timeframe options. First Option 2. As noted, this is the longest timeframe and given that it dilutes some of the trends that can be picked up by looking at either more recent year's landings, as well as considering some of the options under the weighted approach.

Option 4, as noted in my presentation, the second highest year option is being recommended to be removed. Because of the complexity, as well as that it's not using for any given state's allocation the TAC for that year, and a biomass that comes out of the assessment. The last option that the PDT is recommending be removed from this section is the weighted allocation timeframe # 2.

Largely because this seems to be accomplished through the other option 6A, and having three sub-options under two different weighting timeframes kind of creates more options that the Board and the public will have to choose from, when many of them may be very similar. Those are the Plan Development Team recommendations. Next is the AP report, and as mentioned before, our AP Chair will walk the group through these summary points.

ADVISORY PANEL REPORT

MS. MEGHAN LAPP: Thanks, Kirby. This is Meghan Lapp, the AP Chair. As the AP discussed the options that Kirby just ran over, they expressed support for considering adding an explicit option that allows additional quota percentage from a tiered approach to be put back into the state allocations, rather than just increasing the episodic event.

They also recommended to adjust the statement of the problem to note states that have worked within their quota since 2013. Also, adding an option for research set-aside quota, similar to the episodic event, but specifically for research set-aside itself. They also expressed concern for the second highest year option.

There was some discussion over that, which is a point, AP members were not aware of any other management plan that uses the second highest

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year, and staff is not aware of any management plan that does that either, so there was concern about that option.

MR. ROOTES-MURDY: Thank you, Meghan. We'll move on to questions now for either items that I presented that are in the Addendum, or regarding Plan Development Team recommendations or the AP report.

CHAIR BELL: All right, thanks, Kirby, questions from the Board so far. You can see how these things have multiple factors and they play off of each other. You can see how it gets rather complex. Just let me know what kind of hands you have raised.

MS. KERNS: I will give you three at a time, so the first three are John Clark, Chris Batsavage, and Justin Davis.

CHAIR BELL: All righty, John Clark, go ahead.

MR. CLARK: Thank you for the great presentation, Kirby. I'm just curious, as a state that would be in a very small quota here. Did the PDT consider coming up with a de minimis option for states that either don't fish at all for menhaden? You know if our goal is to minimize the amount of quota that goes unused, why is quota being allocated to states like Pennsylvania, South Carolina, Georgia?

If we had a de minimis option that would probably take care of that you wouldn't have to do this. That was my first part, and then just curious as to how the decisions were made as to either round up or round down states to put them into the tiers they were put in?

CHAIR BELL: Thank you, John, Kirby, do you want to take a shot at that?

MR. ROOTES-MURDY: Yes, thanks for the question, John. We really went off of the guidance from the Board during the last Board meeting, and I don't recall there being a request for a specific de minimis option, where those states as you listed would not have an allocation. I will just remind the Board that we are still at a stage where if there is an interest in

that being pursued, that could be added into this document.

I would recommend though, if that is of interest that definitely to consider removing other options. In terms of how the landings information is considered. I will note that outside of our status quo option of A1, again which is the fixed minimum and the timeframe. We're using the most up to date landings information, and so we have a calculation that we've used to come up with that.

I could walk people through that in more detail, but we tried to mirror as much as possible the kind of allocation approach from Amendment 3 that we rounded to, the nearest hundredth in that regard, and that is the simplest way to get into it at this point. But I can provide more detail later if needed.

MR. CLARK: Thanks, Kirby.

CHAIR BELL: I've been focusing on removing things, removing things. Keep in mind, I mean in the process of tweaking this that someone feels very strongly about adding something, fine. But as Kirby mentioned, if we're going to add something, you really need to think about what else you might remove. Again, it's a balancing act with this thing, you touch one piece and it affects something else. Okay, Chris.

MR. CHRIS BATSAVAGE: Thank you for the presentation, Kirby. You might have mentioned this in your presentation, but I just want to make sure I understand correctly regarding Amendment 3 that Amendment 3 required that the Board review the allocations after three years. If that's the case, will that three-year review still be part of this after final action is taken on Addendum I? I'm asking just to kind of get a better perspective as far as regarding any options we might want to remove, as far as allocations go.

MR. ROOTES-MURDY: Yes, thanks for the question, Chris. That has generally been the approach the Plan Development Team has been working under. If need be, we can make that more clear or explicit in the document that once the Board were to approve

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this document with new allocations, that they would be revisited within three years if not sooner. But that was the general premise this group was working under.

CHAIR BELL: Justin Davis.

DR. JUSTIN DAVIS: I think this is a question for Kirby. I'm wondering about the feasibility of adding in a sub-option under 3.1.1. I get this is going contrary to the general goal today of taking things out of the document. But I'm hoping this might sort of clarify that there is a decision point here, that I don't think is really explicit in the document, and that is what to do if the Board were to ultimately select Options 2 or 3 under 3.1.1.

One of the tiered minimum approaches, what to do with the quota that is freed up by selecting one of those options. You know under status quo 8 percent of the quota is taken up by minimum allocations. Under Option 2 that would drop to 5.5 percent, under Option 3 it would be 4.8. It's sort of implicit, because the next section 3.1.2 is about how to allocate the remaining TAC.

It sort of says, unless some other decision is made that quota that is freed up is going to get allocated back out, according to whatever formula is selected there. Then it is mentioned down in 3.2.1 that, well you know we could use some of that quota that is freed up to increase the episodic set-aside.

It also occurs to me, down at 3.3.4 we're talking about catch accounting for incidental catch in small-scale fisheries. Option 3 talks about creating a 1 percent set-aside of the TAC to accommodate landings under that program. It seems like that's also a potential use for this quota freed up by Option 2 or 3.

I'm wondering if we added in a sub-option conditional on Options 2 or 3, that essentially would create a decision point for what does the Board want to do with the quota that's freed up, if we select Option 2 or 3. That might help sort of clarify to the public that there is a decision point there, and how that quota might be used.

If we were to do that, could we like would we need a motion today to add that to the document? Could we do it by Board consent? Would we have to go back to the drawing board to the PDT and add it in to bring the document back? I'm just sort of curious about the process for potentially adding that in.

MR. ROOTES-MURDY: Yes, thanks for the question, Justin. It's a fair one, because this is where we have these sections interact with other sections, right? Later on in the document we have this note about the episodic event set-aside with Option 2 increasing it to 5 percent, and if that's of interest to the Board then effectively this additional quota that could be freed up could be used in that, or a certain amount of it.

I think one thing that I would like to make as clear as I can at this point. The allocations that are drawn up in this first section. That decision point of how to use that additional percentages from the tiered approach, doesn't affect what the state's allocation percentage is. It would affect what the poundage is. That is where I think we can actually make it clearer that it's a decision point for the Board, and if you would want it to be an explicit option, you know that's fair. I can understand that being more helpful to communicate to the public. But it's just important to keep in mind that what would be adjusted is the poundage, and not the state percentages, if that makes sense.

CHAIR BELL: Hey Justin, good question, and you touched on something, just sort of the interdependence of all these pieces on each other, and moving one direction and how does it affect this or that. But I think that is certainly a valid point that you made. As Kirby said, we can kind of try to deal with that at the appropriate point.

Again, don't read, I mean my saying is remove, remove. If we need to adjust or as Justin just mentioned, clarify some things or add things that would be constructive, in terms of helping the public understand and us visualize how this whole machine will work once it's all up and running. That's fine. We can certainly do that. Just kind of

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moving along here, got any other hands at this point?

MS. KERNS: I have a couple, I have Nichola Meserve, actually and Roy Miller.

CHAIR BELL: Okay, Nichola, go ahead.

MS. NICHOLA MESERVE: I agree with Justin that some additional clarity is needed on the point that he raised about the TAC that is saved with the other tiered approaches. I believe that when the work group talked about that, we thought that the most, you know kind of transparent, easiest approach was to have that go back into the TAC as a whole, as opposed to into any particular set-aside.

That is my recollection, if anyone else wants to correct it, please do. But I had raised my hand because I wanted to ask about the three-tiered fixed minimum approach, and kind of specifically what was the criteria that was used to put Connecticut, New York and North Carolina into the 0.25 percent tier?

When I look at the Table 2 in the document that shows the state's landings as a percentage of the coastwide landings. You know New York kind of jumped out at me as maybe a different level than Connecticut and North Carolina, particularly if you look at 2020, when they were over 1 percent of the coastwide landings.

I just was hoping for some clarity as to how the PDT put those three states in the middle tier, and also to clarify that the states would be in these tiers until another addendum modified it. For example, there is no moving in between the tiers outside of an addendum process.

CHAIR BELL: Thanks, Nichola, Kirby do you want to add to that?

MR. ROOTES-MURDY: Yes, I'll go ahead. As noted in the document under this option, depending on the timeframe in Step 2 that's selected. The understanding was that for nearly every year between 2009 and 2020, those states would likely

have sufficient quota to cover their landings every year. That was the general thought process, was to see which states could fall into that kind of category of the two combinations of putting them in a lower minimum than what Amendment 3 outlined, and then outside of the status quo what could get them to a higher quota level, or maintain them at a quota level that would allow them to cover their landings in most years, based off of the data we were looking at.

In terms of the second question regarding those being fixed in this Addendum. That's the idea that the Plan Development Team was operating under, that these allocations would be set from these two decision points, until a subsequent addendum were to be undertaken to adjust those allocations moving forward.

MS. MESERVE: Thanks, Kirby.

CHAIR BELL: I figure we're going to keep going back to this decision tree that's useful just keeping us straight. Toni, I can't remember who you had next.

MS. KERNS: No worries, Mr. Chair, it was Roy Miller, and Ritchie White also has his hand up now.

CHAIR BELL: Roy, go ahead.

MR. MILLER: I wanted, since Nichola brought it up I would like to go back to Table 2 again. I'm looking at the Tier 1 allocations for the states of Pennsylvania, Delaware, South Carolina, Georgia and Florida. In Table 2 it doesn't provide any guidance on South Carolina and Georgia, because apparently their landings during the calm years in that Table 2 were confidential.

Pennsylvania's were presumably zero during those particular years. But Delaware's landings were 0.02 to 0.04, and Florida's landings were 0.05 to 0.07. What I don't understand is, why are we setting up a Tier 1, a first-tier criteria of 0.01 percent, which would put Delaware and Florida behind already? If this becomes acted upon, and Delaware and Florida, for instance, only receive an initial allocation of 0.01 percent.

Then clearly if history repeats itself, we'll be in the process of searching for quota elsewhere every single year. Why don't we make the Tier 1 criteria something that would satisfy Delaware's and Florida's recent needs? I was just thinking off the top of my head something like 0.1 percent. Maybe that would accommodate Georgia and South Carolina too. But that is my question, Mr. Chair, and if that is viewed favorably, I might have a motion at some point.

CHAIR BELL: All right, Roy, thanks for that.

MR. ROOTES-MURDY: Just to help with Roy in understanding the thought process here. The table he's referring to, I don't have it in my presentation, but it's in the document, and you've all seen it a couple times. Table 2 shows what each state percentage is of the coastwide landings, based off of total landings data. As he mentioned, you know Delaware in that table is 0.02 in 2019 and 0.04 in 2020. Florida is 0.05 and 0.06. Again, 0.02, 0.04, 0.05, 0.06. As you can see in Table 6 in the document, and in terms of the slide number, Maya, if you want to pull that up that would be Slide 12. What you can see there is that that fixed minimum still allows those states to have an actual allocation that is much higher than that. It would cover their landings, and they would not need to pursue quota transfers, I think to your concern. As noted in Table 18, the tiering actually aligns them up with what those historical periods were, in T2 and T3.

That's the case for both the 3 tier and the 2 tier. There was consideration made to that for the states that may have lower landings compared to other states. But if there is an interest in changing this in the document, as mentioned before, we can obviously accommodate that today through a motion.

MR. MILLER: Follow up, Mr. Chair?

CHAIR BELL: Sure, go ahead.

MR. MILLER: Kirby, I had assumed that under the proposal the 0.50 would be done away with. Instead, your proposed amount would be in Tier 1, would be the total. But what you're saying is, it's

assumed that the 0.50 will be retained, and the Tier 1 proposals just get added to that. Is that what you're saying?

MR. ROOTES-MURDY: Sorry, so that we're fully clear. Table 6 outlines how the allocations would break out if the 0.50 percent is retained. If you move down to the tiered approaches, so Table 9 for example through 11, and then again 12 through 13, the fixed minimum that those first-tier states get is lower than that. Again, it does line up, at least for the states you mentioned, with those timeframes that were mentioned in Table 2. But it's not a 0.50 for those states in the tiered approach.

CHAIR BELL: Within the document right now there is an option that holds things at 0.50 as you pointed out. But then there is also an option available to take that down to 0.01 or 0.05 for the states that we were talking about. All right, Ritchie White.

MR. G. RITCHIE WHITE: I'm thinking about the complexity of this and how the public will view this in their decision-making process. I'm thinking about if there is a way of showing each individual thoughts on each table to show which meets the goals and objectives for each individual state.

When I look at this there are very few of these that would meet New Hampshire's goals and objectives, and I think that's pretty much true for Massachusetts and Maine, I believe. I was wondering if there is a way of showing that, have those shaded in or some other way, so the public will have an easier time going right to the options that are going to fulfill the needs of their individual state.

CHAIR BELL: All right, Kirby, any thoughts?

MR. ROOTES-MURDY: Yes. Thank you for the question, Ritchie. The key thing is, what do you mean by that? What is it that is going to meet the needs of the state? Is it assessed percentage, and if so, what is that based on? Is it a certain timeframe landing? Again, specificity on what you would like to have in this document to clearly indicate a way to guide the public to options that make sense or are

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more applicable, based on what they would like to see for their state would be helpful.

MR. WHITE: Follow up, Mr. Chair.

CHAIR BELL: Go ahead.

MR. WHITE: Yes, I think that the three New England states, I believe, are going to be looking for what they've been harvesting in the last three years. That is the need, and really, I think a lot of states would be looking at or saying that their needs are beyond that. This is an upward trend, and I know New Hampshire harvested a fair amount more in 2021 than we did in the previous three years.

I believe Maine is in that situation, I'm not positive. The public is going to be looking at how many pounds will be in our quota, and how does that compare with the last three years, and they are going to view that as their need. They would take that from the goals and objectives, trying to solve that problem that New England has a larger abundance, and capacity to harvest that, and the need for it for bait.

CHAIR BELL: I think I follow you, and basically from the public's perspective is that here has been our world for the past three years, this is what's going on in terms of harvest. Which option here seems to allow us to deal with, just to maintain that or deal with the future? But I think I understand what you were getting at there. I'm not sure how, it seems like you might have to add a whole other table, or multiple tables, I'm not sure. But I followed the point you're making. It makes sense from the public's perspective.

MS. KERNS: Mr. Chair, if I may interject here. I think what we could do as staff, perhaps I might need to think this through a little bit more. But I think we could highlight or mark or star options for each state that, this is tricky. You know the quota changes in any given year, so it's hard to say in the affirmative.

But we could use a, I guess an old year's, a previous year's quota or the current year quota to say, this

allocation option would be at or above the average of that state's landings for the last three years. But I don't think we can say it meets the goals of that state. That would be something that a state could say at its public hearings.

But that would almost be like saying, this is the preferred option for each of the states in the management document, and that's not something that the Commission specifically does. To have to point out at each individual states preferred management options, I think would be a little bit confusing in the document.

CHAIR BELL: Yes, I agree, Toni.

MS. KERNS: I do, in thinking about this, I am a little concerned if we don't lose any alternatives or very many alternatives, as the document stands right now, as Kirby said before, there are 33 options. To try to indicate which options are above a certain amount could be additionally confusing in the document. We would have to think through how we might be able to achieve that. I just wanted to let you know that we now have Lynn, Erika, David Borden and Craig Pugh on your list.

CHAIR BELL: All right, Lynn, go ahead.

MS. LYNN FEGLEY: I just want to thank Kirby for the presentation, and while I have the microphone, all of his work over the years. We're going to miss you. I just wanted to weigh in a little bit on Roy's comment, and also on Ritchie White's comment. I think the Board needs to really think hard about simplifying this.

In my mind this three-tiered option is sort of doing arbitrary backflips to create a very small amount of extra quota to move around. It seems like under the two-tier option from the tables, Delaware would be mostly covered, and I want to stress that there is this incidental small-scale fishery provision, that if that stays in the document and it's open for public debate, would cover states like Delaware, if there was a case when they didn't quite have the TAC, the quota to meet their needs. By the way, that also holds true for Maryland.

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I also want to be careful a little bit about this idea that every state is going to get what it needs. I get that. The reality is we're allocating a limited resource. Every state is likely to not get what they need. I think because that's true, you know if Maryland gets a slug of fish through the Bay again like in 2012, when we harvested 13 million pounds. We're not going to get what we need.

I mean we're not going to get what we need, but I would like to think that there is a simpler overarching way, and it's probably through some of these, you know the bycatch provision and the incidental catch, and considering fish distribution the way it is now, so we consider how the fish are distributed and we consider that this distribution is going to shift. We probably don't need to be worried about trying to develop tiers and place states in categories, and I may make a motion about that later if I get the chance, so thank you for the opportunity to speak.

CHAIR BELL: Good point. We're saying it's the public, I think it was kind of a matter of public perception in what they need. I follow your point. You don't always get what you need dividing a finite resource here that varies from year to year, which is kind of a public perception piece to that. Erika.

MS. ERIKA BURGESS: Lynn said most of my thoughts more eloquently than I can. In reading this document I struggle with how the Board would build a rationale for many of these options, simplifying it down would certainly be my preferred. As we can see, we have a hard time tracking across the different options and sub-options where we are.

That is illustrated by the conversation where we were talking about the tiered option and Table 6 was pulled up, and it's the 0.50 percent option, not the tiered option. We can't even follow the conversation with the slides that are presented before us today, so I am fully supportive of streamlining the options here.

CHAIR BELL: Toni, I had to change pens after Erika, so who were the other two you had?

MS. KERNS: No worries, and I've got another one on the list anyway. David Borden, Craig Pugh, and Pat Geer, and Erika, your microphone is still opened FYI.

CHAIR BELL: All right, so David, if you want to go ahead and weigh in.

MR. DAVID V. BORDEN: Yes, I share the Board Chair's concern about the level of complexity in the document. I think we've got to make more of an effort to focus on alternative ways of simplifying this, because I think it's going to be almost impossible for some members of the public to fully digest the nuances, and advantages and disadvantages of different strategies. I would like to go back to John Clark's suggestion about de minimis, which I thought was kind of intriguing.

In the lobster plan, I just point out to everybody, in the lobster plan we have a provision that exempts certain states, in this case Mid-Atlantic and South Atlantic states. I think all of the states in the management unit south of New Jersey, from a landing restriction and some of the monitoring restriction, and it's all based on a poundage. Unless they land over a certain poundage, they have to comply with the monitoring requirements.

If we were to employ a strategy like that and set the number right, we could basically take a couple of these options out of the document, and possibly lessen the administrative burden on some of the states with small catches, and still incorporate it into the document by having whatever they catch up to that value be deducted from the quota, either in that year or the following year. John's suggestion I think is a good one that we probably ought to explore, and it's kind of an elegant way to eliminate some of these options.

CHAIR BELL: Good point. Craig.

MR. CRAIG D. PUGH: I would also like to echo John Clark's ideas. I think we need to look a little more into this. I can see that the 0.01 will impact our blue crab fishery considerably with a lot lower allocation. It will put our menhaden fishery itself

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back into a bycatch radical mode, where we were able to eliminate that under the old allocation that we had.

You are kind of thrusting us back into a problem that we were able to alleviate in the past five, six years, back when we met in Baltimore. The impacts will impact our greatest fishery, which is our blue crab fishery. It's basically the only fishery we have that is viable in the state, and that may end up taking that away. It would impact us greatly without some additional work to this. I can't help but feel that putting this forward to us this way our needs were not considered. I find it a little bit offensive in that regard.

CHAIR BELL: What I'm going to do is, I've got Pat on here for a question. I would like to go ahead and let Pat weigh in, Pat Geer, and then I would like to start to focus us on getting to some motions. I think we're at that point, where if there are motions that people want to make pertinent to what we're doing here. That would be helpful, and maybe kind of actually put pen to paper, so to speak. I'll tell you what also. We'll let Pat have a question, and then maybe we'll take a quick bio break, and then we can come back and deal with motion type stuff. Pat, if you want to go ahead and weigh in here.

MR. PAT GEER: It's not a question, it's more of a comment. I'm not going to be as eloquent as some of the other folks, and Robert Boyles, who quoted Jefferson and Franklin. But I will quote Mick Jagger who said, you can't always get what you want, but if you work really hard, you'll get what you need.

This is going to be a situation where you're not going to get everything you want here. We have to have compromise. We can't look at just what happened in recent years, we have to look at historical values as well. I agree with what everybody said, we can't keep adding more options to this and looking at other things if we want to complete this today. What we need to do is we need to look at these options and decide what could be removed, and what needs to stay.

If we can't do that then we're pretty much at a point where we're not going to finish this task for the day, and we'll have to do it at another meeting. I urge us to start looking at these options and discussing which ones we can remove to make this document a little bit easy for the public to digest. I've already gotten a lot of complaints from the public saying that this is just too complex, we don't understand it. I'm all for taking a break and coming back, and start looking at what we can remove from these options.

CHAIR BELL: All right, Pat, thanks for weighing in on that, and I concur. Kirby, is that a good approach? Let's take ten, and then folks come back, and then we kind of go into, let's try to actually make something happen mode, related to dealing with motions. Does that sound good, Kirby?

MR. ROOTES-MURDY: Yes, I think a short break for biological needs, and then coming back and hearing motions is a good approach.

CHAIR BELL: All right, I've got 10:03, why don't we be back in seven minutes. Let's try to shoot for 10:10. I'm sorry, you've got the clock up there. Go ahead and take the full 10, I'm sorry. Thank you, folks.

(Whereupon a recess was taken.)

CHAIR BELL: All right that's ten minutes. Thanks for your patience. We had a lot of good discussion this morning. I think the discussion, you could tell from the comments just how complex this is, so it's not a simple thing. We're going to try to get this thing in a condition that we're comfortable with to take to public comment. We've got some work to do.

With that I'll turn it back to Kirby to kind of try to re-center us here. But I think the idea now is let's try to turn some of this into some actual action through motions, and throw some things on the board to see what sticks. Kirby, if you want to go ahead and get us back on track.

MR. ROOTES-MURDY: Yes, thank you, Chairman Bell. I just want to remind folks, there was I think

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some focus in our last conversation about the landing's information in Table 2. It's just a reminder that really what we want people to be focusing on are these tables that are combined Step 1 and Step 2 allocations. That's Table 6 through Table 14 in the document. I think that the Plan Development Team has taken a lot of time to think through those, and make sure that there is some level of allocation for every state, so keep that in mind. I think we should move into motions now.

CHAIR BELL: All righty, and just so you know what all is going behind the scenes here. This is the problem with a virtual meeting is I'm having to communicate via cell on two different levels, and then I've got the screen here. But I know we have a number of motions that people have been very helpful in sending us.

Kirby kind of has the master list of motions and things that people have sent in. I think, in terms of what we've received right now that it might be good to introduce. I think Kirby, you indicated maybe one from Lynn would be a good place to start, if Lynn is willing to do that.

MS. FEGLEY: Mr. Chairman, I am willing to do that. If you say go, I will put something on the board.

CHAIR BELL: Yes, Ma'am, let's throw something on the board.

MS. FEGLEY: Go ahead and see what sticks, yes, let's see how well done this pasta is. If I may, Mr. Chair, after I make this, I would like to provide a little rationale, given the comments that we've heard. **I would move to remove Action 3, the three-tiered fixed minimum approach under 3.1.1, options for addressing minimum allocation.**

MS. KERNS: You have a second by Emerson Hasbrouck.

CHAIR BELL: Okay, thank you, Emerson.

MR. EMERSON C. HASBROUCK: Yes, I'll second that.

CHAIR BELL: We've got a motion and a second. Lynn, do you want to go ahead and explain a little bit?

MS. FEGLEY: Yes, I'll try to be brief. I really did make my point earlier. I think that this option is, it's a little bit of an arbitrary mechanism that places states in categories. As soon as you place states in categories, those defining lines shift. Somebody is going to want to switch which category they're in, and to Nichola's point earlier about not being able to move categories without another addendum.

It's just setting us up for a lot of complication. I fully understand Delaware's concern. I think looking at the tables, it does seem as though the two remaining options on the board, either the two tier or the 0.50. Either one of those two options would cover Delaware in most years. I want to just go back and stress the idea of simplification. But there is still the option for the incidental catch and the small-scale fishery provision, which would cover Delaware, and also Maryland, because Maryland is not in a very different situation than Delaware is with this. With that, I just want to remind, as to the de minimis option. I think we need to be really careful about adding new options to this document right now, after the amount of discussion that we've had. I think that the incidental catch provision would essentially accomplish the same end as the de minimis, with the difference that the incidental catch has the ability to fall under the accountability options that we'll discuss later, and de minimis would not. That's it, I'll stop there, Mr. Chair, and thank you very much.

CHAIR BELL: Thank you for that explanation, Lynn, and thank you for the motion. Discussion of the motion, hands.

MS. KERNS: I have Emerson Hasbrouck.

CHAIR BELL: Okay, Emerson.

MR. HASBROUCK: I was going to talk in support of the motion, obviously since I seconded it. But I don't have anything to add from what Lynn just

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mentioned. She said it quite eloquently, so I'm good with Lynn's reasoning to support this.

CHAIR BELL: Great, thanks for that backup there. Any discussion, any other opinions?

MS. KERNS: Two other hands, John Clark followed by Nichola Meserve.

CHAIR BELL: Okay, John, go ahead.

MR. CLARK: I fully appreciate Lynn's points there, but if the purpose of this whole Addendum is to better allocate the catch. I mean we have certain options here. I think the three-tiered one actually gets closer to a base for what most states are catching, and then when you add on the Step 2, which I don't think, you know it was hard enough for me to understand the Step 2.

I get the feeling that you know even on the Board there is some confusion about that. I'm sure the public will be truthfully confused by that. You know I think like even our state would be able to get by with, depending on what option is chosen in Step 2, but I do think that the 0.25 is more parsimonious in how it allocates the total allowable catch, so I don't see any need to remove that at this point.

CHAIR BELL: All right, Nichola.

MS. MESERVE: I really agree with John Clark's statements about keeping the three-tiered approach and the intent of these options. You know if we're only left with a two-tiered approach, you know Delaware and Florida are still in that 0.01 percent tier that we've spent the last 20 minutes talking about.

I was thinking along different lines of keeping the third option, the three-tiered approach, but moving Delaware and Florida, because they do have history of landings that are more similar to Connecticut's, for example, which is in the second tier, and moving Delaware and Florida into the second tier, so that the three states with no landings are Pennsylvania, South Carolina and Georgia are the only states in that 0.01 percent tier. I think I'll wait for a little bit

more discussion on this motion, before potentially suggesting a substitute that would do that instead.

CHAIR BELL: All right, thanks, Nichola. We've heard a couple in favor, a couple not so much in favor, further discussion.

MS. KERNS: One other hand is raised, Pat Geer.

CHAIR BELL: Okay, Pat.

MR. GEER: Given what I just said about trying to reduce this, I'm going to have to say, this is the easy part. You know having the three tiers, I would support keeping those. The numbers were not arbitrary in Option 3, they were a mathematical calculation. I think this is something the public will understand. It's when we get to this next step, Step 2 that I think we need to start cutting options out. I would support keeping all three options in.

CHAIR BELL: All right, support for keeping all three. Any other perspectives on this?

MS. KERNS: Cheri Patterson.

CHAIR BELL: Go ahead, Cheri.

MS. CHERI PATTERSON: I agree with Pat. I think that we need to bring to the public all of these three options, and have them continue to help pare this down from the public's perspective.

CHAIR BELL: All right, thanks, Cheri. Anything else on this? We've got some for, some against and some want to keep everything at this point, realizing it's not what they want to cut. Any other thoughts?

MS. KERNS: We have Roy Miller.

CHAIR BELL: Roy, go ahead.

MR. MILLER: I would just like to say that I like Nichola's suggestion of moving Connecticut and Delaware into Tier 2 of the three-tier approach, if this motion gets voted down. I think that

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accommodates Delaware's concerns regarding being in Tier 1.

CHAIR BELL: All right, thanks, Roy. Anything else on the motion?

MS. KERNS: No additional hands.

CHAIR BELL: Okay, so we have a motion. We've had a little bit of discussion, some for, some not so much. Discussion of an alternative motion. What is the pleasure of the Board? Is there a desire for an alternative, or just vote on it?

MS. KERNS: I have Justin Davis followed by Nichola Meserve.

CHAIR BELL: Okay, Justin.

DR. DAVIS: I just wanted to request perhaps like a one-minute caucus before we vote on the motion.

CHAIR BELL: Oh yes, I'm alone in my kitchen, but yes, I understand. We'll have to do that obviously. Nichola.

MS. MESERVE: I just wanted to state that if this motion fails, I will put forward a motion that would modify the option to change the tier for Delaware and Florida, just so people know that when they're thinking about this motion. Thank you.

CHAIR BELL: Got you.

MS. KERNS: I think you can vote, Mr. Chairman.

CHAIR BELL: All right, why don't we go ahead and have a, what do you need a minute, a two minute? Take a minute if you can do it in a minute. We'll have a caucus, those than can caucus.

MS. KERNS: Mr. Chair, if after that minute a state needs more caucus time, they can raise their hand and I will let you know.

CHAIR BELL: Yes, no problem. Just kind of dealing with the system we're working in here.

MS. KERNS: Mr. Chair, your minute is up, and I don't see any hands raised saying they need more time.

CHAIR BELL: All right then, pretty sure we're not going to have consensus on this. The best way to do this, you go state by state. Is that what you do, Toni?

MS. KERNS: If you just ask the states to raise their hands for or against, then I'll just call them out.

CHAIR BELL: Well yes, let's do that. The hand raise feature. All in favor of the motion, raise your hand. One hand for each state.

MS. KERNS: I'm just going to give a second for the hands to settle. I have New York, Maryland and Potomac River Fisheries Commission. I will put your hands down. I am ready.

CHAIR BELL: Thank you, all opposed.

MS. KERNS: I'm going to let the hands settle for a second. I have Rhode Island, New Jersey, Florida, Connecticut, Massachusetts, Georgia, Maine, Pennsylvania, Delaware, North Carolina, Virginia and New Hampshire. I will put your hands down.

CHAIR BELL: All right, any null votes or abstentions? Toni, I have a question. I'm actually by myself, so I'm the Chair, would I be an abstention?

MS. KERNS: Mel, it's up to you as Chairman. If you want to vote you can, but you don't have to.

CHAIR BELL: Yes, I'll just abstain right now.

MS. KERNS: I will note that. Could you just make it clear if you're asking for abstentions or null votes right now?

CHAIR BELL: Yes, any abstentions, that would be me.

MS. KERNS: We have South Carolina, NOAA, and Fish and Wildlife Service.

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CHAIR BELL: Okay, thank you, any null votes?

MS. KERNS: No null votes.

CHAIR BELL: **Okay, thank you. All righty, and that motion fails.** I believe Nichola had an alternative idea, perhaps.

MS. MESERVE: Thank you, Mr. Chair. I would move to modify Section 3.1.1, Option 3, to put Delaware and Florida in Tier 2 (0.25%).

CHAIR BELL: All right does that look clear?

MS. MESERVE: That looks good, thank you.

CHAIR BELL: We have a motion, Modify Section 3.1.1, Option 3, to put Delaware and Florida in Tier (0.25%). Is there a second?

MS. KERNS: We have a second by Erika Burgess.

CHAIR BELL: Okay, Erika, thank you.

MR. ROOTES-MURDY: Mr. Chair, just wanted to note for the record that the vote count there were 3 in favor for the last vote, 12 against, and 3 abstentions.

CHAIR BELL: Thanks, Kirby. All right, discussion of the motion.

MS. KERNS: You have Nichola, Erika and Jesse Hornstein.

CHAIR BELL: Nichola, go ahead.

MS. MESERVE: My hand was left up, but as rationale, you know I think we've had a pretty robust discussion about this, and I think putting Delaware and Florida in this tier more closely aligns with their landings, and will avoid more reliance on the incidental catch provision, by putting them into this tier.

CHAIR BELL: All right, thanks for that and then Erika.

MS. BURGESS: I wanted to add some more rationale to this. If you look at Table 2 for Florida's landings compared to some of the states that would be in Tier 3 or Tier 2. In most years in Florida, our landings are a larger percentage of the coastwide landings, there are just several outlier years that bumped these other states into the upper tiers, so I appreciate this motion.

CHAIR BELL: Was it Jesse you had next?

MR. JAMES J. GILMORE: It's actually Jim Gilmore, Jesse signed on, I'm technologically challenged. Let me make a couple of comments on this, and I want to make sure I understand this right. The justification for Delaware and Florida to go up into Tier 2, is because based upon their landings the Tier 1 would be insufficient.

If that is correct, then I would make the same argument for New York, based upon our landings the last few years. We've exceeded 0.50 percent, in terms of our landings, and we're currently in Tier 2 at 0.25. If that's what is going to be the theme for this, then I would consider making a motion to amend, then put New York into Tier 3. Is that the idea behind this that we're trying to match our actual landings with which tier we would be in? If that is correct, Mr. Chairman, please come back to me, and I would like to make an amended motion.

CHAIR BELL: Okay, thanks, Jim. I think the idea was to have to adjust the tier, and retain, we haven't gotten rid of anything, we're still retaining the different options. Within the options, I guess there would still be, we've got different scenarios covered. Nichola, you made the motion, would you like to comment on that?

MS. MESERVE: Yes, I think, partially Jim's rationale is the rationale for this motion, as well as the fact that there is this distinction between Pennsylvania, South Carolina and Georgia, with zero landings, and with given the opportunity for the three-tier approach. You know I think that those three states alone should fall in the lowest tier, which by default puts Delaware and Florida up into the next tier.

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CHAIR BELL: Right, that's what I was thinking. Jim, does that answer the question?

MR. GILMORE: Let me still understand it. We were putting Delaware and Florida into Tier 2, because essentially it more reflects their landings, and then we would stay in Tier 2, but we would hopefully get at the end of this an increase that we would get above the 0.50 percent we needed. Wouldn't it be the same argument that if Florida and Delaware were at Tier 1, that after the end results come out, they would be able to get something closer to 0.25 like their landings. It just seems to be we're arguing two different things. It can either fix it later on or you can fix it now. But depending upon which tier you're in, it is sort of inconsistent is really the trouble I'm having right now.

CHAIR BELL: Okay, I understand, I flip back and forth and follow this myself, but I agree that South Carolina and Georgia and Pennsylvania are kind of unique, in terms of where they land, and how we approach that, as far as a tier goes, but sort of a solution here. We can entertain a modification, an amendment to the motion, or an alternative motion, or we can vote on this. What is your pleasure?

MR. GILMORE: Mr. Chairman, if I may. Let me ask another question. Are there other states that are similar to New York's situation that they are currently in Tier 2, but at the end of the process here that they would rather be, you know essentially, it's what is at Tier 3, or is New York just unique in that?

CHAIR BELL: Does anybody got anything on that?

MS. KERNS: Mr. Chair, it's hard for me to tell, but I'm going to go in my list here, and I have Lynn, then Roy, then Emerson.

CHAIR BELL: Okay, Lynn, Roy, Emerson. Go ahead, Lynn.

MS. FEGLEY: I mean this is kind of the issue, right. This is where it all starts. I just want to, I mean I really appreciate this conversation, and I'm never

one to sneezes at fish, but you know I think we're talking about, under the current TAC, something like 3 million pounds of fish, which is a lot, but it isn't a whole lot in the grand scheme of things.

Maybe what it sounds like is happening here, is that we actually just need two tiers. We need the one tier for Georgia, and South Carolina and Pennsylvania, and the second tier for the other states who do harvest fish, and it's equitable. Because it just concerns me that once we start playing with the three tiers, it's already a problem. I would put that out there for consideration, and I'll stop there.

CHAIR BELL: I appreciate that, and yes. I think that we have a new situation with three states. Yes, that is how we got into these different tiers. Roy, do you have something?

MR. MILLER: Just quickly, I want to express support and appreciation to Nichola for the motion. I would definitely support it, because it alleviates Delaware and Florida's obvious problem. I would just add that I wouldn't oppose Jim Gilmore's suggestion either for New York state. But I hear what Lynn is saying, and I'm appreciative of the attempt to simplify things. I'm worried that we're going to get wrapped around the axle a little bit. I think we know where we want to go, it's just a matter of how do we word it to get there?

CHAIR BELL: Emerson, you have something?

MR. HASBROUCK: Yes, thank you, Mr. Chairman. Some of the problem with our caucus being in different locations, it's difficult for us to directly talk to each other. I thought Jim was going to make a motion to substitute, or to amend rather. **He didn't make that, so I'm going to make a motion to amend. That would be to also move New York into Tier 3.**

CHAIR BELL: All right, we have a motion to amend to move New York into Tier 3, is there a second to that?

MS. KERNS: Here we go, Roy Miller.

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CHAIR BELL: Okay, Roy Miller is seconding that. Discussion of the amended.

MS. KERNS: Jim Gilmore.

CHAIR BELL: Jim.

MR. GILMORE: Yes. Emerson was right. I was going to wait until the discussion for the motion. I obviously support this. Again, it's just making it consistent, if we're trying to match actual landings and things with what tier slot. I think it makes sense, so I obviously support the motion.

CHAIR BELL: Further discussion of the amendment, motion to amend?

MS. KERNS: You have Nichola Meserve.

CHAIR BELL: Okay, Nichola.

MS. MESERVE: Just wanted to quickly say that I support this, and considered asking Erika if she would agree to it as a friendly amendment to the initial motion, but my first comment today was kind of inquiring about how New York ended up in the second tier, so I definitely can support this amendment, thank you.

CHAIR BELL: Okay, thank you. Support for the motion to amend, any turn of opinion?

MS. KERNS: One hand, Pat Geer.

CHAIR BELL: Pat.

MR. GEER: I'm not opposed to this. I sympathize with the states, and I understand that Delaware and Florida, they have had a fishery where Pennsylvania, South Carolina, Georgia, really haven't. I understand Jim Gilmore's point as well. My concern is, if we make these changes, all of our decisions afterwards, we no longer have the information available to use any more. The information in the document is no longer valid. It's not valid anymore because we've made changes. How are we going to proceed after that point?

CHAIR BELL: Yes, I follow you. We've made something like that, then it completely, all the analyses are all off, and everything would have to be redone, I believe. Kirby, is that correct?

MR. ROOTES-MURDY: Yes, I didn't want to sway people's opinion on the vote, but it's important for people to understand that you know with these changes, I understand in the motion. That we would need, the Plan Development Team would need to go back and obviously revise the table to reflect this.

They need to double-check the math, and I think equally important the Board would really need to make sure that they understand what those new percentages would look like for allocation. We can't on the fly today put that together and ensure that it's correct. It would need some more finessing time, unfortunately.

CHAIR BELL: Okay, yes, good point, Pat, in terms of a little reality here. Then the Board needs to decide, I guess, in terms of importance if we were to kind of go this route. I understand the rationale for it. It's trying to end up with the best document we can. But it does what we need it to do. But to go that route then we're definitely not going to be in a position to move on the timetable that we had envisioned. I guess that's something to think about. Any thoughts on that from anyone?

MR. ROOTES-MURDY: Mr. Chair, if I can, just really quick. I want to note for folks that it would alter the timeline that I have on and that I presented earlier that was on the screen. But I do want to note, that in terms of the implementation of this document, it might not make a difference.

There is still the intent or interest in wanting this to be implemented for the 2023 fishing season, then whether the Board takes final action on this document in May or August, or between May and August. I think that can still, that goal if that is the top priority, can still be achieved.

CHAIR BELL: Okay, and that's good to know. That is sort of the bottom line, I guess, some people may

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be hoping for. I guess we need to ask ourselves then, if this is really something that would improve the document, improve our approach. You know, do you want to go ahead and invest some time in doing this. It sounds like from what Kirby said you have a chance, perhaps at staying on the implementation schedule. That's just something for folks to think about. Any other points upon the discussion of the motion to amend?

MS. KERNS: You have Megan Ware, Nichola Meserve and Erika Burgess.

CHAIR BELL: Megan, go ahead.

MS. MEGAN WARE: Yes, and I appreciate Virginia's point here. I will say, I think these are fairly minor changes to some of the percentages in the tables we've seen, so I'm still prepared today to make motions on some of the allocation options, and I hope other Board members are as well. Whether we approve it for public comment or not, I think is still to be determined. But I still hope we can have discussions on some of the allocation options, to get that more streamlined.

CHAIR BELL: I agree with you, Megan. Okay, Nichola.

MS. MESERVE: You know even if these motions pass, I would still hope that the Board would be in a position to consider approving this document for public comment. You know I'm thinking about striped bass. There was an option added yesterday that hasn't been fully written into the document, and that document was approved for public comment. I think these are more minor changes that I trust the PDT to make in a document, and still have it be approved today.

CHAIR BELL: Erika.

MS. BURGESS: I would agree with Megan, that I think there are still decisions we can make today with the remaining steps for the allocation decisions that there are concepts in here that we can talk about as concepts, even if we don't have hard percentages.

CHAIR BELL: Got you, thank you, good point. All right, let's go ahead.

MS. KERNS: Lastly, you have Lynn Fegley, sorry.

CHAIR BELL: Okay, go ahead, Lynn.

MS. FEGLEY: Just real briefly. I just want to take a quick moment to make sure we really thank the Plan Development Team and for the work that they did, put together an incredibly complicated document. I would just put a plea out to the Board to consider them as well, you know as we're walking through this. We've got to do what's best for us, I realize that, but this is a Herculean effort, so let's just sort of keep them in mind as we go.

CHAIR BELL: Very good point, Lynn, yes. The people behind the scenes that are making the train run, in some respects. Okay, so let's go ahead and let's fully clear up what we've got here. We have a motion to amend. Let's go ahead and deal with that. Let's see, well we'll try. Are there any objections to the motion to amend? Just raise your hand.

MS. KERNS: No hands are raised in objection.

CHAIR BELL: Okay, so then no hands, so then the motion to amend passes. The modified version becomes the main motion.

MS. KERNS: Yes, and if you just give Maya a second to combine those two motions, she will do that.

MR. ROOTES-MURDY: I would just also add, to make sure that it's clear what the Tier 3 is for New York, since we have it explicit for Delaware and Florida. The Tier in terms of the percentage is 0.50.

MS. KERNS: If you could read that motion into the record, Mr. Chair that would be great.

CHAIR BELL: All right, so now the motion we will be working on is move to modify Section 3.1.1, Option 3, to put Delaware and Florida in Tier 2 (0.25%), and move New York into Tier 3 (0.50%). That's the motion. Does anybody need to caucus on that?

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MS. KERNS: I see no hands raised for caucus.

CHAIR BELL: All right, then let's try this. Is there any objection to the motion?

MS. KERNS: I see no hands raised. Hold on, there is one hand, Pat Geer, is that an objection?

CHAIR BELL: Go ahead, Pat.

MR. GEER: Yes, it is. I mean like I said, I'm not opposed to this, but I am opposed to approving this and then moving forward with this document, without seeing the updated numbers.

CHAIR BELL: All right, so do we need to, since we do have one objection, can we just go ahead.

MS. KERNS: And vote, yes.

CHAIR BELL: Do you need to get everybody to vote then?

MS. KERNS: I believe that's what we should do.

CHAIR BELL: I think so. Okay, then everyone in favor of the motion, go ahead and raise your hand.

MS. KERNS: Letting the hands settle. I have Rhode Island, New Jersey, New York, Florida, Connecticut, Massachusetts, Georgia, Maine, Pennsylvania, Delaware, North Carolina, Maryland, New Hampshire, New York, and Potomac River Fisheries Commission. I will clear the deck for everyone. I'm ready.

CHAIR BELL: All opposed to the motion.

MS. KERNS: Virginia. I'll clear the deck.

CHAIR BELL: Abstentions.

MS. KERNS: NOAA, Fish and Wildlife Service, and South Carolina.

CHAIR BELL: All right, null votes. Well, we didn't caucus.

MS. KERNS: No null votes, at this point anyway.

CHAIR BELL: Then that motion passes. Well, that's a lot of time invested in getting to one motion. But thank you, I mean it's very important to do this right. Kirby.

MR. ROOTES-MURDY: Making sure, just for the record, those in favor, it was 15 votes, against with 1 vote, and 3 abstained.

CHAIR BELL: All right, thanks for that. Then in terms of moving forward, Kirby, have we got any other motions that people have already submitted that might be worth moving with?

MR. ROOTES-MURDY: Yes, my suggestion would be, if there are any additional motions folks had to Section 3.1.1, and if not, we can move on to any motions folks have for Section 3.1.2.

CHAIR BELL: Anything else for 3.1.1, in terms of motions that you thought about or may have already submitted for consideration? Any hands?

MS. KERNS: I don't have hands. One hand, Justin Davis.

CHAIR BELL: Okay, Justin.

DR. DAVIS: I just wanted to make a quick comment relative to my comments earlier about potentially adding in a sub-option to clarify the decision point about how to allocate any quota freed up by the tiered minimum approaches. I just wanted to state that I actually don't now think that is necessary, you know given that it's actually apparent when thinking about it.

You know any set-aside for the episodic events program, or for minimum allocation all happens upstream of allocation out to the state under 3.1.2. Sort of by default any fish we free up with the tiered minimum approaches are first available to the episodic set-aside, or any other set-aside we create.

I think it would help in the document to maybe clarify that, at the end of Section 3.1.1 that essentially any quota freed up by adopting one of

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the tiered minimum approaches, you know is going to by default be allocated according to 3.1.2, unless some other option in the document is selected to create some set-aside so they could take advantage of that freed up quota. I think that might just be helpful in clearing up to the public what's going on there, because I have heard some comments from the public that they're not clear on what's happening there.

CHAIR BELL: Okay, thanks for that clarification, Justin, and I guess that is sort of direction to staff to just consider some verbiage in there to help clarify a little bit to the public.

MR. ROOTES-MURDY: Yes, thanks, Mr. Chair, we have that noted. That will be modified in the document.

CHAIR BELL: Well, if there is nothing else on 3.1.1.

MS. KERNS: I have one hand. Sorry, Mel. Allison Colden has her hand up.

CHAIR BELL: Allison, go ahead.

MS. ALLISON COLDEN: I've been debating all morning whether I should hold this comment for later, but it directly relates to Justin's comment just now, and that is, I have the same question requesting the same clarification, or the addition of a sub-option under EESA, where the PDT recommended that it is an option the Board could consider to make the freed-up quota part of the EESA.

I wasn't sure if we could bring that up now, or if it's going to be added as an explicit option under this section, or if were, if it would be appropriate to add it as an exclusive option under the EESA section. I guess I just want to flag that I had the same concern, and I think that there are multipole places it could go. At this point I'm not sure how exactly we could attack that.

CHAIR BELL: Kirby, you have a sense of the best approach for there, in terms of how, maybe it's just

a matter of further clarification in the document for explanation?

MR. ROOTES-MURDY: Yes. The Plan Development Team thought about this a little bit, and my read right now is it probably would make sense for this to be taken up, if you want to add it as an option in the episodic section. Because as noted, that doesn't affect what the percentages the states get, it just affects what the poundage is. I think that would be the most appropriate place for it.

CHAIR BELL: Okay, so we'll revisit that when we get to that episodic. All right, anything else in 3.1.1?

MS. KERNS: Rob LaFrance.

CHAIR BELL: Okay, Rob.

MR. ROBERT LaFRANCE: I want to also express my great thanks to Kirby for the wonderful work he's done on the Commission. It's been a pleasure working with him. Just in terms of talking about the clarification. It might be really helpful, once we redo these numbers, to show for each one of the different options just what the percentage would be.

That for example, we change a little bit how, you know we went from 0.50 to 0.1, and we had numbers in between. It would just be helpful, I think, with clarifying how much percentage of the overall TAC is now relieved, if you will, in each one of them. I see this up here, for example, like under the two-tiered approach what does that get us versus Option 1.

What does it get us versus Option 3, just as a percentage? If for example, there is 8 percent if everybody, I think 8 percent of the minimum allocations is what we get at 0.50. What would those numbers be under Option 2 and Option 3? I just think that will help the public understand how much we're talking about in terms of the overall TAC.

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CHAIR BELL: Yes, and at the percentage base. Kirby, is that something again we can address by simply explaining things in a little bit more detail?

MR. ROOTES-MURDY: Yes, absolutely. We'll have that noted to make that change, and maybe Rob can follow up with us and the staff. I want to make sure we capture that to his satisfaction.

CHAIR BELL: Thanks Rob, good point. All right, nothing else on 3.1.1, we can move on to 3.1.2, related to now we're into, I guess that is Step 2, which we're discussing the timeframe issues. Do we have any motions related to any possible changes or deletions of things under 3.1.2?

MS. KERNS: Megan Ware.

CHAIR BELL: Megan.

MS. WARE: I have sent in a motion to staff, and the motion is to remove the three options that were starred by the PDT for removal, so that's move to remove from Draft Addendum I in Section 3.1.2, Option 2, 2009-2020, Option 4, second highest year, Option 6B, weighted allocation timeframe 6B (2009-2012, and 2017-2020). If I get a second, I can provide some rationale.

CHAIR BELL: Okay, can we get a second to that motion?

MS. KERNS: John Clark.

CHAIR BELL: John Clark, thank you, go ahead, Megan.

MS. WARE: I'm trying to help the PDT and the public out here by taking a lot of these options out that I just don't think are totally viable, and to speak to each of these. Option 2, the document notes that the 2009-2020 timeframe may not reduce the need for transfers or reliance of states on the episodic events program or small-scale provision. I just don't see this option aligning with the objectives of the addendum. Option 4, I think people know that I had been the one advocating, at least for the concept of this idea.

I think in reality what the numbers show is that this option serves 15 out of 16 states very well, but unfortunately one state, that state being Virginia, takes the brunt of that reduction. I think we can take this one out. Then Option 6B is one of the weighted allocation options. As Kirby mentioned, these produce a lot of iteration, so I do think it's prudent to pick one. I prefer the 2009-2011 and 2018-2020 option, because I think it really clearly builds off our existing allocation timeframe, to include more recent landings information.

CHAIR BELL: Thanks for that, Megan, and remember this is also basically aligning with recommendations from the PDT. Discussion of the motion.

MS. KERNS: For Board members I have Conor McManus and Joe Cimino.

CHAIR BELL: Okay, Conor, go ahead.

DR. McMANUS: I just wanted to express my support for the motion. Megan spoke to all the reasons that I was originally going to, probably more eloquently than I could have. Just summarizing, in the effort to try and streamline the document, and improve its clarity to the public, as well as in some instances remove some optics for arbitrary options within there. I think that this would be the best interest of the Addendum.

CHAIR BELL: Joe.

MR. CIMINO: I support where Megan is going with this, and all of the rationale the PDT put in here. I would prefer to see Option 6A removed and keep in 6B, which is a slightly longer timeframe. You know we've got a lot of interannual variability over the years, and you know 2012 is the first year before the quota was put in. It doesn't seem like there is a lot of discussion on this motion, so I am interested in making an amendment to do that.

CHAIR BELL: All right, if we don't have, Toni, do you have any other hands just discussing the motion before we maybe tinker with it?

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MS. KERNS: I don't have any Board members. There is one member of the public.

CHAIR BELL: Well, we did say if we got into the motions, we could allow that if it is pertinent to the motion. I don't mind allowing just a very brief comment, but it needs to be brief and focused exactly on the motion.

MS. KERNS: I've got Jeff Kaelin.

MR. JEFF KAELIN: Yes, thank you, Mr. Chairman. I'm Jeff Kaelin; with Lund's Fisheries in Cape May, New Jersey. I'm also an Advisor, we've been in the menhaden fishery for decades, and sell into a number of fisheries from Maine all the way around to Texas. I wanted to give a shout out to Kirby also.

I've worked with him a long time, as all of you have. He's done a great job. Unfortunately, though, when we had the AP meeting, we only got to see this document the day before, and we did not see the PDT recommendation to remove the options in Ms. Ware's motion. Otherwise, I know I would have commented more directly on the concern.

I appreciate what Joe just brought up, because what 6B does, we've asked for many years to have 2012 catches be part of these formulas. You know back in 2011 or 2012 when the Amendment was first put into place and the quotas went in, we didn't know what the 2012 catches were, so 2011 was used, but it turns out that in 2012 we landed about 80 million pounds of menhaden in New Jersey, and in 2013 we were down to like 45 million pounds.

My point is, we've never really caught up to where we were. We're still not whole, in other words, to where we were before the quotas were implemented. As we stated at the AP that, you know since 2013, states with directed fisheries have worked within their quotas and not used transfers to increase their share of coastwide landings, even though fish remained in the area after we shut down.

There are all kinds of menhaden year-round down here. We're sympathetic to Maine, but I think if 6B

could be retained that will help us. You know the Work Group agreed to put 2012 in here, and we had many lovely summer afternoons together talking about this. I imagine that Mr. Cimino will make a motion to amend Ms. Ware's motion.

If we can retain 6B, I think that helps that states that have been in the fishery the longest, and have the greatest amount of history. We've already given quota up over the last several years through this process. Those are my comments, Mr. Chairman, and I appreciate the opportunity to speak.

CHAIR BELL: Well, thanks, Jeff, and we appreciate your participation in the AP. That is important, so we do appreciate that input. Okay, with that, Joe, do you want to make a motion to amend?

MR. CIMINO: Yes, Mr. Chair, thanks, I would like to move to amend, and all I would be doing is striking Option 6B and replacing with Option 6A.

MS. KERNS: Mr. Chair, if I may. I think that would be motion to substitute 6B with 6A. I think I'm doing that correctly; I could be wrong.

MR. CIMINO: Toni, I actually googled. I really tried, but I'm not going to overrule you.

MS. KERNS: Well, if you Googled, Joe, then you can stick with it.

CHAIR BELL: Because he's inserting a different, I see.

MR. CIMINO: But it was only that one.

MS. KERNS: Yes, that's fair.

MR. CIMINO: If I get a second, I would like one more chance to again say something to it.

CHAIR BELL: It says move to amend to remove Option 6B and replace with Option 6A. Is that it, Joe?

MR. CIMINO: Yes, that's it.

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CHAIR BELL: Okay, is there a second for that?

MS. KERNS: Justin Davis.

CHAIR BELL: Justin, thank you. Okay, so Joe, go ahead and speak to your motion.

MR. CIMINO: Yes, I think what Jeff Kaelin brought up was probably the most important element. But again, I think we just have a history of when we do these weighted time series, to try and incorporate a good number of years. Excuse me, Mr. Chair, just to be a little tongue in cheek. I also want to say that I think we're probably trying to make this meeting as painful as possible to Kirby. If you remember that scene from Harry and the Hendersons? I kind of feel like that's what we're doing today, so I felt like that was another important reason to add this.

CHAIR BELL: Thank you for that, Joe. Okay, so we have a motion, we have a second, we've heard from Joe explanation. A little input regarding this from an AP member. Further discussion of the motion, and this is a motion to amend.

MR. ROOTES-MURDY: Mr. Chair, I appreciate Joe's comments. I think it would be helpful to just make sure in this amended motion that we have the timeframe for Option 6A in there, so that would be 2009-2011 and 2018-2020. In all fairness, everything that you guys are saying, I want you guys to enjoy this document to the fullest extent possible when it's approved.

CHAIR BELL: This document could be your gift that keeps on giving, Kirby, I don't know. We just may plan this forever. No, we're going to get this done. We're going to take one for Kirby, and we're going to get it done. All right, good point. I'm assuming that's fine with you, Joe, putting the dates in. That makes sense.

MR. CIMINO: Absolutely, yes. I wasn't quick enough to add that myself. Thank you, Mr. Chair.

CHAIR BELL: That's why Kirby is Kirby. All right, any other discussion of the motion here to amend?

MS. KERNS: For Commissioners we have Pat Geer and Conor McManus. I don't know, Conor, if your hand is left over or not.

CHAIR BELL: Well, Pat, go ahead.

MR. GEER: My concern is, I just want to comment to what Jeff Kaelin said. You know I sympathize with wanting to use more years, and look at certain years because things were different. But in that same regard, 2020 because of COVID, traumatically impacted the states differently. Here in Virginia, our fleet was shut down for COVID protocol for over 39 days.

Adding 2020 into this, and we've talked about this from the very beginning, is not really representative of Virginia's fishery.

CHAIR BELL: Okay. Toni, who did you have after Pat?

MS. KERNS: I had Conor, but he put his hand down, so I'm assuming it was leftover, and now I have Megan Ware.

CHAIR BELL: Okay, Megan.

MS. WARE: I appreciate Joe bringing some levity to the Board meeting, I needed a laugh there. I'm going to speak against the motion to amend. I think Option A, which is 2009-2011, really clearly builds off of our existing allocation to incorporate new years, which is one of the goals of this Addendum. Then I'll also note, I believe New Jersey sees increases in their quota under both Sub-Option 6A and 6B, so I see both options as being wins for New Jersey.

CHAIR BELL: Any other comments on the motion to amend?

MS. KERNS: Cheri Patterson.

CHAIR BELL: Cheri, go ahead.

MS. PATTERSON: Yes, I am going to oppose the amended motion also. I thought the whole premise

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of pretty much of this Amendment was to pay more attention to more recent years, as opposed to anything further back.

CHAIR BELL: Again, what I'm looking for are comments specifically to this motion to amend.

MS. KERNS: You have one member of the public.

CHAIR BELL: All right, if it's specifically to this motion to amend, and we need to keep it to like one minute, I can go ahead and entertain that.

MS. KERNS: Tom Lilly.

CHAIR BELL: Go ahead, Tom.

MR. TOM LILLY: Mr. Chairman, I just wanted to make sure you were going to allow some public comment on a proposed amendment that we suggest that is in the general nature, and also a comment on the way that you're proceeding.

CHAIR BELL: All right. Right now, we're just looking for comments related to this particular motion to amend.

MR. LILLY: Okay, so hopefully you can call on me a little bit later.

CHAIR BELL: At an appropriate point, if it makes sense with what we're talking about, yes. Any other comments related to this specific motion to amend?

MS. KERNS: No additional hands.

CHAIR BELL: Okay, well then let's go ahead and vote on this. All in favor of the motion to amend, raise your hand.

DR. DAVIS: Mr. Chairman, can we have 60 seconds for caucus?

CHAIR BELL: Oh, I'm sorry, yes. My mistake.

MR. HASBROUCK: Yes, I agree, we need to caucus.

CHAIR BELL: Yes, go ahead. Take a minute.

MS. KERNS: The minute was up, if anybody needed more time, no one has raised their hand.

CHAIR BELL: If you need more time, just raise your hand really quick.

MS. KERNS: I don't see any hands.

CHAIR BELL: All right, we've had our caucus time, then we'll go ahead. We have a motion to amend to remove Option 6B and replace it with 6A, described there with the dates. All in favor of that motion to amend, raise your hand, please.

MS. KERNS: Just going to let the hands settle for a second. I have Rhode Island, New Jersey, Delaware, North Carolina, Maryland, and Potomac River Fisheries Commission. I will put the hands down. All right, I'm ready.

CHAIR BELL: All right, all opposed to the motion to amend.

MS. KERNS: Letting the hands settle. I have New York, Massachusetts, Maine, Pennsylvania, Virginia, and New Hampshire. I will put the hands down, I'm ready.

CHAIR BELL: All right, all of the abstentions.

MS. KERNS: I have Florida, South Carolina, Georgia, NOAA, and the Fish and Wildlife Service.

CHAIR BELL: Null votes.

MS. KERNS: Want me to put the hands down first, before we ask for nulls. Okay, now we can have nulls.

CHAIR BELL: Null votes.

MS. KERNS: I have 1 null vote, Connecticut.

CHAIR BELL: Okay, unless you kept the total there, I didn't.

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MS. KERNS: Kirby, correct me if I'm wrong, but I have 6 in favor, 6 against, 5 abstentions and 1 null. Is that what you counted?

MR. ROOTES-MURDY: Sorry, I missed the in favor. I had 6 against as you noted, I have 5 in abstention and 1 null.

CHAIR BELL: Do we need to clarify the in favor, Toni?

MS. KERNS: I had six.

CHAIR BELL: Yes, I actually made six little stick marks here.

MS. KERNS: Maya also counted 6 as well, so I think we're good.

CHAIR BELL: Okay, so we have a tie.

MS. KERNS: I believe in Roberts Rules that the motion would fail for lack of majority.

MR. DENNIS ABBOTT: Correct.

CHAIR BELL: That sound familiar.

MS. KERNS: We have Joe Cimino with his hand up.

CHAIR BELL: Joe.

MR. CIMINO: That is certainly Roberts Rules, and that was certainly an interesting vote. I regret not trying to take a second bite at the apple before we voted, because I was really confused by two of the comments against. One was that 2020 was included in this motion, but 2020 is in the original as well. That wouldn't change anything.

The other is that we're not moving into a more recent time period. I'm also very confused at how that would change, because again, the most recent years are in there, it's simply a longer time series. I realize we're back to the main motion, but I don't know if anyone has any other way to attempt to look at this again, because it seemed like some of

the folks against were confused, and that was an awful lot of abstentions.

CHAIR BELL: I agree, Joe. Procedurally right now, we are back with the main motion in front of us. Perhaps even discussing the points you just brought up under discussion of the main motion. Any further discussion of the main motion as it stands right now?

MS. KERNS: Justin Davis.

CHAIR BELL: Justin.

DR. DAVIS: I guess in response to the comments Joe just made, would it be within bounds at this point to make a motion to amend, to just remove Option 6B from this motion, thereby keeping 6A and 6B in the document for now, and sending both out for public comment. Because it's apparent that there is a pretty divided opinion on which of these options is the best path forward.

CHAIR BELL: I follow you. By removing 6B from this, you keep them both in and they're still. Okay. All right, any further discussion, thoughts on that approach?

MS. KERN: It's certainly in the priority of the Board, but I have Dennis Abbott, followed by Tom Fote.

MR. ABBOTT: To Mr. Davis' comments. I think my interpretation of Roberts Rules is that we've already voted it down the previous motion, and I don't think that we can resurrect parts of that motion. In my interpretation of Roberts Rules, if someone wanted reconsideration, it would have to come from somebody on the prevailing side of the motion to ask for reconsideration. I don't think the suggestion of Mr. Davis is proper at this time. That's only my opinion and my interpretation of Roberts Rules.

CHAIR BELL: Thank you, Dennis. I think though that does sound logical, and I think you've got more experience with that than I. I think where we are right now is we've got this motion. To come back to it, we need to clear this, and then any additional

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thing we want to do after that would be an entirely separate action, if I'm correct.

MS. KERNS: Mel.

CHAIR BELL: Yes.

MS. KERNS: Bob put his hand up, then he put it back down. He has his hand up.

CHAIR BELL: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just waving around over here. Thank you, Mr. Chair. I just wanted to comment. I think where Justin may have been going is different than where Joe Cimino and others were going. In other words, I think Justin was saying remove the consideration of anything to do with Option 6A or B out of this motion, and limit this motion to removing Option 2 and Option 4 from Section 3.1.2.

If that is where Justin is going, I would argue that is in bounds. You know the Board made some motion and substitutions and other things to keep three options in this motion for consideration. But it sounds like, if I understood Dr. Davis correctly, he was saying, maybe let's just take out that third bullet all together, simplify this motion, and just have it deal with Option 2 and 4.

Option 6A and 6B would remain in the document for public comment. I would think that would be inbounds, because it is a different strategy than what the substitute motion that was just addressed by the Board was dealing with. But that's again, as Dennis said, just my interpretation.

CHAIR BELL: Yes, and I'm struggling with that, in terms of what procedurally. Usually what happens is, if you have a motion to amend you deal with that. Then, you move one direction, if it becomes a main motion. Then if it doesn't then generally you move right back to the motion you had. That's where I'm at. I guess Dennis had one interpretation; you've got another. I mean if we can do that it would require then us to amend this motion before we throw it out, right? Procedurally

that is what we would need to do with it. It would have to be a motion to amend it.

EXECUTIVE DIRECTOR BEAL: That would be my advice. If someone is interested in removing the third bullet from this one, yes, a motion to amend would be in order.

CHAIR BELL: Okay, why don't we entertain that then? I'm not the Roberts expert, but I think basically we've established a clear record of the rationale here in what we're trying to achieve. If someone would like to make a motion to amend, then we'll entertain that.

MS. KERNS: I have in my list, Tom Fote, Justin Davis, Lynn Fegley.

CHAIR BELL: I'm thinking to get to the point right here, and Tom's hand was already up. Maybe Justin, were you going to kind of move this forward, in kind of what we were discussing?

DR. DAVIS: Yes, that was my intent, Mr. Chairman. I could make that motion at this time if you would like me to.

CHAIR BELL: Yes, let's go ahead and do that.

DR. DAVIS: I would move to amend to remove Option 6B, weighted allocation timeframe 6B (2009-2012, and 2017-2020).

CHAIR BELL: Okay, is there a second for that motion to amend?

MS. KERNS: Yes, Tom Fote.

MR. THOMAS P. FOTE: Yes.

CHAIR BELL: Well, go ahead, Tom. I suspect you had something else before that, but go ahead.

MR. FOTE: No, that's what I was going to do is make the motion.

CHAIR BELL: Good deal, thank you, bless you. Okay, so we have a motion, we have a second.

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Discussion of this motion to amend. I think folks' kind of follow what we were trying to do here, is trying to get back to a little bit of where we were heading. It's not the perfect way to do it, but I think it's getting us moving towards something folks seem to kind of agree on a little bit. Any discussion of this motion to amend?

MS. KERNS: I think that Dr. Davis and Mr. Fote had their hands up residual, so unless those weren't residual hands, I have Lynn Fegley.

CHAIR BELL: Okay, Lynn, go ahead.

MS. FEGLEY: I think this is, given the conversation, the best way to go. I would say that also given the commentary. If this motion carries and becomes the main motion, I would ask the Board maybe to start thinking about within the weighted options, about the potential of removing the options in both 6A and 6B that weight 75 percent toward history. Removing the options that more heavily weight toward the past, just so that we take something out for the sake of the public, and because of the intent of the Addendum, which is to more reflect recent fisheries. I'm just going to put that out there right now, for people to put in their brains and leave it there.

CHAIR BELL: Thanks for that, Lynn, good point. All right, any further discussion of this motion to amend?

MS. KERNS: No hands.

CHAIR BELL: Okay, no hands. Does anybody feel they need to caucus before we vote on this?

MS. WARE: Yes, please, 30 seconds.

CHAIR BELL: Okay, well, take a minute. All right, assuming everybody has had sufficient time to caucus. We'll go ahead and vote. What we're voting on is the motion to amend to remove Option 6B, as you're looking at it. All in favor of the motion to amend raise your hand.

MS. KERNS: Just letting the hands settle here. I have Rhode Island, New Jersey, New York, Florida, Connecticut, Massachusetts, Georgia, Pennsylvania, Delaware, North Carolina, Maryland, New Hampshire, and Potomac River Fisheries Commission. I will put the hands down.

CHAIR BELL: All right, maybe I should have done this a different way, but we're okay. Anybody opposed to the motion, raise your hand.

MS. KERNS: Virginia and Maine.

CHAIR BELL: Okay, any abstentions?

MS. KERNS: NOAA, Fish and Wildlife Service, and South Carolina.

CHAIR BELL: All right, and any null votes?

MS. KERNS: No null votes.

CHAIR BELL: Okay, so then the motion carries. We would put the results up there.

MR. ROOTES-MURDY: Yes, my count is 13 in favor, 2 against, 3 abstentions and 0 null.

CHAIR BELL: Okay. Thanks, Kirby. All right, so then that motion carries, so then we're going to need to make a modification to what will be the main motion that we'll be voting on, which would be simply removing that language there, right? **Okay, so now, we have the main motion which is the modified former motion, which is to remove from Draft Addendum I, Section 3.1.2, Option 2 and Option 4 only.** That is the motion, does anybody need to caucus on that?

MS. KERNS: I have Tom Fote with his hand up.

MR. FOTE: It's not to caucus, because doesn't that cover, not the motion, just to caucus when it becomes a motion.

CHAIR BELL: All righty, thank you, nobody needs to caucus.

MS. KERNS: No.

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CHAIR BELL: Is there any opposition to the motion?

MS. KERNS: I see no hands raised in opposition, but NOAA and Fish and Wildlife Service has asked me to note their abstentions, so Maya when you're ready to write out however Mel announces it, if you could just note those abstentions.

CHAIR BELL: I guess technically, Toni, I've been abstaining, so I guess I should abstain as well.

MS. KERNS: Up to you, you don't have to.

CHAIR BELL: Just for consistency's sake. All right, so then we have whatever the number is in favor and we just have three abstentions. Then the motion passes.

MS. KERNS: Mel, you can just say, motion carries without objection.

CHAIR BELL: Motion carries without objection.

MS. KERNS: With 3 abstentions.

CHAIR BELL: Three abstentions. All right, thank you. A little progress. Moving along then. We're still under the heading of dealing with Step 2 timeframe stuff. Any additional motions related to potentially removing things?

MS. KERNS: I have Cheri Patterson.

CHAIR BELL: Okay, Cheri, go ahead.

MS. PATTERSON: Yes, I would like to place a motion to eliminate sub-option 3 from both Options 6A and 6B.

CHAIR BELL: Okay, let us switch screens and get that up there, Cheri.

MS. PATTERSON: Sub-option 3 to both 6A and 6B. That would be Sub-option.

CHAIR BELL: Does that cover it, Cheri?

MR. ROOTES-MURDY: I think it might, just to have it clear on the record, move to eliminate Sub-option

3, the weighting is 75% /25% and again what we're talking about here is 75% for the older timeframe and 25% to the newer timeframe, and then the option as noted are for 6A, that's 2009 through 2011, and 2018 through 2020, and then 6B is 2009 through 2012 and then 2017 through 2020 in Section 3.1.2.

CHAIR BELL: It's on Page 13 of the document.

MS. KERNS: I have Lynn with her hand up, I assume she's seconding, yes.

CHAIR BELL: If Cheri that looks like what you want, and Lynn, if you are seconding that.

MS. PATTERSON: Yes, thank you. Thank you, Kirby, for perfecting that.

CHAIR BELL: Okay, Lynn, were you seconding that?

MS. FEGLEY: Yes, please, thank you.

CHAIR BELL: All right, so we have the motion before you for consideration. I have a second. Discussion of this motion.

MS. KERNS: Cheri, Tom Fote, and Pat Geer.

CHAIR BELL: Okay, Cheri, go ahead.

MS. PATTERSON: I'm sorry, that was residual.

CHAIR BELL: I didn't know if you wanted to provide some rationale.

MS. PATTERSON: I'm sorry, my rationale would be to focus more on recent years and less on past years.

CHAIR BELL: Okay, Tom.

MR. FOTE: It seems like a second bite, but I'll leave that at that. Basically, we are talking about going out to public hearings. I'll reiterate what I said yesterday during Striped Bass. We're sitting here nit picking again a document and going over it. We should leave this and go to public hearings. That's

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what those folks do. There might be a lot of people feeling like they want to pick, based on past fisheries.

That is not wrong. That should be in the document. We should be laying all these heavy weighted into this document. To arbitrarily move one that is better for you than the other, then we should start going through what you might have gone through all the ones that are better from one state to another. I think this is an exercise in futility. If you just go to public hearings, and then what you have is debating comments from the public hearings come back. I'll just leave it at that.

CHAIR BELL: Thanks, Tom, Pat.

MR. GEER: I can't support this motion, it minimizes historical performance in the fishery, and as I pointed out before, it weighs heavily on the most recent data. As I pointed out, 2020 was a COVID year, and the data from that year, the landings from that year are not representative of the fishery as a whole, so I cannot support this motion as written. I could get behind a motion of a 50/50 split. That would be most equitable to me. But I cannot support this, and I said this when we went through this last time as well, so I cannot support this.

CHAIR BELL: We've had speakers to the motion and a couple opposed. Does anyone else want to speak in favor of the motion?

MS. KERNS: I have no other hands.

CHAIR BELL: Any further discussion of the motion, period?

MS. KERNS: No hands.

CHAIR BELL: All right, then I think I know what we need to do. Then all in favor. First of all, does anyone need to caucus?

MS. KERNS: I have hands for a caucus.

CHAIR BELL: Okay, let's take a minute to caucus. All right, that's one minute to caucus, everybody

finished with the caucus? All right, I have a hand up from a member of the public. I can give you one minute, Tom, to say something specifically to this motion.

MR. TOM LILLY: It's not on this motion. I just wanted to make sure you could give me a chance to say something.

CHAIR BELL: We'll get to you. I'm trying to move through these motions. All right, we've caucused, let's vote. All in favor of this motion, raise your hand, please.

MS. KERNS: Letting the hands settle. I have Rhode Island, New York, Florida, Massachusetts, Georgia, Maine, Pennsylvania, North Carolina, Maryland, New Hampshire, and Potomac River Fisheries Commission. I will put the hands down.

CHAIR BELL: All right, the hands are cleared. All opposed to the motion, raise your hand.

MS. KERNS: Letting the hands settle. I have New Jersey, Connecticut, Delaware, and Virginia.

CHAIR BELL: All right, abstention.

MS. KERNS: Before we do abstentions, I just need to clear the other hands. Sorry. Okay, now I'm ready for abstentions.

CHAIR BELL: Okay, abstentions.

MS. KERNS: I have South Carolina, Fish and Wildlife Service and NOAA.

CHAIR BELL: All right, thank you, any null votes?

MS. KERNS: No null votes.

CHAIR BELL: All right, so then the motion passes, and the score is whatever.

MR. ROOTES-MURDY: I have 11 in favor, 4 against, 3 abstentions.

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CHAIR BELL: All right, motion passes, 11 in favor, 4 against, 3 abstentions and no null.

MS. KERNS: You have Pat Geer with his hand up.

CHAIR BELL: Go ahead, Pat.

MR. GEER: I would like to put in another motion. Move to eliminate Sub-option 1 (weighting 25/75) to both 6A (2009-2011/2019-2020) and 6B (2009-2012/2017-2020).

CHAIR BELL: They're going to need to talk to you. You haven't sent that in.

MR. ROOTES-MURDY: Give us a second. I'll help Maya out with this. It's the opposite of what we just did, so in terms of the percentages Sub-option 1, 75% for the older timeframe, and 75% for the newer timeframe from Option 6A. Again, we'll give Maya a moment to put in those timeframes for 6A and 6B.

MS. KERNS: Kirby, I think it might help Maya if you just read very slowly what she needs to write.

MR. GEER: You could have just copied it from the last one and then inverted the numbers.

MR. ROOTES-MURDY: Yes, that's what I'm suggesting. Just give us a minute while we get that up on the screen.

MR. GEER: If I get a second, I'll give an explanation why.

CHAIR BELL: Thanks, Pat. Is that worded correctly?

MR. ROOTES-MURDY: This is in Section 3.1.2.

CHAIR BELL: Okay, is that it, Pat?

MR. GEER: That looks correct.

CHAIR BELL: Is there a second to this motion?

MS. KERNS: I have Craig Pugh.

CHAIR BELL: Okay Craig, second, thank you. All right, so Pat, would you like to go ahead and speak to the motion then?

MR. GEER: I just think shifting the weighting that far is not appropriate at this time. I could live with a 50/50 split. I mean it's treating the older data equally as the newer data. There is a historical performance there. I think that this is just a dramatic shift. If we're going to remove the one, I want to remove both weighting factors.

I just want to have an equal weighting factor if this is what we do, a 50/50 split. I think this is the fairest thing between all the states. To treat states that have a historical fishery equally as the states that are having emerging and newer fisheries.

CHAIR BELL: All right, so Pat is explaining the rationale there. Any other discussion of the motion for or against, either way?

MS. KERNS: I have Nichola Meserve and Joe Cimino.

CHAIR BELL: Okay, Nichola.

MS. MESERVE: I'm not going to be supporting this motion. I struggle with Mr. Geer's rationale a little bit, just based on the fact that there is an option that puts 100 percent of the weighting on 2018-2020 option A3 in the document. This option is a step down from that. I would like to see it maintained in the document.

CHAIR BELL: All right, thank you, Nichola, Joe.

MR. CIMINO: I'll turn it back over. I'm struggling with this. We certainly need some time to caucus on it.

MS. KERNS: Justin Davis and then Dennis Abbott.

CHAIR BELL: Okay, Justin, go ahead.

DR. DAVIS: I can appreciate Pat's rationale through this motion. I think what's unfortunate about the motion we just passed, and if we were to pass this

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motion, is that it takes flexibility away when it comes time for final action. When I look at these things I always think about, you know we're creating bookends, and the Board always has the option to adopt something that is within the range of what's considered.

If we were to pass this option, now we're left with simply one sub-option under 6A and 6B, which I think would be unfortunate. It's taking away flexibility from the Board when it comes to final action time. I think because of that. I didn't support the last motion and I think for the same reason I wouldn't support this motion.

CHAIR BELL: All right. Did I run out of people?

MS. KERNS: Dennis Abbott.

CHAIR BELL: Dennis, I'm sorry, go ahead.

MR. ABBOTT: I'm opposed to this motion. Getting rid of this takes us away from where we're trying to go with this plan, because when we read the statement of the problem, it tells us that we're trying to realize that the dynamics in the commercial menhaden fishery have changed, and we're trying to address that. But yet at the same time, we want to have more reliance on past history. We can't always live on past history; we have to be closer to current history. That's what we're trying to achieve here, so therefore I'm opposed to this amendment.

CHAIR BELL: All right, thank you, Dennis.

MS. KERNS: Tom Fote and then Craig Pugh.

CHAIR BELL: Tom.

MR. FOTE: My problem with this is basically when we passed the last motion we started down the slippery slope, with everybody looking to see what the advantage was to them. Now I'm going to have to set up a caucus with Joe [Cimino] over whether we support this, but I didn't support the last motion, but I might support this one.

CHAIR BELL: All right, thanks, Tom, Craig.

MR. PUGH: Dennis spoke to the future. The past has been important to us. Virginia has been a great provider of menhaden for most of the southern states from Florida to at least New Jersey, and possibly up into New York. When we take away from that past history of doing business on the commercial end, it seems as though there has been an attempt of a power grab of our allocation, and dependability and the affordability of that bait consumption. That would be my reason for supporting Mr. Geer's motion.

CHAIR BELL: All right, thanks, we've heard some for and some against. Just keep in mind in the interest of time, in time to get everything done that we need to today. I'm not feeling that we're going to maybe achieve our primary goal here. But we do have some other items we need to cover as well.

I've been told we can maybe squeak this until 12:30, but that's all the time we're going to have. I would like to go ahead and we've heard some pro and con on this. I would like to go ahead and allow you to caucus if you need to caucus. I'll give you a minute, and then we can come back and dispense with this motion. All right, if everyone has had time to caucus. Let's go ahead and vote on this. You have the motion in front of you. Move to eliminate Sub-option, all the additional verbiage there, you're looking at it. All in favor if the motion, raise your hand.

MS. KERNS: I have Delaware and Virginia. I will put the hands down.

CHAIR BELL: Hands down, all opposed to the motion.

MS. KERNS: Letting the hands settle. I have Rhode Island, New Jersey, New York, Florida, Connecticut, Massachusetts, Georgia, Maine, Pennsylvania, North Carolina, Maryland, New Hampshire, and Potomac River Fisheries Commission. Hands are down.

CHAIR BELL: Hands are down, then abstentions.

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MS. KERNS: I have South Carolina, NOAA, and Fish and Wildlife Service. Hands are down.

CHAIR BELL: Null votes.

MS. KERNS: No null votes.

CHAIR BELL: Alrighty, no null votes; that motion fails.

MR. ROOTES-MURDY: Mr. Chair, it was 2 in favor, 13 against, and 3 abstentions, based on my count.

CHAIR BELL: Okay, motion fails 2 in favor, 13 against, 3 abstentions, no null. All right, thank you. Other motions, we've got some time still. Other motions related to things that we can do with the document right now to help it work towards public comment. I guess we had some other motions in the motion box there, Kirby. I don't recall, but yet we're still under 3.1.2.

MR. ROOTES-MURDY: Yes, Mr. Chair, it appears you have Erika Burgess with a hand raised.

CHAIR BELL: Okay, Erika. Go ahead.

MS. BURGESS: Mr. Chair, I would like to make a motion to remove Option 5 from 3.1.2, and that's moving average option.

CHAIR BELL: All right, we'll get that on the board, and that would remove Option 5.

MS. KERNS: I have Pat Geer as the second.

CHAIR BELL: Pat Geer seconds, thank you very much. We have a motion to remove Option 5 under 3.1.2, seconded by Mr. Geer. Discussion of the motion. Erika, would you like to speak to the motion first?

MS. BURGESS: Yes, Mr. Chair, thank you. I think that this is an option that the Board needs to have a serious discussion about. I think that an option like this will have the potential to be very disruptive to the fishery. It also incentivizes a race to fish, and could lead to us exceeding the TAC. We've already

spoken today about the intent to revisit allocations every three years would be in place, so I don't know that the smoothing average option is the best fit for this Addendum.

CHAIR BELL: Other discussion of the motion to remove Option 5 under 3.1.2.

MS. KERNS: I have Lynn Fegley and then Megan Ware.

CHAIR BELL: Okay, go ahead, Lynn.

MS. FEGLEY: I would not support this motion. I think this actually has some ability to help us manage this thing over the long term, if these fish do have a pattern of changing distribution up and down the coast it will maybe help us be a little more adaptive, without having to go through this agony over and over again.

However, to Ms. Burgess' point, I think there is probably some clarifications that could be made, including the fact that quota overages would not be included in a running average. That's to say if a state exceeds a state quota, just blows over the quota, that would not be included in that average calculation. I think there are a few clarifications we could make, but I would not support removing it from the document. I think the public needs to hear about this, sort of a new and creative way to handle things.

CHAIR BELL: Megan.

MS. WARE: Yes, I would oppose this motion at this point. I think this is actually a really unique option that I would be interested in hearing public feedback on, specifically because it is kind of self-correcting. I know one of the concerns or one of the topics that we had in the work group last summer was, you know is the menhaden biomass in New England here to stay, or is this a ten-year trend that changes after that decade?

I think this type of option would actually consider the movement of menhaden. It would, if menhaden were to leave New England, would self-

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correct, and that quota would go back to the Mid-Atlantic States. I think there is really the cool features, I'll say about this option, that I would like to keep it in.

CHAIR BELL: All right, thanks for that, Megan.

MS. KERNS: Conor McManus, David Borden and Joe Cimino.

CHAIR BELL: Okay, Conor, go ahead.

DR. McMANUS: I am also in opposition to the motion. I think this is, in this section, one of the options that could potentially best speak to the goals that we're trying to achieve here. I won't repeat Lynn and Megan, but I guess, again the ability to dynamically allow for quota to be with the resource's availability is a really appealing option that I would greatly appreciate the public's input on. I also, just speaking to the title of the moving average.

I think its goal of trying to not have abrupt shifts from year to year by using a window for averaging across several years as you move is it very helpful. Also, for states with some of the perhaps hard quotas, thinking about that fixed minimum that is also there. It's important when thinking about the moving average, in terms of what type of variability you may even see for catch from year to year. For all the reasons there, as well as what's been discussed already, I oppose the motion to remove.

CHAIR BELL: Okay, was it David you had next?

MR. BORDEN: Yes, Mr. Chairman. I won't repeat what Lynn and Conor just said, other than the fact that we need to move in this direction on a number of species, because this moves allocation both north and south, depending upon what happens to the resource. I think it's kind of a progressive way to address this, so I'm opposed to this motion.

CHAIR BELL: Joe, go ahead, and then I would ask anybody after Joe, if there is anybody else that wants to speak in favor of it, we could hear that.

But we're going to move on this fairly quickly. Go ahead, Joe.

MR. CIMINO: I didn't realize I was in such a long queue. I'm in a position for all the same reasons mentioned.

CHAIR BELL: Got you. Okay, anyone else have a different opinion here? We've kind of heard a lot of opposition. I just want to make sure we allowed voice to those that might be in favor.

MS. KERNS: I have three hands, Rob LaFrance, Russel, and Erika.

CHAIR BELL: Okay, Rob, is yours to speak in favor?

MR. LaFRANCE: I guess I just wanted to mention the fact that the issue here is if you keep it in, I think it's really important that this clarifying that Lynn mentioned, I just want to make certain that is clear. Because the way these things are going to work, if you go over your allocation, that's not going to be a benefit for you in the moving average. I just wanted to make that point.

CHAIR BELL: Okay, thanks, who was next, Toni?

MS. KERNS: Russell.

CHAIR BELL: Russell, go ahead. We have a technical difficulty there. Who was after Rob?

MS. KERNS: Erika was the last hand.

CHAIR BELL: Okay, Erika, do you want to follow up what you started?

MS. BURGESS: Yes, thank you, Mr. Chair. Like I said when I first made this motion. I wanted the Board to have discussion on this, and I appreciate the discussion that was brought up today. I agree with Lynn that this needs to be clarified if it stays in the Addendum. That's fine with me. I appreciate the discussion that folks had. I also did want to point out, it's contrary to the discussion earlier, but folks wanted to revisit this, every three years. If that is

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not the intent, then I think that should also be part of this option.

CHAIR BELL: All right, let's go ahead and dispense with this one. Does anybody feel they need to caucus?

MS. KERNS: Hands up for caucus, yes. One caucus, yes, Emerson has his hand up.

CHAIR BELL: Okay that's fine, go ahead and take a minute. Okay, assuming everyone that wanted to caucus has caucused. Let's go ahead and vote on this. Motion is to remove Option 5 from 3.1.2. All in favor of the motion, please raise your hand.

MS. KERNS: I have Florida and Virginia. I'm going to clear the hands. I'm ready.

CHAIR BELL: All right, all opposed to the motion.

MS. KERNS: I'm going to let the hands settle for a second. I have Rhode Island, New Jersey, New York, Connecticut, Massachusetts, Georgia, Maine, Pennsylvania, Delaware, North Carolina, Maryland, New Hampshire, and Potomac River Fisheries Commission. I will clear the hands.

CHAIR BELL: Abstentions.

MS. KERNS: I have South Carolina, NOAA and Fish and Wildlife Service.

CHAIR BELL: All right, clear the hands, and any null votes.

MS. KERNS: No null votes.

CHAIR BELL: Okay, then the motion fails, put the score up there. Motion fails.

MS. KERNS: Two in favor, 13 against, and 3 abstentions.

CHAIR BELL: All righty. Looking at the clock and looking where we are. We still have some other items that we have to dispense with on the agenda. I'm not sure that we really have enough time to

take a serious bite out of this. Kirby, what do you think? Is there some sort of low hanging fruit, perhaps, from what you're seeing we could take a swing at?

MR. ROOTES-MURDY: It's the pleasure of the Board. If there is an interest in trying to push forward as far as you can, you know we can do that. There are two other sections to tackle, the Episodic Even Set-Aside Program and Incidental Catch and Small-Scale Fisheries. I have a presentation for each of those sections, as well as Plan Development Team recommendations, AP comments, and then I would take any questions folks have on that. I do know there are some motions some folks have prepared for Incidental Catch and Small-Scale Fisheries. It's your call how far you guys want to get today on that.

CHAIR BELL: Got you. Yes, I would kind of maybe ask Bob and maybe even Chairman Spud here. I realize we're going to be pushing into other things, but we don't have a tremendous, I mean hopefully nobody is catching a flight today. Bob, do you have any feedback on best approach here? We could wrap this up, move on to the rest of the agenda, try to get it all done by a little after 12:30. I think we've perhaps exhausted our time.

EXECUTIVE DIRECTOR BEAL: Yes, thanks, Mel. I'm chiming in, and Spud can correct me if he disagrees. Yes, it seems to make sense to keep pushing a little bit and see. Well, let me back up a little bit. It is becoming clear that the document may not be ready for final approval at this meeting, and the PDT is going to have to go back and do some more work.

You know if there are areas that Kirby and others on the PDT think they might really need some more guidance on, or are critically important for moving forward, we should focus on those. But you know I think going a little bit later, one o'clock or so maybe. We get done with Business Session at 3:30, I think it is today, we've got a schedule to get done relatively early.

But I know we don't want to push it too late. I would say, see what you can get done maybe by

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one o'clock, and that's really just a made-up arbitrary time. You know if you get close to one o'clock and you need another ten or fifteen minutes, I'd say push through. That is just my opinion, and the Chairman can obviously change that if he wants to.

CHAIR BELL: Okay, Spud, do you have any new guidance there? I think I'm fine with trying to move to one. I think I would recommend right now at this point of inflection, maybe we take five minutes for a bio break, come back and see what we can get done, plus the rest of the agenda items.

MR. A.G. "SPUD" WOODWARD: I'm fine with that, Mel. I think as Bob said, focus on the things that will help the PDT improve the document, because I don't believe that we're going to get it, no way we're going to get it to the point of going out to the public. These next issues in some ways are even more contentious than what we've already dealt with.

I'm fine with us going through 1:00 p.m. and hopefully use that remaining time most fruitfully, and we don't have a looming hard deadline on this document. Even if we push back into May, hopefully complete it for public input in May, get final approval in August. We'll still be in a position to use the results of this Addendum for 2023. If that sounds good, I would say proceed.

CHAIR BELL: Okay, what I would like to do then. We'll take five, just five, and Kirby will just kind of get some thought to how best we can maybe tackle a couple of things or answer questions to better inform the PDT as we move forward, but being sensitive to the things that we're doing that they've got to then respond to. I'll touch base with him in a second, now let's go ahead and take a quick five, folks. Thank you.

(Whereupon a recess was taken.)

CHAIR BELL: Let's try to push on, to see how far we can get in the document. It may be that there are some things that are a little easier to work through, and we may be able to make a little bit more

progress. We'll just see how much progress we can make in the time we have, because I would really like to take advantage of, particularly having Kirby's expertise onboard as we work through this. When we left off, we were in 3.1.2. Kirby, do you have any other motions that people have sent in that would be applicable at this point, or should we push on to the next section, or what's your thoughts there?

MR. ROOTES-MURDY: I don't, but there may after this break, might have had some additional items they want to adjust for change. You might want to ask Board members.

MS. KERNS: You have Nichola Meserve.

CHAIR BELL: Okay, Nichola.

MS. MESERVE: I don't have a motion, but regarding the discussion about Option 5. I was just hoping that for the next Board meeting the PDT could bring back its recommendation for which landings, under what category of landings would contribute to the three-year moving average, whether quota overages count, whether episodic event set-aside landings count. Just to make that option a bit more clear for the public.

CHAIR BELL: Thanks, Nichola, we'll just take that as direction to staff to make that happen. Any other hands right now?

MS. KERNS: Not from Commissioners.

CHAIR BELL: Okay, any Commissioners, there are no other motions related to 3.1.2.

MS. KERNS: No.

CHAIR BELL: Okay, then let's, Kirby, do you want to move to the next section, or what do you think we can make the progress perhaps?

MS. ROOTES-MURDY: I appreciate Maya putting this up, I think it's helpful. Just as a recap of what has been modified in the Addendum thus far, just so people have this image in our head. Again,

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based off the conversation today there are going to be a number of edits to the allocation section to reflect those points brought forward by Board members. With no other changes to the section, we can move on to the Episodic Set-Aside Program Section.

That should go pretty quick, I think, but we'll see. Here just again quickly, the objective is to ensure sufficient access to the episodic changes and regional availability, in order to minimize in-season disruption and reduce the need for quota transfers. We have really just two main items here in this section, which is under 3.2.1, increase the set-aside, and as noted before there is a request to increase the set-aside up to 5 percent. That's Option 2.

Then the next subsection, 3.2.2, it's to establish a set-aside during specifications. Now, I will admit we may have overlooked how to make this clear in the document. Because really, what this subsection is offering is if Option 2 in 3.2.1 is selected, which is increasing up to 5 percent. Then the second option under establishing the set-aside during specifications makes sense. But if the Board, for example, were to choose status quo, and keep the set-aside at 1 percent, then really setting the set-aside during specifications would be moot. I just want to make sure that that is clear to people.

I'm sorry that that wasn't as clearly indicated in the document, and with Board consent we can make sure that that is corrected in the document to be clear. Next, we have no PDT recommendations, but there is AP comments, and I'll turn to Meghan Lapp for that.

MS. LAPP: Yes, the AP had a discussion about this, and there were some AP members that recommended considering extending the states that qualify for episodic events be all the states. The discussion around that is that episodic events can happen anywhere, particularly high abundance can happen in other states, other than those north of New York. There was also discussion about whether or not to keep episodic events as part of the management program if some of the other alternatives go forward.

CHAIR BELL: All right, thanks for that. I can see what the opinion there, what came out of the AP's discussion.

MR. ROOTES-MURDY: With that, if there are any questions for the Board on this section, I'm happy to answer them now. Just again to note, you know if there aren't any motions to modify this section, you know we can move on to the incidental catch and small-scale fisheries. Just putting that out there for people's consideration.

CHAIR BELL: Yes, following the pattern we've been following. Now, any questions from Board members related to this section for Kirby?

MS. KERNS: I have Rob LaFrance and then Allison Colden.

CHAIR BELL: All right, Rob, go ahead.

MR. LaFRANCE: I just want to follow up, kind of what we started this whole discussion about, the difference as we move from allocations that were sort of basically the ones that were set aside like the 5 percent. I should say 0.50 percent, the minimum allocations. I guess the question that has always come up is, are we going to use those percentages to help increase up to 0.50 percent, or are we just going to take a look at the whole of the TAC, and then take 5 percent off the top, and move things down the other way?

I think this was what Justin Davis was trying to get at. I thought we were going to try and revisit that here, and maybe get some discussion about that. That's what I'm trying to understand. Are we going to take the savings that we've gotten from changing some of the minimum allocations, and are those something that would be made available for this program, or is Kirby going to look at that a little differently? I guess I'm just looking for some clarification from Kirby, and from folks on the PDT about that.

CHAIR BELL: Thanks, Rob.

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MR. ROOTES-MURDY: Sure, I'm happy to answer that. Thanks for bringing that up, Rob. This is where I think this section is probably the best place to put it, because keep in mind that for the fixed minimum. If the tiered approaches are not selected, then there isn't really a change to how much, so to speak, freed up quota could go to the episodic.

But there can definitely be a move to increase that decision point in here if there is specific language that you all think should be put on the record at this point to make sure it's in there, or leave it at the discretion of the Plan Development Team. You know whatever your preference at this stage is fine. Yes, this is the section to make that note.

CHAIR BELL: Okay, thanks for the clarification, Kirby. Allison.

MS. COLDEN: Rob hit the nail on the head. I was just making sure that we were going to circle back to this exact point. I think the conversation we had earlier today was, that the quota freed up if a different fixed minimum was selected would be reallocated amongst the states on the reallocation formula that is derived from this Addendum.

But we also have here in the EESA section that it could be used if an option was selected to increase the EESA. I think maybe the clearest way to do that would be to add a sub-option, but I defer to Kirby as to whether or not just including language here that it is an option to put that forward to the EESA or any other, you know pot. If that is sufficient, or if we need to specifically add an option for the public to weigh in on in that regard.

CHAIR BELL: What are your thoughts on that, Kirby? Modify language, or actually add sub-options?

MR. ROOTES-MURDY: Well, if the Board is fine with this approach, what I would suggest at this point is for the Plan Development Team to start off with having a new subsection that obviously would be contingent on a decision made in the allocation fixed minimum specification. If there is additional freed up quota, you know there would be options in

there that would outline where that freed up quota would go. We would add a new subsection to this part of the document.

CHAIR BELL: At this point this would be direction to the PDT to work on that and bring it back?

MR. ROOTES-MURDY: Correct.

CHAIR BELL: Does that make sense to everybody? Problems with that, provide direction to the PDT to come back with that for us at the next meeting?

MS. KERNS: Kirby, I just want to, Mel, is it okay if I ask one question to make sure I understand?

CHAIR BELL: Oh yes.

MS. KERNS: Since Kirby will be gone. Kirby, what that essentially does is because then the freed-up quota does not go into the allocation, that it could go two different directions, either to the EESA or the allocations. Then it basically doubles the number of options that would be in the document. Is that correct?

MR. ROOTES-MURDY: Yes, it's a good question that you bring up. It would increase the number of options. I'm thinking through this stuff on the fly a little bit, and as everyone is aware it's a complicated document. But I do think that it would create a new set of options. While I understand and appreciate the Board's interest in wanting to add this.

It actually might not make the most sense to do it here, maybe the allocation section would be better. With that understanding, you know the Plan Development Team could move forward with drafting up that subsection and add it to the allocation section, so that it's clear there what that would mean.

MS. KERNS: I mean I think either way it doubles the number of options, wherever you put it, it does do that. I just want to make sure it's clear to everybody that that is what will happen to the document.

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CHAIR BELL: Yes, we're kind of going in that direction. But I understand, I mean people are trying to get this right. That is the effect of that. At this point, is it the pleasure of the Board to direct staff to work on that? Is that the direction we want to go?

MS. KERNS: I have Justin Davis and Jesse Hornstein.

CHAIR BELL: Okay, Justin.

DR. DAVIS: As the one that sort of opened this can of worms today to start with. Just my advice after listening to all the discussion is that there should just be extra verbiage in Section 3.1.1 that makes clear that unless the Board takes action like adopting Option 2 in this section or Option 3 in the incidental catch small scale fishery section, essentially options that create a new set aside or increase an existing set aside, that by default whatever quota is freed up by a new minimum allocation scheme will be allocated out, according to the strategy in 3.1.2.

I think it just should also be clear, my understanding is that the Board could select Option 2 here and increase the set-aside for the episodic set-aside program, even if we kept the status quo minimum allocation scheme. Like it's not necessary to select one of the new minimum allocation schemes to free up quota to allow an increase to episodic set-aside. The two things are independent, if I'm understanding it correctly.

MR. ROOTES-MURDY: Yes, that's correct.

CHAIR BELL: Okay, so perhaps some additional verbiage at this point, rather than going through the whole evolution of creating a whole bunch of more options. Okay, Jesse.

MR. GILMORE: Actually, it's Jim Gilmore Hornstein again. It wasn't on this, so I didn't have a comment on the current discussion. I had another thing I wanted to raise though, if you want to finish this first and come back to me it's fine.

CHAIR BELL: Yes, if you don't mind, Jim, let's go ahead and move on this point. To Justin's point about perhaps we could address this through some additional clearer verbiage that would help people understand. It might avoid the doubling options and that sort of thing. Does that make sense, Kirby?

MS. KERNS: I have Lynn Fegley with her hand up.

CHAIR BELL: Okay, Lynn, go ahead.

MS. FEGLEY: I agree emphatically with Justin, because it seems like doubling the number of options is the last thing you want to do, and it's going to be pretty hard for the public to track that. If we can do it just with some clarifying language on the default state of that quota, unless the Board takes action or some such thing. I think that would be super good.

CHAIR BELL: I think at this point. I mean this isn't up to me, but I kind of like the idea of clarifying language. It would just be, you know does Kirby feel we have had enough discussion here, and what our intent is for them to basically be able to develop the language. I want to defer to Kirby. Do you think you have enough from us to understand what it is we're trying to get you to kind of work on, in terms of clarifying? Well, not you necessarily. But the development of some clarifying language.

MR. ROOTES-MURDY: Yes, I think so. Also keep in mind, we do have some Plan Development Team members listening as well. I think that is something this group can work towards, and have some language written up. That being said, if there is suggested language the Board members want to send back after this meeting, we can definitely work off of that, then put it in your document.

CHAIR BELL: We're still under the heading of 3.2. Anything else?

MS. KERNS: Jim Gilmore.

CHAIR BELL: Okay, Jim.

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MR. GILMORE: Question to Kirby. Did the PDT discuss the issue about individual state caps on the episodic event, because basing it on the history of this when we first started it? The episodic event was the 1 percent, and we used very little of it. As time went on, it became more and more of a need, and actually New York got into it later, and the first year we were in it, actually New York got a cap for that first year.

A little bit later we checked into using the episodic event, and essentially it had said, well it was on gone. One state had taken the entire episodic event cap or the episodic event quota. At that point it was like, well this is kind of, we essentially have a race to fish on it now. Now that I see that it was a suggestion that we add other states into it. Probably at this point, so two parts of a question. Did the PDT consider anything about putting caps on its bait, and if they haven't, I mean, and it's something maybe we want to talk about, because if you're going to have now all 15 states going after the episodic even, I'm sorry, 5 states. No, no, it was a question.

I'm sorry, I think there was a suggestion that we add the southern states into the episodic event quota. If we're going to do that, do we need to consider having a cap on what a state could take? Obviously, if they take that cap and then there is left over from the other states you can still share that. But that's something that has become an issue in the past. Anyway, Kirby.

MR. ROOTES-MURDY: While the group discussed how to best account for different states landing different amounts under the episodic. There was no discussion where you could see explicit options in there about capping any state, in terms of their ability to land on the quota.

I would say if there was an interest in doing that or increasing the states that can participate. You know we need to get that guidance on the record. I think ideally it would be a motion so it's very clear to everyone what is being added there, in terms of how the episodic program would change moving forward potentially in this document.

CHAIR BELL: Is there a desire on the part of the Board to do such, or necessary?

MS. KERNS: I have no Board members with their hand up.

CHAIR BELL: Okay. Well, we've had a lot of discussion on it. Okay, then we're still in 3.2.1. How about anything related to 3.2.2, two options there? Any other motions related to this section, I guess is what I'm saying at this point. If we could kind of get this section that would be great.

MS. KERNS: No hands for episodic, let's move on.

CHAIR BELL: Kirby.

MR. ROOTES-MURDY: We have those changes noted that we will adjust by the Plan Development Team's work. We'll move on to the last section in this document, which is the Incidental Catch and Small-Scale Fisheries Provision. Again, the objective for this is to sufficiently constrain landings to achieve overall management goals of meeting the needs of existing fisheries, reducing discards, and indicating when landings can occur, and if those landings are part of the directed fishery. There are five subsections here.

I'm going to try to go through them as quickly as I can, so that you guys have the information and then we'll get to the Plan Development Team recommendations. First is the timing of the incidental catch provision, as you all remember. There was a request to have a set of options that makes more clear when a state can move into landing under this provision.

Option 2 lays out that a sector, specific fishery or gear type within a state, once they've met their sub-allocation could go into the incidental catch and small-scale fisheries provision. Option 3 specifies that a state can only move into this provision once their state allocation is met, and Option 4 is the full closure of the state's allocation that's the no incidental catch and small-scale fisheries provision would continue. It would do away with this in the management program. The next subsection is

permitted gear type. There are two options in here that move beyond the status quo.

Option 2 would outline that no purse seine would be allowed. All other small scale and non-directed gears would be maintained. Provision would apply to both of those categories, and for more information on the gear types specifically that would be allowed, please refer to the document. Please note that under this option as well landings from the purse seine gear would count against the state's directed fishery quota. Then Option 3 is to make this only non-directed gear. Again, under Amendment 3, what this means is that gear types, just pound nets, anchored, staked gillnets, drift gillnets, trawls, fishing weirs, spike mats and floating fish traps would count towards this.

Next section is 3.3.3, the trip limit for the directed small-scale fishery. To clarify here, based on the last Board meeting, there was an indication to reduce the trip limit for the directed gear type. Option 2 would reduce it down to 4,500 pounds, and Option 3 offers to reduce it down to 3,000 pounds. Please note that for the non-directed gear types that trip limit would remain at 6,000 pounds.

The next subsection is the catch accounting, and we have three options here that differ from the status quo. Right now, under status quo, the landings do not count against the state's quota or the total allowable catch. Option 2 would create a catch cap equal to 1 percent of the TAC. The cap is not a set-aside, and landings would still not count against the TAC.

The way this would work is that if reported landings exceeded the cap by 10 percent in a single year, or two years in a row, regardless of the percent overage, the management trigger would be reached, and the Board would need to take action to reduce incidental in small scale fisheries landings. Option 3 would create a 1 percent set-aside of the overall TAC, similar in terms of a set-aside like the episodic event set-aside program.

If the set-aside were to be exceeded in a given year, that overage would be deducted on a pound for

pound basis for the next subsequent year set aside. An overage from 2022, as of right now would be applied in 2024. Option 4 creates a provision where total landings, which include incidental catch, directed fishery landings, and the episodic, would be evaluated against the TAC, and it's in combination all of those moved landings above the TAC an overage was deducted on a pound for pound basis for the next year's TAC, similar to Option 3.

Our last subsection is to allow access to the episodic even set-aside program at less than 100 percent of a state's allocation. Option 2 here qualifies the states to begin fishing once they've landed 95 percent of their quota. Again, the thinking here is the 5 percent reserve of a state's allocated quota could then be used once the episodic even set-aside program had closed, and allow states to remain operating under the directed landings, rather than going directly into incidental catch and small-scale fisheries provision. The last thing I was going to note on my end is Plan Development Team recommendations regarding these subsections. The PDT recommends removing the catch accounting section, primarily around the concerns of timing when accountability would occur, and the potential that it could create new problems, especially around provisions of pound for pound payback.

Additionally, in trying to address accountability, in the sense of reducing landings in this category. The PDT notes that that objective could be reached by adjusting the trip limit, the timing of when states can enter into the provision, as well as the permitted gear type. Last, the PDT recommends removing the option that allows access to the episodic event set-aside program at less than 100 percent of the state allocation.

They noted concerns over the fairness of this provision, given 5 percent for one state is not the same, in terms of poundage for another state. Similar to the previous recommendation, the goal of trying to allow states to use more quota for their directed fishery could be achieved through revised allocation. I'll turn it over to Meghan for the AP report.

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CHAIR BELL: Thanks, Kirby, go ahead, Meghan.

MS. LAPP: The AP discussion on this section focused primarily on concern about the current language regarding purse seines being allowed to be considered small scale. Folks cited the specifications allow for greater catches than 6,000 pounds, and they also suggested to include in the Addendum a breakdown of state-by-state information on seine size limits and regulations.

That was primarily because the size of small-scale purse seines allowed by the incidental catch in small-scale fisheries is the same size purse seine allowed by some states for directed fishing. There was a desire to put more context of that discussion in the actual document.

CHAIR BELL: Were there PDT recommendations, Kirby?

MR. ROOTES-MURDY: Yes, I just went through those before Megan went. The next slide just has a breakdown of all those options for the Board to consider if they want to remove anything.

CHAIR BELL: We've had Kirby's overview, we've had the PDT recommendations, we've had the AP input. This would be the point where the Board members questioned. I don't see us, in the time we're going to have, really getting into doing anything with this today. I don't really see us getting all the way through. Any questions right now related to anything, while we have Kirby, and the ability to ask questions from Board members.

MS. KERNS: Mr. Chairman, I think it's okay if we entertain a couple motions that might not involve some PDT work, because I would like to try to make sure. You know the document is not going to move forward today, but there are some things that the PDT need to work on, and I would really like to be able to get that done between now and May, so that there doesn't need to be delay after that.

CHAIR BELL: That's fine with me. I'm happy, I was just watching the clock and remembering one o'clock comes.

MS. KERNS: If Bob and Spud are not okay with that, they can overrule me.

CHAIR BELL: Okay, well then questions or if there are no questions, then are there things that we can do, in terms of motions that would help us, again give guidance, steer the PDT in the right direction to come back and then improve the document?

MS. KERNS: I have Megan Ware, Lynn Fegley, Conor McManus, and Rob LaFrance.

CHAIR BELL: Go ahead, Megan was the first one, go ahead.

MS. WARE: This is a question for Kirby. My question is on Option 4 in the catch accounting section. My question is, I'm curious if the PDT discussed how this option in the pound for pound payback interacts with existing pound for pound paybacks in Amendment 3. Specifically, as the option is currently written it's broad to total landings.

I think there is a situation here where you could actually have an overage of the TAC, caused by an overage of the episodic, then you could have no incidental small-scale landings. This would trigger a pound for pound payback of the TAC. However, in Amendment 3, we also have a pound for pound payback of episodic overages of that set-aside.

You would actually have a situation where two accountability measures have been triggered, and it's unclear to me which one would actually apply. The same situation would apply for state quota overages. I'm curious if the PDT discussed the interactions of these different accountability measures.

MR. ROOTES-MURDY: Thanks, Megan for your question. You know, I will say we didn't get into great details on this. I mean largely because, to get to a point where a TAC is exceeded by all three components, right, directed quotas being exceeded, episodic event set-aside being exceeded, and incidental catch causing in combination those few other things that go with the TAC. It's just a

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scenario that we haven't had to deal with in recent years. That's kind of Part 1 of this.

There have been maybe overages of a state's quota, but in those instances, there are usually transfer that is made to accommodate that, the same with the episodic. There wasn't anything that was discussed that I can recall, specific to this option that would set it as a specific percentage. I think it's a fair point to bring up that there may be a need to investigate if there is an overage of the TAC. Is it all three of those things had overages, or was the incidental catch and small-scale fisheries landings truly what caused it to go over?

MS. WARE: Thanks, Kirby. My sense of what the Board is focused on here is, you know we have accountability. We have pound for pound payback for state quota overages. We have it for episodic, and we don't have it for incidental catch small-scale landings, and my sense from the Board is that's where the concern is. I think it may behoove Option 4 to clarify the language here, so it's actually specific to the incidental catch small-scale landings causing the TAC to be exceeded, and that's when you would get a pound for pound payback of the TAC. Because I think otherwise, we could end up in a situation where we have accountability measures that maybe aren't speaking well to each other, or are in conflict with one another. I totally agree that we haven't been in a situation where we've gotten close to the TAC yet, just trying to set us up well for the future. If you want a motion on that I can make it, or I can sit back in line and wait for others.

CHAIR BELL: Let's get a couple more questions, Megan, and then we can revisit that perhaps really quickly. Toni, who did you have next?

MS. KERNS: Lynn.

MS. FEGLEY: Mr. Chair, I was going to throw a motion up, so I'll hold until all questions are done.

MS. KERNS: Conor is next.

CHAIR BELL: Okay, go ahead, Conor.

DR. McMANUS: My comment speaks to perhaps the document at large. I'll hold off on that now, if we can come back to some comments on that later.

CHAIR BELL: You had one more.

MS. KERNS: Two more, one Rob LaFrance.

MR. LaFRANCE: I just wanted to sort of follow up on what Megan Ware had said. I do think being on the working group and working with other folks on all of this really important work. The issue about how we're going to do the accounting vis-a-vis the TAC is critically important. The idea of taking out this whole section is something I don't think we should be doing.

I'm happy to hear Megan looking for clarifying language in that particular area. I guess I just wanted to maybe ask Kirby and the PDT, why do they feel, I got the sense from their report they thought this was too complicated. It seems to me that it's a complication on top of something else. I just wondered if you could speak to that, Kirby. Why do you feel it needs to come out?

MR. ROOTES-MURDY: I mean the PDT's points were really that if the accountability that the Board is interested in, which I believe is that landings in this category should be decreased, and there is concern about the trend. That that could be achieved through the other subsections in the document. This may create more complexity in how we manage the fishery than we currently have.

That being said, you know it's at the discretion of the Board if you all feel that this section is important, and that there are options that need to be included in it. I think the other thing that is a little challenging is just whether it could create new problems, in terms of the diminishing set-aside, if there are overages of that set-aside. Then also, specification on the timing of when those accountability measures would kick in.

MR. LaFRANCE: Just a follow up, if I might, Mr. Chair. What I'm hearing you saying though, Kirby. You're basically saying that where some of the

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other approaches we have in the document could solve what we're concerned about. But what if those other proposals sort of stay in? In other words, people still want to stick with the episodic event and small-scale fisheries, or other things. That's part of the reason I want to see this included and maintained, because it gives more flexibility, in terms of dealing with those issues. But thank you for your comments.

CHAIR BELL: Any other hands for questions from Board members, Toni?

MS. KERNS: Allison.

CHAIR BELL: Okay, Allison.

MS. COLDEN: I think Rob covered a lot of the points that I wanted to make. To elaborate just briefly. I think this document has the intent to reduce the amount of latent quota and the reallocation that we're doing has the intention, or hopefully intention of getting us closer to the coastwide TAC, which is why I think having these accountability measures in there is important. Because no, we haven't gotten close to or exceeded the TAC, even including incidental catch and small-scale fisheries landings over the past few years.

But if the goal is that all of the other measures in this document would get us closer to achieving that number, then I think it's even more important that we have these accountabilities and backstops in there. At the end of the day, if things come to pass with this document that puts things more towards directed allocations in the state-by-state quotas, then having this in there shouldn't be a problem, because it shouldn't trip if we get closer.

But as Rob said, at this point in the process we have no insurances of what the outcomes of the other parts of the document are going to be. I think it's prudent to keep at least some of the options in here. I did have a question for Kirby related to the PDTs concern on the timing of payback. There are payback provisions for other parts of the management program, so I'm just wondering, do they have the same type of payback schedule, and if

that's the case, why there aren't concerns about how long it takes to pay back a state allocation or an EESA overage.

CHAIR BELL: Kirby.

MR. ROOTES-MURDY: Thanks for the question, Allison. I'll speak to episodic event set-aside payback, as well as the directed fishery quota. What we have in the episodic program is in-season monitoring, where in coordination with the state we are monitoring that set-aside program.

We know in-season if there has been an overage of it, based on those preliminary landings, and in turn we can notify the Board, and that can be adjusted for the next fishing season. When it comes to directed fishing quotas, we also with the compliance reports get notice from the states whether they exceeded their quota, and in turn that can be adjusted in the beginning of the states, or at least by the spring of that year the state's allocation. I think one of the challenges will be that we would not have, I think clear indication that the incidental catch provision had been exceeded, likely until the spring meeting annually.

If there is a sense from the Board that they would like to have that incorporated, and in turn a further adjustment to state quotas or to what the set-aside program is. At that point in the season that is at the discretion of this Board. But that was the general concern.

CHAIR BELL: In the interest of time, and I'm already blowing past the limits that we had here, and we do have a couple of things we've got to finish up on the agenda. I know two people, both Megan and Lynn had indicated an interest in perhaps make a motion on something in this section, which might hopefully give us, maybe we end up with the PDT needing to do some stuff, helping us to improve the document before we come back to it.

I think it's pretty obvious we're not going to get to where we need to be to take this to public hearing yet. I guess I would ask, I'm not sure how long it's going to take to work through a couple of motions,

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so Megan, you mentioned something first. Would that be something you could see us processing here fairly quickly, or should we just wait on that for another meeting?

MS. WARE: I have no clue, Mr. Chairman. I can try, and if it looks like it's starting to tailspin, we can maybe just turn it into a tasking for the PDT. But I sense some just clarifying language on Option 4, for staff to, I think avoid the situation I was talking about, where you have overlapping accountability measures.

MR. ROOTES-MURDY: Yes, just give us a second to get that up on the screen.

MS. WARE: Just so the Board knows, I underlined the language that I'm proposing to be added to this option, just so everyone knows what change I'm proposing. But move to modify Option 4 in Section 3.3.4 to read, total landings under this provision would be evaluated against the annual TAC if incidental catch and small-scale fishery landings when added to landings under state quotas in the EESA cause the TAC to be exceeded, then the overage would be deducted on a pound-for-pound basis from the next subsequent year's TAC.

CHAIR BELL: Okay, so there's Megan's motion. Can we get a second to that?

MS. KERNS: I have David Borden.

CHAIR BELL: Okay, David, thank you. Discussion of that. Any further explanation first, Megan, from you? Pretty clear.

MS. WARE: I realize this is kind of a technical point, in terms of the interaction between Addendum I and Amendment 3. But the language as it currently reads is quite broad, and I think we have accountability measures for episodic, we have it for our state quota overages, we don't for incidental catch small-scale provision, and that's what I'm trying to reflect in this motion.

CHAIR BELL: All right, any other discussion of the motion?

MS. KERNS: I don't have any hands from Commissioners.

CHAIR BELL: No discussion on this particular motion.

MS. KERNS: I have one, Lynn Fegley.

CHAIR BELL: Yes, Lynn, go ahead.

MS. FEGLEY: Sorry, I was just staring at this for a while, trying to digest it, which we probably all were. I just wonder if this isn't better. Since we're not sending this document out for comment right now. I just wonder if this isn't better to send off to the PDT to consider and incorporate. I just feel like maybe some of us need to think a little harder.

CHAIR BELL: Yes, I follow you. I'm just staring at it myself, and you guys understand it way better than I the implications of it. Yes, I mean perhaps, I think Megan, maybe of course we're going need the motion, we'll have to deal with it. Maybe it would be better to provide it as guidance to the PDT, and then they can mull it over, come back and craft something, because we're going to be looking at something later anyway. Just my two cents worth at this point.

MS. WARE: Mr. Chair, I understand that, especially given the hour of the day. I'm happy to, if Mr. Borden agrees, just withdraw the motion, but ask the PDT to consider this type of clarifying language.

CHAIR BELL: Okay, you all both okay with that?

MR. BORDEN: That is also acceptable to me.

CHAIR BELL: Thanks, David, and Kirby you have enough then to take to the PDT?

MR. ROOTES-MURDY: Yes, I think we have it clear on the record what you all are looking for.

CHAIR BELL: The other thing, Lynn, you had mentioned a motion, but what do you think? I'm not sure what you had in mind, The group motion is withdrawn, so Lynn, did you have something that

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we might just squeeze in here, or provide guidance to the PDT on at this point?

MS. FEGLEY: Thank you, Mr. Chair. I did have a motion to remove an option under the timing provision, and that was to remove Option 4, which basically eliminates the incidental catch and small-scale provision altogether. Because I feel like it's such an important piece of what a lot of states are considering. The accountability measures are in here, so to remove, I just feel strongly like that should not be up for debate at this juncture.

CHAIR BELL: You were going to move to remove Option 4?

MS. FEGLEY: Correct.

CHAIR BELL: Okay, is that something maybe we need to let the PDT mull over?

MS. FEGLEY: Or we could take it up when we consider this document again, it's the pleasure of the Board. If we do that's fine with me.

CHAIR BELL: I'm not trying to direct this, so it's really the Board's pleasure, but I mean at this point making kind of major structural edits might not be the best thing on the fly here, maybe let the PDT reflect on this and then whatever we end up looking at the next time. You all have been able to put a little thought into it, I'm thinking.

MS. FEGLEY: I'm happy to withdraw the motion.

CHAIR BELL: Okay, well yes. That is good. You didn't have a second, so I think we're cool then. Again, sorry to keep bothering you all about the clock. Are there any other questions from Board members for Kirby right now, related to where we are in the process? I think we're going to find ourselves; the PDT is going to be spending more time on this. Something is going to come back to use at the next opportunity. But I don't see us being ready today to go anywhere with it. Any other questions, particularly since we have Kirby right now?

MS. KERNS: I have Nichola, David Borden, and Emerson, and then just as a reminder to you, Mr. Chair. Sorry, David and Emerson have taken their hands down, so I think it's Nichola, and then back to Conor that you said you would come back to him.

CHAIR BELL: Oh, right, thanks. Okay, Nichola.

MS. MESERVE: Given that the PDT is going to be looking at the catch accounting section, and Option 4 in particular for some additional language. I wanted to make another suggestion for possible improvement that the PDT could consider for this section. That would be to structure it as two tiers.

The first tier being that there is some time of trigger that is met regarding the incidental catch in the small-scale fishery landings. The second tier is the response that occurs. The four options here have several different responses, one of them being a pound-for-pound payback, one of them being just direction that the Board must take some action to reduce the landings.

As these options are structured, you know one of those responses is already tied to the trigger, and I have a bit of concern about the pound-for-pound payback response to a trigger being met, because it doesn't address the root cause of the overage, or the increase in those landings. Just at this point in time I just would offer that as a suggestion to the PDT when it's looking at this section again, to see if it could be restructured in a way that would untie the trigger from the response, so the Board would have more flexibility in picking a final option.

CHAIR BELL: Kirby, do we have that in a form that you can make sure the PDT can follow up on that?

MR. ROOTES-MURDY: Yes, absolutely.

CHAIR BELL: Okay, and really quick, Conor, you have a last word on this for us today.

DR. McMANUS: Yes, thank you, Mr. Chair. Question for Kirby, and then comment, I guess. As we look to revise the document and where we are timeline wise like. I wanted to get your take on the

efficacy of 2021 data being available. I think it's two components. One, in terms of describing the state of the fishery and the statement problem presented in the Addendum, is how 2021 data may provide a more accurate picture for what's occurring, particularly based on some of the comments of 2020 and the pandemic discussions.

Then I guess the other question is, if so, how that may or may not interact with some of the other options that we discussed today. Some of them, like the moving average, theoretically would not be impacted by that understanding, but in terms of, in that same section, Option 6 or Option 2, where they're trying to capture what's going on in the recent fishery. I didn't know, I just wanted to try and get some thoughts and comments on that from you, and if time discussion from the Board. Thanks for your time.

MR. ROOTES-MURDY: Yes, thanks for the question, Conor. I would just say, I think it would be very challenging to try to incorporate that into this document. If the Board wishes to take it out for public comment following the May meeting. You know we went through a process starting this time last year to ask ACCSP to validate landings, you know through the time series we've been looking at.

I just think it would be really tough to try to give the PDT enough time to get that data, input it into these options. I would just see it as being a very challenging position to put the PDT in, in getting that document to you all by May. I don't think it would be possible if I was still chairing it, but that's just my two cents.

CHAIR BELL: Yes, we need to conclude this. They are about to grab the hook and pull me off the stage. I would like to offer one minute for a public comment. I promised public comment at appropriate points. I think we have one member of the public who would like to comment. We can provide a minute for that, and then we need to roll on to the last couple of items we've got to finish quickly here on the agenda.

MS. KERNS: Maya, if you could get that clock up that would be great, thank you, and Tom, go ahead.

MR. LILLY: I'm asking the PDT to back up here and use the socioeconomic information in your allocation decisions, not just to store data. A section of the charter, it says you must use that data to how important it is in a fish management plan. All those numbers are readily available.

Comment, taking 25 percent of the entire TAC in Chesapeake Bay benefits a small number of people in Virginia, but it impacts millions of people, and tens of thousands of businesses on the Atlantic. One million children that fish on the Atlantic are being impacted. Amendment 3 in the Charter requires that you consider the impacts to Maryland and the states. That is what you should be doing, and that is what we are asking you to do. Thank you.

CHAIR BELL: All right, thanks, Tom, appreciate that.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIR BELL: Okay, Kirby, it's back to you for the kind of the flow of everything. One item that we had next on the agenda is to deal with AP membership. I guess that's Tina, we need to approve some AP nominations, is that correct?

MR. ROOTE-MURDY: That is correct.

CHAIR BELL: Okay, Tina needs to roll in here?

MR. ROOTES-MURDY: If she's unavailable, I can go ahead and make that. We received two nominations in supplemental material, Michael Dawson of Maine and William Caldwell of New York to be nominated to the Atlantic Menhaden Advisory Panel.

CHAIR BELL: All right.

MS. TINA L. BERGER: Sorry about that. I wanted to say, I'm sorry if you discussed this already, but the nomination of William Caldwell from New York is an

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addition to their current member, so I just wanted the Board to be cognizant of that. Also, in the correspondence that was provided on William Caldwell, identified him as a purse seiner, and he is an inshore beach seiner. Thank you.

CHAIR BELL: Okay, thanks, Tina. That's a motion that a member would need to make, that's not a motion from a committee? Am I right?

MS. BERGER: That's correct, a Board member needs to make that.

CHAIR BELL: A Board member be willing to make that motion to nominate Michael Dawson and William Caldwell to the Advisory Panel.

MS. KERNS: I have Jesse Hornstein and Justin Davis.

CHAIR BELL: Okay, which is actually Jim.

MS. KERNS: It is actually Jim, every time I just see the name, sorry.

CHAIR BELL: We have a motion and a second. Discussion? Any objection to the motion.

MS. KERNS: No hands raised in objection.

CHAIR BELL: Then seeing none, then that motion carries. Thank you very much, by unanimous consent there.

ELECT VICE-CHAIR

CHAIR BELL: The next agenda item is very important, to elect a Vice-Chair. Do we have a nomination from anyone for a Vice-Chair for the Menhaden Management Board?

MS. KERNS: I have Eric Reid with his hand up.

MR. ERIC REID: I would like to move to nominate Dr. Conor McManus from Rhode Island as the Vice-Chair of the Atlantic Menhaden Management Board.

CHAIR BELL: All right, thank you, Eric, get a second from a Board member. Any hands?

MS. KERNS: Yes, Megan Ware.

CHAIR BELL: Megan, thank you. We have a motion to nominate Dr. Conor McManus for Vice-Chair of the Menhaden Board and a second. Any discussion? Any opposition?

MS. KERNS: No hands.

CHAIR BELL: Conor, if you want to raise your hand, I wouldn't blame you buddy. **All right, thank you, then that motion is passed and Dr. Conor McManus will be our Vice-Chair for the Menhaden Board, and thank you very much, Conor for being willing.** This will be fun. Good. That order of business out of the way.

OTHER BUSINESS STOCK ASSESSMENT SUBCOMMITTEE MEMBERSHIP

CHAIR BELL: We had one other thing, right that we were going to add. Kirby, you had a slide or something you were going to throw up related to stock assessment.

MR. ROOTES-MURDY: We wanted to show the Board the Stock Assessment Subcommittee currently, in terms of its membership. I think I sent that over to Maya yesterday. We just want to make sure that the Board is aware of the current membership. We had a couple changes in terms of people, one that we lost, one that we added on, so making sure everyone is understanding those changes.

MS. KERNS: Kirby, if Maya doesn't have the slide up, if you could just verbally tell the Board those changes.

MR. ROOTES-MURDY: Yes, sorry, I thought I, oh, there it is. Yes, Amy Schueller is our Chair of the SAS, Joey Ballenger, Jeff Brust, Matt Cieri, Micah Dean, Brooke Lowman, is a new hire from Virginia, Jason McNamee, with Rhode Island, Ray Mroch,

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NOAA, Josh Newhard is our TC Chair from U.S Fish and Wildlife Service, Alexi Sharov, Chris Swanson, and ASMFC staff.

CHAIR BELL: All right, this is just for informational purposes. That is your Stock Assessment Team there. Any questions? I don't think so. Kirby, anything else, or Toni, that I have forgotten?

MR. ROOTES-MURDY: I'll just say there is one other thing, give me 30 seconds. Before we adjourn, I just wanted to take one moment of your time, I'll be quick. I'm grateful for the experience I've had working with you all over the years, and I've received messages over the last few weeks from many of you, and have appreciated them greatly.

In those messages there has been praise and complements, and it's important to know that so much of my work has been through collaboration and support from you all, my colleagues. My fellow staff members at ASMFC in particular those in the ISFMP and Science Departments are some of the smartest and dedicated people I've been fortunate to work with. Please, continue to let them know how amazing they are. I'll end with this. Life is short, and I have learned over the last few years the importance of letting people know how much they mean to you, so one last time, thank you all! I look forward to working with you in the future, and hope to see you soon. Take care!

ADJOURNMENT

(Whereupon the meeting adjourned at 1:00 p.m. on
January 27, 2022.)