

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

**Webinar
January 27, 2022
Approved May 5, 2022**

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings of October 21, 2021 Webinar** by Consent (Page 1).
3. **Move the ISFMP Policy Board delay further action on Draft Addendum XXVII to Amendment 3 to the American Lobster Fishery Management Plan, to move back the public hearings to June 2022.**

The delay of final action on this FMP is to ensure that the public hearings can include a presentation on the 2021 stock status, ensure the Lobster Board has a better understanding of current or new right whales rules that could benefit the resiliency of the lobster stock, and to allow for possible changes in the current COVID situation to allow states that will need to hold in-person scoping meetings ahead of any commission public hearings (Page 4). Motion by Pat Keliher; second by Dan McKiernan. Motion carried (Page 5).

4. **Move to approve the Policy on Information Requests as presented today** (Page 12). Motion by Pat Keliher; second by Mel Bell. Motion carried (Page 12).
5. **Move to approve the updates to the 20128 ASMFC SAV Policy** (Page 17). Motion by Pat Keliher; second by Joe Cimino; Motion carried (Page 18).
6. **Move to adjourn** by Consent (Page 18).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	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)	Russell Dize, MD (GA)
Dan McKiernan, MA (AA)	Pat Geer, VA, Administrative proxy
Raymond Kane, MA (GA)	Bryan Plumlee, VA (GA)
Jason McNamee, RI (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
David Borden, RI (GA)	Kathy Rawls, NC (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jerry Mannen, NC (GA)
Justin Davis, CT (AA)	Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC (AA)
Jim Gilmore, NY (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)	Karen Abrams, NMFS
Loren Lustig, PA (GA)	Lowell Whitney, US FWS
Warren Elliott, PA (LA)	

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

Staff

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

Guests

Mike Armstrong, MA DMF	Anthony Friedrich, SGA	Nils Larson
Pat Augustine, Coram, NY	Alexa Galvan, VMRC	Kyle Lewis
Jason Avila, Avila Global	Lewis Gillingham, VMRC	Tom Lilly
Alan Bianchi, NC DENR	Saverio Governale, NYS DEC	Brooke Lowman, VMRC
Mike Celestino, NJ DEP	Hannah Hart, FL FWC	Mike Luisi, MD DNR
Heather Corbett, NJ DEP	Jay Hermsen, NOAA	Chip Lynch, NOAA
Jessica Daher, NJ DEP	Emily Keiley, NOAA	Steve Meyers
Peter Fallon, Maine Strippers	Kathy Knowlton, GA DNR	Chris Moore, MAFMC
Lynn Fegley, MD DNR	Aaron Kornbluth, PEW Trusts	Allison Murphy, NOAA
Cynthia Ferrio, NOAA	Wilson Laney	Brian Neilan, NJ DEP

Proceedings of the ISFMP Policy Board Webinar
January 2022

Guests (continued)

Adam Nowalsky, Port Republic, NJ
Derek Orner, NOAA
Willow Patten, NC DENR
Nicholas Popoff, FL FWS
Will Poston, SGA
Lenny Rudow

Tara Scott, NOAA
Melissa Smith, ME DMR
David Stormer, DE DFW
Mike Waine, ASA
Kelly Whitmore, MA DMF
Angel Willey, MD DNR

Chris Wright, NOAA
Erik Zlokovitz, MD DNR
Renee Zobel, NH FGD

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, January 27, 2022, and was called to order at 1:00 p.m. by Chair A.G. "Spud" Woodward.

CALL TO ORDER

CHAIR A.G. "SPUD" WOODWARD: Good afternoon, everyone. I'll call today's meeting of the ISFMP Policy Board to order. Before I get into the formalities, I want to take a few moments to thank some folks. First, he's not here, but we want to thank Steve Bowman for his long service to the Commission. We're sure he really missed today's meeting on menhaden. I'm surprised he wasn't there in the audience. Steve has done a great job, and we'll certainly miss him.

We also have another longstanding stalwart of the Commission who is going to be leaving us, and that's Mike Millard, who will be retiring. Mike has been with us at least a couple of decades, and has done a real good job representing the Service, and has always been a good, rational calm voice in the middle of some of our contentious deliberations. We certainly want to wish Mike the best. Mike, I'll certainly allow you to make some comments if you would like to, raise your hand.

MR. MIKE MILLARD: Thank you, Spud. Real brief, Kirby had a lot of nice things to say about everyone, and I certainly echo his comments, it's as fine a bunch of professionals as I've ever worked with. Thanks for the kind words, and you may see me in the back of the room sometime.

CHAIR WOODWARD: Thanks, Mike, we certainly wish you the best. Speaking of Kirby, I certainly want to take the opportunity to personally thank him for all the support he's given me in my many years with the Commission. He'll be missed, a lot of folks have commented about him, but he's gone, but I have a feeling we'll be seeing him again.

Also, Savannah Lewis, for some strange reason decided to follow her husband and go to balmy Hawaii, instead of staying in metro D.C. I can't imagine why. Who would want to do something like that? I want to thank her for her service. At this point, I want to give Toni an opportunity to introduce some of our newest staffers who are going to be taking over duties of the Commission.

MS. TONI KERNS: Thanks, Mr. Chairman, and you'll receive an e-mail from me about all of this. But just to quickly point out a couple of things. We have hired two new staff members. The first one is James Boyle, he is actually on the webinar right now, and if we haven't scared him away, he will be taking over menhaden. James has hailed to us from his recent graduation out of the University of Miami. From graduate school he did his undergrad at University of Emory, and has a background in coral restoration and advocacy through different diving programs. Then in February, Tracy Bauer will be joining the Commission's ISFMP team.

We will be stealing her from North Carolina DMF. She did her undergraduate degree at UNC Wilmington, and her graduate program at the University of New England, and she's been with the state of North Carolina for the past six years. We're excited to have both of them join the team and get to know everybody. Then I also just wanted to make the announcement that Caitlin Starks is our new Senior FMP Coordinator at the Commission, and I am looking forward to working with Caitlin in this new role of hers.

CHAIR WOODWARD: Thanks, Toni, we certainly look forward to working with our new folks and congratulations, Caitlin. We look forward to working with you in your new role.

APPROVAL OF AGENDA

CHAIR WOODWARD: At this point we've got an agenda for this afternoon's meeting. Are there any requested additions to the agenda? If so, raise your hand. Any hands, Toni?

MS. KERNS: No hands.

CHAIR WOODWARD: Is there any opposition to accepting the agenda as presented?

MS. KERNS: No hands in opposition.

CHAIR WOODWARD: Then we'll consider it adopted by unanimous consent.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: We also have in the briefing materials proceedings from the October 2021 meeting of the Policy Board. Are there any necessary edits, modifications, changes to that?

MS. KERNS: I have no hands raised.

CHAIR WOODWARD: Is there any opposition to accepting it as presented?

MS. KERNS: No opposition.

CHAIR WOODWARD: All right, then we'll consider the Proceedings adopted by unanimous consent.

EXECUTIVE COMMITTEE REPORT

CHAIR WOODWARD: The Executive Committee met on the morning of January 26, after approval of a modified agenda, and the summary from the October 2021 meeting. We had a lengthy discussion about the role of the Commission in offshore wind energy along the Atlantic Coast.

Several members endorsed the concept of Commission involvement for the following purposes, and this is certainly not a fully exhaustive list, but this was just some of the themes that came out during the discussion. Improved and timely sharing of information about processes and procedures related to siting, leasing, construction and operation.

Providing subject matter expertise regarding its conservation data and information used to evaluate environmental, social, and economic

impacts. Evaluation of how siting event and structure might adversely affect fisheries independent surveys. Development of consistent approaches for mitigation and compensation. Advocacy for federal policy development and/or modification thereof that protects states interest. Evaluation of offshore wind energy in the larger context of marine spatial planning. The leadership and staff are going to develop a draft scope of work with an associated analysis of the capacity of the Commission to complete a scope of work, and we'll bring that back to the Ex-Com for further consideration in the future. Any questions about that segment of our meeting before I move on?

MS. KERNS: No hands.

CHAIR WOODWARD: Then Executive Director Beal presented information on member state responses to the need for unused CARES 1 funds. A unanimous decision was made to make available unspent funds to states that have further needs, with the goal of zeroing out the remaining CARES 1 balance for the deadline of June 30, 2022.

The details of the Ex-Com's decision will be forwarded to NOAA Fisheries for approval prior to implementation. But this decision does not set a precedent for how any unused funds for Tier 2 will be allocated or spent. Executive Director Beal presented the draft provisions to the Appeals Process Policy.

The ensuing discussion identified the need for further modification to policy to reflect concerns of some members. The draft revised policy will be discussed at a future Ex-Com meeting. The use of alternates for Advisory Panel members was briefly discussed. Commission rules and regulations do allow for the appointment of alternates.

Therefore, member delegations are encouraged to appoint alternates to serve when a primary AP member is unavailable. Our last issue was a discussion of the near-term workload of the Commission. It's possible that we may need to have as many as four public meetings. Obviously, that

has changed as a result of this morning's meeting of the Menhaden Board.

But we're still looking at the possibility of three documents that have to be brought out to the public for comment, and given the fact we've got a couple of new staff members and other factors, that is creating a bit of a strain on the workload. We talked about some possible mitigative measures at the Ex-Com, which included changing the timeline for some of these FMP actions.

We're possibly having some board actions originally scheduled for the May meeting to occur at a meeting held in June. We've still got three that we're going to have to deal with, so we've got a little bit of a strain. I certainly want to open it up to the Policy Board, for any suggestions on how we might alleviate some of that.

MS. KERNS: We have Roy Miller and Pat Keliher.

CHAIR WOODWARD: All right, go ahead, Roy.

MR. ROY W. MILLER: I was wondering if I could ask a question regarding the first item you brought up, well the second item, the unused CARES funding.

CHAIR WOODWARD: Sure, go ahead.

MR. MILLER: At a previous Executive Committee meeting, there was a suggestion offered, I think it was from Pat Geer, that the Commission look into using leftover funds to reimburse the Commission for losses incurred as a result of canceling meeting arrangements. I'm just curious as to whether anyone on the Commission pursued that, and if so, have we gotten an answer back?

CHAIR WOODWARD: We didn't specifically address that. I know we did discuss how to possibly increase reimbursements back to the Full Commission for administration in CARES 1,

and the general discussion focused around the need to really try to get as much of that money out to the members states or the eligible party as possible. I'll bounce that back to you, Bob, and Laura if she's on, to address Roy's question.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Thank you, Mr. Chair, I'll take a shot at it first, then Laura can fill in details if I miss any. Yes, Roy, you know we had talked about that at the staff level, Laura and I in particular. We're in a financial spot where we could pay the meeting penalties for not meeting.

We felt it was equally as important if not more important to get the CARES Act money out to individuals that still needed assistance. A number of states identified that they couldn't fully reimburse people or make people fully whole, you know based on the funding that was available under CARES 1. In this iteration we decided not to pursue meeting reimbursement.

However, there likely will be this similar discussion at the end of CARES 2, once the states have allocated everything they can allocate, and we'll be able to pursue potentially more overhead at ASMFC, if that's appropriate, and/or reimbursement for loss meeting expenses because of COVID. We didn't do it this round, just so that we could make sure as much money as possible was going out to stakeholders that needed it, and we still have a placeholder for CARES 2, where we can look into it if we need to.

MR. MILLER: Thank you.

CHAIR WOODWARD: Yes, thanks, Bob, any follow up on that, Roy? Are you good? All right, go ahead, Pat.

MR. PATRICK C. KELIHER: I got distracted there for a second. Either yesterday we did have a quick conversation on workload concerns. I'm not sure those are necessarily fully alleviated by the conversations at Menhaden today, but with Menhaden, Striped Bass and Lobster, I think we've got a situation still, where workload is a problem.

Beyond that, from the Lobster perspective, now that we've had time to go back and think about the existing motions that were passed regarding approval of a public hearing document for lobster.

We've got a time constraint issue here in Maine, so I do have a motion prepared if staff wanted to put it up, and read it into the record. If I get a second, I could give further rationale, because I think it would certainly help the state of Maine, but I think it may help with workload as well.

CHAIR WOODWARD: Go ahead, read that into the record, Pat.

MR. KELIHER: I move that the ISFMP Policy Board delay further action on Draft Addendum XXVII to Amendment 3 to the American Lobster Fishery Management Plan, to move back the public hearings to June 2022. The delay of final action on this FMP is to ensure that the public hearings can include a presentation on the 2021 stock status.

Ensure that the Lobster Board has a better understanding of current or new right whale rules that could benefit the resiliency of the lobster stock, and to allow for possible changes in the current COVID situation to allow states that will need to hold in-person scoping meetings ahead of any commission public hearings. If I get a second, I can give some further rationale.

CHAIR WOODWARD: Do we have a second? If so, please raise your hand.

MS. KERNS: We have a couple, and I'll start with Dan McKiernan, Ritchie White, Cheri Patterson and Dennis Abbot.

CHAIR WOODWARD: All right, it sounds like you've got your seconds covered there, Pat, so if you want to go ahead and elaborate a little more on the motion, proceed.

MR. KELIHER: Yes, I'll try to be brief here, Mr. Chairman, because I think a lot of the rationale is in the body of the motion. I don't have to tell anybody the importance of the lobster fishery to the state of Maine. It's a billion-dollar fishery, one of the biggest in the country. We're in a period right now of very high COVID infection rates, just like the rest of the country.

It's really impacting the way we're doing business, and for the issues such as this, it has such an importance to this industry. I think it behooves both the state of Maine and the Commission to give us some time to have face-to-face meetings with the industry, so they are well aware of the situations that face them.

Again, I think it will also give time for the TC to compile all the 2021 stock information, which will be critical in presenting at the public hearings. You know we have the right whale issue. We've got new right whale rules in place. We've got further conversations at the TRT happening that could bring additional risk reductions sooner than what is laid out within the Biological Opinion.

Then we have a wildcard of what's going on in the courts down in the D.C. circuit, with two different lawsuits in play, and potentially a third now with Max Strahan. We don't know how those will impact the industry, but it's a wildcard, and by having some delays until later in the year for any final action. It would certainly give us some additional information that may actually show some benefit to the stock resiliency that we're looking for. I'll end it with that, Mr. Chairman.

CHAIR WOODWARD: Any of the individuals that raised their hand for a second like to make a comment about this motion?

MS. KERNS: I have no hands. Sorry, Spud, David Borden.

CHAIR WOODWARD: Go ahead, David.

MR. DAVID V. BORDEN: I guess my question is to Pat. Is it your intent that we will proceed with

public hearings at that stage, or will we have to know the results of all of these different issues you've identified? I just state before you answer, that if it's the latter, we're probably going to have to delay this whole issue beyond that date, because it's highly unlikely that all of these issues will be clarified by the groups that are involved in them.

MR. KELIHER: Yes, thanks for that question, Dave. I agree, it wouldn't be the latter. I think what I'm looking for really predominantly is breathing room to hold some hearings, or scoping meetings if you will, ahead of public hearings. I would think though, I think we will have not all, but potentially some of the information by an August meeting.

Based on some of the timelines, both in court, and we know we've got in 2025, an additional 60 percent reduction coming in 2025 that will certainly change the nature of the lobster fishery beyond what we know it now. But that's down the road. It would certainly give an opportunity for us to understand what's happening in the courts.

MR. BORDEN: Mr. Chairman, can I follow up?

CHAIR WOODWARD: Go right ahead, Dave.

MR. BORDEN: I'm supportive of this concept, but I have to confess that I'm wary about a delay in this, and I think Pat probably shares this concern. The whole intent of this Addendum was to put in place a mechanism that would give us a detailed footprint for the industry before the industry gets confronted with a lot of these development projects for federal waters.

It's a precautionary action. If it gets delayed, and we don't implement the trackers in 2023, as we proposed, we're going to end up losing a whole year of data, and those development projects are going to go forward, and we don't want that to happen. I don't think anybody wants that to happen. I would just urge

everybody to keep that in mind, when we reflect on the timelines.

MR. KELIHER: David, I do share that concern, and Mr. Chairman, if I may.

CHAIR WOODWARD: Go ahead.

MR. KELIHER: I do share those concerns, David. None of this is related to the tracker addendum. I think we'll have, hopefully the states will be able to compile those questions and get them to Caitlin, ahead of the special board meeting that is being scheduled, and hopefully we could potentially be on track for that timing. I don't want the Policy Board to confuse this with the Tracker Addendum.

MR. BORDEN: Okay, thank you. They do get conflated, let's put it that way.

MR. KELIHER: I agree they do, thank you. I think it's good that you brought it up for clarity.

CHAIR WOODWARD: I think the second to this motion was Dan McKiernan. I think that was the first name that was read off by Toni.

MS. KERNS: That is correct.

CHAIR WOODWARD: Any further discussion?

MS. KERNS: Dan actually has his hand up.

CHAIR WOODWARD: All right, go ahead, Dan.

MR. DANIEL MCKIERNAN: I agree with Pat and with David, especially Pat's desire to have some in-person meetings with some of the industry part of the public hearings. I support that. Many of the items that Pat mentioned, we don't have control over. But one that we might have control over would be the calculation of the new Index that is part of this proposed Addendum, which are the survey-specific values that the Board will be approving, as to one or the other, depending on the decline in that Index.

I'm wondering if we do go with a slight delay, if through the Plan Coordinator, if we could get the TC to reveal some of those values, so that when we do go to public hearing, we'll be able to have a fresh value for the stock index, and that index is a combination of ventless trap surveys and the other trawl surveys. I guess that's a question for maybe Toni and Caitlin at this time.

CHAIR WOODWARD: Yes, Toni, Caitlin, do you all want to respond to that?

MS. KERNS: I'm going to have Caitlin respond. Go ahead, Caitlin.

MS. CAITLIN STARKS: Yes, I'm here. I think it's completely reasonable to ask the TC to start working on calculating the Index with the newest data, as we discussed during the Lobster Board meeting. I think there is a good chance that the data will be available before May, so I think we can definitely work towards that.

CHAIR WOODWARD: Any further discussion on the motion?

MS. KERNS: Mr. Chairman, just to be clear then, just for process wise. We would hold the hearings in June, maybe a little of July, and then we would bring that public comment back to the Board for their consideration in August. Just so everyone is on the same page.

CHAIR WOODWARD: I believe that is the intent of the motion, but I'll defer to the maker and seconder to confirm that.

CHAIR KELIHER: I agree, that is the intent.

MR. McKIERNAN: I agree as well.

CHAIR WOODWARD: Very good. No further discussion, is there any opposition to the motion?

MS. KERNS: I have no hands raised.

CHAIR WOODWARD: I guess any abstentions or nulls or anything like that?

MS. KERNS: I have no hands raised.

CHAIR WOODWARD: Very good, all right, motion carries unanimously. Thanks very much. Any additional questions about my Executive Committee Report?

MS. KERNS: I have no hands raised.

REPORT ON THE 2021 COMMISSIONER SURVEY

CHAIR WOODWARD: All right, with that we'll move on to our next agenda item, and I'm going to turn it over to Deke for a report on the 2021 Commissioner Survey.

MR. DEKE TOMPKINS: Thanks, Spud. Thank you to the gentleman from the great state of Georgia. I am now going to summarize the result of the survey of 2021 ASMFC Progress. The Survey of Commission Progress was initiated in 2009, to evaluate commission progress. It examines a broad range of issues related to the 2019 through 2023 Strategic Plan and Annual Action Plan, and it's comprised of 16 rating questions and 5 comment questions.

The 2021 data was collected from December 6, 2021 to January 6, 2022, and as you can see here, 28 Commissioners or proxies responded this year. Here we can see the average across all scores throughout the time series. Overall, there is not a lot of variation from year to year, with scores ranging only about 1 point through the time series.

The average score across all years is 7.73, and this year's score was slightly above that at 7.79. For this year's presentation, I'll attempt to frame the results, not as a single data point for 2021, but to also add some context using the past three years, so we can kind of get a picture of where things are going.

The 15 rating questions comprised 5 categories. The scores for all 5 categories were relatively stable

this year, with an evident increase in the progress category. Next, I'll run through the results for each category. Questions 1 and 2 evaluate progress to the Commission's vision, Sustainably Managing Atlantic Coastal Fisheries.

The values in parentheses represent the 1- and 3-year score changes. Scores from Questions 1 or 2 have been closely related throughout the time series with a correlation coefficient of 0.89. The second category is execution and results, and these questions focus on cooperation within and without the Commission, and securing resources.

There has been a negative trend for cooperating internally and with federal and constituent partners over the past three years. Scores for securing resources have been rising since 2016. The third category focuses on overfishing and managing rebuilt stocks, as well as engaging lawmakers. There is a positive three-year trend in responses to overfishing as a metric of Commission progress and managing rebuilt stocks. Conversely, managing rebuilt stocks and legislative engagement have shown a negative trend since 2019. The fourth category considers human and fiscal resources, as well as reacting to new information.

Question 11, Resource Utilization, had the highest average score throughout the time series. Great job, Laura, with an all-time high in 2020. Question 12, Reacting to New Information, saw the greatest increase among all questions in the past three years. Scores for Resource Allocation on issues that can be influenced by the Commission, has been essentially flat since 2019.

The fifth and last category rates the Commission products, ISFMP, Science and ACCSP. These questions rank in the top four highest scores throughout the time series. Now I'll move on to the five open-ended questions, and I would note that there is a lot of consistencies in these responses from year to year.

First up is Obstacles to Rebuilding Managed Stocks, and one of the major themes from this question surrounded cooperation between states among Commissioners, NOAA Fisheries and the Councils. There were also multiple comments on social economic implications of management decisions, and challenges related to climate change.

All of those concepts have been mentioned frequently in past iterations of this survey. Question 18 asked respondents which commission products were most useful. There were a lot of positive responses here, and I'll mention specifically meeting week materials, ISFMP and science outputs, the website, Annual Report, and Public Comment summary.

Question 19 responses were similar to past years, but I would note there was interest in getting back to in-person meetings, increased engagement with ACCSP, more information from the Law Enforcement Committee, and one Commissioner commented about access to software and licenses. Question 20, as usual there was a wide array of issues flagged as needing increased focus.

I think I got almost all of them here in some shape or form. Some of the themes include allocation, reallocation, recreational management, climate change, internal and external cooperation, securing resources, social impacts of management decisions, and improving fisheries independent and dependent data collection.

Menhaden, right whales and meeting rules were also mentioned. Under additional comments we heard again about allocation, climate change, working with the Councils and in-person meetings. One respondent also mentioned concerns about the appeals process. Thanks, Mr. Chairman, and I yield back the balance of my time.

CHAIR WOODWARD: Thank you, Deke, that was a great presentation. The survey is something that, I mean obviously he would love to see 100 percent participation. Hopefully we'll continue to strive towards that in the future. It is an opportunity to help give leadership and staff the input they need,

to make sure that the machine that is the Commission is moving in the right direction, and firing on all cylinders. Any questions for Deke on his presentation?

MS. KERNS: We have John Clark.

CHAIR WOODWARD: Go ahead, John.

MR. JOHN CLARK: Thank you for the presentation, Deke. I was just curious seeing the numbers never seem to exceed the high 30s, and we're down in the 20s of respondents this year. Are you getting a response, at least one response from every state, or is this concentrated in one region or the other?

MR. TOMPKINS: Thanks for the response, John. It's a little hard to tell, because the survey is anonymous, so short answer is no. I don't have a really geographical breakdown of who responded.

MR. CLARK: Right, I just thought, aren't we supposed to shoot you an e-mail to let you know we've done the survey? I didn't know whether you tracked those or not. Thanks.

MR. TOMPKINS: Yes, I do keep track of that. I would say about a third of the people who fill out the survey e-mail me though, so it's still pretty hard to know who filled out the survey. Like, I got about 12 or 15 e-mails that the survey was completed, but 28 responses.

MR. CLARK: That explains it, thanks.

CHAIR WOODWARD: Yes, once again it's uncertainty in the data. Seems like that's our perpetual nightmare, isn't it? Certainly, those of you who are responding, we appreciate it. Please, ask others to do likewise. They may seem just some other boring numbers, but it is good feedback for leadership and for staff. It's certainly worth the few minutes of time it takes to do it. Anyone else, question or comment about the survey?

MS. KERNS: I have Loren Lustig.

CHAIR WOODWARD: Go ahead, Loren.

MR. LOREN W. LUSTIG: I appreciate the data that was presented here. Could you please advise, or perhaps Deke could advise? What would be the number of responses if it was 100 percent of people responded? What is that number?

CHAIR WOODWARD: I believe it would be 45. We have 45 Commissioners. Does it go out to proxies as well, Deke? I guess if that's the case, it could exceed 45, if it goes out to permanent and temporary proxies. I'll let you respond to that, Deke.

MR. TOMPKINS: Thanks, Loren, and thanks, Mr. Chair. Yes, it's supposed to be one response per Commissioner or proxy, so 100 percent response rate would be 45 responses.

CHAIR WOODWARD: All right, any other questions, comments?

MS. KERNS: I see no additional hands.

CHAIR WOODWARD: Thanks again, Deke, we appreciate it.

CONSIDER POLICY ON INFORMATION REQUESTS

CHAIR WOODWARD: At this point I'm going to turn it over to Bob. He's going to talk about the East Coast.

EXECUTIVE DIRECTOR BEAL: I just have a couple of slides on this doc. The document was included in the briefing materials. The bottom line here is, at the end of this the Executive Committee has recommended that this document be approved by the Policy Board as the policy that is going to guide future information requests.

Just as a quick overview, and a little bit of background here. The Commission currently doesn't have a policy on how we handle information requests. People call them FOIA

requests, but I'm avoiding that term, and I'll explain that in a second. The Commission obviously is committed to an open and transparent process.

We've got a lot of detail in our guiding documents on public hearings and public process, and you know we're committed obviously to maintaining and sharing our meeting minutes, and all the other things that we do. However, the Commission is not subject to state and federal FOIA laws, so that's why I don't want to use that term. This is not a FOIA policy at the Commission. Those laws don't apply to us.

We're in a sort of no man's land in the middle of state and federal government, and the laws don't directly apply to us, so how do we handle information requests that we get? We do get them on a somewhat regular basis, and we've been sort of doing it ad hoc over time. We figured, you know it would probably make some sense to really formalize a policy, so that everyone knows what to expect if they make a request at the Commission.

As I said, the majority of the information that people ask for is actually already on our website. Tina, for a lot of them just sends them a link, and says look, here is what you're looking for, you're all set. If you want anything else let us know. You know most of the information requests that we get, we can easily dispense of just by sending them to places on the website, and letting them know what's available if they are unable to find certain things on a website.

The way this policy presents information requests, and the way they'll be handled in the future is that any individual that wanted to get some information that they can't find at a website or just from the Commission. They would send an e-mail to info@asmfc.org and within five days of getting that e-mail, we would acknowledge receipt of the e-mail, and let them know of a reasonable timeline of how we would respond, and what we would respond with.

One of the pieces of that response will likely be that if the request can take more than two hours of staff time, we will charge for staff time, copying, mailing, whatever it may be. You know hopefully we're beyond a time of actually copying hard documents and mailing and that sort of thing. But if people want old documents, there may be some scanning time or something like that.

But the notion of charging for information requests is standard in a lot of FOIA requests, because depending on how they are worded, they can really eat up a lot of time. In that acknowledgement of the request, we would provide an estimate of cost. Based on that estimate of cost, the requester could say, yes go ahead with that information request, I'm comfortable with the cost. They could scale back their request, and we could reissue another estimate, or they could say look, you know what. Actually, based on those costs I'm not that interested, and I don't want that information any more. That will be at the discretion of the requesters, if they pay it or don't pay it.

Then one common theme again in a lot of other policies, is that we will not create new records. What that means is, if a certain way of looking at information at the Commission doesn't exist, we're not going to go and do new analysis, necessarily, for somebody that requests it. If someone chimed in and said Hey, can you go back through the 80,000 comments you got on menhaden, and tell me a state-by-state breakdown of where they all came from, or all the ones that whatever.

You know something whacky like, which ones came from the mountain time zone, or whatever it might be. You know we're not going to necessarily go back and look through each of the records and do a new report, or do analysis for individuals that request it. We would share all the menhaden comments, if anybody wanted them, and they can do their own work on it.

But we wouldn't create a new record or a new report for somebody that requested it. Data limitations, obviously part of this information request is what, you know we try to share as much

as we can. However, there is always limitations on what can be shared and what can't be shared. One of the things that we all deal with all the time is confidential data.

State and federal laws define what is confidential data, and we've been wrestling with this and ACCSP has a policy on this. This is a common theme among requests that you all get at the state and federal level all the time. What our practice has been, and what this policy proposes to formalize, is that anytime we get a data request, we are going to forward that request to the original data collector.

If somebody is interested in whatever, horseshoe crab landings in Georgia, and that data is confidential. We forward that question to Doug Haymans and say, you know we got this request, and this is data that was originally collected by your state, and let the state decide what is available and what is not available.

That is the one way we can assure that we don't violate any of the state or federal data confidentiality rules. Document Limitations, again not all documents can be shared, and not all information can be shared. This Policy spells out that we may restrict access to other information, and certain things like pre-decisional, technical or policy documents will not be shared. That's a practice that we've always employed. It is in our Technical Guidance Document.

If Technical Committees or Stock Assessment Committee, for example, is developing a new stock assessment, and they've got working drafts kind of bouncing between members of that committee, we don't share those, because there have been a number of instances where those sort of interim drafts, non-completed drafts, people have run with them, and the interim information and non-final information shows up in news articles and other things, and it's not the final answer. It is not peer reviewed science. That's how we've handled it in the past, and we'll do that again. Also, documents

that won't be shared or attorney-client privileged documents obviously in personal and personnel information. If someone say hey, I would like to have all the home addresses and cell phone numbers of Commission staff. We're not going to provide that to somebody making a request like that. That's all private and personal information.

The document spells out that any questions about what documents can and can't be shared, will be resolved by me, the Executive Director, and consulting with the Commission Attorney. This document strives to be as fair and open as we can be, but there are some things that we're unable to share.

Where we go from here is, you know hopefully as I mentioned, the Executive Committee has reviewed this a few times and updated it, and they're recommending that it be approved by the Policy Board. One of the caveats in the last paragraph in the document is that, you know kind of being open with the public and letting anyone know what to expect, and that if you send a letter or a public comment, or something to ASMFC, it may be subject to this new policy, and maybe share it with people if somebody asks for it.

We have had people in the past that say, "hey can I see any e-mail that went from this industry representative to a staff person, or whatever it is?". You know those documents in the past, if there is nothing confidential in there, we will generally share those letters that bounce back and forth between staff and industry, or NGOs, or whoever it might be.

If this document is approved, what we do is add it to our website so the public knows our policy, and it would be the document that does guide how future information requests are handled. That's a little bit of a lengthy presentation, Spud, but I know the Executive Committee had talked about it quite a bit, but the many members of the full Policy Board hadn't seen it before, so I thought it was worthwhile to go through a little bit of detail on this document, and happy to answer any questions if there are any. Thank you.

CHAIR WOODWARD: Yes, thanks, Bob, and I would agree, I'm glad you took the time to go into the details, because it is important, and it reflects greatly on the Commission's integrity and principals of operation on how we interact with information requests. At this point does anybody have any questions for Bob or comments?

MS. KERNS: I have David Borden followed by Lynn Fegley.

CHAIR WOODWARD: Go ahead, David.

MR. BORDEN: Bob, will the policy stop individuals from accessing their own data, confidential data?

EXECUTIVE DIRECTOR BEAL: No, David. If a state has a policy or the federal government has a policy where individuals can access their own data, you know we would honor that. But we would most likely bounce that request back to the state or the federal agency that originally collected that data. Most likely we would not share that data directly. If somebody from Rhode Island, an individual wanted landings data, or whatever it might be, we would forward them to Rhode Island, and ask Rhode Island to be the gatekeeper on that data.

MR. BORDEN: All right, I would just note, just for your information. I've already been asked that about tracker information by the industry, whether or not they are going to be able to access their own data. The states might want to think about that, because industry, at least some of the members of the industry that I've talked to, would think that would be an advantage to be able to get that type of information on their own boats.

CHAIR WOODWARD: Go ahead, Lynn.

MS. LYNN FEGLEY: I actually had a comment, and I did have two questions, if I may. The first comment was, I am so glad for the element that you're not producing new records or analyses. I

think that's super, super important. That's good. My first question is, when you forward a data request to the original collector, so in your example about Georgia. You send the requesters request to Georgia. Who is the state responding to? Are they responding to the Commission, or are they responding to the requester directly?

EXECUTIVE DIRECTOR BEAL: I think it would be good to take the Commission out as sort of the middle person here, and have the state directly responding to the individual, in case there are any questions and back and forth. I can rephrase it and say, we're happy to be in the middle of that discussion and that transaction, but it may be more efficient if the state just goes directly to the individual making the request.

MS. FEGLEY: Yes, that's fine. I was just curious what your thoughts were there. I have no issues with that. Then my second question, if I may, was just a quick curiosity question. How many of these requests are you getting, you know per month or per year? What is the volume like for you guys?

EXECUTIVE DIRECTOR BEAL: It's a good question, and like probably all of you it kind of comes in peaks and valleys, and there are different times where we get some. You know we don't deal with a lot. I don't know, a half a dozen a year maybe, or something like that. We do get a lot of requests just for, as I mentioned, kind of simple things, meeting minutes or audio, you know the recordings of meetings and that sort of thing, and Tina handles those really quickly, because they're all available on the website.

You know there are very few, a half a dozen a year would be a lot of information requests that would bubble up to where we would have to apply this policy, and actually refuse to or filter what we're able to share with the public. Most things we can quickly respond to them and give them what they need, and we could move on pretty quickly. But there are a few every year that we would have to apply this policy and filter out what we can and cannot provide.

CHAIR WOODWARD: Any further questions, comments for Bob?

MS. KERNS: No additional hands.

CHAIR WOODWARD: At this point is there any further interest in querying? **If not, I would entertain a motion from the Policy Board to approve the Request for Public Information Policy as has been presented and discussed.** Would someone like to make that motion and second it?

MS. KERNS: I have Pat Keliher.

MR. KELIHER: So, moved, Mr. Chairman.

CHAIR WOODWARD: We have a motion by Pat Keliher and second by who? I missed that.

MS. KERNS: Mel Bell.

CHAIR WOODWARD: By Mel Bell, all right. Any discussion on the motion?

MS. KERNS: Mr. Chair, I think you said as presented today, so if we could add that to the end.

CHAIR WOODWARD: Yes.

MS. KERNS: I have no hands raised.

CHAIR WOODWARD: Any opposition to the motion?

MS. KERNS: I have no hands raised.

CHAIR WOODWARD: All right, we'll consider the motion approved by unanimous consent. Thanks everyone, and thanks Bob, and everyone for the work on this. Again, it's one of those things we probably won't have to use it a lot, but it's nice to have it when you do need it. Kind of like that fire extinguisher in your kitchen cabinet.

UPDATE ON EAST COAST CLIMATE CHANGE SCENARIO PLANNING

CHAIR WOODWARD: All right, with that we'll move along. Our next agenda item is Update on East Coast Climate Change Scenario Planning, and I'll turn that one over to you, Toni.

MS. KERNS: Thank you, Mr. Chairman. I'm going to try to go through some of this faster than I initially planned, given the timing of the day, but some parts I'm going to stay a little detailed. As you all are aware, the three Councils, the Commission and NOAA Fisheries are jointly working on the East Coast Climate Change Scenario Planning.

As a reminder, scenario planning is a structured process to explore and describe possible futures in a context of uncontrollable and uncertain conditions, where the overall goal is to identify the best ways to adapt and respond to be better prepared for a range of possible future conditions. Today in my presentation I'm going to describe the work undertaken in the scoping phase of the document, as well as provide some information on our next steps in our exploration phase.

This is just a quick reminder of the different phases that we are moving through, and the scoping phase was conducted last summer and the fall. The purpose of this scoping was to introduce and explain the initiative. We received input about the draft project objectives, the focus and expected outcomes of our project, and we also invited ideas from a broad range of stakeholders about the factors and issues. As part of the scoping phase, we did a series of webinars, to introduce the topic, and then we did a follow up online questionnaire. In the online questionnaire we asked participants about the project objectives and outcomes, factors that shaped change, and suggested actions and other advice for conducting the process.

A lot of the questions that we asked were open ended. We received 383 responses from all the different regions and a wide range of stakeholders. We did a coding analysis of the questionnaire responses, to see whether participants thought

adjustments were needed to the project objective, and what factors it would be most important to include in the scenario analysis.

From the scoping process the core team identified five key insights that are further described in the scoping summary report, and that scoping summary report can be found on the scenario planning webpage, which is hosted by the Mid-Atlantic Council. There is a link to that in the meeting overview in your meeting materials.

First, we found that there is a lot of interest in this subject. We had a lot of participants in the webinars and the online questionnaires. The majority of the participants recognized that climate change would affect fisheries in the coming years, and were supportive of efforts to help stakeholders prepare for change.

Second, we heard that stakeholders, particularly on the webinars about how they are already seeing the effects of climate change in many aspects of fisheries and coastal life. There are a lot of interesting examples that will be included in the report, but many of them centered around the observations of changes in species distribution, availability, and productivity.

Third, there was general support for the project objectives, some with comments and suggestions for change. Some minor adjustments to the project objectives were made, based on the feedback, and I'll show those in a couple slides. Fourth, the stakeholders identified a broad range of factors that might shape east coast fisheries over the next 20 years.

We found it interesting that each region and stakeholder group, while certainly having some unique experiences, had very similar overall perspectives about climate change, and how it might shape the future of fisheries. We're going to use this input in our next stage of the initiative. Then finally, in the next stage of the

initiative we're going to try to strike a balance between focus and scope, meaning that there is recognition of a wide range of scope of this exercise, and the importance of gathering and engaging wide-ranging input in the process.

However, there is also the recognition that in order to address the central questions of management and governance, it's going to at some point require more focused discussions. This is just to note that that comprehensive scoping document is on the Mid-Atlantic Council's web page. We received a number of comments from the questionnaire regarding the objectives.

In our analysis we coded the responses into the following categories, and there are six categories of comments. About 100 comments suggested changes to the objectives. Some of the examples of changes to the objectives can be seen in Box Number 1. Many commentors supported the existing objectives, with no suggested changes. Box 3, there are examples of commentors who suggested adding additional objectives, and some of those additional objectives are shown in Box 3. Then in Box 4 there are comments related to general considerations for the existing objectives. Then finally, for Categories 5 and 6, there were other comments, and some comments that were disapproving of the objective all together, and there will be more details in that full report, as I said.

This slide just shows how the project objectives were changed, and then we made these suggestions, and then the Northeast Regional Coordinating Council, which is the overarching body of this initiative, approved the changes to the objectives. The first objective added East Coast, and modified the word shifting to changing before stock availability and distribution.

This acknowledges the possibility that stocks might not only shift in location, but also change in terms of availability and distribution. Many felt this was a broader term that would better apply here. For second objective, there were three slight changes. First, the term developed was changed to advanced, to reflect the fact that there are already many tools

and processes in existence, that management and other stakeholders could use in the governance and management of fisheries in the future.

Second, that the requirement that fishery management strategies be robust was added, in addition to flexible. Third, some comments were received about the need to include language regarding conservation and the support of fishing communities. As a result, the objectives were revised to say that fishery management strategies should have the goals of promoting both fishery conservation and resilient communities.

Also from the questionnaire responses, we were able to pull together some categories of responses to the key questions that we asked about, and there are some examples here, not comprehensive, but give you an idea of the type of insight we received. We asked about certainties, what important factors do we know will shape the next 20 years.

Things like ocean temperature, ocean acidification and sea level rise were raised. We also asked about uncertainties, what are the most important but unpredictable factors for the future. Responses included things like stock health and distribution, degree of habitat loss, rate of sea level rise, and impact from fishing communities.

We asked about wildcards, what developments could surprise us and radically reshape fisheries in the next 20 years. Responses included categories like impacts of storms, severe weather, changes in the ocean currents and fishery loss. Finally, we asked about the social, technological, economic, or political factors. Responses here included other ocean uses, loss of working waterfronts, changes in consumer demand, and a degree of stakeholder cooperation.

I noted before, there was not significant regional or stakeholder differences in the

responses. The feedback from these questions will feed directly into the next step of the initiative, where we're going to undertake further research on the most frequently mentioned factors. The exploration is our next step, and we are hoping to host, or we will be hosting Driving Forces webinars this coming month, and then right into the beginning of March. The purpose of these drivers of change webinars are threefold, first is to educate. We want to share information about, and discuss the key drivers of change that could shape east coast fisheries over the next 20 years. We want to engage with the stakeholders, and provide an update and opportunity for participants to reengage with the material, and then we want to focus. We want to set the scene for the next phases to ensure participants know the focus is on changing stock availability and distribution, and know that the overall goal is to identify implications for fisheries, governance and management.

This is just a list of the upcoming drivers of change webinars. There are three webinars coming up. The three topics are oceanographic, biological and social and economic. We will have a keynote speaker for each of the topics, and then a panel that will engage with the speaker and ask questions, and then we'll have a short period of time for discussion and engagement with the panel and the keynote speaker.

We're asking participants to familiarize themselves with background materials that we're going to create for each of the topics. Those will be posted to the web page that the Mid-Atlantic Council is hosting. They are two-to-three-page information sheets on each of the three topics. Then we're asking those participants in the webinars, you know what drivers are most important, which drivers are certain, and what driver is uncertain, in order to best engage in the discussion.

These webinars are open to the public. We're sending out invitations to those people that ask to be continued to be kept in the loop that filled out the questionnaire, as well as sending out press releases to all of the different Commission and Council and NOAA lists that we keep on hand for e-

mail. Then just to remind folks, then coming up after explanation we'll still have the creation of the in-person workshops, where we are going to construct and discuss the scenarios.

After that workshop we'll have the application phase. We haven't developed a specific plan for this, but we intend for this to start occurring next summer into the end of the year, and this is where we're going to figure out how to use the scenarios to identify actions and recommendations for the process.

This is where discussions will happen regarding what all of this means, and where we'll produce some of the more concrete outcomes, in addition to the creation of the scenarios themselves. We expect that this phase will likely involve much more participation from the management bodies, as well as some of the expertise about management and government systems, and how they can be improved or modified, in light of the insights gained from this scenario development process. Then lastly, we have the monitoring phase. We planned this for early 2023.

We don't have a lot of details about this yet, but we believe this phase would involve identifying key indicators of change that can be monitored into the future, to help us adapt and respond to future changes. Just as a reminder, this is the web page that the Mid-Atlantic Council hosts for us on this initiative, where all of the information can be found on the work that has been done. It includes the previously recorded scoping webinars, the summary document, the links to the upcoming webinars and additional background information. That is all I have, Mr. Chair.

CHAIR WOODWARD: Thanks, Toni, quite an ambitious undertaking, and I'm sure it consumes a fair amount of your time and that of others, so we certainly appreciate you representing the Commission in this. Are there any questions for Toni on her presentation?

MS. KERNS: I see no hands raised.

CHAIR WOODWARD: All right, I think we must have covered it in the level of detail folks needed. Well, good.

MS. KERNS: Actually, Mr. Chair, Eric Reid has his hand up.

CHAIR WOODWARD: Okay, go ahead, Eric.

MR. ERIC REID: I don't have a question. If people haven't had a chance to look at the presentation Toni just gave, there is going to be a discussion at the New England Council meeting next Wednesday in the afternoon. That's another opportunity to perhaps ask a few questions, so just so you know. Thank you.

MS. KERNS: Thanks, Eric, and I think that Deidre has more time allotted on the agenda, so her presentation might include a little more detail, more specifics on scoping.

COMMITTEE REPORTS

CHAIR WOODWARD: All right, well we'll move on. Our next agenda item is some Committee reports from Dr. Havel, so I'll turn it over to you, Lisa.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP

DR. LISA HAVEL: I'll start with the Atlantic Coastal Fish Habitat Partnership Update, since this will be very brief. The Steering Committee met virtually December 7-8 of last year, and we worked to revise the current National Fish Habitat Partnership RFP, and also discuss the possible creation of a general ACFHP RFP. This is in response to the infrastructure bill funding that is becoming available.

We wanted to be prepared in case opportunities presented themselves, where we needed to recommend projects with a quick turnaround time. We also started discussing the next conservation strategic plan, and how to handle fund raising into the future. We had a diversity, equity, inclusion and justice discussion, and started working on the diversity statement, as well as came up with

actionable items that ACFHP can take, in order to promote the EIJ.

We voted in again our current Chair and Vice-Chair. Kent Smith is continuing to serve as Chair, from Florida Fish and Wildlife Conservation Commission, and Jessica Coakley from the Mid-Atlantic Fishery Management Council will continue to serve as Vice-Chair. The Steering Committee also reviewed our endorsement project success.

For our endorsed projects we endorsed one since our last update, and it was an on-the-ground living shoreline project in North Carolina. I reviewed the projects that ACFHP endorsed over the past eight years, and for those that were endorsed over one year ago, all but one has been funded. This is a well over 90 percent success rate. I just wanted to remind all the Commissioners that ACFHP is able to endorse projects at any stage, including completed projects, and if you're interested in getting an ACFHP endorsement, I encourage you to visit our website to see the easy application process. Our FY 2023 National Fish Habitat Partnership Project Application were received. The announcement went out on November 16, via multiple communications outlets, and the deadline was last Wednesday, January 19, to submit applications.

We only received three proposals this year, and they were all for the Mid-Atlantic, and the feedback from past applicants that we spoke with so far seems to be the timing. There are a lot of RFPs out right now for on the ground restoration. This one just wasn't as high up on the list as some of the other opportunities right now.

We're hoping that we can fine tune this maybe for the next year, but it seems to be a timing issue so far. As usual, ACFHP would like to thank the Commission for your continued operational support. I'll pause here, in case anyone has any questions, before I move on to the Habitat Committee update, if that's okay.

CHAIR WOODWARD: Any questions for Lisa on ACFHP?

MS. KERNS: No hands.

DR. HAVEL: Excellent.

CHAIR WOODWARD: Very good, all right, go ahead, Lisa.

HABITAT COMMITTEE

DR. HAVEL: Now for the Habitat Committee Report. We have one new member, Mrs. Rachael Peabody from VMRC. The Habitat Committee met virtually on December 2nd of last year. We continue to work on the update to the Acoustic Impacts Habitat Management Series document. We will have this published by the end of this year. We also began working on our state climate change initiative update.

We first released a report in 2016, and then a follow up report in 2018, and a lot has taken place since that 2018 report, so we're working on an update to that. We continue working on a Fish Habitats of Concern. We had a discussion on harbor deepening and offshore wind, and we worked on editing the SAV Policy.

For this SAV Policy update, the Policy Board gave the Habitat Committee approval to develop a living shorelines policy that would be protective of submerged aquatic vegetation or SAV, at the August, 2020 Policy Board meeting. Living shorelines as a reminder, when properly sited are a great alternative to hardened shoreline. They incorporate vegetation or other natural soft elements, they promote shoreline stabilization, wave attenuation, erosion control, and improved fish habitat.

The Habitat Committee supports the use of these softer, more ecologically beneficial means of protecting and stabilizing shorelines. However, some states are placing living shorelines in close proximity to SAV beds, which are directly or indirectly impacting this important habitat for many

Commission-managed species. SAV is essential fish habitat in a HAPC, and the ASMFC updated our SAV policy in 2018, emphasizing its importance. There was discussion at the August 2020 Policy Board meeting among Commissioners, to update the SAV policy that we already have, instead of developing a new policy on living shorelines, and the Habitat Committee decided to take this route when addressing living shoreline impacts to SAV. We sent a draft of this updated policy to state directors on December 13, and then we incorporated those edits and suggestions into a new version, which was included in the briefing materials for this meeting.

The major edits to that 2018 SAV policy, we updated the language in Policy 2, which is protection of existing SAV and associated habitat, to clarify the Commission's position on the installation of living shorelines and nature-based features over hardened shoreline, when possible, but stated that SAV habitat and buffers should be a critical constraint that influences living shoreline or nature-based future selection and design. That was the major edit to this SAV Policy update.

We also made a couple of other more minor edits. We refined the definition of SAV and SAV Habitat. The final language here clarifies the past definition, and includes current or historic presence of SAV. Under Policy 3, restoration of SAV, the Policy was expanded to include confirmation that existing conditions can support restoration, in addition to reestablishing degraded conditions necessary to support SAV.

That was a minor adjustment, but I wanted to highlight it here. We also had some changes in the introduction and throughout including with the new Chesapeake Bay SAV restoration goal, so that has since been updated since 2018. The status of Johnson seagrass in Florida and coastal construction and algal blooms as major threats.

Then there were just minor changes throughout the clarification and readability that did not change the content or the intent of the policy. With these updates we're hoping to have the edits approved today. With that I am happy to take any questions or would welcome a motion to approve it. Thank you.

CHAIR WOODWARD: Thanks, Lisa, I appreciate you guiding the Committee on this. It's important to keep these partnerships alive and relevant, and I think these modifications have certainly done so. At this point any questions for Lisa or comments?

MS. KERNS: Pat Keliher.

CHAIR WOODWARD: Go ahead.

MR. KELIHER: This is a little bit nitpicky, because I realize this document has been called the SAV Policy for a long, long time. I support all of the edits. I think the Habitat Committee has done a great job recognizing the importance of this particular type of work. But since the Commission doesn't really have any authority here.

The authority lies in different areas within the states. To me this is more of a best management practices document than a policy. I'm not suggesting we change the name now, just reflecting the fact that policy really doesn't seem to fit in this particular case. **But with those statements in mind, I would make a motion to approve the updated SAV Policy.**

CHAIR WOODWARD: All right, thank you, Pat, do I have a second to the motion?

MS. KERNS: Joe Cimino.

CHAIR WOODWARD: Second by Joe Cimino. I hear what you're saying, Pat. If you look up the definition of policy in the various dictionaries, it's kind of all over the place too, it sort of depends on the context for how you use it. I think everybody understands what you mean by that. There is policy and then there are guidelines, and a variety of other descriptors for things that we use to help plot our

course along a pathway. Any discussion on the motion?

MS. KERNS: I see no hands.

CHAIR WOODWARD: Any opposition to the motion?

MS. KERNS: No hands in opposition.

CHAIR WOODWARD: All right, we'll consider the motion approved unanimously. Thank you, Lisa, very much and thank the Habitat Committee for their work on our behalf. We appreciate it.

PUBLIC COMMENT

CHAIR WOODWARD: In my zeal to move into the agenda, I overlooked the public comment part of our agenda, so at this point I would like to open up. Is there anyone from the public who would like to make a comment?

MS. KERNS: I see no hands, and I'm just going to remind folks that red is raised, so when the arrow is red that means your hand is up, just in case people are unfamiliar. I still have no hands.

CHAIR WOODWARD: All right, so no public comment. We have no noncompliance findings to deliberate over.

OTHER BUSINESS

CHAIR WOODWARD: Is there any other business to come before the Policy Board?

MS. KERNS: I have Joe Cimino.

CHAIR WOODWARD: Go ahead, Joe.

MR. JOE CIMINO: Thanks, Mr. Chair, and I'll be brief, because I've already heaped my praises on Kirby and Savannah, even in her very brief time. But I couldn't let it pass without giving a big shout out to Mike Millard. I met him at the turn of the century, I won't say which one. I

met him as a young grad out of college, had a chance to work on the Hudson River with him doing catch and release mortality for striped bass and shad, and it was just about the best introduction a college grad could get to fisheries. I just want to say thanks and best wishes to him.

ADJOURNMENT

CHAIR WOODWARD: Thank you, Joe. I appreciate that. All right, if there is no other business to come before the Policy Board, we will stand adjourned.

(Whereupon the meeting adjourned at 2:16 p.m. on January 27, 2022.)