



# Atlantic States Marine Fisheries Commission

## 2017 Spring Meeting Summary

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

2017 Spring Meeting  
Alexandria, VA  
May 8-11, 2017

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### Meeting Summaries, Press Releases and Motions

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## **ATLANTIC HERRING SECTION (MAY 8, 2017)**

### ***Press Release***

### **ASMFC Atlantic Herring Section Approves Addendum I**

Alexandria, VA – The Commission’s Atlantic Herring Section approved Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring. The Addendum includes management measures intended to stabilize the rate of catch in the Area 1A fishery and distribute the seasonal quota throughout Trimester 2 (June through September), which has 72.8 % of the season’s allocation. The following measures were approved by the Section:

#### ***Days Out Program (effective for the 2017 fishing season)***

The Section will separately address days out provisions for federal herring Category A vessels and small-mesh bottom trawl vessels with a federal herring Category C or D permit.

- In addition to landing restrictions associated with the days out program, Category A vessels are now prohibited from possessing herring caught from Area 1A during a day out of the fishery.
- Small-mesh bottom trawl vessels with a Category C or D permit will notify states of their intent to fish in Area 1A prior to June 1<sup>st</sup>.

Maine, New Hampshire and Massachusetts will make days out decisions by consensus. If a consensus cannot be reached, then the default landing day scenario will be zero landing days.

#### ***Weekly Landing Limit (effective for the 2017 fishing season)***

The Addendum implements a weekly harvester landing limit for vessels with a Category A permit. The weekly limit will be adjusted throughout the fishing season based on effort. Forty-five days prior to the start of the fishing season, Category A vessels will notify states of their intent to fish in Area 1A, including a specification of gear type. This will provide states with an estimate of effort to calculate the weekly landing limit. For the 2017 fishing season, the notification date is set at May 23<sup>rd</sup>.

#### ***New Fishery Management Plan Tools***

The following measures may be considered as potential management tools prior to the start of the fishing year:

- Herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels)
- Herring carrier vessels are limited to receiving at-sea transfers from one harvester vessel per week and landing once per 24-hour period

#### ***State Landing Report***

NOAA Fisheries has granted access to vessel monitoring system-submitted daily catch report data for select staff in Maine, New Hampshire and Massachusetts. This will provide real-time data for the states to implement a weekly landing limit. Therefore, the implementation of a state landing report is not necessary at this time. The Section will include the option to implement a state landing report as part of the interstate fishery management program if it becomes necessary at a future date. The Addendum will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org) (on the Atlantic Herring webpage).

The Section also approved continuing the use of the GSI30-based forecast system to determine spawning closures in Area 1A. This method was developed by the Technical Committee, then tested and evaluated for effectiveness during the 2016 fishing season. The modified GSI-based spawning monitoring system tracks reproductive maturity to align the timing of spawning area closures with the onset of spawning. The modeling efforts to forecast the spawning closures will be made available via a website.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at [aharp@asmfc.org](mailto:aharp@asmfc.org) or 703.842.0740.

###

PR17-17

## ***Motions***

### **Main Motion**

**Move that the Herring Section approve Addendum I including the following measures:**

#### **3.1.1 Harvester Reporting Requirements**

**Option B – Implement State landings Report as an alternative in the FMP toolbox in the event NMFS rescinds VMS access to the states**

#### **3.1.2 Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery**

**Option C: Days out restrictions for vessels with a Category A permit**

#### **3.1.3 Weekly Landing Limit Per Vessel (Pounds)**

**Option B: Weekly Harvester Landing Limit for Vessels with a Category A Permit. In 2017 vessels must opt into Area 1A by the May 23<sup>rd</sup> Days Out meeting in Portsmouth.**

#### **3.1.4 Landing Restriction on Transfers At-Sea with a reporting and permitting exception to states that have no carrier landings**

**Options B and C: The Section members from Maine, New Hampshire, and Massachusetts will have a choice of both alternative options at the annual Days Out Meetings: Option B - No Herring Carrier Vessels or transfer at sea and Option C - Herring Carrier Vessels are Limited to Receiving At-Sea Transfers from One Harvester Vessel Per Week and Landing Once Per 24-Hour Period**

#### **3.1.5 Small Mesh Bottom Trawl (SMBT) Fleet Days Out**

**Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit. The small mesh bottom trawl fishery must opt into the area 1A by June 1<sup>st</sup> annually**

#### **3.1.6 Clarification of Days Out Procedure**

**Options B: Type of Agreement (consensus) and Option C2: Default Landing Day Scenario (zero landing days)**

**Motion made by Mr. Stockwell and seconded Mr. Abbott.**

### **Motion to Amend**

**Move to amend section 3.1.6, option B2 replaces B1, Maine, New Hampshire, and Massachusetts will vote on parameters of the days out program.**

Motion made by Dr. Pierce and seconded by Mr. Abbott. Motion fails (3 in favor, 3 opposed, 1 abtentions).

### **Main Motion**

**Move that the Herring Section approve Addendum I including the following measures:**

#### **3.1.1 Harvester Reporting Requirements**

**Option B – Implement State landings Report as an alternative in the FMP toolbox in the event NMFS rescinds VMS access to the states**

#### **3.1.2 Prohibit Landings of Herring Caught in Area 1A During a Day Out of the Fishery**

**Option C: Days out restrictions for vessels with a Category A permit**

#### **3.1.3 Weekly Landing Limit Per Vessel (Pounds)**

**Option B: Weekly Harvester Landing Limit for Vessels with a Category A Permit. In 2017 vessels must opt into Area 1A by the May 23<sup>rd</sup> Days Out meeting in Portsmouth.**

#### **3.1.4 Landing Restriction on Transfers At-Sea with a reporting and permitting exception to states that have no carrier landings**

**Options B and C: The Section members from Maine, New Hampshire, and Massachusetts will have a choice of both alternative options at the annual Days Out Meetings: Option B - No Herring Carrier Vessels or transfer at sea and Option C - Herring Carrier Vessels are Limited to Receiving At-Sea Transfers from One Harvester Vessel Per Week and Landing Once Per 24-Hour Period**

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**Option B: Additional Days Out Program for Small Mesh Bottom Trawl Vessels with a Category C or D Permit. The small mesh bottom trawl fishery must opt into the area 1A by June 1<sup>st</sup> annually**

#### **3.1.6 Clarification of Days Out Procedure**

**Options B: Type of Agreement (consensus) and Option C2: Default Landing Day Scenario (zero landing days)**

Motion made by Mr. Stockwell and seconded Mr. Abbott. Motion passes (Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY; Opposed – NJ).

### **Main Motion**

**Move that the Section permanently implement the GSI<sub>30</sub> Based Forecast System for spawning closures in Area 1A.**

Motion made by Dr. Pierce and seconded by Mr. Abbott.

### **Motion to Substitute**

**Move to substitute implement second year of the pilot program for the spawning closures in Area 1A.**

Motion made by Mr. Nowalsky and seconded Mr. Train. Motion fails (2 in favor, 3 opposed, 1 null vote).

**Main Motion**

**Move that the Section permanently implement the GSI<sub>30</sub> Based Forecast System for spawning closures in Area 1A.**

Motion made by Dr. Pierce and seconded by Mr. Abbott. Motion passes (6 in favor).

**Move to approve the Atlantic Herring FMP Review and state compliance reports and grant *de minimis* request from New York.**

Motion made by Mr. Gilmore and seconded by Mr. Stockwell. Passes unanimously.

**AMERICAN LOBSTER MANAGEMENT BOARD (MAY 8 & 9, 2017)**

***Press Release***

**ASMFC American Lobster Board Approves 5% Increase  
in Egg Production for the Southern New England Lobster Stock**

Alexandria, VA – The Commission’s American Lobster Management Board approved moving forward with the goal of increasing egg production for the Southern New England (SNE) stock of American lobster by 5%. This increase in egg production can be achieved through a suite of management tools including gauge size changes, trap reductions, and seasonal closures. The recreational fishery is only subject to changes in the gauge size should any be proposed. In making its decision, the Board took into consideration the extensive public comment, which overwhelmingly supported status quo, and the fact that stock declines are largely a result of climatic changes, including increasing water temperatures over the last 15 years.

The next step in the process will be for the Lobster Conservation Management Teams (LCMTs) in Areas 2, 3, 4, 5 and 6 to develop area-specific proposals on how to achieve the 5% increase in egg production. As established through Amendment 3 to the Interstate Fishery Management Plan for American Lobster, LCMTs are composed of lobster industry members who are charged with recommending area-specific measures for Board consideration and approval. The LCMT proposals will be submitted for Technical Committee review in June and Board consideration in August. Once area-specific measures have been approved, the Board will consider final approval of Addendum XXV.

In its deliberation on the SNE lobster stock, the Board discussed the need to consider changes to the current management goals and reference points, noting changes in the marine environment may limit the ability to rebuild the stock to levels seen in the 1990s. The Board will continue to discuss these issues, particularly as the Commission’s Climate Change Work Group develops recommendations regarding the management of stocks impacted by changing climate conditions.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

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PR17-20

### ***Meeting Summary***

In addition to selecting management alternatives in Draft Addendum XXV (see above press release), the American Lobster Management Board identified preferred management alternatives in the New England Fishery Management Council's (Council) Omnibus Deep Sea Coral Amendment, received a report from the Gulf of Maine/Georges Bank (GOM/GBK) Subcommittee, and discussed full implementation of Addenda XXI and XXII in federal waters.

Council staff provided an overview of the Draft Omnibus Deep Sea Coral Amendment, which is considering the implementation of discrete coral zones and/or broad, minimum depth coral zones in the Northwest Atlantic. Given this action may impact the lobster and Jonah crab fisheries, the Board requested the ISFMP Policy Board send a letter to the Council, recommending implementation of the Council's preferred management alternatives in the Draft Amendment. This includes the prohibition on mobile-tending bottom gear in the GOM, which would not prohibit lobster traps, and a 600 meter minimum-depth zone in the Canyons region, which would prohibit all bottom-tending gear with an exemption for the red crab fishery.

Next, staff presented the GOM/GBK Subcommittee Report, which discussed ways to promote resiliency in the stock given changing environmental conditions. The report outlined several preliminary recommendations to the Board, including continued monitoring of the ventless trap surveys, improvement of offshore enforcement, and development of an economic indicator and trigger. The Subcommittee will meet again to further develop these recommendations. Staff also provided an update on Draft Addendum XXVI, which was initiated in January 2017 to improve harvester reporting and biological data collection in state and federal waters. The Plan development Team and Technical Committee continue to work on analysis and draft language in the Addendum.

Following action on Addendum XXV, the Board discussed several inconsistencies between state and federal regulations. The Board requested the ISFMP Policy Board recommend that NOAA Fisheries fully implement the provisions of Addenda XXI and XXII, which established ownership caps and trap banking in Lobster Conservation Management Areas (LCMAs) 2 and 3. Currently, these provisions have not been implemented in federal waters. The Board also began discussions on inconsistencies regarding the current LCMA 4 season closure, including the application of the most restrictive rule and the requirement that traps be removed from the water. The Board agreed to further discuss this issue at the August Board meeting.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to recommend to the Policy Board to send a letter supporting the preferred alternatives developed by the NEFMC in their Deep Sea Coral Amendment.**

Motion made by Mr. Reid and seconded by Mr. Keliher. Motion passes (11 in favor, 1 abstention).

**Main Motion**

**Move to select option B for issue 3: the recreational fishery must abide by gauge size changes and seasonal closures.**

Motion made by Mr. McKiernan and seconded by Mr. Gibson. Motion amended.

**Motion to Amend**

**Move to amend to remove the seasonal closures.**

Motion made by Mr. Fote and seconded by Mr. Miller. Motion passes (6 in favor, 4 opposed, 2 abstentions).

**Main Motion as Amended**

**Move to select option B for issue 3: the recreational fishery must abide by gauge size changes. (Amended to become Option C)**

Motion passes (9 in favor, 1 opposed, 2 abstentions).

**Move to approve option A to issue 5: regulations not uniform across LCMAs.**

Motion made by Mr. Gibson and seconded by Mr. Clark. Motion passes (11 in favor).

**Move to approve Option A for issue 6: Maintain LCMA 3 as a single area.**

Motion made by Mr. McKiernan and seconded by Mr. Reid. Motion carries (Roll Call Vote: In Favor - MA, RI, CT, NY, NJ, DE, MD, VA; Opposed - ME, NH, NMFS).

**Move to approve Option 1 to issue 7: all *de minimis* states must implement management measures.**

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries without objection.

**Main Motion**

**Move to implement 10% increase in egg production for issue 1 over a two-year period.**

Motion made by Mr. Reid and seconded by Mr. Luisi.

**Motion to Amend**

**Move to amend to achieve a 10% increase in egg production, except in area 6, which would be 5%; both to be achieved over a two-year period.**

Motion made by Mr. Alexander and seconded by Mr. Hasbrouck. Motion fails (4 in favor, 6 opposed, 2 abstentions).

**Motion to Substitute**

**Move to substitute 10% with 15%.**

Motion made by Mr. Burns and seconded by Mr. Grout. Motion fails (2 in favor, 9 opposed).

**Main Motion**

**Move to implement 10% increase in egg production for issue 1 over a two-year period.**

**Motion by Mr. Reid, second by Mr. Luisi.**

Motion made by Mr. Reid and seconded by Mr. Luisi. Motion fails (5 in favor, 6 opposed).



### **Main Motion**

#### **Move to approve Option A to issue 1: 0% increase in egg production.**

Motion made by Rep. Peake and seconded by Mr. Hasbrouck. Motion substituted.

### **Motion to Substitute**

#### **Move to substitute 0% with 5%.**

Motion made by Mr. Luisi and seconded by Mr. Reid. Motion carries (6 in favor, 5 opposed).

### **Main Motion as Substituted**

#### **Move to implement 5% increase in egg production for issue 1.**

Motion carries (7 in favor, 4 opposed).

### **Motion to approve Option A for issue 2. Management Tools: management tools can be used independently.**

Motion made by Mr. Gibson and seconded by Rep. Peake. Motion carries (10 in favor, 1 abstention).

### **Motion to approve Option B, Sub-Option B, for issue 4. Season Closures: No Possession of Lobsters While Fishing, Most Restrictive Rule Does Not Apply.**

Motion made by Mr. Baum and seconded by Mr. Luisi. Motion carries (11 in favor).

### **Motion to recommend to the ISFMP Policy Board to send a letter to NOAA recommending to fully adopt Addenda XXI and XXII.**

Motion made by Mr. McKiernan and seconded by Mr. Grout. Motion carries (10 in favor, 1 abstention).

## **LAW ENFORCEMENT COMMITTEE (MAY 9, 2017)**

### ***Meeting Summary***

The Law Enforcement Committee (LEC) met during the 2017 Spring Meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Alexandria, VA. The LEC welcomed alternate representatives Jeff Ray from NOAA OLE, Tom Gadomski from NY and Greg Garner from SC.

### **Species Issues**

Tautog — Ashton Harp briefed the LEC on proposed management boundaries for Long Island Sound. Options 5 and 6 for defining a boundary line in eastern Long Island Sound both present enforcement challenges if the differences in regulations among the 3 associated management units are significant. Recreational and commercial fishermen regularly move back and forth from the inner sound, the ocean side of Long Island and Rhode Island waters. The LEC cautioned that selecting either line will require substantial enforcement resources to ensure compliance with the various management regulations that will be in close proximity. It was pointed out that using the ColRegs line in Option 6, with more visible land-points, might be preferable, although Option 5 was also acceptable. Enforceability of widely differing regulations in close proximity will be influenced by tagging requirements of commercially harvested fish. The LEC reiterated its support for tagging as close to the point of harvest as possible. Tagging at the point of sale would be ineffective. The LEC also recommended use of “strict possession” language and that there should be no possession or take when an area is closed. Members pointed out

that defining “home port” as part of possession language in regulations would not be applicable to recreational anglers.

American Lobster — Rene Cloutier briefed the LEC on recent discussions of the American lobster Management Board. Members discussed the enforcement issues associated with allowing shipment and resale of various legal-sized lobsters. It was recognized that states with a larger minimum size could have more enforcement problems. Connecticut has specific chain-of-custody regulations which have been successful in managing “undersized” imports. Their regulations do not prohibit Interstate Commerce but do not allow retail sale, only re-shipping. Development of strict chain-of-custody standards and a marking system for lobsters identifying source of harvest would be essential. Rene Cloutier reported on the success of recent changes in Maine to allow for tracking of vessels and implementation of license-suspension penalties as an effective deterrent. The State of Maine has also re-criminalized trap molestation to address ongoing problems in state waters.

### **Other Issues**

The LEC reviewed proposed 2017 Action Plan items and confirmed that its work will address the tasks outlined in Goal 3 of the plan.

The LEC discussed issues associated with safe harbor requests and a possible non-binding guidance document for states’ use. As with past discussions the LEC was not of one mind on how to address safe harbor requests and the associated tendency in the summer flounder fishery to use safe harbor requests to deal with multi-state catches. Three states have and use written guidelines for handling safe harbor requests. Some LEC members were not in favor of developing specific written criteria, preferring discretionary flexibility when dealing with safety-at-sea issues. All agreed that safe harbor issues require careful handling and erring on the side of the vessel and captain. The related issue of dealing with on-board catches from other states requires significant additional enforcement work, such as confirming the safe-harbor vessel has appropriate licenses, permits and gear for the catch on-board, and that the need for safe harbor is legitimate and not simply an avenue to off-load catch for business or convenience motives. Offloading should not be allowed unless it is determined that the vessel must remain in port for repairs or other legitimate safe-harbor reasons for a length of time that would render the catch unmarketable.

Jeff Ray (NOAA OLE) updated the LEC on current priority-setting exercises. NOAA OLE is developing a 5-year planning document for the period 2018-22, which will include regional priorities, and he was interested in getting input from the LEC members. Unlike the previous iteration, the new plan will identify a suite of priorities without reference to high/medium/low categories. The LEC was pleased to hear that American lobster has been included as a regional priority. They also suggested a number of other enforcement needs that could be added to the draft list. While there was not a NOAA OLE representative present from the Southeast Region, it was agreed that a similar review and discussion with LEC input was needed for states in that region. Mark Robson will follow up on that with NOAA OLE representatives. LEC members from states expressed concerns about how NOAA OLE priorities are established without adequate input from individual states. This concern is heightened by the linkage of priorities to reimbursement funding through Joint Enforcement Agreements with the NOAA and individual states.

Commissioner proxy Dennis Abbott updated the LEC on the effort to honor Chris Schoppmeyer for his years of dedication to the Town of Newmarket, NH, and for his distinguished career in conservation enforcement.

The LEC shared information on Hurricane and Disaster Response training and equipment. Five members of the LEC are now graduates or current participants in the highly-regarded National Leadership Training Program sponsored by the National Association of Conservation Law Enforcement Chiefs and the United States Fish and Wildlife Service. Training takes place at the National Conservation Training Center in Shepherdstown, WV.

Three additional members of the LEC are on the program’s steering committee. This high level of participation exemplifies the professionalism of the ASMFC’s Law Enforcement Committee. For more information, please contact Mark Robson, LEC Coordinator, at [markrobson2015@outlook.com](mailto:markrobson2015@outlook.com).

### **TAUTOG MANAGEMENT BOARD (MAY 9, 2017)**

#### ***Press Release***

#### **ASMFC Tautog Board Approves Draft Amendment 1 for Public Comment**

Alexandria, VA – The Commission’s Tautog Management Board approved Draft Amendment 1 to the Interstate Fishery Management Plan (FMP) for Tautog for public comment. The Draft Amendment proposes a fundamental change in tautog management, moving away from management on a coastwide basis towards regional management. In addition, Draft Amendment 1 proposes the establishment of a commercial harvest tagging program, as well as new goals and objectives, biological reference points and fishing mortality targets, and a stock rebuilding schedule.

Draft Amendment 1 proposes delineating the stock into four regions due to differences in biology and fishery characteristics, as well as limited coastwide movement.

**Table 1. Four-Region Management Approach**

<b>1) Massachusetts – Rhode Island</b>
<b>2) Long Island Sound (CT and NY LIS)</b>
<b>3) New Jersey – New York Bight</b>
<b>4) Delaware – Maryland – Virginia</b>

Management options by region have been developed in response to the 2016 stock assessment update. Long Island Sound and New Jersey-New York Bight would be required to take harvest reductions due to the regional overfishing stock status, while Massachusetts-Rhode Island and Delaware-Maryland-Virginia would not have to take harvest reductions, but are proposing regional measures.

A commercial harvest tagging program is being proposed to address an illegal, unreported and undocumented fishery that has persisted for more than a decade. Reports of illegally harvested fish

have been documented in cases against fishermen, fish houses, and at retail markets and restaurants. The tagging program, which would accommodate both the live and dead commercial markets, was recommended by the Commission's Law Enforcement Committee to increase accountability in the fishery and curb illegal harvest. A tautog tag trial was conducted to investigate the impact of the tags on the resource and found no mortality or degradation to fish health.

It is anticipated the majority of states from Massachusetts through Virginia will be conducting public hearings on the Draft Amendment. The details of those hearings will be released in a subsequent press release. The Draft Amendment will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org) (under Public Input) by May 15<sup>th</sup>. Fishermen and other interested groups are encouraged to provide input on the Draft Amendment either by attending state public hearings or providing written comment. Public comment will be accepted until **5:00 PM (EST) on July 14, 2017** and should be forwarded to Ashton Harp, FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at [aharp@asmfc.org](mailto:aharp@asmfc.org) (Subject line: Draft Amendment 1).

Final action on the Amendment is scheduled to occur in August. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at [aharp@asmfc.org](mailto:aharp@asmfc.org) or 703.842.0740.

####

PR17-18

### ***Motions***

#### **Motion to remove 70% probability of achieving F target throughout the Draft Amendment 1 document.**

Motion made by Mr. Alexander and seconded by Mr. Gilmore. Motion carries. (7 in favor, 3 opposed).

#### **Move to approve Draft Amendment I for public comment as amended today.**

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion carries (7 in favor, 1 null, 2 abstentions).

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 9, 2017)**

#### ***Press Release***

#### **ASMFC Atlantic Striped Bass Board Withdraws Draft Addendum V & Maintains Current Measures until Completion of 2018 Benchmark Stock Assessment**

Alexandria, VA – The Commission's Atlantic Striped Bass Management Board chose to not advance Draft Addendum V to Amendment 6 to the Fishery Management Plan (FMP) for Atlantic Striped Bass forward for public comment. Instead, it decided to wait until the release of the results of the 2018 benchmark stock assessment before it considered making changes to the management program.

The Draft Addendum was initiated to consider liberalization of commercial and recreational regulations to bring fishing mortality to the target based on the findings of the 2016 assessment update. The Draft Addendum proposed alternative measures aimed to increase total removals (commercial and recreational) by approximately 10% relative to 2015 to achieve the fishing mortality

target in 2017. However, 2016 harvest estimates increased without changing regulations. Additionally, fish from the 2011 year class, which was the largest recruitment event since 2004, will become increasingly available to ocean fisheries in the coming years, possibly resulting in further increases to harvest along the coast. The Board also expressed concern that changing the management program could result in fishing mortality exceeding the target.

In preparation for the 2018 stock assessment, the Board approved the Terms of Reference for the assessment, which will explore new biological reference points for management use.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703-842-0740.

####

PR17-21

### ***Motions***

#### **Move to approve Draft Addendum V for Public Comment.**

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion fails. (Roll Call Vote: In Favor – NJ, DE, MD, VA, PRFC; Opposed: ME, NH, MA, RI, CT, NY, PA, NC, NMFS, USFWS)

#### **Move to approve the 2018 Atlantic Striped Bass Benchmark Stock Assessment Terms of Reference as presented today.**

Motion made by Mr. Clark and seconded by Mr. Allen. Motion approved unanimously.

### **ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 9, 2017)**

#### ***Meeting Summary***

The Atlantic Menhaden Management Board reviewed progress on Draft Amendment 3, discussed the Episodic Events Set Aside Program in 2017, considered the Hilborn et al (2017) paper, and provided guidance to the Technical Committee (TC) on stock projections to run to help inform discussions on the 2018 total allowable catch (TAC).

Staff provided an update on Draft Amendment 3, which considers changes to the current allocation method as well as the implementation of ecosystem reference points. The Board provided feedback to the Plan Development Team for continued development of the Draft Amendment. It is expected the Board will consider approving the document for public comment in August. Staff also provided an update on the Biological Ecological Reference Point Workgroup (BERP WG), which met in April to review the multi-species statistical catch-at-age model. A peer-review of the menhaden-specific ecosystem reference points is scheduled for 2019.

The Board also considered the Hilborn et al. (2017) paper which provides recommendations regarding the management of forage fish species. Given its potential applicability to Draft Amendment 3, the Board tasked the BERP WG with reviewing this paper in advance of the August Board meeting. The Board also tasked the TC with conducting stock projections in order to inform future discussions on the 2018 TAC. The projections will include various increases in the TAC, ranging from 0% to 40%, as well as

several projections that consider different levels of risk in exceeding the fishing mortality target. These projections will be presented to the Board in August.

Finally, the Board passed a motion to cap New York harvest under the Episodic Events Set Aside Program to 1 million pounds, accepted the 2017 FMP Review, and approved *de minimis* status for the states of New Hampshire, Pennsylvania, South Carolina, Georgia, and Florida.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### **Motions**

**Move to implement a 1 million pound cap on New York’s menhaden harvest under the episodic events program.**

Motion made by Mr. Stockwell and seconded Ms. Patterson. Motion passes (18 in favor).

**Move to accept the 2017 Fishery Management Plan Review and state compliance reports, and approve *de minimis* status for New Hampshire, Pennsylvania, South Carolina, Georgia, and Florida.**

Motion made by Mr. Heins and seconded by Ms. Patterson. Motion carries unanimously.

## **ANNUAL AWARDS OF EXCELLENCE (MAY 9, 2017)**

### **Press Release**

### **ASMFC Presents Annual Awards of Excellence**

Alexandria, VA - The Atlantic States Marine Fisheries Commission presented Mr. Robert Glenn, Dr. Amy Schueller and Lieutenant Conservation Officer Zane Batten with its Annual Awards of Excellence for their outstanding contributions to science and law enforcement along the Atlantic coast.

“Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission’s Annual Awards of Excellence recognize outstanding efforts by professionals who have made a difference in the way



AAE Recipients from left: Lt. C.O. Zane Batten, Dr. Amy Schueller and Robert Glenn

we manage and conserve our fisheries,” said ASMFC Chair Douglas Grout of the New Hampshire Fish and Game Department. “This evening, we honor several exceptional individuals for their contributions to the management and conservation of Atlantic coast fisheries.”

### **Scientific & Technical Contributions**

#### ***Mr. Robert Glenn, Massachusetts Division of Marine Fisheries***

Mr. Robert Glenn has dedicated his career to furthering our understanding of American lobster – its biology, environmental drivers and limitations, and how best to model and predict its stock condition. For more than two decades, Mr. Glenn has provided leadership on the Commission’s American Lobster Technical Committee and Stock Assessment Subcommittee. Over this 20-year span, he contributed to a total of four lobster benchmark stock assessments and served as the lead scientist on two of those assessments. His considerable investment in our stock assessment process has helped to develop new and improved ways to analyze data and model population dynamics, as well as assess the effects of climate change on the lobster population. Mr. Glenn’s analysis of spatial shifts in fishing effort in the Massachusetts fishery south of Cape Cod was among the earliest indicators of movement by female lobsters into cooler, deeper water. He found that movement of egg bearing female lobsters into more offshore waters could be expected to cause drastic changes in lobster larval recruitment patterns and collapse of the Buzzards Bay fishery. His leadership, knowledge and insight on the Southern New England lobster resources were instrumental in bringing together all of the other information pertinent to fully document the region’s lobster recruitment failure.

Underlying these accomplishments are Mr. Glenn’s calm and supportive leadership which fostered harmonious and productive working relationships between Technical Committee and Stock Assessment Subcommittee members, even as stock conditions in Southern New England deteriorated and controversies arose. He was also instrumental in enhancing relationships between the Commission, state agencies, National Marine Fisheries Service, Canadian and academic scientists and industry groups. Mr. Glenn has consistently performed in an exemplary manner, gracefully dealing with a contentious, complex and confounding species management program. Throughout it all, he has maintained a balanced view and approach to lobster management. His efforts and leadership have advanced our understanding of the American lobster resource and provided us with a solid scientific foundation to manage American lobster for years to come.

#### ***Dr. Amy Schueller, NOAA Fisheries Beaufort Laboratory***

In only a short period of time, Dr. Amy Schueller with NOAA Fisheries Beaufort Laboratory has made notable contributions to Atlantic menhaden science and management. As the lead assessment scientist for the 2015 Atlantic menhaden benchmark stock assessment, Dr. Schueller took on the formidable task of assessing the high profile and controversial forage species. Through consideration of new and existing datasets and exploration of alternative model configurations, the 2015 assessment ushered in a new period of unprecedented support for menhaden science from industry, NGOs and the public. In addition to her participation on the Atlantic Menhaden Technical Committee, Stock Assessment Subcommittee and Biological Ecological Reference Points Workgroup, Dr. Schueller actively pursues research relevant to menhaden science and management. Some recent pursuits and publications include securing grant money in support of recovering old menhaden tagging data; dedicating time and effort in support of the Beaufort Lab’s menhaden data collection program; conducting research on age-structured movement and mortality of Atlantic menhaden as well as trends in relative abundance and early life survival.

In just five years Dr. Schueller has greatly improved our understanding of Atlantic menhaden. Imagine how much more she will achieve and how much more the fisheries science and management process has to gain from her accomplishments.

### **Law Enforcement Contributions**

#### ***Lieutenant Conservation Officer Zane Batten with the New Jersey Division of Fish and Wildlife, Bureau of Law Enforcement***

Lieutenant Conservation Officer Zane Batten has been with the New Jersey Division of Fish and Wildlife, Bureau of Law Enforcement for nearly 25 years. First as a volunteer Deputy Conservation Officer, next as a Lt. C.O. for the Special Investigations Unit, where he served for five years and lastly as District supervisor. Lt. Batten is being recognized for his efforts on behalf of the Special Investigation Unit, where he worked on several cases of magnitude that resulted in both domestic and international charges. Two cases in particular exemplify Lt. Batten's perseverance, self-sacrifice and dedication to resource conservation.

In the first case, Lt. Batten was instrumental in identifying fishermen involved in the illegal commercialization of elvers. As he worked to document the activities of the fishermen, Lt. Batten was also able to gain the trust of a number of large buyers who were knowingly purchasing illegally harvested eels for export overseas. Spanning three years, the investigation uncovered a multi-million dollar black market in elvers and exposed the identities of numerous fishermen and buyers, from Florida to Maine, that were involved in the black market. The charging and prosecution of those involved is still pending.

During another case, Lt. Batten coordinated a joint investigation with the Pennsylvania Game Commission involving the illegal commercialization of striped bass from Delaware Bay. The investigation, which spanned two years, identified an organized ring of 8 commercial fishermen illegally selling striped bass to a seafood store. Both criminal and civil charges were filed, with the maximum fine for all charges filed in excess of \$3.4 million.

Named New Jersey's Conservation Officer of the Year in 2014, Lt. Batten is widely respected by his fellow officers and colleagues. His commitment to ensuring our fisheries management regulations are being upheld is notable and worth recognition.

###

PR17-19

### **EXECUTIVE COMMITTEE (MAY 10, 2017)**

#### ***Meeting Summary***

The Executive Committee met to discuss a number of issues. It approved the FY2018 budget; discussed AP members who become management board proxies and discussed the utility of technical committee meeting weeks. The Committee also received reports on future annual meeting locations and an update on the federal budget.



For more information, please contact Laura Leach, Director of Finance and Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org) or 703.842.0740.

## **COASTAL SHARKS MANAGEMENT BOARD (MAY 10, 2017)**

### ***Meeting Summary***

The Coastal Sharks Management Board met to review the final rule to implement Amendment 5b to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP). Amendment 5b implements a range of federal management measures to prevent overfishing and rebuild overfished dusky sharks. These measures are based on the 2016 dusky shark stock assessment update that determined dusky sharks are overfished and experiencing overfishing.

Currently the Amendment 5b measures only apply to federally permitted fishermen. HMS requests the Board (and state agencies) consider complementary management as follows:

- Assist with shark related outreach and education; provide links to NOAA Fisheries communication materials on state websites (*Alternative A2 and B6*)
- Collaborate on development of best practices for the handling and release of sharks when shore and pier fishing because HMS outreach is specific to vessel based fishing (*Alternative A2*)
- Consider requiring circle hooks in various state hook and line fisheries (e.g., recreational, short lines, commercial handgear) (*Alternative A6d and B9*)
- Consider requiring fishermen to maximize gear removal before releasing sharks (*Alternative B3*)
- Consider cooperative research with NOAA Fisheries to improve estimates of dusky (and other) sharks caught in state water fisheries (e.g., via the shark research fishery)

After reviewing the Advisory Panel comments on the recreational measures, the Board requested the Law Enforcement Committee (LEC) and Technical Committee (TC) review the proposed measures. Staff will coordinate the LEC and TC meetings, as well as poll the states to see if there are state-specific measures in place that address best practices for shore and pier fishing and/or require circle hooks when fishing for sharks. At the August meeting the Board will review the information requested above and consider modifications to the interstate FMP.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at [aharp@asmfc.org](mailto:aharp@asmfc.org) or 703.842.0740.

### ***Motions***

No motions made.

## **ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (MAY 10, 2017)**

### ***Meeting Summary***

The ACCSP Coordinating Council met to receive Program and Committee updates and to consider approval of the FY18 Request for Proposals (RFP). The draft FY18 RFP incorporated four new

recommendations proposed by the RFP workgroup, comprised of members from both the Operations and Advisory Committee, and subsequently approved by the Operations Committee. These new recommendations included: using a new, condensed Maintenance scoring approach should funding available exceed the total Maintenance funding requested; folding the Metadata scoring into the “Improvement in data quality, quantity and timeliness” row; replacing the “Metadata” row with a “Data Delivery Plan”; and adding a “Merit” scoring row under “Other Factors” for both Maintenance and New projects under the standard ranking criteria. The Coordinating Council approved the FY18 RFP package as recommended by the Operations Committee.

The Coordinating Council was also apprised of the RFP Workgroup’s recommendation to reprioritize program modules, a recommendation the Operations Committee ultimately decided to table until FY19. The Operations Committee had a productive conversation on the proposed module reprioritization earlier in April, but concluded that they needed more time to discuss these priorities, research additional alternatives, and reassess ACCSP’s priorities and current needs. Upon hearing a summary of the Operations Committee discussion, the Coordinating Council also recommended the ASMFC’s Committee on Economics and Social Sciences and other economic and social science experts assess ACCSP’s standards on socioeconomic data to prepare the program for a greater focus on socioeconomic projects in the future.

For more information, please contact Mike Cahall, ACCSP Director, at [mike.cahall@accsp.org](mailto:mike.cahall@accsp.org) or 703.842.0740.

### ***Motions***

**Move to accept the FY18 RFP Package as recommended by the Operations Committee.**

Motion made by Ms. Patterson and seconded by Mr. Baum. Motion passes unanimously.

## **SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD & MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (MAY 10, 2017)**

### ***Press Releases***

#### **ASMFC Summer Flounder, Scup and Black Sea Bass Board Approves Scup Addendum XXIX & Finalizes 2017 Black Sea Bass Recreational Management Measures**

Alexandria, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXIX to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The Addendum shortens the length of the commercial scup summer period and extends the length of the winter II period (Table 1).

**Table 1. New Quota Periods approved in Addendum XXIX**

<b>Winter I</b>	January 1-April 30 (120 days)
<b>Summer</b>	May 1- September 30 (153 days)
<b>Winter II</b>	October 1-December 31 (92 days)

This action seeks to allow for the better utilization of the commercial quota, which has been under-harvested since 2011. Specifically, the change in quota period length allows for higher possession limits for a longer period of time each year, thus increasing the likelihood the commercial fishery will fully harvest the quota. The quota allocation for each period remains unchanged. The Mid-Atlantic Fishery Management Council (Council) also took the same action through Framework 10. The Council will forward its recommendation to NOAA Fisheries for final approval. The Board and Council's action will not affect the 2017 quota period start and end dates; these changes will likely be implemented for 2018 commercial quota. The Addendum will be finalized and available on the Commission website, [www.asmf.org](http://www.asmf.org) (on the Scup webpage), within the next few weeks.

The Board also reviewed the final 2016 black sea bass recreational harvest estimates and considered changes to current measures to meet the 2017 RHL. Based on the performance of the 2016 fishery, which indicated a reduction is needed to stay within the 2017 RHL, the Board set the possession limit for wave 6 (November/December 2017) at five fish in state waters from Rhode Island through New Jersey. All other state measures remain unchanged from 2016.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) or 703.842.0740.

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PR17-22

## **ASMFC Summer Flounder Management Board to Consider New Jersey Conservation Equivalency Proposal for 2017 Summer Flounder Recreational Fishery**

Alexandria, VA – The Commission's Summer Flounder, Scup and Black Sea Bass Management Board has accepted a request by the State of New Jersey to consider a proposal for conservationally-equivalent management measures for the 2017 recreational summer flounder fishery. The action responds to New Jersey's concern about the lack of availability of large fish (19" or greater) in state waters.

In February 2017, the Board approved Addendum XXVIII to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan, maintaining regional management for the 2017 recreational summer flounder fishery and requiring all states (with the exception of North Carolina) to implement a one-inch increase in size limit and a reduced possession limit. These measures are required in order to stay within the 2017 recreational harvest limit. New Jersey has contended a one-inch increase in size will have significant economic impacts to its recreational and for-hire industries, since 19" fish have reduced availability in its waters.

The next step in the process is for the Technical Committee to review New Jersey's proposal, which is anticipated to occur next week. The Board will then meet via conference call to receive the Technical Committee's review and consider action on the proposal. If the proposal is accepted by the Board, New Jersey will have until May 21<sup>st</sup> to implement the approved measures. If conservationally-equivalent measures are not approved, New Jersey will need to implement the following measures

by May 21<sup>st</sup> or the Commission will move forward with a non-compliance finding regarding New Jersey's failure to implement Addendum XXVIII's required management measures.

- Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.
- Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.
- All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) or 703.842.0740.

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PR17-24

### ***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council (Council) received an update on the Summer Flounder Comprehensive Amendment and consider the priority issues to be addressed under commercial management strategies; review updated recreational harvest estimates for black sea bass; consider management action for the recreational black sea bass fishery in 2018; and begin discussions on alternatives for recreational summer flounder management moving forward.

Regarding the Comprehensive Amendment, staff presented initial analysis and management alternatives for the following issues: 1) permits and latent effort; 2) commercial allocation 3) landings flexibility; 4) safe harbor; 5) commercial data collection and monitoring; and 6) discards. Staff worked through the Fishery Management Action Team (FMAT) and working groups to draft alternatives for each issue, drawing from comments received during the amendment scoping process. In developing draft management alternatives, staff highlighted challenges in further refining draft alternative language and continuing analysis on issues 4-6 without specific guidance from the Board and Council. After considering the information provided, the Board and Council moved to drop issue areas 4-6 from the Draft Amendment. Staff will convene the FMAT and working groups in summer 2017 to continue development of draft alternatives ahead of the Board and Council's joint meeting in August.

The Board continues to struggle with using recreational harvest estimates generated by Marine Recreational Information Program (MRIP) to set annual harvest specifications. The Board tasked the Technical Committee with exploring methods to better evaluate volatility in harvest estimates generated from MRIP.

The Board also initiated two draft addenda specific to black sea bass recreational management in 2018. The first will explore options for recreational management that include regional allocations, uniform regional regulations, and alternatives to the current north/south regional delineation. A draft addendum will be presented to the Board later this year. The second addendum, to be pursued with the Council, will consider allowing an experimental wave 1 (January/February) recreational fishery starting in 2018. This addendum was initiated in response to a tabled motion from the joint Board/Council meeting in

February 2017 regarding an experimental black sea bass fishery that would be administered under an exempted fishing permit (EFP) program through NOAA Fisheries. The Board and Council moved to change the option of an experimental fishery through an EFP to one operating under a Letter of Authorization (LOA) program that NOAA Fisheries' Greater Atlantic Regional Office (GARFO) would administer. The Draft Addendum will be presented to the Board for its consideration and approval for public comment in August.

Last, the Board began discussions on how to improve management of the summer flounder recreational fishery in future years. A recreational working group will convene this summer to consider alternatives to the current management framework and report recommendations to the Board later this year.

For more information, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Main Motion**

**Move to select alternative 2 from Section 3.0 for Addendum XXIX and preferred alternative 2 from Section 5 for Framework 10.**

Board: Motion made by Dr. Pierce and seconded by Mr. Baum.

Council: Motion made by Mr. Baum and seconded by Ms. Nolan.

#### **Motion to Substitute**

**Motion to substitute alternative 1 for alternative 2.**

Board: Motion made by Mr. Reid and seconded by Mr. Alexander. Motion fails for lack of majority (4 in favor, 5 opposed, 3 abstentions).

Council: Motion by Mr. Hughes, seconded by Mr. Mann. Motion fails.

#### **Main Motion**

**Move to select alternative 2 from Section 3.0 for Addendum XXIX and preferred alternative 2 from Section 5 for Framework 10.**

Board: Motion made by Dr. Pierce and seconded by Mr. Baum. Motion carries (9 in favor, 1 opposed, 2 abstentions)

Council: Motion made by Mr. Baum and seconded by Ms. Nolan. Motion carries (20 in favor).

**Move to approve Addendum XXIX as modified today.**

Board: Motion made by Mr. Hasbrouck and seconded by Mr. Baum. Motion carries (Roll Call Vote: In Favor – MA, RI, NY, NJ, DE, MD, VA, NC, NMFS, USFWS; Opposed – CT; Abstentions – PRFC).

**Move to submit Framework 10 to NMFS for approval.**

Council: Motion made by Mr. Heins and seconded by Mr. deFur. Motion carries (19 in favor, 1 abstention).

### **Main Motion**

**Motion to accept the staff recommendations to provide direction to move forward with the draft amendment.**

Council: Motion made by Mr. DiLernia and seconded by Mr. King. Motion amended.

Board: Motion made by Mr. Hasbrouck and seconded by Mr. Reid. Motion amended.

### **Motion to Amend**

**Motion to amend to drop landings flexibility (Alternative 4B) from the staff recommendations.**

Board: Motion made by Mr. Bush and seconded by Mr. O'Reilly. Motion carries (8 in favor, 2 opposed, 2 abstentions).

Council: Motion made by Mr. Batsavage and seconded by Mr. Hughes. Motion fails due to lack of majority (9 in favor, 9 opposed, 2 abstentions).

**Motion to accept the staff recommendations to provide direction to move forward with the draft amendment.**

Council: Motion by Mr. DiLernia and seconded by Mr. King. Motion carries (16 in favor, 3 opposed).

Board: Motion by Mr. Hasbrouck and seconded by Mr. Reid. Motion carries (8 in favor, 3 opposed, 1 abstention).

**Task the TC to review the recreational black sea bass MRIP harvest estimates over time (5 years? 10 years?) to identify highly variable state/wave/mode (other?) combinations that contribute to harvest volatility. Generate a methodology to "smooth" problematic harvest estimates along with criteria that determine when smoothing is appropriate to avoid an ad-hoc approach. The TC should consider some or all of the following: high and low estimates, PSEs, preliminary vs. final estimates and regulatory changes.**

Board: Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion carries unanimously.

### **Main Motion**

**For 2017, move to close the recreational black sea bass fishery in wave 6 (November 1-December 31) in state waters for the states of Massachusetts through New Jersey and maintain all other management measures from 2016.**

Board: Motion made by Dr. Pierce and seconded by Mr. Bullard. Motion substituted.

### **Motion to Substitute**

**Move to substitute: For 2017, impose a 5 fish possession limit for recreational black sea bass in wave 6 in state waters for RI through NJ and maintain all other management measures for 2017.**

Board: Motion made by Mr. Ballou and seconded by Mr. Alexander. Motion carries (9 in favor, 2 opposed, 1 abstention).

### **Main Motion as Substituted**

**For 2017, impose a 5 fish possession limit for recreational black sea bass in wave 6 in state waters for RI through NJ and maintain all other management measures for 2017.**

Motion made by Mr. Ballou and seconded by Mr. Alexander. Motion carries (Roll Call Vote: In Favor – MA, RI, CT, DE, MD, PRFC, VA, NC, NMFS; Opposed – NY, NJ; Abstentions – NH, USFWS).

**Move to initiate an addendum for 2018 recreational black sea bass management with options as recommended by the Working Group and Plan Development Team. Options for regional allocations shall include approaches with uniform regulations (e.g., number of days) and other alternatives to the current North/South regional delineation (MA-NJ/DE-NC) such as those applied for summer flounder, i.e., one-state regions.**

Board: Motion made by Dr. Pierce and seconded by Mr. Clark. Motion carries (12 in favor, 1 opposed).

***Tabled Motion from February 2017***

**Move to allow an experimental 2018 January/February (wave one), recreational, federally permitted for-hire fishery for black sea bass with a 15 fish per person possession limit, a suspended minimum size limit, and a zero discard policy to allow for barotrauma, and a mandatory trip reporting requirement.**

Board: Motion made by Mr. Heins and seconded by Mr. Reid. Motion substituted.

Council: Motion made by Mr. DiLernia and seconded by Mr. King. Motion substituted.

**Motion to Substitute**

**Move to substitute initiate a framework/addendum to allow a 2018, and beyond, Jan/Feb black sea bass recreational fishery with the vessel participating being require to obtain a letter of authorization from GARFO. Also, a 15 per person possession limit, no min size, zero discard policy, and require a call in and call out process and mandatory trip reporting. The fishery closes when the quota is met.**

Board: Motion made by Mr. Gilmore and seconded by Mr. O'Reilly. Motion carries. (10 in favor, 3 opposed).

Council: Motion made by Mr. DiLernia and seconded by Mr. Nowalsky. Motion carries (13 in favor, 2 opposed).

**Main Motion as Substituted**

**Move to initiate a framework/addendum to allow a 2018, and beyond, Jan/Feb black sea bass recreational fishery with the vessel participating being require to obtain a letter of authorization from GARFO. Also, a 15 per person possession limit, no min size, zero discard policy, and require a call in and call out process and mandatory trip reporting. The fishery closes when the quota is met.**

Board: Motion carries (11 in favor, 2 opposed).

Council: Motion carries (13 in favor, 2 opposed).

**Main Motion**

**Move the Summer Flounder, Scup, and Black Sea Bass Board recommend to the ISFMP Policy Board that the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan if the State does not implement the following measures by May 21, 2017:**

- **Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.**
- **Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.**
- **All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season**

The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock. In order to come back into compliance, the state of New Jersey must implement all of the measures listed above as contained in Addendum XXVIII to the Summer Flounder FMP.

Board: Motion made by Dr. Pierce and seconded by Mr. Ballou. Motion carries (9 in favor, 1 opposed, 2 abstentions).

**Move to approve today the following measures for 2017 NJ summer flounder recreational fishery based on conservation equivalency:**

- **Shore mode for Island Beach State Park only: 16-inch minimum size limit; 2-fish possession limit and 104-day open season (May 25-Sept 5)**
- **Delaware Bay only (west of the colregs line): 17-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)**
- **All other marine waters: 18-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)**

Board: Motion made by Mr. Baum and seconded by Mr. O'Reilly. Motion fails (Roll Call Vote: In Favor – NJ, DE, PRFC, VA; Opposed – MA, RI, CT, NY, MD, NC, USFWS; Abstentions – NMFS).

**Move to approve the following measures for 2017 NJ summer flounder recreational fishery based on conservation equivalency:**

- **Shore mode for Island Beach State Park only: 16-inch minimum size limit; 2-fish possession limit and 104-day open season (May 25-Sept 5)**
- **Delaware Bay only (west of the colregs line): 17-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)**
- **All other marine waters: 18-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)**

**This is subject to the review and approval of the Technical Committee and subsequent Board consideration and approval.**

Motion made by Mr. Borden and seconded by Mr. Clark. Motion carries (11 in favor, 1 opposed).

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (MAY 11, 2017)**

### ***Meeting Summary***

The ISFMP Policy Board met to discuss several issues including an appeal from New Jersey, the 2017 Commissioner survey results, guidance on safe harbor landings, progress on changes to the Marine Recreational Information Program (MRIP), and a non-compliance recommendation from the Summer Flounder, Scup and Black Sea Bass Board.



New Jersey appealed the 2017 summer flounder recreational measures that were approved through Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass FMP. In the appeal, New Jersey stated the addendum resulted in unforeseen circumstances and impacts including increasing discards, removal of large breeding females, and significant social and economic impacts. Further, the state felt the MRIP data used to develop the management options was not appropriate for management use. Lastly, the state contended the Commission failed to follow its process due to an error in the draft addendum document, public comment was not properly considered, and the enhanced shore mode was not included in the draft document. Following the appeal process, Commission leadership (Commission Chair and Vice-chair, past Chair and Summer Flounder Board Chair) reviewed the appeal and determined the appeal should be considered by the ISFMP Policy Board under criterion 2, failure to follow process due to an error in the draft addendum document. The Policy Board reviewed the justification provided by leadership. New Jersey requested the appeal be tabled until the next meeting of the ISFMP Policy Board to provide the Summer Flounder, Scup and Black Sea Bass Board the opportunity to consider an alternative set of regulations proposed by New Jersey to be conservationally-equivalent to those in Addendum XXVIII (see the summer flounder press release).

The Policy Board reviewed an informational document for states considering guidance for safe harbor and safe harbor landing events. The document describes safe harbor and the measures and practices states have put in place for vessels offloading fish that do not have a license to land in their state and have sought safe harbor. This is not a Commission policy but a living reference document for states to use a resource when crafting their own policies.

Chairman Grout updated the Policy Board on the progress of the Climate Change Working Group. The Working Group met earlier in the week to continue developing recommendations for both science and policy strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change.

The Policy Board approved sending two letters to NOAA Fisheries. The first is a letter supporting the preferred alternatives developed by the New England Fishery Management Council (NEFMC) in its Draft Deep Sea Coral Amendment. The second letter will request that NOAA Fisheries to fully adopt the measures of Addenda XXI and XXII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. These addenda address trap caps and trap banking in Lobster Conservation Management Areas 2 and 3 (see the American Lobster Board meeting summary for more information on these two letters). The Policy Board also approved sending a letter to NEFMC requesting Commission participation in the oversight of the Research Set-Aside (RSA) Program for Atlantic herring to have better communication between the recipients of awards and the states in order to minimize gear and user conflicts. It would also give the Section opportunity to provide input into the development and selection of the research priorities as well as the RSA fishing protocols. Lastly, the Policy Board will send a letter to Department of the Interior (DOI) reiterating the Commission's position that changes to regulations in marine waters should be completed through a transparent process with public participation. The DOI will be taking comments on monuments that were designated since January 1, 1996. The Commission's letter will address the NE Canyons and Seamounts Marine National Monument, specifically requesting the designated area be limited to water deeper than 600 meters which is consistent with the preferred alternatives in the NEFMC Deep Sea Coral Amendment.

The Policy Board reviewed the results of the 2017 Commissioner survey. This an annual survey gathers opinions on progress and actions of the Commission in the previous year. There was a slight decline in overall Commissioner satisfaction. Some common themes emerged, including working on climate change as it impacts fisheries, concern over the scarcity of fiscal resources resulting in data deficiencies, and the need for socioeconomic data and analyses.

NOAA Fisheries staff presented information on recent MRIP milestones, including the transition to the new mail-based fishing effort survey (FES). The presentation also included expected dates for the results of the FES and other changes to MRIP to be incorporated in to the survey estimates throughout the time series. These changes will impact future stock assessments and management decisions, especially those for species using quota management.

Lastly, the Policy Board recommended the Commission find New Jersey out of compliance for not fully and effectively implementing and enforcing Summer Flounder Addendum XXVIII if the state does not implement the following measures or equivalent measures as approved by the Summer Flounder Board by May 21, 2017.

- Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.
- Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.
- All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season

The following agenda items were deferred to the August meeting: review and consider approval of standard meeting practices, progress update on the 2017 Atlantic Sturgeon Benchmark Stock Assessment, review and consider approval of the Commission assessment schedule, and standing committee reports.

For more information, please contact Toni Kerns, ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) 703.842.0740.

### ***Motions***

**On behalf of the American Lobster Board recommend the ISFMP Policy Board send a letter to NEFMC supporting the preferred alternatives developed by the NEFMC in their Deep Sea Coral Amendment.**  
Motion made by Mr. Borden on behalf of the American Lobster Board. Motion carries without objection.

**On behalf of the American Lobster Board recommend the ISFMP Policy Board send a letter to Department of Interior reiterating the Commissions previous letter to President Obama regarding what is now the NE Canyons and Seamounts Marine National Monument.**  
Motion made by Mr. Borden on behalf of the American Lobster Board. Motion carries without objection

**On behalf of the American Lobster Board recommend the ISMFP Policy Board send a letter to NOAA recommending to fully adopt Addenda XXI and XXII.**  
Motion made by Mr. Borden on behalf of the American Lobster Board. Motion carries without objection

**On behalf of the Atlantic Herring Section recommend the ISFMP Policy Board send a letter to NEFMC requesting participation in the oversight of the Research Set-Aside Program.**

Motion made by Mr. Borden on behalf of the American Lobster Board. Motion carries without objection.

**Move to postpone the New Jersey Appeal of the Summer Flounder, Scup and BSB Addendum XXVIII until the next ISFMP Policy Board Meeting.**

Motion made by Mr. Allen and seconded by Mr. Bush. Motion carries (17 in favor).

#### **Main Motion**

**Move that the ISFMP Policy Board recommends the full Commission find the state of New Jersey be out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan if the State does not implement the following measures by May 21, 2017:**

- **Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.**
- **Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.**
- **All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season**

**The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock. In order to come back into compliance, the state of New Jersey must implement all of the measures listed above as contained in Addendum XXVIII to the Summer Flounder FMP.**

Motion made by Dr. Pierce on behalf of the Summer Flounder, Scup and Black Sea Bass Board. Motion amended.

#### **Motion to Amend**

**Move to amend to include “or equivalent measures as approved by the Summer Flounder Board”.**

Motion made by Mr. Boyles and seconded by Mr. Shiels. Motion carries (12 in favor, 4 abstentions).

#### **Main Motion as Amended**

**Move that the ISFMP Policy Board recommends the full Commission find the state of New Jersey be out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan if the State does not implement the following measures or equivalent measures as approved by the Summer Flounder Board by May 21, 2017:**

- **Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.**
- **Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.**
- **All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season**

**The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock. In order to come back into compliance, the state of New Jersey must implement all of the measures listed above as contained in Addendum XXVIII to the Summer Flounder FMP.**

Motion carries (13 in favor, 1 opposed, 2 abstentions).

## **BUSINESS SESSION (MAY 11, 2017)**

### ***Meeting Summary***

The Commission found New Jersey out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) if the State does not implement the below measures or equivalent measures as approved by the Summer Flounder Board by May 21, 2017. Implementation of the following regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock:

- Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.
- Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.
- All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season

New Jersey submitted a proposal to the Summer Flounder, Scup, and Black Sea Bass Board for an alternative management program, which will be reviewed by the Summer Flounder Technical Committee (TC). Following the TC's review, the Board will consider approval of the proposal. If the proposal is accepted by the Board, New Jersey will have until May 21<sup>st</sup> to implement the approved measures. If conservationally-equivalent measures are not approved, New Jersey will need to implement the above measures by May 21<sup>st</sup> or the Commission will move forward with a non-compliance finding regarding New Jersey's failure to implement Addendum XXVIII's required management measures. If necessary, the Commission's Executive Director has been directed to forward the non-compliance letter to the Secretaries of Commerce and the Interior by June 2, 2017.

For more information, please contact Robert Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org) or 703.842.0740.

### ***Motions***

**On behalf of the ISFMP Policy Board move the full Commission find the state of New Jersey be out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan if the State does not implement the following measures or equivalent measures as approved by the Summer Flounder Board by May 21, 2017:**

- **Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.**
- **Delaware Bay only (west of the colregs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.**
- **All other marine waters (east of the colregs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season**

**The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock. In order to come back into compliance, the state of New Jersey must implement all of the measures listed above as contained in Addendum XXVIII to the Summer Flounder FMP.**

Motion made by Mr. Grout on behalf of the ISFMP Policy Board. Motion carries (Roll Call Vote: In Favor – RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL; Abstentions – NH).

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (MAY 11, 2017)**

### ***Meeting Summary***

The South Atlantic State/Federal Fisheries Management Board met for a progress report on the development of the draft Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG) Cobia, provide direction to the Plan Development Team (PDT) on several options to be included in the draft FMP, and receive reports on the Atlantic croaker and spot benchmark stock assessments and peer reviews.

### ***Cobia Draft FMP***

Following the progress report on the draft FMP development, the Board directed the PDT to develop options that maintain recreational and commercial harvest within the federal allowable catch limit of 620,000 pounds while providing states the flexibility to establish seasons and vessel limits to control harvest within a specified limit. The Board supported the inclusion of a coastwide bag limit of 1 fish per person and a 36" FL size limit consistent with the South Atlantic Fishery Management Council (SAFMC) Plan. The Board also considered potential complementary measures to be discussed with the National Marine Fisheries Service and the SAFMC related to cobia fisheries in federal waters. The draft FMP will be reviewed by the Board and considered for public comment at the August 2017 meeting. Pending Board approval, management measures from the draft FMP could be enacted as early as the 2018 fishing year.

The Board was updated on scheduling of the next benchmark stock assessment for AMG cobia through the Southeast Data, Assessment, and Review (SEDAR) process. This benchmark stock assessment will begin with a Stock Identification Workshop in 2018.

Recognizing that the majority of the cobia harvest occurs in state waters and that sole management authority would provide maximum state flexibility, the Board approved a motion to request that the SAFMC consider transferring management authority of Atlantic Migratory Group cobia to the Commission. The Board was informed that a potential transfer of management authority would not affect the upcoming SEDAR assessment.

### ***Atlantic Croaker Benchmark Stock Assessment and Peer Review***

The Board reviewed the 2017 Atlantic Croaker Benchmark Stock Assessment and Peer Review Report. The assessment indicated that the stock is not overfished and overfishing is not occurring, based on model results. However, alternative model runs revealed that these results were sensitive to some of the assumptions within the model, specifically data weighting methods and commercial fishery selectivity (the relative vulnerability of different sizes of fish to capture by the gears used in the commercial fishery). While the Review Panel generally agreed with the model results that the stock is likely growing and there is no immediate need for management action, they were not confident enough in the results to recommend specific overfished and overfishing stock statuses to be used for management.

The Review Panel recognized several advances made by the Stock Assessment Subcommittee since the previous assessment in 2010, particularly estimation of shrimp trawl bycatch removals. Due to the large percentage of removals attributed to shrimp trawl bycatch (over 90% of total removals annually) the Review Panel recommended these removals be incorporated into the annual Traffic Light Analysis used to monitor Atlantic croaker. The Atlantic Croaker Technical Committee will present an updated Traffic Light Analysis and potential methods for incorporating the shrimp trawl removals at the August 2017 Board Meeting.

Due to time constraints, Board review of the 2017 Spot Benchmark Stock Assessment and Peer Review Report was not addressed during this meeting and was postponed until the August 2017 Board Meeting.

Please contact Dr. Louis Daniel at [ldaniel@asmfc.org](mailto:ldaniel@asmfc.org) for information on cobia management and Mike Schmidtke at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) for more information on the all other South Atlantic species.

### ***Motions***

**Move to request that the SAFMC and GMFMC consider transferring management authority of Atlantic migratory Cobia stock to ASMFC.**

Motion made by Mr. Bush and seconded Mr. Cimino. Motion carries without objection.