



Atlantic States Marine Fisheries Commission

2024 Winter Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2024 Winter Meeting
January 23 – 25, 2024

For more information, please
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Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 23, 2024)

Press Release

American Lobster Board Initiates Draft Addendum XXX to Clarify Addendum XXVII Impacts on Foreign Imports

Arlington, VA – The Commission’s American Lobster Management Board initiated Draft Addendum XXX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum is being considered to clarify how the measures of Addendum XXVII, approved in May 2023, will apply to foreign imports of American lobster.

The Magnuson-Stevens Act prohibits imports of whole live lobster smaller than the minimum possession size in effect at the time under the Commission’s American lobster management program. This provision, referred to as the Mitchell Provision, was passed to prevent imports of lobster smaller than what the US industry can harvest. The current minimum gauge size for Lobster Conservation Management Area (LCMA) 1 of 3 ¼” is the smallest minimum size in effect for the US lobster fishery.

Under Addendum XXVII, changes to the current gauge and escape vent sizes in LCMA 1 (inshore Gulf of Maine) are triggered when a 35% decline in recruit abundance for the Gulf of Maine/Georges Bank stock is observed. As of October 2023, the trigger index had declined by 39% with the inclusion of 2022 survey data in the index. Therefore, a series of gradual changes to gauge and vent size will begin January 1, 2025, starting with an increase to the minimum gauge size in LCMA 1 from 3 ¼” to 3 5/16”. Starting in January 2025, this 3 5/16” gauge size will be the smallest minimum gauge size in effect. Draft Addendum XXX aims to clarify that Addendum XXVII shall include compliance with the Mitchell Provision, meaning the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry.

The Board will meet in late February/early March to consider approving Draft Addendum XXX for public comment. There are currently no regulations in place to restrict the maximum size of imported lobster, though the Board expressed interest in exploring this possibility further through a separate action. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR24-03

Meeting Summary

The American Lobster Management Board met to consider reports from the American Lobster and Jonah Crab Technical Committees (TCs); implications of Addendum XXVII size limit changes on imports; federal and Commission rules for Lobster Conservation Management Areas (LCMA) 2 and 3; a progress update on state implementation of Addendum XXIX on federal vessel trackers; and a nomination to the Jonah Crab Advisory Panel (AP).

The American Lobster TC Chair provided a report on the Board task from the October 2023 meeting to compile information on the lobster resource and fishery in and around the Northern Edge of Georges

Bank. This task responds to a potential action being considered by the New England Fishery Management Council (NEFMC) to allow scallop fishery access in Closed Area II. The TC identified various data sources that could be used to provide information on the seasonal presence and abundance of lobsters, including egg-bearing lobsters, as well as lobster fishery effort, in and around the Northern Edge. The TC will request data from federal trip reports, the Coonamisset Farm Foundation's seasonal bycatch scallop dredge survey, the Commercial Fisheries Research Foundation's Lobster and Jonah Crab Research Fleet, and the Northeast Fisheries Science Center trawl survey to provide analysis of lobster catch, abundance, and fishery effort so that this information can be considered by the NEFMC.

The Chair of the Jonah Crab TC reported on additional information and recommendations requested following approval of the 2023 Benchmark Stock Assessment. The TC recommended additional indicators including fishery-dependent CPUE from Rhode Island, fishery-dependent effort from Massachusetts, and price per pound data for landings of Jonah crab and other crustacean species should be reviewed regularly to monitor the Jonah crab stocks and fishery. The TC does not believe management action to address the stock condition is necessary at this time, but recommends indicator data for the offshore Southern New England stock, where the majority of the fishery occurs, be updated annually, while data for the other three stock areas should be updated every five years. It also recommended engaging the Advisory Panel annually to provide information on the market of the fishery. The Board supported the TC's recommendations.

The Board discussed the implications of the American lobster minimum gauge size increase that will go into effect January 1, 2025 as required by Addendum XXVII. Specifically, the LCMA 1 (inshore Gulf of Maine) minimum size will increase from 3 ¼" to 3 5/16"; after January 1, all LCMAs will have implemented a minimum gauge size greater than the coastwide minimum size of 3 ¼", the size in which no area can be below. The Board's intent is that the Mitchell provision of the Magnuson-Stevens Act, which was passed to prevent imports of lobster smaller than what the US industry can harvest, would prohibit imports of lobster below the new minimum size for LCMA 1, which will be the smallest active minimum size. The Board initiated an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, and the smallest minimum size in effect should apply to foreign imports.

In relation to the recent NOAA rulemaking to implement ownership and trap cap provisions for LCMAs 2 and 3, consistent with Addenda XXI and XXII, the Board discussed the measures included in the NOAA interim rule, how they differ from the Commission's addenda, and the impacts to industry. Addenda XXI and XXII, approved in 2013, aimed to scale the capacity of the Southern New England (SNE) fishery to the diminished size of the SNE resource. However, in the decade that has passed since the Commission intended for complementary federal measures to be implemented, increases in the cost of bait and fuel, the loss of fishing ground to wind energy development, marine mammal protections, and the expansion of the Jonah crab fishery have significantly changed the fishery. Given these changes, the industry no longer supports reduced maximum trap limits for LCMAs 2 and 3. The Board recommended the Commission withdraw its request to implement the measures set in Addenda XXI and XXII with two exceptions and tasked the Plan Development Team to review the original goals and objectives of the plans and make recommendations for alternate measures to achieve those goals, considering recommendations from the LCMA 2 and 3 Lobster Conservation Management Teams. At the ASMFC Spring Meeting, the Board will consider these recommendations and determine if an addendum or other

action is needed to solicit a change to the measures in NOAA's interim rule, which are scheduled to become effective May 1, 2025.

The Board received an update on the status of state implementation of Addendum XXIX. Addendum XXIX, approved in 2022, established electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fisheries. The Addendum went into effect on December 15, 2023 but several states have not yet implemented the required regulations. The Board agreed to send a letter to states that have not implemented the required measures, urging them to take action in a timely fashion to ensure compliance with the Interstate FMP for American Lobster.

The Board approved the nomination of Denny Colbert, a commercial offshore trap fisherman from Massachusetts, to the Jonah Crab Advisory Panel. Additionally, the Board agreed to postpone pursuing a Management Strategy Evaluation for American lobster until after the completion of the ongoing benchmark stock assessment.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

Motions

Main Motion

Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchel provision and signal to NMFS that the smallest implemented minimum size should apply to imports.

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

Motion to Amend

Motion to amend to add consideration of a maximum size limit for imports.

Motion made by Mr. Keliher and seconded by Mr. McKiernan. Motion passes by unanimous consent.

Main Motion as Amended

Motion to initiate an addendum to clarify that Addendum XXVII shall include compliance with the Mitchell provision, signal to NMFS that the smallest implemented minimum size should apply to imports, and also consideration of a maximum size limit for imports.

Motion passes by unanimous consent.

Move to recommend to the ISFMP Policy Board that the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 – transfers of Multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion passes with 1 null vote (ME) and 1 abstention (NOAA Fisheries).

Move to send states who have not implemented the electronic vessel tracking requirement for federal lobster permit holders a letter stating that the implementation deadline for this action was December 15, 2023 and states need to implement this requirement in a timely fashion to ensure compliance with the Lobster FMP.

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

Move to approve the nomination of Denny Colbert to the Jonah Crab Advisory Panel.

Motion made by Mr. McKiernan and seconded by Mr. Abbott. Motion passes by unanimous consent.

Move to have the Plan Development Team review the conservation measures originally set in Addenda XXI and XXII and make recommendations for alternate measures to achieve those reductions inclusive of the Lobster Conservation Management Team recommendations by the ASMFC Spring Meeting.

Motion made by Ms. Patterson and seconded by Mr. Keliher. Motion passes by unanimous consent.

SPINY DOGFISH MANAGEMENT BOARD (JANUARY 23, 2024)

Meeting Summary

The Spiny Dogfish Management Board met to review the results of the 2023 management track assessment, set the specifications for up to the next three fishing years, and elect a Vice-Chair.

Pending approval of identical quotas from the NOAA Fisheries Greater Atlantic Regional Fisheries Administrator, the Board approved the following coastwide commercial quotas for the 2024-2027 fishing years (May 1-April 30): 10,699,021 pounds for 2024/2025; 10,972,394 pounds for 2025/2026, and 11,223,720 pounds for 2026/2027. The quotas are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. The Board also established a 7,500-pound commercial trip limit for the northern region states of Maine through Connecticut, while New York through North Carolina have the ability to set state-specific trip limits based on the needs of their fisheries. The Mid-Atlantic and New England Fishery Management Councils will forward their recommendations for federal waters (3 –200 miles from shore) to the Regional Administrator for final approval.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	7,500	To be specified by the individual southern region states					
Allocation	58%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
2024-2025	6,205,432	289,708	817,903	95,868	633,385	1,154,982	1,501,743
2025-2026	6,363,989	297,110	838,802	98,317	649,569	1,184,494	1,540,115
2026-2027	6,509,758	303,915	858,015	100,569	664,447	1,211,625	1,575,391

The quotas are based on the 2023 management track assessment, which updated the 2022 research track assessment to include data through 2022, extended the initial year from 1989 to 1924, and updated the stock projections through 2026. For the terminal year of 2022, the assessment estimated spawning output to be 101% of the target and fishing mortality to be at 89% of the threshold. However, while the stock is neither overfished nor experiencing overfishing, the assessment also found a lower productivity of the stock, requiring reduced quotas to prevent overfishing in the future.

The Board also elected Joe Cimino (NJ) as Vice-Chair.

For more information, please contact James Boyle, FMP Coordinator, at jboyle@asmfc.org.

Motions

Move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 be set at 10,699,021 pounds; 2025-2026 be set at 10,972,394 pounds; 2026-2027 be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries.

Motion made by Ms. Meserve and seconded by Mr. Kaelin. Motion passes (11 in favor and 1abstention from NOAA Fisheries).

Move to approve the spiny dogfish northern region trip limit for fishing years 2024/25, 2025/26, and 2026/27 at 7,500 lb.

Motion made by Mr. Kaelin and seconded by Mr. Grout. Motion carries with 1 abstention (NOAA Fisheries).

Move to nominate Joe Cimino as Vice-Chair of the Spiny Dogfish Board.

Motion made by Mr. Batsavage and seconded by Mr. Luisi. Motion passes by unanimous consent.

AMERICAN EEL MANAGEMENT BOARD (JANUARY 23, 2024)

Meeting Summary

The American Eel Management Board met to approve two Draft Addenda for public comment, and the Fishery Management Plan (FMP) Review for the 2022 fishing year. The Board initiated both addenda in August 2023. Draft Addendum VI addresses Maine's glass eel quota. Maine's glass eel quota has been set at 9,688 pounds since 2015 and a new addendum is needed to establish a quota for the 2025 fishing year and beyond. The Draft Addendum considers maintaining the current Maine quota level, and the duration of the quota once established.

Draft Addendum VII considers reducing the yellow eel commercial catch cap in response to the recent stock assessment, which found the coastwide stock is depleted and recommended reducing yellow eel landings. Specifically, the draft addendum considers options for setting the coastwide cap using a new tool proposed in the assessment called *I_{TARGET}*. *I_{TARGET}* recommends harvest levels based on catch and abundance indices, and the management goals. In addition, Draft Addendum VII considers modifying monitoring requirements for the state young-of-year (YOY) surveys and trip level catch and effort reporting based on stock assessment and Technical Committee (TC) recommendations. The stock assessment and TC recommended making some biological sampling components of the YOY survey

optional because the data have not been useful in informing stock-wide trends. The stock assessment also noted that the harvester catch per unit effort data that are currently required under Addendum I have not been indicative of trends in the stock as a whole, and thus have not been used in any of the American eel assessments. Draft Addendum VII considers options to make the collection of these data optional to ease the monitoring burden on states.

Finally, the Board approved the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia. A press release will follow with information on state public hearings on Draft Addenda VI and VII.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

Motions

Move to remove in Section 3.1, Option 2: Reduce Maine's glass eel quota by 21.8%.

Motion made by Ms. Ware and seconded by Mr. Reid. Motion passes (14 in favor, 3 opposed, 2 abstentions).

Move to approve Draft Addendum VI for public comment, as modified today.

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion passes by consent.

Move to remove Sections 3.1 and 3.2 from the draft addendum VII and postpone further action on the coastwide cap options until coastwide landings reach 600,000 lb. in a given year.

Motion made by Mr. Clark and seconded by Mr. Dize. Motion fails (1 in favor, 18 opposed).

Motion to remove Section 3.1, option 2

Motion made by Mr. Clark and seconded by Ms. Ware. Motion fails (8 in favor, 11 opposed).

Move to approve Draft Addendum VII for public comment, as modified today.

Motion made by Ms. Patterson and seconded by Ms. Madsen. Motion passes by consent.

Move to approve the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia.

Motion made by Ms. Braun and seconded by Ms. Fegley. Motion passes by consent.

Move to approve Sara Rademaker and Timothy LaRochelle to the American Eel Advisory Panel.

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion passes by consent.

EXECUTIVE COMMITTEE (JANUARY 24, 2024)

Meeting Summary

The Executive Committee met to discuss several issues, including a Legislative Committee update; tasking a revitalized Committee on Economics & Social Sciences (CESS); refining the Commission election process; reviewing the Commission's Draft 2024-2028 Strategic Plan; and discussing future meeting week

format and a letter to NOAA regarding fisheries disaster funding. The following action items resulted from the Committee's discussions:

- Staff presented a report on behalf of the Legislative Committee. He presented on the uncertain nature of Fiscal Year 2024 appropriations; plans within Congress to address Magnuson-Stevens Act reauthorization and failures of the Marine Recreational Information Program; and the need for a working waterfronts protection program.
- Staff reported on the revitalization of CESS, including a new Chair, Sabrina Lovell, and Vice Chair, Andrew Scheld, as well as presented a summary of potential projects for the future including potentially looking into the economic impact of year-round recreational fishing for northern states as well as developing standardized social and economic indicators for species or regions.
- Staff presented the updated Officer Election Procedures, which clarified the processes with regard to two-year terms and regional rotation of the officers, aligning the processes with the way the Commission has been operating.
- Staff presented a report on the development of the Draft 2024-2028 Strategic Plan. There was consensus among Commissioners the document did not need a full re-write, rather some course corrections to the current plan. Staff detailed the proposed changes and after receiving Committee input, staff will finalize the plan for review and action by the Business Session of the Commission later in this meeting.
- Staff led a discussion on the potential for moving to three in-person and one fully virtual meeting a year. After thorough discussion, it was decided to keep the schedule of four in-person meetings a year, retaining the option to attend virtually if necessary.
- Florida requested, and the Committee supported, sending a letter to NOAA regarding fisheries disaster funding.

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org.

Motions

No motions were made.

COASTAL PELAGICS MANAGEMENT BOARD (JANUARY 24, 2024)

Meeting Summary

The Coastal Pelagics Management Board met to consider the terms of reference for the Benchmark Assessment for Atlantic Migratory Group (AMG) Cobia (SEDAR 95), receive a progress update on the AMG cobia recreational allocation draft addendum, consider the Spanish Mackerel Fishery Management Plan (FMP) Review for the 2022 fishing year, and receive an update from the South Atlantic Fishery Management Council (SAFMC) on Coastal Migratory Pelagics (CMP) Framework Amendment 13 and the upcoming mackerel port meetings.

The Board reviewed and approved the SEDAR 95 terms of reference, developed by SEDAR and the Cobia Technical Committee (TC), for use in the assessment. Most notably, the terms of reference include a review of the stock structure and unit stock definitions through genetic, tagging, and other

data sources as available. SEDAR 95 is scheduled to be completed in November 2025 and presented to the Board in early 2026.

The Board received a progress update from the Cobia Plan Development Team (PDT) on the scoping of the recreational reallocation draft addendum initiated at the Commission's Annual Meeting in October 2023. The PDT asked for Board feedback on a number of topics related to the proposed alternatives including, the applicability of an automatic allocation trigger, the data range for calculating recreational allocations, recreational measures setting timelines, and the incorporation of management uncertainty into the action. The Board discussed how upcoming changes to the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) estimates may affect aspects of the draft addendum, especially for the state-by-state and regional allocation alternatives. Ultimately, the Board supported continuing efforts to complete the draft addendum for implementation in 2025. The Board supported the PDT further exploring all proposed alternatives outlined in the staff presentation. The Board also supported the removal of COVID-19 impacted years from allocation calculations and exploration of a five-year recreational measures setting process timeline.

The Board reviewed the Spanish Mackerel FMP Review for the 2022 fishing year and state compliance. All states' regulations were consistent with the FMP, and the Board approved *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia. The Spanish Mackerel Plan Review Team (PRT) emphasized the need to understand the dynamics of the fishery across regions, especially as the fishery increases in more northern states. The PRT noted that some of this regional analysis could be included in the forthcoming paper that was tasked by the Board to the newly formed Spanish Mackerel TC to characterize the fisheries along the coast. The PRT also emphasized the importance of continuing coordination between the Commission and SAFMC on future management action that could address differences between the Interstate and federal FMPs, which include differences in commercial management zones, trip limits, and closures.

The Board received an update from SAFMC on CMP Framework Amendment 13, which has been postponed until after the Spanish and king mackerel port meetings are concluded. Spanish mackerel port meetings remain in the planning process and are scheduled to be held along the Atlantic coast from April-November 2024.

Lastly, the Board elected Lynn Fegley from Maryland as Vice-Chair. For more information on cobia, please contact Chelsea Tuohy, FMP Coordinator, at ctuohy@asmfc.org, and for more information on Spanish mackerel, please contact Emilie Franke, FMP Coordinator, at efranke@asmfc.org.

Motions

Move to approve the Terms of Reference for the SouthEast Data, Assessment, and Review Atlantic Cobia Benchmark Stock Assessment (SEDAR 95).

Motion made by Ms. Fegley and seconded by Dr. Rhodes. Motion carries by unanimous consent.

Move to approve the Spanish Mackerel Fishery Management Plan Review for the 2022 fishing year, state compliance reports, and *de minimis* requests from Rhode Island, New Jersey, Delaware, and Georgia.

Motion made by Mr. Haymans and seconded by Ms. Burgess. Motion carries by consent.

Move to elect Ms. Lynn Fegley from Maryland as Vice Chair of the Coastal Pelagics Management Board. Motion made by Ms. Madsen and seconded from Dr. Rhodes. Motion passes by consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (JANUARY 24, 2024)

Press Release

ASMFC Atlantic Striped Bass Board Approves Addendum II *Establishes Measures to Continue Progress Towards Stock Rebuilding*

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board approved Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Addendum modifies recreational and commercial measures to reduce fishing mortality in 2024, establishes an expedited response process to upcoming stock assessments, and addresses requirements for recreational filleting. Addendum II builds upon the 2023 emergency action by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding. Addendum II measures will replace the emergency action measures upon its implementation by the states by May 1, 2024.

“First and foremost, thank you to the 2,000 members of the public who submitted public comments. The Board had difficult issues to discuss, and public comments were a crucial part of the deliberations,” said Board Chair Megan Ware from Maine. “The Board remains focused on rebuilding the stock by 2029. The upcoming 2024 stock assessment will be an important checkpoint on progress toward rebuilding.”

For the ocean recreational fishery, the Addendum implements a 28” to 31” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants; this maintains the same ocean recreational measures adopted under the recent emergency action. For the Chesapeake Bay recreational fishery, the Addendum implements a 19” to 24” slot limit, 1-fish bag limit, and maintains 2022 season dates for all fishery participants. For the commercial fishery, the Addendum reduces commercial quotas by 7% in both the ocean and Chesapeake Bay.

To address concerns about recreational filleting allowances and compliance with recreational size limits, the Addendum establishes two requirements for states that authorize at-sea/shore-side filleting of striped bass: racks must be retained and possession limited to no more than two fillets per legal fish.

To enable an expedited management response to upcoming stock assessments prior to the 2029 rebuilding deadline, the Addendum establishes a mechanism allowing the Board to respond to a stock assessment via Board action if the stock is not projected to rebuild by 2029.

States must submit implementation plans by March 1, 2024 for Board review and approval, which will take place at a special Board meeting to be scheduled for later in March. All Addendum II measures must be implemented by May 1, 2024.

Addendum II will be available in February on the Commission website at <http://www.asmfc.org/species/atlantic-striped-bass> under Management Plans and FMP Reviews. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

PR24-02

Meeting Summary

In addition to approving Addendum II, the Board met to consider a conservation equivalency (CE) proposal submitted by New Jersey under Addendum II, and to approve nominations to the Atlantic Striped Bass Advisory Panel.

New Jersey submitted a CE proposal to continue the state's recreational Striped Bass Bonus Program (SBBP) under Addendum II. New Jersey has reallocated its commercial quota to the recreational SBBP through CE for the past several years. The SBBP is based on New Jersey's existing commercial quota and is managed using that quota. Participants must apply to the SBBP and a tag system is used to ensure quota is not exceeded. New Jersey proposed to continue the quota reallocation, and outlined SBBP size limits and quota levels dependent on the measures selected under Addendum II. Based on the final Addendum II measures selected by the Board, New Jersey specified the SBBP would maintain the status quo SBBP size limit (24" to <28") with a 7% quota reduction to 200,798 pounds. This proposal was unanimously approved by the Board.

Lastly, the Board approved Toby Lapinski representing Connecticut and Julie Evans representing New York to the Atlantic Striped Bass Advisory Panel.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org.

Motions

Main Motion

Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.

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

Motion to Amend

Motion to amend to replace Option B with Option C: 1 fish at 28" to 31" with 2022 seasons for private vessel/shore anglers; 1 fish at 28" to 33" with 2022 seasons for the for-hire mode.

Motion made by Dr. Davis and seconded by Mr. Hasbrouck. Motion fails (7 in favor, 9 opposed).

(Roll Call: In favor – RI, CT, NY, NJ, PRFC, MD, DE; Opposed – NH, ME, VA, DC, NC, PA, NOAA, USFWS, MA)

Main Motion

Move to approve in Section 3.1.1 Ocean Recreational Fishery Option B: 1 fish at 28" to 31" with 2022 seasons for all modes.

Motion made by Dr. Armstrong and seconded by Mr. Abbott. Motion passes (14 in favor, 2 opposed).

(Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, NC, PA, NOAA, USFWS, CT, MA, RI; Opposed – NY, NJ)

Main Motion

Move to approve in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: 19" to 24" slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons.

Motion made by Mr. Luisi and seconded by Ms. Braun.

Motion to Substitute

Move to substitute to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.

Motion made by Mr. Sikorski and seconded by Mr. Geer. Motion passes (13 in favor, 3 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, VA, DC, DE, ME, NH; Opposed – NJ, PRFC, MD)

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.

Motion to Substitute

Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C2: (19” to 24” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.

Motion made by Mr. Luisi and seconded by Ms. Braun. Motion fails (4 in favor, 12 opposed). (Roll Call: In favor – MD, PRFC, VA, NJ; Opposed – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DC, DE, ME, NH)

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.

Motion to Substitute

Move to substitute in section 3.1.2 Chesapeake Bay Recreational Fishery Option C1: (19” to 23” slot, 1 fish for private vessels/shore anglers, 2 fish for for-hire, 2022 seasons) for 2024, and Option B2 (19” to 24” slot, 1 fish for all modes, 2022 seasons) beginning January 1, 2025.

Motion made by Mr. Luisi and seconded by Dr. Davis. Motion fails (6 in favor, 9 opposed, 1 abstention). (Roll Call: In favor – RI, CT, NY, NJ, MD, DE; Opposed – NH, ME, PRFC, VA, DC, NC, PA, NOAA, MA; Abstention – USFWS)

Main Motion as Substituted

Move to approve in Section 3.1.2 Chesapeake Bay Recreational Fishery Option B2: 19” to 24” slot, 1 fish for all modes, 2022 seasons.

Motion passes (14 in favor, 2 opposed). (Roll Call: In favor – NH, ME, DE, PRFC, VA, DC, NC, PA, NOAA, USFWS, NY, CT, MA, RI; Opposed – MD, NJ)

Main Motion

Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish.

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

Motion to Amend

Move to amend to remove “skin to be left intact.”

Motion made by Mr. Gary and seconded by Mr. Cimino. Motion passes (12 in favor, 2 opposed, 2 abstentions). (Roll Call: In favor – DE, MD, PRFC, VA, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – ME, NH; Abstention – NOAA, USFWS)

Main Motion as Amended

Move to approve in Section 3.1.4 Recreational Filleting Allowance Requirements Option B: For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for racks to be retained and possession to be limited to no more than two fillets per legal fish.

Motion passes (14 in favor, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, NC, DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

Main Motion

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

Motion to Substitute

Move to substitute to approve in Section 3.2.1. Commercial Quota Reduction Option A status quo.

Motion made by Mr. Clark, second by Mr. Hasbrouck. Motion fails (3 in favor, 13 opposed). (Roll Call: In favor – DE, VA, NY; Opposed – NH, ME, MD, PRFC, DC, NC, PA, NOAA, USFWS, NJ, CT, MA, RI)

Main Motion

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 14% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.

Motion made by Dr. Armstrong and seconded by Ms. Patterson.

Motion to Amend

Motion to amend to replace 14% with 7%.

Motion made by Mr. Luisi and seconded by Mr. Kaelin. Motion passes 8 in favor, 6 opposed, 2 abstentions). (Roll Call: In favor – RI, MA, NY, NJ, VA, PRFC, MD, DE; Opposed – NH, ME, DC, NC, PA, CT; Abstentions – NOAA, USFWS)

Main Motion as Amended

Move to approve in Section 3.2.1 Commercial Quota Reduction Option B: 7% reduction from ocean and Chesapeake Bay 2022 quotas with 2022 size limits.

Motion passes (13 in favor, 1 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, PRFC, VA, DC, PA, NJ, NY, CT, MA, RI; Opposed - NC; Abstentions – NOAA, USFWS)

Move to approve in Section 3.3 Response to Stock Assessments Option B: Board could respond via Board action to change management measures by voting to pass a motion at a Board meeting.

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (11 in favor, 5 opposed). (Roll Call: In favor – RI, MA, CT, NY, USFWS, NOAA, PA, NC, DE, ME, NH; Opposed – MD, PRFC, VA, DC, NJ).

Main Motion

Move to approve the following compliance schedule:

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion made by Dr. Armstrong and seconded by Mr. Borden

Motion to Amend

Motion to amend to replace “implement regulations by May 1, 2024” with “implement recreational regulations by May 1, 2024, and all commercial measure in 3.2.1 effective January 1, 2025.”

Motion made by Mr. Geer and seconded by Mr. Clark. Motion fails (7 in favor, 7 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DE, MD, VA, PRFC, NC; Opposed – DC, PA, NJ, NY, CT, MA, RI; Abstentions – NOAA, USFWS)

Main Motion

Move to approve the following compliance schedule:

- **States must submit implementation plans by March 1, 2024.**
- **The Board will review and consider approving implementation plans in March 2024.**
- **States must implement regulations by May 1, 2024.**

Motion passes (10 in favor, 4 opposed, 2 abstentions). (Roll Call: In favor – NH, ME, DC, NC, PA, NJ, NY, CT, MA, RI; Opposed – DE, MD, PRFC, VA; Abstentions: NOAA, USFWS)

Move to approve Addendum II to Amendment 7 to the Atlantic Striped Bass FMP, as amended today.

Motion made by Dr. Davis and seconded by Mr. Kane. Motion passes (12 in favor, 4 opposed).

(Roll call: In favor – RI, MA, CT, NY, NJ, USFWS, NOAA, PA, NC, DC, ME, NH; Opposed – DE, MD, PRFC, VA)

Move to approve New Jersey’s conservation equivalency proposal to allow the commercial quota to be shifted to the bonus tag program. The program will continue with its status quo tag administration and size limit of 24 to less than 28 inches. The starting commercial quota will be 200,798 pounds.

Motion made by Mr. Cimino and seconded by Mr. Grout. Motion passes by unanimous consent.

Move to approve Toby Lapinski representing Connecticut and Julie Evans representing New York to the Striped Bass Advisory Panel.

Motion made by Mr. Gary and seconded by Mr. Sikorski. Motion passes by unanimous consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (JANUARY 25, 2024)

Meeting Summary

The ISFMP Policy Board met to receive an update from Executive Committee; review results of the 2023 Commissioner Survey; consider a species declared interest request; discuss aquaculture in the exclusive economic zone (EEZ); review a trawl survey white paper from Northeast Fisheries Science Center (NEFSC); consider a request from the Atlantic Striped Bass Board; provide clarification to the American Lobster Board; and receive updates from NOAA Fisheries and the Atlantic Coastal Cooperative Statistics Program (ACCSP).

The Commission Chair, Joe Cimino, presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document) to the Board. The Executive Committee recommended the Commission send a letter to congressional leadership supporting legislations that would establish a federal working waterfront grant program. The Policy Board unanimously supported the letter.

Commissioners completed a survey of Commission performance in 2023, which measures Commissioners' opinions regarding the progress and actions of the Commission in 2023. Cooperation with federal partners consistently scored as the issue of greatest concern with sentiment expressed it's the responsibility of the federal partners to engage with the Commission more. Utilization and availability of Commission resources consistently rated high among Commissioners. Climate change and changing environmental conditions continue to be the top impediment to rebuilding stocks. Other listed concerns included data reliability and short-term interests or political pressures outweighing long-term progress. Issues the Commission should focus on more include the incorporation of socioeconomics into allocation, incorporating environmental factors into analyses, and building climate resilient stocks.

The Policy Board approved New York's request to be a participating state under the Commission Cobia Fishery Management Plan. Since 2019, New York has seen a significant increase of cobia in its state waters, which is reflected in both its commercial and recreational catch. Per the guidelines of the Commission's Rules and Regulations, New York meets the criteria to participate in the management program for this fishery.

Danielle Blacklock of the NOAA Fisheries Aquaculture Office presented on aquaculture in the EEZ. The Office is seeking opportunities to expand US aquaculture in the Atlantic, specifically Atlantic striped bass, but it is illegal to harvest striped bass from the EEZ. The Board raised several concerns and requested Ms. Blacklock provide further information on several issues including economic impacts to the wild caught commercial market, potential biological impacts on the wild Atlantic striped bass population (including measures to prevent impacts), spatial impacts to the fishing industry (e.g., some areas of the Atlantic have several competing uses like alternative energy areas and closed fishing areas, such as sanctuaries, monuments, habitat areas, and other aquaculture areas), and how enforcement would be addressed.

As a result of the loss of sea days experienced in the NEFSC 2023 Spring Bottom Trawl Survey and the accumulated loss of sea days since 2015, the New England Fishery Management Council (NEFMC) requested the NEFSC provide an overview of survey status and steps being taken to maintain the quality and quantity of survey data used to support fishery management in the region. Based on the information provided by the NEFSC, management bodies requested NEFSC prepare a white paper outlining an industry-based survey that is complementary to the Spring and Autumn Bottom Trawl Survey (BTS). Dr. Kathryn Ford presented the white paper, which is part of the effort to consider at least four options for contingencies in the event the R/V Bigelow is not available for the BTS, including (1) the R/V Pisces, (2) an NEFSC-operated vessel, (3) industry-based vessels calibrated to the R/V Bigelow, and (4) a parallel industry-based survey. The white paper addressed option #4. The full contingency plan including all options is anticipated to be completed in FY2024. The plan for an industry-based multispecies BTS was developed in coordination with the Northeast Trawl Advisory Panel (NTAP), which includes commercial fishing, fisheries science, and fishery management professionals in the Northeast. An NTAP working group provided feedback to ensure the feasibility and maximize the value of the industry-based survey

(IBS) as a contingency to the BTS. While there was not complete agreement on all details of the IBS, the white paper represented a starting point to further develop an IBS. If implemented, the IBS would develop its own unique time series that could be used to generate indices of abundance and other data useful to stock assessments, fishery management, ecosystem status, and scientific studies. When the BTS is conducting regular survey operations on the R/V Bigelow, the IBS would be a parallel survey to increase the number of stations sampled in a given stratum. When the BTS is not conducting regular survey operations on the R/V Bigelow and cannot operate under other contingency options, the IBS would be the only shelf-wide fishery-independent bottom trawl survey in the Northeast region. The Board expressed the importance of an IBS, as stakeholder buy-in and confidence in the data are significantly increased. As a member of NTAP, the Board recommended NTAP and the NTAP IBS Working Group develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the white paper. The pilot should concentrate on adapting the survey design elements of the white paper (section 2) to current Industry platform capabilities, with a focus on the NEAMAP platform. The Board asked for a delivery date in time for the Commission's Spring Meeting and the Council's April meetings. NEFSC expressed that timeline would likely not be possible.

In addition to the American Lobster Management Board's recent action to initiate an addendum to address the Mitchell Provision (see Draft Addendum XXX press release under the American Lobster Board header earlier in this document), the Policy Board recommended that the Lobster Board address concerns about the lack of regulations to restrict the maximum size of imported lobster through a separate management document. This issue would need to be addressed through the amendment process.

Due to the length of the Atlantic Striped Bass Management Board meeting on January 24, there was no time to address an issue requested under other business. There is continued concern about the difficulty of addressing the challenges associated with striped bass recreational release mortality. The Board agreed to assign a workgroup to review past discussions on striped bass recreational release mortality and consider how the Atlantic Striped Bass Management Board could address it moving forward, particularly following the upcoming striped bass benchmark stock assessment.

NOAA Fisheries received a petition from the Friends of Animals to list the Atlantic horseshoe crab as threatened or endangered throughout its range under the Endangered Species Act (ESA). The petition also requests that critical habitat be designated for the species in Atlantic waters. The petition states "several of the listing criteria identified in the ESA are contributing to the decline of the Atlantic horseshoe crab: it has been historically overutilized for commercial and scientific purposes; existing regulatory mechanisms purportedly protecting it are inadequate for its survival; its habitat is threatened by sea-level rise associated with climate change; and other man-made factors threaten its continued existence." NOAA is processing the petition and will keep the Commission informed.

Lastly, ACCSP has recently completed an update to the ACCSP Public and Login Data Warehouse system to reflect the direction of the Marine Recreational Information Program (MRIP) on the presentation of cumulative and wave level data. These changes have been in development over the past 6 months with feedback from staff and volunteer testers from the Recreational Technical Committee. These changes are supported by MRIP and available via the ACCSP website now. There will be additional ACCSP outreach notifications to aid in information dissemination to expanded target audiences.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Move to add New York as a state with a declared interest in the Cobia FMP.

Motion made by Mr. Gary and seconded by Mr. Kane. Motion passes by consent.

Move to recommend to task NTAP and the NTAP Industry Based Survey (IBS) Working Group to develop an outline detailing a proposal to conduct an IBS Pilot Program to test the viability of the program as presented in the "Proposed Plan for a Novel Industry Based Bottom Trawl Survey" white paper with a particular focus on adapting Section 2 "Survey Design Elements" to current Industry platform capabilities. Delivery date for the outline should be in time for further discussion at the Spring 2024 meeting cycle for the Commission and both the Mid-Atlantic and New England Councils in April 2024.

Motion made by Mr. Reid and seconded by Mr. Keliher. Motion passes by consent.

BUSINESS SESSION OF THE COMMISSION (JANUARY 25, 2024)

Meeting Summary

The Commission met to consider an addition to the 2024 Action Plan, approval of the 2024-2028 Strategic Plan, and a recommendation from the American Lobster Management Board. In its first order of business, the Commission approved the addition to the 2024 Action Plan of a new task to take a management action with the Mid-Atlantic Fishery Management Council to address summer flounder commercial measures.

The Commission also considered approval of the 2024-2028 Strategic Plan, which guides the Commission's programs and activities for the next five years. The Commission approved the Plan, with the minor changes recommended by the Executive Committee and additional input from other Commissioners. The final Strategic Plan will be available on the Commission's website at <https://asmfc.org/about-us/guiding-documents> by the end of January.

In response to NOAA Fisheries Interim Rule on implementing measures consistent with the Commission's Addenda XXI and XXII, the Commission considered and approved a recommendation from the American Lobster Management Board to send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement certain measures of Addenda XXI and XXII. More information on this issue can be found under the meeting summary for the American Lobster Board earlier in this document.

For more information, please contact Robert Beal, Executive Director, at rbeal@asmfc.org.

Motions

On Behalf of the Lobster Board move the Commission send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 transfers of multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII.

Motion made by Dr. McNamee. Motion passes by consent.