

# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

May 11, 2017  
8:00-10:30 a.m.  
Alexandria, Virginia

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Grout*) 8:00 a.m.
2. Board Consent (*D. Grout*) 8:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2017
3. Public Comment 8:05 a.m.
4. Update from Executive Committee (*D. Grout*) 8:15 a.m.
5. Review and Consider New Jersey Appeal of Addendum XXVIII to the Summer Flounder Fishery Management Plan **Final Action** 8:20 a.m.
6. Update on Climate Change Working Group (*T. Kerns*) 8:55 a.m.
7. Review and Discuss 2017 Commissioner Survey Results (*D. Tompkins*) 9:00 a.m.
8. Committee Report on Safe Harbor Landings (*J. Gilmore*) **Possible Action** 9:15 a.m.
9. Update on the Marine Recreational Information Program Transition of the Fishing Effort Survey and APAIS (*D. Van Voorhees*) 9:30 a.m.
10. Review and Consider Approval of Standard Meeting Practices (*T. Kerns*) **Action** 9:50 a.m.
11. Progress Update on the 2017 Sturgeon Benchmark Stock Assessment (*K. Drew*) 9:55 a.m.
12. Review and Consider Approval of the Assessment Schedule (*S. Madsen*) **Action** 10:00 a.m.
13. Standing Committee Reports 10:05 a.m.
  - Law Enforcement Committee (*M. Robson*)
  - Habitat and Artificial Reefs (*L. Havel*)
  - Atlantic Coastal Fish Habitat Partnership (*L. Havel*)
14. Review Non- Compliance Findings (if necessary) 10:20 a.m.
15. Other Business/Adjourn 10:25/10:30 a.m.

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia; 703-253-8600

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

# MEETING OVERVIEW

ISFMP Policy Board Meeting  
Thursday May 11, 2017  
8:00-10:30 a.m.  
Alexandria, Virginia

Chair: Doug Grout (NH) Assumed Chairmanship: 10/15	Vice Chair: Jim Gilmore (NY)	Previous Board Meeting: February 1, 2017
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 1, 2017

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>4. Executive Committee Report (8:15-8:20 a.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Executive Committee will meet on May 10 , 2017</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• D. Grout will provide an update of the committees work</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• none</li></ul>

<b>5. Review and Consider New Jersey Appeal of Addendum XXXVIII to the Summer Flounder Fishery Management Plan (8:20-8:55 a.m.) Final Action</b>
<b>Background</b> <ul style="list-style-type: none"><li>• Summer Founder Addendum XXVIII was approved in February 2017 (<b>briefing materials</b>). The addendum established a regional management approach for the recreational summer flounder fishery in 2017.</li><li>• New Jersey is appealing the approval of the addendum (<b>briefing materials</b>).</li><li>• Following the Appeal Process (briefing materials), Commission leadership reviewed the appeal and determined the appeal should be considered by the ISFMP Policy Board under criterion 2, failure to follow process, specifically New Jersey’s claim regarding the error in the text of the Draft Addendum (<b>briefing materials</b>).</li></ul>

**Presentations**

- T. Kerns will present a background on the development of the management program as well as a summary of the justification provided in the record for the management board's action. The ISFMP Director will also present the potential impacts of the appeal on other affected states
- New Jersey will present their rationale for appealing the decision under criterion 2, specifically New Jersey's claim regarding the error in the text of the Draft Addendum, and provide a suggested solution.

**Board discussion for consideration at this meeting**

- Consider the Appeal of Addendum XXVIII to the Summer Flounder FMP

**6. Update on Climate Change Working Group (8:55-9:00 a.m.)****Background**

- The Climate Change Work Group was tasked with developing science, policy and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change impacts.
- In fall of 2016 the Work group met via conference call to brainstorm how to address the Policy Board task.
- On January 2017 the working group met to make recommendations to include in the white papers to address the Policy Board task
- In May the working group met to continue to develop drafts of science and policy white papers.

**Presentations**

- T. Kerns will review the Climate Change Workgroup Progress

**Board action for consideration at this meeting**

- none

**7. ASMFC Commissioner Survey Results (9:00-9:15 a.m.)****Background**

- The Commissioners completed a survey of Commission performance for the eighth year as included in the ASMFC Action Plan (**briefing materials**)
- The survey measures the Commissioners' opinions regarding the progress and actions of the Commission in the previous year

**Presentations**

- D. Tompkins will present a summary of the survey results highlighting significant changes from previous years' surveys

**Board actions for consideration at this meeting**

- Determine if any action is required given the survey results

## 8. Committee Report on Safe Harbor Landings (9:15-9:30 a.m.) Possible Action

### Background

- New York has developed a guidance document for vessels requesting safe harbor landings in New York.
- A subcommittee met to review other state practices related to safe harbor and safe harbor landing practices. The subcommittee suggested a guidance document be drafted for states to assist in setting guidelines for safe harbor and quota transfers related to safe harbor (**supplemental materials**).

### Presentations

- J. Gilmore will present the recommendations from the subcommittee.

### Board action for consideration at this meeting

- Consider establishing general guidelines for safe harbor and quota transfers related to safe harbor

## 9. Update on Marine Recreational Information Program Transition of the Fishing Effort Survey and APAIS (9:30-9:50 a.m.)

### Background

- A study indicated mail based surveys do a better job than the current Coastal Household Telephone Survey (CHTS) to capture recreational fishing trips (fishing effort) by reaching a broader population of anglers, getting more accurate information from respondents, and delivering higher response rates. NOAA Fisheries developed a Transition Plan to move from the CHTS to mail based survey. The FES Transition Plan ensures the new numbers are incorporated into stock assessments and management in a timely fashion, but also in a way that is scientifically sound, statistically robust, and ensures the sustainability of recreational fishing.

### Presentations

- D. Van Voorhees will present an update on the progress of the MRIP transition and the APAIS calibrations

### Board action for consideration at this meeting

- None

## 10. Review and Consider Approval of Standard Meeting Practices (9:50-9:55 a.m.) Action

### Background

- Following Commissioner training on meeting practices, the Policy Board directed staff to develop draft operating procedures to make Commission meetings more effective and efficient.
- The draft standard meeting practices were reviewed by the Executive Committee and recommended for consideration by the ISMFP Policy Board (**briefing materials**).

### Presentations

- T. Kerns will present the SOPPs

### Board action for consideration at this meeting

- Approve the Standard Meeting Practices

**11. Progress Update on the 2017 Sturgeon Benchmark Stock Assessment (9:55-10:00 a.m.)****Background**

- The Benchmark stock assessment for sturgeon is schedule to undergo peer review in the fall of 2017.

**Presentations**

- K. Drew will present a progress report for the assessment

**Board action for consideration at this meeting**

- None

**12. Review and Consider Approval of the Assessment Schedule (10:00-10:05 a.m.) Action****Background**

- The ASC has recommendations to the ISFMP Policy Board regarding the ASMFC Stock Assessment Peer Review Schedule (**briefing materials**).

**Presentations**

- S. Madsen will review the stock assessment schedule

**Board action for consideration at this meeting**

- Approve the stock assessment schedule

**13. Standing Committee Reports (10:05-10:20 a.m.)****Background**

- The Law Enforcement Committee met on May 9, 2017.
- The Habitat Committee met on May 2-3, 2017
- The Artificial Reef Committee met on February 7-8, 2017 with the Gulf States Marine Fisheries Commission's Artificial Reef Committee
- The Atlantic Coastal Fish Habitat Partnership met on May 4-5, 2017.

**Presentations**

- An overview of LEC activities will be presented by M. Robson and an overview of Habitat Committee, Artificial Reef Committee and the ACFHP will be presented by L. Havel

**Board action for consideration at this meeting**

- None

**9. Review Non-Compliance Findings (if necessary) Action****10. Other Business****11. Adjourn**

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

**The Westin Alexandria  
Alexandria, Virginia  
February 1, 2017**

These minutes are draft and subject to approval by the ISFMP Policy Board  
The Board will review the minutes during its next meeting

TABLE OF CONTENTS

Call to Order, Chairman Douglas Grout .....	1
Approval of Agenda .....	1
Approval of Proceedings, October 2016 .....	1
Public Comment.....	1
Executive Committee Update .....	2
Discussion of Illegal Fishing Activities and Policies for How it Impacts Quotas.....	3
Discussion of Possible Policy Implications Involving the Safe Harbor Landings Guidance Document .....	6
Climate Change Working Group Update .....	9
Coastal Sharks Update .....	10
Commercial Possession Limit for Blacknose Shark.....	10
NOAA Fisheries Proposal to List the Oceanic Whitetip Shark as Threatened .....	11
Other Business .....	11
Motion from the Atlantic Herring Section.....	12
Risk and Uncertainty Workshop.....	13
Summer Flounder Stock Assessment .....	13
Adjournment.....	24

## INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of October 2016 by Consent** (Page 1).
3. **Move to complement the NMFS implemented management measures with regard to the blacknose shark possession limit south of 34°00' N latitude for the 2017 fishing year** (Page 10). Motion by Dr. Michelle Duval; second by Pat Geer. Motion carried (Page 11).
4. **On behalf of the Atlantic Herring Section, move that the Commission write a letter to the GARFO Office requesting that the states of Maine, New Hampshire, and Massachusetts be granted access to the VMS pre-landing report** (Page 12). Motion by Ritchie White. Motion is approved by unanimous consent (Page 13).
5. **Move that the ASMFC explore moving forward with an external stock assessment and peer review for summer flounder for 2018 management use** (Page 20). Motion by Adam Nowalsky; second by Emerson Hasbrouck. Motion carried (Page 24).
6. **Motion to adjourn** by Consent (Page 24).



**ATTENDANCE**

**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Andy Shiels, PA, proxy for J. Arway (AA)
Steve Train, ME (GA)	Loren Lustig, PA (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Doug Grout, NH (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Ritchie White, NH (GA)	David Blazer, MD (AA)
Raymond Kane, MA (GA)	Rachel Dean, MD (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	Michelle Duval, NC, proxy for B. Davis (AA)
David Borden, RI (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Mark Alexander, CT (AA)	Robert Boyles, SC (AA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Emerson Hasbrouck, NY (GA)	Kathy Knowlton, GA, proxy for S. Woodward (AA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Martin Gary, PRFC
Chris Zeman, NJ, proxy for T. Fote (GA)	Sherry White, USFWS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Mike Ruccio, NMFS

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

**Ex-Officio Members**

**Staff**

Bob Beal	Ashton Harp
Toni Kerns	Shanna Madsen
Max Appelman	

**Guests**

Tom Baum, NJ DFW	Jeff Kaelin, Lund's Fisheries
John Bullard, NOAA	Phil Kline, Greenpeace
Peter Burns, NOAA	Aaron Kornbluth, PEW
Jeff Deem, VMRC	Ben Landry, Omega Protein
Monty Diehl, Omega Protein	Wilson Laney, USFWS
Matt Gates, CT DEEP	Arnold Leo, E. Hampton, NY
Shaun Gehan, Gehan Law	Jack McGovern, NOAA
Zach Greenberg, PEW	Cheri Patterson, NH F&G
Marin Hawk, MSC	Tara Scott, NOAA
Larry Herrighty, NJ DFW	Jack Travelstead, CCA
Peter Himchak, Omega Protein	Kate Wilke, TNC Falls Church, VA
Ken Hinman, Wild Oceans	Luis Leandro, Marine Mammal Commission

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 1, 2017, and was called to order at 12:44 o'clock p.m. by Chairman Douglas E. Grout.

#### **CALL TO ORDER**

CHAIRMAN DOUGLAS E. GROUT: Good afternoon. I hope you've had an opportunity to get some of this great lunch that Laura put forward for us. I know the desserts were fantastic too. You might want to grab one before we start here. I would like to at least start through the process here.

#### **APPROVAL OF AGENDA**

CHAIRMAN GROUT: The ISFMP Policy Board, again we have an agenda here. There are a couple of things that we've been asked to add to other business. The Herring Section will have a request for approval of a letter to be written. Adam Nowalsky would like to have a discussion about the summer flounder assessment, and Shanna will be giving a brief revised timeline for the Risk and Uncertainty Workshop that we were considering at the spring meeting.

Are there any other agenda items, changes to the agenda that people would like to add, modify? Seeing none; is there any objection to approving the agenda as modified? Seeing no objection the agenda is approved by unanimous consent.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GROUT: In your briefing materials there are proceedings from the October, 2016 Policy Board, are there any changes or additions to those proceedings? Seeing none; is there any objection to approving the proceedings? Seeing no objection the proceedings are approved by unanimous consent.

#### **PUBLIC COMMENT**

CHAIRMAN GROUT: We also have an agenda item now for public comment for items not on the agenda. I have a Luis Leandro from the Marine Mammal Commission that has asked for a few minutes to talk to the Policy Board about the Marine Mammal Commission's meeting that is going to be coming up. Luis.

MR. LUIS LEANDRO: Good afternoon everyone. My name is Luis Leandro; I am the Director of Communications for the Marine Mammal Commission. We're a small independent government agency located here in the D.C. area; with oversight role over the Marine Mammal Protection Act.

In essence what we do is we review and comment on proposed actions by federal agencies such as NOAA that could impact marine mammals and the marine environment at large. For example, one of the areas that we focus on is fisheries. We participate in all seven of the National Marine Fisheries Services Take Reduction Teams.

Our focus is very much to support sustainable fisheries practices. We care deeply about this issue. We understand that fishing activities sometimes interact with marine mammal activities; and our focus is to minimize those interactions whenever possible. One of the issues that we focus on for example is addressing marine mammal bycatch on the global front. We realize this is a big problem, and we work with the National Marine Fisheries Service and others to look for solutions.

We very much support the idea of leveling the playing field for U.S. fishermen. We recognize that in the United States we've done a fantastic job frankly; dealing with marine mammal bycatch. But globally it is still a big problem, and so that is an area that we focus on. But the real reason why I'm here is to encourage you to participate in our upcoming annual meeting.

Every year we have a public stakeholder annual meeting to bring together folks at the table to discuss regional issues of importance; again that are related to marine mammals. The results of these annual meetings are usually a list of recommendations that we provide to other federal agencies as well as Congress; to take action on particular issues.

Our focus is very much on the science, we're very much science based. This year in particular we're going to be focusing in the New England region, so our annual meeting is proposed to be April 5th through 7 in the Woods Hole area. We're finalizing the agenda as we speak; we're just waiting to see what happens with the remaining of the fiscal year '17 budget. But we hope we can pull this together, and we would love to see you there.

Two agenda items that we thought would be of interest to the Commission, one is interactions between North Atlantic Right Whales and fishing activity. In addition to having NOAA Fisheries folks there, we hope to bring folks from the Canadian government also to participate in that discussion; as well as of course hopefully some of you and others from the fishing industry.

We will also be having a discussion about recovery populations of marine mammals; particularly gray seals in the New England area, and again discuss the issue, look for potential solutions, and collectively develop a list of recommendations that we can help advance. Thank you for the time. I very much appreciate you listening.

I've distributed business cards and a one pager about us; with a save the dates for the meeting. Please feel free to reach out to me if you have any questions, and we hope that some of you will consider joining us if we can put together this annual meeting in April. Thank you, Mr. Chairman.

## EXECUTIVE COMMITTEE UPDATE

CHAIRMAN GROUT: Okay, we will now move on to our next agenda item, which is an update that I'll provide, of our Executive Committee meeting this morning. We reviewed and approved the fiscal year 2016 audit. We also approved a document called standard meeting practices. This is something that came out of our meeting management seminar with Collette last year; where she made some suggestions on how to make us a more efficient and effective Commission.

We will be bringing that document to the Policy Board in the spring. We also had a report from the Atlantic Coastal Statistics program from Mike Cahall. It appears that our integration of ACCSP into ASMFC is moving along quite smoothly, and there are a lot of great activities that are moving along at a rapid pace here to improve our fisheries dependent data collection. The Executive Committee also discussed the concept of Boards versus Sections. Sections are created under Amendment 1 to the Compact. We had a discussion as to whether Sections are even needed any more; and the prevailing sentiment that we should have things remain as is. We are going to continue to have the two Sections, the Shrimp Section and the Herring Section continue forward. Under other business, we also approved guidelines for state housed employees of the Commission. Emerson, we also had a discussion of advisory panels and Board membership. We're going to be developing a white paper to try and have a further discussion on this item.

Finally, John Bullard, our Regional Administrator from GARFO provided us an update on the potential new administration officials and also a list of the acting officials at NOAA level, and at the National Marine Fisheries Service level. Are there any questions about the Executive Committee?

**DISCUSSION OF ILLEGAL FISHING ACTIVITIES  
AND POLICIES FOR HOW IT IMPACTS QUOTAS**

CHAIRMAN GROUT: Seeing none, we'll now move on to Agenda Item 5; Discuss Illegal Fishing Activities and Policies for How it Impacts Quotas. Jason McNamee asked to speak to this.

MR. JASON McNAMEE: I'm just going to give kind of a brief intro as to why I had asked Toni and Bob to put this on the agenda. Then I think Toni has pulled together some info, so I'll pitch it over to her. But just to set it up. We had had some illegal harvest of striped bass that occurred a couple years ago.

Trying to figure out where to park those fish and I talked with the Commission about it, and told them that we thought we could accommodate it in our commercial quota. They said that's perfectly fine. We did that. Now please understand it was not that many fish, I guess in a relative sense, so it kind of worked.

Through time though we became aware that this was not a standard practice or a policy in that people did different things or nothing at all with fish that were seized. I understand that there is a lot of difficulty with when the legal process is underway and all that sort of thing. But in the end there are dead fish, there are removed fish that can be counted. They should be accounted for in some way, shape or form.

I am also aware that some of the – I'll call them busts just to sound cool like we're on TV – that have occurred have been massive, and would wipe out a state's whole quota and that sort of thing. It is not an easy thing by any stretch, but I think there should be some standardized approach to how we deal with it. That is what I was hoping to start to generate that discussion, maybe put together a working group to kind of put together some ideas and go from there. I think Toni's got a little bit of info for us to take a look at.

MS. TONI KERNS: In looking in to this, and originally I thought I would be able to pull together a white paper on illegal harvest, but there are so many unknowns that I really didn't have enough information to get into the meat of a white paper on this. As Jason just went over, illegal harvest does occur in both commercial and recreational sectors; but there are no standard practices and policies on how to treat those fish.

Some of the questions that came to mind when I was thinking about this was how does a state define illegal harvest? Taking that definition to both how do you define it in the commercial sector and how do you define it in the recreational sector; and it may be a little bit different. Because in thinking about it in the recreational sector, you have illegally harvested fish outside of a season let's say that may not get counted into an MRIP survey. But you also have illegally harvested fish in the sense of it is within the season, but it's below size limit or above the bag limit. Those fish could potentially be intercepted by MRIP. There is the question of, for the recreational sector how does it get counted? Does it get intercepted? Is there a possibility for it or not? Then are there other ways that you could define illegally harvested fish? How does an illegal harvest count against a state's overall quota?

Does the same practice occur for both sectors? Then, if illegal harvest is not being accounted for against a state's quota, does it get reported as landings for the stock assessment or not? These are some of the questions that I first started thinking about when Jason approached me on this subject.

As I went forward I saw that there are definitely not common practices across all the states, and oftentimes some of the excessively large harvest, as Jay pointed out, is so far above a state's quota that in some cases the state wouldn't have any quota if they had to count it against their quota for years. The question to the Policy Board is, is there an interest in

discussing some sort of standard practice for what could happen to illegal harvest moving forward?

CHAIRMAN GROUT: Are there any questions on this? What does the Board think? Is this something that we should try to put together a subcommittee to try and bring back something? Mike.

MR. MIKE RUCCIO: While I have the microphone let me explain why I'm here, I guess. Most of you know Kelly Denit was promoted, and now is the Chief of the Domestic Fisheries Division for the agency. I'm actually working out of Silver Spring for three months; backfilling for her. Most of you know me from GARFO.

But I'm filling in Kelly's old job, and whenever we have the hiring freeze lifted, hopefully be a permanent person that is here. Anyway, thanks for that; letting me go that aside. I really appreciate this being brought up. I do think it's something that we would be interested in trying to develop collaboratively, particularly for the FMPs that we have state quotas.

There is always this question of how disposition of catch should be handled. I would encourage if there is a working group though, to coordinate through the Law Enforcement Committee and/or NOAAs LOE; because I think there are often because of the judicial process, it is not always even clear when fish is illegal, because sometimes due process has to occur to make that determination.

That raises another series of questions as to what disposition of catch is that it has to be held for a while before decisions are made. But I really appreciate this being brought up. I think that having a standardized policy where it is possible would be a benefit to us all.

CHAIRMAN GROUT: John.

MR. JOHN CLARK: Toni, was the consideration brought up that if it was to count against the quota that it would almost be penalizing states for doing a good job of enforcement?

CHAIRMAN GROUT: I think that's part of something that a subcommittee should discuss, and have part of the discussion here. Some of my questions for Toni and Jay are it was mentioned by Mike that we should include Law Enforcement on this subcommittee. Should we have this at the Commission level or would something say at the mid manager level, like Management and Science Committee be able to address this, along with maybe a commissioner or two? Do we need stock assessment biologists on it?

MS. KERNS: I don't know what level. At your individual states, who is the most informed of how these illegal harvests are being treated? Who knows that and who is the best person to talk about that issue? I don't know if it is your management and science person or not. That would be a question to the Board.

I don't think we would need Assessment Science Committee at least at the beginning. I mean I think that in any assessment having the best understanding of what catch is, is the best for an assessment; and we know that up front. Having illegal harvest that doesn't get reported and doesn't feed into assessment, then just adds to the uncertainty surrounding that assessment. I think that that is pretty standard practice.

CHAIRMAN GROUT: Okay I have a number of people. I'll start with Jay and I'll start working around the Board.

MR. McNAMEE: You can go to the other folks, Doug.

CHAIRMAN GROUT: Right then I'll go; go ahead.

MR. DAN McKIERNAN: I think you're going to find you're going to have a collection of stories

that come out from every state. There are going to be examples that are across the spectrum. I think you need to inventory the states. I think every state should probably have an opportunity to enter the conversation; because in some cases the law enforcement officers are supervised by the state directors, in some cases they're not.

Even within my state, Massachusetts, we've had some really interesting cases of illegal harvest; where law enforcement did a great job, and in some cases we did actually apply it to the quota, because it was a dealer who was moving the fish to New York and it was in commerce. We shut the fishery down early, and we also revoked his permit; and he is not in the business anymore. It is a case-by-case basis that I think is worthy of discussion for sure. But I think each state needs to come forward and kind of share their experiences.

CHAIRMAN GROUT: Adam, did you have your hand up?

MR. ADAM NOWALSKY: Yes. I appreciate the sentiment of a working group. It certainly served us well in a number of areas. There are so many issues associated with this that I'm not sure it's going to inform us to come up with a bullet point of two or three very specific things what to do with it. When I think of illegal harvest there are a number of areas of concern that we have with it, obviously one is just purely an accounting basis.

That is certainly I think something that maybe a working group could work on; how do we account for it in our year end accounting? But there are a lot of other issues that I think are primarily state and species specific. I don't think there would be a one-size-fits-all policy. But I do think the one-size-fits-all policy we could consider as a group, would be passing that along and ensuring it's in a term of reference in all of our stock assessments to ask that those stock assessments do, if cannot directly account for it, provide some

information that helps inform our actions about it. I think that would be a one-size-fits-all policy. Again there is species-by-species, the Tautog Board is taking this on with a unique way of trying to address it there; certainly a big issue. But there are many facets of it. Again, stopping it, accounting for it, and then addressing it in stock assessments I think are three very different things; and could potentially be dealt with three different ways.

CHAIRMAN GROUT: Ritchie.

MR. G. RITCHIE WHITE: I kind of see this in two parts. The first would be to get the information back from the states as to how the individual states are handling it now. Then the second part would be what do we do with that? Do we want to form policy or make any changes? I would think staff might be the better way to go to collect that information, and then maybe report back to this Board. Then this Board can decide what the next step should be.

CHAIRMAN GROUT: Jason.

MR. McNAMEE: I appreciate all the discussion. I think this is a good step forward. I think just to tag onto what Ritchie was just saying. Along with the different policies of what's happening in the states, trying to get at least the last year's magnitude of some of the things. That would be a useful exercise for the states; I think to see where they have to go to get this information.

My sense is in some cases there is a solid number; we seized this many fish. We gave it to a food pantry or something like that. In other cases I think the fish just disappear off into the ether, and so getting a handle on that I think will be important as well. Then to jump onto the thought process that Adam was having.

That is kind of like how I was thinking about it as well. This could end up being like another category. We have harvest, we have discards, and this could be like a third category; you

know from that high level stock assessment view. I think there are some things that we could do here, to make sure we're accounting for them without being punitive or anything like that.

CHAIRMAN GROUT: Okay is there any other discussion on this or questions? What I'm going to propose, and I think it was a good suggestion, is that initially we poll the states to see how they are handling this in their individual states at this particular point in time. Then once we get that information back, we'll bring that back in the form of I guess a white paper; or just a report on that.

Then we'll talk about the best way to move forward and having a discussion about how to account for the illegal activities, how it's accounted for in stock assessments, and see if there is some kind of standard way in which we want to move forward; or whether it's something that we have to be nimble and be unique about, depending on the circumstances.

Does that seem like an appropriate way forward from the Board? Is there any objection to moving forward that way? Okay thank you for that discussion. Thank you for bringing it up, Jay.

**DISCUSSION OF POSSIBLE POLICY  
IMPLICATIONS INVOLVING THE SAFE HARBOR  
LANDINGS GUIDANCE DOCUMENT**

CHAIRMAN GROUT: The next item on our agenda is Discuss a Possible Policy Implications of Safe Harbor Landings Guidance Document; and Jim Gilmore is going to lead this discussion.

MR. JAMES GILMORE, JR.: Today really, we would just like to get some dialogue going on this. I'll give you a little history of how we got to this point. Over the last, I guess couple years; we've actually had two instances of safe harbor issue. If you go back to the first one, our policy at that point was really a judgment call; based upon law enforcement and staff.

That one turned out to be a bit of a mess, because first off there was, essentially a fisherman came in that we actually didn't believe had a safe harbor issue; but when he came in law enforcement tried to deal with him; and then he essentially offloaded his fish and sold them before anything could be done.

They ticketed him. The state that he was actually going to would not give a transfer. We ended up having the landings taken off of our quota. Then when they actually got to court, the thing got thrown out; because there was no written policy. That first episode was not very productive for anyone.

What we did is about a year ago we came up with a written policy, which is in your briefing materials. This was a combination of law enforcement, us, we sat with industry and got some information about what conditions would be an emergency at sea; because we wanted to make sure that there was some measure that if we did get into a situation again, we could at least bring that into court or whatever.

The second time it happened, it worked pretty well. It was documented, it followed this guidance. The law enforcement agreed it was a safe harbor issue. The recipient state or I guess the state where the fisherman had a permit from was Virginia. Virginia very graciously agreed to do the transfer.

It was a love fest. We got the fishermen back; he got to sell his catch down in Virginia, so everything worked out very well. However, it did raise a whole lot of questions, because the entire thing was quite ad hoc. There were several decisions that had to be made, not only in New York but the other state.

What I wanted to do is just raise the question now. Do we need something a little more formal than we have, because it is involving multiple states? What I would like to do is I just have three questions to raise, to consider. In the situation, and again I'll just refer to the

most recent one. It appears that both states, do both states need to agree that a safe harbor condition exists?

If we have different policy or guidance whatever, if they're not the same we may not agree that safe harbor exists. Secondly, the quota transfer is pretty important with this whole thing. Do we need something, more of a, not a formal agreement but something more of a gentlemen's agreement that there will be a transfer; if indeed it is identified as an actual safe harbor situation.

The last one, which we were struggling with in New York is, if we do allow say a fisherman to land in New York that was supposed to go to Virginia, does he have to truck his fish back to Virginia; or can he sell them locally? That raised issues about interstate commerce or whatever. Those are the three questions that came up from this last episode. I just wanted to put that out, have some discussion on it and just to answer questions. Do we need something a little more formal or a little bit more consistent among the states under our safe harbor concerns?

CHAIRMAN GROUT: Dave.

MR. DAVID V. D. BORDEN: I totally agree with Jim. I think it would be desirable to have kind of a generic policy that all of the states could use. I just point out that at our last meeting I attended the Enforcement Session where this was discussed. I mean there were a lot of good ideas that came out of the Enforcement Committee at that meeting.

I don't whether there is a written record of it or not, but I think it would be really useful to have a generic policy that all of the states could follow. I think the other suggestion is I think we should seek the guidance of our Enforcement Committee on some of the provisions of it. I totally agree with the need for this.

CHAIRMAN GROUT: Robert, Rob.

MR. ROB O'REILLY: Both apply, thank you, Mr. Chair. I don't know whether we're a model, but we've been having this policy for quite some time. It starts out that the state whose vessel it is, the state personnel contact us in Virginia and request safe harbor. As soon as that's approved by the Commissioner of the Agency, then law enforcement is notified.

They know that there is a vessel that is under safe harbor, because there is no offloading whatsoever. A subsequent contact from the state whose vessel it is, will often say, probably I would say 85 percent of the time, 90 percent of the time that there is also request to offload; because the vessel is severely impaired, the fish may spoil, you know that type of an approach.

Then that goes through the same situation, where when it is in our state, where law enforcement is notified. The Commissioner has approved, everyone is notified, the buyer is notified in Virginia, and North Carolina in this case has had several of these. But also New York, Massachusetts, other states, and it seem to work just fine; because everyone is aware of what's occurring.

We haven't really been in the situation where we've doubted safe harbor, but we did have an occasion where someone, where for a little while when this was early on in the process, so probably the early 2000s. Where we had a vessel who just automatically assumed that the vessel could have safe harbor, and of course that was quickly approached by law enforcement and got straightened out.

As far as the interstate commerce, I wasn't quite sure how that works; because it would be expected that when you transfer the quota then it belongs to the state it is transferred to. If a New Jersey vessel seeks safe harbor in Virginia, and then subsequently there's a request from the state of New Jersey to have the offloading, there is a transfer of quota that is set in order. That quota is now Virginia quota, essentially;



and it works the other way around as well, in the case of what Jim was saying.

DR. MICHELLE DUVAL: I definitely appreciate Jim's work in putting this together. As Rob has alluded to, this is certainly reflective of many of the elements that have developed over the years between Virginia and North Carolina, in terms of quota transfers; with regard to contacting the agency to obtain permission to offload fish in another state, and sending us required documentation. We require a Coast Guard Marine Casualty Form, and information from a mechanic or someone; just to make sure that we're granting this because there is really a need to do so. Definitely like the definitions of the different types of reasons for which quota transfer might be allowed to occur, or reasons for doing so; the definition of the declared circumstances, I guess.

I was just curious, Jim, if you guys worked with industry at all in developing some of these things. I know that we had a lot of conversation back and forth with industry, when we were trying to put something down on paper; when we were having some frequent transfers of summer flounder quota to Virginia. That's just one question.

Then I think the other question I have is the weather condition criteria. I'm just wondering if you applied that at all before, in terms of forecasted weather conditions and how far out, you know you allow for that. I mean if everybody looks at the forecast, and presumably captains are doing the same thing; to you know determine their sail plan. I was just curious about that as well.

Then I guess the only other thing I'll add to, with regard to what Rob said was that when we transferred quota to Virginia to cover some of these safe harbor issues in the past, the Virginia dealers have sold those fish; so I don't think it ever crossed our minds to require that fish be trucked back to the state. It becomes the receiving state's quota, I guess.

MR. GILMORE: Yes Michelle, first off we had two meeting sessions with the commercial fishermen to get their input, and then after we developed a draft on this we gave it back to them. Actually, part of the reason to your second question was really the weather part of it was a little bit more difficult to capture.

It actually turns out that the first episode where we didn't have a good outcome to it was the weather conditions actually weren't that bad. Actually there was a federal observer onboard too, and we felt that that was probably a good example to set where maybe the limit was. But again, we've got most of that information for both weather and the conditions came from the fishermen; at least in consultation with them.

The weather part of it is difficult, because one man's storm is another man's regular day out at sea. Again, we deferred mostly to the industry to let them define that; and of course it is actually subject to change if somebody thinks that it's too restrictive or it should be more restrictive. But again that is something we felt was appropriate, and it worked pretty well the one time we've used it so far.

MR. MCKIERNAN: We in Massachusetts have had a number of cases where there has been vessel breakdown or injury to crew or captain; and we've worked with North Carolina and Virginia, and we've supplied the Coast Guard or required a Coast Guard report, et cetera about the incident. As a result they've transferred the quota to us as they could.

But I just want to point out that at the Law Enforcement Subcommittee meeting, the most recent one, they pointed out to us that technically safe harbor means yes, come on in because it's rough out; but you're still going to leave with the fish. For example, in January in Massachusetts, our fluke limit is zero. If someone is fluke fishing and it's rough, they can have safe harbor, they can bring it into a port, and they call ahead and they can't unload it. Really what we're talking about is unloading fish

in a state for which the amount should be attributed to another state. But the true safe harbor policies are yes, come on in, but you've got to take your fish with you when you leave.

MR. STEPHEN TRAIN: I am trying to avoid entering this debate, but there was something that made me a little bit nervous, and that would be a policy where somebody ashore would tell a captain whether it was too rough to come in or not. I mean as was just stated earlier, it is pretty hard to say whether you thought it was bad weather or not. But if the captain of the vessel doesn't believe he belongs out in it, it is unsafe weather; and that shouldn't be determined by someone on land, ever.

DR. DUVAL: That speaks to another question I had forgotten to ask Jim. I didn't know when you guys were talking about the weather situation, whether or not there had been any conversation with the Coast Guard about criteria for weather. I think Dan touched on a really important point, and that is safe harbor is a tool that is always available.

What we're trying to address here is conditions under which transfer of quota would be allowed to another state. Hopefully that gives Steve a little bit of ease. But I was just curious if there had been any conversations with the Coast Guard; in terms of weather.

MR. GILMORE: Yes, my understanding is our law enforcement guys dealt with the Coast Guard to discuss part of that defining the weather conditions. To Steve's point, we actually talked about that Steve, and we were trying to say not to take that away from the captain. It was to give them guidance.

If you're coming in, if all these conditions are met, you're probably going to be able to offload and do everything else. If it's not but you still feel it is unsafe, it's just that you may not be able to transfer and get all the economic benefits of it. But again you're right. It is not

designed to usurp the authority of the captain; in terms of a safe condition at sea.

CHAIRMAN GROUT: Further discussion? Jim, would you like to lead a subcommittee on this; where you would coordinate also with law enforcement to develop a draft policy?

CHAIRMAN GILMORE: It was the reason I almost didn't put this on, because I figured it was going to get to that. But yes, I will do that Mr. Chairman.

CHAIRMAN GROUT: At this point are there other commissioners that would like to be on this? Dave Borden, Dan McKiernan, Russ, and Michelle, I think that's a good subcommittee. Okay thank you for bringing that up, Jim. I think it's an important topic and I think we should see if we can develop a draft policy. I assume you would be reporting back to the Board; either in May or sometime during the summer, depending on how long you work.

#### **CLIMATE CHANGE WORKING GROUP UPDATE**

CHAIRMAN GROUT: Next item on the agenda is an Update on the Climate Change Working Group. Last spring I asked for volunteers for a working group to develop science policy and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from a climate change impacts. We have had a conference call last fall, and just before this meeting we had a face-to-face meeting. We had a very productive meeting. We are in the process of trying to develop a white paper with policies that the ISFMP Board would be able to look at and consider whether they would like to move forward with implementing those policies. We're still in the process of putting that together. We anticipate that we'll have at least one more meeting prior to our spring meeting; and then possibly have something for you all to look at by the summer meeting.

### COASTAL SHARKS UPDATE

CHAIRMAN GROUT: Are there any questions? Seeing none; we're moving right along here. Ashton, we have a couple of coastal sharks update, and just so that folks are aware, one of these is going to require final action and a motion. For those of you who are on the Coastal Sharks Board, I appreciate your help in moving this motion forward.

MS. KERNS: Just so everybody knows the reason why this is on Policy Board and not a Coastal Sharks Board is the final action from Highly Migratory Species didn't occur until after we had set the schedule.

### COMMERCIAL POSSESSION LIMIT FOR BLACKNOSE SHARK

MS. ASHTON HARP: I would just like to make the Board aware of a new blacknose possession limit. Last year NOAA Fisheries published a final rule establishing a commercial retention limit of eight blacknose sharks for all limited access permit holders, in the Atlantic region south of 34° north latitude; and this was effective January 13th of 2017. Previously there was no possession limit for the blacknose sharks.

As specified in Addendum II to the coastal sharks FMP, the Board can set possession limits for the harvest of blacknose sharks in state waters. Should the Board choose to complement the federal management measures, action would need to be taken by the Policy Board at this meeting.

As far as justification for moving this final rule forward, is that the commercial retention limit was implemented because the blacknose and small coastal shark quotas are linked. Meaning if one were to exceed 80 percent, then both of the fisheries will close. This happened about five months into the 2016 fishing season.

The blacknose quota was expected to exceed 80 percent, so both the blacknose and the small

coastal shark fisheries closed. This action is expected to increase the utilization of available non-blacknose small coastal shark quota and aid in the rebuilding and end overfishing for Atlantic blacknose sharks. With that I'll take questions.

CHAIRMAN GROUT: Questions for Ashton. Seeing none; is there someone that would like to make a motion here? Michelle.

DR. DUVAL: I might need a little bit of help from staff, in terms of word-smithing the motion; **but I would move that we complement the federal management measures with regard to the blacknose possession limit south of the 34 latitude line.**

CHAIRMAN GROUT: Is there a second? Pat Geer. Robert Boyles, discussion on the motion.

MR. ROBERT BOYLES: Just a question for clarification, maybe to Jim and to Pat. Many of you may know that in South Carolina we automatically track federal regulations for sharks. I note 34° north is roughly Cape Fear, I believe. My question to Pat and to Jim is I'm not quite sure what effect this will have, because I think we're already there; just a question for Jim and Pat how this will effect Florida and Georgia.

MR. JIM ESTES: We really don't have a commercial fishery for sharks in state waters; because we have a possession limit of one.

MR. PAT GEER: The same with us, we don't have a commercial fishery for sharks.

CHAIRMAN GROUT: Further discussion on this motion? Michelle.

DR. DUVAL: I'm going to put on my South Atlantic hat a little bit here. We had had concerned fishermen who were actually fishing in federal waters off of Florida come before the Council and request a little bit of relief. These are folks who, I believe were fishing in the

Spanish mackerel gillnet fishery, but they were also federally permitted shark fishermen.

They were encountering small coastals. However, they had to throw those fish back because of this linked quota that Ashton has mentioned. While there was actually a lot of quota left on the table for small coastal sharks, they were having to discard those fish that they were encountering; incidental to their Spanish mackerel harvesting activities dead.

We brought this before the HMS Advisory Panel and brought it to the HMS Division. This was actually implementing a trip limit on the blacknose was a way to get at that; rather than I think what we talked about was having some incidental catch limit of the small coastals, when there was quota left on the table in these other fisheries.

This was actually the way that HMS suggested solving it. Certainly we supported that and recognized that there is not necessarily state waters fisheries for sharks in South Carolina automatically complements that I think, for consistency with the plan and based on the concerns of fishermen with regard to dead discards. I would recommend supporting this.

CHAIRMAN GROUT: Further discussion on the motion? **This is a final action. I am going to try first to see if there is a consensus here. Is there any objection to this motion; any abstentions? Terry, the state of Maine, excuse me and PRFC, okay it passes by nearly unanimous consent with two abstentions.** Ashton.

#### **NOAA FISHERIES PROPOSAL TO LIST THE OCEANIC WHITETIP SHARK AS THREATENED**

MS. HARP: The next item is no immediate action is required. It is more kind of a notice to the Board. The National Marine Fisheries Service released a proposed threatened listing for oceanic whitetip sharks. This was based on the best scientific and commercial information

available. They published a status review report that was released in 2016; after taking into account efforts that were made to protect the species.

The National Marine Fisheries Service has determined that the oceanic whitetip shark warrants listing as a threatened species, and concludes that the shark is likely to become endangered throughout all or a significant portion of its range within the foreseeable future. At this time the National Marine Fisheries Service is requesting public comment.

All comments are to be received by March 29th of 2017. If a state would like a public hearing, they would need to be notified by February 13th of 2017. In regard to the comments, they're looking for some pretty specific things in general. They would like to have comments on new or updated information regarding the range, distribution, abundance, population structure or genetics of oceanic whitetip sharks; as well as their habitat. Any new biological data that would concern any threats to the species, such as post release mortality rates, finning rates and commercial fisheries, et cetera.

They are also interested in current or planned activities within its range and their possible impacts on the species, recent observation or samples of oceanic whitetip sharks, and lastly efforts that are being made to protect oceanic whitetip sharks. Comments can be submitted via mail or electronic submission; and the places to submit the comments are in the proposed rule on the Federal Register. With that I'll take questions.

#### **OTHER BUSINESS**

CHAIRMAN GROUT: Any questions for Ashton on this? Seeing none; thank you very much, appreciate it. We're now down to other business.

CHAIRMAN GROUT: The first item of other business I have here is a motion from the Herring Section. Ritchie White.

**MOTION FROM  
THE ATLANTIC HERRING SECTION**

MR. WHITE: The Atlantic Herring Section is in the process of an addendum that will put more tools in the toolbox for the Section to be able to slow the harvest down during Trimester 2 in Area 1A; and to do that we need real time harvest data. **On behalf of the Atlantic Herring Section, move that the Commission write a letter to the GARFO office requesting that the states of Maine, New Hampshire, and Massachusetts be granted access to the VMS pre-landing report.**

CHAIRMAN GROUT: It's a motion from the Committee, it doesn't need a second. Is there any discussion on this motion? Seeing none; is there any, yes, Mike.

MR. MIKE RUCCIO: Sorry, I wasn't quick with my hand there. I just wanted to point out for the benefit of the Board that as was discussed in the Herring Section, this letter likely will end up with our Office of Law Enforcement; as they're the group that actually controls access to VMS landing. Regardless of who you send it to, we'll make sure it gets to them, but there is an extensive process to get vetted for VMS data.

CHAIRMAN GROUT: Okay given that – Eric

MR. ERIC REID: I would like that the motion be refined to reflect the area fished, which we're talking about 1A; I believe.

CHAIRMAN GROUT: That these three states would only have access to herring pre-trip notification VMS data for herring, 1A, are you making a motion?

MR. REID: I suppose it's a motion to amend, but I would rather have it as a friendly effort. I just don't think they need access to Area 2.

CHAIRMAN GROUT; Okay, the difficult part that I see with a friendly, is this is a motion from the Committee; so it's not like you're asking the maker and seconder to do this. Ritchie, would you like to speak to it?

MR. WHITE: Yes, I would agree that the Section voted this motion in, so I don't think I have the ability to change that. I guess I don't understand the problems with those states seeing that information during that time period; because it's the summer, and I don't know that there is a lot of harvest going on in Area 2 during the summer. I guess you would have to make the motion to amend if you're concerned about it. But I guess I don't understand the concern.

MR. REID: Okay, I understand the intent of the motion. You could get inundated with landings reports. I'm assuming that you would request specific landing reports from specific vessels or specific areas; and that will be okay with me. There is no reason you have access to all of them, and I should have made the comment at the Herring Board, but I did not, so it's my bad and forget it.

MR. WHITE: Well, the intent of the motion is to get data and use data for harvesting in Area 1A during the second trimester. I don't know if that helps you or not; but that was the reasoning behind the motion.

MR. TERRY STOCKWELL: Due to the marvels of technology I've been corresponding with staff during this conversation. They very specifically request this data. They want to know who is fishing where right now. We have all the areas, but now as a state. Our Technical Staff believes they'll be able to provide us better information if they have broader access to the data.

MR. RUCCIO: Just to Eric's concerns about being inundated. I believe once access is granted, it is typically the entire VMS suite for the northeast. However, you can create custom reports that would allow you to select, I am sure Area 1A is one that is selectable; specific vessels by registration. There are ways to cull the data down so that you don't have to look at all the tracks that are out there for everything along the Atlantic seaboard.

CHAIRMAN GROUT: Just so we're clear, we're not going to be even requesting the tracks. We're asking for the pre-trip notification data specifically.

MR. RUCCIO: Correct, but I think the process of getting access may involve getting clearance to be able to see it all. What you want out of it you can choose, but I think that's why it said it's best to go through OLE; because they will have to vet through some process who gets the data and who will have control of it.

CHAIRMAN GROUT: **Okay further discussion on this motion; is there any objection to the motion? Seeing none; the motion passes by unanimous consent.**

#### **RISK AND UNCERTAINTY WORKSHOP**

CHAIRMAN GROUT: Next other business I have is Shanna, who is going to give us an update on the Risk and Uncertainty Workshop.

MS. SHANNA L. MADSEN: If the Policy Board will remember, back at Annual Meeting last year Jason reported out to the group a quick example of what our Risk and Uncertainty policy might look like; and we suggested to the Board that we move ahead with developing a more solid example. The Board recommended that we do striped bass.

The workshop would sort of focus on moving striped bass through this test risk and uncertainty policy. We had discussed holding this workshop in May. We would like to request

from the Board that we move the workshop back to either August or this Annual Meeting week, simply because we have a lot of overlap amongst a lot of our Committee members. There are a lot of meetings going on earlier this year, and the group would like to have the chance to take the workgroup's report to the Assessment Science and Management Science Committee, and fully vet it through those two groups before bringing it to the Policy Board; to make sure that we have a more solid example to bring to the group. Essentially we just would like to know if it's okay if we kind of bump that workshop back from May meeting week to later on this year, depending on what space is available for us.

CHAIRMAN GROUT: Any questions? Is there any objection to this request? I think we're okay with it.

#### **SUMMER FLOUNDER STOCK ASSESSMENT**

CHAIRMAN GROUT: Final other business item, Adam. You wanted to bring an issue of a discussion about the summer flounder assessment.

MR. NOWALSKY: Great thank you, I'll try to do this with as little feedback as possible; although we seem to be all fighting the common enemy at this point. This is a motion that came from the Summer Flounder, Black Sea Bass and Scup Board at the December joint meeting with the Mid-Atlantic Council.

The motion at that time was to have the Policy Board request that the NRCC get a summer flounder assessment on the schedule as soon as possible. Dr. Pat Sullivan from Cornell has been doing work, working with the Science Center and a number of other groups on developing a sex-based model. He has now presented twice to the Mid-Atlantic Council.

Most recently at the joint meeting in December, so those members of the Board that were there at the time got to see that presentation. This is

the recommendation from the last stock assessment peer review that that species, summer flounder, move towards a sex-based model; and Dr. Sullivan's work has now brought us to that point. He is ready to go with it.

The issue has become one of timing, specifically with the recreational re-estimations that are taking place in trying not to duplicate the stock assessment process; but at the same time not wanting to delay the use of what would be the best available science for summer flounder, any longer than absolutely necessary.

There have been concerns about trying to get it on the schedule. I would ask, at this point we've had some conversations with staff. They have discussed the need to go through the Assessment Science Committee before asking specifically the NRCC to put this on the schedule ASAP. The first available timeframe that we've been told to go through the Science Center would be the second half of 2018 would be the first available timeframe.

Discussions tomorrow we're going to certainly let us know that that may be too little too late for a lot of people involved. I would first ask one, to get some feedback from staff regarding that process of getting that request through the NRCC. Then two, I would like to turn to Russ, who has got some information about New Jersey's willingness to look at funding this assessment, potentially outside of the typical SAW/SARC process.

CHAIRMAN GROUT: I'll go to Toni first and then to Russ or staff. Bob. (ding)

EXECUTIVE ROBERT E. BEAL: I'm awake now, Doug. Just a quick comment on the NRCC, Northeast Region Coordinating Council, it is a group made up of the Commission, Mid-Atlantic, New England Councils, the Regional Office, GARFO and the Science Center. The five bodies get together and try to figure out how to populate the SAW/SARC schedule, given everyone's competing demands for assessment

time and the limited resources that Woods Hole has. We can bring that forward. It is a high priority. I attend all those meetings and we kind of do a lot of horse trading; and try to make the case for what species are the highest priority and should be put on the SAW/SARC schedule.

Bringing that forward is easy and we can do that. That doesn't guarantee results. I've been trying to get striped bass on that schedule for quite a while, and I haven't been successful; so we have to do that solely through the Commission process. For species like summer flounder, scup, black sea bass, bluefish the jointly managed species, we can work with the Mid-Atlantic Council.

If they see it as a priority as well at least you've got two groups pulling in the same direction. We can bring that forward. It doesn't guarantee results. The SAW/SARC schedule is pretty full with a number of groundfish species that the New England Council needs additional assessments on so they can move forward with their management.

There is a big chunk of time set aside to deal with the recreational data that is coming online to transition from the phone survey to the mail survey; which has a potential to significantly impact the number of assessments. The 2017/2018 schedule is pretty full, but we can bring summer flounder forward and see what we can do.

MR. RUSS ALLEN: As Adam said this is something that we think, and I'm sure many other states think is the priority to get an assessment done. We know there is better data out there. We need to move forward. We're kind of looking at it as a process that maybe we're not going through SAW/SARC. I don't know how that process goes.

I know it's been done before with other species where it has been independently funded to do that. As of now, we've already found a

\$40,000.00 to start this process. We're looking for additional funding. We're talking to our recreational community, trying to get some additional money there. I think we'll be talking to other states to put some other money together; in order to go outside of that SAW/SARC process and get this stock assessment done.

But I can guarantee that that money is only available for 2017, it won't be available down the road. We're looking forward to other states jumping onboard and trying to get this done. Mid-Atlantic Council meets in a couple weeks. I think if this Commission can say this is the way we want to go, I think we can bring that back up to Mid-Atlantic Council; maybe get everybody on board and find a way to get that assessment done, because I think it's critical, especially for New Jersey. But also for New York and all the other states that are involved here.

MR. STOCKWELL: As a follow up to Bob, and as someone who has been to a number of NRCC meetings. I do want to advise the Board here of a really overfilled stock assessment schedule for the next two years. It is committed this year for 2017, 2018 at this point the SAW/SARCs are committed to scallops, herring, shad and the second half of the year is fully dedicated to MRIP.

One thing the New England Council did to address an issue with Atlantic halibut was to seek an outside source, and the New England Council has funded an alternative assessment; and I would be happy to talk to you about that offline.

CHAIRMAN GROUT: Is there further discussion on this? Mike.

MR. RUCCIO: We did get a little bit of a heads up that this might come up today. You know the issue of trying to advance the schedule for summer flounder has been broadly discussed. I understand and appreciate the desire to have that advanced on the schedule, and I won't

repeat all the comments that have already been made about what is already prescribed; the NRCC process the other discussion that's come up about MRIP transition.

I think those are all valid points, but at the same time that is not wholly satisfactory to people, and I get that. There is a challenge for us I think, in the potential for competing science. We are very aware of Dr. Sullivan's work. We have collaborated with him; we've been encouraging his work on the sex-based model.

We do think and hope that it holds promise for incorporation into a full assessment. One of the things that might be worth consideration is to try to have that work independently evaluated and reviewed, if there are funds that are available to do that. But the issue then becomes the agency is for better or for worse the arbiter of what constitutes best available science when it's applied.

We would need to be able to vet that information. Going through a formal process with that assessment type and having it externally peer reviewed, might give us the opportunity to do that. Of course it all remains to be seen. Peer reviews are not a foregone conclusion that models are upheld, or the suggestions or outputs that are derived from them are always recommended for management use.

But that might help accelerate the schedule for a time when it could be incorporated into the SAW/SARC schedule, if it's already kind of gone through and been vetted through a peer review. Obviously if the methods in the model diverge significantly from the advice that is already coming out of the peer reviewed model at SAW/SARC, we would have some questions that we would need to talk about then; and try to figure out how to move forward.

I think we can be supportive in the ways that we have been, as I mentioned we have been trying to work with Dr. Sullivan, he has been



very collaborative with us. It is not a completely independent evaluation being conducted outside the purview in total of the agency. But as far as scheduling it through our existing SAW/SARC process, and then having the Center of Independent Experts as has been mentioned the schedule is full.

There is another planned update for summer flounder this summer, which will update the independent and fishery dependent data sources; but that is as people will rightly point out, simply an update to the existing methods and model. There might be ways to work with this, and if it's something that people are trying to put together, I would encourage them to reach out to Jon Hare and the staff at the Center.

Try to find ways for collaboration; and to make sure that whatever happens ends up to be well suited for either consideration moving forward into a larger assessment process, or to help inform management advice. The one thing and I don't think this is what people suggest, is we don't want rogue science popping up everywhere. I don't think that at all was suggested, but that is something that we have to think about, in terms of when management recommendations come to us, we have to vet what scientific basis they're founded on as part of National Standard 2. We have to be able to verify the information there. Dr. Sullivan has been very forthright and shared his results with us to date, but peer review would be an important part of that as well.

CHAIRMAN GROUT: Michelle and then Rob.

DR. DUVAL: Just to speak briefly on what Mike offered in terms of a different peer review process or an external peer review process. We've experienced similar difficulties I think in the South Atlantic with the resources available for stock assessments and updates. Particularly if something urgent comes forward, and I'll note that our SSC for the South Atlantic Council actually developed a procedure for what we call

third party assessments. Developed a very prescribed process, whereby the SSC has review over a third-party assessment from the beginning.

Now this has only been applied once to a wreckfish assessment that I believe was conducted by Dr. Butterworth a couple of years ago. I know John Carmichael, who is the SEDAR program manager is going to be here; I believe probably later on today, and certainly tomorrow for the South Atlantic Board. I would encourage folks who are interested in something like that to reach out to John. He can give you a little bit more of the specifics, and provide the documentation that the South Atlantic Council SSC put together to try to address these things.

MR. O'REILLY: I was just going to say that with joint management it sort of makes it difficult to hear Russ. I count that as enthusiasm on the part of New Jersey to take a step forward as quickly as possible. But I am certainly well aware that in joint management the partners all have to be sort of holding hands.

I guess at the next Council meeting there needs to be something said about what was done here today. I know at the last Council meeting there was pretty definite ideas that the assessment had to wait, at least until after the MRIP situation was settled; and that did not sit well with some of the Board members in that joint meeting.

You're seeing a little overflow of that today. I think the conversations still have to happen between the ASMFC and the Mid-Atlantic Council. But certainly there probably are reasons why New Jersey needs to know what it's going to do next; as far as making that kind of investment over the course of doing stock assessments.

You know the first stock assessment I remember was Gary Shepherd with striped bass in 1996; that was VPA. After that the state

personnel were doing the stock assessments. I always thought really ASMFC needs to do those assessments, and that's what's happened. We've modernized; ASMFC has staff that does the assessments. But we're in a joint situation and there are differences, so let's go forward back to the Council and see what the thought pattern is there. I certainly appreciate the comments from New Jersey.

MR. NOWALSKY: I think at a bare minimum today, Mr. Chairman, I would like to know if this Policy Board does need to act on that motion that came out of the Summer Flounder, Black Sea Bass and Scup Board at the joint meeting, and if so it would be appropriate to take action on that. At a bare minimum, certainly have other states begin consulting with New Jersey about the possibility of finding a way, working with the Service as Mike said. Dr. Hare has been an integral part of the conversation in recent months as well; about trying to find a way to get this done for potential management use in 2018. I think that behooves everyone around the table, certainly the Board members, this Commission as a whole, the Council, the Service, the fishermen and probably most importantly the resource that we are here to represent.

CHAIRMAN GROUT: Further discussion? We have a question. Is there anything this Policy Board needs to do to move the motion that was at the Fluke, Black Sea Bass and Scup Board in December forward for action here?

MS. KERNS: In particulars to the motion itself of taking it to the NRCC. Bob indicated that he can do that at the spring meeting, which I believe is in June this year. Whether or not that gets on the NRCC in 2017, as Terry indicated the schedule is already full so that would be, I think highly unlikely. But again I can't predict what would happen there.

It is not on the SARC schedule until 2019 right now. You've indicated that you've gotten some information that it might be able to fit into the

fall of 2018, so that is information that I didn't have prior to. Beyond taking it to the NRCC, we can definitely do that.

MR. EMERSON C. HASBROUCK: It seems that we're not going to need a motion then, first to have Bob bring it to the interested states. I suggest that we move forward with that. I think it's important that we have a benchmark assessment for summer flounder occur as soon as possible. We've been managing this resource for what, 20 or 25 years.

We're going to have quite a discussion tomorrow morning relative to where we are and where we need to go, and what our regulations should be for summer flounder. Here we are 20 years later and we're not better off than we were when we started it. In fact some may think that we're in worse shape than when we started this. Our last assessment update said that we've been overfishing since 1980.

We need to do something different here for summer flounder. I think a sex-based benchmark assessment is the start of doing something different; because what we've been doing all along here doesn't seem to be working. I think we need to move this process forward. If the NRCC is going to meet in June, I think was mentioned, then we'll have an answer then.

In the meantime, perhaps we can work with New Jersey about raising some additional funds to pay for an assessment outside the SAW/SARC process, and start to have some conversations with people about how that needs to go forward. One question that I have relative to that is; if it does go forward outside the SAW/SARC process, can the results of an outside conducted assessment be brought into the SARC component for final peer review? That may be a way to incorporate this as well, to get a peer review that NMFS is comfortable with.

CHAIRMAN GROUT: Does the Service feel comfortable in answering that question at this point?

MR. RUCCIO: Well actually no I'm not comfortable answering that; because I don't know what the answer to that would be. But I would think that that should be included within the conversation with both the Northeast Science Center and then potentially the NRCC. I think those are the best avenues to get a definitive answer on something like that.

MR. NOWALSKY: I'll just add I've had conversations building on Terry's comments, with the New England Council about that Atlantic halibut work, and that road that Emerson just suggested is my understanding of exactly what the intention is. Have Dr. Rago do the modeling, everything that would go through up to that point. Then have it go through the SARC process for peer review. That is my understanding of what the intent is with the halibut work.

MR. WHITE: Thankfully New Hampshire does not have summer flounder. But I just have a question on process. Wouldn't the process be that the Summer Flounder Board makes a motion and passes it, and then it's on the agenda here with the Chair of the Board? I guess I do not quite understand why it's not going that route.

CHAIRMAN GROUT: Are you talking about the process of potentially funding another assessment, having the state of New Jersey and potential other states providing funds for a peer reviewed, not only the development of the stock assessment, but also the external peer review would be paid for by that group.

I would assume, and I could be wrong that the best mechanism to do that would be to funnel the funds through ASMFC, and let them develop the peer review process; get the Peer Review Panel together, and actually try and in addition to trying, to move forward an expedited stock

assessment using the new model by Dr. Sullivan.

EXECUTIVE DIRECTOR BEAL: To the point of having an external party doing the assessment work, and then turning it over to SARC. We've raised that for species like northern shrimp and striped bass in the past. We still run into the same scheduling bottlenecks with the SAW/SARC process. I'm not sure that one necessarily gets us out of the woods. But what you suggested, Doug, of ASMFC pulling together a number of external peer reviewers, we can do that.

We've done that for a number of species. We do that two, three, four times a year. If there are funds available, we can work to find independent external reviewers that can review assessment work; either done by ASMFC groups or external groups, if that's the will of the Board. I think the SAW/SARC schedule is full. I would be surprised if we can get our foot in the door to get much on that schedule through the end of 2018.

MR. NOWALSKY: I like what that recent conversation was going. I'm not sure if that answered Ritchie's question, because I'm not sure if he was referring to the motion that came out of the Summer Flounder Board and why that wasn't presented by the Chair here. I would have to leave that to staff to say why that wasn't included as an option originally as part of the Policy Board. But I'll build on that and with Bob's comments, so would this be recommended?

I mean I know we're already going to be crushed for time tomorrow morning; but is this what would be recommended as a discussion that needs to come out of that Board tomorrow? Potentially looking to find funds for external review through ASMFC to get this done sooner, or have we kind of short circuited that; saying that that was initiated by that Board by requesting the stock assessment? How would

we move forward with what Bob just described in as expeditious timeframe as possible?

EXECUTIVE DIRECTOR BEAL: It is really the comfort level of this Board. All the summer flounder folks who are around the table right now, tomorrow morning we're going to be, as you said crushed if not worse for time. If folks around the table here are comfortable proposing that we move forward with an external peer review through the ASMFC process of some sort, I think that needs to be coordinated with the Mid-Atlantic Council in two weeks when we're down in Kitty Hawk at the joint meeting; to make sure that they're comfortable with that as well.

I think if we end up with a situation where ASMFC does an assessment or the states through ASMFC do an assessment, and then the Mid-Atlantic is not comfortable with that course or doesn't give an indication they're going to buy into the results of that process. We're going to end up in an awkward spot. If the Policy Board express their comfort with moving down that road and then we talk with the Council about it in two weeks. I think that's probably the next two steps, in my mind anyway.

CHAIRMAN GROUT: As I understand it that would take a motion by this Board to move down that and also by doing that it would provide other states the opportunity to weigh in, to see if they can provide additional funds to help support this; because as I understand this may cost more than the very generous amount that the state of New Jersey is willing to put forward. I will give John first crack at this, because he hadn't spoken first. But then Adam, I'll take you afterwards. John.

MR. JOHN McMURRAY: I'm all for prioritizing a benchmark or even an external peer review, and Emerson's comments are well taken. But what I'm not entirely clear on are what are the expectations for this sex-based model? The surveys are the surveys. We're still going to

have poor recruitment and we're still going to have MRIP problems. Is it worth it, and is it worth having the state of New Jersey dump this money in when I'm not clear on what the expectations are.

CHAIRMAN GROUT: Emerson, or do you want to address that first, Adam or do you want me to go to Emerson?

MR. NOWALSKY: I'll let Emerson go first.

MR. HASBROUCK: I can't speak as to what everybody's expectations might be. But my expectation would be an assessment that reflects the biology of the resource better than the current assessment. Summer flounder males and females grow at significantly different rates, and they have significantly different natural mortality rates. That's not taken into account in the current assessment. It is a blended natural mortality rate, if you will.

I would expect that a sex-based assessment will be more reflective of the biology of the resource. I don't have expectations in terms of what the output is going to be. The results of that assessment are going to be what they are. They may reaffirm where we are, they may come up with something different. They may provide less uncertainty in the output of the assessment. Those are my thoughts on it, I don't know if anybody else has additional thoughts.

MR. NOWALSKY: I'm glad I let Emerson go first, because he clearly exemplified his better knowledge of that than I have. I too can offer however that I don't have any insight as to what the model will output. However, my expectation is that it will fulfill the recommendation from the last stock assessment for better science, to move towards a model that is sex-based. If that is what we take as best available science, and we strive to meet those recommendations that come out of our peer reviewed stock assessments, and here

it is. Somebody is holding it out there right in front of us.

The apple is dangling; all we have to do is pull it down from the tree. It is there. We would be remiss to not take advantage of that opportunity. To build on that I would go ahead and make that motion, I'll probably need some help from staff here. **But I would move that the ASMFC look at an external assessment for summer flounder for 2018 management use.** I'll start there, look for a second and take whatever help staff can give us.

CHAIRMAN GROUT: Given the discussion, would it be appropriate to say Toni, external peer reviewed assessment?

MS. KERNS: That's a question to Adam. Are you looking for the Commission to conduct that external assessment as well as the external peer review, or is New Jersey or somebody else going to coordinate the actual assessment itself; and just bring us the peer review to do?

MR. NOWALSKY: I think we're looking for a collaborative effort. I don't have the answer, but the two biggest challenges in one of these areas are one, having the science, and two, having the money. We have the science, it is there. It is ready to go. We have a significant portion of money ready to go to start that process.

Hopefully we can get some other people on board, other states on board with seeing that through. Those are typically the two greatest challenges, doing the science, having the money. We've got those items started. I would look for, again I would have to look for some help here in what the best way forward is as a partnership in getting this done. I appreciate any guidance you can provide.

MS. KERNS: Just one more question for clarification. When you say you have the science, does that mean the assessment is ready to go for peer review now; or do we need

to involve the states and our federal partners and our Mid-Atlantic partners in order to actually run the numbers, get the numbers, and all of that?

I only ask that because we need to make sure that we coordinate with all the other assessments that are ongoing. I would think that the states would make it a priority, but we also have to balance the other assessments that are currently ongoing for this year. I will stop there.

MR. NOWALSKY: We would need the help of the states to get all of the typical data inputs that would be at the beginning of the stock assessment workshop process.

CHAIRMAN GROUT: This again is requesting the conductance of a stock assessment with all the partners that are involved, and a peer review process of it. We need to include peer review in that motion. Okay now we need a second. Emerson, okay. We've got a second, discussion. I'm going to go to Bob and then Ritchie, and we'll start moving around.

EXECUTIVE DIRECTOR BEAL: I'm just trying to make sure what this looks like in my mind is what this may look like in reality. The Step 1, as Adam mentioned, the states and partners would compile the data. Step 2 is a group of external scientists would be contracted to crunch the numbers. Then Step 3 would be ASMFC would find external peer reviewers and Step 4 is the external peer review happens. The ASMFC resource commitment is staff time to help coordinate data compilation, and staff time to find the peer reviewers and set up and run the peer review essentially.

The Commission wouldn't be directly putting in staff scientist's time or financial resources of the Commission. Is that what we envision? Because I think if that's not the sort of four steps that everyone has in mind, we may need to reprioritize some of the Commission resources. We don't have money in the budget

for this, this year, and we didn't set aside staff time to work on this yet. They're kind of flat out with other assessments. That is why I'm asking; just trying to make sure we're all on the same page.

CHAIRMAN GROUT: Given that question I'll go to Russell before I go to the other hands.

MR. ALLEN: Yes, I think you hit it right on the head, Bob. The only thing else I would add in there is if ASMFC wanted to put more time into it and add their scientific knowledge into that assessment process. I think we're willing to get our scientists to work on this also, and help coordinate with ASMFC to the best of our ability.

This is our priority right now, so I think that's where we would head and make sure that we supply whatever you need. As I said, we're going to continue to look for funding and hope other states can join in; so you don't have to use as much staff time and things of that nature.

CHAIRMAN GROUT: Okay I have Ritchie White, Robert Boyles, Michelle Duval and Rob O'Reilly.

MR. WHITE: I think Bob answered my question. I mean it seems like the Commission is moving forward with an external stock assessment and peer review. As long as Bob's clarification is that it is not Commission money that is going to fund it, I'm okay with that. I guess the second piece would be is there a timeline by which the Commission will come back with an answer of when are we going forward with this? I don't know if you want that part of it or not as to what's the timeline.

CHAIRMAN GROUT: Does anybody want to answer timeline? Adam.

MR. NOWALSKY: Well, again the hope would be the timeline would be for 2018 management use. Now, what would that look like? A best case scenario would be having the outputs of

that work peer reviewed and then have the Mid-Atlantic SSC look at that as part of their June/July meeting, which is typically when they look at making quota recommendations that the Summer Flounder Board then looks at, at the joint August meeting.

That would be an absolute best case scenario, probably unlikely. That being said, the Black Sea Bass and Summer Flounder and Scup Management Board in two weeks is going to meet jointly, and look at redoing the black sea bass quota for 2017 after the SSC looked at it. For 2018 management use, I think having the timeline we would need to have that would be by the end of the year; at which point the Mid-Atlantic SSC could then look at that, revise a recommendation that might have been made earlier in the year, and would meet that 2018 management use timeline. I hope that helps to some degree.

MR. ROBERT BOYLES: I think I understand the frustration and the need to do this. I'm trying to get my hands around what this means for us, and I would like to remind the Policy Board that we've spent a lot of time developing the 2017 action plan, laying out priorities for the Commission; what needs to be done.

There are things that need to be done that we collectively agreed we could not do, by virtue of constraints on time and money. I'm not clear. I don't know that I can support the motion, given the fact that we've been very deliberate about going through and planning out our work plan for the year.

DR. DUVAL: At the risk of stepping into a quagmire that I generally try to stay out of. But it seems like just given some of the concerns raised about coordination with the Mid-Atlantic Council. Again, naïve about this, but it seems like it might be a conversation to have during that joint meeting that's coming up in a couple weeks; just to make sure that everybody is on the same page, in terms of taking an alternative

approach. I'm not sure that I'm going to be able to support this motion at this time.

MR. O'REILLY: I appreciate what Adam and Russ are indicating here. At the same time, the Kitty Hawk meeting is coming up. I think this has been advancement since the December joint meeting, and it did feel as if the information was squeezed into a pretty narrow scope of thinking. The Council certainly is on record saying they're going to wait until after the MRIP data.

There was a little back and forth. Adam wanted to make that motion anyway, he did and that's fine. But I think now what's needed is with this new information, because there is some new information now and some new direction that wasn't available in December to either ask Bob, or perhaps Doug. I'm not sure who does this, just to get a little window of time that this will be discussed in Kitty Hawk.

There are some real hurdles to overcome here, one is time. Would there be a SEDAR approach with three different meetings required? Gathering the data is difficult. The Council already does that on a routine basis. Dr. Terceiro has been doing this assessment for 20 some years probably. I mean I'm trying to think of how long, but a long time.

There are nuances with the assessment. It just seems that if we don't have everyone's expertise pulled together, because it's a joint plan. We're liable to make missteps that we wish we hadn't made. I don't doubt the sincerity and the need. I think Emerson has categorized the way I feel, which is we are looking for corroboration.

When you have a model and it's telling you that year after year there is retrospective pattern, and also indicating that what you thought was a great recruit class of 2009 is now, it's above average still, you know it's above 42 million; or whatever the average is. But the recruitment

situation, as John McMurray said, would have to be dealt with.

There is natural mortality that has to be dealt with. The sort of melding of the male and female different natural mortality rates that occurred, maybe eight years ago, time is hard to pinpoint sometimes. There are a lot of things that have to be pulled together, beyond just wanting to get a product; and I don't mean that in a bad way. Fundamentally I think this is good information, but I want to make sure everyone who is involved, the Council because of the federal waters connotation, and the ASMFC because of the state waters; that everyone is onboard.

There might be something to gain at this joint meeting, in terms of some direction that hasn't been thought of since December. With that I would be in a tough place to say that I can support this at this point. I think we can do this through negotiation with the Council. I think we ought to do that first.

CHAIRMAN GROUT: Okay I have Jay and I have a whole bunch of hands. But I want to make clear here we're running about a half an hour over. I'm going to ask that everybody be succinct in their points, and then we'll take a vote on this. I'm going to go to Jay and then I'm going to go to Terry; because he hasn't spoken. Then I'll come back around to that side, and Eric, who hasn't spoken. Okay so again, succinct.

MR. McNAMEE: I'll try to be real quick. I have two concerns. I'm struggling over here, because I like all of the things that are being discussed. I like this idea, unique ways of trying to take some of the pressure off a really packed assessment schedule. I think this is all positive. Two concerns, the first is what assurances do we have that we do all of this work and that the federal government, who we jointly manage this species with, would actually use the information?

I think that leads to having to wait and hash through this with the Council. The second is a concern about science is a process; it evolves through time and to not have Mark Terceiro as Rob O'Reilly mentioned, who has been doing this assessment for decades, knows summer flounder and the data in the assessment better than anyone. To not have him involved would be problematic in my view.

Some sense of whether Mark would be able to be a part of this, I think it would be really difficult for an uninitiated group to come in with this species, and produce a product that is ready to go right from the get go. There needs to be some continuity with the work that's been going on for the past couple of decades as well.

MR. STOCKWELL: I am in support of the concept, but I'm concerned about the motion, and Jay touched upon it. What's been missing in this conversation has been outright collaboration with the Science Center. Without the Science Center's support, both for the assessment and for the peer review, it's probably going to go nowhere. I would urge those who support this alternative external stock assessment to consider that.

MR. REID: I can't add to any of the comments that have been made, except for the fact that this is a unique situation, where it is actually going to be funded externally from the ASMFC or any other organization and any other council. To be offered that opportunity is something I really think we need to look at; but there are so many hurdles to overcome. If one of them is not money, I think we should at least look at it.

CHAIRMAN GROUT: There was a point made about the Science Center collaborations, and in the back of the room is Jon Hare. He might be able to provide some input to that particular question.

DR. JON HARE: Obviously the Science Center is interested in developing the best science possible, and there is a lot of promise to Dr.

Sullivan's model; and we've been working closely with him in the development of it. I think this issue illustrates some of the questions that we have with the assessment process generally. I think that those issues need to be dealt with at the NRCC. As Science Center Director, I am neutral on this.

I think it's good to have the debate and get the issues on the table. Then we will do the best we can to support ASMFC, no matter how this comes down. But we also need to have the conversation at the NRCC about the assessment process in general; and many of those issues are being brought up here. My position is neutral. We will support what decision is made. I will add two other points. The question came up about assembling the data.

Mark Terceiro is assembling the data already as part of a model data update. That could be leveraged off. Then the other issue which comes into sort of the peer reviewed piece of this is Dr. Sullivan's model is a sex-based model; and how sexes are assigned to time periods when there is no sex data available, is something which needs to be worked out in the scientific review, peer review process and that hasn't been discussed here yet. We will do our best to support the ASMFC and the MAFMFC and the NEFMC and GARFO to the best of our ability. Thank you.

CHAIRMAN GROUT: Thank you, Jon, all right Adam and then Mike you'll have the last bite and then we'll move this question.

MR. NOWALSKY: First, let me thank everyone for this discussion. I know it has probably been a larger chunk of time. I won't extend that. I'll just build on thank you, Dr. Hare for your comments. Really Dr. Hare and the Science Center have been very involved with Dr. Sullivan. Jay touched on having Mark involved.

Mark Terceiro has been involved with Dr. Sullivan from very early on, helping get the data et cetera. He's seen what's going on. We



would certainly hope he could be involved in the process. To Robert's comment about his level of questioning about the action plan, lucky for us it already is. Ask 1.1.85; support the development of a sex-specific stock assessment modeling approach for summer flounder.

It is there already if that makes you more comfortable. Finally, I'll add that what this motion says is explore moving forward. As I said, we've got the heavy pieces there, the beginnings. We need the help with the coordination. That is what I see this motion as; that staff could look at how do we put all these pieces together now?

How do we make it happen? Come back, give us some guidance, and give the NRCC perhaps some more information. But it helps us formulate the picture of how it happens. We're not saying do it, we're saying help us paint the full picture so we can all decide how to get this done; and I appreciate your support.

MR. RUCCIO: Finding money would seem to be the easy part of this conversation, but nothing else to add. Call the question.

CHAIRMAN GROUT: Okay I'm calling the question. I'm going **to give you 30 seconds to caucus. Okay I'm going to call the question. Is everybody ready? All those in favor of the motion, raise your hand, all those opposed, abstentions, and null votes; the motion carries 13 to 2 to 3 to 0.** Are there any other items to come before the Policy Board? Seeing none I'm going to, Kathy sorry, I went right by you.

MS. KATHY KNOWLTON: I will be very brief, thank you, Mr. Chair. I just want to go back to the point that was made a long time ago about consternation that is brewing, and rightfully so about the change in the MRIP estimates; given the various calibrations that have been started, and the significant one that will be coming down the road for the changeover from the Coastal Household Telephone Survey to the FES,

the Fishing Effort Survey; to add to the acronym soup that was already listed.

One of the things that I encourage you all to do is when you have access to, at your state offices, members that are on the MRIP Transition Team, myself, Toni, probably some other people in this room who I should be remembering but I'm not; are on that team. We attend conference calls discussing how the calibration, particularly taking in to account the change in the methodology that started in 2013 and the one that is going to impact, have major impacts particularly for stock assessments and the new ACLs coming out of them.

We are setting up the parameters for a peer review, and it's going to be based off of independent experts from the CIE. But there is also the opportunity to put more people on that group. The comments originally started with, as you would suspect, things like statistical members from the various councils and other state people that have expertise in that.

But Toni and I want to thank her for this, made the very, very excellent point that one of those positions needs to be the Commission. I think relative to the proportion of catch and harvest and effort that the species that is managed through the Commission takes that it would be fantastic if you all could be in contact with your Transition Team members, and when that comes up for discussion again to encourage it. I absolutely agree the Commission should be one of those positions.

#### ADJOURNMENT

CHAIRMAN GROUT: Okay, thank you Kathy for that. Any other items; okay I move that this meeting is adjourned.

(Whereupon the meeting was adjourned at 2:39 o'clock p.m. on February 1, 2017.)

March 24, 2017

Mr. Douglas E. Grout, Chair  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington, Virginia 22201

Dear Mr. Grout:

The New Jersey Commissioners of the Atlantic States Marine Fisheries Commission (ASMFC) hereby formally appeal the February 2, 2017 approval by the Summer Flounder, Scup and Black Sea Bass Management Board (Board) of Addendum XXVIII (Addendum) to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP). More specifically, New Jersey is appealing the Board's approval of Option 5 under regional management in the Addendum and the specific management measures set forth under Option 5. This decision mandates a one-inch size increase to New Jersey's current recreational summer flounder minimum size limit and decreases the possession limit from five fish to three fish. New Jersey brings this appeal pursuant to the Appeals Process approved by the Interstate Fisheries Management Program (ISFMP) Policy Board (Appeals Process).

New Jersey has previously and repeatedly expressed concerns regarding the Addendum and exhausted all options to gain relief at the Board level. During the drafting of the Addendum and prior to the ASMFC meeting of February 2, 2017, New Jersey's ASMFC Commissioners contacted Commissioners from other member states to discuss our concerns with the options set forth in the Addendum. The Commissioner of New Jersey's Department of Environmental Protection testified before the Board at the ASMFC meeting of February 2, 2017 to express New Jersey's apprehension about the science and the impact these decisions would have on the economic health of the recreational fishing industry in New Jersey and on the health of the summer flounder fishery. At that same meeting, New Jersey voted against Option 5 of the Addendum and unsuccessfully moved to postpone the Addendum.

Since the ASMFC approved Option 5 from the Addendum, and with New Jersey's administrative options exhausted, New Jersey now files this appeal based on the criteria in the Appeals Process

and the ISFMP Charter. First, this appeal demonstrates that the Board’s current decision, as well as previous quota limits to the commercial sector, will result in specific adverse impacts to New Jersey’s recreational summer flounder industry and the overall summer flounder fishery industry that ASMFC is charged with protecting. Second, this appeal shows that the Board did not properly apply technical information in using Marine Recreational Statistical Program (MRIP) harvest estimates and failed to consider the biological impact of increased size limits on the fishery. Finally, this appeal outlines how the Board failed to follow proper process in reaching its decision on the Addendum.

Specifically, this appeal addresses the following criteria:

- Criteria 5: Management actions resulting in unforeseen circumstances/impacts
  - Increase in Fishery Resource Waste
  - Disproportionate Removal of Larger Breeding Females
  - Unfairness & Inequity Among Member States
  - Failure to Consider Economic and Social Impacts
  - Compliance and Data Collection Issues
- Criteria 3: Insufficient/inaccurate/incorrect application of technical information
  - Variability and Untimeliness of MRIP Data Not Appropriate for Yearly Management Approach
- Criteria 2: “Failure to follow process”
  - Inaccuracies in Draft Addendum XXVIII Subject to Public Comment
  - Failure to Include Enhanced Opportunity Shore Fishing Program in Draft Addendum XXVIII
  - Failure to Properly Consider Public Comments\

### **Criteria 5: Management actions resulting in unforeseen circumstances/impacts**

The Board’s recent management actions will likely cause a number of unforeseen adverse impacts to the State of New Jersey. The most critical is the increase in discard mortality, which when coupled with the decrease in harvest, will result in more dead discards than actual harvest. Moreover, the increased minimum size limit has the effect of targeting larger female breeding

stock, which may have a negative impact on the flounder fishery recruitment. The Addendum's minimum size requirements also unfairly affect New Jersey compared to other states because the summer flounder in New Jersey waters are smaller than that of our northern counterparts. Thus, the management measures selected in the Addendum will have more damaging economic and social impacts upon New Jersey's coastal communities. Finally, the Addendum will create additional compliance and enforcement difficulties and data collection problems by continuing to erode anglers' trust in regulatory entities.

#### *Increase in Fishery Resource Waste*

Section 6(a)(4) of the ISFMP Charter states that "management measures shall be designed to minimize waste of fishery resources." The Charter's requirement is consistent with National Standard 9 of the Magnuson-Stevens Act (Act), which requires that "[c]onservation and management measures shall, (a) to the extent practicable, minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch." [16 U.S.C. 1851(a)(9).] Contrary to these mandates, the Addendum requires New Jersey to increase the minimum size to 19 inches in the recreational fishery which, based upon the 10 percent mortality rate for discards used by ASFMC and MAFMC, will increase recreational discard mortality to such an extent that the discard mortality will actually be higher than the harvest mortality.

These findings are based on New Jersey's analysis of MRIP data and New Jersey Volunteer Angler Survey (VAS) data. A brief description of the calculations is provided below. Data and a full analysis will be presented to the Policy Board if warranted.

In 2008, the New Jersey VAS was implemented to supplement and complement data collected by the MRIP survey. The VAS is open access and conducted entirely online on a volunteer basis. Data collected include information on the fishing trip (*e.g.* wave, mode, area, number of anglers), catch (species, number caught, number released), and lengths of both harvested and released fish. The VAS collects specific information from anglers on the lengths of harvested and discarded fish from all modes, while discard lengths are not as broadly sampled by the MRIP. Accordingly, New Jersey analyzed the length data provided by VAS participants to determine the overall length frequency of reported summer flounder catch (harvest plus

discards). The data was then used to estimate statistics relative to the proposed 19-inch minimum sizes.

The data shows that by increasing the minimum catch size from 18 inches to 19 inches, more flounder will not meet the minimum harvest size requirements. Those fish that do not meet the minimum harvest size cannot be kept and must be discarded. Since there will be more fish discarded, and applying a 10 percent mortality rate of discards, more fish will die after being returned to the water. Indeed, the VAS length frequency data show that increasing the summer flounder minimum catch size from 18 inches to 19 inches would result in discard mortality that is 16.6 percent greater than harvest mortality using 2016 data. **In other words, at a 19-inch minimum size, the number of undersized (discarded) fish that die after being returned to the water will be greater than the number of fish that will be harvested. This will be the first time in New Jersey history that more summer flounder will die as a result of being discarded than will be harvested by anglers. This is not sound fishery management.**

The results of the VAS analysis carry enormous implications, so a similar analysis was conducted using MRIP data to test the veracity of the results. A query of summer flounder catch and length frequency in New Jersey shows that dead discards exceed harvest by nearly 20 percent under a 19-inch minimum size limit using 2016 data. The percentage by which dead discards exceeds harvest using 2016 MRIP data is consistent with the analysis of 2016 New Jersey VAS data.

These analyses assume no changes to fishing effort with the increased size limit. However, common sense dictates, and our initial discussions with members of the private boat and shore angler communities, along with boat captains, indicate that an increased minimum size limit will result in increased fishing effort due to private boat and shore anglers taking more and/or longer trips in an attempt to harvest legal-sized fish. Increased fishing effort, in turn, equates to additional discards, resulting in even higher discard mortality than projected.

These results have severe negative implications for recreational summer flounder management in New Jersey. Discard mortality that exceeds harvest is not acceptable from a fishery management standpoint and will not be well received by the recreational fishing sector. In addition, increasing the minimum size limit of summer flounder to 19-inches is inconsistent not only with the

ISFMP's standard of minimizing fishery waste, but also with the mandate of National Standard 9 of the Act to minimize bycatch. Under the proposed quota, for anglers to catch a legal-sized fish, they will need to throw back more fish. Since the size limit was increased to 18-inches in 2014, the discard rate in New Jersey has been at least 89 percent.

New Jersey is actively exploring how it can reduce the mortality rate for discards through a combination of education, encouraging the use of hooks that cause less damage to the fish, and other methods that would help to ensure that those fish that do not meet the minimum size have a better chance of survival when returned to the water. By reducing the mortality rate, New Jersey aims to achieve compliance by reducing the overall take of summer flounder.

The issue of regulatory discards has been discussed at length at the Technical Committee and at the Management Board for several years. It was originally included in the Comprehensive Summer Flounder Amendment that was initiated in December 2013 and went out to Scoping Hearings in September 2014. Recreational regulatory discards was one of the most frequently raised issues during the scoping process and at the 14 scoping hearings held along the Atlantic coast. Two hearings were held in New Jersey with as many as 100 members of the public in attendance.

Since that time, however, the Board determined that the comprehensive amendment was too burdensome to decide all at once, and projected that final action and implementation on such an undertaking would not occur until 2020. Therefore, in order to set a more realistic date for action, the Council and Board voted to reduce the scope of the comprehensive amendment and limit the focus to commercial issues.

New Jersey's Mid-Atlantic Fishery Management Council (MAFMC) members and NJ ASMFC Commissioners opposed this decision. In fact, at the February 15, 2017 joint meeting of the Council and Board, New Jersey's Commissioners moved to initiate an Addendum to address summer flounder recreational issues. Our motion, however, did not receive the support of the Board. The Board's inaction signaled to stakeholders that these recreational issues, especially high regulatory discards, are not one of the Board's priorities, contrary to the public's interest.

### *Disproportionate Removal of Larger Breeding Females*

Section 6(a)(1) of the ISFMP Charter states that “management measures shall be designed to . . . maintain over time, abundant, self-sustaining stocks of coastal fishery resources.” But the increased minimum size limits could have the opposite effect because the larger size limits promote the harvest of female summer flounder. New Jersey has documented the fact that the larger summer flounder tend to be females, that 90 percent of the summer flounder that are at least 19 inches in length are breeding females, and that the larger the female the more eggs she carries. Thus, the Board’s decision to increase the minimum size limit for New Jersey waters will likely have the unintended consequence of removing the most productive egg-bearing females from the fishery. Indeed, removing breeding females from the fishery may very well explain the lack of recruitment in recent years.

Over the past several years, at every summer flounder public hearing and in numerous written public comments that have been submitted to ASMFC during the Addendum process, anglers have voiced grave concerns regarding high size limits and their impact on the increased harvest of larger females. The consequences of this measure to the breeding females in the fishery should not be disregarded.

### *Unfairness & Inequity Among Member States*

Second, New Jersey is unfairly and inequitably impacted by the current management measures. Section 6(a)(7) of the ISFMP Charter states that an FMP should “allow internal flexibility within states to achieve its objectives while implemented and administered by the states” and that “[f]ishery resources shall be fairly and equitably allocated or assigned among the states.” This section is consistent with National Standard 4 of the Act, which requires that fishing privileges be allocated in a way that is “fair and equitable to all . . . fishermen.” [16 U.S.C. 1851(a)(4)]

The Board has generally recognized that fish size in state waters varies from north to south and has established minimum size limits accordingly. For example, North Carolina generally has always had a smaller minimum size limit than Massachusetts. Length frequency data from several sources, including MRIP and the NMFS Trawl Survey, show that summer flounder off

the coast of New Jersey are smaller than summer flounder in New York and Connecticut waters, our regional counterparts. Yet despite these differences, New Jersey has been forced by the ASMFC to manage summer flounder as part of a region with New York and Connecticut, thus preventing New Jersey from proceeding with conservation equivalency on terms specific to New Jersey. Instead, New Jersey is forced to abide by whatever management measures New York and Connecticut have determined is best for their anglers without any consideration of the impact on New Jersey anglers. The inequity to New Jersey is a violation of ISFMP standards and National Standard 4.

#### *Failure to Consider Economic and Social Impacts*

The Addendum will result in serious and lasting impacts on New Jersey's economy. The fishing industry in New Jersey supports 65,000 jobs and creates \$2.5 billion in economic activity. Of that, the recreational fishing industry accounts for 20,000 jobs and contributes \$1.5 billion to New Jersey's economy. Given the size of New Jersey's fishing industries, it is surprising that neither analysis nor consideration of economic or social impacts was considered in the Addendum, particularly because Section 6(a) and Section 6(b)(1)(v)D of the ISFMP Charter clearly state that social and economic impacts must be taken into account in fishery management programs.

New Jersey has serious concerns about the severe impact that the approved measures could cause to a fishery that is a mainstay for our shore economy during the summer months. The increasingly stringent summer flounder management measures have resulted in a continued economic slowdown. Already reeling from the devastating effects of Superstorm Sandy, each year after the 2012 and 2014 restrictions, recreational fishing trips for summer flounder dropped by 19 percent and 20 percent respectively. Overall, from 2012 through 2015, recreational fishing trips for summer flounder in New Jersey are down 24 percent. Closures of bait and tackle shops, boat rentals, marinas, and for-hire boats have already put these communities in jeopardy as a result of previous management measures since at least 2014. This subject, while raised numerous times by our constituents and staff during public comment, was not properly considered by the Board or ASMFC staff. Not only is the Addendum inconsistent with the ISFMP Charter, it is also inconsistent with National Standard 8 because it does not take into



account the importance of fishery resources to fishing communities using economic and social data.

### *Compliance and Data Collection Issues*

Another unforeseen impact will be compliance difficulties. New Jersey anglers continue to struggle with ever-changing regulations that make it more difficult for them to comply and more difficult for the state to enforce these increasingly stringent regulations. One of the fundamental principles in enacting laws or promulgating regulations is that they be reasonable and that those being regulated can be reasonably expected to follow them. New Jersey's anglers are already suffering the effects of earlier reductions, and our many discussions with those in the recreational fishing industry indicate that they feel the reduction called for in 2017 are unjust and that New Jersey is being singled out unfairly. This recent Board decision will only increase the likelihood that the new regulations will encourage non-compliance so as to avoid what the industry sees as unjust, unfair, and punitive quotas.

A bias that continues to corrupt MRIP data collection must also be taken into account when considering this data. More and more anglers and for-hire captains are deliberately avoiding New Jersey's Access Point Angler Intercept Survey (APAIS) field interviewers. Their avoidance arises from their distrust that ASMFC, MAFMC, and NMFS will use this data against them to continue to destroy their industry. As discussed above, the economic impacts of the ASMFC decision could devastate our fishing and tourism communities this upcoming fishing season. The social impacts will be long-term and make trusting the process very difficult for the State of New Jersey.

### **Criteria 3: Insufficient/inaccurate/incorrect application of technical information**

New Jersey appeals under Criteria 3 based on the Board's improper use of MRIP on a year-to-year basis to set the Recreational Harvest Limit (RHL). MRIP data is unsuitable as a year-to-year management tool for summer flounder because of its variability and untimely collection.

### *Variability and Untimeliness of MRIP Data Not Appropriate for Yearly Management Approach*

The major technical flaw in setting the RHL relates to the use of MRIP data on a year-to-year basis. As explained below, MRIP data was not intended to serve as the basis for yearly quota

management decisions or as the basis for yearly changes to particular management measures. Indeed, MRIP annual harvest estimates, in numbers of fish, are not used on a year-to-year basis for most species under the Commission's management.

The recreational fishery for summer flounder is managed on a "target quota" basis. The commercial sector is allocated 60 percent of the overall coastwide Acceptable Biological Catch (ABC) for summer flounder while the remaining 40 percent is allocated to the recreational sector. Council staff calculates the RHL by factoring in management uncertainty and discards from previous years. The summer flounder management regions, as identified in Addenda XXV and XXVIII, then develop management measures that can "reasonably be expected" to constrain recreational harvest to the RHL.

To establish these measures, MRIP data is used in two ways. The first is to determine the projected harvest estimate for the previous year to measure the effectiveness of management measures in that year. The second is to project forward into the future to set the RHLs for the coming year. However, the use of MRIP data both to set the RHL and to select management measures has historically been deemed impractical by managers and technical experts. This view reflects the limitations of producing timely landing estimates in an attempt to manage the recreational fishery based on a real-time quota and due to the variability from year to year. Data from the MRIP recreational fishery survey are known to be highly variable from year to year due to extremely small (i.e. statistically insignificant) sample sizes. This can produce estimates of harvest that fluctuate despite unchanged management measures.

The variability and timeliness of MRIP data undermine both the accuracy of the data and the confidence anglers put in it. This variability is apparent on a coastwide basis where harvest varies by as much as 50 percent on an annual basis with no change in management measures. In New Jersey, fluctuations in estimated harvest were apparent during the 2014, 2015, and 2016 fishing years. Even though the size and bag limit remained the same for those three years, the recreational harvest limit and the landing estimates varied significantly, both increasing and decreasing for no apparent reason other than gross variability.

To illustrate, from 2012 to 2016 in New Jersey, the recreational expanded harvest estimate ranged from a minimum of 497,482 in 2015 to a maximum of 1,244,432 in 2013. By simply

utilizing a yearly MRIP estimate, the variability associated with this estimate is being ignored. If instead a mean was calculated over the five-year period, the expanded harvest estimate would be 927,090, with a 95% Confidence Interval (CI) from 526,840 to 1,237,527. The 95% CI over the five-year period was very large, ranging from close to the minimum yearly estimate to close to the maximum yearly estimate. When the 95% CI has this wide a range, this suggests that the variability of the estimate was high between years and that there is low confidence in yearly estimates.

In addition to its high variability, MRIP data is not appropriate to use as a yearly measure in setting the RHL because it is not collected in a timely manner. The current timeline of summer flounder management dictates that the Technical Committee (TC) and the MAFMC Monitoring Committee (MC) must begin crafting measures for the following year's fishing season during November of the current year, using preliminary MRIP data for the months January through August and projected harvest of data for the months September through December. The projections are an average of data from the last three years for the months missing when the process begins.

Usually in February of the year for which fishery managers are trying to implement management measures, the TC and MC will receive a preliminary estimate for September and October. The TC will then revise the measures that have been crafted in reaction to the new "preliminary estimates." The ASMFC Board will also meet in February to make a management decision based on preliminary estimates and direct each state to implement the agreed upon measures.

The next feed of data, which is called "final" is usually delivered to the TC in April. Depending on the result of the final data feed, states will need to make adjustments yet again. The issues caused are obvious. Most, if not all states, including New Jersey, require several months to get regulatory changes made to fisheries regulations. The delay in the availability of these data does not allow the required time to make a thorough analysis, therefore management measures are often pushed through without possessing a complete understanding of past performance of measures from previous years.

As the ASMFC Technical Committee presented to the Board at the February 2, 2017 meeting, changing the management measures from year-to-year makes it very difficult to predict the

reliability and effectiveness of management measures put in place on an annual basis. Developing management measures that extend over a period of time, (for example three to five years or until a new benchmark assessment is developed) would result in a more efficient and accurate management structure than the current process and would allow for the anomalous variability of the MRIP estimates to be smoothed over time. Maintaining management measures over multiple years is the best way to react to the trends developed from the MRIP data. The fact that these data are used on an annual basis and not as a multi-year mean is misuse of the data that undermines decision-making.

## **Criteria 2: “Failure to follow process”**

As explained below, the Board failed to follow the proper process to reach its decision in at least three ways. First, the revised Addendum released for public comment on December 23, 2016 differed from that presented to the Board for a vote on February 2, 2017. Second, the Addendum failed to include the Enhanced Opportunity Shore Fishing Program (Program) in the Addendum for public comment. These issues are substantive and go beyond technical corrections to the Addendum. Third, ASMFC failed to properly consider public opposition to the Addendum.

ASMFC’s ISFMP Charter Section 6(c)(9) (iv), states, “Public comments will be evaluated and considered prior to deciding what modifications will be made to the draft FMP or amendment, or draft final FMP or amendment, and prior to approval of the FMP or amendment consistent with the public comment guidelines.” Section 6(b)(3) also requires that the public have an opportunity to review and comment on addenda. The failure to fully and accurately present the Addendum for public comment prior to Board approval hampered the public’s ability to assess and comment upon the recreational summer flounder options.

### *Inaccuracies in Draft Addendum XXVIII Subject to Public Comment*

The Addendum was first released for public comment on December 22, 2016. A revised version of the Addendum was issued on December 23, 2016 with a public comment period open until January 19, 2017. Around January 17, 2017, ASMFC staff determined that there were significant errors in the Addendum. In light of these errors, the ASMFC Summer Flounder, Scup, Black Sea Bass Technical Committee (Technical Committee) met via conference call on January 19,

2017. The Technical Committee decided that three of the five options in the Addendum incorrectly explained the methods used to calculate the tables within the Addendum.

Specifically, the methods described for calculating Options 2-4 differed from the results presented in tables 2-4. Once the Technical Committee had identified these errors, the narrative text was altered to capture the intent of the Addendum and correspond to the tables in the Addendum. Additionally, certain percent reductions in the tables were adjusted at this time due to the mathematical errors found within the original calculations.

Because of the errors in the Addendum, ASMFC should have released, but did not release, an updated version for public comment so that the public would not be misled during the comment period. Instead, on the evening of January 27, 2017, ASMFC staff sent an e-mail to the Board, just five days before the Board meeting where final action was to occur, highlighting the discrepancies in the methods and tables of Options 2-4. ASMFC staff then presented the options with the adjusted language and tables for the first time to the public at the ASMFC Board meeting on February 2, 2017. Since this substantive revision took place well after the public comment period ended on January 19, 2017, the public had no meaningful opportunity to comment on the correct version of these options in violation of Section 6(b)(3) of the ISFMP Charter.

*Failure to Include Enhanced Opportunity Shore Fishing Program in Draft Addendum XXVIII*

Neither the draft nor the final Addendum contained any reference to the Program for the New York, Connecticut, New Jersey Region (Region). The Program allows specific shore-based access sites a smaller minimum size limit than the rest of the Region. However, this issue was not discussed at the February 2, 2017 Board meeting or during the deliberations to the motions that were eventually approved. Moreover, the status of the Program was not confirmed until receipt of a February 28, 2017 email from the ASMFC Plan Coordinator where he clarified that the size limit for the Program would be 17 inches. The failure to establish criteria for public comment on this subject prior to a final approval is contrary to proper public comment procedures established in ASMFC's ISFMP Charter Section 6(c)(9) (iv).

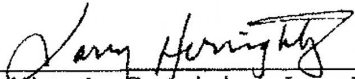
### *Failure to Properly Consider Public Comments*

ASMFC held eight public hearings on the proposed addendum from Virginia through Massachusetts. ASMFC held a Public Hearing on the Addendum on January 5, 2017 in Galloway Township, New Jersey with at least 120 members of the public in attendance. A combined total of 103 members of the public attended the other seven hearings held in the other states. At the February 2, 2017 Board meeting, ASMFC staff provided a summary of the comments received during the public comment period. The summary from the New Jersey public hearing included only the following statement: “All in attendance were against all options offered in the draft addendum.” The summary table of all written public comments from all the states (ASMFC Winter Meeting, page 69 of the Board Supplemental materials), which staff presented at the Board meeting, showed overwhelming support to continue the 2016 measures and remain at status quo – far more support than was expressed for any of the five options presented in the Addendum. Based on the overwhelming public support for status quo expressed during the public comment period, and at the February 2, 2017 Board meeting, ASMFC did not adequately consider public comment in selecting their position which is contrary to the ISFMP Charter as outlined above.

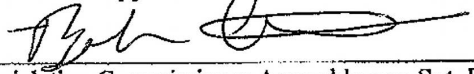
### **CONCLUSION**

The issues raised in this appeal demonstrate that the Board should reconsider the Addendum and immediately address the problems associated with the matter at hand before moving forward. In light of the high discard mortality and associated detrimental effects of increasing the minimum size limitation, and the threat to the jobs of thousands of New Jerseyans and to the multi-million-dollar contribution recreational summer flounder fishing provides to the state’s economy, the Board should consider applying the 2016 management measures for New Jersey. The State of New Jersey appreciates the opportunity to appeal this decision. New Jersey reserves its rights under the provision of the Appeals Process document which states that “upon completion of the appeals process, a state is not precluded from taking further action beyond the Commission process to seek relief.” Thank you for your consideration of this appeal.

Sincerely,  
The ASMFC Commissioners of New Jersey

  
Administrative Commissioner Larry Herrigthy

  
Governor's Appointee Thomas P. Fote

  
Legislative Commissioner Assemblyman Sgt. Robert Andrzejczak



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asafc.org

Douglas E. Grout (NH), Chair

James J. Gilmore, Jr. (NY), Vice-Chair

Robert E. Beal, Executive Director

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

April 14, 2017

Mr. Larry Herrighty  
Acting Director  
New Jersey Division of Fish and Wildlife  
P.O. Box 400  
Trenton, New Jersey 08625-0400

Dear Mr. Herrighty,

This letter responds to the State of New Jersey's March 25, 2017 appeal of the Atlantic States Marine Fisheries Commission's (Commission) approval of Addendum XXVIII (Addendum) to the Summer Flounder Interstate Fishery Management Plan (FMP). On April 3, 2017, in accordance with the appeals process, a conference call of the Commission Chair Doug Grout, Vice-Chair Jim Gilmore, past Chair Robert Boyles (Leadership), and staff was convened to review the New Jersey's appeal. The purpose of the review was to assess the issues New Jersey proposes to raise in its appeal and to determine whether those issues are of the type and substantiality that warrants review by the full *Interstate Fisheries Management Program (ISFMP) Policy Board*.

During the call, it was determined the appeal did **not** meet the qualifying guidelines under appeal criterion five (unforeseen circumstances/impacts) and three (incorrect application of technical information), but **could be forwarded** to the ISFMP Policy Board for appeal consideration under criterion two (failure to follow process).

## **A. Claims Under Criterion Two: Failure to Follow Process**

The appeal cited criterion two, "Failure to follow process." Under this criterion, the appeal states the Summer Flounder, Scup and Black Sea Bass Board (Board) did not follow proper process in three ways: (1) the content of the Draft Addendum that was released for public comment differed from what the Board considered for final approval, (2) the Addendum failed to include an option on the enhanced shore mode, and (3) the Commission failed to properly consider public comment. See letter from New Jersey Commissioners to ASMFC Chair Douglas E. Grout, pp. 11-13 (March 24, 2017).

New Jersey correctly notes that there was an error in the Draft Addendum's text which was found prior to the Commission's 2017 Winter Meeting. However, information on the error, which was in the description of the calculation of the measures as specified in the revised Addendum language memo (January 27, 2017), was sent to the Board prior to the meeting. The Board Chair noted the error (and its late correction) at the start of the meeting and suggested the Board proceed with its consideration of the Draft Addendum since the tables within public comment draft, which included example measures, were correct. No Board



Mr. Larry Herrighty

Page 2

April 14, 2017

members objected to moving forward with the process. Importantly, the approved option did not contain any errors and was identical to what went out for public comment. At the same time, the fact that there was an error in the Draft Addendum warrants further scrutiny and discussion and – as noted below – Leadership concludes that an appeal as to this issue is justified under criterion two.

However, Leadership rejects the claim that the Commission did not properly consider public comment. The Board was presented an overview of the public comment. Detailed information regarding each of the hearings was included in the briefing materials for members of the Board to review prior to the meeting. In summary, there was an opportunity for public comment and the Board did have the benefit of that comment before reaching its decision. Leadership concludes that substantial grounds for an appeal are not present on this issue.

Natural resource managers are frequently obligated to make decisions that are not consistent with opinions of members of the public. In some cases, management objectives require the adoption of measures that some or most members of the public oppose, this does not mean the public comment was not considered. Here, the Board did consider public comment favoring other approaches, but concluded the measures adopted were nonetheless warranted; Leadership does not find a substantial basis for appeal as to this claim.

New Jersey's appeal letter is correct in observing that the Draft Addendum did not discuss the shore mode program. However, Commission staff notified the states that the shore mode program could still be conducted under the Addendum at the joint meeting with the Mid-Atlantic Fishery Management Council (MAFMC) in December 2016. This is consistent with the shore mode program process in the previous year. Here too, Leadership does not find a valid basis for appeal under the public comment criterion.

**B. Claims Under Criterion Three: Application of Technical Information.**

The appeal letter cites criterion three, "Insufficient/inaccurate/incorrect application of technical information." New Jersey points to what it regards as the variability and untimeliness of data generated from the Marine Recreational Information Program (MRIP) as not appropriate for yearly management approaches. See letter from New Jersey Commissioners to ASMFC Chair Douglas E. Grout, pp. 8-11 (March 24, 2017).

When considering final action on the Addendum, the Commission fully acknowledged and took into account the uncertainty in MRIP harvest estimates. In particular, it recognized that the confidence intervals around the MRIP harvest estimates constrain our ability to precisely project the impacts of differing management measures. The Commission is constrained in its ability to address this variability, given that summer flounder is jointly managed with the MAFMC and, therefore, falls under the mandates of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). One of these MSA mandates is the establishment of an annual recreational harvest limit (RHL) and associated management measures that seek to constrain harvest to this RHL.

In considering the 2016 harvest estimate relative to the 2017 RHL the Commission determined a reduction in harvest was needed to constrain coastwide harvest to the 2017 RHL. This determination was based on the 2016 harvest estimate from MRIP. The MRIP harvest estimates have been determined to be the best available science for recreational harvest. Until there is another data source or until interpretation of the federal law changes, the Commission is obligated to use the previous year's MRIP data to set the following year's measures. Therefore, Leadership does not find an incorrect application of technical information, and could not justify an appeal on this issue.

**C. Claims Under Criterion Five: Unforeseen Circumstances/Impacts.**

New Jersey's appeal is partially based on appeal criterion five, "Management actions resulting in unforeseen circumstances/impacts." Under this criterion the appeal cites increased fishery waste, disproportionate removal of larger breeding females, unfairness and inequity among member states, failure to consider economic and social impacts, and compliance and data collection issues. See letter from New Jersey Commissioners to ASMFC Chair Douglas E. Grout, pp. 2-8 (March 24, 2017).

None of these issues, however, constitutes "unforeseen" circumstance or impact. To the contrary, each of these factors was considered and discussed by the Board at either the December 2016 joint meeting with the MAFMC (compliance and data collection issues), the Commission's 2017 Winter Meeting (economic and social impacts), or were included in briefing materials for either of those meetings.

The appeal cites unforeseen circumstances due to increased fishery waste, through discards and disproportionate removal of larger breeding females. Both of these latter concerns were addressed in the MAFMC's staff memo dated November 3, 2016. The Monitoring Committee (MC) concurred with the memo's concerns regarding high size limits and discards. But the MC had reservations in addressing those concerns with slot limits as was recommended by the staff, given the overfishing status of stock and the below-average recruitment of summer flounder observed for the past six years (2010-2015). Slot limits typically result in an increased number of total removals, resulting in increased fishing mortality. There may be concern that increasing the size limit may target more females due to life history characteristics. However, members of the MC have noted that while the proportion of females targeted by an increase in size limit may increase, the total number of females harvested and removed from the population should decrease. This decrease is because the number of fish available for harvest at 19 inches is less than the number at an 18 inch size limit. Therefore, we do expect that the selected management measure will have the intended effect of decreasing harvest for the long term gain of the resource. Given this discussion was summarized in the briefing materials as well as part of the Board deliberations at the joint Board and MAFMC meeting in December 2016, Leadership disagrees with New Jersey's position that these issues were unforeseen.

New Jersey's appeal also cites unforeseen consequences from the one-inch size limit increase specified in the Addendum that would be unfair and inequitably impact New Jersey fisherman. Based on analysis conducted by the Technical Committee, New Jersey's projected

harvest reduction for 2017 under the prescribed measures in the Addendum is approximately 34%. The size limit increase approved in the Addendum distributed the burden of reducing harvest similarly to each state within the management unit, except North Carolina. The projected reductions in harvest due to the size limit increase in 2017 is similar for other states in the Mid-Atlantic region as well along the coast. In particular, New York's projected reduction is 33%, Rhode Island's projected reduction is 34%, and Massachusetts' projected reduction is 31%. This concern was raised by New Jersey at the 2017 Commission Winter Meeting. Given the Board's discussion of this issue and the similarity of the projected reductions, Leadership concludes that New Jersey's claim of unfairness or lack of equity among states is not an unforeseen circumstance justifying appeal to the ISFMP Policy Board.

Further, the appeal also cites unforeseen circumstances due to lack of consideration of economic or social impacts in the Addendum. During the call, Leadership discussed the Commission's practices regarding socioeconomic analyses and determined this Addendum was handled in a manner consistent with our established management process. Due to limited resources, the Commission rarely drafts full socioeconomic analyses for FMPs. However, this does not mean socioeconomic considerations are not part of the Commission's decision-making. In fact, public comment and Advisory Panel input during the public comment period noted concerns on this topic, and those concerns were presented to the Board. Each state delegation brings to the table an extensive knowledge of their fisheries, including the potential impacts of proposed management changes, economic and otherwise on those fisheries. Commissioners commonly highlight these impacts at board meetings prior to significant decisions, as was done with this Addendum. Also, the Commission relies on the public comment process to better understand socioeconomic impacts. Public and Advisory Panel comments noted these concerns and their comments were included in briefing materials for the 2017 Commission Winter Meeting.

As you are aware, the Addendum focuses on the reduction of harvest to address current levels of overfishing as indicated in the 2015 and 2016 stock assessment updates, which were presented to the Board and the MAFMC at previous meetings. These efforts are intended to immediately end overfishing and initiate rebuilding the economically and culturally important summer flounder population, which is on a decline. Board members were aware that, in the short term, a reduction in harvest could result in negative economic impacts to the for-hire sector and broader coastal businesses that support the summer flounder recreational fishery. Further, these potential impacts could affect not only New Jersey, but other states within the management unit. These sorts of impacts are always difficult; but they are, as here, sometimes necessary in service of management objectives to promote healthy and abundant stocks. Since Commissioners recognized and weighed these potential impacts to the states and industry, Leadership does not find the social and economic consequences of this Addendum as unforeseen.

Lastly, under unforeseen impacts, the appeal refers to certain compliance and data collection issues. The appeal raised the issue that management measures are continually changing. From 2014 to 2016 New Jersey maintained fairly consistent regulations with the exception of the New Jersey Delaware Bay fishery, which the state requested a lower size limit (17 inches

Mr. Larry Herrighty

Page 5

April 14, 2017

for the Delaware Bay west of COLREGS line) and a reduced possession limit (from 5 to 4 fish for DE Bay west of COLREGS line) to be more closely aligned with Delaware. With the exception of this area-specific modification in 2016, coastal New Jersey has maintained the same minimum size limit (18 inches) and season length (128 days) for three years and same possession limit for four years. Additionally, for the three previous years New Jersey has a shore-based program at Island Beach State Park that allows for a lower size limit of 16 inches. This is a regional exception that New Jersey and Connecticut have been granted for the past three years and is allowed to continue in 2017 consistent with the provisions of the Addendum, which specify a one inch size limit increase. This demonstrates that measures have remained fairly consistent over recent years and changes have largely been driven by New Jersey interests.

Leadership acknowledges that changes in regulations can be difficult. However, adjusting regulations to serve key management objectives is an unavoidable necessity in today's world of fisheries management if we are to be successful in protecting and restoring declining fisheries. Leadership finds that this issue too is not an unforeseen circumstance or impact meriting appeal.

In light of these findings, Leadership finds there are grounds for appeal to the ISFMP Policy Board as to one of the three claims under criterion two advanced in New Jersey's letter – specifically, New Jersey's claim regarding the error in the text of the Draft Addendum. While Leadership has noted several factors that significantly mitigate the impact of this error, given the paramount importance of maintaining the integrity of the Commission's decision-making process, Leadership concludes it is appropriate to provide New Jersey an opportunity to present its appeal on this issue to the ISMFP Policy Board. During the ISFMP Policy Board meeting on May 11, 2017, the ISFMP Director will present background on the Addendum and the Board's justification. Following this presentation, the Commissioners from New Jersey will be provided 15 minutes to present their rationale for the appeal and their suggested resolution of the issue. The ISMFP Policy Board will then be provided an opportunity to discuss the issue and then decide on the appeal. No additional public comment will be taken in connection with the appeal.

Thank you for the continued partnership and commitment to the Commission process and actions.

Sincerely,



Douglas E. Grout  
Chair

cc: Thomas P. Fote, Assemblyman Sgt. Robert Andrzejczak, Adam Nowalsky  
Interstate Fisheries Management Program Policy Board

L17-39

## Atlantic States Marine Fisheries Commission

### **APPEALS PROCESS**

Approved by the ISFMP Policy Board

August 18, 2004

#### **Background**

The Atlantic States Marine Fisheries Commission's interstate management process is based on the voluntary commitment and cooperation of the states. The involved states have frequently demonstrated their willingness to compromise and the overall process has proven to be very successful. However, there have been instances where a state/jurisdiction has expressed concern that the Board decisions have not been consistent with language of an FMP, resulted in unforeseen circumstances or impacts, did not follow established processes, or were based on flawed technical information. In order to address these concerns, the ISFMP Policy Board charged the Administrative Oversight Committee with "exploring and further developing an appeals process".

Under the current management process the primary policy development responsibility lies with species management boards. And, in the case of development of new fishery management plans or amendments the full Commission has final approval authority prior to implementation. The purpose of the appeals process is to provide a mechanism for a state/jurisdiction to petition for a management decision to be reconsidered, repealed or altered. The appeals process is intended to only be used in extraordinary circumstances where all other options have been exhausted. The management boards have the ability to go back and correct errors or address additional technical information through the recently clarified process on "amending or rescinding previous board actions".

During the December 2003 ISFMP Policy Board meeting, the decision was made to continue to have the Policy Board serve as the deliberative body that will consider valid appeals. This decision is consistent with the language that is included in the ISFMP Charter. However, the Charter does not provide detailed guidance on how an appeal is to be addressed.

This paper details for the Commission appeals process.

**Appeal Criteria** –The intent of the appeals process is to provide a state with the opportunity to have a decision made by a species management board or section reconsidered by the Policy Board. The following criteria will be used to guide what type of decisions can be appealed. In general, management measures established through the FMP/amendment/addendum process can be appealed. However, the appellant must use one of the following criteria to justify an appeal:

1. Decision not consistent with FMP
2. Failure to follow process
3. Insufficient/inaccurate/incorrect application of technical information
4. Historical landings period not adequately addressed

5. Management actions resulting in unforeseen circumstances/impacts

The following issues could not be appealed:

1. Management measures established via emergency action
2. Out-of-compliance findings (this can be appealed but, through a separate, established process)
3. Changes to the ISFMP Charter

**Appeal Initiation** – The ISFMP Charter provides that a state aggrieved by a management board action can appeal to the ISFMP Policy Board. Any state can request to initiate an appeal; also a group of states can submit a unified request for an appeal. The states are represented on the Commission by three representatives that have the responsibility of acting on behalf of the states’ Executive and Legislative branches of government. Therefore, in order to initiate an appeal all seated Commissioners (not proxies) of a state’s caucus must agree that an appeal is warranted and must sign the letter submitted to the Commission. If a multi-state appeal is requested all the Commissioners from the requesting states must sign the letter submitted to the Commission. During meetings where an appeal is discussed proxies will be able to participate in the deliberations. Meeting specific proxies will not be permitted to vote on the final appeal determination, consistent with Commission policy.

A state (or group of states) can request and appeal on behalf of the Potomac River Fisheries Commission, District of Columbia, National Marine Fisheries Service, or the United States Fish and Wildlife Service.

The letter requesting an appeal will be submitted to the Chair of the Commission and include the measure(s) or issue(s) being appealed, the justification for the appeal, and the commitment to comply with the finding of the Policy Board. This letter must also include a demonstration that all other options to gain relief at the management board level have been exhausted. This letter must be submitted via certified mail at least **45 days** prior to a scheduled ASMFC Meeting Week. The Commission Chair, Vice-Chair and immediate past Chair will determine if the appeal meets the qualifying guidelines and notify the Policy Board of their decision. If the immediate past chair is no longer a commissioner the Chair will select an alternate from a state that is not affected by the appeal.

**Convene a “Fact Finding” Committee (optional)** -- Upon review of the appeal documentation, the Commission Chair, Vice-Chair and immediate past Chair (or alternate if necessary, as described above) may establish a “Fact Finding” Committee to conduct analyses and/or compile additional information if necessary. This group will be made up of individuals with the technical expertise (including legal, administrative, social, economic, or habitat expertise if necessary) and familiarity with the fishery to conduct the necessary analysis. If such a committee is convened the schedule included in the last section of this document may need to be adjusted to provide time for the Committee to conduct analyses. The Commission Chair, Vice-Chair and immediate past Chair (or

alternate if necessary, as described above) may set a deadline for the Committee to complete its work to ensure the appeal is addressed in a timely manner.

**ISFMP Policy Board Meeting** –Following the determination that an appeal has met the qualifying guidelines, a meeting of the Policy Board will be convened at a scheduled ASMFC meeting week. The agenda of this meeting will be set to allow sufficient time for all necessary presentations and discussions. The Chair of the Commission will serve as the facilitator of the meeting. If the Chair is unable to attend the meeting or would like to more fully participate in the deliberations, the Vice-Chair of the Commission will facilitate the meeting. The ISFMP Director will provide the background on the development of the management program as well as a summary of the justification provided in the record for the management board’s action. The ISFMP Director will also present the potential impacts of the appeal on other affected states. The appellant Commissioners will present their rationale for appealing the decision and provide a suggested solution. The Policy Board will then discuss the presentations and ask any necessary questions. The Board will vote to determine if the management board’s action was justified. A simple majority of the Policy Board is required to forward a recommendation to a management board for corrective action. If the Policy Board determines that the existing management program should be modified, it will issue a finding to that effect as well as any guidance regarding corrective action to the appropriate species management board. The referral may be worded to allow the management board flexibility in determining the details of the corrective action.

Upon receipt of the Policy Board’s recommendation the management board will discuss the findings and make the necessary changes to address the appeal. The management board is obligated to make changes that respond to the findings of the Policy Board. A simple majority of the management board will be necessary to approve the changes.

**Appeal Products and Policy Board Authority**—Following the Policy Board meeting a summary of the meeting will be developed. This summary will include a detailed description of the findings and will be forwarded to the appropriate management board and Policy Board upon completion. If the Policy Board determines that changes to the management program are necessary, the summary may include guidance to the management board for corrective action. The report of the Policy Board will be presented to the management board for action at the next scheduled meeting.

**Considerations to Prevent Abuse of the Appeals Process** – The appeals process is intended to be used only in extraordinary situations and is in no way intended to provide a potential avenue to preempt the established board process. The initiation of an appeal will not delay the Commission process for finding a state out of compliance nor delay or impede the imposition of penalties for delayed compliance.

**Limiting Impacts of Appeal Findings** – If a state is successful in an appeal and the management program is altered, another state may be negatively impacted by the appeals decision. In order to prevent an appeals “chain reaction,” the Policy Board’s recommendation and the resulting management board’s decision will be binding on all

states. All states with an interest in the fishery will be obligated to implement the changes as approved by the management board. Upon completion of the appeals process, a state is not precluded from taking further action beyond the Commission process to seek relief.

If the Policy Board supports the appeal and determines that corrective action is warranted, the potential for management changes to negatively impact other states will be evaluated by the Policy Board and the species management board.

### **Appeals Process Timeline**

1. Within **15 working days** of receipt of a complete appeal request the Commission Chair, Vice-Chair, and immediate past chair (or alternate) will determine if the state has an appeal which meets the qualifying guidelines.
2. Upon a finding that the appeal meets the qualifying guidelines, the appeal will be included on the agenda of the ISFMP Policy Board meeting scheduled during the next ASMFC Meeting Week (provided an adequate time period is available for preparation of the necessary documentation).
3. Following the finding that an appeal meets the qualifying guidelines, Commission staff and the appellant commissioners will have a minimum of **15 working days** to prepare the necessary background documents.
4. The background documents will be distributed at least **15 days** prior to the Policy Board meeting.
5. A summary of the Policy Board meeting will be developed and distributed to all Commissioners within **15 working days** of the conclusion of the meeting.



***Atlantic States Marine Fisheries Commission***

**ADDENDUM XXVIII TO THE SUMMER FLOUNDER, SCUP, BLACK SEA BASS  
FISHERY MANAGEMENT PLAN**

***Summer Flounder Recreational Management in 2017***



Approved February 2, 2017

***Sustainably Managing Atlantic Coastal Fisheries***

## **1.0 Introduction**

Addendum XXVIII is adopted under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and the NOAA Fisheries in federal waters (3-200 miles). The management unit for summer flounder in US waters is the western Atlantic Ocean from the southern border of North Carolina northward to the US-Canadian border.

The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion on October 25, 2016:

*Move to initiate an addendum to consider adaptive management, including regional approaches, for the 2017 summer flounder recreational fishery.*

This Addendum establishes management of the 2017 recreational summer flounder fishery.

## **2.0 Overview**

### **2.1 Statement of the Problem**

A fundamental goal of Commission FMPs is to provide recreational anglers with fair and equitable access to shared fishery resources throughout the range of each managed species. The Commission's ISFMP Charter establishes fairness and equity as guiding principles for the conservation and management programs set forth in the Commission's FMPs. While the current FMP for summer flounder does not include a goal pertaining to this concept, the Board and Council are considering a new goal for inclusion in the forthcoming Comprehensive Summer Flounder Amendment: "Provide reasonable access to the fishery throughout the management unit." With these principles and goals in mind, the challenges facing the Board (and Council) involve determining what is meant by fair/equitable/reasonable access, and how to achieve it.

Complicating the access issue for 2017 is the significant reduction to the coastwide recreational harvest limit (RHL) set by the Board and Council in August 2016 in response to the most recent Stock Assessment Update. The 2017 RHL is 3.77 million pounds, an all-time low. By way of comparison, the RHL for 2017 is approximately 30% less than 2016, 48% less than 2015, and 68% less than 2011, when it peaked at 11.68 million pounds. Using a projected recreational harvest in 2016 of 6.38 million pounds (subject to change), harvest in 2017 must be reduced by roughly 2.6 million pounds to not exceed the 2017 RHL.

This Addendum addresses the issue that available management approaches are not viewed as providing a fair and reasonable way to constrain the 2017 recreational summer flounder fishery harvest to the RHL. The Board recognizes the management program within this addendum will also

have shortcomings with regards to addressing this problem, and thus intends for it to be an interim program while focusing on the development of a more comprehensive solution for the future.

## 2.2 Background

Amendment 2 (1993) initially required each state (Massachusetts through North Carolina) to adopt the same minimum size, possession limit, and season length as established in federal waters for the recreational fishery, allowing only for different timing of open seasons. The consistent measures were intended to uniformly impact the resource and stakeholders in all state and federal waters throughout the management unit. However, the states later determined one set of management measures applied coastwide did not provide equitable access to the resource due to the significant geographic differences in summer flounder abundance and size composition.

To address this disparity, the FMP was amended in 2001 (Framework Adjustment 2) to allow for the use of state-specific “conservation equivalent” management, through which recreational harvest would be constrained the same as under coastwide management. The Board and Council would engage in an annual process of determining whether to manage the fishery with coastwide measures or state-specific conservation equivalency; if the latter, the Board would have the lead in approving state-specific regulations. Concurrently, the Board adopted a series of addenda (Addenda III and IV in 2001, and Addendum VIII in 2004) implementing state-based conservation equivalency. Estimates of state recreational landings in 1998 were established as the basis for state recreational allocations- this is outlined in Addendum VIII (see Table 1) upon which state-by-state regulations could be developed. From 2001-2013, the Board and Council opted to use state-specific conservation equivalency tied to the proportion of each state’s estimated 1998 recreational landings. This provided states with the flexibility to tailor their regulations—i.e., minimum size, possession, and season limits—to meet the needs and interests of their fishery, provided their targets were not exceeded.

**Table 1. State summer flounder harvest in 1998 and the proportion of harvest conservation equivalency state-by-state harvest targets are based on (Addendum VIII)**

<b>State</b>	<b>1998 estimated harvest (thousands)</b>	<b>Percent of the 1998 harvest</b>
<b>MA</b>	383	5.5%
<b>RI</b>	395	5.7%
<b>CT</b>	261	3.7%
<b>NY</b>	1,230	17.6%
<b>NJ</b>	2,728	39.1%
<b>DE</b>	219	3.1%
<b>MD</b>	206	3.0%
<b>VA</b>	1,165	16.7%
<b>NC</b>	391	5.6%

The Board also adopted Addendum XVII in 2005, enabling the states to voluntarily opt into multi-state regions that would set regulations based on a pooling of their 1998-based allocations. The Council followed suit with the adoption of Framework Adjustment 6 in 2006, complementing the regional approach set forth by Addendum XVII. However, no states used this optional regional conservation equivalency approach.

*Re-assessing in the Face of Changing Conditions:*

The use of state-by-state regulations based on estimated state harvests in 1998 succeeded, initially, in mitigating the disparity in conservation burden among states, but later became viewed as an inadequate long-term solution, given changes in resource status and fishery performance.

As 2013 came to an end, the Board identified the following problems with the use of state allocations based on estimates of recreational harvest in 1998:

- 1) Substantial variation in stock dynamics since 1998. These included a six-fold increase in spawning stock biomass and expansion of the age structure from including 2–3 age classes to 7 or more. These changes led to geographic shifts in the distribution of the resource; as the stock rebuilt, its range expanded. Climate change was also identified as possibly contributing to shifts in migratory patterns, spatially and temporally.
- 2) Substantial changes in socio-economic patterns since 1998, particularly with regard to the number and distribution of anglers along the coast. For example, estimated angler participation increased significantly, and a growing percentage of harvest was attributed to private/rental vessels in contrast to shore-based and party/charter vessel harvest. Industry advisors indicated the rising costs of fuel, bait, and other trip expenditures were impacting angler effort.
- 3) Possible error in the estimates of harvest for 1998. Measuring recreational catch and effort, particularly on a state-by-state basis, is challenging and not without uncertainty in the estimates. The methods used to estimate recreational catch and effort are continually evolving, resulting in more accurate and precise estimates in more recent years.
- 4) Major disparities in the regulatory programs among the states; for example, as recently as 2012 and 2013, no two states had the same regulations, and several neighboring states had regulations that differed significantly. A case in point was New York, whose regulations were more restrictive than any other state, and that contrasted markedly with those of New Jersey, Connecticut, and Rhode Island.

To address these concerns, the Board adopted Addendum XXV, which implemented conservation equivalency on a regional basis for 2014. Five<sup>1</sup> regions were established: 1) Massachusetts; 2) Rhode Island; 3) Connecticut, New York, and New Jersey; 4) Delaware, Maryland, and Virginia; and 5) North Carolina. All states within each region were required to have the same possession limit, size limit, and season length.

---

<sup>1</sup> Initially, in February 2014, the Board established four regions, one being Massachusetts and Rhode Island combined. Subsequently, in March 2014, the Board approved a request from Massachusetts and Rhode Island to split its region into individual state regions to account for the significantly different recreational fisheries of the two states.

Although the precursors to Addendum XXV (Addendum XVII and Framework Adjustment 6) envisioned a regional approach based on regional harvest limits set as the sum of the harvest limits for all the states in each region, with accountability based on the performance of each region relative to its regional limit, Addendum XXV implemented an alternative approach. Based on analysis provided by the Board's Technical Committee, the Board focused on developing regulations for each region that would lead to projected regional harvests that would collectively achieve, but not exceed, the coastwide recreational harvest limit. The projected regional harvests did not constitute the sum of the harvest limits for all the states in each region. As such, the approach constituted a de facto reallocation of recreational harvest opportunities. Nonetheless, the Board emphasized that:

*The new approach is not intended to implement new state allocations and is not intended to set a precedent for new state allocations. Under the adaptive regional approach, states would not give up their (1998-based) allocated portion of the Recreational Harvest Limit (RHL), would not be held accountable for anything other than their allocated portion of the RHL, and would retain the future opportunity (depending on what management approach is adopted for 2015) to continue managing their fisheries in accordance with their allocated portion of the RHL.*

To achieve regulatory uniformity within each region, and to meet the coastwide harvest target, regulatory revisions were enacted for CT, NY, NJ, DE, and MD in 2014 (Table 7).

For 2015, the Board continued regional management, with the same regions, via Addendum XXVI. For all states, the same regulations in effect for 2014 were maintained for 2015 (Table 7).

For 2016, the Board again continued regional management via Addendum XXVII, with one adjustment to provide more equity in recreational opportunities for anglers in the Delaware Bay. That adjustment involved establishing New Jersey as a stand-alone region, with the caveat that New Jersey would enact separate management measures for the New Jersey portion of Delaware Bay, while maintaining regulations for the rest of its waters consistent with those of New York and Connecticut. New Jersey complied by enacting regulations for Delaware Bay that were closer to those of Delaware. For all other states the same regulations in effect for 2014 and 2015 were maintained for 2016 (Table 6).

Beginning 2017, the Board continues to have the same concern about disproportionate impacts among states from the use of 1998-based allocations and state-by-state management measures. A return to coastwide management measures is also unlikely to provide equitable access.

### **2.3 Description of the Fishery**

In practice, the recreational fishery for summer flounder is managed on a "target quota" basis. A set portion (40%) of the total allowable landings is established as a recreational harvest limit (RHL), and management measures are established by the states that can reasonably be expected to constrain recreational harvest to this limit each year. It has historically been deemed impractical, because of the limitations of producing timely landing estimates, to try to manage the recreational fishery based on a real-time quota.

Over the past nine years, the coastwide landings exceeded the annual coastwide RHL three times: 2007, 2008, and 2014 (Table 2). The most recent overage in 2014 was by approximately 5% (approximately 380,000 pounds). Based on preliminary harvest estimates through August 2016, coastwide landings have already exceeded the 2016 RHL. The 2016 harvest estimates are subject to change as many states seasons remain open and data for wave 6 (November-December) are not yet available. Projected harvest through the end of 2016—based on state harvest trends in 2015—indicated the final harvest may be approximately 6.38 million pounds (Table 3).

**Table 2. Coastwide Harvest Relative to Coastwide RHL: 2007-2016**

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Coastwide Harvest (mil. lb)	9.34	8.15	6.03	5.11	5.96	6.49	7.36	7.39	4.72	6.38
Coastwide RHL (mil. lb)	6.68	6.21	7.16	8.59	11.58	8.49	7.63	7.01	7.38	5.42
Percent of RHL harvested	<b>139.77%</b>	<b>131.25</b>	84.22%	59.47%	51.43%	76.44%	96.40%	<b>105.41%</b>	63.97%	<b>117.00%</b>

\*2016 Harvest is preliminary, through October only, and subject to change.

**Table 3. Projected Coastwide Harvest for 2016 by states**

State	Jan-Aug Estimate		Sep-Dec Projection		Projected Total Harvest	
	Weight	Numbers	Weight	Numbers	Weight	Numbers
MA	121,791	53,294	4,860	3,348	126,651	56,642
RI	278,682	89,988	6,927	2,833	285,610	92,821
CT	690,786	218,019	3,875	1,352	694,661	219,371
NY	2,238,513	712,643	55,118	18,164	2,293,630	730,807
NJ	1,904,113	609,878	573,966	181,181	2,478,080	791,059
DE	206,558	82,097	18,075	7,432	224,634	89,229
MD	42,574	18,537	9,123	4,538	51,697	23,075
VA	188,576	75,029	12,460	5,093	201,037	79,332
NC	16,870	9,605	12,152	7,469	29,021	17,074
<b>Total</b>	<b>5,688,463</b>	<b>1,869,090</b>	<b>696,557</b>	<b>230,320</b>	<b>6,385,020</b>	<b>2,099,410</b>

\*September-December harvest are projected using proportion of landings by two-month wave by state in 2015.

\*\*Total Projected Harvest is based on preliminary information and is subject to change as new information is made available.

### *Recreational Survey Estimates*

The Marine Recreational Information Program, or MRIP, is a program under NOAA Fisheries which counts and reports marine recreational catch and effort. MRIP is driven by data provided by anglers and captains. MRIP replaced the Marine Recreational Fisheries Statistics Survey, or MRFSS, in 2008, which had been in place since 1979. MRIP is designed to meet two critical needs: (1) provide the detailed, timely, scientifically sound estimates that fisheries managers, stock assessors, and marine scientists need to ensure the sustainability of ocean resources and (2) address head-on stakeholder concerns about the reliability and credibility of recreational fishing catch and effort estimates. MRIP is an evolving program with ongoing improvements. Detailed information on MRIP and the improvements can be found at <http://www.st.nmfs.noaa.gov/recreational-fisheries/index>. All recreational catch and effort data considered in this document are derived from MRIP.

## 2.4 Status of the Stock

The most recent peer-reviewed benchmark assessment for summer flounder (Northeast Regional Stock Assessment Workshop 57, NEFSC 2013) was updated in July 2016. The assessment utilizes an age-structured assessment model called ASAP. Results of the assessment update indicate the summer flounder stock was not overfished but overfishing was occurring in 2015 relative to the updated biological reference points established in the 2013 SAW 57 assessment. The fishing mortality rate has been below 1.0 since 1997, but was estimated to be 0.390 in 2015, above the threshold fishing mortality reference point  $F_{MSY} = 0.309$  (Figure 1). Spawning stock biomass (SSB) was estimated to be 88.9 million pounds (36,240 mt) in 2015, about 58% of the biomass target  $SSB_{MSY} = 137.555$  million pounds (62,394 mt) and 16% above the biomass threshold (Figure 2). The 2015 year class is estimated to be about 23 million fish at age 0, continuing the trend of below-average year classes for the past six years (2010-2015).

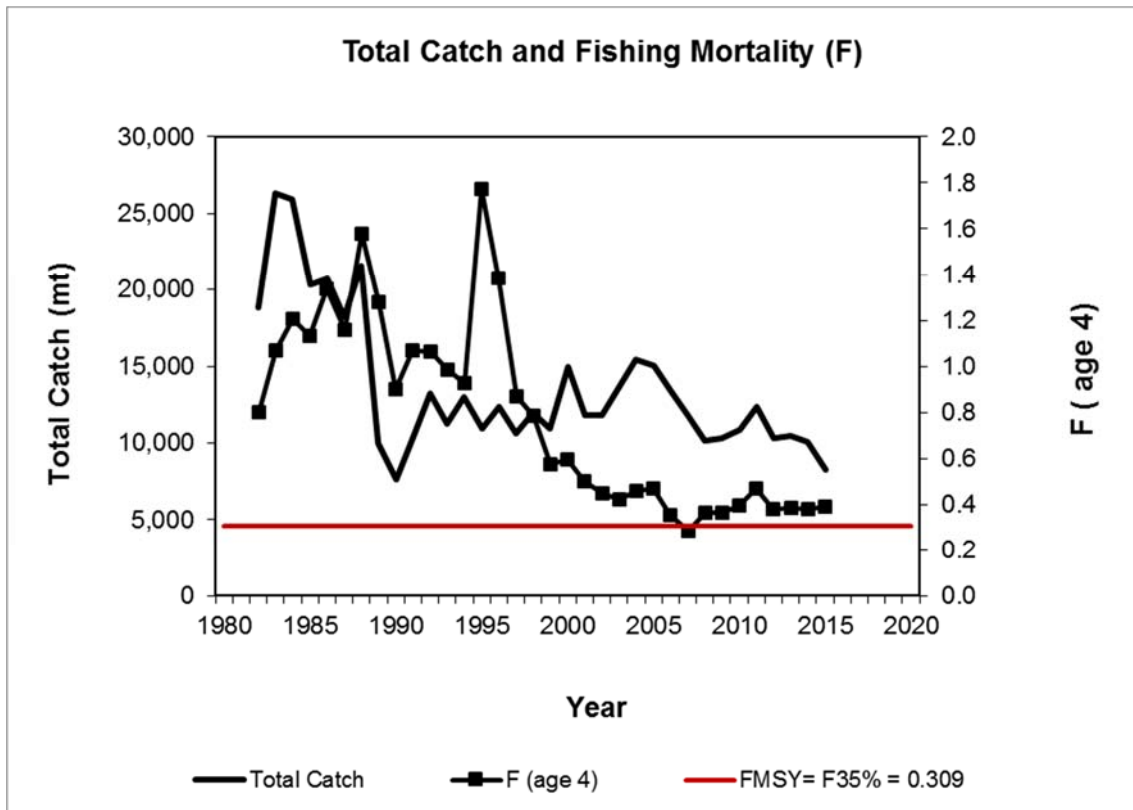


Figure 1. Total fishery catch and fully-recruited fishing mortality (F, peak at age 4) of summer flounder. The horizontal red line is the 2013 SAW 57 fishing mortality threshold reference point proxy. Source: NEFSC Summer Flounder Stock Assessment Update for 2016 (June 2016).

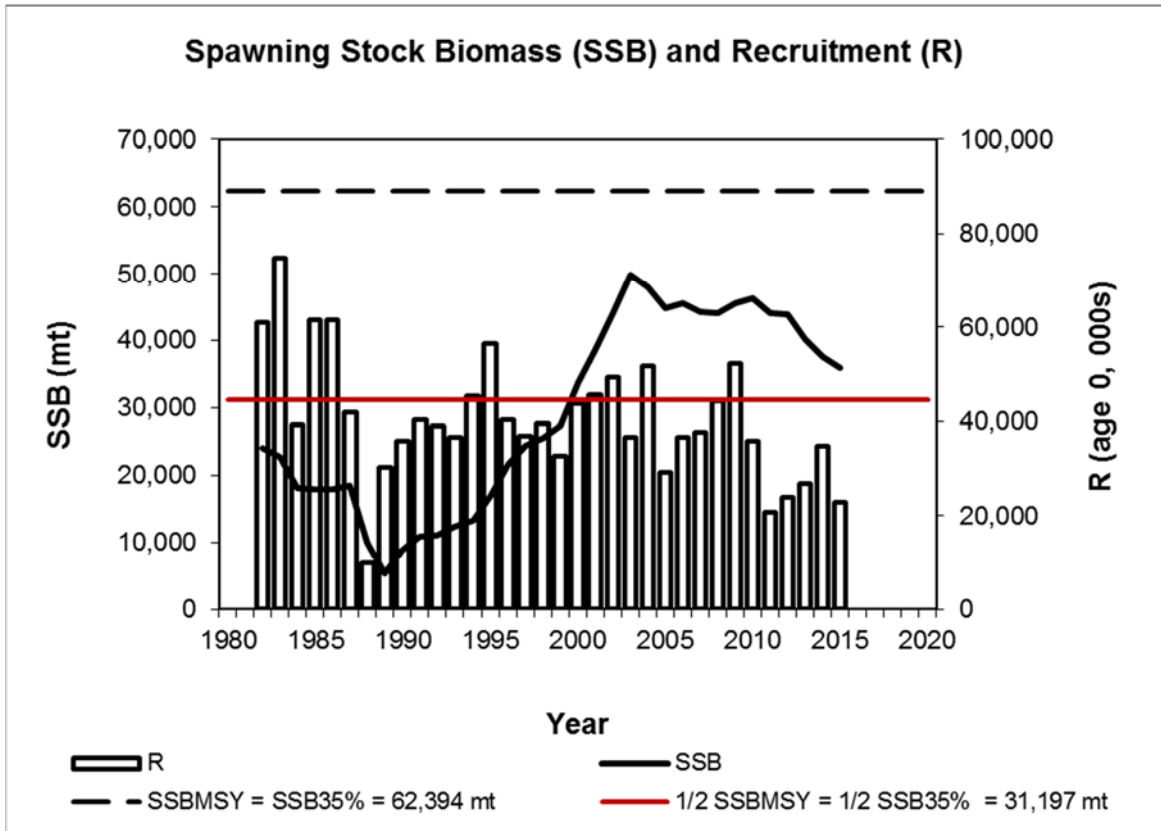


Figure 2. Summer flounder spawning stock biomass (SSB) and recruitment at age 0 (R) by calendar year. The horizontal dashed line is the 2013 SAW 57 biomass target reference point proxy; the horizontal red line is the biomass threshold reference point proxy. Source: NEFSC Summer Flounder Stock Assessment Update for 2016 (June 2016).

A breakdown of the 2017 Overfishing Limit (OFL), Acceptable Biological Catch Limit (ABC), Annual Catch Limits (ACL), Annual Catch Targets (ACT), and subsequent coastwide RHL based on the 2016 stock assessment update is included in Table 4. The 2017 proposed harvest limit is a time series low as the result of the biomass projections from the 2016 stock assessment update.



**Table 4. Basis for 2017 summer flounder catch and landings limits. Numbers may not add precisely due to unit conversions and rounding.**

Management Specifications	2016		2017		Basis for 2017 Limits
	mil lb.	mt	mil lb.	mt	
OFL	18.06	8,194	16.76	7,600	Stock assessment projections
ABC	16.26	7,375	11.30	5,125	Stock assessment projections/ SSC recommendation
Commercial ACL	9.42	4,275	6.57	2,982	60% of ABC landings portion (per FMP allocation) + 49% of ABC discards portion
Commercial ACT	9.42	4,275	6.57	2,982	Monitoring Committee recommendation: no deduction from ACL for management uncertainty
Commercial Quota	8.12	3,685	5.66	2,567	Commercial ACT, less projected commercial discards
Recreational ACL	6.84	3,100	4.72	2,143	40% of ABC landings portion (per FMP allocation) + 51% of ABC discards portion
Recreational ACT	6.84	3,100	4.72	2,143	Monitoring Committee recommendation; no deduction from ACL for management uncertainty
Recreational Harvest Limit	5.42	2,457	3.77	1,711	Recreational ACT, less projected recreational discards

### 3.0 Management Program

The 2017 summer flounder recreational fishery will divide the coast into six management regions (similar to 2016): 1) Massachusetts 2) Rhode Island 3) Connecticut-New York 4) New Jersey 5) Delaware-Virginia and 6) North Carolina. The combined management program of all 6 regions is designed to not exceed the 2017 recreational harvest limit.

Each region, except for North Carolina, is required to increase the minimum size by one inch from the 2016 size limit (Note: North Carolina is exempt as long as the state’s harvest remains low because its fishery is confounded by three species of similar flatfish for which consistency in regulations is ideal). Each Region is required to have a possession limit of 4 fish or less.

This approach moves away from using the 1998-based allocations to set regional targets, based on the concerns listed in Section 2.2 Background (page 2). Additionally, the past three years have shown how variable annual harvest at the coastal (50%), regional (>60%), and state (>100%) level can be despite consistent measures across the years, underscoring the difficulty of using prior year harvest to predict future year harvest. The Commission recognizes the confidence intervals around the harvest estimates limit the ability to precisely project the impacts of differing management measures. The approach thus applies broad action across all states to reduce harvest and provide for more coastwide consistency in regulations.

**Table 5. Example 2017 Regional Management Measures**

STATE	2016 Projected Harvest	Example Size Limit	Example Possession Limit	Example Season (# of days )
MASSACHUSETTS	56,642	17"	4 fish	125
RHODE ISLAND	92,821	19"	4 fish	245
CONNECTICUT NEW YORK	950,178	19"	3 fish	128
NEW JERSEY*	782,142	19"	3 fish	128
NEW JERSEY/ DELAWARE BAY COLREGS**	8,916	18"	3 fish	
DELAWARE MARYLAND VIRGINIA	191,636	17"	4 fish	365
NORTH CAROLINA	17,074	15"	4 fish	365

\*New Jersey east of the COLREGS line at Cape May, NJ will have management measures consistent with the northern region of Connecticut – New York.

\*\*New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay will have a similar size limit to the southern region (DE-VA), the same possession limit and the same season length as the northern region of Connecticut – New York.

**Management for 2018**

If the Board chooses to continue this management program for 2018, the following outlines the process for setting harvest targets:

The TC will use harvest estimates and fishery performance from 2017 to evaluate the 2018 regional management approach. **If the coastwide RHL is exceeded, then region specific harvest will be evaluated, with the understanding that more restrictive management measures will be needed to constrain regional harvest in 2018. If the predicted 2018 combined regional harvest is higher than the 2018 RHL, regions will have to adjust their management measures in 2018.** The TC will develop proposed measures for each region that, when combined, will constrain the coastwide harvest to the 2018 RHL. Any number of size, possession, and season combinations can be evaluated when looking at regional management.

### **3.1.1 Timeframe for Summer Flounder Measures**

#### **For 2017 and ability to extend through 2018 (One year extension)**

The management program outlined in section 3.0 will be in place for 2017. The Board could take action, through a Board vote, to extend the addendum for one year, expiring at the end of 2018. After 2018 (or for 2018 if the Board does not extend the Addendum into 2018), measures would revert back to the FMP status quo coastwide/conservation equivalency measures.

#### **4.0 Compliance:**

The management program for summer flounder contained in Section 3.0 of Addendum XXVIII are effective immediately upon its approval (February 2, 2017). States will go through their administrative procedure to implement regional management measures to cumulatively achieve the needed coastwide reduction for 2017. Once management measures are finalized, the states must notify the Board of their final 2017 management measures by March 1, 2017. If a state or region does not implement management measures to cumulatively achieve across the regions the needed 2017 reduction, that state or region must implement the precautionary default management measures. The Board and Council approved in December 2016 precautionary default measures for 2017 that include a minimum size of 20 inches total length, a possession limit of 2 fish, and a season of July 1–August 31. These measures would be in place for both state and federal waters of the state or region in question. If a state or region does not implement either sets of measures, that state or group of states may be found out of compliance. States measures will made available to the public as soon as they are finalized.

## Tables and Figures

**Table 6. 2016 Summer Flounder Recreational Management Measures. Color blocking indicates regions**

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16	5 fish	May 22-September 23
Rhode Island	18	8 fish	May 1-December 31
Connecticut	18	5 fish	May 17- September 21
CT Shore Program (46 designed shore sites)	16		
New York	18	5 fish	May 17- September 21
New Jersey*	18	5 fish	May 21- September 25
NJ Shore program (1 designated site)	16	2 fish	
New Jersey/Delaware Bay COLREGS**	17	4 fish	
Delaware	16	4 fish	January 1- December 31
Maryland	16	4 fish	January 1- December 31
PRFC	16	4 fish	January 1- December 31
Virginia	16	4 fish	January 1- December 31
North Carolina	15	6 fish	January 1- December 31

\*New Jersey east of the COLREGS line at Cape May has management measures consistent with the northern region of Connecticut – New York.

\*\*New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay has a similar size limit to the southern region (DE-VA), the same possession limit as the southern region (DE-VA), and the same season length as the northern region of Connecticut – New York.

**Table 7. State regulations, 2013–2016. 2013 represents the last year state-by-state regulations applied; regional management applies 2014–2016. Color blocking indicates regions. Red font indicates change from prior year.**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>MA</b>	16" 5 fish May 22-Sep 30	16" 5 fish May 22-Sep 30	16" 5 fish May 22-Sep23*	16" 5 fish May 22-Sep 23 (125 day season)
<b>RI</b>	18" 8 fish May 1-Dec 31	18" 8 fish May 1-Dec 31	18" 8 fish May 1-Dec 31	18" 8 fish May 1-Dec 31 (245 day season)
<b>CT</b>	17.5"*** 5 fish May 15-Oct 31	18"*** 5 fish May 17-Sep 21	18"*** 5 fish May 17-Sep21	18"*** 5 fish May 17-Sep21 (128 day season)
<b>NY</b>	19" 4 fish May 1-Sep 29	18" 5 fish May 17-Sep 21	18" 5 fish May 17-Sep21	18" 5 fish May 17-Sep21 (128 day season)
<b>NJ Coast</b>	17.5" 5 fish May 18-Sep16	18"**** 5 fish May 23-Sep 27	18"**** 5 fish May 23-Sep 26	18"**** 5 fish May 21-Sep 25 (128 day season)
<b>NJ Delaware Bay</b>	17.5" 5 fish May 18-Sep16	18" 5 fish May 23-Sep 27	18" 5 fish May 23-Sep 26	17" 4 fish May 21-Sep 25 (128 day season)
<b>DE</b>	17" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31 (365 day season)
<b>MD</b>	16" 4 fish Mar 28-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31 (365 day season)
<b>VA</b>	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31	16" 4 fish Jan 1-Dec 31 (365 day season)
<b>NC</b>	15" 6 fish Jan 1-Dec 31	15" 6 fish Jan 1-Dec 31	15" 6 fish Jan 1-Dec 31	15" 6 fish Jan 1-Dec 31 (365 day season)

\*MA change in season not due to cut, but correction of error from prior year

\*\*CT has 45 designated coastal sites where minimum size is 16" for the 5-fish limit, 2013–2016

\*\*\*NJ has 1 designated coastal site where 2 fish at 16" can be taken, 2014–2016 (another 3 at 18" can be taken outside of the designated site)



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • [www.asmfc.org](http://www.asmfc.org)

*Douglas E. Grout (NH), Chair    James J. Gilmore, Jr. (NY), Vice-Chair    Robert E. Beal, Executive Director*

---

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

TO: ASMFC Commissioners and Proxies  
DATE: May 11, 2017  
SUBJECT: ASMFC Commissioner Survey Results

The following is a summary of the 2016 ASMFC Commissioner Survey which includes responses from 26 Commissioners or Proxies. For each question, the average score by year is presented. The responses range from 1 through 10. The higher the average, the more positive the response from the Commissioners.

The data is presented in graph form to allow for comparison between years. The 2010 results were based on a response ranging from 1 through 5, so the value was doubled for comparison to future responses. Questions 7, 8, 14 and 15 were new to the 2015 survey, as the survey was simplified to increase participation.

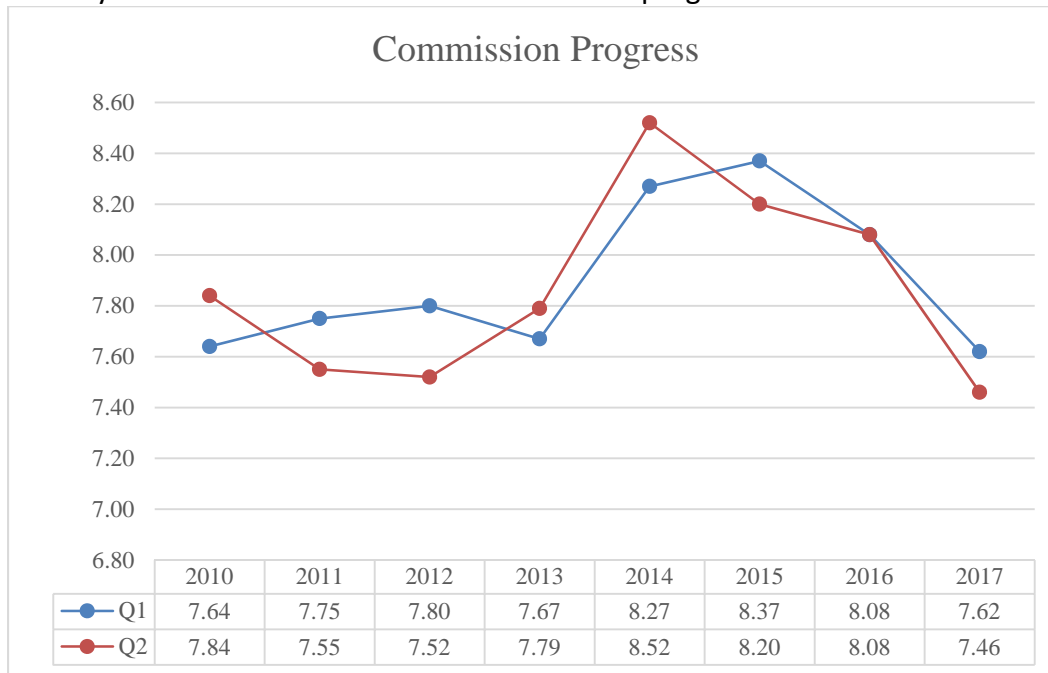
Questions 16-20 prompted respondents for open-ended responses. Many of the comments fell into three broad categories: impacts of climate change; scarcity of fiscal resources resulting in data deficiencies; and looking out for individual state interests over the coast as a whole. Socioeconomic factors and analyses were also a recurring theme throughout. Respondents listed ISFMP and Science support documents; Fisheries Focus, travel logistics; and [www.asmfc.org](http://www.asmfc.org) as some the Commission's most useful products.

Respondents would like more simplified outreach materials for stakeholders; better use of meeting space; fewer possible choices on the Commissioner Survey; and continued development of the risk in management policy. Additionally, some respondents recommended shorter meeting week agendas; various improvements to MRIP; prioritizing the stock assessment schedule; and more Commission involvement in habitat projects. A complete list of all responses to questions 16-20 is available beginning on page 4.

## Commission Progress

1. How comfortable are you that the Commission has a clear and achievable plan to reach the Vision (Sustainably managing Atlantic Coastal Fisheries)?

2. How confident are you that the Commission's actions reflect progress toward its Vision?



## Commission Execution and Results

3. How satisfied are you with the cooperation between Commissioners to achieve the Commission's Vision?

4. How satisfied are you that the Commission has an appropriate level of cooperation with federal partners?

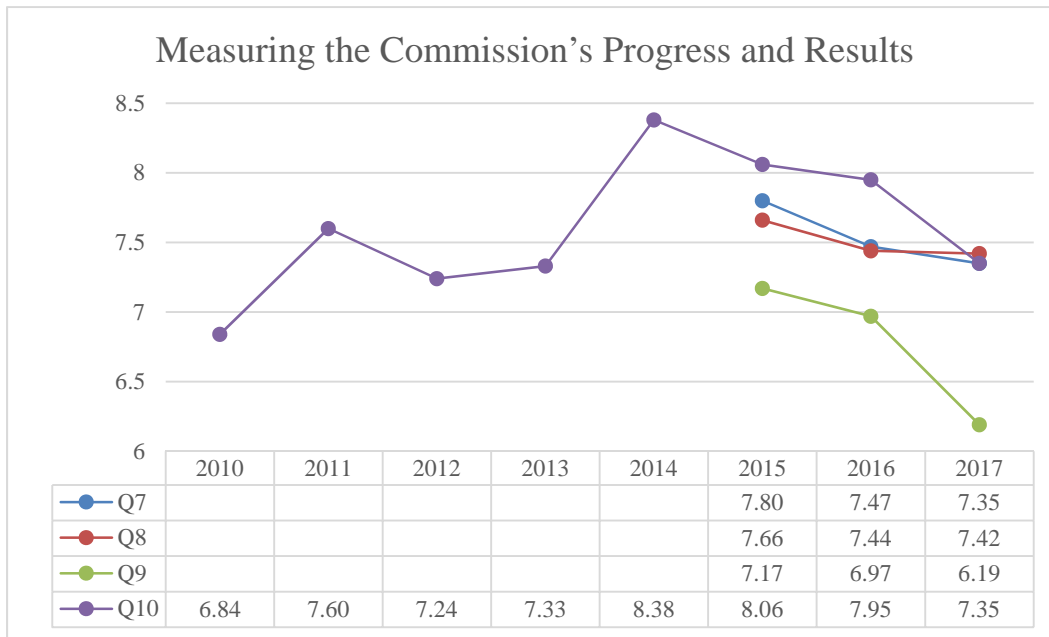
5. How satisfied are you with the Commission's working relationship with our constituent partners (commercial, recreational, and environmental)?

6. How satisfied are you with the Commission's effort and success in securing adequate fiscal resources to support management and science needs?



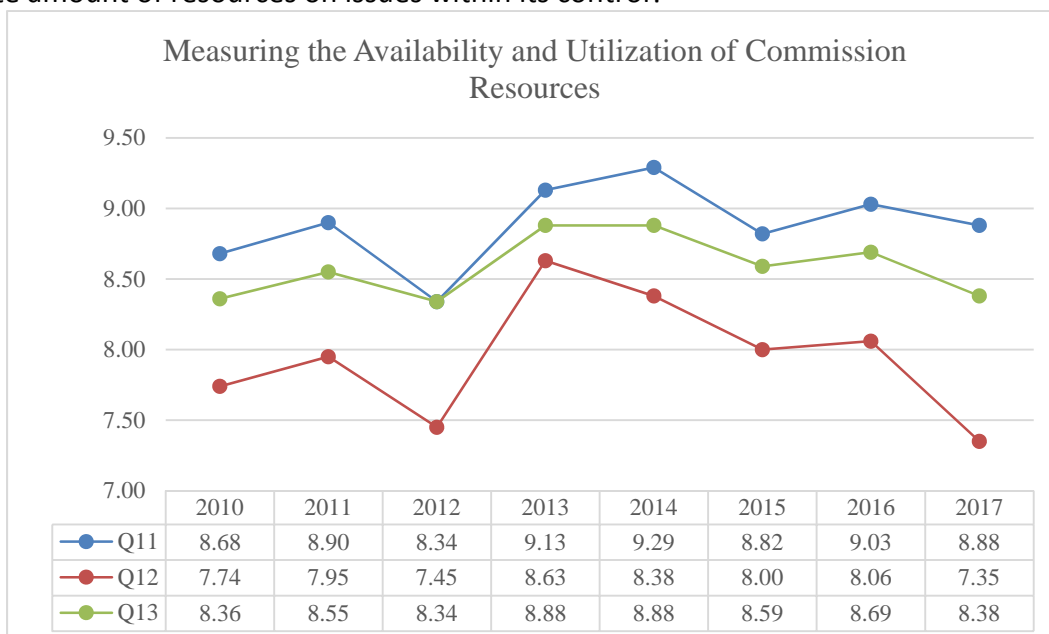
### Measuring the Commission's Progress and Results

7. One of the metrics the Commission uses to measure progress is tracking the number of stocks where overfishing is no longer occurring. Is this a clear metric to measure progress?
8. How satisfied are you with the Commission's progress to end overfishing?
9. Are you satisfied with the Commission's ability to manage rebuilt stocks?
10. How satisfied are you with the Commission's efforts to engage with state legislators and members of Congress?



### Measuring the Availability and Utilization of Commission Resources

11. How satisfied are you that the Commission efficiently and effectively utilizes available fiscal and human resources?
12. How comfortable are you with the Commission's performance in reacting to new information and adapting accordingly to achieve Commission Goals?
13. The Commission has a limited scope of authority. How comfortable are you that the Commission spends the appropriate amount of resources on issues within its control?

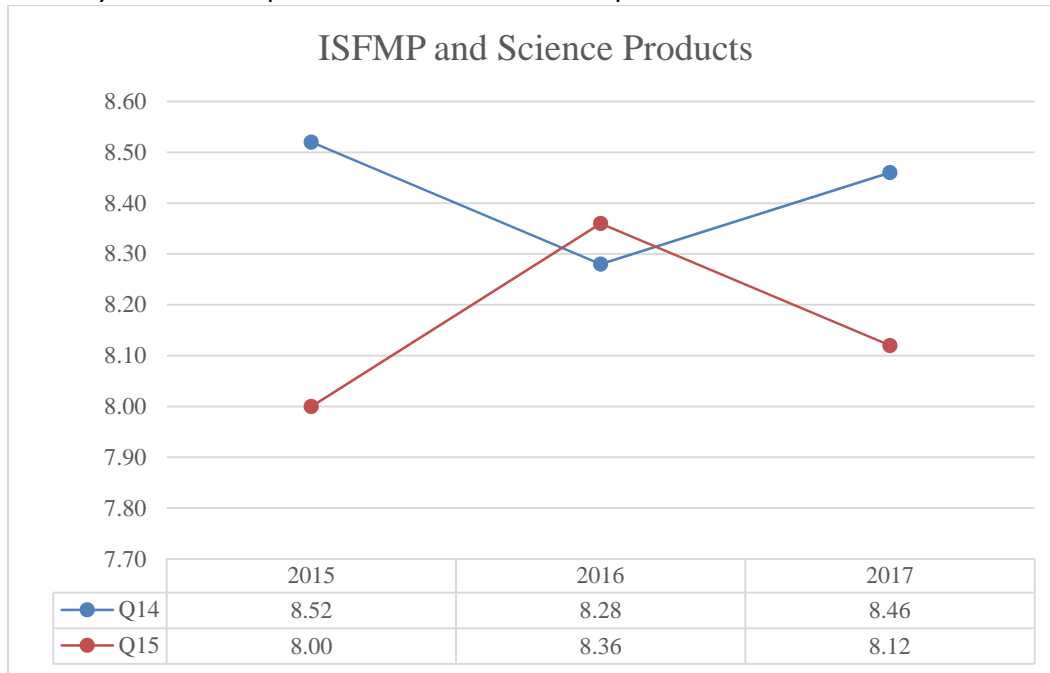




## Commission Products

14. How satisfied are you with the products of the ISFMP Department?

15. How satisfied are you with the products of the Science Department?



## Discussion Questions

16. What is the single biggest obstacle to the Commission's success?

- There seems to be less concern for the biological needs of the stocks and more concern, among the states, with economic gains from the stocks than in the past decade.
- Allowing or facilitating commercial interests by not holding to a FMP until the next scheduled update. As soon as a fishery shows any sign of improvement the commercial interests immediately want amendments and motions to harvest a greater portion of the stock.
- Inability to reasonably adjust TACs and State Allocations
- State agency positions driven by state politics; environmental factors.
- Climate change and the lack of faith in the science by some to help guide their management decisions.
- Climate change
- Moving/changing biomass due to climate and environmental changes
- Unaccounted environmental variables are our biggest obstacles.
- Rapidly changing environmental conditions
- Understanding factors, other than fishing that affect stocks.
- The Commission can only control fishing, yet our fish stocks are under growing environmental stress from climate change and the huge human population growth in the ASMFC states.
- Factors outside Commission control
- Obstacles outside of our purview, habitat degradation as well as changing ocean dynamics, e.g. Temperature
- Lack of reliable data
- Funding for assessments
- Reliability and timeliness of data (MRIP), stakeholder cooperation and understanding between regions

- Two obstacles running neck-and-neck for first place: MRIP uncertainties and the binding of ASMFC to federal law and national standard guidelines drastically reducing ASMFC flexibility and the influence of individual state perspectives. ASMFC state agency representatives tend to be Council members first and foremost reflecting federal requirements rather than advocates for responsible and defensible state positions reflecting a balancing of constituents' concerns and resource needs (e.g., reduce or prevent overfishing as best that can be defined).
- Management measures need to be measurable and achievable. Too often we do things that look good on paper but don't meet the necessary conservation requirements.
- Balancing competing interests
- Reliable science is many times inconsistent and questionable.
- The lack of data and funding is a common theme for most species, so the inability to conduct more frequent benchmark assessments is a problem
- Interstate and regional parochialism that has become a detriment to achieving success and fairness.
- What is the "base line" to compare current stock with stock at historic periods? If stock is not being overfished, then what is keeping stock from rebounding fully to historic levels? Perhaps a change in the habitat itself might explain this mystery.
- Data and Management lagging behind actual field conditions

17. What are the most useful products the Commission produces for you?

- The staff that are always willing to discuss issues with the state Commissioners.
- Information on the webpage and outstanding documents ASMFC staff produce for us to make management decisions at each meeting.
- Annual reports, staff analyses and reports, regular news clippings sent to Commissioners from ASMFC staff.
- Travel help and accounting
- Plan reviews with historical accounts of past actions and rationale for those decisions. Stock assessments with heavy emphasis on state scientist involvement especially with lead roles
- FMP addendum and amendments
- Management plans
- Meeting Summaries
- FMP reviews -- great snapshot of history, science, management and fishery; followed by Stock Status Reports
- Not a product - it's the staff that reaches out and is proactive on issues important to states
- Fisheries Focus, stock assessment overviews
- The Guiding documents provided on the website have been extremely helpful throughout the years
- The Commission continues to produce exemplary science products by way of stock assessments and support to stock assessments. Additionally, the technical training program is another product that has produced great benefits. Finally, financial support to administer Commission directives and support for beneficial research and pilot programs in states has been enormously valuable. Sorry, one more, the Commission's support in contract staffing in the states has been a huge benefit, and helps us better achieve the mission of both the Commission and the states.
- Professional dedicated staff
- FMPs
- Most everything from meeting materials to news clippings to amendments and addendum.
- Managers, stakeholders and scientists have the ability to discuss and communicate directly and share information

- Briefing materials
- The management plans and addendums clearly explain sometimes difficult management concepts and the rationale for management action to the public. The ISFMP staff do a great job of presenting the same materials at the public hearings. The web site is easy to navigate and has a wealth of information.
- Board Meeting briefing materials, clearly written Amendment and addendums

18. What additional products could the Commission create to make your job easier?

- Perhaps there can be other forms of outreach and outreach information about pending issues that could be provided to the states, so that the states could provide its stakeholders with germane, accurate information on issues of concern. Participation by stakeholders is way down, as compared to 10 or 15 years ago, for the most part, as a result of the electronic age, but it is ever more important that these stakeholders gain more information on issues before the critical decisions are made.
- Finding ways to provide simplified graphic depictions of the status of stocks and harvest quotas, allocation and milestones. Most of the information is presented in very detailed table formats. These detailed tables can remain because they are important for the record and future reference but perhaps more information can also be summarized into easier to read and explain formats for the regulated public and conservation groups. Once Commissioners return home from meetings they need to be able to explain what has transpired often to audiences who need it all boiled down to the simplest parts.
- Definitive sample size amounts in terms of how, where and when data is collected. How large a sample, how often collected, did the sampling schedule meet the correct time of year for this data collection?
- Better and far more accurate Technical Committee projections as to whether state-proposed rules (e.g., recreational) will achieve required reductions in catch or harvest with high degree of confidence.
- Don't have anything that jumps out at me, just continuing the current services and products is great.
- Meeting weeks in the Florida during the winter
- A way to make meeting setup more intimate in that it's difficult to discover who's speaking or sitting in on the meeting. A more reliable and effective sound system.
- I would be in favor of ASMFC creating an ongoing status report (similar to the Chesapeake Bay Foundation "state of the Bay") so that non-scientific people could easily understand the current stock and what factors are keeping the stock from improving.
- Current products work well for me
- A Commissioner Survey that has fewer possible choices between 'Satisfied' and 'Unsatisfied'. I filled out the survey last year and, although I think my answers this year were meant to be similar to last year (good incremental progress), I may have ended up going lower. Maybe a one or two page summary of how socioeconomic factors are taken into account during the management process.

19. What issue(s) should the Commission focus more attention/time on?

- In general, the amount of agenda items could be lessened. There is definitely a 'race against the clock' at most meetings because the agendas are overloaded. Staff presentations are often in a 'ratta-tat-tat' fashion to accommodate the overload.
- How to adapt the Commission's management to the changes in marine resources taking place as a result of climate change.
- Development of accurate and affordable recreational catch and use sampling methods. The problems with MRIP seem to cause the most contention among all users groups. A consensus lack of confidence in recreational harvest data seems to be the most problematic issue.

- Every State has needs not being met. Each certainly have their priority order in weighted issues. These larger concerns for each State being recognized and worked through would relieve tensions and would make the Commission a more efficient functioning body.
- Cooperation between Commissioners, there remains too much "what's in it for my state" with votes being taken en bloc to ensure the desired outcome for an individual's state.
- Issues of equity and fairness between states to promote true cooperative management with minority positions not being rejected simply for the perceived good of the majority, especially when the majority view is self-serving at the expense of the minority. More work needs to be done on freeing ourselves from single-point MRIP estimates for determining how much recreational harvest should be permitted.
- Need to figure out a better way to partner with the Council on jointly managed species. Current process is very cumbersome due to the different rules and number of individuals involved.
- Securing funding to support the mandated monitoring under the Commission's species management plan. Close the gap between available funding and unfunded mandates
- Prioritize species. Is a stock assessment on spot and croaker as important as annual updates on species such as lobster, striped bass, and flounder?
- Definitely appreciate the efforts of the Risk Management workgroup -- their products will be helpful in ensuring consistent approaches among species
- Technical Committee training. We tend to assign new folks to the TCs without them really knowing what to expect. Again the Guiding Docs help here.
- At the risk of letting you know exactly who took this survey, continuing to better account for risk in management decisions is critical and will better help us to avoid some of the trickier interstate management issues we are currently experiencing. Additionally, working on ways to incorporate MSE and/or MSE elements in to management processes will also help in both our internal processes (meaning internal to the Commission) and in our processes with external agencies (will give better and easier quantification of decisions so, for instance, NOAA is able to enact their decisions quicker).
- Climate change
- Habitat improvement projects are welcome and interesting. I wish that ASMFC could get involved in oyster recovery projects (e.g. Chesapeake Bay)
- Cooperation with Councils
- Not to minimize the complexity of estimating economic impacts of management decisions, but there should be a way to standardize a method for accounting for these costs. This would increase the credibility of our decisions.
- Quota allocations

## 20. Additional comments?

- Concerning joint plans with the Councils wherein the ASMFC is viewed as a secondary partner owing to the MSFCMA, it would be good for the ASMFC to press the Councils to revise their rulemaking celerity!
- Put less items on the agenda for each meeting day. It is rare that the meeting day ends on time. Increasingly, meetings have been running 1-2 hours over the posted end times. Poor decisions are often made late in the day when meetings have run too long. Commissioners need to know that schedules will be adhered to. Committee chairs need to provide adequate comment but then cut off the discussion based on the predetermined agenda time slot. A few Commissioners speak disproportionately and this results in time overruns. Perhaps the Commission can agree upon an approach that all chairs will follow for time and meeting management. What is done very well: the proper use of motions and procedures to ensure fairness, accountability and defensibility of legally

binding decisions is impressive. If chairs can ensure that process takes place and stays on time, all the better. The ASMFC administrative staff and technical staff are top notch and deserve much credit for assembling tedious data and materials into presentations and shepherding the various species committees.

- Slighted data provided, does not serve the Commission's membership as a whole. This should be recognized in order to serve the body's needs. Example: socio- economic data sampling had excluded many State's concerns and were considered to be too insignificant in many cases during collection. If the State believes it lies in a *de minimis* status in this regard then the State should decide if it is to be left out of the collection.
- Despite the best efforts of ASMFC's excellent staff, important data for critical management decisions very often are too far behind leading to delayed decisions on allocation and catch limits. Goal 1 about "fairly allocating coastal resources" cannot be achieved when states' measures are inadequate to control harvest, e.g., NY having taken 88% of the 2016 RHL in 2016.
- Need to do a better job of classifying when stocks are depleted due to environmental conditions. Stocks like SNE lobster, winter flounder, shrimp, and weakfish may never be rebuilt due to environmental changes and we need to effectively communicate that fact to the industry and our funding sources.
- Some of the answers I gave in the multiple choice section are as low as they are not because of anything the Commission is doing but rather is because many of these things are at least partially if not totally outside of the Commissions control. Just wanted to note that.
- The ASMFC staff were very impressive once again in 2016. From Director Beal to the Plan Coordinators to the ACCSP Team to the Support Staff, ASMFC, it is a pleasure to work with ASMFC. The APAIS transition could not have gone more smoothly in our state, so thank you for another great year.

# ASMFC Standard Operating Procedures for Meetings

February 1, 2017

As established by the Interstate Fisheries Management Program Charter, the Atlantic States Marine Fisheries Commission (Commission) generally uses Roberts Rules of Order to conduct its business. There are some deviations from Roberts Rules adopted by the Commission. The following operating procedures are provided to make Commission meetings more effective and efficient.

## Required Elements

The following voting and quorum provisions are established in the Commission guiding documents and are not subject to the discretion or interpretation by the meeting chair.

**Quorum** – The following quorum provisions are included in the Commission guiding documents. These provisions are not subject to the meeting chair’s discretion.

- The presence of Commissioners representing a majority of the state members (>50%) constitute a quorum at a meeting of the Commission.
- Any state shall be recorded as present when represented by one or more of its Commissioners.
- A quorum for any Commission group shall be a majority of the members of such body, provided that any such body may petition the Executive Committee in advance for approval of an alternative quorum procedure.

**Voting** – The following voting provisions are included in the Commission guiding documents. These provisions are not subject to the meeting chair’s discretion.

- The Commission’s Business Session, and management boards and sections shall be by state (or by jurisdiction or federal agency) with one vote per state. A state’s vote shall be determined by the majority of that state’s delegation of Commissioners who are present. Based on the number of delegates present, votes may be cast in favor, in opposition, in abstention, or null. A null vote occurs when only two state delegates are present and they do not agree on a position. A null vote can also occur if three state delegates are present and one delegate abstains from participating in the state caucus and the other two delegate do not agree on a position.
- No person may, by proxy, vote more than once on any issue.
- Any Commissioner or Commissioner Proxy or duly authorized representative of a jurisdiction or agency that is a member of a management board/section may make or second any motion; provided the maker of the motion and second (when necessary) must each come from a different state, jurisdiction, or agency.
- Any meeting-specific proxy appointed by a Legislative or Governors’ Appointee Commissioner may not vote on a final action being considered by a management board/section. Meeting-specific proxies may vote on preliminary decisions such as issues to be included in a public hearing draft or approval of public information documents.
- A final action is defined as: fishery specifications (including but not limited to quotas, trip limits, possession limits, size limits, seasons, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans,

- and non-compliance recommendations. A meeting-specific proxy may participate in the deliberations of the meeting, including making and seconding motions.
- The roll must be called for all final actions unless there is no objection to the motion.
- A two-thirds majority, which is required for an emergency action, extending a management action, or amending/rescinding a final action, is defined by the entire voting membership. However, federal agency abstentions do not count when determining the total number of votes.

### Discretionary Elements

The following process recommendations are meeting best management practices for use by a meeting chair to effectively and efficiently run Commission meetings.

**Process** – The meeting chair has the discretion to manage the meeting conduct and application of the following best management practices.

- All board members should have the opportunity to speak once prior to anyone speaking a second time.
- An individual may not be recognized to speak on a motion more than two times during a single board meeting.
- If the chair believes there may not be opposition to the motion, he/she will seek board consent of the action by asking “If there is no objection, this item will be adopted.” After pausing for any objections, the chair states “As there are no objections, this item is adopted unanimously.” It is not necessary to ask for a show of hands.
- If the chair determines too much time is being consumed by speakers, he/she can set a time limit on such speeches.
- The meeting chair can use either of the following options for “one in favor/one against”:

Options for use of “one in favor/one against”:

Option 1: At any time in the meeting based on concern regarding limited time availability to conduct the full business of the board/section or in cases when extensive debate on an issue has occurred, the chair can limit debate to one in favor/one against.

Option 2: After all members have had the opportunity to speak on a motion twice, the chair will limit debate to one in favor/one against. If there is no one left to speak in favor/against the chair will call the vote on the motion.



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • [www.asmf.org](http://www.asmf.org)

---

## MEMORANDUM

TO: ISFMP Policy Board  
FROM: Assessment Science Committee  
DATE: April 24<sup>th</sup> 2017  
RE: Stock assessment schedule updates

At its April 2017 conference call, the Assessment Science Committee (ASC) met to discuss various issues and receive presentations on several topics. The ASC had a number of recommendations to present to the ISFMP Policy Board regarding the ASMFC Stock Assessment Peer Review Schedule.

1. Following the request of the Horseshoe Crab Management Board, a benchmark assessment was added to the schedule in 2018.
2. SAW-SARC reviews were added to the schedule for Atlantic herring in 2018 and the 2019 summer flounder assessment was changed from an update to a benchmark at the Fall 2016 NRCC meeting, with the potential to move it forward to 2018.
3. The benchmark assessment for Northern shrimp was moved back to spring 2018 to accommodate a calibration study for the State-Federal (ASMFC) Summer Survey. A necessary equipment change on the Summer Survey requires these side-by-side calibration tows.
4. Per the request of the South Atlantic Board, a cobia SEDAR review was added to the schedule in 2019.
5. The ASC also discussed the implications of the MRIP Coastal Household Telephone Survey transition to the Fishing Effort Survey. Following calibration model peer review, the re-estimation of historical catch and effort could lead to changes to stock status or quotas that may require management action. The ASC divided ASMFC-managed species into anticipated levels of impact based on the amount of recreational harvest. For now, since most of the potential “high” impact species, including striped bass and summer flounder, are already on the stock assessment schedule for a benchmark trigger in the near future, the ASC decided to leave the assessment schedule as is. Once the calibrated numbers are released, the ASC and TCs can reevaluate the schedule and timing based on the difference between the calibrated numbers and the previous numbers. Jointly or cooperatively managed species are being updated on the Federal schedule.
6. The ASC updates the Assessment Scientist Workload Scoresheet on an annual basis as a means to calculate the workloads of the TC and SAS members along the coast. Historically, this scoresheet has only included benchmark stock assessments and more recently assessment updates. This overlooks participation and assignments on other science committees as well as tasks outside of a stock assessment and in-state duties. The ASC is working with Science Staff to identify a more representative way to capture scientist workload which could help with future task prioritization and will bring this improved scoresheet to the ISFMP Policy Board at Annual Meeting.



**Long-Term Benchmark Assessment and Peer Review Schedule (Updated April 2017)**

Species	2009	2010	2011	2012	2013	2014	2015	2016		2017	2018	2019	2020
American Eel				ASMFC						Update			
American Shad											Update		
American Lobster	ASMFC						ASMFC						x
Atlantic Croaker		SEDAR 20								ASMFC			
Atlantic Menhaden		SEDAR		Update		SEDAR				Update		SEDAR	
Atlantic Sea Herring	Update			SARC 54			Update				SARC-Spring		
Atlantic Striped Bass	Update		Update		SARC 57		Update	Update			SARC-Fall		
Atlantic Sturgeon										ASMFC			
Black Drum						ASMFC						x	
Black Sea Bass	Update	Update	SARC-Fall	Update	Update	Update	Update	SARC- Fall		Update	Update	Update	Update
Bluefish	Update	Update	Update	Update	Update	Update	SARC-Spring	Update		Update	Update	Update	x
Cobia												SEDAR	
Horseshoe Crab	ASMFC				Update						ASMFC		
Menhaden ERPs	Update			Update		Update						SEDAR	
Northern Shrimp	Update	Update	Update	Update	Update	SARC-Spring	Update	Update		Update	ASMFC	Update	Update
Red Drum	SEDAR						SEDAR						x
River Herring				ASMFC						Update			
Scup	Update	Update	Update	Update	Update	Update	SARC-Spring	Update		Update	Update	Update	x
Spanish Mackerel				SEDAR 28									
Spiny Dogfish	Update	TRAC	Update	Update	Update	Update	Update	Update		Update	Update	Update	Update
Large Coastal Sharks			SEDAR					SEDAR					
Small Coastal Sharks			SEDAR		SEDAR								
Spot										ASMFC			
Spotted Seatrout	VA/NC	FL					VA/NC	FL					
Summer Flounder	Update	Update	Update	Update	SARC 57	Update	Update	Update		Update	Update	SARC	Update
Tautog			Update			ASMFC		Update				x	
Weakfish	SARC-Spring							ASMFC			Update		
Winter Flounder			SARC 52			Update	Update			Update			

SA Staff  
 KA  
 JK  
 JK  
 KA  
 KA/KD  
 KD  
 KD  
 KA/KD  
 JK  
 JK  
 KD  
 KA  
 KA  
 KD  
 KD  
 JK  
 JK  
 JK  
 KD  
 KA  
 KA  
 KA  
 JK  
 KD  
 JK  
 KD

2013 marks transitioning to the new NE Stock Assessment Process

Please note that all species scheduled for review must be prioritized by management boards and Policy Board.

**Additional Notes:**

- Black Sea Bass: 2016 benchmark to include new model development
- Large Coastal Sharks: 2016 Update dusky, 2017 Standard sandbar, 2018 Update blacktip
- Small Coastal Sharks: SEDAR 34-HMS bonnethead and Atlantic sharpnose 2013
- Spot: PRT annually reviews
- Spotted Seatrout: States conducting individual assessments
- Winter Flounder: Operational assessment Sept 2017 with 20 groundfish stocks

- SEDAR External Review
- ASMFC External Review
- Fall SARC Review
- Spring SARC Review
- x = 5 year trigger date or potential review
- Completed

*Italics = under consideration, but not officially scheduled*



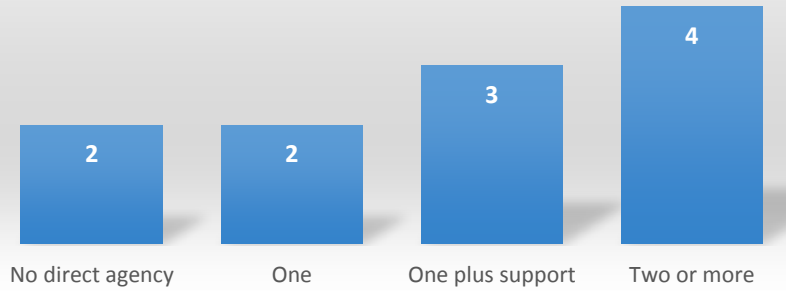
- 1 =active member of SASC
- 2 =co-lead for assessment
- 3 =lead for stock or stock unit/DPS
- =combined score for multiple updates

		2019					
		Summer flounder*	Menhaden (ERPs)	Menhaden (Single-species)	Black drum	Tautog	Updates
	Scientist						
	Kristen Anstead		1				
	Jason McNamee	1	3	1		1	
	Katie Drew		1			2	
	Laura Lee						
	Jeff Kipp				3		
	Jim Uphoff		3				
	Amy Schueller		1	3			
<b>2017</b>							
<b>Benchmarks</b>							
Sturgeon	Mark Terceiro	3					1
Spot	Alexei Sharov		1	1		1	
Croaker	Matt Cieri		1	1			
<b>Updates</b>							
American eel	Jeff Brust	1	1			1	
River herring	Chris McDonough				1		1
Atlantic menhaden	Michael Celestino		1				
	Micah Dean		1	1			
<b>2018</b>							
<b>Benchmarks</b>							
Atlantic striped bass (SARC-F)	Gary Nelson						1
Horseshoe crab	John Sweka						1
Spiny dogfish (SARC-S)	Gary Shepherd						1
Atlantic herring	Maggie Hunter						1
Northern shrimp	Burton Shank						1
Black sea bass (SARC-F)?	Kim McKown						1
Bluefish (SARC-F)?	Tracy Pugh						1
Scup (SARC-S)?	Kierstin Curti						1
<b>Updates</b>							
American shad	Kathleen Reardon						1
Weakfish	David Chagaris		1				
	Howard Townsend		1				
<b>2019</b>							
<b>Benchmarks</b>							
Atlantic menhaden (ERPs)	Katherine Sosebee					1	
Atlantic menhaden (Single-species)	Mike Bednarski						
Black drum	Dawn Franco						
Summer flounder (SARC)	Harry Rickabaugh						
Cobia	Joseph Munyandorero						
Tautog	Mary Fabrizio						
	Michael Bailey				1	1	
<b>Yearly updates</b>							
Bluefish	Scott Newlin						
Northern shrimp	Edward Hale						
Scup	Ed Hale						
Spiny dogfish	Rob Latour			1			
Spot (TLA)	Kurt Gottschall						
Croaker (TLA)	Anne Richards						
American lobster (Stock Indicators)	Josh Newhard						
Summer flounder	Greg Wojick	1					
	Chris Legault	1					
	Steve Doctor	1					
	John Maniscalco	1					
	Joe Cimino				1		
	Yan Jiao						
	Chris Bonzek	1					

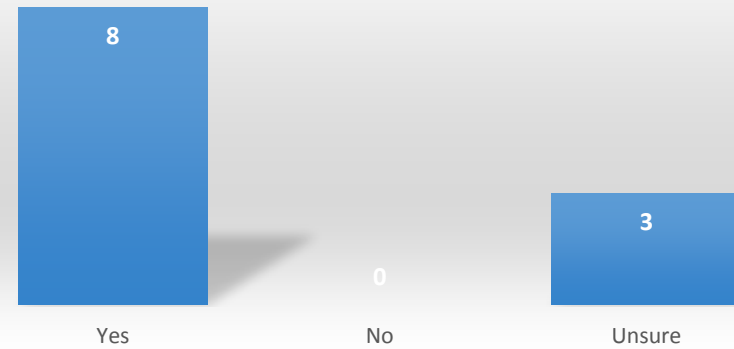
\*=Jointly managed with Councils handling most of assessment workload

# ASMFC SAV Policy Questionnaire Responses: State Entities

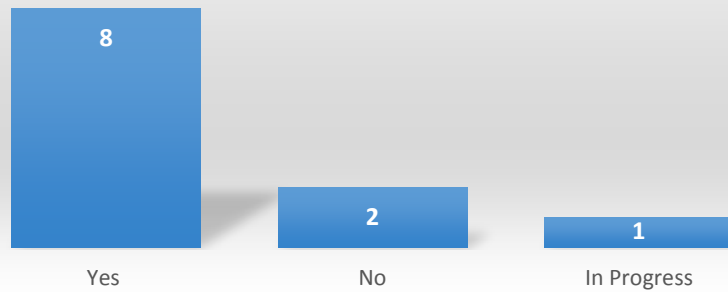
## Number of Agencies Responsible for SAV Management



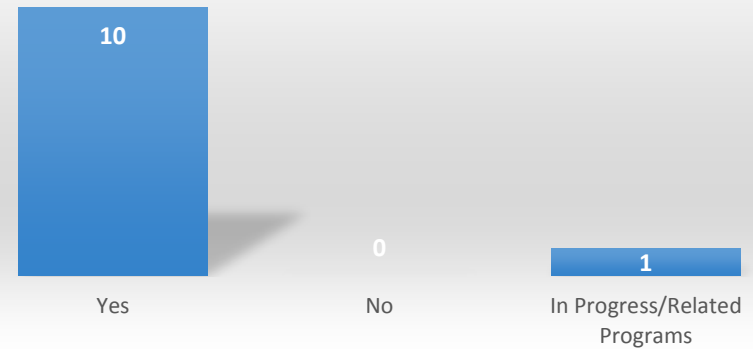
## ASMFC SAV Policy Provided to Managing Agency?



## Implemented an SAV Resource Assessment and Monitoring Strategy?

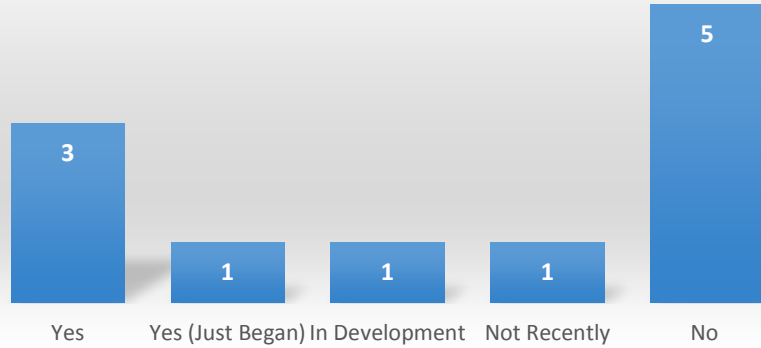


## Implemented/Developed Programs to Limit Impacts to SAV?

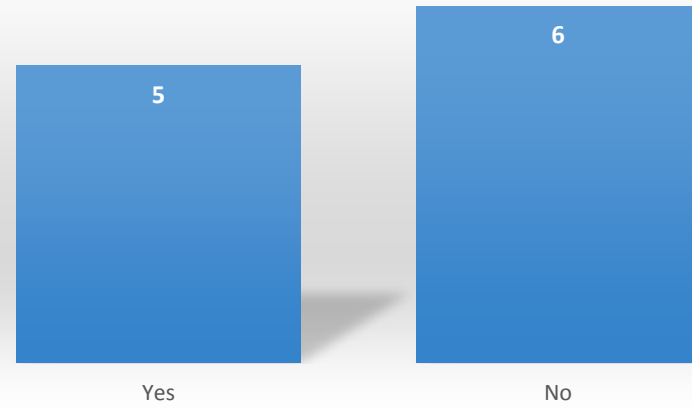


## ASMFC SAV Policy Questionnaire Responses: State Entities

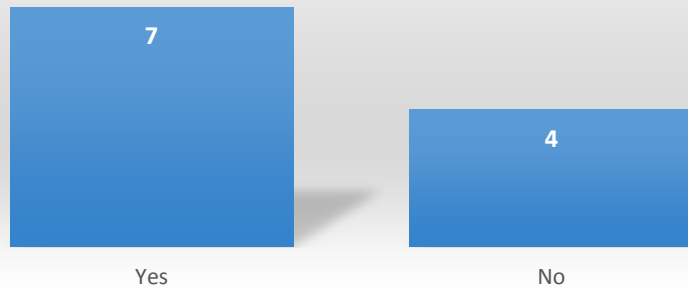
Reviewed the Effectiveness of These Programs?



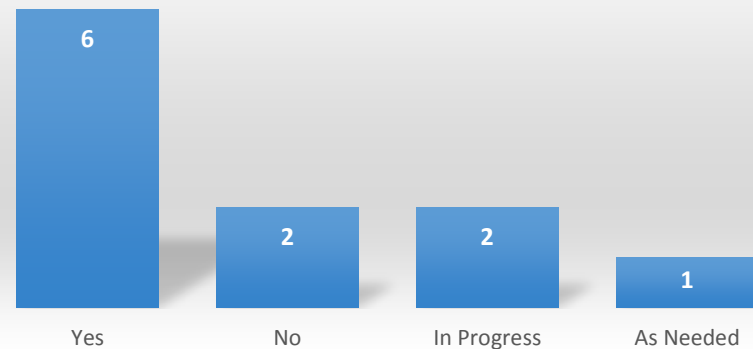
Set Restoration Goals?



Identified Reasons for SAV Loss/Identified Need For Improvement?

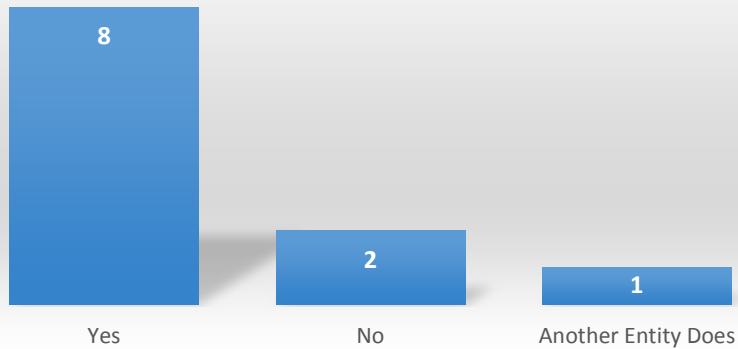


Identified Areas for Protection/Restoration?

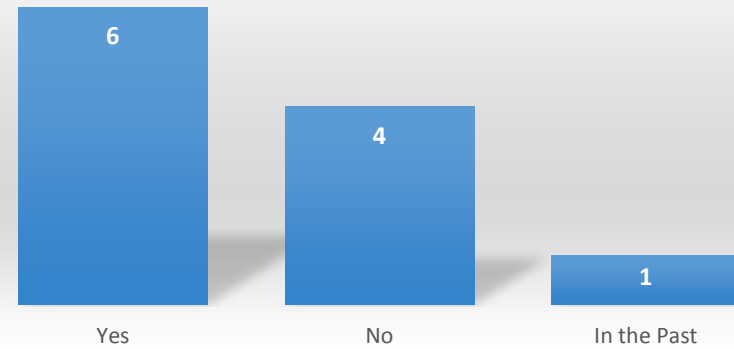


## ASMFC SAV Policy Questionnaire Responses: State Entities

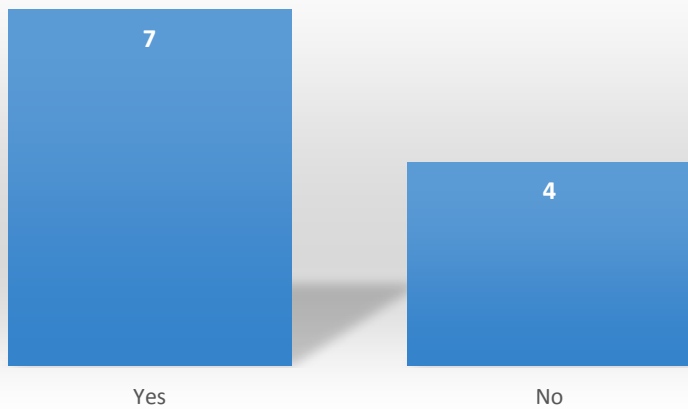
Included SAV in Aquatic Education Programs?



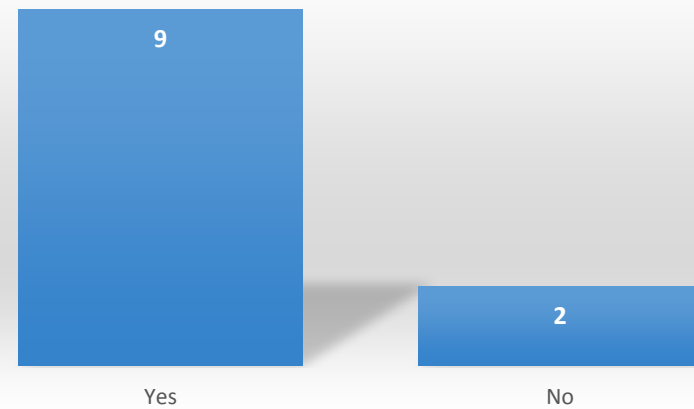
Promoted the Involvement of Citizens Groups?



Supported SAV Research?

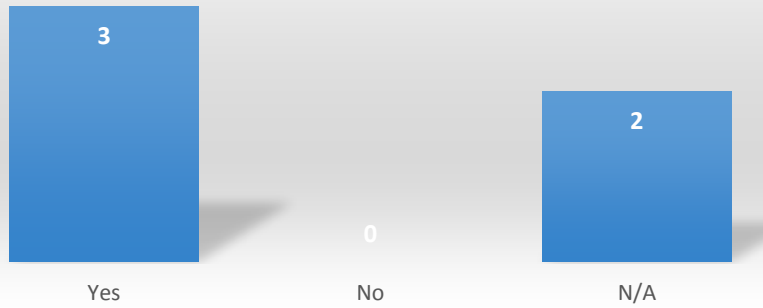


Follow Specific BMPs?

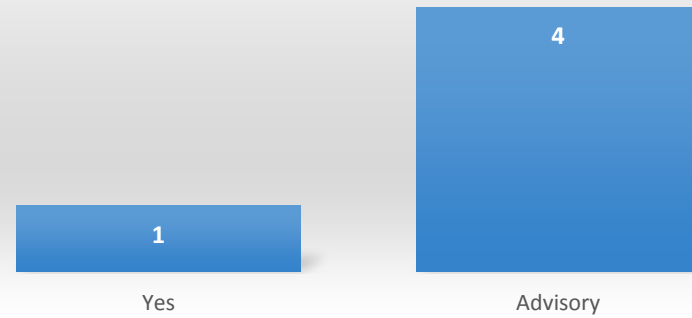


# ASMFC SAV Policy Questionnaire Responses: Federal Entities

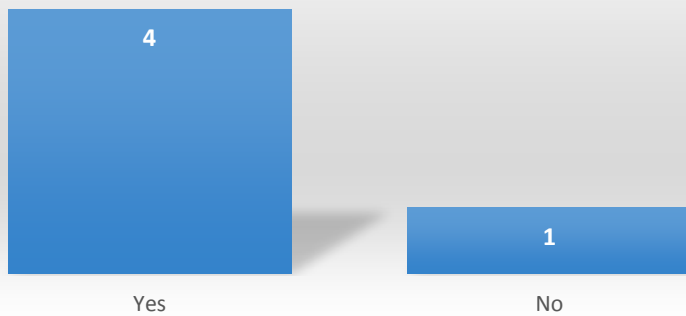
ASMFC SAV Policy Provided to Your Agency?



Agency Have Regulatory Authority Encompassing SAV?



Developed Technical Guidance, Standards, or Promote BMPs?



Agency Adopt/Implement This Policy?

