



# Atlantic States Marine Fisheries Commission

## 2018 Winter Meeting Summary

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

2018 Winter Meeting  
Alexandria, VA  
February 6 – February 8, 2018

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### Meeting Summaries, Press Releases and Motions

#### TABLE OF CONTENTS:

<b>AMERICAN LOBSTER MANAGEMENT BOARD (FEBRUARY 6, 2018)</b> .....	<b>3</b>
<i>Press Release</i> .....	3
<i>Meeting Summary</i> .....	4
<i>Motions</i> .....	4
<b>ATLANTIC HERRING SECTION (FEBRUARY 6, 2018)</b> .....	<b>6</b>
<i>Meeting Summary</i> .....	6
<i>Motions</i> .....	6
<b>WINTER FLOUNDER MANAGEMENT BOARD (FEBRUARY 6, 2018)</b> .....	<b>6</b>
<i>Meeting Summary</i> .....	6
<i>Motions</i> .....	7
<b>AMERICAN EEL MANAGEMENT BOARD (FEBRUARY 6, 2018)</b> .....	<b>7</b>
<i>Press Release</i> .....	7
<i>Meeting Summary</i> .....	8
<i>Motions</i> .....	9
<b>EXECUTIVE COMMITTEE (FEBRUARY 7, 2018)</b> .....	<b>9</b>
<i>Meeting Summary</i> .....	9
<i>Motions</i> .....	9
<b>STRATEGIC PLANNING WORKSHOP (FEBRUARY 7, 2018)</b> .....	<b>10</b>
<i>Meeting Summary</i> .....	10
<b>WEAKFISH MANAGEMENT BOARD (FEBRUARY 7, 2018)</b> .....	<b>10</b>
<i>Meeting Summary</i> .....	10
<i>Motions</i> .....	10

<b>SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (FEBRUARY 7, 2018).....</b>	<b>11</b>
<i>Press Release</i> .....	11
<i>Meeting Summary</i> .....	11
<i>Motions</i> .....	12
<b>ATLANTIC STRIPED BASS MANAGEMENT BOARD (FEBRUARY 7, 2018).....</b>	<b>13</b>
<i>Meeting Summary</i> .....	13
<i>Motions</i> .....	14
<b>RISK AND UNCERTAINTY POLICY WORKSHOP (FEBRUARY 8, 2018).....</b>	<b>14</b>
<i>Meeting Summary</i> .....	14
<b>INTERSTATE FISHERIES MANAGEMENT POLICY BOARD (FEBRUARY 8, 2018) .....</b>	<b>15</b>
<i>Meeting Summary</i> .....	15
<i>Motions</i> .....	16
<b>SUMMER FLOUNDER, SCUP, AND BLACK SEAS BASS MANAGEMENT BOARD (FEBRUARY 8, 2018) .....</b>	<b>17</b>
<i>Press Release</i> .....	17
<i>Meeting Summary</i> .....	17
<i>Motions</i> .....	18

## **AMERICAN LOBSTER MANAGEMENT BOARD (February 6, 2018)**

### ***Press Release***

### **ASMFC American Lobster Board Approves Addenda XXVI/III to the American Lobster/Jonah Crab FMPs**

Arlington, VA – The Commission’s American Lobster Management Board (Board) approved American Lobster Addendum XXVI/Jonah Crab Addendum III (Addenda) to the American Lobster and Jonah Crab Fishery Management Plans (FMPs). The Addenda improves the spatial resolution of harvester data collection, expands the required harvester reporting data elements, establishes a timeline for increased harvester reporting in the American lobster and Jonah crab fisheries, and prioritizes the development of electronic harvester reporting. In addition, the Addenda includes recommendations for improved reporting and biological sampling in federal waters.

The Addenda responds to two concerns: 1) the current requirements for harvester reporting are insufficient to respond to external management actions; and 2) while the American lobster and Jonah crab fisheries continue to expand offshore, most of the biological sampling occurs inshore or nearshore. In particular, the Board expressed concern the spatial resolution of harvester data is too coarse to respond to finer-scale management issues. As a result, the Addenda improves the spatial resolution of data by requiring fishermen to report via 10 minute squares, which further divide the existing statistical areas. In addition, the addenda establishes a one year pilot program to explore electronic tracking devices in the fishery which would address the special resolution and enforcement concerns. The addenda requires additional data elements in harvester reports including number of traps per trawl and number of buoy lines in order to collect information on gear configurations. Finally, the Addenda establishes a deadline that, within five years, states are required to implement 100% harvester reporting, with the prioritization of electronic harvester reporting development during that time. In the interim, jurisdictions not at 100% harvester reporting should redistribute the current effort associated with harvester reporting to focus on active, as opposed to latent, permit holders.

The Addenda also improves the biological sampling requirements by establishing a baseline of ten sampling trips per year in the American lobster/Jonah crab fishery and encourages states with more than 10% of coastwide landings in either the American lobster or Jonah crab fisheries to conduct additional sampling trips.

Finally, the Addenda provide three recommendations for actions in federal waters. Specifically, a harvester reporting requirement be established for federal lobster permits in order to collect information from the growing offshore fishery; a fixed-gear VTR form be created to improve data collection in the American lobster and Jonah crab fisheries; and a biological sampling program be established in federal waters in order to address current data gaps in the assessment. These recommendations will be forwarded to NOAA Fisheries.

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

pr18-03

### ***Meeting Summary***

In addition to approving Addendum XXVI/III to the American Lobster and Jonah Crab Fishery Management Plans (see press release), the American Lobster Management Board (Board) reviewed a report from the Southern New England Workgroup (SNE WG), approved Terms of Reference (TORs) for the 2020 Benchmark Stock Assessment, and elected Dan McKiernan (MA) as Vice-Chair.

The Board reviewed a report from the SNE WG, which assessed the applicability of the goals and objectives by which the SNE stock is managed. The report concluded that while some goals in Amendment 3 are still applicable, others are no longer germane given concern that the SNE stock may not rebuild to historic levels. As a result, the SNE WG concluded there may be a need to update the goals in the FMP to address current issues in the fishery, such as climate change and the expansion of a multi-crustacean fishery. In addition, the SNE WG concluded while it is valuable to have a set of overarching goals for the lobster fishery, it may be appropriate to further refine the goals specific to the two biological stocks. Since changes to the goals and objectives will require an Amendment, the Board agreed to take such action in relation to other on-going Board activities.

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

### ***Motions***

#### **Main Motion**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

#### **Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White.

#### **Motion to Table**

**Move to table the main motion and the motion to amend until later within this meeting.**

Motion by Mr. Borden, seconded by Senator Langley.

**Move to approve Issue 2, Option C, expanded data elements regarding gear configuration.**

Motion by Mr. Grout, seconded by Mr. Borden. Motion approved with no opposition.

**Move to approve Issue 3, 10 minute squares, and LCMAs, and to allow states to maintain their within-state statistical reporting areas.**

Motion by Mr. Borden, seconded by Mr. Grout. Motion passes by consensus.

**Move to implement the pilot tracking program within one year.**

Motion by Mr. Borden, seconded by Mr. Keliher. Motion passes by consensus.

**Move to bring the tabled motions back to the Board.**

Motion by Mr. Abbott, seconded by Senator Langley. Motion approved by consensus.

**Main Motion**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

**Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White.

**Motion to Amend**

**Move to amend to add “or paper” following “electronic” in the amended motion.**

Motion by Mr. McKiernan, seconded by Mr. Keliher. Motion carried unanimously.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

**Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic or paper reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White. Motion passes by consensus.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach. 100% harvester reporting to be required through electronic or paper reporting within 5 years.**

**Motion to Amend**

**Move to amend to add “if a state waters commercial harvester landed less than 1000 lbs of lobster and Jonah crab in the previous year, that individual can submit a monthly summary of landings data, rather than trip-level reports.”**

Motion by Mr. Grout, seconded by Mr. Hasbrouck. Motion passes by consensus.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach. 100% harvester reporting will be required through electronic or paper reporting within 5 years. If a state waters commercial harvester landed less than 1000 lbs of lobster and Jonah crab in the previous year, that individual can submit a monthly summary of landings data, rather than trip-level reports.**

Motion approved 12-0-0-0.

**Move to approve Addendum XXVI to the American Lobster FMP/Addendum II to the Jonah Crab FMP as modified today.**

Motion by Mr. Grout, seconded by Mr. Borden. Roll Call Vote: Motion passes, 11 in favor, 1 abstention (NMFS).

**Move to include the following TOR:**

**Evaluate the implications of habitat expansion or contraction on population productivity.**

**Review evidence for stock boundaries and associated stock structure and confirm the current stock units are appropriate.**

Motion by Mr. Keliher, seconded by Mr. Cimino. Motion passes 11-1-0-0.

**Move to accept the Terms of Reference for the 2020 American Lobster Benchmark Stock Assessment.**

Motion passes unanimously.

**Move to elect Dan McKiernan at Vice-Chair of the American Lobster Management Board.**

Motion by Mr. Grout, seconded by Mr. Keliher.

### **ATLANTIC HERRING SECTION (February 6, 2018)**

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

The Atlantic Herring Section (Section) met to review a Technical Committee (TC) report on the current spawning closure procedure. The report evaluated the current closure procedure in relation to the Section's goal to both protect spawning herring and provide access to the quota. The TC report found the current GSI<sub>30</sub> protocol, as established in Amendment 3, is a significant improvement over the previous length-based protocol as spawning closures are now within days, rather than weeks, of the spawning season. In addition, given the annual variability in the length of the spawning season, the report found the four week closure with the option for a two week re-closure effectively covers this variation. As a result, the Section decided not to make any changes to the spawning closure procedure this time. The Section did task the TC with developing a system to scale up samples of herring which fall below the required 100 fish but are above 90 fish, in order to more effectively collect biological information in the fishery.

Finally, the Section elected Pat Keliher from Maine as Chair and David Pierce from Massachusetts as Vice-Chair.

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

#### ***Motions***

**Move to elect Pat Keliher as Chair and Dr. David Pierce as Vice-Chair of the Atlantic Herring Section.**

Motion by Mr. White, seconded by Mr. Ballou. Motion passes unanimously.

### **WINTER FLOUNDER MANAGEMENT BOARD (FEBRUARY 6, 2018)**

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

The Winter Flounder Management Board (Board) met on February 6, 2018 to review the 2017 stock assessments for the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stocks, and to consider changes to the specifications for the 2018 fishing year.

Technical Committee (TC) Chair Paul Nitschke presented results from the 2017 Operational Stocks Assessments for the GOM and SNE/MA stocks. The assessments found the GOM stock biomass is unknown and overfishing is not occurring and the SNE/MA stock is overfished and overfishing is not occurring. Primary sources of uncertainty include the catchability parameter in the GOM stock assessment and the appearance of cryptic biomass (biomass seen in the model but not seen in the surveys) in the SNE/MA stock.

Next, the Board discussed specifications for the 2018 fishing year. The biggest change occurred to the GOM state-waters sub-component, which decreased from 122mt to 67mt. The SNE/MA state waters sub-component slightly increased from 70mt to 73mt. The Board decided not to change the winter flounder specifications at this time, but did highlight the need for improved communication with the New England Fishery Management Council regarding mutual management goals. The Board tasked the TC to review a potential conservation equivalency proposal submitted by Rhode Island regarding aggregate commercial trip limits in the SNE/MA stock.

Finally, the Board approved the 2017 FMP Review and state compliance reports and elected David Pierce from Massachusetts as Chair and David Borden from Rhode Island as Vice-Chair.

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

### ***Motions***

**Move to elect Dr. David Pierce as Chair and David Borden as Vice-Chair of the Winter Flounder Board.**

Motion by Mr. Keliher, seconded by Mr. White. Motion carries unanimously.

**Move to approve the 2017 Winter Flounder FMP Review and state compliance reports.**

Motion by Mr. Grout, seconded by Ms. Giannini. Motion passes unanimously.

## **AMERICAN EEL MANAGEMENT BOARD (FEBRUARY 6, 2018)**

### ***Press Release***

#### **ASMFC American Eel Board Approves Draft Addendum V for Public Comment**

Arlington, VA – The Commission’s American Eel Management Board (Board) approved American Eel Draft Addendum V for public comment. The Draft Addendum proposes alternative coastwide landings caps, management triggers, state-by-state allocations, and transfer provisions for the yellow eel commercial fishery; as well as alternatives to the current Maine glass eel commercial quota and the aquaculture provisions of the plan. The Board initiated Draft Addendum V in October 2017 in response to concerns over the management program as specified in Addendum IV.

Currently, the yellow eel fishery is managed to an annual coastwide landings cap of 907,671 pounds. The coastwide cap is evaluated against two management triggers: (1) the coastwide cap is exceeded by more than 10% in a given year; or (2) the coastwide cap is exceeded for two consecutive years, regardless of the percent overage. If either of these triggers are tripped, state by state quotas will be implemented. 2016 landings exceeded the coastwide cap by less than ten percent. If landings in 2017 exceeded the coastwide cap by any amount, state-by-state quotas would be implemented. The Board expressed

concern that the current management triggers do not account for annual fluctuations in landings and the immediate implementation of state-by-state quotas would pose significant administrative challenges. Draft Addendum V proposes alternatives to the coastwide cap, management triggers, state-by-state allocations and transfer provisions to address the Board concerns.

Draft Addendum V proposes alternative quota levels for the Maine glass eel fishery. Specifically, increasing the quota above the 2015-2018 level of 9,688 pounds. The Draft Addendum also proposes changes to the aquaculture provisions of the plan. It includes an option that would allow contiguously bordered states to pool their 200 pound glass eel aquaculture allowance, up to a maximum of 600 pounds.

It is anticipated the majority of states from Maine through Florida will be conducting public hearings on the Draft Addendum. The details of those hearings will be released in a subsequent press release. The Draft Addendum will be available on the Commission's website, [www.asmfc.org](http://www.asmfc.org) (under Public Input) this spring. For more information on American eel, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

pr 18-04

### ***Meeting Summary***

The American Eel Management Board met to consider approval of Draft Addendum V for public comment and receive feedback from the Stock Assessment Subcommittee (SAS) on the Draft Addendum; receive an Advisory Panel (AP) Report; and consider the 2017 Fishery Management Plan (FMP) Review and state compliance reports.

The AP met in December to receive the 2017 Stock Assessment Update, an update on Technical Committee (TC) work, and recent Board actions. Based on the Stock Assessment Update - which indicated the resource remains depleted- the AP encouraged the SAS to collaborate with biologists at Canada's Department of Fisheries and Oceans to complete a range wide stock assessment of the resource using data from both the U.S. and Canada. In reviewing recent TC work, the following items were highlighted; 1) recent Ageing Workshop, 2) Nematode Research conducted by VIMS graduate student Zoemma Warshafsky, and 3) analysis on young of year (YOY) fishery independent surveys.

Lastly, the Board received a report on FMP Review and state compliance. All states were in compliance with the FMP for the 2016 fishing season. The Board approved the FMP Review and granted *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia, and Florida for the yellow eel fishery.

Lynn Fegley from Maryland was elected Vice-Chair.

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



### ***Motions***

**Move to strike the following language from the Draft Addendum V:**

**Given the American eel's panmictic life history, if the fishery were causing a population decline, that population decline should be evident in all areas of its range, especially the areas of maximum exploitation.**

Motion by Ms. Patterson, seconded by Ms. Fegley. Motion passes without opposition.

**Move to establish a transfer cutoff date of no more than 45 days after the fishing season ends (February 15).**

Motion by Mr. O'Reilly, seconded by Dr. Duval. Motion passes without opposition.

**Move to delete Option 3 of Issue 3, Modified Addendum IV Quotas, which discusses minimum landings to states.**

Motion by Ms. Patterson, seconded by Sen. Miner. Motion fails.

**Move to add an option to the Addendum that sets the coastwide cap at 836,969 pounds, a 12% reduction from baseline catch from 1998-2016.**

Motion by Mr. Ballou, seconded by Mr. White. Motion passes (15 in favor, 2 opposed).

**Move to approve Draft Addendum V for public comment as modified today.**

Motion by Mr. Reid, seconded by Mr. Hasbrouck. Motion passes unanimously.

**Move to approve the 2017 FMP Review of the 2016 fishing year and approve *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia, and Florida for yellow eel.**

Motion by Mr. Miller, seconded by Mr. Gilmore. Motion passes unanimously.

**Move to nominate Ms. Lynn Fegley as Vice-Chair.**

Motion by Ms. Patterson, seconded by Mr. Clark. Motion passes unanimously.

### **EXECUTIVE COMMITTEE (FEBRUARY 7, 2018)**

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

The Executive Committee received an update on the activities of the Atlantic Coastal Cooperative Statistics Program. The Committee discussed the Leadership Nominating & Election Process, the Appeals process and the Conservation Equivalency process. It also received a report on the indirect cost rate proposal of the Commission. The appeals process & the conservation equivalency process will be further reviewed by a small group of Commissioners and staff and will be on the agenda of the Spring meeting.

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

### ***Motions***

**Move the Executive Committee adopt "A member of the Nominating Committee will contact the Administrative Commissioner from each state and request they communicate with the States' L/GA**

**Commissioners” for the appropriate approach to contact Commissioners for nominations; and “Commissioners and Ongoing Proxies are eligible to serve as Officers. However the appointing Commissioner must agree to the eligibility of a proxy”.**

Motion made by Mr. Abbott, seconded by Mr. Estes. Motion passed unanimously.

### **STRATEGIC PLANNING WORKSHOP (FEBRUARY 7, 2018)**

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

The Commission held a workshop to initiate development of the Commission’s next 5-year Strategic Plan, which will span 2019-2023. The Commissioners agree the current Plan should be updated to reflect the contemporary issues associated with the Commission’s activities. A working group of Commissioners will be formed to draft an updated plan for consideration at a subsequent meeting. The leadership of the Commission will schedule the next Strategic Planning Workshop for either the Spring or Summer Meeting after considering the other priority issues that need to be addressed during those meetings.

### **WEAKFISH MANAGEMENT BOARD (FEBRUARY 7, 2018)**

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

The Weakfish Management Board reviewed annual state compliance with the FMP. The Board found all states to be in compliance with the measures of the FMP. The Board then discussed the biological sampling requirements of Addendum I to Amendment 4 to the FMP and determined fishery-independent samples are not appropriate for fulfilling length sample requirements, but fishery-independent samples may be appropriate for fulfilling age sample requirements, depending on whether the length distribution and capture location of fishery-independent samples are reflective of the weakfish fishery. The Board also tasked the TC to review weakfish discard data to determine whether occurrences of commercial trips approaching the 100 pound trip limit have increased and what actions could be taken to reduce discards, such as adjusted trip limits to retain more fish or fishing modifications to reduce discards.

For more information on black drum, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

#### ***Motions***

**Move to accept the 2017 FMP Review and State Compliance Reports for weakfish and approve *de minimis* requests for Massachusetts, Connecticut, Georgia, and Florida.**

Motion by Mr. Clark, seconded by Mr. Hasbrouck. Motion passes unanimously.

**Move to task the Technical Committee to review weakfish discard data from the Northeast Federal Observer Program and from vessel trip reports (VTRs), to analyze landings data to see if the occurrences of commercial trips approaching the 100-lb. trip limit have increased, and to characterize the fisheries with substantial weakfish discards to see if different trip limits could be implemented to turn discards into landings and/or if fishing modifications could be made to minimize discards.**

Motion by Mr. Batsavage, seconded by Mr. Clark. Motion passes unanimously.

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (FEBRUARY 7, 2018)**

### ***Press Release***

### **ASMFC South Atlantic State/Federal Fisheries Management Board Approves Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment**

Arlington, VA – Arlington, VA – The Commission’s South Atlantic State/Federal Fisheries Management Board approved Draft Addendum I to the Black Drum Interstate Fishery Management Plan (FMP) for public comment. The Draft Addendum proposes to open Maryland’s black drum commercial fishery.

Draft Addendum I was initiated in October 2017 in response to a proposal from the state of Maryland to reopen its commercial fishery for black drum in the Chesapeake Bay (Bay). In the late 1990s, Maryland closed the commercial black drum fishery in its Bay waters to conduct a tagging and migration study. The fishery was not reopened after the study. In 2013, the Black Drum FMP extended this closure by requiring states to maintain management measures in place at the time of the FMP’s approval.

Draft Addendum I presents a management option that would reopen Maryland’s commercial fishery for black drum in the Chesapeake Bay with a daily vessel limit of up to 10 fish and a 28 inch minimum total length size limit.

It is anticipated that a public hearing on the Draft Addendum will be conducted in Maryland, although other states may request additional public hearings. The details of any public hearings will be released in a subsequent press release. The Draft Addendum will be available on the Commission’s website, [www.asmfc.org](http://www.asmfc.org) (under Public Input) by February 14, 2018. Fishermen and other interested groups are encouraged to provide input on the Draft Addenda either by attending state public hearings or providing written comment. Public comment will be accepted until **5:00 PM (EST) on March 23, 2018** and should be forwarded to Dr. Mike Schmidtke, FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at [comments@asmfc.org](mailto:comments@asmfc.org) (Subject line: Draft Addendum I). For more information on black drum, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

pr18-05

### ***Meeting Summary***

The Board also approved state implementation plans for the recently approved Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG) Cobia.

The FMP, approved in November 2017, complements South Atlantic Fishery Management Council’s (SAFMC) management of cobia in federal waters by implementing similar commercial and recreational regulations for bag, minimum size, possession, and maximum vessel limits. One distinction from SAFMC management is that the FMP allocates the coastwide recreational harvest limit (RHL), set equivalent to the recreational federal ACL, to the states. State allocations are set as harvest targets, and overages of these targets will be evaluated over a three-year time frame. Virginia, North Carolina, South Carolina, and Georgia initially received recreational harvest targets.

The FMP also provides the opportunity for states to declare *de minimis* status for their recreational fishery if landings constitute less than 1% of the recreational AMG cobia harvest. *De minimis* states

do not receive state-specific allocations of the RHL, but 1% of the RHL is set aside from state allocations to account for landings in these areas. New Jersey, Delaware, Maryland, and the Potomac River Fisheries Commission declared *de minimis* status in their state implementation plans. State implementation plans were submitted to the Commission and reviewed by the Cobia Technical Committee (TC) in January, 2018. State plans included regulatory language for implementing all measures of the FMP. For those states with recreational harvest targets, the TC evaluated whether the submitted regulations would be sufficient to achieve the harvest target, using previous harvests in pounds of fish, and recommended at least one proposal per state for Board approval.

The Board approved the state implementation plans as recommended by the TC. States with multiple approved plans will go through their administrative processes to choose one of the approved plans, and all states will implement a Board-approved plan by April 1, 2018. The Board also tasked the Cobia TC with evaluating the best method to determine harvest impacts of management measures of the Cobia FMP.

The Board also reviewed results and recommendations from the Atlantic Croaker TC's and Spot Plan Review Team's (PRT) review of the annual Traffic Light Analyses (TLA) for Atlantic croaker and spot. The TLA assigns a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to its long-term mean, the proportion of green in a given year will increase and as harvest or abundance decreases, the amount of red in that year will increase. The Board annually evaluates amounts of red against threshold levels to potentially trigger management action.

Recent years of data have shown conflicting trends in the harvest and abundance metrics for Atlantic croaker and spot, indicating harvest has been decreasing while abundance has been increasing. Typically, harvest and abundance would be expected to show similar trends in the absence of changes in harvest effort or efficiency, neither of which seem to be responsible for the recent trends. Therefore, the TC and PRT were tasked to review the TLAs for Atlantic croaker and spot to determine any adjustments that could improve these analyses. The TC recommended several adjustments, including use of additional abundance survey indices, region-specific analyses, age-proportioning of abundance indices, updated reference periods, and a new management-triggering mechanism. The Board decided that any action on these recommendations would be addressed at a future meeting.

For more information, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

### ***Motions***

**Move that *de minimis* states that are mirroring VA only mirror those regulations that keep them in compliance with the Cobia FMP.**

Motion by Ms. Fegley, seconded by Mr. Estes. Motion passes unanimously.

**Move to recommend that the TC evaluate the best method (i.e., pounds or numbers of fish) by which to determine the harvest impact of the management measures.**

Motion by Dr. Duval, seconded by Mr. Estes. Motion passes unanimously.

**Main Motion****Move to approve the state implementation plans for the Cobia FMP as recommended by the TC.**

Motion by Mr. Boyles, seconded by Mr. Haymans.

**Motion to Substitute****Move to substitute to approve all the state implementation plans as presented today.**

Motion by Mr. Nowalsky, seconded by Mr. Bush. Motion fails (4 in favor, 6 opposed, 1 abstention).

**Main Motion****Move to approve the state implementation plans for the Cobia FMP as recommended by the TC.**

Motion by Mr. Boyles, seconded by Mr. Haymans. Motion passes unanimously.

**Move to approve Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment.**

Motion by Ms. Fegley, seconded by Mr. Woodward. Motion passes unanimously.

**ATLANTIC STRIPED BASS MANAGEMENT BOARD (FEBRUARY 7, 2018)*****Meeting Summary***

The Atlantic Striped Bass Management Board (Board) reviewed a Conservation Equivalency Proposal (proposal) submitted by Maryland for its recreational striped bass fisheries in the Chesapeake Bay. Maryland anglers, particularly the charter boat sector, have expressed concerns regarding the high ratio of released fish to retained fish since the size limit in the Chesapeake Bay was increased to 20 inches (to meet the requirements of Addendum IV to Amendment 6 to the Atlantic Striped Bass FMP), which has made it difficult to attract customers. Additionally, there is evidence that the release mortality rate, particularly in the summer months, is higher than the 9% value used in the coast-wide striped bass stock assessment. Accordingly, Maryland proposed a number of alternative measures for its recreational fishery in the Chesapeake Bay, with the primary goal of reducing dead discards (i.e., direct harvest would increase but the number of fish released would decrease resulting in minimal change of total removals). However, after consulting with its constituents and stakeholders, Maryland sought Board approval for one option: 19 inches minimum size limit from May 16-December 15 with a two-fish bag limit (only one fish can be greater than 28 inches) and all anglers fishing with non-artificial bait or lures would be required to use circle hooks.

The Atlantic Striped Bass Technical Committee (TC), the Advisory Panel (AP) and the ASMFC Law Enforcement Committee (LEC) reviewed the proposal and provided comment for Board consideration. Regarding Option B, while the TC supported the implementation of circle hook requirements to improve post-release survival, it did not endorse such requirements for conservation equivalency at this time due to challenges and uncertainty with determining the realized mortality reductions. Essentially, angler response and other variables, including enforceability challenges corroborated by the LEC, make it difficult to accurately quantify the realized benefits from a mandatory circle hook requirement. However, the AP commented that the conservation benefits outweigh those concerns, as long as the mandatory circle hook provision is explicitly defined regarding hook specifications (i.e., definition of a "circle hook," hook size, and specifying offset versus inline).

The Board approved Option B from Maryland's proposal for implementation in 2018, with the understanding that Maryland would include circle hook specifications in its regulations. The Board's decision acknowledges the current issue in the Chesapeake Bay regarding high discards (resulting from a combination of more restrictive regulations and the availability of recent strong year classes to the fishery) and the challenges that has created for for-hire fisheries operating in the Bay. Maryland will collect enforcement, compliance, and other relevant information during 2018 and will report back to the Board with a review of the effectiveness of the measures in February 2019. The Board will review the information from the 2018 fishery and determine if new measures met the intent of the proposal. If the intent was not realized, adjustments for 2019 and later may be required.

The Board also received a progress update on the 2018 benchmark stock assessment. The benchmark is schedule for peer-review in November 2018 at the 66th SAW/SARC. The first modeling workshop will be in the spring with a second modeling workshop likely in late summer or early fall.

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

### ***Motions***

**Move to approve Option B in Maryland's Conservation Equivalency Proposal for its Summer/Fall Recreational Striped Bass Fishery in the Chesapeake Bay (Season: May 16 - December 15; Size and Bag: 2 fish at 19" minimum with only 1 fish allowed greater than 28 inches; Non-offset circle hooks required when fishing with bait / non-artificial lures). Additionally, Maryland will collect enforcement, compliance, and other relevant information during 2018 and will report back to the Board with a conservation equivalency effectiveness review in February 2019.**

Motion by Mr. Luisi, seconded by Mr. Clark. Roll Call: Motion passes unanimously with one abstention (VA).

## **RISK AND UNCERTAINTY POLICY WORKSHOP (FEBRUARY 8, 2018)**

### ***Meeting Summary***

Commissioners worked through an interactive exercise simulating the process for defining acceptable risk levels in managing fisheries. The Workshop was the next step in the development of a Commission Risk and Uncertainty Policy which would serve as guidance to all management boards in their decision making processes. Policy development originated from a 2016 ISFMP Policy Board task to the Risk and Uncertainty Policy Work Group (WG). Development of a draft policy and associated Risk and Uncertainty Decision Tree has also involved vetting by the Assessment Science Committee and Management and Science Committee.

The Commission Chair and Executive Director provided an overview of why the Commission is working on a policy, including relevancy to past and upcoming FMP Amendments. Jason McNamee (RI DEM), Chair of the WG, outlined workshop objectives and structure, then led Commissioners through a series of questions defined in the Risk and Uncertainty Decision Tree, using the striped bass fishery as an example. Commissioner responses were collected and summarized in real-time using Instant Response Technology. Commissioners provided comments and questions expressing support for continued work on the policy, interest in Board members making the final decisions on risk tolerance levels, and

guidance to the WG to provide a draft policy and next version of the Decision Tree by the ASMFC Summer Meeting.

Next steps for continued work on the policy are refinements from the WG as requested by Commissioners, as well as consultation with the Striped Bass Technical Committee to provide input on specific quantitative and qualitative elements of the striped bass Decision Tree.

## **INTERSTATE FISHERIES MANAGEMENT POLICY BOARD (FEBRUARY 8, 2018)**

### ***Meeting Summary***

The ISFMP Policy Board Chair reviewed the Executive Committee Report (see Executive Committee Meeting Summary). The Board approved the white paper from the Climate Change Working Group (see meeting materials). The Climate Change Working 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. The white paper presents adaptation strategies as guidelines to assist Boards and Sections in the management of species impacted by climate change, with a focus on stocks with low biomass and allocation. Specifically, the guidance document reviews: (a) a proposed approach for working through climate-related fishery management issues; (b) a list of management options for stocks at persistent low biomass; (c) a list of management options for stocks with changing spatial distributions; (d) a recommendation to consider inclusion of a climate change terms of reference for stock assessments; and (e) a recommendation to create a list of climate change data available for inclusion in analyses.

### **Habitat Committee**

Dr. Lisa Havel presented two Habitat Committee documents for Board approval. The Climate Change Gaps and Recommendations Report identifies gaps across state initiatives to address climate change, particularly in regards to fish habitat, and provides recommendations for the addressing these gaps in future. The report identifies opportunities for more states to respond to climate change on the ground, to improve collaboration and outreach efforts, and to create more working groups or legislation to reduce carbon outputs and respond to climate change threats. Recommendations are grouped under three categories: energy production and use, science and monitoring, and increasing resiliency. The report also includes a summary of actions by state and additional literature and links to initiatives underway along the coast.

Dr. Havel also presented the Habitat Committee's updated ASMFC Submerged Aquatic Vegetation (SAV) Policy, first developed 20 years ago. After re-evaluating the SAV Policy's recommendations and importance, the Habitat Committee concluded an SAV policy is arguably more important now than ever. While the updated document's goals remain largely unchanged, the background information, policies, and recommended actions have all been updated to reflect emerging issues and new information. The policy also includes a summary of initiatives taken by state and federal partners, as well as a list of each state's SAV point(s) of contact. Both reports were approved unanimously and will be posted to the Commission's website.

### **North Atlantic Right Whales**

In September 2017, new information indicating that the North Atlantic right whale abundance has been in decline since 2010 was made available (briefing materials). A re-initiation of formal consultation on

the fisheries covered by the ISFMP (lobster, bluefish, spiny dogfish, summer flounder, scup, and black sea bass) is required due to the new information regarding the changed status of right whales. NOAA staff presented on the North Atlantic Right Whale Five-Year Review, the re-initiation of Endangered Species Act Section 7 Fishery Biological Opinion, and the formal consultation process. The Board emphasized that consideration of enforcement will be very important as the formal consultation process moves forward. The Commission will be participating in the process via the Take Reduction Team.

### **American Shad**

The next American shad benchmark stock assessment is scheduled to be completed in the summer of 2019. Staff presented the recommended a set of terms of reference (TORs) for the assessment and peer-review panel, which the Board unanimously approved.

### **BOEM Renewable Energy Leases**

The Bureau of Ocean Energy Management (BOEM) has 11 active renewable energy leases from Massachusetts to North Carolina and is considering additional lease sales in 2018 and 2019. BOEM has committed via Northeast and Mid-Atlantic Ocean Plans to coordinate with the Commission. BOEM staff presented on the status of current and future leases.

### **Aquaculture**

Aquaculture, particularly for shellfish, has become a significant management responsibility for many of the states' fisheries agencies. The growth in this industry has resulted in an increasing number of requests for the interstate transfer of shellfish seed. With this increased rate of movement comes an increased risk of spreading shellfish veterinary disease, pathogens, and invasive species. To address this issue, the Board will re-populate the Interstate Shellfish Committee to explore development of a cooperative arrangement between shellfish seed-producing states. Such an arrangement would aim to: (1) enable enhanced control over the inter-state sale of seed as a means to prevent the spread of shellfish disease and parasites; and (2) level the playing field for growers and seed sources operating in good faith under the existing requirements.

### **Electronic Reporting Subcommittee**

The Board also clarified a motion made at the American Lobster Board meeting regarding the establishment of a subcommittee to address electronic reporting. The clarification was in the membership and specific tasks for the group. Lastly, the Board tasked the Law Enforcement Committee with investigating the enforceability of ropeless fishing (see American Lobster Board meeting summary).

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

### **Motions**

**Move to approve the Climate Change White Paper: Management, Policy and Science Strategies for Adapting Fisheries Management to Changes in Species Abundance and Distribution Resulting from Climate Change and to distribute this policy to Boards and Sections for consideration.**

Motion by Mr. Grout, seconded by Mr. McNamee. Motion passes unanimously.

**Move to adopt the Climate Change Gaps and Recommendations Report and the revised SAV Policy Report put forward by the Habitat Committee.**



Motion by Mr. Grout, seconded by Mr. Brust. Motion approved by unanimous consent.

**Move that the Board establish a working subcommittee to develop direction and policy as it pertains to the protection of right whales in relation to Commission activities.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved by unanimous consent.

**Move to approve the 2019 shad stock assessment and peer review terms of reference.**

Motion by Dr. Duval, seconded by Mr. Shiels. Motion approved unanimously.

**Move to convene a Lobster Electronic Reporting Subcommittee, with representatives from the Lobster Board, state and federal agencies, ACCSP, and ASMFC staff. The objectives for this Subcommittee are to: (1) Evaluate the needs for an electronic harvester reporting form based on stipulations in the Lobster and Jonah Crab FMPs, and individual state requirements. (2) Evaluate various electronic reporting platforms and their ability to be housed within SAFIS, as well as state specific databases. (3) Recommend simple and logical solutions to improve the ease of electronic harvester reporting. This includes evaluating the best way to report spatial location considering the new requirements to report LCMA and 10 minute squares, and the ability for states to use state-specific sub-areas in state waters. (4) Outline a timeline for development of electronic harvester reporting in the lobster/Jonah crab fisheries.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved unanimously.

**Move to task the Law Enforcement Committee with investigating the enforceability of ropeless fishing in the lobster fishery on behalf of the Lobster Board.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved unanimously.

## **SUMMER FLOUNDER, SCUP, AND BLACK SEAS BASS MANAGEMENT BOARD (FEBRUARY 8, 2018)**

### ***Press Release***

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

The Summer Flounder, Scup, and Black Sea Bass Management Board met to consider conservation equivalency proposals on recreational Summer Flounder and Scup management measures for 2018 as well as consider the 2017 Scup Fishery Management Plan (FMP) Review and state compliance reports.

#### **Summer Flounder**

For Summer Flounder, all states and regions with the exception of North Carolina submitted proposals to adjust their 2018 recreational management measures. In December 2017, the Board approved continuation of Addendum XXVIII for 2018 and specified the proposed measures could liberalize harvest up to 17% above projected 2017 harvest (3.23 million pounds). Collectively, the potential measures outlined in the proposals would result in an approximate 15.8% increase in coastwide harvest from 2017 levels. Based on the recommendations of the Technical Committee (TC), the Board approved the proposals and methodologies submitted by the states. The states will finalize their summer flounder management measures by the spring of 2018.

#### **Scup**

For Scup, the northern region of Massachusetts through New York and the state of New Jersey submitted proposals to adjust their 2018 recreational management measures. At their previous meeting

in December, the Board tasked the TC with evaluating the potential increase in harvest if the northern region states reduced their minimum size limit from 10 to nine inches. The 2018 RHL for Scup is 7.37 million pounds, and based on preliminary harvest in 2017 (4.65 million pounds through October), measures could be adjusted to allow up to 59% increase in harvest for 2018. The northern region states' proposal put forward analysis that demonstrated reducing the size limit by one inch could increase harvest up to 27% from the region's 2017 harvest levels. Additionally, the proposal outlined that the states of Rhode Island and Connecticut would reduce their minimum size limit at select shore sites from nine to eight inches. Lastly, New Jersey proposed to extend its season length 243 days to a year-round open season, resulting in an approximate 34% increase from the 2017 harvest level. The combined changes in measures I would result in a coastwide harvest of approximately 6.73 million pounds (~91% of the 2018 RHL). Based on the TC's recommendation, the Board approved both the size limit adjusts for the states of Massachusetts through New York (nine inch minimum size limit; eight inch size limit for Rhode Island and Connecticut at select shore sites) and an increase in New Jersey's season length to 365 days. States will finalize their regulations over the next couple of weeks for the 2018 recreational scup fishery.

Next, the Board considered the Scup FMP Review and state compliance. The Board previously postponed consideration of the FMP Review due to inconsistency with Massachusetts' state measures specific to the minimum mesh size and trigger requirements in their small-mesh squid fishery and the FMP. The commonwealth outlined their plan to implement measures to be consistent with the FMP prior to the start of their 2018 squid fishery. The Board approved the FMP Review and granted *de minimis* request to Delaware.

Lastly, Adam Nowalsky was nominated as Vice-Chair to the Board.

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

### ***Motions***

**Move to adopt Option 3.1.2, Regional Management, and under section 3.1.2.1, Option B, Regional allocation based on exploitable biomass and historical harvest, and under section 3.1.2.2, Option B, 3 Regions.**

Motion by Dr. Pierce, seconded by Mr. Luisi. Motion passes (8 in favor, 0 opposed, 3 abstentions).

### **Main Motion**

**Move to approve timeframe Option B under section 3.1.2.3, 2011-2015 timeframe.**

Motion by Mr. Reid, seconded by Dr. Pierce.

### **Motion to Substitute**

**Move to substitute, for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35% allocation to the north, a 38.65% allocation to the south, and then the southern allocation split based on the average historical harvest between the state of NJ (78.25%) and the states of DE to NC (21.75%).**

Motion by Mr. Nowalsky, seconded by Mr. Clark. Motion passes (6 in favor, 4 opposed, 2 abstentions).

**Main Motion as Substituted**

**Move that, for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35% allocation to the north, a 38.65% allocation to the south, and then the southern allocation split based on the average historical harvest between the state of NJ (78.25%) and the states of DE to NC (21.75%).**

Motion passes (6 in favor, 4 opposed, 2 abstentions).

**Main Motion**

**Move to approve Option B under section 3.1.2.4, Regulatory standard with conservation equivalency allowed.**

Motion by Dr. Pierce, seconded by Mr. O'Reilly.

**Motion to Amend**

**Move to amend to waive the maximum deviation in days allowed for season length.**

Motion by Mr. Reid, seconded by Mr. Alexander. Motion passes by consent.

**Main Motion as Amended**

**Move to approve Option B under section 3.1.2.4, Regulatory standard with conservation equivalency allowed with the maximum deviation in days allowed for season length waived.**

Motion passes (11 in favor, 0 opposed).

**Move to adopt, Option B under section 3.1.2.5, (in concept) adjusting management measures to the ACL, with implementation delayed pending further refinement by the Board/Council.**

Motion by Mr. Luisi, seconded by Mr. O'Reilly. Motion passes (9 in favor, 0 opposed, 2 abstention).

**Move to approve Option A in section 3.2, a 2 year timeframe for addendum provisions.**

Motion by Mr. Miller, seconded by Mr. Borden. Motion passes (10 in favor, 0 opposed, 1 abstention).

**Move to approve Addendum XXX as modified today with a March 31st implementation date.**

Motion by Mr. Clark, seconded by Mr. O'Reilly. Roll Call Vote: (In Favor- NJ, DE, MD, PRFC, VA, NC; Opposed- MA, RI, CT, NY, Abstention- NMFS) Motion passes (6 in favor, 4 opposed, 1 abstention).

**Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.**

Motion by Mr. Nowalsky, seconded by Mr. Borden. Motion passes unanimously.

**Move to approve the methodology for the summer flounder proposals and methodologies for use in the 2018 recreational summer flounder fishing season as recommended by the Technical Committee.**

Motion by Mr. Nowalsky, seconded by Mr. Reid. Motion passes by unanimous consent.

**Move to approve a size limit change for the states of Massachusetts through New York of 9 inch minimum size limit for the 2018 recreational scup fishing season. For the states of Rhode Island and Connecticut, the minimum size limit at shore site programs would be set at 8 inch minimum size limit. Approve an open season length from January 1st through December 31st for the state of New Jersey.** Motion by Mr. Nowalsky, seconded by Mr. Maniscalco. Motion passes by unanimous consent.

**Move to accept the Scup Fishery Management Plan Review of the 2016 fishing year and approve *de minimis* request from Delaware.**

Motion by Dr. Pierce, second by Mr. Clark. Motion passes by unanimous consent.

**Move to nominate Adam Nowalsky as Vice-Chair to the Summer Flounder, Scup, and Black Sea Bass Board.**

Motion by Mr. Clark, second by Mr. Reid. Motion passes unanimously.