

# **Atlantic States Marine Fisheries Commission**

## **Business Session**

*Tuesday, October 29, 2019; 4:15 – 5:15 p.m.*  
*Thursday, October 31, 2019; 10:00 – 10:15 a.m.*

*New Castle, New Hampshire*

## **Draft Agenda**

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

### *October 29*

1. Welcome/Introductions (*J. Gilmore*) 4:15 p.m.
2. Committee Consent 4:20 p.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2019
3. Public Comment 4:25 p.m.
4. Review and Consider Approval of 2020 Action Plan (*R. Beal*) **Action** 4:30 p.m.
5. Elect Chair and Vice-Chair (*R. Beal*) **Action** 5:00 p.m.
6. Recess 5:15 p.m.

### *October 31*

1. Reconvene 10:00 a.m.
2. Consider Changes to the Rules and Regulations to Adopt a Policy to Address Non-Payment of State Appropriations (*R. Beal*) **Final Action** 10:00 a.m.
3. Consider Noncompliance Findings (If necessary) **Final Action** 10:05 a.m.
4. Other Business/Adjourn 10:15 a.m.

The meeting will be held at Wentworth by the Sea, 588 Wentworth Road, New Castle, New Hampshire

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**The Westin Crystal City  
Arlington, Virginia  
August 7, 2019**

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

Draft Proceedings of the Business Session  
August 2019

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1. **Approval of agenda** by consent (Page 1).
2. **Move to approve Amendment 1 to the Cobia Interstate Fishery Management Plan** (Page 1). Motion by Patrick Geer on behalf of the South Atlantic State/Federal Fisheries Management Board. Motion carried (Page 2).
3. **Move to adjourn** by consent (Page 2).

**ATTENDANCE**

**Board Members**

Pat Kelihier, ME (AA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Sen. David Miramant, ME (LA)	Stewart Michels, DE, proxy for D. Saveikis (AA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Mike Luisi, MD, Administrative proxy
Dan McKiernan, MA, proxy for D. Pierce (AA)	Robert Brown, MD, proxy for R. Dize (GA)
Raymond Kane, MA (GA)	Phil Langley, MD, proxy for Del. Stein (LA)
Jason McNamee, RI (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
David Borden, RI (GA)	Steve Murphey, NC (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Robert Boyles, SC (AA)
Justin Davis, CT (AA)	Mel Bell, SC, Administrative proxy
Bill Hyatt, CT (GA)	Doug Haymans, GA (AA)
Jim Gilmore, NY (AA)	Spud Woodward, GA (GA)
Maureen Davidson, NY, Administrative proxy	Erika Burgess, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Sen. Thad Altman, FL (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Alesia Read, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak	

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

**Ex-Officio Members**

**Staff**

Robert Beal	Jessica Kuesel
Toni Kerns	Tina Berger
Caitlin Starks	

**Guests**

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 7, 2019, and was called to order at 10:30 o'clock a.m. by Chairman James J. Gilmore.

### CALL TO ORDER

CHAIRMAN JAMES J. GILMORE: All right let's jump right in, it should be pretty quick. We just really have one action item. Very quickly, welcome back to the Business Session.

### APPROVAL OF AGENDA

CHAIRMAN GILMORE: There is an agenda in your briefing document, approval of the agenda. Are there any changes to the agenda? Seeing none.

### APPROVAL OF PROCEEDINGS

CHAIRMAN GILMORE: We have proceedings from the May, 2019 meeting. Are there any changes to the proceedings? Seeing none we will adopt those by unanimous consent.

### PUBLIC COMMENT

CHAIRMAN GILMORE: Is there any public comment? This is like that commercial when the firemen like run the country or whatever and say, we want no new taxes, everybody okay good, all right let's go have lunch. No public comment.

### CONSIDER APPROVAL OF ATLANTIC COBIA AMENDMENT 1

CHAIRMAN GILMORE: We're going to consider approval of the Atlantic Cobia Amendment 1, which is a final action, so this will require a roll call vote, unless we have unanimous support for it. Toni, are we going to do anything on this or just go into it? Toni is just going to give us a brief background on it and then we'll go for a motion. Toni.

MS. TONI KERNS: The Atlantic Cobia Board discussed Amendment 1 to the, the South Atlantic Board. I'm already moving it to its own Board. The South Atlantic Board discussed Amendment 1 to the Cobia FMP. This FMP is the first FMP in which the Commission has sole authority over the Atlantic migratory group of Atlantic cobia.

It transitioned from the South Atlantic Council to the Commission. It includes regulations for the commercial and recreational fishery, *de minimis* categories, as well as how to set specifications over time. The Board Chair is not here today, so Spud, oh he is here, look at that. The Board Chair can come to the table and read a motion for us perhaps. Pat Geer is in the back of the room. I didn't realize you were here, Pat. Mike can put a motion on the table, but we are looking for approval of the Amendment.

MR. PATRICK GEER: I'm sorry; I didn't know I had to be up here for this. Are we ready to read the motion? **On behalf of the South Atlantic State/Federal Fisheries Management Board, move to approve Amendment 1 to the Cobia Interstate Fishery Management Plan, with an implementation date of July 1, 2020.**

CHAIRMAN GILMORE: Thanks, Pat, that is a motion by the Board so we do not need a second for this. Is there any discussion on the motion? Dennis Abbott.

MR. ABBOTT: Why is the implementation a year from now, knowing nothing about cobia?

MS. KERNS: It was to allow for the states that have to go through legislative process to make sure that they had sufficient time to have all of the measures completed.

CHAIRMAN GILMORE: Other discussion on the motion. Mel Bell.

MR. BELL: Being one of those states, I mean that is the absolute soonest that we would even have a shot at putting something in place that

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Draft Proceedings of the Business Session  
August 2019

we would need to put in place. That's why we're in July, 2020, '21 would give us two years to take a shot at it, but 2020 we are willing to try that.

CHAIRMAN GILMORE: Thanks Mel, I wasn't going to single South Carolina out, so thanks for falling on your sword. **Are there any other comments on this? Okay is there any objection to the motion? Seeing none, we will adopt it by unanimous consent.** Thanks, Pat.

**ADJOURNMENT**

CHAIRMAN GILMORE: The only other item we had was a noncompliance. There is no noncompliance, so without further infection we are adjourned.

(Whereupon the meetings adjourned at 10:22 o'clock a.m. on August 7, 2019)

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# **ATLANTIC STATES MARINE FISHERIES COMMISSION**

## **Draft 2020 Action Plan**



**For Review by the Executive Committee and Business Session**

**78<sup>th</sup> Annual Meeting**



## **Goal 1 – Rebuild, maintain and fairly allocate Atlantic coastal fisheries**

Goal 1 focuses on the responsibility of the states to conserve and manage Atlantic coastal fishery resources for sustainable use. Commission members will advocate decisions to achieve the long-term benefits of conservation, while balancing the socio-economic interests of coastal communities. Inherent in this is the recognition that healthy and vibrant resources mean more jobs and more opportunity for those that live along the coast. The states are committed to proactive management, with a focus on integrating ecosystem services, socioeconomic impacts, habitat issues, bycatch and discard reduction measures, and protected species interactions into well-defined fishery management plans (FMPs). FMPs will also address fair (equitable) allocation of fishery resources among the states. Understanding global climate change and its impact on fishery productivity and distribution is an elevated priority. Improving cooperation and coordination with federal partners and stakeholders can streamline efficiency, transparency, and, ultimately, success. In the next five years, the Commission is committed to making significant progress on rebuilding overfished or depleted Atlantic fish stocks.

Fisheries management and stock assessment activities anticipated for 2020 and into 2021 are outlined below. Activities are divided into high priority species (those with significant management action, stock assessment activity, or are of critical importance to the states and their stakeholders) and medium-low priority species. For most species, there are several activities that occur on an annual or ongoing basis, including specification setting; FMP review and state compliance reports; and ensuring cooperation and consistent management programs among the states, regional councils, and NOAA Fisheries for shared resources. While ongoing activities are not listed below, they continue to be conducted. The focus of the Action Plan is to highlight new and high profile activities where the Commission will focus its resources and energies for the next two years.

### **HIGH PRIORITY SPECIES FOR 2020**

#### **American Lobster**

- Develop a management strategy for the Gulf of Maine/Georges Bank (GOM/GBK) stock that acknowledges the effects of climate change and addresses the resilience of the stock (Addendum XXVII)
  - Monitor and respond if necessary to GOM research on impacts of changing ocean conditions
- Implement Addendum XXVI data elements to improve data collection and characterization of the fishery. Continue to work with ACCSP to ensure all required data elements are incorporated into SAFIS.
- Continue to monitor and respond as necessary to NOAA rulemaking on Atlantic Large Whale Take Reduction Plan Modifications
- Continue to work with the Law Enforcement Subcommittee, the states and NOAA Fisheries to improve enforcement of management measures in both state and offshore waters
- Continue the development of the Benchmark Stock Assessment for peer review in 2020
  - August 2020: Board review of Benchmark Assessment and Peer Review Report. Consider management response if necessary.

- Work with NOAA Fisheries to ensure consistency in state and federal regulations (e.g., trap cap in Area 3, trap banking, data collection)

#### **Atlantic Herring (possibly move to medium/low priority)**

- **In conjunction with the New England Fishery Management Council (NEFMC), consider utilization of funding to support data collection on timing and extent of spawning in Area 3**
- **Work with the Northeast Fisheries Science Center (NEFSC) to complete a Management Track Stock Assessment for Peer Review**
  - **August: Board review of management track stock assessment**
  - **Review and adjust 2021 specifications if necessary**
- Continue to improve coordination and collaboration with NEFMC
- Conduct meetings as necessary to establish state effort control (days-out) programs for Area 1A

#### **Atlantic Menhaden**

- **Resolve implementation of Chesapeake Bay cap**
- **Technical Committee and Board review of recommendations from Aerial Survey Design Project; Board to determine next steps**
- February: Board review of Atlantic Menhaden and Ecological Reference Points (ERP) Benchmarks Assessments and Peer Review Reports. Consider management response if necessary.

#### **Atlantic Striped Bass**

- **Implement Addendum VI, including conservation equivalency proposals**
- **Consider management response to rebuild biomass and address long-term fishery issues (potential initiation of amendment)**
- Work cooperatively with NOAA Fisheries to consider changes to Atlantic striped bass fishing in the EEZ, including Block Island Transit Zone
- Develop long-term strategy to continue winter striped bass tagging efforts offshore of NC and VA, including funding, administration, and at-sea support

#### **Black Sea Bass**

- **Develop, in coordination with the Mid-Atlantic Fishery Management Council (MAFMC), addendum/amendment on reforming recreational management and commercial/recreational allocation taking into account calibrated recreational estimates; this activity may extend beyond 2020**
- Consider management action to adjust commercial allocation

#### **Bluefish**

- **Consider the development of an amendment in collaboration with MAFMC to address issues including: commercial/recreational allocation taking into account calibrated recreational estimates, commercial allocation, goals and objectives, quota transfers, and a rebuilding program**

## **Cobia**

- Implement Amendment 1 to the Cobia FMP and work with the South Atlantic Fishery Management Council (SAFMC) and NOAA Fisheries to ensure complementary regulations in federal waters
- February: Consider management response to the SouthEast Data Assessment Review (SEDAR) Benchmark Stock Assessment, if necessary

## **Horseshoe Crab**

- **Begin a revision to the Adaptive Resource Management (ARM) Framework to use modelling approaches from the benchmark stock assessment**
- Secure long-term funding for the Horseshoe Crab Benthic Trawl Survey for use in the ARM Framework
- Seek alternatives with the biomedical community in order to more transparently communicate annual mortality and assessment results

## **Scup**

- **Develop, in coordination with MAFMC, amendment addressing commercial/recreational allocations taking into account recalibrated recreational estimates**

## **Summer Flounder**

- **Develop, in coordination with MAFMC, amendment addressing sector allocations taking into account recalibrated recreational estimates**
- **Participate in a workshop with MAFMC's Research Steering Committee to examine the possibility of reestablishing the Research Set Aside program**

## **Tautog**

- **Initiate development of stock assessment update for completion in 2021**
- Implement commercial harvest tagging program as required by Amendment 1

## **MEDIUM-LOW PRIORITY SPECIES**

### **American Eel**

- **Work with Technical Committee and Stock Assessment Subcommittee to develop new method for next benchmark stock assessment, including coordination with U.S. Geological Survey and Fisheries and Oceans Canada**
- Monitor international action on the Convention of International Trade of Endangered Species through communications with US Fish and Wildlife Service (USFWS)

### **Atlantic Croaker**

- Finalize and implement the Addendum utilizing the updated Traffic Light Approach (TLA) and respond if necessary

### **Atlantic Sturgeon**

- Monitor state and federal activities in response to an Endangered Species Act listing of Atlantic sturgeon, including 5-year status review and recovery plan

### **Black Drum**

No new tasks

### **Coastal Sharks**

- **Monitor international response to 2019 Shortfin Mako Stock Assessment Update at the International Commission for the Conservation of Atlantic Tunas**
- **Work through SEDAR to complete Blacktip Shark Stock Assessment for Peer Review in November**
  - **February 2021: Board review of Stock Assessment and Peer Review. Consider management response if necessary.**
- Monitor activities of NOAA Fisheries Highly Migratory Species Division with regards to coastal shark management actions and consider development of complementary management actions as needed for consistency

### **Jonah Crab**

No new tasks

### **Northern Shrimp**

- **Conduct stock assessment update**

### **Red Drum**

- **Continue to work with the Assessment Science Committee (ASC) to develop a roadmap for the next benchmark stock assessment, including consideration of calibrated recreational estimates for Board review**

### **Shad and River Herring**

- Complete American Shad Benchmark Stock Assessment for External Peer Review
  - August: Board review of Benchmark Assessment and Peer Review Report. Consider management response if necessary.
- Monitor management activities of NEFMC and MAFMC including, but not limited to, shad and river herring catch caps and bycatch avoidance programs
- Consider Technical Committee recommendations on improvements to Amendments 2 and 3 and sustainable fishery management plans

### **Spanish Mackerel**

- **In coordination with SAFMC, initiate management action to ensure complementary regulations**
- **Work through SEDAR to prepare Benchmark Stock Assessment for Peer Review in 2021**

### **Spiny Dogfish**

- **Implement Addendum VI (Quota Transfer between Regions-States)**
- Review and respond to data update, if necessary

### **Spot**

- Finalize and implement the Addendum utilizing the updated Traffic Light Approach (TLA) and respond if necessary

### **Spotted Seatrout**

No new tasks

### **Weakfish**

- Consider management response to assessment update, if necessary

### **Winter Flounder**

- **Work through NEFSC to prepare Management Track Assessment for Peer Review**
  - **October: Board review Management Track Assessment and Peer Review Report. Consider management response in conjunction with NEFMC.**

### **CROSS-CUTTING ISSUES**

- **Raise awareness of regulatory changes affecting data collection (e.g. American lobster, American eel, tautog)**
- **Work with the states and NOAA Fisheries on changes to the Take Reduction Plan for North Atlantic Right Whale**
- Monitor developments related to changing ocean conditions, ocean acidification, stock distributions, ecosystem services, ocean planning and potential fisheries reallocations
- Work with NOAA leadership to better understand the impacts to state management programs given the movement toward increased recreational flexibility. Seek ways to address the concerns of the recreational community with regard to Commission-managed and jointly-managed species.
- Respond to calibrated recreational estimates as needed across Commission species management plans
- Examine allocation strategies and provide recommendations to management boards as necessary

## **Goal 2 – Provide the scientific foundation for stock assessments to support informed management actions**

Sustainable management of fisheries relies on accurate and timely scientific advice. The Commission strives to produce sound, actionable science through a technically rigorous, independently peer-reviewed stock assessment process. Assessments are developed using a broad suite of fishery-independent surveys and fishery-dependent monitoring, as well as research products developed by a coastwide network of fisheries scientists at state, federal, and academic institutions. The goal

encompasses the development of new, innovative scientific research and methodology, and the enhancement of the states' stock assessment capabilities. It provides for the administration, coordination, and expansion of collaborative research and data collection programs. Achieving the goal will ensure sound science is available to serve as the foundation for the Commission's evaluation of stock status and adaptive management actions.

Several fisheries science activities occur on an annual or ongoing basis, including development of stock assessments and conducting peer reviews; stock assessment scheduling and evaluation of scientists' workloads; updating Commission research priorities and distributing to funding agencies; external research proposal reviews; development of ecological reference points models; supporting multispecies/diet data collection; fish ageing and tagging programs; gear technology research; and participation in Marine Recreational Information Program (MRIP) catch estimation calibrations and Atlantic Coastal Cooperative Statistics Program (ACCSP) committees. While ongoing activities are not listed below, they continue to be conducted.

## **SCIENCE COMMITTEE ACTIVITIES**

- **Develop proposals and pursue support for outstanding fisheries research priorities; define and assess Commission success in rebuilding and sustaining stocks through the Management and Science Committee (MSC)**
- Seek guidance and review procedures from other stock assessment centers (NWFSC, ICES) to consider for streamlining Commission assessment operations through the ASC
- Develop socioeconomic indicators to include in FMPs through the Committee on Economics and Social Sciences
- Finalize a Commission policy regarding risk and uncertainty for consideration and approval by the ISFMP Policy Board

## **DATA COLLECTION**

- Coordinate the Southeast Area Monitoring and Assessment Program (SEAMAP) South Atlantic component; **Develop a new SEAMAP 5-Year Plan (2021-2025)**
  - **Explore new system for coordinated survey data management**
- Coordinate the Northeast Area Monitoring and Assessment Program (NEAMAP); implement action items stemming from the 2019 NEAMAP Summit
  - **Conduct Trawl Survey Calibration Workshop**
- Collect new data to address data deficiencies
  - Collect new fishery-dependent data using black sea bass research fleet
  - Collect new data elements from lobster fisheries (effort and spatial details) to improve stock assessments;
  - Assess fixed gear and right whale interactions in the Gulf of Maine
  - Increase bycatch monitoring of sturgeon, shad and river herring, and sciaenids in state waters, as resources allow
  - **Increase diet data collection to support ecosystem-based assessments and management, through new or existing programs (e.g., SEAMAP), as resources allow**

- Promote the collection of acoustic tagging information and work with the Atlantic Coastal Telemetry network to integrate tagging studies along the coast; secure telemetry tagging data for use in stock assessments

## **FISHERIES RESEARCH**

- **Conduct an Atlantic menhaden ageing workshop**
- Conduct a Fish Ageing Quality Assurance Workshop among Atlantic coast state and university laboratories to ensure consistency between new and historical age data
- Collaborate with university researchers to develop new growth model Bayesian index-based methods for shad stock assessment
- Collaborate with university researchers to develop next iteration of lobster length-structured assessment model
- Seek opportunities to collaborate with academic institutions to advance population dynamic models for use in stock assessments
- Partner with USGS to identify shared research priorities and opportunities for enhanced scientific support to the Commission

## **ECOSYSTEM-BASED MANAGEMENT & CHANGING OCEAN CONDITIONS**

- **Standardize timeline of Commission assessments to support timely updates to ERP assessments for Atlantic menhaden**
- **Evaluate the effects of changing ocean conditions on stock productivity and distribution**
- Collaborate with NOAA Fisheries Northeast and Southeast Fisheries Science Centers to include Commission interests in Ecosystem Status Reports
- Track the development of state and federal activities related to changing ocean conditions and impacts to fisheries through MSC

## **COMPETING OCEAN USES**

- **Participate in Responsible Offshore Science Alliance and provide forum for the states to discuss interactions between fisheries resources and offshore energy development**
- Determine the Commission's role in aquaculture activities, including policy development and interstate shellfish seed tracking through the Aquaculture Committee

## **Goal 3 - Produce dependable and timely marine fishery statistics for Atlantic coast fisheries**

Effective management depends on quality fishery-dependent data and fishery-independent data to inform stock assessments and fisheries management decisions. While Goal 2 of this Action Plan focuses on providing sound, actionable science and fishery-independent data to support fisheries management, Goal 3 focuses on providing timely, accurate catch and effort data on Atlantic coast recreational, for-hire, and commercial fisheries.

Goal 3 seeks to accomplish this through the activities of the Atlantic Coastal Cooperative Statistics Program (ACCSP), a cooperative state-federal program that designs, implements, and conducts marine fisheries statistics data collection programs and integrates those data into data management systems that will meet the needs of fishery managers, scientists, and fishermen. ACCSP partners include the 15 Atlantic coast state fishery agencies, the three Atlantic Fishery Management Councils, the Potomac River Fisheries Commission, NOAA Fisheries, and the U.S. Fish and Wildlife Service (USFWS).

On a continuing basis, ACCSP will:

- Review and maintain coastwide standards for data collection and processing in cooperation with all program partners
- Provide funding to its Program Partners supporting data collection management and innovation through a competitive process
- Maintain commercial dealer reporting and commercial and for-hire fishermen catch reporting through the Standard Atlantic Fisheries Information System (SAFIS) electronic applications
- Coordinate state conduct of the Marine Recreational Information Program (MRIP) Access Point Angler Intercept Survey (APAIS) and the For-hire survey (FHS)
- Consolidate and integrate partner data and provides user-friendly, online public and confidential access to those data via the Data Warehouse

ACCSP staff is also responsible for ensuring that all hardware and software related to ASMFC and ACCSP systems and the network components (e.g., routers, firewalls) are maintained in accordance with established processes and procedures.

## **PROGRAM MANAGEMENT**

- **Monitor 2020 ACCSP funded projects, and select 2021 projects through a competitive proposal process; these years represent the first targeted reductions in funding for ongoing or maintenance projects**
- **Strengthen and modernize the committee process and bolster partner and advisor engagement**
- **Determine an alternative method for distribution and revision of Atlantic coast data standards to improve accessibility and be more responsive to partner needs**
- **Integrate communication strategies with ASMFC Strategic Communications Plan**

## **FISHERIES-DEPENDENT DATA COLLECTION**

### **SAFIS**

- **Extend SAFIS application capabilities to capture trip declaration reports (hailing) and vessel location data**
- Continue major redesign of the SAFIS database and applications for dealer landing and harvester catch reporting (SAFIS eDR and eTrips) that includes an integrated reporting solution to streamline reporting, and reduce duplication. This will be accomplished by:
  - **Develop data collection applications that allow a single submission to meet the reporting requirements of multiple partner agencies**
  - **Implement updated participant and permit database design**



- **Coordinate implementation of trip management system with universal trip ID**
- **Implement one methodology to process data entered via online, mobile, or file upload**
- Support the efforts of federal and state agencies to implement mandatory electronic trip reporting, including expansion of commercial and for-hire logbooks by the regional fishery management councils, and NOAA Fisheries' regional offices and science centers

#### **Recreational Surveys**

- **Implement state conduct of the MRIP FHTS from Maine to Georgia**
- **Expand implementation of electronic data collection for MRIP APAIS and FHTS**
- **Develop methodology to more fully incorporate for-hire logbooks into recreational catch statistics**
- **Update Atlantic Recreational Implementation Plan**

#### **DATA DISTRIBUTION AND USE**

- **Update Data Warehouse structures and queries to incorporate new data elements collected by partner systems**
- **Continue to expand Data Warehouse content including the addition of biological data module**
- **Implement additional processes and partner communication designed to improve data integrity**

#### **DATA INFRASTRUCTURE AND SECURITY**

- **Extend infrastructure to support increasing data volumes associated with partner implementation of SAFIS reporting applications**
- **Address security protocols as needed to comply with Federal Information Security Management Act**

### **Goal 4 – Promote compliance with fishery management plans to ensure sustainable use of Atlantic coast fisheries**

Fisheries managers, law enforcement personnel, and stakeholders have a shared responsibility to promote compliance with fisheries management measures. Activities under the goal seek to increase and improve compliance with FMPs. This requires the successful coordination of both management and enforcement activities among state and federal agencies. Commission members recognize that adequate and consistent enforcement of fisheries rules is required to keep pace with increasingly complex management activity and emerging technologies. Achieving the goal will improve the effectiveness of the Commission's FMPs.

The Commission's Law Enforcement Committee (LEC) carries out much of Goal 4. Most of these activities occur on an annual basis or as part of the FMP development process. Proposed changes in management are evaluated to determine enforceability and effectiveness. The LEC provides managers with feedback on the practicality of regulations to foster stakeholder buy-in and compliance.

## **COMPLIANCE**

- Incorporate and reference the revised “Guidelines for Resource Managers” in reviews and evaluations of proposed changes to management programs
- Annually review and comment on (as needed) NOAA Fisheries enforcement priorities to ensure they support the enforceability and effectiveness of Commission management programs
- Aquaculture: Review and provide input on enforcement issues associated with American eel or other aquaculture proposals, including offshore aquaculture proposals
- Evaluate interagency measures to enhance traceability of fishery products across jurisdictional boundaries

## **PARTNERSHIPS**

- Engage and support NOAA Fisheries and USFWS Offices of Law Enforcement, U.S. Department of Justice, and U.S. Coast Guard to facilitate the enforceability of Commission FMPs
- Work to sustain financial support for Joint Enforcement Agreements (JEAs)

## **STAKEHOLDER AWARENESS**

- Use emerging communication platforms and tools to deliver real time information regarding regulations and the outcomes of law enforcement investigations
  - Explore the use of electronic tools to communicate real-time commercial and recreational regulations

## **Goal 5 – Protect and enhance fish habitat and ecosystem health through partnerships and education**

Goal 5 aims to conserve and improve coastal, marine, and riverine habitat to enhance the benefits of sustainable Atlantic coastal fisheries and resilient coastal communities in the face of changing ecosystems. Habitat loss and degradation have been identified as significant factors affecting the long-term sustainability and productivity of our nation’s fisheries. The Commission’s Habitat Program develops objectives, sets priorities, and produces tools to guide fisheries habitat conservation efforts directed towards ecosystem-based management.

The challenge for the Commission and its state members is maintaining fish habitat in the absence of specific regulatory authority for habitat protection or enhancement. Therefore, the Commission will work cooperatively with state, federal, and stakeholder partnerships to achieve this goal. Much of the work to address habitat is conducted through the Commission’s Habitat and Artificial Reef Committees. In order to identify critical habitat for Commission managed species, each year the committee reviews existing reference documents for Commission-managed species to identify gaps or updates needed to describe important habitat types and review and revise species habitat factsheets. The Habitat Committee also publishes an annual issue of the *Habitat Hotline Atlantic*, highlighting topical issues that affect all the states.

The Commission and its Habitat Program endorses the National Fish Habitat Partnership, and will continue to work cooperatively with the program to improve aquatic habitat along the Atlantic coast. Since 2008, the Commission has invested considerable resources, as both a partner and administrative home, to the Atlantic Coastal Fish Habitat Partnership (ACFHP), a coastwide collaborative effort to accelerate the conservation and restoration of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes. As part of this goal, the Commission will continue to provide support for ACFHP, under the direction of the National Fish Habitat Partnership Board.

## **EDUCATE**

- **Showcase state artificial reef programs through a comprehensive update to state profiles in the *Profile of Atlantic Artificial Reef Development* source document**
- Educate Commissioners, stakeholders, and the general public about the importance of habitat to healthy fisheries and ecosystems
- Publish a Habitat Management Series document on acoustics affecting fish habitat for ISFMP Policy Board review and acceptance
- Identify mechanisms to evaluate ecosystem health for consideration by Technical Committees and Boards

## **INTERGRATE**

- Complete Fish Habitats of Concern descriptions to be considered for integration into Commission FMPs
- Increase communication on ecosystem-based management with Commission committees to find overlap with fish habitat related issues
- Explore opportunities to integrate habitat data into stock assessments where possible

## **LEVERAGE PARTNERSHIP**

- Engage local, state, and regional governments in mutually beneficial habitat protection and enhancement programs through partnerships
- Foster partnerships with management agencies, researchers, and habitat stakeholders to leverage regulatory, political, and financial support
- Engage in state and federal agency efforts to ensure response strategies to changing ocean conditions are included in habitat conservation efforts
- Work with ACFHP to foster partnerships with like-minded organizations at local levels to further common habitat goals
- Coordinate the activities of the Fish Passage Working Group to carry out priority tasks as defined by the ISFMP Policy Board
- Promote development of effective fish passage approaches and projects through state and federal collaboration

## **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP (ACFHP)**

- **Promote the Southeast Fish Habitat and Northeast Fish Habitat Mapping projects**
- **Develop a fundraising strategy to solicit donations from the private sector (foundations, corporations) for targeted on-the-ground projects**
- Redesign outreach materials for consistency with the redesigned website to optimize our messaging and facilitate partner and stakeholder engagement
- Work with partners to protect, restore, or maintain resilient Regional Priority Habitats to optimize ecosystem functions and services to benefit fish and wildlife
- Restore habitats by funding fish passage and non-fish passage projects (SAV, oyster reefs, salt marshes)

## **Goal 6 – Strengthen stakeholder and public support for the Commission**

Stakeholder and public acceptance of Commission decisions are critical to our ultimate success. For the Commission to be effective, these groups must have a clear understanding of our mission, vision, and decision-making process, as well as the opportunities that stakeholders have to participate in our process through advisory panels and public comment. The goal seeks to do so through expanded outreach and education efforts about Commission programs, decision-making processes, and its management successes and challenges. It aims to engage stakeholders in the process of fisheries management, and promote the activities and accomplishments of the Commission. Achieving the goal will increase stakeholder participation, understanding, and acceptance of Commission activities. On a continuing basis, the Commission conducts outreach and stakeholder engagement through a number of products and activities. These include publications (e.g., bi-monthly Fisheries Focus, Annual Report to Congress), press releases, meeting summaries, stock assessment overviews, website and social media platforms, industry tradeshow and state festivals, and stakeholder engagement through the advisory panel process. Building strong relationships with local, regional and national media contacts, and networking/collaborating with our management partners from the Councils, states and federal agencies are also critical components of our outreach program, which occur on an ongoing basis.

## **INCREASE PUBLIC UNDERSTANDING AND SUPPORT OF ASMFC**

- Increase public understanding and support of activities through expanded outreach at the local, state, and federal levels
- **Identify 3-4 high profile issues and seek to proactively address stakeholder criticisms and concerns through various outreach tools**
- Promote high profile species and stock assessment results through various outreach tools and platforms
  - **2020: American lobster, Atlantic cobia, Atlantic herring, Atlantic menhaden & ERPs, shad, Spanish mackerel, and winter flounder**

## **MAXIMIZE USE OF CURRENT AND NEW TECHNOLOGIES**

- Use new technologies and communication platforms to more fully engage the broader public in the Commission's activities and actions
- Use story mapping and photo journaling to better communicate science and management activities
- Explore the use of topical webinars to engage and inform public about current activities (management, science, habitat, and data collection and management)
- Use website capabilities (e.g., video clips) to promote Fisheries Science 101 webinars, videos of fisheries surveys and state on-the-ground projects
- Monitor the success of website and social media platforms in reaching broader constituency and effectively communicating ASMFC mission, programs and activities

## **FACILITATE STAKEHOLDER PARTICIPATION**

- **Evaluate effectiveness of current advisory panel process and consider possible changes to enhance engagement and provide management boards with useful stakeholder input**
- **Explore additional tools to gather public comment on proposed management actions (e.g., online surveys)**
- Clearly define Commission processes to facilitate stakeholder participation, as well as transparency and accountability.
  - Develop outreach materials that highlight opportunities for public engagement in the Commission's fisheries management and stock assessment processes

## **MEDIA RELATIONS AND NETWORKING**

- **Increase interdepartmental coordination on outreach activities through the development of a Strategic Communications Plan**
- Strengthen national, regional, and local media relations to increase coverage of Commission actions.
- Track media communications and coverage through ASMFC-related news clippings and media tracking sheet.
- **Work with other Northeast Regional Coordinating Council members to implement Stock Assessments Communications Framework**
- Work with Atlantic Coast Fisheries Communication Group, comprised of Public Information Officers from the Councils, states and federal agencies, to share successful tools, identify key media contacts and work cooperatively on joint projects.
  - Explore mechanisms to better inform fishing blogs and other external communication platforms about Commission assessment results and management actions.

## **Goal 7 – Advance Commission and member states' priorities through a proactive legislative policy agenda**

State input is critical for a coherent national fisheries policy. The Commission recognizes the need to work with Congress, the Administration and partner organizations in policy formulation, and will be

vigilant in advocating state interests to Congress. The Commission will pursue federal resources for states to implement and comply with the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) and to improve or maintain fisheries data collection. The importance of habitat restoration, research on the impacts of changing ocean conditions, and the need for effective marine enforcement will also be communicated to Congress and our management partners.

## **DEVELOP AND STRENGTHEN RELATIONSHIPS WITH MEMBERS OF CONGRESS AND STAFF**

- Encourage Commissioners to meet with Members of Congress and staff during Winter and Spring Meetings
- Provide state-specific 'ASMFC Meeting Previews' to congressional staff ahead of quarterly Meetings and invite congressional staff to attend significant Board Meetings during Winter, Spring and Summer Meetings
- Provide opportunities for the Executive Director to meet with congressional staff on a regular basis

## **ENGAGE CONGRESS AND THE ADMINISTRATION ON FISHERY-RELATED LEGISLATION AND ISSUES**

- Monitor federal legislation affecting the Commission, including policy and annual appropriations bills and develop Commission positions on pending federal legislation
  - Existing laws: Atlantic Coastal Act, Interjurisdictional Fisheries Act, Anadromous Fish Conservation Act, Magnuson-Stevens Act, Federal Aid in Fish Restoration Act, and Endangered Species Act
  - **Pending Legislation/Emerging Issues: forage fish management, user group and state-by-state allocations, marine national monuments, energy initiatives (offshore wind, hydropower, oil and gas exploration), shark fin trade, right whales, and living shorelines**

## **PURSUE FEDERAL RESOURCES TO SUPPORT MANAGEMENT ACTIVITIES**

- Communicate the Commission's federal funding needs to Congress and advocate for sufficient appropriations
  - Priority line items include Regional Councils and Fishery Commissions, Interjurisdictional Fisheries Act, Fisheries Data Collections, Surveys and Assessments, SEAMAP, and Fisheries Information Networks
    - **Continue to increase funding for the Atlantic Coastal Act, with a goal of restoring its proportion of the "Regional Councils and Fishery Commissions" appropriation to its historic share**
  - Priority projects, programs, and activities include: Atlantic Coastal/National Fish Habitat Partnership, Cooperative Enforcement Joint Enforcement Agreements, NEAMAP, GOM lobster research, Mid-Atlantic Horseshoe Crab Trawl Survey, National Sea Grant College Program, Saltonstall-Kennedy Grant Program, and National Estuarine Research Reserves
  - **Increase Wallop-Breaux funding for the Atlantic, Gulf, and Pacific States Marine Fisheries Commissions via Wallop-Breaux Reauthorization legislation**

- Seek federal funding support for long-term monitoring surveys and species-specific initiatives
- Engage the Administration (Commerce and Interior Departments) on funding and policy issues, including Secretarial implementation of the Atlantic Coastal Act
- Communicate state and Commission funding needs to NOAA Fisheries and U. S. Fish and Wildlife Service

## **PARTNERSHIPS**

- Coordinate with the Gulf, Pacific, and Great Lakes Commissions on policy items of mutual interest including federal funding for fisheries programs. Executive Directors should continue to provide unified positions on funding and legislative priorities to lawmakers and federal agencies, where appropriate.
- Continue participation on Marine Fisheries Advisory Committee, the Marine Fisheries Initiative and Association of Fish and Wildlife Agencies

## **Goal 8 – Ensure the fiscal stability and efficient administration of the Commission**

Goal 8 will ensure that the business affairs of the Commission are managed effectively and efficiently, including workload balancing through the development of annual action plans to support the Commission’s management process. It also highlights the need for the Commission to efficiently manage its resources. The goal promotes the efficient use of legal advice to proactively review policies and react to litigation as necessary. It also promotes human resource policies that attract talented and committed individuals to conduct the work of the Commission. The goal highlights the need for the Commission as an organization to continually expand its skill set through training and educational opportunities. It calls for Commissioners and Commission staff to maintain and increase the institutional knowledge of the Commission through periods of transition. Achieving this goal will build core strengths, enabling the Commission to respond to increasingly difficult and complex fisheries management issues.

On a continuing basis, the Commission staff conservatively manages fiscal resources to achieve the proper balance between allocating funds to coastwide priorities and ensuring fiscal stability. Tasks performed to accomplish this balance include monitoring expenditures on a monthly basis; managing the reserve fund; fine-tuning meeting and travel policies; and preparing and participating in the annual audit and indirect cost proposal.

Human resources management is an ongoing process of recruitment and selection of employees; thoroughly orienting and introducing new employees to the culture of the Commission; maintaining good working conditions for all employees; managing employee relations; and training to enhance and increase their current skills. Ongoing tasks to accomplish this are annual review and revision of position descriptions; facilitating staff participation at national and regional conferences; and providing professional training opportunities. Additionally, human resource support is provided to cooperative

programs such as APAIS and ACFHP. All human resources documents are reviewed at least annually to ensure compliance with federal regulations and consistency with current practices.

Further, Commission staff keeps abreast of changes in technology and evaluates the need for updating the Commission's hardware and software. Ensuring consistency of resources and training across the Commission as well as documenting processes and verifying database information are ongoing tasks conducted by the staff.

The Commission process can be overwhelming to new Commissioners. The staff is committed to providing a thorough introduction and orientation to new Commissioners. Tasks conducted throughout the year include documenting institutional knowledge and updating on a regular basis the Commissioner Manual. Staff also provides this service to new members of Commission committees.

### **MANAGE OPERATIONS AND BUDGETS**

- **Develop revised statement of work for Interjurisdictional Fisheries Act Cooperative Agreement to respond to the new federal grant reporting requirements**
- Utilize and update as necessary Commission compensation plan, including job classifications and salaries based on location
- Manage the Recreational Data Collection and the Fisheries Management, Science, Administration and Logistical Support Cooperative Agreements

### **UTILIZE CURRENT INFORMATION TECHNOLOGY**

- Document standards for electronic record retention and develop site map of Commission electronic filing system for internal use, including protocols for document archiving
- Explore the use of available software packages to digitize review and approval of bills received by the Commission
- Implement contracts database to track details of multiple Commission contracts

### **MANAGE HUMAN RESOURCES**

- **Research options for staff performance review and feedback**
- Promote Commission's mission and programs, and recruit new talent through outreach meetings with various marine policy and marine science graduate programs
- Provide training opportunities for ASMFC staff on commonly used software
- Conduct annual meeting with financial advisor to review retirement program performance with staff and provide opportunities for staff to meet individually with financial advisor to match financial goals with investment choices for retirement

### **ENGAGE AND SUPPORT COMMISSIONERS**

- **Conduct a workshop on parliamentary procedures and meeting management**
- Continue process to welcome and orient new Commissioners to allow for full engagement in the Commission process
- Facilitate the retention and transfer of institutional knowledge among Commissioners



## **ENSURE THE LEGAL COMPLIANCE OF COMMISSION ACTIONS**

- Utilize legal advice on new management strategies and policies, and respond to litigation as necessary, whether it be regarding challenges to Commission FMPs, a human resource issue, or access to confidential data

# **Atlantic States Marine Fisheries Commission**

## ***Draft Policy on Non-Payment of State Appropriations***

October 1, 2019

### **Background**

On a few occasions Commission member states have fallen into arrears with their annual appropriations. According to the Commission's Compact, Pub. Law 77-539, Art. XI (1942), each member state is assessed an annual appropriation to support the Commission. States have expressed concern over the fairness of a state being allowed to participate in the Commission process while being in arrears on annual appropriations. If a member state is significantly in arrears, the shortfall can adversely affect not only the Commission's financial status, but also can jeopardize the mutual obligation and trust among states upon which the successful carrying out of the Commission's cooperative mission depends.

The Commission's Compact, Rules & Regulations, and the ISFMP Charter do not speak directly to what remedies are available if a member state does not pay its annual appropriation to the Commission. The following discussion and draft policy provide the basis for modifying the Commission's guiding documents to address non-payment of state appropriations.

### **Discussion**

A policy to address non-payment would need to be approved by the Commission; and the Rules and Regulations modified to reflect the policy. A change to the Rules and Regulations can be made during a regularly-scheduled Commission Business Session provided there is adequate public notice that a change to the Rule and Regulations is being considered.

The policy will need to consider:

- What notifications should be provided to a state (Commissioners, Governor, timing)?
- What are the consequences of non-payment (no votes, no participation, technical representatives)?
- Can a state appeal to the Commission for relief or are consequences compulsory?

### **Proposed Billing and Reminder Timeline**

April 1<sup>st</sup> – Commission staff will send appropriation invoices to member states (payments due June 30 of year 2)

October 1<sup>st</sup> – Commission staff will send first reminder of payment due date to the states that have not submitted payment.

January 1<sup>st</sup> – Commission staff sends second reminder of payment due date to the states that have not submitted payment.

June 30<sup>th</sup> – State appropriations are due to the Commission.

### **Draft Policy**

If a state is in arrears with its annual appropriation, the following steps will be taken:

July 1<sup>st</sup> of Year 2 – Executive Director notifies, in writing, the Governor and three Commissioners of the state's overdue status.

August (Summer Meeting) – A state that is in arrears will have the opportunity to appeal to the Executive Committee. During this appeal, the state can present information on why payments have not been made, provide a timeline for payment, and seek relief from the loss of voting privileges. The Executive Committee can then make a recommendation to the full Commission regarding leniency.

August (Summer Meeting) – The Commission will decide if any leniency is warranted and detail those provisions during the Business Session meeting.

October 1<sup>st</sup> – If a state is still in arrears and no leniency is granted, the state in question will no longer be able to vote on management boards/sections, the ISFMP Policy Board, or during the Commission's Business Session. The state's three commissioners will be able to attend Commission meetings and participate in deliberations, but will not be able to cast votes. The state's representatives will be able to participate on technical groups (e.g. species technical committee, Habitat Committee, plan review teams, etc.)

### **Reinstatement of Voting Privileges**

A state will immediately have voting privileges reinstated upon payment of the full balance that is in arrears.

## Policy on Non-Payment of State Appropriations

