



Atlantic States Marine Fisheries Commission

2012 Spring Meeting Summary

Working towards healthy, self-sustaining populations of all Atlantic coast fish species or successful restoration well in progress by the year 2015

2012 Spring Meeting
Alexandria, VA
April 30 – May 3, 2012

For more information, please contact
the identified individual,
Robert Beal, ISFMP, or
Tina Berger, Public Affairs

703.842.0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (April 30, 2012)

Press Release

ASMFC Atlantic Herring Section Approves Draft Addendum V for Public Comment

Alexandria, VA – The Commission’s Atlantic Herring Section has approved for public comment Draft Addendum V to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring. The Draft Addendum proposes measures to refine and consolidate Atlantic herring spawning regulations as recommended by the Atlantic Herring Technical Committee. These include (1) refining sampling protocols; (2) providing flexibility to change spawning boundaries based on Technical Committee input through Section action; and (3) consolidating all spawning regulations into one document.

The Draft Addendum responds to observed changes in Atlantic herring spawning behavior (size of spawning fish and extent of spawning area) as well as the need to clarify spawning regulations so that they are interpreted and applied consistently among the implementing states.

Fishermen and other interested groups are encouraged to provide input on the Draft Addendum. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Breaking News or by contacting the Commission at 703.842.0740 by May 11, 2012. Public comment will be accepted until 5:00 PM (EST) on June 15, 2012 and should be forwarded to Christopher Vonderweidt, Fishery Management Plan Coordinator, 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at comments@asmfc.org (Subject line: Atlantic Herring Draft Addendum V).

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PR12-19

Meeting Summary

In addition to approving Addendum V for public comment, the Section reviewed the New England Fishery Management Council’s Draft Amendment V to the Herring FMP and made recommendations to the ISFMP Policy Board for ASMFC comment on the draft amendment. Draft Amendment V proposes regulatory changes in four main areas – the fishery management program, catch monitoring at sea, measures to address river herring bycatch, and mid-water trawl access to groundfish closed areas. The Section’s comments included support for measures that will improve accuracy and accounting of catch reporting for all species; 100% observer coverage with federal funding; measures to improve sampling; authorization of all states in the Northeast Region as service providers for sea sampling; measures that discourage and reduce net slippage; the SMAST/DMF/SFC river herring bycatch avoidance program; and measures that will improve the accuracy and accounting of catch reporting for all species. The Section does not recommend the use of triggers as a management tool without a method to link the trigger to a peer-reviewed biological estimate of coastwide river herring populations.

For more information, please contact Christopher Vonderwiedt, Fishery Management Plan Coordinator, at cvonderweidt@asmfc.org or 703.842.0740.

Motions

Move to include an Option b. Spawning areas boundaries could be changed through Section action based on Technical Committee advice.

Motion made by Mr. Grout and seconded by Mr. Fote. Motion carries (7 in favor).

Move to approve Draft Addendum V for public comment, as amended today.

Motion made by Mr. Adler and seconded by Mr. McElroy. Motion carries (7 in favor).

Move to accept the Working Group document and forward on to the Policy Board.

Motion made by Mr. Adler and seconded by Mr. Himchak. Motion carries (7 in favor).

AMERICAN LOBSTER MANAGEMENT BOARD (April 30, 2012)

Press Release

**ASMFC American Lobster Board Approves
Draft Addendum XVIII for Public Comment**

Alexandria, VA – The Commission’s American Lobster Board has approved for public comment Draft Addendum XVIII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum proposes a consolidation program for lobster conservation management areas 2 and 3 (LCMAs 2 & 3) to address latent effort and reduce the overall number of traps allocated. The specific management tools being considered in the addendum include trap allocations, trap banking, and controlled growth for participants in the fishery. The Draft Addendum proposes unique plans for each area.

The Draft Addendum responds to the depleted condition of the Southern New England (SNE) lobster resource and the Board’s intent to scale the capacity of the SNE fishery to the size the SNE resource, with an initial goal of reducing qualified trap allocation by at least 25% over a five to ten year period. Since the scope of the SNE resource encompasses all or part of six of the seven LCMAs established by Amendment 3, additional addenda will be developed to address effort reductions in the remaining LCMAs.

In order to consolidate the fishery, latent effort must be addressed. Latent effort is traps allocated to an individual that are not fished. The limited entry programs for each LCMA have unique qualifying criteria and eligibility periods, resulting in differing levels of latent effort among the areas. Consequently, measures to remove latent effort from the fishery will need to be developed for each LCMA based on the current amount of latent effort. Consolidation is likely to occur as permit holders respond to the annual trap allocation cuts by obtaining allocation from permit holders who downsize their operations or leave the fishery through the transferability program.

For trap limits to be effective in reducing harvest and rebuilding the stock, latent effort must first be addressed to prevent this effort from coming back into the fishery as the stock grows and catch rates increase. It is anticipated that long-term reductions in traps fished will occur as a result of this addendum.

Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Breaking News by May 14, 2012. Public comment will be accepted until **5:00 PM (EST) on July 10, 2012** and should be forwarded to Toni Kerns, Senior FMP Coordinator, at 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or tkerns@asmfc.org (Subject line: American Lobster Draft Addendum XVIII).

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PR12-20

Meeting Summary

The American Lobster Management Board approved the Terms of Reference (TORs) for the 2014 benchmark lobster stock assessment. The TORs provide the basis for the development and peer review of the 2014 stock assessment. The Board also recommended the ISFMP Policy Board send a letter to the New England Fishery Management Council expressing the Board’s concern about the potential impacts on the lobster resource if Closed Area II is opened to bottom tending mobile gear. The Board tasked the American Lobster Technical Committee to identify impacts to lobster with the opening of the area. The Board elected

Dan McKiernan from the Commonwealth of Massachusetts as its Vice Chair. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at [tkerns@asmfc.org](mailto:kerns@asmfc.org) or 703.842.0740.

Motions

Move to elect Dan McKiernan as vice chair.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion carries unanimously.

Move to approve Addendum XVIII for public comment with changes made today.

Motion made by Mr. McElroy and seconded by Mr. Adler. Motion carries (10 in favor).

Move to adopt the Terms of Reference (TOR) as presented by the Technical Committee.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion passes (10 in favor).

Move to postpone until the Summer Meeting.

Motion made by Mr. Gibson and seconded by Mr. Himchak. Motion fails (1 in favor, 9 opposed).

ATLANTIC STRIPED BASS MANAGEMENT BOARD (May 1, 2012)

Press Release

ASMFC Atlantic Striped Bass Board Approves Draft Addendum III for Public Comment: *Addendum Seeks to Address Illegal Commercial Striped Bass Harvest*

Alexandria, VA – The Commission’s Atlantic Striped Bass Management Board has approved for public comment Draft Addendum III to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Draft Addendum proposes implementing a mandatory commercial tagging program for all states and jurisdictions with commercial striped bass fisheries and increasing penalties for illegally harvested fish. These options are intended to prevent commercial striped bass quota overages and the illegal harvest of striped bass. Both undermine the sustainability of striped bass populations, as well as reduce the economic opportunities of law abiding commercial fishermen. Options include increased accounting of unused tags, timely reporting of catch, the point at which tagging must occur, standardization of tag type, and development of biological metrics for determining state/jurisdiction tag quantity.

The Draft Addendum responds to recommendations of the Interstate Watershed Task Force (IWTF). The IWTF conducted a multi-year, multi-jurisdictional investigation on illegal commercial striped bass harvest within Chesapeake Bay, resulting in over \$1.6 million dollars in fines against 19 individuals and three corporations for more than one million pounds of striped bass harvested illegally. The investigation revealed some current control measures for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. The investigation also found that greater accountability of wholesalers would be difficult to achieve without uniform tags (colors, design) and tagging requirements, valid year and size limits inscribed on tags, and increased dealer compliance education.

Several states will be conducting public hearings on the Draft Addendum; information on those hearings will be released when they are finalized. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Breaking News or by contacting the Commission at 703.842.0740 by May 11, 2012. Public comment will be accepted until 5:00 PM (EST) on July 13, 2012 and should be forwarded to Kate Taylor, Fishery Management Plan Coordinator, at 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or ktaylor@asmfc.org (Subject line: Atlantic Striped Bass Draft Addendum III).

PR12-21

Meeting Summary

The Atlantic Striped Bass Board met to review and consider approval of Draft Addendum III for Public Comment, to receive a report from the Technical Committee on the potential future stock status of striped bass, and review the Tagging Subcommittee membership.

The Board approved Draft Addendum III for Public Comment (see press release). The Board was briefed by the Technical Committee Chair on the stock status implications of delaying management action to reduce mortality on striped bass. The Stock Assessment Subcommittee provided estimates that the striped bass female spawning stock biomass stock may fall just below the target if current management continues. However, these estimates were based on the 2011 stock assessment update to the 2007 benchmark stock assessment and therefore there is uncertainty in the estimates. A new benchmark stock assessment will be completed in summer 2013. Angela Giuliano was approved to the Atlantic Striped Bass Tagging Subcommittee.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move to approve the Draft Addendum for public comment with the modifications offered by AC Carpenter in addition to the option recommended by the LEC.

Motion made by Mr. Diodati and seconded by Mr. Augustine. Motion passes (16 in favor).

Move to approve Andrea Giuliano to the Striped Bass Tagging Subcommittee.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

LAW ENFORCEMENT COMMITTEE (May 1, 2012)

Meeting Summary

The Law Enforcement Committee met to discuss a number of issues. ASMFC staff Toni Kerns met with the Committee to assess the availability of information concerning the amount of illegally harvested fish and whether that information is collected in a systematic way among the states. Mark Robson will continue working with ASMFC staff to gather necessary information.

The LEC discussed coordination of issues with NOAA Fisheries Office of Law Enforcement and ways to enhance LEC input on OLE priorities, staffing and funding. There was agreement to continue actively using twice-annual LEC meetings to discuss and resolve any state/federal coordination issues. The LEC will actively engage in the NOAA OLE priority-setting process for 2013. There was general agreement on the importance of local and regional coordination down to and including the level of officers working in the field.

Mark Robson and Lloyd Ingerson summarized the actions of the Striped Bass Management Board and the status of Draft Addendum III. The LEC expressed its continued support for the management options being considered in the addendum. Chris Vonderweidt updated the LEC on the status of tautog management. Mark Robson will review previous positions of the LEC regarding enforcement issues associated with the live harvest of tautog.

Representatives of the U.S. Fish and Wildlife Service law enforcement staff updated the LEC on the status of the glass eel fishery. Because of very high market values, significant illegal harvest and sale has become an issue of concern. Coordinated enforcement efforts were discussed.

Kyle Overturf discussed his desire to see the LEC web page of the ASMFC website improved and updated. Mark Robson reported on work to date. LEC members will begin submitting feature stories or news items and photos that could be incorporated into the page on a regular basis. Mr. Robson will continue working with ASMFC staff to keep LEC information up to date. Mr. Overturf also discussed the use of social media such as Facebook as an alternative means of making information available via the internet.

ASMFC Chair Paul Diodati visited the LEC and shared his thoughts about the role of the LEC and enforcement in general in the fishery management process. Mark Robson provided some background information to the LEC regarding the committee's charge and responsibilities. The LEC will begin the process of evaluating issues important to the committee. The LEC welcomed the opportunity to contribute to the recent striped bass management board discussions and will seek additional opportunities to work with staff and commission members in the identification and discussion of law enforcement issues. For more information, please contact Mark Robson, LEC Coordinator, at TRAVELLER14@COMCAST.NET.

Motions

No motions made.

AMERICAN EEL MANAGEMENT BOARD (May 1, 2012)

Press Release

American Eel Benchmark Assessment Indicates Stock is Depleted

Alexandria, VA – In its report to the Commission's American Eel Management Board, an independent panel of scientists endorsed the findings of the 2012 benchmark stock assessment, which concluded the American eel population is depleted in U.S. waters. The stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. The panel urged the Board to examine alternative reference points to provide more protection to the spawning stock biomass.

Both trend and model analyses results indicate the American eel stock has declined in recent decades and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern. Based on these findings, the stock is considered depleted. No overfishing determination can be made at this time. However, the Commission's American Eel Technical Committee and Stock Assessment Subcommittee caution that although commercial fishery landings and effort in recent times have declined in most regions (with the possible exception of the glass eel fishery), current levels of fishing effort may still be too high given the additional stressors affecting the stock such as habitat loss, passage mortality, and disease. Fishing on all life stages of eels, particularly young-of-the-year and in-river silver eels migrating to the spawning grounds, could be particularly detrimental to the stock, especially if other sources of mortality (e.g., turbine mortality, changing oceanographic conditions) cannot be readily controlled. Management efforts to reduce mortality on American eels in the U.S. are warranted.

In response to the findings, the Board tasked the American Eel Technical Committee with developing potential management actions for Board consideration at its next meeting. A more detailed overview of the American eel stock assessment is available on the Commission website at http://www.asmfc.org/speciesDocuments/eel/AmericanEelStockAssessmentOverview_May2012.pdf. It was developed with the intent of aiding media and interested stakeholders in better understanding the Commission's stock assessment results and process. The American Eel Stock Assessment Report and Assessment Peer Review Report will be posted to the Commission website under Breaking News on May 7. For more information, please contact Kate Taylor, Fishery Management Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move to accept the eel stock assessment report and peer review report for management use.

Motion made by Mr. Augustine and seconded by Mr. Gibson. Motion carries (17 in favor and 2 abstentions).

Move to nominate Tom O’Connell for Vice-Chair.

Motion by made Mr. White and seconded by Mr. Augustine. Motion carries.

EXECUTIVE COMMITTEE (May 1, 2012)

Press Release

ASMFC Announces Change in Leadership

Alexandria, VA – The Executive Committee of the Atlantic States Marine Fisheries Commission met yesterday afternoon to consider the future direction of the Commission. After lengthy discussion, the Executive Committee approved an action to move forward with new leadership in the near future.

The approved change includes appointment of a new Executive Director, thus replacing the current Executive Director, John V. O’Shea, who has served in the position for the past ten years.

Paul Diodati, the Chairman of the Commission said, "The Commission has prospered under Executive Director O’Shea’s administrative oversight. His professionalism and conservation ideals set a high standard for the Commission that will guide us in making a new appointment. We will work closely with Mr. O’Shea over the next few months to help make a successful transition in leadership."

Last evening as part of its Annual Awards of Excellence, the Commission honored Mr. O’Shea’s 10 years of contributions to Atlantic coastal fisheries management.

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PR12-23

Meeting Summary

The Executive Committee approved the FY 2013 budget. For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions made.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (MAY 1, 2012)

Press Release

**ASMFC Approves First Step in Black Drum Interstate Management
*Public Input Sought on Development of New Plan***

Alexandria, VA – The Commission’s South Atlantic State-Federal Fisheries Management Board approved the Public Information Document for the Interstate Fishery Management Plan (FMP) for Black Drum for public review and comment. As the first step in the development of the FMP, the PID presents the current status of the fishery and resource, and solicits public input on changes observed in the fishery; actions to be taken in terms of management, enforcement, and research; and any other concerns about the resource or fishery.

The FMP is being initiated in response to concern regarding significant increases in harvest in recent years and the fact that the fishery primarily targets juveniles. The Commission is also moving forward with conducting the first coastwide assessment of this species. The assessment will be developed concurrently with the FMP to support establishment of the interstate management program.

States will be conducting public hearings on the PID; information on those hearings will be released when they are finalized. Fishermen and other interested groups are encouraged to provide input on the PID either by attending state public hearings or providing written comment. The PID can be obtained via the Commission's website www.asmfc.org under Breaking News or by contacting the Commission at 703.842.0740. Public comment will be accepted until 5:00 PM (EST) on July 20, 2012 and should be forwarded to Danielle Chesky, FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at dchesky@asmfc.org (Subject line: Black Drum PID).

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PR12-25

Motions

Move to nominate Aaron Podey as the Vice Chair.

Motion made by Mr. Duren and seconded by Dr. Rhodes. Motion carries.

Motion to accept the PID for public comment.

Motion made by Dr. Rhodes and seconded by Mr. O'Connell. Motion carries.

Move to accept the Spanish mackerel implementation plans.

Motion made by Mr. Woodward and seconded by Mr. Carpenter. Motion carries.

SHAD & RIVER HERRING MANAGEMENT BOARD (May 1, 2012)

Press Release

ASMFC River Herring Benchmark Assessment Indicates Stock is Depleted

Alexandria, VA – An independent panel of scientists endorsed the findings of the 2012 Benchmark Stock Assessment for River Herring, concluding the overall coastwide population of river herring (alewife and blueback herring) stocks on the US Atlantic coast is depleted to near historic lows. The “depleted” determination was used instead of “overfished” and “overfishing” because many factors, not just directed and incidental fishing, are contributing to the declining abundance of river herring. In addition to reducing harvest, recovery of river herring will need to address issues such as fish passage, predation, water quality, and climate change.

River herring are an anadromous species, spending the majority of their life at sea and returning to their natal streams to spawn. While at sea, mixing is believed to occur among multiple river-specific stocks and the incidental catch of river herring in non-targeted ocean fisheries is known to include both immature and mature fish.

Ideally, river herring should be assessed and managed by individual river systems. However, with over 200 river-specific stocks, population estimates were difficult to develop for the majority of these due to insufficient data. For the 52 river-specific stocks of alewife and blueback herring for which data were available, 23 were depleted relative to historic levels, one stock was increasing, and the status of 28 stocks could not be determined because of the data's limited time-series (see accompanying Table).

In 2008, in response to perceived declines, the Management Board initiated the development of Amendment 2 to the Shad and River Herring FMP. Under Amendment 2, states and jurisdictions without an approved sustainable fisheries management plan were required to close their river herring fisheries by January 1, 2012. States with approved plans are Maine, New Hampshire, New York, North Carolina and South Carolina. Prohibitions on harvest currently occur in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Potomac River Fisheries Commission, Virginia, Georgia, and Florida. The Commission will continue to coordinate with the Mid-Atlantic and New England Fishery Management Councils in monitoring and reducing river herring bycatch in at-sea fisheries.

A more detailed overview of the River Herring Stock Assessment is available on the Commission website (www.asmfc.org) under *Breaking News*. It was developed with the intent of aiding media and interested stakeholders in better understanding the Commission’s stock assessment results and process. Copies of the River Herring Stock Assessment Report and Assessment Peer Review Report will be available on the Commission website under *Breaking News* on May 7. For more information, please contact Kate Taylor, Fishery Management Coordinator, at ktaylor@asmfc.org or 703.842.0740.

State	River	Status Relative to Historic Levels/Recent Trends
ME	Damariscotta Union	Depleted ^A , Stable ^A Increasing ^A , Stable ^A
NH	Cocheco	Unknown ^{A,B} , Stable ^{A,B}
	Exeter	Depleted ^A , Increasing ^A
	Lamprey	Depleted ^A , Unknown ^A
	Oyster	Depleted ^B , Stable ^B
	Taylor	Depleted ^B , Decreasing ^B
MA	Winnicut	Depleted ^{A,B} , Unknown ^{A,B}
	Mattapoissett Monument	Depleted ^A , Unknown ^A
	Parker	Depleted ^A , Unknown ^A
	Stony Brook	Depleted ^A , Unknown ^A
RI	Buckeye	Depleted ^A , Unknown ^A
	Gilbert	Depleted ^A , Decreasing ^A
	Nonquit	Depleted ^A , Decreasing ^A
CT	Connecticut	Depleted ^B , Decreasing ^B
NY	Hudson	Depleted ^{A,B} , Stable ^{A,B}
MD, DE	Nanticoke	Depleted ^{A,B} , Decreasing ^{A,B}
VA, MD, DC	Potomac	Depleted ^{A,B} , Unknown ^{A,B}
NC	Chowan	Depleted ^{A,B} , Stable ^{A,B}
SC	Santee-Cooper	Depleted ^B , Increasing ^B

Table 1. Status of select alewife and blueback herring stocks along the Atlantic coast. Status relative to historic levels is pre-1970. Recent trends reflect last ten years of data. A = Alewife only; B= Blueback herring only; A,B = Alewife and blueback herring by species

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PR12-27

Meeting Summary

The Shad and River Herring Board met to review the 2012 Benchmark Stock Assessment for River Herring; discuss the management alternatives under consideration in and develop comments on the New England Fishery Management Council (NEFMC) Draft Amendment 5 to the Atlantic Herring Fishery; review the Mid-Atlantic Fishery Management Council (MAFMC) Draft Amendment 14 to the Squid, Mackerel and Butterfish Fishery; consider approval of American shad sustainable fisheries management and recovery plans, as required under Amendment 3 to the Shad and River Herring FMP, for Maryland, North Carolina and South Carolina; and review the progress of the potential Endangered Species Act (ESA) listing of river herring.

The Board reviewed the 2012 Benchmark Stock Assessment for River Herring. The stock assessment concluded that coastwide river herring populations are depleted to near historic lows. The Board approved the stock assessment for management use (see press release).

The Board reviewed the alternatives under consideration in the NEFMC Draft Amendment 5 and recommended that a letter be sent to the NEFMC supporting any measures that will improve accuracy and accounting of catch reporting for all species. Specifically the Board supported 100% observer coverage; Closed Area I sampling provisions in River Herring Monitoring and Avoidance Areas; and continued development of the Sustainable Fisheries Coalition, Massachusetts Division of Marine Fisheries, and University of Massachusetts School for Marine Science and Technology river herring bycatch avoidance program. The Board did not recommend the use of closed areas, unless a biologically based trigger could be developed which would initiate closure.

The Board reviewed MAFMC Draft Amendment 14 and approved the development of a working group comprised of a sub-set of Board, technical, and advisory panel members to develop recommendations on the management alternatives under consideration in the document. The Board approved the revised American shad recovery plan from Maryland, the revised sustainable fisheries management plan from North Carolina, and an amendment to the sustainable fisheries management plan from South Carolina. The Board was briefed on the timeline of the potential ESA listing of river herring.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Motion to accept the 2012 River Herring Stock Assessment and Peer Review reports for management purposes.

Motion made by Mr. Augustine and seconded by Mr. Stockwell. Motion approved without objection.

Motion to approve the Working Group recommendations and forward them to the Policy Board.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion stands approved without objection.

Motion to approve the American shad sustainable FMP's for Maryland (recovery), North Carolina, and South Carolina (amendment).

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion stands approved without objection.

ANNUAL AWARDS OF EXCELLENCE (May 1, 2012)

Press Release

ASMFC Presents Annual Awards of Excellence

Alexandria, VA – Mr. Dennis F. Abbott, Mr. G. Ritchie White, Mr. William T. Windley, Jr., and Major Harold Knudsen were presented the Commission's Annual Awards of Excellence in Alexandria, Virginia for their contributions to the success of fisheries management along the Atlantic coast. Mr. Abbott received his award in the legislative category, while Mr. White, Mr. Windley, and Major Knudsen received awards in management and policy; scientific, technical, and advisory; and law enforcement categories, respectively. "Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission's Annual Awards of Excellence recognize outstanding efforts by professionals who have made a difference in the way we manage and conserve our fisheries," said ASMFC Chair, Paul J. Diodati of the Commonwealth of Massachusetts. "This evening, we honor several individuals for their contributions to the management and conservation of Atlantic coast fisheries."

Legislative Contributions: Mr. Dennis F. Abbott

For nearly 15 years, Mr. Abbott has supported fisheries conservation and management activities along the Atlantic coast as both an ASMFC Commissioner and a New Hampshire state legislator. As a Commissioner, Mr. Abbott has served on numerous ASMFC committees and taken on leadership roles, such as Chair of the Atlantic Herring Section and Co-chair of the Legislators and Governor Appointees (LGAs). When he was first appointed, he championed the increased role of the LGAs on the Commission's species management boards, helping to establish the current fisheries management decision-making process. He has also worked tirelessly to ensure that interested stakeholders have a voice in the Commission's management process through its advisory panels.



From left: ASMFC Vice Chair Dr. Louis B. Daniel from North Carolina, William T. Windley Jr., Major Harold Knudsen, Dennis F. Abbott, G. Ritchie White, and ASMFC Executive Director John V. O'Shea

As a state legislator, member, and later Chair of New Hampshire's House Fish, Game, and Marine Resources Committee, Mr. Abbott sponsored a \$1 fee on all fishing licenses, providing dedicated funds to improve fish habitat such as dam removals and stream restoration projects. He championed the state's saltwater license legislation to improve recreational catch data and provide additional funding for the state's natural resource management. He also sponsored legislation providing state expedited rulemaking to facilitate timely implementation of Commission management actions.

Management & Policy: Mr. G. Ritchie White

A lifelong sportsman and saltwater angler, Mr. White has been actively involved in fisheries management at the state and interstate level for nearly 20 years. He began his involvement with the Commission as an Atlantic Striped Bass Advisor, where he witnessed firsthand the recovery of striped bass and the slow but steady increase of recreational and commercial fishing opportunities. He gained a profound appreciation for the successes that could be achieved when the states and federal government joined forces to rebuild striped bass stocks. His belief that this success could be applied to other species along the Atlantic coast led him to be an important advocate for passage of the Atlantic Coastal Fisheries Cooperative Management Act in 1993.

As New Hampshire's Governor Appointee to the Commission for the past 12 years, Mr. White has actively participated in the Commission's fisheries management process, serving on a number of species management boards, sections and committees, as well as chairing the Northern Shrimp Section. In addition, he regularly meets with members of New Hampshire's commercial and recreational industries, and his state's congressional delegation on fisheries-related issues.

Mr. White is a longtime appointee to New Hampshire's Advisory Committee on Marine Fisheries and spent four years as Coastal Commissioner for the Fish and Game Commission. He is also a founding member of the New Hampshire Coastal Conservation Association, where he has served on the Board of Directors since its inception. A persistent and staunch advocate for science based management, Mr. White has consistently strived to put the resource first while trying to balance the needs of the various users of marine resources.

Scientific, Technical, & Advisory: Mr. William T. Windley, Jr.

Mr. Windley has served on the Commission’s Atlantic Menhaden, Atlantic Croaker, and South Atlantic Species Advisory Panels for more than 10 years. He assumed chairmanship of Atlantic Menhaden Advisory Panel in 2002 and the South Atlantic Advisory Panel in 2008, consistently representing the viewpoints and concerns of those panels to their respective species management boards in a fair and even-handed manner. Over the course of his chairmanship, Mr. Windley has participated in stock assessments for Atlantic menhaden, Atlantic croaker, and red drum; new managements programs for Atlantic menhaden and several South Atlantic species; and the initiation of a new fishery management plan for black drum.

Mr. Windley is a long-serving member and four-term president of the Maryland Saltwater Sportfishermen’s Association, a member of the Maryland Coastal Conservation Association, the Chesapeake Bay Foundation, the National Advisory Board of the Recreational Fishing Alliance, as well as Maryland Department of Natural Resource’s Aquatic Resources Committee and Sport Fisheries Advisory Commission.

A strong proponent of science-based management and managing the resource for the greater good, Mr. Windley has long advocated that managers base their decisions on science rather than political pressure. He has firmly held that if resources are managed properly, then recreational and commercial fisheries will not only coexist but thrive.

Law Enforcement: Major Harold Knudsen

A veteran officer of the North Carolina Marine Patrol, Major Knudsen has dedicated his 29-year career to serving the citizens of North Carolina and protecting their fisheries resources. His dedication is steeped in a lifelong appreciation for the vast beauty of the outdoors and the importance North Carolina’s nearshore waters and resources to its coastal communities. Major Knudsen supervises all Marine Patrol field operations for the state, which cover 2.7 million acres of ocean and coastal waters and 4,000 miles of shoreline in 21 counties.

Major Knudsen is widely respected for working effectively across the state’s marine law enforcement districts to enforce North Carolina’s marine fisheries regulations. His skill and dedication is evidenced by a recent complex case that detected significant underreporting of red drum by three North Carolina seafood dealers. The case resulted in the issuing of 32 charges against the seafood dealers, including possession and sale of illegal red drum and failure to complete North Carolina trip tickets.

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PR12-24

ATLANTIC MENHADEN MANAGEMENT BOARD (May 2, 2012)

Meeting Summary

The Atlantic Menhaden Management Board selected a Multiple Management Objective Decision Analysis (MODA) to develop ecological reference points, pending funding sources are identified by the August Board meeting. MODA would help the Board develop ecological reference points through a modeling framework that involves science, management, and stakeholder input. It is a similar process to the Adaptive Resource Management framework used for horseshoe crab.

The Board gave guidance to the Plan Development Team (PDT) regarding management options to include in Draft Amendment 2. The Board suggested the following options be included in draft Amendment 2: a three, five, and ten year time frame to achieve the target fishing mortality rate; a weekly reporting program by dealers and harvesters using SAFIS and ACCSP data standards; exploring a quota program by coast, state, and region with a set aside, transfer, and bycatch allowance; development of *de minimis*

criteria; and inclusion of trip limits, gear restrictions, season closures, area closures, effort controls, and limited entry be part of adaptive management in the Amendment.

Draft Amendment 2 will be presented to the Board during the Commission's Summer Meeting. Once approved, Draft Amendment 2 will go out for another round of public comment (including hearings) before any final management options are selected.

For more information, please contact Michael Waine, Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

Motions

Main Motion:

Move that the Board use MODA for ecological reference point development as recommend by the Atlantic menhaden and Multispecies Technical Committees using the approach detailed in option 1 in the committees May 2012 report.

Motion made by Dr. Pierce and seconded by Mr. McElroy. Motion amended.

Motion to Postpone:

Move to postpone the motion until the August meeting and charge the Technical Committee and staff to research alternative funding for the MODA project.

Motion made by Mr. Nowalsky and seconded by Mr. Meyers. Motion fails.

Motion to Amend:

Motion to amend the main motion to add "subject to appropriate funding be determined by the August meeting".

Motion made by Mr. White and seconded by Mr. Gilmore. Motion carries (13 in favor, 3 opposed).

Main Motion as Amended:

Move that the Board use MODA for ecological reference point development as recommend by the Atlantic menhaden and Multispecies Technical Committees using the approach detailed in option 1 in the committees May 2012 report, subject to appropriate funding be determined by the August meeting.

Motion carries.

Main Motion:

Move to remove the 10 year timeframe to achieve the target.

Motion made by Mr. Augustine and seconded by Mr. Abbott. Motion amended.

Motion to Amend:

Move to amend the motion to change the 10 years to 1.

Motion made by Mr. Travelstead and second by Mr. Stockwell. Motion carries (9 favor, 8 opposed).

Main Motion as Amended:

Move to remove the 1 year timeframe to achieve the target.

Motion to Amend:

Move to amend the motion to include 10 years.

Motion made by Mr. Abbott and seconded by Rep. Peake. Motion fails for lack of majority.

Main Motion as Amended:

Move to remove the 1 year timeframe to achieve the target. Motion carries. (13 favor, 1 abstention).

Move to remove consideration of season, size, closed areas and gear restrictions for recreational fisheries.

Motion made by Mr. Nowalsky and seconded by Mr. Augustine.

Motion to Substitute:

Move to substitute that recreational measures be moved to the adaptive management section of the document.

Motion made by Mr. Grout and seconded by Mr. Adler. Motion carries unanimously.

Main Motion as Substituted:

Move that recreational measures be moved to the adaptive management section of the document.

Motion carries unanimously.

Move to eliminate trip limits and gear restrictions.

Motion made by Mr. Travelstead and seconded by Mr. Adler. Motion carries.

Move to reconsider the timeline to achieve the target.

Motion made by Mr. Goldsborough and seconded by Mr. Augustine. Motion fails.

STURGEON MANAGEMENT BOARD (May 2, 2012)

Meeting Summary

The Sturgeon Board met to discuss state strategies in response to the recent Atlantic Sturgeon Endangered Species Act (ESA) listing, to review an Atlantic sturgeon Section (a)(1)(B) incidental take permit application submitted by Georgia to NOAA Fisheries, and to elect a Chair and Vice-Chair.

ASMFC staff provided an update on recent correspondence between ASMFC and NOAA Fisheries on the ESA listing of Atlantic sturgeon. After the publication of the Federal Register Notice on February 6, 2012 announcing the listing of Atlantic sturgeon, ASMFC sent a letter to NOAA Fisheries requesting further information and guidance on necessary steps to take in response to the listing. ASMFC then sent a letter to NOAA Fisheries requesting a delay in the effective date (April 6, 2012) of the listing. NOAA Fisheries denied the delay request and sent a letter to ASMFC containing information on the listing.

As of the Board meeting, some states and jurisdiction were in various stages of submitting Section 10(a)(1)(B) permit applications, which are required under the ESA for any actions where a "take" of a listing species is expected. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Board discussed the possibility of submitting a multi-state application for ASMFC managed fisheries that encounter Atlantic sturgeon, but ultimately decided that each state and jurisdiction would proceed with developing applications for the applicable fisheries that occur within the waters under their authority. The Board recommended to the ISFMP Policy Board that a letter be sent to NOAA Fisheries requesting a meeting between NOAA Fisheries staff and the ASMFC Sturgeon Technical Committee to discuss the listing. The Board also tasked the Technical Committee with the initial development of a delisting strategy.

The Board reviewed a Section 10 permit application from Georgia and approved forwarding a letter of support on the application to NOAA Fisheries. Russ Allen (NJ) was elected Chair and John Clark (DE) was elected Vice-Chair.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move that the Sturgeon Management Board request the ISFMP Policy Board:

- 1. Send a letter to NMFS requesting a meeting of the agency's Protected Species staff with the ASMFC Sturgeon Technical Committee to receive a detailed update from NMFS staff on the Atlantic sturgeon listing under the Endangered Species Act.**
 - a. Following this meeting, the Technical Committee will review the: (i) scientific basis for the listing with a focus on the methodology and data used to generate the listing and associated conclusions and (ii) methodology used to generate bycatch and discard estimates by gear type, season, and area.**
 - b. After this review the Technical Committee will: (i) advise the Board as to the appropriateness of the methodology used in the NMFS analysis and (ii) recommend ways to improve the analysis and how the analysis can be used to reduce sturgeon bycatch.**
- 2. Request the NMFS Protected Species staff provide the Board with a:**
 - a. Detailed description of the methodology, process, timeline, and description of any public process mechanisms NMFS will use to formulate a so-called "batched biological opinion" specific to Atlantic Sturgeon.**
 - b. Detailed explanation of the baseline population data being used to estimate the condition of each DPS, the rationale that will be used to determine whether jeopardy exists for each affected fishery, and how the incidental take statements will be calculated in relation to the DPS population condition for each affected fishery.**
 - c. "Draft biological opinion" on sturgeon following the precedent set with the Pacific Councils with a potential ESA listing involving North Pacific Groundfish and Hawaiian Swordfish fisheries.**
 - d. Time period allowing for adequate Board review of and public comment on this biological opinion.**

Motion made by Dr. Pierce and seconded by Dr. Daniel. Motion carries (17 in favor, 1 abstention).

Move to direct the Technical Committee to begin the initial phase in the creation of a petition to delist Atlantic sturgeon for the August meeting.

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion carries (13 in favor, 5 opposed).

Move to nominate Russ Allen as Chair and John Clark as Vice-chair.

Motion made by Mr. Woodward and seconded by Mr. Augustine. Motion carries.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (May 2 & 3, 2012)

Meeting Summary

The Interstate Fisheries Management Program Policy Board (Policy Board) met to address a number of issues. The Policy Board received a summary of the Compliance Committee's recommendation regarding policies related to calling board meetings, the definition of an emergency, and the Commission's ability to respond to a state or group of states deviating from an FMP with no apparent conservation impact. The Committee recommended the policies for calling meetings and the definition of emergency have been effective in the past and are adequate to address unforeseen issues in the future. The Committee also recommended individual species management boards review their respective FMPs to determine if

additional flexibility is appropriate and to determine if additional penalties should be established for delays in implementing required regulations.

The Assessment Science Committee (ASC) presented a summary of its most recent meeting. Based on the ASC recommendation, the Policy Board approved the long-term benchmark assessment and peer review schedule. The ASC was also tasked to work with the species technical committees to provide input regarding the frequency of future stock assessments. The Policy Board also approved the ASC developing guidance for consistent use of MRIP data across all Commission assessments and technical committee analyses.

The Policy Board received a report on the Law Enforcement Committee (LEC) meeting that was held earlier in the week. For details of the report, please refer to the LEC summary earlier in this document.

The Policy Board agreed to send a letter to National Marine Fisheries Service commenting on Draft Amendment 5 to the NEFMC Atlantic Herring Fishery Management Plan. The comments will be based on the input from the Atlantic Herring Section and the Shad and River Herring Management Board.

The Policy Board received a report on the Northeast Area Monitoring and Assessment Program (NEAMAP) Board meeting that occurred in February. The report provided a summary of the use of NEAMAP data in stock assessment, the 2012-2016 Management Plan, and an update on the operations of the NEAMAP trawl surveys.

The Commission's Executive Director notified the Policy Board of the initiation of the 2013 annual action planning process. The Commissioners were encouraged to contact the species board chairs to discuss priorities and tasks for 2013. These comments will be incorporated into the Draft Action Plan for presentation at the Commission's Annual Meeting in October.

The Policy Board agreed to send a letter to the New England Fishery Management Council expressing the Commission's concern about the potential impacts on the lobster resource if Closed Area II is opened to bottom tending mobile gear.

The Policy Board agreed to send a letter in support of the Georgia ESA Section 10 application for Atlantic and shortnosed sturgeon. A letter will also be sent to NMFS requesting a meeting of the agency's Protected Species staff with the ASMFC Sturgeon Technical Committee to receive a detailed update on the Atlantic sturgeon listing under the Endangered Species Act. For more information, please contact Robert Beal, ISFMP Director, at rbeal@asmfc.org or 703.842.0740.

Motions

Move that the Board accept the recommendations of the Compliance Committee with the understanding that the items needing further expansion will be presented at the Annual meeting.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without objection

Move to approve the long-term benchmark assessment and peer review schedule.

Motion made by Mr. Augustine and seconded Dr. Kray. Motion carries without objection.

Move to send a letter to NMFS reflecting the comments as presented on Draft Amendment 5 for Atlantic Herring.

Motion made by Mr. Augustine and seconded by Mr. White. Motion carries.

On behalf of the Sturgeon Board, move that the ISFMP Policy Board

- 1. Send a letter to NMFS requesting a meeting of the agency's Protected Species staff with the ASMFC Sturgeon Technical Committee to receive a detailed update from NMFS staff on the Atlantic sturgeon listing under the Endangered Species Act.**
 - c. Following this meeting, the Technical Committee will review the: (i) scientific basis for the listing with a focus on the methodology and data used to generate the listing and associated conclusions and (ii) methodology used to generate bycatch and discard estimates by gear type, season, and area.**
 - d. After this review the Technical Committee will: (i) advise the Board as to the appropriateness of the methodology used in the NMFS analysis and (ii) recommend ways to improve the analysis and how the analysis can be used to reduce sturgeon bycatch.**
- 2. Request the NMFS Protected Species staff provide the Board with a:**
 - e. Detailed description of the methodology, process, timeline, and description of any public process mechanisms NMFS will use to formulate a so-called "batched biological opinion" specific to Atlantic Sturgeon.**
 - f. Detailed explanation of the baseline population data being used to estimate the condition of each DPS, the rationale that will be used to determine whether jeopardy exists for each affected fishery, and how the incidental take statements will be calculated in relation to the DPS population condition for each affected fishery.**
 - g. "Draft biological opinion" on sturgeon following the precedent set with the Pacific Councils with a potential ESA listing involving North Pacific Groundfish and Hawaiian Swordfish fisheries.**
 - h. Time period allowing for adequate Board review of and public comment on this biological opinion.**

Motion carries without objection.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (May 3, 2012)

Press Release

ASMFC Spiny Dogfish Board Increases 2012/2103 Quota to 35.6 Million Pounds and Approves Draft Addendum IV for Public Comment

Alexandria, VA – The Commission's Spiny Dogfish and Coastal Sharks Management Board increased the 2012/2013 spiny dogfish quota from 30 to 35.6 million pounds. The increase is consistent with proposed regulations for federal waters as well the recommendations of the ASMFC Spiny Dogfish Technical Committee and Mid-Atlantic Fishery Management Council Spiny Dogfish Monitoring Committee. The table below shows preliminary regional and state commercial quotas for the 2012/2013 season as adjusted for overages and rollovers.

Table 1. Preliminary 2012/1013 regional and state commercial spiny dogfish quotas adjusted for overages and rollovers from the 2011/2012 fishing season (in pounds). Quotas are subject to change as landings are finalized.

	% Allocation	Initial Allocation	2011/2012 Overage	2011/2012 Rollover	2012/2013 Quota Adjusted for 2011/2012 Overages and Rollovers
Northern Region (ME - CT)	58.00%	20,702,520	1,359,053		19,343,467
NY	2.707%	966,237		26,935	993,171
NJ	7.644%	2,728,449	101,508		2,626,941
DE	0.896%	319,818		3,915	323,734
MD	5.920%	2,113,085		13,113	2,126,197
VA	10.795%	3,853,167	88,435		3,764,732
NC	14.036%	5,010,010		20,844	5,030,854

The Board also approved Draft Addendum IV to the Spiny Dogfish Fishery Management Plan for public comment. The Draft Addendum proposes allowing exemptions (with Board approval) to the 5% maximum quota rollover provision as well as measures to update the spiny dogfish overfishing definition based on recommendations of the ASMFC Spiny Dogfish Technical Committee. The rollover provision exemption seeks to provide states the opportunity to rollover more than 5% of their unharvested quota from one year to the next. It responds to concerns by states in the southern region that early closure of federal water fisheries often leaves more than 5% of their quota unharvested.

The Draft Addendum also proposes providing the Board the flexibility to update or modify the management program’s overfishing definition by Board action based on the recommendations of its Technical Committee and best available science. The current overfishing definition is based on the number of pups per female that recruit to the stock and was adopted in 2002 from the Mid-Atlantic Fishery Management Council’s Plan. Since that time, the Council has updated its definition based on maximum sustainable yield or a reasonable proxy, consistent with the best available science. Adjusting the overfishing definition is a technical consideration and will not impact management significantly.

States will be conducting public hearings on the Draft Addendum; information on those hearings will be released when they are finalized. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Breaking News by May 11, 2012. The public comment deadline is **5:00 PM (EST) on June 15, 2012** and should be forwarded to Christopher Vonderweidt, Fishery Management Plan Coordinator, 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at comments@asmfc.org (Subject line: Spiny Dogfish Draft Addendum IV).

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PR12-26

Motions

Move to elect Mark Gibson as Vice Chair.

Motion made by Mr. Grout and seconded by Mr. Adler. Motion passes.

Move that the Board approve MA request for *de minimis* LCS closure.

Motion made by Dr. Pierce and seconded by Mr. Heins. Motion passes.

Move to reconsider the 30 million pound quota and adopt the federal proposed 35.694 million quota.

Motion made by Dr. Pierce and seconded by Dr. Daniel. Motion passes (14 in favor, 1 opposed - USFWS, 1 abstention – NMFS).

Move to include an option under issue 2 that the Board may change F threshold through board action following updates to the peer reviewed science determining the overfishing threshold.

Motion made by Mr. Grout and seconded by Mr. Adler. Motion passes.

Move to only include options A and B in issue 3.

Motion made by Mr. Grout and seconded by Mr. Heins. Motion passes.

Move to accept the Addendum IV as amended for public comment.

Motion made by Mr. O'Connell and seconded by Mr. Stockwell. Motion passes (13 in favor).

HORSESHOE CRAB MANAGEMENT BOARD (May 3, 2012)

Meeting Summary

The Horseshoe Crab Management Board met to review compliance with the Horseshoe Crab Fishery Management Plan (FMP) during 2011. As part of this review, the Board considered and approved a transfer request from North Carolina to cover an overage in harvest in 2011. North Carolina requested the transfer of 3,500 crabs from Georgia, which did not harvest any crabs in 2011. This request had been reviewed by the Shorebird and Horseshoe Crab Advisory Panels, the Horseshoe Crab Technical Committee, and the Horseshoe Crab Plan Review Team. Also as part of the review, the Board approved the requests for *de minimis* from Maine, New Hampshire, the Potomac River Fisheries Commission, South Carolina, Georgia, and Florida for the 2012 season, as each of these states harvested less than 1% of the total coastwide harvest. The Board accepted the FMP Review, which included a summary of the bait fishery and the biomedical harvest in 2011.

Additionally, the Board reviewed recommendations from the Horseshoe Crab Technical Committee in regards to the coastwide horseshoe crab tagging program, organized under the U.S. Fish and Wildlife Service. The Technical Committee revised the program guidelines to include requirements for tagging groups to include program objectives in their tagging efforts, such as determining movement and migration rates of horseshoe crabs along the coast. New requirements also included a year-end report, resighting effort, and recommendations for a geographical distribution of the tags. These revisions are meant to organize the program and its outputs for more integration into management, as well as to cap the growing effort in the program, which had expanded beyond the resources provided for the program. The Board elected Jim Gilmore from New York State Department of Environmental Conservation as the new Vice Chair. For more information, please contact Danielle Chesky, Fishery Management Plan Coordinator, at dchesky@asmfc.org or 703.842.0740.

Motions

Move to approve FMP review and *de minimis* requests.

Motion made by Mr. Adler and seconded by Mr. Duren. Motion carries.

Move to accept the transfer.

Motion made by Dr. Daniel and seconded by Mr. Nowalsky. Motion carries.

Move to nominate Jim Gilmore as Vice Chair.

Motion made by Mr. O'Connell and seconded by Mr. Heins. Motion carries.