



Atlantic States Marine Fisheries Commission

2010 Winter Meeting Summary

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

2010 Winter Meeting
Alexandria, Virginia
February 1-4, 2010

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

202/289-6400

Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (February 1, 2010)

Meeting Summary

The American Lobster Board considered approval of reference points for the three lobster stocks, Gulf of Maine (GOM), Georges Bank (GBK), and Southern New England (SNE) based on recommendations from both the Technical Committee and the Peer Review Panel from the 2009 stock assessment. The Board adopted new definitions of reference abundance and effective exploitation, which utilizes the new University of Maine model. The Board did not adopt new reference points for the three stocks but tasked the Technical Committee with reviewing two proposals that create traditional threshold and target reference points but apply the “stop light approach” towards managing them. The “stop light approach” incorporates additional triggers that require management responses besides the threshold and target. The Technical Committee was also tasked with identifying issues impeding stock rebuilding in SNE and developing a suite of measures to begin stock rebuilding in SNE and NMFS statistical area 514 (Massachusetts Bay).

The Lobster Board reviewed a report from the Plan Review Team on the interaction of the cancer crab and lobster fishery. There is a concern that additional traps (that could target lobster) can be set in jurisdictions that do not have a licensing system that tie cancer crab and lobster traps. A working group will be established to develop potential solutions for Board review at the Spring Meeting. The Area 3 Lobster Conservation Management Team has requested to remove the requirement to increase the circular and rectangular vent that corresponded with the 3 ½ inch gauge size. The vent increase was delayed for two years in 2008. The increase is scheduled for implementation on July 1, 2010. The Board tasked the Technical Committee with reviewing the study that established the changes in vent size and report on any gains or losses in conservation benefit if the vent change is not implemented. The Board also requested that the Plan Review Team incorporate an overview of the non-trap lobster fishery in its Annual FMP Review. Doug Grout, the Director of New Hampshire Fish and Game, was elected the Vice-Chair of the American Lobster Board.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

Motions

Move to nominate Doug Grout as Vice-chair.

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

Move adoption of the first paragraph under Option 2 in Draft Addendum XVI, defining “reference abundance” and “effective exploitation.”

Motion made by Mr. Simpson and seconded by Mr. P. White. Motion carries unanimously.

Move to adopt in Addendum XVI the 25th percentile for the threshold abundance level and the 75th percentile for the threshold exploitation level, based on the reference period as described in the assessment (GOM/GBK 1982-2003; SNE 1984-2003).

Motion made by Mr. P. White and seconded by Mr. R. White. Motion tabled.

Move to table the motion until the Spring Meeting.

Motion made by Mr. Augustine, and seconded by Mr. Himchak. Motion carries (5 in favor, 3 opposed, 1 abstention).

Move to task the Technical Committee with identifying issues impeding stock rebuilding in SNE and developing a suite of measures to begin stock rebuilding in SNE.

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

Move to task the Technical Committee with identifying issues impeding stock rebuilding in Area 514 and developing a suite of measures to begin stock rebuilding in Area 514.

Motion made by Mr. P. White and seconded by Mr. Ewing. Motion carries (8 in favor, 1 opposed).

Move that the Board request staff to develop an amendment to the Lobster FMP which will require all Cancer spp. crab and lobster traps to have a current (i.e., valid) lobster trap tag affixed to it and all fishermen to possess a crab license issued by a State or Federal agency.

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

Move to accept the FMP Review as presented.

Motion made by Mr. Augustine and seconded by Rep. Abbott. Motion carries.

Move that the biological data for compliance reports be due June 30.

Motion made by Mr. Adler and seconded by Mr. P. White. Motion carries.

ATLANTIC HERRING SECTION (February 1, 2010)

Press Release

ASMFC Atlantic Herring Section Sets Specifications for 2010 – 2012

Alexandria, VA – The Commission’s Atlantic Herring Section has set optimal yield (OY) for the 2010 – 2012 fishing seasons at 91,200 metric tons (mt). For all three years, the OY will be distributed to the three Atlantic herring management areas and two sub-areas as follows: Area 1A = 26,546 mt, Area 1B = 4,362 mt, Area 2 = 22,146 mt, and Area 3 = 38,146 mt. In addition, the three year specifications allow for the allocation of 3,000 mt to Area 1A in November and December if landings in the New Brunswick fishery are below 9,000 mt by October 15. The Area 1A TAC will be distributed seasonally for the 2010 fishing season with 72.8% (19,325 mt) available from June 1 – September 30 and 27.2 % (7,220 mt) available from October 1 – December 31.

Optimal yield was reduced by 53,800 mt below the 2008 and 2009 amount (145,000 mt) because of a retrospective pattern that has overestimated biomass on average of 40% over the last several years. The specifications are consistent with those sent to NOAA’s Northeast Regional Administrator by the New England Fishery Management Council. The table below outlines the Commission’s final herring specifications for 2010-2012, as well as those sent to the Regional Administrator.

Summary of ASMFC and NEFMC Atlantic Herring Specifications for 2010-2012.
Specifications are for 2010 – 2012 with the exception of allowable biological catch.
Values are provided in metric tons.

SPECIFICATIONS	ASMFC	NEFMC Recommended
Allowable Biological Catch (May become OFL in ASMFC Addendum II and NEFMC Amendment 4)	145,000 – 2010 134,000 – 2011 127,000 - 2012	145,000 – 2010 134,000 – 2011 127,000 – 2012
U.S. Optimal Yield	91,200	91,200
Border Transfer (BT)	4,000	4,000
TAC Area 1A	26,546	26,546
TAC Area 1B	4,362	4,362
TAC Area 2	22,146	22,146
TAC Area 3	38,146	38,146
Research Set-Aside	None	None
Fixed Gear Set-Aside (1A)	295	295

The Section also approved Draft Addendum II and III for public comment. Draft Addendum II proposes changes to the specification definitions, administrative process and annual paybacks for overages in a management area. Draft Addendum III proposes exemptions from ‘days out’ for small mesh bottom trawl vessels fishing in Area 1A. Both Draft Addenda will be released for public comment in early March 2010 and public hearings will be held in March and April 2010. Press releases on the addenda’s availability and public hearing schedule will be released once the hearings have been finalized.

For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at (202)289-6400 or cvonderweidt@asmfc.org.

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PR10-01

Meeting Summary

In addition to setting specifications and approving 2 addenda for public comment, the Section approved the nomination of Captain Patrick Paquette to fill Massachusetts at-large Advisory Panel seat. For more information, please contact Christopher Vonderweidt, at (202) 289-6400 or cvonderweidt@asmfc.org.

Motions

Move to approve Draft Addendum II for public comment.

Motion made by Mr. Stockwell and seconded by Mr. White. Motion passes without objection.

Move that we approve Draft Addendum III to Amendment 2 for public comment.

Motion made by Dr. Pierce and seconded by Mr. Augustine. Motion carries.

Move to set the specification for 2010 – 2012 as follows:

- **For 2010: Allowable biological catch = 145,000 mt, Optimal Yield = 91,200 mt with 26,546 mt allocated to Area 1A, 4,362 mt allocated to Area 1B, 22,146 mt allocated to Area 2, and 38,146 mt allocated to Area 3.**
- **For 2011: Allowable biological catch = 134,000 mt, Optimal Yield = 91,200 mt with 26,546 mt allocated to Area 1A, 4,362 mt allocated to Area 1B, 22,146 mt allocated to Area 2, and 38,146 mt allocated to Area 3.**
- **For 2012: Allowable biological catch = 127,000 mt, Optimal Yield = 91,200 mt with 26,546 mt allocated to Area 1A, 4,362 mt allocated to Area 1B, 22,146 mt allocated to Area 2, and 38,146 mt allocated to Area 3.**
- **In Area 1A for all three years, if less than 9,000 mt have been taken in the New Brunswick weir fishery by October 15, then 3,000 mt will be added to the 1A fishery in November and December.**
- **Joint venture processing, internal waters processing, total allowable level of foreign fishing, US at sea processing, and the Reserve will be set at 0 mt for all three years.**
- **Border transfer set at 4,000 mt for all three years.**
- **Fixed gear set-aside set at 295 mt for all three years.**

Motion by made Mr. Stockwell and seconded by Mr. Grout. Motion passes (7 in favor, 0 opposed, 0 null, 0 abstentions).

Move to allocate the 2010 Area 1A TAC seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period’s quota has been harvested and underages from the June – September period may be rolled into the October – December period.

Motion made by Mr. Stockwell and seconded by Dr. Pierce. Motion passes (7 in favor, 0 opposed, 0 null, 0 abstentions).

Move to approve Captain Patrick Paquette to the Advisory Panel.

Motion made by Mr. Adler and seconded by Sen. Damon. Motion passes without objection.

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD **(February 2, 2010)**

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Board reviewed Technical Committee recommendations for state recreational summer flounder management proposals for the 2010 fishery. The Technical Committee identified that some options proposed by the states of Rhode Island and New York have a higher risk of exceeding the harvest target and recommended the states not adopt those options. The Board approved all of the state proposals except for one of the options in the Maryland proposal that split management measures in the Bay and ocean waters due to the lack of data to support this area split. States will continue their state established rule-making processes before finalizing their 2010 summer flounder recreational measures.

The Board also reviewed Technical Committee recommendations for regional scup recreational proposals for the 2010 fishery. The Board voted to reduce the length of the party/charter sectors bonus season for the northern region of the fishery (MA, RI, CT, and NY) by 10 days and the bag limit by 5 fish. All other state scup recreational fishery management measures will remain unchanged from 2009. This action was taken to address an apparent large increase in catch and effort in this party/charter sector during the 45 day bonus season in the 2009 fishery which allowed a 45 fish bag limit. The Technical Committee and Board were constrained by the absence of any MRFSS catch per angler or size composition data and the lack of wave 5 (September –October) harvest estimates. In making its decision, the Board considered the results of the 2009 scup stock assessment which indicated that recent fishing mortality is well below the overfishing definition and current spawning stock biomass is over twice the target. The Board concluded that the recreational measures adopted for 2010 posed virtually no risk that overfishing would occur or that scup would become overfished. Although the measures adopted by the Board were not consistent with Technical Committee advice and are not projected to meet the harvest reduction, the Board felt more severe measures would have devastated the party/charter industry and harmed the shore and private vessel recreational fishing industry.

The Board also approved an increase in the 2010 black sea bass quota, the new total allowable landing (TAL) would be 3.7 million pounds contingent upon the National Marine Fisheries Service (NMFS) increasing the quota. This increase is based on a recommendation from the Mid-Atlantic Fishery Management Council's Science and Statistical Committee. The Board also recommended regulations for the 2010 recreational fishery if the TAL is increased by NMFS. The recommended regulations would be adopted by the states if NMFS adopts them. The Board recommended a 12.5" minimum size limit (not including the tendril), 25 possession limit, and a season of May 22 – September 12.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

Motions

Motion to approve Technical Committee recommendations for summer flounder state recreational proposals for 2010.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries (9 in favor, 1 null).

Main Motion:

Motion to approve for the states of Massachusetts through New York scup recreational fishery an open season of May 24 – Sept 26, with a 10.5 inch, 10 fish limit; In waves 3-5 allow a reduced bonus season of 30 fish for 30 days with a 11 inch fish minimum size limit.

Motion made by Mr. Simpson, second by Mr. Gilmore. Motion amended.

Motion to Amend:

Motion to amend by increasing the bonus season from 30 to 40 fish and the number of days from 30 to 35.

Motion by Rep. Peake, and seconded by Mr. Augustine. Motion carries (5 in favor, 4 opposed, 2 abstentions).

Substitute Motion:

Substitute motion to maintain the status quo scup recreational measures for all states.

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

Main Motion as Amended:

Motion to approve for the states of Massachusetts through New York scup recreational fishery an open season of May 24 – Sept 26, with a 10.5 inch, 10 fish limit; In waves 3-5 allow a reduced bonus season of 40 fish for 35 days with an 11 inch fish minimum size limit.

Motion carries.

Motion to approve for the southern region to maintain the status quo in the scup recreational fishery.

Motion made by Mr. Fote and seconded by Mr. Miller. Motion carries.

Move to amend the 2010 black sea bass specifications by increasing the total allowable catch (TAC) to 4.5 million pounds allowing a total allowable landing (TAL) level of 3.7 million pounds. This increase TAC/TAL will be approved contingent on the National Marine Fisheries Service implementing a federal TAC/TAL of these same amounts.

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

Move to recommend to the National Marine Fisheries Service (NMFS) the 2010 black sea bass recreational measures be set at 12.5” minimum size limit, 25 possession limit, and a season of May 22 – Sept 12 contingent on NMFS increasing the TAL for black sea bass. If the recommendation is adopted by NMFS the states would adopt those same measures approved by NMFS for the 2010 fishery.

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

ATLANTIC STRIPED BASS MANAGEMENT BOARD (February 2, 2010)

Meeting Summary

The Atlantic Striped Bass Management Board met to elect a Board vice-chair; review a report from the Technical Committee, including presentations from three guest speakers on mycobacteriosis; review the status of the 2010 Cooperative Winter Tagging Cruise; and discuss the coastal commercial quotas for striped bass.

The Technical Committee (TC) Report responded to five tasks from the Management Board regarding the juvenile abundance index (JAI) trigger, implications of mycobacteriosis on the stock, implications of overestimating recreational catch on stock assessment results, the availability and use of poaching estimates in stock assessment, and evidence for an offshore shift in stock distribution. The TC Report is available on the Commission’s website (<http://www.asmf.org/strippedBassMM.htm>); only partial details are included here.

The TC reported that it did not recommend using an abbreviated time series when evaluating the JAI trigger, and, as per a proposed work plan, will complete a more thorough review of each JAI and the definition of recruitment failure for the Management Board in May. Discussion and action in response to the TC’s recommendation regarding a potential recreational catch

overestimation was referred to the ISFMP Policy Board because of multispecies implications. Based on the reported lack of adequate poaching estimates for inclusion in stock assessments, a subcommittee of law enforcement and TC representatives was tasked with designing study methods capable of producing assessment-grade poaching estimates. The Management Board also recommended that the ISFMP Policy Board consider sending letters to the National Marine Fisheries Service and the United States Coast Guard requesting greater fines and permit sanctions for vessels that illegally harvest striped bass in federal waters.

The 2010 Cooperative Winter Tagging Cruise has been delayed due to vessel repairs and funding complications. The issue of securing long-term funding was referred to the ISFMP Policy Board because, in addition to tagging striped bass, the cruise collects important biological data on multiple Commission-managed species.

The discussion of coastal commercial quotas resulted in a motion to initiate an addendum to increase the coastal commercial quotas for striped bass; the motion passed. A draft addendum will be prepared for the Board's meeting in May. Before considering action to approve the draft addendum for public comment, the Board will first hear the report from the TC on JAIs. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move to nominate Tom O'Connell as Vice-Chair of the Striped Bass Management Board.

Motion made by Mr. Goldsborough and seconded by Mr. Augustine. Motion passes by consent.

Move to initiate an addendum to increase the coastwide commercial quota.

Motion made by Mr. Augustine and seconded by Mr. Johnson. Motion carries (Roll Call Vote: In favor – NY, DE, MD, PRFC, VA, NC, USFWS, NMFS; Opposed – ME, NH, MA, RI, CT, NJ, PA; Abstention – DC).

WEAKFISH MANAGEMENT BOARD (February 2, 2010)

Meeting Summary

The Weakfish Management Board met to review state compliance in 2008, the Draft 2009 Fishery Management Plan Review, and implementation plans for Addendum IV.

The Management Board did not find any states to be out of compliance with the management program in 2008. While several states fell short of their biological sampling requirements due to fiscal constraints and low weakfish landings from which to sample, the states reconfirmed their intention to fulfill future sampling requirements. The 2009 Fishery Management Plan Review was accepted by the Management Board, and will be available on the Commission's website shortly. The Board approved the requests of four states for continued *de minimis* status. Of note is that South Carolina did not request and will no longer be considered *de minimis*; thus South Carolina will be required to implement the biological sampling program described in Addendum II to Amendment 4.

The Management Board approved Addendum IV to Amendment 4 last November and requested the submission of state implementation plans by January 1. The Plan Review Team found all states to have submitted implementation plans consistent with the requirements of Addendum IV, and the plans were thus approved by the Management Board. Addendum IV requires states to implement, by May 1, a 100 pound commercial trip and bycatch limit, a 100 undersized fish allowance for finfish trawls, and a 1 fish recreational creel limit (or more conservative measures). For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move to accept the 2009 FMP Review and to approve de minimis status for the states of MA, CT, GA, and FL.

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

Move to approve the implementation plans for Addendum IV.

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

SPINY DOGFISH AND COASTAL SHARKS MANAGEMENT BOARD (February 2, 2010)

Press Release

ASMFC Sets Spiny Dogfish 2010/2011 Fishing Year Quota at 15 Million Pounds

Alexandria, VA – The Commission’s Spiny Dogfish and Coastal Sharks Management Board (Board) approved a 15 million pound quota with a maximum possession limit of 3,000 pounds for the 2010/2011 fishing year (May 1 – April 30). Under Addendum II, the quota will be allocated with 58% to states from Maine through Connecticut, 26% to New York through Virginia, and 16% to North Carolina.

The 2009 Northeast Fisheries Science Center assessment update indicates that the spiny dogfish are not overfished and overfishing is not occurring. The 2009 spawning stock biomass is estimated to be 360 million pounds, which is 2.7% below the target biomass of 370 million pounds and well above the threshold of 184 million pounds. Total removals in 2008 were approximately 23.9 million pounds corresponding to an F estimate of 0.117, well below the overfishing threshold of $F = 0.39$ and essentially equivalent to $F_{rebuild} = 0.11$. Among the sources of removals, U.S. commercial landings comprised 9.1 million pounds, Canadian commercial landings were 3.5 million pounds, and total (US and Canadian) dead discards were 10.9 million pounds, of which recreational dead discards were 228,000 pounds.

While the stock is considered rebuilt, the assessment update contains a number of caveats. These caveats include a size frequency of the female population that is concentrated between 75 and 95 cm with very few fish above 100 cm or below 70 cm; low numbers of juvenile male and female dogfish that imply that the population will fluctuate over time decreasing around 2017; a continued skewed sex ratio; and the use of assumptions about pup survivorship and selectivity of

gear. After reviewing the assessment update, the Technical Committee recommended that the Board take a precautionary approach and set a quota based on Frebuild of 0.11 = 10.7 million pounds.

The Technical Committee recommended status quo possession limits at a maximum of 3,000 pounds, noting that under the 3,000 pound possession limit, target fishing mortality target rates have not been exceeded and fishermen have been able to harvest the entire quota. The Technical Committee urged that possession limits should be set at a level that minimizes discards. Discards are associated with both high and low possession limits.

The Board also approved a 33 fish possession limit for sharks in the large coastal sharks (LCS) species group (silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks) for 2010. The Coastal Sharks Technical Committee recommended continuing with a 33 fish LCS possession limit in 2010 to maintain consistency between state and federal limits. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202)289-6400 or <cvonderweidt@asmfc.org>.

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PR10-02

Meeting Summary

In addition to setting coastal sharks and spiny dogfish specifications, the Spiny Dogfish and Coastal Sharks Board reviewed state progress implementing regulations of the Interstate FMP for Atlantic Coastal Sharks. Currently, New Hampshire, Rhode Island, Maryland, North Carolina, and South Carolina are fully compliant. Maine, Connecticut, Massachusetts, New York, Delaware, Virginia, and Georgia have implemented the vast majority of regulations and are scheduled to have the remaining regulations in place in early 2010. Florida has implemented all regulations except a 54" recreational minimum size limit for blacktip sharks. It plans to submit a conservation equivalency proposal to demonstrate that the size exemption will not undermine the conservation value and goals of the FMP. The Technical Committee will review the proposal and provide recommendations to the Board prior to the Commission's Summer Meeting.

The Board received an update on the Shark Conservation Act which amends the Magnuson-Stevens Act to prohibit removal of shark fins. The House of Representatives has passed the bill and the timing of a Senate vote is uncertain.

The Board reviewed preliminary landings for the 2009/2010 spiny dogfish fishing season. The preliminary data suggests that a combination of catch rates doubling the week before both regional closures and late reports may have resulted in overages around 700,000 pounds. Overages in the 2009/2010 fishing season will be subtracted from the 2010/2011 quota. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202)289-6400 or <cvonderweidt@asmfc.org>.

Motions

Move to approve the 2010 Coastal Sharks Specifications, 33 fish LCS possession.

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion passes.

Move that the Spiny Dogfish & Coastal Sharks Management Board recommend to the ISFMP Policy Board that the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks. New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance the state of New Jersey must implement all measures contained in the Interstate FMP for Atlantic Coastal Sharks.

Motion made by Mr. Miller and seconded by Mr. Augustine. Motion passes (14 in favor, 2 abstentions).

Move that for May 1, 2010, through April 30, 2011, the spiny dogfish quota be set at 15 million pounds.

Motion made by Dr. Pierce and seconded by Mr. R. White. Motion passes (13 in favor, 2 opposed).

Main Motion:

Move that the states in the northern region set the trip limit at 2,000 pounds.

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

Motion to Amend:

Move to amend that all states be allowed to set possession limits up to 3,000 pounds.

Motion made by Mr. Stockwell and seconded by Mr. Munden. Motion passes (9 in favor, 1 opposed, 1 null, 2 abstentions).

Main Motion as Amended:

Move that all states be allowed to set possession limits up to 3,000 pounds.

Motion made by Mr. Stockwell and seconded by Mr. Munden. Motion passes (12 in favor, 3 abstentions).

HORSESHOE CRAB MANAGEMENT BOARD (February 3, 2010)

Press Release

**Horseshoe Crab Benchmark Assessment Indicates Increased
Abundance in the Southeast and Delaware Bay Region and Decreased
Abundance in New York and New England
*Board Initiates Addendum to Address Future Management Measures***

Alexandria, VA – In its report to the Commission’s Horseshoe Crab Management Board, an independent panel of scientists endorsed the use of the 2009 horseshoe crab benchmark stock

assessment and its accompanying multispecies Adaptive Resource Management (ARM) framework for management use.

The assessment indicates abundance has increased in the Southeast and Delaware Bay Region (New Jersey through coastal Virginia), and decreased in the New York and New England. In the Delaware Bay Region, increasing trends were most evident for juveniles, followed by adult males. An increase in adult females is now beginning to be observed in the Virginia Tech Benthic Trawl Survey. These patterns are indicative of population recovery, given that horseshoe crab females take longer to mature than males.

In contrast, declining abundance was evident in New York and New England. Declines in the New England population were also apparent in the 2004 assessment; however, declines in New York represent a downturn from the 2004 assessment. The Technical Committee believes decreased harvest quotas in Delaware Bay encouraged increased harvest in nearby regions. The Technical Committee recommends continued precautionary management to address effects of redirected harvest from Delaware Bay to outlying populations.

The ARM framework includes modeling that links management of horseshoe crab harvest to multispecies objectives, particularly red knot shorebird recovery. It was developed jointly by the Commission, U.S. Fish and Wildlife Service, and U.S. Geological Survey in recognition of the importance of horseshoe crab eggs to several shorebird species in the Delaware Bay. Within the ARM framework, a set of alternative multispecies models have been developed for the Delaware Bay to predict the optimal horseshoe crab harvest strategy that would address the needs of red knot population as well as the fishing industry. Both the peer review panel and Horseshoe Crab Management Board accepted use of the ARM framework as a tool to provide guidance for the multispecies management of horseshoe crab.

In response to these findings and in anticipation of the expiration of the Addendum V in October 2010, the Management Board initiated the development of Draft Addendum VI to the Horseshoe Crab Fishery Management Plan. The Draft Addendum will propose options to extend the current management measures under Addendum V as well as incorporate a number of options that have been included in the ARM framework. The Board will meet during the Commission's Spring Meeting in May to consider approval of the Draft Addendum for public comment.

A more detailed overview of the horseshoe crab stock assessment is available on the Commission website (www.asafc.org) under Breaking News (Horseshoe Crab Stock Assessment Overview). 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 Horseshoe Crab Stock Assessment Report, Delaware Bay ARM Report, and Horseshoe Crab Stock Assessment Peer Review Advisory Report will also be available on the Commission website by February 10. For more information, please contact Brad Spear, Senior Fishery Management Coordinator for Policy, at (202) 289-6400.

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PR10-03

Motions

Move to accept the Horseshoe Crab Benchmark Stock Assessment, ARM Model and Peer Review Report, and have the Horseshoe Crab and Shorebird Technical Committees review of the recommendations presented in the Peer Review Report.

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

Move that the Board initiate the development of Addendum VI, which would include at least: 1) an option for status quo and 2) management under ARM.

Motion made by Mr. Travelstead and seconded by Mr. Gilmore. Motion carries without objection.

Move that the Horseshoe Crab Management Board recommend that the ISFMP Policy Board consider inclusion of the Virginia Tech Benthic Trawl Survey in the prioritized list of project needs to the National Marine Fisheries Service for FY2011.

Motion made by Mr. Cole and seconded by Mr. Geer. Motion carries by consensus.

Move to nominate Mr. O'Connell as Chair of the Horseshoe Crab Board.

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

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD **(February 3, 2010)**

Meeting Summary

The South Atlantic Board reviewed the public comment on the Public Information Document (PID) for the Spanish Mackerel, Spot, and Spotted Seatrout Omnibus Amendment. This amendment was initiated to address compliance criteria, alignment with Commission standards, and, for Spanish mackerel, state-federal consistency. The purpose of the PID is to generate initial input on the fisheries and their management before development of the Draft Amendment begins. The Management Board reconfirmed its intent to continue with the Omnibus Amendment, and provided guidance to staff and the Plan Development Team on information and options to include in the Draft Amendment. The Board is expected to review the Draft Amendment in August, and may at that point approve it for public comment or request further development by the Plan Development Team.

The South Atlantic Board also reviewed and accepted the draft 2009 Fishery Management Plan Reviews for Spotted Seatrout and Spanish Mackerel. The management plans for these two species currently do not include any compliance criteria, thus there were no compliance issues for the Board to consider. The finalized documents will be available on the Commission's website shortly, and include such information as fishery landings, state sampling programs, and research recommendations.

Jessica McCawley of the Florida Fish and Wildlife Conservation Commission was elected Vice-Chair of the Management Board. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move to accept the 2009 FMP Review for Spotted Seatrout.

Motion made by Mr. Cole and seconded by Dr. Laney. Motion carries.

Move to accept the 2009 FMP Review for Spanish Mackerel.

Motion made by Mr. Cole and seconded by Dr. Laney. Motion carries.

Move to nominate Jessica McCawley as Vice-Chair of the South Atlantic Board.

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

BLUEFISH MANAGEMENT BOARD (February 4, 2010)

Meeting Summary

The Bluefish Management Board received a presentation on the Technical Committee's request to implement a coastwide monitoring program for bluefish in order to assist future stock assessments. The Board requested a workshop be held in early 2011 with the objectives of addressing difficulties in aging techniques; developing a monitoring program, including associated costs; and identifying funding sources to implement a monitoring and aging program.

Jack Travelstead was elected Board Chair and A.C. Carpenter was elected Board Vice-Chair. Pat Augustine was acknowledged for his service as Board Chair (2008 – 2010). For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or ktaylor@asmfc.org.

Motions

Move to elect Mr. Travelstead as Chair and Mr. Carpenter as Vice-Chair of the Board.

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

SHAD & RIVER HERRING MANAGEMENT BOARD (February 4, 2010)

Meeting Summary

The Shad and River Herring Management Board met to select the final management and monitoring measures and the implementation date for Draft Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring (American Shad Management). The Board approved the final Amendment and forwarded its recommendation to the Business Session for Commission approval (see press release on page 20 for more details). For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or ktaylor@asmfc.org.

Motions

Move to adopt the fisheries-dependent and independent monitoring program as proposed in Amendment 3 (Tables 2 and 3). If states/jurisdictions cannot meet the monitoring requirements, they can work w/the Commission to develop an acceptable alternative in their Fishing/Recovery Plan as stated in Section 6.0. Motion by made Dr. Duval and seconded by Dr. Laney. Motion passes (18 in favor, 1 opposed).

Move to request the Technical Committee to review and prioritize the data collection elements in the monitoring program. The review should include a brief explanation of the importance of each element to the stock assessment.

Motion made by Mr. Simpson and seconded by Mr. Stockwell. Motion passes by consent.

Move to recommend that states/jurisdictions address in-river/estuarine bycatch monitoring needs and intent in their sustainable fishery proposals and Fishing/Recovery Plans.

Motion made by Dr. Duval and seconded by Mr. Stockwell. Motion passes by consent.

Move to recommend that the Board and states collaborate with shad and river herring bycatch reduction efforts of the NEFMC (Amendment 5) and MAFMC (Amendment 14) ongoing FMPs.

Motion made by Mr. Stockwell and seconded by Dr. Duval. Motion passes.

Main Motion:

Move to adopt Option 3 - Close fisheries with exceptions for those systems with a sustainable fishery. *De minimis* states are exempt from this provision.

Motion made by Mr. Stockwell and seconded by Mr. Gilmore. Motion amended.

Motion to Amend:

Move to amend by deleting “*de minimis* states are exempt from this provision.”

Motion by made Mr. Carpenter and seconded by Mr. Augustine. Motion passes (15 in favor, 4 opposed).

Main Motion as Amended:

Move to adopt Option 3 - Close fisheries with exceptions for those systems with a sustainable fishery.

Motion made by Mr. Stockwell and seconded by Mr. Gilmore. Motion passes (18 in favor, 1 opposed).

Main Motion:

Move to adopt Option 4 – Prohibit retention with exceptions for those systems with a sustainable fishery. *De minimis* states are exempt from this provision.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion substituted.

Motion to Substitute:

Move to substitute to prohibit harvest and possession except in sustainable systems but allow states to permit catch and release fishing.

Motion made by Mr. Duren and seconded by Mr. Carpenter. Motion passes (15 in favor, 3 opposed).

Main Motion as Substituted:

Move to prohibit harvest and possession except in sustainable systems but allow states to permit catch and release fishing.

Motion made by Mr. Duren and seconded by Mr. Carpenter. Motion passes (15 in favor, 3 opposed).

Move that the Fishing/Recovery Plans shall be submitted to the Technical Committee no later than August 1, 2011. Habitat Plans shall be submitted no later than August 1, 2013. States without an approved plan for the sustainable fishery are required to close (with the exception of catch and release recreational fisheries) their fisheries by January 1, 2013.

Motion made by Dr. Duval and seconded by Mr. Stockwell. Motion passes (19 in favor).

Move to approve the *de minimis* standard as set forth in staff presentation.

Motion made by Mr. Augustine and seconded by Mr. Young. Motion passes by consent.

Move to recommend that the full Commission approve Amendment 3 as modified today.

Motion made by Mr. Adler and seconded by Mr. Augustine. Motion passes by consent.

Move to nominate Dr. Michelle Duval as Vice-Chair.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion passes by consent.

ISFMP POLICY BOARD (February 3 & 4, 2010)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to discuss a number of issues. The Board reviewed a petition to list Atlantic sturgeon under the Endangered Species Act. The Board agreed to send a comment letter to the National Marine Fisheries Service (NMFS) stating that the current moratorium and other measures taken by the states appears to be having a positive effect on the stock and there will be limited benefit of a listing at this time.

The Committee on Economics and Social Sciences presented a range of options for a low cost evaluation of the economic valuation of ASMFC fisheries. The Policy Board agreed that this is important work and will consider the options as a part of the 2011 priority setting and budgeting process.

Based on the recommendation from the Habitat Committee, the Board approved the *Living Shorelines Habitat Source Document*.

The Policy Board received a presentation summarizing black drum data availability, life history, and management. The Board agreed that the Commission should schedule a data workshop to evaluate existing data to initiate a review of the stock status and harvest practices. This information will be provided to the Commission to determine if interstate management of black drum is warranted.

The Policy Board discussed how the Commission should respond to the Mid-Atlantic and New England Fishery Management Councils action on annual catch limits and accountability measures. The Board tasked staff with summarizing the actions being taken by the Councils for presentation at the Spring Meeting. The species management boards will individually decide the appropriate ASMFC action.

The Policy Board asked staff to review the content and timing of the Annual FMP Reviews to improve the functionality of these documents. The Policy Board approved adding more details of the current FMP and approving the FMP Reviews via fax poll if a meeting is not scheduled.

The Policy Board appointed a Quota Working Group to discuss issues associated the Commission quota management and allocation. The Board received a summary of the Working Group's conference call that was held on December 14. The Policy Board agreed with the recommendation that the Commission should comment on the Draft NMFS Catch Share Policy. A draft letter will be circulated to the Executive Committee for approval prior to submission to NMFS.

The Policy Board also discussed a number of issues under other business. The Board received a brief presentation on the consideration for a CITES listing of Atlantic bluefin tuna. A number of states indicated they will be sending letters to NMFS and the US Fish and Wildlife Service on the potential listing.

The Striped Bass Management Board recommended that the Policy Board send letters to the NMFS and US Coast Guard seeking increased penalties for illegal striped bass fishing. The Policy Board agreed with the recommendation and has sent letters seeking increased civil penalties and suspension or revocation of charter boat captains licenses.

The Policy Board also discussed the priority and funding of critical fishery-independent research. The Board agreed to develop a list of research priorities and work with its federal partners to secure funding to ensure that this critical research does not lapse.

A brief presentation was provided on SB 1816 Chesapeake Bay Clean Water Act. The Board agreed to send a letter of conceptual support to the Act.

For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

Move that the ASMFC draft a letter supporting the ASMFC plan for Atlantic sturgeon and opposing an ESA listing at this time.

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion carries (12 in favor, 2 opposed, 4 abstentions).

Move to approve the Living Shorelines Habitat Source Document as presented by Dr. Laney.

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

Move to convene a data workshop for black drum.

Motion made by Dr. Daniel and seconded by Mr. Travelstead. Motion carries without opposition.

On behalf of the Spiny Dogfish and Coastal Sharks Management Board I move that the ISFMP Policy Board recommend to the full Commission that the state of New Jersey be

found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks. New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance the state of New Jersey must implement all measures contained in the Interstate FMP for Atlantic Coastal Sharks.

Motion made by Dr. Daniel. Motion carries (15 in favor, 3 abstentions).

Move that a letter be sent to the NMFS and the U.S. Coast Guard regarding penalty fines and/or suspension and/or forfeiture of captains license/permits for fishing for striped bass in the EEZ. Motion made by Mr. Travelstead and seconded by Mr. O'Connell. Motion carries (16 in favor, 1 opposed, 1 abstention).

Move that the ASMFC send a letter expressing support of the SB 1816 Chesapeake Bay Clean Water Act, contingent upon removal of the 5 year study of menhaden.

Motion made by Mr. Goldsborough and seconded Dr. Kray. Motion tabled.

Motion to table until February 4 Policy Board Meeting.

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

Policy Board reconvened on February 4, 2010.

Move to take the tabled motion off the table.

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

Tabled Motion as Modified by the Maker and Seconder:

Move that the ASMFC send a letter of conceptual support of SB 1816 Chesapeake Bay Clean Water Act, consistent with the language read into the record by Mr. Ballou.

Motion made by Mr. Goldsborough and seconded Dr. Kray. Motion passes (2 opposed, 1 abstention).

Move to reconsider to send an ASMFC letter highlighting the Commissions FMP provisions and member states' numerous significant efforts to restore, conserve and manage our stressed Atlantic sturgeon stock. Commission members believe that our recent management measures including harvest moratorium, monitoring, and research are having positive results and will continue to do so without ESA action at this time.

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

BUSINESS SESSION (February 3 & 4, 2010)

Press Release

**ASMFC Approves American Shad Amendment
*States Water Fisheries to be Closed by January 1, 2013 unless Sustainability is
Demonstrated; Promotes Catch and Release Recreational Fisheries***

Alexandria, VA – The Atlantic States Marine Fisheries Commission has approved Amendment 3 to the Interstate Fishery Management Plan (FMP) for Shad and River Herring (American Shad Management). The Amendment establishes a coastwide commercial and recreational moratorium, with exceptions for sustainable systems. Sustainability is determined through state specific management plans, and applies to systems that demonstrate their commercial and/or recreational fishery will not diminish the potential future stock reproduction and recruitment. The Amendment allows for any state or jurisdiction to keep their waters open to a catch and release recreational fishery. States or jurisdictions without an approved sustainability management plan in place by January 1, 2013 will be closed (with the exception of catch and release recreational fisheries).

The Amendment was developed in response to the findings of the 2007 benchmark stock assessment for American shad, which indicates that American shad stocks are currently at all-time lows and do not appear to be recovering. It identified the primary causes for the continued stock declines as a combination of excessive total mortality, habitat loss and degradation, and migration and habitat access impediments. Although improvement has been seen in a few stocks, many remain severely depressed compared to historic levels.

To improve data collection, the Amendment implements additional required fisheries-independent and dependent monitoring for some states or jurisdictions. This includes monitoring of juvenile and adult American shad stocks; hatchery production; and commercial, recreational, and bycatch fisheries. Additionally, the Amendment increases coordination of monitoring activities for river systems under shared jurisdictions, as well as between freshwater and marine agencies. The Amendment also promotes collaboration between the Commission and the New England and Mid-Atlantic Fishery Management Councils as the Councils work to develop bycatch reduction strategies for shad and river herring through Amendment 5 (Atlantic Herring) and Amendment 14 (Squid, Butterfish and Mackerel).

American shad were once considered the most important commercial food fish. Along with river herring, American shad are a valuable cultural and social resource with many community festivals occurring during the spring spawning migration. As a forage fish, American shad play an important ecological role in freshwater, estuarine, and marine environments.

The Amendment will be available by mid-February via the Commission's website at www.asmfc.org under Breaking News or by contacting the Commission at (202) 289-6400. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or at ktaylor@asmfc.org.

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PR10-05

Meeting Summary

The Commission held a closed session to discuss issues related to pending litigation against the Commission. Following the closed session, the Commission reviewed a noncompliance recommendation from the ISFMP Policy Board. The Commission concurred with the Policy Board recommendation and found the State of New Jersey out of compliance with the Interstate Fishery Management Plan for Atlantic Coastal Sharks. The Commission will be notifying the Secretaries of Commerce and the Interior of the noncompliance finding.

The Commission approved Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring.

For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

On behalf of the ISFMP Policy Board I move that the full Commission find the state of New Jersey out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks. New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance the state of New Jersey must implement all measures contained in the Interstate FMP for Atlantic Coastal Sharks.

Motion made by Mr. Diodati. Motion carries (12 in favor, 1 abstention).

On behalf of the Shad and River Herring Management Board I move adoption of Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring.

Motion made by Dr. Rhodes. Motion carries (12 in favor).