

## Atlantic States Marine Fisheries Commission

### ISFMP Policy Board

*August 3, 2016  
1:30-3:30 p.m.  
Alexandria, Virginia*

### Draft Agenda

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

1. Welcome/Call to Order (*D. Grout*) 1:30 p.m.
2. Board Consent (*D. Grout*) 1:30 p.m.
  - Approval of Agenda
  - Approval of Proceedings from May 2016
3. Public Comment 1:35 p.m.
4. State Directors Meeting Report (*D. Grout*) 1:45 p.m.
5. Executive Committee Report (*D. Grout*) 1:50 p.m.
6. Review of Stock Rebuilding Performance (*T. Kerns*) 2:00 p.m.
7. Discuss Recommendation from South Atlantic State Federal Management Board regarding Commission involvement in Cobia Management (*J. Estes*) **Action** 2:15 p.m.
8. Discuss Revisions to Conservation Equivalency Guidance Documents (*T. Kerns*) 2:45 p.m.
9. Risk and Uncertainty Policy Workgroup Progress Report (*S. Madsen*) **Action** 2:55 p.m.
10. Habitat Committee Report (*L. Havel*) 3:05 p.m.
11. Artificial Reef Committee Report (*L. Havel*) 3:15 p.m.
12. Atlantic Coastal Fish Habitat Partnership Report (*L. Havel*) 3:20 p.m.
13. Review Non-Compliance Findings, If Necessary **Possible Action** 3:25 p.m.
14. Other Business/Adjourn 3:30 p.m.

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia; 703.253.8600

# MEETING OVERVIEW

## ISFMP Policy Board Meeting

Thursday, August 3, 2016

1:30-3:30 p.m.

Alexandria, Virginia

Chair: Doug Grout (NH) Assumed Chairmanship: 10/15	Vice Chair: Jim Gilmore (NY)	Previous Board Meeting: May 4, 2016
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 4, 2016

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

<b>4. State Directors Meeting Report (1:45-1:50 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The State Directors will meet on August 1, 2016.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• D. Grout will provide an update of the meeting</li></ul>
<b>Board direction for consideration at this meeting</b> <ul style="list-style-type: none"><li>• none</li></ul>

<b>5. Executive Committee Report (1:50-2:00 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Executive Committee will meet on August 2, 2016.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• D. Grout will provide an update of the committees work</li></ul>
<b>Board direction for consideration at this meeting</b> <ul style="list-style-type: none"><li>• none</li></ul>

<b>6. Review of Stock Rebuilding Performance (2:00-2:15 p.m.)</b>
<b>Background</b>

- As part of the ASMFC 2014-2018 Strategic Planning process, the Commission agreed to conduct more frequent reviews of stock status and rebuilding progress.
- The ASMFC's 2016 Action Plan tasks the Policy Board with conducting a review of stock rebuilding performance.
- This will include an update on the Climate Change Work Group

**Presentations**

- A presentation will be given on the stock rebuilding performance for each species managed by the Commission by T. Kerns (**Supplemental Materials**)

**Board actions for consideration at this meeting**

- Determine if the rebuilding performance for each species is consistent with the Commission Vision and Goals.
- If the performance is not consistent with Vision and Goals, what action should be taken.

**7. Discuss Recommendation from South Atlantic State Federal Management Board regarding Commission involvement in Cobia Management (2:15-2:45 p.m.) Action**

**Background**

- The South Atlantic Council Fishery Management Council (Council) requested the Commission consider joint or complementary management of cobia with the Council (Briefing Materials).
- In 2105, 82% of the cobia harvest occurred in state waters. The ACL was exceeded by approximately 91,000 pounds. The Council is looking for a more flexible management approach to allow for timely adjustments of measures but still provide equitable access across multiple jurisdictions while meeting conservation goals.
- The Policy Board tasked the South Atlantic State/Federal Fisheries Management Board (SASFMB) to look at types of management scenarios and bring a recommendation to the Policy Board in August

**Presentations**

- J. Estes will present a recommendation on behalf of the SASFMB.

**Board guidance for consideration at this meeting**

- Does the board want to consider a cobia FMP?

**8. Discuss Revisions to Conservation Equivalency Guidance Documents (2:45-2:55 p.m.)**

**Background**

- The Executive Committee tasked staff to update the Conservation Equivalency Guidance Document to reflect the current practices of the Commission.
- The MSC and ASC reviewed proposed revisions and made recommendations to the Executive Committee (**Briefing Materials**).
- The Executive Committee will discuss the proposed revisions at the August 2 meeting.

**Presentations**

- T. Kerns will review the executive Committee discussion on the Conservation Equivalency Guidance Document

**Board guidance for consideration at this meeting**

- None

**9. Risk and Uncertainty Policy Workgroup Update (2:55-3:05 p.m.) Action****Background**

- Previously, both scientific oversight committees recommended developing a Commission Risk and Uncertainty Policy and advised the formation of a multi-disciplinary workgroup.
- The Risk and Uncertainty Policy Workgroup was formed and met to develop a timeline and create an overarching statement to guide policy development.  
**(Supplemental Materials)**

**Presentations**

- S. Madsen will review (1) the timeline for the development of the Commission's Risk and Uncertainty Policy and (2) the Risk Policy statement developed by the Workgroup  
**(Supplemental Materials).**

**Board actions for consideration at this meeting**

- Approve the Risk Policy statement

**10. Habitat Committee Report (3:05-3:15 p.m.)****Background**

- The Habitat Committee met in May in Cape May, New Jersey
- The Sciaenid Habitat Source Document is in the final writing stages.
- The Committee provided feedback on NOAA's Atlantic Sturgeon Critical Habitat designations.

**Presentations**

- L. Havel will present the Habitat Committee updates.

**Board direction for consideration at this meeting**

- None

**11. Artificial Reef Committee Report (3:15-3:20 p.m.)****Background**

- ACFHP's The Artificial Reef Committee met jointly with the GSMFC Artificial Reef Committee in March in San Antonio, Texas.
- ASMFC co-hosted the National Artificial Reef Workshop with NOAA Fisheries in Alexandria, VA in June.

**Presentations**

- L. Havel will present Artificial Reef Committee updates.

**Board direction for consideration at this meeting**

- None

**12. Atlantic Coastal Fish Habitat Partnership Report (3:20-3:25 p.m.)****Background**

- ACFHP's Science and Data and Steering Committees met in May in Cape May, New Jersey to discuss several topics including: updating ACFHP's 5-year conservation strategic plan, the black sea bass habitat contract, and the eel grass conservation project in Narragansett Bay, Rhode Island.
- A funding offer has been made to The Nature Conservancy to remove the Bradford Dam in Westerly, Rhode Island with funds from USFWS NFHAP funds.
- Southeast fish habitat mapping project has begun thanks to funding from NOAA. The goal of the project is to prioritize habitat areas on along the Atlantic coast for restoration and protection.

**Presentations**

- L. Havel will present ACFHP updates.

**Board direction for consideration at this meeting**

- None

**11. Review Non-Compliance Findings, if Necessary****12. Other Business****13. Adjourn**

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

**The Westin Alexandria  
Alexandria, Virginia  
May 4, 2016**

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

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## INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of February 2016 by Consent** (Page 1).
3. **Move for the ISFMP Policy Board to direct the South Atlantic Board to develop the alternatives for a fishery management plan for joint, complementary, and exclusive jurisdiction for the Commission** (Page 8). Motion by Robert Boyles; second by Jim Gilmore. Motion amended.
4. **Motion to amend: Move for the South Atlantic Board to bring a recommendation to the Commission through the ISFMP Policy Board (Page 13)** Motion by Spud Woodward; second by Tom Fote. Motion carried (Page 15).
5. **Main motion as amended: Move the ISFMP Policy Board direct the South Atlantic Board to develop the alternatives for a fishery management plan for joint, complementary, and exclusive jurisdiction for the Commission. The South Atlantic Board will bring a recommendation to the Commission through the ISFMP Policy Board.** Motion carried (Page 15).
6. **Move to approve the assessment schedule as modified today** (Page 20). Motion by Roy Miller; second by Emerson Hasbrouck. Motion carried by consensus (Page 20).
7. **Motion on behalf of the American Lobster Board (Page 24): Move the Commission to send a letter to the President of the United States of America regarding the following: The preference of the Commission would be for the current New England Council Coral Management Process to continue, without presidential use of the Antiquities Act, to protect deep sea corals. Should the President/CEQ decide to designate a New England deep water monument prior to the end of his presidency, the Commission requests that any area so designated, be limited to the smallest area compatible with the proper care and management of the objects to be protected; as required by the Antiquities Act.**  
  
**Further, the area be limited to depths greater than approximately 900 meters, and encompass any and all of the regions seaward of this line out to the outer limit of the EEZ. That only bottom tending fishing effort be prohibited in the area, and that all other mid water/surface fishing methods, recreational and commercial be allowed to continue to use the area. That the public and effected user groups be allowed to review and comment on any specific proposal prior to its implementation.** Motion carried (Page 26).
8. **Motion to adjourn** by Consent (Page 26).



**ATTENDANCE**

**Board Members**

Patrick Keliher, ME (AA)	Tom Moore, PA, proxy for Rep. Vereb (LA)
Terry Stockwell, ME, Administrative proxy	David Saveikis, DE (AA)
Sen. Brian Langley, ME (LA)	John Clark, DE, Administrative proxy
Steve Train, ME (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Doug Grout, NH (AA)	David Blazer, MD (AA)
Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Rep. Sarah Peake, MA (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Bill Adler, MA (GA)	John Bull, VA (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rob O'Reilly, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rep. Bob Steinburg, NC (LA)
Jason McNamee, RI, proxy for J. Coit (AA)	Doug Brady, NC (GA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for B. Davis (AA)
David Simpson, CT (AA)	Mel Bell, SC, proxy for M. Rhodes (GA)
Mike Falk, NY, proxy for Sen. Boyle (LA)	Robert Boyles, SC (AA)
Jim Gilmore, NY (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Emerson Hasbrouck, NY (GA)	Nancy Addison, GA (GA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Martin Gary, PRFC
Andy Shiels, PA, proxy for J. Arway (AA)	Mike Millard, USFWS
Loren Lustig, PA (GA)	Kelly Denit, NMFS

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

**Ex-Officio Members**

**Staff**

Bob Beal	Ashton Harp
Toni Kerns	

**Guests**

Chuck Lynch, NOAA	Bob Ballou, RI DEM
Wilson Laney, USFWS	Brian Hooker, BOEM
Roy Crabtree, NMFS	Bob Vanasse, Saving Seafood
Jack Travelstead, CCA	Jonathan French, Falls Church, VA
Mike Armstrong, MA DMF	Gregg Waugh, SAFMC
Nichola Meserve, MA DMR	Arnold Leo, E. Hampton, NY
Jeff Deem, VMRC	

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 4, 2016, and was called to order at 11:02 o'clock a.m. by Chairman Douglas E. Grout.

#### **CALL TO ORDER**

CHAIRMAN DOUGLAS E. GROUT: Good morning, we would like to convene the policy board here. We have a lot to do on our agenda. Welcome to the policy board. We have quite a number of items on the agenda, but before we start what I would appreciate; we had a couple of members of our ASMFC family pass away this past month.

The first one is former commissioner from Maine, Pat White, and former Heart award. He was the first governor's appointee to ever receive the Heart award. He passed away suddenly while in Florida. Also, our long time meeting minute's recorder and stenographer, Joe Graham, passed away this month. I would like to take just a minute to remember these fine young men; fine men. Yes, they were young, young at heart. Just take a moment of silence here.

Okay thank you very much, we will miss them both.

#### **APPROVAL OF AGENDA**

CHAIRMAN GROUT: I have an agenda here. There is one item under other business that I have as a change, and that is there is a request from the Lobster Board for a letter to be written, regarding a position on monuments. We'll take that up under other business. Are there other?

SENATOR BRIAN LANGLEY: Brian Langley from Maine; I wish you would put me on under other business, if you would.

CHAIRMAN GROUT: So done, Brian; thank you. Any other changes to the agenda, seeing none;

is there any objection to approving the agenda as modified? I see that as a unanimous consent.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GROUT: Also we have in our binders, under meeting materials, a proceeding from our February Policy Board meeting.

Are there any changes or modifications to those meeting minutes? Seeing none; is there any objection to approving the minutes as written? The minutes are approved by consent.

#### **PUBLIC COMMENT**

CHAIRMAN GROUT: Under public comment I have one person, Brian Hooker from BOEM; if you would like to come up to the public microphone there, Brian.

MR. BRIAN HOOKER: I just wanted to take this opportunity to just quickly update the board on activities in BOEMs renewable energy in the Atlantic, Offshore Renewable Energy Program in the Atlantic, and also simultaneously offer if at any future meetings you would like a more full presentation, I am available to do that as well. But just quickly I wanted to give you an update on where we are, kind of working from the north, south. The two lease areas just west of Nantucket Shoals are still in their site assessment phase. They are beginning site characterization surveys. In the vicinity of Cox Ledge, we're still in the early phase. They will likely be deploying a meteorological buoy this summer. Also near that same area, there is the state waters Block Island Wind Facility Project, and the cable to shore, which BOEM has some jurisdiction over, is beginning work this summer. They've already started some of the state waters work, with the transmission cable between Block Island and Scarborough Beach.

Also moving further to the west and New York Byte, we have recently issued area identification for an area in offshore New York, for lease. We hope by the end of this month,

early June, we'll have an environmental assessment that will be available for 30 day public comment. The proposed sale notice will be released simultaneously; which has a public comment period on that as well.

We definitely welcome comments, not only on the proposed sale notice, but on the environmental assessment for site characterization and site assessment activities, and any alternatives that may be appropriate for that environmental assessment. Again that will be released probably by the end of this month, early June.

Moving further down into the Mid-Atlantic Bay, we did have a successful lease sale offshore New Jersey recently. There are two lease areas. There will be an intergovernmental task force meeting on May 19, where I believe we'll have the developers give kind of an idea, present where they are and what their thinking is for what their schedules will be for any activities offshore New Jersey.

Moving on to Virginia, we have issued a research activity plan for one demonstration project involving two turbines, offshore Virginia; that is in partnership with the Virginia Department of Mines, Minerals and Energy, and Dominion Power. Then I accidentally skipped over Maryland. Offshore Maryland we do have an active lease site, where they hope to build a meteorological tower offshore Maryland this summer.

They completed their site assessment site characterization activities, mostly last summer; but they will be continuing just a few additional surveys this summer offshore Maryland, to look at the potential cable route for the commercial facility. Moving down to the South Atlantic Bay, we have decided to defer.

Offshore North Carolina we have three wind energy areas defined. We are deferring the two lease areas south of Cape Hatteras until a further sale notice, but the sites north of

Oregon Inlet, and south of the Virginia, North Carolina border, known as the Kitty Hawk Lease Area, is moving forward with a proposed sale notice. That will likely occur in early 2017.

As I said, the two wind energy areas south of Cape Hatteras are being now evaluated as a part of the areas that are being evaluated as far as the South Carolina area. There is a Grand Strand area, which we are still analyzing that we published in the Federal Register on November 25th, this past year.

Offshore Georgia, they are still in the planning phases for a potential meteorological tower. That particular lease does not have the ability to grow into a commercial scale facility; it is just a site assessment type of lease. That is really it. I don't want to take any more of the Policy Board's time, but I just wanted to take this opportunity to give you an update of where we are, and invite you to e-mail me or check out our website if you would like further information on these areas. Again, I am always open to coming to present more fully to this board at a future meeting.

CHAIRMAN GROUT: Dennis Abbott.

MR. DENNIS ABBOTT: I would like to speak as personal privilege to the commission members here today. Last night we had an awards ceremony. During the awards ceremony I was very embarrassed by the actions of the commission, not just the folks in this room, and probably not most of the folks in this room.

But I'm an old man, and I'm the oldest guy in this room, I know. I grew up knowing that respect was a very important thing. When I go to ceremonies, when the National Anthem is played, I stand at attention and listen. When somebody is being recognized for an award, I listen. I thought that last night showed a lack of common courtesy to the people who were being recognized.

I apologize to the Awards Committee, particularly to Spud Woodward, who under what I consider difficult circumstances; I had trouble hearing him. I apologize to our Chairman, and I apologize to our Executive Director. Mostly I apologize for the staff members, who work hard to put this all together.

I think we're better than we showed last night. I am not just addressing the people in this room, because there are other folks who are meeting in this building too, part of our group, who I thought did not exercise the proper common courtesy, and did not comport themselves in a manner that is reflective of the Atlantic States Marine Fisheries Commission.

I'm sorry if I offend anybody, but anyway I just felt after I left last night's ceremonies, I could not help but keep thinking about what I thought was our lack of comportment. It would be my suggestion that we go back to the old days, where there is no food, no drinks; until we do our award ceremony. I'm sorry, but I felt it was necessary for me to say this. Thank you very much.

#### **EXECUTIVE COMMITTEE REPORT**

CHAIRMAN GROUT: Thank you, Dennis, I will move on now to our next agenda item, and that is a report from me of the Executive Committee work yesterday. We received a report from our Chair of the AOC regarding the FY17 budget. We seem to be in fairly good standings here with our budget.

As a result the decision was made to keep our dues at level funding from last year. I'll make a note that this is the second year in a row; that through the fine work of Laura Leach, and our administrative staff that we've been able to hold our dues to level funding, which has been very helpful to many of our states that are facing budget shortfalls.

We also discussed some potential funding opportunities via some Saltonstall-Kennedy funds we'll be putting forward, and developed a motion to fund some shortfalls in fisheries independent survey funding work with that. That would include the Maine/New Hampshire Inshore Trawl Survey, the Horseshoe Crab Survey, SEAMAP, and then also some striped bass research that is being done in the Chesapeake Bay and Delaware Bay area. We also are going to have staff develop a white paper on Plan Development Team membership by commissioners. There has been some concern expressed by some commissioners about having commissioners both on the PDT and serving on the commission at board levels. But we're going to come up with a variety of options. One of the major things brought up is potentially having the Chair and Vice-Chair of a board sit on the PDT as nonvoting members.

We also began discussion on revisions to the Conservation Equivalency document, but had to move those things on to our August meeting, because we didn't have enough time to complete the review of the document that has been put together by staff, and reviewed by the Management and Science Committee, and the ASC. We'll bring that up in August.

Finally, we discussed ACCSP governance and we'll be bringing a motion forward at the full business session immediately after this. Those are the things we talked about at the Executive Committee. Are there any questions? Seeing none; we'll move on, one question oh yes, two questions, Dave Borden.

MR. DAVID V. BORDEN: Ritchie was trying to get your attention. This is just a question; this is on the issue of the funding priorities for those projects that were listed; horseshoe crabs and so forth. It is my understanding since the meeting that there may be an opportunity, and maybe Bob Beal can comment on this, to fund some of those activities through a different source; which would free up some of that money to be used for some of the other

projects that were submitted. I just want to ask Bob if you could confirm that or just state what your understanding is.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes there have been a number of discussions following the Executive Committee yesterday morning, and there is an indication that the Maine/New Hampshire portion of the NEMAP survey may have an alternate funding source, and that was listed as one of the priorities that came out of the Executive Committee meeting.

If that source does in fact come through, and we can verify that that money is available, then that will free up some of the funding to move farther down that list and work on some other priorities. I think since the Executive Committee did not prioritize all the other projects on there, if there is additional funding available, now that the NEMAP project has been funded elsewhere.

We'll have to go back to the Executive Committee and seek guidance from them on which are the next priorities down that list that we should use the available money for. I guess all of this goes with the caveat that the S-K funding is not guaranteed in any year anyway. There are a number of variables here, but we'll keep working with the Executive Committee to try to work through those.

CHAIRMAN GROUT: I also will mention that we also on this particular item, we also tasked staff with developing a white paper. Where we would have some criteria that would evaluate the different funding proposals each year, some kind of ranking system that would help us decide which of the many research needs that we have.

Both fisheries dependent and fisheries independent could be funded, if we continue to have access to some of these Saltonstall-Kennedy funds. Are there any other questions?

### **REQUEST BY SAFMC TO CONSIDER COBIA AS AN INTERSTATE FISHERIES MANAGEMENT SPECIES**

CHAIRMAN GROUT: We'll now move on to Item Number 5. We've had a request from the South Atlantic Fisheries Management Council to consider cobia as an interstate fisheries management species. Gregg Waugh, who is the Executive Director of the Council, is here to give a little overview on the request.

MR. GREGG WAUGH: Good morning. I recognize that your time is short, so I'll be as brief as I can be. I'll be available here the rest of today and tomorrow, if anybody wants to talk one-on-one with some of the more details. There have been a few corrections since the version that you received, and I'll point those out as we go through.

I outline a brief history here. I am not going to go through all the details, but the important point is when we started this original management of cobia in 1983, there was one stock from Texas through North Carolina. The MSY was approximately a million pounds, and the size limit we established was a 33 inch fork length.

We made some adjustments over time. In 1990, the MSY was specified as 1 million pounds, the average catch at that time from 1981 through '89 was almost 2 million pounds, and so we implemented a two-person per day bag limit. We made some additional adjustments in Amendment 8, in '96, the range was extended for the coastal migratory pelagics, including cobia, up through the Mid-Atlantic's area; and the MSY was revised to 2.2 million pounds.

We made some SPR adjustments in '98. The real change came about in 2011 in Amendment 18. This is when we had to address the new changes from the Magnuson-Stevens Act. This put in recreational quotas, which was needless to say quite an adjustment. But we had had

previous to this a couple of assessments done by the National Marine Fisheries Service that looked at two migratory groups, treating the Gulf as one group, and the Atlantic as one.

There was stock exchanged, but there were sufficient differences that we could manage those as two migratory groups. We set two migratory groups from Texas through the Florida west coast, and then the Florida east coast through North Carolina. The allocation was 92 percent recreational, 8 percent commercial. That was based on catches at that time; looking at the catches from 2000 to 2008 for historical time period, and then 2006 through 2008 for more recent.

But at that time the assessments were saying we didn't know what MSY was, so we agreed to use the overfishing limit or OFL. We used the annual catch limit. If that was exceeded that would determine overfishing. I'm not going to go into these numbers here, but we set the Atlantic migratory group.

We didn't have a current stock assessment. The advice from the Southeast Fishery Science Center for our SSC was to use landings data to come up with an ABC, and then the council would use that to specify an annual catch limit. We did that looking at the average landings from 2000 to 2009, plus 1.5 times the standard deviations.

That gave us an annual catch limit. We put in accountability measures that are also required. That is something that happens if your ACL is exceeded, and on the commercial side we tracked the landings, closed the fishery. If there is an overage there would be a payback if the stock is overfished, and the total catches exceed the total ACL.

The one that is more important and operative right now is the recreational accountability measure. If the recreational and total annual catch limits are exceeded, then the Regional Administrator is required to shorten the

following season. When we put that in place, you would compare the catch in one year to the previous year using the previous year's catch. One year you would add two, and average them, add three and then a moving average. Unless an adjustment was made to the annual catch limit, and I'll talk about that in a moment; but we didn't change the bag limit.

We tried to encourage the public to consider a reduction down to one, but there just wasn't any support at that time. We got an age-based stock assessment in 2013, with data through 2011. They looked at the genetics that showed a mixing zone along the Florida east coast up into Georgia, parts of South Carolina.

The tagging data showed more a mixing zone on the Florida east coast, and so the assessment was conducted using the Georgia/Florida line as a border. South of that into the Gulf was the Gulf stock, Georgia through New York was the Atlantic stock. It came back not overfished, not overfishing; but the biomass trends were down.

The MSY for this stock was estimated at 808,000 pounds, and we got our overfishing limit and our allowable biological catch in millions of pounds. The ABC is a maximum that the council can set. Indeed that is what the council did set as our annual catch limit. We took those results and implemented those in 2014.

The regulations became effective in 2015. That set two new migratory groups, the Gulf and the Florida east coast, and then Georgia northwards up through New York. We kept the 92 percent recreational, 8 percent commercial. The ACL, the annual catch limit in 2015, was 690,000 pounds, and it was 670,000 pounds in 2016 onwards.

We did not change the accountability measure, and so this is shown towards the bottom in the red. If you change the accountability measure, which we did in 2015, then in 2016 you look at last year's landings. That is why we are taking

action now. We didn't change the management measures at that time.

The recreational annual catch limit decreased from about 1.4 million pounds for the area, from the Florida Keys through New York, down to 630,000 pounds in 2015 for the area, Georgia through New York. The recreational catch in that area in 2015 was 1.54 million pounds, 145 percent over the recreational ACL. It is over the total ACL. It is over the overfishing limit of 760,000 pounds, and it is over the MSY.

We were overfishing last year. That presents a problem, and that's why the accountability measure is triggered, and that requires that the 2016 season be shortened to ensure that the 2016 annual catch limit is not exceeded. To do that when you calculate the length of the season; that is done using the ACT or the annual catch target and that is 500,000 pounds.

The Regional Office worked with the states to see what adjustments they could make to regulations for this year, to factor in what the season would be. That season is projected to close now on June 20th. The council has already begun working on a framework to change that accountability measure, so we don't have the same type of requirement for next year.

However, it is critical that catches remain in 2016 below the annual catch limit. Otherwise, we're going to continue to have overfishing and we're going to have to be more restrictive in what management measures are put in place in this framework action. We are asking ASMFC if you're interested in developing a joint or complementary management plan for state waters. The bulk of the harvest comes from state waters, so we need to have cooperation within state waters. Just briefly on the timing. We are conducting a public question and answer session on May 9th, in Kitty Hawk.

The council will be looking at management options at our June meeting. We can't

implement state-by-state quotas through the framework, but we are looking at adjustments to the fishing year; perhaps having a period of time when there is no retention allowed, perhaps in the month of May to complement what the state of South Carolina has done in the southern portion of their state. That to try and spread that harvest out so that there is ACL remaining when the fishery gets up to northern North Carolina and Virginia waters.

We're conducting public hearings in early August. The Mid-Atlantic will be considering this at their August 8 through 11 meeting. Then our council will review this in September, and approve for formal review. We're on a very tight schedule, and that is necessary in order to get these changes in place prior to next year. I'll leave it there, and I would be glad to answer any questions.

CHAIRMAN GROUT: Any questions from the board for Gregg on this issue?

MR. BORDEN: A quick question, Gregg, if we were to partner with you on some kind of joint plan, what would you envision as far as the staff responsibilities? Would the South Atlantic Council being doing most of the staff work on that type of activity?

MR. WAUGH: I think that depends on what approach you want to take, and how detailed you want to get. If you're talking about bag limits, trip limits, size limits that could extend the season so that there wouldn't be a closure. I think that is some analysis that we could do in conjunction with the Regional Office. If you want to go so far as to look at state-by-state allocation of that ACL, then I think that is perhaps something that would be better done through ASMFC, involving your staff. You all have more experience in doing state-by-state allocations.

MR. ROBERT H. BOYLES, JR.: Gregg, can you tell the board approximately percentages of the catch that comes from state waters?

MR. WAUGH: I think last year was 82 percent. It varies by year, and it also varies by state. In Georgia and South Carolina, the bulk of the harvest is now coming from federal waters. That has been a recent shift due to the status of that inshore population in South Carolina. It varies by year. But certainly on average, the bulk of the harvest is coming from state waters.

CHAIRMAN GROUT: Follow up. Robert.

MR. BOYLES: Given that information, I'm prepared to make a motion when you're ready for it.

CHAIRMAN GROUT: Okay any other, keep that in mind, I have Tom Fote.

MR. THOMAS P. FOTE: When I hear that 82 percent of the harvest comes in state waters. When we had that in the north on species like that; weakfish and other species, it basically was when a majority of the catch came in federal waters the feds would basically handle the plan. When a majority landed in the state waters, it would be handled by the states.

After watching what happened in red snapper, I don't really want to get involved with what is going on down south, and would really appreciate, maybe what the feds should consider. Since the majority is landed in state waters, turning the whole management over to the South Atlantic Board. I think that would be a better way of operating it.

MR. W. DOUGLAS BRADY: Gregg, I'm just trying to get my head around, you had a number up there, 1 million and about 500,000 pounds when it was from the Keys to New York; as far as the catch allowance. Then it changed in 2015 from Georgia line to New York, and that was around 650,000. I'm just curious, what was the catch between the Keys and the Florida line? What did those numbers come out to be?

MR. WAUGH: In terms of what's been landed, I want to think it is on the order of 400,000 pounds; okay, 330,000 pounds.

MR. BRADY: You're not going to revisit this, but I'm trying to get my arms around it to go back to the people of North Carolina. When it was the Keys to New York, again it was about a million and a half. If that range or that designation had not changed, then you would have been around a million pounds in that range for the catch; 380 plus, wait a minute or is it a million and a half that was caught? What was the total catch between the Keys and New York in 2015?

MR. WAUGH: I don't have that figure, because we're managing them now as two separate stocks. I could certainly get that for you. If approximately 330,000 pounds were harvested on the Florida east coast, then you add that to the 1.54 million pounds, so you're getting up around 1.8. There is a mixing zone here, and there is a lot of concern about where that boundary was set.

Certainly that is something that could be looked at in the future. But a point to keep in mind that if you move that boundary from the Florida/Georgia lines south, the annual catch limit will go up. But also then those catches on the northeast Florida coast will count towards that annual catch limit. There may not be any net gain.

MR. ABBOTT: I know it is early in this process, but has any consideration been given to its cost?

EXECUTIVE DIRECTOR BEAL: The short answer is no. We did not budget for any cobia activities in this year's action plan. The longer answer is there is considerable uncertainty on what it would cost, because we don't know exactly what the states want us to do. Is it to initiate a full FMP and establish a tech committee and advisory panel?



Establish all those groups and have all those groups meet, or is it something very simple; that just it's a new FMP but very basic elements, which would require a lot less staff work. The cost depends on what the Policy Board decides they want to and the South Atlantic Board decides they want to do. I guess the other side of this is we do have some contingency funds in the budget. If that is the will of this group that we use some of those funds for cobia management, then that is appropriate as well.

CHAIRMAN GROUT: Follow up, Dennis?

MR. ABBOTT: I pretty much thought that would be your answer and I also thought that you would probably look at using the contingency funds, which I was instrumental in getting put in the budget. But nothing for sure ends up ever being as simple and as cheap as we may think. I think we would probably end up; it would be a full blown activity. I'm not opposed to it, but I just think that we are aware of that.

EXECUTIVE DIRECTOR BEAL: Just a follow up, if I may. The other side of this is staff workload, not just dollars. The ISFMP group is pretty busy right now, and we are going through a transition with one of the coordinators. One option may be to hire someone from outside the commission on a contract to help out with this project, or something along those lines. If that is the will of this board that they want to move forward with cobia, and don't want to slide other priority items to a later date. Just that is another thing to keep in mind.

MR. DAVID G. SIMPSON: I am looking ahead on the agenda to Item 8 and Climate Change. Ordinarily I wouldn't worry too much about what the South Atlantic Board wants to do with a species that stays neatly within your confines. But when I hear mention of partnering with the commission, because they have more experience with state-by-state quotas, I get very nervous.

The fish are already up into New York. Apparently they have regulations on them. We're the next one up. We are seeing the craziest things showing up in Connecticut. About every two months I contact Spud and send him pictures and say, what is this? We just caught half a dozen of them.

I am very reluctant to go down that path at this point. If there is federal management for it, I'm happy to implement whatever the measures are to complement the federal management, but I'm very reluctant to go down the path of creating another problem for us specifically and the commission generally.

CHAIRMAN GROUT: Robert, are you ready for your motion?

**MR. BOYLES: Yes I am, Mr. Chairman. I would make the motion that the Policy Board directs the South Atlantic Board to develop alternatives for a fishery management plan for cobia, which would include alternatives for joint management, complementary management, and exclusive jurisdiction for the commission.**

#### PUBLIC COMMENT

CHAIRMAN GROUT: Let's get the motion up on the board, and then we'll see if we get a second; seconded by Jim. We'll get it up there and then once we've got it up there my intent is to see if we have public comment on this. Those who want to comment from the public, raise their hand, please. Two, okay. If you could come to the public microphone, and if you could try and keep your comments directed specifically at that motion up there on the board, whether you're in favor of it and why. Try to keep the comments down to about three minutes here.

MR. JONATHAN FRENCH: My name is Jonathan French; I have been part of an informal collaborative of approximately 50 to 60 stakeholders in Virginia and North Carolina that

are heavily involved in the cobia fishery. Just 15 of those folks reported that they're looking at a potential loss of \$500,000.00 in gross revenue.

Those are not just charter fishermen, those are tackle shops, people who construct site fishing towers, et cetera. I am speaking today to oppose this motion until South Atlantic corrects some other issues. Mr. Waugh did not mention one, if you go back in the slides a couple of slides, Virginia wasn't initially factored in the ACL calculation, yet Virginia is one of the largest fisheries for cobia in the Atlantic region.

Two, I don't believe that east Florida is managed now by South Atlantic, it is part of the Gulf Coast, so the issue of the ACL being abnormally small and not reflecting the catch; that has not been addressed. Perhaps most frustratingly, the comment was made about if Florida was added back in that perhaps that would be a net zero gain, because the Florida fish being caught would no longer count.

My problem is that not only was Florida carved out of the zone, but we saw such a substantial increase in the number of fish caught in Virginia and North Carolina, Virginia preposterous numbers, and those increased catches were reflected on science that essentially says 40,000 additional targeted trips were focused on cobia in one year.

There is no other corresponding data that backs up that claim. Just to imagine for those of you who are familiar with the Chesapeake Bay and Northern North Carolina fishery, that is 400 additional boats per day over 100 day period. As a cobia fisherman, if there were 400 additional boats per day in the limited areas in the bay that carry fish regularly; I probably wouldn't fish for them anymore, because it would be a traffic jam.

This huge increase in the number of catch in Virginia, and North Carolina, again per NOAAs data, when you look at Virginia's citation data as an example; Virginia's catch data went up or

quadrupled according to NOAAs numbers, but the citations only went up 13 percent. Even though NOAAs argument was that the average size fish went up five pounds, and is coming up on what is very close to citation levels for the average fish.

Finally, some of the recommendations that were made in terms of extending the season, the only one that would give a full season for the Atlantic states required North Carolina and Virginia to not only decrease to one fish per person per day, but to go to one fish per boat per day at a 45 inch fork length, which is essentially a citation sized fish. I found that particularly troubling, given that NOAAs original justification arguing that the biomass was decreasing, the breeding stock was decreasing; showed that larger female fish were on the decline.

Their solution is to only target large, female fish. That doesn't make a whole heck of a lot of sense. Until those issues are addressed, having a discussion as to whether or not South Atlantic or the Atlantic Marine Fisheries Commission is going to manage this species, I think need to be put on hold, and these other issues need to be addressed. Thank you for the forum.

MR. DAVID BUSH: David Bush; North Carolina Fisheries Association. In light of the comments I just heard that sort of makes me take pause as well. However, I do want you all to keep in mind that with the ever amounting reductions that we receive on multiple fisheries at all times, many of our folks, especially in northern North Carolina, will commercial fish for a small portion of the year. Then they go back to their charters. These folks have charters already scheduled throughout the year.

I know that we can't change the numbers at the flick of a switch. Apparently some work needs to be done. I understand the work the South Atlantic Council has already been doing, and I appreciate that. But we do need to fill in these gaps of information, because for us to proceed

on this would be something that we would like to support.

But to do so we need to get that information filled in. The guys that are going to be affected by this again, are a very small portion of the overall, I believe 7 percent approximately is charterboats, and when they have a charter of six folks they take out, forgetting the captain or a mate; only one person can bring a fish home on a charter for cobia. Please keep that in mind, and whatever it is that you do, we ask that you be expeditious and try to get this worked out as quickly as possible.

MR. JEFF DEEM: I sort of support the motion. I would really like to see the science get straightened out first. The part that I like about this the most is exclusive, because it is critical that this be controlled on a state-by-state basis with state-by-state schedules. If you end it on June 20th, the nearest state to the south of us, North Carolina sees 75 percent of its season.

Virginia would see only 25 percent of its season. To address some of the other motions or factors that was brought up earlier. For Virginia this is a 90 day season, and it is estimated by the science that we had 92,000 trips in that 90 day season. That is an average of 1,000 trips per day. That is pretty hard to swallow. There is some room for correction here.

If we look at 2013 to 2014, the average weight of a fish went up 5 percent, the effort went up 1 percent, and the landings dropped 39 percent. If we look at 2014 to 2015, the effort went up 25 percent, the weight went up 19 percent, the success went up 2 percent, but the landings supposedly went up to 283 percent of what the previous year was.

There are some real problems with trying to follow through, and I hate to see this, because I've been in fisheries management for a long time, and I've always heard people argue with the science. But when you get a 25 percent increase in effort, and a 283 percent result in

landings increases; there are some real problems here. It needs to be straightened out, and I really think the ASMFC, since this is 82 percent state waters, could do a much better job of handling this fish without any South Atlantic involvement.

CHAIRMAN GROUT: Thank you, Jeff, anybody else from the audience; back to you, Robert?

MR. BOYLES: Just for the board's information, Gregg mentioned some recent actions that had been enacted in South Carolina. For a long time our measures in South Carolina on cobia have been complementary, a two fish bag, a 33 inch minimum size. Several years ago our general assembly enacted a measure to make cobia a game fish.

There is no commercial take in South Carolina. But it is important, I think, for the board to understand and recognize that using data that our staff collected, with looking at a spawning aggregation in the southern sounds; an area that we now have codified in the southern cobia management zone, which are all state waters south of 32 degrees 31 minutes. We have effectively made our South Carolina state waters fishery in the southern part, this spawning aggregation, a catch and release only fishery.

There is no possession during the month of May, which is the height of our fishery in South Carolina. I think it's important to note that our fishermen in South Carolina recognize the importance of this resource, how critical it was and how critical it was that we protect that spawning biomass, have strongly advocated to the degree of more than 70 percent of our respondents to public surveys favored this restriction, which will result in a greater than 50 percent decrease in the take in state waters for South Carolina for cobia.

That is a big hit. I certainly empathize with the folks who have great concern. I appreciate you all being here to talk to the policy board about

your concerns about this fishery. But this is something that we have seen is needed. We think it is appropriate for the commission to explore these different options, and I would urge passage of this motion.

CHAIRMAN GROUT: Further discussion from the board? Jim Gilmore.

MR. JAMES J. GILMORE: Robert, just a clarification on the motion. Is this committing us to a plan or is it just looking at alternatives; and then we would commit to doing a plan later?

MR. BOYLES: Well, I guess I was trying to be deft. I think this commits us to a plan, it's just we don't know what it looks like. Is it a joint plan, is it an exclusive plan? Exclusivity of course means that the South Atlantic Council has to give up jurisdiction, and I certainly don't want to presume what that action would be. But Dr. Crabtree reminded me that South Atlantic Council gave up jurisdiction on species like red drum, which is another very important species for us.

I think there is precedent here, but the way I see this, Jim, moving forward is that this motion would task the South Atlantic Board and with the staff's help, as Bob suggested earlier, would lay out options for how we might move forward in promoting both conservation and access to this fishery.

MR. G. RITCHIE WHITE: That was basically my question, but I guess I'm still not clear on your answer. The way I read this, this would provide us with information to make a decision at a future date, as to how we might begin management or not. Am I correct on that or does this compels us to select one of the options that will come back?

MR. BOYLES: I see now. I apologize for the elliptical nature of my response. I would like to see the commission take over some management responsibility. It would be up to

the board, I think to lay out the options and to develop those options for the fishery management plan. Yes, I think I would say that the intent of this motion is to commit us to get into cobia management, in some form or fashion. I don't know what it looks like.

MR. SIMPSON: As I alluded to before, it puts me in sort of a dilemma. I enjoy sitting in on South Atlantic Board meetings, because you do things differently, and I would like to model that in more places. But it makes me very nervous to think about less or so management board on the commission managing a species that may begin to affect us. It bothers me much, much more to get into another species that is jointly managed by the commission, where we are not represented on the federal side. That has hurt us profoundly for years. I'm concerned about that particular alternative. At this point as it is crafted I really can't support it, reluctantly.

MR. BRANDON MUFFLEY: Dave actually touched upon one of the points that if this does go to the South Atlantic Board that New York has no representation on that board, and maybe even northern states that might want to consider it. I support it conceptually, and I think it has a lot of merit that the commission be involved in the management of this species.

I guess I have somewhat concern as there is this oppressing issue that I think the South Atlantic Council is trying to address, and I don't want to see the commission rush into committing itself to managing another species, without fully thinking about all the implications. There is this immediate need that kind of why we're here talking about it, because of these constraints that are going to be happening; because of fisheries that impact those states on the commission.

I am just trying to understand what the timing may be here, and I don't want to see us rush into something and get us kind of wrapped around an axle that don't address some concerns from northern states and those types

of things. I support it, but I just want us to figure out the timing in terms of how all this will play out, to try to address the immediate needs; but also understand what it is going to mean for us longer term.

CHAIRMAN GORUT: Bob, can you answer that; the timing? I think we had some discussions on this.

EXECUTIVE DIRECTOR BEAL: Well, if the commission were to kick off a full FMP from start to end and implementation, it would be hard to get that done by the end of this calendar year, obviously, since we're almost half way through the year, to implement in 2017. It would likely be implementation and sometime during the course of '17 or beginning of 2018, so it is a little ways down the road.

Actually I had my hand up earlier, because I think the point that Dave Simpson and Brandon just made about what states would be represented on the board, I think is something important to explore. There is kind of the assumption that we all worked on that this would go to the South Atlantic Board, but the policy board is not precluded from forming a new board altogether, The Cobia Management Board.

Have the range go as far up or down the coast as appropriate, whatever the data shows and whatever states have an interest. I am not speaking for or against the motion, but if it were to go to the South Atlantic Board for further exploration, some of that exploration could be, what states should be involved in future management. There are a fair amount of questions, I suppose, as this moves forward.

MR. FOTE: As a long-time member of the South Atlantic Board, sitting through the meetings, always that I would never leave the table, because I get pulled in from the north and pulled in from the south. I enjoyed the way it managed fisheries, and always supported this.

My problem is I dealt with the New England Council on winter flounder, where they have a plan that's different from us and a complementary plan. I've dealt with the Mid-Atlantic for the last couple years on black sea bass, summer flounder, and scup and it makes me very, very concerned about going down that path. My feeling here is that we should sit as a board, with a member of that board, look at the options, discuss it among ourselves, and come back with recommendations to the Policy Board on what we would see would be the best alternative, and let the Policy Board make the decision at that time.

If you had just said exclusive jurisdiction, I would vote for that in a minute. But when you add the other two factors in there, I have real concerns after 25 years of experience dealing with joint plans. The South Atlantic, we never had to deal with them the way we had to deal with the Mid-Atlantic and New England. I'm still thinking about this.

But I think the best way to go is changes to make the board will start considering and talk it over, not this South Atlantic Board meeting, because you've already got a full agenda, at the next board meeting; and come back with recommendations to the Policy Board of how we should move forward.

Then have a full Policy Board discussion, since yes, New York doesn't sit on it. We are catching quite a few cobias in New Jersey now. It just basically, I'm afraid to get into that kind of thing, and we might in the next five or six years catch a lot more cobia in Delaware, New Jersey, and in New York. Let's be careful how we move ahead; and probably Connecticut.

CHAIRMAN GROUT: Further discussion? Dennis Abbott.

MR. ABBOT: Sort of a follow up to my question to Bob. Our meeting weeks are full now. Since I've been here we've added recently Jonah crabs and sharks and smooth dogfish, and we

have an increasing difficulty in getting our work done in three or four days. This will be just another thing. But again, it is not our issue but peripherally New Hampshire will be involved, time wise in this. Again, I'm not opposed to it, but just highlight that.

MR. BOYLES: Perhaps I was too prescriptive, unintentionally in the motion. I think where I'm coming from is that we have a lot more to gain by working together on this fishery than not. I think where I'm coming from is as Gregg mentioned. Last year 80 some odd percent of the catch came from state waters.

Clearly there is a temporal aspect, as you've heard from the public and as our own individual experience as it states. There is a temporal aspect to this that suggests that there is more to be gained by an interstate plan of some sort. Mr. Chairman, the motion is on the floor. I don't know that I can amend it. But I certainly am not intending to exclude or preclude our neighbors to the north, Dave, and in Connecticut and New York.

I'm not sure that the South Atlantic Board maybe is the appropriate mechanism. I think what I'm asking the Policy Board to authorize is to; let's proceed with the development of a fishery management plan. I'm not sure what it looks like, because, Dave, I share your concerns about joint jurisdiction, shared jurisdiction. I mean there is a lot to be considered.

I will confess to you, I am a recent convert to this, because I have been concerned; because we still have a bunch of take, at least off of our coast from federal waters. I still think there is a role for federal jurisdiction here of some form or fashion. Now whether we can weigh, the states can occupy that field exclusively, should the cobia be removed from the federal fishery management unit. I don't know. But those are questions that we don't have answers to now. But I think if we wait to explore the concept or the options of an interstate fishery

management plan. I think we're doing a disservice to the resource.

I think we're doing a disservice to our constituents, and I think there is more to be gained by cooperation. If I could I would withdraw the motion in favor of one that could be perfected that would simply say that we agree to develop an interstate fishery management plan. But again, we don't know what those elements are, so I'm not quite sure how to proceed.

CHAIRMAN GROUT: We can't withdraw the motion; it is the property of the board at this point. Can I get a ruling as to whether the maker of the motion can make an amendment to his own motion?

EXECUTIVE DIRECTOR BEAL: Yes, the maker can amend their own motion. If the will of the board is to sort of make this motion go away and then start with a clean slate, there can be a motion to withdraw. If there is approval by the board then this motion can go away, and you can start with a clean slate. It's up to you, Mr. Chairman.

CHAIRMAN GROUT: Spud; on this issue?

**MR. A.G. SPUD WOODWARD: I would offer an amendment to this motion that adds a sentence that says the South Atlantic Board will bring to the Commission through the Interstate Policy Board, a recommended alternative for his consideration.** I don't know that we can put a date on it yet, realistically. You can't do it at the next meeting, I wouldn't think. But maybe by the annual meeting this year, is that realistic?

CHAIRMAN GROUT: Why don't you leave a time off, and we'll try and obviously we'll want to do this as quickly as possible. We'll get that amendment up on the board, and then is there a second to that amendment; Tom Fote. John Bull, I had you in the queue before the

amendment came up. Do you want to comment on this and the underlying motion?

MR. JOHN M. R. BULL: I hear the concerns for Connecticut and New Jersey and some others here about what we would be getting ourselves into. But I think that if you clear away a lot of it, it boils down to, in my mind, simply this. Most of the issues with this fishery are in-state water issues.

I believe that the Commission here has the tools in the tool box to help craft a, not necessarily management, but at least a framework here to better manage this species here; and it's a pretty complicated situation. To that end I agree and support both the motion and the amended motion here. I believe that this is the path that we need to take, in order to insure that this fishery is better managed in the future.

CHAIRMAN GROUT: Spud, is that amendment correctly worded? I just want to make sure.

MR. WOODWARD: Yes that captures the essence of it. Also, just to make sure everybody clearly understands the intent of that motion; it is to basically not commit us prematurely to the acceptance of a plan, but to make sure the full Commission has an opportunity to decide whether to promulgate a plan, and of what form.

CHAIRMAN GROUT: Jim Gilmore, you had your hand up, and Dave Simpson.

MR. GILMORE: Actually Spud just clarified that; so essentially we would vote on whether we're doing a plan at a future Policy Board meeting. We're going to explore right now. You guys are mostly sold on this, but I really do want to know what I'm getting myself into.

MR. SIMPSON: Yes, I would just echo what Jim said. I'm much more comfortable. I would like to see them go ahead and do this, but I frankly wouldn't wish joint management on anyone else, so be careful as you proceed.

CHAIRMAN GROUT: Any other discussion from the board on the motion to amend? Seeing none; do we need time to caucus? I'll give you 30 seconds to caucus. Okay, all those in favor of the amendment raise your hand, all states, all those opposed, abstentions, null votes; motion carries 15 to 0 to 2 to 0.

Now just to be clear, since this was an amendment, what I heard Spud say is this is not committing us with this amendment on there at this particular point, to actually developing an FMP. That is what I heard you said it was going to be brought back to the Policy Board and we would make then a decision once that was brought forward. I realize you had indicated, Robert, that you were committing us. But I believe we now have an amendment, where it was clearly on the record that it wasn't with this amendment.

MR. BOYLES: Just a question, Mr. Chairman, maybe for staff. I'm trying to think of the last time that we were engaged in a conversation about taking on a species, I'm thinking Jonah crab. Can staff remind me how we took on Jonah crab?

EXECUTIVE DIRECTOR BEAL: Yes, Jonah crab the industry brought forward a proposal to the commission at that point, and they asked that ASMFC be involved. That issue was brought before the Policy Board and the Policy Board agreed that there was enough need for assistance in Jonah crab management, because there was no other Jonah crab plan at the time; and there still isn't.

The Policy Board signed off on creating or allowing the Lobster Board to develop a Jonah Crab FMP. Very similar pattern, if you look at the charter the Policy Board is the group that decides what species ASMFC manages. It is clearly under the purview of this group.

MR. BOYLES: I'm not trying to belabor this, I was just thinking about the mechanics. This is in effect committing us to exploring the

development of an FMP, which I'm fine. I appreciate everyone's support, and certainly understand the concerns; but just wanted to make sure that I've got the process down straight. Because I do understand that the new motion will explore the development of these various management strategies, but does not commit; and I'm fine with that.

EXECUTIVE DIRECTOR BEAL: One option may be, depending on how much staff work we can get done between now and the August meeting, would be to order the meeting so that the South Atlantic Board meets prior to the Policy Board. If a recommendation came out of the South Atlantic Board in August, the Policy Board could then take that recommendation up and decide if they wanted to move forward in August. That is what we would try to shoot for at the staff level, but we may require a little bit of outside help to get there; which we can talk about offline.

CHAIRMAN GROUT: Okay further discussion now that we have an amended motion?

MR. FOTE: Because Bob was asking about the mechanics, it reminds me when we took over lobsters. The feds said it's an easy fish to manage; we wouldn't have any problems, so that is why we took over the management of lobsters. That is how I remember. Other people might remember a little differently. But they actually gave it to us to take care of. They can do that; and they gave it to us with a bunch of other species, where they said it is mostly in state waters in the northern part of the range, so that is what we took.

CHAIRMAN GROUT: **Okay, further discussion on the amended motion? Do you need time to caucus, or were you able to caucus on both of these the last time? Does anybody need time to caucus right now? I don't see any hands going up, so all those in favor of this motion raise your hand, all those opposed, abstentions, null votes; the motion again**

**carries 15 to 0 to 2 to 0. Any other discussion on this item?** Ritchie White.

MR. WHITE: Does it make sense for staff to begin working on cost and how an FMP would be handled within the Commission in advance of making this decision, so we might have information on that aspect when this comes back to us for a decision?

CHAIRMAN GROUT: Any problem with that, Toni? We can do that; sounds good. Any other discussion on this agenda item? Okay we'll now move on to a very, very brief discussion of revision of conservation equivalency guidelines; because we didn't get through everything.

MS. TONI KERNS: Basically what I'm going to say is that we're going to do this in August, since the Executive Committee only go to the first issue, so I will not waste the Policy Board's time at this time; and we'll come back in August.

#### **JOINT MANAGEMENT AND SCIENCE AND ASSESSMENT SCIENCE COMMITTEE REPORT**

CHAIRMAN GROUT: Okay that was a good quick one. Shanna now has a report on Joint Management and Science and Assessment Science Committee meeting.

MS. SHANNA MADSEN: I have also been indicated to cut some stuff out, so I am going to make this a little bit briefer. Essentially, the Assessment Science Committee and Management Science Committee met in conjunction in April, since we had a number of issues that we wanted to go over together.

I am not going to go into great detail about those, but one of those that I did want to discuss, and just bring to the Policy Board's attention, was that during the meeting we discussed the development of a Commission Risk and Uncertainty Policy. I know this was already talked about at the Executive Committee level, and it had been determined



that Jason McNamee had volunteered as the Chair of this committee. The goal will be to develop a policy that should be able to account for both scientific and management uncertainty within our decision making process; and determine an acceptable level of risk. We're hoping that this policy will be flexible, however still transparent. Now that the work group is kind of formed, I am going to be meeting with that group to develop a timeline, and hopefully plan an in-person meeting, and begin that brainstorming process.

What is this policy going to look like? We actually had a similar multidisciplinary workgroup for the Menhaden Board, and we felt that it was extremely productive to kind of craft something that works for our managers, our stakeholders, and our scientists. We have some volunteers from the Assessment Science Committee and the Management and Science Committee already lined up.

I know that I have a few commissioners that have spoken to me about potentially being a part of this committee; Pat Geer in the South Atlantic, and Lynn Fegley for the Mid-Atlantic. I would be hoping to maybe solicit some help from our northern partners to hopefully get a northern representative on there as well.

I'm looking for three to four people total, so you can come up to me after this meeting, if you would be willing to volunteer. I think we're just going to dive right into the assessment schedule timeline. The ASC sat down to review the schedule, and discuss some of the changes that we've made throughout the previous year.

We revisited the implications of the confidentiality issues that were preventing the horseshoe crab assessment from moving forward. I know that the Horseshoe Crab Management Board discussed this yesterday, and recommended that they move forward with a black box assessment in 2018. Obviously the ASC did not get to hear that recommendation, so we can go back and

discuss that and hopefully get that placed on the schedule.

The American Eel TC reviewed their research recommendations and concluded that there was not enough new data to do a benchmark assessment in 2017, but an update would be warranted, and so the ASC placed that on the schedule. As I discussed in our previous meeting, the Biological and Ecological Reference Points Workgroup recommended that we place an assessment for the multispecies modeling in 2019.

The ASC also placed that onto the schedule. The Striped Bass Management Board requested an assessment update be conducted in 2016, to get everything up to speed with an additional year of data. You'll see that change reflected on the schedule as well. The river herring and shad assessment updates were switched.

What we did is we wanted to make sure that the river herring update would then coincide with NOAA's plan to revisit the ESA listing termination in early 2018. The river herring assessment update is scheduled for 2017, with the shad update in 2018. The Tautaug Management Board also requested an assessment update be conducted this year, since the Long Island Sound regional assessment in New York and New Jersey regional assessments are being completed this summer, and they want the other regions to be brought up to date.

The ASC reviewed that recommendation and went ahead and placed that on the schedule for 2016. Since the weakfish, spoiler alert, I guess. Because the weakfish peer review was passed, they recommended that we have an assessment update in 2017. The ASC reviewed that and also placed that on the schedule. Here is where I would need a little bit of board input. I'm sorry if this is a little confusing and a little hairy, but it is for us too. We've been given, since there have been changes to the MRIP program; we're transferring over from that

coastal household phone survey on to the mail survey.

We anticipate that there should be some impacts in the data that would be used for several of our species. The NRCC has sort of given us a couple of options for adding some assessments to the SARC schedule in 2018. Essentially for the spring of 2018, they suggested striped bass, black sea bass, and summer flounder.

In the fall they suggested bluefish, scup, and spiny dogfish. This is kind of given to us in like a, you pick two, menu. There are three that were being given for the spring, three that were being given for the fall; and then kind of tell us which two of those you would prefer. The ASC discussed these recommendations.

They recommended that we move forward with placing striped bass and summer flounder at kind of the top of that list; considering that would coincide with their five-year trigger time. They also just wanted to suggest that we be a little bit careful to take on more assessments beyond that; kind of due to the workload of those folks.

There is a big number of overlap with those groups that would be doing those stock assessments. They kind of put those two at the top of the list, and recommended that we move forward with placing those on the schedule. From there I would be happy to take any questions. I would be wondering what the board's thoughts were on us moving forward with trying to put striped bass and summer flounder at the top of that list.

CHAIRMAN GROUT: Questions? Are there any thoughts on striped bass and summer flounder being at the top of that list in 2018? Go ahead, Adam.

MR. ADAM NOWALSKY: I guess my only question with summer flounder would be, is the expectation that there is going to be enough

new information to come forward to make that something different, potentially for management use? There is ongoing modeling work that I've talked to the Summer Flounder, Black Sea Bass and Scup Management Board about in the past, and we've had some discussion about here, in terms of getting updates. What advice can you give us about what we might expect out of that if we go that direction?

MS. MADSEN: This would just be a change in the data, but since MRIP is transitioning they are anticipating that that data is going to be affected by the change in the way that they're conducting the MRIP surveys. Since that data is changing that kind of inherently leads to having a benchmark in order to update that data.

MR. NOWALSKY: Just to follow up on this. I would assume we would be relooking at this again next year. While that change in the data is certainly one aspect of it, if the new modeling was to become available in say, 2019, we could reassess at that point; as opposed to having to have to wait five years afterwards.

MS. MADSEN: Yes, definitely. We'll look at this. We look at the schedule yearly. We'll look at it again next year. We just have an NRCC meeting coming up next week, so we wanted to go ahead and provide some recommendations so that they could get us on the schedule, and make sure we kind of reserve our spot ahead of time. But most certainly we can revisit that in the future.

CHAIRMAN GROUT: Shanna, I had a quick question, just so that I understand. When you said that there is a number of species here that are listed for SARC, but you're saying that they only have room for two species the entire year, or two species at both the fall and the spring SARC?

MS. MADSEN: They have space for two spaces at the spring and then two spaces at the fall. But the Assessment Science Committee did

warn against us potentially putting four stock assessments on the schedule, just due to the fact of the workload.

CHAIRMAN GROUT: My concern, particularly with species that are managed under federal management, which are bound by ACLs and AMs; that if we end up with a disconnect in what our new harvest data is going to be, and what the old ACLs are based on, or we have new ACLs that are based on the new MRIP data.

We may have a disconnect between what we're using for catch information as applied to the ACLs, which we're bounded by. My concern from a manager would be that we should be looking at only the federally managed species first, and then starting to work at something like striped bass. Did you all hear that? Okay, sorry. I'll try this again.

MRIP is going to change, potentially change some of our catch estimates for recreational harvest. In the federal management theatre, we are bound to stay within our ACLs and below our ABCs. My concern is if we have not adjusted our ABCs, based on the updated MRIP data, then what is going to be presented as harvest is not going to be matching up.

You could have, and I'll give you an example, from the way I understand this, you know let's say we don't update our ABCs, and the new MRIP data says that; well actually going back ten years, the average catches are actually about twice as high as what we originally thought. Now we're saying that the catches are higher.

But we haven't changed how we calculate our ABCs. You could be going over your ABCs very easily, even with current management measures. At least that is my concern with this. The reason I'm bringing this up is we're not bound by that with striped bass. I would actually be looking at, let's move forward with changing; say black sea bass and fluke.

Have benchmark assessments on black sea bass and fluke, so that we could make those changes to the ABCs, and have them match up with what the new MRIP data is going to be; because they are going to be using that as I understand, in 2018. There won't be any coastal household telephone survey estimates any more after that. Yes, go ahead; I'll go with John and Roy, and then Dave.

MR. JOHN CLARK: Yes I just wanted to point out, Doug, on the striped bass. My understanding of Addendum IV was that those 25 percent reductions were supposed to be in place until the next benchmark assessment, when we reconsider. If we push back the benchmark, are we going to revisit based on this 2015 update, or will the 25 percent reductions then have to stay in place until we do get a benchmark?

CHAIRMAN GROUT: That certainly is an issue, you're right.

MR. SIMPSON: Yes, so we were thinking about the same problem but arriving at different outcomes maybe. I am really concerned about the implications of these new numbers that we're anticipating. As you said, we've been warned that it could be a doubling; the estimate could actually be twice as high as what we're accustomed to looking at.

Taking on a species that is jointly managed, I will warn Robert that the relationship in this union is to love, honor, and obey the federal government, and the Mid-Atlantic Council in this case; not so much the modern commitment that your spouse may have made to you and mine made to me. It is more my mother's commitment, do what Dad says; not that she did, but.

You understand my reluctance that the Mid-Atlantic Council is really, really dragging its feet about allocation. It's a very difficult issue. I guess my preference from the Commission perspective would be let's move on striped

bass, and maybe another commission managed species tautaug or something that we can manage here, internally, where we're all at the table, and we have a little more flexibility.

That would be my preference. I think it would take a little more dialogue with NOAA and the Mid-Atlantic Council about what their intentions are with these species that are under federal management, and we're a joint partner; because you can imagine if you rebuild that time series, and it doesn't just double the numbers for recreational all the way back.

Say it is double the numbers in the last five years, but similar numbers back through time, because they're making a guess at what they might have been back then. Then the argument from the commercial side will be, the allocation of 60/40 is fine, but you guys are way over and you need to cut your recreational harvest by half. That is what I'm afraid of.

CHAIRMAN GROUT: My concern, is there something, we have an NRC meeting coming up soon. Is there something that could help us bring something forward to them? As I understood when we were talking about these MRIP re-estimations, there was a plan in place for how stock assessments were going to be updated to apply this. Let's see how this process moves forward. We would like to see a plan to get all these assessments updated with peer reviewed assessments.

MS. KERNS: I was a member of the Transition Team for MRIP. We did work through the Transition Team. We were split into a Management and the Stock Assessment Group, and the Stock Assessment Group did prioritize species for assessments to occur first, and then following up that all assessments would be updated with these new numbers.

There is priority placed on the species that we thought would be most impacted by the change in numbers, as well as priority is put on for the management side of things of how we manage

those species. Do we have state-by-state quotas? Do we use ACLs that we thought might be impacted?

All of these species for the most part were on that priority list. I don't think dogfish was a priority on there, and scup I think was in the medium priority level, if I am remembering correctly. I think one of the things that might be helpful at the NRCC level, if we can't really come to a consensus of one, is to maybe prioritize these six species. There will be some discussions and negotiations at the NRCC meeting. We do sit down with the New England Council and the Mid-Atlantic Council on priorities there, and so if we could have an idea of what is most important to us down the line.

Then as we talk at the NRCC, then we'll have a better idea of what the commission wants to see. I will remind the board though that we did commit to do a benchmark assessment for striped bass in 2018, and typically we do go through the SARC process for that peer review. If it is not the will of the board to use the SARC process, then we can explore some other avenue for that peer review. But we did commit to doing that.

CHAIRMAN GROUT: I agree that striped bass still should be one of our top priorities here. The question is going to be, given the recommendation from our stock assessment scientists that we can only do one other; which one is going to be that priority? Is that summer flounder, what they were recommending?

But that would leave bluefish and black sea bass and scup off. I'm not worried about spiny dogfish, as far as recreational catch estimates. I don't think that is going to be a huge issue. Are you okay with summer flounder being number two? Do you want to pick a third and a fourth; black sea bass or bluefish or scup? Dave Borden?

MR. BORDEN: Black sea bass.

CHAIRMAN GROUT: How did I know that was going to be third? Anything else, any other recommendations for Number 4, okay those are the top three; striped bass, summer flounder, and black sea bass. Do we need a motion on that? Okay, no. Anything else that you need, Shanna?

MS. MADSEN: No, thank you very much for your input.

CHAIRMAN GROUT: Okay, we need a motion to approve the assessment schedule as modified today. Roy.

**MR. ROY MILLER: I move we approve the assessment schedule as modified today.**

CHAIRMAN GROUT: Do we have a second? Emerson is the second. Further discussion, seeing none; **is there any objection to the motion? Seeing none; it passes by consensus.** Okay that is it on that item.

#### **FOLLOW UP ON CLIMATE CHANGE WORKSHOP**

CHAIRMAN GROUT: We're now down to Agenda Item Number 8. This is a follow up on our Climate Change Workshop.

Something that I would like to put up is a suggestion I have for creating a Climate Change Workgroup. I've also put together a task for the board considerations to this workgroup, as well as a general idea of who would make up. While that is coming up, has anybody had any other thoughts or questions or things they would like to bring forward about our climate change workshop?

MR. WHITE: Not that. But I was just wondering if your intention is to work through all we have left to do before lunch, or are you thinking about breaking here at some point? Because it seems like we have a ways to go.

CHAIRMAN GROUT: I've been informed by staff that the next two things are going to take less

than ten minutes combined. Then the question is do we take a break for lunch before we come back for the business session? Okay, once we get to that point we'll take a poll as to whether people want to push through or eat.

#### **PROPOSAL TO DEVELOP A CLIMATE CHANGE WORKGROUP**

CHAIRMAN GROUT We've got that up. As I indicated, what I'm proposing to do is develop a Climate Change Workgroup that would be comprised of commissioners, technical support, staff and federal partners. The working group's tasks will be tasked with developing science, policy and management strategies to assist the commission in adapting its management to changes in species abundance and distribution, resulting from climate change impacts; any discussion on this? Adam.

MR. NOWALSKY: The wording of that I think certainly captures a lot of what we talked about yesterday; and I certainly have no objection to that. But I did just want to make one comment as I thought about the discussions from yesterday, and some of the discussion item bullet points that you had presented to us; and one of those being precautionary management decisions in anticipation of shifting distributions.

One of the things that I think it is important that this group looks at, and gives us advice on, is that the shifting distribution does not necessarily mean decline in overall population. I think that is important when we look at, we heard a lot about when we talked about the Lobster Management Board, and the desire that nobody wanted to see the fishery go away, per se, and that a lot of this is out of our control.

None of us are here; we wouldn't be here if we were in the business of completely ignoring conservation on a resource. But a lot of the climate change items that we deal with are not about a resource not being conserved, it is

simply about it moving; and taking that into account. I just wanted to bring that forward.

As I gave that more thought from the conversation that we had yesterday, I certainly think that the way this is worded here doesn't put us into a sense of, well because stocks are shifting, we have to be more precautionary in what we do to our fishermen, who are feeling those affects immediately already; long before we initiate management action.

CHAIRMAN GROUT: Good points, Adam, any other discussion on this? Steve Train.

MR. STEPHEN TRAIN: I was wondering if we could include any other interested parties to the list of possible participants.

CHAIRMAN GROUT: That sounds fine to me. Do you want me to add that specifically to the wording? We can add it. It will be added, other interested parties; any other thoughts on this and any objections to this task? Are there any commissioners that are interested in volunteering? Bill Adler, thank you, Adam, thank you, Steve Train, John and Ritchie, Brandon, Spud; we're going to have the entire commission here, good, oh and Mike Armstrong has been nominated.

MS. KERNS: I was writing frantically, I had Bill Adler, Adam, Steve Train, Brandon Muffley, Spud Woodward, John Clark, Ritchie White and Mike Armstrong. Did I miss anybody? Doug Brady. Thank you.

CHAIRMAN GROUT: Thank you very much; I appreciate this willingness to serve here. I am sure we'll start off with some conference calls, but we may need to have some face-to-face meetings at some point. We'll try. I know we've got Mike Armstrong from the Management Science Committee volunteered. We'll try and get a few other technical folks to help out. I know our federal partners have also agreed to send a representative. Jay.

MR. JASON McNAMEE: As you were asking the question I quickly e-mailed Mark Gibson, and he would like to be included on the team as well. I think he would be an asset to the team.

### **ATLANTIC STURGEON STOCK ASSESSMENT UPDATE**

CHAIRMAN GROUT: Excellent, thank you very much. Katie Drew, sturgeon assessment.

MS. KATIE DREW: I'll make this brief, because I'm hungry too. The sturgeon stock assessment is proceeding on pace. We're going to have an assessment meeting in July, an in-person meeting with the Stock Assessment Subcommittee. We've recently resolved some of our data sharing issues with data sources who were a little hesitant about being involved in the ASMFC process; so I feel we've made good progress in getting some of the best and most recent up-to-date data for this species.

CHAIRMAN GROUT: Question, sorry about that. Go ahead, Robert.

MR. BOYLES: I'll have it offline, thank you, Mr. Chairman.

CHAIRMAN GROUT: Are you sure? Okay, anybody else have questions for Katie? Okay, Mark.

### **LAW ENFORCEMENT COMMITTEE REPORT**

MR. MARK ROBSON: I just want to go over very quickly a number of the items that the Law Enforcement Committee is working on right now on your behalf for various boards. Starting with lobster, we have established an Offshore Enforcement Subcommittee, and we've had considerable help from Commissioner David Borden on that. We are continuing to develop some ideas about what to look for there to enhance offshore enforcement in the American lobster fishery; as we proceed with some of the trap reduction schedules.

We've already had a teleconference call, we'll be meeting again. We had discussion at our LEC meeting this week, and we'll be having more teleconference calls to work up some specific proposals and ideas. We heard a presentation yesterday regarding Maine's trap tag transferability program that they have implemented as a pilot.

The LEC members were impressed with the way that program has been working for them, and it seems to be something that's effective and relatively free of loopholes; so we think we can get onboard with that type of a trap tag transferability program elsewhere, if needed. We understand that there were questions regarding possible enforcement issues for the lobster size limit differences that we have among the states, and also with interest in trying to make sure that we standardize V-notch enforcement.

The LEC heard a little bit about those issues at the meeting this week, and we're prepared to continue working on them, and provide any advice or input to you as needed. With Jonah crabs we also understand that there is going to be an addendum looking at claw harvest possibility options. We will obviously stand ready to provide comments on that. We have an Enforcement Subcommittee continuing to work on tautaug, particularly the live-fish tagging program. We will continue to work on that with staff and with several of the commissioners here. We think we have some good information coming to us that we can look at with regards to tag-type designs that would be suitable for enforcement purposes as well.

We had a lot of discussion yesterday and this morning about some more or less emerging issues that we are seeing in enforcement, with regard particularly to the summer flounder fishery and safe harbor issues, safe harbor requests and also some dual landings requests. We understand that this is something that is sort of a developing issue that we might need to look at in the future.

Again, the LEC is trying to collect as much information on what those specific issues are, whether they are management or there may not really be any specific enforcement concerns or problems at this time; but we are going to look at that and be prepared to provide input to the Summer Flounder Board on that; as requested.

We had a couple other issues. We were asked to kind of take a look at the eel aquaculture program that North Carolina implemented, and identify some of the enforcement safeguards that were put into effect for that permit; to be able to provide some of that information and some of those strategies back to the board, if there were future requests for aquaculture-type operations.

We've gone through the permit conditions for North Carolina. They had about five pages of permit conditions, a lot of them related to making sure that everything was on the up and up and that the enforcement was able to do their job. We'll put that together in a written format, and we can make that available as well to the board. Right now we're talking about American eel, and I think that is maybe where we would submit that information to.

Just one last thing, we continue to have some discussions about the importance and the unique nature of aerial enforcement work. We have another subcommittee that is formed to look at that; to consider how we've ranked and rated aerial enforcement as a technique, and to see how it works with other types of enforcement platforms, and to tie that in with some of the federal and state coordination of funding and priorities, for equipment and reimbursement for that sort of activity. That completes my report, Mr. Chairman.

CHAIRMAN GROUT: Any questions?

MR. WHITE: When you talk about aerial, does that include drone or is that just fixed wing?

MR. ROBSON: No, this is just discussing fixed wing at this point.

MR. BORDEN: You probably saw me dashing in and out of the room the other day when the Enforcement Committee was going on. I went over and listened to a number of the sessions that are of interest. I would just like to take the time to thank Mark and the members of the LEC For what I think is fine work that they've already initiated on this offshore enforcement effort.

I think they are really doing good work. They deserve credit. They have responded to the board initiation on this, and I look forward to working with them. I think they will bring back a number of alternatives that I think we'll find useful, in terms of improving enforcement. Thank you, Mark, for all your work. Please pass my compliments along to the subcommittee.

CHAIRMAN GROUT: Any other questions for Mark? Okay we have one other agenda item before we'll break for lunch, and then we'll come back for the business session.

#### **COMMISSION POSITION ON THE FEDERAL MONUMENT PROPOSALS**

CHAIRMAN GROUT: We have a request from the Lobster Board to take a Commission position on the federal monument proposals up in the northeast. I am going to turn that over to the Lobster Board Chairman, Dave Borden.

MR. BORDEN: I'll try to be brief, but I also recognize that there are a number of people at the table that have not been exposed to this issue, so I am just going to lay out a little bit of background. Then what I would like to do is just take a few questions, and then I'll make the motion.

In terms of coral management there are two almost parallel processes that are going on now. One process is New England Council Coral Amendment, which is very similar to the

process that the Mid-Atlantic Council went through. Under that process, so everybody understands, it is a normal fishery management process.

There is full disclosure, there is full transparency. The council formed subcommittees and solicited public input and there are workshops, and all those types of things. Just as importantly there are impact analyses that are conducted. That is one effort that is going on. The Commission is involved in that.

Chairman Grout appointed a member to the New England Council Committee, so we have input to that; and we'll be revisiting the progress in that aspect of the program. Pretty much every time we have a meeting we'll put it on the agenda. The other process that is going on is a process under an act called the Antiquities Act.

This is an act that was passed in 1906, by Congress. What it does is it provides the President of the United States proclamation authority to protect areas under law. As I just indicated, it is proclamation authority. The President literally can sign a proclamation and take pretty substantial areas and protect them.

Now this activity has been going on since 1906. There have been 132 different sites that have been established, consistent with this authority. These sites include, I would point out, and some of our most famous parks in the United States have been established using this authority. It has been used to good effect in numerous occasions, by both Republicans and Democrats.

In this case a group of environmental organizations have essentially asked that the President use this to establish a marine monument in the New England area, offshore. Because of the nature of the request, and because of the law that was passed. I think this music going on in the next room really highlights this presentation.



Because of the nature of the underlying law, the Antiquities Act is really not required to go through the same process as the Magnuson Act. In other words, it is just a signature on a piece of paper. At this point the President has basically petitions and letters. I think there have been about 160,000 letters that have been submitted to the White House on this. From what I understand through a whole range of political sources, the President is actively considering doing this, and the timing of it unfortunately, may take place before our next meeting. I am sure some of you are saying, how does this apply to us? Well, the way it applies to us is we manage, along with our partners in NOAA, the offshore lobster resource. We're also actively involved in the management of a number of Mid-Atlantic and South Atlantic species that inhabit this area. The area that has been tentatively outlined and I would emphasize the word tentatively, because you cannot pick up a piece of paper.

We can't go anywhere and find a piece of paper that says this is the proposal. There are no specifics that have been offered, just a concept. We're in this situation where this proclamation may take place, I would think, in the next two months. That is basically what I've been informed by a number of Congressional officers.

As a result of that and given the potential for a negative impact on some of the fisheries that we manage, the Lobster Board took up this issue and basically crafted this motion as guidance. Now the other point here is that Chairman Grout and our Executive Director have arranged for a meeting between the leadership of the Commission and the President's office, the Council of Environmental Quality.

The purpose of the meeting is to discuss both the offshore lobster industry, but also these other issues, which involve commercial fisheries and recreational fisheries. It is quite conceivable, given the precedent that has been set in the Hawaiian chain, where they

established I think a 158,000 square mile area reserve.

In that area they prohibit all commercial and all recreational fishing. Doug and Bob have set up a meeting next Monday, where a number of us are going to go and talk about potential impacts on our fisheries. The Lobster Board took this up – and I'm almost finished – and decided that although there isn't a specific proposal that we all could react to, which we would like; that we think that we should provide some guidance and have a Commission position on it.

The Lobster Board took this up, passed this motion, and so this is a motion to this committee. If this committee were to adopt it, then it would provide additional guidance to the leadership as they go forward with the discussions with CEQ. I would like to emphasize one point here. You have these two procedures.

The essence of this motion would draw a line, and basically say if you're going to proceed with this proclamation, please draw the boundary line here; and any sort of coral protection that would ensue landward at the line, would be done through the Magnuson Act. The reason that suggestion is being made, is because that process is fully transparent.

We would be able to look at those proposals, comment on them, look at our fishery impacts, talk to our constituents and so forth. The suggestion here is a process suggestion. I think that is an important point. We are not endorsing the creation of a monument; we're just recommending that they follow a certain process.

I think what I would like to do is to read the motion on behalf of the committee into the record. I am going to suggest a slight word change if the Chair can accomplish this through a perfection, I think that would be useful. **On behalf of the American Lobster Board, move the Commission send a letter to the President**

**of the United States of America regarding the following. The preference of the Commission would be for the current New England Council Coral Management Process to continue, without presidential use of the Antiquities Act to protect deep sea corals. Should the President/CEQ decide to designate a New England deepwater monument prior to the end of his presidency, the Commission requests that any area so designated, be limited to the smallest area compatible with the proper care and management of the objects to be protected; as required by the Antiquities Act.**

**Further, the area be limited to depths greater than approximately 900 meters, and encompass any and all of the regions seaward of this line out to the EEZ. That only bottom tending fishing effort be prohibited in the area, and that all other midwater surface fishing methods, recreational and commercial be allowed to continue to use the area. That the public and effected user groups be allowed to review and comment on any specific proposal prior to its implementation. I would move that on behalf of the Lobster Board.**

CHAIRMAN GROUT: Because that is a motion on behalf of the board, it doesn't need a second; any discussion on this motion?

MR. BOYLES: I would just like to offer my support and from my perspective, for the Policy Board to know that the Association of Fish and Wildlife Agencies has an Ocean Resources Policy Committee, which I'm involved. The Policy Committee is exploring implications of the use of the Antiquities Act in the marine realm.

I would like to just reiterate Commissioner Borden's concerns about transparency and accessibility to the decision making process. It is a very mature process in the fisheries management world, and certainly something we're very interested in, and conversely, somewhat concerned with the potential application and the exclusion of constituents

with the designation under the Antiquities Act. I would certainly speak in favor of the motion.

MR. LOREN W. LUSTIG: I find this to be a very fascinating discussion. I'm trying to remember what I learned long ago about the Antiquities Act. I believe it was used by Teddy Roosevelt quite a bit for the national monuments. But my question relates to the role of Congress. I believe that they have the power to review and perhaps overturn by a Congressional Action, the proclamation of the President through legislative action. What I don't know is if that was ever attempted. If anyone has information about that I would be very interested in that.

CHAIRMAN GROUT: Information I've read indicates that yes it has occurred in the past that Congress has overturned presidential proclamations on this. Eric, do you have a follow up on that?

MR. ERIC REID: Congress has amended the size of some of these designations by moving the boundaries around a little bit, and through a full act of Congress they have removed some. I also want to point out that it has been challenged. The Antiquities Act and a presidential authority have been challenged in courts all the way up to the Supreme Court.

The authority of the President has never been questioned in court. It has never lost. Except for a full action by Congress, this is a one-way street for us. Nobody is saying anything about corals not being protected; it is defending a public process. The Antiquities Act doesn't require any NEPA review or guidelines. I could talk as long as it's going to take to convince everybody in this room that this is a necessary action, but I am sure you would all prefer that I didn't, so I will leave it as that. I'll answer any more questions though.

MR. WILLIAM A. ADLER: I was just looking at one of the words here in the, I think it is the third paragraph down, where it says approximately 900 meters and encompass any

or all of the region seaward of this line, out to the EEZ. Is that correct? I thought the EEZ started at three miles. Okay, as long as we've got it right here.

CHAIRMAN GROUT: any other questions or discussions on this motion?

MR. BORDEN: Just this is a very quick point to Bill's point. There is also a chart with a line on it that approximates a 900 meter line that goes with this.

MR. ADLER: But is it out to the EEZ or out to the limit of the EEZ?

MR. BORDEN: I guess if we really wanted to be specific we would say out to the outer limit of the EEZ; because it is all part of the EEZ.

CHAIRMAN GROUT: Do we have any objection to making that editorial change? Seeing none; is there further discussion on this motion?

MR. BORDEN: I apologize, Mr. Chairman. I just point out this motion passed the Lobster Board unanimously.

MR. SIMPSON: With one abstention. No, I stepped out which I apologize for. I am fine with this. If it hasn't already been discussed, I think it is important to give the staff the latitude to craft this with a tone and verbiage that is appropriate for the recipient of the letter.

CHAIRMAN GROUT: So done. Further discussion on this motion, do you need time to caucus, does anybody need time to caucus? I don't see any hands so we'll vote. **All those in favor raise your hand, opposition, abstentions, null votes; the motion carries 15 to 0 to 3 to 0.** Okay thank you very much on this, we will bring this letter forward to CEQ on Monday; any other items for the Policy Board? Adam.

MR. NOWALSKY: Very quickly, just as Chair of the Tautaug Board for those members of that board that were expecting a meeting during this

meeting week. There is a memo under the ISFMP meeting materials giving you an update of where we are in our planned path forward, thank you.

#### ADJOURNMENT

CHAIRMAN GROUT: Okay I'll take a motion to adjourn. We will reconvene the business session in 45 minutes, because we are running behind schedule and then we will move into our Parliamentary Workshop.

(Whereupon the meeting was adjourned at 1:08 o'clock, p.m. on May 4, 2016.)

# Atlantic States Marine Fisheries Commission

## *Annual Performance of the Stocks: 2016 Review*

July 2016

**Objective:** – Support the ISFMP Policy Board’s review of stock rebuilding performance and management board actions and provide direction to management boards for 2016 Action Plan.

- A. Validate status/rate of progress (acceptable/not acceptable)
- B. If not acceptable, identify appropriate corrective action

**Species Groups:** – Species are grouped under five major categories (1) rebuilt/sustainable; (2) recovering/rebuilding; (3) concern; (4) depleted; and (5) unknown, as defined below.

**Rebuilt/Sustainable** – Stock biomass is equal to or above the biomass level established by the FMP to ensure population sustainability. When between benchmark assessments a stock can still be considered rebuilt/sustainable if it drops below the target but remains above the threshold.

**Recovering/Rebuilding** – Stocks exhibit stable or increasing trends. Stock biomass is between the threshold and the target level established by the FMP.

**Concern** – Those stocks developing emerging issues, e.g., increased effort, declining landings, or impacts due to environmental conditions.

**Depleted** – Reflects low levels of abundance though it is unclear whether fishing mortality is the primary cause for reduced stock size

**Unknown** – There is no accepted stock assessment to estimate stock status.

## Status as of 2016

### Rebuilt/Sustainable:

American Lobster (GOM/GBK)  
Atlantic Herring  
Atlantic Menhaden  
Black Drum  
Bluefish  
Scup  
Spanish Mackerel  
Spiny Dogfish

### Recovering/Rebuilding:

Atlantic Striped Bass

### Concern:

Atlantic Croaker  
Black Sea Bass  
Coastal Sharks  
Horseshoe Crab  
Red Drum  
Tautog  
Summer Flounder  
Winter Flounder (GOM)

### Depleted:

American Eel  
American Lobster (SNE)  
American Shad  
Northern Shrimp  
River Herring  
Weakfish  
Winter flounder (SNE/MA)

### Unknown:

Atlantic Sturgeon  
Jonah Crab  
Spot  
Spotted Seatrout



## Status as of 1998

### Rebuilt/Rebuilding

Atlantic Herring  
Atlantic Striped Bass  
Bluefish  
Black Sea Bass  
Spanish Mackerel  
Summer Flounder

### Concern/Depleted

American Lobster (SNE)  
Atlantic Menhaden  
Northern Shrimp  
Red Drum  
Scup  
Spiny Dogfish  
Tautog  
Weakfish  
Winter Flounder (SNE/MA and GOM)

### Unknown

American Eel  
American Shad  
Atlantic Croaker  
Atlantic Sturgeon  
Horseshoe Crab  
River Herring  
Spot  
Spotted Seatrout

### Summary Table of Rebuilt/Sustainable Species

Species	Biomass % of Target	Assessment Schedule	Caveats/Notes (what actions need to be taken to maintain rebuilt status)
American Lobster (Gulf of Maine/ Georges Bank)	375% of abundance threshold (2015 benchmark assessment)		The stock is not overfished and is not experiencing overfishing. Dramatic stock abundance increase since the late 1980s and at an increasing rate since 2005. Average spawning stock and recruit abundance are above the 75 <sup>th</sup> percentile while young of year indicators are generally below the median.
Atlantic Herring	>200% of biomass target adjusted for retrospective bias (Operational Assessment 2015)	Benchmark Assessment – June 2018	The stock is not overfished and is not experiencing overfishing. Survey indices in the operational assessment suggest the 2011 year class is the second largest in time series and will contribute significantly to total population abundance and biomass.
Atlantic Menhaden	90% of fecundity target	Assessment Update - 2017	The stock is not overfished and is not experiencing overfishing. Abundance of older fecund fish in the population. Significant changes occurred through the benchmark assessment including the addition of fishery-independent datasets and changes to the model structure to incorporate the spatial resolution of the reduction and bait fisheries.
Black Drum	192% of $B_{MSY}$ (2015 benchmark assessment)		The stock is not overfished and is not experiencing overfishing.
Bluefish	85% of SSB target (2015 benchmark assessment)	Data Update-2018	The stock is not overfished and is not experiencing overfishing. Bluefish are considered less vulnerable to becoming overfished relative to the biological reference points due to their life history characteristics (e.g., pelagic species, opportunistic feeder, multiple spawning events per years).
Scup	209% of SSB target (2015 benchmark assessment)	Assessment Update-2018	The stock is not overfished and is not experiencing overfishing. There is no consistent internal retrospective pattern in fishing mortality (F), spawning stock biomass (SSB), or recruitment evident in the scup assessment model.
Spanish Mackerel	$SSB_{2011}/SSB_{MSY}=1.49$ ; $SSB_{2011}/M_{SST}=2.29$ (2012 benchmark stock assessment)		The stock is not overfished and is not experiencing overfishing.
Spiny Dogfish	87% of SSB Target (2015 assessment update)	Assessment Update - Fall 2016	In November 2015, due to incomplete survey data in 2014, the Northeast Fisheries Science Center (NEFSC) updated the spiny dogfish assessment using a Kalman filter to smooth across years. The updated estimate of SSB for 2015 is 168,207 mt, about 106% of the SSB target. In updating the assessment, the NEFSC estimated a 96% probability that the stock is not overfished.

## Summary Table of Species Undergoing Recovery/Rebuilding

Species	Biomass % of Target	Assessment Schedule	Caveats/Notes (what actions need to be taken to continue rebuilding)
Atlantic Striped Bass	89% of SSB target in 2014 (2015 assessment update)	Assessment Update – Fall 2016  Benchmark Assessment – 2018	The stock is not overfished and is not experiencing overfishing, although F has been above the target and SSB has declined below the target towards the threshold level since 2006. Coastwide harvest reduction measures were implemented prior to the 2015 fishing season in order to reduce fishing mortality to a level at or below the target.

## Overview of Species of Concern

### Atlantic Croaker: Concern

#### 2010 Stock Assessment Findings

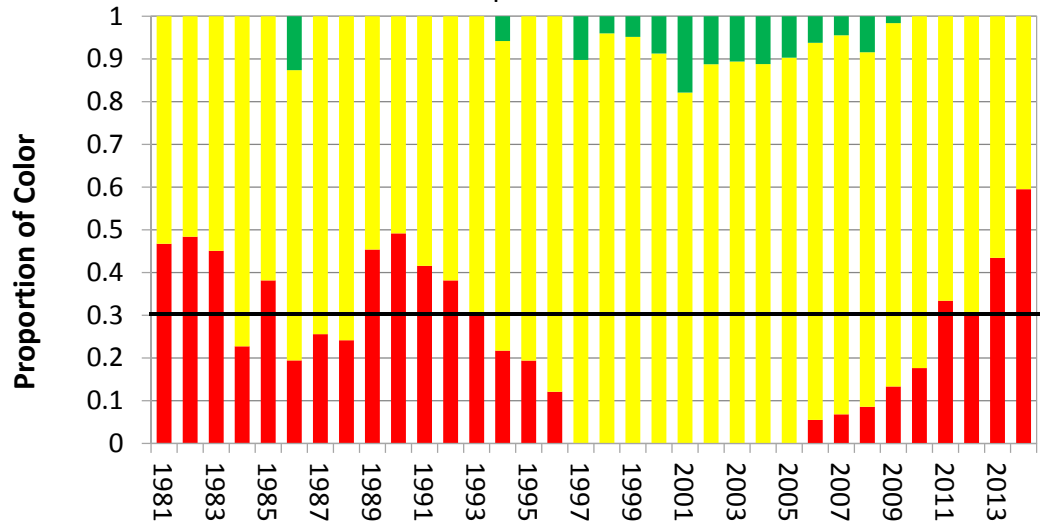
- Atlantic croaker is not experiencing overfishing. The assessment shows increasing biomass and an expanding age structure in the population since the 1980s. Atlantic croaker are considered to be a single stock on the Atlantic coast.
- Due to a high degree of uncertainty in the amount of shrimp trawl discards, the overfished status could not be determined. Similarly, values of spawning stock biomass (SSB) and fishing mortality (F) are not considered reliable; however, estimated trends show increasing biomass and decreasing fishing mortality.

#### Board Adherence to Scientific Advice

- In July 2015, the PRT completed traffic light analysis for the 2014 fishing year. The results showed declining trends in the fishery independent indices as well as a drop in both commercial and recreational landings. While the harvest index was above the 30% threshold with a red proportion of 44.5%, management measures were not tripped since the abundance index was below the threshold at 14.2%. Per Addendum II, a TLA was not conducted in 2016 due to the on-going benchmark stock assessment.

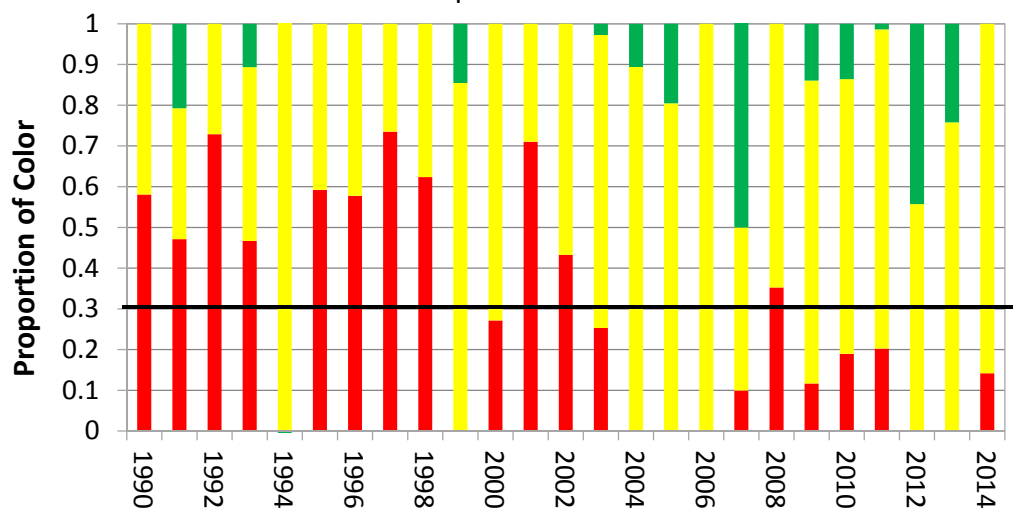
#### Traffic Light Analysis of Atlantic Croaker (Harvest Metric)

Solid line represents 30% threshold



#### Traffic Light Analysis of Atlantic Croaker (Abundance Metric)

Solid line represents 30% threshold



Management response is triggered when proportion of red exceeds the 30% threshold level for three consecutive years in both fishery characteristics (harvest and abundance metrics).

Timeline of Management Actions: FMP ('87); Amendment 1 ('05); Addendum I ('11); Addendum II ('14)



## Overview of Species of Concern

### Scientific Advice Based on Assessment Findings

- The 2010 Review Panel stressed the importance of developing valid estimates of shrimp trawl discards to improve the certainty of future assessment results. The following were also highlighted as needs for data and analysis:
  - Fishery-dependent biological sampling to improve age length keys
  - More information on growth rates, age structures, estimates of fecundity, and maturity
  - Increased focus on collecting subsamples in the species southern range through fishery independent surveys

### Monitoring and Management

- Under the TLA management program, if thresholds for both population characteristics (adult abundance and harvest) achieve or exceed the management threshold of 30% for the specified three year period, management action will be taken.

**Rebuilding Trajectory:** Increasing

**Next Assessment:** Benchmark stock assessment scheduled for 2016

## Overview of Species of Concern

### Black Sea Bass: Concern

#### Assessment Findings

- Although the resource was declared rebuilt in 2009, the species' unique life history characteristics (e.g., the species changes sex from female to male) contributes to some level of uncertainty about the size of the stock, as well as the species' response to exploitation.
- Due to uncertainty, an overfishing limit (OFL) cannot be specified for the fishery, which means a level of catch cannot be derived from model results.
- 2012 assessment indicates resource is not overfished nor experiencing overfishing, with biomass estimated at 102% of the biomass target.

#### Significant Sources of Uncertainty

- Assessment assumes a completely mixed stock, while tagging information suggests otherwise
- Evidence of changes in the spatial distribution of the species, specifically an expansion of the species into more northern areas.
- Due to the unusual life history strategy (females changing sex to male), the assumptions of a constant natural mortality rate (M) in the model for both sexes may not adequately capture the dynamics in M.
- The unique life history also makes the determination of appropriate reference points difficult

#### Prioritized Research to Reduce Scientific Uncertainty

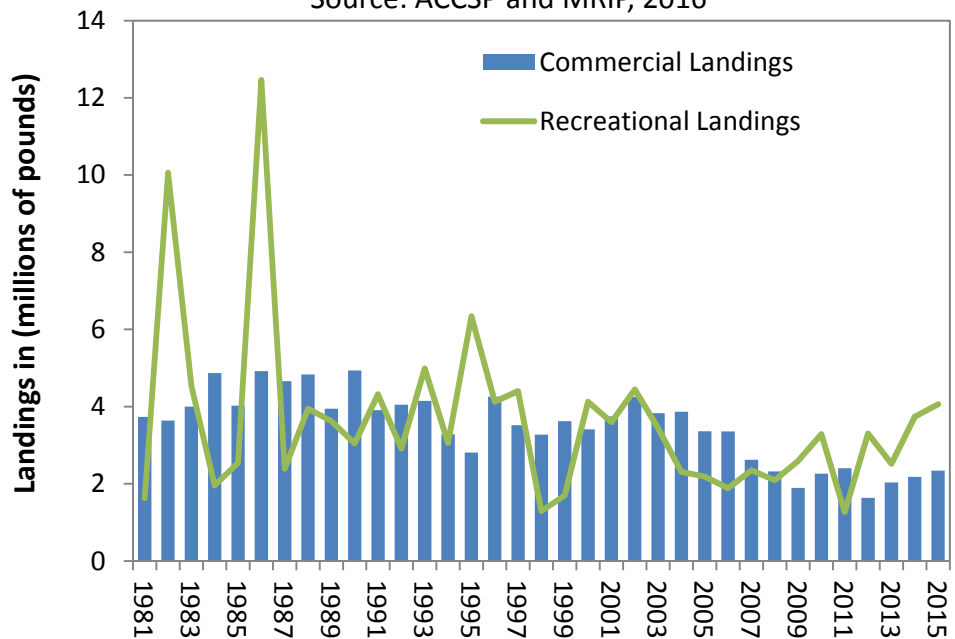
- Develop reference points and assessment methods to account for unique life history.
- Explore the utility of a spatially structured assessment to address the incomplete mixing of the stock
- Evaluate the implication of range expansion to stock and fishery dynamics

**Next Assessment:** Benchmark assessment in December 2016

**Rebuilding Trajectory:** Unknown

#### Black Sea Bass Commercial and Recreational Landings

Source: ACCSP and MRIP, 2016



Timeline of Management Actions: FMP ('96); Amendment 10 ('97); Amendment 11 ('98); Amendment 12 ('99); Amendment 13 ('03); Addenda II & III ('04); Addendum XVI ('05); Addendum XIX ('07); Addendum XX ('09); Addendum XXI ('11); Addendum XXIII ('13); Addendum XXV ('14); Addendum XXVII ('16)

## Overview of Species of Concern

### Coastal Sharks: Concern

#### Assessment Findings

Stock Status of Atlantic Coastal Shark Species and Species Groups			
Species/Complex Name	Stock Status		References/Comments
	Overfished	Overfishing	
<b>Pelagic</b>			
Porbeagle	Yes	No	Porbeagle Stock Assessment, ICCAT Standing Committee on Research and Statistics Report (2009); Rebuilding ends in 2108 (HMS Am. 2)
Blue	No	No	ICCAT Standing Committee on Research and Statistics Report (2015)
Shortfin mako	No	No	ICCAT Standing Committee on Research and Statistics Report (2012)
All other pelagic sharks	Unknown	Unknown	
<b>Aggregated Large Coastal Sharks (LCS)</b>			
Atlantic Blacktip	Unknown	Unknown	SEDAR 11 (2006)
Aggregated Large Coastal Sharks - Atlantic Region	Unknown	Unknown	SEDAR 11 (2006); difficult to assess as a species complex due to various life history characteristics/ lack of available data
<b>Non-Blacknose Small Coastal Sharks (SCS)</b>			
Atlantic Sharpnose	No	No	SEDAR 34 (2013)
Bonnethead	Unknown	Unknown	SEDAR 34 (2013)
Finetooth	No	No	SEDAR 13 (2007)
<b>Hammerhead</b>			
Scalloped	Yes	Yes	SEFSC Scientific Review by Hayes et al. (2009)
<b>Blacknose</b>			
Blacknose	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2043 (HMS Am. 5a)
<b>Smoothhound</b>			
Atlantic Smooth	No	No	SEDAR 39 (2015)
<b>Research</b>			
Sandbar	Yes	No	SEDAR 21 (2010)
<b>Prohibited</b>			
Dusky	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2108 (HMS Am. 2)
All other prohibited	Unknown	Unknown	

#### Board Adherence to Scientific Advice

- Based on Technical Committee advice, the Board approved FMP regulations that generally complement regulations in federal waters, ensuring F does not exceed  $F_{MSY}$  or  $F_{REBUILD}$ , and protecting shark pupping grounds in state waters.
- The Board manages the commercial fishery via management groups based on biology, fisheries, and stock status of various species.
- To complement the Shark Conservation Act of 2010, the Board implemented a fins naturally attached policy for all sharks, with a limited exception for smooth dogfish. Harvesters can remove the fins of smooth dogfish provided the weight of the fins onboard does not exceed 12% of the total weight of smooth dogfish carcasses. The Board approved a January 1, 2016 opening date for all commercial management groups in the Atlantic shark fishery, in conjunction with federal waters' fisheries.

## Overview of Species of Concern

- The 2016 commercial fishery is year-round, therefore, adjustable commercial retention limits for the aggregated large coastal shark and hammerhead shark management groups were implemented, in conjunction with federal waters fisheries, to ensure equitable distribution of the resource throughout the fishing season. The default commercial retention limit is 45 sharks per trip per vessel; it can be adjusted in-season to 0 – 55 sharks per vessel per trip.

### Monitoring and Management Measures

- May 15 – July 15 closed season from New Jersey-Virginia to protect pupping females for the following species: sandbar, silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead.
- Fins to remain attached to the carcass through landing for all species except smooth dogfish.
- Recreational fishing controlled through possession limits with a 4.5' fork length size limit for all species except for Atlantic sharpnose, finetooth, blacknose, and bonnethead which do not have a size limit, and 6.5' for all hammerhead shark species.
- Recreational anglers can only harvest sharks caught with a handline or rod & reel.

**Next Assessment:** Variable by species/complex

**Rebuilding Trajectory:** Variable by species/complex

## Overview of Species of Concern

### Horseshoe Crab: Concern

#### 2013 Assessment Update Findings

- Abundance has increased in the Southeast and Delaware Bay Region (New Jersey through coastal Virginia), and decreased in New York and New England.
- In the Delaware Bay, increasing trends were most evident for juveniles, followed by adult males. A small increase in adult females was observed in the Virginia Tech Benthic Trawl Survey, but the survey has not been conducted since 2013. These patterns are indicative of population recovery, given that horseshoe crab females take longer to mature than males.
- Declines in the New England population were also apparent in the 2004 and 2008 assessments; however, the 2008 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.

**Regional Trends in Horseshoe Crab Abundance**

Region	Time series duration of longest dataset	Conclusion about population change
<b>New England</b>	1978 - 2008	Declined
<b>New York</b>	1987 - 2008	Declined
<b>Delaware Bay</b>	1988 - 2008	Increased
<b>Southeast</b>	1993 - 2009	Increased

#### Needed Information/Data

- Dedicated funding for a coastwide survey or surveys by broader geographical region
- Biological reference points
- A mechanism to include biomedical data and mortality estimates in regional assessments without compromising data confidentiality

#### Board Adherence to Scientific Advice

- Addendum VII, approved in 2012, implemented the Adaptive Resource Management (ARM) framework, which was used to set annual specifications for horseshoe crabs of Delaware Bay origin. The ARM framework has been used since 2013.

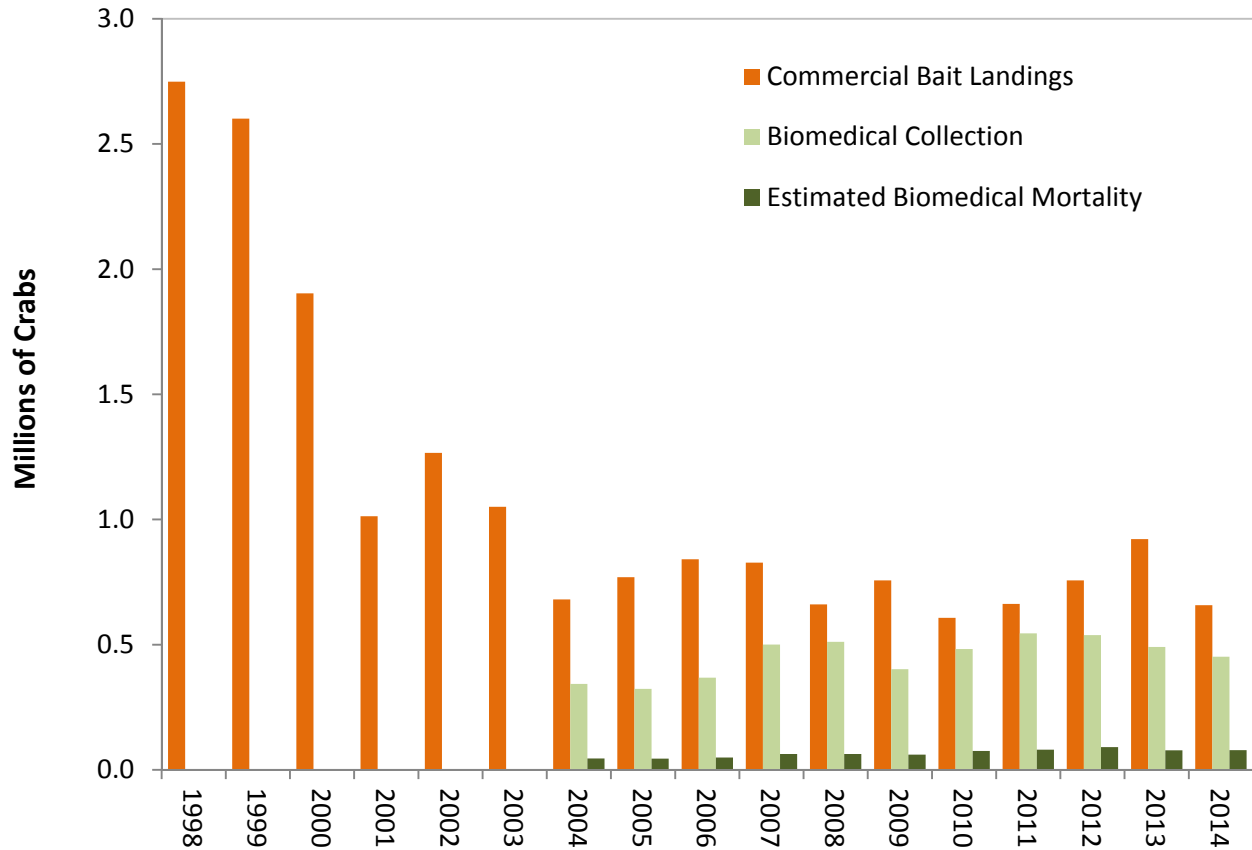
**Next Assessment:** Benchmark stock assessment scheduled for 2018

**Rebuilding Trajectory:** Varies by region (see table)

## Overview of Species of Concern

### Horseshoe Crab Bait Landings & Biomedical Collection

Source: ASMFC State Compliance Reports, 2015



**Please note the following details regarding biomedical collection numbers:**

\* Biomedical collection numbers, which are annually reported to the Commission, include all horseshoe crabs brought to bleeding facilities except those that were harvested as bait and counted against state quotas.

\* Most of the biomedical crabs collected are returned to the water after bleeding; a 15% mortality rate is estimated for all bled crabs. This is noted in the above graph as 'Estimated Biomedical Mortality.'

**Timeline of Management Actions:** FMP ('99); Addendum I ('00); Addendum II ('01); Addendum III ('04); Addendum IV ('06); Addendum V ('08); Addendum VI ('10); Addendum VII ('12)

## Overview of Species of Concern

### Red Drum: Concern

#### Assessment Findings

##### **2009 Benchmark Assessment, SEDAR**

- Overfishing is not occurring in either the northern or southern stocks as the 3-year average of the SPR is above the overfishing threshold of 30% SPR in both regions.
- The assessment is unable to determine whether the stocks are overfished due to a lack of information on the adult population (age 4 and older).
- The abundance of young fish (ages 1-3) increased in the early 1990s and stabilized throughout the 2000's in both regions.
- Exploitation in the northern stock decreased throughout the 1990s and increased after 2004. Exploitation in the southern stock fluctuated between 1989 and 2007 with a slight increasing trend.

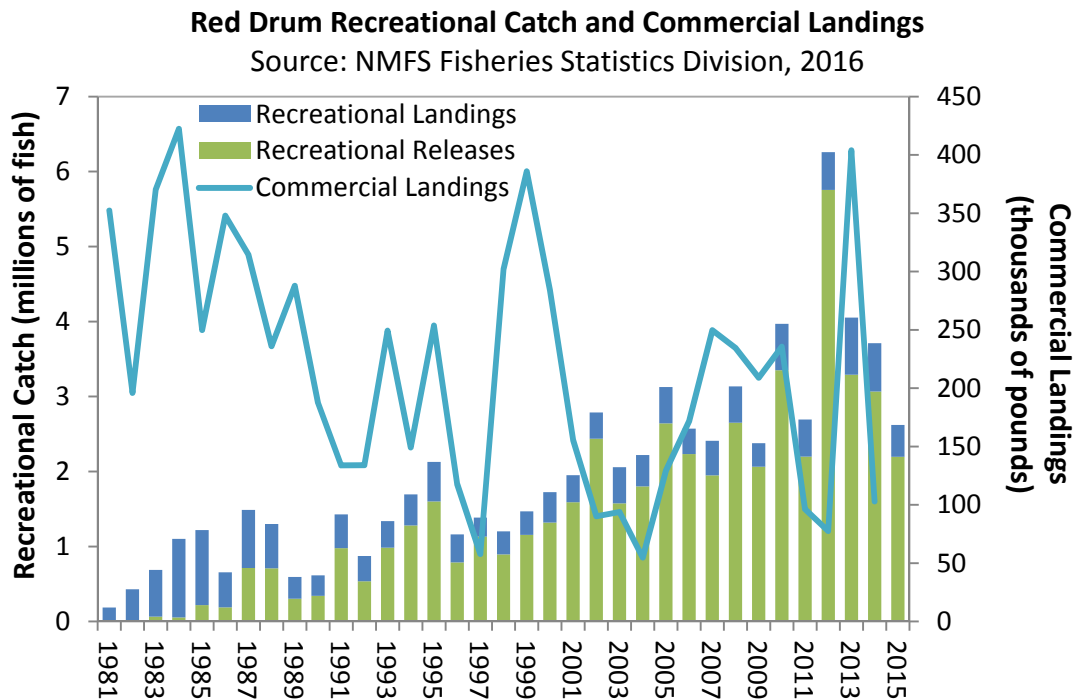
##### **2016 Benchmark Assessment Preliminary Findings (Pending final board action)**

- Desk-reviewed models using the stock synthesis framework suggest overfishing is occurring in both the northern and southern regions.
- The northern model predicts low adult abundance (age 6+) since 1989.
- The southern model shows increasing F, resulting in low escapement of juveniles from the fishery.

#### Board Adherence to Scientific Advice

- No management action was recommended or taken by the Board following the 2009 assessment.
- The 2016 assessment was presented to the Board in May. The Board charged the Technical Committee with several tasks to further investigate the assessment results.

**Next Assessment:** 2016 assessment currently on-going.



Timeline of Management Actions: FMP ('84); Amendment 1 ('91); Amendment 12 ('02); Addendum I ('13)

## Overview of Species of Concern

### Summer Flounder: Concern

#### Assessment Findings (2015 Assessment Update)

- Not overfished, but overfishing was occurring relative to the biological reference points (BRP) from the 2013 benchmark assessment ( $F=0.359$  in 2014, 16% above  $F_{MSY}=3.09$ ).
- Spawning stock biomass was estimated to be 89 million pounds in 2014, 65% of the target (138 million pounds)
- Recruitment over the last four years (2010-2013) were below average.
- 2015 commercial landings were approximately 10.59 million pounds or 96% of the 2015 the commercial quota
- 2015 recreational harvest was approximately 4.87 million pounds or 66% of the recreational harvest limit. Harvest in 2015 decreased by 34% relative to harvest in 2014.

#### Scientific Advice Based on Assessment Findings

- Retrospective patterns are evident in the assessment and have substantial implications for the reliability of the model projections.
- Projections are made assuming the acceptable biological catch (ABC) will be fully harvested, but not exceeded. However, there are trends in harvest indicating an increased likelihood of catches exceeding the ABC.
- For 2016 and 2017, the probability of overfishing is higher than the Mid-Atlantic Council’s risk policy.

#### Board Adherence to Scientific Advice

- 2016 acceptable biological catch was decreased by 29% to reflect declines in stock size.
- The Board approved a regional approach for recreational management measures which is a more precise use of the MRIP data. MRIP estimates are best used in aggregate - annually and at the state or regional level.

#### Next Assessment:

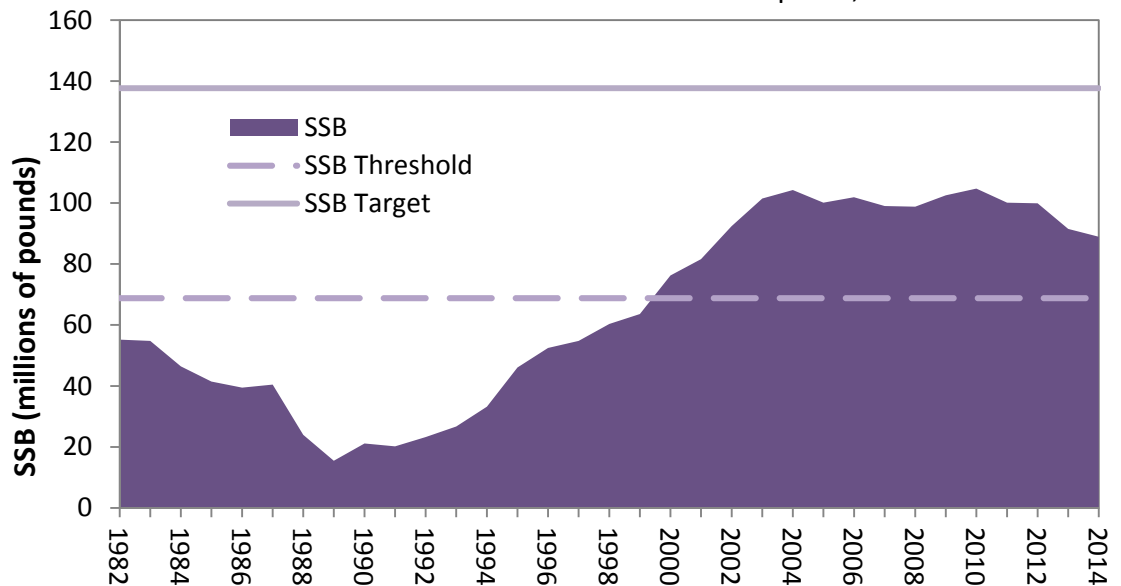
Not currently scheduled

#### Rebuilding

Trajectory: Stable

#### Summer Flounder Spawning Stock Biomass (SSB)

Source: NEFSC Stock Assessment Update, 2015



Timeline of Management Actions: FMP ('88); Amendment 1 ('91); Amendments 2-5 ('93); Amendment 6 ('94); Amendment 7 ('95); Amendments 8 & 9 ('96); Amendment 10 ('97); Amendment 11 ('98); Amendment 12 ('99); Amendment 13 ('03); Addendum XVII ('05); Addendum XVIII ('06); Addendum XXV ('14); Addendum XXVI ('15); Addendum XXVII ('16)



## Overview of Species of Concern

### Tautog: Concern

#### Assessment Findings

##### 2015 Benchmark Stock Assessment

- The stock is overfished on a coastwide basis and in all proposed regions. Overfishing is occurring on a coastwide basis and in all regions except DelMarVa.
- Assessment recommends a regional approach to assess and manage the resource
- On a coastwide scale, SSB (4,882 mt) is well below its target (15,459 mt). The three-year average fishing mortality (0.30) exceeds the target of 0.15.

#### Scientific Advice Based on Assessment Findings

- The assessment proposed new reference points for two regional approaches (see table for stock condition and regional stock definition)
- The Technical Committee acknowledges the possibility of a sub-stock within the Long Island Sound and managing this region as a discrete area may be appropriate

#### Board Adherence to Scientific Advice

- Board initiated Draft Amendment 1 to consider regional stock definitions, reference points and management measures
- Board initiated regional stock assessments for Long Island Sound and New Jersey-New York Bight. This would create a four-region approach for consideration. The Board will review the assessment results in August 2016.

**Next Assessment:** Additional regions are being presented in August of 2016. As well as, an assessment update to include data from 2015 for all regions will begin in the fall of 2016.

**Rebuilding Trajectory:** Flat at low levels

Stock Region	Stock Status	SSB Target (in MT)	SSB Threshold (in MT)	F Target	F Threshold
Coastwide (All states)	Overfished Experiencing Overfishing	20,612	15,459	0.10	0.13
<b>REGIONAL OPTION 1</b>					
Massachusetts/Rhode Island/Connecticut	Overfished Experiencing Overfishing	3,883	2,912	0.15	0.20
New York – New Jersey	Overfished Not Experiencing Overfishing	3,570	2,640	0.17	0.26
Delaware/Maryland/ Virginia	Overfished Not Experiencing Overfishing	2,090	1,580	0.16	0.24
<b>REGIONAL OPTION 2</b>					
Massachusetts – Rhode Island	Overfished Experiencing Overfishing	2,633	1,975	0.16	0.38
Connecticut – New Jersey	Overfished Experiencing Overfishing	4,695	3521	0.17	0.24
Delaware/Maryland/ Virginia	Overfished Not Experiencing Overfishing	885	664	0.16	0.24

## Overview of Species of Concern

### Winter Flounder - GOM: Concern

#### 2015 Groundfish Stock Assessment Update

##### **Overfished Unknown**

- Assessment is now based on 30+ cm area-swept biomass estimated directly from the surveys. The update assessment was accepted for management use.
- $B_{MSY}$  and  $F_{MSY}$  are unknown, and consequently the F and SSB targets could not be generated.
- The lack of an apparent relationship between a large decrease in catch and little change in indices and age or size structure cause poor fit in models that have been used.

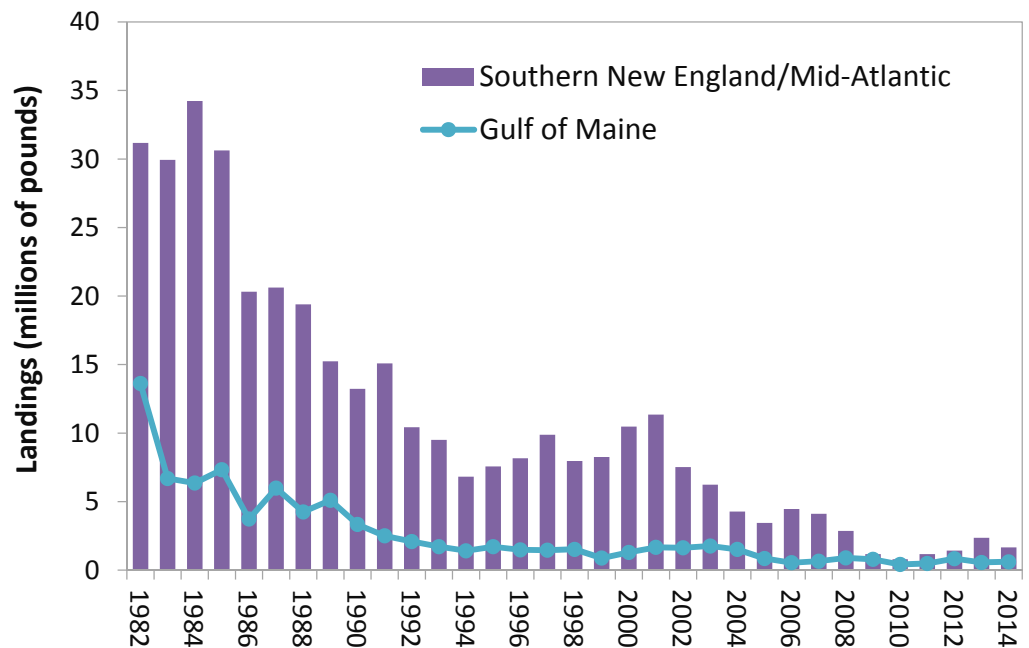
##### **Overfishing not Occurring**

- Updated 2014 fall 30+ cm area-swept biomass (4,655 mt) implies an OFL of 1,080 mt based on the  $E_{MSY}$  proxy and a catch of 810 mt for 75% of the  $E_{MSY}$  proxy.
- It is unknown why the stock is not responding to low catches and low exploitation rates.

#### Board Adherence to Scientific Advice

- Addendum I measures, implemented in 2009, reduced recreational and commercial harvest by an estimated 11% and 31%, respectively
- In response to the 2011 stock status, NOAA Fisheries increased the 2012 state water sub-component to 272 mt (a 450% increase of 2010 level) based on the overfishing status.
- Following this federal action, the Commission’s Winter Flounder Board approved Addendum II in October 2012 to increase the maximum possession limit for non-federally permitted commercial vessels to 500 pounds.
- In response to the 2015 assessment update, NOAA Fisheries increased the 2016 state water sub-component to 122 mt (from 87 mt in 2015) and total stock-wide annual catch limit to 776 mt (from 489 mt), roughly three times the harvest in 2014.
- The Commission’s Board maintained the same management measures as 2015 for the 2016 fishing season.

**Winter Flounder Commercial Landings by Stock Unit**  
Northeast Fisheries Science Center, 2015



**Next Assessment:** N/A

**Rebuilding Trajectory:** Flat at low levels

Timeline of Management Actions: FMP & Addendum I ('92); Addendum II ('98); Amendment 1 ('05); Addendum I ('09); Addendum II ('12); Addendum III ('13)

## Overview of Depleted Species

### American Eel: Depleted

#### 2012 Benchmark Assessment

**Depleted:** Trend analyses and model 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.

**Overfishing Determination:** No overfishing determination can be made at this time.

#### Assessment Findings

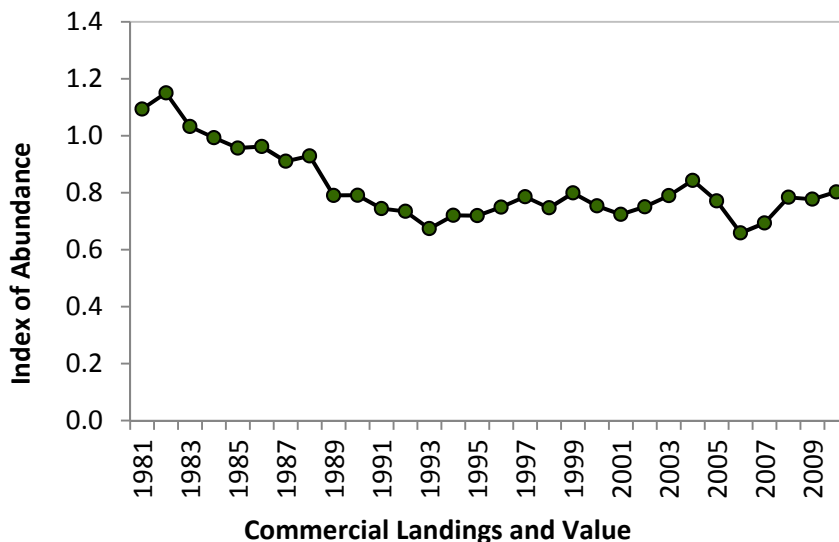
- In recent decades there has been neutral or declining coastwide abundance.
- Decreasing trends in yellow eels were seen in the Hudson River and South Atlantic regions
- Although commercial fishery landings and effort in recent times have declined in most regions, current levels of fishing effort may still be too high given the additional stressors affecting the stock such as habitat loss, passage mortality, and disease as well as potentially shifting oceanographic conditions.
- Management efforts to reduce mortality on American eels in the U.S. are warranted.

#### Board Adherence to Scientific Advice

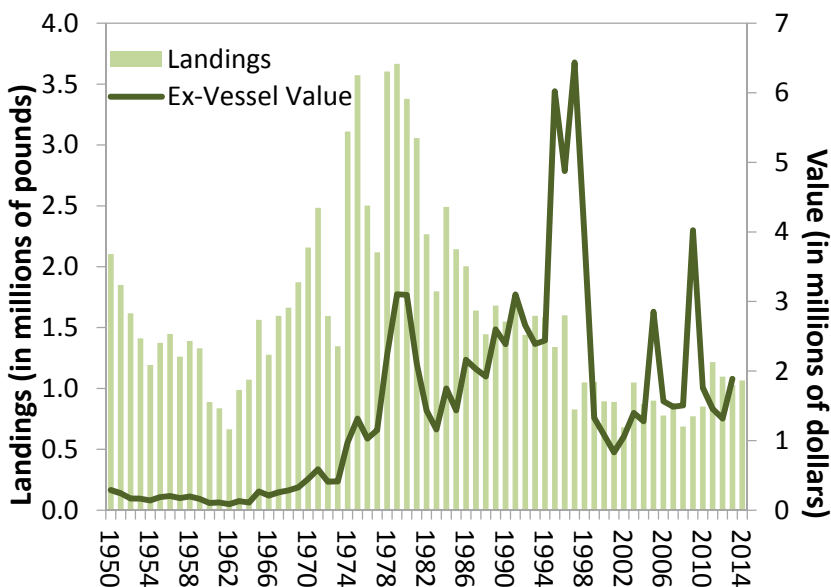
- Based on results of the 2012 benchmark assessment the Board has implemented two Addenda to reduce fishing mortality on American eels.
- Addendum III (2013) increased the commercial and recreational minimum size to 9 inches, reduced the recreational bag limit from 50 fish/day/angler to 25 fish/day/angler, prohibited most silver eel fisheries, and places restrictions on the growth of pigmented eel fisheries.

### 30-Year Index of Abundance for Yellow-phase American Eels along the Atlantic Coast

Source: 2012 American Eel Benchmark Stock Assessment Report



Source: ASMFC 2012 American Eel Benchmark Stock Assessment Report (2012), ASMFC State Compliance Reports, and NMFS Fisheries Statistics Division (2015)



## Overview of Depleted Species

- Addendum IV (2014) established a 907,671 pound coastwide quota for yellow eel fisheries, reduced Maine's glass eel quota to 9,688 pounds based on 2014 landings, and allowed for the continuation of New York's silver eel weir fishery in the DE River. Management triggers exist for yellow eel state quotas if necessary.

**Next Assessment:** Stock Assessment Update in 2017

**Rebuilding Trajectory:** Unknown

## Overview of Depleted Species

### American Lobster - SNE: Depleted

#### Assessment Findings (2015 Benchmark Stock Assessment)

- Depleted and overfishing not occurring
- Abundance at 42% of threshold
- Current exploitation (0.27) below threshold (0.41)
- Model estimates for recruitment are near zero and the lowest on record
- The inshore portion of the stock shows a dramatic decline in spawning stock abundance
- The stock has not rebuilt and is in recruitment failure
- Little possibility of recovery unless fishing effort is significantly curtailed

#### Board Adherence to Scientific Advice

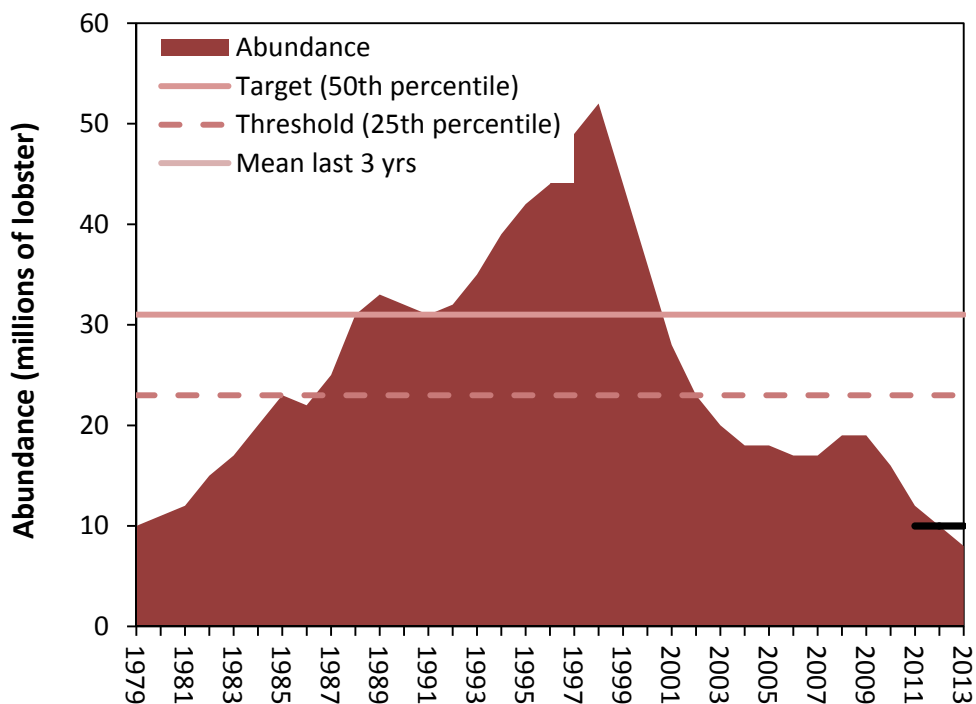
- Technical Committee has advised use of output controls, Board continues to use input measures
- Technical Committee has advised prohibiting conservation equivalency in LCMA 6, Board approved program
- Technical Committee has advised 100% trip level harvester reporting; Board maintained at least 10% active harvester reporting
- Technical Committee has advised 50-75% reductions in SNE LCMAs; Board approved 10% reduction.

#### Rebuilding Trajectory:

Population continues to decline; Addendum XI (May 07) established a 15-year rebuilding timeline (ending in 2022) with a provision to end overfishing immediately.

#### Southern New England Lobster Abundance

Source: American Lobster Benchmark Stock Assessment, 2015



Timeline of Management Actions: Amendment 3 ('97); Addendum I ('99); Addendum II ('01); Addendum III ('02); Addenda IV & V ('04); Addenda VI & VII ('05); Addenda X & XI ('07); Addendum XIII ('08); Addendum XIV ('09); Addendum XV ('09); Addendum XVI ('10); Addendum XVII ('11); Addendum XVIII ('12); Addenda XIX – XXIII ('13); Addendum XXIII ('14); Addendum XXIV ('15)

## Overview of Depleted Species

### American Shad: Depleted

#### 2007 Assessment Findings

- 86 river systems assessed; 64% of which have unknown stock status
- Collectively, stocks are at all-time lows and do not appear to be recovering

#### Scientific Advice Based on Assessment Findings

- Improved monitoring (fishery independent and dependent) and fish passage
- Management measures based on total mortality (Z), which combines fishing and natural mortality.
- Lower JAI threshold needed to trigger management action
- The next assessment has not been scheduled.

#### Board Adherence to Scientific Advice

- Management Board approved Amendment 3 in February 2010
- Management actions contained in the Amendment are based on recommendations from the stock assessment.
- Member states/jurisdictions were required to submit sustainable fishery management plans (SFMPs) by August 1, 2012 (for TC review and Board approval). As of January 1, 2013, the Shad and River Herring Management Board approved SFMPs for Massachusetts, Connecticut, the Delaware River, the Potomac River, North Carolina, South Carolina, Georgia, and Florida. States/jurisdictions without approved SFMPs by January 1, 2013 were required to close their American shad fisheries, with the exception of catch and release recreational fisheries.
- By August 1, 2013, states/jurisdictions were required to submit a Habitat Plan, which contains a summary of current and historical spawning and nursery habitat; the most significant threats to those habitats; and a habitat restoration program to improve, enhance and/or restore habitat quality and quantity. In February 2014, the Board approved habitat plans for the majority of states and jurisdictions.

**Next Assessment:** Assessment update in 2018

**Rebuilding Trajectory:** Variable by River System (see accompanying table)

#### Trends in Stock Status of American Shad Populations

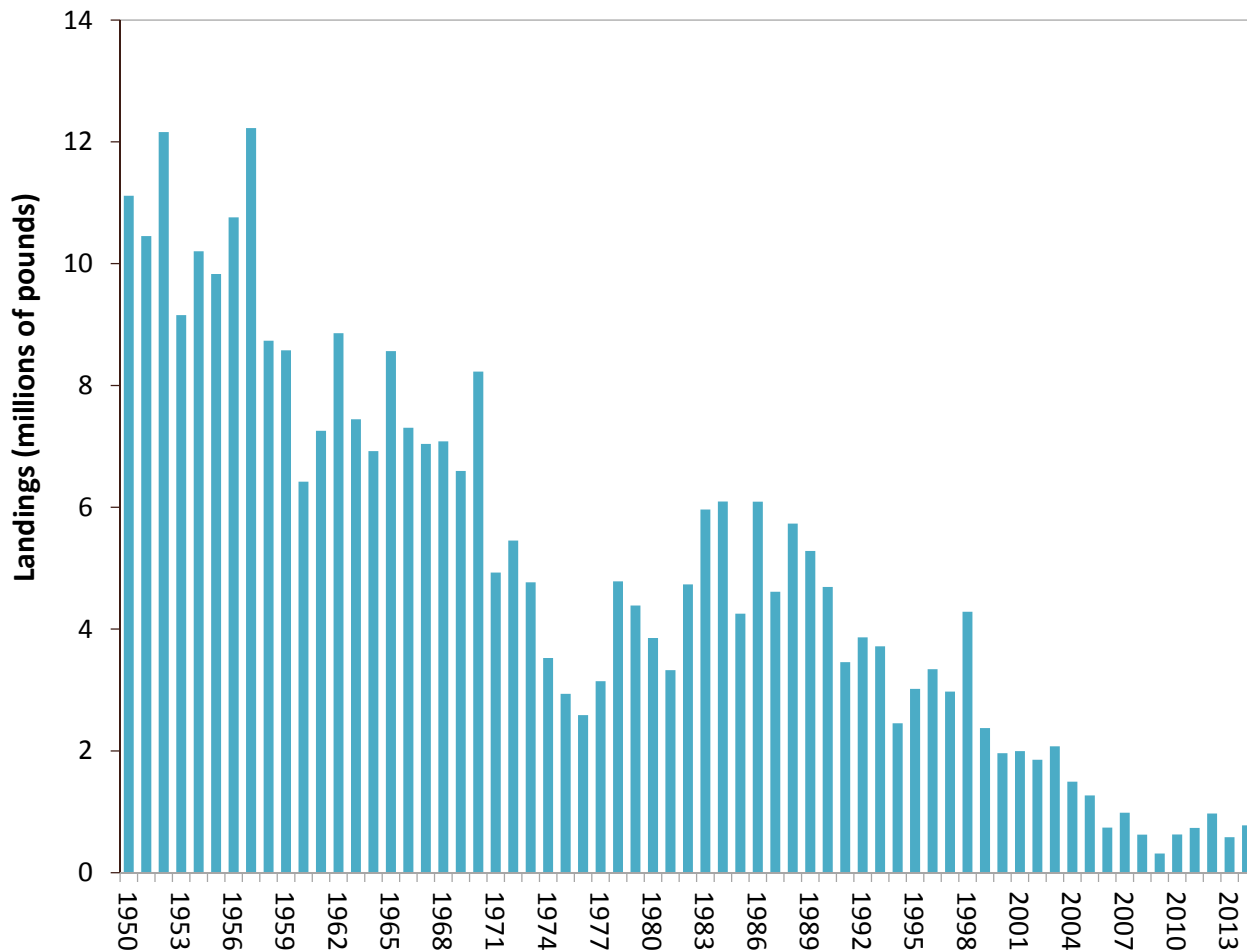
Trends based on a comparison of 2007 assessment results to 1998 assessment results. Sources: ASMFC American Shad Stock Assessment Reports for 2007 and 1998

State	River	Trend
ME	Saco and Kennebec	Declining
NH	Exeter	Declining
MA	Merrimack	Low, Stable
RI	Pawcatuck	Declining
CT/MA	Connecticut	Stable
NY	Hudson	Declining
NY/PA/NJ/DE	Delaware River and Bay	Low, Stable
PA	Susquehanna	Declining
DC/MD/VA	Potomac	Increasing
MD	Nanticoke	Low
VA	York	Increasing
	James	Declining
	Rappahannock	Stable
SC	Santee	Increasing
	Edisto	Declining
GA	Altamaha	Declining
FL	St. Johns	Declining

# Overview of Depleted Species

## American Shad Commercial Landings

Source: NMFS Fisheries Statistics Division, 2015



Timeline of Management Actions: FMP ('85); Amendment 1 ('99); Amendment 3 ('10)

## Overview of Depleted Species

### Northern Shrimp: Depleted

#### Assessment Findings (2015 Stock Assessment Update)

- The Technical Committee evaluated a suite of indicators including fishery performance, survey indices of abundance and biomass, and environmental conditions, to determine the status of the stock.
- Using these indices, the Technical Committee determined that the northern shrimp stock is collapsed and abundance and biomass indices for 2012-2015 were the lowest on record in the 31-year time series.
- The stock has also experienced low or failed recruitment the past five years, reaching a time series low in 2015.
- Long term trends in environmental conditions are not favorable for northern shrimp, suggesting a need to conserve spawning stock biomass to help compensate for what may continue to be an unfavorable environment.

#### Scientific Advice Based on Assessment Findings

Due to recruitment failure, a collapsed stock, and long-term trends in environmental conditions, the Technical Committee recommended the Section extend the moratorium on fishing through 2016.

#### Board Adherence to Scientific Advice

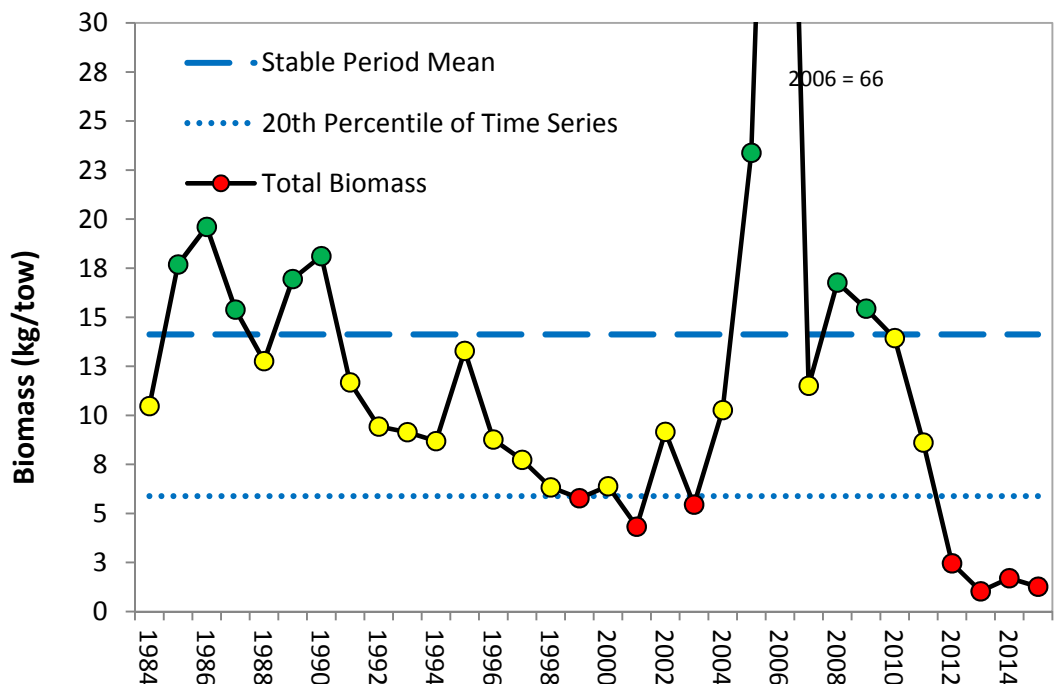
- Adhering to the Technical Committee's recommendations, the Section implemented a fishery moratorium for the 2016 fishing season.
- Prior to closure of the fishery in 2014 due to a collapsed resource, the Section initiated development of Amendment 3 to address overcapacity in the fishery. The amendment explores measures to adequately manage effort in the fishery, control harvest, and to minimize harvest of small shrimp.

**Next Assessment:** 2016 Stock Status Update; benchmark assessment, 2017

**Rebuilding Trajectory:** Declining

### Total Biomass of Northern Shrimp from the Gulf of Maine Summer Shrimp Survey

Stock Status Report for Gulf of Maine Northern Shrimp, 2015



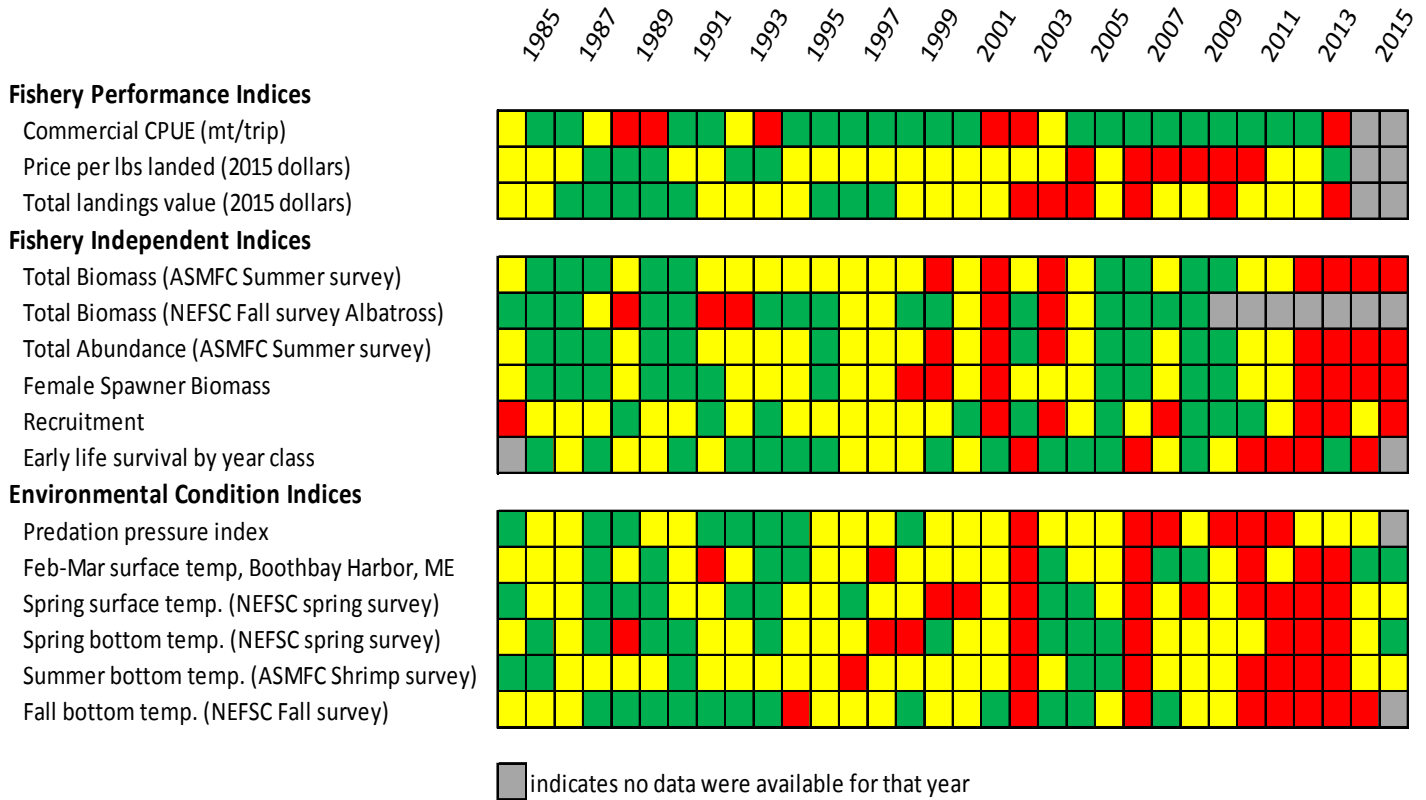
The graph represents the annual biomass index relative to the reference period (dashed line) and to the 20th percentile of the time series (dotted line). The reference period (1985-1994) is the time period during which the fishery experienced stable landings and value. Green dots are values that are equal to or above the stable period mean (SPM); red dots are values that are equal to or below the 20th percentile of the time series; yellow dots are values between the SPM and the 20th percentile.



# Overview of Depleted Species

## Strict Traffic Light Approach (STLA) Results

Red indicates unfavorable conditions or status, yellow indicates intermediate values, and green indicates favorable conditions or status.



**Timeline of Management Actions:** FMP ('86); Amendment 1 ('04); Amendment 2 ('11); Addendum I ('12)

## Overview of Depleted Species

### River Herring: Depleted

**Depleted:** The coastwide meta-complex of river herring stocks on the US Atlantic coast is depleted to near historic lows (2012 Benchmark Assessment).

**Overfishing Determination:** No overfishing determination can be made at this time.

### Assessment Findings

- Of the 52 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 the time-series of available data was too short.
- 14 out of 15 river specific YOY indices showed no (7 rivers) or declining (7 rivers) trends.
- Mean length, maximum age and mean length-at-age for both species have declined.
- Recent domestic landings totaled <2 million pounds in any given year.
- Commercial landings by domestic and foreign fleets peaked at 140 million pounds in 1969.
- The “depleted” determination was used instead of “overfished” and “overfishing” because of the many factors have contributed to the declining abundance of river herring including habitat loss, predation, and climate changes

### Board Adherence to Scientific Advice

- In 2009, the Board approved Amendment 2, in response to concern for river herring stocks.
- The Amendment prohibits state waters commercial and recreational fisheries beginning January 1, 2012, unless a state or jurisdiction has a sustainable management plan reviewed by the Technical Committee and approved by the Management Board.
- Amendment 2 required states to implement fisheries-dependent and independent monitoring programs, and contains recommendations to conserve, restore, and protect critical river herring habitat.
- As of January 1, 2012, the Shad and River Herring Management Board approved sustainable fishery management plans for Maine, New Hampshire, New York, North Carolina and South Carolina.

**Next Assessment:** Assessment update in 2017

**Rebuilding Trajectory:** Unknown

### Status of Select Alewife and Blueback Herring Stocks along the Atlantic Coast

Source: 2012 River Herring Benchmark Stock Assessment Report

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

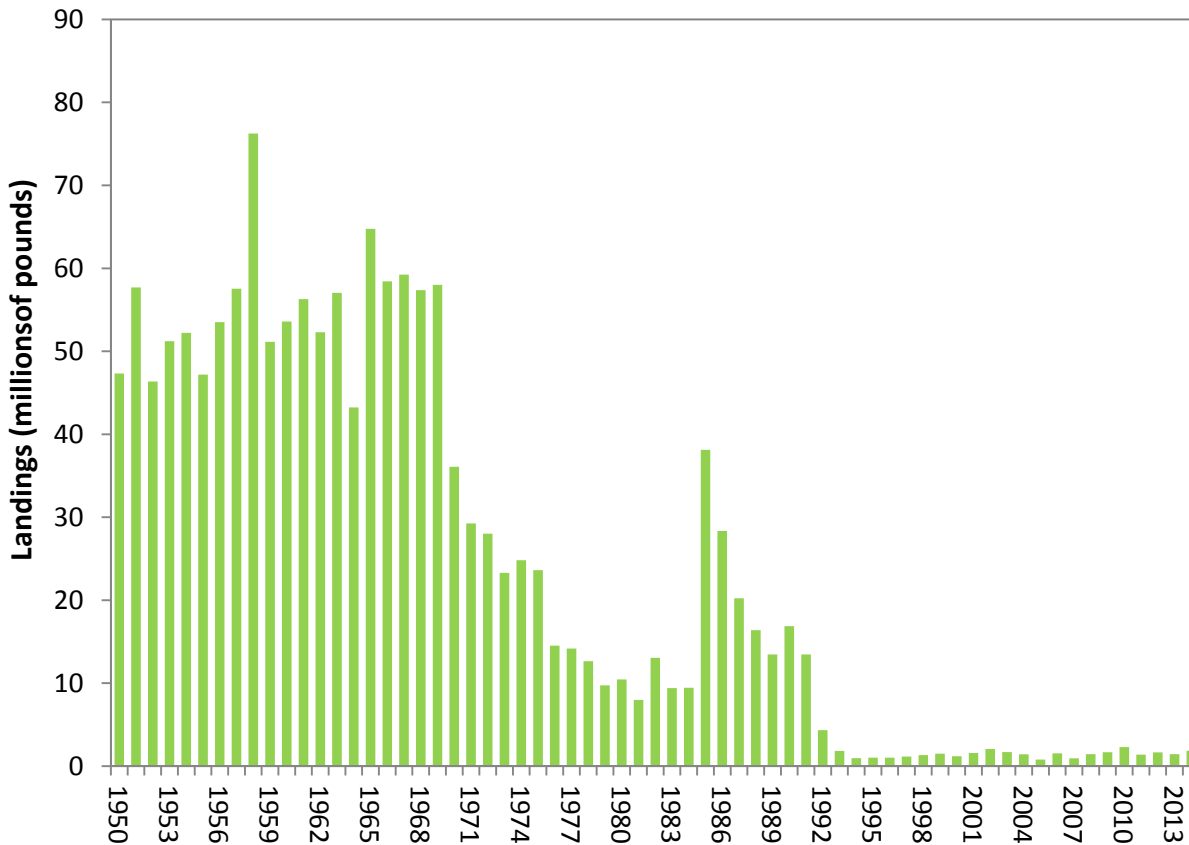
A = Alewife, B = Blueback Herring

Status relative to historic levels is pre-1970. Recent trends reflect last ten years of data.

# Overview of Depleted Species

## River Herring Commercial Landings

Source: NMFS Fisheries Statistics Division, 2015



Timeline of Management Actions: FMP ('85); Amendment 1 ('95); Amendment 2 – River Herring ('09)

## Overview of Depleted Species

### Weakfish: Depleted

#### 2016 Benchmark Assessment

**Depleted:** Spawning stock biomass (SSB) at 37% of threshold in 2014

**Overfishing Not Occurring:** Total mortality (Z) in 2014 was above the threshold but below the target, indicating that Z is still high but within acceptable limits.

#### Assessment Findings (2016 Benchmark Assessment)

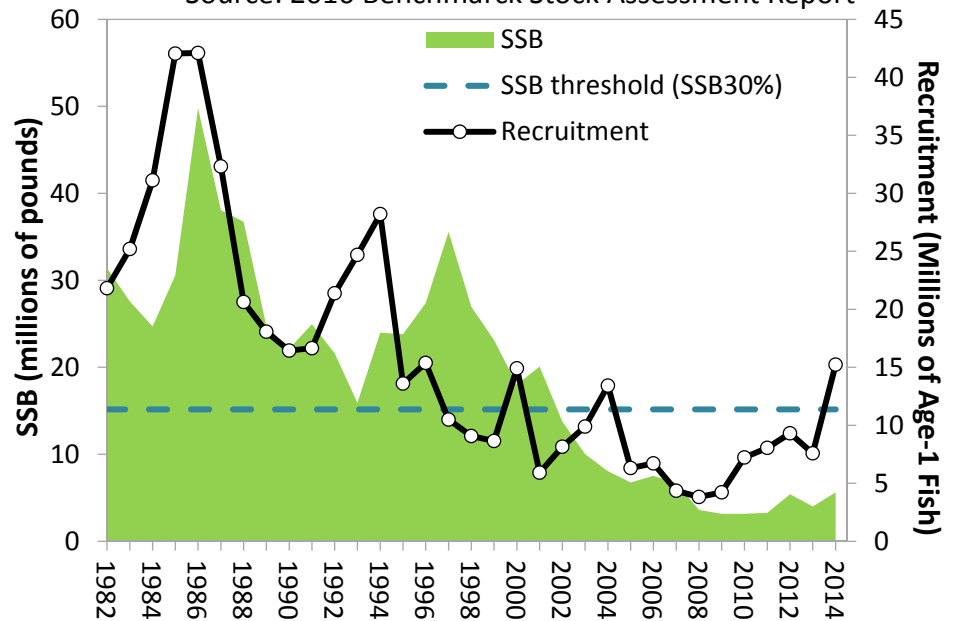
- Natural mortality (M) has increased since the mid-1990s, from approximately 0.16 in the early 1980s to an average of 0.93 from 2007-2014. Potential factors causing high M include predation, competition, and changes in the environment.
- While the assessment indicates some positive signs in the weakfish stock in the most recent years, including a slight increase in SSB and total abundance, the stock is still well below the SSB threshold.
- Weakfish landings have dramatically declined since the early 1980s, dropping from over 19 million pounds in 1982 to roughly 200,000 pounds in 2014.

#### Board Adherence to Scientific Advice

- Based on results of the 2009 stock assessment and peer review, the Board approved Addendum IV, which 1) revised the biological reference points; 2) implemented a commercial trip limit, and 3) reduced the recreational bag limit, the commercial bycatch limit, and the finfish trawl fishery's allowance for undersized fish.

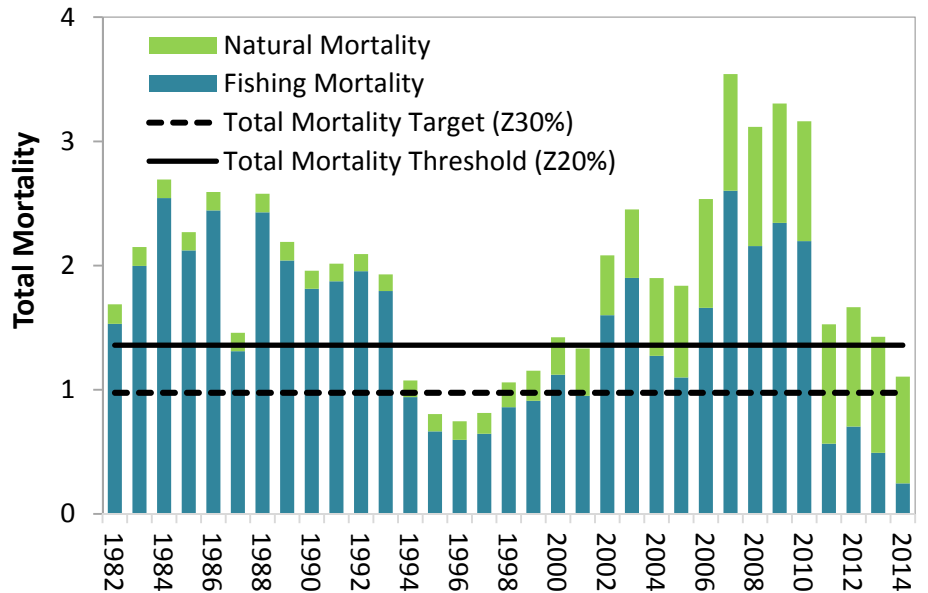
### Weakfish Spawning Stock Biomass and Recruitment

Source: 2016 Benchmark Stock Assessment Report



### Contributions of Fishing and Natural Mortality to Weakfish Total Mortality

Source: 2016 Benchmark Stock Assessment Report



**Timeline of Management Actions:** FMP ('85); Amendment 1 ('91); Amendment 2 (1995); Amendment 3 ('96); Amendment 4 ('02); Addendum I ('05); Addenda II & III ('07); Addendum IV ('09)

## Overview of Depleted Species

- Following the 2016 stock assessment, the Board maintained strict regulations on the harvest of weakfish in the commercial and recreational fishery. The Board also adopted new reference points based on SSB and Z, per the recommendation of the Technical Committee.

**Next Assessment:** Assessment Update in 2018

**Rebuilding Trajectory:** Slight increase in SSB and abundance

## Overview of Depleted Species

### Winter Flounder - SNE/MA: Depleted

#### 2015 Groundfish Stock Assessment Update

**Overfished:** Stock is at 23% of SSB target. While there have been some modest increases over the last decade, the stock has remained at approximately a quarter of the target since the early 2000s. Since 1981 recruitment has been declining, 2013 is the lowest in the time series which is approximately 4% of the estimated recruitment in 1981 (the highest in the time series). While the 2014 recruitment estimate increased slightly, the overall stock productivity continues to decline.

**Overfishing is Not Occurring:** 2014  $F = 0.16$  which is 49% of the overfishing threshold ( $F_{MSY} = 0.325$ )

#### Board Adherence to Scientific Advice

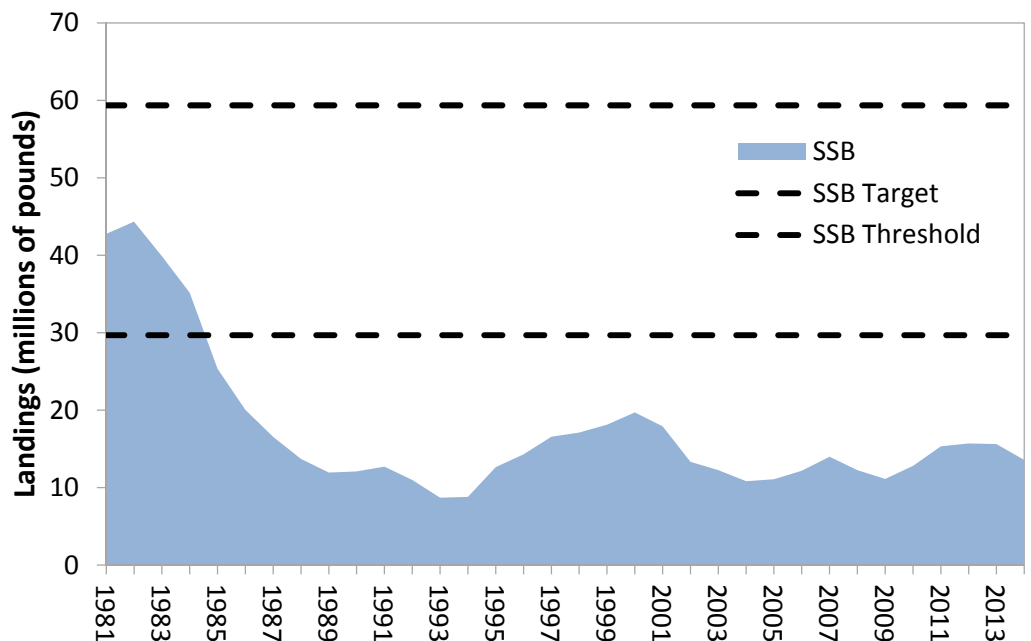
- Stock status remains unchanged since the 2011 benchmark assessment.
- After reviewing the 2015 assessment update, the Board sent a letter to the New England Council and NOAA Fisheries expressing its concern regarding winter flounder stocks, specifically highlighting the SNE/MA stock. The Board requested the Technical Committee further investigate the impacts of the zero possession limit on the SNE/MA stock.
- In 2016, the Technical Committee presented the following report to the Board, *A Review of the SNE/MA Winter Flounder Fishery and Management Program Under Zero Possession Limits*. The Technical Committee believes the length of the moratorium (May 1, 2009-April 30, 2013) may not have been long enough to positively impact the stock.

Most surveys indicate a declining trend in abundance, suggesting the moratorium did not result in increased stock size. While the Technical Committee did not recommend a reduction in the trip limits, currently set at a bycatch limit of 50 pounds, it encouraged the Board to choose management actions that continue to reduce fishing mortality and maintain a bycatch fishery in state waters.

- Following Technical Committee advice, the Board maintained a 50-pound trip limit for non-federally permitted commercial vessels for the 2016 fishing season.

#### Southern New England/Mid-Atlantic Winter Flounder Spawning Stock Biomass

Source: Groundfish Assessment Review Meeting Update, 2015



**Timeline of Management Actions:** FMP & Addendum I ('92); Addendum II ('98); Amendment 1 ('05); Addendum I ('09); Addendum II ('12); Addendum III ('13)

## Overview of Depleted Species

- For 2016, NOAA Fisheries reduced the state water sub-component to 70 mt (from 117 mt in 2015) and the total stock-wide annual catch limit to 749 mt (from of 1,607 mt), but these levels are still high (in 2016 only 617 mt were harvested).
- In 2014, NOAA Fisheries extended the rebuilding timeline for this stock to 2023 and allowed for increased fishing opportunities. The Board extended the recreational season from March 1 through December 31 to increase fishing opportunities based on species' availability.

**Next Assessment:** N/A

**Rebuilding Trajectory:** Flat at low levels

## Overview of Species of Unknown Stock Status

### Atlantic Sturgeon: Unknown

#### Available Information

- Commercial landings of Atlantic sturgeon peaked in 1890 at 7.5 million pounds.
- Populations throughout the species' range are at low levels of abundance.
- Data from fishery-independent surveys conducted in New Jersey and North Carolina (along with some rivers in Georgia and South Carolina) suggest that populations may be rebuilding (figures below).
- Effective April 6, 2012, NOAA Fisheries listed five distinct population segments (DPS) of Atlantic sturgeon under the Endangered Species Act (Gulf of Maine DPS as threatened and the New York Bight, Chesapeake Bay, Carolina and South Atlantic DPSs as endangered)
- In response to the ESA listing, the Atlantic Sturgeon Board initiated development of a coastwide benchmark assessment, which is scheduled for peer review in late-2017
- States have been working with NOAA Fisheries on their Section 10 incidental take permits
- In June 2016, in accordance with the ESA, NOAA Fisheries released two proposed rules (one for each regional office) designating critical habitat across all five listed DPS's.

#### Needed Information/Data

- Conduct assessments of population abundance and age structure in various river systems
- Improve bycatch and annual mortality estimates, including ship strikes.

#### Monitoring and Management Measures

- Monitoring: States must report annually on Atlantic sturgeon bycatch, fisheries-independent monitoring, habitat status and authorized aquaculture operations.

- Management:

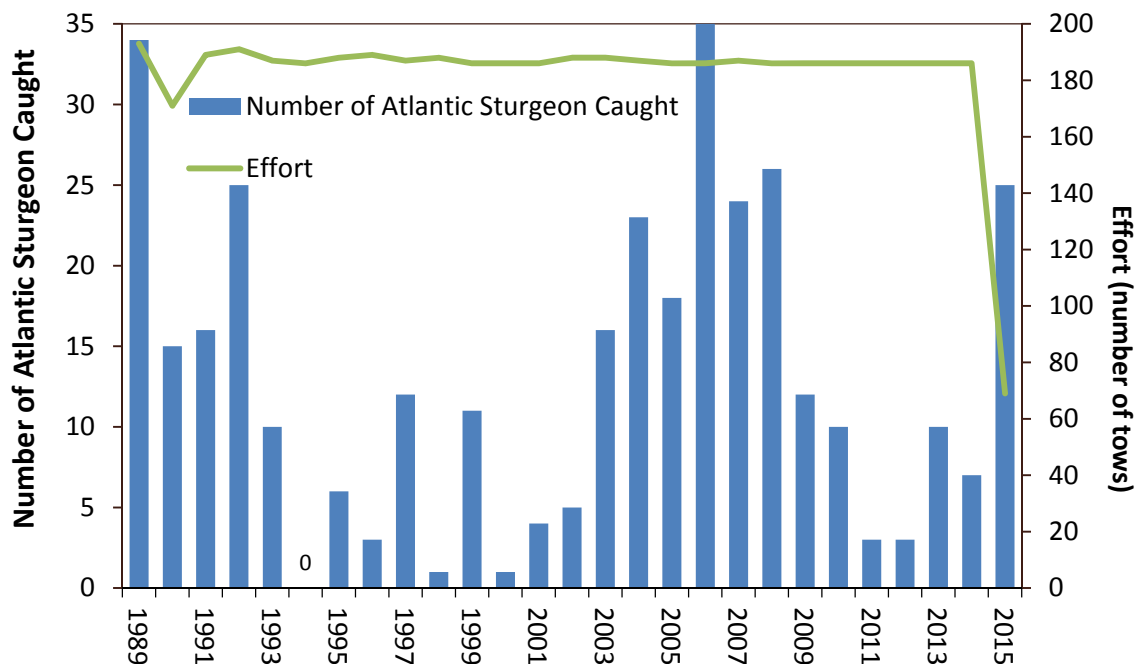
Coastwide moratorium until a minimum of 20 year classes of spawning females is protected.

#### Next Assessment:

2017 benchmark assessment

**Effort and Number of Atlantic Sturgeon Caught During Ocean Trawl Survey Sampling in New Jersey's Coastal Waters**

Source: NJ DFW Annual State Compliance Report, 2015



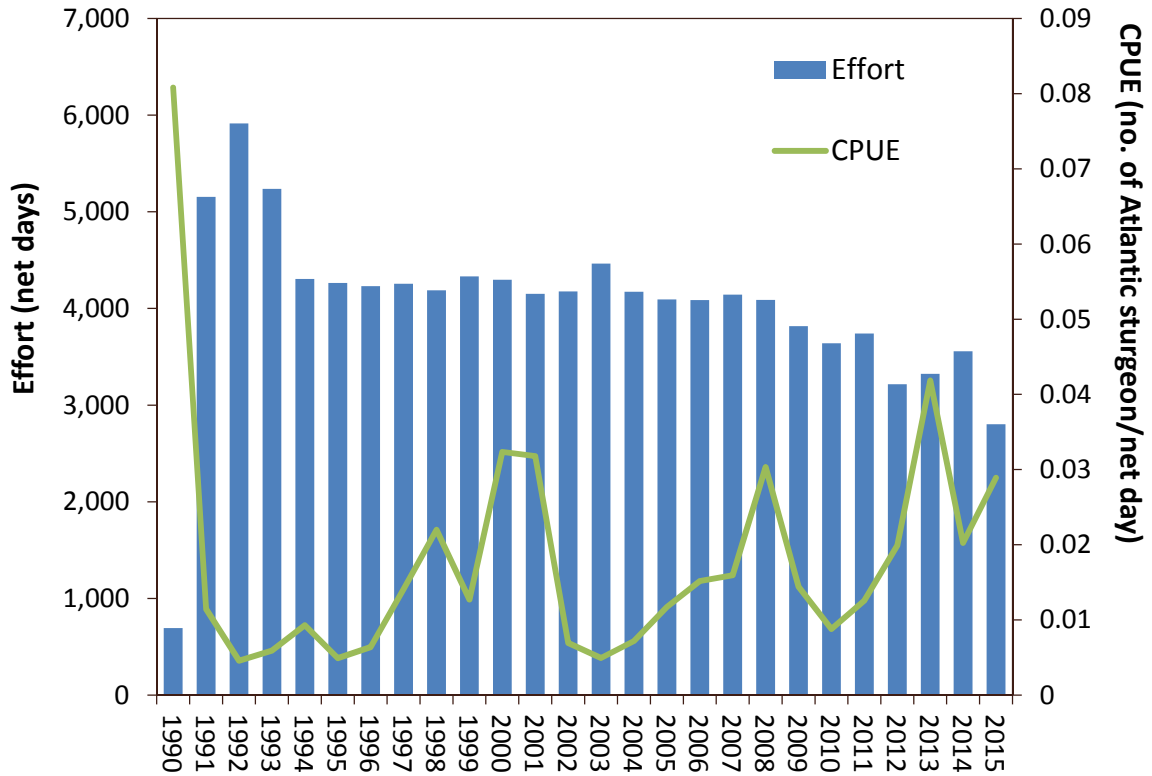
\* 2015 data is preliminary



## Overview of Species of Unknown Stock Status

### Fishery-independent Catch Rates of Juvenile Atlantic Sturgeon in Albemarle Sound

Source: NC Division of Marine Fisheries, 2015



**Timeline of Management Actions:** FMP ('90); Amendment 1 ('98); Addendum I ('01); Addendum II ('05); Addendum III ('06); Addendum IV ('12)

## Overview of Species of Unknown Stock Status

### Jonah Crab: Unknown

#### Available Information

- Jonah crab landings have increased 6.48 fold since the early 2000s, with over 17 million pounds of crab landed in 2014. Roughly 13.5 million pounds of Jonah crab were landed in 2015.
- The status of the Jonah crab resource is relatively unknown and there is currently no data on juvenile recruitment.
- Bottom trawl surveys conducted by the Massachusetts Division of Marine Fisheries found Jonah crab are frequently caught north, rather than south, of Cape Cod.
- The Northeast Fisheries Science Center 2014 surveys showed record high abundance in Georges Bank and Gulf of Maine regions. The spring survey in Southern New England has been fairly stable.

#### Needed Information/Data

- Conduct age-at-maturity studies in U.S. waters.
- Investigate the extent and motivation of annual migrations patterns.
- Research the recruitment of juvenile Jonah crabs into the fishery.
- Determine the extent of sampling as well as the size distribution, sex composition, and ovigerous condition of Jonah crabs.

#### Management and Monitoring Measures

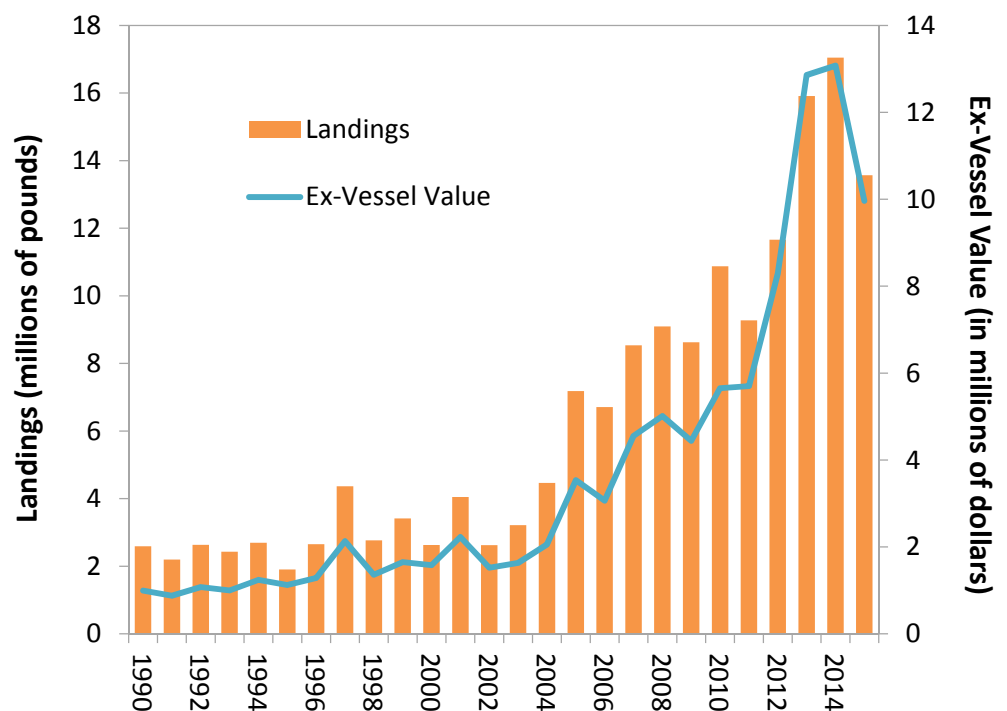
- Following the recommendations of the Jonah Crab Fishery Improvement Project, the Board approved an Interstate Fishery Management Plan for Jonah Crab in August 2015 which included a 4.75" minimum size and a prohibition on the retention of egg-bearing females. To address concerns about bycatch in the fishery, the Board approved Draft Addendum I in May 2016, setting a 1,000 crab limit for non-trap gear and non-lobster traps.
- The Board will consider approving Draft Addendum II for public comment in August 2016. The Draft Addendum proposes establishing a coastwide standard for claw landings.

#### Next Assessment

No assessment is currently scheduled for Jonah crab due to a lack of data.

#### Jonah Crab Landings and Value

Source: NMFS Fisheries Statistics Division, 2016



Timeline of Management Actions: FMP ('15); Addendum I ('16)

## Overview of Species of Unknown Stock Status

### **Spot: Unknown**

#### **Data Trends**

- Coastwide commercial landings have declined since 1950; with a high of 14.52 million pounds landed in 1952 and a low of 1.37 million pounds in 2012.
- Recreational catches between 1981 and 2015 are variable but show a slight decline.
- Traffic Light Analysis of the 2014 fishing year showed a decline in harvest through 2012 and a reversal of this trend in 2013. Adult abundance fell and was above the 30% threshold at 43.5%. Management measures were not tripped since the harvest index was just below the threshold at 26.5%.
- Commercial catch-at-age data, which showed an expansion of the age structure in the early 2000s, has contracted since 2007.
- Recruitment indices show large inter-annual variability as expected, with low abundance observed in 2009 and 2011.
- Most indices of adult spot abundance in the species core area exhibit high inter-annual variability, with noticeable peaks in 2005 and 2012.
- A stock assessment has not been completed; ability to conduct a defensible assessment has been hindered by inadequate discard data, particularly in the South Atlantic shrimp trawl fishery.

#### **Board Adherence to Scientific Advice**

- The Management Board followed recommendations from the Plan Review Team to monitor the stock with available data the last four years, evaluate data availability and adequacy for a stock assessment, and conduct a life history workshop.
- In 2014, the Plan Review Team recommended spot for a stock assessment, which was subsequently scheduled for 2016.

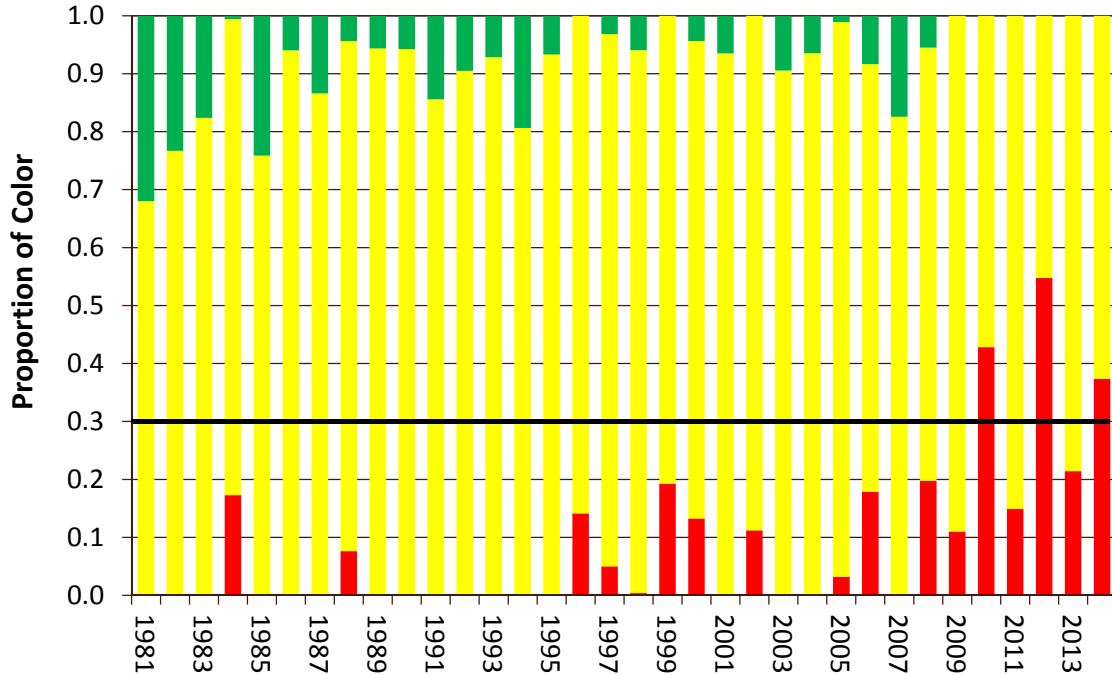
#### **Monitoring and Management Measures**

- Omnibus Amendment, approved in 2011, updated the Spot FMP by adding management triggers to annually monitor the stock status of spot until a coastwide stock assessment is completed. The Amendment also sought to increase the level of research and monitoring on spot bycatch.
- Addendum I (2014) established the Traffic Light Analysis as the new management framework to evaluate trends in the fishery. When harvest and abundance thresholds are exceeded for two years, management actions are developed. The Traffic Light Analysis is not updated during years in which a stock assessment is being conducted.

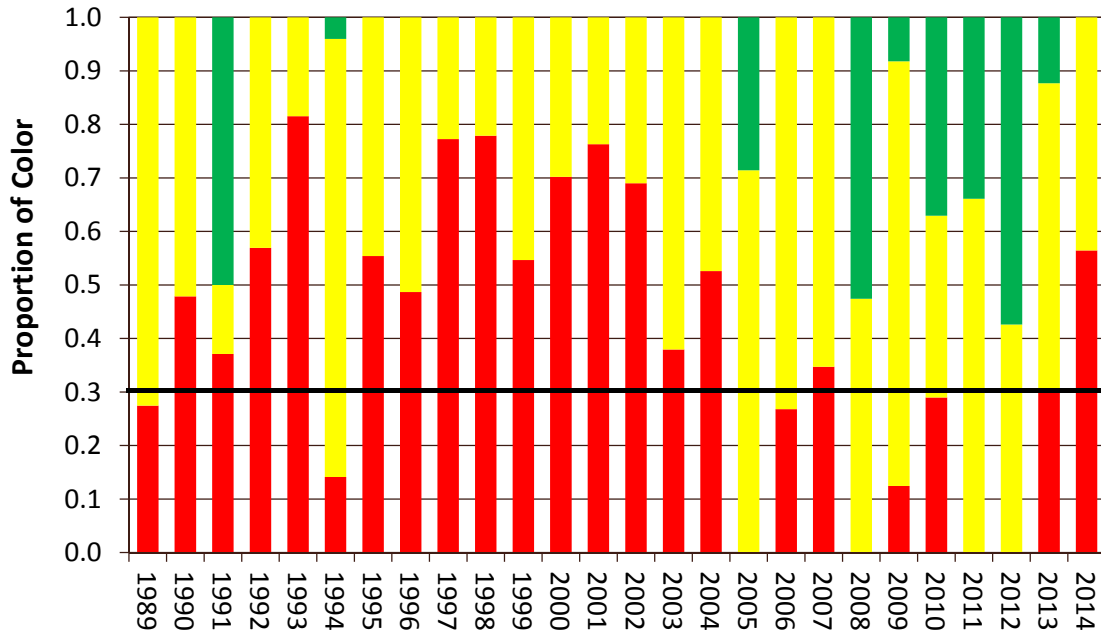
**Next Assessment: Benchmark: 2016**

## Overview of Species of Unknown Stock Status

**Traffic Light Analysis of Spot Commercial and Recreational Harvest (Harvest Metric)**  
Solid line represents 30% threshold



**Traffic Light Analysis of Spot Fishery-independent Survey Indices (Abundance Metric)**  
Solid line represents 30% threshold



Management response is triggered when proportion of red exceeds the 30% threshold level (black line) for two consecutive years in both fishery characteristics (landings and fishery-independent survey indices).

Timeline of Management Actions: FMP ('87); Omnibus Amendment ('11); Addendum I ('14)

## Overview of Species of Unknown Stock Status

### Spotted Seatrout: Unknown

#### Available Information

- Commercial landings have generally decreased from the 1970's through 2014.
- Recreational catches have increased since 1981; however, the number of releases has also increased and harvest has remained stable.
- State stock assessments
  - NC and VA: stock assessment covering 1991-2013 indicated SPR above 20% goal; shows expanded age structure but a decline in recruitment after 2010
  - SC: SPR just above 20% goal in 1992; non-peer reviewed assessment through 2004 indicated SPR below 20% goal
  - GA: SPR below 20% goal in 1995
  - FL: SPR = 67% northeast region, 45% southeast regions during 2007-2009; goal of 35% SPR

#### Needed Information/Data

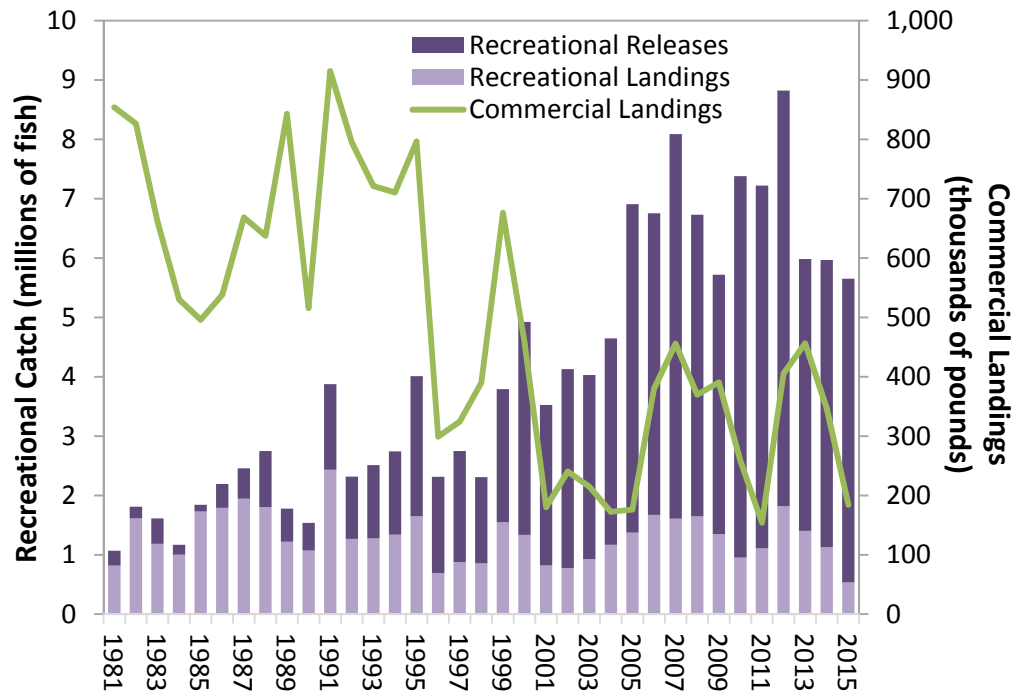
- Examine the stock structure of spotted seatrout on a regional basis, with an emphasis on tagging techniques
- Collect data on the size or age of spotted seatrout released alive by anglers and the size and age of commercial discards
- Develop state-specific juvenile abundance indices and fecundity estimates

#### Monitoring and Management

- Amendment I sets the objective of the FMP to achieve 20% spawning potential to minimize the possibility of recruitment failure. Florida has established a 35% SPR.
- The Omnibus Amendment, approved in 2011, updated the Spotted Seatrout FMP to include at 12" TL minimum size and recommended measures to protect the spawning stock.

#### Spotted Seatrout Recreational Catch & Commercial Landings

Source: NMFS Fisheries Statistics Division, 2016



**Timeline of Management Actions:** FMP (1985); Amendment 1 (1991); Omnibus Amendment (2011)

**Next Assessment:** No coastwide assessment planned or recommended by PRT due to the non-migratory nature of the species and the lack of available data.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Executive Committee

**FROM:** Management and Science Committee and the Assessment and Science Committee

**DATE:** April 25, 2016

**SUBJECT:** Changes to the Conservation Equivalency Guidance Document

ASMFC uses conservation equivalency in a number of interstate fishery management programs. Conservation equivalency (CE) allows states/jurisdictions (hereafter states) flexibility to develop alternative regulations that address specific state or regional differences while still achieving the goals and objectives of Interstate Fishery Management Plans (FMPs). A Conservation Equivalency Guidance Document was approved in 2004 to provide policy and technical guidance on the application of conservation equivalency in interstate fishery management programs developed by the Atlantic States Marine Fisheries Commission (ASMFC). This guidance document received limited implementation since its approval; therefore, current processes to establish conservation equivalency programs varies widely among species FMPs.

The Executive Committee tasked staff to review the guidance document to provide information on where there are inconsistencies with current applications and where additional clarification on process may be warranted. The guidance document is outlined in 5 major sections: General Policy Guidance, Standards for State Conservation Equivalency Proposals, Review Process, Coordination Guidance, and Public Perception. This document presents policy questions on specific sections of the document regarding guidance on development, submission, review, and approval of conservation equivalency proposals that were presented to and then considered by the Management and Science Committee (MSC) and the Assessment and Science Committee (ASC). Recommendations from the MSC and ASC were incorporated into this memo for Executive Committee review and consideration.

### ***Section 1: General Policy Guidance***

The general policy guidance section of the 2004 Guidance Document describes how the Plan Development Team (PDT) develops CE within an FMP, gives some direction on the length a program can be in place, and the committees the Plan Review Team (PRT) should see feedback from.

## Policy Questions:

**1) Charter Guidance:** The ISFMP Charter allows for the use of CE in Commission management plans, unless the FMP specifically states it cannot be used. The general guidance section does not clearly describe Charter direction or the two ways in which conservation equivalency programs are utilized by states.

- Should the section be revised to clearly state the Charter guidance? Should it be revised to state through what process CE can be established: (1) FMPs (amendments or addenda) and (2) proposal submitted by the state?

**ASC/MSC recommendation: Agreed with suggested change to reflect Charter guidance.**

**2) More Restrictive Measures:** This section does not give direction to states when proposals are put forward for measures that are more conservative than a plan requires.

- Should the section be revised to clearly define when a CE proposal is required and when it is not? (e.g. Conservation equivalency proposals and Board approval are not required when states adopt more restrictive measures than those required in an FMP including but not limited to: higher minimum size, lower bag limit, lower quota, lower trip limit, closed or shorter seasons.)

### **Possible Language Change:**

Conservation equivalency proposals and Board approval are not required when states adopt more restrictive measures than those required in the FMP (e.g., higher minimum size, lower bag limit, lower quota, lower trip limit, closed or shorter seasons). These changes to the management program should be included in a state's annual compliance report or state implementation plan.

**ASC/MSC recommendation: Expressed concern over the difficulty in determining whether proposed measures are actually "more restrictive" due to unexpected consequences that may arise (e.g., a larger minimum size limit could increase discards). Recommend all CE proposals, regardless of the measures they propose, must be reviewed and considered by the board.**

## ***Section 2: Standards for Conservation Equivalency Proposals***

This section of the Guidance Document intends to provide a template for states to follow when developing conservation equivalency proposals. Current practices are not reflected in this section.

**1) Technical Committee (TC) Input:** The original policy does not address that the TC may need to provide input to states regarding analysis and usable datasets prior to states submitting CE proposals.

- Should the guidance be revised to state the TC should determine a recommended level of precision for all data and analyses used in proposals unless previously determined by the management board or FMP? This information may be requested by the state prior to the submission of their proposal.

**Possible Language Change:**

The TC should determine a recommended level of precision for all data and analyses, unless previously determined by the board or FMP. States may request this information prior to the submission of their proposal.

**ASC/MSC recommendation:** Agreed with suggested change, with the clarification that states have the option, but are not required, to ask for TC input.

**2) Implementation Timeframe:** The Guidance Document states all proposals must include how long the equivalent measures will be in place. It also states the timeframe should be linked to the next assessment or expected collection of additional data. It states plans should sunset after 3 years unless justification is provided for a longer timeframe. Expiration of proposals is intended to provide periodic reviews. This guidance does not reflect current practice. CE timeframes are rarely linked to assessments or data collection in state proposals. Most often they either expire at the end of the fishing year or they do not have a set expiration date.

- Should the guidance be simplified to state all proposals should include the length of time the measures are intended to be in place and the timing of the reviews of the measures? This would remove the linking of the proposal timeframe to assessments and data collection.

**Possible Language Change:**

The proposal must include the length of time the state is requesting CE and a review schedule. If the state does not intend to have an expiration date for the CE program it should be clearly stated in the proposal with justification.

**ASC/MSC recommendation:** Agreed with suggested change, and requested the proposals identify the length of time measures are intended to be in place and the timing for reviews.

**Section 3: Review Process**

This section of the Guidance Document provides direction to states on timelines, the review process, and the approval process. The timeline guidance for proposal submission does not reflect current practice and some of the direction on what committees should review proposals is not clear. It is recommended the section header be revised to: *Review and Approval Process*.



**1) Timing:** The current guidance requires a state to notify the Board chair three months in advance of a Board meeting that they intend to submit a CE proposal. Completed proposals are then due two months prior to the Board meeting.

- Current practice provides more flexibility for the submission of CE proposals. Should the guidelines be changed to reflect current practice? Current practice allows the submission of proposals by the states at any time. The review of proposals submitted less than two months in advance of a board meeting is at the discretion of the Board Chair, while those submitted less than two weeks in advance are not considered at the upcoming board meeting. This practice is intended to allow a flexible submission schedule but still consider the workload of the committees reviewing the proposal.

**Possible Language Change:**

If a state is submitting a proposal outside of an implementation plan process, it must provide the proposal two months in advance of the next board meeting to allow committees sufficient time to review the proposal and to allow states to respond to any requests for additional data or analyses. States may submit conservation equivalency proposals less than two months in advance of the next board meeting, but the review and approval at the upcoming board meeting is at the discretion of the Species Management Board Chair. Proposals submitted less than two weeks before a meeting will not be considered for approval at that meeting.

**ASC/MSC recommendation:** Agreed with suggested change as described in the language above.

**2) Committee Guidance:** The Guidance Document does not provide clear advice on the distribution of CE proposals to committees. It first states, upon receipt of the proposal the PRT will determine what additional input will be needed from the Technical Committee, Law Enforcement Committee, the Committee on Economics and Social Sciences. This would indicate the PRT determines which committees should complete a review. The next sentence contradicts this advice by stating the PRT will distribute and make the proposal available to all committees for possible comment.

- Should the document be revised to clarify what committees should review the proposals? Under current practice, the PRT reviews the proposal and then determines which committees should review the proposal based on its content. The PRT then distributes the proposal to the necessary committees for review.

**Possible Language Change:**

Upon receipt of the proposal, the PRT will determine what additional input will be needed from: the Technical Committee (TC), Law Enforcement Committee (LEC), and Committee on Economic and Social Sciences (CESS). The PRT will distribute the proposal to all necessary committees for comment.

**ASC/MSC recommendation:** Agreed with suggested change to reflect current practice.

**3) AP Guidance:** Current guidance states committee reviews will occur before the AP reviews and comments on CE proposals, and that the AP will receive the other committees' reports. This is intended to give the Advisory Panel as much information as possible to aid in their recommendation to the Board. However, time constraints may not allow all committees to complete their reviews prior to the meeting of the AP.

- Should the guidance document be revised to account for possible time constraints? In general manner.

***Possible Language Change:***

The PRT will compile all of the input and forward the proposal and comments to the Advisory Panel when possible. However, when there are time limitations, the AP may be asked for comments on a proposal prior to completion of other committee reviews.

**ASC/MSC recommendation:** Agreed with suggested change, the AP may have to review the proposal before receiving other committees' reports due to time constraints.

**4) PRT Recommendation:** The current guidance requires the PRT to make a recommendation to the Board on approval, rejection, or conditional approval of CE proposals. However, in current practice, the PRT determines if the state's proposal is equivalent to the measures contained in the FMP. In addition, the Guidance Document does not require the PRT to evaluate whether the proposal follows this policy document.

- (1) Should the guidance document be revised to reflect current practice? It has been the responsibility of the board to determine approval, rejection, or conditional approval of CE proposals.
- (2) When the PRT reviews CE proposals, should the review indicate whether a state's CE proposal followed the guidance document?

**Possible Language Change:**

The PRT will forward to the Board the proposal and all committee reviews, including any minority reports. The PRT will provide comment on whether the proposal is or is not equivalent to the standards within the FMP.

The PRT reviews should address whether a state's proposal followed the CE standards outlined in this policy, and any additional specifications included in the FMP.

**ASC/MSC recommendation:**

- 1) Agreed with suggested change and clarification, the Board determines approval, rejection, or conditional approval.
- 2) Agreed with suggested change. Commented that CE proposals should follow the guidance document and deviation will be highlighted by the PRT.

**5) Implementation Timing:** Under the current guidance, conservation equivalency programs are encouraged to be implemented at the beginning of the fishing year. Specific guidance on implementation timing may not be necessary.

- Under current practice the Board sets implementation dates for CE programs upon review and approval of CE proposals. Should the document be revised to reflect this practice?

**Possible Language Change:**

The Board will decide whether to approve the conservation equivalency proposal and will set an implementation date through final action.

**ASC/MSC recommendation:** Recommended implementation timing should be requested in the original state CE proposal. The Board will then set an implementation date for CE proposals when considering them for final action, taking into account the requested implementation date.

**6) Review Timeline:** The current Guidance Document establishes a timeline by which the Board will review CE plans. It states the Board designates that all CE plans will be reviewed at one meeting per year. The Board does not need to establish a specific meeting to review conservation equivalency because the timing for review and approval of conservation equivalency proposals is already addressed in this policy and is not consistent with this guidance of one meeting per year.

Should this language be deleted from the guidance document?

**Language to be Deleted:**

Where applicable, the Board should develop a schedule for each species to designate one meeting per year to address conservation equivalency plans. When a board cannot meet in a timely manner, and at the discretion of the Board and Commission Chair, boards may have the ISFMP Policy Board re-approve conservation equivalency plans.

**ASC/MSC recommendation:** Agreed with suggested deletion. The Board does not need to designate a meeting to review CE proposals because they already have established a review timeline in Section 3.1 above.

***Section 4: Coordination Guidance***

This section of the Guidance Document discusses the considerations states should take into account when conservation equivalency proposals impact coordination of management with federal partners. The current document does not include US Fish and Wildlife Service as one of those partners.

- While management changes from US Fish and Wildlife Service are less frequently necessary than other federal partners, they do occur. Should US Fish and Wildlife Service be added to the document?

**ASC/MSC recommendation:** Agreed with suggested change to add US Fish and Wildlife Service.

**DRAFT**

**Atlantic States Marine Fisheries Commission**

**CONSERVATION EQUIVALENCY:  
Policy and Technical Guidance Document**



**Drafted – April 27, 2004**

## **Introduction**

The purpose of this document is to provide policy and technical guidance on the application of conservation equivalency in interstate fisheries management programs developed by the Atlantic States Marine Fisheries Commission. The document provides specific guidance for the states, species management boards, and the technical support groups to follow during the development and implementation of fishery management plans, amendments, or addenda; as well as guidance on development, submission, review, and approval of conservation equivalency proposals.

## **Background**

The Atlantic States Marine Fisheries Commission (ASMFC) employs the concept of conservation equivalency in a number of interstate fishery management programs. Conservation equivalency is used to allow states a degree of flexibility in developing regulations to address specific state or regional differences while still achieving the goals and objectives of ASMFC management programs. Given that the species managed by ASMFC cross many state boundaries, it is often difficult to develop one-size-fits-all management measures, which necessitates the need to use conservation equivalency.

Conservation equivalency is currently defined in the Interstate Fisheries Management Program (ISFMP) Charter as:

*“Actions taken by a state which differ from the specific requirements of the FMP, but which achieve the same quantified level of conservation for the resource under management. One example can be, various combinations of size limits, gear restrictions, and season length can be demonstrated to achieve the same targeted level of fishing mortality. The appropriate Management Board/Section will determine conservation equivalency.” The application of conservation equivalency is described in the document Conservation Equivalency Policy and Technical Guidance Document*

In practice, the ASMFC frequently uses the term “conservation equivalency” in different ways depending on the language included in the plan (see appendix 1). For example in the Tautog FMP, conservation equivalency is used in the broadest sense, in that all states were required to achieve a 29% reduction in fishing mortality with no specific options listed in the document. In the Summer Flounder FMP, each state is required to achieve a state-specific reduction using the table and methodology developed annually by the Management Board. The Striped Bass FMP establishes a 2 fish bag limit and a 28-inch minimum size standard for the coastal recreational fishery, however states can vary these measures if it can be demonstrated that the potential recreational harvest will be equivalent to harvest that would have occurred under the standard measures in the plan.

Due to concerns over the lack of guidance on the use of conservation equivalency and the lack of consistency between fishery management programs, the ISFMP Policy Board accepted a recommendation from the Management and Science Committee and formed a sub-committee to address conservation equivalency. This sub-committee was charged

with developing a workshop to “develop options and recommendations for improving the use and effectiveness on conservation equivalency in Commission fishery management plans”. This workshop was held on October 17, 2001 and provided definite recommendations for refining the application of this management tool.

Based on the results of the workshop another sub-committee was formed comprised of commissioners and representatives from technical committees, the Law Enforcement Committee, the Management and Science Committee, the National Marine Fisheries Service, and the Committee on Economics and Social Sciences. The recommendations included in this document were developed by this sub-committee during meetings on December 3-4, 2002 and December 3, 2003. These recommendations will be reviewed and approved by the Management and Science Committee and ISFMP Policy Board.

### **General Policy Guidance**

Conservation equivalency is a tool the ASMFC uses frequently to provide the states flexibility in developing and implementing regulations to achieve the goals of interstate fisheries management programs. The use of conservation equivalency will continue to be an integral part of the Commission management process.

During the development of a management document the Plan Development Team (PDT) has the responsibility to recommend if conservation equivalency should be permitted for that species. The board should provide a specific determination if conservation equivalency is an approved option for the fishery management plan, since conservation equivalency may not be appropriate or necessary for all management programs. The PDT should consider stock status, data availability, range of the species, socio-economic information, and the potential for more conservative management when stocks are overfished or overfishing is occurring when making a recommendation on conservation equivalency. During the approval of a management document the Board will make the final decision on the inclusion of conservation equivalency.

If conservation equivalency is determined to be appropriate, the conservation equivalency process should be clearly defined and specific guidance should be supplied in the fishery management documents. Each of the new fishery management plans, amendments, or addenda should include the details of the conservation equivalency program. The guidance should include, at a minimum, a list of management measures that can be modified through conservation equivalency, evaluation criteria, review process, and monitoring requirements. If possible, tables including the alternative management measures should be developed and included in the management documents. The development of the specific guidance is critical to the public understanding and the consistency of conservation equivalency implementation.

The states have the responsibility of developing conservation equivalency proposals for submission to the Plan Review Team (see standards detailed below). Upon receiving a conservation equivalency proposal the PRT will initiate a formal review process as detailed in this guidance document. The state submitting the conservation equivalency

proposal has the obligation to ensure proposed measures are enforceable. If the PRT has a concern regarding the enforceability of a proposed measure it can task the Law Enforcement Committee with reviewing the proposal. Upon approval of a conservation equivalency proposal, the implementation of the program becomes a compliance requirement for the state. Each of the approved programs should be described and evaluated in the annual compliance review and included in annual FMP Reviews.

The management programs should place a limit on the length of time that a conservation equivalency program can remain in place without re-approval by the Board. Some approved management programs may require additional data to evaluate effects of the management measures. The burden of collecting the data falls on the state that has implemented such a conservation equivalency program. Approval of a conservation equivalency program may be terminated if the state is not completing the necessary monitoring to evaluate the effects of the program.

The Plan Review Team (PRT) will serve as the “clearing house” for approval of conservation equivalency proposals. All proposals will be submitted to the PRT for review. The PRT will have the responsibility of collecting all necessary input from the technical committee, Law Enforcement Committee, and Committee on Economics and Social Sciences. The PRT will compile input from all of the groups and forward a recommendation to the management board. Review and input from the Advisory Panel will also be forwarded to the board.

### **Standards for state conservation equivalency proposals**

Each state that is seeking to implement a conservation equivalency program must submit a proposal for review and approval. It is the state’s responsibility to supply the necessary information and analysis for a complete review of the proposal. The following section details the information that needs to be included in each proposal. Proposals that include an excessive number of options may delay timely review by the PRT and other groups and may ultimately delay the report to the Board. The states should limit the number of options included in a proposal or prioritize the options for review.

1. The proposal must include rationale on why or how an alternate management program is needed in the state. Rationale may include, but are not limited to, socio-economic grounds, fish distribution considerations, size of fish in state waters, interactions with other fisheries, protected resource issues, and enforcement efficiency.
2. Each proposal must include a description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points). This description must include necessary analyses to quantify the effects of the alternate management program. The analyses should be based on the most recent Board approved stock assessment. There should be sufficient information included in the proposal for the Plan



Review Team to review the proposal without additional documentation or explanation.

3. Each proposal must include a description of available datasets used in the analysis, description of how the data are collected, detailed description of state level data collection programs, and information on sampling targets/sample distribution/CV/post-stratification/etc. The proposal should also describe limitations of data and any data aggregation. All the landings data used should have a set level of precision as determined by the Technical Committee. The species technical committee should develop data standards for other types of data that may be used in a conservation equivalency proposal. Any states that do not meet the approved precision standards should conduct sensitivity analyses to determine the effects of the uncertainty in the data.
4. The proposal must include the length of time the state is requesting conservation equivalency. The timeline should be linked to the next assessment update or the expected collection of additional data. The timeline should be consistent with plan horizon with a maximum of 3 years (sunset) unless justification is provided for a longer period of time or an indefinite period of time is requested. A state can resubmit an updated proposal following the expiration and the board can re-approve the alternate measures. The expiration of conservation equivalency programs is intended to provide periodic reviews of alternate plans to ensure they are consistent with the relevant plan objectives.
5. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP. The state should conduct analyses to compare new procedures to procedures included in the plan, as appropriate, including corroborative information where available.
6. Each proposal should include a plan for follow-up and monitoring of potential impacts of the conservation equivalency proposal. This plan should include a description of the process that will document the results from a conservation equivalency measure relative to the FMP requirements and the annual reporting requirements. This proposal must provide a monitoring schedule to evaluate the effectiveness of a conservation equivalency program.

### **Review Process**

Implementation of new amendments/FMPs should include timelines and a review process for conservation equivalency proposals. However, the review process and timeline needs to be established for all conservation equivalency proposals that are submitted outside of the implementation of a new management document.

The following is a list of the steps and timelines for review and approval of conservation equivalency proposals. Any deviations from the following process should be included in the plan/amendment.

1. Conservation equivalency should be approved by the Management Board and, where possible implemented at the beginning of the fishing year.
2. A state must declare the intent to submit a conservation equivalency proposal to the species board chair three months prior to the a scheduled ASMFC meeting week. The state will then be required to submit the proposal to the board chair two months prior to the meeting week. The board chair will then submit the proposal to the Plan Review Team (PRT) for review.
3. The PRT should notify the state that the proposal is complete.
4. Upon receipt of the proposal the PRT will determine what additional input will be needed from the Technical Committee, Law Enforcement Committee, the Committee on Economics and Social Sciences. The PRT will distribute and make the proposal available to all committees for possible comment. The review should include a description of the impacts on or from adjoining jurisdictions or other management entities (Councils and/or NMFS). If possible this description should include qualitative descriptions addressing enforcement, socio-economic issues and expectations from other states perspective (shifts in effort). The review should highlight efforts to make regulations consistent across waterbodies. The PRT will compile all of the input and provide a recommendation for approval of the proposal to the management board.
5. The PRT will compile all of the input and forward the proposal and comments to the Advisory Panel. The Chair of the Advisory Panel (AP) will compile the AP Comments and provide to the Management Board.
6. The PRT will provide the following type of recommendations – approval, rejection, or conditional approval. The PRT should provide rationale for the recommendation, including improvements that could be made if the proposal was rejected. The report to the board should include the input provided by all the committees that were consulted by the PRT. Any minority reports that were developed should also be forwarded to the board. If possible the PRT should identify potential cumulative effects of all conservation equivalency plans under individual FMPs (e.g. impacts on stock parameters).
7. The management board will review and take action on the proposal. Board action should be based on the PRT recommendation as well as other factors such as impacts to adjoining states and federal management programs. A schedule should be developed for each species to provide one scheduled meeting per year to address conservation equivalency plans, where applicable. When a board cannot meet in a timely manner and at the discretion of the board and Commission Chair, the boards have the option to have the ISFMP Policy Board approve the conservation equivalency plan.

8. The PRT will evaluate whether the measures implemented under a state conservation equivalency plan are in compliance as part of the annual compliance review. The PRT will also evaluate whether the state conservation plan meets the goals of the species FMP. The board will determine if modification of the state conservation equivalency plan is required.

### **Coordination Guidance**

The Commission's interstate management program has a number of joint or complementary management programs with NOAA Fisheries and the Fishery Management Councils. Conservation equivalency creates additional burden on the Commission to coordinate with our federal fishery management partners.

The Commission's FMPs may include recommendations to NOAA Fisheries for complementary EEZ regulations. Conservation equivalency measures may alter some of the recommendations contained in the FMPs, which would require that the Commission notify NOAA Fisheries of any changes. The Commission needs to consider the length of time that it will take for regulations to be implemented in the EEZ and try to minimize the frequency of requests to the federal government.

The protocol for NOAA fisheries implementing changes varies for the different species managed by the Commission. The varying protocols need to be considered as conservation equivalency proposals are being developed and reviewed.

When necessary for complementary management of the stock, the ASMFC Chair will request federal partners to consider changes to federal regulations may be required.

### **Public Perception**

A lack of public understanding of the conservation equivalency process has led to a perception that some states are allowed to implement regulations that are less restrictive than the standards in the plan. The public has also expressed concern over not fully understanding how conservation equivalency management options are developed.

The development of this document is the first step in helping the public better understand conservation equivalency. Another important step to foster public understanding is the inclusion of management options in Commission FMPs and Amendments. If the public has access to the options that the states can select from, a major source of confusion is eliminated. Also, the public should be informed that conservation equivalency does not change the allocation between jurisdictions included in the plan.

The states need to work with the fishing public to better describe conservation equivalency and provide an explanation of why a state's regulations may differ from their neighbors.

**Conservation Equivalency Subcommittee membership:**

Stu Kennedy (Chair)  
Rob O'Reilly  
Harry Mears  
Anne Lange  
Bill Goldsborough  
Pete Jensen  
Kathy Hattala  
Doug Grout  
Ernie Beckwith

Bruce Buckson  
Paul Caruso  
Joe Fessenden  
John Carmichael  
Vishwanie Maharaj  
Melvin Shepard  
Byron Young  
Steve Doctor

## **APPENDIX 1**

The following appendix details the management measures for each ASMFC managed species that can be modified through conservation equivalency. This appendix also includes a summary of the management measures that the states have developed and are currently implemented through conservation equivalency.

*Note: This document is a summary of the conservation equivalency measures and procedures included in ASMFC fishery management plan. It does not supercede any of the language included in the plans.*

### **American Eel**

The American Eel FMP states: "With approval of the American Eel Management Board, a state may vary its regulatory specifications listed in Section 4, so long as that state can show to the Board's satisfaction that the goals and objectives of this FMP will still be met." Section 4 of the FMP includes the Management Program Implementation, therefore a state can modify any provision included in the FMP through conservation equivalency.

#### **Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

### **American Lobster**

Amendment 3 to the FMP for American Lobster outlines the adaptive management limitations for lobster management. The Amendment states that the following measures cannot be altered through conservation equivalency:

- Prohibition on possession of berried or scrubbed lobsters
- Prohibition on possession of lobster meats, detached tails, claws or other parts of lobster
- Prohibition on spearing lobsters
- Prohibition on possession of V-notched female lobsters
- Requirement for biodegradable "Ghost" panel for Traps
- Minimum Gauge Size
- Limits on Landings by fishermen using gear or methods other than traps

Any lobster management measure that is not listed above may be modified through conservation equivalency.

#### **Current Measures Implemented**

New Hampshire: The Lobster Management Board approved a New Hampshire program that allows a portion of their Area 1 fishermen 1,200 traps and the rest

600 traps rather than the 800 trap allocation for everyone as specified in Addendum III.

Massachusetts: The Lobster Management Board approved a Massachusetts program for the Outer Cape Cod which uses 1999 through 2001 as qualifying years to identify potential participants and allocates traps based on fishing performances during 2000 and 2002 with pounds as the qualifying parameter. The Outer Cape Cod plan in Addendum III used 1999 through 2000 as the qualifying years and fishermen reported catch reports as the qualifying parameter.

New Jersey: The Lobster Management Board approved a New Jersey conservation equivalency proposal allowing New Jersey to implement an alternative permitting and trap allocation system then what was outlined in Addendum I.

### **Atlantic Croaker**

There is no mention of Conservation Equivalency in the 1987 FMP for Atlantic croaker.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Atlantic croaker management.

### **Atlantic Herring**

Under Addendum II to the Atlantic Herring FMP the states are permitted to alter any measure for which a compliance criteria is in place provided that approval is obtained prior to implementation. The compliance measures that are included in the plan are:

- Report, annually, the amount harvested by fixed gears in state waters
- Provide a description of the operation and amount of fish mealed in conjunction with herring processing activities
- Enact spawning restrictions
- Prohibit landings when TAC has been attained in an area or sub-area
- Prohibit directed fishing for herring in state waters when the TAC has been attained in an area or sub-area
- Prohibit landing to IWPs when harvested from a closed area or sub-area
- Daily fixed gear landings be reported on a weekly basis
- Provide an annual report on any mealing activity in the state

#### **Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

**Atlantic Menhaden**

Amendment 1 provides states the opportunity to request permission to implement an alternative to any mandatory compliance measure. States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. All changes in state plans must be submitted in writing to the Board and to the Commission either as part of the annual FMP Review process or the Annual Compliance Reports.

**Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

**Atlantic Striped Bass**

Amendment 6 allows for the use of conservation equivalency in the management of striped bass. States/jurisdictions are permitted to modify recreational minimum size limits and bag limits to remain consistent with the 2 fish at 28-inch minimum standard in the plan. The commercial minimum size can also be decreased with a corresponding decrease in commercial quota. The plan states that the minimum size limits cannot be implemented below 18-inches.

**Current Measures Implemented**

Maine:	Recreational Fishery	1 fish 20”-26” or over 40”; no 2 <sup>nd</sup> fish
New York:	Hudson Recreational	1 fish 18, 24 or 26 inches w/ or w/out spawning closure
Maryland:	Coastal Comm. Fishery	24 inch min size limit;
	reduced quota	
North Carolina:	Albemarle/Roanoke Rec	18 inch minimum size limit
	Albemarle Commercial	18 inch minimum size limit

**Atlantic Sturgeon**

Amendment 1 to the Atlantic Sturgeon Fishery Management Plan does not provide for conservation equivalency.

**Current Measures Implemented**

Conservation equivalency is not applicable to Atlantic sturgeon management.

### **Black Sea Bass**

The Black Sea Bass Fishery Management Plan does not provide for conservation equivalency.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Black sea bass management.

### **Bluefish**

The Bluefish Fishery Management Plan does not provide for conservation equivalency.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Bluefish management.

### **Horseshoe Crab**

The Horseshoe Crab Fishery Management Plan does not provide for conservation equivalency.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Horseshoe crab management.

### **Northern Shrimp**

Amendment 1 to the Northern Shrimp Fishery Management Plan does not provide for conservation equivalency

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Northern shrimp management.

### **Red Drum**

Amendment 2 to the Red Drum FMP allows any state to request permission to implement an alternative to any mandatory compliance measure. States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. All changes in state plans must be submitted in writing to the Board and to the Commission either as part of the annual FMP Review process or the Annual Compliance Reports.

#### **Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

### **Scup**

Addendum XI to the Scup Fishery Management Plan provides the details for conservation equivalency in the 2004 recreational fishery. This Addendum also allows the Board to establish annual conservation equivalency procedures through future Board action. Under Addendum XI, the states from Massachusetts through New York must



develop a combination of size limits, bag limits, and seasonal closures to achieve a state-specific reduction. The states from New Jersey through North Carolina must implement minimum size limits, seasonal closures, and bag limits as described in the Addendum. Conservation equivalency is not permitted in the commercial fishery.

#### **Current Measures Implemented**

The states from Massachusetts through New York have implemented measures that achieve the necessary reduction for their recreational fisheries in 2004.

#### **Shad and River Herring**

Amendment 1 to the Shad and River Herring FMP allows a state to vary their recreational and commercial management programs so long as that state can show to the Board's satisfaction that the target fishing mortality rate or the overfishing definition will not be exceeded. Also, Amendment 1 states that alternative management regimes may also include other indices of their equivalency (e.g., eggs-per-recruit, yield-per-recruit, etc.), in addition to fishing mortality protection. States shall submit proposals for altering their regulatory program for American shad, hickory shad, or river herring prior to implementing any changes.

#### **Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

#### **Spanish Mackerel**

There is no mention of Conservation Equivalency in the 1990 FMP for Spanish mackerel.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Spanish mackerel management.

#### **Spiny Dogfish**

The Interstate FMP for Spiny Dogfish allows the states to submit a proposal and receive Board approval to change any compliance requirement in the FMP. The compliance requirements included in the FMP are:

- Must close state waters when the quota is harvested
- Required to report landings weekly to NMFS
- State permitted dealers must report weekly
- Implement possession limits that comply with the annual specifications
- State issued exempted permits for biomedical harvest, limited to 1,000 fish (must report in annual compliance report)
- State prohibition of finning

#### **Current Measures Implemented**

No states have altered the management measures through conservation equivalency.

### **Spot**

There is no mention of Conservation Equivalency in the 1987 FMP for spot.

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Spot management.

### **Spotted Seatrout**

There is no mention of Conservation Equivalency in the 1984 FMP for Spotted seatrout

#### **Current Measures Implemented**

Conservation equivalency is not applicable to Spotted seatrout management.

### **Summer Flounder**

The Summer Flounder, Scup, and Black Sea Bass Management Board annually establish the process for applying conservation equivalency to the summer flounder recreational fishery. Each year the Board establishes state-specific targets (numbers of fish) that the states must achieve through combinations of minimum size limits, bag limits, and seasonal closures. Conservation equivalency is not permitted in the commercial summer flounder fishery.

#### **Current Measure Implemented**

All of the states have developed proposals and are currently implementing regulations that are consistent with the 2004 state-specific targets.

### **Tautog**

Addendum III to the Tautog FMP required each state to make a 29% reduction in fishing mortality (25% reduction in exploitation rate) in the recreational fishery by April 1, 2003. States were required to submit proposals for this reduction and all proposals were reviewed and approved by the TC, the AP, and the Board.

#### **Current Measures Implemented**

All of the states have implemented approved measures to achieve the reduction that is required under Addendum III.

### **Weakfish**

Amendment 3 to the Weakfish FMP required states to achieve a 32% reduction in the weakfish exploitation rate (F) from the 1990-1992 reference period. This level of reduction was carried over into Amendment 4. Appendix I of Amendment 4, an updated Evaluation Manual (O'Reilly 2002), provides states guidance in establishing their reduction plans. A state has the ability to adjust its commercial fishery regulations and choose from several creel limit/minimum size combinations for its recreational fishery to achieve the 32% reduction.

To achieve the fishing mortality reduction, states' commercial fisheries are constrained by size limits, gear restrictions, and possibly seasonal and area closures. Amendment 4

established a minimum size in the recreational fishery of 12 inches total length. However, it also provided states with a pre-determined suite of conservation equivalencies for recreational fishery regulations. States may choose a minimum size and creel limit combination of 12 inches/7 fish, 13 inches/8 fish, 14 inches/9 fish, or 15+ inches/10 fish.

**Current Measures Implemented**

All states regulate their commercial fisheries using combinations of minimum fish and mesh sizes and closed seasons to achieve the required reduction. The states have also implemented a combination of recreational minimum size limit and bag limits that are consistent with Amendment 4.

**Winter Flounder**

The current plan, states do not have to comply with any specific requirements. Therefore, conservation equivalency is currently not applicable for winter flounder. Amendment 1 is in development and will contain compliance criteria and the Board will decide which of these are available to change through conservation equivalency.

**Current Measures Implemented**

*Conservation equivalency is not applicable to winter flounder management.*

## **APPENDIX 2**

### **Current Plan Review Team Membership**

#### **American Eel Plan Review Team**

Herb Austin (VA)  
Mel Bell (SC)  
Dan Kuzmeskus (USFWS)  
Lydia Munger (ASMFC)  
Vic Vecchio (NY)  
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