



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO: ISFMP Policy Board**

**FROM: Robert Beal, Executive Director**

**DATE: January 26, 2016**

**SUBJECT: Review Changes to the Commission Guidance Documents**

The Executive Committee (EC) met at the 2015 Summer and Annual Meetings to review potential changes to the Commission guidance documents and developed the following recommended changes. At the ISFMP Policy Board meeting in October an additional issue was proposed and is described under issue 11 below.

The Commission's guidance documents detail the operating policies, procedures, roles, and responsibilities of the Commission and its committees. These documents include the ISFMP Charter, Compact and the Rules and Regulations, the Appeal Process, Conservation Equivalency: Policy and Technical Guidance Document, Technical Support Group Guidance and Benchmark Stock Assessment Process, and the Advisory Committee Charter. Over time the way the Commission conducts its business has evolved and, in some cases, is not consistent with its guiding documents. Also, there are examples where the documents do not provide clear guidance.

### **Issue 1: Appealing Non-Compliance Findings** **Guiding Documents: ISFMP Charter and Appeals Process**

The Appeals Process provides a mechanism for a state/jurisdiction to petition for a management decision to be reconsidered, repealed, or altered. The process is intended to only be used in extraordinary circumstances where all other options have been exhausted. While the Appeals Process states out-of-compliance findings can be appealed, it fails to outline the specifics of how such an appeal should be addressed.

**Policy Questions:** Should the process for appealing a non-compliance finding be the same as appealing other Commission decisions? If the Commission allows non-compliance findings to be appealed under the existing appeals process, the timing requirements of a non-compliance decision and an appeal would be problematic. When a non-compliance finding has been made the Commission is required to notify the state and the Secretaries of Commerce and the Interior of the Commission's determination within ten business days. However, the Appeal Process provides that an appeal will be addressed at the next scheduled Commission Meeting. Given the timing of our meetings this could be well after the non-compliance finding has been sent to the Secretaries of Commerce and the Interior.

Because a non-compliance finding goes through several bodies for review, it may already have an appeal process “built-in.” Non-compliance recommendations start with the species management board, are reviewed by the Policy Board, and then forwarded to the full Commission. A further review is completed by the Secretaries of Commerce and the Interior, where states have the opportunity to justify their actions prior to a final compliance determination by the Secretaries. Does the Non-Compliance Process need to be amended to include an appeal process?

**AOC Recommendation:** The AOC recommends removing a state’s ability to appeal a non-compliance finding from the Commission guidance documents. Since a non-compliance finding must be made at multiple levels within the Commission, the AOC felt the states had adequate opportunity to receive all of the relevant information and debate the issue prior to making a decision. Also, a state found out of Compliance by the Commission has the opportunity to present their case to the Secretaries of Commerce and the Interior prior to a final compliance decision.

**Executive Committee Action:** The EC recommends to the Policy Board to remove a state’s ability to appeal a non-compliance finding from the Commission guidance documents.

**Proposed Guidance Document Changes:**

The following language will be deleted in Section 7 (g) of the Charter: ~~**Appeal of Compliance Findings**—A state which disagrees with a management board’s failure to find a state out of compliance may appeal that finding to the ISFMP Policy Board pursuant to Section Three(d)(9).~~

**Issue 2: Definition of a Final Action**

**Guiding Document: ISFMP Charter and Rules and Regulations**

Both the ISFMP Charter and the Rules and Regulations define what constitutes a final action. The Charter definition includes the establishment of quotas, allocations, approval of FMPs/amendments/addenda, emergency actions, and non-compliance recommendations. The Rules and Regulations include all of these except for emergency actions; therefore, there is an inconsistency between the two documents. Since the last modification of the Charter, the Commission has begun to conduct roll call votes for all final actions to increase transparency. The Rules and Regulations also reference the definition when describing the 2/3 majority requirement to amend or rescind a final action.

**Policy Question:** Should the definition of final action be expanded to be consistent with Commission goal of transparency in its actions?

Possible language changes to the Charter and Rules and Regulations:

1. Final actions would be defined as: setting fishery specifications (including but not limited to, quotas, trip limits, possession limits, size limits, seasons, area closures, gear

requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and non-compliance recommendations.

AOC Recommendation: The AOC recommends modifying the definition of a final action consistent with the proposed definition above.

**Executive Committee Action:** The EC recommends to the Policy Board the definition of final action be changed to: setting fishery specifications (including but not limited to, quotas, trip limits, possession limits, size limits, seasons, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and non-compliance recommendations.

**Proposed Guidance Document Changes:**

The following text of section 4 (d) 3 of the Charter and article III section 1 of the Rules and Regulations will be added:

final action is: setting fishery specifications (including but not limited to, quotas, trip limits, possession limits, size limits, seasons, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and non-compliance recommendations.

**Issue 3: Amendment and Addendum Process, including timing of Advisory Input Guiding Document: ISFMP Charter**

*Public Comment on Public Information Documents*

The Commission's Charter outlines the process to draft and approve amendments and addenda. While most of the guidance is clear there are a few areas where additional specificity would improve the process.

The Charter outlines the timing for which the draft FMP or amendment is available for public comment but is silent on the public comment timing for public information documents (PID). Draft amendments must have four public hearings, the hearing schedule must be published within 60 days following approval of the draft amendment/FMP, the hearing document must be published for 30 days before the first hearing, and public comment will be accepted for 14 days following the date of the last hearing.

**Policy Question:** Does the Commission want to require the same timing provisions for PIDs? The Commission currently tries to follow this process for PIDs.

AOC Recommendation: The AOC recommends applying the same timeline to public information documents and draft FMPs/amendments as described above with the modification of only requiring three public hearings for both PIDs and draft FMPs/amendments.

**Executive Committee Action:** The EC recommends to the Policy Board the same timeline for draft FMPs/amendments apply to PIDs and modifying the number of required public hearings to three for both PIDs and draft FMPs/amendments.

**Proposed Guidance Document Changes**

1. The following language will be added to section 6 (9) (i) of the Charter: Upon completion of a PID and its approval by the management board/section, the Commission shall again utilize the relevant states' established public review process to elicit public comment on the PID. The Commission shall ensure that a minimum of three public hearings are held, including at least one in each state that specifically requests a hearing. A hearing schedule will be published within 60 days following approval of the PID; hearings may be held in conjunction with state agencies. The hearing document will be made available to the public for review and comment at least 30 days prior to the date of the first public hearing; availability will be announced by a press release issued by the Commission. Written comments will be accepted for 14 days following the date of the last public hearing.
2. The following language will be added to section 6 (9) (ii) of the Charter: The Commission shall ensure that a minimum of ~~four~~ three public hearings are held, including at least one in each state that specifically requests a hearing.

*Public Comment on Draft Addenda*

The Charter is also silent on how long draft addenda are out for public comment. Currently, many of the FMPs require a minimum of 30 days public comment for draft addenda. This language is included in the adaptive management section.

**Policy Question:** Does the Commission want to require draft addenda to be available for public comment for a minimum of 30 days across all FMPs?

AOC Recommendation: The AOC recommends requiring a minimum of 30 days public comment on all draft addenda.

**Executive Committee Action:** The EC recommends to the Policy Board a minimum of 30 days public comment on all draft addenda.

**Proposed Guidance Document Changes**

The following language will be added to section 6 (b) (3) of the Charter: Addenda to a FMP must provide for a minimum of 30 days for public comment in making adaptive management changes.

*Advisory Panel Involvement in FMP/Amendment Development*

The Charter and Advisory Committee Charter provide mixed guidance on when advisory panels (AP) should provide input to the FMP process. In order to have clear guidance, staff suggests AP input should be provided at the following stages of the FMP/amendment development.

1. **During the development of the PID.** APs provide guidance to the PDT before the Board reviews the document for public comment.
2. **During the development of the Draft FMP.** After the Board gives the PDT guidance on issues to include in the draft, APs provide feedback to the PDT on those issues.

3. **During the public comment of the Draft FMP.** APs meet to give recommendations on the public comment draft of the FMP. This meeting should try to be scheduled after the public hearings so the AP can be presented with an overview of the comments received at the hearings.

**Policy Question:** Is this the correct timing for AP input into the FMP/amendment process?

AOC Recommendation: The AOC recommends using the three opportunities listed above to solicit Advisory Panel input during FMP/amendment development.

**Executive Committee Action:** The EC recommends to the Policy Board using the three opportunities described above to solicit Advisory Panel input during FMP/amendment development.

### **Proposed Guidance Document Changes**

The following language under Section 6 (c) (8) will be added to the Charter: Advisory Panel Participation – The AP may provide feedback to the board/section on FMPs/Amendments as described below. The board/section may seek additional guidance outside of the below process if necessary.

- (i) **During the development of the PID.** APs provide guidance to the PDT before the Board reviews the document for public comment.
- (ii) **During the development of the Draft FMP.** After the Board gives the PDT guidance on issues to include in the draft, APs provide feedback to the PDT on those issues.
- (iii) **During the public comment of the Draft FMP.** APs meet to give recommendations on the public comment draft of the FMP.

### **Issue 4: Technical Committee Decision Making and Staff Participation on Committees' Guiding Documents: ASMFC Technical Support Group Guidance and Benchmark Stock Assessment Process**

#### *Voting and Decision-making*

Previously, the Policy Board had discussed how technical committees (TC) make decisions when the committee cannot come to consensus. The Board stated the overall goal is for committees to develop recommendations through consensus. The problem arises when a group cannot come to consensus. Some Board members are concerned the committee guidance is not as constructive when consensus is not reached since the Board is provided with differing scientific recommendations and is left with making a policy decision on technical input. There is also concern when majority and minority options are presented, it is not clear how strongly the committee supports or does not support each of the options. To address this problem, the Policy Board decided the TCs would vote on issues when consensus could not be reached. The number of votes in favor and against each recommendation would be presented to the Board. Commissioners have expressed concerns voting may make some TC members uncomfortable

and take away from science and add politics to the discussion. The majority opinion shall be presented to the board/section as the recommendation, defined as a simple majority, including a record number of votes in favor, against, and abstentions.

**AOC Recommendation:** The AOC recommends that TCs continue to strive to find consensus whenever possible, however a vote should be taken if a consensus can't be reached. The same standard for voting would apply to stock assessment subcommittees (SASC).

**Executive Committee Action:** The EC recommends to the Policy Board that TCs continue to strive to find consensus whenever possible, however a vote should be taken if a consensus can't be reached. The same standard for voting would apply to stock assessment subcommittees (SASC).

**Proposed Guidance Document Changes- While the EC does not recommend changes to the policy on voting. It is recommended to add recording the number of abstentions to reflect current commission voting practices to the ASMFC Technical Support Group Guidance and Benchmark Stock Assessment Process.**

#### *Staff Involvement*

The guidance document states Commission staff members are not members of TCs but they are members of stock assessment committees. Commission science staff often take part in TC deliberations and do work to support those discussions. Questions were raised if staff should be members of TCs if they are doing the work to support Committee work. If TCs were required to vote when consensus could not be reached then staff members would also vote on issues. The downside of allowing staff to vote is it may compromise the ability of staff to remain neutral on issues being presented to the Board.

**Policy Questions:** Should the TCs vote when they are not able to achieve consensus?  
Should the Commission staff be designated as members of TCs?

Possible options for Commission staff participation on TCs:

1. Commission science staff are not TC members and could not participate in or run analyses for TC discussion. State staff would support all TC work.
2. Commission science staff are not TCs members but perform analyses to support TC discussions and recommendations. They can take part in the deliberations of the TC for recommendations to the Board.
3. Commission science staff are members of TCs and perform analyses to support TC discussions and recommendations. They do not take part in the deliberations of the TC for recommendations to the Board.
4. Commission science staff are TC members and perform analyses to support TC discussions and recommendations, as well as take part in the deliberations of the TC for recommendations to the Board. Staff would also vote if the TC could not come to consensus.

AOC Recommendation: The AOC recommends staff is fully involved with conduct of analyses and deliberations of TCs and SASCs. If consensus can't be reached within a TC, then staff will not participate in a vote, however staff will participate in SASC votes when necessary.

**Executive Committee Action:** The EC recommends to the Policy Board science staff is fully involved with conduct of analyses and deliberations of TCs and SASCs. If consensus can't be reached within a TC, then science staff will not participate in a vote, however science staff will participate in SASC votes when necessary.

### **Proposed Guidance Document Changes**

1. The following language will be added to section 5.1.1 ISFMP Staff of the Technical Support Group Guidance and Benchmark Stock Assessment Process: ISFMP Staff is an ex-officio member of the TC, therefore may not vote on issues before the TC.
2. The following language will be added to section 5.1.2 Science Staff of the Technical Support Group Guidance and Benchmark Stock Assessment Process: If a consensus cannot be reached, Science staff may vote on an issue before the stock assessment subcommittee, however Science Staff may not vote on issues before the technical committee.

### **Issue 5: Commissioner Attendance**

#### **Guiding Documents: The Compact and the Rules and Regulations**

The Commission's Compact states the continued absence of representation or any representative on the Commission from any state should be brought to the attention of the state's governor. This directive from the Compact led to language in the Rules and Regulations stating a state official will be notified of unexplained absence of any Commissioner from two consecutive meetings.

**Policy Questions:** Should a state official be notified if a commissioner is absent for more than two meetings but has given an explanation for why he/she could not attend? Are two consecutive absences considered a continued absence? What state official should be notified?

Possible language changes to the Rules and Regulations:

1. The state official will be notified of the absence of any Commissioner or their proxy from two consecutive meetings.
2. The state official will be notified of the absence of any Commissioner or their proxy from three consecutive meetings.

3. After two consecutive absences of a Commissioner or their proxy, the Commissioner will be contacted in writing by the Executive Director to request a reason for the absences. The Executive Director will work with the Chair to determine if a state official should be notified of the absences.

AOC Recommendation: The AOC agreed Commissioner attendance is important for the Commission's success. The AOC felt that multiple letters going to Governors or other state officials may not be appropriate or constructive. The AOC recommends that a state's Executive Committee member be notified in the event there are repeated absences of a Commissioner. The Executive Committee member could then work with their state officials to determine what action, if any, should be taken.

**Executive Committee Action:** The EC recommends to the Policy Board that a state's Executive Committee member be notified in the event there are repeated absences of a Commissioner. The Executive Committee member could then work with their state officials to determine what action, if any, should be taken.

### **Proposed Guidance Document Changes**

Article II Section 2 of the Rules and Regulations will be changed to: The Chair shall ask the Executive Director to notify the state's Executive Committee member of the unexplained absence of any Commissioner from two consecutive meetings of the Commission. The following sentence was deleted from that same section: ~~The Chair may request that the notification include a recommendation for the replacement of the non-attending member.~~

### **Issue 6: Appeal Criteria**

#### **Guiding Documents: ISFMP Charter and Appeals Process**

The Appeals Process provides a mechanism for a state to petition for a management decision to be reconsidered, repealed or altered. The appeals process is intended to only be used in extraordinary circumstances where all other options have been exhausted. Management measures established through the FMP/amendment/addendum process can be appealed. However, the appellant must use one of the following criteria to justify an appeal: decision not consistent with FMP goals and objectives, failure to follow process, insufficient/inaccurate/incorrect application of technical information, historical landings period not adequately addressed, or management actions resulting in unforeseen circumstances/impacts. The following issues currently cannot be appealed: management measures established via emergency action, out-of-compliance findings (this can be appealed but, through a separate, established process, see Issue 1 above), and changes to the ISFMP Charter.

**Policy Questions:** Should the following appeal criteria be modified or clarified?

1. Decision not consistent with the FMP
2. Failure to follow process
3. Insufficient/inaccurate/incorrect application of technical information
4. Historical landings period not adequately addressed



5. Management actions resulting in unforeseen circumstances/impacts

AOC Recommendation: The AOC recommends the current appeal criteria be retained. The wording of the criteria is somewhat vague, but this is intentional to allow for states to bring forward their concerns. The AOC felt it would be difficult to provide a highly detailed list of actions that can and can't be appealed. The discretion of the Chair, Vice-Chair, and immediate past Chair is a key component in interpreting the current appeal criteria. The AOC has confidence the elected leaders will provide a fair review of any appeals brought forward by the states.

**Executive Committee Action:** The EC recommends the Policy Board take no action to change the current appeal criteria.

**Guidance Document Changes- None**

**Issue 7: Definition of a 2/3 Majority**

**Guiding Documents: ISFMP Charter and Rules and Regulations**

Commission guidance documents state a 2/3 majority is required to establish and terminate an emergency action, as well as amend or rescind a previous final action. Currently, 2/3 majority is defined as the entire voting membership of a Board regardless of whether voting members are present. For the vote to carry, 2/3's of the entire voting membership of the Board must vote in the affirmative. This can be problematic when voting entities are not present or abstain from a vote. An absence, abstention, or a null vote is the equivalent of a negative vote. The current definition intentionally set a high standard (overwhelming support) for a Board take emergency action or to overturn previous actions to protect the integrity of our decision-making process.

**Policy Question:** Should the definition of a 2/3 majority be altered?

Possible options for the 2/3 majority definition:

1. Status quo
2. A 2/3 majority will be defined by the members present at the meeting (a quorum is necessary) rather than the entire voting membership.
3. A 2/3 majority will be defined by the entire voting membership, however any abstentions will not be considered when determining the total number of votes.

Note: When determining the number of votes necessary to achieve a 2/3 vote, there will often not be a whole number of votes needed. For example: If a management board has 11 voting members, it will require 7 1/3 votes for a 2/3 majority. In the event there is not a whole number of votes, the votes required will be rounded up to the next whole number.

AOC Recommendation: The AOC did not develop a final recommendation on this issue, but agreed the Executive Committee should continue the discussion. Members of the AOC noted the outcome of votes had been impacted by abstentions and absences and the process should be modified. Other members commented that they support status quo and feel there should be overwhelming support to change previous actions or declare an emergency.

**Executive Committee Action:** The EC recommends to the Policy Board that a 2/3 majority will be defined by the entire voting membership, however any abstentions from the federal services would not count when determining the total number of votes.

### **Proposed Guidance Document Changes**

The following language will be added to section 6 (b) (2) and section 6 (c) (10) (i) of the Charter and Article II section 1 of the Rules and Regulations: a 2/3 majority will be defined by the entire voting membership, however any abstentions from the federal services would not count when determining the total number of votes.

### **Issue 8: Advisory Panel, Law Enforcement Committee and Technical Committee Participation at Board Meetings**

#### **Guiding Documents: ISFMP Charter and ASMFC Technical Support Group Guidance and Benchmark Stock Assessment Process**

Advisory bodies such as advisory panels, the Law Enforcement Committee and TCs provide advice to the species management boards. It is the responsibility of the Chair of each group to represent the viewpoints of all committee members, including opposing opinions when presenting to the management boards. There have been instances where chairs, in particular advisory panel Chairs, have expressed their own opinions and not those of the panel or have spoken on subjects the panel has not discussed as a group. This has raised concerns with both Board members and the advisory panel members.

**Policy question:** How does the Board ensure advisory body chairs follow the guidance outlined in the Charter and the Technical Support Group Guidance document?

Possible language changes for participation of advisory body chairs at board meetings:

1. Board Chairs should enforce the guidelines specified in the committee guidance documents where advisory bodies only represent the viewpoints of the committee in their presentation to the Board. Failure of chairs to follow the Board Chair's guidance may result in his/her replacement as advisory body chair.
2. Chairs should present their report and answer any specific questions relevant to their report. Chairs may not ask the Board questions or present their own viewpoints during Board deliberations.
3. Chairs should present their report and answer any specific questions relevant to their report. Once the report and Board questions are done, the Chair would move to the public seating.

AOC Recommendation: The AOC did not develop a final recommendation on this issue, however there were a number of consensus ideas. The AOC agreed the TC Chair (or other representative) should be at the table for the entire meeting. This person is often asked questions by Board members. The AOC also agreed there is a perception the Chair of the Advisory Panel has unfair access to the Board if they are allowed to fully interact with the Board during their deliberations. While the AOC did not reach a consensus, many of the members felt that option 3 above is most appropriate, but should only be applied to the Advisory Panel Chair.

**Executive Committee Action:** The EC recommends to the Policy Board that Chairs should present their report and answer any specific questions relevant to their report. Chairs may not ask the Board questions or present their own viewpoints during Board deliberations. If an Advisory Panel Chair would like to express an opinion that is not a direct reflection of the AP, they must go to the public microphone during the public comment section(s) of the meeting. Advisory Panel Chairs will only be reimbursed to attend commission meetings if the AP met between board/section meetings to provide feedback on an issue.

### **Proposed Guidance Document Changes**

- (1) Section 4 (d) (4) of the Charter will be updated with the following language: Advisory Panel Chairs will only be reimbursed to attend commission meetings if the AP met between board/section meetings to provide feedback on an issue.
- (2) Section 5 (i) of the Charter will be updated with the following language: AP chairs should present reports to Boards/Sections and answer any specific questions relevant to their report. Chairs may not ask questions or present their own viewpoints during Board/Section deliberations.
- (3) Section 7.5 will be added to the Technical Support Group Guidance and Benchmark Stock Assessment Process: Committee Chairs should present the committee report and answer any specific questions relevant to the report at Board/Section meetings. Committee Chairs may not ask the Board questions or present their own viewpoints during Board/Section deliberations. If chairs would like to present their own viewpoints, they must go to the public microphone during the public comment portion of the meeting.

### **Issue 9: Council Participation on Management Boards**

#### **Guiding Documents: ISFMP Charter**

The charter states the Executive Directors/Chairs of the Regional Fishery Management Councils may be invited to be a voting member of an ISFMP species management board when the board determines that such membership would advance the inter-jurisdictional management of the specific species. When the management area includes more than one Council, the applicable

Councils will need to identify one Executive Director/Chair to receive the invitation to participate on that board as a voting member.

The Charter does not specify how the Council should participate on boards that manage more than one species (e.g. The Lobster Board takes action on both lobster and Jonah crab issues)

**Policy question:** Should the Council representative on a multi-species management board be able to participate on all actions being considered by the management Board or just species specific actions for which the Council was invited to participate on the management board?

Possible language changes for Council participation at board meetings:

1. If a Council(s) has been invited as voting member of a board that manages multiple species, the board will designate which species can be discussed and voted on by the Council representative.
2. If a Council(s) has been invited as voting member of a board that manages multiple species, the Council representative is being invited to participate on all actions of the board, regardless of species interest.

**Executive Committee Action:** The EC recommends to the Policy Board that if a Council(s) has been invited as voting member of a board that manages multiple species, the board will designate which species can be discussed and voted on by the Council representative.

### **Proposed Guidance Document Changes**

Section 4 (b) (4) of the Charter will be updated with the following sentence: If a Council has been invited as a voting member of a Board/Section that manages multiple species, the Board/Section will designate which species can be discussed and voted on by the Council representative.

## **Issue 10: Web Based Public Hearings and On-line Public Comment Surveys**

### **Guiding Documents: ISFMP Charter**

The ISFMP Charter requires the Commission to conduct a minimum number of public hearing for public information documents (PIDs), new FMPs, and draft amendments. Those public hearings are held in the states requesting hearings. Public hearings can also be held at the request of a state for draft addenda. With new technology and changing social behaviors, how the Commission conducts public hearings and collects public comments is evolving.

Some Councils have begun to hold webinar based public hearings. The structure is similar to an in-person public hearing where staff presents the document to the public and then the public is allowed to ask questions. Once questions are completed, the public has the opportunity to comment on the draft document. For larger states where it could take several hours for a member of the public to travel to the hearing location a webinar based hearing provides an opportunity to be involved in the Commission process.

In addition, the Commission tested an on-line survey as an additional tool to collect public comments. New York decided to not hold an in-person public hearing on the Jonah crab FMP due to the low number of permit holders and landings. But staff developed an on-line survey in which New York sent out to their limited number of permit holders to fill out. These surveys would not be used in lieu of public hearings, but will be another tool to help solicit public comment and increase public participation.

**Policy question:** Should the Commission hold webinar based public hearings?

Possible language changes for webinar based public hearings:

1. PIDs and draft amendments must have three public hearings, one of which could be a webinar based public hearing.

**Policy question:** Should the Commission develop on-line surveys to collect public comments for public hearing documents?

No language change would be necessary to conduct on line public comment surveys.

**Executive Committee Action:** The EC recommends to the Policy Board that the Commission can hold public hearings via webinar but a webinar would not replace a state's request to hold an in-person hearing.

### **Proposed Guidance Document Changes- None**

### **Issue 11: Meeting notice of Action Items (New Issue has not be previously discussed by AOC or the EC)**

#### **Guiding Documents: None**

Commission guidance documents do not require the Commission to give public notice prior to taking action. This allows the Commission the flexibility to take action on issues that come up during Board deliberations. Other managing bodies (e.g. Councils) do not have the same flexibility due to the requirements under the Administrative Procedures Act (APA). Legal interpretation of the APA requires federal management bodies to provide prior notice of any action being taken.

**Policy question:** Should the Commission require prior notice before taking action on issues before the Commission, a board or section?

Possible language to add to Commission agendas:

The above agenda items may not be taken in the order in which they appear and are subject to change as necessary. Other items may be added, but the Commission cannot take action on such items except for emergency actions and compliance findings. Non-emergency matters not contained in this agenda may come before the Commission (including boards and sections) and / or its Committees for discussion, but the matters may not be the subject of formal Commission action during this meeting. Commission actions will be restricted to the issues specifically listed in this agenda. The meeting may be closed to discuss employment or other internal administrative matters.

# Atlantic States Marine Fisheries Commission

## *Draft Interstate Fisheries Management Program Charter*



Draft changes based on recommendations to the ISFMP Policy Board from the Executive Committee are **in red**. Draft changes based on current Commission Process are **highlighted in blue**

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

January 2016

## Preface

This document outlines the standard operating procedures and policies of the Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Program. It was first developed in response to passage of the Atlantic Coastal Fisheries Cooperative Management Act of 1993, which provided the Commission with responsibilities to ensure member state compliance with interstate fishery management plans. The Act authorizes the Secretary of Commerce to pre-empt any state fishery not in compliance with a Commission fishery management plan.

The Charter was first printed in April 1995 and subsequently revised in May 1996, October 2000, and November 2002. It was further edited in April 2001 (to reflect changes in the membership of the Atlantic Menhaden Management Board); July 2003 (to correct for incorrect references); January 2006 (to reflect a policy decision on voting by specific proxies); November 2008 (to reflect the addition of a habitat addendum provision); August 2009 (minor editorial changes); May 2013 (to reflect the Technical Support Group Guidance and Benchmark Stock Assessment Process Document); and January 2016 (to reflect current Commission practices).

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## Section One. Introduction and Policy

(a) **General.** The Atlantic States Marine Fisheries Commission (Commission) was formed in 1942. The purpose of the Commission is:

*....to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose....to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof or creating and perpetuating monopoly.*

(b) **Interstate Fisheries Management Program.** The Commission carries out an Interstate Fisheries Management Program (ISFMP), authorized by Article IV of the Commission's Rules and Regulations.

(c) It is the policy of the Commission that its ISFMP promote the conservation of Atlantic coastal fishery resources, be based on the best scientific information available, and provide adequate opportunity for public participation.

## Section Two. Role of the Commission

(a) **General.** The Commission is responsible generally for the Commission's fishery management activities. These activities will be carried out through the ISFMP established under this charter.

(b) **Final Approval Authority.** The Commission will be the final approval authority for:

- (1) Any fishery management plan (FMP) and FMP amendment; and
- (2) Any final determination of a state's non-compliance with the provisions of a Commission approved FMP.

## Section Three. ISFMP Policy Board

(a) **Membership.** The membership on the ISFMP Policy Board shall be comprised as follows:

- (1) All member states of the Commission shall be voting members, and shall be represented by all of its Commissioners (or duly appointed proxies) in attendance. The position of a state on any matter before the Policy Board shall be determined by caucus of its Commissioners in attendance;

(2) One representative from the National Marine Fisheries Service and one representative from the U.S. Fish and Wildlife Service shall each be a voting member;

(3) One representative from the Potomac River Fisheries Commission and one representative from the government of the District of Columbia shall each be a member, eligible to vote, on any matter which may impose a regulatory requirement upon their respective jurisdictions; and

(4) One representative of the Commission's Law Enforcement Committee shall be a non-voting member.

(b) **Proxies.** Any Commissioner from a state, or duly authorized representative of a jurisdiction or agency, that is a member of the Policy Board may designate a permanent, ongoing, **board** or **meeting** specific proxy. A change in the designation of a permanent or ongoing proxy may be made only once during the year. In the case of extenuating circumstances, a Commissioner may appoint specific proxies as needed to ensure representation. Proxies must be from the same state, jurisdiction, or agency as the individual making the designation. The Commission's code of conduct shall apply to all proxies. Only an individual who is serving as a permanent or ongoing proxy may further designate a specific proxy.

(c) The **Chair and Vice-Chair** of the Commission shall respectively be the Chair and Vice-Chair of the ISFMP Policy Board.

(d) **Role and Functions.** The ISFMP Policy Board will be responsible for the overall administration and management of the Commission's fishery management programs. In this regard it will:

(1) Interpret and give guidance concerning the standards and procedures contained in Sections Six and Seven, and generally provide Commission policy governing the preparation and implementation of cooperative inter-jurisdictional fishery management for coastal fisheries of the Atlantic coast;

(2) Establish the priority species to be addressed by the Commission's fishery management program, taking into account the following criteria:

(i) The species constitutes a "coastal fishery resource" as defined in Section 803(2) of the Act;

(ii) The degree to which the species is of importance along the Atlantic coast; and

(iii) The probability that the species and associated fisheries will benefit from cooperative inter-jurisdictional management.

(3) Establish management boards/sections described in Section Four;

- (4) Review and approve declarations of interest in species management by states according to the standards contained in the Commission Rules and Regulations;
- (5) Monitor and review the implementation of FMPs for which no management board or section is currently operational;
- (6) Review and approve action plans, including priorities for activities, for the ISFMP;
- (7) Establish, for any matter that does not come under the purview of an existing management board or section, a committee to provide it with any relevant analysis, reviews, and recommendations;
- (8) Recommend to the Commission that it make a determination of a state's non-compliance with the provisions of a Commission approved FMP, according to the procedures contained in Section Seven;
- (9) Consider and decide upon appeals of states to actions of any management board or section under Section Four(h); and
- (10) Take any other action that is consistent with this Charter and that is necessary and appropriate to carry out the fishery management program of the Commission; except that a final determination of a state's non-compliance with the provisions of a Commission-approved plan must be made by the Commission.

#### **Section Four. Management Boards**

(a) **Fishery Management Board**. Upon determining that a need exists in a fishery for the development of an FMP or amendment, the ISFMP Policy Board shall establish a management board for that fishery. A management board may be disbanded by the Policy Board upon a determination that it is no longer needed for the preparation, review, or ongoing monitoring of the implementation of an FMP or amendment.

(b) **Management Board Membership**. The voting membership of each management board shall be comprised as follows:

- (1) Each state with an interest in the fishery covered by the management board shall be a voting member, and shall be represented by all of its Commissioners (or duly appointed proxies) in attendance. The position of a state on any matter before the management board shall be determined by caucus of its Commissioners in attendance;
- (2) A representative from the Potomac River Fisheries Commission and the District of Columbia may each elect to serve as a voting member on any management board in which they have an interest or which may result in the imposition of regulatory requirements on their jurisdictions;

(3) The National Marine Fisheries Service and the U.S. Fish and Wildlife Service may each elect to serve as a voting member of any management board; and

(4) Any one of the Executive Directors/Chairs of the Regional Fishery Management Councils may be invited to be a voting member of an ISFMP species management board when the management board determines that such membership would advance the inter-jurisdictional management of the specific species. When the management area includes more than one Council, the applicable Councils will need to identify one Executive Director/Chair to receive the invitation to participate on that board as a voting member. If a Council has been invited as a voting member of a Board/Section that manages multiple species, the Board/Section will designate which species can be discussed and voted on by the Council representative.

(c) **Proxies.** Any Commissioner from a state, or duly authorized representative of a jurisdiction or agency, that is a member of a management board may designate a permanent, ongoing, board specific or meeting specific proxy. A change in the designation of a permanent or ongoing proxy may be made only once during the year. In the case of extenuating circumstances: In addition, a Commissioner may appoint specific proxies as needed to ensure representation. Proxies must be from the same state or jurisdiction or agency as the individual making the designation. The Commission's code of conduct shall apply to all proxies. Only an individual who is serving as a permanent or ongoing proxy may further designate a specific proxy.

(d) **Conduct of Meetings.**

(1) Meetings will generally be run according to the current edition of "Robert's Rules of Order."

(2) Any Commissioner or proxy of a Commissioner or duly authorized representative of a jurisdiction or agency that is a member of a management board may make or second any motion; provided that the maker of the motion and second (when necessary) must each come from a different state, jurisdiction, or agency.

(3) Any meeting specific proxy appointed by a Legislative or Governor's Appointee Commissioner may not vote on a final action being considered by a board, section, or committee. For this section a final action will be defined as: setting fishery specifications (including but not limited to quotas, trip limits, possession limits, size limits, seasons, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and non-compliance recommendations. ~~establishment of quotas, allocations, approval of FMPs/amendments/addenda, emergency actions, and non-compliance recommendations.~~ A meeting specific proxy may participate in the deliberations of the meeting, including making and seconding motions. Meeting specific proxies may vote on preliminary decisions such as issues to be included in a public hearing draft or approval of public information documents. Questions of procedure will be determined by the chair of the

meeting upon the advice of the Executive Director or the senior Commission employee in attendance.

~~(3)~~(4) Advisory Panel Chairs will only be reimbursed to attend commission meetings if the AP met between board/section meetings to provide feedback on an issue.

(e) **Functions.**

(1) Each management board shall be responsible for the development of an FMP, amendment, or addendum with respect to the fisheries under its jurisdiction as established by the ISFMP Policy Board.

(2) Management boards/sections shall solicit public participation during the ~~process~~ development of FMP's-proposal, development, amendments, or addendum-addenda. by submitting public information documents and FMP, amendment, or addenda drafts to each interested state for public comment.

(3) A management board may, after the necessary FMP, amendment, or addendum has been approved, continue to monitor the implementation, enforcement, and effectiveness of the FMP, amendment, or addendum or take other actions specified in the applicable document that are necessary to ensure its full and effective implementation.

(4) Each management board shall select its own chair and vice-chair. The chair of management boards/sections will rotate among the voting members every two years, with the vice-chair acceding to the chair.

(f) **Sections under Amendment One.** Under Amendment One to the Compact creating the Commission, one or more states may agree to designate the Commission as a joint regulatory agency; Commissioners of these states shall constitute a separate section for these purposes. In any such instance the following procedures apply:

(1) Agreements among states under Amendment One shall be in writing, and open to participation by all states with an interest in any fishery to which the agreement applies;

(2) All Commissioners from states forming a section under Amendment One shall be members of the section; and

(3) Regulatory authority exercised by the Commission under Amendment One shall be carried out pursuant to an FMP prepared according to this Charter. For these purposes, including determinations of non-compliance under Section Seven, a section shall have the same authority and responsibility as set forth in this Charter for a management board.

(g) **Coordination with Regional Fishery Management Councils.** Each management board shall work with appropriate committees of the Regional Fishery Management Councils and appropriate federal officials to insure that state and federal fishery management programs are

coordinated, consistent, and complementary. It will be the policy of the Commission to develop FMPs jointly with Regional Fishery Management Councils wherever applicable

(h) **Appeal Opportunity.** Any state that is aggrieved by an action of the management board may appeal that action to the Policy Board, with the exception of a non-compliance finding in accordance with Section Three\_(d)(9).

## **Section Five. Staff, Management, Technical, and Advisory Support**

(a) **Staff Support.** The Commission's Executive Director or the ISFMP Director shall serve ex-officio as non-voting members of all management boards and sections. Commission staff shall serve as ex-officio members of all technical committees and will chair the plan development teams (PDTs) and plan review teams (PRTs). Staff will provide liaison among the PDTs, PRTs, species stock assessment subcommittees, technical committees, and advisory panels and the management boards/sections. Commission staff will also provide liaison among the Committee on Economics and Social Sciences, the Assessment Science, Habitat, Artificial Reef, Law Enforcement, and Management and Science Committees and the management boards/sections, and the Policy Board.

ISFMP and Science Program staffs have specific responsibilities with respect to supporting the activities of the technical support groups. These responsibilities are detailed in the *Technical Support Group Guidance and Benchmark Stock Assessment Process (approved February 2013)*

(b) **Committee Organization.** Unless otherwise specified, each group included in this section shall elect its own chair and chair-elect (or vice-chair), which shall rotate bi-annually every other year among the Committee members, with the chair-elect acceding to the chair. Committees shall maintain a record of their meetings compiled by the chair-elect (vice-chair) in consultation with the chair and Commission staff.

(c) **PDTs** shall be appointed by the management boards/sections to draft FMPs, amendments and addenda.

(1) PDTs shall be comprised of personnel from state and federal agencies who have scientific and management ability, knowledge of a species and its habitat, and an interest in the management of a species under the jurisdiction of the relevant management board. Personnel from Regional Fishery Management Councils, academicians, and others as appropriate may be included on a PDT. The size of the PDT shall be based on specific need for expertise but shall generally be kept to a maximum of six persons.

(2) It shall be the responsibility of a PDT to prepare all documentation necessary for the development of an FMP, amendment, or addendum using the best scientific information available and the most current stock assessment information. Each FMP, amendment, or addendum shall be developed by the PDT in conformance with Section Six of the ISFMP Charter.

(3) PDTs shall be tasked directly by the management boards/sections. In carrying out its activities, the PDT shall seek advisement from the appropriate technical committee, stock assessment subcommittee, advisory panel, Committee on Economics and Social Sciences, and the Assessment Science, Habitat, [Artificial Reef](#) and Law Enforcement Committees, where appropriate.

(4) Following completion of its charge, the ~~management board will~~ **PDT will be disbanded the PDT unless otherwise determined by the board/section..**

(d) **PRT** shall be appointed by the management boards/sections to review regulations and compliance. Members should be knowledgeable concerning the scientific data, stock and fishery condition, and fishery management issues. The PRT shall generally be kept to a maximum of six persons.

(1) PRTs will be responsible for providing advice concerning the implementation, review, monitoring, and enforcement of FMPs that have been adopted by the Commission, and as needed be charged by the management board/sections.

(2) Each PRT shall at least annually or as provided in a given FMP, conduct a review of the stock status and Commission member states' compliance for which implementation requirements are defined in the FMP. The PRT shall develop an annual plan review in order to evaluate the adequacy of the FMP. This report will address, at a minimum, the following topics: adequacy and achievement of the FMP goals and objectives (including targets and schedules), status of the stocks, status of the fisheries, status of state implementation and enforcement, status of the habitat, research activities, and other information relevant to the FMP. The PRT shall report all findings in writing to the management board/section for appropriate action. Compliance review shall be consistent with the requirements of Sections Six and Seven of the ISFMP Charter and the respective FMP requirements. In addition to the scheduled compliance reviews, the PRT may conduct a review of the implementation and compliance of the FMP at any time at the request of the management board/section, Policy Board, or the Commission. When a plan amendment process is initiated by the management boards/sections, the PRT will continue its annual review function applicable to the existing plan.

(3) In carrying out its activities, the PRT shall seek advisement from the appropriate technical committee, stock assessment subcommittee, advisory panel, Committee on Economics and Social Sciences, and the Assessment Science, Habitat, [Artificial Reef](#) Law Enforcement, and Management and Science Committees.

(e) **Assessment Science Committee.** The Assessment Science Committee (ASC) shall be appointed by the ISFMP Policy Board. All agencies should nominate individuals for appointment to the ASC based on stock assessment and population dynamics expertise. Agencies may nominate personnel that require some training prior to official appointment as a committee member. The ISFMP Policy Board should review all nominations and appoint members to the ASC based on expertise, as opposed to agency representation. The ISFMP



Policy Board may appoint a limited number of ASC members that are currently being trained in stock assessment methods, with the intent of formalizing the appointment upon completion of training. ASC membership should be kept to a maximum of 25 members and periodic rotation of membership should be considered.

(1) ASC will assist the ISFMP Policy Board in setting overall priorities and timelines for conducting all Commission stock assessments in relation to current workloads.

(2) ASC will provide guidance to species stock assessment subcommittees, technical committees, and management boards on broad technical issues (e.g., stock assessment methods, biological reference points, sampling targets, and other assessment issues common to multiple Commission-managed species).

(3) ASC may provide input and advice to the species stock assessment subcommittees mainly during a benchmark assessment, when a model change and/or a major revision of the data are conducted. The species stock assessment subcommittee will be responsible for conducting the species assessment and will report directly to the species technical committee. ASC may provide overall guidance to the development of the species assessment, but will not be involved in peer review of the assessment. Assessment updates will be conducted by the species stock assessment subcommittee, with input from the ASC upon written request.

(f) **Technical Committees.** A management board/section may appoint a technical committee to address specific technical or scientific needs requested periodically by the respective management board/section, PDT, PRT, or the Management and Science Committee.

(1) A technical committee shall be comprised of state, federal, Regional Fishery Management Council, Commission, university or other specialized personnel with scientific and technical expertise and knowledge of the fishery or issues pertaining to the fishery being managed, and should consist of only one representative from each state or agency with a declared interest in the fishery, unless otherwise required or directed by the management board.

(2) Technical committees are responsible for addressing specific technical or scientific needs requested periodically by the respective management board/section, PDT, PRT, or the Management and Science Committee. **At times the board/section may task the technical committee** ~~may be requested~~ to provide a technical analysis of species advisory panel recommendations. All requests to the technical committee should be in writing **from the board/section chair** and should include all specific tasks, the deliverable expected, and a timeline for presentation of recommendations to the board/section. Even though the technical committee may respond to requests from multiple committees, the management board/section provides the oversight to technical committee tasks and priorities. When tasked by multiple committees, it is the responsibility of the ISFMP staff in consultation with the technical committee and management board/section chairs to prioritize these tasks.

(3) It shall be the responsibility of a technical committee for addressing specific technical or scientific needs requested by the respective management board/section, PDT, and PRT in the development and monitoring of an FMP or amendment as requested, including evaluating fishery-dependent and fishery-independent data, evaluating state monitoring programs, and providing information on the status of the stock and the fishery to the PDT and PRT. At times, ~~the board/section may task the TC may be requested to provide a technical analysis of an AP recommendation.~~

(4) Among its duties, the technical committee shall provide a range of management options, risk assessments, justifications, and probable outcomes of various management options.

(5) The technical committee will coordinate the process of developing stock assessments for Commission-managed species.

(6) It is not the responsibility of the technical committee to conduct a review of the Commission member states' compliance for which implementation requirements are defined in the FMP. This is a responsibility of the PRTs.

(g) **Species Stock Assessment Subcommittees.** Upon the request of a management board/section, the technical committee shall appoint individuals with appropriate expertise in stock assessment and fish population dynamics to a species stock assessment subcommittee, which will report to the technical committee and shall continue in existence so long as the management board/section requires.

(1) Membership to a species stock assessment subcommittee will be comprised of technical committee members with appropriate knowledge and experience in stock assessment and biology of the species being assessed. Individuals from outside the TC with expertise in stock assessment or biology of the species may also be nominated and appointed, if necessary. The technical committee chair will serve as an ex-officio member of the species stock assessment subcommittee. Overall membership should be kept to a maximum of six persons, unless otherwise required and directed by the management board/section.

(2) The species stock assessment subcommittee is responsible for conducting a stock assessment for use by the PDT in formulation of an FMP, amendment, or addendum; and conducting periodic stock assessments as requested for use by the technical committee in reporting status of the stock to the respective management board. A stock assessment update consists of adding the most recent years of data to an existing, peer-reviewed, and board-accepted stock assessment model without changing the model type or structure.

(3) The species stock assessment subcommittee is responsible for data analysis and preparation of a stock assessment report. Initial input on available data and stock assessment methods may be provided by ASC and TC. Additional input may be

requested of the ASC upon written request of the species stock assessment subcommittee. The species stock assessment subcommittee shall use the best scientific information available and established stock assessment techniques. Stock assessment techniques should be consistent with the current state of scientific knowledge.

(4) The species stock assessment subcommittee will be tasked directly by the technical committee and will report to the technical committee for review and approval of work. All subcommittee recommendations and documents must be approved by the technical committee and forwarded by the technical committee to the management board/section. Any substantive issues and concerns raised by the technical committee during the approval process should be referred back to the species stock assessment subcommittee to be addressed.

(h) **Other Technical Support Subcommittees** (e.g., tagging, stocking – with the exception of ISFMP socioeconomic subcommittees). Upon the approval of a management board/section, the technical committee shall appoint individuals with special expertise, as appropriate, to other technical support subcommittees in order to support technical committee deliberations on specific issues. All technical support subcommittees shall report to the technical committee and shall continue in existence so long as the management board/section requires. All technical support subcommittees should elect their own chair and vice-chair, who will be responsible for reporting to the technical committee. Overall membership should be kept to a maximum of six persons.

(1) Special subcommittees may be required to address specific scientific issues important to the assessment and management of the species. These subcommittees will be tasked directly by the technical committee and will report to the technical committee for review and approval of work. All subcommittee recommendations and documents must be approved by the technical committee before being forwarded to the management board/section. Any substantive issues and concerns raised by the technical committee during the approval process should be referred back to the technical support subcommittee to be addressed.

(i) **Advisory Panels.** A management board/section may at any time establish an advisory panel in conformance with the Commission's Advisory Committee Charter, to assist in carrying out the board's/section's responsibilities. Advisory panels shall also work with PDTs and PRTs, as requested. AP chairs should present reports to Boards/Sections and answer any specific questions relevant to their report. Chairs may not ask questions or present their own viewpoints during Board/Section deliberations.

(j) **Habitat Committee.** The Habitat Committee is a standing Commission committee appointed at the discretion of the Chair of the Commission. The purpose of the Habitat Committee is to review, research, and develop appropriate response to concerns of inadequate, damaged or insufficient habitat for Atlantic coastal species of concern to the Commission. Among its duties for the Commission, the Habitat Committee shall:

- (1) Serve as a consultant to the ISFMP regarding habitat on which the species of concern to the Commission are dependent, whether salt, brackish or freshwater;
- (2) Provide comment on the habitat sections of FMPs, and provide suggested text for these sections;
- (3) Propose habitat mitigation measures, comment on proposed habitat mitigation measures, and proposed alternate measures if necessary to ensure appropriate habitat conservation;
- (4) Establish subcommittees or other work groups as are necessary to research various habitat related issues; and
- (5) Formulate habitat specific ~~policies~~ goals for consideration of and adoption by the Commission.

(k) **Artificial Reef Committee.** The Artificial Reef Committee is a standing Commission committee appointed at the discretion of the Commission Chair. The Committee advises the ISFMP Policy Board with the goal of enhancing marine habitat for fish and invertebrate species through the appropriate use of man-made materials. The Committee is comprised of the state artificial reef coordinators, representatives from the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. The Artificial Reef Committee works in close coordination with Habitat Committee, and reports to the ISFMP Policy Board.

(l) **Law Enforcement Committee.** The Law Enforcement Committee (LEC) is a standing ~~Commission~~ committee ~~established~~ appointed by the Commission. LEC carries out assignments at the specific request of the Commission, the ISFMP Policy Board, the management boards/sections, the PDTs, and the PRTs. In general, the Committee provides information on law enforcement issues, brings resolutions addressing enforcement concerns before the Commission, coordinates enforcement efforts among states, exchanges data, identifies potential enforcement problems, and monitors enforcement of measures incorporated into the various interstate fishery management plans. LEC is comprised of law enforcement representatives from each member state, the U. S. Fish and Wildlife Service, the National Marine Fisheries Service, the U. S. Coast Guard, and US Department of Justice. LEC convenes a working meeting in the spring, meets in conjunction with the Commission's Annual Meeting, and convenes other meetings as needed. Among its ISFMP duties, the LEC shall:

- (1) Provide advice to PDTs regarding the enforceability of measures contemplated for inclusion in FMPs, including enforcement information needed for the Source Document and Background Summary pursuant to Section Six (b)(1)(v)(E); analysis of the enforceability of the proposed measures; and if the FMP provides for conservation equivalency, enforcement procedures for alternative management measures;

(2) Provide advice to each PRT at least annually or as provided in a given FMP regarding the adequacy and effectiveness of states' enforcement of the measures implemented pursuant to the FMP;

(3) Coordinate, among law enforcement personnel, the preparation of reports concerning state law enforcement and compliance in order to ensure these analyses are comparable; and

(4) Upon request or on its own initiative, provide enforcement advice and information regarding any FMP to any committee, team, board/section, or advisory panel in order to carry out activities under this Section.

(m) **Management and Science Committee**. The Management and Science Committee (MSC) is a standing committee appointed by the Commission. MSC carries out assignments at the specific request of the Commission, Executive Committee, or the ISFMP Policy Board, and generally provides advice to these bodies concerning fisheries management and the science of coastal marine fisheries. MSC is comprised of one representative from each member state, the National Marine Fisheries Service's Northeast and Southeast Regions, and the U.S. Fish and Wildlife Service's Regions 4 and 5 who possess scientific as well as management and administrative expertise. Among its duties for the Commission, MSC shall:

(1) Serve as the senior review body of the Commission, Executive Committee, and ISFMP Policy Board;

(2) Provide oversight to the Commission's Stock Assessment Peer Review Process;

(3) Upon request of the ISFMP Policy Board for any management board/section, review and provide advice on species specific issues;

(4) Evaluate the state of the science of species interactions and provide guidance to fisheries managers on multispecies and ecosystem issues. Evaluations and/or recommendations should focus on modifying the single-species approach in development of Commission FMPs and/or stock assessments;

(5) Evaluate and provide advice on cross-species issues and including, but not limited to tagging, invasive species and exotics, fish health and protected species issues; and

(6) Coordinate Commission technical and scientific workshops and seminars, when requested.

(n) **Committee on Economics and Social Sciences**. The Committee on Economics and Social Sciences (CESS) is a standing Commission committee. CESS members of the Committee shall be appointed at the discretion of the Chair of the Commission. The membership should consist of one representative from each **of the 15 member states**, two representatives from National

Marine Fisheries Service headquarters (one economist and one social scientist), one representative each from National Marine Fisheries Service's Northeast and Southeast Regions, one representative each from the Atlantic Coast Fishery Management Councils, and one representative from the U.S. Fish and Wildlife Service.

~~The Committee shall elect its own chair and vice chair, which shall rotate biennially among the Committee members, with the vice chair succeeding to the chair. CESS shall maintain a record of its meetings, compiled by Commission staff in consultation with the chair.~~

The purpose of CESS is to provide socioeconomic technical oversight for both the ISFMP and the Atlantic Coastal Cooperative Statistics Program. Among its duties for the Commission, CESS shall:

- (1) Develop and implement mechanisms to make economic and social science analysis a functioning part of the Commission's decision making process;
  - (2) Nominate economists and social scientists to serve on each species technical committee or socioeconomic subcommittee, and PDT, in order to provide technical support and development of socioeconomic sections of FMPs (including amendments and addenda);
  - (3) Upon request by species management boards or the Policy Board, provide social and economic advice, information, and policy recommendations to these respective boards;
  - (4) Upon request by the Policy Board, provide social and economic advice, information, and policy recommendations to the Policy Board;
  - (5) Provide technical recommendations to the social and economic data collection and data management programs of the Atlantic Coastal Cooperative Statistics Program;
  - (6) Function as the technical review panel for social and economic analyses conducted by the Commission and the Atlantic Coastal Cooperative Statistics Program; and
  - (7) Establish CESS subcommittees or other work groups as are necessary to research various social and economic issues;
- (o) **Other ASMFC Committees.** Other Commission committees, as appointed, shall upon request or on their own initiative provide advice and information to any other committee, in order to carry out activities under this Section.

## **Section Six. Standards and Procedures for Interstate Fishery Management Plans**

(a) **Standards.** These standards are adopted pursuant to Section 805 of the Atlantic Coastal Fisheries Cooperative Management Act (P.L. 103-206), and serve as the guiding principles for the conservation and management programs set forth in the Commission's FMPs. The Commission recognizes that an effective fishery management program must be carefully designed in order to fully reflect the varying values and other considerations that are important to the various interest groups involved in coastal fisheries. Social and economic impacts and benefits must be taken into account. Management measures should focus on conservation while allowing states to make allocation decisions. Fishery management programs must be practically enforceable, including as much as possible the support of those being regulated, in order to be effective. Above all, an FMP must include conservation and management measures that ensure the long-term biological health and productivity of fishery resources under management. To this end, the Commission has adopted the following standards:

- (1) Conservation programs and management measures shall be designed to prevent overfishing and maintain over time, abundant, self-sustaining stocks of coastal fishery resources. In cases where stocks have become depleted as a result of overfishing and/or other causes, such programs shall be designed to rebuild, restore, and subsequently maintain such stocks so as to assure their sustained availability in fishable abundance on a long-term basis.
- (2) Conservation programs and management measures shall be based on the best scientific information available.
- (3) Conservation programs and management measures shall be designed to achieve equivalent management results throughout the range of a stock or subgroups of that stock.
- (4) Management measures shall be designed to minimize waste of fishery resources.
- (5) Conservation programs and management measures shall be designed to protect fish habitats.
- (6) Development and implementation of FMPs shall provide for public participation and comment, including public hearings when requested by the states.
- ~~(6)~~(7) Fairness & equity.
  - (i) An FMP should allow internal flexibility within states to achieve its objectives while implemented and administered by the states; and
  - (ii) Fishery resources shall be fairly and equitably allocated or assigned among the states.



(b) **Contents.** An FMP should be a readily available, concise, and understandable document. It is designed to inform the Commission and the public of the need for and nature of management action, to provide for conservation of coastal fisheries, to allow the public to have effective participation in the management planning process, and to help Commissioners to make decisions on fishery management plans. Additionally, the FMP should facilitate implementation and enforcement of the fishery management program in the individual states. With this in mind, all FMPs of the Commission shall contain the following items:

(1) Management Program Elements:

(i) A statement of the problem being addressed by the FMP, and the objectives to be achieved through implementation, including the social and economic impacts.

(ii) The goals and objectives of the FMP, including a specification of the management unit, a plan-specific definition of overfishing **when available**, and, if a stock is determined to be depleted **overfished** as a result of overfishing and/or other causes, a specific rebuilding program and schedule for the resource.

(iii) A statement of management strategies, options, and alternatives.

(iv) A complete statement of the management measures needed to conserve the fishery, including:

(A) A detailed statement on a state-by-state basis of each specific regulatory, monitoring, and research requirement that each state must implement in order to be in compliance with the plan; provided that the relative burden of the plan's conservation program and management measures may vary from state to state relative to the importance of the fishery in that state as compared to its importance in other states throughout its range; and provided that each FMP shall address the extent to which states meeting *de minimis* criteria may be exempted from specific management requirements of the FMP to the extent that action by the particular states to implement and enforce the plan is not necessary for attainment of the FMP's objectives and the conservation of the fishery;

(B) If the FMP so provides, procedures under which the states may implement and enforce alternative management measures that achieve conservation equivalency;

(C) A complete schedule by which states must take particular actions in order to be in compliance with the plan;

(D) A specification of the requirements for states' reports on compliance to be submitted to the PRT at least annually or as provided in a given FMP, including the requirement for submission within a specified time line of



copies of relevant laws and regulations for the record; and

(E) A detailed description of penalties and repayments that will result if a state/jurisdiction does not implement any management measure consistent with the compliance schedule established in an FMP, amendment, or addendum.

(F) A statement of the minimum notification time that the Commission must provide a state/jurisdiction prior to requiring an in-season management adjustment; and establishment of a reporting and tracking system for management changes

(G) A statement of those recommendations which states should implement in order to conserve fishery resources.

(v) Supporting Summary Information and Analyses:

(A) A review of the resource and its biological status;

(B) A review and status of fish habitat important to the stocks, and ecosystem considerations;

(C) A review of the fishery and its status, including commercial and recreational fisheries and non-consumptive considerations;

(D) A review of the social and economic characteristics of the fishery; and

(E) An analysis of the enforceability of the proposed measures.

(vi) Impacts: A summary evaluation of the biological, environmental, social, and economic impacts of the requirements and recommendations included in the FMP.

(vii) Source Document: In addition to the FMP, the PDT and the staff shall compile a Source Document that contains all of the scientific, management, and other analyses and references utilized in preparation of the FMP.

(2) A management board/section, by 2/3 vote, may extend, after giving the public one month's notice, the period of effectiveness for any FMP or provision that would otherwise expire for a period of up to 6 months, and may be extended for an additional six months, if the management board/section is actively working on an amendment or addendum to address the provisions that would otherwise expire. A 2/3 majority will be defined by the entire voting membership, however any abstentions from the federal services would not count when determining the total number of votes.

(3) Adaptive Management: Each FMP may provide for changes within the management program to adapt to changing circumstances. FMPs, which provide for adaptive management shall identify specifically the circumstances under which adaptive management changes may be made, the types of measures that may be changed, the schedule for state implementation of changes, and the procedural steps necessary to effect a change. Changes made under adaptive management shall be documented in writing through addenda to the FMP. Addenda to the FMPs must provide for a minimum of 30 days for public comment in making adaptive management changes. The management board/section shall in coordination with each relevant state, utilizing that state's established public review process, ensure that the public has an opportunity to review and comment upon proposed adaptive management changes.

(4) Technical Addenda: The management board/section may make technical corrections to an approved FMP, amendment, or addendum without use of the public review process. This flexibility is for the correction of accidental omissions, erroneous inclusions, and/or to address non-substantive editorial issues.

(5) Habitat Addenda: The management board/section may utilize the Adaptive Management (Section Six (b)(3)) to modify/update a habitat section contained in an FMP or Amendment. The modifications to the habitat section will be documented in writing through addenda to the FMP. The adaptive management procedures detailed in the FMP will be used when developing and approving a habitat addendum.

(c) **Procedures.** All FMPs and amendments of the Commission shall be prepared according to the following procedures:

(1) Need for an FMP - Identification of priority species by the Policy Board will initiate the process to create an FMP. A management board or section will be created pursuant to Section Four. The management board or section will appoint a PDT to develop the FMP for a particular species according to the process described in Section Five (c)(1) through (4).

(2) Need for FMP Amendment - Each PRT shall evaluate the adequacy of each respective FMP at least annually and will submit to the management board/section a written report of its findings. The report will address, at a minimum, the following topics: adequacy and achievement of the FMP goals and objectives (including targets and schedules); status of the stocks; status of the fisheries; status of state implementation and enforcement; status of the habitat; research activities; and other information relevant to the FMP. The PRT shall also solicit and consider the input of the relevant advisory panel, in preparation of its report. The PRT may recommend to the management board or section that a PDT be reinstated or convened. Using this information, the management board/section will determine whether the FMP needs amendment, including issues to be addressed, such as updating data, including results of new research or a new stock assessment, needed changes in state rules and/or enforcement, and recommended options and strategies to address the concerns. All Draft FMP Amendments shall be subject to

the public comment process described under Section Six (c)(8), and shall be approved by the process described in Section Six (c)(4) through (7).

(3) Public Information Document - The species PDT shall prepare a Public Information Document (PID) containing a preliminary review of biological information, fishery issues, and potential management options for the subject FMP or amendment being prepared. The PDT shall also solicit and consider the advisement of the relevant advisory panel, if any, under the Commission's Advisory Committee Charter, in preparation of the PID. The PDT Chair (Commission staff) shall also prepare appropriate audio-visual material to accompany the PID for presentation to the public. The PID, after approval by the management board/section, shall be made available to each state with an interest in the fishery and where applicable, Regional Fishery Management Councils, for the purpose of soliciting public comment as described in Section Six (c)(8).

(4) Preparation of Source Document and Background Summaries- During review and consideration of the PID, the PDT will begin to collate and prepare the Source Document as provided in Section Six (b)(1) (vii). After consideration of the reviews of the PID, the PDT shall prepare background summaries as provided in Section Six (b)(1)(v).

(5) Preparation of Draft FMP or Amendment - After consideration of comments and views developed in response to the PID, the PDT, at the direction of the management board/section, will prepare a Draft FMP or Amendment. Upon approval by the management board/section, the Draft FMP shall be referred to all relevant states and, where applicable, Regional Fishery Management Councils, for the purpose of conducting public hearings and soliciting other public comment as described in Section Six (c)(8).

(6) Preparation of the final FMP or Amendment - After consideration of the record developed in receiving comment on the Draft FMP or Amendment, the PDT shall, at the direction of the management board/section, prepare the final FMP or Amendment.

~~(7)~~ ~~(7)~~ Review and Approval - The management board/section shall approve the FMP or Amendment or refer it back to the PDT for revision. The management board/section will approve revisions to established FMPs (amendment or addendum). Final approval of FMPs and amendments shall be the decision of the Commission.

(8) Advisory Panel Participation – The AP may provide feedback to the board/section on FMPs/Amendments as described below. The board/section may seek additional guidance outside of the below process if necessary.

(i) **During the development of the PID.** APs provide guidance to the PDT before the Board reviews the document for public comment.

(ii) **During the development of the Draft FMP.** After the Board gives the PDT guidance on issues to include in the draft, APs provide feedback to the PDT on those issues.

~~(i)~~ **During the public comment of the Draft FMP.** APs meet to give recommendations on the public comment draft of the FMP.

(iii)

(9)

~~(8)~~ Public Participation:

(i) The management board/section shall in coordination with each relevant state, utilizing that state's established public review process, ensure that the public has an opportunity to review and comment upon the problems and alternative solutions addressed by the PID (see Section Six [c][3]). Upon completion of a PID and its approval by the management board/section, the Commission shall again utilize the relevant states' established public review process to elicit public comment on the PID. The Commission shall ensure that a minimum of three public hearings are held, including at least one in each state that specifically requests a hearing. A hearing schedule will be published within 60 days following approval of the PID; hearings may be held in conjunction with state agencies. The hearing document will be made available to the public for review and comment at least 30 days prior to the date of the first public hearing; availability will be announced by a press release issued by the Commission. Written comments will be accepted for 14 days following the date of the last public hearing.

(ii) Upon completion of a draft FMP or amendment and its approval by the management board/section, the Commission shall again utilize the relevant states' established public review process to elicit public comment on the draft. The Commission shall ensure that a minimum of ~~four~~ three public hearings are held, including at least one in each state that specifically requests a hearing. A hearing schedule will be published within 60 days following approval of the draft FMP or amendment; hearings may be held in conjunction with state agencies. The hearing document will be made available to the public for review and comment at least 30 days prior to the date of the first public hearing; availability will be announced by a press release issued by the Commission. Written comments will be accepted for 14 days following the date of the last public hearing. The Commission will make the draft FMP or amendment and the accompanying PID widely available to the public, including fishermen, consumers, government agencies and officials, environmental groups, and other interested parties throughout the geographic range of the draft FMP or amendment. Records of the public hearings and summaries of the written comments will be made available at cost to anyone requesting them. Summaries of verbal and written comments will be prepared by Commission staff and provided to Commissioners, the management board/section, and advisory panel members. Copies of the summaries will be made available to other parties at cost.

(iii) Agendas for meetings of the management board/section, the ISFMP Policy Board, or the Commission, as appropriate, will include an opportunity for public comment prior to the board, section, or Commission taking action on a fishery management issue consistent with the public comment guidelines.

(iv) Public comments will be evaluated and considered prior to deciding what modifications will be made to the draft FMP or amendment, or draft final FMP or amendment, and prior to approval of the FMP or amendment consistent with the public comment guidelines.

(910) Administrative Record - The Commission staff, with support from the PDT, shall be responsible for collating and maintaining the administrative record for all FMPs.

(119) Emergencies - A management board/section may, without regard to the other provisions of Section Six (c), authorize or require any emergency action that is not covered by an FMP or is an exception or change to any provision in an FMP. Such action shall, during the time it is in effect, be treated as an amendment to the FMP.

(i) Such action must be approved by two-thirds of all voting members (a 2/3 majority will be defined by the entire voting membership, however any abstentions from the federal services would not count when determining the total number of votes i.e., entire membership) of the management board/section prior to taking effect. The decision may be made by meeting, mail, or electronic ballot in the case of an emergency.

(ii) Within 30 days of taking emergency action, the states and the Commission shall hold at least four public hearings concerning the action, including at least one in each state that requests it.

(iii) Any such action, with the exception of public health emergencies, shall originally be effective for a period not to exceed 180 days from the date of the management board/section's declaration of an emergency, but may be renewed by the management board/section for two additional periods of up to one year each, provided the board/section has initiated action to prepare an FMP, or initiated action to amend the FMP in accordance with Section Six(c). Emergency actions taken to address a public health emergency shall remain in effect until the public health concern ceases to exist (this determination to be made by the management board/section). The management board/section may terminate an emergency action at any time with approval of two-thirds of all voting members (i.e., entire membership).

(iv) Definition of Emergencies. The provisions of this subsection shall only apply in those circumstances under which public health or the conservation of coastal fishery resources or attainment of fishery management objectives has been placed substantially at risk by unanticipated changes in the ecosystem, the stock, or the fishery.

(124) Joint FMPs with Regional Fishery Management Councils - The Commission recognizes that fish species and fisheries are transboundary across state and federal jurisdictions, and that proper and efficient fisheries conservation can only be achieved by close coordination between state and federal management systems. The Commission is

committed to close cooperation with the Regional Fishery Management Councils in providing for coordinated and compatible fisheries management. To this end, each management board shall work closely with appropriate Council ~~organizations~~ committees to develop coordinated approaches to management.

(i) A management board may decide with a Regional Fishery Management Council to prepare an FMP jointly with that Council, with the intent that the Council and the Commission will approve the same FMP document. In such instances the management board and the Council will establish the specific procedures and schedules to follow during FMP development, including assignments of staff responsibilities on PDTs, technical committees and other fishery management program staffing and support groups, including advisory panels.

(ii) A management board shall endeavor whether or not a joint FMP is being prepared, to coordinate its meetings, meetings of the relevant advisory panel, and public hearings with relevant Council meetings and hearings.

## Section Seven. Compliance

(a) **Implementation and Enforcement** - All states are responsible for the full and effective implementation and enforcement of FMPs within areas subject to their jurisdiction. Each state shall submit a written report on compliance with required measures of a specific FMP in conformance with reporting requirements and schedules specified in the plan, which requirements shall include submission of copies of relevant laws and regulations for the Commission's record. At any time, according to the procedures contained in this Section, the Commission may determine ~~that~~ a state is not fully and effectively implementing and enforcing the required provisions of an FMP, and is therefore not in compliance with that plan. All evaluations, findings, and recommendations regarding compliance determinations shall be in writing.

(b) **Schedule for Reviews** - Implementation and compliance for FMPs will be reviewed according to the Commission's Action Plan ~~approved by the ISFMP Policy Board~~. The schedule shall provide for review of each FMP at least annually, or more frequently as provided in a given FMP. In addition to the scheduled reviews, the PRT may conduct a review of the implementation and compliance of the FMP at any time at the request of the management board/section, Policy Board, or the Commission.

(c) **Role of the Management Board/Section** - Each management board/section shall, within 60 days of receipt of a state's compliance report, review the written findings of the PRT developed according to the previous subsection. Based upon that written review, as well as other information that it has or may receive, the management board/section may recommend to the Policy Board that a state be found out of compliance, including the rationale for the recommended finding of non-compliance. The recommendation shall specifically address the

required measures of the FMP that the state has not implemented or enforced, a statement of how that failure to implement or enforce the required measures jeopardizes the conservation of the resource, and the actions a state must take in order to comply with requirements of the FMP.

(d) **Role of the Policy Board** - The Policy Board shall, within 30 days of receiving a recommendation of non-compliance from a management board/section, review that recommendation of non-compliance. If it concurs in the decision, it shall recommend at that time to the Commission that a state be found out of compliance. A recommendation regarding non-compliance from the Policy Board will be submitted to the Commission in writing provided there is sufficient time between meetings to develop such documentation.

(e) **Review and Determination by the Commission** - The Commission shall consider any recommendation forwarded under Subsection(d), as quickly as possible and within 30 days of receiving a recommendation of non-compliance from the Policy Board. Any state which is the subject of a recommendation for a finding of non-compliance shall be given an opportunity to present written and/or oral testimony concerning whether it should be found out of compliance. The state may request that the Commission's consideration be held at a formal meeting by roll call vote. With the consent of the Commissioners from the state subject to the recommendation, the Commission's decision may be made by electronic ballot. If the Commission agrees with the recommendation of the Policy Board, it may determine that a state is not in compliance with the relevant FMP, and specify the actions the state must take to come into compliance. Upon a non-compliance determination, the Executive Director shall within ten working days notify the state, the Secretary of Commerce, and the Secretary of the Interior of the Commission's determination.

(f) **Withdrawal of Determination** - Any state subject to a moratorium that has revised its conservation program in response to a determination of non-compliance may request that the Commission rescind its findings of non-compliance.

(1) If the state provides written documentation to the Commission of implementation of every measure required of it, the withdrawal will be automatic upon issuance of a letter from the Commission Chair to the state, Secretary of Commerce, and the Secretary of the Interior.

(2) If the measures implemented deviate from those required of the state, the state shall provide a written statement on its actions that justify a determination of compliance. The management board/section shall promptly conduct such re-evaluation and make a recommendation to the Policy Board that the recommendation or determination of non-compliance be withdrawn. Upon the recommendation of the Policy Board, the Commission may withdraw its determination of non-compliance, whereupon the Executive Director shall promptly notify the state, the Secretary of Commerce, and the Secretary of the Interior. The re-evaluation by the Management board/section, review by the Policy Board, and action by the Commission shall be made within 45 days of the receipt by the Commission of the request for reconsideration by the State. It may be made by electronic ballot with the consent of the Commissioners from the subject state.



~~(g) **Appeal of Compliance Findings**—A state which disagrees with a management board's failure to find a state out of compliance may appeal that finding to the ISFMP Policy Board pursuant to Section Three(d)(9).~~

(h) **Procedure to Address Management Program Implementation Delays**—Each species management board shall evaluate the current FMP, amendment, and/or addendum to determine if delays in implementation have impacted, or may negatively impact, the achievement of the goals and objectives of the management program. Each of the species management boards, with the assistance of the respective technical committee if necessary, will conduct this evaluation and provide, in writing, a summary of its findings to the ISFMP Policy Board. Each species management board that determines that there is a negative impact due to delayed implementation will provide the ISFMP Policy Board a proposed timeline to develop an amendment or addendum to address delayed implementation.

If the ISFMP Policy Board determines that an amendment or addendum should be developed to address delayed implementation, the amendment or addendum should, at a minimum, include any penalties and repayments for delays in implementation, the minimum notification time that Commission staff must provide a state/jurisdiction prior to requiring an in-season management adjustment; and establishment of a reporting and tracking system for management changes.

## **Section Eight. Definitions**

(a) **Act** - The Atlantic Coastal Fisheries Cooperative Management Act, 1993. 16 U.S.C. Chapter 71, et seq.

(b) **Action plan** - A document prepared annually by Commission staff and approved by the Policy Board to provide priorities and schedules for the specific activities of the ISFMP during a given year.

(c) **Adaptive management** - An iterative process which includes evaluation of the response of the managed fishery and stock to specific management measures and adjusting such measures based on that evaluation.



(d) **Advisory Panel (AP)** - A group of interested and knowledgeable persons convened under the Commission's Advisory Committee Charter to assist in development of an FMP or amendment.

(e) **Assessment Science Committee (ASC)** - A group consisting of experts in fish population dynamics and appointed and convened by a Technical Committee, at the request of a Management Board, to prepare a stock assessment for a specified fish stock using the best scientific data available and established techniques.

(f) **Best scientific information available** - Includes but is not limited to that body of biological, environmental, ecological, economic, and social data concerning the fish stock and fisheries which are the subject of an FMP or amendment, provided that the methods of collecting such information are clearly described and are generally accepted as scientifically valid. Data may come from state, federal, or private databases and from published and unpublished sources. Information that becomes available during preparation of an FMP or amendment should be incorporated to the extent practicable.

(g) **Bycatch** - That portion of a catch taken in addition to the targeted species because of non-selectivity of gear to either species or size differences; may include non-directed, threatened, or endangered and protected species.

(h) **Compliance** - Condition in which a state has implemented and is enforcing all measures required by an FMP. States are presumed to be in compliance unless determined to be out of compliance pursuant to Section Seven.

(i) **Conservation** (from the Act, Section 803[4]) - The restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.

(j) **Conservation equivalency** - 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. For example, 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.

(k) **Conservation program** - Enactment of rules or statutes, research, biological monitoring, collection of statistics, stock enhancement, and enforcement activities conducted by a state to maintain, restore, and/or rebuild a fish stock and its habitat.

(l) **De minimis** - A situation in which, under existing conditions of the stock and scope of the fishery, conservation, and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment.

(m) **Directed fishery** - Fishing for a stock using gear or strategies intended to catch a given target species, group of species, or size class.

(n) **Emergency** - Unanticipated changes in the ecosystem, the stock, or the fishery which place public health, the conservation of coastal fishery resources, or attainment of fishery management objectives substantially at risk.

(o) **Endangered, threatened, or protected species** – Species that are regulated under the jurisdiction of the federal or a state’s endangered species act (threatened or endangered) or are provided other special protection.

(p) **Fish** (from the Act, Section 803[7]) - "Finfish, mollusks, crustaceans, and all other forms of marine animal life other than marine mammals and birds."

(q) **Fishable abundance** - Numbers of fish in a stock sufficient to provide continuing harvests in the range of historic average levels without overfishing the stock.

(r) **Fishery** (from the Act, Section 803[8])

(1) "One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, commercial, recreational, or economic characteristics; or

(2) Any fishing for such stocks."

(s) **Fish habitat** - The environment upon which a fish stock is dependent as it conducts its normal life history functions of spawning, feeding, and migration; including biological, physical, and chemical factors which influence the choices of such areas.

(t) **Fishery management** - All activities conducted by a government to improve, restore, rebuild, or maintain fish stocks and fisheries, including statutory action and rule-making, enforcement, research, monitoring, collection of statistics, enhancement, protection, development, and habitat conservation.

(u) **Habitat Committee (HC)** - The principal body, established by the Commission, which advises the Commission on issues of habitat, habitat management, habitat requirements by the managed species, enforceability of proposed habitat management measures.

(v) **Implementation of an FMP** - Conducting a state conservation program that meets all requirements for that state as provided in an FMP or amendment.

(w) **Law Enforcement Committee (LEC)** - The principal body, established by the Commission, which advises the Commission on issues of law enforcement and enforceability of potential management measures, comprised of representatives of each member state, Washington, D.C., National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the U.S. Coast Guard.

(x) **Management measure** - A statute or rule enacted by a state to conserve a fishery and/or protect its habitat.

(y) **Management and Science Committee (MSC)** - The principal scientific advisory body of the Commission, comprised of representatives from member states, National Marine Fisheries Service, and U. S. Fish and Wildlife Service.

(z) **Minimize waste** - Process of taking specific actions, which reduce the effects of fishing activities on non-target resources (habitat and bycatch) and promote full, efficient utilization of the catch.

(aa) **Non-compliance** - A condition under which the Commission has determined that a state has failed to implement and enforce a conservation program as required in an FMP or amendment.

(bb) **Non-indigenous species** - A species of fish, plant or other organism that is not native to a particular geographic area.

(cc) **Overfishing** - In the context of the ISFMP, harvesting from a stock at a rate greater than the stock's reproductive capacity to replace the fish removed through harvest. Each FMP contains a plan-specific definition of overfishing.

(dd) **Plan Development Team (PDT)** - A group of individuals who are knowledgeable concerning the scientific facts and fishery management issues concerning a designated fish stock and who are appointed and convened by a Management Board to prepare an FMP or amendment and its supporting Source Document.

(ee) **Plan review** - An evaluation of an FMP, considering adequacy and relevance of the goals and objectives, stock status, fishery status, implementation status, research activities, and recommendations.

(ff) **Plan Review Team (PRT)** - A group of individuals who are knowledgeable concerning the scientific facts, stock and fishery condition, and fishery management issues concerning a designated fish stock and who are appointed and convened by a Management Board for the purpose of conducting an annual plan review for an FMP.

(gg) **Public Information Document (PID)** - A document of the Commission which contains preliminary discussions of biological, environmental, social, and economic information, fishery issues, and potential management options for a proposed FMP or amendment.

(hh) **Range (functional)** - The geographic area utilized by a fish stock and its dependent fishery as defined in an FMP.

(ii) **Recommendations** - Actions identified in an FMP which should be taken by the states, but are not required, such as enactment of rules, research, monitoring, collection of statistics, and enhancement, which collectively will promote restoration, rebuilding, or maintenance of a stock.

(jj) **Regulatory** - Of or pertaining to any administrative or legislative measure in a sense that requires compliance by individuals involved in the fishery.

(kk) **Requirements** - Actions set forth in an FMP which must be taken by the states specified in such FMP, such as enactment of rules, research, monitoring, collection of statistics, and enhancement, which collectively will promote attainment of the FMP's objectives for restoration, rebuilding, or maintenance of a stock, and are the measures against which compliance is judged. Failure of a specified state to implement a required action may result in a finding of non-compliance under the Act.

(ll) **Source document** - The comprehensive support document to an FMP which is compiled by the Plan Development Team and Commission staff and contains all the scientific, management, and other analyses and references utilized in preparation of the FMP; the Source Document is kept on file with the Commission.

(mm) **State** - (from the Act, Section 803[13]) For purposes of the Act, one of the following East Coast jurisdictional entities: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida; also includes the District of Columbia, or the Potomac River Fisheries Commission.

(nn) **Stock** - A group of fish of the same species which behave (spawn, migrate, feed) as a unit.

(oo) **Subgroup** - A group of fish from the same stock which consistently conducts itself as an identifiable unit.

(pp) **Target species** - A species or group of species of fish which certain fishing gear or strategies are designed to catch.

(qq) **Technical Committee (TC)** - A group of persons who are expert in the scientific and technical matters relating to a specific fish stock and who are appointed and convened by a Management Board to provide scientific and technical advice in the process of developing and monitoring FMPs and amendments.

(rr) **Trigger** - A measure of a specific attribute of a fish stock or fishery for which values above or below an established level initiates a pre-specified management action.

# Atlantic States Marine Fisheries Commission

*Vision: Sustainably Managing Atlantic Coastal Fisheries*



## Compact & Draft Changes to the Rules and Regulations

Draft changes based on recommendations to the ISFMP Policy Board from the Executive Committee are **in red**. Draft changes based on current Commission Process are **highlighted in blue**

January 2016

**ATLANTIC STATES MARINE FISHERIES COMPACT**  
**Public Law 539, 77th Congress**  
**Chapter 283, 2nd Session, 56 Stat. 267**  
**As Amended by Public Law 721, 81st Congress**  
**Approved August 19, 1950**

**AN ACT**  
**(An Act creating the Atlantic States Marine Fisheries Commission)**

Granting the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the consent and approval of Congress is hereby given to an interstate compact relating to the better utilization of the fisheries (marine, shell and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission, negotiated and entered into or to be entered into under the authority of Public Resolution Numbered 79, Seventy-sixth Congress, approved June 8, 1940, and now ratified by the States of Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland and Virginia, which compact reads as follows:

The contracting states solemnly agree:

**ARTICLE I**

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

**ARTICLE II**

This agreement shall become operative immediately as to those states executing it whenever any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned state and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

### **ARTICLE III**

Each state joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of the state named by the governor thereof. The second shall be a member of the legislature of such state designated by the said Commission or Committee on Interstate Cooperation of such state, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have knowledge of the interest in the marine fisheries problem, to be appointed by the governor. The Commission shall be a body corporate with the powers and duties set forth herein.

### **ARTICLE IV**

The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation of, the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous of the Atlantic seaboard. The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end, the Commission shall draft and, after consultation with the Advisory Committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The Commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactment to be made by the legislature of that state in furthering the intents and purposes of this Compact.

The Commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The Commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs, or joint stocking by some or all of the states party hereto, and when two or more of the states shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

## **ARTICLE V**

The Commission shall elect from its number a Chair and a Vice Chair and shall appoint, at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

## **ARTICLE VI**

No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The Commission shall define what shall be an interest.

## **ARTICLE VII**

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission, cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the Commission.

An Advisory Committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendation as it may desire to make.

## **ARTICLE VIII**

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II, the participation of such state in the action of the Commission shall be limited to such species of anadromous fish.

## **ARTICLE IX**

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.



**ARTICLE X**

Continued absence of representation or of any representative on the Commission from any state party hereto shall be brought to the attention on the governor thereof.

**ARTICLE XI**

The states party hereto agree to make annual appropriations to the support of the Commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than two hundred dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis on the catch record of 1938. Subsequent budgets shall be recommended by a majority of the Commission and the cost thereof allocated equitably among states in accordance with their respective interests and submitted to the compacting states.

**SCHEDULE OF INITIAL STATE CONTRIBUTIONS**

MAINE .....	\$700.
NEW HAMPSHIRE .....	200.
MASSACHUSETTS .....	2300.
RHODE ISLAND .....	300.
CONNECTICUT .....	400.
NEW YORK .....	1200.
NEW JERSEY .....	800.
DELAWARE.....	200.
MARYLAND .....	700.
VIRGINIA .....	1300.
NORTH CAROLINA .....	600.
SOUTH CAROLINA .....	200.
GEORGIA .....	200.
FLORIDA .....	1500.

**ARTICLE XII**

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months notice in writing of intention to withdraw from the compact to the other states party hereto.

SECTION 2. Without further submission of said compact, the consent and approval of Congress is hereby given to the States of Connecticut, North Carolina, South Carolina, Georgia and Florida, and for the purpose of the better utilization of their anadromous fisheries, to the

States of Vermont and Pennsylvania, to enter into said compact as signatory States and as parties thereto, in addition to the States which have now ratified the compact.

SECTION 3. The Atlantic States Marine Fisheries Commission constituted by the compact shall make an annual report to Congress not later than sixty days after the beginning of each regular session thereof. Such report shall set forth the activities of the Commission during the calendar year ending immediately prior to the beginning of such session.

SECTION 4. The right to alter, amend or repeal the provisions of Sections 1, 2, and 3 is hereby expressly reserved, (approved May 4, 1942); provided that nothing in this compact shall be construed to limit or add to the powers or the proprietary interest of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by a signatory state imposing additional conditions and restrictions to conserve its fisheries. Added by P.L. 721, 81st Congress, 2nd Session, approved August 19, 1950.

#### **AMENDMENT NUMBER ONE**

The States consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating States with respect to specific fisheries in which such States have a common interest. The representatives of such States on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such Commission for the exercise of the additional powers so granted provided that the States so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the States participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact. (Consented to by P.L. 721, 81st Congress, 2nd Session, approved August 19, 1950.)

## **RULES AND REGULATIONS**

Originally adopted June 5, 1942, and amended September 18, 1942; September 24, 1943; September 30, 1949; November 15, 1955; September 28, 1962; October 18, 1967; October 6, 1971; November 1, 1972; October 8, 1976; October 4, 1984; September 29, 1988; November 14, 1990; and November 18, 1993. Complete revision adopted October 24, 1996, and amended December 18, 2003.

### **FORWARD**

In accordance with the provisions of Article V of the Compact entered into by and among the states of the Atlantic coast, and as assented to by Act of Congress entitled *An Act granting the consent and approval of Congress to an interstate Compact relating to the better utilization of the fisheries (marine, shell and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission (Public Law 539, Seventy-Seventh Congress, approved by the President on May 4, 1942,);* and as amended by the member states, such amendment being assented to by Act of Congress (*Public Law 721, 81st Congress, approved by the President August 19, 1950*); the Atlantic States Marine Fisheries Commission, created by the states through that Compact hereby adopts the following rules and regulations for the conduct of its business.

### **Article I. NAME AND POWERS**

**SECTION 1. MEMBERSHIP; COMMISSIONERS.** (A) The Commission is designated the *Atlantic States Marine Fisheries Commission* in accordance with the Compact and will be referred to herein as the Commission. The members of the Commission are the states that have ratified the Compact. Each member state is represented on the Commission by three Commissioners, chosen in accordance with the terms of the Compact and the State's implementing legislation. A state's Commissioners shall constitute its delegation to the Commission, which shall select one of them to act as delegation Chair. Unless a specific alternative procedure is established by the Commission, its decisions shall be made by the majority of the member states present and voting at any meeting.

(B) Code of Conduct. Commissioners appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner shall engage in criminal or disgraceful conduct prejudicial to the Commission, any other Commissioner or any other State. No Commissioner shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.

**SECTION 2. POWERS AND DUTIES.** The Commission is a fact finding and deliberative body with the power to make recommendations to the member states and to the Congress of the United States. The Commission conducts programs to promote cooperation and coordination among the member states as they implement their relative responsibilities under state law for protecting the public's interest in marine, estuarine and anadromous fisheries. Through the Interstate Fishery Management Program (see Article VI), the Commission provides for the coordinated conservation and management of coastal fisheries. In so doing, the Commission prepares and modifies fishery management plans and determines compliance by the participating states with regard to the mandatory recommendations contained in those plans. The Commission also actively promotes the coordinated collection, maintenance and dissemination of fishery statistics; supports the role of states in carrying out fisheries research; emphasizes the role of essential habitat in the productivity of fisheries; carries out projects to promote restoration of sport and commercial fisheries and threatened and endangered populations; develops policy on emerging fishery issues; provides an opportunity for states to coordinate law enforcement activities; partners with the federal fishery management agencies and the Regional Fishery Management Councils as appropriate to most effectively manage fishery resources; and conducts studies and other programs and activities to support state and federal marine fishery and conservation agencies.

## **Article II. MEETINGS**

**SECTION 1. MEETINGS.** Annual, semi-annual and other meetings of the Commission shall be held at the call of the Chair. Upon the written request of five states, submitted to the Executive Director, the Chairman shall call a meeting of the Commission. The Commission shall also conduct meetings of committees, sections, boards, advisory panels or other groups such as are established to assist in carrying out the Commission's responsibilities. Such meetings shall be called by the Executive Director with the approval of the Commission Chair. The Executive Committee shall establish guidelines for meetings, including meetings conducted by conference call or teleconference. A public notice will be provided at least two weeks prior to all meetings of the Commission and its various bodies, and at least 48 hours notice will be provided for any meetings held by conference call or teleconference; provided exceptions to these notice requirements may be granted by the Commission Chair.

**SECTION 2. ABSENCE OF COMMISSIONERS.** The Commission depends upon the active participation of all of its Commissioners for the success of its programs. The Commission, through the Chair and the Executive Director, shall encourage all Commissioners to fully participate in Commission affairs and meetings. The Chair shall ~~cause~~ask the Executive Director to notify the state's Executive Committee member~~appropriate state official~~ of the unexplained absence of any Commissioner from two consecutive meetings of the Commission. ~~The Chair may request that the notification include a recommendation for the replacement of the non-attending member.~~

## Article III. QUORUM, VOTING AND PROCEDURE

**SECTION 1. QUORUM.** The presence of Commissioners representing a majority of the state members shall constitute a quorum at a meeting of the Commission, and any state shall be recorded as present when represented by one or more of its Commissioners. A quorum for any committee, board, section or other group meeting under the authority of the Commission shall be a majority of the members of such body, provided that any such body may petition the Executive Committee in advance for approval of an alternative quorum procedure. The conduct of meetings of the Commission or any other body established under its authority shall be governed by the current edition of Robert's Rules of Order, Newly Revised, except a Board or Section will need a two-third's vote of all the voting members (i.e. entire membership) to amend or rescind any final actions regardless of prior notice. A- 2/3 majority vote would be defined by the entire voting membership, however any abstentions by the federal services will not be considered when determining the total number of votes. For this section a final action will be defined as: setting fishery specifications (including but limited to quotas, trip limits, possession limits, size limits, season, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and non-compliance recommendations—establishment of quotas, allocations, approval of fishery management plans/amendments/addenda, and non-compliance recommendations. Questions of procedure will be determined by the chair of the meeting upon the advice of the Executive Director or the senior Commission employee in attendance.

**SECTION 2. VOTING.** Voting in any meeting of the Commission, or any of its sections, shall be by states, one vote per state, with the vote of each state being determined by the majority of that state's delegation of Commissioners who are present. Voting in all other committees, boards or other groups shall be by individual members. The Executive Committee may approve any exceptions to this rule. Any time a Commissioner casts a vote on a body on behalf of a state, consultation should occur first, if practical, with the other Commissioners from that state.

**SECTION 3. PROXIES.** A Commissioner may designate a proxy in one of three ways. A permanent proxy will be considered to replace the Commissioner for all purposes and shall be treated as the Commissioner in all respects. An ongoing proxy will be considered to replace the Commissioner whenever the designating Commissioner is not in attendance. A board specific proxy will be considered to replace the Commissioner for only the designated boards. A meeting specific proxy will be considered to replace the Commissioner only for the specific meeting or purpose for which the proxy is given. For all members of any committee, board, section or other group meeting under the authority of the Commission who are not Commissioners, only a specific proxy may be given. No person may, by proxy, vote more than once on any issue.

## Article IV. OFFICERS AND COMMITTEES

**SECTION 1. OFFICERS.** The officers of the Commission shall consist of a Chair and a Vice Chair as provided in Article V of the Compact; and an Executive Director as hereinafter provided. In the absence or disability of the Chair, the Vice Chair shall have all the power and authority of the Chair. The Chair and Vice Chair shall be elected at the Annual Meeting to serve

until their successors have been duly elected and qualified at the next Annual Meeting. The Chair and Vice Chair shall be eligible for reelection. If the Chair leaves office prior to the expiration of the term, the Vice Chair shall become Chair; and the Executive Committee shall select a new Vice Chair.

**SECTION 2. EXECUTIVE COMMITTEE.** There shall be an Executive Committee composed of the Chair; the Vice Chair; the respective chairs of the State Legislators Section, and the Governors' Appointees Section; and the chairs of the member state delegations not represented by the Chair and Vice Chair. The Executive Committee shall have full power to approve formal administrative policies of the Commission; to dismiss the Executive Director; to approve the formal position of the Commission on legislation; to provide for the orderly administration of the Commission's affairs; and generally to act in place of the Commission in the interim between meetings. The Chair and Vice Chair of the Commission shall serve respectively as the Chair and Vice Chair of the Executive Committee.

**SECTION 3. LEGISLATORS AND GOVERNORS' APPOINTEES.** The Commissioners who are state legislators and Governor's appointees shall organize the State Legislators' Section and the Governors' Appointees Section. Each of these sections shall elect its own chair, and vice chair who shall become chair when that position is vacated. Each section shall coordinate among its members to assure effective participation in and input to the Commission's decisions.

**SECTION 4. BOARDS AND COMMITTEES.** The Chair of the Commission shall establish such other boards and committees as he deems appropriate for the conduct of the Commission's affairs, and shall designate the Chair and Vice Chair of such bodies.

**SECTION 5. ADVISORY COMMITTEE.** The Executive Committee shall develop, and revise as it deems necessary, a charter for the Commission's Advisory Committee; giving due regard to the needs of the Commission and its state members to conduct effective public outreach consistent with program needs and available funding.

**SECTION 6. EXECUTIVE DIRECTOR.** There shall be an Executive Director who shall serve as the Executive Secretary of the Commission designated in the Compact that created the Commission. The Executive Director serves at the pleasure of the Commission under the terms of a contract negotiated by the Commission Chair in consultation with the Executive Committee. During the period of the employment contract, the Executive Director may be relieved of responsibilities by the Executive Committee, according to the terms of the contract. The Executive Director shall be the chief executive officer of the Commission and perform all the duties customarily performed by a secretary and a treasurer. The Executive Director shall keep all records of the Commission's business and meetings, and its finances, supervise and direct any staff, enter into contracts and agreements on behalf of the Commission, and under the guidance and control of the Chair, manage all affairs of the Commission.

**SECTION 7. HONORARY COMMISSIONERS.** Honorary non-voting Commissioners may be appointed to Commission membership, as deemed appropriate by the Commission. There can be Honorary Chairmen, as well as Honorary Executive Committee members.

## **Article V. FINANCE**

**SECTION 1. FISCAL YEAR.** The fiscal year of the Commission shall run from July 1 through June 30.

**SECTION 2. BUDGET AND APPORTIONMENT AMONG STATES.** (A) The Executive Director shall estimate the cost of operating the Commission during the ensuing fiscal year and shall submit such estimates to the Commissioners. The Executive Committee shall approve the budget for expenditure of the Commission for the ensuing fiscal year, and shall determine the formula for apportioning the costs of operating the Commission among the member states. Such estimates and apportionments shall be reported each year by the Commission in its Annual Report, which shall be sent to the Governor and Commissioners of the member states.

(B) The Executive Director shall, in the name of the Commission, at least thirty days prior to the beginning of each fiscal year, make formal request of the member states to transfer to the Commission funds equal to the state's apportioned share of the expenses of the Commission for the succeeding fiscal year. Such funds when received shall be deposited by the Executive Director in such bank or banks or other financial institutions as shall be duly designated as the official depository or depositories of the Commission in accordance with SECTION 5 of this Article.

**SECTION 3. EXPENSES OF COMMISSIONERS.** The expenses of Commissioners to and from Commission, Section, Panel, Board or Committee meetings shall be borne by their respective states, provided that the Commission may pay such expenses upon the authorization of the Executive Committee.

**SECTION 4. DISBURSEMENTS.** Disbursements from the Commission's funds shall be made at the direction of the Executive Director. The Chair, Vice Chair, Executive Director, or Comptroller designated by the Executive Director, may sign and issue checks. The Executive Committee shall approve policies for the administration of the finances of the Commission.

**SECTION 5. BANKS AND FINANCIAL INSTITUTIONS.** The Chairs, Vice Chairs and Executive Director of this Commission shall from time to time designate such bank or banks, or other financial institutions, as shall be the official depository or depositories of the Commission and each such depository is authorized and directed to pay checks and other orders for payment of money, including those drawn to the individual order of a signer, when signed by the Chair, the Vice Chair, Executive Director or Comptroller of this Commission.

**SECTION 7. BOND.** The Chair, Vice Chair, Executive Director and Comptroller of this Commission shall each give a bond protecting the Commission in such form and in such amounts, respectively, as shall be approved by the Executive Committee of the Commission. The costs of such bonds shall be defrayed out of the Commission's funds.

## **Article VI. INTERSTATE FISHERY MANAGEMENT PROGRAM**

**SECTION 1. THE INTERSTATE FISHERIES MANAGEMENT PROGRAM.** The Commission shall carry out a program to promote the cooperative and coordinated development and implementation of conservation programs for Atlantic coastal fisheries. This shall be known as the Interstate Fishery Management Program (ISFMP).

**SECTION 2. ISFMP POLICY BOARD.** The ISFMP shall be carried out through an ISFMP Policy Board, according to the terms of a written charter. The ISFMP Policy Board shall have the authority and responsibility to adopt, and from time to time, amend said charter, including establishing its own membership. In carrying out the ISFMP, the Policy Board shall be responsible directly to the Commission.

**SECTION 3. CHARTER.** The ISFMP Charter shall provide that fishery management plans, and any actions taken according thereto, promote conservation, use the best scientific information available, and provide adequate opportunity for public input. The Charter shall also provide that actions taken by states under Amendment One to the Compact establishing the Commission shall be carried out through the ISFMP.

**SECTION 4. FISHERY MANAGEMENT PLANS.** Fishery management plans, and any actions of the Commission or the ISFMP Policy Board taken according thereto, shall be considered “recommendation[s] . . . in regard to any species of fish,” according to the requirements of Article VI of the Compact establishing the Commission. Each state that is a member of the Commission shall have the opportunity to participate in the Interstate Fishery Management Program with respect to each fishery in which it has an interest.

**SECTION 5. INTEREST IN FISHERY.** A state shall be deemed to have an interest in a fishery if, according to the latest published statistics or available records of the National Marine Fisheries Service or equivalent state statistics, it meets any of the following criteria:

- (a) such fish are found customarily in its territorial waters;
- (b) such fish are customarily or periodically in the territorial waters of such state for the purpose of spawning or in transit to and from spawning grounds; or
- (c) the citizens of the state are recorded as having taken 5 percent or more of the total Atlantic coast catch of the species of fish in any of the five preceding years.

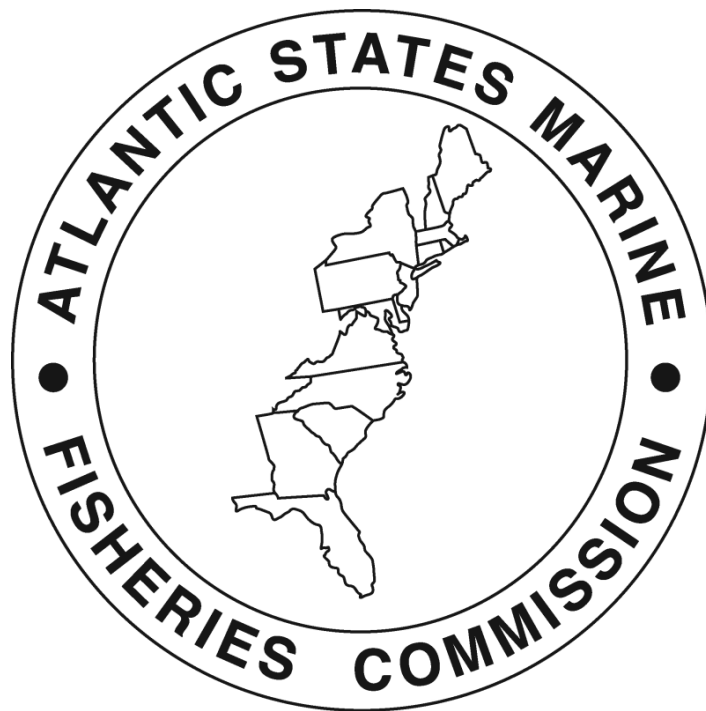
## **Article VII. AMENDMENT OF RULES AND REGULATIONS**

These rules and regulations may be amended at any regular meeting of the Commission by the affirmative vote of a majority of the member states, provided due notice thereof has been given in the call of the meeting.



# Atlantic States Marine Fisheries Commission

## Draft Technical Support Group Guidance and Benchmark Stock Assessment Process



Draft changes based on recommendations to the ISFMP Policy Board  
from the Executive Committee are **in red**.

**January 2016**

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

# **Atlantic States Marine Fisheries Commission**

## **Draft Technical Support Group Guidance and Benchmark Stock Assessment Process**

**For Review by the ISFMP Policy Board  
February 2016**

A publication of the Atlantic States Marine Fisheries Commission pursuant  
to National Oceanic and Atmospheric Administration  
Award No. NA10NMF4740016



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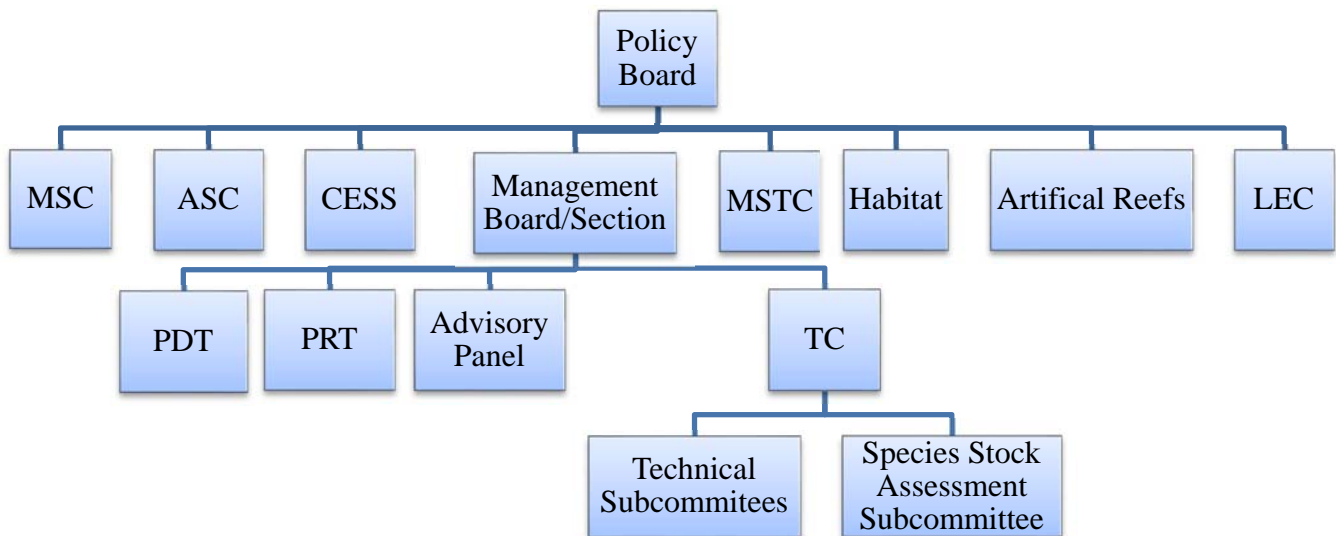
## **1.0 INTRODUCTION**

The purpose of this document is to improve the functioning of the Atlantic States Marine Fisheries Commission (Commission) by providing guidance to all Commission technical support groups on the structure, function, roles, and responsibilities of ASMFC committees and their members. This document also provides guidance on the Commission stock assessment process.

## **2.0 ASMFC BOARDS AND COMMITTEES**

This section contains a brief outline of the structure, composition, and function of ASMFC Committees. For additional details, please consult the [Interstate Fisheries Management Program Charter](#).

### **Committee Organization**



### ***2.1 ISFMP Policy Board***

The ISFMP Policy Board is comprised of: all member states of the Commission, each state a voting members (The position of a state shall be determined by caucus of its Commissioners in attendance); one representative from the National Marine Fisheries Service and one representative from the United States Fish and Wildlife Service each a voting member; one representative from the Potomac River Fisheries Commission and one representative from the government of the District of Columbia shall each be a member, eligible to vote, on any matter which may impose a regulatory requirement upon their respective jurisdictions; and one representative of the Commission's Law Enforcement Committee is a non-voting member.

The ISFMP Policy Board is responsible for the overall administration and management of the Commission's fishery management programs. The goal of the program is to promote the cooperative management of marine, estuarine, and anadromous fisheries in state waters of the East Coast through interstate fishery management plans (FMPs). The major objectives of the ISFMP are to:

- Determine the priorities for interjurisdictional fisheries management in coastal state waters;
- Develop, monitor, and review FMPs;
- Recommend to states, regional fishery management councils, and the federal government management measures to benefit these fisheries;
- Provide an efficient structure for the timely, cooperative administration of the ISFMP; and
- Monitor compliance with approved FMPs.

### ***2.2 Management Boards and Sections***

Management boards are established by and advise the ISFMP Policy Board. Each board/section is comprised of the states/jurisdictions with a declared interest in the fishery covered by that board/section. The boards/sections consider and approve the development and implementation of FMPs, including the integration of scientific information and proposed management measures. In this process, the boards/sections primarily rely on input from two main sources – species technical committees and advisory panels. Boards/sections are responsible for tasking plan development teams (PDTs), plan review teams (PRTs), technical committees (TCs), advisory panels (APs) and stock assessment subcommittees (SAS). Each management board/section shall select its own chair and vice-chair. Chairmanship will rotate among the voting members every two years.

### ***2.3 Plan Development Teams***

PDTs are appointed by boards/sections to draft FMPs. They are comprised of personnel from state and federal agencies who have scientific and management ability, knowledge of a species and its habitat, and an interest in the management of species under the jurisdiction of the relevant board. Personnel from regional fishery management councils, academicians, and others as appropriate may be included on a PDT. The size of the PDT shall be based on specific need for expertise but should generally be kept to a maximum of six persons.

### ***2.4 Plan Review Teams***

PRTs are appointed by the boards/sections to review regulations and compliance. Members are knowledgeable concerning the scientific data, stock and fishery condition, and fishery management issues. PRTs are responsible for providing advice concerning the implementation, review, monitoring and enforcement of fishery management plans that have been adopted by the Commission, and as needed be charged by the board/sections. The PRT should generally be kept to a maximum of six persons.

## ***2.5 Advisory Panels***

AP members include stakeholders from a wide range of interests including the commercial, charter boat, and recreational fishing industries, conservation interests, as well as non-traditional stakeholders. Members are appointed by the three Commissioners from each state with a declared interest in a species because of their particular expertise within a given fishery. APs provide guidance about the fisheries that catch or land a particular species. The AP's role is to provide input throughout the entire fishery management process from plan initiation through development and into implementation.

## ***2.6 Technical Committees***

Management boards/sections appoint TCs to address specific technical or scientific needs requested periodically by the respective board/section, PDT, PRT, or the Management and Science Committee (MSC). A TC may be comprised of representatives from the states, federal fisheries agencies, Regional fishery management councils, Commission, academia, or other specialized personnel with scientific and technical expertise and knowledge of the fishery or issues pertaining to the fishery being managed. The TC should consist of only one representative from each state or agency with a declared interest in the fishery, unless otherwise directed by the board/section.

TCs are responsible for addressing specific technical or scientific needs of the board/section, PDT, PRT, or the MSC. TCs can be asked to provide a technical analysis of AP recommendations. Although the TC may respond to requests from multiple committees, the board/section provides oversight of TC tasks and priorities. When tasked by multiple committees, it is the responsibility of the ISFMP staff, in consultation with the TC and board/section chairs, to prioritize these tasks. Although members have been appointed to the TC by their specific agency, each member's responsibility is to use the best science available in an objective manner, not to represent the policies and/or politics of that agency.

## ***2.7 Stock Assessment Subcommittees***

Upon the request of a board/section, the TC shall nominate individuals with appropriate expertise in stock assessment and fish population dynamics to a species stock assessment subcommittee (SAS), which will report to the TC. SAS nominations are approved by the board/section and shall continue in existence as long as the board/section requires. Membership of a species SAS will be comprised of TC members with appropriate knowledge and experience in stock assessment and biology of the species being assessed. Individuals from outside the TC with expertise in stock assessment or biology of the species may also be nominated and appointed, if necessary. The TC chair will serve as an ex-officio member of the species SAS. Overall membership should be kept to a maximum of six persons unless additional analytical expertise is requested by the board, TC or SAS.

## ***2.8 Management and Science Committee***

The MSC provides advice concerning fisheries management and the science of coastal marine fisheries to the ISFMP Policy Board. MSC's major duties are to provide oversight to the

Commission's Stock Assessment Peer Review Process, review and provide advice on species-specific issues upon request of the ISFMP Policy Board, evaluate and provide guidance to fisheries managers on multispecies and ecosystem issues, and evaluate and provide advice on cross-species issues (e.g., tagging, invasive species and exotics, fish health and protected species issues). The MSC also assists in advising the Policy Board regarding stock assessment priorities and timelines in relation to current workloads. The MSC is comprised of one representative from each member state/jurisdiction, the NOAA Fisheries Northeast and Southeast Regions, and the U.S. Fish and Wildlife Service (USFWS) Regions 4 and 5 who possess scientific as well as management and administrative expertise.

### ***2.9 Assessment Science Committee***

The Assessment Science Committee (ASC) is a stock assessment advisory committee that reports to the ISFMP Policy Board. ASC is comprised of one representative from each state/jurisdiction, the NOAA Fisheries Northeast and Southeast Regions, the 3 East Coast regional fishery management councils, and the USFWS. All agencies may nominate individuals for appointment to the ASC based on stock assessment and population dynamics expertise. The ISFMP Policy Board should review all nominations and appoint members to the ASC based on expertise, as opposed to agency representation. The ASC membership should be kept to a maximum of 25 members and periodic rotation of membership should be considered. The ASC is responsible for reviewing and recommending changes to the update and benchmark stock assessment schedule, advising the Policy Board regarding priorities and timelines in relation to current workloads, providing stock assessment advice and guidance documents for TCs and boards on technical issues as requested, and providing oversight to the Commission's Stock Assessment Training Program.

### ***2.10 Multispecies Technical Committee***

The Multispecies Technical Committee (MSTC) is appointed by and advises the ISFMP Policy Board on multispecies modeling efforts with the goal of moving towards the use of multispecies model results in management decisions. The MSTC is comprised of state, federal, and academic scientists from the TCs with the expertise necessary to complete multispecies tasks on the species of interest and modeling approaches being employed. Individuals from outside the TC with expertise in stock assessment or biology of the species may also be appointed, if necessary.

### ***2.11 Habitat Committee***

The Habitat Committee is a standing ASMFC committee appointed at the discretion of the Commission Chair on an annual basis. The Committee advises the ISFMP Policy Board with the goal of enhancing and cooperatively managing vital fish habitat for conservation, restoration, and protection, and supporting the cooperative management of Commission managed species. The Habitat Committee is primarily responsible for developing habitat sections of FMPs and creating habitat management series publications as needed. Membership includes state representatives, the -USFWS, NOAA Fisheries, National Ocean Service, Environmental Protection Agency, U.S. Geological Survey, and the Army Corps of Engineers. Two seats are available on the Habitat Committee for members from non-governmental organizations (NGO).



### ***2.12 Law Enforcement Committee***

The Law Enforcement Committee (LEC) is a unique body of professionals in marine fisheries enforcement. It is comprised of representatives from each of the Commission's participating states and the District of Columbia. Members also represent NOAA Fisheries, the U. S. Coast Guard and the USFWS. The LEC carries out assignments at the specific request of the Commission, the ISFMP Policy Board, the boards/sections, the PDTs, and the PRTs. In general, the Committee provides information on law enforcement issues, brings resolutions addressing enforcement concerns before the Commission, coordinates enforcement efforts among states, exchanges data, identifies potential enforcement problems, and monitors enforcement of measures incorporated into the various FMPs.

### ***2.13 Committee on Economics and Social Sciences***

The purpose of the Committee on Economics and Social Sciences (CESS) is to provide socioeconomic technical oversight for both the ISFMP and the Atlantic Coastal Cooperative Statistics Program (ACCSP). CESS's major duties are to develop and implement mechanisms to make economic and social science analysis a functioning part of the Commission's decision making process; function as the technical review panel for social and economic analyses conducted by the Commission and the ACCSP; and nominate economists and social scientists to serve on each species TC, Socioeconomic Subcommittee, or PDT, in order to provide technical support and development of socioeconomic sections of FMPs (including amendments and addenda). The CESS is comprised of one representative from each member state, two representatives from NOAA Fisheries Headquarters (one economist and one social scientist), the NOAA Fisheries Northeast and Southeast Regions, and one representative from the USFWS who possess social science expertise and familiarity with fisheries management.

### ***2.14 Other Technical Support Subcommittees***

Upon the approval of a board/section, the TC shall appoint individuals with special expertise, as appropriate, to other technical support subcommittees (not including SASs) in order to support TC deliberations on specific issues. These kinds of subcommittees include species tagging and stocking subcommittees, but do not include ISFMP socioeconomic subcommittees. All technical support subcommittees shall report to the TC and shall continue in existence so long as the Management board/section requires. All technical support subcommittees should elect their own chair and vice-chair, who will be responsible for reporting to the TC and the management board/section as necessary. Overall membership should be kept to a maximum of six persons unless additional expertise is requested by the TC or board.

### ***2.15 Special Issue Technical Committees***

The ISFMP Policy Board may form new TCs to address special issues (e.g., Interstate Tagging Committee, Fish Ageing Committee, Fishing Gear Technology Work Group, Fish Passage Working Group). Nominations are approved by the Policy Board. Special TCs meet as often as necessary (resources permitting) to address specific Policy Board tasks.

### **3.0 Committee Responsibilities**

*Chairmanship:* Unless otherwise specified, all Commission committees and subcommittees will elect their own chair and vice-chair. Chairs serve two-year terms and chairmanship should rotate among members of the committee. The role of the chair is demanding and only those willing and able to commit the time and energy required by the job should agree to serve. The chair must be willing to perform the job and state/federal agencies must be willing to provide the chair time to attend to Commission business. It is the responsibility of all officers to facilitate meetings in an objective manner and represent the viewpoints of all committee members, including opposing opinions and opinions in opposition to their own.

#### ***3.1 Plan Development Teams***

PDT will be responsible for preparing all documentation necessary for the development of a FMP, amendment, or addendum, using the best scientific information available and the most current stock assessment information. Each FMP, amendment, or addendum will be developed by the PDT in conformance with Section Six of the ISFMP Charter. PDTs will be tasked directly by the board/section. In carrying out its activities, the PDT shall seek advisement from the appropriate TC, SAS, AP, LEC and the Habitat Committee. Following completion of its charge, the board/section will disband the PDT.

#### ***3.2 Plan Review Teams***

PRT will be responsible for providing advice concerning the implementation, review, monitoring, and enforcement of FMPs that have been adopted by the Commission, and as needed be charged by the boards/sections to draft plan addenda. PRTs will be tasked directly by the board/section. Each PRT shall at least annually or as provided in a given FMP, conduct a review of the stock status and Commission member states' compliance for which implementation requirements are defined in the FMP. The PRT shall develop an annual plan review in order to evaluate the adequacy of the FMP. This report will address, at a minimum, the following topics: adequacy and achievement of the FMP goals and objectives (including targets and schedules), status of the stocks, status of the fisheries, status of state implementation and enforcement, status of the habitat, research activities, and other information relevant to the FMP. The PRT shall report all findings in writing to the board/section for appropriate action. Compliance review shall be consistent with the requirements of Sections Six and Seven of the ISFMP Charter and the respective FMP requirements. In addition to the scheduled compliance reviews, the PRT may conduct a review of the implementation and compliance of the FMP at any time at the request of the board/section, Policy Board, or the Commission. When a plan amendment process is initiated by the Management board/section, the PRT will continue its annual review function applicable to the existing plan. In carrying out its activities, the PRT shall seek advisement from the appropriate TC, SAS, AP, LEC, MSC and Habitat Committee.

#### ***3.3 Technical Committees***

TCs are responsible for addressing specific technical or scientific needs requested by the respective board/section, PDT, PRT, or the MSC. At times, the TC may be requested to provide a technical analysis of AP recommendations. Among its duties, the TC shall provide a range of

management options, risk assessments, and justifications, and probable outcomes of various management options. The TC will coordinate the process of developing stock assessments for Commission-managed species. It is not the responsibility of the TC to conduct a review of the Commission member states' compliance for which implementation requirements are defined in the FMP. This is a responsibility of the PRTs.

### ***3.4 Species Stock Assessment Subcommittees***

Species SASs are responsible for conducting stock assessments for use by PDTs in formulation of a FMP, amendment, or addendum and for conducting periodic stock assessments as requested for use by the TC in reporting status of the stock to the board/section. The species SAS is responsible for data analysis and preparation of a stock assessment report. Initial input on available data and stock assessment methods should be provided by the TC and ASC. The species SAS shall use the best scientific information available and established stock assessment techniques. Stock assessment techniques should be consistent with the current state of scientific knowledge.

## **4.0 Committee Tasking**

Boards/sections can task the appropriate Commission committee through board/section action or direction from the board/section chair. Species-specific technical tasks should be directed to the appropriate ISFMP technical support group in writing by ISFMP staff or the board/section chair. Boards/sections may also consider referring broader scientific, law enforcement, habitat and social/economic issues to the MSC, the ASC, the LEC, the Habitat Committee, or the CESS. These committees may provide recommendations to boards/sections based on a more focused area of expertise.

Boards/sections will develop specific and clear guidance whenever tasking committees for advice. ISFMP staff, in consultation with the board/section chair and technical support group chair, will develop the written charge. The charge will contain terms of reference to clearly detail all specific tasks, the deliverables expected, and a timeline for presentation of recommendations to the board/section. It is the responsibility of the ISFMP staff and any technical support group chair present at board/section meetings to ensure the timeline can be met. Any problems or discrepancies encountered by the technical support group in meeting the charge will be discussed with the appropriate ISFMP staff and board/section chair.

Any charge developed by a board/section to a technical subcommittee will be initially forwarded by ISFMP staff to the TC for review and input. It is not the responsibility of the TC to modify or approve a board/section charge, however, input on appropriate mechanisms to meet that charge should be provided. The TC will review products by a technical subcommittee before products are provided to a board/section to ensure the charge has been addressed.

The boards/sections are responsible for making decisions on allocation issues. However, they may task the TC with the development of technical options for addressing allocation. The

board/section should develop specific guidelines and initial options for further development by the TC.

## **5.0 Committee Expectations**

Committee members should expect to attend several (1-4) meetings each year, depending on the specific management or assessment activities being pursued. As many of these meetings as possible will be held during one of the three scheduled Technical Meeting Weeks. Committee members should save those dates in their calendars until the agendas for each meeting week are set (typically immediately following each quarterly Commission Meeting so TCs can respond to board tasks).

It is important that all members of a Commission committee fully participate in all meetings and activities of the committee. The appropriate Administrative Commissioner should be informed if a committee member is unable to commit to the level of participation required. Commission staff should be contacted by the committee member prior to the start of the meeting if he or she is unable to attend. The committee member should provide staff with the name of his/her proxy for that committee meeting in writing (email or letter). Proxies must be from the same state or jurisdiction or agency as the individual making the designation. Proxies shall abide by the rules of the committee.

Commission technical support groups are expected to provide scientific and technical advice to the board/section, PDT, and PRT in the development and monitoring of a FMP, amendment, or addendum. It is also important that each committee member provide periodic briefings to his/ her agency's Administrative Commissioner on the discussions and actions taken at all technical support group meetings. Specific activities conducted by TC and SAS members may include:

- Requesting, preparing, and objectively evaluating fishery-dependent and fishery-independent data,
- Conducting periodic stock assessments,
- Providing recommendations on the status of the stock and the fishery,
- Evaluating management options and harvest policies, conducting risk assessments, and assessing probable outcomes of various management options.

New TC members may wish to consult the Commission's Stock Assessment Training Program materials, manuals, and ASC working papers prior to participating in an assessment. Science staff may be contacted for a complete list of available training and guidance documents.

**Even though all TC and SAS members have been appointed by a specific agency, it is not appropriate for TC members to represent the policies and/or politics of that agency. It is the responsibility of each committee member to use the best scientific information available and established stock assessment techniques consistent with the current state of scientific knowledge.** All participants in the Commission process should act professionally and expect to be treated with respect. See Section 6.6 on meeting etiquette.

## ***5.1 ASMFC Staff Roles and Responsibilities***

***5.1.1 ISFMP Staff:*** ISFMP is responsible for organizing all PDT, PRT, AP, and TC and SAS activities. ISFMP staff shall serve as ex-officio members of all TCs and will chair the PDTs and PRTs. ISFMP staff will provide liaison among the PDTs, PRTs, SAS, TCs, APs, and the boards/sections. ISFMP staff will also provide liaison on species-specific issues to the LEC, MSC, TC subcommittees, and Habitat Committee. ISFMP staff, in consultation with the TC chair and vice-chair, is responsible for scheduling committee meetings, drafting agendas, and distributing meeting materials. Either the Habitat Coordinator or the ISFMP Director will provide primary organizational support for the Habitat Committee. ISFMP staff, in consultation with the TC chair and vice-chair, will determine the relevant oversight committee for presentations of all findings and advice from the technical support group. ISFMP staff, in consultation with the board chair, will refer any relevant AP recommendations to the appropriate technical support group for evaluation.

ISFMP staff, in consultation with the TC and board chairs, will assist in prioritizing tasks assigned to technical support groups. Staff should track committee meeting attendance and provide records upon request. ISFMP staff and the chair of the TC should assist in clarifying the details of any tasks assigned to the TC by the board/section. Assistance should also be provided in the development of the written charge, including all specific tasks, the deliverable expected, and a timeline for presentation of recommendations to the board/section. ISFMP staff is an ex-officio member of the TC, therefore may not vote on issues before the TC.

### ***5.1.2 Science Staff***

Science staff are responsible for organizing all MSC, ASC, MSTC, CESS, and special issue committee activities. The Science Director, with the assistance of Science staff, is responsible for coordinating Commission peer reviews. The Scientific Committee Coordinator is responsible for providing support to the MSC, ASC, MSTC, and CESS with assistance on technical matters from other Science staff. Stock Assessment Scientists are responsible for providing support to special issue committees (Fish Passage, Interstate Tagging, Gear Technology, Fish Ageing). The primary responsibility of Stock Assessment Scientists is to provide quantitative technical support to SASs, TCs, and special issue committee activities. Stock Assessment Scientists may serve as members of SASs and other technical support groups (e.g., tagging and stocking subcommittees). Science staff may serve as chair or vice-chair of SASs or other technical support groups. If a consensus cannot be reached, Science staff may vote on an issue before the stock assessment subcommittee, however Science Staff may not vote on issues before the technical committee.

Science staff are not members of TCs but may provide technical support to TCs and also assist FMP Coordinators with organizing TC and SAS activities, as needed. FMP Coordinators are responsible for providing primary support to TCs and SASs. The FMP Coordinator and assigned Science staff will discuss technical needs for each committee as they arise and coordinate roles and responsibilities based on schedules. The ISFMP and Science Directors will resolve workload and responsibility conflicts that may arise.

## **6.0 MEETING POLICIES AND PROCEDURES**

For the purpose of this section 6 and 7 a meeting can be an in-person, conference call or webinar unless specified.

### ***6.1 Meetings announcements***

A public notice, via the Commission website (www.asafc.org), will be provided at least two weeks prior to all in-person meetings of the Commission and its various committees, and at least 48 hours notice will be provided for any meetings held by conference call ; provided exceptions to these notice requirements may be granted by the Commission Chair. A non-committee member can request, through Commission staff, to be notified of committee meetings via email (Note: the public notice of the Commission website is the official notification of a scheduled meeting). Non-committee members may attend any in-person or conference call committee meeting, unless confidential data is being discussed.

If a non-committee member would like to attend a webinar he/she should contact Commission staff 24 hours prior to the webinar in order for staff to determine if space is available. If Commission staff is not contacted, priority for available webinar space will be given to committee members.

### ***6.2 Materials Distribution***

Meeting materials will be distributed to committee members prior to committee meetings via email or FTP site, if necessary. Agendas and documents for public review will be available via the Commission website. Draft materials with preliminary content and/or with confidential data will not be distributed outside of the committee. The chair will explain at the outset of meetings that all data and analyses are preliminary and not to be shared until they have been finalized and distributed to the appropriate board/section.

### ***6.3 Roles of Chair and Vice-chair at Meetings***

It is the responsibility of the chair of the technical support group to conduct and facilitate meetings. Chairs will lead committees through agenda items in consultation with staff, including items requiring specific action. The TC chair should assist in clarifying the details of any tasks assigned to the TC by the board/section. Assistance should also be provided in the development of the written charge, including all specific tasks, the deliverable expected, and a timeline for presentation of results and/or recommendations to the board/section. The chair should attend all board/section meetings and should be in frequent contact with the appropriate ISFMP staff. It is also the responsibility of the chair of the technical support group to provide presentations to the relevant oversight committee on all findings and advice. All formal presentations should be conducted in a manner consistent with the guidance provided in 7.4.5.

The committee chair is also responsible for clarifying the majority and/or minority opinions, where possible. **The overall goal of all technical support groups is to develop recommendations through consensus.** The chair is responsible for facilitating committee discussion toward reaching a consensus recommendation for board/section consideration. If a

consensus cannot be reached the committee shall vote on the issue. The majority opinion shall be presented to the board/section as the recommendation, defined as a simple majority, including a record number of votes in favor, ~~and~~ against, **and abstentions**. The committee will also present the minority opinion prepared by a committee member(s) that voted in the minority, to the board/section. **Voting should be used only as a last resort when full consensus cannot be reached.** The Commission will periodically conduct meetings management and consensus-building seminars for all chairs and vice-chairs of technical support groups, and others as appropriate. Chairs and vice-chairs should attend these seminars in order to improve your ability to conduct efficient meetings, objectively facilitate discussions and development of consensus recommendations, and objectively represent opposing viewpoints.

The vice-chair will act as chair when the chair is unable to attend a meeting or conference call. It is the role of the vice chair of committees to take meeting minutes that will be used to develop meeting summaries and committee reports. A member of the committee will be appointed by the vice chair to take minutes when the vice-chair is acting as chair.

#### ***6.4 Meeting Records***

Meeting summaries are provided for all Commission committee meetings (a committee report or meeting minutes can serve as the meeting summary). If the vice-chair is unable to take minutes or there is no vice-chair, another committee member will be appointed to take minutes. Meeting summaries will be distributed by ISFMP staff to all committee members for review and modification. Meeting summaries should be finalized and approved by the committee no later than 60 days following the meeting. Draft meeting summaries will only be distributed to committee members for review. The chair should ensure that all committee member comments are addressed prior to approval and public distribution of meeting summaries and committee reports.

Commission staff should ensure that meeting summaries of all Commission technical support groups are distributed to other appropriate support groups, including APs, TCs, LEC, and MSC. All board/section meeting summaries, and appropriate documentation, should also be provided to technical support groups. Upon approval, these documents will also be posted to the Commission website.

#### ***6.5 Public Participation at Meetings***

Public comment or questions at committee meetings may be taken at designated periods at the discretion of the committee chair. In order for the committee to complete its agenda, the chair, taking into account the number of speakers and available time, may limit the number of comments or the time allowed for public comment. The chair may choose to allow public comment only at the end of the meeting after the committee has addressed all its agenda items and tasks. Where constrained by the available time, the chair may limit public comment in a reasonable manner by: (1) requesting individuals avoid duplication of prior comments/questions; (2) requiring persons with similar comments to select a spokesperson; and/or (3) setting a time limit on individual comments. The Commission's public participation policy is

intended to fairly balance input from various stakeholders and interest groups. Members of the public are expected to be respectful of guidelines outlined in section 6.6, meeting etiquette.

Members of the public may be invited to give presentations at committee meetings if the board/section has tasked the committee with reviewing their materials, or if members of the public have been invited in advance by the committee chair to respond to a request from the committee for more information on a topic. Invitations will be offered in advance of the meeting. Public presentations will not be allowed without these invitations. See Section 8 for additional details regarding public participation in stock assessment data, assessment, and peer review workshops.

### ***6.5.1 General Submission of Materials***

Public submissions of materials for committee review outside of the benchmark assessment process must be done through the board/section chair (see Section 4.0). The chair will prioritize the review of submitted materials in relation to the existing task list. Materials provided by the public should be submitted to the chair at least one month in advance of the meeting. A committee is not required to review or provide advice to the board/section on materials provided by the public unless it is specifically tasked to do so by the chair in writing or from board/section. Materials will be distributed to committees by Commission staff.

### ***6.5.2 Benchmark Assessment Submissions***

The Commission welcomes the submission of data sets, models, and analyses that will improve its stock assessments. For materials to be considered at data or assessment workshops, the materials must be sent in the required format with accompanying methods description to the designated Commission Stock Assessment Scientist at least one month prior to the specific workshop at which the data will be reviewed; see Section 8.6.1. The Commission will issue a press release requesting submissions at the start of the assessment process. The press release will contain specific deadlines and submission requirements for materials to be considered in the benchmark stock assessment process.

### ***6.6 Meeting etiquette***

It is the role of the chair to ensure participants (committee members and members of the public) are respectful of the following meeting guidelines. The chair should stop a meeting if a participant is not following the guidelines. Commission staff should note when these guidelines are not being followed if the chair does not do so. If a participant is being disruptive the chair may ask the individual to leave the meeting.

- **Come prepared.** Read the past meeting summary prior to the meeting. Bring something to write on and with. All presenters should ensure their handouts, presentations, etc., are organized and complete.
- **Be respectful of others.** Hold your comments until the chair asks for comments, unless open discourse throughout the meeting is encouraged. Do not interrupt other attendees. Wait to speak until the chair recognizes you. Hold your side comments to



- others until a meeting break or after the meeting is adjourned. Side conversations are disruptive to other participants and inconsiderate of the group.
- **Mute electronics.** Turn all cell phones on vibrate or turn off completely. Do not answer your phone while in the meeting.
  - **Attend the entire meeting.** Make travel arrangements to allow participation in the entire meeting. Early departure by committee members disrupts the meeting and impacts the development of consensus recommendations and decisions.

If complaints arise they can be brought to the chair of the committee, Commission staff, or the Commission's Executive Director.

## **7.0 COMMUNICATIONS POLICIES AND GUIDELINES**

### ***7.1 Email Policies***

For the purposes of distributing draft committee documents, distribution will be limited to committee members. Non-committee members may request to receive notices of committee meetings, agendas, approved meeting summaries and final committee reports.

### ***7.2 Recordings***

Committee meetings are open for the public to attend and as such may be recorded (audio or video) by any participant (public or committee member) with notification to the chair and staff prior to the start meeting, and so long as those recordings are not disruptive to the meeting. The chair and/or staff will notify committee members prior to the start of the meeting that they will be recorded. Staff may record meetings for note taking purposes, but the official meeting record is the meeting summary or committee report. Staff recordings will not be distributed.

### ***7.3 Webinars***

While committee members are encouraged to attend all technical meetings in person, the Commission acknowledges occasional travel constraints or other impediments to attendance in person. If a committee member cannot attend a technical meeting in person, that member may request that a webinar be arranged to accommodate them. However, the Commission cannot guarantee that the audio or visual quality of the webinar will be sufficient to allow complete participation in the meeting by remote committee members. Committee members should contact Commission staff at least twenty-four hours in advance if they require a webinar, and those requests may be accommodated as feasible.

If a committee meeting is held via webinar (i.e., there is no in-person meeting), it shall be open to the public. As with in-person meetings, public comment or questions at committee webinars may be taken at designated periods at the discretion of the committee chair (see Section 6.5 for more detailed guidance on public participation in committee meetings). Certain agenda items may not be open to the public; these include discussion of confidential data and preliminary model results. Non-committee members will be asked to leave before confidential issues are discussed. To ensure that enough bandwidth is reserved for the meeting, members of the public who wish to attend the webinar must contact staff 24 hours prior to the webinar to ensure there is available space.

Commission policy on meeting etiquette (Section 6.6) applies to webinars as well as in-person meetings. In addition, participants are asked to mute their phone lines when not speaking to reduce background noise that may disrupt the call.

Quarterly Commission Board Meetings are broadcast via webinar and information on listening to those meetings will be available via the Commission's website.

#### **7.4 Reports**

All reports developed by an Commission committee should include, at a minimum, the following components (1) the specific charge to the committee, (2) the process used by the committee to develop recommendations and/or advice, (3) a summary of all committee discussions, and (4) committee recommendations and all minority opinions. All committee reports are a consensus product of the committee, not an individual member.

7.4.1 Non-Committee Member Reports: Outside of the benchmark stock assessment process, a non-committee member may submit reports for committee review through the board/section chair (see Section 6.5.1). The board/section chair will determine if the report should be reviewed by the appropriate committee and specify tasks to be completed in the review. Non-committee reports will follow the same formatting guidelines and distribution procedures as Commission committee reports.

7.4.2 Distribution of Committee Reports: Draft committee reports will only be distributed to committee members. All committee member comments should be addressed prior to approval and distribution of committee reports. Stock assessment and peer review reports will not be distributed publicly until the board/section receives and approves the reports for management use. Results of a stock assessment may not be cited or distributed beyond the committee before the assessment has gone through peer review and been provided to the board/section. Commission staff will distribute reports to the appropriate boards/sections and post committee reports on the website following board approval.

7.4.3 Corrections to Reports: Corrections to published stock assessment reports can be made on rare occasions when mistakes are found after board/section approval. All corrections will be highlighted in yellow within the report. A new publication date will be added below the original publication date on the cover of the report, e.g., *Corrected on March 29, 2012*. An explanation of the correction will be included in the introduction or executive summary and highlighted.

7.4.4 Templates: Appendices 4, 6, 7, and 8 contain outlines for FMPs, addenda, amendments, FMP Reviews, and stock assessment and peer review advisory reports.

7.4.5 Presentations: Chairs and committee members will be responsible for presenting technical reports to boards/sections, APs, and other committees who may have a limited technical background. It is important to effectively present technical information to fishery managers and stakeholders in a straightforward and understandable manner.

All presentations should be developed using a Power Point template provided by Commission staff. Staff can assist in the development of presentations. A copy of the presentation should be

provided to staff prior to the meeting. Presentations should be developed consistent with guidelines for other professional presentations, such as the American Fisheries Society. Some general guidelines include:

- Keep visuals simple, limit one idea per slide.
- Prepare figures and tables specifically for your presentation. Copies from manuscripts or papers usually contain too much detail for a presentation.
- When working with words, think brevity. Use a maximum of 6 words per line with 5 or 6 lines per slide. Use key phrases to emphasize important points.
- Tables should be simple with a maximum of 3 columns and 5 rows or vice versa.
- Graph/table values should be in a large enough font to be clearly viewed.
- Visuals appear confusing when too many colors are used; limit to 2 to 4 contrasting colors.

7.5 Board meeting: Committee Chairs should present the committee report and answer any specific questions relevant to the report at Board/Section meetings. Committee Chairs may not ask the Board questions or present their own viewpoints during Board/Section deliberations. If -chairs would like to present their own viewpoints, they must go to the public microphone during the public comment portion of the meeting.

## **8.0 STOCK ASSESSMENTS**

### ***8.1 Definitions***

#### ***8.1.1 Stock Assessment Update***

A **stock assessment update** consists of adding the most recent years of data to an existing, peer-reviewed, and board-accepted stock assessment model without changing the model type or structure. Correction of mistakes in existing, peer-reviewed, and board-accepted stock assessment models are permitted during an assessment update.

#### ***8.1.2 Benchmark Stock Assessment***

The term **benchmark stock assessment** refers to either a new stock assessment or a stock assessment for which existing data inputs and model structure are modified and must therefore be subject to an external peer review. Benchmark changes to data, parameterization, and model type or structure are often made in response to previous peer review recommendations.

#### ***8.1.3 Peer Review***

Peer review is the critical evaluation by independent (i.e., unbiased) experts of scientific and technical work products. In fisheries science, the periodic review of a stock assessment evaluates the validity of the assessment data, model, and assumptions used, and determines if the science conducted is adequate for informing management. A peer review by independent assessment peers that have had no involvement, stake or input into the assessment provides a judgment on the quality and completeness of the science used in a stock assessment. Peer reviewers are selected who have no conflict of interest with regard to the technical committee members or the fishery being assessed (see Appendix 5).

## ***8.2 The Assessment Process***

The ASC provides oversight for the benchmark data and assessment workshop process (see below), and the MSC provides oversight for the peer review workshop process. All changes to the assessment process are reviewed and approved by the ISFMP Policy Board.

The Commission plans and monitors stock assessments of all managed species via the long-term benchmark stock assessment and peer review schedule. The ASC reviews the schedule biannually to assist the ISFMP Policy Board in setting overall priorities and timelines for conducting all Commission stock assessments in relation to scientist workloads. The Policy Board is responsible for reviewing the schedule, prioritizing stock assessments, and approving the finalized schedule. The schedule is based on a recommendation by the ASC to conduct a benchmark stock assessment and peer review for all species every five years. The ASC and the ISFMP Policy Board should prioritize benchmark stock assessments and associated peer reviews based on the following criteria:

- Assessments for fisheries with unknown stock status
- Assessments for fisheries with new fishery management plans (FMPs)
- Assessments with a major change in the stock assessment data or model
- Assessments for existing FMPs undergoing amendments
- Assessment reviews for species that have not undergone an external review in at least five years

Using the approved schedule, boards/sections task TCs to conduct assessments. Once a stock assessment has been peer reviewed, the chairs of the SAS and peer review panel will draft reports on the results of the stock assessment and peer review panel those reports will be sent to the board/section. The board/section considers acceptance of the reports for management use. If accepted, the board may task the TC and AP to review the reports, perform follow-up tasks, and report back within a specified timeframe.

An alternative stock assessment for a Commission-managed species developed by external groups must be brought to the attention of the board/section chair during a benchmark stock assessment process if the group would like their assessment to be considered for management use. Alternative assessments are subject to the same standards, documentation, and process as assessments developed by the Commission, including SAS, TC, and independent peer review. External groups must notify the Commission one month in advance of an assessment workshop regarding their interest in presenting an alternative assessment at the workshop. Any analyses submitted outside the benchmark process may not be considered for management until the next Commission benchmark assessment. For more details, see Section 8.6.2 below.

## ***8.3 Assessment Frequency and Benchmark Triggers***

Assessment frequency for a given species is recommended by the TC, keeping in mind FMP requirements and the biology of the species (especially the number of years necessary to begin to detect the anticipated effects of new management actions). Update assessments are conducted

for a select group of Commission species and are performed on a regular schedule, typically every 1-3 years between benchmark assessments. Annual updates are generally not needed for species that are not overfished and overfishing is not occurring. Requests for additional update assessments may be made by the board/section to the Policy Board and are granted based on prioritization of the existing stock assessment schedule, relative workloads of assessment scientists, and available funding. Changes in stock indicators may trigger an update or benchmark assessment to be completed as outlined in the FMP, with TC consultation.

Before requesting an additional assessment, the board/section should task the SAS with determining if an update or benchmark assessment is warranted. If the SAS is unsure, the ASC may be consulted. In the case of multispecies models (MSVPA), the Multispecies Technical Committee (MSTC), recommends the timing of a benchmark assessment for approval by the Policy Board, and updates of the model are performed before each menhaden assessment.

An assessment update will need to be converted to a benchmark assessment if a benchmark trigger occurs (see trigger examples below). The policy board must approve the scheduling of new benchmark assessments, including when new methods or data streams are presented. If scheduling a benchmark is not approved, the update will continue and will only use the previous methods and data streams. The Commission has employed a default five-year benchmark frequency to prevent excessive time from elapsing between peer reviews of each species assessment used by management. More or less time may be scheduled between benchmarks depending on the biology and management needs of the species. The following are examples actions that would trigger a benchmark (not inclusive):

- Change in stock unit definitions or boundaries.
- Change in model type
- Change in input data sources used (additions, deletions, major modifications)
- Change in input parameters (e.g., natural mortality, selectivity, steepness, etc.)
- Change in model configuration (e.g., estimation vs. specification of parameters, changes in stock-recruitment or selectivity parameterization, etc.)
- Appearance in update assessment of severe retrospective pattern or other diagnostics indicating a significant problem with the model that was not identified during the last peer review.
- Changes to reference point model or type

Requests for additional benchmark assessments and associated peer reviews may be made by the board/section to the Policy Board and are granted based on prioritization of the existing stock assessment and peer review schedule, relative workloads of assessment scientists, and available funding.

**Assessments rejected at a peer-review should not undergo projections, updates, or benchmark assessment and peer review until the deficiencies identified by the review are addressed or a different model is used that is appropriate for the existing data.** This is

intended to: 1) match the assessment technique to the available data, rather than management requirements that exceed the available data, and 2) ensure that the necessary research/work is done to improve data for a species before conducting an assessment using a method that is appropriate with the available data. Species TCS should review and evaluate whether or not the assessment deficiencies identified in previously rejected assessments have been addressed. When making recommendations for the benchmark assessment and peer review schedule, the ASC will consider whether or not those deficiencies have been addressed.

On rare occasions an analytical error in a stock assessment is discovered after either peer review or management board acceptance. Corrections to the assessment will be added to the previous versions of the accepted assessment report and highlighted in order to document the development of assessment results, including stock status (see Section 7.3.3 above). Simple errors in calculations that do not change the peer-reviewed structure of the data or model will not require additional review. Errors in model structure and primary inputs (e.g., survey indices, catch-at-age tables) will require review in the form of written correspondence from the original reviewers. The SAS and TC chairs, Management board chair, and Commission Science Director will determine the need for and means of subsequent peer review.

Commission-managed species display numerous life history strategies and have data sets that vary greatly in quantity and quality. To reflect this variability, specific time lines should be set by each TC and board/section to account for the specific requirements of each species assessment. Planning should begin at least 24 months in advance of the expected peer review date. For species with no accepted benchmark stock assessment, the assessment process might need to begin as early as 36 months in advance of a scheduled peer review.

Should a SAS determine that an assessment is unable to meet its stock assessment timeline; the SAS chair will present a revised time line and an explanation for the revised time line to the TC for review and possible approval. If the new time line is accepted by the TC then the TC chair will go before the board and explain the need for a new time line. The TC chair, in consultation with the SAS chair, will explain to the board the TC's reasons for requesting a new time line. The board will then vote to approve the new time line or continue with the established time line.

#### ***8.4 Data Confidentiality***

State and federal laws requires all those who view or receive copies of confidential data have up-to-date clearance with the agency that provided the data. Data confidentiality access for each state can be applied to through the ACCSP, for more information please visit <http://www.accsp.org/how-we-protect-confidentiality>. All TC and SAS members and other workshop participants who wish to view confidential data should be prepared to prove their confidential data clearance status and explain the nature of the agreement before viewing or receiving confidential data. Data providers are responsible for identifying confidential data submitted to the Commission and fellow committee members or workshop participants. Confidential data should only be handled and viewed by those with the required clearance. Data presented to those who do not have appropriate clearance must be compiled so that confidentiality is maintained; if sharing or display of non-confidential data is not adequate for

the TC or SAS to complete their tasks, portions of data and assessment workshops will be closed to the public.

### ***8.5 Assessment Updates***

Assessments updates typically consist of one or two SAS workshops to review updated data and modeling results, troubleshoot any problems that arise, and organize the report and presentation to the board/section. Once the update is complete, the TC holds a meeting or conference call to review the update report results, conclusions, and recommendations. All update SAS workshops are facilitated by the SAS chair and all TC meetings are facilitated by TC chair. The SAS will prepare the update assessment which is to be approved by the species TC prior to distribution to the board/section. For species managed cooperatively by the Commission and the regional councils, a stock assessment report may be developed by NOAA Fisheries Northeast or Southeast Fisheries Science Centers (NEFSC and SEFSC).

### ***8.6 Benchmark Assessments***

The SAS will prepare the benchmark assessment, which is to be approved by the species TC prior to peer review. For species managed cooperatively by the Commission and the regional councils, a stock assessment report will be developed by the NEFSC or SEFSC.

Prior to the start of the benchmark assessment process, a meeting or conference call with the TC chair, SAS chair, and Commission staff will initiate assessment planning, review the stock assessment checklist (Appendix 1), and develop a draft time line for subsequent assessment-related meetings and milestones. The TC, in consultation with the SAS, will draft the terms of reference for the assessment. Both the draft time line and draft terms of reference will be presented to board/section for additional modifications and approval. Generic terms of reference for Commission peer reviews are provided in Appendix 2.

At the start of a benchmark assessment, before the data workshop, the MSC, in consultation with the species TC, will determine the need for an integrated peer review. Integrated reviews will be considered for species assessments that did not pass previous review, or passed with major recommendations for improvement. If it is deemed necessary, the integrated reviewer will provide analytical guidance during the construction of the assessment, enhancing the quality of assessment results. An integrated review report will be written to convey guidance from the reviewer to the SAS, and also later be provided to the peer review panel. Guidance will not override the expertise and results generated by the SAS. The integrated reviewer's recommendations will serve as supplementary expert guidance for the SAS to consider, and decide on whether alternative approaches should be pursued, or not. Further guidelines for the use of integrated reviewers can be found in the Commission's *Protocol for Integrated Peer Review*.

The benchmark assessment process involves a minimum of three workshops, namely the data workshop, assessment workshop, and peer review workshop. Additional intermediate workshops may be conducted if necessary to complete the assessment.

### ***8.6.1 Data Workshop***

The objectives of data workshops are to coordinate the collection, preparation, and review of available data and to conduct preliminary analyses to help determine the best approach(es) for assessing each stock. Data workshop participants will include the TC, SAS, Commission and ACCSP staff, and other interested or invited parties. For species with significant recreational harvest, staff from the Marine Recreational Information Program (MRIP) will be invited to attend the data workshop to present and review recreational fishing estimates and their PSEs. MRIP staff will also be asked to compare historical and current data collection and estimation procedures and to describe data caveats that may affect the assessment.

Stakeholders will be encouraged to attend Commission data workshops and share any information or data sets that might improve the stock assessment. A public announcement will be made prior to the data workshop to call for data of which the TC may not already be aware. Commission staff will send notifications to known interested parties soliciting data and inviting participation from a wide range of stakeholders, agencies, and academics to attend at their own expense. For data sets to be considered at the data workshop, the data must be sent in the required format, with accompanying methods description, to the designated Commission Stock Assessment Scientist at least one month prior to the data workshop.

Prior to the data workshop, data availability spreadsheets (Appendix 3) will be distributed by Commission staff to all new data holders to obtain detailed descriptions of available data. For each data set identified, staff will distribute data submission instructions to data holders. All data holders should follow the requested formatting and metadata requirements and meet the data submission deadline for their data to be considered.

Data workshop products include a comprehensive database of acquired data sets, a table of data sets and reasons for inclusion or exclusion, and a draft report that contains the first five sections of the stock assessment report (see Appendix 4). All decisions and recommendations will be documented by the dedicated note-taker and/or Commission staff. At the conclusion of the workshop, participants will discuss the possible approaches for conducting the assessment based on available data, assign tasks and due dates to prepare for the assessment workshop. Commission staff will maintain all stock assessment data files, final reports, working papers and additional materials on a secure server at the Commission.

### ***8.6.2 Assessment Workshop***

The objectives of the assessment workshop are to rigorously evaluate the methods and stock assessment models developed, to ensure appropriate use of the data in models, and to determine the status of the fishery examined. Assessment workshop participants shall include the SAS, TC chair, and Commission ASMFC staff. All Commission meetings are open to the public. However, all participants will be responsible for abiding by confidentiality agreements for data used at the assessment workshop and those without confidential access to data being presented may be asked to temporarily leave the room.



All benchmark data and assessment workshops are facilitated by the SAS chair. Preliminary model runs should be performed before the workshop to ensure proper model function to minimize the time spent at workshops correcting computer issues. Conducting and reviewing model runs are the focal points of the meeting.

If relevant data are identified during or within two weeks after the data workshop, then the new data should be reviewed and approved at the start of the assessment workshop by the SAS. As a rule, data identified more than two weeks after the data workshop may not be considered, unless the SAS ascertains the addition of such data may have a significant impact on the assessment outcome. These data must meet the same quality standards as those provided on a timely basis through the data workshop. Late, missing or unavailable data that are identified should be discussed to determine the impact on the ability of the SAS to conduct a comprehensive stock assessment.

SAS members will present on the stock assessment methods and models that have been developed. Data use, model formulation, results, diagnostics, and conclusions should be presented. Each analysis will be critically evaluated, a table of strengths and weaknesses of each approach will be constructed, and the SAS will select the best approach or approaches for assessing the stock. It is recommended that other peer-reviewed models be explored in addition to the model(s) currently used in an assessment. The Commission encourages development of new models (ones that have not been peer-reviewed). These exploratory models should be compared with existing peer-reviewed models and submitted as part of the peer reviewed benchmark assessment. If the new model passes peer review, it can be used as the primary model.

Stakeholders will be encouraged to attend Commission assessment workshops and share any analyses that might improve the stock assessment. A public announcement will be made prior to the assessment workshop to call for analyses of which the SAS may not already be aware. Commission staff will send notification to known interested parties inviting participation from a wide range of stakeholders, agencies, and academics to attend at their own expense. For analyses to be considered for the assessment, the analyses must be sent in the required format, with accompanying methods description, to the Commission at least one month prior to the first assessment workshop, to allow for consideration at the workshop and any subsequent workshops. Anyone participating in the assessment workshop and presenting results from an analysis or assessment model is expected to supply all source code, executables, and input files used in the generation of those analyses or models along with a detailed methods description to Commission staff at least one month in advance of the assessment workshop. These measures allow transparency and a fair evaluation of differences between models being considered.

Anyone who provides alternative analyses or models and follows the above requirements will be required to present and undergo SAS review of their methods and findings at the assessment workshop; however, only members of the SAS will be allowed to participate in final deliberations on the use of each analysis or model in the Commission assessment. If the alternative assessment meets the standards of documentation but cannot be reconciled by the

SAS with the Commission assessment, the Board chair may, at his or her discretion, add a review workshop terms of reference directing the peer review panel to address the alternative assessment as it would a minority report from a TC member. If the alternative assessment receives a favorable review, the review panel chair will present the panel's recommendations regarding the use of both the Commission and alternative assessments to the board/section.

The SAS will then conduct final model runs, sensitivity analyses, uncertainty estimation, and any other tasks as needed to finalize modeling efforts. The SAS will develop its consensus recommendation on stock status in terms of the appropriate reference points and compose the final sections of the draft stock assessment report. The SAS will also review and prioritize research recommendations according to the terms of reference. The SAS will assign tasks with due dates needed to finalize the stock assessment report.

For the final assessment report, journal articles and grey literature (e.g., annual and technical reports published by agencies) may be cited if they contain detailed descriptions of the data and methods and are accessible to public (e.g., available in public libraries, from agencies on request, or on an agency's website). Grey literature cited in the assessment but not already accessible to the public will be stored in the Commission Science Department stock assessment archive and made available to interested parties upon request.

Commission FMP Coordinators will track the delivery of SAS final tasks. Upon completion of all tasks, the SAS chair and FMP Coordinator will make final edits to the full stock assessment report. The FMP Coordinator will schedule a final meeting or conference call of the subcommittee to review and approve the stock assessment report before it is submitted to the TC. The FMP Coordinator will schedule a TC meeting to review and approve the stock assessment report to send for peer review. When assistance is needed, Commission Stock Assessment Scientists will help FMP Coordinators with tracking progress and finalizing the stock assessment report.

The TC review of the stock assessment report final draft serves as the last opportunity to evaluate the assessment work before peer review. The TC review will take place in person or via webinar at the discretion of staff. Staff will send the final draft of the stock assessment report to the TC two to four weeks before the TC meeting. If the stock assessment report is approved by the TC, it will be distributed to the appropriate peer review venue. If the stock assessment report is not approved by the TC, then the TC will return the report with comments to the SAS. The SAS will address the comments and re-submit the report to the TC for its approval. The Commission's Science Director will forward the stock assessment report and supporting materials to the peer review panel one month before the review workshop. The SAS chair will prepare a final presentation of the stock assessment for the review panel.

### ***8.6.3 Peer Review Workshop***

The purpose of an external peer review is to obtain judgment of the value and appropriateness of the stock assessment for use in management and to provide recommendations for future research

and assessment improvements. The peer review will not provide specific management recommendations.

The Commission may choose among 6 venues for conducting a peer review:

1. Commission Review Process
2. NEFSC's SAW/SARC or "research and operational assessment" process
3. SAFMC's SEDAR process
4. TRAC process
5. CIE desk review
6. Other formal review process using the structure of existing organizations (i.e., American Fisheries Society, International Council for Exploration of the Seas, National Academy of Sciences).

The SAW/SARC (Northeast) and the SEDAR (Southeast) processes will be utilized as fully as possible. The Commission staff will serve on the Northeast Coordinating Council (formerly the SAW Steering Committee) and the SEDAR Steering Committee.

The procedures and logistics for planning a stock assessment peer review are dependent on the type of review to be conducted. For information on options 2-6 above, consult the coordinating agency. For the Commission Review Process, the Science Director will initiate selection of the peer review panel. The ASC and SAS should provide suggestions on peer reviewers as soon as the final assessment workshop is complete. A small group of rotating MSC members (2-3 people) is to assist the Science Director in making the final decision on review panel membership. When possible, the MSC group should consist of representation by states outside the management range of the species. Criteria for selection of peer review panel members include:

- Knowledge of the life history and population biology of the species under review;
- Proficiency in utilizing quantitative population dynamics and stock assessment models;
- Knowledge of broader scientific issues as outlined in the terms of reference, and;
- Professional objectivity and credibility.

All peer reviewers participating on a Commission review panel must sign a conflict of interest statement in addition to the peer review panelist contract (Appendix 5). Panel members involved with the Commission's peer review must not have been involved with the Commission stock assessment and management process for the species under review. In addition, at least one panel member should be from outside the range of the species. Once reviewers are under contract to serve on the peer review panel, their names can be released upon request, but will not be posted on the website. Commission Science staff will advise that no contact be made between the panelists and SAS before the peer review workshop.

Terms of reference for the peer review will be developed by the TC and SAS at the initiation of the assessment. The terms of reference will be approved by the board/section. The approved stock assessment report for peer review and supporting documentation will be distributed by the Commission's Science Director to the peer review panel approximately four weeks prior to the review workshop. The Commission's Science staff will coordinate all review workshop logistics

in consultation with panel members. Workshop information will be distributed by the Commission's Science Director.

The Commission peer review involves a multi-day meeting of the panel to review the stock assessment for a single species. Commission peer reviews will be coordinated by the Commission's Science Director. For Commission review workshops, the full SAS, board/section chair, and AP chair will be invited to attend the review. At review workshops, stakeholders may attend as observers and provide comment at the discretion of the Review Panel chair. Only members of the TC, SAS, the review panel, and Commission staff will be invited to engage in discussions regarding the assessment.

The panel should select one member to serve as chair of the review. Duties of the panel chair include focusing discussion on the issues of the review, developing consensus within the review panel, taking the lead role in writing the advisory report, and presenting the finalized advisory report to Commission boards/sections.

Panel members may request specific presentations of other issues, including minority opinions. Requests for presentations should be made to the Science Director prior to the review Workshop to allow the presenter ample preparation time.

The review workshop will include a period for the presentation of the stock assessment report and any additional presentations, a period of open discussion among the review panel and SAS, a period for the review panel to ask specific questions of the assessment and supplemental reports, and a closed session for the development of the advisory report. During a review workshop, minor edits to the stock assessment report can be made with the concurrence of the SAS chair, review panel chair, and Science Director, if edits do not change the intent of the report. If major edits are made, notification of the modified report will be sent to the TC for their approval. The final assessment report, made publicly available on the Commission website, will include highlighted changes and a description of how and why the document was changed from the version presented at the review workshop.

The review panel will develop an advisory report during the review workshop, or shortly thereafter. The report will address each term of reference individually as well as the advisory report requirements outlined in Appendix 6. The advice included in the report should be a consensus opinion of all review panel members. It is the review panel chair's responsibility to ensure the contents of the advisory report provide an accurate and complete summary of all views on issues covered by the review. In the event consensus cannot be reached on an issue, the chair will incorporate all reviewers' opinions in the report. Development of the advisory report will be coordinated by the Science Director or a designated Commission Stock Assessment Scientist.

If the review panel has questions or needs clarification on the stock assessment report, the questions should be directed to the Science Director, who will work with the SAS chair to provide the panel with an answer. In certain situations, the panel may wish to communicate with

the SAS before completing the advisory report, or before the board/section meeting. Post-review communication will be limited to chair-to-chair interaction, and the Science Director will be involved in those conversations.

The advisory report will be distributed to all relevant species committees (board/section, TC, SAS, AP) upon completion and approximately two weeks prior to presentation of the results. Advisory reports will not be distributed publicly, except for the meeting week briefing materials, until accepted by the board/section. Following distribution of the advisory report, the TC will review the advisory report findings and to evaluate the feasibility for each research recommendation made in the stock assessment and advisory reports. The TC shall provide the board/section with a timeline outlining the expected delivery of each item, ranging from 'asap' to 'pending funding', where applicable. The TC shall also indicate whether each item, once addressed, can be used in a future assessment update, or whether incorporating that item would trigger a benchmark assessment (see section 8.3).

If the TC/SAS and the review panel cannot reach agreement, the following process for reconciling the differences between the review panel and the TC will be followed:

The results of the peer review will be presented by the review panel chair to the board/section.

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The board/section will refer the peer review results to the TC and SAS for review and action.

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The TC and SAS will revise the stock assessment report based upon the peer review advice. If the SAS and TC do not agree with the peer review advice, they will provide justification for not incorporating the advice, and provide alternate analyses.

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The final assessment, including the peer review and post-review actions, will be presented to the board/section by the TC.

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The board/section will make the final determination on status of stock and reference points.

For all reviews, after the board/section has received the presentation of the peer review results, the board should indicate that it 'accepts' or 'does not accept' the stock assessment report and peer review advisory report for management use.

## **APPENDIX 1. GENERAL CHECKLIST FOR TRACKING PROGRESS OF COMMISSION BENCHMARK STOCK ASSESSMENTS**

### **Pre-Assessment Webinar**

Who: TC chair and SAS chair, and Commission FMP Coordinator and Stock Assessment Scientist

When: A minimum of one to two years before scheduled peer review

- Review and discuss stock assessment process and policies. All should have read this document before meeting.
- Review and discuss the roles and responsibilities for participants of the data and assessment workshops.
- Develop draft timeline with milestones (data and assessment workshops, related TC meetings, the peer review and report to boards/sections). The timeline will be presented to the TC and to the board/section for approval.
- Stock Assessment Scientist develops draft terms of reference. After the webinar, the FMP Coordinator will distribute draft terms of reference, draft timeline, and other relevant stock assessment materials to the TC and SAS.

### **Pre-Assessment Technical Committee Meeting**

Who: TC and SAS, and Commission FMP Coordinator and Stock Assessment Scientist

When: Timing is determined during pre-assessment webinar and will be several months in advance of data workshop

Checklist:

- Commission staff review goals and objectives of the benchmark stock assessment and peer review process.
- Review draft terms of reference, edit, and forward to board/section for approval.
- Review draft timeline, edit, and forward to board/section.
- Review data availability spreadsheets and distribute to the TC and SAS members. Set deadline for TC and SAS members to return data availability spreadsheets.
- Determine additional data sources to contact, as needed, including other state and federal agencies, universities, consulting agencies, utility companies, etc.
- Develop assignments and due dates for TC and SAS members and Commission staff for the data workshop. Each task should be assigned to a specific person with the date initially assigned and due date noted. Some specific tasks include:
  - For each data set, prepare data set for submission in proper format, provide a written description of the methods, preliminary analyses, and metadata, and prepare a short presentation
  - SAS chair should prepare a short presentation reviewing of previous stock assessments as a working paper, conduct or update the literature review (life history/habitat and other relevant work), and prepare a short presentation
- Stock Assessment Scientist identifies members of TC and SAS who may need to obtain confidential data clearance, remind all members of confidentiality rules, and provide instructions on how to obtain confidential access, if needed.

- Finalize date and location for data workshop.

### **Data Workshop Preparation**

When: Between pre-assessment TC meeting and data workshop

- Stock Assessment Scientist sends data availability spreadsheets and data workshop announcement to newly identified data holders. Staff also requests that these data holders submit data, working paper and presentations prior to data workshop. Commission staff will provide data submission instructions to additional data holders that respond to initial inquiry.
- Stock Assessment Scientist compiles data availability spreadsheets submitted by TC and SAS members, as well as other identified data holders.
- Stock Assessment Scientist makes data submissions available to all data holders (with proper confidential access, as appropriate).
- FMP Coordinator forwards draft assessment time line and terms of reference to board/section.
- Stock Assessment Scientist and SAS chair track data submission and assignment progress.
- Stock Assessment Scientist and SAS chair compile data sets from TC, SAS, and additional data holders that will be stored on the Commission's secure server and distributed via the data workshop CD.
- Commission staff develop and distribute data workshop agenda
- Stock Assessment Scientist send preliminary data workshop ftp instructions to TC and SAS
- Stock Assessment Scientist monitor progress of data confidential access requests

### **Data Workshop**

Who: TC and SAS, Commission FMP Coordinator and Stock Assessment Scientist, invited data holders and interested stakeholders.

When: Timing determined at pre-assessment meeting, at least 3-6 months after TC meeting.

Check-list:

- Presentation on the goals and objectives of data workshop and terms of reference.
- Review summary of previous stock assessments.
- Review summary of literature review (life history/habitat and other relevant work).
- Review all data sets
- Develop list of data analysis and report-writing assignments and due dates
- Determine additional data analyses to conduct and possible approaches for assessing stock(s)
- Determine SAS assignments and due dates for assessment workshop (additional data analyses, modeling approaches).
- Finalize date and location of assessment workshop.

### **Assessment Workshop Preparation**

- TC chair, SAS chair, and Commission FMP Coordinator and Stock Assessment Scientist edit data report.



- FMP Coordinator sends data workshop report (including all data and additional materials) to SAS.
- FMP Coordinator sends assignments and due date reminders to SAS.

### **Assessment Workshop**

Who: SAS, Commission FMP Coordinator and Stock Assessment Scientist

When: Timing determined during pre-assessment workshop meeting

Check-list:

- Presentation on the goals and objectives of assessment workshop and terms of reference.
- Review report sections, any additional data analyses, and conduct final evaluation of each data set for use in assessment and list reasons data sets were included or not (if modifications are necessary)
- Determine best approach or approaches for assessing stock.
- Conduct model runs, sensitivity analyses, model diagnostics, uncertainty estimates, as appropriate.
- Develop consensus recommendation of stock status.
- Develop prioritized research recommendations.
- Assign tasks for writing up final sections of draft stock assessment report.

### **Post-Assessment Workshop Follow-up**

- SAS members complete final assignments for stock assessment report.
- SAS chair and FMP Coordinator make final edits to full report; SAS submit outstanding tasks.
- FMP Coordinator plans full TC meeting to review and approve stock assessment report.
- FMP Coordinator sends stock assessment report to TC two to four weeks prior to meeting.
- Stock Assessment Scientist files final draft of stock assessment report, all working papers, all data sets and other stock assessment materials on secure server
- FMP Coordinator files material on Commission Meeting CD
- Fisheries Science Director and Stock Assessment Scientist begin identifying review panel members if Commission peer review is the selected venue.

### **Technical Committee Review of Stock Assessment Report**

- SAS chair presents terms of reference and final stock assessment report.
- TC reviews assessment and either approves the stock assessment report for peer review or returns it to the SAS to address TC concerns.
- If the stock assessment report is approved by the TC, it will be distributed to the appropriate peer review venue.
- If the stock assessment report is not approved by the TC, then the TC will return the report with comments to the SAS. The SAS will address the comments and re-submit the report to the TC for its approval.

### **Preparation for Peer Review**

- Stock assessment report and supporting materials submitted to review panel one month before review meeting.
- SAS chair and other SAS members prepare presentations for the review workshop

### **Review Workshop**

- SAS chair and other SAS members present assessment to peer review panel and conduct additional analyses from panel's prioritized list as time allows

### **Post Review Workshop**

- SAS and panel chairs prepare presentations for board
- FMP Coordinator finalizes stock assessment report and Science staff finalizes advisory report for Commission Meeting CD
- Follow up TC meeting/webinar held if issues arise that need to be addressed before board/section meeting
- Stock Assessment Scientist drafts layman's stock assessment overview to accompany board/section meeting press releases

### **Board/Section Meeting**

- SAS and panel chairs present to board/section
- Board accepts or does not accept assessment and review for management; additional tasking of SAS or TC may occur in response to assessment and review

### **Post-Board/Section Meeting**

- Final edits to assessment and advisory reports and stock assessment overviews conducted and all relevant documents placed on website
- TC evaluates the feasibility and timeline for each research recommendation made in the stock assessment report and peer review advisory report; determines whether each item, once addressed, can be used in a future assessment update, or whether it will require a benchmark assessment

## **APPENDIX 2. GENERIC TERMS OF REFERENCE**

### ***Generic ASMFC Terms of Reference for Stock Assessment Process***

1. Characterize precision and accuracy of fishery-dependent and fishery-independent data used in the assessment, including the following but not limited to:
  - a. Provide descriptions of each data source (e.g., geographic location, sampling methodology, potential explanation for outlying or anomalous data)
  - b. Describe calculation and potential standardization of abundance indices.
  - c. Discuss trends and associated estimates of uncertainty (e.g., standard errors)
  - d. Justify inclusion or elimination of available data sources.
  - e. Discuss the effects of data strengths and weaknesses (e.g., temporal and spatial scale, gear selectivities, aging accuracy, sample size) on model inputs and outputs.
2. Review estimates and PSEs of MRIP recreational fishing estimates. Request participation of MRIP staff in the data workshop process to compare historical and current data collection and estimation procedures and to describe data caveats that may affect the assessment.
3. Develop models used to estimate population parameters (e.g., F, biomass, abundance) and biological reference points, and analyze model performance.
  - a. Describe stability of model (e.g., ability to find a stable solution, invert Hessian)
  - b. Justify choice of CVs, effective sample sizes, or likelihood weighting schemes.
  - c. Perform sensitivity analyses for starting parameter values, priors, etc. and conduct other model diagnostics as necessary.
  - d. Clearly and thoroughly explain model strengths and limitations.
  - e. Briefly describe history of model usage, its theory and framework, and document associated peer-reviewed literature. If using a new model, test using simulated data.
  - f. If multiple models were considered, justify the choice of preferred model and the explanation of any differences in results among models.
4. State assumptions made for all models and explain the likely effects of assumption violations on synthesis of input data and model outputs. Examples of assumptions may include (but are not limited to):
  - a. Choice of stock-recruitment function.
  - b. No error in the catch-at-age or catch-at-length matrix.
  - c. Calculation of M. Choice to use (or estimate) constant or time-varying M and catchability.
  - d. Choice of equilibrium reference points or proxies for MSY-based reference points.
  - e. Choice of a plus group for age-structured species.
  - f. Constant ecosystem (abiotic and trophic) conditions.
5. Characterize uncertainty of model estimates and biological or empirical reference points.
6. Perform retrospective analyses, assess magnitude and direction of retrospective patterns detected, and discuss implications of any observed retrospective pattern for uncertainty in population parameters (e.g., F, SSB), reference points, and/or management measures.

7. Recommend stock status as related to reference points (if available). For example:
  - a. Is the stock below the biomass threshold?
  - b. Is F above the threshold?
8. Other potential scientific issues:
  - a. Compare trends in population parameters and reference points with current and proposed modeling approaches. If outcomes differ, discuss potential causes of observed discrepancies.
  - b. Compare reference points derived in this assessment with what is known about the general life history of the exploited stock. Explain any inconsistencies.
9. If a minority report has been filed, explain majority reasoning against adopting approach suggested in that report. The minority report should explain reasoning against adopting approach suggested by the majority.
10. Develop detailed short and long-term prioritized lists of recommendations for future research, data collection, and assessment methodology. Highlight improvements to be made by next benchmark review.
11. Recommend timing of next benchmark assessment and intermediate updates, if necessary relative to biology and current management of the species.

#### ***Generic ASMFC Terms of Reference for External Peer Review***

1. Evaluate the thoroughness of data collection and the presentation and treatment of fishery-dependent and fishery-independent data in the assessment, including the following but not limited to:
  - a. Presentation of data source variance (e.g., standard errors).
  - b. Justification for inclusion or elimination of available data sources,
  - c. Consideration of data strengths and weaknesses (e.g., temporal and spatial scale, gear selectivities, aging accuracy, sample size),
  - d. Calculation and/or standardization of abundance indices.
2. Evaluate the methods and models used to estimate population parameters (e.g., F, biomass, abundance) and biological reference points, including but not limited to:
  - a. Evaluate the choice and justification of the preferred model(s). Was the most appropriate model (or model averaging approach) chosen given available data and life history of the species?
  - b. If multiple models were considered, evaluate the analysts' explanation of any differences in results.
  - c. Evaluate model parameterization and specification (e.g., choice of CVs, effective sample sizes, likelihood weighting schemes, calculation/specification of M, stock-recruitment relationship, choice of time-varying parameters, plus group treatment).

3. Evaluate the diagnostic analyses performed, including but not limited to:
  - a. Sensitivity analyses to determine model stability and potential consequences of major model assumptions
  - b. Retrospective analysis
4. Evaluate the methods used to characterize uncertainty in estimated parameters. Ensure that the implications of uncertainty in technical conclusions are clearly stated.
5. If a minority report has been filed, review minority opinion and any associated analyses. If possible, make recommendation on current or future use of alternative assessment approach presented in minority report.
6. Recommend best estimates of stock biomass, abundance, and exploitation from the assessment for use in management, if possible, or specify alternative estimation methods.
7. Evaluate the choice of reference points and the methods used to estimate them. Recommend stock status determination from the assessment, or, if appropriate, specify alternative methods/measures.
8. Review the research, data collection, and assessment methodology recommendations provided by the TC and make any additional recommendations warranted. Clearly prioritize the activities needed to inform and maintain the current assessment, and provide recommendations to improve the reliability of future assessments.
9. Recommend timing of the next benchmark assessment and updates, if necessary, relative to the life history and current management of the species.
10. Prepare a peer review panel terms of reference and advisory report summarizing the panel's evaluation of the stock assessment and addressing each peer review term of reference. Develop a list of tasks to be completed following the workshop. Complete and submit the report within 4 weeks of workshop conclusion.

## **APPENDIX 3. EXAMPLE DATA AVAILABILITY SPREADSHEETS**

### **Introduction**

#### **Overview**

- \* The purpose of this request is to develop a catalog of the types of fisheries-dependent and fisheries-independent data available on SPECIES X. An evaluation of the available data will serve as a starting point for the selection of stock assessment methods. Prior to the Data Workshop, the Stock Assessment Subcommittee will put forth a request for the necessary data, including the preferred format for data submission.

#### **Directions**

- \* For *each* source of data available from your state/jurisdiction (including historical data sets), please fill-in the appropriate sheet as described below.
- \* The forms on the following sheets are intended to assist with the stock assessment process. The data sources described in the 'Key' sheet represent the types of information typically collected by the states/jurisdictions.

#### **Additional Information**

- \* Please review the 'Additional Info' sheet and provide responses where appropriate. For each item, provide contact information for individuals who manage each data set.

**Please submit a completed data availability file for your state to Pat Campfield at [pcampfield@asmfc.org](mailto:pcampfield@asmfc.org)**

## Key

### Species X Data Availability by State

**Years Available** - include the range of years in which data are available; if there are breaks in a time series, please describe missing years in **Notes**

if Gear Type, Units Effort, or other data became available after the time series started, identify the first year this information is available (e.g., counts, lengths taken throughout the time series; started collecting ages later)

**Temporal Resolution** - check a box describing level of detail (select one only)

**date** - check if full date known

**season** - check if only season (Spring, Summer, Fall, Winter) and year are known

**year** - check if only the year landed, caught in survey, etc. is known

**Spatial Resolution** - check a box describing level of detail (select one only)

**latitude and longitude** - check if detailed coordinates known

**NMFS statistical area** - check if area known, but greater detail (lat/long) unknown

**state waters** - check if only the state in which fish were landed, caught, etc. is known

**Gear Type** - check if fishery or survey gear (trawl, pound net, etc.) is known

**Units Effort** - check if some measure of effort (tow duration, hours net set, catch per day, etc.) is known and can be used to calculate CPUE

**Counts** - check if number of individuals in each sample

known **Weight** - check if individual or aggregate

sample weights known **CPUE** - check if pre-calculated

CPUE is available

**Sex** - check if sex was determined for some or all of sampled fish (i.e., mature individuals)

**Subsample** - check if sub-sample size used to estimate landings, discards, survey tow total catch, etc. is known

**Variance** - check if pre-calculated measure of variance is available

**File Type** - are the data in SAS, xls, Access, ascii, field sheets, etc?

**Notes** - provide more details to clarify available data

(e.g., length measurements in FL; scale or otolith age samples)

# Commercial Data

Source: Commercial Fishery		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE	UNITS EFFORT	DATA							File Type			
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS	stat area			state	waters	Counts	Lengths	Weights	Ages	Sex		CPUE	Subsampl e	Variance
Landings	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						
Discards	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						

NOTES



# Recreational Data

Source: Recreational Fishery		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEARTYPE		UNITSEFFORT		DATA							File Type									
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS stat area	state	waters			Counts	Lengths	Weights	Ages	Sex	CPUE	Subsampl e	Variance										
Landings	ME																													
	NH																													
	MA																													
	RI																													
	CT																													
	NY																													
	NJ																													
	DE																													
	PA																													
	MD																													
	VA																													
	NC																													
	SC																													
	GA																													
FL																														
NMFS																														
Discards	ME																													
	NH																													
	MA																													
	RI																													
	CT																													
	NY																													
	NJ																													
	DE																													
	PA																													
	MD																													
	VA																													
	NC																													
	SC																													
	GA																													
FL																														
NMFS																														
Released Alive	ME																													
	NH																													
	MA																													
	RI																													
	CT																													
	NY																													
	NJ																													
	DE																													
	PA																													
	MD																													
	VA																													
	NC																													
	SC																													
	GA																													
FL																														
NMFS																														
Total Catch	ME																													
	NH																													
	MA																													
	RI																													
	CT																													
	NY																													
	NJ																													
	DE																													
	PA																													
	MD																													
	VA																													
	NC																													
	SC																													
	GA																													
FL																														
NMFS																														

NOTES

## Fisheries-Independent Survey Data

Source: Fishery-Independent Surveys		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE	UNITS EFFORT	DATA							File Type
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS stat area	state waters			Counts	Lengths	Weights	Ages	Sex	CPUE	Subsample	
Catch	ME																		
	NH																		
	MA																		
	RI																		
	CT																		
	NY																		
	NJ																		
	DE																		
	PA																		
	MD																		
	VA																		
	NC																		
	SC																		
	GA																		
	FL																		
	NMFS																		

NOTES

## Example

Source: <b>EXAMPLE</b> Independent Surveys		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE	UNITS EFFORT	DATA							File Type	
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS stat area	state waters			Counts	Lengths	Weights	Ages	Sex	CPUE	Subsample		Variance
Catch	ME	1985	present	X					X	X		X	X	X	99	X			Excel	lengths in TL
	NH	1990	present	X					X	X	X	X							Excel	
	MA	1985	present	X				X		X	X	X	X	X	X	X	X	X	SAS	relative inde
	RI	2000	present	X			X			X		X							Excel	
	CT	1990	2002		X			X		X	X	X	01						SAS	
	NY	1990	2002		X			X		X	X	X							Excel	
	NJ	1995	present			X		X		X		X	X	X					Excel	Age-0 index
	DE	2002	2005			X			X	X		X							ascii	
	PA	1990	present	X			X			X	X	X	X	X	X				Access	
	MD	1980	present	X			X			X	X	X							Access, SAS	
	VA	1980	present	X			X			X	X	X	X	X	X	X	X	X	Access	late summe
	NC	1980	present	X			X			X	X	X	X	X	95	X	X	X	SAS	lengths in FL
	SC	1995	present			X		X		X	X	X							Excel	
	GA	1995	present			X		X		X	X	X							Excel	
	FL	1980	present	X			X			X	X	X	X	X	X	X	X	X	Access, SAS	movement,
	NMFS	1980	present	X				X		X	X	X	X	X	X	X	X	X	Excel	

NOTES

## Additional Information

### ADDITIONAL INFORMATION |

- 1 Is your state's **SPECIES X** regulatory history available? Please provide contact information for the best source of this information.

#### Contact Info

**AGENCY** \_\_\_\_\_

**CONTACT** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**PHONE**

**FAX**

**E-MAIL**

**NOTES**

- 2 Are there additional sources of information or data sets from your state that would be useful for stock assessment? This could include discard mortality studies, natural mortality studies, stock identification studies, tagging studies, citation program data.

#### Data

**SOURCE:** \_\_\_\_\_

**TYPE:** \_\_\_\_\_

**INFO:** \_\_\_\_\_

#### Contact Info

- 3 Does your state engage in **SPECIES X** stock enhancement? If yes, please provide the types of data collected in enhancement efforts and/or information for the appropriate contact.

**Data**

**SOURCE:** \_\_\_\_\_

**TYPE:** \_\_\_\_\_

**INFO:** \_\_\_\_\_

**4** Are individual fish lengths-weights available for any data sources from your state?

.

**Data**

**SOURCE:** \_\_\_\_\_

**TYPE:** \_\_\_\_\_

**INFO:** \_\_\_\_\_

**Contact Info**

**AGENCY** \_\_\_\_\_

**CONTACT** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**PHONE**

**FAX**

**E-MAIL**

**NOTES**

**5** If age data are available for one or more of your state's data sources, are the age-length keys used to generate those data available?

.

**Data**

**SOURCE:** \_\_\_\_\_

**TYPE:** \_\_\_\_\_

**INFO:** \_\_\_\_\_

---

---

6 Are you aware of any SPECIES X socio-economic publications or data that would be useful for stock  
assessment or projections?

**Data**

**SOURCE:** \_\_\_\_\_  
**TYPE:** \_\_\_\_\_  
**INFO:** \_\_\_\_\_

**Contact Info**

**AGENCY** \_\_\_\_\_  
**CONTACT** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

**PHONE**  
**FAX**  
**E-MAIL**  
**NOTES**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPENDIX 4. COMPONENTS OF THE ASSESSMENT REPORT**

Acknowledgements

Executive Summary

Table of Contents

List of Tables

List of Figures

Terms of Reference

(written by SAS and approved by species technical committee and management board)

1.1 Introduction

1.2 Brief Overview and History of Fisheries

1.3 Management Unit Definition

1.4 Regulatory History

1.5 Assessment History

1.5.1 History of stock assessments

1.5.2 Historical retrospective patterns

2.1 Life History

2.2 Stock Definitions (include tagging, genetic information, if available)

2.3 Migration Patterns

2.4 Age

2.5 Growth

2.6 Reproduction

2.7 Natural Mortality

3.1 Habitat Description

3.2 Overview – brief review of habitat requirements relevant to assessment results (e.g., temperature, depth, salinity, DO, pH, flow, substrate, vegetation)

3.2.1 Spawning, egg, and larval habitat

3.2.2 Juvenile and adult habitats

4.1 Fishery-Dependent Data Sources

4.2 Commercial (include all appropriate subsections - subsections may be removed or added as necessary)

4.2.1 Data Collection and Treatment

4.2.1.1 Survey Methods (including coverage, intensity)

4.2.1.2 Biological Sampling Methods (including coverage, intensity)

4.2.1.3 Ageing Methods

- 4.2.1.4 Catch Estimation Methods (e.g., catch-at-age)
  - 4.2.2 Trends
    - 4.2.2.1 Commercial Catch Rates (CPUE)
    - 4.2.2.2 Commercial Landings
    - 4.2.2.3 Commercial Length/Weight/Catch-at-Age
    - 4.2.2.4 Commercial Discards/Bycatch
  - 4.2.3 Potential Biases, Uncertainty, and Measures of Precision
- 4.3 Recreational (include all appropriate subsections - subsections may be removed or added as necessary)
  - 4.3.1 Data Collection and Treatment
    - 4.3.1.1 Survey Methods (including coverage, intensity)
    - 4.3.1.2 Biological Sampling Methods (including coverage, intensity)
    - 4.3.1.3 Ageing Methods
    - 4.3.1.4 Catch Estimation Methods (e.g., catch-at-age or -length)
  - 4.3.2 Trends
    - 4.3.2.1 Recreational Catch Rates (CPUE)
    - 4.3.2.2 Recreational Landings
    - 4.3.2.3 Recreational Length/Weight/Catch-at-Age
    - 4.3.2.4 Recreational Discards/Bycatch
  - 4.3.3 Potential Biases, Uncertainty, and Measures of Precision
- 5.1 Fishery-Independent Data
- 5.2 Surveys (include all appropriate subsections - subsections may be removed or added as necessary)
  - 5.2.1 Data Collection and Treatment
    - 5.2.1.1 Survey Methods (including coverage, intensity)
    - 5.2.1.2 Biological Sampling Methods (including coverage, intensity)
    - 5.2.1.3 Ageing Methods
    - 5.2.1.4 Catch Estimation Methods (e.g., catch-at-age or -length)
  - 5.2.2 Trends
    - 5.2.2.1 Catch Rates (Numbers)
    - 5.2.2.2 Length/Weight/Catch-at-Age
    - 5.2.2.3 Abundance and Biomass Indices (-per-unit effort)
  - 5.2.3 Potential Biases, Uncertainty, and Measures of Precision
- 6.1 Methods
- 6.2 Background (on models and software used)
  - 6.2.1 Assessment Model Description (discuss assumptions and any differences from previously published applications)
  - 6.2.2 Reference Point Model Description (discuss assumptions any differences from previously published applications)
- 6.3 Configuration (include all appropriate subsections - subsections may be removed or added as necessary)

- 6.3.1 Assessment Model(s)
    - 6.3.1.1 Spatial and Temporal Coverage
    - 6.3.1.2 Selection and Treatment of Indices
    - 6.3.1.3 Parameterization
    - 6.3.1.4 Weighting of Likelihoods
    - 6.3.1.5 Estimating Precision (e.g., ASEs, Likelihood profiling, MCMC)
    - 6.3.1.6 Sensitivity Analyses
      - 6.2.1.6.1 Sensitivity to Input Data
      - 6.2.1.6.1 Sensitivity to Model Configuration
    - 6.3.1.7 Retrospective Analyses
    - 6.3.1.8 Projections
  - 6.3.2 Reference Point Model(s)
    - 6.3.2.1 Parameterization
    - 6.3.2.2 Estimating Uncertainty
    - 6.3.2.3 Sensitivity Analyses
- 7.1 Results (include all appropriate subsections - subsections may be removed or added as necessary)
- 7.2 Assessment Model(s)
    - 7.2.1 Goodness of Fit
    - 7.2.2 Parameter Estimates (include precision of estimates)
      - 7.2.2.1 Selectivities and Catchability
      - 7.2.2.2 Exploitation Rates
      - 7.1.2.2 Abundance or Biomass Estimates
    - 7.1.3 Sensitivity Analyses
      - 7.1.3.1 Sensitivity to Input Data
      - 7.1.3.2 Sensitivity to Model Configuration
    - 7.1.4 Retrospective Analyses
    - 7.1.5 Projection Estimates
  - 7.2 Reference Point Model(s)
    - 7.2.1 Parameter Estimates
    - 7.2.2 Sensitivity Analyses (e.g., to M, selectivities)
  - 7.3 Results Uncertainty (e.g., interpretation of alternate model results)
- 8.1 Stock Status (discuss current BRPs & any new proposed BRPs separately, if applicable)
- 8.2 Current Overfishing, Overfished/Depleted Definitions (define targets, thresholds, and control rules)
  - 8.3 Stock Status Determination
    - 8.3.1 Overfishing Status
    - 8.3.2 Overfished Status
    - 8.3.3 Control Rules
    - 8.3.4 Uncertainty
- 9.1 Research Recommendations



- 10.1 Minority Opinion (if applicable)
  - 10.2 Description of Minority Opinion
  - 10.3 Justification from Majority (on why not adopted)
  
- 11.0 Literature Cited
  
- 12.0 Tables - suggested tables include the following:
  - Landings (numbers and weights)
  - Catch-at-Age
  - Lengths/Weights-at-Age
  - Fecundity/Maturation Schedule
  - Natural Mortality Schedule
  - Age-Length Keys
  - Survey or Index Values
  - Model Configuration and Inputs
  - Model Outputs, Parameter Estimates and Precision
  - Results (e.g., Abundance, Biomass, SSB, and Fishing Mortality)
  
- 13.0 Figures - suggested figures include the following:
  - Landings by Year, all states
  - Landings by Year, by state
  - Length/Weight-at-Age
  - Observed Survey Values by year
  - Observed and Predicted Survey Values by year
  - Residuals
  - Results (Abundance, Biomass, SSB) by year
  - Stock Abundance and Catch by year
  - Sensitivity Plots
  - Retrospective Plots

Appendices 1-X (if applicable)

## **APPENDIX 5. INSTRUCTIONS FOR PEER REVIEWERS AND CONFLICT OF INTEREST STATEMENT**

### **Overview**

The Atlantic States Marine Fisheries Commission (Commission) Benchmark Peer Review Process provides a framework for the critical evaluation by independent experts of fish population models upon which fishery management decisions are based. For full details, see the Commission document “Technical Support Groups Guidance and Benchmark Stock Assessment Process”. The term benchmark stock assessment refers to an assessment that goes through an independent peer review. Benchmark assessments are prompted by new fishery management actions, a major change in stock assessment model or data, or a Commission or regional fishery management council time-trigger. Stock assessment reviews evaluate the validity of the models used, the input data, parameters, and model results, alternative assessment methods, and additional research needs. A review by independent assessment scientists that have no involvement, stake, or input into the assessment provides a judgment on the quality and completeness of the science used in a stock assessment. Peer review panel decisions are based on science; discussions and deliberations shall not consider possible future management actions, agency financial concerns, or social and economic consequences.

### **Preparation for the Review Workshop**

In general, peer reviews are conducted within 6 to 8 weeks of the completion of the stock assessment report. A Commission stock assessment review panel is composed of 3-5 scientists (state, federal, university, or private). Review panel members should possess:

- Knowledge of the life history and population biology of the species under review
- Proficiency in utilizing quantitative population dynamics and stock assessment models
- Knowledge of broader scientific issues as outlined in the terms of reference, and
- Professional objectivity and credibility.

Panel members involved with a Commission peer review **must not** have involvement with the Commission stock assessment and management process for the species under review. In addition, at least one panel member should be from outside the range of the species.

The stock assessment report, all supporting materials, and instructions for peer reviewers will be distributed to the review panel by the Commission’s Science Director one month before the review meeting. Reviewers shall read the documents to gain an in-depth understanding of the stock assessment, the resources and information considered in the assessment, and their responsibilities as reviewers. The Science Director will organize the review workshop in coordination with panel members and the SAS.

## **The Review Workshop**

A Commission peer review involves a multi-day meeting of the review panel to evaluate the stock assessment for a single species. The full SAS, TC chair and vice-chair, board/section chair and vice-chair, and chair and vice-chair of the advisory committee should be invited to attend the review. Stakeholders shall be invited to attend Commission peer reviews, but not as panel members, and the review panel chair will encourage public comment.

The workshop will begin with introductions and a short overview of the review workshop objectives presented by the Science Director. Panelists should then select one member to serve as panel chair. Duties of the panel chair include focusing discussion on the issues of the peer review, developing consensus within the review panel, taking the leading role in development of the advisory report, and presenting the finalized advisory report to appropriate Commission boards/sections.

The review workshop will include a period for the presentation of the stock assessment report and any additional presentations, a period of open discussion for all attendees, a period for the review panel to ask specific questions of the SAS, a closed door session for the review panel to reach consensus on the review, a period for the panel to review the major points of their consensus opinion on each term of reference with the SAS, and a closed door session for development of the advisory report. Presentation of the stock assessment report and any minority reports will occur on the first day(s) of the meeting. Panel members may request specific presentations on other issues. Requests for presentations should be made to the Science Director prior to the workshop to allow the presenter ample preparation time. During a review workshop, minor changes to the stock assessment report can be made with the concurrence of the Science Director, SAS chair, and review panel chair. Minor changes/results will appear as an appendix to the stock assessment report, and an explanation for the change will be referenced in the advisory report. Only clarifications will be allowed during the review workshop.

The review panel will develop and author an advisory report during the review workshop, or shortly thereafter. The findings and advice included in the advisory report will be a consensus opinion of all peer review panel members. Panels are expected to reach conclusions that all participants can accept, which may include agreeing to acknowledge multiple possibilities. It is the review panel chair's responsibility to ensure the contents of the advisory report provide an accurate and complete summary of all views on issues covered by the review. In the event consensus cannot be reached on an issue, the chair will incorporate all reviewers' opinions in the report.

Development of the advisory report will be coordinated by the Science Director or designated Fisheries Science staff. The report will include all content outlined in Appendix 1. Each term of reference will be addressed individually by number in Section II, including discussion of majority versus minority reports when present. A clear statement will be made indicating whether or not the task(s) outlined in each term of reference was satisfactorily completed by the SAS using the best available data and stock assessment methodology; specifically, is the

assessment suitable for use by managers in exploring management options? The advisory report also includes advice on the issues listed in Appendix 1, Section III. Comments on topics not listed in Appendix 1 are encouraged and will be included in the Other Comments section.

If the review panel finds a term of reference deficient to the extent that SAS members present cannot correct the deficiencies during the course of the review workshop, or the SAS chair deems that desired modifications would result in an alternative assessment, then the review panel shall reject that term of reference. If a term of reference is rejected, the panel should include in the advisory report 1) a justification for rejection (i.e., a complete description of the deficiency) and 2) specific, constructive suggestions for remedial measures or alternate approaches to correct the assessment.

### **Presentation of Peer Review Results**

Results of the peer review will be presented within 4 weeks of the completion of the peer review. The advisory report will be distributed to all relevant committees (board/section, TC, SAS, AP) upon completion and approximately two weeks prior to presentation of the results. The results of the peer review will be presented by the chair of the review panel to a meeting of the board/section.

The advisory report and presentation will not include specific management advice. The stock assessment report and the advisory report will be posted on the Commission website ([www.asmfc.org](http://www.asmfc.org)) after acceptance by the board/section.

### **Commission Peer Review Code of Conduct**

- Review panel decisions shall be based on science. Discussions and deliberations shall not consider possible future management actions, agency financial concerns, or social and economic consequences.
- Personal attacks will not be tolerated. Advancement in science is based on disagreement and healthy, spirited discourse is encouraged. However, professionalism must be upheld and those who descend into personal attacks will be asked to leave by Commission staff.
- Review panelists are expected to support their discussions with appropriate text and analytical contributions. Each panelist is individually responsible for ensuring their points and recommendations are addressed in workshop reports; they should not rely on others to address their concerns.
- Panelists are expected to provide constructive suggestions and alternative solutions; criticisms should be followed with recommendations and solutions.

### **Expectations of the Peer Review Process**

The peer review WILL:

- Provide a judgment of the value and appropriateness of the science and scientific methods which produced the assessment

- Provide recommendations for future research and improvements of future assessments
- Evaluate all input parameters and biological characteristics incorporated into the model
- Evaluate the stock assessment methods
- Evaluate status of stocks relative to current FMP goals

The peer review WILL NOT:

- Resolve all issues
- Answer all questions
- Provide specific management recommendations
- Provide options to reach management targets

**ATLANTIC STATES MARINE FISHERIES COMMISSION  
PEER REVIEWER CONFLICT OF INTEREST STATEMENT**

The Commission stock assessment peer review process involves establishing a peer review panel composed of 3-5 scientists (state, federal, university, or private) who will provide judgment on the quality and completeness of the science used in the stock assessment. It is of the utmost importance that input provided by peer reviewers be unbiased.

Potential reviewers should declare themselves not eligible to serve on the review panel for the species under review if they have a relationship with persons involved in the assessment under review that might be construed as creating a conflict of interest.

Conflict of interest may include (but is not limited to):

- Involvement, stake, or input to the Commission stock assessment or with the management process for the species under review.
- Involvement with state, federal, or international management, the fishing industry, or any other interest group regarding the species under review.
- A well-formed position or history of advocacy for a specific viewpoint on a subject relevant to the stock assessment under review.
- Current association as a thesis or postdoctoral advisor or student of scientists involved in the stock assessment.
- Collaboration (within the last 3 years, currently, or planned) on a project, book, or paper with scientists involved in the stock assessment under review.
- Financial partnerships (consulting, business, or other financial connection) with the persons involved in the stock assessment under review.
- Spouse, child, or general partner relationship with scientists involved in the stock assessment under review.

I \_\_\_\_\_ hereby certify, to the best of my knowledge, I do not have a conflict of interest and am not likely to give appearance of a conflict of interest, impropriety, or impairment of objectivity with respect to the stock assessment I am asked to review.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **APPENDIX 6. ADVISORY REPORT OUTLINE**

The advisory report will be developed by the review panel, with assistance from the Commission's Science staff. The report will provide an evaluation of each term of reference and be followed by an advisory section providing general scientific advice on the topics outlined. The advice included in the report should be a consensus opinion of all review panel members.

### Standard Contents

#### *I. Introduction*

#### *II. Terms of Reference (addressed individually by number)*

#### *III. Advisory Section*

- Status of Stocks: Current and projected
- Stock Identification and Distribution
- Management Unit
- Landings
- Data and Assessment
- Biological Reference Points
- Fishing Mortality
- Recruitment
- Spawning Stock Biomass
- Bycatch
- Other Comments

#### *IV. Sources of Information*

#### *V. Tables*

#### *VI. Figures*

\* for all sections, "information not available" should be indicated where appropriate

## **APPENDIX 7. FISHERY MANAGEMENT PLAN OUTLINE**

### **DRAFT FMP OUTLINE (approved by ISFMP Policy Board - May 1999)**

This document outlines the contents of Commission FMPs developed by the ISFMP. It contains FMP elements required by the ISFMP Charter as well as suggestions on other sections, should information on these elements be available.

It is intended that this outline be a working document for use by PDTs, PRTs, and others in drafting, compiling, and reviewing FMPs as guidance in FMP development and implementation. The ISFMP Charter, Section Six, lists the required elements of a FMP.

This outline was adopted by the ISFMP Policy Board during the Spring Meeting in Atlantic Beach, North Carolina on May 20, 1999. Suggestions for additional changes to the FMP outline are welcomed and should be forwarded to ISFMP Staff.

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  - 1.2.1 Statement of the Problem
  - 1.2.2 Benefits of Implementation
    - 1.2.2.1 Social and Economic Benefits
    - 1.2.2.2 Ecological Benefits
- 1.3 Description of the Resource
  - 1.3.1 Species Life History
  - 1.3.2 Stock Assessment Summary
  - 1.3.3 Abundance and Present Condition
- 1.4 Description of the Fishery
  - 1.4.1 Commercial Fishery
  - 1.4.2 Recreational Fishery
  - 1.4.3 Subsistence Fishing
  - 1.4.4 Non-Consumptive Factors
  - 1.4.5 Interactions with Other Fisheries, Species, or Users
- 1.5 Habitat Considerations
  - 1.5.1 Habitat Important to the Stocks
    - 1.5.1.1 Description of the Habitat
    - 1.5.1.2 Identification and Distribution of Habitat and Habitat Areas of Particular Concern
    - 1.5.1.3 Present Condition of Habitats and Habitat Areas of Particular Concern
    - 1.5.1.4 Ecosystem Considerations
- 1.6 Impacts of the Fishery Management Program



- 1.6.1 Biological and Environmental Impacts
- 1.6.2 Social Impacts
  - 1.6.2.1 Recreational Fishery
  - 1.6.2.2 Commercial Fishery
  - 1.6.2.3 Subsistence Fishery
  - 1.6.2.4 Non-consumptive Factors
- 1.6.3 Economic Impacts
  - 1.6.3.1 Recreational Fishery
  - 1.6.3.2 Commercial Fishery
  - 1.6.3.3 Subsistence Fishery
  - 1.6.3.4 Non-Consumptive Factors
- 1.6.4 Other Resource Management Efforts
  - 1.6.4.1 Artificial Reef Development/Management
  - 1.6.4.2 Bycatch
  - 1.6.4.3 Land/Seabed Use Permitting
- 1.7 Location of Technical Documentation for FMP (*refers reader to citations only*)
  - 1.7.1 Review of Resource Life History and Biological Relationships
  - 1.7.2 Stock Assessment Document
  - 1.7.3 Social Assessment Document (*if available*)
  - 1.7.4 Economic Assessment Document (*if available*)
  - 1.7.5 Law Enforcement Assessment Document (*if available*)
  - 1.7.6 Habitat Background Document (*if available*)
- 2.1 GOALS AND OBJECTIVES
  - 2.2 History and Purpose of the Plan
    - 2.2.1 History of Prior Management Actions
    - 2.2.2 Purpose and Need for Action
  - 2.3 Goals
  - 2.4 Objectives
  - 2.5 Specification of Management Unit
    - 2.5.1 Management Areas
  - 2.6 Definition of Overfishing
  - 2.7 Stock Rebuilding Program (*if appropriate*)
    - 2.7.1 Stock Rebuilding Targets
    - 2.7.2 Stock Rebuilding Schedules
    - 2.7.3 Maintenance of Stock Structure
  - 2.8 Resource Community Aspects
  - 2.9 Implementation Schedule
- 3.1 MONITORING PROGRAM SPECIFICATIONS/ELEMENTS
  - 3.2 Assessment of Annual Recruitment
  - 3.3 Assessment of Spawning Stock Biomass
  - 3.4 Assessment of Fishing Mortality Target and Measurement
  - 3.5 Summary of Monitoring Programs
    - 3.5.1 Catch and Landings Information
    - 3.5.2 Biological Information
    - 3.5.3 Social Information
    - 3.5.4 Economic Information
    - 3.5.5 Observer Programs
  - 3.6 Stocking Program (*if appropriate*)

- 3.7 Bycatch Reduction Program
- 3.8 Habitat Program
- 4.1 MANAGEMENT PROGRAM IMPLEMENTATION
  - 4.2 Recreational Fisheries Management Measures
  - 4.3 Commercial Fisheries Management Measures
  - 4.4 For-Hire Fisheries Management Measures
  - 4.5 Habitat Conservation and Restoration
    - 4.5.1 Preservation of Existing Habitat
    - 4.5.2 Habitat Restoration, Improvement, and Enhancement
    - 4.5.3 Avoidance of Incompatible Activities (*see sturgeon FMP*)
    - 4.5.4 Fisheries Practices (*see sturgeon FMP*)
  - 4.6 Alternative State Management Regimes
    - 4.6.1 General Procedures
    - 4.6.2 Management Program Equivalency
    - 4.6.3 *De minimis* Fishery Guidelines
  - 4.7 Adaptive Management
    - 4.7.1 General Procedures
      - 4.6.1.1 Procedural Steps
    - 4.7.2 Circumstances Under Which Change May Occur
    - 4.7.3 Measures Subject to Change
    - 4.7.4 Schedule for State Implementation
  - 4.8 Emergency Procedures
  - 4.9 Management Institutions (*Policy Bd, Mgmt Bd, TC, AP, etc.*)
  - 4.10 Recommendations to the Secretaries for Complementary Actions in Federal Jurisdictions
  - 4.11 Cooperation with Other Management Institutions (*i.e., for Atl. herring - Cooperation with Canada*)
- 5.1 COMPLIANCE
  - 5.2 Mandatory Compliance Elements for States
    - 5.2.1 Mandatory Elements of State Programs (*as applicable*)
      - 5.2.1.1 Regulatory Requirements
      - 5.2.1.2 Monitoring Requirements
      - 5.2.1.3 Research Requirements
      - 5.2.1.4 Law Enforcement Requirements
      - 5.2.1.5 Habitat Requirements
    - 5.2.2 Compliance Schedule
    - 5.2.3 Compliance Report Content
  - 5.3 Procedures for Determining Compliance
  - 5.4 Recommended (Non-Mandatory) Management Measures
  - 5.5 Analysis of Enforceability of Proposed Measures
- 6.1 MANAGEMENT AND RESEARCH NEEDS
  - 6.2 Stock Assessment and Population Dynamics
    - 6.2.1 Biology/Community Ecology
  - 6.3 Research and Data Needs
    - 6.3.1 Biological
    - 6.3.2 Social
    - 6.3.3 Economic
    - 6.3.4 Habitat
- 7.1 PROTECTED SPECIES
  - 7.2 Marine Mammal Protection Act (MMPA) Requirements
  - 7.3 Endangered Species Act (ESA) Requirements

- 7.4 Protected Species with Potential Fishery Interactions
- 7.5 Protected Species Interactions with Existing Fisheries
  - 7.5.1 Marine Mammals
  - 7.5.2 Sea Turtles
  - 7.5.3 Seabirds
- 7.6 Population Status Review of Relevant Protected Species
  - 7.6.1 Marine Mammals
  - 7.6.2 Sea Turtles
  - 7.6.3 Seabirds
- 7.7 Existing and Proposed Federal Regulations/Actions Pertaining to Relevant Protected Species
- 7.8 Potential Impacts to Atlantic Coastal State and Interstate Fisheries
- 7.9 Identification of Current Data Gaps and Research Needs
- 8.0 REFERENCES
- 9.0 APPENDICES

## **APPENDIX 8. FMP ADDENDUM OUTLINE**

### **1.1 Introduction**

- Management authority (state/federal waters)
- Management unit
- Amendment the document is working under
- Purpose/goal of the document (list out issues if there is more than one being considered in the document)

### **2.1 Overview**

#### **2.2 Statement of the problem**

- Why the board is considering a change in management
- This paragraph should be short, simple, and to the point

#### **2.3 Background**

- Events leading to the consideration for a change in management

### **3.1 Management Options**

- If the management options are replacing a previous management action be sure to state upfront that this section will replace section x of Amendment/Addendum Y
- Almost always include status quo as first option
- Committee Recommendations/Comments (if necessary)

If there is more than one issue being considered you would repeat the three sections above **(3.1-3.2)**

### **4.1 Compliance**

- Due dates for proposals, plan reviews, implementation dates

### **5.1 Recommendation for Federal Waters**

- Not all plans will have this section

## **Appendix 9. Fishery-Independent Data Use Policy**

(approved by ISFMP Policy Board - May 2015)

### *Introduction*

Data collected by fishery-independent sampling programs are commonly used in Commission stock assessments and provided to Stock Assessment Subcommittee and/or Technical Committee members. Providing raw data for Commission stock assessments is one purpose for which sampling information is used for the benefit of the public and Atlantic coast fisheries. Fishery-independent data also often support analyses outside of stock assessments, including analyses described in journal manuscripts with the intent of enhancing the scientific understanding of a species or ecosystem. Data used for both purposes may be collected by state agencies, federal agencies, or academic institutions. Because the Commission does not own fishery-independent datasets, the Data Use Policy defines how fishery-independent data are to be treated within and outside of Commission stock assessments. The objective of the Commission's Data Use Policy is to achieve the fullest potential for application of data to stock assessments in order to inform fisheries management decisions, while protecting the rights of data providers.

### *In Stock Assessments*

In many cases, public dollars in the form of federal or state agency funding are used to support fishery-independent data collection. Therefore, raw data are to be made available to the Commission staff and SAS committee members for stock assessment purposes by any agency or institution whose sampling programs are publicly funded. For stock assessments and other technical analyses used to provide scientific advice to fisheries managers, Principal Investigators (PIs) are asked to provide raw catch, biological, tagging and other data to the lead assessment analyst for a given species, along with metadata detailing current and past sampling methodology. Expert assessment scientists on committees will consider methods and account for changes when developing new indices or other inputs to assessment models, a procedure required and regularly conducted in all stock assessments. Analysts will also communicate with the sampling program leads to ensure data are being applied, or excluded, appropriately. Fishery-independent summary data, metadata, and resulting analyses will be included in Commission Stock Assessment Reports. Principal Investigators and their institutions will be acknowledged in Reports and other presentations of assessment results for Commission purposes. The Reports are considered grey literature and do not violate duplicative publishing rules of scientific journals.

### *Outside of Stock Assessments*

Committee members who have received copies of fishery-independent data as part of a Commission assessment may also be interested in using the data for non-assessment purposes. In such cases, authors of journal manuscripts or other analyses must communicate directly with all Principal Investigators/data collectors to obtain permission to use their data in journal publications or other non-assessment uses. Data requests from non-committee members to the Commission will be handled in the same manner; the requestor will be directed to the PIs to obtain raw data. The Commission is obligated to and will provide summary level data that are already included in assessment reports (e.g., index values, but not raw data). The Commission Stock Assessment Scientist or Fishery Management Plan Coordinator involved in the stock assessment at hand should be contacted to obtain lists of

data collectors and their contact information, or if there are questions about the Data Use Policy in general. Responsibility for contacting PIs will be with the authors of manuscripts or non-assessment analyses.

*Policy Relevance*

Failure to adhere to the Commission's Data Use Policy jeopardizes the quality of stock assessments, in the event that PIs discontinue data sharing when their permission or rights in publishing have been violated. The Commission encourages open communication among committee members and scientists collecting fishery-independent data in order to both use data for fisheries assessment and management applications, and to promote the quality of research being conducted at fisheries science institutions.