

# Atlantic States Marine Fisheries Commission

## Executive Committee

*August 1, 2017  
8:00 – 9:30 a.m.  
Alexandria, Virginia*

## Draft Agenda

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

*A portion of this meeting may be a closed session for Committee members and Commissioners only*

1. Welcome/Call to Order (*D. Grout*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Meeting Summary from May 2017
3. Public Comment
4. Discuss Council/Commission Line in NOAA Budget
5. Discuss the Secretary of Commerce Decision Regarding New Jersey Summer Flounder Recreational Measures
6. Discuss Executive Director's Contract Renewal (**Closed Session**)
7. Other Business/Adjourn

***Please Note: Breakfast will be served when you arrive; you may arrive as early as 7:30 a.m.***

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

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

**MEETING SUMMARY OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
EXECUTIVE COMMITTEE**

**Westin Alexandria  
Alexandria, VA  
May 10, 2017**

## INDEX OF MOTIONS

1. **Approval of Agenda by Consent. (Page 2)**
2. **Approval of Meeting Summary from February 1, 2017 by Consent. (Page 2)**
3. **Motion to “Approve the FY18 Budget as presented.” Mr. Abbott/Mr. Blazer. The motion passed unanimously. (Page 2)**
4. **Move adoption of option 2 “Once an AP member is assigned as an ongoing or board-specific proxy to a species board for which (s)he serves as an advisor (e.g. American Eel Board/American Eel AP), the new proxy must step down from the AP and the state appoint a new AP member.” *The underlined words are added to the original Option #2.* Mr. Abbott/Dr. Pierce (14-1) (Page 2)**
5. **Adjournment by Consent (Page 3)**

## **ATTENDANCE**

### **Committee Members**

Doug Grout, NH	John Clark, DE
Dennis Abbott, NH (LA Chair)	Roy Miller, DE (GA Chair)
David Pierce, MA	David Blazer, MD
Mark Alexander, CT (proxy for Craig Miner)	John Bull, VA
Jason McNamee, RI	Michelle Duval, NC (proxy for Braxton Davis)
Jim Gilmore, NY	Robert Boyles, SC
Russ Allen, NJ	Spud Woodward, GA
Andy Shiels, PA	Jim Estes, FL

### **Other Commissioners**

David Borden, RI (GA)  
Emerson Hasbrouck, NY (GA)  
Raymond Kane, MA (GA)  
Ed O'Brien, MD (LA proxy)

### **Staff**

Bob Beal	Laura Leach
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### **Others**

Lindsay Fullenkamp, NOAA Fisheries  
Wilson Laney, USFWS  
Chip Lynch, NOAA  
Derek Orner, NOAA Fisheries

## **CALL TO ORDER**

The Executive Committee of the Atlantic States Marine Fisheries Commission convened in the Bell Room of the Westin Alexandria in Alexandria, Virginia May 10, 2017. The meeting was called to order at 8:00 a.m. by Chair Doug Grout.

## **APPROVAL OF AGENDA**

The agenda was approved with the addition of: 1) Federal budget update, time permitting.

## **APPROVAL OF PROCEEDINGS**

The summary minutes from the February 1, 2017 meeting were approved as presented.

## **PUBLIC COMMENT**

There was no public comment.

## **FY18 BUDGET**

On behalf of the Administrative Oversight Committee, staff presented the Proposed FY18 Budget. After a brief discussion, Mr. Abbott moved "Approval of the FY18 Budget as presented." Mr. Blazer seconded and the motion passed unanimously.

## **BOARD PROXY/AP MEMBER SITUATION**

Executive Director Beal presented an options paper on how to handle Advisory Panel members who become Commissioner proxies to management boards. He noted that there is no guidance in the ISFMP Charter or the Rules and Regulations. The options paper provided four options to handle this situation. After lengthy discussion, Mr. Abbott moved adoption of option 2: Once an AP member is assigned as an ongoing or board-specific proxy to a

species board for which (s)he serves as an advisor (e.g. American Eel Board/American Eel AP), the new proxy must step down from the AP and the state appoint a new AP member." The underlined words are added to the original Option #2. Dr. Pierce seconded the motion and it passed 14-1.

There was a discussion on term limits for Advisory Panel Chairs and it was decided to take no action at this time.

## **TECHNICAL MEETING WEEKS**

Executive Director Beal provided background information on the origin of Technical Committee (TC) Meeting Weeks, noting that with the advances in technology the TCs have been having more webinars, and posed the question "have technical committee meeting weeks become an artifact of the past, and should they be discontinued?"

After a lengthy discussion, it was decided that staff should poll the TC members to see if TC meeting weeks are still valuable to them. It was noted that face to face meetings are very important, and TCs should meet in person at least annually. It was also suggested that staff should develop a two or three meeting outlook for what the boards are projected to be working on and what tasks the TCs (and other committees) might be assigned so perhaps a combined meeting could be planned in advance.

## **FUTURE ANNUAL MEETINGS**

The Commission's 76<sup>th</sup> annual meeting will be held October 15 - 19, 2017 in Norfolk, Virginia; in 2018 we'll meet October 21 -25 in New York City and in 2019 we'll meet October 27 - 31 in New Castle, New

Hampshire. Mr. Abbott promises larger lobster than the state of Maine.

### **OTHER BUSINESS**

Executive Director Beal asked the Committee members what feedback do we want to provide with regard to emerging budget issues, especially regarding the allocation of any SK money we might receive and the Council/Commission line in the NOAA budget.

Mr. Grout said he is hoping to get the Commission back up to the 26% share of the Council/Commission line that ACFCMA used to get, perhaps recommending for the next several years any increase would be a 50-50 split until the Commission gets back to 26%. The Committee members agreed with this approach.

Executive Director Beal noted that the Commission is receiving significantly reduced peer review support from the Science Centers recently. Based on the current schedule, it will be five years without a solely managed species on the SAW/SARC peer review schedule.

Mr. McNamee asked how do we get the lines separated so we don't have an adversarial relationship with the councils. He sees the logic in getting back to 26% but feels we might need to justify why we need the return to 26%, especially since our species are not part of federal plans.

Mr. Grout suggested that the Committee have a discussion on Mr. McNamee's suggestion at the summer meeting.

### **CLOSED SESSION**

The Committee went into closed session at 9:30 a.m. to discuss the Executive Director's Performance Review.

### **ADJOURN**

CHAIR DOUG GROUT adjourned the Executive Committee meeting at 9:50 a.m.



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

*Douglas E. Grout (NH), Chair*

*James J. Gilmore, Jr. (NY), Vice-Chair*

*Robert E. Beal, Executive Director*

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*Vision: Sustainably Managing Atlantic Coastal Fisheries*

June 8, 2017

The Honorable Wilbur Ross  
Secretary of Commerce  
Herbert C. Hoover Building  
United States Department of Commerce  
1401 Constitution Avenue, Northwest  
Washington, DC 20230

Dear Mr. Secretary:

This letter is to notify you that the Atlantic States Marine Fisheries Commission (Commission) has determined the State of New Jersey is out of compliance with the Commission's Interstate Fisheries Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass.

The Commission adopted the following motion on June 1, 2017, upon the recommendation of the Summer Flounder, Scup, and Black Sea Bass Management Board and the Interstate Fishery Management Program Policy Board:

*On Behalf of the ISFMP Policy Board, move the full Commission find the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan if the State does not implement the following measures by May 25, 2017:*

- *Shore mode for Island Beach State Park only: 17-inch minimum size limit; 2-fish possession limit and 128-day open season.*
- *Delaware Bay only (west of the COLREGs line): 18-inch minimum size limit; 3-fish possession limit and 128-day open season.*
- *All other marine waters (east of the COLREGs line): 19-inch minimum size limit; 3-fish possession limit and 128-day open season*

*The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock. In order to come back into compliance, the state of New Jersey must implement all of the measures listed above as contained in Addendum XXVIII to the Summer Flounder FMP.*

The motion passed with all member states voting in favor except New Jersey, which voted against the motion, and Florida which was absent from the meeting. By this action, the Commission has found the State of New Jersey out of compliance with the FMP and has outlined what the state must do to come back into compliance.

Honorable Wilbur Ross

June 8, 2017

Page 2

The Summer Flounder, Scup, and Black Sea Bass Management Board approved Addendum XXVIII with the goal of providing anglers fair and equitable access to summer flounder throughout the range while staying within the 2017 recreational harvest limit (RHL) as required by the FMP and the Magnuson-Stevens Act. 2017 catch limits were reduced by approximately 30% in response to the stock assessment result that overfishing was occurring, the fishing mortality threshold had been exceeded by 26% and spawning stock biomass has been declining since 2010 and is nearing the threshold as indicated by the 2016 Stock Assessment Update. The Update, based on data through 2015, shows 14 out of 15 fishery independent survey indices along the US Atlantic coast showed declining numbers of summer flounder from their most recent peak abundance, with the largest decline at 97%. The failure of New Jersey to implement and enforce a management program consistent with the FMP will result in summer flounder harvest levels that will negatively impact state and federal efforts to end overfishing and conserve the resource by increasing its abundance. The increase in the minimum size limit from 18 to 19-inches and the bag limit reduction from 4 to 3 fish will decrease the number of summer flounder harvested in order to not exceed the RHL and work towards ending overfishing.

The Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101) requires all Atlantic coastal states to implement and enforce fishery management plans adopted by the Commission. If the Commission determines a state is out of compliance with one of its FMPs, the Act requires the Commission to report this determination to you. I have also communicated a similar letter to the Secretary of the Interior.

Sincerely,



Robert E. Beal

cc: New Jersey ASMFC Commissioners and Proxies  
Doug Grout, ASMFC Chair  
James Gilmore, ASMFC Vice-Chair  
Summer Flounder, Scup, and Black Sea Bass Management Board  
Summer Flounder, Scup, and Black Sea Bass Technical Committee  
Summer Flounder, Scup, and Black Sea Bass Advisory Panel  
Interstate Fisheries Management Program Policy Board





**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

JUL 12 2017

Mr. Robert E. Beal, Executive Director  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street  
Suite 200A-N  
Arlington, VA 22201

Dear Mr. Beal:

On June 8, 2017, you notified Commerce Secretary Wilbur Ross of the Atlantic States Marine Fisheries Commission's determination that the State of New Jersey was out of compliance with Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Interstate Fishery Management Plan. The measures in question regarding noncompliance are designed to constrain recreational catch to established catch limits and end overfishing of the summer flounder stock.

The Atlantic Coastal Act's noncompliance process (16 U.S.C. § 5106) involves two criteria. The Secretary must determine: 1) whether the State in question has failed to carry out its responsibility under the Commission's ISFMP; and 2) if so, whether the measures that the State failed to implement and enforce are necessary for the conservation of the fishery in question. If the Secretary determines a State is noncompliant with both of these criteria, the Atlantic Coastal Act mandates that the Secretary impose a moratorium on fishing in State waters in the fishery in question.

New Jersey makes a compelling argument that the measures it implemented this year, despite increasing catch above the harvest target, will likely reduce total summer flounder mortality in New Jersey waters to a level consistent with the overall conservation objective for the recreational fishery. While there is some uncertainty about how effective the New Jersey measures will be, considering the information provided by the State, the Secretary has found that the measures are likely to be equivalent in total conservation as those required under Addendum XXVIII. Therefore, the second criterion of the noncompliance finding is not met and it is unnecessary to implement a fishery moratorium in New Jersey waters for 2017.

Please contact Alan Risenhoover, Director of the Office of Sustainable Fisheries, if you need additional information. He can be reached at 301-427-8500, 1315 East-West Highway, Silver Spring, Maryland 20910, or [alan.risenhoover@noaa.gov](mailto:alan.risenhoover@noaa.gov).

Sincerely,

Chris Oliver

cc: Mr. Douglas Grout, Chairman, Atlantic States Marine Fisheries Commission  
Mr. Michael Luisi, Chairman, Atlantic States Marine Fisheries Commission Summer  
Flounder Management Board

