



Atlantic States Marine Fisheries Commission

2019 Winter Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

2019 Winter Meeting
Arlington, VA
February 5 – February 7, 2019

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Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING MANAGEMENT BOARD (FEBRUARY 5, 2019)

Press Release

ASMFC Atlantic Herring Board Approves Draft Addendum II for Public Comment *Draft Addendum Considers Measures to Protect Spawning Herring in Area 1A*

Arlington, VA – The Commission’s Atlantic Herring Management Board approved Draft Addendum II to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring for public comment. The Draft Addendum proposes options to strengthen spawning protections in Area 1A (inshore Gulf of Maine). This action responds to the results of the 2018 Benchmark Stock Assessment which showed reduced levels of recruitment and spawning stock biomass over the past five years, with 2016 recruitment levels the lowest on record.

Currently, the Board uses a series of closures to protect spawning aggregations in the Gulf of Maine. These closures, which were implemented through Amendment 3, use biological samples to annually project the start of spawning. The closures are initially implemented for four weeks but can be extended by two additional weeks if samples indicate the continued presence of spawning herring. Recent analysis by the Atlantic Herring Technical Committee found that while the current spawning closure system was significantly improved under Amendment 3, the protocol could continue to be strengthened by considering when, and for how long, a closure is initiated. Specifically, the analysis showed, under the current protocol, spawning closures are initiated when there are approximately 25% spawners in the fishery; greater protection could be provided by initiating a closure when a lower percentage of the population is spawning and extending the closure for a longer time. As a result, Draft Addendum II considers extending the length of the spawning closures as well as altering the point at which closures are triggered in order to provide greater protection to the stock.

Interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Public Input by February 20, 2019. Public comment will be accepted until 5:00 PM (EST) on April 3, 2019 and should be forwarded to Megan Ware, FMP Coordinator, 1050 N. Highland St., Suite 200 A-N, Arlington, Virginia 22201; 703.842.0741 (fax) or at comments@asmfc.org (Subject line: Atlantic Herring Draft Addendum II). It is anticipated some states will conduct public hearings on the Draft Addendum; the details of which will be released via a press release once they are finalized. For more information, please contact Megan Ware at mware@asmfc.org or 703.842.0740.

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PR19-03

Meeting Summary

In addition to approving Draft Addendum II for public comment (see press release), the Board also reviewed a report from the Advisory Panel on the annual specification of Area 1A quota periods. This report was prompted by a motion made in October 2018 which considered initiating an addendum to provide greater flexibility to the Board when setting quota periods. This motion was subsequently postponed to provide an opportunity for AP input. As outlined in the AP Report, industry members were split in their support for this motion. Some felt the Board already had enough flexibility when setting quota periods and that additional regulations would be burdensome to industry; others noted

the need for additional flexibility given the expected reduction in herring quotas. Following the AP Report, the Board voted not to initiate a draft addendum to increase flexibility when setting quota periods given uncertainty surrounding the 2019 and 2020 sub-ACLs.

Next, ASMFC staff provided an update on Draft Addendum III, which was initiated in October 2018 to establish spawning protections in Area 3. Staff noted the New England Fishery Management Council added Georges Bank spawning protections as a 2019 work priority. As a result, there is potential to collaborate on the investigation of applicable data and potential management strategies.

Finally, the Board tabled action to set 2019 fishery specifications (i.e. the 2019 sub-ACLs) given values were not available from NOAA Fisheries at the time of the Board meeting (see Policy Board meeting summary). For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move to approve Atlantic Herring Draft Addendum II for public comment.

Motion made by Mr. Grout and seconded by Dr. Pierce. Motion carries unanimously.

Postponed Motion from October 2018:

Move to initiate an Addendum which considers providing the Atlantic Herring Board greater flexibility to set annual quota period specifications for the Area 1A fishery. This issue can be included in the addendum initiated regarding the Gulf of Maine herring spawning protections, or it can be a separate document. Task the PDT to expand the quota period options to increase flexibility when distributing harvest during the months of July through September. However, in years of higher sub-ACLs, choose options that would allow for expansion of harvest to meet the needs of the market.

Move to table indefinitely.

Motion made by Mr. White and seconded by Mr. Kane. Motion carries unanimously.

Move to postpone final action on Atlantic herring specifications until Policy Board on Thursday if NOAA Fisheries provides the final rule.

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

WINTER FLOUNDER MANAGEMENT BOARD (FEBRUARY 5, 2019)

Meeting Summary

The Winter Flounder Management Board reviewed fishery specifications for the 2019 fishing year, approved the 2019 FMP Review and state compliance reports, and discussed a recent scientific paper on environmental factors contributing to the recovery of the winter flounder stock.

ASMFC staff reviewed the current commercial and recreational winter flounder specifications as well as catch estimates from the 2017 fishing year. While catch in states waters of the Gulf of Maine exceeded the state-waters sub-component, the Board agreed to maintain the current regulations given total catch was well below the ACL.

The Board also reviewed a paper entitled “Rebuilding in the face of climate change” by Bell et al. (2018) which investigated the effect of environmental factors on the recovery of the Southern New England/Mid-Atlantic winter flounder stock. Given its relevance, the Board agreed to have technical representatives review this document and discuss its management implications. The Board also agreed to request the New England Fishery Management Council’s Scientific and Statistical Committee participate in the discussion of the paper.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move to approve the 2019 Winter Flounder FMP Review and state compliance reports.

Motion made by Mr. Hasbrouck and seconded by Mr. Ballou. Motion approved unanimously.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (FEBRUARY 5, 2019)

Press Release

ASMFC Summer Flounder, Scup and Black Sea Bass Board Approves Status Quo Measures for 2019 Recreational Black Sea Bass Fishery

Arlington, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved status quo measures for the 2019 black sea bass recreational fishery (see Table 1). This action is based on the recommendations of its Technical Committee, which found that status quo measures are not likely to exceed the coastwide recreational harvest limit for 2019. Based on the most

Table 1. 2019 Black Sea Bass Recreational Management Measures

State		Minimum Size	Possession Limit	Open Season
ME		13"	10 fish	May 19–Sep 21; Oct 18–Dec 31
NH		13"	10 fish	Jan 1–Dec 31
MA		15"	5 fish	May 19–Sep 12
RI		15"	3 fish	Jun 24–Aug 31
			7 fish	Sep 1–Dec 31
CT	Private/Shore Authorized Party/Charter	15"	5 fish	May 19–Dec 31
		15"	5 fish	May 19–Aug 31
			7 fish	Sep 1–Dec 31
NY		15"	3 fish	Jun 23–Aug 31
			7 fish	Sep 1–Dec 31
NJ		12.5"	10 fish	May 15–Jun 22
		12.5"	2 fish	Jul 1–Aug 31
		12.5"	10 fish	Oct 8–Oct 31
		13"	15 fish	Nov 1–Dec 31
DE, MD, VA, & NC (North of Cape Hatteras)		12.5"	15 fish	May 15–Dec 31

recent stock assessment, the stock is estimated to be above the biomass target and not experiencing overfishing.

The Board also approved proposals from Virginia and North Carolina to participate in the February 2019 recreational fishery specified by NOAA Fisheries. The season will be open from February 1-28, 2019 with a 12.5 inch minimum size limit and 15 fish possession limit. To account for any harvest in February, Virginia and North Carolina will adjust their management measures later in the season, if necessary. Recreational anglers should verify regulations with their respective states.

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PR19-05

Meeting Summary

The Summer Flounder, Scup and Black Sea Bass Management Board met to consider approval of scup proposals for 2019 recreational measures, finalize 2019 black sea bass recreational measures, consider Virginia and North Carolina proposals for Wave 1 recreational fishery, and receive a progress report from the Black Sea Bass Commercial Working Group.

For scup, the northern region of Massachusetts through New York submitted proposals to adjust their 2019 recreational management measures. At its previous meeting in December, the Board approved continuation of ad hoc management of the recreational scup fishery for 2019. The 2019 RHL for scup is 7.37 million pounds, and based on preliminary 2018 harvest estimates (5.61 million pounds through October), measures could be adjusted to allow up to an approximate 30% increase in harvest for 2019. Taking this into account, the northern region states requested the Technical Committee (TC) review analysis exploring increases to the for-hire possession limit and adjusting the 'bonus season' which currently allows for a higher possession limit during two months in the fishing season. The northern region states put forward six different proposals for 2019 measures, including possession limit increases for both private and shore-based anglers as well as the for-hire sector. A majority of the proposals to adjust measures for the for-hire sector demonstrated a potential coastwide harvest increase of 3% or less. The TC reviewed the proposals and recommended the Board only consider approving options that adjust the for-hire possession limit and bonus season due to uncertainty in how coastwide harvest could increase as a result of changes to the possession limit for other fishing modes. Additionally, the TC recommended states use the 'additive' approach to explore other options outside of those already evaluated; this is the standard method the TC has used to evaluate changes in recreational measures. The Board approved the TC's recommendations and the states will finalize their 2019 recreational scup regulations in the next few weeks.

For black sea bass, in addition to finalizing 2019 recreational measures, the Board received a report from the Commercial Black Sea Bass Working Group, which was formed in August 2018 to identify management issues related to changes in stock distribution and abundance. Over the course of several conference calls from September 2018 to January 2019, the Working Group identified two key issues with regard to commercial black sea bass management, proposed goals and objectives for the commercial fishery, and developed potential management strategies for Board consideration. First, the Working Group highlighted that state commercial quota allocations have remained unchanged for 15 years, though scientific evidence supports shifts in distribution and abundance of black sea bass. A second issue the Group identified is that coastwide commercial quota management can limit harvest opportunities for some states if another state's harvest overage results in a coastwide fishery closure.

Related to the issue of state commercial allocations, the Working Group proposed a dynamic approach for gradually adjusting allocations using a combination of information on commercial landings and resource abundance and distribution. The Group also recommended consideration of a timeline or trigger for reevaluation of state commercial allocations.

The Board supported further development of the strategies proposed by the Working Group, as well as additional management options brought forward by Board members. A Plan Development Team (PDT) will be formed to perform analyses and develop potential management options as specified by the Board.

For more information on scup, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org and for more information on black sea bass, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org.

Motions

Move to approve methodologies used to develop Scup Northern Region Measures for the 2019 fishing season as recommended by the Technical Committee.

Motion made by Ms. Meserve and seconded by Mr. Hasbrouck. Motion approved by consent.

Move to approve status quo black sea bass recreational measures for 2019.

Motion made by Mr. Gates and seconded by Mr. Borden. Motion approved by consent with one abstention (NMFS). (Roll Call: In favor – NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, USFWS; Abstentions – NMFS).

Move to approve the Virginia and North Carolina February recreational black sea bass fisheries.

Motion made by Mr. O'Reilly and seconded by Mr. Gilmore. Motion passes unanimously (Roll Call: In favor – NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS).

Move to form a PDT and task the PDT to further develop the options discussed by the Working Group, those discussed today, and those offered to the Chair by February 15.

Motion made by Mr. Borden and seconded by Mr. Kane. Motion passes (10 in favor, 1 opposed, 2 abstentions).

AMERICAN LOBSTER MANAGEMENT BOARD (FEBRUARY 5, 2019)

Press Release

ASMFC American Lobster Board Initiates Draft Addendum XXVIII

Arlington, VA – The Commission's American Lobster Management Board initiated Draft Addendum XXVIII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum considers reducing the number of vertical lines in the water in response to concerns about the North Atlantic right whale population and the potential impacts of whale conservation measures on the conduct of the lobster fishery.

“With this proposed action, the Board is entering uncertain waters,” stated Maine Commissioner Pat Keliher. “However, as the lead management authority for American lobster, we have a responsibility to ensure the viability of the lobster fishery. Through the active engagement of the states and the lobster industry in our management process, we believe the Board is best suited to navigate the growing challenges facing the lobster fishery.”

A key focus of the Board meeting was the intersection of lobster management and the conservation of protected resources. While the Commission is primarily a forum for the Atlantic coast states to cooperatively manage fish and shellfish species, the Board noted several factors associated with North Atlantic right whale conservation which could substantially impact the economic and cultural future of the lobster fishing industry. These include future recommendations of the Atlantic Large Whale Take Reduction Team and the anticipated Biological Opinion being developed under the Endangered Species Act. Given the high economic value of the lobster fishery and its social significance to coastal communities, the Board agreed it is important to ensure the implementation of measures to conserve North Atlantic right whales takes place in a way that maintains the sustainability and culture of the lobster fishery.

Draft Addendum XXVIII will propose options to reduce vertical lines from zero to 40%, to be achieved by trap limits, gear configuration changes, seasonal closures, and/or the acceleration of currently planned trap reductions. The Board noted reductions will consider ongoing state and federal management actions, including trap reductions and trap caps, which have already reduced vertical lines. By initiating this action, states can continue to cooperatively participate in the management of this species during ongoing discussions on the conservation of North Atlantic right whales. In addition, those who are most familiar with the intricacies of the lobster fishery, including industry, can provide input on future regulations.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

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PR19-04

Meeting Summary

In addition to initiating Draft Addendum XXVIII (see press release), the Board received an update from the Lobster Enforcement Vessel Working Group, which was established to address enforcement concerns in the offshore lobster fishery. The Working Group is currently discussing ways to obtain an offshore enforcement vessel but noted that vessel tracking will be needed to understand where lobster gear is being hauled.

The Board also received updates on the implementation of Jonah crab regulations in New York and Delaware. Both states have begun regulatory processes and are expected to have regulations in place by Spring 2019.

Finally, Jeff Kipp provided an update on progress of the 2020 Lobster Benchmark Stock Assessment. The Stock Assessment Subcommittee met in January 2019 for their first Assessment Workshop and developed a continuity model. A second Assessment Workshop is scheduled for the Fall 2019 where the Subcommittee will finalize a base run of the model.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move to initiate an addendum to reduce the number of vertical lines in the water. The PDT should consider the following as specified in the Lobster-Whale Work Group Memo. The PDT may need to consider the ongoing activities of the ALWTRT when drafting this document.

- **Reduction of vertical lines by 20% to 40% for each LCMA (exclusive of LCMA 6). Percent reductions by LCMA may differ given ongoing and future trap reductions as well as newly proposed or implemented area closures in state and federal waters.**
 - **In LCMAs 1, 4, 5, and OCC: reductions can be achieved by trap limits, gear configurations, season closures, or other measures.**
 - **In LCMAs 2 and 3: reductions can be achieved by gear configurations, seasonal closures, acceleration of current planned trap reduction, or other measures.**
- **Elimination of the 10% replacement trap tag provision.**
- **Developing a method for reporting vertical line and trap use by individuals in each jurisdiction until 100% harvester reporting is implemented in state and federal waters.**

Motion made by Mr. Borden and seconded by Mr. Grout. Motion carries (11 in favor).

Move that the Lobster Board recommend to the Policy Board that a letter be sent to NOAA Fisheries for consideration by the Atlantic Large Whale Take Reduction Team to develop and support a suite of options for electronic vessel monitoring for federally permitted vessels.

Motion made by Mr. Keliher and seconded by Mr. Abbott. Motion carries (10 in favor, 1 abstention).

EXECUTIVE COMMITTEE (FEBRUARY 6, 2019)

Meeting Summary

The Executive Committee met to discuss a number of issues, including priorities for “plus-up” federal funds; ACCSP recreational data collection; outreach on the Marine Recreational Information Program (MRIP); aquaculture projects; management board working groups; the Legislators and Governors’ Appointees (LGA) primer; and Awards Committee Standard Operating Practices and Procedures (SOPPs). The following action items resulted from the Committee’s discussions:

- “Plus-up Funds” – The Executive Committee decided to postpone decisions on allocating the remaining \$200,000 in plus-up funds, pending passage of the FY19 federal budget.
- ACCSP Recreational Data Collection – Members discussed the pros and cons of the states assuming conduct of the for-hire telephone survey (FHTS) in 2020. The Committee directed ACCSP staff to work with NOAA Fisheries to initiate the transition to state/ACCSP conduct of the FHTS. States will have the option of conducting the telephone survey or they can have the ACCSP complete the required telephone calls. The Executive Committee will be updated on the progress at its next meeting.
- MRIP Outreach – The Committee supports the recommended effort to develop consistent/generic information on MRIP for inclusion on state websites.

- Aquaculture Activities – On February 4, the Commission issued a Request for Proposals to form regionally focused research consortia that will address critical research needs surrounding shellfish aquaculture. Proposals for any shellfish species will be accepted, however, oysters are the priority species. The pre-proposal deadline is March 15, 2019.
- Use and Structure of Management Board Working Groups – Based on concerns about the increasing use of management board working groups and the lack of defined guidelines for their use and operation, the Committee tasked staff with developing working group guidance, highlighting the need for a clear charge, specific tasks and a defined end point.
- Awards Committee SOPPs – The guidance document prepared by the Awards Committee was approved by the Committee.
- LGA Primer - Dennis Abbott and Roy Miller presented for the Committee’s review a primer for new LGA primer to help orient them to the Commission’s process. The primer will be considered for approval at the Spring Meeting.

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

Move that we sit tight right now on allocating the \$400,000 Plus-up funds, since we don’t know what the FY19 budget will be.

Motion made by Mr. Boyles and seconded by Mr. Blazer. Motion passes unanimously.

Move to initiate transitioning FHTS to state conduct.

Motion made by Dr. McNamee and seconded Senator Miner. Motion passes (16 in favor, 1 opposed).

The Awards Committee SOPPs were adopted by unanimous consent.

ATLANTIC COASTAL COOPERATIVE STATISTICS COORDINATING COUNCIL (FEBRUARY 6, 2019)

Meeting Summary

The ACCSP Coordinating Council met to receive Program Updates, the results of a data validation survey, and a briefing on changes in the funding status. Staff presented the current funding status which remains unknown and provided updates on new systems and significant system updates. For Access Point Angler Intercept Survey, two new systems were presented that automated previously largely manual data processes. The preliminary indications are that the systems will greatly improve efficiency. A new automated confidentiality management system was also presented. The Council had no motions or actions for this meeting, but planned to perform a more comprehensive review of the data validation survey at the next meeting.

For more information, please contact Mike Cahall, ACCSP Director, at mike.cahall@accsp.org.

Motions

No motions made.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (FEBRUARY 6, 2019)

Meeting Summary

The South Atlantic State/Federal Fisheries Management Board met to provide additional guidance to the Cobia Plan Development Team on accountability options that should be included in Draft Amendment 1 to the Atlantic Cobia Interstate Fishery Management Plan (FMP). The Board was in favor of maintaining status quo accountability measures of the FMP, as much as possible, through redefining some terminology currently dependent on the federal Coastal Migratory Pelagics Fishery Management Plan, but not including options to make significant changes to accountability measures. The Board also indicated that options to establish *de minimis* criteria and management should be incorporated into the Draft Amendment. The Board is expected to review the Draft Amendment for public comment in May 2019.

The Board reviewed and approved annual FMP Review for spot, *de minimis* requests for New Jersey and Georgia. For more information, please contact Dr. Mike Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

Move to approve the 2018 Spot FMP Review, state compliance reports, and *de minimis* status for New Jersey and Georgia.

Motion made by Ms. Fegley and seconded by Dr. Rhodes. Motion carries unanimously.

SHAD AND RIVER HERRING MANAGEMENT BOARD (FEBRUARY 6, 2019)

Meeting Summary

The Shad and River Herring Management Board met to receive an update on the progress of the American shad benchmark stock assessment, review an updated shad sustainable fishery management plan (SFMP) for Massachusetts, and receive an update from the Technical Committee (TC) regarding progress on the task assigned to it in October 2017.

Staff provided the Board with an update on the ongoing Benchmark Assessment for American shad. In November the stock assessment subcommittee (SAS) convened for a Methods Workshop, where they reviewed data, defined the stock structure for the assessment, and identified assessment methods given the available data. At the workshop, the SAS encountered various issues related to data submission and QA/QC as well as workload bottlenecks for assessing the 31 stocks defined at the workshop, which will result in delayed completion of the assessment. The SAS recommended a revised assessment timeline with the completion date moved from the 2019 Annual Meeting to the 2020 Summer Meeting.

The Board was also presented an updated SFMP for American shad from Massachusetts. Following the TC's recommendation, the Board approved the updated SFMP as presented. The approved SFMP will be available on the Commission website, www.asmfc.org, on the Shad and River Herring webpage.

Lastly, the Board received an update on the October 2017 Board task directing the TC to develop recommendations to address the issue of management inconsistencies with the language in

Amendments 2 and 3, which requires SFMPs with quantifiable metrics of sustainability for all river systems with open fisheries for river herring or shad. The TC has formed a task group to continue gathering data on these inconsistencies, and propose potential strategies for resolving identified conflicts before reporting back to the Board.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to approve the Massachusetts Shad SFMP update.

Motion made by Mr. Armstrong and seconded by Mr. Davis. Motion carries unanimously.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (FEBRUARY 6, 2019)

Meeting Summary

The Striped Bass Management Board (Board) met to review preliminary findings from the 2018 Benchmark Stock Assessment. Unfortunately, due to the partial lapse in federal appropriations, the final assessment and peer-review panel reports were not available for this meeting. Board review of those reports will occur in May 2019 at the Commission's Spring Meeting.

For this assessment, the statistical-catch-at-age (SCA) model currently used for management was extensively modified to allow the modeling of two biologically distinct stocks. However, based on conversations that occurred at the 66th Stock Assessment Workshop in November 2018, it is anticipated that the Stock Assessment Review Committee will not endorse the use of the two-stock model to serve as a basis for fishery management advice, and instead will recommend that the single-stock SCA model be used for management. Accordingly, the Board reviewed results of the single-stock SCA model which indicated that the stock was overfished and experiencing overfishing in 2017, the terminal year of the assessment. These results are not expected to change with the release of the final assessment and peer-review reports. Please refer to the meeting materials at <http://www.asmfc.org/home/2019-winter-meeting> for more information regarding data usage, model configuration and diagnostics, model results, model projections, etc.

Following review, the Board discussed the need for adaptive management to end overfishing and increase female spawning stock biomass. The Board decided to wait to take management action (i.e., initiate the development of a plan amendment or addendum) until it can formally review and approve the final assessment and peer review panel reports for management use. In the interim, the Board requested additional information from the Technical Committee (TC) to better understand the extent of necessary action. Specifically, the TC was tasked with estimating levels of removals needed to reduce fishing mortality (F) to the F threshold and the F target, and to also provide an example recreational bag and size limit combination that would achieve those conditions on the coast and in the Chesapeake Bay. The TC will report back to the Board in May.

Next, the Board discussed providing comment to NOAA Fisheries regarding its proposal to consider lifting the ban on recreational fishing in the federal Block Island Sound Transit Zone. Again, since final assessment results are essential to the discussion and development of an informed recommendation,

the Board was unable to provide comment at this time. However, based on the preliminary assessment results, the Board decided to draft a letter to NOAA Fisheries opposing opening the transit zone and will review the letter at its next meeting following review of the final assessment reports. The Board will consider forwarding the letter to NOAA Fisheries at that time.

The Board also reviewed Maryland's Conservation Equivalency (CE) Effectiveness Report on 2018 recreational measures for the Chesapeake Bay summer and fall fishery. Approved by the Board in February 2018, the primary objective of the CE measures are to reduce the number of dead discards in the fishery while maintaining the same level of overall removals. Using several outreach and education platforms, as well as collecting information from law enforcement and angler intercept data, Maryland concluded that implementation of the new regulations was successful; overall compliance with the regulations was high and overall removals were within the range of that calculated in the original CE proposal.

Lastly, the Board approved changes to Virginia's striped bass spawning stock survey and tagging program. Specifically, the spawning stock pound net survey was eliminated and is now conducted via multi-panel anchor gill nets, and tagging is conducted through electrofishing.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move to task the TC with providing the Board with a report that shows the reductions in harvest needed to reduce F to F threshold (0.24) and F target (0.197) and also providing one example of recreational bag and size limit combination (if necessary, seasonal restrictions) needed to achieve these conditions a) on the coast and b) in the Chesapeake Bay and report back to the Board in May. Motion made by Mr. Grout and seconded by Dr. Davis. Motion carries (15 in favor, 1 opposed).

Move to have staff compose a letter to NOAA Fisheries opposing opening the Federal Block Island Sound Transit Zone for Board review in May. Motion made by Mr. Keliher and seconded by Mr. Kane. Motion carries (15 in favor, 1 abstention).

Move to approve changes to Virginia's Striped Bass Monitoring Program. Motion made by Mr. O'Reilly and seconded by Mr. Clark. Motion carries unanimously.

ATLANTIC MENHADEN MANAGEMENT BOARD (FEBRUARY 7, 2019)

Press Release

ASMFC Indefinitely Postpones Action on VA Compliance with Atlantic Menhaden Amendment 3 Chesapeake Bay Reduction Fishery Cap

Arlington, VA – The Commission's Atlantic Menhaden Management Board postponed indefinitely action to find the Commonwealth of Virginia out of compliance with the provisions of Amendment 3 to the Fishery Management Plan for Atlantic Menhaden, specifically the Commonwealth's failure to implement the Chesapeake Bay reduction fishery cap of 51,000 mt. This action is contingent upon the

Chesapeake Bay reduction fishery not exceeding the cap. If the cap is exceeded, the Board can reconsider the issue of compliance.

In making its decision, the Board took into account the fact that reduction fishery harvest within the Chesapeake Bay has been below the cap level since 2012, including 2018 harvest. During its deliberations, the Board commended Virginia Commissioners on their efforts to monitor landings and work with the Commonwealth's General Assembly to seek full implementation of the provisions of Amendment 3. While the Bay cap was established as a precautionary measure given the importance of menhaden as a prey species, additional information stemming from the development of ecological-based reference points (ERPs) may be informative to the Bay cap issue. Accordingly, the Board will consider action to modify the Bay cap after it completes action on ERPs, anticipated for 2020.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

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PR19-06

Meeting Summary

Commission staff reviewed a report that synthesized existing scientific evidence on the importance of Atlantic menhaden in the Chesapeake ecosystem to help inform management decisions about harvest levels in the Chesapeake Bay. The report is based on literature that informed the development of the 2015 Atlantic menhaden benchmark stock assessment and Amendment 3 to the Atlantic Menhaden Fishery Management Plan, and does not reflect the most recent and ongoing work of the Stock Assessment Subcommittee or the Ecological Reference Point Work Group. The report concluded menhaden can make up a significant proportion of many predators' diets for specific seasons, age classes and locations within the Bay, and lower levels of menhaden abundance have also been linked to negative population impacts for several species. However, the overall complexity of the Chesapeake Bay food web, changing environment, and population dynamics makes it difficult to prove causation. This, coupled with the fact that there is currently no quantitative estimate of menhaden abundance specifically within Chesapeake Bay, makes it difficult to determine an appropriate depletion threshold.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move the Atlantic Menhaden Board recommend to the ISFMP Policy Board that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Amendment 3 to the Atlantic Menhaden Fishery Management Plan if the State does not implement the following measure from section 4.3.7 (Chesapeake Bay Reduction Fishery Cap) of Amendment 3: The annual total allowable harvest from the Chesapeake Bay by the reduction fishery is limited to no more than 51,000 mt.

Motion made by Mr. Batsavage and seconded by Mr. Estes. Motion postponed indefinitely.

Move to postpone indefinitely a recommendation to the ISFMP Policy Board to find the Commonwealth of Virginia out of compliance with Amendment 3 of the Atlantic Menhaden FMP for

failure to implement a reduced cap on harvest from the Chesapeake Bay provided the annual catch from the Chesapeake Bay reduction fishery does not exceed that established by Amendment 3. The Board will consider action to modify the Bay Cap after it completes action on ecological-based reference points.

Motion made by Mr. Boyles and seconded by Mr. Gilmore. Motion carries (17 in favor, 1 opposed).

INTERSTATE FISHERIES MANAGEMENT POLICY BOARD (FEBRUARY 7, 2019)

Meeting Summary

The ISFMP Policy Board received a report from the Executive Committee (see Executive Committee meeting summary), which included recommended changes to the Appeals Guidance document. The Appeals Guidance Document outlines criteria to guide what type of decisions can be appealed through the appeals process; the intent of which is to provide a state with the opportunity to have a decision made by a species management board or section reconsidered by the Policy Board. The recommended changes are intended to provide additional clarity to states when making appeals, not make changes to what can be appealed. The Board approved the changes as recommended by the Executive Committee.

The Board was updated on concerns that the delay of American shad stock assessment to August 2020 could impact the delivery of the American lobster stock assessments due to overlap of staff working on the assessments. The Commission plans to keep both of these assessments on their current timeline but if there are additional delays or issues that come up the lobster stock assessment will take priority to be completed on time.

Dr. Lisa Havel provided an update for the Policy Board regarding the Atlantic Coastal Fish Habitat Partnership (ACFHP). The ACFHP Steering Committee met this past November to receive updates on science and data initiatives, including the Southeast Fish Habitat Conservation Prioritization, the ACFHP website, and collaboration with the National Fish Habitat Partnership and other Fish Habitat Partnerships. Massachusetts Division of Marine Fisheries and Ipswich Shellfish Group also provided presentations. The Southeast Fish Habitat Conservation Prioritization and Mapping project, funded by NOAA, spatially prioritizes areas from North Carolina through the Florida Keys for fish habitat conservation using GIS mapping and analysis. The results are available in a web-based map, and the final report is nearing completion. The Northeast analysis will commence in the spring.

ACFHP launched a completely revised website in December 2018 (www.atlanticfishhabitat.org), which includes a query database of the Species-Habitat Matrix. The Species-Habitat Matrix is an analysis of the habitat use of 131 different species at four different life stages in 26 different habitats along the Atlantic coast. The database is an easy-to-use tool to search any combination of species, life stage, habitat, and subregion, and download the data as a CSV file for further analysis. Also in December, ACFHP endorsed a dragline ditch restoration project in northeast Florida, led by the Florida Fish and Wildlife Conservation Commission, St. Johns Regional Water Management District, and the US Fish and Wildlife Service. The ongoing project restores spoil piles built in the mid-1900s for mosquito control to elevations suitable for salt marsh recolonization. This process has been applied to over 600 acres in the state so far, and has improved water quality, reduced invasive species, and provided habitat for invertebrates and fishes, including Commission-managed species.

The Board received a general overview of the Modernizing Recreational Fisheries Management Act of 2017 which was signed into law on December 31, 2018. The Act authorizes alternative recreational fishery management measures, including extraction rates, fishing mortality targets, and harvest control rules. It requires a consideration and implementation of the 2017 National Academy of Sciences report that reviewed the Marine Recreational Information Program (MRIP). The Act also authorizes a state-federal partnership to improve state angler registries. Lastly, the act requires reports and recommendations to Congress on mixed us fishery allocation in the South Atlantic and Gulf of Mexico, limited access privilege programs in mixed-use fisheries, incorporating state and nongovernmental data, analysis, stock assessments, and surveys into management decisions, and MRIP’s compatibility with ACLs. The Board will continue to discuss the Act and how it may impact Commission work as additional guidance on the Act is given by NOAA Fisheries.

NOAA Fisheries released the final rule for an in-season adjustment to the 2019 Atlantic herring specifications on February 7 in response to the 2018 stock assessment. The assessment concluded that although herring was not overfished and overfishing was not occurring in 2017, poor recruitment would likely result in a substantial decline in herring biomass. The stock assessment estimated that recruitment had been at historic lows during the most recent 5 years (2013-2017). The assessment projected that biomass could increase, after reaching a low in 2019, if recruitment returns to average levels, but that herring catch would need to be reduced, starting in 2018, to prevent overfishing and lower the risk of the stock becoming overfished. Since the final rule was not available when the Atlantic Herring Board met, the ISFMP Policy Board approved the new 2019 Atlantic herring specifications as listed in Table 1 which are a decrease in response to the assessment.

Table 1. Final 2019 Atlantic Herring Specifications and Sub-ACLs

Overfishing Limit	30,668
ABC	21,266
Management Uncertainty	6,200
OY/ACL	15,065*
Domestic Annual Harvest	15,065
Border Transfer	0
Domestic Annual Processing	15,065
U.S. At-Sea Processing	0
Area 1A Sub-ACL (28.9%)	4,354*
Area 1B Sub-ACL (4.3%)	647
Area 2 Sub-ACL (27.8%)	4,188
Area 3 Sub-ACL (39%)	5,876
Fixed Gear Set-Aside	39
Research Set-Aside	3% of sub-ACLs
* If New Brunswick weir fishery catch through October 1 is less than 4,000 mt, then 1,000 mt will be subtracted from the management uncertainty buffer and added to the ACL and Area 1A Sub-ACL.	

Lastly, the Board will send a letter to NOAA Fisheries requesting the Atlantic Large Whale Take Reduction Team require electronic monitoring on federally permitted lobster vessels to better understand where fishing is occurring and the number of traps being fished (see American Lobster Board Meeting summary). For more information, please contact Toni Kerns, Director of ISFMP, at tkerns@asmfc.org or 703.842.0740.

Motions

Move to approve the new recommendations to the Appeals Guidance Document as modified today.

Motion made by Mr. Grout and seconded by Mr. Borden. Motion carries with one objection (NY); Roll Call: In favor – ME, NH, MA, RI, CT, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NOAA Fisheries; Opposed – NY).

Move to approve the 2019 specifications for Atlantic herring as presented today.

Motion made by Mr. Boyles and seconded by Mr. Grout. Motion carries (Roll Call: In Favor – NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, NOAA Fisheries; Abstentions – FL; Absentees – ME, DC, USFWS).

On behalf of the American Lobster Board, move the Policy Board send a letter to NOAA Fisheries for consideration by the Atlantic Large Whale Take Reduction Team to develop and support a suite of options for electronic vessel monitoring for federally permitted vessels.

Motion made by Mr. McKiernan. Motion carries unanimously.