



Atlantic States Marine Fisheries Commission

2022 Winter Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2022 Winter Meeting Webinar
January 25-27, 2022

Toni Kerns, ISFMP, or
Tina Berger, Communications
For more information, please contact
the identified individual at
703.842.0740

Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 25, 2022)

Meeting Summary

The American Lobster Management Board (Board) met to consider several items: Draft Addendum XXVII: Increasing Protection of Spawning Stock in the Gulf of Maine/Georges Bank (GOM/GBK) for public comment, terms of reference for the Jonah crab benchmark stock assessment, Fishery Management Plan (FMP) Reviews and state compliance for American lobster and Jonah crab for the 2020 fishing year, and nominations for Advisory Panel membership.

Staff provided an overview of Draft Addendum XXVII, which responds to signs of reduced settlement in the GOM/GBK stock in both the 2015 and 2020 stock assessments. The Draft Addendum includes two issues. Issue 1 considers immediate action to standardize some management measures within and across Lobster Conservation Management Areas in the GOM/GBK stock. Issue 2 considers establishing a trigger mechanism to implement management measures—specifically gauge and vent sizes—that are expected to add an additional biological buffer through the protection of spawning stock biomass (SSB). Management triggers are based on an index of recruit abundance. The Board approved Draft Addendum XXVII for public comment.

In consideration of the following issues – upcoming information on stock condition, the need for additional time for the Lobster Board to better understand current or new right whales rules that could benefit the resiliency of the lobster stock, and the importance of giving the states the opportunity to safely hold in-person scoping meetings with their lobster industry ahead of any Commission public hearing – the ISFMP Policy Board, which met later this week, delayed further action on the Draft Addendum. Consequently, public hearings are expected to occur in June 2022 and the Board will review public comment and consider final action on the addendum at the August 2022 meeting.

The Board approved terms of reference and a proposed timeline for the first Jonah crab range-wide benchmark stock assessment. The assessment will help answer questions about the status and sustainability of the resource and provide more information with which to manage the fishery. The stock assessment is scheduled to be completed in Fall 2023.

The Board also approved the American Lobster and Jonah Crab FMP Reviews for the 2020 fishing year, state compliance reports, and *de minimis* status for Delaware, Maryland, and Virginia. Since the adoption of the Jonah Crab FMP, New York has not implemented two required measures for Jonah crab: regulations to limit the directed trap fishery to lobster permit holders only and the 1,000 crab bycatch limit for non-trap and non-lobster trap gear. Given this concern has been raised by the Plan Review Team for several years and the Commission sent a letter to New York regarding its implementation of Jonah crab measures in 2020, the Board considered making a recommendation to the ISFMP Policy Board to find the State of New York out of compliance for not fully and effectively implementing the provisions of the FMP. The Board postponed the motion until August 2022 to allow New York’s legislative process to approve the required regulations. In August, the Board will review New York’s progress in implementing the FMP requirements.

Finally, the Board approved two nominations to the American Lobster Advisory Panel: Eben Wilson and Jeff Putnam, both commercial trap fishermen from Maine. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to approve Draft Addendum XXVII for Public Comment, as amended today.

Motion made by Mr. McKiernan and seconded by Mr. Keliher. Motion approved by consent.

Move to approve Terms of Reference and timeline for Jonah Crab Benchmark Stock Assessment.

Motion made by Mr. McKiernan and seconded by Mr. Hasbrouck. Motion approved by consent.

Move to approve Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE, MD, and VA for American Lobster for the 2020 Fishing Year.

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

Move the American Lobster Board recommend to the ISFMP Policy Board that the State of New York be found out of compliance for not fully and effectively implementing and enforcing Section 5.1. Commercial Fisheries Management Measures of the Fishery Management Plan for Jonah crab, and Sections 3.1 and 3.2 of Addendum I to the FMP. The State of New York must implement regulations to limit participation in the directed trap fishery to only those vessels and permit holders that already hold a lobster permit; or can prove prior participation in the crab fishery before the control date of June 2, 2015. The State of New York must also implement the incidental bycatch limit of 1,000 crabs per trip for non-trap gear and non-lobster trap gear. The implementation of these measures is necessary to achieve the goals and objectives of the FMP and ensure conservation of the species by preventing increased participation and landings in the fishery.

Motion made by Mr. Keliher and seconded by Mr. Borden. Motion postponed until August 2022 meeting.

Move to postpone until the August 2022 meeting.

Motion made by Mr. Keliher and seconded by Ms. Patterson. Motion approved by consent.

Move to approve Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE, MD and VA for Jonah Crab for the 2020 Fishing Year.

Motion made by Ms. Patterson and seconded by Mr. Miller. Motion approved by consent.

Move to approve American Lobster Advisory Panel nominations Eben Wilson and Jeff Putnam.

Motion made by Mr. Keliher and seconded by Ms. Patterson. Motion approved by consent.

TAUTOG MANAGEMENT BOARD (JANUARY 25, 2022)

Meeting Summary

The Tautog Management Board (Board) met to review hypothetical scenarios for the Risk and Uncertainty Decision Tools and consider feedback from the Law Enforcement Committee's (LEC) on the commercial tagging program.

In October 2021, the Board was presented the stock assessment update which showed positive improvements for all regions from the past assessment update. Considering the results, the Board chose not to adjust current regional management measures but instead tasked staff with developing hypothetical scenarios to further illustrate how the Decision Tool could be used. At this meeting, the Board was presented the hypothetical scenarios, which demonstrated what risk tolerance level the Decision Tools would recommend under different hypothetical projection scenarios and weighting schemes. The Board discussed whether the Decision Tool was ready to be used in the management of other Commission species. The Board indicated support for developing Decision Tools for other species as a way of further testing the process, as well as preparing for the potential application of the Risk and Uncertainty Policy to species management in the future. The results of the tautog pilot case and feedback from the Tautog Board will be communicated to the ISFMP Policy Board for consideration.

Next, the Board reviewed feedback from the LEC on the commercial harvest tagging program based on a prior tasking from the Board to the LEC on the impact of the tagging program on illegal harvest and evaluating compliance. The LEC met in December 2021 and identified some key considerations for the Board, most notably that illegal harvest and market sales are predominately coming from the recreational sector now. The LEC indicated there is generally good compliance with the tagging program, but that a minority of commercial harvesters have experienced issues with applying the tags and observing injury to the fish held in tanks for long periods of time. Considering this and feedback from the public, the Board discussed how best to further evaluate the impact of the tagging program on market price, specifically whether dealers had noticed a change in market price for tagged live fish. New York indicated it will be conducting a survey of their commercial dealers later this year to better understand how the tagging program has impacted market price. Additionally, Board members will identify dealers for staff to reach out to and the specific questions to pose to these dealers.

For more information on tautog management contact James Boyle, FMP Coordinator
jboyle@asmfc.org.

Motions

No motions made.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (JANUARY 25, 2022)

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Management Board met to review Technical Committee (TC) recommendations on the criteria regions will use for adjusting summer flounder and black sea bass recreational measures and receive an update on the TC's ongoing analysis for identifying and smoothing outlier recreational harvest estimates.

In December 2021, the Board and the Mid-Atlantic Fishery Management Council (Council) jointly agreed to use regional conservation equivalency for summer flounder and black sea bass in 2022 to achieve, but not exceed, the 2022 recreational harvest limit (RHL). For summer flounder, the Board and Council jointly approved a 16.5% increase in coastwide harvest compared to average 2018-2021 harvest. For black sea bass the Board and Council jointly approved a 28% reduction in coastwide

harvest compared to average 2018-2021 harvest. In order to achieve these changes in harvest each region is required to submit proposals for adjustments to summer flounder and black sea bass recreational measures. The TC met twice in January to recommend a methodology for regions to use when developing summer flounder and black sea bass conservation equivalency proposals. After reviewing the recommended criteria for proposals, the Board approved the methodology by consensus. The deadline for regions to submit proposals is February 21st. Each state is responsible with working within their region to coordinate measures between states and collect stakeholder input on preferred recreational regulations.

During the TC's review of 2018-2021 black sea bass recreational harvest, the TC identified various anomalous harvest estimates and has since been considering several methodologies for identifying and smoothing outlier harvest estimates. The Board reviewed the TC's progress on this analysis and tasked the TC with providing a recommendation on an outlier identification and smoothing methodology. Depending on the final method recommended by the TC, the resulting percentage reduction in black sea bass to prevent an RHL overage may be less than the 28% recommended by the Board and Council in December 2021. The TC is scheduled to meet again on Monday, January 31st to discuss the analysis further and provide a recommendation, which the Board will vote on prior to the Council's meeting on February 8th. The Council can then determine appropriate action to allow for consistency in the approach in state and federal waters in 2022.

Additionally, the Board also tasked the TC with conducting a similar outlier identification and smoothing analysis for scup to determine whether revised data should inform the reduction needed for the recreational scup fishery. For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org or 703.842.0740

Motions

Move to rescind the December 2021 black sea bass recreational management motion and move to adopt conservation equivalency for 2022 black sea bass recreational management, with a reduction in harvest specified to achieve the coastwide 2022 RHL. A 28 percent reduction will be required unless additional analyses conducted by the Technical Committee examining the MRIP data, including an outlier analysis and incorporation of the updated 2021 data as presented today, result in a modified percentage. Non-preferred coastwide measures are: 14-inch minimum size, 5 fish possession limit, and open season of May 15-September 21. Precautionary default measures are: 16-inch minimum size, 3 fish possession limit, and open season of June 24-December 31. If the percent reduction is changed the precautionary default and coastwide measures will be adjusted to be consistent with the required adjustment.

Motion made by Ms. Madsen and seconded by Ms. Meserve. Motion passes (11 in favor, 1 abstention).

SPINY DOGFISH MANAGEMENT BOARD (JANUARY 25, 2022)

Meeting Summary

The Spiny Dogfish Management Board met to consider postponed motions from October 2021 to adjust the commercial trip limit for the northern region states (Maine through Connecticut) for the 2022 fishing year.

In October 2021, the Board was presented analysis from Mid-Atlantic Fishery Management Council (MAFMC) staff on the impact of the federal trip limit on market price. The analysis showed that increasing the trip limit from 6,000 to 7,500 pounds would not have a negative impact on the resource or on market price. Based on these conclusions, MAFMC recommended setting the trip limit at 7,500 pounds. At the October Board meeting it was unclear if the New England Fishery Management Council (NEFMC) would recommend a different trip limit level and, depending on the NEFMC, when NOAA Fisheries would implement the regulatory change. In December, NEFMC recommended adjusting the trip limit to be consistent with that recommended by MAFMC. NOAA Fisheries indicated that the regulatory change would be implemented for the 2022 fishing year starting May 1. Based on this information, the Board approved changing the commercial trip limit in state waters for the northern region to 7,500 pounds for the 2022 fishing year.

Last, the Board approved the nomination of Rick Bellavance of Rhode Island to be on Spiny Dogfish Advisory Panel. For more information on management, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org.

Motions

Main Motion from Fall 2021 Meeting

Move to set at least a 7500-pound trip limit in the Northern Region (ME through CT) for FY2022 contingent upon NOAA Fisheries adopting at least a 7500-pound trip limit for federal waters. If at least a 7500-pound trip limit is not approved in federal waters, then the 6,000-pound trip limit will remain in the Northern Region.

Motion to Substitute from Fall 2021 Meeting

Move to substitute to set the Northern Region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA Fisheries.

Motion to substitute approved unanimously.

Main Motion as Substituted

Move to set the Northern Region (ME through CT) state waters trip limit for FY 2022 equal to the trip limit in federal waters approved by NOAA Fisheries.

Motion approved by unanimous consent.

Move to nominate Captain Rick Bellavance to the Spiny Dogfish Advisory Panel.

Motion made by Dr. McNamee and seconded by Mr. Gates. Motion approved by unanimous consent.

EXECUTIVE COMMITTEE (JANUARY 26, 2022)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including wind energy Involvement; the distribution of CARES Act funds; the Commission's Appeals Process, and staff workload concerns. The following action items resulted from the Committee's discussions:

- A lengthy discussion about the role of the Commission in offshore wind energy along the Atlantic coast was held. Several members endorsed the concept of the Commission involvement for the following purposes 1) improved and timely sharing of information about processes and procedures related to siting, leasing, construction, and operation; 2) providing subject matter expertise regarding the science-based data and information used to evaluate environmental, social, and economic impacts; 3) evaluation of how siting of infrastructure might adversely affect fishery-independent surveys; 4) development of consistent approaches for mitigation and compensation; 5) advocacy for policy development and/or modification thereof that protects state interests and 6) evaluation of offshore wind energy in the larger context of marine spatial planning. Leadership and staff will develop a draft scope of work with an associated analysis of the capacity of the Commission to address these tasks.
- Mr. Beal presented information on member state responses to needs for unused CARES 1 funds. A unanimous decision was made to make available unspent funds to states that had further needs with the goal of zeroing out the remaining CARES 1 balance by the deadline of June 30, 2022. The details of the EC's decision will be forwarded to NOAA Fisheries for approval prior to implementation. The EC agreed this decision does not set a precedent for how any unused funds from CARES 2 will be allocated and spent.
- Mr. Beal presented draft revisions to the Appeals Process Policy. The ensuing discussion identified the need for further modification of the policy to reflect concerns of some members. The draft revised policy will be discussed at a future EC meeting.
- The near-term workload of Commission staff was discussed. It is possible that there may need to be public hearings on four fishery management plan amendments/addenda between the Winter and Spring Meetings. This will strain the capacity of staff especially considering that two veteran staff members have resigned. Possible mitigating measures include changing the timeline for some of the FMP actions and/or having management board actions originally scheduled for the May 2022 meeting occur at a meeting to be held in June 2022. This matter was discussed at the ISFMP Policy Board meeting later this week (see that section later in the document).

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

Motions

No motions made

HORSESHOE CRAB MANAGEMENT BOARD (JANUARY 26, 2022)

Press Release

Horseshoe Crab Board Accepts ARM Framework Revision and Peer Review for Management Use and Initiates Draft Addendum to Consider Changes to Delaware Bay Management

Arlington, VA – The Commission’s Horseshoe Crab Management Board reviewed and accepted for management use the 2021 Revision of the Adaptive Resource Management (ARM) Framework and the independent peer review of the Revision. The ARM Revision addresses previous peer review critiques, includes new sources of data, and adopts new modeling software to set harvest levels for Delaware Bay-origin horseshoe crabs that account for the forage needs of migratory shorebirds. The independent peer review panel endorsed the ARM Revision as the best and most current scientific information for the management of horseshoe crabs in the Delaware Bay Region.

“On behalf of the Board, I want to applaud the members of the ARM Subcommittee for their exceptional work on the 2021 ARM Revision,” stated Board Chair Joe Cimino from New Jersey. “This revision made a notable advancement in considering more sources of data and providing a thorough picture of the population dynamics in the Delaware Bay Region. The Board recognizes that there is considerable public concern about the potential impact of the ARM Revision on the status of the endangered red knot and is committed to fully vetting its possible use in setting harvest levels for horseshoe crabs of Delaware Bay-origin through our public comment process.”

Since 2013, horseshoe crabs in the Delaware Bay Region (New Jersey, Delaware, Maryland, and Virginia) have been managed under the ARM Framework to set harvest levels with consideration of the needs of migratory shorebirds. The ARM was developed jointly by the Commission, U.S. Fish and Wildlife Service, and U.S. Geological Survey in recognition of the importance of horseshoe crab eggs to migratory shorebirds stopping over in the Delaware Bay region. In particular, horseshoe crab eggs are a critical food source for the rufa red knot, which is listed as threatened under the Endangered Species Act. In the past decade, more data has been collected on red knots and horseshoe crabs and modeling software has advanced. Thus, the ARM Subcommittee was tasked with revising the ARM Framework to address critiques from the previous peer review panel, include newly available data, and transition to new modeling software since the old software is obsolete.

Several improvements to the ARM Framework were made during this revision. In the original ARM Framework, the population models for horseshoe crabs and red knots were largely based on life history information taken from the literature that was not always specific to Delaware Bay. The ARM Revision improves the models for both species by incorporating region-specific data collected over the past few decades. Additionally, the ARM Revision incorporates more sources of horseshoe crab removals than the previous version, including mortality due to the biomedical industry and commercial discards from other fisheries.

In the original ARM Framework, the Virginia Tech Trawl Survey was used annually to estimate the Delaware Bay horseshoe crab population. The revised ARM Framework still relies heavily on the

Virginia Tech Trawl Survey, but also includes additional abundance indices from the region. The population model in the ARM Revision indicated that adult abundance in the Delaware Bay was stable from 2003-2013 and then began increasing in the past few years for both sexes. This finding is consistent with stock rebuilding due to a period of significantly reduced commercial landings and tight management controls on the fishery beginning in the 2000s in this Region. In 2019, the ARM Revision estimates there were 21.9 million male and 9.4 million female horseshoe crabs in the Delaware Bay Region. Mark-resight and count data from New Jersey and Delaware were used to estimate the population of red knots passing through the Delaware Bay. The passage population estimates were fairly stable between 2011 and 2020 at approximately 45,000 birds and their annual survival estimates were consistently high. A more detailed overview of the 2021 ARM Revision can be found [here](#).

Using estimated numbers of horseshoe crabs and red knots, the ARM Framework recommends the level of horseshoe crab harvest for the next fishing season. The maximum number of male and female horseshoe crabs the ARM Revision can recommend remains the same at 210,000 females and 500,000 males. While additional data and model improvements are used in the ARM Revision, the conceptual model of horseshoe crab abundance influencing red knot survival and reproduction remains intact with the intent of ensuring the abundance of horseshoe crabs does not become a limiting factor in the population growth of red knots.

After accepting the ARM Revision and Peer Review for management use, the Board initiated a Draft Addendum to consider allowing its use in setting annual specifications for horseshoe crabs of Delaware Bay-origin. The Horseshoe Crab Plan Development Team, composed of representatives from the states and federal agencies, will draft management options for Board review prior to the Board considering approving the document for public comment. If approved, the draft addendum will be released for public comment with opportunities to submit comment through public hearings and written comments. Following the public comment period, the Board will meet to review submitted comment and consider final action on the addendum.

A more detailed overview of the 2021 ARM Revision can be found at http://www.asmfc.org/uploads/file/61f2f18aHSC_ARM_RevisionOverview_Jan2022.pdf. The final ARM Revision and Peer Review Report will be available on the Commission website, www.asmfc.org, on the Horseshoe Crab webpage under stock assessment reports in early February. For more information, please contact Caitlin Starks, Fishery Management Coordinator, at cstarks@asmfc.org or 703.842.0740.

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PR22-02

Motions

Move to accept the Revised ARM Framework and Peer Review for management use.

Motion made by Mr. Hasbrouck and seconded by Mr. McKiernan. Motion passes by consent.

Move to initiate an addendum to consider implementing changes to the ARM Framework as recommended by the ARM subcommittee and Peer Review Panel

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion passes by consent.

NOAA PRESENTATION ON SEA TURTLE BYCATCH IN TRAWL FISHERIES

Meeting Summary

Carrie Upite, Sea Turtle Recovery Coordinator for the NMFS Greater Atlantic Regional Fisheries Office, presented on sea turtle bycatch in Atlantic trawl fisheries. Fisheries bycatch is the primary threat to endangered and threatened sea turtles in the Greater Atlantic Region. The highest level of observed sea turtle trawl bycatch in the region occurs in the Atlantic croaker, longfin squid, and summer flounder fisheries. Under the Endangered Species Act, bycatch must be minimized in order to recover sea turtles.

In 2007 and 2010, NMFS held public workshops to discuss bycatch reduction technologies in New England and Mid-Atlantic trawl fisheries. NMFS is now sharing the results of the research that came out of these workshops, identifying potential management measures based on that research, and requesting early input from the public. The presented research included Turtle Excluder Devices (TEDs) in the Atlantic croaker, summer flounder, and longfin squid fisheries and data loggers to record and monitor tow duration.

Final operational feasibility research is being completed, but given the previous results, NMFS is considering:

- 1) Requiring TEDs with a large escape opening in trawls that target Atlantic croaker, weakfish, and longfin squid to reduce injury and mortality resulting from accidental capture in these fisheries;
- 2) Moving the current northern boundary of the TED requirements in the summer flounder fishery (i.e., the Summer Flounder Fishery-Sea Turtle Protection Area) to a point farther north to more comprehensively address capture in this fishery;
- 3) Amending the TED requirements for the summer flounder fishery to require a larger escape opening to allow the release of larger hard-shelled and leatherback sea turtles; and
- 4) Adding an option requiring limited tow durations, if feasible and enforceable, in lieu of TEDs in these fisheries to provide flexibility to the fisheries.

Early information from the public will help shape future management measures. Additionally, industry feedback would be particularly helpful on mitigation measures, operational considerations, and economic considerations. The type of information needed can be found on the website below.

There are several ways to provide public input.

- Written comments may be submitted to nmfs.gar.turtletrawl@noaa.gov by May 31.
- Oral comments may be submitted at call-in days or a webinar.
 - Call-in days
 - March 4, 8 a.m. to 3 p.m., (978) 281-9276
 - March 22, noon to 6 p.m., (978) 281-9276
 - Webinars: While NMFS will present on all the fisheries under consideration, the webinars are designed to provide a more in-depth focus on a particular fishery. Regardless of the focus, NMFS will be accepting comments on all measures under consideration at all of the webinars.

- *Croaker*: February 16, 6:30 to 8:30 p.m.
- *Longfin squid*: March 1, 6:30 to 8:30 p.m.
- *Summer flounder*: March 14, 6:30 to 8:30 p.m.

NMFS has a [sea turtle bycatch in trawl fisheries website](#) that provides background information, descriptions of TED designs, research reports, measures under consideration, the type of information needed from the public, and how to comment and participate in public webinars. NMFS will provide a summary of public input at the May Commission meeting. The recording of the presentation can be found [here](#); the PDF of the presentation will be posted to the Winter Meeting page early next week.

For more information, contact Carrie Upite at carrie.upite@noaa.gov.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (JANUARY 26, 2022)

Press Release

Atlantic Striped Bass Board Approves Draft Amendment 7 for Public Comment: Hearings to be Conducted Throughout March

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board approved for public comment Draft Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Draft Amendment proposes options to address the following issues: management triggers, recreational release mortality, stock rebuilding plan, and conservation equivalency. These issues were identified during the public scoping process for Amendment 7 as critically important to help rebuild the stock and update the management program.

The Draft Amendment’s proposed options consider changes to the management triggers, which determine when the Board is required to make management adjustments, and whether to adopt new restrictions or requirements for the use of conservation equivalency, which provides the states the flexibility to tailor the management measures. For stock rebuilding, the proposed options consider the impact of low recruitment and how the Board could respond to the 2022 stock assessment if action is needed to achieve stock rebuilding by 2029. Since release mortality in the recreational fishery is a large component of annual fishing mortality, the Draft Amendment considers options to reduce the number of striped bass released alive and options to increase the chance of survival after a striped bass is released.

The last time a new plan amendment to the Atlantic Striped Bass FMP was adopted was in 2003 (Amendment 6). Since then, the status and understanding of the striped bass stock and fishery has changed considerably, and the results of the 2018 Benchmark Stock Assessment in particular led the Board to discuss a number of prominent issues facing striped bass management. Consequently, the Board initiated the development of Amendment 7 in August 2020 to update the management program to better align with current fishery needs and priorities. The Board intends for this amendment to build upon the Addendum VI to Amendment 6 action to end overfishing and initiate rebuilding in response to the overfished status of the stock.

The Draft Amendment will be available on or before February 4th on the Commission's website at <http://www.asmfc.org/about-us/public-input>. The public comment period will begin once the Draft Amendment 7 has been posted and will extend until April 15. All those interested in the management of Atlantic striped bass are encouraged to provide input either by participating in public hearings, which may be conducted via webinar, or providing written comment. Public comment will be accepted until **11:59 PM (EST) on April 15** and should be sent to Emilie Franke, FMP Coordinator, at 1050 N. Highland St., Suite 200 A-N, Arlington, Virginia 22201; 703.842.0741 (fax) or at comments@asmfc.org (Subject line: Draft Amendment 7). A subsequent press release will provide the details of the scheduled hearings once those are finalized. For more information, please contact Emilie Franke at efranke@asmfc.org or 703.842.0740.

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PR22-03

Motions

Move to remove in Section 4.1: Management Triggers, sub-option B3 in Tier 1: Fishing Mortality Management Triggers (three year average F exceeds the F threshold) from draft Amendment 7.

Motion made by Ms. Ware and seconded by Mr. McMurray. Motion passes (10 in favor, 6 opposed).

Move to add an option to Section 4.4: Rebuilding Plan that considers an alternative process for responding to the 2022 stock assessment, as follows: If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action.

Motion made by Dr. Armstrong and seconded by Dr. McNamee. Motion passes by consent.

Motion to remove Section 4.2.1 Measures to Protect Strong Year Classes (Recreational Size and Bag Limits) from Draft Amendment 7.

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (15 in favor, 1 opposed).

Move to approve Draft Amendment 7 for public comment as modified today.

Motion made by Mr. Hasbrouck and seconded by Dr. Davis. Motion passes by consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (JANUARY 27, 2022)

Meeting Summary

The Atlantic Menhaden Management Board met to receive an overview of Atlantic menhaden mortality events over the last two years, consider approval of Draft Addendum I to Amendment 3 for public comment, and approve Advisory Panel nominations.

The Board was presented an update on menhaden mortality events that have occurred along the Atlantic coast from 2020 through 2021. While these fish kills of menhaden can be relatively common events due to seasonal changes in dissolved oxygen and water temperature, pathology samples from recent fish kills in New Jersey and New York indicated die off from *Vibrio anguillarum*, a bacteria found

in marine and estuarine areas. It is not known what may have caused the outbreak of *V. anguillarum* to occur, but the scale of these mortality events so far have not posed a significant threat to the Atlantic menhaden population, nor is it expected to impact wild populations of other species. The states will continue to monitor fish kills in coordination with staff at U.S. Geological Survey where samples are analyzed and stored on a regional level.

The Board was presented an overview of the management options developed for Draft Addendum I to Amendment 3. Previous to the Board meeting, the Plan Development Team (PDT) developed the document and provided recommendations for the Board's consideration. The Advisory Panel (AP) also met to provide feedback on whether additional options or information should be considered by the Board before approval for public comment. Draft Addendum I proposes changes to three management topics: commercial allocations, episodic event set-aside program (EESA), and the incidental catch and small-scale fisheries (IC/SSF) provision. The three topics are interconnected. For example, changes to allocation can affect states' need to participate in the EESA program as well as the volume of annual IC/SSF landings. This dynamic in the management program has created additional complexity for the options outlined in the Draft Addendum. Taking into consideration PDT recommendations and feedback from the AP, the Board made a number of changes to the Draft Addendum to reduce the complexity and possible options in the document for public comment. Due to time constraints and the extent of changes made to the document, the Draft Addendum will be reconsidered by the Board at the Spring Meeting in May before being approved for public comment. Below is a summary of changes made to the document and items for the PDT to work on further:

Allocation

- Adjust Section 3.1.1 Option 3. (three-tiered fixed minimum allocation) to designate Delaware and Florida in the second tier (0.25%) and New York in the third tier (0.50%)
- Provide clarifying language in the Section regarding how latent quota under the tiered minimum allocation options (Section 3.1.1. Options 2 and 3) would be allocated to the state allocations unless directed by the Board to be used for the EESA, if a tiered minimum allocation were selected.
- Remove Section 3.1.2. Option 2 (2009-2020) and Option 4 (Second Highest Year) timeframes for allocating the remaining Total Allowable Catch (TAC)
- Remove Section 3.1.2 Sub-Option 3 under both Options 6A and 6B where the weighted Sub-Option 3 uses 75% older timeframe/25% newer timeframe from the weighted allocation timeframe options 6A (2009-2011/2018-2020) and 6B (2009-2012/2017-2020)
- For Section 3.2.1 the moving average timeframe Option 5, provide additional information on how directed landings are to be evaluated and included into the calculation for moving average. The Board indicated that directed landings above a state's final annual quota should not count towards the moving average.

Episodic Event Set-Aside (EESA) Program

- Clarify that Section 3.2.2 Option 2 (to Set EESA during Specifications) is contingent on the Board selecting Section 3.2.1 Option 2 (to Increase the EESA up to 5%). If the Board does not move to increase the EESA percentage, then it will remain 1% of the annual TAC and does not need to be revised through specifications.

Incidental Catch and Small-Scale Fisheries (IC/SSF) Provision

- The PDT should explore creating two tiers for Section 3.3.4 Options 2-4 where the first tier addresses how the management trigger would be specified and the second tier would outline a management response to the management trigger.
- In Section 3.3.4 modify the language in Option 4. Total Landings with Payback Provision to more clearly indicate that if IC/SSF landings, when added with directed landings under state quotas and the EESA, cause the TAC to be exceeded, then the overage will be deducted on a pound-for-pound basis from the next subsequent year's TAC. The PDT should explore this further to provide more guidance on how this would be evaluated.

The Board considered and approved the nominations of Michael Dawson of Maine and William Caldwell of New York to the Atlantic Menhaden Advisory Panel. Last, Dr. Conor McManus of Rhode Island was elected Vice-Chair of the Board.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, at jboyle@asmfc.org.

Motions

Move to remove option 3: 3-tiered fixed minimum approach, under 3.1.1 options for addressing minimum allocation.

Motion made by Ms. Fegley and seconded by Mr. Hasbrouck. Motion fails (3 in favor, 12 opposed, 3 abstentions).

Main Motion

Move to modify section 3.1.1. option 3 to put DE and FL in tier 2 (0.25%).

Motion made by Ms. Meserve and seconded by Ms. Burgess. Motion amended.

Motion to Amend

Move to amend to move NY into tier 3

Motion made by Mr. Hasbrouck and seconded by Mr. Miller. Motion passes.

Main Motion as Amended

Move to modify section 3.1.1. option 3 to put DE and FL in tier 2 (0.25%) and move NY into tier 3 (.5%).

Motion passes (15 in favor, 1 opposed, 3 abstentions).

Main Motion

Move to remove from Draft Addendum I in Section 3.1.2:

- **Option 2: 2009-2020**
- **Option 4: Second Highest Year**
- **Option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020)**

Motion made by Ms. Ware and seconded by Mr. Clark.

Motion to Amend

Move to amend to remove option 6b and replace with option 6a (2009-2011 and 2018-2020)

Motion made by Mr. Cimino and seconded by Dr. Davis. Motion fails for lack of a majority (6 in favor, 6 opposed, 5 abstentions, 1 null).

Main Motion

Move to remove from draft Addendum I in Section 3.1.2:

- **Option 2: 2009-2020**
- **Option 4: Second Highest Year**
- **Option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020)**

Motion made by Ms. Ware and seconded by Mr. Clark.

Motion to Amend

Move to amend to remove option 6b: Weighted Allocation Timeframe 6B (2009-2012 and 2017-2020)

Motion made by Dr. Davis and seconded by Mr. Fote. Motion carries (13 in favor, 2 opposed, 3 abstentions).

Main Motion as Amended

Move to remove from draft Addendum I in Section 3.1.2:

- **Option 2: 2009-2020**
- **Option 4: Second Highest Year**

Motion carries without objection with 3 abstentions from USFWS, NOAA Fisheries, and South Carolina.

Move to eliminate sub-options 3 (weighting 75/25) to both 6a (2009-2011/2018-2020) and 6b (2009-2012/2017-2020)

Motion made by Ms. Patterson and seconded by Ms. Fegley. Motion passes (11 in favor, 4 opposed, 3 abstentions).

Move to eliminate sub option 1 (weighting 25/75) to both 6a (2009-2011/2018-2020) and 6b (2009-2012/2017-2020) from section 3.1.2.

Motion made by Mr. Geer and seconded by Mr. Pugh. Motion fails (2 in favor, 13 opposed, 3 abstentions).

Motion to remove Option 5 (moving average) from section 3.1.2.

Motion made by Ms. Burgess and seconded by Mr. Geer. Motion fails (2 in favor, 13 opposed, 3 abstentions).

Move to nominate Michael Dawson of ME and William Caldwell of NY to the Atlantic Menhaden Advisory Panel.

Motion made by Mr. Gilmore and seconded by Dr. Davis. Motion carries by unanimous consent.

Move to nominate Dr. Conor McManus of Rhode Island as Vice-Chair of the Atlantic Menhaden Board

Motion made by Mr. Reid and seconded by Ms. Ware. Motion passes.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (JANAURY 27, 2022)

Meeting Summary

The Interstate Fisheries Management Program (ISFMP) Policy Board met to receive an update from Executive Committee; review the 2021 Commissioner Survey results; consider a Policy on Information Requests; receive an update on the East Coast Scenario Planning Initiative; receive reports from the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Habitat Committee (HC); and consider revision to the Submerged Aquatic Vegetation (SAV) Policy.

The Commission Chair Spud Woodard presented the Executive Committee Report to the Board (see Executive Committee meeting summary earlier in this document).

Deke Tompkins presented the results of the 2021 Commissioner Survey Results. Many questions show similar trends to years past. It was noted some obstacles to the Commission's success in rebuilding stocks include a need to improve cooperation among states and federal managers; managing fisheries in changing environmental conditions; and the social impacts of management decisions. Some of the issues Commissioners would like to focus more on include: allocation; improving recreational management strategies (party and charter mode split, processes that allow for uncertainty in recreational harvest estimates); adapting management to changing environmental conditions; filling data gaps; advocating for increased state and federal agency resources; cooperation with federal partners; and improving federal enforcement.

Commission member states have committed to transparent and open ASMFC decision-making, record-keeping, and public meeting processes. Much of the Commissions work can readily be accessed on the ASMFC's website, www.asmfc.org. The Commission's website is maintained to provide extensive information on fishery management proceedings, scientific and technical information, ASMFC procedures, and many other topics. For information that is not available via the website, the public can make requests for that information. The Board reviewed and approved a policy to provide clarity to the public on making information requests for information that is not available on the Commission's web page. The Policy includes where to make requests, timeline and process for responses, and information regarding possible costs. It will be posted to the website in early February and can be found at <http://www.asmfc.org/about-us/guiding-documents>.

Over the past year, East Coast fishery management bodies have been collaborating on a climate change scenario planning initiative designed to prepare fishing communities and fishery managers for an era of climate change. Staff reviewed progress of the initiative and discussed upcoming drivers of change webinars. The goals of this project are to assess how climate change might affect stock distribution and availability of East Coast marine fisheries over the next 20 years and to identify the implications for fishery management and governance. Last summer and fall, many stakeholders participated in the Scoping phase of the project by attending introductory scoping

webinars and providing input through an online questionnaire. A summary of the scoping process and input received is available [here](#). The next step in the scenario planning process is the Exploration phase. Building on the input gathered during scoping, this phase will include a series of [three webinars](#) which will focus on identifying and analyzing the major drivers of change in greater depth. Once again, stakeholder involvement is key, and the webinars are open to the public. The outcomes of these webinars will form the “building blocks” for a future scenario creation workshop to be held in Spring 2022.

Dr. Lisa Havel provided updates on ACFHP and HC. The ACFHP Steering Committee revised the National Fish Habitat Partnership (NFHP) request for proposals (RFP) and discussed the creation of a general ACFHP RFP in response for potential funding associated with the Infrastructure Bill. The Steering Committee began discussing its next strategic plan, including how to handle future fundraising, and how to better consider diversity, equity, inclusion, and justice in their work moving forward. Kent Smith (FL FWC) and Jessica Coakley (Mid-Atlantic Fishery Management Council) were re-confirmed as Chair and Vice Chair, respectively. Finally, the Committee reviewed endorsement project success over the years. The FY2023 NFHP RFP was released on November 16, 2021 and closed on January 19, 2022. ACFHP received three proposals this year.

The HC discussed the status and next steps for the documents they are currently working on: Acoustic Impacts to Fisheries, Fish Habitats of Concern, and a review of each state’s current climate change initiatives. The Committee also discussed potential Commission involvement in offshore wind and the impacts of harbor deepening projects on fisheries. The Policy Board unanimously approved the updates to the current SAV Policy. The HC also welcomed Rachael Peabody as the newest representative for the Virginia Marine Resources Commission.

Lastly, the Board also discussed the possibility of delaying the release of American Lobster Draft Addendum XXVII for public comment. In consideration of the following issues – upcoming information on stock condition, the need for additional time for the Lobster Board to better understand current or new right whales rules that could benefit the resiliency of the lobster stock, and the importance of giving the states the opportunity to safely hold in-person scoping meetings with their lobster industry ahead of any Commission public hearing – the Board delayed further action on the Draft Addendum. Consequently, public hearings are expected to occur in June 2022 and the Board will review public comment and consider final action on the addendum at the August 2022 meeting.

For more information, please contact Toni Kerns, Policy Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Move that the ISFMP Policy Board delay further action on Draft Addendum XXVII to Amendment 3 to the American Lobster Fishery Management Plan, to move back the public hearings to June 2022.

The delay of final action on this FMP is to ensure that the public hearings can include a presentation on the 2021 stock status, ensure that the Lobster Board has a better understanding

of current or new right whales rules that could benefit the resiliency of the lobster stock, and to allow for possible changes in the current COVID situation to allow states that will need to hold in-person scoping meetings ahead of any commission public hearings.

Motion made by Mr. Keliher and seconded by Mr. McKiernan. Motion carries unanimously.

Move to approve the Policy on Information Requests as presented today.

Motion made by Mr. Keliher and seconded by Mr. Bell. Motion approved by unanimous consent.

Move to approve the updates to the 2018 ASMFC SAV Policy.

Motion made by Mr. Keliher and seconded by Mr. Cimino. Motion approved unanimously.

BUSINESS SESSION (JANAURY 27, 2022)

Meeting Summary

The Atlantic States Marine Fisheries Commission approved Amendment 22 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: *Commercial/Recreational Allocation*. The Amendment establishes new catch-based allocations between the commercial and recreational sectors for all three species, and provides the option for future changes to commercial/recreational allocations and annual quota transfers to be made through addenda.

The Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board and the Mid-Atlantic Fishery Management Council (Council), who jointly manage these three species, initiated the Amendment to respond to the Marine Recreational Information Program’s (MRIP) release of revised recreational catch and harvest estimates that showed that recreational catch and harvest of summer flounder, scup, and black sea bass were much higher than previously estimated. The revised MRIP estimates resulted in significant changes to stock biomass estimates and resulting catch limits for these three species, and action was needed to consider modifications to the allocations.

The current commercial and recreational allocations for all three species were set in the mid-1990s based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) from each sector. The Amendment revises the commercial and recreational sector allocations using the original base years updated with new MRIP data. These changes are intended to better reflect the current understanding of the historic proportions of catch and landings from the commercial and recreational sectors. The modified allocations are provided in the table below.

	Current Allocations	Revised Allocations
Summer Flounder	60% Commercial; 40% Recreational Landings-based	55% Commercial; 45% Recreational Catch-based
Scup	78% Commercial; 22% Recreational Catch-based	65% Commercial; 35% Recreational Catch-based
Black Sea Bass	49% Commercial; 51% Recreational Landings-based	45% Commercial; 55% Recreational Catch-based

Note: Landings-based allocations are based on each sector’s harvest only. Catch-based allocations are based on each sector’s harvest plus dead discards.

Given the joint nature of the Amendment and the federal process that requires the Council's Amendment to undergo federal review and rulemaking, the implementation date for the Commission plan will be set once NOAA Fisheries approves the Council's Amendment. The Amendment is expected to go into effect for the 2023 fishing year.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org or 703.842.0740.

Motions

Move on behalf of the Summer Flounder, Scup, and Black Sea Bass Management Board approval of Amendment 22 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: Commercial/Recreational Allocation. The effective date of the Amendment will be consistent with the effective date published in the final rule in the Federal Register.

Motion made by Dr. Davis. Motion passes unanimously.