



# Atlantic States Marine Fisheries Commission

## 69<sup>th</sup> Annual Meeting Summary

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*Working towards healthy, self-sustaining populations of all Atlantic coast fish species or successful restoration well in progress by the year 2015*

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69<sup>th</sup> Annual Meeting  
Charleston, South Carolina  
November 7 -11, 2010

For more information, please  
contact the identified individual,  
Robert Beal, ISFMP, or  
Tina Berger, Public Affairs

703/842-0740

### Meeting Summaries, Press Releases and Motions

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## **ATLANTIC HERRING SECTION (November 8, 2010)**

### ***Press Release***

### **ASMFC Atlantic Herring Section Approves Addendum II & Sets 2011 Area 1A TAC Seasonal Distribution**

Charleston, SC – The Commission’s Atlantic Herring Section has approved Addendum II to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Sea Herring. The Addendum modifies the process to set specifications and the definitions (and associated acronyms) used by the Commission in setting Atlantic herring specifications. It also establishes quota overage accountability measures. These changes were made in order to complement the New England Fishery Management Council’s Amendment 4 and will not affect the overall management scheme which allocates a total quota to Areas 1A, 1B, 2, and 3.

The Section agreed to distribute the 2011 Area 1A (inshore Gulf of Maine) total allowable catch (TAC) seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period’s quota has been harvested and underages from the June – September period may be rolled into the October – December period.

The Section also initiated the development of Draft Addendum IV that would allow small mesh bottom trawls and small purse seine vessels additional landing days on ‘days out’ of the fishery. The draft addendum is intended to allow smaller day-boats an equal amount of fishing days as larger vessels that can hold fish for several days and will include an analysis of the potential impacts of the proposed action to river herring stocks. The draft addendum will be available for Section review and possible approval January. If approved, it will be released for public comment in the winter, with final Section approval slated for March.

For more information, please contact Christopher Vonderweidt, FMP Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

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PR10-25

### ***Meeting Summary***

In addition to approving Addendum II and setting the 2010 quota allocation, the Section agreed to send two letters. The first letter will be to the National Marine Fisheries Service in support of the Amendment 4 proposed rule. The other letter will be to the New England Fishery Management Council (NEFMC) asking it to determine if the haddock bycatch cap can be increased and if the boundaries that apply to the cap can be modified to prevent a closure of the Gulf of Maine herring fishery.

The Section also reviewed the most recent version of the NEFMC Amendment 5 Discussion Document that contains measures to establish a catch monitoring program, address river herring bycatch, establish criteria for mid-water trawl vessel access to groundfish closed areas, and address interactions with the Atlantic mackerel fishery. Time permitting, the Council may also

consider developing measures to protect spawning fish in Amendment 5. As part of this discussion, the Section agreed to have its Technical Committee work with the NEFMC Plan Development Team (PDT) to help develop a comprehensive monitoring program. The Section also passed a motion requesting that the ACCSP Coordinating Council fund the ME DMR shoreside monitoring program that collects valuable catch composition data.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

### ***Motions***

#### **Move to approve Addendum II as modified at the May 10, 2010 Section meeting.**

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion passes (7 in favor, 0 opposed).

#### **Move to send comment on behalf of the ASMFC Herring Section in support of the Amendment 4 proposed rule.**

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion carries (6 in favor and 1 abstention).

#### **Move to allocate the 2011 Area 1A TAC seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period’s quota has been harvested and underages from the June – September period may be rolled into the October – December period.**

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

#### **Move to initiate Addendum IV to Amendment 2 to the Atlantic Herring FMP to allow small vessels (small mesh bottom trawl and small purse seine) an additional landing day(s) per week.**

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

#### **Move to recommend that the ACCSP Coordinating Council allocate funds for continuation of the shoreside herring sampling program.**

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (7 in favor, 0 opposed).

#### **Move the Section, in the interest of our continuing partnership with the NEFMC on management of Atlantic sea herring and our shared concerns about bycatch in the herring fishery, request the Council determine: (1) if the percentage of the haddock TAC for the sea herring fishery haddock bycatch cap can be increased in response to a recent increase in observer coverage and (2) whether the boundaries of the area(s) to which the bycatch cap applies can be modified to prevent a closure of the Gulf of Maine fishery when the cap is reached.**

Motion made by Dr. Pierce and seconded by Mr. Stockwell. Motion carries (6 in favor, 1 opposed).

## **ATLANTIC MENHADEN MANAGEMENT BOARD (November 8, 2010)**

### ***Meeting Summary***

The Atlantic Menhaden Management Board reviewed two reports by the Technical Committee (TC). An error was found in the code for the 2009 Atlantic Menhaden Stock Assessment. The mid-point (instead of the beginning of the year) numbers at age were inadvertently used for computing the predicted landings in the Atlantic menhaden model. The effect of this on the model is to apply an additional half-year of total mortality to the population. The model was re-run with the corrected code, resulting in a change of stock status. The new stock status is the stock is not overfished but overfishing is occurring. The TC will review the changes in the assessment and correct the assessment report for the Commission's March Meeting. The TC and Multispecies TC also reported to the Board on progress made in developing alternative reference points. Both groups will continue work and have updated reports for the Board at the March meeting. Depending on the progress made by both TCs, the Board could consider the initiation of an addendum to address reference points in the spring or summer. Duncan Barnes was approved as a member of the Menhaden Advisory Panel. For more information, please contact Toni Kerns, Senior Fishery Management Coordinator for Management, (703) 842-0740 or tkerns@asmfc.org.

### ***Motions***

**Move that the Menhaden TC provide guidance to the Board on the use of the MSTC alternative reference points and modeling options for the March Board meeting.**

Motion made by Mr. Simpson and seconded by Mr. Grout. Motion carries.

**Move to allow the TC to complete its work on the reference point alternatives and report to the Board at the August meeting, at which point an addendum could be initiated.**

Motion made by Mr. Travelstead and seconded by Mr. Augustine. Motion tabled.

**Move to table until the March meeting following the Technical Committee report.**

Motion made by Mr. Goldsborough, and seconded by Dr. Geiger. Motion carries (13 in favor, 4 opposed).

**Move to nominate Duncan Barnes to the AP.**

Motion made by Mr. P. White and seconded by Mr. Adler. Motion carries.

## **HORSESHOE CRAB MANAGEMENT BOARD (November 8, 2010)**

### ***Meeting Summary***

The Delaware Bay Ecosystem Technical Committee will be meeting over the winter to continue developing allocation strategies using the ARM framework. The Board discussed funding for the benthic horseshoe crab trawl survey. The data collected from this survey supports the model that produces abundance estimates for the horseshoe crab population. Under current budget constraints, Commission partners, US Fish and Wildlife Service and NOAA, do not have funding to support the survey. National Fish and Wildlife Foundation has come forward with potential short-term matching funds to support the survey. At the meeting the biomedical community

announced it will contribute \$50,000 to continue the benthic horseshoe crab trawl survey. New members were added to several Horseshoe Crab Committees. For more information, please contact Toni Kerns, Senior Fishery Management Coordinator for Management, (703) 842-0740 or tkerns@asmfc.org.

### ***Motions***

#### **Move to approve Annette Scherer to the DE Bay Ecosystem TC.**

Motion made by Mr. Himchak and seconded by Mr. Augustine. Motion passes by consent.

#### **Move to approve Donald Frieday (NJ) and Tim Dillingham (NJ) to the Shorebird Advisory Panel.**

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

#### **Move to approve Robert Paterson to the Horseshoe Crab TC and PDT.**

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion carries by consent.

## **SHAD & RIVER HERRING MANAGEMENT BOARD (November 8, 2010)**

### ***Meeting Summary***

The Shad and River Herring Board (Board) discussed and clarified that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a Sustainable Fisheries Management Plan (SFMP) as required under Amendment 2 to the Shad and River Herring FMP. The Plans must be reviewed by the Technical Committee and approved by the Board. At the meeting the Board reviewed SFMPs submitted by Maine and New Hampshire. The Technical Committee (TC) recommended the Board consider approval of the Maine SFMP and requested additional analysis be conducted and included in the New Hampshire SFMP prior to Board approval. New Hampshire presented additional monitoring targets for inclusion in the SFMP for review and consideration by the Board. The Board approved the SFMP from Maine, based on the TC's recommendations, and also requested that the TC review the New Hampshire targets and develop recommendations for the Board's consideration at the ASMFC Winter Meeting in March 2011. States or jurisdictions without an approved plan in place will be required to close their commercial and recreational fisheries by January 1, 2012.

The Board received an update on federal waters shad and river herring bycatch management measures currently being developed through the New England Fishery Management Council's (NEFMC) Amendment 5 to the Atlantic Herring FMP and the Mid-Atlantic Fishery Management Council's (MAFMC) Amendment 14 to the Squid, Mackerel, and Butterfish FMP. The NEFMC Atlantic Herring Plan Development Team is considering a suite of options for inclusion in Amendment 5 in order to reduce shad and river herring bycatch, including the identification of bycatch hotspots and the development of bycatch caps. These options will be considered by the NEFMC in January. MAFMC Amendment 15 is currently being developed, with the goals focusing on the development of an effective monitoring program to evaluate bycatch, alternatives to reduce total catch of shad and river herring, and alignment of Atlantic herring and mackerel reporting requirements.

The Board approved a Virginia bycatch allowance proposal, which permits a limited amount of American shad to be harvested in the areas above the first bridge in the James, York and Rappahannock Rivers in the anchored gill net and staked gill net fisheries. American shad, as bycatch from other fisheries, has consistently been less than 300 fish annually. This is the sixth year the Board has approved this allowance.

For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (703) 842-0740 or ktaylor@asmfc.org.

### *Motions*

**Move that any state or jurisdiction that wishes to retain river herring harvested in state waters must submit a sustainable fisheries management plan for review by the TC and approval by the Board.**

Motion made by Mr. Simpson and seconded by Mr. Fote. Motion passes (15 in favor).

**Motion to approve the ME sustainable fisheries plan.**

Motion made by Mr. Stockwell and seconded by Mr. Adler. Motion approved by consent.

**Move to approve the NH River Herring Sustainable Fishing Plan with the addition of a fishery independent target that equates to 50% of the average river herring returns to fish ladders in the Great Bay Indicator Stock from 1990-2009 (70,369 fish). If the three year running average of annual river herring returns to fish ladders in the Great Bay Indicator Stock falls below this target, NH will take steps to prohibit the harvest river herring in state waters.**

Motion made by Mr. Grout and seconded by Dr. Kray. Motion tabled.

**Move to table until Spring 2011 Meeting (March).**

Motion by made Mr. Augustine and seconded by Mr. Fote. Motion carries (16 in favor, 2 opposed).

**Move that all jurisdictions be required to meet the regulatory provisions with regard to river herring & American shad if the species occurs in their waters and is subject to fisheries whether directed or non-directed.**

Motion made by Mr. Miller and seconded by Mr. Augustine. Motion fails for lack of a majority (8 in favor, 8 opposed, 1 abstention, 1 null vote).

**Move to approve VA's American shad bycatch request for 2011.**

Motion made by Mr. Travelstead and seconded by Mr. Carpenter. Motion passes (17 in favor).

### **EXECUTIVE COMMITTEE (November 9, 2010)**

#### *Meeting Summary*

The Executive Committee reviewed and accepted the FY10 Audit. It received an update on future Annual Meeting locations and reviewed the progress of the 2010 Action Plan. For more information, please contact Laura Leach, Director of Finance and Administration, at (703) 842-0740 or lleach@asmfc.org.

### *Motions*

**On behalf of the Administrative Oversight Committee move acceptance of the FY10 Audit.**  
Motion passed unanimously.

## **MANAGEMENT & SCIENCE COMMITTEE (November 9, 2010)**

### *Meeting Summary*

The Management and Science Committee (MSC) met to address a number of issues. MSC discussed efforts to develop a strategy for Ecosystem-based Fisheries Management (EBFM). It reviewed outcomes from the EBFM workshop held during the Commission's 2010 Summer Meeting and provided input for the EBFM Team on developing incremental steps towards developing a draft strategy towards EBFM. MSC also continued discussion on how to incorporate forage fish into the Commission's process. MSC recommends including forage species estimates in individual FMPs, as well as including a term of reference to collect and evaluate forage data during benchmark stock assessments. The Committee discussed the workload created by tasks from management boards to technical committees. MSC recommends that staff and MSC keep track of this workload and TC membership overlap, as well as keeping species management boards and the Policy Board apprised.

MSC discussed state issues with marine fish stock enhancement. It requested that staff compile state regulations on stocking and combine these with ASMFC's sturgeon stocking guidelines as a reference for state use. The Committee discussed the issue of live imports in markets. In addition, MSC received a report from the Assessment Science Committee (ASC). Both groups discussed ways to improve efficiency of peer reviews, and recommended that the American eel stock assessment undergo an integrated peer review, which would include the participation of one or more peer reviewers throughout the assessment process. MSC also supported the ASC plan for formalizing ASMFC stock assessment training program. Finally, MSC received a report on the NEAMAP Nearshore Trawl Survey.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, at (703) 842-0740 or mpaine@asmfc.org.

## **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (November 9, 2010)**

### *Meeting Summary*

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss a number of action items. The meeting began with the confirmation of two new members to the Steering Committee. This was followed with an update on funding activities related to the Partnership, including grants that had been applied for in the past year, the status of the National Fish Habitat Conservation Act, and the status of the FY10 ACFHP funded projects. Following these updates, the Steering Committee discussed future funding opportunities, and solicited volunteers to look into these opportunities. The Steering Committee was presented a summary of project applications received for FY11 FWS-NFHAP funding and approved their rankings.

The group heard updates on the strategic and implementation planning progress, and determined next steps. The Steering Committee reviewed the ACFHP draft science and data needs list and tasked its Science and Data Working Group with items to address in the upcoming year. The group also shared ideas on how best to interact with the Reservoir Fish Habitat Partnership and Puerto Rico, and gathered volunteers to further develop and refine the ideas generated from these discussions. Lastly, the Steering Committee agreed to create a Melissa Laser award and formed a small group to further develop this idea.

For more information, please contact Emily Greene, ACFHP Coordinator, at (703) 842-0740 or [egreene@asmfc.org](mailto:egreene@asmfc.org).

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (November 9, 2010)**

#### *Press Release*

#### **ASMFC Striped Bass Board Approves Addendum II *Coastal Commercial Quotas Remain Unchanged Juvenile Abundance Index Management Trigger Improved***

Charleston, SC – The Commission’s Atlantic Striped Bass Management Board approved Addendum II to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum revises the definition of juvenile recruitment failure based on a recommendation from the Striped Bass Technical Committee. The Management Board approved status quo management for the coastal commercial quotas, which were being considered for an increase as part of the Addendum.

“After lengthy deliberation, the sense of the Board was that recent fishery trends do not warrant an increase in fishing mortality, commercial or recreational, at this time,” said Board Chair, Jack Travelstead. “The Board also accelerated the assessment schedule, requesting an update assessment in 2011 prior to the next benchmark assessment in 2013 to more closely track changes in the fishery and the resource.”

The proposal to increase the coastal commercial quota by a percentage selected by the Management Board was intended to bring more parity between the commercial and recreational fishery sectors. Although Amendment 6 established management programs for both fisheries based on the same target fishing mortality rate, the coastal commercial fisheries are controlled by quotas whereas the coastal recreational fisheries are managed through possession and size limits. As a result, the recreational harvest has increased with expanding striped bass population levels, and now accounts for approximately 70% of total harvest. The Management Board opted to maintain the existing coastal commercial quotas for several reasons, including a 66% decline in estimated recreational catch from 2006 to 2009; a 25% decline in estimated striped bass abundance from 2004 to 2008; and several years of below-average production of fish from the Chesapeake Bay. The 2011 assessment update will help to indicate whether these trends are short- or long-term, and if corrective action is necessary to maintain the spawning stock biomass above the target level.

Juvenile abundance indices are an important component of the striped bass monitoring program. Under the management plan, six states are required to conduct juvenile sampling surveys, and the resulting indices of abundance are analyzed for recruitment failure. "Recruitment" is the appearance of young-of-the-year fish in the nursery areas. When recruitment failure occurs in a given year, there may be reduced abundance and availability of fish from that year class when surviving fish become available to the fisheries. Management action is prompted when recruitment failure occurs for three consecutive years in any of the surveyed areas.

The revision results in a fixed value to determine recruitment failure in each surveyed area rather than a value that changes from year to year. Additionally, the data points used in the calculation have been standardized, which will result in a more conservative evaluation of recruitment failure in several surveys. Under the revised definition (as with the original definition), three consecutive years of recruitment failure has not occurred in any area, and no management action has been triggered based on the juvenile abundance indices.

Copies of the Addendum will be available on the Commission website ([www.asmf.org](http://www.asmf.org)) under Breaking News. For more information, please contact Robert Beal, ISFMP Director, at (703) 842-0740 or [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

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PR10-27

### ***Motions***

#### **Move to accept the 2010 FMP Review as presented.**

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without objection.

#### **Move to approve option one, status quo, for issue one.**

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion substituted.

#### **Move to substitute the motion to approve Option 2, increase coastal commercial quotas by 30 percent, for Issue 1.**

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion fails (Roll Call Vote: In favor – RI, NY, DE, PRFC, VA, NC; Opposed – ME, NH, MA, CT, NJ, PA, MD, USFWS, NMFS).

#### **Move to approve Option 1, status quo, for Issue 1.**

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion substituted.

**Because the striped bass SSB is still well above the target and threshold and in recognition of the fact that commercial allocations have not been increased since 2003 and notwithstanding the concerns over recent declines in SSB and Maryland JAI values, I move to substitute to increase the coastal commercial allocation by 10% above current levels, which will sunset after one year unless extended by the Board after the 2011 turn of the crank assessment.**

Motion made by Mr. Miller and seconded by Dr. Duval. Motion fails (Roll Call Vote: In favor – RI, NY, DE, PRFC, VA, NC; Opposed – ME, NH, MA, CT, NJ, PA, MD, USFWS, NMFS).

**Move to approve Option 1, status quo, for Issue 1.**

Motion made by Mr. Stockwell and seconded by Rep. Abbott. Motion carries (Roll Call Vote: In favor – ME, NH, MA, CT, NJ, PA, MD, VA, USFWS, NMFS; Opposed - RI, NY, DE, NC; Abstain - PRFC).

**Move to accept Option 2 (for Issue 2).**

Motion made by Mr. Augustine and seconded by Mr. Carpenter. Motion carries without objection.

**Motion to approve Addendum II as modified today.**

Motion made by Mr. Fote and seconded by Mr. Grout. Motion carries without objection.

**LAW ENFORCEMENT COMMITTEE (November 9 & 10, 2010)**

***Meeting Summary***

The Law Enforcement Committee met to discuss a number of issues. Captain Stephen Adams opened the meeting, with all member states, the USCG, NOAA Office of Law Enforcement and General Counsel in attendance.

Florida will now have the additional monitoring capability it previously requested. This four-year project that started with changing the Magnuson-Stevens Act to allow law enforcement access to VMS data has been fully implemented.

New Hampshire catch shares enforcement is ongoing with funds given to law enforcement to monitor dockside landings. Initially, this appears to be a high cost for monitoring a few boats.

Enforcement of the sportfish registry has resulted in great compliance with no significant law enforcement issues. Once all states have a fish license incorporating the registry information, the sportfish registry should be of minimal concern.

Shoreside fishing for several species, such as tautog and black sea bass, was discussed and it was recognized that significant illegal activities are continuing to occur with undersize and over the limit catches. There is low public support from many shoreside fishermen for fisheries management plans. Officers have observed high compliance when performing routine uniformed checks, but as much as 90% non-compliance when law enforcement uses covert operations and stake-outs to observe fishers. Many shoreside fishers know the regulations but use a wide variety of concealment methods to hide their catch.

Illegal fishing for striped bass in the EEZ continues to be problematic and a refocus of efforts will occur this fall and winter. Recently, a NOAA issued a \$35,000 NOVA for a violation of striped bass fishing off the Virginia Coast.

NOAA gave an update and overview of recent changes to their agency. Joint Enforcement Agreements were reviewed and discussed.

Major Brett Norton gave a marine technology presentation on new equipment for marine use. This information will be shared with other agencies that use computer and data equipment in marine environments. Officers also examined and performed sea trials on Zodiac's brand of law enforcement vessels.

For more information, please contact Mike Howard, LEC Consultant, at mhoward@asmfc.org.

## **SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD** **(November 10, 2010)**

### ***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Board met jointly with the Mid-Atlantic Fishery Management Council's Demersal Committee. Both groups reviewed the current scup allocation and discussed possible alternatives for both the commercial/recreational allocation split and the allocation split for the three commercial periods. The Board and Council initiated an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic/social/biological reason to support a modification to the current allocation scheme. The Board reviewed an update of estimated recreational landings through wave 4. Summer flounder estimates are below the target. Scup estimates have exceeded the target and black sea bass estimates are very close to the target, with the rest of the year still open. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (703) 842-0740 or tkerns@asmfc.org.

### ***Motions***

#### **Main Motion:**

**Move to initiate an amendment to consider adjusting the allocation of fishing privileges for scup between the winter and summer commercial periods and between the commercial and recreational fisheries.**

Motion made by Mr. Simpson and seconded by Mr. Gibson for ASMFC. Motion substituted. Same motion made by Dr. Kray and seconded by Mr. King for the Demersal Committee. Motion substituted.

#### **Motion to Substitute:**

**Move to substitute: initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic-social-biological reason to support a modification to the current allocation scheme.**

Motion made by Mr. Pate and seconded by Mr. Augustine for the Demersal Committee. Motion carries (8 in favor, 1 opposed).

Same motion to substitute. Motion by made Mr. Augustine and seconded by Mr. Munden for the ASMFC. Motion carries.

**Main Motion as Substituted:**

**Move to initiate an analysis of scup allocation between the winter and summer periods and the commercial and recreational fisheries to determine if there is a justifiable economic-social-biological reason to support a modification to the current allocation scheme.**

Motion carries for the ASMFC.

Motion carries for the Demersal Committee (10 in favor, 0 opposed).

**ATLANTIC COASTAL FISH HABITAT PARTNERSHIP ANNUAL MEETING  
(November 10, 2010)**

***Meeting Summary***

The Atlantic Coastal Fish Habitat Partnership (ACFHP) met for its first annual meeting. The ACFHP Chair provided an overview of ACFHP activities, which was followed by case study presentations on the FY10 ACFHP funded projects: *Alewife Brook/Scoy Pond and Staudinger's Pond Alewife Access and Habitat Enhancement* and *Goose Creek Dam Eel Passage Restoration* projects, made by representatives of the New York Department of Environmental Conservation and the South Carolina Department of Natural Resources, respectively. Next, the group heard a keynote address from the Coastal Conservation League, on the state of the South Carolina Coast. This presentation was followed by presentations and panel discussion on Landscape Conservation and Climate Change Activities, with the panel consisting of individuals representing the North Atlantic Landscape Conservation Cooperative, the DOI Climate Science Centers, and the Atlantic Coast Joint Venture. The group also received an update on the National Fish Habitat Action Plan activities, including but not limited to, the National Fish Habitat Action Plan Assessment and the 2010 report on *The Status of Fish Habitats in the US* by a staff member to the National Fish Habitat Board. Following presentations and questions, the group had a thoughtful discussion regarding ACFHP's role in leveraging project funding for its partners, which was followed by updates from partners regarding their agency or individual priority work items during the upcoming two years.

For more information, please contact Emily Greene, ACFHP Coordinator, at (703) 842-0740 or [egreene@asmfc.org](mailto:egreene@asmfc.org).

**ISFMP POLICY BOARD (November 10 & 11, 2010)**

***Meeting Summary***

The Interstate Fisheries Management Program Policy Board (Policy Board) met to address a number of issues that impact the Commission and its interstate fisheries management process.

The first issue addressed by the Policy Board was a follow-up presentation and discussion on progress toward rebuilding stocks managed by the Commission. The Board discussed this issue at its past meeting and requested that staff develop a list of specific suggestions that can improve the status of stocks that need to be rebuilt or have an unknown status. The Board had a productive discussion and asked staff to explore a suite of options that will provide coastwide oversight for the management of species that are overfishing or are experiencing overfishing.

These options will be presented to the Policy Board at the Commission's next meeting in March, 2011

The Policy Board was presented with a summary of the Research Set Aside (RSA) program. The RSA program was developed through the New England and Mid-Atlantic Councils and is administered through NMFS. The program is designed to use a small percentage (up to 3%) of a species quota to support fisheries research. This issue is of interest to the Commission because a number of RSA species have joint or complementary management with the Councils.

The Policy Board discussed the proposed listing of Atlantic sturgeon under the Endangered Species Act. The Board agreed to a list of topics that will be included in a comment letter to NMFS. This letter will be drafted by staff and circulated to the states for comment and consideration as state-specific comments are being developed.

An update on the Cooperative Tagging Cruise was presented to the Policy Board. NMFS is operating on a Continuing Resolution and is trying to identify funds to support this research effort. NMFS is considering providing the funding for the cruise to the Commission and have the Commission use this funding for high priority fishery research.

The Assessment Science Committee (ASC) presented a summary of its September 30 and October 1, 2010 meeting. The Committee reviewed the workload of state and federal assessment biologists relative to Commission assessment priorities. The Policy Board approved the schedule for benchmark and stock assessment updates. ASC recommended a series of stock assessment training opportunities for 2011. The training will consist of two intermediate level courses and, if resources are available, a third course for advanced level training on AD model builder programming.

The Law Enforcement Committee, the Management and Science Committee, Habitat Committee and the Atlantic Coastal Fish Habitat Partnership reported on the discussion and action items from their meetings that were held earlier in the week. These meetings are summarized separately in this document.

The Fish Passage Working Group presented a summary of its meeting that was held on September 29, 2010. The Working Group presented a summary of the progress on the seven tasks that were developed by the Policy Board. The Board approved the recommended passage efficiency policy.

At the request of the Atlantic Menhaden Management Board, the Policy Board discussed the importance of the research and assessment activities that are currently conducted at the NMFS Lab in Beaufort, NC. There is a concern that with the principal menhaden scientists close to retirement, this species will receive a lower priority in NMFS. The Policy Board requested that the Commission leadership contact NMFS and convey the importance of the continuation of this work.

The Policy Board was updated on actions taken by the Shad and River Herring Board to clarify what states/jurisdictions will need to submit sustainable fishery management plans to request

approval of continuing bycatch and directed river herring fisheries. The Policy Board concurred with the approach approved by the Shad & River Herring Board.

The final issue discussed by the Policy Board was the scheduling of the benchmark assessments and peer reviews for American eel, river herring, and tautog. Based on concerns over workload of the assessment scientists and the need for timely information on these three stocks, the Policy Board agreed that the tautog assessment would be changed to an update rather than a benchmark assessment. This update will be completed in late 2011. The benchmark and peer reviews for eel and river herring will remain as scheduled for completion in fall 2011 and spring 2012, respectively.

For more information, please contact Robert Beal, ISFMP Director, at (703) 842-0740 or rbeal@asmfc.org.

### *Motions*

#### **Move to approve the 2011 stock assessment schedule.**

Motion made by Mr. Lapointe. Motion carries.

#### **Move to approve the 2011 stock assessment course schedule.**

Motion made by Mr. Augustine and seconded by Mr. P. White. Motion carries.

#### **Move to incorporate forage fish into the Commission process.**

Motion made by Mr. Goldsborough and seconded by Mr. Augustine. Motion carries.

#### **Motion to make the American eel stock assessment an integrated peer review in 2011 pending availability of funding.**

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries.

#### **Move to provide fish passage for ASMFC-managed species that is safe (non-injurious), timely (without undue delay), and effective.**

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries.

### **CAPTAIN DAVID H. HART AWARD (November 10, 2010)**

#### *Press Release*

#### **John E. Frampton Receives Captain David H. Hart Award**

Charleston, SC – The Atlantic States Marine Fisheries Commission presented John Frampton, Director of the South Carolina Department of Natural Resources, the David H. Hart Award, its highest annual award, at the Commission's 69th Annual Meeting in Charleston, South Carolina.

The Commission instituted the "Captain David H. Hart Award" in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources.



From left: Vince O'Shea, Michael McShane, Robert Boyles Jr., John Frampton, Caroline Rhodes and Malcolm Rhodes

Throughout his long and distinguished career in natural resource management, Mr. Frampton has been an advocate and practitioner for building strong personal and professional relationships within the natural resource community. His actions reflect his fundamental belief that such relationships lead to cooperation among state and federal natural resource management agencies and conservation and industry stakeholders, resulting in more effective conservation and management. This spirit of

cooperation is one of the founding principles of the Atlantic States Marine Fisheries Commission.

For over three decades, Mr. Frampton has been a tireless champion for legislation and funding benefiting state natural resource management activities, securing millions of dollars for the states to restore and sustainably manage their fish and wildlife resources. In his own state, he secured significant state funds to acquire tens of thousands of acres of land for conservation easements and habitat restoration. He was a guiding force in the development of the National Fish Habitat Initiative, directly benefiting Atlantic coastal states through the significant funding awarded to the Atlantic Coastal Fish Habitat Partnership (ACFHP). This coastwide collaborative partnership strives to accelerate the conservation of habitat for Atlantic coastal, estuarine-dependent, and diadromous fish, and has great potential to restore Atlantic waterways and enhance productivity of many marine fisheries.

Mr. Frampton is a dedicated natural resource manager who has worked tirelessly and effectively for the greater good of fish and wildlife management and conservation along the Atlantic coast and throughout the entire nation. His efforts to elevate the importance of natural resource management have greatly benefitted Atlantic states and have contributed to the betterment of the marine fisheries of the Atlantic coast.

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PR10-27

## **BUSINESS SESSION (November 10 & 11, 2010)**

### ***Meeting Summary***

The Atlantic States Marine Fisheries Commission conducted a Business Session to take action on a number of issues. The Resolutions Committee presented a resolution recognizing South Carolina as the host state of the Commission's 69<sup>th</sup> Annual Meeting.

The Commission approved the 2011 Action Plan. The Commission elected Robert Boyles (South Carolina) as its Chair and Paul Diodati (Massachusetts) as its Vice-Chair.

## **AMERICAN LOBSTER MANAGEMENT BOARD (November 10, 2010)**

### ***Meeting Summary***

The American Lobster Board reviewed a summary of the three Center for Independent Experts peer reviews of the Lobster Technical Committee's (TC) report on Recruitment Failure in the Southern New England Stock. Copies of the reports will be made available on the ASMFC website on the lobster page. The three reports agreed that increases in sea temperatures and increased prevalence of shell disease indicate natural mortality likely increased, the SNE stock is "in a poor state," and that a moratorium or severe reductions (75%) in fishing mortality are needed immediately to maximize chances of rebuilding the stock. One of the overall conclusions was that the TC report could be used for management of the SNE stock. The Board also reviewed a report by the TC evaluating the impacts on Southern New England (SNE) landings by using a variety of management options. The TC recommended that the Board use a combination of a quota and season closure (June through September) to achieve a 75% reduction in exploitation. The incorporation of a limited closed season in concert with a quota would provide maximum biological benefit during molt, egg extrusion, and high environmental stress periods. The TC emphasized that there is tremendous uncertainty in the effectiveness of any measure to reduce exploitation short of direct controls on landings. The report provided the Board with advice on each measure relative to previous experience in other fisheries, information currently available to the TC from the SNE stock, and a biologically driven approach to provide the maximum benefit to the resource. The Board tasked the Plan Development Team to develop a draft addendum for consideration at the March meeting to include two options: a suite of measures to achieve a 50% reduction in exploitation and a suite of measures to achieve a 75% reduction in exploitation.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (703) 842-0740 or tkerns@asmfc.org.

### ***Motions***

#### **Move to accept the peer review reports.**

Motion made by Mr. P. White and seconded by Mr. Augustine. Motion carries.

#### **Move that a PDT develop a draft addendum for consideration at the next meeting to include two options: a suite of measures to achieve a 50% reduction in exploitation, and a suite of measures to achieve a 75% reduction in exploitation.**

Motion made by Mr. Lapointe and seconded by Mr. Augustine. Motion carries unanimously.

**SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (November 11, 2010)**

*Press Release*

**ASMFC Sets Spiny Dogfish 2011/2012 Fishing Year  
Quota at 20 Million Pounds**

Charleston, SC – The Commission’s Spiny Dogfish and Coastal Sharks Management Board (Board) approved a 20 million pound quota with a maximum possession limit of 3,000 pounds for the 2011/2012 fishing season (May 1 – April 30). As specified under Addendum II, the quota will be allocated with 58% to states from Maine through Connecticut, 26% to New York through Virginia, and 16% to North Carolina.

Prior to setting the spiny dogfish quota, the Board approved new reference points based on information from the latest stock assessment. They include a target biomass of 351.23 million pounds (159,288 mt), a threshold biomass of 175.62 million pounds (79,644 mt), and a fishing mortality target and threshold of 0.207 and 0.325 respectively.

The 20 million pound quota was set to achieve a level of fishing mortality (F) equal to 75% of the target F and is consistent with recommendations of the Spiny Dogfish Technical Committee. The Technical Committee recommended reducing the target F by 25% to minimize any future drop in biomass. The quota is also consistent with the level recommended by the Mid-Atlantic Fishery Management Council for federal waters at its October meeting.

The latest stock assessment information indicates that spiny dogfish are not overfished and overfishing is not occurring. The biomass in 2010 is estimated to be 361.77 million pounds, which is slightly above the target biomass of 351.23 million pounds and is the second year in a row that biomass has exceeded the target. In addition, F was estimated to be  $F = 0.113$  in 2009 which is well below the target (0.207) and threshold (0.325) rates and achieved the F rate as designed. While spiny dogfish have rebuilt, the stock is expected to decrease below the target biomass around 2014 because of record low recruitment from 1997 – 2003. The magnitude of this drop increases with fishing mortality and is projected to occur even if fishing mortality is zero.

The Board also initiated the development of an addendum to explore state-by-state allocation options for the southern management region (NY – NC). With the start of the season scheduled for May 1, the Board will consider approval of the draft addendum for public comment via email correspondence/conference call, with the intent to release it for public comment and state hearings in the winter and final approval at the Commission’s March meeting. A press release will announce the availability of the Draft Addendum for public comment and the state hearing schedule once the hearing details have been finalized.

The Board also approved a 33 fish possession limit for sharks in the large coastal sharks (LCS) species group (silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks) for 2011. The Coastal Sharks Technical Committee recommended continuing the 33 fish LCS possession limit in 2011 since it worked

reasonably well in distributing the quota in 2010 and is consistent with proposed federal shark specifications.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or <cvonderweidt@asmfc.org>.

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PR10-28

### ***Meeting Summary***

The Board reviewed options that will go into MAFMC Spiny Dogfish Amendment 3. Draft Amendment 3 is currently being drafted by MAFMC staff and will include research set-asides, alternative allocation of the commercial quota, sex specific management measures, the recreational fishery, limited access, essential fish habitat designation and carryover of management measures into subsequent years. Upon review, the Board agreed that the range of alternatives in the draft will allow for consistent and complementary dogfish management between state and federal waters.

The meeting concluded with a discussion regarding recreational anglers targeting prohibited and research-only species from shore. The discussion was a continuation of the August 3<sup>rd</sup> meeting where the Board reviewed a letter from NMFS Highly Migratory Species Division asking for new management measures to address the problem. The Board tasked the Law Enforcement Committee (LEC) to review and comment on the request. LEC highlighted that outreach and education is the best way to prevent anglers from targeting species that are prohibited and commented that language could be amended to prevent “attempting to catch” or “take” but cautioned that it is very difficult to enforce such a regulation. Following the recommendations of the LEC, the Board agreed to pursue outreach and education at the state level as necessary.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

### ***Motions***

#### **Move to accept the reference point update for management use.**

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries.

#### **Move that the 2011/2012 daily trip limit remain at 3,000 pounds and that the TAL/quota for 2011/2012 be 20 million pounds.**

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion carries (13 for, 1 opposed, 0 null, 2 abstention).

#### **Move to direct staff to prepare Draft Addendum III to the Spiny Dogfish FMP with the following management options:**

- **New Jersey Proposed Allocation options A, B, C, and D; and Maryland Proposed Allocation options E, F and G**
- **Include Quota Transfers Options**

- **Include Quota Rollover Options**
- **Include Payback of Transferred Quota**
- **Include a Three-Year Southern Region State Share Re-evaluation**
- **Include an option that removes the trip limit requirements**

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion carries unanimously.

**Move to set a 33-fish possession limit for large coastal sharks in 2011.**

Motion made by Mr. Augustine and seconded by Dr. Rhodes. Motion carries (13 for, 1 abstention).

**Move to formally recommend to NMFS the July 15 opening date for large coastal sharks.**

Motion made by Dr. Daniel and seconded by Mr. Adler. Motion carries.

**HABITAT COMMITTEE (November 11, 2010)**

***Meeting Summary***

The Habitat Committee reviewed progress on Habitat Program tasks in the ASMFC 2010 Action Plan, and assigned work to committee members for tasks in the 2011 Action Plan. The Committee considered changes to the draft Atlantic sturgeon habitat section of the FMP. The section will be reviewed next by the Sturgeon Technical Committee before moving forward with approval and inclusion in the FMP. The Committee received updates on activities of the Atlantic Coastal Fish Habitat Partnership, the South Atlantic Alliance, and the regional Landscape Conservation Cooperatives. Updates on wind energy development were also provided by committee members with new activity in their states. Presentations were given from FWS, NOAA, and Florida FWCC staff on the latest developments of the Deepwater Horizon event, with follow-up discussion on disaster preparedness plans among state and federal agencies in the Atlantic. Kent Smith was nominated as the new Vice-Chair to the Committee. Work will continue on several tasks to the Committee via conference calls in the coming months. The next Habitat Committee meeting will take place in May 2011.

For more information, please contact Patrick Campfield, Science Director, at (703) 842-0740 or [pcampfield@asmfc.org](mailto:pcampfield@asmfc.org).

**TAUTOG MANAGEMENT BOARD (November 11, 2010)**

***Meeting Summary***

The Tautog Management Board (Board) convened to review Draft Addendum VI and consider approving a nomination to the Plan Development Team (PDT) and Technical Committee (TC).

Draft Addendum VI proposes measures to address the illegal harvest of live tautog and prevent increases in fishing mortality (F) prior to completion of the 2012 stock assessment. The Board approved the draft for public comment and states will hold hearings beginning in late January 2011. Proposed measures include a prohibition of live fish for non-commercial anglers, state harvest reductions, a reduction in target F rate, and recommendations to NMFS for federal

waters. The Board will also seek comment on tagging of live fish, tautog permits, and an increase in fine structure during the public comment period. The draft for public comment will be released in late January 2011.

Following the Addendum VI discussion, the Board unanimously approved the nomination of Robert “Chip” Patterson to serve as the economist on the PDT and TC. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (703) 842-0740 or cvonderweidt@asmfc.org.

### ***Motions***

#### **Main Motion:**

**Move to only include issue 5 option C in draft Addendum VI.**

Motion made by Dr. Pierce and seconded by Mr. Simpson. Motion substituted.

#### **Motion to Substitute:**

**Move to substitute to include all the options in draft Addendum VI for public comment.**

Motion made by Mr. Travelstead and seconded by Mr. O’Connell. Motion carries (3 opposed, 7 in favor).

#### **Main Motion as Substituted:**

**Move to include all the options in draft Addendum VI for public comment.**

Motion made by Mr. Travelstead and seconded by Mr. O’Connell. Motion carries (7 in favor, 3 opposed, 0 null, 0 abstentions).

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD** **(November 11, 2010)**

### ***Meeting Summary***

The Management Board met to review the Atlantic croaker assessment trigger results, Atlantic Croaker Draft Addendum I, state compliance with the Atlantic croaker and red drum management programs, and progress on the development of the Draft Omnibus Amendment.

The Technical Committee’s 2010 review of the Atlantic croaker assessment triggers did not prompt an assessment sooner than the next benchmark. Neither the commercial nor recreational landings in 2009 declined to less than 70 percent the average occurring in 2007 and 2008. The additional biological data reviewed for the triggers also did not cause the Technical Committee to recommend any action.

The Management Board approved Atlantic Croaker Draft Addendum I to Amendment 1 for public comment. The draft addendum proposes to eliminate the mid- and South Atlantic management regions from the management area, revise the biological reference points, and allow the Management Board to make future revisions to the reference points via Board action, when certain conditions are met. The first two issues are proposed for revision based on inconsistencies between Amendment 1 and the 2010 Atlantic Croaker Stock Assessment. A public comment period will be held this winter, yet it is unlikely that states will hold public

hearings on the draft addendum because of the largely administrative nature of the proposed changes.

All states in the management areas were found to be in compliance with the Atlantic croaker and red drum management programs in 2009. The Management Board approved the 2010 Fishery Management Plan Reviews for Atlantic croaker and red drum, including *de minimis* requests from several states.

The schedule for the Draft Omnibus Amendment for Spanish mackerel, spot, and spotted seatrout has been delayed several months. The amendment proposes to update the three species' management plans with compliance measures and Commission standards and procedures, and also align state and federal management for Spanish mackerel. Without further delays, the Plan Development Team expects to have a draft amendment for Board review in March 2011.

### ***Motions***

#### **Move to send Draft Addendum I out for public comment.**

Motion made by Mr. Woodward and seconded by Dr. Rhodes. Motion carries.

#### **Move to accept the 2010 Croaker FMP Review and *de minimis* requests.**

Motion made by Mr. Boyles and seconded by Mr. Woodward. Motion carries.

#### **Move to accept the 2010 Red Drum FMP Review and *de minimis* requests.**

Motion made by Dr. Rhodes and seconded by Ms. McCawley. Motion carries.