



Atlantic States Marine Fisheries Commission

Spring 2007 Meeting Summary

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

Spring 2007 Meeting Week
Alexandria, VA
May 7 - 10, 2007

For more information, please contact
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Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (May 7, 2007)

Meeting Summary

The Atlantic Herring Section met to review 2006 state compliance, discuss inconsistencies between recent state and federal amendments, and recap what had been agreed upon at the 'days out' meeting.

The Section received a report from the Plan Review Team (PRT) regarding state compliance. The Board approved *de minimis* status for New York in 2007. Since the PRT did not receive compliance reports from all states prior to the meeting, the FMP review was incomplete and could not be approved. Any late submissions will be reviewed by the PRT, the findings of which will be presented to the Section at its next meeting.

ASMFC staff presented an update of Federal Amendment 1 (published March 12, 2007) and a review of ASMFC Amendment II (enacted January 1, 2007). The review highlighted the East of Cutler provision as the major difference between the two management programs. After some discussion, the Section decided that at this time there is no need to change any state regulations as long as Maine continues to monitor the East of Cutler fishery. The Section agreed that it was unnecessary to regulate this historic fishery because the landings have been historically small. If the East of Cutler fishery becomes significant in the future, the Section will revisit the issue and regulate it as necessary.

The Section also discussed the difference in Area 1A and 3 specifications, deciding that it will wait for the 2006 fall trawl survey results before making any decisions. ASMFC staff will pursue the data and present it to the Section when it becomes available.

As its last order of business, the Section elected Terry Stockwell as Vice-Chair. For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at cvonderweidt@asmfc.org or 202/289-6400.

Motions

Move to grant NY *de minimis* status for 2007.

Motion made by Mr. Augustine, second by Mr. Calomo. Motion carries.

Move to nominate Terry Stockwell for Vice-Chair of the Atlantic Herring Section.

Motion made by Rep. Abbott, second by Mr. Calomo. Motion carries.

LAW ENFORCEMENT COMMITTEE (May 8, 2007)

Meeting Summary

The Law Enforcement Committee (LEC) met to discuss a number of issues, and focused their attention on four areas: VMS data use and availability, striped bass enforcement in the EEZ, illegal harvest and sale of tautog, and a new interstate violators compact.

In response to language in the reauthorized Magnuson-Stevens Act making VMS data available to law enforcement personnel, the LEC appointed a committee of state and federal personnel and tasked it with examining how VMS data can be best disseminated to and utilized by field officers.

The LEC discussed enforcement of and the new increased fine schedule for illegal striped bass harvest in the EEZ. They recognized the success of states and partners in reducing the targeting of striped bass in the EEZ, as well as evidence that the new fine schedule has already increased deterrence.

The Committee extensively discussed the illegal harvest, sale, and transport of tautog, especially focusing on the recognized states of particular concern – Connecticut, New York, New Jersey, and Pennsylvania. The results of coordinated interstate enforcement efforts in New York and Connecticut were presented to the committee, as well as reports from New Jersey of targeted efforts to assess and reduce sport-fishing violations. Discussion of ways to reduce illegal harvest and increase compliance led to consensus on the following points:

- A prohibition on live wells is impractical and unenforceable in any form.
- A prohibition on the possession of live tautog by recreational fisherman would require specific language on the “taking” of tautog.
- V-notching the tail of live tautog retained by non-commercial fishers might be enforceable, but might not be practical since law enforcement officers only spot-check a very small percentage of recreational fisherman on any given day.
- The widespread abundance of undersize tautog and scarcity of legal fish contributes to the low compliance rates.

Finally, the Committee discussed the interstate violators compact that four ASMFC states joined along with 25 other states. This compact provides reciprocity between states for violations, license and permit revocations, standards of detention, procedures for handling non-residents, and other measures. For more information, please contact Mike Howard, LEC Consultant, at mhoward@asmfc.org.

TAUTOG MANAGEMENT BOARD (May 8, 2007)

Press Release

ASMFC Tautog Board Initiates Draft Addendum V *Draft Addendum Proposes State Flexibility in Achieving Required Reductions*

Alexandria, VA – The Commission’s Tautog Management Board has initiated development of Draft Addendum V to the Interstate Fishery Management Plan for Tautog. The Draft Addendum proposes to modify the management program contained in Addendum IV by providing the states flexibility in the development of their management programs to achieve a 25.6 percent reduction in exploitation. If approved, the Addendum would allow states to attain their necessary reductions through adjustments to their recreational and/or commercial fisheries.

Currently, Addendum IV targets reductions to the states’ recreational fisheries only. While the recreational sector accounts for approximately 90 percent of tautog harvest coastwide, some states have significant commercial fisheries. By including flexibility, Addendum V would allow states to tailor reductions to their specific needs.

The Draft Addendum will also include an option to exclude North Carolina from the tautog management unit since the state has an insignificant tautog fishery.

The Tautog Board is scheduled to approve the Draft Addendum in May. Once approved, the Draft Addendum will be available for public comment in early June. For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at cvonderweidt@asmfc.org or (202) 289-6400.

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PR07-08

Meeting Summary

The Tautog Management Board approved development of Draft Addendum V to the Interstate Fishery Management Plan for Tautog. The Draft Addendum proposes to modify the management program

contained in Addendum IV by providing the states flexibility in the development of their management programs to achieve a 25.6 percent reduction in exploitation. As part of the drafting process, the Tautog Technical Committee will develop reduction tables that include recreational and commercial reduction scenarios based on the average of 2003-2005 data. If the Board approves Addendum V, states will use the tables to develop proposals to meet the reductions.

Although not formally included as part of the Addendum, the appropriateness of allowing states to conduct their own assessments was discussed at length. Jason McNamee, Technical Committee Chair, explained that based on the nature of the coastwide VPA assessment, the reduction goal of 25.6% will not be achieved if states are allowed to bring forth state specific assessments that allow smaller or zero reductions.

Mr. McNamee also explained that allowing states to bring forth individual assessments could potentially undercut reductions if they are allowed to switch from state-specific to coastwide based reductions from year-to-year. The Technical Committee discussed this issue at its April 24th meeting and agreed that, at the very least, states that choose to go with reduction schemes that are based on a state-specific assessments should have to do so for a number of years in a row.

For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at cvonderweidt@asmfc.org or (202)289-6400.

Motions

Move that the Board initiate development of Addendum V including two issues: providing state flexibility in implementing the 28.6% reduction in F between recreational and commercial fisheries and excluding North Carolina waters from the tautog management unit.

Motion made by Mr. Colvin, second by Mr. Gibson. Motion passes.

MANAGEMENT & SCIENCE COMMITTEE (May 8, 2007)

Meeting Summary

The Management and Science Committee (MSC) met on Tuesday May 7, 2007. Its primary discussion item focused on the creation of an American eel working group, which had been discussed at the previous MSC meeting at the ASMFC Annual Meeting in 2006. Recently, the ASMFC and Great Lakes Fisheries Commission have decided to develop a Memorandum of Agreement (MOA) for coordinated eel management and shared science. Under this MOA, a technical working group would be formed. It is the MSC's belief that this group could meet the needs of both the MOA and MSC in addressing American eel management and research issues. Further, the MSC identified a number of goals of the working group, as well as suggestions for its membership.

The MSC also discussed a number of other issues, including ACFCMA plus-up funds set aside for the development of an up-river creel survey, Benchmark Stock Assessment Peer Review "Report Card" Project, development of a Striped Bass Winter Tagging Cruise 20-year Report as an ASMFC report, ASC recommendations on dealing with the retrospective problem, and stock assessment schedule for 2008. MSC also nominated members of the committee to serve on a joint subcommittee with the Habitat Committee to write an outline for a source document on how states should deal with energy issues that may impact marine fisheries.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, mpaine@asmfc.org or 202-289-6400.

WEAKFISH MANAGEMENT BOARD (May 8, 2007)

Press Release

ASMFC Weakfish Board Approves Addendum III *Addendum Revises BRD Requirements*

Alexandria, VA – The Commission’s Weakfish Management Board approved Addendum III to Amendment 4 to the Interstate Fishery Management Plan (FMP) for Weakfish. The Addendum modifies Amendment 4’s bycatch reduction device (BRD) requirements for the penaeid shrimp trawl fishery to be consistent with those contained in the South Atlantic Fishery Management Council’s Shrimp Amendment 6.

Throughout its history, the weakfish management program has included management measures to reduce weakfish bycatch mortality in Southeast shrimp trawl fisheries. These requirements have been implemented to aid in the protection of weakfish stocks and complement bycatch reduction requirements in the Council’s Shrimp FMP. In 2004, the Council altered its BRD certification standard from a 40 percent reduction by number of weakfish and Spanish mackerel to a 30 percent reduction by weight of finfish. The Board supported this action for several reasons. The new protocols support an ecosystem approach and will facilitate the certification of new devices to reduce finfish bycatch and retain shrimp catch. Further, weakfish generally react favorably to BRDs and escape from the net as compared to many other finfish species. As such, the 30 percent reduction requirements will likely result in equal protection to weakfish.

The change implemented in Addendum III affects the certification of new BRDs only. All BRDs previously certified through the Council’s BRD certification program continue to be certified for the southern penaeid shrimp trawl fishery. Effective immediately, states will require vessels in this fishery to employ previously certified BRDs or those newly tested and certified to reduce the weight of finfish bycatch by 30 percent. Copies of the Addendum will be available by late May and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission’s website at www.asmfc.org under Breaking News.

In other business, the Board also reviewed and approved the states’ 2007 biological sampling plans and the implementation plans for Addendum II (recreational creel limit, bycatch allowance, management triggers). Given that Massachusetts’ landings contribute less than 1 percent to the coastwide weakfish landings, the Commonwealth requested and was granted *de minimis* status. As a *de minimis* state, Massachusetts is exempt from certain requirements of the FMP. For more information, please contact Nichola Meserve, Fisheries Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

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PR07-09

Motions

Move that the Board accept the Massachusetts proposal for *de minimis* status.

Motion made by Dr. Pierce, second by Mr. Colvin. Motion carries.

Move that we accept the plans.

Motion made by Dr. Daniel, second by Mr. Rhodes. Motion carries.

Move to accept the changes as recommended by the Technical Committee with regard to the language in Draft Addendum III.

Motion made by Dr. Daniel, second by Mr. Woodward. Motion carries.

Move to approve Addendum III with the preferred option and recommended changes.

Motion made by Dr. Daniel, second by Mr. O'Reilly. Motion carries.

AMERICAN LOBSTER MANAGEMENT BOARD (May 8, 2007)

Press Release

**ASMFC American Lobster Board Approves Addendum XI
*Addendum Establishes Measures to Rebuild SNE Stock of American Lobster***

Alexandria, VA – The Commission's American Lobster Management Board approved Addendum XI to Amendment 3 to the Interstate Fishery Management Plan (FMP) for American Lobster. The Addendum responds to the findings of the 2005 peer-reviewed stock assessment which called for additional harvest restrictions given the Southern New England (SNE) stock's depleted stock abundance, low recruitment, and high fishing mortality rates over the past few years. The Addendum's comprehensive program (minimum and maximum size limits, and trap reductions) is designed to address the peer review's recommendation for a common biological management strategy for the region.

SNE Rebuilding Program

The Addendum establishes a 15-year rebuilding timeline (ending in 2022) for SNE with a provision to end overfishing immediately. The American Lobster Management Board will monitor the progress of the rebuilding program and consider adjustments if necessary.

The Addendum also institutes a comprehensive rebuilding plan that includes the following management measures for all SNE lobster fisheries (commercial trap, non-trap, as well as recreational harvesters):

- Minimum size of 3 3/8" for all SNE areas (Lobster Conservation Management Areas (LCMAs) 2 - inshore SNE, 4 - inshore Northern Mid-Atlantic, 5 - inshore Southern Mid-Atlantic, and 6 - New York and Connecticut State Waters) except for all Area 3 permit holders (offshore waters) who would still be bound by the schedule of minimum size increases terminating at 3 1/2" in 2008.
- Maximum size for males and females of 5 1/4" for all SNE areas (LCMAs 2, 4, 5 and 6). For vessels fishing in Area 3 the maximum size shall be 7" and shall be lowered 1/8" per year for the following two years resulting in an eventual maximum gauge of 6 3/4".
- Delay the Area 3 vent size increase that coincides with the minimum gauge increase of 3 1/2" to 2010.
- V-notch definition would be changed to 1/8" for all SNE areas, including Area 3. Under this option a v-notched lobster would be defined as any female lobster that bears a notch or indentation in the flipper at least 1/8" deep, with or without setal hairs. "V-notched female lobster" also means any female that is mutilated in a manner which could hide, obscure or obliterate such a mark.
- V-notching by fishermen of legal egg-bearing lobsters would be a voluntary measure, and fishermen would be encouraged to notch egg-bearing legal-sized females to contribute to rebuilding.
- Area 3 active trap reductions shall be 2 1/2 percent per year in 2009 and 2010 (to immediately follow the 2007 and 2008 five percent trap reductions.) Other LCMA-specific trap reductions would be studied for future implementation with LCMT input. The Plan Review Team (PRT) and the Technical Committee would examine the status and relative effectiveness of various effort control plans before future trap reductions are considered. Specifically, the PRT and Committee would study the degree of

latent effort that remains in the fisheries as affected by current effort control plans in LCMA's 2, 3, 4, 5, and 6.

Delayed Implementation

Failure to implement any of the following management measures are believed to negatively impact achieving the goals and objectives of management program: required adjustments to minimum gauge size, maximum gauge size, v-notch possession rule, minimum vent size, trap allocation program and quotas or trip limits. To ensure timely implementation of these measures, the Addendum specifies that for each day that a state does not implement any of these management measures, that state's resident lobstermen are prohibited from fishing for or landing lobsters for an equal number of days during the same or equivalent time period in the following year, regardless of the area in which they are authorized to fish or the state in which they are authorized to land.

State proposals to implement the Addendum's requirements are due on November 1, 2007. The Management Board will meet during the Commission 2008 Winter Meeting to review and consider approval of the state plans. All management measures must be implemented by June 30, 2008. Copies of the Addendum will be available by June 1, 2007 and can be obtained via the Commission's website at www.asafc.org under Breaking News or by contacting the Commission at (202) 289-6400. For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management at (202) 289-6400 or tkerns@asafc.org.

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PR07-13

Motions

Move to approve proceedings.

Motion made by Mr. Lapointe, second by Mr. Adler. Motion approved.

Move that we adopt Option 4 in Section 4.1.

Motion made by Mr. Smith, second by Mr. McKiernan. Motion passes (10 in favor, 1 in opposition).

Main Motion:

Move to adopt the Comprehensive SNE Rebuilding Plan (4.2.6) with minor amendments:

Note: all biological measures would apply to non-commercial fishermen and commercial vessels using trap as well as non-trap gears. All jurisdictions to be in compliance by June 30, 2008.

- **Minimum size of 3 3/8" for all Southern New England Areas except for all Area 3 permit holders who would still be bound by the schedule of minimum size increases terminating at 3 1/2" in 2008.**
- **Maximum Size for males and females of 5 1/4" for all in SNE LCMA's 2,4,5 & 6 and non-trap vessels fishing in this area. For vessels fishing in Area 3 (trap and non-trap) the maximum size shall be 7" and shall be lowered 1/8" per year for the following two years resulting in an eventual maximum gauge of 6 3/4".**
- **Delay the Area 3 Vent size increase that co-insides with the minimum Gauge increase of 3 1/2" to 2010.**
- **V-notch definition would be changed to 1/8 inch for all SNE LCMA's and all of LCMA 3. Under this option a v-notched lobster would be defined as any female lobster that bears a notch or indentation in the flipper at least 1/8 inch deep, with or without setal hairs. "V-notched**

female lobster” also means any female that is mutilated in a manner which could hide, obscure or obliterate such a mark.

- **V-notching by fishermen of legal egg-bearing lobsters would be a voluntary measure, and fishermen would be encouraged to notch egg-bearing legal-sized females to contribute to rebuilding.**
- **LCMA –specific trap reductions: Area 3 Active Trap Reductions shall be 2 ½% per year in 2009 and 2010 (to immediately follow the 2007 and 2008 5% trap reductions.)**
- **Other LCMA specific trap reduction would be studied for future implementation with LCMT input. The Plan Review Team (PRT) and the Technical Committee would examine the status and relative effectiveness of various effort control plans before future trap reductions are considered. Specifically, the PRT and Committee would study the degree of latent effort that remains in the fisheries as affected by current effort control plans in Areas 2, 3, 4, 5, and 6. While effort control plans have been accomplished throughout Southern New England, the most recent plan in LCMA 2 may be the most restrictive because the eligibility period did not include the period of peak activity, but rather the years of low fishery performance to reflect attrition.**

Motion made by Mr. McKiernan, second by Mr. Gibson. Motion passes.

Motion to Amend:

Move to amend the following paragraph in the main motion: Note: all biological measures would apply to non-commercial fishermen and commercial vessels using trap as well as non-trap gears. All jurisdictions to be in compliance by June 30, 2008. Exception if gauge increases are required in LCMA 6 they would be required to be implemented by January 1, 2008 and January 1, 2009.

Motion made by Mr. Smith, second by Mr. Augustine. Motion fails.

Motion to Amend:

Move to amend: Maximum Size for males and females of 5 ¼” for all in SNE LCMA’s 2,4,5 & 6. For vessels fishing in Area 3 the maximum size shall be 7” and shall be lowered 1/8” per year for the following two years resulting in an eventual maximum gauge of 6 ¾”. The commercial non-trap sector would be exempt from the maximum gauge size specific to LCMA 2, 3, 4, 5, and 6. The recreational divers would be allowed one female lobster over the maximum size.

Motion made by Mr. Calomo, second by Mr. Smith. Motion fails.

Move to approve the following delayed implementation measures: For each day that a state does not implement any of the lobster management measures identified in Section 4.3 of Addendum XI of the American Lobster FMP, that state’s resident lobstermen are prohibited from fishing for or landing lobsters for an equal number of days during the same or equivalent time period in the following year, regardless of the area in which they are authorized to fish or the state in which they are authorized to land.

Motion made by Mr. Smith, second by Mr. R. White. Motion passes.

Move to allow sport divers to keep one female lobster per day or trip in excess of the maximum size limit in LCMA’s 4 and 5.

Motion made by Mr. Himchak, second by Mr. Smith. Motion fails.

Move to exempt LCMA 3 from the delayed implementation measure until the Board can determine how this measure can be properly implemented for that area.

Motion made by Rep. Abbott, second by Mr. Calomo. Motion carries.

Move to approve the following compliance schedule:

- **November 1, 2007: States submit plans to meet reference point targets.**
- **Winter Meeting 2008: Management Board reviews plans.**
- **June 30, 2008: States implement effective regulations.**

Motion made by Rep. Abbott, second by Mr. Adler. Motion passes.

Motion to approve Addendum XI as modified.

Motion made by Mr. P. White, second by Mr. Adler. Motion carries.

Move to clarify the action taken in Addendum X in section 4.1 Fishery Independent Data. The updated section would read:

Fishery Independent Data:

All statistical areas within each states' jurisdiction should be sampled by at least one of the following: annual trawl survey (seasonally standardized), ventless trap survey, and a young-of- year survey.

These surveys should be based on cooperative work between states and NMFS for inshore and offshore characterization of the stock units.

Motion made by Mr. P. White, second by Mr. McKiernan. Motion passes.

Move to approve *de minimis* status for 2007 for states DE south through NC.

Motion made by Mr. Lapointe, second by Rep. Abbott. Motion carries.

Move to approve the Terms of Reference as presented by the Technical Committee.

Motion made by Mr. Colvin, second by Mr. Lapointe. Motion is approved.

ANNUAL AWARDS OF EXCELLENCE (May 8, 2007)

Press Release

ASMFC Presents Annual Awards of Excellence

Alexandria, VA – Mr. Fred Schwab and Colonel Joseph Fessenden were presented the Commission's Annual Awards of Excellence at its Spring Meeting in Alexandria, Virginia for their contributions to the success of fisheries management along the Atlantic coast. They received awards for their efforts in the categories of scientific, technical and advisory, and law enforcement, respectively.

“Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission's Annual Awards of Excellence recognizes outstanding efforts by professionals who have made a difference in the way we manage and conserve our fisheries,” said ASMFC Chair, George D. Lapointe, of Maine. “Today, we honor several outstanding individuals for their contributions to the management and conservation of Atlantic coast fisheries.”

Scientific, Technical and Advisory

Mr. Fred Schwab, long-standing fisheries conservation advocate and striped bass advisor to the Commission, also received the award for work in the area of scientific, technical and advisory contributions. Mr. Schwab has been an avid supporter of striped bass conservation for over 30 years. He and other Northeast fishermen were instrumental in convincing resource managers and elected officials that the decline in striped bass abundance and the problems associated with overfishing and wasteful fishing practices required a coordinated multi-state conservation program to restore the stock. Their

advocacy was pivotal in leading to enactment of the Emergency Striped Bass Study and development of an Interstate Fisheries Management Plan (FMP). As one of the charter members of the Commission's Striped Bass Advisory Committee from 1978 to 1982, he played an important role in the creation of the original Striped Bass Plan. His unstinting advocacy for the resource's conservation ensured that the plan would include effective conservation measures. Once the FMP was adopted, he worked hard to see it implemented in his home state of New York, personally lobbying his state legislator on the eve of the Assembly debate on the bill. Mr. Schwab rejoined the Commission's Striped Bass Advisory Panel in 1994 and has served up until this year, consistently advocating for resource conservation. His experience and extraordinary knowledge, coupled with his willingness to listen to all points of view, and his even-handed treatment of issues and interests, have made him a model AP member and Chair. The Commission's ability to achieve fisheries management success is strongly reliant on the service of extraordinary people like Mr. Schwab, who believe in conservation, are willing to invest their time and energy, and have the ability to carefully listen and to work with other people whose views they may not share. He is one of the heroes of cooperative interstate fisheries management.

Law Enforcement

Colonel Joseph Fessenden of the Maine Bureau of Marine Patrol received the award for work in the area of law enforcement. Colonel Fessenden has over 30 years of experience in marine law enforcement and is a strong believer in cooperative resource management along the Atlantic coast. His dedication to cooperative law enforcement is demonstrated by his long-term commitment to the Commission's Law Enforcement Committee and species management boards. He participates in the Law Enforcement Committee because of importance he places on coordinating with his state and



From Left: ASMFC Executive Director, John V. O'Shea, AAE Recipients, Fred Schwab and Colonel Joseph Fessenden, and ASMFC Chair, George Lapointe (ME)

federal colleagues and sharing new ways of conducting marine fisheries law enforcement. He has also been a strong proponent of standardized reporting of law enforcement activities and an effective voice for law enforcement concerns in the Commission's management process. He dedicates valuable time to the species management boards for Northeast species including, American lobster, Atlantic herring, northern shrimp, and winter flounder. Colonel Fessenden has also been a leader in the concept of Joint Enforcement Agreements (JEA) with the National Marine Fisheries Service. The JEA program has allowed states and federal fisheries enforcement officials to enhance our collective ability to monitor and enforce fisheries laws, a critical component of all fisheries management programs. His leadership also helped establish the cooperative program with the U.S. Coast Guard on maritime security. Following the establishment of this program, his state became the first in the nation to take advantage of this cooperative program. His contributions demonstrate a long-standing commitment to cooperative marine fisheries law enforcement, characteristics which help the Commission fulfill its mission of restoring and managing Atlantic coast fisheries resources.

The Commission established the Annual Awards of Excellence in 1998 to recognize the important contributions of individuals to the success of the organization. The awards are given in the areas of law enforcement, legislation, management & policy, and scientific, technical & advisory contributions. Each

year, the Commission honors the very best contributions in those areas. For more information, please contact Laura Leach, Director of Finance and Administration, at (202) 289-6400.

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PR07-10

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (May 9, 2007)

Press Release

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Releases Draft Addendum XIX for Public Comment

Alexandria, VA – The Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board has approved releasing Draft Addendum XIX for public review and comment. The Draft Addendum addresses three programs under the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). These are the black sea bass commercial management strategy for 2008, the summer flounder recreational allocation strategy, and the stock status determination criteria for summer flounder, scup, and black sea bass. Affected states from Massachusetts through North Carolina will be conducting public hearings on the Draft Addendum; the details of those hearings will be released once they become available.

Black Sea Bass Commercial Management Strategy

Since 2003, the black sea bass commercial fishery has been managed through a state-by-state allocation system, with each state allocated a percentage of the coastwide quota. Under this system, states are provided the flexibility to manage their quota for the greatest benefits of their commercial fishing industries, with the goal of ensuring a continuous and steady supply of black sea bass over the fishing season and equitable distribution of black sea bass to fishermen who have traditionally landed black sea bass in the state. This management strategy is set to expire by December 31, 2007. If the strategy is not revised or extended by a new addendum, the system will revert back to the quarterly quota system established by the FMP. *Draft Addendum XIX presents options to extend the current management strategy by two years, five years, 10 years, or indefinitely.*

Summer Flounder Recreational Allocation Strategy

Currently, summer flounder state recreational allocations are based on the proportion of state landings to coastwide landings reported in 1998. Managers have raised concern that a single year allocation may not be the most effective method to manage the summer flounder recreational fishery. This system also provides states the flexibility to develop state-specific conservation equivalent management measures to achieve the coastwide recreational harvest limit. *Draft Addendum XIX considers modifying the present system of conservation equivalency to allow for the formation of alternative state-by-state shares in the recreational fishery.*

Stock Status Determination Criteria

Currently, the Board must undertake a new addendum or plan amendment in order to incorporate new stock status determination criteria (i.e., changes to biological reference points) that may result from updated, peer-reviewed science. Since the development and implementation of a new addendum or amendment can take some time (six months in the case of an addendum and 12 to 16 months in the case of an amendment), there can be a considerable lag in the incorporation of the biological reference points in the annual specification setting process for all three species. *Draft Addendum XIX proposes allowing*

the Board and Council to adjust biological reference points during the species' annual specification setting process in lieu of the more protracted addendum/amendment process currently required.

Reference points are used to determine whether or not any of the FMP's stocks are overfished or experiencing overfishing.

Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending public hearings or providing written comments. Copies of Draft Addendum XIX will be available in late May and can be obtained via the Commission's website at www.asmf.org under Breaking News or by contacting the Commission at (202) 289-6400. Public comment will be accepted until **5:00 PM on July 11, 2007** and should be forwarded to Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202)289-6051 (fax) or tkerns@asmfc.org (Subject line: Addendum XIX). For more information, please contact Toni Kerns at (202) 289-6400 or tkerns@asmfc.org.

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PR07-12

Motions

Move to adopt option A2 of Amendment 14.

Motion made by Dr. Pierce, second by Mr. Petronio. Motion carries.

Motion to recommend that the full Commission approve Amendment 14 as modified today.

Motion made by Mr. Adler, second by Mr. Augustine. Motion Carries.

Move to include the following issues by number: 1, 2, 8, 10, 11, 17, 19, 27, & 28; and as a bundle the issues 3, 4, 12, 13, 20, & 21; and as a second bundle 6, 15, & 23. Include item 26 as an issue for adaptive management.

Motion made by Mr. Colvin, second by Mr. Gibson. Motion carries (8 in favor, 2 in opposition).

Move to approve Addendum XIX for public comment consistent with the modifications made by consensus during this meeting.

Motion made by Mr. Colvin, second by Dr. Pierce. Motion carries (9 in favor, 1 in opposition, 1 null vote).

Move that the Board initiate the process for an ASMFC sponsored external peer review of the fluke stock assessment.

Motion made by Dr. Pierce, second by Mr. Colvin. Motion carries.

Move to approve the following nominees to the Black Sea Bass Advisory Panel: Gary Ostrom, Michael C. Plaia, Bruce Bannick, Edward F. Baker, Jr., Fred Frillici, Sidney J. Holbrook, Robert Veach, John Goncharuk, Dennis Kanyuk, Mark K. Hoffman, James R. Lovgren, Joe Wagner, Stan Konczyk, Captain Sonny Guinn, Captain Victor Bunting, Mark Hodges, and Frank M. Folb.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

Move to approve the following nominees to the Scup Advisory Panel: Gary Ostrom, Joseph Huckemeyer, Rodney Avila, Michael C. Plaia, Bruce Bannick, Edward F. Baker, Jr., Fred Frillici, Sidney J. Holbrook, Robert Veach, John Davi, Paul Forsberg, John Richy, James R. Lovgren, and Frank M. Folb.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

Move to approve the following nominees to the Summer Flounder Advisory Panel: Rodney Avila, Joseph Huckemeyer, Drew Kolek, Ken Court, Jack Conway, Robert Veach, Sidney J. Holbrook, Charles Wertz, Norman Edwards, Bob Busby, Tony DiLernia, Greg DiDomenico, Robert Meimbresse, Bill Shillingford, Captain Jeff Eustler, Captain Bob Gowar, and James R. Craddock.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

Approve Dr. John Maiolo as the summer flounder, scup & black sea bass social scientist.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

ATLANTIC MENHADEN MANAGEMENT BOARD (May 9, 2007)

Meeting Summary

The Management Board heard the Plan Review Team's annual reports on state compliance and the fishery management plan review. All jurisdictions were found in compliance of the management plan. Total coastwide harvest (for bait and reduction purposes) for 2006 was 183,583 metric tons. The harvest of menhaden from Chesapeake Bay for reduction purposes in 2006 was approximately 65,000 metric tons. Based on Addendum III, the 2007 harvest cap for reduction landings from the Chesapeake Bay is set 122,740 metric tons.

The Board tasked the Technical Committee (TC) to report back on progress of ongoing research that is being conducted to address the question of localized depletion of menhaden in Chesapeake Bay. Further, the TC should assess whether all the appropriate research has been funded to address that question and where we expect to be by 2010 in answering that question. The Committee should also attempt to define localized depletion. The Board also asked the TC or a subset to review past economic studies of the menhaden fishery and report back what the current proposed study in Virginia will add to the body of knowledge.

John Maiolo, a social scientist, was approved as a member of the Technical Committee. For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202)289-6400 or bspear@asmfc.org.

Motions

Move to grant *de minimis* status to SC and GA.

Motion made by Mr. Nelson, second by Mr. Calomo. Motion passes.

Move to accept the PRT Report.

Motion made by Mr. Adler, second by Mr. Augustine. Motion passes.

Move to grant *de minimis* status to FL.

Motion made by Mr. Calomo, second by Mr. Boyles. Motion passes.

ISFMP POLICY BOARD (May 9, 2007)

See pages 18 & 19 for the ISFMP Policy Board's meeting summary and motions for May 9 & 10, 2007.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (May 9, 2007)

Meeting Summary

The Management Board was presented with reports from the Spot and Spotted Seatrout Plan Review Teams (PRTs). Both reports provided responses to tasks generated at the Board's last meeting in October 2006. The Spot PRT report included available catch-per-unit effort (CPUE) data for the commercial and recreational spot fisheries and fishery-independent programs encountering spot in Maryland, Virginia, and North Carolina, the three states that dominate the coastwide harvest. The Board determined that the Spot PRT should continue to improve and expand the CPUE data, as well as compile age-length keys and catch-at-age matrices, and report back to the Board when prepared.

The spotted seatrout report presented the PRT's views on the status of the current management plan's measures, which because they are voluntary have resulted in some variation in state regulations, and the potential for an amended plan with mandatory measures. This included discussion on the adequacy of the plan's spawning potential ratio (SPR) goal and current state estimates of SPR, the ability of the states to conduct stock assessments for spotted seatrout, and the limited interjurisdictional movement of the species. Based on the PRT report, the Board agreed that the management plan provides an adequate level of interjurisdictional management and that an amendment is not necessary at this time.

Updates on the activities of the Red Drum Technical Committee (TC) and Stock Enhancement Subcommittee were also presented to the Board. The next red drum stock assessment is scheduled for the spring of 2009 through the Southeast Data, Assessment, and Review (SEDAR) process. The TC will meet on May 24 to begin preliminary data work. The Board approved the formation of the Stock Enhancement Subcommittee last October to address the need for red drum stocking and enhancement guidelines. The Subcommittee will have its first meeting on May 25.

The Board also decided to change the structure of the advisory panels for the species under its purview. Rather than individual species panels, one South Atlantic Species Advisory Panel will be developed from the current membership of the existing Atlantic Croaker and Red Drum Advisory Panels and additional representatives from the South Atlantic states as necessary. This action was taken to increase the frequency at which stakeholder input on all five species is made available to the Board.

Lastly, the Board approved forwarding a recommendation to the Policy Board to authorize it to begin development of a fishery management plan for southern kingfish in 2008. See the Policy Board Meeting Summary for the result of that recommendation.

For more information, please contact Nichola Meserve, Fisheries Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move that the Board request that the ISFMP Policy Board consider authorizing the South Atlantic Board to begin development of a fishery management plan for southern kingfish in the 2008 Action Plan.

Motion made by Dr. Daniel, second Dr. Laney. Motion carries.

Move to approve the nominations to the Red Drum Technical and Stock Assessment Committees.

Motion made by Mr. Boyles, second by Dr. McRae. Motion carries.

EXECUTIVE COMMITTEE (May 10, 2007)

Meeting Summary

The Executive Committee approved the FY08 budget, received a status report on 2007 Action Plan accomplishments, and made a decision regarding the allocation of the FY07 ACFCMA plus-up funds. For more information, please contact Laura Leach, Director of Finance and Administration, at (202)289-6400 or lleach@asmfc.org.

Motions

Move to approve the FY08 budget.

Motion made by Mr. Boyles on behalf of the AOC. Motion carries.

Move to approve \$1.3 million to the plus up projects and the remainder to be used under the states' ACFCMA grants.

Motion made by Mr. Nelson, second by Mr. Smith.

Motion to Amend:

Move to amend by changing the allocation to the projects to \$1.3 million.

Motion made by Mr. Travelstead, second by Mr. White. Motion passes.

Motion to Substitute:

Move to substitute: \$1.24 million allocated to plus up project areas (including \$240,000 re-allocated from unexpended up river surveys) with \$60,000 subtracted from the lobster ventless or port sampling project areas and the remainder of available funds allocated to the states under the ACFCMA formula.

Motion made by Mr. Smith, second by Mr. Calomo. Motion carries.

Main Motion as Amended:

Move to approve \$1.24 million allocated to plus up project areas (including \$240,000 re-allocated from unexpended up river surveys) with \$60,000 subtracted from the lobster ventless or port sampling project areas and the remainder of available funds allocated to the states under the ACFCMA formula.

Motion carries.

On behalf of the Awards Committee, I move that the guidelines for the Annual Awards of Excellence be amended to include the language "Candidates nominated but not selected in previous years do not need to be re-nominated. They will remain in the pool of nominees for three years following the year of their original nomination."

Motion made by Mr. Travelstead. Motion carries.

HORSESHOE CRAB MANAGEMENT BOARD (May 10, 2007)

Meeting Summary

The Management Board heard the Plan Review Team's (PRT) annual reports on state compliance and the fishery management plan review. All jurisdictions were found in compliance of the management plan. Total coastwide harvest for bait in 2006 was 833,103 crabs, which was up 8% from 2005 but down 13% from the previous five-year average. Harvest in Delaware Bay was down while effort has appeared to shift to Virginia and from New York through Massachusetts.

Coastwide, the number of crabs brought to biomedical facilities in 2006 was 367,914. Coastwide mortality of crabs used for biomedical purposes was estimated at 49,182 crabs, which is below the FMP threshold of 57,500 crabs. However, the Board tasked the PRT to look closer at mortality associated with culling crabs at sea and the location of harvest and return of crabs. It also tasked the PRT to track and report back to the Board on efforts in artificial bait development.

There are several key indices of migratory shorebird populations that feed on horseshoe crab eggs. Board will be requesting from the USFWS Shorebird Technical Committee annual updates on those indices, as the Horseshoe Crab Technical Committee does with key crab population indices. The two Technical Committees are scheduled to meet jointly in the fall of this year.

For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202)289-6400 or bspear@asmfc.org.

Motions

Move to approve that the Board request the Shorebird Technical Committee develop indices of the population status of red knot and other depleted shorebird species that utilize horseshoe crab eggs as food during spring migration, and report to the Board annually on the status of these bird populations relative to such indices.

Motion made by Mr. Colvin, second by Mr. Calomo. Motion carries unanimously.

Move to approve *de minimis* status for ME, NH, PRFC, SC, GA, and FL.

Motion made by Rep. Abbott, second by Mr. Adler. Motion carries unanimously.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (May 10, 2007)

Meeting Summary

The Spiny Dogfish and Coastal Shark Management Board met to provide guidance to the Plan Development Team (PDT) on issues to be included in the Draft Interstate Fishery Management Plan for Coastal Sharks and discuss spiny dogfish overages from the 2006/2007 fishing season.

The Board was generally satisfied with the draft management options, asking the PDT to combine the shore and vessel fishing sectors for simplicity. The PDT will make the appropriate changes to the management options, develop the rest of the draft FMP, and provide the Board with a Draft for Public Comment for approval at the ASMFC Summer Meeting.

The Board reviewed the 2006/2007 fishing season to discuss the 384,737-pound overage. After reviewing *Section 4.1.2.2* of the FMP, the Board agreed that overages are to be subtracted from the following years quota and should come from the period in which the overage was removed. The Board then agreed that the 2007/2008 quota is 5,615,263 pounds and will be split as follows: northern states are defined as Connecticut through Maine and southern states are defined as New York through North Carolina

Initial Quota = 6,000,000 lbs - 384,737 pound overage = 5,615,263 pound quota
Period I = 3,480,000 pounds (there was no overage in Period I)
Period II = 2,141,363 pounds (entire overage was harvested in Period II)
Northern states allocation (58%) (3,480,000 – 384,737 overage) = 3,095,263 pounds
Southern states allocation (42%) = 2,520,000

Motions

Move to leave in the option requiring circle hooks in Issue 5.

Motion made by Dr. Daniel, second by Dr. Rhodes. Motion passes.

Move to adopt the staff's recommendation regarding the 2006/2007 spiny dogfish overage.

Motion made by Mr. Augustine, second by Mr. Himchak. Motion passes.

Motion to appoint Dr. Fisher to the Coastal Shark TC, PDT, and PRT.

Motion made by Mr. Gibson, second by Mr. Stockwell. Motion passes.

ISFMP POLICY BOARD (May 10, 2007)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to address a number of issues. The Board discussed funding needs to support the requirements of the newly reauthorized Magnuson-Stevens Act. The Board agreed to work with Commission staff to develop an estimate of funding needs during the next two weeks. The Policy Board received a summary of a meeting held to coordinate the US/Canadian management efforts for American eel. The Board agreed to initiate development of a Memorandum of Agreement between the Great Lakes Fishery Commission and the ASMFC to develop a North American/North Atlantic American Eel Management Plan.

The ISFMP Policy Board received an update on the activities of the NEAMAP Funding Subcommittee to identify funding sources to pursue a full survey. The Policy Board approved moving forward with a full fall and spring nearshore trawl survey beginning in 2007, contingent on the availability of funding.

Dr. Jim Kirkley, Vice-chair of the Committee on Economics and Social Sciences, presented the Committee's review of The Southwick Report, contracted by Stripers Forever, on the comparison of the economic impacts of recreational and commercial fishing for striped bass.

The Assessment Science Committee (ASC) presented, and the Board approved, the stock assessment schedule for 2008. The ASC also presented, and the Board supported, recommendations for addressing retrospective patterns in stock assessments.

The Policy Board received an update on the recent activities regarding the development of a draft EIS for the introduction of non-native oysters in the Chesapeake Bay.

The Multispecies Technical Committee (MSTC) informed the Board of their intent to move forward with an update to the MSVPA model to provide additional information (e.g., predation rates) to the Commission's single species assessments.

The Policy Board initiated discussion on renewing the ASMFC Strategic Plan. The current Plan expires at the end of 2008. The Board agreed to include this issue on the agenda for the August meeting for further discussion.

The Policy Board discussed the possibility of developing an interstate fisheries management plan for cunner. The Board decided that it might be more appropriate for states to take action to restrict cunner landings at this time. Further consideration of interstate cunner management may occur when the 2008 action plan is developed.

The Law Enforcement Committee (LEC) also reported to the Policy Board on its meeting earlier in the week. A summary of the LEC meeting is included in this overall meeting summary (see pages 3 & 4).

During the “other business” portion of the agenda, the State of Maryland proposed a modification to its striped bass management program. The Policy Board referred the issue to the Striped Bass Advisory Panel and Management Board for consideration. The Management Board will be conducting a fax poll in the next week to consider the proposal. The Policy Board also referred a request for additional restrictions on the river herring fishery to the Shad and River Herring Management Board for consideration at the ASMFC Summer Meeting. Also during the Summer Meeting, the Policy Board will review the *de minimis* language in the ISFMP Charter and the species FMPs for consistency.

Motions

Move to initiate via VIMS the full two-season NEAMAP nearshore trawl survey in the fall of 2007 at the 60ft+ SNE areas to be covered.

Motion made by Mr. R. White, second by Mr. P. White. Motion carries.

Move to develop a MOA that is a coordinated bi-national eel management program.

Motion made by Mr. Colvin, second by Dr. Rhodes. Motion carries.

Move to approve the 2008 stock assessment schedule.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

Move to approve sending the following Maryland proposal for review by the Striped Bass Advisory Panel and a fax poll by the Striped Bass Board: a recreational striped bass fishery in the Susquehanna Flats from May 21-31, 2007; size limit 18-26”; one fish per person.

Motion made by Mr. Travelstead, second by Mr. Augustine. Motion carries.

Move on behalf of the South Atlantic State/Federal Fisheries Management Board that the ISFMP Policy Board authorize the South Atlantic State/Federal Board to begin development of a fishery management plan for southern kingfish in the 2008 Action Plan.

Motion made by Mr. Boyles. Motion carries.

BUSINESS SESSION (May 10, 2007)

Press Release

ASMFC Approves Amendment 14 to the Scup FMP

Alexandria, VA – The Atlantic States Marine Fisheries Commission has approved Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The Amendment maintains the current management program for scup, which applies a constant fishing mortality rate of $F=0.26$ to determine landings and assesses stock status based on available survey indices. This management strategy will be in place until it is demonstrated that the substitution of the research vessel Bigelow for the Albatross would not invalidate use of the long-term scup time series and rebuilding goals established via the Albatross’ survey indices. If, at a later date, the survey indices developed from the two vessels are found to be compatible, the Commission will pursue development of a scup rebuilding plan.

As approved, the Commission’s Amendment 14 is inconsistent with the Mid-Atlantic Fishery Management Council’s Amendment 14. Specifically, the Commission’s plan does not establish a stock rebuilding timeline and institutes a less conservative constant fishing mortality rate ($F = 0.26$ versus

0.10). This may result in differing annual total allowable landing limits for the fishery, as well as conflicting management measures between state and federal waters.

The Council's version of Amendment 14 establishes a seven-year rebuilding period (January 1, 2008 - January 1, 2015) and uses a constant fishing mortality rate of $F = 0.10$ (compared to the current F of 0.26) to restore the scup resource. The constant F would be applied every year until the stock is rebuilt.

The Commission's actions under Amendment 14 are taken exclusively under the states' management authority and apply only to state waters (zero to three miles from shore). The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board will meet with the Mid-Atlantic Council in August 2008 to set the TAL and commercial management measures for the 2008 scup fishery. Both groups will meet again in December 2008 to set the recreational management measures.

Copies of the Commission Amendment will be available by June 1, 2007 and can be obtained via the Commission's website at www.asmfc.org under Breaking News or by contacting the Commission at (202) 289-6400. For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

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PR07-11

Motions

Move on behalf of the Summer Flounder, Scup, and Black Sea Bass Management Board that the Atlantic States Marine Fisheries Commission adopts Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.

Motion made by Mr. Travelstead. Motion carries.