



Atlantic States Marine Fisheries Commission

2009 Spring Meeting Summary

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

2009 Spring Meeting
Alexandria, Virginia
May 4 – 7, 2009

For more information, please
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202/289-6400

Meeting Summaries, Press Releases and Motions

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WINTER FLOUNDER BOARD (May 4, 2009)

Press Release

Winter Flounder Board Approves Addendum I to Initiate Stock Rebuilding of Inshore Stocks

Alexandria, VA – The Commission’s Winter Flounder Management Board approved Addendum I to Amendment 1 the Interstate Fishery Management Plan for the Inshore Stocks of Winter Flounder. The Addendum establishes harvest reductions for both the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) inshore stocks of winter flounder (0 – 3 miles).

This action is taken in response to the findings of the 2008 Groundfish Assessment Review Meeting (GARM III), which estimates that the SNE/MA stock is at 9% of the target biomass (overfished) with overfishing occurring and that the GOM stock is likely to be overfished with overfishing likely to be occurring. The Addendum’s provisions are also intended to complement federal management measures on groundfish stocks under the final interim rule, which will significantly reduce fishing mortality on federally-managed groundfish stocks, including winter flounder, in offshore waters (3 – 200 miles).

For the GOM, Addendum I requires an 11% reduction in fishing mortality for the recreational sector and a 250 pound possession limit for non-federally permitted commercial fishermen (estimated 31% reduction in harvest). Recreational reductions may be achieved by using possession limits, seasons, or other measures. Commercial measures under the final interim rule are intended to achieve at least an 11% reduction in fishing mortality.

For the SNE/MA, the Addendum establishes a two fish recreational bag limit with current size limits and seasons maintained and a 50 pound possession limit for non-federally permitted commercial fishermen. Both measures will allow for the consistent application of management measures in state water fisheries and are intended to complement the federal interim rule which prohibits any take of SNE/MA winter flounder from offshore waters (an estimated 62% reduction in fishing mortality). The Board set bag and possession limits that are low enough to discourage directed fishing but allow fishermen to keep their winter flounder bycatch. The two fish recreational bag limit is estimated to achieve approximately a 50% reduction in harvest, while the 50 pound commercial possession limit is estimated to achieve approximately a 65% reduction in harvest.

Cooperative management between state and federal waters on winter flounder is particularly important because of the unique migration patterns and spawning site fidelity of this species. When winter flounder migrate to inshore state water spawning grounds, they become concentrated in certain areas, making it easy for anglers to locate and remove a substantial portion of them. Concentrated fishing effort on spawning females, which are the most productive part of the population, can result in a larger net loss to the population than the landings may suggest. The Addendum’s measures seek to enhance stock rebuilding efforts throughout the species range by reducing fishing related mortality on inshore spawning stocks.

States are required to submit proposals to meet the required harvest reductions by mid-June. The Board will meet in August to review the Technical Committee's evaluations of state proposals and take final action. States will be required to implement their regulations by November 1, 2009. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202) 289-6400 or cvonderwiedt@asmfc.org.

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PR09-11

Meeting Summary

In addition to approving Addendum I, the Winter Flounder Management Board also accepted Advisory Panel nominations for Gary Libby from Maine and Thomas Siciliano from New Jersey. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202) 289-6400 or cvonderwiedt@asmfc.org.

Motions

Main Motion:

Move to adopt Option A, status quo, for Issue 1 Gulf of Maine recreational measures.

Motion made by Dr. Pierce, second by Rep. Abbott. Motion substituted.

Motion to Substitute:

Move to substitute to adopt Option B for issue 1 Gulf of Maine recreational measures and Option E for Issue 2 for the Gulf of Maine commercial possession limits.

Motion made by Mr. Lapointe, second by Mr. R. White. Motion carries. (8 in favor, 1 opposed, 1 null, 0 abstentions).

Main Motion as Substituted:

Move to adopt Option B for issue 1 Gulf of Maine recreational measures and Option E for Issue 2 for the Gulf of Maine commercial possession limits.

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

Move to adopt a two fish possession limit and status quo minimum size and season for the entire Southern New England/Mid Atlantic winter flounder recreational fishery.

Motion made by Mr. Simpson, second by Mr. Gibson. Motion fails for lack of a majority (5 in favor and 5 opposed).

Main Motion:

Move to adopt Option D for Issue 3 Southern New England/Mid Atlantic recreational measures and Option I for Issue 4 Southern New England/Mid Atlantic commercial measures.

Motion made by Mr. Lapointe, second by Mr. R. White. Motion substituted.

Motion to Substitute:

Move to substitute to adopt Option C for Issue 3 Southern New England/Mid Atlantic recreational measures and Option E for Issue 4 Southern New England/Mid Atlantic commercial measures. Motion made by Dr. Pierce, second by Mr. Gibson. Motion fails.

Motion to Substitute:

Move to substitute to adopt Option C for Issue 3 Southern New England/Mid Atlantic recreational measures and Option G for Issue 4 Southern New England/Mid Atlantic commercial measures. Motion made by Mr. Simpson, second by Mr. Miller. Motion fails for lack of majority (5 in favor and 5 opposed).

Motion to Substitute:

Move to substitute to adopt a two fish possession limit for Issue 3 Southern New England/Mid Atlantic recreational measures and a 50 pound possession limit for Issue 4 Southern New England/Mid Atlantic commercial measures.

Motion made by Dr. Pierce, second by Mr. McCloy. Motion carries (6 in favor, 4 opposed).

Main Motion as Substituted:

Move to adopt a two fish possession limit for Issue 3 Southern New England/Mid Atlantic recreational measures and a 50 pound possession limit for Issue 4 Southern New England/Mid Atlantic commercial measures.

Motion made by Dr. Pierce, second by Mr. McCloy. Motion carries as the main motion (6 in favor, 4 opposed).

Move to adopt Addendum I as modified today with a proposal submission date of June 15, 2009; Board review the week of August 17; and state implementation on November 1, 2009.

Motion made by Mr. Lapointe, second by Mr. R. White. Motion carries (8 in favor, 2 abstentions).

Move to adopt Gary Libby from ME and Thomas Siciliano from NJ to the advisory panel.

Motion made by Mr. Lapointe, second by Mr. McCloy. Motion carries.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (May 4, 2009)

Meeting Summary

The Striped Bass Management Board met to receive several reports and consider initiating an addendum to Amendment 6. A report from the Striped Bass Technical Committee included final responses to seven tasks from the Board; a preliminary report had been provided in February. The report will be made available through the Commission's website (minutes and meeting summaries link on the striped bass page). A report from the Committee on Economics and Social Sciences recommended steps for completing a socioeconomic evaluation of the striped bass fisheries; a full work plan is expected in August.

Following these reports, the Management Board considered several motions for an addendum. The first motion proposed two coastal commercial quota issues for inclusion in an addendum and was subsequently split into two separate motions, of which one passed and one failed. The passed motion set in action the development of an addendum to include options for rolling-over unused commercial quota. The addendum will address such issues as maximum roll-over amount, accumulation of unused quota, and monitoring of roll-over impacts. A draft addendum

will be prepared for the Board's next meeting in August, and Technical Committee and Advisory Panel advice will be sought.

The motion that did not pass asked for the inclusion of addendum options to increase coastal commercial quota. The motion was based on estimates produced by the Technical Committee of the expected effect on fishing mortality from increasing the coastwide coastal commercial quota by 15-30 percent. While this analysis found that the expected effect would be relatively minor, the Board favored waiting for the results of the 2009 update stock assessment before considering quota increases.

The Committee on Economics and Social Sciences' (CESS) report addressed a Board task to evaluate management's success in fostering quality and economically viable recreational, for-hire, and commercial fisheries (an objective in Amendment 6). The Board had requested an economic impact analysis at its last meeting; however, following discussion of this request, the CESS recommended that economic value and social impacts also be evaluated. The Board approved the CESS's proposal to develop options for assessing socioeconomic value and impacts to be presented at the Board's next meeting in August.

Three additional items were added to the Board's agenda. Thomas O'Connell, Maryland Department of Natural Resources Fisheries Service, summarized sentences and fines levied in the ongoing poaching case, and indicated that new regulations to improve harvest reporting and accountability measures had been implemented. Michelle Duval, North Carolina Division of Marine Fisheries, alerted the Board that its Marine Fisheries Commission had sent a letter to National Marine Fisheries Service requesting reconsideration of the moratorium on striped bass harvest and possession in federal waters. Wilson Laney, US Fish and Wildlife Service, summarized the results of the 2009 Cooperative Winter Tagging Cruise and advised that an alternative vessel would again be needed for the 2010 cruise because of the NOAA Ship Oregon II's maintenance schedule.

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

Motions

Move to approve TOR as laid out in CESS' white paper.

Motion made by Mr. Stockwell, second by Mr. Grout. Motion carries.

Move to initiate an addendum that will (a) develop a commercial quota rollover of up to 50% of a state's unused commercial quota and (b) provide for an increase in coastwide commercial quota utilizing the % increase and analysis developed by the Technical Committee.

Motion made by Ms. Duval, second by Mr. Augustine. Motion divided.

Move to divide the question.

Motion made by Mr. Augustine, second by Mr. Simpson. Motion carries (12 in favor, 3 opposed, 1 abstention).

Move to initiate an addendum that will provide for an increase in coastwide commercial quota utilizing the percent increase and analysis developed by the Technical Committee (15%, 20%, 25%, and 30%).

Motion made by Ms. Duval, second by Mr. Augustine. Motion fails (6 in favor, 8 opposed, 2 abstentions).

Move to initiate an addendum that will develop a coastal commercial quota rollover of up to 50% of a state's unused commercial quota.

Motion made by Ms. Duval, second by Mr. Augustine. Motion carries (10 in favor, 4 opposed, 2 abstentions).

HORSESHOE CRAB MANAGEMENT BOARD (May 4, 2009)

Meeting Summary

Preliminary reported coastwide bait landings for 2008 totaled 632,284 crabs, a 23% decrease from the previous year. Mainly due to increased harvest restriction, the largest decreases in reported harvest occurred in Massachusetts, New York, and Virginia. Delaware and North Carolina each exceeded their respective quotas by about 2,000 crabs per state. Total reported crab harvested for biomedical bleeding in 2008 totaled 511,478 crabs. Coastwide mortality estimated for these crabs was 63,285 crabs.

Dr. Conor McGowan (USGS) presented an update of progress to date on development of the multispecies Adaptive Resource Management (ARM) modeling efforts linking horseshoe crabs and red knots. The work is scheduled for peer review in fall 2009. Concurrent with the ARM review, the single-species horseshoe crab stock assessment will be peer reviewed. The reports and review results are expected to be presented to the Board in February 2010.

Both the Delaware Bay Spawner Survey and Virginia Tech Benthic Trawl Survey generally showed decreased numbers in 2008. The drop in numbers observed during the spawner survey is thought to be due, in large part, to a Nor'easter passing through the region in mid-May. New data from red knot monitoring was limited to winter counts in Tierra del Fuego for 2009, which were consistent with the previous four years of low levels.

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

Motions

Motion to grant *de minimis* status for ME, NH, PRFC, SC, GA, and FL for 2010.

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

Motion to accept PRT reports.

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

Move to approve terms of reference (ARM & HSC) provided there are no recommended changes by the Technical Committee.

Motion made by Dr. Daniel, second by Mr. Augustine. Motion carries by consent.

SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD (May 5, 2009)

Meeting Summary

The South Atlantic Board met to elect a vice-chair, review a report on spot data availability and monitoring, consider approval of nominations for a Spanish Mackerel Plan Development Team, review a draft Public Information Document for a potential amendment to the Spanish Mackerel Fishery Management Plan, and receive a status report on ongoing stock assessments for South Atlantic species.

In each of the last two years, the Spot Plan Review Team has provided a report on spot stock status, as indicated by available indices of relative abundance from several states in the species' core area. Last May, the Board requested another year of monitoring due to some declining trends, and also a review of spot data availability for assessment purposes. This year's report expanded on the previously reported monitoring information with data from several additional states. While some previously declining indices reversed trends in 2007 and/or 2008, the Plan Review Team recommended another year of reporting to see if those trends continue, followed by a transition to biennial or triennial monitoring reports if they do continue, or a possible stock assessment if they reverse. Concerning a spot stock assessment, the Plan Review Team reported that commercial, recreational, and index data appeared adequate for assessment purposes, but noted that life history information had not yet been compiled, which it proposed to do in the next report. The Board agreed with the Plan Review Team's recommendations to have another year of reporting in 2010 to include a review of life history information.

Last October, the Board initiated an amendment to the Spanish Mackerel Fishery Management Plan to address such issues as compliance measures, state-federal consistency, and state exemptions. Accordingly, a newly-formed Spanish Mackerel Plan Development Team drafted a Public Information Document, the first document in the amendment process which serves to inform the public of the Commission's intent to develop an amendment and to gather comment on issues for inclusion. The Board did not act to approve the Public Information Document for public comment, but rather asked for a white paper to address expanding the amendment to include spot and spotted seatrout in order to update these species' management plans with compliance measures and other Commission standards. The white paper will be developed for Board review in August.

The Board was informed about assessments currently underway for red drum and Atlantic croaker. Red drum is being assessed and peer reviewed through the Southeast Data, Assessment, and Review (SEDAR) process. A Red Drum Data Workshop was held in February, for which a comprehensive report has been completed and will soon be available through the Commission's website at <http://www.asmfc.org/redDrum.htm>. Dates and locations for the Red Drum Assessment and Review Workshops are listed at <http://www.asmfc.org/meetings.htm>. Atlantic croaker is being assessed through the Commission's internal process and peer reviewed through the SEDAR process. An assessment team was recently formed, a timeline developed, and data

compilation begun. Dates and locations for the Atlantic Croaker Data, Assessment, and Review Workshops will be made available on the meetings webpage of the Commission's website as well. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move to nominate Dr. Louis Daniel to Vice-Chair.

Motion made by Mr. Woodward, second by Mr. Frampton. Motion carries.

Move to approve Randy Gregory (NC DNR), Pearse Webster (SC DNR), Aaron Poday (FL FWCC), Gregg Waugh (SAFMC) to the Spanish Mackerel PDT.

Motion made by Mr. Woodward, second by Mr. Cole. Motion carries.

ATLANTIC MENHADEN MANAGEMENT BOARD (May 5, 2009)

Press Release

Atlantic Menhaden Board Initiates Addendum to Extend Chesapeake Bay Reduction Fishery Harvest Cap to 2013

Alexandria, VA – The Commission's Atlantic Menhaden Management Board approved the initiation of Draft Addendum IV to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Draft Addendum will propose extending the Chesapeake Bay reduction fishery harvest cap, established through Addendum III, for an additional three years (2011 – 2013). The Board will annually review measures in Addendum IV, if approved, to determine if they are appropriate given the most recent information available about the stock and fishery.

The Board's action was initiated by the Commonwealth of Virginia in order to accommodate its legislative process as well as ensure that the current management program is extended while menhaden research efforts continue. Virginia's legislature, which meets January through March each year, is responsible for regulating the menhaden reduction fishery in state waters. With a new Addendum in place this year, Virginia state administrators can work with the legislature in early 2010 to amend Virginia law to extend the harvest cap without the current cap expiring.

Addendum III established the current annual cap of 109,020 metric tons on reduction fishery harvests in Chesapeake Bay as a precautionary measure while research was conducted to address the question of menhaden abundance in the Bay. The cap has been in place since 2006 and will extend through 2010. Harvest for reduction purposes is prohibited in the Chesapeake Bay when 100% of the cap is landed. Over-harvest in any given year would be deducted from the next year's quota. Addendum III also includes a provision allowing under-harvest in one year to be credited only to the following year's cap, not to exceed 122,740 metric tons.

The Board will meet in August 2009, during the Commission's Summer Meeting, to review the Draft Addendum and consider approving it for public comment. For more information, please contact Braddock Spear, Senior Fishery Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

PR09-12

Meeting Summary

In addition to the action mentioned in the press release above, the Board selected options for exploring the development of ecological reference points (ERPs) for menhaden. The Board directed ASMFC staff and technical advisors to identify examples of fisheries where ERPs or something similar has been used for management. In addition, it asked that key elements (e.g., goals, dynamics, data/modeling requirements) of examples found be compared with the current goals, data availability, and modeling used for menhaden management. Concurrently, ASMFC staff and technical advisors will continue participating in Maryland Sea Grant's efforts to facilitate development of ecosystem-based fishery management plans including reference points.

Total coastwide harvest of menhaden decreased 14% from 2007 to 188,467 metric tons in 2008. Reduction harvest decreased 19% to 141,133 metric tons and bait harvest increased 6% to 46,790 metric tons from the previous year. Reduction landings from Chesapeake Bay totaled approximately 85,000 metric tons for 2008. The 2009 Chesapeake Bay reduction harvest cap is set at 122,740 metric tons.

The benchmark stock assessment process for menhaden includes a Data Workshop scheduled for May 12-14, an Assessment Workshop scheduled for October 2009, and a peer review anticipated in March 2010. For more information, please contact Braddock Spear, Senior Fishery Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

Motions

Move to approve *de minimis* status for FL, GA, and SC and to accept the PRT report.

Motion made by Mr. Lapointe, second by Mr. Cole. Motion carries.

Move to initiate an addendum to extend Chesapeake Bay Reduction Harvest Cap for 3 years (through 2013) subject to annual review.

Motion made by Mr. Travelstead, second by Dr. Daniel. Motion passes (16 in favor, 1 null).

Move to amend the motion to include options in the addendum to extend Chesapeake Bay Reduction Harvest Cap for 2, 3, 4 and 5 years (through 2012 - 2015).

Motion made by Dr. Pierce, second by Mr. Gibson. Motion fails.

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD **(May 5, 2009)**

Meeting Summary

The Summer Flounder, Scup, Black Sea Bass Board adopted the new reference points that were recommended for scup and black sea bass at the Northeast Fisheries Science Center Data Poor Workshop (see motion). With the adoption of the reference points, the black sea bass stock is rebuilt. The stock is not overfished but overfishing is occurring. The Technical Committee and Peer Review Panel highlighted the need for caution in setting management specifications due to the high level of uncertainty in the assessment. Sources of uncertainty include natural mortality, modeling a species that changes sex (traditional models may not apply), lack of model fit in recent years, unit or multiple stocks, commercial discards, and sensitivity of biological reference

points to weights of data sources. With the adoption of the new scup reference points, the stock is no longer overfished and overfishing is not occurring. The Technical Committee and Peer Review Panel stated that rapid increases in the total allowable catch (TAC) would be unwarranted given uncertainties in (new) model estimates and stock status. A gradual increase in quotas would be appropriate.

The Technical Committee examined the effects of slot limits on recreational harvest of summer flounder. The results of this analysis provided harvest outcomes resulting from various slot, bag and trophy combinations in 2008 using only the for-hire (party boat) mode as a model for the entire fishery. The analysis assumes all fish caught in slot will be retained and all state season closures (from 2008) are maintained. Previous VAS analyses suggest that more discards per landed fish (higher discard ratio) occur in shore based modes than boat modes, therefore, the analysis tends to underestimate the harvest predicted in the given slot sizes. The analysis showed that smaller slot limits result in very large increases in harvest and larger slot options (>18") would keep harvest at or below current levels. Different slot options would affect the distribution of the coastwide harvest differently: (1) smaller-size slot limits would redistribute harvest into shore modes and (2) larger-size slot limits will redistribute the harvest to states with better availability of large fish (i.e., MA, CT, RI, NY, and VA). Regulatory discarding of larger fish will increase and high-grading within the slot is expected given the very high availability of legal sized fish. The analysis showed that decreasing size limits vastly increase quota sizes (in numbers of fish) for a given total allowable landings limit (pounds), but the removals (harvest and discarded mortalities) increase substantially with declining size limits. Fishing mortality would rise due to the considerable increase in harvest, quotas, and total removals expected from slot limit implementation. An analysis of the reference points showed that they will not change considerably. The Technical Committee recommended that slot experimentation wait until the stock has rebuilt given the risks associated with accelerating fishing mortality and data limitations.

The Board also had tasked the Technical Committee to develop mandatory region options in the summer flounder recreational fishery. State-specific length frequencies of the total catch (harvest and discards) were compiled from various data sources for 2006-2007. On average, the largest summer flounder were observed in MA, RI, NY, CT, and VA. In a very broad sense, larger fish tend to be caught north of NJ and smaller fish seem to be caught from NJ southward. Seasonal differences in size, within states, were clearly evident between spring and fall surveys of NEAMAP.

Impacts to states when regions are formed can be different depending on where most of the data come from. Increased precision may not be an appropriate reason to form regions for management unless the data was poorer at the state level (which is not necessarily the case for all states fishing for summer flounder). Pooling the data will in most cases increase the overall precision but it does not help to show what a region should be relative to stock composition or how the fisheries operate within a region. The Technical Committee concluded that there is not enough information that is representative of the fisheries to identify options for mandatory regions based on technical criteria.

Jessica Coakley from the Mid-Atlantic Fishery Management Council briefed the Board on Council actions regarding the Omnibus Amendment addressing annual catch limits and accountability measures. The Council is currently in the scoping process for the amendment. The Board will continue to monitor Council actions for regulations that may impact the joint Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass.

The Board began discussions on state-to-state quota transfers of commercial black sea bass and scup (summer period only) quotas. Currently, the transfer provisions in the FMP provides limited guidance for Commission only state-by-state quota management. Staff will provide the Board with mechanisms for transfer provisions at the August meeting. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

Motions

Move to adopt the following reference points for scup and black sea bass, as described in the April 17 Technical Committee memorandum based on the Data Poor Workshop:

- **Scup $F_{40\%}$ as F_{msy} Proxy: threshold = 0.177 and $SSB_{40\%}$ as SSS_{msy} Proxy: SSB threshold = 46,022 mt; SSB target = 92,044 mt**
- **Black Sea Bass $F_{40\%}$ as F_{msy} Proxy: threshold = 0.42 and SSB_{msy} Proxy: SSB threshold = 6,269 mt; SSB target = 12,537 mt**

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

Move that the Board reconsider the black sea bass quota for 2009 and revise it to make it status quo with 2008.

Motion made by Dr. Pierce, second by Dr. Stewart. Motion fails (1 in favor, 9 opposed, 1 abstention).

Move to develop an addendum to include a mandatory regional management tool for summer flounder in the FMP.

Motion made by Mr. Augustine, second by Mr. Miller. Motion fails (2 in favor, 6 opposed, 2 abstentions).

Move to approve the 2009 regulations proposed and adopted by CT (19.5" minimum size, 3 fish, open season from June 15 to August 19).

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

LAW ENFORCEMENT COMMITTEE (May 5, 2009)

Meeting Summary

The Commission's Law Enforcement Committee (LEC) met to discuss a number of issues. All members with the exception of New Jersey and Georgia were present. The LEC has worked for the past several years to improve efficiency of enforcement efforts at sea. One of these initiatives is the installation of VMS monitoring capabilities on mobile data terminals in each state. Maine's pilot program has been very successful and the Committee is looking forward to full access to

this data in the foreseeable future. Another resource that is being utilized in the field is the SAFIS program of the Atlantic Coastal Cooperative Statistics Program. This data has been used in many of the field investigations to verify landings. It saves officers many hours of investigation in certain circumstances.

Bob Hogan, NOAA Counsel, gave an overview of summary settlement changes and delegation of this authority to some states for specific purposes. He also explained state officer authority in the EEZ under the Magnuson Act. The Committee discussed the status of the National Saltwater Anger Registry program and its impact on manpower allocations, especially in those states that have no recreational fishing licenses. Each managed species was also reviewed for updated enforcement issues.

For more information, please contact Michael Howard, LEC Coordinator, at (202) 289-6400 or mhoward@asmfc.org.

AMERICAN LOBSTER MANAGEMENT BOARD (May 5, 2009)

Press Releases

American Lobster Stock Assessment Yields Mixed Results

*High Abundance and Recruitment for Georges Bank & Most of Gulf of Maine
Continued Low Stock Abundance & Recruitment for
Southern New England and Area 514 (MA Bay and Stellwagen Bank)*

Alexandria, VA – The 2009 peer-reviewed stock assessment report indicates the American lobster resource presents a mixed picture, with record high stock abundance and recruitment throughout most of the Gulf of Maine (GOM) and Georges Bank (GBK), continued low abundance and poor recruitment in Southern New England (SNE), and further declines in recruitment and abundance in NMFS Statistical Area 514 (Massachusetts Bay and Stellwagen Bank) since the last assessment. The Peer Review Panel noted particular concern regarding the status of the stock throughout the SNE assessment area and within Area 514 and recommended that further restrictions are warranted for both areas.

Despite current high levels of abundance and recruitment in GOM and GBK, the Panel recommended “that managers be particularly vigilant of recruitment patterns in these stocks and stand ready to impose substantial restrictions should recruitments decline.” The Panel cautioned that productivity has been lower in the past. For example, landings in the GOM, which accounts for approximately 87% of the coastwide fishery since 2002, fluctuated without trend around 20 million pounds from 1930 – 1990. Those levels are substantially lower than current levels (average landings 72.8 million pounds between 2000-2007), possibly due to low recruitment and production. The current levels of fishing effort and harvest will not be sustainable if the stock returns to lower recruitment and production. This is of particular concern to the Panel since approximately 50% of available lobster are removed annually versus a removal rate of about 30% based on a biological reference point that would maintain 10% of the virgin spawning potential.

The Panel noted improvements to both commercial and fishery-independent data efforts. However, commercial data – both landings and particularly fishing effort – continue to be recorded piecemeal rather than universally. States should be strongly encouraged to standardize collection of fishery-dependent data and work toward mandatory universal coverage. The Panel also stressed “the need to continue this port and sea sampling so as to achieve representative coverage of all segments of the fishing fleet, because the length-based model depends of statistically representative length frequency data.”

The 2009 stock assessment used a new length-based model developed by Dr. Yong Chen of the University of Maine. This model increased the ability to predict changes in population length structure and account for changes in management measures. The also model incorporated more fishery independent survey data.

Results showed current abundance of the GOM stock overall is at a record high when compared to the 26-year time series. Recent exploitation rates have been comparable to the past whereas recruitment has steadily increased since 1997. The exception is statistical Area 514 which has continued to experience very high exploitation rates and declines in recruitment and abundance since the last assessment. Continued restrictions are warranted given the persistence of low recruitment and its negative effect on total abundance and potential egg production. Across GOM, effort levels in recent years are the highest observed since 1982 (both in number of traps and soak time) and further increases in effort are not biologically advisable.

The new assessment showed current abundance of the GBK stock is at a record high compared to the 26-year time series and recent exploitation rates are at a record low. Recruitment has remained high in GBK since 1998. Sex ratio of the population in recent years is largely skewed toward females (~80% from 2005 to 2007) for unknown reasons. The Technical Committee noted that the stock could experience recruitment problems in the future if females are sperm limited.

The new assessment showed current abundance of the SNE stock is the lowest observed since the 1980s and exploitation rates have declined since 2000. Recruitment has remained low in SNE since 1998. Given current low levels of spawning stock biomass and poor recruitment further restrictions are warranted.

The new assessment recommends revisions to the reference points set in the FMP. Revised reference points (see accompanying table) include median reference abundance and median effective exploitation

This table is based on the recommended reference points in the 2009 Assessment (not those currently in the FMP)			
Variable	GOM	GBK	SNE
Effective Exploitation (Annual rate)			
Threshold	0.49	0.51	0.44
Recent	0.48	0.3	0.32
Recent < Threshold	YES	YES	YES
Overfishing Occurring	NO	NO	NO
Reference Abundance (Number of lobster)			
Threshold	72.0	1.9	25.4
Recent	116.1	4.7	14.7
Recent > Threshold	YES	YES	NO
Depleted	NO	NO	YES

rate thresholds for sexes combined from 1982-2003 in GOM and GBK and 1984-2003 in SNE. Stock status is determined by comparing stock-specific threshold values to the average reference abundance and effective exploitation rate for sexes combined during 2005-2007. An addendum is needed to implement these new reference points.

Based on the recommended reference points from the assessment, “overfishing” would occur if the average effective exploitation rate during 2005-2007 were higher than the stock-specific median threshold. A stock would be “depleted” if average reference abundance during 2005-2007 fell below the median threshold level. In either of these cases, corrective management action should be implemented. Given these recommended revised reference points, the GOM and GBK stocks are not depleted and overfishing is not occurring, while the SNE is depleted but not experiencing overfishing.

The Board accepted both the stock assessment and advisory reports and tasked the Technical Committee with providing recommendations for management and revising the reference points. Of particular concern is the status of the SNE stock. Copies of the stock assessment and peer review reports will be available by mid-May and can be accessed 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 Fishery Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asafc.org.

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PR09-13

American Lobster Board Approves Addendum XIV

Alexandria, VA – The Commission’s American Lobster Management Board approved Addendum XIV to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum XIV modifies the Lobster Conservation Management Area (LCMA) 3 trap transfer program, including changes to the conservation tax and trap cap.

Given the competitive nature of the fishery in LCMA 3 (offshore waters), it is expected that once transferability is implemented, all fishing entities will elect to fish the highest number of traps in order to remain competitive. There was concern the end result would be fewer participants in the fishery. The Board adopted the lower trap cap to keep more participants in the fishery as consolidation occurs, which maintains existing social and cultural features of the industry. This action also considers concerns for increased costs and overhead in the fishery by promoting economic efficiency in harvesting the resource. The Board adopted a single lower conservation tax to address concerns that the high tax of the previous plan would deter transfers from occurring and was confusing to industry. The conservation tax is a passive reduction of traps that will occur with each trap transfer event at the rate of 20%. For example if 100 trap tags are transferred to a fisher, the net number of tags received by that fisher will be 80.

The Addendum sets a 20% single conservation tax partial trap transfers within LCMA 3 and a 10% conservation tax for the sale of a complete fishing operation. It also lowers the trap cap under the transfer program for Area 3 to 2000.

In other action, the Board initiated an addendum to cap permits to fish traps in federal waters of LCMA 1 by requiring a qualification process for federal permit holders. The draft addendum will explore capping permits but not reduce the number of permits in LCMA 1 and allowing trap only permits within LCMA 1 to be transferred. The draft addendum will address effort control issues in LCMA 1 by preventing non-trap permits from converting to trap permits and by not allowing trap permits from other LCMAs to declare LCMA 1. The Board will review and consider approving the draft addendum for public comment at its next meeting in August.

Copies of Addendum XIV will be made available by mid-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. For more information, please contact Toni Kerns, Senior FMP Coordinator for Management, (202) 289-6400 or at tkerns@asmfc.org.

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PR09-15

Motions

Move to accept the lobster stock assessment and peer review advisory report.

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

Move to adopt Option B in Section 4.1.1 that creates a 20% conservation tax for permit holders transferring partial allocations and 10% conservation tax for permit holders transferring whole allocations or businesses.

Motion made by Mr. McKiernan, second by Mr. Lapointe. Motion carries (8 in favor, 1 opposed, 1 abstention, 0 null).

Move to adopt Option B in section 4.1.2 that results in a new trap cap of 2,000 traps.

Motion made by Mr. McKiernan, second by Mr. P. White. Motion carries (9 in favor, 0 opposed, 1 abstention, 0 null).

Move to approve Addendum XIV as modified today. Regarding states' compliance deadlines, states shall be required to enact regulations instituting these changes upon NMFS completing rule making on Addendum XIV recommendations.

Motion made by Mr. McKiernan, second by Mr. Gibson. Motion carries (9 in favor, 0 opposed, 1 abstention, 0 null).

Move that the Board initiate an addendum to cap permits to fish traps in federal waters of LCMA1 by requiring a qualification process for Federal permit holders to obtain authorization to maintain LCMA 1 permits: a) federal permit, b) proof of LMA1 designation as of January 2, 2009, c) appropriate trap tag orders for LMA1 for any one year between 2004 through 2008 as of January 2, 2009, including the following conditions:

- **Cap permits but not reduce the number of permits in Area 1;**
- **Maintain the ability to transfer trap-only permits within Area 1;**
- **Continue to allow Area 1 permits to be transferred.**

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

ANNUAL AWARDS OF EXCELLENCE (May 5, 2009)

Press Release

ASMFC Presents Annual Awards of Excellence

Alexandria, VA – Mr. Roy Miller, Mr. Rick Robins, Dr. Dave Smith, and Mr. Wayne Hettenbach and the agents and officers of the Interstate Watershed Task Force 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 areas of management and policy; scientific, technical, and advisory; and the law enforcement, respectively.



From left: ASMFC Executive Director John V. O’Shea, Mr. Wayne Hettenbach, Mr. Rick Robins, Mr. Roy Miller, Dr. Dave Smith, ASMFC Chair George Lapointe (ME) and ASMFC Awards Committee Chair Jack Travelstead (VA)

“Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission’s Annual Awards of Excellence recognize 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.”

Management and Policy

Mr. Roy Miller, of the Delaware Division of Fish & Wildlife, received the award for work in the area of management and policy. Mr. Miller has been involved in Commission activities since 1978. He served as a member of the Striped Bass Technical Committee during the highly controversial years of population decline, harvest moratoria, stock rebuilding, and controlled

reopening of the fishery. His hard work and sound judgment enabled the Technical Committee to provide clear scientific advice to support the difficult decisions needed to bring about the Commission's premier fishery management restoration and success story. In 2002, he became the proxy for his state's Administrative Commissioner and has been a conscientious and thoughtful member of 14 species management boards. He led the Horseshoe Crab Management Board through the politically sensitive process of capping horseshoe crab harvest and diplomatically chaired the Weakfish Management Board as it grappled with the technical challenges of managing a species with limited harvest and conflicting abundance indices. His longstanding commitment to the Commission and its management process, along with the deep respect he has earned from his fellow Commissioners, make him an exceptional recipient of this award.

Scientific, Technical, and Advisory

Mr. Rick Robins' work to bridge the gap between opposing viewpoints on the management and use of horseshoe crabs makes him the first of two recipients in this award category. He has represented Virginia on the Horseshoe Crab Advisory Panel since 2000 and was instrumental in developing the male-only strategy as a key provision of Addendum IV to the Interstate Fishery Management Plan for Horseshoe Crabs. The strategy accommodates the science regarding horseshoe crab spawning and population dynamics, addresses the needs of migratory bird conservation, and allows management of the resource for multiple users. He worked with the bait and biomedical industries, advocate organizations, and state fishery managers to effectively build consensus on this difficult management issue, aiding the Commission in its ability to prioritize the needs of migratory birds while appropriately limiting commercial use of the horseshoe crab resource.

Dr. Dave Smith, of the U.S. Geological Survey, is the second recipient in the Scientific, Technical and Advisory category. He has been a valuable asset to various Commission species technical and assessment committees for the past 20 years. He has made significant contributions to striped bass tagging, with his early work having formed the basis for current coastwide tagging efforts. He has also advanced the tools that are used to monitor horseshoe crabs. His work includes modifying both the Delaware Bay Horseshoe Crab Spawning Survey and the survey design for sampling horseshoe crab eggs. He has been at the forefront in modeling shorebird and horseshoe interactions to optimize horseshoe crab management decisions. Further, he is always willing to teach and share his knowledge with others.

Law Enforcement

Mr. Wayne Hettenbach of Department of Justice's Environment and Natural Resources Division **and the agents and officers of the Interstate Watershed Task Force** from the U.S. Fish and Wildlife Service, Virginia Marine Police, and Maryland Natural Resources Police are recognized in the Law Enforcement category for the successful culmination in 2008 of their joint federal/state investigation of illegal striped bass harvest in the Potomac River and Chesapeake Bay. The investigation resulted in charges, ranging from fines to incarceration, for nine individuals and one corporation, with additional charges yet to come. During the course of the covert investigation, initiated by the U.S. Fish and Wildlife Service in 2002, Task Force members documented the illegal harvest, sale and purchase of more than 600,000 pounds of striped bass with an estimated value of more than three million dollars.

In August 2007, the Task Force coordinated a joint law enforcement operation and take-down. Seven law enforcement agencies and some 95 officers and agents, spanning three jurisdictions, searched two seafood businesses, five residences and other locations. Seven subpoenas were served and two boats, as well as a pickup truck, were seized. In early 2008, they began an overt operation including a detailed analysis of striped bass catch reporting and commercial business sales records from 2003 through 2007.

A widespread conspiracy to underreport striped bass harvests was uncovered. Because of the quality of the Task Force investigation and documentation, nearly all defendants have negotiated plea agreements with the Department of Justice. Perhaps more importantly, the investigation resulted in significant changes in striped bass tagging regulations. The Task Force and others involved in the investigation assisted Maryland in developing new regulations and tagging requirements, which will be effective this summer, to forestall efforts to profit on a large scale from this important East Coast fishery.

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PR09-14

SHAD & RIVER HERRING MANAGEMENT BOARD (May 6, 2009)

Meeting Summary

The Shad and River Herring Management Board selected final management and monitoring provisions to the Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring (River Herring Management) and referred the Amendment to the full Commission for final approval (see press release on page 24 for additional information). The Board deferred review of Draft Amendment 3 to the Interstate FMP for Shad and River Herring (Shad Management) until its next meeting, scheduled for mid-August. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or at ktaylor@asmfc.org.

Motions

The following motions pertain to *state waters only*, except where noted.

Move to define “sustainable fishery” as: A commercial and/or recreational fishery that will not diminish the potential future stock reproduction and recruitment. And to add this definition of “sustainable fishery” to the glossary of Amendment 3 and that the entire glossary of Amendment 3 be added to the glossary of Amendment 2.

Motion made by Mr. Stockwell, second by Dr. Laney. Motion carries (17 in favor, 1 abstention, 0 null).

Move that the Board adopts the working group recommendation to prohibit state waters commercial and recreational fisheries beginning January 1, 2012 unless those states develop harvest management plans which include within them a demonstration that they are sustainable. Plans demonstrating that a fishery is sustainable must be submitted to the TC for review by January 1, 2010 and the Board will consider approval at the ASMFC

Spring Meeting, and prior to the fishing year beginning January 1, 2012. Proposals to re-open closed fisheries can be submitted annually as part of the annual state compliance report.

Motion made by Mr. Stockwell, second by Ms. Duval. Motion carries (14 in favor, 5 opposed).

Move that Board require that existing monitoring requirements of Addendum 1 to Amendment 1 for American shad be complemented by equivalent measure for the monitoring of river herring.

Motion made by Mr. Stockwell, second by Mr. Simpson. Motion carries unanimously.

The following motion pertains to *federal waters*:

Move that ASMFC send a letter to the Secretary of Commerce supporting efforts underway by the NEFMC and MAFMC to effectively monitor bycatch of river herring in small mesh fisheries, and encouraging the Secretary of Commerce to provide additional resources to support the cooperative efforts between the ASMFC and the Councils to better manage anadromous fisheries, and request that the Secretary of Commerce take emergency action with regard to implementing the bycatch monitoring measures recently under discussion with NEFMC.

Motion made by Dr. Duval, second by Mr. Boyles. Motion carries (18 in favor, 1 abstention).

Move that states should develop habitat restoration recommendations for river herring as outlined in Draft Amendment 3 (Shad).

Motion made by Dr. Laney, second by Mr. Stockwell. Motion carries (18 in favor, 1 abstention).

Move to recommend to the full Commission approval of Amendment 2 to the Shad & River Herring FMP.

Motion made by Mr. Augustine, second by Mr. Travelstead. Motion tabled until discussion on de minimis is concluded.

Move to adopt the 1% de minimis as stated in Addendum 1 to Amendment 1.

Motion made by Mr. Augustine, second by Mr. Cole. Motion carries (16 in favor, 2 opposed).

Move to recommend to the full Commission approval of Amendment 2 to the Shad & River Herring FMP.

Motion made by Mr. Augustine, second by Mr. Travelstead. Motion carries (17 in favor, 2 opposed).

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (May 6, 2009)

Press Release

ASMFC Spiny Dogfish and Coastal Shark Board Approves Smooth Dogfish Draft Addendum for Public Comment

Alexandria, VA – The Spiny Dogfish and Coastal Sharks Management Board approved Draft Addendum I to the Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks for

public comment. Draft Addendum I proposes eliminating four regulations of the FMP, three of which apply only to smooth dogfish. Proposed changes for smooth dogfish only include eliminating recreational possession limits and allowing commercial fishermen to process smooth dogfish at-sea. The latter option is proposed because the commercial smooth dogfish fishery is high volume, labor intensive, and requires an extremely fresh product. Under the proposed change, fishermen are required to have a 95% to 5% carcass to fin ratio consistent with the Shark Finning Prohibition Act.

The Draft Addendum I also proposes removing the requirement that commercial shark fishermen must check their large mesh gillnets every two hours and applies to all 40 shark species managed under the FMP. Fishermen targeting large mesh species such as king mackerel and bluefish regularly set nets overnight and may catch the occasional shark. The two hour net check requires fishermen to discard any incidentally caught sharks.

It is anticipated that several states will be conducting hearings on the Draft Addendum in June and July; information on those hearings will be released once available. Copies of the Draft Addendum will be available the week of May 11, 2009 and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission's website at www.asmf.org under Breaking News. The Management Board is scheduled to meet in August to review public comments and consider taking final action on the Draft Addendum. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at cvonderweidt@asmfc.org or (202) 289-6400.

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PR09-17

Meeting Summary

The Spiny Dogfish & Coastal Sharks Management Board revisited state compliance for the 2007 fishing season and found all states meet or exceed the requirements of the Spiny Dogfish FMP. The Spiny Dogfish Plan Review Team had reviewed state compliance at the Winter Meeting and the Board granted *de minimis* status to Delaware, South Carolina, and Georgia but postponed approving the 2007 FMP review until it received all state reports.

The Coastal Sharks Plan Review Team presented the Board with a summary of current state regulations required by the FMP. The majority of states were not able to implement all 22 requirements by the January 1, 2009 compliance deadline established in the FMP and asked for delayed implementation. There was also concern regarding possible changes to smooth dogfish regulations, currently under review in Draft Addendum I. The Board agreed to give states additional time in implementing their shark regulations with the proviso that any state that has not implemented all regulations, or been granted *de minimis* status, by the 2010 Winter Meeting would be found out of compliance. States agreed to provide updates on their implementation progress at the Board's next meeting. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at cvonderweidt@asmfc.org or (202) 289-6400.

Motions

Move to approve the 2007 Spiny Dogfish FMP Review.

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

Move to designate Option B for Issues 2-4 as the preferred options in Draft Addendum I to the Coastal Sharks FMP for Public Comment; no preference stated for Issue 1.

Motion made by Mr. Miller, second by Mr. Johnson. Motion carries.

Move that states that have not implemented regulations consistent with the FMP for Coastal Sharks by the ASMFC Winter Meeting 2010 will be found out of compliance.

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

ISFMP POLICY BOARD (May 6 & 7, 2009)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to address a number of issues. The Policy Board was updated on the environmental impact statement (EIS) for Chesapeake Bay oyster restoration. The Army Corps of Engineers, Commonwealth of Virginia, and the State of Maryland have agreed to use only native oysters to restore the oyster population in the Bay. The goal is to restore the ecological function of oysters and revitalize the commercial industry while emphasizing new aquaculture opportunities.

The Policy Board discussed a review of the Commission's progress toward the species rebuilding goals. The Policy Board tasked staff with developing a report that summarizes the technical and management activity for each species that highlights each Board's actions relative to the science advice provided. This report will be prepared for consideration at the Summer Meeting.

The Policy Board discussed the state delegation participation during Commission meetings. The Board agreed that when a Commissioner and proxy are both present at a meeting, they can both sit at the table and consult/advise with their delegation. Only one representative (Commissioner or proxy) should engage in the Board deliberations.

The Habitat Committee provided a summary to the Policy Board of its Spring Meeting. Based on the recommendation of the Habitat Committee, the Policy Board agreed to send a letter to MARAD and the Navy regarding the use of retired ships as artificial reefs. The Habitat Committee provided the Policy Board with a summary of the 2008 Habitat Program Effectiveness Review.

The National Marine Fisheries Service (NMFS) presented the 2010 Atlantic Trawl Rule. The Rule will focus on sea turtle interaction with trawl fisheries. The NMFS will be holding a series of public hearings to solicit comment on the Rule.

The Management and Science Committee (MSC) updated the Policy Board on its most recent meeting. The MSC provided the updates on development of a Commission Critical Research

Needs list, development of an aging manual, and activities of the Fishing Gear Technology Workgroup.

The Policy Board discussed the next steps for ecosystem based fishery management. The Board agreed to have further discussions at the Summer Meeting to develop a Commission plan to address ecosystem management.

The Policy Board was presented with an update of the Assessment Science Committee's (ASC) recent meeting. The Policy Board approved the stock assessment schedule for 2010 based on the ASC recommendation.

The Law Enforcement Committee (LEC) updated the Policy Board on its meeting earlier in the week. A summary of the LEC is provided in this meeting summary document.

The Atlantic Coastal Fish Habitat Partnership (ACFHP) informed the Policy Board that the Memorandum of Understanding (MOU) has been completed with 30 signatories. ACFHP will be seeking additional funding to ensure the Program continues and provides opportunities to fund habitat restoration projects.

The Policy Board approved sending two letters to the NMFS. The first letter will request that a number of ASMFC-managed species be given higher priority for the allocation of at-sea observer coverage. The second letter will highlight concerns with state access to federal VMS data to support fishery management decisions. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

Move that the Executive Director send a letter to Dr. Jane Lubchenco, Undersecretary of Commerce for Oceans and Atmosphere, requesting that the following ASMFC managed species be given equal consideration with federally managed species in the development and implementation of at-sea fishery observer programs: American shad, alewife, blueback herring, striped bass, weakfish, Atlantic and shortnose sturgeon, American lobster, and Northern shrimp.

Motion made by Mr. Simpson, second by Mr. Fote. Motion passes.

EXECUTIVE COMMITTEE (May 7, 2009)

Meeting Summary

The Executive Committee approved the FY2010 budget and received updates on the 2009 Action Plan progress and future meeting dates and locations. For more information, please contact Laura Leach, Director of Finance and Administration, at (202) 289-6400 or lleach@asmfc.org.

Motions

On behalf of the Administrative Oversight Committee, I move approval of the FY2010 Budget.

Motion made by Mr. Boyles. Motion carries.

BUSINESS SESSION (May 7, 2009)

Press Release

ASMFC Approves River Herring Amendment *States Water Fisheries to be Closed by January 1, 2012 unless Sustainability is Demonstrated through State-specific Management Plans*

Alexandria, VA – The Atlantic States Marine Fisheries Commission has approved Amendment 2 to the Interstate Fishery Management Plan (FMP) for Shad and River Herring (River Herring Management). The Amendment prohibits state waters commercial and recreational fisheries beginning January 1, 2012, unless a state or jurisdiction develops and submits for approval a sustainable management plan by January 1, 2010. The Amendment defines a sustainable fishery as “a commercial and/or recreational fishery that will not diminish the potential future stock reproduction and recruitment.” Submitted plans must clearly demonstrate that the state’s or jurisdiction’s river herring fisheries meet this new definition of sustainability through the development of sustainability targets which must be achieved and maintained. The plans are subject to Technical Committee review and Board approval prior to the fishing year beginning January 1, 2012. Proposals to re-open closed fisheries can be submitted annually as part of the annual state compliance report.

The Board’s action on Amendment 2 was taken in response to widespread concern regarding the decline of river herring stocks. While many populations of blueback herring and alewife, collectively known as river herring, are in decline or remain depressed at stable levels, lack of fishery-dependent and independent data makes it difficult to ascertain the status of river herring stocks coastwide. Between 1985 and 2007, commercial landings of river herring decreased by 97 percent from 13.6 million pounds to 317,000 pounds. In response to declining stocks within their own waters, four states—Massachusetts, Rhode Island, Connecticut, and North Carolina—have closed their river herring fisheries.

Amendment 2 requires states to implement fisheries-dependent and independent monitoring programs. In recognition of limited state resources, the required monitoring will be identical to monitoring for American shad, a species closely related to river herring, so that monitoring can be conducted concurrently with current efforts. This monitoring will also assist the river herring stock assessment, which is expected to be completed in 2012. The Amendment also contains recommendations to member states and jurisdictions to conserve, restore, and protect critical river herring habitat.

River herring stocks are a multi-jurisdictional resource occurring in rivers and coastal and ocean waters. While oversight of river herring management in state waters lies with the Commission, river herring can be encountered in ocean fisheries beyond the states’ jurisdiction. Bycatch of

river herring in small mesh fisheries continues to be a significant concern. Preliminary analyses indicate that, in some years, the total bycatch of river herring by the Atlantic herring fleet alone could be equal to the total landings from the entire in-river directed fishery on the East Coast. Based on the Board's request, the Commission will send a letter to the Secretary of Commerce supporting efforts underway by the New England and Mid-Atlantic Fishery Management Councils to effectively monitor bycatch of river herring in small mesh fisheries, and encouraging additional resources to support the cooperative efforts to better manage anadromous fisheries. Additionally, the Commission will request that the Secretary of Commerce take emergency action with regard to implementing the bycatch monitoring measures recently under discussion with New England Council.

The Plan will be available by mid-June 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 Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or at ktaylor@asmfc.org.

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PR09-16

Meeting Summary

The Atlantic States Marine fisheries Commission held a business session to take action on a number of issues. The Commissioners were presented with the interim review of the 2009 Action Plan accomplishments which highlights activities for each task in the 2009 Action Plan. The Commission approved Amendment 2 to the Shad and River Herring FMP. This Amendment focuses on the restoration of river herring along the Atlantic coast.

The Commissioners discussed the nomination process that is used to support the election of the Commission's Chair and Vice-Chair. The Commissioners agreed that the system generally works well but it could be improved with minor changes. For future elections, the Nominations Committee may bring forward multiple candidates rather than one individual as in the past. If multiple candidates are brought forward, a ballot will be developed to facilitate the election.

Discussion was held regarding the provisions of Article 3 of the Compact as they pertain to the transition of Legislative Commissioners who are not re-elected or resigned. There was consensus that moving forward the Commissioner status for Legislative Commissioners not re-elected would expire on the first day the new legislature is seated, as would the status of their proxies. In the case of a legislator resigning his or her legislative seat, the effective date would be the date of resignation; this would also apply to their proxies. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

On behalf of the Shad and River Herring Management Board, I move approval of Amendment 2 to the Shad & River Herring FMP.

Motion made by Mr. Diodati. Motion passes (14 favor, 1 opposed).