



# Atlantic States Marine Fisheries Commission

## 2010 Spring Meeting Summary

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

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2010 Spring Meeting  
Alexandria, Virginia  
May 3 - 6, 2010

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

202/289-6400

### Meeting Summaries, Press Releases and Motions

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## **AMERICAN LOBSTER MANAGEMENT BOARD (May 3, 2010)**

### ***Press Release***

#### **ASMFC American Lobster Board Approves Addendum XVI *Addendum Establishes New Reference Points for 3 Stock Units***

Alexandria, VA – The Commission’s American Lobster Management Board has approved Addendum XVI to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum establishes new reference points for the three lobster stocks and modifies procedures for adopting and implementing new reference points.

Addendum XVI establishes a four-tiered approach to define abundance reference points in the Gulf of Maine (GOM) and Georges Bank (GBK), a four-tiered approach to define exploitation reference points for all three stock units, and a three-tiered approach to define abundance reference points for Southern New England (SNE). The Board set the SNE abundance reference points to a lower target level than the GOM and GBK stocks because it believes the SNE stock has limited ability to rebuild to higher historical levels. Members of the Board believe that environmental and ecosystem changes have reduced the resource’s ability to rebuild to historical levels.

Based on these new reference points, GOM abundance is in favorable condition and exploitation falls in the middle of the range. GBK abundance and exploitation are in favorable condition. The SNE abundance estimate is below the reference point limit and requires Board action to rebuild the stock.

The Addendum also broadens definitions for status determination criteria for the three stock units, allowing for greater flexibility in incorporating changes to the reference point definitions as science and assessment methodologies evolve. Changes to reference points may now be made through Board action (versus addendum) following a peer-reviewed stock assessment. A more detailed overview of the Addendum’s new reference points and stock status by assessment area will be available on the Commission’s website under Breaking News by May 21.

In response to the condition of the SNE stock, the Board initiated the development of a draft addendum to address stock declines, including a range of alternatives from no action to a moratorium. The Board intends to meet in SNE area in July to review the document and consider sending it out for public comment. A subsequent press release will be issued once the details of the July Board meeting have been set. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at tkerns@asmfc.org or at (202) 289-6400.

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PR10-09

### ***Meeting Summary***

The American Lobster Board also reviewed a report from the Technical Committee (TC) on differing measures in state and federal waters in the Outer Cape Cod Lobster Conservation Management Area (OCC LCMA). The report responded to two Board questions: (1) How much reduction in fishing mortality and brood stock protection does the Outer Cape trap reduction plan

(enacted in 2004) provide? (2) Is this equal to, greater than, or less than the gains provided by the 1/8" V-notch possession standard and the adoption of a 6-3/4 maximum gauge? The TC found that although a 20% trap reduction was achieved, there has been no responding reduction in fishing mortality as intended by the trap reduction. In fact, there is evidence that there has been a 40% increase in fishing mortality since 2002 in the OCC LCMA. The industry has increased its efficiency to compensate for the loss of traps. The OCC fishery has lost more egg production by harvesting sexually mature v-notched lobster (8%), than has been gained by the increase in minimum size (increase to 3 3/8" from 3 1/4") (1%). In light of the increases in fishing mortality and the increase in harvest rate of less than 1/4" v-notch lobster, the TC reported that the OCC LCMA trap reduction plan does not provide equivalent levels of brood protection that a 1/8" v-notch definition and 6 3/4" maximum gauge would provide.

The Area 3 Lobster Conservation Management Team had requested to remove the requirement to increase the circular and rectangular vent that corresponded with the 3 1/2" gauge size. The vent increase was delayed for two years in 2008. The Board reviewed the TC to report on vent size with corresponding gauge sizes. Based The TC did not recommend removing the vent because there would be conservation loss. The Board did not remove the change in vent scheduled for July 1, 2010 in LCMA 3. The Board approved *de minimis* requests from the states of North Carolina, Virginia, Maryland, and Delaware.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at tkerns@asmfc.org or at (202) 289-6400.

### ***Motions***

**Tabled Motion: Move to adopt in Addendum XVI the 25<sup>th</sup> percentile for the threshold abundance level and the 75<sup>th</sup> percentile for the threshold exploitation level, based on the reference period as described in the assessment (GOM/GBK 1982-2003; SNE 1984-2003).**  
Motion made by Mr. P. White, second by Mr. R. White.

**Move to adopt in Addendum XVI the 25<sup>th</sup> percentile for the threshold abundance level and the 75<sup>th</sup> percentile for the threshold exploitation level, based on the reference period as described in the assessment (GOM/GBK 1982-2003; SNE 1984-2003).**  
Motion withdrawn.

**Move adoption of the TC recommended (TC Memo 10-34) quartile-based abundance and exploitation rate reference points modified that the 25<sup>th</sup> percentile of abundance as the "limit reference point" (LRP) and the 50<sup>th</sup> percentile or median as the interim "target reference point" (TRP) for the SNE stock area, leaving Georges Bank and Gulf of Maine reference points at the 75<sup>th</sup> percentile.**  
Motion made by Mr. Simpson, second by Mr. Grout. Motion carries.

**Move to adopt Option 2 for Section 4.2 in Addendum XVI.**  
Motion made by Mr. Lapointe, second by Mr. Grout. Motion carries.

**Move to approve Addendum XVI as amended today.**  
Motion made by Mr. Lapointe, second by Rep. Abbott. Motion carries.

**Move to initiate an Addendum to the Lobster FMP to address the stock condition in SNE. The addendum will include a range of alternatives from no action to a moratorium.**

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

**Move to initiate a new Addendum if the Commonwealth of Massachusetts does not amend its regulations prior to July 1, 2010 that would extend biological measures to Outer Cape Cod that were approved by the Board in Addendum XI for Area 3. These changes would create a 6 ¾” maximum size for male and female lobster and a 1/8” v-notch (with or without setal hairs) possession standard for female lobster in the Outer Cape Cod LCMA to complement federal measures. If the Commonwealth promulgates regulations prior to July 1, 2010 then those regulations would be added to the next ASMFC addendum to have the ASMFC Lobster FMP consistent with the Commonwealth’s regulations.**

Motion made by Mr. P. White, second by Mr. Ross. Motion fails.

**Move to approve *de minimis* status for DE, MD, VA, and NC.**

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

### **ATLANTIC HERRING SECTION (May 3, 2010)**

#### ***Meeting Summary***

The Atlantic Herring Section (Section) met to review input and take final action on Draft Addenda II & III. Draft Addendum II proposed to adjust the specification definitions and administrative process to set the specifications, and establish payback measures for quota overages. The proposed measures were developed to achieve consistency with the New England Fishery Management Council’s (NEFMC) Amendment 4. Staff presented a review of the document, public hearing and written comment summary, and representatives from the Technical Committee (TC), Advisory Panel (AP), and Law Enforcement Committee (LEC) presented input from their respective groups. Public comment unanimously supported moving forward with Addendum II. The TC and AP were supportive of Draft Addendum II and the LEC found no enforcement issues with the proposed measures. The Section voted to adjust specification definitions for consistency with the most recent draft of Amendment 4, establish a complementary process to set the specification, and establish annual accountability measure paybacks. The Section postponed finalizing Addendum II until the November since the final rule for Amendment 4 will not be available until late 2010 and delaying final action allows the Section to review the final Amendment 4 language and adjust Addendum II if necessary.

The Section discussed Draft Addendum III, which proposed measures to grant small mesh bottom trawl (SMBT) vessels higher possession limits and/or additional landing days and included seasonal, area, and quota restrictions for the proposed measures. Staff presented public input, which was mixed. Proponents of Addendum III measures noted that SMBT vessels cannot fish for more than 1 day per landing while larger vessels can fish for several days. Opponents were concerned that the addendum could allow for an increase in SMBT landings and is inappropriate given a 46% reduction in the Area 1A TAC. The TC reported a potential that the measures could lead to an increase in SMBT landings. The AP was concerned that Addendum III will attract new fishermen and result in a significant increase in SMBT landings. The LEC

reported that the measures in Draft Addendum III are enforceable but complicated. After extensive deliberations, a motion to move forward with exemptions in Draft Addendum III failed.

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

### *Motions*

#### **Addendum II**

##### **Main Motion:**

**Move to adopt Option 3 of Issue 1, consistent with table 5 on page 23 (specifications consistent with NEFMC Amendment 4 including the removal of JVpt, JVP, IWP, TALFF, and the Reserve).**

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

##### **Motion to Amend:**

**Motion to amend Option 3 of Issue 1, consistent with Council Amendment 4 with table 5 on page 23 (specifications consistent with NEFMC Amendment 4 including the removal of JVpt, JVP, IWP, TALFF, and the Reserve).**

Motion made by Dr. Pierce, second by Dr. Macinko. Motion carries (7 in favor, 0 opposed).

##### **Main Motion as Amended:**

**Move to adopt Option 3 of Issue 1, consistent with Council Amendment 4, with table 5 on page 23 (specifications consistent with NEFMC Amendment 4 including the removal of JVpt, JVP, IWP, TALFF, and the Reserve).**

Motion made by Mr. Grout, second by Mr. Stockwell. Motion carries (8 in favor, 0 opposed).

**Move to adopt Option 3 of Issue 2, to establish a specification setting process that is complementary with the NEFMC's Amendment 4.**

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

**Move to adopt Option 2 of Issue 3, requiring annual payback of TAC/ACL overages.**

Motion made by Mr. Grout, second by Mr. Stockwell. Motion carries (6 in favor, 0 opposed).

**Move to postpone approving Addendum II as modified today until the ASMFC Annual Meeting week in November 2010.**

Motion made by Mr. Grout, second by Mr. Stockwell. Motion carries (6 in favor, 0 opposed).

#### **Addendum III**

**Move to amend by including Option 3 for ISSUE 2.**

Motion made by Dr. Pierce, second by Mr. Stockwell. No objections.

**Move to adopt the following options: Issue 1 Option 3 modified to allow SMBT's holding a C permit a maximum possession limit of 10,000 pounds and SMBT vessels holding a D permit a maximum possession limit of 3 metric tons per landing day. SMBT vessels may not land in excess of the 2,000 pound bycatch allowance on a no landing day, Issue 2 Option**

**3 (may include different landing days for SMBT + 1 additional landing day), Issue 3 Option 1 (status quo), Issue 4 Option 1 (status quo), and Issue 5 Option 1 (status quo).**

Motion made by Mr. Grout, second by Dr. Pierce. Motion fails (3 in favor, 3 opposed).

**SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD**  
**(May 4, 2010)**

*Press Release*

**ASMFC Summer Flounder, Scup and Black Sea Bass Board  
Expands Recreational Black Sea Bass Season**

Alexandria, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board has modified the 2010 season length for the black sea bass recreational fishery. The season will now run from May 22 to October 11, 2010 and from November 1 to December 31, 2010.

The season represents an extension from what was originally planned. When the original season was developed, the Board only had 2009 harvest estimates for January through June. Harvest estimates for July through December 2009 were projected using previous years’ data to calculate a total harvest estimate. Based on these preliminary projections, the original season was developed with the intent of reducing recreational harvest by 44% from 2009 levels.

Final 2009 harvest estimates were made available at the end of April. The estimate indicates that harvest is less than previously projected and only a 21.4% reduction is required for the 2010 recreational season. The newly approved season is anticipated to achieve a 26% reduction and allows for a reasonable conservation buffer to account for uncertainty in the harvest estimates and the effectiveness of regulations. The season was further expanded into November and December to allow for increased access by party/charter boats and private boat/shore-based anglers that did not have a late fall/early winter season last year.

For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or (202) 289-6400.

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PR10-11

***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Board reviewed the Mid-Atlantic Fishery Management Council’s draft Omnibus Amendment, which proposes options that will impact the Commission FMP and management of the three species. The Omnibus proposes a framework for annual catch limits and accountability measures. The Council is holding public hearings in the month of May in Virginia, New Jersey and New York. For meeting details see <http://www.mafmc.org/comments/comments.htm>. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### *Motions*

#### **Motion to amend the Commission recreational BSB season to be open from May 22 – October 11 and November 1 to December 31 (26% reduction).**

Motion made by Mr. Travelstead, second by Mr. Augustine. Motion carries (9 in favor, 2 abstentions).

#### **Move that the Board request the MAFMC to provide flowcharts for SF, Scup and BSB using actual data, the different council risk policy alternatives, and likely assessment levels for the ABC control rule framework.**

Motion made by Dr. Pierce, second by Mr. Simpson. Motion fails (5 in favor, 6 opposed).

### **LAW ENFORCEMENT COMMITTEE (May 4, 2010)**

#### *Meeting Summary*

The Law Enforcement Committee (LEC) met to review and discuss a number of issues. President Stephen Adams of Georgia called the 15-member meeting to order.

States in the Northeast began catch share implementation last week, causing implementation issues and requiring extensive training for the law enforcement community. NOAA's Office of Law Enforcement (OLE) will be hiring eight uniformed positions and one technician, in line with the Inspector General's report on NOAA Law Enforcement, to monitor some 700 catch share registrants from New Jersey to Maine. The states are working with federal counterparts to institute work plans for this new activity, and the Joint Enforcement Agreements (JEAs) will be used to assist states' enforcement efforts.

LEC discussed last year's exclusive economic zone (EEZ) enforcement of striped bass regulations. The Mid-Atlantic states used all available resources last year in an effort to curb the continuing blatant illegal fishing for striped bass in the EEZ, and a renewed coordinated effort will continue this fall and winter.

Area management of the lobster fishery, including inconsistency in v-notch definitions, continues to be problematic for law enforcement. New federal regulations differ from state regulations, causing confusion and further complicating enforcement effectiveness.

The Sportfish Registry has begun to be implemented through state fishing licenses in every state. LEC encourages states to use a portion of license funds to support future enforcement activities, since licensing will increase the required time and effort spent by field officers. LEC is requesting JEA funding for these additional enforcement efforts. A meeting on JEAs will occur next week in Miami.

The continued Potomac River Striped Bass investigation has lead to new cases in the Chesapeake Bay region and other coastal states. JEAs continue to assist state law enforcement efforts with funding for equipment, which in several cases, can mean the difference between obtaining the necessary equipment or doing without.



LEC concluded a discussion on evaluating compliance with a consensus that, at this time, it is too difficult and time consuming to undergo such a task without appropriate technical help and financial assistance. The current data collection on violations between states lacks consistency and is not compatible with information needed by fishery managers.

### *Motions*

**Move to encourage states to allocate a portion of funds from their new fishing license sales to their respective State's law enforcement unit.**

Motion made by Kurt Blanchard, second by John Tulik. Motion passes unanimously.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (May 4, 2010)**

### *Press Release*

#### **ASMFC Striped Bass Board Approves Draft Addendum II for Public Comment**

Alexandria, VA – The Commission's Atlantic Striped Bass Management Board has approved Draft Addendum II to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass for public comment. The Draft Addendum proposes two changes to the striped bass management program: (1) an increase in the coastal commercial quota, and (2) revising the definition of recruitment failure based on Technical Committee advice.

The proposal to increase the coastal commercial quota is intended to improve equality between the commercial and recreational fishery sectors. Although Amendment 6 established management programs for both fisheries based on the same target fishing mortality rate, the implementation of state-specific quotas for coastal commercial harvest (and not for recreational harvest) has prevented the commercial and recreational fisheries from responding equally to changes in striped bass population size. Since 2003, coastal commercial harvest has decreased by 3.6 percent, while recreational harvest has increased by 13.7 percent. Under the option, the Board would select a percent increase to be applied to the coastal commercial allocations assigned in Amendment 6.

The Management Board voted to include a second issue in the Draft Addendum based on information presented at the meeting. As part of its review of the juvenile abundance indices, the Striped Bass Technical Committee recommended to the Management Board a revision to how striped bass recruitment failure is defined. Juvenile abundance indices are an important component of the striped bass monitoring program and are used to determine periods of recruitment failure which can trigger management action under Amendment 6. Adopting the proposed recommendation would result in a fixed value to determine recruitment failure in each surveyed area rather than a value that changes from year to year. Use of either the Amendment 6 definition or the Technical Committee recommendation for recruitment failure does not result in any necessary changes to the current management program.

It is anticipated that the majority of states will be conducting public hearings on the Draft Addendum. A press release will be issued once the details of the hearings have been finalized and the Draft Addendum is available for public comment. For more information, please contact

Nichola Meserve, Fishery Management Plan Coordinator at (202) 289-6400 or [nmeserve@asmfc.org](mailto:nmeserve@asmfc.org).

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PR10-13

### ***Meeting Summary***

The Atlantic Striped Bass Management Board met to consider a proposal for alternative recreational management from New Jersey, review a Technical Committee report on the juvenile abundance indices, consider approval of Draft Addendum II for public comment, review a progress report on estimating striped bass poaching, and approve several committee nominations.

New Jersey submitted a proposal to implement the following recreational regulations: a two fish creel limit, with a minimum size limit of 24 inches for one fish and a minimum size limit of 32 inches for the other fish. The Technical Committee deemed the proposed regulations to be conservationally equivalent (in terms of the effect on the stock's spawning potential) to the Amendment 6 standard of a two fish creel limit and 28 inch minimum size for both fish. The Advisory Panel members were mostly supportive of the proposal, but did not reach a consensus agreement. The Law Enforcement Committee indicated the proposed regulations were enforceable. The Management Board approved the proposal with the requirement that the Technical Committee reevaluate whether the alternative measures are still conservationally equivalent three years following implementation. This review will be in addition to the one year review that the Plan Review Team regularly undertakes of any alternative management measures implemented. As part of the discussion, the Management Board also tasked the Technical Committee to review and consider updating the method(s) for determining conservationally equivalent management measures.

With some modifications, the Management Board approved Draft Addendum II for public comment. See the above press release for additional information. As part of the discussion, the Management Board tasked the Technical Committee with providing advice on how conservation equivalency proposals including an exchange between the recreational and commercial fisheries could potentially occur and be analyzed.

The nominations of Robert O'Reilly (Virginia Marine Resources Commission) to the Plan Development Team and John Clark (Delaware Division of Fish and Wildlife) to the Technical Committee were unanimously approved. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202)289-6400 or [nmeserve@asmfc.org](mailto:nmeserve@asmfc.org).

### ***Motions***

#### **Main Motion:**

**Move to accept New Jersey's recreational striped bass proposal for one fish at 24" or greater and a second fish at 32" or greater which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of 2 fish at 28" or greater.**

Motion made by Mr. McCloy, second by Dr. Daniel. Motion amended.

**Motion to Amend:**

**Move to amend to require that conservation equivalency will be re-evaluated 3 years after implementation.**

Motion made by Mr. R. White, second by Mr. Stockwell. Motion carries (14 in favor, 2 opposed).

**Main Motion as Amended:**

**Move to accept New Jersey's recreational striped bass proposal for the possession limit of a one fish at 24" or greater and a second fish at 32" or greater which has been approved by the Striped Bass Technical Committee as being conservationally equivalent to the management plan standard of 2 fish at 28" or greater. Conservation equivalency will be re-evaluated 3 years after implementation.**

Motion made by Mr. McCloy, second by Dr. Daniel. Motion carries (15 in favor, 1 opposed).

**Main Motion:**

**Move to add the TC recommended definition to Addendum II as a second Issue.**

Motion made by Mr. Diodati, second by Mr. Gibson. Motion passes by consent.

**Move to remove Option 3 from the document.**

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

**Motion to Substitute:**

**Move to substitute to include the concept of Option 3 into Option 1.**

Motion made by Mr. O'Connell, second by Dr. Daniel. Motion carries (10 in favor, 6 opposed).

**Main Motion as Substituted:**

**Move to include the concept of Option 3 into Option 1.**

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

**Move to approve the draft addendum for public comment with the changes as noted.**

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

**Move to nominate John Clark to the Technical Committee.**

Motion made by Mr. Shirey, second by Mr. Augustine. Motion passes by consent.

**Move to nominate Rob O'Reilly to the PDT.**

Motion made by Mr. Schick, second by Mr. Augustine. Motion passes by consent.

**WEAKFISH MANAGEMENT BOARD (May 4, 2010)**

***Meeting Summary***

The Weakfish Management Board approved a proposal from Florida to revise its weakfish management area to include: 1) the St. Mary's River and the inland waters of Nassau County

east of Highway 17, north of State Highway 200A, and north of the Shave Bridge on the Amelia River; and 2) state waters from the Florida-Georgia border south to the tip of Amelia Island. Inside this area, all weakfish-like fish (weakfish, sand seatrout, and their hybrids) will be considered weakfish and state weakfish regulations will apply. Outside of this area, state regulations for sand seatrout will be enforced. Florida's previously approved proposal to enforce weakfish regulations in the two most northeastern counties (Nassau and Duval) did not solve the state's enforcement issue resulting from identification confusion. The newly approved proposal provides law enforcement officers clear, precise guidelines for when to enforce weakfish regulations. The Technical Committee advised that it did not believe the proposal would likely have any significant effect on the weakfish stock; Florida's landings are low and the state is granted *de minimis* status. Florida will continue to report on all weakfish landed in the two-county area in its annual report to the Commission. Recent genetic information indicates that pure weakfish do not inhabit waters south of St. Johns River in Duval and St. Johns counties.

The Management Board also reviewed the status of state implementation of Addendum IV to Amendment 4. Six states did not adopt the requirements (one fish recreational bag limit, 100 lb. commercial trip limit, 100 lb. commercial bycatch limit, and 100 undersized fish allowance for finfish trawls) by the May 1 deadline. Five of those states (Massachusetts, New York, South Carolina, Georgia, and Florida) have their regulatory or legislative process underway to adopt the requirements by July 15 or before. The remaining state of North Carolina did not implement the requirements by May 1, and instead submitted a proposal for alternative management. A motion to approve the proposal did not garner a second from the Management Board, which instead voted in support of a non-compliance finding for North Carolina. A press release will be issued with additional information. The Technical Committee will be reviewing the proposal to address the bycatch of weakfish in fisheries targeting other species in advance of the Management Board's next meeting.

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

### ***Motions***

**Move to accept the Florida modified weakfish measures as presented and reviewed by the Technical Committee.**

Motion made by Mr. Boyles, second by Mr. Gilmore. Motion approved (15 in favor).

**Move to approve an alternate plan for NC compliance with Addendum IV to Amendment 4 to include all the measures in the Addendum but replace the 100 pound trip limit with a 25% bycatch allowance.**

Motion made by Dr. Daniel. Motion fails for a lack of a second.

**Move that the Weakfish Management Board recommend to the ISFMP Policy Board that the State of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In**

**order to come back into compliance the State of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish.**

Motion made by Mr. Augustine, second by Mr. Simpson. Motion carries (Roll Call Vote: In favor – MA, CT, NY, NJ, DE, MD, PRFC, VA, SC, GA, FL, USFWS; Opposed – RI, NC; Abstention – NMFS).

**MANAGEMENT & SCIENCE COMMITTEE (May 4, 2010)**

***Meeting Summary***

The Management and Science Committee met to discuss a number of issues and receive updates on subcommittee projects. MSC received a presentation on Marine Recreational Information Program implementation plan projects towards addressing NRC recommendations for the Marine Recreational Fishery Statistics Survey. It also continued discussion on how to incorporate forage fish into the Commission's process, reviewing a weakfish forage summary developed as a case study. MSC recommends presenting forage information to the Weakfish and Policy Boards in August to seek guidance on incorporating this information, possibly into the Weakfish FMP. MSC was updated on activities of the team tasked with developing a strategy for Ecosystem-based Fisheries Management (EBFM), who will present a strategy to the Policy Board in November, along with information on EBFM strategies elsewhere. The group also reviewed the issue of hybridization between weakfish and sand seatrout in northern Florida.

MSC discussed the issue of technical committee workload from tasks given by management boards, and will review technical committee workload schedules at its next meeting. MSC members shared activities in their agency or state regarding climate change. MSC was also updated on progress on an aging manual for Commission species, and also the development of a tagging database to catalog tagging programs coastwide. Finally, MSC received heard updates from the Assessment Science Committee (including the stock assessment peer review schedule), Atlantic Coastal Fish Habitat Partnership, and the Habitat Committee. For more information, please contact Melissa Paine, Scientific Committee Coordinator, at (202) 289-6400 or mpaine@asmfc.org.

**HORSESHOE CRAB MANAGEMENT BOARD (May 4, 2010)**

***Meeting Summary***

The Board received reports from the Shorebird and Horseshoe Crab Technical Committees, and a joint report from both committees. In addition, a representative of the Advisory Panel presented the group's findings and recommendations. The Board decided to send Draft Addendum VI out for public comment. Draft Addendum VI contains options for a Delaware Bay region management program after the current program expires on October 31, 2010. The draft document and public hearing schedule will be released by May 28, 2010.

Addendum II to the Horseshoe Crab FMP allows voluntary transfers of quota from one state to another. North Carolina requested a transfer of 11,655 crabs from Georgia to cover harvest

overages in 2008 and 2009. Following the recommendations of the Technical Committee and Advisory Panel, the Board approved North Carolina's request.

The Board decided to change and formalize its advisory committee structure to address its informational needs as it continues development of the Adaptive Resource Management (ARM) Framework. The Board will establish a Shorebird Advisory Panel and Delaware Bay Ecosystem Technical Committee (DBETC) to provide value-based and technical inputs to the ARM Framework. Both groups will report and provide recommendations directly to the Board. In addition, the Board adopted the ARM Work Group as a subcommittee of the DBETC.

The Board elected David Simpson from Connecticut as Vice Chair. 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 nominate Dave Simpson as Vice Chair of the Horseshoe Crab Management Board.**  
Motion made by Mr. Travelstead, second by Mr. Augustine. Motion passes.

**Move to approve Draft Addendum VI for public comment.**  
Motion made by Mr. Adler, second by Mr. Augustine. Motion carries (16 in favor).

**Move to approve North Carolina's quota transfer request of 11,655 crabs from Georgia.**  
Motion made by Mr. Augustine, second by Mr. Travelstead. Motion approved.

**Move to accept of the recommendations of the Shorebird Informational Needs Work Group including Option 1 of recommendation 2.**  
Motion made by Mr. Augustine, second by Dr. Geiger. Motion carries.

**Move to accept the FMP Review and State Compliance Report, including *de minimis* status for Maine, New Hampshire, Potomac River Fisheries Commission, South Carolina, Georgia, and Florida.**  
Motion made by Mr. Augustine, second by Mr. Adler. Motion carries.

## **ANNUAL AWARDS OF EXCELLENCE (May 4, 2010)**

### ***Press Release***

#### **ASMFC Presents Annual Awards of Excellence**

Alexandria, VA – Mr. Vito Calomo, Dr. Mark Terceiro, and Ms. Kim McKown 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. Mr. Calomo received an award in the Legislative category, while Dr. Terceiro and Ms. McKown received awards in the Scientific, Technical, and Advisory category.

“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, Robert H. Boyles, Jr., of South Carolina. “Today, we honor several outstanding individuals for their contributions to the management and conservation of Atlantic coast fisheries.”



AAE Recipients (from left): Vito Calomo, Kim McKown, and Mark Terceiro

### Legislative

**Mr. Vito Calomo** has been involved in New England fisheries management issues for nearly half a century. He began his career working in various capacities for the fishing industry, from organizing and managing longshoremen crew for a fleet of vessels, to trawling for groundfish and northern shrimp, to purse seining for Atlantic herring. For the last 15 years, he has been a dedicated and passionate advocate for New England commercial fishermen at the state, interstate and federal levels. He brought his extensive fisheries experience to the Commission process first as an industry advisor on the Commission’s Atlantic Herring and Northern Shrimp Advisory Panels and later as proxy to Massachusetts’ Legislative Appointee, Representative Anthony Verga. He actively participated on all the management boards for which Massachusetts had an interest, fervently promoting positions beneficial to New England’s commercial fishermen. Mr. Calomo also chaired the Commission’s Legislative Committee for four years, ensuring their views and concerns were fully integrated in the Commission’s decision-making processes. Outside of formal meetings, he was instrumental in bringing Commissioners, staff, and scientists together, providing opportunities to meet one another personally to informally discuss issues and exchange ideas. A lifelong proponent for New England fishermen and the fishing community, Mr. Calomo’s efforts improved communication among various participants in the Commission’s process, enhancing the involvement of the fishing industry in the management process.

### Scientific, Technical, and Advisory

Through his scientific analyses and technical committee involvement, **Dr. Mark Terceiro** of the National Marine Fisheries Service Northeast Fisheries Science Center has ensured that the best available scientific information has been provided to support management decisions programs for scup and summer flounder. For nearly two decades, he has played an active role on the Commission’s Summer Flounder, Scup, and Black Sea Bass Technical Committee, the Mid-Atlantic Fishery Management Council’s Summer Flounder, Scup, and Black Sea Bass Monitoring Committees, and the National Marine Fisheries Service’s Southern Demersal Working Group. He was the lead biologist for the Data Poor Working Group scup stock assessment that was peer reviewed and accepted, a major accomplishment given that scup stocks have not had an acceptable analytical assessment for many years. As a result of his efforts,

managers have been able to incorporate stronger scientific advice into their management decisions. For many years, Dr. Terceiro has successfully performed and defended the benchmark assessments and annual stock assessment updates for summer flounder. His rigorous and thorough analyses have consistently produced strong, defensible assessments and lent considerable credibility to the scientific foundation of our management decisions for this very important and controversial Mid-Atlantic species. Dr. Terceiro's impressive contributions, coupled with his dedication and devotion to his work, make him an extremely valuable asset to the fisheries management process.

**Ms. Kim McKown**, Senior Fisheries Biologist with the New York State Department of Conservation (NYSDEC), has been involved in fisheries research and monitoring activities for 25 years and in the Commission's science activities for almost two decades. Her early work focused on oversight of NYSDEC's sampling programs for striped bass and Atlantic sturgeon. Today, she leads research and monitoring activities for American lobster, horseshoe crab, and other crustacea in New York's coastal waters. Over the years, Ms. McKown has been a contributor on several ASMFC committees, including the Atlantic Striped Bass Technical and Tagging Committees, the Horseshoe Crab Technical and Stock Assessment Committees, and the Atlantic Sturgeon Stock Assessment Subcommittee and Plan Review Team. For the last two years, she chaired the Lobster Stock Assessment Subcommittee, instrumental in the completion and approval of the 2009 benchmark stock assessment by peer review, which will provide the foundation for lobster management actions over the next few years. She also serves as Vice Chair of the Assessment Science Committee, the Commission's oversight body for all stock assessment and peer review activities. This past March, Ms. McKown chaired the peer review panels for both the Atlantic croaker and Atlantic menhaden benchmark stock assessments. Ms. McKown has added the strength and credibility to the Commission's science process through her impressive work ethic, high leadership skills, and strong adherence to high scientific standards.

###

PR10-12

## **AMERICAN EEL MANAGEMENT BOARD (May 5, 2010)**

### ***Meeting Summary***

The American Eel Management Board received a presentation on the status of the American eel stock assessment, which is expected to be completed in Fall 2011. Additionally, the Technical Committee and Stock Assessment Subcommittee modified the terms of reference of the stock assessment so that the scope of the assessment was only within the United States. The original terms of reference were approved by the Board in February 2009. The Board approved the updated terms of reference.

New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia and Florida requested and were granted *de minimis* status by the Board for the 2010 commercial and recreational American eel fisheries. The *de minimis* requirement is met when the average state reported commercial landings for the preceding two years is less than 1% of the average coastwide commercial landings for the same two-year period.



Marius Bouw was approved as a new representative for North Carolina on the American Eel Advisory Panel. Terry Stockwell (ME) was approved as the American Eel Vice-Chair. Dr. Geiger (USFWS) informed the Board that the Council for Endangered Species Act Reliability (CESAR) filed a petition with USFWS and NMFS to list American eel on the Endangered Species List. For more information, please contact Kate Taylor at (202) 289-6400 or [ktaylor@asmfc.org](mailto:ktaylor@asmfc.org).

### *Motions*

**Move to approve the updated terms of references for the American eel stock assessment.**

Motion made by Mr. Stockwell, second by Mr. Ewing. Motion carries (17 in favor).

**Move to accept the 2009 FMP Review for American Eel and grant de minimis to the states of New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia and Florida.**

Motion made by Mr. Adler, second by Dr. Daniel. Motion passes by consensus.

**Move to approve Marius Bouw to the American Eel Advisory Panel.**

Motion made by Dr. Daniel, second by Rep. Abbott. Motion approved by consensus.

**Move to approve Terry Stockwell as Vice Chair of the American Eel Board.**

Motion made by Rep. Abbott, second by Dr. Rhodes. Motion passes by consensus.

## **SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD (MAY 5, 2010)**

### *Meeting Summary*

The South Atlantic Management Board met to receive the results of the 2010 Atlantic Croaker Benchmark Stock Assessment and Peer Review. The results are not presented here because the Management Board postponed its approval for management use until the next meeting when it will receive an additional report on the assessment from the Technical Committee. It is anticipated that this report will correct several issues raised by the Review Panel that precluded it from supporting some of the assessment's findings and from making a more certain stock status determination. The final results of the assessment and peer review will be reported once approved by the Management Board.

The Spot Plan Review Team presented reports on spot life history information and stock trends. The Life History Report indicated that the available life history information is likely adequate for less complex stock assessment methods, but that several tasks should be completed prior to initiating a stock assessment. The Stock Monitoring Report indicated that the Plan Review Team has enough concern about the spot population based on trends in available relative abundance indices that it would recommend initiating a spot stock assessment if more and better bycatch and discard data were available. Instead, the Plan Review Team supported the Management Board's intent to develop a management trigger based on an annual review of spot data for inclusion in the Draft Omnibus Amendment for Spanish mackerel, spot, and spotted seatrout.

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

### *Motions*

**Move that the issues brought forward by the review panel be addressed by the technical committee and be resubmitted to a subset of the peer review panel and be brought back to the Commission at the next meeting.**

Motion made by Mr. Carpenter, second by Mr. Ewing. Motion carries without objection.

## **ATLANTIC MENHADEN MANAGEMENT BOARD (May 5, 2010)**

### *Press Release*

**Atlantic Menhaden Benchmark Assessment Indicates  
Stock is Not Overfished but Shows Signs of Concern  
*Board Tasks its Technical Committee to Develop Alternative Reference Points***

Alexandria, VA – In its report to the Commission’s Atlantic Menhaden Management Board, an independent panel of scientists endorsed the use of the 2010 Atlantic menhaden benchmark stock assessment for management use. The panel also urged the Board to examine alternative reference points to provide more protection to the spawning stock biomass.

Based on the current reference points, the coastwide Atlantic menhaden stock is not overfished nor is it experiencing overfishing. The fishing mortality rate (F) is close to the threshold or the maximum rate at which fishing can occur and still allow the population to replace itself. Population fecundity is slightly below the target, meaning that the spawning stock in 2008 appears to be adequate to produce the target number of eggs. However, the number of young fish in the population has been consistently low in recent decades, indicating that high egg production may not be translating into high survival of young menhaden.

The assessment shows the population has undergone several periods of both high and low abundance over the time series (1955 – 2008). Abundance has declined steadily since the peak observed in the early 1980s and recruitment (age-0 fish) has been relatively low. As a result of these findings and recommendations by the peer review panel, the Board took action to task its technical committee with developing new reference points to increase protection to the spawning stock. In addition, the technical committee will consider alternative reference points that account for predation on menhaden.

A more detailed overview of the Atlantic menhaden stock assessment is available on the Commission website ([www.asmfc.org](http://www.asmfc.org)) under Breaking News. It was developed with the intent of aiding media and interested stakeholders in better understanding the Commission’s stock assessment results and process. Copies of the Atlantic Menhaden Stock Assessment Report and Assessment Peer Review Report are also available on the Commission website. For more information, please contact Brad Spear, Senior Fishery Management Coordinator for Policy, at (202) 289-6400.

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PR10-14

### *Motions*

#### **Move to elect Louis Daniel as Vice Chair.**

Motion made by Mr. Duren, second by Mr. White. Motion passes by consent.

#### **Move to accept the 2010 Atlantic Menhaden Stock Assessment and Peer Review Report for use in management.**

Motion made by Mr. Grout, second by Dr. Geiger. Motion passes by consent.

**Move the Menhaden Technical Committee develop alternative biological reference points – if possible for the August 2010 meeting. These reference points should include protection for SSB or population fecundity relative to the unfished level and a reference point associated with abundance. The TC should present to the Board a range of potential reference points that preserve varying levels of SSB. These levels of SSB should be placed in context with those that are currently employed for other stocks of clupeids and pelagic forage fishes. The TC should develop a range of management strategies to achieve the reference points with, if possible, expected outcomes for yield and stock health. Request for the Policy Board to task the Multi – Species Committee to work with the Menhaden TC to account for predation in the alternative reference points.**

Motion made by Mr. White, second by Mr. Meyers. Motion passes by consent.

### **SPINY DOGFISH & COASTAL SHARK MANAGEMENT BOARD (May 6, 2010)**

#### *Meeting Summary*

The Spiny Dogfish & Coastal Sharks Management Board met to review a blacktip shark recreational conservation equivalency proposal, state implementation of coastal sharks regulations, and the Final Environmental Impact Statement (FEIS) for Amendment 3 to the Consolidated Highly Migratory Species Fishery Management Plan (Amendment 3); discuss spiny dogfish quota allocation; and consider two Plan Review Team (PRT) and Plan Development Team (PDT) nominations.

Florida submitted a conservation equivalency proposal requesting an exemption from the 54” recreational fork length for blacktip sharks for conservation gained through recreational possession limits for commercial fishermen, gillnet and longline prohibitions, and implementing regulations consistent with the FMP on both the Gulf of Mexico and Atlantic side of the state. A representative from the Coastal Sharks Technical Committee (TC) reported that the TC agrees that prohibiting gillnets and longlines in state waters is likely to conserve an equal or greater biomass of blacktip sharks as the Florida state waters recreational fishery is likely to catch. Upon review of the TC recommendations, the Board approved the Florida conservation equivalency proposal.

The Board discussed the need to initiate an addendum proposing state allocations of the spiny dogfish quota to allow states to manage their fishery as best meets states individual needs. Board members were generally supportive of the idea of state shares, with some questions surrounding the allocation for states with low historical landings. The Board postponed initiating an addendum but initiated the development of a white paper to include quota allocation and trip

limit options. Board members will submit quota and trip limit options for staff to compile and present at the Commission's Summer Meeting during the first week of August 2010.

The Board reviewed the FEIS to Federal Amendment 3. The FEIS proposes to establish a 19.9 and 221.6 metric ton commercial quota for blacknose and small coastal sharks respectively and establish a 715 metric ton quota for smooth dogfish beginning in 2012.

The Board approved the nomination of Brian Frazier from South Carolina and Aaron Podey from Florida to the Coastal Sharks PRT and PDT.

The Board received a brief update of revised spiny dogfish reference points under other business. The new reference points include updates of key model parameters and revised estimates of spawning stock biomass. A Northeast Fisheries Science Center (NEFSC) Reference Document containing the updated reference point values should be available by the Commission's Summer Meeting when the Board will receive a full update from NEFSC staff. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at [cvonderweidt@asmfc.org](mailto:cvonderweidt@asmfc.org) or (202) 289-6400.

### *Motions*

**Move to approve the Florida conservation equivalency proposal and exempt Florida from the 54" minimum fork length recreational size limit for blacktip sharks.**

Motion made by Ms. McCawley, second by Mr. Woodward. Motion carries.

**Move to begin development of an addendum to the spiny dogfish management plan that would establish state quotas in the North and South regions. Quota alternatives will reflect:**

- (1) Catch/landings history including some or all of the options described in the October 2008 proposed Addendum III and**
- (2) An intent for some within-region re-distribution of quotas for this rebuilt stock. The 58:42 North-South region allocation will not change.**

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

**Move to postpone until the Summer 2010 Meeting.**

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

**Move to approve the nomination of Aaron Podey to the Coastal Sharks Plan Development and Plan Review Teams.**

Motion made by Ms. McCawley, second by Mr. Boyles. Motion carries.

**Move to approve the nomination of Bryan Frazier to the Coastal Sharks Plan Development and Plan Review Teams.**

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

## **ISFMP POLICY BOARD (May 6, 2010)**

### ***Meeting Summary***

The Interstate Fisheries Management Program Policy Board met during the Commission's Spring Meeting to discuss a number of issues. The Policy Board received updates from the Assessment Science Committee, Management and Science Committee, and the Law Enforcement Committee. Based on the recommendation of the Assessment Science Committee the Policy Board approved the 5-year stock assessment and peer review schedule.

The Policy Board reviewed a non-compliance recommendation from the Weakfish Management Board regarding North Carolina's implementation of Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish. The Policy Board concurred with this recommendation and forwarded a recommendation to the full Commission for consideration.

The Policy Board reviewed the activities of the Quota Working Group (QWG). The QWG commented on the proposed NMFS Catch Shares Policy. The QWG also developed documents summarizing the Commission's existing quota programs. The Commonwealth of Virginia presented a summary of its black sea bass catch share program. Maryland and Delaware also commented on their existing catch share programs. The QWG will be meeting prior to the Commission's Summer Meeting to continue its discussions.

The Policy Board received an update on the ASMFC research priorities and the development of a review on the Cooperative Winter Tagging Cruise.

Under other business the Policy Board approved the Multispecies Committee working with the Menhaden Technical Committee on the development of updated biological reference points for Atlantic menhaden. The Board was also updated on the action taken by the Northern Shrimp Section to close the fishery early due to landings occurring faster than expected.

For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

### ***Motions***

**Move to approve the 5 year peer review for the stock assessment peer schedule.**

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

**On Behalf of the Weakfish Management Board move that the ISFMP Policy Board recommend to the full Commission that the State of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance the State of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish.**

Motion made by Mr. Miller on behalf of the Weakfish Management Board. Motion passes (15 in favor, 1 opposed, 2 abstentions).

**Move that the Policy Board request that the Weakfish Management Board direct the Weakfish Technical Committee to review the NC proposal.**

Motion made by Dr. Daniel, second by Mr. Diodati. Motion passes (18 in favor).

### **BUSINESS SESSION (May 4 & 6, 2010)**

#### ***Meeting Summary***

The Commission reviewed a noncompliance recommendation from the ISFMP Policy Board. The Commission concurred with Policy Board recommendation and found the State of North Carolina out of compliance with Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish. The Commission will be notifying the Secretaries of Commerce and the Interior of the noncompliance finding.

The Commissioners reviewed the results of a self evaluation survey on progress toward the ASMFC Vision and Goals. The Commissioners asked staff to work with the Administrative Oversight Committee to develop actionable steps to improve areas that received a low score in the survey. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

#### ***Motions***

**On behalf of the ISFMP Policy Board move that the full Commission find the State of North Carolina out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance the State of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for Weakfish.**

Motion made by Mr. Diodati on behalf of the ISFMP Policy Board. Motion passes (13 in favor, 1 opposed).