



Atlantic States Marine Fisheries Commission

68th Annual Meeting Summary

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

68th Annual Meeting
Newport, Rhode Island
November 2 - 5, 2009

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

TABLE OF CONTENTS:

ATLANTIC HERRING SECTION (NOVEMBER 2, 2009)	3
<i>Meeting Summary</i>	3
<i>Motions</i>	4
SUMMER FLOUNDER, SCUP & BLACK SEA BASS MANAGEMENT BOARD (NOVEMBER 2, 2009)	5
<i>Press Release</i>	5
<i>Meeting Summary</i>	6
<i>Motions</i>	6
ATLANTIC STRIPED BASS MANAGEMENT BOARD (NOVEMBER 2, 2009).....	7
<i>Press Release</i>	7
<i>Meeting Summary</i>	9
<i>Motions</i>	9
SHAD & RIVER HERRING MANAGEMENT BOARD (NOVEMBER 2, 2009).....	10
<i>Meeting Summary</i>	10
<i>Motions</i>	10
ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 3, 2009)	11
<i>Press Release</i>	11
<i>Motions</i>	12
LAW ENFORCEMENT COMMITTEE (NOVEMBER 3, 1009).....	12
<i>Meeting Summary</i>	12
HABITAT COMMITTEE (NOVEMBER 3, 2009)	14
<i>Meeting Summary</i>	14
WEAKFISH MANAGEMENT BOARD (NOVEMBER 3, 2009)	14
<i>Press Release</i>	14
<i>Meeting Summary</i>	15
<i>Motions</i>	15

AMERICAN LOBSTER MANAGEMENT BOARD (NOVEMBER 3, 2009)	17
<i>Press Release</i>	17
<i>Meeting Summary</i>	17
<i>Motions</i>	18
EXECUTIVE COMMITTEE (NOVEMBER 4, 2009)	19
<i>Meeting Summary</i>	19
<i>Motions</i>	19
ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (NOVEMBER 4, 2009)	19
<i>Meeting Summary</i>	19
ISFMP POLICY BOARD (NOVEMBER 4 & 5, 2009)	19
<i>Meeting Summary</i>	19
<i>Motions</i>	21
MANAGEMENT & SCIENCE COMMITTEE (NOVEMBER 4, 2009)	21
<i>Meeting Summary</i>	21
CAPTAIN DAVID H. HART AWARD (NOVEMBER 4, 2009)	21
<i>Press Release</i>	21
BUSINESS SESSION (NOVEMBER 4, 2009)	22
<i>Press Release</i>	22
<i>Meeting Summary</i>	23
<i>Motions</i>	24
NORTHEAST MONITROING AND ASSESSMENT PROGRAM BOARD (NOVEMBER 4, 2009)	24
<i>Meeting Summary</i>	24
WINTER FLOUNDER MANAGEMENT BOARD (NOVEMBER 5, 2009)	24
<i>Meeting Summary</i>	24
<i>Motions</i>	24
SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (NOVEMBER 5, 2009)	24
<i>Meeting Summary</i>	24
<i>Motions</i>	25
SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (NOVEMBER 5, 2009)	25
<i>Meeting Summary</i>	25
<i>Motions</i>	26

ATLANTIC HERRING SECTION (November 2, 2009)

Meeting Summary

The Atlantic Herring Section met to review 2008 state compliance, consider approval of two draft addenda for public comment, set the 2010-2012 research set asides (RSA), discuss current management under likely reduced total allowable catch, set the 2010 seasonal quota allocation, elect a Vice-Chair, and review Advisory Panel (AP) nominations.

The Plan Review Team (PRT) Chair presented the 2008 Fishery Management Plan (FMP) Review, which includes a review of state compliance with interstate Atlantic herring management measures. All state regulations met or exceeded the requirements of the FMP in 2008. New York requested *de minimis* status, and met the requirement of landing less than 1% of the coastwide commercial landings. The Section unanimously approved the 2008 FMP Review and *de minimis* status for New York.

The Section reviewed Draft Addendum II, which was developed to mirror the New England Fishery Management Council's (NEFMC) Amendment 4 and proposes changes to definitions and acronyms contained in current Commission management documents. The Section agreed to postpone approving Addendum II until the Commission's February meeting week at which time the Amendment 4 language will be final, allowing Draft Addendum II to have identical language.

The Section reviewed Draft Addendum III, which proposes higher trip limits on a 'day out' and/or a separate quota for small mesh bottom trawl vessels. The Section voted to postpone moving forward with Draft Addendum III until after the 2010-2012 specifications are set. Knowing the amount of herring that is available to fishermen will help the Section decide whether a separate allocation is appropriate and the amount that is available. The extra time will also allow the Technical Committee (TC) to analyze small mesh bottom trawl historical landings and estimate the impacts that a quota/increase in possession limits would have.

The Section set the 2010-2012 research set-asides (RSAs) at zero. The measure passed unanimously.

The Section discussed the potential impacts of significant reductions in total allowable catch (TAC) in 2010-2012 on the management program and fishery. Addendum I requires the Section to allocate the quota seasonally based on landings from 2000 – 2007 with flexibility to prohibit landings before June 1. Allocating the TAC seasonally impacts harvest of the inshore and offshore components of the stock because mixing ratios vary seasonally. Section members are comfortable with the current seasonal allocation. The Section also discussed a potential need to reduce the West of Cutler fixed gear allocation an amount proportional to the reduction in the TAC but postponed taking action until the November 10th joint meeting of the Section and the NEFMC Herring Committee. It also discussed a potential need for effort control in Area 2 under a reduced TAC and in light of the 30,000 metric ton TAC being landed in 2009, but no action was taken.

The Section voted to prohibit landings prior to June 1, 2010 and take action on the quota allocation scheme (bi-monthly or seasonal) at the February meeting when it will set specifications.

David Pierce of Massachusetts was then elected as Vice-Chair of the Herring Section. Dana B. Rice Sr. and Kristan Porter were approved to the Atlantic Herring Advisory Panel as its nontraditional stakeholders and Philip Ruhle Jr. was approved to fill Massachusetts at-large seat. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202) 289-6400 or cvonderweidt@asmfc.org.

Motions

Move to approve the 2008 FMP Review.

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

Move to approve *de minimis* status for New York.

Motion made by Mr. Augustine, second by Sen. Damon. Motion carries.

Move to postpone approving Addendum II for public comment until the ASMFC Winter Meeting the week of February 1, 2010.

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

Move to include in Draft Addendum III: 1) in Table 1, include the 2008 figures for bottom trawl landings in Area 1A; 2) under Section 2.3, add language to allow that the Section may select to implement more than one option.

Motion made by Mr. Grout, second by Mr. Adler. Motion fails (3 in favor, 3 opposed, 1 abstention).

Move to postpone approving Draft Addendum III for public comment until the February meeting.

Motion made by Mr. Stockwell, second by Mr. Augustine. Motion passes (5 in favor, 2 opposed).

Move to set herring research set-asides (RSAs) at zero for 2010-2012.

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

Move to elect David Pierce as Vice-Chair.

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

Move approval of three new advisors to the Atlantic Herring Advisory Panel -- Dana B. Rice Sr. and Kristan Porter as nontraditional stakeholders and Philip Ruhle Jr. as Rhode Island's at-large member.

Motion made by Mr. Augustine, second by Mr. P. White. Motion carries unanimously.

Move to prohibit landing until June 1, 2010 with the quota allocation scheme (bi-monthly or seasonal) after June 1 to be set by the Section the week of February 1, 2010 at the ASMFC Winter Meeting.

Motion made by Mr. Stockwell, second by Dr. Pierce. Motion carries unanimously.

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (November 2, 2009)

Press Release

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Approves Addendum to Allow Commercial Quota Transfers for Black Sea Bass and Scup Between States

Newport, Rhode Island – The Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board approved Addendum XX to the Fishery Management Plan. Addendum XX allows for the transfer of commercial allocations for black sea bass (entire year) and scup summer period (May 1-October 31) managed under the Commission’s plans. As a practical matter, states routinely under harvest or slightly overharvest their state-specific allocations due to delays in reporting, inconsistencies in the data collection processes, and unanticipated changes in catch rates. The FMP requires that each state deduct overages from the following year’s quota when they occur. Addendum XX establishes a process to reconcile quotas to address states’ unintended minor overages through within-year transfers and end-of-year reconciliations.

The Addendum addresses three major issues: (1) state-to-state transfers, (2) quota reconciliation, and (3) quota distribution. State-to-state transfers may occur at any time in the fishing season up to 45 days after the last day of the fishing season. These transfers require a donor state (state giving quota) and a receiving state (state accepting additional quota). There is no limit on the amount of quota that can be transferred by this mechanism, and the terms and conditions of the transfer are to be identified solely by the parties involved in the transfer.

In a year where the coastwide quota or fishing period quota was not exceeded, any state-specific overage would be automatically forgiven in its entirety. In the event that the coastwide quota was exceeded, where multiple states seek reconciliation, the Commission staff would determine and notify Commission members of which states exceeded their state specific allocations. Commission staff would contact those states that under-harvested their allocations to confirm the accuracy and reliability of the data. A state with an underage would notify the Commission whether the underage could be transferred to the “common pool” to be re-distributed to states with overages.

Further, the Addendum establishes a negotiated distribution process whereby states with overages will develop a sharing agreement or formula to distribute the common pooled underage based on the nature of the overages in that given year. The unanimous agreement of the states with overages would be required to distribute underages in this manner. If unanimous agreement cannot be reached, then the common pool underage would be apportioned to each state based on the state’s percent share of the quota as established by the FMP.

The Commission’s Interstate Fisheries Management Program (ISFMP) Policy Board is currently addressing the broader concepts behind quota ownership, disposition of unharvested quota, and quota transfers, including a state’s right to choose how to use quota allocated to them. The provisions of section 4.2 (automatic reconciliation) and 4.3 (distribution process) will expire at the end of the 2011 fishing year unless the Board takes action to modify or extend the provisions of the Addendum. The Addendum is not intended to be precedent setting for any decisions that may be made by the ISFMP Policy Board.

Addendum XX will be posted to the Commission's website at www.asmfc.org under Breaking News by November 15. For more information, please contact Toni Kerns, Senior FMP Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

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PR09-42

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Board reviewed the preliminary harvest estimates for the recreational fishery through wave 4 (January 1 to the end of August 2009). Preliminary data estimates indicate that the black sea bass fishery has already exceeded the target by about 800,000 pounds. The scup fishery has exceeded the coastwide target by 242,000 pounds. The majority of the states are under their summer flounder target except for New Jersey, Delaware, and Maryland. The Board discussed the outcome of a joint meeting with the Mid-Atlantic Fishery Management Council on the role of the Monitoring Committee (MC) and Science and Statistical Committee (SSC) in the specification setting process. The process has been modified to allow for a joint meeting with the SSC and MC before the SSC develops a recommendation for scientific uncertainty and allowable biological catch. The Board modified the Plan Review Team (PRT) membership to include all members of the technical committee and USFWS. The PRT serves as the Commission's representatives on the MC. The Board discussed winter I scup trip limits and considered changing the 2 week landing limit. The Board did not change the trip limit because of the potential to flood the market which could result in a drop in price per pound for scup.

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

Motions

Under 4.1 (state to state transfers), move to adopt Option 2 to establish policies to govern transfers.

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

Under 4.2 (automatic reconciliation), move to adopt Option 2 to forgive all states' overages in years when the coastwide quota was not exceeded.

Motion made by Mr. McKiernan, second by Mr. Simpson. Motion carries (7 in favor, 2 opposed, 2 abstentions).

Under 4.3 (Multi-state Reconciliation Process), move to adopt Option 2 and Sub-option 3A to allow post-year transfers of quotas to reconcile overages and underages among states.

Motion made by Mr. McKiernan, second by Mr. Gilmore. Motion carries (9 in favor, 1 abstention).

Under 4.3.1 (Distribution Process), move to adopt Option 1 with sub option 4B to give participating states one week after notification from ASMFC to reach agreement to re-

distribute underages. If unanimous agreement cannot be reached, then re-distribution of underages would be done based on existing allocation proportions.

Motion made by Mr. McKiernan, second by Mr. Augustine. Motion carries (6 in favor, 3 opposed, 2 abstentions).

Move that transfer options adopted under Addendum XX apply only when state quota overages are unintentional. To receive quota transfer under automatic reconciliation or in a multi-state transfer, receiving states must demonstrate to the satisfaction of donor states that a good faith effort was made to prevent an overage from occurring.

Motion made by Mr. Simpson, second by Mr. McCloy. Motion fails (5 in favor, 5 opposed, 1 abstention).

Move to adopt Addendum XX as amended.

Motion made by Mr. Adler, second by Mr. Augustine. Motion carries (10 in favor, 1 abstention).

Move that the PRT be comprised of the full TC membership and a representative from USFWS.

Motion made by Mr. Simpson, second by Mr. Augustine. Motion carries without opposition.

Move that Winter I be a 30,000 lb per 14-day landing period with states being required to prohibit landings of scup from other states within the 14-day period.

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

Move that the Board ask at the December meeting to request that the SSC and Monitoring Committee revisit the 2010 black sea bass quota.

Motion made by Mr. Fote, second by Mr. Adler. Motion fails.

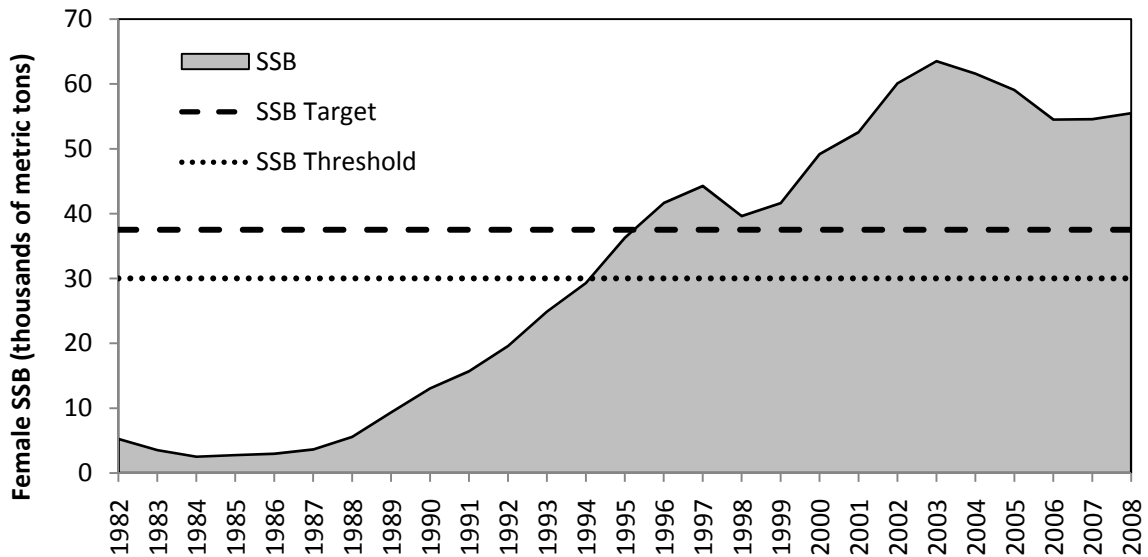
ATLANTIC STRIPED BASS MANAGEMENT BOARD (November 2, 2009)

Press Release

Atlantic Striped Bass Assessment Update Finds Resource Not Overfished and Overfishing Not Occurring

Newport, Rhode Island – The 2009 Atlantic striped stock assessment update indicates that the resource remains in good condition with female spawning stock biomass (SSB) 148% of the SSB target and 185% of the SSB threshold (see Figure 1). Estimated fishing mortality rates (F) in 2008 are equal to or less than 0.21 and below the target (0.30) and threshold (0.34) rates. The assessment provides stock status for the combination of the three primary stocks (Hudson River, Delaware River, and Chesapeake and tributaries). The striped bass stock complex is determined to be not overfished with overfishing not occurring.

Figure 1. Atlantic Striped Female Spawning Stock Biomass (SSB)
 Source: ASMFC Atlantic Striped Bass Stock Assessment Update, 2009



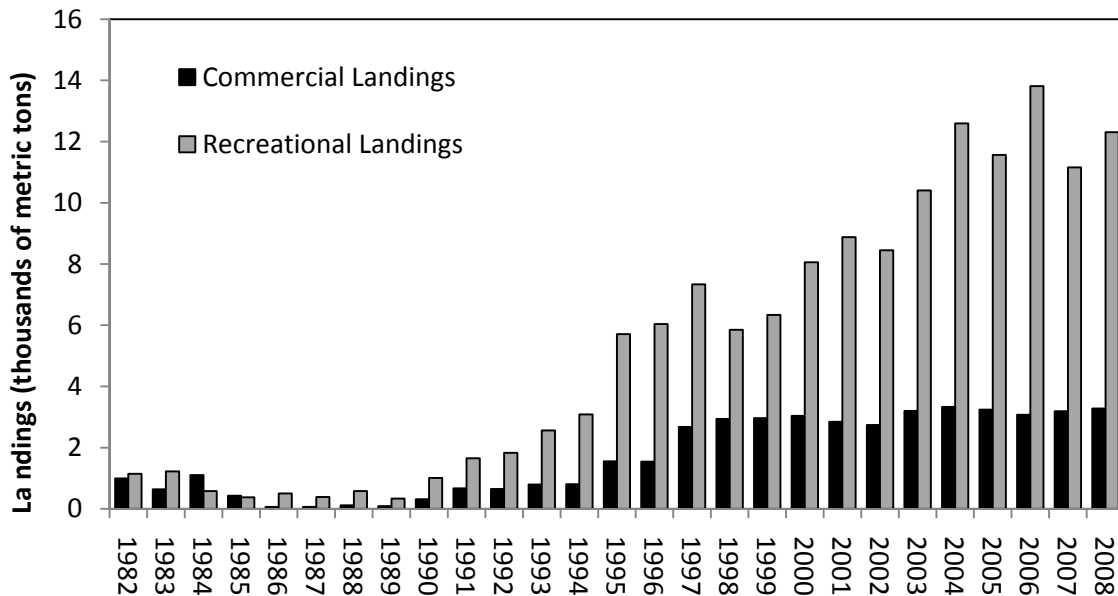
Although spawning stock and total biomass have remained relatively stable over the last several years, stock abundance declined from 2004 to 2007 with a small increase in 2008. The decrease in abundance is reflected in a decline in coastwide landings in 2007 and 2008. The decline is more prevalent in areas largely dependent on contributions from the Chesapeake stocks (such as Maine) than areas that are dominated by the Hudson stock (such as New York). The spawning stock has remained relatively stable due to the growth and maturation of the 2003 year class and the accumulation of spawning biomass from year classes prior to 1996. The latest results of the statistical catch-at-age model also exhibit an increasing retrospective bias where F is overestimated and abundance and biomass underestimated. Retrospective bias may be the result of error in catch estimates, natural mortality, unequal stock mixing, and changes in catchability or selectivity. Analysis of tag data also suggests an increasing natural mortality in Chesapeake Bay, likely the result of the mycobacteriosis.

Recruitment estimates have averaged 12.5 million fish since 1995 when the stock complex was declared restored. The 2006 and 2007 estimates were the lowest in recent years at 7.4 million and 5.8 million fish, respectively. The 2003 cohort remains the largest since 1982 at 22.8 million fish. Recruitment in 2008 of 13.3 million fish was slightly above the recent average.

Striped bass are one of the most sought after species by recreational anglers along the Atlantic coast. In 2008, recreational anglers landed over 2.2 million striped bass weighing 12,310 metric tons (mt) (see Figure 2). Recreational landings have ranged from a low of 336 mt in 1989 to a high of 13,814 mt in 2006. The coastwide landings in 2008 reflect a 17% decline from a high of 2.7 million fish in 2006. Changes in landings have varied by state, with MA, CT, and NY showing an increase in landings and the remaining states showing a 32% decrease on average. Recreational discard mortalities (assuming an 8% mortality of releases) in 2008 were 950,000 fish, a 64% decrease from a high of 2.1 million fish in 2006.

Landings from the commercial striped bass fishery have been consistently lower than the recreational catch. Commercial landings increased from 63 mt in 1987 to 2,679 mt in 1997 and have remained steady due to quota restrictions. Landings in 2008 were 3,281 mt. Gill nets are the dominant commercial gear used to target striped bass. Other commercial fishing gears include hook and line, pound nets, seines, and trawls.

Figure 2. Atlantic Striped Bass Commercial & Recreational Landings
 Source: ASMFC Atlantic Striped Bass Stock Assessment Update, 2009



Copies of the stock assessment update will be available via the Commission’s website at www.asmfc.org under Breaking News. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator at (202) 289-6400 or nmeserve@asmfc.org.

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PR09-43

Meeting Summary

The Atlantic Striped Bass Management Board met to review the results of the 2009 update stock assessment (see press release), and consider Draft Addendum II for final approval. The draft addendum proposes options to allow unused coastal commercial quota to be rolled over to the subsequent year. Staff provided a summary of the public comment collected in September and October on the proposed options. The Management Board voted in favor of status quo management; unused coastal commercial quota cannot be rolled over to the subsequent year. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move on behalf of the Board that we accept the 2009 stock assessment update.

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

Move to approve Addendum II with the following options: Section 2.3.1, Option 2, allow roll over; Section 2.3.2, Option 1, all states are eligible to roll over unused quota; and Section 2.3.3, Option 2, roll over amount based on a state’s coastal commercial quota, specifically, up to 50% of a state’s quota can be rolled over in a given year.

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

Move to approve Addendum II with the following options: Section 2.3.1, Option 2, allow roll over; Section 2.3.2, Option 1, all states are eligible to roll over unused quota; and Section 2.3.3, Option 2, roll over amount based on a state’s coastal commercial quota, specifically, up to 25% of a state’s quota can be rolled over in a given year, and that quota rollover from the previous year will be available only after the state’s current year quota has been harvested.

Motion made by Dr. Duval, second by Mr. Simpson. Motion is ruled out of order.

Move that the motion is out of order.

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

Move to approve the nomination of Charlton Godwin to the Plan Review Team.

Motion made by Dr. Duval, second by Mr. Fote. Motion carries without objection.

SHAD & RIVER HERRING MANAGEMENT BOARD (November 2, 2009)

Meeting Summary

The Shad and River Herring Board reviewed public, technical committee and advisory panel comments on Draft Amendment 3. Due to time constraints, the Board deferred completion of discussions on Draft Amendment 3 to the ASMFC Winter Meeting in February 2010 and will consider the approval of monitoring and regulatory requirements at that time.

The Board approved a bycatch allowance proposal by the state of Virginia, which permits a limited amount of American shad to be harvested in the areas above the first bridge in the James, York and Rappahannock Rivers in the anchored gill net and staked gill net fisheries. This is the fifth year the Board has approved this allowance.

Maine, New Hampshire and Massachusetts requested and were granted *de minimis* status by the Board for the 2010 commercial and recreational American shad fisheries. The *de minimis* requirement is met when the state reported commercial landings are less than 1% of the coast-wide commercial landings for American shad. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at (202) 289-6400 or tkatlor@asmfc.org.

Motions

Move adoption of a sustainable fishery definition consistent with Amendment 2 for river herring; that is, “that demonstrates their support of a commercial and/or recreational fishery that will not diminish the future stock reproduction and recruitment.”

Motion made by Mr. Simpson, second by Mr. Gilmore. Motion passes unanimously.

Move that the monitoring requirements in Amendment 2 for river herring be incorporated into Amendment 3 for American shad (only those systems located in Table 2 of Amendment 3).

Motion made by Dr. Duval, second by Mr. Simpson. Motion tabled.

Move for the JAI trigger to change to be 75%. The trigger would be met if three consecutive values are less than 75% of the time series.

Motion made by Dr. Laney, second by Mr. Boyles. Motion passes unanimously.

Move to adopt Z_{30} as a mortality benchmark rather than as an overfishing definition.

Motion made by Mr. Simpson, second by Senator Damon. Motion passes unanimously.

Move to postpone any further consideration of Amendment 3 until the ASMFC February Meeting.

Motion made by Mr. Carpenter, second by Mr. Augustine. Motion carries by consent.

Move that VA's 2010 American shad bycatch allowance program be approved.

Motion made by Mr. Travelstead, second by Mr. Carpenter. Motion passes unanimously.

Motion to approve the 2009 FMP review and *de minimis* status for shad for ME, NH, and MA.

Motion made by Mr. Stockwell, second by Mr. Adler. Motion is approved by consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (November 3, 2009)

Press Release

Atlantic Menhaden Board Approves Addendum to Extend Menhaden Reduction Fishery Cap for 3 Years

Newport, Rhode Island – The Commission's Atlantic Menhaden Management Board approved Addendum IV to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Menhaden. Addendum IV extends the Chesapeake Bay reduction fishery harvest cap, established through Addendum III, for an additional three years (2011 – 2013). Under the Addendum, the Board will annually review measures to determine if they are appropriate given the most recent information available about the stock and fishery. At any future meeting, the Board can initiate development of additional or alternative management measures.

The Board's action was requested 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 convenes in January each year, is responsible for regulating the menhaden reduction fishery in state waters. With Addendum IV 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 was first instituted in 2006 to extend through 2010. With adoption of Addendum IV that cap will be extended through 2013 with the following provisions. Harvest for reduction purposes is prohibited in Chesapeake Bay when 100% of the cap is landed. Over-harvest in any given year will be deducted from the next year's quota. Under-harvest in one year will be credited only to the following year's cap, not to exceed 122,740 metric tons. Since 2006, reduction landings of menhaden from Chesapeake Bay have not exceeded the cap of 109,020 metric tons.

A copy of Addendum IV will be available via the Commission's website at www.asmfc.org under Breaking News by November 13, 2009. For more information, please contact Braddock Spear, Senior FMP Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

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PR09-44

Motions

Move to adopt Addendum IV option 2 to continue the harvest cap to 2013.

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

Move to substitute to adopt Addendum IV option 2 and not to allow underage amounts to be credited the following year.

Motion made by Dr. Pierce, second by Mr. Fote. Motion fails (5 in favor, 11 opposed).

Move to approve the nomination of Jimmy Kellum to the Menhaden Advisory Panel.

Motion made by Mr. Travelstead, second by Mr. Boyles. Motion passes without objection.

LAW ENFORCEMENT COMMITTEE (November 3, 1009)

Meeting Summary

The Commission's Law Enforcement Committee (LEC) met from 8 AM to 5 PM on November 3, 2009 at the Hyatt in Newport Rhode Island as part of the ASMFC's annual meeting week. All states and members were present with the exception of the District of Columbia, New Jersey and North Carolina. NOAA Office of General Council, the Office of Law Enforcement, USFWS special agents and the USCG were represented at the meeting.

Chairman Jeff Bridi called the meeting to order. The spring meeting minutes were read and approved by the committee.

A state-by-state review of enforcement actions and enforceability of FMPs was discussed. Some items of interest included the following.

The LEC is still concerned that area management is less enforceable than consistent rules across a broader area. Under area management, rules may be easily violated and are difficult to detect.

There have been cases made and these apprehensions are a deterrent, however, a higher degree of compliance can be reached by more consistency in the rules. (A motion was made and seconded to ask the Lobster Management Board to consider more consistency in rules between lobster conservation management areas, Motion was approved unanimously)

Law enforcement representatives from Atlantic herring producing areas also stated that not allowing fishing on “days-out” would increase the enforceability of the FMP.

The harvesting of Cancer (Jonah and Rock) crabs was discussed thoroughly. Cancer crabs are not regulated; however, any vessel licensed to fish in federal waters must comply with all requirements on setting traps. Therefore, Cancer crabs are an allowed bycatch from legal gear by federally licensed vessels. The LEC does not know the extent of unlicensed vessels that may target Cancer crabs, but routinely check any unlicensed vessel for regulated species. Enforcement actions would be taken if appropriate.

Striped bass enforcement remains a high priority along the coast. The LEC has some serious concerns about violations still occurring in the EEZ along the Mid-Atlantic and other areas in the EEZ. Law enforcement flights in the fall and winter have shown over 100 sportfishing boats at a time trolling 10-15 miles offshore where the only fish available then would be stripers. Significant efforts are being put forth in several states which have made an impact. This effort is tempered by the suspicion that some persons apparently have organized to find stripers, monitor law enforcement activities, and work together to target schools of large striped bass. Other concerns include the tag reporting of commercial stripers where labor-intensive stakeouts and investigations indicate manipulation of landings data to increase and extend seasons.

Federal agencies that gave reports on fisheries enforcement activities included USFWS, NOAA Office of Law Enforcement, and the USCG. Several States commented on the success stories involved with joint enforcement operations.

The LEC reviewed the status of the sportfish registry requirements and agrees that the implementation should not create a significant law enforcement problem.

The new vessel monitoring system software was also discussed. Most states attended a review and training session in August to introduce the new system. Many comments were given after the session and the new system is still a work in progress.

There was a presentation by Mark Grant from NMFS on sector management. This is new to the Northeast and may be introduced to the south in the future. Sector management is a new concept and untested from a law enforcement perspective. It will require some time to discuss potential impacts on enforceability and will be further discussed at the LEC’s next meeting in the spring.

The Committee elected Steve Adams from Georgia and Kyle Overturf from Connecticut as the LEC’s new Chair and Vice-chair, respectively. For more information, please contact Michael Howard, LEC Consultant, at howardsmd@yahoo.com.

HABITAT COMMITTEE (November 3, 2009)

Meeting Summary

The Habitat Committee received updates on the ASMFC Fish Passage Resolution, the *Habitat Hotline*, the Wallops shoreline alteration project, the alternative energy source document, collaboration with the Councils, and the USFWS Landscape Conservation Cooperatives. Ron Mezich (Florida Fish and Wildlife Conservation Commission and GSMFC Habitat Subcommittee Chair) gave an interesting presentation on habitat projects in the Apalachicola River and the recent activities of the Gulf States Marine Fisheries Commission's Habitat Subcommittee. The Habitat Committee reviewed a near-final draft of the *Living Shorelines* source document, and created a plan for finalizing that document for publication before the end of 2009. Patrick Campfield reviewed Goal 4 (Habitat Program) of the ASMFC Action Plan, and noted ideas for completion of those activities. Additionally, the Committee received presentations on shoreline regulation revisions under review in South Carolina, North Carolina, and New York. Some ideas for habitat outreach and education in 2010 were discussed. The Habitat Committee also briefly talked about plans for moving forward with an ASMFC Habitat Research Needs list and Habitat Addenda for 2010. Most of these projects will continue to develop via conference call in the coming months.

WEAKFISH MANAGEMENT BOARD (November 3, 2009)

Press Release

ASMFC Weakfish Board Adopts Addendum IV in Response to Depleted Stock Status

Newport, Rhode Island – The Commission's Weakfish Management Board approved measures to reduce exploitation by over 50 percent in both the recreational and commercial sectors. Addendum IV requires states to implement a one fish recreational creel limit, 100 pound commercial trip limit, 100 pound commercial bycatch limit during closed seasons, and 100 undersized fish per trip allowance for the finfish trawl fishery. All other management measures previously adopted to conserve the stock and reduce bycatch remain in effect.

The Board's action comes in response to the stock status of weakfish. A recent peer-reviewed assessment found the weakfish stock to be depleted, with spawning stock biomass estimated to be three percent of an unfished stock, well below the 20 percent threshold and 30 percent target reference points also approved by the Board as part of Addendum IV. The decline in biomass reflects a sustained rise in natural mortality after 1995, rather than fishing mortality which has been modest and stable over the same time period.

"The Board received a significant amount of public comment supporting a coastwide moratorium. In recognition of this, it chose to implement measures that would discourage directed fishing, limit bycatch mortality, and ensure that critical sampling programs remain on track," stated Board Chair Roy Miller.

While the decline appears to have resulted from a change in the natural mortality of weakfish in recent years, it is further exacerbated by continued removals by commercial and recreational fisheries. However, given the high mortality levels, the stock is also unlikely to recover rapidly.

The Addendum's measures are intended to reduce the level of harvest without creating a large amount of discards.

Addendum IV will be available via the Commission's website at www.asmfc.org under Breaking News by November 15. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

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PR09-46

Meeting Summary

In addition to approving Addendum IV (see press release above), the Weakfish Management Board reviewed and approved a request from Florida for alternative management in the state's northeastern corner. As previously reported to the Board, Florida is experiencing difficulty identifying weakfish in the northeastern corner of the state along the Atlantic coast. In Florida's northeastern waters, weakfish and sand seatrout overlap in range and have been interbreeding, resulting in a population of hybrid fish. Weakfish and sand seatrout are difficult to distinguish, and the substantial hybrid population complicates morphological identification of the two pure species and their hybrids. The only conclusive manner to positively identify each separate species is through genetic testing. This identification issue confuses anglers as well as complicates enforcement of the weakfish regulations.

To address the issue, Florida will establish a well-defined weakfish management area in northeast Florida where pure weakfish are known to occur (located primarily with Nassau and Duval Counties). All fish landed in the area, both recreationally and commercially, will be reported as weakfish landings and identified as such in ASMFC reports. All other like fish landed outside this will not be reported as weakfish. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move to adopt Florida's proposal.

Motion made by Dr. Daniel, second by Mr. Boyles. Motion is approved by consent.

Move to approve Addendum IV to Amendment 4 to the Weakfish Fishery Management Plan with the following: under Section 2.3.1, Biological Reference Points, adopt option 3, percentage based spawning stock biomass reference points; under Section 2.3.2, Recreational Fisheries, adopt option 5, harvest moratorium; under Section 2.3.3, Commercial Fisheries, adopt option 4, harvest moratorium with jurisdictions required to maintain existing management measures previously adopted to protect weakfish stocks and reduce bycatch; under Section 2.4, Monitoring, adopt option 2, Addendum I requirements lifted.

Motion made by Mr. O'Connell, second by Mr. Shirey.

Move to separate the motion into 3 issues.

Motion made by Mr. Simpson, second by Dr. Rhodes. Motion carries (13 in favor, 1 opposed).

Move to approve for Section 2.3.1, Biological Reference Points, option 3, percentage based spawning stock biomass reference points.

Motion made by Mr. O'Connell, second by Mr. Shirey. Motion carries.

Main Motion:

Move to approve for Section 2.3.2 (Recreational Fisheries) Option 5 (Harvest Moratorium) and for Section 2.3.3 (Commercial Fisheries) Option 4 (Harvest Moratorium) with jurisdictions required to maintain existing management measures previously adopted to protect weakfish stocks and reduce bycatch.

Motion made by Mr. O'Connell, second by Mr. Shirey. Motion substituted.

Motion to Substitute:

Move to substitute to approve for Section 2.3.2 (Recreational Fisheries) Option 2b (1 fish) and Section 2.3.3 (Commercial Fisheries) Option 2.1b (100 lb limit).

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

Motion to Amend:

Motion to amend substitute motion to include 2.1a: 150 lb limit instead of 100 lb.

Motion made by Dr. Daniel, second by Mr. O'Reilly. Motion fails (Roll Call Vote: In favor – PRFC, VA, NC, SC, GA, FL; Opposed – MA, RI, CT, NY, NJ, DE, MD, USFWS, NMFS).

Main Motion as Substituted:

Move to approve for Section 2.3.2 (Recreational Fisheries) Option 2b (1 fish) and for Section 2.3.3 (Commercial Fisheries) Option 2.1b (100 lb limit) with jurisdictions required to maintain existing management measures previously adopted to protect weakfish stocks and reduce bycatch.

Motion made by Mr. Fote, second by Mr. Duren. Motion carries (10 in favor, 5 opposed).

Main Motion:

Move to approve for Section 2.4 (Monitoring) Option 2 - Addendum I requirements lifted.

Motion made by Mr. O'Connell, second by Mr. Shirey. Motion substituted.

Motion to Substitute:

Move to substitute for Section 2.4 - Option 1 (Status Quo).

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

Main Motion as Substituted:

Move to approve for Section 2.4 (Status Quo).

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

Move to adopt Section 2.2b with a 100 fish limit as recommended by the Technical Committee.

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

Move to adopt under Section 3.0 (Compliance) a January 1, 2010 compliance date for which states must submit programs to implement Addendum IV for approval by the Weakfish Management Board no later than a May 1, 2010 compliance date by which states must implement Addendum IV through their approved management programs.

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

Move to approve Addendum IV as modified today.

Motion made by Mr. Fote, second by Mr. O'Reilly. Motion carries unanimously

AMERICAN LOBSTER MANAGEMENT BOARD (November 3, 2009)

Press Release

ASMFC American Lobster Board Approves Addendum XV

Newport, Rhode Island – The Commission’s American Lobster Management Board approved Addendum XV to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. Addendum XV modifies the Lobster Conservation Management Area 1 (LCMA 1 - Gulf of Maine) permit process in federal waters in response to increasing lobster fishing effort in that area since 2000 (highest on record since 1981). While lobster abundance in the Gulf of Maine is relatively high there is concern that high levels of fishing effort in the area are not likely to be sustainable if abundance returns to long-term median levels. Further, limited access programs in other lobster management areas and recent constraints on traditional trawl fisheries have the potential to shift trap gear fishing effort to LCMA 1 where there is open access.

Specifically, the Addendum maintains the historic level of trap fishing effort (2004 – 2008) and curtails a potential influx of new federal lobster vessels in LCMA 1 federal waters fishery (3 – 200 miles from shore). The Addendum also limits entry of vessels which have not fished with traps in LCMA 1 in the past from fishing in Area 1 with traps in the future. The actions under Addendum XV will be forwarded to the National Marine Fisheries Service as recommendations for action in the federal waters portion of LCMA 1.

Addendum XV will be available via the Commission’s website at www.asmfc.org under Breaking News. For more information, please Toni Kerns, Senior FMP Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

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PR09-47

Meeting Summary

The American Lobster Board approved Draft Addendum XVI to Amendment 3 for public comment. The Draft Addendum considers options for new reference points in each of the three lobster stocks. Specific options include recommendations from the Technical Committee and the Peer Review Panel from the 2009 stock assessment. The current reference point estimates are based on the 2006 assessment covering 1982-2003. They are not compatible with the 2009 assessment which covers data from 1982-2007. The Draft Addendum also proposes changes in the status determination criteria procedures for adopting and implementing new reference points. Currently, to incorporate new stock status determination criteria (overfishing/depleted status) that may result from updated, peer-reviewed science, the Board must enact an addendum adjustment or amendment to the American Lobster FMP. Though stock status criteria may be

modified or replaced through an addendum or amendment, the timing of updated survey information, subsequent analysis and peer-review, and the addendum or amendment process means that the availability of the best available scientific information may be significantly delayed from entering the management process and responding to poor stock health. A press release announcing the Draft Addendum's availability and public hearing schedule will be released once the details of the hearings are finalized.

The Board also discussed the current discrepancies between state and federal regulations in the Outer Cape Cod lobster conservation management area. The Commonwealth of Massachusetts will keep the Board updated on the progress of this issue at the February American Lobster Board 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 modify the third paragraph of option three of biological reference points of Draft Addendum XVI to read "A stock would be depleted if average reference abundance during 2005-2007 fell below 75% of the median threshold level."

Motion made by Mr. Grout, second by Mr. Gilmore. Motion fails (3 in favor, 5 opposed).

Move to strike Option 3 under biological reference points from the Draft Addendum.

Motion made by Mr. Grout, second by Mr. Himchak. Motion fails (3 in favor, 5 opposed).

Move to strike text in italics on page 8.

Motion made by Mr. Simpson, second by Rep. Peake. Motion passes.

Move to have the Technical Committee review Option 3 and provide the Board with advice on what would be a precautionary abundance threshold.

Motion made by Mr. Stockwell, second by Mr. Grout. Motion fails (4 in favor, 4 opposed).

Move to approve the Draft Addendum as modified today for public comment.

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

Move to strike EEZ of Option C in Section 4.1 of Addendum XV.

Motion made by Mr. Grout, second by Mr. Stockwell. Motion passes (7 in favor, 1 abstention).

Move to send state reports of lobster trap tag orders for the fishing years 2004-2008 to NMFS by February 1, 2010.

Motion made by Mr. Grout, second by Mr. Stockwell. Motion passes (6 in favor, 2 abstentions).

Move to adopt Addendum XV as modified today.

Motion made by Mr. Grout, second by Mr. Adler. Motion passes (6 in favor, 2 abstentions).

EXECUTIVE COMMITTEE (November 4, 2009)

Meeting Summary

The Executive Committee reviewed the FY09 Audit and recommended for approval by the full Commission. It received an update on future Annual Meeting locations and reviewed the progress of the 2009 Action Plan. For more information, please contact Laura Leach, Director of Finance and Administration, at (202) 289-6400 or lleach@asmfc.org.

Motions

No motions made.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (November 4, 2009)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss a number of projects and developmental activities. The meeting began with an update on the Partnership's application process and approval. The Steering Committee also received a funding update, including the status of the National Fish Habitat Conservation Act. The Steering Committee received updates on the selection of an ACFHP website developer and the completion of the Assessment of Existing Information and Species-Habitat Matrix project reports. Following these updates the Steering Committee Chair led the group through a discussion of the draft ACFHP Conservation Strategic Plan with respect to objectives and prioritization. The Steering Committee discussed initial steps for the development of regional action plans and the need to reconvene the ACFHP Science and Data Working Group. The ACFHP Project Selection Subcommittee met to discuss FWS-NFHAP project proposal reviews and to determine overall ranks. The ACFHP Endorsement Subcommittee met to review a project application for ACFHP endorsement. Other members of the Steering Committee discussed a financial plan for the Partnership and to determine initial next steps. For more information, please contact Emily Greene, ACFHP Coordinator, at (202) 289-6400 or egreene@asmfc.org.

ISFMP POLICY BOARD (November 4 & 5, 2009)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to address a number of issues that impact the Commission and its interstate fishery management process. The Policy Board received a presentation on the NOAA fisheries' ecosystem-based fishery management activities. The Commission acknowledged that the change in NOAA leadership will likely increase the focus on ecosystem issues. The Policy Board charged the Management and Science Committee (MSC) with developing a proposal for incorporating ecosystem considerations into the Commission's interstate fisheries management process. Representatives from the Habitat Committee, Assessment Science Committee, and possibly a subset of Commissioners may assist the MSC in developing the proposal.

The Policy Board was presented with an update on the NEAMAP fishery independent trawl survey. The survey continues to sample at least 150 stations from Cape Hatteras through Cape Cop, generating valuable nearshore fisheries data to support science and management.

The Policy Board received a presentation on the NOAA Strategic Planning and Budget process. NOAA is seeking public input to support future strategic planning activities. A public workshop will be conducted on December 2, 2009 to solicit public comment on future activities and priorities for NOAA.

A representative from the NOAA Chesapeake Bay office presented a summary of the Chesapeake Bay Executive Order (EO). The EO requires the development of a strategy to restore the Chesapeake Bay. The ASMFC states and jurisdictions from Chesapeake Bay watershed have been actively engaged in development of response to the EO. The other states felt that this is an important project and may have applicability to other shared water bodies along the East Coast.

The Policy Board continued its discussion on issues associated the Commission's quota management programs and the use of catch shares. The Policy Board established a working group of Commissioners to address these complicated issues. The working group is tasked with developing a proposal for standards associated with Commission quota management and ownership. An update will be provided to the Commission at the Winter Meeting.

The Atlantic Coastal Fish Habitat Partnership (ACFHP) provided an update to the Policy Board. ACFHP has made significant progress toward its goal of restoring and conserving valuable Atlantic coastal fish habitats. ACFHP was recognized as an official partnership under the National Fish Habitat Action Plan. ACFHP will be launching a website near the end of the year to provide public access to partnership activities and resources.

The Law Enforcement and Management and Science Committees reported on the discussion and action items from their meetings that were held earlier in the week. These meetings are summarized separately in this Meeting Summary document.

A NMFS representative presented a summary of the current status of the Atlantic Large Whale Take Reduction Team. The summary focused on seeking additional state input to help NMFS move forward on analyzing and developing management options.

The Assessment Science Committee presented a summary of its September 17, 2009 meeting. The Committee reviewed the workload of state and federal assessment biologists relative to Commission assessment priorities. The Policy Board approved the schedule for benchmark and stock assessment updates.

The Policy Board discussed the importance of securing a funding for the NEAMAP survey. The Policy Board agreed that the funding for this important survey needs to be considered and communicated relative to the Commission's other high priority funding needs.

The final issue that the Policy Board discussed was the potential for development of an interstate fishery management plan for black drum. The Policy Board asked staff to explore current data availability to determine if a stock assessment could be developed. The Policy Board will discuss this issue at the Winter Meeting. There was also agreement that a black drum FMP may be considered as a precautionary measure even if a stock assessment is not feasible. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

Move to approve the assessment schedule as presented.

Motion made by Mr. Augustine, second by Dr. Daniel. Motion approved without opposition.

MANAGEMENT & SCIENCE COMMITTEE (November 4, 2009)

Meeting Summary

The Management and Science Committee (MSC) met to discuss a number of issues and receive updates on subcommittee projects. MSC received a presentation on offshore wind energy development and discussed development of an informational database for states to share their activities and processes. It also discussed the identification and listing of forage fish information for Commission managed species. In addition, MSC provided input on revising compliance report content. It also reviewed a list of comprehensive research needs and suggested an additional need, as well as venues to submit these research proposals. MSC members will be a part of a coordinating group to discuss ecosystem-based management for the Commission. MSC was updated on progress on an aging manual for Commission species, and also the development of a tagging database to catalog tagging efforts coastwide. Finally, MSC heard a comprehensive report on the NEAMAP survey activities and summary results of all surveys conducted to date.

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

CAPTAIN DAVID H. HART AWARD (November 4, 2009)

Press Release

John I. Nelson Jr. Posthumously Receives Captain David H. Hart Award



Newport, Rhode Island – The Atlantic States Marine Fisheries Commission honored the contributions of the late John I. Nelson, Jr. to the conservation and management of Atlantic coastal fisheries by naming him the Captain David H. Hart Award recipient for 2009. John Nelson’s wife, Sue, accepted the award at the Commission’s 68th Annual Meeting in Newport, Rhode Island.

The Commission instituted the “Captain David H. Hart Award” in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries.

The award is named for one of the Commission’s longest serving members, who was dedicated to the advancement and protection of marine fishery resources.

Mr. Nelson exemplified the ideals of the award throughout his career in fisheries management. For more than 20 years, he served as both an ASMFC Commissioner and a member of the New England Fishery Management Council (Council), making the protection of coastal and marine habitats a priority during his career. It was under his supervision that New Hampshire’s Great Bay Estuary was designated as a National Estuarine Reserve site, protecting more than 3000 acres. Mr. Nelson’s leadership aided the New Hampshire Fish and Game Department in the removal of dams to improve anadromous fish access to spawning grounds. As Council Habitat Committee Chair, Mr. Nelson spent many years guiding the development of the Council’s Habitat Plans, addressing essential fish habitat as required under the reauthorization of the Magnuson-Stevens Act. He also worked diligently with both the Commission and the Council to maintain herring spawning closures and limit state fisheries for river herring and silversides.

Mr. Nelson worked closely with the Commission’s Executive Director and other Commissioners to secure an increase in funding through the Atlantic Coastal Fisheries Cooperative Management Act, bringing the funds needed to begin the important NEAMAP survey as well as other programs. While working on the Executive Committee, he implemented programs to help guide new members of the Commission, ensuring a smooth transition as long-serving Commissioners retired. He also helped develop policies to improve the Commission’s efficiency in its decision-making and public comment processes. Mr. Nelson devoted his career to the promotion of fisheries management and was highly dedicated to his work with the Commission. His wisdom, sound judgment, and exceptional ability to work constructively with others earned him the deep respect of his fellow Commissioners. His actions throughout his career exemplified the values and principles reflected in the Hart Award.

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PR09-45

BUSINESS SESSION (November 4, 2009)

Press Release

Robert H. Boyles Jr. Elected ASMFC Chair



Newport, Rhode Island – Today, member states of the Atlantic States Marine Fisheries Commission acknowledged the many accomplishments of outgoing Chair George D. Lapointe of Maine and elected Commissioner Robert H. Boyles, Jr. of South Carolina as the new Chair of the Commission.

In assuming the chairmanship, Commissioner Boyles spoke enthusiastically about his new position, “I am honored to be elected and look forward to working with my colleagues from the 15 Atlantic coast states, federal marine fishery

management agencies, the Potomac River Fisheries Commission, and the District of Columbia to ensure the continued conservation and management of Atlantic coast marine fishery resources.”

“George Lapointe has left me an impressive legacy to follow,” stated Commissioner Boyles. “During his tenure as Chair, he led the Commission in an extensive strategic planning effort, culminating in the development of the 2009-2013 Strategic Plan. This document recommits the 15 Atlantic coast states to their shared vision of stock rebuilding and sustainable resource management. It formalizes, for the first time, Commissioner values in pursuit of the Commission’s vision and mission, and reaffirms the Commission’s commitment to transparency and accountability in its decision-making processes. George effortlessly oversaw a critical period of transition in Commission leadership as veteran Commissioners with a combined 100 years of service retired and the next generation was prepared to actively engage in the Commission’s programs and activities, and take up the charge of pursuing the states’ collective mission of sustainable resource management. He fostered the professional growth and expertise of the ASMFC staff, and enhanced Commission services to state members. He oversaw the states’ efforts to conserve and rebuild diadromous species through the completion of the long-awaited benchmark American shad stock assessment and the development and adoption of a new amendment for river herring. During my two-year term, I hope to build upon these accomplishments, furthering the Commission’s long-term vision for healthy, self-sustaining marine fishery resources by 2015, which in turn allows for healthy fisheries from these stocks.”

Commissioner Boyles has long experience in the field of marine resource management and brings an intrinsic understanding of economics and policy implementation to the Commission. He has worked at the South Carolina Department of Natural Resources for over ten years, serving since 2003 as its Deputy Director for Marine Resources. He represents South Carolina on the South Atlantic Fishery Management Council and teaches graduate-level courses at the University of Charleston. Previous experience includes work with the Sea Grant program and various research positions. Commissioner Boyles holds a Master of Marine Policy from the University of Delaware and a Bachelor’s in Mathematical Economics, and has authored several published papers. He resides in Mt. Pleasant, South Carolina with his wife and two sons.

The Commission also elected Mr. Paul Diodati from Massachusetts as its Vice-Chair.

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PR09-48

Meeting Summary

The Atlantic States Marine fisheries Commission held a business session to take action on a number of issues. The Resolutions Committee presented a resolution recognizing Rhode Island as the host state of the Commission’s 68th Annual Meeting. The Commission approved a resolution on the importance of fish passage for the diadromous species managed by the Commission.

The Commission approved the 2010 Action Plan (copies will be available on the Commission website www.asmfc.org under Break News early next week). The Commission elected Robert Boyles (South Carolina) as the Chair and Paul Diodati (Massachusetts) as the Vice-Chair.

Motions

On behalf of the Resolutions Committee, move to approve the resolution on fish passage.

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

Move to approve the 2010 Action Plan.

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

NORTHEAST MONITORING AND ASSESSMENT PROGRAM BOARD (November 4, 2009)

Meeting Summary

The Northeast Area Monitoring and Assessment Program (NEAMAP) Board convened to hear a comprehensive report on activities associated with the NEAMAP Mid-Atlantic Nearshore Trawl Survey. Chris Bonzek and Jim Gartland discussed results from the fall and spring surveys conducted since fall 2007. They also discussed implementation of suggestions resulting from a peer review held in December 2008, as well as outreach efforts. The Board also discussed the status of funding NEAMAP, and developed recommendations for the ISFMP Policy Board's consideration to secure long-term funding for the program. For more information, please contact Melissa Paine, Scientific Committee Coordinator, at (202) 289-6400 or mpaine@asmfc.org.

WINTER FLOUNDER MANAGEMENT BOARD (November 5, 2009)

Meeting Summary

The Winter Flounder Management Board (Board) met to review 2007 state compliance and the New England Fishery Management Council's Draft Amendment 16. The Plan Review Team (PRT) Chair presented the 2008 (review of 2007) Fishery Management Plan (FMP) Review, which includes a review of state compliance with Commission winter flounder management measures. All states regulations met or exceeded the requirements of the FMP during the 2007 fishing season. Delaware requested *de minimis* status for its recreational and commercial fisheries, and met the requirement of landing less than 1% of the coastwide commercial landings for the last 3 years. The Board unanimously approved the 2008 FMP review and *de minimis* status for Delaware.

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

Motions

Move to approve 2008 FMP Review as amended today and de minimis status for Delaware.

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

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (November 5, 2009)

Meeting Summary

The South Atlantic Board reviewed and approved for public comment the Draft Public Information Document for the Omnibus Amendment to the Interstate Fishery Management Plans

for Spanish Mackerel, Spot and Spotted Seatrout. The PID seeks to update all three species management plans to include compliance measures and other Commission standards since all three plans are voluntary in nature and lack ISFMP standards that were developed in response to the Atlantic Coastal Fisheries Cooperative Management Act (compliance measures, adaptive management, de minimis criteria and other requirements). In the case of Spanish mackerel the PID will also address modifying the Commission's management program so that it is consistent with federal management in the exclusive economic zone (because the plan is intended to track federal Spanish mackerel measures). The Commission will issue a press release on the PID's availability and scheduled public hearings once that information becomes available.

The Board received a report on the peer-reviewed benchmark stock assessment for red drum. The assessment indicates that both the northern (NJ - NC) and southern (SC - FL) stock components are not experiencing overfishing. While the stock overall appears to be responding positively to current management measures, the Board did express concern regarding stock abundance in the southern region. A press release on the peer review and assessment findings will be released early next week.

The Board also reviewed and approved Fishery Management Plan Reviews for Spot and Red Drum, including de minimis requests from both Delaware and New Jersey for their red drum fisheries. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

Motions

Move the PID forward for public comment.

Motion made by Dr. Daniel, second by Mr. Woodward. Motion carries without objection.

Move to accept the stock assessment.

Motion made by Dr. Daniel, second by Mr. Cupka. Motion carries without objection.

Move to approve DE and NJ's request for *de minimis* status.

Motion made by Dr. Daniel, second by Mr. Woodward. Motion carries without objection.

Move to accept the Red Drum FMP Review as amended.

Motion made by Mr. Carpenter, second by Mr. Cupka. Motion passes without objection.

Move to accept the Spot FMP Review as amended.

Motion made by Dr. Daniel, second by Ms. McCawley. Motion passes without objection.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (November 5, 2009)

Meeting Summary

The Spiny Dogfish & Coastal Sharks Management Board (Board) met to review state compliance for the 2008/2009 fishing season, the 2009 Northeast Fisheries Science Center (NEFSC) spiny dogfish spawning stock biomass (SSB) update, and states progress implementing regulations for the Interstate Fishery Management Plan for Atlantic Coastal Sharks. It also

discussed smooth dogfish processing at sea, Highly Migratory Species (HMS) Draft Amendment 3, and proposed 2010 federal shark specifications.

The Plan Review Team (PRT) Chair presented the 2008/2009 fishing season Fishery Management Plan (FMP) Review which includes a review of state compliance with Commission spiny dogfish management measures. All state regulations met or exceeded the requirements of the FMP during the 2008/2009 fishing season. Delaware, South Carolina, Georgia, and Florida requested *de minimis* status, and met the requirement of landing less than 1% of the coastwide commercial landings. The Board unanimously approved the 2008/2009 FMP review and *de minimis* status for Delaware, South Carolina, Georgia, and Florida.

Staff presented the Board with final 2009/2010 regional quotas adjusted for overharvest in the 2008/2009 fishing season. The final allocation is 6.96 million pounds to states from Maine to Connecticut, 2,732,896 pounds to states from New York to Virginia, and 1,778,994 pounds to North Carolina.

The Board received with a very brief summary of the 2009 NEFSC SSB update. The update estimates that the 2008/2009 quota achieved the Frebuild target = 0.11 and SSB has decreased slightly from 2007 to 2008. The Board will receive a full update from the Technical Committee (TC) or NEFSC staff at the February meeting week before setting 2010/2011 quota and possession limits.

Each state reported on its schedule for fully implementing the requirements of the Coastal Sharks FMP. Several states have already met or exceeded the requirements of the FMP while other states are on schedule to have regulations in place by early 2010. The PRT will review state regulations and provide presentation to the Board at the February 2010 ASMFC meeting.

The Board discussed a letter from Senator John Kerry that expressed concern about Coastal Sharks Addendum I allowing fishermen to process smooth dogfish at sea from March - June. The Board agreed to monitor congressional and federal management activities relative to smooth dogfish processing at sea and further discuss the issue at a later meeting.

The meeting concluded with the Board discussing the proposed federal 2010 draft specifications and Draft Amendment 3. The Board agreed that sufficient input has already been sent to NMFS HMS regarding Amendment 3 from individual states and Councils and agreed to send a letter in support of the 2010 draft specifications. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at (202) 289-6400 or cvonderweidt@asmfc.org.

Motions

Move to approve 2008/2009 FMP Review and approve *de minimis* status for Delaware, South Carolina, Georgia and Florida.

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