



# Atlantic States Marine Fisheries Commission

## 2008 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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2008 Spring Meeting  
Alexandria, VA  
May 5 - 8, 2008

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 5, 2008)**

### ***Meeting Summary***

The American Lobster Management Board (Board) reviewed public comment on Draft Addendum XII. Addendum XII identifies issues associated with history-based fishing rights and transfer programs. It also proposes to set regulations for transfer programs that allow flexibility while meeting the conservation goals of the fishery management plan (FMP). The Board discussed the management section of the document and identified issues and regulatory language for the transferability subcommittee to clarify. The Board expanded the subcommittee to include a subset of the Advisory Panel and lobster database experts. The subcommittee will present a final document for Board approval at the August Board meeting.

The Board approved Addendum XIII to the Lobster FMP. The Addendum codifies language previously adopted by the Commonwealth of Massachusetts for the Outer Cape Cod lobster conservation management area (LCMA) effort control program. The Addendum also eliminates the 20% trap reduction provision of Addendum III. Copies of the Addendum will be available by mid-May and can be obtained via the Commission website ([www.asmfc.org](http://www.asmfc.org)) under Breaking News.

The Commonwealth of Massachusetts proposed to change the v-notch definition for state waters of LCMA 1 from zero tolerance to a 1/8 inch definition, which means a lobster with a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. The Board did not approve the proposed measure due to concerns about the consistent application of the definition between state and federal waters.

The Board approved a proposal from Connecticut to revise the LCMA 6 v-notching program that delayed the July 1, 2008 gauge increase. The program required that for the next two years at least 57,740 lobster are v-notched each year by July 1. The deadline was intended to allow v-notching during the period when water temperatures were equal to or less than 20°C. Review of water temperatures in 2006-2007 suggests an inconsistency between the deadline and water temperature threshold. The Board approved to allow v-notching until the water temperature exceeds 20°C. The total number of lobster notched will be counted once the water temperature exceeds 20°C. In the event the required target is not reached by the end of July, the minimum length in both Connecticut and New York would be required to increase by on August 1<sup>st</sup> according to the schedule approved by the Board last August.

The Advisory Panel raised the issue of increasing number of crab traps being set in offshore waters. There is confusion regarding the tagging requirements for these traps as well as concern about the potential for these traps to increase effort and lines in the water in areas where the Board and NOAA Fisheries have promulgated regulations to decrease effort. The Panel reported that this might also be an issue in nearshore waters with sea bass, scup, and conch traps.

The Technical Committee Chair presented an updated timeline for the next lobster stock assessment. Due to delays in data gathering, the assessment and peer review report will be presented to the Board by the Commission's Winter Meeting in February 2009.

The Plan Review Team Chair presented the annual compliance report. There were no significant inconsistencies with the management plan. The Board granted *de minimis* status for Delaware, Maryland, Virginia, and North Carolina, but indicated that these states must comply with the maximum size limit and v-notching provisions of Addendum XI.

The Area 3 Lobster Conservation Management Team (LCMT) updated the Board on the LCMT's proposal to adjust the LCMA 3 trap transfer program regarding potential shifts in effort. The proposed plan would not shift effort within LCMA 3. The LCMT also presented the review but rejected a proposal to divide the area into an east and west zone. The Board will review the issues presented for consideration to initiate an addendum at the Summer Meeting in August. For more information, please contact Toni Kerns, Senior Fisheries management Plan Coordinator for Management, at (202) 289-6400 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### *Motions*

**Move to adopt Addendum XIII to replace Addendum III sections 2.1.7.2 (trap reduction schedule) and 2.1.7.3 (annual trap transfer period and passive reductions).**

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

**Move to implement a definition for Massachusetts LCMA 1 (state waters) for v-notch lobster as any female lobster that bears a notch or indentation in the base of the flipper that is at least as deep as 1/8 inch, with or without setal hairs. V-notched female lobster also means any female that is mutilated in a manner that could hide, obscure, or obliterate such a mark.**

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

**Move that the Board accept these two proposals under the letter to the Board dated March 5, 2008, to adjust Addendum XI compliance dates and adjust LCMA 6 v-notch targets.**

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

**Move to grant *de minimis* status for Delaware, Maryland, Virginia, and North Carolina, and these states must comply with the maximum and v-notching provisions of Addendum XI.**

Motion made by Mr. P. White, second by Rep. Abbott. Motion passes.

**Move to accept the Technical Committee's new timeline for the stock assessment.**

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

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (May 5, 2008)**

#### *Meeting Summary*

The Atlantic Striped Bass Management Board met to discuss reports from the Striped Bass Advisory Panel and Technical Committee, to review a list of potential management action issues, and approve two nominations for the Technical Committee (Cheri Patterson of New Hampshire Fish and Game Department and Carol Hoffman from New York Department of Environmental Conservation).

Brandon Muffley, Chair of the Striped Bass Technical Committee, provided a report of the Committee's progress to update the biological reference points for striped bass, as recommended by the peer review panel for the 2007 stock assessment and as tasked by the Board in February. Applying the methods used for the development of the Amendment 6 reference points, but with new estimates from the 2007 statistical catch at age model, the Committee performed a preliminary update to the reference points. During this process, the Committee determined that several aspects of the approach should be further analyzed and that other approaches and reference point definitions should be considered for use. The Committee recommended that the Board allow it more time to complete additional analyses; the Board agreed with the recommendation and tasked the Committee with a report at the Board's next meeting.

The outcome of the Technical Committee report affected the next discussion on potential management action issues. The Board determined that it would be premature to consider any issues for an addendum to Amendment 6 until the reference point update was complete. The Board will reconsider initiation of an addendum, and issues for such an addendum, at its next meeting.

The Board also heard management advice from the Striped Bass Advisory Panel, as presented by its Chair, Kelly Place. Advice from the Panel's February 4 meeting covered such topics as increasing data collection on older fish, reducing the magnitude of recreational dead discards, the importance of sampling the winter recreational fisheries for striped bass, support for increasing effective law enforcement, various views on how state regulations should or should not be changed, and support for the moratorium on fishing in the exclusive economic zone. Most of the Panel's management advice spoke to issues that the Board has said it will consider for an addendum, while those that did not were addressed at the Board meeting. Of note is that the states, with Commission assistance, are working to inventory striped bass otoliths in storage and develop a cost-estimate for processing and ageing these

structures. If funding permits, these structures will be aged this year, and an otolith collection and ageing program developed for 2009.

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

### *Motions*

**Move to accept both Technical Committee nominees as presented by staff.**

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

## **SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (May 5, 2008)**

### *Meeting Summary*

The Summer Flounder, Scup, and Black Sea Bass Management Board (Board) discussed issues to be included in Draft Amendment 15 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. At the June Mid-Atlantic Fishery Management Council (Council) meeting, the Council consolidated the number of issues to be addressed in the Draft Amendment from 18 to eight. The Board discussed and considered the issues the Council had rejected and agreed to move forward with the same eight issues in Draft Amendment 15. Agreement on these issues between the Council and Commission furthers progress towards a joint management document. The eight issues are: (1) summer flounder commercial allocation, (2-4) management of the summer flounder, scup, and black sea bass party and charter fishery, (5-7) management of the scup and summer flounder recreational fishery, and (8) limitations on vessel replacement upgrades.

The Board was presented each state's summer flounder, scup, and black sea bass recreational management measures for the 2008 fishery. All states have implemented, or are in the process of implementing, regulations that are consistent with the fishery management plan. The State of New York continues to express concern with the use of performance factors when establishing summer flounder regulations.

The Board tasked the Technical Committee, in collaboration with NOAA Fisheries and the Council, to review new scientific information collected on scup during the last few years to determine how that data can be applied to a more robust and reliable assessment of the status of the scup stock. For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at (202) 289-6400 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### *Motions*

**Move that Issue #1 Summer Flounder Commercial/Recreational Allocation remain in Amendment 15.**

Motion made by Mr. Gibson, second by Mr. Gilmore. Motion fails.

**Move that the Board add Issue #7 Scup Commercial/Recreational Allocation to Amendment 15.** Motion

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

**Move the Board direct the Scup Technical Committee to meet with scientific/technical representatives of the States, NMFS, and Mid-Atlantic Fishery Management Council to review new scientific information collected during the last few years to determine how that data can be applied for a more robust and reliable assessment of the status of the scup stock. Some of the questions and issues the TC should address are:**

- 1. What new research has been performed in the last few years, and can it be incorporated into a new analytical assessment?**
- 2. Identify ways to make current research efforts more useful and focused on assessment issues. Are all current state and federal research efforts compatible?**
- 3. Is there a data processing or aging backlog at any state or federal agency, impairing the development of a new assessment? If so, what would be required to correct the problem?**
- 4. Update research priorities for scup.**

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

## **SHAD & RIVER HERRING MANAGEMENT BOARD (May 5, 2008)**

### ***Meeting Summary***

At its Spring Meeting, the Shad and River Herring Management Board (Board) reviewed the draft Public Information Document for Amendment 3 (American shad). The Management Board approved the document for public comment with two conditions: (1) that the title of Issue #2 be changed to *Do Not Increase Directed Fisheries* and the options following the issue being altered to reflect the change and (2) that a fourth issue be added to address reopening fisheries once they have recovered. The Board also tasked the Technical Committee with revising the current monitoring requirements for American shad so that these requirements may be included in Amendment 3. A press release regarding the availability of the document for public comment as well as the public hearing schedule will be released in mid-May.

The Board also reviewed and approved a new slate of traditional and nontraditional stakeholders to the Advisory Panel (AP). The newly appointed members are: Deborah Wilson, Dennis Smith, Dave Ellenton, Michael Blanchard, Jeffrey Reichle, Byron Young, Richard St. Pierre, William Richkus, Michelle Hollowell, Louis Ray Brown, Willard Cole Jr., Thomas Larry Crowder Jr., Kevin L. Gladhill, Alison A. Bowden, and Pam Lyons Gromen. For more information, please contact Erika Robbins, Fisheries Management Plan Coordinator, at (202) 289-6400 or [erobbins@asmfc.org](mailto:erobbins@asmfc.org).

### ***Motions***

**Move to approve the PID for Amendment 3 (American shad) for public comment, with changes and additions as discussed.**

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

**Move to approve the list of traditional stakeholders (Deborah Wilson, Dennis Smith, David Ellenton, Michael Blanchard, Jeffrey Reichle, Richard St. Pierre, William Richkus, Michelle Hollowell, Louis Ray Brown, Jr., Willard Cole, Jr., Thomas Larry Crowder, Jr., and Kevin L. Gladhill) to the Shad and River Herring AP.**

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

**Move to approve the two non-traditional stakeholders (Alison Bowden and Pam Lyons Gromen), as well as Byron Young (a traditional stakeholder from NY), to the Shad and River Herring AP.**

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

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (May 6, 2008)**

### ***Meeting Summary***

The South Atlantic State/Federal Fisheries Management Board (Board) met to receive reports on SEAMAP funding for fiscal year 2008, Advisory Panel management advice, spot stock status indicators, southern kingfish data availability, and the development of red drum stock enhancement guidelines.

The Board approved the SEAMAP-South Atlantic funding allocation for FY08 and the 2008 Operations Plan. Funding for SEAMAP-South Atlantic increased substantially in FY08 to over \$1.4 million (from less than \$0.4 million in FY07, which has been level funded for several years). The SEAMAP-South Atlantic Committee has described plans to allocate these funds to designated research programs according to previously proposed allocations, and these are explained in the SEAMAP 2008 Operations Plan. Of note is that funding is available to support the Adult Red Drum Longline survey for one year, ensuring funding through 2010.

Bill Windley, Chair of the new South Atlantic Species Advisory Panel, provided recently developed management advice for the Board. The Panel's report is available on the Commission's website (<http://www.asmfc.org/southAtlanticMM.htm>). The Board approved the nomination of Bill Cole, Jr. (North Carolina, recreational) to the Panel.

The Spot Plan Review Team presented an update of spot abundance indices in Maryland, Virginia, and North Carolina, as well as new catch-at-age information. The report indicated that there are recent declines in several fishery independent and dependent indices from spot, but that all spot data used could be improved and expanded upon. With interest in further monitoring of the stock, the Board instructed the Team to provide an updated report next year. The Board also approved the nomination of Chris McDonough (South Carolina Department of Natural Resources) to the Team.

The Board reviewed a memorandum from the Southern Kingfish Technical Committee, which had been tasked with reviewing the availability of southern kingfish data and advising the Board on the feasibility of a stock assessment. Based on several inadequacies in the available data, the Committee recommended that the Board not initiate a stock assessment for southern kingfish. Accepting this recommendation but also recognizing the importance of the fishery in the South Atlantic, the Board further tasked the Committee with prioritizing research needs to improve the feasibility of an assessment and also reporting on the trends in SEAMAP data, one of the stronger datasets for southern kingfish.

The Board was updated on progress to develop a guidelines document for stocking hatchery-reared red drum. The Board clarified that the goal is to have this document ready for publication by the completion of the 2009-2010 red drum stock assessment. For more information on the activities of the South Atlantic Board, please contact Nichola Meserve, Fisheries Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org. For more information on the activities of SEAMAP, please contact Melissa Paine, Scientific Committee Coordinator, at (202) 289-6400 or mpaine@asmfc.org.

#### *Motions*

#### **Move to approve the 2008 SEAMAP operations plan and the South Atlantic funding allocation for FY 2008.**

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

#### **Move to approve Bill Cole (NC) to the Advisory Panel.**

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

#### **Move to approve Chris McDonough to the Spot Plan Review Team.**

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

#### **Move to have the Southern Kingfish Technical Committee develop a prioritize list of research needs to support a stock status report and report back on SEAMAP data.**

Motion made by Mr. Woodward; second Dr. Rhodes. Motion carries.

#### **Move to recommend to the ISFMP Policy Board that a letter of thanks be sent to Charlie Wenner on behalf of the ASMFC.**

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

### **LAW ENFORCEMENT COMMITTEE (May 6, 2008)**

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

The Law Enforcement Committee discussed and developed its final comments to the Draft Interstate Fishery Management Plan for Coastal Sharks. The Committee has worked closely with staff to ensure that Committee's comments were presented to the Coastal Sharks Management Board for its consideration.

Bob Ross (National Marine Fisheries Service) was present along with David Spencer from the Offshore Lobsterman's Association to discuss rules on taking lobster from non-lobster gear. The Committee was brought

up to date on dual permitting issues and potential problems with “other gear” in the offshore fishery. It is important that conservation officers enforce provisions on trap tagging and possession of untagged traps.

The Committee discussed aquaculture in general, and also addressed a specific request by Harry Mears (National Marine Fisheries Service) regarding whether a Virginia aquaculture facility can transport and sell undersized black sea bass. The Committee reviewed existing guidance documents and a federal precepts document on regulation of aquaculture facilities. Allowing undersized fish to be transported and marketed presents many issues.

A subcommittee of the Law Enforcement Committee met with Executive Director Vince O’Shea to discuss ways to more fully interact and participate in the Commission’s fisheries management process. For more information, please contact Michael Howard, Law Enforcement Consultant, at mhoward@asmfc.org.

### **AMERICAN EEL MANAGEMENT BOARD (May 6, 2008)**

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

The American Eel Management Board (Board) reviewed and approved (for review by the ISFMP Policy Board) the draft of a Memorandum of Understanding (MOU) with the Great Lakes Fishery Commission. The draft MOU outlines how both Commissions will work together, along with their respective partner agencies, to enhance the abundance of American eel throughout it’s North American range so as to preserve an abundant population with a harvestable surplus.

The Board also reviewed Draft Addendum II to the American Eel Fishery Management Plan. Following the presentation of the document, the Board received reports from the Advisory Panel, Technical Committee, and Law Enforcement Committee regarding their respective opinions on the options within the document. Following these reports and additional public comment, the Board elected to modify the document by including an option to raise the minimum size limit and by building upon Section 4.4 to include comments on non-hydropower dams and dam removal in the comments relating to the FERC relicensing process. The Board will review the document at the Summer Meeting and consider approval at that time.

Following a request from the Technical Committee, the Board approved the initiation of a benchmark stock assessment for American eel and the development of an ageing and commercial sub-sampling workshop. For more information, please contact Erika Robbins, Fisheries Management Plan Coordinator, at (202) 289-6400 or erobbins@asmfc.org.

#### ***Motions***

**Move to forward the MOU to the ISFMP Policy Board for approval.**

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

### **MANAGEMENT & SCIENCE COMMITTEE (May 6, 2008)**

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

The Management and Science Committee met to discuss several issues. It reviewed two documents to improve the Commission’s peer review process: Instructions to Peer Reviewers and Generic Terms of Reference. The Committee recommended to the ISFMP Policy Board that these documents as well as the revised Benchmark Stock Assessments: Data and Assessment Workshop & Peer Review Process document be approved. The Committee also reviewed and supported the recommendation of the Assessment Science Committee regarding addressing a task from the ASMFC 2008 Action Plan to evaluate mortality of juvenile fish. The Committee recommended that this question be addressed during the stock assessment process, which do account for fishing mortality of juvenile fishes, on a species-specific basis. The Committee also discussed updating the Commission’s 2004 Prioritized Research Needs document and making it available on the web as a searchable document. The Committee will be working on the document throughout the year for final publication in early



2009. Also, a subcommittee of MSC was tasked with further discussion on how to acquire information on forage fish of concern on the Atlantic coast, and how that information might be used in FMPs or models. The Committee was also reacquainted with aquaculture concerns previously discussed in 2002, as issues such as enforceability of aquaculture products in the marketplace are still pertinent. The Committee was also briefed on the potential for Commission involvement with Integrated Ocean Observing System (IOOS) project. Finally, the Committee received updates from the following committees and projects: Fishing Gear Technology Workgroup, Otolith Collection Program, NEAMAP, SEAMAP, Peer Review Report Card Project, Assessment Science, Multispecies Technical, Habitat, Interstate Shellfish Transport, and Interstate Tagging. For more information, please contact Melissa Paine, Scientific Committee Coordinator, mpaine@asmfc.org.

## **BLUEFISH MANAGEMENT BOARD (May 6, 2008)**

### ***Meeting Summary***

The Bluefish Management Board (Board) received presentations on the 2007 Fishery Management Plan Review; the 2008 commercial quota; and history of commercial fishing and quota management under Amendment 1. The Board reviewed and approved the 2007 Fishery Management Plan Review and found all states in compliance with the FMP.

There is a discrepancy between the 2008 Commission commercial quota and the federal commercial quota. In order to streamline the process and make better use of available data, the Board will consider setting the bluefish annual commercial quota at its Annual Meeting, which occurs in the fall.

The Board approved the nomination of Don Swanson (NH) to the Advisory Panel. For more information, please contact Erika Robbins, Fisheries Management Plan Coordinator, at (202)289-6400 or erobbins@asmfc.org.

### ***Motions***

#### **Move to approve the 2007 FMP Review.**

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

#### **Move to approve the nomination of Don Swanson to the AP.**

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

## **SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (May 6, 2008)**

### ***Press Release***

#### **ASMFC Spiny Dogfish Board Initiates Two Addenda to Address Quota Allocation**

Alexandria, VA – The Spiny Dogfish & Coastal Sharks Management Board approved the initiation of two addenda to address the distribution of the spiny dogfish annual quota among the states. This action responds to the concern of some states that the current seasonal allocation program is not providing their commercial fishermen the opportunity to harvest the available quota as was intended by the Interstate Fishery Management Plan (FMP) for Spiny Dogfish.

Currently, the interstate spiny dogfish management program allocates the annual commercial quota both seasonally and regionally. The seasonal allocation system divides the quota into two periods, with 57.9% of the quota harvested from May 1 to October 31 and 42.1% harvested from November 1 to April 30. The regional allocation system divides the quota between two regions, with 58% allocated to the northern states (ME – CT) and 42% allocated to the southern states (NY-NC). Both allocation schemes were established to allow all states the opportunity to access and land available quota based on historical landings percentages. In recent years, however, the seasonal allocation strategy, which is influenced by dogfish migratory patterns, has resulted in overages of the northern quota share and reduced access to the resource by the southern states.

The first addendum (Draft Addendum II) will propose the elimination of the current seasonal allocation system, while maintaining the standing regional allocation system. To ensure that the regions stay within their allocation of the annual quota and maintain the conservation goals of the plan, the addendum will propose that regions be required to payback quota overages in the following year. It is the Board's intent that this addendum will ensure southern states receive 42% of the annual quota while Addendum III is developed.

The second addendum (Draft Addendum III) will provide options for the establishment of a state-by-state allocation system, including a provision that would allow quota transfers between states. The Board has requested that the states submit issues and ideas for inclusion in the draft addendum.

Both addenda will be developed for consideration by the Board during the Commission's the Summer Meeting in August. For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at (202) 289-6400 or cvonderweidt@asmfc.org.

###

PR08-11

### ***Meeting Summary***

The Spiny Dogfish & Coastal Sharks Management Board (Board) met to review stakeholder input and select options for the final version of the Fishery Management Plan for Atlantic Coastal Sharks (FMP). Staff presented written comment and public hearing summaries as well as Technical Committee, Advisory Panel, and Law Enforcement Committee recommendations for the Coastal Sharks FMP. Following the presentation, the Board took final action on the options contained in the Draft FMP.

Staff will revise the draft to reflect Board selected options and present the final version for Board approval at the Commission's Summer Meeting.

### ***Motions***

#### **Draft Coastal Sharks FMP:**

##### **Move to accept the current updated NMFS species groupings for section 4.1.1.**

Motion made by Dr. Daniel, second by Mr. Grout. Motion passes.

##### **Section 4.1.2:**

##### **Move to approve option A.**

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

##### **Section 4.3.1:**

##### **Move to approve option B (one region).**

Motion made by Dr. Daniel, second by Senator Damon. Motion passes without objection.

##### **Section 4.3.3.1:**

##### **Move to approve option E.**

Motion made by Dr. Daniel, second by Mr. Augustine. Motion passes without objection

##### **Section 4.3.3.4:**

##### **Move to approve option B (annual possession limits by species group).**

Motion made by Dr. Daniel, second by Mr. Augustine. Motion passes without objection.

##### **Section 4.3.4.3:**

##### **Move to approve option B (commercial fork length of 4.5 feet for LCS species removing sandbar sharks from the list of species).**

Motion made by Dr. Rhodes, second by Mr. Damon. Motion substituted.

**Move to substitute to approve option A.**

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries without objection.

**Section 4.3.4.3:**

**Move to approve option A.**

Motion made by Mr. Augustine, second by Mr. Adler. Main motion as substituted carries without objection.

**Section 4.3.5 (Seasonal Closures):**

**Move to remove from the document.**

Motion made by Mr. Bowden, second by Mr. Calomo. Motion substituted.

**Move to substitute to accept Section 4.3.5 as written.**

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

**Section 4.3.5 (Seasonal Closures):**

**Move to accept Section 4.3.5 as written.**

Motion made by Dr. Daniel, second by Mr. Berg. Main motion as substituted passes (14 in favor, 1 opposed).

**Section 4.3.8.1 (Dealer Permits):**

**Move to accept Option C.**

Motion made by Mr. Adler, second by Dr. Daniel. Motion substituted.

**Section 4.3.8.1:**

**Move to substitute to accept Option A.**

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

**Section 4.3.8.1:**

**Move to accept Option A.**

Motion made by Mr. Augustine, second by Mr. Boyles. Main motion as substituted passes without objection.

**Section 4.1.3 (Fishing Season):**

**Move to accept Option A.**

Motion made by Mr. Alder, second by Sen. Damon. Motion carries without objection.

**Section 4.2.1 (Recreationally Permitted Species):**

**Move to accept Option C.**

Motion made by Dr. Daniel, second by Mr. P. White. Motion passes without objection.

**Section 4.2.2 (Landings Requirements):**

**Move to retain as written.**

Motion made by Sen. Damon, second by Dr. Pierce. Motion carries without objection.

**Section 4.2.3 (Fork Length):**

**Move to modify Option A to require sharks caught in the recreation fishery have a fork length shark at least 4.5 feet, no size limit for small coastal sharks or smooth dogfish.**

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

**Section 4.2.4 (Authorized Recreational Gear):**

**Move to accept Option A.**

Motion made by Mr. Augustine, second by Mr. Woodward. Motion passes without objection

**Section 4.2.6 (Recreational Shore):**

**Move to accept Option A.**

Motion made by Dr. Daniel, second by Mr. Augustine. Motion passes without objection

**Section 4.2.7:**

**Move to accept Option A.**

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

**Section 4.3:**

**Motion to retain as written.**

Motion made by Sen. Damon, second by Mr. Augustine. Motion carries without objection.

**Section 4.3.4.1 (Permit/License Requirements):**

**Move to accept Option A.**

Motion made by Mr. Augustine, second by Mr. P. White. Motion carries without objection.

**Section 4.3.4.2:**

**Move to accept Option B.**

Motion made by Dr. Pierce, second by Sen. Damon. Motion carries without objection.

**Section 4.3.4.4 (Authorized Commercial Gear):**

**Move to accept Options A, B, C, D, F, G, and H.**

Motion made by Dr. Daniel, second by Mr. Boyles. Motion carries (11 in favor, 3 opposed, 1 abstention).

**Section 4.3.4.4 (Authorized Commercial Gear):**

**Move to amend to include hand-baited hydraulically-hauled benthic longline.**

Motion made by Dr. Pierce, second by Dr. Stewart. Motion fails (5 in favor, 8 opposed, 2 abstentions).

**Section 4.3.4.5 (Bycatch Reduction Measures):**

**Move to accept Option A with reference to 'longline' removed and accept Option B as written in the draft.**

Motion made by Dr. Daniel, second by Mr. Himchak. Motion passes.

**Section 4.3.4.5 (Bycatch Reduction Measures):**

**Move to amend to accept Option B as written in the draft.**

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

**Section 4.3.4.6 (Finning and Identification):**

**Move to accept as written with the modification to remove the word 'heads'.**

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

**Section 4.3.4.6 (Finning and Identification):**

**Move to substitute to accept as written with the modification "must have carcasses with the 2<sup>nd</sup> dorsal and anal fin retained through landing" to replace "must have heads, tails, and fins attached naturally to the carcass through landing."**

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

**Spiny Dogfish:**

**Move to initiate an addendum to remove the spiny dogfish quota seasonal split and rely on the 42/58 south/north regional split as a hard quota with regional payback of overages.**

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

**Move to initiate an addendum to establish state-by-state quota allocations for spiny dogfish including quota transfers between states.**

Motion made by Dr. Daniel, second by Mr. O'Connell. Motion carries (10 in favor, 4 opposed, 1 abstention).

## ANNUAL AWARDS OF EXCELLENCE (May 6, 2008)

### *Press Release*

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

Alexandria, VA – Dr. David Pierce, Dr. Gary Nelson, and Sergeant Frances Ethier were presented the Commission’s Annual Awards of Excellence at its Spring Meeting in Alexandria, Virginia for their contributions to the success of fisheries management along the Atlantic coast. They received awards for their efforts in the areas of management and policy, scientific; technical, and advisory; and the law enforcement, respectively.

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

#### **Management and Policy**

Dr. David Pierce, a biologist and manager for more than thirty years with the Massachusetts Division of Marine Fisheries received the award for work in the area of management and policy. Dr. Pierce has played a prominent role in fisheries management at local, state, interstate, federal, and international levels. At the interstate and regional levels, he is renowned for his tireless devotion to effective management, with his contributions being a critical component in the success of the current management regimes for Atlantic herring, fluke, scup, black sea bass, dogfish, tautog, and others. He brings to the table a unique combination of skills, blending science, policy, and decades of fisheries management knowledge. Always insightful in his approach to resolving complex fisheries management problems, Dr. Pierce has never been afraid to think outside the box and provide novel approaches to difficult challenges. His ability to bridge the gap between stakeholders and the complex and often convoluted fishery management processes has made him an indispensable asset to his state and its fishing constituents.



From Left: ASMFC Executive Director, John V. O’Shea, AAE Recipients, Dr. Gary Nelson, Dr. David Pierce, Sergeant Ethier, and ASMFC Chair, George Lapointe (ME)

#### **Scientific, Technical, and Advisory**

Dr. Gary Nelson’s unflinching and innovative work in stock assessment and fish biology has been a credit not only to his state and the Commission but also to the field of fisheries biology in general. As the lead for Massachusetts Division of Marine Fisheries analysis and statistical modeling group, as well as the Commission’s Striped Bass Technical Committee and Stock Assessment Subcommittee, Dr. Nelson has put forth an extraordinary effort to improve the ability to assess striped bass stocks coastwide. As Commission’s Striped Bass Stock Assessment Chair, he oversaw the completion of the 2007 striped bass stock assessment, guiding it through the arduous Northeast Regional Stock Assessment Workshop and Review Committee process with very positive reviews. He

has implemented several new approaches that seek to solve many of the known problems with the current striped bass assessment.

Dr. Nelson also places great emphasis on sharing his knowledge and expertise with his colleagues along the coast and with up and coming fisheries scientists. Last spring, he contributed to the Commission's Advanced Stock Assessment Training Series, and also now serves as Adjunct Faculty to the Department of Natural Resources Conservation at the University of Massachusetts, Amherst. He continues to teach a number of short courses on statistics, biological data analysis, and sampling design to a variety of audiences. Overall, Dr. Nelson has made major contributions to the understanding of the biology and management of several Commission species through his research, writing, leadership, and teaching.

### **Law Enforcement**

Sergeant Frances Ethier's interest in marine law enforcement began over twenty years ago, while working during her summers as a deckhand on a lobster boat to help pay for her college tuition. It was not long after that she decided to dedicate herself to the protection of marine resources through conservation law enforcement. In 1989, she completed her formal education with a Masters degree in Marine Affairs from the University of Rhode Island and began to work for the State of Rhode Island.

During her time with the state, Sergeant Ethier has consistently demonstrated leadership in marine law enforcement. Well respected by her peers both at home and along the coast, she is often sought out for her interpretation of current laws and fishery trends, as well as her knowledge of the fishing community. She has also shown firm commitment to working closely with other jurisdictions.

Recently, Sergeant Ethier successfully spearheaded an investigation into monkfish and spiny dogfish violations in cooperation with NOAA special agents and the Connecticut Environmental Conservation Police. This operation led to the seizure of several gillnets and lobster traps, and the issuance of three separate Notices of Violation and Assessment in the amount of \$1.2 million. Sergeant Ethier is a true professional, recognized coastwide by colleagues and fishermen alike as an honest, dedicated, and fair officer.

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

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PR08-10

### **HORSESHOE CRAB MANAGEMENT BOARD (May 7, 2008)**

#### ***Press Release***

#### **ASMFC Horseshoe Crab Board Approves Draft Addendum V for Public Comment**

Alexandria, VA – The Commission's Horseshoe Crab Management Board has approved Draft Addendum V to the Interstate Fishery Management Plan for Horseshoe Crab for public comment and review. Addendum IV is due to expire on September 30, 2008. Draft Addendum V was initiated to continue horseshoe crab management in Delaware Bay.

Based on the most recent surveys of horseshoe crabs, it appears that management measures in Addendum IV and previous management plans are resulting in increased horseshoe crab abundance. A horseshoe crab trawl survey administered by Virginia Tech shows increases over the past four to five years of male and female horseshoe crabs in ocean waters near the Delaware Bay. A survey of spawning crabs on the beaches of Delaware Bay indicate stable female spawning activity and increased male spawning over the past nine years.

However, horseshoe crab management is a multi-species issue. Despite the positive signs in population growth of horseshoe crabs around Delaware Bay, red knots, one of many shorebird species that feed on horseshoe crab eggs, show no sign of recovery. The U.S. Fish and Wildlife Service Shorebird Technical Committee will again examine shorebird survey data from this spring to determine the latest trends.

The Draft Addendum will contain all the current provisions of Addendum IV as options. These include a delayed, male-only harvest in New Jersey and Delaware; a delayed harvest in Maryland; and a prohibition on landing of horseshoe crabs in Virginia from federal waters from January 1 through June 7. Further, the Draft Addendum proposes that no more than forty percent of Virginia's quota may be landed from ocean waters and those landings must be comprised of a minimum male to female ratio of 2:1.

Copies of the Draft Addendum will be made available by June 13, 2008. It is anticipated that several Mid-Atlantic states will be conducting public hearings on the Draft Addendum. A notice of the Draft Addendum's availability as well as the public hearing schedule will be released in mid-June. For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

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PR08-12

### ***Meeting Summary***

Prior to approving Draft Addendum V for public comment, the Board received reports from several of its committees. The Plan Review Team presented its examination of state compliance. The Board found all jurisdictions are in compliance with the management plan. The Advisory Panel made a recommendation to examine recent studies on estimating mortality of horseshoe crabs after being bled for biomedical purposes. The Board tasked the Technical Committee with conducting this examination.

The Technical Committee updated the Board on preliminary stock assessment analyses. Signs of increasing biomass and decreasing fishing mortality rate are encouraging. The USFWS Shorebird Technical Committee presented its latest findings on shorebird trends and egg density in Delaware Bay. Red knot numbers continue to show no increase while egg density shows no trend over the three years of the survey. For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

### ***Motions***

#### **Motion to approve *de minimis* status for ME, NH, PRFC, SC, GA, FL for 2008.**

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

#### **Move to accept the PRT Report for the 2007 Fishery.**

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

#### **Move that we strike option 3 of NJ and DE section of Draft Addendum V.**

Motion made by Mr. Smith, second by Mr. Adler. Motion carries (10 in favor, 1 opposed, 2 abstentions, 1 null).

#### **Motion to reconsider removal of Option 3.**

Motion made by Rep. Abbott, second by Mr. Miller. Motion fails

#### **Motion to add to the MD proposal a 1:1 male/female sex ratio harvest proposal (option 3) and a 2:1 male/female sex ratio harvest proposal and an increase in quota to 200,000 crabs (option 4)**

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

#### **Motion to accept the document as presented for VA.**

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

**Motion to include under MD option 2 to include language of current quota of 170,653 crabs**

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

**Motion to approve Draft Addendum V for public comment.**

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

**ISFMP POLICY BOARD (May 7 & 8, 2008)**

***Meeting Summary***

The Interstate Fisheries Management Program Policy Board met to address a number of issues. The Policy Board received a report from the Habitat Committee (HC). The HC presented a draft Habitat Program Operational Procedures Manual for approval. The Policy Board deferred approval of the document until the Commission Summer Meeting to allow additional time to discuss the proposed procedure for the Commission to comment on projects that will impact fisheries habitat. The HC requested that the Policy Board provide additional flexibility for updating the habitat sections of FMPs. The Policy Board agreed that a modification to the ISFMP Charter to allow FMP habitat sections through an addendum would be the most efficient approach to provide flexibility. The Policy Board was also presented with an update on the Atlantic Coastal Fish Habitat Partnership.

An update on the Environmental Impact Statement (EIS) for Chesapeake Bay oyster restoration was presented to the Policy Board. The Project Delivery Team (PDT) continues to develop the EIS with a projected completion date of this summer. Once the EIS is available for public comment the Commission's Interstate Shellfish Transport Committee will meet and provide feedback to the Policy Board.

The Management and Science Committee (MSC) provided a report on its meeting earlier in the week. Based on the MSC's recommendation, the Policy Board approved the updated "Benchmark Stock Assessments: Data and Assessment Workshop & Peer Review Process," "Generic Terms of Reference," and "ASMFC Instructions to Peer Reviewers." The remainder of the MSC activities is summarized in this document.

The Policy Board received reports from the NEAMAP Board and Operations Committee. Also, the Assessment and Science Committee recommended a long-term peer review schedule that was approved by the Policy Board. The Policy Board approved a minor change to the tagging certification as recommended by the Interstate Tagging Committee.

The American Eel Management Board recommended that the Policy Board approve the Draft Memorandum of Understanding (MOU) on American Eel Management. The Policy Board recommended that the full Commission consider approval of the MOU at its Summer Meeting.

The Advisory Panel Oversight Committee (APOC) met and recommended that the Commission should increase interactions with advisory panels for species that are not actively meeting to develop FMPs, amendments, or addenda. Based on the APOC recommendation, the Policy Board approved setting up conference calls with five inactive advisory panels (AP) to begin the process of incorporating AP input into species annual FMP Reviews.

The Policy Board determined that the Executive Director and the Commission should engage the leadership of the New England Fishery Management Council to increase interactions between the Council and the Commission on Atlantic herring management issues.

The United States Fish and Wildlife Service (FWS) notified the Policy Board that the FWS Strategic Plan is being updated. The FWS is accepting input on the draft strategic plan for consideration.

The Policy Board received an update on the development of a committee to address state/federal alignment on fisheries management issues. A committee is being formed including representatives from the Commission, the New England and Mid Atlantic Fishery Management Councils, and the National Marine Fisheries Service. This



committee will be meeting over the summer and a report will be given to the Policy Board at the Commission's Summer Meeting.

A summary of the Fish Passage Workshop was provided to the Policy Board. Commission staff will refine the recommendations from the workshop and suggest next steps for Commission involvement in improving fish passage. These suggestions will be considered at the Commission's Summer Meeting.

The Policy Board continued its discussion on Commission involvement in the development of state recreational registries. The Policy Board agreed that it will reconsider this issue in August following the publication of the proposed rule on the federal recreational registry.

The Policy Board briefly discussed the draft Oceans 21 Bill. It was agreed that the Commission's Legislative Committee would review the Bill and submit written comment on the draft language. For more information on any of the issues outlined above, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

### *Motions*

**Move to accept the recommendation to approve all three documents as modified by the Management and Science Committee.**

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

**Move to accept the updated peer review schedule as presented.**

Motion made by Mr. P. Augustine, second by Senator Damon. Motion passes.

**On behalf of the American Eel Management Board, I move that the ISFMP Policy Board recommend to the Commission that it approve the Draft Memorandum of Understanding between the Atlantic States Marine Fisheries Commission and the Great Lakes Fishery Commission.**

Motion made by Mr. Carpenter. Motion carries.

**On behalf of the Advisory Panel Oversight Committee, I move that the ISFMP Policy Board approve testing the use of conference calls and the annual FMP Review process in more fully engaging inactive advisory panels in the Commission's fisheries management programs.**

Motion made by Rep. Abbott. Motion carries.

**Move to take the motion tabled at the February meeting off the table.**

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

### **EXECUTIVE COMMITTEE (May 7, 2008)**

#### *Meeting Summary*

The Executive Committee approved the FY09 budget and received updates on the 2008 Action Plan progress and future meeting dates and locations. For more information, please contact Laura Leach, Director of Finance and Administration, at (202) 289-6400 or lleach@asmfc.org.

### *Motions*

**Move to approve the FY 09 ASMFC budget as presented.**

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