

Atlantic States Marine Fisheries Commission

Commission Business Session

May 2, 2024
11:45 a.m. – Noon

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*J. Cimino*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from January 2024
3. Consider Noncompliance Recommendations, if necessary **Final Action**
4. Other Business/Adjourn

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details.

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
BUSINESS SESSION**

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

January 25, 2024

These minutes are draft and subject to approval by the Business Session.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair Joe Cimino1

Approval of Agenda.....1

Approval of Proceedings from October 18, 20231

Public Comment1

Consider Approval of Revision to 2024 Action Plan.....1

Addition to Goal 1 to Develop an Action with the Mid-Atlantic Fishery Management Council for Summer
Flounder Commercial Measures1

Review and Consider Approval of 2024-2028 Strategic Plan.....2

Adjournment3

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October 18, 2023** by consent (Page 1).
3. **On Behalf of the Lobster Board move the Commission send a letter to NOAA Fisheries to withdraw the Commission’s recommendation to implement the measures of Sections 3 and 4, except Sections 3.1.1 and 3.2.1 transfers of multi-LCMA Trap Allocation of Addendum XXI and all of Addendum XXII** (Page 2). Motion by Jason McNamee; second by Cheri Patterson. Motion passes by consent (Page 2).
4. **Move to adjourn** by consent (Page 3).

ATTENDANCE TO BE FILLED ON A LATER DATE

These minutes are draft and subject to approval by the Business Session.
The Board will review the minutes during its next meeting.

The Commission Business Session of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, January 25, 2024, and was called to order at 10:45 a.m. by Chair Joe Cimino.

CALL TO ORDER

CHAIR JOE CIMINO: I'm calling to order the Commission's Business Session. We do have a couple agenda items that we need to cover here.

APPROVAL OF AGENDA

CHAIR CIMINO: I'm going to ask if there are any, excuse me, are there any additions to the agenda? Toni, do you want to do this formally as an addition?

MS. TONI KERNS: Yes.

CHAIR CIMINO: We have one from, Toni, go ahead.

MS. KERNS: During Policy Board we forgot about a letter that the American Lobster Board asked us to send to NOAA Fisheries on rulemaking, pertaining to Addendum XXI and XXII, so the Board Chair will bring that up.

CHAIR CIMINO: Yes, we'll cover that. Unless there are any other additions or concerns, I'm going to assume that we can approve the agenda with that addition. I don't see any hands up.

APPROVAL OF PROCEEDINGS

CHAIR CIMINO: We'll move on to approval of the proceedings from the annual meeting of October, '23. I see a hand, Doug.

MR. DOUGLAS E. GROUT: Just briefly. It indicates on the time page that we met there in 2022 instead of 2023.

CHAIR CIMINO: Well, thank you, that's a great catch. That was one of those Easter eggs that we just put out there every once in a while, make sure somebody is looking. You win the prize there, thank you. I

appreciate that. We'll make that edit. If there are no other edits.

MR. GROUT: I'm glad to offer my services.

CHAIR CIMINO: I love it, I love it. The proceedings approved with that edit. It's a very important edit, I may add.

PUBLIC COMMENT

CHAIR CIMINO: Are there any public comments for the Business Session here? We do have some folks from the public, but I don't see any hands, and no online. Okay, great.

CONSIDER APPROVAL OF REVISION TO 2024 ACTION PLAN

CHAIR CIMINO: We'll move on. Toni will cover the Action Plan.

MS. KERNS: Thank you, Mr. Chairman, and I just have one slide and I'll talk while that slide gets put up. But the Commission Summer Flounder, Scup, and Black Sea Bass Management Board met with the Mid-Atlantic Council in December, to set recreational specifications.

ADDITION TO GOAL 1 TO DEVELOP AN ACTION WITH THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL FOR SUMMER FLOUNDER COMMERCIAL MEASURES

MS. KERNS: Also, during that time there was a discussion on the summer flounder flynet definition, and boundaries of the small mesh exemption area.

Both bodies agreed to take up this issue, or their intent to take up these issues immediately in 2024, in order to address changes in time for NOAA to promulgate regulations by November of this year. This issue was not included in the Commission's Action Plan, so we wanted to see if the Commission would consider adding it to the Action Plan, so we can have similar regulations if changes are made.

The reason why we would put these regulations in the Commission's FMP is because states have these

regulations in their definitions, in particular for the flynet definition, as well as some states reference the exemption areas, while the measures are pertaining to mostly federal water fisheries, it is important to have cohesiveness between the two FMPs.

The one thing to note for this, and this is something that we did not discuss at the Council meetings, because we weren't sure how it would impact the timeline of work that these two management bodies are doing, as well is that there is an amendment on sector separation and recreational accountability that the Policy Board is working on with the Mid-Atlantic Council.

Because of this work on the summer flounder commercial measures, that work would be pushed back, and would be addressed at the earliest in the fall of this year. That would be presenting a scoping document for recreational accountability and the sector separation, and I can take any questions.

CHAIR CIMINO: Questions for Toni. I realize not every member state is paying close attention to this, but you know although this is a longstanding issue, we feel like it is something that needs to be addressed. I was glad to see the Mid take action, and most likely doing the heavy lifting on this. I'll just ask if there is any objection to adding this to our Plan for 2024.

I don't see any objections. I personally really appreciate that. I would like to get this straightened out. With no objections we'll move forward on that. Well, let's cover the lobster letter that we have as an added agenda item. We have a motion on the board, so Jason, if you don't mind.

DR. JASON McNAMEE: **On behalf of the Lobster Board, move the Commission to send a letter to NOAA Fisheries to withdraw the Commission's recommendation to implement the measures of Section 3 and 4, except Sections 3.1.1 and 3.2.1; transfers of multi-LCMA trap allocation of Addendum XXI, and all of Addendum XXII.**

CHAIR CIMINO: Great, thank you, do we have a second for that motion? Cheri Patterson from New

Hampshire, thank you. Any discussion on this motion? Yes, go ahead, Toni, sorry.

MS. KERNS: Just to add to the record that the Board, as Pat talked about at the Policy Board, did note the intention of us expressing to NOAA Fisheries how we intend the Mitchell Provision to apply to the minimum size. Oh, that is for a different letter, and I'm so sorry. Never mind.

CHAIR CIMINO: No problem. We're still going to have that on the record. We'll have that on the record as much as possible. However, yes, that does not necessarily apply to this motion. Any further discussion on this motion? **Any objection to this motion? Not seeing any. We'll consider that passed by unanimous consent.**

REVIEW AND CONSIDER APPROVAL OF 2024-2028 STRATEGIC PLAN

CHAIR CIMINO: With that I'm going to turn it over to Bob to go over the 2024 to 2028 Strategic Plan.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Great, thank you, Mr. Chair. In the interest of time, and recognition of the fact that most folk around the table were here at the Executive Committee yesterday when I went over this in fairly high detail. I'm just going to go over some of the changes that were agreed to at the Executive Committee yesterday, then I'm happy to answer any questions.

But the idea is that we are seeking approval of this document at this point. It's been a couple iterations have gone past the Executive Committee; you know it was brought up at the Policy Board at the annual meeting. The suggested staff edits were included in briefing materials for the Executive Committee, and for this Business Session.

With that, there are a couple of highlights worth noting that were not reflected in the edits that are included here. At the top of Page 2 we're going to insert recognition that we also partnership and work with U.S. Fish and Wildlife Service and USGS. Then moving down along the majority of this was

approved, or recommended for approval as edited yesterday.

Then getting down into goals themselves. Goal 1, there were no recommended changes yesterday, and Goal 2, Jason McNamee brought up the notion that a lot of pieces of Goal 2 kind of look like MSE. But we're going to put a specific reference to Management Strategy Evaluations included as one of the bullets in Goal 2.

Then moving along, actually, I missed one item, two items. Okay, so on Page 8 there is a notion about, well the bullet reads, promote sustainable harvest and access to rebuild fisheries. There is a side note there about, this might take some further discussion. The Executive Committee felt that it was okay as written, so we're going to maintain that in Goal Number 1, as it's written.

Then in Goal 2, there is a note, same idea that this may warrant some more discussion for the bullet that reads, balance request from fishery management with finite assessment workload capacity. There was some good discussion on that yesterday, but ultimately, the Executive Committee recommended that we keep that the same.

Then no changes to Goals 3, 4, and 5. When we went down to Goal 6, there was a conversation about some of the sort of new approaches and strategies that some of our stakeholders have, as far as commenting and generating a lot of press and a lot of e-mail activity and social media activity that really isn't accurate, based on some of the science that the Commission has. There is a suggestion that we include a bullet there that really goes at, directly and proactively, engaging and commenting on some of the Commission management decisions and scientific information to prevent, or at least reduce some of the misinformation that is out there for some of these topics. Throughout the document there is also references to offshore wind/renewable energy. We're going to balance that out.

The offshore wind does take a lot of the bandwidth for a lot of the states, and some of the Commission activities, but there are also other renewable energy

activities that are out there that may be emerging and may become an issue for the fish. We'll balance that out a little bit better throughout the document.

Other than the staff suggested edits, those few that I just mentioned really are all the other changes that we will weave into this document. The idea is, if the Commission is comfortable approving this today, you can do that. Staff will update the document and publish it on the website, and share it with all the Commissioners. Happy to answer any questions, but those are the highlights of the suggested changes.

CHAIR CIMINO: Thank you, Bob, any questions or comments for Bob? Not seeing any; as noted previously in our Policy Board discussions, we don't have any noncompliance findings.

ADJOURNMENT

Is there anything else to come before us today? Not seeing anything, any hands online? Well, it's great with that, I'll entertain a motion to adjourn. John Clark, second by Lynn Fegley. That is Delaware and Maryland. The folks closest to home are ready to go. Good for you, safe travels everyone.

(Whereupon the meeting adjourned at 10:57 a.m. on Thursday, January 25, 2024)

These minutes are draft and subject to approval by the Business Session.
The Board will review the minutes during its next meeting