

# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

February 7, 2019  
11:30 a.m. - 1:45 p.m.  
Arlington, Virginia

### 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 ( <i>J. Gilmore</i> )  | 11:30 a.m. |
| 2. Board Consent ( <i>J. Gilmore</i> )  | 11:30 a.m. |
| • Approval of Agenda  |            |
| • Approval of Proceedings from October 2018   |            |
| 3. Public Comment   | 11:35 a.m. |
| 4. Update from Executive Committee ( <i>J. Gilmore</i> )  | 11:45 a.m. |
| 5. Review and Consider Revisions to the Appeals Guidance Document ( <i>T. Kerns</i> ) <b>Final Action</b> | 12:00 p.m. |
| 6. Lunch Break  | 12:15 p.m. |
| 7. Discuss the Benchmark Stock Assessment Timeline ( <i>T. Kerns/K. Drew</i> )                            | 12:45 p.m. |
| 8. Atlantic Coastal Fish Habitat Partnership Report ( <i>L. Havel</i> )                                   | 12:55 p.m. |
| 9. Discuss the Modernizing Recreational Fisheries Management Act of 2017 ( <i>R. Beal</i> )               | 1:05 p.m.  |
| 10. Review Noncompliance Findings, If Necessary <b>Action</b>   | 1:15 a.m.  |
| 11. Other Business  | 1:40 p.m.  |
| 12. Adjourn   | 1:45 p.m.  |

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

# MEETING OVERVIEW

## ISFMP Policy Board Meeting

Thursday February 7, 2019

11:30 a.m.-1:45 p.m.

Arlington, Virginia

Chair: Jim Gilmore (NY) Assumed Chairmanship: 10/17	Vice Chair: Pat Keliher (ME)	Previous Board Meeting: October 25, 2018
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 25, 2018

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>4. Update from Executive Committee (11:45 a.m.-12:00 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Executive Committee will meet on February 6, 2019</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• J. Gilmore will provide an update of the two meetings</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• none</li></ul>

<b>5. Review and Consider Revisions to the Appeals Guidance Document (12:00-12:15 p.m.)</b>
<b>Final Action</b>
<b>Background</b> <ul style="list-style-type: none"><li>• A review of the Appeals Guidance Document found further clarification to the appeal criteria would provide the Commission better guidance when an appeal is made. The Executive Committee has suggested revisions to the appeal guidance document (Meeting Materials)</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• T. Kerns will present an overview of the changes to the Appeals Guidance Document</li></ul>
<b>Board discussion for consideration at this meeting</b> <ul style="list-style-type: none"><li>• Approve the Revised Appeals Guidance Document</li></ul>

## Lunch Break (12:15-12:45)

<b>6. Discuss the Benchmark Stock Assessment Timeline (12:45-12:55 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The lapse in Congressional appropriations could impact the timeline of Commission stock assessments. In addition the proposed change in the timeline for the Shad Benchmark proposes conflicts with the Lobster Stock Assessment; therefore it is recommended the Shad Assessment be delayed further.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• Discuss potential delays and changes to the current assessment schedule (<b>Meeting Materials</b>).</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• None</li></ul>

<b>7. Atlantic Coastal Fish Habitat Partnership Report (12:55-1:05 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• The Atlantic Coast Fish Habitat Partnership Steering Committee met this past fall.</li><li>• ACFHP recently launched a new website, developed a species-habitat matrix tool, and endorsed a Florida Dragline Ditch Restoration Project. In addition the Southeast Fish Habitat Conservation Mapping Project Results are now online.</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• L. Havel will present an overview of ACFHP Committee activities (<b>Meeting Materials</b>).</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• None</li></ul>

<b>8. Discuss the Modernizing Recreational Fisheries Management Act of 2017 (1:05-1:15 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"><li>• In December of 2018 The President signed into law the Modernizing Recreational Fisheries Management Act of 2017 (Modern Fish Act).</li></ul>
<b>Presentations</b> <ul style="list-style-type: none"><li>• R. Beal will provide an overview of the Modern Fish Act (<b>Meeting Materials</b>)</li></ul>
<b>Board action for consideration at this meeting</b> <ul style="list-style-type: none"><li>• None</li></ul>

## 9. Review Non-Compliance Findings, if Necessary Action

## 10. Other Business

## 11. Adjourn

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ISFMP POLICY BOARD**

**The Roosevelt Hotel  
New York, New York  
October 25, 2018**

These minutes are draft and subject to approval by the ISFMP Policy Board  
The Board will review the minutes during its next meeting

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August 2018** by Consent (Page 1).
3. **Move to approve the revised missions, goals, and objectives for the Northeast Area Monitoring and Assessment Program and also to approve changes to the Northeast Area Monitoring and Assessment Program committee structure as presented** (Page 9). Motion by Justin Davis; second by Tom Fote. Motion carried (Page 9).
4. **Move to approve the Living Shorelines Factsheet** (Page 11). Motion by Tom Fote; second by Justin Davis. Motion carried (Page 11).
5. **Move to approve the Stock Assessment Schedule as modified today** (Page 15). Motion by Doug Grout; second by Roy Miller. Motion carried (Page 15).
6. **On behalf of the American Lobster Management Board, move that the Policy Board send letters to Delaware and New York to request they come back into compliance with the Jonah Crab FMP** (Page 16). Motion carried (Page 16).
7. **On behalf of the Striped Bass Management Board, move that the Policy Board submit a letter to NOAA requesting a delay on further action on the Block Island Transit Zone until such time as the Board has an opportunity to review the Striped Bass Benchmark Stock Assessment and formalize a recommendation** (Page 16). Motion carried (Page 16).
8. **On behalf of the Spiny Dogfish Management Board, move that the Policy Board send a letter to the MAFMC requesting that federal trip limits be a 2019 priority item** (Page 17). Motion carried (Page 17).
9. **On behalf of the American Eel Management Board, move that the Policy Board send a letter to USFWS to emphasize the importance of enforcement of eel regulations, including inspection of eel products** (Page 18). Motion carried (Page 18).
10. **On behalf of the Atlantic Herring Management Board, move that the Policy Board send a letter to the NEFMC requesting that they consider herring spawning protection in its 2019 priorities** (Page 18). Motion carried (Page 18).
11. **Motion to Adjourn** by consent (Page 20).

**ATTENDANCE**

**Board Members**

Nick Popoff, ME, proxy for P. Keliher (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Andy Shiels, PA, proxy for J. Arway (AA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Raymond Kane, MA (GA)	David Blazer, MD (AA)
David Pierce, MA (AA)	Russell Dize, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Steve Murphey, NC (AA)
David Borden, RI (GA)	Chris Batsavage, NC, Administrative proxy
Justin Davis, CT, proxy for P. Aarrestad (AA)	Robert Boyles, SC (AA)
Bill Hyatt, CT (GA)	Marcel Reichert, SC, proxy for M. Rhodes (GA)
James Gilmore, NY (AA)	Spud Woodward, GA (AA)
Maureen Davidson, NY, Administrative proxy	Doug Haymans, GA (GA)
Emerson Hasbrouck, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Michael Falk, NY, proxy for Sen. Boyle (LA)	Martin Gary, PRFC
Joe Cimino, NJ, proxy for L. Herrighty (AA)	Mike Millard, USFWS
Tom Fote, NJ (GA)	Rachel Baker, NMFS

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Staff**

Bob Beal	Toni Kerns
Jessica Kuesel	Kirby Rootes-Murdy

**Guests**

Peter Burns, NMFS	Dan McKiernan, MA DMF
Pat Geer, VMRC	Derek Orner, NOAA
Zak Greenberg, PEW Trusts	Cheri Patterson, NH F&G
Aaron Kornbluth, PEW Trusts	Jack Travelstead, CCA
Arnold Leo, E. Hampton, NY	Chris Wright, NMFS
Jack McGovern, NMFS	

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Tuesday, October 25, 2018, and was called to order at 9:15 o'clock a.m. by Chairman James J. Gilmore.

#### **CALL TO ORDER**

CHAIRMAN JAMES J. GILMORE: Welcome everyone to the Policy Board meeting. We gave a couple extra minutes; because I think the elevators were working worse than the New York City subways this morning. But we'll get going now; because I know there are a couple of people that want to get on the road, and we want to get to the South Atlantic Board as quickly as we can. Without further ado, let's get into it.

#### **APPROVAL OF AGENDA**

CHAIRMAN GILMORE: We first need the approval of the agenda. Are there any changes to the agenda? Okay, we do have a couple of additions under Other Business; Jonah crab, striped bass, spiny dogfish, eel, and sea herring. Maybe we should have put down what we're not adding to it. They're just letters; so hopefully it will be very quickly. Any other additions to the agenda, seeing none; we'll take that as approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GILMORE: We have the proceedings from the August, 2018 meeting. Are there any changes, additions to the proceedings? Seeing none; we'll adopt those by consent.

#### **PUBLIC COMMENT**

CHAIRMAN GILMORE: Next on the agenda is public comment; any items that are not on the agenda we offer the public a time to comment on them. Are there any comments from the public?

#### **UPDATE FROM THE EXECUTIVE COMMITTEE**

CHAIRMAN GILMORE: Seeing none; we'll move to the Update from the Executive Committee, oh that's me, okay.

The Executive Committee met yesterday; and we went over several items, so I'll go through them quickly. The first was the Fiscal Year 2018 audit. Laura has done her terrific job once again. We had a very good audit with no findings. If you want to read it, it is great for insomnia; because it's just an exciting document.

It was very well done; and we essentially had a good finding. It was put before the Executive Committee by the AOC; and essentially approved by unanimous vote. Then we got into the Plus-up funding; which was the extra money that we've gotten, which Bob can give you all the details. But I'll just go quickly into.

We had about \$400,000.00 from federal funds this year. We had put a list out of ideas from the last meeting of what we could spend the money on. There were different versions of that. We had some short term, very quick priority projects. There was also some shorter and longer term; some that were a little more expensive, and some that would maybe require recurring funding. There were suggestions about improved staffing. What we decided; at least yesterday. We're not sure of this funding; if it's going to be persistent or if it's going to change. We decided to take the Solomon approach. We essentially approved all of the immediate projects for about half the money; I think it was \$217,000.00, Bob, thanks. We're leaving about \$200,000.00 in the hopper right now. The projects that we approved, were they in the meeting materials, Bob? I don't know if anybody is interested in the details of it; but it was about five or six projects, striped bass tagging. Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I can go through them real quickly. Yes, striped bass



tagging, hook and line survey for this winter, lobster growth maturity works, some funding to provide travel resources for a working group to determine the details on staffing and the logistics of an offshore lobster enforcement vessel.

The fourth project was the Nantucket Shoals/Georges Bank herring spawning monitoring for sea herring, and the fifth project was designing an aerial and acoustic survey for menhaden in the Chesapeake Bay. Those are the five projects; happy to answer any more questions, or give you more details offline if you want them.

CHAIRMAN GILMORE: Questions. Adam.

MR. ADAM NOWALSKY: What's going to be the way forward for the rest of the money; if we have other ideas forward it to leadership? Is there some other oversight group? What's the way forward with other ideas for the remainder of the money?

EXECUTIVE DIRECTOR BEAL: It's a great question, Adam. There's kind of this almost two layers of decisions. As the Chairman mentioned, we had about \$400,000.00. We committed about \$200,000.00 into these five projects I just mentioned. There is money left over for this year's Plus-up, and what you suggested is right.

If there are ideas that individual Commissioners have; or individual management boards come up with ideas, we'll feed that to the Executive Committee and they can decide if they want to allocate funds to that. But the second sort of layer of decision making is we're hoping this Plus-up money becomes the new baseline. If it is then there is another \$400,000.00, \$500,000.00 in the Atlantic Coastal Act funds available to the states.

The question will be how much of that money should come to ASMFC to fund individual projects; and how much of it should be

distributed directly to the states, put into the formula that is used to allocate the Atlantic Coastal Act funds to the states. The Executive Committee is going to talk more about that at the February meeting; to try to decide how to allocate this fund. There is kind of short term \$200,000.00 then there is long term Plus-up money that needs to be allocated; either to the Commission for projects or staffing, or the formulaically off to the states.

CHAIRMAN GILMORE: Other questions for Bob. Ritchie.

MR. G. RITCHIE WHITE: Does this money have an end date? Does it have to be spent by a certain time? If we don't spend it this year, does it rollover and you can use it the following year?

EXECUTIVE DIRECTOR BEAL: That's a good question. We've got five years to spend it. It's not burning a hole in our pocket right now; so we can take a little time to figure out high priority projects.

CHAIRMAN GILMORE: Are there any other questions for Bob? Okay, moving on the next item was a Change of the Appeal Process. There was a group working on this led by Jay McNamee. We essentially reviewed it. There were essentially changes to the appeal process that are mostly clarification points; and particularly some of the criteria.

Most of the document has remained the same; except for the tightening up of the language. There is an expansion of that. We discussed it quite a bit yesterday. But after that discussion the Executive Committee at least approved it to move it to the Policy Board. What we're going to do is get the improved language that you guys have put together; and we're going to put that out to the Full Commission, and then we'll discuss it at the February meeting, in terms of if we want to adopt that as a new Appeals Process. Do you have anything to add, Jay?

Okay, any questions on that? Okay next we want to approve the Approval of the Aquaculture Committee. Several of the states had submitted individuals to be on the Aquaculture Committee. I actually don't have the full list in front of me; but there was still an opportunity for a couple of states, I think Connecticut. I don't remember all of them that hadn't submitted names yet.

But they're still open for adding in. We will finalize that. But the list that was submitted has been approved; so we'll start moving forward on the Aquaculture Committee. Any of the states that haven't submitted a name, you should get them in before they get their first meeting going. Next agenda item was the quarterly meeting schedule.

There was discussion about the sequencing of the meetings at these; and in particular we've had this issue for some time is that typically we would go from north to south with different species boards. Over times it has changed, putting the meetings in different locations. If you were around a few years ago the ACCSP meeting was the last meeting; so all the State Directors got the joy of staying here until the end of the meeting.

Some of the northern state guys had already come in Sunday night; so they had a very long week. We've been trying to get the meeting, to make it fair and more efficient for everybody, so that we can find a better sense of it. The last couple of meetings however, the South Atlantic Board has always been the last; and there has been some travel issues with them on that last day.

What we agreed to do; and Bob and I and the staff will look at this, is to try to find some alternatives to find the best solution for making it more convenient for everyone. That may include alternating; maybe one of the boards. Someone will have to suffer for the last meeting every meeting. Then the southern guys may have to come Sunday night. It's only an issue

when the Super Bowl is on; I'll tell you that right now.

We are going to look into that and see if we can come up with some different options on that; and we'll discuss it at the next Executive Committee meeting, and hopefully make this better for everybody. Are there any questions on that? Okay seeing none; then we had a report from the Awards Committee, with Spud Woodward has led really elegantly for the last several years, and even hung on to it when he went from a State Director over to an Appointee. Spud actually brought up some good points; and I know having served on the Awards Committee years ago how difficult it can be, because there are just so many terrific people you get.

Sometimes it is pretty hard to sort them out and really separate out the greats from the super greats. Spud had come up with some suggested criteria for helping the Awards Committee make that decision easier. I think it was well received by the Executive Committee; and we're going to look into that and discuss it probably at the next meeting.

But it seems like a good step forward to really help everybody; and also help people out nominating folks. It gives them what really is important; in terms of the Commission. Spud, do you have anything you want to add to that? Okay, any questions on that? Seeing none; I believe that was the last item on the Executive Committee. Yes, okay.

#### **UPDATE ON RISK AND UNCERTAINTY POLICY**

CHAIRMAN GILMORE: Now we're going to have an update; Item Number 5 is an Update on Risk and Uncertainty Policy, and Jay McNamee is going to lead us on that one. Jay.

MR. JASON McNAMEE: I had gotten permission from Toni before to not do my pathetic Tiny Tim walk up to the front; so I appreciate you letting me speak from my chair. The Risk and

Uncertainty momentum got a little stalled out due to breaking body parts, and staffing changes, and things like that.

But we're back in action; and I'll thank, Sarah Murray really got this back on track, and I really appreciate that. We brought our current state to the Assessment and Science Committee; got a little feedback from them. We were looking for some guidance on what they thought the best next steps were for the Risk and Uncertainty Policy.

We had a good discussion. What came out of that meeting was a sense that we should send this; try and operationalize it. We should send it to a Technical Committee to work through. The Working Group, as far as the pulling together the structure, we had done about as much as we could do at that point.

Now we need to get it to a Technical Committee to kind of work through and figure out where it's going to break, and where it is going to work well. We thought that was a good idea. It makes sense; since we've been doing this in the context of striped bass, which was the guidance from this Board that that should be the first Technical Committee we send it to.

We will absolutely make sure they get through the peer review for the benchmark; and get clear of that before we drop this in their lap. We will be very cognizant of that. Another one that came up and it's also an assessment that's in process right now is lobster. That was the other potential test run that we could do with the Risk and Uncertainty Policy.

The next steps are we are going to develop now a Guidance Document; and we're going to pull that together. This will be the document that will guide the Technical Committee through the decision tree piece of it. It will also be guidance for the management boards for their piece of that as well. We are going to pull that together while the Striped Bass Committee is finalizing the benchmark assessment; and then once

they're clear of that because that's going to end all of the striped bass tasks at that point, so they'll have plenty of time. We'll bring that to them and try and work with them to give this a test run. That's where we are at. Once we get all that done we will bring it back to this Board and give you the results. That's it, Mr. Chair.

CHAIRMAN GILMORE: Thanks, Jay. Questions for Jay, okay seeing none; great job, keep it up Jay and we'll look forward to your next meeting results.

#### **UPDATE ON THE NORTHEAST AREA MONITORING AND ASSESSMENT PROGRAM**

CHAIRMAN GILMORE: We're really cooking right along. We're going to have an update on the Northeast Area Monitoring and Assessment Program, and Nicole Lengyel is going to lead us on that one. Nicole.

MS. NICOLE LENGYEL: Today I'll be presenting an update on the Northeast Area Monitoring and Assessment Program. It's been a little while; I think since 2013, since an update on this program has been given. I'm going to start out by giving an overview of the program; what is NEAMAP, some of the data uses and the existing surveys under the NEAMAP umbrella.

Then I'll review some program activities, the program structure, the newly revised mission goals and objectives that should have been in your meeting materials, and finally some funding and next steps for the program. What is NEAMAP? NEAMAP is a cooperative state and federal program facilitating fishery independent data collection; analysis, and dissemination in the northeast area, from Maine to North Carolina.

One misconception about NEAMAP is when you typically ask someone what NEAMAP is they think of the VIM Survey, the Southern New England/Mid-Atlantic Inshore Trawl Survey. One thing that we're really looking to do is change that misconception; and really get it out there what the program is and that it's a fishery

independent data collection program. It's not just one survey.

In actuality we have three surveys under the NEAMAP umbrella right now. We have the Southern New England/Mid-Atlantic Nearshore Trawl Survey run by VIMS, but also the Maine/New Hampshire Inshore Trawl Survey, and the Massachusetts Division of Marine Fisheries Bottom Trawl Survey are all currently under the NEAMAP umbrella.

Another thing that the program is looking to do in the coming years is really expand what surveys are included in NEAMAP; and not just limit it to trawl surveys, but expand it to other surveys as well. Currently NEAMAP has several partners; all the state marine fisheries agencies from Maine to North Carolina, included the District of Columbia, ASMFC, PRFC, New England Fisheries Science Center, both Councils and the Fish and Wildlife Service.

We also have collaboration with SEAMAP; where we get advice from a programmatic and process standpoint, and we also collaborate with them on technical workshops. These partners are using this data for a variety of analytical applications; and it's been very informative in species stock assessments.

Here is a list of stock assessments NEAMAP data has been used in; apologies if we're missing any species here, but the list is pretty lengthy. We expect it to continue to grow. The use in stock assessments maybe as an index of abundance, but also a lot of information is contributed in other ways, including information on fecundity, length/weight relationships, size or age composition outside the fishery, stock structure in areas where the fishery doesn't operate, and shifts in distribution that may not be apparent within the fishery. Typically fisheries can operate on a small spatial scale; and the NEAMAP program covers a much larger geographic range.

The Southern New England/Mid-Atlantic Survey covers the largest area; surveying from Cape Hatteras all the way to Cape Cod, Massachusetts. It's a coastal trawl survey that began in 2006; it encounters 142 species in 2017 with spot, scup, weakfish, Atlantic croaker and bluefish in the top 20 species by count.

Some new technology that was added in 2018 was a new bioacoustics system. They're collaborating with the Science Center to currently analyze this data; and the end goal of using this bioacoustics system is to generate biomass estimates. They've also done away with their old YSI unit; and they've added a new Seabird plus unit to the survey.

This new unit not only measures your typical environmental parameters; depth, water temperature, salinity, dissolved oxygen, but it also measures pH, photo synthetically active radiation, chlorophyll A, and turbidity. The Maine/New Hampshire Survey, also an inshore trawl survey, operating since 2000, has a seasonal time series of abundance for over 25 species of fish and invertebrates.

The 2017 season saw a very successful tow rate; higher cooperation from fixed gear fishery, and 92 species encountered. The Mass DMF Survey has been operating since 1978; 195 unique species. Scup, spiny dogfish, and winter flounder are in the top 10 by count and weight, and the Fall, 2018 Survey caught its first harvest fish and stargazer in the survey history, and both of those are pictured up there, switching to a Fishery Scientific Computer System 2.0 for the 2019 Spring Survey.

Although it hasn't been adopted as a NEAMAP Survey yet, being in New York we thought we would highlight the New York Survey that began last year. The new trawl survey in New York began in the fall of 2017; scup, summer flounder, spiny dogfish, black sea bass, horseshoe crab, winter flounder, were all among the top 20 species by weight, and it encountered 85 species.

This is an example of one of the surveys that could be adopted under NEAMAP going forward. Now that I've touched on some of the highlights from the surveys, every survey has its challenges. As with mobile gear fished fisheries, fixed gear interactions are consistently a problem; not just with the NEAMAP surveys, but several partners have informed us that they're experiencing this problem as well.

An example of how one survey has been dealing with this is the state of Maine; they actually put a lot of work into putting out notifications. They put out on their website what their survey schedule was going to be. They put out maps; they also do mailings out to their lobster license holders to let them know when the surveys are going to be going out, and with maps.

There has been a lot of work to work with the fixed-gear industry to prevent these interactions; but nonetheless, they still remain a challenge for the surveys, and you don't expect that that will go away in the future. Offshore wind siting is one that is relatively new in the past few years. As I'm sure most of you are aware, offshore wind is something that has really taken off on the Outer Continental Shelf and offshore waters. In Rhode Island we have one in state waters. How the surveys are going to operate among these wind farms as they continue to pop up along the coast; is a question that we're starting to try to address.

We certainly don't have an answer or clear understanding of how we're going to be able to work together; but it's definitely one that we're starting to talk about. Long term funding with increased operational cost remains a problem for the surveys. Some of the program activities since the last update was given; there have been several survey methods workshops.

In 2013 there was an onboard data processing workshop; with survey leads from across the NEAMAP region. In 2015 there was a catch processing workshop; hosted by SEAMAP, in Charleston, South Carolina, and survey leads

from NEAMAP in the SEAMAP regions. In 2019, we're looking to have a maturity staging workshop; with potential collaboration with SEAMAP as well.

In 2018, the committees and the program have really kicked off some activity; and we're really trying to keep this momentum going. It started in January and February, where we had a NEAMAP Summit, and we revised our program structure and committee roles. Program visioning and development of program tasks, increased focus on improving NEAMAP data utility, and efforts to incorporate new and emerging technologies.

The NEAMAP Summit, we had people from various NEAMAP committees; including the Operations Committee. A lot of these challenges were discussed; the adoption of new surveys, the adoption of new standards, the Committee roles. All of this was discussed in great detail; and most of the committee members are really excited about the potential for this program to really take off and keep the momentum going in the future.

SEAMAP Joint Annual Meeting was in July; and Jim Gartland served as our NEAMAP liaison. We had an Operations Committee call in September; to follow up on the NEAMAP Summit and go over our action items, and continue our planning for 2019. One of the things that we talked about at the Summit was the NEAMAP structure.

Not that we want to make significant changes to the structure; but one of the things that we would like to do is have the Operations Committee serve as the new program lead, with the NEAMAP Board serving as liaisons to agency leadership. You can see there are some blue boxes and some green boxes; so the blue is what the program structure has been, and the green is what we're proposing to change.

Previously there had been an Analytical Committee in the program; and we're

proposing to, not do away with the Analytical Committee per se, but to utilize the current Assessment Science Committee that the Commission already has to fulfill that role of the Analytical Committee. One reason for this is we're really looking to better tie the field biologist and survey biologist in with the stock assessment scientists. It's all too common that the stock assessment scientists get to an assessment and we're trying to fit the model to the data that we're giving. A lot of times the models that we're exploring are limited by our data. We would really like to make a better tie between the surveys and the science; so that going forward we can talk to the assessment scientists and say, what data is it that you need? How can we change and modify our surveys and make them better; so that we're getting the data that the assessments need?

By having the Assessment Science Committee give us that feedback; it's an existing body, very knowledgeable. We'll connect them with the other committees under NEAMAP; and hopefully make that communication a little better going forward. The Survey Technical Committee, we would like to change that; it's right now the Trawl Technical Committee, but as I said we're looking to expand it to just not trawl surveys, incorporate other surveys as well.

We thought broadening the name of the committee to Survey Technical Committee would be more appropriate. This committee is going to be responsible for setting some of the data standards for the surveys. I mentioned we have three surveys under the NEAMAP umbrella already; and we're looking to expand that.

The Survey Technical Committee will start by drafting some of the standards that a particular survey would need to have in place for their survey; before it could be adopted under the NEAMAP program. A Stakeholder Advisory Panel is not one that we have populated yet; but we're looking to do that in the future, so we can get input from stakeholders as well on the

surveys. We also developed a revised mission goals and objectives. This was in your meeting materials.

NEAMAPs mission and goals were revised to reflect the shift from design and implementation to enhanced coordination and methodology. The revised goals and objectives address collection and analysis of fishery independent data; to support assessments and management, enhancing coordination among fishery independent surveys, promoting use in dissemination of that data, identifying and prioritizing short and long term needs, and securing funding to support NEAMAP activities.

For short and long term funding, the Maine/New Hampshire Inshore Trawl Survey has full level funding for 2018 and 2019. We're expecting some funding shortfalls possible for oncoming years; approximately \$50,000.00 to \$150,000.00. The Massachusetts Bottom Trawl Survey is fully funded for 2018 and beyond; so we don't have any immediate concerns for that survey.

The Southern New England/Mid-Atlantic Trawl Survey has full level funding for 2018 and 2019; but again we're expecting some shortfalls possible in the realm of \$200,000.00 to \$300,000.00 per year. Funding for these surveys continues to be a concern. Some of the next steps for the program, the Survey Technical Committee is going to have a conference call on November 15.

The Assessment Science Committee engagement on some of the action items will occur in Fall/Winter 2018. The Operations Committee will have a call in early 2019; and will also organize a NEAMAP Annual Meeting in person in early 2019. We're also looking to do a Maturity Staging Workshop in 2019; and we're going to continue to do NEAMAP outreach, including presenting at waterfront festivals, to really try to so called rebrand NEAMAP, and really change that misconception. Let people know what the program is about; and what

we're looking to do in the near future. We're also going to continue to repopulate the committees and work on the committee action items. With that we can take any questions.

CHAIRMAN GILMORE: That's a great summary, and thanks for the mention for the New York Survey. We're really happy about that; questions for Nicole. Jay.

MR. McNAMEE: Nice job, Nicole. Thanks for that. First I'll cheerlead a little bit and say NEAMAP is also, I didn't see this in the list. You may have had it, and I apologized if I missed it. But for the Ecological Reference Point Group, the food habits data that NEAMAP collects is going to be an integral and important data source for that project.

It's beyond just the kind of standard survey information; they collect a really robust set of information, in particular the VIMS portion of the survey. Good stuff. Just wanted to offer that; and then my comment is, so NEAMAP is really unique in that the industry tends to favor NEAMAP. They think highly of it.

A lot of that has to do with the VIMS portion of the survey. It's run by a really respected Captain. They're familiar with it. One of the biggest attributes of NEAMAP is that aspect of it that there is pretty significant industry buy-in into that survey information. I guess I would just offer a note of caution; as this idea of rebranding is developed, keep that in mind, because I don't know how people would feel about it, bringing in.

Not that we shouldn't do this; but just be careful with the rebranding, because I think it is such an important aspect of NEAMAP that industry buy-in. Bringing in the government run surveys is probably going to be tricky. I just wanted to offer that. Think about it, and that's it for me, Mr. Chair.

MS. LENGYEL: Thanks, Jason, I can certainly appreciate that. One of the things that we're

going to be focusing on is really highlighting that the program is collaboration among the surveys. We're not necessarily trying to make significant changes; but we're trying to collaborate among the surveys.

Develop standards and criteria that all the surveys under the NEAMAP umbrella have in common and should be following; to standardize all the surveys along the coast, and again tie in the assessment scientists with the surveys to collect better data. I can certainly appreciate that. That is how we're going to kind of tackle it; is we're trying to standardize the surveys along the coast, and make sure that they're all following the same protocols.

CHAIRMAN GILMORE: David Pierce.

DR. DAVID PIERCE: First a comment. It will be very important for NEAMAP to make available to the Policy Board and to others the degree to which all of this information, all the survey information is actually used in assessments. I don't think it's all in one place or easily accessible. That's what it's all about; so just a point that that needs to be done, or enhanced if it has already been done. I haven't seen it in a while. Now, you mentioned that one of the concerns expressed by the group, maybe it happened at that Summit back in January and February, was offshore wind. Now I know that the Northeast Fisheries Science Center has expressed great concern about the sites for offshore wind; southern New England primarily, and they've indicated quite clearly that they're going to lose tows.

It's going to impact the federal survey. Is there any plan for the Survey Technical Committee and Assessment Science Committee, one they're actually formed and off and running, to dig deeper into this issue, since these sites are going to be up and down the coast in many areas where the wind farms take place? What is the plan regarding tackling that problem of potentially losing important survey sites due to offshore wind development?

MS. LENGYEL: I can say that we started talking about it at the Summit. We talked about it again on our Operations conference call coming up. It's going to continue to be a subject that we talk about. One thing that was proposed was to really get an understanding of the impacts that these offshore wind sites might have; is first we would like to get some GIS data and overlay all of the surveys on top of the wind farm sites, to really see what the impact might be and kind of take it from there.

I know that there is also, I think there is a plan to talk with the Commission and BOEHM; and kind of make BOEHM aware of these issues, in case they aren't already. We don't have a definitive plan outlined at this point; but it is something high on our radar that we're going to continue with, because as you said it is going to be a significant problem, especially for the Science Center Survey.

CHAIRMAN GILMORE: Jay, just to add to that. We've been with the activities going on in New York; we've been heavily involved like you have been. The issue about protecting the commercial fisheries and trawling and spacing of the towers and things like that. We were hopeful that if we accommodate the commercial fishing that we wouldn't impact those stations significantly. But we'll see as it unfolds. Joe Cimino.

MR. JOE CIMINO: I wanted to echo Jay's comments; and just say that I agree that that industry buy-in, but also that industry tie-in, I see it as a huge value and also a real testament to Captain Ruhle and to them. It sparked a thought that maybe as you consider new surveys, there are surveys where industry cooperation can get some priority onto becoming part of this monitoring program.

Then just to what David had said. When we talked at the last State Directors meeting about ASMFs role in offshore wind, I think that may be one part of it, just to help coordinate all the different regional efforts on trying to deal with

these types of challenges, including the survey work.

CHAIRMAN GILMORE: Are there other questions for Nicole? Okay seeing none; we're going to have to, this is an action item. We have to essentially approve the new structure, the mission and the goals, so Justin.

**DR. JUSTIN DAVIS: I move to approve the revised missions, goals, and objectives for the Northeast Area Monitoring and Assessment Program and also to approve changes to the Northeast Area Monitoring and Assessment Program committee structure as presented.**

CHAIRMAN GILMORE: We have a motion; do we have a second? Tom Fote. **Discussion on the motion, seeing none; is there any objection to the motion? Seeing none; we will adopt the motion by unanimous consent.** Great and anyone who has never gone on one of the NEAMAP cruises, I highly recommend you go on it.

If you have a choice, go out with Jimmy Ruhle. You will never forget it. He's an interesting guy. Even though he says he's from North Carolina, he's actually originally from New York.

#### **UPDATE ON THE RIVER HERRING TECHNICAL EXPERT WORKING GROUP**

CHAIRMAN GILMORE: Okay, next we're going to have an update on the River Herring Technical Expert Working Group; and Toni is going to lead that.

MS. TONI KERNS: You thought I was going to talk to you about the River Herring Technical Working Group; but Caitlin was going to give a presentation on the TEWG, again some ways that she and the NOAA counterpart at the TEWG thought that we might be able to make some changes to the TEWG, in order to provide better information back to the management board.



But NOAA asked that we not make any structural changes to the TEWG until after the five-year ESA review of river herring comes out. That should be coming out early next year; and so we're going to hold off on that until that occurs. That is also another bit of information; that that review will be coming out soon. I'll take any questions if there are any.

#### **STANDING COMMITTEE REPORTS**

CHAIRMAN GILMORE: Okay, seeing none; we'll move right along. Lisa is running up here quickly. We're going to have some standing committee reports; and the first one is an update from the Atlantic Coastal Fish Habitat Partnership, and Lisa is going to lead us on that.

DR. LISA HAVEL: I will be very brief; because our meetings are happening in two weeks, so I don't have much to update you on. But I'll have a lot to discuss in the winter meeting.

#### **HABITAT COMMITTEE**

DR. HAVEL: I'll start with the Habitat Committee. Like I just said our in-person meeting will be held November 4, in Newburyport, Massachusetts, so I'll provide a summary at our winter meeting.

#### **CONSIDER APPROVAL OF LIVING SHORELINE FACTSHEET**

DR. HAVEL: But we do have a Living Shorelines Factsheet that I'm looking for approval and discussion on; if you have any. In 2010, the Commission published Living Shorelines, Impacts of Erosion Control Strategies on Coastal Habitats. Since then there has been a growing body of literature in lessons learned. The Habitat Committee wanted to produce a brief two-page factsheet to supplement this 2010 document.

The factsheet is not exhaustive; it's just a two pager that features background information, links to websites for more information and lessons learned. Then it will also contain a link

to more information; housed on the Commission's website, including case studies and further reading, which includes reports and publications. This was provided to you all in the supplemental materials for Board approval. With that I'll take any questions on the Habitat Committee; and we can discuss the fact sheet if you have any.

CHAIRMAN GILMORE: Questions for Lisa. Steve.

MR. STEVEN W. MURPHEY: Yes Lisa, just a comment. You may want to follow up with the NMFS lab down in Beaufort; because I know they're doing some post. They did some pre and post, and now post hurricane assessments of some of the living shorelines they had constructed down there. I could probably get you some names after the meeting.

CHAIRMAN GILMORE: Tom Fote.

MR. THOMAS P. FOTE: I was just wondering if having the committees consider doing a workshop one day, and inviting the Commissioners on endocrine disrupters and how they're affecting fish populations. I put on a couple of workshops in New Jersey and other places on this. I think it would be interesting to pull in the Commissioners; because a lot of them don't realize some of the aspects that go on, especially the new Commissioners.

I was wondering if we could think about doing that at some point in time; and holding a workshop where you not only just have the Habitat Committee meetings, because it's always in conflict, especially when we're doing it at an existing meeting to try and get at the Habitat Committee the way we used to be able to do, when I was the Chair back many years ago.

DR. HAVEL: Thanks that's a good suggestion. Toni and I have been having conversations on how to better integrate the Habitat Committee with the Commissioners. I think that is a good

example of how to do that. I'll follow up with you after the meeting to get some more ideas; and I'll bring that up at our meeting in November as well.

CHAIRMAN GILMORE: Other questions for Lisa? Okay seeing none; we need to have an approval of the Living Shorelines Factsheet, and again that was in your briefing materials. We're going to need a motion for that. Does anybody want to try? Tom Fote.

**MR. FOTE: I so move.**

CHAIRMAN GILMORE: Do we have a second? Justin. Justin Davis seconds the motion. Any discussion on the motion, is there any objection to the motion? **Seeing none; we will adopt that Living Shorelines Factsheet as approved.** Thanks, Lisa. Next up is Law Enforcement Committee. Sorry, Lisa.

#### **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP**

DR. HAVEL: Just one slide on ACFHP right now. Again, we'll be meeting November 15 to 16, in Newburyport, Massachusetts as well, so I'll present more information at our winter meeting. But I wanted to give a brief overview of our FY2019 MFHP U.S. Fish and Wildlife Service funding. We received nine proposals this year, seven were fish passage projects and two were other projects; so that includes shellfish, SAV, and tidal restoration.

They were coming from the North Atlantic, Mid-Atlantic, and South Atlantic. We did not receive any proposals from south Florida this year. I will give you more information on specific proposals and the ones that we recommend for funding at our winter meeting. As usual, I would like to thank the Commission for your continued operational support and welcome any questions.

CHAIRMAN GILMORE: Questions on ACFHP for Lisa. Seeing none; okay thank you, Lisa.

#### **LAW ENFORCEMENT COMMITTEE**

CHAIRMAN GILMORE: Now we will move on to the Law Enforcement Committee and Mark Robson.

MR. MARK ROBSON: The Law Enforcement Committee met Tuesday and Wednesday of this week. We had a very productive and interesting meeting; and thanks to the staff and Commission members who were in attendance. This was kind of a meeting of updates and continuing issues; but a couple of things related to Block Island Transit Zones.

We had some preliminary review and provided some initial feedback to staff on any law enforcement issues; with the proposed transit zones for flounder, scup, black sea bass and potentially for a transit zone discussions or changes to transit zones for striped bass. There were no significant concerns addressed; but we will be able to provide additional feedback at a later time, when those issues bubble up more.

We also discussed the ongoing issues with American lobster; and enforcement concerns in management. You heard some discussion about the possibility of an offshore enforcement. The subcommittee worked to look at how we can move forward with improving and enhancing enforcement in the offshore areas.

The Law Enforcement Committee stands ready and willing and able with a number of participants available to assist on that subcommittee; and we had some discussion about that. Would it include both federal and state partners on the Law Enforcement Committee, provide good input on how we can move forward with some of those enforcement needs for the offshore areas; especially in Area 3.

We also had a presentation from Andy Loftus from the Mid-Atlantic Fishery Management Council. At least one member of the Law

Enforcement Committee is going to be participating in a for-hire enforcement workshop that the Mid-Atlantic Council is putting forward in November; and it would deal primarily with discussions about the responsibilities of for-hire captains for enforcement issues or catches on their vessels.

The Law Enforcement Committee for the Atlantic States Marine Fisheries Commission will be participating in that workshop. In fact, we've been participating at the planning level as well. That was very good that we were able to get involved in that discussion. We had some general discussions regarding any enforcement issues or problems with undersized fish; for example fish that may be legal in one state, being marketed in another state where they're actually undersized.

There really weren't any significant enforcement concerns raised regarding these issues; provided that the usual amount, especially if they're tagged fish, but also any necessary documentation, bills of lading and so forth paperwork is included. The issue of undersized fish being sold from one state to another, based on differences in legal requirements or size limits can be addressed from an enforcement point of view.

There were no significant concerns raised in that discussion; it was primarily surrounding some striped bass issues that were brought up with regard to Maryland's sale in states where Maryland fish are undersized. We also had a continuing discussion about landings flexibility; we know this is something that continues to be an issue of discussion for the Commission. We just talked a little bit more about some of the enforcement concerns that could be addressed if states do move forward with landings flexibility or allowance for landings from other states to be brought to shore in a neighboring state.

Recognizing that this may be something that we'll be looking at in the future on a more

regular basis, there are mechanisms that the Law Enforcement Committee discussed that could be implemented to aid in enforcement; and avoid any problems with shenanigans I guess, if you allow landings in a state with a vessel that has landings from other states waters. We've provided a written summary of the meeting for more detail; and you can refer to that or certainly if you have any questions you can ask me. Thank you.

CHAIRMAN GILMORE: Questions for Mark. Dave Borden.

MR. DAVID V. BORDEN: Not a question, Mr. Chairman, just a comment if that's all right.

CHAIRMAN GILMORE: Go ahead.

MR. BORDEN: I attended the Law Enforcement Committee and thank you very much, Mark for the report. I just would like to comment that on the issue of the offshore enforcement both the Enforcement Committee from my perspective has developed that very well; but they've gotten to the point, I think, where we need a slightly different mix of individuals to discuss that.

They had individuals on the Committee from New Hampshire, Maine, and I think Rhode Island; in addition to OLE and the Coast Guard kind of volunteered to be like a subcommittee to work through the remaining administrative issues. I think there might be some benefit in having some Policy Board representation.

My only suggestion here, I'm not going to make it as a motion is that the Chair and Vice-Chair and Executive Director have the authority to pick a few members of the Policy Board, and put them together with this committee that Mark has assembled, and they would have a meeting and that would be paid for by the money that the Executive Committee approves.

CHAIRMAN GILMORE: Okay, why don't we just for that moment take it? Do you have a comment on that Ritchie, or something new?

MR. WHITE: Yes on that. Yes, I would like to reinforce David's comments. I think the Commission kind of needs to see, take a look at what is the leadership in this effort. Is Law Enforcement? Is that the correct body? Obviously they're hugely involved in figuring out the details and everything.

Would it be advantageous to have the Commission or a subcommittee of the Commission, take leadership of it; to help Law Enforcement pull this off, and possibly help to work, if we get into the Congressional delegations for additional money? I guess my suggestion is that the Commission leadership look at what should the role going forward be; and who should lead this effort?

CHAIRMAN GILMORE: Okay, I think that's a good idea; and if everybody is comfortable with it, I think we'll discuss that with the leadership and we'll come up with adding some breadth to that committee. I think that's a great idea. Is there any objection to that at the table? Okay, great. Are there other questions? Dan.

MR. DANIEL MCKIERNAN: Regarding Mark Robson's report about the nonconforming striped bass. This was brought up by one of the newer proxies; who's a member of the Maryland Watermen's Association, and he approached me from the Commonwealth as well as my New York colleagues, because we in our states have the biggest seafood distribution centers.

But I think that the Policy Board ought to address this in some kind of a future discussion; because having been on the right and wrong end of a few commerce clause lawsuits in my career, it seems like the Commission has been a little bit remiss in terms of dealing with the seafood distribution aspects of a lot of these species.

There are clear instances where a state can have rules that require the out-of-state product to conform to in-state; especially when there is a substantial enforcement challenge. But in the case of striped bass that is the gold standards of verification. I think the whole Board would be well served to have a conversation about the Dorman Commerce Clause, the shipping of seafood products across borders.

Not to mention the fact that we have many states that doesn't allow the commercial sale of striped bass, because they don't have a commercial quota. But they're still restricting the sale of fish of that particular species; when the tagging is clearly effective and clearly verifiable. I would suggest that a future Policy Board discussion focus on that.

CHAIRMAN GILMORE: Yes, I don't disagree Dan; having dealt with it on lobsters a couple years back and it does get kind of messy. You didn't think it was a big problem until you suddenly were told you were going to lose by the federal government. I think that's a good point.

I'll talk with Bob about it and we'll come up with some idea of how to. Not a bad suggestion. Are there other questions for Mark? Okay, thank you Mark.

#### **ASSESSMENT SCIENCE COMMITTEE**

Let's move on now to the next section, which is the Assessment Science Committee, and actually we're going to review changes to the stock assessment schedule, and Sarah Murray is going to lead us with that. Sarah.

MS. SARAH MURRAY: The Assessment Science Committee met on September 25; to discuss several agenda items, including the review of the stock assessment schedule. Since the Board approved the schedule last in October, 2017, there have been a few changes; which I'll review. I note that I know this is very small up

on the screen; the stock assessment schedule is in your meeting materials.

The changes that have happened since the Board last approved are the horseshoe crab benchmark assessment moved from October, 2018 to March, 2019 peer review, and a Board presentation in May, 2019. The cobia stock assessment through SEDAR moved from June, 2019 to August, 2019 peer review; and a Board presentation in October, 2019. The Spanish mackerel stock assessment through SEDAR is scheduled for 2020. There are a few MRIP operational assessments for black sea bass, scup, bluefish, which will use the new MRIP data and be completed in April, 2019, and presented to the Board in August, 2019. Are there any questions?

CHAIRMAN GILMORE: Questions for Sarah? Adam Nowalsky.

**CONSIDER APPROVAL OF  
STOCK ASSESSMENT SCHEDULE**

MR. NOWALSKY: A lot of these updates that were referenced are a result of the re-estimation of the recreational numbers. The one recreational species on here that doesn't have anything scheduled, although has a tentative timeframe, tautaug. What do we do with the recreational estimates in the meantime; just keep saving them, sticking them in a corner until we do some benchmark? I would think we would want some information sooner versus later. You seem very excited about this topic.

CHAIRMAN GILMORE: Oh good, Katie's here.

DR. KATIE DREW: Obviously this is a question that's come up several times; and you are correct, tautaug is not currently on the schedule for a benchmark. I believe we're considering an update. The issue with tautaug obviously is that we did very recently put in new management changes; in order to reduce F.

I think the concern of the TC and the ASC was that we would like to see those management changes propagate through the fishery a little bit more; before we do an assessment update to get a better grasp on kind of where we stand with this fishery. For tautaug there is not a recreational quota.

We do not need to re-estimate any quota to be compared to the new numbers, and our expectation with the new numbers is that this will scale the population but not really change the trends, so that we're not expecting a change in status with the new numbers. We've sort of deprioritized this; in terms of having the assessment update done immediately.

Instead, we'll give it a couple more years or a year or two more to propagate through the changes in management; and then do an assessment update to reflect both the new MRIP numbers and the changes in management, to get a better handle on where we are with tautaug after that and let a few more high priority species with recreational quotas go through first.

CHAIRMAN GILMORE: Go ahead, Adam.

MR. NOWALSKY: I guess I just think of the decisions that were made as a result of the last management action; and it does give me pause to if we had had the updated estimates, would that have given us a different picture at the time, perhaps with regards to the regions or just overall health of the resource. I don't know if it's a discussion specific to that species board moving forward; about just having some information as a result of the re-estimates that we're being told has to come through some assessment update process, but yet I think it would be informative to us.

DR. DREW: Obviously the issue with tautaug is that we're not talking about a single assessment update; we're talking about four assessment updates. The amount of work required to do a complete update of those assessments is not

trivial for the TC; many of whom are involved in several other assessments going on. We certainly can bring these new numbers to the Board; and I think it would probably be worthwhile for the Board to look at.

We had recommended a cut based on a certain set of years; in order to reduce fishing mortality, and we could look at the changes in the updated numbers relative to an updated reduction that was required, and see how that's performing in recent years. Obviously if the Policy Board or the Tautaug Board feels that this is a high priority we can reexamine the workload. But I just want to emphasize that it is not a trivial exercise to update this species in particular.

CHAIRMAN GILMORE: Rob O'Reilly.

MR. ROB O'REILLY: I guess I just want to make sure I understand the black sea bass approach there in April of 2019. It sounded as if you said that would utilize the new MRIP estimates; and I may have been under the wrong impression, but I thought what was going to happen that even though that is the case there would be a back calibration to the older MRIP estimates for this update, and then by the time there would be a benchmark then it would be straight new MRIP. Has that changed a little bit?

MS. KERNS: Rob, I can fill in here; and I can actually give a little bit more information than I could have at the Summer Flounder, Scup, Black Sea Bass Board. It's an operational assessment that will go through for black sea bass, scup, and bluefish through the Northeast Fisheries Science Center.

All those operational assessments will include the new MRIP information; not back calibrated. That new information will be peer reviewed to my understanding; not through a CIE peer review, but most likely an SSC review, and those assessment reports we're being told will be available on May 2. It's a little bit later than we thought.

The Mid-Atlantic Council's SSC will meet May 7. I did talk to Brandon yesterday; and he believes that the SSC should be able to take a look at that information on the 7th of May, in order to be able to provide an update to the Council at their June meeting if necessary for changes in specifications that the Council could then make a recommendation to NOAA to change specifications for that species.

In order to change specifications to go through the NOAA process, it's highly likely that those specifications wouldn't be finalized until August or September. If we were to ask to do changes in the recreational specifications that would require an EA; and that likely would be an additional month. Then it would be either September or October for NOAA to change recreational regulations to go along with that black sea bass. That is a bit of an update from what we could give yesterday.

CHAIRMAN GILMORE: Other questions? Okay, this is another action item so we're going to need a motion to approve the modified schedule. Is there anybody out there? Doug.

**MR. DOUGLAS E. GROUT: I would move to approve the Stock Assessment Schedule as modified today.**

CHAIRMAN GILMORE: A second, Roy Miller. Discussion on the motion, seeing none; is there any objection to the motion? **Seeing none; we will adopt that by unanimous consent.**

#### **PROGRESS UPDATE ON BENCHMARK STOCK ASSESSMENTS FOR SHAD**

CHAIRMAN GILMORE: Our next item, Katie is already here so she's going to first take us through the benchmark updates on the stock assessments for shad and our favorite topic the menhaden ecological reference points. Katie.

DR. DREW: With shad I'm here to give the assessment update in place of Jeff Kipp today. The TC and the SAS met via webinar in

September; to kind of review some of the analyses that need to be complete in time for the Methods Workshop; which will happen November 5-8. We are making progress on this assessment.

But it has been slowed by some of the data issues that I think Jeff brought to your attention at the last Board update in September; in that missed deadlines, missing data, some data quality cleaning control issues that have slowed down some of this work. If things continue on pace, we will continue on pace. But you know it just depends on everybody getting their work done and all the data in on time. We'll have a better sense of our progress once the November workshop is complete. I'll take questions on shad, I guess.

CHAIRMAN GILMORE: Justin.

MR. DAVIS: Katie, I'm wondering if you can comment on the degree to which the shad benchmark is addressing the issue of aging that species with scales versus otoliths. Is that something that's going to come up at the Methods Workshop next month?

DR. DREW: Yes, absolutely that is something the TC has put together a whole little subgroup on it. It is certainly one of the big issues of how reliable are those scale ages; and what are we going to do with them, since that is a major source of age data?

CHAIRMAN GILMORE: Are there any other questions? Okay, want to move on to the ERPs?

#### **ATLANTIC MENHADEN ECOLOGICAL REFERENCE POINTS**

DR. DREW: Menhaden and the ERP Workgroup had our second data workshop from October 9 through October 12. We've been trying to keep these assessment meetings in parallel as much as possible; so the ERP Workgroup met the second half of the week, and the Menhaden SAS met the first half of the week, in order to

discuss data and make sure that we're getting our data decisions made to keep these kinds of assessments moving in parallel as much as possible so that the data that we're using across the assessments is as consistent as possible.

We are basically going to have to have a webinar once a month for the next year; in order to complete this assessment. But we are still on track to complete this assessment for a review the first week of November, 2019 through the SEDAR process; which means that the assessment will be available for the Board in February of 2020, as has been the schedule the entire time. I think we are making good progress; in terms of the data availability and the data processing for this workshop. We will have our first assessment workshop probably in early March; again for both the ERP group and for the Menhaden to keep these consistent and parallel.

CHAIRMAN GILMORE: Are there any questions on the ERPs? Okay, seeing none; thanks Katie.

#### **OTHER BUSINESS**

##### **MANAGEMENT BOARD LETTERS**

CHAIRMAN GILMORE: We're moving very quickly, great. We're up to noncompliance findings, which we don't have any so we can jump right up to other business. It looks like Bob has just not had enough letters to write, so the Boards have risen to the occasion and Toni is going to lead us through the letters, so Toni.

MS. KERNS: I'm going to tee off each of the letters; since a lot of the Board Chairs aren't here, and I last minute asked the Vice-Chairs to read the motions, so I'm not going to completely throw them under the bus to try to get this stuff done.

##### **AMERICAN LOBSTER**

MS. KERNS: The first letter that we've been requested to write is regarding Jonah crab; and it's both the states of Delaware and New York

have not put in place several components of the Jonah crab FMP.

The management board delayed any decisions on compliance until the winter meeting; but the Board did request that we send letters to both of those states informing them that they haven't put the regulations in place, and to please get those regulations into place. Dan is going to read the motion that Jess is going to put up.

**MR. McKIERNAN: Motion on behalf of the American Lobster Management Board. I move the Policy Board send letters to Delaware and New York to request they come back into compliance with the Jonah Crab FMP.**

CHAIRMAN GILMORE: Do we have a second to that motion? Oh I'm sorry; we don't need a second it's by the Committee. Is there any discussion on the motion? Is there any objection to the motion? **We'll adopt that by unanimous consent.** John and I will go and have a drink later on. Go ahead, Toni.

#### **ATLANTIC STRIPED BASS**

MS. KERNS: Our next letter is for Striped Bass. The Striped Bass received a presentation on the pre-proposal, I like to say, of NOAA Fisheries considering opening up the Transit Zone to striped bass fishing in federal waters; and the Board is requesting a delay in any rulemaking until after the benchmark assessment. Since Mike is not here, David you are the Vice-Chair, if you could do that motion on behalf of the Striped Bass Board.

**MR. BORDEN: On behalf of the Atlantic Striped Bass Management Board, I move that the Policy Board submit a letter to NOAA requesting a delay on further action on the Block Island Transit Zone until such time as the Board has an opportunity to review the Striped Bass Benchmark Stock Assessment and formalize a recommendation.**

CHAIRMAN GILMORE: Okay a motion by the Board doesn't need a second. Is there any discussion on the motion? **For an abstention, so essentially NOAA Fisheries will abstain and the rest of us will adopt by unanimous consent.** Okay, next.

#### **SPINY DOGFISH**

MS. KERNS: Next is Spiny Dogfish. The Spiny Dogfish did specifications at this meeting; and in their discussion of the specifications they talked about the trip limit and their desire to have the Mid-Atlantic Council put into their priorities for 2019, examining the federal trip limit. The Commission splits the spiny dogfish quota into the northern region; and then the southern states have the ability to have individual state quotas and set their own trip limits. The southern states find that the federal trip limit is constraining in allowing the states to actually utilize their full quotas, and so we're looking for a different federal trip limit. Rob.

**MR. O'REILLY: I'll start with on behalf, on behalf of the Spiny Dogfish Management Board; I move that the Policy Board send a letter to the Mid-Atlantic Fishery Management Council requesting that federal trip limits be a 2019 priority item.**

CHAIRMAN GILMORE: Okay it's a motion by the Board, so no second is necessary. Is there any discussion on the motion? **Is there any objection to the motion? Seeing none; we will adopt that by unanimous consent.** Eel.

#### **AMERICAN EEL**

MS. KERNS: The Eel Board had a presentation from the U.S. Fish and Wildlife Service on CITES at this meeting. Through the discussion the state of Maine had brought up their concerns that there is a lack of enforcement of regulations; in particular the inspection of crates once they get to, I think mostly the airports, and that unless there is an inspection of the eels for those eels to actually be weighed to confirm that it is the shipment. It really puts



the FMP in jeopardy. The Board requested that we send a letter to Fish and Wildlife Service; to emphasize the importance of those inspections. Marty is our Eel Board Chair.

**MR. MARTIN GARY: On behalf of the American Eel Management Board, I move that the Policy Board send a letter to U.S. Fish and Wildlife Service to emphasize the importance and enforcement of eel regulations, including inspection of eel products.**

CHAIRMAN GILMORE: A motion by Mr. Gary for the Board, no second's necessary. **Is there any discussion on the motion? Is there any objection to the motion? Seeing none; we will adopt that by unanimous consent.** Oh, Ritchie.

MR. WHITE: During the Eel Board it was mentioned that the U.S. Fish and Wildlife Service was willing to come and give us a report about some of their actions in this regard. I don't recall that we asked for that formally at the Eel Board. Maybe if that is something, if there is no objection to that it's something we could request.

CHAIRMAN GILMORE: Mike.

MR. MICHAEL J. MILLARD: Yes, I can take that request back to our Law Enforcement lead on the issues.

CHAIRMAN GILMORE: Okay, and now herring.

MS. KERNS: Mike, I can let you know when the Eel Board would meet next; so we could coordinate that. Kirby and I can work with you.

#### **ATLANTIC HERRING**

MS. KERNS: Lastly is the Atlantic Herring Management Board. The Herring Board discussed spawning regulations at this meeting; in particular making changes to spawning regulations in our current management area where we have them in Gulf of Maine, as well as talking about taking and putting similar

regulations into Georges Bank and the Nantucket Shoals Area. We recognize that these areas are in federal waters; and we have partnered with the New England Fishery Management Council that managed those federal waters. We are requesting that the New England Fishery Management Council make spawning regulations a priority in 2019. David Pierce is the Vice-Chair of that management board.

CHAIRMAN GILMORE: David.

**DR. PIERCE: You summarized the issue very well. On behalf of the Atlantic Herring Management Board, I move that the Policy Board send a letter to the New England Fishery Management Council requesting that they consider herring spawning protection in its 2019 priorities.**

CHAIRMAN GILMORE: It does not require a second, since it's from the Board. **Is there any discussion on the motion? Is there any objection to the motion? Seeing none; we will adopt that by unanimous consent.** Are there any more, Toni? Great!

#### **77<sup>TH</sup> ANNUAL MEETING RESOLUTION**

CHAIRMAN GILMORE: It turns out we have one other item in and I will recognize the Resolutions Committee. I believe Eric Reid is going to take over. Eric.

MR. ERIC REID: The Resolutions Committee met in difficult, disjointed fashion, but we've come up with a resolution to the 77<sup>th</sup> Annual Meeting host state of New York. Whereas the Atlantic States Marine Fisheries Commission conducted its 77<sup>th</sup> Annual Meeting in the vibrant and energetic city of New York, New York; which provided magnificent venue for the Commissioners, Commission staff, and Law Enforcement Committee members, to deliberate on issues of mutual concern.

And whereas, the weather was deliciously gorgeous and cacophonously temperate days and spiritedly crisp nights, and whereas the location of the aforesaid meeting was inspired by the timeless words of the great Jefferson – that would be George, not Thomas – we’re all moving on up to the East Side.

The Commission decamped to the well located and stately Roosevelt Hotel; where hot water in the hotel rooms was only available at extra cost, and coffee, forget about it. And whereas the meeting began at mad46, which gave new meaning to the phrase, “You can’t get there from here,” and we received practical Yankee hospitality from the perpetually frustrated Yankees fan, Chairman Jim Gilmore. He of stout stock from “The Bronx” I think the Bronx, and provided the perfect venue to renew old friendships and start many new ones.

Whereas, the Atlantic States Marine Fisheries Commission family contributed significantly to the economy; by frequently and tenaciously exploring local cuisine, waterfront, shops, museums, and the purchase of the very reasonably priced “street meat.” And whereas, the chances of winning the Power Ball or Mega Millions in Manhattan is lousy, just like everywhere else.

Whereas, Uncle Paul’s Pizza is very grateful for the uptick in business this week; whereas, the Commission enjoyed an inspiring visit to the Intrepid Sea, Air, and Space Museum aboard the U.S.S. Intrepid, where we recognized the outstanding leadership and habitat conservation efforts of Eric Anderson from Florida, with the Commission’s Melissa Laser Habitat Conservation Award. Whereas, the spousal tour of Ellis Island was greatly enjoyed by our spouses; as well as the 76,367 other tourists in front of them in line, or the 1,323,488 according to the estimates derived from the new MRIP technology, and during their 90 minutes on the island during which it was reported that the group encountered 37 distinct languages, none of which interestingly

enough have a word that serves as the equivalent of yours.

Whereas, the Commission’s annual photo was efficiently and expeditiously secured through the good officers and keen eyes of the witty and talented Laura Leach and Tina Berger, and whereas the 27<sup>th</sup> Annual Laura Leach Fishing Tournament produced the most enthusiastic of participants, particularly in the personage of the winner, Diane Gilmore, and would not thwart the best of the Commissions anglers in posting winning catches, thanks to the expert guidance and enthusiastic tutelage of emeritus Commissioner Pat Augustine.

Whereas, the annual dinner aboard the motor vessel Celestial, which is Bateaux, New York, provided a magnificent cruise, inspirational night time views of Manhattan, Brooklyn, Lady Liberty, and Hoboken. Outstanding metropolitan cuisine, exceptional musical entertainment, and a moving ode to rising from the ashes through cooperation and mutual respect in Chairman Gilmore’s annual address to the Commission.

Whereas, the 28<sup>th</sup> Annual David H. Hart Award recognized Roy Miller of the First state, for his tremendous and sustained contributions to the successful management of marine fisheries along the Atlantic coast. Whereas, the Commission continues to grapple with challenges and issues; including changing ocean conditions, new political dynamics and scrutiny, and strong external forces pushing us apart.

We take comfort in the words described in the aforementioned George Jefferson’s changing station in life. Well, we’re all moving up to the East Side, to a deluxe apartment in the sky. Moving on up to the East Side, we’ve finally got a piece of the pie. I think that’s reallocation; but I’m not really sure about that.

So now, therefore be it resolved; that the Atlantic States Marine Fisheries Commission express its profound appreciation to the New

York Commissioners, Jim Gilmore, Emerson Hasbrouck, and Senator Phil Boyle, and all of the staff of the Department of Environmental Conservation, especially Stephanie Rekemeyer, right? For the terrific assistance in the planning and execution of the outstanding 77<sup>th</sup> Annual Meeting and showing all of us the true meaning of sophisticated grace and cosmopolitan hospitality. Thank you, Mr. Chair. (Applause)

CHAIRMAN GILMORE: Thank you all; and very well done, Eric. That was outstanding. Great job by the Resolutions Committee, and I think after that other than the mention. You know I mentioned the staff, and so you know two of the staff could have gone on a fishing trip today. Toni and Tina both, they are so dedicated. They stayed back to do their jobs. I think that is more outstanding than anything, because that was a great sacrifice; thank you guys for sticking around.

#### **ADJOURNMENT**

CHAIRMAN GILMORE: With that we are adjourned; and I hope you all had a great time.

(Whereupon the meeting adjourned at 10:30 o'clock a.m. on October 25, 2018)

**From:** [bsmith4035@aol.com](mailto:bsmith4035@aol.com)  
**To:** [Comments](#)  
**Subject:** Modern Fish Act  
**Date:** Monday, January 07, 2019 5:01:52 PM

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Hello You folks have set the 2019 regulations already. The federal Government has decided to give the recreational some of there fishery back! It has been most unfair over the years what the public has had to sacrifice with no better out come the stocks have not increased. Many problems evolve around all of this. The sea food industry have better lobbyists than the public apparently. We year after year are decreased to the point were you can not justify the expense fishing with no catch to take home. With the weather and folks working and all how many days actually do folks have to go fishing with the strict regulations on the public over the years many businesses have went under. AS certain fish raise in values the public gets less or pushed out this isn't a fantasy I have lived through this crap year after year. The draggers have destroyed the ocean floor destroying the natural food chain. In NJ the sand replenishment has also destroyed the inshore food chain and fishery. The Jetties work need more! There should be no fish zones for digging and dragging equipment so the natural food chain can return. The marine life would have a safe haven for growing to full adult size and propagate to their maximum with more food available the biomass would increase your current practices merely sustain the commercial fishery at the public's expense. Again things need to change. Paralichthys Dentatus had a study done by NJ Sea grant back in the 90s their findings were 75% of this biomass was between 12 and 16 inches in size the bigger fish made up the 25%. The bigger the less numbers available moving the public up to 18-19 inches we are catching the female stocks mostly less eggs being laid lack of food only one direction this biomass can go is Down , less available to catch. The public has been cheated out of this fishery for many years less and less people bother every year many businesses have went under because of the management regulations. We need the fishery to increase after all these years of sacrifice the fishery should be golden. There are many more commercial boats fishing now they have increased in numbers over the years there fines are small compared to the public's and is just looked at as a price to do business. I'm sure if the regulations were as severe as the public's much of the over fishing would stop. Also they

sort threw the catch and shovel tons over board I don't know what can be done to correct all of this but stealing from the public to sustain them is criminal. Lets fix things make things right that is what the modern fish act is about. I have wrote letters to the NJ legislature Senators Menendez and Booker, Congressman Kim Secretary Ross, Etc in hope things change before another season is destroyed.

## Atlantic States Marine Fisheries Commission

# **DRAFT RECOMMENDATIONS FOR REVISING THE APPEALS PROCESS**

*The Executive Committee (EC) reviewed the Appeals Process. Below you will find recommended revisions to the Appeals Process from the EC for ISFMP Policy Board consideration. Recommended additions to the document are highlighted in yellow and deletions are indicated with a ~~strike through~~. The revisions to the document are intended to provide greater clarity to the process.*

### **Background**

The Atlantic States Marine Fisheries Commission's interstate management process is based on the voluntary commitment and cooperation of the states. The involved states have frequently demonstrated their willingness to compromise and the overall process has proven to be very successful. However, there have been instances where a state/jurisdiction has expressed concern that the Board decisions have not been consistent with language of an FMP, resulted in unforeseen circumstances or impacts, did not follow established processes, or were based on flawed technical information. In order to address these concerns, the ISFMP Policy Board charged the Administrative Oversight Committee with "exploring and further developing an appeals process".

Under the current management process the primary policy development responsibility lies with species management boards. And, in the case of development of new fishery management plans or amendments the full Commission has final approval authority prior to implementation. The purpose of the appeals process is to provide a mechanism for a state/jurisdiction to petition for a management decision to be reconsidered, repealed or altered. The appeals process is intended to only be used in extraordinary circumstances where all other options have been exhausted. The management boards have the ability to go back and correct errors or address additional technical information through the recently clarified process on "amending or rescinding previous board actions".

During the December 2003 ISFMP Policy Board meeting, the decision was made to continue to have the Policy Board serve as the deliberative body that will consider valid appeals. This decision is consistent with the language that is included in the ISFMP Charter. However, the Charter does not provide detailed guidance on how an appeal is to be addressed.

This paper details for the Commission appeals process.

**Appeal Criteria**—The intent of the appeals process is to provide a state with the opportunity to have a decision made by a species management board or section reconsidered by the Policy Board. The following criteria will be used to guide what type of decisions can be appealed. In general, management measures established through the FMP/amendment/addendum process can be appealed. However, the appellant must use one of the following criteria to justify an appeal:

1. Decision not consistent with, or is contrary to, the stated goal and objectives of the current FMP (Goal and Objective Section of FMPs/Amendments or Statement of the

Problem Section of Addenda).

2. Failure to follow process as identified in the ISFMP Charter, Rules and Regulations or other ASMFC guiding documents (e.g. conservation equivalency guidance).
3. Insufficient/inaccurate/incorrect application of technical information. Examples can include:
  - a. If for any calculations used in the decision, an error which changes the results was identified after the decision was rendered;
  - b. If any data used as the basis for a decision, undergoes a modification which impacts results after the decision was rendered (i.e. a landings dataset is adjusted significantly due to a recalibration or application of a control rule adjustment);
  - c. If data is incorrectly identified and therefore incorrectly applied, such as a misidentification of landings information as catch information, or incorrectly assigned landings/catch to a jurisdiction;
  - d. If information used as the basis for the decision lacked scientific or statistical rigor, thereby calling in to question the sound basis for the decision;
  - e. If the historical landings, catch, or abundance time series used as a basis for a decision is found to be incorrect.

Any appeal based on criteria 3 may be verified independently by a technical body appointed by the Chair, as needed.

~~4. Historical landings period not adequately addressed~~

5. Management actions resulting in unforeseen circumstances/impacts that were not considered by the Board as the management document was developed.

The following issues could not be appealed:

1. Management measures established via emergency action
2. Out-of-compliance findings (this can be appealed but, through a separate, established process)
3. Changes to the ISFMP Charter

**Appeal Initiation** – The ISFMP Charter provides that a state aggrieved by a management board action can appeal to the ISFMP Policy Board. Any state can request to initiate an appeal; also a group of states can submit a unified request for an appeal. The states are represented on the Commission by three representatives that have the responsibility of acting on behalf of the states' Executive and Legislative branches of government. Therefore, in order to initiate an appeal all seated Commissioners (not proxies) of a state's caucus must agree that an appeal is warranted and must sign the letter submitted to the Commission. If a multi-state appeal is requested all the Commissioners from the requesting states must sign the letter submitted to the Commission. During meetings where an appeal is discussed proxies will be able to participate in the deliberations. Meeting specific proxies will not be permitted to vote on the final appeal determination, consistent with Commission policy.

A state (or group of states) can request and appeal on behalf of the Potomac River

Fisheries Commission, District of Columbia, National Marine Fisheries Service, or the United States Fish and Wildlife Service.

The letter requesting an appeal will be submitted to the Chair of the Commission and include the measure(s) or issue(s) being appealed, the justification for the appeal, and the commitment to comply with the finding of the Policy Board. This letter must also include a demonstration that all other options to gain relief at the management board level have been exhausted. This letter must be submitted via certified mail at least **45 days** prior to a scheduled ASMFC Meeting Week. The Commission Chair, Vice-Chair and immediate past Chair will determine if the appeal meets the qualifying guidelines and notify the Policy Board of their decision. If the immediate past chair is no longer a commissioner the Chair will select an alternate from a state that is not affected by the appeal.

**Convene a “Fact Finding” Committee (optional)** -- Upon review of the appeal documentation, the Commission Chair, Vice-Chair and immediate past Chair (or alternate if necessary, as described above) may establish a “Fact Finding” Committee to conduct analyses and/or compile additional information if necessary. This group will be made up of individuals with the technical expertise (including legal, administrative, social, economic, or habitat expertise if necessary) and familiarity with the fishery to conduct the necessary analysis. If such a committee is convened the schedule included in the last section of this document may need to be adjusted to provide time for the Committee to conduct analyses. The Commission Chair, Vice-Chair and immediate past Chair (or alternate if necessary, as described above) may set a deadline for the Committee to complete its work to ensure the appeal is addressed in a timely manner.

**ISFMP Policy Board Meeting** --Following the determination that an appeal has met the qualifying guidelines, a meeting of the Policy Board will be convened at a scheduled ASMFC meeting week. The agenda of this meeting will be set to allow sufficient time for all necessary presentations and discussions. The Chair of the Commission will serve as the facilitator of the meeting. If the Chair is unable to attend the meeting or would like to more fully participate in the deliberations, the Vice-Chair of the Commission will facilitate the meeting. The ISFMP Director will provide the background on the development of the management program as well as a summary of the justification provided in the record for the management board’s action. The ISFMP Director will also present the potential impacts of the appeal on other affected states. The appellant Commissioners will present their rationale for appealing the decision and provide a suggested solution. The Policy Board will then discuss the presentations and ask any necessary questions. The Board will vote to determine if the management board’s action was justified. A simple majority of the Policy Board is required to forward a recommendation to a management board for corrective action. If the Policy Board determines that the existing management program should be modified, it will issue a finding to that effect as well as any guidance regarding corrective action to the appropriate species management board. The referral may be worded to allow the management board flexibility in determining the details of the corrective action.

Upon receipt of the Policy Board’s recommendation the management board will discuss the findings and make the necessary changes to address the appeal. The management board is obligated to make changes that respond to the findings of the Policy Board. A



simple majority of the management board will be necessary to approve the changes.

**Appeal Products and Policy Board Authority** – Following the Policy Board meeting a summary of the meeting will be developed. This summary will include a detailed description of the findings and will be forwarded to the appropriate management board and Policy Board upon completion. If the Policy Board determines that changes to the management program are necessary, the summary may include guidance to the management board for corrective action. The report of the Policy Board will be presented to the management board for action at the next scheduled meeting.

**Considerations to Prevent Abuse of the Appeals Process** – The appeals process is intended to be used only in extraordinary situations and is in no way intended to provide a potential avenue to preempt the established board process. The initiation of an appeal will not delay the Commission process for finding a state out of compliance nor delay or impede the imposition of penalties for delayed compliance.

**Limiting Impacts of Appeal Findings** – If a state is successful in an appeal and the management program is altered, another state may be negatively impacted by the appeals decision. In order to prevent an appeals “chain reaction,” the Policy Board’s recommendation and the resulting management board’s decision will be binding on all states. All states with an interest in the fishery will be obligated to implement the changes as approved by the management board. Upon completion of the appeals process, a state is not precluded from taking further action beyond the Commission process to seek relief.

If the Policy Board supports the appeal and determines that corrective action is warranted, the potential for management changes to negatively impact other states will be evaluated by the Policy Board and the species management board.

### **Appeals Process Timeline**

1. Within **15 working days** of receipt of a complete appeal request the Commission Chair, Vice-Chair, and immediate past chair (or alternate) will determine if the state has an appeal which meets the qualifying guidelines.
2. Upon a finding that the appeal meets the qualifying guidelines, the appeal will be included on the agenda of the ISFMP Policy Board meeting scheduled during the next ASMFC Meeting Week (provided an adequate time period is available for preparation of the necessary documentation).
3. Following the finding that an appeal meets the qualifying guidelines, Commission staff and the appellant commissioners will have a minimum of **15 working days** to prepare the necessary background documents.
4. The background documents will be distributed at least **15 days** prior to the Policy Board meeting.

A summary of the Policy Board meeting will be developed and distributed to all Commissioners within **15 working days** of the conclusion of the meeting.

DRAFT

**Long-Term Stock Assessment and Peer Review Schedule (Approved October 2018)**

Species	2012	2013	2014	2015	2016	2017		2018	2019	2020	2021
American Eel	ASMFC					Update					
American Shad									ASMFC		
American Lobster				ASMFC						ASMFC	
Atlantic Croaker						ASMFC					
Atlantic Menhaden	Update		SEDAR			Update			SEDAR		
Atlantic Sea Herring	SARC 54			Update				SARC-Spring			
Atlantic Striped Bass		SARC 57		Update	Update			SARC-Fall			
Atlantic Sturgeon						ASMFC					
Black Drum			ASMFC						x		
Black Sea Bass	Update	Update	Update	Update	SARC- Fall	Update		Update	Operational*	Update	
Bluefish	Update	Update	Update	SARC-Spring	Update	Update		Update	Operational*	x	
Cobia									SEDAR		
Horseshoe Crab		Update							ASMFC		
Menhaden ERPs	Update		Update						SEDAR		
Northern Shrimp	Update	Update	SARC-Spring	Update	Update	Update		ASMFC	Update	Update	
Red Drum				SEDAR							x
River Herring	ASMFC					Update					
Scup	Update	Update	Update	SARC-Spring	Update	Update		Update	Operational*		
Spanish Mackerel	SEDAR 28									SEDAR	
Spiny Dogfish	Update	Update	Update	Update	Update	Update		Update	Update	Update	
Large Coastal Sharks					SEDAR	SEDAR					
Small Coastal Sharks		SEDAR									
Spot						ASMFC					
Spotted Seatrout				VA/NC	FL						
Summer Flounder	Update	SARC 57	Update	Update	Update	Update		SARC-Fall	Update	Update	
Tautog					ASMFC						x
Weakfish					ASMFC				Update		
Winter Flounder			Update	Update		Update					

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Note all species scheduled for review must be prioritized by management boards and Policy Board.

**Additional Notes:**

BSB, Bluefish, Scup      \*Spring 2019 operational assessments with new MRIP data (April 2019)  
 Cobia                      Stock Structure review Summer 2018, then benchmark assessment in 2019  
 Large Coastal Sharks    2017 SEDAR for sandbar shark  
 Spotted Seatrout        States conduct individual assessments

SEDAR Peer Review  
 ASMFC Peer Review  
 Fall SARC Review (November)  
 Spring SARC Review (June)  
 x = 5 year trigger date or potential review  
 Completed  
*Italics = under consideration, not officially scheduled*

## **Breaking News Article on New ACFHP Website**



MAKING THE CONNECTION.

Home

About Us

Priority Habitats

Our Work

Get Involved

## **ACFHP LAUNCHES NEW WEBSITE**

December 19, 2018

The Atlantic Coastal Fish Habitat Partnership (ACFHP) is pleased to announce the launch of its newly revised website, [www.atlanticfishhabitat.org](http://www.atlanticfishhabitat.org). Bold and visually-appealing, the new site seeks to be a resource to partners, as well as those who are working on fish habitat conservation or simply want to become more informed about habitat issues. Throughout the website we highlight how ACFHP works to make the connection – from the headwaters to the continental shelf, between fish and people, and among stakeholders.

The website has improved functionality and is mobile and tablet-friendly. The 'About Us' section contains information on our mission and vision, the ACFHP region, our team, guidance documents, and the National Fish Habitat Partnership. The new website also includes pages on each of ACFHP's priority habitats: submerged aquatic vegetation, shellfish beds, riverine bottom, coral and live/hard bottom, and tidal vegetation. These pages highlight the importance of each habitat to fish and the greater ecosystem, the threats facing each habitat, as well as our conservation work in that habitat.

An exciting feature of the new website is the [Species-Habitat Matrix Tool](#), which evaluates the relative importance of 26 coastal, estuarine, and freshwater habitats to 131 selected fish and invertebrate species. Specifically, the Matrix quantifies the importance of different habitats as shelter, nursery, feeding, or spawning areas for each species during the egg/larval, juvenile/young of year, adult, and spawning adult life stages. The new website tool is a database that allows users to search by species, subregion, habitat, and/or life stage, and populates in real-time. You can download your results, or the entire database, as a CSV file for further analysis. Our hope is that people and organizations will use this information to make better informed, quantifiable decisions about habitat conservation for Atlantic marine species.

The website's on-the-ground project map identifies both our funded and endorsed projects along the coast, with links to each of the projects. Project pages feature an overview of each project, photos, and links to outreach materials and press on the project. We also have links to our and some of our partners' outreach materials, and we link to our science and data products.

The 'Get Involved' section of the website provides information on our meetings, funding opportunities, project endorsement, the Melissa Laser Fish Habitat Conservation Award, and the various ways to donate to ACFHP and the National Fish Habitat Partnership. You can also sign up for our newsletter and find information on how to join the Partnership.

We invite you to explore the new website, [www.atlanticfishhabitat.org](http://www.atlanticfishhabitat.org), and please contact Lisa Havel, ACFHP Coordinator, at [lhavel@asmfc.org](mailto:lhavel@asmfc.org), for further information.

**ACFHP website:** [www.atlanticfishhabitat.org](http://www.atlanticfishhabitat.org)

**Species-Habitat Matrix tool:** <http://www.atlanticfishhabitat.org/species-habitat-matrix/>



## Atlantic Coastal Fish Habitat Partnership

1050 N. Highland Street, Suite 200A-N  
Arlington, VA 22201-2196  
(703) 842-0740  
[www.atlanticfishhabitat.org](http://www.atlanticfishhabitat.org)

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Jeff Beal  
Florida Fish and Wildlife Conservation Commission  
Estuarine Subsection  
5600 US 1 North  
Ft. Pierce, Florida 34946

Mr. Beal:

On behalf of the Atlantic Coastal Fish Habitat Partnership (ACFHP), thank you for submitting the Restoration of Dragline Ditched Coastal Wetlands in Northeast Florida project for endorsement consideration. We are pleased that you have sought recognition from ACFHP for this project.

ACFHP works to address the numerous threats impacting Atlantic coastal fish habitats and applauds the search for tools, techniques, and approaches to address these habitat threats. After reviewing your application materials, ACFHP has approved the project for endorsement, as it is described in the application and supporting documentation you provided.

ACFHP supports the project aims of restoring spoil piles created during dragline ditching operations conducted in the mid-1900's to a more natural state. The increased footprint of saltmarsh and mangroves will benefit a variety of estuarine species, including fishes, crabs, shrimps, and birds. The restoration will also reconnect open water with existing marsh habitat, improving the access to nursery habitats for post-larval recruits. Additionally, the restoration will improve water quality and provide a steady source of food for oysters – an ecosystem engineer and ACFHP priority habitat.

ACFHP requests that the Atlantic Coastal Fish Habitat Partnership endorsement logo (attached) be placed on the outreach materials as noted in the proposal and that the results of the project and post-construction monitoring be shared with us. We encourage a thorough post-construction evaluation to highlight the project successes. If you have any questions regarding the review of your application, please contact Lisa Havel at [lhavel@asmfc.org](mailto:lhavel@asmfc.org).

ACFHP is made up of resource managers, scientists, and conservationists from 33 different state, federal, tribal and non-governmental entities working together to conserve habitat for Atlantic coastal, estuarine-dependent, and diadromous fishes. We

*Working together towards healthy, thriving habitats of sufficient quantity and quality to support all life stages of Atlantic coastal, estuarine-dependent, and diadromous fishes*

commend your efforts in developing an innovative approach to fish habitat conservation and forging local-state-federal partnerships across jurisdictions. Congratulations and we look forward to news as the project progresses!

Best Regards,

A handwritten signature in cursive script that reads "Chris Powell". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Chris Powell  
Steering Committee Vice-Chair  
Atlantic Coastal Fish Habitat Partnership

Disclaimer: The application of the techniques used, and effects of the efforts on identified habitats or analogous system are not endorsed beyond the scope of the current project, as it is defined. ACFHP expressly endorses projects as stand-alone efforts, only. This endorsement does not imply ACFHP commitment of funds, staff time, or circumvention of laws. ACFHP is endorsing this project with the understanding that the project must obtain all relevant federal and state permits prior to initiating appropriate work.

**Subject:** S. 1520, the Modernizing Recreational Fisheries Management Act of 2017  
**To:** Interstate Fisheries Management Program Policy Board  
**From:** Bob Beal and Deke Tompkins  
**Date:** February 7, 2019

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S. 1520, the *Modernizing Recreational Fisheries Management Act of 2017*, or *Modern Fish Act*, was enacted on December 31, 2018. The legislation originated as a comprehensive amendment to the Magnuson-Stevens Act that included many priorities of the recreational fishing industry. The final iteration of S. 1520 is a compromise among the various fishing sectors and conservation interests. Many of the *Modern Fish Act's* most controversial provisions were either removed or revised into studies on those issues.

The *Modern Fish Act* authorizes alternative recreational fishery management measures, specifically extraction rates, fishing mortality targets and harvest control rules. It also requires consideration and implementation of the 2017 National Academy of Sciences report "Review of the Marine Recreational Information Program." A state-federal partnership is authorized to improve state angler registries. In addition, the *Modern Fish Act* requires reports and recommendations to Congress on the following subjects:

1. federal mixed-use fishery allocation in the South Atlantic and Gulf of Mexico (Section 101)
2. limited access privilege programs in mixed-use fisheries (Section 103)
3. incorporating state and nongovernmental data, analysis, stock assessments, and surveys into management decisions (Section 201)
4. MRIP's compatibility with annual catch limits (Section 202)

The *Modern Fish Act* was championed in the U.S. Senate by Roger Wicker (R-MS) and Bill Nelson (D-FL) and in the U.S. House of Representatives by Garret Graves (R-LA). It was approved in the Senate by Unanimous Consent and passed the House on a vote of 350-11.

#### **Statement of the President, December 31, 2018**

Upon signing the *Modern Fish Act* into law, the President released the following statement:

"Today, I have signed into law S. 1520, the "*Modernizing Recreational Fisheries Management Act of 2018*" (the "Act"). The Act, however, further strengthens the Regional Fishery Management Councils, which were first established by the Magnuson-Stevens Act of 1976 to promulgate fishery management plans. The power of these Councils has steadily increased over time, raising constitutional concerns related to the manner of the appointment and removal of their members and of members of certain scientific and statistical committees that assist them. Keeping with past practice of the executive branch, my Administration will treat the plans promulgated by the Council as advisory only; the adoption of the plans will be subject to the discretion of the Secretary of Commerce as part of the regulatory process described in section 304 of the Magnuson-Stevens Act."

The President's statement appears to have originated from NOAA Fisheries and reflects a perceived underrepresentation of certain industries on council membership.

#### **S.1520 Summary, as Enacted into Law on December 31, 2018**

SEC. 101. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.

Section 101 requires a study on mixed-use fisheries within the jurisdiction of the South Atlantic and Gulf Councils by December 21, 2019. The study shall provide recommendations on criteria for reallocating fishing privileges and procedures for allocation reviews. A requirement for the South Atlantic and Gulf Councils to review commercial and recreational allocations within two years and then every five years

after was removed. NOAA, the South Atlantic and Gulf Councils and their SSCs, the Atlantic and Gulf Commissions, the recreational fishing sector, the commercial fishing sector, the charter fishing sector, and other stakeholders shall be consulted as part of the study.

#### SEC. 102. Fishery management measures.

Section 102 authorizes the use of alternative fishery management measures such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in a recreational fishery (or the recreational component of a mixed-use fishery). The Secretary of Commerce is required to issue a report on the use of any such fishery management measures.

#### SEC. 103. Study of limited access privilege programs for mixed-use fisheries.

Section 103 requires the National Academy of Sciences to complete a study on the use of limited access privilege programs (LAPPs) in mixed-use fisheries. The report shall include an assessment of the impacts of LAPPs on mixed-use fisheries. The study shall be submitted to Congress by December 31, 2020. The Pacific Fishery Management Council and the North Pacific Fishery Management Council are exempt from this study.

#### SEC. 201. Cooperative data collection.

Section 201 requires the Secretary of Commerce to report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from state agencies and nongovernmental sources into fisheries management decisions. The study shall be submitted to Congress by December 31, 2019. Section 201 also requires the Secretary of Commerce to consider/implement the recommendations of the National Academy of Sciences report "Review of the Marine Recreational Information Program (2017)". Finally, the Secretary of Commerce is required to report on the progress made towards implementing the 2017 recommendations biannually. Recommendations considered shall include:

1. prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an internet website option
2. evaluating whether the design of MRIP is compatible with the needs of in-season management of annual catch limits for the purposes of stock assessment and the determination of stock management reference points
3. determining an alternative method for in-season management if MRIP is found to be incompatible with the needs of in-season management of annual catch limits

#### SEC. 202. Recreational data collection.

Section 202 establishes a state-federal partnership program to develop best practices for implementing state exemptions for the National Saltwater Angler Registry. The Secretary of Commerce shall report on:

1. the estimated accuracy of each registry program and the information used to assist in completing surveys or evaluating effects of conservation and management measures
2. priorities for improving recreational fishing data collection
3. an explanation of any use of information collected by such state programs

Section 202 authorizes grants to states to improve implementation of state programs and assist such programs in complying with requirements related to changes in recreational data collection.

Section 202 requires the National Academy of Sciences to evaluate how MRIP can be improved to better meet the needs of in-season management of annual catch limits for the purposes of stock assessments and the determination of stock management reference points; and what actions the Secretary of Commerce, Councils, and states could take to improve the accuracy and timeliness of data collection



and analysis to improve MRIP and facilitate in-season management. Within six months after receiving the report, the Secretary of Commerce shall submit recommendations to Congress regarding changes to MRIP to better meet the needs of in-season management of annual catch limits; and alternative management approaches that could be applied to recreational fisheries for which MRIP is not meeting the needs of in-season management of annual catch limits until the above changes to MRIP are implemented.