



Atlantic States Marine Fisheries Commission

ASMFC 2024 Summer Meeting

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

ASMFC Summer Meeting
August 6 - 8, 2024

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Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING MANAGEMENT BOARD (AUGUST 6, 2024)

Meeting Summary

The Atlantic Herring Management Board met to review the 2024 Management Track Stock Assessment; review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2023; and receive an update from the New England Fishery Management Council (NEFMC).

The Board received a presentation of the 2024 Management Track Stock Assessment for Atlantic herring conducted by NOAA's Northeast Fisheries Science Center (NEFSC). No significant changes were made to the methods in the 2024 assessment as compared to the 2022 assessment. The 2024 assessment update includes data through 2023 and indicates the Atlantic herring stock is overfished but not experiencing overfishing. This is the same stock status as determined by the 2022 assessment.

The Board approved the Atlantic Herring FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for New York. In 2023, all states implemented management measures consistent with the FMP. The Board also discussed two recommendations from the Plan Review Team (PRT). First, the PRT recommended the Board consider long-term funding to support continuation of the Maine Department of Marine Resources portside sampling program, which requires funding for sample collection in states outside of Maine. The portside sampling program is an important data source informing management and is used in the Atlantic herring stock assessment model. The Board agreed to convene a meeting of State Administrative Commissioners in the near-term to discuss potential funding solutions and/or the possibility of states collecting their own samples. Second, the PRT recommended the Technical Committee convene to discuss any concerns regarding the prolonged use of default closure dates for Area 1A spawning areas, due to insufficient samples available in recent years. The Board noted that since there is no new information to consider and the best available information was used in the previous spawning closure analysis, the TC should not be tasked at this time. The Board can revisit this issue in the future as needed.

The Board received an update from NEFMC Staff on NEFMC activity for Atlantic herring. NEFMC Atlantic herring priorities for 2024 include specifications for the 2025-2027 fishing years and development of Amendment 10. For the 2025-2027 fishing years, the NEFMC's Scientific and Statistical Committee is recommending specifications based on projections from the 2024 Assessment using the biomass-based control rule for Atlantic herring. The resulting recommended annual catch limit for 2025 would be a large reduction from the current annual catch limit. NEFMC will consider the 2025-2027 specifications at their September 2024 meeting. For Amendment 10, NEFMC Staff will follow up with more information on the amendment which will consider measures to 1) minimize user conflicts, contribute to optimum yield, and support rebuilding of Atlantic herring; and 2) enhance river herring and shad avoidance and catch reduction.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org.

Motions

Move to approve the Atlantic Herring FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* request for New York.

Motion made by Ms. Patterson and seconded by Mr. Kane. Motion approves by consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (AUGUST 6, 2024)

Meeting Summary

The Atlantic Menhaden Management Board met to review a report from the US Geological Survey (USGS) on osprey data in Chesapeake Bay, receive a progress report on the ecological reference point (ERP) benchmark stock assessment, and discuss possible changes to Chesapeake Bay management.

In response to a request from the Board, USGS staff presented a summary of the latest information regarding osprey abundance, spatial and temporal distribution, dietary demands, and timing of fledge in the Chesapeake Bay region, as well as ongoing research and information gaps. Osprey data comes from two primary sources: the North American Breeding Bird Survey and the eBird database. Long-term trends show significant population growth from both a continental and regional perspective. Since 1966, osprey abundance has shown a 299% increase in North America, a 587% increase on the Atlantic coast, and a 1,801% increase in Chesapeake Bay. However, since 2012, eBird data estimates show declines in some areas around Chesapeake Bay, particularly in the lower Bay where local reproductive rates have declined sharply since 1975 to below the population maintenance level. There are numerous pressures that may affect osprey reproduction, including food availability, habitat loss leading to greater levels of inter- and intraspecific competition, disease, algal blooms, inexperienced breeders, environmental contaminants, and water depth and clarity. Additionally, abundance indices in other Atlantic and Pacific coast states show similar plateauing and short-term declines since 2012. Osprey diet composition varies by salinity in different regions of the Bay with menhaden being the second-most consumed species in the higher salinity areas, including the lower Bay. More information is needed to explore the relationship between osprey abundance trends and trends in prey species, fish community composition shifts, and other high trophic level feeders. Ongoing research in Chesapeake Bay seeks to compare the availability of osprey prey, including menhaden and other fish species, between current and historical populations.

The Board received a progress report on the ERP benchmark stock assessment. The ERP Workgroup has had discussions with USGS about the inclusion of additional data on piscivorous birds and has scheduled a workshop for November 2024. The ERP benchmark stock assessment and single-species stock assessment update are both scheduled to be presented to the Board at the 2025 Annual Meeting.

The Board discussed initiating an addendum to consider seasonal closures to purse seine vessels larger than 300 gross tons within the Chesapeake Bay to support the dietary needs of menhaden predators during critical points of their life cycles. Ultimately, the Board established a work group to gain additional information and evaluate different options of precautionary management in Chesapeake Bay, and the workgroup will provide a report to the Board at the Annual Meeting.

For more information, please contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Main Motion

Move to initiate an Addendum to the Atlantic Menhaden Interstate Fishery Management Plan to consider Chesapeake Bay-specific management options for the menhaden purse seine vessels larger than 300 gross tons in order to support the need of piscivorous birds and fish during critical points of

their life cycles (e.g., Osprey fledge and molt). The document should include options for seasonal closures of Chesapeake Bay Waters (inside the Colregs line). The document should not consider changes to the current Bay Cap of 51,000 MT. The document should also contain options to re-evaluate seasonal closures within the Bay after 2, 3 or 4 years. The Plan Development Team should consult with outside experts as necessary to identify spatiotemporal patterns of predatory demand for menhaden.

Motion made by Ms. Fegley and seconded by Mr. LaFrance.

Motion to Postpone

Motion to postpone until the October Meeting.

Motion made by Mr. Geer and seconded by Mr. Gary.

Motion to Amend

Motion to amend to postpone indefinitely.

Motion made by Mr. Geer and seconded by Mr. Reid. Motion fails due to a lack of a majority (9 n favor, 9 opposed).

Motion to Postpone

Motion to postpone until the October Meeting.

Motion made by Mr. Geer and seconded by Mr. Gary. Motion fails (6 in favor, 12 opposed).

Main Motion

Move to initiate an Addendum to the Atlantic Menhaden Interstate Fishery Management Plan to consider Chesapeake Bay-specific management options for the menhaden purse seine vessels larger than 300 gross tons in order to support the need of piscivorous birds and fish during critical points of their life cycles (e.g., Osprey fledge and molt). The document should include options for seasonal closures of Chesapeake Bay Waters (inside the Colregs line). The document should not consider changes to the current Bay Cap of 51,000 MT. The document should also contain options to re-evaluate seasonal closures within the Bay after 2, 3 or 4 years. The Plan Development Team should consult with outside experts as necessary to identify spatiotemporal patterns of predatory demand for menhaden.

Motion made by Ms. Fegley and seconded by Mr. LaFrance. Motion substituted.

Motion to Substitute

Move to substitute to establish a Board workgroup to consider and evaluate options for further precautionary management of Chesapeake Bay menhaden fisheries, including time and areas closures to be protective of piscivorous birds and fish during critical points of their life cycle.

Motion made by Ms. Colden and seconded by Mr. Borden. Motion passes (17, 0 opposed, 0 abstentions, 1 null).

Main Motion as Substituted

Move to establish a Board workgroup to consider and evaluate options for further precautionary management of Chesapeake Bay menhaden fisheries, including time and areas closures to be protective of piscivorous birds and fish during critical points of their life cycle.

Motion passes by consent.

SPINY DOGFISH MANAGEMENT BOARD (AUGUST 6, 2024)

Meeting Summary

The Spiny Dogfish Management Board met to review a report on the state impacts of the recommended actions by the Mid-Atlantic and New England Fishery Management Councils in Spiny Dogfish Framework Adjustment 6 to reduce sturgeon bycatch in the spiny dogfish fishery and consider complementary action in state waters.

The Council-recommended alternative proposes prohibiting overnight soaks for federal spiny dogfish permit holders on gillnets with 5-10" mesh in November and May for a certain area of state and federal waters off of New Jersey, as well as for gillnets of 5.25-10" mesh in November through March in specified areas off of Maryland and Virginia. The Board reviewed a report on state permitting structures and considered how to implement regulations consistent with the federal action given the differences in permitting between states and between state and federal permitting. The Board initiated an addendum that will develop options to establish equivalent overnight soak restrictions for harvesters that possess state spiny dogfish permits but do not possess a federal spiny dogfish permit.

The Board will consider approval of the Draft Addendum for public comment at its next meeting in October 2024. For more information, please contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Move to initiate an addendum to maintain consistency between the Spiny Dogfish FMP and the recommended alternatives of Spiny Dogfish Framework Adjustment 6.

Motion made by Ms. Meserve and seconded by Mr. Hasbrouck. Motion carries by unanimous consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 6, 2024)

Meeting Summary

The Atlantic Striped Bass Management Board met to review the draft Fishery Management Plan (FMP) Review and state compliance for fishing year 2023; consider initial recommendations from the Board Work Group on recreational release mortality; provide guidance to the Technical Committee (TC) on responding to the 2024 assessment if a reduction is needed to achieve stock rebuilding; receive an update on winter tagging; and consider two nominations to the Advisory Panel.

The Board approved the Striped Bass FMP Review for the 2023 fishing year and state compliance reports. In 2023, all states implemented management measures and monitoring programs consistent with the FMP and 2023 Emergency Action. The Board also discussed the Plan Review Team's (PRT) recommendation to conduct a review of the commercial tagging program. The PRT noted the review is not necessarily intended to change the program requirements, but instead intended to review how state programs are operating and identify issues states have encountered, including input from the Law Enforcement Committee. The Board agreed with this recommended review and tasked the PRT with moving forward, acknowledging the review would not occur until Commission and State staff time permits following the 2024 stock assessment and associated tasks.

The Board received a report from the Board Work Group (WG) on recreational release mortality with WG recommendations on stock assessment tasks and public scoping. In May 2024, the WG was established to address tasks related to no-targeting closures, gear restrictions, stock assessment work, and public scoping. The WG presented two recommendations for the Board's consideration. First, the WG recommended the Board task the TC with calculations during the 2024 stock assessment to determine how decreasing recreational release mortality could contribute to any potential reduction needed to achieve rebuilding. The Board agreed with the WG recommendation and tasked the TC as outlined by the WG. If a reduction is needed to achieve rebuilding, the TC will calculate how low the release mortality rate would need to be to achieve the reduction, and separately, the reduction in the number of live releases needed to achieve the reduction. The TC will also calculate the reduction associated with potential no-targeting closures, comprised of a reduction in live releases and a reduction in harvest, if a reduction is needed to achieve rebuilding. The TC will also identify tradeoffs of implementing no-targeting closures at different times of the year with different assumed release mortality rates. Second, the WG recommended the Board extend the timeline for conducting a public survey on recreational release mortality. The WG supports the use of an online survey to gather public input on release mortality, but notes the need to take time to gather input from survey design experts and the Advisory Panel to ensure the survey is well-designed. The Board agreed with the WG recommendation and supports continued development of the survey for review at the 2024 Annual Meeting.

The Board received a progress update on the 2024 stock assessment update, which will be presented at the 2024 Annual Meeting. The Board also provided guidance to the TC on potential management measures to consider if the assessment indicates a reduction is needed to achieve stock rebuilding, in which case the Board could adjust management measures via Board action (i.e., no addendum process). Regarding how a potential reduction should be allocated between sectors, the Board is interested in a range of options from no reduction for the commercial fishery, to different percent reductions for each sector based on contribution to total removals, to equal reductions for both sectors. Regarding the types of recreational options to consider, the Board is interested in a variety of measures, including a dynamic slot limit that would change year-to-year and mode split options. Some Board members noted seasonal closures may be one of the few viable options given the current restrictive slot limits, but some Board members expressed concern about consideration of seasonal closures through Board action. There was also a request to consider whether the recreational reduction should aim slightly higher than the required reduction given uncertainty, and a request that the 2024 assessment provide projections out to 2034 to capture the impact of recent low year classes as they mature and contribute to spawning stock biomass beyond the 2029 rebuilding deadline.

The Board received an update on the 2024 Striped Bass Cooperative Winter Tagging Cruise coordinated by the U.S. Fish and Wildlife Service. Striped bass have been tagged through the program since 1988, and the current hook & line survey has been in place since 2011. Over time, sampling locations have shifted northward from the coast of North Carolina up to the coast of Maryland, Virginia, and New Jersey in some years. In 2024, 38 striped bass were tagged. This low number was partly impacted by weather delays in 2024.

Finally, the Board approved Tom Fote representing New Jersey and Will Poston representing the District of Columbia to the Atlantic Striped Bass Advisory Panel. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org.

Motions

Move to approve the Atlantic Striped Bass FMP Review for the 2023 fishing year and state compliance reports.

Motion made by Mr. Luisi and seconded by Mr. Hasbrouck. Motion approved by unanimous consent.

Move to approve Tom Fote representing New Jersey and Will Poston representing the District of Columbia to the Striped Bass Advisory Panel.

Motion made by Mr. Abbott and seconded by Mr. Cimino. Motion approved by consent.

AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 6, 2024)

Press Release

American Lobster Board Initiates Addendum to Postpone Implementation of Addendum XXVII Measures and Approves Addendum XXX

Arlington, VA – The Commission’s American Lobster Management Board initiated Draft Addendum XXXI to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum will consider postponing the implementation of the measures from Addendum XXVII. The Board also approved Addendum XXX, which addresses how the measures of Addendum XXVII will apply to foreign imports of American lobster once implemented.

Draft Addendum XXXI considers postponing the implementation of management measures under Sections 3.1 and 3.2 of Addendum XXVII until July 1, 2025. Addendum XXVII was adopted in May 2023 and established a trigger mechanism to automatically implement management measures to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass. Changes to the current gauge and escape vent sizes in Lobster Conservation Management Areas (LCMAs) 1, 3, and Outer Cape Cod (OCC) were triggered based on observed changes in recruit abundance indices in October 2023 with the inclusion of 2022 survey data in the trigger index. The Board then extended the implementation date of the series of changes to gauge and vent size to begin January 1, 2025 to allow the Gulf of Maine states the opportunity to coordinate with Canada regarding possible trade implications, and give the industry and gauge makers additional time to prepare for these changes.

A meeting was held between US and Canadian lobster fishery managers and industry members in June 2024 to discuss the management structures and stock assessments of the two countries. Based on this meeting, the Board determined that postponing implementation of Addendum XXVII’s biological measures to July 1, 2025 would reduce negative impacts to the US and Canadian lobster industries in 2025 and allow Canada more time to consider implementing complementary management measures. Specifically, Draft Addendum XXXI will consider postponing the changes in minimum gauge size for LCMA 1 (inshore Gulf of Maine), and the measures under Section 3.1 of Addendum XXVII to create a common size limit for state-only and federal permit holders fishing in OCC to July 2025. The Draft Addendum will not consider postponing regulations prohibiting the issuance of 10% additional trap tags in Areas 1 and 3 above the trap limit or allocation. Draft Addendum XXXI will be released for public comment later this year.

The Board also approved Addendum XXX, which clarifies the Commission’s intent for how the measures of Addendum XXVII will apply to foreign imports of American lobster once implemented. The

Addendum recommends to NOAA Fisheries that the Mitchell Provision of the Magnuson-Stevens Act apply to foreign imports of whole live lobster, meaning the smallest minimum size for foreign imports would match the smallest minimum size in effect for the US industry. The current smallest LCMA minimum gauge size in effect is 3¼ inches, and when the LCMA 1 gauge size increases, this will change to 3 5/16 inches. Foreign imports smaller than the new minimum gauge size would be prohibited. These size restrictions do not apply to lobsters travelling in-bond through the US.

Addendum XXX will be available on the Commission website, www.asmfc.org, on American lobster webpage by next week. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

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PR24-21

Meeting Summary

In addition to approving Addendum XXX and initiating Draft Addendum XXXI, the Board received an update on the ongoing stock assessment; a report from the Plan Development Team (PDT), a review of the Colby College economic impact analysis of a lobster gauge increase; a summary of a July meeting with Canada's lobster fishery managers and industry; and a report from the Vessel Tracking Work Group (WG).

The American lobster benchmark stock assessment is underway, and the Stock Assessment Subcommittee (SAS) met in July for the assessment methods workshop. At the workshop the SAS determined the assessment timeline should be extended to allow for completion of 2023 data and the inclusion of analyses from external collaborators, some of which did not have access to necessary confidential data until recently. With the extended timeline, the assessment is expected to be completed for Board review at the 2025 Annual Meeting instead of the 2025 Summer Meeting.

The Board reviewed the PDT report responding to the Board task to review the original goals and objectives of Addenda XXI and XXII and make recommendations for alternate measures to achieve those goals, considering recommendations from the Lobster Conservation Management Teams (LCMTs) for Lobster Conservation Management Areas (LCMA) 2 and 3. Addenda XXI and XXII, approved in 2013, aimed to scale back the Southern New England (SNE) lobster fishery after the 2009 stock assessment found the stock remained depleted. The measures in Addenda XXI and XXII were implemented for state waters, and included maximum trap cap reductions and ownership caps. However, complementary federal measures were not finalized until October 2023 and scheduled to be implemented on May 1, 2025, spurring concerns about the potential impacts of the measures to a fishery that has changed dramatically over the past decade. The PDT report included analyses of LCMA 2 and 3 fishery effort data, which show that the size of Southern New England fishery has decreased considerably despite federal measures not being implemented. The Board requested that the LCMTs for Areas 2 and 3 review the PDT's findings and make recommendations on management measures moving forward.

Dr. Amanda Lindsay, Professor of Economics at Bates College, presented a review of a study from Colby College that estimated economic impacts of the LCMA 1 minimum gauge size increase under Addendum XXVII. After evaluating the study, Dr. Lindsay commented that it used appropriate economic modeling methods that appear to have provided a reasonable estimate of impacts based on the best available data. The study estimated that a 10% decrease in landings value would have resulted

in a \$59.6 million loss to Maine’s economy and a reduction of 686 jobs. Dr. Lindsay emphasized that, like all models, the economic model used for this study has limitations that create uncertainty about the true impacts of a gauge increase, and the study does not necessarily contradict the Technical Committee’s (TC) estimates of impacts to the number and weight of lobster landings. The Board suggested the TC could meet with the economists to discuss their data and methods, and will determine next steps at its October meeting.

Staff provided a summary of a meeting on lobster management between the US and Canada held in July 2024. The objective of the meeting was to build understanding of adjacent lobster stocks, including current management and opportunities to strengthen measures given current trends in population abundance and distribution throughout the broader Gulf of Maine. The two countries discussed the implementation and potential impacts of Addendum XXVII for US and Canadian industries and on international trade. Canada Department of Fisheries and Oceans will hold a meeting with Maritimes Region Lobster Advisory Committee in September, where they will discuss the possibility of implementing measures similar to LCMA 1.

The Board received a report from the Vessel Tracking Workgroup (WG) responding to its task to investigate possible modifications to the 24/7 tracking requirement of Addendum XXIX that would still ensure monitoring of fishing activity, while acknowledging that fishermen also use their boats for personal non-fishing reasons. The WG proposed two strategies that could be used: geofencing and a “snooze” function. Geofencing would require devices to use satellite service to automatically change the ping rate when the vessel is in certain areas. The “snooze” function approach would involve a process whereby the permit holder could request their device stop collecting data for a pre-determined period of time. Not all currently approved tracking devices are capable of geofencing, and modifications would need to be made to allow for either approach. The WG also noted concerns about loss of fishing effort data and challenges law enforcement. The Board will discuss this topic at its next meeting and determine a path forward.

For more information, please Caitlin Starks, Senior Fishery Management Coordinator, at cstarks@asmfc.org.

Motions

Move to initiate an addendum to delay the biological measures implementation date of Addendum XXVII until July 1, 2025. Specifically, biological measures under Section 3.1 that created common size limits for state-only and federal permit holders fishing in Outer Cape Cod would be implemented effective July 1, 2025. Similarly, management measures triggered under Section 3.2 would be implemented by July 1, 2025 starting with the Year 1 measures, and subsequent management measures (additional minimum size increase in Area 1 in year 3; vent size increase in Area 1 in year 4; maximum size reduction in Area 3 and Outer Cape Cod) would be implemented by July 1 of the calendar year for which they are required. Trap tag issuance regulations regarding the routine issuance of 10% additional trap tags in Areas 3 and 1 above the trap limit or allocation would remain unchanged.

Motion made by Mr. McKiernan and seconded by Mr. Train. Motion passes (9 in favor, 1 opposed).

Move to approve Addendum XXX, effective today.

Motion made by Mr. Grout and seconded by Mr. McKiernan. Motion passes with one abstention (NOAA Fisheries).

EXECUTIVE COMMITTEE (AUGUST 7, 2024)

Meeting Summary

The Executive Committee met to discuss the proposed FY25 budget and receive a Legislative Committee update.

Staff provided an update to the Executive Committee on the strengths of the FY25 Senate CJS bill, and plans to usher provisions which are of benefit to ASMFC into law. William Hyatt provided information on Senator Shaheen's (D-NH) State Boating Act, and urged the Executive Committee to support the bill. Additionally, there was a Q&A session with Anderson Tran of Congressman Graves's office on the Fisheries Data Modernization and Accuracy Act of 2024. The bill was introduced by Rep. Graves to reform the Marine Recreational Information Program (MRIP). The bill intends to increase the flexibility of the recreation data collection program to potentially incorporate alternative data streams into the management process. The Executive Committee discussed their concerns with the bill on a call in July. Staff has engaged with the Graves office on these concerns and will continue to do so as the bill moves along in the legislative process.

Staff provided an update on future Annual Meeting locations. In October 2024, the Annual Meeting will be in Annapolis, Maryland; 2025 in Delaware; 2026 in Rhode Island; 2027 in South Carolina; 2028 in Massachusetts; 2029 in Pennsylvania; and 2030 in Georgia. For more information, please contact Laura Leach, Director of Finance & Administration, at lleach@asmfc.org.

Motions

No motions were made.

ATLANTIC STURGEON MANAGEMENT BOARD (AUGUST 7, 2024)

Press Release

Atlantic Sturgeon Stock Assessment Update Shows Signs of Improvement for Coastwide Population and Mixed Results at the Distinct Population Segment Level

Arlington, VA – The Atlantic Sturgeon Stock Assessment Update finds that while the coastwide population remains depleted relative to historic levels, the population has shown signs of improvement with a significant positive trend over the time series. Further, there is a high probability that abundance in 2022 was greater than abundance in 1998 at the start of the coastwide moratorium. Total mortality is low and has a low probability of exceeding its reference point. Depleted status is used instead of overfished because many factors (such as bycatch, habitat loss and ship strikes), not just directed historical fishing, have contributed to the continued low abundance of Atlantic sturgeon.

At the individual distinct population segment (DPS) level, results were mixed. Most indices showed either a positive trend or no significant trend over the time series. The average probability that the New York Bight and Carolina DPSs indices were greater than the reference year was high, meaning it was likely that abundance in 2022 was higher than it was at the start of the moratorium. For the Gulf of Maine, Chesapeake Bay, and South Atlantic DPSs, the average probability was lower – less than 50% for all three DPSs – meaning that it was unlikely that abundance in 2022 was greater than it was at the start of the moratorium. Total mortality estimates for each DPS were higher than for the full coastwide population and the probability of exceeding the reference point was higher, partly due to the smaller

sample size and higher uncertainty in the tagging model at the DPS level than at the coastwide level. For the Gulf of Maine DPS there was a greater than 50% chance that total mortality exceeded the reference point, while there was a lower probability that total mortality exceeded the reference point for the other DPSs.

Atlantic sturgeon are a challenging species to assess because datasets for this species are limited. However, progress has been made on research recommendations addressing questions about genetics, life history, abundance, and sources of mortality, and work will continue to develop better datasets to support the next benchmark assessment in 2028.

No management action was taken given the continued coastwide harvest moratorium and protection under the federal Endangered Species Act. Additionally, efforts are being taken to reduce sturgeon bycatch in other directed fisheries. In April, the Mid-Atlantic and New England Fishery Management Councils recommended their preferred alternative to NOAA Fisheries to reduce sturgeon bycatch in the federal monkfish and spiny dogfish fisheries, and a final rule is expected by the end of 2024. The Commission's Spiny Dogfish Management Board also initiated an addendum to develop options to maintain consistency with the federal action for state-permitted spiny dogfish harvesters in state waters, with the goal of reducing sturgeon bycatch.

A more detailed description of the stock assessment results can be found at https://asmfc.org/uploads/file/66b398b9AtlanticSturgeonStockAssmtOverview_Aug2024.pdf. The Stock Assessment Update will be available on the Commission website, www.asmfc.org, on the Atlantic Sturgeon webpage next week. For more information, please contact James Boyle, Fishery Management Plan Coordinator, at jboyle@asmfc.org.

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PR24-22

Motions

Move to elect Dave Sikorski as Vice Chair of the Atlantic Sturgeon Management Board.

Motion made by Mr. Clark and seconded by Mr. Gilmore. Motion approved by consent.

SCIAENIDS MANAGEMENT BOARD (AUGUST 7, 2024)

Meeting Summary

The Sciaenids Management Board met to consider several items, including Traffic Light Analysis (TLA) reports for spot and Atlantic croaker; Fishery Management Plan Reviews and state compliance reports for red drum and Atlantic croaker; and an update on the ongoing red drum, Atlantic croaker, and spot benchmark stock assessments.

The Board received a presentation on the findings of the 2024 TLA, which were updated with data through 2023. The TLA, as revised in Addendum III for spot and Atlantic croaker, assigns a color (red, yellow, or green) to categorize relative levels of indicators based on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to a reference period, the proportion of green in a given year will increase. The Board evaluates the proportion of red against threshold levels to potentially trigger management action. In 2020, the TLA for the 2019 fishing year indicated that both species triggered at the 30% red

threshold. State implementation plans for management measures were approved in early 2021 and all new management measures were enacted by the end of 2021. The management measures enacted in 2021 for both species were due to be reevaluated based on the results of current updates of the TLAs.

Abundance metrics in the spot TLA did not trigger at any threshold in the past three years. In this case, Addendum III states the measures that were put into place in 2020 are no longer required for spot. However, the Board agreed with the Technical Committee's (TC) recommendation to maintain the current spot management measures. This decision was due in part to results from a benchmark stock assessment expected in the next couple of years and continued concern with low spot commercial and recreational harvest.

For Atlantic croaker, an abundance metric exceeded the 30% threshold in all four terminal years. Addendum III states, in this case, the TC must evaluate trends in the stock's abundance to recommend to the Board whether triggered measures should remain in place or more restrictive measures should be considered. The Board agreed with the TC's recommendation of maintaining the current management measures, due to the anticipation of results from the ongoing benchmark stock assessment within the next year.

The Board reviewed and approved the 2023 Fishing Year Fishery Management Plan (FMP) Reviews and state compliance reports for red drum and Atlantic croaker. For red drum, *de minimis* status was approved for New Jersey and Delaware. For Atlantic croaker, *de minimis* status was approved for New Jersey (commercial and recreational), Delaware (commercial), South Carolina (commercial), and Georgia (commercial). Since Delaware did not request or qualify for *de minimis* for their Atlantic croaker recreational fishery, Addendum III to the Interstate FMP requires Delaware to implement a 50-fish recreational bag limit, which will be completed prior to October 2024.

The Board received an update on the ongoing red drum, Atlantic croaker, and spot benchmark stock assessments. For red drum, a SouthEast Data and Assessment Review (SEDAR) Peer Review Workshop will be held August 13-16, 2024, in Charleston, South Carolina. The red drum assessment and peer review report are expected to be presented to the Board at their October 2024 meeting. Work on the Atlantic croaker benchmark stock assessment is ongoing, and a sub-group of the Stock Assessment Subcommittee is meeting biweekly to discuss modeling progress. Due to the loss of a lead modeler, work on the spot stock assessment has been paused until the Atlantic croaker assessment is completed and peer-reviewed.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at Tbauer@asmfc.org or 703.842.0723.

Motions

Move to approve the Red Drum FMP Review for the 2023 fishing year as amended today, state compliance reports, and *de minimis* status for New Jersey and Delaware.

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion passes by consent.

Move to approve the Atlantic Croaker FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* status for New Jersey, Delaware, South Carolina, and Georgia commercial fisheries and New Jersey recreational fishery.

Motion made by Mr. Miller and seconded by Mr. Kaelin. Motion passes by consent.

COASTAL PELAGICS MANAGEMENT BOARD (AUGUST 7, 2024)

Press Release

Coastal Pelagics Board Approves Atlantic Cobia Addendum II *Regional Recreational Allocation Framework Addresses Uncertainty and Incorporates Recent Harvest Data*

Arlington, VA – The Commission’s Coastal Pelagics Management Board approved Addendum II to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Cobia. The Addendum modifies the recreational allocation framework, allows the Board to update allocations quickly if the underlying data are revised, expands the range of data used in harvest evaluations, and allows the Board to set management measures for a longer period of time. Addendum II responds to increased cobia harvest in some Mid-Atlantic states in recent years, as well as concerns about high uncertainty associated with cobia recreational harvest estimates. All Addendum II measures are effective immediately, and will be used to set recreational measures for 2025 and beyond.

Addendum II changes both the geographic scope of the recreational allocation framework and the timeframe of data used as the basis for allocations. The Addendum changes the allocation framework from a state-by-state to a regional framework, with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. The new regional allocation framework is intended to reduce uncertainty by using harvest estimates based on a larger sample size combining multiple states in a region, instead of individual state-level harvest estimates.

Each region is allocated part of the recreational quota based on each region’s percentage of the coastwide harvest in number of fish over the last ten years, combining 50% of 2014-2023 data and 50% of 2018-2023 data. Data from 2016 and 2017 are excluded due to fishery closures during those years, and data from 2020 are excluded due to COVID-19 impacts on recreational data collection. Using more recent data, as compared to previously using 2006-2015 data, accounts for changes in harvest and potential range expansion of the species in recent years.

There is a possibility that the recreational harvest estimates could be revised in the future by NOAA Fisheries, which would affect the percent allocations for each region. If the harvest estimates are revised, Addendum II allows the Board to quickly update the percent allocations via Board vote to reflect the any revisions to the data used to establish the allocations.

Each region’s percent allocation is applied to the coastwide recreational quota (currently 76,908 fish) to determine the regional harvest targets in number of fish. When a region’s harvest is compared to its target, Addendum II specifies that a rolling average of up to five years of harvest data under the same management measures will be compared to the target, instead of limiting it to a three-year average. This allows for inclusion of two additional data years to account for the variability and uncertainty of cobia harvest estimates from year to year.

Finally, Addendum II allows the Board to set specifications (e.g., coastwide total harvest quota) via Board action for up to five years, which is a longer time period than the current three years. Setting management measures for a longer period of time is intended to align management action with the availability of new stock assessment information.

Addendum II will be available in late August on the Commission website at <http://www.asmf.org/species/cobia> under Management Plans and FMP Reviews.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org.

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PR24-24

Motions

Move to approve the Atlantic Cobia FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New York, New Jersey, Delaware, Maryland, Georgia, and Florida.

Motion made by Mr. Clark and seconded by Mr. Sikorski. Motion approved by consent.

Motion to postpone deliberation on Addendum II to the Atlantic Cobia Management Plan until the Annual Meeting.

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion fails (4 in favor, 7 opposed, 1 abstention, 1 null). (Roll Call: In favor – SC, GA, FL, SAFMC; Opposed – RI, NY, NJ, NC, VA, PRFC, DE; Abstention – NOAA; Null – MD)

Move to postpone final action on Addendum II until the Board receives the presentation of SEDAR 95 results and receives TC recommendations on applying SEDAR 95 to management, including recommendations for the total harvest quota.

Motion made by Mr. Dyar and seconded by Ms. Burgess. Motion fails (3 in favor, 7 opposed, 2 abstentions, 1 null). (Roll Call: In favor – SC, GA, FL; Opposed: RI, NY, NJ, NC, VA, PRFC, DE; Abstentions – NOAA, SAFMC; Null – MD)

Main Motion

Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020).

Motion made by Ms. Madsen and seconded by Dr. McNamee.

Motion to Substitute

Motion to substitute to adopt Option A for Issue 3.1 until the SEDAR 95 stock assessment is concluded.

Motion made by Mr. Haymans and seconded by Mr. Dyar. Motion fails (3 in favor, 6 opposed, 2 abstentions, 2 null). (Roll Call: In favor – SC, GA, FL; Opposed – RI, NY, NJ, DE, PRFC, VA; Abstentions – NOAA, SAFMC; Null – MD, NC)

Main Motion

Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020).

Motion made by Ms. Madsen and seconded by Dr. McNamee. Motion substituted.

Motion to Substitute

Move to substitute to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia.

Motion made by Mr. Dyar and seconded by Mr. Haymans. Motion passes (11 in favor, 2 abstentions). (Roll Call: In favor – RI, NY, NJ, FL, NC, VA, PRFC, MD, DE, SC, GA; Abstentions – NOAA, SAFMC)

Main Motion as Substituted

Move to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia.

Motion carries without opposition.

Move to adopt for issues 3.2 Updates to State/Regional Allocations - Option B Allocation Changes via Board Action, 3.3 Data and Uncertainty in Recreational Landings Evaluations - Option B Extend Rolling Average to Five Years, 3.4 Overage Response for Recreational Landings Evaluations – Option A Status Quo, 3.5 Timeline for Setting Commercial and Recreational Measures – Option B Five-Year Specifications.

Motion made by Ms. Madsen and seconded by Mr. Maniscalco. Motion passes (10 in favor, 3 abstentions). (Roll Call: In favor – RI, NY, NJ, NC, VA, PRFC, MD, DE, SC, GA; Abstentions: FL, NOAA, SAFMC)

Move to approve Addendum II to Amendment 1 to the Atlantic Cobia FMP, as modified today, with an implementation date of today (August 7, 2024).

Motion made by Ms. Madsen and seconded by Mr. Clark. Motion passes by unanimous consent.

SHAD AND RIVER HERRING MANAGEMENT BOARD (AUGUST 6, 2024)

Press Release

River Herring Benchmark Stock Assessment Finds Populations Remain Depleted at a Coastwide Level Though Some Rivers Show Signs of Improvement

Arlington, VA – The River Herring Benchmark Stock Assessment finds the coastwide populations of both alewife and blueback herring (collectively referred to as river herring) are depleted relative to historic levels, with the habitat model indicating that overall productivity of both species is lower than an unfished population before the occurrence of any habitat modifications (e.g., dams or human alterations to the environment). The depleted determination was used instead of overfished and overfishing because of the many factors that have contributed to the declining abundance of river herring, which include not just directed and incidental fishing, but also habitat loss, predation, and climate change.

In terms of recent trends, there is no clear signal for either species across the coast. Even within the genetic stock-regions, trends in abundance and mortality differed from river to river, with some rivers showing increasing trends and low mortality rates, and others showing flat or declining trends and total mortality rates above the reference point. Although very few significant trends overall were

detected since the adoption of [Amendment 2](#) in 2009, the majority of indices of abundance for both alewife and blueback herring are likely to be higher now than they were in 2009. However, half of the blueback populations and 65% of the alewife populations have a high probability of being above the total mortality reference point, indicating total mortality on adult fish was too high. Total mortality is the removal of fish from a population due to both fishing and natural causes.

The northern New England region shows more positive trends and a higher probability of abundance in the most recent years being greater than in 2009. It is unclear why that is the case, especially as the more northern regions also have higher probabilities of being above the total mortality reference point. States in the northern New England region have conducted extensive habitat restoration and dam removal, but so have states further south, and they have not seen the same degree of positive trends in run counts and indices. In addition, states in the northern stock-region have also accounted for the majority of directed catch in recent years, while states in the Mid-New England, Southern New England, and Mid-Atlantic stock-

regions have closed their fisheries. Genetic analysis indicates most of the ocean bycatch around Cape Cod and Long Island Sound was of alewife from the Southern New England stock-region and blueback herring from the Mid-Atlantic stock-region, two areas that have had more negative trends in recent years despite habitat restoration efforts and directed fishery closures.

The assessment includes two proof-of-concept approaches to develop biologically-based caps on bycatch in ocean fisheries. The data-limited methods produced estimates of bycatch caps that were lower than the current coastwide bycatch estimates and lower than the current caps in the Atlantic herring and Atlantic mackerel fishery. However, more work needs to be done on the data-limited bycatch cap approach, including consulting with the Mid-Atlantic and New England Fishery Management Councils on risk levels and how to implement species-specific caps in fisheries where the bycatch monitoring includes American and hickory shad as well as river herring. The assessment also recommended exploring species distribution modeling to identify hot spots of river herring bycatch that could be avoided with time-area closures as an alternative or complement to in-season monitoring of river herring bycatch.

No management action was taken given the continued coastwide harvest moratorium for states without an approved Sustainable Fishery Management Plan, as required by Amendment 2. Additionally, the New England Fishery Management Council is early in the process of drafting Amendment 10 to the Atlantic Herring Fishery Management Plan, which is proposing the development of measures to reduce river herring bycatch in the federal fishery.

A more detailed description of the stock assessment results, as well as the Benchmark Stock Assessment and Peer Review Report will be available on the Commission website, www.asmfc.org, on the Shad & River Herring webpage. For more information, please contact James Boyle, Fishery Management Plan Coordinator, at jboyle@asmfc.org.

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PR24-23

Motions

Move to accept the 2024 River Herring Benchmark Stock Assessment and Peer Review Report for management use.

Motion made by Mr. Clark and seconded by Ms. Patterson. Motion passes by unanimous consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 8, 2024)

Meeting Summary

The ISFMP Policy Board met to address a number of issues, including the potential listing of American eel in CITES Appendix III; H.R. 8705, the Fisheries Data Modernization and Accuracy Act of 2024; a National Fish and Wildlife Foundation grant opportunity; and committee reports from Atlantic Coastal Fish Habitat Partnership, Habitat, and the Assessment Science Committees.

American Eel CITES Appendix III Listing

The US Fish and Wildlife Service (USFWS) is considering listing American eel as under CITES Appendix III, which would mean any eel or eel product export would need a certification that the product/eel was legally caught and legally purchased before leaving the country. An Appendix III listing is not required by CITES, but is an option countries can choose to use. Trade in an Appendix III species is regulated using CITES export permits (which would be issued by USFWS) and certificates of origin (issued by all other countries). The Commission, with the Association of Fish and Wildlife, sent a letter to USFWS expressing concerns regarding the potential listing. There are two primary concerns about an Appendix III listing. The first is the listing must not have an adverse impact on the managed exports of American eel. Secondly since an Appendix III listing would require the development and implementation of a means of certifying legal acquisition by the competent authorities (the states), and such systems do not currently exist in all jurisdictions, a considerable amount of planning would be required to ensure minimum disruption of trade. The Commission requested USFWS provide the criteria for securing a Legal Acquisition Finding (LAF), which will help the states better understand possible budget and harvest monitoring implications. The Commission also requested confirmation of the process the USFWS would use to remove American eel from Appendix III if future trade data analysis demonstrates there are no significant conservation status concerns associated with exports of American eel. It is the Commission's understanding that the criteria are so restrictive, American eel would never be removed from Appendix III unless listed in Appendix II. The elver fishery, which was worth almost 20 million dollars in 2023 in Maine, is one of the most regulated and monitored fisheries in the country. The Maine elver fishery exports can be tracked back to the harvester through Maine's monitoring program which uses NFC tokens. The Commission is concerned that a listing without clarity of what the Service will require and advanced agreement on the process to receive a LAF, would have a significant negative impact to this highly valuable fishery.

H.R. 8705 – Fisheries Data Modernization and Accuracy Act of 2024

The H.R. 8705, the Fisheries Data Modernization and Accuracy Act of 2024, introduced by Representative Graves of Louisiana, has had one legislative hearing in front of the House Committee on Natural Resources. In this hearing, members generally discussed the purpose of the bill and their support for or against it. The next step in the process is a bill markup in the House Committee on Natural Resources (see Executive Committee Summary earlier in this document for more details).

National Fish and Wildlife Foundation Electronic Monitoring and Reporting

The National Fish and Wildlife Foundation presented that it will award up to \$4.8 million in grants that

catalyze the voluntary implementation of electronic technologies for fisheries catch, effort, and/or compliance monitoring, and improvements to fishery information systems in U.S. fisheries. The Program will advance NOAA’s sustainable fisheries goals to partner with fishermen and other stakeholders, state agencies, and Fishery Information Networks to systematically integrate technology into fisheries data collection and observations as well as streamline data management and use for fisheries management. An [RFP](#) has been released and proposals are due by October 2, 2024.

Committee Reports

Staff presented activities of the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Habitat Program. ACFHP has submitted an application for Congressional designation under the ACE Act, and has received \$300,000 from USFWS for FY24 fish habitat restoration projects, including the Maryland Coastal Bays Salt Marsh Restoration Project and engineering work for removal of the Upper E.R. Collins Dam in the Pequest River, NJ. ACFHP also secured approval and top funding tier status by the National Fish Habitat Partnership Board for FY25 projects, including two additional dam removals in the Pequest River, NJ and one oyster reef restoration project in the Matanzas River, FL. In May 2024, ACFHP held an in-person steering committee meeting in Virginia Beach, VA to discuss partner updates, plans for the next FY26 funding cycle, and announce the call for nominations for the 2024 Melissa Laser Habitat Conservation Award. The Policy Board approved the latest issue of the Habitat Committee’s Habitat Management Series, which focuses on anthropogenic noise impacts on Atlantic fish and fisheries. The document covers the effects of anthropogenic noise on fish, mitigation strategies, and future research needs.

Staff presented the Commission’s stock assessment schedule. The revised schedule now includes 2027 and 2028. The following assessments have been added to the schedule: 2027 – American eel, black sea bass, bluefish, scup, summer flounder, winter flounder, and 2028 – Atlantic sea herring, Jonah crab, and potentially Atlantic menhaden. The following assessments have shifted their delivery dates for a variety of reasons: Atlantic croaker will be presented in the third quarter of 2025, spot will be presented in the third quarter of 2026, and American lobster will be presented in the fourth quarter of 2025. Staff also noted the quarter of the year an assessment will be presented to the board is now listed for the two most recent years of the schedule.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Move to approve the Habitat Management Series: Anthropogenic Noise Impacts on Atlantic Fish and Fisheries: Implications for Managers and Long-Term Productivity.

Motion made by Ms. Patterson and seconded by Mr. Clark. Motion carries by consent.