



Atlantic States Marine Fisheries Commission

2021 Spring Meeting Webinar Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2021 Spring Meeting Webinar
May 3-6, 2021

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Meeting Summaries, Press Releases and Motions

TABLE OF CONTENTS

| | |
|--|----------|
| AMERICAN LOBSTER MANAGEMENT BOARD (MAY 3, 2021) | 3 |
| <i>Meeting Summary</i> | 3 |
| <i>Motions</i> | 4 |
| ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (MAY 4, 2021) | 4 |
| <i>Meeting Summary</i> | 4 |
| <i>Motions</i> | 4 |
| AMERICAN EEL MANAGEMENT BOARD (MAY 4, 2021) | 5 |
| <i>Meeting Summary</i> | 5 |
| <i>Motions</i> | 5 |
| DISCUSSION SESSION ON PRESIDENT BIDEN’S EXECUTIVE ORDER: TACKLING THE CLIMATE CRISIS AT HOME AND ABROAD (MAY 4, 2021) | 5 |
| <i>Meeting Summary</i> | 5 |
| <i>Motions</i> | 6 |
| ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 4, 2021) | 6 |
| <i>Meeting Summary</i> | 6 |
| <i>Motions</i> | 7 |
| EXECUTIVE COMMITTEE (MAY 5, 2021) | 8 |
| <i>Meeting Summary</i> | 8 |
| <i>Motions</i> | 8 |

SHAD & RIVER HERRING MANAGEMENT BOARD (MAY 5, 2021)..... 9
Meeting Summary..... 9
Motions 9

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 5, 2021) 10
Press Release 10
Meeting Summary..... 11
Motions 12

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (MAY 6, 2021) 13
Meeting Summary..... 13
Motions 16

AMERICAN LOBSTER MANAGEMENT BOARD (MAY 3, 2021)

Meeting Summary

The American Lobster Management Board met to consider three items: Technical Committee (TC) recommendations on pursuing a management strategy evaluation (MSE) for the lobster fishery, an update on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank (GOM/GBK) resiliency, and electronic vessel tracking for the lobster fishery.

The Board reviewed recommendations from the TC on an MSE for the lobster fishery. The TC recommended the Board pursue a two-phase MSE focused on the GOM/GBK stock, with the goal of providing short-term management guidance at the stock-wide scale while concurrently building the framework to expand the MSE to provide long-term, spatially-explicit management advice. While MSE has the potential to support a management framework for the Southern New England (SNE) stock, the TC recommended that the SNE stock should remain the lower priority due to the relatively small size and mixed-crustacean nature of the fishery, as well as the need for reactive tools to address current stock conditions as opposed to proactive tools like MSE. As next steps, the TC recommended a formal process to develop management goals and objectives for the future of the lobster fishery, and forming a steering committee for additional scoping and work plan development. The Board expressed interest in pursuing an MSE, however, it agreed to postpone development of an MSE until the August meeting in order to prioritize work on Draft Addendum XXVII.

Staff updated the Board on the development of the Draft Addendum XXVII, which aims to proactively increase biological resiliency of the GOM/GBK stock. Per the Board's direction, the Plan Development Team (PDT) presented draft management options and considerations for developing a trigger mechanism that would automatically require the implementation of management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. The TC also provided guidance on indices of abundance that could be used to develop triggers, how triggers could be defined, and the types of management measures that would be expected to increase resiliency of the stock. After reviewing the PDT and TC recommendations, the Board provided direction on the goals and objectives for the development of draft management options. Specifically, it indicated the addendum should prioritize resiliency over standardization of measures across management areas, include relatively conservative trigger levels to maintain the current abundance regime, and consider a tiered approach with multiple trigger levels. The Board agreed to form a subcommittee to provide further guidance on the document's development, and will consider Draft Addendum XXVII for public comment in August 2021.

Next, the Board discussed electronic vessel tracking in the lobster fishery. The Board received presentations from state partners on recent work to test additional tracking devices, integrate cell-based tracking with ACCSP's SAFIS eTRIPS mobile trip reporting application, and to create trip viewers within SAFIS eTRIPS online. This work expanded upon the Commission's 2020 pilot project to continue laying the foundation for timely implementation of electronic tracking in the fishery. As in previous discussions on this topic, the Board emphasized the urgent need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet in order to address a number of challenges facing the fisheries. These data are critical for informing Atlantic right whale risk reduction models and marine spatial planning discussions, as well as improving offshore enforcement. Therefore, the Board agreed to create a technical work group including representatives from NOAA Fisheries, state and federal law enforcement, and members of the Board to develop objectives, technological solutions, and system

characteristics for vessel tracking devices in the federal lobster and Jonah crab fisheries. The work group will provide a report and recommended next steps to the Board at the August 2021 meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to postpone the development of a management strategy evaluation until the August 2021 meeting.

Motion made by Mr. Keliher and seconded by Mr. Cimino. Motion is approved by unanimous consent.

Main Motion

Move to initiate an addendum to develop objectives for collecting high resolution spatial data, identify technological solutions, and develop system requirements.

Motion made by Ms. Murphy and seconded by Ms. Patterson. Motion withdrawn.

Motion to Substitute

Move to substitute to recommend to the Policy Board that a letter be written to NOAA Fisheries recommending the prioritization of federal rulemaking to require the use of cellular-based or satellite-based vessel tracking devices in the federal lobster and Jonah crab fishery. Include in the letter the Lobster Board's willingness to establish a technical workgroup to support NOAA's efforts on vessel tracking.

Motion made by Mr. Keliher and seconded by Mr. Borden. Motion withdrawn.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM (ACCSP) COORDINATING COUNCIL (MAY 4, 2021)

Meeting Summary

The ACCSP Coordinating Council met to review and take action on the FY2022 ACCSP Funding Decision Document and Request for Proposals package. The Council was provided an overview of changes to the ACCSP Funding Decision Document and draft FY2022 RFP. Clarifications were made indicating that the proposals listed in Appendix A have the opportunity to submit proposals for one additional year of funding with a justification of need statement. All proposals will be evaluated and ranked on merit according to the schedule in the RFP.

The Council was also provided an ACCSP Program update that included metrics on the ACCSP Committee newsletter, a summary of activities involving information systems and software development, recreational data, the One Stop Reporting project, the Data Warehouse, and FY21 funding and staffing. The Council had informative discussion on upcoming Atlantic Recreational Priorities and future changes to the MRIP catch estimate presentations. Comments on those items should be emailed to the Geoff White, ACCSP Director, at geoff.white@accsp.org.

Motions

Move to approve the FY22 Funding Decision Document and RFP as presented and modified to the ACCSP Coordinating Council.

Motion made by Ms. Fegley and seconded by Dr. McNamee. Motion stands approved.

AMERICAN EEL MANAGEMENT BOARD (MAY 4, 2021)

Meeting Summary

The American Eel Management Board met to review recent yellow eel landings as part of annual monitoring the coastwide cap (cap) established in 2018 to limit coastwide yellow eel landings to 916,473 pounds. If landings exceed the cap by 10% for two consecutive years, management action is initiated to reduce harvest. To prevent the cap from being exceeded, Addendum V outlines a process for the Board to review preliminary landings and convene a workgroup if the cap is exceeded by 5% or more in one year to determine how voluntary action can be taken based on the magnitude of the overage and the trend in landings. Preliminary 2020 landings are 225,122 pounds, the lowest in the time series since the Fishery Management Plan was initiated in 1998. In fact, landings have been on a consistent decline since 2016 and, in 2020, all states saw their landings decline from the previous year. Maryland which annually comprises more than 60% of the coastwide total from 2016-2020, saw a 60% decline from 2019 to 2020.

The Advisory Panel (AP) met and provided feedback that the decline in landings is primarily market demand; demand for wild-caught eels from the U.S. for European food markets has decreased in recent years due to increased aquaculture in Europe. Additionally, demand for domestic bait decreased from 2019 to 2020 due in part to COVID-19 restrictions. A smaller proportion of landings traditionally goes to the domestic bait market, and the AP indicated that it does not anticipate landings to increase significantly from current levels in the near future.

The Board also received a progress update on the current benchmark stock assessment scheduled to be completed in 2022. The Stock Assessment Subcommittee (SAS) was formed last year and a Data Workshop was held in November 2020. While there were several new data sets that were submitted, such as fishery-independent surveys, there were not many new types of data available that would support different modeling approaches than the 2012 assessment. The SAS has met several times to explore modeling approaches and develop indices of abundance. Given the species unique life history, range, and data limitations, the SAS has encountered challenges in applying the available data to analytical models to develop reference points and stock status. The SAS will meet with the Commission's Assessment Science Committee later in May to discuss the challenges of this assessment and will update the Board again at the Annual Meeting in October.

Last, Phil Edwards (RI) was elected Vice-Chair of the American Eel Board. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to elect Phil Edwards as Vice-Chair of the American Eel Management Board.

Motion made by Mr. Reid and seconded by Ms. Patterson. Motion passes.

DISCUSSION SESSION ON PRESIDENT BIDEN'S EXECUTIVE ORDER: TACKLING THE CLIMATE CRISIS AT HOME AND ABROAD (MAY 4, 2021)

Meeting Summary

Sam Rauch, NOAA's Deputy Assistant Administrator for Regulatory Programs, met with the Commission to present the Administration's Executive Order on Tackling the Climate Crisis at Home and Abroad.

Specifically, the Executive Order directs NOAA to collect recommendations on how to make fisheries, including aquaculture, and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperating research. The effects of climate change on marine fishery resources and coastal communities are important issues to the Commission and the states, and there was general agreement that the Commission would work with its federal partners to develop strategies to respond to climate change impacts on fisheries.

For more information, please contact Bob Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

No motions made.

ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 4, 2021)

Meeting Summary

The Atlantic Menhaden Board met to review the Fishery Management Plan (FMP) Review for the 2020 fishing year and consider making changes to current allocations. In 2020, total commercial landings decreased by 12% from 2019 with non-incidentals catch landings (directed landings that count towards the total allowable catch or TAC) estimated at 177,830 mt, 82% of the 2020 TAC of 216,000 mt. Landings from incidental catch and small-scale fisheries, which are not accounted for under the TAC, increased in 2020 to approximately 6,330 mt, the highest level since the provision was implemented in 2013. Additionally, the Plan Review Team (PRT) highlighted recommendations for the Board's consideration regarding (1) the current 10-fish biological sample requirement to categorize the impact of the commercial gear types on the menhaden population, (2) required catch and effort data from North Carolina's pound net fishery to develop a catch per unit effort index, and (3) whether jurisdictions that harvest under the incidental catch provision prior to their quota being met are consistent with the incidental catch and small scale fishery measures in Amendment 3. In considering the FMP Review, the Board provided guidance to the PRT that biological sampling and catch and effort data from pound net fisheries should be evaluated during the next benchmark stock assessment and that the incidental catch and small scale fisheries provision in the FMP should be addressed in the next management document. The Board approved the FMP Review, state compliance, and de *minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida.

The Board also considered revisiting the current commercial quota allocations. Landings data through 2020, as well as relinquished quota and quota transfers were presented to highlight trends in the distribution of landings along the Atlantic coast in recent years (for details see [memorandum 21-50](#); pdf pg. 35). In addition to commercial quota allocations, the Board discussed whether other provisions of the FMP, such as the incidental catch and small scale fisheries provision and Episodic Event Set-Aside Program, should also be re-evaluated through a new management document given recent changes in fish availability and use. After reviewing the data and extensive discussion, the Board formed a work group to develop allocation options to better align jurisdictions' commercial quotas with current landings and availability of the resource while providing access to the fishery to all jurisdictions. Additionally, the work group will review the incidental catch and small scale fisheries measures and consider how to reduce the need for quota transfers. The work group will provide a report to the Board at the Commission's Summer Meeting with the intent of the Board initiating an addendum at that time.

Due to the meeting running late, the Board postponed a review of data needs for a spatially-explicit model for menhaden until the Summer Meeting. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to approve the FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Pennsylvania, South Carolina, Georgia, and Florida.

Motion made by Mr. Hasbrouck and seconded by Dr. Rhodes. Motion accepted unanimously.

Main Motion

Move to initiate an Addendum to consider changes to the allocation of the commercial TAC. The goals of this action are to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, and reduce the need for quota transfers. In addition to status quo, explore and analyze:

- **Changes to the allocation timeframe, including options based on more recent years of landings data (e.g., average or best over the last 3 or 4 years) and an option with 50% based on these more recent years of landings data and 50% based on the status quo 2009-2011 landings basis.**
- **Also consider in these new timeframes option(s) to reduce the fixed minimum (e.g. 0.25%) in addition to the status quo of 0.5% fixed min.**
- **Changes to the episodic set aside up to 5%.**

Motion made by Ms. Ware and seconded by Mr. White. Motion substituted.

Motion to Substitute

Move to substitute to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion made by Mr. Cimino and seconded by Ms. Fegley. Motion carries (Roll Call: In Favor – RI, CT, PA, NJ, DE, VA, PRFC, NC; Opposed – ME, NH, MA, NY, SC, GA; Abstentions – NOAA Fisheries, USFWS).

Main Motion as Substituted

Move to initiate an addendum to reconsider menhaden allocation. The Board will create a work group to develop allocation options for review at the August 2021 Board meeting for discussion. The PDT will develop options to review the incidental catch including gear type eligibility.

Motion to Substitute

Move to substitute to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time.

Motion made by Mr. Cimino and seconded by Mr. Abbott. Motion carries (15 in favor, 2 abstentions).

Main Motion as Substituted

Move to create a workgroup to develop allocation options to better align jurisdictions' commercial quotas with current landings and fish availability while providing a level of access to the fishery by all

Atlantic coast jurisdictions, to review the incidental catch provisions including gear type eligibility, and reduce the need for quota transfers. The work group will report back to the Board at the August 2021 meeting and the Board will initiate an addendum at that time.

Motion passes with 2 abstentions.

EXECUTIVE COMMITTEE (MAY 5, 2021)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including the proposed FY22 Budget, the revised Statement of Investment Policy Guidelines, an Update on the Allocation Subcommittee, the second round of CARES assistance, and an annual meetings update. The following action items resulted from the Committee's discussions:

- FY22 Budget – The Budget was reviewed by the Administrative Oversight Committee (AOC) and forwarded to the EC with a recommendation for approval. The motion to approve passed unanimously.
- Statement of Investment Policy Guidelines (IPG) – The IPG was reviewed by the AOC and forwarded to the EC with a recommendation for approval. The Committee discussed the revised IPG and received questions about the intent of the IPG. The Chair suggested the AOC further discuss the IPG and report back to the EC at the Summer Meeting. With the possibility of further revisions to the IPG, the Vice-Chair proposed tabling the motion to approve until the Summer Meeting.
- Update on Allocation Work Group (AWG) – Mr. Beal provided a brief overview of the Allocation Work Group. Eleven members have been appointed and the first AWG meeting will be held on May 13th. It is anticipated there will be several additional meetings of the AWG to work through the issues raised during previous EC meetings.
- Mr. Beal provided a brief overview of the second round of CARES assistance, technically known as the Consolidated Appropriations Act of 2021, or The ACT. Clarification was provided by NOAA Staff Karen Abrams and Dan Namur regarding the September 30, 2021 date. According to The ACT, the funds must be obligated by this date, and Congress prefers the funds are disbursed by this date, but the funds will not revert if not spent by the states by 9/30/21. NOAA will provide a list of projects, other than direct payments to individuals or businesses, that can be undertaken with The ACT funds, but the list will not be exhaustive, so states are encouraged to develop their spend plans as they deem appropriate.
- Mrs. Leach provided an update on future Annual Meetings, with plans to hold the 80th Annual Meeting in Long Branch, NJ October 18-21, 2021. Future Annual Meetings will be conducted in North Carolina (2022), Maryland (2023), and Delaware (2024).

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

On behalf of the Administrative Oversight Committee, move to approve FY 2022 Budget.

Motion made by Mr. Woodward. Motion carries.

SHAD & RIVER HERRING MANAGEMENT BOARD (MAY 5, 2021)

Meeting Summary

The Shad and River Herring Management Board met to consider Technical Committee (TC) progress on recent Board tasks, as well as six American shad habitat plan updates.

The TC Chair presented updates on three tasks assigned by the Board. First, the Board approved a Technical Guidance Document for Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan (FMP). The document provides guidance to states and jurisdictions related to the FMP provisions for developing and evaluating sustainable fishery management plans (SFMPs) and alternative management plans, such as appropriate time series for sustainability metrics, management responses to falling below sustainability thresholds, clarification on the use of SFMPs versus alternative management plans, and interjurisdictional management guidance. The TC Chair also updated the Board on the TC's progress on the Board task to develop methods to evaluate bycatch in mixed-stock fisheries in state waters; the TC has collected data from all states and jurisdictions pertaining to mixed-stock fisheries and bycatch, and will meet later this month to discuss potential methods and recommendations.

The Board considered TC recommendations to address fish passage performance for American shad. Results of the 2020 benchmark stock assessment for American shad indicated that barriers to fish passage completely or partly block nearly 40% of the total historical habitat and significantly limit the recovery of American shad stocks along the coast. Therefore, the TC recommended that dam removal and the use of fish passage performance criteria be prioritized by state and federal agencies with fish passage prescription authority. The Board recognized improving fish passage is already a priority for the U.S. Fish and Wildlife Service and NOAA Fisheries, and agreed to recommend the Commission send letters to the agencies to support their activities to review dam passage. Additionally, the Board tasked the TC with prioritizing systems for shad recovery and developing an inventory of available data that would support development of fish passage criteria.

The Board also considered updates to the American shad habitat plans for Massachusetts, Rhode Island, Connecticut, Delaware River, South Carolina, and Florida. Amendment 3 to the FMP requires habitat plans for American shad for all states and jurisdictions, and updates were requested on a five year schedule to include recent information and restoration programs. The Board approved the presented shad habitat plans and will review remaining updates at its next meeting.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to approve the Technical Guidance Document for Implementation of Amendments 2 and 3 to the Shad and River Herring Fishery Management Plan

Motion made by Mr. Clark and seconded by Dr. Rhodes. Motion approved by unanimous consent.

Move to recommend to the ISFMP Policy Board that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American shad:

- **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
- **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications.**

Motion made by Dr. Colden and seconded by Ms. Patterson. Motion approved by consent with abstentions from NOAA Fisheries and USFWS.

Move to task the Technical Committee with prioritizing systems for shad recovery and developing an inventory of available data that would support development of fish passage criteria.

Motion made by Mr. Appelman and seconded by Mr. Millard. Motion approved by unanimous consent.

Move to approve the Shad Habitat Plan Updates from MA, RI, CT, Delaware River, SC and FL as presented today.

Motion made by Dr. Armstrong and seconded by Ms. Fegley. Motion approved by unanimous consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 5, 2021)

Press Release

ASMFC Atlantic Striped Bass Board Continues to Move Forward on the Development of Draft Amendment 7

The Commission's Atlantic Striped Bass Management Board met to review public comments and Advisory Panel (AP) recommendations on the Public Information Document for Draft Amendment 7 to the Interstate Fishery Management Plan (FMP), and provide guidance on which issues to include in the Draft Amendment. The purpose of the amendment is to update the management program in order to reflect current fishery needs and priorities given the status and understanding of the resource and fishery has changed considerably since implementation of Amendment 6 in 2003. The Board intends for the amendment to build upon the Addendum VI (2019) action to end overfishing and initiate rebuilding.

Prior to the Board's deliberations, Commission Chair Patrick Keliher provided opening remarks urging the Board to take action to address the downward trend of the Commission's flagship species. He stated, "While we are not at the point we were in 1984, the downward trend of this stock is evident in the assessment. For many of the Commission's species, we are no longer in a position to hold hope that things will revert to what they have previously been if we just hold static. The change is happening too fast and action needs to be taken." He further requested the Board to consider "what is best for this species, and also what is best for the future of the Commission."

After its review of the AP report, input received at the 11 virtual public hearings (targeting stakeholders from Maine to Virginia), and the more than 3,000 submitted comments, the Board

approved the following issues for development in Draft Amendment 7: recreational release mortality, conservation equivalency, management triggers, and measures to protect the 2015 year class. These issues were identified during the public comment period as critically important to help rebuild the stock and update the management program. In its deliberations, the Board emphasized the need to take focused and meaningful actions to address the declining stock and allow for the expedient development and implementation of the amendment.

While the coastal commercial quota allocation issue will not be included for further consideration in the Draft Amendment, the Board requested staff from the Commission and the State of Delaware prepare background information, options, and timelines for possible inclusion in a separate management document. The remaining issues that will not be developed as part of the amendment will remain unchanged from current management measures. However, they can be included in the adaptive management section of Draft Amendment 7 and addressed in a separate management document following approval of the final amendment.

As the next step in the amendment process, the Plan Development Team (PDT) will develop options for the four issues approved by the Board for inclusion in Draft Amendment 7. The Board will meet again during the Commission's Summer Meeting in August to review the PDT's progress on the Draft Amendment and recommend any further changes to the document. Based on progress made on the Draft Amendment, the Board's next opportunity to meet and consider possible approval of the document for public comment will be in October during the Commission's Annual Meeting.

For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

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PR21-10

Meeting Summary

The Atlantic Striped Bass Management Board met to consider accepting the North Carolina Albemarle Sound-Roanoke River Stock Assessment Report and Peer Review Report for management use; receive the public comment summary and Advisory Panel report on the Draft Amendment 7 Public Information Document (PID) and consider providing guidance to the Plan Development Team on which issues to include in Draft Amendment 7 (for more details see above press release); and consider a nomination to the Striped Bass Advisory Panel.

Under Addendum IV of the Atlantic Striped Bass Fishery Management Plan, the Albemarle Sound-Roanoke River (A-R) striped bass stock is managed by the State of North Carolina using reference points from the latest A-R stock assessment which is reviewed by the Striped Bass Technical Committee and approved for management use by the Board. The Board reviewed the 2020 A-R stock assessment and peer review report and also received an update from the North Carolina Division of Marine Fisheries (NCDMF) on North Carolina's management response to the assessment results. The A-R stock is managed using reference points for female spawning stock biomass (SSB) and fishing mortality (F). The A-R assessment estimated female SSB in 2017 (terminal year) was 78,576 pounds, which is below the SSB threshold of 267,390 pounds. The assessment estimated F in 2017 was 0.27, which is above the F threshold of 0.18. These results show that the stock is overfished and overfishing is occurring. An independent, external peer review panel approved the 2020 A-R assessment for

management use for at least the next five years. Based on the assessment results, the total allowable landings (TAL) was lowered for Albemarle Sound and Roanoke River management areas for 2021 and 2022 in order to reduce *F* to the target level. The new TAL is 51,216 pounds, which is a 57% reduction from 2017 landings.

The Board received a report from the Striped Bass Technical Committee (TC) on their review of the 2020 A-R stock assessment. The TC recommended the Board approve the 2020 A-R striped bass stock assessment for management use. The TC provided recommendations to NCDMF to consider for future A-R stock assessments, including continuing to explore factors impacting recruitment. The Board accepted the 2020 Albemarle Sound-Roanoke River Stock Assessment and Peer Review Report for management use.

There was one new nomination to the Atlantic Striped Bass Advisory Panel. The Board approved Jon Worthington representing North Carolina to the Striped Bass Advisory Panel.

For more information, please contact Emilie Franke efranke@asmfc.org, Fishery Management Plan Coordinator at 703.842.0740.

Motions

Move to accept the 2020 Albemarle Sound-Roanoke River Striped Bass Stock Assessment and Peer Review Report for management use.

Motion made by Mr. Batsavage and seconded by Mr. Hasbrouck. Motion stands approved by unanimous consent.

Move to remove issue 1 from the PID and maintain existing goals and objectives.

Motion made by Mr. White and seconded by Mr. Clark. Motion carries (10 in favor, 6 opposed).

Move to remove issue 2, biological reference points, from consideration for Draft Amendment 7.

Motion made by Mr. Sikorski and seconded by Ms. Ware. Motion passes (10 in favor, 6 opposed).

Move to maintain issue 7, recreational release mortality in the development of Amendment 7.

Motion made by Mr. Gary and seconded by Mr. Cimino. Motion carries (16 in favor).

Main Motion

Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7.

Motion made by Dr. Davis and seconded by Mr. McMurray. Motion amended.

Motion to Amend

Move to amend to include the following text: add options for measures to protect the 2015 year class in the development of Draft Amendment 7.

Motion made by Ms. Ware and seconded by Mr. Sikorski. Motion passes (9 in favor, 4 opposed, 2 abstentions).

Main Motion as Amended

Move to remove issue 4, the rebuilding schedule, from further consideration in Amendment 7 and add options for measures to protect the 2015 year class in the development of Draft Amendment 7.
Motion carries (12 in favor, 1 opposed, 2 abstentions).

Move that issue 5, regional management, be removed from consideration in Draft Amendment 7.
Motion made by Mr. McMurray and seconded by Mr. Armstrong. Motion stands approved by consensus.

Move to include issue 6, conservation equivalency in Amendment 7.
Motion made by Mr. White and seconded by Ms. Ware. Motion is approved by consensus with 1 objection.

Move to include issue 9, coastal commercial quota allocation in Draft Amendment 7.
Motion made by Mr. Clark and seconded by Dr. Davis. Motion fails for lack of a majority (6 in favor, 6 opposed, 2 abstentions, 1 null).

Main Motion

Move that the female SSB and fishing mortality triggers be removed from consideration from Draft Amendment 7 and to task the Technical Committee with developing options for a more effective standard for recruitment based triggers.

Motion made by Mr. McMurray and seconded by Mr. Miller. Motion substituted.

Motion to Substitute

Move to substitute to keep management triggers in Amendment 7 for analysis and consideration by the Board.

Motion made by Mr. Luisi and seconded by Mr. Armstrong. Motion passes (13 in favor, 2 opposed).

Main Motion as Substituted

Move to keep management triggers in Amendment 7 for analysis and consideration by the Board.

Motion passes by consensus.

Motion to remove issue 8, recreational accountability from further consideration in Amendment 7.

Motion made by Mr. Armstrong and seconded by Mr. White. Motion passes (10 in favor, 5 opposed).

Move to approve Jon Worthington, representing North Carolina, to the Striped Bass Advisory Panel.

Motion made by Mr. Gilmore and seconded by Mr. Gorham. Motion stands approved without objection.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (MAY 6, 2021)

Meeting Summary

The ISFMP Policy Board met to consider an appeal of Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) from the State of New York; discuss *de minimis* qualification and measures within Commission FMPs; discuss the East Coast Climate Change Scenario Planning Initiative; review the process for considering plan review team (PRT) recommendations in

annual FMP reviews; review an update on the Mid-Atlantic Fishery Management Council's (MAFMC) Research Steering Committee's evaluation to restart the research set-aside (RSA) program; review an update on the SEAMAP program; and consider a request from the Shad and River Herring Management Board.

The Commission Chair Pat Keliher presented the Executive Committee Report to the Board (see Executive Committee meeting summary earlier in this document).

The Board considered an appeal of Addendum XXXIII to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) from the State of New York under criterion one: the decision was not consistent with the statement of the problem. The Chair noted the decision before the Board was to determine if the appeal is justified under criterion one and if so what remedy should be forwarded to the Summer Flounder, Scup and Black Sea Bass Board.

Staff presented an overview of the Commission's [appeal process](#) and [Addendum XXXIII](#). The Addendum addressed significant changes in the distribution of black sea bass that have occurred since the original allocations were implemented under Amendment 13 in 2003 while accounting for the historical dependence of the states on the black sea bass fishery. The Addendum changes Connecticut's baseline allocation from 1% to 3% of the coastwide quota to address its disproportionately low allocation compared to the increased availability of black sea bass in state waters of Long Island Sound. The Board determined the other options in the Addendum would not increase Connecticut's allocation enough to address a directed fishery, therefore, the state's baseline quota was increased. State allocations are then calculated by allocating 75% of the coastwide quota according to the new baseline allocations (historical allocations modified to account for Connecticut's increase to 3%) and 25% to three regions based on the most recent regional biomass distribution information from the stock assessment. The three regions are: 1) Maine-New York, 2) New Jersey, and 3) Delaware-North Carolina. The regional allocations will be distributed among states within a region in proportion to their baseline allocations, except Maine and New Hampshire will each receive 1% of the northern region quota. Because the allocations are based in part on the regional biomass distribution from the stock assessment, they will be adjusted if a new assessment indicates a change to the biomass distribution. In the appeal, New York argued its baseline quota should have been increased similarly to that of Connecticut because it too had experienced a significant disparity between allocation and abundance/availability of black sea bass in Long Island Sound. During the years used for the historical allocation, adult black sea bass were rare in Long Island Sound and there was a minimal fishery by both states. Also, during this same time period, New York's fishery was primarily in the waters of the Atlantic Ocean. The state presented data to show a dramatic increase in the black sea bass abundance beginning in 2010 in Long Island Sound. New York argued it was this new abundance of fish that justified the baseline increase to Connecticut's quota. If both states share Long Island Sound, New York argued its baseline should also have been increased.

Members of the Policy Board acknowledged with the approval of the Addendum, the Summer Flounder, Scup and Black Sea Bass Board made significant progress in its approach to allocation by moving to regional allocation based on current distribution of the species, allowing for increased equity and directly incorporating science into the process. Board members recognized states made difficult decisions for the sake of the greater good and to advance allocation decisions. Members of the Policy Board stated New York presented a compelling case that the Addendum has not provided adequate

relief for the substantial increase of black sea bass in New York state waters of Long Island Sound. The established ocean fishery operating under the existing allocation has created problems where the relief provided by the Addendum was not enough.

Based on this information, the Board found New York's appeal was justified and remanded Section 3.1.1. Baseline Quota Allocations, back to the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the Summer Flounder, Scup, and Black Sea Bass Board should not result in a decrease in Connecticut's baseline allocation to less than 3% or decrease the percentage of quota redistributed according to regional biomass. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board will address the August 2021 meeting.

The Board discussed how *de minimis* is used within Commission FMPs. As defined in the ISFMP Charter, *de minimis* is a situation in which, under existing conditions of the stock and the scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment. *De minimis* provisions in FMPs reduce the management burden for states that have a negligible effect on the conservation of a species. The *de minimis* provisions in the FMPs vary by species and include a range of requirements for management measures, reporting requirements, and *de minimis* qualification periods. The Policy Board discussion focused on the balance between standardization across FMPs for consistent application of the provisions and the flexibility for the species management boards in developing *de minimis* provisions to address data collection needs (fishery-independent and -dependent), commerce issues, and management loopholes. The Board formed a small work group to provide a recommendation for addressing *de minimis* that addresses the concerns raised by the Board. The work group will report back to the Board in August.

The Board received an update on the East Coast Climate Change Scenario Planning Initiative, which was initiated by the Northeast Region Coordinating Council (NRCC) in 2020. Scenario planning is a tool that managers can use to test decisions or develop strategies in the context of uncontrollable and uncertain environmental, social, political, economic, or technical factors. It is a structured process for managers to explore and describe multiple plausible futures, termed "scenarios," and consider how to best adapt and respond to them. The NRCC, which consists of leadership from the Commission, MAFMC, New England Fishery Management Council, Greater Atlantic Regional Fisheries Office, and Northeast Fisheries Science Center, will serve as the primary decision-making body for this initiative, with the addition of South Atlantic Fishery Management Council representatives. The NRCC has appointed a Core Team of staff from each participating organization to serve as the technical team for this initiative, in conjunction with a contracted facilitator. The Commission reviewed a tentative plan and timeline for this process, which will be reviewed by the NRCC at its May meeting. Pending NRCC approval, a public scoping process is expected to occur this summer. Additional information can be found at the [webpage](#) for this initiative.

Each year management boards review and approve FMP Reviews and state compliance reports which have been drafted by PRTs. The PRTs include a recommendations section in the document that focuses on important issues related to management and science. Unless a board specifically takes action to address a recommendation, it is not addressed by the approval of the FMP Review. To maximize the

effectiveness of the PRT recommendations, the Board agreed PRT recommendations should be prioritized; limited to a reasonable number that can be addressed at one meeting; and focus on management/policy issues (research and science based recommendations should be in a separate section). Prior to the approval of the FMP Review, species boards will review and identify which recommendations require further tasking or action.

The Board reviewed a summary of the progress made by the MAFMC's Research Steering Committee on redevelopment of the RSA program. MAFMC will hold three workshops via webinar during the summer and early fall focusing on research, funding, and enforcement, followed by an in-person 1-day workshop in the fall to report all findings and recommendations to the participants. The Committee Chair Adam Nowalsky invited Commissioners to attend the workshops as the states have played important roles (e.g. issuing permits and enforcement) in the previous RSA program. The results of the workshops will be presented to the MAFMC in December with a recommendation on whether/how to re-initiate the RSA program.

Sarah Murray provided an update on the Southeast Area Monitoring and Assessment Program (SEAMAP) and reviewed the [2021-2025 SEAMAP Management Plan](#) and the [2021-2025 SEAMAP Strategic Plan](#). The Management Plan summarizes current goals, management policies and procedures, SEAMAP history, and program accomplishments. The Strategic Plan includes a prioritized list of potential activities to maintain and expand SEAMAP efforts. The top priorities for funding are maintaining the baseline program activities and returning the programs to full utilization. Secondary priorities are collecting additional data on existing surveys, for example, increasing life history and diet sampling or collecting oceanographic data. Finally, the plan lists priorities for developing new fishery-independent data collection programs; examples from the South Atlantic include developing a survey for pelagic species and developing a cobia survey.

The Board agreed to send letters to NOAA Fisheries and U.S. Fish and Wildlife Service to address fish passage performance for American shad (see relevant Shad and River Herring Management Board section earlier in this document for details on the letters). For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Move to find that NY's appeal of Addendum XXXIII, based upon Criterion 1, Addendum is inconsistent with the Statement of the Problem, is justified.

Motion made by Dr. Davis and seconded by Mr. Bell. Motion passes (13 in favor, 4 opposed, 1 abstention).

Main Motion

Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

Motion made by Dr. Davis and seconded by Mr. Borden.

Motion to Amend

Move to amend this motion to remove the last sentence.

Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion fails (6 in favor, 10 opposed, 2 abstentions).

Main Motion

Move to remand Addendum XXXIII, specifically Section 3.1.1. *Baseline Quota Allocations*, back to the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board for corrective action that addresses impacts to New York's baseline in a manner comparable to the consideration given Connecticut for the expansion of black sea bass into Long Island Sound. Corrective action taken by the summer flounder, scup, and black sea bass Board should not result in a Connecticut baseline allocation less than 3% or decrease the percentage of quota redistributed according to regional biomass.

Motion made by Dr. Davis and seconded by Mr. Borden. Motion passes (12 in favor, 4 opposed, 2 abstentions).

Move that the Commission write a letter to NOAA Fisheries and USFWS supporting their activities in dam passage review to provide increased opportunities for population recovery for American shad:

- **Dam/barrier removals as the preferred approach to restore fish species habitat access for population restoration and for habitat restoration benefits. When dam removal is not an option,**
- **The development and use of fish passage performance standards in river systems based on available data, fish passage modeling tools, and fish passage expertise is recommended. If the required information to develop performance standards are not available, support their development for such purposes and applications.**

Motion by Dr. Davis on behalf of the Shad and River Herring Management Board. Motion passes by consensus with 1 abstention from NOAA Fisheries.