



# Atlantic States Marine Fisheries Commission

## 2022 Spring Meeting Summary

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

2022 Spring Meeting  
May 2-5, 2022

For more information, please  
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### Meeting Summaries, Press Releases and Motions

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**ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (MAY 2, 2022)**

***Meeting Summary***

The ACCSP Coordinating Council met to review and take action on the FY2023 ACCSP Funding Decision Document and Request for Proposals package. The Council was provided an overview of the updated documents to support approximately \$1.2 million for Partner and Committee projects. The approved RFP is now open for proposal submissions through June 15, 2022. See <https://www.accsp.org/what-we-do/partner-project-funding> for more information. All proposals will be evaluated and ranked on merit according to the schedule in the RFP.

The Council received status presentations on three committee documents. A report by the Accountability workgroup was discussed and direction given to follow up on the report recommendations. The Atlantic Regional Recreational Data Collection Implementation plan priorities were discussed and further feedback will be obtained from the Council in the coming weeks. The Council was also provided an ACCSP Program update that included a summary of activities involving information systems and software development, recreational data, the One Stop Reporting project, the Data Warehouse, and current funding and staffing.

For more information, contact Geoff White, ACCSP Director, at [geoff.white@accsp.org](mailto:geoff.white@accsp.org).

***Motions***

**Move to approve the FY23 Funding Decision Document and RFP as presented to the ACCSP Coordinating Council.**

Motion made by Ms. Fegley and seconded by Ms. Zobel. Motion is approved.

**Move to charge the accountability workgroup to prioritize and develop an implementation plan based on the recommendations from the accountability report.**

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion is approved.

**COASTAL PELAGICS MANAGEMENT BOARD (MAY 2, 2022)**

***Press Release***

**ASMFC Coastal Pelagics Board Sets  
Atlantic Cobia Total Harvest Quota for 2023 Fishing Season**

Arlington, VA – The Commission’s Coastal Pelagics Management Board approved a total harvest quota for the Atlantic migratory group of cobia of 80,112 fish for the 2023 fishing season. This total quota results in a coastwide recreational quota of 76,908 fish and commercial quota of 73,116 pounds.

The total quota level of 80,112 fish was first approved in February 2020 for the 2020-2022 fishing seasons. In 2021, the allocation of that total quota changed through Addendum I, and some states implemented new recreational cobia measures in 2021. Based on a recommendation from the Technical Committee, the Board changed the cobia quota timeframe from 2020-2022 to 2021-2023,

thereby, maintaining the previous year's harvest quota of 80,112 fish for the 2023 fishing season. This change to the quota timeframe aligns with the timing of new measures implemented in 2021.

The Board will meet in 2023 to consider setting new specifications for the 2024-2026 fishing seasons. For more information, please contact Emilie Franke, FMP Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

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PR22-14

### ***Meeting Summary***

The Coastal Pelagics Management Board met to consider changes to the three-year quota block for harvest specifications for cobia (see above press release), to receive updates on the Spanish mackerel stock assessment and federal waters management, and to elect a Vice-Chair.

The Board received two updates on Spanish mackerel. The SEDAR 78 stock assessment report for Spanish mackerel (operational/update assessment) was recently completed and is now available. The South Atlantic Fishery Management Council's (SAFMC) Scientific and Statistical Committee will review the SEDAR 78 results and provide recommendations in summer 2022, which will then be discussed by the SAFMC at their September 2022 meeting. For Spanish mackerel management measures in federal waters, Amendment 34 to the Coastal Migratory Pelagics Fishery Management Plan was recently approved by the SAFMC in March 2022 and by the Gulf of Mexico Fishery Management Council in April 2022. Council staff are currently working on finalizing the amendment to be transmitted to NMFS for rulemaking. Amendment 34 for federal waters would allow cut-off (damaged by natural predation) Atlantic Spanish mackerel caught under the recreational bag limit, which comply with the minimum size limits, to be possessed, and offloaded ashore.

The Board elected Erika Burgess from Florida as Vice-Chair of the Board. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### ***Motions***

**Move to change the cobia quota block timeframe from 2020-2022 to 2021-2023 for the current annual total harvest quota of 80,112 fish, thereby setting the 2023 cobia harvest quota at 80,112 fish, resulting in a coastwide recreational quota of 76,908 fish and commercial quota of 73,116 pounds.**

Motion made by Ms. Madsen and seconded by Ms. Fegley. Motion passed by consent.

**Move to elect Erika Burgess as the Vice-Chair of the Coastal Pelagics Management Board.**

Motion made by Mr. Haymans and seconded by Mr. Geer. Motion passed by consent.

## **SCIAENIDS MANAGEMENT BOARD (MAY 2, 2022)**

### ***Meeting Summary***

The Sciaenids Management Board met to consider the Red Drum Simulation Assessment and Peer Review Report, receive an update on the Black Drum Benchmark Stock Assessment, and review a nomination for the South Atlantic Advisory Panel.

In 2020, the Board initiated a simulation modeling process so the Red Drum Stock Assessment Subcommittee (SAS) could determine the most appropriate assessment strategy for red drum. A peer review workshop for the Simulation Assessment was conducted this spring. The Board reviewed the Red Drum Simulation Assessment Report's findings and Peer Review Panel's recommendations on the models best suited for the next benchmark stock assessment. The Peer Review Panel recommended the stock synthesis model should be used to assess the northern (from New Jersey – North Carolina) and southern (from South Carolina – Florida) red drum stocks, while the statistical catch-at-age model should not be used. The Panel also recommended using the traffic light approach to monitor changes in landings and stock abundance in between assessments. Next steps for the SAS include completing the simulation assessment by addressing concerns raised by the Peer Review Panel and beginning work on the timeline and Terms of Reference (TORs) for the 2024 Red Drum Benchmark Stock Assessment. Staff also provided a short overview of the ongoing Black Drum Benchmark Stock. Work is continuing on schedule, with an Assessment Workshop expected in July 2022 and peer review anticipated for December 2022.

Lastly, the Board approved a South Atlantic Advisory Panel nomination for Mary Ellon Ballance, a commercial pound netter from North Carolina.

For more information, please contact Tracey Bauer, Fishery Management Plan Coordinator, at [tbauer@asmfc.org](mailto:tbauer@asmfc.org).

### ***Motions***

#### **Move to accept the Red Drum Simulation Assessment and Peer Review Report.**

Motion by Mr. Woodward, second by Dr. Rhodes. Motion passes by unanimous consent.

#### **Move to approve the nomination to the South Atlantic Advisory Panel of Mary Ellon Ballance from North Carolina.**

Motion made by Mr. Mannen and seconded by Mr. Gary. Approved by unanimous consent.

### **HORSESHOE CRAB MANAGEMENT BOARD (MAY 3, 2022)**

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

The Board met to consider two items: a progress update on Draft Addendum VIII and an update on a Board tasking to review biomedical mortality and Best Management Practices for biomedical collections.

Staff presented the Plan Development Team's (PDT) progress and recommendations on the development of management options for Draft Addendum VIII. After accepting the Adaptive Resource Management (ARM) Framework Revision and Peer Review for management use in January 2022, the Board initiated Draft Addendum VIII to consider options for implementation. The Horseshoe Crab PDT recommended the Addendum include a management option to consider adopting the 2021 Revision for setting harvest specifications for Delaware Bay region. This option would incorporate all of the improvements to the ARM Framework recommended in the 2021 Revision, including updated models, software, and state allocations to reflect revised Delaware Bay-origin proportions, as well as the ARM update and revision process. All other aspects of the methodology for determining the allocation of the

Delaware Bay-origin harvest would remain the same. The PDT also recommended including two sub-options for rounding the harvest recommendation to protect confidential data that would be used in the model. The PDT will provide a recommendation regarding what would constitute a no action option. The Board supported the PDT's recommendations, and expects to consider Draft Addendum VIII for public comment in August 2022.

In October 2021, the PDT was tasked with reviewing the threshold for biomedical mortality and developing biologically-based options for the threshold and options for action when the threshold is exceeded. Additionally, the PDT was charged with reviewing Best Management Practices (BMPs) for handling biomedical catch and recommending options for updating and implementing BMPs. To assist the PDT in this task, the Technical Committee (TC) met in April to review Fishery Management Plan history related to the biomedical mortality threshold of 57,500 crabs, recent data, and the BMPs. The TC is not confident that a biologically-based threshold can be established given the lack of population estimates or models outside of the Delaware Bay. However, it will continue to compile information to provide guidance to the PDT. After the Board receives the PDT's recommendations at the next meeting, it will consider whether to initiate a management action to address biomedical mortality and BMPs.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org).

***Motions***

No motions made.

**SHAD & RIVER HERRING MANAGEMENT BOARD (MAY 3, 2022)**

***Meeting Summary***

The Shad and River Herring Management Board met to consider updates to American shad habitat plans and Sustainable Fishery Management Plans (SFMPs), review the Technical Committee (TC) report on fish passage prioritization and the Fishery Management Plan (FMP) Review for the 2020 fishing year, receive an update on the status of the 2023 river herring benchmark stock assessment, and approve a nomination for the Advisory Panel (AP).

The Board considered an update to the American Shad Habitat Plan for the Connecticut River, as well as a new Habitat Plan from Massachusetts covering the Merrimack River. Under Amendment 3 to the FMP, all states and jurisdictions are required to develop habitat plans including information on habitat threats and restoration programs affecting American shad. Most habitat plans were originally approved in 2014 and were intended to be updated every five years but there were significant delays in the development of the Merrimack River plan. The Board approved the presented shad habitat plans.

The Board also considered updates to the New York SFMP for River Herring and the Delaware River Basin Cooperative Shad SFMP. Amendments 2 and 3 to the Shad and River Herring FMP require all states and jurisdictions that have a commercial fishery to submit an SFMP for river herring and

American shad, respectively. Plans are updated and reviewed by the Technical Committee every five years. The Board approved the presented SFMPs.

The TC Vice-Chair reported the results of the TC task from May 2021 to prioritize systems with barriers to passage for shad recovery and develop an inventory of available data that would support the development of fish passage criteria. The TC identified Federal Energy Regulatory Commission (FERC) hydropower projects that are a priority for shad recovery efforts and what data are available that could be used to develop passage performance standards for these systems. The report includes recommendations for states to evaluate projects within their jurisdictions and use the FERC relicensing process to improve fish passage at key facilities.

The Board also reviewed the FMP Review and Report for the 2020 fishing year. In 2020, river herring landings were approximately 2.05 million pounds, which was a 36% decrease from 2019, including a 77% decrease in bycatch landings. However, it was noted that the dramatic decrease in bycatch could be attributable to the elimination of the Massachusetts portside sampling program and potential COVID-19 interruptions in NOAA's Northeast Fishery Observer Program data. Non-confidential American shad landings totaled 407,179 pounds, a 49% increase from 2019, including a 24% decrease in bycatch landings. Hickory shad landings amounted to 92,023 pounds, a 36% decrease from 2019. The Plan Review Team (PRT) noted that a number of states could not complete the required monitoring under Amendments 2 and 3 due to the COVID-19 pandemic, among some other minor issues with the new compliance format. However, the PRT did not feel that the states should be held out of compliance because of interruptions due to the pandemic. Therefore, the Board approved the 2020 FMP Review, state compliance reports, all *de minimis* requests, and the PRT recommendation to slightly alter the format of the compliance reports.

The Board received an update on the 2023 river herring benchmark stock assessment, which outlined the timeline for the assessment and requested nominations for the Stock Assessment Subcommittee by May 20, 2022. The assessment is scheduled to be presented to the Board at the Annual Meeting in October 2023.

The Board considered and approved the nomination of Deborah Wilson of Maine to the Shad and River Herring Advisory Panel.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

### ***Motions***

**Move to approve and accept the American Shad Habitat Plans from CT and MA as presented today.** Motion made by Dr. Rhodes and seconded by Mr. Gilmore. Motion approved by consent.

**Move to approve the Shad Sustainable Fishery Management Plan from the Delaware Basin Coop and the River Herring Sustainable Fishery Management Plan from NY as presented today.** Motion made by Mr. Gary and seconded by Mr. Cimino. Motion approved by consent.

**Move to approve Fishery Management Plan Review, state compliance reports, and *de minimis* requests for ME, NH, MA, and FL for American shad and NH, GA, and FL for river herring for the 2020 fishing year.**

Motion made by Mr. Keliher and seconded by Mr. Haymans. Motion approved by consent.

**Move to approve the nomination of Deborah Wilson from ME to the Shad and River Herring Advisory Panel.**

Motion made by Mr. Gary and seconded by Mr. Keliher. Motion approved by consent.

### **ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 3, 2022)**

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

The Atlantic Menhaden Management Board met to receive an overview of Atlantic menhaden landings in the 2021 fishing year, consider approval of Draft Addendum I to Amendment 3 for public comment, and review the inclusion of 2020 landings in allocation distributions.

The Board was presented an update on menhaden landings from the 2021 fishing year in anticipation of the annual Fishery Management Plan Review in August. The coastwide total allowable catch (TAC) for the 2021 and 2022 fishing years is 194,400 mt. The total catch in 2021, including directed, incidental/small-scale fishery (IC/SSF), and episodic event set aside (EESA) landings, was approximately 195,092 mt. However, IC/SSF landings amounted to 5,750 mt, which do not count towards the coastwide TAC and is a 9% decrease from 2020. Therefore, non-incidental landings totaled 189,343 mt, which is approximately 97% of the coastwide TAC and a 6% increase from 2020. While bait landings decreased from 2020, reduction landings increased by 10%.

The Board was presented an overview of the management options developed for Draft Addendum I to Amendment 3. Previous to the Board meeting, the Plan Development Team (PDT) further developed the document according to feedback from the January Board meeting and provided recommendations for the Board's consideration. The first consideration for the Board was to review a proposal from the Commonwealth of Virginia to allow for modified 2020 landings to adjust for 59 vessel days lost to the fishing fleet due to the COVID-19 pandemic. The Virginia proposal presented the PDT with evidence that 2020 landings are atypical of the recent time series. Not all states experienced impacts to their fisheries in 2020, and the impacts were disproportional across states. If the Board was going to allow for adjusted data, then all states should have the opportunity to bring forward proposals. Based on this information, the PDT drafted four options to respond to the request: (1) maintain 2020 landings as they are, (2) allow for all states to propose individual landings adjustments, (3) remove 2020 from the time series and use 2019 as the final year, or (4) replace 2020 with 2021 landings data. The Board voted to approve option 4, which replaces 2020 data with 2021. With this result, the PDT will work to create new allocation tables for the various options in the Draft Addendum and the Board will review the document again at the August meeting.

While the decision to replace 2020 data with 2021 would delay approval for public comment, the Board continued to review the Draft Addendum and the recommendations from the PDT. Draft Addendum I proposes changes to three management topics: commercial allocations, EESA, and the IC/SSF provision. The three topics are interconnected. For example, changes to allocation can affect



states' need to participate in the EESA program as well as the volume of annual IC/SSF landings. This dynamic in the management program has created additional complexity for the options outlined in the Draft Addendum. Taking into consideration PDT recommendations, the Board made a number of changes to the Draft Addendum during the meeting to reduce the complexity and possible options in the document for public comment. Below is a summary of changes made to the document and items for the PDT to work on further:

### **Allocation**

- Replace 2020 data with 2021 in all options in Section 3.1.2.
- Remove Section 3.1.1 Option B, which outlined a two-tiered fixed minimum approach with some states starting with 0.01% and others with 0.5%.
- Remove Section 3.1.2 Option 4C, which would exclude IC/SSF and EESA landings from the moving average option.

### **Incidental Catch and Small-Scale Fisheries (IC/SSF) Provision**

- The PDT should review the definition of trammel nets as small-scale directed gear as opposed to gill nets, which are classified as non-directed gear.
- Remove Section 3.3.1 Option 4, which would eliminate the IC/SSF provision and instill a full fishery closure when allocations are met.
- The PDT should review Section 3.3.2 Option 3, which would only allow non-directed gears to apply to the IC/SSF provision and if beach seines can be included as an exception to allow for fisheries that do not permit purse seines to utilize the program.
- The PDT should consider how to incorporate elements of gear restrictions and trip limits from Sections 3.3.2 and 3.3.3 into management responses in Section 3.3.4 Option 2B.
- Remove Section 3.3.4 Option 2A Sub-options 1 and 2, which would establish a 1% catch cap or 1% set aside for IC/SSF landings, respectively, as a management trigger.
- Remove Section 3.3.4 Option 2B Sub-option 2, which would create a pound-for-pound payback system as a management response to IC/SSF triggers.
- Remove Section 3.3.5, which had options to allow for states to access the EESA before reaching 100% of their allocation.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, at [jboyle@asmfc.org](mailto:jboyle@asmfc.org).

### **Motions**

#### **Move to approve Option 4: Remove 2020 data and add 2021 data into the Draft Addendum.**

Motion made by Mr. Clark and seconded by Mr. Abbott. Motion carries (15 in favor, 1 opposed, 1 null).

#### **Move to remove Option B: Two-tiered fixed minimum approach from Section 3.1.1. in Draft Addendum I.**

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

**Move to remove Option 4c: Limiting landings used in calculation of moving average from Section 3.1.2 Draft Addendum I.**

Motion made by Ms. Meserve and seconded by Mr. Train. Motion carries (16 in favor, 1 opposed).

**Move to remove Sub-Option 1: Catch Cap equal to 1% of the annual TAC and 10% exceedance management trigger and Sub-Option 2: 1% set aside of the annual TAC exceedance management trigger from Section 2A: IC/SSF Management Triggers.**

Motion made by Ms. Ware and seconded by Mr. LaFrance. Motion carries by consent.

**Main Motion**

**Move to remove Sub-Option 2: Pound-for-pound payback from Section 2B: IC/SSF Management Trigger Response.**

Motion made by Ms. Meserve and seconded by Ms. Patterson.

**Motion to Substitute**

**Move to substitute to add Sub-Option 3 if the IC/SSF trigger is tripped the Board must take action to reduce IC/SSF landings and the overage will be deducted on a pound per pound basis in the subsequent year (2 years).**

Motion made by Dr. Colden and seconded by Mr. LaFrance. Motion fails (2 in favor, 14 opposed, 1 null).

**Main Motion**

**Move to remove Sub-Option 2: Pound-for-pound payback from Section 2B: IC/SSF Management Trigger Response.**

Motion made by Ms. Meserve and seconded by Ms. Patterson. Motion carries (10 in favor, 6 opposed, - 1 null).

**Move to remove option 4 under 3.3.1 Timing of IC/SSF provision: Full closure when allocation met, no IC/SSF provision.**

Motion made by Ms. Fegley and seconded by Mr. Cimino. Motion carries by consent.

**Move to remove section 3.3.5: Allow access to EESA at <100% state allocation)**

Motion made by Mr. Reid and seconded by Mr. Gates. Motion carries by consent.

**ANNUAL AWARDS OF EXCELLENCE (MAY 3, 2022)**

***Press Release***

**ASMFC Presents Annual Awards of Excellence for 2020 and 2021**

Arlington, VA - The Atlantic States Marine Fisheries Commission presented its Annual Awards of Excellence to an esteemed group of fishery managers, scientists, stakeholders and law enforcement officers for their outstanding contributions to fisheries management, science, and law enforcement along the Atlantic coast. Specifically, the award recipients for 2020 and 2021 were Lynn Fegley and Derek Orner for management and policy contributions; Rich Wong, Jimmy and Bobby Ruhle, and a subset of the Atlantic Menhaden/Ecological Reference Points Team for technical and scientific contributions; Greg DiDomenico for outreach and advocacy contributions; and Captain Michael

Eastman, Special Agents Chris McCarron and Steven Niemi, and Enforcement Officer Timothy Wilmarth for law enforcement contributions.

“Every year a great many people contribute to the success of fisheries management along the Atlantic coast. The Commission’s Annual Awards of Excellence recognize outstanding efforts by professionals who have made a difference in the way we manage and conserve our fisheries,” said ASMFC Chair Spud Woodward of Georgia. “I am humbled by the breadth and extent of accomplishments of the recipients and am grateful for their dedication to Atlantic coast fisheries.”

### **Management and Policy Contributions**

#### ***Lynn Fegley, Maryland Department of Natural Resources***

It is impossible to overstate Lynn Fegley’s contributions to the Commission and her leadership in interstate fisheries management and coastwide data collection. Her notable accomplishments include work on the implementation of ecosystem-based reference points in the management of Atlantic menhaden; writing and implementing Maryland’s CARES Act Spending Plan; serving as an active member of the South Atlantic State/Federal Fisheries Management Board and subsequently the recently established Sciaenids and Pelagics Management Boards; and leading the discussion to improve accountability in coastwide harvest data standards while Chair of the Atlantic Coastal Cooperative Statistics Program Coordinating Council. Highly knowledgeable about and committed to effective interstate fisheries management and policy, Ms. Fegley consistently shows her dedication to hard work, scientific rigor, and integrity in all that she does.

#### ***Derek Orner, NOAA Fisheries***

A valued federal partner for many years, Derek Orner has served as NOAA Fisheries’ lead on numerous Commission management boards and committees, including those for striped bass, shad and river herring, and Atlantic menhaden, providing sound advice and guidance on the management of these species. Additionally, Mr. Orner has played a critical role to the ongoing success of interstate fisheries management through his efforts to ensure the Commission and states consistently receive their appropriated funding from Congress in a timely manner. He has a keen understanding of the Atlantic Coastal Fisheries Cooperative Management Act and a strong commitment to state/federal partnership, as exemplified by his contributions to the recently signed interagency Memorandum of Understanding between NOAA Fisheries, the U.S. Fish and Wildlife Service and the U.S. Geological Survey.

### **Scientific and Technical Contributions**

#### ***Dr. Rich Wong, Delaware Division of Fish and Wildlife***

During Rich Wong’s 17-year career with Delaware Division of Fish and Wildlife, he has been a mainstay of the technical committees for a number of Mid-Atlantic species, including bluefish, summer flounder, scup, and black sea bass. Dr. Wong has long been recognized for his strong stock assessment skills, spotlighted recently in his development of the catch multiple survey analysis for the horseshoe crab benchmark assessment which was also used in the 2021 Revision of the Adaptive Resource Management Framework for the Delaware Bay.

#### ***Jimmy and Bobby Ruhle***

Father and son Jimmy and Bobby Ruhle have been tireless advocates for the commercial fishing industry, while concurrently advancing cooperative/collaborative approaches to fisheries science. With decades of fishing expertise and knowledge of local fishing grounds, The Ruhles have served on the

trawl committees and advisory panels for both the Commission and Mid-Atlantic Fishery Management Council, as well as North Carolina. They are both committed to ensuring the trawl gear used on research surveys promote confidence within the industry. When it became evident that a federal research survey would not be able to sample the nearshore regions, it was Jimmy Ruhle who stepped in to work with state and federal partners to fill the gap and establish the NorthEast Area Monitoring and Assessment Program (NEAMAP) in 2007. NEAMAP has been providing valuable fisheries data ever since and is used in multiple stock assessments.

***Atlantic Menhaden/Ecological Reference Points Team of Dr. Amy Schueller, Dr. Matt Cieri, Dr. Jason McNamee, Dr. David Chagaris, Dr. Andre Buchheister, Dr. Kristen Anstead, Dr. Katie Drew, Sarah Murray, and Max Appelman***

A subset of members from the Atlantic Menhaden/Ecological Reference Points Team were recognized for their successful completion of two concurrently developed Benchmark Stock Assessments for Atlantic Menhaden and Ecological Reference Points (ERP). While these assessments, particularly the ERP assessment, were many years in the making and involved the contributions of dozens of individuals, this group of people have been instrumental in making the ERP assessment a reality. Through their collective work and leadership, this team of state and federal scientists and ASMFC staff helped to significantly advance the understanding of Atlantic menhaden and its role as an important forage fish. Their efforts have provided the Commission with the tools needed to fulfill its promise to stakeholders to manage menhaden in an ecologically sustainable way. Of special note are the efforts of Dr. David Chagaris and Dr. Andre Buchheister, preeminent experts in the field of fisheries resources, predator-prey interactions, and ecosystem-based fisheries management and models, for their work on the development of the ERP model which is currently being used in management.

**Outreach and Advocacy Contributions**

***Greg DiDomenico, Lund's Fisheries***

Longtime industry advocate Greg DiDomenico was recognized for his outreach and advocacy contributions to fisheries management along the coast. Previously with Garden State Seafood Association and now with Lund's Fisheries, Mr. DiDomenico has been a tireless voice for New Jersey's commercial fishing industry at the state, interstate, regional and federal levels. He has been an ever present voice at Commission and Mid-Atlantic Fishery Management Council meetings speaking on behalf of the needs of commercial harvesters.

**Law Enforcement Contributions**

***Captain Michael Eastman, New Hampshire Fish and Game Department Law Enforcement Division***

Throughout his more than 20 year career, Captain Michael Eastman with New Hampshire Fish and Game Department Law Enforcement Division has proven himself as a very capable leader who cares about the officers he works with and the resources he is charged to protect. He is a longstanding member of the Commission's Law Enforcement Committee, serving as both Vice-chair and Chair to that Committee. He also serves as the law enforcement liaison on several species management boards, including Atlantic herring, northern shrimp, and American eel. His fair and professional approach has earned him the respect of the public he serves. He has led by example and demonstrated for other officers how to become successful through hard work and determination. Captain Eastman's work ethic and level of professionalism have been assets to both New Hampshire Fish and Game and the Commission throughout his career.

***Special Agents Chris McCarron and Steven Niemi, NOAA Office of Law Enforcement***

The thorough and relentless investigative efforts of NOAA’s Special Agents McCarron and Niemi ensured the success of two concurrent prosecutions whose illegal activities undermined the integrity of the Chesapeake Bay blue crab industry. The NOAA Office of Law Enforcement received multiple industry complaints regarding the actions of several companies who were accused of selling imported crab meat as Chesapeake Bay Blue Crab. As the Case Agents from the lead agency, Agents Niemi and McCarron coordinated with multiple State and Federal Law Enforcement entities to create and execute the investigative plan. This comprehensive investigation resulted with the companies admitting responsibility for importing over \$8.7 million dollars of foreign crab meat into the U.S. illegally, mislabeled, repacked and marketed the product as Chesapeake Bay Blue Crab. Agents McCarron and Niemi worked tirelessly during their investigations and their work has had a profound and immediate impact on the region’s industry.

***Enforcement Officer Timothy Wilmarth***

Enforcement Officer Timothy Wilmarth is being recognized for his focus and determination in developing a safe and effective enforcement strategy to address the effects of non-compliant offshore, deep set lobster gear on the mortality of the critically endangered North Atlantic right whales and in support of the Commission’s American lobster management program. Enforcement Officer Wilmarth took the idea of using remote operated vehicles from concept to reality and has allowed officers to effectively locate and inspect deep set lobster gear without having to physically retrieve the gear, which has historically posed a variety of problems including the safety of officers conducting the inspections. When deployed, the ROV can detect and record any gear or tag violation from the ocean surface down to the ocean floor to include inspecting tags, escape panels, markings, and compliance with trap limits. Through his hard work and technological innovation on the project, law enforcement officers will now have a safer platform to ensure gear compliance and boost efforts to protect endangered species such as the North Atlantic right whale.

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PR22-15

In addition to the Annual Awards of Excellence presentation, Commission Chair Spud Woodward took some time to honor Laura Leach for her 40 years with the Commission. His speech follows:

“Last year, Laura Leach, Director of Finance and Administration, celebrated her 40<sup>th</sup> anniversary with the Commission. In our 81-year history, no one has ever achieved this milestone! Laura began her career with the Commission as a bookkeeper in 1981 and has held many positions since then including Comptroller, Assistant Director, Council Liaison, and Acting Executive Director over three different periods. You all know her now as our Director of Finance and Administration, a position she has held for at least two decades. Over her career, the Commission budget increased from \$130,000 in 1981 to \$17.5 million in 2021, while staff size increased from just a handful of people in the 1980s to over 75 in our Arlington office and scattered along the coast in a number of our member states. Laura has

managed our financial growth with skillful efficiency and oversaw staff growth through several arduous office moves.

Everyone who meets Laura quickly learns how passionate, caring, dedicated, and accomplished she is. Laura's 40 years of contributions to the Commission are characterized by the depth of her caring and commitment to the larger Commission "family." Her unofficial titles include Camp Counselor, Party Planner, Morale Officer, and Activities Director. You've all experienced it in some way. She has dedicated time and effort to Commissioners' spouses, providing unique and fun activities during our annual meetings while Commissioners are hard at work. She will always go the extra mile for you. Need to make it to the airport after an overly long Commission meeting? Laura is there to say, "get in, buckle up, and I will not let you miss your flight." Broke your glasses while at a Commission meeting? Laura is the first to go out to try and get them fixed or replaced. I could go on and on.



From left: ASMFC Chair Spud Woodward, Laura Leach and ASMFC Executive Director Bob Beal

I first met Laura in 1989 when I started my participation in the Commission process as member of Red Drum Technical Committee. From then to now, Laura has been a friend, an advisor, and a confidant. I want to take this opportunity to personally thank her for helping a Georgia boy find his way in the complicated world of interstate fisheries management.

When Laura is asked about her retirement plans, her response is always "but how can I leave my family?" Without a doubt, Laura is the heart and soul of the Commission and when she does decide to take a well-earned retirement, the Commission will be forever changed.

It is with great pleasure that I ask Laura to come up and accept a token of our appreciation for her supreme dedication to the Commission and the people who make up the Commission, past and present. Please join me in thanking our friend and colleague, Laura Leach."

## **EXECUTIVE COMMITTEE (MAY 4, 2022)**

### ***Meeting Summary***

The Executive Committee met to discuss several issues including: the proposed FY23 Commission budget; potential revisions to the Commission's Appeals Process; use of *de minimis* in Interstate Fishery Management Plans; and receive a brief update on the review of the Commission's conservation equivalency process. The following action items resulted from the Committee's discussions:

- Ms. Leach presented the proposed FY23 Commission budget, which was reviewed and approved by the Executive Committee.
- Mr. Beal presented further revisions to the Draft Appeals Process Policy. The potential revisions have been discussed by the Executive Committee multiple times. The one remaining issue that needed to be resolved was the definition of the range of options that are available to a species management board when an appeal obligates corrective action. The Committee selected Option 3 as the preferred option for corrective action. Specifically, if the Policy Board requires a management board to take specific corrective actions, the scope of potential corrective actions must be consistent with the presentation of management options provided to the public in the Draft Amendment or Addendum. The Policy, as revised and approved by the Committee, was forwarded to the ISFMP Policy Board for final action.
- Ms. Kerns presented an update from the De *Minimis* Work Group. After a thorough discussion, the Chair tasked the Work Group to draft an options paper for review by the Committee in August.
- Ms. Kerns provided a brief update on the activities of the Commissioner and Management and Science Committee (MSC) Work Group relative to the review of the conservation equivalency program. The Work Group will present a draft to the full MSC this summer before presenting a report to the Executive Committee in August.

For more information, please contact Laura Leach, Director of Finance & Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org).

### ***Motions***

#### **Move approval of the FY23 Budget.**

Motion made by Mr. Abbott and seconded by Mr. Keliher. Motion passed unanimously.

#### **Move acceptance of the proposed changes including option 3 to the Commission’s Appeals Process Policy to be forwarded to the Policy Board for action.**

Motion made by Mr. Keliher and seconded by Mr. Clark. Motion passed unanimously.

### **LAW ENFORCEMENT COMMITTEE (MAY 4, 2022)**

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

The Law Enforcement Committee met to review its guidance document on the enforceability of management measures and consider whether any updates are needed; discuss enforcement issues related to the use of trackers in the American lobster fishery and Atlantic herring regulatory changes in federal waters; receive an update on tautog commercial tagging program review; receive a presentation on derelict gear and state agency reports; and review and discuss ongoing enforcement activities (via a closed session).

#### **Enforceability Guidelines**

The Committee reviewed the latest version of [Guidelines for Resource Managers on the Enforceability of Fishery Management Measures](#) and determined that some revisions are needed to better reflect

current practices. A work group was formed to review the document and provide recommendations for changes for consideration by the Committee at its next meeting.

### **American Lobster Trackers**

Staff provided an update to the Committee on the next steps for implementing the Addendum XXIX requirements for electronic trackers for federally-permitted lobster and Jonah crab vessels. A Work Group (WG) will be convened in the next month to develop a Request for Proposals for electronic tracking devices to be considered for use in the fishery. The WG will review all proposals to evaluate and approve devices that meet the criteria required by Addendum XXIX. Several Committee members were interested in participating in WG meetings to provide input on the evaluation of tracking devices. Staff also informed the Committee that a meeting will be held next week with state and federal partners to receive input on the development of an interface that would allow administrators to query, view, and interact with electronic tracking data. Several Committee members will attend this meeting.

### **Atlantic Herring Regulatory Changes in Federal Waters**

The Committee was updated on a ruling through the federal court system, striking down the mid-water trawl prohibition from 0-12 miles in New England Fishery Management Council's Amendment 8. Given this ruling, the provision is no longer being enforced.

### **Tautog Commercial Tagging Program**

Staff updated the Committee on the review of the tautog commercial harvest tagging program, which was fully implemented by all states in 2021. At the January meeting, the Tautog Board received public comments from the commercial industry relating to issues with the commercial tagging program and fish health. The Tautog Board requested staff to conduct a survey of tautog dealers to evaluate potential effects on the tautog market price. Staff received limited feedback from dealers selling live tautog. New York State also conducted a survey of tautog dealers, shippers, and harvesters to evaluate the response to the commercial tagging program within their jurisdiction. From harvesters, a minority of harvesters are experiencing issues with the tags, primarily tags not locking or falling out, tags causing excess mortality, and the tags causing excessive damage. For shippers and dealers, a small percentage reported issues with tags not locking/falling out, tags causing excessive damage, and tags causing lesions to appear on the fish. The Committee re-iterated the importance of a tag that cannot be tampered with for this program to be a success.

### **Derelict Gear**

The Committee received a presentation from Julia Kaplan MA DMF communication specialist and agency law clerk. Earlier this year, Julia participated in a grant-funded abandoned gear project that contracted seven lobster vessels for ten sea days to haul derelict gear in closed areas in collaboration with environmental police. During the project they hauled over 2000 traps and 600 buoy lines. Julia is analyzing potential avenues to address legal challenges associated with the disposal of abandoned gear. Current laws require the agency to return gear to its owner, despite frequently being unable to identify the owner. Julia requested information from the Committee on the frameworks used in other states to address derelict gear, successes and difficulties, and state regulations. She will communicate with the Committee after the meeting to collect this information.

In its last order of business, the Committee elected Captain N. Scott Pearce from Maine as its Vice-Chair. For more information, please contact Toni Kerns, Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org).



## **COASTAL SHARKS MANAGEMENT BOARD (MAY 4, 2022)**

### ***Meeting Summary***

The Coastal Sharks Management Board met to consider an Atlantic shortfin mako retention ban, receive an update on a proposal to list 54 sharks under the Convention on the International Trade in Endangered Species (CITES) Appendix II, and review and populate advisory panel membership. The Board approved a zero retention limit in state waters for Atlantic shortfin mako sharks for both recreational and commercial fisheries. These measures are consistent with those proposed by NOAA Fisheries for federal highly migratory species (HMS) permit holders. This action was taken in response to the 2019 Atlantic shortfin mako stock assessment update that indicates the resource is overfished and experiencing overfishing, with a rebuild date of 2070. The zero retention limit also responds to a recent determination by the International Commission on the Conservation Atlantic Tunas that all member countries need to reduce current shortfin mako fishing mortality to accelerate the rate of recovery and to increase the probability of rebuilding success. The states will implement the non-retention policy when NOAA Fisheries posts the final rule, which is expected to occur in June 2022.

The Board received a brief presentation on the CITES Appendix II proposed listing for 54 sharks within the Carcharhinidae family. CITES is a global treaty that aims to ensure international trade of plants and animals do not threaten their survival in the wild. Species protected under CITES Appendix II include species that, although not currently threatened with extinction, may become so without trade controls. A species listing under CITES Appendix II would not prohibit international trade of the species, but it would require additional permitting requirements for all exports. Panama, a country party to CITES, has proposed listing four species of sharks including smalltail, ganges, dusky, and grey reef sharks under Appendix II because of their IUCN (International Union for Conservation of Nature) status as endangered globally. The remaining 50 species of sharks are considered lookalike species that the proposal asserts are difficult for customs officials to differentiate from the other four. The Board recommended the Commission write a letter in opposition to proposed CITES Appendix II listing of these sharks. The Board reasoned that the federal and interstate Coastal Sharks Fishery Management Plans already ensure responsible and sustainable harvest of sharks within the United States, and this would represent an undue burden on the commercial industry that regularly underachieves harvestable quota limits.

Lastly, the Board approved the nomination of Thomas Newman to the Coastal Sharks Advisory Panel. Thomas Newman is a commercial fisherman who has targeted a variety of fish for over 25 years, and is already a valued advisory panel member for North Carolina and the South Atlantic Fishery Management Council.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at [dleaning@asmfc.org](mailto:dleaning@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to set the retention limit to zero (close the commercial and recreational fisheries) for shortfin mako upon implementation of the NOAA final rule.**

Motion made by Mr. Luisi and seconded by Mr. Clark. Motion passes with 1 null vote.

**Move to nominate Thomas Newman to the Coastal Sharks Advisory Panel from North Carolina.**  
Motion made by Mr. Batsavage and seconded by Mr. Geer. Motion passes.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 4, 2022)**

### ***Meeting Summary***

The Atlantic Striped Bass Management Board met to select management options, implementation dates, and consider approval of Amendment 7; review and provide guidance on the 2022 stock assessment update projection scenarios; consider next steps for Draft Addendum VII to Amendment 6; approve an Advisory Panel nomination; and elect a Vice-Chair.

After reviewing recommendations from its Technical Committee and Advisory Panel, and considering the substantial amount of public comment received via state hearings and written comment, the Board selected the final management measures to be included in Amendment 7. The Board approved the Amendment, as well as recommended its final approval by the full Commission (see press release under Business Session later in this document).

The Board reviewed the projection scenarios for the 2022 striped bass stock assessment update. The assessment update will be conducted during summer 2022 and the results are expected in October 2022. The stock assessment will focus on two rebuilding projection scenarios. The first is the status quo scenario: what is the probability of spawning stock biomass (SSB) in 2029 being at or above the SSB target under current fishing mortality (F) with the low recruitment assumption? The second is the F rebuild scenario: what F level is necessary to have a 50% chance of being at or above the SSB target in 2029 with the low recruitment assumption? The Board confirmed using a 50% probability for the F rebuild scenario is the appropriate probability since that is the basis for determining whether current measures are sufficient for rebuilding, as specified in the options selected for Amendment 7 *Section 4.4 Rebuilding Plan*. Because Amendment 7 allows the Board to consider adjusting management measures immediately following the 2022 assessment, the Technical Committee will calculate which management options would achieve F rebuild, if a reduction is needed. In order to do that, the Technical Committee will need guidance from the Board at the August 2022 Board meeting on what types of management measures to consider, including which sector(s) should take any potential reduction and guidance on measures like size limits or season considerations.

The Board postponed discussion on Draft Addendum VII to Amendment 6 until the next Board meeting in August 2022. Draft Addendum VII was initiated in response to a request from Delaware to consider allowing the voluntary transfer of commercial striped bass quota between jurisdictions that have commercial quota. The Board will consider next steps for Draft Addendum VII at the August 2022 Board meeting.

The Board approved the nomination of Jamie Lane, a commercial gillnetter from North Carolina, to the Atlantic Striped Bass Advisory Panel.

The Board elected Megan Ware from Maine as Vice-Chair of the Board. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org).

### **Motions**

**Move to approve Option B in Section 4.4.1, such that for the 2022 stock assessment: F rebuild is calculated to achieve the SSB target by no later than 2029 using the low recruitment regime assumption as identified by the change point analysis and Move to approve Option B in Section 4.4.2, such that: If the 2022 stock assessment results indicate the Amendment 7 measures have less than a 50% probability of rebuilding the stock by 2029 (as calculated using the recruitment assumption specified in Amendment 7) and if the stock assessment indicates at least a 5% reduction in removals is needed to achieve F rebuild, the Board may adjust measures to achieve F rebuild via Board action.**  
Motion made by Dr. Armstrong and seconded by Mr. McMurray. Motion passes (15 in favor, 1 null).

### **Main Motion**

**For Tier 1 Fishing Mortality Triggers in Section 4.1, move to approve options A1, B1, and C1, such that:**

- **If an F trigger is tripped, reduce F to a level that is at or below the target within 1 year.**
- **If F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A (1 year).**
- **If F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A (1 year).**

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

### **Motion to Amend**

**Move to amend to remove the F target trigger.**

Motion made by Mr. Clark and seconded by Mr. Fote. Motion fails (3 in favor, 12 opposed).

### **Main Motion**

**For Tier 1 Fishing Mortality Triggers in Section 4.1, move to approve options A1, B1, and C1, such that:**

- **If an F trigger is tripped, reduce F to a level that is at or below the target within 1 year.**
- **If F exceeds the F threshold, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under Option A (1 year).**
- **If F exceeds the F target for two consecutive years and female SSB falls below the SSB target in either of those years, the striped bass management program must be adjusted to reduce F to a level that is at or below the target within the timeframe selected under sub-option A (1 year).**

Motion made by Dr. McNamee and seconded by Ms. Ware. Motion passes (15 in favor, 1 opposed).

**Move to approve Tier 2 Options A2, B1, and C1 [within Section 4.1], such that the SSB triggers are:**

- **The Board must implement a rebuilding plan within two years of the SSB management trigger being tripped.**

- If female SSB falls below the threshold, the striped bass management program must be adjusted to rebuild the biomass to the target level within an established timeframe (not to exceed 10-years).
- If female SSB fall below the target for two consecutive years and F exceeds the target in either year, the striped bass management program must be adjusted to rebuild the biomass to a level that is at or above the target within an established timeframe (not to exceed 10-years).

Motion made by Ms. Ware and seconded by Ms. Patterson. Motion passes (15 in favor, 1 null).

**Move to approve Tier 3 Options A2 and B3 [within Section 4.1], such that the recruitment trigger is: If any of the four JAIs used in the stock assessment model to estimate recruitment (NY, NJ, MD, VA) shows an index value that is below 75% of all values (i.e., below the 25th percentile) in the respective JAI from 1992–2006, which represents a period of high recruitment, for three consecutive years, then an interim F target and interim F threshold calculated using the low recruitment assumption will be implemented, and the F-based management triggers defined in Section 4.1 will be reevaluated using those interim reference points. If an F-based trigger is tripped upon reevaluation, the striped bass management program must be adjusted to reduce F to the interim F target within one year.**

Motion made by Dr. Armstrong and seconded by Mr. Abbott. Motion passes unanimously (16 in favor).

#### **Main Motion**

**Move to approve Tier 4 Option A: Status Quo, no deferred management action. If a trigger trips, the Board must take action.**

Motion by Mr. Gilmore, second by Ms. Patterson. Motion substituted.

#### **Motion to Substitute**

**Move to substitute Option F: Board has already initiated action (e.g., developing addendum) in response to a different trigger.**

Motion made by Mr. Clark and seconded by Mr. Cimino. Motion carries (9 in favor, 5 opposed, 2 abstentions).

#### **Main Motion as Substituted**

**Move to approve Tier 4 Option F: Board has already initiated action (e.g., developing addendum) in response to a different trigger.**

Motion passes (15 in favor, 1 abstention).

#### **Main Motion**

**In section 4.2.2, move to approve option B2-a no harvest, spawning closure required.**

Motion made by Ms. Ware and seconded by Dr. Armstrong.

#### **Motion to Substitute**

**Move to substitute option B1-a, All recreational targeting prohibited for minimum 2 weeks during a wave with at least: 15% of striped bass directed trips (MRIP).**

Motion made by Mr. Gilmore and seconded by Mr. Luisi. Motion fails (16 opposed).

### **Main Motion**

**In section 4.2.2, move to approve option B2-a no harvest, spawning closure required.**

Motion made by Ms. Ware and seconded by Dr. Armstrong. Motion fails (4 in favor, 11 opposed, 1 abstention).

**In section 4.2.2, move to approve a modified option C1: It shall be unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing recreationally.**

Motion made by Mr. Clark and seconded by Mr. Abbott. Motion passes (16 in favor).

**Move to accept option D2 from section 4.2.2, Recommended Outreach and Education.**

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

**Move to approve option C2 from section 4.2.2, Option for Incidental Catch Requirement: Striped bass caught on any unapproved method of take would be returned to the water immediately without unnecessary injury.**

Motion made by Mr. Batsavage and seconded by Mr. Gates. Motion carries (12 in favor, 3 opposed, 1 null).

### **Main Motion**

**Move to approve in section 4.6.2 options B1-a and B1-c: CE programs would not be approved when the stock is overfished and CE programs would not be approved when overfishing is occurring. These restrictions apply to non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries.**

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

### **Motion to Amend**

**Move to amend to remove B1-c, "and CE programs would not be approved when overfishing is occurring."**

Motion made by Mr. Clark and seconded by Mr. Fote (8 in favor, 7 opposed).

### **Main Motion as Amended**

**Move to approve in section 4.6.2 options B1-a : CE programs would not be approved when the stock is overfished. These restrictions apply to non-quota managed recreational fisheries, with the exception of the Hudson River, Delaware River, and Delaware Bay recreational fisheries.**

Motion passes (16 in favor).

**Move to approve in section 4.6.2 option C2: CE proposals would not be able to use MRIP estimates associated with a PSE exceeding 40 and move to approve in section 4.6.2 option D1: Proposed CE programs for non-quota managed fisheries would be required to include an uncertainty buffer of 10 %, except D2 a buffer of 25% would be required when MRIP estimates PSE exceeds 30%.**

Motion made by Dr. Armstrong and seconded by Dr. McNamee. Motion passes (13 in favor, 1 opposed, 2 abstentions).

**Move to approve in section 4.6.2, option E2 such that CE proposals for non-quota managed fisheries must demonstrate equivalency to the percent reduction/liberalization projected for the FMP standard at the state-specific level**

Motion made by Mr. Armstrong and seconded by Mr. Gilmore. (13 in favor, 1 opposed, 2 abstentions).

**Move that all provisions of Amendment 7 be effective immediately except for gear restrictions. States must implement gear restrictions by January 1, 2023.**

Motion made by Ms. Ware and seconded by Mr. Clark. Motion passes unanimously.

**Move to recommend to the Commission the approval of Amendment 7 to the Striped Bass Interstate Fishery Management Plan as amended today.**

Motion made by Ms. Patterson and seconded by Mr. Sikorski. Motion passes unanimously.

**Move to approve Jamie Lane representing North Carolina to the Striped Bass Advisory Panel.**

Motion made by Mr. Sikorski and seconded by Mr. Batsavage. Motion passes.

**Move to elect Megan Ware as Vice-Chair of the Atlantic Striped Bass Management Board.**

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

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (MAY 5, 2022)**

### ***Meeting Summary***

The ISFMP Policy Board met to discuss a number of issues; the details of which are provided below.

### **Executive Committee Report**

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

### **ASMFC Appeals Process Policy**

The ISFMP Charter includes an opportunity for a state to appeal species management board decisions. A process was implemented in 2003 and revised to clarify appeal criteria. After the 2021 appeal decision regarding black sea bass commercial allocation, it was suggested additional improvements to the process may be appropriate. Staff presented a revised Appeals Process Policy that included changes to address (1) when the current or past Commission Chair or the Vice-Chair is from the appealing state, (2) requirements for the scope of the potential corrective action designated by the Policy Board, and (3) what happens if the management board is unable to make the changes necessary to respond to the findings of the Policy Board. There was a concern the policy did not specify the Policy Board's ability to request additional information when deciding on the appeal, therefore, the policy will be revised and brought to the Policy Board for consideration in August 2022.

### ***De Minimis***

The Commission includes *de minimis* provisions in interstate FMPs to reduce the management burden for states that have a negligible effect on the conservation of a species. The *de minimis* provisions in FMPs vary by species and include a range of requirements for management measures, reporting requirements, and *de minimis* qualification periods. The Policy Board tasked a Work Group to provide a recommendation for addressing *de minimis* that addresses the concerns raised by the Board. The Work Group recognized the need for standards across all FMPs but there is the need to allow for exceptions. The Work Group will draft an options paper that provides *de minimis* standards across FMPs but still

provides flexibility for the species management boards to develop unique *de minimis* provisions when necessary.

### **Climate Change Scenario Planning**

Over the past year, East Coast fishery management bodies have been collaborating on a climate change scenario planning initiative designed to prepare fishing communities and fishery managers for an era of climate change. The goals of this project are to assess how climate change might affect stock distribution and availability of East Coast marine fisheries over the next 20 years and to identify the implications for fishery management and governance. Staff reviewed progress of the initiative and discussed the upcoming scenario creation workshop. Workshop participants will create a set of scenarios that describe how changing oceanographic, biological, and social/economic conditions could combine to create future challenges and opportunities for East Coast fisheries.

### **NOAA Report on Sea Turtle Bycatch in Trawl Fisheries**

The Policy Board received an update from NOAA Fisheries staff on their recent public outreach efforts related to sea turtle bycatch and gear research in trawl fisheries in the Greater Atlantic Region. NOAA conducted virtual stakeholder webinars and call-in days throughout February and March to gather information from the fishing industry and other stakeholder groups to inform any future bycatch mitigation measures. Public feedback throughout this outreach consisted of questions on the sea turtle bycatch estimates, observer data, and research. Comments were received on the geographical range of the measures, tow duration issues, fishery definitions, and economic impacts. Protected Resources staff indicated that there is more research to be done and they are approximately a year away from the proposed rule stage. The Policy Board will provide comments to NOAA Fisheries on issues raised by Board members.

### **Law Enforcement Committee Report**

The Commission staff presented the Law Enforcement Committee Report from the Committee's meeting earlier in the week (see meeting summary earlier in this document for more details).

### **Research Set-Aside Program**

Staff presented an overview of the Mid-Atlantic Fishery Management Council's (MAFMC) Research Steering Committee's recommendations for the potential redevelopment of the Research Set-Aside (RSA) Program. The RSA Committee prioritized and redefined potential goals for the program as listed below. MAFMC will consider the RSA Committee's recommendations at its June 2022 Council meeting. If MAFMC re-initiates the RSA program, the states and Commission will provide input on their preferred details for the final program.

- Goal 1: Produce quality, appropriately peer-reviewed research that maximizes benefits to the Council, management partners, and the public and enhances the Council's understanding of its managed resources (Research)
- Goal 2: Ensure effective monitoring, accountability, and enforcement of RSA quota (Enforcement and Administration)
- Goal 3: Generate resources to fund research projects that align with the priorities of the Council (Funding)
- Goal 4: Foster collaboration and trust between scientific and fishing communities and the general public

### **Tautog Commercial Harvest Tagging Program**

The tautog commercial harvest tagging program was fully implemented by all states in 2021. At the January meeting, the Tautog Board received public comments from the commercial Industry relating to issues with the commercial tagging program and fish health. The Tautog Board requested staff to conduct a survey of tautog dealers to evaluate potential effects on the tautog market price. Staff received limited feedback from dealers selling live tautog. New York State also conducted a survey of tautog dealers, shippers and harvesters to evaluate the response to the commercial tagging program within their jurisdiction. From harvesters, a minority of harvesters experienced issues with the tags, primarily tags not locking or falling out, tags causing excess mortality, and the tags causing excessive damage. For shippers and dealers, a small percentage reported issues with tags not locking/falling out, tags causing excessive damage, and tags causing lesions to appear on the fish. The Policy Board discussed there was a learning curve to using the tags, as was seen in other states, and to give the program an additional year before making any changes to the tags. The Tautog Management Board will conduct a review of the program again in 2023.

### **Sharks CITES Appendix II Listing**

The Policy Board agreed to send a letter in opposition to the Panama proposal to list 54 shark species under CITES Appendix II (see Coastal Sharks Management Board meeting summary earlier in this document for more details). In addition, the Policy Board agreed to send a letter in opposition to proposed CITES Appendix I and II listing for spiny dogfish and an Appendix II listing for American eel.

### **Recreational Harvest Control Rule Addenda/Framework**

The Policy Board and MAFMC met to receive a presentation on the Recreational Harvest Control Rule Addenda/Framework, review a brief summary of verbal comments received at public hearings on the Draft Addenda, and discuss next steps. The goal of the Draft Addenda/Framework is to establish a process for setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish such that the measures aim to prevent overfishing, are reflective of stock status, appropriately account for uncertainty in the recreational data, take into consideration angler preferences, and provide an appropriate level of stability and predictability in changes from year to year. The options under consideration include various methods to allow for greater stability in measures and more explicit consideration of stock status when setting the measures compared to the current process. The Policy Board and Council will review all submitted comment and summaries from the public hearings summary, and consider final action of the documents in June 2022.

For more information on the Recreational Harvest Control Rule, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at [dleaning@asmfc.org](mailto:dleaning@asmfc.org), Julia Beaty, Fishery Management Specialist with MAFMC, at [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org), or Tracey Bauer, Fishery Management Plan Coordinator, at [tbauer@asmfc.org](mailto:tbauer@asmfc.org).

For more information on all other issues described in this section, please contact Toni Kerns, Policy Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### ***Motions***

No motions made.



## **BUSINESS SESSION (MAY 5, 2022)**

### *Press Release*

## **ASMFC Approves Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass: *Amendment Strengthens Measures to Support Stock Rebuilding***

Arlington, VA – The Atlantic States Marine Fisheries Commission approved Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass. The Amendment establishes new requirements for the following components of the FMP: management triggers, conservation equivalency, measures to address recreational release mortality, and the stock rebuilding plan. The last striped bass stock assessment found the stock was overfished and that overfishing was occurring. This finding required the Board to end overfishing within one year and rebuild the stock by 2029. Amendment 7 strengthens the Commission’s ability to reach the rebuilding goal by implementing a more conservative recruitment trigger, providing more formal guidance around uncertainty in the management process, and implementing measures designed to reduce recreational release mortality. This Amendment builds upon the Addendum VI action to address overfishing and initiate rebuilding in response to the assessment findings.

“On behalf of the Board, I would like to thank everyone who contributed to this amendment process over the past few years to address these critically important management issues. This includes ASMFC staff, and the state and federal partners who served on all the various committees involved in the development of Amendment 7, as well as the Advisory Panel. I would especially like to acknowledge former Board Chair David Borden of Rhode Island for his leadership throughout much of the process,” stated Board Chair Marty Gary with the Potomac River Fisheries Commission. “Stakeholders clearly voiced their dedication and commitment to the conservation of this species through the thousands of comments we received. The Board is grateful for this tremendous public participation and believe that the actions we took through Amendment 7 are reflective of the majority of stakeholders’ priorities. The Board remains focused on rebuilding this iconic species.”

Amendment 7 establishes an updated recruitment management trigger, which determines when the Board is required to make management adjustments based on striped bass young-of-the-year data. The updated recruitment trigger is more sensitive to low recruitment than the previous trigger, and it requires a specific management response to low year class strength. The response requires reevaluation of the fishing mortality management triggers to account for low recruitment. If one of those triggers trips after reevaluation, the Board is required to take action to reduce fishing mortality.

Amendment 7 also updates the spawning stock biomass triggers by establishing a deadline for implementing a rebuilding plan. The Board must implement a rebuilding plan within two years of when a spawning stock biomass trigger is tripped.

For conservation equivalency (CE), which provides states the flexibility to tailor management measures, Amendment 7 does not allow CE to be used for most recreational striped bass fisheries when the stock is overfished. Amendment 7 also provides constraints around the use of Marine Recreational Information Program data for CE proposals and defines the overall percent

reduction/liberalization a proposal must achieve, including required uncertainty buffers. These restrictions are intended to minimize the risks due to uncertainty when CE is used for non-quota managed striped bass fisheries.

Since recreational release mortality is a large component of annual fishing mortality, Amendment 7 establishes a new gear restriction which prohibits gaffing striped bass when fishing recreationally. This new restriction, along with the existing circle hook requirement when fishing recreationally with bait, are intended to increase the chance of survival after a striped bass is released alive. Additionally, Amendment 7 requires striped bass caught on any unapproved method of take (e.g., caught on a J-hook with bait) must be returned to the water immediately without unnecessary injury. This provision, which is related to incidental catch, was previously a recommendation in Addendum VI to Amendment 6.

For stock rebuilding, Amendment 7 addresses the upcoming 2022 stock assessment and how it will inform efforts to meet the 2029 stock rebuilding deadline. Given concerns about recent low recruitment and the possibility of continued low recruitment, Amendment 7 requires the 2022 stock assessment's rebuilding projections to use a low recruitment assumption to conservatively account for that future possibility. Amendment 7 also establishes a mechanism for the Board to respond more quickly to the 2022 assessment results if action is needed to achieve stock rebuilding by 2029.

All provisions of Amendment 7 are effective immediately except for gear restrictions. States must implement gear restrictions by January 1, 2023. Amendment 7 will be available on the Commission's website, <http://www.asmfc.org/species/atlantic-striped-bass>, by the end of May. For more information, please contact Emilie Franke, Fishery Management Plan Coordinator, at [efranke@asmfc.org](mailto:efranke@asmfc.org) or 703.842.0740.

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PR22-16

### ***Motions***

**On behalf of the Atlantic Striped Bass Management Board, move the Commission to approve Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass as amended by the Board.**

Motion made by Mr. Gary. Motion is unanimously approved.