



Atlantic States Marine Fisheries Commission

78th Annual Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

78th Annual Meeting
New Castle, NH
October 28 – 31, 2019

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Meeting Summaries, Press Releases and Motions

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Press Release

**ASMFC Atlantic Herring Board Initiates Draft Addendum
to Improve Quota Management in Area 1A**

New Castle, NH – The Commission’s Atlantic Herring Management Board initiated an addendum to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring to consider new approaches for managing the Area 1A (inshore Gulf of Maine) sub-annual catch limit (ACL) under low quota scenarios. This action responds to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass.

Currently, the Board can allocate the sub-ACL throughout the fishing season using bi-monthly, trimester, or seasonal quota periods to meet the needs of the fishery. For the 2019 fishing season, the Board implemented a bimonthly quota period approach to maximize the reduced sub-ACL when demand for bait is high. Due to the low quota, the 2019 fishery has experienced frequent closures to avoid an overage of the sub-ACL. It is anticipated the 2020 sub-ACL will be further reduced creating challenges in distributing the quota throughout the fishing season. The draft addendum will consider alternatives to allow the Board more flexibility in specifying the allocation under low quota scenarios moving forward. For 2020, the Board set the Area 1A sub-ACL with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The Board may reconsider 2020 quota allocation following final action on the addendum.

Additionally, the draft addendum will consider expanding landing provisions for permit holders within the days out program. The Board utilizes days out of the fishery to slow the rate of Area 1A catch. In addition to days out of the fishery, landing restrictions, such as weekly landing limits, can be assigned to different vessel categories. The draft addendum will include options for the days out program such as expanding the small mesh bottom trawl fleet days out provision to all Category C and D permits.

The Board will consider approval of the draft addendum for public comment at the Commission’s Winter Meeting in February. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR19-30

Motions

Move to allocate the 2020 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period’s quota has been projected to be harvested and underages from June through September shall be rolled into the October through December period.

Motion made by Dr. Pierce and seconded by Mr. Cimino. Motion passes (8 in favor, 1 abstention).

Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not

have to be limited to, an option which allocates 100% of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits.

Motion made by Mr. Train and seconded by Mr. Grout. Passes without objection.

Move to nominate Cate O’Keefe (MA) as Vice-Chair to the Atlantic Herring Board.

Motion made by Dr. Pierce and seconded by Mr. Reid. Passes without objection.

AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The American Lobster Management Board met to discuss several issues: implementation of reporting requirements under Addendum XXVI for lobster and Addendum III for Jonah crab; the development of Draft Addendum XXVII on resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock; and the progress of the lobster benchmark stock assessment.

Staff updated the Board on the status of implementing new reporting requirements for commercial harvesters resulting from Addenda XXVI and III. Currently, two of the required data elements are still in the process of being added to reporting platforms: location (spatial resolution: 10 minute square), and number of buoy lines. Because not all reporting platforms can collect the data elements, the Board agreed to postpone the requirement for states to collect these two data elements from January 1, 2020 to January 1, 2021. In response to concerns about inconsistent reporting, the Board also tasked the Data Work Group with establishing a consistent method for collecting information on trip-level fishing effort.

The Board also discussed Draft Addendum XXVII, which was initiated in August 2017 to enhance the resiliency of the GOM/GBK stock. The addendum focused on the standardization of management measures across the Lobster Conservation Management Areas within GOM/GBK to provide equal protection to the stock. However, development of the addendum stalled as work on Atlantic Right Whale issues was prioritized. The Board agreed the Plan Development Team should resume development of Draft Addendum XXVII at this time, but recognized it should also take into account current stock information that will result from the ongoing benchmark stock assessment. The stock assessment is expected to be available for Board review in October 2020.

Finally, Jeff Kipp provided a progress update on the 2020 Lobster Benchmark Stock Assessment. The Assessment has progressed slowly due to competing priorities among Stock Assessment Subcommittee (SAS) members’ individual workloads. Earlier this month the SAS met for an assessment workshop focused on establishing reference points for each stock. A second Assessment Workshop, tentatively scheduled for February 2020, will focus on finalizing the base run of the model and determining stock status.

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

Motions

No motions made.

TAUTOG MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The Tautog Management Board met to receive an update on the implementation of the commercial harvest tagging program. In August 2019, the Board requested states indicate whether they would be able to meet the implementation deadline of January 1, 2020 and, if not, provide an alternative date. While many states can implement the program by January 1, a number of states are unable to but are intending to have regulations in place prior to the start of their commercial fishing season. Outside of states with a declared interest in the resource (Massachusetts through Virginia), tautog are also commercially caught and sold in North Carolina, as well as sold in markets in Pennsylvania. North Carolina indicated at the meeting that the state will not be implementing the tagging program due to low landings in recent years and the expectation that fish landed in the state will not be able to be sold outside of the state without a commercial tag. Pennsylvania had not indicated by the meeting whether the state could enforce the tag requirement of fish entering their commercial markets. The state will provide further detail on this request for enforcement during the ISFMP Policy Board.

Staff also provided an update on the purchase order of tags and applicators. In September, states provided their requested number of tags and applicators to ensure all commercial caught fish are tagged in 2020. Staff indicated the orders are currently being processed and the states should expect to receive their orders by late November or early December 2019.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

No motions made.

ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The Atlantic Menhaden Management Board received a progress update on the 2019 single-species and ecological reference points (ERP) benchmark stock assessments. ASMFC staff requested the Board begin thinking about next steps towards implementing ERPs for menhaden and that there is not a single answer for ecosystem reference points. Specifically, the ERP Assessment will provide tools to evaluate trade-offs of different management objectives for various predator and prey populations and fisheries. Both reports have been submitted to SEDAR for peer-review, which is scheduled for November 4-8, in Charleston, South Carolina.

The Board unanimously approved a motion to recommend the ISFMP Policy Board find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. Action was taken in response to the 51,000 mt cap being exceeded in September. In making its decision, the Board noted that implementation of this measure is necessary to achieve the conservation goals and objectives of the FMP, to maintain the Chesapeake Bay marine environment, and to assure the availability of the ecosystem's resources on a long-term basis (see the Business Session section later in this document for the Commission's action on this issue).

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move the Atlantic Menhaden Management Board recommend to the ISFMP Policy Board that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of the FMP and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made by Mr. McMurray and seconded by Rep. Peake. Motion passes without objection. (Roll Call: In favor – ME, NH, MA, RI, CT, NY, NJ, DE, PA, MD, VA, NC, SC, GA, FL; Abstentions – NOAA Fisheries, USFWS.)

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 28, 2019)

Meeting Summary

The ACCSP Coordinating Council met to review the activities of the Funding Subcommittee and to take final action on the allocation of funding for FY2020. The Council opted to fund the FY2020 proposals as presented by the Advisory and Operations Committees. If there is need for further funding discussions after the overhead rates have been determined, then the decision will be left to the ACCSP Management and Policy Committee.

The Coordinating Council also considered the consolidation of the Technical Committees and the formation of a Data Coordination Committee. They approved further development of the Technical Committee Consolidation, and moving forward with ad-hoc data coordination calls.

Finally, the Council received a number of program and committee updates, including topics such as the status of electronic reporting, registration tracking, Data Warehouse partner feeds and queries, For-Hire Methods Workshop, and state conduct of the For-Hire Telephone Survey.

For more information, please contact Geoff White, ACCSP Director, at Geoff.white@accsp.org or 703.842.0740.

Motions

Move to fund all maintenance proposals as ranked in the FY20 Average Proposal Rankings spreadsheet following the 75/25 percent split between maintenance and new proposals. Fully fund the three highest ranked of the four new proposals. For the new proposal from Maine, fund with remaining available funds.

Motion made by Ms. Knowlton and seconded by Dr. McNamee. Motion carries without opposition.

Press Release

ASMFC Spiny Dogfish Board Approves Addendum VI

New Castle, NH – The Commission’s Spiny Dogfish Management Board approved Addendum VI to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish. The Addendum allows commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages.

The Commission’s FMP allocates the coastwide quota to the states of Maine-Connecticut as a regional allocation and to the states of New York-North Carolina as state-specific allocations. Previously, the FMP only allowed quota transfers between states with individual allocations, with regions excluded from benefitting from quota transfers. The 2019-2020 coastwide quota was reduced by 46% due to declining biomass. If landings in the 2019-2020 fishing year remain the same as 2018-2019 landings, there was concern the coastwide quota would not be exceeded but some states could face early closures due to reaching their allocation and being unable to access available unused quota from the northern region through quota transfers.

In order for the northern region to participate in quota transfers the Director of each state’s marine fisheries agency within the region must agree to the transfer in writing. As with transfers between states, transfers involving regions do not permanently affect the shares of the coastwide quota. Additionally, the Addendum extends the timeframe for when quota transfers can occur up to 45 days after the end of the fishing year to allow for late reporting of landings data. The Addendum’s measures are effective immediately and allow for transfers between all states and the northern region starting with the 2019-2020 fishing year.

Addendum VI will be available on the Commission’s website (www.asmfc.org) on the Spiny Dogfish webpage in early November. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator at krootes-murdy@asmfc.org or 703.842.0740.

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PR19-33

Meeting Summary

In addition to approving Addendum VI, the Spiny Dogfish Management discussed the federal commercial trip limit. Draft Addendum VI included a scoping question for the public to provide feedback on whether the Commission should make recommendations New England and Mid-Atlantic Fishery Management Councils (Councils) and NOAA Fisheries on whether the federal trip limit should be eliminated. This issue was under consideration due to concern that the coastwide quota has been substantially underutilized over the past seven years and the federal trip limit is viewed by some as an additional constraint on the fishery beyond state commercial trip limits. The Commission does not establish the federal commercial trip limit, but can make recommendations to the Councils and NOAA Fisheries on this measure during the federal specifications process. There were few comments received on this topic during the public comment period and without a clear approach moving forward, the Board directed the states within each of the respective regional levels (ME-CT; NY-NC) discuss alternatives for commercial trip limits. States will meet via conference call in the coming months to discuss the topic further, with the intention of reporting back to the Board at its next meeting.

Next, the Board considered whether to make any changes to specifications to the 2020-2021 fishing season. The Mid-Atlantic Council met earlier in October and made no changes to the previously approved specifications for 2020-2021 fishing season. Based on this, the Board did not adjust the previously established specifications. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

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 adopt Draft Addendum VI to the Spiny Dogfish management plan with Option 2: Allow Quota Transfers between all states and regions effective immediately.

Motion made by Dr. Pierce and seconded by Mr. White. Motion approved by consent. (roll call)

Move to accept the FMP Review and state Compliance Reports for Spiny Dogfish and *de minimis* requests from New York and Delaware.

Motion made by Sen. Miramant and seconded by Mr. Hasbrouck. Motion approved by consent.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 28 & 29, 2019)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss a number of issues. John Macone (Merrimack River Watershed Council) presented on their current water quality initiatives for the Merrimack River, and Erik Martin (The Nature Conservancy) provided an update on ACFHP's Northeast Fish Habitat Conservation Assessment. This assessment is on track to be completed by the end of the calendar year, and will complement the completed fish habitat conservation assessment in the Southeast.

The Steering Committee developed the actions for the 2020 – 2021 Action Plan, which contains a subset of the 2017 – 2021 Conservation Strategic Plan's objectives, strategies, and actionable items that can be completed in a two-year timeframe. This will be published by the end of the calendar year, and include conservation, science and data, outreach and communication, and finance tasks.

Dr. Lisa Havel (ACFHP Coordinator) provided updates on the National Fish Habitat Partnership, the recent funding received to restore sponges for fish and spiny lobster habitat in Florida Bay, and our current communications initiatives.

Finally, the Steering Committee finalized their ranking of recommended conservation projects for FY2020 National Fish Habitat Partnership-US Fish and Wildlife funding. From 2010 to 2019 ACFHP has facilitated NFHP in awarding >\$860,000 to partners to complete 25 on-the-ground projects from Florida to Maine. Funding supported 3 tidal vegetation projects, 4 SAV projects, 4 oyster reef restoration projects, 13 fish passage projects, and 1 sturgeon spawning habitat restoration project.

For more information, please contact Dr. Lisa Havel, ACFHP Coordinator, at lhavel@asmfc.org or 703.842.0740.

MANAGEMENT AND SCIENCE COMMITTEE (OCTOBER 29, 2019)

Meeting Summary

The Management and Science Committee (MSC) met to review Committee activities and discuss plans for the future.

The Committee discussed how the Commission measures success in rebuilding and sustaining stocks. A subcommittee of the MSC will develop clear stock definitions to better capture the nuances of stock status for the purposes of the Policy Board's annual review.

The Committee received a presentation from scientists at the NOAA Fisheries Southeast Fisheries Science Center on the development of an Ecosystem Status Report and a Fish Stock Climate Vulnerability Assessment for the South Atlantic. The Science Center will continue to seek Commission input to the Assessment and present final results to the Committee in 2020. The Committee will also determine how to apply Climate Assessment results for stock assessment and fisheries management purposes.

The Committee received an overview of Management Strategy Evaluation (MSE) methods and discussed how to use MSEs for Commission-managed species in the future. A work group consisting of Committee representatives, MSE analysts, and technical committee representatives will identify candidate species that would benefit from the MSE approach.

The Committee received a presentation from the U.S. Geological Survey (USGS) regarding scientific support USGS provides to ASMFC. Current projects range from horseshoe crab tagging and modeling to the development of new habitat metrics to use in eel stock assessments.

The Committee received a presentation regarding new MRIP survey data, including extensive analyses to explain differences between the old Coastal Household Telephone Survey estimates and the new Fishing Effort Survey estimates.

The Committee reviewed the Commission's research priorities and began identifying project ideas to address information gaps for multiple species. A subcommittee of MSC will further review Commission's research priorities, then develop proposals and pursue funding for research projects.

The Committee received an overview of recent wind energy and fisheries activities on the Atlantic coast. The Committee held a brief discussion on the Commission's roles in supporting coordination among the states, participation in the existing RODA/ROSA partnerships, as well as the Committee's interest in tracking scientific research regarding the effects of wind energy development on fisheries resources.

For more information, please contact Sarah Murray, Fisheries Science Coordinator, at smurray@asmfc.org or 703.842.0740.

Press Release

**ASMFC Horseshoe Crab Board Sets 2020 Specifications
for Horseshoe Crabs of Delaware Bay Origin**

New Castle, NH – The Commission’s Horseshoe Crab Management Board approved the harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2020 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the States of New Jersey, Delaware, and Maryland and the Commonwealth of Virginia, which harvest horseshoe crabs of Delaware Bay origin:

	Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)	Total Quota**
State	Male Only	Male Only
Delaware	162,136	162,136
New Jersey	162,136	162,136
Maryland	141,112	255,980
Virginia*	34,615	81,331

*Virginia harvest refers to harvest east of the COLREGS line only

** Total male harvest includes crabs which are not of Delaware Bay origin.

The Board chose a harvest package based on the Delaware Bay Ecosystem Technical Committee’s and ARM Subcommittee’s recommendation. The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. The horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey, which is the primary data source for assessing Delaware Bay horseshoe crab abundance for the past two years, as well as the ongoing benchmark stock assessment, does not have a consistent funding source. However, due to the efforts of three Senators and six Representatives – namely, Senators Chris Coons (D-DE), Tom Carper (D-DE), Cory Booker (D-NJ); and Representatives Frank Pallone (D-NJ), Frank LoBiondo (R-NJ), Lisa Blunt-Rochester (D-DE), Donald Norcross (D-NJ), Chris Smith (R-NJ), and Bill Pascrell (D-NJ) – and the support of NOAA Fisheries, annual funding for the survey has been provided since 2016. They have also requested that NOAA Fisheries incorporate the survey into the agency’s annual budget.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at 703.842.0740 or mschmidtke@asmfc.org.

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PR19-31

Meeting Summary

In addition to setting 2019 specifications for bait harvest of horseshoe crabs of Delaware Bay origin, the Horseshoe Crab Management Board reviewed recommended updates to the Adaptive Resource Management (ARM) Framework from the ARM Subcommittee and Delaware Bay Ecosystem Technical Committee (DBETC). These recommendations revisit several aspects of the ARM model to incorporate horseshoe crab population estimates from the Catch Multiple Survey Analysis (CMSA) model used in the

2019 Benchmark Stock Assessment and the most current scientific information available for horseshoe crabs and red knots. The Board directed the ARM Subcommittee to begin working on the recommended updates. This work will include several workshops and webinars over approximately two years, ending with an external peer review of the updated Framework.

The Board decided to indefinitely postpone Draft Addendum VIII, which sought to incorporate mortality associated with biomedical use of horseshoe crabs into the ARM Framework and develop harvest packages for the ARM Framework that would allow low levels of female bait harvest. Incorporation of the CMSA model into the ARM Framework, as previously directed by the Board, includes estimates of all sources of removals accounted for in the benchmark assessment, including bait harvest, biomedical mortality, and commercial discard mortality, without the need for an addendum. The Board was also reminded that regardless of the number and type of alternative harvest packages proposed, no packages including female bait harvest would be selected unless abundance of red knots or female horseshoe crabs exceeds threshold levels built into the ARM Framework. Neither of these abundances are currently above threshold levels.

Finally, the Board reviewed state compliance with the Fishery Management Plan during the 2018 fishing year. All states' regulations were found to be consistent with the FMP and *de minimis* requests were granted to the Potomac River Fisheries Commission, South Carolina, Georgia, and Florida. The Board also changed the annual state compliance report due date to July 1.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

Move to postpone Draft Addendum VIII indefinitely.

Motion made by Mr. Luisi and second by Mr. Wright. Motion passes unanimously.

Move to select Harvest Package 3 (500,000 male-only crabs) for 2020 horseshoe crab bait harvest in Delaware Bay.

Motion made by Mr. Michels and seconded by Mr. Millard. Motion passes unanimously.

Move to approve the 2019 FMP Review, state compliance reports, and *de minimis* status for Potomac River Fisheries Commission, South Carolina, Georgia, and Florida.

Motion made by Mr. Michels and seconded by Mr. Bell. Motion passes unanimously.

Move to adopt a July 1st due date for state compliance reports.

Motion by made by Mr. Michels and seconded by Mr. Bell. Motion passes unanimously.

AMERICAN EEL MANAGEMENT BOARD (OCTOBER 29, 2019)

Meeting Summary

The American Eel Management Board met to consider approval of the Coastwide Cap Coverage Policy. Addendum V, approved in 2018, specified management action will be initiated if the yellow eel coastwide cap (Cap) is exceeded by 10% in two consecutive years. If the management trigger is exceeded, only those states accounting for more than 1% of the total yellow eel landings (1% states) will be responsible for adjusting their measures to reduce harvest to the Cap. Addendum V did not outline what action the states

would need to undertake to reduce harvest in the case of an overage. To address this, an Allocation Work Group (WG) met over the past year to develop a draft policy for how to respond to overages of the Cap. Under the Policy, the Board will annually review preliminary landings at the Spring Meeting to determine what type of management action should occur. Using a decision tree to evaluate the extent of an overage, the policy focuses on the states, which harvest more than 1%, to voluntarily adjust measures to take reductions in harvest if needed. Depending on performance in subsequent years, those voluntary measures could be expanded. The goal in responding to overages prior to the management trigger being tripped allows for proactive management that could prevent the need for significant adjustments to measures. If the management trigger is tripped, an addendum would be initiated to develop options for mandatory reductions in harvest by the states, which harvest more than 1%.

The Board approved the Policy as presented and it will be added to Addendum V as an appendix. The revised Addendum V will be posted to the Commission's website by the end of November. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

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 Coastwide Cap Overage Policy as presented today.

Motion made by Mr. Reid and seconded by Ms. Patterson. Motion passes. (Roll Call: In favor – NH, MA, RI, CT, NY, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS; Opposed – ME, NJ.)

Move to accept the FMP Review and State Compliance Reports for American eel and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, Georgia, and Florida requested *de minimis* status for their yellow eel fisheries; and *de minimis* status for both South Carolina's yellow eel and glass eel fisheries and accept and forward the PRT's recommendations.

Motion made by Ms. Patterson and seconded by Ms. Fegley. Motion passes.

WEAKFISH MANAGEMENT BOARD (OCTOBER 29, 2019)

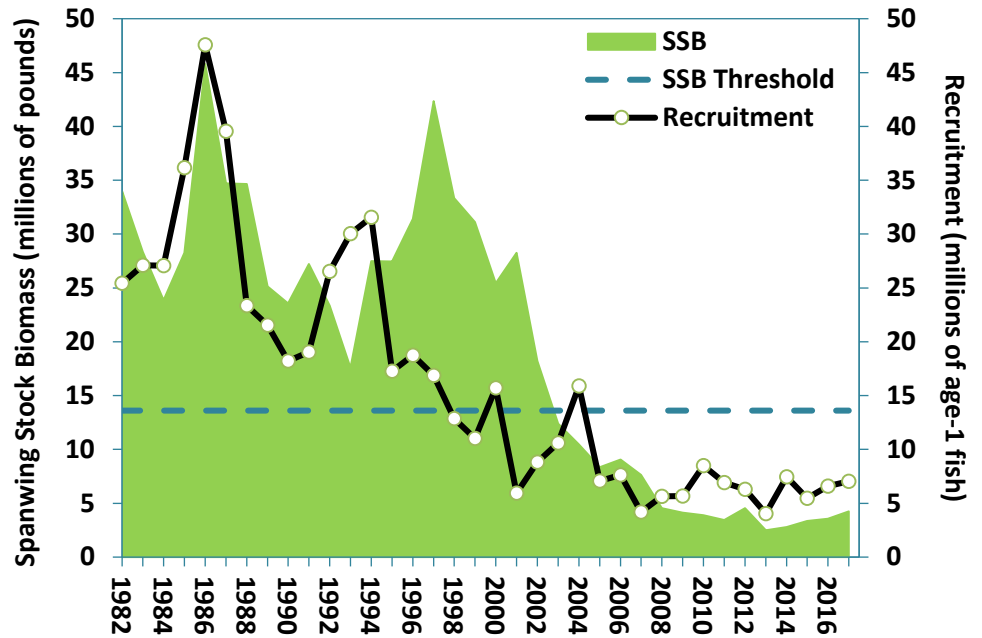
Press Release

Weakfish Assessment Update Indicates Stock is Depleted *Total Mortality Exceeds Threshold; Overfishing is not Occurring*

New Castle, NH – The 2019 Weakfish Assessment Update indicates weakfish continues to be depleted and has been since 2003. Under the reference points, the stock is considered depleted when the stock is below a spawning stock biomass (SSB) threshold of 30% (13.6 million pounds). In 2017, SSB was 4.24 million pounds. While the assessment indicates some positive signs in the weakfish stock in the most recent years, with a slight increase in SSB and total abundance, the stock is still well below the SSB threshold. Given the weakfish management program is already highly restrictive with a one fish recreational creel limit, 100 pound commercial trip limit, and 100 pound commercial bycatch limit, the Board took no management action at this time.

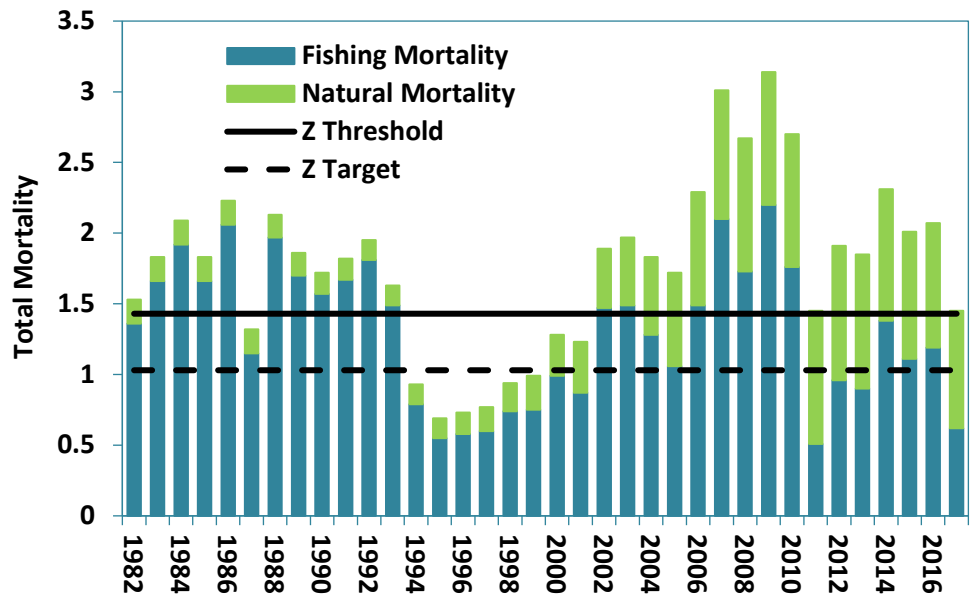
The assessment indicates natural mortality (e.g., the rate at which fish die because of natural causes such as predation, disease, and starvation) has been increasing since the early 2000s. Fishing mortality was also high during the mid- to late 2000s. Therefore, even though harvest have been at low levels in recent years, the weakfish population has been experiencing very high levels of total mortality (which includes fishing mortality and natural mortality), preventing the stock from recovering.

Weakfish Spawning Stock Biomass (SSB) & Recruitment



To better address the issues impacting the weakfish resource, the Technical Committee recommends the use of total mortality (Z) benchmarks to prevent an increase in fishing pressure when natural mortality is high. The assessment proposes a total mortality target of 1.03 and threshold of 1.43. Total mortality in 2017 was 1.45, which is above both the threshold and target, indicating that total mortality is too high. Fishing mortality has increased in recent years, but was below the threshold in 2017.

Contribution of Fishing and Natural Mortality to Total Weakfish Mortality

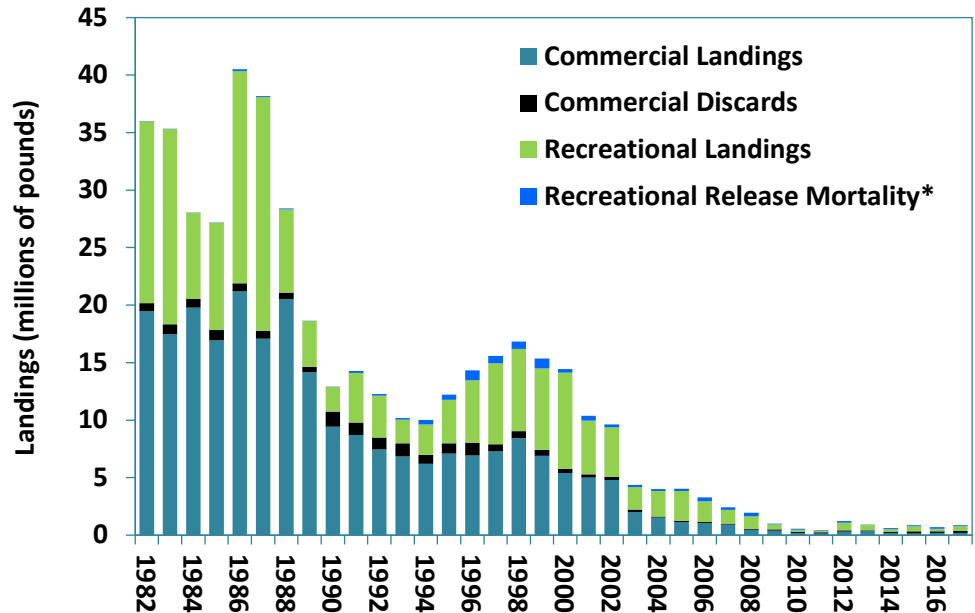


Weakfish commercial landings have dramatically declined since the early 1980s, dropping from over 19 million pounds landed in 1982 to roughly 180,560 pounds landed in 2017. The majority of landings occur in North Carolina and Virginia and, since the early 1990s, the primary gear used has been gillnets. Discarding of weakfish by commercial fishermen is known to occur, especially in the northern trawl fishery, and the discard mortality is assumed to be 100%. Discards peaked in the 1990s but have since declined as the result of management measures and a decline in stock abundance.

Like the commercial fishery, recreational landings and live releases have declined over time. It is assumed that 10% of weakfish released alive die, so that total recreational removals are equal to the number of weakfish landed plus 10% of the weakfish released alive. The assessment update used the new time-series of calibrated estimates of landings and live releases from the Marine Recreational Information Program. These estimates were higher than the values used in the 2016 benchmark

assessment, but showed the same overall trend. Total recreational removals peaked in 1987 at 20.4 million pounds and have declined since then to slightly less than 500,000 pounds in 2017. The proportion of fish released alive has increased over time; over the past 10 years, 88% of weakfish were released alive. Most of the recreational catch occurs in the Mid-Atlantic between North Carolina and New Jersey.

Weakfish Commercial Landings and Discards & Recreational Landings and Release Mortality



* The stock assessment assumes 10% of the released fish died as a result of being caught and released.

The Assessment Update and a stock assessment overview will be available on the Commission’s website, www.asmfc.org, on the Weakfish page under Stock Assessment Reports. For more information on the stock assessment, please contact Katie Drew, Stock Assessment Team Leader, at kdrew@asmfc.org; and for more information on weakfish management, please contact Mike Schmidtke, FMP Coordinator, at mschmidtke@asmfc.org.

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Meeting Summary

In addition to considering the results of the Stock Assessment Update, the Board reviewed annual state compliance with the FMP. The Board found all states’ regulations to be consistent with the measures of the FMP and approved *de minimis* requests for Massachusetts, Connecticut, and Florida. The Board discussed biological sampling requirements that have been impacted by increased catch estimates from the Marine Recreational Information Program’s transition to using the mail-based Fishing Effort Survey. Age sampling requirements are based on each state’s total harvest, thus increases to recreational harvest estimates increase the sampling requirements. The Board tasked the Technical Committee with evaluating assessment needs and state’s sampling abilities to determine whether current requirements should be maintained or changed.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

Move to approve the 2019 Weakfish FMP Review, state compliance reports, and *de minimis* status for Massachusetts, Connecticut, and Florida.

Motion made by Mr. Fote and seconded by Mr. Haymans. Motion approved unanimously.

Move to elect Mr. Doug Haymans as Vice Chair to the Weakfish Management Board.

Motion made by Mr. Woodward and seconded by Dr. Davis. Motion approved.

EXECUTIVE COMMITTEE (OCTOBER 30, 2019)

Meeting Summary

The Executive Committee met and discussed several issues including: 1) the FY19 Audit; 2) a policy on non-payment of state assessments; 3) allocation of remaining plus-up funds; 4) the public input process; and 5) future Commission Annual Meetings. The following action items resulted from the Committee's discussions:

- FY19 Audit – The Administrative Oversight Committee (AOC) Chair presented the FY19 Audit of the Commission for approval, noting the auditors provided a clean opinion and found no issues of concern. A motion to approve the audit was made and passed unanimously.
- Allocation of Remaining Plus-up Funds – Staff presented options for allocating the remaining plus-up funds and the Committee had a good discussion on potential projects. Following the discussion, the Committee agreed to support the Winter Striped Bass Tagging Cruise (~\$25,000) and discuss allocation of the remaining ~\$175,000 at a future meeting.
- Advisory Panel and Public Input Process – There is concern that public engagement in the Commission's process is dropping off; so the Committee discussed possible ways to remedy this. The Committee requested staff provide an analysis of current membership and participation. The Committee also requested the Management & Science Committee brainstorm on better ways to capture public input including the possible use of surveys designed by the Committee on Economics and Social Sciences to facilitate input.
- Policy on Non-payment of State Assessments – Staff presented a policy concerning non-payment of state appropriations. After a couple of clarifying questions, a motion to recommend the full Commission approve the policy was made and passed unanimously.
- Future Annual Meetings – The Commission's next three Annual Meetings will be held in New Jersey (2020), North Carolina (2021) and Maryland (2022).

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

Motions

On behalf of the AOC, move approval of the FY19 Audit. The motion passed unanimously.

Motion made by Mr. Keliher. Motion passes unanimously.

Move the Policy Addressing Non-payment of State Assessments be forwarded to the full Commission for action.

Motion made by Mr. Grout and seconded by Mr. Keliher. Motion passes unanimously.

LAW ENFORCEMENT COMMITTEE (OCTOBER 29 & 30, 2019)

Meeting Summary

The Law Enforcement Committee (LEC) met to review species activities as well as compliance reporting. The LEC welcomed several new members: Captain Chris Hodge (GA), Major Robert Beal (ME), Lt. DeLayne Brown (NH), and Major Jason Walker, (NC). Captain Scott Simmons was an alternate representative for Maryland and Jeff Odom was the alternate for the USFWS. Because of the retirement of Captain Steve Anthony from North Carolina, Captain Doug Messeck served as Acting Chair for this meeting.

Species Issues

Coastal Sharks and Atlantic Striped Bass — The LEC reviewed and confirmed its recommendations regarding the requirement for the use of circle hooks in both the coastal sharks and the Atlantic striped bass fisheries. The positions taken were previously recorded in separate memoranda to the respective species management boards based on a September 20, 2019 teleconference. After some discussion and review of specific situations that make strict enforcement difficult, it was agreed the prepared memoranda accurately reflect LEC concerns. In general, the LEC continues to believe that compliance with circle hook requirements will be primarily dependent on angler buy-in and intensive education and outreach efforts. Doug Messeck and Kurt Blanchard were scheduled to present the LEC recommendations at the next day's management board meetings.

Atlantic Herring — The LEC reviewed the request from the Atlantic Herring Management Board to review and report on current protocols and enforcement issues with regard to the loading, off-loading and transportation of Atlantic herring catches. The request stems from the recent report of enforcement action in Maine that uncovered significant under-reporting of catch in circumvention of established trip limits and quotas. A Work Group of the LEC (to be determined) will participate in the review of this fishery and make recommendations to the Atlantic Herring Management Board for possible regulatory improvements. Preliminary discussion by the LEC focused on tightening up the standards for weights/measures of containers used in transporting herring to fish houses, but other issues may be identified.

Spot/Atlantic Croaker — Mike Schmidtke of ASMFC staff briefed the LEC on proposed regulations for bag/size limits of spot and croaker, primarily affecting the recreational for-hire fishery. Regarding how best to manage harvest bags and retention of fish in live wells for bait, the LEC recommended maintaining a strict harvest bag limit for both species reflecting the number of anglers on-board. For Atlantic croaker, the LEC recommended establishing a maximum size limit for retention as bait in live wells. Where a live-bait size limit may not be feasible, the LEC felt that size and number of live wells and the need to keep fish alive would ultimately limit the number of fish kept. These combinations of rules would help to minimize illegal retention of fish over the bag limits.

Cobia — Members of the LEC expressed concern about the possible outcome of regulations concerning the application of size/bag limits in federal waters. Mike Schmidtke clarified the ASMFC recommendation was to have federal waters harvest be controlled by the regulations of the state of landing. The state of landing would be tied to the angler (or vessel) state license. NOAA Fisheries' position was that a variety of factors may need to apply, such as location fished, vessel license, or other factors that would help determine the ultimate state of landing. That way, given a boarding or encounter in federal waters, enforcement officers could notify the applicable state of a potential landing. NOAA Fisheries' preference is for a single coastwide minimum size limit, but regulations are still in process.

Other Issues

Toni Kerns, ISFMP Director, briefed the LEC on current **compliance reporting** by the states and the need to standardize information as reported in the enforcement section of these reports. The goal would be to determine the type and detail of information that can be consistently provided by each state. There was good discussion and input by LEC members indicating that data-driven reports may vary depending on each state's ability to provide the number of "contacts" by species along with the numbers of citations or warnings. Most states may not have the ability to identify specific types of violations along with citation numbers. The LEC discussed including a narrative template in the compliance reports that would depend on enforcement perspectives on current problem areas, or emerging trends that officers are seeing that are influencing or driving compliance by species. The LEC recommended that ASMFC consider a subcommittee composed of LEC, ASMFC staff and state managers to clarify what is needed and feasible in annual compliance reports. Toni Kerns will continue to work on this issue in consultation with the LEC and the LEC Coordinator.

The LEC elected a Chair and Vice Chair for the next two-year term. Captain Doug Messeck was elected Chairman, and Captain Jason Snellbaker is the new Vice Chair. The LEC thanked Mark Robson for his service to the Committee as part-time staff coordinator. Mark is embarking on his "full retirement" as of January 1, 2020, and will be greatly missed his LEC and ASMFC colleagues.

HABITAT COMMITTEE (OCTOBER 30, 2019)

Meeting Summary

The Habitat Committee (Committee) met to discuss a number of issues. Michelle Bachman (NEFMC) and Jessica Coakley (MAFMC) updated the committee on the Northeast Regional Fish Habitat Assessment, and led a discussion on the data still needed.

The Committee continued to work on the Fish Habitats of Concern designations for all Commission-managed species. The goal is to present these designations to the Policy Board in the summer of 2020. The HC completed the Aquaculture Impacts to Atlantic Fish Habitat *Habitat Management Series* publication, which summarizes the aquaculture activities and impacts on fish habitat in U.S. Atlantic waters. The Acoustic Impacts to Fish Habitat *Habitat Management Series* publication is on track to be completed in the spring of 2020, and the 2019 Habitat Hotline Atlantic, which focuses on aquaculture, will be released by the end of the calendar year.

The next Habitat Management Series publication will highlight some of the recent habitat assessments being carried out by HC members and other fish habitat scientists and managers along the Atlantic coast.

For more information, please contact Dr. Lisa Havel, Habitat Coordinator, at lhavel@asmfc.org or 703.842.0740.

SHAD & RIVER HERRING MANAGEMENT BOARD (OCTOBER 30, 2019)

Meeting Summary

The Shad and River Herring Management Board met to consider a number of topics, including Technical Committee (TC) recommendations on management and monitoring inconsistencies with Amendments 2 and 3, revisions to the Maine River Herring Sustainable Fishery Management Plan (SFMP), a progress update on the ongoing American shad benchmark stock assessment, an update on shad habitat plans, the 2019 FMP Review and state compliance, and nominations to the Shad and River Herring Advisory Panel (AP).

First, the Board received a report from the TC Chair on work done by the TC to address the Board task assigned in October 2017. The TC report identified various management and monitoring inconsistencies with the requirements of Amendments 2 and 3 to the Fishery Management Plan (FMP). Amendments 2 and 3 require that states and jurisdictions implement SFMPs for all river systems that will remain open to commercial and/or recreational harvest of river herring and shad, respectively. Three general types of inconsistencies were identified: 1) tributaries of river systems with SFMPs and monitoring that are not explicitly addressed in the SFMP; 2) rivers with recreational harvest addressed by a SFMP, but with insufficient monitoring to support sustainability metrics; and 3) rivers legally open to recreational harvest without an approved SFMP. The TC recommended the following actions for each type of inconsistency, respectively: 1) include tributaries under the SFMP for the mainstem and apply management metrics and responses to those tributaries; 2) apply management metrics and response

from other appropriate monitored system(s), or implement catch and release only regulations, and 3) implement catch and release only regulations, or consider development of an alternative management regime. The Board directed the states to submit proposals to resolve any inconsistencies based on the TC recommendations. Following TC evaluation, the Board will consider approval of state proposals at the 2020 Spring Meeting.

The Board also considered proposed changes to Maine's River Herring SFMP. Maine's proposal would provisionally open three municipally-managed river herring runs to limited commercial harvest. Within a five-year period, the three municipal waters selected for inclusion in this program must meet the established sustainability criteria for harvest to continue under the SFMP. Following the TC recommendation, the Board approved Maine's proposal.

Next, staff provided an update to the Board on the ongoing Benchmark Assessment for American shad. The Stock Assessment Subcommittee will convene November 18-22 in Charleston, SC for the last Assessment Workshop, where they will finalize assessment models for each stock. Staff expressed concern with the pace of assessment progress, noting several assessment tasks have not been completed by the committee in accordance with the stock assessment timeline. At this time there is no need to further delay the assessment completion, currently scheduled for the 2020 Summer Meeting. Staff also updated the Board on the status of the American shad habitat plans, which were required by Amendment 3. Most states and jurisdictions submitted habitat plans for Board approval in 2014. To date, habitat plans have not been submitted for the Merrimac and Hudson Rivers. As five years have passed since the initial approval of shad habitat plans, the Board agreed that states and jurisdictions should review and update their plans as needed, and that new plans should be submitted for the Hudson and Merrimac Rivers.

The Board approved the 2019 FMP Review for Shad and River Herring and *de minimis* status for the following states: Maine, New Hampshire, and Massachusetts and Florida for American shad; and New Hampshire and Florida for river herring.

Finally, the Board appointed three new members to the Shad and River Herring AP: Mike Thalhauser with the Maine Center for Coastal Fisheries and Alewives Harvesters of Maine; Mark Amorello, a recreational fisherman from Massachusetts; and Chuckie Green, a recreational angler and Tribal Nation representative from Massachusetts.

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

Motions

Main Motion

Move to direct the states to follow the TC recommendations. And to present to the board in February a plan with a timeline of how they will follow the TC recommendations.

Motion made by Mr. Sullivan and seconded by Mr. Reid.

Motion to Substitute

Move to substitute to direct states to respond to the TC recommendation with a written proposal in time for Board consideration at the spring meeting of 2020. If the state does not submit a proposal by the 2020 spring meeting, the management board can take such actions necessary to implement the TC recommendations.

Motion made by Mr. Woodward and seconded by Mr. Bell. 16-2-0-0 Motion passes

Main Motion as Substituted

Move to direct states to respond to the TC recommendation with a written proposal in time for Board consideration at the spring meeting of 2020. If the state does not submit a proposal by the 2020 spring meeting, the management board can take such actions necessary to implement the TC recommendations.

Motion made by Mr. Woodward and seconded by Mr. Bell. 17-1 Motion approved.

Move to approve Maine’s proposal to modify the river herring SFMP as recommended by the TC.

Motion made by Sen. Miramant and seconded by Mr. Reid. Motion is approved unanimously.

Move to approve the 2019 Shad and River Herring FMP Review, state compliance reports, and *de minimis* status for Maine, New Hampshire, Massachusetts and Florida.

Motion made by Ms. Fegley and seconded by Dr. Davis. Motion is approved unanimously.

Move to appoint Mike Thalhauser, Mark Amorello, and Chuckie Green to the Shad and River Herring Advisory Panel.

Motion made by Mr. Keliher and seconded by Mr. Kane. Motion is approved unanimously.

CAPTAIN DAVID H. HART AWARD LUNCHEON (OCTOBER 30, 2019)

Press Release

ASMFC Presents Thomas P. Fote Prestigious Captain David H. Hart Award

New Castle, NH – The Atlantic States Marine Fisheries Commission presented Thomas P. Fote, New Jersey’s Governor Appointee to the Commission, the Captain David H. Hart Award, its highest annual award, at the Commission’s 78th Annual Meeting in New Castle. Mr. Fote has admirably served the State of New Jersey and the Commission since 1991 when he replaced Captain David Hart as New Jersey’s Governor Appointee to the Commission.

Mr. Fote’s longstanding service to marine conservation and management is notable. His history is one of dedicated volunteerism on a continuous basis. After volunteering to serve in Vietnam, Mr. Fote was medically retired from the US Army as an Army Captain in 1970. Upon his return, Tom began to carve out a critical spot for himself in the world of marine conservation through diligent study, hard work, the willingness to ask penetrating questions, and engagement into a wide spectrum of conservation and fisheries management roles, all as a full time volunteer. In the process, he has become a knowledgeable

and staunch fishery advocate, acting locally on behalf of his fellow New Jersey anglers, while also considering the needs of other states.

A strong proponent of habitat protection and enhancement, Mr. Fote recognizes the critical role healthy habitat plays in fisheries management. As the founding member and first chair of the Habitat Committee, Mr. Fote was instrumental in the development of the Commission's Habitat Program. Throughout his life, he's become increasingly active in environmental issues and has been a powerful voice in opposition to those who would degrade the marine environment. Having seen firsthand the devastation of "Agent Orange" in Vietnam, Mr. Fote found that this same Agent Orange had been made in New Jersey and dumped into Newark Bay. Mr. Fote worked with numerous conservation agencies to rid New Jersey's waters of a whole spectrum of contaminants.



From Left: ASMFC Chair Jim Gilmore, Hart Award Recipient Thomas Fote and ASMFC Executive Director Bob Beal

With his service to the Commission dating back to 1991, Mr. Fote's has become the onsite "functional historian" for the Commission. His long range perspective puts difficult decisions into context and brings clarity to confusing dilemmas. Understanding how important it is to bring new members up to speed so they can quickly and constructively engage in the Commission process, Mr. Fote goes out of his way to help new Commissioners understand the complexities of the organization and how to work through the sometimes confusing maze of options.

Mr. Fote firmly believes in the inherent strength of partnerships and collaboration. He frequently communicates with others to develop a compromise and/or coalition for the common good. His extensive knowledge, reputation, and impassioned viewpoint are key catalysts in bringing divergent groups together for a common cause. This is exemplified through his work as a volunteer with numerous organizations including the New Jersey Environmental Federation and the New Jersey Coast Anglers Association. Throughout his life, Mr. Fote has demonstrated that a conservation ethic and spirit of volunteerism can be lifelong passions. Atlantic coast fisheries management is better because of his involvement.

The Commission instituted the Hart Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources, Captain David H. Hart, from the State of New Jersey.

COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 30, 2019)

Meeting Summary

The Coastal Sharks Management Board met to consider a postponed motion requiring the use of circle hooks for the recreational fishery, set 2020 specifications, consider approval of the 2019 FMP Review, and elect a new Vice-Chair.

In May 2019, the Board considered a request by NOAA Fisheries to implement a circle hook requirement for the recreational fishery consistent with measures approved in HMS Amendment 11. As part of the Amendment, circle hooks are now required across the hook and line shark fisheries in all areas of federal waters. Circle hooks have been required for federal permit holders since 2017 as outlined in Amendment 5b. The Board postponed action on this measure until receiving feedback from the Advisory Panel (AP) and Law Enforcement Committee (LEC). The AP met in October, with the members present recommending that circle hook measures be required in state waters so long as the regulatory language is consistent with federal measures, specifically allowing an exemption for those fishing with flies and artificial lures. The LEC met in September and indicated the difficulties of enforcing a regulation that might require evidence that an angler is “targeting” a particular species of fish with a prohibited hook type or size. Therefore, if the Board were to implement such a requirement, the LEC emphasized the importance of using intensive education and outreach to garner support for a circle hook regulation. Taking into consideration both reports, the Board moved to require circle hooks for state waters for the recreational shark fishery, with an implementation date of July 1, 2020.

Next, the federal proposed 2020 Atlantic shark specifications were presented. Similar to 2017-2019, NOAA Fisheries proposed a January 1 open date for all shark management groups, with an initial 25 shark possession limit for large coastal and hammerhead management groups with the possibility of in-season adjustments. The Board will set the 2020 coastal shark specifications via an email vote after the final rule is published.

As part of the 2019 FMP Review, staff provided a progress update on state implementation of the new shortfin mako recreational measures. In May, the Board approved changes to the recreational size limit for Atlantic shortfin mako sharks in state waters, specifically, a 71-inch straight line fork length (FL) for males and an 83-inch straight line FL for females with an implementation date of January 1, 2020. The measures were approved in response to the 2017 Atlantic shortfin mako stock assessment that found the resource is overfished and experiencing overfishing and to promote consistency between measures required in federal waters as part of Amendment 11. A number of the states have already implemented these measures while others are still in their rule-making process. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Postponed Motion from May Meeting

Move to require, for state waters, the use of circle hooks on lines intended to catch sharks.

Motion to Substitute

Move to substitute to require the use, in state waters, of non-offset, corrodible, non-stainless steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures, implemented no later than July 1, 2020.

Motion made by Mr. Gillingham and seconded by Mr. McNamee. Motion approved by unanimous consent.

Main Motion as Substituted

Move to require the use, in state waters, of non-offset, corrodible, non-stainless steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures, implemented no later than July 1, 2020.

Motion made by Mr. Gillingham and seconded by Mr. McNamee. Motion approved unanimously.

Move to approve the 2020 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2020 Atlantic Shark Commercial Fishing season.

Motion by Mr. Miller, second by Mr. Estes. Motion passes unanimously.

Move to accept the 2019 FMP Review for Coastal Sharks, state compliance reports, de minimis status for Massachusetts specific to the possession limit and fishery closure requirements for the Aggregate Large Coastal and Hammerhead species groups.

Motion made by Mr. Hasbrouck and seconded by Mr. Rhodes. Motion passes unanimously.

Move to nominate Mel Bell (SC) as Vice-Chair to the Coastal Sharks Board.

Motion made by Mr. Rhodes and seconded by Mr. Haymans. Motion passes unanimously.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 30, 2019)

Press Release

ASMFC Atlantic Striped Bass Board Approves Addendum VI

New Castle, NH – The Commission’s Atlantic Striped Bass Management Board approved Addendum VI to Amendment 6 of the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum reduces all state commercial quotas by 18%, and implements a 1 fish bag limit and a 28”-35” recreational slot limit for ocean fisheries and a 1 fish bag limit and an 18” minimum size limit for Chesapeake Bay recreational fisheries. States may submit alternative regulations through conservation equivalency to achieve an 18% reduction in total removals relative to 2017 levels.

Addendum VI was initiated in response to the 2018 Benchmark Stock Assessment, which indicates the resource is overfished and experiencing overfishing. The Addendum’s measures are designed to reduce harvest, end overfishing, and bring fishing mortality to the target level in 2020.

Since catch and release practices contribute significantly to overall fishing mortality, the Addendum requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. Outreach and education will be a necessary element to garner support and compliance with this important conservation measure.

States are required to submit implementation plans by November 30, 2019 for review by the Technical Committee and approval by the Board in February 2020. States must implement mandatory circle hook requirements by January 1, 2021. All other provisions of Addendum VI must be implemented by April 1, 2020. In May 2020, the Board will consider a postponed motion to initiate an Amendment to rebuild spawning stock biomass to the target level and address other issues with the management program.

Addendum VI will be available on the Commission's website (www.asmfc.org) on the Atlantic Striped Bass webpage in early November. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

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PR19-35

Motions

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White.

Motion to Table

Move to table the motion to discuss the TC memo for conservation equivalency criteria.

Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion fails (5 in favor, 8 opposed, 2 abstentions). (Roll Call: In favor – NJ, MD, PRFC, VA, NC; Opposed – ME, NH, MA, RI, CT, NY, PA, DE; Abstain – NMFS, USFWS.)

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White.

Motion to Substitute

Move to substitute to approve Option 3 under Section 3.1 for unequal percent reductions.

Motion made by Mr. Reid and seconded by Mr. Clark. Motion fails (4 in favor, 8 opposed, 2 abstentions, 1 null). (Roll call: In favor – NY, DE, MD, PRFC; Opposed – ME, NH, MA, RI, CT, NJ, PA, VA; Abstain – NMFS, USFWS; Null – NC.)

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White. Motion passes (11 in favor, 4 opposed). Roll call: In favor – ME, NH, MA, RI, CT, NJ, PA, VA, NC, NMFS, USFWS; Opposed – NY, DE, MD, PRFC.)

Main Motion

Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery.

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

Motion to Amend

Move to amend to include a conservation equivalency proposal to achieve an 18% reduction in total removals relative to 2017.

Motion made by Mr. Nowalsky and seconded by Mr. Batsavage. Motion passes 11-2-2abs-0.

Main Motion as Amended

Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery.

Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017.

Motion passes 12-1-2abs-0.

Move to approve Sub-Option 2-B1 1 fish at 18 inch minimum for Section 3.1 for Chesapeake Bay.

Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017.

Motion made by Mr. Geer and seconded by Mr. Gary. Motion passes 12-0-3abs-0.

Move to approve Option B, requiring mandatory circle hook regulations for Section 3.2.

Motion made by Mr. White and seconded by Sen. Miramant. Motion passes unanimously.

Main Motion

Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. All provisions of Addendum VI must be implemented by April 1, 2020.

Motion made by Mr. Shiels and seconded by Mr. White.

Motion to Amend

Move to amend to have the circle hook requirements implemented by January 1, 2021.

Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion passes 11-2-2abs-0.

Main Motions as Amended

Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. Circle hook requirements must be implemented by January 1, 2021. All other provisions of Addendum VI must be implemented by April 1, 2020.

Motion passes unanimously.

Move to approve Addendum VI to Amendment 6 to the Atlantic Striped Bass FMP as amended today.

Motion made by Ms. Patterson and seconded by Mr. Borden. Motion passes without objection.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 31, 2019)

Meeting Summary

The ISFMP Policy Board met to consider a number of issues, including an update from Executive Committee; process implications for the Ecological Reference Point (ERP) Benchmark Assessment; consider a noncompliance recommendation from the Atlantic Menhaden Management Board; and receive reports from the Habitat, Management and Science, Assessment Science and the Atlantic Coastal Fish Habitat Partnership Steering Committees.

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

Dr. Katie Drew provided a progress report on the ERP Benchmark Stock Assessment. Commission staff requested the Board begin thinking about next steps towards implementing ERPs for menhaden and that there is not a single answer for ecosystem reference points. Specifically, the ERP Assessment will provide tools to evaluate trade-offs of different management objectives for various predator and prey populations and fisheries. Depending on the management response, the Policy Board may need to provide guidance regarding what process to follow up in making management decisions (e.g., what board(s) should have oversight).

The Board unanimously approved a motion to recommend the Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden (note the USFWS and NOAA Fisheries abstained from voting). The decision comes after notification that the reduction fishery cap of 51,000 metric tons had been exceeded in September 2019. In making its decision, the Board discussed the implementation of this measure is necessary to achieve the conservation goals and objectives of the FMP, to maintain the Chesapeake Bay marine environment, and to assure the availability of the ecosystem's resources on a long-term basis.

The Board reviewed committee reports from the Habitat Committee (see Habitat Meeting Summary), Atlantic Coastal Fish Habitat Partnership (see ACFHP Meeting Summary), Management and Science Committee (see MSC Meeting Summary), and Assessment Science Committee (ASC). The Habitat Committee Chair presented the latest instalment of the *Habitat Management Series: Aquaculture Impacts to Habitat along the Atlantic Coast*, which was approved by the Board. The document provides a broad description of current and common marine aquaculture practices along the Atlantic seaboard and some potential effects on fish habitats. Staff presented ASC's recommended revisions to the stock assessment schedule, which were approved by the Board. With Mark Robson retiring at the end of the year, the Board thanked him for his time with the Commission and the excellent work he did coordinating the Law Enforcement Committee for the past 8 years.

Starting in 2020, states will implement the tautog commercial harvest tagging program. This requires all commercial caught tautog to be tagged. The Tautog Board was concerned a loop hole could be created if there were no regulations for tagged tautog in Pennsylvania since it has a significant market.

Pennsylvania agreed to implement regulations to ensure efforts of the tagging program would not be undermined, as they have done with other species.

The mandatory use of circle hooks was discussed by several boards over the course of the week. The Policy Board tasked the MSC to complete a synthesis of the existing literature on the use of circle hooks to better understand if there are improvements in species survival rates with the use of circle hooks. The Board thanked the Commissioners of New Hampshire for hosting a magnificent 78th Annual Meeting and acknowledged Doug Grout for his three decades of service to New Hampshire and the Commission.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Main Motion

On behalf of the Atlantic Menhaden Management Board, move the ISFMP Policy Board recommend to the Commission that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of the FMP and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made by Ms. Merserve.

Motion to Amend

Move to amend to include the unused quota provision whereby unused quota may not be transferred to the Cap to reduce an overage, the rollover provision where unlanded fish from the cap cannot be rolled over into the subsequent year; lastly if the cap is exceeded the amount over the cap will be deducted from the next year's allowable harvest.

Motion made by Mr. Reid and seconded by Mr. Grout. Motion is approved by unanimous consent with abstentions from NOAA Fisheries and USFWS. Upon reconsideration of the motion, the amended motion fails.

Motion to Reconsider

Move to reconsider the previous motion to amend.

Motion by Mr. Borden, second by Mr. Fote. Motion passes. With the passing of this motion, the above amended motion fails.

Main Motion

Move the Interstate Fisheries Management Program Policy Board recommend to the Commission that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than

51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made Ms. Meserve. Motion passes unanimously (16 in favor, 2 abstentions).

Move to approve the *Habitat Management Series: Aquaculture Impacts to Fish Habitat along the Atlantic Coast*.

Motion made by Mr. Clark and seconded by Mr. Rhodes. Motion passes unanimously.

Move to approve the ASMFC Stock Assessment Schedule as presented today.

Motion made by Dr. McNamee and seconded by Mr. Clark. Motion passes by unanimous consent.

Move to have the Management and Science committee investigate discard mortality across all species. This review should focus on the use of circle hooks and/or other tools that would address discard mortality.

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

BUSINESS SESSION (OCTOBER 29 & 31, 2019)

Press Releases

Patrick C. Keliher Elected ASMFC Chair

New Castle, NH – Today, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked James Gilmore of New York for an effective two-year term as Chair and elected Commissioner Patrick C. Keliher of Maine to succeed him.

“It is both a great honor and huge responsibility to be trusted to lead the Commission for the next two years. I am humbled by my fellow Commissioners’ confidence in me,” said Mr. Keliher. “While my obligation to the great State of Maine will always come first and foremost, I also recognize that Maine sits on boards for just 10 of the 27 species managed by the Commission. As Chair, I will be working with ASMFC leadership to shape the course of interstate fisheries management for more than just the Pine Tree State and will ensure substantial resources are devoted to issues of equal importance in the fisheries of the Mid- and South Atlantic states. I look forward to bolstering the Commission’s relationship with NOAA Fisheries and Congress to ensure mutual cooperation. I’d like to thank Jim Gilmore for his superb leadership over the past two years. I learned a great deal from him and will use the knowledge gained to work with newly elected Vice-chair Spud Woodward to advance the Commission’s vision of *Cooperative and Sustainable Management of Atlantic Coastal Fisheries*.”



Under Mr. Gilmore’s chairmanship, the Commission made important strides in furthering its strategic goals. Management accomplishment’s during the past two years include approval of plan amendments for Atlantic cobia and summer flounder, protections for spawning Atlantic herring, and approval of an addendum to end overfishing of Atlantic striped bass. The Commission’s Science Program completed benchmark assessments and peer reviews for horseshoe crab, Atlantic striped bass and northern shrimp, and made significant progress on the benchmark assessments for American lobster, American shad, and Atlantic menhaden (including the establishment of ecological reference points).

The Atlantic Coastal Cooperative Statistics Program (ACCSP) continued to successfully implement state conduct of the Marine Recreational Information Program’s Access-Point Angler Intercept Survey. ACCSP also made significant advancements in technological innovations, including tablet and mobile data entry apps for dealers, commercial fishermen and the for-hire industry. During his chairmanship, Mr. Gilmore oversaw the selection of a new ACCSP Program Director, Geoff White.

The Atlantic Coastal Fish Habitat Partnership funded restoration projects in six states to conserve a total of 40 acres of fish habitat and provide access to over 29 river miles and 3,900 acres of spawning habitat. It also launched a redesigned website, created an online query tool for the Species-Habitat Matrix, and completed a research project to understand black sea bass habitat use in the Mid-Atlantic Bight.

A Gardiner native, Mr. Keliher has spent much of his life in the woods and on the waters of Maine. His experiences as a youth, fishing and lobstering with family in Casco Bay, instilled in him early on an appreciation for the importance and value of our natural resources. He has been Commissioner of Maine’s Department of Marine Resources since January 2012.

The Commission also elected A.G. “Spud” Woodward, Georgia’s Governor Appointee to the Commission, as its Vice-Chair.

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PR19-32

**ASMFC Finds the Commonwealth of Virginia Out of Compliance with Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden
*Noncompliance Finding to be Forwarded to the Secretary of Commerce***

New Castle, NH – The Atlantic States Marine Fisheries Commission has found the Commonwealth of Virginia out of compliance with a mandatory management measure contained in Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commission will notify the Secretary of Commerce of its finding. This action was taken pursuant to the provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993.

Specifically, the Commonwealth of Virginia has failed to effectively implement and enforce Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3. In order to come back into compliance, the Commonwealth must implement an annual total allowable harvest from the Chesapeake Bay by the

reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of Amendment 3 and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Upon notification by the Commission, the Secretary of Commerce has 30 days to review the recommendation and determine appropriate action, which may include a federal moratorium on fishing for or possessing Atlantic menhaden in the Commonwealth's state waters.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

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PR19-34

Meeting Summary

The Business Session (also known as the full Commission) met to consider approval of the 2020 Action Plan, elect new Commission leadership, and consider a noncompliance recommendation from the ISFMP Policy Board, as well as a draft policy on the non-payment of state appropriations. The Business Session reviewed and approved the 2020 Action Plan, which outlines the Commission's administrative and programmatic activities for next year. The Plan will be available on the Commission's website, www.asmfc.org, under Guiding Documents early next week. By unanimous acclamation, the Business Session elected Patrick C. Keliher of Maine and A.G. "Spud" Woodward of Georgia the Commission Chair and Vice-chair, respectively. In accepting the chairmanship, Patrick Keliher expressed appreciation for the many contributions of outgoing Chair Jim Gilmore of New York (see above press release for more details).

The Business Session considered and unanimously approved a motion to find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commission has 10 business days to forward a letter to the Secretary of Commerce of its determination (see above press release for more details).

Based on a recommendation from the Executive Committee, the Commission approved a Policy on Non-Payment of State Appropriations. The Policy contains a timeline for payment of annual state appropriations which are due on June 30 each year. If a state is delinquent in submitting its dues, it will lose its voting rights on October 1. This Policy was developed in response to the rare occasions that states do not submit timely payments and to respond to state concerns regarding the fairness of a state being able to participate in the Commission process while being in arrears on annual appropriations. This Policy will be added to the Commission's Rules and Regulations.

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

Motions

Move to accept the Action Plan as amended today.

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

On behalf of the Nominating Committee, I nominate Pat Keliher as the Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting.

Motion made by Mr. Grout. Motion passes by unanimous consent.

On behalf of the Nominating Committee, I nominate Spud Woodward as the Vice-Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting.

Motion by Mr. Grout. Motion passes by unanimous consent.

On behalf of the Interstate Fishery Management Program Policy Board, move that the Atlantic States Marine Fisheries Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made by Mr. Gilmore. Motion passes by unanimous consent

Move to amend the Commission's Rules and Regulations to implement the policy on non-payment of state appropriations

Motion made by Mr. Train and seconded by Dr. Davis. Motion passes by unanimous consent.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (OCTOBER 31, 2019)

Meeting Summary

The South Atlantic State/Federal Fisheries Management Board (Board) met to consider Draft Addendum III to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Croaker and Draft Addendum III to the Omnibus Amendment to the Interstate FMPs for Spanish Mackerel, Spot, and Spotted Seatrout (Omnibus Amendment) for public comment. These addenda were initiated to incorporate updates to the annual Traffic Light Approaches (TLA) applied to Atlantic croaker and spot and consider changes to the management responses defined in Addendum II to the Atlantic Croaker FMP and Addendum II to Spot FMP. The TLA assigns a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to its long-term mean, the proportion of green in a given year will increase and as harvest or abundance decreases, the amount of red in that year will increase. The Board annually evaluates amounts of red against threshold levels to potentially trigger management action. While both species have shown strong declines in recent harvest, neither species had management action triggered because abundance metrics from fishery-independent surveys do not show similar declines. Updates to the TLAs have been recommended by the Atlantic Croaker Technical Committee and Spot Plan Review Team, which include use of regional harvest and abundance metrics, additional fishery-independent surveys, age information, and changes to the triggering mechanisms. The Board made several edits to the Draft Addenda, which will be incorporated before

they are released for public comment. The Board then approved the document, as modified, for public comment.

The Board also discussed differences between federal and state management of Spanish mackerel. Spanish mackerel are managed, primarily, by the South Atlantic Fishery Management Council (SAFMC) with cooperative management from the states through the Commission's Omnibus Amendment. Differences between current SAFMC management and that of the Omnibus Amendment were noticed due to an early federal closure of the commercial Northern Zone of Spanish mackerel. Differences between the plans include differing definitions of commercial management zones and accountability measures. Ongoing action from the SAFMC could potentially change accountability measures for Spanish mackerel in the near future. Therefore, the Board will wait to pursue an addendum to better align state and federal management until a decision on these potential changes has been made.

Finally, the Board reviewed annual state compliance with the FMPs for red drum, black drum, and spotted seatrout. The Board found all states' regulations to be consistent with the measures of the respective FMPs and approved *de minimis* requests for New Jersey (red drum and spotted seatrout) and Delaware (red drum and spotted seatrout).

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

Move to approve Draft Addendum III to Amendment 1 to the Interstate FMP for Atlantic Croaker and Draft Addendum III for Spot to the Omnibus Amendment with the additions discussed for public comment.

Motion made by Dr. Rhodes and seconded by Mr. Haymans. Motion approved unanimously.

Move to approve the 2019 Spotted Seatrout, Black Drum, and Red Drum FMP Reviews, state compliance reports, and *de minimis* requests for New Jersey and Delaware for red drum and spotted seatrout.

Motion made by Ms. Fegley and seconded by Mr. Estes. Motion approved by unanimous consent.