Atlantic States Marine Fisheries Commission

Spiny Dogfish Management Board

October 24, 2024
9:00 – 10:00 a.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1.	Welcome/Call to Order (*P. Geer*)	9:00 a.m.
2.	Board Consent • Approval of Agenda • Approval of Proceedings from August 2024	9:00 a.m.
3.	Public Comment	9:05 a.m.
4.	Consider Approval of Draft Addendum VII for Public Comment on Atlantic Sturgeon Bycatch Reduction Measures *(J. Boyle)* **Action**	9:15 a.m.
5.	Consider Revising 2024/2025 Fishing Year Quota *(J. Boyle)* **Possible Action**	9:45 a.m.
6.	Other Business/Adjourn	10:00 a.m.

The meeting will be held at The Westin Annapolis (100 Westgate Circle, Annapolis, Maryland; 88.627.8994) and via webinar; click here for details.

MEETING OVERVIEW

Spiny Dogfish Management Board
October 24, 2024
9:00 – 10:00 a.m.

Chair: Pat Geer (VA) Assumed Chairmanship: 1/24	Technical Committee Chair: Scott Newlin (DE)	Law Enforcement Committee Rep: Chris Baker (MA)
Vice Chair: Joe Cimino (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: August 6, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2024

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

4. Consider Approval of Draft Addendum VII for Public Comment on Atlantic Sturgeon Bycatch Reduction Measures (9:15 - 9:45 a.m.) Action

Background

- In August 2024, the Board initiated a draft addendum to consider complementary action to reduce sturgeon bycatch in the state spiny dogfish fisheries.
- The Plan Development Team (PDT) developed Draft Addendum VII for the Board's consideration and provided a memo in response to a Board request to evaluate potential evasion of the regulations in New Jersey **(Supplemental Materials)**.

Presentations

- Overview of Draft Addendum VII by J. Boyle

Board Actions for Consideration

- Approve Draft Addendum VII for public comment

5. Consider Revising 2024/2025 Fishing Year Quota for the (9:45 - 10:00 a.m.) Possible Action

Background

- In June 2024, the Board approved a commercial quota of 11,331,747 pounds for the 2024/2025 fishing year, consistent with the quota published by NOAA Fisheries**.**
- Final catch data for the 2023/2024 fishing year indicates that due to the estimated dead discards, there is an overage of about 1.08 million pounds. In September 2024, NOAA Fisheries published a revised quota to deduct the overage from the 2024/2025 fishing year **(Briefing Materials)**.

Presentations

- Review Revised Federal Quota for the 2024/2025 Fishing Year by J. Boyle

Board Actions for Consideration

- Approve revised specifications for the 2024/2025 fishing year

6. Other Business/Adjourn

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

SPINY DOGFISH MANAGEMENT BOARD

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

August 6, 2024

These minutes are draft and subject to approval by the Spiny Dogfish Management Board.
The Board will review the minutes during its next meeting.

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Renee Zobel, NH, proxy for Cheri Patterson (AA)
Dennis Abbott, NH, proxy for Sen. David Watters (LA)
Doug Grout, NH (GA)
Nichola Meserve, MA, proxy for Dan McKiernan (AA)
Rep. Sarah Peake, MA (LA)
Ray Kane, MA (GA)
Jason McNamee, RI (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
David Borden, RI (GA)
Dr. Justin Davis, CT (AA)
Rep. Joseph Gresko (CT) (LA)
Bill Hyatt, CT (GA)
Jim Gilmore, NY, proxy for Assy. Fred Thiele (LA)
John Mansicalco, NY, proxy for Marty Gary (AA)
Joe Cimino, NJ (AA)
Jeff Kaelin, NJ (GA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Michael Luisi, MD, proxy for Lynn Fegley (AA)
David Sikorski, MD, proxy for Del. Dana Stein (LA)
Pat Geer, VA, proxy for Jamie Green (AA)
Shanna Madsen, VA, proxy for Sen. Danny Diggs (LA)
Chris Batsavage, NC, proxy for Kathy Rawls (AA)
Allison Murphy, NMFS

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

Staff

Bob Beal
Toni Kerns
Tina Berger
Madeline Musante
Caitlin Starks
Jeff Kipp
Tracy Bauer
James Boyle
Katie Drew
Jainita Patel
Chelsea Tuohy

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, August 6, 2024, and was called to order at 11:40 a.m. by Chair Pat Geer.

CALL TO ORDER

CHAIR PAT GEER: Good morning and welcome to the Spiny Dogfish Management Board. My name is Pat Geer; I am the Administrative Proxy from the Commonwealth of Virginia., and I am joined by James Boyle as well.

APPROVAL OF AGENDA

CHAIR GEER: First order of business today is the Approval of the Agenda. Are there any changes, modifications, additions to the agenda?

Hearing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GEER: Next up is the Approval of the Proceedings from the May, 2024 meeting. Any edits, changes or modifications? Hearing none; the proceedings are approved.

PUBLIC COMMENT

CHAIR GEER: Now we'll go into the Public Comment. Do we have anybody in the audience or online who would like to speak on issues that are not on the agenda today?

Do we have anybody online, anybody in the audience? Okay, moving on.

REVIEW REPORT ON STATE IMPACTS OF NEW ENGLAND AND MID-ATLANTIC FISHERIES MANAGEMENT COUNCILS' ACTIONS TO REDUCE STURGEON BYCATCH

CHAIR GEER: Now we are going to have a Review from the Report from the State Impacts from the New England and Mid-Atlantic Fisheries Management Councils on Actions to Reduce Sturgeon Bycatch in the Spiny Dogfish Fishery. James.

MR. JAMES BOYLE IV: I'll start with a short recap of the recommendations from the Councils that were presented at the spring meeting, and then I'll discuss the different permitting structures in the relevant states, and how the Board might consider proceeding. As a quick reminder of why this action was taken.

There was a 2021 Biological Opinion and a subsequent 2022 Action Plan that required action to reduce sturgeon bycatch, specifically in the large mesh gillnet fisheries for monkfish and spiny dogfish. While the action was being developed, recent bycatch exceeded the sturgeon incidental take allowance, which triggered a new Biological Opinion, which is expected in January of 2025.

One objective of the Interstate Spiny Dogfish FMP is to strive for complementary management in federal and state waters. In April, the Mid-Atlantic and New England Fishery Management Council selected their preferred alternative, and a Final Rule is expected from NOAA Fisheries by the end of the year. Here is a short summary of the Council recommendations. The preferred alternative would establish a prohibition on overnight soaks, which is defined as 8:00 p.m. to 5:00 a.m. for federal spiny dogfish permit holders within the New Jersey and Delaware/Maryland/Virginia or DelMarVa polygons, as shown in the figures. Therefore, harvesters that only possess a state permit and fish in state waters are not captured by this action. In New Jersey, the prohibition would be for the months of May and November, and in DelMarVa it would last from November through March.

Additionally, only in DelMarVa polygons, mesh sizes less than 5 and 1/4 inches would be exempt from the prohibition. For additional review, Delaware state waters do not overlap with the polygons, and have been omitted from the permitting analysis. In the table you can see the breakdown of how each of the affected states permit for dogfish.

New Jersey issues licenses by gear, and has a gillnet permit for drift anchored in state gillnets. Maryland has a tiered system, with different permits allowed to harvest spiny dogfish at different trip limits. There is a general finfish license, which permits harvest of a thousand pounds if the harvester also has a striped bass permit in addition to their general finfish license, then they can take 2,500 pounds of spiny dogfish, and a spiny dogfish permit so you can harvest a maximum of 10,000 pounds.

Virginia issues permit by species, and has a spiny dogfish specific permit. There are two primary directions for the Board to consider for complementary action, which is whether to apply the overnight soak prohibition to spiny dogfish harvesters only, or to broaden it to other species that use gillnets of the same mesh size and in the same areas.

I'll start with explaining both avenues for New Jersey and Virginia, and then addressing the tiered system in Maryland. The first case where the Board applies the regulation only to spiny dogfish harvesters, New Jersey already requires those harvesters to have a federal spiny dogfish permit.in order to sell or offer to sell spiny dogfish.

Since federal permit holders will already be covered by the federal action, New Jersey would not need to take any additional action. In Virginia, as I said there is a spiny dogfish specific permit, and therefore the language would be very similar to the federal action, where Virginia would simply need to implement the overnight soak prohibition for the DelMarVa polygons for their 75 spiny dogfish permit holders.

If the Board wishes to broaden the scope to other species that utilizes gillnets of the same size inside the polygons, then New Jersey would need to implement the overnight soak prohibition for the New Jersey polygon for all of gillnet harvesters a five-to-ten-inch mesh. This action would affect an estimated 25 shark, large skate, smooth dogfish and bluefish harvesters.

Virginia would need to implement the DelMarVa soak prohibition for black drum and striped bass permittees, in addition to their spiny dogfish harvesters. Currently there are 63 black drum and 24 striped bass permit holders in Virginia. For Maryland, because of the tiered trip limit system, to apply an overnight soak prohibition to every potential spiny dogfish harvester would be equivalent to the broader gillnet action.

In that case, Maryland would need to implement the DelMarVa polygons for all finfish licensees, which includes the 52 striped bass and 25 spiny dogfish permit holders, and may affect some number of bluefish gillnet harvesters as well. If the Board wanted to limit the action to just those who primarily land dogfish, then similar to Virginia and the federal action, but Maryland would apply the soak limit to only spiny dogfish permit holders, and this would exempt striped bass and bluefish gillnet harvesters, even if they land spiny dogfish.

There could also be a third option that implements the restriction to spiny dogfish and striped bass permit holders, but would exempt bluefish harvesters if it is not applied to the full, general finfish license. Possible action for the Board to consider are to take no action, where only vessels with a federal permit would be affected, whether in state or federal waters.

Alternatively, the Board may initiate an addendum to maintain consistency between the spiny dogfish FMP and federal FMP with a distinction between whether the action affects just the dogfish fishery or otherwise, or the Board may devise some alternative action. If the Board wants to pursue any

of the options that affect other species, there are a couple of potential avenues for how that would work, and we can discuss that more in depth if needed. With that I am happy to take any questions.

CHAIR GEER: Thank you, James. Any questions for James? John Clark.

MR. JOHN CLARK: James, I just wanted to confirm. You said that Delaware was exempt from this. Was there a reason? I mean I'm fine with that, I'm just curious as to why we got the exemption.

MR. BOYLE: Yes, after looking more deeply at the polygon, it seems that the border of the northern DelMarVa polygon proposed to Delaware stops right on the border, so none of it actually overlaps into Delaware state waters.

CHAIR GEER: Nichola.

MS. NICHOLA MESERVE: In the information you provided, James, you indicated that focusing primarily on the dogfish fishery would not require any action in New Jersey, yet the documentation pointed out a potential loophole to the permitting structure there. I just wanted to ask that if that is the approach that we take, that that is still something that the PDT considers, to see if there is a way to clean that up. I don't think it's necessarily no action for New Jersey.

MR. BOYLE: Yes, we'll have to take that note for the PDT, but just to clarify what that loophole was. The regulation in New Jersey is that if they sell or offer to sell spiny dogfish within the state then they must have a federal permit. From discussions with Law Enforcement, every spiny dogfish harvester in New Jersey sells to one of two co-ops in the state, who then ship it to the processing plant in Massachusetts.

They would all fall under that prohibition. To get around that, theoretically a harvester would have to transit the dogfish out of state and then sell it or opt to sell it. From their understanding from law enforcement's point of view there is no real incentive for that, and it isn't likely to happen. But that is the possibility, yes.

CHAIR GEER: Are there any other questions for James? Let's open this up for discussion. Nichola.

MS. MESERVE: I'll take a first crack at the motion that has come back. I would just say that, you know my interest in maintaining consistency with the federal action here would be to take that more narrow path of focusing primarily on, well focusing on those permitted in their state to harvest dogfish, not those permitted to set a gillnet for a variety of species.

That would be my interest, and the intent of the motion on the board. I make that, because I think it is, or that is my intention, because it is consistent with the federal action. We also know that there is additional biological opinion pending, that the states are considering their measures. While I understand that the sturgeon bycatch action plan did identify other fisheries with bycatch, I think at this time we can focus on the dogfish fishery.

CHAIR GEER: Shanna Madsen.

MS. SHANNA MADSEN: I just want to echo what Ms. Meserve just put on the table. Virginia is also in support of kind of walking that narrow path, just to make sure that we are maintaining consistency. Reason being is, I'm sure as some of you have read in the meeting materials, there are several of our fisheries that would be impacted by not allowing the overnight soak.

We have some fisheries up on our eastern shores that fish black drum, as well as striped bass in March, so this would be a pretty big hit for them. Virginia also would like the Board to know that they are in the process of pursuing an incidental take permit for Atlantic sturgeon, so we would prefer to work with our NOAA partners to look at very specific ways of mitigating sturgeon bycatch in

those specific fisheries. We would like to also just stay with the consistent measures for spiny dogfish.

CHAIR GEER: Next I have Mike Luisi.

MR. MICHEL LUISI: I agree with what both speakers so far have stated, and I think that if we were to move forward as clarified by Ms. Meserve, focusing on the spiny dogfish fishery, we can certainly support that. Initially, I had concerns about the impacts of the overreach into the state fisheries like striped bass and bluefish and other fisheries that are being prosecuted in state waters.

But upon further investigation into landings and practices from the commercial fisheries that I just mentioned, striped bass and bluefish, what we've been able to determine is that there is probably going to be very little overlap between when the other fisheries are prosecuted outside of the spiny dogfish fishery, so this time/area closure issue will likely be, no matter how we do our regulations, it will impact the spiny dogfish fishery.

It's not going to impact those other fisheries. However, a question to you, Mr. Chairman, or maybe to James. If in the state of Maryland, we decide to do a gear rule, and just change all of our gillnet regulations for that period of time, to make it so that anyone in Maryland waters, using the gear during that time/area closure has to follow that rule, no matter what they are fishing for. The way I understand it, if we did that, that would be a more restrictive measure, and therefore there would be no compliance issue with that. If the intent is the more focused approach, and we apply a less focused approach, we would still be in compliance. I want to confirm that before I decide how to vote on this.

CHAIR GEER: We're both nodding our heads yes. Any other comments from anybody? Joe Cimino.

MR. JOE CIMINO: Yes, sorry, MR. Chair, I'll jump in. I support the motion, although I personally think it doesn't go far enough. But I really want to recognize the amount of hard work that went into getting this done at the Council levels, to deal with the federal issue at hand. As Shanna mentioned, several of the states will be working on incidental take permits, and I think it is important for fishermen to know that there is going to be more to come.

We're going to be talking sturgeon soon. It's a species that needs protection. We're hopefully seeing some positive signs, and with that we're talking increased interactions in our state waters. I think the best thing for this Board is to move forward with this motion, and then continue to deal with the protections for sturgeon at a later time. Thanks.

CHAIR GEER: Thank you, Joe, anybody else? Not hearing anything, nobody. I will read the motion in. **Move to initiate an addendum to maintain consistency between the spiny dogfish FMP and the recommended alternatives of Spiny Dogfish Framework Adjustment 6. Motion by Ms. Meserve, and seconded by Mr. Hasbrouck.**

Can we have a show of hands who is in approval of this, who supports this. Does anybody oppose? Put your hands down, is there anybody opposed. Okay, I think **the motion carried unanimously**.

ADJOURNMENT

CHAIR GEER: Is there any other business to come before this Board today? Not hearing any; motion to adjourn, so moved.

(Whereupon the meeting adjourned at 11:53 a.m. on Tuesday, August 6, 2024)

Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

TO: **Spiny Dogfish Management Board**

FROM: **James Boyle, Fishery Management Plan Coordinator**

DATE: **October 7, 2024**

SUBJECT: **Discard Overage Applied to 2024/2025 Federal Spiny Dogfish Quota**

On September 30, 2024, NOAA Fisheries extended the emergency action to implement a commercial quota of 11,331,747 pounds for the 2024/2025 Atlantic spiny dogfish fishing year. However, final catch information indicated that due to the estimated number of dead discards, there was an overage of 1,080,517 pounds from the 2023/2024 fishing year that is to be deducted from the federal quota for 2024/2025. The action takes effect on November 18, 2024 through the remainder of the 2024/2025 fishing year, resulting in an adjusted federal quota of 10,251,230 pounds.

Since the overage was due to discards and not the result of commercial landings, the Interstate Fishery Management Plan for spiny dogfish does not have a provision to implement an overage payback. Furthermore, the Northern Region, Delaware, Maryland, Virginia, and North Carolina expressed interest in utilizing the provision of Addendum III (2011) to rollover 5% of their jurisdiction's quota from the previous year. The Board may choose to alter the coastwide quota for the current fishing year with a two-thirds majority. If the Board maintains the current quota of 11,331,747 pounds and those jurisdictions utilize the rollover provision, then the final state coastwide quota would be 11,870,214 pounds, which would result in a difference between the federal and state quotas of 1,619,084 pounds (Table 1). If the Board adopts the new quota of 10,251,230 pounds, then rollovers would create a difference between the federal and state quotas of 538,467 pounds (Table 2).

Table 1. Current Spiny Dogfish State Allocations (in pounds) for the 2024/2025 Fishing Season based on a coastwide quota of 11,331,747 pounds.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	7,500	To be specified by the individual southern region states					
Allocation	58%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
Initial 2024/2025 Allocation	6,572,413	306,840	866,273	101,537	670,843	1,223,286	1,590,554
5% Rollover	198,376	N/A	N/A	5,382	35,559	249,841	49,309
Rollover Adjusted 2024/2025 Quota	6,770,790	N/A	N/A	106,919	706,401	1,473,128	1,639,863

Table 2. Potential Spiny Dogfish State Allocations (in pounds) for the 2024/2025 Fishing Season based on a coastwide quota of 10,251,230 pounds.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	7,500	To be specified by the individual southern region states					
Allocation	**58%**	**2.71%**	**7.64%**	**0.90%**	**5.92%**	**10.80%**	**14.04%**
Initial 2024/2025 Allocation	**5,945,713**	**277,582**	**783,671**	**91,855**	**606,876**	**1,106,642**	**1,438,890**
5% Rollover	**198,376**	**N/A**	**N/A**	**5,382**	**35,559**	**249,841**	**49,309**
Rollover Adjusted 2024/2025 Quota	**6,144,090**	**N/A**	**N/A**	**97,237**	**642,434**	**1,356,484**	**1,488,199**

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

October 24, 2024
10:15 a.m. – 2:00 p.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order *(J. Cimino)* 10:15 a.m.

2. Board Consent 10:15 a.m.
   - Approval of Agenda
   - Approval of Proceedings from August 2024

3. Public Comment 10:20 a.m.

4. Executive Committee Report *(J. Cimino)* 10:30 a.m.

5. Update on the Northeast Trawl Advisory Panel Work Regarding Industry-based Trawl Surveys (*D. Salerno*) 10:40 a.m.

6. Committee Reports 10:55 a.m.
   - Law Enforcement (*K. Blanchard*)
   - Habitat (*S. Kaalstad*)
   - Atlantic Coast Fish Habitat Partnership (*S. Kaalstad*)

7. Review Non-Compliance Findings, If Necessary **Action** 11:05 a.m.

8. Other Business 11:10 a.m.

9. Lunch Break 11:15 a.m.

This portion of the meeting will be Joint with the Mid-Atlantic Fishery Management Council

10. Consider Approval of Recreational Measures Setting Process Addenda/Framework for Public Comment *(C. Tuohy, T. Bauer, J. Beaty)* **Action** 12:00 p.m.

11. Adjourn 2:00 p.m.

The meeting will be held at The Westin Annapolis (100 Westgate Circle, Annapolis, MD; 888.627.8994) and via webinar; click here for details

MEETING OVERVIEW

ISFMP Policy Board
Thursday October 24, 2024
10:15 a.m. – 2:00 p.m.

Chair: Joe Cimino (NJ) Assumed Chairmanship: 10/23	Vice Chair: Dan McKiernan (MA)	Previous Board Meetings: August 6, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 6, 2024

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

4. Executive Committee Report (10:30-10:40 a.m.) Action
Background • The Executive Committee will meet on October 23, 2024
Presentations • J. Cimino will provide an update of the Executive Committee's discussions
Board action for consideration at this meeting • None

5. Northeast Trawl Advisory Panel Progress Report for Industry- Base Survey Pilot Program (10:40-10:55 a.m.)
Background • The Commission, along with the Mid-Atlantic and New England Fishery Management Councils, requested information on an industry-based survey that would be complementary to the Northeast Fisheries Science Center (NEFSC) Spring and Autumn bottom trawl survey • At the Winter Meeting, the NEFSC presented white paper responding to the request of the Councils and Commission

- The three management bodies requested NTAP and the NTAP Industry Based Survey (IBS) Working Group to develop an outline detailing a proposal to conduct an IBS Pilot Program

Presentations

- D. Salerno will provide an update on NTAP's progress (**Meeting Materials**)

Board actions for consideration at this meeting

- None

6. Committee Updates (10:55-11:05 a.m.) Action

Background

- The ACFHP Steering Committee will meet on October 21 and 22, 2024
- The Habitat Committee will meet on October 23 and 24, 2024
- The Law Enforcement Committee will meet on October 22 and 23, 2024

Presentations

- S. Kaalstad will present on activities of the Habitat Committee and ACFHP Steering Committee
- K. Blanchard will present on activities of the Law Enforcement Committee

Board actions for consideration at this meeting

- None

7. Review Non-Compliance Findings, if Necessary Action

8. Other Business

9. Lunch Break

The remainder of the meeting will be a joint meeting with the Mid-Atlantic Fishery Management Council

10. Consider Approval of Recreational Measures Setting Process Framework/Addenda for Public Comment (12:00-2:00 p.m.) Action

Background

- In June 2022, the ISFMP Policy Board and Mid-Atlantic Fishery Management Council (Council) approved the Recreational Harvest Control Rule Framework/Addenda. Upon approving the Harvest Control Rule, the bodies agreed to continue development of several options for setting recreational measures (bag, size, and season limits) for implementation by 2026. The Recreational Measures Setting Process Framework/Addenda considers the long-term process for setting recreational measures.
- From early 2023 through September 2024, the Plan Development Team and Fishery Management Action Team, under the guidance of the Policy Board, Council, and Commissioner and Council Member Work Group, developed several options for setting recreational measures in a draft document to be to be considered for approval for public comment (**Briefing Materials**).

Presentations • Overview of Recreational Measures Setting Process Framework/Addenda for public comment by C. Tuohy, T. Bauer, and J. Beaty
Board and Council Actions for Consideration • Approve Recreational Measures Setting Process Framework/Addenda for Public Comment

11. Adjourn

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

ISFMP POLICY BOARD

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

August 6, 2024

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Rep. Allison Hepler, ME (LA)
Cheri Patterson, NH (AA)
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Emerson Hasbrouck, NY (GA)
Joe Cimino, NJ (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Jeff Kaelin, NJ (GA)
Kris Kuhn, PA, proxy for Tim Schaeffer (AA)
Loren Lustig, PA (GA)
John Clark, DE, proxy for David Saveikis (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Roy Miller, DE (GA)
Lynn Fegley, MD (AA)
David Sikorski, MD, proxy for De. Stein (LA)
Jamie Green, VA (AA)
James Minor, VA (GA)
Chris Batsavage, NC (AA)
Chad Thomas, VA, proxy for Rep. Wray (LA)
Mel Bell, SC (AA)
Malcolm Rhodes, SC (GA)
Doug Haymans, GA (AA)
Spud Woodward, GA (GA)
Erika Burgess, FL, proxy for J. McCawley (AA)
Gary Jennings, FL (GA)
Rick Jacobson (US FWS)
Mike Ruccio (NMFS)
Ron Owens (PRFC)

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Chelsea Tuohy

The Interstate Fisheries Management Program Policy Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person, and webinar; Thursday, August 8, 2024, and was called to order at 8:30 a.m. by Chair Joe Cimino.

CALL TO ORDER

CHAIR JOE CIMINO: Good morning, everyone, going to Call to Order the Policy Board. We've got a few things to run through, and then we're going to do our very best to get you all out of here, and fingers crossed everyone gets home safely.

APPROVAL OF AGENDA

CHAIR CIMINO: This is another interesting one for us. We'll go through Approval of the Agenda.

Are there any items that need to be added to the agenda for us today? Not seeing any, good deal.

APPROVAL OF PROCEEDINGS

CHAIR CIMINO: The Proceedings from the May, 2024 meeting, any additions or edits to the proceedings? Emerson. All right, Emerson, if it is something on the minutes from the last meeting, we'll get that straightened out. Sorry that we're having some issues here. We're going to move on.

PUBLIC COMMENT

CHAIR CIMINO: Is there any Public Comment to come before the Policy Board today? Okay, we do have one, I believe, so Adam Subhas if you want to go ahead, you are good to go.

MR. ADAM SUBHAS: Thank you so much for letting us provide a comment on our research project. My name is Adam Subhas; I am the lead principal investigator of the LOC-NESS Project, which stands for Lacking Ocean Carbon in the Northeast Shelf and Slope. LOC-NESS is part of a comprehensive research strategy to address the challenges associated with increasing carbon dioxide emissions.

Broadscale decarbonization of the global economy is the number one solution to keeping future warming to a minimum. However, it is becoming increasingly clear that transitioning away from fossil fuels will not be enough. There is broad scientific consensus from the National Academies, U.S. federal agencies and international bodies that we should evaluate the oceans potential to help remove carbon dioxide from the atmosphere.

Responding to this recognized need for a scientific assessment of marine carbon dioxide removal methods, and the scientific consensus that in-water field experiments are both the logical continuation of existing laboratory research, and a necessary step to completing this assessment. The LOC-NESS Project was established to evaluate one promising carbon dioxide removal pathway, known as ocean alkalinity enhancement, or OAE. OAE involves enhancing the ocean's natural ability to absorb atmospheric carbon dioxide, by temporarily raising the pH of the sea surface.

The goal of LOC-NESS is not to profit by removing CO2 from the atmosphere, but to carefully evaluate the safety and effectiveness of OAE through a multi-year, multi-disciplinary project. Pending permission from the EPA, the LOC-NESS team plans to conduct a small, constrained and highly monitored field trial in federal waters off of Cape Cod. Federal Consistency Review has determined the project to be consistent with Massachusetts Coastal Zone Management enforceable policies.

This initial field trial is currently planned for September of 2024, this year. The experiment involves an engineered dispersal of sodium hydroxide solution over approximately0.1 square mile patch, which will raise the surface water pH by a few tenths of a unit. Protected Species observers will accompany a multiplatform, multiday monitoring campaign for both CO2 uptake and impacts to the marine ecosystem and environment.

Based on peer reviewed international research and our own team's assessment, we anticipate negligible impacts to the marine ecosystem. A subsequent trial is planned for the summer of 2025 in the Wilkinson Basin Area of the Gulf of Maine. The public comment period for our EPA permit has closed, but there several opportunities for further engagement with our science and our team, and we invite continued input.

We will hold our third dockside session in the conference space above Superior Trawl in Narraganset, Rhode Island, 55 State Street, on August 14, 2024, so that is next Wednesday, from 4:30 to 6:30 p.m. We are hosting a virtual public event about the project on August 21, and for additional information about upcoming events, Ocean Alkalinity Enhancement, our project, and our team, please visit our website, locness.whoi.edu. Thanks again, so much, for letting us provide this comment.

CHAIR CIMINO: Thank you, Adam, much appreciated.

EXECUTIVE COMMITTEE REPORT

CHAIR CIMINO: With that we're going to move on to the Executive Committee Report. It was a somewhat quiet, fortunately, ExCom meeting. We continued to discuss/address, House Bill, which I'm going to let Bob cover for me. Really the only other item we had at ExCom was just going through the next couple of annual meetings. In October we will be in Annapolis, and then following that we will be in Delaware, so keeping it tight in the Mid-Atlantic. With that I will turn it over to Bob. Okay, sorry, we have a few hands up. Malcolm, you had your hand up?

DR. MALCOLM RHODES: I did, I just had a question on that LOC-NESS Project and how they are going to assess how well this works. I mean we're doing a lot of that on land here in South Carolina, with carbon flux towers, looking at carbon sequestration over different plant habitat, hard wood, pine plantation, mixed pine areas, and trying to quantitate how that is done. Are they going to be able to set up like a carbon flux tower in the Gulf of Maine to assess how effective this alkalinization is?

CHAIR CIMINO: Yes, I don't now if Adam has a quick response, I'm happy to let him reply to that, and if it is more in depth then maybe you two can connect offline here. But Adam, do you have a response for Dr. Rhodes?

MR. SUBHAS: Yes. I'm still here, thanks so much for the question. Yes, happy to engage. My e-mail address too is ASUBHAS@whoi.edu, I also shared the comment as a PDF with all this information and contact information with the Board, so if that could get passed around to that would be great.

But yes, short answer is yes, we have a number of ways to evaluate the CO2 update. We are not doing the carbon flux towers, technically that is actually really challenging to do on the ocean, and our experiment might be too small to see that with those flux towers. But we're looking into that technology and a whole other range of technologies too, to look at the CO2 updates.

CHAIR CIMINO: Great, thank you, Adam, and Malcolm we'll make sure that you have that contact information, well we'll make sure that everyone on Policy will have that contact information. Thank you again, Adam. We did have another hand up, so I'm going to go to Mike Ruccio.

DISCUSS H.R. 8705, THE FISHERIES DATA MODERNIZATION AND ACCURACY ACT OF 2024

MR. MIKE RUCCIO: Good morning, everybody, again my regrets that I wasn't able to get there in person, but hope you all have good success getting back to wherever you're headed to today. I just wanted to make a brief comment about discussion at the Executive Committee. As you know, federal partners are not part of the Executive Committee, so we weren't at the table for that.

But some concerns about the information and the structure of the discussion on H.R. 8705, that is the

Fisheries Data and Modernization and Accuracy Act. I mean everyone is entitled to their opinion, and certainly they can express concerns and opinions about what is or what isn't happening with the federal government.

But it is our opinion that a lot of the information on the IRA, the Inflation Reduction Act and MRIP were at odds with a lot of the information that we had shared with state directors on Monday, so just kind of wanted to point that out. Then rather than kind of get into it point by point.

I think the Agency may send a letter to the Commission, to just help clarify some of the points that were substantive in that discussion. Just wanted to kind of alert the Policy Board that a letter may be coming from us to kind of outline where we're at with IRA and what efforts, reinforcing a lot of those things that were provided to the state directors on Monday. Thanks, that's all I wanted to say.

CHAIR CIMINO: Well, I appreciate that, Mike. I am going to have Bob cover this now. They were making note to me that this is a separate agenda item as well, but we'll cover this all at once instead. I think really, where we left it at ExCom was that Congressman Graves' Office was looking for comments from NOAA.

We saw that as an important next step, so I do hope that you guys have the chance to have some of the same dialogue that we have had. I was really appreciative of the Office for showing up here and allowing us to have a discussion on some of the concerns that we have as well. With that I'll turn it over to Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Great, thank you, Mr. Chair. Yes, as folks have talked about. The Executive Committee had a pretty lengthy conversation about H.R. 8705, which is the Fisheries Data Modernization and Accuracy Act of 2024. Really what it does is look at ways of updating and improving and evolving the MRIP Program that NOAA administers right now. As Joe mentioned, a representative from Congressman Graves' Office came over, Anderson Tran.

Anderson has been working on this for a long time and Alexander and I met with him, I don't know, three or four times about this and talked to him about east coast perspectives on the bill in general. There is not a consensus really among our 15 states on where you go. But there is agreement that recreational data collection on the whole can be improved along the east coast.

However, there is some concerns with the way this bill is currently drafted relative to potential improvements along the east coast. The states talked about those quite a bit in the session that we had yesterday, as well as the conference call we had, I don't now three weeks or so ago. A couple of the main points of concern.

One of them is compatibility of data. As everyone knows here, you know the MRIP program used to be called MRFSS, it's been running since the eighties, so it's got about 40 years' time series of data on recreational fishing along the east coast, and then recreational catch and harvest in landings and other things.

If we were to make significant changes to data collection along the Atlantic Coast there is concerns that the new program may not be compatible with the historic time series of data. Then the other concern relative to compatibility is comparison between neighboring states and states along the coast.

You have states, under this bill there is a potential for states to essentially replace MRIP data collection with the state-specific data collection program. There is concern that if, you know the way Massachusetts is doing it is very different from the way New York is doing it, which is different from the way Maryland is doing it.

You know the compatibility of those different data collection programs is a big concern, both in the management of fisheries and being able to analyze

the data, and understand what differing regulations, what impact they would have, as well as stock assessment work. You know obviously for stock assessments you have to roll together all the recreational information for the range of that species and put back recreational catch into the assessment.

If there are pieces of that data collected within the range of that species that differ, and there is uncertainty about compatibility and how to lump all that together and develop one characterization of recreational catch throughout the range. You know that may actually increase uncertainty in our stock assessments, and obviously that is not something we're striving for.

Uncertainty often means decreased access to fisheries, and that is not what the Commission is hoping for either. Compatibility with the time series and with neighboring states is one of the big concerns. The other issue that came up is that east coast management differs a whole lot from the Gulf Coast. In the Gulf Coast they have a number of in-season closures and changes that happen, and on the east coast we don't do in-season closures. Obviously, in-season closures require very robust, timely data to do that well. For better or for worse we don't do that on the east coast.

For a lot of fisheries, especially the ones we manage at the Mid-Atlantic Council and some others, we essentially set the regulations for a year, let them run out, and see how that year goes, and then adjust in subsequent years if necessary. That is different than the way some fisheries happen in the Gulf Coast.

The phrase apples to oranges came up quite a bit between the way the Gulf and the Atlantic use recreational data. One of the other issues that was talked about quite a bit is the bill establishes, essentially a standing committee through the National Academy of Sciences that will provide advice on species that meet the threshold level of percent standard error. That standing committee would provide two pieces of information potentially, one is how can we improve the percent standard error, and should any management changes be made, given the uncertainty of the fisheries data. One of the big concerns was the threshold to engage that standing committee was a PSE of 30 percent.

If you're looking at the data, it's 30 percent PSE by wave is the way it is written right now, I believe. That is not defined is it by wave by state, by wave by the entire coast, you know one area that we could clarify? Currently if it is 30 percent standard error as a trigger, 300 out of the 304 species, or something like that would trip that trigger at some point.in a year.

That obviously, a standing committee can't wrestle with 300 species and try to provide advice on improving the data collection and/or management of those species. That is an area that we talked about quite a bit on yesterday morning, for the folks that weren't here. Those are the highlights. You know as Joe said, we're going to keep working on this with Representative Grave's Office.

They are apparently waiting on some feedback from NOAA Fisheries on issues like percent standard error and potential cost in implementing this program. It's going to be a continuing dialogue. We are not sending a letter over to Grave's Office or anything like that, we're going to continue to sort of staff-to-staff conversations.

If there is any additional feedback that folks have around the table, on the good parts of this or parts they would like to see changed, we're wide open to that. You know I am happy to answer any questions, but it is going to be an ongoing dialogue. You know recreational data is a big deal for a lot of the species here at the Commission.

If you look at striped bass, red drum, and others, that are solely managed by ASMFC, you know the vast majority of that catch that feed into our management stock assessment is recreational catch. Being able to accurately characterize that is a key piece of sort of it is the underpinnings of how

we manage and assess those populations. Joe, happy to answer any questions on the bill, but it's not finalized and there is a lot of room for conversation I think, still to happen.

CHAIR CIMINO: Yes, absolutely. I'll look around the table. I see Roy, go ahead.

MR. ROY W. MILLER: If Mike Ruccio, I presume he is still listening in. I was wondering if our federal partners would share with us on the sub boardroom on the legislative committee, any comments that they might have put in writing in regard to this particular bill. I think it would help us in our continuing dialogue with our legislative representatives, so if they could share those viewpoints with us, we would be very appreciative.

CHAIR CIMIINO: Well, Roy, that is interesting, since Mike Ruccio has his hand up again, maybe he was thinking the same thing. If it's all right, Pat, I'll go to Mike, and then to you, Pat.

MR. RUCCIO: Yes, thanks for the question on that. I'll have to check, honestly. The process that we engage with Congress on is called Technical Drafting Assistance, and it's kind of a separation between the Legislative and the Executive Branches, and there is no value judgment in the comments that we provide, it's all technical.

Like, it's going to cost this much to do how you've got this written, or as this is written, here is how we would interpret that and implement those measures. It may not be very sexy or very telling, even if we can share those, but I'm not entirely certain that I can, and I actually don't have them before me. It's something I'll have to check with our Office of Government Affairs and Legislative engagement on that.

But did want to mention that formally we are engaged on the legislation through this technical drafting assistance process, and have sent our first round of comments on that. We have also been engaged in formal conversations, much as Bob is describing, with Mr. Law and others on the Commission staff that have talked to the Representative's staff.

We've had those same kinds of informal conversations, and will continue to engage in that as legislation continues to develop. I'll take that as a get back and if it is something that we can share then we'll reach out through Toni and Bob and have that dispersed, and it's not, I'll also close the loop, and let people know that that is not something that we are able to provide.

CHAIR CIMINO: Okay, Mike, you have the microphone, if that was only in response to Roy and you had your hand up previously, why don't you go ahead.

MR. RUCCIO: I had my hand up previously just to say that we have received that request and provided technical drafting assistance, at least the first round, and then wanted to highlight that we've also had some informal conversations, just to highlight that it's not happening in a vacuum. We have been part of the process.

CHAIR CIMINO: I'm going to go to Pat and then Dan.

MR. PATRICK C. KELIHER: Having been involved in discussions, both on the Legislative Committee and then yesterday's Executive Committee meeting, this is a pretty complicated issue. I really appreciated Jason McNamee's comments about the complexities of data collection and the consistencies of the issues that were addressed then. I don't know the best approach forward for us, but getting some additional information and writing from NOAA, I think would be helpful, and I appreciate Mike's comments. But if we're going to come together as a body, with the complexity of issues and differences around this table. I think we're going to need really a focus group to think about this, not the Legislative Committee.

Because frankly, the Legislative Committee is not thinking about this the way Jason and other people

with really strong yourself, Mr. Chairman, with a really strong technical background. If we're going to have ASMFC come up with a consistent position on this, I think it's going to take a lot of work.

I mean we sent in a lot of comments through my Deputy Commissioner for the first round of conversations, and sent that into Alexander. It's complex. It's complex. It is just food for thought, but I don't know how we're going to get to a consistent position on a 20-page piece of legislation that has this type of complexity.

CHAIR CIMINO: Thanks, Pat, and before I go to Dan, I'll just say that yes, I think a lot of our staff has spent time on this already. It is a complex issue. You know there are things that in our conversation, with intent it sounded like we're on the same page. But the wording in that legislation still looks scary at times. It doesn't cover the things that we all are most concerned about.

There is that element of it, and quite frankly, I'll say this to Bob, if we need to get to that point of coordination, I think we should be meeting with Gulf states as well, because they have a different problem, as Bob mentioned. They have things that they are trying to get to that may not exist here, and they've been in the process of having state-specific surveys. There is definitely a learning element to it, and I will go to Dan, but Erica, if you want to, I would actually very much appreciate help from our southern partners.

MR. DANIEL McKIERNAN: Jason made a lot of great points yesterday, talking about precision and accuracy. Folks in the past have made reference to the simple altering the sequence of two questions, had like a 30 percent change in the outcome of output. The thing that struck me, thinking about yesterday and watching the cobia discussion.

Can you imagine challenge of the cobia discussion if one or more states had boutique data collection systems that were either biased or just perceived to be biased? I think it would really tear apart the ability of the state partners to negotiate some of these quota management outcomes.

CHAIR CIMINO: Erika, did you want to comment?

MS. ERIKA BURGESS: Not yet.

CHAIR CIMINO: Okay, sorry, I jumped the gun there, I thought I saw you. I'm going to go to Dave Sikorski then.

MR. DAVID SIKORSKI: This is good conversation, I had to step out of ExCom halfway through, so I missed some of the final conversation yesterday. I'm glad Dan just mentioned cobia, because that is what is on my mind. Frankly, I think the system we have in place, I think of it slightly differently. I think yesterday was a good highlight of the system that we have in pace doesn't work for cobia, and our management is not syncing properly, our stock assessment is pretty weak. I think of cobia as an opportunity. I've said this to my delegation and others in the region for a long time that I think cobia is low hanging fruit to figure out how do we properly assess, properly allocate and properly provide access for a species that is expanding its range?

You know we've had some challenges, but experience with other stuff in the Northeast and Mid-Atlantic, but we've always relied on MRIP. I get that change is difficult, and I totally recognize the expertise that so many of you have in the room that I don't, when it comes to statistics and such, but I think it is necessary that we have the type of conversation that I know Joe and Pat were just talking about, to try and find a solution.

I end it with an open-ended question, which is, does this legislation present an opportunity for the east coast to potentially tackle a problem child, or a challenge like cobia. Frankly, I think it is worth it. I think we recognize the value of that fishery to many of our state partners yesterday. That value is going to change, that value is going to expand.

Speaking as a Maryland angler, as somebody deeply involved in fisheries management, also representing recreational anglers, through an organization that you all know is on top of this topic and is probably involved with Congressman Graves and others in the Gulf for very, very, very good reason.

I'm going to give a little brief history. I had drafted legislation in the state of Maryland to create a recreational data task force, to try and identify ways that combined with outreach and education efforts and engagement efforts, with people that are not engaged in our state. How do we take this opportunity to capture better data and advance the management of our fisheries in the Chesapeake Bay?

We have lots of great priorities that are very difficult and very expensive, but I'm proud of that work, because it was planting a flat to say, we the stakeholders, we the community want to work on this. Well, there is a million very good and very valid reasons that we cannot advance that great work that highlighted some stuff already done in the Gulf, which is allow better angler access and better communication with states managing their resource for their anglers.

We're trying to advance that work in the Chesapeake, but there is something in the way every single time. I have great frustration in that, yet I understand all the reasons why. I believe Maryland is moving forward to lead the charge on pilot programs and efforts to better understand it. Is it ever going to replace MRIP, heck no.

When you stop thinking it through that lens, we need to just obviously push back at that opportunity, which I think we are, or that part of the conversation. But we also need to kind of look on the bright side and say, what are we actually going to do. That is what the stakeholders want. Back to cobia, last point. I didn't say it yesterday, but what Virginia is being challenged with right now is spillover from North Carolina anglers, Maryland anglers, Delaware anglers all recognizes that there is a great fishery that is being talked about, and that is a challenge we have too. The only way to solve that is to better engage with our anglers, better understand what they are catching, and I'll just leave it with this, low hanging fruit, and I hope this legislation could be an opportunity to solve this thing before many of us around the table are done with this arena.

CHAIR CIMINO: Any other hands? Not seeing any, as mentioned by Bob when we started out here, this discussion will continue. As Pat pointed out, maybe we need to be a little more focused and engaged. We'll see where this all goes. I appreciate everyone's comments. Erika, all right, go ahead.

MS. ERIKA BURGESS: I held back just a little bit to see if there was going to be a specific question or not. I'll respond to your comment about the Gulf states. The Gulf States Commission has written a letter of support for this bill. All of the Gulf states individually have written letters of support, so they are behind it.

But I think if you're interested to learn more about their experience with state data collection programs, calibrating those programs, going through MRIP certification, we would be happy to provide a presentation to ASMFC if there is interest. I know many folks have seen this presentation before, especially if you were at the South Atlantic Council. But happy to if there is interest.

CHAIR CIMINO: Yes, I think it's something to think about. My understanding is that these programs are evolving as well. Former presentations may be evolving as you guys look to make adjustments and probably get a little bit closer together, so that as the Congressmen's folks have said.

You know they realize the importance of having continuity in all of this, so thank you.

UPDATE ON AMERICAN EEL CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES ACTIVITY

CHAIR CIMINO: We're going to go to our next agenda item if we don't have any other hands, and that is on the American Eel Trade Issue. There was a letter that went out, and Toni is going to give us an update on that.

MS. TONI KERNS: In mid-May, Fish and Wildlife Service reached out to the Association of Fish and Wildlife agencies on the potential listing of American eel in CITES Appendix III. Fish and Wildlife Agencies then reached out to myself and Caitlin on gathering information on our thoughts on this, and since this was between Commission meetings, but they needed comments prior to mid-June, we went ahead and sort of talked to different states about the issue, and then wrote a joint letter back to Fish and Wildlife Service, which got sent out on June 21.

In that letter we referenced some of the changes that we had made recently in eel management, and then pulled together a list of concerns that the Commission has on the potential listing of CITES Appendix III. If you're not aware, when you have something that is listed as an Appendix III, it means there has to be legal documentation that that or certified documentation of some sort. I'm not 100 percent clear what that documentation needs to be and that I'll get into.

The exports then have to have a permit to leave the country, and that permit has to be issued by Fish and Wildlife Service. Some of our comments were that we had concerns that there isn't a certified legal acquisition process in all of the states that have eel trade, and to put that system together would be costly and potentially burdensome. In some of the states the eel fishery, in particular the yellow eel fishery, not the elver fishery, has monthly reporting, so timeliness of getting that documentation, and then those permits might be problematic. We also aren't clear on what it means to have a legal acquisition finding.

Like what documentation would be necessary, so it is difficult for us to comment more specifically on what that is, unless Fish and Wildlife Service comes back to us and tells us what that actual documentation would be, so we had a request to have that information worked out prior to any sort of finding to move into an Appendix III.

We also noted that eel is a live specimen oftentimes in trade, especially in the elver fishery. Once those elvers are packed, then they cannot be in their packaging and in transit more than 36 hours at the most, otherwise that product is going to perish. The current permitting system in other species that are listed in Appendix III do not move that quickly.

We had great concerns that the elver fishery would be negatively impacted if we move into the CITES III Appendix, because of the permitting process that is currently in existence. We requested that Fish and Wildlife come back to us and have a conversation about how we can change that permitting system to make sure that this product is not going to be damaged.

The eel fishery, in 2023 the elver fishery was worth over 20 million dollars, it's a very economically important fishery, in particular to the state of Maine, and to lose that fishery would be extremely problematic. We really do want Fish and Wildlife to have this conversation with us.

The last part is that we want to understand how American eel could come out of an Appendix III listing. There is legal authority to remove from that, but the criteria are extremely prohibitive. To come out you can't have more than five shipments per year, and there has to be fewer than 100 individuals.

We cannot imagine a time when we would ever meet that criterion for American eel, because of the nature of the elver fishery. There are thousands of elvers in one pound. That was a huge concern for us. This letter went. The state of Maine also sent a

letter, and I'll let Pat describe anything that he wants to, then the letter that they sent.

We have not heard back from Fish and Wildlife Service. I was hoping that by the time this meeting came around that we would have some more information to share with the Board on the next steps in the process, and how they would be engaging with us, but we have not heard anything from them, nor has Maine or the Association of Fish and Wildlife Service.

Unfortunately, I don't know where Fish and Wildlife Service is in this process, what the steps will be to move forward, if they are going to have a public comment period, if they will engage with us any further in the consideration. That's it. I don't know if Pat has anything he wants to add.

CHAIR CIMINO: Yes, thanks, Toni, Pat, if you would like to add to that.

MR. KELIHER: I don't really have a whole lot more to add, other than it is really disappointing that they have received three letters on this and are not kind of getting back to us on kind of the process side of this. We tried to explain in our letter that we have a really strong chain of custody, all the way up to sealing packages with Marine Patrol present.

Marine Patrol actually seals all exports being shipped out of the state of Maine before they go to an airport, where U.S. Fish and Wildlife Service can then inspect, to ensure that that package has not been tampered with, right. There is strong, stronger chain of custody than any other fishery. It is disappointing I haven't heard back, so hopefully we can kind of keep the heat on and see where this is going to go. Thank you.

CHAIR CIMINO: Rick, go ahead.

MR. RICK JACOBSON: Yes, I am with the U.S. Fish and Wildlife Service, and I just want to be clear, neither of those letters came to me. Joking aside, I do have some familiarity with this issue. I am not part of the office that deals with CITES listings or with permitting. I was however, with the, while with the state of Connecticut.

I did serve through the Association of Fish and Wildlife Agencies on their CITES Technical Committee, and as Chair of the International Relations Committee worked closely with the Internationals Affairs Program with U.S. Fish and Wildlife Service. This has been on the U.S. Fish and Wildlife Services radar for at least the last seven years, I believe, when the discussion first came up about the potential of listing other anguillids

It's not that the U.S. Fish and Wildlife Service is unaware of the issue, they have been aware of the issue for quite some time. Since Toni brought this to my attention, I have reached out to my colleagues within the International Affairs Program, and I do anticipate we'll be hearing back from them in the near future. That's all.

CHAIR CIMINO: Thanks, Rick, appreciate that. Any other comments or questions on this issue? Okay, we're going to go to Anne St. John.

MS. ANNE ST. JOHN: Appreciate the opportunity to speak briefly on this. My name is Anne St. John, and I am with the Division of Management Authority in the U.S. Fish and Wildlife Service. We are in fact the lead office on CITES for the U.S. Government. Just want to appreciate the information that was provided in the summary of the issue and just to kind of let you know a little bit more, I guess about an Appendix III listing, and then also sort of where we are in this process. Just to be clear, at this point we are in an information gathering process.

We have not made any Agency determination on whether to move forward with an Appendix III listing. We are undertaking consultations as was described. You know we reached out to the Commission through Aqua, and so we have received several responses from you all and from the state of Maine, and so are evaluating those. We are also undertaking a consultation with U.S. Tribes that are engaged in conservation and management of

American eel, and then also with other range countries. We'll be moving forward with that soon. Taking in to consideration the information we received through those consultations, and any additional information that we gather on our own. If we were to decide to move forward with an Appendix III listing, the process would be for us to publish a Proposed Rule in the Federal Register that would solicit public comments on whether or not the United States should move forward with an Appendix III listing.

Then if after evaluating the comments and additional information we decide that it would be appropriate for the U.S. to list the species, then we would publish a final rule, and also notify the CITES Secretary of the listing. We are still very much in the sort of beginning stages of this process, and appreciate any information, and I'm happy to provide my contact information and my leadership contact information, if folks want to be in contact and have additional information.

Then I guess just very quickly, a couple of matters with regard to an Appendix III listing. An Appendix III listing, as Toni described, it is sometimes legality. It is not about making determinations about the biological sustainability of the take and trade in the species, but about ensuring that specimens in the international trade were legally acquired, and that they are traceable through a system of CITES permits and certificates.

What that looks like, what that would look like, if we were to go that direction, you know it is a conversation that we can still have. We have various sort of iterations of what kind of what CITES listings of native species look like. We realize, for example, on U.S. Native species like American ginseng, American Alligator, and Fur bearer species, we rely very heavily on information provided by state Fish and Wildlife Agencies.

That helps us to make programmatic findings, so that we're not having to make determinations to such a degree on an application-by-application basis. There are, you know there is not one single model for what that coordination between the Federal and State and Tribal levels would look like, and that we can still discuss that.

Then the other issue, or the other thing I would want to mention is that for an Appendix III listing, those can be annotated such that they exclude certain products from CITES coverage. The listing would not necessarily cover all American eel specimens in trade. The intention would be to ensure that we're capturing within the permitting system, within the finings system, that we're capturing those specimens that are traded that are the first point of trade.

Then also, specimens that dominate the trade from the wild resource, so we wouldn't be necessarily wanting to sort of impose a burden, an administrative burden on specimens that are further down the processing line. Just to clarify that a listing could be annotated such that it, you know, it only covers whole specimens, or it covers parts and products, right.

Whatever would make sense from a conservation perspective. But yes, just wanted to provide a little bit of additional information, and as I said, we're moving forward with this conversation, with this consultation and we'll definitely be back in touch. But we're really in the early stages and happy to take any questions here, or follow up by e-mail. Thank you.

CHAIR CIMINO: Yes, thank you for that, Anne. We do have a question from Toni, and then I'll look around the room.

MS. KERNS: Anne, so we had several questions in our letter, and then concerns that we would need to be addressed before we can provide any additional comments, if this were to go to a public comment Federal Register Notice. I'm wondering if the Agency will be getting back to us, the state of

Maine and the Association prior to any Federal Register Notice.

Because we won't be able to comment on how this process would work, unless we understand what an LAF is, what the permits are, how you can acquire the permits. The system that is in place right now, we as a Commission have grave concerns about, and without knowing how that would be addressed, we wouldn't be able to provide meaningful comments back to you all, so conversation prior to that would be needed.

MS. ST. JOHN: You bet, yes, we would absolutely plan on doing that, and appreciate your willingness to have those conversations. But yes, there is nothing to be gained by us sort of moving forward in a vacuum. We would absolutely want to have those conversations and appreciate the information that you can provide. You know the intention is right, to support the conservation of the species. We would want to make sure that all of our ducks were in a row, and that we were moving forward in a thoughtful and appropriate manner, so appreciate that.

CHAIR CIMINO: Any other, at least one, Jim.

MR. JAMES J. GILMORE: I'm a little rusty on the issue, but I mean part of the concerns we had with when Maine was going to keep harvesting, I think they corrected, because as I recall, there were limited airports, whatever, that you could essentially get eels, when the whole traffic thing was going.

The system that Maine put in resolved all those issues. It's like it's been fixed, and it's kind of like well, we're going to look for a solution to a problem we've already fixed. I think part of the comment should be into that. We went through this years ago, what Pat did, and the system he put into place.

Kennedy Airport was one of the places they could get eels out of, they can't do that anymore, because of the system that was put in. It really is, first off not a lot of states involved, it's Maine, and essentially that system took care of any, at least for the elver fishery, or elver trafficking. I think that should be probably highlighted that we took care of this problem, and we really don't need more work.

CHAIR CIMINO: Any other questions or comments on this item? John Clark.

MR. JOHN CLARK: I'm sorry if it came up before, but what was the impetus to look into listing this under Appendix III? Weren't American eel put on Appendix II years ago?

MS. ST. JOHN: I'm happy to respond to the last couple of questions, if that would be helpful.

CHAIR CIMINO: Yes, thank you, Anne.

MS. ST. JOHN: The species currently is not in fact included in the CITES Appendices, so it is not regulated under this International Structure that is CITES. I agree with the previous comment that this has been raised to us as the U.S. trade on CITES. It has been raised to us a number of times the concern with regard to the legality, the biological sustainability of the trade.

The other sort of issue that has come up relatively recently is that the European Union has really tightened up controls on harvesting and trade of European eel, and included that species in the CITES Appendices. With the sort of tightening of the rules around trade in European eel, there is a real concern, and I think that there is increasing evidence of poaching and smuggling in American eel.

The point of the exercise that we're undertaking now is to determine if a CITES Appendix III listing would be useful, would be supportive of the conservation efforts for the species. It would not be intended to be sort of an impediment, but rather to support the conservation. That is just a little bit more information on how we've landed where we are. But like I said, we're still very much in an information gathering phase at this point.

CHAIR CIMINO: Lynn.

MS. LYNN FEGLEY: Curiosity question, I think for Anne. If this were to be listed as Appendix III, then I'm assuming that would apply to all countries dealing in the trade of animals, so Caribbean countries would also need to comply, because it's an international treaty. Is that correct?

MS. ST. JOHN: That is correct. The way what we call sort of a "standard" Appendix III listing works is that the country that listed the species in the appendices in Appendix III. For that country there would be the requirement would be the issuance of a CITES Appendix III export permit. That permit would be predicated solely on a legal acquisition finding.

That would be the document required to export from the U.S. For all other countries, for all other range countries, for all other exports of this species they would have to issue a CITES Certificate of Origin. It's a CITES document that confirms that the specimens in trade were acquired in that country.

It's not a determination of biological sustainability or legality, but simply a confirmation that those specimens being exported were acquired in that country. The other thing that would be required is that all of the trade would be captured within what is called the CITES Annual Trade Report.

Every country that is a party to CITES has to submit an annual report of trade from the prior calendar year, so they have to submit those reports every year. In them they report on imports, exports, and re-exports of CITES listed species. It would also give us sort of more visibility into the trade out of other range countries for the species.

MS. KERNS: Amne, but for that, don't those countries also have to have to decide to have an Appendix III listing? If they don't do that, then do you still get that information?

MS. ST. JOHN: Under this scenario of a standard Appendix III listing, the other countries would not in fact have to agree with it. It is a unilateral decision of the listing country. You'll notice some listings in Appendix III are limited to national populations or particular regions. For a species that is as wide ranging and has such a shared range as American eel.

We don't think that limiting the scope of the geographic coverage of an Appendix III listing would make sense from a conservation perspective. It would sort of limit your visibility on data from other countries. The point would be to understand, you know get a better understanding of the trade, and as I said, make sure that the trade is legal and traceable.

CHAIR CIMINO: Go ahead, Eric.

MR. ERIC REID: With your permission, this has nothing to do with CITES, but since we're having a discussion about Fish and Wildlife and International Trade, I would like to ask a question, which I know I won't get an answer for today, but it's in support of your stakeholders, my stakeholders, stakeholders in the audience and stakeholders from some of the people around this table. Are you okay with that? Okay.

In support of our Mid-Atlantic partners, we have been trying to understand the regulations on having to pay duty for the export of squid. If at this point there is an exemption in the rules for seafood products that includes crustaceans and mollusks, which squid is a mollusk. But squid are not exempt, because they have been deemed to be not seafood, not mollusks, and not even any kind of seafood product, which I don't understand that.

I want somebody from Fish and Wildlife to answer that question for real at a Mid-Atlantic Council meeting, which happens to be next week. Because it just doesn't seem to me that that is anywhere possible that squid is not a seafood product. I think you're familiar with that, Mr. Chair, and I appreciate your indulging my request, but it's been an uphill battle, but the notion that squid is not a seafood

product is, I'm a little confused on that. That is my question, thank you very much, I appreciate it.

CHAIR CIMINO: Anne, I don't know if you have a response to that. As Eric mentioned, the Mid-Atlantic Fishery Management Council has sent letters on this. An important issue for us, and certainly something that we're looking to engage on, and have a response to. It certainly doesn't need to happen today.

MS. ST. JOHN: Yes, appreciate that. I will certainly reiterate the comment and the question to our leadership, but I think that that is a separate office within the U.S. Fish and Wildlife Service. I think that that is the Office of Law Enforcement. I will reiterate the question and the desire for additional conversation about that to our leadership, and pass it along to the appropriate office. Thanks.

CHAIR CIMINO: Yes, great, I appreciate that. Thank you. Any other questions or comments on this potential CITES listing? Not seeing any, we will move on.

PRESENTATION OF NATIONAL FISH AND WILDLIFE FOUNDATION ELECTRONIC MONITORING AND REPORTING

CHAIR CIMINO: As noted, we wrapped in the discussion on House Bill 8705 in with the Executive Committee Report, so we'll be moving on to Presentation of National Fish and Wildlife Foundation Electronic Monitoring and Reporting and we have Willy Goldsmith online, so whenever you're ready, Will.

MR. WILLY GOLDSMITH: Good morning, everybody, I'm sorry I can't be there in person today. My name is Willy Goldsmith, I'm here on behalf of the National Fish and Wildlife Foundation. I'm here to share some information on the electronic monitoring and reporting grant program. This funding opportunity is currently live, and just wanted to share some information about the request proposals, and hopefully provide some helpful background for any folks or members of your networks who might be interested in getting involved.

Just to reiterate, this request for proposals is currently live, it's available on this web page. I will be providing some more information here in the coming slides. Whether this is the first time you've heard about this program or whether you've been around for a while and are very familiar with it, certainly encourage you all to learn a bit more about it, and to reach out to me if you have any questions. Some brief background on this list. It was created by a Congressional charter back in 1984.

It is an independent nonprofit, but it does work very closely with NOAA Fisheries, and really works a lot in public and private partnerships, working really to leverage public funds with private sector investments, so partnering with corporations and with private foundations as well. As a nonprofit, NFWF does not conduct or fund any advocacy, lobbying or litigation activities. Rather, the main focus of NFWF is on voluntary conservation action, rather than compliance with regulatory or legislative action.

Getting into the subject today, so for the past decade or so electronic technology broadly in U.S. marine fisheries has been a key focus of NMFW, with about 33 million dollars awarded through these programs to 112 projects. Certainly, the Atlantic Coast has been a major focal area for this program, with about 8 million dollars awarded to 33 projects. As you can see below here, NFWF partners closely with NOAA Fisheries, and here are some examples of some foundations who provide key investments over the years as well.

When it comes to the priorities for the electronic monitoring and reporting program, there are kind of two major buckets into which projects typically fall. The first is really in supporting the use of electronic technologies and data collections for thinking through opportunities to improve and scale electronic monitoring. What is going on, on the water thinking through challenge of the fishery

dependent data collection, and how electronic technologies can help improve those opportunities.

By the same token, looking at electronic reporting and opportunities to pilot new applications for electronic reporting and data collection, as well as to scale concepts that have already been proven in a pilot context. Through both of these efforts, a real key focus is on engaging closely with fishing communities throughout the data collection process, and ensuring that they are an integral part of this whole process.

That is sort of one side of what this program typically funds. The other is more on the data management side, and thinking through how can we best adapt and modernizes the data management process, to ensure that we are processing this data efficiently, that we're doing it in a cost-effective way, and that we're really making any data that are collected available to scientists and managers in a timely and accessible way. Those are kind of the two major areas that this funding opportunity is for. I just want to provide a couple brief examples of the types of work that the NFWF Electronic Monitoring and Reporting Program has funded in the past. Again, these are just illustrative and by no means any indication of the only types of work NFWF funds.

But just to give you a flavor of the kind of work that has gone on in the past. If you are interested, we can provide some final reports for these projects that have wrapped up. Some of them do represent a series of several grants as well. On the electronic monitoring side, one example has been up in New England, where the Gulf of Maine Research Institute has worked to pilot and implement electronic monitoring for the large mobile gear groundfish vessels in New England.

Some of the goals here include enhancing quota utilization, also providing a means for fishermen accountability. That is one example. On the other end of the spectrum of commercial vessels, Gettysburg College has worked the pilot on EM aboard some small vessels, including a pound net vessel in North Carolina, demonstrating opportunities where cameras onboard might be a means of collecting fishery dependent data when an at-sea in-person observer might not be feasible in those cases.

Some examples of continued opportunities to think through electronic monitoring and its application include thinking through costs, so what are cost efficient ways to monitor fisheries electronically, just in terms of expenses of equipment and also thinking through the time and effort of fishermen who are of course integrally involved in the implementation and the successes of some of these programs.

A second aspect that has been a key priority is thinking through new tools to further reduce cost, such as artificial intelligence. Okay, so moving ahead here. We talked about EM, this is the other category of kind of on the water, fishermen implementation, and that would be electronic reporting. Again, here are just some regional examples of work that has been funded in the past.

Cornell Cooperative Extension has been working with both for-hire and commercial fleets in New York, to transition to the electronic trip reporting. Meanwhile, down in Maryland, the Oyster Recovery Partnership has looked into integrating commercial shellfish harvest into existing systems for other commercial fisheries in the state.

Then down in Virginia, and relevant to the conversation earlier, there has been a big focus on thinking through recreational data collection and the piloting of a new recreational and citizen science reporting application called RecFish, to both provide value to fishermen, for anglers in Virginia and beyond.

Will also provide information for us. Some of the key next steps here include kind of lowering the barriers to participation from fishermen. Thinking through how to make these Aps and other

technologies accessible to fishermen, trying to create efficiencies, and bringing multiple reporting platforms or requirements under one umbrella, and then again relevant to the questions about our recreational data collection, how there might be opportunities to better engage the recreational community in reporting their catch and effort and other key fishery dependent activities.

Then again, once these data are collected either electronic monitoring or that reporting, thinking through ways to process that data QA/QC, and making that data available, so that it gets to be applied for science and management purposes is another real key priority here. Here are a couple of examples, Teem Fish monitoring up in New England has been looking into using AI to automate from the groundfish discard data collected through EM, identifying species, measuring fish, issuing counts, those sorts of data.

Meanwhile, CFRF in Rhode Island has looked into a buoyless gear location marking allocation for mobile and fixed gear fisheries related to the North Atlantic Right Whale conservation. Again, the key next steps here really involve rolling the ball forward towards increasing efficiency and accessibility, so that folks who really need to use these data are able to do so, kind of as quicky as possible once they are collected, and ensured that that data has been verified for quality and accuracy.

That is hopefully some helpful background for you all on the types of projects that NFWF Electronic Monitoring and Reporting Grant Program has funded in the past. Again, the RFP was released back in mid-July, and the application window is currently live. The deadline for applications is October 2, at 11:59 p.m. eastern time, and about 5 million dollars in funding are available to support electronic technologies and fisheries around the nation.

For more information there is a landing page on NFWFs website, bit.ly/EMRRFP2024, and I believe in the meeting materials for this meeting, in addition to our PDF of this presentation there is a quick one-pager that just has a quick overview of eligibility kind of restated some of the program priorities and providing some key resources for you all to access.

In terms of what makes a good proposal, and again this information is highlighted in much greater detail elsewhere, but just want to give some key points here. First off, partnerships are really important. To ensure this work isn't happening in a vacuum, demonstrating that fishermen are engaged and invested, and now they are trying to pilot new technologies or to implement new technologies of scale.

That is a really key element here., as well as demonstrating to the folks who will ultimately be using or regulating or applying any information that are collected is also key, so that might be NOAA Fisheries, that might be a regional council, other groups that could be involved there. The other piece of course is thinking through the strong technical elements, and ensuring that the technical expertise and the folks who are involved in the proposal are kind of available and capable of implementing the work that is proposed.

Certainly, having a team with the requisite experience and familiarity, both with the technology and with the fishery is key here. Then lastly, it is important that grantees really be prepared from a financial standpoint, to receive federal funds. There are several steps that need to be taken there, and we have much more information on this and some additional background materials. But just a note that this is something to consider. If you have concerns about this, it might be beneficial to consider partnering with an organization that is well versed in the federal off funds arena. Coming to the end here.

Just to give a big of background on my role in this process. This is something that I had the fortune of participating in last year as well. I'm serving as a field liaison for NFWF EMR Program this year for the RFP, and my goals are really, first off, to spread

awareness of the opportunity to make sure that any entities, including those who may not have participated in the past are aware of this funding opportunity.
To help identify perspective applicants, and with those folks' kind of help think through potential ideas for projects and partners that align well with the goals of this fund draft, this funding opportunity. Then lastly, really to help serve as a resource when developing the application material. There are several parts that go into a proposal, and just want to make sure that everybody is putting their best foot forward here.

My contact information is on the right-hand side of this slide, and certainly hope to hear from some of you, and I hope that you can also circulate this information to the folks in your network, and again, the deadline for applications is in a little bit less than two months from now. I think that is about all I have for you all.

Again, just want to thank you for taking the time this morning. If you do have any additional questions, or would like some more information, feel free to contact Gray Reading, he is the Program Manager for the Fisheries Independent Fisheries Innovation Fund at NFWF. Of course you can reach out to me as well, and then once again the bit-lead to the RFP is on this slide. With that, if there is any time for questions, I am happy to take them, otherwise, I hope to hear from some of you after the meeting. Thanks.

CHAIR CIMINO: Well, thank you, that was a great presentation, encouraging to see the diversity of projects that have been funded in the past. I think, as you mentioned, application information is in the meeting materials, contact information is as well. It may be better as we move forward.

If folks do have questions or comments on applying here, that they do reach out to contact yourself and to Gray. Appreciate that.

COMMITTEE REPORTS

CHAIR CIMINO: With that we'll move on to our next item, which is our Committee Reports. We're going to go into two, we have Simen up here and he'll start us off with the Habitat Committee, or ACFHP.

ATLANTIC COAST FISHERIES HABITAT PARTNERSHIP

MR. SIMEN KAALSTAD: Thanks everyone for your time. I do have a few updates here on the Atlantic Coastal Fish Habitat Partnership and the Habitat Committee Reports. I'll start with the Partnership. The Atlantic Coastal Fish Habitat Partnership, we met in Virginia Beach at the Chesapeake Bay Foundations Brock Environmental Center, where we discussed project updates, plans for our next science and data projects, as well as outreach initiatives. I guess the biggest item would be that we had elected a new Chair and that is Justin Coakley from the Mid-Atlantic Fisheries Management Council, and the new Vice-Chair is Chris Moore from the Chesapeake Bay Foundation. We also were privileged to have some guest speakers from the Lynnhaven River NOW Organization. Michelle Bachman from the New England Fisheries Management Council, who presented on becoming a new ACFHP partner, as well as Sofia Hoffman from the Virginia Coast Reserve Long Term Ecological Restoration Network, and Alex McOwen from NOAA and part of the NFHP staff who updated us on the NFHP activities as well as the ACE Act Reauthorization.

I won't bore you with the details on the ACE Act Reauthorization, but in short it benefits the partnerships in that there will be additional support and funding for habitat projects as well as FHP operations. It encourages greater collaboration among various stakeholders. Basically, new seats were added to the Board, as well as promotes conservation and recreational and commercial fisheries and sustainable fishery management practices, and it provides data and tools to support effective habitat management and decision making.

A few updates on recently completed projects that were supported by the Atlantic Coastal Fish Habitat Partnership. There was the Dana Dam removal along the Norwalk River in Connecticut, that opened up 6.5 miles of high-quality habitat to migratory fish, and reconnected about 1.1 acres of floodplain.

Another project that recently wrapped up was the Cape Fear River Wetland Restoration at the USS North Carolina Battleship. They restored about 800 linear feet of hardened berth with a living shoreline, and created 2 acres of tidal wetlands in what was an existing parking area previously. Another dam removal as well in Massachusetts, the Armstrong Dam, which opened up 36 miles of river and reconnects about 180 acres of river herring spawning habitat.

It's tricky, because we sort of operate in 3 fiscal years. Right now, FY24, those projects were recently approved by the U.S. Fisheries Service, so we will receive about $300,000.00 in funding again, and we'll be supporting two additional restoration projects, one in Maryland that restores about 39 acres of wetland habitat, and that is led by the DelMarVa Research Conservation and Development Council.

The second project to be supported for FY24 is another dam removal in New Jersey, the E.R. Collins Dam, and that is led by the Nature Conservancy, and that opens about 3 miles of river access, but is part of a bigger sort of effort, where several other dams will be removed, and I'll tell you a little bit about them. We just received approval for the FY24 projects and we also recommended the next round.

It takes about a year until the funds make it to where they need to go, so for FY25 we recommended 3 more projects to the NFHP Board, which have been approved, but they've not yet made it to the Fisheries Service, and we have not secured that funding quite yet. But it seems to be looking good. We'll be supporting 2 additional dam removals by the Nature Conservancy, and that is the Cedar Grove Dam and the No Name Dam, so those are part of that E.R. Collins Dam effort as well, so there will be 4 dams removed in total on the Pequest River in New Jersey.

Those removals will add about 57 miles of additional riverine habitat access, and the last project that we recommended for FY25 is not a dam removal, that is for oyster reef restoration in Florida. That is an effort led by the town of Marine Land, sort of in partnership with the University of Florida, and that will build about a 500-foot living shoreline, as well as doing some tidal vegetation restoration along that part of the river.

HABITAT COMMITTEE

SIMEN KAALSTAD: Moving on to the Habitat Committee Report.

Mainly we've been discussing the Habitat Management Series next issue, and I'll get into that. Recently we had a virtual summer meeting. Well, the Committee approved the final draft of the Acoustic Impacts Habitat Management Series Document, and began developing plans for the next one, which we have come to a consensus that we'll focus it on shell recycling programs along the Atlantic Coast.

In addition to the Habitat Management Series, we talked about the Habitat Hotline Atlantic, which is a bit of a question on format and content. We discussed what is the most useful content to you all, what kind of format and what should be the next steps. Obviously, the anticipated release date would be in December, sort of the last chance to release the 2024 Issue.

The Habitat Management Series Acoustic Impacts Document that we are seeking approval for, the longer title is Anthropogenic Noise Impacts on Atlantic Fish in Fisheries Implications for Managers and Long-Term Productivity, which is a mouthful. But that report folks is on the effects of anthropogenic noise on fish managed by the Commission.

It covers the potential impacts of human generated noise. What is not covered is marine mammal sound production and those affects, since they fall outside of the Commission's management scope. But sensitivity to noise varies by species, and fish perceive sound through pressure and particle motion.

Some of these effects are physiological, damage to the ear and lateral line tissues, hearing loss, and can be potentially lethal, for example pile driving or under subsurface explosions. Behavioral effects such as freezing, increased swimming speed and disrupted feeding or spawning or schooling and other critical life functions.

Just some examples of specific species that are affected, that is covered obviously more in depth in this document. Atlantic cod for example, they freeze in place or they'll increase their swimming speeds, and Elasmobranchs, they are startled by sudden noises, but they may habituate over time.

Then crabs and other marine invertebrate settlement can be delayed by turbine noises. What is not on the slide here is the effects on zooplankton. Air gun blasts can obviously increase zooplankton mortality, which will have indirect effects on fish species that feed on these zooplankton. It goes a little further into, you know cumulative effects such as the chronic noise that leads to stress, reduced condition, and decreased fitness.

There can be potential population level impacts if spawning behavior is disrupted. It goes a little into the effects on fisheries catch rates, which are decreased in areas exposed to seismic air gun blasts and some fish populations may be redistributed, due to exposure to different noises, and these responses again vary amongst species. Mitigation Strategies is sort of what the whole ideas of the document, covers vessel noise reduction, such as alternative propeller design or soundproofed hulls, better, I guess improved marine spatial planning, protecting critical spawning and aggregation sites from loud noises, and monitoring compliance with tracking technologies.

On the seismic survey side, higher sensitivity hydrophone, so that you can pick up those no non-impulsive low frequency marine vibriosis. Sort of lastly here, discusses the construction noise mitigation, for example, like "quiet" foundation technologies for offshore wind turbines at various sound dampening measures, bubble curtains, isolation casings or soft-start and ramp-up strategies to deter mobile species.

The last bit of the document covers research priorities, which focuses, you know we need further study on the impacts of particle motion, evaluating these new novel seismic survey technologies and development of best practices and noise thresholds, and overall research on the effectiveness of various noise mitigation measures. That is what the newest issue of the Habitat Management Series covers, and with that I'm happy to answer any questions.

CHAIR CIMINO: Questions for Simen? Loren.

MR. LOREN W. LUSTIG: Thank you for that fascinating report. I really appreciate learning more about the habitat management initiatives. Early in your report you used the phrase outreach initiatives, which caught my attention right away. Sometimes that's a euphemism for educational components that are inherent to the work.

Could you describe any parts of the habitat work that use or employ educational components as a function of what is being done? For example, I'm working with high schools in Pennsylvania to try to encourage graduating seniors to get involved in hands-on projects. That would be an example, where perhaps there would be opportunities for internships among young people on these projects. Thank you.

MR. KAALSTAD: Yes, thank you for your question. There are, and that for example is a great example of an outreach initiative that ACFHP would love to sort of be a part of or get involved with. Most of

the outreach that ACFHP does directly is sort of actually indirectly through our projects. Each project has an outreach component that is in the criteria for the restoration projects that we support.

A lot of them just kind of naming some examples, they won't have, from my experience, I am less than two years in. But they won't have as direct educational components as, for example, reaching out and directly engaging high school classes, but they do have seminars or they will sort of show the benefits of this restoration project at local community events.

For example, with oyster there is always, you know oyster cookouts and things like that where the local community can get involved, and a lot of the proceeds go to further restoration of the watersheds. In that case they will invite smaller educational groups. A lot of informational signage at some of these boardwalks that are placed along rivers where dams are removed, and that is just kind of a few examples I can think of. Anything under the sun, I guess is sort of possible, and I'm always looking for other efforts to sort of expand our outreach, so what you mentioned would be a great example of something that we would love to get involved with.

MR. LUSTIG: Thank you, and Mr. Chairman, if I could have a follow up question, please. There are many nature centers operated by counties, for example, or by jurisdictions of various types in the coastal areas. I think if I wanted to really enhance the educational component of a local project, I would start there, with a real good connection with the nature center administration, and see how you could work together for sort of a win-win kind of effort.

MR. KAALSTAD: Are there any other questions, but to your point also, in general the outreach discussions that we've had have been how-to, sort of engage with underserved communities and tribal organizations, without being a nuisance, I suppose. A lot of our partners already work with organizations that work with underserved communities or tribal organizations, and so we're sort of trying to leverage that relationship, without being another person who is just flooding their inbox with hey, join up.

CHAIR CIMINO: We'll look around the table for any other, John Clark.

MR. CLARK: Thank you for the presentation, Simon. Just curious on the noise. For offshore wind there has been a lot of focus, those groups opposing it about the seismic activity used to look for good sites, and you mentioned there was mitigation going on to reduce the sound used when they survey these sites. I'm just curious if any of that is being used right now to mitigate the amount of sound coming out of those seismic cannons there to read bottom.

MR. KAALSTAD: That is a very valid question, and I'll be honest. I was not involved with the writing of this document as much as I was in getting everyone to sort of put the finishing touches on it. I read through it a fair amount of times. I believe there are a few people looking into sort of how to mitigate the seismic disturbances. Whether or not it is implemented as sort of standardized practice, I couldn't tell you, but I would hope so. At least that is the direction it seems to be moving in.

CHAIR CIMINO: Yes, John, and I can send you some information of some recent stuff that has been put out there, you know the research that has gone on, on the East Coast here, but also some of the stuff that has been put out by the wind energy companies themselves that has recently made some headlines on their activities. Any other questions for Simen? This is an action item, we would like to have the Policy Board's approval of this report, so I'll look to Cheri, since I don't see any other questions.

MS. CHERI PATTERSON: I would like to **move to approve the Habitat Management Series: Anthropogenic Noise Impacts on Atlantic Fish and**

Fisheries: Implications for Managers and Long-Term Productivity.

CHAIR CIMINO: Great, thank you, second to that John Clark. Any discussion on this**? Seeing none; any objection to this approval? Seeing none; great, thank you, and again, Simen, thank you and motion carries by consent.** I want to thank everyone for the work that went into this report, much appreciated.

ASSESSMENT SCIENCE COMMITTEE

CHAIR CIMINO: Our next committee report is going to come out of the ASC, and I'll go to Janita for that.

MS. JAINITA PATEL: I just have a brief update to the stock assessment schedule that I would like to present to you all. This is the updated schedule; I know it is very hard to read on the slide. But I believe you should have a version that is easier to see in the supplemental materials for this meeting. A couple things to note here. You will notice we've added the 2027 and 2028 assessments to the schedule.

We've also added for this year and for next year the quarters in which you will be receiving updates for the benchmark assessments or the update assessments, so you know what to expect at each meeting. I will just go over briefly the newly added assessments, and some things that have changed since the last time you saw this.

For the benchmark assessments, cobia will have a benchmark assessment in 2025. Coastal shark will also have a benchmark assessment in 2026, and the species included for that are tiger, spinner, bull and Finetooth. In 2027 black drum will have a benchmark assessment, scup will have updates in 2025 and 2027, with a benchmark in '28.

Striped bass has been added for '27, and sturgeon for '28. For assessments that have been moved, the Atlantic croaker assessment will now take place next year, and you'll be hearing about the full benchmark report during the next summer meeting, and spot will take place a year after that, so you'll be hearing about that in the annual meeting of '26.

Then for the long-term schedule for the updates, in '27 you will her bout eel, black sea bass, bluefish, horseshoe crab, scup, and then summer and winter flounder, and for '28 there is herring, horseshoe crab, Jonah crab and potentially menhaden. That's all. Any questions?

CHAIR CIMINO: Any questions or comments on the updated schedule? Lynn.

MS. FEGLEY: Just one question, because I may have misheard. On the chart that I'm looking at here to the cobia benchmark in 2026, you said 2025, right?

MS. PATEL: Yes, good question. The projected timeline for that assessment is that it is supposed to be completed sometime at the end of 2025, but just to give the Committee a bit more time before they present the benchmark report, it will be presented in the first quarter of '26, even though the assessment will actually take place in '25.

CHAIR CIMINO: Other questions or comment on this?

MS. KERNS: I think it's not in here, and I think it affects the quarter. Just to note that lobster did shift from the August meeting in '25 to the annual meeting in '25.

CHAIR CIMINO: Jeff Kaelin.

MR. KAELIN: Thanks for the update. I'm looking at menhaden. I thought that the BAM model, we were going to have a benchmark on the BAM model after the ERP benchmark, but all I see is an update all the way through 2028. What is going on there? I thought there was going to be a benchmark following the ERP benchmark, no? I guess I'm wrong. It's been a long time. Just a question.

CHAIR CIMINO: We're phoning a friend. Katie is coming up. Go ahead, Katie.

DR. KATIE DREW: The intent was we're only doing an update for this cycle, as we know in 2025, and then it will get a full benchmark the next time we do the ERP and the benchmark together, which will be in 2031.

MS. PATEL: Thanks, Katie.

CHAIR CIMINO: If there are no other questions or comments, we would like to have at least Board consent on this. I'll ask this, is there any concerns or objections to this updated schedule, and we will obviously continue these updates as I appreciate Jainita put in there so we would know what to expect when we are getting updates at each of these meetings.

Not seeing any, so with that I am going to consider that approval by consent. Much appreciated there. We have no noncompliance findings, which was the next item on our agenda, and with that no need for the Business Session.

OTHER BUSINESS

CHAIR CIMINO: I will look to Other Business and open it up to, if there are any other public comments that were not made earlier in the meeting, I will open that up now. Okay, Emerson, we see your hand up.

MR. HASBROUCK: Just getting back to the previous proceedings. Just a very minor item, and that is for the attendance of Board members. Amy Karinoski is listed there as proxy for Senator Gopal. She was actually proxy for Assemblyman Thiele. Just to set that straight. Thank you.

CHAIR CIMINO: Okay, thank you. We have one other hand and that is James Fletcher. Jim, do you have a comment?

MR. JAMES FLETCHER: Yes, I have a comment. I have listened patiently most of the week and I have not heard anybody bring up the nano plastics or microplastics, and where this comes in is every one of these species that spawns and the egg comes near the surface, the egg as it hatches and feeds is exposed to the nano and microplastics.
I know it is not ASMFCs job, but in all of these Congressional things the fisheries as a whole, Council, National Marine, ASMFC needs to point out that these microplastics are a major, major problem, and support ground application of waste water or lake or pond application of waste water, to allow the plastics to float to the shore and go into that situation, rather than coming in.

But is it possible ASMFC and the way that it is formed, could help bring this situation, because you discussed the eels this morning. Those elvers are exposed to nano plastics, and if it blocks their digestive system they die. Every fish we have it is the same thing. The situation with the plankton and stuff that is being studied, I can't find where they're saying we did X number of surveys and found X number of microplastics. It's just the United National Fishermen is off on another tangent. But the microplastics and the plastics are our major problem, and going back to another one of your species, the sturgeon. They feed on the bottom in the rivers, and the amount of plastic on the bottom in the river is blocking the intestines of these fish.

Is it possible ASMFC can maybe make a major issue of the microplastics, nano plastics and just all plastics that are going into the water and support land. The way to do it, solution to the problem is land application of all waste water. Where that is not feasible, drop the waste waters in the lakes and let evaporation go on. I thank you for your time and I hope somebody is listening. James Fletcher, United National Fishermen's Association.

CHAIR CIMINO: Thank you, Jim, I think you know this is an issue that a lot of states are dealing with somewhere within the state government. I know for New Jersey, as a representative of EDP that the

forever chemicals and some of the stuff that you've talked about are important issues for us.

I'll work with staff and see if there is a nexus where we can kind of gather some of the information on how states are tackling this. It wouldn't hurt to put that forward in the fish world, even if it is another group within the states that are taking a look at this and doing their best to tackle it. I appreciate that. Do we have any other hands? Okay, don't see any other hands.

ADJOURNMENT

CHAIR CIMINO: With that, I don't think there is any other business before us. I hope that everyone gets home safely. We have a lot of weather out there, and it looks like in just about every direction. Travel safe everyone, and we will see you at the annual meeting. Take care, thank you.

(Whereupon the meeting adjourned at10:08 a.m. on Thursday, August 8, 2024.)

Northeast Trawl Advisory Panel

Meeting Summary

Thursday, July 11th, 2024
9:00 AM - 5:00 PM
New Bedford Port Authority, New Bedford, MA

I. Summary

The meeting was held in person with a virtual option. Attendance was high both in person and virtually. The meeting included updates on NEFSC and NEAMAP spring surveys, discussions around the Bigelow Contingency Plan and offshore wind survey mitigation, a presentation from one group using a constraining rope (similar to a restrictor rope, which was the object of NTAP research), presentations from three groups using industry vessels for long-term groundfish monitoring surveys, and presentations about offshore wind inter-array and export cables.

- All spring surveys were successful though gear interference and weather affected the Gulf of Maine NH/ME survey.
- NEFSC continues to work with OMAO to ensure the Pisces is ready to trawl, primarily as a replacement while the Bigelow undergoes mid-life repair, but also as a potential "fill-in" when the Bigelow is unavailable.
- There is significant interest in developing an industry-based trawl survey and a working group meeting is needed to plan a pilot study for FY25. Whether or not "Bigelow contingency" and "offshore wind survey mitigation" objectives can both be addressed is still unclear.
- The IMR in Norway uses a constraining rope which was shown to reduce the variability of door spread on their survey. Other surveys under the ICES umbrella have not used constraining ropes due to operational safety challenges associated with deploying them.
- Survey practitioners of trawl surveys being done in other regions - west coast, Alaska, and coastal Northeast - provided overviews of their survey methodologies and challenges. Discussions with these experts covered topics such as tow length, use of auto trawls, fixed and random station selections, differences in vessels, how to integrate new technology, and biological sampling.
- The cable presentations illustrated how cables are buried and discussed the likelihood of cables becoming exposed, impacts of electromagnetic fields, and charting.

A planned discussion regarding how survey data influences stock assessment and quota outcomes was postponed to enable longer discussion around a regional industry based trawl survey.

In the last hour of the meeting some NTAP members attended a tour of the South Terminal in New Bedford, where Vineyard Wind is staging offshore wind turbine construction materials.

There will be plans to hold an NTAP Working Group meeting to continue progress on developing an Industry-Based Survey (IBS) pilot study. The next full panel meeting will likely be held in fall/winter 2024 or early in 2025.

II. Participants

A. NTAP Members:

Name	Affiliation	In attendance
Kathryn Ford	NEFSC	Yes
Phil Politis	NEFSC	Yes
Anna Mercer	NEFSC	Yes
Jessica Blaylock	NEFSC	Yes
Dan Salerno	NEFMC Member Co- Chair	Yes
Wes Townsend	MAFMC Member Co-Chair	No
Terry Alexander	MAFMC Stakeholder	Yes
Dan Farnham	MAFMC Member	Yes
Jim Gartland	MAFMC Scientist	Yes
Vito Giacalone	NEFMC Stakeholder	Yes
David Goethel	NEFMC Stakeholder	Yes
Jameson Gregg	MAFMC Scientist	Yes
Emerson Hasbrouck	MAFMC Stakeholder	Yes
Michael Hiller	MAFMC Stakeholder	No
Pingguo He	NEFMC Scientist	Yes
Sam Novello	NEFMC Stakeholder	No
Chris Parkins	ASMFC Representative	Yes
Mike Pol	NEFMC Scientist	Yes
Bobby Ruhle	ASMFC Representative	Yes
Peter Whelan	NEFMC Member	Yes

B. Other Participants:

Name	Affiliation
Alexander Dunn	NEFSC
Andy Jones	NEFSC
Catherine Foley	NEFSC
Janita Patel	ASMFC
Corin Flora	NE DEQ
Chelsea Lomante	Harvard University
Steve Wilcox	MA DMF
Jerry Leeman	NEFSA
Shale Rosen	IMR
Lyle Britt	AFSC
John Harms	NWFSC
Melanie Griffith	MA DMF
Jack Wilson	MA DMF
John Quinn	NEFMC Stakeholder
Hannah Hart	MAFMC
Brandon Muffley	MAFMC
Dom St. Amand	unknown
Ethan Taulbee	Maine DMR
Gareth Lawson	unknown
Kelly Whitmore	MA DMF
Madison Hall	NEFSC
Rebecca Peters	Maine DMR
Ron Larsen	unknown
Sarah Hudak	Sea Risk Solutions
Sefatia Romeo Theken	MA Fish and Game
Stephen Drew	unknown
Drew Minkiewicz	Black Point Law
Ursula Howson	BOEM
Cristiana Banks	Vineyard Wind
Garreth Roberts	Vineyard Wind
Joe Buetchel	Vineyard Wind

II. Notes by Agenda Topic *(action items in red)*

Welcome, Introductions, Logistics (D. Salerno)

- Round Table Introductions
- Accept meeting summary from last meeting

Meeting notes adopted

Center Updates (K. Ford, A. Mercer, K.Burchard, A. Dunn)

- Update on action items from last meeting

    - Better address the impact of the Rockhopper Catch Efficiency Study in assessments - in process, on agenda for today's meeting
    - Action for industry-based survey: We need to think about at least 1-2 working group meetings to discuss metrics important to have consistency across vessels before April - done, WG meeting held on Feb 29
    - Solicit a presentation from about restrictor ropes - done, on agenda for today's meeting
    - For Bigelow contingency, there is at least one large industry vessel with an auto trawl, get more information - done, vessel is interested.
    - Unsure if sampling can occur with trawling inside of wind farms (turbine spacing, cables, electric stations, heat generation) - scheduled cable discussion for today's meeting
- Update on correspondence since last meeting
    - Emails from Capt. Novello (wing spread concerns)
    - Weekly survey updates Mar-Jul for BTS, BLLS, scallops, sharks
    - Monthly email updates
    - Scallop vessel solicitation; other pertinent announcements
    - NTAP full panel meeting Feb 8
    - NTAP working group meeting Feb 29
    - NEFMC June meeting Jun 26
- Survey updates
    - Spring 2024
        - This marked the 60th year of the NEFSC Bottom Trawl Survey
        - Completed 367 representative trawls of 377 planned
        - 111 bongo samples of 116 planned
        - Some weather impacts during legs 1 and 2
        - Less issues with fixed gear
        - Spring and MA fixed gear closure
    - Fall 2024
        - On track to begin as scheduled
        - 60 days, 3 legs
        - September 6 - November 13
        - 377 stations planned
    - Pisces Update
        - Internal working group with OMAO and NMFS NEFSC staff meets monthly
        - Identifying the tasks that need to be completed
        - Two phases
            - Trawling capability as short-term fill-in for Bigelow (similar to 2017 situation)
            - Wet lab overhaul for multi-season fill-in for when Bigelow is in refit Shakedown cruise this Nov on Pisces after the fall survey on Bigelow
    - Gulf of Maine Bottom Longline Survey (BLLS)
        - Completed 100% of planned stations (45) in spring 2024
        - Unusually high catches of halibut and haddock

        - High catches of red hake, thorny skate, and barndoor skate
        - Numerous basking shark sightings
        - Lower catches of white hake compared to recent years
        - Staff turnover required diversifying team members
        - Recent data use
            - BLLS data used in the recent thorny skate, red hake, barndoor skate, and Atlantic cod stock assessments
            - BLLS barndoor skate catch and length data provided to DFO for spatiotemporal distribution modeling
            - BLLS soak duration data provided to UMass Boston for research on thorny skate hotspots.
            - Live fish collected for Woods Hole Aquarium
    - ME/NH inshore Trawl Survey
        - Fall 2023
            - 78 tows completed out of 120 planned
            - Reason for missed tows: fixed gear and bad weather
        - Spring 2024
            - 100 tows completed out of 120 planned
            - More black seabass caught on this survey than ever before
            - Reason for missed tows: fixed gear
    - MA DMF Spring 2024 Trawl Survey
        - 100% station completion (103 of 103)
        - Completed over 18 days with one day lost due to weather
        - Abnormally large tow of Northern Sea Robins south of Nantucket
        - Used two nets for entire survey (cod end liner of first net was damaged in sea robin tow)
        - Fall 2024 planned as normal
    - Mid-Atlantic/Southern New England NEAMAP Nearshore Trawl Survey
        - Spring 2024
            - May 4 - 27th
            - 150/150 stations completed
            - 24 calendar days, 22 working days, 2 weather days in NJ
            - Top species by weight: Winter Skate, Little Skate, Clearnose Skate & Scup
            - Top species by count: Butterfish, Longfin Squid, Scup
            - Notable: 18 Alternate Stations Used-
                - 7 retowed due to mud at primary station (North NJ & NY Long Island)
                - 7 moved due to untowable bottom (known hangs/rocks (Block & Rhode Island Sounds)
                - 2 retowed due to hangs during tow (NY Harbor & Narragansett Bay RI)
                - 1 moved due to pipeline obstruction (central NJ)

        - 1 moved due to close proximity to Chesapeake Bay Light Tower (VA)
        - NEAMAP MA/SNE has NOT encountered any survey disruption from Offshore Wind
    - Fall 2024 Expectations
        - Trip departure should be within a few days of September 20th, weather pending. No major changes or additions
    - Upcoming NEAMAP/SEAMAP In-Person Vessel and Gear Workshop
        - Objective: build off of the online workshop in January 2024 to see hands-on methods of calibrating gear and vessels across trawl and longline surveys and learn from one another and industry experts on how to make coastal surveys more time- and cost-efficient
        - 3-day in-person workshop
        - November 12-14, 2024 held at VIMS (Gloucester Point, VA)
        - Presentations, mini-workshops, vessel and gear demonstrations, and discussions led by commercial professionals, industry vendors and NEAMAP/SEAMAP survey leads
        - Federal partners from the Councils and Science Centers are welcome to join
        - If interested, please contact Jainita Patel - jpatel@asmfc.org

- Offshore Wind Survey Mitigation Update
    - NOAA Fisheries NEFSC Survey Mitigation Plans for all FID surveys + “new methods” surveys (e.g., hook & line) - 19 plans
    - Initiated Pilot Survey Mitigation efforts (hook & line, acoustics on ASV)
    - Peer Reviewed the Survey Mitigation Plans
        - Joint SSC Panel Review of Draft Survey Mitigation Plans- May 22-24th
        - ASRG Panel Review of Protected Species Plans- May 29-30th
    - Drafting the Northeast Survey Mitigation Program (expected Fall public comment period) - includes Final Survey Mitigation Plans and cost estimate
    - SSC Review Recommendations
        - Traditional calibration experiments or model-based calibration approaches may be useful.
        - Several surveys will require re-stratification.
        - Panel agreed that Generalized Random Tessellation Stratified (GRTS) is worth exploring in many of the surveys, although model-based approaches to re-stratification are also possible.
        - Attempting to project increases in uncertainty in indices onto catch advice through management strategy evaluation models.
        - Impact mitigation should be successful, if NEFSC has enough resources to implement the plan.
        - NEFSC has done well in developing an initial mitigation plan that addresses the expected impacts of offshore wind and identifies key uncertainties in future operations and data streams.

        - Lessons to be learned from other trawl surveys that navigate obstacles and/or operate inshore (e.g., NEMAP, USGS Lake Erie Trawl Survey).
- Communications update
    - Communicating NTAP research
        - Stock assessment schedule
        - NOAA Fisheries event calendar
        - Research track stock assessment webpages
    - How NTAP research is used in assessments
        - Dashboard: Tool for tracking use of Rockhopper Catch Efficiency Study result in assessments
            - 2023 used in: red hake, summer flounder, north windowpane flounder
        - web feature story on use of Rockhopper Catch Efficiency Study results in stock assessments

Discussion and Questions:

A few questions focused on the Bottom Longline Survey, confirming that it overlaps in time with the NEFSC bottom trawl survey. One NTAP member expressed interest in seeing the overlaps of the survey spatial footprints and better understanding the influence of the BLLS in areas where the bottom trawl survey doesn't sample. General concern about the weighting of different surveys in the WHAM model. The BLLS uses an algorithm to classify bottom roughness. Also, a camera system is used to collect data on this as well. For indices we work up both rough/smooth and together. Decision of what to use occurs in each assessment (up to lead).

Create a map or a list of resources so the public can access that info.

Send out solicitation for hook and line vessels and for study fleet program

After the NESFC and NEAMAP updates a lengthy discussion focused on the Bigelow contingency plan and an industry-based survey ensued. The conversation was extended and replaced the planned discussion on communications around how the rockhopper catch efficiency work is used in assessments. Some key elements of the discussion included:

- Pisces - this is the sister ship to Bigelow and will be relied on for filling in for lost sea days on Bigelow and importantly for the mid-life repairs. NTAP discussed that it will have some of the same constraints as Bigelow related to staffing and funding and discussed the value of staff training and consistency. It hasn't been specifically determined how the lead fisherman and other deck staff will be shared or cross-trained, but NEFSC expects there will be overlap in the crews.
- Multiple survey objectives - the "industry-based survey" was originally rooted in the conversation around a Bigelow contingency option. The Councils are very supportive of a bank-wide survey as a separate time series that can include areas that exclude Bigelow/Pisces (such as wind energy areas).
- Offshore wind survey mitigation is a need that has influenced the conversation but has not been clearly addressed and the relationship between a "contingency" or "complementary" survey to the existing NEFSC survey on the Bigelow and an "offshore wind mitigation" survey remains unclear. If a new survey needs to operate inside of wind farms, that could greatly influence operational and design decisions. NEFSC described a situation where an offshore wind mitigation survey is designed

as a trawl survey on a smaller vessel capable of surveying within wind energy areas. This survey could be designed in a way that it could grow over time and expand into more areas if either the Bigelow is not available (or has reduced availability) and/or wind energy areas expand. There remains some uncertainty regarding the ability to trawl within wind energy areas and the specific constraints (e.g., daytime only), but NTAP members currently involved in monitoring surveys that are trawling inside of wind areas are certain trawling will be possible since they are successful trawling. Many questions remain to resolve, including if a new survey is standardized to the Bigelow and if it is considered a federal survey.

- Survey design elements - there remains concern about the operational design details for the survey, with differences in opinion across the group with regards to the best way forward to ensure that industry vessels are capable of doing the work.
    - Autotrawl - several industry members have in the past and at this meeting iterated that an autotrawl is an obstacle for using industry vessels since very few vessels already have them. Several members have suggested that auto trawls are unnecessary since good captains know how to achieve consistent net geometry with manual adjustments. One vessel in the fleet that is most similar to Bigelow does have autotrawl and uses it sometimes but not always. The working group has not determined whether or not an autotrawl will be recommended for a new survey and NTAP is learning more from the Alaska Fisheries Science Center about the scientific and operational value of auto trawls. The initiation of a pilot survey does not require a decision about an auto trawl.
- We need a working group meeting to develop a plan that includes cost so we can find the funding.

There were several questions about Offshore Wind Survey Mitigation. Questions addressed the developers' engagement with writing and funding survey mitigation plans and data management.

- Writing plans: Developers are now on the hook within their terms and conditions to mitigate survey impacts. NEFSC is in communication with BOEM and developers to determine how to do this on a regional scale. Developers have not developed survey mitigation plans yet. Monitoring plans (for impact monitoring) have been developed, those are separate. Some monitoring groups have been contacted by developers to discuss this, and are considering if shared control areas (for monitoring studies) should be developed.
- Funding: an NTAP member expressed concerns about funding and if there would be enough; NEFSC indicated that some funds have come from Congress and the developers are also responsible.
- Data management: NTAP has consistently identified that data management and public availability of data is necessary. NEFSC discussed a project whereby RSA data is being managed for improved access in the assessment pipeline. All of the survey mitigation plans that NEFSC wrote addressed data management. One NTAP member described work being done with ROSA that confirms that there is still uncertainty about how data management will work; different issues like security and compatibility still need to be addressed. Data access can be addressed in contracting and funding proposals and this is becoming common. One NTAP member gave an example where he is currently doing a survey where he specified at the outset that he was going to have control over the data (not the wind farm developer).

Stock management process infographic discussion(A. Dunn)
Did not cover. Previous discussion ran over.

Restrictor Rope- Guest Speaker (Shale Pettit Rosen, shale.rosen@hi.no)
"Constraining rope to standardize trawl geometry" - Restrictor Rope Use by IMR presentation-
Description of the Institute of Marine Research (IMR) in Norway (speaker's institution).

> Employs approximately 1000 staff, across five offices. IMR does Monitoring and advisory work (not management and enforcement). Budget of ~ 170 million a year. Direct and indirect funding on aquaculture and wild harvest. Produce catch advice on 80 stocks. 7 research vessels are operated, 4 large oceangoing vessels, one Bigelow size vessel. 2023 cruise data, ~1500 trawl hauls annually. Charter commercial vessels. Pelagic trawlers. Used for pelagic surveys. Gear design work also will charter demersal trawlers. Barents Sea is the most productive for groundfish. Cooperation with Russia. Resulting from migration by groundfish. Avoids impacts on juveniles.

Constraining ropes, originated at IMR. Needed consistency in gear performance between 50 and 600 meters. Just correcting for wingspread was not enough - just measuring geometry was unsatisfactory because overall bottom contact could change, lifting force on doors could change. Cloud formation, ground vibration, etc. Sweep angle is something of concern. Flat fish can be overrun by the trawl.

Vessel Schematic: Sweep angle impacting flatfish catches without constraining rope (restricting rope). 10m long rope. Not done at doors because it can be shorter and worry about impact of vibrating rope in front of the net. IMR uses two different sweep lengths - one length for shallow depths and one length for deep depths. Rope is 100-600 meters above the trawl doors - so the rope is 35-290 meters off of the seabed - reduces variability in door spread and sweep angle. Precise position varies by vessel; set aside 2 days before survey to test all trawls to achieve specific door spread; they have established 10-meter constraining rope works - related to the block distance on the largest vessel - the block distance is just under 10 meters, but they use the same length on all vessels since it works well enough. But each shakedown period they confirm the distance of the constraining rope along the trawl rope - they have a sense of the approximate location based on depth, but they double check it each shakedown period.

All vessels have identical trawl doors; dialed in so they have enough spread power in shallow water and the constraining rope keeps it from overspreading. Using a constraining rope at the doors would lock in the door spread, but by constraining further up, the rope isn't in the way of the trawl and has no behavioral effects.

Note they are using bigger gear and sampling deeper depths.

ICES member countries don't want to implement the restrictor rope mostly due to operational challenges (affects safety of crews, some vessels don't have a good setup to attach and remove the constraining rope - need access to a spot behind the block).

Showed videos of how the constraining rope is attached. One side is stationary with a choker and the other side rides up and down using a ring with a roller (it lets the warp move freely forward and backwards on one side). Has empirical data about performance and less spread variance with the constraining rope (5 meter standard deviation instead of 13 m with overall door spread of 100-130 m).

Discussion and Questions:

Several questions focused on specifics of operation. Other questions related to behavioral effects. IMR looked at behavioral effects when first implementing this; Dr. Rosen didn't recall anything major was identified. Keeping warp consistent and distance off the seafloor consistent will be best.

Industry-based trawl survey discussion

Contingency Plan Working Group update (Kathryn Ford, NEFSC)

NEFSC provided a brief update regarding the Bigelow Contingency Plan. Provided background purpose, the options covered by the document, and summary of discussions and decisions from Feb 8 NTAP meeting and Feb 29 NTAP working group meeting. Decision matrix approach was used to compare options. Plan is not quite done yet - no single option, need to pursue multiple contingency options. Councils have had updates in April and NEFMC in June.

NWFSC Presentation (John Harms, NWFSC)

West Coast Groundfish Trawl Survey and Southern California Shelf Rockfish hook and line survey. Amy Keller is the lead and would have liked to attend but was not available.

Mission and objectives: generate a time series of abundance for assessment and management. Trawl for soft bottom, and hook and line for hard bottom. Standard bio data. Ecosystems and oceanographic data. 90 species in the management plan. Not all are assessed.

History of Trawl Surveys: from 1977 shelf and slope. Opportunistically. Footprints ranged. The timing is also not standardized. 1995 stock assessment external review identified gear inconsistencies and performance issues. After review there was a need for an annual synoptic survey. Survey responsibility was shifted from Alaska to the west coast.

- 1995-1998 transitioned from AFSC to NWFSC and the two surveys went to NWFSC
    - 1998 started NWFSC Slope survey. Deeper water.
    - 2003 current west coast groundfish survey starts. Much shallower.
    - Randomized stratified design. Working with industry.
    - Canada to Mexico, stratified random design with west coast trawl fleet
    - 4 boats 65-92 ft; 2 boats for each 3 month period
    - 188 vessel fishing days, ~700 tows per year, daylight only
    - 55-180 meter depth
    - Consistency in the 4 vessels - this helps a lot - he mentioned this is true for their hook and line survey, too
    - Survey staff inspect the nets - Net is an inhouse net design. 4 seams. Manufactured but a single net loft. Nor'Eastern Trawl Systems. 8-10 inch cookies. Net verification is very thorough. Ensures verified nets are used on boats.
    - Simrad ITI and PX sensors

    - Industry's vocal support has gotten these surveys off of the ground
    - Tows 12 - 15 min. Speed is 2.2 knots. Headrope height .0 - 6.8.
    - Trawl bottom contact sensors.
    - CTDs also deployed.
    - In house software used to see what the trawl data looks like at the end of tow.
    - Catch processing done on deck. Subsampling occurs. Technology system in house tools.
- Hook and line survey. Similar but sampling different habitats. High relief habitats. 20 years of data. Doesn't use stratified design. Fixed site design. See presentation for gear specifics. Deployed by rod and reel. 3 anglers, 5 coordinated drifts. Tracked by a biologist with a tablet. Originally, a smaller area then added areas in MPA. No weather days. Very short survey. We end up missing stations. 55 - 75 feet. Vessels have been consistent for >10 years. Similar data to trawl surveys.

Camera sleds were also deployed. Data analysis: indices for trawl vs. hook are different. Trawl is a catch per area. For the hook survey it's a probability of a given hook catching a fish. Length distributions are essential. Collected on both surveys. Otoliths (or others) are taken from all FMP species. Want good LAA curves. Updated. Maturity done by one person. A few people are on diets. Fin clips taken for many species. Some cryptic species of sebastes. Ecosystems data collection. EK 80 used on each vessel for habitat etc. Oceanographic data was also collected (see presentation).

Benefits of industry vessels. Cost, sale of catch (smaller but helps fund). Access to knowledge and expertise. Adaptability. Reliability. Transparency. Research as a shared product. Closely linked captains can serve as emissaries (discuss and explain results).

What we do differently if we did it again - not much. Minor tweaks to the net and foot rope. Expand hook and line survey outside of CA.

NEAMAP presentation (Jameson Gregg, VIMS)
Benefits of Challenges of NEAMAP collaborations (presentation)
MENH, contact Robyn Linner.
MA/SNE, contact Jim Gartland Many benefits.
VIMS SEA SCALLOP. Uses RSA funds. Sally Roman key contact.
VIMS Atlantic Surf Clam & Ocean Quahog.
VIMS Blue Crab Winter Dredge Survey.

AFSC Presentation (Lyle Britt, AFSC)
Cooperative Trawl Survey at the NOAA AFSC
Been working at the center since 1995. We use a variety of platforms. Use white boats and chartered vessels. Oscar Dyson gets used mostly for acoustic and ecosystem questions.
See slide 5 in presentation for survey breakdown and for temporal components of each survey. Some changes through time because of climate impacts.
Many different designs. Stratified systematic design. 1950 survey design. More modern include stratified random or modified index-stratified random design.

AFSC surveys cooperative from the beginning.
Focusing on the Bering Sea. See slide 9 in presentation. Systematic designs. Blue King Crab Focus.
Sub areas based on depth can impact station density. Timing begins at the beginning of June. Try to be a little flexible (+/- a week). Each survey uses two vessels. Usually looking for vessels >120 feet in length. Vessels typically have 1,700 hp (1,000 hp requirement). Berthing of at least 6 scientists and 5 crew. The crew must be experienced. Vessels must have an endurance of 30 days at least. GPS. ES 60/80/90. Satellite data upload required. Data sent to Seattle. Must have fished within the last three years. Need two net reels. Must have one stern mounted. Paired hydraulic (see presentation)
Daytime survey operations: 12- 13 hours a day, 30-minute tows. Tow direction towards the next station, 3 knots, no autotrawl currently used but desire for use in the future. See presentation.
Speed up at the end of haul and get it on deck as fast as possible.
Catch processing done on deck.
Survey innovations. In the process of survey improvement. Looking to move from gridded design. To a stratified random design. Working to modernize the net. Working with industry. Will test in flume. Incorporating autotrawl. Also new sampling (e.g., EDA and cameras). More cross platform uses.

Discussion and Questions:

After the presentations discussion ensued about various details of the different surveys.

- Several questions addressed the length of the tow for the NWFSC survey (which is same, 15 minutes, as IMR survey) and how that impacts the catch of larger fish; Mr. Harms and Dr. Rosen addressed the questions and provided this paper: *Effect of tow duration on length composition of trawl catches* (https://doi.org/10.1016/0165-7836(90)90062-Z).
- Changes to gear - these tend to be minor and focus on things like plotters and net mensuration; it is a challenge across the different surveys to figure out how to adapt to technological improvements; even being able to sample more space due to improved seafloor mapping may have an impact
- For contracted vessels, there tends to be a decent amount of stability over the years, but can and do change. AFSC refines contract requirements to try to achieve consistency across vessels and also randomizes location and gear to mitigate differences due to vessels.
- Fixed station vs randomized design: Fixed station design gives a lot of power in determining distribution but less in biomass/population estimate. Lose power when we can't complete grid cells and increase uncertainty. Have to remove the survey area. Stratified, random design mitigates this. If funding was stable we could do all grid cells, but because we can't, the stratified, random design is better.
- Are observers used to staff surveys? AFSC: We do use observers on our longline survey, longline is almost all commercial (~30) species so observers work well there. On BTS we have ~400 species and our only support is our science team.
- How do the various surveys handle IACUC rules and animal welfare protocols? NOAA isn't bound by IACUC but academics are; across the surveys (including the NOAA surveys) there are fish handling protocols and training.
- AFSC indicated they want to use autotrawls, is that for scientific reasons? All the vessels we use have autotrawl. But we can turn it off. We want to use autotrawl and our studies have shown that it makes our catches more consistent (less of an issue in Bering Sea given it's a massive sandy plain).

Combining different survey areas with some habitats where autotrawls would be beneficial for catch consistency.

Offshore wind

Cabling presentations:

Christa Bank (Vineyard Wind - Fisheries Manager)
Garreth Roberts (cable installation expert)
Joe Buetchel (inter array cables)

Inter-array cable presentation (Joe Buetchel)

Vineyard wind specifics: 62 towers and cables between each, 1 nm between each.
Presentation: Graph of installation progress through array. Inter-array cables are 6 inches in diameter. Armoring plus cables. Two weeks to load cable onto a vessel (100 km of cable) on a carousel. Is laid out then buried. Rock placed on top of the cable ends. 1.5-2.5-meter target depth - if you put it too deep it gets too hot; 18 cables placed, 18 buried to full depth (all sand so works perfectly with the fluidized burial sled); +/- 2 m corridor for cable laying - very accurate. Pre-survey is done to make sure no rocks in the way; pre-lay grapnel run to remove whatever is in the way

Export cable presentation (Gareth Roberts)

Submarine Export Cable System Overview see presentation for diagram
Can be laid with one try. Done with two joints. Some differences in installation in near shore vs deeper water (injection vs. plow).
Greater than target burial for >95% of installation. Sand waves make the cable deeper than 4.5 meters. 1.5 meters below stable seabed because it was a permit requirement. Daily report important evidence of progress and quality of installation.
Cable and injector diagram.
Offshore component done with an HD3 plow. Top of the line. Well run and know what you are going to get. This is the back end of the operation. Lots of surveys, etc. go into installing this.
Nearshore Shallow water Cable Protection. See presentation.
What can be laid on the seabed is highly regulated. ECONCRETE mattresses used. Put in with divers. Sculpted to encourage marine growth. Needed to document and get permission. Basically, just where burial was not allowed or possible.

Discussion and Questions:

Short amount of time for questions. A few questions to clarify specifics of depth and extent of rock armoring. Concern about temperature increases and electromagnetic fields. Gareth indicated that EMF concerns are common throughout the world, and he hasn't heard of any consequences. Pushback from an NTAP member - consequence due to migration. Cables are indicated on charts.

ADJOURN: 4:05 p.m. to South Terminal; tour of South Terminal extended to 5:30 p.m.

#9b

Northeast Trawl Advisory Panel
Bigelow Contingency Plan Working Group Meeting- Virtual

Thursday, August 22, 2024
1:00 AM - 4:00 PM

-- **NOTES --**

Attendees: Anna Mercer, Dan Salerno, Eric Reid, Jainita Patel, Jameson Gregg, Jason Morson, Jerry Leeman, Jessica Blaylock, Jim Gartland, Kathryn Ford (first 30 min), Robert Ruhle, Sefatia Romeo Theken, Terry Alexander, Gareth Lawson, Alex Dunn, Hannah Hart, Katie Burchard, Andy Jones, Madison Hall, Vito Giacalone, Aubrey Church, Corrin Flora, Emerson Hasbrouck, Kelly Whitmore, Drew Minkiewicz, Alex Dunn, Catherine Foley (late), Pete Chase (late)

Purpose: Discuss next steps for Industry based survey

Synopsis: The meeting discussed goals around a long-term industry based survey and goals and logistics for a short-term pilot industry based trawl survey which would establish at least some operating procedures for the long-term survey. Funding has not been identified for either a short or long term survey but there is a need to plan and move forward to have good estimates to request funds and in case a funding source is identified. There was agreement on objectives for a long-term survey. There was agreement on objectives for a short-term pilot survey that is focused on operational questions. Discussion of a very short operational survey next March for about a week was held and included some definitions around the scope and costs of such a pilot survey. Multiple meeting members expressed interest in expanding beyond a one-vessel survey into a 2-vessel survey. Start-up costs are high and need considerably more discussion. Design work is needed for the long-term survey to ensure compatibility as a Bigelow contingency. There were strong objections from industry members regarding the use of auto trawl technology for any survey work because the improvement in standardization of gear performance for single and multi-vessel surveys is not expected to be worth the cost of the systems. Data acquisition (e.g., FSCS) and equipment elements (e.g., CTD and net mensuration) were discussed at some length as costly and complicated aspects that need more discussion and scoping for the long-term survey. For the short-term pilot (described as Phase 1), auto trawl is not needed, full design is not needed, and the use of vessels that are already conducting surveys in wind energy areas (e.g., Darana R and/or Bulldog) allows reliance on data acquisition systems and equipment already in place, providing cost efficiencies.

Meeting minutes:

<u>1:00 -1:10 PM Welcome</u> (Dan Salerno)

- Changes in NTAP membership
    - Jessica Blaylock new panel member -liaison between NTAP and Population Dynamic Branch
    - Phil Politis has shifted out of Bottom Trawl survey Branch- Peter Chase will be stepping in as acting lead of the BTS until we have a permanent hire in place.
- Name change of IBS to RTS

    - Concern with name change because of the possibility of confusing it with something else at least for the next few months while the budget works itself out.
    - NEFSC will continue to use IBS when communicating out
- Goal of today is to take what's presented in slides to develop a plan we are comfortable moving forward with.
    - Current plan/expectations for full-scale IBS
        - Appropriation Language (Senate Mark):The Committee provides $3,000,000 within Fisheries Data Collections, Surveys, and Assessments to design and implement a pilot industry-based fishery survey. This program will be designed to run in conjunction with and in complement to NOAA's established surveys. The IBS should seek to complement the NOAA Ship Henry B. Bigelow's work and follow NMFS protocols to the extent practicable.
    - Can't depend on these funds yet, plus funds may come in late in the year and there may be limited time to plan/spend

1:10 - 1:40 PM Regional Trawl Survey (RTS) (Anna Mercer)

- Proposed objectives [see notes in Edited Slides]
    1. To improve resource assessments by providing indices of abundance complementary to the BTS
    2. To sample areas that cannot be sampled by the BTS (i.e., wind energy developments, fixed gear), while also ensuring sufficient spatial overlap with the BTS to enable data integration
    3. To provide a data stream that would be available in the future if we lose access to the Bigelow

Discussion/comments:

First bullet should also reference providing biological sampling.

Second bullet should also include areas that were dropped from the BTS when transitioned from Albatross to Bigelow.

The survey should be a contingency to the Bigelow and have overlap. This is also an opportunity to reevaluate how the strata are set up.

Second bullet should ensuring sufficient '**and expanded**' spatial overlap with the BTS to enable data integration. Being able to survey in wind farms depends on a lot of things- one insurance. Current work being done to test trawling feasibility in wind farm area so that may not need to be an explicit goal of the pilot work/we can learn from existing work in wind farms.

If we can't sample in wind farms will we drop objective 2? Instead of specifying shallow water strata, change to unsampled strata.

This survey has to be supplemental to the NEFSC bottom trawl survey. It takes at least 5 years for data set to be used. Need to look at more vessels. 24 operations will be a problem. Has to be some consistency in order to get the data used before approved as a long enough time series on its own.

Add biomass index to objective 1. A survey is meant to get data from a broader landscape and populations. Design is really important.

Need to confirm that this survey can operate in Canadian waters as needed.

Can we develop finer scale sampling than is currently being done on the BIgelow?

Objective 3 is a really long term goal.

- Proposed timeline: contingent on so many things that are currently uncertain but can help us think through next steps. All pilot work is contingent on funding available.
    a. Summer 2024 (today!): Define goals/objectives of full-scale RTS; Draft operational plan for pilot RTS
    b. 'Fall/Winter 2024: Finalize operational plan for pilot RTS
    c. Spring 2025: Implement pilot RTS
    d. Fall 2025: Expand/continue pilot RTS
    e. Spring 2026: Expand/continue pilot RTS
    f. Fall 2026: Expand/continue pilot RTS
    g. Spring 2027: Year 1 of full scale RTS begins

Discussion/comments:

When talking about coming FY in order for things to move would you need a full budget without continuing resolution(CR)? A: Yes as of what we know right now.

Two year pilot phase is a benefit. Timeline needs to be fluid depending on FY budget timelines.

1:40- 1:50 Break

1:50 - 3:50 a.m. Pilot Regional Survey Discussion

- Proposed objectives [see notes in Edited Slides]
    - Inform the development of a full-scale regional trawl survey. Pilot: We test what we think the survey should look like and adapt then.
        - Develop more specific vessel requirements
        - Explore feasibility of operating in and around offshore wind farms
        - Explore operational feasibility of oceanographic and biological sampling components
        - Explore operational feasibility of day/ night sampling
        - Create a draft Standard Operating Procedures document

Discussion/comments:

Be specific that we're testing trawl gear - add trawl gear to ~~explore feasibility~~ sampling gear

Should we add testing restrictor/constraining cable?

Sampling gear will come up under standard operating procedure, so maybe we don't need to be so specific

- Proposed scope of Phase 1 pilot [see notes in Edited Slides]
    - Pilot RTS on F/V Darana R in March 2025 (availability of FV Darana R and VIMS team)
        - Leverage available gear and vessel configuration for survey operations (work stations)
    - 5 days at sea, 2 days staging, 1 day destaging
    - Test survey operations at stations within wind farms and stations outside wind farms

        - number of stations based on distance between stations and time required for each station
    - Rely on VIMS staff, F/V Darana R crew, as well as 1-2 NEFSC staff to coordinate staging/data acquisition/gear/computer needs,
        - Draft SOP for staging, IT set up, operations, destaging
    - Priority uncertainties to address in pilot RTS
        - Data acquisition system (FSCS, TOGA), data transfer - time/staff required, vessel requirements
        - Procedures for sampling inside of wind farms
            - How far should we stay away from turbines?
            - How do we test this?
        - Use of restrictor rope
        - Day/night operations
        - Oceanographic sampling
            - Bongo tow operations
            - SeaBird CTD + Niskin (or rosette) operations
        - Biological data collection procedures
        - Multibeam acoustics for fish biomass measurements
        - Gear details - who/how are nets built and inspected, stored; same for doors and sweep
    - What other questions needs to be answered in a RTS pilot?
        - Different length tows?
        - Different ground gear?
        - Autotrawl?

Discussion/comments:

Where is the funding coming from, does NTAP have funding? A: No funding identified right now. Typical NTAP budget is $50,000 each year or every two years. Only 30,000 in our budget right now.

Action item: follow-up with funding options. For planning, we will move forward with the assumption that funding will be found.

Complete faith in Darana R and team. Was there $ 250,000 for this first phase? Very impressed to see these numbers (it has taken a long time). Preference is to build a survey with two vessels doing 12 hour shifts. Other vessels and other partners could pilot phase 2. Eventually we will need to talk to someone besides the senate and will need real numbers.

Cornell Cooperative Extension can contribute. Has two nets- bridles, net mensuration equipment, one set of doors he can contribute with no additional cost. BUlldog can be ready to go.

Broad support around using 2 vessels.

If planning on 8 days in March budget likely not coming in time from Congress. Good to try and work with two boats; maybe do two phases - would like to get something done in Spring 2025 and smaller scale (one vessel) is more cost effective. Other benefits of a phase 1 single vessel pilot discussed.

What will we be seeking to learn in the phase 1 pilot? What protocol would we see different from what NEAMAP does? A: gear performance to get optimal configuration in deeper strata. We use different data collection software. We don't do any bongo work and had a hard time using sea bird. What nicks and tucks do we need to do to get this to work on deeper water and in and

around wind farms. Maybe use a restrictor? Iron out gear performance metrics and operations metrics. We have to have capability across all platforms.

Consider data collection (FSCS?) for fish and oceanography data collection -very wise to integrate best we can- allow this survey to meet the long term objective 3.

- Data system- installation, operation, maintenance
- Gear performance testing across intended depth range of IBS/RTS
- Gear operations - restrictor
- Oceanographic data collection operations - bongo, BTD, Niskin
- Operations within/around wind farms
- Day/night sampling
- Sampling efficiency- how many stations can be done per day?
    - Depends on sampling elements included survey design, distance between stations.
    - This will enable future phases to pilot to strategic allocate resources/effort and enable analytical work on survey design (station density, allocation)

Sampling efficiency may be hard - no one fully functional wind farm to test in. Hard to put a number on it.

Need to establish sampling design in terms of which approach (e.g., stratified random sampling, GRTS) and number of samples - doesn't have to be determined before pilot - some of this analytical work is already be done at NEFSC.

Some discussion of the details around design considerations, how to determine number of stations, time and distance and oceanographic sampling - maybe use a CTD on the trawl net?

- Proposed budget of Phase 1 pilot [see notes in Edited Slides]
    - Vessel:
        - 8 days (5 at sea, 3 staging/destaging) - $15,000 per day x 8 = $120,000
        - Fuel - $5 per gallons x 400 gallons per day x 5 days = $10,000
    - Gear:
        - 2 nets & doors - VIMS/vessel
        - Workstations, measuring boards, scales - VIMS/vessel
        - Data collection system (FSCS)- NEFSC (need to confirm availability)
        - Expendable gear and sampling supplies - purchased by VIMS - $50,000
        - Bongo & CTD - NEFSC (need to confirm availability)
    - Field Work Staffing:
        - VIMS- ? ($50,000 as placeholder)
        - NEFSC - IT, Oceanography, Operational Support - leverage existing staff
    - Post-cruise
        - Dedicated support for documentation, data analysis - is this needed?
    - Total - At least $230,000
- Staffing of Pilot Regional Trawl survey
    - Chief Scientist(s) - ?
    - IT Support (FSCS) - NEFSC
    - Oceanography Lead- ?
    - Field Team - VIMS staff? NTAP members?

- Proposed scope for Phase 2 pilot [see notes in Edited Slides]
    - Pilot RTS on additional FV(s) in fall 2025

        - If more than 1 vessel, requires double the gear, equipment, supplies, staffing…
    - Days at sea scaleable to funding available
        - Depends on funding
    - Expand spatial scope of pilot RTS
        - Gulf of Maine? Mid-Atlantic?
        - Offshore?
        - Test survey operations at stations within wind farms and stations outside wind farms
    - Survey gear - purchase new gear?
    - Sampling equipment and supplies - purchase new equipment and supplies?
    - Staffing?
    - Develop further list of uncertainties/questions to address in Phase 2 (based upon results of Phase 1)

Discussion/comments:

Discussion of people to support this effort - question about how to support use of FSCS (may not be possible at this time). Dan Salerno can help; staff limitations from VIMS and NEFSC identified.

Are we still the Bigelow contingency working group? Or is this all going into a this pilot. (Not answered directly, there is a lot of overlap.)

Can we remove autotrawl from the list of gear? It's preferred for standardization but not readily available in the fleet. A: not need for pilot.

Autotrawl cost estimate is $250,000 and takes 2 days to calibrate before surveying; industry members consistently identify that the cons outweigh the pros for autotrawls, not worth discussing; differences between east and west coast surveys mean east coast doesn't need it.

- Proposed budget for Phase 2 pilot [see notes in Edited Slides]
    - Vessel (assuming 1 vessel)
        - 18 days (15 at sea, 3 staging/destaging) - $15,000 per day x 18 = $270,000
    - Fuel - $5 per gallons x 400 gallons per day x 15 days = $30,000
    - Gear:
        - 2 nets & doors - $100,000
        - Workstations, measuring boards, scales - $250,000
        - EK80 - $300,000
        - Net mensuration system - $350,000
        - Data collection software (FSCS)- NEFSC
        - Oceanographic sampling equipment (bongo nets, CTD, Niskin) - $200,000
        - Biological sampling supplies - $100,000
        - Expendable gear and sampling supplies - purchased by VIMS - $50,000
    - Field Work Staffing:
        - Research Team (or NEFSC) - $150,000
        - NEFSC - IT, Oceanography, Operational Support - leverage existing staff?
    - Post-cruise

        - Dedicated support for documentation, data management, analysis - $200,000
    - Total - At least $2,000,000
- Potential expectations for a full-scale survey
    - Design:
        - The IBS would be designed with the intent of the survey being capable of growing to encompass the full survey range (area and depths) currently sampled by the NEFSC on the BTS
        - Strata will be colocated with BTS strata to enable intercomparisons
        - The design of the IBS will be developed to maximize value to stock assessments
        - Ideally calibrated to BTS with a side-by-side comparison to build calibration factors for key species
    - Operations:
        - At full-scale, the IBS is expected to require multiple vessels
        - It is possible that the IBS will be a daytime-only survey due to logistical and safety constraints of working on smaller vessels and working within wind energy areas, but pilot survey should explore the operational feasibility of including nighttime sampling and statistical analyses should define the consequences of losing nighttime sampling
        - Standard operating procedures should be developed to maximize the stability of gear geometry, bottom contact, and haul-back speed across multiple vessels and should consider the impact of sampling on larger vessels on the shelf edge

Discussion/comments:

Need to break down costs and who is required to provide what. Estimate costs from the vessel side. Identify what the Science Center can provide.

Full-scale costs are high, and existing surveys are using gear they have (no extras). When start adding in all the different sensors would be lucky to get it to come out to as low as $350,000. Strong net mensuration system is crucial and worthwhile.

Discussion of SIMRAD PX as potential net mensuration system. Could use existing onboard package and just purchase sensors needed. Cheaper than needing to purchase whole package.

Costs need some more detailed consideration - what is available on vessels already, how many vessels need to be outfitted - can any gear be shared between vessels?

Discussion included variables relative to a larger scale survey and interface between this work and what Bigelow will be sampling - discussion around what is a phase 1, phase 1.5, and phase 2 survey. Phase 2 might be two vessels but staggered, maybe doing 24 hour sampling attempt. Maybe one boat at a time to make sure we can do it at a larger scale. Get Bulldog to sampling level of Darana R.

Must consider long term value - what is spatial overlap with Bigelow. How we design this will have a major bearing on how the resulting data are used in the assessments.

Pilot should focus on if it is going to work, can we do it. Pilot biological sampling data can still be used regardless of overlap.

Discussion focused on costs - need to consider lots of equipment: biological sampling supplies, workstations, measuring boards, scales, bags, tweezers etc. Sampling stations and setting up

the FSCS data acquisition are very expensive. Start up costs will not be cheap but for pilot some boats (e.g., Darana R, Bulldog) can provide a lot of this. Some details around overhead costs discussed.

- Future survey enterprise?
    - Start with offshore wind survey mitigation driver to build a regional trawl survey that over time could expand and cover more area; it is expected the design will require sampling stations in and out of wind areas
    - If trawling can't happen at all in wind areas, we'll still have operational lessons learned to sample outside of wind areas as contingency for white ships
- Big outstanding questions

Item	Need to resolve to start a pilot?	Issue(s)
Size of vessel	No	Maximize size that can operate in a wind area
Auto trawl	No	Strong scientific support; no industry support b/c introduces costs to available vessels
Day/night	No	Hard for smaller boats to do 24 hour sampling; complexities and bias introduced with 12-hour options
Communication	Yes	How to solicit vessels; socialize the work; peer review/Council comms?
Specific pilot study goals	Yes	What are the specific operational questions; are there associated questions - side by side with Bigelow, different length tows, fishing in wind farms
Specific biological sampling	No	On smaller vessels with smaller vessel and science crews, how do we be maximally efficient
Specific stations; coordination with BTS	No	Ideally we would have the "final" stations, but using pilot stations is feasible
Funding	Yes	Need a budget and a funding source

3:50- 4:00 a.m.Bigelow Contingency Plan Working Group (Anna Mercer and Dan Salerno)

- Status of the plan review
    - Plan document has been drafted and details the 4 options
        - Pisces, calibrated NEFSC vessel, calibrated industry vessel, separate survey ("IBS")
        - White paper around IBS was completed
    - Plan still needs to be finished for release to NTAP Full Panel for review and comment
        - Originally anticipated end of June, now shooting for end of September
    - Many priorities already being implemented
        - Pisces shakedown cruise this November
        - Development of a survey that meets the goals of the IBS
- Rename working group to fit Industry-Based Survey pilot project or develop new working group
- Develop new terms of reference for working group
- Next steps

Discussion/comments:

No conclusion on transition from Bigelow Contingency Working Group to something else. (Action: Anna and Dan will discuss with Kathryn.) Agreement that at least one more meeting needed to discuss budget elements for short term Phase 1 pilot. Aim for October. Action: Hannah will send out scheduling poll.

3:51 Adjourn

NTAP Bigelow Contingencies Working Group

Aug 22, 2024

Agenda

1. Welcome and Introductions (1-1:10)
   a. Changes in NTAP membership - BTS, PDB
2. Regional Trawl Survey (1:10-1:40)
   a. Proposed Objectives
   b. Proposed Timeline
3. Break (1:40-1:50)
4. Pilot regional trawl survey (1:50-3:50)
5. Bigelow Contingencies Working Group (3:50-4:00)
   a. Status of the plan review
   b. Rename working group/develop a new TOR?

Regional Trawl Survey (RTS)

- Proposed objectives of RTS
- Current plan/expectations for full-scale RTS
- Appropriation Language (Senate Mark):
  - The Committee provides $3,000,000 within Fisheries Data Collections, Surveys, and Assessments to design and implement a pilot industry-based fishery survey. This program will be designed to run in conjunction with and in complement to NOAA's established surveys. The IBS should seek to complement the NOAA Ship Henry B. Bigelow's work and follow NMFS protocols to the extent practicable.

BTS = existing NEFSC multispecies Bottom Trawl Survey being conducted on the Bigelow

RTS = refers to a 2nd survey currently being designed

Proposed Objectives of Regional Trawl Survey

1) To improve resource assessments by providing indices of abundance complementary to the BTS

2) To sample areas that cannot be sampled by the BTS (i.e., wind energy developments, fixed gear), while also ensuring sufficient spatial overlap of the BTS to enable data integration

Test/verify assumption: Can we survey with bottom trawl in wind farms?
How/what are constraints-standard operating procedures?

3) To provide a data stream that would be available in the future if we lose access to the Bigelow

NEFSC would continue to operate the BTS with the same operating procedures currently used to ensure consistent coverage for stocks that span the whole survey extent, to enable nighttime sampling capacity, to maximize biological sampling capabilities, and to provide a robust platform for oceanographic and acoustic sampling capacity.

Potential Timeline DRAFT

Summer 2024 (today!): Define goalsobjectives of full-scale RTS; Draft operational plan for pilot RTS

Fall/Winter 2024: Finalize operational plan for pilot RTS

Spring 2025: Implement pilot RTS

- *Contingent on funding availability*

Fall 2025: Expand/continue pilot RTS

Spring 2026: Expand/continue pilot RTS

Fall 2026: Expand/continue pilot RTS

Spring 2027: Year 1 of full scale RTS begins

Proposed Objectives - PILOT Regional Trawl Survey

- Inform the development of a full-scale regional trawl survey.
  - Develop more specific vessel requirements
  - Explore feasibility of operating in and around offshore wind farms
  - Explore operational feasibility of oceanographic and biological sampling components
  - Explore operational feasibility of day/ night sampling
  - Create a draft Standard Operating Procedures document

Proposed Scope of Pilot Regional Trawl Survey - Phase 1

- Pilot RTS on F/V Darana R in March 2025
  - Leverage available gear and vessel configuration for survey operations (work stations)
- 5 days at sea, 2 days staging, 1 day destaging
- Test survey operations at stations within wind farms and stations outside wind farms
  - number of stations based on distance between stations and time required for each station
- Rely on VIMS staff, F/V Darana R crew, as well as 1-2 NEFSC staff to coordinate staging/data acquisition/gear/computer needs,
  - Draft SOP for staging, IT set up, operations, destagning,
- Priority uncertainties to address in pilo RTS
  - Data acquisition system (FSCS, TOGA), data transfer - time/staff required, vessel requirements
  - Procedures for sampling inside of wind farms
    - How far should we stay away from turbines?
  - Use of restrictor rope
  - Day/night operations
  - Oceanographic sampling
    - Bongo tow operations
    - SeaBird CTD + Niskin (or rosette) operations
  - Biological data collection procedures
  - Multibeam acoustics for fish biomass measurements
  - Gear details - who/how are nets built and inspected, stored; same for doors and sweep

How do we test these?

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Proposed Scope of Pilot Regional Trawl Survey

What other questions needs to be answered in a RTS pilot?

- Different length tows?
- Different ground gear?
- Autotrawl?

Draft Budget for Pilot Regional Trawl Survey - Phase 1

- Vessel:
  - 8 days (5 at sea, 3 staging/destaging) - $15,000 per day x 8 = **$120,000**
  - Fuel - $5 per gallons x 400 gallons per day x 5 days = **$10,000**
- Gear:
  - 2 nets & doors - VIMS/vessel
  - Workstations, measuring boards, scales - VIMS/vessel
  - Data collection system (FSCS)- NEFSC (need to confirm availability)
  - Expendable gear and sampling supplies - purchased by VIMS - **$50,000**
  - Bongo & CTD - NEFSC (need to confirm availability)
- Field Work Staffing:
  - VIMS- **? ($50,000 as placeholder)**
  - NEFSC - IT, Oceanography, Operational Support - leverage existing staff
- Post-cruise
  - Dedicated support for documentation, data analysis - **is this needed?**
- **Total - At least $230,000**

Staffing of Pilot Regional Trawl survey

Chief Scientist(s) - ?

IT Support (FSCS) - NEFSC

Oceanography Lead- ?

Field Team - VIMS staff? NTAP members?

Proposed Scope of Pilot Regional Trawl Survey - Phase 2

- Pilot RTS on additional FV(s)in fall 2025
  - If more than 1 vessel, requires double the gear, equipment, supplies, staffing…
- Days at sea scaleable to funding available
  - Depends on funding
- Expand spatial scope of pilot RTS
  - Gulf of Maine? Mid-Atlantic?
  - Offshore?
  - Test survey operations at stations within wind farms and stations outside wind farms
- Survey gear - purchase new gear?
- Sampling equipment and supplies - purchase new equipment and supplies?
- Staffing?
- Develop further list of uncertainties/questions to address in Phase 2 (based upon results of Phase 1)

Draft Budget for Pilot Regional Trawl Survey - Phase 2

- Vessel (assuming 1 vessel)
  - 18 days (15 at sea, 3 staging/destaging) - $15,000 per day x 18 = **$270,000**
  - Fuel - $5 per gallons x 400 gallons per day x 15 days = **$30,000**
- Gear:
  - 2 nets & doors - **$100,000**
  - Workstations, measuring boards, scales - **$250,000**
  - EK80 - **$300,000**
  - Net mensuration system - **$350,000**
  - Data collection software (FSCS)- NEFSC
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  - Research Team (or NEFSC) - **$150,000**
  - NEFSC - IT, Oceanography, Operational Support - leverage existing staff?
- Post-cruise
  - Dedicated support for documentation, data management, analysis - **$200,000**
- **Total - At least $2,000,000**

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Update on Bigelow Contingencies Plan

- Plan document has been drafted and details the 4 options
  - Pisces, calibrated NEFSC vessel, calibrated industry vessel, separate survey (“IBS”)
  - White paper around IBS was completed
- Plan still needs to be finished for release to NTAP Full Panel for review and comment
  - Originally anticipated end of June, now shooting for end of September
- Many priorities already being implemented
  - Pisces shakedown cruise this November
  - Development of a survey that meets the goals of the IBS

NOAA FISHERIES

To Who It May Concern:

Overfishing in the Gulf of Maine is occurring because rules and regulations are not being enforced. Specifically, there are three regulations that I will address in this letter that are not being enforced: mesh size, horsepower limit, and gear being used in the GOM/GB Inshore Roller Gear Restricted Area

Mesh Size
The body of a groundfish net is regulated to be no smaller than 6" mesh. The ground fish net is shaped like a funnel. The funnel tapers into a "lengthener' or 'extension'. The 'lengthener' is a long tube 20'-100' long and about 6' wide. It is also regulated to be no smaller than 6"mesh. See Photo #1.

The codend or 'tail bag' is sewn to the end of the 'extension'. For most nets (unless there is a special exemption program), the codend mesh is regulated to be no smaller than 6.5". The 6.5" mesh allows the small fish to escape by going through the mesh and back into the ocean as the net is dragged along the bottom. The cod end has chaffing gear on the bottom of it because it bounces and drags along the bottom of the ocean floor. The chaffing gear is comprised of layers of gnarly thick twine to prevent tears that would allow the fish to escape. The cod end is cinched with a clip while fishing. When the bag is boarded the clip is released and the fish are dumped on deck.

I have noticed non-compliant 'lengtheners' on groundfish nets, flounder nets and redfish nets, with mesh that is as small as 4 and 1/2". A crewman weaves a piece of twine between the lengthener and the codend. This twine pinches off the lengthener so the 6.5"codend becomes a 'decoy'. When the crewman is hauling back, and the bag of fish gets close to the net reel, the crewman jerks the net reel, the twine breaks, and all the fish dump into the codend. Someone on deck, like an observer, would never know that the 'lengthener' is the 'real' codend. There would be no evidence of the twine ever being there. Photo #2 shows a non compliant 'lengthener' with 4.5" mesh.

Fishermen are doing this to retain smaller fish. Photo #3 shows an aerial view of a redfish net being hauled back and the 'lengthener' has been pinched off. The pink fuzzy stuff is redfish caught in the 'lengthener'. You can see the cod end is completely empty.

Fisherman that are cheating with a lengthener add chaffing gear to the bottom of the lengthener. If they didn't add chaffing gear to the lengthener, then as the bag of fish is being dragged and bounced over the bottom, then the bag would tear a hole, and all the fish would escape. There is no reason for a lengthener to have chaffing gear on the bottom of it, unless the 'lengthener' has non-compliant mesh. See photo #4.

In 2013, Framework Adjustment 48 revised the minimum fish sizes for commercial vessels. There were a lot of fish being caught and discarded because they were too small to keep. I think they were too small to keep, because a lot of fishermen were pinching the bag or using 'liners' in order to catch a bigger volume of fish. I think this practice has been going on for a long time. This practice creates smaller and smaller fish. As long as small mesh is being pulled around the ocean, we will never have rebuilt, sustainable fish stocks.

I believe this is a systemic problem in the ground fishery. This isn't one or two isolated vessels.

The Office of Law Enforcement has said that it is 'next to impossible' to enforce the 6" mesh regulation in the lengthener if a vessel has 2 net reels. One net has a legal 6" lengthener and the other net has the non compliant mesh size. When a captain sees the Coast Guard coming towards them on AIS (Automatic Identification System), they haul back before the Coast Guard

gets there. If the Coast Guard doesn't see the net in the water and being hauled back, then they can't prove which net was being used to catch the fish.

Here are some solutions that I have thought of:

1. The Coast Guard could turn their AIS off.

2. Vessels could be allowed only one net and one net reel onboard a vessel, then there is no question which net was in the water.

3. A new regulation could be passed that prohibits 'lengtheners' from having no mesh smaller than 6.5" That way the lengthener and the codend would both be 6.5 inches. There would be no reason to pinch off the bag if the mesh size was the same. A crewman can change a lengthener pretty quickly. The only 6" mesh onboard should be the 6" mesh in the body of the net, and a limited amount of 6" single ply mesh twine to repair the body of the net.

4. The Coast Guard could use drones for an aerial view. When a net is being hauled back, and if the bag is being pinched, they could see which net reel is being used.

5. There should be a regulation stating that there should be "no chaffing gear on any lengthener". The only part of the net that should have chaffing gear is the codend.

6. Law enforcement could do random boardings when boats are landing their fish. They should have them drop the net, past the codend, so they could take measurements at the beginning, middle and at the end of the 'lengthener'. This would tell them who is naughty and who is nice.

Horsepower Baseline Limit
In 1986, National Marine Fisheries Service went from an open access fishery to a limited access fishery. They created a multispecies groundfish permit. Vessel length and horsepower on these permits were recorded and a 'baseline' was established. Our forefathers knew that horsepower was the biggest factor in creating mortality in fish stocks. The baseline is still supposed to be used today to limit length and horsepower that a vessel can have.

Most fishing vessels in the 1980's had 200-300 horse power motors, A 400 hp motor would have been a 'big motor'. I never saw even one 1,000 hp motor on a fishing boat back then.

Right now, I am seeing MANY HIGH horsepower vessels. It has to be recognized that there has been no enforcement of the horsepower baseline law. I have never heard of anyone getting a violation because the horse power of their motor exceeded the limit on their baseline.
When a person does a 'Vessel Replacement' through NMFS, all they have to do is get a certified mechanic or a dealership to say what the horsepower of that motor is. Nobody checks to see if it is true.

Some boat owners re-power their engine with higher horsepower but don't report it to NMFS.

With today's modern electronic motors, horse power can be easily altered. By adding turbo's, charged air units, and high pressure injection pumps, a person can increase horsepower substantially. With electronic motors you can upgrade the computer programs to create high horsepower. If a person has a high horsepower electronic motor, they can change their horsepower in a matter of minutes if they have access to Wi-Fi. Most fishing boats have access to Wi-Fi the entire time they are fishing, through STARLINK.
For example, a vessel that has a baseline maximum of 400 horsepower, can 'up-tune' their motor to 600 hp, with an online computer program, within minutes, and 'de-tune' there motor back to 400 hp in minutes

There is no way to test the horsepower of todays motors. These are non-compliant workarounds to flout the horsepower regulation that was created in 1986 to control future fishing effort.

A low horsepower motor has very little impact on fishing mortality. Low horse power motors cannot access hard, rocky bouldery bottom because the motor doesn't have enough power to get over this type of terrain. This allows for 'escapement' of cod, pollock, redfish and haddock. Conversely, high horsepower motors are the exact opposite. High horsepower motors can easily handle the increased drag of hard rocky bouldery bottom. The non compliant increases of the baseline horsepower regulation allows access to hard bottom, which has increased mortality on cod haddock redfish and pollock. In the past, this horse power baseline regulation did limit access to this type of terrain. The rocky bottom is also where most spawning occurs. If this horsepower regulation could be enforced then it would increase spawning for haddock pollock redfish and cod, and reduce mortality.
One way or another, the fishery needs measures to increase spawning and reduce mortality. This is a regulation that is already in existence, and I think it can be tweaked and continue to be an effective management tool.

The horsepower regulation cannot be enforced because of the new innovations of electronic motors. But the door size on a vessel is dependent on the vessels horsepower. Companies that manufacture the trawl doors use the horse power of a vessels' motor to recommend the size of the door, net and trawl frame.
The size of the door is an easier way to enforce the baseline horsepower regulation. In general, a specific door size is equal to a horse power 'range'.
Most fishermen would like to have the largest size door possible, to open the largest net possible with the horse power that their vessel has.

A low horse power motor, say 200hp, only has enough power to tow a small set of doors, a # 5 Bison, for example. This #5 Bison could open/inflate a 65' net. A net that size could hold a maximum of 7-800 lbs of fish per tow. This requires many haul backs, and it makes for a very slow boat going to fishing grounds and coming back. This is a very low impact fishing operation.
On the other hand, a #14 Bison door could open/inflate a 200' net. A net that size could hold a maximum of 30,000 lbs of fish per tow. This is a very high impact fishing operation. This is only possible with a high horse power motor. This is why it is important to enforce the baseline horsepower regulation.

The horsepower pulls the door and the net. A perpendicular door spreads the net, and keeps the mouth of the net open. If there isn't enough horsepower the door lays down and the mouth of the net collapses. The heavier the door, and the bigger the net, the more horsepower the vessel needs to keep the door perpendicular, and the net open.

Instead of throwing the limited baseline horsepower regulation out the window, a fairly simple solution would be to regulate a door size to match the horsepower baseline. For example, a #5 Bison Door (or an equivalent Thyboron door) would be 200-300 hp; a #6 Bison Door would be 300-400 hp; a #7 Bison Door would be 400-500 hp, etc.

In order to regulate the door instead of the equivalent horsepower, a fisherman's limited access multispecies permit would require the door size to be matched with their baseline horsepower. The dimensions and # of the door would be indicated on their multi species permit. This would be an easy way for enforcement to check for compliance. If a vessel is boarded by law enforcement and they ask for the fishing permit, they could check the size of the door right on deck.

We will have way, way more overfishing and over capacity, if we don't rein in the limit on the horsepower. I think the limit on the horse power is the most important regulation in order to have healthy sustainable fish stocks. Vessels with high horsepower can get over ANY bottom type, creating more mortality.
In the future, if there is still too much overcapacity, then the door size, net and frame could be limited to a smaller size. I think this is a fair and equitable way to manage the fishery.

Creating the special exemption redfish program set in motion the beginnings of a high horsepower fleet. You need high horsepower, large heavy doors, and a massive 20 to 24 inch roller frame to harvest this species. A special access program was created in 2015 to take advantage of the large biomass of redfish.

Redfish and pollock reside on the same rough, rocky, bouldery, terrain. In order to get over this bottom, without tearing the net, a fisherman would need 20 to 24 inch discs on the roller frame. This heavy massive roller frame keeps the net 10 to 12 inches off the bottom. The net has to be a high rise net because both the redfish and the pollock tend to be high off the bottom. The net is about 30 feet from the roller frame to the top of the opening of the net. A regular groundfish net is about 15 feet from the roller frame to the top of the opening of the net. It takes a massive door to make this net 'open' or 'inflate' the net. As the 20 to 24 inch roller frame bounces and encounters large rock piles it creates large amounts of drag. Red fish and pollock are both fast swimmers. The vessel has to maintain a speed of 4 knots in order to catch these 2 species. This requires a massive amount of horsepower to maintain the 4 knot speed of the vessel. This is the formula: weight (massive doors, roller frame, and high rise net) + rocky boulders (creates drag) + maintaining a 4 knot towing speed = massive horsepower.
Now that these vessels have powered up to catch redfish and pollock, they can also catch haddock, hake and cod using a 5.5" codend as long as they are in the 'Redfish Exemption Areas'. The amount of groundfish to redfish being landed monthly is supposed to be 45% groundfish to 55% redfish, but I don't believe this is necessarily the case.
The special exemption redfish program has created a large scale fishery using 5.5" twine to harvest all multispecies, not just redfish, in the Redfish Exemption Areas.
Small mesh means small fish and low recruitment.

GOM/GB Inshore Restricted Roller Gear Area
There is a GOM/GB Inshore Restricted Roller Gear Area for all trawl vessels, the maximum diameter of any part of the trawl roller frame, including discs, rollers or rockhoppers, may not exceed 12".
There is a fairly new type of trawl frame that has been developed, called 'Tractor Trawl Gear', or 'Risers'.
Enforcement has said that they haven't seen this gear type, and they need clarification on whether or not this gear type can be used in the "GOM/GB Inshore Restricted Roller Gear Area".

The New England Fisheries Management Council should determine if this gear type has the same impact as a 12" disc roller frame, so enforcement would have a clear answer whether this gear type is permissible in the GOM/GB Inshore Restricted Roller Gear Area.

This gear type is very similar to the 'Street Sweeping Gear' that was banned a few years back. The tractor trawl gear is designed to get over hard, rocky bottom, that 12" discs can't.

The traditional 12" roller gear allowed in this area has one cable that has a variety of discs, rollers and rockhoppers, not exceeding 12", strung onto it.

The tractor trawl frame, does not have ‘roller’ gear. It doesn’t ‘roll’ across the bottom. It has a ‘trawl frame’, which is more like a mat. The tractor trawl frame is made up of 2 parallel cables attached to each other with ‘dog bones’. So the 2 cables together are about 24” tall as they are dragged along the bottom of the ocean.
The bottom cable is strung with 12” discs and ‘dog bones’ which have a hole in each end. One hole of the dog bone is strung onto one cable, and the other hole of the dog bone is strung onto the second cable. The second cable has smaller discs with the dog bones in between. At the bottom of the net reel you can see orange and black small cookies. This third cable attaches the trawl frame to the net. See photo #5.

A traditional 12” disc roller frame cannot fish ‘on top’ of the hard rocky bottom without ‘hanging up’ and tearing the net.
This tractor trawl frame is designed to go over hard rocky bottom and not hang up. This is a ‘work around’ to be able to access harder bottom in the GOM/GB Inshore Gear Restricted Area.

I think the restricted inshore roller gear regulation was originally implemented to keep vessels OFF the hard bottom in this area, mainly to protect the codfish.
Codfish mostly reside on rocky hard bottom. Pollock and haddock also reside on this bottom type.
If this tractor trawl gear is allowed in this area I think it would have a negative impact on the spawning cod, pollock and haddock.
If we are serious about rebuilding efforts with cod. We can’t have gear that can have a 30,000 pound set in this inshore area. One set would negate all rebuilding efforts.

These are the three biggest problems that are keeping the fish stocks from reaching maturity. Small mesh in the lengtheners, the horse power baseline not being enforced and allowing vessels to fish on hard bottom in the GOM/GB restricted roller gear area. These aren’t easy problems to solve, but I think we need to begin to address them.
I realize this is a lengthy letter. I appreciate that you are taking the time to read it. My wife and I put a lot of effort into gathering all the information.
I think the bottom line is that there is no point in trying to move forward with any fish stock rebuilding plans unless these 3 regulations can be enforced and are being enforced.

Sincerely.
Knoep Nieuwkerk
Fisherman in the Gulf of Maine for 30 years,
Owner/operator of a small trawl vessel and a small gillnet vessel.

Photo #1 Net plan

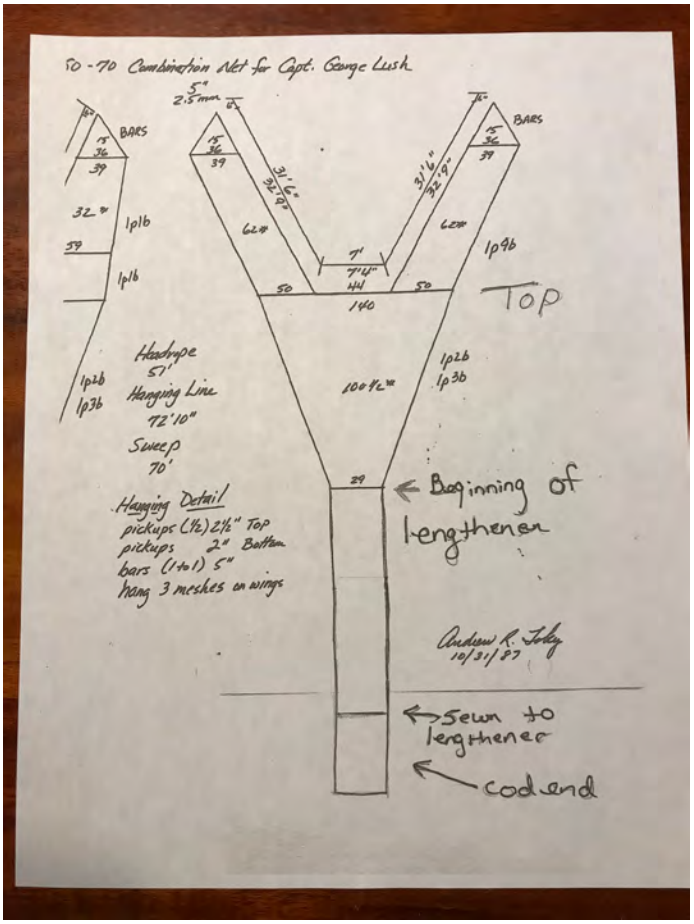
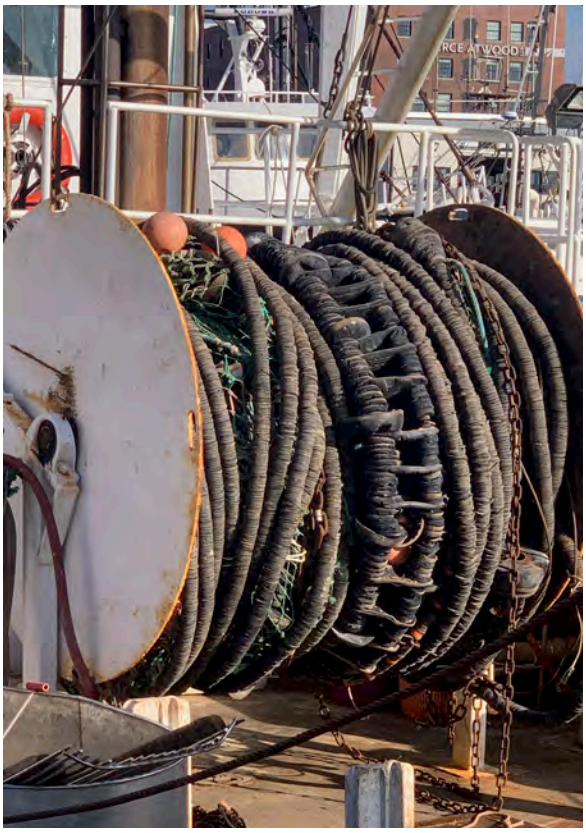


Photo #2 Non compliant mesh in the lengthener

Photo #3 Aerial view of redfish pinched bag

Photo #4 Chaffing gear on bottom of lengthener

Photo #5 Tractor trawl gear



Atlantic States Marine Fisheries Commission

ISFMP Policy Board

October 24, 2024
10:15 a.m. – 2:00 p.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order *(J. Cimino)* 10:15 a.m.

2. Board Consent 10:15 a.m.
   - Approval of Agenda
   - Approval of Proceedings from August 2024

3. Public Comment 10:20 a.m.

4. Executive Committee Report *(J. Cimino)* 10:30 a.m.

5. Update on the Northeast Trawl Advisory Panel Work Regarding Industry-based Trawl Surveys (*D. Salerno*) 10:40 a.m.

6. Committee Reports 10:55 a.m.
   - Law Enforcement (*K. Blanchard*)
   - Habitat (*S. Kaalstad*)
   - Atlantic Coast Fish Habitat Partnership (*S. Kaalstad*)

7. Review Non-Compliance Findings, If Necessary **Action** 11:05 a.m.

8. Other Business 11:10 a.m.

9. Lunch Break 11:15 a.m.

This portion of the meeting will be Joint with the Mid-Atlantic Fishery Management Council

10. Consider Approval of Recreational Measures Setting Process Addenda/Framework for Public Comment *(C. Tuohy, T. Bauer, J. Beaty)* **Action** 12:00 p.m.

11. Adjourn 2:00 p.m.

The meeting will be held at The Westin Annapolis (100 Westgate Circle, Annapolis, MD; 888.627.8994) and via webinar; click here for details

MEETING OVERVIEW

ISFMP Policy Board
Thursday October 24, 2024
10:15 a.m. – 2:00 p.m.

Chair: Joe Cimino (NJ) Assumed Chairmanship: 10/23	Vice Chair: Dan McKiernan (MA)	Previous Board Meetings: August 6, 2024
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 6, 2024

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

4. Executive Committee Report (10:30-10:40 a.m.) Action
Background • The Executive Committee will meet on October 23, 2024
Presentations • J. Cimino will provide an update of the Executive Committee's discussions
Board action for consideration at this meeting • None

5. Northeast Trawl Advisory Panel Progress Report for Industry- Base Survey Pilot Program (10:40-10:55 a.m.)
Background • The Commission, along with the Mid-Atlantic and New England Fishery Management Councils, requested information on an industry-based survey that would be complementary to the Northeast Fisheries Science Center (NEFSC) Spring and Autumn bottom trawl survey • At the Winter Meeting, the NEFSC presented white paper responding to the request of the Councils and Commission

- The three management bodies requested NTAP and the NTAP Industry Based Survey (IBS) Working Group to develop an outline detailing a proposal to conduct an IBS Pilot Program

Presentations

- D. Salerno will provide an update on NTAP's progress (**Meeting Materials**)

Board actions for consideration at this meeting

- None

6. Committee Updates (10:55-11:05 a.m.) Action

Background

- The ACFHP Steering Committee will meet on October 21 and 22, 2024
- The Habitat Committee will meet on October 23 and 24, 2024
- The Law Enforcement Committee will meet on October 22 and 23, 2024

Presentations

- S. Kaalstad will present on activities of the Habitat Committee and ACFHP Steering Committee
- K. Blanchard will present on activities of the Law Enforcement Committee

Board actions for consideration at this meeting

- None

7. Review Non-Compliance Findings, if Necessary Action

8. Other Business

9. Lunch Break

The remainder of the meeting will be a joint meeting with the Mid-Atlantic Fishery Management Council

10. Consider Approval of Recreational Measures Setting Process Framework/Addenda for Public Comment (12:00-2:00 p.m.) Action

Background

- In June 2022, the ISFMP Policy Board and Mid-Atlantic Fishery Management Council (Council) approved the Recreational Harvest Control Rule Framework/Addenda. Upon approving the Harvest Control Rule, the bodies agreed to continue development of several options for setting recreational measures (bag, size, and season limits) for implementation by 2026. The Recreational Measures Setting Process Framework/Addenda considers the long-term process for setting recreational measures.
- From early 2023 through September 2024, the Plan Development Team and Fishery Management Action Team, under the guidance of the Policy Board, Council, and Commissioner and Council Member Work Group, developed several options for setting recreational measures in a draft document to be to be considered for approval for public comment (**Briefing Materials**).

Presentations • Overview of Recreational Measures Setting Process Framework/Addenda for public comment by C. Tuohy, T. Bauer, and J. Beaty
Board and Council Actions for Consideration • Approve Recreational Measures Setting Process Framework/Addenda for Public Comment

11. Adjourn

Seafreeze Ltd.

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

September 10, 2024

RE: Council Discussion on managing to the RHL

Dear Chris,

Although unable to attend the Council's August meeting in Philadelphia in person, I was able to listen to some of the Council discussion on recreational management measures. Curiously, I heard one Council member and subsequent discussion on how the Council currently utilizes the RHL for recreational management under the Percent Change Approach- specifically I heard Council comments denying that the Council no longer manages to the RHL under this approach.

I am concerned that Council members may not have fully read the briefing materials or attended the SSC meetings on the subject, and I would like to correct the record here. The Council's current Percent Change Approach for setting recreational measures does not manage to the RHL; in fact, it specifically allows for recreational harvest overages above the RHL. This is spelled out in the Council briefing materials over the past two years.

The Council's August 2023 briefing materials for both scup and black sea bass specification setting state: "The Percent Change Approach considers the RHL in the upcoming year(s) as well as biomass compared to the target level when setting measures. In some cases, RHL and ACL overages are permitted under this approach."[1]

The Council's August 2024 briefing materials for both scup and black sea bass specification setting specifically state that Council policy and management no longer manages to the RHL: "2023 recreational measures were set based on a new process called the Percent Change Approach. Unlike the previous process, recreational measures no longer aim to achieve but not exceed the RHL. Instead, measures aim to achieve a different level of harvest…"[2]

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[1] See August 2023 Council material: July 17, 2023 staff 2024-2025 Scup Specifications Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/64c413253896672a1ba657e6/1690571558687/Tab02_Scup+2024-2025+Specs.pdf, p. 13. See also August 2023 Council material: July 18, 2023 staff 2024 Black Sea Bass Specification Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/64c4133026bcba3002d5f5a9/1690571568534/Tab04_BSB+2024+Specs.pdf, p. 12.

[2] See August 2024 Council material: July 16, 2024 staff 2025 Scup Specifications Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/66ac090b3e2a0539d67126ff/1722550540812/Tab12_Scup-2025Specs_2024-08.pdf, p. 7. See also August 2024 Council material, July 16, 2024 staff 2025 Black Sea Bass Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/66ac08f9840b7a1a88e0cc93/1722550522472/Tab13_BSB-2025-Specs_2024-08.pdf , p. 8.

The 2024 August Council meeting materials actually describe how the 2023 recreational harvest target was set intentionally above the RHL for both scup and black sea bass:

"Following the Percent Change Approach, for 2023, state waters measures were restricted with the goal of achieving 12.88 million pounds of coastwide harvest. The final 2023 MRIP landings estimate is 11.91 million pounds, about 7% less than the target of 12.88 million pounds. Despite 2023 landings being about 28% higher than the RHL, it is important to note that under the Percent Change Approach, measures do not aim to achieve the RHL, they instead aimed to achieve the 2023 target of 12.88 million pounds of harvest…"[3] [i.e. a recreational harvest target about 35% higher than the RHL].

And again: "The final 2023 MRIP harvest estimate is 7.49 million pounds, about 5% higher than the target of 7.14 million pounds. Harvest in 2023 was about 14% higher than the RHL; however, it is important to note that under the Percent Change Approach, measures did not aim to achieve the RHL, they instead aimed to achieve 7.14 million pounds of harvest."[4] [i.e., a recreational harvest target approximately 9% over the RHL; however, realized estimates are 14% over the RHL].

While proponents of this approach may say that the RHL is still used as a number in the formulation of setting a recreational harvest target, and thereby the Council is still "managing to the RHL", this is incorrect in practice. The RHL is no longer the target the Council is trying to achieve, and it is no longer managing *to* the RHL. The Council is now managing to a recreational harvest target that is often set significantly *above* the RHL.

The Council's 2024 briefing materials for the Recreational Measures Setting Process Framework/Addenda contain a MAFMC SSC "Report on Proposed Approaches to Setting Recreational Measures in the Mid-Atlantic Fisheries for Summer Flounder, Black Sea Bass, Scup and Bluefish" dated July 25, 2024. The SSC specifically states that the Council is no longer managing to the RHL numerous times in this document and discusses why this is problematic:

" [T]he SSC notes evidence that ABCs have been exceeded recently in Black Sea Bass and Scup. Scup has even exceeded the OFL catch in the three most recent years. If this pattern were to continue under a new management approach, as seems likely given the change of management focus away from achieving the RHL, the SSC may change its assumption that ABC will be caught in projections to an assumption that ABC will be exceeded in future harvests, thereby reducing catch advice."[5]

The SSC goes on further to discuss how none of the options being presented to the Council in the alternatives under consideration for recreational management are designed to achieve the RHL:

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[3] See August 2024 Council material: July 16, 2024 staff 2025 Scup Specifications Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/66ac090b3e2a0539d67126ff/1722550540812/Tab12_Scup-2025Specs_2024-08.pdf, p. 8.

[4] See also August 2024 Council material, July 16, 2024 staff 2025 Black Sea Bass Memorandum at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/66ac08f9840b7a1a88e0cc93/1722550522472/Tab13_BSB-2025-Specs_2024-08.pdf, p. 8.

[5] See SSC Report on Proposed Approaches to Setting Recreational Measures in the Mid-Atlantic Fisheries for Summer Flounder, Black Sea Bass, Scup and Bluefish, Executive Summary, at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/66abf3b7acc5401dc6a9fd03/1722545082095/Tab14_Rec-Measures-Setting-FW_2024-08.pdf, p. 2.

"The three alternatives shift the objective of management away from achieving the RHL to changing the recreational catch by specific amounts based on observed stock characteristics….This changes the goal of management from focusing on achieving RHL to achieving a given level of change in recreational catch. The SSC expresses concern that the binning approach and the change in focus increases the likelihood that the ABC will be exceeded for stocks that are close to, or above their maximum sustainable yield as the Council's risk policy allows for little uncertainty for stocks at these levels, and no management uncertainty is recognized in determination of either ACLs or ACTs."[6]

The SSC's report highlights two important facts: (1) the current Percent Change Approach is not preventing OFL overages, in fact, recreational overages have led to the scup OFL being exceeded the last three years in a row, and (2) the Council's movement away from managing to the RHL is likely to lead to ABC overages, which will force the SSC in the future to lower their catch advice for all sectors.

The Magnuson Stevens Act requires that the Council "prevent overfishing". This means constraining catch to set numbers, determined by a sector's allocation. The Council's math formula for such numbers begins at the OFL/ABC and results in a corresponding commercial quota and RHL as the numbers for management. The math formula does not account for RHL overages allowable under the Percent Change Approach. See below for the math formula for black sea bass:

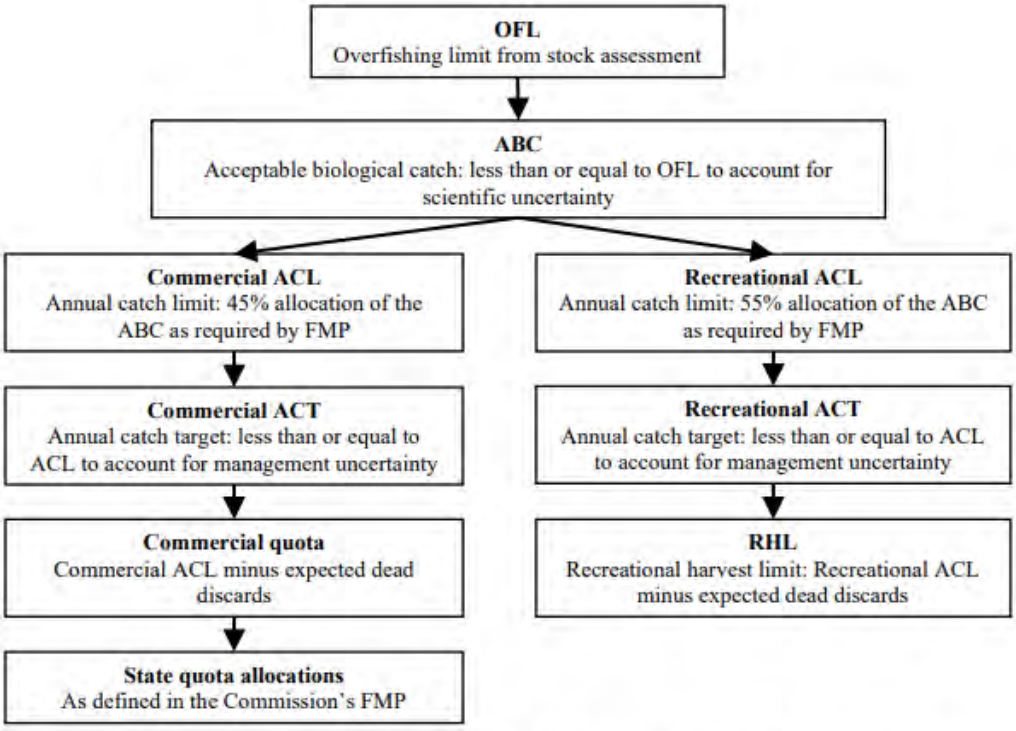


Figure 4: Black sea bass catch and landings limits, reflecting the revised commercial/ recreational allocations which became effective in 2023.

[7]

[6] Ibid.

[7] See Tab13_BSB-2025-Specs_2024-08.pdf (squarespace.com), p. 13.

If allowable overages are not incorporated into the math problem, which is leading to continual ABC and even OFL overages as noted by the SSC, then the Council is not abiding by its mandate to *prevent* overfishing. The MSA does not say to address overfishing once it occurs- it mandates prevention.

Furthermore, the Council is not abiding by its National Standard 4 requirement to ensure that allocations between the commercial and recreational sectors be "fair and equitable". The commercial sector is not allowed to exceed the commercial quota, regardless of stock condition. But the recreational sector is allowed to exceed the RHL, based on stock condition. However, the commercial quota and RHL are both directly derived from allocation percentages. To manage one sector to its allocation percentage but not manage another sector to its allocation percentage effectively changes the allocation. It is a de facto reallocation, contrary to the allocation percentages established in the Council's Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment.[8] That Amendment went through the legal process of assessing the impact of different allocation percentages on each sector; annual allowable ad hoc recreational overages do not. On top of this, the SSC has noted that moving recreational management away from achieving the RHL to achieving a different number has led to ABC overages and these overages will likely result in the SSC lowering its catch advice in the future. If this comes in the form of lowering the ABC as a whole, the commercial sector will be put at an even further disadvantage.

We respectfully, therefore, request that the Council task the SSC with investigating the implementation of a new math problem for fisheries management: separate commercial and recreational OFLS and separate commercial and recreational ABCs derived from each sector's allocation percentage. This would hold each sector fully accountable for its own harvest levels and impact on the resource, and ensure that one sector is not penalized for the actions of another.

Until this can be accomplished, we request that the Council initiate a Framework to manage commercial fisheries to the commercial ACL in the same manner being developed/proposed for managing recreational fisheries to the recreational ACL in the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda, to ensure that the allocations established under the Allocation Amendment are achieved in an equitable manner.

Sincerely,

Meghan Lapp
Fisheries Liaison, Seafreeze Shoreside and Seafreeze Ltd.

[8] See https://www.mafmc.org/actions/sfsbsb-allocation-amendment.

September 30, 2024

Wes Townsend, Chair
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, Delaware 19901

Joseph Cimino, Chair
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200
Arlington, Virginia 22201

Dear Chairman Townsend and Chairman Cimino,

In a decision issued on September 5, 2024, Judge Beryl Howell of the U.S. District Court for the District of Columbia ruled that Framework 17 and the Percent Change Approach Harvest Control Rule (HCR) comply with the legal requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Framework 17, implemented in 2023 by the Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC), addresses ongoing challenges in managing recreational fisheries for summer flounder, scup, and black sea bass. This letter summarizes the court's key findings regarding the Framework 17 lawsuit decision.

The American Sportfishing Association (ASA) requests that these findings be shared with the MAFMC's Scientific and Statistical Committee and Monitoring Committee for Summer Flounder, Scup and Black Sea Bass. ASA also requests that these findings be presented to the MAFMC, and ASMFC's Policy Board at their October 2024 joint meeting to be included in the public record.

Framework 17 and the HCR Do Not Violate the MSA

The court confirmed that Framework 17 does not violate the MSA in a 64-page memorandum opinion. It explained that the HCR "still turns on the [Recreational Harvest Limit] RHL," while also incorporating other factors, such as stock biomass and uncertainty in recreational fishing data. The court stated, "the introduction of the [Recreational Harvest Target] RHT changes neither the 'mechanism for specifying annual catch limits'... nor the existence or trigger of 'measures to ensure accountability'" (pages 63-64). Thus, the court concluded that the inclusion of the RHT does not violate the MSA.

The court further elaborated that the MSA's Annual Catch Limit (ACL) provisions in Section 1853(a)(15) do not require a specific relationship between the ACL and seasonal management measures. It pointed to National Standard 1 (NS1), which sets broader objectives for fishery management: "[c]onservation and management measures shall prevent overfishing while

achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry" (16 U.S.C. § 1851(a)(1)). Judge Howell stated, "By its terms, rather than mandate that management measures exclusively target the ACL, NS1 sets different targets for management measures: (1) to prevent overfishing, and (2) to achieve optimum yield, on a continuing basis" (page 37). Therefore, "the ACL is not the exclusive guidepost in assessing the adequacy of management measures" (page 37), meaning recreational management measures are not required to be solely calibrated to the ACL or the RHL.

Iterative Approach of the HCR

The court explained that the HCR uses an incremental approach to achieve the RHL. Rather than making abrupt changes, it caps the percentage change year-to-year to ensure stability, relying on two years of data to guide adjustments. This method reduces the risk of overreacting to variability in recreational harvest estimates. Specifically, the court stated, "the HCR also reduces the risk of overreacting and overcorrecting to variability in yearly harvest estimates, while keeping as its goal to reach the RHL" (page 46). Additionally, the HCR considers the uncertainty of recreational data by employing an 80-percent confidence interval and adopting a more conservative approach for species with low biomass. This balancing of caution and adaptability ensures that management measures are responsive to changing stock conditions and data uncertainty, while still aligning with the MSA's conservation objectives.

MSA Explicitly Allows for Management to be Adapted to the Characteristics of Each Fishing Sector

The court emphasized that Framework 17 recognizes the inherent differences between recreational and commercial fishing and the appropriateness of tailoring management to each sector. The MSA expressly acknowledges that "recreational fishing and commercial fishing are different activities" and that "science-based conservation and management approaches should be adapted to the characteristics of each sector" (16 U.S.C. § 1801(a)(13); page 48). The court noted that "in other parts of fishery management, the Mid-Atlantic Council has drawn distinctions between the recreational and commercial sectors, in light of the difficulties of predicting recreational catch" (page 48).

For example, Judge Howell referenced the different Accountability Measures (AMs) applied to the two sectors, explaining, "The AMs evaluate the recreational ACL 'based on a 3-year moving average comparison of total catch,'" whereas "[t]he commercial sector ACL [is] evaluated based on a single-year examination of total catch" (50 C.F.R. §§ 648.103(c), 648.123(c), 648.143(c); page 48). These sector-specific measures reflect the fact that recreational fisheries data are more variable and imprecise than commercial fisheries data, justifying different management approaches.

Commercial Borrowing

The court also rejected claims that Framework 17 allows the recreational sector to borrow from the commercial sector. When determining whether overfishing has occurred, it is true that fishing mortality looks at the overall state of the fishery because stock status is best determined on the totality of information given overall uncertainty in fishery population models and their

underlying data. However, under Framework 17, each sector still has its own quota, and accountability measures are still imposed on each sector independently.

Conclusion

The court's findings make it clear that the HCR under Framework 17 adheres to the legal mandates of the MSA while enhancing the management of recreational fisheries. It effectively addresses the inherent challenges of this sector, where catch is measured by survey instead of census. The introduction of the RHT reflects a forward-thinking approach that balances sustainability, data uncertainty, and the need for regulatory stability. This is not a compromise on conservation but a methodical evolution in fisheries management designed to prevent overfishing while achieving optimum yield. By distinguishing the unique dynamics of the recreational fishing sector, Framework 17 represents a necessary adaptation, reaffirming that recreational and commercial fisheries are distinct and must be managed accordingly. The court's ruling validates the progress and innovation embedded in the HCR, ensuring the long-term health of these valuable fisheries while providing predictability for the angling community.

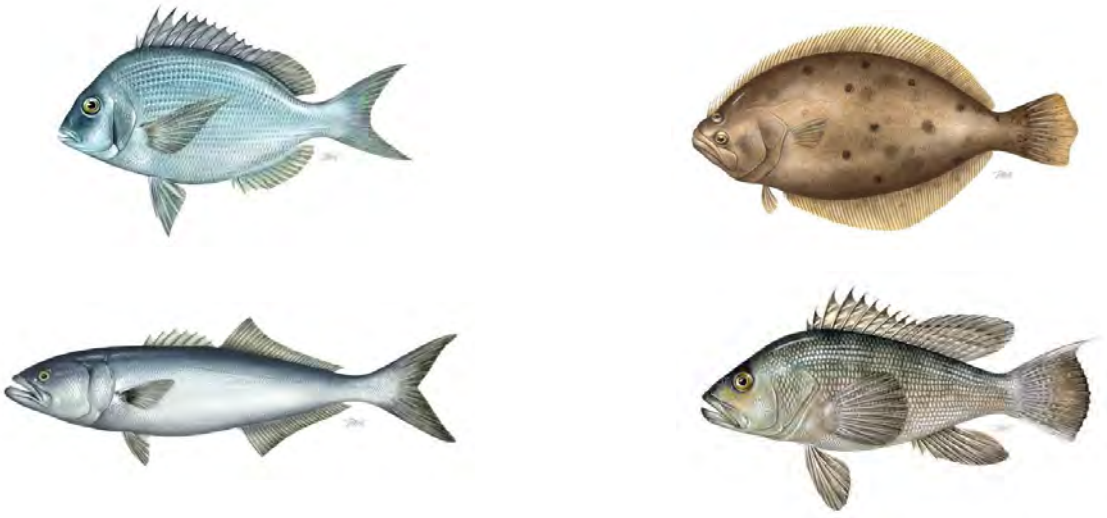
Sincerely,

Michael Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

Atlantic States Marine Fisheries Commission

ADDENDUM XXXVI TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN AND ADDENDUM III TO THE BLUEFISH FISHERY MANAGEMENT PLAN

Recreational Measures Setting Process for Summer Flounder, Scup, Black Sea Bass, and Bluefish



This draft document was developed for ISFMP Policy Board and Mid-Atlantic Fishery Management Council review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

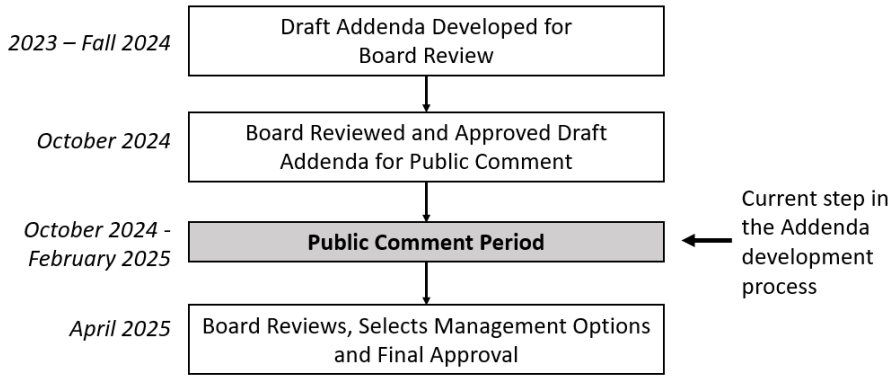
October 2024

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Policy Board and Council Review. Not for Public Comment.

Public Comment Process and Proposed Timeline

In June 2022, the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fisheries Management Policy Board (Policy Board) and the Mid-Atlantic Fishery Management Council (Council) initiated these draft addenda (for the Commission) and a framework action (for the Council) to address management of the summer flounder, scup, black sea bass, and bluefish recreational fisheries. This document, Draft Addendum XXXVI to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) and Draft Addendum III to the Bluefish FMP, herein referred to as the Draft Addenda, and the Council's framework consider modifications to the process for setting recreational bag, size, and season limits (i.e., "recreational measures") for all four species. The Draft Addenda and the Council's framework action consider an identical set of options and the Policy Board and Council will select the same management options for implementation. This document presents background on recreational management for these species and a range of options to set recreational measures for public consideration and comment. The addenda process and expected timeline are summarized in the flowchart to the right.



Public comment may be submitted via public hearings or through written comment and will be accepted until **Month Day, Year at 11:59 p.m.** If you have any questions or would like to submit a comment, please use the contact information below. **All comments will be made available to both the Commission and Council for consideration; duplicate comments do not need to be submitted to both bodies.**

Tips for Providing Public Comment

We value your input. To be most effective, please include specific details as to why you support or oppose a particular proposed management option. Specifically, please address the following:

- Which proposed options do you support, and which options do you oppose? Why?
- Is there any additional information you think should be considered?

Submit Comments to:

Mail: Tracey Bauer and/or
Chelsea Tuohy, FMP Coordinator(s)
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject: Recreational Measures Setting Process)

Table of Contents

1.0 Introduction

The summer flounder, scup, black sea bass, and bluefish fisheries are managed cooperatively by the Atlantic States Marine Fisheries Commission (ASMFC or Commission) in state waters (0-3 miles) and by the Mid-Atlantic Fishery Management Council (MAFMC or Council) and NOAA Fisheries in federal waters (3-200 miles). Summer flounder, scup, and black sea bass are managed under one fishery management plan (FMP) and bluefish is managed under a separate FMP. The management unit for summer flounder is U.S. waters from the southern border of North Carolina northward to the U.S.-Canadian border. The management unit for scup and black sea bass is U.S. waters from Cape Hatteras, North Carolina northward to the Canadian border. Bluefish are managed in U.S. waters along the entire eastern seaboard, from Maine through Florida.

The Council and Commission jointly agree to recreational annual catch limits (ACLs), annual catch targets (ACTs), and recreational harvest limits (RHLs) for all four species, which apply throughout the management units. They also jointly agree to the overall approach to setting recreational bag, size, and season limits (i.e., recreational measures).

The current process for setting recreational measures for these species, referred to as the Percent Change Approach, was implemented through the Harvest Control Rule Framework/Addenda in 2023. The goal of the Harvest Control Rule Framework/Addenda was to establish a process such that recreational 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 Council and the Commission agreed that the Percent Change Approach should sunset by the end of 2025 with the goal of implementing an improved long-term process for setting recreational measures, starting with the 2026 measures.

The goal of the Recreational Measures Setting Process Addenda is to consider the process for setting recreational measures for summer flounder, scup, black sea bass, and bluefish for 2026 and beyond.

2.0 Overview

2.1 Statement of Problem

As described in more detail in Section 2.2, the Commission and Council have faced a number of challenges in setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. These challenges included concerns related to uncertainty and variability in the recreational fishery catch estimates and the need to frequently change measures based on those data, especially in a direction often perceived as contrary to stock status. The interim approach to address these challenges (i.e., the Percent Change Approach) will expire at the end of 2025.

2.2 Background

As stated above, the Commission's species management boards and the Council jointly set recreational ACLs, recreational ACTs, and RHLs for all four species (Figure 1). The recreational ACLs account for landings and dead discards and are set based on the recreational allocation percentages defined in the FMPs. The ACTs are set less than or equal to the ACLs to account for management uncertainty. The RHL for each species is set equal to the ACT minus expected recreational dead discards. None of the options in this document would change the process for setting the ACLs, ACTs, and RHLs.

The ACLs, ACTs, and RHLs are revised when new stock assessment information becomes available. For the foreseeable future, updated stock assessments are expected to be available every other year for these four species.

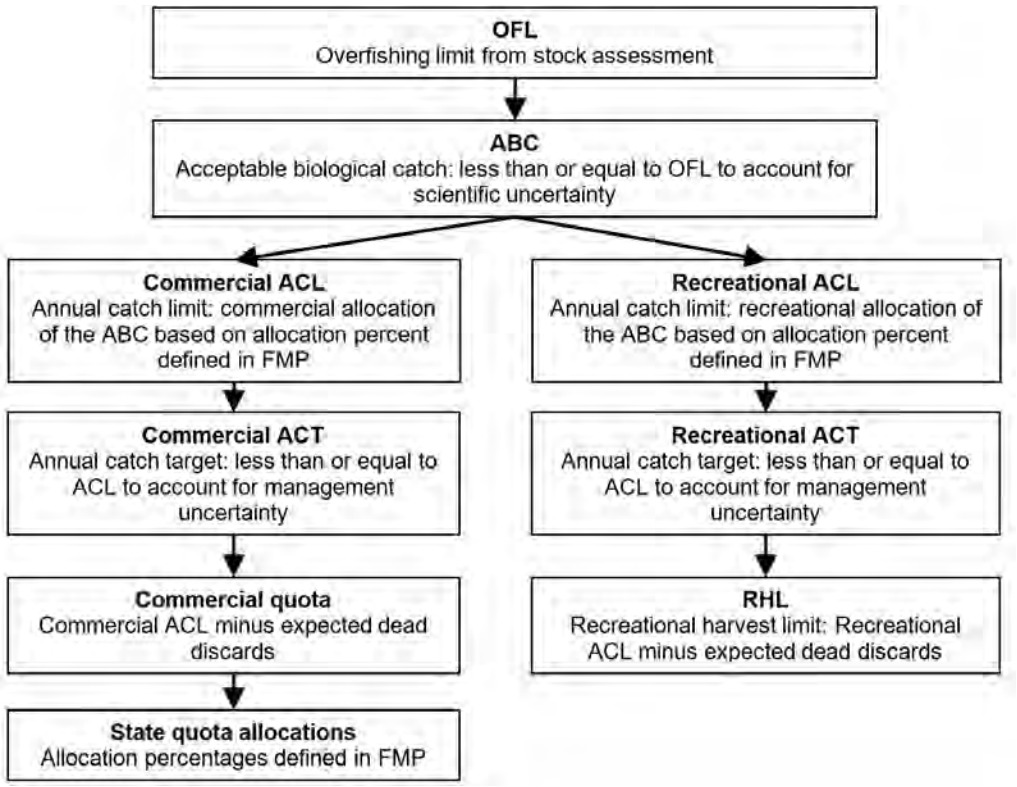


Figure 1. Example flowchart for the process for defining recreational and commercial catch and landings limits for summer flounder, scup, black sea bass, and bluefish. The specific requirements for each species are defined in the FMPs.

The Commission's species management boards and Council determine whether measures should remain status quo, or if there should be an overall percentage liberalization or reduction in harvest. These bodies jointly set federal waters measures and state waters measures are subsequently approved by the Boards.

Prior to the Harvest Control Rule Addenda/Framework, recreational measures (i.e., bag, size, and season limits) were set with the goal of allowing harvest to meet, but not exceed the RHL. In preventing RHL overages, recreational measures also aimed to prevent ACL overages and overfishing.

Of the four species' fisheries, those that tend to meet or exceed their RHL required frequent changes to the recreational bag, size, and season limits aimed at preventing future RHL overages. This has not only been frustrating for stakeholders, but also can lead to issues with the enforceability of the management measures and can increase the likelihood of unintentional violations (ASMFC 2024a). In some cases, the required changes in measures appear to have responded to variability in recreational catch and uncertainty in the Marine Recreational Information Program (MRIP) estimates rather than a clear conservation need. This challenge has been referred to as "chasing the RHL." In addition, many recreational stakeholders expressed frustration that measures for these species did not appear reflective of stock status. For example, black sea bass measures have been more restrictive in recent years when the stock is more than double the target level compared to when the stock was under a rebuilding plan.

The Percent Change Approach, which was implemented through the Harvest Control Rule Framework/Addenda in 2023, aimed to address these issues by setting measures for two years at a time, requiring consideration of uncertainty in the MRIP harvest estimates through use of confidence intervals, and adding additional considerations for stock status. As described in more detail in Section 3.2, the Percent Change Approach uses the RHL and other information to define a harvest target for setting recreational measures. This harvest target can be higher than, lower than, or equal to the RHL. The harvest target is based on two factors: 1) Comparison of a confidence interval around an estimate of expected harvest under status quo measures to the average RHL for the upcoming two years and 2) Biomass compared to the target level, as defined by the most recent stock assessment.

Through the Recreational Measures Setting Process Addenda/Framework, the Commission and Council wish to further evaluate the Percent Change Approach and other possible approaches to determine the appropriate long-term process for setting recreational measures for all four species.

The FMPs for the four species do not specify what methods should be used to determine which recreational management measures are expected to meet the relevant target (i.e., the RHL prior to 2023 or the level of harvest required by the Percent Change Approach since 2023). The methods can differ based on recommendations from the Council's Monitoring Committees and the Commission's Technical Committees. Since 2023, a tool referred to as the Recreation Demand Model has been used to set recreational measures for summer flounder, scup, and black sea bass (Carr-Harris et al. 2024). The model produces estimates of recreational harvest and discards given a suite of proposed regulatory measures for each state. The Recreation Demand Model incorporates data on recent recreational harvest and discards from MRIP, as well as information on angler behavior from a survey administered to anglers who recently

fished for summer flounder, scup, or black sea bass. The Recreation Demand Model also incorporates information from the stock assessments on availability of the three species. The Recreation Demand Model is not available for bluefish. Therefore, bluefish measures are set based on an analysis of MRIP data only, as was also done for summer flounder, scup, and black sea bass prior to 2023. Improved analysis or modeling approaches for setting bluefish measures can be considered in the future without requiring a change to the FMP.

The Draft Addenda include special considerations for stocks in a rebuilding plan. The potential management programs outlined in this document are not meant to replace any species rebuilding measures. The bluefish stock was declared overfished in 2019, triggering the development of a rebuilding plan and a need for more restrictive management measures than had previously been in place. Any measures implemented for bluefish must comply with the rebuilding plan.

2.3 Status of the Stocks

2.3.1 Summer Flounder

The most recent summer flounder management track stock assessment was completed in June 2023, using data through 2022 (NEFSC 2023a). The assessment approach is a statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2023 assessment indicated that the summer flounder stock was not overfished, but overfishing was occurring in 2022 with fishing mortality estimated at 103% of the overfishing threshold proxy (Figure 2). Spawning stock biomass (SSB) was estimated to be 83% of the biomass target and stock recruitment has been below average since 2011.

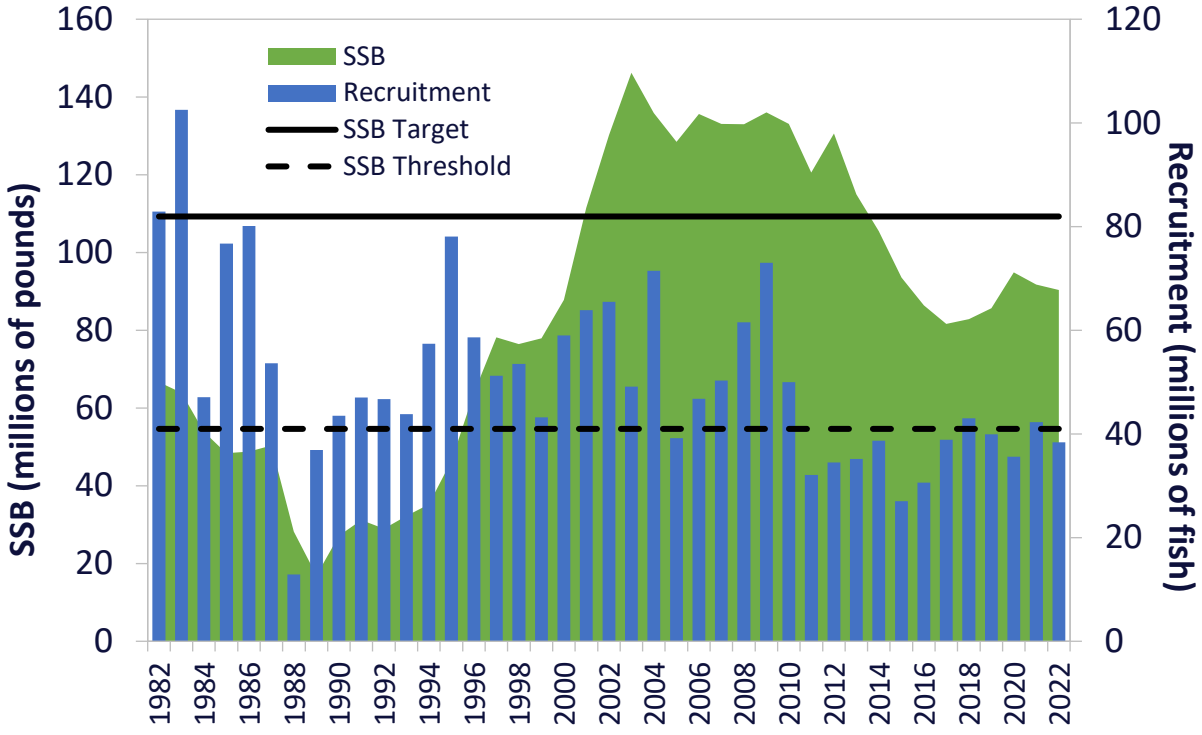


Figure 2. Summer flounder spawning stock biomass and recruitment. Source: 2023 Management Track Assessment Report, Northeast Fisheries Science Center.

2.3.2 Scup

The most recent scup management track stock assessment was completed in June 2023, using data through 2022 (NEFSC 2023b). The assessment approach is a statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2023 assessment indicated that the scup stock was not overfished, with biomass 246% of the biomass target, and overfishing was not occurring in 2022 (Figure 3). Fishing mortality was 52% of the overfishing threshold proxy.

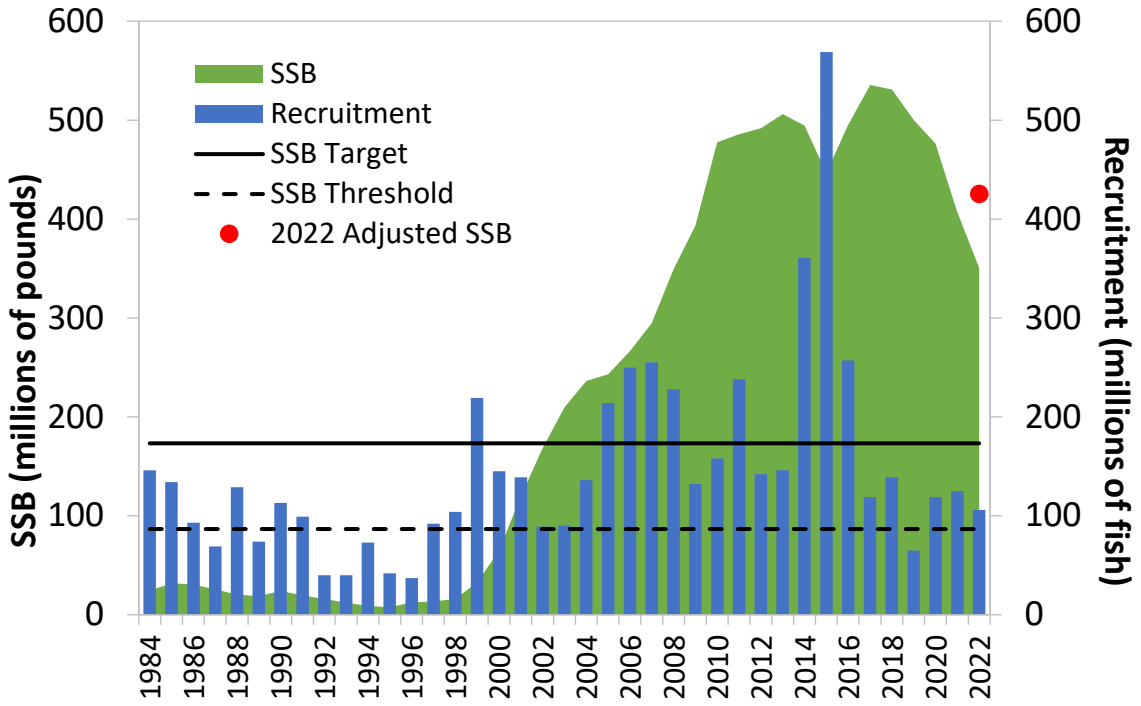


Figure 3. Scup spawning stock biomass and recruitment. 2022 spawning stock biomass was adjusted for a retrospective pattern with both the unadjusted and adjusted values shown above. The adjusted value was used in management. Source: 2023 Management Track Assessment Report, Northeast Fisheries Science Center.

2.3.3 Black Sea Bass

The most recent black sea bass stock assessment update was completed in June 2024, using data through 2023 (NEFSC 2024). The assessment used a combined-sex age-structured approach that modeled the stock as two sub-units, divided at Hudson Canyon, with mixing between the northern and southern sub-units. Results from the 2024 assessment indicated that the black sea bass stock was not overfished and overfishing was not occurring during 2023. SSB in 2023 was estimated to be 219% of the biomass target (Figure 4), and fishing mortality was 77% of the overfishing threshold.

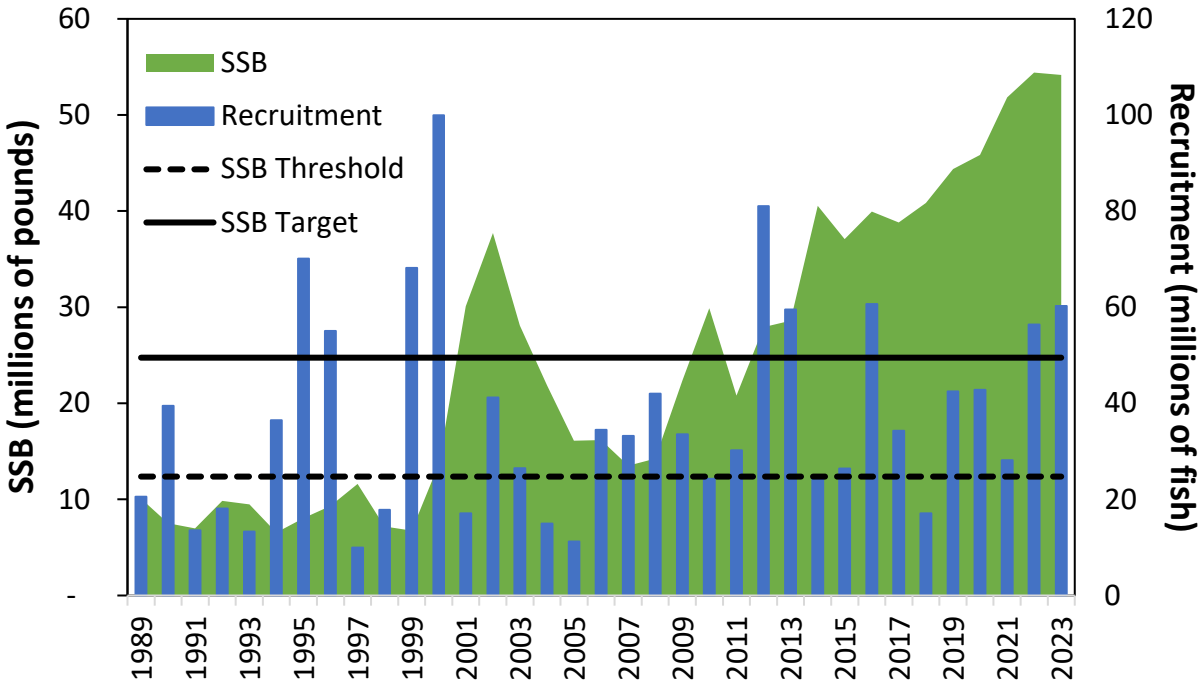


Figure 4. Black sea bass spawning stock biomass and recruitment. Source: 2024 Management Track Assessment Report, Northeast Fisheries Science Center.

2.3.4 Bluefish

The most recent bluefish management track stock assessment was completed in June 2023, using data through 2022 (NEFSC 2023c). The assessment approach is an analytical state-space model incorporating a broad array of fishery and survey data. Results from the 2023 assessment indicated that the bluefish stock was not overfished and overfishing was not occurring in 2022 (Figure 5). While the bluefish stock is not considered overfished based on the 2023 assessment, bluefish will remain in a rebuilding plan until SSB reaches the target level. In 2023, SSB was estimated to be 60% of the biomass target and fishing mortality was 64% of the overfishing threshold.

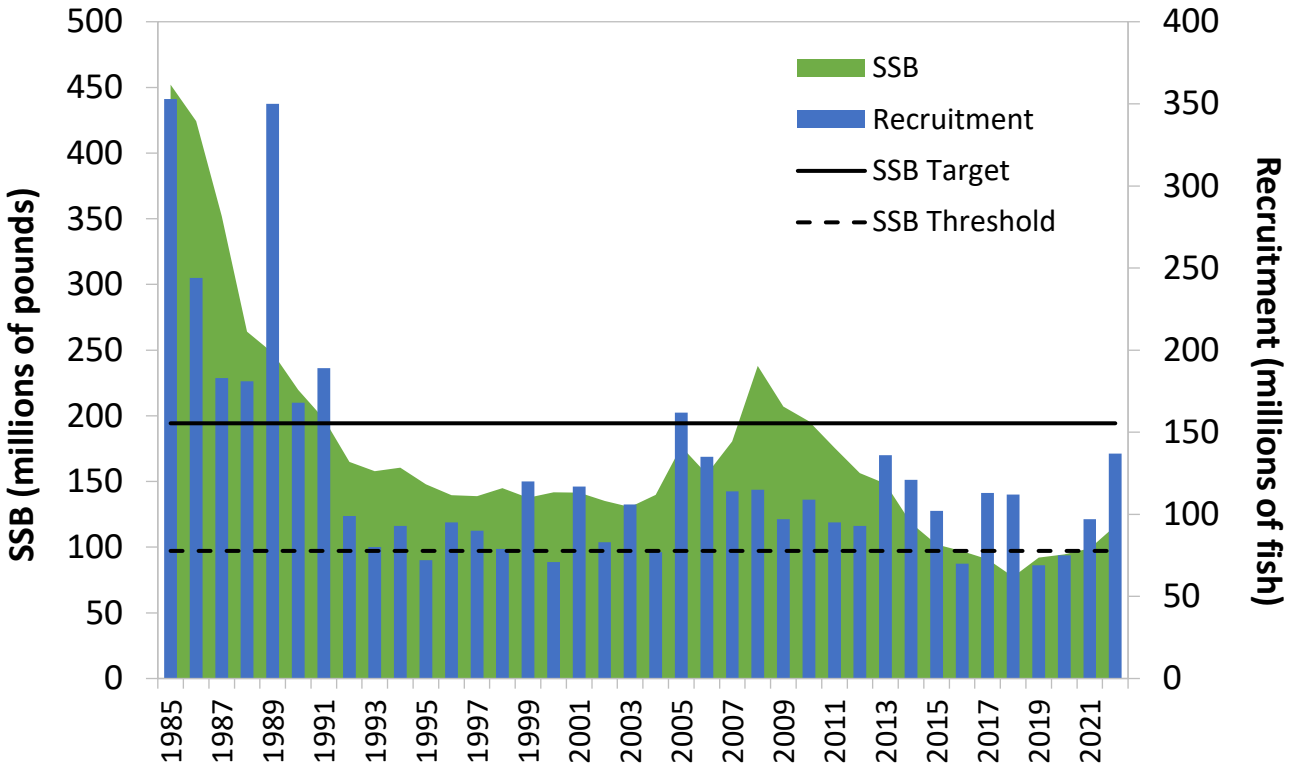


Figure 5. Bluefish spawning stock biomass and recruitment. Source: 2023 Management Track Assessment Report, Northeast Fisheries Science Center.

2.4 Status of the Fisheries

Note: Since the addenda consider management of the recreational fisheries for summer flounder, scup, black sea bass, and bluefish, the following information focuses on those recreational fisheries. For information on the commercial fisheries, see the Reviews of the FMPs for Summer Flounder, Scup, Black Sea Bass, and Bluefish for the 2023 Fishing Year (ASMFC 2024b-e). MRIP data reported below were queried in July of 2024.

2.4.1 Summer Flounder

From 2014 through 2023, MRIP estimates indicate that recreational summer flounder harvest was highest in 2014, with 5.36 million fish landed, totaling 16.23 million pounds. Recreational harvest reached a low in 2021 with 2.32 million fish landed (6.82 million pounds). Over the same time period, recreational catch (harvest plus live and dead discards) was highest in 2014 with 44.57 million fish caught, and was lowest in 2018 with 22.67 million fish caught.

In 2023, 934 vessels held summer flounder federal party/charter permits. Many of these vessels also hold party/charter permits for scup and black sea bass. On average, an estimated 77% of the recreational landings (in numbers of fish) occurred in state waters over the past ten years. Most summer flounder are typically landed in New York and New Jersey. About 80% of recreational summer flounder harvest between 2021 and 2023 was from anglers who fished on private or rental boats. About 5% was from party or charter boats, and about 15% was from anglers fishing from shore.

2.4.2 Scup

From 2014 through 2023, MRIP estimates indicate that recreational catch of scup (in number of fish) was highest in 2017 at 41.20 million scup and harvest was highest in 2022 with an estimated 17.71 million scup landed by recreational fishermen from Maine through North Carolina. Recreational catch was lowest in 2014 when an estimated 20.88 million scup were caught, and harvest was lowest in 2016 with 9.14 million fish landed.

In 2023, 748 vessels held scup federal party/charter permits. Many of these vessels also held party/charter permits for summer flounder and black sea bass. Between 2021 and 2023, on average 96% of recreational scup catch (in numbers of fish) occurred in state waters and about 4% occurred in federal waters. New York, Connecticut, Rhode Island, Massachusetts, and New Jersey accounted for over 99% of recreational scup harvest in 2023. About 53% of recreational scup landings (in numbers of fish) in 2023 were from anglers who fished on private or rental boats and about 36% were from anglers fishing from shore. Additionally, about 12% were from anglers fishing on party or charter boats.

2.4.3 Black Sea Bass

From 2014 through 2023, MRIP estimates indicate that recreational harvest of black sea bass has remained relatively stable, with a high in 2021 at 6.43 million fish, or 11.96 million pounds. During this same period, recreational harvest was lowest in 2014, at 3.97 million fish, or 7.24 million pounds. Total recreational black sea bass catch (i.e., harvest plus live and dead releases) from Maine through Cape Hatteras, North Carolina has exceeded 40 million fish each year for the most recent three years, peaking in 2021 at 42.67 million fish. Due to fishery regulations and other factors, most of these fish are released.

In 2023, 36% of black sea bass harvested by recreational fishermen from Maine through Cape Hatteras, North Carolina (in numbers of fish) were caught in state waters and 64% in federal waters. Most of the recreational harvest in numbers of fish in 2023 was landed in New Jersey (36%), followed by New York (18%). In 2023, 942 vessels held a federal party/charter black sea bass permit. About 90% of the recreational black sea bass harvest in numbers of fish in 2023 came from anglers fishing on private or rental boats, about 9% from anglers aboard party or charter boats, and 1% from anglers fishing from shore.

2.4.4 Bluefish

From 2014 through 2023, recreational catch averaged 36.45 million fish annually. Over those 10 years, catch has declined by 60%. In 2023, recreational catch was estimated at 22.01 million fish. In 2023, recreational anglers harvested an estimated 4.55 million fish weighing 11.03 million pounds. Harvest since 2018 has been exceptionally low compared to the performance of the fishery prior to 2018. The 2023 average weight of landed fish was 2.4 pounds, which is the heaviest since 2008. This higher average weight is likely due to the majority of landings (by weight) occurring in northern states in 2023, which typically harvest a larger fish (relative to states south of Virginia). In 2023, the states with the highest recreational harvest (pounds) were New York (28%), North Carolina (14%), and Massachusetts (13%). Fish from southern states (North Carolina through Florida) made up 27% of the landings and are typically smaller on

average than fish caught in northern states (Maine through Virginia). In 2023, recreational dead releases (9.4% of released alive fish) were estimated at 1.64 million fish. The qualitative trend in dead releases has been declining since about 2010.

3.0 Proposed Management Options

The Commission and Council are considering changes to the process of setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. The Council is bound by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including requirements for ACLs, accountability measures (AMs), and prevention of overfishing. NOAA Fisheries, which has final approval authority for Council management documents, will not approve measures that are inconsistent with the MSA. NOAA Fisheries provides guidance throughout development of Council actions to ensure that the preferred options selected for implementation are consistent with the MSA and other applicable laws. When the Board takes final action on the addenda, they may select any measure within the range of options that went out for public comment, including combining options across issues.

3.1 Option A. No Action (Revert Back to Managing Based on the RHL)

If the Commission and Council take no action through the Recreational Measures Setting Process Framework/Addenda, the Percent Change Approach will sunset at the end of 2025 and the process for setting recreational measures, starting with 2026 measures, would revert back to the requirements of the FMPs prior to implementation of the Harvest Control Rule Framework/Addenda. Specifically, measures would be set with the primary goal of allowing harvest to meet but not exceed the RHL. Specific methodologies for setting measures to meet but not exceed the RHL are not codified in the FMP. The Monitoring and Technical Committees can provide advice on the preferred methods for setting measures to achieve this goal for each specifications cycle. The Recreation Demand Model, described in more detail in Section 2.2, could be used under this or any other option. Unlike the other options under consideration, under this option, recreational measures would be set for one year at a time. However, the stock assessments would be updated every other year and the full suite of catch and landings limits summarized in Figure 1 would be set during the same years as the assessment updates.

Additional details on how state measures would be set are outlined in Addendum XXXII for summer flounder and black sea bass, Addendum XI for scup, and Amendment 1 for bluefish. However, the bluefish stock will remain in the seven-year rebuilding plan outlined in Amendment 2 until the stock reaches the target level of spawning stock biomass.

Recreational Accountability Measures Under the No Action Option (Option A)

The Magnuson-Stevens Fishery Conservation and Management Act requires that Council FMPs contain provisions for annual catch limits (ACLs) and "measures to ensure accountability." The National Standards Guidelines state that accountability measures (AMs) "are management controls to prevent ACLs, including sector-ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur. AMs should address and minimize both the

frequency and magnitude of overages and correct the problems that caused the overage in as short a time as possible" (50 CFR 600.310 (g)).

AMs are included in the Council's FMP. They are not included in the Commission's FMP; however, any changes to the AMs considered through this action will be considered by both the Council and Commission.

The current recreational AMs would remain in place under the No Action Option. The current recreational AMs for these species are described in more detail in the federal regulations at 50 CFR 648.103 for summer flounder, 50 CFR 648.123 for scup, 50 CFR 648.143 for black sea bass, and 50 CFR 648.163 for bluefish. Key aspects of these AMs are summarized below.

Summer Flounder, Scup, and Black Sea Bass Recreational AMs

Reactive AMs for the summer flounder, scup, and black sea bass recreational fisheries are triggered when the most recent three-year average recreational catch has exceeded the three-year average recreational ACL. The required AM response varies based on stock status, as described below.

1) If the stock is overfished (i.e., biomass is less than 50% of the target), under a rebuilding plan, or biological reference points (B or B_{MSY}) are unknown: The exact amount, in pounds, by which the most recent three-year average recreational catch has exceeded the three-year average recreational ACL will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

2) If biomass is at least 50% of the target, but less than 100% of the target, and the stock is not under a rebuilding plan:
    a) If only the recreational ACL has been exceeded, then adjustments to the recreational measures will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

    b) If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass.

    The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback may be evenly spread over 2 years if doing so allows for identical recreational measures across the upcoming 2 years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the acceptable biological catch (ABC) will be used.

3) If biomass is above the target: Adjustments to the recreational measures will be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

Bluefish Recreational AMs

Reactive recreational AMs for the bluefish recreational fishery are very similar to the process described above for summer flounder, scup, and black sea bass with a few key differences. First, ACL overages are evaluated, and associated paybacks are calculated, on a 1-year basis as opposed to a 3-year average. Second, if a transfer between the commercial and recreational sectors caused the transferring sector to register an ACL overage, then instead of applying an overage payback to the transferring sector, a transfer in a subsequent year would be reduced by the amount of the ACL overage.

3.2 Option B. Percent Change Approach as adopted by the Harvest Control Rule Framework/Addenda

Under this option, the currently implemented Percent Change Approach would be maintained for 2026 and beyond without a sunset. The current Percent Change Approach sunset cannot be extended or removed without management action through a framework/addenda.

Under the Percent Change Approach as currently implemented, measures must aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming two years under current measures. The resulting value of harvest in pounds is referred to as the harvest target.

The harvest target can be equal to, less than, or higher than the RHL. It varies based on the following two factors:
A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and Spawning stock biomass (SSB) compared to the target level (SSB_{MSY}), as defined by the most recent stock assessment.

The resulting percent change in expected harvest that measures should aim to achieve is summarized in Table 1.

Table 1. Process for determining the appropriate percent change in harvest when developing management measures under the currently implemented Percent Change Approach (Option B).

Future RHL vs Estimated Harvest	Spawning stock biomass compared to target level (SSB/SSB_{MSY})	Change in Expected Harvest
Future 2-year average RHL is **greater than** the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	**Very high** (greater than 150% of target)	**Liberalization** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target, but no higher than 150% of target)	**Liberalization** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below target stock size)	**Liberalization:** 10%
Future 2-year average RHL is **within** harvest estimate CI (harvest expected to be close to the RHL)	**Very high** (greater than 150% of target)	**Liberalization:** 10%
	High (at least the target, but no higher than 150% of target)	**No liberalization or reduction:** 0%
	Low (below target stock size)	**Reduction:** 10%
Future 2-year average RHL is **less than** the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	**Very high** (greater than 150% of target)	**Reduction:** 10%
	High (at least the target, but no higher than 150% of target)	**Reduction** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below target stock size)	**Reduction** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Under this option, recreational measures would be set during the same year as catch and landings limits in response to updated stock assessment information. It is anticipated that updated stock assessments will be available every other year for all four species; therefore, measures would be set for two years at a time. In interim years, measures would be reviewed and may be modified if new data suggest a major change in the expected impacts of those measures on the stock or the fishery.

This option would not require specific methods for calculating the estimate of harvest under status quo measures and the associated confidence interval. The Monitoring and Technical Committees would provide advice each specifications cycle on the most appropriate methods. Since 2023, the harvest estimates and associated confidence intervals have been calculated

using the Recreation Demand Model for summer flounder, scup, and black sea bass. The Recreation Demand Model is described in more detail in Section 2.2.

Although the Percent Change Approach allows harvest to exceed the RHL in some cases, recreational ACL overages can trigger accountability measures (AMs). As previously stated, the RHL is a harvest limit and is derived from the Recreational ACL, which accounts for recreational harvest and dead releases (Figure 1). The current AMs, which are described in Section 3.1, would be maintained under this option. As described in Section 3.1, the response required by the AMs varies based on stock status. Paybacks of ACL overages are required in some circumstances, which would reduce the RHL and possibly the harvest target in future years. In other cases, a payback is not required but measures must be modified.

In addition, under this and all other options in the addenda, the Board and Council may choose to implement more restrictive measures than would otherwise be required in order to address management uncertainty or concerns about the long-term sustainability of the stock.

Under this option, stocks under an approved rebuilding plan would be subject to the measures of that rebuilding plan. This option would not replace any rebuilding plan measures. For example, bluefish has been under a rebuilding plan since 2022. This option cannot be used for bluefish until the stock is no longer in a rebuilding plan (i.e., until biomass reaches the target level). In cases where a stock is declared overfished but a rebuilding plan has not yet been implemented, this option may be used to set temporary measures to be replaced with rebuilding plan measures as soon as possible. It can take up to two years for a rebuilding plan to be developed, approved, and implemented after a stock is declared overfished.

3.3 Option C: Modified Percent Change Approach Using the RHL and Harvest

This option is similar to the currently implemented Percent Change Approach (Option B). It includes several modifications based on lessons learned from using the Percent Change Approach for setting 2023-2025 recreational measures for summer flounder, scup, and black sea bass. Specifically, this option adds an additional biomass category (i.e., around the target), treats overfished stocks separately, and adds more opportunities for status quo harvest levels. This option is summarized in Table 2.

As with the currently implemented Percent Change Approach, recreational measures under this option must aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming two years under current measures. The resulting value of harvest in pounds is referred to as the harvest target.

The harvest target can be equal to, less than, or higher than the RHL. It varies based on the following two factors:

1) A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and

2) Spawning stock biomass (SSB) compared to the target level (SSB_{MSY}), as defined by the most recent stock assessment.

The resulting percent change in expected harvest that measures should aim to achieve is summarized in Table 2.

Table 2: Option C - Modified Percent Change Approach using the RHL and harvest (continued on next page).

Future RHL vs Estimated Harvest	**Spawning stock biomass compared to target level** (SSB/SSB_{MSY})	**Change in Expected Harvest**
Future 2-year average RHL is **greater than** the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	**Very high** (greater than or equal to 150% of target)	**Liberalization** %= difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (greater than or equal to 110% but less than 150%)	**Liberalization** %= difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Around the target (greater than or equal to 90% but less than 110%)	**Liberalization**: 10%
	Low (greater than or equal to 50% but less than 90%)	**No liberalization or reduction**: 0%
Future 2-year average RHL is **within** harvest estimate CI (harvest expected to be close to the RHL)	**Very high to low** (greater than 50%)	**No liberalization or reduction**: 0%
Future 2-year average RHL is **less than** the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	**Very high** (greater than or equal to 150% of target)	**No liberalization or reduction**: 0% Unless an AM is triggered[1]
	High (greater than or equal to 110% but less than 150%)	**Reduction:** 10%
	Around the target (greater than or equal to 90% but less than 110%)	**Reduction** %= difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (greater than or equal to 50% but less than 90%)	**Reduction** %= difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

[1] AMs are highlighted here given that an RHL overage would be expected in this scenario; however, as described in more detail below, AMs apply under all outcomes illustrated in this table.

Biomass compared to target (SSB/SSB_{MSY})	**Change in Harvest**
Overfished (less than 50% of target)	No liberalizations allowed. Reduction %= difference between harvest estimate and 2-year avg. RHL. To be replaced with rebuilding plan measures as soon as possible

Under this option, recreational measures would be set in sync with the setting of catch and landings limits in response to updated stock assessment information. It is anticipated that updated stock assessments will be available every other year for all four species; therefore, measures would be set for two years at a time. In interim years, measures would be reviewed and may be modified if new data suggest a major change in the expected impacts of those measures on the stock or the fishery.

As with Option B, this option would not require specific methods for calculating the estimate of harvest under status quo measures and the associated confidence interval. The Monitoring and Technical Committees would provide advice each specifications cycle on the most appropriate methods. Since 2023, the harvest estimates and associated confidence intervals have been calculated using the Recreation Demand Model for summer flounder, scup, and black sea bass. The Recreation Demand Model is described in more detail in Section 2.2.

Under this and all other options in the addenda, the Board and Council may choose to implement more restrictive measures than would otherwise be required to address management uncertainty or concerns about the long-term sustainability of the stock.

Under this option, stocks under an approved rebuilding plan would be subject to the measures of that rebuilding plan. This option would not replace any rebuilding plan measures. As previously stated, bluefish has been under a rebuilding plan since 2022. This option cannot be used for bluefish until the stock is no longer in a rebuilding plan (i.e., until biomass reaches the target level). In cases where a stock is declared overfished but a rebuilding plan has not yet been implemented, this option may be used to set temporary measures to be replaced with rebuilding plan measures as soon as possible. It can take up to two years for a rebuilding plan to be developed, approved, and implemented after a stock is declared overfished.

<u>Recreational Accountability Measures Under Modified Percent Change Approach Using the RHL and Harvest (Option C)</u>

Option C would allow the harvest target to exceed the RHL in some cases. However, accountability measures (AMs) would still be triggered by overages of the recreational ACL. Background information on AMs is provided in Section 3.1. Two sub-options are under consideration for modified recreational AMs under this alternative. Sub-option C-1 would modify the current AMs to better align with the structure of the Modified Percent Change Approach. Sub-option C-2 includes additional modifications to give greater consideration to whether overfishing is occurring based on the most recent information.

Sub-Option C-1: Recreational AMs With Modified Biomass Categories

This sub-option would maintain the current recreational AMs as described in Section 3.1 with the modifications and clarification shown below. **Bold green text** indicates an addition to the current AMs. ~~Red strikethrough text~~ indicates a deletion.

1) If the stock is overfished (i.e., biomass is less than 50% of the target), under a rebuilding plan, or biological reference points (B or B_{MSY}) are unknown: The exact amount, in pounds, by which the most recent three-year average recreational catch has exceeded the three-year average recreational ACL[2] will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

2) If biomass is at least 50% of the target, but less than ~~100%~~ **90%** of the target, and the stock is not under a rebuilding plan:
    a) If only the recreational ACL has been exceeded, then adjustments to the recreational measures will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

    b) If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass.

    The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback may be evenly spread over 2 years if doing so allows for identical recreational measures across the upcoming 2 years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the acceptable biological catch (ABC) will be used.

3) If biomass is ~~above~~ **at least 90% of** the target: Adjustments to the recreational measures ~~will~~ **may**[3] be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage. **If a liberalization is allowed, the scale of the liberalization may be reduced to account for the AM. The Monitoring Committee will recommend the appropriate adjustment.**

[2] This is based on the most recent three years for summer flounder, scup, and black sea bass and the most recent single year for bluefish.

[3] The intent of this change is to allow the flexibility for status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed. Under the current regulations, measures must always be changed when an AM is triggered and the stock is above the biomass target.

Sub-Option C-2: Recreational AMs with Modified Biomass Categories and Greater Consideration of Overfishing

This sub-option would make the same modifications as summarized above for Option C-1. It would also make additional modifications to give greater consideration to if overfishing is occurring based on the most recent information. **Bold green text** below indicates an addition to the current AMs. ~~Red strikethrough text~~ indicates a deletion.

1) If the stock is overfished (i.e., biomass is less than 50% of the target), under a rebuilding plan, or biological reference points (B or B_{MSY}) are unknown: The exact amount, in pounds, by which the most recent three-year average recreational catch has exceeded the three-year average recreational ACL[4] will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

2) If biomass is at least 50% of the target, but less than ~~100%~~ **90%** of the target, and the stock is not under a rebuilding plan:
    a) If only the recreational ACL has been exceeded, then ~~adjustments to the recreational measures will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage~~ **no AM response is needed**.

    b) If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass.

    The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback may be evenly spread over 2 years if doing so allows for identical recreational measures across the upcoming 2 years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the acceptable biological catch (ABC) will be used.

3) If biomass is ~~above~~ **at least 90% of** the target:
    a) **If only the recreational ACL has been exceeded, no AM response is needed.**

    b) **If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage,** ~~A~~adjustments to the recreational measures

[4] This is based on the most recent three years for summer flounder, scup, and black sea bass and the most recent single year for bluefish.

~~will~~ **may**[5] be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage. **If a liberalization is allowed, the scale of the liberalization may be reduced to account for the AM. The Monitoring Committee will recommend the appropriate adjustment.**

3.4 Option D. Modified Percent Change Approach Using the Recreational ACT and Catch

This option is the same as Option C except instead of using the RHL and harvest, it uses the Recreational ACT and recreational dead catch (i.e., recreational harvest plus dead releases). This would allow for greater consideration of release mortality when setting measures compared to options which aim to achieve a specified level of harvest.

The Recreation Demand Model, which has been used in the process for setting summer flounder, scup, and black sea bass measures since 2023, produces estimates of releases as well as harvest. As previously stated, this model is not available for bluefish; therefore, if this method were to be used for bluefish once the stock is no longer in a rebuilding plan, different methods would be used for bluefish (e.g., an analysis of MRIP data alone or a new modeling approach to be developed for bluefish).

Recreational measures under this option must aim to achieve a specified percent change in recreational catch (i.e., recreational harvest plus dead releases) compared to the expectation of recreational catch in the upcoming two years under current measures. The resulting value of catch in pounds is referred to as the recreational catch target.

The recreational catch target can be equal to, less than, or higher than the ACT. It varies based on the following two factors:

1) A confidence interval (CI) around an estimate of expected catch in the upcoming two years under current measures compared to the average recreational ACT for the upcoming two years and
2) Spawning stock biomass (SSB) compared to the target level (SSB_{MSY}), as defined by the most recent stock assessment.

These two factors are the same as under Options B and C except that the RHL is replaced with the recreational ACT and recreational harvest is replaced with recreational dead catch. The resulting percent change in expected catch that measures should aim to achieve is summarized in Table 3.

[5] The intent of this change is to allow the flexibility for status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed. Under the current regulations, measures must always be changed when an AM is triggered and the stock is above the biomass target.

Table 3: Option D - Modified Percent Change Approach using the recreational ACT and catch.

Future ACT vs Estimated Catch	**Spawning stock biomass compared to target level** (SSB/SSB_{MSY})	**Change in Expected Catch**
Future 2-year average ACT is **greater than** the upper bound of the catch estimate CI (catch expected to be lower than the ACT)	**Very high** (greater than or equal to 150% of target)	**Liberalization** %= difference between catch estimate and 2-year avg. ACT, not to exceed 40%
	High (greater than or equal to 110% but less than 150%)	**Liberalization** %= difference between catch estimate and 2-year avg. ACT, not to exceed 20%
	Around the target (greater than or equal to 90% but less than 110%)	**Liberalization**: 10%
	Low (greater than or equal to 50% but less than 90%)	**No liberalization or reduction**: 0%
Future 2-year average ACT is **within** catch estimate CI (catch expected to be close to the ACT)	**Very high to low** (greater than 50%)	**No liberalization or reduction**: 0%
Future 2-year average ACT is **less than** the lower bound of the catch estimate CI (catch is expected to exceed the ACT)	**Very high** (greater than or equal to 150% of target)	**No liberalization or reduction**: 0% Unless an AM is triggered[6]
	High (greater than or equal to 110% but less than 150%)	**Reduction:** 10%
	Around the target (greater than or equal to 90% but less than 110%)	**Reduction** %= difference between catch estimate and 2-year avg. ACT, not to exceed 20%
	Low (greater than or equal to 50% but less than 90%)	**Reduction** %= difference between catch estimate and 2-year avg. ACT, not to exceed 40%

Biomass compared to target (SSB/SSB_{MSY})	**Change in Harvest**
Overfished (less than 50% of target)	No liberalizations allowed. Reduction %= difference between harvest estimate and 2-year avg. ACT. To be replaced with rebuilding plan measures as soon as possible

[6] AMs are highlighted here given that an ACT overage would be expected in this scenario; however, as described in more detail below, AMs apply under all outcomes illustrated in this table.

Under this option, recreational measures would be set in sync with the setting of catch and landings limits in response to updated stock assessment information. It is anticipated that updated stock assessments will be available every other year for all four species; therefore, measures would be set for two years at a time. In interim years, measures would be reviewed and may be modified if new data suggest a major change in the expected impacts of those measures on the stock or the fishery.

Under this and all other options in the addenda, the Board and Council may choose to implement more restrictive measures than would otherwise be required to address management uncertainty or concerns about the long-term sustainability of the stock.

Under this option, stocks under an approved rebuilding plan would be subject to the measures of that rebuilding plan. This option would not replace any rebuilding plan measures. As previously stated, bluefish has been under a rebuilding plan since 2022. This option cannot be used for bluefish until the stock is no longer in a rebuilding plan (i.e., until biomass reaches the target level). In cases where a stock is declared overfished but a rebuilding plan has not yet been implemented, this option may be used to set temporary measures to be replaced with rebuilding plan measures as soon as possible. It can take up to two years for a rebuilding plan to be developed, approved, and implemented after a stock is declared overfished.

<u>Recreational Accountability Measures Under Modified Percent Change Approach Using the ACT and Catch (Option D)</u>

Option D would allow catch to exceed the ACT in some cases. However, accountability measures (AMs) would still be triggered by overages of the recreational ACL. Background information on AMs is provided in Section 3.1. Two sub-options are under consideration for modified recreational AMs under this alternative. Sub-option D-1 would modify the current AMs to better align with the structure of the Modified Percent Change Approach. Sub-option D-2 includes additional modifications to give greater consideration to if overfishing is occurring based on the most recent information. These two sub-options are the same as the reactive AM sub-options under consideration for Option C (Modified Percent Change Approach Using the RHL and Harvest) as described in the previous section.

<u>Sub-Option D-1: Recreational AMs With Modified Biomass Categories</u>

This sub-option would maintain the current recreational AMs as described in Section 3.1 with the modification and clarification shown below. **Bold green text** indicates an addition to the current AMs. ~~Red strikethrough text~~ indicates a deletion.

1) If the stock is overfished (i.e., biomass is less than 50% of the target), under a rebuilding plan, or biological reference points (B or B_{MSY}) are unknown: TThe exact amount, in pounds, by which the most recent three-year average recreational catch has exceeded the three-year average recreational ACL[7] will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread

[7] This is based on the most recent three years for summer flounder, scup, and black sea bass and the most recent single year for bluefish.

over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

2) If biomass is at least 50% of the target, but less than ~~100%~~ **90%** of the target, and the stock is not under a rebuilding plan:

    a) If only the recreational ACL has been exceeded, then adjustments to the recreational measures will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

    b) If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass.

    The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback may be evenly spread over 2 years if doing so allows for identical recreational measures across the upcoming 2 years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the acceptable biological catch (ABC) will be used.

3) If biomass is ~~above~~ **at least 90% of** the target: Adjustments to the recreational measures ~~will~~ **may**[8] be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage. **If a liberalization is allowed, the scale of the liberalization may be reduced to account for the AM. The Monitoring Committee will recommend the appropriate adjustment.**

<u>Sub-Option D-2: Recreational AMs with Modified Biomass Categories and Greater Consideration of Overfishing</u>

This sub-option would make the same modifications as summarized above for Option C-1. It would also make additional modifications to give greater consideration to if overfishing is occurring based on the most recent information. **Bold green text** below indicates an addition to the current AMs. ~~Red strikethrough text~~ indicates a deletion.

1) If the stock is overfished (i.e., biomass is less than 50% of the target), under a rebuilding plan, or biological reference points (B or B_{MSY}) are unknown: The exact amount, in pounds, by which the most recent three-year average recreational catch has exceeded

[8] The intent of this change is to allow the flexibility for status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed. Under the current regulations, measures must always be changed when an AM is triggered and the stock is above the biomass target.

the three-year average recreational ACL[9] will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

2) If biomass is at least 50% of the target, but less than ~~100%~~ **90%** of the target, and the stock is not under a rebuilding plan:
    a) If only the recreational ACL has been exceeded, then ~~adjustments to the recreational measures will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage~~ **no AM response is needed**.

    b) If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass.

    The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback may be evenly spread over 2 years if doing so allows for identical recreational measures across the upcoming 2 years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the acceptable biological catch (ABC) will be used.

3) If biomass is ~~above~~ **at least 90% of** the target:
    a) **If only the recreational ACL has been exceeded, no AM response is needed.**

    b) **If overfishing occurred in the most recent year, in addition to the three-year average recreational ACL overage,** ~~A~~adjustments to the recreational measures ~~will~~ **may**[10] be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage. **If a liberalization is allowed, the scale of the liberalization may be reduced to account for the AM. The Monitoring Committee will recommend the appropriate adjustment.**

[9] This is based on the most recent three years for summer flounder, scup, and black sea bass and the most recent single year for bluefish.

[10] The intent of this change is to allow the flexibility for status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed. Under the current regulations, measures must always be changed when an AM is triggered and the stock is above the biomass target.

3.5 Option E. Biomass and Fishing Mortality Matrix Approach

This option uses the following factors to determine if measures should be modified to achieve a specified liberalization or reduction in expected recreational catch (i.e., harvest and dead releases), or if expected catch should remain status quo:

1) Spawning stock biomass (SSB) compared to the target level (SSB_{MSY}), as defined by the most recent stock assessment,
2) Fishing mortality (F) compared to the threshold that defines overfishing (F_{MSY}), as defined by the most recent stock assessment
3) Recreational catch (i.e., harvest and dead releases) compared to the recreational ACL in the prior year (this is only considered when the most recent fishing mortality rate estimate is greater than 105% of F_{MSY}).

The resulting percent change in expected catch that measures should aim to achieve is summarized in Table 4.

Under this option, recreational measures would be set in sync with the setting of catch and landings limits in response to updated stock assessment information. It is anticipated that updated stock assessments will be available every other year for all four species; therefore, measures would be set for two years at a time. In interim years, measures would be reviewed and may be modified if new data suggest a major change in the expected impacts of those measures on the stock or the fishery.

Background information on Accountability Measures (AMs) is included in Section 3.1. Specific responses to recreational ACL overages and overfishing have been incorporated directly into this option, as summarized in the table below. Therefore, additional recreational AMs are not needed.

Under this and all other options in the addenda, the Board and Council may choose to implement more restrictive measures than would otherwise be required to address management uncertainty or concerns about the long-term sustainability of the stock.

Under this option, stocks under an approved rebuilding plan would be subject to the measures of that rebuilding plan. This option would not replace any rebuilding plan measures. As previously stated, bluefish has been under a rebuilding plan since 2022. This option cannot be used for bluefish until the stock is no longer in a rebuilding plan (i.e., until biomass reaches the target level). In cases where a stock is declared overfished but a rebuilding plan has not yet been implemented, this option may be used to set temporary measures to be replaced with rebuilding plan measures as soon as possible. It can take up to two years for a rebuilding plan to be developed, approved, and implemented after a stock is declared overfished.

Table 4: Process for determining if and how measures should be modified to achieve a specified liberalization or reduction of expected catch, or expected catch should remain status quo under the Biomass and Fishing Mortality Matrix Approach.

<table>
<tr><th rowspan="2">Biomass (SSB/SSB_{MSY})</th><th colspan="4">Fishing mortality compared to F_{MSY}</th></tr>
<tr><th>Overfishing not occurring (F is less than F_{MSY})</th><th>Overfishing occurring by up to 5% (F exceeds F_{MSY} by up to 5%)</th><th>Overfishing occurring by more than 5% (F exceeds F_{MSY} by more than 5%) and most recent Rec ACL NOT exceeded</th><th>Overfishing occurring by more than 5% and most recent Rec. ACL exceeded</th></tr>
<tr><td>Above the target (greater than or equal to 110%)</td><td>10% liberalization</td><td colspan="2" rowspan="2">Status quo unless an AM has been triggered[11]</td><td><u>First time a stock falls into this bin</u>: 10% reduction
<u>If stock remains in this bin</u>: reduce catch to achieve Rec. ACT (minimum 10% reduction)</td></tr>
<tr><td>Around the target (greater than or equal to 90% but less than 110%)</td><td>Status quo</td><td>Reduce catch to achieve Rec. ACT (minimum 10% reduction)</td></tr>
<tr><td>Low (greater than or equal to 60% but less than 90%)</td><td colspan="4">Reduce catch to achieve Rec. ACT (minimum 10% reduction)
If an AM has been triggered, a scaled overage payback will be deducted from the ACT.[12]</td></tr>
<tr><td>Near overfished (greater than or equal to 50% but less than 60%)</td><td colspan="4">Reduce catch to achieve Rec. ACT (minimum 20% reduction)
If an AM has been triggered, a scaled overage payback will be deducted from the ACT.[12]</td></tr>
<tr><td>Overfished (less than 50%)</td><td colspan="4">No liberalizations allowed. Reductions as needed to achieve the Rec. ACT. To be replaced with rebuilding plan measures as soon as possible. If an AM has been triggered, a pound-for-pound overage payback will be deducted from the ACT.[13]</td></tr>
</table>

[11]Consistent with the current AMs (see Section 3.1), an AM for summer flounder, scup, and black sea bass would be triggered when the most recent three-year average recreational ACL is exceeded. A recreational AM for bluefish would be triggered based on an overage of the most recent single year recreational ACL. Taking into account the performance of the measures and conditions that precipitated the overage, adjustments to the recreational measures may be made for the following year, or as soon as possible once catch data are available. The Monitoring Committee will recommend the appropriate adjustment.

[12]Consistent with the current AMs (see Section 3.1), an AM for summer flounder, scup, and black sea bass would be triggered when the most recent three-year average recreational ACL is exceeded. A recreational AM for bluefish

would be triggered based on an overage of the most recent single year recreational ACL. The overage amount would be based on this three-year average for summer flounder, scup, and black sea bass and the single year for bluefish. The payback amount will scale based on stock biomass. The calculation for the payback amount is: (overage amount) * (B_{MSY} - B) / ½ B_{MSY}. This payback will be applied in a single year unless spreading it evenly over 2 years if doing so allows for identical recreational measures across the upcoming 2 years.

[13]Consistent with the current AMs (see Section 3.1), an AM for summer flounder, scup, and black sea bass would be triggered when the most recent three-year average recreational ACL is exceeded. A recreational AM for bluefish would be triggered based on an overage of the most recent single year recreational ACL. The overage amount would be based on this three-year average for summer flounder, scup, and black sea bass and the single year for bluefish. The payback will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over 2 years if doing so allows for use of identical recreational measures across the upcoming 2 years.

4.0 Compliance

These Addenda do not implement any changes to current compliance requirements.

5.0 Literature Cited

Atlantic States Marine Fisheries Commission. 2024a. Guidelines for Resource Managers on the Enforceability of Fishery Management Measures; https://asmfc.org/files/LEC/Guidelines_on_Enforceability_May2024.pdf

Atlantic States Marine Fisheries Commission. 2024b. Review of the Interstate Fishery Management Plan for Summer Flounder, 2023 Fishing Year; https://asmfc.org/uploads/file/66c5e9e5SummerFlounder_FMPReview_FY2023.pdf

Atlantic States Marine Fisheries Commission. 2024c. Review of the Interstate Fishery Management Plan for Scup, 2023 Fishing Year; https://asmfc.org/uploads/file/66c5ea58Scup_FMPReview_FY2023.pdf

Atlantic States Marine Fisheries Commission. 2024d. Review of the Interstate Fishery Management Plan for Black Sea Bass, 2023 Fishing Year; https://asmfc.org/uploads/file/66c5eb09BlackSeaBass_FMPReview_FY2023.pdf

Atlantic States Marine Fisheries Commission. 2024e. Review of the Interstate Fishery Management Plan for Bluefish, 2023 Fishing Year; https://asmfc.org/uploads/file/66c5eabeBluefish_FMPReview_FY2023.pdf

Carr-Harris A, Bastille K, Steinback S. 2024. Developing and applying a decision support tool for recreational fishery management of Atlantic summer flounder, black sea bass, and scup. US Dept Commerce Northeast Fish Sci Cent Tech Memo 320. 48 p. https://doi.org/10.25923/76jb-ck50

NEFSC. 2023a. Summer Flounder Management Track Assessment Report for 2023; https://asmfc.org/uploads/file/65c38bffSF_Management_Track_Assessment_2023.pdf

NEFSC. 2023b. Scup Management Track Assessment Report for 2023; https://asmfc.org/uploads/file/65c38ccbScup_Managment_Track_Assessment_2023.pdf

NEFSC. 2023c. Atlantic Bluefish Management Track Assessment for 2023; https://asmfc.org/uploads/file/65c38974BF_2023_Management_Track_Assessment.pdf

NEFSC. 2024. Black Sea Bass 2024 Management Track Assessment Report; https://asmfc.org/uploads/file/670024522024_BSB_UNIT_REPORT-3.pdf

Appendices

Appendix A - List of Acronyms and Abbreviations

ACL	Annual Catch Limit
ACT	Annual Catch Target
AM	Accountability Measure
ASMFC	Atlantic States Marine Fisheries Commission
B	Biomass
B_{MSY}	Biomass at maximum sustainable yield (biomass target)
CI	Confidence interval
Commission	Atlantic States Marine Fisheries Commission
Council	Mid-Atlantic Fishery Management Council
FMP	Fishery Management Plan
MAFMC	Mid-Atlantic Fishery Management Council
MRIP	Marine Recreational Information Program
MSA	Magnuson-Stevens Fishery Conservation and Management Act
RHL	Recreational Harvest Limit
SSB	Spawning stock biomass
SSB_{MSY}	Spawning stock biomass at maximum sustainable yield (biomass target)

Appendix B - Decision Trees for Options B-E

This Appendix provides decision trees to aid readers in moving through how recreational measures would be changed under each of the proposed approaches and the questions asked through each step of the process.

Figure 6. Option B – Percent Change Approach as adopted by the Harvest Control Rule Framework/Addenda. For more information on this option, please refer to section 3.2.

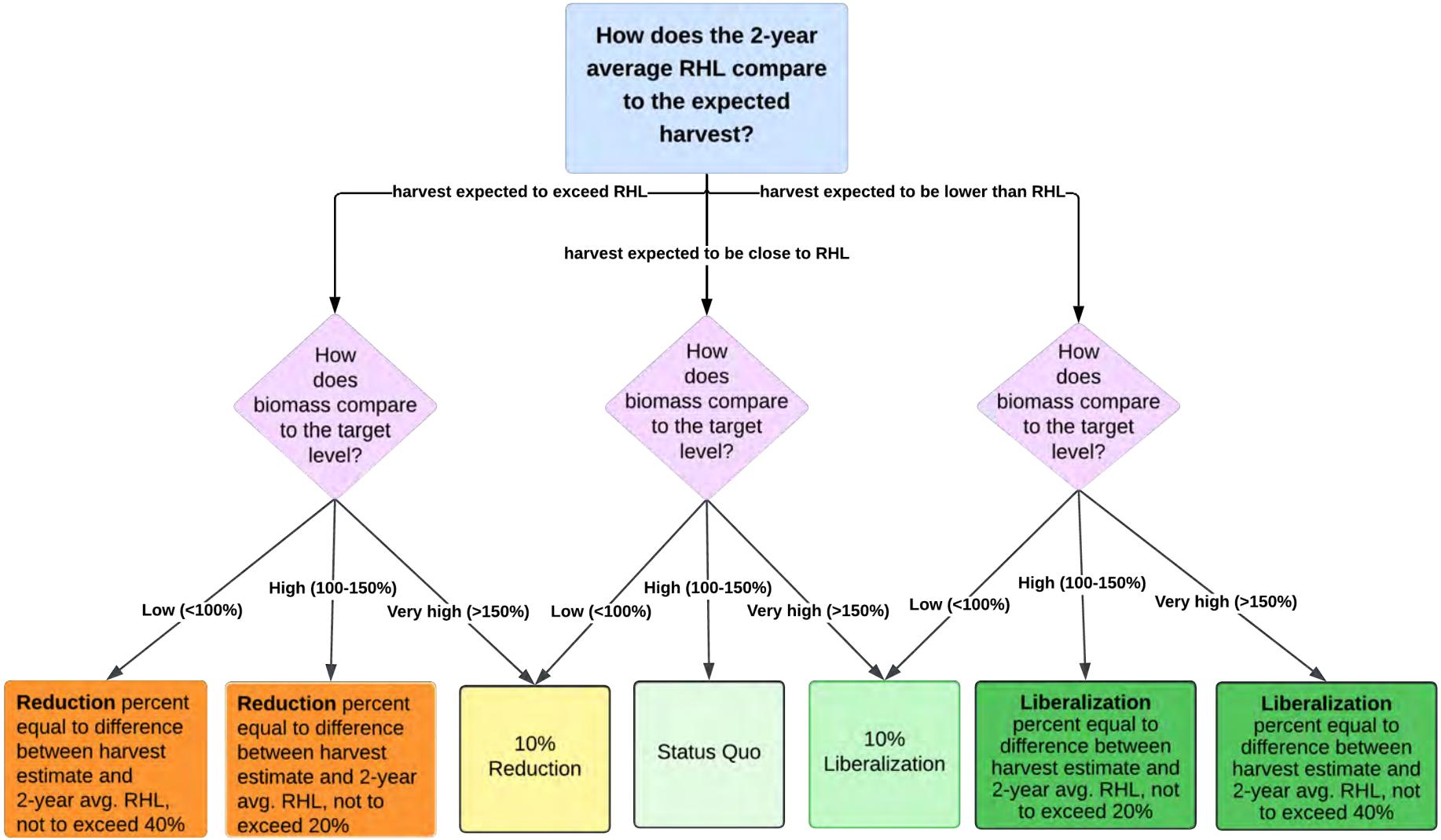


Figure 7. Option C – Modified Percent Change Approach Using the RHL and Harvest. For more information on this option, please refer to Section 3.3.

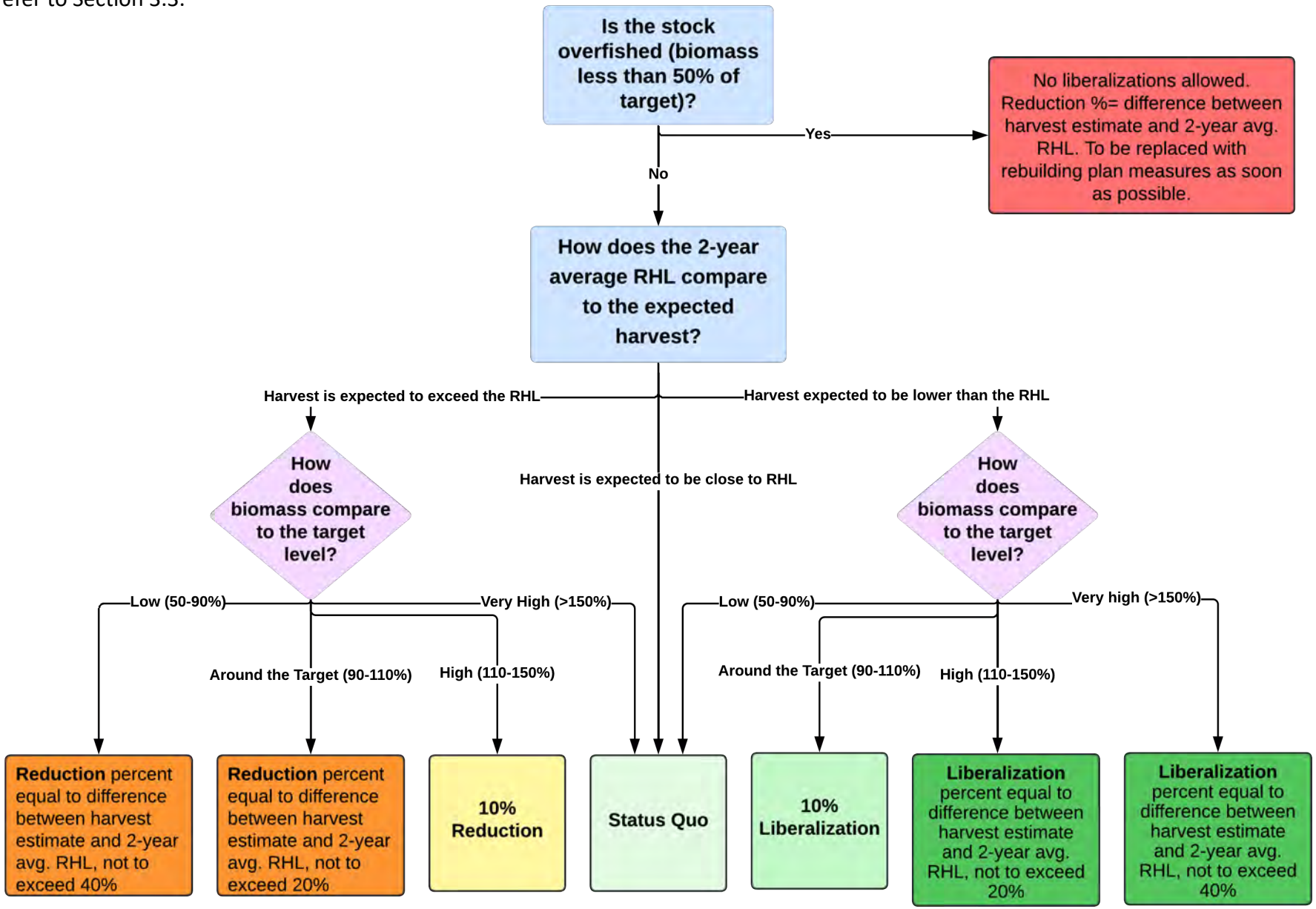


Figure 8. Option D – Modified Percent Change Approach Using the Recreational ACT and Catch. For more information on this option, please refer to Section 3.4.

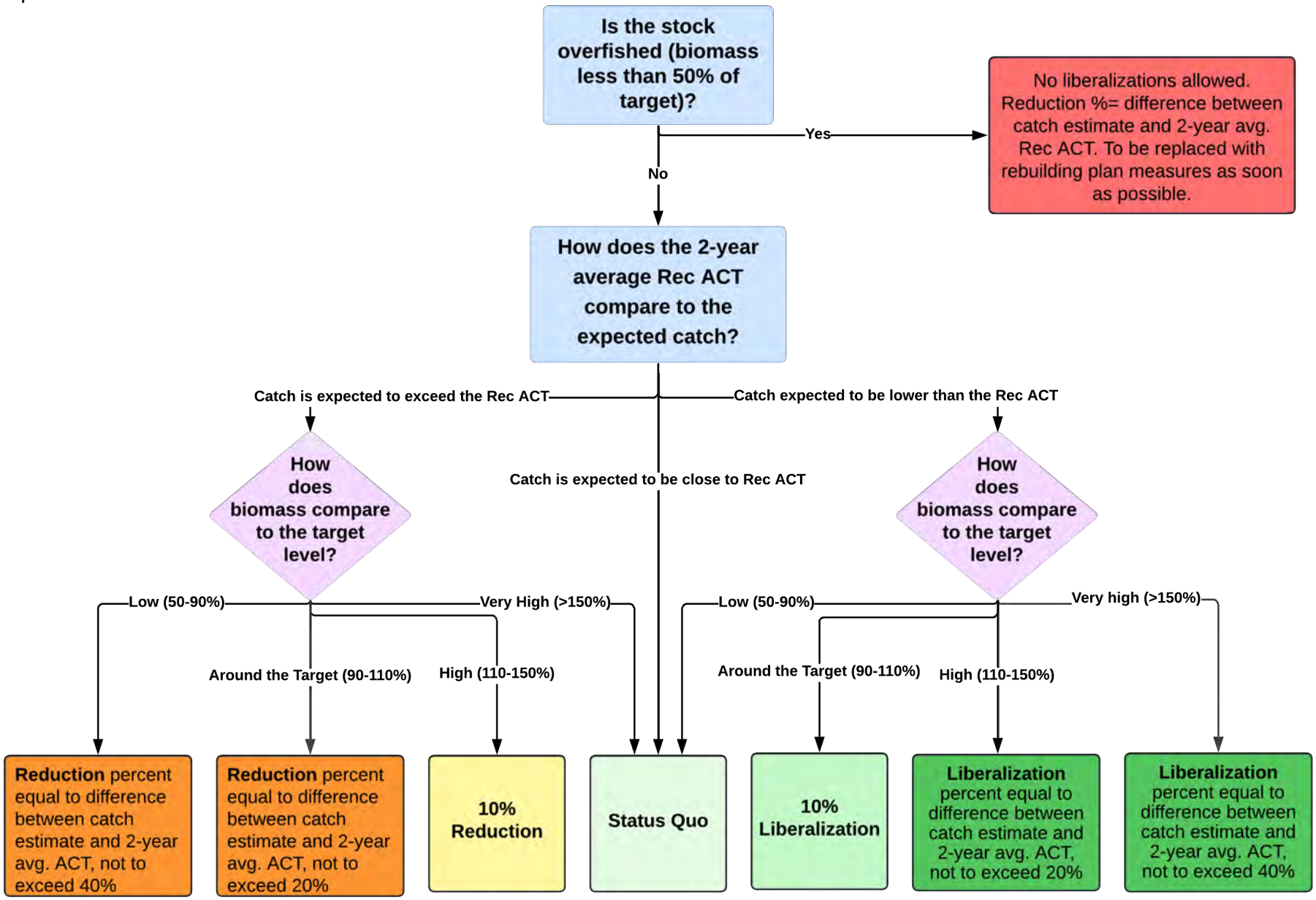
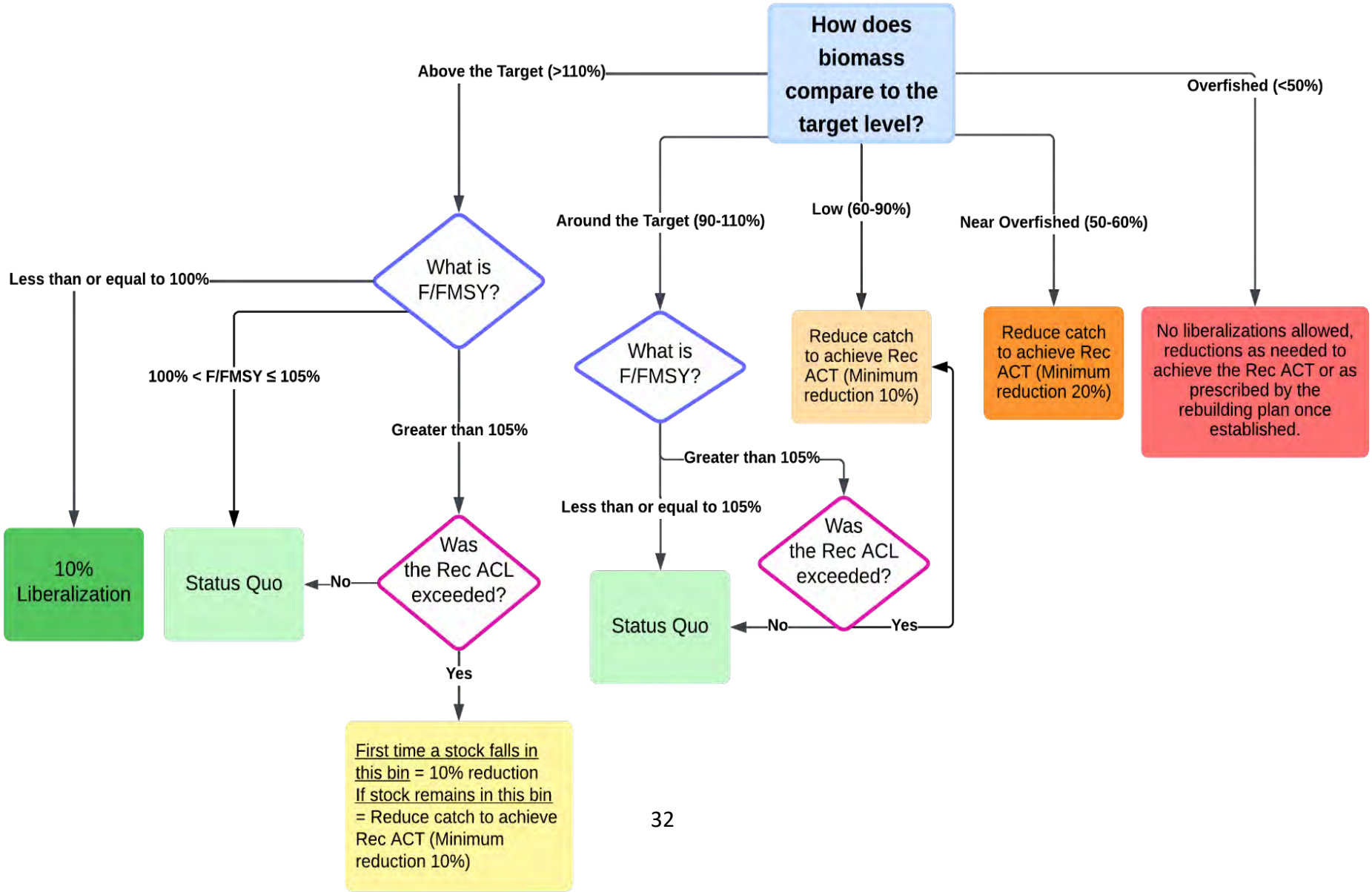


Figure 9. Option E – Biomass and Fishing Mortality Matrix Approach. For information on how AMs interact with this option, please refer to Section 3.5, Table 4.



Appendix C - Example resulting percent change for summer flounder, scup, black sea bass, and bluefish under each option using recent data

This table below provides *example* percent changes in harvest or catch for each species under each option in these addenda. The examples for summer flounder, scup, and black sea bass are based on estimates of 2024 recreational harvest or dead catch (i.e., harvest plus dead releases) under 2023 measures from the Recreation Demand Model (see Section 2.2 for a description of the Recreation Demand Model). These examples do not necessarily reflect the outcome of the process that was used for setting 2024 measures. These examples are intended to help allow for comparisons across the options. They are not intended to predict future changes in recreational measures. The resulting percent changes implemented in future years are expected to differ from those shown below based on updated information.

As previously described, while bluefish remains in a rebuilding plan, bluefish measures will be set based on that rebuilding plan and not based on the options considered in this document. In addition, the Recreation Demand Model is not available for bluefish.

Table 5. *Example* percent change in harvest or catch (i.e., harvest plus dead releases) that recreational measures should aim to achieve for each species under each option. These are examples to allow for comparisons across the options and are not intended to predict measures in future years. Note that harvest and catch-based percentages are not directly comparable.

Species	**Option A** (No Action)	**Option B** (Currently Implemented Percent Change Approach)	**Option C** (Modified Percent Change Approach Using RHL and Harvest)	**Option D** (Modified Percent Change Approach Using ACT and Catch)	**Option E** (Biomass and Fishing Mortality Matrix Approach)
Summer Flounder	-28% (harvest)	-28% (harvest)	-28% (harvest)	-26% (catch)	-26% (catch)
Scup	-14% (harvest)	-10% (harvest)	0% (status quo; harvest)	0% (status quo; catch)	0% (status quo; catch)
Black Sea Bass	-25% (harvest)	-10% (harvest)	0% (status quo; harvest)	0% (status quo; catch)	0% (status quo; catch)
Bluefish	Subject to Amendment 2 rebuilding plan				

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council

October 24, 2024
2:15 – 3:00 p.m.

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*N. Meserve & W. Townsend*) 2:15 p.m.

2. Board Consent 2:15 p.m.
   - Approval of Agenda
   - Approval of Board Proceedings from February 2024 (Board Only)

3. Public Comment 2:20 p.m.

4. Consider Summer Flounder Commercial Mesh Size Exemptions Addendum/Framework (Addendum XXXV) for Final Approval **Final Action** 2:30 p.m.
   - Review Options and Public Comment Summary (*C. Tuohy and K. Dancy)*
   - Consider Final Approval of Addendum XXXV and Council Framework Action

5. Other Business/Adjourn 3:00 p.m.

The meeting will be held at The Westin Annapolis (100 Westgate Circle, Annapolis, MD; 888.627.8994) and via webinar; click here for details

MEETING OVERVIEW

Summer Flounder, Scup, and Black Sea Bass Management Board
and Mid-Atlantic Fishery Management Council
October 24, 2024
2:15 p.m. – 3:00 p.m.

Chair: Nichola Meserve (MA) Assumed Chairmanship: 12/23	Technical Committee Chair: Alexa Galvan (VA)	Law Enforcement Committee Representative: Snellbaker (MD)
Vice Chair: John Maniscalco (NY)	Advisory Panel Chair: Vacant	Previous Board Meeting: August 14, 2024
Voting Members: NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Board Proceedings from February 2024 (Board Only)

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

4. Consider Summer Flounder Commercial Mesh Size Exemptions Addendum/Framework (Addendum XXXV) for Final Approval (2:30-3:00 p.m.) Final Action

Background

- In December 2023, the Council initiated a framework action to address changes to two exemptions to the summer flounder commercial minimum mesh requirements, the Small Mesh Exemption Program (SMEP) and the flynet exemption. The Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated a corresponding addendum in February of 2024.
- In August of 2024, the Board approved Draft Addendum XXXV for public comment. Draft Addendum XXXV considers modifications to the western boundary of the SMEP, changes to the evaluation criteria for the SMEP, and updates to the definition of a flynet (**Briefing Materials**).
- Public comment was gathered in August and September through public hearings and written comments (**Briefing Materials**).
- The Advisory Panel reviewed the draft addendum on October 3 (**Supplemental Materials**).

Presentations

- Summer Flounder Commercial Mesh Size Exemptions Addendum/Framework Options Overview, Public Comment Summary, and Advisory Panel Report by C. Tuohy and K. Dancy

Board and Council Actions for Consideration

- Select management options and implementation dates
- Final approval of Summer Flounder Commercial Mesh Size Exemptions Addendum/Framework (Addendum XXXV)

5. Other Business/Adjourn

Summer Flounder, Scup, & Black Sea Bass 2024 Technical Committee Tasks

Activity Level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- July 2024: Review and develop recommendations on 2025 specifications (coastwide quota and RHLs) for summer flounder, scup, and black sea bass.
- November 2024: Develop recommendations on 2025 recreational measures for summer flounder, scup, and black sea bass.

TC Members: Alexa Galvan (VA, Chair), Julia Beaty (MAFMC), Peter Clarke (NJ), Tracey Bauer (ASMFC), Chelsea Tuohy (ASMFC), Hannah Hart (MAFMC), Kiersten Curti (NOAA), Kiley Dancy (MAFMC), Lorena de la Garza (NC), Steve Doctor (MD), Emily Keiley (NOAA), Jeff Kipp (ASMFC), Rachel Sysak (NY), Corinne Truesdale (RI), Sam Truesdell (NOAA), Greg Wojcik (CT), Ben Wasserman (DE), Tony Wood (NOAA).

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD

Webinar

February 14, 2024

TABLE OF CONTENTS

INDEX OF MOTIONS

ATTENDANCE

Board Members

Renee Zobel, NH, proxy for C. Patterson (AA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Justin Davis, CT (AA)
Bill Hyatt, CT (GA)
Marty Gary, NY (AA)
Emerson Hasbrouck, NY (AA)
Amy Karlnowski, NY (LA)
Joe Cimino, NJ (AA)
Jeff Kaelin, NJ (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Mike Luisi, MD, proxy for L. Fegley (AA, Acting)
Pat Geer, VA, proxy for J. Green (AA)
Joe Grist, VA, proxy for Sen. Mason (LA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Ron Owens, PRFC
Emily Keiley, NMFS

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

Ex-Officio Members

Alexa Galvan, Technical Committee Chair
Jason Snellbaker, Law Enforcement Representative

Staff

Bob Beal
Toni Kerns
Tina Berger
Madeline Musante
Tracey Bauer
Emilie Franke
Chelsea Tuohy
Kurt Blanchard

Guests

Galvan Alexa, VMRC
Mabaka Arthur, Stony Brook Uni.
Muffley Brandon, MAFMC
Ingrid Braun, PRFC
McDonough Chris, SC DNR
Bouffard Colleen, CT DEEP
Truesdale Corinne, RI DEM
Weedon Craig, MD DNR
Radel Dan, Gannett NJ
Koob Elise, MA DMF
DiDomenico Greg
Hart Hannah, MAFMC
Braun-Ricks Ingrid, PRFC
Conway Jack
Creighton Jack
Hermsen Jay, NOAA
Brust Jeffrey, NJ DEP
Maniscalco John, NYS DEC
Lim Jonathan, Stony Brook Uni.
Beneventine Joseph
Beaty Julia, MAFMC
Neill Ken, MSN
Dancy Kiley, MAFMC
Gillingham Lewis, VMRC
De La Garza Lorena, NC DEQ
John Maniscalco, NYS DEC
Appleman Max, NOAA
Bowen Michael, Cornell
Armstrong Mike, MA DMF
Augustine Pat
Haertel Paul
Clarke Peter, NJ DEP
Bogan Raymond
St. Amand Renee, CT DEEP
Lazo Sarah, NOAA
Curatolo-Wagemann Scott, Cornell Uni.
Madsen Shanna, VMRC
Feller Skip
Smott Somers, VMRC
Witthuhn Steven
Poston Will, Saltwater Guide Assn.

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, February 14, 2024, and was called to order at 1:00 p.m. by Chair Nichola Meserve.

CALL TO ORDER

CHAIR NICHOLA MESERVE: Good afternoon to everyone, welcome to the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board meeting of February 14, 2024. My name is Nichola Meserve, I'm an Administrative Proxy for Massachusetts, and serving as your Board Chair today.

First, I would just like to thank Justin Davis for doing a remarkable job as our Board Chair for the past two years. Today I am joined by Commission FMP Coordinators Tracey Bauer and Chelsea Tuohy; to help steer us through our task today, as well as Toni Kerns. I think I would like to give all three of you, kind of carte blanche to jump in whenever you need, you know if I'm missing any hands that are raised, just juggling multiple screens here.

APPROVAL OF AGENDA

CHAIR MESERVE: We have a draft agenda before us. My one addition to it is for staff under Other Business, to give us a quick outlook on this Board's meeting schedule for 2024, as it is best known right now, of course. Given the joint nature of these species management with the Mid-Atlantic Council, we often meet outside of the normal ASMFC meeting schedule, and jointly with the Mid-Atlantic Council at some of their meetings.

To help with planning purposes, staff will just give us a quick preview of the year ahead. Other than that, are there any other additions or modifications that Board members would like to make to today's draft agenda? Look for any hands on the webinar for that. Seeing none; we will consider the agenda as modified approved by the Board by consent.

APPROVAL OF PROCEEDINGS

CHAIR MESERVE: We can move on to the draft record of this Board's proceedings from March of 2023 that needs to be approved today.

Are there any modifications to those draft proceedings? Again, I'm not seeing any hands online, so we will consider those approved by Board consent as well.

PUBLIC COMMENT

CHAIR MESERVE: Up next is public comment. This is an opportunity for members of the public to comment on items that are not on the agenda. I'll note that I do plan to provide for limited public comment on the action items that are on the agenda today.

But first, at this time, if there is any public that would like to comment on items not on the agenda, this is your opportunity, and you can show your interest by raising your hand on the webinar. All right, not seeing any hands.

CONSIDER FINAL APPROVAL OF PROPOSED SUMMER FLOUNDER AND SCUP RECREATIONAL MEASURES FOR THE 2024-2025 FISHING YEARS AND BLACK SEA BASS RECREATIONAL MEASURES FOR THE 2024 FISHING YEAR (FINAL ACTION)

CHAIR MESERVE: We can move on to our first major agenda item, which is to Consider Final Approval of the Proposed Summer Flounder and Scup Recreational Measures for 2024 and 2025, and the Black Sea Bass Recreational Measures for 2024. This Board, as well as the Mid-Atlantic Council, previously approved a 28 percent coastwide recreational harvest reduction for summer flounder, a 10 percent coastwide recreational harvest reduction for scup, and status quo recreational management measures for black sea bass, with an allowance for states to request minor seasonal modifications that are not projected to increase harvest.

The Board further provided guidance for setting state and/or regional measures for summer flounder and scup, through the Commission's processes, and each state or region has used the

recreation demand model to provide a range of options for the Board's consideration today. I want to stress that the Board is approving a range of options today, and that it is the states using their own public input and rulemaking processes, that will then go through the action of selecting and implementing measures from this approved range.

Then they will need to notify the ASMFC of the selected measures.

REVIEW PROPOSED REGIONAL MEASURES

CHAIR MESERVE: We'll begin first with a presentation from Chelsea and Tracey on the range of proposals. They are going to take us through the range for all three species before we take questions. Take it away, Chelsea and Tracey.

MS. CHELSEA TUOHY: Thank you for that overview. Today I'm going to start off by talking about the summer flounder and scup recreational management measures proposals, and Tracey will then wrap up the presentation with the black sea bass recreational management measure proposals.

In the presentation, we're first going to provide some background on the decisions made at the most recent joint meeting between the Board and Council in December of 2023, and some background information on the proposed recreational management measures, such as regions and things along those lines.

We will then walk through the proposed 2024 and 2025 measures for summer flounder and scup, and 2024 season adjustment proposal for black sea bass. Lastly, the Board will consider the proposed measures for final approval, and again that is the range of options, states will not be selecting specific options today.

Just a note for the Board, we will be looking for three separate motions to approve the range of options for each of the three species. Moving into some background on summer flounder and scup. At the joint Board and Council meeting in December, based on the results of the Recreation Demand Model, and using the percent change approach, the Board and Council agreed that each summer flounder region take a 28 percent reduction in expected harvest in 2024, and those measures would remain unchanged in 2025.

The Board and Council agreed to adopt conservation equivalency for summer flounder 2024 and 2025 recreational management. As a reminder to everyone, the Board exempted North Carolina from taking a 28 percent reduction in harvest, given the rest of the coast is able to achieve the full 28 percent required reduction. That exemption is due to the fact that North Carolina manages multiple flounder species under a single set of regulations, which are currently very restrictive, in an effort to rebuild the southern flounder stock. As a result, the state's recreational summer flounder harvest estimates have remained low in recent years, compared to historic harvest. As another quick reminder, there are six summer flounder regions consisting of Massachusetts, Rhode Island, Connecticut and New York together are a region, New Jersey, the states from Delaware through Virginia are a region, and finally, North Carolina.

Each summer flounder region is required to propose recreational measures with the same minimum size limit, possession limit and season length. Moving on to some background on scup. For scup, the Board and Council agreed to a 10 percent reduction in expected harvest for 2024, with those measures remaining unchanged in 2025.

In December, the Board and Council also removed the early season federal waters closure from January 1 to April 30, in favor of the state's taking the full required 10 percent reduction through the Commission process. While scup regions are not outlined specifically in the FMP, states may work collaboratively as regions, as was done in 2023, to submit regional proposals that achieve the required reduction.

In 2023, scup regions were defined by the states as Massachusetts through New York, New Jersey, and Delaware through North Carolina. For 2024 and 2025, states submitted proposals that reflected the same scup regions that were used in 2023, so those regions that you see up on the screen there.

As was done in 2023, the Technical Committee used the Recreation Demand Model for summer flounder and scup to determine the recreational management measures that would meet the 28 percent and 10 percent reductions respectively for their state or region. Those are the proposed measures that will be put forward today.

Because of how the model is set up, summer flounder measures that are input into the model affect the scup reduction and vice versa, so summer flounder and scup measures have to be paired together, to calculate the reduction for both species. You saw those paired options in the meeting materials in the fourth memo that went around a few weeks ago.

The reductions for the options provided in the memo are only for individual states or regions, and in that memo, there is one coastwide reduction example provided. Given the number of options that we received, it wasn't possible to calculate the coastwide reductions for every combination of options between the states, and the final coastwide reduction for summer flounder and scup will be calculated once all states select their final measures later in March.

As mentioned, I'll be covering the proposed measures for summer flounder and scup for each state or region. I will not be going through all the combinations of summer flounder and scup options. I will have all of the options up on the screen, and if you know folks are interested in looking in how all those options are paired together, again, they are outlined in that Board memo that went out a few weeks ago.

The option numbers referred to for the remainder of the presentation are the numbers listed in that Board memo. I'll start off with Massachusetts, and will make my way down the coast, and I will be discussing each of the scup regions separately, and then I'll provide a few example reductions for the coast as a whole for summer flounder and scup. Although proposed summer flounder measures vary between some states in the scup region, the northern region has proposed scup options that are nearly identical, with one small difference. I'll go through, starting with scup.

For Massachusetts, Massachusetts has proposed three scup options in total, those are these three at the bottom of the screen there, and status quo is that first row. Two of the scup options have a May 1 open season start date, and one option has an April 1st start date, with all options having seasons closing on December 31st.

The first option has a 30 fish bag limit for the private and shore modes, and a bag limit that switches from 40 fish to 30 fish for the for-hire mode. Second option includes a 9-fish bag limit for the private and shore modes, and a bag limit that switches from 20 fish to 9 fish for the for-hire mode, and then that third option includes a 20-fish bag limit for the private and shore modes, and a bag limit that switches from 20 fish to 40 fish and then back to 20 fish for the for-hire mode.

Moving on to the remainder of the northern region, which is Rhode Island through New York. Their scup options are very similar, they are the same as Massachusetts, except the first two options include three for-hire bag limit changes throughout the seasons rather than two. The dates for those changing bag limits are not the same as Massachusetts, but that is the only difference.

Then in their third option, which is shown at the bottom of the screen there, the bag limits are the same for the for-hire mode, but again, those seasons are slightly different, they have the same start and end dates as Massachusetts, but the bag limits don't switch on the same dates as

Massachusetts. Nearly identical scup options for the northern region there.

Now I'm going to be moving on into these state-specific options, and specifically discussing summer flounder here. Massachusetts in total provided 42 potential options that had different combinations of 14 summer flounder options and 3 scup options that were just discussed. Massachusetts' summer flounder reductions range from 28.04 percent to 29.08 percent, and their scup options ranged from 6.74 percent to 13.69 percent.

Taking a look at the 14 summer flounder options that were proposed by Massachusetts. For a majority of those options the state kept their 16.5-inch size limit, or increased the size limit for a specific mode. Most options lowered the bag limit for the whole fishery, or for a specific mode, and options included a variety of seasons, all which are shown in that right most column.

For the state of Rhode Island, Rhode Island proposed 9 potential options that included combinations of 3 summer flounder options and those 3 scup options that were discussed earlier. Summer flounder option reductions ranged from 28.54 percent to 34.43 percent, and scup option reductions ranged from 4.69 percent to 15.66 percent.

The three proposed summer flounder options are shown in the table to the right, and included size limits from 18.5 to 19 inches, representing an increase from the current minimum size. There was a bag limit of 6 fish for that 19-inch size limit option, and a bag limit of 3 fish for both the 18.5-inch size limit options, and again a variety of seasons shown up there on the screen. It is important to note that for all options Rhode Island is proposing to maintain their 7 special shore sites, which allow for 2 fish to be kept at a minimum size of 17 inches.

There was no way to model these 7 shore sites in the recreation demand model, but Rhode Island provided MRIP estimates for all shore sites, not just those 7, compared to total harvest to demonstrate that the 7 special shore sites are likely to have a negligible impact on total harvest.

In 2022, Rhode Island estimated harvest from shore cumulative through Wave 5 was 35 pounds, compared to a total harvest of 330,908 pounds, and in 2023, the states estimated harvest from shore accumulative through Wave 5, was 11,219 pounds, compared to a total harvest of just under 300,000 pounds.

Moving down the coast from Rhode Island, we got to Connecticut and New York, which again, Connecticut and New York are represented as one summer flounder region, both of those states together. Connecticut and New York provided 18 total regional options that were a combination of 6 summer flounder options and 3 scup options.

Summer flounder reductions for the two states combined, represented reductions ranging from 28.2 percent to 36.52 percent. Then scup options for the two states combined ranged from 10.39 percent to 12.79 percent. Moving on to the Connecticut through New York regional summer flounder options.

Option size limits range from the current minimum size of 18.5 inches to 19.5 inches. Bag limits ranged from 3 to 4 fish and seasons were variable. Now we're moving out of the northern scup region into New Jersey. Overall, New Jersey provided six total options that were different combinations of summer flounder measures and scup measures.

Summer flounder reductions range from 28.02 percent to 28.98 percent, and scup reductions ranged from 10.08 percent to 12.11 percent. For summer flounder, size limits included a range of options with some options including different bag limits for different sizes or different sizes and bag limits for different modes.

Then finally, there was also some options that had different seasons for different bag limits. For scup, options maintain the 30-fish bag limit and 10-inch

minimum size, but propose two different seasonal closures over the summer. Like Rhode Island, New Jersey has also proposed to maintain special regulations.

Specifically, they would like to maintain special regulations for all options in Delaware Bay, which has a minimum size limit of 17 inches, and a bag limit of 3 fish. At the special shore site on Island Beach State Park, which has a 16-inch minimum size limit and a 2-fish bag limit. Now moving into the southern scup region.

As a reminder, that southern scup region contains the states of Delaware through North Carolina. These states proposed two potential scup options for the 2024 and 2025 fishing years. Before I get into those scup options, it's important to know that the Recreation Demand Model is currently unable to pick up scup harvest south of New Jersey, due to the low levels of harvest from that southern region. However, because the Board did not exempt the southern region from a scup reduction, the states were required to propose measures that provided some amount of potential reduction, even though it could not be modeled by the RDM. The southern scup region from Delaware through North Carolina has proposed one option that includes status quo measures.

Those status quo measures are a 40-fish bag limit, except in Virginia, which has a 30-fish bag limit, a year-round open season, and a 9-inch minimum size limit. Then the second scup option that was proposed by those southern states is a bag limit reduction of 5 fish, so a bag limit of 35 fish, again 30 fish in Virginia, a year-round open season and a 9-inch minimum size limit.

Both of these southern region scup options were discussed and supported by the Technical Committee. Again, just as a reminder, for both of those options the bag limit in Virginia would stay at 30 fish, as they are lower than the rest of that southern region there. Now moving on to the southern flounder region in the south, which is made of the states Delaware through Virginia.

The states of Delaware through Virginia again had those two scup options, and they've also proposed six summer flounder options. Summer flounder reductions range from 28.01 percent to 33.53 percent, and as just mentioned, the scup reductions were 0 percent, due to the recreation demand model's inability to pick up scup harvest in that southern region.

Taking a look at the summer flounder options here for the states of Delaware through Virginia, options included size limits ranging from 17 to 17.5 inches, and bag limits ranging from 2-4 fish, with some options considering different bag limits for different seasons. Now one thing I will note for this southern region here, Delaware through Virginia, is we did receive a new option from the region recently that was not able to be included in that Board memo, so we are presenting it here for the first time today.

This new option for summer flounder includes a 4-fish bag limit, and year-round open season, with the size limit increasing starting in June. It's a size limit increase of 16 inches to 17.5 inches starting in June. Finally, wrapping up the coast with North Carolina. As mentioned earlier, North Carolina was exempt from taking further summer flounder reductions, and proposed status quo recreational management measures for the 2024 and '25 fishing year is for summer flounder.

Those status quo measures include a size limit of 15 inches, a bag limit of 1 fish, and an open season from August 16th through September 30th. Due to the number of options submitted by the states, again it wasn't possible to calculate the coastwide summer flounder and scup reductions for every possible combination of these options. In the memo sent out to the Board as part of the meeting materials, an example set of options was selected to demonstrate what a coastwide reduction may look like.

In the following slides I will present the coastwide reductions that result from the most liberal summer

flounder reductions and the corresponding scup measures, and vice versa for scup, and the most conservative summer flounder reduction measures and corresponding scup measures. Then same thing for scup. There are four tables as the options that results in the most liberal and most conservative summer flounder harvest estimates, are not the options that result in the most liberal or most conservative scup harvest estimates.

As a reminder, because that northern region for scup has proposed the same options, when we're calculating these coastwide reductions, it was assumed that the northern region would all select the same scup options. The coastwide percent reduction is likely to change from what is shown on the following slides, depending on what options are ultimately selected by the states and regions, as each option varies in the reduction achieved.

Using the northern region's third scup option that they presented, that was at the bottom of the screen that I showed earlier for the states of Massachusetts through New York. If each state down the entire coast chose the option associated with the most liberal summer flounder harvest measures and associated scup measures, the coastwide summer flounder reduction is estimated to be 28.09 percent, and the scup reduction is estimated to be 11.46 percent.

Again, if we assume that the northern region chooses their third proposed scup option, the states of Massachusetts through New York. If each state down the coast chose their option that was associated with the most conservative summer flounder reduction and associated scup measures, the summer flounder reduction is estimated to be 32.7 percent, and the scup reduction is estimated to be 11.54 percent.

Now we're going to switch gears and look at scup here. If we use Scup Option 1 for the states of Massachusetts through New York, if each state chose their option associated with the most liberal scup harvest measures and the associated summer flounder measures, the coastwide summer flounder reduction is estimated to be 28.18 percent, and the scup reduction is estimated to be 9.96 percent.

Then finally, using northern region Scup Option 3. If each state chose the option associated with the most conservative scup harvest measures and associated summer flounder measures, the coastwide summer flounder reduction is estimated to be 32.62 percent, and the scup reduction is estimated to be 11.57 percent. Those are just some examples of what a coastwide reduction might look like, given the options put forth by the states and regions.

Looking at the next steps here. The Board's next steps following any questions will be to consider the range of proposed measures for final approval today. The states and regions will then need to notify ASMFC staff once a final set of measures has been selected by March 20th at the latest.

ASMFC staff will then submit the letter with the final summer flounder and scup recreational measures to GARFO, and once implemented, the states will keep the same summer flounder and scup recreational regulations in place for the 2024 and the 2025 fishing years. Now I'm going to pass it over to Tracey, who is going to take it away and go over some black sea bass season adjustments.

MS. TRACEY BAUER: Thanks, Chelsea. Before I present the black sea bass season adjustments that are being proposed by the states, I wanted to very briefly provide a reminder of what was previously decided at the December Board and Council meeting. The Board and Council had agreed to leave recreational black sea bass measures unchanged from 2023 in 2024.

This is due to several reasons, including the last of an updated management track assessment and its associated results, which won't be available until later this year. Some states however, did request the ability to make slight adjustments to their black

sea bass season, so that they would open on a specific day of the week, which was allowed.

After some discussion with the states, they did make the request. It was established that the recreation demand model must be used to determine how many days of the season needed to be taken off of the end of the season, to account for any additional days at the beginning of the season to maintain status quo black sea bass harvest, and to make sure we're not increasing harvest by making changes to the season.

In addition, another requirement was that the aforementioned summer flounder and scup reductions for 2024 through 2025 could not be used to account for adjustment to the 2024 black sea bass season, because in the model any changes from summer flounder and scup will have smaller changes to black sea back harvest.

Two states requested to make minor adjustments to their black sea bass season to maintain a Saturday opening. Both Massachusetts and Connecticut are requesting a May 18th opening day for their 2024 black sea bass season. Based on recreation demand model runs, have removed several days from the end of their season in 2024 to account for this extra harvest.

In addition to each state's status quo measures, the proposed minor adjustments made to each state's black sea bass season are showing red on this slide. You can see how the seasons were adjusted, by moving up the start of the season to May 18, and adjusting the end of the season to account for that extra harvest.

Then we can see the reduction, the desired reductions achieved by these changes on the far right. Lastly, just as a minor side note to update. The Summer Flounder, Scup and Black Sea Bass Board related to Black Sea Bass 2024 measures. I wanted to provide an update on Virginia's February recreational black sea bass fishery.

As a reminder, when the Board met the last day in December, as part of maintaining black sea bass measures status quo from 2023 to 2024, Virginia had the option of opening their February fishery like last year. At that time Virginia did not know if they would be opening their February fishery, as their Marine Resources Commission needed to discuss it first.

Very recently, Virginia reached out to us to let us know that their Marine Resources Commission did vote to open February fishery for February 1st through 29th this year, and as in the past they will be monitoring harvest and will reach back out to us in late March, early April, when they have the harvest data with their proposed plan to adjust their black sea bass season to account for February harvest, so stay tuned for that. With that, both Chelsea and I can take any questions on any of the species, not just black sea bass.

CHAIR MESERVE: Thank you, Chelsea and Tracey. There is a lot in that presentation to absorb, so we're going to look to the Board for questions. I have one that I'll start with before going to Justin, who I see your hand is up. That pertains to the slide that was about New Jersey's portion of the Delaware Bay staying status quo. I didn't realize from the memo that that was part of the proposal, if I've gotten that correct.

I guess I'm curious if that is part of the RDM modeling, if that Delaware Bay staying status quo is considered in achieving the 28 percent reduction. I have in my mind, it's a little foggy, a history that New Jersey was its own region, in part so that the rules in Delaware Bay could align. By staying status quo, is that the objective of that, that this area is kind of getting an exemption from the 28 percent reduction?

MS. TUOHY: Thank you for that question. Like with Rhode Island, their special shore sites, one area such as the Delaware Bay cannot be, the RDM can model different modes, you know different options for different modes, but cannot model area-specific outside of individual state harvest, so that is

something that cannot be evaluated through the RDM.

CHAIR MESERVE: Will the status quo measures, will they align with other options for the rest of Delaware Bay?

MS. TUOHY: Flip back to the slides here.

CHAIR MESERVE: We might benefit from having a better understanding of the same way that Rhode Island presented their shore harvest and how minimal it is. We might benefit from a better understanding of how significant or insignificant is the New Jersey's harvest and Delaware Bay and what this exemption really means to their overall ability to achieve 28 percent reduction. I see Joe Cimino's hand up, so if you would like to contribute, Joe, I welcome you now.

MR. JOE CIMINO: Yes. I'm not sure if they have any numbers here, but the estimated harvest has always been small, I think we were looking at like 8,000 fish a year.

CHAIR MESERVE: Okay, great, thanks for that clarification, Joe. I'll turn to other Board members now, Justin Davis and then Chris Batsavage. Go ahead, Justin.

DR. JUSTIN DAVIS: I noticed there was specific mention in the presentation of Rhode Island's shore site program, where they have a lower minimum length for summer flounder. Connecticut has a similar program, where at a limited number of sites we have a 17-inch minimum length went in place for summer flounder. Our intent was to continue that program, so I just wanted to doublecheck to make sure that was the intent or that was captured in the proposals, and that was just an oversight in the presentation.

MS. TUOHY: Let me doublecheck that, I can pull that up very quickly here. But I want to say off the top of my head, I don't know if that was captured in the proposal.

MS. TONI KERNS: Chelsea, this is Toni. I've looked at the memo that is in the meeting materials and I see shore modes for the New York and Connecticut table. I just wasn't sure what was in, I couldn't remember what was in your Power Point.

MS. TUOHY: Yes, Justin, you're talking about sites that are different from what Toni is mentioning, correct, not that scup? This is for summer flounder.

DR. DAVIS: Yes, correct, for summer flounder.

MS. TUOHY: Yes, so in the proposal there is no mention of those special sites in Connecticut for summer flounder, if they have different regulations than what was presented in the Board memo.

DR. DAVIS: Could I follow up?

CHAIR MESERVE: Please, go ahead.

DR. DAVIS: Given that I've had some offline exchanges with our TC member, and we were not under the impression that they needed to be included in the proposal, because they were site-specific measures. Would there be some way when we take action today to include that in the memo, so that we don't have to discontinue the program, I'm sorry included in the motion.

CHAIR MESERVE: I believe so, that we could work on that in the development of the motion, or have it to be part of the record here that that was the intention of Connecticut for those special summer flounder access sites, similar to Rhode Island. Does staff have any guidance on whether you would want to see that as part of the motion?

MS. KERNS: Nichola, I agree it should be part of the motion, since it wasn't something that was presented today, nor was it presented in the memo to the Board. Justin, perhaps you could, while I know that offhand that those sites have very low harvest levels, it's maybe while folks are talking but before we get the motion on the table, if you could come back to the record and you happen to have any numbers associated with those sites, so that we can have that as part of the record, similar to what

Rhode Island had done in their state proposal that would be great.

DR. DAVIS: Got it, thank you.

CHAIR MESERVE: Okay, so we'll come back to that topic. Chris Batsavage, your hand was up next.

MR. CHRIS BATSAVAGE: Chelsea, can you go back to the next steps slide on, I guess it's Number 33.

MS. TUOHY: Yes.

MR. BATSAVAGE: A question specific to North Carolina being exempt from taking a reduction. As I mentioned at the Board meeting back in December, that we have a set season statewide for our recreational flounder fishery here is from August 16 through September 30, which we included in our proposal. But we've adjusted that season almost every year to account for overages of southern flounder catches the previous year. In a lot of cases the season is shorter than that six-week period. But it can change from year to year. I know the intent of this process is to set the same regulations for two years in a row.

But if we get our proposal approved for the full six weeks, could that allow us some leeway to have different seasons that are no greater than that six-week period? For instance, it was like two weeks last year, it might be two weeks again this year, or some other amount and in '25 it might be a different amount, but it will never extend beyond the six-week period that is in the proposal. I was just wondering if that's allowable under this process.

CHAIR MESERVE: That sounds to me that it would be, Chris. We would be approving the most liberal regulations and it's always within the states ability to implement something more restrictive. If staff wants to correct anything I just said, but otherwise that would be my interpretation.

MS. KERNS: I agree, Nichola, and we can work with you, Chris, if you don't have those regulations in place before we send our letter to NOAA. We'll put some caveat in there so that it is clear to the public that North Carolina does adjust the season typically, so there is not misinformation out there when NOAA publishes their federal rule, and then North Carolina ends up having a different season. We'll make sure that is clear that you guys adjust at a certain timeframe.

MR. BATSAVAGE: Yes, we'll see if we can get things finalized by March of this year, but if not, that will be a very corrective issue.

CHAIR MESERVE: Very good, we'll go to Joe Grist next.

MR. JOSEPH GRIST: Thank you, Madam Chair, and this slide is the slide I need you to be on. Just looking at this timeline, we are already internally with our State Commission to announce this issue in April, at the time we take up black sea bass, make the adjustments to our season. Obviously, that timeline is going to put us behind.

Even if we queue this up for our March Commission, we're still not going to meet the March 20th date. You know what flexibility do we have here for notifying you as to which measures that we are going to take, especially with summer flounder? I'm just trying it so I can best guide our Commission on how we're going to act on this.

CHAIR MESERVE: Toni, could you comment on that if there is leeway to April 1st or such?

MS. KERNS: Joe, we can work with you. The reason why we have this date is so that we can get the conservation equivalency letter to NOAA Fisheries and then they can do their rulemaking. We try to work with Emilie and staff at GARFO to be as flexible with those states as possible, without being too tardy and getting the rulemaking out. We will work with you or any other state that can't make that March 20th, if we could on the side go ahead and tell us what date you think you'll have that by, and we can see how we can move forward.

MR. GRIST: Okay, thank you so much, we're going to have some internal discussion and see what we can do, if there is any way we can expedite. Thank you.

CHAIR MESERVE: Okay, we'll move on to Joe Cimino for a question. Oh, leftover hand, okay, Roy Miller, you're up.

MR. ROY W. MILLER: As we consider these proposals, could I ask a ground rule type question. Namely, are we allowed to consider any state-specific proposals that don't meet the required reduction? In other words, if a state's proposal, a specific option, doesn't meet 10 percent for scup, are we allowed to consider that in a regional perspective, or must all of our decisions be whether the state proposal meets the minimum? Can you help me out here? We probably already decided on this, if so a quick review for me would be helpful.

CHAIR MESERVE: Good question, Roy. It's on a reginal basis, where states are part of a region. When I look at the scup options that Massachusetts presented there were some that as an individual state it was 5 or 6 percent, for example. But as a region in the north, when we all implement those measures, it meets the 10 percent requirement. That's the number that we're looking for.

MR. MILLER: Okay.

CHAIR MESERVE: Then also on a coastwide basis.

MR. MILLER: The same rationale would apply to Rhode Island proposals, for instance, that were less than 10 percent for scup.

CHAIR MESERVE: Correct. For scup. But then when I come to the summer flounder using those same examples, Massachusetts is its own region, Rhode Island is its own region. In those cases, we're looking for a 20 percent reduction for that state. Mike Luisi.

MR. MICHAEL LUISI: I want to build just very quickly on what Joe Grist mentioned. For summer flounder, down in the southern region we are in a multi-jurisdictional region. We had a discussion this week about trying to find an implementation date so that we can all implement the regulation that is selected for summer flounder as a start date on the same date.

I don't know that April 1st is going to give the jurisdictions enough time to get that done. Is there an actual implementation date that you are aware of or that staff would prefer, so that we can coordinate? What we didn't want to do is have different rules in a different jurisdiction for a short period of time until it all comes together once the last state implements the measures. We wanted to find a common date that we could all implement at the same time.

CHAIR MESERVE: Thanks for the question, Mike. Thus far we haven't discussed an actual implementation deadline. You know March 20th is the deadline to tell ASMFC the measures with some flexibility as we've discussed, and April 1st is the date that ASMFC would notify GARFO of the measures. But if staff has any input, if we need to specify a deadline or if it is assumed that it will be as quick as possible in each state following April 1st. That is our way forward as well.

MS. KERNS: Nichola, I would say it would be the latter, it is as soon as possible, as these are the measures for 2024, and in order to get the reductions from the measures. They need to be in place as quickly as possible.

CHAIR MESERVE: Thank you, Toni, and so would you be looking for states to also indicate what that date will be to their best guess, and when we notify you of the measures?

MS. KERNS: Yes.

CHAIR MESERVE: Okay.

MS. KERNS: Then that way we can tell GARFO that. I think everybody knows this, but we send the

conservation equivalency letter for summer flounder and black sea bass, because NOAA is considering whether or not they are going to wave federal measures in lieu of the state plans, and those state plans have to meet the overall conservation goal, as what was agreed upon with the Board and Council back in December for that 28 percent coastwide reduction.

GARFO puts that information out for the public, and so we want to be able to provide that information to the public as soon as possible, so that the fishing public know what the regulations are. That is sort of the rationale behind all of these timelines for those that are new to this process, or just a reminder for all of us. I need them sometimes.

MR. LUISI: That is helpful, thank you for answering that for me.

CHAIR MESERVE: Okay, turning to the Board for any additional questions. Mike, your hand is still up is that a leftover hand, Mike Luisi. He's muted, so I assume it was left over. I had one question about how the RDM essentially doesn't pick up any scup harvest for the states of Delaware through North Carolina, and it can't model any associated reduction.

Did the Technical Committee make any back of the envelope guesses as to how much of a harvest reduction a 5-fish bag limit decrease would achieve, or how much reopening January through April might increase harvest? I know when we looked at the northern region's ability to achieve a 10 percent reduction through a bag limit change it required a much more significant drop in the bag than 5 fish to get to a 10 percent reduction. Did the Technical Committee discuss any alternative ways to estimate reduction than the RDM for the southern region's scup measures?

MS. TUOHY: The Technical Committee did not discuss different ways to calculate what a reduction might look like. They did look at previous MRIP estimates for the southern region. Off the top of my head, for example, in 2022 the harvest from the states of Delaware through North Carolina was about 6,000, 7,000 pounds total for all of those states. They just kind of looked at how minimal the harvest was for scup, compared to the rest of the coast. It was, I believe less than a couple of percent, 1 to 2 percent in every year that they briefly reviewed it.

CHAIR MESERVE: These states would, for the most part be de minimis if there was such a thing as a de minimis recreational fishery standard for scup.

MS. TUOHY: Exactly.

CHAIR MESERVE: Are there any additional questions from the Board? All right.

CONSIDER FINAL APPROVAL OF PROPOSED REGIONAL MEASURES

CHAIR MESERVE: As staff, we'll look to move into motions and discussion then at this point. As Chelsea said earlier, we would like to move through the species one at a time and start with summer flounder for a motion.

That would approve the range of proposals. Staff does have some draft language that a Board member could look to use if desired, to approve the range of options presented. We did discuss how Connecticut might be interested to insert into that some additional allowance for their special access shoreside rules to remain the same.

That is something that we would work into this motion to continue that. Are there any Board members that would like to start us off with a motion for summer flounder? Perhaps it would help to bring up kind of the generic motion that could be available to approve the range of proposals, and see how this could be tweaked. Jason McNamee.

DR. JASON McNAMEE: Yes, I would be happy to make that motion, Madam Chair. I'll read it just to help out here. **Move to approve the range of state and regional options for 2024 and 2025 summer flounder recreational management measures**

developed using the Recreational Demand Model as presented today.

CHAIR MESERVE: Is there a second to that motion? Joe Grist, thank you. Jay, were you interested to provide any rationale for the motion?

DR. McNAMEE: No, I think it's pretty straightforward, Madam Chair. Maybe I'll just also, I think you made a note of all the nice work, and the nice way of presenting the information that Chelsea and Tracey did, so I'll echo that sentiment. It's a lot, the different combinations become multiplicative.

I think you guys did a nice job of presenting this. I feel like all of the different combinations were rung out pretty good. It seems like no matter what ends up happening in the end, we're in a safe spot to meet our reduction goals. I'm comfortable moving forward with the motion as presented.

CHAIR MESERVE: All right, thank you, Jay. Joe, did you want to say anything as a seconder of the motion?

MR. GRIST: No, I think Jay covered it to let us move forward with what we've got and work it out, I'm sure.

CHAIR MESERVE: Very good, thank you. Justin Davis, would you like to make an amendment to this motion?

DR. DAVIS: I would, thank you, Madam Chair. I guess this could either be a formal move to amend, or I don't know if the maker and seconder of the motion would accept it as a **friendly amendment**, if that is possible. But I would like to add some language at the end of this to say something to the effect of, **with the addition of maintenance of Connecticut's enhanced shore site program for summer flounder, which includes a 17-inch minimum length limit**.

MS. TUOHY: Justin, just for my typing. Maintenance of Connecticut's shore sites for summer flounder, which includes a 17-inch minimum size limit.

DR. DAVIS: Correct, and then the rest of the measures are the same as the prevailing measures for the other modes, so the only difference is the 17-inch minimum length limit.

CHAIR MESERVE: Jason and Joe, would you be willing to accept that as a friendly amendment to the motion? I see your hand, Jason, go ahead.

DR. McNAMEE: Yes, I'm perfectly willing to have that added as a friendly if that can work.

CHAIR MESERVE: Joe, you as well?

MR. GRIST: Agreed.

CHAIR MESERVE: Thank you. I'm going to give staff a moment to get this up here, make sure, Justin that this captures your motion, your friendly amendment. Was it Connecticut's enhanced shoreside program?

DR. DAVIS: Enhanced shore sites would do it.

CHAIR MESERVE: Including maintenance of Connecticut's enhanced shore sites for summer flounder, which includes a 17-inch minimum size limit. Okay, Justin, could you just speak to that if you have any additional information about the level of harvest associated with these shore sites, if that was available to you on short notice.

DR. DAVIS: Yes, sure, thanks, happy to provide what I can. Unfortunately, we don't have something like an expanded harvest estimate for summer flounder from just these specific sites in Connecticut, where we have this allowance for a lower minimum size limit. What I can say is, you know this is a program we've had in place for over ten years.

Really quickly, our TC member was able to do some quick diving into MRIP, and in Connecticut, we

generally have statewide very few MRIP intercepts for summer flounder. You know the PSEs on our summer flounder shore mode harvest estimates on an annual basis tend to range from 55 to 91 percent. In 2023 we had an estimate of 0 pounds of summer flounder harvested from shore. In general, summer flounder not a species that are caught very commonly from shore in Connecticut. Allowing a 1 to 2-inch difference in minimum size limit at a limited number of these shore sites, I feel very comfortable saying produces a negligible increase in harvest of summer flounder overall in our state every year.

CHAIR MESERVE: Thank you, Justin, that is helpful information. Is there any discussion by the Board as to the motion as perfected?

MS. KERNS: Nichola, could you just read it before you guys vote on it, please?

CHAIR MESERVE: Certainly, certainly. Give everyone a chance to please, caucus as I'm reading the motion, if there are no other hands raised. We'll look to approve this after I've read it into the record. **Move to approve the range of state/regional options for 2024 and 2025 summer flounder recreational management measures developed using the Recreation Demand Model as presented today, including maintenance of Connecticut's enhanced shore sites for summer flounder, which includes a 17-inch minimum size limit**.

The motion was made by Dr. McNamee and seconded by Joe Grist. Again, I'll look to the Board for any comments. I don't see any. I did mention earlier that I would provide opportunity for the public to comment on the motions as they were made, so I'll look to see if there is any comment from the public to this motion. You can signify your interest to comment by raising your hand on the webinar. I'm not seeing any hands raised from the public, so we'll see if this can be done the easy way. **I'll ask if there is any objection from the Board to this motion.**

MS. KERNS: Nichola, I know that there is one abstention, so maybe you can ask for abstentions as well.

CHAIR MESERVE: Certainly. Please, identify any abstentions for the record. One from NOAA Fisheries, so the motion passes without objection and one abstention by NOAA Fisheries. Just giving Staff a moment to add that. Very good it's written down. We will now look to move on to scup. Again, we'll look to the Board to make any motion that would be approving all or part of the range of options that were presented today, and I do see a hand from Dr. McNamee. Please, go ahead, Jay.

DR. McNAMEE: I have a motion here, I think folks there have the text for this, so I'll just go ahead and start reading it. **Move to approve the range of state/regional options for 2024 and 2025 scup recreational management measures developed using the Recreational Demand Model as presented today for the states from Massachusetts through New Jersey**. **Recreational management measures for the states from Delaware through North Carolina will consist of a 30-fish bag limit, a year-round open season, and a 9-inch minimum size limit for 2024 and 2025**. If I get a second, I will give you some a little bit of reasoning for that.

CHAIR MESERVE: Is there a second to that motion? Emerson, are you seconding that? I saw that your hand went up before the motion was fully read.

MR. EMERSON HASBROUCK: Yes, I'll second that.

CHAIR MESERVE: Great, thank you, Emerson. Please, go ahead, Jay.

DR. McNAMEE: Okay, I'll keep this fairly simple. I think there was a lot of discussion about the inability to kind of make calculations for scup for this region. To go along with that, it seemed to make sense to me to have some alignment in that region, as far as the bag limit went. In addition, because there was a reduction being made, and what we saw was a reduction of 5 fish in the bag limit.

I thought as we know with bag limit as a tool, you tend to need larger steps to actually get an affect from the bag limit as a management measure. Aligning the Delaware through North Carolina at 30 fish, which aligns with New Jersey, aligns with Virginia, and under the impression that there was a desire to take some reduction in the scup management measures in this area.

I thought a 30 fish bag limit made the most sense. Coupled with that, having the year-round open season, the 10-fish bag rather than the 5-fish bag seemed like a more appropriate tradeoff to kind of keep either status quo or have a little bit of reduction, potential reduction in that region. Hopefully that made some sense to folks.

CHAIR MESERVE: Emerson, would you like to speak to the motion as the seconder?

MR. HASBROUCK: Yes, I don't have anything to add to what Jason said. I think he justified it quite well. Chelsea gave a pretty good explanation of all the different options during her presentation, so thank you.

CHAIR MESERVE: Is there further Board discussion on this motion? John Clark. John, I saw your hand go up and down, so maybe not. Any hands to discuss this motion? John Clark, your hand is back up again, please go ahead.

MR. JOHN CLARK: I just brought it up on other things. I just don't understand why we need to take an unnecessary move like this in the southern region. As was pointed out, we're barely catching any scup in this region. Any time there is a regulatory change it imposes cost and problems on the state, plus in the case like this, like I said, it just makes us look like it's just kind of ridiculous. We're not catching them.

Does it matter whether it's 30, 20, 40? It's just an additional burden on the states to put something into effect that is not going to do anything to improve the scup population. I wish we could just remove the last part of this motion, and change it to one that just accepts the whole range of state and regional options.

CHAIR MESERVE: Okay, thank you, John. That sounds in part like an argument for *de minimis* measures that the states wouldn't have to change on an annual basis. But the Board would have to determine what type of minimum standards would apply for *de minimis* states in that case. But I thank you for the comment, and do have another hand up from Joe Cimino.

MR. CIMINO: I understand where John is coming from, but I'm going to speak in favor of the motion. I think these are three species that we're regularly changing regulations. I understand that it's a more complicated process to some states than others. But we've been striving for consistency here. I think Jay's motion gets us to that. I just wanted to speak in favor.

CHAIR MESERVE: Thank you, Joe. Are there any other comments on this motion? John Clark, your hand is up, did you have something to add?

MR. CLARK: Sorry, Madam Chair, I didn't see that. I'll take it down.

CHAIR MESERVE: Okay, no worries, thank you. Last call for any other comments from the Board. If not, we'll turn to the public to see if there is any public comment on this motion. You can signify your interest to provide comment by raising your hand. Not seeing any public comment, we'll return to the motion. It's already been read into the record, do states need a moment to caucus? Let's take two minutes to caucus.

Okay, that was two minutes by my watch, maybe it's fast. But if you need any more time, throw up a hand really quick. If not, we'll go back to the motion, and I will ask if there is any objection to the motion.

MR. CLARK: We're going to be null in Delaware, Madam Chair, null.

CHAIR MESERVE: Null vote, very good. Toni, should I proceed with a full vote?

MS. KERNS: Yes, because these are roll-call, so when there are objections then we should note them.

CHAIR MESERVE: Very good. We'll return to the beginning on the motion. **All those in favor of the motion, please raise their hand, and I'll ask Toni to get the count for me.**

MS. KERNS: Thanks, Nichola, I'm just going to let the hands settle for a minute here. I have Connecticut, New York, Rhode Island, New Jersey, North Carolina, Massachusetts and Virginia. If anybody else thinks they have their hand up just call out. I will put everybody's hand down.

CHAIR MESERVE: All those opposed to the motion like sign.

MS. KERNS: Maryland. I'll put their hand down.

CHAIR MESERVE: I'll look for any null votes, N-U-L-L, null.

MS. KERNS: We have Delaware.

CHAIR MESERVE: Any abstentions, please.

MS. KERNS: We have New Hampshire, Potomac River Fisheries Commission, NOAA Fisheries, and Mike Luisi, you have your hand up again.

MR. LUISI: I made a mistake, I hit the button too late, I wanted to vote in favor.

MS. KERNS: In favor, okay, so we have Maryland is in favor. We do not have any states opposed then, the one null vote of Delaware. The abstentions, I believe are Potomac River Fisheries Commission and NOAA Fisheries. Those are the hands that I have up.

CHAIR MESERVE: And New Hampshire.

MS. KERNS: New Hampshire, sorry. Your hand went down, I had already forgotten.

CHAIR MESERVE: Okay, so the motion carries 8 in favor, 0 opposed, 1 null and 3 abstentions. We can move on to black sea bass, slightly different situation for black sea bass. We have two states that provided minor seasonal modifications, and we would be looking for the Board to approve those if that is their will. I'm not sure if staff has some guidance language for this motion. Is there anyone on the Board that would be willing to make this motion? Jason McNamee. Motion by Jason McNamee, do you mind reading it into the record, Jay?

DR. McNAMEE: Not at all, figured I would make it a hat trick here. **Move to approve the black sea bass season adjustments for Massachusetts and Connecticut for the 2024 fishing year as presented today.**

CHAIR MESERVE: Is there a second to the motion? Emerson Hasbrouck, thank you, Emerson. Anything further to add, Jay?

MR. HASBROUCK: I'm seconding Jay's motion again; I have nothing to add.

CHAIR MESERVE: Okay, thank you, I think this is pretty straightforward. I'll look to the Board for any discussion on the motion. Seeing none; **is there any objection to this motion? Any abstentions? One abstention from NOAA Fisheries, the motion carries without objection and one abstention.** I will look to Chelsea or Tracey. Is there anything further on this agenda item that you need before we move on to the commercial issue?

MS. BAUER: I don't think there is anything from us. I do see Adam's hand up.

CHAIR MESERVE: Adam Nowalsky.

MR. ADAM NOWALSKY: Yes, thanks very much. Could you remind me at what point we had

approved Virginia's black sea bass winter time fishery? I recall that we had a motion back at the December, 2022 joint meeting to approve them for 2023. I do not recall, nor did I see in the materials from the joint December meeting where we had approved that.

Just wondering, again, just a reminder. I'm sure we must have at some point. I know we had a very thorough discussion about having to wait on reopening scup at the state level until we went through this process. Just so we've got a reminder on the books here when we had approved that motion for Virginia.

CHAIR MESERVE: My recollection is that when we approved status quo for sea bass for this year, it was with the understanding that status quo for Virginia meant the option to continue that February fishery, but I will look to staff for any correction there.

MS. BAUER: That is correct, Madam Chair.

CHAIR MESERVE: Thank you, Tracey, does that answer the question for you, Adam?

MR. NOWALSKY: I think that is perfect, and just so we've got it clearly on the record here again, because there is no explicit motion for this year like we've had in past years, so thanks very much.

CHAIR MESERVE: Great, thank you for helping us get that on the record, Adam. We are doing pretty well on our schedule, and we can move on to the next agenda item at this point, which is on for the Board to Consider Initiating an Addendum to Address the Flynet Definition and Boundaries of the Small-Mesh Exemption Program; as related to the summer flounder trawl mesh requirements.

Consideration of these changes is intended to modernizes these requirements, with consideration of current fishing industry gear use and practices, and to provide additional flexibility to fishery participants, while continuing to meet the conservation objectives of the FMP. The Mid-Atlantic Council is a step ahead of the Board on this item, having already initiated a compatible framework, and forming a fishery management action team to meet an intended implementation date of November 1, 2024.

The Commission's Policy Board did add this action to the 2024 Action Plan at the winter meeting at this Board's request though. At this point, I will turn to Chelsea to provide us with some additional background on this, and then we will go from there. Okay, go ahead, Chelsea.

MS. KERNS: Chelsea, sorry to interrupt, Nichola. Before you go, Roy Miller had his hand up, and I just want to make sure it is not on the past business, before you move forward.

CHAIR MESERVE: Okay, thank you for flagging that. Roy, do you want to go ahead?

MR. MILLER: It is on the past business. If you would indulge me for just half a second, Madam Chair.

CHAIR MESERVE: Go ahead.

MR. MILLER: During the striped bass regulatory process associated with Amendment 7 there were a lot of public comment requesting simplicity when it came to state proposals for management measures. I just want to note that somehow, we've lost track of simplicity in our proposals, when we have 42, for instance, proposals from a particular region to consider.

I don't see how 42 can be considered at all, approaching simplicity. I just wondered if in the future we might take more formal action regarding limiting the number of potential proposals for consideration. Thank you, Madam Chair, just throwing that out there, not really intending any action. I just wanted it on the record that I thought it was an unspoken or unspecified goal to try to achieve some simplicity, in terms of management proposals, thank you.

CHAIR MESERVE: Thank you, Roy, I agree and can point the finger at my own state for a large number of proposals. I think part of the complication or challenge here is that states are asked to develop a range of proposals for approval, prior to any public comment process. In order to not rule out options that might come through scoping with the public, the range of options that gets approved at this Board meeting tends to be on the wider side.

I know that having spoken with staff that they did have some challenges or compiling all the options, so that there is interest to make kind of a standard template that would at least ease the burden on staff, in terms of compiling the options and getting them ready for the Board's review and approval. That is one place the we'll look to simplify things in the future, to make it less of a burden on staff, in terms of compiling the options. It's a challenge, I think, when we have this approval prior to public comment processes and states. Did you want to add more, Roy?

MR. MILLER: No, thank you, Madam Chair, for hearing me out on that.

CHAIR MESERVE: It's well taken.

CONSIDER INITIATION OF ADDENDUM TO ADDRESS FLYNET DEFINITION AND BOUNDARIES OF THE SMALL-MESH EXEMPTION PROGRAM

CHAIR MESERVE: We'll come back to Chelsea for the Summer Flounder Commercial Mesh Exemption presentation.

MS. TUOHY: The Summer Flounder Mesh Exemption Programs and the exploration into their current utilization was discussed at length at the joint Board and Council meeting in December. Today I'm going to do my best to keep this presentation short, but to give an overview here. I will first discuss the background for this potential action, followed by the background on the two exemption programs that are being considered through this potential action.

Next, I will go over a possible timeline. I'll take a pause for questions, and then the Board will consider initiating an addendum to address summer flounder commercial mesh exemption. Throughout 2023, Council staff and a Council contractor evaluated the historic and current use of a number of summer flounder commercial mesh regulations.

They collected public comment on the use of these regulations. The regulations explored included the current 5.5-inch diamond, and 6-inch square minimum mesh sizes. The Summer Flounder Small Mesh Exemption Program and the Summer Flounder Fly Net Exemption. The Board and Council received a presentation on the results of the Council staff and contractors work in December of 2023.

At that joint meeting in December, the Council and Board recommended no change to the current summer flounder minimum mesh sizes, due to the lack of sufficient evidence to suggest that a change is warranted. Those two bodies also agreed that selectivity studies should be considered as a research priority in the future.

While the Board and Council did not choose to make changes to the commercial minimum mesh size for summer flounder, the two groups did put forward a motion that read, move to consider as a potential 2024 priority a framework adjustment addendum to clarify the definition of a flynet, and to consider moving the western boundary of the small mesh exemption area. The intent of this framework addendum is for possible implementation by November 1, 2024. Following that joint Board and Council meeting in December, the Council added this framework action to their implementation plan, which replaced the potential scup gear restricted area framework from the main list of deliverables for 2024.

As mentioned before, the Council has already initiated this framework, and now we're looking for follow up Board action. In January of 2024, at the

Business Session of the Commission, the Commission's 2024 Action Plan was edited to add in an item that read; develop an addendum in collaboration with the Mid-Atlantic Fishery Management Council to address define a definition and boundaries of the Small Mesh Exemption Area.

Now I'm going to move into some background, just as a reminder for the Board, on what the Summer Flounder Small Mesh Exemption Program is, and what is included in that flynet exemption. Starting off with the Small Mesh Exemption Program. This exemption was initially developed under Amendment 2, and then modified under Amendment 3 to the fishery management plan.

The purpose of the Small Mesh Exemption Program is to allow vessels to retain some bycatch of summer flounder, while operating in other small mesh fisheries. The exemption states that vessels fishing east of the line from November 1st through April 30th, and using mesh smaller than 5.5-inch diamond or 6-inch square, may land more than 200 pounds of summer flounder.

However, it should be noted that vessels cannot fish west of the line while participating in the program. Vessel participation in the Small Mesh Exemption Program has remained stable over time, with approximately 75 letters of authorization issued annually. When soliciting stakeholder input, many participants in the fishery noted the importance of the exemption program, and proposed moving the Small Mesh Exemption Program line, approximately 5 miles westward, to align with the northeast corner of the southern scup gear restricted area.
The participants in the fishery noted that this change would allow more flexibility for those participating in multiple fisheries. Then the Summer Flounder, Scup and Black Sea Bass Technical Committee and Monitoring Committee reviewed staff work and industry feedback. Those groups recommended that additional analysis be conducted on this industry proposed change to the program area, and the potential biological impacts to summer flounder.

The TC and MC also noted that a future FMAT PDT or subgroup should explore the potential to update evaluation methods to avoid relying solely on observer data to estimate summer flounder catches using this exemption. Again, as a reminder, this map up on the screen demonstrates the industry proposed change to that exemption area, which represents an additional area of 1,901 square miles, excluding the deep-sea coral zones.

The current exemption area is displayed in green, I'm not sure that it's showing up green on your computers, it's a very light green, and the proposed changes shown in red. The scup GRAs are shown in that blue-turquoise color, and then the deep-sea coral protection area is that purple area in the bottom right-hand side of that first figure. Now moving on to the Summer Flounder Flynet Exemption Program. This program was implemented under Amendment 2 to the fishery management plan in 1993. Usual purpose of the exemption was to allow vessels fishing with a two-seam otter trawl to be exempt from the summer flounder minimum mesh size requirements.

This exemption was developed specifically to accommodate fisheries targeting other species, and catching limited amounts of summer flounder in the states of Delaware through North Carolina. However, Council staff and the contractor evaluation of the program indicated that the exemption is no longer being utilized in the way that it used to in that area or fishery.

The exemption specifically states that vessels fishing in the flynet fishery again are exempt from the minimum mesh size requirement, and defined the flynet as a two-seam otter trawl with the following configurations. A, the net has a large mesh webbing in the wings, with a stretch mesh measure of 8 inches to 64 inches.

B. the first body or belly section of the net consists of 35 meshes or more of 8-inch stretch mesh

webbing or larger. C. In the body section of the net, the stretch mesh decreases in size relative to the wings, and continues to decrease throughout the extensions to the cod end, which generally has a webbing of 2 inches stretch mesh. Industry members proposed a number of changes to the flynet definition, to better reflect current gear use and fishing practices. These proposed changes are shown up on the screen there.

They include removing the two-seam otter trawl requirement to replace the language with, at least two seams, removing the upper limit of the large mesh webbing in the wing's requirement, which is 64 inches, so that it just reads greater than 8 inches. Adding high rise to the flynet definition to incorporate regional differences in language, and removing the number of meshes requirement in the belly of the net, which currently reads 35 or more.

Like with the Small Mesh Exemption Program, the Summer Flounder, Scup and Black Sea Bass Technical Committee and Monitoring Committee reviewed staff work and the industry feedback, and commented that the exemption is not currently being used for the fishery or area that it was designed for, and that the definition may need to be updated to reflect changes in the fishery, and then also changes in gear over time.

However, the Technical Committee and Monitoring Committee noted that this definition should be examined to determine if the language would codify existing practices or expand the use of the exemption. Then finally, the TC and MC also recommended that methods for evaluation of the exemption should be explored, given that the flynet fishery off North Carolina has not been very active in recent years.

As noted, the Council has already initiated a framework for this action, to explore the issues just discussed, and has formed a Fishery Management Action Team or FMAT, and that FMAT is shown on the screen. If/when the Board decides to initiate an addendum to address summer flounder mesh exemptions, the Board can choose to form a PDT. You know if there are aspects of state regulations that the Board members think may need to get incorporated into an addendum. But a PDT is not required for this action. If the Board chooses to not form a PDT, we will rely heavily on the Council's FMAT to come up with, you know this addendum, so that it is consistent with what is being proposed in the framework. I'll reach out to Board members after this meeting, to touch base on if a PDT is needed. But if there are any thoughts at this point, you know we're happy to discuss them following the presentation.

Then finally, to wrap up the presentation, I'm just going to briefly cover the timeline for this proposed action. Starting off with today, where the Board will potentially initiate an addendum to address the summer flounder flynet definition, and the boundaries of the Summer Flounder Small Mesh Exemption Program area.

Then from February to March, the FMAT will work on developing the range of alternatives and a draft document for Meeting 1. Meeting 1 for this action will occur at the Council's April, 2024 meeting, where the Board and Council will approve the range of alternatives, and the Board will approve a draft document for public hearing.

Next, there will be a public comment period for the Commission's document from April through May, which public hearings will also take place if desired. Final action for this framework addendum will occur at the Council meeting in June, for an effective date of implemented changes on November 1, 2024.

As a note, you know you will see up on the screen here that there are some upcoming joint meetings between the Board and Council that fall outside of the typical meeting schedule, and we will cover all of those meetings shortly during the other business portion of this meeting today. That is all I have for you all, and I'm happy to take any questions.

CHAIR MESERVE: Great, thank you, Chelsea, very informative presentation. Are there questions for Chelsea about the information presented, about the need for this addendum, anything else? Hey, I'm not seeing any questions. It speaks to the quality of your presentation, Chelsea, thank you, but we'll look to the Board then for a motion that would initiate an addendum. Staff does have some language that could be used for that if it's needed. Erick Reid, I see your hand up, please go ahead.

MR. ERIC REID: I appreciate it. I **move to initiate an Addendum to address summer flounder commercial mesh exemptions, including clarifying the definition of a flynet and moving the western boundary of the small-mesh exemption area**.

CHAIR MESERVE: Thank you, Eric, is there a second to the motion? Mike Luisi. Eric, would you like to speak to the motion?

MR. REID: No, honestly, the rationale that was presented in December has not changed. This is a 31-year-old regulation that no longer applies in reality. I would prefer to turn discards into landings and reduce the regulatory burden on the commercial fishery. Taking into account the fact that gear has changed, and the majority of the squid fleet, which fishes' east of that sub-GRA in the winter, is towing rope nets now. You know the face of those nets are 8 or 10 feet long, and in the bottom belly they don't go below 8 inches until about the fifth belly panel. That is a standard net. Thank you, Madam Chair.

CHAIR MESERVE: The second was by Mike Luisi, and I'll ask him or any other members of the Board if they would like to raise their hand to provide any additional rationale for this motion. Mike Luisi.

MR. LUISI: I think it was made clear in the presentation that both the Council and the Commission have prioritized this as something that they would like to get done this year. I seconded this in that interest. Eric already made the points I was going to make, so that's it.

CHAIR MESERVE: Okay, very good. Could we get the second up on the screen, just for the record? Any further comment from the Board, any discussion from the Board on this motion? Also, look to any public input at this time, noting of course that this is just the initiation of this action. There will be a lot more time for comment. But we'll look for any comment, and I see Greg DiDomenico with your hand, please go ahead.

MR. GREG DiDOMENICO: There you go, Greg DiDomenico, Lunds Fisheries. Just wanted to say thank you for moving this along and making this a priority, thank you.

CHAIR MESERVE: Short and sweet, Greg, very good, thank you. Any other comment from the public? Seeing none; we'll move to a vote on this, and I'll ask if there is any objection to the motion from the Board. Seeing no hands**, are there any abstentions? Also seeing none; so, this motion carries unanimously.**

OTHER BUSINESS

CHAIR MESERVE: That is going to bring us back to Other Business at this time.

QUICK PREVIEW OF UPCOMING MEETING SCHEDULES THIS YEAR

CHAIR MESERVE: As Chelsea was just saying, she'll give us just a quick outlook on what the calendar looks like for the Board, given both our normally scheduled ASMFC meetings, and also a joint meeting schedule. If you're ready, Chelsea. All right, great, go ahead.

MS. TUOHY: We'll provide all of this information in an e-mail to the Board following the meeting today. But as staff, we just wanted to highlight the remainder of the joint meetings between the Summer Flounder, Scup and Black Sea Bass Board, the Policy Board, and the Mid-Atlantic Council for the remainder of 2024.

We're going to start off with that April 9 through 11, 2024 meeting in Atlantic City, New Jersey, which will be a meeting of the Summer Flounder, Scup, Black Sea Bass Board and the Mid-Atlantic Council. These two groups will meet to approve summer flounder commercial mesh exemptions framework addendum for public comment, as I just mentioned earlier. Moving on to that next Council meeting there, which falls outside of the typical meeting schedule.

That meeting is from June 4 through 6 of 2024, it will be held in Riverhead, New York, and that meeting will be between the Summer Flounder, Scup, Black Sea Bass Board and the Council, and then also between the Policy Board and the Council, and the topics for discussion are the final action on the Summer Flounder Commercial Mesh Exemptions Framework Addendum.

The Policy Board will be receiving an update on their recreational measure setting process, framework and Addendum. Then the last two Council meetings on that list are typical joint meetings. Those are in August and December. The meeting in August as always, will be between, well I guess that's always in recent years. Summer Flounder, Scup, Black Sea Bass Board and the Council, and then the Policy Board and the Council. In August, we will be setting 2025 black sea bass specifications, reviewing 2025 summer flounder and scup specifications, and approving the recreational measure setting process framework addendum for public comment.

Then finally in December of 2024, the Summer Flounder, Scup, Black Sea Bass Board will meet jointly with the Mid-Atlantic Council in Annapolis, at the Council's meeting to adopt 2025 black sea bass recreational management measures, and then review those 2025 measures for summer flounder and scup. Then just to wrap up today.

As a brief note, we anticipate that the joint aspect of the April and June meetings will take no longer than 2 hours for the April meeting and around 3 to 4 hours for the June meeting. Given the brief nature of these action items, and that these meetings fall outside of the typical meeting schedule, we encourage virtual participation, and we know it is a lot for folks to travel. Yes, I guess I'll just leave it off at that and hold for questions if there are any.

CHAIR MESERVE: We'll look forward to a lot of meetings this year. Are there any questions about the schedule? Again, it will be sent to you in an e-mail. Not seeing any.

ADJOURNMENT

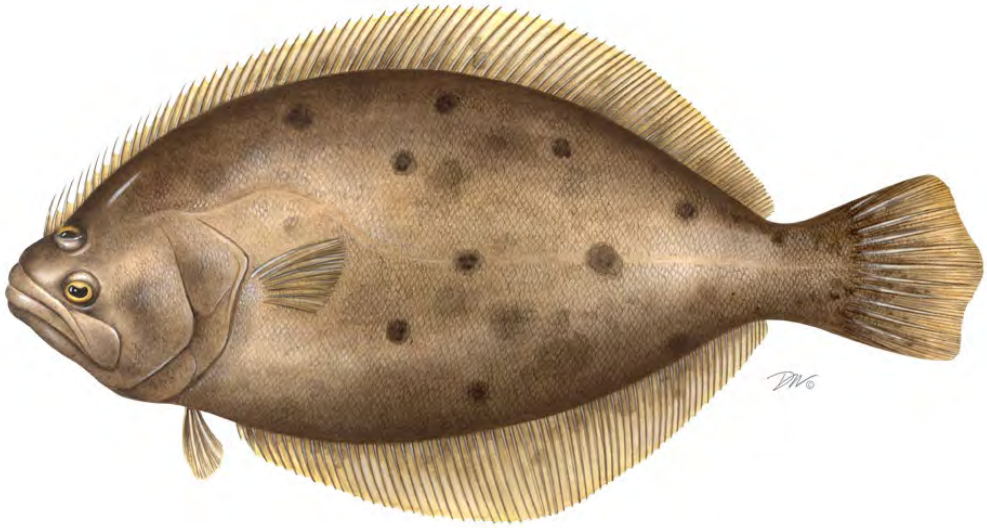
CHAIR MESERVE: Is there any other business to come before the Board today? Again, I'm not seeing any, so that brings us to the end of our agenda. We'll consider this meeting adjourned at this time. I thank everyone for their participation today, hope you have a good night and enjoy some heart shaped chocolates. Thank you!

(Whereupon the meeting adjourned at 3:30 p.m. on February 14, 2024)

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM XXXV TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT

Changes to Summer Flounder Commercial Mesh Exemption Programs



August 2024

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Public Comment Process and Proposed Timeline

In February 2024, the Summer Flounder, Scup, and Black Sea Bass Management Board approved a motion to initiate the development of an addendum to the Summer Flounder, Scup, and Black Sea Bass Interstate Fishery Management Plan (FMP). The addendum will consider changes to two exemptions to the summer flounder commercial minimum mesh size requirements: the Small Mesh Exemption Program (SMEP) and the flynet exemption. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (Commission) management of the summer flounder commercial fishery, the addendum process and timeline, and a statement of the problem. This document also provides management options for public consideration and comment. This addendum is being developed in cooperation with the Mid-Atlantic Fishery Management Council (Council), which is developing a corresponding framework action. The public comment process will be conducted by the Commission, and comments received will be reviewed by both management bodies prior to final action.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the public comment period. The final date comments will be accepted is **September 28, 2024 at 11:59 p.m. (EST).** Comments may be submitted at state public hearings or by mail or email. If you have any questions or would like to submit comment, please use the contact information below. Organizations planning to release an action alert in response to this draft addendum should contact Chelsea Tuohy, Fishery Management Plan Coordinator, at ctuohy@asmfc.org or 703.842.0740.

Mail: Chelsea Tuohy
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington VA. 22201

Email: **comments@asmfc.org**
(Subject: Summer Flounder Draft Addendum XXXV)

Date	Action
February 2024	Board initiated the draft addendum
February 2024 – July 2024	Plan Development Team developed draft addendum document for public comment
August 2024	Board reviewed and approved Draft Addendum XXXV for public comment
August 2024 – September 2024	Public comment period, including public hearings; written comments accepted through **September 28, 2024**
October 2024	Board reviews public comment, selects management measures, and final approval of Addendum XXXV

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1.0 Introduction

Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the states through the Commission in state waters (0-3 miles), and through the Council and NOAA fisheries in federal waters (3-200 miles). The management unit for summer flounder in US waters is the western Atlantic Ocean from the southern border of North Carolina northward to the US-Canadian border. States and jurisdictions with a declared interest in the fishery include all those from North Carolina through Massachusetts except Pennsylvania and the District of Columbia, as well as NOAA Fisheries and the US Fish and Wildlife Service (USFWS).

In December 2023, in response to a review of summer flounder commercial minimum mesh size exemptions, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) added to the Commission's 2024 Action Plan an addendum to clarify the definition of a flynet and to consider moving the western boundary of the Small Mesh Exemption Program. In February 2024, the Board initiated this draft addendum through the following motion:

> *Move to initiate an addendum to address summer flounder commercial mesh exemptions including clarifying the definition of a flynet and moving the western boundary of the small-mesh exemption area.*

The Council initiated their corresponding framework action in December 2023.

2.0 Overview

2.1 Statement of the Problem

The SMEP and flynet exemptions were developed under Amendment 2 to the FMP in 1993 and the SMEP was modified under Amendment 3 (1993). Both provide exemptions to the commercial minimum mesh size regulations for the summer flounder trawl fishery, which require 5.5 inch diamond or 6.0 inch square mesh to retain more than 200 pounds of summer flounder from November through April, or 100 pounds of summer flounder from May through October. In the Fall of 2023, the Council contracted a review of these exemptions. This review and subsequent discussions have identified the need to consider several changes to these exemption programs, as described below.

The SMEP and the flynet exemption are both annually reviewed by the TC and MC and the Board and Council during the specifications process for setting or reviewing catch limits. Some changes can be made through the specifications process. However, the regulations list restrictions on what types of changes to the SMEP can be recommended by the TC and MC via specifications. In addition, the typical annual review of the flynet exemption is primarily to review data on the flynet fishery in North Carolina. A redefinition of the exempted gear type(s) would fall outside the scope of what could be modified via specifications. As such, the Board and Council were advised to initiate an addendum/framework to consider the issues described below.

2.1.1 Small Mesh Exemption Program Area Revisions

The SMEP allows trawl vessels to obtain a Letter of Authorization (LOA) to land more than 200 pounds of summer flounder east of longitude 72° 30.0'W, from November 1 through April 30, using mesh smaller than the minimum summer flounder mesh sizes of 5.5 inch diamond or 6.0 inch square. This exemption is designed to allow vessels to retain some bycatch of summer flounder while operating in other small-mesh fisheries, reducing regulatory discards of summer flounder. During the Fall 2023 review of the program, feedback from the commercial fishing industry indicated the SMEP has become an important program to maintain the economic viability of their businesses. Industry representatives recommended moving the demarcation line approximately 5 miles landward to facilitate the conduct of their fishing operations in other fisheries, without negatively impacting the summer flounder stock. After reviewing the final report of the Council contracted work and public input, the Board and Council recommended additional evaluation of this industry proposal, including further exploration of appropriate boundaries and the expected biological impacts to summer flounder.

2.1.2 Small Mesh Exemption Program Review Methodology

The current regulations state the Regional Administrator may terminate the SMEP for the remainder of a season if observer data determines vessels fishing under the exemption are discarding more than 10 percent by weight, on average, of their entire catch of summer flounder per trip. Because the exemption program is intended to minimize regulatory discards in small mesh fisheries targeting other species, rescinding the exemption could lead to an overall increase in summer flounder discards among these small mesh vessels. As such, evaluation criteria should be designed to identify major concerns with the use of the exemption program that may justify suspending the exemption program until those issues can be resolved.

The current 10 percent threshold has been flagged as potentially no longer appropriate to provide meaningful information on whether discarding trends are problematic under this exemption. There are many reasons, regulatory and otherwise, summer flounder are discarded (see Figure 7 in Appendix A for discard reason analysis from observer data). Many of the regulatory constraints influencing discard rates and patterns today were different or not relevant during time periods of data used to establish this exemption and its evaluation criteria.[1] There are also now more years of data available on use patterns for the exemption program. This action considers revisions to the review methodology and the process for determining whether the exemption should be rescinded.

2.1.3 Flynet Exemption Definition Revisions

The flynet exemption program specifies that vessels fishing with a two-seam otter trawl flynet, with a specific configuration (see section 3.3, Option A), are exempt from the summer flounder minimum mesh size requirements. The original intent of this exemption was to accommodate a specific fishery, concentrated in North Carolina and extending north to Cape Henlopen,

[1] For example, discard rates using 1990-1991 data were used to partially inform this exemption, which was prior to establishment of coastwide quotas and consistent coastwide size limit requirements.

Delaware. Available data indicate the exemption is no longer being utilized in that area/fishery. However, industry feedback indicates the flynet exemption has become an important component of specific fisheries throughout the Greater Atlantic Region, although some of the net types being utilized under the flynet exemption (i.e., "high rise nets") do not comply with the specific regulatory definition of a flynet. The term "high rise" net appears to be regional terminology for flynets and similar net types. The Summer Flounder, Scup, and Black Sea Bass Technical Committee (TC) and Monitoring Committee (MC) previously identified this as a potential compliance and enforcement issue and/or indication of a potential need to revise the regulatory language. During the summer flounder mesh exemption review process, industry representatives noted very few summer flounder are caught in these net types, and proposed updating the definition of the term "flynet" to reflect modern gear configurations and use-patterns under this exemption.

2.2 Background

2.2.1 Status of the Stock

The most recent summer flounder management track stock assessment was completed in June 2023, using data through 2022 (NEFSC 2023). The FMP defines the summer flounder management unit as all summer flounder from the southern border of North Carolina to the United States-Canada border. The assessment approach is a statistical catch-at-age model (ASAP) incorporating a broad array of commercial and recreational fishery and survey data. Results from the 2023 assessment indicate the summer flounder stock was at 83% of the biomass target and so was not overfished; however, the stock was experiencing overfishing in 2022. Fishing mortality was 3% above the threshold level defining overfishing (Figure 1; Figure 2).

While the overfishing limit has not been exceeded in recent years, projections associated with the 2021 assessment, which used data through 2019, appeared to be overly optimistic given the updated information provided by the 2023 assessment. The assessment has been slightly underestimating fishing mortality and overestimating stock biomass, the effect of which was compounded by adding three years of data to the assessment model (2020-2022). In addition, stock recruitment has been below average since 2011 and the high estimate of 2018 recruitment in the 2021 assessment was revised downward to recent below-average levels with the 2023 assessment results. The 2023 management track stock assessment provided the basis for setting fishery specifications for the 2024 and 2025 fishing years.

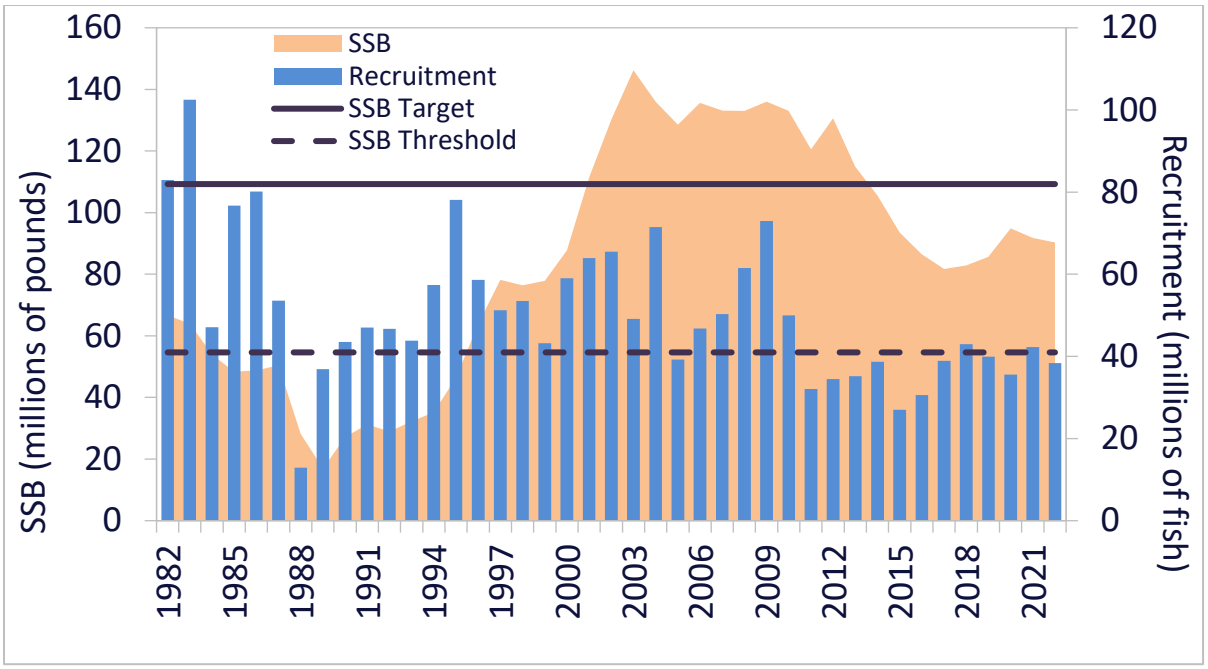

Figure 1: Summer flounder spawning stock biomass and recruitment. Source: 2023 Management Track Assessment Prepublication Report, Northeast Fisheries Science Center.

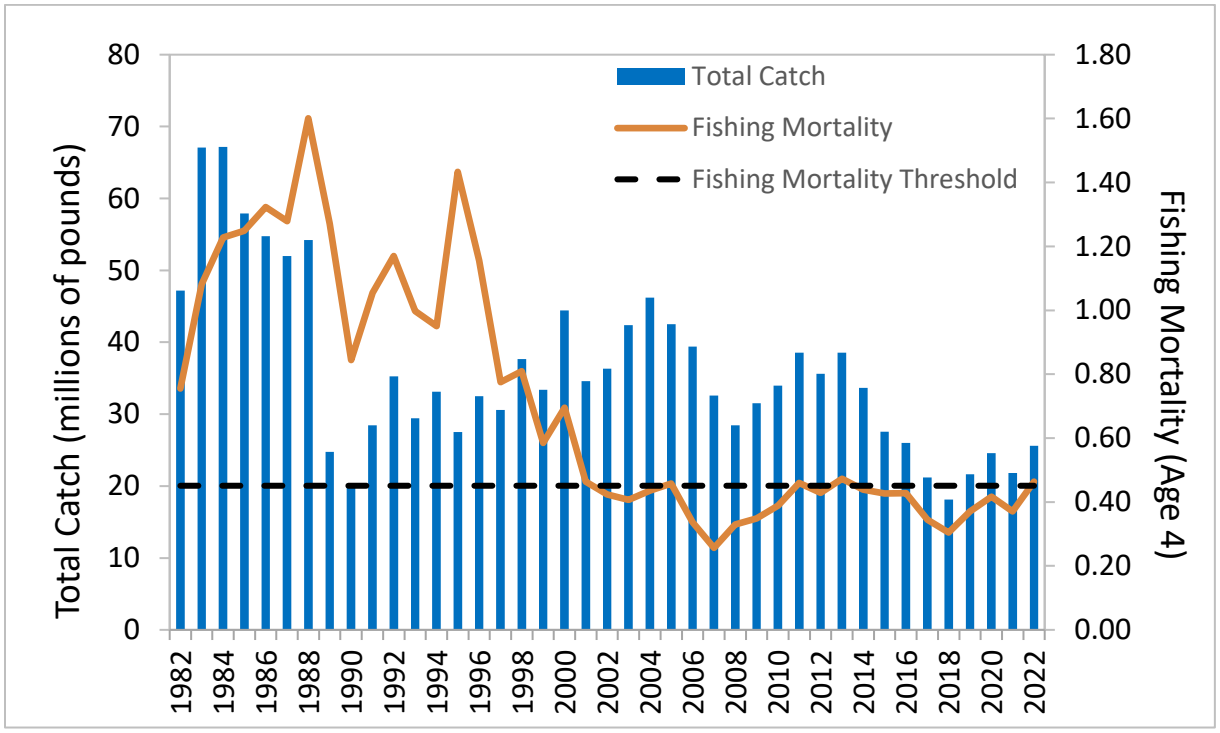

Figure 2: Summer flounder total catch and fishing mortality. Source: 2023 Management Track Assessment Prepublication Report, Northeast Fisheries Science Center.

2.2.2 Status of the Fishery and Management

Note: Since this addendum considers management of the commercial fishery, the following information focuses on commercial summer flounder fisheries and exemption programs. For information on the recreational fishery and general commercial landings trends, see the Review of the FMP for Summer Flounder: 2022 Fishing Year (ASMFC, 2023).

2.2.2.1 Small Mesh Exemption Program

Summer flounder moratorium permitted vessels fishing east of longitude 72° 30.0'W (Figure 2), from November 1 through April 30, and using mesh smaller than the required summer flounder minimum mesh sizes of 5.5-inch diamond or 6.0-inch square, may land more than 200 pounds of summer flounder under the SMEP. Participation in this program requires a LOA obtained through the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO). Vessels must be enrolled in the program for a minimum of 7 consecutive days and may not fish west (landward) of the line. This exemption program was developed under Amendment 2 to the FMP and modified via Amendment 3[2] (both in 1993). The seven-day minimum enrollment period was implemented due to the administrative capacity needed to process vessel enrollment in the program.

This exemption program was initially suggested by the New England Fishery Management Council and industry participants. It was designed to allow vessels to retain some bycatch of summer flounder while operating in other small-mesh fisheries. At the time it was determined the exemption would not pose an issue for the stock because the mesh size requirement was designed to protect smaller summer flounder, which largely were not being caught in these offshore areas in the winter months.[3] The exemption was thus viewed as consistent with the conservation goals of the FMP while reducing discard waste in the summer flounder fishery.

Over the last ten years, SMEP LOAs have been issued to an average of 68 vessels each year for the relevant November-April time periods, with a slight increasing trend over these years (Figure 3). Because vessels with an active LOA are restricted to trips east of the demarcation line, many vessels hold several LOAs for varying lengths of time throughout a given November-April period. On average over the past ten years, about 44% of vessels held the LOA for the full November-April time frame (Appendix A; Figure 6).

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[2] Amendment 3 increased the threshold possession limit for smaller mesh vessels from 100 to 200 pounds of summer flounder and simplified the SMEP area to the area east of 72° 30.0'W to resolve issues with compliance and enforcement created by the previous, irregular line (71° 30.0'W, following the yellowtail closed area). Otter trawl data showed discard rates and size distributions of summer flounder varied by these demarcations. The amendment concluded that changing the SMEP area to east of 72° 30.0'W would slightly increase discards but improve compliance and navigation and eliminate the issue of the previous line bisecting Hudson Canyon.

[3] The exemption was approved based on data (from 1985 to 1989) indicating 99.8 percent of summer flounder caught in the exemption area were equal to or greater than the size limit at the time of 13 inches, and 84.7 percent were greater than 15 in., compared to 88.6 percent and 50 percent outside the area, respectively.

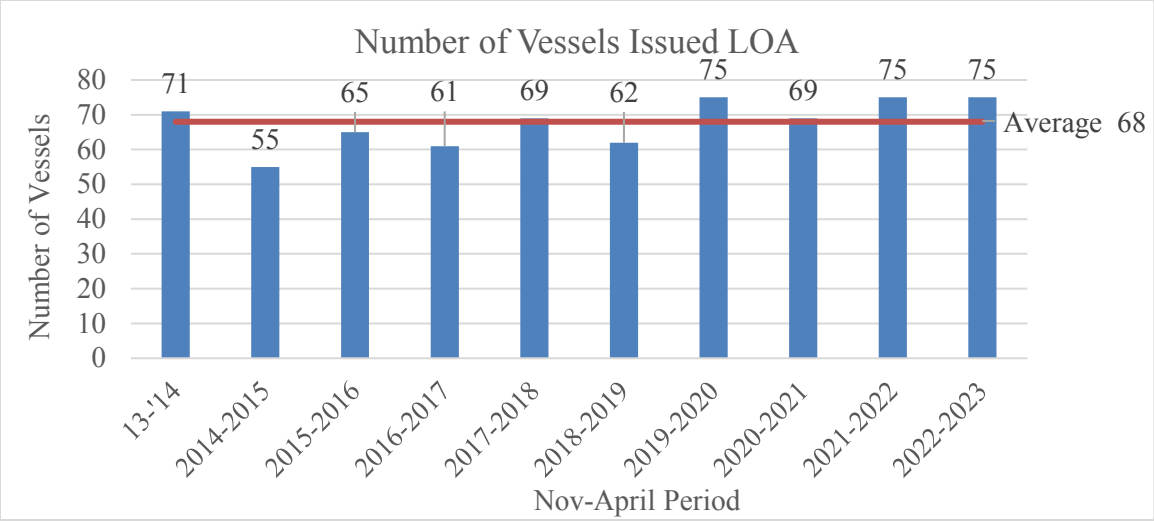

Figure 3: Number of vessels issued a SMEP LOA from November 2013 through April 2023. Some vessels held multiple LOAs within a season.

Vessel Trip Report (VTR), Catch Accounting Monitoring System (CAMS), and Northeast Fisheries Observer Program (NEFOP) data, all linked to trips where vessels held an active SMEP LOA, were used to characterize use of this exemption program.

CAMS data were used to calculate the proportion of annual summer flounder bottom trawl landings and discards originating from LOA trips vs. non-LOA trips. As shown in Table 1, based on this information, since 2018 about 14% of total annual summer flounder bottom trawl catch on average came from trips where an active LOA was held.[4]

Table 1: Proportion of annual summer flounder bottom trawl landings and discards from SMEP LOA vs. non-LOA trips, based on 2018-2022 CAMS data.

	% LOA Landings	% LOA Discards	% Non-LOA Landings	% Non-LOA Discards
2018	9%	1%	70%	20%
2019	10%	1%	75%	13%
2020	13%	1%	74%	13%
2021	16%	1%	77%	7%
2022	17%	1%	77%	5%
Average (2018-2022)	**13%**	**1%**	**74%**	**11%**

VTR data from November 1, 2022 through April 30, 2023 indicate over this period, 90% of LOA trips were using bottom otter trawl gear, with the remaining 10% utilizing other or unknown gear types (small numbers of trips for unnamed "other" gear types, other bottom trawl types,

[4] This dataset did not separate trips or hauls by mesh size used. Not all trips or hauls occurring while an LOA is held are necessarily using small mesh (in other words, some proportion of "LOA catch" is coming from trips where an LOA would not have been needed to retain more than 200 pounds of summer flounder).

scallop dredge, and sink gillnets). As some of these other gear types are non-trawl gears, these vessels would not be actively using the SMEP on every trip. Observer data for November 2013 through April 2022 indicate 100% of observed trips over this period associated with an active SMEP LOA were using bottom otter trawl gear.

On 1,246 observed trips associated with an active SMEP LOA from November 2013 through April 2022, about 40% of hauls used a mesh size at or above the summer flounder minimum diamond mesh size of 5.5 inches, while 57% used mesh smaller than 5.5 inches and/or a small mesh codend liner (Table 2). The LOA/exemption is not necessary for vessels fishing with mesh over the 5.5-inch minimum size; however, many vessels holding LOAs are using a mix of different gear configurations on different trips or portions of trips while the LOA is active.

Table 2: Trips and hauls for observed bottom otter trawl trips with an active SMEP LOA, 2013-2022, by mesh size category (above and below the summer flounder 5.5" diamond mesh requirement).

Gear Type and Mesh Size Category	% of Hauls	Number of Unique Trips[a]	Number of Unique Permits[a]
≥5.5 inch[b]	40%	637	87
<5.5 inch[b]	57%	624	92
Unknown	3%	38	25
Total	**100%**	**1,246**	**109**

[a] Number of trips and permits do not add to the total given that some trips and some permits are associated with use of multiple mesh size categories.

[b] Observer mesh size data is reported as an average of 10 individual mesh measurements, in millimeters. For this analysis, mesh size was converted to inches and rounded to the nearest tenth of an inch, so conversion and rounding error may be present for some observations.

Target species is reported for each haul in the observer data. 41% of observed hauls for active SMEP LOA holders over the November 2013 through April 2022 period using mesh smaller than 5.5-inches were reported as targeting longfin squid, followed by 25% of hauls reporting targeting summer flounder. Other common target species on observed SMEP trips using small mesh included scup and whiting, with other species accounting for 5% or less of hauls on these trips (Table 3). Of all observed hauls linked to SMEP LOAs from November 2013 through April 2022 where mesh smaller than 5.5 inches was used, 67% of hauls caught summer flounder, and 82% of observed trips caught summer flounder at some point on the trip. Of the hauls targeting summer flounder, 95% caught summer flounder (Table 4).

Table 3: Top target species on observed trips for vessels with an active SMEP LOA, using mesh smaller than 5.5 inches, 2013-2022. Table shows top species as a percent of total observed hauls for these vessels over this period, number of unique trips, and number of unique permits.

Target Species	Percent of Hauls	Number of Trips	Number of Permits
Longfin Squid	41.3%	241	71
Summer Flounder	25.2%	225	68
Scup	14.9%	148	47
Silver Hake (Whiting)	7.7%	83	35
Atlantic Herring	5.0%	66	8
Black Sea Bass	1.7%	24	20

Table 4: Observed trips, hauls, and permits for observer data linked to SMEP LOAs, for trips and hauls where mesh smaller than 5.5 inches was used, November 2013 through April 2022.

	Trips	Hauls	Permits
All Observed SMEP LOA	624	3,879	92
Caught Summer Flounder	514	2,606	89
Targeted Summer Flounder	225	977	68
Targeted & Caught Summer Flounder	223	931	68

For all observed SMEP LOA trips with summer flounder catch using mesh smaller than 5.5 inches, average summer flounder landings were 746 pounds per trip and median landings were 301 pounds per trip. Mean discards were 165 pounds of summer flounder, and median discards were 30 pounds of summer flounder (Table 5). For most observed SMEP trips using small mesh, discards of summer flounder appear to be relatively low by weight, but can still be a notable proportion of total summer flounder catch on those trips since many trips are not catching substantial amounts of summer flounder. On average, 24% of summer flounder caught were discarded per trip, with 50% of trips discarding more than 10% of their summer flounder catch (Table 6).

Table 4: Statistics for landings and discards of summer flounder on observed SMEP LOA trips with summer flounder catch using mesh smaller than 5.5 inches, November 2013 through April 2022. Landings and discard values are in pounds.

	Summer Flounder Landings		Summer Flounder Discards
Mean per trip	746	Mean per trip	165
Median per trip	301	Median per trip	30
% of trips landings >2,000 lb	10%	% of trips discards >2,000 lb	1%
% of trips landings >500 lb	42%	% of trips discards >500 lb	7%
% of trips landings >200 lb	57%	% of trips discards >200 lb	17%
% of trips no landings	8%	% of trips no discards	20%

Table 5: Statistics for percent of summer flounder discarded on observed SMEP LOA trips with summer flounder catch using mesh smaller than 5.5 inches, November 2013-April 2022.

Total observed trips with summer flounder catch	514
Avg % summer flounder discarded per trip	24%
Total % summer flounder discarded across all trips	18%
% of trips discarding more than 10% of summer flounder catch	50%

2.2.2.2 Small Mesh Exemption Program Annual Evaluation

Amendment 2 (1993) originally established the criteria for review of this exemption, specifying that "if the Regional Director determines after a review of Sea Sampling data that vessels fishing seaward of the line described above are discarding more than 10% of their summer flounder catch, the Regional Director may rescind the exemption." Though limited information is available describing the specific basis, supporting documents noted 1990-1991 NMFS sea sampling data showing otter trawl vessels fishing east of the line (at the time, 71° 30.0'W) discarded about 8.8 percent of their total summer flounder catch, while discard rates from otter trawl vessels fishing in other areas exceeded 25 percent. Documents note this difference in discard rates suggested fewer undersized[5] summer flounder were encountered in this area, so this presumably served as the basis for a 10 percent threshold intended to signal an increase in catch of smaller summer flounder.

As described in section 2.2.2.1, observer data for recent SMEP LOA trips show many trips are targeting non-summer flounder species or a combination of species (Table 3), and on average, are not catching substantial amounts of summer flounder at the trip level. Generally, discards in weight of summer flounder on these trips is low (Table 5). Relative to low total catch weights of summer flounder, the proportion of summer flounder discarded can appear high. The existing 10 percent threshold is quickly reached on many trips catching summer flounder even if the total poundage discarded is low (e.g., average discards on observed small mesh LOA trips from 2013-2022 are about 165 pounds, or ~18% of the average summer flounder catch on these trips). Additional analysis of catch and discards of summer flounder on LOA trips, based on observer data, is provided in Appendix A.

Currently the MC is responsible for reviewing observer data annually to evaluate whether vessels fishing under this exemption program are discarding more than 10% of their summer flounder catch. Historically, this analysis has relied solely on observed trips identified using a series of assumptions indicating a presumed use of the SMEP. This provides a limited snapshot due to limited observer coverage and was not based on confirmed use of the LOA. The SMEP was put in place in the 1990s, when linking disparate datasets, (e.g., vessel trip reports, observer data, permits etc.) was more difficult. Advances in data accessibility over the years

[5] At the time, coastwide requirements for minimum size limits were not yet implemented but state size limits ranged from 11 to 14 inches with the majority at 13 or 14 inches.

have created opportunities to improve analysis of this exemption, as demonstrated by analysis conducted for this action. Going forward, regardless of the option selected under section 3.2, the MC will continue to use data linked to actual use of the SMEP rather than the previous review methods.

2.2.2.3 Flynet Exemption

Since 1993, the flynet exemption in the Summer Flounder FMP, has provided an exemption to the minimum mesh size requirements for vessels fishing with a two-seam otter trawl flynet with specifications defined in regulation (see section 3.3 Option A.). No permits or special reporting are required to utilize this exemption.

The original intent of this exemption was to accommodate the use of a specifically defined gear in a specific fishery. Flynets were generally fished 10-12 feet off the bottom between September and April from North Carolina to Cape Henlopen, Delaware, and primarily targeted bluefish and sciaenids. The North Carolina Division of Marine Fisheries provided additional data to support the exemption, indicating summer flounder were landed as incidental catch in the flynet fishery and comprised only 1-3% of the total trip catch (based on 1982 through 1989 data). Comparatively, summer flounder made up 62-94% of nearshore bottom trawl total trip catch and 10-72% for deep water otter trawls. Although flynets caught a higher proportion of undersized summer flounder (58.1%) versus nearshore bottom trawls and deep-water trawls (4.5% and 8.4%, respectively), summer flounder appeared in less than half of the flynet trawls and made up 0.2-0.8% of the catch between 1985 and 1988.

Amendment 2 also proposed an exemption for four-seam, pelagic nets with large mesh of at least 32 inches in the wings, 50 feet (40 meshes) of 15 inches in the belly, decreasing in the body relative to the wings and extensions to mesh of 1.5 inches or less in the codend (referred to as “millionaire nets”). The exemption was requested primarily by New Jersey fishers who stated almost all summer flounder quickly escaped after entering these nets. This exemption was disapproved in the final rule because the record did not include sufficient information to determine its effect and because the net could be fished on the bottom by towing at a reduced speed, which could lead to increased discard mortality of undersized summer flounder.

As noted in section 2.1.3, the existing flynet exemption has historically been evaluated annually using data from the state of North Carolina trip ticket program. In recent years, North Carolina data has indicated the flynet exemption is no longer being utilized today in that area/fishery, as summer flounder are no longer caught in that fishery and flynet fishery effort in the state has generally declined. Also as noted in section 2.1.3, the mesh exemptions review highlighted flynet or “high-rise” type nets are being used by vessels outside of this North Carolina fishery, with some use of nets that may not comply with the regulatory definition of a flynet.

This action considers expanding the definition of a flynet, to cover similar net types that generally catch small amounts of summer flounder (see section 3.3.1). Evaluating this expansion requires consideration of data beyond North Carolina to evaluate the potential impacts of this change. Most states outside of North Carolina do not have the ability to break

data down by specific net type or gear configuration, and this information is also not available from VTR data. As such, analysis of the use of flynet or high-rise type nets throughout the Greater Atlantic Region is based on NEFOP observer data. Analysis of the use patterns and catch for these flynet/high-rise gear types, based on observer data, is contained Appendix B.

3.0 Proposed Management Program

Draft Addendum XXXV proposes options regarding:

- Changes to the Western boundary of the Small Mesh Exemption Program (section 3.1);
- Changes to the Small Mesh Exemption Program evaluation criteria (section 3.2);
- Updates to the definition of the term “flynet” (section 3.3).

When the Board takes final action on the addendum, there is the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues.

In addition to the options provided below, there is also information in this section regarding two administrative changes to the flynet exemption program: (1) a change to future monitoring of the program and (2) a clarification to the regulatory language describing the flynet exemption evaluation. These items are not included as options as they do not alter the programs, but provide more information to the TC and MC for program monitoring via addition of a VTR code and updated language in the Federal regulations to be consistent with language in the FMP.

3.1 Small Mesh Exemption Program Western Boundary

Option A. Status Quo

This option would maintain the SMEP demarcation line at longitude 72° 30.0’W (Figure 4). Vessels issued an LOA for this program may fish east of this line from November 1 through April 30 using mesh smaller than the required summer flounder minimum mesh sizes of 5.5-inch diamond or 6.0-inch square and retain more than 200 pounds of summer flounder.

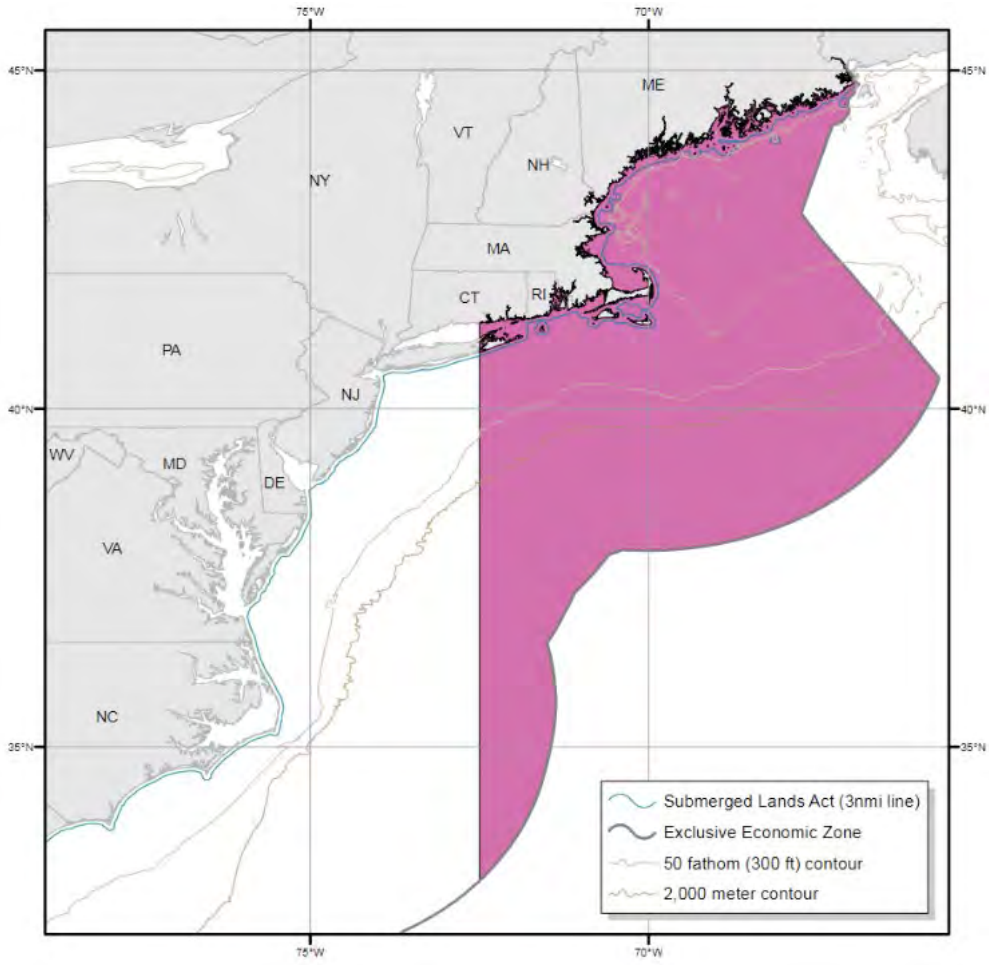

Figure 4: Status quo SMEP area (Option A).

Option B. Expanded SMEP exemption area

Starting south of Long Island, this option would move the westward demarcation line approximately 5 miles west to 72°37'W longitude, following this longitude south until intersection with the northeast corner of the scup Southern Gear Restricted Area (GRA) at 39°20'N and 72°37'W. The line would then follow along the eastern border of the southern scup GRA to 37°N latitude, which would form the southern boundary of the expanded area running eastward until the intersection with the current SMEP boundary at that latitude (Figure 5). Note, this option does not extend the line westward in Long Island Sound nor does it modify the southern portion of the SMEP south of the Frank R. Lautenberg deep sea coral protection area.[6]

[6] With both area options, the SMEP area overlaps portions of the Frank R. Lautenberg Deep Sea Coral Zone, where all bottom tending fishing gear is currently prohibited year-round. Vessels using the SMEP are bottom trawls, and as such the portions of the SMEP area overlapping with the coral zones are unable to be fished by these gear types regardless of possession of the LOA.

While this has the appearance of notably increasing the SMEP area size, the effective change in terms of fishery access should be calculated after excluding portions of the area overlapping with the deep sea coral zone, where bottom tending gear is prohibited. There is already substantial overlap of the SMEP and coral zone where the SMEP is not able to be used; this option would increase the area of overlap. The calculated additional area, excluding the deep-sea coral zones where bottom tending gear is prohibited, is 4,943 km^2 (1,441 nmi^2).[7] The timing of the exemption would remain unchanged (November 1-April 30).

Analysis of the presence and abundance of undersized (less than the 14-inch commercial fishery minimum size) and juvenile (less than 30 cm or 11.8 inches) summer flounder is provided in Appendix A, based on NMFS bottom trawl survey length data from the Northeast Regional Habitat Assessment from 1990-2019.

Because this option proposes connecting the SMEP area to the current southern scup GRA[8], it is important to note that modifications to the scup GRA boundaries may be considered in the next few years. The Council's 2024 Implementation Plan includes a project[9] that would build on past Council scup GRA analyses and assess if changes to the current GRAs are warranted, and if so, provided recommendations on potential changes. This project is expected to extend through 2025 and could potentially result in changes to the current boundary, timing, etc. of the southern scup GRA. However, given the expected project timeline, changes to the scup GRA boundaries are unlikely to change prior to 2026. If the GRA boundaries are modified, it would not automatically update the boundaries of the revised SMEP area unless specifically added to that action, or adjusted via a separate action.

[7] The total proposed expanded area, including the area overlapping the deep sea coral zones, is 30,880 km2 or 9,003 nmi^2.
[8] There are currently two scup GRAs intended to reduce juvenile scup discards in small-mesh fisheries. Trawl vessels may not fish for or possess longfin squid, black sea bass, or silver hake in the Northern GRA from November 1 – December 31 and in the Southern GRA from January 1 – March 15 using mesh smaller than 5 inches.
[9] https://www.mafmc.org/newsfeed/2024/request-for-proposals-collaborative-strategies-to-adapt-scup-gear-restricted-areas-gra-to-changing-ocean-conditions

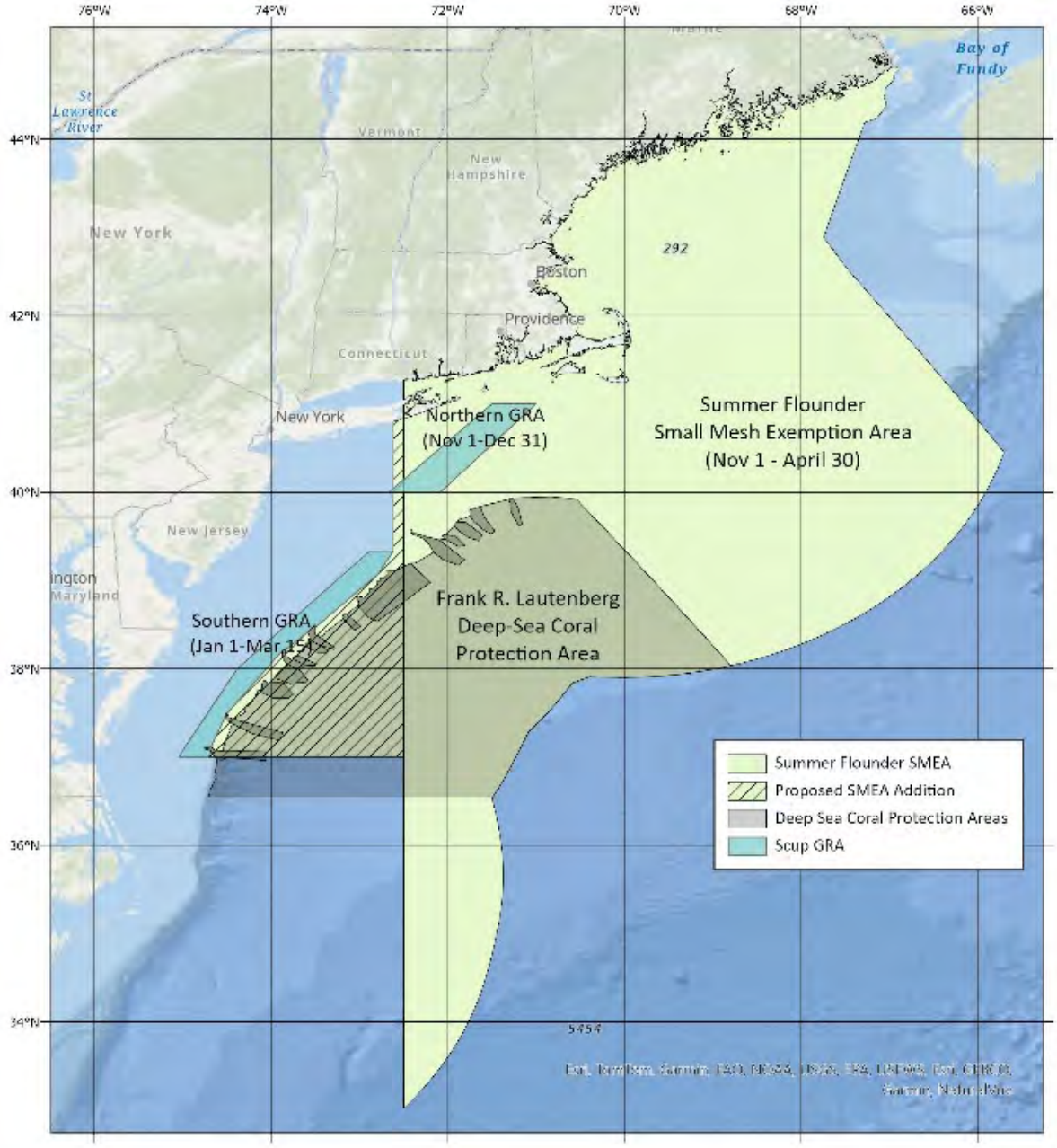

Figure 5: Option B, proposed expansion of the SMEP area.

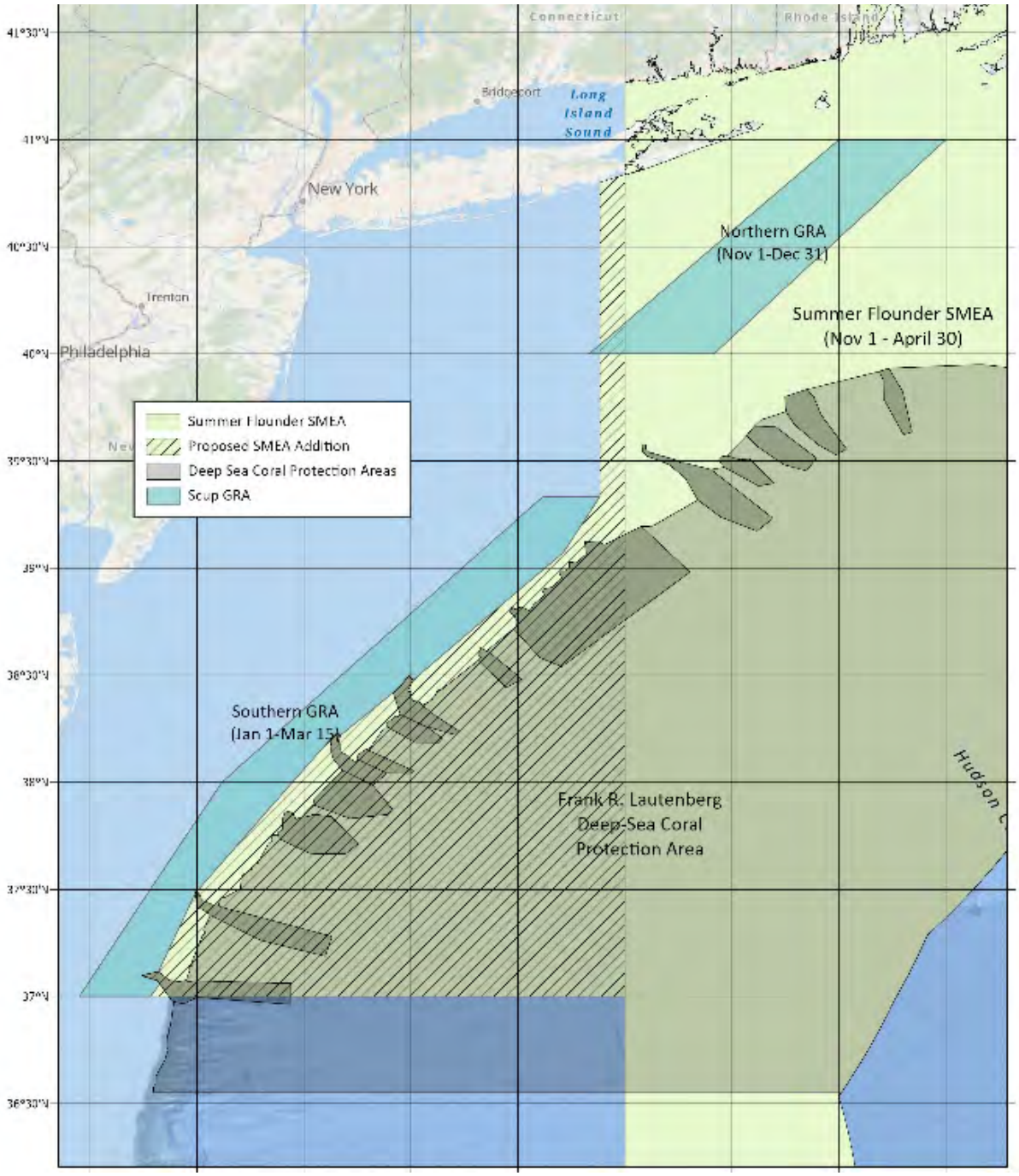

Figure 6 (continued): Option B, proposed expansion of the SMEP area.

3.2 Small Mesh Exemption Program Evaluation Criteria

<u>Option A. Status Quo</u>

This option would keep the current regulations as is such that: "The Regional Administrator may terminate this exemption if he/she determines, after a review of sea sampling data, that vessels fishing under the exemption are discarding on average more than 10 percent, by weight, of their entire catch of summer flounder per trip. If the Regional Administrator makes such a

determination, he/she shall publish notification in the Federal Register terminating the exemption for the remainder of the exemption season."

Option B. Modified Discard Trigger

This option would increase the trigger percentage from 10 to 25 percent, meaning if vessels fishing under the exemption are on average discarding more than the 25 percent, by weight, of their entire catch of summer flounder per trip, the Regional Administrator may terminate the exemption for the upcoming or remainder of the current exemption period by publishing a notification in the Federal Register. When reviewing this issue, the Regional Administrator may consider contextual factors that may have led to changes in discarding patterns during the year(s) evaluated.

While this has the appearance of notably increasing the discard trigger, this trigger represents a more realistic percent of summer flounder expected to be discarded based on a revised and more accurate methodology for evaluating discards on LOA trips. The updated analysis uses observer data from trips known to be actively holding an SMEP LOA, whereas the previous analysis methodology used a series of assumptions to identify trips possibly participating in the SMEP. This difference in methodology, as well as a discrepancy in descriptions of the methodology between the regulations and the FMP, have led to the exemption not being rescinded despite average discards per trip exceeding the 10 percent threshold in recent years.

Based on the revised evaluation, an average of 25 percent of summer flounder discarded per trip reflects the status quo operations of observed trips using this LOA over the past 10 years (Table 5; Appendix A, Table 7), and also reflects the average percent of summer flounder discarded per trip on all bottom trawl trips year-round. As such, in practice this is not expected to increase the amount of summer flounder discarded before consideration of rescinding the exemption. When evaluating this threshold, it may be informative to use multiple years of data in a rolling average approach.

Option C. Tiered Discard Monitoring Approach

This option would also increase the trigger percentage to a 25 percent threshold, but would trigger a more in-depth review of SMEP discards rather than serving as the primary trigger for consideration of rescinding the exemption. Under this option, if vessels fishing under the exemption are on average discarding more than 25 percent, by weight, of their entire summer flounder catch, this would trigger a more detailed review, proposed to be conducted or reviewed by the Monitoring Committee.[10] This additional review would seek to highlight major issues with the exemption program that need to be addressed (e.g., high/increasing discards of undersized summer flounder, high/increased targeting behavior with small mesh, and other concerns).

[10] Federal regulations and the FMP refer to use of the Monitoring Committee to review this exemption annually, and that language is continued in these options. For the purposes of cooperatively managed MAFMC-ASMFC species, the Monitoring Committee is considered a joint committee, and includes representation nearly identical to the Commission's Technical Committee.

It is evident discard rates are variable on an annual basis (Appendix A; Table 8) and are commonly impacted by a variety of factors including but not limited to annual quotas, population structure and dynamics, market conditions, and other regulations (Appendix A; Figure 7). Updating the SMEP evaluation criteria to a 25 percent trigger in addition to including a Monitoring Committee analysis process would facilitate a more comprehensive consideration of the drivers of and response to discards. The Monitoring Committee analysis could evaluate the amounts and percentages of kept and discarded summer flounder on LOA trips compared to non-LOA trips, investigate trends in discards over time, investigate discards of undersized and/or juvenile summer flounder on LOA vs. non-LOA trips and by area, and explore any other information that could inform whether to recommend rescinding the exemption or otherwise recommend changes to improve performance.[11] This could include review of whether there is a large proportion of trips targeting and/or keeping large amounts of summer flounder using small mesh gear (i.e., whether use of the program is moving more toward a small-mesh summer flounder fishery vs. allowing retention of incidental summer flounder catch). When conducting this evaluation, it may be informative to use multiple years of data in a rolling average approach.

This review would be conducted as soon as possible but no later than the next series of specifications setting or review meetings. The evaluation would be presented to the Board and Council for these groups to provide feedback and recommendations to the Regional Administrator. The Regional Administrator, based on review of this information, would consider whether the exemption should be rescinded for the upcoming or remainder of the current exemption period, or if other modifications to the program could be made in the near term to address the concerns.

It should be noted, this approach would require additional time and staff resources for the Monitoring Committee to conduct an evaluation, and time for the Board/Council and Regional Administrator to respond. This would delay consideration of whether to rescind the exemption or whether modifications to the program may be needed, but would have the benefit of a more thorough consideration of the concerns and how they may be addressed. Because observer data are heavily relied upon during the review process, typical data lags associated with observer data processing may impact time between observed data triggering concerns and management response.

[11] If the Monitoring Committee recommended changes in addition to or instead of rescinding the exemption, those changes could be considered through either specifications or a separate future action, depending on the nature of the recommended change.

3.3 Definition of a Flynet

3.3.1 Definition Revision Options

Option A. Status Quo

This option would make no changes to the current definition of a flynet:

> Vessels fishing with a two-seam otter trawl flynet are exempt from the summer flounder minimum mesh size requirements. The regulatory definition of a fly net is a two-seam otter trawl with the following configuration:
>
> - The net has large mesh in the wings that measures 8" to 64".
> - The first body (belly) section of the net has 35 or more meshes that are at least 8".
> - The mesh decreases in size throughout the body of the net to 2 inches (5 cm) or smaller towards the terminus of the net.

Option B. Modified flynet definition to remove references to two seams and 64" upper bound of mesh in wings.

As indicated in the highlighted portions of the definition below, this option would modify the flynet definition to 1) remove the reference to two seams, 2) remove the reference to the upper range of the mesh size in the wings of 64", and 3) revise the description of the amount of large mesh required in the body of the net.

Vessels fishing with an otter trawl flynet are exempt from the summer flounder minimum mesh size requirements. The regulatory definition of a fly net is an otter trawl with the following configuration:

- The net has large mesh in the wings that measures 8"or greater.
- The first body (belly) section of the net has at least 280 inches of mesh behind the sweep where the mesh size is at least 8".
- The mesh decreases in size throughout the body of the net toward the codend.

3.3.2 Future Monitoring of the Flynet Exemption Program

Going forward, there is an expectation that observer data will need to be used to evaluate the flynet exemption as the previous methodology no longer reflects how the exemption is currently used outside of North Carolina. While the observer data captures "net type" in addition to gear type, some concerns have been raised about how this information is reported, i.e., the observer relies on what is reported by the captain, and terminology varies by fishery and region. In addition, the "net type" field is sometimes blank (on average about 2% of trips and 2% of hauls) or often recorded as an unknown trawl type (on average about 43% of trips and 41% of hauls; based on 2013-2022 observer data). In addition, observed trips represent a subset of total fishing effort, and observer coverage is variable over time and by gear category.

As such, evaluation of observer data for this exemption should ideally consider multiple years of data, and caution should be used in the interpretation of this data.

To improve monitoring going forward, the Board and Council have expressed support for adding a flynet/high-rise net type gear code to VTR data collection forms. This is not an explicit option to be considered in this addendum, but a step GARFO will take at the request of the Board and Council. This would be a separate type of bottom otter trawl gear that could be selected when filling out the VTR (similar to how a separate code was recently added for large mesh belly panel gear to better analyze the use of this gear type). Gathering useable data from this additional gear code will rely on awareness of and consistent application of this gear type terminology, which has been acknowledged as a challenge. As such, communication of this change will be critical.

3.3.3 Regulatory Language Change

While not an option explicitly under consideration in this action, the PDT/FMAT has recommended the regulatory language describing the flynet exemption evaluation be revised to reflect the original intent of the FMP. This can be done as an administrative correction to the regulations via GARFO.

The current evaluation methodology specified in the regulations is: "The Regional Administrator may terminate this exemption if he/she determines, after a review of sea sampling data, that vessels fishing under the exemption, on average, are discarding more than **1 percent of their entire catch of summer flounder per trip**. If the Regional Administrator makes such a determination, he/she shall publish notification in the Federal Register terminating the exemption for the remainder of the calendar year."[12] This represents a disconnect from the wording of the FMP amendment that originally developed this exemption. The wording in the FMP, and what the FMAT/PDT believe was the intent, was the Regional Administrator could withdraw the exemption if the annual average summer flounder catch in the flynet fishery **exceeds 1 percent of the total flynet catch**.

This distinction has not mattered in recent years because evaluation has relied on North Carolina flynet fishery data, and in recent years, summer flounder have not been landed in that fishery (see section 2.2.2.3). However, if flynet/high-rise catch outside of North Carolina is considered, this would likely mean essentially any discards of summer flounder would exceed the 1 percent of summer flounder catch threshold reflected in the current wording of the regulations.

The PDT/FMAT recommends the regulations be clarified to reflect the language in the FMP (summer flounder catch in the flynet fishery should not exceed 1 percent of the total flynet catch). Based on the PDT/FMAT's current understanding of the flynet/high-rise net types that may be captured under a revised definition, and consideration of a 10-year observer dataset, it

[12] https://www.ecfr.gov/current/title-50/part-648#p-648.108(b)(2)(iv)

seems the original FMP language for this exemption considering whether "summer flounder catch exceeds 1% of the total catch" is still appropriate (Table 18 in Appendix B).

4.0 Compliance Schedule

TBD upon approval of Addendum XXXV.

5.0 References

MAFMC & ASMFC. 1993. Amendment 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; https://www.mafmc.org/s/SFSCBSB_Amend_2.pdf

MAFMC & ASMFC. 1993. Amendment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; https://www.mafmc.org/s/SFSCBSB_Amend_3.pdf

MAFMC. 2023. Investigation and Recommendation of the Mid-Atlantic Fishery Management Council's Summer Flounder Small Mesh and Flynet Exemption Programs; https://www.mafmc.org/s/Summer-Flounder-Mesh-Exemptions-final-report.pdf

NEFSC. 2021. Summer Flounder Management Track Assessment for 2021; https://appsnefsc.fisheries.noaa.gov/saw/sasi/uploads/2021_summer_flounder_MTA_report.pdf

NEFSC. 2023. Summer Flounder Management Track Assessment for 2023; https://appsnefsc.fisheries.noaa.gov/saw/sasi/uploads/2021_summer_flounder_MTA_report.pdf

ASMFC. 2023. 2022 Review of the Interstate Fishery Management Plan for Summer Flounder; https://asmfc.org/uploads/file/64da731dSummerFlounder_FMPReview_FY2022.pdf

Appendix A. Small Mesh Exemption Program Analysis

This analysis provides a supplement to the information provided in sections 2.2.2.1 and 2.2.2.2.

LOA Use

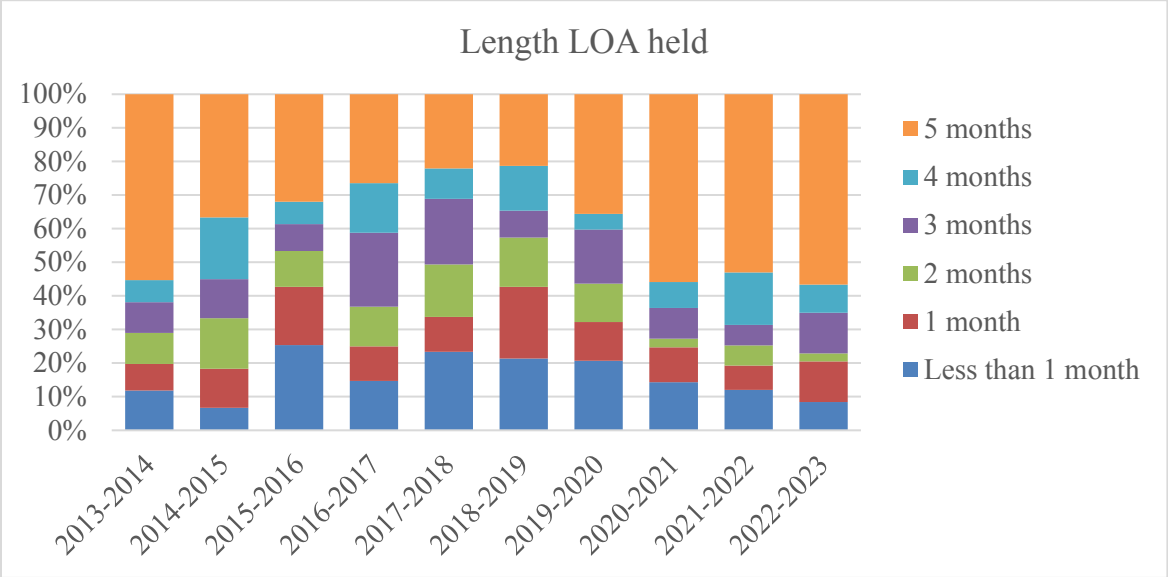

Figure 7: Active LOA length for each November-April SMEP season from November 2013-April 2023. Some vessels may be represented multiple times within the same season if they held multiple LOAs for less than 180 days.

Discard Reasons

Discard reasons for summer flounder discards on observed LOA and non-LOA trips were evaluated using observer data from 2013-2022. As shown in Figure 7, size limit regulations are the top reported discard reason (in terms of the percent of records, or hauls) over the last 10 years for both LOA and non-LOA trips. Observed LOA trips show a notably higher percentage of records in this category vs. non-LOA trips (70% vs. 49%). When evaluated by poundage, this reason represents a smaller proportion of discards due to the lower poundage associated with smaller fish.

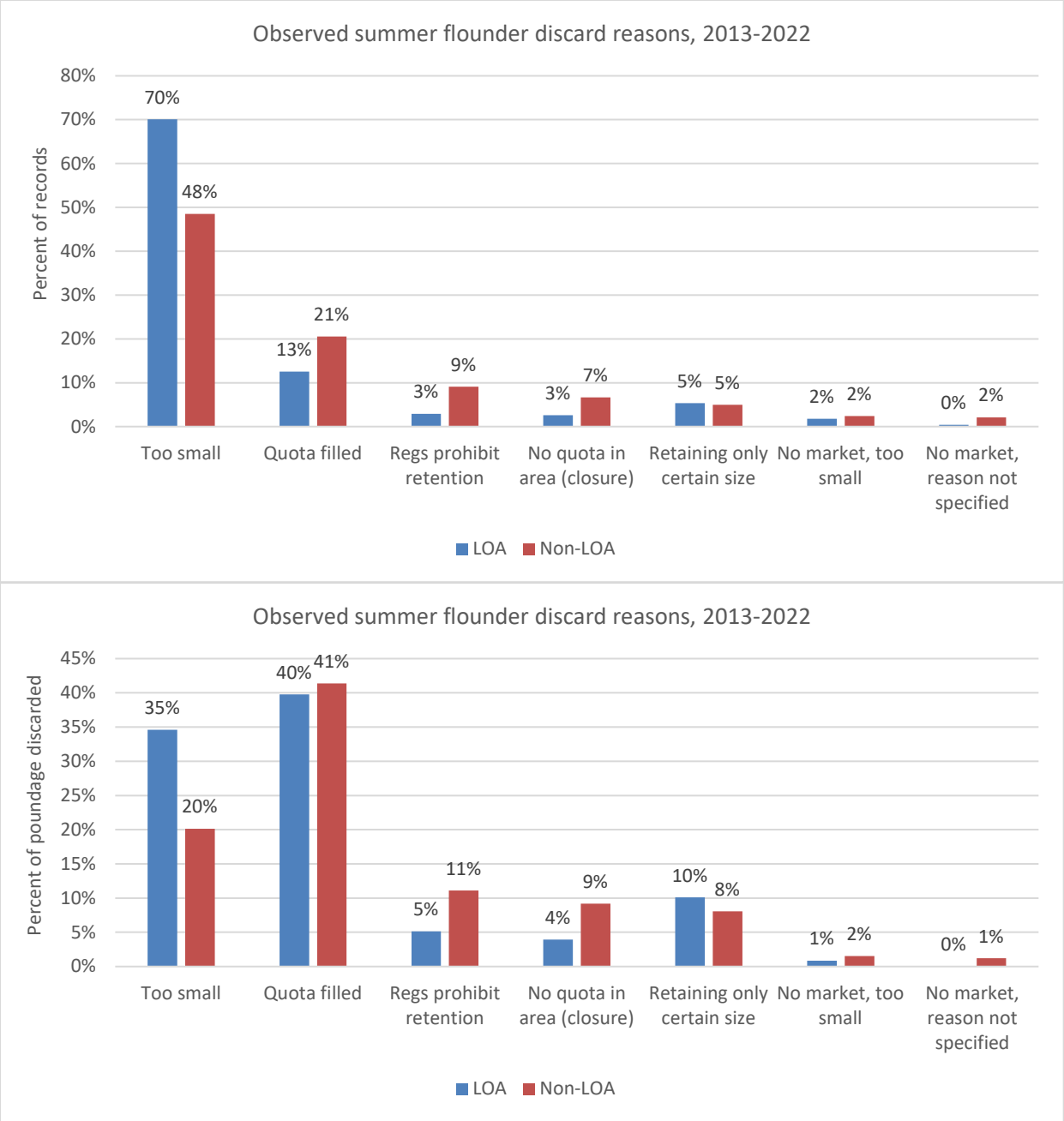

Figure 8: Observed summer flounder discard reasons for LOA and non-LOA trips by percent of records and percent of pounds discarded, 2013-2022. LOA trips are November-April; non-LOA trips are year-round.

Trip Level Discard Characterization

Although annual discards of summer flounder on observed LOA trips are variable from year to year, in terms of poundage, average, and median per trip discards appears to be low (Table 7 and Table 8). Discards on observed LOA trips also appear to be similar to all trawl trips (LOA trips not separated out; Table 7). A small percentage of observed trips have large observed discard amounts; this is true of both LOA and non-LOA trips.

Table 6: Statistics on summer flounder discards for observed bottom trawl trips, 2013-2022, comparing Small Mesh Exemption Program LOA trips using small mesh and all observed trawl trips during the specified time period.

	Discards – SMEP LOAs using small mesh (<5.5 in)	Discards- all trawl Nov-Apr[a]	Discards – all trawl year-round[a]
Total observed trips with summer flounder catch	514	2,726	7,560
Mean discards	165	168	129
Median discards	30	27	15
% trips discards>2000lb	1%	1%	1%
% trips discards>500lb	7%	9%	6%
% trips discards>200lb	17%	20%	15%
% trips no discards	20%	23%	26%
% trips discarding more than 10% catch	50%	41%	45%
Avg % summer flounder discarded per trip	24%	24%	25%
Total % summer flounder discarded from combined trips	18%	8%	12%

[a] SMEP LOA trips are not excluded from these columns, so there is some overlap of these categories. “All trawl” columns include all mesh sizes.

Table 7: Annual statistics on summer flounder annual discards for observed Small Mesh Exemption Program LOA trips using small mesh only.

Discards – SMEP LOAs using small mesh	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total observed trips with summer flounder catch	11	28	54	44	80	81	85	28	34	69	71
Mean discards	76	114	275	292	148	189	137	136	108	97	191
Median discards	4	34	40	11	24	49	30	50	22	8	44
% trips discards>2,000lb	0%	0%	2%	2%	0%	1%	2%	0%	0%	0%	1%
% trips discards>500lb	0%	4%	13%	14%	8%	7%	2%	7%	9%	4%	8%
% trips discards>200lb	18%	21%	19%	18%	15%	22%	15%	18%	15%	13%	21%
% trips no discards	45%	21%	13%	36%	19%	12%	14%	11%	21%	35%	23%
% trips discarding more than 10% catch	45%	36%	48%	34%	56%	67%	55%	36%	44%	42%	41%
Avg % summer flounder discarded per trip	37%	14%	27%	16%	32%	34%	19%	18%	13%	22%	21%
Total % summer flounder discarded from combined trips	32%	11%	29%	26%	27%	33%	15%	9%	10%	8%	10%

The average percent of summer flounder discarded per LOA trip decreases as the landings of summer flounder on those trips increases. Trips landing over 1,000 pounds of summer flounder are generally below the current 10% SMEP evaluation trigger on average. However, the majority of observed LOA trips from 2013-2022 landed less than 500 pounds of summer flounder; these trips are on average discarding about 34% of their total summer flounder catch (Figure 8).

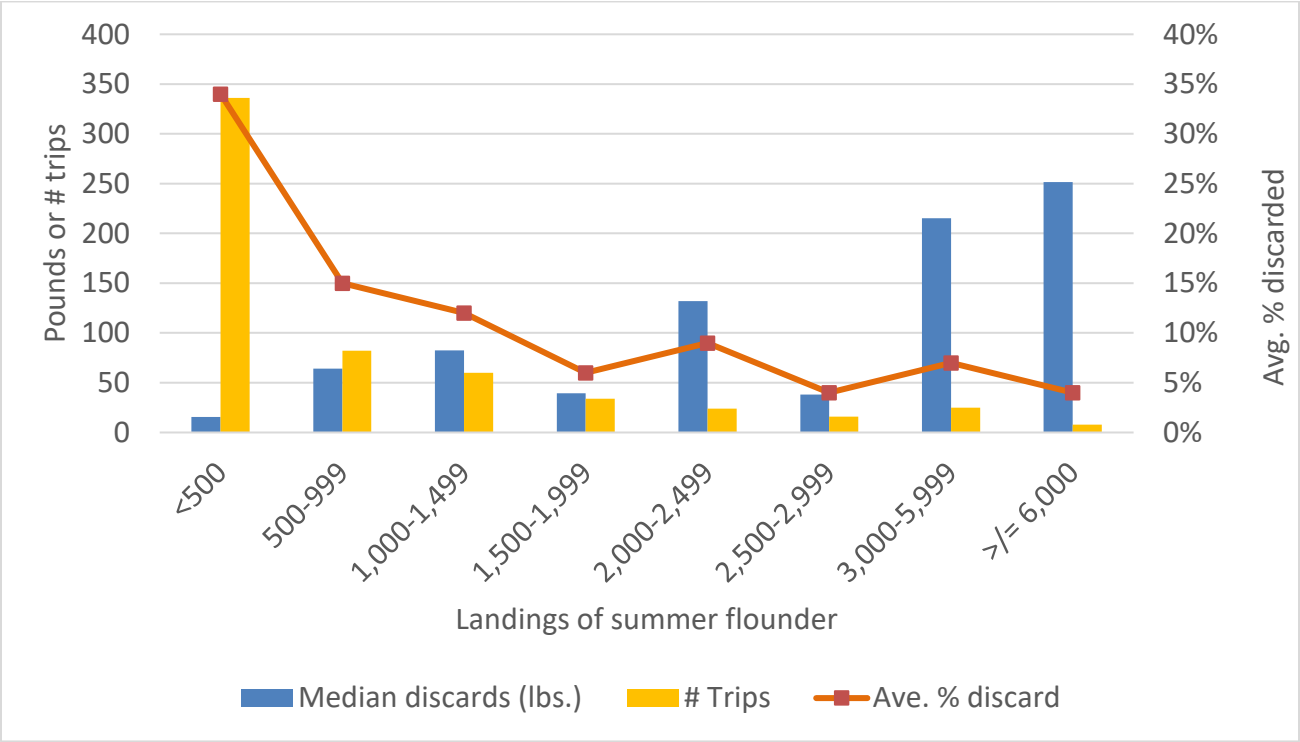

Figure 9: Summer flounder discard statistics by amount of summer flounder landed, based on observed SMEP LOA trips using small mesh (<5.5 inches), 2013-2022.

Discard Length Frequency

Length information available for observed trips was compiled for LOA vs. non-LOA trips from 2013-2022. Figure 7 shows the observed number of discarded fish by length for LOA vs. non-LOA trips, as well as the percent of observed discard lengths. LOA trips are associated with a higher proportion of observed discard lengths for smaller fish and fish below the 14-inch commercial minimum size (Figure 9; Table 9).

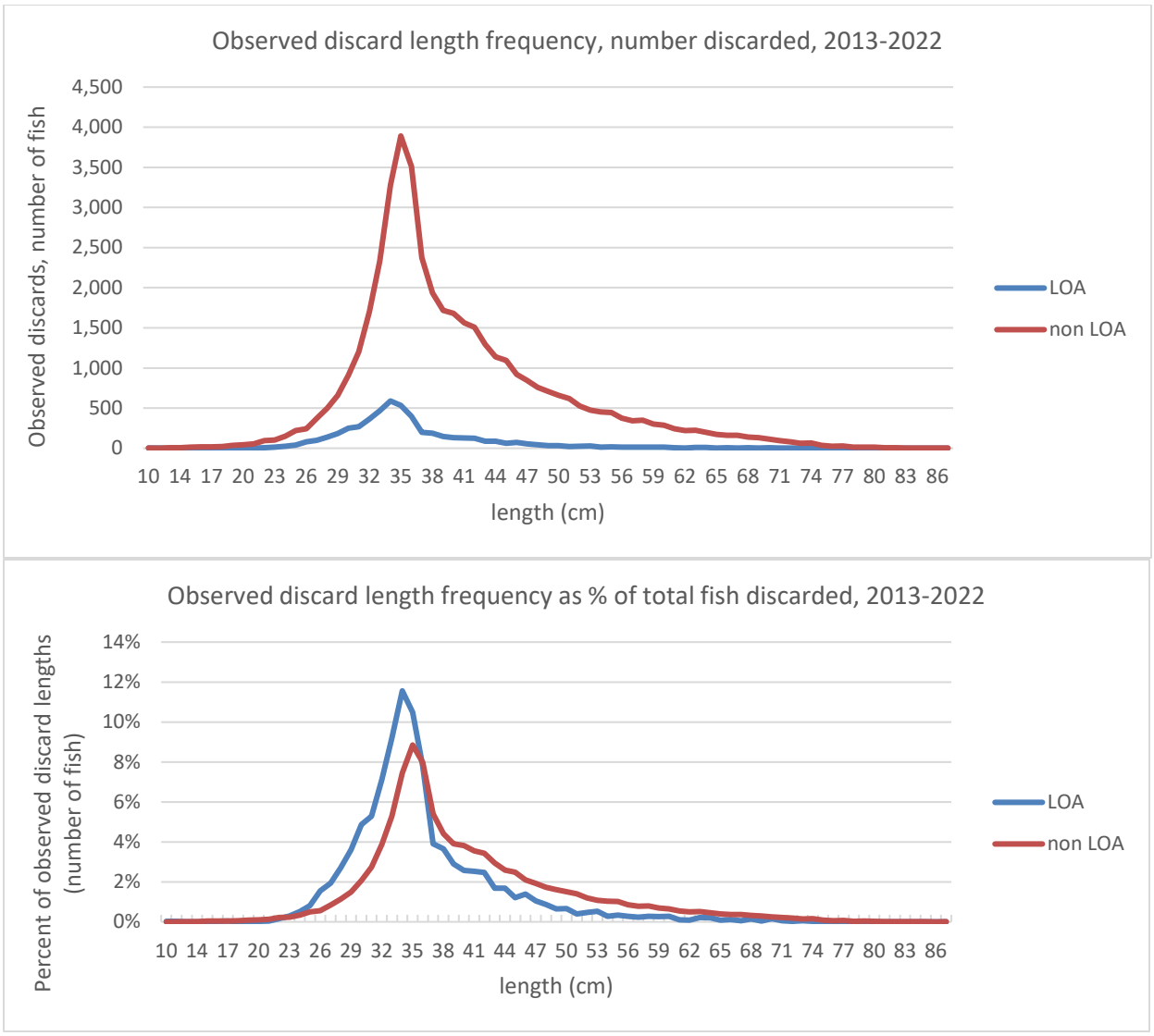

Figure 10: Observed discard length frequency for summer flounder, 2013-2022. Summer flounder minimum size = 14 inches or ~36 cm.

Table 8: Total observed discards and percent of discards below 14-inch minimum size, 2013-2022 observer data.

	LOA	Non-LOA
Total observed discards (pounds)	5,095	43,966
% of discards under minimum size	60%	36%

Analysis of Juvenile and Undersized Summer Flounder in SMEP Area Using Fishery Independent Survey Data

The availability of juvenile and undersized summer flounder in the SMEP area (current and potential proposed) was investigated using fishery independent trawl survey data. The Northeast Regional Habitat Assessment Data Explorer[13] includes mapped length data for state and federal trawl surveys. While the spatial and temporal overlap between the surveys and the SMEP area/timing are limited, some information is available to assess the abundance of juvenile (<30 cm or 11.8 inches) and undersized (<35.6 cm or 14 inches) summer flounder in the SMEP area during November 1-April 30, and how abundance varies for the proposed expanded area.

Data was first filtered to include records from 1990 to the most recent year of trawl survey data availability within NRHA, 2019. Subsequent exploration focused on spatial coverage and temporal alignment. The NMFS bottom trawl survey is the only survey spanning both the current and proposed areas within the November-April exemption timeframe. The NEAMAP, Massachusetts Bottom Trawl, Rhode Island Narragansett Bay Trawl and Long Island Sound Bottom Trawl surveys were all considered for inclusion in these analyses as they do intersect with the current SMEP area. However, these surveys occur well inshore and are unlikely to provide informative data on summer flounder relative to this exemption program. In addition, the NEAMAP and Massachusetts Bottom Trawl survey do not occur within the November-April time frame, and the Long Island Sound Bottom Trawl and Rhode Island Narragansett Bay Trawl do not occur within the proposed expanded SMEP area (Table 10, Figure 10, Table 11).

Table 9: Survey and timing available to potentially evaluate summer flounder within SMEP area (current and proposed).

Survey	Months Surveyed
Connecticut Long Island Sound Trawl	4, 5, 6, 8, 9, 10, 11
Massachusetts Bottom Trawl	5, 9, 10
NEAMAP Bottom Trawl	5, 6, 9, 10
NMFS Bottom Trawl	1, 2, 3, 4, 5, 6, 9, 10, 11
Rhode Island Narragansett Bay Trawl	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

[13] https://nrha.shinyapps.io/dataexplorer/#!/

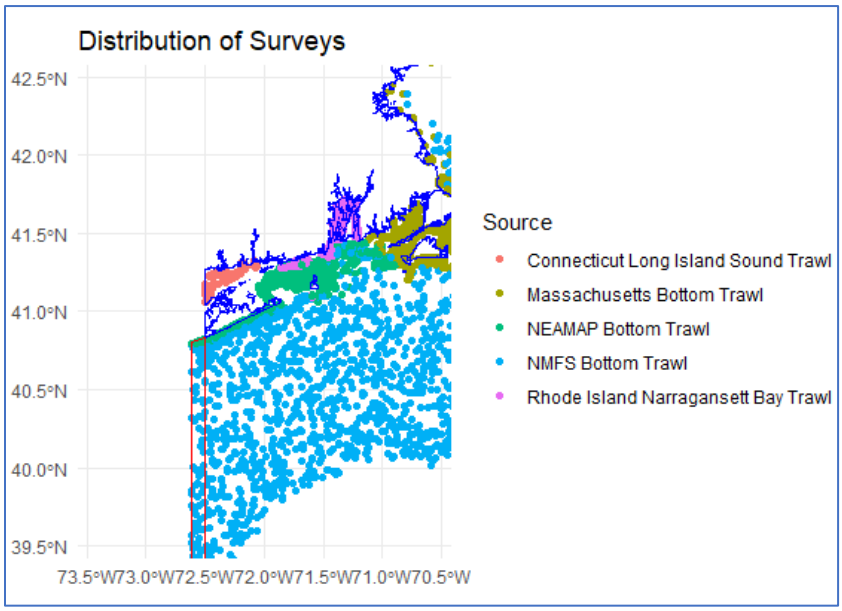

Figure 11: Distribution of surveys available to potentially evaluate summer flounder within SMEP area (current and proposed).

Table 10: Summary of the number of records from each survey in the current Small Mesh Exemption Area and the Proposed Exemption Area by date and life stage, 1990-2019. Only NMFS covers both proposed and current areas for the Nov 1-April 30th SMEP timing.

Survey	Season	Stage 30cm	Legal size 35.6cm	Small Mesh Exemption Area	Number of Records
Connecticut Long Island Sound Trawl	Nov 1 - Apr 30	Adult	legal sized	current	25
Connecticut Long Island Sound Trawl	Nov 1 - Apr 30	Adult	undersized	current	12
Connecticut Long Island Sound Trawl	Nov 1 - Apr 30	Juv	undersized	current	16
Connecticut Long Island Sound Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	current	411
Connecticut Long Island Sound Trawl	Outside Nov 1 - Apr 30	Adult	undersized	current	235
Connecticut Long Island Sound Trawl	Outside Nov 1 - Apr 30	Juv	undersized	current	161
Massachusetts Bottom Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	current	2602
Massachusetts Bottom Trawl	Outside Nov 1 - Apr 30	Adult	undersized	current	1051
Massachusetts Bottom Trawl	Outside Nov 1 - Apr 30	Juv	undersized	current	495
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	current	668
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	proposed	16
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Adult	undersized	current	404
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Adult	undersized	proposed	17
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Juv	undersized	current	248
NEAMAP Bottom Trawl	Outside Nov 1 - Apr 30	Juv	undersized	proposed	26
NMFS Bottom Trawl	Nov 1 - Apr 30	Adult	legal sized	current	1543
NMFS Bottom Trawl	Nov 1 - Apr 30	Adult	legal sized	proposed	403
NMFS Bottom Trawl	Nov 1 - Apr 30	Adult	undersized	current	561
NMFS Bottom Trawl	Nov 1 - Apr 30	Adult	undersized	proposed	125
NMFS Bottom Trawl	Nov 1 - Apr 30	Juv	undersized	current	345
NMFS Bottom Trawl	Nov 1 - Apr 30	Juv	undersized	proposed	59
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	current	1319
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	proposed	38
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Adult	undersized	current	251
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Adult	undersized	proposed	16
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Juv	undersized	current	94
NMFS Bottom Trawl	Outside Nov 1 - Apr 30	Juv	undersized	proposed	19
Rhode Island Narragansett Bay Trawl	Nov 1 - Apr 30	Adult	legal sized	current	129
Rhode Island Narragansett Bay Trawl	Nov 1 - Apr 30	Adult	undersized	current	54
Rhode Island Narragansett Bay Trawl	Nov 1 - Apr 30	Juv	undersized	current	87
Rhode Island Narragansett Bay Trawl	Outside Nov 1 - Apr 30	Adult	legal sized	current	2007
Rhode Island Narragansett Bay Trawl	Outside Nov 1 - Apr 30	Adult	undersized	current	788
Rhode Island Narragansett Bay Trawl	Outside Nov 1 - Apr 30	Juv	undersized	current	450

Figure 11 shows the spatial distribution of legal sized vs. undersized summer flounder from the NMFS bottom trawl survey length data, while Figure 12 shows juvenile vs. adult summer flounder.

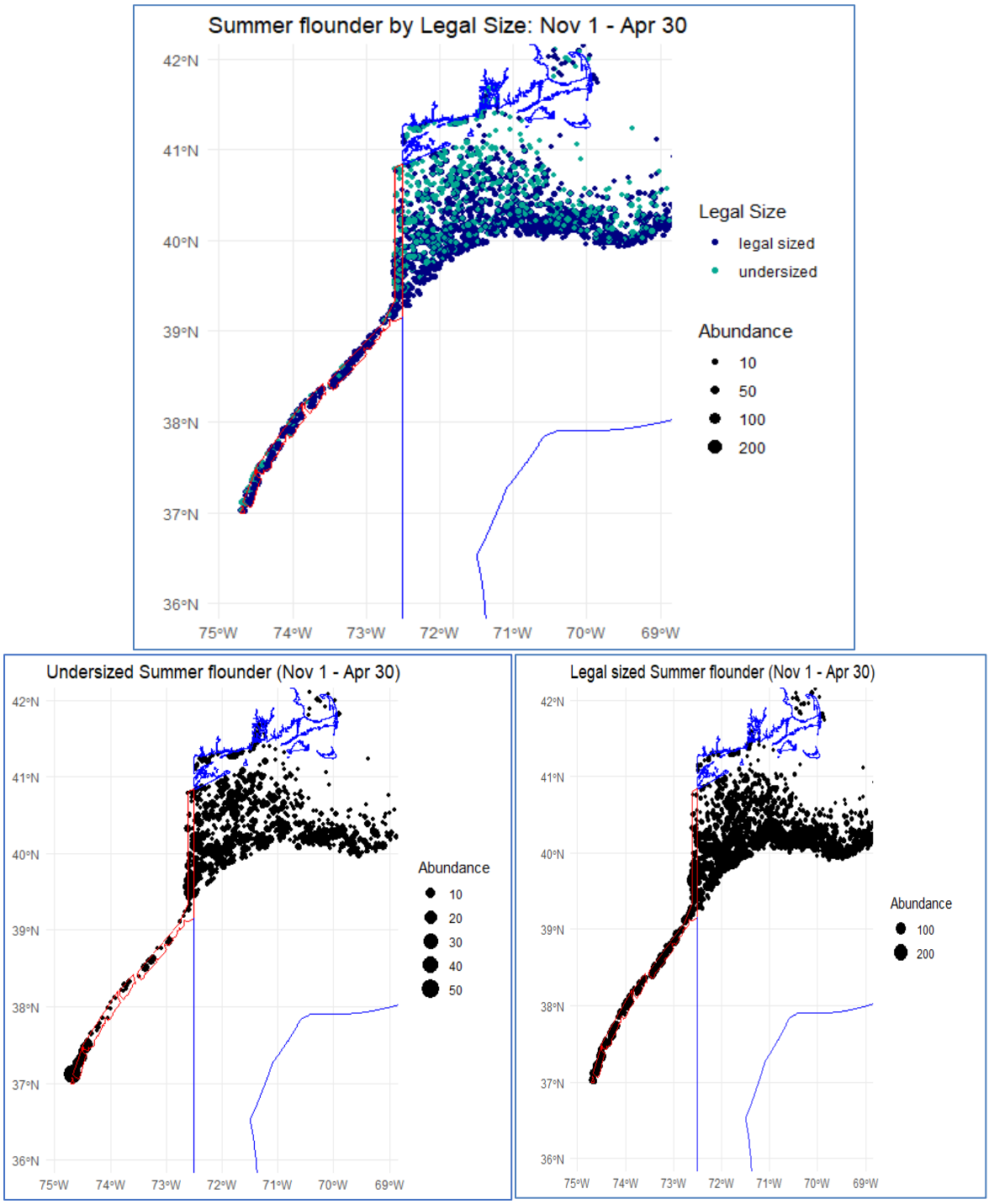

Figure 12: Spatial extent of observations of undersized vs. legal sized (above and below 14-inch commercial minimum size) for NMFS bottom trawl survey data, 1990-2019. The current SMEP area is represented by the blue line, with potential additional area (excluding deep sea coral zones, see section 3.1 Options A and B) outlined in red.

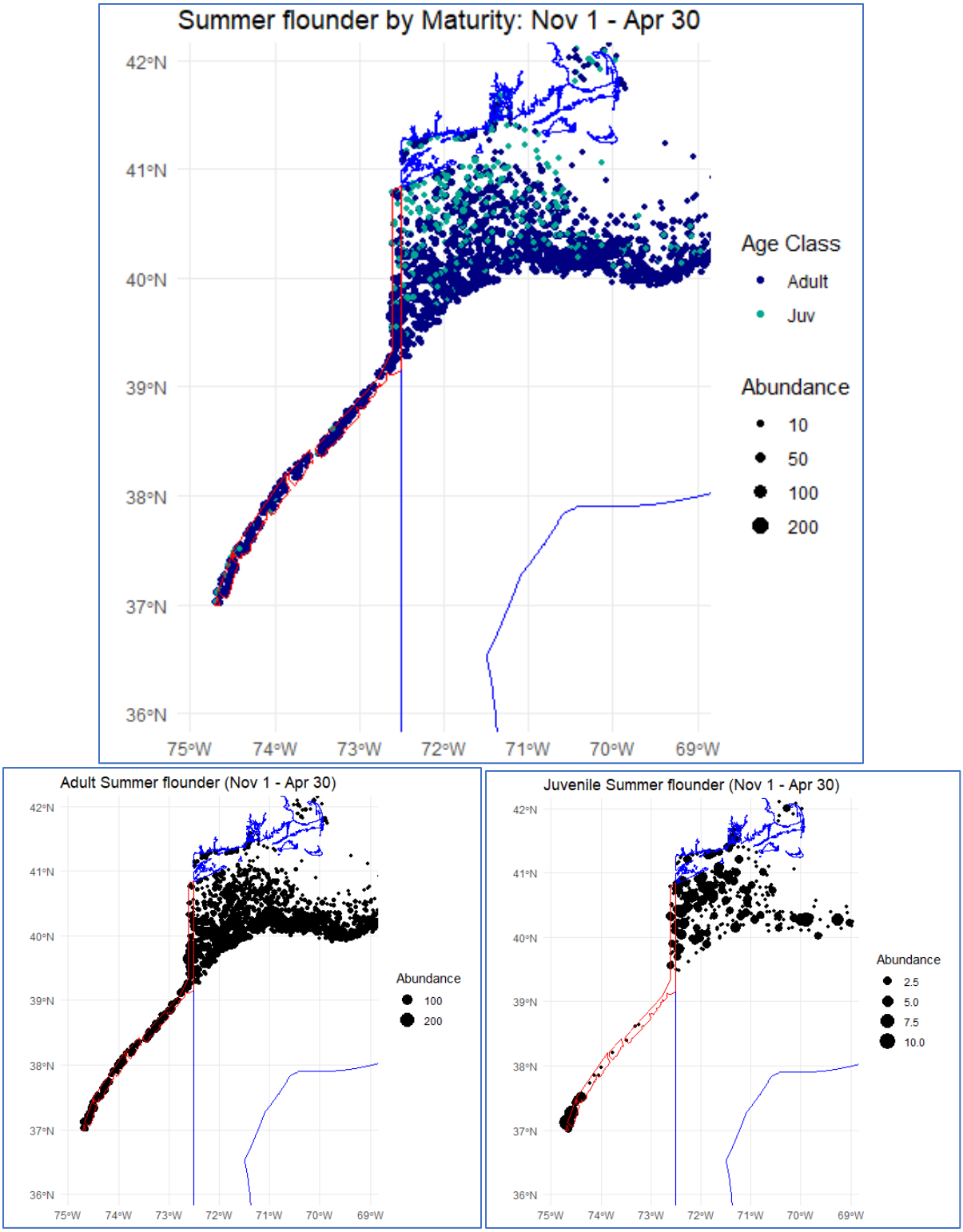

Figure 13: Spatial extent of observations of juvenile vs. mature summer flounder (above and below 30 cm) for NMFS bottom trawl survey data, 1990-2019. The current SMEP area is represented by the blue line, with potential additional area (excluding deep sea coral zones, see section 3.1 Options A and B) outlined in red.

Figure 13 shows the summer flounder distribution by length category for all NRHA surveys with summer flounder data (NMFS Bottom Trawl, Connecticut Long Island Sound Trawl, New Jersey Ocean Stock Assessment, Rhode Island Narragansett Bay Trawl, Massachusetts Bottom Trawl, NEAMAP Bottom Trawl), within and outside the current SMEP and proposed expanded area. This preliminary work used an aggregated data set beginning in 1990; future work will identify whether more recent data sets suggest alternative patterns that could impact the interpretation of the data.

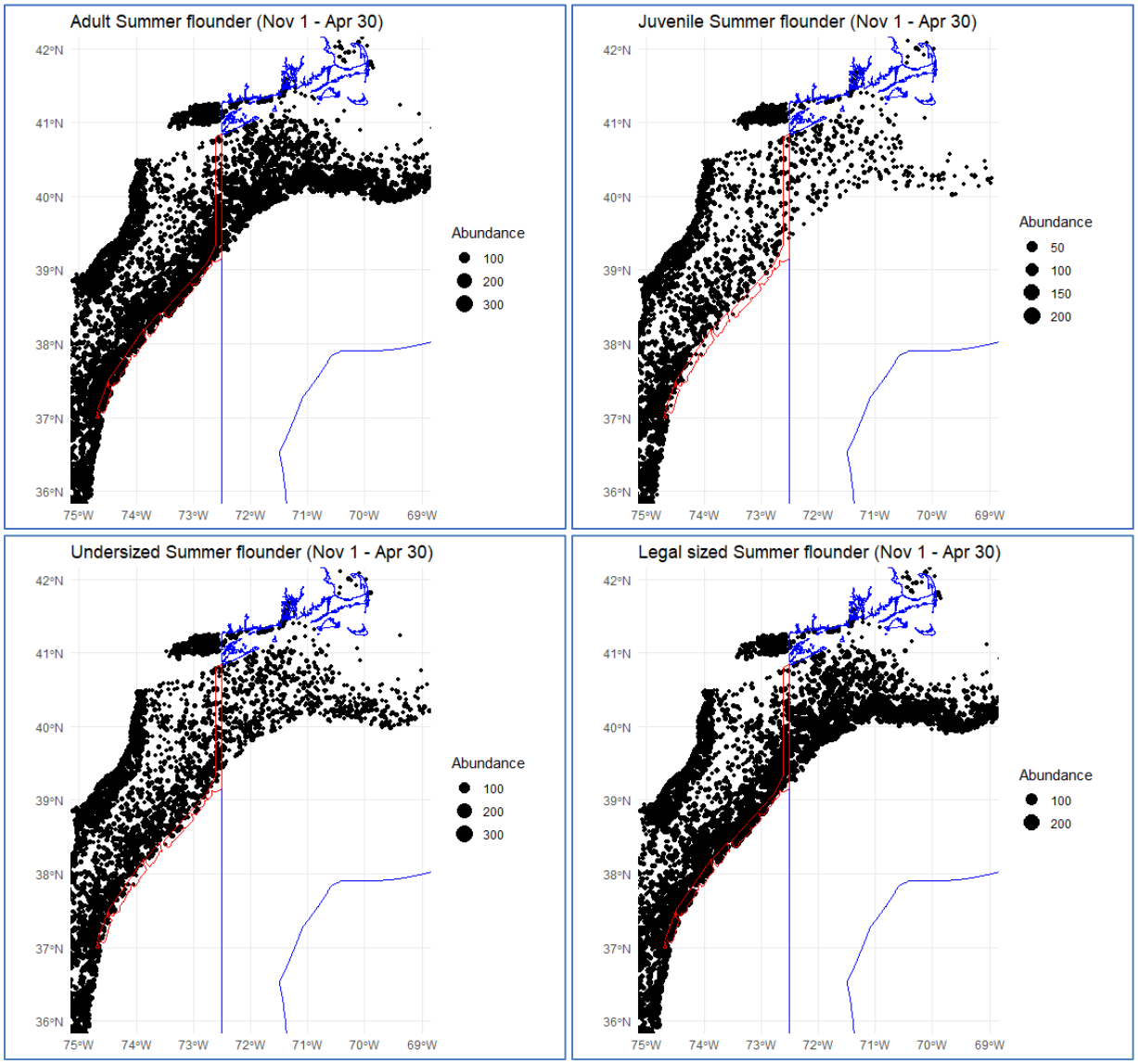

Figure 14: Summer flounder trawl survey distribution within and outside the SMEP area from November-April, 1990-2019, for all trawl surveys in NRHA with summer flounder data for this time period.

As indicated in Table 12, most summer flounder captured by the survey during this time period are legal sized adult fish. The proportions of summer flounder under the commercial minimum size (under 14 inches, including both mature and immature fish) appear to be similar between the current SMEP area (11% of summer flounder survey catch in this area) and the proposed expanded SMEP area (12%) of summer flounder survey catch in this area).

Table 11: Percentage of total summer flounder in the NMFS bottom trawl (November 1-April 30, 1990-2019) in each category outside the SMEP, within the current SMEP, and within the proposed expanded area.

Location	Legal Size	Maturity	Total Abundance	Percent of total	Percent within evaluated area
current	legal sized	Adult	13525	28.9	89%
current	undersized	Adult	1216	2.6	8%
current	undersized	Juv	448	1.0	3%
outside	legal sized	Adult	13191	28.2	47%
outside	undersized	Adult	6702	14.3	24%
outside	undersized	Juv	8403	18.0	30%
proposed	legal sized	Adult	2913	6.2	88%
proposed	undersized	Adult	310	0.7	9%
proposed	undersized	Juv	90	0.2	3%

Appendix B. Flynet Exemption Definition Analysis

Gear Definitions and Descriptions

Several otter trawl net types used in the Greater Atlantic region may be relevant to an expanded or modified definition of a flynet for the purposes of the flynet exemption. However, defining some of these net types consistently and clearly can be a challenge. Most nets are made with custom specifications, and the exact configuration often varies even among net types that may be called by the same name. Terminology for a given net type can also vary by region and fishery.

During the mesh exemptions review process in the Fall of 2023, industry representatives provided input on the types of nets that may be appropriate to consider in an expanded flynet definition ( ). These net types are either two- or four-seam high-rise nets having large mesh in the wings with mesh sizes gradually decreasing to the codend. The large mesh in the wings allows many flatfish to escape and is not ideal for targeting summer flounder. Additional definitions related to gear configuration and net types, including definitions for trawl types not proposed for potential inclusion in this exemption can be found in the April 2024 Summer Flounder Commercial Minimum Mesh Exemption Framework/Addendum Discussion Document.

Preliminary conversations with gear experts[14] suggest the mesh size in the wings, particularly in the middle part of the trawl behind the sweep, is the most important part to regulate for flatfish to escape. A larger mesh regulation and potentially a maximum number of meshes should be considered here, as allowing for too many large meshes may mean the mesh will close up while the gear is towed.

The number of seams on an otter trawl primarily impacts the opening shape of a net. For example, a 4-seam compared to a 2-seam net creates a higher dome-shape opening. This sort of opening is designed primarily for fish that occupy or swim up just above the bottom, and is not ideal for catching flatfish that reside on the bottom. Therefore, the removal of the reference to the number of the seams in the regulatory definition of a flynet appear unlikely to directly impact the proportions of summer flounder targeted, caught, or discarded using this exemption, although it would expand the number of vessels that could theoretically use the exemption. As noted below, additional evaluation of the differences in catch characteristics between 2- and 4-seam nets is planned, but overall these net types do not appear to catch substantial amounts of summer flounder. Nets with more than 4 seams do exist (e.g., 6 seam nets), but are very uncommon for bottom trawls and are designed more for mid-water trawling.

[14] Northeast Trawl Advisory Panel members Pingguo He and Mike Pol, pers. comm., March 2024.

Table 12: Possible net types recommended for consideration by fishing industry comments during Fall 2023 mesh exemptions review. Definitions from: 2021 Observer Operations Manual.[15]

Net type	Description
Balloon Trawl	A two-seam trawl with a high mouth, lighter net material, and floats attached to the headrope so the footrope floats just above the bottom.
Eliminator Trawl	Typically a four-seam, three-bridle trawl with large mesh in the forward part of the net. Large meshes in the bottom belly act as a separator device for the escape of non-target groundfish species. Mesh sizes decrease as the net tapers towards the codend.
Flynet	A high profiled trawl with large wing mesh sizes that slowly taper to smaller mesh sizes in the body extension and codend. The headrope is usually slightly larger than the footrope. Uses a large number of floats to keep the net slightly off the bottom. *Regulatory definition for this exemption specifies two seams, but observer data show some reported use of four seam flynets.
Haddock Separator Trawl	A groundfish trawl with two codend extensions arranged one over the other. A codend is attached to the upper extension, and the bottom extension is left open with no codend attached. A horizontal mesh panel separates the upper and lower extensions.
Millionaire Trawl	A four-seam trawl typically used in the squid fishery. Very large openings in the mouth and large mesh in the wings.
Rope Separator Trawl	A four-seam bottom trawl net modified to include both a horizontal separator panel (consisting of parallel lines of fiber rope) and an escape opening in the bottom belly of the net below the separator panel.
Ruhle Trawl	A four-seam groundfish net with large meshes (8-foot meshes) in the wings and bottom belly of the net. The trawl must have kite panels that meet the regulated minimum surface area. The Ruhle Trawl is a specific type of Eliminator Trawl.

Characterization of Flynet and High-Rise Gear Use

Observer data was used to characterize the use of flynet/high-rise type nets in comparison with other trawl net types. This data is associated with caveats and should be interpreted with caution. Observers record a "net type" field in addition to a broader gear category field, and also collect other information related to specific configuration of a trawl. Net type in the observer data is recorded based on what is reported to the observer by the captain[16], and not all captains use the same terminology. In addition, net type information in the observer data is often missing or reported as "unknown." Therefore, while observer data over a number of years can provide a general sense of the use of different gear types, it should be interpreted with caution, and industry feedback on these analyses will be helpful.

Prevalence vs. Other Trawl Types

The net types associated with potential revisions to the flynet definition ( ) were associated with about 13% of all observed bottom trawl hauls from 2014-2022 (regardless of target species; Table 14).

[15] Note that this suggested list originally included "**pelagic pair trawl**" and "**pelagic single trawl**" net types. It was determined that these net types apply almost exclusively to midwater trawls, which operate fully off the bottom and catch negligible amounts of summer flounder. As such, these net types were removed from this list.

[16] Observers are also instructed to visually verify trawl gear components and configurations.

Table 13: Percent of hauls and observed trips by net category for all observed bottom trawl trips, 2014-2022. Includes all observed trawl trips regardless of target species or catch of summer flounder.

Net Category	Percent of Hauls	Observed trips[a]
NOT considered "flynet" or high-rise (e.g., flatfish trawl, groundfish trawl, etc.)	86.9%	8,534
Potential flynet/high-rise nets (e.g., balloon trawl, eliminator trawl, flynet, etc.)	13.1%	1,155

[a] This column indicates that this gear type was used at some point on a trip, not necessarily for every haul. Many vessels use multiple gear types within a single trip.

Target Species

For flynet or high-rise type gears identified for possible inclusion in a revised flynet definition, the top target species according to observer data are listed in Table 15. For all of these gear types combined, the largest proportion of hauls were targeting haddock or longfin squid. A good proportion of hauls also targeted scup, short-fin squid, black sea bass, and groundfish. Summer flounder was identified as the primary target species on about 3.7% of observed flynet/high-rise type gear hauls from 2007-2022.

For all of these species, flynet or high-rise gear types are only a portion of the net types used to target them, ranging from 1-62% of hauls vs. other trawl gear types (Figure 14).

For confidentiality reasons, target species cannot be broken down for all individual net types. The FMAT/PDT is working to summarize some information in aggregated form; however, additional time is needed to ensure confidentiality. However, of the different industry recommended flynet/high-rise net types, only balloon trawls and flynets appear to have a meaningful percent of hauls targeting summer flounder, about 6-7% of their total hauls. Other industry recommended flynet/high-rise net types appear to very rarely report targeting summer flounder within a haul.

Table 14: Top target species recorded on observed trawl hauls for all flynet-type net types identified for possible inclusion in an expanded flynet definition, 2007-2022.[a] Species shown represent those target species collectively accounting for 90% of observed hauls.

Target Species[b]	Percent of observed hauls	Observed trips
Haddock	20.1%	274
Squid, Atl Long-Fin	19.1%	383
Scup	9.9%	392
Squid, Short-Fin	8.7%	176
Sea Bass, Black	8.0%	283
Groundfish, NK	7.2%	114
Croaker, Atlantic	4.2%	122
Flounder, Summer (Fluke)	3.7%	237
Cod, Atlantic	3.1%	112
Flounder, Winter (Blackback)	2.3%	51
Herring, Atlantic	2.2%	89
Pollock	1.5%	59

[a] Gear types include flynets, balloon trawls, eliminator trawls, haddock separator trawls, millionaire trawls, rope separator trawls, and Ruhle trawls.

[b] Observer records can include up to five target species per haul; for simplicity, only the first target species listed is included in this analysis.

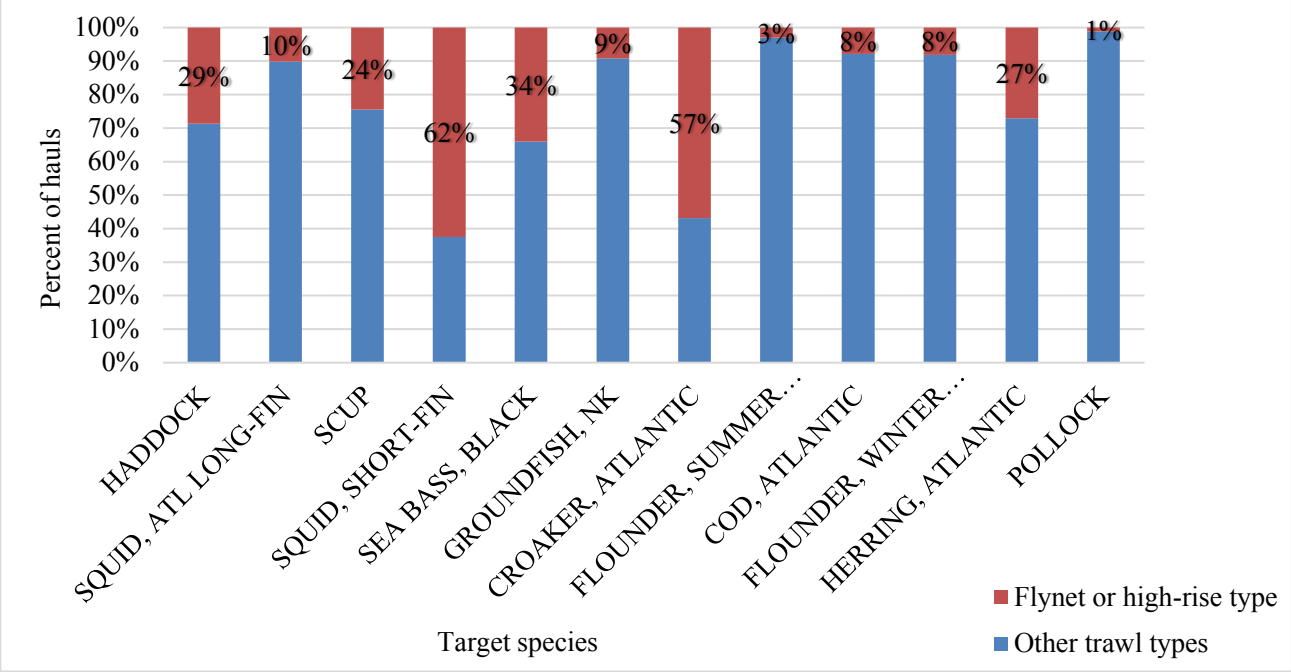

Figure 15: For top target species of flynet and high-rise type gear, percent of total observed trawl hauls represented by flynet-type gear vs. Other trawl types, from 2007-2022 observer data.

Caught Species

According to observer data from 2007-2022, the top species caught and landed with these trawl gear types are short-fin squid and Atlantic herring, followed by longfin squid, haddock, and scup (Table 15). The top discarded species by weight are spiny dogfish and winter skate, followed by unknown fish and little skate (Table 16).

Summer flounder represents 0.7% of the total observed catch by weight in these gear types, including 0.6% of observed landings and 0.9% of observed discards. Average total catch of summer flounder in these gear types is about 455 pounds per trip, with discards averaging about 100 pounds per trip.

Table 15: Top caught and landed species recorded on observed trawl hauls for all flynet-type net types identified for possible inclusion in an expanded flynet definition, 2007-2022.[a] Species shown represent those caught species collectively accounting for 90% of observed catch.

Species	Percent of total flynet/high-rise gear catch by weight	Percent of total flynet/high-rise gear landings by weight	Percent of total flynet gear trips with catch
Squid, Short-Fin	35.7%	41.6%	32.3%
Herring, Atlantic	11.0%	13.0%	20.36%
Squid, Atl Long-Fin	8.7%	10.1%	63.07%
Haddock	6.9%	7.7%	26.4%
Scup	5.2%	5.2%	48.6%
Butterfish	4.0%	3.8%	53.3%
Dogfish, Spiny	3.2%	0.1%	64.8%
Croaker, Atlantic	2.8%	3.2%	7.85%
Mackerel, Atlantic	2.4%	2.8%	26.09%
Skate, Winter (Big)	2.3%	0.6%	47.5%
Fish, Nk	1.6%	0.4%	19.4%
Sea Bass, Black	1.6%	1.5%	48.94%

[a] Gear types include flynets, balloon trawls, eliminator trawls, haddock separator trawls, pelagic pair trawls, pelagic single trawls, millionaire trawls, rope separator trawls, and Ruhle trawls.

Table 16: Top discarded species recorded on observed trawl hauls for all flynet-type net types identified for possible inclusion in an expanded flynet definition, 2007-2022.[a] Species shown represent the top 10 discarded species, collectively totaling 69% of observed discarded weight in these gear types.

Species	Percent of total flynet/high-rise gear discards by weight	Observed trips
Dogfish, Spiny	20.0%	1,242
Skate, Winter (Big)	11.3%	790
Fish, Nk	7.7%	364
Skate, Little	7.2%	1,014
Butterfish	5.0%	867
Scup	4.9%	866
Squid, Short-Fin	4.3%	503
Haddock	3.1%	400
Skate, Nk	2.6%	197
Sea Robin, Northern	2.5%	806

[a] Gear types include flynets, balloon trawls, eliminator trawls, haddock separator trawls, pelagic pair trawls, pelagic single trawls, millionaire trawls, rope separator trawls, and Ruhle trawls.

Flynet Exemption Evaluation Methodology

As noted in section 3.3.3, the PDT/FMAT recommends the regulations be clarified to reflect the language in the FMP (summer flounder catch in the flynet fishery should not exceed 1 percent of the total flynet catch). Observer data for 2013-2022 of the flynet/high-rise net types that may be captured under a revised definition appear to indicate that this threshold remains appropriate (Table 18).

Table 17: Proportion of summer flounder catch compared to total catch and number of trips, for all observed trawl trips 2013-2022, using flynet-type net types identified for possible inclusion in an expanded flynet definition. Gear types include flynets, balloon, eliminator, haddock separator, pelagic pair, millionaire, rope separator, and Ruhle trawls.

Year	Proportion of SF catch compared to total catch	Distinct # of trips catching SF
2013	0.66%	79
2014	0.38%	93
2015	0.52%	93
2016	0.53%	65
2017	0.29%	143
2018	0.56%	126
2019	0.78%	94
2020	0.85%	31
2021	0.42%	31
2022	1.02%	55
Average	**0.75%**	**78**

Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: **Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council**

FROM: **Chelsea Tuohy, FMP Coordinator**

DATE: **October 3, 2024**

SUBJECT: **Public Comment on the Summer Flounder Commercial Mesh Size Exemptions Addendum/Framework (Addendum XXXV)**

The following pages represent a draft summary of all public comments received by the Atlantic States Marine Fisheries Commission (Commission) on Draft Addendum XXXV to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass as of 11:59 PM (EST) on September 28, 2024 (closing deadline). Draft Addendum XXXV is part of a joint effort by the Commission and Mid-Atlantic Fishery Management Council (Council) to address potential changes to two exemptions to the summer flounder commercial minimum mesh requirements, the Small Mesh Exemption Program (SMEP) and the flynet exemption. The Council is considering an identical set of options through a framework action.

Comment totals for Addendum XXXV are provided in the table below, followed by summaries of the state public hearings, and written comments sent by organizations and individuals. A total of four written comments were received, all from organizations. Two virtual public hearings were held and the total public attendance across the hearings was five. Two public comments were provided during the first public hearing and the second public hearing concluded early due to only state staff, Commission staff, Council staff, Commissioners/Proxies, and Council members in attendance.

The following pages are intended to give the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and Council an overview of the support for or opposition to the proposed options in Draft Addendum XXXV. The summary tables and public hearing summaries are followed by the letters and emails sent by individuals and organizations.

Public Comment Summary Tables

Table 1. All public comment received by individuals and organizations and number of people who provided comments during the public hearings.

Written Public Comment Received		
Organization Letters		4
Individual Comments		0
Total Written Comment		*4*
Public Hearing	**# Public Attendees***	**# Commentors**
Massachusetts, Rhode Island, Connecticut, New York, and New Jersey (September 16, Webinar)	5	2
Maryland, Virginia, and North Carolina (September 17, Webinar)	0	0
Total	*5*	*2*

**Number of public attendees does not include state staff, Commission staff, Council staff, Commissioners/Proxies, or Council Members*

Table 2. Comments in support of each option outlined in Draft Addendum XXXV

Management Options	**Public Hearings**	**Letters***
Option 3.1A (Status Quo SMEP Area)	-	-
Option 3.1B (Expanded SMEP Area)	2	3
Option 3.2A (Status Quo SMEP Evaluation Criteria)	-	1
Option 3.2B (Modified SMEP Discard Trigger)	2	2
Option 3.2C (Tiered SMEP Discard Monitoring Approach)	-	1
Option 3.3A (Status Quo Flynet Definition)	-	1
Option 3.3B (Modified Flynet Definition)	2	1

**Some individuals provided comment both at a public hearing and through organization letters.*

Public Hearing Summaries

Summer Flounder, Scup, and Black Sea Bass Draft Addendum XXXV Public Hearing

Webinar Hearing – Massachusetts, Rhode Island, Connecticut, New York, & New Jersey

September 16, 2024

5 Public Participants

Commissioners/Proxies & Council Members: Scott Curatolo-Wagemann (NY), Wes Townsend (DE), John Maniscalco (NY), Jeff Kaelin (NJ), Jason McNamee (RI), Eric Reid (RI), Marty Gary (NY), Joseph Cimino (NJ), Matthew Gates (CT), Emerson Hasbrouck (NY), Nichola Meserve (MA)

Commission, Council, GARFO, & State Staff: Chelsea Tuohy (ASMFC), Kiley Dancy (MAFMC), Laura Deighan (GARFO), Jeffery Brust (NJ), Matt Bass (MA), Elise Koob (MA), Lorena de la Garza (NC)

Hearing Overview

- Two comments were provided in support of Options 3.1B and 3.3B which consider moving the western boundary of the SMEP and modifying the definition of a flynet.
- Both comments also supported modifying the discard trigger for the SMEP from 10% to 25%.

Summary of Comments

Meghan Lapp, Seafreeze Ltd.

- Supports Option 3.1B, moving the western boundary of the SMEP to allow greater access for vessels participating in the program. The proposed expansion is where vessels would likely go to fish and with the current price of fuel, vessels have less flexibility.
- Supports Option 3.3B, the modified flynet definition. The current flynet definition is outdated and the proposed more modern definition would allow more flexibility. Net configurations today are more conservation friendly than when the exemption was implemented in the 90s.
- Supports a modified discard trigger from 10% to 25%.
- States we are in a very different fisheries world today than in the 90s when these exemptions were first implemented. Specifically, there are substantially more regulations, newer nets have larger meshes that are not designed to catch flat fish, expansion of the summer flounder stock, new gear restricted areas, and new discard methodologies. Making these modifications will provide a small bright spot of flexibility to these fisheries without damaging the summer flounder stock.

Greg DiDomenico, Lund's Fisheries, Inc.

- Supports Meghan's comments above.

Summer Flounder, Scup, and Black Sea Bass Draft Addendum XXXV Hearing Attendance, September 16, 2024		
First Name	**Last Name**	**Email Address**
Kiley	Dancy	kdancy@mafmc.org
Scott	Curatolo-Wagemann	sw224@cornell.edu
Jeffery	Brust	jeffrey.brust@dep.nj.gov
Wes	Townsend	pakafish1@yahoo.com
John	Maniscalco	John.maniscalco@dec.ny.gov
Matt	Bass	matthew.bass@mass.gov
Jeff	Kaelin	jkaelin@lundsfish.com
Jason	McNamee	jason.mcnamee@dem.ri.gov
Elise	Koob	elise.koob@mass.gov
Eric	Reid	Ericreidri@gmail.com
Marty	Gary	martin.gary@dec.ny.gov
Joseph	Cimino	joseph.cimino@dep.nj.gov
John	Townes	jctownes@mac.com
John	Schoenig	mrjsho@gmail.com
James	Fletcher	unfa34@gmail.com
Katie	Almeida	kalmeida@towndock.com
Meghan	Lapp	Meghan@seafreezeltd.com
Lorena	de la Garza	Lorena.delagarza@deq.nc.gov
Matthew	Gates	matthew.gates@ct.gov
Emerson	Hasbrouck	ech12@cornell.edu
Nichola	Meserve	nichola.meserve@mass.gov

Laura	Deighan	laura.deighan@noaa.gov

Summer Flounder, Scup, and Black Sea Bass Draft Addendum XXXV Public Hearing
Webinar Hearing – Maryland, Virginia, & North Carolina
September 17, 2024
0 Public Participants

Commissioners/Proxies & Council Members: Eric Reid (RI), Dan Farnham (NY), Michael Luisi (MD), Chris Batsavage (NC), Pat Geer (VA)

Commission, Council, GARFO, & State Staff: Chelsea Tuohy (ASMFC), Kiley Dancy (MAFMC), Steven Ellis (NOAA), Laura Deighan (GARFO)

Hearing Overview

- No members of the public were in attendance; therefore, no public comment was received.

Summer Flounder, Scup, and Black Sea Bass Draft Addendum XXXV Hearing Attendance, September 17, 2024		
First Name	**Last Name**	**Email Address**
Kiley	Dancy	kdancy@mafmc.org
Eric	Reid	Ericreidri@gmail.com
Dan	Farnham	dfarnham.ny@gmail.com
Michael	Luisi	Michael.luisi@maryland.gov
Chris	Batsavage	Chris.Batsavage@deq.nc.gov
Steven	Ellis	steven.ellis@noaa.gov
Pat	Geer	pat.geer@mrc.virginia.gov
Laura	Deighan	laura.deighan@noaa.gov

Written Comments

From: Chris Vann <cv.outdoors247@gmail.com>
Sent: Saturday, September 28, 2024 11:46 PM
To: Comments <comments@asmfc.org>
Subject: [External] Summer Flounder Draft Addendum XXXV

Hartford Surf Fishing Club – Public Comments on the ASMFC Summer Flounder Addendum XXXV

Submitted by Conservation Chairman: Chris Vann, Date: 9/28/2024

I. Small Mesh Exemption Program:
- Recommend Option A: status quo.
  - Vessels found to be exceeding the current 10% discard rate shall be notified and terminated from the program.

II. Flynets
– Recommend Option A: status quo.
  - Vessels found to be exceeding discard rate shall be notified and terminated from the program.

General Comments regarding ASMFC and Addendum XXXV:

As recreational fishermen primarily fishing in CT and RI inshore waters it is evident that the summer flounder population has declined over the last decade. Many members no longer even target them as what few fish are caught even fewer are the 19 or 19.5" minimum length. The substantial number of commercial SMEP summer flounder discards (24%) is unacceptable and not sustainable if summer flounder are to recover from current declines and overfishing - which will soon lead to the population being overfished. The use of the SMEP as a means of allowing otter trawlers to be allowed a small number of summer flounder bycatch to reduce their being otherwise discarded is a loophole as data shows 25% of the fish taken by said boats are summer flounder.

The commercial fishing industry's goals of increasing harvests and discarding large numbers of summer flounder, as well as other species, is contrary to maintaining healthy fisheries. The ASMFC, Mid-Atlantic and New England commissions/councils should be working to prevent this by accurately surveying harvests and strictly enforcing regulations as necessary to ensure the long-term health of fishery populations and their tremendous value to all resource users.

Chelsea Tuohy, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 Highland St., Suite 200A-N
Arlington, VA 22201

Re: Summer Flounder Addendum XXXV

Dear Ms. Tuohy:

On behalf of our family-owned, vertically-integrated seafood harvesting and processing company, the 200 plant and vessel employees and independent fishermen who work with us in producing sustainable seafood from the Atlantic Ocean from Cape May, NJ, we thank you for the opportunity to comment.

We are writing to express our support for several options of Summer Flounder Addendum XXXV. We have participated extensively in the federal MAFMC process for this action over the past year and hope to be in attendance when final action is being taken. We very much appreciate the hard work on a complex topic and the open and transparent process.

3. 1 Small Mesh Exemption Program Western Boundary: We support option B, the expanded SMEP exemption area. The SMEP is utilized by many mid Atlantic vessels, including ours. Currently, vessels possessing the exemption may not fish west of the line, which limits flexibility in the winter months and increases fuel consumption by forcing vessels to return to port and begin a new trip after the exemption expires rather than have the flexibility of continuing the same trip. The area proposed for expansion is a relatively small area bounded on either side by gear restricted areas.

3.2 Small Mesh Exemption Program Evaluation Criteria: We support Option B, Modified Discard Trigger. The new revised discard evaluation method has changed previous estimates, and this option is consistent with the revised method. While in practice the option is not expected to increase the amount of summer flounder discards before considering rescinding the exemption, it would bring the evaluation criteria in line with the new revised methodology.

3.3 Updates to the Definition of the Term "Flynet": We support Option B, Modified flynet definition to remove references to two seams and 64" upper bound of mesh in wings. This modification would bring the flynet definition in line with modern gear that is more conservation

oriented than the previous flynet definition. For example, many nets used by vessels offshore during this winter period have ten - foot mesh in the wings, much larger than the current definition of 64 inch mesh required.

With best regards,

Wayne Reichle

Wayne Reichle, President

Lund's Fisheries, Inc.

997 Ocean Drive, Cape May, NJ 08204

wreichle@lundsfish.com

www.lundsfish.com

Seafreeze Ltd.

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

September 23, 2024

Chelsea Tuohy, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 Highland St., Suite 200A-N
Arlington, VA 22201

Re: Summer Flounder Draft Addendum XXXV

Dear Ms. Tuohy,

We are writing to express our support for several options of Summer Flounder Draft Addendum XXXV. We have also participated extensively in the federal MAFMC process for this action over the past year, as have other various federal fisheries stakeholders. As such, we will include our Council comments along with this comment.

3. 1 Small Mesh Exemption Program Western Boundary: We support option B, the expanded SMEP exemption area. The SMEP is utilized by many Southern New England vessels, including ours. Currently, vessels possessing the exemption may not fish west of the line, which limits flexibility in the winter months and increases fuel consumption by forcing vessels to return to port and begin a new trip after the exemption expires rather than have the flexibility of continuing the same trip. The area proposed for expansion is a relatively small area bounded on either side by gear restricted areas but is also an important winter fishing ground.

3.2 Small Mesh Exemption Program Evaluation Criteria: We support Option B, Modified Discard Trigger. The new revised discard evaluation method has changed previous estimates, and this option is consistent with the revised method. While in practice the option is not expected to increase the amount of summer flounder discards before considering rescinding the exemption, it would bring the evaluation criteria in line with the new revised methodology, which is important.

3.3 Updates to the Definition of the Term "Flynet": We support Option B, Modified flynet definition to remove references to two seams and 64" upper bound of mesh in wings. This modification would bring the flynet definition in line with modern gear that is actually more conservation oriented than the previous flynet definition. For example, many nets used by vessels offshore during this winter period have ten foot mesh in the wings, much larger than the current definition of 64 inch mesh requires.

We are in a very different fisheries world now than we were in the 1990s when the original measures were adopted. Newer nets have four seams and ten foot mesh in the mouth/wings and are designed specifically to avoid flatfish and other non-target species. We have substantially more fisheries

regulation and less flexibility in fisheries than at any time in history. We have newer discard methodology, expansion of the stock, and new gear restricted areas. It is important to modernize this FMP to make regulations consistent with modern practices, gear, methodology and vessel reality. Changing these regulations will not have negative impacts on the stock, but it will give some much-needed flexibility for fishermen.

Thank you for the opportunity to comment.

Sincerely,

Meghan Lapp
Fisheries Liaison
Seafreeze Shoreside, Seafreeze Ltd.

45 STATE STREET | PO BOX 608
NARRAGANSETT, RI 02882

September 23, 2024

Chelsea Tuohy
FMP Coordinator
1050 N. Highland St.
Suite 200 A-N
Arlington, VA 22201

Dear Ms. Tuohy,

I'm writing to comment on the Summer Flounder Draft Addendum XXXV.

The Town Dock supports:

Option B. Expanded SMEP exemption program under the boundary expansion discussion. This would allow our vessels to retain, rather than discard, the fluke they catch while fishing for squid in that area during the winter.

Option C. Tiered Discard Monitoring Approach under the under the SMEP evaluation criteria. This option allows for more flexibility when determining whether to suspend the SMEP once the trigger is reached. A more in-depth analysis of *why* we reached the 25% discard threshold could influence the decision to rescind the LOA or not. This additional analysis would provide a more in depth understand of fishing behavior.

Option B. Modified Fly Net definition.

Thank you,

Katie Almeida
Sr. Representative, Government Relations & Sustainability

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