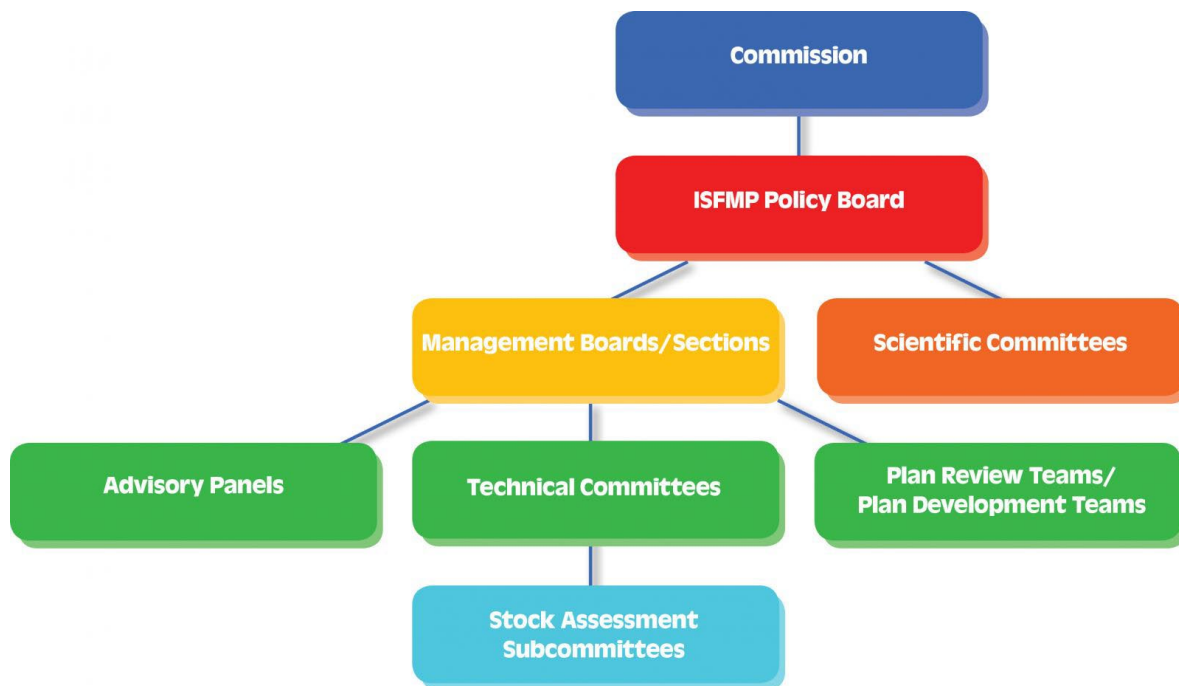


# INTERSTATE FISHERIES MANAGEMENT PROGRAM

For over two centuries, coastal and marine fishery resources have supported thriving US fishing communities, recreational opportunities, and both domestic and international seafood markets. Formed in the early 1940s by the 15 Atlantic coastal states, our Commission facilitates collaborative discussions and development of interstate fishery management plans. Its mission is to enhance the utilization of Atlantic seaboard fisheries through unified, coastwide management plans, ensuring sustainable use across state lines.

The Interstate Fisheries Management Program (ISFMP) serves as the core of decision-making, where species management boards establish management programs to conserve fishery resources, supported by an active participation framework. The ISFMP Policy Board oversees this, monitoring stock performance and policy implementation with representation from all member states and several federal agencies. The Program promotes the conservation of Atlantic coastal fishery resources, is based on the use of sound science, and provides an opportunity for public participation.



This graphic shows the flow of decision-making, with the Commission being the highest level, and advisory panels, technical committees, plan development and review teams providing support to the species management boards and sections.

## Boards and Committees

**Species Management Boards and Sections:** These species-specific management boards are composed of Commissioners from the states and jurisdictions with a declared interest in the species' management program, as well as representatives from NOAA Fisheries and USFWS, and in some cases the Regional Fishery Management Councils. Each year, the states, jurisdictions and federal partners identify (declare) the species boards that they will serve on as voting members. This declaration is

based on a number of factors, including the availability of the species in that state's or jurisdiction's waters, the existence of directed fisheries for the species in question, and an interest in a species' conservation and management. For each state, there are three Commissioners who participate on the species board: 1) the head of the state's marine fisheries department; 2) a member of the state legislature; and 3) a governor's appointee who has knowledge and interest in the fishery. As an example, the Atlantic Striped Bass Management Board is comprised of 40 Commissioners, which include three representatives each from the states of Maine through North Carolina, and a single representative from the District of Columbia, the PRFC, NOAA Fisheries, and USFWS. There is one species for which there is a management section instead of a board: northern shrimp. This section operates in the same way as the management boards, but does not contain representatives from the federal agencies.

Management boards/sections consider and approve the development and implementation of fishery management plans (FMPs), including the integration of scientific information, proposed management measures, enforcement, considerations for habitat conservation and the management of protected species/fishery interactions. They establish and oversee the activities of their respective technical committees, stock assessment subcommittees, advisory panels, plan development teams, and plan review teams.

**Technical Committees & Stock Assessment Subcommittees:** Species technical committees are comprised of representatives from each state, jurisdiction, and federal agency with a declared interest in the fishery and may also include representatives from Regional Fishery Management Councils, the Commission, academia, or other specialized personnel with an interest in the fishery. Technical committees are responsible for providing the species management boards and sections with the best scientific information available for guidance in the management process. Stock assessment subcommittees are working groups of the technical committees and, as such, are comprised of a subset of the technical committee, along with other fisheries experts – all of whom have stock assessment expertise. The primary role of the stock assessment subcommittee is to conduct benchmark assessments and stock assessment updates.

**Advisory Panels:** Advisory panel members are citizens who represent a cross-section of commercial and recreational fishing interests, and other stakeholders who are concerned about fisheries conservation and management. The advisory panel provides the management board with advice concerning species management activities.

**Plan Development Teams:** Plan development teams are comprised of personnel from state and federal agencies with scientific and management ability, knowledge of a species and its habitat, and an interest in the management of species under the jurisdiction of the relevant board. They may also include personnel from Regional Fishery Management Councils, the Commission, academia, and other sectors as appropriate. The species plan development team is responsible for preparing all documentation necessary in the development of an FMP, amendment, or addendum.

**Plan Review Teams:** Plan review teams are composed of members knowledgeable about the scientific data, stock and fishery condition, and fishery management issues. Once a management program is

adopted by a species management board, the plan review team is responsible for providing annual advice concerning implementation of the management program.

ISFMP staff play an important role by helping to coordinate the activities of all the above committees.

## Policy Board Functions

The ISFMP Policy Board provides primary oversight of the Commission's fisheries management process. It monitors species stock performance, establishes overarching policies to guide decision-making, considers appeals made by the states regarding management actions, and receives reports from various supporting committees. The Board is comprised of the Commissioners from the fifteen member states and representatives from the District of Columbia (DC), the Potomac River Fisheries Commission (PRFC), NOAA Fisheries and the U.S. Fish and Wildlife Service (USFWS). The Board also includes one non-voting member of the Commission's Law Enforcement Committee.

## Meetings

With the exception of some Northern Shrimp Section meetings, species management boards generally meet during one or more of the Commission's quarterly meetings (Winter, Spring, Summer, Annual). Three of the quarterly meetings are held in Northern Virginia, while the Annual Meeting location rotates among the 15 Atlantic states. All of our quarterly meetings are broadcast via live-streaming, and the public is also welcome to attend the meetings in person. For more information on our quarterly meetings, go [here](#).

## Annual Action Planning

Action planning for the fisheries management program will be guided by the following objectives:

1. Manage interstate resources that provide for productive, sustainable fisheries using sound science
2. Strengthen state and federal partnerships to improve comprehensive management of shared fishery resources
3. Adapt management to address emerging issues
4. Practice efficient, transparent, and accountable management processes
5. Evaluate progress towards rebuilding fisheries
6. Promote sustainable harvest of and access to rebuilt fisheries
7. Strengthen interactions and input among stakeholders, technical, advisory, and management groups

## Voting Process

When making fishery management decisions, species management boards/sections follow an established voting process, using a modified version of Robert's Rules of Order. In general, decisions are made using a simple majority vote. However, a two-thirds vote of all voting members (entire membership) is required to amend or rescind any final actions. Final actions include setting fishery specifications (including but not limited to quotas, trip limits, possession limits, size limits, season, area closures, gear requirements), allocation, final approval of FMPs/amendments/addenda, emergency actions, conservation equivalency plans, and noncompliance recommendations. Additionally, roll call votes are required for all final actions.

The voting process remains the same if voting occurs over webinar, conference call, or through email. The voting process follows these steps:

1. Ensure a quorum or majority of states with a declared interest in the fishery are present. A state can be represented by one or more of its Commissioners.
2. A Commissioner makes a motion before the board/section for group approval.
3. There is a period of discussion on the motion between the board/section members. Other Commissioners may also offer up amendments to the motion to change the wording or meaning to best match the group's goal.
4. The present states, jurisdictions, and federal agencies vote on the motion. Each state and federal agency gets one vote, regardless of the number of people they have present or their allocation of the resource, and may vote in favor of the motion, against it, abstain from voting, or have a null vote. This means that the three Commissioners representing a state must come to a collective decision on how to vote on an issue.

## Management Process

Management strategies are science-based and tailored to be species-specific; for example, scientists look at a variety of factors when giving advice to managers, including the size of the fish stock, how fast it reproduces, how it interacts with other species, and whether or not it needs to be rebuilt or receive additional protection. Stock assessments are conducted to evaluate the health of the fish stocks and the capacity for harvest, and the information is used to determine appropriate measures for the fishery. (For more information on the science behind fisheries management, including data sources and stock assessments, see [Fisheries Science](#).) To limit harvest to sustainable levels, managers employ a variety of management measures, including controlling the number and size of fish that are caught, the gears that may be used, and the areas and seasons that are open to fishing.

## Management Documents

*Fisheries Management Plans (FMPs)* are the primary management documents for a species. It contains background information on the species, including its biology, habitat, and fisheries, and outlines the management program for the species. This includes all measures that must be implemented by the states, as well as monitoring and compliance standards, and research needs.

If significant changes to an FMP are needed, an *Amendment* is developed to replace the FMP as the primary management document for the species. An amendment contains the same level of background information as an FMP and describes an updated management program for the species that is designed to address gaps in management, or changing stock or fishery needs.

Most FMPs specify that certain issues can be altered through adaptive management. If one of these issues needs to be addressed, an Addendum is developed. These documents serve as add-ons to the existing species FMP or amendment, and while most address updates to management measures, they can also be technical or habitat-focused. Addenda are equivalent to the Frameworks developed by the regional management councils and only take 3-6 months to develop, allowing Boards/Sections to quickly respond to changes in the fishery or resource.

## Developing FMPs

The Commission, through the states, is able to implement fisheries management quickly relative to federal agencies, an important asset when reacting to a changing fishery/resource or adjusting measures and filling gaps in management. It usually takes between eight and 18 months to finalize an FMP or amendment, while it can take less than six months to finalize an addendum.

Still, the Commission's process is involved and thorough, informed by the best available scientific information and incorporating input from the public. It is very important that we are transparent in our process, and we encourage public participation and feedback along the way.

The decision-making process is shown in the accompanying flowchart.

A number of FMPs distribute commercial quota through state shares. Those FMPs also allow for the voluntary transfer of quota between two states. The table summarizing the transfers that have occurred since 2021 can be found [here](#).

## Public Participation & Transparency

Public feedback is valuable to our species management boards, informing their decisions on which of the proposed options to choose as final management measures. The public is encouraged to participate and provide input on potential measures during the development of every FMP, amendment, and addendum. After draft management documents are approved by a Board, a mandatory public comment period begins. All ASMFC documents that are available for public comment can be found [here](#), along with information on how to submit written comments by mail, email, or online through a Commission generated public comment form.

Public hearings are conducted by the states to provide opportunities for people to seek information about the proposed measures, and to speak for or against certain options. The public comment period for addenda lasts at least 30 days and may include public hearings. FMPs and amendments have longer public comment periods. The document becomes available for comment 30 days prior to the first scheduled public hearing, and remains open for 14 days following the last public hearing. Under certain circumstances, public comment can also be given verbally at Board meetings. For issues that are not on the agenda, there is an opportunity to bring matters of concern to the Board's attention at the start of each Board meeting. For topics that are on the agenda, but have not gone out

## ASMFC Fisheries Decision-Making Process



for public comment, Board Chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. For agenda action items that have already gone out for public comment, the Board Chair has the discretion to decide what public comment to allow. The public can also reach out to their [state Commissioners](#) to discuss issues at any time. Anyone who wishes to be more involved can also apply to join a species Advisory Panel through their state delegation. These panels represent the wide group of interests, including commercial and recreational fishermen, environmental groups, and other fields. *To find out more about the Advisory Panel process and how to apply, contact us at [info@asmfc.org](mailto:info@asmfc.org).*

### **What to Expect at a Public Hearing**

When a species management document, such as a draft FMP or Amendment, goes out for public comment, public hearings are conducted in the states/jurisdictions that request them. These meetings serve as a way for fishermen, environmental groups, and others with an interest in the fishery to learn more about the proposed changes and offer their input on what the best options are to solve the issues. The Commission and the state fishery agencies will notify the public of where and when the hearings will be held.

If the management document being discussed is either an FMP or an Amendment, there will be two series of public hearings. The first round of public hearings is on the Public Information Document, which provides an opportunity for the public to identify major issues and alternatives related to the management of the species. The second round of public hearings is on the Draft FMP or Amendment, and asks the public for specific feedback on proposed management alternatives. If an Addendum is being developed, there will only be one set of public hearings to gather input on the specific options contained within the draft document.

At a public hearing, a brief presentation is given on issues being addressed in the management document, the various new management options and how each option will impact the state in which the hearing is being held. After the presentation, attendees can provide written or oral comments on the proposed options. All the comments, both written and spoken, will be summarized by the Coordinator and presented to the Commissioners at the next Board meeting to help them decide what measures to choose.

Attendance is taken at each hearing and the hearings are recorded so that Commission staff can review the recording for additional information, if needed at a later date.

### **State and Federal Cooperation**

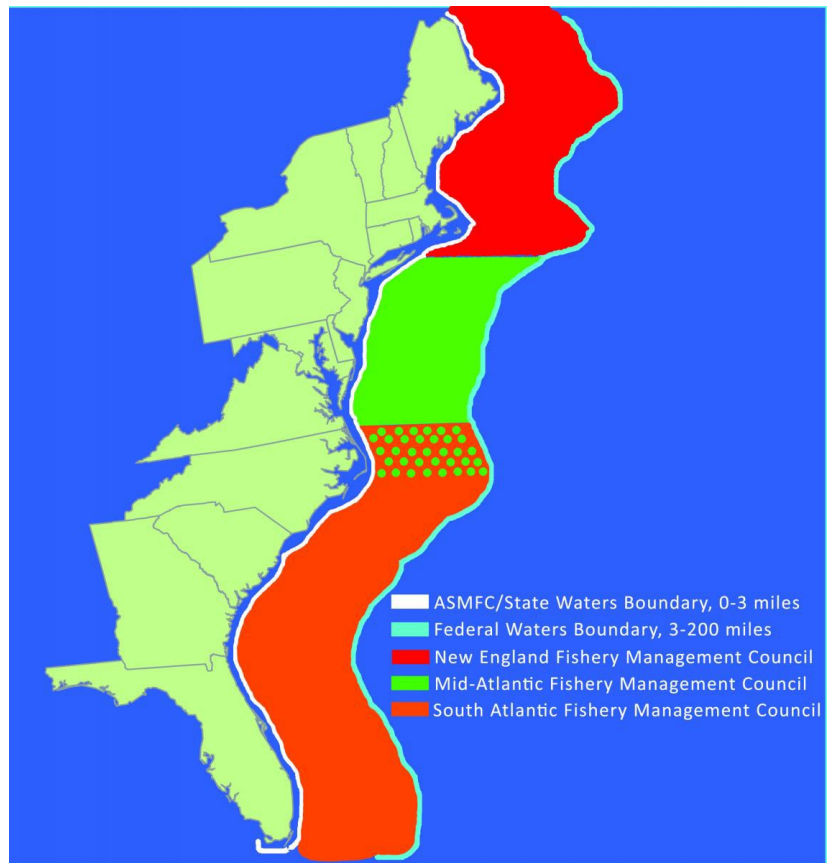
Waters zero to three miles from shore are under state authority, while waters three to 200 miles from shore encompass the exclusive economic zone (EEZ), which is managed under the federal authority of NOAA Fisheries, also known as the National Marine Fisheries Service.

Federal management, which occurs in the EEZ along the Atlantic coast, is split among three regional fishery management councils: the New England, Mid-Atlantic, and South Atlantic Fishery Management Councils. Each council develops fisheries policy for its region. NOAA Fisheries Greater Atlantic Region Fisheries Office (GARFO) has authority for final approval of all recommended management actions by the New England and Mid-Atlantic Councils, while the Southeast Regional Office (SERO) has final



approval authority for management measures recommended by the South Atlantic Council. GARFO and SERO approve the actions, publish them as federal regulations, and enforce them in partnership with the US Coast Guard.

With all these various agencies involved in marine fisheries management, management authority is determined based on the predominance of the fishery in state versus federal waters. For species harvested primarily in state waters, the Commission leads in management, developing FMPs and recommending NOAA Fisheries implement complementary measures in federal waters. Conversely, for species harvested mainly in federal waters, NOAA Fisheries acts as the lead.



For species harvested in both jurisdictions, *joint or complementary Fishery Management Plans (FMPs)* are developed to ensure consistent and coordinated management measures across the entire range of the species.

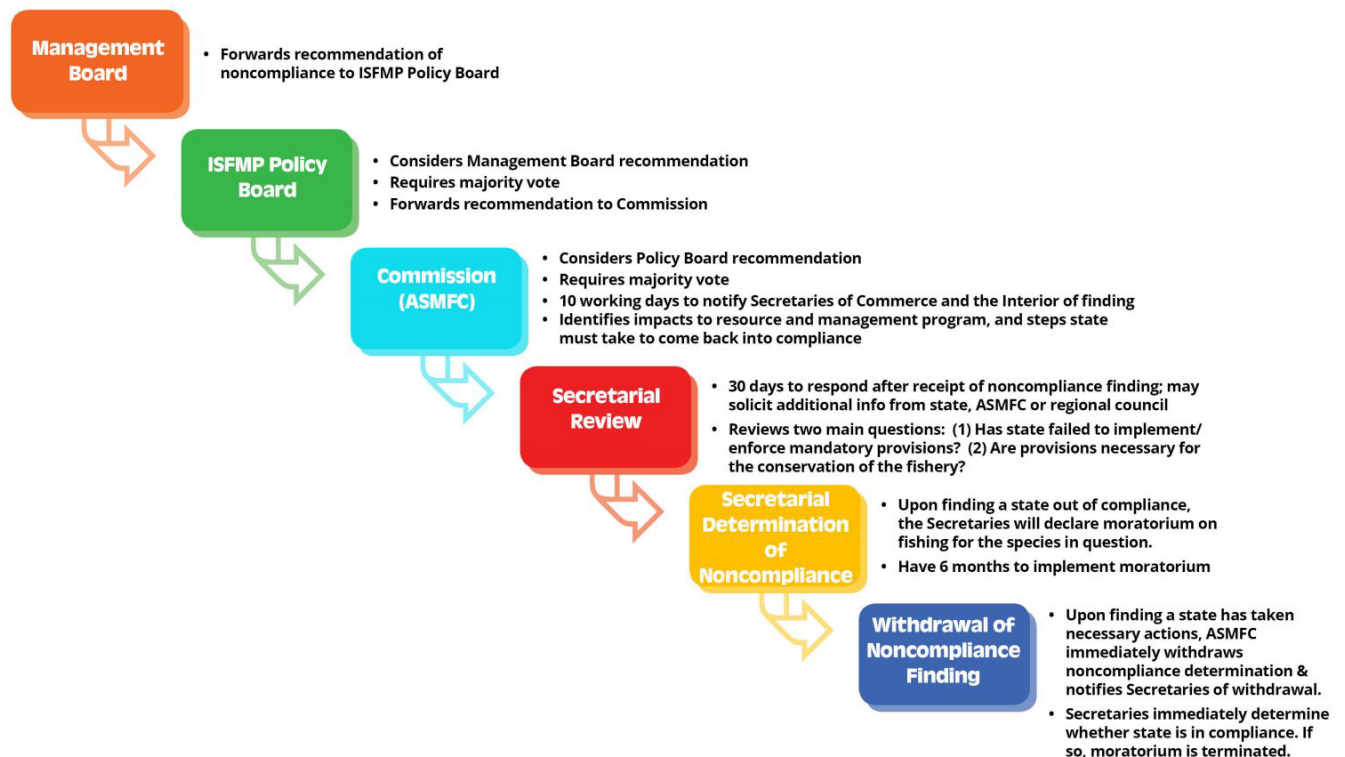
*Joint FMPs* are developed together between the relevant Council(s) and the Commission, requiring both bodies to approve the same actions, ensuring close coordination and consistency between state and federal waters.

*Complementary FMPs* are developed in coordination with the relevant Council(s), but do not require like actions for approval of management measures, offering more flexibility and speed in management. Coastal sharks are managed through a complementary FMP with NOAA Fisheries Highly Migratory Species, spiny dogfish is managed through a complementary plan with the New England and Mid Atlantic Councils, and Atlantic herring and winter flounder are managed through complementary plans with the New England Council.

## Compliance

The Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), the authorizing statute that guides the Commission's fisheries management process, specifies all states included in an FMP must implement the required provisions of the plan in order to ensure the conservation of the species, as well as sharing in the resource's management responsibilities. In the event a state fails to implement the required provisions, the Act establishes a process whereby the Commission has the ability to forward its finding of noncompliance to the Secretaries of Commerce and the Interior for action. In

making its finding, the Commission must identify how failing to implement and enforce the required provision jeopardizes the conservation of the resource and specify the steps a state must take to come back into compliance. The compliance finding generally stems from a management board's annual review of the fishery management program, which includes state compliance with the program. If the Secretaries of Commerce and the Interior concur with the Commission's finding, the Secretaries are authorized to declare a moratorium for the state's fishery in question. The infographic below outlines the steps in the compliance process:



## Guiding Documents

There are a number of documents that provide guidance on the operations of the fisheries management program.

## Conservation Equivalency

Conservation equivalency gives states/jurisdictions the flexibility to develop alternate regulations that address specific state or regional differences while still achieving the conservation objectives of required management measures. It is most commonly used as alternative management programs to those required in an addendum or Amendment.

If a state wishes to use conservation equivalency, it must develop a plan for review by the plan review team. The plan review team seeks feedback on the plan from the appropriate species committee (e.g., law enforcement, technical committee, advisory panel). The plan review team then determines whether the alternate measures will have at least the same effect as the original measures at limiting catch and protecting the population from overfishing. Based on this information, the plan review team



will make a recommendation to the species management board on how to move forward with the plan. [Read the Commission's Conservation Equivalency Policy and Technical Guidance Document](#)

### Appeals Process

If one or more states or jurisdictions feel a species board decision is in conflict with Commission standards, it may appeal the decision to the ISFMP Policy Board. The appeal must assert that the management decision adopted violates one or more of the Commission's five standards:

1. Decision not consistent with FMP
2. Failure to follow process
3. Insufficient/inaccurate/incorrect application of technical information
4. Historical landings period not adequately addressed
5. Management actions resulting in unforeseen circumstances/impacts

The appeal is first evaluated by Commission leadership (Chair, Vice-Chair and past Chair) to consider whether there is sufficient evidence that the management decision violates one or more of the standards. If they decide there is enough evidence, then the appeal is passed on to the ISFMP Policy Board for a final decision on whether the policy should remain in place. If the Board decides that the policy does not violate Commission standards, then the policy will remain as the species board originally decided it. If the Policy Board determines that the existing management program should be modified, it will issue a finding to that effect, as well as any guidance regarding corrective action to the appropriate species management board. Read more about the [Commission's Appeals Process](#).

### De Minimis Policy

*De minimis* provisions are included in interstate fishery management plans (FMP) to reduce the management burden for states whose measures would have a negligible effect on the conservation of a species. The ISFMP Charter includes a definition of *de minimis* and the requirement to include **de minimis** provisions in FMPs.

Definition: *De Minimis* – A situation in which, under existing conditions of the stock and the scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment.

FMP Provisions: ... and provided that each fishery management plan shall address the extent to which states meeting *de minimis* criteria may be exempted from specific management requirements of the fishery management plan to the extent that action by the particular states to implement and enforce the plan is not necessary for attainment of the fishery management plan's objectives and the conservation of the fishery.

*De minimis* provisions within FMPs are designed to reduce the management burden for states whose measures would have a negligible effect on the conservation of a species. This Policy outlines *de minimis* standards for FMPs. A species board may deviate from these standards to address unique characteristics of a fishery. If a board deviates from the Policy's standards, a rationale must be provided within the FMP. It is noted that federal FMPs do not recognize *de minimis* standards; therefore, any *de minimis* measure implemented in a FMP for jointly managed species could result in inconsistent measures between state and federal waters. This Policy does not automatically change

the provisions of current FMPs. In order to change *de minimis* standards, an addendum or amendment process must be completed, unless the FMP specifies a different process