

# Final Agenda

Please note that minor changes have been made to the time and schedule for meetings on Monday, February 1 and Tuesday, February 2; and a minor agenda modification to Thursday, February 4 ISFMP Policy Board.

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

## Monday, February 1

9:30 – 10:00 a.m.

### **Summer Flounder, Scup, and Black Sea Bass Management Board**

*Member States:* Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

*Other Members:* NMFS, PRFC, USFWS

*Chair:* Nowalsky

*Other Participants:* Wojcik, Snellbaker

*Staff:* Colson Leaning, Lewis

1. Welcome/Call to Order (*A. Nowalsky*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from August 2020
3. Public Comment
4. 2021 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass (*D. Colson Leaning, S. Lewis*)
  - Consider State Proposals for Adjusting 2021 Recreational Measures **Possible Action**
  - Consider Virginia Proposal for Wave 1 Recreational Black Sea Bass Fishery **Final Action**
5. Recess for ISFMP Policy Board & Mid-Atlantic Fishery Management Council (MAFMC)  
Discussion on Recreational Management Reform Initiative

10:15 – 11:45 a.m.

### **Interstate Fisheries Management Program Policy Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* DC, NMFS, PRFC, USFWS

*Board Chair:* Keliher

*Other Participants:* Beaty

*Staff:* Kerns

1. Welcome/Call to Order (*P. Keliher*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from August 2020
3. Public Comment
4. Review State Membership on Species Management Boards (*T. Kerns*) **Action**
  - Review State Declared Species of Interest

5. Discuss Recreational Management Reform Initiative (*J. Beaty*) **Possible Action** *This agenda item will be discussed jointly with the Mid-Atlantic Fishery Management Council*
6. Recess until Thursday, February 4 at 1:45 p.m.

**11:45 – 12:45 p.m. Lunch Break**

**12:45 – 4:30 p.m. Summer Flounder, Scup, and Black Sea Bass Management Board and MAFMC**

*Member States:* Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

*Other Members:* NMFS, PRFC, USFWS

*Board Chair:* Nowalsky

*MAFMC Chair:* Luisi

*Other Participants:* Wojcik, Snellbaker

*Staff:* Colson Leaning, Lewis

6. Reconvene as a Joint Meeting with MAFMC
7. Consider Draft Addendum XXXIII and MAFMC Amendment on Black Sea Bass Commercial State Allocations for Final Approval (*S. Lewis, C. Starks*) **Final Action**
8. Other Business/Adjourn

**Tuesday, February 2**

**8:30 a.m. – 12:45 p.m. American Lobster Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia

*Other Members:* NEFMC, NMFS

*Chair:* McKiernan

*Other Participants:* Reardon, Perry, Beal, Anderson, Shank

*Staff:* Starks

1. Welcome/Call to Order (*D. McKiernan*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment
4. Review and Discuss Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 (*J. Anderson*)
5. Consider Management Response to the 2020 American Lobster Benchmark Stock Assessment and Peer Review (*D. McKiernan*) **Possible Action**
  - Review Stock Status, Reference Points and Assessment Recommendations (*C. Starks*)
  - Discuss Development of Draft Addendum XXVII on Gulf of Maine Resiliency (*C. Starks*)
6. Discuss Potential for Conducting a Management Strategy Evaluation for the American Lobster Fishery (*B. Shank/J. Kipp*)
7. Discuss Executive Order on Northeast Canyons and Seamounts Marine National Monument (*C. Starks*) **Possible Action**
8. Review and Populate Jonah Crab Advisory Panel Membership (*T. Berger*) **Action**
9. Elect Vice-Chair **Action**
10. Other Business/Adjourn

**12:45 – 1:45 p.m.**

**Lunch Break**

**1:45 – 2:30 p.m.**

**Winter Flounder Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey

*Other Members:* NMFS

*Chair:* Borden

*Other Participants:* Nitschke, Blanchard, Brown

*Staff:* Colson Leaning

1. Welcome/Call to Order (*D. Borden*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment
4. Consider Specifications for the 2021 Fishing Year (*D. Colson Leaning*) **Final Action**
  - Technical Committee Report
  - Advisory Panel Report
5. Other Business/Adjourn

**2:45 – 4:00 p.m.**

**Atlantic Menhaden Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* NMFS, PRFC, USFWS

*Chair:* Woodward

*Other Participants:* Newhard, Kersey

*Staff:* Rootes-Murdy

1. Welcome/Call to Order (*S. Woodward*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment
4. Review Recent Fishery Performance Relative to Commercial Allocations (*K. Rootes-Murdy*)
5. Other Business/Adjourn

**4:15 – 5:15 p.m.**

**Atlantic Herring Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey

*Other Members:* NEFMC, NMFS

*Chair:* Patterson

*Other Participants:* Zobel, Brown

*Staff:* Rootes-Murdy, Franke

1. Welcome/Call to Order (*C. Patterson*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020

3. Public Comment
4. Set Sub-Annual Catch Limit for 2021-2023 Fishing Years (*K. Rootes-Murdy*) **Final Action**
5. Update on Amendment 8 and Consider Impacts to the Area 1A Fishery (*K. Rootes-Murdy*)
6. Update on New England Fishery Management Council and Commission Coordination Discussions (*R. Beal*)
7. Other Business/Adjourn

**Wednesday, February 3**

8:00 – 10:00 a.m.

**Executive Committee**

*Members:* Abbott, Anderson, Batsavage, Bell, Bowman, Cimino, Clark, Davis, Estes, Gilmore, Keliher, Kuhn, McKiernan, McNamee, Miller, Patterson, Woodward

*Chair:* Keliher

*Other Participants:* Kelly Denit

*Staff:* Leach

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Meeting Summary from October 2020
3. Public Comment
4. Update on Second Round of CARES Act Assistance (*R. Beal*)
5. Legislative and Appropriations Update (*R. Beal*)
6. Review Letter to the Office of Management and Budget Regarding Commission's FY22 Funding Priorities (*R. Beal*)
7. Discuss Legislative Committee Membership (*R. Beal*)
8. Future Annual Meeting Update (*L. Leach*)
9. Other Business/Adjourn

10:15 – 11:00 a.m.

**Coastal Sharks Management Board**

*Member States:* Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* NMFS

*Chair:* Batsavage

*Other Participants:* Willey, Garner, McCandless

*Staff:* Rootes-Murdy

1. Welcome/Call to Order (*C. Batsavage*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from February 2020
3. Public Comment
4. Review NOAA Fisheries Cooperative Shark Tagging Program (*C. McCandless*)
5. Update from NOAA Fisheries on Highly Migratory Species Management (*K. Brewster-Geisz*)
6. Review and Populate Advisory Panel Membership (*T. Berger*) **Action**
7. Other Business/Adjourn

**11:15 a.m. – 12:15 p.m. Atlantic Coastal Cooperative Statistics Program Coordinating Council**

*Partners:* ASMFC, Connecticut, Delaware, District of Columbia, Florida, Georgia, MAFMC, Maine, Maryland, Massachusetts, NEFMC, New Hampshire, New Jersey, New York, NMFS, North Carolina, Pennsylvania, PRFC, Rhode Island, SAFMC, South Carolina, USFWS, Virginia  
*Chair:* Carmichael  
*Staff:* White

1. Welcome/Call to Order (*J. Carmichael*)
2. Council Consent
  - Approval of Agenda
  - Approval of Minutes from October 2020
3. Public Comment
4. Review Project and Program Funding (*G. White*) **Action**
5. Other Business/Adjourn

**12:15 – 1:45 p.m. Lunch Break**

**1:45 – 5:00 p.m. Atlantic Striped Bass Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina  
*Other Members:* DC, NMFS, PRFC, USFWS  
*Chair:* Borden  
*Other Participants:* Sullivan, Blanchard  
*Staff:* Franke

1. Welcome/Call to Order (*D. Borden*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment
4. Review Technical Committee Report on Release Mortality Sensitivity Runs (*K. Sullivan*)
5. Consider Stock Assessment Update Timeline (*K. Drew*) **Action**
6. Discuss Circle Hook Implementation (*T. Kerns*) **Possible Final Action**
7. Consider Draft Amendment 7 Public Information Document for Public Comment (*T. Kerns*) **Action**
8. Review and Populate Advisory Panel Membership (*T. Berger*) **Action**
9. Other Business/Adjourn

**Thursday, February 4**

**8:30 – 11:30 a.m.**

**Shad and River Herring Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* DC, NMFS, PRFC, USFWS

*Other Participants:* Sprankle, Furlong, Lyons Gromen, Neilan

*Chair:* Armstrong

*Staff:* Starks

1. Welcome/Call to Order (*M. Armstrong*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from August 2020
3. Public Comment
4. Consider Management Response to 2020 Shad Benchmark Stock Assessment and Peer Review (*M. Armstrong*)
  - Review Technical Committee Recommendations (*B. Neilan*)
  - Advisory Panel Report (*P. Lyons Gromen*)
5. Review Technical Committee Recommendations on Improvements to Amendments 2 and 3 (*B. Neilan*) **Possible Action**
6. Consider Shad Habitat Plan Updates **Action**
  - Review Technical Committee Recommendations (*B. Neilan*)
7. Consider Fishery Management Plan Review and State Compliance for the 2019 Fishing Year (*C. Starks*) **Action**
8. Review and Populate Advisory Panel Membership (*T. Berger*) **Action**
9. Other Business/Adjourn

**11:30 a.m. – 12:45 p.m. Lunch Break**

**12:45 – 1:30 p.m.**

**Bluefish Management Board**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

*Other Members:* NMFS, PRFC

*Chair:* Batsavage

*Other Participants:* Celestino, Kersey

*Staff:* Colson Leaning

1. Welcome/Call to Order (*C. Batsavage*)
2. Board Consent
  - Approval of Agenda
  - Approval of Proceedings from August 2020
3. Public Comment
4. Consider Revisions to the Addendum I Biological Monitoring Program (*D. Colson Leaning*) **Final Action**
5. Review and Populate Advisory Panel Membership (*T. Berger*) **Action**
6. Other Business/Adjourn

**1:45 a.m. – 4:15 p.m. Interstate Fisheries Management Program Policy Board**

7. Reconvene from February 1, 2021
8. Public Comment
9. Executive Committee Report (*P. Keliher*)
10. Progress Update on the Risk and Uncertainty Policy (*J. McNamee*)
  - Review Draft of the Risk and Uncertainty Policy
  - Discuss Steps to Consider Final Approval of the Policy
11. Review and Discuss 2020 Commissioner Survey Results (*D. Tompkins*)
12. Review State Membership on Species Management Boards (*T. Kerns*) **Action**
  - Review Pennsylvania’s Membership on the Atlantic Menhaden Management Board
13. Discuss Commission Process for Working on Recreational Reform Issues with the MAFMC (*T. Kerns*)
14. Discuss Possible Reporting Programs to Capture Recreational Release Data (*T. Kerns*)
15. Committee Reports (*L. Havel*) **Action**
  - Habitat Committee
  - Artificial Reef Committee
  - Atlantic Coast Fisheries Habitat Partnership
16. Review Noncompliance Findings (if necessary) **Action**
17. Other Business/Adjourn

**4:15 – 4:30 p.m. Business Session**

*Member States:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida  
*Chair:* Keliher  
*Staff:* Beal

1. Welcome/Call to Order (*P. Keliher*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment
4. Consider Noncompliance Recommendations (if necessary) **Final Action**
5. Other Business/Adjourn

# Atlantic States Marine Fisheries Commission

## Summer Flounder, Scup, and Black Sea Bass Management Board

February 1, 2021

9:30 – 10:00 a.m.

and

12:45 – 4:30 p.m.

Webinar

### 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 (*A. Nowalsky*) 9:30 a.m.
2. Board Consent 9:30 a.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2020
3. Public Comment 9:35 a.m.
4. 2021 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass (*D. Colson Leaning/S. Lewis*) **Board Action Only** 9:45 a.m.
  - Consider State Proposals for Adjusting 2021 Recreational Measures  
**Possible Action**
  - Consider Virginia Proposal for Wave 1 recreational Black Sea Bass Fishery **Final Action**
5. Recess 10:00 a.m.
6. Reconvene as a Joint Meeting with Mid-Atlantic Fishery Management Council 12:45 p.m.
7. Consider Addendum XXXIII and Council Amendment on Black Sea Bass Commercial State Allocations for Final Approval (*S. Lewis/C. Starks*) **Final Action** 12:45 p.m.
8. Other Business/Adjourn 4:30 p.m.



# MEETING OVERVIEW

## ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board

February 1, 2021

9:30 – 10:00 a.m.

and

12:45 – 4:30 p.m.

Webinar

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Jason Snellbaker (MD)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: August 6, 2020
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

### 1. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2020

**2. 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 should use the webinar raise your hand function and the Board Chair will let you know when to speak. 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 Board 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.

### 3. 2021 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass (9:45-10:00 a.m.) Board Action Only

#### Background

- At the December 2020 joint ASMFC/MAFMC meeting the Board approved the continued use of regional management approaches to set state scup recreational measures for 2021. Due to lack of 2020 recreational harvest data, Council staff recommended status quo for the 2021 Recreational Harvest Limit (RHL) and minimal changes to state recreational fisheries.
- The TC meets on January 19 to consider analysis and make recommendations on 2021 summer flounder, scup, and black sea bass state measures. **(Supplemental Materials)**

#### Presentations

- Overview of status quo measures by S. Lewis/ D. Colson Leaning
- State proposals and TC recommendations for 2021 summer flounder, scup, and black sea bass recreational measures by S. Lewis/ D. Colson Leaning

#### Board Actions for Consideration

- Approve proposals for 2021 recreational measures.

#### 4. Recess

#### 5. Reconvene as a Joint Meeting with the MAFMC

#### 6. Draft Addendum XXXIII and Council Amendment on Black Sea Bass Commercial State Allocations (12:45-4:20 p.m.) Final Action

##### Background

- In October 2019, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) initiated development of Draft Addendum XXXIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass, and in December 2019 the Council initiated a parallel amendment. The Draft Addendum and Council Amendment consider modifications to the black sea bass commercial state allocations, as well as whether the state allocations should be included in the Council's FMP (**Briefing Materials**).
- In December 2020, the Board and Council met jointly to consider the addendum and amendment for final action. The relevant materials from the December joint meeting (public comment summary, Advisory Panel input, and draft impact analysis) can be found [here](#).
- At the joint [December meeting](#), the Board and Council only approved alternatives pertaining to federal regulations. They voted to include the state allocations of the commercial black sea bass quota in the Council's FMP, and to modify the regulations for such that a federal in-season closure would occur when once landings are projected to exceed the coastwide quota plus an additional buffer of up to 5%. The Board and Council postponed decisions on modifying the state allocations to the Commission's 2021 Winter Meeting (**Briefing Materials**).
  - Council staff provided an updated recommendation on the Amendment alternatives (**Briefing Materials**).

##### Presentations

- Review of Draft Addendum XXXIII Options by C. Starks

##### Board Actions for Consideration

- Final approval of Draft Addendum XXXIII

#### 7. Other Business/Adjourn



# Atlantic States Marine Fisheries Commission

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

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## MEMORANDUM

**TO: Summer Flounder, Scup, and Black Sea Bass Management Board**  
**FROM: Summer Flounder, Scup, and Black Sea Bass Technical Committee**  
**DATE: January 22, 2021**  
**RE: 2021 Summer Flounder and Black Sea Bass Recreational Fishery Proposals**

**Technical Committee Members:** Greg Wojcik (Chair, CT), Alexa Galvan (VA), Lorena de la Garza (NC), Corinne Truesdale (RI), Peter Clarke (NJ), Steve Doctor (MD), Mark Terceiro (NOAA), Sam Truesdell (MA), Richard Wong (DNREC), Kiley Dancy (MAFMC), Julia Beaty (MAFMC), Savannah Lewis (ASMFC), Dustin Colson Leaning (ASMFC), Caitlin Starks (ASMFC)

The Summer Flounder, Scup, and Black Sea Bass Technical Committee (TC) received two proposals, one for summer flounder and one for black sea bass, from New Jersey (NJ) and Massachusetts (MA) respectively, to modify their recreational fisheries in 2021 under conservation equivalency (CE). The proposals detail how states would make small season modifications to allow for weekend openings in May. Additionally, the TC received a proposal from Virginia to participate in the February 2021 recreational fishery for black sea bass. Virginia's proposal details how the state will account for their harvest during the February 2021 fishery by adjusting measures later in the season. Due to COVID-19 effects on 2020 APAIS sampling, all three proposals rely on Marine Recreational Information Program (MRIP) estimates from 2018-2019. The TC met via conference call on January 19, 2021, and reviewed all of the proposals.

### **New Jersey Proposal for 2021 Summer Flounder Recreational Fishery**

The NJ proposal opens the recreational summer flounder fishery on May 28, 2021 coinciding with the Friday before Memorial Day. NJ proposes adding nine days to the end of the season to account for the six days lost at the start of the season. NJ estimated the effect of seasonal adjustments by calculating average daily landing rates per wave from 2018-2019 MRIP data. The daily landing rate was calculated by dividing the total landing per wave (in numbers of fish) by the number of open days in each wave for each year, then taking the mean daily landing rate across the two years. The daily landing rate is lower in wave 5 than in wave 3, allowing for nine days added to wave 5 in exchange for six days removed from wave 3. Using this methodology, 2021 harvest under the proposed season is projected to be 0.09% lower than harvest under the status quo season.

NJ intends to keep all other regulations consistent in 2021 as were implemented for the previous three years, with a minimum size of 18 inches and a possession limit of 3 fish. The new open season would be 124 days from May 28 through September 28. In addition, NJ will keep special regulations for Delaware Bay the same as in previous years with a 17-inch minimum size limit and a 3 fish possession limit while the shore site on Island Beach State Park will remain at a 16-inch minimum size limit and 2 fish possession limit. Both special locations will follow the same coastwide season.

The TC had no concerns with the NJ proposal and found the methods to be technically sound. The TC recommends approval of NJ's proposal for adjusting the season of the 2021 recreational summer flounder fishery.

### **Massachusetts Proposal for 2021 Black Sea Bass Recreational Fishery**

The Massachusetts Division of Marine Fisheries (DMF) is considering modifying their 2021 black sea bass recreational season for all recreational fishing modes such that the season will open on a Saturday. The status quo season is set to run from Tuesday, May 18 to Wednesday, September 8, 2021. Two alternative Saturday season opener options were examined and proposed for approval: A) Saturday, May 15 and B) Saturday, May 22. The corresponding closure date for each option was selected such that the projected harvest under the proposed season would be similar to, but no more than that of the projected harvest under the status quo season. Due to different harvest rates in wave 3 and wave 5, modifying the number of days at the beginning and end of the season cannot be done through a 1:1 exchange in days. Average daily harvest rates by wave (the mean over 2018 and 2019) were used. The analysis produced two options that are expected to produce total harvest (in numbers71q) that is equivalent to the expected MA landings under a status quo season in 2021. Option A has a season that runs from May 15 to September 3, resulting in a 112 day season. Option B has a season that runs from May 22 to September 14 and lasts 116 days. DMF will solicit public comment on the preferred option in the state before selecting a season.

The TC had no concerns with the MA proposal and found the methods to be technically sound, supporting the use of the average MRIP harvest rates 2018 and 2019 combined. The TC recommends approval of MA's proposal for adjusting the season of the 2021 black sea bass recreational fishery.

### **Virginia Proposal for February 2021 Black Sea Bass Recreational Fishery**

The Virginia Marine Resources Commission (VMRC) intends to open the recreational black sea bass fishery on February 1-28, 2021, with a 12.5" minimum size limit and a 15 fish bag limit in response to the National Marine Fisheries Service opening federal waters in February 2021. VMRC will calculate landings in February from mandatory angler reporting and make season adjustments to account for February landings based on the average daily landings rate, by wave, from 2018-2019 of MRIP landings (pounds). The daily landings rate will be estimated based on the total landings (pounds) and the number of open days in each wave by year. Mandatory reporting of landings and biological data collection will continue in 2021 to ensure the characterization of the February fishery. Once February 2021 harvest has been calculated, VMRC will submit a proposal for season adjustments for the remainder of 2021 to account for February harvest to the TC for review.

The TC had no concerns with the VA proposal and found the methods to be technically sound. The TC recommends approval of VA's proposal for adjusting 2021 measures to account for February harvest.



NEW JERSEY DIVISION OF  
**Fish and Wildlife**  
P.O. Box 400  
Trenton, NJ 08625-0400  
David Golden, Director

## Memorandum

**TO:** Dustin Leaning, FMP Coordinator  
Atlantic States Marine Fisheries Commission

**FROM:** Peter Clarke, Fisheries Biologist  
New Jersey Bureau of Marine Fisheries

**DATE:** January 11, 2021

**SUBJECT:** New Jersey 2021 Summer Flounder Recreational Fishery Management Proposal

Included is the New Jersey proposed management options for the 2021 recreational summer flounder fishery. Under the Board/Council approved conservation equivalency plan, an adjustment to the season is being proposed by New Jersey to allow for a May 28, 2021 start date coinciding with the Friday before Memorial Day as was practiced over the last several years. No adjustment to size limits or possession limits are being requested. This option satisfies the requirements of conservation equivalency as established by the Atlantic States Marine Fisheries Commission (ASMFC). Tables describing the adjustment are included while an excel spreadsheet has been provided to the ASMFC summer flounder, scup, black sea bass technical committee for review.

### **Background:**

At the December 2020 joint ASMFC/MAFMC meeting, the Board and Council approved status quo measures for the 2021 recreational summer flounder fishery. The Board determined that states may make minor adjustments to season start and end dates but requires size and possession limits remain unchanged between 2020 and 2021.

As such, measures are required to result in no change to harvest from the previous year. In 2020, New Jersey's recreational summer flounder regulations allowed a 3 fish possession limit, 18-inch size limit, and a 121-day season open from May 22 to September 19, with the opening day coinciding with the Friday before Memorial Day, a traditional start date for NJ's recreational summer flounder fishery. For 2021, New Jersey is requesting to delay the season start date by 6 days in May which would extending the season end date by 9 days in September with no request to change the minimum size or possession limit. The resulting season in New

Jersey for 2021 will be 124 days long and open May 28 through September 28, again capturing the Memorial and Labor Day weekends which are critical for the New Jersey fishery. New Jersey requested and was approved to make a similar adjustment for the 2020 fishing year, again enabling the state to capture the holiday weekends which are so vital to our fishermen and infrastructure.

**Methodology:**

MRIP estimates for 2020 are unavailable so an alternate approach to establish 2020 was utilized. New Jersey calculated the effect of season adjustments using finalized 2018 and 2019 MRIP data (Table 1). These years were chosen exclusively since measures from 2018 through 2020 were identical during all years in regard to season length, size, and possession limit and will align closely with proposed 2021 measures. While the 2017 fishing year had the same size and possession limit, the season was 17 days shorter which influences angler behavior and thus the total harvest and daily catch rates for wave 5. An average catch estimate of 2018 and 2019 was used to account for seasonal variability and was used as a proxy for the 2020 harvest and target for the 2021 fishing year (Table 2). Each wave estimate was further described through an average daily catch rate. As expressed in table 1, the average daily rate in wave 3 (May and June) is 35% greater than wave 5 (September and October). After removing 6 days from wave 3, keeping the same number of open days in wave 4, and adding 9 days to wave 5, the resulting projected harvest should be 0.09% lower in 2021 than the projected harvest of 2020 (Table 3).

The proposed measures for New Jersey’s 2021 recreational summer flounder fishery are found in table 3 below. New Jersey intends to keep consistent regulations in 2021 as were implemented for the previous two years, with a minimum size of 18 inches, a possession limit of 3 fish, however with an open season of 124 days from May 28 through September 28. In addition, New Jersey will keep special regulations the same as in previous years for Delaware Bay with a 17-inch size limit and a 3 fish possession limit while our shore site on Island Beach State Park will remain at a 16-inch minimum size limit and 2 fish possession. Both special locations will follow the same New Jersey coastwide season.

**Table 1.**

**NJ 2018, 2019, and Average Harvest and Daily Catch Rates**

<b>Year</b>	<b>Wave 3</b>	<b>Wave 4</b>	<b>Wave 5</b>	<b>Grand Total</b>
<b>2018</b>	305,180	680,893	59,125	1,045,198
<b>2019</b>	235,606	731,181	141,370	1,108,157
<b>Average Harvest</b>	270,393	706,037	100,248	1,076,678
<b>Days Open 2018</b>	37	62	22	121
<b>Days Open 2019</b>	38	62	21	121
<b>2018 Daily Catch Rate</b>	8,248	10,982	2,688	
<b>2019 Daily Catch Rate</b>	6,200	11,793	6,732	
<b>Average Daily Catch Rate</b>	7,224	11,388	4,710	

Table 2.

**Estimated 2020 Harvest and 2021 Target**

	Size (inches)	Possession	Season	Total Days Open	2020 Projected Harvest and 2021 Target
<b>NJ 2020 Season</b>	18	3	May 22 - Sept 19	121	
<b>NJ 2020 Days Open</b>	40	62	19	121	
<b>2020 Projected Harvest</b>	288,965	706,037	89,484		1,084,487

Table 3.

**NJ 2021 Proposed Season**

	Size (inches)	Possession	Season	Days Open	Percent of 2021 Target RHL
<b>NJ 2021 Status Quo Season</b>	18	3	May 22-Sept 19	121	
<b>2021 Status Quo Days</b>	40	62	19	121	
<b>2021 Status Quo Harvest</b>	288,965	706,037	89,484	1,084,487	0.00%
	Size (inches)	Possession	Season	Days Open	Percent of 2021 Target RHL
<b>NJ 2021 Shift Season</b>	18	3	May 28-Sept 28	124	
<b>2021 Shift Days</b>	34	62	28	124	
<b>2021 Shift Harvest</b>	245,621	706,037	131,872	1,083,529	-0.09%



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Director

## Massachusetts black sea bass fishery Conservation Equivalency proposal

January 8, 2020

### Overview

The Massachusetts Division of Marine Fisheries (DMF) submits this Conservation Equivalency proposal to modify the 2021 black sea bass season for all recreational fishing modes such that the season will begin on a Saturday. The status quo season is set to run from Tuesday, May 18 to Wednesday, September 8, 2021. Two options were examined for season openers: (A) Saturday, May 15 and (B) Saturday, May 22. The corresponding season closure date for each option was selected based on its resulting in an equal or lesser projected harvest than the status quo season (Table 1). DMF seeks approval of both options, one of which would be selected after public comment is solicited in the state. Implementation would occur prior to the season's commencement, with appropriate notification to fishery participants.

*Table 1. Status quo and proposed regulations for the 2021 Massachusetts black sea bass recreational fishery.*

	Season	Bag Limit	Size Limit
Status quo	May 18–September 8 (114 days)	5 fish	15"
Option A	May 15–September 3 (112 days)	5 fish	15"
Option B	May 22–September 14 (116 days)	5 fish	15"

### Introduction

The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board approved status quo recreational fishing measures for 2021 during their December 2020 meeting. However, they specified that they would be willing to review Conservation Equivalency proposals that sought minor adjustments to the fishing season.

Massachusetts requests an accommodation to open the season on a Saturday. The state has had a Saturday opener for the black sea bass fishery since 2013, except for 2020 when changes were expressly prohibited, and there is interest from the fishing community in maintaining this standard. The status quo opening day of May 18 is a Tuesday in 2021; the two closest Saturdays to the status quo opener are proposed. Recent information available to use in the analysis were MRIP harvest data from 2018 and 2019.



## Analysis

The status quo opening date of May 18 is a Tuesday and the previous and subsequent Saturdays (May 15 and May 22, respectively) were both examined as potential season openers. The May 15 date requires the end of the season to be truncated to compensate for an additional three Wave 3 equivalent days while the May 22 date results in an end-of-season extension of four Wave 3 equivalent days.

MRIP data from 2018 and 2019 were used to examine the impact of season adjustments, as 2020 data were not available for use due to COVID-19 effects on APAIS sampling. Additional data from years prior to 2018 were not included as Massachusetts' recreational black sea bass season has otherwise not been open in September since 2014<sup>1</sup>. Daily harvest rates by wave were used to equilibrate the status quo and proposed seasons. Because Wave 3 and Wave 5 are unequal in their harvest rates, adjusting the schedule for a season that bridges these waves is not a 1:1 change in days. To reduce impacts of annual variability, average daily harvest rates by wave (the mean over 2018 and 2019) were used. The PSEs for all data used in this analysis were less than 50 (Table 2).

*Table 2. Data used in the analyses. The 2018 and 2019 combined data set calculates harvest rate as the average of the 2018 and 2019 harvest rate. The 2018 and 2019 combined PSE was calculated as  $PSE_w = \sqrt{\sum_y V_{y,w} / \sum_y H_{y,w}}$  where  $y$  is year,  $w$  is wave,  $V$  is the variance (found in the MRIP estimate files) and  $H$  is harvest.*

Year	Wave	Harvest (N)	PSE	Open days	Harvest Rate
2018	3	548,602	26.5	43	12,758
	4	92,565	26.5	62	1,493
	5	36,977	42.6	12	3,081
2019	3	306,056	31.3	44	6,956
	4	146,788	21.4	62	2,368
	5	73,749	41.8	8	9,219
2018 & 2019 average	3	427,329	20.4	43.5	9,857
	4	119,677	16.7	62	1,930
	5	55,363	31.3	10	6,150

Notably, in 2019, the harvest rate during Wave 5 (9,219 fish/day) was larger than during Wave 3 (6,956 fish/day). This was not consistent with 2018 where the Wave 3 rate was approximately four times larger than the Wave 5 rate (Table 2). While the 2019 Wave 5 rate is greater than the 2018 Wave 5 rate, the 2019 Wave 3 rate also appears unusually low compared to the 2015–2018 Wave 3 rates that all range between 9,688 fish/day and 13,091 fish/day. The 2018 data are more consistent with a general understanding of the Massachusetts fishery; black sea bass spawn in the spring and early summer months and during this time they aggregate and exhibit high availability to the fishery.

The steps that were used in the analysis are listed below. See Appendix 1 for equations and Table 3 for resulting calculations.

- (1) Average daily harvest rates by wave<sup>2</sup> were calculated for the combined 2018 and 2019 MRIP data (Table 2).

<sup>1</sup> MRIP did report harvest during 2017 Wave 5 although the fishery was not open.

<sup>2</sup> See Appendix 3 for an alternative approach to calculating average harvest rate.

- (2) The number of Wave 3 days to be accounted for was calculated: this was a deficit of three days for Option A (May 15 opening) and a surplus of four days for Option B (May 22 opening).
- (3) The “exchange rate” was calculated as the ratio of Wave 3 average daily harvest rate to Wave 5 average daily harvest rate. Since the harvest rates differ, this allows the number of Wave 5 days to be adjusted on a comparable scale to changes in the number of Wave 3 days.
- (4) The number of Wave 5 harvest rate days to be added or subtracted to the end of the season is calculated by multiplying the number of days adjustment to the season during Wave 3 by the exchange rate. As a conservative measure, this number is rounded down when considering adding days to the end of the season and rounded up when considering subtracting days from the beginning of the season.

Option A, assuming a start date of May 15, results in a season that closes on September 3 and lasts 112 days. Option B, the May 22 opening day, results in a season that closes on September 14 and lasts 116 days (Table 3). Each of the proposed seasons are expected to produce total harvest (in numbers) that is conservationally equivalent to the expected Massachusetts landings during the status quo 2021 season (114 days from May 18 through September 8), assuming daily harvest rates are similar to the averaged 2018/2019 rates. Expectations using only 2018 and 2019 data are given in Appendix 2.

*Table 3. Summary of calculations to arrive at closure date for alternative opening dates using 2018 and 2019 combined MRIP data (see steps given in the text and Table A1.1). Column names are defined as follows. Opening day: proposed first day of the season. Exchange rate: ratio of harvest rate in Wave 3 to that in Wave 5 (Table A1.1, Step 3). n Day W5\*: theoretical number of Wave 5 days to add or subtract. n Day W5: actual number of Wave 5 days added or subtracted. Close Date: date of season closure given data set. Season days: number of days total in the proposed season. The status-quo season runs May 18 – Sep 5 and is 114 days.*

Opening day	Exchange Rate	n Day W5*	n Day W5	Close Date	Season Days
A: 5/15/2021	1.6	-4.81	-5	9/3/2021	112
B: 5/22/2021	1.6	6.41	6	9/14/2021	116

These analyses assume that the combined 2018 and 2019 average daily harvest rate by wave represents a reasonable expectation for the daily harvest rate by wave during 2021. Such an assumption is predicated on several characteristics of the fishery being similar to the conditions under which the data were generated such as black sea bass availability, total fishing effort, overall composition and availability of other recreationally targeted species and angler preferences.

## Summary

Both Option A (5/15/2021 – 9/3/2021) and Option B (5/22/2021 – 9/14/2021) are expected to result in harvest similar to the expectation under the status quo given the data that were used to produce the estimates (i.e., average MRIP harvest rates for 2018 and 2019 combined). The purpose of using 2018 and 2019 together was to temper uncertainty; the averaging mitigates the impact of some of the annual variability and potential anomalies such as observed in 2019.

## Appendix 1

Appendix 1 lists the equations used in the steps listed in the Analysis section of the main text.

Table A1.1. Analysis equations, following steps in the main text.

Step	Equation	Definitions
1	$r_w = \frac{1}{Y} \sum_y \left[ \frac{1}{d_{w,y}} h_{w,y} \right]$	$r_w$ Average daily harvest rate by wave for combined data set. $w$ wave. $y$ Data year. $Y$ Number of years. $h_{w,y}$ Total harvest in numbers during wave $w$ of data year $y$ . $d_{w,y}$ Number of open days during wave $w$ of data year $y$ .
3	$x_{w3w5} = \frac{r_{w3}}{r_{w5}}$	$x_{w3w5}$ Exchange rate ratio (Waves 3:Wave 5)
4	$\tilde{d} = \lfloor \check{d} x_{w3w5} \rfloor$	$\tilde{d}$ Number of days to add/subtract during Wave 5. $\check{d}$ Number of Wave 3 equivalent days to be accounted for (negative for May 15 <sup>th</sup> start). $\lfloor \dots \rfloor$ Floor function (i.e., round down to nearest integer).

## Appendix 2

Appendix 2 expands the analyses to include the projected season lengths using the 2018 and 2019 data individually. This gives a sense for how differences in the harvest rate translate through to the season length calculation and offers a comparison to the analyses above that used the averaged 2018 and 2019 harvest rates. This analysis was slightly more complex because the 2018 data led to a projected season that ends in August which requires also using the Wave 4 daily harvest rates. Thus the analysis steps and the equation table (here Table A2.1) have been expanded.

The steps that were used in the Appendix 2 analysis are listed below. See Table A2.1 for equations.

- (1) Average daily harvest rates by wave were calculated for (i) 2018, (ii) 2019 and (iii) 2018 and 2019 (Table A2.1). For (i) and (ii) the total harvest by wave was simply the total harvest in numbers by wave and year divided by the corresponding number of open days that the fishery was open. For (iii) the harvest rate was calculated as the average of 2018 and 2019 harvest rates.
- (2) The number of Wave 3 days to be accounted for was calculated: this was a deficit of three days for Option A (May 15 opening) and a surplus of four days for Option B (May 22 opening).
- (3) The “exchange rate” was calculated as the ratio of Wave 3 harvest rate to Wave 5 harvest rate. Since the harvest rates differ, this allows the number of Wave 5 days to be adjusted on a comparable scale to changes in Wave 3.
- (4) The number of Wave 5 harvest rate days to be added or subtracted to the end of the season was calculated by multiplying the number of days adjustment to the season during Wave 3 by the exchange rate. As a conservative measure, this number was rounded down when

considering adding days to the end of the season and rounded up when considering subtracting days from the beginning of the season.

- a. In 2018 Option A (May 15 opening) there were not enough days during Wave 5 to make up for the additional days fished during Wave 3, meaning that Wave 4 days had to also be trimmed from the end of the season. Since the Wave 4 harvest rate differs from that of Wave 5, the following steps were taken.
  - i. Calculate the total harvest that needs to be accounted for (i.e., the number of days added to Wave 3 multiplied by the Wave 3 harvest rate).
  - ii. Calculate the *remaining* harvest that needs to be accounted for by subtracting expected Wave 5 total harvest (8 days) from the total deficit.
  - iii. Divide the remainder by the Wave 4 harvest rate to determine the expected number of Wave 4 days that would be required to harvest the remainder.
- b. Add the number of Wave 4 days required to the number of available Wave 5 days (i.e., 8).

The three data sources (2018, 2019 and 2018 & 2019) result in different season lengths because the estimated harvest rates vary. Assuming a May 15 opening day (Option A) the 2018 data alone produce a season that is 99 days long, the 2019 data alone result in a season that is 114 days long and the averaged season length – reported in the main text – was 112 days (Table A2.2). Assuming a May 22 opener, the 2018 data produce a 126 day season, the 2019 data a 113 day season and the average a 116 day season (Table A2.3).

Table A2.1. Analysis equations, following steps in the text. Additional steps are needed for the analysis of the 2018 data alone.

Step	Equation	Definitions
1	$r_w = \frac{1}{Y} \sum_y \left[ \frac{1}{d_{w,y}} h_{w,y} \right]$	$r_w$ Average daily harvest rate by wave for combined data set. $w$ wave. $y$ Data year. $Y$ Number of years. $h_{w,y}$ Total harvest in numbers during wave $w$ of data year $y$ . $d_{w,y}$ Number of open days during wave $w$ of data year $y$ .
3	$x_{w3w5} = \frac{r_{w3}}{r_{w5}}$	$x_{w3w5}$ Exchange rate ratio (Waves 3:Wave 5)
4	$\tilde{d}_{w5} = \check{d} x_{w3w5}$	$\tilde{d}_{w5}$ Number of additional days during Wave 5. $\check{d}$ Number of Wave 3 days to be accounted for.
<i>If adding days to Wave 5, stop here and</i>		
	$\tilde{d} = [\tilde{d}_{w5}]$	$\tilde{d}$ Number of days to add or subtract from the end of the season. $[\dots]$ Floor function (i.e., round down to nearest integer).
4.a.i.	$D = \check{d} r_{w3}$	$D$ Total Wave 3 deficit that needs to be accounted for.

4.a.ii.	$\dot{D} = D - 8r_{w5}$	$\dot{D}$ 8	Remaining deficit after all possible Wave 5 harvest has been accounted for. Status-quo season closes Sep 8, meaning there are 8 available Wave 5 days.
4.a.iii.	$\tilde{d}_{w4} = \frac{\dot{D}}{r_{w4}}$	$\tilde{d}_{w4}$	Number of additional days to remove during Wave 4.
4.b.	$\tilde{d} = \begin{cases} \text{if } \tilde{d}_{w5} \leq 8 & [\tilde{d}_{w5}] \\ \text{else} & 8 + [\tilde{d}_{w4}] \end{cases}$		Note: floor function still used (i.e., rounded down because days are considered negative).

Table A2.2. Summary of calculations to arrive at closure date for season beginning on May 15. Column names are defined as follows. Data year: year or years used to calculate season length. Exchange rate: ratio of harvest rate in Wave 3 to that in Wave 5 (See A2.1 Step 3). n Day W5\*: theoretical number of Wave 5 days to add. n Avail Day W5: number of available days in Wave 5 to use (8 since the status quo season runs to Sep 8). n Day W5\*\*: number of actual days that can be added during Wave 5. n Day W5: rounded number of Wave 5 days. Total N Diff: sum of number of fish representing the front-end season change (see Table A2.1 Step 4.a.i). Remain Diff: remaining number of fish that need to be accounted for after using all Wave 5 days (see Table A2.1 Step 4.a.ii). n Day W4\*: theoretical number of Wave 4 days to add (see Table A2.1 Step 4.a.iii). n Day W4: rounded number of Wave 4 days. n Day Close: total number of days that need to be closed at the end of the season (i.e., sum of Wave 5 closure days and Wave 4 closure days). Close Date: date of season closure given data set. Season days: number of days total in the proposed season.

Data Year	Exchange Rate	n Day W5*	n Avail Day W5	n Day W5**	n Day W5
2018	4.14	-12.42	-8	-8.00	-8
2019	0.75	-2.26	-8	-2.26	-3
2018 & 2019	1.60	-4.81	-8	-4.81	-5

Table A2.2 continued.

Total N Diff	Remain Diff	n Day W4*	n Day W4	n Day Close	Close Date	Season Days
-38,275	-13,623	-9.12	-10	-18	8/21/2021	99
-20,867	0	0.00	0	-3	9/5/2021	114
-29,571	0	0.00	0	-5	9/3/2021	112

Table A2.3. Summary of calculations to arrive at closure date for season beginning on May 22. Column names are defined as follows. Data year: year or years used to calculate season length. Exchange rate: ratio of harvest rate in Wave 3 to that in Wave 5 (See Table A2.1 Step 3). n Day W5\*: theoretical number of Wave 5 days to add. n Day W5: actual number of Wave 5 days to add. Close Date: date of season closure given data set. Season days: number of days total in the proposed season.

Data Year	Exchange Rate	n Day W5*	n Day W5	Close Date	Season Days
2018	4.14	16.56	16	9/24/2021	126
2019	0.75	3.02	3	9/11/2021	113
2018 & 2019	1.60	6.41	6	9/14/2021	116

Table A2.4. Summary of closure dates and season days by Saturday opener and data source. The status quo season runs May 18 – September 8 and is 114 days.

Data	Open May 15 (Option A)	Open May 22 (Option B)
2018	Aug 21 (99)	Sep 24 (126)
2019	Sep 5 (114)	Sep 11 (113)
2018 & 2019	Sep 3 (112)	Sep 14 (116)

### Appendix 3

The primary analysis calculates the average harvest rate in 2018 and 2019 as the mean of the 2018 and 2019 average harvest. Appendix 3 examines an alternative definition of the mean, defined as the average harvest rate of the combined data set (Table A3.1). The two approaches result in only marginally different season lengths. Using the method in the main text the May 15 starting day season length is 112 days as opposed to 111 using the alternative approach. For the May 22 start the main text method results in a season length of 116 days as opposed to 117 under the alternative (Table A3.2).

*Table A3.1. Alternative approaches to calculating average harvest for 2018 and 2019 combined. Refers to the difference in Step 1 in Table A2.1.*

Version	Equation	Definitions
Main text	$r_w = \frac{1}{Y} \sum_y \left[ \frac{1}{d_{w,y}} h_{w,y} \right]$	$r_w$ Average daily harvest rate by wave for combined data set. $w$ wave. $y$ Data year. $Y$ Number of years. $h_{w,y}$ Total harvest in numbers during wave $w$ of data year $y$ . $d_{w,y}$ Number of open days during wave $w$ of data year $y$ .
Appendix A3	$r_w = \frac{\sum_y h_{w,y}}{\sum_y d_{w,y}}$	Here $h$ and $d$ represent the sum of the data over both years.

*Table A3.2. Comparison of closing dates using two different approaches to calculate the mean 2018/2019 harvest rate (see Table A3.1). Type column refers to either the dates in the status quo season or to the method of calculating the mean.*

Type	May 15 comparison		May 22 comparison	
	Close date	N day	Close date	N day
Status quo season	9/8/2021	114	9/8/2021	114
Mean of means (main text)	9/3/2021	112	9/14/2021	116
Overall mean (Appendix 3)	9/2/2021	111	9/15/2021	117



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*

*Building 96*

*380 Fenwick Road*

*Fort Monroe, VA 23651*

Matthew J. Strickler  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

To: Savannah Lewis, ASMFC  
Julia Beaty, MAFMC

From: Alexa Kretsch, VMRC

Date: January 5, 2021

Subject: February 2021 Recreational Black Sea Bass Season

The Virginia Marine Resources Commission (VMRC) is proposing to open the recreational black sea bass fishery for February 1-28, 2021 with a 12.5" minimum size limit and a 15 fish bag limit in response to the National Marine Fisheries Service opening federal waters in February 2021. VMRC will make season adjustments to the open season (May 15 – December 31) to account for additional landings that occur in February 2021.

In 2020, VMRC recorded a total of 14,236 pounds of black sea bass landed in Virginia during the February recreational season, according to mandatory permit reporting requirements. Biological data was collected by VMRC MRIP staff to estimate an average weight. Using average daily landings rates by wave, a closure of 14 days in wave 3 would result in savings of 14,583 pounds. The VMRC therefore amended the 2020 season to be open from May 29 through December 31 for a total closure of 14 days. Due to COVID-19 disruption to MRIP sampling, VMRC is unable to ascertain the effect of the 14 day closure. However, when VMRC forfeited 21 days from wave 3 of the 2019 black sea bass season to account for 10,082 pounds landed in the 2019 February season, wave 3 harvest in 2019 was less than in 2017 and 2018 by 11,324 pounds and 18,178 pounds, respectively.

Virginia asks that the technical committee support this proposal for a February 2021 recreational black sea bass season. Virginia will continue to monitor landings and collect biological data, using the same methods as in 2019 and 2020, to ensure accurate characterization of the 2021 February fishery. Virginia's February recreational black sea bass season has operated as a no-cost permit program in which the captain or operator of any vessel fishing for black sea bass must have a permit. That permit comes with two types of reporting requirements. Each vessel must hail our Marine Police Operations station at the start of the trip, which allows our MRIP

staff or law enforcement to coordinate meeting some vessels at the dock when they land. MRIP staff counts the fish landed and collects lengths and weights. In 2020, 266 fish were measured from 21 trips. Each permittee must also report to the commission each trip taken, how many anglers, and the number of black sea bass kept and released by all anglers on the vessel. The MRIP-collected measurements determine an average weight per fish, using that data to create a length-weight relationship for conversion where necessary. Multiplying the average weight by the number of angler-reported black sea bass results in the total landings in pounds.

Once February 2021 harvest has been calculated, VMRC will submit a proposal for season adjustments to the 2021 season to account for February harvest to the technical committee for review. Season adjustments in 2021 will be based on the average daily landing rate from 2018-2019, which represent the most recent two years of complete MRIP landings. The daily landing rate will be estimated based on the total pounds landed and the number of open days in each wave by year.

*An Agency of the Natural Resources Secretariat*

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# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

*February 1, 2021*

*10:15 -11:45 a.m.*

*and*

*February 4, 2021*

*1:45 - 4:15 pm*

*Webinar*

## 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.

### February 1, 2021

1. Welcome/Call to Order (*P. Keliher*) 10:15 a.m.
2. Board Consent (*P. Keliher*) 10:15 a.m.
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment 10:15 a.m.
4. Review State Membership on Species Management Boards (*T. Kerns*) **Action** 10:20 p.m.
  - Review State Declared Species of Interest
5. Discuss Recreational Management Reform Initiative (*J. Beaty*) **Possible Action** 10:35 a.m.  
*This agenda item will be discussed jointly with the Mid-Atlantic Fishery Management Council (MAFMC)*
6. Recess until Thursday, February 4 at 1:45 p.m. 11:45 a.m.

### February 4, 2021

7. Public Comment 1:45 p.m.
8. Executive Committee Report (*P. Keliher*) 1:50 p.m.
9. Progress Update on the Risk and Uncertainty Policy (*J. McNamee*) 2:05 p.m.
  - Review Draft of the Risk and Uncertainty Policy
  - Discuss Steps to Consider Final Approval of the Policy
10. Review and Discuss 2020 Commissioner Survey Results (*D. Tompkins*) 2:35 p.m.

This meeting will be held via webinar, click [here](#) for details.  
*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

11. Review State Membership on Species Management Boards (*T. Kerns*) **Action** 2:55 p.m.
  - Review Pennsylvania’s Membership on the Atlantic Menhaden Management Board
12. Discuss Commission Process for Working on Recreational Reform Issues with the MAFMC (*T. Kerns*) 3:25 p.m.
13. Discuss Possible Reporting Programs to Capture Recreational Release Data (*T. Kerns*) 3:40 p.m.
14. Committee Reports **Action** 3:55 p.m.
  - Habitat Committee (*L. Havel*)
  - Artificial Reef Committee (*L. Havel*)
  - Atlantic Coast Fisheries Habitat Partnership (*L. Havel*)
15. Review Noncompliance Findings (If Necessary) **Action** 4:10 p.m.
16. Other Business/Adjourn 4:15 p.m.

# MEETING OVERVIEW

ISFMP Policy Board  
Monday February 1, 2021  
10:15 -11:45 a.m.  
and  
Thursday February 4, 2021  
1:45 – 4:15 p.m.  
Webinar

Chair: Pat Keliher (ME) Assumed Chairmanship: 10/19	Vice Chair: Spud Woodward (GA)	Previous Board Meetings: October 22, 2020
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 October 22, 2020

**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. Review State Membership on Species Management Boards (10:20-10:35 p.m.) Action

### Background

- Each year states review their declared interest for Commission managed species. States/jurisdictions/agencies have requested changes.

### Presentations

- T. Kerns will present requests for changes to the State Declared Species of Interest.

### Board action for consideration at this meeting

- Consider changes to the State Declared Species of Interest

## 5. Update on Recreational Reform Initiative (10:35 -11:45 a.m.) Possible Action *This agenda item will be discussed jointly with the Mid-Atlantic Fishery Management Council (MAFMC)*

### Background

- The Council and the ASMFC's Policy Board (Board) reviewed progress on the Recreational Management Reform Initiative and discussed next steps. After reviewing nine topics that

were either recommended by the Recreational Management Reform Initiative Steering Committee or by stakeholders through scoping for two separate ongoing amendments, the Council and Board agreed to initiate a joint framework/addendum and a joint amendment to address several recreational issues. The framework/addendum will further develop and consider the following topics and management issues:

- better incorporating MRIP uncertainty into the management process;
- guidelines for maintaining status quo recreational management measures (i.e., bag, size, and season limits) from one year to the next;
- a process for setting multi-year recreational management measures;
- changes to the timing of the recommendation for federal waters recreational management measures; and
- a proposal put forward by six recreational organizations called a harvest control rule. The amendment would consider options for managing for-hire recreational fisheries separately from other recreational fishing modes (referred to as sector separation) and would also consider options related to recreational catch accounting such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels.

**Presentations**

- Update on Recreational Reform Initiative (**Meeting Materials**) by J. Beaty

**Possible Board Actions for Consideration**

- Consider initiating a workgroup

6. Recess until 1:45 p.m. on February 4

**7. Executive Committee Report (1:50 -2:05 p.m.)**

**Background**

- The Executive Committee will meet on February 3, 2021

**Presentations**

- P. Keliher will provide an update of the Committee’s work

**Board action for consideration at this meeting**

- none

**8. Progress Update on the Risk and Uncertainty Policy (2:05-2:35 p.m.)**

**Background**

- At the 2020 Summer Meeting, Commissioners supported the continued development of the draft Risk and Uncertainty Policy and Decision Tool.
- The Policy Board tasked the Risk and Uncertainty Policy Workgroup with further refining the criteria for the Risk and Uncertainty Decision Tool and updating the striped bass example.

**Presentations**

- J. McNamee will review changes to the draft Risk and Uncertainty Policy and potential next steps.

**Board action for consideration at this meeting**

- None

**9. Review and Discuss 2020 Commissioner Survey Results (2:35-2:55 p.m.)****Background**

- Commissioners completed a survey of Commission performance in 2020 (**Supplemental Materials**). The survey measures Commissioner's opinions regarding the progress and actions of the Commission in 2020.

**Presentations**

- D. Tompkins will present the results of the 2020 Commissioner survey highlighting significant changes from the previous year.

**Board discussion for consideration at this meeting**

- Determine if any action is required based on the survey results

**10. Review State Membership on Species Management Boards (2:55-3:25 p.m.) Action****Background**

- Articles II, VIII, and XII of the ASMFC Compact address participation by certain states eligible for ASMFC fishery management activities, including Pennsylvania, generally requiring that such participation be limited to anadromous species found in those states' waters. Pennsylvania has been part of the Atlantic Menhaden Management Board since 2016. Because Atlantic Menhaden are not anadromous, the question arose whether it is proper for Pennsylvania to participate in the Menhaden Board.

**Presentation**

- R. Beal will present a review of Pennsylvania's membership on the Atlantic Menhaden Management Board

**Board action for consideration at this meeting**

- Consider the draft memo

**11. Discuss Commission Process for Working on Recreational Reform Issues with the AFMC (11:25-3:40 p.m.)****Background**

- The MAFMC and the Commission have been working on a Recreational Management Reform Initiative for summer flounder, scup, black seas bass and bluefish.
- The Policy Board has been meeting with the MAFMC to discuss these issues

**Presentations**

- T. Kerns will present information on the Commission process for this issue

**Board action for consideration at this meeting**

- none

**12. Discuss Possible Reporting Programs to Capture Recreational Release Data (3:40-3:55 p.m.)****Background**

- In a recent review of biological reporting requirements, the Bluefish Technical Committee noted the stock assessment recommendation to accurately characterizing the recreational release lengths is integral to the assessment and any improvement to the methodology used to collect these data is recommended.
- The TC discussed options for electronic reporting that could be used for collecting recreational angler release data to remove the need for a state to create a new data collection system with an ACCSP staff member. The TC recommended the Bluefish Board advance the importance of broadly collecting reliable recreational release length frequency data from all recreational species by asking the Policy Board to task the ASC to work with the ACCSP to develop a comprehensive program for reporting released fish of all recreationally import species the Commission manages.
- The Bluefish Board had some concerns about the lack of specificity in the recommended task.

**Presentations**

- T. Kerns will present information current and developing applications that could address the collection of recreational release data.

**Board action for consideration at this meeting**

- None

**13. Committee Reports (3:55-4:10 p.m.) Action**

**Background**

- The Habitat Committee met in the Fall of 2020
- Concerns were raised by Habitat Committee members that the Army Core was considering changes to dredging windows. The Committee drafted a comment letter for dredging windows for the Commission to consider.
- The Artificial Reef Committee has updated the 1988 state artificial reef profiles
- In the Fall of 2020 the ACFHP Steering Committee met

**Presentations**

- L. Havel will present a summary of the HC fall meeting and the draft comment letter
- L. Havel will present the update of the state artificial reef profiles
- L. Havel will present an overview of ACFHP activities

**Board action for consideration at this meeting**

- Approval of the comment letter on dredging windows
- Approval of the state artificial reef profile update

**14. Review Non-Compliance Findings, if Necessary Action**

**15. Other Business**

**16. Adjourn**



# Atlantic States Marine Fisheries Commission

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

Patrick C. Keliher (ME), Chair

A.G. “Spud” Woodward (GA), Vice-Chair

Robert E. Beal, Executive Director

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

**SUBJECT:** 2020 Commissioner Survey Results

**TO:** ISFMP Policy Board

**FROM:** Deke Tompkins

**DATE:** January 25, 2021

32 Commissioners and Proxies completed the 2020 ASMFC Commissioner Survey. The survey is based on the 2019-2023 Strategic Plan. This document contains a summary of the 2020 Survey results, charts summarizing responses for questions 1-16, a summary of the five open-ended questions, and unabridged responses to the five open-ended questions.

## Survey Summary

Questions 1-16 prompted respondents to rate their answer on a scale of 1 to 10 (ten-point Likert scale). Questions 7, 8, 14 and 15 were new to the 2015 survey and Question 16 was added in 2020. Key takeaways from this portion of the 2020 survey:

Lowest scores: Q8 “progress to end overfishing” and Q9 “managing rebuilt stocks” received the lowest scores for the second consecutive year, 6.88 and 6.71 respectively.

Highest scores: Scores for Q6, Q11, Q13, Q14 and Q15, relating use of ASMFC resources remain among the highest scores.

Falling scores: From 2019 to 2020, scores fell for Q4, Q8, Q5, Q3 and Q10

Rising Scores: From 2019 to 2020 scores rose for all other questions except Q16, which has only one data point.

Question	2019 Score	2020 Score	Delta
Q4 cooperation with federal partners	7.71	7.28	-0.43
Q8 progress to end overfishing	7.19	6.88	-0.31
Q5 relationship with our constituent partners	7.35	7.1	-0.25
Q3 Commissioner cooperation	7.19	7.13	-0.06
Q10 engaging state/federal legislators	8.23	8.19	-0.04
Q13 resource utilization on issues Commission can control	8.58	8.63	+0.05
Q7 overfishing as a metric of progress	7.23	7.31	+0.08
Q9 managing rebuilt stocks	6.61	6.71	+0.10
Q12 reacting/adapting to new information	7.61	7.72	+0.11
Q2 progress toward Vision	7.84	8	+0.16
Q1 clear & achievable plan to reach Vision	7.74	7.91	+0.17
Q6 securing resources for management & science	8.39	8.58	+0.19
Q15 Science Department products	8.45	8.65	+0.20
Q14 ISFMP products	8.5	8.72	+0.22
Q11 fiscal & human resource utilization	8.65	9.31	+0.66
Q 16 ACCSP products	-	8.13	-

**Discussion Question Summaries (All responses are listed below the summary)**

*Some of the **obstacles to the Commission's success in rebuilding stocks (Q17)** include depleted stocks, environmental/climate conditions, balancing individual and collective interests, management response time, lack of MSA requirements for ASMFC-managed species, inadequate federal resources/support, reallocation, recreational data shortfalls, and cooperation with the councils.*

The most **useful products produced by the Commission (Q18)** include meeting materials, stock assessments, species status reports, the Annual Report, Fisheries Focus, TC memos, [www.asmf.org](http://www.asmf.org), the Commissioner handbook, FMP reviews, staff support, Habitat Committee products, Legislative and Executive Committee Meetings, ACCSP Data Warehouse and electronic reporting apps.

**Additional products the Commission could provide (Q19)** include stock assessment summaries, parliamentary process training, annual action timelines for each board, a quota monitoring webpage for ASMFC species, a history of state regulations, cooperative data collection with industry, management action summaries for public outreach, fishery performance reports, and increased TC transparency.

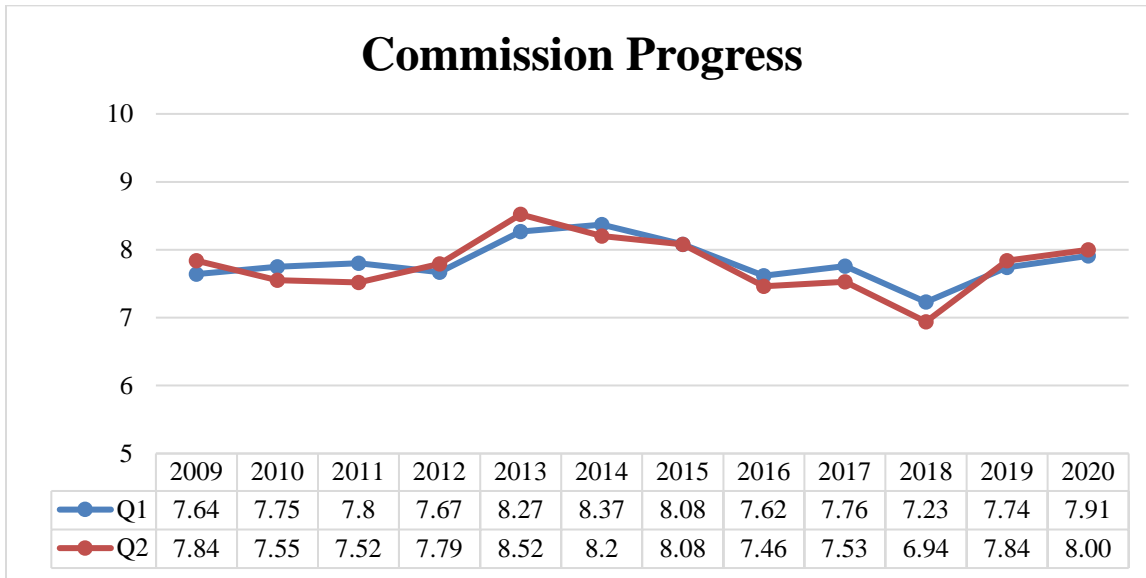
**Issues the Commission should focus on more (Q20)** include depleted species, modernizing outreach for the next generation, habitat & climate change, socioeconomics, earlier access to meeting materials, improvements to MRIP, regulatory consistency among states, refining conservation equivalency, public outreach, stakeholder engagement, accountability measures, increased Congressional support, quota allocation, shortening the length of joint meetings, access for all user groups, and regional differences and intra-species interaction.

**Additional comments (Q21)** included a request for less frequent joint ASMFC/council meetings, increasing ASMFC focus on compromise, spending less time on depleted fisheries that can't be changed through management, addressing council (mis)representation, starting hybrid in-person/virtual meetings, better cooperation between sectors, increasing TC transparency, and *many* complements to ASMFC staff.



### Commission Progress

1. How comfortable are you that the Commission has a clear and achievable plan to reach the Vision (Sustainably managing Atlantic Coastal Fisheries)?
2. How confident are you that the Commission’s actions reflect progress toward its Vision?



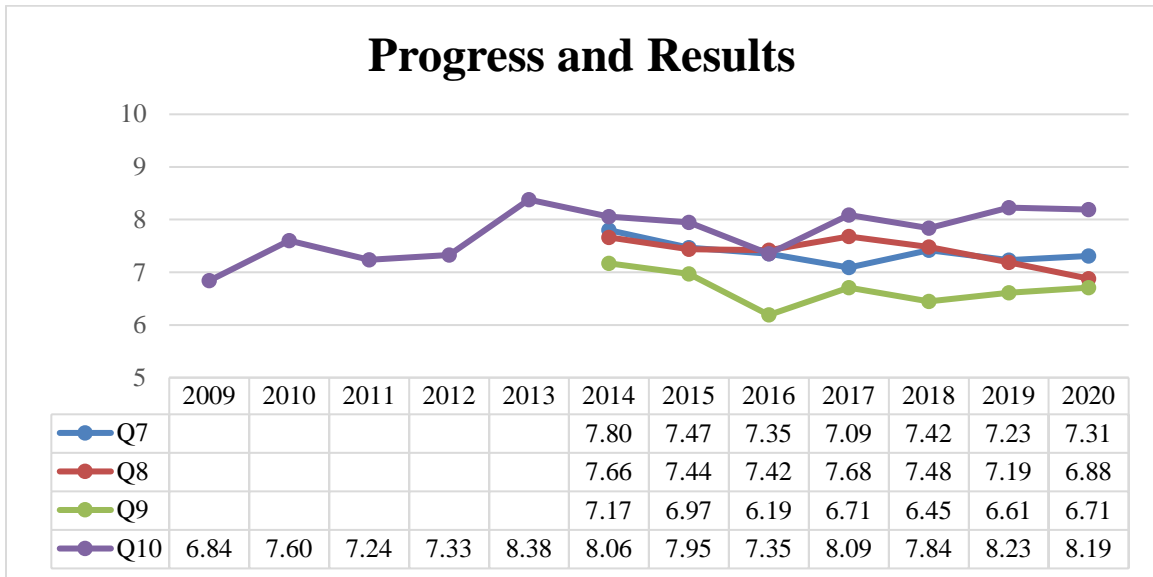
### Commission Execution and Results

3. How satisfied are you with the cooperation between Commissioners to achieve the Commission's Vision?
4. How satisfied are you that the Commission has an appropriate level of cooperation with federal partners?
5. How satisfied are you with the Commission's working relationship with our constituent partners (commercial, recreational, and environmental)?
6. How satisfied are you with the Commission's effort and success in securing adequate fiscal resources to support management and science needs? Measuring the Commission’s Progress and Results



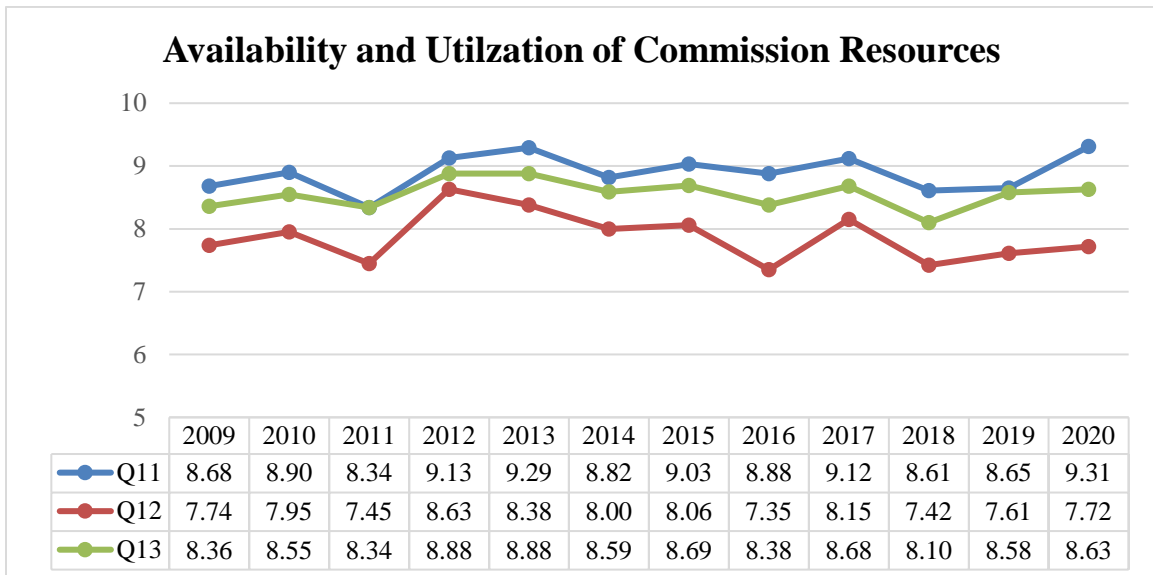
**Commission Execution and Results**

7. One of the metrics the Commission uses to measure progress is tracking the number of stocks where overfishing is no longer occurring. Is this a clear metric to measure progress?
8. How satisfied are you with the Commission's progress to end overfishing?
9. Are you satisfied with the Commission's ability to manage rebuilt stocks?
10. How satisfied are you with the Commission's efforts to engage with state legislators and members of Congress?



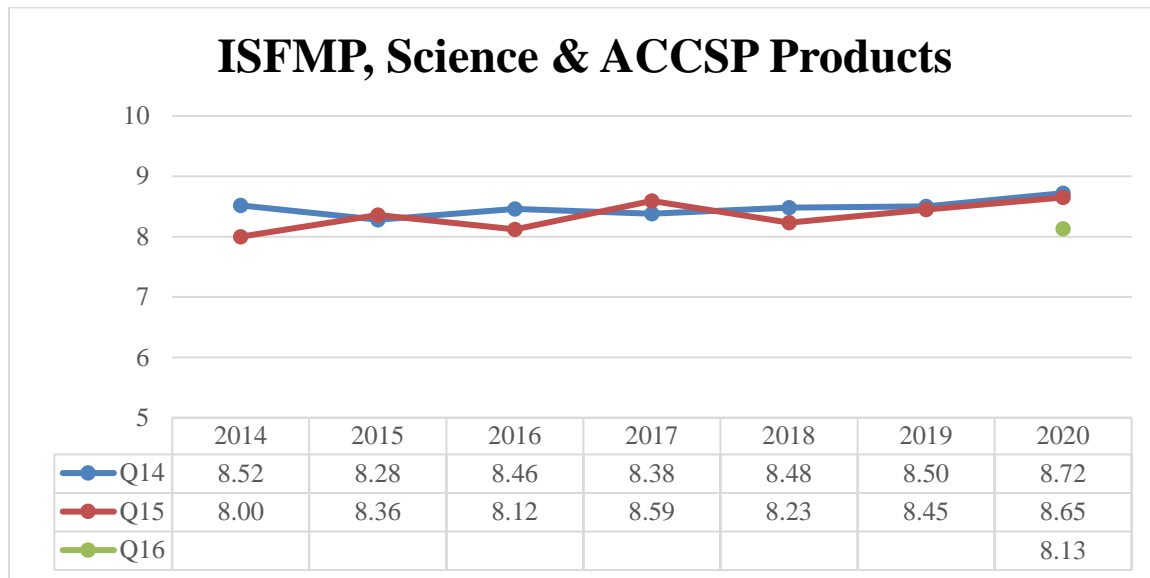
**Measuring the Availability and Utilization of Commission Resources**

11. How satisfied are you that the Commission efficiently and effectively utilizes available fiscal and human resources?
12. How comfortable are you with the Commission's performance in reacting to new information and adapting accordingly to achieve Commission Goals?
13. The Commission has a limited scope of authority. How comfortable are you that the Commission spends the appropriate amount of resources on issues within its control?



## Commission Products

14. How satisfied are you with the products of the ISFMP Department?
15. How satisfied are you with the products of the Science Department?
16. How satisfied are you with the products ACCSP?



## Unabridged Answers to Questions 17-20

### Q17 What is the single biggest obstacle to the Commission's success in rebuilding stocks?

- What to do about depleted stocks is a big problem.
- States have some difficulty in agreeing with management/regulatory approaches that impact them negatively sometimes. Not impossible - e.g. menhaden
- Reluctance to adequately include climate change factors in management and hold on to decades old management data/decisions
- Politics. The make-up of the Commission (State rep, Gov. appointee and legislative rep (or proxy) makes it hard to avoid political pressure (especially in an election year).
- The delay that sometimes comes between the time a problem arises and reaction. Striped bass for example.
- How long it takes to implement new management actions
- I think not being subject to the same rebuilding requirements of the MSA makes it challenging, or opens opportunities to not rebuilt.
- Not enough Federal support with resources, funding, etc.
- Time and energy spent on allocation issues. But, to be fair, I don't know how to fix this. Allocation issues are important, I just wish they didn't dominate so much.
- self-serving states (e.g., putting state interest above preservation of coastal stocks, excessive desire for conservation equivalency)
- Balancing between the resource and Economics
- Recreational data is still not reliable and having to work jointly with MAFMC on issues. We are overreacting to new data that really seems to have big flaws and recreational anglers are penalized by these new baselines. We see a 49% increase in commercial summer flounder quota and the recreational sector see nothing. The wrong message.
- Some folks best intentions do not allow let to look forward, instead they are focused on their recollections of how it used to be.

- other stocks
- Mismatch between "new" MRIP numbers and recreational harvest targets - forcing potential undue restriction of recreational access to rebuilt stocks
- States looking out for their personal interests instead of the coastwide health of the species
- Climate change and unwillingness to make difficult decisions when it affects things in their state.
- Agreement between all with the developed and informed science and consistent management decisions to rebuild the stocks. Have no question on conservation equivalency meeting the management needs of a state or federal partner.
- Environmental conditions
- Lack of action
- Factors beyond ASMFC control, such as global warming, and the clusterfudge caused by the new MRIP numbers, which have changed our assessment of some stocks to overfished and other stocks to unbelievable abundance. The new MRIP has managed the dubious achievement of reducing public trust in the recreational data and made fisheries managers wonder what the hell we are doing.
- Changing environmental conditions
- Intervention by the Federal Council process.
- Insufficient data, particularly with regard to recreational catch, but also independent data on many species.
- Results of climate change (shifting species distributions, changing ecosystem productivity, recruitment success, etc.)
- The dynamic and unpredictable nature of fish stocks and their response to management and environmental factors.
  - Failure to "toe the line" as defined by true and ardent conservationists
- Wrong influences
- Differing interests between states and pressure from special interest groups. Unfortunately this is a natural tension. Not easily eliminated. Can only be managed as best it can.
- Climate change - there are so many forces out of our immediate control that make it hard to align cause and affect
- Pressure from people who make money exploiting fisheries

#### **Q18 What are the most useful products the Commission produces for you?**

- species status reports and stock assessments
- Detailed briefing materials prior to meetings.
- Pre-meeting briefing materials and dedicated staff to support the Commissioners.
- All the meeting materials are excellent
- Pretty good briefing documents
- Annual report, Fisheries Focus, TC memos
- I truly think ASMFC products are really great and they help the managers prepare for meetings well.
- Individual states problems managing quotas.
- Meeting preparation materials and info on the website.
- Commissioner handbook, FMP reviews ASMFC swag/commemorative clothing :-)
- Science and personnel to help make informed decisions
- We are doing a great job in communicating what we are doing even though I am not sure we are doing the right thing.
- data
- Stock assessments; FMP reviews
- Summaries of agenda items prior to meetings and summaries of actions after meetings
- Everything has its relative importance.

- Science and outreach.
- Science
- stock status reports
- ASMFC products are consistently good; the plans are thorough and are always well-written. The previous comment about MRIP is in no way a criticism of the excellent stock assessments done by ASMFC. The Stock Assessment scientists must work with the data they are given.
- What has come out of Habitat Committee lately very helpful. All the regular meeting materials also.
- Legislative and Executive Committee meetings plus the quarterly meetings.
- ACCSP data warehouse and electronic reporting apps.
- Briefing materials for meetings, meeting summaries, staff memos to management boards, audio recordings of board meetings, Atlantic Coast Fisheries weekly newsletter
- Stock assessments and fishery management plans.
- Speaking to other Commissioners "out in the hall". It is here (outside of meetings) that true progress can be anticipated.
- Information links and articles
- Development and analysis of data to allow for proper management decision making.
- Stock assessments 2. Fishery management plans including amendments and addenda
- The scientific studies and interpretations of the data

**Q19 What additional products could the Commission create to make your job easier?**

- A typical stock assessment is a long and involved document. Good and concise summaries are very helpful, especially for busy administrators and Commissioners whose time is volunteered.
- Briefing materials broken down into separate files for specific Board meetings. useful to pass to state agency staff for consideration and discussion.
- Time for another Parliamentary process training
- I'm fine with current products
- Timelines of annual actions/activities for each board - next assessment update, next benchmark, FMP requirements, compliance reviews, etc.
- Cannot think of anything.
- A devise to beam us to-and-from meetings like they have on Star Trek
- Quota monitoring webpage for non-federally managed allocations; history of state regulations
- Utilize more fisherman and their equipment to make front line information available when evaluating stocks in the fishery.
- I do not know if we can produce the products that we need since the money is not there and they are being handle by NMFS and they do not have the money to do it right
- Public outreach resources
- none
- One page bullet point summaries of proposed management actions that could be distributed to the public would be helpful, but otherwise I think the ASMFC documents cover the bases well.
- Long term quota tracking performance sheets
- At this time, I can't think of any.
- Can't think of any
- The SAFMC uses fishery performance reports as a tool to determine if management prescriptions are successful and to determine if changes are occurring in a fishery. I'd like to see ASMFC do something similar
- Be sure to give us the GREAT BENEFIT of a healthy debate. This would avoid "GROUP THINK" as was demonstrated at the Bay of Pigs Invasion
- More transparency in the TC discussion.

- None noted
- A compiled document of states' current quotas for species would be very helpful. When states participate in quota transfers it can be hard to find what an individual state's quota is for the current year. Species like summer flounder, BSB, menhaden would be most helpful because they are species for which there are frequent transfers

**Q20 What issue(s) should the Commission focus more attention/time on?**

- What to do about depleted species, and how to convey these limitations on restoration to the public.
- Transitioning Outreach and public interaction efforts in to include more customer-friendly web and social media-based methods to increase connection to the current and next generation of resource stakeholders and
- Climate change impacts on stocks
- socio economic issues
- Climate change and shifting fisheries
- The challenge I often face is that the materials are not provided early enough for the thorough review that they require, or to then coordinate with other state commissioners after reading through the materials.
- Replenishing overfished stocks.
- MRIP. We need a technical review of the statistical and operational design of this program. Many are concerned that there are systematic problems with how data are extrapolated to determine state totals. I don't know if this is something the Commission staff are able to do given current workload and the technical skill set that a survey of this size requires. Probably other constraints as well. But if it could be accomplished, this would be of great interest to many Commissioners.
- More consistent regulatory language among jurisdictions implementing the same requirement. Interstate trade of ASMFC-managed species relative to constraining commerce. Further refinement of concept of conservation equivalency. Making recreational rules more consistent and/or equitable among states.
- Environmental challenges
- Look at what climate change is really doing it to fish stocks and stop interrupting it as they moving to the north and forgetting the biology of some species that bigger fish move north and there is still plenty of smaller fish in the south that we are not letting those southern states harvest.
- Habitat, estuary health, chemical influences
- updating the progress of the stocks
- Public engagement/outreach
- accountability measures for states to meet FMP mandates
- Methodology has delivers needed information for meetings in a more timely manner. That could involve a piecemeal approach rather than receiving on line information just before meeting weeks.
- Work with the hill and the states on continued and increased Congressional funding support.
- Making changes in the fixed quota system in responsive to climate change, Need a federal mandate to require the Councils to do likewise
- Holy cow, the meetings are long enough already! Maybe more attention to meeting procedures as the joint December meeting was ridiculous. We as a body need to have procedures that will allow us to end debate and vote on the questions at hand.
- MRIP uncertainty
- Ocean changes which in turn change specie distribution.
- Stakeholder engagement/input though APs and public hearings is an important issue identified by ASMFC and will need more time and attention to fully address. Recreational data collection is another issue that will require more time/attention from ASMFC.
- We must continue to find innovative and novel ways to interact with our stakeholders.

- Rebuilding fish stocks
- Fair access for all user groups and income levels.
- Regional differences and intra-species interaction impacting individual species health.
- Quota allocation in the face of dynamic stock conditions and climate change. This is a very challenging issue but it is biggest issue facing fisheries management
- We are heading in the right direction by considering all aspects that result from changes to a particular fishery. More data that includes every aspect.

### Q21 Additional comments?

- This is a recurring topic, but the number of joint meetings with the Councils is taxing the available time of Commissioners who are volunteers. Council members are paid for their time at these joint meetings, so time is much less of an issue for them.
- Staff support in all areas is outstanding!
- Commission staff are the best and continue to provide outstanding professionalism and support.
- Overall, the Commission leadership and staff do a great job. Commissioners face undue stress (see 20 above) and that can be counter-productive when managing stocks. Perhaps there should be some discussion on how to better address avoiding political pressure, but frankly, that's a no win situation when each state has its own issues "back home".
- From a business management perspective, the Commission is doing a great job. Fiscal and operations management is excellent!
- We appreciate the efforts of ASMFC helping all the states through the pandemic and related issues (e.g., availability of staff, coordination).
- There seem to be no compromise on the side of commissioners and proxies representing the commercial industry on quota reallocations between states and also with the recreational sector. They only look at what benefits their own pockets and their states' commercial fishermen.
- Commission needs to invest less effort in depleted stocks (shad, river herring, American eel, SNE lobster); be content to say that it's not a fisheries management problem with a regulatory solution; ASMFC can't "fix" the problem
- Given the circumstances we've been under the last past ten months, I believe the Commission staff have done a great job keeping us moving forward. Additionally, the level of cooperation by staff on the CARES Act Disaster Relief has been outstanding and warrants acknowledgement.
- It's been a difficult year for everyone!!!!
- ASMFC staff really rose to the challenge posed by COVID in 2020. That ASMFC got so much done under such adverse conditions just showed again what a superb staff ASMFC has put together. Keep up the great work!
- When joint management occurs between the Councils and Commission, non-member states should get a Council vote!!!!!!!!!!
- I believe it is time to discuss the merits of using a hybrid approach to meeting - in-person and virtual formats.
- Work VERY HARD at bringing Commercial Anglers and Recreation Anglers together - also add ANY & ALL Recreational groups, like whale watchers, bird watchers, etc.
- The TC process needs to be open to the public, period.
- None.
- Complements to ASMFC staff...this is challenging work and they work hard at their jobs





# Atlantic States Marine Fisheries Commission

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*Patrick C. Keliher (ME), Chair*

*A.G. "Spud" Woodward (GA), Vice-Chair*

*Robert E. Beal, Executive Director*

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

**DATE**

Colonel Benjamin A. Bennett, Commander  
U.S. Army Corps of Engineers Wilmington District  
69 Darlington Avenue  
Wilmington, North Carolina 28403-1398  
**Attention:** Emily Hughes

Dear Colonel Bennett:

The Atlantic States Marine Fisheries Commission (ASMFC or Commission) is the Interstate Fisheries Commission formed by the 15 United States East Coast states and chartered by Congress in 1942. The Commission is tasked with management of the nation's estuarine, diadromous and marine fishery resources which occupy habitats in the member states' jurisdictional waters along the United States East Coast (see [www.asmfc.org](http://www.asmfc.org)). The Commission's mission is "to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of physical waste of the fisheries from any cause." On occasion the Commission elects to express concern regarding proposals which it believes could adversely affect resources under its jurisdiction, and this is one of those occasions. Please consider these comments during your further evaluations.

The ASMFC's Habitat Committee (HC) and Interstate Fisheries Management Program (ISFMP) Policy Board have reviewed the Wilmington and Morehead City Harbors Maintenance Dredging and Bed Leveling Draft Environmental Assessment (EA), dated August 2020, and the corresponding letter from the U.S. Army Corps of Engineers (USACE) Wilmington District dated August 19, 2020. We have further reviewed the Corps ADDENDUM to the Federal Consistency Determination Wilmington Harbor and Morehead City Harbor Hopper Maintenance Dredging and Bed Leveling, dated December 23, 2020. The proposed action is elimination of the existing hopper dredging window in portions of Wilmington Harbor and Morehead City Harbor so that maintenance dredging and bed leveling can occur year-round with offshore or nearshore placement of dredged material. The Addendum would limit the proposal to a three-year period ending December 31, 2023, and commits to a number of studies, yet to be completely specified, to assess the impacts of hopper dredging in the two localities. The purpose of the proposed action is to provide maximum flexibility to obtain contract dredges for maintenance dredging. The purpose of the window, which limited hopper dredging to the period of December 1 to April 15 and has been in place for over 20 years, is to minimize impacts from dredging to fishery resources migrating between ocean and vital nursery areas and to the habitats used by the migrants. The purpose of this letter is to express our concerns with the USACE decision to move ahead with the proposed action, as modified, and to recommend that the Wilmington District instead prepare an Environmental Impact Statement (EIS) which will fully address the potential impacts of the proposal.



In addition to reviewing the USACE's EA and Addendum, the HC, ASMFC staff, and ASMFC leadership have reviewed comments provided to you previously by the National Marine Fisheries Service (NOAA Fisheries; October 2, 2020), the North Carolina Division of Marine Fisheries (NCDMF; May 7, 2020), the North Carolina Wildlife Resources Commission (NCWRC), the South Atlantic Fishery Management Council (SAFMC; October 2, 2020) and the Southern Environmental Law Center (SELC; October 2, 2020), the latter of which filed its comments on behalf of multiple conservation organizations (Audubon North Carolina, Cape Fear River Watch, Defenders of Wildlife, North Carolina Coastal Federation and North Carolina Wildlife Federation). We also reviewed the memorandum from the NCDMF to the NC Division of Coastal Management (NCDCM; November 3, 2020) which provided the NCDMF comments for consideration during the NCDCM consistency determination process. That process was completed and we have reviewed the issued consistency concurrence dated December 31, 2020, as well as additional electronic correspondence from the NCWRC prior to that date in which the NCWRC expressed additional concerns and/or requested clarification of the USACE's modified proposal. We incorporate by reference all of the concerns expressed within those previous communications but focus herein on concerns which are most relevant to the species and jurisdictions for which ASMFC and its member states are responsible.

The Commission is responsible, either solely or in collaboration with the federal Fishery Management Councils (New England [NE], Mid-Atlantic [MA] and South Atlantic [SA] FMCs), the two federal fishery management agencies (NOAA Fisheries and the U.S. Fish and Wildlife Service [USFWS]), and the Potomac River Fisheries Commission and the District of Columbia, for the management of a suite of species, some of which may be adversely affected by the USACE proposal (see Attachment 1). These species are managed under Congressional mandates specified in the Atlantic Striped Bass Conservation Act (1984), the Atlantic Coastal Fisheries Cooperative Management Act (1993) and the Magnuson-Stevens Fishery Conservation and Management Act (1996). There are a total of 26 Fishery Management Plans (FMPs) which collectively address the measures necessary for sustainable management of a collective total 68 nearshore and pelagic species (several of the plans address multiple species, i.e., coastal sharks—40 species, and shad and river herring—4 species). Since the NOAA Fisheries and SAFMC have already provided their comments to you on jointly-managed species via separate letters, our letter focuses on those species which are 1) under sole ASMFC jurisdiction and 2) occur within the geographic range which includes Beaufort and Cape Fear River inlets.

Those species which meet the two criteria specified above and are most likely to be impacted by the USACE proposal include: alewife, American eel, American shad, Atlantic croaker, Atlantic menhaden, Atlantic striped bass, Atlantic sturgeon, black drum, blueback herring, hickory shad, red drum, spot, spotted seatrout, and weakfish. Without exception, all of these species are either diadromous (requiring residency in both fresh and salt waters to complete their life cycle: alewife, American eel, American shad, Atlantic striped bass, Atlantic sturgeon, blueback herring and hickory shad) or are estuarine-dependent (Atlantic croaker, Atlantic menhaden, black drum, red drum, spot, spotted seatrout and weakfish). All of them use ocean inlets as migratory corridors to and from their spawning and nursery habitats (for the anadromous species) or to and from nursery habitats in inland fresh waters (the catadromous American eel) or to and from estuarine or riverine spawning and nursery habitats (the remaining estuarine-dependent species).

The ASMFC Habitat Committee is currently in the process of reviewing each of the species managed by ASMFC with a view toward clarifying and refining ASMFC designated Fish Habitats of Concern (FHOCs; Fish Habitats of Concern Designations, ASMFC Habitat Committee, in preparation). While the ASMFC FHOC designations carry no legal obligations, they are ecologically functionally equivalent to and are defined using the same definition as the Habitat Areas of Particular Concern (HAPCs) under the NOAA Fisheries and federal FMC guidelines (see: <https://www.fisheries.noaa.gov/national/habitat-conservation/essential-fish-habitat>). It is probable that both of the North Carolina inlets and associated

navigation channels which are the subject of the USACE's proposal will be designated as FHOc for one or more species under ASMFC management, along with additional inlets within the jurisdiction of ASMFC member states.

The most recent comprehensive description of the value of environmental dredging windows for the habitats and species that would be impacted by the USACE proposal is found in Wickliffe et al. (2019), "An Assessment of Fisheries Species to Inform Time-of-Year Restrictions for North Carolina and South Carolina" (NOAA Technical Memorandum NOS NCCOS 263. 268 p. <https://doi.org/10.25923/7xddd-nw91>). The authors address the habitats used by all life stages of 13 managed fish and crustacean species. The ASMFC is fully engaged in the management of six of those (alewife, American shad, Atlantic sturgeon, blueback herring, red drum, and summer flounder), with four of those (alewife, American shad, blueback herring and red drum) managed solely by ASMFC. The authors also address the benefits of environmental dredging windows (also called moratoria) to the species and their habitats. In addition to the species that Wickliffe et al. (2019) address, the inlets and navigation channels which are addressed in the USACE proposal are used by all of the green-highlighted species in Attachment 1 for access to spawning and nursery habitats. Maintaining periods in which dredging and associated activities are prohibited ensures that access will occur with limited or no impact.

Wickliffe et al. (2019) conclude (p. 239): "Moratoria, if properly implemented, can protect valuable fisheries species (and protected species), which if lost, would translate into a substantial impact on local and regional economies, ecosystems, and livelihoods." The ASMFC contends that the USACE EA effectively ignored this conclusion, and that elimination of dredging windows would cause a significant environmental impact. Therefore, we suggest that the USACE should develop an EIS which fully analyzes a suite of alternatives, including the status quo (i.e., maintaining existing environmental dredging windows). The bottom line is that seasonal windows effectively mitigate the negative impacts of dredging on ASMFC-managed species during important phases in their life history.

We acknowledge that the USACE's modified proposal as contained in the December 23, 2020 updated federal consistency determination Addendum shortens the period during which moratoria would be eliminated to three years (ending December 31, 2023), and that the USACE has committed to conduct studies and various monitoring protocols designed to "...achieve an improved understanding of potential impacts of dredging on marine species and estuarine habitats during the most biologically productive months of the year" [quoted from response letter sent to organizations and members of the public by the NCDEQ, Division of Coastal Management]. Our understanding is that the details of the proposed studies have yet to be finalized, and that some of the organizations which have expressed concerns regarding the proposal believe that not all of their concerns were addressed by the modifications and will likely continue to pursue preparation of an Environmental Impact Statement.

In closing, we reiterate that we share the concerns that have been articulated by the other management agencies, organizations, conservation groups, and private citizens provided to you in earlier correspondence. A major concern we further express is that should the Wilmington District implement the proposed measures within the EA, even as modified, other USACE Districts to both the north and south within the ASMFC and member states' jurisdictions may attempt to do the same, resulting in more widespread potential for impacts to ASMFC-managed resources which would be more likely to produce population-level impacts. The precedent which would be established by the Wilmington District proposal continues to represent a threat of great concern to the ASMFC Habitat Committee, ASMFC professional staff and the ASMFC Interstate Fisheries Management Policy Board.

I appreciate the opportunity to provide these comments to you. Should you have any questions, feel free to contact ASMFC Executive Director Robert Beal, ISFMP Director Ms. Toni Kerns, or Habitat Coordinator Dr. Lisa Havel.

Sincerely,

Patrick C. Keliher

cc: Habitat Committee  
New England Fishery Management Council  
Mid-Atlantic Fishery Management Council  
South Atlantic Fishery Management Council

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## ATTACHMENT 1

**Current List of Species Managed by ASMFC** (as of December 17, 2020; Under **MANAGEMENT**, ASMFC = sole jurisdiction; **JOINT** = managed jointly with one or more federal Fishery Management Councils or with NOAA FISHERIES; Atlantic Sturgeon historically has been managed solely by ASMFC but was federally listed by NOAA FISHERIES in 2012 and remains on the federal endangered species list):

[**NOTE:** The 15 species highlighted in **green** are those managed solely under ASMFC jurisdiction and occurring within the geographic range encompassed by the Beaufort and Cape Fear River inlets in NC; species followed by \* are those addressed individually in Wickliffe et al. (2019)]

<b><u>SPECIES</u></b>	<b><u>MANAGEMENT</u></b>	<b><u>FISHERY MANAGEMENT PLAN</u></b>
<b>alewife</b> ( <i>Alosa pseudoharengus</i> )*	ASMFC	ASMFC Shad and River Herring
<b>American eel</b> ( <i>Anguilla rostrata</i> )	ASMFC	ASMFC American Eel
American lobster ( <i>Homarus americanus</i> )	JOINT w/NOAA Fisheries	ASMFC American Lobster
<b>American shad</b> ( <i>Alosa sapidissima</i> )*	ASMFC	ASMFC Shad and River Herring
<b>Atlantic croaker</b> ( <i>Micropogonias undulatus</i> )	ASMFC	ASMFC Atlantic Croaker
Atlantic herring ( <i>Clupea harengus</i> )	JOINT w/NEFMC	ASMFC Atlantic Herring
<b>Atlantic menhaden</b> ( <i>Brevoortia tyrannus</i> )	ASMFC	ASMFC Atlantic Menhaden
<b>Atlantic striped bass</b> ( <i>Morone saxatilis</i> )	ASMFC	ASMFC Atlantic Striped Bass
<b>Atlantic sturgeon</b> ( <i>Acipenser oxyrinchus</i> )*	NOAA Fisheries	NOAA Fisheries Recovery Plan
<b>black drum</b> ( <i>Pogonius cromis</i> )	ASMFC	ASMFC Black Drum
black sea bass ( <i>Centropristis striata</i> )	JOINT w/Councils	ASMFC Scup, SF and BSB
<b>blueback herring</b> ( <i>Alosa aestivalis</i> )*	ASMFC	ASMFC Shad and River Herring
bluefish ( <i>Pomatomus saltatrix</i> )	JOINT w/Councils	ASMFC Bluefish
coastal sharks (40 species; see the FMP)	JOINT w/NOAA Fisheries	ASMFC Coastal Sharks
cobia ( <i>Rachycentron canadum</i> )	ASMFC	ASMFC Cobia
<b>hickory shad</b> ( <i>Alosa mediocris</i> )	ASMFC	ASMFC Shad and River Herring
<b>horseshoe crab</b> ( <i>Limulus polyphemus</i> )	ASMFC	ASMFC Horseshoe Crab
Jonah crab ( <i>Cancer borealis</i> )	ASMFC	ASMFC Jonah Crab
Northern shrimp ( <i>Pandalus borealis</i> )	ASMFC	ASMFC Northern Shrimp
<b>red drum</b> ( <i>Scianops ocellatus</i> )*	ASMFC	ASMFC Red Drum
scup ( <i>Stenotomus chrysops</i> )	JOINT w/Councils	ASMFC Scup, SF and BSB
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	JOINT w/SAFMC	ASMFC Spanish Mackerel
spiny dogfish ( <i>Squalus acanthias</i> )	JOINT w/Councils	ASMFC Spiny Dogfish
<b>spot</b> ( <i>Leiostomus xanthurus</i> )	ASMFC	ASMFC Spot
<b>spotted seatrout</b> ( <i>Cynoscion nebulosus</i> )	ASMFC	ASMFC Spotted Seatrout
summer flounder ( <i>Paralichthys dentatus</i> )*	JOINT w/Councils	ASMFC Scup, SF and BSB
tautog ( <i>Tautoga onitis</i> )	ASMFC	ASMFC Tautog
<b>weakfish</b> ( <i>Cynoscion regalis</i> )	ASMFC	ASMFC Weakfish
winter flounder ( <i>Pleuronectes americanus</i> )	JOINT w/Councils	ASMFC Winter Flounder

**From:** Tom Lilly <[foragematters@aol.com](mailto:foragematters@aol.com)>  
**Sent:** Tuesday, January 26, 2021 7:53:54 PM  
**To:** Tina Berger; Robert Beal  
**Cc:** [flypax@md.metroca](mailto:flypax@md.metroca); [jubylee@verizon.net](mailto:jubylee@verizon.net); THOMAS LILLY  
**Subject:** [External] corrected copy to distribute

Tina Please distribute this....We ask that the policy board, the menhaden board and the staff click on our new site [menhadenproject.org](http://menhadenproject.org) to read the background for our request the menhaden delegates pass a motion at the February 2 meeting that an addendum proceed with scientific input and public comment on potential measures to protect the early Spring-Summer flow of menhaden into the Chesapeake Bay. This forage is critical to rebuilding the bay's forage base. That forage is now being targeted by 12 industrial sized purse seiners with no protection. The bay cap and the recent 10% decrease in the TAC, unfortunately, do nothing to protect those menhaden schools. The base is failing year after year. We have tried to give the board a complete explanation of the need for this action and means to accomplish it. This is the "time and area" controls referred to in Bob Beal's letter to Secretary Ross that were recommended by a Commission consultant. This important matter should not be put off any longer. The duty of the Commission to act in these circumstances is made clear at page 4 paragraph 2 of that letter.

Thank you Tom Lilly Menhaden Project

**From:** [Tom](#)  
**To:** [Tina Berger](#)  
**Subject:** [External] Fwd: : Bill Dunn opinions on effects of the factory fishing  
**Date:** Thursday, January 21, 2021 1:27:25 PM  
**Attachments:** [2021-01-21\\_124329 Bill Dunn.pdf](#)

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Tina could you post this to the menhaden board with attachment? Thanks. Tom

Sent from my iPhone

Begin forwarded message:

**From:** Tom Lilly <foragematters@aol.com>  
**Date:** January 21, 2021 at 1:04:50 PM EST  
**To:** bill.anderson@maryland.gov, lynn.fegley@maryland.gov, mjdize@verizon.net, acolden@cbf.org, wbaker@cbf.org, jeannie.riccio@maryland.gov  
**Cc:** steve.bowman@mrc.virginia.gov, bplumlee@pbp-attorneys.com, pat.geer@mrc.virginia.gov, district01@senatevirginia.gov, martingary@gmail.com, rbeal@asmfc.org, dunnsville@gmail.com  
**Subject: : Bill Dunn opinions on effects of the factory fishing**  
**Reply-To:** Tom Lilly <foragematters@aol.com>

Bill and Lynn..and other menhaden delegates ..our site is not up yet so I felt you should be aware of this comment by Virginian Bill Dunn. Bill tracks the movements of the Omega ships while they are at work in the Virginia bay and the Virginia Atlantic Zone. The tracks tell the story when a set is being made and the length of time the ship remains stationary while the menhaden is pumped onboard. There are many other clues as to how many schools are present and of those how many are caught when you can monitor the Omega radio chatter between the plant , the spotter pilots and the purse seine captains. Bill has a reputation of being very careful and neutral in his comments on his facebook site. The trends year to year become apparent- thats what is important here.

He says quite a bit in the attached mail dated 12/11/20. I am quite certain he has the years of experience and data to back up these opinions. I hope you, and the other Maryland and Virginia delegates will consider the seriousness of what he says in what

you are planning to say and do at the menhaden board meeting on Feb 2nd...I am sending this to Steve Bowman and the Virginia delegates as well as our other Maryland delegates. I hope people pay attention to this.

Thank you Tom Lilly



Date: Fri. Dec 11, 2020 8:41 am

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Phil, I would like to add per our conversation last week, that as long as the CBBT is considered the demarcation line for the Chesapeake Bay as set up by ASMFC per the direction of Omega and/or they can fish within the 3 mile EEZ line along the coast then even if the Bay Cap was 0 fish they can still catch a majority of every group of schools migrating into and out of the Bay. They just have to put a little more fuel in their ships.

Moving them out to the EEZ is the only option that will reestablish the menhaden biomass within the Bay. This statement is based on daily observation of Omega's fishing practices of following the schools as they migrate into and out of the Chesapeake Bay by tracking their movements, radio communications discussing the quantity and size of schools as well as class of fish (age groups) that are seen, catch amounts per ships made as reported via radio back to Reedville and learning the migration patterns of the schools after years of watching them follow the groups of schools. While not exact "science" is observed in these daily tracking reports they show the patterns and results of Omega's efforts and are a good representation of what's happening in the local depletion of our state's waters.

If you have followed my post starting this year on <https://www.facebook.com/Chesapeake-Bay-Defenders-1890352121190102> it is apparent that these groups of schools have been dropping off at an alarming rate from the previous 5 years and are in deep decline that is simply not shown or represented in ASMFC's coastal biomass figures. There are 5K people that follow this page and it reaches over 7K people so there are a lot of people that are concerned about these issues as they personally see the results of this depletion out on the water by the lack of menhaden schools seen.

Respectively,

Bill Dunn



# Atlantic States Marine Fisheries Commission

## American Lobster Management Board

February 2, 2021  
8:30 a.m. – 12:45 p.m.  
Webinar

### 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 (*D. McKiernan*) 8:30 a.m.
2. Board Consent 8:30 a.m.
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment 8:35 a.m.
4. Review and Discuss Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 (*J. Anderson*) 8:45 a.m.
5. Consider Management Response to the 2020 American Lobster Benchmark Stock Assessment and Peer Review (*D. McKiernan*) **Possible Action** 10:15 a.m.
  - Review Stock Status, Reference Points and Assessment Recommendations (*C. Starks*)
  - Discuss Development of Draft Addendum XXVII on Gulf of Maine Resiliency (*C. Starks*)
6. Discuss Potential for Conducting a Management Strategy Evaluation for the American Lobster Fishery (*B. Shank/J. Kipp*) 11:25 a.m.
7. Discuss Executive Order on Northeast Canyons and Seamounts Marine National Monument (*C. Starks*) **Possible Action** 12:05 p.m.
8. Review and Populate Jonah Crab Advisory Panel Membership (*T. Berger*) **Action** 12:35 p.m.
9. Elect Vice-Chair (*D. McKiernan*) **Action** 12:40 p.m.
10. Other Business/Adjourn 12:45 p.m.

# MEETING OVERVIEW

## American Lobster Management Board

February 2, 2021

8:30 a.m. – 12:45 p.m.

Webinar

Chair: Daniel McKiernan (MA) Assumed Chairmanship: 02/20	Technical Committee Chair: Kathleen Reardon (ME)	Law Enforcement Committee Representative: Rob Beal
Vice Chair: VACANT	Advisory Panel Chair: Grant Moore (MA)	Previous Board Meeting: October 19, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, NEFMC (12 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 19, 2020

**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. Review and Discuss Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 (8:45-10:15 a.m.)

#### Background

- NOAA Fisheries has published a proposed rule to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan to reduce the incidental mortality and serious injury to North Atlantic right whales, fin whales, and humpback whales in northeast commercial lobster and Jonah crab trap/pot fisheries to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act (**Briefing Materials**). A summary overview of the proposed rule is also available (**Briefing Materials**).
- The proposed modifications are intended to achieve at least a 60 percent reduction in mortalities or serious injuries of right whales in the Northeast crab and lobster trap/pot fisheries. The Proposed Rule would:
  - Modify gear marking to introduce state-specific marking colors
  - Increase the number of and area of marked lines
  - Modify gear configurations to reduce the number of vertical buoy lines by requiring more traps between buoy lines and by introducing weak insertions or weak rope into buoy lines
  - Modify existing seasonal restricted areas to restrict buoy lines (but allow ropeless fishing)

- Add up to two new seasonal buoy line closures
- Eight or more remote public meetings will be held during the public comment period. Comments must be submitted on or before March 1, 2021.

**Presentations**

- Proposed Rule and Draft Environmental Impact Statement for Atlantic Large Whale Take Reduction Plan Proposed Modifications for 2021 by J. Anderson

**Board Actions for Consideration at the Meeting**

- Consider preferred avenues for providing public comment

**5. Consider Management Response to the 2020 American Lobster Benchmark Stock Assessment and Peer Review (10:15 a.m.-11:25 a.m.) Possible Action**

**Background**

- The lobster 2020 benchmark stock assessment was completed in July 2020 which evaluated the status of lobster for the Gulf of Maine/Georges Bank and Southern New England stocks. The assessment was peer-reviewed virtually by a panel of independent experts in August 2020. In October 2020, the Board accepted the assessment and peer review for management use, which found that the GOM/GBK lobster stock is not depleted and overfishing is not occurring, and the SNE stock is significantly depleted. In addition, the Board adopted the new reference points recommended in the assessment. **(Briefing Materials)**
  - The American Lobster 2020 Benchmark Assessment and Peer Review Report can be found [here](#).
- The Board agreed to postpone a decision on management responses to the assessment results until the 2021 Winter Meeting. **(Briefing Materials)**

**Presentations**

- Review of Stock Status, Reference Points and Assessment/Peer Review Recommendations by C. Starks

**Board Actions for Consideration at the Meeting**

- Consider management response to 2020 stock assessment and peer review

**6. Discuss Potential for Conducting a Management Strategy Evaluation for the American Lobster Fishery (11:25 a.m.-12:05 p.m.)**

**Background**

- The ASMFC Management and Science Committee (MSC) formed a subgroup during the ASMFC 2019 Annual Meeting to develop a proposal for Management Strategy Evaluation (MSE) work on ASMFC-managed species. American lobster was among four priority species identified by the MSC that were considered the best candidate species for a MSE in the immediate future **(Briefing Materials)**.
- The MSC subgroup has developed a prospective work plan to outline potential focal areas, resource needs for a lobster MSE and associated workload tradeoffs for competing Lobster Board needs, and next steps if a MSE is identified as a priority by the Lobster Management Board **(Briefing Materials)**.
- The next steps are for the Board to identify the priority level and preferred focal area of a lobster MSE, identify roles and responsibilities for all personnel and potential funding

sources for contracted personnel, and identify the timeline for MSE milestones and completion depending on focal area.

**Presentations**

- American Lobster Management Strategy Evaluation Prioritization by J. Kipp

**Board Actions for Consideration at the Meeting**

- Provide guidance on the priority level and preferred focal area of a lobster MSE

**7. Discuss Executive Order on Northeast Canyons and Seamounts Marine National Monument (12:05 p.m.-12:35 p.m.) Possible Action**

**Background**

- On January 20th, 2021, President Biden issued an Executive Order (EO) on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. Section 3 of the EO, *Restoring National Monuments* requires mandates a review of the 2020 proclamation allowing commercial fishing in the Northeast Canyons and Seamounts Marine Monument The Interior Secretary shall report his/her findings to the President by March 21, 2021 (**Supplemental Materials**).
- The Northeast Canyons and Seamounts Marine Monument was created in September 2016 by [Presidential Proclamation 9496](#). The Proclamation prohibited *commercial* fishing with a seven-year exemption for American lobster and red crab fishing. In a May 9, 2016 letter to the Obama Administration, the Commission stated its preference for the NEFMC regulatory process over the establishment of a marine monument in the region (**Supplemental Materials**).
- On June 5, 2020, President Trump issued a Proclamation on Modifying the Northeast Canyons and Seamounts Marine National Monument that returned commercial fishery management authority to the Magnuson-Stevens Act (and other applicable laws) but does not otherwise modify the Monument.

**Presentations**

- Summary of Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis by C. Starks

**Board Actions for Consideration at the Meeting**

- Determine if the Board would like to provide comments to the Secretary of the Interior

**8. Review and Populate Jonah Crab Advisory Panel Membership (12:35-12:40 p.m.) Action**

**Background**

- Jon Williams, and offshore commercial trap fisherman representing RI, has been nominated to the Jonah Crab Advisory Panel (**Briefing Materials**).

**Presentations**

- AP Nominations by T. Berger

**Board Actions for Consideration at the Meeting**

- Approve Advisory Panel nomination

**9. Elect Vice-Chair (12:40-12:45 p.m.)**

**10. Other Business/Adjourn**



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** American Lobster Management Board

**FROM:** Caitlin Starks, FMP Coordinator

**DATE:** January 26, 2021

**SUBJECT:** January 20, 2021 Executive Order on Northeast Canyons and Seamounts Marine National Monument

### Summary

On January 20<sup>th</sup>, 2021, President Biden issued an Executive Order (EO) on [\*Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis\*](#). The EO requires federal agencies to review more than 120 Trump administration actions related to energy and the environment. Section 3 of the EO, Restoring National Monuments requires a review of the 2020 proclamation allowing commercial fishing in the Northeast Canyons and Seamounts Marine Monument.

### Biden EO & the Northeast Canyons and Seamounts Marine Monument

Section 3 of President Biden's EO, *Restoring National Monuments*, requires the Secretary of the Interior to conduct a review of President Trump's 2020 Proclamation for the Northeast Canyons and Seamounts Marine Monument. The review shall be conducted in coordination with other agencies including the Commerce Department and the Council on Environmental Quality. The Interior Secretary shall report his/her findings to the President by March 21, 2021. Additionally, the Attorney General may request a stay of proceedings in any court with jurisdiction over pending litigation related to the Northeast Canyons and Seamounts Marine Monument.

### Background

#### Antiquities Act

The Antiquities Act of 1906, signed into law by Theodore Roosevelt on June 8, 1906, permits the President to create national monuments from federal lands to protect significant natural, cultural, or scientific features.

#### Establishment of the Northeast Canyons and Seamounts Marine Monument

The Northeast Canyons and Seamounts Marine Monument was created in September 2016 by [\*Presidential Proclamation 9496\*](#). The Proclamation prohibited *commercial* fishing with a seven-year exemption for American lobster and red crab fishing. In a May 9, 2016 letter to the Obama Administration (enclosed), the Commission stated its preference for the NEFMC regulatory process over the establishment of a marine monument in the region. Additionally the Commission requested that, should a national monument be established, any designated areas be limited to the smallest area necessary and only waters deeper than 900 meters, and only bottom tending fishing gear be prohibited in the designated areas.

M21-18

The Northeast Canyons and Seamounts Marine Monument is 130 miles southeast of Cape Cod and encompasses 4,913 square miles. It is the first Atlantic marine monument, comprised two distinct areas: three canyons and four seamounts.

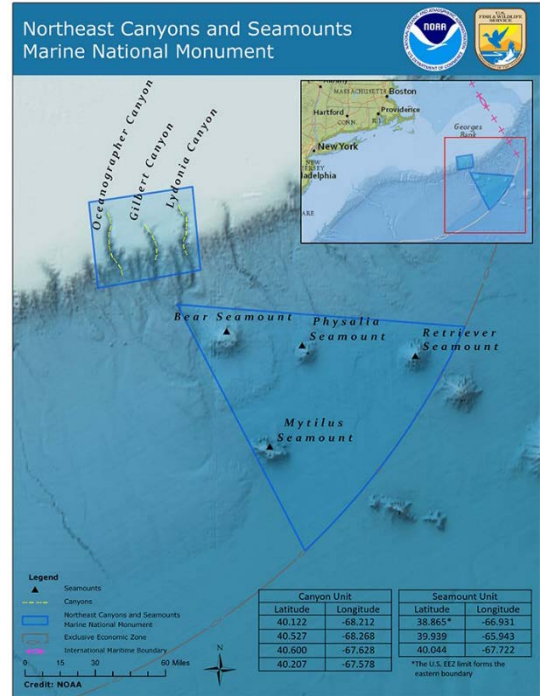
**Modification by President Trump**

On June 5, 2020, President Trump issued a *Proclamation on Modifying the Northeast Canyons and Seamounts Marine National Monument* at a fishing industry roundtable in Bangor, Maine. The proclamation returned commercial fishery management authority to the Magnuson-Stevens Act (and other applicable laws) but does not otherwise modify the Monument.

**Considerations for the Board**

The Board should consider if it would like to provide comments on this issue during the review period.

While there is not an open public comment period, the Board could send a letter to the Secretary of the Interior reflecting the position of the Board on potential modifications to the Northeast Canyons and Seamounts Marine National Monument by the Biden Administration.







# Atlantic States Marine Fisheries Commission

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*Douglas E. Grout (NH), Chair*

*James J. Gilmore, Jr., (NY), Vice-Chair*

*Robert E. Beal, Executive Director*

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

May 9, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

Dear Mr. President,

On behalf of the Atlantic States Marine Fisheries Commission (Commission), I am writing to express the Commission's preference for the continuation of the current New England Fishery Management Council's (NEFMC) regulatory process as the primary approach to protect deep-sea corals in the Atlantic Ocean.

The Commission was formed by the 15 Atlantic coast states in 1942 in recognition that fish do not adhere to political boundaries. The Commission serves as the deliberative body, coordinating the conservation and management of the states shared fishery resources – marine, shell, and anadromous – for sustainable use. The Commission manages several species which are harvested in and around the New England canyons and seamounts area, including American lobster and Jonah crab. These two fisheries have been prosecuted in the offshore canyons for close to five decades and generate over \$15 million per year in direct revenue from the canyons alone.

The NEFMC is currently drafting an Omnibus Deep-Sea Coral Amendment which considers protection of corals in and around the canyons of the Atlantic Ocean. Per the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the creation of such an Amendment includes multiple stakeholder comment opportunities, public hearings, detailed cost benefit analysis, and NEPA impact analyses. The transparency of the amendment process allows for collaboration between the Commission, NEFMC and stakeholders. In fact, the Commission is currently working with the NEFMC to collect data on the offshore lobster and Jonah crab fishery to fully understand potential impacts to the industry.

The Commission has been informed that you, Mr. President, are considering utilization of the American Antiquities Act of 1906 to protect similar deep-sea coral areas through the designation of a national monument. While the Commission fully supports actions which ensure healthy oceans, there is concern over the lack of public input or impact analysis required in the establishment of a monument through the Antiquities Act. Without specific details on the proposed areas which may be included in a national monument or a potential timeline, it is difficult to characterize the potential impacts to the fishing industry or provide meaningful comments.

President Barack Obama

May 9, 2016

Page 2

At its spring meeting, the Commission unanimously agreed to the following position on this issue. With two separate processes ongoing to protect deep-sea corals in New England waters, the Commission is requesting the NEFMC regulatory process be allowed to continue without the potential for a Presidential proclamation of a national monument. Should you decide to establish a New England waters monument prior to the end of your presidency, the Commission requests any designated areas be limited to the smallest area compatible with the proper care and management of the objects to be protected, as required by the Antiquities Act. Furthermore, the Commission proposes that if you, Mr. President, pursue the designation of a national monument, the area be limited to waters deeper than 900 meters to the outer margin of the exclusive economic zone and only bottom tending fishing gear be prohibited. All other mid water/surface fishing methods, both recreational and commercial, could continue within the designated area with no impact to corals. Finally, the Commission requests the public and affected user groups be allowed to review and comment on any specific proposal prior to its implementation.

Thank you for considering the Commission's comments on this important issue. Please contact me if the Commission can provide any additional information.

Most Respectfully,



Douglas E. Grout  
Chairman ASMFC

cc: ASMFC Commissioners

John Bullard, Regional Administrator NOAA Fisheries

Thomas Nies, NEFMC Executive Director



# Atlantic States Marine Fisheries Commission

## Winter Flounder Management Board

*February 2, 2021*

*1:45 – 2:30 p.m.*

*Webinar*

### 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 (*D. Borden*) 1:45 p.m.
2. Board Consent 1:45 p.m.
  - Approval of Agenda
  - Approval of Proceedings from October 2020
3. Public Comment 1:50 p.m.
4. Consider Specifications for the 2021 Fishing Year **Final Action** 2:00 p.m.  
(*D. Colson Leaning*)
  - Technical Committee Report
  - Advisory Panel Report
5. Other Business/Adjourn 2:30 p.m.

# MEETING OVERVIEW

## Winter Flounder Management Board

Tuesday February 2, 2021

1:45 – 2:30 p.m.

Webinar

Chair: David Borden (RI)	Technical Committee Chair: Paul Nitschke (NEFSC)	LEC Representative: Kurt Blanchard
Vice Chair: William Hyatt (CT)	Advisory Panel Chair: Bud Brown	Previous Board Meeting: October 19, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2020

**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 should use the webinar raise your hand function and the Board Chair will let you know when to speak. 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 Board 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 Specifications for the 2021 Fishing Year (2:00 – 2:30 p.m.)

- The Technical Committee met on January 6<sup>th</sup> to review the Gulf of Maine and Southern New England/Mid-Atlantic stock assessments, New England Fishery Management Council recommendations for federal specifications, and commercial and recreational fishery trends. After reviewing these items, the TC recommended no changes to the state water specifications for the 2021 fishing year. **(Supplemental Materials)**
- The Advisory Panel met on January 14<sup>th</sup> to discuss current management issues and provide recommendations for state water specifications for the 2021 fishing year. **(Supplemental Materials)**

#### Presentations

- Technical Committee and Advisory Panel Meeting Summary by D. Colson Leaning.

#### Board Actions for Consideration

- Consider GOM and SNE/MA winter flounder specifications for the 2021 fishing year.

### 5. Other Business/Adjourn



# Atlantic States Marine Fisheries Commission

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## Winter Flounder Technical Committee Call Summary

January 6, 2021

**Technical Committee Members in Attendance:** Paul Nitschke (Chair, NEFSC), Timothy Daniels (NJ), Paul Nunnenkamp (NY), David Ellis (CT), Alex Hansell (MA), Tony Wood (NEFSC), Richard Balouskus (RI)

**ASMFC Staff:** Dustin Colson Leaning

The Winter Flounder Technical Committee (TC) met via conference call to review the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock assessments, New England Fishery Management Council recommendations for federal specifications, and commercial and recreational fishery trends and to discuss whether adjustments to state water specifications should be made for the 2021 fishing year.

### Stock Status

The Winter Flounder TC began by reviewing stock status information for both the GOM and SNE/MA stocks. Based on the 2020 management track assessment, the GOM stock biomass status is unknown and overfishing is not occurring. Biomass (30+ cm mt) in 2019 was estimated to be 2,862 mt. The SNE/MA stock is overfished, but overfishing was not occurring in 2019. The SNE/MA spawning stock biomass (SSB) in 2019 was estimated to be 3,959 (mt) which is 32% of the biomass target (12,261 mt), and 64% of the biomass threshold (6,130.5 mt) for an overfished stock. The stock is in a rebuilding plan with a rebuild date of 2023. However, a projection using assumed catch in 2020 and  $F = 0$  through 2023 indicated about a 5% chance of reaching the SSB target. Both the SSC and the stock assessment peer review panel discussed the need to better characterize the role that environmental indicators and climatic shifts play in the SNE/MA stock's depleted stock status. Fishing pressure on the stock has significantly decreased, but recruitment has continued to decline and remains at time series lows.

### NEFMC Recommendations for Specifications

Table 1 displays the sub-ACLs and corresponding state sub-components for both the GOM and SNE/MA stocks. A comparison of the 2020 to the 2021 fishing year sub-ACLs reveals that the GOM sub-ACL was adjusted down by 2% and the SNE/MA sub-ACL was adjusted down by 47% to reflect the results of the 2020 management track stock assessments. The state sub-component is an estimation of what the state recreational and commercial fisheries will harvest each year based on status quo state regulations, however, it is not an allocation. The commercial portion of the state sub-component is caught by vessels that do not hold federal Northeast multispecies permits, and the recreational portion is based on calibrated Marine Recreational Information Program catch estimates. The TC noted that there are no accountability measures associated with the state waters sub-component, meaning there is no payback if the state waters sub-component is exceeded. Table 1 displays the state subcomponents for both the GOM and SNE/MA stocks were set equal to average catch for the years 2017-2019. For the GOM state sub-component this represents a 40% increase, and for the SNE/MA state sub-component this represents a 42% decrease relative to the 2020 fishing year values.

**Table 1. GOM and SNE/MA Specifications and State Sub-component Average Catch.**

Stock	Sub-ACLs		State Sub-component		
	FY20 (mt)	FY21 (mt)	FY20 (mt)	FY21 (mt)	2017-2019 average catch (mt)
GOM	287	281	139	194	195.6
SNE/MA	539	288	36	21	19.9

**Technical Committee Recommendations**

The TC did not recommend any changes to the state waters specifications for the 2021 fishing year. The TC reasoned that any adjustments to commercial or recreational measures would invalidate the Groundfish PDT’s state sub-component analysis of recent catch, which was based off of the assumption that the current effort control measures would remain in place. The commercial and recreational measures listed in tables 2 and 3 have been in place since 2014. To change the measures would alter the state sub-component catch projection that the Groundfish PDT already accounted for in the setting of federal waters specifications. The TC also commented on the recent downward trend in the SNE/MA state sub-component catch. This trend suggests that state catch is unlikely to contribute to a sub-ACL overage for the 2021 fishing year.

The TC also highlighted the SNE/MA commercial trip-limit analysis that was conducted in 2018, which further supports the recommendation to leave measures unchanged. The 2018 TC analysis revealed that relatively few trips appear to be exclusively targeting winter flounder, and very few trips were at or near the trip limit of 50 lbs. This indicates that a reduction in the SNE/MA trip limit is unlikely to decrease total catch. The analysis suggests that the 50 lb trip limit is achieving its stated goal of solely accounting for bycatch. The TC reasoned that if the 50 lb trip limit were reduced, it could convert incidental catch of winter flounder from landings to discards. In other words, the TC was concerned that reducing the trip limit would not achieve a reduction in F, but would instead create a wasteful regulatory discarding issue under limited monitoring. One TC member also shared the view that the current commercial and recreational limits allow for the collection of valuable scientific information. If instead fishermen were required to discard the winter flounder they caught incidentally due to more restrictive limits, there would be less data on winter flounder landings with increased unknown mortality through discards, which would likely result in higher uncertainty in the stock assessment.

TC representatives from SNE/MA states shared stakeholder comments who say that the recreational bag limits are often not being met and thus are not limiting because winter flounder abundance is so low. Additionally, commercial fishermen say that there are no directed state permit commercial fisheries for winter flounder and so the commercial trip limits are not being met frequently either. The TC noted that there is a mismatch between the recreational measures in federal versus state waters (table 3). The bag limit is unlimited with a year round open season in federal waters, while much more restrictive measures are in place in state waters in the GOM and SNE/MA. The TC clarified that even if anglers fished in federal waters, they would need to abide by the stricter regulations when traveling back through state waters. In effect, recreational anglers are beholden to the state water measures so the mismatch between state and federal water recreational regulations is not an issue.

Lastly, the TC cautioned about the SNE/MA stock’s low probability of rebuilding to the biomass target by 2023 and the resulting consequences that could occur. If the stock is not able to meet the biomass target by the end of the rebuilding plan, there may be further reductions in fishing mortality, which

could result in a lower ABC. However, the TC is more concerned that fishing mortality may not be the cause of the stock's inability to rebuild since fishing mortality has been low for over a decade. More analysis is needed to better understand how environmental indicators play a role in winter flounder recruitment. This will likely need to be addressed through the next research track stock assessment.

**Table 2. Commercial Fishery Winter Flounder Regulations.**

<b>State</b>	<b>Stock Unit</b>	<b>Size Limit</b>	<b>Trip Limit</b>	<b>Seasonal Closure (dates inclusive)</b>	<b>Min. Mesh Size</b>
<b>Maine</b>	GOM	12"	500 lbs	May 1 – June 30	6.5"
<b>New Hampshire</b>	GOM	12"	500 lbs	April 1 – June 30	6.5"
<b>Massachusetts</b>	GOM	12"	500 lbs	Open all year	6.5"
	SNE/MA	12"	50 lbs	Open all year	6.5"
<b>Rhode Island</b>	SNE/MA	12"	50 lbs	Open all year	6.5"
<b>Connecticut</b>	SNE/MA	12"	50 lbs or 38 fish	March 1 – April 14	6.5"
<b>New York</b>	SNE/MA	12"	50 lbs	June 14 – Nov 30 (for all gear besides fyke nets, pound and trap nets)	6.5"
<b>New Jersey</b>	SNE/MA	12"	38 fish	June 1 – Nov 30 (all gear except for fyke nets) Feb 20 – Oct 31 (Fyke net)	6.5"

**Table 3. Recreational Fishery Winter Flounder Regulations.**

<b>State</b>	<b>Stock Unit</b>	<b>Creel Limit</b>	<b>Size Limit</b>	<b>Seasonal Closure (dates inclusive)</b>
<b>Maine</b>	GOM	8	12"	Open all year
<b>New Hampshire</b>	GOM	8	12"	Open all year
<b>Massachusetts</b>	GOM	8	12"	Open all year
	SNE/MA	2	12"	January 1- February 28
<b>Rhode Island</b>	SNE/MA	2	12"	January 1 – February 28
<b>Connecticut</b>	SNE/MA	2	12"	January 1 – March 31
<b>New York</b>	SNE/MA	2	12"	May 31 – March 31
<b>New Jersey</b>	SNE/MA	2	12"	January 1 – February 28
<b>Federal Waters</b>	GOM & SNE/MA	Unlimited	12"	Open all year



# 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](http://www.asmfc.org)

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## Winter Flounder Advisory Panel Call Summary

January 14, 2021

**Advisory Panel Members in Attendance:** Bud Brown (Chair, ME), David Goethel (NH), Charles Witek (NY)

**ASMFC Staff:** Dustin Colson Leaning

**Others in Attendance:** Richard Balouskus

The Winter Flounder Advisory Panel (AP) met via conference call to review the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock assessments, provide recommendations for 2021 specifications for state waters, and to comment on any other current fishery management issues of concern to them.

The AP members on the call were concerned about the overfished status of the SNE/MA winter flounder stock especially considering the low likelihood of rebuilding by the target date of 2023. Two AP members agreed that the SNE/MA stock was fished to such low population levels back in the 80s that it now struggles to rebound due to natural mortality through predation. One AP member also cited stressors such as rising temperatures, hypoxia, and the introduction of new species into winter flounder habitat. Another AP member said that he does not believe water temperatures are an issue, and thinks fishing mortality should be reined in.

The AP members were also concerned about the GOM stock and commented on the significant reduction in winter flounder availability compared to previous decades when fish were abundant in many inshore areas. One AP member suggested that local depletion is also a big issue considering recent scientific tagging studies that suggest winter flounder have complex stock dynamics. A commercial representative on the AP agreed that there are at least two distinct groups in the GOM. He said that one stock tends to remain offshore year round, which can be found around Jeffrey's ledge. He thought that this population seemed to be pretty healthy and produces winter flounder weighing up to 4 lbs. The same AP member pointed to recent tagging studies that indicate that there is a second stock which tends to migrate inshore during the spawning season.

The AP affirmed that from their experience, the recreational winter flounder fishery is almost non-existent. Two members of the panel thought it was ridiculous that some states' recreational fishing season overlaps with the spawning season. They were supportive of a complete moratorium on recreational fishing of winter flounder throughout the GOM and SNE/MA to allow for winter flounder abundance to rise to more sustainable levels. One AP member cautioned against a complete moratorium and said that this might have some unintended negative economic consequences, especially for party and charter boat operators whose customers are still interested in targeting winter flounder. One AP member suggested a commercial closure of fishing in state waters during the spawning season from December through April. The AP member from the commercial sector thought that the current commercial measures were adequate at least in the GOM.

The advisory panel also provided comments on research recommendations for consideration through the next research track stock assessment. One AP member thought that genetic testing to analyze natal homing in the inshore stock would be worthwhile. This AP member also thought that the nearshore environment has undergone some significant changes since times of high abundance, which may have altered natural mortality. In addition, studies of eggs, larva, and young of the year should be conducted to check for fatal abnormalities. Traditional nutrient pollution caused by raw sewage has largely been eliminated but has been replaced by more insidious and potentially harmful chlorine discharges from treatment plants and insecticides from runoff. In short, the AP member recommended research into the pollution of the nearshore environment and the effects on winter flounder. Another AP member thought that sonic tag tracking studies could be useful in improving our understanding of winter flounder life history.

Lastly, the advisory panel requests that each state on the Board review their advisory panel membership and redouble efforts to appoint representatives with special attention paid to younger members of the fishing community to ensure adequate and sustained stakeholder participation in the management process.



# Atlantic States Marine Fisheries Commission

## Atlantic Menhaden Management Board

*February 2, 2021*

*2:45 – 4:00 p.m.*

*Webinar*

### **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 ( <i>S. Woodward</i> )   | 2:45 p.m. |
| 2. Board Consent  | 2:45 p.m. |
| • Approval of Agenda  |           |
| • Approval of Proceedings from October 2020   |           |
| 3. Public Comment   | 2:50 p.m. |
| 4. Review Recent Fishery Performance Relative to Commercial Allocations<br>( <i>K. Rootes-Murdy</i> ) | 3:00 p.m. |
| 5. Other Business/Adjourn   | 4:00 p.m. |

# MEETING OVERVIEW

**Atlantic Menhaden Management Board**  
**Tuesday, February 2, 2021**  
**2:45 – 4:00 p.m.**  
**Webinar**

Chair: Spud Woodward (GA) Assumed Chairmanship: 03/20	Technical Committee Chair: Josh Newhard (USFWS)	Law Enforcement Committee Representative: Robert Kersey (MD)
Vice Chair: Mel Bell (ME)	Advisory Panel Chair: Meghan Lapp (RI)	Previous Board Meeting: October 20, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2020

**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. Review Recent Fishery Performance Relative to Commercial Allocations (3:00-4:00 p.m.)

### Background

- Amendment 3 (2017), implemented in 2018, establishes that the Board will revisit quota allocations every three years following implementation.
- Recent landings relative to commercial allocations and quota transfers were compiled for the Board's consideration in revisiting the current allocations. **(Supplemental Materials)**

### Presentations

- Review Recent Fishery Performance Relative to Allocations by K. Rootes-Murdy

## 5. Other Business/Adjourn



# Atlantic States Marine Fisheries Commission

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

## MEMORANDUM

**TO:** Atlantic Menhaden Management Board

**FROM:** Kirby Rootes-Murdy, Senior FMP Coordinator

**DATE:** January 26, 2021

**SUBJECT:** **REVISED** Recent Menhaden Fishery Performance Relative to Commercial Allocations

This memorandum serves as a review of recent (2016-2019) landings information relative to commercial allocations and quota transfers. The information is provided to aid the Board in revisiting the quota allocations established in Amendment 3 to the Atlantic Menhaden Fishery Management Plan (FMP).

### Overview of Amendment 3 Quota Allocations

Amendment 3, approved in November 2017 and implemented for the 2018 fishing year, established new commercial quota allocations to manage the annual Total Allocation Catch (TAC). Each jurisdiction is allocated a 0.5% fixed minimum quota and the remainder of the TAC is allocated based on a three-year average of landings from 2009-2011. On an annual basis, jurisdictions have the option to relinquish part of or all of their fixed minimum quota by December 1<sup>st</sup> of the preceding fishing year. Any quota relinquished by a jurisdiction is redistributed to other jurisdictions that have not relinquished their quota, based on landings data from 2009-2011. Any overage of quota allocation is determined based on final allocations (inclusive of transfers) and the overage amount is subtracted for that jurisdiction's quota allocation in the subsequent year on a pound-for-pound basis. Quota allocations are to be revisited every three years following implementation of the Amendment (2018).

### Summary of Recent Landings Trends

Table 1 shows each jurisdiction's total landings as a percentage of the annual coastwide total. Total Landings data from 2016-2019 are included to show trends for longer than two years. Total landings include directed bait and reduction landings, incidental catch, and landings occurring under the Episodic Event Set-Aside (EESA) Program. Total landings may encompass more than a jurisdiction is allocated in a given year due to quota transfers, episodic landings or incidental catch. For these same reasons, annual landing percentages higher than Amendment 3 allocations do not necessarily indicate a quota overage. Since the implementation of the Amendment that TAC has not been exceeded, including incidental catch and EESA landings. The EESA Program has been in place since the 2013 fishing year and landings under this program have changed in volume and distribution from 2013-2019. In 2018 and 2019, Maine was the only jurisdiction to opt into the EESA program and landed 4.6 and 4.4 million pounds, respectively. Similarly, incidental catch along the coast has also changed from 2013 to 2019; in

M21-19

2013, total coastwide incidental catch was 4.3 million pounds across multiple jurisdictions. In 2019, Maine was the only jurisdiction to declare incidental catch landings, which totaled 10.7 million pounds.

**Table 1. Jurisdiction total landings as a percentage of coastwide landings, 2016-2019. Total landings include directed bait and reduction landings, incidental catch, and harvest under EESA. Amendment 3 allocations for directed bait and reduction landings were implemented beginning in 2018.**

Jurisdiction	Amendment 3 Directed Landings Allocations (%)	2016	2017	2018	2019
Maine	0.52%	1.20%	2.31%	3.48%	4.91%
New Hampshire	0.50%				0.99%
Massachusetts	1.27%	0.77%	0.96%	1.35%	1.51%
Rhode Island	0.52%	0.08%	0.45%	0.17%	0.01%
Connecticut	0.52%	0.02%	0.05%	0.20%	0.02%
New York	0.69%	0.36%	0.41%	0.22%	0.31%
New Jersey	10.87%	11.50%	12.15%	11.95%	10.95%
Pennsylvania	0.50%				
Delaware	0.51%	0.02%	0.02%	0.04%	0.02%
Maryland	1.89%	1.40%	0.76%	0.74%	0.73%
PRFC	1.07%	0.63%	0.55%	0.79%	0.51%
Virginia	78.66%	83.86%	82.07%	80.79%	79.86%
North Carolina	0.96%	0.10%	0.20%	0.17%	0.12%
South Carolina	0.50%				
Georgia	0.50%				
Florida	0.52%	0.07%	0.07%	0.06%	0.05%
Total	100.00%	100.00%	100.00%	100.00%	100.00%

To protect confidentiality, information for New Hampshire, Pennsylvania, South Carolina, and Georgia have been removed.

### Quota Transfers

Table 2 outlines quota transfers from 2018-2020. Not every jurisdiction transferred quota consistently; only Maine, Connecticut, New York, Maryland, and Florida either gave or received quota every year from 2018-2020. For all three years, the only jurisdiction to have a net increase in quota through transfers were Maine, New Hampshire, and Massachusetts. The net increase in quota over the 3 years ranged from 1.3 to 6.57 million pounds. In 2018, 5.4 million pounds of quota was transferred; on average, a giving jurisdiction on average transferred 900,000 pounds of quota, with 6 jurisdictions providing quota to one jurisdiction. In 2019, 11.25 million pounds of quota was transferred; a giving jurisdiction on average transferred 1.4 million pounds of quota with 8 states providing quota to 3 jurisdiction. In 2020, 10.6 million pounds of

quota was transferred; a giving jurisdiction on average transferred 1.3 million pounds of quota with 8 jurisdictions providing quota to 3 jurisdictions.

**Table 2. Quota transfers in pounds by jurisdiction for 2018-2020. Gray cells indicate transfers that increased quota and bolded cells indicate states that transferred quota in all three years.**

Jurisdiction	2018	2019	2020	3 Year Net Total	3 Year Average
Maine	5,400,000	6,573,592	5,450,000	17,423,592	<b>5,807,864</b>
New Hampshire	0	3,373,592	2,300,000	5,673,592	1,891,197
Massachusetts	0	1,300,000	2,350,000	3,650,000	1,216,667
Rhode Island	0	-400,000	-1,800,000	-2,200,000	-733,333
Connecticut	-500,000	-2,400,000	-2,000,000	-4,900,000	<b>-1,633,333</b>
New York	-1,000,000	-1,900,000	500,000	-2,400,000	<b>-800,000</b>
New Jersey	0	0	0	0	0
Pennsylvania	0	0	-500,000	-500,000	-166,667
Delaware	-150,000	0	-100,000	-250,000	-83,333
Maryland	-1,500,000	-1,000,000	-1,350,000	-3,850,000	<b>-1,283,333</b>
PRFC	0	0	0	0	0
Virginia	-1,000,000	-1,000,000	0	-2,000,000	-666,667
North Carolina	0	-600,000	-1,800,000	-2,400,000	-800,000
South Carolina	0	-2,347,184	-1,650,000	-3,997,184	-1,332,395
Georgia	0	0	0	0	0
Florida	-1,250,000	-1,600,000	-1,400,000	-4,250,000	<b>-1,416,667</b>

**From:** Tom Lilly <[foragematters@aol.com](mailto:foragematters@aol.com)>  
**Sent:** Tuesday, January 26, 2021 7:53:54 PM  
**To:** Tina Berger; Robert Beal  
**Cc:** [flypax@md.metroca](mailto:flypax@md.metroca); [jubylee@verizon.net](mailto:jubylee@verizon.net); THOMAS LILLY  
**Subject:** [External] corrected copy to distribute

Tina Please distribute this....We ask that the policy board, the menhaden board and the staff click on our new site [menhadenproject.org](http://menhadenproject.org) to read the background for our request the menhaden delegates pass a motion at the February 2 meeting that an addendum proceed with scientific input and public comment on potential measures to protect the early Spring-Summer flow of menhaden into the Chesapeake Bay. This forage is critical to rebuilding the bay's forage base. That forage is now being targeted by 12 industrial sized purse seiners with no protection. The bay cap and the recent 10% decrease in the TAC, unfortunately, do nothing to protect those menhaden schools. The base is failing year after year. We have tried to give the board a complete explanation of the need for this action and means to accomplish it. This is the "time and area" controls referred to in Bob Beal's letter to Secretary Ross that were recommended by a Commission consultant. This important matter should not be put off any longer. The duty of the Commission to act in these circumstances is made clear at page 4 paragraph 2 of that letter.

Thank you Tom Lilly Menhaden Project

**From:** [Tom](#)  
**To:** [Tina Berger](#)  
**Subject:** [External] Fwd: : Bill Dunn opinions on effects of the factory fishing  
**Date:** Thursday, January 21, 2021 1:27:25 PM  
**Attachments:** [2021-01-21\\_124329 Bill Dunn.pdf](#)

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Tina could you post this to the menhaden board with attachment? Thanks. Tom

Sent from my iPhone

Begin forwarded message:

**From:** Tom Lilly <foragematters@aol.com>  
**Date:** January 21, 2021 at 1:04:50 PM EST  
**To:** bill.anderson@maryland.gov, lynn.fegley@maryland.gov, mjdize@verizon.net, acolden@cbf.org, wbaker@cbf.org, jeannie.riccio@maryland.gov  
**Cc:** steve.bowman@mrc.virginia.gov, bplumlee@pbp-attorneys.com, pat.geer@mrc.virginia.gov, district01@senatevirginia.gov, martingary@gmail.com, rbeal@asmfc.org, dunnsville@gmail.com  
**Subject: : Bill Dunn opinions on effects of the factory fishing**  
**Reply-To:** Tom Lilly <foragematters@aol.com>

Bill and Lynn..and other menhaden delegates ..our site is not up yet so I felt you should be aware of this comment by Virginian Bill Dunn. Bill tracks the movements of the Omega ships while they are at work in the Virginia bay and the Virginia Atlantic Zone. The tracks tell the story when a set is being made and the length of time the ship remains stationary while the menhaden is pumped onboard. There are many other clues as to how many schools are present and of those how many are caught when you can monitor the Omega radio chatter between the plant , the spotter pilots and the purse seine captains. Bill has a reputation of being very careful and neutral in his comments on his facebook site. The trends year to year become apparent- thats what is important here.

He says quite a bit in the attached mail dated 12/11/20. I am quite certain he has the years of experience and data to back up these opinions. I hope you, and the other Maryland and Virginia delegates will consider the seriousness of what he says in what

you are planning to say and do at the menhaden board meeting on Feb 2nd...I am sending this to Steve Bowman and the Virginia delegates as well as our other Maryland delegates. I hope people pay attention to this.

Thank you Tom Lilly



Date: Fri. Dec 11, 2020 8:41 am

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Phil, I would like to add per our conversation last week, that as long as the CBBT is considered the demarcation line for the Chesapeake Bay as set up by ASMFC per the direction of Omega and/or they can fish within the 3 mile EEZ line along the coast then even if the Bay Cap was 0 fish they can still catch a majority of every group of schools migrating into and out of the Bay. They just have to put a little more fuel in their ships.

Moving them out to the EEZ is the only option that will reestablish the menhaden biomass within the Bay. This statement is based on daily observation of Omega's fishing practices of following the schools as they migrate into and out of the Chesapeake Bay by tracking their movements, radio communications discussing the quantity and size of schools as well as class of fish (age groups) that are seen, catch amounts per ships made as reported via radio back to Reedville and learning the migration patterns of the schools after years of watching them follow the groups of schools. While not exact "science" is observed in these daily tracking reports they show the patterns and results of Omega's efforts and are a good representation of what's happening in the local depletion of our state's waters.

If you have followed my post starting this year on <https://www.facebook.com/Chesapeake-Bay-Defenders-1890352121190102> it is apparent that these groups of schools have been dropping off at an alarming rate from the previous 5 years and are in deep decline that is simply not shown or represented in ASMFC's coastal biomass figures. There are 5K people that follow this page and it reaches over 7K people so there are a lot of people that are concerned about these issues as they personally see the results of this depletion out on the water by the lack of menhaden schools seen.

Respectively,

Bill Dunn

# Atlantic States Marine Fisheries Commission

## Atlantic Herring Management Board

*February 2, 2021*

*4:15 – 5:15 p.m.*

*Webinar*

### 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 ( <i>C. Patterson</i> )  | 4:15 p.m. |
| 2. Board Consent  | 4:15 p.m. |
| • Approval of Agenda  |           |
| • Approval of Proceedings from October 2020   |           |
| 3. Public Comment   | 4:20 p.m. |
| 4. Set Sub-Annual Catch Limit for the 2021-2023 Fishing Years<br>( <i>K. Rootes-Murdy</i> ) <b>Final Action</b>   | 4:30 p.m. |
| 5. Update on Amendment 8 and Consider Impacts to Area 1A Fishery<br>( <i>K. Rootes-Murdy</i> )                    | 4:45 p.m. |
| 6. Update on New England Fishery Management Council and Commission<br>Coordination Discussions ( <i>R. Beal</i> ) | 5:10 p.m. |
| 7. Other Business/Adjourn   | 5:15 p.m. |

# MEETING OVERVIEW

**Atlantic Herring Management Board**  
**Tuesday, February 2, 2021**  
**4:15 p.m. – 5:15 p.m.**  
**Webinar**

Chair: Cheri Patterson (NH) Assumed Chairmanship: 02/20	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice Chair: Megan Ware (ME)	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: October 19, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2020

**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. Set Sub-Annual Catch Limit for the 2021-2023 Fishing Years (4:30-4:45 p.m.) Final Action

### Background

- In October the Board set seasonal allocations for the 2020 Area 1A fishery but the sub-ACL specifications were not available at the time. The New England Fishery Management Council (Council) recommended specifications for 2021-2023 through Framework 8 to NOAA Fisheries in September 2020. **(Briefing Materials)**
- NOAA Fisheries is still reviewing Framework 8, therefore a proposed rule on 2021-2023 sub-ACL specifications has not been published yet. A final rule is expected to be published after the Board Meeting.

### Presentations

- Overview of the 2021-2023 sub-ACL specifications by K. Rootes-Murdy

### Board actions for consideration at this meeting

- Set the 2021-2023 sub-ACL specifications via Board motion, pending release of a proposed rule by NOAA Fisheries

## **5. Update on Amendment 8 and Consider Impacts to Area 1A Fishery (4:45-5:10 p.m.)**

### **Background**

- Amendment 8 was initiated by the Council in 2014. The Amendment specifies changes to Atlantic herring management including the establishment of a long-term acceptable biological catch control rule and the prohibition of midwater trawl gear inshore of 12-nautical mile from Canada to Connecticut and inshore of 20 nautical miles off the east coast of Cape Cod.
- NOAA Fisheries recently published a final rule on the Amendment, with an effective date of February 10, 2021 (**Briefing Materials**)

### **Presentations**

- Update on Amendment 8 and Potential Impacts to Area 1A Fishery by K. Rootes-Murdy

## **6. Update on New England Fishery Management Council and Commission Coordination Discussions (5:10-5:15 p.m.)**

### **Background**

- Concerns have been raised in recent years that management alternatives considered by the Commission may have been inconsistent with the federal Atlantic Herring FMP and Council comments on specific measures may not be given appropriate consideration by the Commission.
- A technical work group of Commission Plan Review Team and Council Plan Development Team members, co-chaired by the Commission Herring Board and Council Herring Committee chairs, met in 2020 to discuss a proposed list of shared management responsibilities for review by Leadership.

### **Presentations**

- Update by R. Beal

## **7. Other Business/Adjourn**

# Prowler Fisheries, Inc.

PO Box 385, Boothbay, ME 04537

207-633-2214

harborbait@outlook.com

January 25, 2021

ASMFC

Atlantic Herring Management Board

We support Amendment 8's prohibition of Midwater Trawl gear Inshore. MWT vessels original intent was to fish well offshore. Because there are no conservation measures in Areas 1B, 2, and 3, they have been over-fished, and MWT's have moved closer and closer to shore, further depleting the inshore biomass.

**At the end of 2020, Area 1B was over-caught by 380 metric tons by MWT's.** This should not be allowed to occur. However, because there are no conservation measures in place, once they begin catching, it is impossible to stop them quickly. Harvesting is allowed to occur 7 days a week 24 hours a day.

\*Spawning closures need to be implemented in all the Areas – not just in Area 1A.

\*A larger portion of the quota should be assigned to Area 1A **as was done in 2019** based on recent years' catch numbers.

The harvest in 1A has been consistent through the years specifically due to conservation measures implemented and supported by the purse seine fleet. If and when Areas 2 and 3 stocks improve then they can be assigned additional quota. Before the new cuts were instituted, the harvest in Area 2 was less than 50% of its allotted quota for many years. In 2020, only 11% of Area 2's tiny quota was harvested, because it has been consistently over-fished for many years - 7 days a week, 24 hours a day by large MWT's. Currently, and for many years over 70% of the quota is allotted to the Areas where MWT's fish (1B, 2, and 3).

\*Since the 2021-2023 quotas are now even smaller, all harvesting in Area 1A should take place in Trimester 2.

It makes no sense to save that small amount for winter when demand for bait is low, the weather is no longer mild, and the herring tend to leave the area. The same *days' out and truck limit restrictions* that are currently implemented in Trimester 2, should also be mandated in Trimester 3. Not only should landing days be implemented in Trimester 3, but fishing days as well. Presently harvesters are allowed to fish multiple, extended days and hold the fish until the designated landing day(s). Basically the landing days are meaningless for quota control.

\*Additionally, MWT's, currently prohibited from fishing in Area 1A in Trimester 2, should also be prohibited in Trimester 3.

We believe that the herring fishery has steadily been steered to promote the wishes of large boats which are MWT's, that can fish every square inch of the ocean, 24 hours a day. Purse seiners do not fish in 1B or 3. Seiners fish almost exclusively in Area 1A during the night only, targeting herring only, and catching a small scoop here and a small scoop there, rarely interfering with lobster trap gear.

In conclusion, the herring quota has been drastically cut and the fishing rules need to change along with it. The old methods no longer fit the new scenario we are in.

Respectfully submitted,

Jeanne Fuller

# Atlantic States Marine Fisheries Commission

## Executive Committee

*February 3, 2021*

*8:00 – 10:00 a.m.*

*Webinar*

## Draft Agenda

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

1. Welcome/Introductions (*P. Keliher*)
2. Committee Consent
  - Approval of Agenda
  - Approval of Meeting Summary from October 2020
3. Public Comment
4. Update on Second Round of CARES Act Assistance (*R. Beal*)
5. Legislative & Appropriations Update (*R. Beal*)
6. Review Letter to the Office of Management and Budget Regarding Commission's FY22 Funding Priorities (*R. Beal*)
7. Discuss Legislative Committee Membership (*R. Beal*)
8. Future Annual Meetings Update (*L. Leach*)
9. Other Business/Adjourn

# Atlantic States Marine Fisheries Commission

## Atlantic Coastal Cooperative Statistics Program Coordinating Council

*February 3, 2021  
11:15 am - 12:15 pm  
Web Conference*

### **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. Carmichael*)
2. Council Consent
  - Approval of Agenda
  - Approval of Minutes from October 2020
3. Public Comment
4. Review Program and Project Funding - **ACTION** (*G. White*)
5. Other Business/Adjourn

**DRAFT MINUTES OF THE  
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM  
COORDINATING COUNCIL**

**Via Webinar  
October 22, 2020**

These minutes are draft and subject to approval by the  
Atlantic Coastal Cooperative Statistics Program Coordinating Council  
The Council will review the minutes during its next meeting.



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## INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1)
2. **Approval of Proceedings from August 3, 2020** by consent (Page 1)
3. **Move to elect John Carmichael as Coordinating Council Chair** (Page 2). Motion by Lynn Fegley; second by Dee Lupton. Motion carried (Page 2)
4. **Move to elect Dr. Jason McNamee as Coordinating Council Vice-Chair** (Page 2). Motion by Cheri Patterson; second by Megan Ware. Motion carried (Page 2).
5. **Move to fund the submitted ACCSP proposals as ranked in Average Ranking table of proposals with the exception of the Administrative Grant proposal. That the Leadership Team evaluate a detailed ACCSP Administrative Grant before approving the Administrative Grant. That the funds from savings be brought to the Leadership Team for tanking of priority then back to the Coordinating Council** (Page 12). Motion by Cheri Patterson; second by Mel Bell. Motion carried (Page 15).
6. **Move to adjourn** by consent (Page 18)

## ATTENDANCE

### Council Members

Bob Beal, ASMFC  
Megan Ware, ME, proxy for P. Keliher  
Cheri Patterson, NH  
Dan McKiernan, MA  
Jason McNamee, RI  
Greg Wojcik, CT, proxy for J. Davis  
Maureen Davidson, NY, proxy for J. Gilmore  
Joe Cimino, NJ (AA)  
Kris Kuhn, PA  
John Clark, DE  
Lynn Fegley, MD, proxy for B. Anderson (Chair)

Pat Geer, VA  
Dee Lupton, NC, proxy for S. Murphey  
Mel Bell, SC, proxy for P. Maier  
Doug Haymans, GA  
Derek Orner, NOAA  
Marty Gary, PRFC  
John Carmichael, SAFMC, Vice-Chair  
Brandon Muffley, MAFMC  
Sherry White, USFWS  
Richard Cody, NOAA

### Staff

Toni Kerns  
Kristen Anstead  
Max Appelman  
Lindsey Aubart  
Heather Konell  
Savannah Lewis  
Sarah Murray  
Joe Myers

Jennifer Ni  
Marisa Powell  
Mike Rinaldi  
Julie Defilippi Simpson  
Caitlin Starks  
Deke Tompkins  
Geoff White

### Guests

Joey Ballenger, SC DENR  
Alan Bianchi, NC DENR  
Jeff Brust, NJ DEP  
Barry Clifford, NOAA  
Heather Corbett, NJ DEP  
Nicole Lengyel Costa, RI DEM  
Jessica Daher, NJ Dep  
Monty Diehl  
Russell Dize  
Peter Fallon, Maine Stripers  
Dawn Franco, GA DNR  
Rick Frenzel, Black Tree Inc  
Lewis Gillingham, VMRC  
Angela Giuliano, MD DNR  
Matthew Heyl, NJ DEP

Raymond Kane, MA (GA)  
Phil Langley, Dameron, MD  
John Maniscalco, NYS DEC  
Stephanie McNerny, NC DENR  
Allison Murphy, NOAA  
Brian Neilan, NJ DEP  
Gerry O'Neill, CapeSeafoods  
Chris Piatek  
Chad Power, NJ DEP  
Story Reed, MA DMF  
Helen Takade-Heumacher, EDF  
Laura Versaggi, NJ DEP  
Beth Versak, MD DNR  
Chris Wright, NOAA  
Renee Zobel, NH F&G

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The Atlantic Coastal Cooperative Statistics Program Coordinating Council of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, October 22, 2020, and was called to order at 8:30 a.m. by Geoff White, followed by Chair Lynn Fegley.

### **WELCOME AND INTRODUCTION OF NEW MEMBERS**

MR. GEOFF WHITE: Welcome everybody this morning. I also wanted to welcome two new members. For Connecticut we now have Greg Wojcik on the Coordinating Council. Welcome, Greg. For NOAA we have Richard Cody, so welcome, Richard more officially to the Coordinating Council.

He's been with us many times before as a proxy, so thanks for being here. With that, I think we will turn this over to Lynn to get us started. I hope that in the updated materials you guys saw the revision to the agenda that we have of Chair and Vice-Chair a little bit higher, but Lynn, take it away.

### **CALL TO ORDER**

CHAIR LYNN FEGLEY: Thanks, Geoff, good morning everybody! Welcome to the Atlantic Coastal Cooperative Statistics Program Coordinating Council meeting, really appreciate you all being here today.

### **APPROVAL OF AGENDA**

CHAIR FEGLEY: We have a pretty full agenda. Today is the day that we're going to go through the proposals, and try to get those approved and out. But before we do that, I want to just ask if there is any opposition to a change to the agenda, which would put the election of Chair and Vice-Chair earlier in the agenda.

Do I have any opposition to that change? All right, I'm going to take that silence as none.

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### **APPROVAL OF MINUTES**

CHAIR FEGLEY: Then, the next order of business would be for us to approve the meeting minutes that are in your packet from the last meeting. Does anybody have any changes, additions, or edits to those minutes? If you do, raise your hand. Okay, and I just have to ask here. I'm assuming that somebody is looking at hand raised, and will tell me if there are hands raised.

MR. WHITE: Yes, Julie and I are watching that.

CHAIR FEGLEY: Okay, perfect, thank you. With my internet connection this morning, I just am not taking silence for granted. Okay, seeing no opposition to the minutes, we will consider those approved. That brings us to.

MR. WHITE: Excuse me, Lynn. Julie, can you move down into the slide presentation, please? We were still at the intro slide. There we go, perfect. Go ahead, Lynn.

MS. JULIE DEFILIPPI-SIMPSON: Sorry, I didn't do my job.

CHAIR FEGLEY: No, I think we're good. I think we have now successfully approved the meeting minutes and so the next item, we are going to do things a little bit differently this morning. I have actually had the pleasure of serving an extra year as your Chair. It's been just an amazing learning experience for me. I've really enjoyed working closely with Geoff and Julie and the ACCSP crew.

### **ELECTION OF COUNCIL CHAIR AND VICE-CHAIR**

CHAIR FEGLEY: But given it's the annual meeting, we thought we would go ahead and pass the torch during this meeting, and I will step away from the Chair for the remainder of today. But before we do that, we need to elect a Chair and Vice-Chair, and I think John Carmichael from the South Atlantic Fishery Management Council has been working as an excellent Vice-Chair. **I would**

**actually like to kick off this part of the agenda by making a motion to formally elect him as our Chair.** I suppose I need a second for that.

MS. DEE LUPTON: I'll second, this is Dee.

CHAIR FEGLEY: Thank you, Dee. Is there any opposition to electing John Carmichael as the Coordinating Council Chair? **Okay, well seeing none or hearing none, congratulations, John.** John is going to do an excellent job, and it's going to be, I think really beneficial to have his insight from all of the many happenings down in the South Atlantic brought to this Board. Then that with the next order of business, we need to elect a Vice-Chair, and at this point I would entertain a motion for Vice-Chair.

MS. CHERI PATTERSON: Lynn, this is Cheri. I would like to place a motion.

CHAIR FEGLEY: Please, go ahead.

**MS. PATTERSON: I would like to move to elect Jay McNamee as Vice-Chair for the Coordinating Council.**

CHAIR FEGLEY: Excellent, do we have a second?

MS. MEGAN WARE: This is Megan Ware, I'll second.

CHAIR FEGLEY: Thank you, Megan. **Is there any opposition to electing Jason McNamee as Vice-Chair of the Coordinating Council? I see no hands, awesome.** Okay, congratulations, Jay, that's awesome, thank you. I think we actually had a little breach of process. I think that was probably officially John's job to run that motion. But with that, John, are you there?

CHAIR JOHN CARMICHAEL: Yes, Lynn, I'm here. That's fine. I was really looking forward to taking over from you on this, and say for everyone, thanks for your leadership during what has been a really, I think pivotal period in ACCSP, seeing us through major changes in governance, and staff

leadership. Not to mention of course, putting in an extended term as our esteemed Chair. I really appreciate that. Jason, welcome aboard, and looking forward to working with you, and leading this Committee along through the next few years.

MS. FEGLEY: Thank you so much.

MR. WHITE: This is Geoff, I also wanted to pass on an appreciation, Lynn. You did a great job in not just the three years of service to ACCSP, and helping us grow personally as part of the Selection Committee was gone last year, your focus and attention to the issues and the needs of the program, and to provide guidance to myself, as picking up the Director, and Julie as Deputy Director.

I very, very much appreciate it. We have gotten a little more timely with updating the plaque that sits in the office, which we rarely visit at the moment. But we hope to see it more often. But with the deepest appreciation from the program partners of the Atlantic Coastal Cooperative Statistics Program, you are officially on the past Chair's board, so thank you and welcome, John.

MS. FEGLEY: Thank you so much.

CHAIR CARMICHAEL: Jeff and Julie, are we ready to then move on into our proposals?

#### **CONSIDER RECOMMENDATIONS FOR FY2021 SUBMITTED PROPOSALS**

MR. WHITE: We are. Julie has Ops and Advisors Submitted Proposals summary for us. She'll go to that and we'll get to some points about the Admin Grant that I will talk about and ask for merits from both sides. Go ahead, Julie.

MS. SIMPSON: Thank you, Geoff. Okay, so I'm going to start out with the average ranking of the maintenance proposals. In your materials we provided the advisor ranking, the operations ranking, and then the average ranking. Today I'm just going to be presenting the average ranking

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for the proposals. The columns that I have here are project name, and I just shortened the names a little bit, so that the slide is a little bit easier to read. But hopefully they'll demonstrate their appropriate projects. We have the partner in the next column, and then the cost of that project in the next column. The cumulative cost is just adding up as we go, to show us how much the maintenance project will cost, or the new projects on the next slide.

Then the amount remaining is from the 3.5 million option or the 3.35 million option. These are just the two sort of landmarks that we've been using in the past few years, to see approximately how much funding we will have left. I do want to note a couple of things about this slide. The first one is that in the past we've had discussions of a somewhat unknown NMFS fee. The NMFS fee is no longer unknown, it is a flat rate.

I think Bob may possibly have more details about how that came about. But it's a flat rate of approximately \$44,000.00 to the Northeast region, and there is no NMFS fee in the Southeast region. That is added into the Admin Grant, and it's taken off the top. The NMFS fee is already taken into account on this slide.

The other thing that I did want to note on this slide is that the New Jersey proposal is listed here at \$54,601, which is different than the \$63,146 that they have requested, which is part of the recommendations from operations that we'll get into later. As you can see there is no red here, so that means that all of the maintenance proposals can be funded. The maintenance carryover, what's left of the 75 percent for maintenance is brought down into the new proposals. These are the new proposals. As you can see, as we get into the line for PRFC, we do start to fall sort of funding. There are the whelk project and the economic fluke, black sea bass projects are not funded with the rankings as they stand at this time.

There are a couple of things that we wanted to point out about the ACCSP Admin Proposal. The first one is that there are two options, and Option 1 was recommended by the Operations and Advisory Committee. A couple of things about this is that this backfills the Data Team lead position. It also adds one software staff, which would reduce the contract support that is needed moving forward.

That is also, by adding the software staff increases the in-house ability to test and maintain mobile applications. Sort of the future outlook is that if approved, the staffing levels are expected to be stable moving into the future. We've had a current pulse where we've had a growth in our staff, and also the coastal data collection support.

That appears to be leveling off, so that we don't expect to have increases at this level in the future. We also do want to point out that we have been attempting to obtain external funds to help support some of the coastwide initiatives, so that we are not relying solely on the Admin Grant.

We're also trying to potentially separate some of the aspects of the ACCSP proposals for ranking, so that as opposed to being supported just by the Admin Grant, the initiative would be separated out as a separate proposal, and allowed to be approved that way. Before I move on to the recommendations from the Operations and Advisors, I'm going to pause. Geoff, did you have anything that you wanted to add to the Admin proposal slide at this point, before I move on?

MR. WHITE: Yes, thank you Julie, thanks for covering that. As Julie mentioned on this slide, it really backfills the Data Team's lead position, which Julie has been doing, well double dipping shall we say, since last summer. One of those staffing increases was a decision of the Selection Committee last year, to add a Deputy Director, which has been extremely helpful.

We were learning how that went, as to when to backfill the Data Team lead position. That is one

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aspect of the increase in the Admin proposal. The Data Team is now five people, six including Julie, so that is a big group to keep moving forward. But we have been able to move forward on a lot of initiatives there.

The balance point on software is really, the Option 1 and Option 2 we hadn't put forth before, and it was really to allow better transparency to the Coordinating Council and Operations and everyone about how much money is going out for contracts, and how much do we gain in-house ability to cross different projects to maintain mobile application listings move that way.

We've always taken on items like database management design, the API parts, all of that is in-house, the in-house activities for the online versions of eTRIPS and VTR, again primarily in-house, but the mobile apps are the pieces that we do rely on some external support for the development side, but we own that tote, and are able to distribute that to partners and the fishermen and the dealers with no additional cost. That helps steer the explanation of why this has gone up. I do see the trend and hear the concerns of how much the Admin Grant is going up.

We're working very hard to balance the overall workload and external commitments to the ability for staff to meet those timelines. This pulse of growth, it goes with increased electronic trip reporting in Mid-Atlantic, New England, South Atlantic and even the Gulf of Mexico effort is where we see a lot of them.

We've learned over the last year and a half a lot more about how much help that is providing a benefit to all partners across that, so we've been trying to find ways to get around it. I'll stop there and open to questions at this point. If we can move to the recommendations and open it up for questions a little later.

MS. SIMPSON: Geoff, we have Dee Lupton.

MS. LUPTON: I have a couple questions that goes back to what was just talked about, about the NMFS fee, the flat fee of \$44,000.00. Is that already baked into this proposal, or is that on top of it? Is it like Option 1, is it 2.2? Does that include the \$44,000.00, or is it 2.2 million plus the \$44,000.00?

MR. WHITE: That is plus the \$44,000.00, I believe is how the spreadsheet works out.

MS. LUPTON: Okay.

MR. WHITE: It was subtracted out of the slide that Julie showed with the total funding availability.

MS. LUPTON: Okay, I wasn't clear on how that was calculated. Did we have any cost savings from this year from the lack of travel that can be rolled over into the grant for next year, to maybe consider something else between Option 1 and Option 2, to help the ACCSP out with the extra workload, but not the full amount, because there is rollover? Then we can make decisions in the future about where the grant should be. Do you understand what I'm saying?

MR. WHITE: I do understand, and that's an excellent question. What I want to ask is, Julie, can you go forward two slides, please? I think it's useful to discuss this, even before we get to the recommendations of the Ops and Advisors. I think this may address some other questions as well. Yes, we do have some savings in a five-year grant.

Yes, we are thinking that that will roll forward. What that dollar value is at the moment, what we project forward, staff and contract expenditures through the end of February. We're looking at about \$220,000.00. This is the crux of the transparency in putting things in front of the Coordinating Council, and what to do with that. It could go to the Admin Grant, and we could reduce that, you know for one year, or because we have this one-year buildup, there is the option

to support additional proposals in this particular year, and address the Admin Grant and leave the Admin Grant listed almost the way it is. With that there is a proposal that was approved by the Coordinating Council last is the South Atlantic Council and North Carolina and SAFIS release application. That is running a little behind, and so moving that one forward about \$70,000.00 would be necessary.

The second line is an item about the New Jersey proposal. We have carryover funds to support New Jersey at the full \$63,000 that they requested. The Operations Committee in that approving it at the \$54,000 of the max Year 6 had a nod to the process, and adding it back in here is a nod to supporting partners.

Then the next two items are a little bit unknown today, and that is would the Coordinating Council recommend supporting all of the maintenance in new proposals. This is if we were to assume, we'll know a little bit later, but I think the 3.5 level, is pretty close. At 150K that would support all of the new proposals, so that adds in, I want to name them correctly, so let me look at this real briefly.

The research fleet for channeled whelk in Rhode Island, as well as the Economic Efficiency Assessment, so fluke or black sea bass put in by Rhode Island. That reducing Admin Grant for one-year answers it, or providing the funds to partner project is a different approach. Of course, we have put in a proposal for the SAFIS helpdesk to NFWF, and that decision won't be made for another two weeks.

We've certainly tried to find ways to support the activities important to the partners, both within the Admin Grant and outside of that where we can't. Then the last bullet there is really the need to get direction from the Coordinating Council today, and if there are more detailed budget numbers after today, and after NFWF has been provided feedback, we convene the ACCSP

Leadership Team to work on that together. Answer your question?

MS. LUPTON: Yes, I think it helps. I might have some follow up, once we talk about all the grants together.

MR. WHITE: Okay, thank you. Cheri, I see your hand.

MS. CHERI PATTERSON: I'm sorry, did you call my name?

MR. WHITE: I did, I saw your hand up.

MS. PATTERSON: Yes, I have some questions, thank you. The first one is, did the Leadership Team go over the Admin budget in detail, which is something that we had asked for a couple years ago or last year, I can't remember? You can't present to the Ops Committee and the Advisors Committee a detailed budget, so we had requested that that be conducted with the Leadership Team before it gets put forth for a vote. There is the first question.

MR. WHITE: It was not. At the moment I don't recall that, so I apologize if we missed out on that. The Leadership Team did talk about a grant scrub last annual meeting, and did meet in December and January about how to spend some of that, and provided direction that we followed, in terms of SAFIS helpdesk and some data warehouse changes, which we are in the midst of supporting. The Leadership Team provided guidance to us on how to spend some of that, but I did not pull them together to go over the Admin Grant proposal prior to submitting it.

MS. PATTERSON: Okay, that is something that we had requested in the past.

MR. WHITE: We will bring that forward and make sure it happens now.

MS. PATTERSON: Also, I would like to ask a question of New Jersey, in regards to whether

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they would be able to still fulfill their maintenance proposal objectives with \$9,000.00 less if we move forward with this. I presume that the \$9,000.00 less has to do with the reduction in funds over time, and if they exceeded that cap, is that correct?

MR. JOE CIMINO: Well yes, I guess Geoff can correct me if I'm wrong, but right that \$9,000.00 is above our reduction. Cheri, and apologies, Mr. Chair for just jumping in. We've moved all funds towards a staff position, and it would be an awkward situation to not fund this staffing position for the year. Fortunately, the timing of the year runs us into 2022, where we hope to be able to put this on an FTE again. Does that answer your question, Cheri?

MS. PATTERSON: Yes, thank you, Joe. Okay, I'll reserve further questions until later, thanks.

MR. WHITE: Julie, can you go up one slide? I think we're ready for the Ops and Advisors recommendations.

MS. KATHY KNOWLTON: Hey Geoff, can I ask a question first?

MR. WHITE: Oh yes, I'm sorry I didn't see your hand.

MS. KNOWLTON: That's okay, it actually looks like Doug's hand. Can you please explain a little bit more about the extension with the Release Application? I am helping with that project, and I thought we just had an extension for the no cost extension, so I don't understand the 70,000K, thank you, and good morning, by the way.

MR. WHITE: Good morning, Kathy. That project was funded wholly through the ACCSP, so it was that added on to last year's Admin Grant. As a pre-agency proposal, there was a piece for the South Atlantic for some staffing, there was a piece to North Carolina for some staffing. There was a piece that stayed with ACCSP to support meetings and app development through a contract.

Because we haven't been able to hold the meetings yet, and therefore start the application development, that money exists in the current budget, but they are not going to be able to spend that before February of 2021. In effect that piece would be a no cost extension, it will be letting that project run beyond February, to complete using funds that were already approved.

MS. KNOWLTON: Okay, thank you.

MR. WHITE: Other questions before Julie gets to present the recommendations for Ops and Advisors? I see none. Go ahead, Julie.

#### **RECOMMENDATIONS FROM THE OPERATIONS AND ADVISORY COMMITTEE**

MS. SIMPSON: Okay, so the recommendations from the Operations and Advisory Committee, they are broken down into the maintenance and new proposals. The first one under maintenance was the recommendation that the New Jersey proposal being funded at the \$54,601 instead of the requested \$63,146.

A vote was taken on this and it passed, 22 approved, 1 against, no abstentions. There was also a motion that the Admin Grant was to be recommended to be funded with Option 1. That passed with 22 approvals, 0 against, and 1 abstention. Then there was consensus that all the remaining maintenance funds should be rolled over into the new proposal category.

For the new proposals they recommended that the first three ranked proposals as by consensus be fully funded. They moved that the Potomac River Fisheries Commission proposal be funded fully, to the extent possible with the available funds, and that passed the vote 22 approved, 1 against, and no abstentions.

Then there was a final consensus recommendation that any additional remaining funds be utilized according to the average

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rankings for new proposals. I also believe that Nicole Lengyel is on the line, and she is the Chair of the Operations Committee. If there are any questions, she is also available to answer them. Okay, Mr. Chair, I'm not seeing any hands. I was just going to tell Mr. Chair that Bob has raised his hand.

CHAIR CARMICHAEL: Okay, go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: All right thanks, John. John, I don't know if this is the right time or not. But I just wanted to sort of bring up some thoughts on sort of funding overall for ACCSP. It's not really relative to these specific proposals or the Admin Grant or everything, just kind of across the board thoughts and observations. I don't know if now is a good time to do that, or if you want to have some discussion about the specific proposals first. It's up to you.

CHAIR CARMICHAEL: I think that given there has been some concerns raised about funding and the Admin component in particular. I think if folks think they would benefit from this, it might be helpful, Bob.

EXECUTIVE DIRECTOR BEAL: Okay, well I'll start going. If I talk too much let me know. Like I said, I just have some general overall concerns about budgets and funding within ACCSP, and not being critical of anyone or anything. It's just the program is growing, the funding has been relatively fixed at 3.5 million for, I don't even know how long, 10, 15 years.

Everything we do is kind of a zero-sum game, so everything is sort of tradeoffs, and if we put money in this area it comes out of that area type thing. You know we've got a number of potentially high cost items on the horizon, and some big coastwide initiatives that Geoff's talked about. You know I just worry about; you know when we look at the big sort of holistic picture, can we afford everything? What does a budget look like in the out years in particular? As Geoff said, we'll be able to cover a lot of things this

year, due to the \$220,000 rollover that was unspent from earlier in the five-year grant. But as Geoff noted, you know the Admin Grant is going up this year, it's proposed to go up this year by about \$200,000 with two new staffers. It went up last year about \$200,000 also.

In the last two years, and I think they've picked up a couple staffers, and so that grant has gone up about \$400K essentially, you know if approved now, in the last two years, which is a big jump. I'm not saying they don't need the staff. ACCSP can definitely use the staff and keep people busy, so it's not critical of that, there is just a lot of work that needs to be done.

We can afford things this year because Maine withdrew their \$300,000 plus valid proposal. If that was in the mix right now this would be a much more difficult conversation today, trying to figure out priorities and how we move things around. Looking at coastwide initiatives that ACCSP has absorbed a lot of the work for.

In GARFO in the Mid-Atlantic and northeast, the commercial trips are coming online, and that's a few thousand boats. We've got the SEAFIRE For-hire vessels in the southeast that are coming online, I think January 4, and that is going to be another few thousand vessels. You know we've got; I don't know 6,000 or so federal permit holders that are coming online, and ACCSP is sort of absorbing that.

Those are initiatives which are completely consistent with the direction of ACCSP and the priorities of ACCSP, but they came out of a couple of the partners, and they are putting a big burden on the system. You know as Geoff noted, we need about \$280,000 for the SAFIS helpdesk to have someone available to help all these thousands of new permit holders, kind of know how to navigate all the apps and get up to speed.

That sort of, you know I think those are kind of the holistic discussions and visions we need to have, sort of as different programs come online

they are kind of almost unfunded mandates. How do we continue to absorb those type of changes? Can we do that? Skipping ahead a few slides, not to be the spoiler alert here, but the Ops Committee recommended potentially extending the maintenance funding for another year.

I think six projects are 2021 would be their last year of funding for maintenance projects with the current sort of downward trajectory they are funding, and the Ops Committee saying, well due to COVID and a number of other things, should we extend those moving forward? Again, these are all important projects, but I think kind of a holistic look at this is probably worthwhile.

I get worried that to ACCSPs credit, I think, you know they are trying to be everything to everybody, and that is a really hard thing to do. The program has grown and there are all these different super complex data programs that are online, and all the different partners have sort of unique needs and wants, and customization of a lot of different things, and it's pretty hard.

You know again, we can afford everything this year, but I get really nervous in the out years with some of these commitments. I don't want to commit money to hiring staff, if down the road we don't have money to keep them on. That is kind of the worst-case scenario. If Maine comes after the big proposal, we've got potentially the maintenance rollovers, we've got different additional staffers online, we've got a number of these coastwide initiatives that are online. The 3.5 million gets spread really thin really quick.

Do we need to help out the ACCSP staff by prioritizing some of the projects that they have, and being realistic about what we can get done on the timeline that we can get it done? The other big thing that is sort of hanging over all of us, I think, is no one knows what the federal budget and all the individual state budgets and partner budgets are going to look like in the future.

You know we have more money going to Admin projects. That's less money that is available for new projects or maintenance projects at the state level. That is that zero-sum game thing. It's a really difficult decision. Is it better to put more staff on to help out all the partners, because staff can be obviously spread out to help all 23 of us?

That comes at the expense of less dollars available for individual projects and state priorities, and partner priorities through new projects and maintenance projects. Again, John, it's kind of a rambling point. But I just get nervous about future funding, and if we're going to be fixed at 3.5 million generally, what is the best way to prioritize and make sure the staff is staying generally sane, and we're not running down into the ground.

But we're meeting as many high priority partner-needs as possible. Hopefully I made sense, but I just get a little bit nervous about out-year funding for this program. This year we can afford it, but even with the, or if we didn't have that 220K, we would be really tight right now. We would only be funding, I think it's four new projects this year, because a lot of money is going towards the maintenance projects and staffing and that sort, or Admin Grant, which isn't just staffing. That's it, John, happy to answer questions, but just my general nervousness about future funding.

CHAIR CARMICHAEL: All right, yes. Thank you, Bob. I think it's good to bring some of those issues to the forefront. I certainly share some of the concerns about the long time, whether it's going to be the impact of COVID on budgets. We know that fixed expenses of salaries and travel and all that tend to continue to increase due to inflation, which we all experience when we're dealing with this zero-sum budget, as you mentioned.

I also think it's good you point out the issue of Maine essentially it was a bi-year, they are still in idle to X number of years of funding under our current program, which could have an impact on

what we have in abilities to meet the future maintenance program. I thought for a while that the next stage of this funding change.

You know now that we've slowly weaned away some of the longstanding projects, and we've put in these new time limits, is to look at that and think about what it means long term, as you're bringing in potentially 25 percent new a year, and trying to maintain a suite of other programs over a period of years.

You know, just to make sure that the numbers and the math works out, so that it's a compatible system, and we will have the money that we think. I think once projects get funded and have been funded a couple years and they're performing, and they sort of have an expectation. We've laid out what they can expect to receive in funding, and if they have some long-term plans, they are probably going to take advantage of that, and actually set their plans up to meet the funding they anticipate.

If I recall, we potentially have, I know there have been various funding committees and stuff. But I think maybe we're at a point of needing to have perhaps the leadership team, and meet with this funding committee, and just take a bit of a longer-term view of the funding, particularly under a likely fixed-grant scenario, and think about what it does look like down the road. Perhaps come up with some ways of dealing with things as mentioned, the helpdesk scenario and the unfunded mandate.

You know knowing that is coming from the South Atlantic region, but I don't think that is something that necessarily, if there is no funding coming from NMFS to help support that, and no outside funding becomes available. You know I agree, it's a real challenge to put that on the overall coastwide program. I think things like that have to be factored in, and we do need a long-term view. With that I'll go, I see there are a number of hands raised, so I'll just go down the list and Cheri.

MS. PATTERSON: You know I share Bob's concerns, which is the whole reason why I asked whether the ACCSP budget was put forward to the Leadership Team first, because they need to be the team to be able to do a deeper dive with information that is confidential outside of that forum.

While it may look like there is money to do the sort of funding this year, as Bob kind of intimated. I feel that we need to be conservative. I'm not so much a conservative person, but when it comes to ACCSP and the funding needs, I have a tendency to lean towards more conservatism, and not necessarily bringing staff on, but having contracts, so that things can be addressed through a contract.

Then when it is no longer needed, it as Bob said, you don't have to get rid of somebody. I think also that if there are these unfunded mandates, like the SAFIS helpdesk and such. When Councils or NOAA Fisheries, states do present these sorts of mandates to the industry, that they need to be thinking about the support system that is needed, and that those need to be presented as proposals, to help ACCSP with these sorts of mandates. When you're ready I can start out with a motion, but I presume that you're going to have other people to have questions. Thanks.

CHAIR CARMICHAEL: Yes, Cheri, thanks. Yes, there are few more hands, so let's go through those, and then I'll come back to you for that. Jay.

DR. JASON McNAMEE: Thinking about what Bob said and then what Cheri just said. Jumping back to Bob. That is fairly terrifying. I definitely understand everything Bob said. I care about those things. For me, though it feels a bit abstract, like they don't know exactly what we mean. I don't know what the tradeoffs are. I guess what I was wondering is, if there is a way to kind of think through these tradeoffs, like what happens if we invest in the helpdesk, which seems like critical infrastructure at this point?

These minutes are draft and subject to approval by the  
Atlantic Coastal Cooperative Statistics Program Coordinating Council.  
The Council will review the minutes during its next meeting.

What do we lose? Is it from the proposal funding? Can it be made up somewhere else? I guess, I think this is a really important discussion. I just feel like I need a little bit more to be able to make some positive decisions on it. I'm not sure how that happens, if it's at a follow up meeting or whatever, but I would be interested in looking at that and thinking through these types of tradeoffs, looking forward into the future a bit, seeing what's coming down the pike, and what that would likely cost.

Then thinking about what's in front of us, and accounting for it. The pie is only so big. I totally appreciate that. Then I guess, just because it's come up a couple times, or actually no, I think it's going to come up later in the meeting, so I will just park that thought, Mr. Chair and leave my comments where they are.

CHAIR CARMICHAEL: All right thanks, and next up is Megan.

MS. WARE: Good morning everyone. I think like Jay, what I'm hearing is that we have some both short term and long-term tradeoffs here that we need to be thinking about. I guess I'm kind of struggling just to figure out what those tradeoffs are. It sounds like it's an increase in the Admin Proposal versus maybe other priorities, or proposals from the other states.

I think my question is, is there time to kind of take a pause on the vote? I assume there was supposed to be a vote today for the Admin Grant, and kind of spend some time going through this more thoroughly, with maybe a more holistic and long-term view in mind? I know Cheri has brought up the ACCSP Leadership Team which could do this.

I also think the Commission's Executive Committee does this type of work. I think there are some existing bodies that maybe could bring this back in February, if there is time to do that and if that is appropriate. Although it's been mentioned a couple times about Maine's proposal

and how we paused it for the harvester reporting, and we did this really as a direct result of COVID.

You know as a department we're now looking at pretty significant budget reductions, instead of being able to go to the legislature, like we had hoped to get additional funding for that 100 percent harvester reporting. You know we couldn't really in good conscience ask for that ACCSP money.

When we think we're probably looking at a one-year delay for implementation of that hundred percent harvester reporting, if that is any indication of what other states and other agencies are going to be facing in the future because of COVID. I think that's something we need to be thinking about as we think more holistically and long term about the ACCSP priorities.

CHAIR CARMICHAEL: All right, thank you, Megan, then Geoff is up next, and I think Geoff it may be good if you do clarify some sort of the time concerns and what we need to do now. My expectation is, we do need to approve the overall budget situation. We may have some clarification we'll need to do down the road on the Admin component.

But I think to keep project funding on track we need to deal with at least the big picture budget. Perhaps we can approve it with some allowance for potentially further evaluation and clarification of the Admin component, as well as you know starting to take this longer-term view, and respect what Cheri said about being conservative. Knowing that some things are going to come back on next year, such as the Maine proposal, which were delayed due to COVID, but that was a highly ranked proposal, and there are additional years of funding available to that. I see Geoff you put your hand down, maybe you'll wrap it up at the end. But next up is Lynn.

MR. WHITE: Actually, I think Julie just got ahead of lowering my hand, because I was ready to talk.

CHAIR CARMICHAEL: All right, well go ahead, Geoff.

MR. WHITE: Thank you for the lead in. I agree, John, and everyone that movement on the overall proposals is strictly necessary today. Waiting until December or February, doesn't leave enough time for us to inform NOAA how to direct those funds directly out to partners, and actually with an intended start date of March 1.

Movement on the maintenance and as many new projects can be funded today would be preferred. She will address a couple of things about the tradeoffs. Really big picture there are kind of two that come to mind. One is the difference between ranked partner projects and kind of the Admin Grant central support.

The more Admin goes up the less is available to partners overall. No big, bright new idea there. The other is of course what Cheri and Bob and others have raised is this balance between staff and contracts. We've utilized contractors really well for pulses of activity, and tried to bring on staff where we needed long-term support and in-house ownership of skills and process.

That can be teased out a little further. The helpdesk in a lot of the discussion today, was kind of the unfunded mandate, and I want to at least clarify that that was historically offered as a, we have a helpdesk, it's free to partners, and it's 24/7. We got no positive feedback for that, but myself and others have I think tried to absorb that within what the Admin Grant can do.

That is why it was presented as a potential split out as a different ranked proposal, because it really benefits everyone, it's not just an internal item. It also comes in waves, so 2021, 6000 new fishermen as Bob raised already, and we've been tracking. It is a pulse of a learning curve, that's why we think that is going to be a higher dollar value in 2021 than in other years.

Those are some of the tradeoffs in the balances. I think overall there is enough in the ACCSP 3.5 approach to take a guiding direction on the maintenance, and at least the ranking new proposals. I would certainly like to work with the leadership team in November or the first week of December, to pull together and delve into how much the Admin Grant actually is and should be, and how much of the additional proposals might be the best way to go for 2021.

CHAIR CARMICHAEL: All right, thanks, Geoff. Lynn.

MS. FEGLEY: Yes, thank you, Mr. Chair. Just really quick in the interest of time. I think Geoff did a good job of really identifying those tradeoffs, the two being the partner projects versus the Admin Grant, and the staff versus contract. The third one, which is harder, I think is the cost of a project, whether it be from a state or from the Admin Grant versus the long-term gain, in terms of data quality and robustness. I think that is one of the places where maybe a little more attention in the long view could be paid. I'm just going to leave it right there.

CHAIR CARMICHAEL: I think that is a good point. I think we've heard a number of things here that point us toward needing to take stock of where some of this is going in the long term, and I think everyone recognizes that increased Admin means less available to more projects, and we all recognize the strength of those projects to all the partners, and to the program.

That is a big part that I believe has made ACCSP so successful. I appreciate everyone's concern, and I think it is because everyone does feel strongly about this program, and keeping it viable and doing the best it can with what have been fixed and very limited resources overall, for a number of years. Cheri, you mentioned potentially a motion, so I'll go back to you and see if you are ready to suggest something.

MS. PATTERSON: Sure, I'll start out the gate. **I would like to make the motion to fund the submitted ACCSP proposals as ranked in the Average Ranking table of proposals, with the exception of the Administrative Grant proposal. That the Leadership Team evaluate a detailed ACCSP Admin Grant before approving the Admin Grant, and that the funds from savings be brought to the Leadership Team for ranking of priority, then back to the Coordinating Council.**

CHAIR CARMICHAEL: I'll give staff a minute. I presume we'll put this up on the screen, and they're coming.

MR. WHITE: That was prepared earlier, and so Julie is going to edit that in.

MS. PATTERSON: Yes, I'm sending it to Julie by e-mail too.

MR. WHITE: Perfect, thank you.

MS. SIMPSON: Thank you Cheri, that was a long one.

CHAIR CARMICHAEL: This is a pretty important motion, so I think it's worth taking a moment and getting the wording up there so we can be sure that it is what Cheri intended, and then we'll ask for a second.

MS. SIMPSON: Cheri, does that look good?

MS. PATTERSON: Second to the last line, instead of Admin, if you could just put Administrative Grant. Then with the exception of the very first sentence, that should be Administrative Grant instead of Administration Grant. Yes, that is good for now. Thank you.

CHAIR CARMICHAEL: Okay Cheri, and so then as I read this the Leadership Team would be empowered by the group to sign off on the Administrative Grant, and then we would be reporting back about what funds there are additionally, and rank them for being used to

apply to the various other needs. That would come back to the Coordinating Council, I assume at the next meeting.

MS. PATTERSON: Correct.

CHAIR CARMICHAEL: All right, well thank you very much. Is there a second?

MR. MEL BELL: Second.

CHAIR CARMICHAEL: Thank you, Mel, Mr. Bell. Any discussion on the motion? All right we have a few hands going up, so let me start with Bob.

EXECUTIVE DIRECTOR BEAL: Yes, I support the motion. I think you know part of the Leadership Team's job also I would think, and we don't need to put it in a motion, is sort of the longer-term view of is there a financial bottleneck coming for ACCSP, and how big of a deal is it? Some of it is unpredictable, with state budgets and federal budgets.

But just kind of what we know is in the pipeline right now, how worried do we need to be about the future, I guess is the question. You guys, I've made it clear I'm a bit concerned. I think it is worth sort of mapping out the next two years, three years, five years, whatever it may be, just kind of thinking through the funding here. Then mechanically, you know we may, I'll need to work with Laura and Geoff, but we may need to go ahead and sort of seek all the money due to the Administrative Grant.

Some of that kind of comes to ASMFC and gets parked here, and then it's not spent really until the Leadership Team signs off on it. Money may be moved a little bit differently, but the intent is Leadership Team will call the shots on the Admin Grant, and we'll bring that back to the Coordinating Council for an update in the future, if that works for everybody.

CHAIR CARMICHAEL: Yes, Bob, thanks, and I do believe I agree it would be good to park it over at

the ACCSP account, and then that gives us flexibility for how we deal with it. Jay, you're up next.

DR. McNAMEE: I think Bob just helped me out a little bit there. I just wanted to clarify. I think generally the second half of the motion. Mechanically the way this would work is we have a ranking; you know the assumed funding levels. You know it looks like a couple of the proposals won't get funded.

Then we're going to look at the Admin Grant, and if there is any remainder does it automatically go back to that ranking, or does that become now just a new discussion? I guess I'm wondering what happens to the new proposals that fell below the line in this procedurally?

CHAIR CARMICHAEL: My read on it is it would be a new ranking, you know in terms of not just those proposals, but are there other things of some of the other things that had been discussed about being funded. I would presume that if the money goes toward the new proposals, the group would have to consider is there enough to fully fund, say the next new proposal on the list? But I presume we would look at that in terms of the ranking order, as they have been provided.

DR. McNAMEE: Okay, thank you Mr. Chair, that helped.

CHAIR CARMICHAEL: Megan, you're next.

MS. WARE: I'm sorry I don't know this, but I was wondering who or what is the Leadership Team, and what is that comprised of? I'm familiar with the Commission's Executive Committee, but not the ACCSP Leadership Team.

CHAIR CARMICHAEL: Geoff, do you know? I know it's a combination of Chair, Vice-Chair, past Chairs. I think Bob. Geoff, can you flush that out for us, please?

MR. WHITE: You pretty much nailed it. The Leadership Team is the old ACCSP Executive Committee, and so there is an analog of the Commission's Executive Committee, there are six a bit more focused. Do you want the current membership names? I would have to actually look it up, to make sure I didn't miss anyone.

CHAIR CARMICHAEL: Is that good, Megan?

MS. WARE: Yes, I mean I don't need specific names, but it sounds like it would be like state agency representatives, I don't know if Bob Beal is on there.

MR. WHITE: Bob is there, it's about six or seven people.

MS. WARE: Okay, thank you.

CHAIR CARMICHAEL: Brandon.

MR. BRANDON MUFFLEY: I think my questions were answered, they were similar to Jay's. I support everything up to the last sentence. The last sentence still isn't a hundred percent clear to me, because in terms of the potential savings, depending upon what the Leadership finds, in terms of how to handle the Administrative Grant.

It's not 100 percent clear to me what happens then, because it was my understanding that states needed to be notified, NMFS needed to be notified, like soon. Essentially, in regards to how those funds were going to be allocated, and if there are additional funds and we're going to fund other projects that are on the list, and not approve that until February through the Coordinating Council.

Something seems off, unless I'm missing, or if we're just trying to understand what savings we could potentially find, keep that as part of the sort of rollover or \$220,000.00 that are currently available, and figure out sort of a longer-term strategy with additional savings. Some additional clarity would be helpful to me, in terms of what



that last sentence really means, in terms of how we're going to deal with savings that may be found.

CHAIR CARMICHAEL: Thanks, Brandon, and I'll sort of try to give my perspective, and then make sure Cheri agrees with that. What I think is the possibility that if there are some funds available in the Administrative Grant. If the team either goes with what's been proposed, or one of the other alternatives, there may be some funds that are available from the Administrative Grant total, and then those would be directed back towards projects.

It potentially affects projects which aren't funded now, which don't make the cut under the full Administrative Grant as it is penciled in. You consider that a starting point. All of those other projects and the maintenance projects and others, this allows them to proceed and receive their funding as planned on the regular schedule.

The question would be then for any of those new projects that are on the list. Depending on how much time it takes us to work through this, they may have a delay in their funding. I guess I'm optimistic, based on what Bob said, as long as the funding gets transferred from NMFS over to ASMFC and ACCSP.

Then I would think the transfer out to one of those projects could likely happen, you know in March as more or less planned, assuming we resolve all of this at our next meeting in February. I guess either Bob or Cheri, if you want to jump in. If Maureen will indulge us to at least clarify this point.

MS. MAUREEN DAVIS: Yes, go ahead.

MS. PATTERSON: Yes, I could jump in. You know the last sentence not only just referred to the Admin Grant, if there is any savings to be realized there. Typically, that gets rolled right into the proposed projects. But there is also \$220,000.00 of savings from the COVID scenario, and there

was a list that was presented to us in one of those slides as to how those funds could be used.

One of them for example, being to help make up for the \$9,000.00 for New Jersey's proposal, until they can get their feet on the ground for the next fiscal year and such. Yes, thank you for bringing those up. These are the sort of support options that would be considered under those additional savings.

CHAIR CARMICHAEL: I think we're saying savings means in this case any potential Admin Grant adjustments, as well as the carryover pot.

MS. PATTERSON: Correct.

MR. WHITE: Mr. Chair, this is Geoff, just a very slight clarification about New Jersey. That is a staff member hired through ASMFC, and so those funds actually stay at ASMFC, and it's not a transfer to New Jersey. Those funds functionally are a little easier to support their staff member.

CHAIR CARMICHAEL: Maureen, thank you for your patience.

MS. DAVIDSON: Thank you. Actually, Brandon's question was very close to what I had wanted to ask. Everything that's in the motion, the funding, the maintenance and new projects, and then having the Leadership look at any remaining funds. I was going to ask, was all that going to take place before the projects would be funded in the spring of next year? By then I understand that there might be some projects that might receive funding later, because we had to evaluate any of the remaining money after stuff is funded initially. Did I read that correctly?

CHAIR CARMICHAEL: Yes, that's the way I read it, yes.

MS. DAVIDSON: Thank you.

CHAIR CARMICHAEL: Cheri, more to add?

MS. PATTERSON: No, I think I'm fine.

CHAIR CARMICHAEL: Joe.

MR. CIMINO: Was that Joe, Mr. Chair, sorry? Between Cheri and Geoff, they took care of everything I had to ask or put in. Thank you so much.

CHAIR CARMICHAEL: I see no further hands, and I think we have clarified a few points about what savings mean, and the timing this allows the majority of the grants that have been identified as being able to be funded, and as they're ranked by the group, to go forward and keep most everything on track, and then take a closer look at potential additional funding, either from Admin or the carryover.

Then we would try to do this Leadership Team meeting quickly, as Geoff mentioned, November/December, and have something for the Council in February. Seeing no further hands, I think we are ready to call the question. Geoff or Julie, do you want to say have everybody raise their hands and vote on this? You know we'll call the Ayes and call the Nays, and let you call them out, so we make sure all the votes are clear?

MR. WHITE: Yes, the intention, the way the rest of the week has gone is to have folks just raise their hands and we'll count the hands. I think that will be quicker, and it's certainly useful, instead of going with a typical roll call vote.

CHAIR CARMICHAEL: All right, so all of those in favor please signify by raising your hand.

MS. SIMPSON: Okay, I have Cheri, Joe Cimino, John Carmichael, John Clark, Chris Coons, Bob Beal, Dan McKiernan, Dee Lupton, Derek Orner, Jason McNamee, Lynn Fegley, Martin Gary, Megan Ware, Mel Bell, Sherry White, Brandon Muffley, Doug Haymans, Greg Wojcik, Lewis Gillingham, Maureen Davidson. Is there anyone that I've missed?

CHAIR CARMICHAEL: Hearing none, so Julie, you go ahead and let me know when your hands are lowered, and we'll call those opposed.

MR. WHITE: I believe that was 18 for.

MS. SIMPSON: That's what I got. All hands are down.

CHAIR CARMICHAEL: Those opposed, please signify by raising your hand.

MS. SIMPSON: I see no hands.

CHAIR CARMICHAEL: Okay, thank you. Any abstentions, please signify by raising your hand.

MS. SIMPSON: I see no hands.

CHAIR CARMICHAEL: **All right, thank you, so the motion carries.** We are at the limit of our time. I guess I'll turn to Geoff or Bob. This gets us through some of the most important business we really needed to take care of today. Are we okay to go a little over, or should we allow the Committee and Program Updates to stand as submitted, and let people review them on their own time, or can we maybe take a few minutes and let Geoff note any highlights that are really critical?

EXECUTIVE DIRECTOR BEAL: You know if Geoff wants to go over it and Julie, hit the highlights. I think it's okay to go a little bit long. You know the Business Session doesn't actually start until 10:00, so we've got a little bit of cushion built in.

CHAIR CARMICHAEL: Okay, thanks Bob, that sounds great. Geoff and Julie, if you want to try to forge on through the highlights in the next say ten minutes, so everybody has a few minutes to transfer, that would be great.

#### **COMMITTEE AND PROGRAM UPDATES**

MR. WHITE: No problem, I think we can absolutely get this done in five to seven minutes

here. We did rely on the written package for most things. Some of the meaningful items we did cull out here, and we've included some staff as a connection for the work product that they've been able to take care of so far. Julie will cover our Committee highlights?

MS. SIMPSON: Absolutely, thank you, Geoff. For the first Committee highlight is we have the biological resilience project, which has been going on for over six years. It was initially headed up by Richard Cody, and then when he switched positions, it was revitalized by Michael Errigo from the South Atlantic Council. Heather Konell is our staff member for this Committee, so here picture as well as Mike's are up there, because they've invested a huge amount of time in this.

The goal for this project was to provide a quantitative method for scoring resilience on the matrix, as opposed to the qualitative methods that had previously been used. The spreadsheets that Mike ended up sort of massaging after Richard left is the Resilience Factor Spread Sheet, and what it does is it takes productivity and susceptibility attributes.

Those are scored, and then that provides an overall vulnerability score, and that vulnerability score is translated into the scale that is used for the resilience score on the matrix. The reason that this is such a huge project is one, it moves the matrix into a more quantitative state. It also has been a project that the Committee believed in, and put in a lot of time. While Mike and Heather garner the most recognition, all of the Committee members really put in a lot of time on this. There were 15 small group meetings, and 8 full Committee meetings that the group had to finalize this.

These new quantitative resiliency scores will be used in the matrix that is created in January 2021, and will be in the FY2022 and 2023 RFP. The other Committee highlight was the remaining recommendation from Ops and Advisors. This recommendation was alluded to by Bob earlier,

and this is a recommendation that the Coordinating Council discussed, maybe not today, maybe that may not work.

But, also provide guidance for direction to the Funding Subcommittee on budgetary issues that partner to just consider the budgetary issues due to COVID at the partner agencies. These are the list of the seven projects that would no longer be eligible this year for maintenance funding. The at-sea head boat sampling, I just want to note is no longer been proposed. They did not propose this year.

There are six proposals from this year's maintenance that are set to expire and not be eligible for next year, and the Ops and Advisors wanted to consider that the Funding Committee potentially offer a one-year extension to that. That concludes my committee highlights, so if there is any discussion or questions, we can entertain those now.

CHAIR CARMICHAEL: All right, thank you, Julie.

MR. WHITE: I think this can be handled either at the next meeting, so if we don't mind moving forward to report on our activity status. The first slide there is again another point on the budget. This is identified in the written one, so let's move forward to the next slide. I did want to highlight that two external projects were funded, and the NFWF one is in review, so again we can move forward from this one.

I will take a moment and pause on the external coordination. We have been having monthly meetings with GARFO that really has been fantastic in the technical improvements, the alignment on data sharing initiatives. Really the One Stop Reporting we're getting GARFO and SERO and Southeast Fisheries Science Center and ACCSP and HMS on this on occasion, and aligning those tools.

Last time I had left HMS out of this, and intended to have them on. We do a lot of work with HMS,

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The Council will review the minutes during its next meeting.

both in these other meetings and directly, to support their dealer and fishermen reporting tools. We very much appreciate the fiscal, as well as direct show of support from HMS as we go forward.

The other one that had a lot of activity in between last Coordinating Council meeting and now is kind of weekly meetings on the lobster reporting requirements, again, here highlighted this during the Lobster Board meeting, and that has been a lot of work for Julie, and a lot of the state partners to align those data needs with upcoming tools for data collection for 2021. Very excited about how that process has been going. The data warehouse, these really were not in the list. The Data Team are identified below, which is from left to right, Jennifer Ni, Joe Myers, Heather Konell, Mike Rinaldi, and our newest member, Lindsey Aubart. They got the full data load out on time.

Lindsey is really bringing some staff time focus to the biological module development, being able to not just update the technical part, but prepare for next year's populating that biological module further, and getting that out of the website for the query. Mike has been really helping out with some spatial work.

The beauty of that spatial work and the trends is really that by pointing a finger and saying, yes, I was about in this area, it may be able to innovate a collection tool suffice for five or six different questions. That kind of data entry efficiency and tools, not just the presentation, but for data entry are really amazing to be able to approve the applications in the field and the efficiency out that way.

Again, with all the data warehouse redesign, all the transformation of work being done in SAFIS, it becomes something that kind of needs to pass on to the separate data warehouse, and find user friendly ways to access it. That's why there was FIS money approved, to improve that next year. As is kind of normal in IT, it takes a fair amount of complexity behind the scenes, to make it look and

function simply to end users, so thank you to the Data Team.

When it comes to FISMA we've completed the technical things. We completed the authority to connect, we've completed our first quarterly report, and really coordinating some neat data paths to federal partners. Ed is our IT Manager, and has led that charge, and really an appreciation for all the federal partners, as we have been able to move this forward.

On the recreational side, we've been presenting and participating in the National Academy of Science reviews on the MRIP freeze with recreational fisheries with ACLs. We've been working with the states and MRIP on the increased funding for APAIS sampling, and of course getting ready for 2021.

On the outreach front, Marisa has been doing a fantastic job integrating our communications with strategy with that of ASMFC, and making changes to the website. There were technical challenges to the website to do the Calendar and the Projects, and catching up on some areas where we had been behind in updating the content and functionality of the website, so thank you, Marisa.

Moving on to SAFIS. The schedule is written of new releases is posted in the materials, but really the integration of HMS questions is reducing the burden on fishermen to report. The eTRIPS online redesign is a coordinated effort with enough lead time to get some partner feedback, and put that out in the field.

We are adjusting electronic dealer reporting mobile app that is in process as kind of a request from GARFO, to allow federal dealers to use the more flexible data entry when they are out on the docks and bringing it inside. Again, the planning part of this is we've done a lot of work on these eTRIPS side in 2020, and the redesign of the tools to the end users is really shifting to a 2021 activity in what we're planning. With that, we can go to the next slide. The Action Plan, we have been

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working on Goal 3 of course. That is going to be reviewed during the Business Meeting, which is next.

Thank you for your time, thank you for your attention, and the direction on the budget and the future direction. That kind of transparency and feedback is exactly the direction we've been looking for and going, so I look forward to working with the Leadership Team in the next months to take action. John, back to you.

CHAIR CARMICHAEL: All right, thank you, Geoff. Any questions? I'll pause a moment and see. Julie, let me know if any hands go up.

MS. SIMPSON: I have Jason McNamee.

CHAIR CARMICHAEL: All right, Jason.

DR. McNAMEE: I just, Geoff kind of flipped by it quick, and it's something we talked about earlier. It's this notion, the recommendation that came out of the Ops Committee on, I don't know we'll call it a bi-year for some of the maintenance proposals. Did you say, Geoff, that we can address that at a subsequent meeting, and it will still be timely enough?

MR. WHITE: Yes, the funding process, the idea there is to have the Funding Subcommittee and potentially the Coordinating Council discuss it before the May meeting, when the funding process is actually approved and the RFD goes out. We have time between now and either a February meeting to address that item.

DR. McNAMEE: Excellent, thank you.

CHAIR CARMICHAEL: All right, thanks Geoff, and Kathy.

MR. WHITE: I also see a hand up by Lewis.

MS. SIMPSON: Lewis is Kathy.

MR. LEWIS GILLINGHAM: You're telling me I've been transformed as Kathy?

MS. SIMPSON: I'm so sorry.

MR. GILLINGHAM: I was hoping to get the last comment, because it's really a comment. I just wanted to thank the Ops Committee and the Advisory Committee. They are able to wade through a couple hundred pages of these project proposals, and distill it down into three easy to digest slides, and on top of that when they vote, you see a near consensus of 22 to 1 that it gives me a comfortable feeling that we're doing the best we can with the funds that are available. Thank you.

MR. WHITE: Thank you, Lewis. We are out of time, but I will note the need for more Advisors, and we'll bring that up in a future meeting.

CHAIR CARMICHAEL: All right, thank you, Geoff, and I like that Lewis, those guys do a great job. Having been there and done that, it is a big lift when you get into those things. It looks like we are out of time. We'll try to catch up with Kathy offline perhaps. But I do thank everyone for getting us through this.

#### **ADJOURNMENT**

Then we had a few challenging issues to deal with, so thanks for everyone's discussion, and putting viable alternative on the table. Again, a big hand to Lynn for your leadership the last three years. Thank you very much, and thanks to Geoff and Julie for another great job of preparing for the Committee. With that we stand adjourned.

(Whereupon the meeting adjourned at 10:00 a.m.  
on October 22, 2020.)

**Atlantic States Marine Fisheries Commission**  
**Atlantic Coastal Cooperative Statistics Program Coordinating Council**  
*February 3, 2021*

**Program and Project Funding**

The ACCSP Leadership Team was reconstituted in November 2020 filling the roles identified in the ACCSP Governance Transition plan (2016). The Leadership Team met via webinar on 17 November and 17 December 2021 to discuss the use of carryover funds, revise the 2021 ACCSP Administrative Grant, and discuss 2021 ranked project proposals.

ACCSP Leadership Team Membership:

- John Carmichael as CC chair and Council representation
- Jason McNamee as CC vice-chair and North Atlantic State
- Lynn Fegley as ex-officio and Mid-Atlantic state
- Richard Cody for NMFS S&T
- Dee Lupton for South Atlantic state
- Sherri White for USFWS
- Bob Beal for ASMFC

***October 2020 Coordinating Council Motion***

Move to fund the submitted ACCSP proposals as ranked in Average Ranking table of proposals with the exception of the Administrative Grant proposal. That the Leadership Team evaluate a detailed ACCSP Administrative Grant before approving the Administrative Grant. That the funds from savings be brought to the Leadership Team for tasking of priority then back to the Coordinating Council.

Motion by Cheri Patterson; second by Mel Bell. Motion carried

***Completion of 2016-2020 Grant***

The Leadership Team was tasked by the Coordinating Council in October 2020 to review program funding options for extension / carryover funds and direct the Program appropriately. The primary components of those decisions were 1) NFWF proposal response for SAFIS Helpdesk support, 2) Forecast completion dates and costs of previously approved projects, and 3) clarity on the amount of carryover funds available after 1 March 2021.

In November, the ACCSP proposal to NFWF was **not** selected for funding. Reviewers felt that the proposed work was well described, demonstrated funding need, was cost effective, and included monitoring to evaluate success. However, the review committee felt that this proposed Scope of Work was closely enough tied to Federal data collection efforts that there was likely a more appropriate funding source than EMR, especially considering the needs of other projects.

After discussion of the existing commitments, the ACCSP Leadership team supported the following items to complete the 2016-2021 Administrative Grant:

- \$220K to support the SAFIS Helpdesk from 1Jan2021 through 28Feb2022
- \$95K to complete the 2019 ranked proposal SAFIS Release app development (SAFMC-NC, year 1)
- \$9k to support New Jersey Commercial / Biological staff (March-April 2021)

***ACCSP Administrative Proposal 2021 Review (1Mar2021 through 28Feb2022)***

The Leadership Team discussed proposed funding options 1 (\$2,208,056) and 2 (\$2,170,067) with the tradeoffs of staff growth and contractor support in balance with a 3 year projection of ACCSP Activities. The choice was made to delay the hiring of a software team member in 2021 and continue ongoing evaluations of ACCSP priorities and partner needs. The Admin Grant Proposal was further reduced by removing some SAFIS Helpdesk costs, reducing staff travel, and reducing data connectivity costs. The Leadership Team supported these changes resulting in a 2021 admin grant budget of \$2,122,916.

***Ranked Proposal funding Recommendation for 2021***

Several factors combined to allow the Leadership Team to support funding all maintenance and new proposals for 2021. These included the final determination of utilizing the 2016-2021 grant funds, the reduced the ACCSP administrative proposal, and a return of unused ACCSP funds from the Florida Headboat sampling project. Florida staff were unable to sample headboats in 2020 due to COVID-19 restrictions, and on a positive note secured in-state funding for future sampling. The revised table of ranked projects is attached for reference and discussion. Projects with blue values are indicated as a redirection of funds through SERO. The RI Economic Efficiency Study has indicated they can adjust project tasks to be successful at a slightly reduced funding amount.



## FY2021 Proposal Rankings (Average)

	Admin Grant	2,122,916	\$44,423	2,167,339
3.41M LEVEL	Maint @ 75%	931,996	New @ 25%	310,665
3.56M W/FL	Maint @ 75%	1,044,496	New @ 25%	348,165

Project Name	Partner	Score	Cost	Cumulative Cost	3.56M Amt Remaining	3.41M Amt Remaining
RI Data Feed	RI DEM	9.136	\$ 27,521	\$ 27,521	\$ 1,016,975	\$ 904,475
SC Commercial Reporting	SC DNR	8.909	\$ 56,923	\$ 84,444	\$ 960,052	\$ 847,552
ME Dealer Reporting	ME DMR	8.727	\$ 61,263	\$ 145,707	\$ 898,789	\$ 786,289
ME Portside Sampling	ME DMR	8.091	\$ 25,896	\$ 171,603	\$ 872,893	\$ 760,393
RI Black Sea Bass	RI DEM	8.000	\$ 132,064	\$ 303,667	\$ 740,829	\$ 628,329
SEFSC Ageing / Bio	SEFSC	7.952	\$ 88,931	\$ 392,598	\$ 651,898	\$ 539,398
SAFIS Customizable Citizen Science Application	SAFMC	7.917	\$ 114,792	\$ 507,390	\$ 537,106	\$ 424,606
NJ Commercial / Biological Data	NJ DFW	7.364	\$ 54,601	\$ 561,991	\$ 482,505	\$ 370,005

includes carryover from maintenance projects

COMTECH Conversion Factors	ACCSP CommTech	51.591	\$ 142,056	\$ 142,056	\$ 688,614	\$ 538,614
NC biological database enhancements	NC DMF	48.886	\$ 153,600	\$ 295,656	\$ 535,014	\$ 385,014
Genetic Stock ID striped bass	MA DMF	48.523	\$ 99,820	\$ 395,476	\$ 435,194	\$ 285,194
PRFC Electronic Trip Reporting	PRFC	40.500	\$ 263,712	\$ 659,188	\$ 171,482	\$ 21,482
RI Research Fleet approach for Whelk	RI DEM/CFRF	39.545	\$ 115,149	\$ 774,337	\$ 56,333	\$ (93,667)
RI Economic Efficiency Assessment of the Fluke and BSB Aggregate Management	RI DEM	34.114	\$ 61,384	\$ 835,721	\$ (5,050)	\$ (155,050)



**Funding Proposal**  
**FY21 ACCSP Administrative Budget**

Applicant Name: Atlantic States Marine Fisheries Commission

Project Title: Administrative Support to the Atlantic Coastal Cooperative Statistics Program

Principal Investigator: Geoff White, Director, ACCSP

Requested Award Amount: \$2,122,916 (Leadership Option 3)

Request Type: Maintenance/Administrative

Requested Award Period: March 1, 2021 through February 28, 2022

**A. Goals**

The Atlantic Coastal Cooperative Statistics Program (ACCSP) is a state-federal cooperative partnership between 23 entities responsible for fisheries management, and fisheries data collection on the Atlantic Coast: the 15 Atlantic coast states and the District of Columbia, two federal fisheries agencies (Commerce's NOAA Fisheries and Interior's U.S. Fish and Wildlife Service), three regional fisheries management councils (New England, Mid-Atlantic, and South Atlantic), the Potomac River Fisheries Commission, and the Atlantic States Marine Fisheries Commission (ASMFC). Partner agencies are listed in the original [ACCSP Memorandum of Understanding](#).

The Program was established in 1995 to design, implement, and conduct marine fisheries statistics data collection programs and to integrate those data into a single data management system that will meet the needs of fishery managers, scientists, and the general public.

By establishing and maintaining data collection standards and providing a data management system that incorporates state and federal data, ACCSP will ensure that the best available statistics can be used for fisheries management.

**B. Objectives**

1. Manage and expand a fully integrated data set that represents the best available fisheries-dependent data;
2. Continue working with the program partners to improve fisheries data collection and management in accordance with the evolving ACCSP standards within the confines of limited funds;

3. Explore the allocation of existing Program funds and work with partners to pursue additional funding;
4. Maintain strong executive leadership and collaborative involvement among partners at all committee levels;
5. Monitor and improve the usefulness of products and services provided by the ACCSP;
6. Collaborate with program partners in their funding processes by providing outreach materials and other support to demonstrate the value of ACCSP products and the importance of maintaining base support for fishery-dependent data collection programs to state partners and their executive and legislative branches as well as to all other partner agencies; and,
7. Support nationwide systems as defined in the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

### **C. Need**

Various state and federal fishery management agencies on the Atlantic coast collect data on the status and trends of specific fish populations and the fisheries that utilize these resources; however, it is often difficult to develop sound recommendations to fisheries managers due to inconsistencies in the way data are collected and managed. The various data sets often cannot be integrated to provide accurate information at the state, regional, or coast-wide level. In addition, the disparate manner in which these data are collected and managed places duplicative burdens on fishermen and dealers reporting to multiple state and federal agencies and regions. Due to rapidly changing stock conditions, within-season regulatory changes and catch quotas have become common fishery management strategies. Timely and accurate harvest information for both recreational and commercial fisheries is required to determine the need for and effects of these management measures.

The [Atlantic Coastal Fisheries Cooperative Management Act of 1993](#) mandated a cooperative state-federal program for the conservation of Atlantic coastal fisheries. Section 804 of the Act requires the Secretaries of Commerce and the Interior to develop a program to support state fisheries programs and those of the ASMFC, including improvements in statistics programs. Since the mid-1990s, the ASMFC has provided administrative support for this coordinated effort to improve data collection and management activities.

In 1995 the states, the ASMFC, and the federal fishery management agencies on the Atlantic coast entered into a Memorandum of Understanding (MOU) to develop and implement a cooperative state-federal statistics program that would meet the management needs of all participating agencies. All program partners signed the MOU for the ACCSP at the Commission's 54th Annual Meeting in Charleston, SC. Following signing, an Operations Plan was developed to outline the specific tasks and timetables required to develop and initiate implementation of this program. In October of 2016, an [updated MOU](#) was approved that made the ACCSP a program of the ASMFC. This governance change integrates the long-term and annual planning processes with those already in existence for the ASMFC and conform to policy as set by the ACCSP Coordinating Council.

## **D. Results and Benefits**

The ACCSP developed and adopted 1999, 2004 and 2012 versions of the Program Design (now renamed [Atlantic Coast Fisheries Data Collection Standards](#)), which document the standards and protocols for collection and management of commercial, recreational, and for-hire fisheries statistics. Program partners developed and approved minimum data elements for collection of catch, effort, biological, social, and economic statistics. The ACCSP also developed standard codes and formats to ensure consistency of all data collected under the Program. These standards require periodic review and revision as the needs of fisheries managers and the state of the art of fisheries science change.

In 2000, the first version of the [Data Warehouse](#) was made available to the program partners. Since then, it has grown to encompass almost a 70 year time series of fisheries-dependent catch and effort data. Loading of biological data has begun. These data are constantly reviewed and updated as needed.

In 2004, the first version of the [Standard Atlantic Fisheries Information System \(SAFIS\)](#) Electronic Dealer Reports (eDR) was deployed, followed in 2008, by Electronic Trip Reports (eTRIPS). This system is used to collect Program-compliant data from commercial and recreational fishermen and dealers and is now deployed from Maine to Georgia. SAFIS is an ongoing and evolving system, requiring support, review and revision.

The ACCSP will continue to reduce duplication of effort by dealers and fishermen, make more efficient use of limited funds, promote education of resource users, and provide a more complete information base for formulating management policies, strategies, and tactics for shared resources. An integrated multi-agency program using standard protocols for reporting compatible information will lead to more efficient and cost-effective use of current federally and state funded data collection and management programs. The ACCSP will reduce the burden on the fishing industry to provide information in multiple formats to multiple agencies, and will provide more accurate and timely information to achieve optimum public benefits from the use of fishery resources along the Atlantic coast. The ACCSP will ensure the timely dissemination of accurate data on commercial and recreational fisheries for use in stock assessments and fisheries management through a comprehensive and easily accessible data management system.

## **E. Approach**

The ACCSP is managed collaboratively by committee: the Coordinating Council, composed of high level fisheries policy makers from all the program partners, is the governing body; the Operations Committee provides guidance in standards setting and funding priorities. An Advisory Committee provides industry input into the process. A number of other technical committees provide input into various aspects of the process.

Program planning builds on basic principles related to the goals stated in the ACCSP MOU:

- Development of data collection standards and the implementation of data collection programs will be done cooperatively, across jurisdictional lines;
- Consistent coast-wide data collection standards will be implemented by all program partners that include data on all fishing activities -- commercial, recreational and for-hire fisheries;
- Once achieved, data collection improvements will be maintained;
- These data will be loaded and maintained in a central data repository and provided to data users through a user-friendly query system;
- Program planning will be done collaboratively, by consensus;
- The program will be responsive and accountable to partner and end-user needs; and
- Focus on activities that yield maximum benefit.

Goal 3 of the ASMFC Strategic Plan (Attachment I) details activities to be conducted by ACCSP staff and committees under the FY21 Administrative Budget. Note that program activities and staff in support of the Marine Recreational Information Program are separately funded and therefore not included in this plan.

The ACCSP initially developed common standards collaboratively, by consensus, then began to work with program partners to implement the standards, according to a commonly agreed upon priority. All ACCSP technical committees, except for the Advisory Committee which is composed of industry and recreational representatives, are comprised of managers and staff of the partner agencies and set policy by consensus. Only the Coordinating Council votes directly on motions.

The standards, known as the [Atlantic Coast Fisheries Data Collection Standards](#), for data collection and management are developed and maintained by ACCSP Technical Committees, with review and oversight by the Operations Committee, and advice from the Advisory Committee. The ACCSP Coordinating Council makes policy level decisions to adopt the program standards. The full-time ACCSP staff coordinates all activities conducted by the ACCSP.

The [Atlantic Coast Fisheries Data Collection Standards](#) documents all completed standards and provides the basic framework for full implementation of the ACCSP by all program partners. Administrative support of ACCSP activities is provided by the ASMFC and funded through overhead charges. The ACCSP is continuously evolving as technology and the needs of management and science change over time. Therefore the *Standards* and supporting systems are still in development. Support for the implementation of ACCSP modules is provided by staff in various jurisdictions. To this end, funding is required to provide for full-time staff for all ACCSP activities, as well as for travel and meeting expenses.

The ACCSP Director, reporting to the Executive Director of the ASMFC, provides leadership for the Program, overall programmatic management and guidance, and is responsible for the day-to-day operations. The ACCSP Deputy Director supports the ACCSP Director on operation and development of the Program and is responsible for managing the competitive ACCSP funding process, coordinating cross-team project management, and providing support for a wide range of Program activities. The ACCSP Program Assistant provides assistance to the ACCSP Director and ACCSP Deputy Director, provides staff support for program and technical committees by drafting, maintaining and coordinating program documents, and publicizes the availability and benefits of the Program. The Software Team Leader coordinates the development and management of ACCSP data collection systems. The ACCSP IT Manager manages the information systems infrastructure and security. The Data Team Leader provides guidance for data compilation and dissemination related activities. The Recreational Team Lead coordinates MRIP survey implementation and recreational and for-hire data standards. The Data Coordinators and Developers provide programming services and system support required to develop and fine-tune the data management systems, assist users as they access the system and provide quality management and control. The Data Coordinators also complete custom data requests, QAQC existing data, maintain data feeds, and directly participate in data intensive activities such as a stock assessment data workshops. The Software Team staff provides expert consultation to partners as they implement new reporting, and licensing/permitting systems. The Software Team will continue to support development of SAFIS.

ACCSP staff will follow Goal 3 of the ASMFC 2019 Strategic Plan during FY21, in consultation with all partners. Specific tasks to be accomplished during the period include initiation and maintenance of Partner data feeds from the commercial, recreational, and biological modules; implement dealer reporting component of SAFIS redesign maintenance of Federal Information Security Management Act procedures;; and support of other partner projects by providing technical expertise as necessary.

The ASMFC has basic responsibility for the logistics of all committee meetings which support the development of the ACCSP, including: the ACCSP Coordinating Council, the ACCSP Operations Committee, the Advisory Committee, the Recreational Technical Committee, the Commercial Technical Committee, the Information Systems Committee, the Biological Review Panel, the Bycatch Prioritization Committee, the Standard Codes Committee. Full-time ACCSP personnel staff these committees for planning of work, providing minutes and other documents, and other follow-up.

The ACCSP has helped foster an improved atmosphere of cooperation among its partners. The Program has succeeded in establishing coast-wide fisheries data standards that all program partners have agreed to adopt. Data collection and management systems will be developed and deployed and maintained as the standards and Partner needs evolve. Program partners remain engaged in the process, and the program has made substantial progress towards its goals.

**1. Geographic Location:** Atlantic Coast (Maine through Florida); systems are being developed for coordination with Gulf of Mexico

**2. Milestone Schedule:** See Goal 3 of the ASMFC 2019 Strategic Plan (Attachment I)

This is a continuation from previous projects. Table 1 contains the base administrative budget amounts by year since implementation began in 1999.

**Table 1. Administrative funding for ACCSP from 1999-2020**

Year	Funding	Number of Staff
1999	\$907,902	3
2000	\$681,451	3
2001	\$1,054,466	5
2002	\$1,178,677	6
2003	\$1,302,768	7
2004	\$1,298,319	8
2005	\$1,409,545	8
2006	\$1,380,598	8
2007	\$1,489,189	8
2008	\$1,447,620	9
2009	\$1,527,996	9
2010	\$1,509,899	9
2011	\$1,530,699	9
2012	\$1,509,555	9
2013	\$1,582,780	9
2014	\$1,718,447	9.5
2015	\$1,731,666	9.5
2016	\$1,623,360	9.5
2017	\$1,855,113	9.5
2018	\$1,854,249	9.5
2019	\$1,816,503	9.5
2020	\$2,012,744	11

**3. Cost Summary:** The ACCSP requests \$1,818,967 (Leadership Option 3) for administrative support, committee travel and systems operations during FY21. The addition of the 16.71% overhead rate raises the request to \$2,122,916.

The funds used for the ACCSP shall be accounted for separately from all other ASMFC funds.

**4. Personnel**

Program personnel funded through this grant, except the Recreational Team Lead, are dedicated 100% to the ACCSP and are full-time employees of the Atlantic States Marine Fisheries Commission. Note that personnel associated with the MRIP state conduct and 85% of the

Recreational Team Leader are funded under separate authority and not accounted for in this document. Fringe benefits which include health care, vision, dental, annual and sick leave are calculated at 27%. ASMFC salaries are kept confidential, thus only totals are displayed. Additionally, an agreement has been put in place with NMFS Highly Migratory Species (HMS) to partially fund the Information Systems Specialist responsible for maintaining HMS data feeds. The addition of a software development position would transition some contract support for mobile software maintenance to staff role.

- ACCSP Director - Geoff White
- ACCSP Deputy Director – Julie Defilippi Simpson
- Program Assistant – Marisa Powell
- ACCSP IT Manager and Software Developer – Edward Martino
- Recreational Team Lead (15%) – Alex DiJohnson
- Software Team Lead - Karen Holmes
- Senior Software Developer – Nicolas Mwai
- Software Developer – VACANT (**OPTION 1 ONLY**) - Delayed
- Data Team Lead – Julie Defilippi Simpson (To be backfilled in 2021)
- Data Analyst - Jennifer Ni
- Senior Data Coordinator – Joseph Myers
- Senior Data Coordinator – Heather Konell
- Data Coordinator – Michael Rinaldi
- Data Coordinator – Lindsey Aubart

<b>Salaries and Wages</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Leadership Option 3</b>
Total Salary	\$1,229,993	\$1,164,993	1,164,993
Benefits @27%	\$332,098	\$314,548	\$314,548
<b>Total Costs</b>	<b>\$1,562,091</b>	<b>\$1,479,541</b>	<b>\$1,479,541</b>

## 5. Travel

Travel is broken down into two general categories; committee meetings and staff travel. The bulk of travel is in support of committee meetings. While significant savings have been achieved by using remote meeting technologies (such as online meetings), face-to-face meetings are often required to complete the tasks assigned. In general, each committee will have at least one face-to-face meeting during the year. In addition to staff travel to support committee meetings, staff travel is needed for implementation planning, data collection activities, outreach efforts, and information system development meetings with partners.

The Program funds fares to and from the meeting site, per diem according to Office of Personnel and Management guidelines and facilities costs for the meeting itself. (The daily rate per meeting

includes cost of airfare or mileage, lodging, meals and other travel related expenses.) Reimbursable participants include state fisheries directors and biologists, state and university scientists, law enforcement personnel and citizen advisors from Maine through Florida. Meetings will be held in various locations on the Eastern Seaboard, including but not limited to: Annapolis, MD; Norfolk, VA; Charleston, SC; Philadelphia, PA; Alexandria, VA; Providence, RI; Jacksonville, FL; Washington, D.C.

The travel budget is based on an ASMFC average estimated \$275 per day multiplied by meetings multiplied by days multiplied by non-federal membership plus staff.

<b>Committee Travel</b>	<b>Meetings</b>	<b>Days</b>	<b>Membership</b>	<b>Total</b>	<b>Staff</b>	<b>Total</b>	<b>Grand Total</b>
Biological Review panel	1	1.5	15	\$6,188	1	\$413	\$6,600
Bycatch Prioritization	1	1	15	\$4,125	1	\$275	\$4,400
Commercial Technical Committee	1	2	15	\$8,250	1	\$550	\$8,800
Coordinating Council (with ASMFC)	3	0.5	12	\$4,950	2	\$825	\$5,775
Operations and Advisory Committees	2	2	20	\$22,000	2	\$2,200	\$24,200
Recreational Technical	1	2	15	\$8,250	1	\$550	\$8,800
Information Systems Committee	1	1	15	\$4,125	1	\$275	\$4,400
<b>Total Committees</b>				<b>\$57,888</b>		<b>\$5,088</b>	<b>\$62,975</b>
<b>Staff Travel</b>							
Partner Coordination	5	2	2	\$5,500			
Data Support (Stock Assessment etc.)	1	5	2	\$2,750			
IT Support	3	1	1	\$825			
Outreach	2	2	1	\$1,100			
GulfFIN Coordination	2	1.5	1	\$825			
SAFIS Support/Training	4	1	4	0			
<b>Total Staff Travel</b>				<b>\$15,400</b>			
<b>Grand Total</b>							<b>\$73,975</b>

Attachment II provides the FY20 schedule of the funding cycle and calendar of meetings, which serves as a tentative schedule for FY21.



## 6. Supplies

Supply costs include supplies not covered by the ASMFC overhead. This includes ACCSP specific materials for outreach, smaller information systems items such as network switches and cables.

<b>Supplies</b>	
Misc Hardware (cables, network hubs etc)	\$4,651
Backup Tapes	\$1,000
<b>Total</b>	<b>\$5,651</b>

## 7. Equipment

ACCSP maintains several large server systems and related hardware in support of the Data Warehouse, website, SAFIS and administrative functions. These systems typically have a 5 year life cycle after which they require upgrade or replacement. In cases of the larger items, lease options have been explored, but it appears that, in part due to current staffing, it is more cost effective to own and maintain the equipment internally.

Included are the costs are normal life cycle replacements of laptop and desktop systems, assuming replacement of 3 systems annually. Costs are based upon current market surveys and an estimate of our needs. We assume the replacement of one major infrastructure component (server, router, firewall, etc.) yearly.

<b>Equipment</b>	
Infrastructure Replacements (servers, UPS systems, etc.)	\$18,000
Desktop/Laptop Systems	\$4,500
<b>Total</b>	<b>\$22,500</b>

## 8. Other Costs

Hardware and software support are supplied by a number of different vendors and includes costs associated with licensing and maintenance fees (such as *Oracle* licensing).

The Program maintains two high speed internet connections and associated infrastructure in support of the server systems. The primary internet connection is covered by ASMFC. The first ACCSP funded connection is a dedicated line to the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO). This second line provides full time secure connectivity requested by the Region. The third connection, using an entirely different technology and provider provides redundancy to the primary connection in case of failure. The system is configured to automatically fail over in the event of a failure of the primary internet connection.

Outside vendors include Hewlett Packard for systems hardware and software support; Oracle for database management systems support; DLT Solutions and Trident Solutions for hardware support. All pricing is based on the GSA schedule.

Communications supports high-speed internet connectivity for ACCSP and related systems and a direct secure connection to the GARFO Data Center in Gloucester, MA. Costs are based upon negotiated contracts with Cogent Communications, Level 3 Communications and Verizon.

Software maintenance and development workload at times exceeds staff’s resources. Contract services will be utilized to provide services that staff may be unable to perform.

**E-Reporting Support**

Funds are requested for electronic reporting outreach and support activities. Interest among state Partners and harvesters has been steadily rising and a steady stream of new users are adopting the system where agencies will accept electronic reports though SAFIS. In addition, recent and pending management actions mandate electronic reporting. SAFIS eTrips in both the mobile and on-line versions are likely to be used by the majority of harvesters as the reporting tool. In addition, the majority of trips will be reported to the SAFIS system regardless of the tool selected.

Funds requested include both costs associated with the initial deployment and ongoing support. Initial startup costs include but are not limited to in-person training workshops for harvesters and Partner Agency personnel and published training guides and videos that will be available via the ACCSP website. ACCSP continues to contract for help desk support for SAFIS which includes 24/7 helpdesk support, a toll free number to contact support personnel and a helpdesk ticketing program designed to keep track of all requests and provide feedback to the Program. With increases to mandatory electronic federal reporting in 2021 additional helpdesk support is anticipated.

<b>Other Expenses</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Software License Support	\$60,000	\$60,000	\$60,000
Hardware Support	\$7,500	\$7,500	\$7,500
Communications/ Internet Connectivity	\$22,700	\$22,700	\$16,700
Printing (outreach)	\$2,500	\$2,500	\$2,500
Software Development	\$75,000	\$125,000	\$125,000
Help Desk Support	\$60,000	\$60,000	\$30,000
<b>Total</b>	<b>\$227,700</b>	<b>\$277,700</b>	<b>\$241,700</b>

## Budget Summary

	2021 (Option 1)	2021 (Option 2)	2021 (Option 3)
Personnel	\$1,229,993	\$1,164,993	\$1,164,993
Fringe Benefits	\$332,098	\$314,548	\$314,548
Travel	\$78,375	\$78,375	\$69,575
Equipment	\$22,500	\$22,500	\$22,500
Supplies	\$5,651	\$5,651	\$5,651
Other	\$227,700	\$277,700	\$241,700
Total Program	\$1,896,317	\$1,863,767	\$1,818,967
ASMFC Overhead 16.71%	\$316,874	\$311,435	\$303,949
Total Proposal	\$2,213,191	\$2,175,202	\$2,122,916

Resources actively sought to support full range of ACCSP activities in addition to the ADMIN Grant

2021 Support	Coverage	Funding Expected
GARFO (for FISMA)	Partial IT Manager & Contracts for ongoing monitoring and reviews	\$ 125,000
HMS	Partial Data Analyst	\$ 40,000
FIS Quality Management FY21 Proposal	Atlantic Coast Project Scoping for Implementation of Automated Data Auditing Validation for Electronic Logbooks	\$ 77,000
FIS FIN Development FY21 Proposal	Continued Development and Enhancement to the ACCSP Online Data Query Tool and the ACCSP Assignment Tracking Application	\$ 181,500
MRIP	State Conduct of MRIP APAIS, FHTS ME-GA, and additional surveys in some states (LPIS in ME, Catch Cards in MD & NC, and LPBS in NC). Includes Recreational Team Staff (4).	\$ 5,781,554 * Majority of funds passed on to States



# Atlantic Coastal Cooperative Statistics Program

1050 N. Highland Street, Suite 200A-N | Arlington, VA 22201  
703.842.0780 | 703.842.0779 (fax) | [www.accsp.org](http://www.accsp.org)

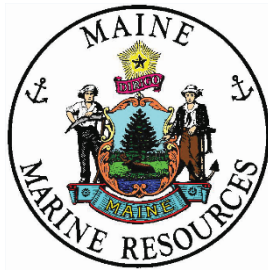
This list includes dates for fiscal year 2021, including ACCSP committee meetings, relevant dates of the funding cycle, as well as meetings or conferences ACCSP typically attends or which may be of interest to our partners. Due to the restrictions from COVID-19, some in-person meetings may be held virtually. If you have any questions or comments on this calendar please do not hesitate to contact the ACCSP staff at [info@accsp.org](mailto:info@accsp.org).

Jan 20-21:	APAIS South Atlantic Training – Webinar
Jan 26-27:	APAIS Mid-Atlantic Training – Webinar
Jan 26-28:	NEFMC Meeting – Webinar
Feb 1-4:	ASMFC Meeting/Coordinating Council Meeting – Webinar
Feb 9-10:	APAIS North Atlantic Training - Webinar
Feb 17:	Biological Review Panel Annual Meeting – Webinar
Feb 18:	Bycatch Prioritization Committee Annual Meeting –Webinar
Feb 10-11:	MAFMC Meeting – Webinar
Mar 1:	Start of ACCSP FY21
Mar 1-5:	SAFMC Meeting – Webinar
Week of Mar 23:	Commercial Technical Committee Annual Meeting – Webinar*
Week of Mar 23:	Information Systems Committee Annual Meeting – Webinar*
Apr 6-8:	MAFMC Meeting – Galloway, NJ
Week of April 13:	Operations and Advisory Committees Spring Meeting – Webinar*
Week of Apr 13:	Recreational Technical Committee – Webinar *
Apr 13-15:	NEFMC Meeting – Mystic, CT
May 3-6:	ASMFC/Coordinating Council Meeting – Arlington, VA
May 11:	ACCSP issues request for proposals
Late May:	APAIS Wave 2 Meeting - Webinar
Jun 8-10:	MAFMC Meeting – Virginia Beach, VA
Jun 14-18:	SAFMC Meeting – Ponte Vedra Beach, FL
Jun 12:	Initial proposals are due
Jun 19:	Initial proposals are distributed to Operations and Advisory Committees
Jun 22-24:	NEFMC Meeting – Portland, ME
July 6:	Any initial written comments on proposals due
Week of Jul 13:	Review of initial proposals by Operations and Advisory Committees – Webinar
July 20:	If applicable, any revised written comments due
Week of Jul 27:	Feedback submitted to principal investigators
Late July:	APAIS Wave 3 Meeting – Webinar
Aug 3-5:	ASMFC Meeting/Coordinating Council Meeting – Arlington, VA
Aug 9-12:	MAFMC Meeting – Philadelphia, PA
Aug 14:	Revised proposals due

*Our vision is to produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners.*

Aug 21:	Revised proposals distributed to Operations and Advisory Committees
Week of Sep 7:	Preliminary ranking exercise for Advisors and Operations Members – Webinar
Sep 13-17:	SAFMC Meeting – Charleston, SC
Week of Sep 21:	Annual Advisors/Operations Committee Joint Meeting (TBD)
Sep 28-30	NEFMC Meeting – Plymouth, MA
Late September:	APAIS Wave 4 Meeting – Webinar
Oct 5-7:	MAFMC Meeting – New York, NY
Oct 19-21:	ASMFC Annual Meeting/Coordinating Council Meeting – Long Branch, NJ
Nov 6-10:	AFS 151 <sup>st</sup> Annual Meeting – Baltimore, MD
Dec 6-10:	SAFMC Meeting – Beaufort, NC
Dec 7-9:	NEFMC Meeting – Newport, RI
Dec 13-16:	MAFMC Meeting – Annapolis, MD

*\* Indicates meetings not yet scheduled.*



**TO:** Atlantic Striped Bass Management Board

**FROM:** Patrick Keliher, Commissioner, Maine Department of Marine Resources  
Daniel McKiernan, Director, Massachusetts Division of Marine Fisheries

**DATE:** January 21, 2021

**RE:** A Proposal to Study the Tube Rig Fishery and Consider Its Exemption from the Circle Hook Provision

## Overview

The Maine Department of Marine Resources (ME DMR) and the Massachusetts Division of Marine Fisheries (MA DMF) are submitting a proposal to collect data on the recreational striped bass baited tube rig fishery. Goals of this study are to assess the prevalence of baited tube rigs in the fishery and their incidence of deep hooking. To enable this study, ME and MA are requesting an allowance for the continued use of traditional baited tube rigs (with a J hook) in the recreational striped bass fishery. This allowance, either for ME and MA alone or coastwide, would terminate after the two-year study unless additional action is taken by the Board to extend or permanently approve the use of tube rigs in the fishery.

## Background

At its October meeting, the Atlantic Striped Bass Management Board (Board) voted to prohibit any exemptions to the Addendum VI provision specifying the use of circle hooks when recreationally fishing for striped bass with bait. In order to come into compliance with this provision, ME DMR adopted an emergency regulation on December 16, 2020 which removed the state's previous exemption for those fishing with baited latex and rubber tube rigs. Similarly, MA DMF initiated rule-making to remove the state's exemption for those fishing with any artificial lure to which natural bait is attached (which allowed for baited tube rigs among other terminal tackles including an artificial lure) prior to the fishery's onset.<sup>1</sup>

In response to these regulatory actions, ME DMR and MA DMF heard from a wide assortment of stakeholders expressing concern, frustration, and confusion with these changes. Many individuals, while supportive of measures to protect the striped bass resource, were surprised by this management outcome, given an understanding that Addendum VI's circle hook requirement was meant to address simple hook-on-a-line tackle—the type of baited hook configurations for which studies have shown a difference in deep hooking rates between J hooks and circle hooks. In particular, they did not understand the purpose of prohibiting a tube rig with a J hook given their experience that this terminal tackle rarely, if ever, results in deep hooking. Because they did not see a conservation benefit in requiring the use of circle hooks with a tube rig, they worried that such a measure would unintentionally erode public support for circle hooks. Others indicated that it is not possible to fish a tube rig with a circle hook because the circle hook will not set in the fish when the bait is being trolled or cast through the water;

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<sup>1</sup> Massachusetts' regulation also exempted anglers aboard for-hire vessels; this part of the exemption will be eliminated without further Board guidance, and is not a focus of this proposal.

hence, the circle hook requirement effectively prohibits this popular terminal tackle for striped bass fishing. Members of Maine's worming industry highlighted resulting economic impacts to their business given worms are often attached to the tube rig when fishing.

In response to these concerns, ME DMR and MA DMF have developed this proposal to collect data on the use of tube rigs in the recreational striped bass fishery. While agency staff and industry anecdotally describe the low incidence of deep hooking with a tube rig, to our knowledge, a study focused on this terminal tackle has not occurred. Further, given the MRIP survey does not collect information on terminal gear, the population of those using tube rigs is unknown. Given this dearth of information, there are key questions regarding the size of the fishing population impacted by the removal of the tube rig exemption as well as the relative biological impact of fishing this type of gear. Given the goal of the Addendum VI circle hook provision is to reduce the discard mortality of striped bass in the recreational fishery, should tube rigs already result in a low incidence of deep hooking, the net benefit of requiring circle hooks may be negligible. Said another way, a narrow exemption for tube rigs may not undermine the goal of the circle hook provision.

### ***Description of a Tube Rig***

Tube rigs are a traditional method of recreational fishing. As a part of this terminal gear, a section of latex or rubber tubing encircles the mainline with the hook protruding from the end of the tubing. Bait, such as worms, can be attached to the hook. The gear is actively monitored while fished, whether it is cast into a current or trolled at low speeds behind a boat or kayak. Under Maine's prior regulation, tube rigs exempt from the circle hook requirement were required to have a tube measuring at least 8 inches long and were restricted to having a single hook protruding from the end to which bait is attached.<sup>2</sup>

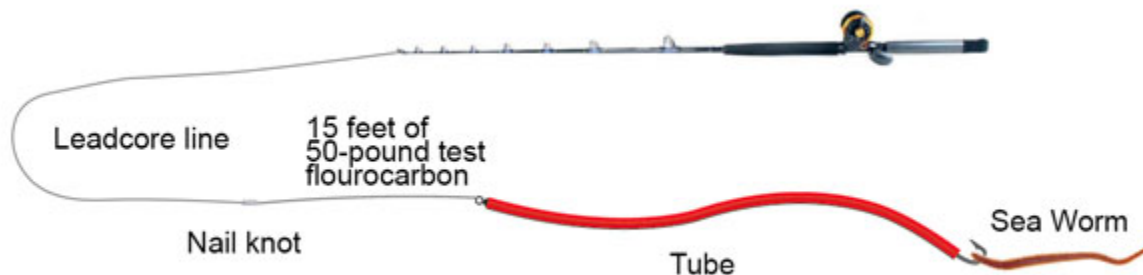


Image from: [www.onthewater.com/best-striped-bass-trolling-rigs](http://www.onthewater.com/best-striped-bass-trolling-rigs)

### ***Proposed Tube Rig Study***

ME DMR and MA DMF are proposing a two-year study (2021/2022) to gather information on the use of tube rigs in the recreational striped bass fishery. The two primary management objectives of this work are:

- Understand the size of the fishing population which participates in the use of tube rigs
- Understand where tube gear hooks on a fish (lip, gills, gut, etc.)

<sup>2</sup> ME exemption language: Rubber or latex tube rigs will be exempt from the circle hook restriction as long as they conform with the following: the lure must consist of a minimum of 8" of latex or rubber tubing with a single hook protruding from the end portion of the tubing where bait may be attached. Use of treble hooks is not allowed with these rigs.

In addition, ME DMR is interested in understanding the potential impacts of the circle hook requirement on Maine's worming industry.

To make this study possible, ME DMR and MA DMF are requesting that Maine's previous circle hook exemption for those fishing with a tube rig be authorized for the two-year duration of the study, either a) in Maine and Massachusetts alone by way of Board approval of an exemption request; or b) coastwide by way of Board action to delay Addendum VI's circle hook implementation date for this particular terminal tackle. This authorization is necessary to allow ME DMR and MA DMF staff, in collaboration with recreational anglers and for-hire operators, to collect pertinent information on the use of tube rigs in the fishery, including participation rates and incidence of deep hooking. It is ME DMR and MA DMF's intent that this allowance for traditional baited tube rigs would expire after two years, unless additional Board action is taken to extend or permanently approve their use.

The proposed study has several components for collecting data including: 1) an angler survey (ME & MA); 2) an angler logbook (ME only); and 3) at-sea data collection (ME & MA).

#### Angler Survey

In both Maine and Massachusetts, the population of striped bass fishermen using a baited tube rig is unknown. As a result, it is unclear how large of a population is impacted by the Board's recent decision to prohibit a circle hook exemption for tube rigs.

As a first step, both states plan to administer an online survey to recreational fishery participants—both private anglers and for-hire vessel operators—through the use of their respective angler databases (whether that be for recreational permit holders or those in a saltwater registry). Collecting participation information from a broad set of recreational anglers will provide insight into the proportion of the recreational community that uses tube rigs. Questions in the survey would ask private anglers about their knowledge of tube rigs, level of engagement in recreational striped bass fishing, frequency of using tube rigs in the striped bass fishery, and choice of bait; for-hire captains would be asked to provide similar information of the anglers they have taken fishing.

#### Angler Logbook

As a second component to this study, ME DMR plans to utilize its Volunteer Angler Logbook (VAL) program to collect data on the use of tube rigs in the fishery. The VAL program is primarily aimed at striped bass fishermen in order to collect additional length as well as catch and effort data. In 2021, ME DMR will be expanding the VAL program to include an electronic logbook which recreational anglers will be able to complete online or through an App. Not only does this electronic logbook provide ME DMR the flexibility to easily modify the questions asked, but Maine also believes it will expand the population of recreational anglers who provide data. For reference, a copy of the existing logbook is attached to this proposal. A preliminary list of questions ME DMR plans to add to the VAL program, and their associated management objective, are shown below in Table 1.

ME DMR plans to conduct extensive outreach on the new electronic VAL program in order to promote strong engagement and participation by the recreational sector. Methods of outreach will include list-serve mailings, an announcement on ME DMR's website, outreach at tackle shops, and collaboration with industry associations.

In combination with the broader recreational industry survey, the VAL program should provide important information on the tube rig fishery. As efforts are taken to publicize the new electronic



logbook, ME DMR is conscious that those participating in the VAL program may not represent a balanced cross-section of the recreational fishing community. This may be particularly true if those who fish with tube-and-worm gear are eager to collect data on their fishing practices. The online survey administered by ME DMR will allow for a comparison between the subset of individuals who participate in the VAL program and the broader recreational community. Moreover, the survey results will help ME DMR to understand whether those who participate in the VAL program represent a small or large portion of fishermen who use baited tube rig gear. These two sources of information should also help ME DMR to draw conclusions about the broader impacts of the tube rig fishery.

*Table 1: Management objectives and the corresponding preliminary questions to be added to Maine’s Volunteer Angler Logbook under ME DMR’s proposed study.*

<b>Management Objective</b>	<b>Corresponding Questions in Logbook</b>
Understand size of population which participates in the tube-and-worm fishery	Did you use a baited latex or rubber tube rig when fishing? [options for “yes” or “no”]
Understand impacts to the worming industry	If yes, what bait did you use on the tube rig? [options for “seaworm” “artificial including synthetic” and “other”]
Understand where tube and worm gear hooks on a fish (lip, gut, etc.)	Number of fish caught using tube rig Where was the hook set? [options for “lip” “interior mouth” “gill teeth” “other”]

At-sea Data Collection

While logbooks are a cost-effective way (and safe way during Covid) to gather large amounts of data and engage industry, a potential criticism of logbook data is that they are self-reported. To address this concern, ME DMR and MA DMF are developing plans to conduct at-sea sampling of tube rig fishing. Data similar to what is proposed in the VAL program would be recorded, including the number of fish caught, the location of where the hook set on the fish, and the condition of the fish when discarded. Further, the agencies will manufacture/obtain and fish with tube rigs with circle hooks to understand the impact on catch given industry’s assertion that the circle hook will not set in the fish. Collecting this second stream of data will provide greater insight into the data collected through Maine’s VAL program; the data collected by agency staff will either highlight discrepancies with the data collected in the angler logbooks or it will ground truth what is reported in the logbooks.

MA DMF plans to utilize its own staff and fleet of research vessels to conduct dedicated striped bass fishing trips for at-sea data collection on tube rigs. By employing DMF staff and vessels (rather than collaborating with the for-hire industry as Maine intends), the agency plans to perform this activity in year 1 of the study. Depending on Covid-related impacts to field sampling activities, additional data collection in year 2 may be required to acquire a robust dataset. This research into tube rigs will build upon MA DMF’s ongoing Striped Bass Terminal Tackle Study begun in 2020 to evaluate discard mortality rates between circle hooks and J hooks. It is anticipated that the information collected on the hook setting location associated with tube rigs will be able to be compared to that collected on circle hooks and j hooks in that study, as well as prior published studies.

ME DMR has identified a set of funds with which the agency plans to hire charter boat captains to go tube rig fishing and collect the at-sea data. ME DMR plans to focus this on-the-water work in year 2 of the study, largely due to Covid-19. Covid presents many challenges for safely conducting collaborative research, particularly at a time when Covid rates are high and the timeline of the vaccine is uncertain. It is much more likely that in-person collaboration with fishermen will be possible by 2022. Another advantage of partnering with charter boat captains in year 2 is that, based on information from the angler survey and the VAL program, ME DMR may have identified a broader pool of industry members with which to collaborate.

### Analysis

Following the two years of the study, ME DMR and MA DMF will analyze the results and compile them in a report. We anticipate that this research program will: 1) estimate the size of the angling public in our states using tube rigs and the frequency and reason for their use; 2) evaluate the incidence of deep hooking associated with traditional baited tube rigs, and compare this to other terminal tackle configurations; and 3) demonstrate whether a circle hook could be used on a tube rig with equivalent success of catch and hook set properties.

The agencies intend to provide this report to the Striped Bass Technical Committee (TC) for their review and comment by the fall of 2022. Following this TC review, ME DMR and MA DMF would present the results to the Board for their consideration at the 2022 Annual Meeting. With this information, the Board can decide whether to take action to extend the exemption for the use of tube rigs for the 2023 fishery or allow the exemption to sunset.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114  
p: (617) 626-1520 | f: (617) 626-1509  
[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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Governor

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Lt. Governor


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Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

### MEMORANDUM

TO: Emilie Franke, ASMFC Atlantic Striped Bass Plan Coordinator

FROM: Daniel McKiernan, Director 

DATE: January 20, 2021

SUBJECT: Revised MA Implementation Plan for Striped Bass Addendum VI Circle Hook Requirement

This memorandum serves to provide the Atlantic Striped Bass Management Board with the Massachusetts Division of Marine Fisheries' revised plan for compliance with the circle hook provision of Addendum VI to Amendment 6 of the Interstate Fishery Management Plan for Atlantic Striped Bass. On October 22, 2020, the Board approved the states' implementation plans, with the caveat that no exemptions to Addendum VI's requirement for the use of circle hooks when fishing with bait would be permitted. Massachusetts exemptions in 2020 included one for anglers fishing aboard for-hire vessels as well as for anglers using an artificial lure.

As expected of us, MA DMF has begun its rulemaking process to remove the exemptions in our state regulations. However, in the interim MA DMF and Maine Department of Marine Resources have collaboratively developed a proposal to study the tube rig fishery (refer to the Board's briefing materials for its February 3, 2021 meeting). If approved, this proposal would temporarily allow for continued baited tube rig fishing (with a single J hook) in Massachusetts, with the potential for future authorization subject to Board action. Consequently, DMF presents herein two sets of regulatory language dependent on the outcome of Board discussion and possible action on that proposal; under one of them, MA DMF would apply the same language as in ME DMR's prior tube rig exemption. In all cases, the exemptions for anglers aboard for-hire vessels and using artificial lures in general will be struck.

In addition, MA DMF will be making a clarification to the term "natural bait" as used within our circle hook regulation (previously undefined). Our review of the states' proposed or implemented regulations demonstrates a lack of consistency between the states with regards to the definition of "bait" (Table 1). Our intended usage of the term fits within this range of interpretations of Addendum VI's language. DMF will include in its final regulations that "natural bait" excludes pork rind attached to an artificial lure. This is based on the fact that a pork rind is neither "natural" nor "bait" when used in this manner. It is highly processed and entices predation due to its action in the water as opposed to producing an olfactory attraction; it thus comprises part of the artificial lure. There is no discernable difference for the conservation of the striped bass resource between using a pork rind or synthetic strip on a jig.

MA DMF will also add language to address another question we have received from stakeholders: what is required to be done with a striped bass that is unintentionally caught on a baited hook that is other than a circle hook. We are modeling this language after what New York has proposed, to say that such a fish must be immediately released without unnecessary injury.

MA DMF would like to stress that the agency is a strong supporter of the resource conservation intended to be achieved through the mandatory use of circle hooks for baited striped bass fishing. We have been a pioneer in discard mortality studies, an advocate of voluntary circle hook use, and an early adopter of mandatory circle hook use. However, we contend that Addendum VI's mandate was never intended to apply to artificial lures, such as tube & worm and bucktail jigs. Studies that have demonstrated a reduction in gut-hooking and/or post-release mortality for circle hooks—upon which Addendum VI's mandate is founded—have done so with traditional “bait fishing”; a hook on a line, not an artificial lure. Mandates without justification pose a risk to the public's confidence in and adoption of our management. I urge the Board to consider this fact when reviewing this implementation plan and the joint MA DMF/ME DMF tube rig study proposal.

These revisions to our circle hook implementation plan will not change our anticipated implementation date of May 1, 2021, prior to the fishery's onset in our state waters.

## **Regulatory Language**

### ***Existing Language<sup>1</sup>***

#### **322 CMR 6.07: Striped Bass Fishery (*Morone Saxatilis*)**

(2) Definitions. For purposes of 322 CMR 6.07, the following words shall have the following meanings:

Circle Hook is defined as a fishing hook designed and manufactured so that the barb of the hook is not offset from the plane of the shank and bend and is turned perpendicularly back towards the shank to form a circular or oval shape.

(5) Recreational Management Measures. For purposes of conservation and management of the resource, the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possession any striped bass:

(f) Mandatory Use of Circle Hooks. Recreational fishermen fishing from shore or private vessels shall use circle hooks when fishing for striped bass with whole or cut natural baits. This shall not apply to any artificial lure designed to be trolled, cast and retrieved, or vertically jigged with natural bait attached.

### ***Alternative 1 Revisions: Assumes Board Approval of ME DMR/MA DMF Tube Rig Proposal***

(f) Mandatory Use of Circle Hooks. Recreational fishermen shall use circle hooks when fishing for striped bass with whole or cut natural baits. This shall not apply to rubber or latex tube rigs as long as they conform with the following: the lure must consist of a minimum of 8” of latex or rubber tubing with a single hook protruding from the end portion of the tubing where natural bait may be attached. Use of treble hooks is not allowed with these rigs. For the purpose of this regulation, “natural baits” shall exclude pork rind attached to an artificial lure. Striped bass caught on any other type of hook baited with natural bait must be returned to the water immediately without unnecessary injury.

### ***Alternative 2 Revisions: Assumes Board Denial of ME DMR/MA DMF Tube Rig Proposal***

(f) Mandatory Use of Circle Hooks. Recreational fishermen shall use circle hooks when fishing for striped bass with whole or cut natural baits. For the purpose of this regulation, “natural baits” shall exclude pork rind attached to an artificial lure. Striped bass caught on any other type of hook baited with natural bait must be returned to the water immediately without unnecessary injury.

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<sup>1</sup> Relevant language included; full text available at [www.mass.gov/regulations/322-CMR-600-regulation-of-catches](http://www.mass.gov/regulations/322-CMR-600-regulation-of-catches)

**Table 1. Definitions of “Bait” in State Striped Bass Circle Hook Rules (as identified by MA DMF)**


State	Current/Proposed Regulatory Language
ME (in effect)	It is unlawful to use any hook other than a circle hook when using <b>bait</b> [for striped bass]. <i>“Bait” is elsewhere defined in the striped bass regulations as “any live or dead marine organism, or part thereof.”</i>
NH (proposed)	Any person taking striped bass with <b>bait</b> from the waters of the state by angling shall only use corrodible non-offset circle hooks.
MA (proposed)	Recreational fishermen shall use circle hooks when fishing for striped bass with <b>whole or cut natural baits</b> .
RI (in effect)	The use of circle hooks is required by any vessel or person while fishing recreationally with <b>bait</b> for striped bass.
CT (in effect)	No person shall engage in angling for striped bass with <b>whole, cut, or live natural bait</b> unless such person uses an inline circle hook.
NY (proposed)	A non-offset circle hook...is required when fishing for striped bass when using any <b>natural bait, as defined</b> ... Striped bass caught on any other type of hook baited with natural bait must be returned to the water immediately without unnecessary injury. ‘Natural bait’ means all baits which entice or might be ingested or swallowed by fish including, but not limited to, fish (dead or alive), fish eggs, worms, shellfish, crustacea, amphibians (salamanders, frogs and toads), insects (including all stages of development as larvae, pupae, etc.), pork rinds, liver, meat, corn or other vegetable matter, tapioca, candy, cheese, bread and putty or dough-like scented baits.
NJ (in effect)	Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any <b>natural bait</b> .
PA (in effect)	It is unlawful to fish with <b>bait</b> for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks.
DE (proposed)	It is unlawful for any person to fish for striped bass with natural bait using any hook other than a non-offset circle hook.
MD (proposed)	When fishing for striped bass, a person recreationally angling in the Chesapeake Bay or its tidal tributaries shall only use a circle hook when using <b>fish, crabs, or worms as bait, or processed bait</b> . When fishing for striped bass, a person recreationally angling in the Atlantic Ocean, its coastal bays, or their tributaries shall only use a circle hook when using <b>fish, crabs, or worms as bait, or processed bait</b> . [Additional terminal tackle rules apply for any recreational angling in Chesapeake Bay & tributaries.]  <i>“Bait” is elsewhere defined in regulation as an attractant to catch fish which includes: (1) The living or dead, whole body or part of body of an animal; or (2) A processed product from an animal or vegetative source.</i>
VA (in effect)	Any person fishing recreationally shall use non-offset, corrodible, non-stainless steel circle hooks when fishing with <b>bait, live or chunk</b> .
NC (in effect)	It is unlawful to fish for or possess striped bass from the Atlantic Ocean for recreational purposes using hook and line gear with <b>natural bait</b> unless using a non-stainless steel, non-offset (inline) circle hook, regardless of tackle or lure configuration. <b>Natural bait is defined as any living or dead organism (animal or plant) or parts thereof.</b>



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

PATRICK C. KELIHER  
COMMISSIONER

**TO:** Emilie Franke, Atlantic Striped Bass Plan Coordinator  
**FROM:**  Commissioner Keliher, Maine Department of Marine Resources  
**DATE:** January 21, 2021  
**RE:** Revised ME Striped Bass Implementation Plan for Addendum VI Circle Hook Provisions

This memorandum provides Maine's revised implementation plan for the Addendum VI circle hook provision.

At its October meeting, the Atlantic Striped Bass Management Board (Board) voted to prohibit any exemptions to the Addendum VI circle hook provision. In response to this decision, the Maine Department of Marine Resources (ME DMR) issued an emergency regulation on December 16<sup>th</sup> to come into compliance with the Addendum VI circle hook provision ahead of the January 1<sup>st</sup> implementation deadline. Specifically, ME DMR amended its regulation by removing a provision which exempted the use of circle hooks when fishing with rubber or latex tube rigs. A copy of the emergency regulation is attached to this implementation plan. In a subsequent section of Maine's striped bass regulations, the term 'bait' is defined as any live or dead marine organism, or part thereof. ME DMR will apply this definition to the circle hook requirement.

ME DMR, in collaboration with the Massachusetts Division of Marine Fisheries, has submitted a proposal to study the striped bass tube rig fishery. In order to facilitate this study, Maine and Massachusetts are requesting Maine's previous exemption for the tube rig fishery be extended for the duration of the study. The Board's decision on this proposal could impact ME DMR's regulations over the next two years. Should the Board approve the proposal, ME DMR will allow its December 16<sup>th</sup> emergency regulation to expire after 90 days, the duration of an emergency regulation. This would reinstate the previous circle hook exemption for the tube rig fishery. If the Board does not approve the proposed study, ME DMR will incorporate the emergency changes via regular rulemaking this winter, ahead of the start of Maine's striped bass fishery.

**NOTICE OF AGENCY EMERGENCY RULE-MAKING**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

**CONCISE SUMMARY:**

In order to come into compliance with the Atlantic States Marine Fisheries Commission’s Atlantic Striped Bass Interstate Fishery Management Plan, the Department is implementing regulatory changes to expand the required use of circle hooks in the recreational striped bass fishery. Specifically, this emergency rulemaking makes it unlawful to use any hook other than a circle hook when fishing for striped bass with bait. In doing so, this emergency rulemaking removes the exception that previously exempted those fishing for striped bass with baited latex and rubber tube rigs from having to use circle hooks. In addition to coming into compliance with the Fishery Management Plan, this regulation has the potential to have positive impacts on the stock by broadening the requirement to use circle hooks in the striped bass fishery and reducing discard mortality rates.

**EFFECTIVE DATE:** December 16, 2020

**AGENCY CONTACT PERSON:** Megan Ware (207-446-0932)  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** State House Station 21  
 Augusta, Maine 04333-0021  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
**E-MAIL:** [megan.ware@maine.gov](mailto:megan.ware@maine.gov)  
**FAX:** (207) 624-6024  
**TTY:** (888) 577-6690 (Deaf/Hard of Hearing)

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*Please approve bottom portion of this form and assign appropriate MFASIS number.*

APPROVED FOR PAYMENT _____	DATE: _____				
FUND      AGENCY      S-UNIT      APP      OBJT      AMOUNT					
<i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i>					
010	13A	1120	10	4946	regulations

DEPARTMENT OF MARINE RESOURCES

CHAPTER 42 – Striped Bass

42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

1. Method of Taking.

- A. It is unlawful to fish for or take striped bass in territorial waters, except by hook and line. It is unlawful to use a gaff to land any striped bass.
- B. It is unlawful to use multiple (more than two) barbed or barbless treble hooks on any artificial lure or flies while fishing for striped bass in territorial waters.
- C. It is unlawful to use treble hooks when using bait.  
The following becomes effective January 1, 2013:  
It is unlawful to use any hook other than a circle hook when using bait. For purposes of this chapter the definition of circle hook means “a non-offset hook with a point that points 90° back toward the shaft of the hook”.

~~Exception: Rubber or latex tube rigs will be exempt from the circle hook restriction as long as they conform with the following: the lure must consist of a minimum of 8” of latex or rubber tubing with a single hook protruding from the end portion of the tubing where bait may be attached. Use of treble hooks is not allowed with these rigs.~~

- D. Any striped bass legally taken from the territorial waters shall be immediately released alive into the water from which it was taken, or killed at once. Any striped bass killed becomes part of the daily bag limit in accordance with Chapter 42.02.



## **Basis Statement**

The Commissioner adopts this emergency rulemaking to modify the circle hook requirements for striped bass such that it is unlawful to use any hook other than a circle hook when fishing for striped bass with bait. This emergency rulemaking removes the exception that previously exempted those fishing for striped bass with baited latex and rubber tube rigs from having to use circle hooks. This action is necessary to come into compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Striped Bass Interstate Fishery Management Plan.

Striped Bass is managed by ASMFC. As a part of Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan, the use of circle hooks is required when recreationally fishing for striped bass with bait; this requirement goes into effect January 1, 2021. At its October 2020 meeting, the Atlantic Striped Bass Management Board reviewed state regulatory language for the circle hook requirement. As a part of this review, ME DMR submitted existing regulatory language which requires the use of circle hooks when fishing for striped bass with bait; however, this regulation also provided an exception to the circle hook requirement for those who were fishing with baited latex and rubber tube rigs. Maine was one of two states which included an exception to the circle hook requirement for a portion of the striped bass recreational fishery. Ultimately, the Atlantic Striped Bass Management Board voted to disapprove any exceptions to the requirement to use circle hooks when recreationally fishing for striped bass with bait.

ME DMR must modify its striped bass regulation in order to come into compliance with the ASMFC Striped Bass Interstate Fishery Management Plan. Further, broadening the requirement to use of circle hooks in the recreational striped bass fishery has the potential to have positive benefits for the stock given the use of circle hooks has been shown to reduce discard mortality rates. For these reasons, the Commissioner hereby adopts an emergency regulation to modify the circle hook requirements in the striped bass recreational fishery in accordance with 12 MRS §6171(3)(C).

# Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:**

Megan Ware, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 446-0932; E-mail: [megan.ware@maine.gov](mailto:megan.ware@maine.gov), web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: 42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

STATUTORY AUTHORITY: 12 M.R.S. 6171(3)(C).

DATE AND PLACE OF PUBLIC HEARING: NA; Emergency Rulemaking

COMMENT DEADLINE: NA; Emergency Rulemaking

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

This action is intended to come into compliance with the Atlantic Striped Bass Interstate Fishery Management Plan and broaden the requirement to use circle hooks in the recreational striped bass fishery.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This rule will expand the required use of circle hooks in the recreational striped bass fishery. By removing the previous exception, there will be a uniform requirement in Maine to use circle hooks when fishing for striped bass with bait.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

This rule considered Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan as well as the meeting of the Atlantic Striped Bass Management Board on October 21, 2020.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Enforcement of this amendment would not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

*ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:*

[*see* §8057-A(2)(A)]

*INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:* [*see* §8057-A(2)(B)]

*BENEFITS OF THE RULE:* [*see* §8057-A(2)(C)]

*Note: If necessary, additional pages may be used.*

## Correction to the 2018 Striped Bass Stock Assessment Regarding Recovery of the Various Spawning Stocks of Striped Bass

The following statement appears in the 2018 striped bass stock assessment report: “In 1995, Chesapeake Bay, Delaware Bay and Hudson River striped bass stocks were declared recovered by the Commission (the Albemarle Sound/Roanoke River stock was declared recovered in 1997)...” (page 469, CRD 19-08 66<sup>th</sup> Northeast Regional Stock Assessment Workshop (66<sup>th</sup> SAW) Assessment Report. B. STOCK ASSESSMENT OF STRIPED BASS FOR 2018.

That is an incorrect statement. In March, 1995, Amendment 5 was passed. It stated on page iii that “The Atlantic States Marine Fisheries Commission declared that the Chesapeake Bay stocks of Atlantic striped bass, which support the greatest portion of the coastal stock, was recovered as of January 1, 1995.

The Delaware and Albemarle Sound/Roanoke River stock were not declared restored until 1998. Addendum III to Amendment 5 in October 1998 was titled,

“1999- 2000 Fisheries  
Albemarle/Roanoke Stock Recovery  
Delaware River Stock Recovery.”

The Addendum stipulated “Specifically, the addendum outlines regulations for commercial and recreational fishermen, and codifies stock recovery in the Albemarle/Roanoke and Delaware River estuaries or 'producer' areas.

It went on to say, “In addition, the states have determined that the Roanoke River and Delaware River stocks of striped bass have recovered to historic levels of spawning biomass. The Roanoke stock has been protected under various North Carolina fishery management plans since the 1980 and computer simulation models in conjunction with field studies verify that the spawning biomass in this extreme southern stock has been restored to levels seen in the 1960s. This recovery allows North Carolina to liberalize certain regulations inside the estuary to achieve the Amendment 5 fishing mortality target. The Delaware River stock is known to mix extensively with the Chesapeake stock, and the states of Delaware, Pennsylvania, and New Jersey have been permitted to use the same target mortality rate established for the Chesapeake Bay ( $F=0.31$ ) since the adoption of Amendment 5.

This “codification” of stock recovery for the Delaware River spawning stock was based on data presented by Kahn et al. (1998). The Delaware River stock had been considered extinct by some biologists in the mid-twentieth century, due to pollution-caused anoxia on the spawning grounds. Not until the Clean Water Act provided funding and the impetus for reducing pollution in the 1970s that pollution reduction was begun. The process of reducing industrial and sewage pollution was completed in 1987 when the last large sewage treatment plant was upgraded. There is still considerable nitrogen-based pollution in the River, but adequate oxygen was restored to allow resumption of successful striped bass spawning and larval survival. (Kahn et al. 1998, Kahn et al. manuscript in preparation).

This timeline points out the unfair aspect of the Commission’s striped bass quota allocation system. Quota are based on historical landings in the 1970s, yet there was no extant Delaware River stock in the 1970s, unlike today. The Commission essentially is penalizing states utilizing the Delaware River stock for having virtually no stock in the 1970s.

What is the current contribution of the Delaware River stock to the coastal aggregation today? Kneebone et al. (2014) conducted acoustic tagging of bass of the coast of Massachusetts in summer. They then monitored entry of these tagged bass, which were mainly female, into the various spawning grounds in the spring. They estimated the Delaware River stock comprised 15% to 20% of the coastal aggregation. That means that the recovery of this stock increased the total aggregation by 18% to 25% over levels attained before the Delaware recovery.

This estimate raises a question about the claim that the stock is overfished based on the model estimate of SSB. But yet, while the SSB estimate may be lower than the estimate for 1995, the total stock is much larger than it would have been without the Delaware recovery. In fact, as a former member of the Tagging Subcommittee (twice Chair), the Stock Assessment Subcommittee and the Technical Committee (past Chair), I am aware that the catch at age model is biased to underestimate survival and stock size, while overestimating fishing mortality, because the age data is biased by underaging older fish. This bias was established by the Technical Committee by using scales from known-age fish and conducting a careful study of ageing bias. The peer-reviewed 2013 paper by Hank Liao, Alexi Sharov, Cynthia Jones and Gary Nelson, titled “Quantifying the Effects of Aging Bias in Atlantic Striped Bass Stock Assessment” clearly showed that this ageing bias over-estimated F and underestimated SSB, yet it has been ignored by the Technical Committee.

#### References Cited

- Kahn, Desmond M, Roy W. Miller, Craig A. Shirey, Stephen Grabowski. 1998. Restoration of the Delaware River Spawning Stock of Striped Bass. Delaware Division of Fish and Wildlife, Dover.
- Kahn, Desmond M., Peter Himchak, Craig A. Shirey, Matthew Fisher, Thomas Baum, Russell Allen, Gregory Murphy, Michael Kaufman, Heather E. Corbett , Roy W. Miller. *Manuscript in prep.* Restoration of the Delaware River Stock of Striped Bass.
- Kneebone, J., W. S. Hoffman, M. J. Dean, D. A. Fox and M.P. Armstrong. 2014. Movement patterns and stock composition of adult striped bass tagged in Massachusetts coastal waters. Transactions of the American Fisheries Society 143:1115-1129.
- Liao, Hongshen, Alexi Shrov, Cynthia Jones and Gary Nelson. 2013. Quantifying the Effects of Aging Bias in Atlantic Striped Bass Stock Assessment. Transactions of the American Fisheries Society 142:193–207

January 26, 2021

Dear Chair David Borden,

Thank you for the opportunity to express my support for the Maine and Massachusetts proposal to study the tube rig fishery and consider its exemption from the circle hook provision. I signed onto the Dec 30<sup>th</sup> letter from fishing industry trade groups and recreational angler organizations as president of the Maine Association of Charterboat Captains but am submitting this comment as an owner/operator of a charterboat business and as a recreational striped bass angler.

I've written to this board in the past urging enactment of consistent regulations across member jurisdictions. I've urged this group to take a more conservative approach in management decisions than the bare minimum provided in recommendations by the technical committee and to deliberately err on the side of caution. I am therefore hesitant to support yet another exemption and worry that the process of gaining board approval for this proposal will result in approval of some other exemption that I would not support and that would further impede rebuilding of the striped bass stock. I've lobbied in favor of circle hook requirements for this fishery and urged adoption of same for other species. Additionally, I worry that lengthy discussion of this proposal at the winter meeting could eat into time best devoted to the more impactful work of launching the new Amendment process.

Despite my reservations, this proposal makes sense. I've heard only consensus that use of J-hooks in tube and worm rigs does not result in significant numbers of gut hook fish. This proposal would provide us with quantitative data to verify or dispute this widely held notion. The ME/MA proposal seeks to provide the needed information to make the best decision possible regarding any exemption to the circle hook requirement and appropriately includes a sunset clause as assurance that extension of any exemption is approved by this board.

Additionally, this request for reconsideration allows the Striped Bass Board to demonstrate to the angling public and the for-hire industry that it is responsive to stakeholder input. It's an opportunity for the Board to build credibility with a segment of the angling community that views this organization as disconnected with the realities and details of this fishery. It has engaged people who haven't been involved in the management process as we begin the incredibly important process of crafting a new Amendment. It prompts additional research and involvement of anglers in same. It has brought together a diverse group of industry advocates. It may have a significant impact on a segment of the marine harvesting industry here in my home state of Maine. The economic benefit to the locally owned bait and tackle shops, while currently unknown, may also be important.

This proposal makes sense and carries minimal risk. I hope the Striped Bass Board moves quickly to approve it.

Respectfully,

Capt. Peter Fallon  
Gillies & Fallon Guide Service, LLC  
Phippsburg, ME

**From:** [geobrowne@comcast.net](mailto:geobrowne@comcast.net) [<mailto:geobrowne@comcast.net>]

**Sent:** Monday, January 25, 2021 8:30 PM

**To:** Comments <[comments@asmfc.org](mailto:comments@asmfc.org)>

**Cc:** Paul Haertel <[anglerpmh@aol.com](mailto:anglerpmh@aol.com)>

**Subject:** [External] Incline circle hooks regulations

I would like to submit a few comments on the use of inline circle hooks for striped bass fishing.

I am supportive of protecting the striped bass fishery and believe the use of inline circle hooks will reduce the mortality rate for striped bass. I also think the regulations should be crafted in a way that makes them simple to comply with, simple to understand and apply, and are enforceable. From what I have seen of some states proposed regulations, those proposals accomplish none of that.

1. Any rules must be consistent, coast wide.

There should be no exceptions to the inline circle hook rule. I have seen parts of proposals from at least three northeastern states that vary in such a way they do not encourage compliance. In New Jersey and New York, pork rinds will be considered a natural bait. Is that same definition included in the proposals from other states? People follow the striper migrations and fish in different states. Maryland should not have one set of rules, while New Jersey and New York, and other states, have their own rules. Keep it simple and easy to comply with regardless of where an angler is fishing for stripers.

2. There needs to be a clear definition of natural bait.

New Jersey is going to define natural bait any whole living or dead organism (animal or plant) or parts thereof. This includes all animal products, including pork rind and other land-based animals. The New York proposal also includes "putty or dough-like scented baits" but it does not identify what the putty or dough is made from. Other states have different definitions. There is also some confusion about bucktails and flies being a natural bait (with or without a natural bait added to the hook) since they use animal parts.

Natural bait should be any whole living or dead animal organism added to a hook on a fishing device (fly, lure, rig, bare hook, and other such devices) after the finished manufacture of the device. Many striped bass anglers consistently use bucktails and teasers with great success. If the feathers or hair used to make a teaser are included in the definition for natural baits, do teasers have to be tied on an inline circle hook? How would that affect the performance of the teaser in the water? If teasers had not worked for me this past fall, I would have caught about one half of the fish (both hickory shad and striped bass) that I did. If my fishing success rate is reduced by these regulations, why fish?

3. There should be no waste of striped bass caught while actively fishing for other species.

Massachusetts and New York are talking about requiring the release of ANY striped bass caught using natural bait not caught on an inline circle hook. If an angler is fishing for bluefish or fluke with a natural bait on a J hook and they catch a striper, that would require it to be released. While this may be a way to encourage the use of inline circle hooks and catch and release, it ignores two things. First, there are people who fish as a means of putting food on their table. Sustenance anglers are targeting what they know they have the best chance of catching and keeping. If a striper is caught as a by catch while actively fishing for other species, and it is of legal size, why can't these people keep the fish? Second, if a legal size, by catch, striped bass is mortally wounded by the J hook (or other non-inline circle hook), it would be a waste of the resource to not harvest that fish. Releasing a dying fish does not improve fish mortality. People who catch striped bass while legitimately fishing for other species should not be punished for that.

4. Keep the rules simple so that a conservation officer in the field can easily identify violations.

Keep it simple so that different conservation officers in the field apply the regulations equally. Keep it simple so that the angler can buy the correct tackle at local fish and tackle shops and use it without fear of getting cited.

The goal of these regulations should be compliance. Make it simple to comply with the regulations. In cases where anglers intentionally violate the regulations, enforce the regulations.

Please feel free to distribute my comments to staff and the public.

Thank you,

George Browne

**From:** Marc Lamothe [<mailto:marcolamothe.keeper@gmail.com>]  
**Sent:** Monday, January 25, 2021 1:56 PM  
**To:** Comments <[comments@asmfc.org](mailto:comments@asmfc.org)>  
**Cc:** Capt. PETER FALLON <[pfallon@mainestripers.com](mailto:pfallon@mainestripers.com)>  
**Subject:** [External] Circle Hooks for Tube and Worm

Tube and Worm fishermen do not gut hook fish. The condition of a tube and worm caught striped bass is generally quite good.

I have been fishing surgical tube lures for 50+ years and have NEVER had a fish show injury to the point where I doubted its survival after release.

I mostly fish live mackerel and chunk mackerel on my charters, and daily I injure fish, despite using circle hooks. I believe the survival rate with circle hooks is FAR greater than using J-hooks or live bait style hooks. I like circle hooks for bait fishing and applaud the switch Maine made a few years back.

J-Hooks belong on tube and worm rigs. Fish are released in good condition and the hooks are far easier to remove, resulting in less handling of the fish.

Please reconsider requiring circle hooks for tube and worm rigs.

Capt. Marco Lamothe  
Keeper Charters  
4 Jordan St.  
Saco, Maine 04072  
[www.keeper-charters.com](http://www.keeper-charters.com)  
207-286-5565



**From:** [ncreek@comcast.net](mailto:ncreek@comcast.net)  
**To:** [Comments](#)  
**Subject:** [External] Striped Bass Tube and Worm Technique Comment  
**Date:** Monday, January 25, 2021 12:07:53 PM

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Good morning Mr. Borden,

I would like to provide some commentary on the Striped Bass fishing Tube and Worm technique. I am a Maine Guide and Licensed Captain and have been fishing this technique for over 30 years. I learned the technique fishing in Cape Cod when I was a kid and believe I may have been one of the first to fish the technique in Maine. I am very passionate about the technique and rely on it to consistently put fish in the boat, especially in the summer when other techniques slow down. I have caught 1000s if not tens of thousands of fish on this technique and have never once gut hooked a fish with it! I release 99.9% of my catch. I charter to a lot of families and find the simplicity of the technique helps me considerably when I have children and first timers on the boat. A lot of my repeat customers come to fish with me because of the technique, the consistency of action and they feel comfortable that their youngsters can enjoy catching fish without having to master a technique before fish are caught. In short, I have grown my business around this technique. As well, I pay local worm diggers hundreds of dollars throughout the summer and if I'm not allowed to use it, that's a lot of money not going into the (local) economy. Additionally, I buy the tubes from a local tackle shop that makes them and I buy dozens every year. My disappointment with the recent ruling change is that it was not based on the mortality of the resource but a ruling consistency issue (political) and came without any opportunity to defend it.

I greatly appreciate any efforts to reinstate use of this technique, much of my business relies on it and some of the local economy relies on it as well.

Thank you

Capt. John L. Nowinski

207-831-2922

[ncreek@comcast.net](mailto:ncreek@comcast.net)



# 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

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## MEMORANDUM

**TO:** Shad and River Herring Management Board  
Cc: Shad and River Herring Technical Committee

**FROM:** Shad and River Herring Advisory Panel

**DATE:** January 26, 2021

**SUBJECT:** AP Report on Assessment Results and Technical Committee Recommendations to Improve Shad Stocks

The Shad and River Herring Advisory Panel (AP) met twice via webinar on Monday, October 26, 2020 to review the results of the 2020 American Shad Benchmark Assessment, and on January 15, 2021 to review the Technical Committee (TC) recommendations for improving shad stocks. AP comments and additional recommendations are summarized below.

**AP Members in attendance October 26, 2020:** Pam Lyons Gromen (Chair), Alison Bowden (MA), Byron Young (NY), Jeff Kaelin (NJ), Edward Hale (DE)

**January 15, 2021:** Pam Lyons Gromen (Chair), Eric Roach (NH), Byron Young (NY), Jeff Kaelin (NJ), Edward Hale (DE), Ray Brown (NC)

**ASMFC Staff:** Caitlin Starks, Jeff Kipp, Emilie Franke

**Other:** Brian Neilan (TC Chair, NJDEP), Allison Colden, Patrick McGee (RIDEM), Holly White (NCDMF), Max Appelman (NOAA Fisheries), Zach Greenburg (Pew Charitable Trust)

After reviewing the results of the 2020 American Shad Benchmark Assessment, the AP reviewed the TC's recommendations to address the Board task assigned in August 2020: identify potential paths forward to improve shad stocks given the results of the stock assessment. The TC recommendations included system-specific monitoring and restoration efforts as well as coastwide recommendations.

### AP Comments on October 26, 2020

The AP provided several comments related to the assessment. First, Jeff Kaelin expressed concern that shad mortality in the ocean intercept fishery is likely overestimated. He suggested incorporating data from the shoreside monitoring program performed by the Massachusetts Department of Marine Fisheries in the next assessment to improve information on ocean bycatch.

Ed Hale inquired about the availability of genetic data to characterize stock composition in the Delaware Bay mixed-stock fishery and coastwide. Staff acknowledged that while there have been more efforts to collect genetic data in the Delaware system, historical data is not available to assess how the stock proportions in the Delaware Bay fishery have changed over time, and that the US Geological Survey is starting a project to establish a genetic repository for alosines along the Atlantic coast.

In addition to genetic data, AP members noted several other data gaps they feel are creating big sources of uncertainty for the stock assessment: recreational landings information, bycatch in inshore and coastal fisheries, and environmental information like climate, streamflow, and water quality. For example, Allison Bowden commented that in New England significant droughts have caused water in a number of productive systems to be held back for water supply, which in turn means the fish are unable to emigrate from the systems. Streamflow has a big effect on shad and should be considered as a factor contributing to depletion.

Specific to the Delaware Bay, Ed Hale commented that he thinks the surveys used to estimate mortality in Delaware Bay had some serious issues. The Smithfield Beach Gill Net Survey is used to harvest broodstock for a Pennsylvania stocking effort that has inconsistent levels of effort and targets females, and the Lewis Haul Seine Fishery is more of an ecotourism effort than a scientific mission. The Lehigh River Electrofishing Survey occurs on a dammed river at two locations > 2.5 miles upriver on a single day in mid-June. Therefore he felt these surveys did not do an effective job in providing information worthy of assessing mortality or stock status.

Related to the TC recommendations, the AP members on the call supported the TC approach to developing system-specific recommendations, but noted that some recommendations at the coastwide level should also be considered such as genetic sampling of ocean bycatch. The AP also supported the TC's ongoing efforts to identify monitoring gaps and recommend changes to the monitoring requirements under Amendment 3. They highlighted the need for better information on inshore bycatch and juvenile mortality, which could be impacting the stocks.

Pam Lyons Gromen noted that in the assessment report shad were classified as highly vulnerable to climate change, and she would like to see recommendations on how management can address this issue.

#### **AP Comments on January 15, 2021**

AP members provided comments on the TC recommendations for both individual shad stocks as well as the coastwide recommendations. In response to the TC recommendation that paired otoliths and scales be collected in all systems where it is possible, Ed Hale commented that the TC should better define sampling targets for various data sources (i.e. specific stocks, fishery-independent vs -dependent surveys), in order to ensure enough otolith sampling can be completed to meet the needs of the stock assessment.

Related to the recommendation for stock composition sampling of mixed-stock fisheries and offshore bycatch, Jeff Kaelin recommend that the commission reach out to the Northeast Fishery Observer Program (NEFOP) to ask that they prioritize sampling of shad in federal fishery bycatch. He mentioned that NEFOP is usually open to recommendations on where to focus sampling, and that there will be increased opportunities for sampling from boats with requirements related to video monitoring.

Ray Brown expressed concerns that additional information for the Tar-Pamlico and Cape Fear systems could have been included in the assessment and he believes there is enough information to make a stock assessment determination. However, Ray commented that he can accept the TC recommendation for no changes to management, as long as no additional fishing pressure is added. A North Carolina Division of Marine Fisheries staff member who was on the webinar clarified that

all available information from North Carolina were provided for the assessment, but some data did not meet the criteria defined by the Stock Assessment Subcommittee to allow calculation of mortality rates for adults or juveniles for recent years.

Byron Young supported the recommendations for the Hudson River. He mentioned he is concerned about the idea of controlling offshore bycatch, because he is not sure how that can be done. On the recommendation to collect otoliths, he commented that the recommendation is unclear as to whether 100 otolith samples are needed from each system, state, or coastwide. He recommended the TC clarify this point, and believes 100 samples per state would be difficult to obtain.

Ed Hale commented that in addition to echoing some of the limitations of presently used stock status metrics associated with the Delaware River FMP from the AP October 2020 call, he would like to recommend that the Delaware River Coop explore other existing monitoring surveys for potential inclusion into assessing stock status (e.g. DNREC trawl survey) and consider reprioritization (addition/deletion) of currently used indices to assess stock status in editing of their Delaware Basin FMP.

All AP members on the call agreed that the Board should support however possible the development of the United States Geological Survey (USGS) project to develop a genetic repository for alosine species, since it is clear that genetic information is a major data gap in the assessment. This project is currently in its early stages, with USGS project leads reaching out to potential collaborators who can help obtain tissue samples.

Byron Young and Pam Lyons Gromen both commented on the fact that climate impacts have not been addressed in the TC recommendations, but acknowledged that it is an issue that is likely outside the scope of the Committee. However, they feel climate is an important issue that needs to be addressed, perhaps as a research recommendation for future work and assessments. Pam also commented that the partnership and communication related to climate impacts between commission and federal partners (such as the Northeast Fishery Science Center) could be improved. In particular, there is a need to better define how information is shared between partners. There are a few climate projects, such as the mapping of temperature and American shad historic biomass distribution over time and projections of future distribution due to climate change on the Mid-Atlantic Ocean Data Portal, but it is unclear how available information is being addressed by managers. Information such as this is useful for better understanding and mitigating impacts on mixed stocks in the ocean.

Lastly, Ed Hale emphasized the need to quantify recreational effort, harvest and incidental mortality on a coastwide spatial scale, noting that state surveys and MRIP are not effective at sampling stretches of habitat (upper stretches of tributaries) where the adult fish return to spawn. Several other members agreed, and Ray Brown added that incidental by catch from all types of fishing (recreational or commercial) should be reported from all systems even if the current stock status in that system is currently deemed sustainable.



# Atlantic States Marine Fisheries Commission

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

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## MEMORANDUM

**TO: Bluefish Management Board**  
**FROM: Dustin Colson Leaning, Fishery Management Plan Coordinator**  
**DATE: January 14, 2021**  
**RE: Recommended Revisions to the Addendum I Biological Monitoring Program**

In December 2020, the Bluefish Technical Committee (TC) presented a memo to the Bluefish Management Board (Board) with recommendations for changes to the Addendum I biological monitoring program. The recommended revisions were largely due to updated recreational data that resulted from the Marine Recreational Information Program 2018 recalibration of recreational catch estimates. At the Board's December meeting, staff held the understanding that an addendum was needed to make revisions to the biological monitoring program, but after further review of Addendum I it was determined it is possible to make revisions to the sampling requirements through board action in the form of a motion. As such, a full addendum process is not needed to achieve the Bluefish TC's recommended changes. After consultation with the Board Chair and the TC Chair, and in light of the minor and technical nature of the revisions, we have determined the best approach would be to finalize revisions to the Addendum I biological monitoring program through Board action at the meeting in February. Based on the analysis and recommendations of the Bluefish Plan Review Team (PRT) and TC, the following changes are recommended:

1. Change the threshold for required participation in the age sampling program from 5% of total coastwide bluefish harvest (1998-2008) to 4% of total coastwide bluefish removals (recreational and commercial landings and dead discards; 2010-2019). This update would add Florida to the list of states that are already required to submit age samples under Addendum I (Massachusetts, Rhode Island, Connecticut, New York, New Jersey, North Carolina, and Florida). As was the case under Addendum I, Virginia must continue its current sampling regime for bluefish and provide the same minimum 100 samples as other states for the purposes of continuing Virginia's valuable collection of biological data used in stock assessments.
2. Change the seasonal spread of the data from a requirement to a target but still require a total of 100 samples to be collected. Specifically, the collection of 50 samples in the spring (January-June) and 50 samples in the fall (July-December) is a target. The availability of fish will be taken into consideration by the PRT and Board when reviewing annual compliance reports. States who fail to meet the seasonal sampling targets should demonstrate in their state compliance report that low bluefish availability was the primary cause for falling short of the 50 fish target and that adequate sampling efforts were made to achieve the targets.

In addition to the recommended changes to the Addendum I biological monitoring program requirements above, the TC also encourages states to do the following:

1. States that comprise greater than 4% of coastwide removals (Massachusetts, Rhode Island, Connecticut, New York, New Jersey, North Carolina, and Florida)<sup>1</sup> for the period 2010-2019 are encouraged to collect recreational release length data. These data include length measurements<sup>2</sup> of recreational bluefish releases from anglers fishing from shore, private, rental, party, or charter boats. States are encouraged to consult with the TC for assistance with designing and establishing voluntary angler survey programs to collect these data.

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<sup>1</sup> Note that Rhode Island, Connecticut and New Jersey already have voluntary angler programs in place that provide recreational release frequency data.

<sup>2</sup> Lengths collected from anglers can be either fork length or total length, but will need to ultimately be converted to fork lengths for assessment purposes.