

Atlantic States Marine Fisheries Commission

Executive Committee

*May 3, 2016
8:00 – 10:00 a.m.
Alexandria, Virginia*

Draft Agenda

1. Welcome/Call to Order, *D. Grout*
2. Committee Consent **Action**
 - Approval of Agenda
 - Approval of Meeting Summary from February 2016
3. Public Comment
4. Report of the Administrative Oversight Committee, *J. Gilmore* **Action**
 - Presentation of the FY17 Budget
5. Discuss State Assessments
 - Level Funded in 2016
 - Confidential vs. Non-confidential Data
6. Discuss Black Sea Bass Management in Maine
7. Discuss Priorities for Saltonstall/Kennedy Research
8. Discuss Plan Development Team Membership
9. Discuss Conservation Equivalency
10. Discuss Offshore Monuments Proposal and Potential Commission Response, *D. Grout*
11. Future Annual Meetings Update, *L. Leach*
 - October 23-27, 2016 Bar Harbor, Maine
 - 2017 – Virginia
 - 2018 – New York
 - 2019 – New Hampshire
12. Closed Session
 - Discuss ACCSP Governance
 - Executive Director Performance Review
13. Other Business/Adjourn

Please Note: Breakfast will be served at 7:45 a.m.

The meeting will be held at the Westin Alexandria; 400 Courthouse Square, Alexandria, VA; 703.253.8600

Vision: Sustainably Managing Atlantic Coastal Fisheries



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Executive Committee

FROM: Management and Science Committee and the Assessment and Science Committee

DATE: April 25, 2016

SUBJECT: Changes to the Conservation Equivalency Guidance Document

ASMFC uses conservation equivalency in a number of interstate fishery management programs. Conservation equivalency (CE) allows states/jurisdictions (hereafter states) flexibility to develop alternative regulations that address specific state or regional differences while still achieving the goals and objectives of Interstate Fishery Management Plans (FMPs). A Conservation Equivalency Guidance Document was approved in 2004 to provide policy and technical guidance on the application of conservation equivalency in interstate fishery management programs developed by the Atlantic States Marine Fisheries Commission (ASMFC). This guidance document received limited implementation since its approval; therefore, current processes to establish conservation equivalency programs varies widely among species FMPs.

The Executive Committee tasked staff to review the guidance document to provide information on where there are inconsistencies with current applications and where additional clarification on process may be warranted. The guidance document is outlined in 5 major sections: General Policy Guidance, Standards for State Conservation Equivalency Proposals, Review Process, Coordination Guidance, and Public Perception. This document presents policy questions on specific sections of the document regarding guidance on development, submission, review, and approval of conservation equivalency proposals that were presented to and then considered by the Management and Science Committee (MSC) and the Assessment and Science Committee (ASC). Recommendations from the MSC and ASC were incorporated into this memo for Executive Committee review and consideration.

Section 1: General Policy Guidance

The general policy guidance section of the 2004 Guidance Document describes how the Plan Development Team (PDT) develops CE within an FMP, gives some direction on the length a program can be in place, and the committees the Plan Review Team (PRT) should see feedback from.

Policy Questions:

1) Charter Guidance: The ISFMP Charter allows for the use of CE in Commission management plans, unless the FMP specifically states it cannot be used. The general guidance section does not clearly describe Charter direction or the two ways in which conservation equivalency programs are utilized by states.

- Should the section be revised to clearly state the Charter guidance? Should it be revised to state through what process CE can be established: (1) FMPs (amendments or addenda) and (2) proposal submitted by the state?

ASC/MSC recommendation: Agreed with suggested change to reflect Charter guidance.

2) More Restrictive Measures: This section does not give direction to states when proposals are put forward for measures that are more conservative than a plan requires.

- Should the section be revised to clearly define when a CE proposal is required and when it is not? (e.g. Conservation equivalency proposals and Board approval are not required when states adopt more restrictive measures than those required in an FMP including but not limited to: higher minimum size, lower bag limit, lower quota, lower trip limit, closed or shorter seasons.)

Possible Language Change:

Conservation equivalency proposals and Board approval are not required when states adopt more restrictive measures than those required in the FMP (e.g., higher minimum size, lower bag limit, lower quota, lower trip limit, closed or shorter seasons). These changes to the management program should be included in a state's annual compliance report or state implementation plan.

ASC/MSC recommendation: Expressed concern over the difficulty in determining whether proposed measures are actually "more restrictive" due to unexpected consequences that may arise (e.g., a larger minimum size limit could increase discards). Recommend all CE proposals, regardless of the measures they propose, must be reviewed and considered by the board.

Section 2: Standards for Conservation Equivalency Proposals

This section of the Guidance Document intends to provide a template for states to follow when developing conservation equivalency proposals. Current practices are not reflected in this section.

1) Technical Committee (TC) Input: The original policy does not address that the TC may need to provide input to states regarding analysis and usable datasets prior to states submitting CE proposals.

- Should the guidance be revised to state the TC should determine a recommended level of precision for all data and analyses used in proposals unless previously determined by the management board or FMP? This information may be requested by the state prior to the submission of their proposal.

Possible Language Change:

The TC should determine a recommended level of precision for all data and analyses, unless previously determined by the board or FMP. States may request this information prior to the submission of their proposal.

ASC/MSC recommendation: Agreed with suggested change, with the clarification that states have the option, but are not required, to ask for TC input.

2) Implementation Timeframe: The Guidance Document states all proposals must include how long the equivalent measures will be in place. It also states the timeframe should be linked to the next assessment or expected collection of additional data. It states plans should sunset after 3 years unless justification is provided for a longer timeframe. Expiration of proposals is intended to provide periodic reviews. This guidance does not reflect current practice. CE timeframes are rarely linked to assessments or data collection in state proposals. Most often they either expire at the end of the fishing year or they do not have a set expiration date.

- Should the guidance be simplified to state all proposals should include the length of time the measures are intended to be in place and the timing of the reviews of the measures? This would remove the linking of the proposal timeframe to assessments and data collection.

Possible Language Change:

The proposal must include the length of time the state is requesting CE and a review schedule. If the state does not intend to have an expiration date for the CE program it should be clearly stated in the proposal with justification.

ASC/MSC recommendation: Agreed with suggested change, and requested the proposals identify the length of time measures are intended to be in place and the timing for reviews.

Section 3: Review Process

This section of the Guidance Document provides direction to states on timelines, the review process, and the approval process. The timeline guidance for proposal submission does not reflect current practice and some of the direction on what committees should review proposals is not clear. It is recommended the section header be revised to: *Review and Approval Process*.

1) Timing: The current guidance requires a state to notify the Board chair three months in advance of a Board meeting that they intend to submit a CE proposal. Completed proposals are then due two months prior to the Board meeting.

- Current practice provides more flexibility for the submission of CE proposals. Should the guidelines be changed to reflect current practice? Current practice allows the submission of proposals by the states at any time. The review of proposals submitted less than two months in advance of a board meeting is at the discretion of the Board Chair, while those submitted less than two weeks in advance are not considered at the upcoming board meeting. This practice is intended to allow a flexible submission schedule but still consider the workload of the committees reviewing the proposal.

Possible Language Change:

If a state is submitting a proposal outside of an implementation plan process, it must provide the proposal two months in advance of the next board meeting to allow committees sufficient time to review the proposal and to allow states to respond to any requests for additional data or analyses. States may submit conservation equivalency proposals less than two months in advance of the next board meeting, but the review and approval at the upcoming board meeting is at the discretion of the Species Management Board Chair. Proposals submitted less than two weeks before a meeting will not be considered for approval at that meeting.

ASC/MSC recommendation: Agreed with suggested change as described in the language above.

2) Committee Guidance: The Guidance Document does not provide clear advice on the distribution of CE proposals to committees. It first states, upon receipt of the proposal the PRT will determine what additional input will be needed from the Technical Committee, Law Enforcement Committee, the Committee on Economics and Social Sciences. This would indicate the PRT determines which committees should complete a review. The next sentence contradicts this advice by stating the PRT will distribute and make the proposal available to all committees for possible comment.

- Should the document be revised to clarify what committees should review the proposals? Under current practice, the PRT reviews the proposal and then determines which committees should review the proposal based on its content. The PRT then distributes the proposal to the necessary committees for review.

Possible Language Change:

Upon receipt of the proposal, the PRT will determine what additional input will be needed from: the Technical Committee (TC), Law Enforcement Committee (LEC), and Committee on Economic and Social Sciences (CESS). The PRT will distribute the proposal to all necessary committees for comment.

ASC/MSC recommendation: Agreed with suggested change to reflect current practice.

3) AP Guidance: Current guidance states committee reviews will occur before the AP reviews and comments on CE proposals, and that the AP will receive the other committees' reports. This is intended to give the Advisory Panel as much information as possible to aid in their recommendation to the Board. However, time constraints may not allow all committees to complete their reviews prior to the meeting of the AP.

- Should the guidance document be revised to account for possible time constraints? In general manner.

Possible Language Change:

The PRT will compile all of the input and forward the proposal and comments to the Advisory Panel when possible. However, when there are time limitations, the AP may be asked for comments on a proposal prior to completion of other committee reviews.

ASC/MSC recommendation: Agreed with suggested change, the AP may have to review the proposal before receiving other committees' reports due to time constraints.

4) PRT Recommendation: The current guidance requires the PRT to make a recommendation to the Board on approval, rejection, or conditional approval of CE proposals. However, in current practice, the PRT determines if the state's proposal is equivalent to the measures contained in the FMP. In addition, the Guidance Document does not require the PRT to evaluate whether the proposal follows this policy document.

- (1) Should the guidance document be revised to reflect current practice? It has been the responsibility of the board to determined approval, rejection, or conditional approval of CE proposals.
- (2) When the PRT reviews CE proposals, should the review indicate whether a state's CE proposal followed the guidance document?

Possible Language Change:

The PRT will forward to the Board the proposal and all committee reviews, including any minority reports. The PRT will provide comment on whether the proposal is or is not equivalent to the standards within the FMP.

The PRT reviews should address whether a state's proposal followed the CE standards outlined in this policy, and any additional specifications included in the FMP.

ASC/MSC recommendation:

- 1) Agreed with suggested change and clarification, the Board determines approval, rejection, or conditional approval.
- 2) Agreed with suggested change. Commented that CE proposals should follow the guidance document and deviation will be highlighted by the PRT.

5) Implementation Timing: Under the current guidance, conservation equivalency programs are encouraged to be implemented at the beginning of the fishing year. Specific guidance on implementation timing may not be necessary.

- Under current practice the Board sets implementation dates for CE programs upon review and approval of CE proposals. Should the document be revised to reflect this practice?

Possible Language Change:

The Board will decide whether to approve the conservation equivalency proposal and will set an implementation date through final action.

ASC/MSC recommendation: Recommended implementation timing should be requested in the original state CE proposal. The Board will then set an implementation date for CE proposals when considering them for final action, taking into account the requested implementation date.

6) Review Timeline: The current Guidance Document establishes a timeline by which the Board will review CE plans. It states the Board designates that all CE plans will be reviewed at one meeting per year. The Board does not need to establish a specific meeting to review conservation equivalency because the timing for review and approval of conservation equivalency proposals is already addressed in this policy and is not consistent with this guidance of one meeting per year.

Should this language be deleted from the guidance document?

Language to be Deleted:

Where applicable, the Board should develop a schedule for each species to designate one meeting per year to address conservation equivalency plans. When a board cannot meet in a timely manner, and at the discretion of the Board and Commission Chair, boards may have the ISFMP Policy Board re-approve conservation equivalency plans.

ASC/MSC recommendation: Agreed with suggested deletion. The Board does not need to designate a meeting to review CE proposals because they already have established a review timeline in Section 3.1 above.

Section 4: Coordination Guidance

This section of the Guidance Document discusses the considerations states should take into account when conservation equivalency proposals impact coordination of management with federal partners. The current document does not include US Fish and Wildlife Service as one of those partners.

- While management changes from US Fish and Wildlife Service are less frequently necessary than other federal partners, they do occur. Should US Fish and Wildlife Service be added to the document?

ASC/MSC recommendation: Agreed with suggested change to add US Fish and Wildlife Service.

DRAFT

Atlantic States Marine Fisheries Commission

**CONSERVATION EQUIVALENCY:
Policy and Technical Guidance Document**



Drafted – April 27, 2004

Introduction

The purpose of this document is to provide policy and technical guidance on the application of conservation equivalency in interstate fisheries management programs developed by the Atlantic States Marine Fisheries Commission. The document provides specific guidance for the states, species management boards, and the technical support groups to follow during the development and implementation of fishery management plans, amendments, or addenda; as well as guidance on development, submission, review, and approval of conservation equivalency proposals.

Background

The Atlantic States Marine Fisheries Commission (ASMFC) employs the concept of conservation equivalency in a number of interstate fishery management programs. Conservation equivalency is used to allow states a degree of flexibility in developing regulations to address specific state or regional differences while still achieving the goals and objectives of ASMFC management programs. Given that the species managed by ASMFC cross many state boundaries, it is often difficult to develop one-size-fits-all management measures, which necessitates the need to use conservation equivalency.

Conservation equivalency is currently defined in the Interstate Fisheries Management Program (ISFMP) Charter as:

“Actions taken by a state which differ from the specific requirements of the FMP, but which achieve the same quantified level of conservation for the resource under management. One example can be, various combinations of size limits, gear restrictions, and season length can be demonstrated to achieve the same targeted level of fishing mortality. The appropriate Management Board/Section will determine conservation equivalency.” The application of conservation equivalency is described in the document Conservation Equivalency Policy and Technical Guidance Document

In practice, the ASMFC frequently uses the term “conservation equivalency” in different ways depending on the language included in the plan (see appendix 1). For example in the Tautog FMP, conservation equivalency is used in the broadest sense, in that all states were required to achieve a 29% reduction in fishing mortality with no specific options listed in the document. In the Summer Flounder FMP, each state is required to achieve a state-specific reduction using the table and methodology developed annually by the Management Board. The Striped Bass FMP establishes a 2 fish bag limit and a 28-inch minimum size standard for the coastal recreational fishery, however states can vary these measures if it can be demonstrated that the potential recreational harvest will be equivalent to harvest that would have occurred under the standard measures in the plan.

Due to concerns over the lack of guidance on the use of conservation equivalency and the lack of consistency between fishery management programs, the ISFMP Policy Board accepted a recommendation from the Management and Science Committee and formed a sub-committee to address conservation equivalency. This sub-committee was charged

with developing a workshop to “develop options and recommendations for improving the use and effectiveness on conservation equivalency in Commission fishery management plans”. This workshop was held on October 17, 2001 and provided definite recommendations for refining the application of this management tool.

Based on the results of the workshop another sub-committee was formed comprised of commissioners and representatives from technical committees, the Law Enforcement Committee, the Management and Science Committee, the National Marine Fisheries Service, and the Committee on Economics and Social Sciences. The recommendations included in this document were developed by this sub-committee during meetings on December 3-4, 2002 and December 3, 2003. These recommendations will be reviewed and approved by the Management and Science Committee and ISFMP Policy Board.

General Policy Guidance

Conservation equivalency is a tool the ASMFC uses frequently to provide the states flexibility in developing and implementing regulations to achieve the goals of interstate fisheries management programs. The use of conservation equivalency will continue to be an integral part of the Commission management process.

During the development of a management document the Plan Development Team (PDT) has the responsibility to recommend if conservation equivalency should be permitted for that species. The board should provide a specific determination if conservation equivalency is an approved option for the fishery management plan, since conservation equivalency may not be appropriate or necessary for all management programs. The PDT should consider stock status, data availability, range of the species, socio-economic information, and the potential for more conservative management when stocks are overfished or overfishing is occurring when making a recommendation on conservation equivalency. During the approval of a management document the Board will make the final decision on the inclusion of conservation equivalency.

If conservation equivalency is determined to be appropriate, the conservation equivalency process should be clearly defined and specific guidance should be supplied in the fishery management documents. Each of the new fishery management plans, amendments, or addenda should include the details of the conservation equivalency program. The guidance should include, at a minimum, a list of management measures that can be modified through conservation equivalency, evaluation criteria, review process, and monitoring requirements. If possible, tables including the alternative management measures should be developed and included in the management documents. The development of the specific guidance is critical to the public understanding and the consistency of conservation equivalency implementation.

The states have the responsibility of developing conservation equivalency proposals for submission to the Plan Review Team (see standards detailed below). Upon receiving a conservation equivalency proposal the PRT will initiate a formal review process as detailed in this guidance document. The state submitting the conservation equivalency

proposal has the obligation to ensure proposed measures are enforceable. If the PRT has a concern regarding the enforceability of a proposed measure it can task the Law Enforcement Committee with reviewing the proposal. Upon approval of a conservation equivalency proposal, the implementation of the program becomes a compliance requirement for the state. Each of the approved programs should be described and evaluated in the annual compliance review and included in annual FMP Reviews.

The management programs should place a limit on the length of time that a conservation equivalency program can remain in place without re-approval by the Board. Some approved management programs may require additional data to evaluate effects of the management measures. The burden of collecting the data falls on the state that has implemented such a conservation equivalency program. Approval of a conservation equivalency program may be terminated if the state is not completing the necessary monitoring to evaluate the effects of the program.

The Plan Review Team (PRT) will serve as the “clearing house” for approval of conservation equivalency proposals. All proposals will be submitted to the PRT for review. The PRT will have the responsibility of collecting all necessary input from the technical committee, Law Enforcement Committee, and Committee on Economics and Social Sciences. The PRT will compile input from all of the groups and forward a recommendation to the management board. Review and input from the Advisory Panel will also be forwarded to the board.

Standards for state conservation equivalency proposals

Each state that is seeking to implement a conservation equivalency program must submit a proposal for review and approval. It is the state’s responsibility to supply the necessary information and analysis for a complete review of the proposal. The following section details the information that needs to be included in each proposal. Proposals that include an excessive number of options may delay timely review by the PRT and other groups and may ultimately delay the report to the Board. The states should limit the number of options included in a proposal or prioritize the options for review.

1. The proposal must include rationale on why or how an alternate management program is needed in the state. Rationale may include, but are not limited to, socio-economic grounds, fish distribution considerations, size of fish in state waters, interactions with other fisheries, protected resource issues, and enforcement efficiency.
2. Each proposal must include a description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points). This description must include necessary analyses to quantify the effects of the alternate management program. The analyses should be based on the most recent Board approved stock assessment. There should be sufficient information included in the proposal for the Plan

Review Team to review the proposal without additional documentation or explanation.

3. Each proposal must include a description of available datasets used in the analysis, description of how the data are collected, detailed description of state level data collection programs, and information on sampling targets/sample distribution/CV/post-stratification/etc. The proposal should also describe limitations of data and any data aggregation. All the landings data used should have a set level of precision as determined by the Technical Committee. The species technical committee should develop data standards for other types of data that may be used in a conservation equivalency proposal. Any states that do not meet the approved precision standards should conduct sensitivity analyses to determine the effects of the uncertainty in the data.
4. The proposal must include the length of time the state is requesting conservation equivalency. The timeline should be linked to the next assessment update or the expected collection of additional data. The timeline should be consistent with plan horizon with a maximum of 3 years (sunset) unless justification is provided for a longer period of time or an indefinite period of time is requested. A state can resubmit an updated proposal following the expiration and the board can re-approve the alternate measures. The expiration of conservation equivalency programs is intended to provide periodic reviews of alternate plans to ensure they are consistent with the relevant plan objectives.
5. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP. The state should conduct analyses to compare new procedures to procedures included in the plan, as appropriate, including corroborative information where available.
6. Each proposal should include a plan for follow-up and monitoring of potential impacts of the conservation equivalency proposal. This plan should include a description of the process that will document the results from a conservation equivalency measure relative to the FMP requirements and the annual reporting requirements. This proposal must provide a monitoring schedule to evaluate the effectiveness of a conservation equivalency program.

Review Process

Implementation of new amendments/FMPs should include timelines and a review process for conservation equivalency proposals. However, the review process and timeline needs to be established for all conservation equivalency proposals that are submitted outside of the implementation of a new management document.

The following is a list of the steps and timelines for review and approval of conservation equivalency proposals. Any deviations from the following process should be included in the plan/amendment.

1. Conservation equivalency should be approved by the Management Board and, where possible implemented at the beginning of the fishing year.
2. A state must declare the intent to submit a conservation equivalency proposal to the species board chair three months prior to the a scheduled ASMFC meeting week. The state will then be required to submit the proposal to the board chair two months prior to the meeting week. The board chair will then submit the proposal to the Plan Review Team (PRT) for review.
3. The PRT should notify the state that the proposal is complete.
4. Upon receipt of the proposal the PRT will determine what additional input will be needed from the Technical Committee, Law Enforcement Committee, the Committee on Economics and Social Sciences. The PRT will distribute and make the proposal available to all committees for possible comment. The review should include a description of the impacts on or from adjoining jurisdictions or other management entities (Councils and/or NMFS). If possible this description should include qualitative descriptions addressing enforcement, socio-economic issues and expectations from other states perspective (shifts in effort). The review should highlight efforts to make regulations consistent across waterbodies. The PRT will compile all of the input and provide a recommendation for approval of the proposal to the management board.
5. The PRT will compile all of the input and forward the proposal and comments to the Advisory Panel. The Chair of the Advisory Panel (AP) will compile the AP Comments and provide to the Management Board.
6. The PRT will provide the following type of recommendations – approval, rejection, or conditional approval. The PRT should provide rationale for the recommendation, including improvements that could be made if the proposal was rejected. The report to the board should include the input provided by all the committees that were consulted by the PRT. Any minority reports that were developed should also be forwarded to the board. If possible the PRT should identify potential cumulative effects of all conservation equivalency plans under individual FMPs (e.g. impacts on stock parameters).
7. The management board will review and take action on the proposal. Board action should be based on the PRT recommendation as well as other factors such as impacts to adjoining states and federal management programs. A schedule should be developed for each species to provide one scheduled meeting per year to address conservation equivalency plans, where applicable. When a board cannot meet in a timely manner and at the discretion of the board and Commission Chair, the boards have the option to have the ISFMP Policy Board approve the conservation equivalency plan.

8. The PRT will evaluate whether the measures implemented under a state conservation equivalency plan are in compliance as part of the annual compliance review. The PRT will also evaluate whether the state conservation plan meets the goals of the species FMP. The board will determine if modification of the state conservation equivalency plan is required.

Coordination Guidance

The Commission's interstate management program has a number of joint or complementary management programs with NOAA Fisheries and the Fishery Management Councils. Conservation equivalency creates additional burden on the Commission to coordinate with our federal fishery management partners.

The Commission's FMPs may include recommendations to NOAA Fisheries for complementary EEZ regulations. Conservation equivalency measures may alter some of the recommendations contained in the FMPs, which would require that the Commission notify NOAA Fisheries of any changes. The Commission needs to consider the length of time that it will take for regulations to be implemented in the EEZ and try to minimize the frequency of requests to the federal government.

The protocol for NOAA fisheries implementing changes varies for the different species managed by the Commission. The varying protocols need to be considered as conservation equivalency proposals are being developed and reviewed.

When necessary for complementary management of the stock, the ASMFC Chair will request federal partners to consider changes to federal regulations may be required.

Public Perception

A lack of public understanding of the conservation equivalency process has led to a perception that some states are allowed to implement regulations that are less restrictive than the standards in the plan. The public has also expressed concern over not fully understanding how conservation equivalency management options are developed.

The development of this document is the first step in helping the public better understand conservation equivalency. Another important step to foster public understanding is the inclusion of management options in Commission FMPs and Amendments. If the public has access to the options that the states can select from, a major source of confusion is eliminated. Also, the public should be informed that conservation equivalency does not change the allocation between jurisdictions included in the plan.

The states need to work with the fishing public to better describe conservation equivalency and provide an explanation of why a state's regulations may differ from their neighbors.

Conservation Equivalency Subcommittee membership:

Stu Kennedy (Chair)
Rob O'Reilly
Harry Mears
Anne Lange
Bill Goldsborough
Pete Jensen
Kathy Hattala
Doug Grout
Ernie Beckwith

Bruce Buckson
Paul Caruso
Joe Fessenden
John Carmichael
Vishwanie Maharaj
Melvin Shepard
Byron Young
Steve Doctor

APPENDIX 1

The following appendix details the management measures for each ASMFC managed species that can be modified through conservation equivalency. This appendix also includes a summary of the management measures that the states have developed and are currently implemented through conservation equivalency.

Note: This document is a summary of the conservation equivalency measures and procedures included in ASMFC fishery management plan. It does not supercede any of the language included in the plans.

American Eel

The American Eel FMP states: "With approval of the American Eel Management Board, a state may vary its regulatory specifications listed in Section 4, so long as that state can show to the Board's satisfaction that the goals and objectives of this FMP will still be met." Section 4 of the FMP includes the Management Program Implementation, therefore a state can modify any provision included in the FMP through conservation equivalency.

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

American Lobster

Amendment 3 to the FMP for American Lobster outlines the adaptive management limitations for lobster management. The Amendment states that the following measures cannot be altered through conservation equivalency:

- Prohibition on possession of berried or scrubbed lobsters
- Prohibition on possession of lobster meats, detached tails, claws or other parts of lobster
- Prohibition on spearing lobsters
- Prohibition on possession of V-notched female lobsters
- Requirement for biodegradable "Ghost" panel for Traps
- Minimum Gauge Size
- Limits on Landings by fishermen using gear or methods other than traps

Any lobster management measure that is not listed above may be modified through conservation equivalency.

Current Measures Implemented

New Hampshire: The Lobster Management Board approved a New Hampshire program that allows a portion of their Area 1 fishermen 1,200 traps and the rest

600 traps rather than the 800 trap allocation for everyone as specified in Addendum III.

Massachusetts: The Lobster Management Board approved a Massachusetts program for the Outer Cape Cod which uses 1999 through 2001 as qualifying years to identify potential participants and allocates traps based on fishing performances during 2000 and 2002 with pounds as the qualifying parameter. The Outer Cape Cod plan in Addendum III used 1999 through 2000 as the qualifying years and fishermen reported catch reports as the qualifying parameter.

New Jersey: The Lobster Management Board approved a New Jersey conservation equivalency proposal allowing New Jersey to implement an alternative permitting and trap allocation system then what was outlined in Addendum I.

Atlantic Croaker

There is no mention of Conservation Equivalency in the 1987 FMP for Atlantic croaker.

Current Measures Implemented

Conservation equivalency is not applicable to Atlantic croaker management.

Atlantic Herring

Under Addendum II to the Atlantic Herring FMP the states are permitted to alter any measure for which a compliance criteria is in place provided that approval is obtained prior to implementation. The compliance measures that are included in the plan are:

- Report, annually, the amount harvested by fixed gears in state waters
- Provide a description of the operation and amount of fish mealed in conjunction with herring processing activities
- Enact spawning restrictions
- Prohibit landings when TAC has been attained in an area or sub-area
- Prohibit directed fishing for herring in state waters when the TAC has been attained in an area or sub-area
- Prohibit landing to IWPs when harvested from a closed area or sub-area
- Daily fixed gear landings be reported on a weekly basis
- Provide an annual report on any meal activity in the state

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

Atlantic Menhaden

Amendment 1 provides states the opportunity to request permission to implement an alternative to any mandatory compliance measure. States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. All changes in state plans must be submitted in writing to the Board and to the Commission either as part of the annual FMP Review process or the Annual Compliance Reports.

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

Atlantic Striped Bass

Amendment 6 allows for the use of conservation equivalency in the management of striped bass. States/jurisdictions are permitted to modify recreational minimum size limits and bag limits to remain consistent with the 2 fish at 28-inch minimum standard in the plan. The commercial minimum size can also be decreased with a corresponding decrease in commercial quota. The plan states that the minimum size limits cannot be implemented below 18-inches.

Current Measures Implemented

Maine:	Recreational Fishery	1 fish 20”-26” or over 40”; no 2 nd fish
New York:	Hudson Recreational	1 fish 18, 24 or 26 inches w/ or w/out spawning closure
Maryland:	Coastal Comm. Fishery	24 inch min size limit;
	reduced quota	
North Carolina:	Albemarle/Roanoke Rec	18 inch minimum size limit
	Albemarle Commercial	18 inch minimum size limit

Atlantic Sturgeon

Amendment 1 to the Atlantic Sturgeon Fishery Management Plan does not provide for conservation equivalency.

Current Measures Implemented

Conservation equivalency is not applicable to Atlantic sturgeon management.

Black Sea Bass

The Black Sea Bass Fishery Management Plan does not provide for conservation equivalency.

Current Measures Implemented

Conservation equivalency is not applicable to Black sea bass management.

Bluefish

The Bluefish Fishery Management Plan does not provide for conservation equivalency.

Current Measures Implemented

Conservation equivalency is not applicable to Bluefish management.

Horseshoe Crab

The Horseshoe Crab Fishery Management Plan does not provide for conservation equivalency.

Current Measures Implemented

Conservation equivalency is not applicable to Horseshoe crab management.

Northern Shrimp

Amendment 1 to the Northern Shrimp Fishery Management Plan does not provide for conservation equivalency

Current Measures Implemented

Conservation equivalency is not applicable to Northern shrimp management.

Red Drum

Amendment 2 to the Red Drum FMP allows any state to request permission to implement an alternative to any mandatory compliance measure. States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. All changes in state plans must be submitted in writing to the Board and to the Commission either as part of the annual FMP Review process or the Annual Compliance Reports.

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

Scup

Addendum XI to the Scup Fishery Management Plan provides the details for conservation equivalency in the 2004 recreational fishery. This Addendum also allows the Board to establish annual conservation equivalency procedures through future Board action. Under Addendum XI, the states from Massachusetts through New York must

develop a combination of size limits, bag limits, and seasonal closures to achieve a state-specific reduction. The states from New Jersey through North Carolina must implement minimum size limits, seasonal closures, and bag limits as described in the Addendum. Conservation equivalency is not permitted in the commercial fishery.

Current Measures Implemented

The states from Massachusetts through New York have implemented measures that achieve the necessary reduction for their recreational fisheries in 2004.

Shad and River Herring

Amendment 1 to the Shad and River Herring FMP allows a state to vary their recreational and commercial management programs so long as that state can show to the Board's satisfaction that the target fishing mortality rate or the overfishing definition will not be exceeded. Also, Amendment 1 states that alternative management regimes may also include other indices of their equivalency (e.g., eggs-per-recruit, yield-per-recruit, etc.), in addition to fishing mortality protection. States shall submit proposals for altering their regulatory program for American shad, hickory shad, or river herring prior to implementing any changes.

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

Spanish Mackerel

There is no mention of Conservation Equivalency in the 1990 FMP for Spanish mackerel.

Current Measures Implemented

Conservation equivalency is not applicable to Spanish mackerel management.

Spiny Dogfish

The Interstate FMP for Spiny Dogfish allows the states to submit a proposal and receive Board approval to change any compliance requirement in the FMP. The compliance requirements included in the FMP are:

- Must close state waters when the quota is harvested
- Required to report landings weekly to NMFS
- State permitted dealers must report weekly
- Implement possession limits that comply with the annual specifications
- State issued exempted permits for biomedical harvest, limited to 1,000 fish (must report in annual compliance report)
- State prohibition of finning

Current Measures Implemented

No states have altered the management measures through conservation equivalency.

Spot

There is no mention of Conservation Equivalency in the 1987 FMP for spot.

Current Measures Implemented

Conservation equivalency is not applicable to Spot management.

Spotted Seatrout

There is no mention of Conservation Equivalency in the 1984 FMP for Spotted seatrout

Current Measures Implemented

Conservation equivalency is not applicable to Spotted seatrout management.

Summer Flounder

The Summer Flounder, Scup, and Black Sea Bass Management Board annually establish the process for applying conservation equivalency to the summer flounder recreational fishery. Each year the Board establishes state-specific targets (numbers of fish) that the states must achieve through combinations of minimum size limits, bag limits, and seasonal closures. Conservation equivalency is not permitted in the commercial summer flounder fishery.

Current Measure Implemented

All of the states have developed proposals and are currently implementing regulations that are consistent with the 2004 state-specific targets.

Tautog

Addendum III to the Tautog FMP required each state to make a 29% reduction in fishing mortality (25% reduction in exploitation rate) in the recreational fishery by April 1, 2003. States were required to submit proposals for this reduction and all proposals were reviewed and approved by the TC, the AP, and the Board.

Current Measures Implemented

All of the states have implemented approved measures to achieve the reduction that is required under Addendum III.

Weakfish

Amendment 3 to the Weakfish FMP required states to achieve a 32% reduction in the weakfish exploitation rate (F) from the 1990-1992 reference period. This level of reduction was carried over into Amendment 4. Appendix I of Amendment 4, an updated Evaluation Manual (O'Reilly 2002), provides states guidance in establishing their reduction plans. A state has the ability to adjust its commercial fishery regulations and choose from several creel limit/minimum size combinations for its recreational fishery to achieve the 32% reduction.

To achieve the fishing mortality reduction, states' commercial fisheries are constrained by size limits, gear restrictions, and possibly seasonal and area closures. Amendment 4

established a minimum size in the recreational fishery of 12 inches total length. However, it also provided states with a pre-determined suite of conservation equivalencies for recreational fishery regulations. States may choose a minimum size and creel limit combination of 12 inches/7 fish, 13 inches/8 fish, 14 inches/9 fish, or 15+ inches/10 fish.

Current Measures Implemented

All states regulate their commercial fisheries using combinations of minimum fish and mesh sizes and closed seasons to achieve the required reduction. The states have also implemented a combination of recreational minimum size limit and bag limits that are consistent with Amendment 4.

Winter Flounder

The current plan, states do not have to comply with any specific requirements. Therefore, conservation equivalency is currently not applicable for winter flounder. Amendment 1 is in development and will contain compliance criteria and the Board will decide which of these are available to change through conservation equivalency.

Current Measures Implemented

Conservation equivalency is not applicable to winter flounder management.

APPENDIX 2

Current Plan Review Team Membership

American Eel Plan Review Team

Herb Austin (VA)
Mel Bell (SC)
Dan Kuzmeskus (USFWS)
Lydia Munger (ASMFC)
Vic Vecchio (NY)
Gail Wippelhauser (ME)

American Lobster Plan Review Team

Richard Allen (RI)
Clare McBane (NH)
Dan McKiernan (MA)
Bob Ross (NMFS)
Carrie Selberg (ASFMC)
Carl Wilson (ME)

Atlantic Croaker Plan Review Team

Herb Austin (VA)
Wilson Laney (USFWS)
Tina Moore (NC)
Harley Speir (MD)
Nancy Wallace (ASMFC)

Atlantic Herring Plan Review Team

Megan Gamble (ASMFC)
David Libby (ME)
Clare McBane (NH)
William Overholtz (NMFS)

Atlantic Menhaden Plan Review Team

Matt Cieri (ME)
Ellen Cosby (VA)
Trisha Murphey (NC)
Douglas Vaughn (NMFS)

Atlantic Striped Bass Plan Review Team

Megan Gamble (ASMFC)
Wilson Laney (USFWS)
Gary Shepherd (NMFS)

Atlantic Sturgeon Plan Review Team

Kim McKown (NY)
Tom Meyer (NMFS)

Ted Smith (SC)
Brad Spear (ASMFC)
Dick St. Pierre (USFWS)

Black Sea Bass Plan Review Team

Michael Armstrong (MA)
Beth Burns (NC)
Nancy Butowski (MD)
Toni Kerns (ASMFC)
Chris Moore (MAFMC)

Bluefish Plan Review Team

Elliot Atstupenas (USFWS)
Herb Austin (VA)
Vic Crecco (CT)
Louis Daniel (NC)
Toni Kerns (ASMFC)
Najih Lazar (RI)
Chris Moore (MAFMC)
Roger Pugliese (SAMFC)

Horseshoe Crab Plan Review Team

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Stewart Michels (DE)
Eric Schrading (USFWS)
Brad Spear (ASMFC)

Northern Shrimp Plan Review Team

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Dan Schick (ME)
Brad Spear (ASMFC)

Red Drum Plan Review Team

John Merriner (NMFS)
Michael Murphy (FL)
Lee Paramore (NC)
Roger Pugliese (USFWS)
Nancy Wallace (ASMFC)
Charlie Wenner (SC)

Scup Plan Review Team

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Beth Burns (NC)
Bill Figley (NJ)
Mark Gibson (RI)
Toni Kerns (ASMFC)

Chris Moore (MAFMC)
David Simpson (CT)
Byron Young (NY)

Shad and River Herring Plan Review Team

Lydia Munger (ASMFC)
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Sara Winslow (NC)

Spanish Mackerel Plan Review Team

Henry Ansley (GA)
Randy Gregory (NC)
Nancy Wallace (ASMFC)
Gregg Waugh (SAFMC)

Spiny Dogfish Plan Review Team

Megan Gamble (ASMFC)
Tina Moore (NC)
Gregory Skomal (MA)

Spot Plan Review Team

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John Schoolfield (NC)
Harley Speir (MD)
Nancy Wallace (ASMFC)

Spotted Seatrout Plan Review Team

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Michael Murphy (FL)
John Pafford (GA)
Nancy Wallace (ASMFC)
Charlie Wenner (SC)

Summer Flounder Plan Review Team

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Toni Kerns (ASMFC)
Wilson Laney (USFWS)
Najih Lazar (RI)
Chris Moore (MAFMC)
Mark Terceiro (NMFS)
Carter Watterson (NC)
Byron Young (NY)

Tautog Plan Review Team

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Jason McNamee (RI)

Lydia Munger (ASMFC)
David Simpson (CT)

Weakfish Plan Review Team

Rick Cole (DE)
Toni Kerns (ASMFC)
Rob O'Reilly (VA)

Winter Flounder Plan Review Team

Lydia Munger (ASMFC)
Deb Pacileo (CT)
Sally Sherman (ME)
Alice Weber (NY)