

Atlantic States Marine Fisheries Commission

May 1, 2025

Note: The bold and italicized text has been added following the Winter Meeting.

Discussion Paper on Declared Interests and Voting Privileges

Background

Fisheries management decisions at the Atlantic States Marine Fisheries Commission are primarily made through the use of species management boards. The voting membership of each management board is composed of the states, as well as the District of Columbia and Potomac River Fisheries Commission, with a declared interest in the fishery(ies) covered by the board¹. The Commission has a series of documented procedures on voting practices, declared interests, and other provisions of board conduct. These procedures have largely been unchanged since the approval of the Atlantic Coastal Fisheries Cooperative Management Act in 1993. It's a healthy practice for deliberative bodies to review and, if needed, modify their procedures and guidelines,

This review was prompted by several circumstances. Climate change is affecting the distribution and residency of many species managed by the Commission, which in turn has resulted in (and is anticipated to result in additional) interest by states to alter their participation on one or more species boards. In addition, the mechanisms for conducting management board meetings have expanded in recent years, with the emergence of virtual and hybrid meetings (in addition to in-person). At present, the Commission has limited guidance on the use and operation of these different meeting formats. Guidelines should be developed to better manage future Commission meetings.

Issue 1. Declared Interests

States have an opportunity to declare an interest in a fishery to participate as a voting member of a management board (see Table 1. Declared Interests by Species). The ISFMP Policy Board reviews declared interest requests to determine the membership of each board. The Commission's [Rules and Regulations](#) include the criteria used to determine interest in a species, the criteria are:

- (a) Such fish are found customarily in its territorial waters;

¹ Federal Partners such as NOAA Fisheries, can have a voting seat on a Board but they do not have to declare an interest in the fishery.

(b) Such fish are customarily or periodically in the territorial waters of such state for the purpose of spawning or in transit to and from spawning grounds; or

(c) The citizens of the state are recorded as having taken 5 percent or more of the total Atlantic coast catch of the species of fish in any of the five preceding years.

The Policy Board has generally accepted requests for declared interest if the requesting state provides basic evidence to support their request.

The Policy Board provides primary oversight of the Commission's fisheries management process and species management boards. Some decisions made by a species boards are recommendations to the Policy Board, such as approvals of Amendments or letters. The same votes that are made at the species board level are then made at the Policy Board level.

Discussion Questions

1. Should the declared interest criteria be modified or further defined?
2. Are changes needed for the Policy Boards' review process for declared interest requests?
3. Should Policy Board voting privileges change as an oversight body of species boards?
- 4. *Should criteria (c) be modified or removed from the list?***
- 5. *Should declared interests be reviewed and reaffirmed on regular intervals?***

Issue 2. Voting Privileges

The ISFMP Charter states: "Each state with an interest in the fishery covered by the management board shall be a voting member". The Charter does not provide further guidance on voting privileges for states with a declared interest. Four topics for further discussion were raised at the Executive Committee meeting in October 2024.

1. Voting privileges for *de minimis* states
2. Voting privileges by stock unit of a species
3. Voting privileges for states outside the management unit defined in the FMP
4. Voting privileges for states on boards that manage multiple species

Issue 2.1. Voting privileges for *de minimis* states

*De minimis*² states that are members of a management board are currently able to vote on any issues before the board (see Table 2. *De minimis* States by Species). With the changing species

² *De minimis* is when fishing activity is so small in a state that its actions regarding a particular fish stock are considered to have a negligible impact on conservation.

distributions, some boards have an increasing number of member states that have *de minimis* status.

Discussion Questions

1. Are changes needed for voting privileges of *de minimis* states?
(Note: During the February Executive Committee discussion it was suggested that no changes are needed related to de minimis voting.)

Issue 2.2 Voting privileges by stock unit of a species

Many of the Commission-managed species are assessed and managed by stock units that are smaller than the management unit included in the FMP (see Table 3. Stock Units by Species). For example, horseshoe crab's species range extends from Maine through Florida and the stock is divided into four stock units (Northeast, New York, Delaware Bay, and Southeast). The current practice is for all members of a species board to vote on all stock units, rather limiting voting to only stock units off of their coast. The approach is generally used to foster consistency in management throughout the range of a species, as well as to account for mixing of stock units that often occurs at state borders.

Discussion Questions

1. Should voting privileges be modified for species with multiple stock units?

Issue 2.3 Voting privileges for states outside the management unit defined in the FMP

Given the distribution changes of many Commission-managed species, the management units defined in the FMPs may not align with the states with declared interests. For Example, the Atlantic Migratory Group Cobia management unit extends from the Florida-Georgia border through New York. However, due to recreational and commercial catches of cobia in Rhode Island, the Policy Board approved their request for a declared interest in cobia. The current stock distributions have created unique circumstances the Commission will need to consider.

Discussion Questions

1. When should management units in FMPs be adjusted to reflect changes in distribution?
2. Should voting be limited to states within the management unit?

Issue 2.4 Voting privileges for states on boards that manage multiple species

The Commission has a number of boards that manage multiple species. The states with declared interests can vary by species under the management of a single board. For example, the Summer Flounder, Scup and Black Sea Bass Board manages three species. The range of declared interests is not consistent for all three species (See Table 1. Declared Interests).

Discussion Question

1. What should the voting privileges be for multi-species boards?

Issue 3. Virtual and Hybrid Meeting Participation

The Commission adapted to the COVID pandemic by conducting its business virtually. Fortunately, the Commission is now able to meet in-person, but has retained the option to conduct fully virtual meetings or provide a virtual participation option for in-person meetings (“hybrid meetings”). The Commission does not have guidelines on the conduct of hybrid or virtual meetings. Overall, the hybrid meeting process has worked well, but guidelines may be helpful to ensure a consistent approach across all meetings.

Discussion Questions

1. Should Commissioners be able to fully participate (e.g., make motions, vote) virtually if the meeting is held in-person?
2. How should the Commission handle factors outside of its control that impact board member participation? These factors could include weather events, travel issues, or illness. Does it matter by which mechanism the meeting is occurring?
3. What criteria should be used to cancel or postpone meetings if Commissioners are unexpectedly not able to participate?
4. Should Commissioners be expected to participate in-person unless there are extenuating circumstances?
5. Are there protocols that the Board chair could follow to identify Board members who are participating in the deliberation remotely – or are present and not serving on the Board (e.g. being represented by a proxy who is present).

Motion Approved by the ISFMP Policy Board on February 5, 2025

“Move for meetings where the whole of a state delegation cannot attend in person a meeting for reasons beyond their control, the delegation may request to the executive director, commission chair, and board chair, for a postponement of a particular action for consideration at the next scheduled regular meeting or out of cycle meeting.”

Table 1. Declared Interest by Species as of February 2024

| | ME | NH | MA | RI | CT | NY | NJ | PA | DE | MD | DC | PRFC | VA | NC | SC | GA | FL | NMFS | USFWS | Councils |
|--|----|----|----|----|----|----|----|----|----|----|----|------|----|----|----|----|----|------|-------|----------|
| Managed Species | | | | | | | | | | | | | | | | | | | | |
| American Eel | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | |
| American Lobster | * | * | * | * | * | * | * | | * | * | | | * | | | | | * | | |
| Atlantic Herring | * | * | * | * | * | * | * | | | | | | | | | | | * | | NEFMC |
| Atlantic Menhaden | * | * | * | * | * | * | * | * | * | * | | * | * | * | * | * | * | * | * | |
| Atlantic Striped Bass | * | * | * | * | * | * | * | * | * | * | * | * | * | * | | | | * | * | |
| Atlantic Sturgeon | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | |
| Bluefish | * | * | * | * | * | * | * | | * | * | | * | * | * | * | * | * | * | | |
| Coastal Sharks | | | * | * | * | * | * | | * | * | | | * | * | * | * | * | * | | |
| Horseshoe Crab | | | * | * | * | * | * | | * | * | | * | * | * | * | * | * | * | * | |
| Jonah Crab | * | * | * | * | * | * | * | | * | * | | | * | | | | | * | | NEFMC |
| Northern Shrimp | * | * | * | | | | | | | | | | | | | | | | | |
| Shad & River Herring | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | |
| Spiny Dogfish | * | * | * | * | * | * | * | | * | * | | | * | * | | | | * | | |
| Tautog | | | * | * | * | * | * | | * | * | | | * | | | | | * | | |
| Weakfish | | | | * | * | * | * | | * | * | | * | * | * | * | * | * | * | | |
| Winter Flounder | * | * | * | * | * | * | * | | | | | | | | | | | * | | |
| Summer Flounder, Scup and Black Sea Bass Board | | | | | | | | | | | | | | | | | | | | |
| Summer Flounder | | | * | * | * | * | * | | * | * | | * | * | * | | | | * | | |
| Scup | | | * | * | * | * | * | | * | * | | | * | * | | | | * | | |
| Black Sea Bass | | * | * | * | * | * | * | | * | * | | * | * | * | | | | * | | |
| Coastal Pelagics | | | | | | | | | | | | | | | | | | | | |
| Cobia | | | | * | | * | * | | * | * | | * | * | * | * | * | * | * | | SAFMC |
| Spanish Mackerel | | | | * | | * | * | | * | * | | * | * | * | * | * | * | * | | SAFMC |
| Sciaenids Board | | | | | | | | | | | | | | | | | | | | |
| Atlantic Croaker | | | | | | | * | | * | * | | * | * | * | * | * | * | * | | |
| Black Drum | | | | | | | * | | * | * | | * | * | * | * | * | * | * | | |
| Red Drum | | | | | | | * | | * | * | | * | * | * | * | * | * | * | | |
| Spot | | | | | | | * | | * | * | | * | * | * | * | * | * | * | | |
| Spotted Seatrout | | | | | | | * | | * | * | | * | * | * | * | * | * | * | | |
| Total # of Species | 12 | 13 | 18 | 20 | 18 | 19 | 25 | 5 | 23 | 23 | 4 | 17 | 23 | 20 | 15 | 15 | 15 | 23 | 7 | |

Table 2. *De minimis* states and management unit by board and species

| Board | Management Unit | Current <i>De minimis</i> States |
|---------------------------------------|--------------------------------------|---|
| American Eel | ME-FL | NH, MA, PA, DC, GA |
| American Lobster and Jonah Crab | | |
| American Lobster | ME-NC | DE, MD, VA |
| Jonah Crab | ME-VA | DE, MD, VA |
| Sciaenids | | |
| Atlantic Croaker | NJ-FL | Com: NJ, SC, GA; Rec: NJ |
| Black Drum | NJ-FL | None |
| Red Drum | NJ-FL | NJ, DE |
| Spot | NJ-FL | NJ, DE, GA |
| Spotted Seatrout | NJ-FL | NJ, DE |
| Atlantic Herring | ME-NJ | NY |
| Atlantic Menhaden | ME-FL | PA, SC, GA, FL |
| Atlantic Striped Bass | ME-NC | None |
| Atlantic Sturgeon | ME-FL | ?? None, NA? |
| Summer Flounder, Scup, Black Sea Bass | | |
| Black Sea Bass | ME-NC | N/A |
| Scup | ME-NC | DE |
| Summer Flounder | ME-NC | DE |
| Bluefish | ME_FL | ME, SC, GA |
| Coastal Sharks | ME-FL | MA |
| Coastal Pelagics | | |
| Cobia | RI-NJ, DE-MD, PRFC-GA (excluding CT) | Com: RI, NJ, DE, MD, GA, FL; Rec: RI, NY, NJ, DE, MD, FL |
| Spanish Mackerel | NY-FL | RI, NJ, DE, GA |
| Horseshoe Crab | ME-FL | SC, GA, FL |
| Northern Shrimp | ME-MA | N/A |
| Shad & River Herring | ME-FL | Shad: ME, NH, MA, FL River Herring: NH, GA, FL |
| Spiny Dogfish | ME-FL | NY, DE |
| Tautog | MA-FL | DE, MD |
| Winter Flounder | ME-DE | Com: NJ |
| Weakfish | MA-FL | MA, GA, FL |

Table 3. Management unit and stock units by species

| Species | Management Unit | # of stock units | Stock Units |
|-----------------------|--------------------------------------|------------------|---|
| American Eel | ME-FL | 1 | ME-FL |
| American Lobster | ME-NC | 2 | GOM/GBK (ME-RI), SNE (MA-MD,VA) |
| Atlantic Croaker | NJ-FL | 1 | NJ-FL |
| Atlantic Herring | ME-NJ | 1 | ME-NJ |
| Atlantic Menhaden | ME-FL | 1 | ME-FL |
| Atlantic Striped Bass | ME-NC | 1 | ME-NC |
| Atlantic Sturgeon | ME-FL | 5 | Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, South Atlantic |
| Black Drum | NJ-FL | 1 | NJ-FL |
| Black Sea Bass | ME-NC (north of Cape Hatteras) | | ME-NC (north of Cape Hatteras) |
| Bluefish | ME-FL | 1 | ME-FL |
| Coastal Sharks | ME-FL | By species | |
| Cobia | RI-NJ, DE-MD, PRFC-GA (excluding CT) | 1 | RI-GA |
| Horseshoe Crab | ME-FL | 4 | NE (ME-RI), New York (CT-NY), Delaware Bay (NJ-VA), SE (NC-FL) |
| Jonah Crab | ME-VA | 4 | Inshore GOM & Offshore GOM (ME-MA), Inshore SNE & Offshore SNE (MA-VA) |
| Northern Shrimp | ME-MA | 1 | ME-MA |
| Red Drum | NJ-FL | 2 | Northern (NJ-NC) and Southern (SC-FL) |
| Scup | ME-NC (north of Cape Hatteras) | 1 | ME-NC (north of Cape Hatteras) |
| Shad & River Herring | ME-FL | 1 | ME-FL |
| Spanish Mackerel | NY-FL | 1 | RI-FL |
| Spiny Dogfish | ME-FL | 1 | |
| Spot | NJ-FL | 1 | |
| Spotted Seatrout | NJ-FL | NA | NA |
| Summer Flounder | ME-NC | 1 | ME-NC |
| Tautog | MA-FL | 4 | MARI (MA-RI), LIS (CT-NY), NJ-NYB (NY-NJ), DelMarVa (DE-MD, PRFC-VA) |
| Weakfish | MA-FL | 1 | MA-FL |
| Winter Flounder | ME-DE | 2 | GOM (ME-MA); SNE/MA (MA-DE) |