

Atlantic States Marine Fisheries Commission

July 28, 2025

Discussion Paper on Establishing and Reviewing Declared Interests

Background

The Commission's Executive Committee has discussed a series of procedures and practices at the past few quarterly meetings. The discussions have focused on: 1) declared interests, 2) voting privileges, and 3) virtual and hybrid meeting participation. These discussions were prompted by several circumstances. Most notable is the changing 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.

This paper focuses on the issue of state and jurisdiction declared interest in the management of a species. At the end of this paper there is also a brief discussion on the process that may be used to address the voting privileges issue.

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 (*potentially change to "waters under state jurisdiction"*);
- (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.

Note: a state must only meet one of these criteria to have a declared interest in a fishery.

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 board 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?

Possible alternative criteria or additional criteria

Such species is documented by landings and/or scientific surveys to occur annually in the territorial waters of a jurisdiction for three consecutive years.

Alternate language to replace "customarily"

Alternatives to "customarily" might be "typically", "commonly", or "regularly",

Here are the suggested substitutions:

1. "Such fish are found *commonly* in its territorial waters" – "commonly" suggests frequency and widespread occurrence.
2. "Such fish are *typically* or *periodically* in the territorial waters..." – "typically" captures a usual pattern, "periodically" suggests less frequent occurrence.

Frequency of declared interest review

1. Status quo – Policy Board only reviews when a request to add or remove a declared interest is made.
2. Regular interval – 3 years, 5 years, etc.
3. Trigger based – New assessment, significant change in distribution or landings, etc.

Voting Privileges

Voting privileges have proven to be a complex issue during the recent Executive Committee discussions. There are two options being considered to address this issue:

1. Conduct a survey to assess the Commissioner perspective on voting privileges.
2. Form a Commissioner workgroup to develop recommendations for consideration by the Executive Committee

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.

A survey or Commissioner workgroup will address the following topics:

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

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	