



Atlantic States
Marine Fisheries
COMMISSION

Discussion on *De Minimis* Guidance

ISFMP Policy Board

August 2026

Definition of *De Minimis*

- *De minimis* provisions in interstate FMPs are meant to reduce the regulatory burden for **states whose measures would have a negligible effect on the conservation of a species**

De Minimis Guidelines

Creates standards that management boards can build *de minimis* provisions for the species FMPS

- **Id. the sector: recreational, commercial or both**
- **Uses the average of the last three years of landings**
- **Exempts a *de minimis* state from biological sampling**

Concerns Raised at the Sciaenids Board

- States, particularly those on the edge of a species' management area, have had highly variable landings of several Sciaenids species in recent years
 - E.g., NJ and DE have hovered around or have been repeatedly been barely above the 1% threshold in recent years for spot and Atlantic croaker
- In recent compliance reports and Board discussions, states have noted concerns such as:
 - A single year of unusually high landings, averaged with two years of lower landings, have contribute to a state falling just above the 1% threshold
 - High uncertainty in the MRIP estimates being used to calculate *de minimis* for their state
 - Other states in the management area which previously contributed to a majority of coastwide harvest have experienced large declines in landings, disproportionate to states on the edge of the range

Statement of the Problem

- These states just above or at the 1% threshold have been requesting *de minimis* despite not technically qualifying for it, in some cases for multiple years in a row
- Concern with whether the current definition is still appropriate and of how meaningful regulations from these states would be on the stock if you take into consideration:
 - The state's relatively low contribution to the coastwide landings, and
 - The administrative burden necessary to implement any new regulations to be in compliance with the FMP for non-*de minimis* states

Sciaenid PRT Considerations

- In addition, the PRTs recommend:
 - Caution regarding the amount of leeway provided by any definition of *de minimis* that may allow states to remain *de minimis* despite not qualifying for it if there are concerning trends in the stock or a negative stock status
 - Any suggested changes to definition of *de minimis* or the process undergo review by the species' TC

Sciaenid PRT Considerations

- Memo proposes several possible solutions for the Board's consideration, which fall under two different categories:
 1. Modifications to the current **definition** of *de minimis*
 2. Modifications to the *de minimis* **process**

Sciaenid PRT Considerations

1. Modifications to the current definition of *de minimis*

A. Number of years of harvest averaged

B. Multiple Thresholds

Summary of Discussion – Potential modifications to definition of *de minimis*

1A. Number of years of harvest averaged

- Could average 5 years of harvest instead of the current standard of 3 years
 - May be appropriate for longer-lived species, if landings data are highly variable, and/or where it's suspected the stock may be undergoing expansion
 - Running theme – should be evaluated on a species-by-species basis

Sciaenid PRT Considerations

1B. Multiple Thresholds

Full <i>de minimis</i>	• Average landings for the most recent 3 or 5 years are less than 1% • FMP regulations do not need to be implemented and no monitoring for compliance (if applicable)
Provisional <i>de minimis</i>	• Average landings for the most recent 3 or 5 years are between 1% and 3% • Regulations cannot be liberalized, but regulations in FMP would not need to be implemented.
Non-<i>de minimis</i>	• Average landings for most recent 3 or 5 years are greater than or equal to 3% • All non-<i>de minimis</i> FMP compliance measures apply. If a state hits this threshold, it cannot request continuance of <i>de minimis</i> or provisional <i>de minimis</i>

Sciaenid PRT Considerations

1B. Multiple Thresholds

- Recommend this approach be used only when there are no major concerns about stock status – e.g., allow more leeway in defining *de minimis* when the stock is doing well
- Approach may not be appropriate for all species

Sciaenid PRT Considerations

2. Modifications to the *de minimis* process

A. Codify # of years before a state can no longer request *de minimis*

B. States remain non-*de minimis* or *de minimis* for X number of years

Sciaenid PRT Considerations

2A. Codify the number of years before a state can no longer request *de minimis* status

- **Recommendation if the Board wishes to consider this option further:** If a state does not qualify for *de minimis* for a number of years (non-consecutive) within a specific time frame (e.g., if a state's landings are above the threshold for *de minimis* in 3 out of the last 4 years), the state would no longer be able to request *de minimis* unless there are extenuating circumstances.
- **Purpose:** Officially establishes process, no longer just a recommendation from PRT, and states would know expectations ahead of time

Sciaenid PRT Considerations

2B. States remain non-*de minimis* or *de minimis* for X number of years

- **Recommendation** if the Board wishes to consider this option further:
 - Once a state is officially no longer *de minimis*, establish a set # of years before the state can qualify for *de minimis* again, regardless of their landings.
 - Once a state moves from non-*de minimis* to *de minimis*, state could automatically be able to remain *de minimis* for a set # of years.
- **Purpose:** to increase stability for states that have a history of moving in and out of qualifying for *de minimis*

Sciaenid PRT Considerations

3A. Splitting *De Minimis* by Sector

- Recommended for further consideration on species-by-species basis
- Longstanding recommendation by the Spot PRT

Sciaenid PRT Considerations

3B. Splitting *De Minimis* by Stock

- Recommended to continue to be considered on a species-by-species basis
- Generally, if a species has two or more stocks which are managed separately, *de minimis* should similarly be evaluated at the stock level

3C. Consideration of Total Removals when Determining *De Minimis*

- Total removals would allow for a more complete picture of each state's potential impact on fishing mortality
- Could currently only be considered in combination with splitting *de minimis* by sector, for the recreational sector

Does the Board want to consider changes to the *de minimis* guidelines?

If there should be changes what areas of focus?

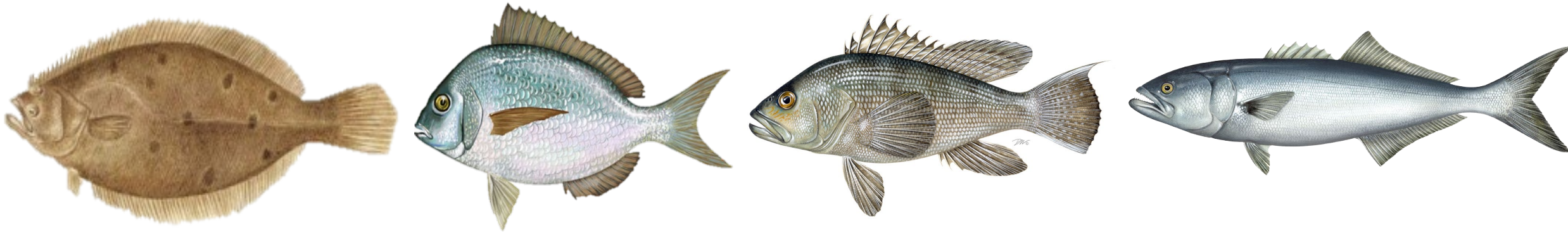
Questions?



Image credit: Ken Neill



Sector Separation Amendment Timeline and Stakeholder Workshop Process



ISFMP Policy Board

August 2026

- September 23-24 – Sheraton Baltimore Washington Airport Hotel
- 22 participants selected from along the Atlantic coast across all recreational sectors
 - List emailed to Policy Board July 21
 - Participants notified July 28
- Workshop Objectives:
 - Review list of draft alternatives
 - Discuss and provide feedback on questions highlighted by FMAT/PDT
 - Recommend to Policy Board and Council additional options that should be considered in the action (provided they are within the scope)
 - Workshop was not identified for one specific sector

Amendment Timeline

September 2026	Stakeholder workshop
December 2026	Joint Policy Board/Council meeting to approve final range of alternatives
Winter 2027	FMAT/PDT develops draft amendment document
Spring 2027	Policy Board/Council approve draft amendment for public comment
Spring/Summer 2027	Public hearings and public comment period
Summer 2027	AP and FMAT/PDT meetings to review public comment and provide recommendations
August 2027	Final Action
Fall 2027/Winter 2028	Rulemaking and comment period

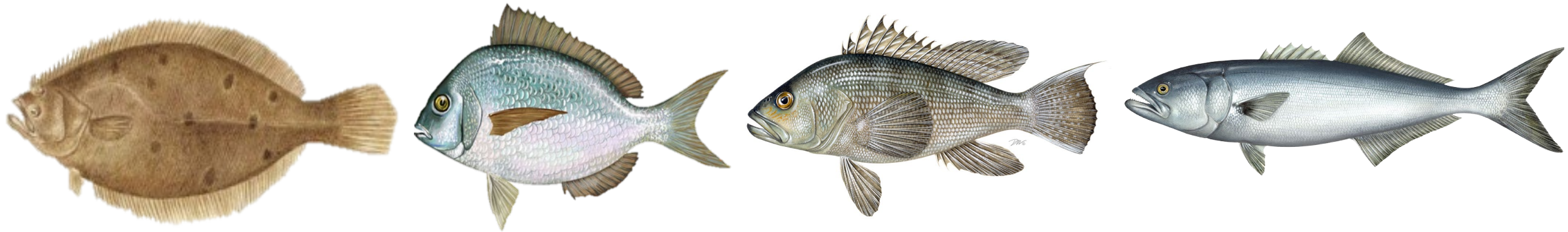
Proposed New Timeline

- Current timeline does not provide a meeting between workshop (September 2026) and approval of a final range of alternatives (December 2026)
- Commission process would add a joint meeting to review workshop outcomes and provide feedback to FMAT/PDT prior to approving a final range of alternatives
 - Meeting at Commission annual meeting-does not allow time to develop options for joint December meeting
 - Special virtual meeting in mid/late October-allows time to develop options for joint December meeting
 - Meeting at joint December meeting- push the review of final range of alternative to the Commission or Council February meeting

- For Policy Board discussion:
 - Does the Board want to follow Commission process and meet as a Board to give direction to the PDT/FMAT or work outside of the process?
 - Commission Process: virtual meeting in mid/late October
 - Does the Board want to discuss with the Council shifting the timeline of the document to meet jointly in December to give feedback to the PDT/FMAT?



Questions?





**Atlantic States
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Committee Updates

ASMFC Summer Meeting

August 4-6, 2026



**Atlantic States
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CESS Updates

- **Recreational Demand Model**
 - Modeling framework links angler behavior to stock dynamics and regulations, resulting in improved evaluation of future striped bass and bluefish management strategies
 - Used focus-group surveys, choice experiment design, econometric evaluation, bioeconomic simulation, etc. to create the model
 - Currently drafting the technical report of work to wrap up what is possible with current ASMFC funding
 - Model is sound for bluefish but may need more work to make it more useable for striped bass

- On-going CESS Tasks
 - Working to adjust socioeconomic metrics in the R&U tool with the R&U WG
 - Follow up with Commissioner questions about menhaden, spiny dogfish, tautog
 - If the Board initiates a management objectives process for lobster, depending on the outcome of the process, CESS can provide input if requested
 - Striped Bass
 - Future Management WG
 - Economic consequences of potential management strategies – hopefully can be answered by RDM
 - [Creation of an infographic with snapshot of SB economic data](#)
 - Anything else?



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ASC Updates



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ASC Updates

Guide to Fisheries Science and Stock Assessments

- Tautog Management Board asked about the feasibility of advancing the tautog benchmark scheduled for 2029
 - Increasing retrospective patterns, changes in stock status determinations, and availability of new fishery-independent survey indices
- ASC recognized the concerns raised by Board, but there are tradeoffs associated with delaying assessments for other species.

Option 1: Trade with weakfish (2028)

- Delays weakfish, extending its gap since the 2016 benchmark.

Option 2: Trade with spot (2027)

- Delays spot, which has never had a successful benchmark.

Option 3: Maintain the Current Schedule



Fisheries Compensation Program
for Atlantic Coast Offshore Wind

Regional Compensation Fund for Offshore Wind

Atlantic States Marine Fisheries Commission
ISFMP Policy Board
August 6, 2026

Background



11-state initiative to establish a credible regional administrator for managing and distributing fisheries compensatory mitigation funds for impacts from offshore wind for the US eastern seaboard



Brown Greer, together with **Carbon Trust**, selected to serve as the **Regional Fund Administrator (RFA)** in Nov. 2024
Laura Singer and Deirdre Boelke are subcontractors supporting on fisheries engagement



The RFA is tasked with developing a process for distributing financial compensation to address potential economic losses from offshore wind development

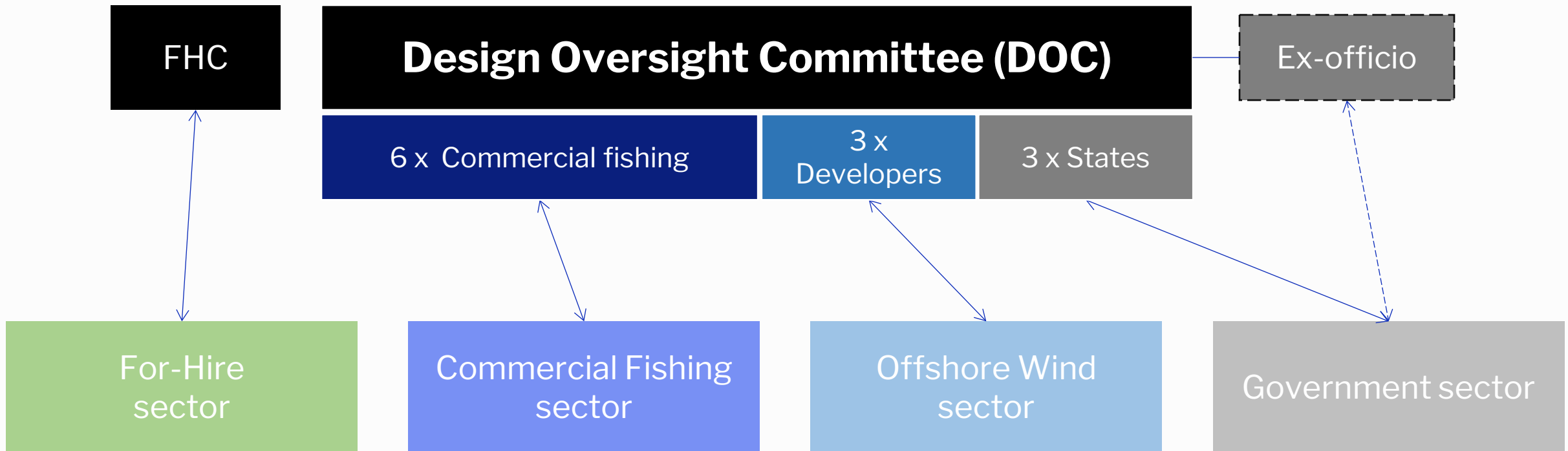


Scope – This process is focused on *future* compensation programs and does not affect programs already in place. It addresses how money is distributed out of a regional fund, not on how money comes into such a fund.



This is different from compensation programs to date; it has a regional scope and is informed by multi-state and cross-industry input.

Supporting Members of the RFA Initiative



- RFA team facilitates regular meetings between DOC members and their sector
- Fisheries sector includes stakeholders from diverse fisheries, regions and ports



Advisory Committees

Design Oversight Committee (“DOC”)

Commercial Fishing Industry

- **Hank Soule, Vincent Balzano, Joe Gilbert, Roy Diehl, Jeff Kaelin**
- *Alternate Members: Beth Casoni, Bonnie Brady, Lane Johnston, Peter Hughes*

States

- **Brad Schondelmeier, Todd Janeski**
- *Alternate Members: Erin Wilkinson, Julia Socrates, Carrie Kennedy, Sebastian Velez*

Offshore Wind Industry

- **Brian Krevor, Rick Robins**
- *Alternate Members: Ross Pearsall*

For-Hire Committee (“FHC”)

Recreational Fishing Industry

- **Rick Bellavance, Bob Rush, Rom Whitaker**
- *Alternate Member: Mike Cerchio*

States

- **Renee Zobel**
- *Alternate Member: Joe Cimino*

Offshore Wind Industry

- **Brian Krevor**
- *Alternate Member: Ron Larsen*



What questions are involved in designing a compensation framework?

What will claims process look like?

What are potential causes of lost revenue?

How do crew members get considered?

Will impacts from the lease area be treated the same as impacts from the cable area?

How long will payments last?

What data will I need to submit to be eligible?

How will shoreside business be considered?

Will there be an appeals process?

Will there be different paths for vessels that are more impacted?

Which fishing vessels are eligible?

What losses count as a claim?

Overview of stakeholder engagement approach

The RFA team have been:

- Actively growing the network of individuals feeding into the RFA project
- Facilitating regular DOC and FHC meetings
- Organizing 1-2-1 and group meetings with individuals in each sector
- Ensuring feedback is captured and reflected in the fund design and claims process
- Adjusting our approach to maximize accessibility across the region



DOC and FHC meetings,
working meetings with
caucuses



Events, such as:

- Maine Fishermen's Forum
- NHF&G Advisory Committee



Port-side meetings with
members of the fishing industry
along the east coast



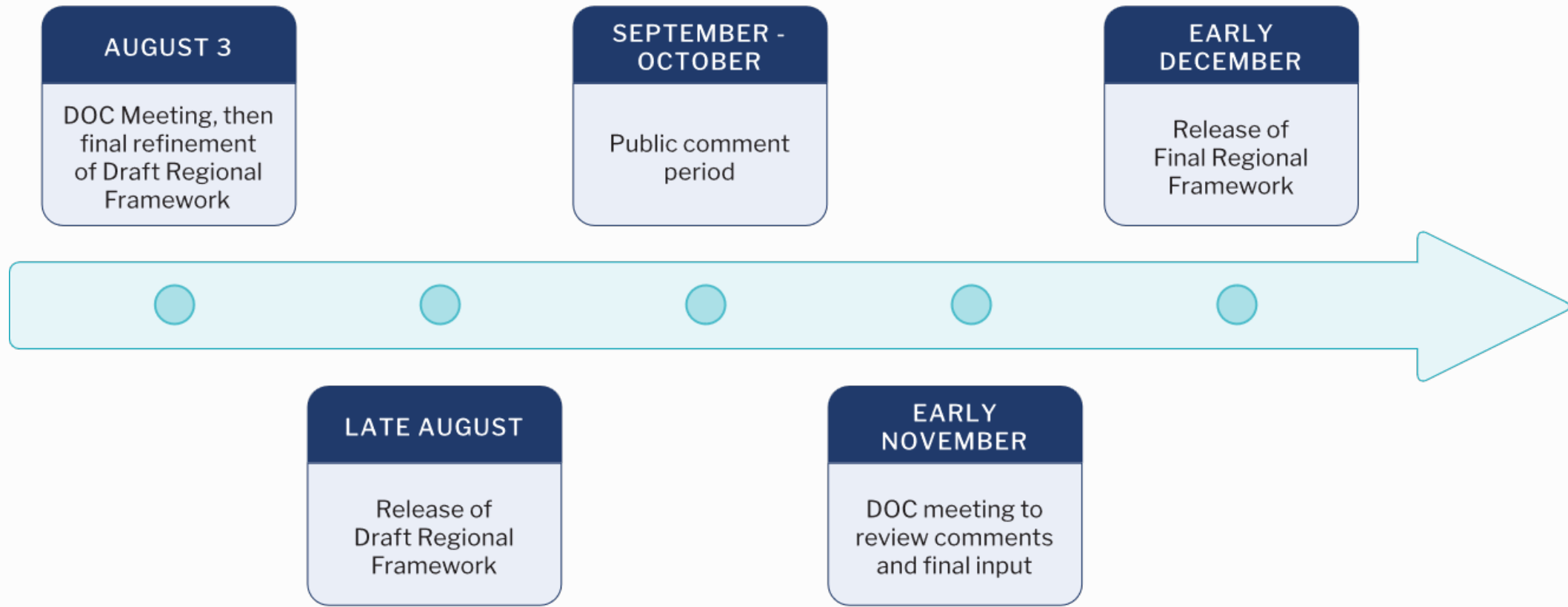
Webinars / online meetings, such as:

- MAFMC – Oct '25
- Public Webinar – Feb '26
- MA Fisheries WG – May '26
- ASMFC Policy Board – Aug '26

High-level summary of draft framework under development

- *Separate program for the export cable route and the offshore project area.*
- *Separate programs for the construction and operations phase of the project.*
- *Two paths for both phases:*
 1. *Expedited Review – streamlined, lower burden of proof payments*
 2. *Individual Review – based on demonstrated economic loss and/or increased costs*
- *Eligibility standards: claimant qualifies to request compensation if he or she earned revenue from fishing within project area in 3 out of 10 years before final investment decision (FID)*
- *Exceptions process: case-specific review to address unique circumstances during any phase*

Next Steps



Contact Us

VISIT RFA WEBSITE FOR UPDATES

- Public meeting links posted in advance of DOC and FHC meetings
- List of DOC members and their contact details
- Common FAQs
- Summary of current topics under discussion
- Stakeholder engagement plan and engagement summaries by quarter

[Link to RFA Q&A](#)

RFA Website



Email Questions
and Comments
Here



www.RFAInfo.com
contact@rfainfo.com

Update on Recreational Angler Partnership Improvement Directive

August 6, 2026

*Our vision is to be the principal source of fisheries-dependent information
on the Atlantic coast through the cooperation of all program partners.*

Summary

- RAPID is the *transition* from the existing recreational fishing data enterprise to define the new version
- Focus:
 - Extend shared-governance partnerships amongst states, commissions, councils, and NOAA
 - Set direction for co-design to improve trust in and accuracy of collected data for use in management
 - Potential to enhance, supplement, and/or replace data collection methods
 - Atlantic data collection continues with current design until recommendations can be implemented



Update: May – Aug 2026

- Informative [page](#) posted to NOAA website on Jun 8, 2026
- Workshop facilitation RFP (May 21 – Jun 10, 2026) awarded to Keystone Policy Center
- Atlantic (ME-GA) APAIS allocation increased by 13% for Sep-Dec 2026
- Solicitating representation for regional planning teams in Jul-Aug 2026, coordinated by FINs
- Communications plan being drafted, coordination with partner agencies in Aug 2026



Future Timeline: Aug 2026 - Forward

- **Inventory of national recreational data collection programs in Sep 2026**
- **Workshops (~2 days) held with rolling synthesis of outcomes from Oct 2026 – Mar 2027**
 - **Regional reports/action plans by May 2027**
 - **Announce summary outcomes and next steps by Summer 2027**



Questions?

