Atlantic States Marine Fisheries Commission

Executive Committee

November 11, 2026
8:00 – 9:30 a.m.

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.

A portion of this meeting may be a closed session for Committee members and Commissioners only.

1. Welcome/Call to Order (*D. McKiernan)*

2. Board Consent
   - Approval of Agenda
   - Approval of Meeting Summary from August 5, 2026

3. Public Comment

4. Report of the Administrative Oversight Committee (*D. Haymans*) **Action**
   - Presentation of FY26 Audit

5. Discuss Process for Reviewing Species Declared Interests on Management Boards (*R. Beal*)

6. Legislative Update (*A. Law*)

7. CARES Update (*R. Beal*)

8. Discussion of For-Hire Permitting and Reporting Related to Sector Separation (*D. McKiernan*)

9. Introduction and Review of "Atlantic Coastal Fisheries Management Overview" Document (*D. McKiernan*)

10. Future Annual Meetings Update (*L. Leach*)
    - 2027 – South Carolina
    - 2028 – Massachusetts
    - 2029 – Pennsylvania

11. Other Business

12. Adjourn

This meeting will be held at The Hotel Viking, (1 Bellevue Avenue, Newport, RI; 844.806.4895) and via webinar; click here for details

DRAFT MEETING SUMMARY OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

EXECUTIVE COMMITTEE

Westin Crystal City
Arlington, Virginia
August 5, 2026

For Review and Action by the Executive Committee November 11, 2026

INDEX OF MOTIONS

1. Approval of agenda and summary minutes from May 6, 2026 by Consent (Page 1)

ATTENDANCE

Committee Members

Carl Wilson, ME
Renee Zobel, NH
Dan McKiernan, MA, Chair
Jason McNamee, RI
Eric Reid, RI (LA Chair)
Bill Hyatt, CT
Marty Gary, NY
Joe Cimino, NJ
Kris Kuhn, PA
Jordan Zimmerman, DE
Michael Luisi, MD
Joe Grist, VA
Ben Dyar, SC
Doug Haymans, GA, Vice Chair
Gary Jennings, FL (GA Vice -Chair)

Other Commissioners/Proxies

John Clark, DE DFW
Bob Glenn, MA DMF
Doug Grout, NH GA
Allison Hepler, ME LA
Jesse Hornstein, NY DEC
Raymond Kane, MA GA
Loren Lustig, PA GA
John Maniscalco, NY DEC
Ray Rowell, GA Proxy
Megan Ware, ME DMR
Spud Woodward, GA GA

Staff

Bob Beal
Toni Kerns
Laura Leach

Guests

Max Appelman, NOAA
Sam Duggan, NOAA
Chip Lynch, NOAA

CALL TO ORDER

The Executive Committee of the Atlantic States Marine Fisheries Commission convened August 5, 2026, in the Jefferson Ballroom at the Westin Crystal City in Arlington, Virginia. The meeting was called to order at 8:00 a.m. by Chair Dan McKiernan.

APPROVAL OF AGENDA

The agenda was approved as presented and approved by consent.

APPROVAL OF SUMMARY MINUTES

The summary minutes from the May 6, 2026 meeting were approved as presented.

PUBLIC COMMENT

There was no public comment.

LEGISLATIVE COMMITTEE UPDATE

Mr. Law presented an update on recent legislative activity, provided an update on the current state of FY27 government funding, and efforts to approve a continuing resolution to extend the current FY26 budget into December 2026. He also provided a brief update on several other fishery bills focused on establishing eDNA research programs, red snapper fishery closures, and extending the North Atlantic right whale regulation pause.

CARES UPDATE

The Commission received an extension through 12.4.26 on the CARES cooperative agreement to continue to collect funds from those who received funds deemed ineligible.

FUTURE ANNUAL MEETING LOCATIONS

Mrs. Leach provided an update on future Annual Meeting locations. November 8 -12, 2026 Rhode Island DEM Marine Fisheries will host the Annual Meeting at the Viking Hotel in Newport, Rhode Island. Future Annual Meeting locations are: 2027 South Carolina; 2028 Massachusetts; 2029 Pennsylvania; 2030 Georgia and 2031 Connecticut.

OTHER BUSINESS

A member state raised concerns about seeking increased consistency across FMPs. The Committee briefly talked about some of the differences in how FMPs address the timing of state implementation as a result of different stock status and life histories.

ADJOURN

The Executive Committee adjourned at 8:20 a.m.

[Draft - October 19, 2026]

The ASMFC and Atlantic Coastal Fisheries Management

This Memorandum provides an overview of the Atlantic States Marine Fisheries Commission's role in fishery management, the laws on which the Commission's responsibilities rest, and its relationship to federal and state fishery management agencies. More detail on the Commission's activities and the guiding legal authorities may be found on its website, at https://asmfc.org/programs/management/.

History of the ASMFC

State and local officials along the Atlantic coast have a long tradition of careful stewardship of marine resources. Fisheries laws aimed at conservation date back as early as 1639, when local officials in the Massachusetts Bay Colony responded to increasing pressure on cod and bass stocks with regulations on timing, catch, and methods of fishing.[1] In the late 1800s, technological development in fishing gear bolstered State economies but accelerated depletion of shared fishery resources; as a result, several stocks began to show signs of collapse, prompting increased attention to conservation.[2]

Conservation efforts in the United States have reflected our Nation's federal system of government. Throughout the Nation's history, responsibility for managing saltwater fisheries in nearshore waters has rested principally with the governments of the States. In the absence of preemptive legislation from Congress, Coastal States have authority to regulate saltwater fishing in their own jurisdictional waters, which generally extend from shore to three nautical miles seaward.[3] States also have authority to enforce requirements for fishing by vessels operating out of their ports, regardless of where the vessels fish.[4]

However, effective management of state fisheries requires coordination. Fish migrate without regard to political boundaries, and inconsistent regulation of a fishery common to multiple

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[1] W. Jeffrey Bolster, THE MORTAL SEA 55 (2012); Andrew Rosenberg et al., SHIFTING BASELINES: THE PAST AND FUTURE OF THE OCEAN FISHERIES 184 (Jeremy B.C. Jackson et al. eds., 2011).

[2] Bolster, THE MORTAL SEA at 176.

[3] *See Manchester v. Massachusetts*, 139 U.S. 240, 265-66 (1891); *McCready v. Virginia*, 94 U.S. 391, 394-95 (1876); *see also Davrod Corp. v. Coates*, 971 F.2d 778, 785 (1st Cir. 1992) (citing 16 U.S.C. § 1856(a)). In contrast, the federal government holds authority in waters from three to 200 nautical miles from shore (the Exclusive Economic Zone, or EEZ). *See* Magnuson-Stevens Act, 16 U.S.C. §§ 1801, 1811, 1856; *Proclamation 5030 by the President of the United States on the Exclusive Economic Zone of the United States of America* (Mar. 10, 1983).

[4] *See Skiriotes v. Florida*, 313 U.S. 69, 77-79 (1941) (affirming power of state, in the absence of preemption by federal law, to regulate fishing by state resident even though activity occurred in federal waters).

States poses a potent threat to conservation. A State will be reluctant to adopt conservation measures without assurance that neighboring jurisdictions will implement comparable restraints. The ASMFC developed out of recognition that preserving shared fishery resources for the long term requires collective action by the States, and that these interstate efforts would benefit from federal support.

The ASMFC Compact

Confronted with threats to coastal fisheries, the Atlantic Coast States undertook to create a solution: coordinated management. In 1940, they came together, "affirm[ed their] commitment to cooperative stewardship" of Atlantic coastal fisheries, and formed the Atlantic States Marine Fisheries Commission Compact.[5] The goal of the Compact 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 the physical waste of the fisheries from any cause."[6] The Compact established the Commission and authorized it "to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of * * * fisheries and * * * assure a continuing yield." Art. IV. The Compact creates a forum for States to develop conservation programs of mutual benefit while maintaining their regulatory primacy over their coastal waters.[7]

The Commission's membership structure provides representation for and expertise from each member State. Each State appoints three commissioners: the State's director of marine fisheries; a member of the legislature; and a public member with fisheries experience appointed by the State's Governor. Compact, Art. III. The Compact also provides for federal support for the Commission's work, stipulating that the U.S. Fish and Wildlife Service should serve as the Commission's primary research agency and cooperate with the States' research agencies. Art. VII.

The Compact builds on and affirms signatory States' powers in multiple ways. Interstate fishery management plans are developed not by federal statutes or agencies, but by the Atlantic coastal States' representatives acting through the Commission. They are implemented through state statute and regulations, and ASMFC plans merely establish a "floor" for state efforts; member States remain free to adopt "additional conditions and restrictions to conserve [their] fisheries," Compact, Art. IX. And member states may withdraw from the Compact with six months' notice. Art. XII.

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[5] *See* ASMFC, About Us, https://asmfc.org/about-us/program-overview. Congress approved the Compact pursuant to Art. I, § 10, cl. 3, of the Constitution. Pub. L. No. 77-539 (1942), as amended, Pub. L. No. 81-721 (1950).

[6] Art. I.

[7] *See Granting the Consent and Approval of Congress to an Interstate Compact Relating to the Better Utilization of the Fisheries (Marine, Shell, and Anadromous) of the Atlantic Seaboard, and Creating the Atlantic States Marine Fisheries Commission: Hearing on H.R. 6020 Before the H. Comm. on Merchant Marine and Fisheries*, 77th Cong. 32 (1942) (statement of Frederick L. Zimmerman, Research Consultant of N.Y. Joint Legis. Comm. on Interstate Coop.); *id.* at 46 (statement of John W. Plaisted, Secretary of Mass. Comm. on Interstate Coop.).

Congress approved the ASMFC Compact in 1942, pursuant to the United States Constitution's Compact Clause. Pub. L. No. 77-539 (1942). The Compact, in short, reflects the recognition that coastal fisheries are a shared resource that can be depleted without coordinated management, and that States' willingness to adopt conservation-minded requirements for fisheries that cross state lines may depend upon assurance that neighboring States will do likewise.

Coastal Fishery Management Plans

The ASMFC does not regulate fishing activity. Rather, it develops science-based fishery management plans (FMPs) containing recommendations and standards aimed at ensuring long-term health of interjurisdictional fisheries, which member states implement through their own respective sovereign authority, usually by adopting administrative regulations pursuant to state law or by enacting state statutes. The state management measures coordinated by the Commission, and implemented by state law, apply in coastal waters subject to state jurisdiction, including inland waters and ocean waters within three nautical miles of the low-water mark. The Commission is currently responsible for coordinating the management of more than two dozen species of marine fish and crustaceans found in the nearshore waters of the Atlantic coastal States.

The ASMFC's procedures—set forth in its Interstate Fishery Management Program Charter ("Charter") and Rules and Regulations—provide for public participation in the development of management plans and for coordination among ASMFC fisheries experts, experts from State and federal agencies, and private stakeholders such as fishing industry organizations and conservation groups. The Commission develops and updates FMPs through species-specific Management Boards whose membership includes the ASMFC Commissioners from each State with an interest in the fishery, *i.e.*, typically States whose waters provide habitat for the particular species. *See* Charter, § 4. The content of these plans can vary significantly from species to species, depending upon the status and particular circumstances of the stock.

ASMFC Management Boards' decisions are reached through an extensive public process, including public hearings and opportunities for written submissions, and are appealable by member States to the full Commission (sitting as the Interstate Fishery Management Policy Board). *See*, *e.g.*, Charter, §§ 3(d)(9), 4(h). The Commission's FMPs are regularly reviewed and updated in response to new information concerning the changing status of fish stocks and other relevant data.

In developing and updating FMPs, the ASMFC draws upon expertise from a wide variety of quarters. The Commission's structure and composition help ensure input from fisheries expertise in the member States' governments. (As noted above, ASMFC commissioners include the fisheries conservation agency chiefs from each of the member States). The Commission also works closely with federal agencies that have authority to regulate fishing in the federal waters of the Exclusive Economic Zone—and whose decisions therefore also have significant implications for migratory fisheries. Federal officers sit as members of some ASMFC Management Boards, but not on the full Commission sitting in plenary session.

Other ASMFC Responsibilities

The ASMFC has important responsibilities besides development of FMPs. For example, the ASMFC helps to coordinate and support scientific research and data-gathering concerning fish stocks and fishing activities. The ASMFC hosts the Atlantic Coastal Cooperative Statistics Program, which maintains and manages fishery statistics for State and federal agencies. The ASMFC also administers and distributes federal fiscal support for State conservation agencies and programs and federal support for the fishing industry.

The Striped Bass Act

One fish stock of particular concern to the States that formed the ASMFC in 1940 was the Atlantic striped bass (sometimes called "rockfish" or "stripers"), a species of exceptional historic, commercial, and recreational importance.[8] The ASMFC responded to concerns about the species' status by studying the fishery over the following decades, finding a serious decline in the stock.[9] In 1981, the ASMFC finalized an interstate striped bass management plan focused on securing a successful long-term recreational and commercial harvest for the fishery.[10] However, the absence of a mechanism to ensure the plan's conservation goals frustrated efforts to protect the fishery—and, as a result, striped bass populations dropped to perilously low levels in the early 1980s.[11]

In 1984, Congress responded by enacting the Atlantic Striped Bass Conservation Act.[12] The Striped Bass Act aimed "to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass."[13] In the Striped Bass Act, Congress acknowledged that the ASMFC already had adopted a carefully structured means of developing fishery management plans, and made no attempt to federalize management of the fishery or create new substantive standards.[14] Rather than displacing the ASMFC's role, the Striped Bass Act's central innovation was a federal conservation

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[8] *See* ASMFC, *Atlantic Striped Bass*, https://asmfc.org/species/atlantic-striped-bass; Dick Russell, STRIPER WARS: AN AMERICAN FISH STORY 13 (2006) (describing accounts of vast schools of Striped Bass in Chesapeake Bay in 1614); *id.* at 17 (noting the ASMFC Compact was "inspired by concern over the striper's future vulnerability").

[9] ASMFC, *Interstate Fisheries Management Plan for Atlantic Striped Bass of the Atlantic Coast from Maine through North Carolina* ("1981 Plan") 1-1 (Oct. 1981) (noting decline in reported catch from 14.7 million pounds in 1973 to 3.1 million pounds by 1979), https://asmfc.org/wp-content/uploads/2025/01/1981FMP.pdf.

[10] *Id.* at 1-3.

[11] *See* H.R. Rep. No. 98-1029, at 6-7 (1984). *See also* ASMFC, Atlantic Striped Bass Management History, https://asmfc.org/files/AtlStripedBass/AtlanticStripedBassManagementHistory_May2023.pdf.

[12] 16 U.S.C. § 5151 et seq. ("Striped Bass Act").

[13] *Id.* § 5151(b).

[14] *See United States v. Saunders*, 828 F.3d 198, 203 (4th Cir. 2016) (discussing Striped Bass Act's history and noting that the Act's "cooperative federalism scheme" responded to a "collective action problem").

mechanism to ensure the effectiveness of management plans the States developed cooperatively and scientifically through the ASMFC and implemented individually through their own administrative processes.

The Striped Bass Act calls for the Commission to determine whether each Coastal State has adopted measures consistent with the ASMFC's management plan and, if not, whether its failure to do so jeopardizes the conservation of the fishery. If the measure in question is found to be necessary to the management plan's conservation goals, then the Commission will transmit that determination to the Secretaries of Commerce and Interior. 16 U.S.C. § 5153(a), (c). A favorable determination by the Commission is not subject to challenge or federal review; in the event of a noncompliance determination, the Secretaries are independently to decide "whether that coastal State is in compliance with the [ASMFC] Plan." *Id.* If the Secretaries, after "carefully consider[ing] and review[ing] the comments of the [ASMFC] and the relevant coastal State in question," find the State to be in noncompliance, they "shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of th[e noncompliant] coastal State." *Id.* A moratorium – an exercise of federal regulatory authority under the federal Constitution's Commerce Clause to regulate private fishing activity directly – would make it unlawful for any person to fish for striped bass in that State's waters. *Id.*

Following enactment of the Striped Bass Act, the ASMFC and its member States made strenuous efforts to conserve and rebuild the species—and to protect the economic and social benefits derived from its long-term harvest. The new federal conservation backstop helped to promote full implementation of ASMFC fishery management plans.[15] As a result, striped bass made what may be the most significant recovery ever experienced for a coastal finfish species and in 1995 were declared "fully recovered," at least for a time. The Striped Bass Act approach was widely regarded as having been highly successful in reversing the decline of the striped bass population through consistent, scientific, and flexible management, all while preserving States' primary regulatory jurisdiction.

The Atlantic Coastal Fisheries Cooperative Management Act

The widely recognized success of the Striped Bass Act led Congress to extend that statute's model to other interstate fisheries in the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (ACFCMA or the Atlantic Coastal Act). 16 U.S.C. § 5101 et seq. As with the Striped Bass Act, the Atlantic Coastal Act arose from concerns that States' "[i]nconsistent implementation" of ASMFC plans had contributed to the continued decline of a number of interstate fish stocks. H.R. Rep. No. 103-202 at 6 (1993). Congress found that "[t]he failure by one or more Atlantic States to fully implement a coastal fishery management plan can affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans." 16 U.S.C. § 5101(a)(5). At the same time, Congress reaffirmed that "responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission," and

[15] ASMFC, FORGING KNOWLEDGE INTO CHANGE 52 (2017), https://www.asmfc.org/files/pub/FKIC_Ebook/mobile/index.html#p=62.

declared it "the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources." *Id*. § 5101(a)(4). The statute's purpose is "to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources." *Id*. § 5101(a)(4).

Building upon the Striped Bass Act model, the Atlantic Coastal Act calls upon the ASMFC to continue to prepare "coastal fishery management plans to provide for the conservation of coastal fishery resources." 16 U.S.C. § 5104(a)(1). ASMFC plans are to "specify the requirements necessary for States to be in compliance with the plan," and to "identify each state that is required to implement and enforce that plan." *Id.* The Act recites that FMPs are to "promote the conservation of fish stocks throughout their ranges" and be "based on the best scientific information available" and "adequate opportunity for public participation," *id*. § 5104(a)(2), but leaves it to the ASMFC member States to determine the plans' content. Consistent with the Compact, the Atlantic Coastal Act contemplates that States subject to an FMP will "implement and enforce the measures of such plan within the timeframe established in the plan." *Id.* § 5104(b)(1). The ASMFC reviews States' implementation and enforcement of FMPs and "report[s] the results of the reviews" to the Secretary of Commerce. *Id.* § 5104(c).

ACFCMA created a federal mechanism, similar to the Striped Bass Act's, to address member States' "inconsistent" implementation of ASMFC management plans, if any, and the resulting harms to interstate fisheries. Should a member State fail to implement an essential conservation element of an ASMFC plan, the Commission must notify the Secretary of Commerce, who must then give "careful consideration" to the comments of the affected State and provide that State an opportunity to present its comments "directly to the Secretary." 16 U.S.C. § 5106(b)(A). The Secretary must also solicit and consider comments from the ASMFC. *Id.* § 5106(b)(B). The Secretary must then determine, independently, whether the State has failed to implement specified management measures and whether the measures, in fact, "are necessary for the conservation of the fishery in question." *Id.* § 5106(a). If the Secretary of Commerce makes affirmative findings, the Secretary "shall declare a moratorium on fishing in the fishery in question within the waters of the noncomplying State." *Id*. § 5106(c). Such a moratorium is effected pursuant to federal regulations, *id.* § 5106(d), and violations of it are subject to federal penalties, *id.* § 5106(e), (f). Again, while the content of ASMFC management plans is determined by States through the Commission, a moratorium imposed under ACFCMA is an exercise of *federal* authority over individuals, based upon the Secretary of Commerce's finding of conservation necessity.

Thus, if a State's failure to implement plan measures jeopardizes conservation of the fishery, ACFCMA (like the Striped Bass Act) gives the federal government an opportunity to fill the conservation gap through direct federal action regulating individuals' fishing activities.

ACFCMA contains other important provisions to support coastal fishery management. It also directs the Secretary of Commerce to develop a program to support the Commission's work, including "activities to support and enhance State cooperation in collection, management, and analysis of fishery data; law enforcement; habitat conservation; fishery research, including biological and socioeconomic research; and fishery management planning," *id*. § 5103(a), and authorizes the Secretary to provide financial support to the ASMFC and its member States to support the preparation and implementation of FMPs. *Id*. § 5107.

The Magnuson-Stevens Act and Federal Fishery Management

Whereas States and the ASMFC generally manage fisheries in waters within nautical miles of shore, fishery management in the "federal" waters of the Exclusive Economic Zone ("EEZ"), extending between three and 200 nautical miles from shore, is primarily the responsibility of the federal government, acting through the Department of Commerce's National Marine Fisheries Service (NOAA Fisheries). The central governing statute for federal fishery management is the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"), Pub. L. No. 94-265 (1976), *as amended*, 16 U.S.C. §§ 1801-1883. The Magnuson-Stevens Act aims to prevent overfishing and sets forth national standards that guide federal FMPs developed by eight regional councils and promulgated as federal regulations by NOAA Fisheries.

As a general matter, the Magnuson-Stevens Act does not govern the ASMFC's development of its management plans for State jurisdictional waters, nor States' fisheries regulations. To the contrary, the Act expressly provides that it does not "diminish[] the jurisdiction or authority of any State within its boundaries." 16 U.S.C. § 1856(a)(1).

Federal-State Cooperation and Interjurisdictional Fisheries

Although the ASMFC Compact and related federal laws preserve the States' primacy over fishery management in state jurisdictional waters, the ASMFC and member States understand the practical necessity of cooperative management. As noted, federal fishery personnel with expertise on the fishery in question sit on some ASMFC Management Boards. The federal government provides financial support for the ASMFC's interstate fishery management and for research and other activities by the member States. And the ASMFC and member States cooperate regularly with federal fisheries officials and regional councils in assessing stocks, sharing data, and identifying research priorities.

The ASMFC Compact and Charter and federal fisheries statutes provide for cooperation between States and the federal government to manage interjurisdictional fisheries. This includes not only federal support for State fishery management, but, in some instances, a role for States in managing fishing in federal waters, or supporting federal management of fishing in federal waters. For example, under the Magnuson-Stevens Act, when there is no federal FMP in place, or when the federal plan delegates such authority to the State, the State may regulate activities of vessels registered in the State in question in the EEZ. 16 U.S.C. § 1856(a)(3). And under ACFCMA, in the absence of an approved and implemented federal FMP under the Magnuson-Stevens Act, the federal government may adopt regulations for fishing in the EEZ that are necessary to support the provisions of the ASMFC's coastal FMP. *See* 16 U.S.C. § 5103(b)(1). In some instances, federal laws specifically provide for a special role for State fishery management in federal waters. For the American lobster fishery, for example, there is an ASMFC plan, but not a federal one. In the 1993 Atlantic Coastal Act, Congress initiated a "[t]ransition to management of American lobster fishery by [the ASMFC]." 16 U.S.C. § 5107b; *see also id*. §§ 1854 note, 1856(a)(3)(A).

Thus, while the division between State and ASMFC management of fishing in state jurisdictional waters, and federal management of fishing in the EEZ, describes the overall picture

on the Atlantic coast, the realities are sometimes more complicated. Cooperation among States, the Commission, and federal authorities reflects practical needs of managing resources that constantly move across jurisdictional boundaries, and the mutual interests of the people of each coastal State and of the whole nation.