



Atlantic States Marine Fisheries Commission

2013 Winter Meeting Summary

Working towards healthy, self-sustaining populations of all Atlantic coast fish species or successful restoration well in progress by the year 2015

2013 Winter Meeting
Alexandria, VA
February 19-21, 2013

For more information, please contact
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Meeting Summaries, Press Releases and Motions

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AMERICAN LOBSTER MANAGEMENT BOARD (February 19, 2013)

Press Release

**ASMFC American Lobster Board Approves Addendum XIX
and Releases Draft Addenda XX for Public Comment**

Alexandria, VA – The Commission’s American Lobster Board approved Addendum XIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum modifies the transfer tax for Lobster Conservation Management Area 3 (LCMA 3 - offshore waters) to a single conservation tax of 10% for full business or partial trap sales within the area. This measure will be considered by NOAA Fisheries as part of its upcoming federal rule-making process.

The Addendum is the second in a series of addenda that respond to the depleted condition of the Southern New England (SNE) lobster resource by scaling the capacity of the SNE fishery to the size the SNE resource. Since the scope of the SNE resource encompasses all or part of six of the seven LCMAs established by Amendment 3, additional addenda will be developed to address effort reductions in the remaining LCMAs (4, 5, and 6). The Board will continue to work on draft Addendum XXI to refine and develop a definition of ownership for the purposes of measures contained in the addendum.

The Board also approved Draft Addendum XX for public comment. The Draft Addendum proposes to formalize measures outlined in an agreement between the offshore lobster fishery and groundfish sector trawl fishermen for bottom sharing in Closed Area II of Georges Bank in order to prevent gear conflicts and to protect large concentrations of egg bearing females. The agreement specifies certain times of year when lobster trap gear and sector trawl fishermen may fish in (or not fish in) in certain portions of Closed Area II. The fishing industry developed this agreement in anticipation of the final approval of the New England Fishery Management Council’s (NEFMC) Groundfish Framework 48 which contains measures to help mitigate the economic impact of the dramatic reductions in groundfish annual catch limits for the 2013 fishing year which begins May 1, 2013. If approved, groundfish sectors may request, through their operations plans, access to areas currently closed solely to reduce fishing mortality. In addition, the NEFMC explicitly considered potential gear conflicts and included language in the Framework that states “when considering sector requests for access to closed areas, NMFS Regional Office should include, inter alia, consideration of the potential for gear conflicts, shifts in fishing effort out of the closed areas and impacts on protected species and lobsters.”

Addendum XIX will be available on the Commission website (www.asmfc.org) under *Breaking News* or by contacting the Commission at 703.842.0740. A subsequent press release will be issued when Draft Addendum XX is available for public comment; no public hearings will be conducted on the Draft Addendum. For more information, please contact Toni Kerns, ISFMP Director at tkerns@asmfc.org or 703.842.0740.

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PR13-05

Motions

Move to accept option 2 in Addendum XIX.

Motion made by Mr. Adler and seconded by Mr. McElroy. Motion carries unanimously.

Motion to approve Addendum XIX for American Lobster.

Motion made by Mr. McElroy and seconded by Mr. Adler. Motion carries unanimously (Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NMFS).

Move to accept the document for public comment, Addendum XX.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

Move to add section 3.1.5 Limitations on eligibility for Area 2 permit holders and requirement for permit holder to be aboard. To facilitate the accurate and proper identification of the holder of an Area 2 permit and trap allocation, states shall limit the issuance of Area 2 permits for trap fishing or landing lobsters taken by traps to only named individual persons, not corporations. Moreover, within 2 years of the passage of this addendum, states shall require the named permit holder to be on board the vessel whenever the vessel is fishing for - or landing - lobsters. Exemptions to the "owner on board rule" may be developed by states to allow immediate family members to operate the permit and vessel and for short-term disability or other hardship for only up to 2 years.

Motion made by Mr. McKiernan and seconded by Mr. Gibson. Motion fails (2 in favor, 9 opposed).

Move to include another option in section 3.1.1 trap allocation transfers for partial transfers and section 3.2.1 to add an option that allows the area(s) fished to be declared on an annual basis.

Motion made by Mr. McElroy and seconded by Mr. Abbott. Motion carries (10 in favor and 1 abstention).

Move to add in 3.2.5 Option 3: Aggregate Ownership Trap Limit. No single company or individual may own traps greater than five-times the Single Ownership Cap if they have not already accumulated them prior to NMFS publishing a present-day control date; therefore, should an individual owner be in excess of the Aggregate Ownership Cap before the control date is published, that owner will retain his existing trap ownership and that owner may not increase trap ownership once NMFS control date has been published. Any ownership with an accumulation of fewer traps than the Aggregate Cap at the time the control date is published may not exceed the Aggregate Ownership Cap.

Motion made by Mr. R. White and seconded by Mr. Augustine. Motion carries (10 in favor and 1 abstention).

Move to remove option 2 in section 3.2.5.

Motion made by Mr. Augustine and seconded by Mr. R. White. Motion carries unanimously.

Move to remove section 3.1.4 from the document.

Motion made by Mr. McElroy and seconded by Mr. Abbott. Motion carries (9 in favor, 2 abstentions).

Move to postpone approval of Addendum XXI for public comment until the May meeting 2013.

Motion made by Mr. Stockwell and seconded by Mr. McElroy. Motion carries unanimously.

ATLANTIC HERRING SECTION (February 19, 2013)

Press Release

ASMFC Atlantic Herring Section Sets Specifications for 2013 – 2015

Alexandria, VA – The Commission’s Atlantic Herring Section has set the annual catch limit (ACL) for the 2013 – 2015 fishing seasons at 107,800 metric tons (mt), an 18% increase from 2010 – 2012 limits. For all three years, the ACL is further subdivided by Atlantic herring management areas as follows: Area 1A = 31,200 mt, Area 1B = 4,600 mt, Area 2 = 30,000 mt, and Area 3 = 42,000 mt. The Area 1A sub-ACL will be distributed seasonally with 72.8% available from June 1 – September 30 and 27.2 % available from October 1 – December 31. The specifications are the same as those adopted by the New

England Fishery Management Council (NEFMC). The table below outlines the Commission’s herring specifications for 2013-2015.

**Summary of ASMFC Atlantic Herring Specifications for 2013-2015.
The ACL and sub-ACL values will be modified at a later date
to account for overages from the 2011 fishery.**

SPECIFICATIONS	Metric Tons
Overfishing Limit	169,000 – 2013 136,000 – 2014 114,000 – 2015
Allowable Biological Catch	114,000
Annual Catch Limit (ACL) /Optimal Yield	107,800
Sub-ACL Area 1A	31,200
Sub-ACL Area 1B	4,600
Sub-ACL Area 2	30,000
Sub-ACL Area 3	42,000
Research Set-Aside (2014 and 2015 only)	3% of each Sub-ACL
Fixed Gear Set-Aside (1A)	295

The Section also initiated the development of Draft Addendum VI to the Atlantic Herring FMP. The Draft Addendum will include options for seasonal splitting of the sub-ACLs and establishment of sub-ACL quota triggers through the specification process. The Draft Addendum will propose triggers for closing the directed fishery (1) in a management area when 92% of the sub-ACL is projected to be reached, and (2) in all management areas when 95% of the stock-wide ACL (107,800 mt) is projected to be reached. A 2,000 pound trip limit will continue after directed fisheries are closed. These triggers are intended to prevent quota overages of both the sub-ACLs and the total ACL. The Draft Addendum also proposes to allow for up to 10% carryover of unharvested sub-ACLs. The measures proposed in the Draft Addendum are consistent with NEFMC’s Framework 2.

For more information, please contact Toni Kerns, ISFMP Director, at 703.842.0740 or tkerns@asmfc.org.

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PR13-06

Motions

Move to approve the 2013-2015 Atlantic herring specifications as recommended by the NEFMC.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion passes unanimously.

Move to change the trigger for going to a 2,000lb bycatch allowance for Area 1A to 92% of the sub-ACL.

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion passes unanimously.

Move to initiate an addendum to the Atlantic herring FMP that would include options for seasonal splitting of the sub-ACLs for areas 2,3, and 1b and to allow for up to 10% carryover of a sub-ACL, consistent with the provisions laid out in the NEFMC’s Framework 2, and also to establish a stockwide trigger of 95% of the ACL for closure of the directed fishery and moving to a 2,000lb bycatch allowance, and to allow directed fishery closure triggers to be set for sub-ACLs through the specification process.

Motion made by Mr. Grout and seconded by Mr. Gibson. Motion carries unanimously.

SHAD & RIVER HERRING MANAGEMENT BOARD (FEBRUARY 19, 2013)

Meeting Summary

The Shad and River Herring Board met to review the recent petition to list river herring under the Endangered Species Act (ESA), the development of the Mid-Atlantic Fishery Management Council (MAFMC) Amendment 15 to the Mackerel, Squid, and Butterfish (SMB) FMP, and consider approval of a proposed shad stocking plan for the state of Georgia.

In August 2011, the National Resources Defense Council petitioned NOAA Fisheries to list river herring as threatened under the ESA. In November 2011, NOAA Fisheries released a positive 90-day finding on the petition to list river herring under the ESA based on the fact that the petition presents substantial scientific information indicating the petitioned action may be warranted. NOAA Fisheries is currently working on conducting a status review for river herring and the development of a proposed rule, if any, in response to the petition.

The MAFMC is currently developing Amendment 15 to the MSB FMP which is considering the addition of shad and river herring as a stock in the MSB fishery or alternatively the creation of a separate FMP for shad and river herring. The MAFMC recently focused the objectives of the Amendment by deciding not to include area-based management, lower mackerel trip limits, a rebuilding plan, or joint Canadian management as management objectives for the Amendment. The MAFMC will continue to coordinate with ASMFC as the Amendment develops. The MAFMC's Amendment 15 with Draft Environmental Impact Statement is expected to be released for public comment in the fall/winter.

The Board reviewed a proposed plan by Georgia Department Natural Resources to initiate an American shad stocking program in the Altamaha River, GA. The Shad and River Herring Technical Committee reviewed the request and recommended the Board consider approval. The Board unanimously approved the stocking program. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move to approve the Georgia American shad stocking proposal with modifications recommended by the Technical Committee.

Motion made by Mr. Augustine and seconded by Mr. Fote. Motion carries unanimously.

STURGEON MANAGEMENT BOARD (February 19, 2013)

Meeting Summary

The Sturgeon Management Board met to review the recent findings from the NOAA Fisheries and ASMFC Mid-Atlantic Gillnet Bycatch Reduction Workshop and approve nominations to both the Stock Assessment Subcommittee and Advisory Panel (AP).

In January, NOAA Fisheries and ASMFC held a joint workshop focused on sturgeon and sea turtle bycatch in Mid-Atlantic gillnet fisheries. The goal of the workshop was to bring together representatives of the fishing industry, scientists, conservation community, and managers in order to identify technological solutions to reduce or mitigate bycatch while maintaining catch. A workshop summary report will be available soon.

The Board approved the following members to the Stock Assessment Subcommittee: Mike Bednarski (MA), Matt Fisher (DE), Dewayne Fox (Delaware State University), Kathy Hattala (NY), Andrew Kahnle

(NY), Laura Lee (NC), Christine Lipsky (NOAA Fisheries), Jerre Mohler (USFWS), Bill Post (SC), Eric Schneider (RI) and Dave Secor (University of Maryland – CBL). The Board also approved Michael Doebley, a recreational fisherman from Delaware. Board members will be reviewing the current membership on the Atlantic Sturgeon AP and providing nominations to fully populate the AP by its next meeting.

For more information, please contact Kate Taylor, Senior Fishery Management Plan Coordinator, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move that the Stock Assessment Subcommittee be populated as proposed.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

Move to appoint Michael Doebley to the AP for Atlantic Sturgeon.

Motion made by Mr. Augustine and seconded by Mr. Clark. Motion carries unanimously.

ATLANTIC MENHADEN MANAGEMENT BOARD (February 20, 2013)

Meeting Summary

The Atlantic Menhaden Board reviewed a Technical Committee (TC) report detailing the current status of the stock, a request for funds to digitize historical tagging data, and further development of the adult index of abundance. The TC currently lists the status of the Atlantic menhaden stock as experiencing overfishing, but it is unknown if the stock is overfished based on the new maximum spawning potential reference points adopted through Amendment 2. The uncertainty in the stock status determination is because a sensitivity run that incorporated dome shaped selectivity resulted in a not overfished outcome, but all other sensitivity runs defined the stock as overfished. The TC plans to address the uncertainty in the selectivity through the 2014 benchmark assessment, which will hopefully lead to a more definitive determination on stock status.

To help address selectivity in the Atlantic menhaden fishery, the TC requested funds to digitize a historical tagging data set for inclusion in the 2014 benchmark stock assessment. The Commission's Executive Committee decided to fund the request as recommended by the Board to recognize the importance of additional data in the upcoming benchmark assessment.

The Board also assigned a subcommittee of Commissioners from New England states to revise and edit the episodic events set aside for Board review at the May meeting. Additionally the Board reviewed the compliance criterion that needs to be included in each state's plan to implement Amendment 2 for 2013.

The Multispecies Technical Committee (MSTC) updated the Board on inclusion of additional predators for the MSVPA model. The MSTC plans to include top predators on menhaden in the MSVPA model dependent upon data availability.

Lastly, the Board repopulated the membership for the Stock Assessment Subcommittee in preparation of the 2014 benchmark stock assessment. Additionally, the Board populated the Plan Review Team in preparation of implementing and tracking compliance with Amendment 2.

For more information, please contact Mike Waine, Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

Motions

Move to recommend that the Commission allocate \$35,000 as recommended by the Technical Committee to digitize the tagging data.

Motion made by Mr. Boyles and seconded by Mr. Augustine. Motion carries.

Move that states that wish to opt into the 2013 episodic events set aside quota must submit effort control criteria to the PRT by April 15th for Board approval at the May Meeting. These criteria will include, but is not limited to, maximum harvester and carrier vessel sizes and a maximum daily trip limit.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion carries (14 in favor, 1 opposed, 1 abstention).

Main Motion

Move to task the PRT to provide the Board, for approval at the May meeting, an appropriate daily trip limit reduction at 75% of the episodic event set aside quota.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion postponed until May meeting.

Motion to Substitute

Move to substitute that for 2013 the episodic event fishery, all states will retain their initial Am2 allocations and all states that qualify for episodic events will be able to harvest from the 1% set aside.

Motion made by Mr. Carpenter and seconded by Mr. Nowalsky.

Motion to Postpone

Motion to postpone the substitute and the main motion to the May meeting.

Motion made by Mr. Abbott and seconded by Mr. Adler. Motion carries without objection.

Move to approve the Stock Assessment Subcommittee membership as presented.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries.

Move to accept the Plan Review Team membership, as amended today.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries.

HORSESHOE CRAB MANAGEMENT BOARD (February 20, 2013)

Meeting Summary

The Horseshoe Crab Management Board met to discuss the importation of Asian horseshoe crabs into the United States for use as bait and the potential lifting of the New Jersey moratorium on horseshoe crab harvest. A presentation was given by Glenn Gauvry, member of the International Union for the Conservation of Nature, which highlighted the threats associated with importing Asian horseshoe crabs. The Board moved that the Policy Board send a letter to the United States Fish and Wildlife Service, encouraging the addition of Asian horseshoe crabs species to the list of Injurious Species. The Board also moved to create a resolution to encourage states to take any and all action to ban the importation and use of Asian horseshoe crabs as bait. The Board discussed the regional consequences of the New Jersey horseshoe crab moratorium. A motion encouraging the state of New Jersey to consider alternate management strategies in light of regional issues was defeated.

For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org or 703.842.0740.

Motions

Move to recommend to the Policy Board that the Commission send a letter to U.S. Fish and Wildlife Service urging expedited review and possible action on the importation of all Asian horseshoe crab species.

Motion made by Mr. Michels and seconded by Mr. Gilmore. Motion carries unanimously

Move that the staff prepare a resolution in keeping with the recommendations of the Technical Committee on this issue that encourages the states to take any and all action to address the importation of Asian horseshoe crabs.

Motion made by Travelstead and seconded by Dr. Daniel. Motion carries unanimously.

Move that the State of New Jersey consider alternate management strategies to a harvest moratorium including pending legislation due to negative impacts on regional horseshoe crab populations and concerns with potential ecological and human health issues with the importation of non-native species.

Motion made Mr. Gilmore and seconded by Mr. McElroy. Motion fails (5 in favor, 6 opposed, 3 abstentions).

WINTER FLOUNDER MANAGEMENT BOARD (February 20, 2013)

Meeting Summary

The Winter Flounder Board reviewed and approved the Winter Flounder Fishery Management Plan Review and Compliance Report for the 2011 Fishing Year. The Board found that all states had management and monitoring programs consistent with the FMP requirements. The board also approved Delaware's request for *de minimis* for both the commercial and recreational fisheries. Draft Addendum III was considered for public comment. The addendum proposes an annual specification process to set state water's commercial and recreational measures such as trip limits or seasons in response to changes in the winter flounder state water's quota. The proposed addendum had only included measures for the GOM area but the board voted to include the SNE/MA area to ensure a timely response to any changes in the quota by NOAA Fisheries. The Board approved Addendum III for public comment with this modification. Public hearings will be held in the spring with final consideration of the Draft Addendum at the May Board meeting. For more information, please contact Melissa Yuen at myuen@asmfc.org or 703.842.0740.

Motions

Move to approve the 2012 FMP review and state compliance reports and Delaware's request for *de minimis* status for both its commercial and recreational fisheries.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries

Move to add the Southern New England/Mid-Atlantic stock unit to the Draft Addendum.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion passes unanimously.

AMERICAN EEL MANAGEMENT BOARD (February 20, 2013)

Press Release

ASMFC American Eel Board Approves Draft Addendum III for Public Comment

Alexandria, VA –The Commission’s American Eel Management Board approved Draft Addendum III to the Interstate Fishery Management Plan for American Eel for public comment. The Draft Addendum proposes a wide range of management options with the goal of reducing mortality and increasing the conservation of American eel stocks across all life stages. Specific management options focus on both the commercial (glass, yellow, and silver eel life stages) and recreational American eel fisheries. The document also proposes increased monitoring by the states and recommendations to improve American eel habitat.

Draft Addendum III responds to the findings of the 2012 benchmark stock assessment indicating the American eel population in U.S. waters is depleted. The stock has declined in recent decades and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern. Causes of decline are likely due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease.

Commercial regulations vary by state. Glass eel fisheries currently occur in Maine and South Carolina. Significant yellow eel fisheries occur in New Jersey, Delaware, Maryland, the Potomac River, Virginia, and North Carolina. Although commercial fishery landings and effort in recent times have declined in most regions, current levels of fishing effort may still be too high given the depleted nature of the stock. States and jurisdictions are required to annually report on commercial harvest and monitor juvenile abundance. The recreational fishery is currently regulated by a 50 fish per day creel limit and a six inch size minimum, although recreational harvest is believed to be low.

It is anticipated that the majority of Atlantic coastal states will be conducting hearings on the Draft Addendum. A subsequent press release will announce the Draft Addendum’s availability as well as the details of the scheduled hearings. Final action on the Addendum is scheduled to occur in May. For more information, please contact Kate Taylor, Senior Fishery Management Coordinator, at ktaylor@asmfc.org or 703.842.0740.

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PR13-07

Motions

Main Motion

Move to approve Draft Addendum III for public comment.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion tabled.

Motion to Table

Move to table the original motion.

Motion made by Mr. Augustine and seconded by Mr. Abbott. Motion carries.

Move to add Subsection 3c under Option 4 for Section 4.1.2 Yellow Eels to include a 2002-2011 time series option for quota development.

Motion made by Mr. O’Connell and seconded by Mr. Abbott. Motion carries.

Move to amend Section 4.1.2 Commercial Fishery Management options – yellow eel fisheries by adding an Option 6 – two week closure. This option would require that each state close its yellow eel fishery for two consecutive weeks in September through October and the closure must occur after the estimated start of each state’s silver eel migration. All gear targeting yellow eels must be removed from the water during this two week closure.

Motion made by Mr. Clark and seconded Mr. O’Reilly. Motion carries (11 in favor, 5 opposed, 1 abstention).

Move to amend Section 4.1.2 Option 3 to include a Sub-option A for status quo, a Sub-option B for a ½” by ¾” 4 by 4 cull panel, Sub-option C ½” by 1” 4 by 4 cull panel.

Motion made by Mr. Carpenter and seconded by Dr. Daniel. Motion carries.

Move to replace in 4.1.3 Option 2 amending the language to read “any gear type other than baited traps/pots” as opposed to the original language included in the document.

Motion made by Mr. Feigenbaum and seconded by Mr. Clark. Motion carries.

Move to add an option to allow a glass eel fishery coast wide.

Motion made by Dr. Daniel and seconded by Mr. Feigenbaum. Motion fails (Roll Call Vote: In favor – ME, RI, VA, NC, FL; Opposed – NH, MA, CT, NY, NJ, PA, DE, MD, GA, USFWS, NMFS; Abstentions – PRFC, SC).

Move to add Option 3 under Section 4.2 Recreational Fisheries, same language as Option 2 with the addition of one sentence following “25 fish/ angler creel” add “licensed party and charter boats would be limited to 25 fish per person multiplied by the number of passengers the vessel is authorized to carry”.

Motion made by Mr. Bellavance and seconded by Mr. Augustine. Motion fails (1 in favor, 17 opposed).

Move to in Section 4.1.1 develop Option 7 a maximum size limit for glass eels that will a) allow no more than 5% of pigmented eels, or b) create a minimum size eels for pigmented eels that will allow no more than 5% of glass eels.

Motion made by Mr. Feigenbaum and seconded by Mr. McElroy. Motion carries (15 in favor, 3 abstentions).

Move to add to Option 4 in Section 4.1.1 that would require a trip level hail system for fishers that will include reporting all sales or movement of eels.

Motion made by Mr. Feigenbaum and seconded by Rep. Kumiega. Motion carries.

Main Motion

Move to reinsert into section 4.1.1 Sub-options 3c and 3d.

Motion made by Mr. Feigenbaum and seconded by Mr. Carpenter.

Motion to Amend

Move to amend to delete 3d from the main motion.

Motion made by Mr. Abbott and seconded by Rep. Kumiega. Motion carries.

Main Motion as Amended

Move to reinsert into Section 4.1.1 Sub-option 3c.

Motion made by Mr. Feigenbaum and seconded by Mr. Carpenter. Motion carries.

Move to approve Draft Addendum III for public comment as amended.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries (17 in favor).

Move the Board approve nominations Sam Veach and Jimmy Livingston to the American Eel Advisory Panel.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries.

Move that the Eel Board send a request to the Policy Board directing the Executive Director to send a letter to the Chairs of the Maine Legislature's Joint Standing Committee on Marine Resources. The letter shall describe ASMFC's compliance criteria and clearly lays out what level of increased effort within the glass eel fishery (licenses or gear), would put Maine out of compliance for the 2013 season. The letter should also state what the impact to a state being found out of compliance.

Motion made by Mr. R White and seconded by Mr. McElroy. Motion carries.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (February 20 & 21, 2013)

Meeting Summary

The Interstate Fisheries Management Program (ISFMP) Policy Board met to consider a number of issues. It discussed coordination between the Commission and NMFS Highly Migratory Species (HMS) Division with a focus on Amendment 5 to the HMS 2006 Consolidated FMP. The Board expressed its desire to better coordinate the timing of HMS public comment deadlines with Commission meetings in order for the Board to provide substantive comments and improve the coordination of data sharing.

Brian Hooker, a biologist from the Bureau of Ocean Energy Management (BOEM), presented information on several wind energy areas along the Atlantic Coast that are under lease consideration by BOEM for offshore renewable energy projects. The Board expressed its interest in understanding the impacts of these projects on commercial and recreational fisheries as well as the data that is used by BOEM to show both fishing effort and transport through the proposed areas.

The Board reviewed the results from the Annual Commission Survey that measures Commissioners' opinions regarding the progress and actions of the Commission in the previous year. Commissioners were generally satisfied with performance in 2012. There was agreement that the Commission should continue to work on partnerships and provide resources to support Commission activities. In 2013, the Commission will update the strategic plan. A facilitated Commissioner workshop will be held during the Commission's Spring Meeting in May to assist staff in developing the first draft of the strategic plan. This will be followed by a series of public meetings throughout the summer to seek stakeholder input on the first draft. The Plan will be finalized at the Annual Meeting in October.

The Board approved the new Technical Support Group Guidance and Benchmark Stock Assessment Process document. The document is to improve the function of the Commission by providing guidance to all Commission technical support groups on the structure, function, roles, and responsibilities of the committees and their members. It will be available on the Commission website (www.asmfc.org) under *Breaking News* by mid-March.

The Board reviewed and took action on three species-related activities. At the request of the Horseshoe Crab Board, it forwarded a recommendation to the Commission to send a letter to the U.S. Fish and Wildlife Service urging its expedited review and action on the importation of all Asian horseshoe crab species (see the Business Session press release for information on a related ASMFC resolution on Asian

horseshoe crabs). At the request of the American Eel Board, the Policy Board tasked the Executive Director with sending a letter to the Chairs of the Maine Legislature's Joint Standing Committee on Marine Resources regarding required management measures under the American Eel FMP. Further, the letter would specify what level of increased effort within Maine's glass eel fishery (licenses or gear) would lead the state to being found out of compliance with the FMP for the 2013 season. The letter would also identify the potential impacts to a state for being found out of compliance. The Board also agreed to send a letter to the sponsors of New Jersey legislation S.2376 and A.2653 (both bills seeks to end the state's horseshoe crab moratorium). The letter would present the output of the Commission's Adaptive Resource Management Framework, which includes a sustainable harvest level for New Jersey of 162,136 male horseshoe crabs, and the potential negative consequences in the U.S. and abroad as a result of limited domestic horseshoe crab availability for bait purposes.

The Board approved a new direction for the Commission's Habitat Program to establish a solid organizational and functional foundation, ultimately leading to a focused and prioritized workload for the Program and the Habitat Committee. With this foundation, the Habitat Program will be better aligned with the Commission's vision, mission, goals, and objectives. The Board approved the Habitat Management Series on Harbor Deepening, which describes potential impacts to inform decision-making on future harbor deepening projects. Staff updated the Board on activities of the Atlantic Coastal Fish Habitat Partnership (ACFHP) including its strengthened partnership with 2012 North Atlantic Landscape Conservation Cooperative Priority Science Program and details about a proposal ACFHP submitted to National Fish and Wildlife Foundation River Herring Conservation Initiative.

The Management and Science Committee (MSC) updated the Board on its plans to address climate change and warming coastal water temperate impacts on the geographic distributions of fish stocks, including the consideration of allocation schemes. The MSC will define species to investigate, evaluate data, and define methods and timing for allocation adjustments. The MSC will provide a progress report to the Policy Board at the Commission's Spring Meeting in May.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

On behalf of the Horseshoe Crab Board, move to recommend the Commission send a letter to USFWS urging expedited review and possible action on the importation of all Asian horseshoe crab species.

Motion made by Mr. Simpson. Motion carries.

On behalf of the American Eel Board, move to recommend the Executive Director to send a letter to the Chairs of the Maine Legislature's Joint Standing Committee on Marine Resources. The letter shall describe ASMFC's compliance criteria and clearly lay out what level of increased effort within the glass eel fishery (licenses or gear), would put Maine out of compliance for the 2013 season. The letter should also state what the impact to a state being found out of compliance.

Motion by Mr. O'Connell. Motion carries.

Move that the Commission send a letter to the sponsors of New Jersey legislation S.2376 and A.2653. ARM model output showing New Jersey's allowable sustainable harvest levels and potential negative consequences in the US and abroad as a result of New Jersey's horseshoe crab moratorium shall be included.

Motion made by Mr. Nowalsky and seconded by Mr. O'Reilly. Motion carries (Roll Call Vote: In favor – ME, RI, CT, NY, PA, DE, MD, VA, NC, SC, GA, FL; Abstentions – MA, USFWS, NMFS; Null – NJ).

EXECUTIVE COMMITTEE (February 21, 2013)

Meeting Summary

The Executive Committee met to discuss a number of issues including the process for developing the 2014-2018 Strategic Plan; the potential impact of sequestration on Commission funding; and funding options to support digitizing historical Atlantic menhaden data. The strategic planning process will begin with a facilitated Commissioner workshop at the ASMFC Spring Meeting. Following this workshop the Commission will hold a series of public meetings throughout the summer to seek stakeholder input on the first draft of the Strategic Plan. For more information, please contact Laura Leach, Director of Finance and Administration, at leach@asmfc.org or 703.842.0740.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (February 21, 2013)

Press Release

ASMFC Summer Flounder, Scup and Black Sea Bass Board Approves Black Sea Bass Addendum XXIII & Initiates Draft Addendum on 2013 Summer Flounder Recreational Harvest Limit

Alexandria, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXIII to the Black Sea Bass Fishery Management Plan (FMP). The Addendum allows for the use of regional measures to manage the 2013 black sea bass recreational fishery. The FMP, adopted in the 1996, only allowed for the use of coastwide measures. However, the application of coastwide measures (minimum size, possession limit, and seasons) given the wide geographic range of this species and its varying size composition and availability by state/region has the potential to effect states in different ways. The Addendum seeks to address this issue by providing the states with the necessary management flexibility to implement regional measures for the 2013 fishery.

The states of Delaware to North Carolina (North of Hatteras), which predominantly fish in federal waters, have indicated their intention to adopt the identical measures proposed for federal waters (12.5” minimum size limit and a season of May 19 - October 14 and November 1 - December 31) which remain unchanged from 2012 with the exception of a bag limit reduction from 25 to 20 fish. The northern states (Massachusetts to New Jersey) will be developing regional regulations to achieve a 32% reduction in harvest, with the intention of implementing consistent regulations throughout the region. The Board will meet by conference call to finalize the northern state measures; information on the meeting will be posted to the Commission’s website (www.asmfc.org) under *Meetings* when it becomes available. (12.5” minimum size limit, 20 fish bag limit, and open season); this fishery predominantly occurs in federal waters.

In a related action, the Board increased the 2013 black sea bass acceptable biological catch (ABC) from 4.5 million pounds to 5.5 million pounds, with a recreational harvest limit (RHL) of 2.26 million pounds and a commercial quota of 2.17 million pounds. This action was based in part on recent past fishery performance and a favorable stock response in terms of maintaining or increasing abundance. Based on the 2012 stock assessment update, black sea bass is rebuilt and is not subject to overfishing; spawning stock is currently at 102% of the management program’s target. The action is consistent with that of the Mid-Atlantic Fishery Management Council. This increase in ABC helped to alleviate the required reductions in the recreational fishery.

The Board also initiated the development of Draft Addendum XXIV to the Summer Flounder FMP. The Draft Addendum will propose a mechanism to allow states access to RHL that is projected to not be harvested in 2013. For example, following the implementation of each state's measures, recreational harvest will be projected. This projected harvest will be compared to the total RHL (2.5 million fish) to determine the amount of fish available to the states to allow for the more equitable distribution of fishing opportunities in the 2013 summer flounder recreational fishery while accounting for regional differences in fish size and availability.

Finally, the Board adopted use of the following measures by states in the northern region (Massachusetts – New York) for the 2013 scup recreational fishery: a 45 fish bag limit for the party and charter boat bonus season for one Wave (two month period); a 10" minimum size limit for all anglers; a 9" minimum size limit for shore-based anglers at approved designated sites in Massachusetts, Rhode Island and Connecticut; a 30 fish bag limit for all anglers outside of party and charter boat bonus season. The season remains at May 1 to December 31. For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

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PR13-10

Motions

Move to approve the 2013 state summer flounder recreational proposals approved by the Technical Committee.

Motion made by Dr. Pierce and seconded by Mr. Gibson. Motion passes unanimously.

Move to initiate a fast-track addendum to allow for the use of any unused quota by other states, for 2013 only.

Motion made by Mr. Gilmore and seconded by Mr. Nowalsky. Motion passes unanimously (11 in favor).

Move to adopt the northern region scup option, providing the 35.5% liberalization.

Party and Charter Bonus Season – all NR states with a bag limit of 45 fish for a full Wave (61 days).

- 10" min size for all anglers
- 9" min size for shore mode in MA, RI, & CT
- All anglers outside of Party and Charter Bonus Season have a 30 fish bag limit
- Season remains May 1-Dec 31

Motion made by Dr. Pierce and seconded by Mr. Gilmore. Motion passes unanimously.

Move to reconsider the 2013 black sea bass quota of 4.5 million pounds and increase to 5.5 million pounds (Recreational Harvest Limit of 2.26 mil lbs, and a commercial quota of 2.17 mil pounds) consistent with the MAFMC decision.

Motion made by Dr. Pierce and seconded by Mr. Augustine. Motion passes (Roll Call Vote: In favor – MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS).

Move to approve Addendum XXIII using option 4 - ad hoc regional measures – with the southern states to set their regulations consistent with federal regulations.

Motion made by Mr. Nowalsky and seconded by Mr. Augustine. Motion passes (9 in favor, 2 abstentions).

Move to approve the final Addendum XXIII to the FMP with changes and corrected agreed to today.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion passes unanimously (Roll Call Vote: In favor – MA, RI, CT, NY, NJ, DE, MD, VA, NC, USFWS; Abstentions – NMFS).

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (February 21, 2013)

Press Release

ASMFC Approves Smooth Dogfish Draft Addendum for Public Comment

Alexandria, VA – The Commission’s Spiny Dogfish and Coastal Sharks Management Board approved Draft Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks for public comment. The Draft Addendum proposes measures to establish state shares for smooth dogfish and allow commercial fishermen to process smooth dogfish at sea with a 12% maximum fin-to-carcass ratio, consistent with the Shark Conservation Act of 2010.

The purpose of the Addendum is to preserve the historical distribution of smooth dogfish landings prior to the implementation of a federal quota for smooth dogfish (also known as smoothhound) and to ensure consistency between the state and federal plans. The National Marine Fisheries Service (NMFS) Office of Highly Migratory Species Division (HMS) is working to amend the HMS Fishery Management Plan to include measures from the Shark Conservation Act. This rule will also include a federal smoothhound shark quota.

It is anticipated that several states will be conducting public hearings on the Draft Addendum; information on those hearings will be released when it is finalized. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmfc.org) under *Breaking News* by February 26, 2013. Public comment will be accepted until 5:00 PM (EST) on March 28, 2013 and should be forwarded to Marin Hawk, Fishery Management Plan Coordinator, at 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or mhawk@asmfc.org (Subject line: Smooth Dogfish Draft Addendum II).

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PR13-09

Meeting Summary

The Coastal Sharks Management Board met to review Draft Addendum II to the Coastal Sharks FMP for Public Comment. The document was approved for public comment with the removal of an option in Issue 3: Quota Rollover. The Board also reviewed state compliance, *de minimis* requests and the spiny dogfish and coastal sharks FMP review. Delaware, South Carolina, Georgia and Florida were approved for *de minimis* status in the spiny dogfish fishery. The FMP Reviews for both spiny dogfish and coastal sharks were also approved. The Board discussed the possibility of breaking the northern region into a trimester management system, in which 60% of spiny dogfish is allocated to the first trimester, (May 1 through August 31) and 20% is allocated to the last two trimesters.

For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org or 703.842.0740.

Motions

Move that the Board approve Draft Addendum II to the Interstate Coastal Sharks Fishery Management Plan for public comment with the changes agreed to today.

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion carries unanimously.

Move to approve *de minimis* status for DE, SC, GA, and FL and accept the FMP Review for Spiny Dogfish.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

Move to approve the FMP Review for Coastal Sharks.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

NORTHEAST AREA MONITORING AND ASSESSMENT PROGRAM BOARD (February 21, 2013)

Meeting Summary

The NEAMAP Board met to review activities of the NEAMAP Surveys and NEAMAP Committees. The Board received presentations highlighting 2012 accomplishments of the NEAMAP Southern New England/Mid-Atlantic Nearshore Trawl Survey, Maine-New Hampshire Inshore Trawl Survey, and the Massachusetts DMF Bottom Trawl Survey. The Board discussed developing guidance to incorporate other fishery-independent data collection efforts as part of NEAMAP and tasked the NEAMAP Analytical Committee with reviewing fixed gear surveys. The Board received a report from the NEAMAP Data Management Committee who will be working on several goals this year including convening a workshop to compare and share onboard data collection strategies as well as developing a single data portal on the NEAMAP.net site to present abundance indices. The NEAMAP Operations Committee made several recommendations such as initiating steps to quantify changes in relative catchability of NEAMAP surveys and identifying data gaps and surveys which may be able to fill those gaps. These recommendations were reflected in the 2013 NEAMAP Operations Plan which was approved as modified by the Board. Finally the Board discussed efforts to secure long term funding for the NEAMAP surveys. For more information, please contact Melissa Paine, Scientific Committee Coordinator, at mpaine@asmfc.org.

BUSINESS SESSION (February 21, 2013)

Press Release

ASMFC Approves Resolution to Ban the Import and Use of Asian Horseshoe Crabs as Bait

Alexandria, VA – The Atlantic States Marine Commission approved a resolution to ban the import and use of Asian horseshoe crab as bait in state water fisheries along the Atlantic Coast. The resolution responds to a report by the International Union for the Conservation of Nature (IUCN) regarding the importation of Asian horseshoe crabs in 2011 and 2012 into New York State and their reported use as bait in eel and whelk fisheries. Further, there are reports of emerging interest on the part of bait dealers from the Mid-Atlantic to import Asian horseshoe crabs for the eel and whelk markets, and of the willingness of Asian fishermen to provide this supply.

Both the IUCN and Commission believe the importation of Asian native horseshoe crabs pose a significant threat to the welfare and survival of the wildlife resources of the United States, even if the

imported horseshoe crabs are not alive when they are placed into the marine environment due to the introduction of parasites, pathogens and non-native species into American waters. Following is the full resolution:

Resolution 13-01

Resolution to Ban the Import and Use of Asian Horseshoe Crabs as Bait

Whereas, the Atlantic States Marine Fisheries Commission (Commission) is comprised of representatives of the fifteen Atlantic coastal states and is charged with management of fisheries resources, marine, shell, and anadromous; and

Whereas, one of those fisheries resources is the Atlantic horseshoe crab (*Limulus polyphemus*) which is managed for its ecological services, use as bait, and in the biomedical industry; and

Whereas, horseshoe crabs are used as bait in fisheries for American eel and whelk fisheries; and

Whereas, bait shortages motivated seafood dealers in the State of New York to import 2,000 non-native Asian horseshoe crabs in 2011, and 7,400 kilograms of non-native Asian horseshoe crabs in 2012 for use as bait in state waters; and

Whereas, three species of Asian horseshoe crabs (*Tachypleus gigas*, *Carcinoscorpius rotundicauda*, and *Tachypleus tridentatus*) pose a potential threat to the marine resources and human health along the Atlantic coast of the United States; and

Whereas, recent evidence presented in 2011 suggests that the populations of these three species of Asian horseshoe crabs are in decline; and

Whereas, it will take the United States Fish and Wildlife Service up to a year to add the species to the Injurious Wildlife list of the Lacey Act so importation can be regulated on a federal level; and

Whereas, in the meantime measures should be put in place to address the issue; and

Whereas, one species of parasitic flatworm lays eggs in tough cocoons on the shell of the Asian horseshoe crab, which can easily survive and hatch even if the host crab is killed; and

Whereas, the introduction of such or similar parasites would have detrimental effects on the American horseshoe crab population, and

Whereas, detrimental impacts on American horseshoe crab populations will likely impact food availability for migratory shorebirds, including red knots; and

Whereas, one species of Asian horseshoe crab (*C. rotundicauda*) is known to contain the powerful, potentially painful, neurotoxin tetrodotoxin (TTX); and,

Whereas, the potential for TTX accumulation in commonly consumed seafood product (whelk and eel) and subsequent human illness is unknown; and

Now, therefore be it resolved that the Commission's Horseshoe Crab Management Board recommend to its member states that they take any and all action to ban the importation and use of Asian horseshoe crabs as bait as soon as possible.

For more information, please contact Marin Hawk, Fishery Management Coordinator, at mhawk@asmfc.org or 703.842.0740.

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PR13-08

Motions

On behalf of the Horseshoe Crab Management Board, I move that the Commission approve the resolution on the ban on the importation of Asian horseshoe crabs.

Motion made by Mr. Simpson. Motion carries.