



# Atlantic States Marine Fisheries Commission

## 2009 Summer Meeting Summary

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

2009 Summer Meeting  
Alexandria, Virginia  
August 17 - 20, 2009

For more information, please  
contact the identified individual,  
Robert Beal, ISFMP, or  
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202/289-6400

### Meeting Summaries, Press Releases and Motions

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**AMERICAN LOBSTER MANAGEMENT BOARD (August 17, 2009)**

***Press Release***

**American Lobster Board Approves Draft Addendum XV for Public Comment**

Alexandria, VA – The Commission’s American Lobster Management Board has approved Draft Addendum XV to Amendment 3 to the Interstate Fishery Management Plan for American Lobster for public comment. The Draft Addendum proposes changes to the Lobster Conservation Management Area 1 (LCMA 1 - Gulf of Maine) permit process in federal waters in response to increasing lobster fishing effort in that area since 2000 (highest on record since 1981). While lobster abundance in the Gulf of Maine is relatively high there is concern that high levels of fishing effort in the area are not likely to be sustainable if abundance returns to long-term median levels. Further, limited access programs in other lobster management areas and recent constraints on traditional trawl fisheries have the potential to shift trap gear fishing effort to LCMA 1 where there is open access.

Specifically, the Draft Addendum proposes to maintain the historic level of trap fishing effort (2004 – 2008) and curtail a potential influx of new federal lobster vessels in LCMA 1 federal waters fishery (3 – 200 miles from shore). The Draft Addendum also proposes to limit entry of vessels which have not fished with traps in LCMA 1 in the past from fishing in Area 1 with traps in the future. Ultimately, whatever actions are approved as part of the final addendum would be in the form of recommendations to the National Marine Fisheries Service for action in the federal waters portion of LCMA 1.

Fishermen and other interested groups are encouraged to provide input on Draft Addendum XV, either through attending public hearings or providing written comments (a subsequent press release on scheduled public hearings will be released once the hearings have been finalized). Copies of Draft Addendum XV will be available by August 21 and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission’s website at [www.asafc.org](http://www.asafc.org) under Breaking News. Public comment will be accepted until 5:00 PM on October 2, 2009 and should be forwarded to Toni Kerns, Senior FMP Coordinator for Management, 1444 ‘Eye’ Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [tkerns@asafc.org](mailto:tkerns@asafc.org) (Subject line: Draft Addendum XV).

The Board also approved the initiation of an addendum to update the biological reference points for all three stock unit areas responding to the 2009 stock assessment. These include fishing mortality rate threshold levels to determine overfishing and abundance thresholds to determine stock status. Two sets of reference points will be presented for public consideration as recommended by the Technical Committee and by the Peer Review Panel. A draft will be developed for Board review at its next meeting in November. If approved, it will be released for public comment this winter. For more information, please contact Toni Kerns at (202) 289-6400 or [tkerns@asafc.org](mailto:tkerns@asafc.org).

###

PR09-21

### ***Meeting Summary***

The American Lobster Board discussed a letter from the New England Fishery Management Council informing the Board of its commitment to communicate any potential changes to the lobster fishery due to changes in the Groundfish Plan under sector management. The Board concurred that there could be potential changes to the lobster non-trap fishery due to changes in the Groundfish FMP. The Board agreed to monitor and report non-trap landings as part of annual compliance reporting. The Board also discussed a memo from the Mid-Atlantic Fishery Management Council's Squid, Mackerel, and Butterfish Committee which requested to work with the Board on a proposal to change gear restricted areas (GRAs) in order to reduce butterfish bycatch in the loligo squid fishery. The Board concluded the GRAs in their current format are effective in resolving gear conflicts as originally intended. The current GRAs were established following extensive deliberations and significant compromise by all involved parties. The Board agreed to work cooperatively with the Mid-Atlantic Council on this issue if a review of the data shows there is a significant reduction in butterfish bycatch through the proposed changes to the GRAs.

New York and Connecticut reported that they will be increasing their lobster minimum gauge to 3 3/8 inch on January 1, 2010 in Lobster Conservation Management Area 6 (LCMA 6 - Long Island Sound) as required by the conservation equivalency program. The Board agreed to allow LCMA 6 delay the corresponding vent increase until June 1, 2010 due to safety concerns with changing the vent in the middle of the fishing year. On June 1, the LCMA 6 vent will increase to 2 x 5 3/4 inch rectangular vent and 2 5/8 inch circular vent. Dianne Borggaard (NOAA Fisheries) updated the Board on progress of the Atlantic Large Whale Take Reduction Plan and effects the plan will have on the lobster fishery.

The Board reviewed the recent regulatory changes in federal waters for LCMAs 3, 4, 5, and Outer Cap Cod (OCC). The majority of changes are consistent with Lobster Addendum XI. The Board noted the inconsistency of the new federal OCC v-notch definition and maximum size with the state regulations effective January 1, 2010.

The Board discussed concerns about Jonah crab interactions with the lobster trap fishery and referred the issue to the ISFMP Policy Board for consideration. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

### ***Motions***

#### **Main Motion**

**Move to initiate an addendum to the American Lobster FMP that incorporates the Technical Committee recommended reference points from the 2009 lobster stock assessment.**

Motion made by Mr. Lapointe, seconded by Mr. Gilmore. Motion amended.

#### **Move to table motion to the Annual Meeting.**

Motion made by Mr. Simpson, seconded by Rep. Peake. Motion passes (Roll Call Vote: In favor – MA, RI, CT, NC; Opposed – ME, NH, NY; Null – NJ; Abstentions – MD, NMFS). Motion reconsidered.

**Move to reconsider to remove the tabled motion.**

Motion made by Mr. Adler, seconded by Mr. Lapointe. Motion carries (Roll Call Vote: In favor – ME, NH, MA, NY, NMFS; Opposed – RI, CT; Null – NJ; Abstentions – MD, NC).

**Move to amend to also include in the draft addendum reference points recommended by the Peer Review Panel.**

Motion made by Mr. Simpson, seconded by Mr. Fote. Motion passes (5 in favor, 3 opposed, 2 abstentions).

**Main Motion as Amended**

**Move to initiate an addendum to the American Lobster FMP that includes the alternatives (1) the Technical Committee recommended reference points from the 2009 lobster stock assessment and (2) reference points recommended by the Peer Review Panel.**

Motion by made Mr. Lapointe, seconded by Mr. Gilmore. Motion passes (8 in favor, 0 opposed, 2 abstentions, 0 null).

**Move that the Board approve draft Addendum XV for public comment.**

Motion made by Mr. Lapointe, seconded by Mr. Cole. Motion carries unanimously.

**Move to delay implementation in LMA6 a minimum escape vent size of 2 x 5 3/4” rectangular and 2 5/8” circular until June 1, 2010.**

Motion by made Mr. Simpson, seconded by Mr. Augustine. Motion carries.

**ATLANTIC HERRING SECTION (August 18, 2009)**

***Meeting Summary***

The Atlantic Herring Section met to review and discuss the 2009 fishing season, 2009 Transboundary Resource Assessment Committee (TRAC) assessment report, the New England Fishery Management Council’s (NEFMC) Amendments 4 & 5, inconsistencies between federal and Commission herring management, the small mesh bottom trawl fishery, and Advisory Panel (AP) membership.

Staff provided an update on the 2009 fishing season, during which three ‘Days Out’ meetings have been held and states agreed to five days out per week. In addition, the Area 2 quota of 30,000 metric tons was harvested by April 15, 2009.

Following the fishing season report, Technical Committee Chair Dr. Matt Cieri presented the Section with a summary of the 2009 TRAC assessment report. The TRAC report is an update of the 2006 TRAC assessment and estimates 2008 biomass to be 652,000 mt which is slightly below  $B_{MSY} = 670,600$  mt, and 2008 fishing mortality to be 0.14 which is below  $F_{MSY} = 0.27$ . Limitations to the assessment method included a significant retrospective pattern that averaged 42% per year and an inability to estimate fishing mortality probabilities. The assessment finding that biomass was below  $B_{MSY}$  was troubling to the Section because fishing mortality has been roughly half of  $F_{MSY}$  for a number of years which should allow for biomass numbers well in excess of  $B_{MSY}$ . In response, the Section agreed to send a letter to the Northeast Fisheries

Science Center requesting them to conduct a benchmark Atlantic herring stock assessment in 2010.

NEFMC staff Lori Steele provided an overview of Amendments 4 & 5. Amendment 4 includes provisions to bring the Herring FMP into compliance with provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Specifically, Amendment 4 proposes changes to the specification setting process and definitions to include an overfishing limit, acceptable biological catch, annual catch limits, and accountability measures as well as involvement of a Science and Statistical Committee. Amendment 5 includes measures to address river herring bycatch, criteria for mid-water trawl access to groundfish closed areas, and measures to address interactions with the mackerel fishery.

The Section discussed inconsistencies between the current Commission and future NEFMC specification setting process and definitions. The Section voted unanimously to initiate an addendum to complement the specification definitions and process that will be established in NEFMC's Amendment 4. The draft for public comment will be prepared for Section review at the Commission's Annual Meeting in November 2009.

Doug Grout (NH) brought forward concerns of small mesh bottom trawl fishermen who may have been disadvantaged by the five days out agreements of 2008 and 2009. These day boats do not have the large hold capacity of purse seine and mid-water trawl vessels, which can fish for a couple days before a landing day. In response, the Section initiated an addendum that will propose a separate quota, increased possession limits on days out, or other measures as recommended by the Advisory Panel (AP), Technical Committee, Plan Development Team, and Law Enforcement Committee to ensure that small mesh bottom trawl vessels are not disproportionately disadvantaged by recent days out agreements. The draft addendum will be prepared for Section review at the Commission's Annual Meeting in November 2009.

The meeting concluded with the Section approving Mike Anderson (NH), Michael Watosky (NH), Stephen Weiner (MA), and Jeff Kaelin (NJ) to the Atlantic Herring AP. In addition ASMFC staff informed the Section that the APOC committee was soliciting non-traditional stakeholder nominations for the Atlantic Herring AP.

For more information, please contact Christopher Vonderweidt, at (202) 289-6400 or [cvonderweidt@asmfc.org](mailto:cvonderweidt@asmfc.org).

### *Motions*

**Move to initiate an addendum to address inconsistencies between the NEFMC and ASMFC Atlantic herring specification definitions and specification setting process. Proposed measures will include inconsistencies as highlighted in the NEFMC and ASMFC staff presentations (agenda items 6 & 7), as well as recommendations of the Plan Development Team.**

Motion made by Mr. Grout, seconded by Mr. P. White. Motion carries unanimously.

**Move to initiate an addendum to address the reduction in landings that small mesh bottom trawl vessels have had under the Area 1A days out agreements in 2008 and 2009.**

**Management measures to be included in the draft addendum will include, but are not limited to: (1) Allocation of a fixed percentage of the Area 1A TAC, based on historical landings, to small mesh bottom trawl vessels; (2) Allocation of a fixed amount of the Area 1A TAC, based on historical landings, to small mesh bottom trawl vessels; (3) Sub options for 1 & 2 which allow small mesh bottom trawl vessels to land up to 2,000 lbs per day, or prohibits them from landing, once their quota has been harvested; (4) Options to allow small mesh trawl vessels (or C & D federal permit holders) to land in excess of the 2,000 pound bycatch allowance on ‘days out’ of the fishery; and (5) Other measures as recommended by the PDT, TC, AP and approved by the Section. A draft addendum will be presented at the Annual Meeting for consideration by the Section.**

Motion made by Mr. Grout, seconded by Mr. Augustine. Motion carries unanimously.

**Move to postpone the above action until the November Meeting.**

Motion made by Dr. Pierce, seconded by Mr. Himchak. Motion fails.

**Move to approve Mike Anderson, Michael Watosky, Stephen Weiner, and Jeff Kaelin to the Advisory Panel.**

Motion made by Mr. Grout, seconded by Mr. Adler. Motion carries.

**Move that the Section request the NEFSC to conduct a benchmark assessment by 2010.**

Motion made by Dr. Pierce, seconded by Mr. Grout. Motion carries.

## **SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (August 18, 2009)**

### *Press Release*

### **Summer Flounder, Scup, and Black Sea Bass Board Approves Draft Addendum XX for Public Comment**

Alexandria, VA – The Commission’s Summer Flounder, Scup, and Black Sea Bass Management Board has approved for public comment Draft Addendum XX to Amendment 13 to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Draft Addendum proposes changes to the transfer provisions for the commercial fisheries for both black sea bass and scup summer period (May 1-October 31) managed under the Commission’s plans.

The FMP does not provide adequate guidance for Commission-only state-by-state quota management. As a practical matter, states routinely under harvest or slightly overharvest their state-specific allocations due to delays in reporting, inconsistencies in the data collection processes, unanticipated changes in catch rates, and implementation delays in trip limit changes or fishery closures. The FMP requires that each state deduct overages from the following year’s quota when they occur. The Draft Addendum proposes a process to reconcile quotas to address states unintended minor overages.

Specifically, the Draft Addendum proposes to establish clear policies and administrative protocols to guide the allocation of transfers from states with underages to states with overages.

It also proposes to automatically reconcile a state's overage in its entirety in a year where the coastwide quota or fishing period (e.g. scup summer period) quota was not exceeded. The proposed options would allow Commission staff to streamline and coordinate the transfers of quota as well as allow for quota transfers to reconcile overages after year's end.

Fishermen and other interested groups are encouraged to provide input on Draft Addendum XX, either through attending public hearings or providing written comments (a subsequent press release on scheduled public hearings will be released once the hearings have been finalized). Copies of Draft Addendum XX will be available by August 28 and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission's website at [www.asmfc.org](http://www.asmfc.org) under Breaking News. Public comment will be accepted until 5:00 PM (EST) on October 8, 2009 and should be forwarded to Toni Kerns, Senior FMP Coordinator for Management, 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) (Subject line: Draft Addendum XX).

###

PR09-22

### ***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Board reviewed an update of the Mid-Atlantic Fishery Management Council's (Council) progress on the Omnibus Draft Amendment to develop annual catch limits (ACLs) and accountability measures (AMs). The Council is currently drafting options for the Draft Amendment that will be considered for public comment in April 2010, including the development of a risk policy. The Council is also developing options for how to integrate ACLs and AMs for each Council managed species, including summer flounder, scup, and black sea bass. The Board discussed and recommended an approach for the future role of the Monitoring Committee and its interaction with the Science and Statistical Committee and the Advisory Panel. The Commission and Council leadership will meet to address this issue. Staff presented preliminary recreational harvest estimates for summer flounder, scup, and black sea bass for 2009 through wave 3 (end of June). The Board was concerned with the estimates for scup and black sea bass and asked staff to present projections for black sea bass harvest at the ISFMP Policy Board meeting. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at (202) 289-6400 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### ***Motions***

#### **Motion to approve Draft Addendum XX for public comment, as modified.**

Motion made by Dr. Pierce, seconded by Mr. Simpson. Motion carries.

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (August 18, 2009)**

#### ***Press Release***

#### **Striped Bass Board Approves Draft Addendum II for Public Comment**

Alexandria, VA – The Commission's Atlantic Striped Bass Management Board has approved for public comment Draft Addendum II to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Draft Addendum proposes to allow unused coastal commercial quota of striped bass to be rolled over from one year to the next. Options include state eligibility

and the amount of unused quota that may be carried over. The Draft Addendum also outlines procedures for implementing and monitoring quota roll over. Under the Draft Addendum, roll over would be prohibited if the fishing mortality rate exceeds the Plan's target or if the spawning stock biomass is below the Plan's target.

The existing management program addresses coastal commercial quota overages, requiring payback of an overage in the subsequent year, yet it is silent on coastal commercial quota underages. Since the implementation of Amendment 6, coastal commercial quota underages have been more common than overages. While avoiding a quota overage signifies managerial success, a quota underage represents lost opportunity to commercial harvesters. Quota underages may result from changes in fish abundance or distribution, environmental factors, fishing effort, and regulatory measures.

The Draft Addendum presents a hypothetical situation to analyze the potential effect of allowing roll over. Had all unused coastal commercial quota in 2003 through 2007 been rolled over and then harvested in 2004 through 2008, the average increase in the total coastal commercial quota would have been less than 15 percent and the average increase in the total coastwide harvest less than two percent. An analysis by the Technical Committee indicated that a 15 percent increase in the coastal commercial quotas would have a limited effect on the fishing mortality rate, and that large fluctuations in recreational harvest, which is not regulated by quota, present a greater level of risk of exceeding the fishing mortality target or threshold. However, the Technical Committee also noted that the potential effect of roll over on the stock increases if quota underages occur due to population decline. Other concerns included the two to three year lag in reporting the fishing mortality rate estimate for any given year and that allowing roll over could provide an incentive to under report harvest.

Fishermen and other interested groups are encouraged to provide input on Draft Addendum II, either through attending public hearings or providing written comments (a subsequent press release on scheduled public hearings will be released once the hearings have been finalized). Copies of Draft Addendum II will be available by August 28 and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission's website at [www.asmfc.org](http://www.asmfc.org) under Breaking News. Public comment will be accepted until 5:00 PM (EST) on October 8, 2009 and should be forwarded to Nichola Meserve, FMP Coordinator, 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [comments@asmfc.org](mailto:comments@asmfc.org) (Subject line: Draft Addendum II).

###

PR09-23

### ***Motions***

#### **Motion to accept the 2009 FMP review.**

Motion made by Mr. Augustine, seconded by Mr. Adler. Motion carries by consent.

#### **Motion to amend to remove option 1 & 3 from section 2.3.4 of the rollover term section of Addendum II.**

Motion made by Mr. Grout, seconded by Mr. Simpson. Motion passes.

**Move to include a provision in the Draft Addendum that prohibits commercial quota rollovers if the striped bass fishing mortality rate exceeds the Plan target or if the spawning stock biomass is below the Plan target.**

Motion made by Mr. R. White, seconded by Mr. Augustine. Motion carries.

**Motion to add a provision to create transfer allowances of the coastal commercial quota between states.**

Motion made by Mr. Diodati, seconded by Mr. Simpson. Motion fails.

**Motion that option 2 under state eligibility be stricken from Draft Addendum II.**

Motion made by Mr. McCloy, seconded by Mr. Simpson. Motion passes.

**Motion to postpone this addendum until the annual meeting after the next stock assessment update is presented.**

Motion made by Mr. Diodati, seconded by Rep. Abbott. Motion fails.

**Move to approve Draft Addendum II for public comment as amended today.**

Motion made by Mr. Carpenter, seconded by Mr. Gilmore. Motion carries.

#### **HORSESHOE CRAB MANAGEMENT BOARD (August 18, 2009)**

##### *Press Release*

### **Horseshoe Crab Board Extends Addendum V Provisions to Fall 2010**

Alexandria, VA – The Commission’s Horseshoe Crab Management Board approved extending the provisions of Addendum V to the Interstate Fishery Management Plan for Horseshoe Crab for an additional year as it awaits the results of the upcoming peer-reviewed stock assessment.

Addendum V’s measures include a delayed, male-only harvest in New Jersey and Delaware, prohibiting the harvest and landing of male and female horseshoe crabs from January 1 through June 7 in the Delaware Bay, and restricting the annual harvest to 100,000 males per state from June 8 through December 31. As with all Commission plans, states can implement more conservative management measures. In the case of New Jersey, it currently maintains a moratorium on the harvest and landing of horseshoe crab.

The Addendum also requires a delayed harvest in Maryland, prohibiting horseshoe crab harvest and landings from January 1 through June 7 and prohibits landing of horseshoe crabs in Virginia from waters outside the Bay from January 1 through June 7. No more than forty percent of Virginia’s quota may be landed from ocean waters and those landings must be comprised of a minimum male to female ratio of 2:1.

The Addendum’s measures seek to address the needs of the migratory shorebirds, particularly the red knot, while allowing a limited commercial bait fishery. The U.S. Fish and Wildlife Service Shorebird Technical Committee has indicated that the red knot, one of many shorebird species that feed upon horseshoe crab eggs, remains stable at very low population levels. Red knots have

shown no sign of recovery, despite a nearly 70 percent reduction in horseshoe crab landings since 1998.

Based on the most recent surveys of horseshoe crabs, management measures over the last several years have resulted in increased juvenile abundance and no trend in adult abundance in the Delaware Bay region. A horseshoe crab trawl survey administered by Virginia Tech shows no significant trend across all horseshoe crab ages and sexes over the past six years. However, the Virginia Tech coastal survey and a Delaware Bay survey continue to show increased recruitment of juvenile crabs. A survey of spawning crabs on the beaches of Delaware Bay indicates stable female and male spawning activity over the past nine years.

For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

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PR09-24

#### *Meeting Summary*

Work on the horseshoe crab benchmark stock assessment and the multispecies Adaptive Resource Management modeling continues on schedule. Both assessments will be concurrently peer reviewed in mid-November. For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202) 289-6400 or bspear@asmfc.org.

#### *Motions*

**Move to extend Addendum V for one year (through October 31, 2010) as authorized in the plan.**

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

#### **WEAKFISH MANAGEMENT BOARD (August 19, 2009)**

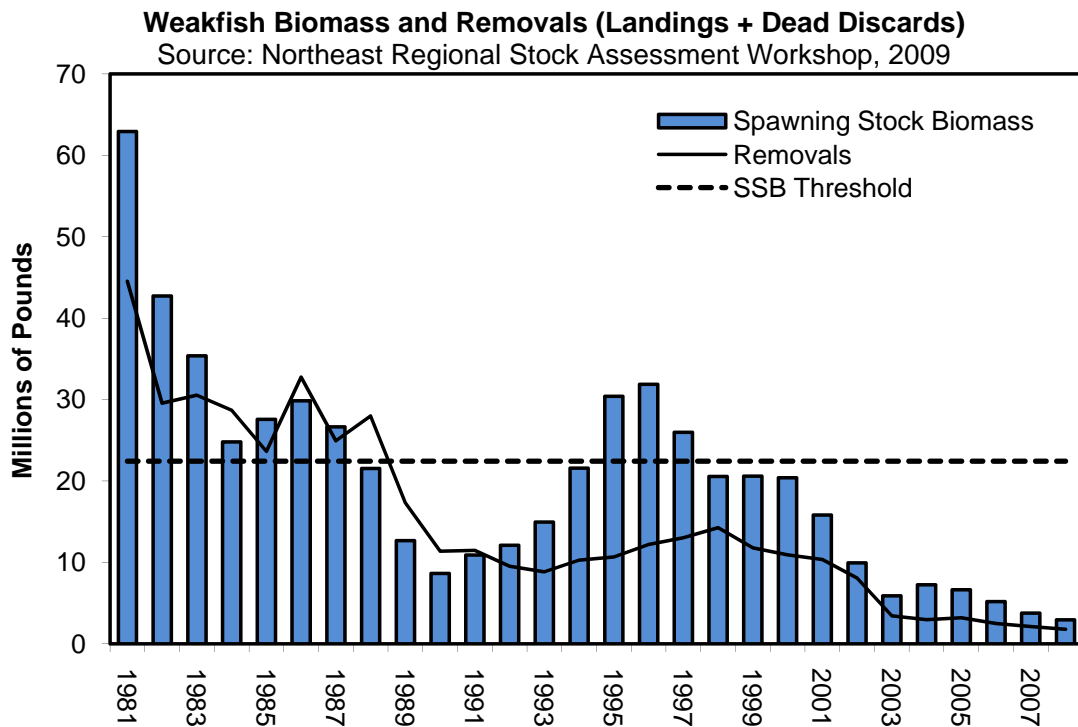
#### *Press Release*

### **Weakfish Biomass at All-Time Low Board Initiates Addendum to Address Stock Decline**

Alexandria, VA – In its report to the Commission’s Weakfish Management Board, an independent panel of scientists endorsed the 2009 weakfish stock assessment for management use. The Review Panel confirmed that stocks are at an all time low and current fishery removals are unsustainable under existing stock conditions. It agreed with the stock assessment’s conclusions that weakfish abundance has declined markedly, total mortality is high, non-fishing mortality has recently increased, and the stock is currently in a depleted state. Given these findings, the Board initiated the development of Draft Addendum IV which will propose a range of options to reduce fishing mortality, including complete harvest moratoria and limited bycatch only fisheries.

“While the Board has been aware of the decline in weakfish landings over the past ten years, conflicting signals in the stock assessment models employed in the past confounded decision making. This Peer Review Panel found the methodology acceptable and agreed that the stock is in dire condition.” stated Board Chair Roy Miller. “Given the condition of the stock, the Board has decided to accelerate its management process and prepare a Draft Addendum for public comment in early fall. Upon considering public comment and final action on the Addendum, the Board will have the option to implement the Addendum’s measures through emergency action this November.”

The weakfish stock is depleted at an all-time low of 2.9 million pounds (1,333 metric tons), far below the proposed biomass threshold of 22.4 million pounds (10,179 metric tons). At this stock size, recent fishery removals (landings and dead discards combined), estimated at 1.9 and 1.8 million pounds in 2007 and 2008, respectively, represent a significant proportion of the remaining biomass. While the decline in the stock primarily results from a change in the natural mortality of weakfish in recent years, it is further exacerbated by continued removals by the commercial and recreational fisheries.



Natural mortality has risen substantially since 1995, with factors such as predation, competition, and changes in the environment having a stronger influence on recent weakfish stock dynamics than fishing mortality. Given current high natural mortality levels, stock projections indicate that the stock is unlikely to recover rapidly, even under a harvest moratorium. In order to rebuild the stock, total mortality will need to be reduced, although this is unlikely to occur until natural mortality decreases to previous levels. On a positive note, juvenile abundance surveys indicate that young-of-the-year weakfish continued to be present in numbers similar to previous years, suggesting that recruitment at this point has not been severely limited in spite of low stock size.

The Board has placed the Draft Addendum on a faster timeline than standard addenda. Staff and the Plan Development Team will prepare a draft for Board review and consideration in mid-September. If approved, the draft will then be made available for public review and comment. It is anticipated that the majority of states will be conducting public hearings of Draft Addendum IV in October; a press release will be issued on those hearings once the information is available. The Board will meet again in November to consider public comment and take final action on the Draft Addendum. Under Commission procedures, the Board may implement the Addendum under emergency action, with approved measures taking effect immediately upon Board action.

For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202)289-6400 or <nmeserve@asmfc.org>.

###

PR09-25

### *Motions*

#### **Motion to accept the stock assessment report and peer review.**

Motion made by Dr. Daniel, seconded by Mr. Augustine. Motion passes.

**Move to initiate a “fast-track” addendum in response to the weakfish stock assessment. The draft addendum will include the following options: 1) complete harvest moratorium, 2) recreational possession limits of 1 or 2 fish, and commercial possession limits of 50 or 100 or 150 pounds. The TC and PDT will also develop options for recreational management to achieve a range of reductions through bag limits, closed seasons, and size limits. The draft addendum will be developed for final Board action at the Annual Meeting.**

Motion made by Mr. Fote, seconded by Dr. O’Reilly. Motion passes.

#### **Motion to approve the biological sampling plans.**

Motion by made Mr. Boyles, seconded by Mr. Cole. Motion passes by consent.

### **ATLANTIC MENHADEN MANAGEMENT BOARD (August 19, 2009)**

#### *Press Release*

### **Atlantic Menhaden Board Approves Draft Addendum IV for Public Comment**

Alexandria, VA – The Commission’s Atlantic Menhaden Management Board has approved for public comment Draft Addendum IV to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Draft Addendum proposes extending the Chesapeake Bay reduction fishery harvest cap, established through Addendum III, for an additional three years (2011 – 2013). Under the proposed Addendum, the Board would annually review measures to determine if they are appropriate given the most recent information available about the stock and fishery.

The Board’s action was requested by the Commonwealth of Virginia in order to accommodate its legislative process as well as ensure that the current management program is extended while

menhaden research efforts continue. Virginia's legislature, which meets January through March each year, is responsible for regulating the menhaden reduction fishery in state waters. With a new Addendum in place this year, Virginia state administrators can work with the legislature in early 2010 to amend Virginia law to extend the harvest cap without the current cap expiring.

Addendum III established the current annual cap of 109,020 metric tons on reduction fishery harvests in Chesapeake Bay as a precautionary measure while research was conducted to address the question of menhaden abundance in the Bay. The cap has been in place since 2006 and will extend through 2010. Harvest for reduction purposes is prohibited in the Chesapeake Bay when 100% of the cap is landed. Over-harvest in any given year would be deducted from the next year's quota. Addendum III also includes a provision allowing under-harvest in one year to be credited only to the following year's cap, not to exceed 122,740 metric tons. Since Addendum III was implemented, reduction landings of menhaden from Chesapeake Bay has not exceeded the cap.

Fishermen and other interested groups are encouraged to provide input on Draft Addendum IV, either through attending public hearings or providing written comments (a subsequent press release on scheduled public hearings will be released once the hearings have been finalized). Copies of Draft Addendum IV can be obtained by contacting the Commission at (202) 289-6400 or via the Commission's website at [www.asmfc.org](http://www.asmfc.org) under Breaking News. Public comment will be accepted until 5:00 PM EST on October 1, 2009 and should be forwarded to Braddock Spear, Senior FMP Coordinator for Policy, 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [bspear@asmfc.org](mailto:bspear@asmfc.org) (Subject line: Draft Addendum IV).

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PR09-26

### ***Meeting Summary***

The benchmark stock assessment for menhaden continues on schedule. The Assessment Workshop is scheduled for October 19-22, the external peer review is set for March 2010, and final delivery of the assessment report and presentation to the Board is expected by May 2010. The Board tasked the Menhaden Technical Committee, once the assessment is completed and presented, to continue investigation into ecological reference points. For more information, please contact Braddock Spear, Senior Fisheries Management Plan Coordinator for Policy, at (202) 289-6400 or [bspear@asmfc.org](mailto:bspear@asmfc.org).

### ***Motions***

#### **Move to accept the Terms of Reference and timeline.**

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

### **Main Motion**

**Move to recommend that the Policy Board charge the Multispecies Technical Committee with the following tasks to be completed in time for discussion at the February 2010 meeting:**

- 1. Evaluate methods for incorporating such external variables as predation, multispecies effects, and environmental influence into the menhaden management framework**

2. **Develop alternative/additional reference points that would account for the ecological role of menhaden. Development of reference points must consider information that is currently available.**
3. **Based on alternative reference points developed under charge #2, provide the management board a range of options for allocating menhaden to ecological functions.**

Motion made by Ms. Fegley, seconded by Dr. Geiger. Motion substituted.

#### **Motion to Substitute**

**Substitute motion to direct the Menhaden TC to complete the benchmark assessment within the schedule presented today, and after its completion have the Menhaden TC present another schedule on how and what types of ERPs to recommend to the Board.**  
Motion made by Mr. Travelstead, seconded by Mr. Lapointe. Motion carries (14 in favor, 2 opposed, 1 null).

#### **Main Motion as Substituted**

**Move to direct the Menhaden TC to complete the benchmark assessment within the schedule presented today, and after its completion have the Menhaden TC present another schedule on how and what types of ERPs to recommend to the Board.**  
Motion made by Mr. Travelstead, seconded by Mr. Lapointe. Motion carries (15 in favor, 1 opposed, 1 null, 1 abstention).

#### **Move to approve Draft Addendum IV for public comment.**

Motion made by Mr. Travelstead, seconded by Mr. Adler. Motion carries.

#### **Move to approve the nomination of Jeff Kaelin to the Menhaden Advisory Panel.**

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

### **SOUTH ATLANTIC MANAGEMENT BOARD (August 20, 2009)**

#### ***Meeting Summary***

The South Atlantic Board met to discuss potential amendments to the Spanish Mackerel, Spot, and Spotted Seatrout Fishery Management Plans (FMPs), review the Terms of Reference for the ongoing Atlantic croaker stock assessment, review state compliance with the Atlantic Croaker FMP, and receive a funding update on the Southeast Area Monitoring and Assessment Program (SEAMAP).

In May, the Board discussed expanding the amendment previously initiated for Spanish mackerel to include updates to the Spot and Spotted Seatrout FMPs. At this meeting, staff presented a white paper describing reasons to undertake an Omnibus Amendment for the three species and issues to be considered in the process. The Board voted to initiate an omnibus amendment for spot, spotted seatrout, and Spanish mackerel, the first step being the development of a Public Information Document. The Omnibus Amendment will address compliance measures and alignment with Commission standards for all three species, as well as state-federal consistency for Spanish mackerel. The Public Information Document will be prepared for the Board's next meeting in November, at which time it may be approved for public comment.

The Atlantic Croaker Technical Committee developed draft Terms of Reference for the 2009-2010 benchmark stock assessment at the Atlantic Croaker Data Workshop held in July. The Board approved the Terms of Reference. The Atlantic Croaker Assessment Workshop will be held in November, followed by a peer review of the data, assessment, and results in March 2010.

The Board reviewed and approved the 2009 FMP Review for Atlantic Croaker, finding all states to be in compliance with the plan, and approving requests for *de minimis* status from Delaware, South Carolina, Georgia, and Florida.

The SEAMAP report indicated that level funded is expected for FY2010. For more information, please contact Nichola Meserve, Fishery Management Plan Coordinator, at (202) 289-6400 or nmeserve@asmfc.org.

#### *Motions*

#### **Move to develop a Public Information Document for an Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel.**

Motion made by Mr. Cole, seconded by Mr. Frampton. Motion carries without objection.

#### **Move to approve the Terms of Reference as presented.**

Motion made by Mr. Woodward, seconded by Mr. Cole. Motion passes unanimously.

#### **Move to approve the de minimis requests for Delaware, South Carolina, Georgia, and Florida.**

Motion made by Mr. Cole, seconded by Dr. Rhodes. Motion carries without objection.

#### **Move to approve the 2009 FMP Review for Croaker.**

Motion made by Mr. Cole, seconded by Mr. Frampton. Motion carries without objection.

### **SPINY DOGFISH & COASTAL SHARK MANAGEMENT BOARD (August 20, 2009)**

#### *Press Release*

#### **ASMFC Spiny Dogfish and Coastal Shark Board Approves Addendum I to the Interstate Shark FMP**

Alexandria, VA – The Spiny Dogfish and Coastal Sharks Management Board approved Addendum I to the Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks. Addendum I modifies the finning and identification provision for the commercial smooth dogfish fishery and removes both the smooth dogfish recreational possession limits and 2-hour net check requirement for commercial large mesh gillnet.

The FMP originally required that the fins of all sharks harvested in the commercial fishery have fins attached naturally to the carcass through landing. The commercial smooth dogfish fishery is high volume, labor intensive, and requires an extremely fresh product in relation to other commercial shark fisheries. Requiring commercial fishermen to partially cut the fins at sea (necessary to properly bleed each fish) and then finish processing them back at the dock was

considered unnecessary and overly burdensome. To address this, Addendum I allows commercial fishermen to remove all fins, with a fin to carcass ratio of 5% to 95%, from March through June. Fishermen are required to leave the dorsal fins attached to smooth dogfish carcasses though landing from July through February. This seasonal exemption is likely to minimize interactions between smooth dogfish and depleted shark species based on an analysis conducted by North Carolina Department of Environmental and Natural Resources. The analysis showed that the majority of smooth dogfish landings usually occur from March through June while the majority of sandbars are landed from July through February. The Board required that dorsal fins must remain attached from July through February to make identification easier during the seasons when smooth dogfish and sandbar are found in the same areas.

Addendum I removes smooth dogfish recreational possession limits because there is no evidence that possession limits are necessary for a sustainable fishery. The two-hour net check requirement for large mesh gillnets was removed following recommendations of the Law Enforcement Committee that such a measure is unenforceable and also concern that the requirement would impact several state water gillnet fisheries.

Copies of the Addendum I will be available by early September via the Commission's website at [www.asmf.org](http://www.asmf.org) under Breaking News. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at [cvonderweidt@asmfc.org](mailto:cvonderweidt@asmfc.org) or (202) 289-6400.

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PR09-27

### ***Meeting Summary***

In addition to approving Addendum I, the Spiny Dogfish & Coastal Sharks Management Board agreed to send two letters opposing an Appendix II CITES listing for spiny dogfish. One letter will be sent to the US Fish & Wildlife Service (FWS) asking Service not to recommend an Appendix II CITES listing for Spiny Dogfish and the other to the National Marine Fisheries Service asking them to write a similar letter to the FWS. The Board agreed that an Appendix II listing is inappropriate for spiny dogfish because the Northwestern Atlantic population is not overfished and overfishing is not occurring, mature female biomass has reached and exceeded the biomass target, the resource is being effectively managed in a sustainable way by the Commission in cooperation with regional fishery management councils, and trade does not need to be controlled to avoid utilization incompatible with spiny dogfish survival. For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at [cvonderweidt@asmfc.org](mailto:cvonderweidt@asmfc.org) or (202) 289-6400.

### ***Motions***

#### **Main Motion**

**Move to adopt option B for issue one, two, three, and four within Addendum I.**

Motion made by Mr. Travelstead, seconded by Mr. Augustine. Motion amended.

#### **Motion to Amend**

**Move to amend issue one to allow the removal of the head and all fins except two dorsal fins from July to February and from March to June adopt option B (allow dressing at sea).**

Motion made by Dr. Pierce, seconded by Dr. Daniel. Motion passes (10, 2, 2, null 1).

**Main Motion as Amended**

**Move to adopt for issue one to allow the removal of the head and all fins except two dorsal fins from July through February and from March through June adopt option B (allow dressing at sea) and adopt option B for issue two, three, and four within Addendum I.**

Motion made by Mr. Travelstead, seconded by Mr. Augustine. Motion passes (12, 2, 1, null 0).

**Move to grant Maine and New Hampshire *de minimis* status for the 2010 coastal sharks fishing season contingent on full implementation of all regulations contained in their *de minimis* proposals.**

Motion made by Mr. Stockwell, seconded by Mr. Gilmore. Motion Passes without objection.

**Move to (1) advise the U.S. Fish & Wildlife Service not to recommend an Appendix II CITES listing for Spiny Dogfish at the Conference of Parties to CITES meeting in March 2010 because spiny dogfish: (a) are not overfished and overfishing is not occurring; (b) mature female biomass has reached and exceeded the biomass target; (c) is being effectively managed in a sustainable way by ASMFC in cooperation with fishery management councils; and (d) trade does not need to be controlled to avoid utilization incompatible with spiny dogfish survival; and (2) request the National Marine Fisheries Service to support this ASMFC advice and similarly advise the Fish & Wildlife Service not to support an Appendix II listing.**

Motion made by Dr. Pierce, seconded by Mr. Augustine. Motion passes (abstentions by NMFS and USFWS).

**SHAD & RIVER HERRING MANAGEMENT BOARD (August 20, 2009)**

***Press Release***

**Shad & River Herring Board Approves Draft Amendment 3  
for Public Comment**

Alexandria, VA – The Commission’s Shad and River Herring Management Board has approved for public comment Draft Amendment 3 to the Interstate Fishery Management Plan (FMP) for Shad and River Herring. The Draft Amendment proposes a suite of monitoring and management measures to protect, enhance, and restore American shad stocks to sustainable levels.

The Draft Amendment was developed in response to the findings of the 2007 benchmark stock assessment for American shad, which indicates that American shad stocks are currently at all-time lows and do not appear to be recovering. It identified the primary causes for the continued stock declines as a combination of excessive total mortality, habitat loss and degradation, and migration and habitat access impediments. Although improvement has been seen in a few stocks, many remain severely depressed compared to historic levels.

The Draft Amendment proposes modification to current coastwide commercial and recreational management measures. Commercial management options include reducing harvest, closing fisheries with exceptions for systems with a sustainable fishery, closing fisheries on mixed

stocks, and a coastwide moratorium. Recreational fisheries management options include reducing harvest, implementing a licensing or permitting program, closing fisheries with exceptions for fisheries with a sustainable system, allowing a catch and release fishery only, and a coastwide moratorium.

To improve data collection, the Draft Amendment proposes increased fisheries-independent and dependent monitoring. This includes monitoring of juvenile and adult American shad stocks; hatchery production; and commercial, recreational, and bycatch fisheries. Additionally, the Draft Amendment proposes increased coordination of monitoring activities for river systems under shared jurisdiction, as well as between freshwater and marine agencies.

Fishermen and other interested groups are encouraged to provide input on Draft Amendment 3, either through attending public hearings or providing written comments (a subsequent press release on scheduled public hearings will be released once the hearings have been finalized). Copies of Draft Amendment will be available by August 28<sup>th</sup> and can be obtained by contacting the Commission at (202) 289-6400 or via the Commission's website at [www.asafc.org](http://www.asafc.org) under Breaking News. Public comment will be accepted until 5:00 PM on October 16, 2009 and should be forwarded to Kate Taylor, FMP Coordinator, 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (FAX) or at [comments@asafc.org](mailto:comments@asafc.org) (Subject line: Draft Amendment 3).

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PR09-28

#### *Motions*

##### **Main Motion**

##### **Move to approve Amendment 3 to go out for public comment.**

Motion made by Mr. Augustine, seconded by Mr. Cole. Motion amended.

##### **Motion to Amend**

##### **Move to amend to include an alternative overfishing definition in Amendment 3 by adding the Amendment 2 sustainable fishery definition which states 'the potential future stock reproduction and recruitment will not be diminished'.**

Motion made by Mr. Simpson, seconded by Mr. Carpenter. Motion passes (15 in favor, 0 opposed).

##### **Main Motion as Amended**

##### **Move to approve Amendment 3 to go out for public comment including an alternative overfishing definition in Amendment 3 by adding the Amendment 2 sustainable fishery definition which states 'the potential future stock reproduction and recruitment will not be diminished'.**

Motion made by Mr. Augustine, seconded by Mr. Cole. Motion passes (15 in favor, 0 opposed).

##### **Move to approve Jeff Kaelin to the Shad and River Herring Advisory Panel.**

Motion made by Mr. McCloy, seconded by Mr. Augustine. Motion passes.

**ISFMP POLICY BOARD (August 19 & 20, 2009)**

***Press Release***

**Summer Flounder, Scup and Black Sea Bass Board to Meet in September to Discuss Recreational Overages**

Alexandria, VA – The Commission’s Interstate Fisheries Management Program (ISFMP) Policy Board directed the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) to consider potential overages for all three species and take action prior to September 1. This directive was taken in response information presented to the Policy Board regarding available black sea bass preliminary recreational harvest estimates and projections indicating that harvest will likely result in significant quota overages. Board action could include emergency measures to prevent further overages in recreational fisheries for summer flounder, scup, and black sea bass. A press release will be issued following finalization of meeting arrangements.

For more information, please contact Robert Beal, ISFMP Director, at (202)289-6400 or <rbeal@asmfc.org>.

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PR09-29

***Meeting Summary***

The Interstate Fisheries Management Program Policy Board met to address a number of issues. The Policy Board reviewed the rebuilding progress for each of the species under Commission management. This review was intended to determine if the progress toward each species rebuilding goals was occurring at an appropriate rate. The Board provided feedback on a number of species for consideration by the species management boards. The Policy Board comments will also be considered as the Commission develops its 2010 Action Plan.

The Policy Board discussed issues associated with the Commission’s quota management programs and the use of catch shares. The Policy Board initiated a discussion on quota ownership, research set asides, quota rollovers, individual fishing quotas, and distribution of unused quotas. The Board will continue this discussion at the Commission’s Annual Meeting and will establish a working group to address these complicated issues.

The Fishing Gear Technology Workgroup (FGTWG) reported on the 2008 Report to the Management and Science Committee and other recent activities. The report highlighted a number of recent gear technology advancements that can be used to reduce the level and mortality of discards by commercial and recreational fishing gear. The FGTWG also highlighted a number of activities that can be worked on in the future.

The Atlantic Coastal Fish Habitat Partnership (ACFHP) provided an update on the recent activities including strategic planning, development of the species matrix, the assessment of existing coastal fish habitat information, and the ACFHP website. The ACFHP will also be applying to the National Fish Habitat Initiative to be recognized as an official fish habitat partnership.

The Policy Board received an update from the Habitat Committee. The Committee updated the Habitat Program Strategic Plan to be consistent with the Commission's 2009-2013 Plan. The Policy Board approved the updated Habitat Program Strategic Plan. The Committee also sought a letter of support for the National Fish Habitat Conservation Act. The Policy Board agreed to send a letter to congressional representatives seeking support for approval of the Act.

The Fish Passage Working Group presented a summary of its first meeting. The Group initiated work on the tasking that is included in the 2009 ASMFC Action Plan. The Group identified the following issues as a high priority: identify effective fish passage approaches, develop guidance for navigating the FERC process, and draft a comprehensive Commission resolution on fish passage.

NOAA Fisheries gave a presentation on the Protected Species Grant Program (Section 6 Program). The Program is anticipating a significant increase in funding to support state grants next year. States were encouraged to submit proposals to NOAA Fisheries for consideration in the next funding cycle.

The Policy Board approved a series of minor editorial comments ISFMP Charter.

The Policy Board discussed the initiation of an economic study to evaluate the value of the fisheries under Commission management. A number of study options were presented to the Policy Board. The Board decided to further evaluate the options and continue the discussion at the Annual Meeting.

The Policy Board was presented with 2009 preliminary black sea bass recreational fishery harvest. The projections indicate that the landings will exceed the 2009 recreational harvest limit. The Policy Board directed the Summer Flounder, Scup, and Black Sea Bass Management Board to consider potential overages for all three species and take action prior to September 1.

The Policy Board discussed the management of Johan crab and its relation to lobster management. The issue was referred back to the American Lobster Plan Review Team (PRT) and the Law Enforcement Committee for further exploration. The PRT will explore the existing state regulations to determine what controls on harvest and effort are currently in place.

The Policy Board discussed the Federal Register notice regarding the potential listing of American eel in Appendix II of CITES. The Board agreed that the Commission should submit a letter to Fish and Wildlife Service on this issue. Staff will draft a letter and circulate to the Board for consideration. The letter will be submitted to the USFWS by September 11, 2009.

For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or [rbeal@asmfc.org](mailto:rbeal@asmfc.org).

### *Motions*

**Move to approve the Habitat Program Strategic and Management Plan 2009-2013.**

Motion made by Mr. Augustine, seconded by Mr. P. White. Motion carries

**Move to accept the revisions to the Charter.**

Motion made by Mr. Augustine, seconded by Mr. P. White. Motion carries.

**Move to remand the issues of the Scup, Summer Flounder, and Black Sea Bass recreational harvest for 2009 to the Summer Flounder, Scup, and Black Sea Bass Board to take action by September 1, 2009.**

Motion made by Mr. Cole, seconded by Mr. P. White. Motion carries unanimously (15 in favor).

**BUSINESS SESSION (August 20, 2009)**

***Meeting Summary***

The Commissioners continued their discussion on the nomination process that is used to support the election of the Commission's Chair and Vice-Chair. The Commissioners made a number of decisions to further clarify the elections/nominations process. The Commissioners also requested that staff look into the potential for each member of the Commission vote on the election officers. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

***Motions***

No motions made.