



NOAA FISHERIES

Office of Law Enforcement

4th Quarter Fiscal Year 2013 Northeast Enforcement Division

July 1, 2013 – September 30, 2013



Council Report

To report fisheries violations,
call our national hotline:
1-800-853-1964

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4th Quarter Enforcement and Compliance

Summary

In the fourth quarter, there were 185 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 96 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc); and 19 meetings. This list does not include the extensive outreach that the VMS team provides on a daily basis, nor can it fully capture the interaction our agents, officers, and support staff regularly have with industry. In the fourth quarter, there were 54 dealer inspections; 4 of which had issues that resulted in Compliance Assistance (COPPS) and 153 vessel inspections, 2 of which had issued that resulted in Compliance Assistance (COPPS).

ACIs Reported 4th Quarter Fiscal Year 2013

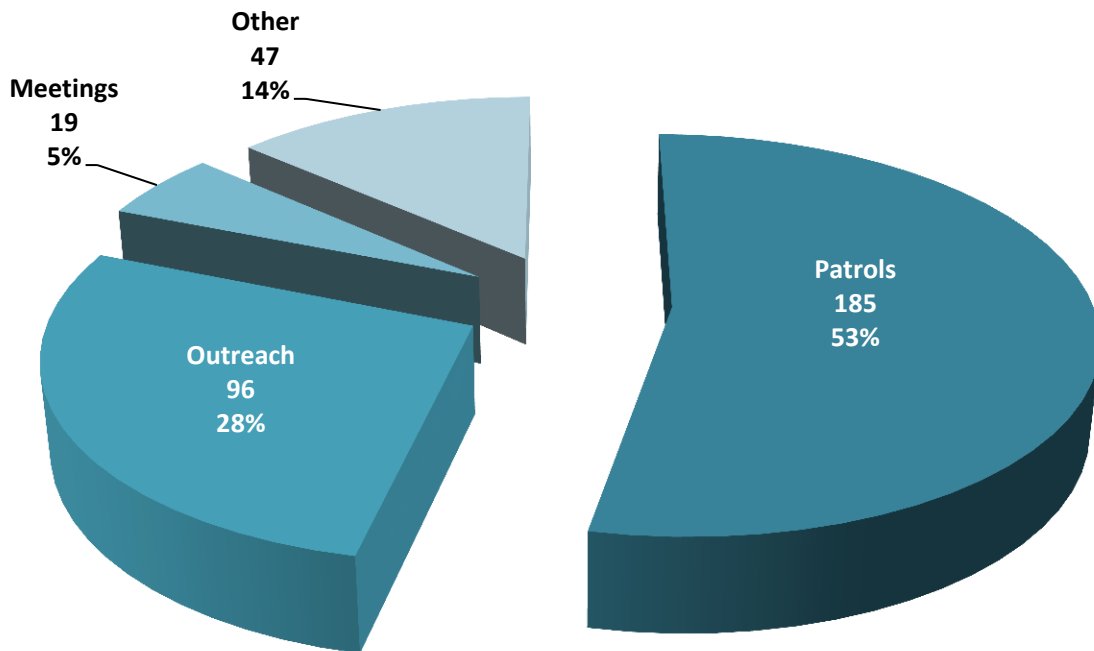


Figure 1: 347 ACIs reported from July 1, 2013 through September 30, 2013. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, info gathering, MMPA) and meetings.

Incidents by Types 4th Quarter Fiscal Year 2013

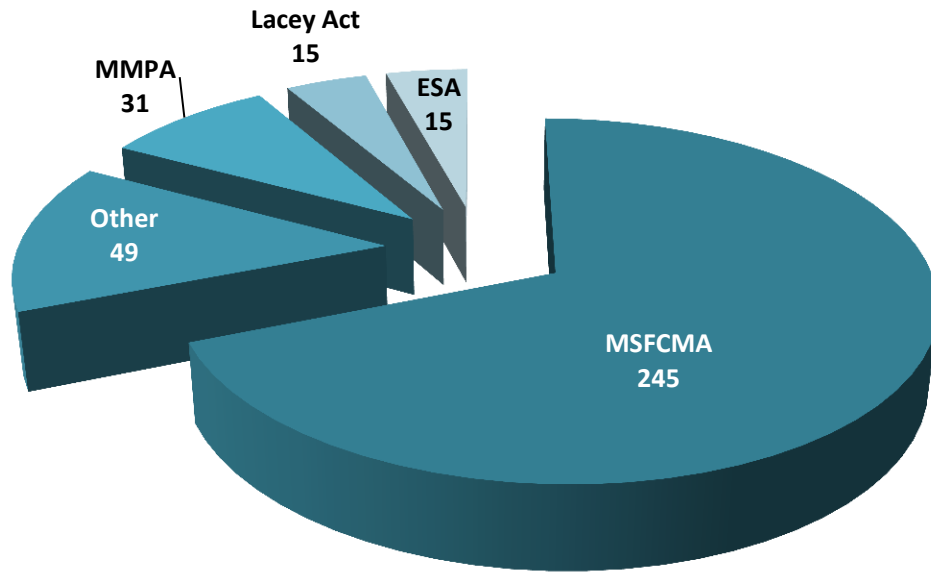


Figure 2: Incidents opened from July 1, 2013 through September 30, 2013. 355 incidents were opened. "Other" includes twenty one ACFCMA, nineteen Atlantic Tuna, three State Regulations – Fisheries, three State Regulations – Non-Fisheries, and three unknown.

4th Quarter, Fiscal Year 2013 Highlights

Lacey Act

Raymond Carroll Webb, of Whitestone, VA, and his company, Peak Enterprises, were both sentenced to a three-year term of probation and were ordered to pay a \$3,000 fine and \$1,000 in restitution to the National Oceanic and Atmospheric Administration (NOAA) for trafficking in illegally-harvested striped bass. The \$3,000 fine was directed to the Lacey Act Reward fund account which provides rewards to persons who report wildlife crime to law enforcement. Webb and Peak Enterprises were ordered to maintain a Vessel Monitoring System (VMS) unit on any vessel if used for charter fishing during the term of their probation. The VMS unit will allow law enforcement officers to track the vessel in real-time.

Final sentencing in the Virginia Beach charter boat investigation occurred; Nolan Agner and Agner Inc. was sentenced. He pled guilty to possession in the EEZ, a Lacey Act misdemeanor. Nolan Agner was fined \$3500 and received three years of probation, during which time he must have a VMS unit on all boats operated by Nolan Agner and engaged in fishing, with a Federal permit and record requirements met. Agner Inc. received three years of probation during which time it must have a VMS unit on all boats owned by Agner Inc. and engaged in fishing, with a Federal permit and record keeping requirements met.

An Enforcement Officer conducted inspections at the Calais Port of Entry this reporting period. One truck with 160 crates of live lobster going to Maine Lobster Outlet, in York, Maine, was inspected. 10 crates were inspected with 6 egg bearing lobsters and 10 undersized lobsters being seized. The Enforcement Officer telephonically presented his investigation into this Company for shipping egg bearing lobster and undersized lobster into the United States to Northeast General Counsel Enforcement Section (GCES).

Marine Mammal Protection Act

An OLE agent worked at Boston Logan International Airport with Custom Border Patrol and seized one whale sausage and one whale meat jerky from an inbound flight from Iceland.

An OLE agent was notified of a Right Whale disentanglement performed by a Virginia Beach charter boat captain and his first mate, without notifying NOAA or the authorized stranding center. A Hotline call was placed by the captain approximately 36 hours later. The agent worked with Atlantic Whale Entanglement Response Coordinator on the issue. The captain and first mate were interviewed. The charter vessel was approximately 50 miles offshore when they noticed poly balls on the surface of the water. The first mate jumped into the water and cut a line which removed the gear from the whale. Although video was taken, it is not clear if the gear was completely removed, nor does it document the type of gear. The first mate stated that all the gear was removed. It was explained to both individuals that although this appears to have been successful and no one was hurt, it is illegal, and could have gone very wrong. The captain and first mate both agreed that in subsequent media interviews they would make it a point to say that no one should do this, and that the NOAA Hotline should be called so that professionals could handle the situation.

An OLE agent investigated an incident in which members of the Kennedy family disentangled a leatherback sea turtle in Nantucket Sound. The agent met with members of the family and acquired the gear for analysis. The matter has gained national interest.

A Special Agent has opened cases on nine foreign flagged vessels for violating the right whale ship strike reduction rule. A total of 123 counts have been identified in Seasonal Management Areas in the Northeast Region.

An OLE officer investigated a complaint received from a sea kayak touring company concerning harassment of seals by Jet Ski operators in the vicinity of Green Island and Black Island in Western Bay on the northwest side of Mount Desert Island. The officer interviewed the complainant, as well as the caretaker for the property where the Jet Skis were located. The officer provided the caretaker with several brochures addressing marine mammal viewing guidelines and explained the regulatory provisions with respect to unlawful take of marine mammals. The caretaker assured the officer that the owner and their guests would be informed as to the proper operation of watercraft in the vicinity of marine mammals. The officer also conducted an at-sea patrol of the area with the National Park Service.

OLE agents responded to a request for service by NOAA Protected Resources Division. The agents worked with New Jersey Division of Fish and Wildlife, New York Department of Environmental Conservation, the US Coast Guard and the Sandy Hook Pilots Association to raise awareness of humpback whales in the vicinity of New York Harbor. Agents assisted in patrol planning and execution to prevent whale harassment by recreational vessels in the Sandy Hook, New Jersey area.

Magnuson-Stevens Fishery Conservation and Management Act

An interview was conducted with the captain of a New Bedford vessel who landed skate wing overages on two trips in June. The captain admitted his mistake and said he should have checked when the limit changed. After consultation with GCES and due to the small amount of the overages a written warning will be issued.

During a dockside inspection of a general category HMS permitted vessel in Plymouth, an Enforcement Officer discovered several yellowfin and albacore tuna with both heads and tails removed. A check for prior violations revealed the USCG has initiated a case on the vessel for the same type of violation earlier in the year. The Enforcement Officer is working with GCES to move forward with the case.

An OLE agent and officer investigated a Gulf of Maine scallop boat that landed 881lbs. of Atlantic sea scallops at the Portland Fish Exchange. The F/V reported to the Exchange that it made 5 trips and provided 5 vessel trip reports to the Portland Fish Exchange. After comparing dealer trip report copies with VMS and dealer landing data to determine that the vessel only made 3 trips. To cover up the overage above the 200lbs. limit, the F/V filed false trip reports to the Portland Fish Exchange. The agent and officer boarded the vessel in which the operator admitted landing more than he was allowed. Additionally no trip reports were fully completed since the vessel began scallop fishing.

An OLE officer has issued a \$750 summary settlement to a Rhode Island fisherman who cut up three albacore tuna while at sea. He stated he did so because his marina did not have a cleaning station and because he thought the law only applied to bluefin and yellowfin.

An interview was conducted concerning gear conflicts in the New Jersey lobster fishery. Although a background level of conflict is always present in this fishery, the current level of conflict has elevated to verbal threats at sea and shore side criminal mischief. This is the first time since 2004, when OLE agents investigated a fisherman for destruction of fishing gear that a significant risk of gear tampering and violence at sea has materialized.

Compliance Assistance and Outreach

A recent trend of whale products being imported for personal consumption into the U.S. through various airports has been identified. The international airports at San Francisco, Boston, and Dulles (Washington DC) have seized and abandoned salami, sausage, and jerky containing whale meat. The originating flights have been from Norway and Iceland. The Compliance team is working with various partners to provide information regarding illegal importation of marine mammal parts.

An investigation was conducted into a FV that was reported as not properly declaring through VMS prior to departure. Contact was made with the vessel operator and it was discovered that the operator had not updated the vessel's VMS software for proper declaration codes. The vessel operator was instructed on the differences between declaring through the IVR and VMS program, helping to regain compliance.

An interview was conducted with the captain of a New Bedford clam fisherman who made a Nantucket lightship Habitat Incursion on several recent trips. The captain had the Habitat area plotted into his chart plotter, but it turns out he did not have the correct coordinates. The agent provided him with the correct coordinates and the information was updated.

An OLE officer helped the owner and office manager of Red's best Seafood in Boston, MA obtain an Atlantic Dolphin/Wahoo Dealer Permit. They were unaware that they had to obtain this permit from the Southwest Region and thought that Dolphin/Wahoo was covered under their Northeast and HMS permit.

The OLE Compliance team distributed new regulatory guides to charter fishing captains and owners in New Hampshire, Cape Cod, and elsewhere.

An OLE agent closed three observer safety refusal complaints.. All three complaints involved vessels that failed to meet vessel safety requirements required for carriage of observers. The agent also advised the owners and operators of recent missed required pre-trip notifications to the observer program.

Joint Enforcement Agreement (JEA)/Cooperative Enforcement

An OLE agent assisted Massachusetts Environmental Police (MEP) with two separate striped bass investigations involving Rhode Island residents selling striped bass commercially in Massachusetts. The commercial season in Rhode Island is currently closed. The majority of the fish appear to have been harvested with a spear gun which is a prohibited method to harvest striped bass in Massachusetts but allowed in Rhode Island.

An OLE Officer and MEP conducted a night time at sea patrol off of Provincetown, MA. One Provincetown based vessel was encountered and allegedly was actively fishing in the EEZ. The officer is discussing the case with GCES and is preparing a case package.

An OLE agent received a call for assistance from Bristol County Sheriff Department concerning the whereabouts of an individual wanted for heroin trafficking. This individual was wanted on an extraditable warrant from Maine. Local law enforcement had searched for weeks along the New Bedford waterfront hoping to capture or at least receive information concerning this wanted individual. However, their efforts netted negative results. The agent working with MEP as well as other local enforcement was able to develop current/specific information which led to the immediate apprehension of this individual. The wanted felon, known to be violent toward law enforcement, was taken into custody with incident.

An OLE ASAC, officer, and agent joined with their counterparts from the Maine Marine Patrol, Fisheries and Oceans Canada, Royal Mounted Police Integrated Border Enforcement, and USCG at a meeting in Ellsworth, Maine to discuss various issues relating to border enforcement initiatives, the disputed waters of Machias Seal Island, lobster fishing, joint patrols and other marine resource issues shared by all these agencies.

Two OLE officers conducted training for about 25 USCG personnel at the New England Regional Fisheries Training Center. The training focused on the relationship between OLE and the USCG, and how the two organizations work together to complete cases.

An OLE agent and DSAC met with the Major and Captain of MEP to further develop working relationships between the two agencies. MEP requested an electronic copy of the Duty Agent rotational schedule. They also briefly met with Rick Cunio, Manager, New Bedford State Pier. Cunio is working with local and State officials concerning the development of future facilities for various Law Enforcement agencies, located on State pier.

The subject of over 250 smuggled narwhal tusks in a narwhal smuggling investigation pled guilty and was sentenced in Canada. This is part of a joint investigation between NOAA OLE, Environment Canada, and USFWS.

Northeast VMS Program

Northeast Active VMS Vessel Population: 1,005

Northeast-Approved VMS vendors: Boatracs, SkyMate, GMPCS (for Thrane VMS units), CLS America

Population Breakdown by (VMS) Permits held:

(Note: The total count below exceeds the VMS population count since most vessels hold multiple permits):

651 Surfclam/Ocean Quahog (Permit Category 1,6,7)

571 Scallop General Category (Cat. A,B,C)

450 Multispecies (Cat. A,D,F)

330 Scallop Limited Access (Cat. 2,3,5,6,7,8)

80 Herring (Cat. A,B,C)

46 Combination (Multispecies Cat. E)

14 Monkfish (Cat. F)

Note: There are 502 groundfish sector vessels and 116 common pool vessels registered to the NE VMS Program.

Northeast Observer Program

During this quarter the observer program deployed on 1,223 trips for 3,300 sea days. Approximately 98.0% of all selected or observed trips were completed without a reported enforcement incident. There was a total of 27 reported violation reports received and acted upon this quarter.

The summary below details the status of observer related complaints during the 4th Quarter of 2013.

Table 1: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	6 observer refusal complaints: 2 closed under compliance assistance 2 closed under lack of evidence 1 closed as unfounded 1 closed as info only
Assault	None
Harassment/Intimidation	1 observer harassment/intimidation complaints: 1 ongoing
Interference	5 observer interference complaints: 4 closed under compliance assistance 1 added to an ongoing investigation
Vessel Safety	9 vessel safety complaints: 9 closed under compliance assistance
Observer Safety	2 observer safety complaints: 1 closed under lack of evidence 1 ongoing
Failure to provide reasonable assistance	None
Observer gear/sample tampering	None
Observer program notification	4 observer notification complaints: 4 closed under compliance assistance
Miscellaneous	1 training session covering observer enforcement issues was completed this quarter.

Incident and Case Information

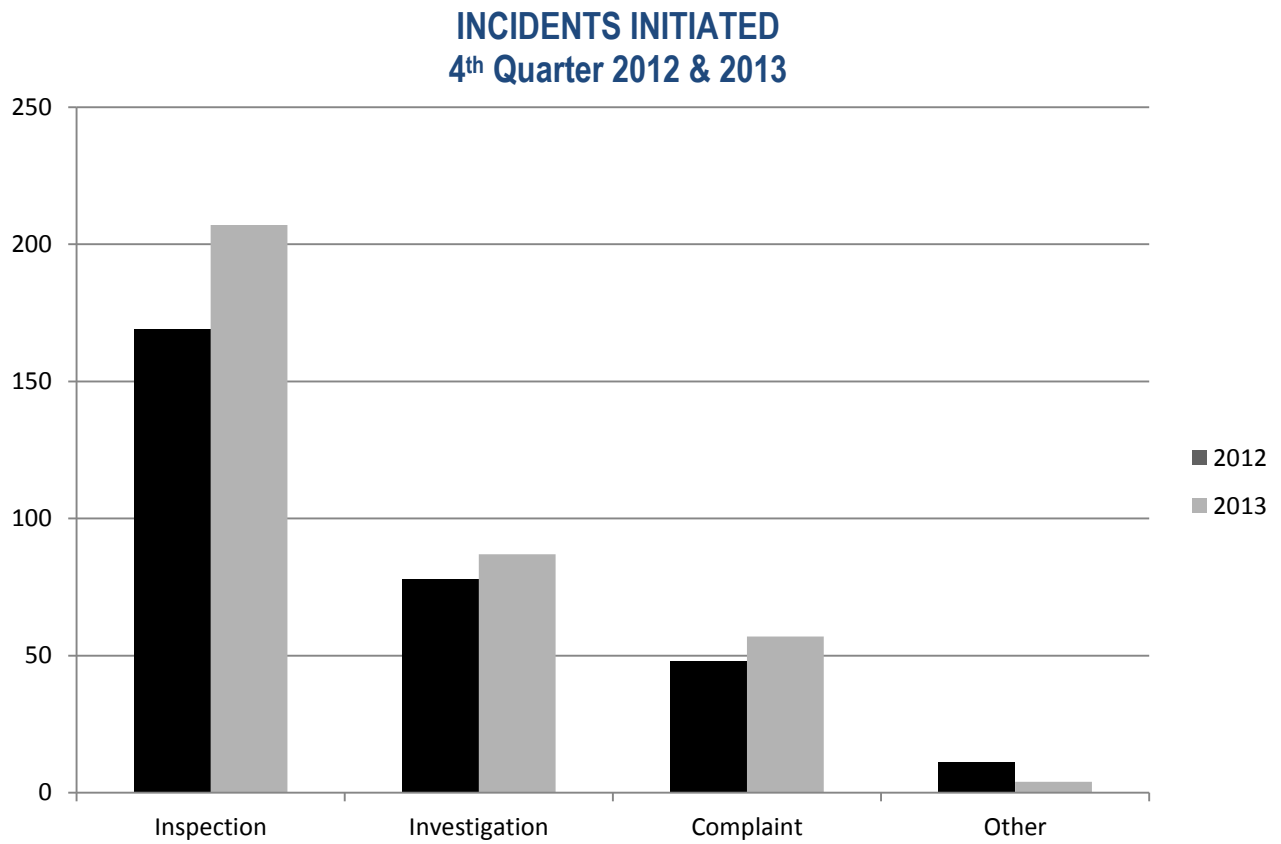


Figure 3. FY2013 4th quarter: 207 inspections, 87 investigations, 57 complaints, 4 other. **355 total.**
FY2012 4th quarter: 169 inspections, 78 investigations, 48 complaints, 11 other. **306 total.**

INCIDENTS DISPOSITIONS 4th Quarter 2012 & 2013

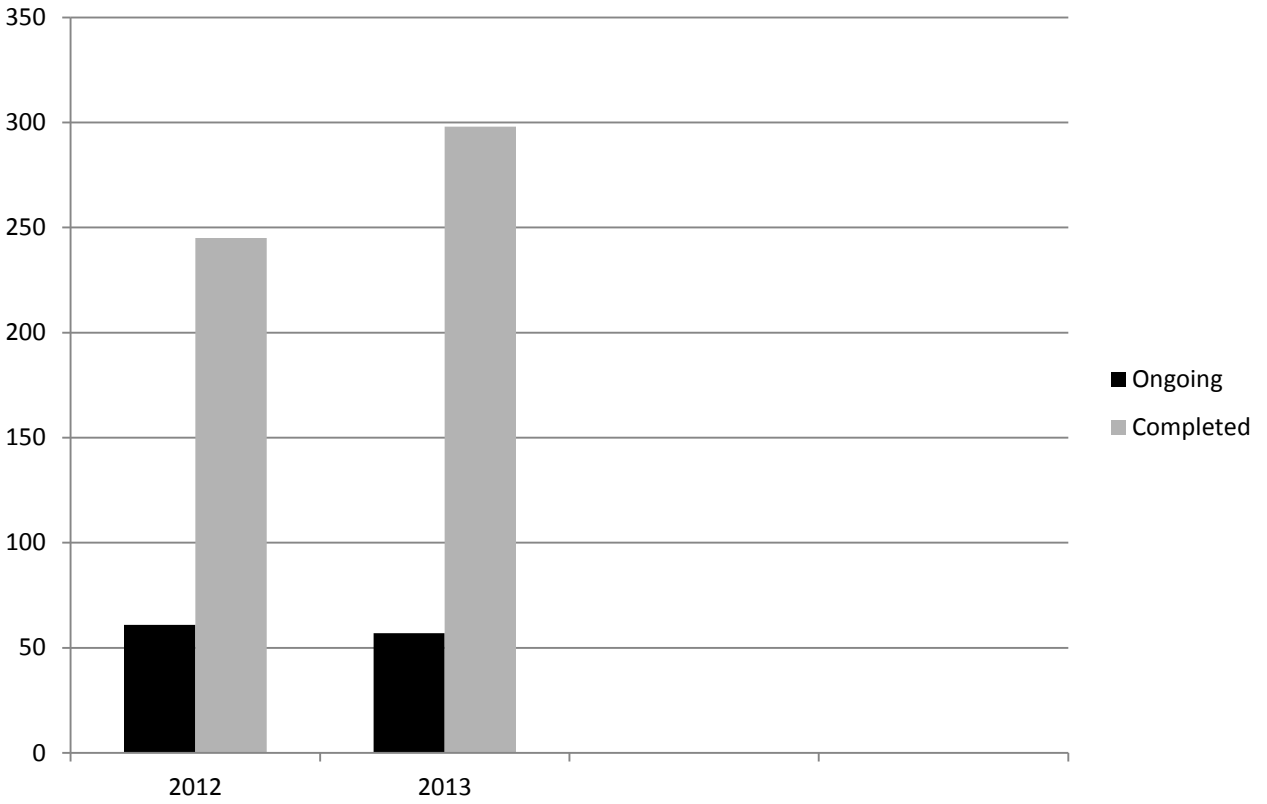


Figure 4. Status of incidents in the 4th quarter of FY2012 (245 completed, 61 ongoing) and 4th quarter FY2013 (298 completed, 57 ongoing).

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 64 cases opened
- 6 summary settlements issued
 - \$11,145.80 collected
- 9 cases forwarded to GCES

Table 2. Cases sent to GCES

Program/Law	Violation
MSFCMA (5 cases)	Failure to carry an observer, expired safety equipment, and expired Safety Examination Decal
	State permitted only vessel fishing in federal waters
	Transiting through WGOM closed area with gear not properly stowed
	Landing skate with a permit and purchasing skate from a non-permitted vessel
	Skate wing overage, Monkfish tail overage, Monkfish liver overage
Lacey Act (3 cases)	Importing undersized and oversized lobster
	Importing and shipping undersized, v-notched, and berried female lobsters
	Importing v-notched lobsters
Atlantic Tuna (1 case)	Observer Notification and Observer Refusal



Atlantic States Marine Fisheries Commission

72nd Annual Meeting Summary

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

72nd Annual Meeting
St. Simons Island, Georgia
October 28 - 31, 2013

For more information, please contact
the identified individual,
Toni Kerns, ISFMP, or
Tina Berger, Communications

703.842.0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (October 28, 2013)

Meeting Summary

The Atlantic Herring Section approved the FMP review and state compliance report for fishing year 2012, including the granting of *de minimis* status to New York.

The Section set the 2014 annual specifications for Area 1A. Specifically, the total allowable catch would be allocated seasonally, with 72.8% of the sub-quota available from June through September and 27.2% from October to December. The fishery will close when 92% of the seasonal period quota has been harvested. Any unused quota from the June-September period may be rolled over to the remaining period. This motion effectively maintains the Area 1A allocation as status quo.

The Board received a report from the Technical Committee (TC) that responds to the task set by the Section during the 2012 Annual Meeting. Specifically, the Section requested 1) estimated budget needs for continued inshore spawning sampling and expansion to the Georges Bank/Nantucket Shoals (GB/NS) areas, 2) alternative sampling methods for offshore herring samples, and 3) recommendations for potential management measures. The TC concluded that additional staff resources were needed to develop an alternative sampling protocol. Furthermore, the TC cannot offer recommendations for management measures without first understanding the spawning events in offshore waters. At this time, the TC has estimated that \$55,000 - \$70,000 in additional funds would be needed to expand the survey into offshore waters. The TC recommends a three-year study.

In response to questions from Section members, the TC Chair elaborated that it is possible in some circumstances to transport fresh sea herring samples within the 24-hour period for the gonadosomatic index (GSI) analysis. The Section is interested in continuing the effort to develop an offshore spawning study program. It moved to recommend that the ISFMP Policy Board send a letter to the New England Fishery Management Council requesting its SSC/PDT to work with the Atlantic Herring TC, as a priority issue, to learn more about the GB/NS spawning events.

Terry Stockwell (ME) assumed the role of Chair of the Atlantic Herring Section. Ritchie White (NH) was elected to serve as Vice Chair. For more information, please contact Melissa Yuen, Fishery Management Plan Coordinator, at myuen@asmfc.org or 703.842.0740.

Motions

Move to accept the 2012 FMP review and approve the *de minimis* request from New York.

Motion made by Mr. Grout and seconded by Mr. Gilmore. Motion carries (7 in favor).

Move to allocate the 2014 area 1A TAC seasonally with 72.8 percent available from June through September and 27.2 allocated October to December. The fishery will close when 92% of the seasonal period quota has been harvested. Underages from June to September may be rolled into the October – December period.

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

Move that the Herring Section recommend to the ISFMP Policy Board to send a letter to the NEFMC requesting to have its SSC/PDT work with the ASMFC Atlantic Herring Technical Committee, as a priority issue, to identify what's known about Georges Bank / Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.

Motion made by Dr. Pierce and seconded by Mr. Borden. Motion carries without objection.

Move to nominate Ritchie White as Vice Chair.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion carries (7 in favor).

AMERICAN LOBSTER MANAGEMENT BOARD (October 28, 2013)

Press Release

ASMFC American Lobster Board Approves Addendum XXII and Releases Draft Addendum XXIII for Public Comment

St. Simons Island, GA – The Commission’s American Lobster Management Board approved Addendum XXII to Amendment 3 to the Interstate Fishery Management Plan (FMP) for American Lobster and Draft Addendum XXIII for public comment. Addendum XXII implements Single Ownership and Aggregate Ownership Caps in Lobster Conservation Management Area 3 (LCMA 3, federal waters). These measures are intended to enhance the ability of lobster business owners to plan for their future fishing operations as trap reductions are initiated. Draft Addendum XXIII contains information on habitat needs for American lobster and does not include any proposed management changes.

Under Addendum XVIII, approved in 2012, permitted LCMA 3 lobster fishermen or companies will have their trap allocations reduced by 5% per year for five years. The Single Ownership Cap allows LCMA 3 permit holders to purchase lobster traps above the trap cap of 2,000 traps. Any traps purchased above the trap cap may not be fished until approved by the permit holder’s regulating agency once the trap reductions commence. This will allow permit holders to maintain a profitable business over the course of the trap reductions while reducing latent effort (i.e. unfished traps) in the fishery. The Aggregate Ownership Cap limits permitted LCMA 3 lobster fishermen or companies from owning more traps than five times the Single Ownership Cap, unless the permit holder had the ability to purchase a higher amount prior to NOAA Fisheries publishing a present day control date. Similar management caps were approved for LCMA 2 in August 2013. Since LCMA 3 is solely in federal waters, the Addendum recommends that NOAA Fisheries promulgate these measures through the federal rule making process,

Addendum XXII is the third 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 five 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).

Draft Addendum XXIII was developed at the recommendation of the Commission’s Habitat Committee. It proposes updating Amendment 3’s habitat section to include information on the habitat requirements and tolerances of American lobster by life stage. The Board will consider final approval of the Addendum at the Commission’s Winter Meeting in February.

Addendum XXII and Draft Addendum XXIII will be available on the Commission website (www.asmf.org) or by contacting the Commission at 703.842.0740. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum XXIII. Public comment will be accepted until 5 PM EST on December 20, 2013 and should be forwarded to Kate Taylor, Senior FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at ktaylor@asmfc.org (Subject line: American Lobster). For more information, please contact Kate Taylor, at ktaylor@asmfc.org or 703.842.0740.

Meeting Summary

The American Lobster Management Board met to approve Addendum XXII, consider approval of Draft Addendum XXIII for Public Comment, receive an update on recent federal regulations in the lobster fishery, to review inconsistencies in gear markings, and receive an update on the development of the trap transferability database.

The Board will send a letter to the New England Fishery Management Council on the potential areas to improve the consistency of gear marking in order to reduce unsafe conditions for fishing vessels. The Board was briefed on upcoming federal rulemaking on implementing trap transferability and trap reductions for 2014. A trap transferability database is currently being developed by the Atlantic Coastal Cooperative Statistics Program in order to track lobster trap transfers and history. The database has been deemed a necessary step before trap transferability can commence and is expected to be completed by the end of 2013.

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

Motions

Move to adopt the following elements of Addendum XXII and ask the ASMFC Executive Director to forward the addendum to NMFS with a request that they implement the new management provisions as soon as possible:

For Section 3.1 governing Single Ownership Caps: adopt Option 2 and

For Section 3.2 governing Aggregate Ownership Caps, adopt Option 3 (“Full Exemption”).

Motion made by Mr. McKiernan and seconded by Mr. White. Motion carries (9 in favor, 1 abstention).

Move to request NMFS to enact a control date of October 28, 2013 or alternatively at the earliest date possible after this date to establish a time certain after which a single person, company, or entity may no longer be able to purchase additional permits or trap allocations in excess of the limits established in Addendum XXII.

Motion made by Mr. McKiernan and seconded by Mr. White. Motion carries (9 in favor, 1 abstention).

Move that the implementation date of Addendum XXII be tied to the onset of the transferability among state and federal permits after the creation of the database to accommodate all transfers.

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion carries (9 in favor, 1 abstention).

Move to approve Addendum XXII as modified today.

Motion made by Mr. Adler and seconded by Mr. Train. Roll call vote; motion carries with 1 abstention from the National Marine Fisheries Service.

Move that Draft Addendum XXIII for the Lobster Management Plan be approved for public comment.

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

BUSINESS SESSION (October 29 & 30, 2013)

Press Release

Dr. Louis B. Daniel, III Elected ASMFC Chair

St. Simons Island, GA – Today, member states of the Atlantic States Marine Fisheries Commission acknowledged the many accomplishments of outgoing Chair Paul J. Diodati of Massachusetts and elected Dr. Louis B. Daniel of North Carolina as the new Chair of the Commission.

In assuming the chairmanship, Dr. Daniel spoke enthusiastically about his new position, “I am honored to be elected and look forward to working with my colleagues from the 15 Atlantic coast states, federal marine fishery management agencies, the Potomac River Fisheries Commission, and the District of Columbia to ensure the continued conservation and management of Atlantic coast marine fishery resources.”

“Through the selection of a new Executive Director and 5-Year Strategic Plan, Paul has positioned the Commission for continued success long after his tenure as Chair is through,” stated Dr. Daniel. “Paul spearheaded the charge to reinforce the role of Commissioners in providing direction and guidance on policies, priorities, and strategic planning. Under his leadership, the Commission initiated rebuilding programs for Southern New England lobster, American eel, and tautog, and implemented new management programs for Atlantic menhaden, black drum, and a suite of south Atlantic species. He also led the Commission through the successful completion of two benchmark stock assessments for American eel and Atlantic striped bass.”

“Paul further strengthened our relationship with our sister Interstate Commissions, forming an even greater collective of the coastal states to address issues of mutual concern. He’s reenergized the Commission’s legislative agenda and strengthened our financial footing and long-term federal support through improved relationships with members of Congress and by positioning the Commission as respected source of information to Congress and the Administration. Paul has also helped to improve coordination and information sharing between the states and our federal partners, particularly on potential Endangered Species Act listings.”

As an ASMFC Commissioner since 2007, Dr. Daniel has been an invaluable asset and highly respected among his peers. He has chaired numerous species management boards. Most notably he chaired the Commission’s Atlantic Menhaden Board, where he guided Commissioners through the development, approval, and implementation of a new management regime for Atlantic menhaden, one which recognizes the ecological role of Atlantic menhaden as an important prey/forage species. He also served as Chair and Vice Chair of the South Atlantic Fishery Management Council. He won the North Carolina Department of Environment and Natural Resources Distinguished Service Award and the U.S. Fish and Wildlife Outstanding Service Award.

Dr. Louis Daniel received a B.A. in Biology from Wake Forest University, a M.S. in Marine Science from the College of Charleston, and a Ph.D. in Marine Science from the College of William and Mary, School of Marine Science, Virginia Institute of Marine Science. He has worked for the North Carolina Division of Marine Fisheries in various capacities since 1995. Dr. Daniel currently oversees management of North Carolina’s marine fisheries, coordinating the development of long-term management strategies for the state’s most economically significant fisheries. Prior to joining the Division, Daniel worked with the U.S. Fish and Wildlife Service.

The Commission also elected Douglas Grout from New Hampshire as its Vice-Chair.

PR13-52

Meeting Summary

The Business Session reviewed the Draft 2014-2018 Strategic Plan and approved it for public comment. The Commission will issue a press release on the document's availability and opportunity for public comment in early November. The Business Session also reviewed the Draft 2014 Action Plan and conditionally approved it with the understanding that modifications would be made to it based on the contents of the Final 2014-2018 Strategic Plan.

Through unanimous consent, the Commission elected Dr. Louis B. Daniel, III from North Carolina the Chair of the Atlantic States Marine Fisheries Commission and Douglas Grout from New Hampshire the Commission's Vice-Chair. For more information, please contact Bob Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

No motions made.

MANAGEMENT & SCIENCE COMMITTEE (October 28 & 29, 2013)

Meeting Summary

The Management and Science Committee (MSC) met to discuss a number of issues, receive presentations on various topics, and conduct working sessions on climate change and management uncertainty. It reviewed streamlining the compliance report process and stock assessment data delivery, and approved the current timeline for the ASMFC stock assessment schedule. It received presentations on (1) an online access point for commercial and recreational regulations listed by state and species, (2) the Mid-Atlantic Telemetry Observation System and its application to sturgeon movements, and (3) the latest updates to the Marine Recreational Information Program. The MSC also conducted working sessions on (1) the impacts of climate change on stock distributions and (2) management uncertainty. The entire Committee provided input on both issues to the subcommittees tasked with working on them to help advance the subcommittees' efforts. Finally, the MSC received updates on the Atlantic Coastal Fish Habitat Partnership, Cooperative Winter Tagging Cruise, SEAMAP, NEAMAP and coastwide ageing activities. For more information, please contact Shanna Madsen, Fisheries Science Coordinator, at smadsen@asmfc.org or 703.842.0740.

ATLANTIC MENHADEN MANAGEMENT BOARD (October 28, 2013)

Meeting Summary

The Atlantic Menhaden Management Board met to evaluate the 2013 episodic events set aside pilot program and review progress on the upcoming benchmark stock assessment. Through Amendment 2, one percent of the total allowable catch was set aside (1,708 metric tons) to allow flexibility for the New England states (Maine through Connecticut) to harvest Atlantic menhaden when they occur in higher abundance than normal. In 2013, the states of Maine, Massachusetts and Rhode Island all qualified for the set aside pilot program because they implemented mandatory fishery management provisions of the set aside (i.e., daily reporting, 120,000 pound trip limit, restricting harvest to state waters). Of those states, Rhode Island was the only state that declared participation in the set aside because spotter pilot data estimated large biomass levels in Narragansett Bay beginning in May 2013 and continuing through July 2013, peaking at approximately 5 million pounds. However, the high levels of biomass did not return to Rhode Island state waters in the fall as expected and therefore, no directed harvest from the set

aside has occurred. As a result the Board moved to re-allocate any unused set aside to all of the states on November 1. Additionally, the Board extended the set aside program through 2015 adding the re-allocation provision, meaning any unused set aside as of October 31 of each year will be re-allocated to the coast wide states based on the same allocation percentages included in Amendment 2.

The Technical Committee (TC) continues to make progress on the 2014 benchmark stock assessment and recently identified all age, length and weight data for evaluating growth and selectivity. Additionally, the TC Reviewed maturity and fecundity-at-age data and discussed multiple methods for estimating natural mortality in the assessment framework. Lastly, the TC reviewed progress on building the historical tagging database and discussed potential analyses pathways to be explored. The data workshop has been scheduled for January 13-16, 2014 with the location still to be determined.

As other business at the meeting the Board considered a conservation equivalency proposal by the state of Florida. In brief, a gill net ban in Florida state waters implemented in 1995 effectively limited the menhaden bait fishery to cast nets. The gill net ban resulted in a 94% decrease in landings since 1996 and Florida is proposing that this prior action is a more conservative and effective approach to management than the Amendment 2 strategy of reducing fishing mortality through the use of state quotas. Following ASMFC process, the Board will further review the conservation equivalency request at its February 2014 meeting once the Technical Committee has an opportunity to review it.

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

Motions

Postponed Motion from August 2013

Move to initiate an addendum to fully develop the Episodic Event Program for 2014 and beyond.
Motion made by Mr. Nowlasky and seconded by Mr. Augustine.

Substitute Motion

Move to substitute to extend the Pilot Episodic Event Program until 2015 Annual Meeting or further Board action. If an episodic event is declared before September 1 and not fully used by October 31, any remaining quota will be redistributed to other states and jurisdictions.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion carries unanimously (16 in favor).

Main Motion as Substituted

Move to extend the Pilot Episodic Event Program until 2015 Annual Meeting or further Board action. If an episodic event is declared before September 1 and not fully used by October 31, any remaining quota will be redistributed to other states and jurisdictions.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion carries unanimously (16 in favor).

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (October 28 & 29, 2013)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee discussed and came to decision on three major topic areas: on-the-ground fish habitat restoration, science decision support tools, and partnership building.

The Steering Committee considered applications received for on-the-ground fish habitat restoration project funding and will finalize a ranked list for submission to the U.S. Fish and Wildlife Service by the close of 2013. The Steering Committee also heard an update and agreed to move forward with implementing a conservation mooring project at able and willing marinas in and near Jamestown, Rhode Island with funds from the National Marine Fisheries Service. The Steering Committee also heard an update on a National Fish and Wildlife Foundation grant, which ACFHP and The Nature Conservancy are jointly leading, to convene stakeholders and experts to develop River Herring Restoration Strategies.

On the science front, the Steering Committee discussed and confirmed ACFHP's guidelines regarding endorsing science projects, which articulate that research projects will be considered so long as there is a clear connection to an ACFHP protection or restoration objective, and habitat. The group also heard an update and provided feedback on a North Atlantic Landscape Conservation Cooperative funded habitat assessment project, which is being conducted by a contractor. ACFHP is taking the lead in guiding the coastal component of the project, pulling in additional technical input as necessary.

The Steering Committee also discussed several collaborative science, communications, and operational activities and products that are being collaboratively developed with the two other eastern Fish Habitat Partnerships, and coastally focused Fish Habitat Partnerships nationwide. Lastly, the Steering Committee approved a set of criteria for bringing in new MOU partners and had an opportunity to visit GA DNR oyster restoration sites in the area.

Lastly on Monday evening at the Commission's Annual Meeting reception, the ACFHP Steering Committee presented Bill Goldsborough with the 2013 Melissa Laser Fish Habitat Conservation Award for his exemplarily work in furthering the conservation, protection, restoration, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes. Mr. Goldsborough possesses a deep commitment to conservation and use of sound science as the basis for resource management, qualities that embody Melissa's own dedicated approach towards fish habitat conservation.

For more information, please contact Emily Greene, ACFHP Coordinator, at egreene@asmfc.org or 703.842.0740.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (October 29, 2013)

Press Release

Atlantic Striped Bass Benchmark Assessment Finds Resource Not Overfished and Overfishing Not Occurring *Board Initiates Draft Addenda to Adopt New Reference Points & Considers Management Measures to Address Declines in Spawning Stock Biomass*

St. Simons Island, Georgia – The 2013 Atlantic striped bass benchmark assessment indicates the resource is not overfished or experiencing overfishing relative to the proposed new reference points defined in the assessment. Although the stock is not overfished, female spawning stock biomass (SSB) has continued to decline since 2004 and is estimated at 128 million pounds just above the SSB threshold of 127 million pounds, and below the SSB target of 159 million pounds. Additionally, total fishing mortality is estimated at 0.20, a value that is between the proposed new fishing mortality threshold (0.219) and fishing mortality target (0.18). The Atlantic Striped Bass Management Board approved the benchmark stock assessment for management use.

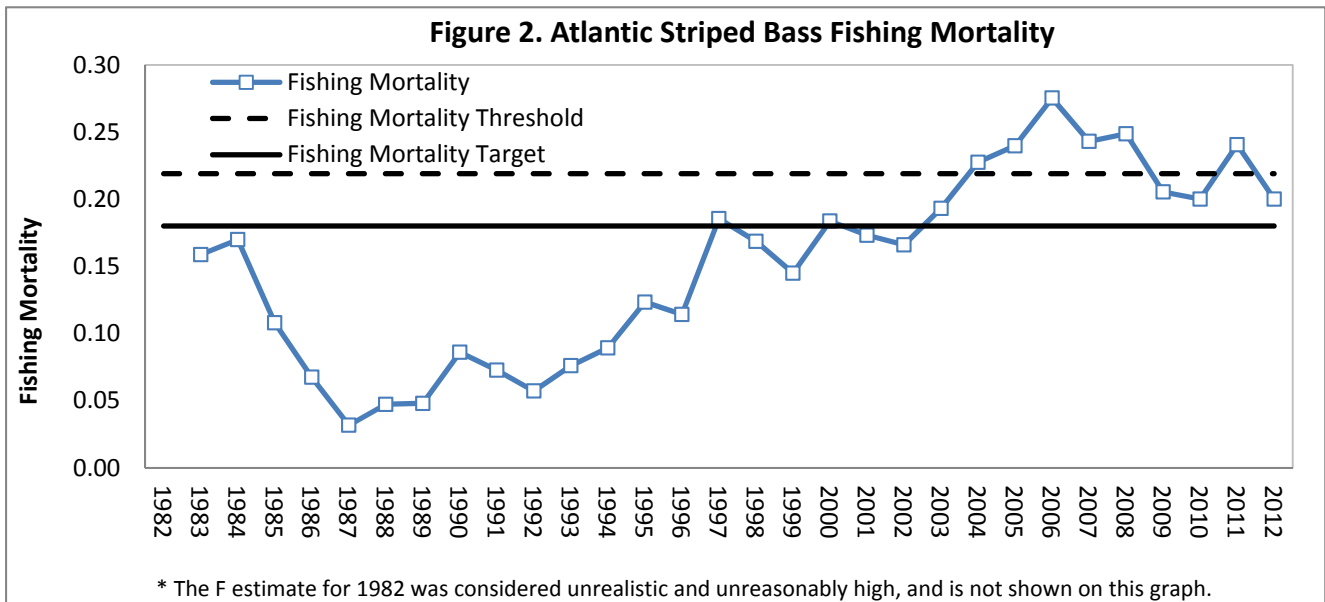
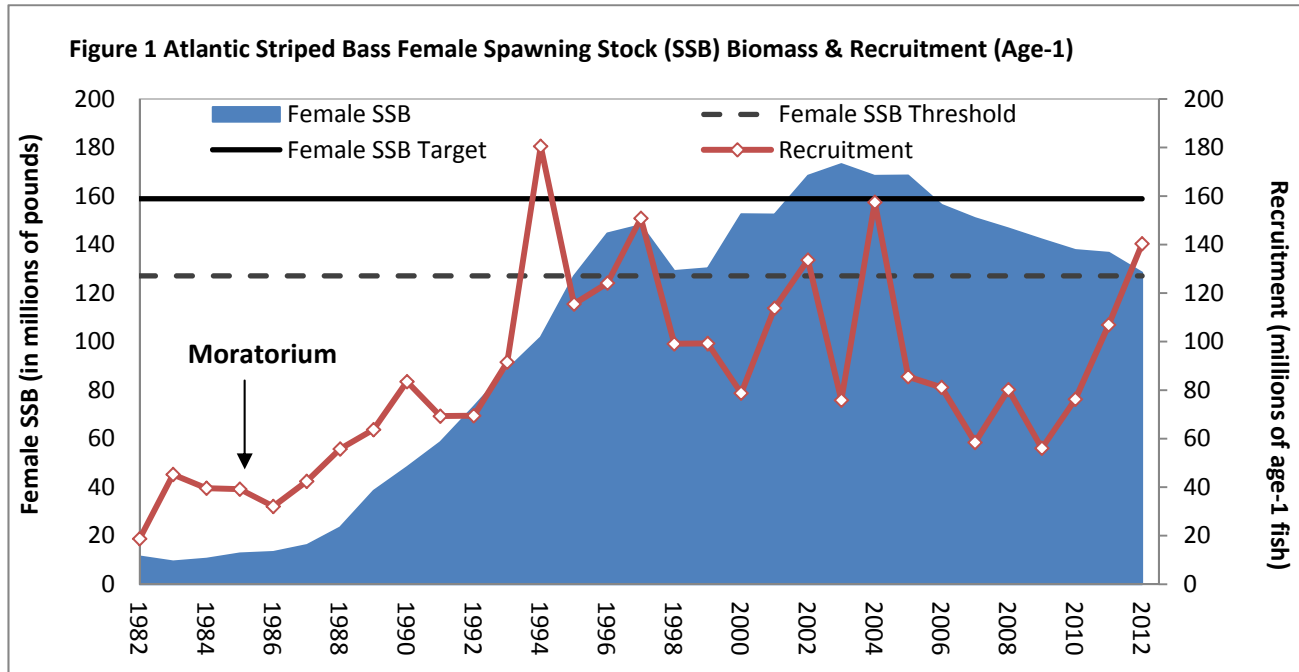
Projections of female SSB and fishing mortality suggest if the current fishing mortality rate (0.20) is maintained during 2013-2017, the probability of the stock being overfished (SSB less than the SSB threshold) is high and increases until 2015-2016, but declines thereafter. This trend is driven by the lack of strong year classes currently in the fishery, and the emergence of the strong 2011 year class that matures into the spawning stock in three to four years. Despite recent declines in SSB, the stock is still well above the SSB during the moratorium that was in place in the mid-1980s (see Figure 1).

Given these findings and the management plan's triggers (e.g., both fishing mortality and SSB are between their respective target and threshold limits), the Management Board initiated the development of two draft addenda. The first addendum will propose adoption of the new fishing mortality reference points recommended by the benchmark assessment. These include fishing mortality reference points for the coastal stock as described above, as well as stock-specific reference points for the Chesapeake Bay and Albemarle/Roanoke stocks that will be developed by the Technical Committee. The second addendum will propose a range of commercial and recreational management measures for the coastal, Chesapeake Bay, and Albemarle/Roanoke stocks to reduce fishing mortality to at least the target with a proposed implementation date of January 2015.

The Board intends to consider approval of the first draft addendum for public comment in February at the Commission's Winter Meeting, and consider approval of the second draft addendum for public comment in May at the Commission's Spring Meeting. A more detailed description of the stock assessment results is available on the Commission's website at

http://www.asmfc.org/uploads/file/AtlStripedBassStockAssessmentOverview_Oct2013.pdf. The 2013 Atlantic Striped Bass Benchmark Stock Assessment and Peer Review is still being finalized by the Northeast Regional Stock Assessment Workshop/Stock Assessment Committee; please check <http://www.nefsc.noaa.gov/saw/reports.html> for its availability. The Commission's 2013 Stock Assessment Update, which revises the benchmark stock assessment with final 2012 landings, is available at <http://www.asmfc.org/uploads/file/AtlStripedBass2013AssessmentUpdate.pdf>

For more information, please contact Mike Waine, Fishery Management Plan Coordinator, at 703.842.0741 or mwaine@asmfc.org.



Motions

Move to accept benchmark stock assessment and peer review report for management use.

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

Main Motion

Move to develop an addendum to adopt the new biological reference points for the coastal fishery as determined by the 2013 Benchmark Assessment; as well as biological reference points for the Chesapeake bay and Albemarle and Roanoke stocks.

Motion by Mr. Augustine and seconded by Mr. Lustig.

Motion to Substitute

Move to substitute to develop an addendum to adopt the new biological reference points for the coastal fishery as determined by the 2013 Benchmark Assessment; as well as biological reference points for the Chesapeake bay and Albemarle and Roanoke stocks and to implement a 28-inch minimum size and one fish daily limit for coastal recreational fisheries with an equivalent reduction for coastal commercial quotas for implementation in 2014.

Motion made by Mr Diodati and seconded by Mr. White. Motion divided.

Motion to Divide

Move to divide the question: address the biological reference points and the management measures in separate motions.

Motion made by Mr. Augustine and seconded by Mr. Miller. Motion passes.

Divided Question #1

Move to substitute to develop an addendum to adopt the new biological reference points for the coastal fishery as determined by the 2013 Benchmark Assessment; as well as biological reference points for the Chesapeake bay and Albemarle and Roanoke stocks.

Motion carries (15 in favor).

Divided Question #2

Move to substitute to implement a 28-inch minimum size and one fish daily limit for coastal recreational fisheries with an equivalent reduction for coastal commercial quotas for implementation in 2014.

Motion fails (2 in favor, 12 opposed).

Main Motion as Substituted

Move to develop an addendum to adopt the new biological reference points for the coastal fishery as determined by the 2013 Benchmark Assessment; as well as biological reference points (fishing mortality) for the Chesapeake bay and Albemarle-Roanoke stocks.

Motion carries (15 in favor).

Move to initiate an addendum to develop a range of management measures that reduces fishing mortality to at least the fishing mortality target with implementation in January 2015.

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

LEGISLATORS & GOVERNORS' APPOINTEES (October 29, 2013)

Meeting Summary

The Commission's Legislators and Governors' Appointees met to discuss disclosure of related interests and receive a federal legislative update. The Legislators and Governors' Appointees elected Dennis Abbott and Dr. Malcolm Rhodes to serve as the respective chairs and Representative Walter Kumiega and G. Ritchie White to serve as their respective vice-chairs. For more information, please contact Deke Tompkins at dtompkins@asmfc.org or 703.842.0740.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (October 29, 2013)

Press Release

ASMFC Summer Flounder, Scup, Black Sea Bass Board Initiates Draft Addendum XXIV to Address 2014 Summer Flounder and Black Sea Bass Recreational Fisheries

St. Simons Island, GA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board initiated the development of a Draft Addendum XXIV to the Summer Flounder Fishery Management Plan (FMP). The Draft Addendum will propose alternate management approaches for the 2014 recreational summer flounder fishery to achieve more equity in recreational harvest opportunities along the coast. It will include options that allow for the averaging of harvest estimates, mandatory regions, and the sharing of unused quota.

Draft Addendum XXIV is initiated to respond to the unintended consequence of using conservation equivalency (e.g., state-specific recreational management measures) to stay within the annually established coastwide recreational harvest limit for summer flounder. Although the shift away from coastwide management to state conservation equivalency addressed the interests of some states, it created difficulties for other states as overages occurred due largely to state shares and limits not reflecting local abundance of summer flounder and its availability to recreational fishermen. State targets were based solely upon the 1998 estimate of harvest from the Marine Recreational Fishery Statistics Survey.

The FMP did not provide the flexibility to adjust state harvest targets or the management strategy except through the addendum process. This has resulted in ever increasing size limits, reduced bag limits, and shorter seasons for most of the states while the stock was at a low level and recovering. The impact of these restrictive measures seemed to affect New York the most, where the size limit reached 21 inches by 2009, which also saw a very short season including mid-season closure. In 2012, with a fully recovered stock, New York’s minimum size (19.5 inches) was at least one inch higher than any other state, one and a half inches higher than its Long Island Sound bordering state, Connecticut and two inches greater than its ocean / New York Harbor bordering state, New Jersey.

The Draft Addendum will also propose the continuation of ad hoc approaches to regional measures in the black sea bass recreational fishery. Addendum XXIII allowed for a combination of regional and state-by-state measures for the 2013 fishing year. Addendum XXIII expires at the end of 2013. Due to the wide geographic range of this species, the application of a coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. States were concerned the coastwide regulations disproportionately impact states within the management unit; therefore, the Board approved Addenda XXI-XXIII which allowed for regional and state-by-state measures in 2011-2013 for state waters only. The initiation of Draft Addendum XXIV is intended to provide continued management flexibility to mitigate potential disproportionate impacts on the states that can result from coastwide measures.

Draft Addendum XIV will be presented to the Board for its consideration and approval for public comment at its joint December meeting with the Mid-Atlantic Fishery Management Council in Annapolis, Maryland. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR13-53

Meeting Summary

The Summer Flounder, Scup and Black Sea Bass Management Board met to receive an update from the Technical Committee (TC) and the Summer Flounder Recreational Working Group; review current recreational landings data for the 2013 fishing year; and to consider action on the management of the recreational black sea bass fishery for the 2014 fishing year. The TC presented an update on recent meetings and an assessment of two modeling projects for use in recreational management specifications. The TC noted concerns in applying either of the models to the management process for the 2014 fishing year. The TC intends to proceed with setting the technical evaluation process for the 2014 fishing year similar to previous years. The Summer Flounder Recreational Working Group provided an update regarding a variety of management tools that are being considered to achieve more equity for recreational harvest opportunities along the coast.

The Board was briefed on the latest estimate of the recreational harvest for summer flounder, scup, and black sea bass in 2013. Lastly, the Board moved to request the Policy Board write a reply to Kathleen Moser, Asst. Commissioner of the NYSDEC, regarding the State of New York's efforts to address equity in the summer flounder recreational fishery. It also requested the Policy Board send a letter to the Northeast Fisheries Science Center and the MAFMC expressing the Commission's concern regarding the perceived lack of progress in addressing a key source of scientific uncertainty pertaining to the black sea bass stock status – specifically pertaining to the spatial analysis of the stock structure.

For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to initiate an addendum to the summer flounder, scup, and black sea bass fisheries management plan to consider and develop alternate approaches for management of the recreational summer flounder fishery for the 2014 fishing season.

Motion made by Mr. Gilmore and seconded by Mr. Simpson. Motion carries (6 in favor, 4 opposed, 2 abstentions).

Move to initiate an addendum using an ad hoc regional approach in the recreational black sea bass fishery.

Motion made by Mr. Nowalsky and seconded by Mr. Bellavance. Motion passes unanimously with 2 abstentions.

Move to recommend to the Policy Board that the Commission send a letter to the Northeast Fisheries Science Center and the MAFMC expressing the Commission's strong concern regarding the perceived lack of progress in addressing a key source of scientific uncertainty pertaining to black sea bass stock status – namely, a spatial analysis of stock structure.

Motion made by Mr. Ballou and seconded by Mr. Adler. Motion carries unanimously with 2 abstentions.

EXECUTIVE COMMITTEE (October 30, 2013)

Meeting Summary

The Executive Committee approved the FY2013 Audit. For more information, please contact Laura Leach, Director of Finance of Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions made.

LAW ENFORCEMENT COMMITTEE (October 30, 2013)

Meeting Summary

The Law Enforcement Committee (LEC) met to discuss a number of issues and receive updates from its state and federal members.

Information Requests

George Lapointe presented information to the LEC regarding a project to evaluate electronic technologies in data collection. The LEC provided information and perspectives on on-board video monitoring, electronic logging and tracking systems and some of the limitations and considerations of using these technologies for law enforcement purposes. Lou Goodreau presented information on efforts of the New England Fishery Management Council to coordinate lobster gear marking regulations among state and federal entities.

State/Federal Coordination

The LEC held a conference call with Mike Fry, NOAA's National Coordinator for Joint Enforcement Agreements. Members discussed current reimbursement procedures in light of the government shutdown, and exchanged information about state agreements and the status of Cooperative Enforcement Agreements. New agreements in 2014 should resolve outstanding limitations on at-sea boarding authority for state agencies.

Species Issues

Marin Hawk addressed the LEC regarding identification issues with dusky sharks and any potential identification concerns in the enforcement community. LEC members related positive experience with NOAA-sponsored identification workshops and related identification charts.

Marin Hawk updated the LEC regarding Asian horseshoe crab importation and discussed enforcement issues with current prohibitions or allowances for import of Asian horseshoe crabs among the states. LEC members discussed potential handling issues, identification of crab parts or meat, and the difficulty of field discrimination of the Asian species from native horseshoe crabs.

Toni Kerns briefed the LEC on potential new interest in cumulative trip limits for spiny dogfish. The LEC reiterated its previous position that cumulative or multi-day trip limit are not enforceable. Likewise, differing jurisdictional regulations where there might be a weekly cumulative trip limit allowed in federal waters while daily trip limits apply to state waters, would make the state waters limit very difficult to enforce.

Toni Kerns briefed the LEC on a recent letter requesting input on possible sentencing in a case involving illegal harvest of summer flounder via research set-aside quotas. LEC members discussed the importance of the case as a deterrent to future illegal activity, and the extensive commitment of resources needed to successfully prosecute such cases.

LEC members discussed American lobster management, and potential enforcement issues associated with trap tag transferability and the consequence of lobster gear remaining in the water during closed periods. Members will continue to monitor management regulations associated with the fishery and be prepared to identify enforcement difficulties.

LEC members reviewed the latest actions to develop management options for striped bass and expressed their desire to review and comment on enforcement issues associated with draft management options that are developed.

LEC Planning and Priorities

Toni Kerns reviewed proposed Strategic Plan elements pertaining to law enforcement for 2014 and beyond. The LEC is continuing to work on tasks that were partially completed in 2013. Most tasks remain unchanged and are actively addressed by the LEC each year.

The LEC reiterated its interest in including a representative of the Department of Justice as a standing member of the committee. The LEC coordinator will follow up with ASMFC staff regarding this request.

New Leadership

The LEC elected Lloyd Ingerson as its new Chair and Michael Eastman as its new Vice Chair.

For more information, please contact Mark Robson, LEC Coordinator, at markrobson2012@gmail.com.

AMERICAN EEL MANAGEMENT BOARD (October 30, 2013)

Press Release

ASMFC American Eel Board Postpones Action on Draft Addendum IV Maine Commits to Develop Plan with Industry to Control Glass Eel Harvest

St. Simons Island, GA - The Commission's American Eel Management Board has postponed action on Draft Addendum IV until the 2014 Spring Meeting so that it can continue to develop options for implementation during the 2015 fishing season. In the interim, Maine will meet with stakeholders in the glass eel fishery and develop a plan to reduce harvest of glass eels by 25-40% from the 2013 harvest for the 2014 fishing season. Landings in 2013 totaled 18,253 pounds and were valued at nearly \$33 million.

Draft Addendum IV was initiated in response to 2012 American Eel Benchmark Stock Assessment. The assessment found that American eel populations are depleted coastwide and recommended to reduce mortality across all life stages. Draft Addendum IV proposes management changes to the commercial glass, yellow, and silver eel fisheries. The Board approved Addendum III in August 2013 which implemented a 9 inch minimum size for the commercial and recreational yellow eel fishery, gear restrictions for the commercial yellow eel fishery, restrictions to the commercial silver eel fishery, and a decrease to the recreational creel limit. Combined both addenda intend to reduce fishing mortality and improve the health of the resource.

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

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PR13-51

Meeting Summary

The American Eel Management Board met to consider approval of Draft Addendum IV for Public Comment, receive an update on the petition to list American Eel under the Endangered Species Act

(ESA), to approve the FMP Review for 2013 and *de minimis* requests, and considered a request for glass eel harvest for aquaculture purposes from the state of North Carolina.

The Board was briefed on the timeline of the potential ESA listing of American eel. American eel were petitioned to be listed in 2010. A status review, as required under the Endangered Species Act, is expected to be completed by USFWS and a proposed rule will be published by September 2015.

The Board accepted the 2013 Fishery Management Plan (FMP) Review of the 2012 fishing year and granted *de minimis* requests for commercial yellow eel fisheries in New Hampshire, Massachusetts, Pennsylvania, South Carolina, and Georgia.

The Board considered a request from the State of North Carolina to allow for the harvest of up to 750 pounds of glass eels under a Scientific Collection Permit for aquaculture purposes. The request was not approved by the Board.

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

Motions

Main Motion

Move to postpone action on Draft Addendum IV until 2014 annual meeting and task the TC/SASC to update the landings and key indices through 2013. In the interim, Maine will meet with industry and report back to the Board a significant glass eel catch cap for 2014 at the winter meeting.

Motion made by Mr. Keliher and seconded by Mr. Augustine. Motion amended.

Motion to Amend

Move to amend to postpone to the Spring Meeting (May 2014).

Motion made by Mr. Nowalsky and seconded by Mr. Lustig. Motion carries (14 in favor, 1 opposed, 1 null).

Main Motion as Amended

Move to postpone action on Draft Addendum IV until 2014 spring meeting and task the TC/SASC to update the landings and key indices through 2013. In the interim, Maine will meet with industry and report back to the Board a 25-40% reduction of glass eel catch from 2013 harvest for the 2014 season at the winter meeting.

Motion carries (16 in favor, 2 opposed).

Move to accept the 2012 American Eel FMP Review and compliance report and approve *de minimis* for the following states: NH, MA, PA, SC and GA.

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

Move to accept North Carolina's scientific permit request for 750 pounds of glass eel harvest.

Motion made by Dr. Daniel and second by Mr. Self. Motion fails (1 in favor, 14 opposed, 3 abstentions).

Move to delay implementation of the Addendum III dealer reporting requirement until January 1, 2015.

Motion by Mr. Allen and seconded by Mr. Gilmore. Motion carries (15 in favor, 2 abstentions).

CAPTAIN DAVID H. HART AWARD LUNCHEON (October 30, 2013)

Press Release

ASMFC Presents G. Ritchie White Prestigious Captain David H. Hart Award

St. Simons Island, GA - The Atlantic States Marine Fisheries Commission presented G. Ritchie White, long-time ASMFC Commissioner from New Hampshire and fisheries advocate, the Captain David H. Hart Award, its highest annual award, at the Commission's 72st Annual Meeting in St. Simons Island, GA.

Mr. White contributed firsthand to the recovery of striped bass and the steady increase of recreational and commercial fishing opportunities as a member of the ASMFC Striped Bass Advisory Panel in the 1990s. In 2000, Mr. White was selected by Governor Jeanne Shaheen to officially join the Commission as his state's Governor's Appointee. During his fourteen years as an ASMFC

Commissioner, he has actively participated in the Commission's fisheries management process, serving on a number of species management boards, sections and committees, and took on his first leadership role as Chair of the Northern Shrimp Section in 2006 and as past chair of the Governors Appointees. Mr. White now serves as the Chair of the Winter Flounder Board, and remains an influential member in numerous other areas of the Commission.

What makes Mr. White exceptional is his role as a dedicated and staunch advocate for science-based management. He consistently strives to put the resource first while balancing the needs of commercial and recreational anglers and coastal communities. His steadfast commitment can further be illustrated with his many contributions to fisheries and wildlife management that extend far beyond his work with the Commission. Mr. White serves on the Board of Directors of Ducks Unlimited and the American Bluefin Tuna Association, and was a founding member of the Coastal Conservation Association of New Hampshire, where he has been an active member of the Board of Directors since its inception. Recently, Mr. White has taken on the job of Coordinator for New Hampshire's Revolving Loan Fund, providing low interest loans for the New Hampshire fishing industry. He was also a founding member of Rescue Great Bay where he promoted the importance of clean water for estuarine habitats and its value to coastal communities that rely on healthy marine resources for economic success.

As Commissioner, Mr. White has fostered an open approach to fisheries management and ownership of the Commission actions, holding the Commission to the highest standards of transparency and accountability in all that it does. His actions and demeanor truly embody the spirit and character of the Captain David H. Hart Award. The Commission instituted the Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources.



From left: ASMFC Executive Director Bob Beal, G. Ritchie White, and ASMFC Awards Committee Chair Jack Travelstead

HABITAT COMMITTEE (October 30 & 31, 2013)

Meeting Summary

The Habitat Committee (HC) met to share updates and discuss products by the working groups based on the 2013 work plan.

The 2014 Strategic Plan's language states contains the following language: "The challenge for the Commission and its state members is maintaining fish habitat in the absence of specific regulatory authority for habitat protection or enhancement." The Habitat Committee would like to change "absence" to "limited" because there has been ongoing discussion about the authority of the Commission and states to implement habitat regulations. The HC expanded on the topic of habitat regulatory compliance by states and cited the Winter Flounder FMP as an example of a habitat management requirement. The HC's role is providing recommendations and working with the species Technical Committee, which then advises the management boards on necessary management measures to address habitat issues.

ASMFC staff provided an update on the Fish Passage Working Group. The group is working on two projects, hydropower and non-hydropower. A resource document is being developed for state personnel on the Federal Energy Regulatory Commission's (FERC) hydropower dam relicensing process. The non-hydropower project is a tool for prioritizing fish passage projects. Two ideas are being considered: to use existing tools such as the North Atlantic connectivity project to prioritize at a state level, at the coastwide level, or both.

The Habitat Management Series 2013 issue will focus on nearshore and estuarine aquaculture. It will be an objective presentation of beneficial, negative, and neutral perspectives on state-water aquaculture activities. Following the format of the previous HMS issue, the 2013 installment will include an introduction that explains what is covered and what is not addressed in this publication; summaries of policies from state to federal levels; the range of species, topics, and purposes; and a resource section for further information. In addition, case studies will be featured as sidebars to illustrate some of the diverse topics. Currently, the product is in the outline phase. The HC provided many suggestions to the outline, which will be incorporated. The next action step is for the working group to draft the sections, with continued contributions by HC members.

The Habitat Bottlenecks Working Paper is a tool to inform fisheries managers of the potential and real bottleneck threats faced by stocks that are not responding to fishing effort regulations. It will present the bottlenecks that may be addressed by management measures, as well as those that may not, for the purpose of increasing awareness. The HC reviewed the Habitat Bottleneck working paper, which includes an introduction, definition, explanation of the concept of bottlenecks, and case studies. The paper will be expanded upon to include further explanations and categories of bottlenecks. Rather than addressing depleted ASMFC-managed species individually as a priority focus, the HC will list and explain the common bottlenecks and link these to depleted species.

The Habitat Hotline 2014 installment focuses on policy. The articles are mostly complete, although many states still have to submit updates on their recent projects. The final draft will be completed by mid-December.

The Habitat Areas of Particular Concern is a compilation of all HAPC designations in ASMFC-managed species. It includes the exact language from all FMP documents and notes the date of designation, as well as any relevant federal FMPs. At this point, the HC will review the designations and provide comments on the context of these HAPCs by noting errors, outdated information, etc. After the review, the HC will examine the option to develop an omnibus addendum to address all the changes and updates.

The Sciaenid Source Document was approved as a task for the HC in lieu of completing the Black Drum Habitat Addendum. It would be more cost effective to address ASMFC-managed sciaenids at once, as well as some species (i.e. kingfishes) that may potentially have interstate FMPs in the future.

The HC discussed the next meeting. There is interest in holding the meeting earlier than May, and having a joint meeting with habitat committees and/or advisory panels from the three regional fishery management councils. For more information, please contact Melissa Yuen, Habitat Coordinator, at myuen@asmfc.org or 703.842.0740.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (October 30 & 31, 2013)

Meeting Summary

The Interstate Fisheries Management Program (ISFMP) Policy Board met to review and consider a number of issues. Gordon Colvin, with NOAA Fisheries, presented several new changes to the Marine Recreational Information Program (MRIP). The Board received the status of development of four major components of new Atlantic coast survey design – (1) estimation (complete); (2) intercept design (complete, and working with states to improve productivity); (3) effort (single-phase ABS mail survey pilot ongoing); and (4) for-hire. It also received information on the next steps in implementation of MRIP; the results of the Regional Implementation Workshop held this summer; the process for working with regional FINs (ACCSP, in this case) to determine needs and priorities for improved coverage, precision, timeliness and special purpose surveys, and to make decisions on survey methods and standards; the status of consideration of moving to electronic trip reporting for charter boats and headboats; and the results of Gulf of Mexico Pilot Project, implications and possible next steps.

George Lapointe, a contractor for NOAA Fisheries, presented information on the Electronic Technologies Initiative. He discussed opportunities, impediments, and the needed steps to develop and implement regional electronic technology plans.

The Board reviewed a white paper on the cancer crab fishery for initiation of management consideration. Prior to consideration of action the Commission will review the management recommendations from a Fishery Improvement Project (FIP) for cancer crab at the February 2014 meeting (if available). The FIP is an industry-led initiative to develop and implement a plan to improve the sustainability of the fishery. Their goal is to enact a FIP that would result in improved fisheries data and monitoring, as well as traceability efforts that enable product differentiation in the marketplace.

The Commission reviewed three initiatives to promote the conservation of shad and/or river herring stocks. NOAA Fisheries has established a Technical Working Group that will develop a long-term and dynamic conservation plan for river herring throughout species' range from Canada to Florida. The Atlantic Coast Fish Habitat Partnership, sponsored by the National Fish and Wildlife Foundation's river herring initiative, will coordinate a multi-region webinars to prioritize river herring habitat restoration project for on the ground restoration. The MAFMC has begun the development of a joint Council/ASFMC/state/ regional office/center working group to seek to improve current management by aligning ASMFC, individual state, and at sea cap management measures in comprehensively address fishing. The Commission has agreed to work through the Northeast Regional Coordinating Council to ensure these efforts are not duplicative.

Dr. Madeleine Hall-Arber reviewed the results of the Commissioner survey of socioeconomic data use and needs. She presented 3 ways to provide socioeconomic information to the Commission: the annual fishery management plan review, addenda and amendments, and socioeconomic assessments, some of which would have costs associated with them. The Commission is interested in perusing these methods, in particular the assessment, and will discuss further after a budget review.

Based on the recommendation from the Herring Section, the Commission will send a letter to the NEFMC requesting to have its SSC/PDT work with the Commission's Atlantic Herring Technical Committee, as a priority issue, to identify what's known about Georges Bank / Nantucket Shoals spawning and provide an offshore sampling protocol for the purposes of protecting spawning herring.

Based on the recommendation from the Summer Flounder, scup, and Black Sea Bass Board the Commission will send a letter to the Northeast Fisheries Science Center and the MAFMC expressing the Commission's strong concern regarding the perceived lack of progress in addressing a key source of scientific uncertainty pertaining to black sea bass stock status – namely, a spatial analysis of stock structure. The Commission will also reply to the New York Assistant Commissioner to inform her of the action to initiate an addendum to consider changes to the summer flounder fishery recreational fishery in 2014.

The Board received updates from the following committees: Law Enforcement, Management and Science and the ACFHP, please see the respective meeting summary for the committee report details. For more information, please contact Toni Kerns ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

No motions made.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (October 31, 2013)

Press Release

ASMFC Spiny Dogfish Board Revises Quotas for 2014/2015 and 2015/2016 Fishing Seasons

St. Simons Island, Georgia – The Commission's Spiny Dogfish and Coastal Sharks Management Board increased its spiny dogfish quotas for the 2014/15 and 2015/16 fishing seasons (May 1 – April 30) in response to increases in spawning stock biomass. The 2014/2015 quota is now set at 49,370,000 pounds (previously 41,784,000 pounds) and the 2015/1016 quota is set at 50,612,000 pounds (previously 41,578,000 pounds), with a maximum possession limit of 4,000 pounds per day for the northern region states (Maine through Connecticut). Quotas for the northern region and southern states (New York through North Carolina) are provided in the table below. Any overages from the previous fishing seasons will be paid back by the region or state in the following season, as has been done in the past. The Mid-Atlantic Fishery Management Council (MAFMC) forwarded the same recommendation to the National Marine Fisheries Service Northeast Regional Administrator for final action. The New England Fishery Management Council has not specified when it will consider the new quotas.

ASMFC Regional/state quotas and possession limits for the 2014/2015 and 2015/2016 fishing seasons (in pounds). Quotas will be adjusted for any over/under harvests in the previous fishing season.

	Northern Region (ME - CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	4,000	To be specified by individual southern region states					
% Allocation	58.00%	2.71%	.64%	90%	5.92%	0.80%	4.04%
2014/2015	28,634,600	336,446	73,843	2,355	22,704	329,492	29,573
2015/2016	29,354,960	370,067	68,781	3,484	96,230	463,565	103,900

The Board’s action responds to the findings of the 2013 Northeast Fisheries Science Center (NEFSC) Update on the Status of Spiny Dogfish, which estimates spiny dogfish are not overfished and not experiencing overfishing. Spawning stock biomass (SSB) was estimated at 465.99 million pounds in 2013 and has exceeded the target (351.23 million pounds) for the past six years. Fishing mortality was estimated to be 0.15 in 2012, well below the plan’s threshold (0.2439). The recommendation from the MAFMC Science and Statistical Committee (SSC) took into account the projected record low recruitment from 1997 to 2003; the recommended quotas are not expected to cause SSB to decline below the biomass threshold.

Discards have remained relatively stable around 11 million pounds over the past decade and are expected to remain near that level in the future fishing seasons. Canadian and foreign landings have also decreased significantly in recent years. It is anticipated the Canadian dogfish harvest will not increase in the near future given the lack of demand for the product and the subsequent closure of Canadian spiny dogfish processors.

Additionally, based on the recommendation of its Coastal Sharks Technical Committee, the Board approved a 36 fish possession limit for sharks in the large coastal sharks (LCS) species group (silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks) for 2014. The Board’s action complements the proposed federal shark specifications.

Finally, the Board approved Addendum III to the Coastal Sharks Interstate Fishery Management Plan, which changes the plan’s coastal shark species groupings for hammerhead and blacknose sharks and establishes a new commercial quota and recreational size limit for hammerhead sharks. These modifications were made to ensure consistency across the state and federal plans.

Addendum III will be available on the Commission website (www.asmfc.org) or by contacting the Commission at 703.842.0740. For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org or 703.842.0740.

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PR13-57

Meeting Summary

The Spiny Dogfish and Coastal Sharks Management Board met to review and reconsider spiny dogfish specifications for the 2014/2015 and 2015/2016 fishing seasons. The Board also approved the 2013 Spiny Dogfish FMP Review and state compliance, and approved the *de minimis* requests for Delaware, South Carolina, Florida and Georgia. In terms of coastal sharks, the Board approved the 2014 specifications and Addendum III was given final approval. This Addendum changes species groupings and the recreational size limit for hammerhead sharks to ensure consistency with the NOAA Fisheries Highly Migratory

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

Motions

Move to reconsider the adoption of the spiny dogfish quota for 2014 an ACL/AM of 60.695 M lb resulting in a commercial quota of 49.037 M lb, and to adopt for spiny dogfish in 2015 an ACL/AM of 62.270 M lb resulting in a commercial quota of 50.612 M lb.

Motion made by Mr. Augustine and seconded by Mr. Bellavance. Roll Call Vote. Motion carries without objection (Abstentions from NMFS, USFWS, GA).

Move to accept the 2013 Spiny Dogfish FMP Review and state compliance and approve *de minimis* status for DE, SC, FL and GA.

Motion made by Mr. Augustine and seconded by Dr. Rhodes. Motion carries without opposition.

Move to approve the 2014 coastal shark specifications conditional on NOAA Fisheries final rule.

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

Move to approve Issue 1, Option B. Measures Consistent with HMS Amendment 5a and approve Issue 2, Option B: Measures Consistent with HMS Amendment 5a. Smooth hammerhead, scalloped hammerhead and great hammerhead sharks will have a 78 inches FL recreational size limit. All other recreational measures will remain the same.

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion passes without objection.

Move to approve Addendum III to the Coastal Sharks FMP as selected today.

Motion made by Mr. Augustine and seconded by Mr. Himchak. Motion carries. Roll call vote. Motion passes unanimously.

HORSESHOE CRAB MANAGEMENT BOARD (October 31, 2013)

Press Release

ASMFC Horseshoe Crab Board Sets 2014 Specifications for Horseshoe Crabs of Delaware Bay Origin

St. Simons Island, Georgia – The Commission’s Horseshoe Crab Management Board has approved the harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2014 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the states of New Jersey, Delaware, Maryland and Virginia, which harvest horseshoe crabs of Delaware Bay origin:

	Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)	Total Quota
State	Male Only	Male Only
Delaware	162,136	162,136
New Jersey	162,136	162,136
Maryland	141,112	255,980
Virginia*	34,615	81,331

*Virginia harvest refers to harvest east of the COLREGS line only

The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. It was developed in recognition of the relationship between horseshoe crab eggs and shorebirds in the Delaware Bay Region. The optimized harvest level will be reevaluated annually, allowing for management to adapt to the changes in the population levels of horseshoe crabs and shorebirds as a result of the regulations.

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

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PR13-55

Meeting Summary

The Horseshoe Crab Management Board met to review the 2013 stock assessment update and approve its use for management decisions. The update indicated that the horseshoe crab populations in the Delaware Bay and Southeast Regions are stable. The update also indicated that stocks in the New England and New York Regions continue to decline. The Board directed the Horseshoe Crab Technical Committee (TC) to investigate the declines in those regions and report back to the Board in February. The Board discussed the concerns with the increase in biomedical harvest and ways to address this issue. The Board received an update from the TC concerning the proposed listing of red knots. The Board also reviewed the 2014 Adaptive Resource Management (ARM) Framework Harvest Recommendations and approved the specifications for 2014. Finally, the Board reviewed Delaware's request to remove the Delaware Bay Egg Survey as a compliance element for New Jersey and Delaware, and the Board approved the request.

Motions

Move to accept the stock assessment update for management use.

Motion made by Mr. Augustine and seconded by Mr. Travelstead. Motion carries without objection.

Move to accept the 2014 ARM recommendations.

Motion made by Mr. Augustine and seconded by Mr. Miller. Motion carries without objection.

Move that the egg survey monitoring requirement for the states of Delaware and New Jersey be excluded as a compliance requirement beginning with the 2014 spawning season.

Motion made by Mr. Michels and seconded by Mr. Augustine. Motion carries without objection.