



Revised Approach to Provide Fishery Stock Assessment Advice, NE Region, USA

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Fall 2011

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Outline

Talk will describe:

- 1. transition from SAW/SARC stock assessment process to new process.**
- 2. why change is needed.**
- 3. concerns about tradeoffs that accompany transitioning to the new assessment process.**

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Current SAW/SARC process:

- Participants are familiar w/ process; started 1985
- Assessment ToRs: extensive (external input, review of data and model, some food web considerations, projections, status, etc)
- Full Independent Peer Review; public
- Complete documentation (reports)
- 5-8 detailed benchmarks/yr (+ updates, etc)

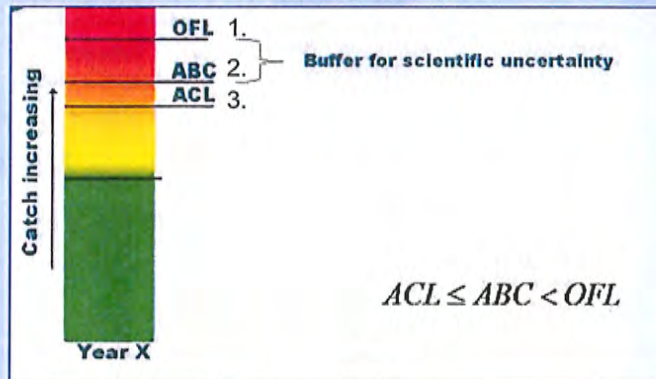
Why change the process?

- Current process can't keep up with new legal demands
- New fed management rules call for hard catch limits, on every stock, by year
- Need to ↑ # of assessments/yr (~50 stocks to assess)
- Current process requires too much time per assessment, given current resources
- Want "up to date" assessments for decision making. Long time gaps increase assessment uncertainty and management buffers

New US fishery law:

Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (RMSA)

US Dept. of Commerce, May 2007



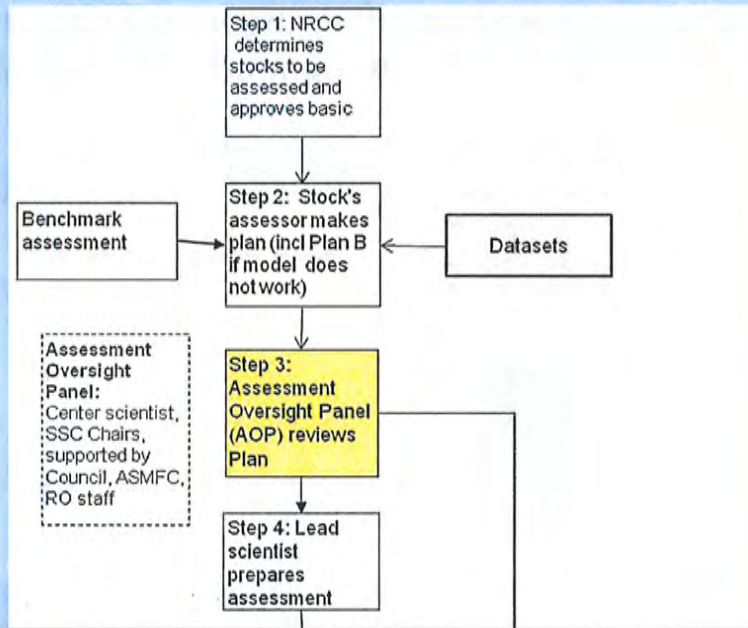
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The New Planned process:

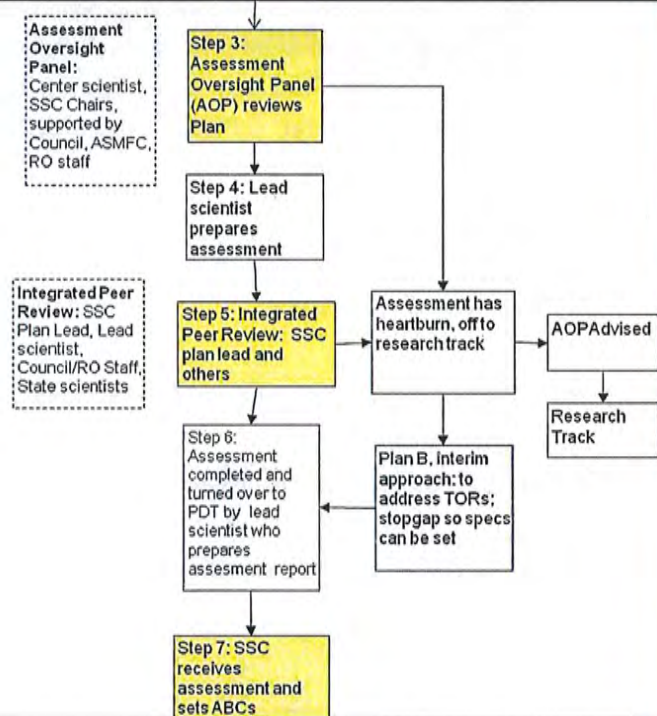
- 10-25 “Operational Track” Assessments/yr
- Quicker
- Shorter list of ToRs
- Less Peer Review, with more SSC participation
- “Research Track” to develop new methodologies
- Transition in 2011-2013

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New process: flowchart (part 1)



Flowchart (part 2.)



Transition Schedule

2011

- SARC 52 and 53
- Operational Track Test Run (NE Grndfsh)

2012

- SARC 54 and 55
- Operational Track Test Run (NE Grndfsh & Mid-Atl Updates)

2013

- SARC 56 and 57
- Operational Track Test Run (NE Grndfsh & Mid-Atl Updates)

2014

- Operational Track
- Research Track

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Possible Tradeoffs and Constraints:

• Increase the throughput -vs- Impact on assessment information/content/quality

- More Operational Assessments (each with fewer TORs and less peer review)
- Less investigation of research topics

• Adjustment of Managers & Regulators to having more stock assessment results, more frequently

• NEFSC services (e.g., staff support of some Council activities)

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Summary

1. Current assessment process in NE USA does not produce enough assessments to meet demands of revised MSA.

2. Response: developing new process to provide “operational track” assessments at a faster rate (with separate “research track”).

3. Concerned about tradeoffs as we transition from the old to the new process.

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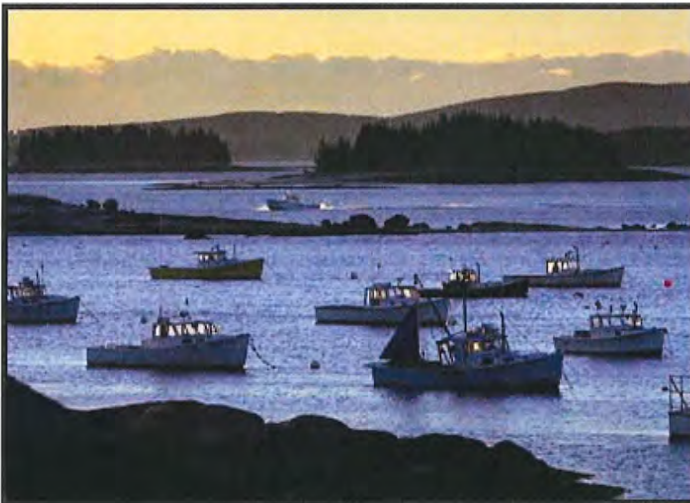
More Acknowledgements

Individuals from the following groups contributed ideas to develop the new process:

NEFMC and SSC
MAFMC and SSC
NERO
ASMFC
NRCC
NEFSC

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Northeast Enforcement Division Annual Report, Fiscal Year 2011



Between calendar year 2006 and 2010, the total number of federally-permitted vessels decreased by 619. However, the number of Federal permits landing fish has increased by almost 1,000 permits between those same years (Figure 1, Table 1).

Federal Permits Calendar years 2006-2010

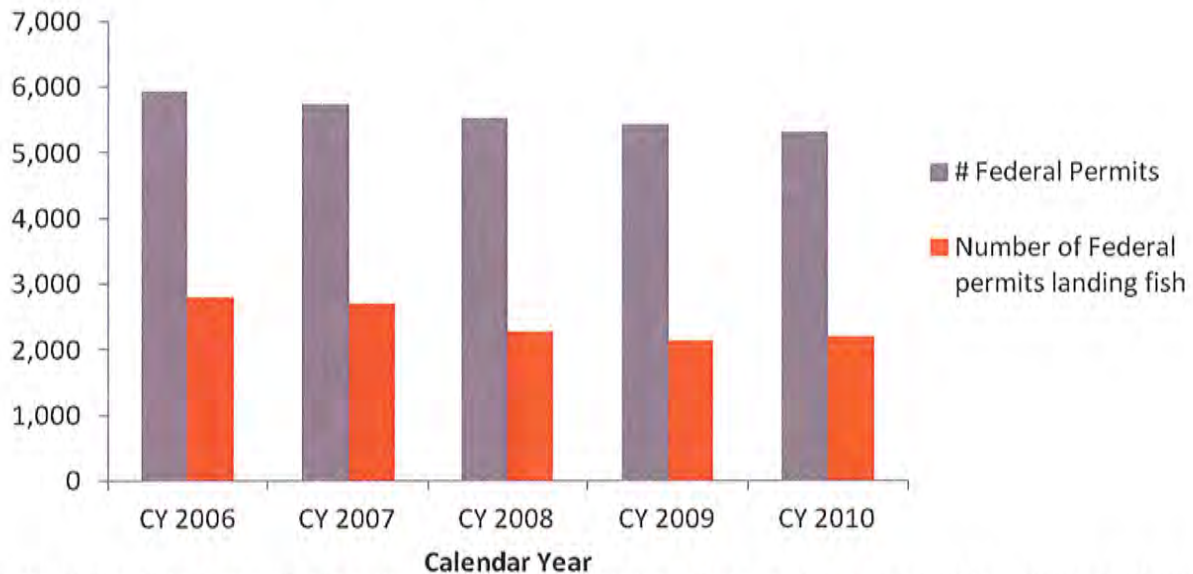


Figure 1. This data is unavailable in fiscal year format, therefore 2011 data is not yet complete. *Source: FSO data.*

Cases Opened Fiscal Years 2006 - 2011

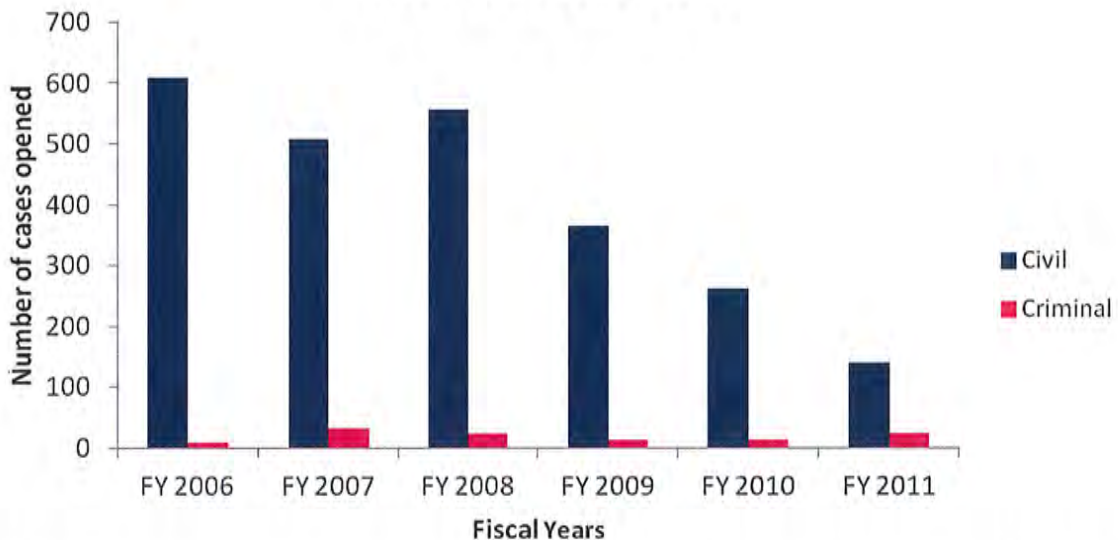


Figure 2. Distribution of civil and criminal cases opened per fiscal year, FY 2007 – FY 2011. *Source: LEADS: Cases opened, criminal cases.*

Year	# Federal Permits	# of Federal Permits Landing Fish	Number of Fishing Trips	Revenue Landed	Pounds Landed	Number of OLE NED Cases
2006	5,940*	2,797*	133,030*	\$1,327,444,000**	1,442,780,000**	617
2007	5,739*	2,706*	125,512*	\$1,316,226,000**	1,321,764,000**	550
2008	5,521*	2,266*	108,175*	\$1,243,264,000**	1,268,290,000**	610
2009	5,428*	2,138*	106,787*	\$1,207,073,000**	1,318,966,000**	397
2010	5,321*	2,185*	103,154*	\$1,467,439,000**	1,362,914,000**	290

Table 1. Permits, trips, landings and OLE NED cases annually from 2006-2010 (calendar years).

*Source: Analysis and Program Support

**Source: Fisheries of the United States, U.S. Department of Commerce.

Note: Figures in italics are the highest for that category.

Hours spent on patrols/monitoring Fiscal years 2006-2011

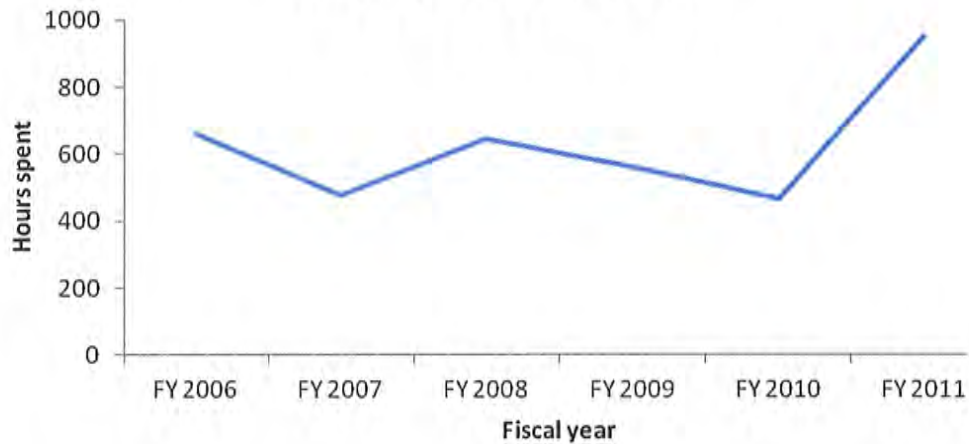


Figure 3. Time spent by OLE NED on patrols and monitoring of fishing activities in fiscal years 2006-2011.

Source: LEADS: Milestone reports. Patrol Report, Division select.

Domestic Landings Revenue Calendar years 2006-2010



Figure 4. Landings/value of domestic landings in the Northeast Division of OLE, in calendar years 2006-2010.

Source: Fisheries of the United States, U.S. Department of Commerce.

2011 Case Highlights

- **Seafood fraud**
 - Stephen C. Delaney falsely labeled \$8,000 worth of frozen fillets of pollock from China as cod loins, product of Canada. He also sold \$203,000 worth of frozen fillets through interstate commerce with the country of origin misrepresented. Delaney, who collaborated with Thomas Katz and Universal Group, was sentenced to three months of home confinement, one year of probation, and \$5,000 in fines.
 - Thomas Katz and Universal Group purchased over 90,000 pounds of frozen fish fillets worth over \$300,000 invoiced as "China basa", a type of Asian catfish, only to relabel the fish as grouper and sell it to a major restaurant chain. They further purchased 2.5 million pounds of fish worth over \$5.5 million, which was also mislabeled as grouper. Katz and Universal were each sentenced to pay a \$75,000 fine; three years of probation to Katz and one year to Universal. The sentencing judge explained that imprisonment would have been appropriate had Katz been in better health.
- **Sperm whale/narwhal tusk smuggling**
 - Special Agents arrested a Ukrainian ivory smuggler/fugitive after a three year undercover operation in which Agents made nine purchases of endangered species parts. The undercover operation involved the creation of a fictitious business and identity to lure the suspect to the US. The suspect was responsible for the illegal smuggling of ivory valued at over one million dollars. Andriy Mikhalyov of Odessa, Ukraine, pleaded to charges that he and others conspired to buy, sell and smuggle sperm whale teeth and was sentenced to nine months.
 - David L. Place of Nantucket, MA, who conspired with Mikhalyov, was convicted of eight counts including conspiracy, Lacey Act violations and smuggling for buying and illegally importing sperm whale teeth and narwhal tusks into the U.S., as well as selling the teeth and tusks after their illegal importation. Place was sentenced to 33 months in prison.
 - Also related to this case, James Saunders was sentenced six months home confinement and 50 hours of community service from his conviction as part of a scheme to illegally buy, sell and smuggle sperm whale teeth.
- **Observer harassment**
 - During the course of a several day commercial fishing trip out at sea in July 2010, John Cusick, 50, forcibly assaulted, sexually harassed, impeded, interfered with, and intimidated a female federal at-sea monitor who was working on the vessel collecting data while the vessel was engaged in fishing activities. During the course of the trip, which departed from Gloucester and returned to port in Boston, Cusick made numerous and repeated unwanted sexually explicit comments and gestures to the monitor. Judge Leo T. Sorokin scheduled sentencing for January 20, 2012. Cusick faces up to six months in prison and a \$100,000 fine.
 - Richard Wetherell, 50, of Jamestown, Rhode Island was indicted on two counts of forcible assault against federal monitors during a fishing trip.
- **Marine Mammal Protection Act**
 - NED Special Agents worked collaboratively with other agencies and non-profits to investigate marine mammal harassment cases. Over the summer, seals and whales were found dead with gunshot wounds in Cape Cod and New Jersey, respectively. OLE welcomes any information on these cases and has teamed up with some non-profits that are offering

rewards for any information that leads to the identification, arrest and conviction of the individuals responsible for these violations.

2011 Outreach Efforts

While the NED has always considered Community-Oriented Policing and Problem Solving (COPPS) to be one of its key tools, the division has significantly increased its education and outreach component throughout the past year. For years, the NED has made a concerted effort to provide regulatory assistance and opportunities for education to the fishing industry.

This year, OLE implemented a new communications program in the Northeast. The program, with Don Frei, Compliance Liaison, and Sheila Jarnes, Outreach Specialist, supplemented the hard work and consistent outreach efforts of the special agents and new enforcement officers. In 2011, the NED spent a total of 2,210 hours on outreach/COPPS and 952.3 hours on monitoring/patrols to ensure OLE was accessible to industry.

The NED's increased outreach efforts include:

- Meeting with fishermen and other industry members face-to-face throughout the entire NED to hear concerns and feedback
- Consistent collaboration with other departments to ensure outreach efforts are in line with each other. This also helps staff be aware of any upcoming changes industry should be aware of.
- Regular attendance at public fisheries meetings
- The development of simplified informational packages to help industry understand the regulations, and therefore improve compliance
- Explaining the regulations over the phone, and/or referring them to whomever can best help
- Educational presentations for the general public and schools

Events

- Maine Fishermen's Forum
- NEFMC, MAFMC, and ASMFC meetings throughout the year
- Tuna Mania
- U.S. Attorneys' Bring Your Kids to Work Day
- Attendance at public outreach presentations on regulatory changes, such as Framework 45
- Wellfleet Oyster Festival
- Charter Boat Captains' meetings
- Endangered Species Day educational events

Products

- Regulatory laminated guides for industry to keep on board (common pool and recreational/charter boat minimum sizes and possession limits; considering creating other laminated pages for wheelhouses)
- Notebooks with simplified information sheets on the regulations sector members need to know

Hours spent on COPPS/outreach
Fiscal Years 2006-2011

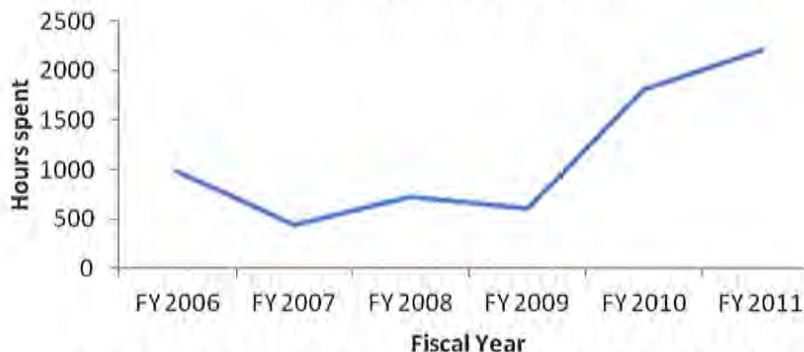


Figure 5. Time spent by the NED on outreach/COPPS in fiscal years 2006-2011. Source: LEADS: Milestone reports. Outreach Report, Division select.

- Regulatory guides for the agents and officers covering all fisheries in the NED
- Kids' activity and education book on how OLE protects our marine resources

2011 Observer Program Enforcement

A LEADS query was run for NED complaints reported in Fiscal Year 2011 in which a "NMFS Observer" was the source of the complaint. This query resulted in records pertaining to ninety-five Incident Reports. This report separates the complaints by type and summarizes their status.

Criminal Investigations

No criminal investigations relating to observer violations were initiated.

Refusal Investigations

Thirty three observer refusal complaints were documented. Nine were closed due to lack of evidence, seven were closed as unfounded, four were closed as info only, ten were closed under COPPS, one was referred to GCEL, and two remain open.

Harassment/Intimidation Investigations

Five observer harassment/intimidation complaints were documented. Two were closed due to lack of evidence, one was closed as info only, one was closed under COPPS, and one remains open.

Assault Investigations

One observer assault complaint was documented. This complaint was closed as unfounded.

Interference Investigations

Twelve observer interference complaints were documented. Three complaints were closed due to lack of evidence, two were closed as unfounded, two were closed as info only, four were closed under COPPS, and one remains open.

Safety Investigations

Nineteen observer safety complaints were documented. One was closed as unfounded, four were closed as info only, thirteen were closed under COPPS, and one was closed with a written warning.

Gear/Sample Tampering

No observer gear or sample tampering complaints were documented.



Atlantic States Marine Fisheries Commission

70th 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

70th Annual Meeting
Boston, Massachusetts
November 6 – 10, 2011

For more information, please contact
the identified individual,
Robert Beal, ISFMP, or
Tina Berger, Public Affairs

703.842.0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (November 7, 2011)

Meeting Summary

The Atlantic Herring Section (Section) met to review the 2011 fishery, set the 2012 Area 1A sub-annual catch limit (ACL) allocation, and review the New England Fishery Management Council's (NEFMC) Draft Amendment 5 to the Atlantic Herring Fishery Management Plan (Amendment 5). Technical Committee Chair Dr. Matt Cieri presented the Section with a review of 2011 IVR, VTR, and SAFIS landings compared to previous years. Area 1A catch rates were lower than average from June – September and increased in October while Area 3 catch rates were higher than average.

Following the 2011 fishery review, the Section considered the Area 1A sub-ACL seasonal allocation and associated specifications. Addendum I to Amendment 2 to the Atlantic Herring Interstate Fishery Management Plan allows the Section to allocate the Area 1A sub-ACL (26,546 metric tons in 2012) seasonally. The Section agreed to allocate the sub-ACL into two seasonal periods, with 72.8% available from June – September and 27.2% available from October through December. Each season will close when 95% of that period's quota has been harvested and underages from the June – September period will be rolled into the October – December period. This allocation is consistent with the 2011 seasonal allocation.

The Section received an update of the most recent version of NEFMC Draft Amendment 5, which proposes regulatory changes in four main areas—the fishery management program, catch monitoring at sea, measures to address river herring bycatch, and mid-water trawl access to groundfish closed areas. The NEFMC will review an updated version of Draft as well as consider a request from the Mid-Atlantic Fishery Management Council to include catch cap provisions consistent with Draft Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP, during its meeting on November 15, 2011. The Amendment 5 Draft Environmental Impact Statement will be formally submitted to NMFS in November 2011. Public hearings will be held around spring 2012 for final implementation in 2013.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at 703.842.0740 or cvonderweidt@asmfc.org.

Motions

Move to allocate the 2012 Area 1A sub-ACL seasonally with 72.8% available from June – September and 27.2% allocated from October through December. The fishery will close when 95% of a seasonal period's quota has been harvested and underages from the June – September period may be rolled into the October – December period.

Motion made by Mr. Stockwell and seconded by Mr. Adler. Motion passes (7 in favor).

Move to nominate Terry Stockwell as Vice Chair.

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

AMERICAN LOBSTER MANAGEMENT BOARD (November 7, 2011)

Press Release

ASMFC American Lobster Board Adopts 10% Reduction in Exploitation for the Southern New England Stock as First Phase of Rebuilding Program

Boston, MA – The Commission's American Lobster Management Board has adopted a 10% reduction in exploitation by all fishing sectors and all gear types starting January 1, 2013 as the first phase in the

Board's efforts to rebuild the Southern New England stock. The 10% reduction would come from changes in the minimum size limit, maximum size limit, and/or closed seasons.

State agencies will convene meetings of the Lobster Conservation Management Teams (LCMT) for Areas 2 through 6 to develop exploitation reduction plans consistent with the suite of approved options contained in Draft Addendum XVII. States are required to submit plans by December 24, 2011 for Technical Committee review. The Board will consider final approval of the plans through adoption of Draft Addendum XVIII at the Commission's 2012 Winter Meeting.

The Board also moved forward on the development of Draft Addenda XVIII and XIX to initiate the second phase of its rebuilding efforts. Both addenda will propose area-specific measures to scale the scope of the Southern New England fishery to the size of the resource. Draft Addendum XVIII will propose effort control programs for Lobster Conservation Management Areas 2 and 3. Draft Addendum XIX will include options based on recommendations from LCMTs for Areas 4 through 6, the American Lobster Technical Committee and the Plan Development Team. These options would include, but are not limited to, a minimum reduction in traps fished by 25%.

The Board's actions are taken in response to status of the Southern New England lobster stock which is at low levels of abundance and experiencing persistent low recruitment caused by a combination of environmental factors and continued fishing mortality. It is this low recruitment that is preventing the Southern New England stock from rebuilding. Under the assumptions of poor recruitment and high natural mortality, the Technical Committee is not certain the stock would recover to the target level under a total fishery moratorium.

For more information, please contact Toni Kerns, Senior FMP Coordinator, at 703.842.0740 or tkerns@asmfc.org.

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PR11-40

Motions

Main Motion:

Move to approve Option 3 of Addendum XVII to reduce exploitation by 10% for the commercial and recreational sectors throughout the SNE stock area, with the reduction in exploitation applying to all gear types. The State agencies will be asked to convene meetings of LCMTs in Areas 2 through 6, and other interested parties, for the purpose of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. If a LCMT recommends an option that is inconsistent or deviates from Addendum XVII, the proposal will be first reviewed by the technical committee, who will formalize a recommendation for the Board meeting in February. The Board shall enact final approval of the Addendum at the February 2012 meeting.

Motion made by Mr. McKiernan and seconded by Mr. McElroy. Motion fails (Roll Call Vote: In favor – MA, RI, CT, NY, NMFS; Opposed – ME, NH, NJ, DE, MD, NC; Abstentions – VA).

Motion to Substitute:

Move to substitute to delay a decision on any management measure in Draft Addendum XVII for LCMAs 3, 4, and 5, until such time as the PDT and TC resolves outstanding data issues with New Jersey Marine Fisheries Administration staff on the three bulleted issues identified in the October 28, 2011 letter from Director David Chanda with the NJ Division of Fish and Wildlife, to Mr. Mark Gibson, Chairman and the ASMFC American Lobster Management Board.

Motion made by Mr. Himchak and seconded by Mr. O'Connell. Motion fails.

Motion to Substitute:

Move to substitute to approve addendum XVII to reduce exploitation by 30% for the commercial and recreational sectors throughout the Southern New England stock. Areas 4 and 5 would be exempt for a period of one year.

Motion made by Mr. R. White and seconded by Mr. Stockwell. Motion fails (Roll Call Vote: In favor – ME, NH, NMFS; Opposed – MA, RI, CT, NY, NJ, DE, MD, NC; Abstentions – VA).

Move to reconsider the previous motion (Main motion).

Motion made by Rep. Watters and seconded by Mr. McElroy. Motion carries (6 in favor, 4 opposed).

Main Motion:

Move to approve Option 3 of Addendum XVII to reduce exploitation by 10% for the commercial and recreational sectors throughout the SNE stock area, with the reduction in exploitation applying to all gear types. The State agencies will be asked to convene meetings of LCMT's in Areas 2 through 6, and other interested parties, for the purpose of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. If a LCMT recommends an option that is inconsistent or deviates from Addendum XVII, the proposal will be first reviewed by the technical committee, who will formalize a recommendation for the Board meeting in February. The Board shall enact final approval of the Addendum at the February 2012 meeting.

Motion made by Mr. McKiernan and seconded by Mr. McElroy. Motion amended.

Motion to Amend:

Move to amend to approve Draft Addendum XVII with a 10% reduction in exploitation as a first phase. States will submit plans by December 24, 2011 for TC review and Board approval at the February 2012 ASMFC meeting. Plans would be implemented no later than July 1, 2013. As a second phase initiate Draft Addendum 18 to scale the SNE fishery to the size of the SNE resource. Options in the document will include recommendations from the LCMTs, TC and PDT. These options would include, but are not limited to, a minimum reduction in traps fished by 25%.

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion carries (7 in favor 4 opposed).

Main Motion as Amended:

Move to approve Option 3 of Addendum XVII to reduce exploitation by 10% for the commercial and recreational sectors throughout the SNE stock area, with the reduction in exploitation applying to all gear types as a first phase. The State agencies will be asked to convene meetings of LCMTs in Areas 2 through 6, and other interested parties, for purpose of recommending methods of exploitation reduction consistent with the options in Draft Addendum 17. States will submit plans by December 24, 2011 for TC review and Board approval at the February 2012 ASMFC meeting. Plans would be implemented no later than January 1, 2013 (with a possible extension for legislative processes). As a second phase initiate Draft Addendum XIX to scale the SNE fishery to the size of the SNE resource. Options in the document will include recommendations from the LCMTs, TC and PDT. These options would include, but are not limited to, a minimum reduction in traps fished by 25%.

Motion carries (7 in favor, 4 opposed).

Move to proceed with Draft Addendum XVIII on LCMA 2 and 3 effort control programs to meet the terms of the second phase in the previously approved motion.

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

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (November 7 & 8, 2011)

Meeting Summary

The November 2011 Atlantic Coastal Fish Habitat (ACFHP) Steering Committee meeting was conducted by new chair, Kent Smith of the Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation. The group welcomed its newest member, Russ Babb of the New Jersey Division of Fish and Wildlife, Bureau of Shellfisheries and honored the service of the Committee's outgoing Chair, George Schuler of The Nature Conservancy with a framed certificate of appreciation. The group also took a moment to acknowledge the life of Gabe Gaddis of the Georgia Department of Natural Resources, who passed away unexpectedly in August.

The group received an update on the status of the 2012 cycle of the Multistate Conservation Grant Program (MSCGP). In August 2011, ACFHP, along with the Southeast Aquatic Resources Partnership (SARP) and the Eastern Brook Trout Joint Venture (EBTJV) submitted a project proposal to the MSCGP for CY2012-2013 funds. In October, the grant applicants received a letter from the Association of Fish and Wildlife Agencies, indicating that the project could only be funded for one of the requested two years, at the reduced amount of \$261,440.38 (roughly \$10,500 less than the \$271,920 requested for 2012). The final decision on which projects will be funded during the 2012 cycle is made by the U.S. Fish & Wildlife Service (USFWS) and grant applicants will be notified if they have been selected for funding in December.

Julie Devers of the USFWS, updated the group on the progress of FY10 and FY11 USFWS-National Fish Habitat Action Plan (NFHAP) funded on-the ground projects: Goose Creek Dam Eel Passage Restoration in South Carolina, Scoy Pond and Staudinger's Pond Alewife Access and Habitat Enhancement in New York, Shoreline and *Spartina* Marsh Stabilization along the Intracoastal Waterway in South Carolina, and Shoreys Brook Diadromous Fish Passage and Habitat Restoration in Maine.

The group then reviewed, ranked, and approved four project proposals of the seven total received for submission to the USFWS for FY12 funding. Federal funding available under the NFHAP through the USFWS will be used to fund the top ranked proposals. The funding amount and date of availability is not known at this time (in FY11, close to \$75,000 was distributed for ACFHP projects).

During working sessions, the Steering Committee developed next steps to accomplish objectives and strategic actions outlined in the ACFHP 5-year Conservation Strategic Plan and identified tasks for accomplishment in the upcoming year.

The Steering Committee also reviewed and approved Process and Criteria and Instruction documents for the Melissa Laser Fish Habitat Conservation Award. This award is established in memory of Dr. Melissa Laser, who passed away unexpectedly in April 2010. Melissa was a biologist with the Maine Department of Marine Resources who brought her smiling dedication and enthusiasm to the ASMFC's Habitat Committee and ACFHP's Steering Committee. The Award will be given by ACFHP to the individual(s) deemed to further the conservation, protection, restoration, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes in a unique or extraordinary manner.

Paul Pajak of the USFWS provided an overview of the American Fisheries Society NFHAP Symposium. The group heard several presentations related to ACFHP Conservation Strategic Plan Objectives including presentations on the Northeast Climate Science Center by Rachel Muir of the US Geological Survey, a collaborative Program on Red Tide and Nutrients by John Colman of the US Geological

Survey, and Prioritizing Northeast Stream Barriers for Mitigation by Erik Martin of The Nature Conservancy. These presentations will be made available on the ACFHP website, in the near future.

The group also received presentations on the Mystic Lakes Dam and Wapping Road Dam projects from Brad Chase and Beth Lambert of the Massachusetts Department of Fish and Game, respectively. Following these presentations, the Steering Committee, along with other interested individuals associated with the ASMFC, visited the project sites, where they met additional key project participants, viewed the completed project construction, and asked questions.

For more information, please contact Emily Greene, Atlantic Coastal Fish Habitat Partnership Coordinator, at 703.842.0740 or egreene@asmfc.org.

Motions

No motions made.

LAW ENFORCEMENT COMMITTEE (November 7 & 8, 2011)

Meeting Summary

The Law Enforcement Committee (LEC) met in conjunction with the 70th Annual Meeting of the Atlantic States Marine Fisheries Commission. The following members attended:

Kyle Overturf (CT), Rob Beaton (FL), Doug Lewis (GA), Joe Fessenden (ME), Lloyd Ingerson (MD), John Tulik (MA), Jeff Marston (NH), Dominick Fresco (NJ), Dorothy Thumm (NY), Steve Anthony (NC), Jeff Bridi (PA), Kurt Blanchard (RI), Chisolm Frampton (SC), Richard Lauderman (VA); Tim Donovan, Otha Easley and Mark Micele (NOAA Fisheries); Bob Hogan (NOAA General Counsel); Pete DeCola and Kevin Saunders (USCG).

The former Chair, Steve Adams, has removed himself from the LEC and former Vice Chair Kyle Overturf has assumed duties of the chairmanship. Lloyd Ingerson was nominated and subsequently selected as Vice Chair by the LEC.

The LEC welcomed Bruce Buckson, newly appointed Director of NOAA's Office of Law Enforcement. Director Buckson briefed the LEC on staffing and the status of current hiring constraints. Additional discussion by NOAA General Counsel's office highlighted the difficulty of working through existing caseloads because of staffing shortfalls in that office as well. LEC members discussed the desire to continue working with NOAA Fisheries to ensure that case backlogs are addressed. In response to concerns about case backlogs at NOAA Fisheries, the LEC approved the following motion:

LEC and NOAA Fisheries representatives reviewed the current status of Joint Enforcement Agreement issues and re-affirmed the value of that program to the states. The group reviewed current efforts to develop a planning tool to help guide the distribution of JEA funds among the states.

The LEC heard a detailed presentation regarding the recently concluded striped bass investigation in the Potomac River and Chesapeake Bay, including state waters of Maryland and Virginia. Members of the investigation task force also presented information to the Atlantic Striped Bass Management Board and made specific recommendations to address illegal activity and problems with tag and reporting programs among the states.

The LEC reviewed some of the topics it has previously identified in connection with protected resources. One key area of discussion related to requirements for vertical line restrictions in accordance with large-whale take reduction initiatives. LEC members felt that more specifically targeted regulations using co-effects analyses would improve support for restrictions and ensure that gear restrictions are applied where they are most likely to help protect whales. The example of requiring sinking lines for the lobster fishery in the Gulf of Maine all the way to the shoreline was cited as an example of excessive application of regulations in a large geographic area where entanglements are unlikely to occur.

Nearly all members reported continuing problems with vacant positions, lost positions and loss of programmatic funding and support. Even in cases where positions could be filled several members reported a lack of qualified applicants for vacancies. On the other hand, several members reported the successful acquisition of patrol vessels under the JEA program, and thanked NOAA for continued support of this cooperative program.

For more information, please contact Robert Beal, ISFMP Director, at 703.842.0740 or rebal@asmfc.org.

Motions

It is the sense of the Committee that the current situation with respect to NOAA GC staffing levels has not escaped the visibility of industry and is undermining the deterrent effect of our collective enforcement efforts. The Law Enforcement Committee recommends to the Interstate Fishery Management Program Policy Board that the ASMFC draft a letter to the Secretary of Commerce expressing our concern over staffing levels and its effect on the handling of fisheries enforcement cases.

Motion passes.

MEETING WITH THE MASSACHUSETTS MARINE ADVISORY COMMISSION (November 7, 2011)

Meeting Summary

A Special Ad Hoc Committee of the Atlantic States Marine Fisheries Commission met jointly with the Massachusetts Marine Fisheries Advisory Commission to discuss the governance and decision-making processes of both groups, issues of mutual concern, and areas for future collaboration and cooperation. Members engaged in open dialogue on a number of issues, including allocation of fishery resources among states and between various fishing sectors and user groups. Both groups committed to keep open lines of communication and continue to work together on issues of mutual concern.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (November 8, 2011)

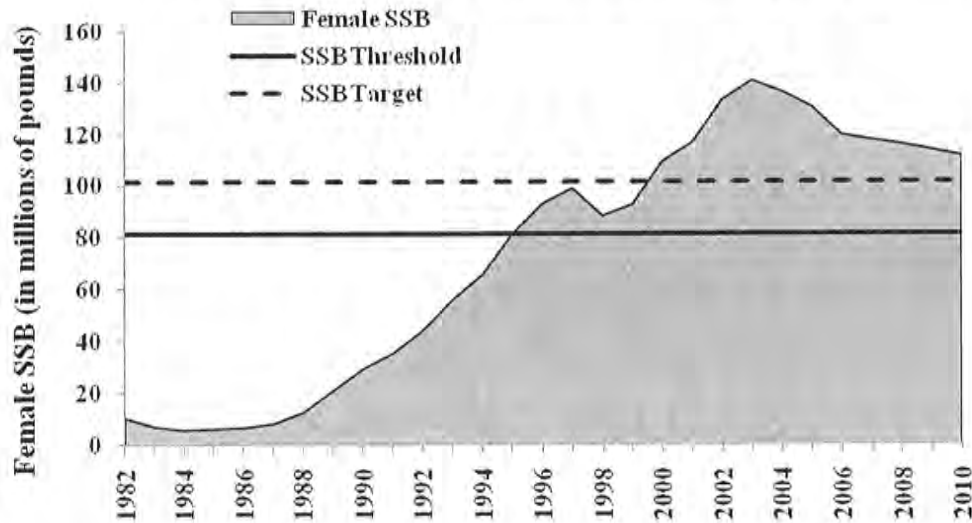
Press Release

Atlantic Striped Bass Assessment Update Finds Resource Not Overfished and Overfishing Not Occurring

Boston, MA – The 2011 Atlantic striped stock assessment update indicates that the resource remains in good condition with the female spawning stock biomass (SSB) estimate at 109% of the SSB target and 137% of the SSB threshold (see Figure 1). The estimated fishing mortality rate (F) in 2010 was 0.23, below both the target (0.30) and threshold (0.34). Striped bass are assessed as a single stock although there are at least three distinct stocks contributing to the coastal migratory group: Hudson River, Delaware

River, and Chesapeake Bay and tributaries. The striped bass stock complex is not overfished and overfishing is not occurring.

Figure 1. Atlantic Striped Female Spawning Stock Biomass (SSB)
 Source: ASMFC Atlantic Striped Bass Stock Assessment Update, 2011



Overall stock abundance has declined since 2004, which is reflected by a decline in coastwide landings in 2009 and 2010. The decline is more prevalent in areas largely dependent on contributions from the Chesapeake stocks (such as Maine) than areas that are dominated by the Hudson stock (such as New York).

Despite the decline in abundance, the spawning stock in 2010 remained relatively high due to the growth and maturation of the 2003 year class and the accumulation of spawning biomass from year classes prior to 1996. Analysis of tagging data suggests increasing natural mortality in Chesapeake Bay, possibly the result of mycobacteriosis. However, a recent tagging study by the Virginia Institute of Marine Science suggests the impact of mycobacteriosis may not be as significant as once thought.

Recruitment estimates averaged 9.5 million fish from 1982 through 2010. However, the stock assessment update identified a period of increased recruitment from 1994-2004 and a more recent (2005-2010) period of lower recruitment. Recruitment in 2009 and 2010 was estimated at 7.1 and 9.1 million fish, respectively. The 2003 year class remains the largest since 1982 at 20.8 million fish.

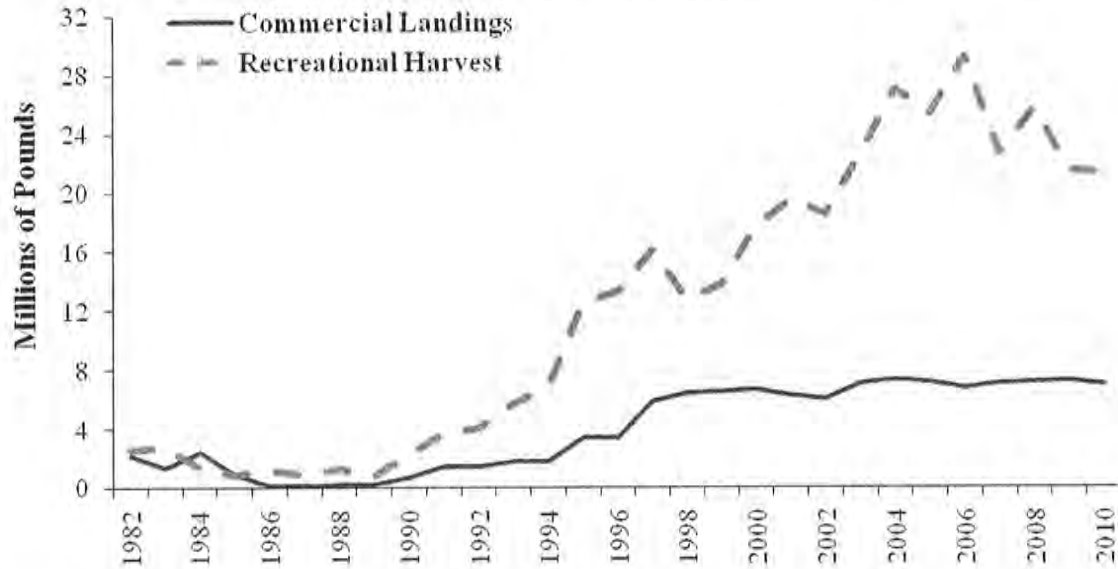
Striped bass are one of the most sought after species by recreational anglers along the Atlantic coast. Recreational landings have ranged from a low of under 750,000 pounds in 1989 to a high of 30.5 million pounds in 2006. In 2010, recreational anglers landed over 22.9 million pounds (1.99 million fish) (see Figure 2). This represents a 24% decline by weight and a 26% decline by number from the high in 2006. Changes in landings have varied by state, with Massachusetts, Rhode Island, Connecticut, New York and New Jersey showing an increase in number of fish landed and the remaining states showing a 45% decrease on average. Recreational discard mortalities (assuming an 8% mortality of releases) in 2010 were approximately 514,000 fish, a 75% decrease from a high of 2 million fish in 2006.

Landings from the commercial striped bass fishery have been consistently lower than the recreational catch. Commercial landings increased from ~139,000 pounds in 1987 to just under 5.9 million pounds in

1997 and have remained steady due to quota restrictions. Landings in 2010 were 7.06 million pounds. Gill nets are the dominant commercial gear used to target striped bass. Other commercial fishing gears include hook and line, pound nets, seines, and trawls.

Figure 2. Atlantic Striped Bass Commercial & Recreational Landings

Source: ASMFC Atlantic Striped Bass Stock Assessment Update, 2011



Copies of the stock assessment update will be available via the Commission’s website at www.asmfc.org under “Breaking News.” For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at 703.842.0741 or ktaylor@asmfc.org.

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PR11-44

Meeting Summary

The Atlantic Striped Bass Management Board met to review the results of the 2010 update stock assessment (see press release), consider Draft Addendum III for public comment, review law enforcements operations pertaining to illegal striped bass harvest, and review the 2010 Fishery Management Plan Review Report.

The stock assessment chair presented the 2011 stock assessment update. Overall the resource is not overfished and overfishing is not occurring with the female spawning stock biomass (SSB) estimate at 109% of the SSB target and 137% of the SSB threshold.

The Board was updated on the development of Draft Addendum III, which proposes options to reduce fishing mortality and options to protect the spawning stock when it is concentrated and vulnerable. Following a staff updated of the proposed management options, the Management Board voted to postpone further action on Draft Addendum III until completion of the benchmark stock assessment in June 2013.

Members from the Interstate Watershed Task Force briefed the Board on the covert and overt illegal striped bass harvest investigations conducted within Chesapeake Bay and the Potomac River since 2003. As a result of these investigations, over \$1.6 million dollars in fines were levied against 19 individuals

and three corporations for more than one million pounds of illegally harvested striped bass, estimated to be worth up to seven million dollars. The Task Force members presented a number of law enforcement recommendations to the Board that would improve coastwide enforcement.

The Board reviewed the 2010 FMP Review; all states were found to be in compliance with the management program in 2010. It was noted that three states (Massachusetts, Rhode Island and Maryland) adjusted their 2011 commercial quota in response to overages in 2010. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at 703.842.0741 or ktaylor@asmfc.org.

Motions

Move to accept the 2011 Striped Bass Stock Assessment for management use.

Motion made by Mr. Gilmore and seconded by Dr. Duval. Motion passes by consent.

Main Motion (Postponed Motion from 2011 Summer Meeting)

Move to approve the addendum for public comment.

Motion made by Mr. Grout and seconded by Terry Stockwell.

Motion to Substitute:

Substitute motion to postpone further action on this addendum until completion of the next benchmark stock assessment.

Motion made by Mr. Augustine and seconded by Mr. Johnson. Motion carries (Roll call Vote: In favor – MA, NY, NJ, MD, PRFC, VA, NC, USFWS, NMFS; Opposed – ME, NH, RI, CT, PA, DE).

Main Motion as Substituted:

Motion to postpone further action on this addendum until completion of the next benchmark stock assessment.

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

Move to accept the Law Enforcement Report.

Motion made by Dr. Geiger and second by Mr. Meyers. Motion carries by consent.

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (November 8, 2011)

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Management Board met to discuss recent actions by New York, Connecticut, and Rhode Island to extend their scup recreational fishery beyond the previously approved season closure dates. The three states for-hire mode season was to close on October 12 and private mode was to close on September 27, both modes seasons were extended to December 31. The plan review team concluded that the actions were not consistent with the Scup Fishery Management Plan. The PDT found it was not likely the total allowable landings for scup will be exceeded in 2011, therefore, the scup stock status would not be appreciably changed from those previously projected relative to the biological reference points. The Board recommended that the ISFMP Policy Board discuss the issue, the broader implications for Commission management of other species, and identify an appropriate response.

For more information, please contact Robert Beal, ISFMP Director, at 703.842.0740 or rbeal@asmfc.org.

Motions

Move that the Summer Flounder, Scup, and Black Sea Bass Management Board recommend that the ISFMP Policy Board determine the appropriate response to the actions taken by Rhode Island, Connecticut, and New York for their scup recreational fisheries. This recommendation is based on the Plan Review Team's findings that Rhode Island, Connecticut, and New York have implemented regulations that are not consistent with the FMP. The PRT has also stated that regulations are not likely to result in the recreational harvest limit or the overall scup total allowable landings (TAL) to be exceeded. There are no provisions in the FMP or Charter authorizing states or a group of states to unilaterally liberalize their regulations or transfer quota between commercial and recreational sectors. This action taken by these three states has implications that extend beyond scup management and should be addressed by the Policy Board.

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

LEGISLATORS AND GOVERNORS' APPOINTEES (November 8, 2011)

Meeting Summary

The Commission's Legislators and Governors' Appointees met to discuss the appointment and term limits of governor-appointed members and strategies to support the Commission's Mission and Vision in both the short and long-term. For more information, please contact Laura Leach, Director of Finance & Administration, at 703.842.0740 or lleach@asmfc.org.

Motions

No motions made.

MANAGEMENT & SCIENCE COMMITTEE (November 8, 2011)

Meeting Summary

The Commission's Management and Science Committee (MSC) met to discuss a number of issues. It began a discussion on a 2012 ASMFC Action Plan task on managing responsibly when facing uncertainty and will work with the Assessment Science Committee (ASC) on developing guidance. It also discussed the best options identified by a working group of MSC, ASC, and Commissioners to address the reduction of state stock assessment capacity and recommended that, at a minimum, states develop state-specific plans to improve assessment capacity. MSC was briefed on the ongoing integrated peer review (IPR) of American eel; once completed, MSC will discuss developing guidelines on using IPRs in the ASMFC process. It also recommended American eel be peer reviewed in conjunction with river herring to take advantage of common expertise on river herring review panel as well as provide more time to finish the stock assessment. Additionally, staff will be updating the ASMFC guidance documents as they are outdated and do not have clear language on guidance for public participation at meetings. MSC suggested edits to the workload schedule reflecting Board tasks to technical committees, which now includes membership overlap between committees. MSC also received an update on the ASMFC Observer Program which has recently begun to cover small mesh otter trawl fisheries in the states of Rhode Island, New Jersey, Maryland and Virginia. MSC received a presentation on the Chesapeake/coastal telemetry tagging project. MSC was also updated on the Bluefish Ageing Workshop and ASMFC Ageing Manual. Finally, MSC received reports on the NEAMAP Mid-Atlantic/Southern New England Nearshore Trawl Survey, SEAMAP-South Atlantic, and Atlantic Coastal Fish Habitat Partnership.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, at 703.842.0740 or mpaine@asmfc.org.

TAUTOG MANAGEMENT BOARD (November 8, 2011)

Meeting Summary

The Tautog Management Board met to review additional proposals to implement Addendum VI to the Interstate Fisheries Management Plan for Tautog. Addendum VI established a fishing mortality target (F_{target}) of 0.15, requiring a 53% harvest reduction based on the 2011 coastwide assessment update (current $F = 0.38$). Addendum VI allows states that can demonstrate its regional fishing mortality rate is lower than the coastwide assessment “at the same level of precision as the coastwide assessment” to only reduce harvest based on its regional fishing mortality rate. The Board previously approved several states proposals to implement Addendum VI during the August Board meeting, including a regional VPA proposal for Massachusetts and Rhode Island and 53% harvest reduction plans for Connecticut, New York, Delaware, and Virginia. It began a discussion of catch curve regional fishing mortality estimates and postponed taking action until the November meeting to allow further Technical Committee (TC) input and consideration of all state catch curve proposals at the same time.

The Board received an overview of the 53% reduction proposals submitted by New Jersey and Maryland. Consistent with previous approaches, the TC evaluated proposals as ‘risk prone’ or ‘risk neutral.’ The TC considered all the New Jersey options risk neutral given the caveat that the 5 day commercial closure in its Option 2 be applied at the beginning or end of an existing season. New Jersey Board members indicated that the intent was consistent with the TC’s recommendations. The TC considers three of the four Maryland 53% reduction options to be risk neutral but considers an option that included a harvest reduction based on 16 ½” size increase to be risk prone. The TC has concern about the effectiveness of ½” size increases because ½” increments are difficult to enforce and are less informed in the data set. Following the TC recommendations, the Board unanimously approved New Jersey and Maryland’s 53% reduction proposals but required these states to follow the recommendations of the TC to avoid any risk prone management measures.

The TC provided further guidance regarding catch curve fishing mortality rate estimates but did not endorse nor reject this method to achieve the intent of Addendum VI. There is no ‘precision’ metric that is directly comparable between VPA’s and catch curve F estimates. As such, the TC could not determine if catch curve assessments are at the same level of precision as the coastwide assessment. Because catch curves can be calculated using different methods and inputs, the TC agreed that the best approach is to standardize catch curve methods between states to best mimic the inputs of the VPA. TC members agreed to rerun catch curve F estimates using the Chapman Robson method, with regional age/length keys, starting with the first fully recruited age class. The standardized state-specific catch curve fishing mortality estimates were similar to the coastwide VPA results and still required around a 50% harvest reduction to achieve the $F_{\text{target}} = 0.15$. The Board agreed to allow New York, New Jersey, Maryland, and Virginia to reduce harvest based on catch curve fishing mortality estimates based on the TC’s standardized methodology. States are required to implement new regulations to achieve the harvest reductions by January 1, 2012 to comply with Addendum VI.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at 703.842.0740 or cvonderweidt@asmfc.org.

Motions

Move to approve the NJ and MD methodology to arrive at a 53% reduction in harvest, including the TC caveats, to not use a stand alone five day closure within season for New Jersey (option 2 commercial), and not use ½” size limit increments in Maryland (option 7).

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

Postponed Motion from August Meeting:

Move that VA catch curve analysis and associated options be approved.

Motion made by Mr. Travelstead and seconded by Dr. Pierce.

Motion to Substitute:

Motion to substitute that NY, NJ, MD and VA be required to implement percent reductions as a result of the catch curve methodology developed by the TC.

Motion made by Dr. Pierce and seconded by Mr. Augustine. Motion passes (6 in favor, 4 opposed, 2 abstentions).

Main Motion as Substituted:

Move that NY, NJ, MD and VA be required to implement percent reductions as a result of the catch curve methodology developed by the TC.

Motion made by Dr. Pierce and seconded by Mr. Augustine. Motion passes (8 in favor, 2 opposed).

HORSESHOE CRAB MANAGEMENT BOARD (November 9, 2011)

Meeting Summary

The Horseshoe Crab Management Board received an update on the progress of the 2011 Virginia Tech Horseshoe Crab Trawl Survey, as well as an update on staff efforts to secure additional funding for the 2012 and future surveys. Additionally, the Board received an update on the Biomedical Ad-Hoc Working Group report, which outlined Best Management Practices (BMPs) for the biomedical industry. The report recommended the Board task the group with continuing its efforts and further developing that BMP document.

The Board approved Draft Addendum VII to the Horseshoe Crab Fishery Management Plan for public comment and review but recommended a few adjustments before it is released for public comment. . The Draft Addendum proposes implementing the Adaptive Resource Management framework, which incorporates both shorebird and horseshoe crab abundance levels to set optimized horseshoe crab harvest levels for the Delaware Bay area. The Draft Addendum will also address allocation of the ARM harvest output among the four states of New Jersey, Delaware, Virginia, and Maryland that harvest horseshoe crabs from the Delaware Bay population. The allocation is based upon multiple decision options, including the proportion of horseshoe crabs harvested that originate from Delaware Bay and a potential harvest cap for Virginia and Maryland to protect crabs that do not originate from Delaware Bay.

In addition to public hearings and comments, the Commission's Horseshoe Crab and Shorebird Advisory Panels, as well as the Delaware Bay Ecosystem Technical Committee and the Law Enforcement Committee will be reviewing the Draft Addendum and providing input to the Board. These groups have provided comment and suggestions that were included in the original development of the Draft Addendum.

A press release announcing the availability of the Draft Addendum will be issued by mid-November. State public hearings will most likely be conducted this winter; the details of those meetings will be released once finalized.

Finally, the Board recommended to the Interstate Fishery Management Program Policy Board that Maine be removed from the Horseshoe Crab Management Board. Maine has had zero pounds of landings since 2003 and will be prohibiting issuing horseshoe crab licenses and closing a non-existent fishery.

For more information, please contact Danielle Brzezinski, Horseshoe Crab Fishery Management Plan Coordinator, at dbrzezinski@asmfc.org or 703.842.0740.

Motions

Move to approve Draft Addendum VII to the Horseshoe Crab FMP for public comment with the Board's suggestions.

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

Move that the HSC Board recommend to the ISFMP Policy Board that Maine be removed from the management unit, per Maine's request.

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

Move to postpone until such time that ME Legislature has taken action to prohibit the landings of horseshoe crabs.

Motion made by Mr. Augustine and seconded by Mr. Ballou. Motion fails.

NORTHEAST AREA MONITORING AND ASSESSMENT PROGRAM BOARD (November 9, 2011)

Meeting Summary

The Northeast Area Monitoring and Assessment Program (NEAMAP) Board met to review a number of issues. The Board received presentations from the principal investigators of NEAMAP's surveys, including the Maine-New Hampshire Inshore Trawl Survey and the Massachusetts Resource Assessment Inshore Trawl Survey, on survey methodology and data usage. The NEAMAP Mid-Atlantic/ Southern New England Nearshore Trawl Survey (MA-NC) principal investigators also presented early versions of GIS-based survey results and a food habits database which will be made available online shortly. The Board reviewed a draft 2012-2016 NEAMAP Management Plan and will reconvene via conference call early next year to prioritize tasks to include in the plan. The Board approved the 2012 NEAMAP Operations Plan pending any additions resulting from their next discussion.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, at 703.842.0740 or mpaine@asmfc.org.

Motions

No motions made.

HABITAT COMMITTEE (November 9, 2011)

Meeting Summary

The Habitat Committee met to discuss a number of ongoing projects, including the finalization of the next issue of *Habitat Hotline Atlantic*, progress on the development of the habitat section for the ASMFC Atlantic Sturgeon Fishery Management Plan, and development of ASMFC's Wind Energy and Habitat Impacts Report. The Committee also discussed harbor deepening activities in Atlantic ports and received an update on the Atlantic Coastal Fish Habitat Partnership. For more information, please contact Patrick Campfield, Director of Fisheries Science Program, at 703.842.0740 or pcampfield@asmfc.org.

Motions

No motions made.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (November 9, 2011)

Meeting Summary

The South Atlantic State-Federal Fisheries Management Board received a presentation on the Atlantic Croaker Trigger Report. While the report did not recommend initiation of a stock assessment, it was noted that the current triggers (based on trends in recent landings) may not be robust enough to initiate a timely stock assessment. The Board tasked the Atlantic Croaker Technical Committee with reviewing the current assessment triggers for ways to improve the information and tracking, as well as to review possible management triggers for consideration by the Board.

The Board received an update from the August 2011 Interstate Fishery Management Program Policy Board meeting, which approved the initiation of a Black Drum Interstate Fishery Management Plan and stock assessment, and delegated management of black drum to the South Atlantic Board. The Board decided to move forward on development of both the plan and stock assessment concurrently.

As part of follow-up on the Board's approval of the Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel at its August 2011 meeting, the Board received a report on the review of the spot and spotted seatrout implementation plans. The Board approved all state plans based on the recommendations of the Plan Review Team. The Board also received an update on progress of the Federal Amendment 18 to the Coastal Migratory Pelagics Fishery Management Plan, currently on track for implementation in 2012. The Board received an update on the schedule for the Spanish mackerel stock assessment, scheduled to go through the SEDAR process in 2012.

Finally, the Board tasked staff with exploring the options, challenges, and needed steps in order to develop a management or implementation plan for the snapper-grouper complex, in conjunction with the South Atlantic Fishery Management Council. The report is due back to the Board at its May 2012 meeting.

For more information, please contact Danielle Brzezinski, Horseshoe Crab Fishery Management Plan Coordinator, at dbrzezinski@asmfc.org or 703.842.0740.

Motions

Move that the TC develop management triggers and revise assessment triggers.

Motion made by Mr. Cole and seconded by Mr. Carpenter. Motion carries by consent.

ATLANTIC MENHADEN MANAGEMENT BOARD (November 9, 2011)

Press Release

**ASMFC Atlantic Menhaden Board Approves Draft Addendum V
*Addendum Establishes New Fishing Mortality Reference Points
to Increase Spawning Stock Biomass***

Boston, MA – The Commission's Atlantic Menhaden Management Board has approved Addendum V to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Addendum establishes a new interim fishing mortality threshold and target (based on maximum spawning potential or MSP) with the goal of increasing abundance, spawning stock biomass, and menhaden availability as a forage species. The new threshold and target equates to a MSP of 15% and 30%, respectively. The Board has initiated development of an amendment to establish management measures for all fishing sectors and gear types to

implement the new fishing mortality reference points. The percent of harvest reductions associated with the new reference points as well as an implementation process and timeline will be identified in the Draft Amendment.

The MSP approach identifies the fishing mortality rate necessary to maintain a given level of stock reproductive potential relative to the potential maximum stock productivity under unfished conditions. A 15% MSP would equate to a fishing mortality rate threshold required to maintain approximately 15% of the spawning potential of an unfished stock. An unfished stock is equal to 100% MSP. Given the current fishing mortality equates to a MSP of approximately 8%, the new reference points are intended to provide increased protection for spawning adults, which given optimal environmental conditions, may result in increased juvenile abundance. This approach is consistent with the recommendations of the 2009 stock assessment peer review panel.

With the newly adopted fishing mortality reference points, the fishing mortality threshold is set at $F= 1.32$ and the target is set at $F= 0.62$. Based on the revised 2009 Atlantic menhaden stock assessment and the new fishing mortality threshold, overfishing is occurring. Fishing mortality in 2008 (the latest year in the assessment) is estimated at 2.28. Based on the current reference point to evaluate stock condition, Atlantic menhaden are not overfished.

The first step in the amendment process will be the development of a Public Information Document (PID), which will contain preliminary discussions of biological, environmental, social, and economic information, fishery issues, and potential management options for action. The PID also provides for public input about changes observed in the fisheries; actions that should or should not be taken in terms of management, regulation, enforcement, and research; and any other concerns about the resources or the fisheries. A Draft PID will be presented to the Board at the Commission's Winter Meeting in February 2012. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at 703.842.0740 or tkerns@asmfc.org.

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PR11-43

Motions

Move that the Board accept option 2, 15% MSP as the threshold.

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

Main Motion:

Move to select option 3, a target of 30% MSP consistent with scientific literature.

Motion made by Ms. Fegley and seconded by Rep. Peake.

Motion to Amend:

Move to amend the motion by changing 30% MSP to 20% MSP.

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

Main Motion:

Move to select option 3, a target of 30% MSP consistent with scientific literature.

Motion made by Ms. Fegley and seconded by Rep. Peake. Motion carries (Roll call Vote: In favor – ME, NH, MA, RI, CT, NY, DE, MD, NC, SC, GA, FL, NMFS, USFWS; Opposed – NJ, PRFC, VA).

Motion to approve Addendum V to the ISFMP for Atlantic Menhaden with selected options.

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

Move to adopt the schedule putting together a PID for Board approval for public comment at the February 2012 meeting, conduct hearings and come back to Board for the May meeting.
Motion made by Mr. Stockwell and seconded by Mr. McElroy. Motion approved without opposition.

CAPTIAN DAVID H. HART AWARD (November 9, 2011)

Press Release

ASMFC Presents Patten White Prestigious Captain David H. Hart Award

Boston, MA – The Atlantic States Marine Fisheries Commission presented Patten White, Maine lobsterman and long-time ASMFC Commissioner, the Captain David H. Hart Award, its highest annual award, at the Commission’s 70th Annual Meeting in Boston, Massachusetts.

“Pat truly exemplifies the spirit of Captain Dave, bringing together a rich fishing history, a commitment to sustainable fisheries management, a dedication to the Commission and its Mission, and an unquenchable enthusiasm and optimism for doing the right thing in an easygoing and friendly way,” stated Jack Travelstead, Chair of ASMFC’s Award Committee. “He treats members of the public, fishermen, fellow Commissioners, and congressional representatives with the utmost respect, and expects the same in return. He has conducted himself as a true gentleman and in doing so, has elevated the role of fishermen in the fisheries management process.”



From left: Paul Diodati, ASMFC Vice-Chair, Patten White, Mary Griffin, Commissioner of the Massachusetts Department of Fish & Game, John V. O'Shea, ASMFC Executive Director, and Robert H. Boyles, Jr., ASMFC Chair

A lifelong commercial lobsterman, Mr. White has been passionately committed to the success of marine fisheries management at the state, regional, and national levels for over 20 years. He believes that the only way for fisheries management to succeed, for both the resource and the fishermen, is for fishermen to be knowledgeable and personally involved in the management process. This belief is clearly evident in all his efforts related to fisheries conservation and management. It was under his leadership that the Maine Lobsterman’s Association became actively involved in the New England Fishery Management Council’s lobster management process and was a key proponent of including industry participation in the process through the establishment of lobster management teams.

With the passage of the Atlantic Coastal Fisheries Cooperative Management Act and the transfer of lobster management authority from the New England Fishery Management Council to the Commission, Mr. White and other lobstermen shifted their focus to the Commission. In 1995, he was appointed

Governor's Appointee for the State of Maine to ensure that the state's fishermen had a strong voice in the Commission's fisheries management process. As an ASMFC Commissioner, Mr. White has been firmly committed to the Commission's overall fisheries programs, recognizing the importance of the entire marine environment, not just fish and lobster. He has chaired the Commission's American Lobster Management Board, Atlantic Menhaden Management Board, and the Northern Shrimp Section, and has been an active participant in the discussions and activities of the Legislators and Governors' Appointees.

Mr. White has also engaged in broader ocean management efforts, most notably as a member of the Pew Oceans Commission. He is a long standing member of the Atlantic Large Whale Take Reduction Team, convinced that it is possible to have good lobster fishing while simultaneously protecting our nation's endangered species. Among other notable activities, Mr. White served on the editorial board for *National Fisherman* magazine and was a founding member of the Northwest Atlantic Marine Alliance. He has served on the Sea Grant Policy Advisory Committee and Northeast Consortium review team.

Through all of his endeavors, Mr. White has carried himself in a positive, friendly, and effective way that is a model for all. He truly embodies 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.

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PR11-41

BUSINESS SESSION (November 9, 2011)

Press Release

Paul J. Diodati Elected ASMFC Chair

Boston, MA – Today, member states of the Atlantic States Marine Fisheries Commission acknowledged the many accomplishments of outgoing Chair Robert H. Boyles, Jr. of South Carolina and elected Paul J. Diodati of Massachusetts as the new Chair of the Commission.

In assuming the chairmanship, Mr. Diodati 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."

"Robert Boyles has accomplished a great deal during his chairmanship," stated Mr. Diodati. "During his tenure, protection and management measures for the Commission's most contentious species greatly increased. Under his leadership, northern shrimp, Spanish mackerel, spot, and spotted seatrout all came under new management programs. The Commission worked closely with the New England and Mid-Atlantic Fishery Management Councils to address river herring bycatch in federal waters. Greater

protection has been extended to diadromous species, such as shad and river herring, with the closure of state waters in the absence of approved sustainability management plans. A multispecies approach to management was advanced; the horseshoe crab Adaptive Resource Management Framework was developed and the Atlantic menhaden stock assessment included data on predator demands. The horseshoe crab trawl survey received funding through nontraditional sources, including the biomedical and commercial fishing industries. NEAMAP also saw increased funding, from ~\$260k in 2008 to ~\$1.1mil for 2012. During my two-year term, I hope to build upon these accomplishments, furthering the Commission's long-term vision for healthy, self-sustaining marine fishery resources by 2015, which in turn allows for healthy fisheries from these stocks."

Paul Diodati has nearly 30 years of experience in the field of natural resource management. He has been involved in Commission activities since the 1980s, serving on technical committees and the Artificial Reef Committee. He has served as an Administrative Commissioner since his appointment as Director of the Massachusetts Division of Marine Fisheries in 2000, participating in boards and sections including those for striped bass, northern shrimp, and shad and river herring. As a former Chair of the Atlantic Coastal Cooperative Statistics Program Coordinating Council, Mr. Diodati played an instrumental role in the early development of the Program. He represents Massachusetts on the New England Fishery Management Council and serves as an ex officio member of the Stellwagen Bank Marine Sanctuary Advisory Council. Mr. Diodati holds a Bachelor's in Marine Biology from the University of New Hampshire.

The Commission also elected Dr. Louis Daniel from North Carolina as its Vice-Chair.

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PR11-42

Meeting Summary

The Full Commission met to address a number of issues. Robert Boyles gave the Annual Chairman's Report to the Commission. The Commission approved the ASMFC Action Plan for 2012. The Commission approved a Resolution expressing the Commission appreciation to the Commonwealth of Massachusetts for hosting the 70th Annual Meeting.

Motions

Move to approve the action plan as amended.
Motion by the AOC. Motion carries without opposition.

Move to nominate Mr. Paul Diodati as chair of the ASMFC and Dr. Louis Daniel as the Vice-Chair of the ASMFC. Motion on behalf of the nominating committee.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (November 9 & 10, 2011)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to review the recommendation from the Summer Flounder, Scup, and Black Sea Bass Management Board to determine the appropriate response to the actions taken by Rhode Island, Connecticut, and New York for their scup recreational fisheries. The Policy Board agreed that the regulations implemented by these three states are not consistent with the requirements of the FMP. However, these regulations are not expected to impact the conservation of the species. The Policy Board formed a subcommittee to review current procedures and provide

recommendations on how to address states that have implemented regulations that are not consistent with FMPs.

The Policy Board reviewed pending actions by the federal government on American eel, Atlantic sturgeon and river herring and agreed to send letters to the National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding the Endangered Species Act activities for the three species groups. Based on a recommendation by the Law Enforcement Committee, the Policy Board will send a letter to the Secretary of Commerce expressing concern over staffing levels and its effects on the handling of fisheries enforcement cases.

Written reports from the Committee on Economics and Social Sciences, Law Enforcement Committee, Management and Science Committee, Atlantic Coastal Fish Habitat Partnership Update, NEAMAP Board, and Habitat Committee were provided to the Commissioners.

The Policy Board was also presented with an update on the Mid-Atlantic Council Visioning Process. For more information, please contact Robert Beal, ISFNMP Director, at 703.842.0740 or rbeal@asmfc.org.

Motions

No motions made.

EXECUTIVE COMMITTEE (November 10, 2011)

Meeting Summary

The Executive approve the FY2011 Audit and discuss the upcoming annual meeting schedule. For more information, please contact Laura Leach, Director of Finance & administration, at 703.842.0740 or lleach@asmfc.org.

Motions

No motions made.

SHAD & RIVER HERRING MANAGEMENT BOARD (November 10, 2011)

Meeting Summary

The Shad and River Herring Board met to review state submitted Sustainable Fishing Plans for shad and river herring, the development of federal amendments pertaining to alosine bycatch by the New England and Mid-Atlantic Fishery Management Councils, the recent petition to list river herring on the Endangered Species List, and the 2010 Fishery Management Plan Review.

A River Herring Sustainable Fishing Plan was submitted by New York and approved by the Board. American Shad Sustainable Fishing/Recovery Plans were submitted by New Hampshire, Massachusetts, New York, Delaware, the Delaware River Cooperative, Pennsylvania, Maryland, the District of Columbia, the Potomac River Fisheries Commission, South Carolina, Georgia, and Florida. The Board approved the plans from South Carolina and Florida. The remaining plans will be reviewed by the Board in February 2012.

The Board was briefed on the development of the New England and Mid-Atlantic Council Amendments that address shad and river herring bycatch in federal fisheries, among other issues. These Amendments will be available for public review and comment in early 2012.

Maine, Virginia and the Potomac River Fisheries Commission submitted requests to the Board for bycatch allowances in 2012. The requests from Maine (river herring) and Virginia (American shad) were approved by the Board. The request from PRFC (American shad) was preliminarily approved by the Board, pending additional Technical Committee review.

In August 2011, the National Resources Defense Council petitioned the National Marine Fisheries Service (NMFS) to list river herring on the endangered species list throughout all or part of the species range. NMFS has concluded that, given the information contained in the petition, listing may be warranted. As a next step, NMFS will be conducting a status review and has requested any information pertaining to the status of river herring be submitted by January 3, 2012. The Commission will be providing technical information to NMFS for its status review.

The Board reviewed and accepted the 2010 FMP Review. In 2010, American shad, hickory shad and river herring commercial landings all increased from 2009. The Board found all states to be in compliance. Maine, New Hampshire and Massachusetts requested and were granted *de minimis* status for 2012.

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

Motions

Move to approve FL, SC, NY sustainable fishery plans.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion passes by consent.

Move to approve the 2012 Shad and River herring bycatch proposals for ME and VA.

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

Move that the Board preliminarily approve the PRFC 2012 Shad bycatch proposal for PRFC and specify that the requirements of the TC be provided to the PRFC in writing for final action at ASMFC February 2012 meeting.

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

Move to recommend that the ISFMP Policy Board craft a letter to NMFS providing technical information for the status review for river herring.

Motion made by Mr. B. Young and seconded by Mr. McElroy. Motion carries with abstention by the NMFS.

Move to accept the 2012 FMP review and approve *de minimis* requests from ME, NH and MA.

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

WINTER FLOUNDER MANAGEMENT BOARD (November 10, 2011)

Meeting Summary

The Winter Flounder Management Board met to review the SARC 52 Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock assessment and determine an appropriate management response. Paul Nitschke of the Northeast Fisheries Science Center presented the assessment results that estimate the GOM stock overfished status is unknown with overfishing occurring and the SNE/MA stock is overfished with overfishing not occurring. In addition, the SARC 52 revised the reference points with the new F_{msy} value = 0.31 in the GOM, and F_{msy} = 0.29 with a MSY value = 11,728 metric tons for the SNE/MA stock.

Technical Committee (TC) Chair Steve Correia presented a review of current state and federal winter flounder management under ASMFC Addendum I and Amendment 16 to the Northeast Multispecies Groundfish FMP (Amendment 16), and TC recommendations for a management response. In September, the TC reviewed the SARC 52 results and current winter flounder management. Following the review, the TC recommended the Board accept the results for management use with no further action necessary. Some Board members commented that future management measures to reduce state waters harvest in the SNE/MA stock may be necessary but they agreed to revisit the issue at the ASMFC Winter Meeting in February 2012, after the New England Fishery Management Council had discussed the SARC 52 results.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at 703.842.0740 or cvonderweidt@asmfc.org.

Motions

Move to accept the SARC 52 results for management use, contingent upon New England Council's acceptance of the new reference points.

Motion made by Mr. Augustine and seconded by Mr. McElroy. Motion passes (10 in favor, 0 opposed).

Move to nominate Ritchie White for Vice-Chair

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

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (November 10, 2011)

Meeting Summary

In addition to setting a 30 million pound spiny dogfish quota for 2012/2013 with a 3,000 pound maximum possession limit in the northern region and 33 non-sandbar large coastal sharks (LCS) coastal sharks possession limit, the Spiny Dogfish & Coastal Sharks Management Board considered a coastal sharks *de minimis* request from Massachusetts, provided feedback for upcoming federal waters shark measures, and postponed a smooth dogfish state shares addendum.

Massachusetts submitted a *de minimis* proposal asking for an exemption from the LCS possession limit requirement of the FMP. The proposal outlines that the LCS possession limit requirement is an unnecessary regulatory burden because LCS species are rarely found in Massachusetts state waters and there is no active commercial fishery for them. The Coastal Sharks FMP does not include specific *de minimis* criteria but allows for consideration on a case-by-case basis when implementation of a regulation is unnecessary for attainment of the FMP's objectives and conservation of the resource. The Coastal Sharks Technical Committee (Coastal Sharks TC) reviewed the proposal and recommended Board approval because Massachusetts has implemented all other FMP measures which will adequately prevent overfishing of the LCS resource. Specifically, federal dealer permits are required and all fins must remain attached naturally through landing to ensure that all sharks are accurately counted in the landings database, and the fishery will close when the federal quota is projected to be harvested. The Board unanimously approved the *de minimis* proposal following the TC's recommendations.

Karyl Brewster-Geisz of NMFS Division of Highly Migratory Species (HMS) presented the Board with an overview of upcoming federal waters measures including implementation of the Shark Conservation Act of 2010, a smooth dogfish commercial quota, and potential measures based on the SEDAR 21 assessment. NMFS will implement the Shark Conservation Act and a smooth dogfish commercial quota as part of Amendment 3. Due to delays implementing the Shark Conservation Act measures, Amendment 3 and the associated smooth dogfish quota will not be implemented by the original implementation date of

January 1, 2012. The smooth dogfish base quota of 715.5 metric tons (1.5 million pounds) was calculated from the largest annual landings from 1998 – 2007 plus two standard deviations, however landings increased significantly since 2007 and a 715.5 metric ton quota would be a 40% reduction based on 2010 smooth dogfish commercial landings. HMS clarified that the delay implementing the Shark Conservation Act is not related to a reconsideration of the 12% commercial smooth dogfish fin-to-carcass ratio and they also plan to update the smooth dogfish base quota using updated landings.

The Board was considering a smooth dogfish state shares addendum but postponed approving the document for public comment until the proposed federal commercial smooth dogfish quota is published. Board members commented that they cannot make an informed decision regarding smooth dogfish until the quota is known and the federal delay makes implementation of smooth dogfish state shares less urgent.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at 703.842.0740 or cvonderweidt@asmfc.org.

Motions

Main Motion:

Move that the Board accept the TC recommended quota of 35.694 million pounds for 2012/2013, and a daily trip limit of 3,000 pounds for the northern region.

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

Motion to Amend:

Move to amend the quota to 30 million pounds.

Motion made by Mr. Ross and seconded by Mr. Grout. Motion passes (7 in favor, 5 opposed, 3 null, 1 abstention).

Main Motion as Amended:

Move that the Board set the quota of 30 million pounds for 2012/2013, and a daily trip limit at 3,000 pounds for the northern region.

Motion passes.

Move to approve MA *de minimis* request.

Motion made by Dr. Daniel and seconded by Dr. Rhodes. Motion passes without objection.

Move to set a 33 fish non sandbar LCS possession limit for 2012.

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion passes without objection.