



Atlantic States Marine Fisheries Commission

2023 Summer Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

2023 Summer Meeting
August 1 – 3, 2023

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

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SHAD & RIVER HERRING MANAGEMENT BOARD (AUGUST 1, 2023)

Meeting Summary

The Shad and River Herring Management Board met to consider an update to the Potomac River Fisheries Commission (PRFC) American Shad Sustainable Fishery Management Plan (SFMP), receive an update on expanding collection efforts for the U.S. Geological Survey (USGS) alosine genetic repository, and receive a progress update on the River Herring Benchmark Stock Assessment.

The Board considered an update to the PRFC SFMP for American shad. SFMPs are required for all states and jurisdictions with a commercial fishery and are reviewed by the Technical Committee every five years. The plan update proposed continuing their limited commercial bycatch allowance under the same sustainability metrics, which is based on the geometric mean of pound net catch per unit effort (CPUE) and has been above its restoration target since 2011. PRFC will also explore including additional sustainability metrics in future updates. The Board approved the presented SFMP.

The Board received an update from the Technical Committee and USGS staff on expanding collection efforts for the alosine genetic repository. As anadromous fishes, alosines spend much of their life in estuarine and marine environments, where they may form mixed stock aggregations and where they are sometimes captured as bycatch in other fisheries. There is a critical need to be able to distinguish among populations or management units when individuals are encountered away from natal areas. An enhanced understanding of stock composition will provide critical information on the status and trends of specific populations and offer much needed insight into how fisheries bycatch may be impacting recovery efforts. The alosine genetic repository is intended to address this issue.

In response to a Board request, USGS staff presented to the Technical Committee to assist in identifying data gaps and improving future sample collections. After reviewing the spatial and temporal data needs, several states offered to help fill the data gaps by providing biological samples with collection kits provided by USGS.

The Board received an update on the river herring benchmark stock assessment. The Assessment Workshop is scheduled for August 21-25, 2023, with the peer review anticipated for the fall, and final presentation of the assessment and peer review report to the Board planned for the 2024 Winter Meeting in February.

For more information contact James Boyle, Fishery Management Plan Coordinator at jboyle@asmfc.org.

Motions

Move to approve the Shad Sustainable Fishery Management Plan from Potomac River Fisheries Commission, as presented today.

Motion made by Dr. Davis and seconded by Dr. Rhodes. Motion carries without opposition.

Press Release

ASMFC American Eel Board Accepts Benchmark Assessment & Peer Review Report for Management Use

Two Addenda Initiated for Yellow Eel and Maine Glass Eel Fisheries

Arlington, VA – The Commission’s American Eel Management Board has accepted the American Eel Benchmark Stock Assessment and Peer Review Report for management use. The Report indicates the stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, and toxins, contaminants, and disease. Since completion of the first Commission American eel stock assessment in 2005, available data have not allowed overfishing or overfished determinations to be made. Based on several trend analyses, the stock is considered depleted, consistent with the findings of the 2012 and 2017 assessments.

In response to the assessment findings, the Board initiated an addendum to consider changes to the coastwide yellow eel harvest cap. Historically, the coastwide cap of 916,473 pounds was set based on the average landings from 1998 to 2010. The benchmark assessment proposes a new tool for setting the coastwide cap based on abundance indices and catch. The addendum will consider using this tool to recommend a range of coastwide caps and management options.

The Board also initiated an addendum to address the quota for Maine’s glass eel fishery. Maine’s glass eel quota has been set at 9,688 pounds since 2015. However, a new addendum is needed to establish a quota for the 2025 fishing year and beyond.

The Plan Development Team will begin work on both documents, with a progress update provided to the Board in October and Draft Addenda presented for Board consideration in February 2024. The Benchmark Stock Assessment and Peer Review Report will be available on the Commission website at <https://asmfc.org/species/american-eel> (under stock assessment reports) by mid-August. An overview of the assessment will be can be found at https://asmfc.org/uploads/file/64caa25eAmericanEelStockAssessmentOverview_August2023.pdf. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

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PR23-19

Meeting Summary

In addition to accepting the 2023 Benchmark Stock Assessment and Peer Review Reports and initiating two addenda, the American Eel Management Board (Board) also considered an update on Maine’s life cycle survey, and Maine’s 2024 aquaculture plan. Maine has been conducting fishery-independent surveys for all three American eel life stages since 2018. The Board approved Maine’s 2024 aquaculture plan, which requests 200 pounds of glass eel harvest for domestic aquaculture.

For more information on the stock assessment, please contact Dr. Kristen Anstead, Stock Assessment Scientist, at kanstead@asmfc.org; and for more information on management, please contact Caitlin Starks, Senior FMP Coordinator, at cstarks@asmfc.org.

Motions

Move to accept the 2023 Benchmark Stock Assessment and Peer Review Report for management use.

Motion made by Ms. Madsen and seconded by Dr. Jacobson. Motion approved by Board consent.

Main Motion

Move to form a Plan Development Team to draft an addendum to consider using I_{TARGET} to recommend various catch caps, using the supplemental report as presented today as a starting point.

Motion made by Ms. Madsen and seconded by Mr. Maniscalco.

Motion to Amend

Move to amend to add “but not use I_{TARGET} to set biological reference points or stock status” after catch caps.

Motion made by Ms. Fegley and seconded by Mr. Clark. Motion passes (16 in favor, 2 opposed).

Main Motion as Amended

Move to form a Plan Development Team to draft an addendum to consider using I_{TARGET} to recommend various catch caps, but not use I_{TARGET} to set biological reference points or stock status, using the supplemental report as presented today as a starting point.

Motion approved by Board consent.

Move to initiate an addendum to address the Maine glass eel quota.

Motion made by Ms. Ware and seconded by Mr. McKiernan. Motion approved by Board consent.

Move to approve the Maine Aquaculture Plan for 2024.

Motion made by Ms. Ware and seconded by Mr. Clark. Motion is approved by Board consent.

COASTAL SHARKS MANAGEMENT BOARD (AUGUST 1, 2023)

Meeting Summary

The Coastal Sharks Management Board met to consider an update from NOAA Fisheries on Amendment 16 to the Highly Migratory Species (HMS) Fishery Management Plan (FMP), and the FMP Review for the 2021 Fishing Year.

NOAA Fisheries is currently scoping for Amendment 16 to the HMS FMP. The scoping document considers a broad range of issues and potential options. Amendment 16 could implement substantial changes to the commercial and recreational shark fishery, including commercial and recreational shark quotas, shark management groups, shark retention or bag limits, and shark minimum size limits. NOAA Fisheries will accept public comment on this proposed rule through August 18, 2023.

NOAA Fisheries Staff also informed the Board of the recent publication of a proposed rule for the 2024 and future fishing years of the Atlantic shark commercial fishery. The proposed rule considers options to 1) modify the regulations to allow the Atlantic shark commercial fishery to automatically open on January 1 each year under base quotas and default retention limits, 2) increase the default commercial retention limit for shark-directed permit holders from 45 to 55 large coastal sharks, and 3) adjust the 2024 quota levels for the various shark stocks and management groups based on underharvests from the 2023 fishing year.

The Board approved the FMP Review for the 2021 Fishing Year, state compliance reports, and *de minimis* status for the Commonwealth of Massachusetts.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org.

Motions

Move to approve *de minimis* request from Massachusetts, state compliance reports, and the Coastal Sharks FMP Review for the 2021 fishing year.

Motion made by Dr. Davis and seconded by Mr. Miller. Motion approved by unanimous consent.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 1, 2023)

Press Release

ASMFC Atlantic Striped Bass Board Extends Emergency Action through October 28, 2024 & Continues Development of Additional Measures to Aid Rebuilding

Arlington, VA – The Commission’s Atlantic Striped Bass Management Board extended the current emergency action through October 28, 2024 or until the implementation of Addendum II to Amendment 7 of the Interstate Fishery Management Plan. In May, the Board approved a 31-inch maximum size limit for the 2023 recreational fishery to reduce harvest of the strong 2015-year class. The 31-inch maximum size limit applies to all existing recreational fishery regulations where a higher (or no) maximum size applies, excluding the May Chesapeake Bay trophy fisheries which already prohibit harvest of fish less than 35 inches. All bag limits, seasons, and gear restrictions remain the same. All states and jurisdictions implemented the required measure by July 2, 2023.

The emergency action responds to the unprecedented magnitude of 2022 recreational harvest, which is nearly double that of 2021, and new stock rebuilding projections, which estimate the probability of the spawning stock rebuilding to its biomass target by 2029 drops from 97% under the lower 2021 fishing mortality rate to 15% if the higher 2022 fishing mortality rate continues each year.

The extension of the emergency action provides the Board time to develop and finalize Draft Addendum II, which will consider 2024 management measures designed to reduce fishing mortality to the target. Specifically, the Draft Addendum will propose options for the ocean recreational fishery, including modifications to the slot limit with harvest season closures as a secondary non-preferred option. It will also propose options for the Chesapeake Bay recreational fisheries, as well as all commercial fisheries, including maximum size limits.

The Board made changes to the Draft Addendum’s options and sought additional analyses on the impacts of those revised options to the rebuilding of the resource. The Board will review a revised Draft Addendum and consider its approval for public comment in October at the Commission’s Annual Meeting. If approved, the document will be made available for public comment and the states/jurisdictions will conduct public hearings to solicit public comment throughout the fall/early

winter. It's anticipated that the Board will consider public comment and take final action in January at the Commission's Winter Meeting. For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

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PR23-20

Motions

Move to approve the 2022 Fishing Year FMP Review and state compliance report.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion passes by unanimous consent.

Move to extend the Board's May 2, 2023 emergency action of 31" maximum recreational size limit for one year or until the implementation of Addendum II, whichever comes first, effective October 28, 2023.

Motion made by Dr. Armstrong and seconded by Mr. Sikorski. Motion passes (14 in favor, 2 opposed).

Move to add under 3.1.1 and under 3.1.2, an option that states that any recreational season closure implemented through this addendum would be a no harvest closure and an option that states any recreational season closure implemented through this addendum would be a no targeting closure

Motion made by Mr. Hasbrouck and seconded by Mr. Luisi. Motion passes (10 in favor, 4 opposed, 2 abstentions).

Main Motion

Move to amend Chesapeake Bay Recreational Options B and D to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.

Motion made by Dr. Armstrong and seconded by Dr. Davis. Motion amended.

Motion to Amend

Move to amend to add "H" after "D."

Motion made by Mr. Sikorski and seconded by Mr. Clark. Motion passes unanimously.

Main Motion as Amended

Move to amend Chesapeake Bay Recreational Options B, D and H to include maximum size limit options ranging from 23" to 26" in 1" increments and remove all other options.

Motion passes by unanimous consent.

Move to add new options to section 3.1.1 and 3.1.2 to Draft Addendum II that allow for mode splitting. These are options B, C, and D as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.1 and options H as defined in the PDT memo to the board dated July 17, 2023 for section 3.1.2.

Motion made by Dr. McNamee and seconded by Mr. Hasbrouk. Motion passes (11 in favor, 3 opposed, 2 abstentions).

Move to replace Ocean Recreational Option B with the slot limit of 28" to 31" with no seasonal harvest closures and remove Option C and D.

Motions made by Dr. Armstrong and seconded by Ms. Patterson. Motion passes (8 in favor, 6 opposed, 1 abstention, 1 null).

Main Motion

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion made by Dr. Davis and seconded by Dr. Armstrong.

Motion to Substitute

Move to substitute to remove Option B2 from Section 3.2.1.

Motion made by Mr. Hasbrouk and seconded by Mr. Pugh. Motion fails (3 in favor, 12 opposed, 1 abstention).

Main Motion

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced by 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion made by Dr. Davis and seconded by Dr. Armstrong.

Motion to Amend

Move to amend to add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits.

Motion made by Mr. Clark and seconded by Mr. Abbott. Motion passes (12 in favor, 3 opposed, 1 abstention).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to replace “by” with “up to” in Option B.

Motion made by Mr. Geer and seconded by Mr. Kane. Motion passes (15 in favor, 1 abstention).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion to Amend

Move to amend to add Option C that would reduce commercial landings up to 14.5% from 2022 commercial landings.

Motion made by Mr. Sikorski and seconded by Dr. Armstrong. Motion fails (3 in favor, 10 opposed, 3 abstentions).

Main Motion as Amended

Move to remove Options sets B and C from Section 3.2.1 (Options for Implementing a Commercial Maximum Size Limit) from Draft Addendum II. Task the PDT with conducting spawning potential analysis to determine quota reductions, using 2022 as the starting point, associated with each Option in Option sets D (Ocean Commercial Maximum Size Limits) and E (Chesapeake Bay Commercial Maximum Size Limits). Add an option to require maximum mesh sizes for gillnets and exempt them from maximum size limits. Add a new Option Set to Section 3.2.1 containing the following options for reductions to commercial quotas:

Option A. Status Quo. All commercial fisheries maintain 2017 size limits and (or Addendum VI approved CE plans) and Amendment 7 quotas (and Addendum VI approved CE-adjusted quotas).

Option B. Commercial Quota Reductions. Quotas for all commercial fisheries will be reduced up to 14.5% from 2022 commercial quotas (including quotas adjusted through approved Addendum VI CE plans).

Motion passes (14 in favor, 1 opposed, 1 abstention).

Move to add the at-sea filleting options from the PDT memo.

Motion made by Dr. Davis and seconded by Dr. Armstrong. Motion passes by consent.

Move to add an option to the addendum that prevents the alteration of the length of a striped bass prior to landing at the dock.

Motion made by Mr. Miller and second by Mr. Abbott. Motion fails (3 in favor, 13 opposed, 3 abstentions).

EXECUTIVE COMMITTEE (AUGUST 2, 2023)

Meeting Summary

The Executive Committee (EC) met to discuss several issues, including CARES and Consolidated Appropriations Act (CAA) Updates; the Legislative and Governors' Appointees (LGA) members stipend survey results; the potential for an increase in per diem rates; and a Legislative Committee update. The following action items resulted from the Committee's discussions:

- Staff gave an update on the CARES and CAA activities. The CARES program is complete and there is the possibility for the need to return \$159.93 to the U.S. Treasury. CAA has a projected completion of July 31, 2024, and currently \$91,041,387 has been disbursed to the states, with \$13,418,965 remaining to be disbursed.
- Staff presented the results of the LGA members stipend potential survey. Fourteen Commissioners responded; 10 said they were eligible to receive a stipend and six said they would be amenable to receiving one. No action was taken based on these results.
- Staff presented on three bills that the Executive Committee should be aware of per the recommendation of the Legislative Committee. These included: the [National Oceanic and Atmospheric Administration Act of 2023](#) (H.R. 3980), the [Supporting the Health of Aquatic](#)

[systems through Research Knowledge and Enhanced Dialogue Act](#) (or SHARKED Act, H.R. 4051), and the [Fishery Improvement to Streamline untimely regulatory Hurdles post Emergency Situation Act](#) (or FISHER Act). Further discussion of these issue will occur at the ISFMP Policy Board later this week.

- Staff presented a report on the potential for an increase in per diem rates for Commission meetings. The increase would be from Commission, not federal funds. The Committee requested a detailed analysis to determine the projected cost to the Commission of roughly a 30% increase in meal per diem.

For more information, please contact Laura Leach, Director of Finance & Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions were made.

COASTAL PELAGICS MANAGEMENT BOARD (AUGUST 3, 2023)

Press Release

ASMFC Coastal Pelagics Board Sets Atlantic Cobia Total Harvest Quota for 2024-2026 Fishing Seasons

Arlington, VA – The Commission’s Coastal Pelagics Management Board approved a total harvest quota for the Atlantic migratory group of cobia of 80,112 fish for the 2024-2026 fishing seasons. This total quota results in a coastwide recreational quota of 76,908 fish and commercial quota of 73,116 pounds.

The total quota level was first approved in February 2020 for the 2020-2022 fishing seasons. In 2021, the Board changed the cobia quota timeframe from 2020-2022 to 2021-2023. Based on the recommendation from the Technical Committee and in the absence of a new stock assessment, the Board has set the 2024-2026 total harvest quota equal to the 2023 total harvest quota of 80,112 fish.

A new stock assessment for Atlantic migratory group of cobia is scheduled for 2025, with the potential to inform 2026 or later total harvest quotas. The Board will meet in October 2023 to consider new recreational management measures for some states. For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at ctuohy@asmfc.org.

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PR23-21

Meeting Summary

The Coastal Pelagics Board met to set the 2024-2026 total harvest quota for Atlantic cobia (see above press release), consider the Atlantic Cobia Fishery Management Plan (FMP) Review for the 2022 fishing year, consider timelines for reviewing the state recreational allocation of cobia, and received an update from the South Atlantic Fishery Management Council (SAFMC) on the 2022 stock

assessment for Spanish mackerel (SEDAR 78) and upcoming Spanish and king mackerel port meetings.

The Board reviewed state compliance and the Atlantic Cobia FMP Review for the 2022 fishing year. All states' regulations were consistent with the FMP, and the Board approved *de minimis* requests from Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida. The Cobia Plan Review Team (PRT) noted that multiple states could exceed *de minimis* thresholds in upcoming years, which would trigger management changes including in-season monitoring for the commercial fishery and revising state recreational harvest targets for the recreational fishery. Reallocation of recreational harvest targets will require a change in the FMP. The current recreational allocation is calculated using landings data through 2015. In addition, the PRT recommended New York declare an interest in the cobia fishery due to recent trends in New York's commercial landings. New York has indicated their commercial regulations for Atlantic Cobia are consistent with FMP requirements. New York is in the process of updating the state's recreational regulations to be consistent with the FMP requirements and is preparing regulations to establish closure authority in the commercial cobia fishery.

After the FMP Review, the Board received a presentation on current state recreational allocations for cobia and potential timelines for reviewing these allocations. Recreational harvest targets are assigned on a state-by-state basis to non-*de minimis* states, with a 1% set aside for *de minimis* states. Commission staff recommended two timelines for reviewing and revising these allocations through the addendum process. Both timelines align with the upcoming 2025 cobia stock assessment and include implementation dates of 2025 or 2026. The Board identified 2025 as the preferred implementation timeline and directed the Atlantic Cobia Technical Committee (TC) to characterize state and regional harvest trends to inform future allocation options for review at the Commission's Annual Meeting or Winter Meeting. The Board noted that future allocation of recreational harvest targets should consider the dynamic nature of the fishery and be flexible as the stock shifts and/or range expansion continues to be examined.

The final cobia discussion considered the need for ongoing changes to state cobia recreational regulations, given the timing of the potential new addendum and the upcoming 2025 stock assessment. Due to a total harvest quota being set for cobia this year, the TC will need to review state landings against soft harvest targets and recommend changes to state measures for the Board's consideration at the Commission's Annual Meeting in October. To inform the October discussion, the Board tasked the TC with reviewing the impact status quo measures would have on the fishery in addition to recommending changes to recreational management measures.

Lastly, the Board received updates on the 2022 stock assessment for Spanish mackerel (SEDAR 78) and the SAFMC's plans for upcoming Spanish and king mackerel port meetings. The Spanish mackerel stock assessment found the stock to be not overfished and not experiencing overfishing. Following the completion of the assessment, the SAFMC initiated a Framework Addendum to adopt the new ABC recommendation of 8,024,000 pounds. The SAFMC delayed the initiation of a Plan Amendment until the port meetings are completed in 2024. Port meetings are intended to gather stakeholder input to help improve management efforts and update the goals of the Coastal Migratory Pelagics (CMP) FMP. The Board discussed the importance of the port meetings in

informing changes to the Federal and Interstate FMPs and agreed that state staff should attend local port meetings if schedules allow.

The Board also discussed the differences between the Interstate and Federal FMPs and supported their previous decision to hold off on potential management action for state waters until the Council initiates a Plan Amendment for Federal waters. Differences between the Interstate and Federal FMPs exist in terms of commercial management zones, commercial trip limits and closures, allowable gears, recreational season, and recreational accountability measures. While the Board decided to hold off on taking management action to address FMP differences, the Board tasked the newly formed Spanish Mackerel TC to develop a paper that characterizes the recreational and commercial fisheries along the Atlantic Coast. This paper may be informed by the fishery profile questionnaire that will accompany state compliance reports due in October. Outcomes of the port meetings and TC paper will inform Board action in the future.

For more information, please contact Chelsea Tuohy, Fishery Management Plan Coordinator, at CTuohy@asmfc.org.

Motions

Move to approve the Atlantic Cobia FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida.

Motion made by Dr. Rhodes and seconded by Ms. Fegley. Motion carries by unanimous consent.

Move to set the 2024-2026 total harvest quota at the status quo level of 80,112 fish. This results in a recreational quota of 76,908 fish and a commercial quota of 73,116 lbs.

Motion made by Mr. Haymans and seconded by Ms. Fegley. Motion passes by unanimous consent.

Move to task the Cobia Technical Committee to develop a fishery review that characterizes recent trends in state and regional landings compared to their harvest targets, including *de minimis* landings. The results of this review will inform a future addendum to be implemented for 2025 that considers recreational allocations, *de minimis*, and any other issues the Board identifies. It is the intent to initiate this addendum either at the Commission's Annual Meeting or the 2024 Winter Meeting.

Motion made by Ms. Madsen and seconded by Mr. Bell. Motion passes by unanimous consent.

Move to task the Cobia Technical Committee with determining the impacts of status quo coastwide recreational management measures for the 2024 fishing year.

Motion made by Ms. Madsen and seconded by Ms. Fegley. Motion carries by unanimous consent.

Main Motion

Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.

Motion made by Mr. Batsavage and seconded by Ms. Madsen.

Motion to Amend

Move to amend to strike “address state water management issues” and replace “help” with “inform.”

Motion made by Ms. Burgess and seconded by Mr. Haymans. Motion fails (5 in favor, 5 opposed, 2 abstentions).

Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.

Motion made by Mr. Batsavage and seconded by Ms. Madsen. Motion carries (9 in favor, 1 opposed, 2 abstentions).

EAST COAST CLIMATE CHANGE SCENARIO PLANNING INITIATIVE (AUGUST 2, 2023)

Meeting Summary

Over the past two years, marine fishery management organizations along the U.S. East Coast have been exploring governance and management issues related to climate change and fishery stock distributions. This effort recognizes the profound impact that climate change is having on our ocean ecosystems and coastlines and the need to plan for how fishery management organizations and coastal communities can best adapt to these changes in a thoughtful and deliberate way. The last phase of the initiative with the Commission includes the Scenario Planning Summit, held in February 2023, which brought together representatives from the three East Coast Regional Fishery Management Councils, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries. During the Summit, participants used the scenarios as a platform from which to develop a set of potential governance and management actions that could help prepare fishery management organizations for future challenges related to climate change.

The main themes and potential actions that emerged during the initiative are summarized in two documents which: the [Summit Report](#) and a [Potential Action Menu](#). The Summit Report summarizes the discussions that occurred at the Summit, while the Potential Action Menu builds upon the Summit Report by suggesting possible next steps for the management organizations to consider as they plan for the future. Staff presented the Potential Action Menu to the Commission. The menu is organized around three overarching themes and prioritized, with high priority given to those that could be quickly or easily implemented or that the fishery management organizations viewed as important issues to address in the near-term. The table below provides a summary of high priority potential actions under each theme. The Potential Action Menu is intended to be an evolving document, used as a planning tool to guide development of priorities and a place to capture future issues and ideas. Over the next several months, fishery management organizations will meet individually and collectively to discuss how best to integrate the high priority items into actions. The Commissioners agreed the issues identified in the Potential Action Menu are important to consider when planning for the future. While it may seem like an overwhelming list of tasks they are essential for successful fisheries management in the face of a changing climate and will strive to incorporate at least two to four actions into the Commission’s Action Plan each year. The Commission also suggested to hold a similar meeting to the Summit every couple of years.

Overarching Themes and High Priority Potential Actions

Theme	High Priority Potential Actions
Cross-Jurisdictional Governance Refers to ways in which governance structures and processes may need to be modified to address changes in species distribution.	<ul style="list-style-type: none"> • Evaluate Council committee structure, use, and decision-making • Evaluate Advisory Panel representation • Develop joint management agreements to clarify roles and increase efficiency • Improve coordination across NOAA offices and regions
Managing Under Increased Uncertainty Environmental changes may mean that historical conditions can no longer be used to predict the future, increasing uncertainty in management.	<ul style="list-style-type: none"> • Identify ecosystem-level contextual information that can be considered in management to incorporate climate information into decisions • Streamline fishery management plan documentation and rulemaking
Data Sources and Partnerships Coordination of accurate and timely data between all stakeholders and partners will play a large role as we adapt to changing conditions.	<ul style="list-style-type: none"> • Expand study fleet, include recreational fisheries, and ensure data are used • Use survey mitigation around offshore wind to transition to industry-based surveys or other survey platforms • Improve the use of existing data

Additional information about the East Coast Climate Change Scenario Planning Initiative, including contact information for current core team members, is available at <https://www.mafmc.org/climate-change-scenario-planning>.

TAUTOG MANAGEMENT BOARD (AUGUST 2, 2023)

Meeting Summary

The Tautog Management Board met to consider the Fishery Management Plan (FMP) Review for the 2022 fishing year, consider reports from the Technical and Law Enforcement Committees about the commercial tagging program and potential changes to the program, receive a progress report on the next stock assessment update, consider approval of an Advisory Panel (AP) nomination, and elect a Vice-Chair.

The Board was presented with the FMP Review for the 2022 fishing season. Coastwide harvest declined from 2021 to 2022 due to a 33% decrease in recreational harvest, while commercial landings increased by 28%. Massachusetts and Rhode Island exceeded their state quotas and have adjusted their 2023 state quotas to account for those overages. The Plan Review Team noted a considerable decrease in commercial tags that were unaccounted for in 2022 compared to 2021, but continued to recommend that states work to reduce this value. The Board approved the FMP Review, state compliance, and de minimis requests from Delaware and Maryland.

The Board was presented reports from the Technical Committee (TC) and the Law Enforcement Committee (LEC) on reported issues with the commercial tagging program. The TC distributed a survey to harvesters and dealers in each state within the management unit to study live market fish quality and mortality that is presumed to be associated with the commercial tagging program. The TC noted the results showed that these reported issues were occurring in every state and that New York continues to receive the most complaints. Additionally, the TC presented the findings of a study conducted by New York to evaluate potential new tags and tag locations to reduce damage to the fish. Based on the negative results of that study, the TC recommended the Board task the TC to evaluate other alternative tag types. The LEC met in July 2023 to discuss the impact of the commercial tagging program on illegal harvest and evaluating compliance. The LEC indicated that the program has reduced illegal harvest and that there is generally good compliance due to the reduced number of fish in the market that is associated with a reduction in illegal fish from the recreational sector. To address the concerns about the health of the fish, the Board tasked the TC with evaluating the smaller version of the current tag, as well as tags that have not previously been tested.

The Board reviewed a TC recommendation to schedule the next stock assessment update for 2025 and the next benchmark assessment for 2028 to accommodate staffing needs and allow for certain surveys to acquire the necessary amount of data to evaluate potential new models. The Board approved the revised schedule.

The Board considered and approved the nomination of Nicholas Marchetti of New York to the Tautog AP. Additionally, the Board elected Justin Davis of Connecticut to the role of Vice-Chair of the Management Board.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE and MD for the 2022 fishing year.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion carries by unanimous consent.

Move to task the Technical Committee with evaluating the feasibility of using the smaller tag and any tag that has not been previously tested that may meet the goals and objectives of the tagging program.

Motion made by Mr. Hornstein and seconded by Mr. Clark. Motion carries by unanimous consent.

Move to approve Nicholas Marchetti of NY to the Tautog Advisory Panel.

Motion made by Mr. Hornstein and seconded by Dr. McNamee. Motion passes by unanimous consent.

SPINY DOGFISH MANAGEMENT BOARD (AUGUST 3, 2023)

Meeting Summary

The Spiny Dogfish Management Board met to receive an update on the joint action of the Mid-Atlantic and New England Fishery Management Councils (Councils) to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries and to consider the Fishery Management Plan (FMP) Review for the 2021-2022 fishing year.

The Board reviewed an update on the joint action of the Councils to develop a range of alternatives to reduce sturgeon bycatch in the monkfish and spiny dogfish fisheries. Due to the exceedance of the Incidental take allowance delineated in the 2021 Biological Opinion, which formed the basis for the joint action, a new Biological Opinion is likely to be initiated. To include updated information from the new Biological Opinion, final action on the alternatives is planned for the Council meetings in April 2024. Accordingly, the Board will plan to review the final action and consider complementary action for state waters at the Spring Meeting in May 2024.

The Board was presented the FMP Review for the 2021-2022 fishing year. Commercial landings decreased by 23% from 2020-2021 and was approximately 33% of the coastwide quota. Recreational harvest and dead discards increased by 79% and 52%, respectively, from calendar year 2020 to 2021. The Board approved the FMP Review, state compliance, and *de minimis* requests from New York and Delaware.

For more information, please contact James Boyle, Fishery Management Plan Coordinator, jboyle@asmfc.org.

Motions

Move to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for DE and NY for the 2021-2022 fishing year.

Motion made by Mr. Clark and seconded by Mr. Kane. Motion carries by unanimous consent.

INTERSTATE FISHERY MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (AUGUST 3, 2023)

Meeting Summary

The ISFMP Policy Board met to receive an update from Executive Committee; consider changes to the Conservation Equivalency Policy and Technical Guidance Document; receive an update on the Risk and Uncertainty Policy Development; receive updates from the Atlantic Coastal Fish Habitat Partnership (ACFHP) and Legislative Committee; discuss an update on the timeline for the Recreational Sector Separation and Catch Accounting Amendment; and receive a request from the Spot and Atlantic Croaker Stock Assessment Committee.

The Commission Chair, Spud Woodard, presented the Executive Committee Report to the Policy Board (see Executive Committee meeting summary earlier in this document).

Conservation Equivalency

The Commission has been working to update the Conservation Equivalency (CE) Policy and Technical Guidance Document to reflect current use of CE and have the policy include more requirements versus suggestions. Some of the proposed changes include requiring CE programs to be described and evaluated in the annual compliance review, setting a timeframe for CE programs to be in place, considering stock status to determine if CE is allowed, and not allowing measures that cannot be quantified in CE programs if their sole purpose is credit for a reduction. The Policy Board reviewed the proposed changes and, after some discussion, decided to postpone making changes to the document until the next meeting.

Risk and Uncertainty

Jason McNamee presented an updated on the risk and uncertainty tool. After a review of the tool and the last use of the tool on tautog, red drum was proposed as the next species to test this tool. The Policy Board had no objections on this approach.

ACFHP

The ACFHP Steering Committee met in July 2023 where it finalized the next 5-year strategic plan (2022 – 2026) and 2-year action plan (2023 – 2024). A recipient for the 2023 Melissa Laser Habitat Conservation Award was selected. Alex Atkinson from NOAA Fisheries Office of Habitat Conservation provided an update on Beyond the Pond fundraising and the process for seeking Congressional Designation (ACE Act requirement – Sec 204(g)). ACFHP must work with the National Fish Habitat Partnership (NFHP) to develop an application and apply for Congressional Designation by June 2024 to continue to receive funds through the U.S. Fish and Wildlife Service after 2025. The Partnership also agreed to pursue a NOAA Climate Resilience Regional Challenge Grant and is currently working with its partners to develop a Letter of Interest. Staff reviewed two ACFHP projects for FY24 that were approved by NFHP; a dam removal project on the Pequest River, NJ that will reconnect 3 miles of fish spawning and foraging habitat; and a multi-phase Maryland Coastal Bays salt marsh Restoration project where 39 acres of saltmarsh will be restored on the Delmarva Peninsula, MD. As such, ACFHP estimates \$300,000 in NFHP funding for FY24. The annual RFP for FY25 is currently being developed and will be released this Fall.

Legislative Committee

Alexander Law reviewed the Legislative Committee's draft letter in opposition to Rep. Lucas's National Oceanic and Atmospheric Administration Act of 2023 (H.R. 3980). The Act would establish NOAA as an independent agency, removing it from under the Department of Commerce. The Policy Board agreed with the Legislative Committee's concerns about the focus of the bill, fisheries funding instability and regulatory issues that would arise should the bill pass. The Policy Board agreed to send the letter to the relevant House committees and coastal district offices. In addition, the Policy Board received an overview of the FISHERIES Act, which address the Office of Management and Budget's delays in the Fisheries Disaster Assistance approval process. The Policy Board agreed to send a letter to the House Natural Resources Committee and coastal district offices in support of the Act.

Recreational Sector Separation and Catch Accounting Amendment

The Mid-Atlantic Fishery Management Council is proposing a change in the timeline of the Recreational Sector Separation and Catch Accounting Amendment due to staff workload. The

approval of a scoping document would move from December 2023 to Spring 2024 and shifting scoping hearings from January/February 2024 to Spring/Summer 2024. This would shift the timeline back by a few months for each subsequent step. The Policy Board did not have any concerns with the timeline change.

Other Business

One of the lead modelers from the Spot and Atlantic Croaker Stock Assessment Committee has taken a new position and can no longer work on the assessment. The committee asked the Policy Board if any state has an assessment scientist with experience in stock synthesis that could join the committee. If a new lead modeler cannot be added there will be delays in the completion of the assessments.

Lastly, the Policy Board approved a motion that directs Commission leadership to work with the three Atlantic Coast Councils to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management.

For more information, please contact Toni Kerns, Fisheries Policy Director, at tkerns@asmfc.org.

Motions

Main Motion

Move to approve Option 4 board discretion for allowing Conservation Equivalency.

Motion made by Mr. Clark and seconded by Ms. Burgess. Motion postponed until next meeting of the ISFMP Policy Board.

Motion to Substitute

Motion to substitute to adopt Option 1 with an allowance for 2/3 majority to override.

Motion made by Mr. McKiernan and seconded by Ms. Patterson.

Motion to Postpone

Move to postpone decision on Conservation Equivalency until the next meeting of the Policy Board.

Motion made by Ms. Fegley and seconded by Mr. Gary. Motion passes with one null vote.

Move that the Commission leadership reach out to the three Atlantic Coast Councils and schedule a meeting to discuss diminished data collection and stock assessment capacity. The discussion will explore options for developing an inventory of data collection deficiencies and impacts to the effective fisheries management.

Motion made by Mr. McKiernan and seconded by Mr. Bell. Motion carries with one abstention.