

NOAA FISHERIES  
Office of Law Enforcement  
NORTHEAST ENFORCEMENT DIVISION

# Quarterly Report



## 4<sup>th</sup> Quarter FY 2012

July 1, 2012 – September 30, 2012

To Report Fisheries Violations  
Call Our National Hotline  
**1-800-853-1964**

## **Table of Contents**

ENFORCEMENT SUMMARY .....	3
COMPLIANCE ASSISTANCE AND OUTREACH .....	5
NORTHEAST VMS PROGRAM.....	5
NORTHEAST OBSERVER PROGRAM.....	6
INCIDENT INFORMATION.....	7
CASES SENT TO GCEL.....	8

## ENFORCEMENT SUMMARY

The Northeast Division continues to work with industry as we emphasize compliance and outreach and conduct patrols and investigations to ensure a level playing field for the many hard-working fishermen and other members of the fishing industry. From January 1 to November 2, 2012, there have been 305 documented instances of outreach to industry, including: general compliance assistance; mediating gear conflicts; phone calls to industry to improve dealer and vessel reporting; public outreach events; and, as a whole, acting as a liaison to help industry find the information they need to comply with the regulations.

These 305 instances do not include the extensive outreach provided by the VMS team on a daily basis, or many of the interactions between our officers and agents to educate industry on the regulations and answering general questions during patrols, meetings, and day-to-day activities. OLE conducted almost 400 patrols and inspections and continues to conduct criminal and civil / administrative investigations of alleged violations of laws and regulations.

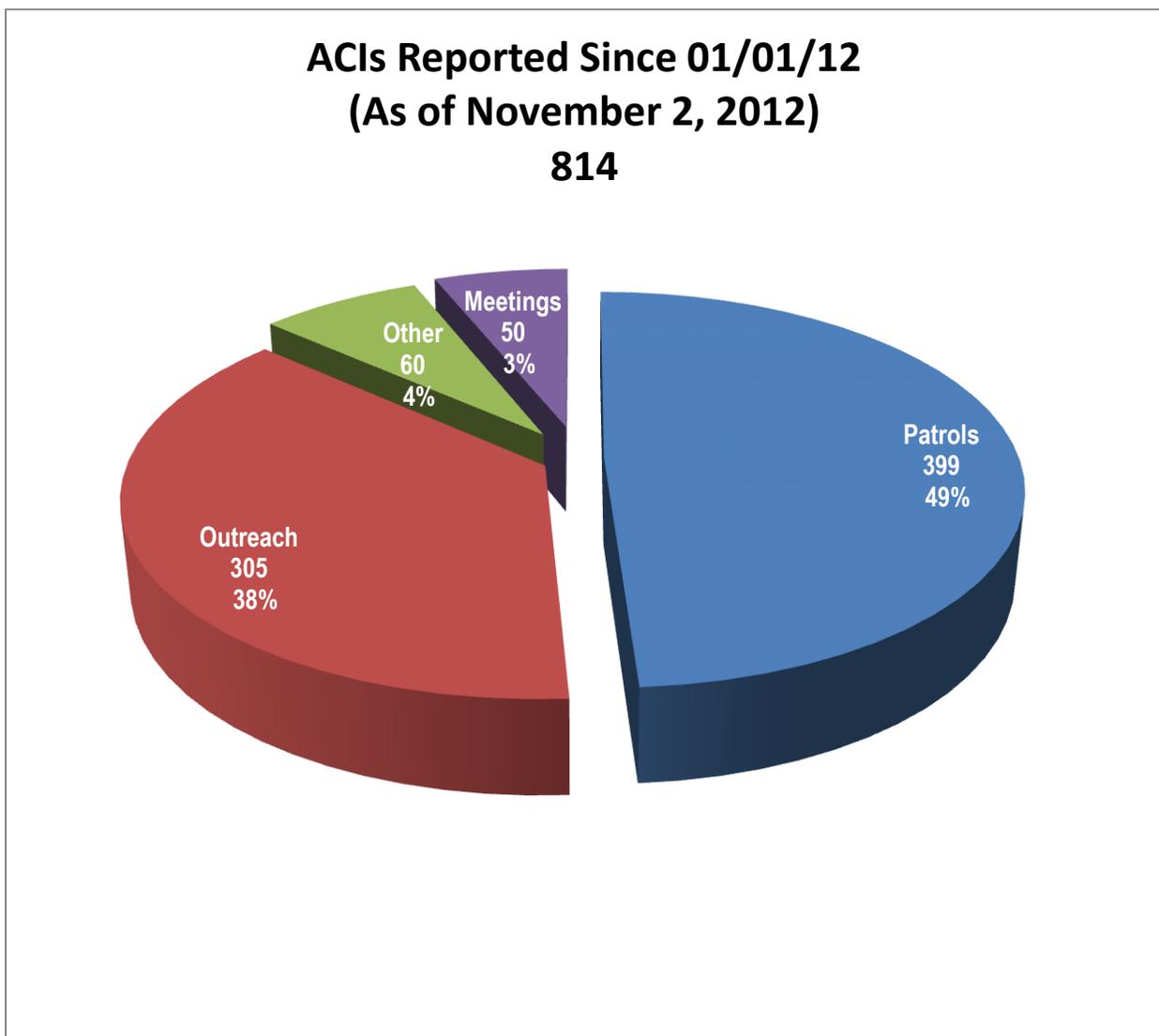


Figure 1. 814 ACIs reported from January 1, 2012 to November 2, 2012. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, info gathering MMPA) and meetings.

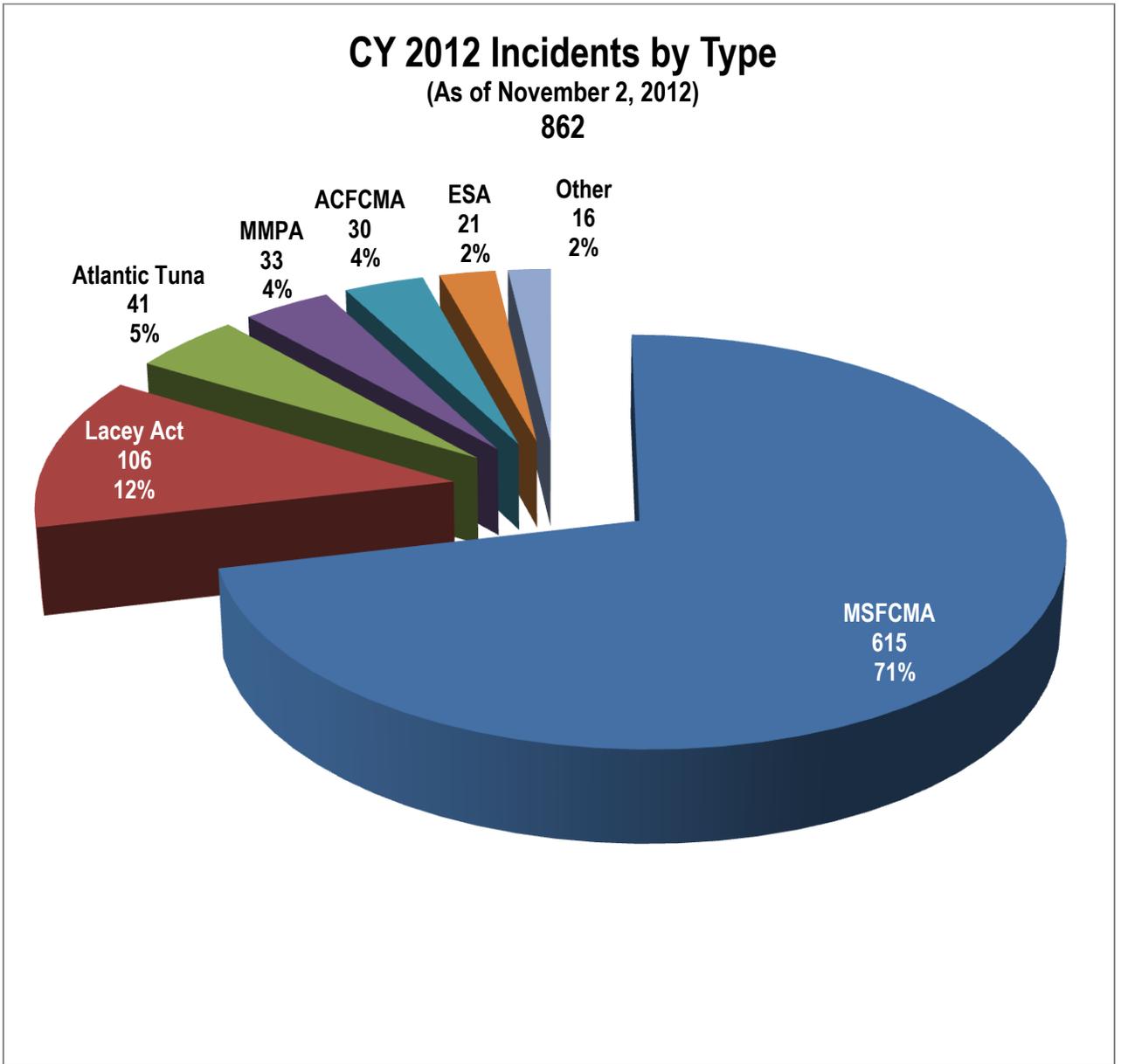


Figure 2. Incidents opened from January 1 – November 2, 2012. 862 incidents were opened. “Other” includes state fishery regulations, federal regulations (non-fisheries), CCAMLR, and Marine Sanctuaries Act.

## COMPLIANCE ASSISTANCE AND OUTREACH

An OLE Enforcement Officer met with a vessel owner to question him about three Closed Area I incursions during a recent trip. The owner explained he had the boundary line coordinates wrong and he thought he was 4 miles away from the boundary. He stated he will redo all of the boundaries for all of the closed areas in his chart plotter. Several OLE staff assisted fishermen and lobstermen with gear conflict issues.

OLE Agents participated in an interview with PBS Frontline. The interview focused NOAA OLE's involvement in ivory smuggling investigations. PBS Frontline is preparing a documentary on IUU Fishing and NOAA-OLE's role in conservation law enforcement.

An OLE Agent and Officer communicated and met with industry in Pt. Judith, RI immediately upon learning of an overnight reduction in squid catch limits that greatly impacted the port. Also, at the request of SFD, a VMS message was sent to 800+ NE VMS vessels regarding the opening of the Trimester III longfin squid fishery on Sep 1<sup>st</sup>.

Massachusetts Environmental Police and an OLE Officer attended a Captains Meeting for a Bluefin Tuna Tournament in Gloucester, MA. Additionally the Large Pelagic Survey was at the event educating fisherman about the "tag a tiny" program and what to do if a tagged tuna is caught. Approximately 30 boats with 200 people are in the tournament. MEP and the OLE Officer provided all Captains with the 2012 tuna regulations and answered other questions.

An OLE Agent conducted an outreach presentation to the Seasonal Ranger Training Program students from Unity College.

NERO SFD identified 12 (non-VMS) vessels failing to report their groundfish trips through the NE IVR call-in system. An OLE VMS Technician worked with OLE's Compliance Liaison to educate the owners on their reporting requirements.

OLE's Compliance Liaison met with industry and NERO/OLE staff to organize a pinger workshop to help industry understand how to properly use them.

OLE's Compliance Liaison and an OLE Agent continue to work with permitted dealers to help ensure voluntary compliance with reporting requirements.

## NORTHEAST VMS PROGRAM

Northeast Active VMS Vessel Population: **1,041** (591 Boatracs, 427 SkyMate, 23 Thrane)

A Northeast VMS software upgrade will be released autumn 2012. This software runs on the VMS units installed on Northeast-permitted vessels. The software has been changed to comply with the FY12 sector exemptions and other NE regulatory changes. The most significant changes were made to the groundfish and monkfish declaration screens.

There is now a separate groundfish declaration for sector and common pool vessels. Both the groundfish and monkfish declaration screen menus have been improved to make it easier for fishermen to declare their intended activity. SkyMate and Thrane VMS users are being mailed the new software and will have to load it on their units upon receipt. Boatracs users will have the new macros automatically downloaded to their units and will need to verify receipt of the new macro version.

The software is effective for use for all trips taken on or after November 1, 2012 for SkyMate and Boatracs; however, there is a slight delay in the implementation of the Thrane software. The Northeast VMS web page provides information and updates on the software upgrade at <http://www.nero.noaa.gov/nero/vms/>. The Northeast VMS Team is available to answer any questions about the VMS Program, reporting requirements and the new software.

## NORTHEAST OBSERVER PROGRAM

A LEADS query was run for NED complaints reported in the fourth quarter of Fiscal Year 2012 in which "NMFS Observer" was the source of the complaint. A query of the Northeast Fisheries Observer Program Incident Report data base was also run for the same time period.

Table 1. Summary of Observer Program complaints and status.

Type of complaint	Number of complaints and status
Refusal	12 refusal complaints: <ul style="list-style-type: none"> <li>• 3 were closed as unfounded</li> <li>• 2 were closed info only</li> <li>• 4 were closed COPPS</li> <li>• 2 are ongoing</li> </ul>
Assault	None
Harassment/Intimidation	6 observer harassment/intimidation complaints: <ul style="list-style-type: none"> <li>• 1 was closed info only</li> <li>• 1 was closed as a verbal warning</li> <li>• 4 are ongoing</li> </ul>
Interference	4 observer interference complaints: <ul style="list-style-type: none"> <li>• 2 were closed info only</li> <li>• 1 was closed due to lack of evidence</li> <li>• 1 is ongoing</li> </ul>
Safety	4 observer safety complaints: <ul style="list-style-type: none"> <li>• 2 were closed under COPPS</li> <li>• 1 was closed info only</li> <li>• 1 is ongoing</li> </ul>
Failure to provide reasonable assistance	1, ongoing
Observer gear/sample tampering	1, ongoing
Observer program notification	1, COPPS action
Miscellaneous	<ul style="list-style-type: none"> <li>• 2 training sessions covering observer enforcement issues.</li> <li>• 1 observer data falsification case was initiated.</li> <li>• A trial resulted in two misdemeanor convictions for observer assault, harassment, and intimidation.</li> </ul>

- 30 violation reports received and acted on by the NED.
- During this quarter the observer program deployed on 1399 trips for 3269 sea days.
- Approximately 98.5% of all selected or observed trips were completed without a reported enforcement incident.
- An OLE Agent coordinated Victim/Witness training for the observer program. The training was presented by a Victim/Witness specialist from the Massachusetts U.S. Attorney's office.
- An OLE Agent coordinated efforts between the observer program, the observer contractor to address a report of non-compliance involving a Rye, NH based gillnet fisher. The subject owner/operator has repeatedly failed to allow observers the opportunity to safely complete their required pre-deployment safety inspection. With help from OLE the assigned observer was able to complete the safety inspection prior to the vessel departing for the fishing grounds.

## INCIDENT & CASE INFORMATION

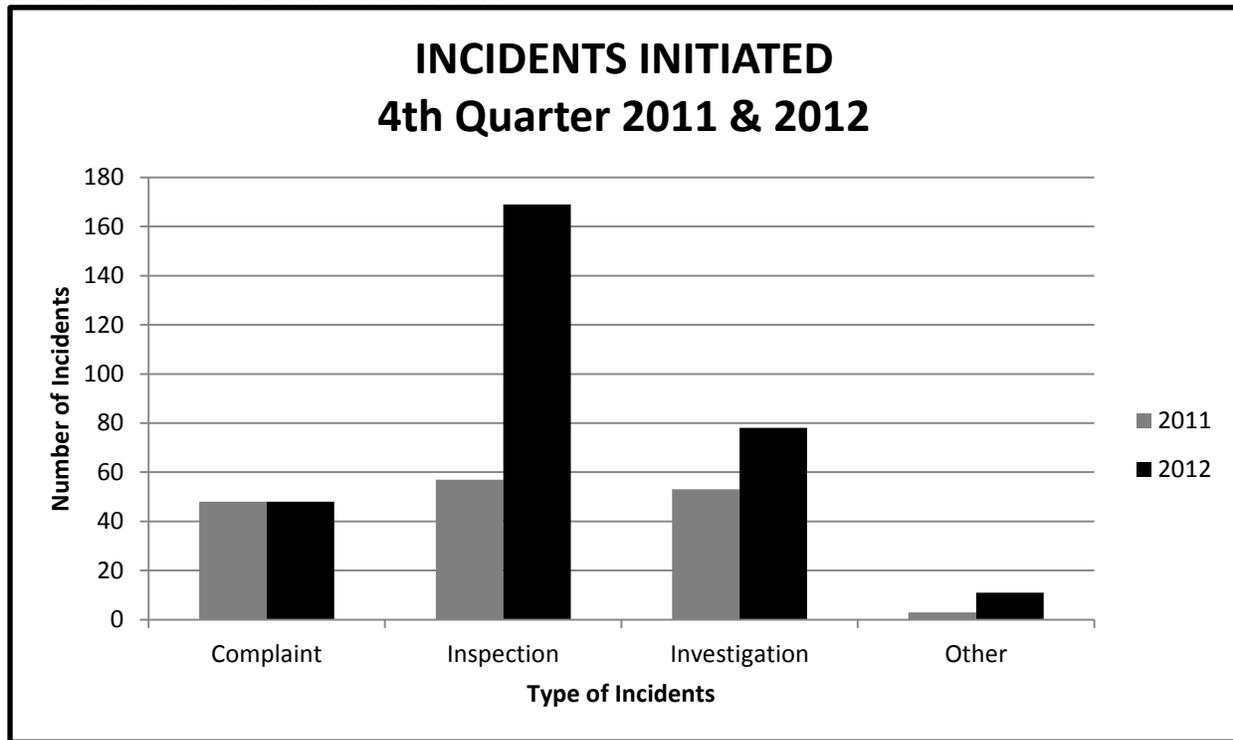


Figure 3. FY2011 4<sup>th</sup> quarter: 48 complaints, 57 inspections, 53 investigations, 3 other. **161 total.**  
 FY2012 4<sup>th</sup> quarter: 48 complaints, 169 inspections, 78 investigations, 11 other. **306 total.**

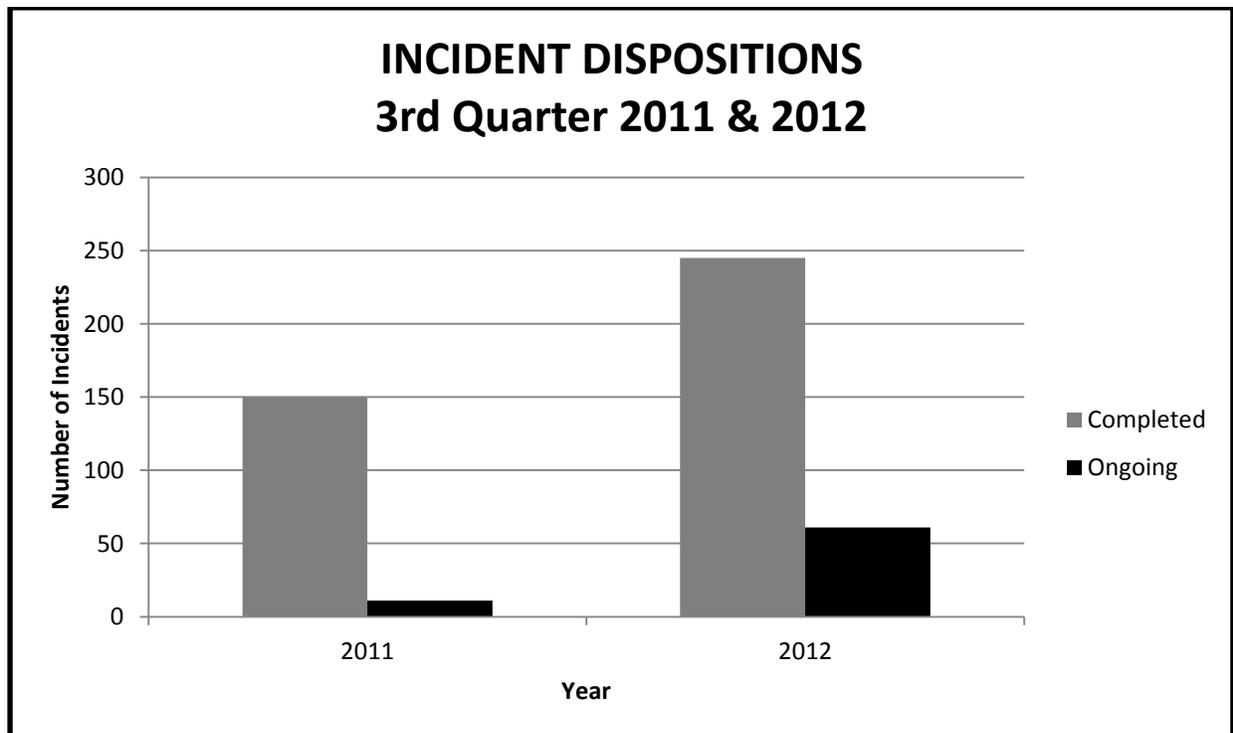


Figure 4. Status of incidents in the 4<sup>th</sup> quarter of FY2011 (150 completed, 11 ongoing) and FY2012 (245 completed, 61 ongoing).

Table 2. Cases sent to GCES in the fourth quarter.

Program/Law	Violation
<b>Endangered Species Act (14 cases)</b>	14 cases for Violation of Speed Restrictions: Seasonal Management Area; Right Whale Protection
<b>MSFCMA (6 cases)</b>	Improperly Tagged Trap Gear: American Lobster
	Exceed Silver Hake Possession Limit
	Violation Sea Scallop Access Area Hudson Canyon Closed Area - (SES)
	Violation Sea Scallop Access Area Elephant Truck Access Area - (SES)
	Fishing in the EEZ Without Federal Fisheries Permit
	Fishing in the EEZ Without Federal Fisheries Permit
<b>Lacey Act (1 case)</b>	Export/Transport - Foreign Commerce: 12 V-Notch American Lobster; 7 Undersized American Lobster



# Atlantic States Marine Fisheries Commission

## 71<sup>st</sup> 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

71<sup>st</sup> Annual Meeting  
Philadelphia, PA  
October 21- 25, 2012

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

703.842.0740

### Meeting Summaries, Press Releases and Motions

#### TABLE OF CONTENTS:

<b>ATLANTIC HERRING SECTION (OCTOBER 22, 2012)</b> .....	<b>3</b>
<i>Meeting Summary</i> .....	3
<i>Motions</i> .....	3
<b>ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 22 &amp; 23, 2012)</b> ....	<b>3</b>
<i>Meeting Summary</i> .....	3
<b>AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 22, 2012)</b> .....	<b>4</b>
<i>Press Release</i> .....	4
<i>Meeting Summary</i> .....	5
<i>Motions</i> .....	5
<b>TAUTOG MANAGEMENT BOARD (OCTOBER 22, 2012)</b> .....	<b>6</b>
<i>Meeting Summary</i> .....	6
<i>Motions</i> .....	7
<b>LAW ENFORCEMENT COMMITTEE (OCTOBER 22 &amp; 23, 2012)</b> .....	<b>7</b>
<i>Meeting Summary</i> .....	7
<i>Motions</i> .....	8
<b>WINTER FLOUNDER MANAGEMENT BOARD (OCTOBER 22, 2012)</b> .....	<b>8</b>
<i>Press Release</i> .....	8
<i>Motions</i> .....	9
<b>SHAD &amp; RIVER HERRING MANAGEMENT BOARD (OCTOBER 22, 2012)</b> .....	<b>10</b>
<i>Meeting Summary</i> .....	10
<i>Motions</i> .....	11
<b>EXECUTIVE COMMITTEE (OCTOBER 23, 2012)</b> .....	<b>11</b>
<i>Press Release</i> .....	11
<b>WEAKFISH MANAGEMENT BOARD (OCTOBER 23, 2012)</b> .....	<b>12</b>
<i>Meeting Summary</i> .....	12
<i>Motions</i> .....	12

<b>HABITAT COMMITTEE (OCTOBER 23 &amp; 24, 2012)</b> .....	<b>12</b>
<i>Meeting Summary</i> .....	12
<b>ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 23, 2012)</b> .....	<b>13</b>
<i>Meeting Summary</i> .....	13
<i>Motions</i> .....	13
<b>AMERICAN EEL MANAGEMENT BOARD (OCTOBER 23, 2012)</b> .....	<b>13</b>
<i>Meeting Summary</i> .....	13
<i>Motions</i> .....	14
<b>SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (OCTOBER 23, 2012)</b> .....	<b>14</b>
<i>Press Release</i> .....	14
<i>Meeting Summary</i> .....	14
<i>Motions</i> .....	15
<b>MANAGEMENT &amp; SCIENCE COMMITTEE (OCTOBER 24, 2012)</b> .....	<b>15</b>
<i>Meeting Summary</i> .....	15
<b>CAPTAIN DAVID H. HART AWARD LUNCHEON (OCTOBER 24, 2012)</b> .....	<b>16</b>
<i>Press Release</i> .....	16
<b>HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 24, 2012)</b> .....	<b>17</b>
<i>Press Release</i> .....	17
<i>Meeting Summary</i> .....	18
<i>Motions</i> .....	18
<b>INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 24, 2012)</b> .....	<b>18</b>
<i>Meeting Summary</i> .....	18
<i>Motions</i> .....	19
<b>BUSINESS SESSION (OCTOBER 24, 2012)</b> .....	<b>19</b>
<i>Meeting Summary</i> .....	19
<i>Motions</i> .....	19
<b>STURGEON MANAGEMENT BOARD ( OCTOBER 25, 2012)</b> .....	<b>20</b>
<i>Meeting Summary</i> .....	20
<i>Motions</i> .....	20
<b>SPINY DOGFISH &amp; COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 25, 2012)</b> .....	<b>20</b>
<i>Press Release</i> .....	20
<i>Motions</i> .....	21
<b>SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (OCTOBER 25, 2012)</b> .....	<b>22</b>
<i>Meeting Summary</i> .....	22
<i>Motions</i> .....	22

## ATLANTIC HERRING SECTION (October 22, 2012)

### *Meeting Summary*

The Atlantic Herring Section met to review a number of issues, including final approval of comprehensive spawning regulations under Addendum V; a Technical Committee Report on Nantucket Shoals Spawning Area; an update on the New England Fishery Management Council Amendment 4 Court ruling; and follow-up on a ISFMP Policy Board task regarding flexibility and delayed implementation. Addendum V, which modified the spawn herring size bins and sample amounts was approved at the August 2012 meeting. For consistency and clarity, all spawning regulations from the FMP and its Addenda have been compiled into one comprehensive document as an appendix of Addendum V, which was reviewed and finalized by the Section at this meeting. The Technical Committee presented a white paper that assesses the impacts to the herring stock if spawning area were to be established for Nantucket Shoals. The Board tasked the Technical Committee move forward with further study of additional spawning areas to include management and subarea management for area 3 (Georges Bank area) and possible alternative sampling measures. The Technical Committee report will report back to the Section at the next ASMFC annual meeting in 2013.

For area 1A, the Section set the 2013 seasonal allocation the same as 2012, with 72.8% of the quota available from June – September and 27.2% available from October – December. The Section agreed to close 1A at 95% of the quota and allow rollover of unused quota from the two periods.

In May 2012, the ISFMP Policy Board directed the Atlantic Herring Section to discuss and report back to the Policy Board on ways to address additional flexibility and delayed implementation in the Herring FMP. The Section concluded that the FMP includes the necessary flexibility to effectively manage the herring fishery in a timely manner.

For more information, please contact Toni Kerns, Acting ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

### *Motions*

#### **Move to adopt Addendum V with amended appendices.**

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

#### **Move that the Technical Committee move forward with a further study to include management and subarea management for area 3 (Georges Bank area) and possible alternative sampling measures and have the Technical Committee report back at the next ASMFC annual meeting in 2013.**

Motion made by Rep. Peake and seconded by Mr. R. White. Motion carries (4 in favor, 3 opposed).

#### **Move that the 2013 specifications replicate the 2012 specifications in Area 1A.**

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

## ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (October 22 & 23, 2012)

### *Meeting Summary*

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss numerous topics. The Steering Committee discussed and approved a ranked list of project proposals received for US Fish and Wildlife Service-National Fish Habitat Partnership funding and discussed potential locations for a NOAA funded habitat conservation project. The group also heard an update on Multistate

Conservation Grant Program operational funding and discussed other potential opportunities for operational and project funding including foundational support, NOAA Community Based Restoration Grant Program and National Fish and Wildlife Foundation funding opportunities. The group discussed streamlining its project endorsement process, and approved a process for bringing in new partners. The group heard updates on major National Fish Habitat Partnership activities and ACFHP Science and Data Working Group activities, and a presentation on a local passage project implemented by American Rivers. The Steering Committee approved its 2012-2013 Implementation Plan and discussed progress on Implementation tasks to date.

For more information, please contact Emily Greene, ACFHP Coordinator, at [egreene@asmfc.org](mailto:egreene@asmfc.org).

## **AMERICAN LOBSTER MANAGEMENT BOARD (October 22, 2012)**

### ***Press Release***

### **ASMFC American Lobster Board Approves Draft Addendum XIX for Public Comment**

Philadelphia, PA – The Commission’s American Lobster Board has approved Draft Addendum XIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster for public comment and review. The Draft Addendum proposes to change the transfer tax for Lobster Conservation Management Area 3 (LCMA 3 - offshore waters) to a single conservation tax of 10% for full business or partial trap sales within the area.

In approving Addendum XVIII in August 2012, the American Lobster Management Board inadvertently failed to include a proposed change to LCMA 3’s transfer tax. Since this issue will be considered in the upcoming federal rule-making process this winter, the Commission’s Plan Development Team recommended that the Board finalize its action relative to the LCMA 3 transfer tax and provide its recommendations to NOAA Fisheries during its winter 2012 public comment period on the LCMA 3 transfer tax.

Both Addendum XVIII and Draft Addendum XIX respond to the depleted condition of the Southern New England (SNE) lobster resource and the Board’s intent to scale the capacity of the SNE fishery to the size the SNE resource. Since the scope of the SNE resource encompasses all or part of six of the seven LCMAs established by Amendment 3, additional addenda will be developed to address effort reductions in the remaining LCMAs (4, 5, and 6). The Board will continue to work on addressing trap banking, controlled growth, and trap caps for LCMA 2 and 3 participants in the fishery.

The Board also initiated development of Draft Addendum XX to formalize measures outlined in an agreement between the offshore lobster fishery and sector trawl fishermen for bottom sharing in Closed Area II of Georges Bank in order to protect large concentrations of egg bearing females and to prevent gear conflicts. The agreement specifies certain times of year when lobster trap gear and sector trawl fishermen may fish in (or not fish in) in certain portions of Closed Area II. The fishing industry developed this agreement in anticipation of the final approval of the New England Fishery Management Council’s (NEFMC) Groundfish Framework 48 which contains measures to help mitigate the economic impact of the dramatic reductions in groundfish annual catch limits for the 2013 fishing year which begins May 1, 2013. If approved, groundfish sectors may request, through their operations plans, access to areas currently closed solely to reduce fishing mortality. In addition, the NEFMC explicitly considered

potential gear conflicts and included language in the Framework that states “when considering sector requests for access to closed areas, NMFS Regional Office should include, inter alia, consideration of the potential for gear conflicts, shifts in fishing effort out of the closed areas and impacts on protected species and lobsters.”

Addendum XIX will be available on the Commission website ([www.asafc.org](http://www.asafc.org)) under *Breaking News* or by contacting the Commission at 703.842.0740. Draft Addendum XX will be developed for Board consideration during the Commission’s Winter Meeting. For more information, please contact Toni Kerns, Acting ISFMP Director, at [tkerns@asafc.org](mailto:tkerns@asafc.org) or 703.842.0740.

###

PR12-51

### ***Meeting Summary***

At its August 2012 meeting, the American Lobster Management Board delayed moving forward with proposed measures regarding changes in the transferability measures for Lobster Conservation Management Areas (LCMAs) 2 and 3 to allow for additional work to be conducted on the issue. A subcommittee of industry and Board members met in September 2012 to address clarifying the measures and will allow the draft addendum to be presented for Board consideration in February 2013.

NOAA Fisheries reported to the Board it intends to begin the rule-making process this winter to consider implementing measures recommended for federal action in the Commission’s Addenda VII, XII, and XVIII.

The Massachusetts Division of Marine Fisheries and the Office of Law Enforcement have fielded numerous questions and some complaints about the vagueness of the zero tolerance v-notch definition. The v-notch regulation as currently written appears to be undermining the intent of the rule as compliance and enforcement wane. Massachusetts industry support has been building for the Commonwealth to consider applying the 1/8" standard to LCMA 1. The Board reviewed a Technical Committee report evaluating the conservation impacts of changing the v-notch definition to the 1/8" in all or part of LCMA 1. The Technical Committee report could not come to a final conclusion due to a deficiency in data. The states are collecting the additional data needed to finalize the report. The Board tasked the Commission’s Law Enforcement Committee with reviewing concerns with the enforcement of zero tolerance vs. 1/8".

The Board approved James Willwerth, a New Hampshire fisherman, to the American Lobster Advisory Panel. For more information, please contact Toni Kerns, Acting ISFMP Director, at [tkerns@asafc.org](mailto:tkerns@asafc.org) or 703.842.0740.

### ***Motions***

#### **Move to approve Draft Addendum XIX for Public Comment.**

Motion made by Mr. McElroy and seconded by Mr. Adler. Motion carries (11 in favor).

#### **Move to initiate the development of an addendum that would include measures outlined in the agreement between the offshore lobster fishery and sector trawl fishermen for bottom sharing in Closed Area II in order to protect large concentrations of egg bearing females and prevent gear conflicts. Limited changes to the agreement by the industry could be made through Board action.**

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

**Move to approve the FMP Review include de minimis requests from North Carolina through Delaware.**

Motion made by Mr. Adler and seconded by Mr. Train. Motion carries (11 in favor).

**Move to approve James Willwerth to the Lobster Advisory Panel.**

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

**Move that permit holders who fish both LMA 4 and 6 must remove pots from the closed LMA but they may fish in the open LMA during that time period.**

Motion made by Mr. Gilmore and seconded by Mr. McElroy. Motion fails (3 in favor, 5 opposed, 2 abstentions).

**Move to have Technical Committee review the impact of the most restrictive measures in Addendum XVII for dual permitted NY fishermen by the next meeting.**

Motion made by Mr. Nowalsky and seconded by Mr. Augustine. Motion carries (10 in favor, 1 opposed).

**Move to have the Lobster Board recommend to the ACCSP Coordinating Council that the ASMFC biological sampling proposal be elevated to funded status.**

Motion made by Mr. Gibson and seconded by Mr. Adler. Motion carries (5 in favor, 4 opposed, 1 abstention, 1 null).

## **TAUTOG MANAGEMENT BOARD (October 22, 2012)**

### ***Meeting Summary***

The Tautog Management Board met to discuss the issue of tautog harvest in federal waters and receive reports on the Tautog Ageing and Assessment Scoping Workshops.

As part of the discussion on tautog harvest in federal waters, New York reported the number of commercial food fish landing licenses in the state has been on the increase. It is believed that most of the new license holders are New York residents looking to harvest tautog for commercial purposes. The extent to which this impacts New York's ability to manage the tautog fishery remains unclear. The New York State Department of Environmental Conservation has begun examining VTR data to get a better idea of the situation. New York is recommending a moratorium on new landing licenses for 2013. New York shared this with the Board to determine if there were other states with similar issues.

Staff provided an update in the Tautog Ageing and Assessment Scoping Workshops. Virginia's age-length data was excluded from the 2005 benchmark and 2011 assessment update because the data indicated a jump in mean length-at-age in all age groups, ageing methodology had changed, and these discrepancies could not be resolved in time for the assessment. To reconcile the differences, the Tautog Technical Committee initiated a hard part (otolith and operculum) exchange and conducted a two-day Ageing Workshop in May 2012. The results indicated Virginia's data were not biased in comparison to other states. The Technical Committee Chair gave an overview of the assessment workshop to review the recommendations of the previous peer review and discuss alternative assessment approaches to improve the quality of the assessment, which will be completed in 2014.

For more information, please contact Toni Kerns, Acting ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

**Motions**

No motions made.

**LAW ENFORCEMENT COMMITTEE (October 22 & 23, 2012)**

**Meeting Summary**

The Law Enforcement Committee (LEC) met in conjunction with the 2012 annual meeting of the Atlantic States Marine Fisheries Commission (ASMFC).

**SPECIES ISSUES:**

**Atlantic menhaden.**—Mike Waine presented management options being considered in Draft Amendment 2. LEC members provided input on a variety of options with potential enforcement complications, including bycatch allowances, reporting of catch in the bait fishery, and how a “small fishery” is defined. Mark Robson will develop written recommendations reflecting LEC input.

**American eel.**—Kate Taylor presented management options being considered in Draft Addendum III. LEC members provided feedback on enforcement of closed seasons or quotas, monitoring of export points, and the difficulty of enforcing size limits for officers in the field. Mark Robson will develop written recommendations reflecting LEC input.

**American lobster.**—in response to discussions at the American lobster management board about v-notching, LEC members discussed current enforcement issues in the New England states and considered what recommendations and advice could be developed from the LEC. A previous position statement regarding v-notching will be reviewed and the LEC will meet in conference specifically to develop recommendations. Mark Robson will work with ASMFC staff to develop written recommendations reflecting LEC input.

Mark Robson will continue to work with ASMFC staff to identify species management board needs and improve LEC input to those boards. The LEC representatives to the species boards were updated as follows:

American eel/American lobster	Joe Fessenden
Atlantic herring	Jeff Marston
Coastal sharks	Chisolm Frampton
Horseshoe crab	John Rutherford
Menhaden	Lloyd Ingerson
Shad/river herring	Jeff Bridi
Spiny dogfish	John Tulik
Striped bass	Kurt Blanchard
Sturgeon	Dorothy Thumm
Weakfish	Steve Anthony
Winter flounder	Kurt Blanchard
Northern Shrimp	John Tulik

**STATE/FEDERAL COORDINATION:**

The LEC welcomed Chief William Woody to the meeting. Chief Woody is in charge of all law enforcement for the United States Fish and Wildlife Service. He expressed strong interest in the activities of the LEC and the ASMFC and participated in the LEC meeting for its entirety. Coordination of enforcement efforts between USFWS and the states was discussed for species of mutual concern.

Logan Gregory of NOAA Office of Law Enforcement updated members on their 2013 enforcement priorities document and discussed ways to ensure LEC input and collaboration on federal enforcement priorities. There was additional discussion of budgetary concerns and the ongoing process of sharing federal enforcement dollars among states via the Joint Enforcement Agreement.

Bob Hogan briefed the LEC on the status of federal staffing and the handling of current caseloads.

### **INFORMATION REQUESTS:**

Members of the LEC exchanged a great deal of valuable information concerning the use and effectiveness of various enforcement tools and communication equipment. The conversation included how equipment being used is holding up in marine environments, effectiveness of safety equipment and the latest communication and tracking systems. Several important issues came out of this discussion and the LEC re-committed to using their meetings for these exchanges.

Members heard a brief presentation by representatives of Pole Star Applications Limited, which is currently providing a vessel monitoring system for the oyster fishery in Louisiana. The State of Maine is evaluating a similar system for some of its fisheries on a pilot basis as a cost-effective enforcement and management tool.

Members viewed a high-quality, professionally produced video designed for recruitment of officers into the Maine Marine Patrol. The 8-minute, full-length version showed enforcement officers at their finest and emphasized the role of enforcement in the conservation of species, and in the aid and support of fishermen and fishing communities.

### **LEC PLANNING AND PRIORITIES**

The LEC reviewed draft Action Plan items for 2013 relating to enforcement issues and provided written feedback to ASMFC staff. A key item of interest was ensure that an assessment of existing and needed enforcement resources be conducted whenever new management actions or regulations are considered for ASMFC species.

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

### ***Motions***

No motions made.

## **WINTER FLOUNDER MANAGEMENT BOARD (October 22, 2012)**

### ***Press Release***

### **ASMFC Winter Flounder Board Finalizes Addendum II & Approves Draft Addendum III for Public Comment**

Philadelphia, PA – The Commission’s Winter Flounder Management Board has approved Addendum II to Amendment 1 to the Interstate Fishery Management Plan for the Inshore Stocks of Winter Flounder. The Addendum modifies the commercial and recreational management requirements for the Gulf of Maine (GOM) stock in response to updated stock status information and recent federal action to increase the GOM winter flounder state waters’ estimated harvest level. Specifically, the commercial trip limit has been increased to 500 pounds per trip and the recreational season has been expanded to year round. These measures apply only to GOM state waters’ fisheries until June 1, 2013.

A peer reviewed stock assessment (SAW/SARC 52) of GOM winter flounder was completed in 2011, which changed the stock's status to not experiencing overfishing, although the overfished status could not be determined. NOAA Fisheries responded to this finding by more than doubling the ACL for the remainder of 2011 fishing year. The ACL was nearly doubled again for the 2012 fishing year. The state waters estimated harvest limit for 2012 fishing year was increased to 272 mt, a 450% increase from 60 mt in 2010.

The Board also approved Draft Addendum III for public comment. The Draft Addendum proposes to establish output controls for GOM state waters for both recreational and commercial fisheries in order to stay within the annually established state waters harvest limit. The proposed controls include trip limits, size limits, area closures, seasons, and possession limits to be determined by the Board on an annual basis. The Draft Addendum also proposes a trigger to reduce commercial trip limits when a percentage of the state water harvest (established by NOAA Fisheries) has been reached.

Addendum II will be available on the Commission website ([www.asafc.org](http://www.asafc.org)) under *Breaking News* or by contacting the Commission at 703.842.0740.

Draft Addendum III will be released over the next month. It is anticipated that New England states will be conducting public hearings on Draft Addendum III; information on the Draft Addendum's availability and the details of state hearings will be released once they are finalized.

For more information, please contact Toni Kerns, ISFMP Acting Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

###

PR12-53

### *Motions*

**Move to adopt in Addendum II, Section 3.1, Commercial Measures, Trip limits, Option 2; Section 3.2, Recreational Measures, Seasonal measures, Option 2. Addendum II measures will sunset on June 1, 2013.**

Motion made by Dr. Pierce and seconded by Mr. Grout. Motion carries (7 in favor, 1 abstention).

**Move to approve Addendum II, as modified today, effective immediately.**

Motion made by Mr. Adler and seconded by Mr. Augustine. Motion carries (8 in favor, 1 abstention).

### **Main Motion**

**Move to delete language in Option 2, commercial accountability measures, and in its place, reduce the Gulf of Maine winter flounder trip limit, set during the specification process, to 250 pounds when either 75%, 85%, or 90% of that state water ACL sub-component is projected to be landed; and, if the subcomponent is exceeded, begin the following fishing year, May 1, with a 250-pound trip limit.**

Motion made by Dr. Pierce and seconded by Mr. Simpson. Motion substituted.

### **Motion to Substitute**

**Move to substitute, under Section 3.2, Option 2, under commercial accountability measures, establish a trigger for state water commercial trip limits that would reduce the trip limit when the trigger is reached. A trigger is met when X% (options below) of the estimated non-federally permitted state water harvest is reached.**

- A) 75%
- B) 85%
- C) 90%

Motion made by Mr. Grout and seconded by Mr. Augustine. Motion passes (7 in favor, 1 abstention).

**Main Motion as Substituted**

**Move to include under Section 3.2, Option 2, under commercial accountability measures, establish a trigger for state water commercial trip limits, that would reduce the trip limit when the trigger is reached. A trigger is met when X% (options below) of the estimated non-federally permitted state water harvest is reached.**

- A) 75%
- B) 85%
- C) 90%

Motion passes (8 in favor, 1 abstention).

**Move to amend Section 3.1, Option 2, to include under commercial measures that could be adjusted through Board action, add item 5, trigger trip limits.**

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion passes (8 in favor).

**Move to approve Draft Addendum III for public comment.**

Motion made by Mr. Stockwell and seconded by Mr. Augustine. Motion passes (9 in favor).

**Move to nominate Mark Gibson for vice chair.**

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

**SHAD & RIVER HERRING MANAGEMENT BOARD (October 22, 2012)**

***Meeting Summary***

The Shad and River Herring Management Board met to review the potential Endangered Species Act (ESA) listing of river herring, discuss recent Council action pertaining to shad and river herring bycatch, approve four sustainable fishing plans, and review state compliance.

In August 2011, the National Resources Defense Council petitioned the National Marine Fisheries Service (NMFS) to list river herring (alewife and blueback herring) under the ESA. In November 2011, NMFS published a positive 90-day finding which stated that the petitioned action may be warranted. NMFS conducted three status review workshops in June/July 2012 to assist in gathering the necessary information to develop the status review. NMFS will publish the proposed rule, if any, as soon as possible.

In August 2012, NMFS sent a letter to the New England Fishery Management Council, requesting that the Council consider adding shad and river herring as a stock in the fishery to the Atlantic Herring FMP. This request was in response to the Court's ruling vacating Amendment 4 to the Atlantic Herring FMP, effective August 2013.

Four states submitted sustainable fishing plans as required under Amendments 2 and 3: Rhode Island (river herring), Massachusetts (American shad), Connecticut (American shad), and Virginia (American shad). The Massachusetts plan proposed to close all American shad fisheries with the exception of the

Merrimack River and Connecticut Rivers and lower the recreational bag limit from six fish per angler per day to three fish per angler per day in those two systems. The Connecticut proposal requested the continuation of the commercial and recreational American shad fisheries in the Connecticut River only. Virginia requested a limited bycatch allowance of American shad from 2013 – 2017. Rhode Island requested a 5% bycatch tolerance for federally permitted Atlantic herring vessels fishing in federal waters. The Board approved all of the sustainable fishing plans that were submitted.

The Plan Review Team presented the 2012 FMP Review, finding all states to be in compliance with the FMP. For more information, please contact Kate Taylor, Fishery Management Plan Coordinator, at 703.842.0740 or ktaylor@asmfc.org.

### *Motions*

**Move the Board approve the sustainable fishery plan for the states of Massachusetts, Virginia, Rhode Island and Connecticut with the recommendations from the Technical Committee.**

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion approved without opposition.

**Move to accept the Shad and River Herring FMP Review and the Technical Committee's recommendations and approve *de minimis* requests for shad from Massachusetts, New Hampshire and Maine.**

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion approved without objection.

## **EXECUTIVE COMMITTEE (October 23, 2012)**

### *Press Release*

### **Robert E. Beal Named ASMFC Executive Director**

Philadelphia, PA – Paul Diodati, Chair of the Atlantic States Marine Fisheries Commission, has announced the selection of Robert E. Beal as the Commission's new Executive Director. Mr. Beal has been with the Commission for more than 15 years and has served as the Director for the Interstate Fishery Management Program for the past 10 years.

“After a thorough search and interview process, Bob clearly demonstrated he possesses the leadership skills, expertise and management qualities required to lead the Commission as it enters into a new phase of strategic planning and cooperative partnerships among the states, interstate commissions, and federal agencies,” stated Mr. Diodati. “Bob will be an outstanding representative of the states to the Congress and to the commercial, recreational and environmental stakeholders that depend on our effective stewardship of Atlantic coastal fishery resources.”

In accepting the position, Mr. Beal stated, “I am honored and privileged to serve as the Commission's Executive Director and work for people I admire and for a cause I feel so strongly about. It's been nearly 20 years since passage of the Atlantic Coastal Fisheries Cooperative Management Act and the states, through the Commission, have achieved many impressive accomplishments from species rebuilding, improved data collection, to sound stock assessments for data poor species such as American eel and shad and river herring. I am excited about the opportunity to work with the states, in concert with our federal partners, to build upon these successes and address the challenges that are ahead.”

The Commission was formed over 70 years ago by the 15 Atlantic coast states to assist in managing and conserving their shared coastal fishery resources. With the recognition that fish do not adhere to political

boundaries, the states formed an Interstate Compact, which was approved by the U.S. Congress in 1942. The states have found that their mutual interest in sustaining healthy coastal fishery resources is best promoted by working together cooperatively, in collaboration with the federal government. With this approach, the states uphold their collective fisheries management responsibilities in a cost-effective, timely, and responsive fashion.

###

PR12-52

## **WEAKFISH MANAGEMENT BOARD (October 23, 2012)**

### ***Meeting Summary***

The Weakfish Management Board reviewed the Technical Committee's (TC) report on the Weakfish stock status indicators for 2011 including Proportion of trips that max out the harvest limit, Relative biomass indices (recreational CPUE, Delaware Bay Trawl CPUE, New Jersey Trawl positive tows), Proportional Stock Density (a size quality index estimated from the Delaware Bay trawl survey and the NJ trawl survey), relative F (harvest and discards divided by an index of abundance or biomass), Juvenile Abundance Indices (JAI). Generally stock status indicators in 2011 suggest a stronger year class in 2011 and in terms of fishing mortality, relative F has decreased presumably a result of the management implementation of Addendum IV in 2010. The Board saw the more positive indicators in 2011 encouraging, but acknowledged this is one year in the time series and future updates will be more telling. The TC will continue to update stock status indicators in and report to the Board annually.

The Weakfish Management Board reviewed and accepted the 2012 Fishery Management Plan Review of the 2011 fishery. Landings for both the commercial and recreational fisheries declined to a time series low in 2011 totally roughly 160 thousand pounds. In terms of biological sampling, a few states fell short of their sampling requirements because of the low weakfish landings from which to sample, but the states reconfirmed their intention to fulfill future sampling requirements in 2012 and there is already anecdotal signs of improved fish availability. The Board approved the requests of Massachusetts, Connecticut, and Georgia, and Florida for continued *de minimis* status for 2012.

For more information, please contact Michael Waine, Fishery Management Plan Coordinator, at 703.842.0740 or [mwaine@asmfc.org](mailto:mwaine@asmfc.org).

### ***Motions***

**Move that the Board accept the 2012 FMP review and compliance report and approve *de minimis* status for MA, CT, GA, and FL.**

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

## **HABITAT COMMITTEE (October 23 & 24, 2012)**

### ***Meeting Summary***

The Habitat Committee reviewed progress on the Habitat Program tasks in the ASMFC 2012 Action Plan. The 2013 Action Plan was finalized and tasks were assigned to Committee members. The topics for the forthcoming annual issue of *Habitat Hotline Atlantic* were discussed. The Committee reviewed the latest draft of the next installment of the Habitat Management Series, "Harbor Deepening: Potential Habitat and Natural Resource Issues." This guidance document will be available in Spring 2013. A

presentation was provided on the Commission's efforts to incorporate habitat information into stock assessments. The Committee is exploring an effort to identify habitat or habitat characteristics (e.g. water quality) that limit the recovery of Commission managed species with a poor stock status. As a starting point, the Committee will incorporate a discussion of habitat bottlenecks when initiating an update to an FMP habitat section. Updates were provided by ACFHP and the Fish Passage Workgroup. Dr. Jake Kritzer, Environmental Defense Fund, was elected as the new Vice Chair to the Habitat Committee. The next Habitat Committee meeting will take place in Spring 2013. For more information, please contact Megan Caldwell, Habitat Coordinator, at megfishconsult@gmail.com.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (October 23, 2012)**

### ***Meeting Summary***

The Atlantic Striped Bass Board met to approve the Terms of Reference (TORs) for the Striped Bass Benchmark Stock Assessment, discuss a request from Rhode Island, and review state compliance.

The Technical Committee presented the TORs for the upcoming benchmark stock assessment, which were approved by the Board. The assessment is expected to be peer reviewed in June 2013. Rhode Island presented a request to allow the state to submit their commercial tagging report, as required under Addendum III, by January 1<sup>st</sup> rather than 60 days prior to the start of the first fishing season (originally November 1<sup>st</sup>). The Board approved this request for 2013. The Board reviewed the 2012 Striped Bass FMP Review and found all states in compliance. The stock is currently not overfished and overfishing is not occurring.

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

### ***Motions***

**Move to approve the stock assessment terms of reference as modified today.**

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

**Move to approve Rhode Island request on timeframe for implementation of Addendum III.**

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

**Move the Board approve the Striped Bass FMP Review.**

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

## **AMERICAN EEL MANAGEMENT BOARD (October 23, 2012)**

### ***Meeting Summary***

The American Eel Management Board met to review the potential Endangered Species Act (ESA) and CITES (Convention on the International Trade in Endangered Species) listings, as well as provide guidance to the Plan Development Team (PDT) in the development of Draft Addendum III.

In April 2010, American eel was petitioned to be listed as threatened under the ESA. The US Fish and Wildlife Service (USFWS) published a positive 90-day finding which stated that the petitioned action may be warranted. In August 2012, the organization that initially submitted the petition filed a lawsuit against USFWS to make complete a status review on American eel and publish a determination on the

listing status. American eel are also under consideration for listing under CITES Appendix II. USFWS will publish its recommended species for CITES listing in November.

The Board also reviewed a preliminary draft of Addendum III. The PDT requested additional guidance from the Board on the objectives of the addendum and the extent of management options to include. The PDT will continue developing the addendum and it is anticipated that a draft will be reviewed and considered for public comment by the Board in February 2013.

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

### ***Motions***

No motions made.

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (October 23, 2012)**

### ***Press Release***

#### **ASMFC South Atlantic Board Approves Black Drum FMP for Public Comment**

Philadelphia, PA – The Commission’s South Atlantic State/Federal Fisheries Management Board has approved the Draft Interstate Fishery Management Plan (FMP) for Black Drum for public comment. The Draft FMP solicits comment on a range of issues, including management goals and objectives; recreational and commercial management measures; flexibility to react to new assessment information; *de minimis* levels and exemptions; monitoring requirements and recommendations; and recommended measures for implementation by NOAA Fisheries in federal waters.

The FMP was initiated in response to concern regarding significant increases in harvest in recent years and the fact that the fishery primarily targets juveniles. Further, the lack of consistent coastwide regulations or management goals may negatively impact the black drum population as fishing pressures shifts from other stocks.

Fishermen and other interested groups are encouraged to provide input on the Draft FMP either by attending state public hearings or providing written comment. The Draft FMP will be available on the Commission website ([www.asmfc.org](http://www.asmfc.org)) under *Breaking News* or by contacting the Commission at 703.842.0740. Public comment should be forwarded to Toni Kerns, ISFMP Acting Director, 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or [tkerns@asmfc.org](mailto:tkerns@asmfc.org) (Subject line: Black Drum FMP). It is anticipated the majority of South Atlantic states will be conducting hearings in early 2013; the details of those hearings will be released once they are finalized. The FMP is scheduled for final approval during the Commission’s 2013 Spring Meeting.

For more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

###

PR12-56

### ***Meeting Summary***

The Board reviewed the Draft Black Drum Interstate Fishery Management Plan, including options for including coastwide recreational and commercial management measures. The Board approved the

document for public comment and will be working with staff to hold public hearings and prepare public comment for the Spring Meeting. The Board also reviewed a request from the South Atlantic Fishery Management Council to require all dealers buying Spanish mackerel to hold a federal dealer permit. The Board did not take any action on this request, which would require an addendum to the Spanish Mackerel Fishery Management Plan. Finally, the Board elected Pat Geer, from the Georgia Department of Natural Resources, as Vice Chair. For more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or tkerns@asmfc.org.

### ***Motions***

#### **Move to approve the Black Drum FMP for public comment.**

Motion made by Mr. Boyles and second by Mr. Cole. Motion carries unanimously.

#### **Move to nominate Pat Geer as Vice Chair of the South Atlantic Board.**

Motion made by Mr. Boyles and seconded by Mr. Cole. Motion carries unanimously.

## **MANAGEMENT & SCIENCE COMMITTEE (October 24, 2012)**

### ***Meeting Summary***

The Management and Science Committee (MSC) met to discuss a number of issues and receive updates on subcommittee projects. MSC received a report from the Assessment Science Committee on its efforts in developing guidance on characterizing uncertainty for technical committees. MSC formed a subcommittee to develop guidance on management uncertainty for managers. The Committee also provided input on a draft Technical Committee Policies and Procedures Guidance Document which updates and consolidates previous guiding documents, and will address issues such as public participation at meetings and reviews of alternative stock assessments. The Committee also discussed ongoing ecosystem based fisheries management (EBFM) including: collecting information on forage species of Commission managed species; an update from the joint subcommittee of the Multispecies Technical Committee and Atlantic Menhaden Technical Committee on the previous task of development of ecological reference points; plans to reconvene the EBFM team to discuss what EBFM workshop recommendations might be implemented in the Commission process. Additionally, the Committee received a report from the MRIP calibration workshop on how to deal with the re-estimation estimates. MSC discussed the need for an integrated peer reviewer in the next tautog stock assessment and recommended that one be designated. The Committee also discussed the possibility of developing a database to hold data for stock assessments and, as a starting point, will review at its next meeting what data are required for compliance reports. MSC received an update on the updated AMSFC research priorities list and will update the ASMFC critical research needs list. MSC also received an update on the funding for proposals submitted to ACCSP and next year will submit new proposals. MSC also received a presentation on telemetry work in the Chesapeake Bay by NOAA Chesapeake Bay Office. MSC was also updated on progress on an ageing manual for Commission species, as well as a recent ASMFC ageing workshop on bluefish. Finally, MSC received an update from the Atlantic Coastal Fish Habitat Partnership.

For more information, please contact Melissa Paine, Scientific Committee Coordinator, at 703.842.0740 or [mpaine@asmfc.org](mailto:mpaine@asmfc.org)

## CAPTAIN DAVID H. HART AWARD LUNCHEON (October 24, 2012)

### *Press Release*

### **ASMFC Presents George Lapointe Prestigious Captain David H. Hart Award**

Philadelphia, PA – The Atlantic States Marine Fisheries Commission presented George Lapointe, long-time ASMFC Commissioner and former Maine Commissioner of Marine Resources, the Captain David H. Hart Award, its highest annual award, at the Commission’s 71<sup>st</sup> Annual Meeting in Philadelphia, Pennsylvania.

“George Lapointe is without a doubt a true embodiment of Captain Dave. For more than 30 years he has provided consistent fisheries management leadership at the state, interstate, and federal levels; all the while passionately supporting the Commission and its vision of stock rebuilding and sustainable resource management,” stated Jack Travelstead, Chair of ASMFC’s Award Committee. “He possesses the unique ability to temper the most heated debate with humor and a common sense approach transforming conflict into workable solutions.”

Serving as both an employee at the Commission and as a Commissioner from Maine, Mr. Lapointe has shown an unwavering commitment and dedication to the success of marine fisheries management. In his first Commission position as Council Liaison, he fostered knowledge between the Commission and the Regional Councils. In 1994, Mr. Lapointe returned to the Commission as the ISFMP Director where he served for nearly four years. During that time, he was instrumental in the development of the Interstate Fisheries Management Program Charter and worked with state members, federal partners, and a broad constituency to promote efficiency, and foster outreach and public participation in the Commission’s fisheries management process.



From left: Dr. Louis Daniel, ASMFC Vice-Chair, Jack Travelstead, ASMFC Award Committee Chair, Award Recipient George Lapointe, Paul Diodati, ASMFC Chair and Robert E. Beal, ASMFC Executive Director

Despite being considered an “outsider,” Mr. Lapointe was appointed as the Commissioner of Maine Department of Marine Resources in 1998. He served as Commissioner for 12 years, directing a critical marine resource agency at one of its most difficult times with a conscience for all those involved. He was so well respected for his understanding of fisheries management and his commitment to his state’s fishing industries, he served at the pleasure of two Governors and was supported by a very active and challenging constituency.

Mr. Lapointe was elected Commission Vice-Chair in 2004 and Chair in 2006, serving three years as Chair. Under his guidance, the Commission embarked on an extensive strategic planning effort, culminating in the development of the 2009-2013 Strategic Plan. The Plan formalized, for the first time, Commissioner values in pursuit of the Commission’s vision and mission, and reaffirmed the Commission’s commitment to transparency and accountability in its decision making process.

Mr. Lapointe recognizes his success in natural resource management is due to the accumulated knowledge and experience of those he has had the honor of serving with. When veteran Commissioners with over 100 combined years of service retired, he personally oversaw a critical transition in Commission leadership, readying the next generation to take up the charge of pursuing the states' collective mission of sustainable resource management. He also guided states' efforts to conserve and rebuild diadromous species, completing the long-awaited American shad benchmark stock assessment and the development and adoption of a new amendment for river herring.

Throughout his career, Mr. Lapointe has strived to be fully informed of the issues (from all perspectives – science, management and user groups) and share that knowledge with next generation of fisheries managers and scientists. 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.

###

PR12-54

**HORSESHOE CRAB MANAGEMENT BOARD (October 24, 2012)**

*Press Release*

**ASMFC Horseshoe Crab Board Sets Annual Specifications in Adaptive Multi-Species Management**

Philadelphia, PA – The Commission's Horseshoe Crab Management Board has approved the harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2013 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the states of New Jersey, Delaware, Maryland and Virginia, which harvest horseshoe crabs of Delaware Bay origin:

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

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

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

For additional more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

###

PR12-55

### ***Meeting Summary***

The Board reviewed the recommendations of the Delaware Bay Ecosystem Technical Committee on the 2013 harvest specifications, based on the optimal harvest level output by the Adaptive Resource Management (ARM) Framework. The optimal harvest package recommended by the ARM Framework was Harvest Package #3, which allows for harvest of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs. The Board accepted this recommendation and approved Harvest Package #3 for setting the 2013 fishery specifications. The recommended harvest output will be allocated according to the measures included in Addendum VII to the Horseshoe Crab Fishery Management Plan. The Board also received a report on the status of the many horseshoe crab and shorebird indices from the Delaware Bay area, which were also reviewed by the Delaware Bay Ecosystem Technical Committee. Finally, the Board discussed the ongoing bait challenges for fishermen in the Delaware Bay area and the increasing importation of Asian horseshoe crabs into the U.S. The Board is concerned about potential impacts of Asian horseshoe crabs and the possible parasites or diseases it may bring with it. The Board tasked staff with further investigating the extent of this issue, as well as possible solutions to resolving it. For more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

### ***Motions***

**Move to accept harvest package number 3 for the 2013 harvest season.**

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

## **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (October 24, 2012)**

### ***Meeting Summary***

The Interstate Fisheries Management Program (ISFMP) Policy Board met to review a number of issues. The Marine Recreational Information Program (MRIP) has been moving forward with major survey design improvements, including the rollout of the new intercept survey design in 2013. Gordon Colvin reviewed the MRIP Implementation Plan and identified next steps for regional implementation decision-making.

The Assessment Science Committee (ASC) met September 17-18, 2012 to complete the Policy Board task of developing alternative scheduling options in order to conduct menhaden and sturgeon benchmark assessments as soon as possible. ASC presented the Board with three options for including the assessments in the 2014 schedule. The Board moved forward with an option that delays the black drum and weakfish assessments but keeps all other assessments on track.

Rep. Walter B. Jones from North Carolina requested the Commission consider broadcasting its quarterly meetings via the Internet to allow for increased transparency of Commission activities by a wider range of stakeholders. Rep. Jones also requested the Commission consider roll-call votes for all Commission actions. The Policy Board reviewed a white paper on both issues. It committed to broadcasting the quarterly meetings via the Internet and implemented the use of roll-call votes for final Commission actions and other major actions such as specification setting. The Commission will test the web broadcasting at the upcoming Atlantic Menhaden Board meeting on December 14, 2012.

The Board reviewed reports from the Habitat Committee, Law Enforcement Committee (LEC), and Atlantic Coastal Fish Habitat Partnership (ACFHP) on recent activities. The Habitat Committee presented a white paper that considers the future direction of the Habitat Program and the Committee's response to that white paper. The LEC reviewed species activity on menhaden, lobster and American eel. The Committee also highlighted a recruitment video used by Maine that emphasized the conservation of species, and in the aid and support of fishermen and fishing communities. Lastly, the LEC reported on a discussion with Chief William Woody (USFWS) on the coordination of enforcement efforts between USFWS and the states. ACFHP updated the Board on the approved fiscal year 2012 project funding and on the received fiscal year 2013 project applications. For 2013, a Multistate Conservation Grant funding was announced. For more information on the activities of the Habitat Committee, ACFHP, and LEC this week, please refer to their respective summaries in this document.

Rick Robins from the Mid-Atlantic Fishery Management Council updated the Board on the Council's series of visioning meetings with managers and stakeholders in order to revise the strategic plan for the Council.

The Policy Board discussed concerns about the possible impacts of climate changes on the distribution and availability of migratory species. In response to this discussion, it tasked the Management and Science Committee to consider whether climate-induced shifts in distribution or the migratory patterns of populations have occurred and if these changes can be used as a basis for re-evaluating of quota allocation decisions. For more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

#### ***Motions***

No motions made.

### **BUSINESS SESSION (October 24, 2012)**

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

The Business Session reviewed and approved the 2013 Action Plan. It re-elected Paul Diodati and Dr. Louis Daniel to serve as the Commission's Chair and Vice-Chair, respectively. It was also presented the Resolution in Appreciation of the Host State. For more information, please contact Laura Leach, Director of Finance and Administration, at 703.842.0740 or [lleach@asmfc.org](mailto:lleach@asmfc.org).

#### ***Motions***

**On behalf of the Administrative Oversight Committee, I move to approve the 2013 Action Plan.**

Motion made by Dr. Daniel. Motion carries unanimously.

**On behalf of the Nominations Committee, I move to nominate Mr. Diodati as Commission Chair.**

Motion made by Mr. Travelstead. Motion carries without objection.

**On behalf of the Nominations Committee, I move to nominate Dr. Daniel as Commission Vice-Chair.**

Motion made by Mr. Travelstead. Motion carries without objection.

## **STURGEON MANAGEMENT BOARD (October 25, 2012)**

### ***Meeting Summary***

The Sturgeon Management Board met to review and discuss a draft delisting/downlisting petition for Atlantic sturgeon, receive an update on the stock assessment timeline and required scientific support, take final action on Draft Habitat Addendum I, and populate the Advisory Panel.

The Board tasked the Technical Committee with the development of a draft petition to propose delisting or downlisting of Atlantic sturgeon from the Endangered Species List. A subset of the Technical Committee met to develop a draft for Board review, but did not propose any specific actions. Given that a stock assessment is currently scheduled for completion by 2014, the Board opted to delay action on the petition until the stock assessment could provide the necessary information to guide management action.

The Board approved Habitat Addendum I for Atlantic Sturgeon. This Addendum was developed by the ASMFC Habitat Committee, in conjunction with the Atlantic Sturgeon Technical Committee, and is based on the 2010 ASMFC Diadromous Fish Habitat Document. The Addendum contains no management or compliance measures but rather describes significant habitat by life stage, provides recommendations on habitat improvements, and details research needs. The Board approved Michael Doebley to the Advisory Panel.

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

### ***Motions***

**Move that the Board approve the Habitat Addendum I as presented.**

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

**Move to approve Michael Doebley to the Atlantic Sturgeon AP.**

Motion made by Mr. Pankowski and seconded by Mr. Augustine. Motion approved without objection.

## **SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (October 25, 2012)**

### ***Press Release***

#### **ASMFC Spiny Dogfish Board Sets Quotas for 2013 - 2015**

Philadelphia, PA – The Commission’s Spiny Dogfish and Coastal Sharks Management Board approved spiny dogfish quotas for the 2013/14, 2014/15, and 2015/16 fishing seasons (May 1 – April 30), with a maximum possession limit of 4,000 pounds per day for the northern region states (Maine through Connecticut). The approved quotas represent an approximately five million pound increase in quota over the 2012/13 season. State-specific shares for the northern region and southern states (New York through North Carolina) are provided in the table below. Any overages from the previous fishing seasons will be paid back by the region or state in the following season, as has been done in years past. The Mid-Atlantic Fishery Management Council (MAFMC) forwarded the same recommendation to the National Marine Fisheries Service Northeast Regional Administrator for final action prior to the start of the 2013/14 fishing season. The New England Fishery Management Council will take action at its November meeting.

**Regional/state quotas and possession limits for the 2013 to 2015 fishing seasons (in pounds). Quotas will be adjusted for any over/under harvests in the previous fishing season.**

	Northern Region (ME - CT)	NY	NJ	DE	MD	VA	NC
<b>Possession Limit</b>	4,000	To be specified by the individual southern region states					
<b>% Allocation</b>	58%	2.707%	7.644%	0.896%	5.920%	10.795%	14.036%
<b>2013/14</b>	23,688,360	1,105,593	3,121,962	365,944	2,417,846	4,408,894	5,732,583
<b>2014/15</b>	24,234,720	1,131,093	3,193,969	374,385	2,473,613	4,510,583	5,864,802
<b>2015/16</b>	24,115,240	1,125,516	3,178,222	372,539	2,461,418	4,488,345	5,835,888

The Board’s action responds to the findings of the 2012 Northeast Fisheries Science Center (NEFSC) Update on the Status of Spiny Dogfish, which estimates that spiny dogfish are not overfished and not experiencing overfishing. Spawning stock biomass (SSB) was estimated at 474.97 million pounds in 2012, and has exceeded the target (351.23 million pounds) for the past five years. Fishing mortality is estimated to be 0.114 in 2011, well below the plan’s threshold (0.2439). The recommendation from the MAFMC Science and Statistical Committee (SSC) took into account the projected record low recruitment from 1997 to 2003, and the recommended quotas are not expected to cause SSB to decline below the biomass threshold.

Discards have remained relatively stable around 11 million pounds over the past decade and are expected to remain near that level in the future fishing seasons. Canadian landings have also decreased significantly in recent years (249,000 pounds in 2009; 13,230 pounds in 2010; 273,000 pounds in 2011). It is anticipated the Canadian dogfish harvest will not increase in the near future given the lack of demand for the product and the subsequent closure of Canadian spiny dogfish processors.

Additionally, based on the recommendation of its Coastal Sharks Technical Committee, the Board approved a 36 fish possession limit for sharks in the large coastal sharks (LCS) species group (silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks) for 2013. The Board increased the LCS possession limit, consistent with the proposed federal shark specifications.

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

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PR12-57

***Motions***

**Move that the spiny dogfish quota for 2013-2014 be set at 40.842 million pounds; 2014-2015 be set at 41.784 million pounds; 2015-2016 be set at 41.579 million pounds; and the Research Set Aside be set at up to 3% starting in 2014-2015.**

Motion made by Mr. Augustine and second by Mr. Stockwell. Motion carries (15 in favor with 1 abstention from USFWS).

**Move a 4,000 lb trip limit for the 2013-2014, 2014-2015, and 2015-2016 fishing seasons for the northern region.**

Motion made by Mr. Augustine and second by Mr. Stockwell. Motion carries (15 in favor with 1 abstention from USFWS).

**Move to adopt the Coastal Shark specifications for 2013 as proposed by the NMFS Highly Migratory Species Division.**

Motion made by Mr. Augustine and seconded by Dr. Pierce. Motion carries (12 in favor, 2 opposed [NC, VA], 2 abstentions [NMFS, NH]).

**Move to nominate Adam Nowalsky as Vice-Chair.**

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

**SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (October 25, 2012)**

***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Management Board reviewed MRFSS harvest estimates for the recreational fisheries for summer flounder, scup, and black sea bass through wave 4. Harvest estimates for summer flounder and scup are below the 2012 harvest targets. Black sea bass harvest estimates have exceeded both the harvest target (RHL) and the Annual Catch Limit (ACL). When the ACL is exceeded it triggers a closure of the recreational fishery in federal waters. NOAA Fisheries announced this closure on October 23, 2012. State water fishing seasons will remain as published at the start of each state's fishing season. The Commission will track the progress of NOAA Fisheries and the Mid-Atlantic Fishery Management Council (Council) as they implement the federal FMP's accountability measures for the black sea bass recreational fishery.

The Board initiated an addendum for the 2013 black sea bass recreational fishery. The addendum will options that would allow the Board to set recreational measures on a state-by-state, regional, or ad hoc basis. The Plan Development Team will present a draft for Board consideration at the joint Commission/Council meeting in December. For more information, please contact Toni Kerns, Acting ISFMP Director, at 703.842.0740 or [tkerns@asmfc.org](mailto:tkerns@asmfc.org).

***Motions***

**Move to initiate an addendum to use management measures other than coastwide measures.**

Motion made by Mr. Nowalsky and seconded Mr. Augustine. Motion passes (10 in favor, 1 null).

**Move that the Summer Flounder, Scup and Black Sea Bass Board recommend that states initiate any and all applicable regulations to close state recreational fisheries for black sea bass in 2012.**

Motion made by Mr. Luisi and seconded by Mr. O'Reilly. Motion fails (5 in favor, 6 opposed).