

Potomac River Fisheries Commission
March 20, 2017
AGENDA

1. **Call to Order 9:00 a.m.** _____ **TAB 1**
Consideration of Minutes – December 2, 2016
 2. **Mallows Bay Presentation and Discussion – Paul Orlando (NOAA)** _____ **TAB 2**
 3. **Crab Issues** _____ **TAB 3**
 - Crab Harvest Report
 - Order 2017-06 – 2017 Crab Season (**Action**).....
 4. **Oyster Issues** _____ **TAB 4**
 - Oyster Harvest Report.....
 - Fall Oyster Survey Disease Results
 - Oyster Strategic Planning Panel Report – January 4, 2017
 - Update on Oyster Management Programs (OMR & RNOHP).....
 - NRG Energy Funding Update
 5. **Finfish Issues** _____ **TAB 5**
 - 2016 Finfish Harvest Report.....
 - Fish Trot Line Revenue
 - Finfish Advisory Committee Report – January 25th and February 22, 2017
 - 2017 Summer Flounder and Black Sea Bass Measures
 - Order 2017-03 – 2017 Rec. & Charter Fishing Season, Size & Catch Limits (**Action**).....
 - Order 2017-04 – 2017 Commercial Fishing Season, Size and Catch Limits (**Action**).....
 - Striped Bass Tag Exchange Program Update
 - Online Recreational Sport License Sales Proposal(s).....
- Lunch – 12:00 – 12:30 p.m.**
Executive Session – 12:30 – 1:00 p.m.
6. **ASMFC Issues** _____ **TAB 6**
 - Summary of ASMFC Winter Meeting – January 31st – February 2nd
 7. **Financial Reports** _____ **TAB 7**
 - Second Quarter Disbursements and Cash on Hand
 8. **New Business** _____ **TAB 8**
 - Report of Nominating Committee (Rice and Hall) and Election of Officers
 - Advisory Committee Vacancies
 - Appoint FY 2017-2018 Budget Committee
 - PRFC Committee Vehicle Committee Report
 - Operations Policy Manual Update
 - Any Other New Business
 9. **Delinquent Seafood Catch Report Hearing** _____ **TAB 9**
 - Norman Conley (December Hearing)
 10. **Date of Next Meeting and Adjourn** _____ **TAB 10**

PRESS RELEASE

Potomac River Fisheries Commission • P.O. Box 9 • Colonial Beach, VA 22443
Phone: (804) 224-7148 • Fax: (804) 224-2712

For Immediate Release

Date: March 6, 2017
Contact: Martin L. Gary

Potomac River Fisheries Commission Meeting

Colonial Beach, VA —

Chairman AJ Erskine announced today the Potomac River Fisheries Commission will hold its regular meeting on Monday, March 20, 2017 at 9:00 a.m. in the John T. Parran Hearing Room of the Potomac River Fisheries Commission (The Carpenter Building), 222 Taylor Street, Colonial Beach, Virginia. Mr. Erskine expressed his desire to invite all interested persons to attend this open public meeting.

Items on the agenda include: reviewing crab, fish and oyster harvest reports, reports from the Finfish Advisory Committee, updates on the Oyster Management Reserve Program (OMR), Rotational Natural Oyster Harvest Program (RNOHP) and the Oyster Strategic Planning Panel (OSPP). The Commission will set the commercial quota and recreational limits for Summer flounder and Black sea bass as well as the 2017 crab season. There will be a presentation on Mallows Bay by Paul Orlando of NOAA.

Other items on the agenda include, but are not limited to: updates on the fall oyster survey regarding disease results, fish trot line revenue, striped bass tag exchange policy, online recreational sport license sales proposals and NRG Energy funding. The Commission will elect their Chairman, Vice-chairman and Secretary for 2017. The incoming Chairman will appoint members to the advisory committees and appoint a committee to develop the 2017-2018 budget.

PRFC does not discriminate against individuals with disabilities; therefore, if you are in need of reasonable accommodations due to a disability, please call (804) 224-7148 no later than three workdays prior to the meeting date and identify your needs.

*The Meeting Minutes from December 2nd
will be Emailed Prior to the Commission Meeting*



Proposed Mallows Bay–Potomac River National Marine Sanctuary

JAN. 9, 2017



NOAA opens public comment period on the proposed Mallows Bay–Potomac River National Marine Sanctuary.

PUBLIC COMMENT

The public is invited to submit comments to the agency on the proposed sanctuary.

Comments may be submitted via www.regulations.gov using docket number NOAA-NOS-2016-0149.

**ENDS
3/31**

NEXT STEPS



The public, partners, and other stakeholders review and comment on the sanctuary proposal. The deadline for comments is March 31, 2017.

PUBLIC MEETINGS



NOAA will hold two public meetings in Maryland. See <http://sanctuaries.noaa.gov/mallows-bay/> for dates and locations.

FINAL DECISION



NOAA will consider the comments it receives on the sanctuary proposal before making a final decision.

**1-2 year
process**

Should NOAA decide to proceed with sanctuary designation, the agency will prepare final documents.

Background

In October 2015, NOAA announced its intent to designate a new national marine sanctuary to help conserve nationally-significant shipwrecks and related maritime heritage resources in Maryland. Following a public comment period last year, NOAA has developed a detailed plan for a proposed national marine sanctuary to protect Mallows Bay–Potomac River, a maritime heritage resource area along the Potomac River, about 40 miles south of Washington, D.C. The public now has an opportunity to review the proposal and provide input.

Mallows Bay boasts a diverse collection of nearly 200 known historic shipwrecks dating back to the Civil War, as well as archaeological artifacts dating back 12,000 years. The area is most renowned for the remains of more than 100 wooden steamships, known as the "Ghost Fleet," which were built for the U.S. Emergency Fleet between 1917-1919 as part of America's engagement in World War I and are listed on the National Register of Historic

Places. Their construction at more than 40 shipyards in 17 states reflected the massive national wartime effort that drove the expansion and economic development of communities and related maritime service industries.

Mallows Bay is a largely undeveloped landscape and waterscape identified as one of the most ecologically valuable in Maryland. Additionally, the structure provided by the ship remains and related infrastructure serve as habitat to populations of recreational fisheries, bald eagles, and other marine species.

About the Nomination

Mallows Bay–Potomac River was nominated as a national marine sanctuary through the Sanctuary Nomination Process with broad community and bipartisan support.

In September 2014, the state of Maryland submitted a nomination to be added to NOAA's inventory of places to be considered as national marine sanctuaries. The nomination cited goals to protect and



Map: NOAA

The map shows NOAA's preferred boundary option for the sanctuary proposal, which covers 52 square miles of the Potomac River and includes more than 100 known and potential shipwrecks.

<http://sanctuaries.noaa.gov/mallows-bay/>

Proposed Sanctuary Alternatives	Resources Present	Boundaries	Approx. Total Area (sq. mi.)
Alternative A: No designation			
Alternative B	Includes 118 WWI-era U.S. Emergency Fleet Corporation (USEFC) steamships, MD Indian Tribes heritage sites, remains of historic fisheries operations such as sturgeon and caviar industries, and Revolutionary War and Civil War battlescapes.	Boundaries coincide with the Mallow's Bay Widewater Historical and Archeological National Register District.	18
Alternative C: NOAA's preferred alternative	Includes Alternative B shipwrecks plus all known WWI-era USEFC vessels in MD waters and some historically, archaeologically, and recreationally significant shipwrecks and related assets which are not currently included in the Historic District.	The northern boundary extends near Ben Doane Road, MD, to Possum Nose, VA. The southern boundary extends from the end of Owens Drive east of Chotank Creek, VA, to Benny Gray Point, MD.	52
Alternative D	This alternative would add area upstream and downstream from Alternative C that potentially includes maritime assets and that supports the visitor use goals of the sanctuary. For the former, anecdotal records suggest the presence of additional maritime heritage resources and the water escape route to Virginia used by John Wilkes Booth.	The northern boundary extends across the mouth of Pomonkey Creek from just south of Anne Mason Court in Indian Head, MD, to Pomonkey Point, MD, and then from Pomonkey Point, MD, to Hallowing Point, VA. The southern boundary extends from Pope's Creek, MD, to Persimmon Point on Mathias Neck, VA.	100

conserve the fragile remains of the nationally-significant collection of shipwrecks and cultural heritage resources as well as opportunities to foster education and research partnerships, and increased opportunities for public access, tourism, and economic development.

The nomination is endorsed by a diverse coalition of organizations and individuals at local, state, regional, and national levels. This included elected officials, Native Americans, historical societies, businesses, museums, and environmental, recreational, conservation, fishing, tourism, and educational groups.

The Proposal

NOAA is proposing to designate Mallow's

Bay–Potomac River National Marine Sanctuary and has developed four alternatives for the designation that include a no-action alternative and three boundary alternatives, ranging in size from 18 to 100 square miles (see table above). NOAA's preferred alternative covers 52 square miles of the Potomac River and includes more than 100 known and potential shipwrecks, as well as sites related to the region's Native American cultures, and maritime battlefield from the Revolutionary and Civil wars.

The proposed sanctuary will focus on the protection, access, and interpretation of the maritime cultural features of the area, including the Ghost Fleet, other vessels of historic significance, and related maritime infrastructure. NOAA's proposed sanctuary

regulations would only focus on the protection of the shipwrecks and associated maritime heritage resources. Authorities related to natural resources and their management remain with Maryland Department of Natural Resources, the Potomac River Fisheries Commission, and other state and local jurisdictions.

The proposed sanctuary would be co-managed by NOAA, the State of Maryland, and Charles County, Maryland.

For more information

Web: sanctuaries.noaa.gov/mallows-bay/

Contact: Paul Orlando
Regional Coordinator
Phone: 240-460-1978

Email: paul.orlando@noaa.gov



Photo: Marine Robotics & Remote Sensing, Duke University

Mallow's Bay in the Potomac River is home to an extraordinary collection of shipwrecks.



Photo: Kimberly Hernandez, MDNR Chesapeake and Coastal Service

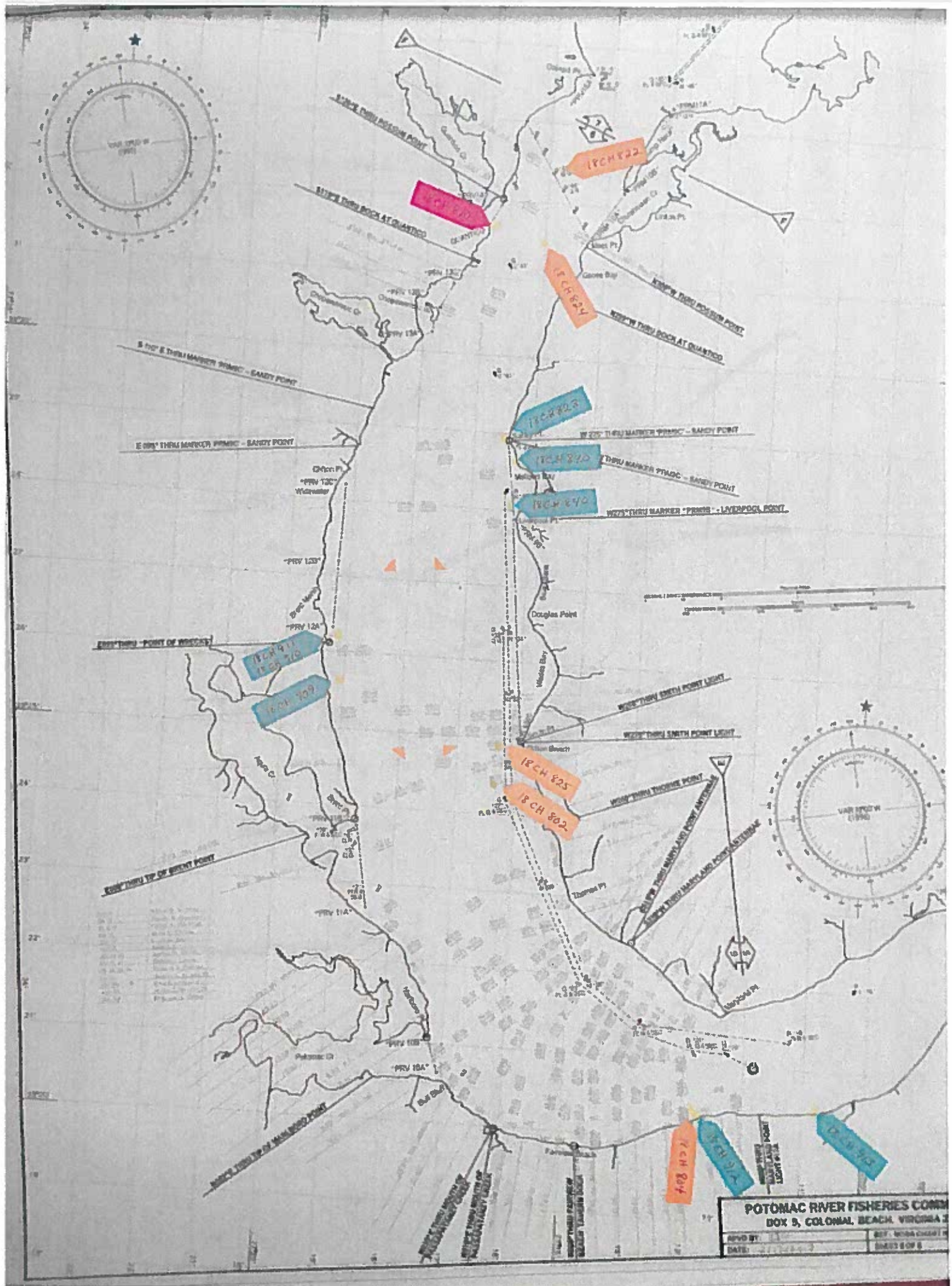
Kayakers explore the nooks and waters of Mallow's Bay.



Photo: Daryl Byrd, courtesy of MDNR

An osprey pair nests atop a shipwreck in Mallow's Bay.

<http://sanctuaries.noaa.gov/mallows-bay/>



POTOMAC RIVER FISHERIES COMM
 BOX 3, COLONIAL BEACH, VIRGINIA 22551
 REVISED BY: _____ DATE: _____
 REV. 1984 (REVISED) SHEET 8 OF 8

NOTE: The following questions were presented via email (dated January 18, 2017) by Marty Gary (PRFC) to Sammy Orlando (NOAA Sanctuaries), Kelly Collins and Kim Hernandez (MD DNR). These questions were posed to Sammy and Kelly during a conference call on January 13, 2017 with Marty Gary and Ellen Cosby (PRFC), AJ Erskine (Chair, PRFC), Jamie Bowling (Vice Chair, PRFC Fin Fish Advisory Council), and Michael Mayo (Mayo Law). Marty, Ellen and Sammy will present the responses to the PRFC Fin Fish Advisory Council on February 22, 2017.

Q: Who currently is the top level manager in NOAA Sanctuaries Program?

A: John Armor, Director

Q: Who currently is the top level person at the Maryland Historical Trust?

A: Elizabeth Hughes, Director/State Historic Preservation Officer

Q: Can a NOAA sanctuary designation be rescinded after adoption?

A: No. The National Marine Sanctuaries Act does not contemplate rescission following designation.

Q: Can NOAA change the management plan after adoption?

A: Yes. Section 304(e) of the National Marine Sanctuaries Act requires that the management plan strategies and priorities be evaluated and modified, as appropriate, every 5 years through a public process.

The management plan review is conducted in cooperation with sanctuary co-managers and in consultation with the sanctuary advisory council. The management plan review process is informed by a sanctuary "condition report" which characterizes the current status of and any changes to sanctuary resources, threats and management options consistent with the goals and objectives established for the sanctuary in the terms of designation.

NOAA's Office of National Marine Sanctuaries (ONMS) defines the management elements of a national marine sanctuary through the management plan, regulations, and terms of designation. These documents lay out the geographic area, resources, and regulatory and non-regulatory management actions of the sanctuary in the context of other federal, state, and local management. NOAA ONMS can update and realign these management elements to address changing conditions, community priorities, or based on new information about the resources and threats to the resources through public processes.

In the case for Mallows-Potomac, the proposed management plan, regulations, and terms of designation describe the proposed area, define the sanctuary resources as the maritime heritage assets, and describe non-regulatory program plans and proposed regulations to manage and protect those resources. The proposed designation do not include natural resources as sanctuary resources; therefore, the proposed sanctuary would have no authority to regulate commercial or recreational fishing. If after the designation of Mallows-Potomac as a national marine sanctuary, any intention to change the boundaries and/or impose Federal

(NMSA) authority on the management of natural resources would have to be proposed through a public process like the current process and require consent from state and county co-managers. The public process would include an environmental analysis and public input on any proposed changes.

Q: Who will determine who the Sanctuary Manager will be? Is this an appointed position? Recruited? Recruited in house? Is this already known?

A: Administration of the National Marine Sanctuary System – including designating a sanctuary manager – has been delegated to the Director of the Office of National Marine Sanctuaries (John Armor). The sanctuary manager is recruited through the Federal hiring process defined by the Office of Personnel Management. Hiring a sanctuary manager will only be considered after designation.

Q: Who will determine who is to be placed on the Sanctuary Advisory Council?

A: Section 315 of the National Marine Sanctuaries Act authorizes the Secretary of Commerce to establish an advisory council. Administration of advisory councils has been delegated to the Director of the Office of National Marine Sanctuaries (John Armor).

All councils are established to address the needs of the individual sanctuary. As such, the types of seats vary across sanctuaries due to the types of sanctuary resources, public uses of the sanctuary, the diversity of constituent and community groups, and co-management representation among other considerations. However, seven types of seats are common to most if not all of the councils: education, research, conservation, citizen-at-large, fishing (commercial, recreational, or both), tourism, and business/industry. For Mallow's-Potomac, an advisory council will be established following designation and may include as many as 15 seats (plus an alternate member for each seat).

Q: Can you provide the affirming language that was referenced in the DEIS and elsewhere (draft management plan) that discusses not impacting fishing activities and access?

A: On January 23, 2017, Kim Hernandez (MD DNR) extracted the exact language from the draft designation documents and provided these to Marty Gary. That document was made available to the Fin Fish Advisory Council prior to their meeting on January 25.

Q: Can you provide GPS coordinates for all locations of interest in the sanctuary polygons? We should look at the worst case scenario, with the largest polygon and all locations of interest. We need to cross reference this with our fixed fishing gear GPS coordinates, and other applicable data. We need to loop the responsible person (Susan Langley?) at the Maryland Historical Trust (MHT).

A: These were provided and analyzed during a meeting at PRFC on February 3, 2017 by Susan Langley (MD Historical Trust/State Underwater Archaeologist). Marty Gary, Ellen Cosby, Jamie Bowling, Sammy Orlando (NOAA Sanctuaries) and Kim Hernandez (MD DNR) were present. The initial findings appear to indicate little, if any, potential conflict. Ellen and Susan continue to share information with respect to a few remaining questions. The findings will be presented to the Fin Fish Advisory Council on February 22.

NOTE: The following questions have been presented by Jamie Bowling to Sammy Orlando and Marty Gary via personal communication. Thus, the following represents Sammy's interpretation of those questions and, accordingly, answers based on those interpretations.

Q: In the proposed rule, there are references to the Director having authority to rescind existing permits. For example, on p.2262, Section 922.48 (f): "The Director may amend, suspend, or revoke a permit issued pursuant to this section for good cause." Does this apply to fishing permits and licenses issued through the authorities of PRFC and/or MD DNR?

A: No. The Director does not have authority to rescind existing permits issued through other authorities, such as PRFC and MD DNR. NMSA Section 304(c) provides:

"(1) Nothing in this chapter shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary."

With that said, the language cited in Section 922.48 and similar references are specific to provisions related to sanctuary issued "General Permits" and "Authorizations" – whereby NOAA is proposing to authorize permits to allow certain activities that would otherwise violate prohibitions in the sanctuary. In those cases, the Director would have authority to rescind the sanctuary-related permit or authorization. In the case of commercial and recreational fishing in Mallows-Potomac, these activities are not considered prohibited activities, and are not subject to the General Permits or Authorization sections of the Proposed Rule.

Q: The language associated with this regulation is unclear: "Interfering with Investigations. NOAA is proposing a regulation to prohibit interfering with sanctuary enforcement activities". Does this mean that during an incident, commercial and/or recreational fishing could be impacted?

A: NOAA does not anticipate that sanctuary-related investigations or enforcement activities will adversely impact commercial or recreational fishing. However, a fisherman could potentially be charged with a violation of Section 922.203(a)(3), as proposed if the fishermen interferes with, obstructs, delays or prevents a sanctuary-related investigation.

Q: Areas of the Potomac River are being considered for designation as Essential Fish Habitat for Atlantic Sturgeon. How does designation as a National Marine Sanctuary affect this?

A: Essential Fish Habitat (EFH) designations occur and will remain under the authority of NOAA's National Marine Fisheries Service and the appropriate Regional Fishery Management Council. In the case for designating EFH in the Potomac following sanctuary designation, NOAA's Office of National Marine Sanctuaries would be consulted with respect to evaluating potential impacts of that action on the historic/maritime resources of the area.

In addition, ONMS would be required to consult with NOAA's National Marine Fisheries Service on any action we would propose that is determined to affect EFH.

Can you pull the affirming language that was referenced in the EIS and elsewhere (draft management plan) that discusses not impacting fishing activities and access? I believe AJ said he would look himself, but I would prefer if you could extract and show us the language.

Main affirming language:

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“NOAA determined that all of the areas evaluated in the alternatives described below possess special historical qualities that give them special national significance. As a result, the action alternatives will focus on the protection, access and interpretation of target resources associated with the maritime cultural features of the area, including the World War I “Ghost Fleet”, other vessels of historic significance, and related maritime infrastructure. These actions will be primarily non-regulatory in nature, but will include limited regulation and permitting of specific activities that supplement and complement authorities that already exist to mitigate known threats to these historic resources. NOAA will consider and execute any regulations and/or permits in cooperation with Maryland, Charles County and other Federal Authorities as appropriate. See below for proposed regulations and permit information.

As such, the action alternatives will not include any direct management, regulation or authority by NOAA of the natural environment, including fish and wildlife, water quality, or habitat. Authorities related to natural resources and their management will remain with Maryland Department of Natural Resources and other local jurisdictions. However, NOAA will execute education, science and interpretative programs that describe for visitors and user communities the relationship between the shipwreck structures and their interplay with the natural system.”

Other language that affirms:

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“There are additional activities not considered a likely threat to the target resources but are activities that could cause damage depending on the location of the activity relative to sensitive resources. Education and outreach programs that raise public awareness of the historic resources have a high likelihood to mitigate potential damage.

While large and heavy anchors raise concerns about damage as described above, small anchors such as “mushroom anchors” are an alternative for users engaging in boating activities near the historic shipwreck resources. Educating boaters about the location of the historic resources and encouraging the use of these smaller anchors will help boaters avoid damage to the resources.

Use of net and lines and pound net anchoring could have the potential to cause damage. However, user education about the location of the historic resources can greatly mitigate the chances for damage since most users will voluntarily avoid shipwreck resources to avoid damaging their equipment. Pound nets are defined in Maryland regulation (COMAR 08.02.05.01) as a fixed entrapment gear consisting of: (a) A net body or crib measuring at least 16 feet long by 16 feet wide at the surface of the water with a netting floor and open top; (b) Mesh webbing with a twine size of #12 or larger; (c) At least one heart leading into the crib; and (d) A leader or hedging. Pound net sites in the Maryland

portion of the Chesapeake Bay and its tributaries must be registered with the Department of Natural Resources. Sites in the Potomac River are registered with the Potomac River Fisheries Commission.

[...]

2.4 Existing Legal Authorities

The focus of this proposed action is on the protection of shipwrecks and associated maritime heritage resources. The State of Maryland currently has a comprehensive set of laws, regulations, and management measures for the protection of the natural environment, including wildlife, fish, birds, water quality, and habitat (Appendix B). State and Federal laws also protect maritime heritage assets from looting, unwanted salvage, and other activities that threaten, damage or cause loss. However, each of these laws has important gaps for which the National Marine Sanctuaries Act would complement and/or supplement existing statutes. Each State and Federal statute is addressed in the following paragraphs and the capability of each statute to control impacts to the target resources is identified.”

DRAFT MANAGEMENT PLAN

PAGE 151-152

“NOAA is proposing to implement three regulations for all the action alternatives (Alternatives B, C, and D) under the NMSA to protect the maritime cultural heritage resources and supplement and complement existing Federal and State authorities in the geographic areas described in the boundary alternatives above. The sanctuary-wide regulations would prohibit: 1) damaging sanctuary historical resources; 2) damaging any signs or markers related to the sanctuary; and 3) interfering with an investigation in connection with enforcement of the NMSA, sanctuary regulations, or sanctuary permit. NOAA is proposing these regulations with an exception for activities that are necessary to respond to emergencies that threaten lives, property or the environment and for law enforcement activities.

NOAA is also proposing that Department of Defense (DOD) activities be carried out in a manner that avoids damage to sanctuary resources to the maximum extent practicable. In the event that DOD activities damage a sanctuary resource NOAA and DOD would coordinate to develop a mitigation and restoration plan. Given that the definition of sanctuary resources is limited to the historical resources and does not include biological or ecological resources NOAA does not anticipate that many, if any current DOD activities would impact the resources.

[...]

NOAA is proposing to consider allowing an otherwise prohibited activity if that activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization. NOAA will consider issuing certifications for such activities that are in place at the time the sanctuary designation becomes effective provided that the holder of such authorization or right complies with NOAA’s certification procedures and criteria within the timeline NOAA lays out to complete certifications. The certification process essentially “grandfathers in” existing activities while seeking to minimize the impact on sanctuary resources through terms or conditions worked out during the certification process.”

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“The MPNMS offers outstanding outdoor recreational and heritage and nature tourism opportunities including fishing, kayaking and canoeing, boating, wildlife viewing, fossil hunting, and immersion in important chapters in our nation’s history.”

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“Activity 2.2: Develop partnerships with commercial kayak operators, fishing guides, watermen and/or potential boat tour guides to facilitate high quality recreational and heritage tourism experiences in the sanctuary and help educate visitors about the sanctuary’s maritime heritage resources, boating safety and stewardship.”

Potomac River Fisheries Commission Crab Landings Report

2016 Season (Preliminary)

-vs- 2015, 2014, 2013 and 30 Year Average

(19 yr. average for % female and 18 yr. average for soft crabs)

Month	Hard Crab (bushels)	%F	Peeler (lbs.)	Soft (lbs.)	# Boats Fishing Crab Pot	Crab Pots Set	Average Number For CP		
							Pots Fished	Days Worked	Bu/100 Pots
----- totals for all gear type -----									
April 16	1,987	25	20	23	63	16,317	259	5	2.26
April 15	98	17	0	0	25	4,900	196	2	0.96
April 14	178	24	0	0	27	5,859	217	3	0.98
April 13	723	16	0	0	55	11,935	217	4	1.40
April Avg.	1,575	18	7	0	77	15,169	197	6	1.33
May 16	3,057	19	1,617	58	111	27,861	251	8	1.41
May 15	2,558	14	1,669	53	90	23,130	257	8	1.31
May 14	1,989	27	1,432	83	97	24,056	248	7	1.12
May 13	5,207	27	3,391	181	129	29,541	229	9	1.93
May Avg.	5,027	18	10,136	202	162	33,210	205	11	1.30
June 16	8,684	22	5,426	291	173	37,714	218	9	2.46
June 15	6,764	26	4,517	334	141	31,302	222	10	2.22
June 14	4,713	29	3,842	224	138	30,912	224	9	1.62
June 13	7,930	18	4,970	255	175	37,100	212	11	2.02
June Avg.	13,249	27	12,701	308	216	41,256	191	14	2.37
July 16	13,092	23	4,250	444	194	40,934	211	12	2.73
July 15	10,222	22	3,010	321	169	35,490	210	12	2.41
July 14	7,230	25	2,852	255	151	34,428	228	12	1.80
July 13	8,017	19	3,683	234	192	40,128	209	12	1.65
July Avg.	17,026	27	8,424	358	235	44,885	191	14	2.57
August 16	13,548	16	2,869	240	191	40,492	212	12	2.91
August 15	11,383	20	2,445	224	171	36,252	212	12	2.61
August 14	9,864	27	3,445	302	169	38,363	227	12	2.17
August 13	6,976	28	2,194	159	189	37,422	198	11	1.63
August Avg.	21,132	28	10,601	345	232	44,080	190	15	3.27
September 16	16,016	27	1,483	100	197	42,158	214	11	3.52
September 15	12,855	34	1,184	60	173	38,233	221	11	2.96
September 14	10,063	40	1,429	94	172	36,980	215	11	2.52
September 13	7,126	35	1,385	71	163	36,234	198	10	1.90
September Avg.	22,369	42	2,465	70	222	43,290	195	13	3.87
October 16	16,103	31	381	47	175	37,975	217	10	4.29
October 15	8,855	36	94	6	153	33,048	216	8	3.51
October 14	7,007	28			143	30,888	216	8	2.76
October 13	6,311	35	83	2	151	31,710	210	8	2.61
October Avg.	20,389	46	184	9	181	36,743	203	11	5.00
November 16	6,815	27	0	0	102	23,562	231	7	4.41
November 15	3,134	30	0	0	69	16,560	240	5	3.56
November 14	1,960	24			61	14,762	242	4	3.06
November 13	1,979	40	0	0	65	15,990	246	5	2.74
November Avg.	3,907	37	0	0	86	17,974	209	5	4.03

Totals:

2016	79,301	16,046	1,203
2015	55,869	12,919	998
2014	43,004	13,000	958
2013	44,269	15,706	902
Avg.	104,674	44,518	1,292

Prior year totals are for
the same months

Report Run Date: 3/7/2017

Month	Hard Crab (bushels)	%F	Peeler (lbs)	Soft (lbs)	# Boats Fishing Crab Pot	Crab Pots Set	Pots Fished	Days Worked	Bu/100 Pots
December 2016	233	38	0	0	18	3564	198	2	3.46

MARYLAND - VIRGINIA
"Potomac River Compact of 1958"



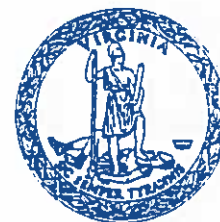
Potomac River Fisheries Commission

222 Taylor Street
P.O. Box 9

Colonial Beach, Virginia 22443

Telephone: (804) 224-7148 (800) 266-3904 Fax: (804) 224-2712

www.prfc.us prfc@verizon.net



ORDER #2016-12 2017-06
(replaces #2015-15 2016-12)

2016 2017 CRAB SEASON

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary for the preservation of the crab population, having considered the protection, promotion, growth and conservation of the crab resources, and pursuant to its authority under Regulation I, Section 7(a) and Regulation VII, Section 4.

HEREBY DECLARES AND ORDERS: it shall be unlawful for any person to take or catch, or attempt to take or catch any crabs by any means in the Potomac River during the closed season(s) as follows:

- (1) Hard crabs: – December 9 1 through March 31 next succeeding.
Mature females –In addition to the season see Order 2016-11 for bushel limits.
- (2) Soft crabs – October 31 through April 30 next succeeding.
- (3) Peeler crabs – October 31 through April 30 next succeeding.

IT IS FURTHER DECLARED AND ORDERED: it shall be unlawful to set, fish or use in the Potomac River any:

- (1) Crab pots – December 9 1 through March 31 next succeeding.
- (2) Trotlines and dip nets – December 9 1 through March 31 next succeeding.
- (3) Peeler traps – July 1 through April 30 next succeeding.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2016-12 2017-06 shall become effective June 19, 2016 March 31, 2017 and remain in effect until further notice.

**Potomac River Fisheries Commission
Oyster Harvest Report ---- SUMMARY
2016/2017 SEASON**

	2015/2016 (season total)	2015/2016 (to date)	2016/2017 (to date)
Harvester's Report	5,728	5,518	6,174
Natural Bar	4,089	3,859	5,235
OMR Bar	1,659	1,659	939
Buyer's Reports	5,738	5,534	5,621
Natural Bar	4,082	5,534	4,909
OMR Bar	1,676	0	712
Tax Paid by Buyer	\$11,475.50	\$11,068.00	\$11,241.50
Natural Bar	\$8,123.50	\$11,068.00	\$9,817.50
OMR Bar	\$3,352.00	\$0.00	\$1,424.00
Tax Paid by Harvester	\$204.00	\$192.00	\$950.00
Natural Bar	\$178.00	\$188.00	\$938.00
OMR Bar	\$26.00	\$26.00	\$14.00

Estimated Dockside Value	\$246,858.35	\$237,641.78	\$277,030.63
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NUMBER OF LICENSES SOLD:

	2015/2016 (season total)	2015/2016 (to date)	2016/2017 (to date)
TONGER:			
Tonger's	0	0	28
Tong Boat Operator's	3	3	32
Power Assist Hand Tong Boat	0	0	7
TONGER TOTAL:	3	3	67
HAND SCRAPE:			
Personal	109	109	52
Vessel	53	53	30
HAND SCRAPE TOTAL:	162	162	82
BUYER:			
Licensed	0	0	0
Registered	13	13	13
BUYER TOTAL:	13	13	13
OYSTER MANAGEMENT RESERVE:			
Participant	20	0	35
OMR TOTAL:	20	0	35

GRAND TOTAL:	198	178	219
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**Potomac River Fisheries Commission
Oyster Harvest Report --- DETAILS
2016/2017 SEASON**

Natural Bar Locations

BAR	TONGER			HAND SCRAPE			TOTAL BUSHELS	Last Season (to date) BUSHELS
	BUSHELS	MEN	CPUE	BUSHELS	MEN	CPUE		
POPES CREEK								3,502
GREAT NECK								3
SWAN POINT								320
CALVERT BAY				16	1	16.00	16	
THICKET POINT				1	1	1.00	1	
ST. GEORGES				11	2	5.50	11	
PINEY POINT				31	10	3.05	31	
KITTS POINT				35	7	5.00	35	
JONES SHORE	9	3	3.00	2,389	352	6.79	2,398	35
GUM BAR	249	52	4.78	1			250	
CORNFIELD				207	31	6.67	207	
CEDAR POINT	2,167	360	6.02	1			2,168	
BEACON BAR	119	23	5.17				119	
Totals:	2,544	438	5.81	2,691	404	6.66	5,235	3,859

OMR Bar Locations

BAR	HAND SCRAPE			TOTAL BUSHELS	Last Season (to date) BUSHELS
	BUSHELS	MEN	CPUE		
RAGGED POINT	939	174	5.40	939	1,659
Totals:	939	174	5.40	939	1,659

All figures are rounded to the nearest whole number, except for CPUE

Potomac River Fisheries Commission
Oyster Management Reserve - Participants Meeting
January 30, 2017 – 6:00 PM

Summary Report

Participants Present

Tucker Brown – Chairman
Willie Dean
Jason Jones
Eddie Davis
Bobby Boarman
Charles Knott
John Allen
Wayne France
Michael Pelletier
Gary Kilmon
Kevin Warring
Tim Wells
Doug Mattingly
Keith Saunders
Tommy Lewis
A. J. Erskine
Carl Kirk

Participants Absent

Jason Brown
Jason Bean
Patrick Goldsmith
Chip Crowder
Robert T. Brown, Jr.
Matthew Fowler
Paul Springer, Jr.
Lance Lumpkins
Wayne Blackwell
Robert T. Brown, Sr.
Kenny Dent, Jr.
Tommy Crowder
Bill Kilinski
Francis Warring
Robert Blackwell
Pete Springer

Others Present

Andrew Eaton
Victoria Brown

Mrs. Cosby presented a review of the 2016 OMR oyster harvest from September and December, which amounted to approximately 920 bushels. Participants discussed this lower than expected harvest and possible reasons for it.

Chairman Brown led the discussion on which month to harvest in 2017, by suggesting that March may be an ideal time. He related that he had talked with some of the buyers and they would be happy to buy oysters in March. There was some discussion about checking the oysters to see if they looked ready to harvest.

Jason Jones made a motion, seconded by Doug Mattingly, to open Ragged Point on March 13, 2017 to harvest from sunrise to 3:00 pm, with a 20 bushel daily limit per licensee, and a boat decal required for each boat to identify the boat as a participant. The motion passed (13-0).

Mrs. Cosby reviewed the financial records, noting that the PRFC had just finished their license renewal period and that the 2017 numbers were not available yet. In addition, most of the OMR participants had not renewed yet, because they had until the end of March to renew. However, since the participants want to harvest in March, all eligible participants will have to renew prior to the opening harvest date of March 13, 2017.

A discussion was held on whether to set and plant triploid or diploid larvae, and whether to buy seed oysters. A. J. Erskine explained the differences between them and answered some questions. He advised that seed from the Great Wicomico may not be available because Bevans and Cowart are planning to use most of it and it is fairly expensive compared to buying larvae and setting it.

Victoria Brown, representing Shopcove Aquaculture gave a presentation on their company and how they could provide the services needed for the OMR program. They proposed to handle the whole process, from purchasing the triploid eyed larvae, setting it in trays in tanks, to planting it for the participants. The spat on shell count would be done at Horn Point Lab, and the certification would be provided to the participants. Mrs. Brown answered several questions.

The participants seemed pleased with the idea of having all of the work done by one company, including the planting of the spat on shell. The cost of this service was discussed and compared to that of Piney Point Aquaculture Center. Mrs. Cosby reminded the participants that the Blue Ribbon Panel had designed the OMR program with the watermen transporting and planting the spat on shell in order to keep the costs down; however, the fact that the watermen were losing money during the crab or clam season to take the time to plant the spat on shell was not an intended outcome.

Bobby Boarman made a motion, seconded by Doug Mattingly, to go with Shopcove Aquaculture, spend \$100,000 for as much spat on shell as possible, use triploid eyed larvae, and make sure the contract had guarantees in it. The motion passed (12:2).

Keith Saunders and Wayne France volunteered to go out and check the oysters next week with Mrs. Cosby to verify they were ready to harvest. Mrs. Cosby suggested we have a conference call afterwards to let everyone know and confirm that we will be harvesting in March. It was noted that the entire bar on Ragged Point would be open for harvest this year.

Bobby Boarman made a motion, seconded by Kevin Warring, to consider Sheepshead Bar as a backup bar for the OMR for the future. The motion passed (12-0). Mrs. Cosby stated that this will be relayed to the Commission.

Mrs. Cosby reminded members to renew their 2017 OMR License before March 13, if they were eligible to harvest, otherwise they have until the end of March, as well as any new people joining the OMR program.

The concept of limiting entry to the OMR program was brought up for discussion. It was noted that since the OMR program is not financially stable at this point, it would not be a good idea to restrict additional people from joining, which provides more money to the program. In addition, it was not clear if everyone was going to renew their license this year.

The meeting adjourned at about 7:30 pm.

OMR Conference Call – Feb. 13, 2017

There were nine OMR participants and Mrs. Cosby on the conference call on Feb. 13, 2017 at 5:00 pm. Wayne France reported that Keith Saunders took him and Mrs. Cosby out on Ragged Point on Tuesday, Feb. 7, 2017. Keith used his dredge to sample, starting at the lower end, and they brought up some oysters from the first planting that were about six inches in length. As they moved up the bar, samples of the last planting were retrieved, counted and some measurements taken. The majority of the oysters were at least three inches, and they were clean (no mussels) and had good cups. Very little mortality was observed. The last dredge sample had about 237 market-sized oysters in it. Wayne and Keith were pleased with the survey and both were in agreement that these oysters were ready to harvest.

POTOMAC RIVER FISHERIES COMMISSION

Potomac River Commercial Finfish Landings for 2016 (Preliminary)

Species	2016		2015 Pounds	1964 through 2015		
	Pounds	Dockside Value		Min. (Year)	Max. (Year)	Avg. (# yrs)
Catfish - All*	1,647,325		1,243,496	6,252 ('75)	1,243,496 ('15)	263,440 (52)
Blue	1,563,839		1,156,452	21,884 ('05)	1,156,452 ('15)	295,854 (13)
Channel	73,239		51,600	17,235 ('07)	131,112 ('04)	72,834 (13)
Bullhead	10,159		33,737	1,844 ('06)	110,564 ('94)	47,637 (31)
White	88		1,707	501 ('11)	8,424 ('07)	3,902 (13)
Striped Bass	534,785		538,017	0 ('89)	1,547,821 ('74)	608,104 (52)
Croaker	168,889		118,996	0 ('69)	1,963,294 ('01)	372,905 (52)
Gizzard Shad	153,623		87,068	0 ('86)	460,048 ('95)	80,744 (52)
American Eel	58,223		31,588	29,010 ('11)	654,184 ('79)	225,378 (52)
Bluefish	20,250		48,223	12,032 (66)	1,165,324 ('88)	193,381 (52)
Butterfish	18,746		26,228	0 ('05)	31,178 ('14)	3,559 (52)
Spot	8,480		86,972	14,152 ('80)	1,002,831 ('67)	144,567 (52)
White Perch	7,018		9,871	5,870 ('14)	317,919 ('69)	67,686 (52)
Carp	3,553		43	39 ('09)	153,212 ('76)	12,475 (52)
Puffer (Sugar Toad)	1,927		579	0 ('13)	422,327 ('65)	21,368 (52)
Cobia	1,642					
Summer Flounder	1,444		2,258	2,258 ('15)	118,269 ('87)	42,789 (52)
American Shad - All*	1,149		1,889	287 ('85)	466,293 ('64)	79,146 (52)
Roe Shad	560		1,135	139 ('85)	86,165 ('76)	8,396 (40)
Buck shad	589		754	101 ('10)	34,137 ('76)	2,573 (40)
Yellow Perch	873		185	3 ('81)	5,677 ('00)	1,077 (52)
Spanish Mackerel	548		6	0 ('85)	46,972 ('00)	5,525 (52)
Northern Snakehead	269		99			99 (1)
Hickory Shad	0		200	0 ('13)	5,328 ('65)	316 (52)
Spotted Sea Trout	0		5	0 ('89)	21,340 ('86)	1,757 (39)
Grey Trout (Weakfish)	0		3	3 ('15)	706,134 ('80)	103,512 (52)
Red Drum	0		0	0 ('04)	3,808 ('91)	201 (28)
Subtotal	2,627,102	\$0	2,195,726			
Menhaden	2,504,823		2,739,035	2,622,760 ('68)	20,820,945 ('83)	7,834,740 (52)
Total	5,131,925	\$0	(1,242 mt) 4,934,761	(1,190 mt)	(9,444 mt)	(3,554 mt)

* Values not counted twice

Note: American Shad reported by sex since 1976; Spotted Sea Trout reported since 1977; Bullhead reported since 1985; Red Drum reported since 1988; Catfish species reported separately since 2003; and Northern Snakehead reported in 2015.

PRFC Commercial Fish Trot Line
Licenses Sold and Revenue
2010 - 2016

Season Year	# of Licenses sold	# of Licensees	Revenue Received
2010	36	36	\$1,620.00
2011	38	38	\$1,720.00
2012	41	41	\$1,870.00
2013	59	29	\$2,905.00
2014	82	71	\$4,055.00
2015	101	72	\$5,005.00
2016*	76	71	\$3,755.00

* 2016 Season (only) One license fee (\$50) allowed up to 5 licenses and 6,000 ft. of trot line.
No limit on the number of licenses that could be held by any one person.

*The FAC Minutes from January 25, 2017
will be Presented at the Commission Meeting*

FINFISH ADVISORY COMMITTEE REPORT

February 22, 2017

PRFC Office, Colonial Beach, VA



DRAFT

Members Present

James A. Bowling – (MD)
Robert T. Brown, Sr. – (MD)
George G. Willett – (MD)
Thomas L. Lewis – (VA)
Arthur L. Loving – (VA)
Chris Owens – (VA)
Dusty Remington – (VA)
Ryan S. Rogers – (VA)

Commissioners Present

None

Support Staff Present

Martin Gary – PRFC Staff
Ellen Cosby – PRFC Staff
Becky Butler – PRFC Staff

Members Absent

Harry Boyden – (MD)
Thomas Crowder, Sr. – (MD)
Jeffrey Pharis – (MD)
Russell A. Sullivan – (MD)
Martin H. Duby – (MD)
Jeff Schenemann – (VA)
Dandridge Crabbe – (VA)
Paul Downey – (VA)

Press

Virginia Public Radio

Others Present:

Jeff Deem – VMRC, Paul Orlando – NOAA Sanctuaries, Gary Owens, Andrew Eaton, Bob Eaton, Dennis Newton, Monica Shenemann, Eric Robertson, Richard Riche, Dustin Westman, Randy Harding, Kenny Pearson, Glen Harding and several others who did not sign the guest register.

Chairman Brown called the meeting to order at 6:10 p.m. in hope of having a quorum. There were 8 members in attendance. According to the by-laws in order to constitute a quorum, there must be at least 10 voting members with 5 from each state. The committee conducted their meeting but will only make recommendations to the Commission.

Mallows Bay Discussion

Mapping Exercise – Mr. Gary stated was something that was requested at the last meeting. The committee wanted to know where the ship wrecks are located as part of the proposed Mallows Bay Sanctuary and how they relate to the PRFC fixed fishing gears in these areas. Susan Langley met with Mrs. Cosby and James Bowling and compared data.

Mrs. Cosby had a chart that was marked with the sites provided by Susan Langley of the Historical Trust Maritime Archeological Program using GPS coordinates. They gathered the sites using radar and GPS. Some sites still need to be assessed and added to the chart. Some wrecks are WWI era, one is a naval site containing a sunken military craft off of Quantico and others still need to be assessed. The sites are between Possum Point and Nanjemoy Creek. She reviewed most of the sites and showed where they were on the chart. She stated there is a large rectangle marked on the chart in the middle of the river to show where vessels were potentially

dumped but they have not yet found any in the area. Currently there are 4 gill nets in this area. After reviewing the sites she explained that Susan Langley stated the sites that have gill nets on or around them do not need to be moved.

Chris Owens stated there are more sites that have been published on line that have not been included in Mrs. Cosby's list. They are part of alternative B. Mrs. Cosby stated she would check into that. She asked if Paul Orlando would like to take a look at Mr. Owen's list. He stated he wouldn't know anything about them.

There were various questions as to the age of the schooners and what is determined old. Mrs. Cosby stated Mrs. Langley classified them as 100 years old. Mrs. Cosby is not aware of the historical definition.

Chris Owens stated he would believe that if a gill net is located on a site that it would be required to relocate that net. He questioned if any specifics have been discussed on that. Mrs. Cosby stated that it has been stated that the nets do not need to be moved. Kenny Pearson asked if that could be placed in writing. Mrs. Cosby explained in the Memorandum of Understanding (MOU) she believed that information is to be documented. She noted Mrs. Langley stated she doesn't believe any of the anchors or nets will damage anything and doesn't think they will need to be moved. She said to make the watermen aware that they may hit something when setting the nets but other than that they shouldn't cause any damage.

Questions & Answers – Mr. Gary presented several pages of questions and answers that were submitted to Paul Orlando (NOAA Sanctuaries), Kelly Collins and Kim Hernandez (MD DNR).

One of the main questions that Mr. Gary wanted noted for the record was as follows:

Can NOAA change the management plan after adoption? Section 304(e) of the National Marine Sanctuaries Act requires that the management plan strategies and priorities be evaluated and modified, as appropriate, every 5 years through a public process.

The management plan review is conducted in cooperation with sanctuary co-managers and in consultation with the sanctuary advisory council. The management plan review process is informed by a sanctuary "condition report" which characterizes the current status of and any changes to sanctuary resources, threats and management options consistent with the goals and objectives established for the sanctuary in the terms of designation.

NOAA's Office of National Marine Sanctuaries (ONMS) defines the management elements of a national marine sanctuary through the management plan, regulations, and terms of designation. These documents lay out the geographic area, resources, and regulatory and non-regulatory management. NOAA ONMS can update and realign these management elements to address changing conditions, community priorities, or based on new information about these resources and threats to the resources through public processes.

In the case for Mallows-Potomac, the proposed management plan, regulations, and terms of designation describe the proposed area, define the sanctuary resources as the maritime heritage assets, and describe non-regulatory program plans and proposed regulations to manage and protect those resources. The proposed designation do not include natural resources as sanctuary resources; therefore, the proposed sanctuary would have no authority to regulate commercial or recreational fishing. If after the designation of Mallows-Potomac as a national marine sanctuary,

any intention to change the boundaries and/or impose Federal (NMSA) authority on the management of natural resources would have to be proposed through a public process like the current process and require consent from state and county co-managers. The public process would include an environmental analysis and public input on any proposed changes.

Chairman Brown stated if NOAA wants to manage a sanctuary in a way that it does not interfere with commercial and recreational fishing, that would be one thing but we can't have them come back and say no one can fish here anymore. In the future we don't know who we will be dealing with.

Vice-chairman Bowling questioned why the language is in the document if their only intention is to protect the ships. When you read the language of other sanctuaries created by NOAA, they state NOAA is not going to regulate the fishing, they are just going to regulate the historic part of the sanctuary. The purpose of this sanctuary is to further NOAA's mission goal to conserve ecosystems and resources. He feels if there was no intention to go after natural resources or biological resources, why state in the management plan that it can be changed in the future by public process.

Mr. Orland stated he hears Mr. Bowling's concerns and it's a very valid one. Two things may be mitigating against the fears that are put forward. One is this would have to be approved by the co-management partners. MD DNR would have to come out and for some reason say that the natural resources and management of it through the current authorities are insufficient and therefore we would like to put out to the public the idea of changing the terms of designation of this document. The second thing is we can strengthen language in the final document to include a lot more about the Compact of the PRFC. When that information is documented in black and white for the legal analysis that is suppose to go forward, that says that the authorities for commercial and recreational fishing remain with the Potomac River Fisheries Commission and with MD DNR. It does not put a NOAA logo on top of that statement. So in writing, what we are doing is preserving those authorities the way that they are.

Chairman Brown then questioned how this will affect water foul. Paul Orlando explained there shouldn't be any interaction on that topic because hunting does not fall under the authority of the National Marine Sanctuaries Act as it relates to this particular sanctuary. Hunting would be through MD DNR and he would suspect that all authorities for hunting would remain with that appropriate authority.

Chairman Brown questioned Mr. Orlando asking what is stopping NOAA from preserving the wrecks in Mallows Bay or the Potomac River right now. There is no regulation that the PRFC has that can stop you from doing what you want. We don't anticipate on doing anything that will stop NOAA from doing what they want to do. Why should we turn our river over to you and then we have to face different consequences down the road because you can change the plan? Mr. Orland stated he wouldn't call it "turning the river over to us." Chairman Brown stated you never hear anything about Option A – that is to do nothing.

The general concern of the audience and the committee was if it's being stated that this is not going to affect commercial and recreational fishing, why does it need to be made a sanctuary.

Chairman Brown stated when all of this first started it was restricted to Mallows Bay and a small area in the Potomac River. If you want a ship wreck in the middle of the Potomac River, then buoy it off. You don't have to take the entire Potomac River up for that.

Kenny Pearson questioned how much money the Federal Government will give NOAA for this sanctuary for upkeep and maintaining it from their budget. There's no more that can be done to it other than put signs up, so that's the real question, how much money is involved here.

Bob Eaton stated he's never received an answer to his question of what lingering or imamate threats to the shipwrecks in Mallows Bay exists that can only be mitigated by marine sanctuary designation. They have been laying there for 90 years. What do we need to watch out for and why is the marine sanctuary the only way to protect that? Mr. Orlando explained in the designation documents part of what the draft Environmental Impact Statement has to identify what the potential threats to the resource are. They have to do with vandalism, defacing, moving and taking the resources themselves. To address those, they can be addressed through regulatory kinds of actions or non-regulatory kinds of actions and to a large degree, almost exclusively, NOAA is going with non-regulatory actions. They are providing supplemental legislation for "don't take it, don't break it" rules to mitigate some of these threats. The rest will be handled through education, interpretation, signage and other aspects like that. There are three new regulations. One is you can't damage or deface or take the historic artifacts. Maryland or Federal Law already has made that against the law. Maryland has some protection for the vessels under their own law through the Maryland Historical Trust. They don't have the same authorities for protection as the National Marine Sanctuaries Act does. Maryland also does not have the same non-regulatory programs that allow the education, interoperation and those kinds of things that mitigate against those potential threats without having to impose additional regulations.

Mr. Eaton asked if these types of threats are or have occurred to the shipwrecks. Mr. Orlando stated the evidence is out there that this is going on but he has not witnessed it himself.

Arthur Loving questioned why NOAA wants to take the whole river when all you say you are after are the shipwreck sites. That's a lot of water where there are no sites that's being included in this plan.

Chris Owens stated it sounds like if this goes through NOAA, Maryland will get more federal funding but Maryland could do all of this themselves. It sounds like Maryland doesn't want to invest the money to do this. By asking NOAA to come on board, Maryland will get federal dollars to pay for it and it's not coming out of Maryland's budget.

Dennis Newton stated ninety years has passed, why they wants to save the ships now? Vice-chairman James Bowling stated he wanted to address that and comments made by Mr. Orlando of the ships being vandalized. Mr. Bowling noted the ships were taken to Mallows Bay to be destroyed. They were taken there and when the funding ran out, they were abandoned and set on fire. They weren't vandalized, they were destroyed. They were not used in WWI. They were built to be used but never were. It was decided that they were worth scrap and when the scrap wasn't worth it, they took them to Mallows Bay, set them on fire and abandoned them.

Mr. Eaton explained at one time they were designated as non-combative vessels that were scrapped to someone who took them to Mallows Bay to be scrapped and burning them to the water line was a way to get all the useless wood out of the way in effort to recover the metals. The ships were deemed of no value when they were taken there and he is not aware that they have any historical significance. If anyone tried to do what was done back then, we would never get through the antipollution, toxic metal, environmental hazard navigation regulations because we'd go to prison. Having said that, he thinks the wrecks are pretty cool, a great place for the fish to live but what threat now exists that we have to protect them now. If there was anything to steal, it's been taken already so we're not going to recover anything of value or importance. He is a bit suspect when someone shows up and says I'm here from the government and I'm here to help you. When he heard the area proposed is 52 square miles, he knew that was a lot larger than Mallows Bay and he's not hearing anything that convinces him they are at threat and this is the only way to fix it.

Chairman Brown stated he has not heard any reasons either. There is one option that is 102 square miles, one that is 52 square miles and one that is 18 square miles. Some of these wrecks are on the bottom that you can't even see. They are homes for our gill nets and when the water is murky you can't dive down and see anything. As far as he's concerned, the ones that are on the shore and in the middle of the river can be buoyed off without going through this sanctuary process. Most of the time when NOAA comes in, it doesn't work in our favor.

Mr. Paul Orland respectfully stated there is historical significance to this. Even if people can't see all the pieces to it, it still is in fact is there. He asked if national battlefields that are nothing but grasslands at this point in time, no longer have their historical significance anymore. We should just pave over Gettysburg because we can't see some of the artifacts, the remains of history that were there at one point in time. The history of this area is quite significant and these wrecks actually did serve their purpose in WWI and some did make it across as transport vessels as they were intended to do. Some ran coastal missions so that the bigger battle ready ships could be taken across for those purposes. The other thing this does is it belies an entire history of a war making effort, a complete transformation of the US during WWI, where we were not a ship building company and more than 50 ship yards around the country were built up and really dramatically increased the capacity of ship building and naval power that this country is now that came out of the beginnings of that effort. Our Merchant Marines came out of that particular effort. So there are a lot of pieces to this that people have not taken the time to understand that are real historical value in nature that we are trying to preserve, tell the story of, to interpret the same way we would if we were talking about battlefields in inland areas. There is history there documented by the Parks Service not by NOAA. The Parks Service is the one that said this has national significance to this country and needs to be preserved. This is where the impenitence comes from to try to create this community base partnership to preserve the history and interpret that history through time.

Chairman Brown stated to compare these bunch of junk wrecks to Gettysburg, you loose what little bit of clout he thought Mr. Orlando did have because there is no comparison. That is where men died for what they believed in on both sides and there is no comparison to a battleground like that to what is located in Mallows Bay. He felt Mr. Orlando was completely off base on that statement.

Dennis Newton stated what Mr. Orland is saying about the inland battlefields is correct. If an artifact is found on your property, the government can stop you from working the land or building on it. If they get their foot in the door at Mallows Bay, this is what's going to happen to us.

Moncia Schenemann questioned at what point does the language become clear that this will not affect the commercial and recreational industry. Mr. Orlando explained as part of the designation process, the federal government is required to do a number of consultations to build the final product. What we are doing tonight by engaging the consultation process of sharing information is part of that process. What is being offered to the PRFC is a chance to look at the language, say it's inadequate and provide the language you would like to see in the final document that spells out the authorities of the PRFC in the Compact and puts that language in the document. You build it with NOAA, not have it presented to you. He is not sure how the PRFC would like to move forward with creating the language. If you want to designate a person or group of people to work with him directly on that issue, that can be done. He reminded everyone that this is still in the public process and we are still gathering input from a lot of sources. When we put all those pieces together, part of those pieces that will be included will be from the PRFC in terms of that extended language.

Bob Eaton apologized if he came across suggesting that Mallows Bay was void of history. That was not his intention and he does not agree that it's like a battlefield but he would say it's more like a trash hole dump in the woods. He says that as someone who has spent a lot of time exploring a lot of wood searching for household waste dumps with artifacts and tools. It's a cool thing and he thinks that Mallows Bay should be protected. He is at a loss as to why so much area has to be included to protect Mallows Bay.

Kenny Pearson stated he doesn't see anyone here tonight except for Mr. Orlando that wants this sanctuary so he urged the committee to go with Option A to do nothing and forward that to the Commission. Bob Eaton stated that he's not opposed to marine sanctuary designation but he doesn't feel it needs to be as big of an area that they are proposing. He thinks it should be a little bit bigger than Mallow Bay.

Chris Owens explained the way he reads the proposals now, Option A is no longer a viable option. It's one of the 4 options and just Mallows Bay proper is no longer an option.

James Bowling stated we are being asked to make a recommendation to the Commission but there's language to be determined later that's not put before us so we can make any other kind of motion. He recommends that if it needs to be a sanctuary, keep it inside the jurisdictional waters of Mallows Bay, Blue Banks, Wades Bay and out of PRFC waters. Extend the Maryland Historical Trust which protects all the archeological historical sites for the proposed area of the sanctuary.

Mr. Gary typed the recommendation by laptop so the committee and audience could review it. He then read it out loud as follows:

James Bowling recommends should Mallows Bay be designated as a National Marine Sanctuary, the boundaries should be restricted to Maryland jurisdictional waters from Smith Point to Sandy Point and the request be made that Maryland expand the Mid-River Historical District to cover the additional archeological sites.

Chris Owens suggested that the recommendation should stop at ...from Smith Point to Sandy point. Chairman Brown agreed.

James Bowling explained that the Mid-River Historical District is already established and is 18 square miles. He said no one even knows it's there. There is a site that's located under one of his gill nets. Mrs. Langley was there surveying the site and asked if Mr. Bowling's net ever got hung up on the site. Mr. Bowling stated that's never happened and she stated if it's not bothering Mr. Bowling, it's not bothering her. Mr. Bowling doesn't have a problem protecting historical objects but he doesn't want to leave it open for someone to come along later in life and make changes when they are not educated on the issue.

Chairman Brown stated he could not support the latter part of the recommendation and feels like there's a loop hole being left.

Mr. Gary explained that Mr. Bowling views his recommendation as Maryland has ownership of the river bottom so it's not a federal management regime. Mr. Bowling stated they already have a historical district and that's to protect those historical objects.

Mrs. Cosby explained Susan Langley stated there's a Maryland Historic District and in that area they requested it be placed under the National Register of Historic Places. That's how it categorized now. Under Maryland Historic District, they had no legal protection so they had to get it under the National Register of Historic Places and that's when there is no collection of artifacts and they can only limit archeological collections. So it's under National Register of Historic Places at this time.

Chairman Brown called for the consensus of the committee for the approval of the recommendation. The committee did not approve the recommendation made by James Bowling.

Chris Owens recommended removing the last part of the recommendation to read as follows: Should Mallovs Bay be designated as a National Marine Sanctuary, the boundaries should be restricted to Maryland jurisdictional waters from Smith Point to Sandy Point. The Committee agreed by consensus.

Mr. Gary advised after a teleconference held January 18th, Mike Mayo, PRFC Legal Counsel, recommended to make a formal request to the Attorney General offices of Maryland and Virginia for a legal analysis of potential impacts to the regulatory authority of PRFC through the Maryland and Virginia Compact of 1958. That request was put forward and Maryland is working on theirs. We hope to hear from them next week. He has not heard from Virginia. The Commission meeting has been moved to March 20, 2017 specifically to accommodate this request.

USDA Catfish Inspections

Mr. Gary advised there's been some headway on this issue. There have been some discussions between the USDA and the processors. It was transferred from the FDA to the USDA as part of the Farm Bill. It was to head off the importation of Vietnamese and other South Asian catfish that were flooding the market. As a buy product but not intentional, the fish were required to be delivered alive to the processor. Unintentionally, the Blue Catfish that were being taken to the processors were going to be subject to a live delivery. Negotiations took place so that these fish

did not have to be delivered alive but they are still subject to an inspection when a USDA FSIS employee is on premise. Concerns were raised on the number of inspectors available and how the inspections would be conducted. Mr. Gary is hearing there are enough inspectors and they would be provided for up to 40 hours, after that it's the processors responsibility to pay them. There is a concern as to how they inspect the fish as well. Mr. Gary is going to bring these concerns up to the Chesapeake Bay conference call. He's hoping to have someone from USDA attend the June Commission meeting to talk about this.

Dominion Coal Ash Update

Mr. Gary testified at the one and only public hearing and the Commission is adamantly opposed to going forward with the solid waste containment at Possum Point. There is a huge body of literature that suggests if the coal ash were to be introduced into Quantico Creek and the Potomac River it could have significant and long lasting effects to almost all of the aquatic life in the waters. This is an ongoing situation that he will keep everyone up to date on.

ASMFC Striped Bass Addendum

Mr. Gary explained at the ASMFC winter meeting, Maryland's motion passed for the Atlantic Striped Bass Management Board to initiate the development of Draft Addendum V to Amendment 6 to the Atlantic Striped Bass Fishery Management Plan (FMP) to consider liberalizing coastwide commercial and recreational regulations. This may potentially provide some relief to the restrictions. It will be discussed at the ASMFC meeting in May that will be held in Alexandria, Virginia. Attendance is key to this issue.

Mrs. Cosby reminded everyone the Commission meeting has been moved from March 3rd to Monday, March 20th at 9:00 a.m.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,



DRAFT

Robert T. Brown, Chairman

ORDER #2017-03 "Revised"
 (replaces #2016-03 "Revised" 2017-03)

**2017 RECREATIONAL and CHARTER
 FISHING SEASON, SIZE AND CATCH LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS:** recreational and charter seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	9" min.	25 per person
Atlantic Croaker	Jan. 1 - Dec. 31	9" min.	25 per person
Black Bass (Large or Small Mouth)	March 1 - June 15 All other times	15" min. 12" min.	5 per person 5 per person
Black Drum	Jan. 1 - Dec. 31	16" min.	1 per person
Black Sea Bass ⁽¹⁾	FBA <u>May 15 - Sept. 21 & Oct. 22 - Dec. 31</u>	FBA <u>12 1/2" min.</u>	FBA <u>15 per person</u>
Bluefish	Jan. 1 - Dec. 31	8" min.	10 per person
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Crappie	Jan. 1 - Dec. 31	No limit	10 per person
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. - 25" max.	5 per person
River Herring	.....	C L O S E D .....	.....
Shad (American or Hickory)	.....	C L O S E D .....	.....
Snakehead ⁽²⁾	Jan. 1 - Dec. 31	No limit	No limit
Spanish Mackerel	Jan. 1 - Dec. 31	14" min.	15 per person
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	10 per person
Striped Bass	.....	P U B L I S H E D S E P A R A T E L Y .....	.....
Sturgeon (Atlantic or Shortnose)	.....	C L O S E D .....	.....
Summer flounder	FBA <u>Jan. 1 - Dec. 31</u>	FBA <u>17" min.</u>	FBA <u>4 per person</u>
Tautog	Jan. 1 - Dec. 31	14" min.	No Limit
Weakfish	Jan. 1 - Dec. 31	12" min.	1 per person
Yellow perch	Jan. 1 - Dec. 31	9" min.	10 per person

(1) - **Black Sea Bass** - The tail filament is not to be included in the total length of the fish.

(2) - **Snakehead** - It shall be unlawful to possess a live snakehead fish (of the family *Channidae*) only so long as necessary to **kill the fish** as specified in Order 2010-06.

AND, IT IS FURTHER DECLARED AND ORDERED: this Order #2017-03 "Revised" shall become effective ~~January 1, 2017~~ March 30, 2017 shall supersede and repeal Order #2016-03 "Revised" 2017-03 and remain in effect until further notice.

ORDER #2017-04 "Revised"
(replaces #2016-04 "Revised" 2017-04)

**2017 COMMERCIAL
FISHING SEASON, SIZE AND CATCH LIMITS**

THE POTOMAC RIVER FISHERIES COMMISSION, having found it necessary to comply with certain provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the provisions of Regulation III, Sections 9, 10 and 11; **HEREBY DECLARES AND ORDERS**: that commercial seasons, size limits, and catch limits provided for in Regulation III, Section 9, 10, and 11 shall be for the species named therein as follows:

<u>Species</u>	<u>Season</u>	<u>Size Limit</u>	<u>Catch Limit</u>
American Eel	Jan. 1 - Dec. 31	9" min.	No limit
Atlantic Croaker	Jan. 1 - Dec. 31	No limit	No limit
Black Bass (Large or Small Mouth)	C L O S E D		
Black Drum	Jan. 1 - Dec. 31	16" min.	1 fish
Black Sea Bass ⁽¹⁾	TBA Jan. 1 - Dec. 31	TBA 11" min.	TBA No limit
Bluefish*	Jan. 1 - Dec. 31	No limit	No limit
Catfish: Bullhead	Jan. 1 - Dec. 31	6" min.	No limit
Channel	Jan. 1 - Dec. 31	8" min.	No limit
White	Jan. 1 - Dec. 31	10" min.	No limit
Blue	Jan. 1 - Dec. 31	No limit	No limit
Pike or Chain Pickerel	Jan. 1 - Dec. 31	14" min.	No limit
Red Drum	Jan. 1 - Dec. 31	18" min. - 25" max.	5 fish
River Herring	C L O S E D		
Shad (American or Hickory)	C L O S E D (See Order #2013-01 for By-Catch Provisions)....		
Snakehead	Jan. 1 - Dec. 31	No limit ⁽²⁾	No limit
Spanish Mackerel*	Jan. 1 - Dec. 31	14" min.	No limit
Spot	Jan. 1 - Dec. 31	No limit	No limit
Spotted Sea Trout	Jan. 1 - Dec. 31	14" min.	No limit
Striped Bass	P U B L I S H E D S E P A R A T E L Y		
Sturgeon (Atlantic or Shortnose)	C L O S E D		
Summer flounder**	TBA Jan. 1 - Dec. 31	TBA 14" min.	TBA
Tautog	Jan. 1 - Dec. 31	14" min.	No limit
Weakfish***	July 28 - Dec. 31	12" min.	50 lbs / day
White perch	Jan. 1 - Dec. 31	6" min.	No limit
Yellow perch	Jan. 1 - Dec. 31	9" min.	No limit

(1) – Black Sea Bass – The tail filament is not to be included in the total length of the fish.

(2) – Snakehead – It shall be unlawful to possess a live snakehead fish, (of the family *Channidae*) only so long as necessary to kill the fish as specified in Order 2010-06.

***BE IT FURTHER DECLARED AND ORDERED:** the commercial fisheries for black sea bass, bluefish, and/or Spanish mackerel, have daily catch limits (landing limits) imposed subject to ASMFC notification and may be closed immediately by Order of the Commission upon notification by both Maryland and Virginia that the ASMFC/MAFMC established commercial harvest quota for such species has been landed and the state waters are closed for the harvest of such species.

****BE IT FURTHER DECLARED AND ORDERED:** that when the PRFC summer flounder quota, based on the ASMFC quota as established by the MD/VA/PRFC In State Commercial Summer Flounder Landings Memorandum of Understanding, is reached the fishery shall be closed. Providing that daily landing limits may be imposed when 80% of the quota is projected to be landed.

*****BE IT FURTHER DECLARED AND ORDERED:** that subject to the provisions of the ASMFC Weakfish Management Plan pound netters are permitted to possess no more than 50 lbs. (1 bushel) of legal size weakfish from February 15th through July 27th. The allowance must be less than or equal to the poundage of other lawfully harvested species.

AND IT IS FURTHER DECLARED AND ORDERED: this Order #2017-04 "Revised" shall become effective, ~~January 1, 2017~~ March 30, 2017 shall supersede and repeal Order #2016-04 "Revised" 2017-04 and remain in effect until further notice.

This Order was duly adopted by the Potomac River Fisheries Commission on March 20, 2017.

ATTEST:

Martin L. Gary, Executive Secretary

Date

Potomac River Fisheries Commission
Striped Bass Tag Exchange - Summary
for the 2016 Season

Report Date: 3/6/2017

Gear Name	# of people IN the Program	# of people who Exchanged OUT	# of people who Exchanged IN	# of Tags Exchanged	# of Tags Used
HL	88	9	8	495	279

Section 2: Fishermen who RECEIVED (Exchanged IN) SB Tags

Fisherman	License	Tag	Qty	Used
JONES, EDWARD WESLEY	030578	HL-073	85	50
RAWLINGS, JR., RONALD BYRON	030825	HL-139	80	50
SHYMANSKY, ROBERT JOSEPH	030482	HL-043	65	24
MATHES, MATTHEW A.	030603	HL-084	33	33
REMINGTON, DUSTYN JAMES	030518	HL-057	82	82
RAGUSA, VINCENT RANDALL	030600	HL-082	20	20
SCHENEMANN, JEFFREY WAYNE	030601	HL-083	65	0
MATTINGLY, WILLIAM H.	030513	HL-055	65	20



Atlantic States Marine Fisheries Commission

2017 Winter Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

2017 Winter Meeting
Alexandria, VA
January 31 – February 2, 2016

Toni Kerns, ISFMP, or
Tina Berger, Communications
For more information, please contact
the identified individual at
703.842.0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (JANUARY 31, 2017)

Press Release

ASMFC Atlantic Herring Section Approves Draft Addendum I for Public Comment

Alexandria, VA – The Commission’s Atlantic Section approved Draft Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring for public comment. Draft Addendum I includes management options to ensure the seasonal quota is distributed throughout Trimester 2, are applied consistently by the states adjacent to Area 1A, and address excessive capacity.

The Draft Addendum was initiated in response to the accelerated rate of Area 1A Trimester 2 (June through September) landings in recent years and the increasingly dynamic nature of days out measures to control effort that have varied across states. The Section utilizes days out of the fishery to slow the rate of Area 1A catch by restricting the number of available landing days. Landing reports indicate vessels are harvesting herring on days out of the fishery and transferring fish at-sea to carrier or larger vessels until landing is permitted. The practice of fishing outside of landing days has limited the effectiveness of the days out program in controlling the rate of harvest.

The Draft Addendum presents six management options to improve the performance of the Area 1A fishery, ranging from restricting a vessel from landing fish caught on days out of the fishery to limiting transfers at sea as well as the amount a vessel can land per week. The document also seeks input on a tiered weekly landing limit for future management consideration.

The Draft Addendum will be available on the Commission website, www.asmfc.org (under Public Input) by February 10, 2017. It is anticipated Maine, New Hampshire, Massachusetts and New Jersey will be conducting public hearings in March/April. The details of those hearings will be released in a subsequent press release. The Section will review submitted public comment and consider final approval of Addendum I at the Commission’s Spring Meeting in May 2017.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

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PR17-01

Motions

Move to approve the request of the New England Fishery Management Council to add a non-voting member seat for the development of Addendum I.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion carries (Roll Call Vote: In Favor – ME, RI, CT, NY; Opposed – MA, NJ; Null – NH).

Move to approve Draft Addendum I for public comment with the exception of Section 3.2 items reviewed by the PDT but not developed.

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

Move that the Herring Section recommend to the ISFMP Policy Board to write a letter to the GARFO Office requesting that the states of Maine, New Hampshire, and Massachusetts be granted access to the VMS pre-landing report.

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

TAUTOG MANAGEMENT BOARD (JANUARY 31, 2017)

Meeting Summary

The Tautog Management Board reviewed the results of the tagging trial that was conducted to test the feasibility of applying a tag to a live tautog. In addition, the Board reviewed the regional harvest reduction and projection analyses conducted by the Technical Committee (TC) and feedback provided by the regional working groups, initiated in October 2016, on harvest reductions and their impact on Draft Amendment 1.

A commercial harvest tagging program was recommended to increase accountability in the fishery and curb illegal harvest. To evaluate the feasibility of such a program a tagging trial was conducted to investigate the efficacy of a commercial tag that serves as a tool for law enforcement, while minimizing impact to the resource. Twenty-one tautog were collected for a thirty day trial. Fifteen tautog were tagged with a strap tag and six tautog served as controls. At the end of the trial, there was localized damage to the gill, but it was not life threatening or inhibiting the fish's ability to survive. At the conclusion of the study, the tags were removed and all fish were returned to the Long Island Sound. The research team provided tagging tips and the Board suggested the creation of short videos to illustrate how to apply a tag. At the October Board meeting, the PDT was given guidance to develop a comprehensive commercial tagging program in Draft Amendment 1.

The TC harvest reduction analysis was presented for the regions of Massachusetts-Rhode Island, Long Island Sound and New Jersey-New York Bight. In addition, feedback was provided on the regional working groups input on proposed harvest reductions. The regional working groups of Long Island Sound, New Jersey-New York Bight and Delaware-Maryland-Virginia requested additional TC tasks that would develop management measures there were consistent across the states within a region. Specifically the Board tasked the TC to evaluate recreational measures that would include a uniform 16" size limit and possession limit with consistent spawning closures across the region. In Long Island Sound and New Jersey-New York Bight, the Board tasked the TC to evaluate management measures for the DelMarVa region that would include a uniform 15" and 16" size limit and possession limit with consistent spawning closures across the region, as well as the impact of regional slot limits for the recreational and commercial fisheries and consistent spawning closures. Lastly, the Board elected to include SPR reference points for all regions, except Long Island Sound which will use MSY reference points in Draft Amendment 1.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Move that the Massachusetts-Rhode Island region go out for public comment including only the SPR reference points.

Motion made by Mr. McKiernan and seconded by Mr. Gibson. Motion carries (7 in favor, 2 abstentions).

Move that the Long Island Sound region go out for public comment including only the MSY reference points.

Motion made by Mr. Alexander and seconded by Mr. Heins. Motion carries (7 in favor, 1 opposed, 2 abstentions).

WINTER FLOUNDER MANAGEMENT BOARD (JANUARY 31, 2017)

Meeting Summary

The Winter Flounder Management Board maintained existing management measures for the inshore waters of Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) for the 2017 fishing season (May 1, 2017 – April 30, 2018), as shown below. Given management measures have been consistent in recent years, the Board intends to approve a three-year specifications package for winter flounder when the 2019-2021 specifications package becomes available.

Stock	Sector	Trip Limit/ Possession Limit	Size Limit	Season	Gear
GOM	Commercial	500 lbs/ trip/day	12"	Maintain closures	Minimum 6.5" square or diamond mesh in cod-end
	Recreational	8 fish	12"	NA	
SNE/ MA	Commercial	50 lbs/ 38 fish/trip/day	12"	Maintain closures	Minimum 6.5" square or diamond mesh in cod-end. 100-lb mesh trigger.
	Recreational	2 fish	12"	March 1 – December 31	

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

No motions made.

AMERICAN LOBSTER MANAGEMENT BOARD (JANUARY 31, 2017)

Press Releases

ASMFC American Lobster Board Approves Draft Addendum XXV for Public Comment *Addendum Seeks to Address Southern New England Stock Declines*

Alexandria, VA – The American Lobster Management Board approved Draft Addendum XXV to Amendment 3 to the Interstate Fishery Management Plan for American Lobster for public comment. The Draft Addendum seeks to address the depleted condition of the Southern New England (SNE) stock while preserving a functional portion of the SNE lobster fishery. The document presents a suite of management measures to increase egg production and lower fishing mortality through a combination of management tools including gauge size changes, season closures, and trap reductions.

The Draft Addendum responds to the results of the 2015 American Lobster Benchmark Stock Assessment which found the SNE stock is severely depleted and experiencing recruitment failure. Declines in population abundance were most pronounced in the inshore portion of the stock where environmental conditions have remained unfavorable to lobster since the late 1990s. These stock declines are largely in response to adverse environmental conditions, including increasing water temperatures over the last 15 years, combined with continued fishing mortality.

Draft Addendum XXV focuses on increasing egg production so that, if environmental conditions become favorable, the SNE stock can benefit from a strong recruitment year. The Draft Addendum includes six issues. The first proposes four targets to increase egg production, ranging from 20% to 60%, with an additional option for status quo. The second issue seeks input on proposed management tools to increase egg production and whether these tools should be used independently or in conjunction with one another. The third issue addresses the effects of proposed measures on the recreational fishery. The fourth issue explores the implementation of season closures and potential impacts to the Jonah crab fishery. The fifth issue examines whether management measures should be uniform across Lobster Conservation Management Areas (LCMA) in SNE. The sixth issue asks how management measures should be applied to the offshore waters of LCMA 3, which spans both the Gulf of Maine/Georges Bank and SNE stock units.

The Draft Addendum will be available on the Commission website, www.asmfc.org (under Public Input) by February 20, 2017. It is anticipated that the majority of states from Massachusetts through Virginia will be conducting public hearings; the details of those hearings will be released in a subsequent press release. The Board will review submitted public comment and consider action on the Addendum at the Commission's Spring Meeting in May 2017.

In other business, the Board initiated development of Draft Addendum XXVI to respond to the need for improved harvest reporting and biological data collection in state and federal waters. The Draft Addendum seeks to utilize the latest technology to improve reporting, increase the spatial resolution of harvester data, collect greater effort data, and advance the collection of biological data offshore. The Board will receive an update on the development of Draft Addendum XXVI at the Commission's Spring Meeting in May 2017.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

###

PR17-02

ASMFC American Lobster Board Approves Jonah Crab Addendum II

Alexandria, VA – The Commission’s American Lobster Management Board approved Addendum II to the Jonah Crab Fishery Management Plan (FMP). The Addendum establishes a coastwide standard for claw harvest and a definition of bycatch, based on a percent composition of catch, in order to minimize the expansion of a small-scale fishery under the bycatch allowance.

The Addendum responds to concerns regarding the equity of the claw provision established in the 2015 FMP, which instituted a whole crab fishery with the exception of fishermen from New Jersey, Delaware, Maryland, and Virginia who have a history of claw landings prior to June 2, 2015. Following approval of the FMP, claw fishermen from New York and Maine were identified and, while these fishermen had a history of claw landings, they were required to land whole crabs under the provisions of the FMP. Addendum II permits claw harvest coastwide. Specifically, the Addendum allows Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length of 2.75” if the volume of claws landed is greater than five gallons. Claw landings less than five gallons do not have to meet the minimum claw length standard. Fishermen may also harvest whole crabs which meet the 4.75” minimum carapace width.

Addendum II also establishes a definition of bycatch in the Jonah crab fishery, whereby the total pounds of Jonah crabs caught as bycatch must weigh less than the total amount of the targeted species at all times during a fishing trip. The intent of this definition is to address concerns regarding the expansion of a small-scale fishery under the bycatch limit. Prior to this Addendum, a non-trap or non-lobster trap fisherman could land 1,000 crabs as bycatch but was not required to have any other species of catch on-board. Through Addendum II, fishermen harvesting under the bycatch limit must have another species on board of greater weight than landed Jonah crabs.

The Addendum is available at http://www.asmfc.org/uploads/file/589501bcJonahCrabAddendumII_Jan2017.pdf. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

###

PR17-03

Meeting Summary

The American Lobster Management Board approved Draft Addendum XXV for public comment to address stock declines in Southern New England, initiated Draft Addendum XXVI to improve reporting and data collection in the lobster fishery, and approved Jonah Crab Addendum II, which permits the harvest of claws coastwide and establishes a definition of bycatch based on percent composition. For further information on these Board actions, please refer to the above press releases.

In addition to the actions above, the Board also heard a report from the American Lobster Technical Committee (TC) on changing stock conditions in the Gulf of Maine (GOM) and Georges Bank (GBK). This analysis was requested by the Board after surveys showed a recent decline in settlement. The TC Report reviewed the role that ocean currents play in the life history of lobsters, investigated stock connectivity, provided evidence of decreased size at maturity, highlighted changes in the stock-recruit relationship, and explored management tools to increase the resiliency of the stock. In response to this information, the Board established a GOM/GBK Subcommittee to further review the TC's analysis and provide recommendations to the Board.

The TC also presented work on potential impacts to the lobster and Jonah crab fisheries as a result of the New England Fishery Management Council's Omnibus Deep Sea Coral Amendment. The analysis investigates potential impacts to effort and revenue as a result of closures proposed around the offshore canyons, Mount Desert Rock, and the Outer Schoodic Ridge. Prior to passing this analysis on to the Council, the Board tasked the Lobster Advisory Panel with reviewing the analysis and providing industry comments.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move that Addendum XXV include the proposal for *de minimis* for the states of Delaware, Maryland, and Virginia.

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries (9 in favor, 2 opposed, 1 abstention).

Move that the overlap zone issue be added to Addendum XXV.

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

Main Motion

Move to approve Draft Addendum XXV for public comment as modified by discussion today.

Motion made by Mr. McKiernan and seconded by Mr. Reid.

Motion to Amend

Move to amend to approve Draft Addendum XXV for public comment as modified today and include an Option C under Section 2 to allow gauge size changes and season closures to be used either together or independently to achieve egg production increases.

Motion made by Mr. Burns and seconded by Mr. White. Motion carries (9 in favor, 2 opposed, 1 abstention).

Main Motion as Amended

Move to approve Draft Addendum XXV for public comment as modified today and include an Option C under Section 2 to allow gauge size changes and season closures to be used either together or independently to achieve egg production increases.

Motion carries 11-0-1 abs-0.

Move to initiate an addendum to improve harvester reporting and biological data collection in state and federal waters. The addendum should seek to: 1) utilize the latest technology to improve reporting; 2) increase the spatial resolution of harvester data; 3) collect greater effort data; and 4) advance the collection of biological data offshore.

Motion made by Mr. McKiernan and seconded by Mr. Train. Motion approved by consensus.

Main Motion

Move to approve Addendum II to the Jonah Crab FMP with the following options: Issue 1, Option C (Claw Harvest Permitted Coastwide) and Issue 2, Option B (Bycatch Defined as Percent Composition).

Motion made by Mr. Gilmore and seconded by Mr. Luisi.

Motion to Amend

Move to amend to revise Option C to read:

Option C: Coastwide Small Volumetric Claw Harvest Permitted

Under this option, only whole crabs which meet the minimum size of 4.75" may be retained and sold, with the exception of a one 5-gallon bucket allowance of detached crab claws per vessel per trip which may be retained and sold. Two claws may be harvested from the same crab.

Motion made by Ms. Murphy and seconded by Mr. McKiernan. Motion fails (4 in favor, 6 opposed).

Main Motion

Move to approve Addendum II to the Jonah Crab FMP with the following options: Issue 1, Option C (Claw Harvest Permitted Coastwide) and Issue 2, Option B (Bycatch Defined as Percent Composition).

Motion made by Mr. Gilmore, seconded by Mr. Luisi. Motion passes (7 in favor, 5 opposed).

Move to approve Addendum II to the Jonah Crab FMP as modified today.

Motion made by Mr. Grout and seconded by Mr. Clark. Motion passes (Roll Call Vote: In favor – ME, NH, MA, NY, NJ, DE, MD, VA, NEFMC; Opposed – RI, CT; Abstain – NMFS).

AMERICAN EEL MANAGEMENT BOARD (JANUARY 31, 2017)

Meeting Summary

The American Eel Management Board met to receive an update on the stock assessment schedule and a summary of the Technical Committee's meeting from fall 2016.

The Board received a summary of the Stock Assessment Subcommittee's (SAS) meeting regarding the 2017 stock assessment update. For the update, the trend analyses of abundance indices developed from fishery independent surveys from the 2012 benchmark assessment will be updated-Mann-Kendall, Manly, Autoregressive Integrated Moving Average (ARIMA), and Power analysis. These analyses focus on detecting trends in abundance of young-of-year (YOY) and yellow eels at both the coast wide and regional level. The growth analysis based on biological data from various datasets will also be updated. The SAS will conduct work using fishery-independent and -dependent data through 2016. Neither the Depletion-Based Stock Reduction Analysis nor the Traffic Light Analysis will be updated since both of these analyses needed improvements, as recommended by the review panel, before they could be used

for management. Therefore, there will not be overfishing or overfished determinations made. Staff indicated that the planned completion date for the work will be fall 2017 with the goal of presenting the stock assessment update results to Board at the ASMFC Annual Meeting in October 2017.

Next, the Board was presented the Technical Committee (TC) Meeting Summary. The TC meeting focused on YOY surveys, reviewing updates on nematode research, Maine life cycle study, and otolith exchange. Additionally the group had a discussion of landings vs harvester reports. In considering the YOY surveys, the reviewed methods and results the TC discussed the challenges many have encountered across the coast in trying to collect important information of YOY eels. The group noted that not all YOY surveys provide equal information to the stock assessment, and there are current efforts underway to determine which surveys may be more informative if they were switched to focusing on other life stages such as yellow or silver. The TC recommended that if a state does seek to discontinue a YOY survey, another survey should replace it focusing on a different life stage. These changes must first be approved by the Board. The other significant discussion for the TC was how best to use commercial landings and harvester reports in assessing allocation moving forward. In recent Addenda, landings attributed to states have varied in using landing or harvester reports or sometimes both, when they are distinctly different types of information- commercial landings include the value for a specific amount of eels, whereas harvester reports can including eels that are harvested but not sold. In preparation for the stock assessment update, both data sources will be updated and the TC recommended that allocation issues should addressed after the assessment update is completed.

Lastly, North Carolina provided a brief update that a small amount of glass eels were collected through their aquaculture program. The state will provide a full update on their 2017 aquaculture program later on in the year.

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

Motions

No motions made.

EXECUTIVE COMMITTEE (FEBRUARY1, 2017)

Meeting Summary

The Executive Committee reviewed and approved the FY16 Audit. The Committee approved the revised draft of the ASMFC Standard Meeting Practices Document, and the Guidelines for Management of State-Housed Employees. It received a positive report on the full integration of the ACCSP into the Commission. They discussed the use of Sections versus Management Boards and decided to leave the process as it currently is. Under other business, the committee discussed AP members who also serve as Board proxies and the potential conflict of interest. After a robust discussion, staff was directed to summarize the comments for the Committee and fully discuss the issue in May. Mr. Bullard of NMFS GARFO gave an overview of the current NOAA leadership in light of the transition due to the election of President Trump.

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

SHAD & RIVER HERRING MANAGEMENT BOARD (FEBRUARY 1, 2017)

Meeting Summary

The Shad and River Herring Management Board met to review updated sustainable fishery management plans and a habitat plan, as well as the Technical Committee's (TC) recommendations regarding each document.

The New York Division of Marine Resources submitted an updated SFMP to harvest river herring in the Hudson River and some of its tributaries. The plan includes recent data and codifies more restrictive management measures that were first implemented by the state in 2013. The sustainability benchmark remains unchanged from the 2012 SFMP. Given the TC's support of the plan, the Board approved the updated SFMP.

The Maine Department of Marine Resources submitted a revised SFMP to harvest river herring, which includes a request to open the Card Mill Stream in the Town of Franklin for commercial harvest. Currently 24 municipalities actively harvest river herring on tributaries of larger rivers. Given the TC's support of the plan, the Board approved the revised SFMP. The TC recommended Maine consider the inclusion of a secondary sustainability threshold (repeat spawning ratio) in a future SFMP.

The Delaware River Basin Cooperative (Co-op) submitted a revised SFMP to harvest shad, which includes a request to move the mixed stock demarcation line and add a new mixed stock benchmark. Currently the demarcation line extends to a point in Delaware that does not align with Delaware's four reporting regions. The Co-op has identified three places for the line to move to and the Co-op's Policy Board recommends moving the line from its current position at Leipsic River to Bower's Beach (12 miles south).

The TC could not come to a consensus regarding the request to move the mixed stock demarcation line. Several members of the TC recommended approving the SFMP as written, but several others expressed concerns regarding the proposed mixed stock demarcation line. There was concern that moving the mixed stock demarcation line closer to the mouth of the Delaware Bay could expand effort on the mixed stock fishery because shad that were previously in the mixed stock portion of the Bay would now be deemed 100% Delaware River stock. Additional fishing effort (directed or bycatch) on a mixed stock could diminish shad stocks that are under restoration and cannot support fisheries in other areas along the Atlantic Coast.

The Board discussed the TC's concerns regarding the mixed stock demarcation line and the TC suggestion to move the mixed stock demarcation point (on the Delaware coast) to Port Mahon (2 miles south) instead of Bower's Beach (12 miles south), but ultimately approved the plan as originally proposed. Moving forward, the mixed stock demarcation line in Delaware Bay will run from Gandy's Beach (New Jersey) to Bower's Beach (Delaware).

Florida Division of Marine Fisheries Management submitted a Habitat Plan for American Shad in the St. Johns River, Econlockhatchee River, and St. Mary's River. The Board approved of the plan based on the recommendations of the TC.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Move to accept the New York Sustainable Fishery Management Plan (SFMP) for river herring, the Maine SFMP for river herring and the Delaware River Basin Cooperative SFMP for shad.

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

Move to approve Florida's American Shad Habitat Plan.

Motion made by Dr. Duval and seconded by Dr. Rhodes. Motion passes unanimously

Move to elect Mike Armstrong as Vice-chair of the Shad and River Herring Management Board.

Motion made by Mr. White and seconded by Mr. Boyles. Motion passes unanimously

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (FEBRUARY 1, 2017)

Meeting Summary

The ISFMP Policy Board met to discuss several issues. Under public comment, Luis Leandro from the Marine Mammal Commission informed the Board that the Marine mammal Commission's annual meeting will be in April and encouraged stakeholders to attend. The meeting will examine marine mammal issues within New England, as well as priority topics at the national and global levels.

Chairman Grout updated the ISFMP Policy Board on the actions of the Executive Committee (see Executive Committee meeting summary).

The Board reviewed issues related to how illegal harvest is accounted for within states and found that policies are not consistent across states. In addition, there are differences in how states count the illegal harvest for species with quotas and how they are accounted for in stock assessments. In order to have a better understanding of the issue, specific practices by the states will be collected and presented to the Board at the Spring Meeting.

Jim Gilmore presented guidelines New York has recently established regarding safe harbor transfers, after experiencing two issues when conducting safe harbor transfer requests. Through the Board's discussion, it was learned other states have also established protocols on the issue. The Board discussed the merits of having generic policies states can use for safe harbor transfer requests. The Board established a working group to address this issue and present its findings to the Board at the Summer Meeting.

Chairman Grout updated the Board on the progress of the Climate Change Working Group. The Working Group met earlier in the week to begin development recommendations for both science and policy strategies to address the Board's task (to develop policies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change). The Working Group will draft white paper(s) based on the group's discussions and present them to the Board for consideration in August.

The Board set a commercial retention limit of 8 blacknose sharks for all Atlantic shark limited access permit holders in the Atlantic region south of 34°00'N. This action mirrors action taken by NOAA Fisheries. The Board was also presented with information on the proposed listing of the oceanic whitetip

shark as threatened by NOAA Fisheries and what information NOAA is seeking with regards to comment on the proposed listing.

The Board approved a request from the Atlantic Herring Section to send a letter to NOAA Fisheries Greater Atlantic Regional Office to request the states of Maine, New Hampshire and Massachusetts be granted access to the VMS pre-landing report. Access to the VMS data will allow for timelier quota management.

The Risk and Uncertainty Policy Workgroup, which is developing a Commission policy to account for both scientific and management uncertainty in the Commission's decision making process, requested that scheduled spring workshop on the draft policy be delayed until the Summer or Annual Meeting. This will allow the working group additional time to finalize the details of the policy as well as receive feedback from both the Management and Science Committee and the Assessment Science Committee.

At the December Joint Meeting of the ASMFC Summer Flounder, Scup and Black Sea Bass Board and the Mid-Atlantic Fishery Management Council, the Board requested that a summer flounder stock assessment be conducted in 2017. The Policy Board discussed how this could fit into the current Commission assessment schedule. After a thoughtful discussion, the Board requested the Commission explore an external summer flounder stock assessment and peer review for management use in 2018. New Jersey has offered funds to help conduct the assessment and peer review, if needed. The Board recognized the need to collaborate with the Northeast Fisheries Science Center, which has been the lead on previous summer flounder assessments. The Board will raise the issue at its joint meeting with the Mid-Atlantic Fishery Management Council in February. In addition, Commission leadership will bring up the need to prioritize a summer flounder assessment at the Northeast Coordinating Council meeting this spring, where the Northeast Regional Stock Assessment Review Committee schedule is set.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org 703.842.0740.

Motions

Move to complement the NMFS implemented management measures with regard to the blacknose shark possession limit south of 34°00' N latitude for the 2017 fishing year.

Motion made by Dr. Duval and seconded by Mr. Geer. Motion passes with 2 abstentions.

On behalf of the Atlantic Herring Section, move that the Commission write a letter to the GARFO Office requesting that the states of Maine, New Hampshire, and Massachusetts be granted access to the VMS pre-landing report.

Motion made by Mr. White. Motion passes by unanimous consent.

Move that the ASMFC explore moving forward with an external stock assessment and peer review for summer flounder for 2018 management use.

Motion made by Mr. Nowalsky and seconded by Mr. Hasbrouck. Motion passes (13 in favor, 2 opposed, 3 abstentions).

ATLANTIC MENHADEN MANAGEMENT BOARD (FEBRUARY 1, 2017)

Meeting Summary

The Atlantic Menhaden Management Board reviewed public comment on the Amendment 3 Public Information Document (PID), provided guidance on the management alternatives that should be included in Draft Amendment 3, and heard a report outlining the results of the socio-economic study on the commercial fishery.

The Board reviewed a summary of public comments received on the Amendment 3 PID. Approximately 300 individuals, in total, attended the 14 public hearings held along the coast and 25,606 written comments were received from individuals and organizations. In response to the comments received, the Board provided guidance on the management alternatives which should be included in Draft Amendment 3. In regards to reference points, the Board recommended the BERP continue work on menhaden-specific ERPs and explore interim reference points, including single-species reference points and existing guidelines for forage fish. The Board maintained all allocation methods included in the PID; however, the Board specified five timeframes for further analysis: 2009-2011, 1985-1995, 1985-2016, 2012-2016, and a weighted allocation between 1985-1995 and 2012-2016. In regards to quota transfers, the Board recommended options be developed which explore quota reconciliation and a transfer process with greater guidelines. The Board also recommended Draft Amendment 3 explore quota rollovers, with options ranging from no rollovers to 100% of unused quota being rolled over into the subsequent year. In regards to incidental catch, the Board expressed the greatest interest in options which count all catch in the TAC, including an option which allows for a small-scale fishery set aside, as well as an option which maintains the current bycatch limit per vessel. The Board also expressed an interest in the maintenance of the episodic events program with New York included as a participant in the set aside. For the Chesapeake Bay reduction fishing cap, the Board recommended three options: the maintenance of the cap, the removal of the cap, and the reduction of the cap to a level which reflects the most recent 5-year average of reduction harvest in the Bay. Finally, the Board agreed to include a research set aside program as an adaptive management tool in Amendment 3.

The Board also heard a report from Dr. John Whitehead and Dr. Jane Harrison on results of the socio-economic conducted on the menhaden commercial fishery. The study, which was initiated in March 2016, looks to characterize the coastwide commercial fisheries, including the bait and reduction sectors and the fishing communities they support. As a part of the study, surveys and in-person interviews were conducted with fishermen, dealers, and end-users, and economic analysis was conducted on landings data to determine economic impacts that arise from changes in the Total Allowable Catch. While an Executive Summary of the study was included in meeting materials, a final report on the socio-economic study will be available in late March on the Commission's website.

In order to maintain the current management of the cast net fishery throughout the development of Amendment 3, the Board approved the continuation of the provision which manages the cast net fishery under the bycatch provision until implementation of Amendment 3. Finally, the Board approved Vincent Balzano (ME) to the Menhaden Advisory Panel.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move to continue the management of cast nets under the bycatch provision until implementation of Amendment 3.

Motion made by Mr. Estes and seconded by Mr. Alexander. Motion passes unanimously.

Move to appoint Vincent Balzano to the Menhaden Advisory Panel.

Motion approved by consensus.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (FEBRUARY 2, 2017)

Press Releases

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Approves Regional Management for 2017 Recreational Summer Flounder Fisheries

Alexandria, VA –The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXVIII to the Summer Flounder and Black Sea Bass Fishery Management Plan, maintaining regional management for the 2017 recreational summer flounder fishery. Specifically, the Addendum requires a one-inch increase in size limit and reduced possession limits to stay within the 2017 recreational harvest limit (RHL). These measures are broadly applied across all states to reduce harvest and provide for more coastwide consistency in regulations. The summer flounder regions, which are continued from 2016, are: Massachusetts; Rhode Island; Connecticut through New York; New Jersey; Delaware through Virginia; and North Carolina.

In August 2016, the Board and Mid-Atlantic Fishery Management Council approved an approximate 30% reduction in catch limits for both the commercial and recreational fisheries in response to the 2016 stock assessment update, which indicated the resource is experiencing overfishing but is not overfished. In order to not exceed the reduced 2017 RHL, a 41% reduction relative to the 2016 preliminary harvest estimates is needed. To achieve the reduction, the Addendum implements a one-inch increase in size limit from 2016 measures for all regions with the exception of North Carolina. Additionally, all regions are required to constrain their possession limits to 4 fish or less and maintain 2016 season lengths. The approved management program also allows for the continuation of the Delaware Bay specific management measures for New Jersey anglers west of the COLREGS line. In 2016, New Jersey had separate management measures for anglers east and west of the Delaware Bay COLREGs line.

“The Board’s decision took into account the findings of the 2015 and 2016 stock assessment updates, both of which found summer flounder abundance is declining and is experiencing overfishing; the need to take harvest reductions to end overfishing immediately through our joint management process with the Mid-Atlantic Council and as prescribed by the Magnuson-Stevens Act; and with the recognition that the confidence intervals around the harvest estimates limit our ability to precisely project the impacts of differing management measures,” stated Mike Luisi, Board Chair. “By our action, we struck a balance between the need to reduce harvest, while taking into account the socioeconomic impacts to our stakeholders. “

In its report to the Board, the Technical Committee (TC) supported the 2013 summer flounder benchmark stock assessment and its updates through 2016 as the best available science. Further, it agreed with the findings of the recent stock assessments, indicating the resource is declining in abundance and that associated management changes are needed to address this issue; in this case, a reduction in the RHL. The TC recommended uniform adjustments from 2016 management measures (as were approved in the Addendum) to reduce harvest and fishing mortality in an equitable manner.

Once the states have selected final management measures, the Commission will submit a letter to NOAA Fisheries detailing how the measures will constrain fishing to the 2017 RHL. The Commission annually submits this letter as part of the conservation equivalency process that allows for federal coastwide management measures to be waived and for state management measures to be applied in both state and federal waters.

Addendum XXVIII will be available on the Commission website, www.asmfc.org. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR17-04

ASMFC Summer Flounder, Scup and Black Sea Bass Board Approves Scup Draft Addendum XXIX for Public Comment

Alexandria, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved Draft Addendum XXIX to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan for public comment. The Draft Addendum proposes shortening the length of the commercial scup summer period and extending length of the winter period(s) to better allocate the commercial quota, which has been under-harvested since 2011. The quota allocation for each period is not being altered.

The Draft Addendum was initiated jointly with the Mid-Atlantic Fishery Management Council to address concerns raised by Advisory Panel members that commercial landings have been lower than the annual limits in recent years and the quota periods could be better utilized. The changes are intended to allow higher possession limits for a longer period of time each year, thus increasing the likelihood the commercial fishery will fully harvest the quota. The Draft Addendum proposes changes to the three scup commercial quota periods (Winter I, Summer, and Winter II), specifically a change in the start and end dates for the Summer Period. The options propose to shorten the summer period by 31 or 46 days.

The Draft Addendum also proposes options to continue allowing state permitted fishermen to begin fishing early in state waters when the Winter I quota closes prior to April 15. These options include extending the number of days the earlier fishing can occur as well as the start date when earlier fishing can occur. Allowing access prior to the start of the Summer period state permitted fishermen provides access to the resource when scup are highly available to nearshore (state) fisheries.

The Draft Addendum will be available on the Commission website, www.asmfc.org (under Public Input) by February 10. It is anticipated some states will be conducting public hearings; the details of those

hearings will be released in a subsequent press release. The Board will review submitted public comment and consider final action on the Draft Addendum at the Commission's Spring Meeting in May. For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR17-05

Motions

Move to postpone Addendum XXVIII until confirmation of a new Secretary of Commerce and NOAA Fisheries can submit new regulations directly to the federal register.

Motion made by Mr. Baum and seconded by Mr. Gary. Motion fails (Roll call Vote: In Favor – NJ, DE; Opposed – MA, RI, CT, NY, MD, PRFC, VA, NC, USFWS, NMFS).

Main Motion

Move to approve Option 5 (More Coastwide Consistency) from Section 3.2 with the removal of the following language: Of particular note, Option 5 is calculated to achieve a 28-32% coastwide reduction (depending on the sub-option), less than the required reduction of 41% that Options 1-4 are designed to address.

Motion made by Mr. Gilmore and seconded by Mr. Gates.

Motion to Substitute

Move to substitute to adopt Option 2, revised by substituting "one-inch minimum size increase" with "30% reduction." As revised, the option will require the regions of MA, RI, DE-VA, and NC to enact management measures for 2017 aimed at achieving a 30% reduction in harvest relative to 2016, and require the region of CT-NY and the region of NJ to enact management measures for 2017 aimed at achieving a 43% reduction in harvest relative to 2016, and that states within a region may adopt mode- or area-specific regulations as long as they are afforded to all states in the region.

Motion made by Mr. Ballou and seconded by Ms. Meserve. Motion fails (2 in favor, 8 opposed, 2 abstentions).

Main Motion

Move to approve Option 5 (More Coastwide Consistency) from Section 3.2 with the removal of the following language: Of particular note, Option 5 is calculated to achieve a 28-32% coastwide reduction (depending on the sub-option), less than the required reduction of 41% that Options 1-4 are designed to address.

Motion made by Mr. Gilmore and seconded by Mr. Gates. Motion carries (Roll Call Vote: In Favor – CT, NY, DE, MD, PRFC, VA, NC; Opposed – MA, RI, NJ; Abstentions – USFWS, NMFS).

Main Motion

Move to approve Section 3.3 Timeframe Option 2 for 2017 with the ability to extend through 2018.

Motion made by Mr. Gilmore and seconded by Mr. Batsavage.

Motion to Substitute

Move to substitute Section 3.3 Timeframe Option 1 for 2017.

Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion fails (4 in favor, 6 opposed, 2 abstentions).

Main Motion

Move to approve Section 3.3 Timeframe Option 2 for 2017 with the ability to extend through 2018.

Motion made by Mr. Gilmore and seconded by Mr. Batsavage. Motion carries (8 in favor, 2 opposed, 2 abstentions).

Main Motion

Move to approve Addendum XXVIII as modified today.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark.

Motion to Postpone

Move to postpone final action on Addendum XXVIII until the joint meeting in Kitty Hawk.

Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion fails (2 in favor, 10 opposed).

Main Motion

Move to approve Addendum XXVIII as modified today.

Motion made by Mr. Hasbrouck and seconded by Mr. Clark. Motion carries (Roll Call Vote: In Favor – MA, CT, NY, DE, MD, PRFC, VA, NC, USFWS, NMFS).

Move to approve Addendum XXIX for public comment.

Motion made by Mr. Heins and seconded by Mr. Nowalsky. Motion carries unanimously.

ATLANTIC STRIPED MANAGEMENT BOARD (FEBRUARY 2, 2017)

Press Release

ASMFC Atlantic Striped Bass Management Board Initiates Development of Draft Addendum V to Liberalize Management Measures

Alexandria, VA – The Commission’s Atlantic Striped Bass Management Board initiated the development of Draft Addendum V to Amendment 6 to the Atlantic Striped Bass Fishery Management Plan (FMP) to consider liberalizing coastwide commercial and recreational regulations. The Board’s action responds to concerns raised by Chesapeake Bay jurisdictions regarding continued economic hardship endured by its stakeholders since the implementation of Addendum IV and information from the 2016 assessment update indicating fishing mortality is below the target.

Addendum IV, implemented for the 2015 fishing season, required coastwide harvest reductions to reduce fishing mortality (F) to a level at or below the target. Specifically, coastal fisheries implemented measures to reduce harvest by 25% compared to 2013 levels, and Chesapeake Bay fisheries implemented measures to reduce harvest by 20.5% compared to 2012 levels. Additionally, an objective of Addendum IV is to protect the 2011 year class.

According to the results of the 2016 stock assessment update, the Atlantic striped bass stock is not overfished and overfishing is not occurring. Furthermore, Addendum IV successfully reduced fishing mortality to a level below the target (F in 2015 is estimated at 0.16), and length-frequency data from the catch in 2015 indicates a strong presence of the 2011 year class which is anticipated to join the coastal spawning population this year.

A draft of the addendum will be presented for Board review in May. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

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PR17-06

Motions

Main Motion

Move to initiate an addendum to the Atlantic Striped Bass Fishery Management Plan that considers a relaxation of the coastwide commercial and recreational regulations to bring fishing mortality to the target based on the 2016 stock assessment update.

Motion made by Mr. Luisi and seconded by Mr. O'Reilly.

Motion to Postpone

Motion to postpone until the May meeting.

Motion made by Mr. Train and seconded by Mr. White. Motion fails (Roll Call Vote: In Favor – ME, NH, MA, RI, PA, USFWS, NMFS; Opposed – CT, NJ, DE, MD, DC, PRFC, VA, NC; Null – NY).

Main Motion

Move to initiate an addendum to the Atlantic Striped Bass Fishery Management Plan that considers a relaxation of the coastwide commercial and recreational regulations to bring fishing mortality to the target based on the 2016 stock assessment update.

Motion made by Mr. Luisi and seconded by Mr. O'Reilly. Motion passes (Roll Call Vote: In Favor – CT, NY, NJ, DE, MD, DC, PRFC, VA; Opposed – ME, NH, MA, RI, PA, USFWS, NMFS; Null – NC).

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (FEBRUARY 2, 2017)

Meeting Summary

Cobia PID

The South Atlantic State/Federal Fisheries Management Board met to review public comment on the Public Information Document (PID) for the Interstate Fishery Management Plan (FMP) for Cobia and review the Red Drum Stock Assessment and Peer Review Reports.

Five public hearings were held throughout the Southeast during December 2016. Public hearings were attended by 60 non-staff participants and 16 written comments were submitted. Two issues that notably dominated concerns expressed about cobia management were the characterization of the recreational fishery by landings estimates from the Marine Recreational Information Program (MRIP) and the Atlantic Migratory Group (AMG) cobia stock definition (Georgia north).

The public expressed mixed opinions on a complementary management plan between the Commission and the South Atlantic Fishery Management Council (SAFMC), with supporters of complementary management focusing on the flexibility of state management through the Commission and detractors focusing on disagreement in the management unit and inability of the Commission to change allowable catch limits (ACL). The public expressed that objectives and goals of the management plan should include: long-term sustainability of the stock, state flexibility, prioritizing the recreational fishery, improved data collection, and a long-term management regime that would strive to avoid closures and make management changes, when necessary, in a fashion that would provide stakeholders an opportunity to plan for such changes. There was general supported state-by-state allocation options. The public expressed support for size and bag limits for the recreational fishery, definition of state *de minimis* qualifications, and maintenance of commercial bycatch provisions.

The South Atlantic Species Advisory Panel (AP) expressed support for development of a complementary FMP between the Commission and SAFMC. The AP provided similar comments to those of the public with respect to long-term management objectives that would avoid annual mid-season changes or closures. The AP also supported the development of biological sampling requirements to improve data collection.

The Board discussed public comments on the issues presented in the PID. Much of the discussion focused on a need for “equitable access” to the fishery. The Board expressed support of fishery independent monitoring requirements and *de minimis* qualifications being included in the Draft FMP. A work group was populated to address allocation options for the Draft FMP.

The Board directed staff to move forward with the development of a complementary fishery management plan for AMG cobia. The Board requested analyses that include examination of size and bag limits, various state-by-state allocation scenarios, seasons, and other measures aimed at managing the fishery within the ACLs established by the SAFMC.

Red Drum Stock Assessment & Peer Review

The Board also reviewed the 2017 Red Drum Stock Assessment and Peer Review Reports and approved them for management use. The reports indicate overfishing is not occurring for red drum in either the northern (North Carolina-New Jersey) or southern (South Carolina-Florida) stocks. The assessment estimates annual static spawning potential ratios (sSPR) measured against previously established sSPR reference points for red drum. Overfishing is occurring if the three-year average sSPR is less than a threshold of 30%, with a management target of 40% sSPR. sSPR is a measure of spawning stock biomass survival rates when fished at the current years fishing mortality rate relative to the spawning stock biomass survival rates if no fishing mortality was occurring. In the assessment’s terminal year of 2013, the three-year (2011-2013) average sSPR was 43.8% for the northern stock and 53.5% for the southern stock, both above the target and threshold values. The assessment was unable to determine an overfished/not overfished status because population abundance or biomass could not be reliably estimated due to limited available data for the older fish (ages 4+) that are not typically harvested due to the current fishery measures (the slot-limits).

Commercial harvests occur only from the northern stock with landings showing considerable fluctuation throughout the catch time series, and peaking in 1999 and 2013. Most of the commercial landings are caught using gill nets and beach seines, with North Carolina typically contributing over 90% of annual commercial landings.

The recreational fishery contributes the majority of total harvest for both stocks, in part because states in the southern portion of the fishery reserve red drum harvest strictly for recreational anglers. Recreational harvest of the northern stock has fluctuated throughout the time series from 1989-2013, with a large increase in harvest in 2013 and the majority of harvest occurring in North Carolina. Recreational discards from the northern stock have also fluctuated throughout the time series, though not always in conjunction with recreational harvest. An 8% mortality rate is assumed for recreational discards in both stocks.

Recreational harvest of the southern stock has shown a general increase throughout the time series with the majority of harvest occurring in Florida. Recreational discards from the southern stock generally increased throughout the time series, following similar fluctuations as recreational harvest.

The Board accepted the stock assessment and peer review report for management use. No management action was taken because reference points for red drum have already been established and overfishing is not occurring. A press release on the assessment results will be released on February 6.

Lastly, the Board accepted the 2016 Spot FMP Review and state compliance reports and approved Georgia's request for *de minimis*.

Please contact Dr. Louis Daniel at ldaniel@asmfc.org for information on cobia management and Mike Schmidtke, mschmidtke@asmfc.org for more information on the all other South Atlantic species.

Motions

Move to approve Deb Lambert to the Cobia Plan Development Team.

Motion made by Dr. McGovern and seconded by Dr. Laney. Motion passes without objection.

Motion to Postpone

Main Motion

Motion to postpone the approval of the stock assessment and peer review for management advice until the following tasks can be completed by the Technical Committee and Stock Assessment Subcommittee:

- Evaluate if current biological reference point types and values are appropriate for red drum given the specie's life history
- Investigate the feasibility of an F-based reference point for juvenile red drum
- Evaluate how red drum life history and fishery management measures affect the validity of age-based models
- Evaluate whether the South region continuity run of the statistical catch and age model can be made informative for management and, if yes, complete a continuity run
- Evaluate if a North region continuity run of the statistical catch at age model would be informative for management purposes and, if yes, complete a continuity run

- **Evaluate tag return rates for each region and determine if tag return data should be incorporated into a new run of the SS3 model**

Motion made by Mr. Boyles and seconded by Ms. Fegley.

Motion to Substitute

Move to substitute to accept the Red Drum Stock Assessment as presented today for management use.

Motion made by Mr. Boyles and seconded by Mr. Geer. Motion carries without objection.

Main Motion as Substituted

Move to accept the Red Drum Stock Assessment as presented today for management use.

Motion carries without objection.

Move to approve the 2016 Fishery Management Plan Review for Spot and approve *de minimis* status for Georgia.

Motion made by Mr. O'Reilly and seconded by Mr. Geer. Motion passes without objection.

*The Delinquent Seafood Catch Report Hearing
will be presented at the Commission Meeting*

Advisory Committee Vacancies
 March 20, 2017

All members' terms are set to expire March 31, 2017

FINFISH COMMITTEE

	<u>Previous Member</u>	<u>Nominees</u>	<u>Appointee</u>
MD Charles Co. Waterman's Assoc.	Harry M. Boyden Bel Alton, MD	_____	_____
MD Charter Boat Captain	Jeffrey Pharis St. Inigoes, MD	_____	_____
MD At-Large Recreational Fisherman At-Large (1 yr. term)	Russell A. Sullivan LaPlata, MD	_____	_____
VA Northumberland Co. Commercial Fisherman	Thomas L. Lewis Reedville, VA	_____	_____
VA Charter Boat Captain	Dandridge Crabbe Heathsville, VA	_____	_____
Virginia At-Large Recreational Fisherman	Paul Downey Fredericksburg, VA	_____	_____

CRAB COMMITTEE

	<u>Previous Member</u>	<u>Nominees</u>	<u>Appointee</u>
Maryland Upper River Hard Crab Potter	Dean E. Bowie La Plata, MD	_____	_____
Maryland At-Large Crabber	John B. Morris, Jr. St. Inigoes, MD	_____	_____
Virginia Upper River Recreational Crabber	George W. Smith Manassas, VA	_____	_____
Virginia At-Large Crabber	Arthur L. Loving Falmouth, VA	_____	_____

OYSTER/CLAM COMMITTEE

	<u>Previous Member</u>	<u>Nominees</u>	<u>Appointee</u>
Maryland Charles Co. Tonger's Committee	Paul M. Springer, III White Plains, MD	_____	_____
Virginia Commercial Oysterman	Nealy Little Colonial Beach, VA	_____	_____
Virginia Commercial Oysterman	VACANT Thomas E. Lewis	_____	_____

PRFC Meeting Schedule

March 20, 2017	Friday	9:00 a.m.	Colonial Beach VA
June 8, 2017	Thursday	9:00 a.m.	Colonial Beach VA
September 7, 2017	Thursday	9:00 a.m.	Colonial Beach VA
December 1, 2017	Friday	9:00 a.m.	Colonial Beach VA
March 2, 2018	Friday	9:00 a.m.	Colonial Beach VA