

**QUARTERLY BUSINESS MEETING
NOVEMBER 13-15, 2019**



**NORTH CAROLINA
MARINE FISHERIES
COMMISSION**

**BEAUFORT HOTEL
BEAUFORT, NC**

MARINE FISHERIES COMMISSION BUSINESS MEETING
The Beaufort Hotel, Beaufort, N.C.
Nov. 13-15, 2019

N.C.G.S. 138A-15(e) mandates at the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under Chapter 138. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

N.C.G.S. 143B-289.54.(g)(2) states a member of the Marine Fisheries Commission shall not vote on any issue before the Commission that would have a "significant and predictable effect" on the member's financial interest. For purposes of this subdivision, "significant and predictable effect" means there is or may be a close causal link between the decision of the Commission and an expected disproportionate financial benefit to the member that is shared only by a minority of persons within the same industry sector or gear group. A member of the Commission shall also abstain from voting on any petition submitted by an advocacy group of which the member is an officer or sits as a member of the advocacy group's board of directors. A member of the Commission shall not use the member's official position as a member of the Commission to secure any special privilege or exemption of substantial value for any person. No member of the Commission shall, by the member's conduct, create an appearance that any person could improperly influence the member in the performance of the member's official duties.

Commissioners having questions about a conflict of interest or appearance of conflict should consult with counsel to the Marine Fisheries Commission or the secretary's ethics liaison. Upon discovering a conflict, the commissioner should inform the chair of the commission in accordance with N.C.G.S. 138A-15(e).

Wednesday, November 13

6 p.m. Public Comment Period

Thursday, November 14

9 a.m. Call to Order*
Moment of Silence and Pledge of Allegiance
Conflict of Interest Reminder
Roll Call
Approval of Agenda**
Approval of Meeting Minutes**

9:30 a.m. Public Comment Period

10:30 a.m. **Chairman's Report**

- **Letters**
- **Ethics Training and Statement of Economic Interest Reminder**
- **Update on Litigation and Comments on Conflict of Interest – Shawn Maier**
- **2020 Meeting Schedule**
- **Commission Committee Assignments**
- **Special Presentation**
- **Update on Wildlife Resources Commission and Marine Fisheries Commission to jointly adopt rules on delineation of fishing waters**

10:45 a.m. **Committee Reports**

- **Update on CHPP Steering Committee Meeting – Commissioner Posey**

Thursday, November 14 (continued)

- [Nominating Committee](#) – Chris Batsavage
 - **Vote on Slate of Nominees for Obligatory Seat for the Mid-Atlantic Fishery Management Council ****
 - [Coastal Recreational Fishing License Advisory Committee](#)
 - Coastal Recreational Fishing License Advisory Committee Meeting Report – Commissioner Kornegay
 - [Northern Regional Advisory Committee](#)
 - [Southern Regional Advisory Committee](#)
 - [Shellfish/Crustacean Advisory Committee](#)
 - [Habitat and Water Quality Advisory Committee](#)
 - [Blue Crab Fishery Management Plan Advisory Committee](#)
- 11 a.m. [Director’s Report](#) – Director Steve Murphey
Reports and updates on recent Division of Marine Fisheries activities
- Division of Marine Fisheries Quarterly Update
- Noon Lunch Break
- 1:30 p.m. North Carolina Wildlife Federation Officer of the Year Presentation – Tim Gestwicki
- 1:45 p.m. [Director’s Report](#) (continued)
- [Shellfish Sanitation: Naturally Occurring Pathogens](#) – Shannon Jenkins
 - [Update on Development of Issue Paper Regarding Recreational Hook-and-Line Modifications](#) – Steve Poland
 - [Civil Penalty Process Update](#) – Carter Witten
 - [Atlantic States Marine Fisheries Commission Update](#) – Chris Batsavage
 - [Sustainable Fishery Plan for American Shad](#)
 - [Mid-Atlantic Fishery Management Council Update](#) – Chris Batsavage
 - [South Atlantic Fishery Management Council Update](#) – Steve Poland
 - [Highly Migratory Species Update](#) – Randy Gregory
 - [Informational Materials](#)
 - [Landings Update for Red Drum and Southern Flounder](#)
 - [Protected Resources Update](#)
 - Observer Program
 - Incidental Take Permit Updates
 - [Semi-Annual Dealer’s Report](#)
 - [License and Statistics 2018 Annual Report](#)
- 3:30 p.m. [Update on Act to Provide Further Support to the Shellfish Aquaculture Industry in North Carolina \(Session Law 2019-37\)](#) – Jacob Boyd
- Shellfish Cultivation Lease Review Committee Update
 - **Vote on study on How to Reduce User Conflicts Related to Shellfish Cultivation Leases****
- 4:30 p.m. Recess

Friday, November 15

- 9 a.m. Coastal Habitat Protection Plan Update and Executive Order 80 Update – Anne Deaton, Jimmy Johnson and Jacob Boyd
- 10 a.m. Fishery Management Plan Update
- Status of ongoing plans – Catherine Blum
 - Blue Crab Fishery Management Plan Amendment 3 – Jason Rock and Corrin Flora
 - Public Comment Summary
 - Review Recommendations from Advisory Committees and the Division of Marine Fisheries
 - Review Management Options
 - **Vote to Select Preferred Management Options****
 - **Vote to Send Draft Plan to the Department of Environmental Quality for Review and Comment****
 - Southern Flounder Fishery Management Plan Amendment 3 Update – Mike Loeffler and Anne Markwith
 - Shrimp Fishery Management Plan Amendment 2 Update – Chris Stewart, Jason Rock and Kim Harding
- 11 a.m. Rulemaking Update – Catherine Blum
- Update on S.L. 2019-198 – Legislative Review of Regulatory Crimes
 - Periodic Review and Expiration of Existing Rules per G.S. 150B-21.3A
 - 15A NCAC 03 Rule Readoption Update
 - **Vote on 15A NCAC 18A Rule Readoption Schedule****
- 11:15 a.m. Rules Suspension Annual Update – Kathy Rawls
- 11:30 a.m. Issues from Commissioners
- 11:45 a.m. Meeting Assignments and Preview of Agenda Items for February Meeting – Lara Klibansky
- Noon Adjourn

** Times indicated are merely for guidance. The commission will proceed through the agenda until completed.*

***Potential Action Items*

MINUTES

Marine Fisheries Commission Business Meeting Minutes
Doubletree by Hilton Brownstone University Hotel
Raleigh, North Carolina
Aug. 21-23, 2019

The commission held a business meeting Aug. 21-23 at the Doubletree by Hilton Brownstone University Hotel in Raleigh, North Carolina.

The briefing book, presentations and audio from this meeting can be found at <http://portal.ncdenr.org/web/mf/08-2019-briefing-book>.

Actions and motions from the meeting are listed in **bolded** type.

BUSINESS MEETING - MOTIONS AND ACTIONS

On August 21, a public comment session was held beginning at 6 p.m. Chairman Rob Bizzell called the meeting to order. The following individuals spoke:

Rob Bizzell, Chairman of the Marine Fisheries Commission stated that while written and spoken comments at public sessions are appreciated, direct phone calls to the commissioners is not the best form of communication for voicing a point of view. He instructed those concerned to go to the Division of Marine Fisheries website to sign up for notifications of public meetings in lieu of relying on internet forums, websites and chat rooms for information which is oftentimes incorrect. Time does not permit responding to the volume of phone calls the commissioners received as they are all volunteers and have jobs. Chairman Bizzell encouraged those concerned to be part of the process by signing up to be an advisory committee member, go to meetings to express opinions or submit comments in writing at least ten days before the meeting to ensure the comments make it into the briefing book.

Joe Monette III, New Bern, NC, voiced his opinion for the recreational and commercial user groups. He stated he has not seen a reduction in the amount of fish; this year has been exceptional with great weather and the amount of fish being caught via rod and reel is extraordinary. He urged the commission to look at other possible changes. He stated that most of the flounder caught in eastern North Carolina are shipped out; very few caught by commercial fishermen stay in NC because there is no market for them. Shutting it completely down is an economic failure to the tourist industry and commercial industry.

Roy Rice, a third generation gigger, stated her has read 14 pages of Amendment 2 to the Southern Flounder Fishery Management Plan. He asked the commission what was the most important factor when harvesting flounder? He answered "weather." He asked what were the two most important things under weather affect harvesting flounder? He answered, "wind and rain." What is the most important factor in regard to the water in harvesting flounder? He answered salinity and clarity. His point was that there are 365 days in a year; the weather dictates when and how often one can gig flounder.

Ryan Speckman, owner of Locals Seafood/Locals Oyster Bar, recreational fisherman and former biologist. He stated that he commended the DMF and staff, but stated that the decisions made

have human consequences. Due to regulation, commercial fishing is becoming less viable; new folks aren't being recruited into the industry and we are losing a whole generation of experienced, hardworking folks who aren't being replaced and that is bad for the seafood consumer. The economic impact starts at the dock and then moves down the supply chain. He stated that based on flounder stock assessment data, the recreational sector began to surpass the commercial sector in landing around 2003. Are we doomed for failure if our southern neighbors don't collaborate on Amendment 2?

Stuart Creighton, stated he supports the pending flounder restrictions and shorted seasons as a short term management measure. These measures protecting flounder are long overdue and should be enacted fully. He is hoping that Amendment 3 will enact practices that will rebuild the stock and restructure the flounder fishery so that both user groups can harvest flounder responsibly and sustainably. Hopes we can differentiate between the different species of flounder and keep the ocean open during the summer and fall as that catch is almost entirely summer and gulf flounder; both stocks are currently in good shape. He stated that the speckled trout stock is very healthy currently, but another cold stun even would jeopardize it. The coming pressure on the fishery from both user groups will certainly stress the health of the stock. The effort on trout will be enormous with the restrictions on flounder and the CSMA closure. Enact changes to protect the fishery now; ban gill nets and replace them with a commercial hook-n-line fishery with same daily creel limit. Use a circle hook; slot limit. Make speckled trout the next well-protected species.

John Willis, biology teacher at Duke and population geneticist. Strongly in favor of the commission voting yes on Amendment 2 as well as the NC Wildlife petition; critical first steps in rebuilding the stocks.

Steve House, Dare County Commissioner, distributed handouts of two resolutions passed unanimously by the Dare County Board of Commissioners. One in opposition of Amendment 2 and the other in opposition of the shrimp trawl petition. Congratulated the two new commissioners and the reappointment. Amendment 2 does not meet the 50% general assembly statute without the other states' involvement (SC, GA, FL). Already halfway thru 2019 season so only the pound net and gill net lose out. People need time to prepare for cuts to their family's income. Tourist season is based on recreational fisherman and will suffer. Shrimp petition under general statute, if sounds were designated as secondary nursery – it would be unlawful to use trawl nets if these were designated as a SSNA. More than 90% of the shrimp consumed is imported. This will put people out of jobs and is a health hazard.

Bill Mandulak, read from the March 25, 2004 minutes from Southern Flounder FMP committee; he stated that he attended most of those meetings. At every meeting Ray Brown asked the DMF biologist at the time if a 30% reduction was the minimum acceptable number that the division requires for the reduction in the flounder fishery; the biologist said yes. The plan brought forward to the commission at that time was a 28% reduction for recreational and commercial. The scientist recommended a 14% reduction for commercial fishery which would get us "half way there." The plan was implemented in 2006. The commercial fishery up 30%, not down 14% and the recreational fishery was up 10% instead of being down 28%. We've had one change after another and difficult to manage regulations. Now we're at a crisis point and it needs to be managed with quota. He suggested ½ million pounds for commercial and 250,000 for recreational. He suggested we take a look at protecting summer and gulf recreational fishery.

Gary Holmes, advocate for the recreational fishermen. He stated that closing the flounder season will be catastrophic and will cause pandemonium at the public boat ramps and waterways; negative impact on our economy. He suggested altering the seasons next year. He stated that the working guys can really only fish on weekend which would give them 12 good days to fish out of 45. He recommends that if we go to a 45-day season to close Sunday through Thursday. He suggested a May 1st through September 1st season.

Andy Riewestahl, stated he has concerns that recreational fisherman will have even less time to fish due having normal jobs during the week and only time to go fishing is weekends more so than commercial fisherman. He states that recreational fishermen spend a lot of money on gear. He feels the committees are attacking the wrong people. He feels the recreational fishermen are being treated unfairly; commercial fishermen catch more than recreational. He asked the commission to rethink the management options and find better solution; recreational fishermen need more time to fish.

Ryan Williams, charter boat captain from Holden Beach, NC for Hire Captains Association. The association formed so that they could have a voice with Marine Fisheries and Raleigh. While scanning through the southern flounder document, he realized charter-for-hire was not included, nor was it in the amendment. What he did find was there were 149,438 charter boat trips in 2017; 4 people per trip which equated about 600,000 people that fished in 2017. He stated that there were only 900,000 who could possibly fish in 2017 and hold a license. He stated that 40% of people in 2017 who fished did so on a charter boat; there is nothing about them in the documents. Their data is collected separately; not through the boat ramp survey, but a call-in survey. Where is the charter data? It is held from public comment and public view. Charter is best source for hook and line fishing data. He suggested to take that data and do something good with it.

Cane Faircloth, fifth generation commercial fisherman from NC, charter captain, board member of NC For Hire Captain Association. He urges the commission to do a supplement to Amendment; keep flounder fishery open for hire captains. He states he would like to do a voluntary trip ticket logbook program to assist in helping to collect accurate science and data. He asked the commission to consider them as commercial fisherman and give them a season from the middle of June to the middle of August for charter boats which he thinks is fair. He stated they can give accurate data. He asked the commission to use the charter fleet as the biggest asset in the management of the fishery in the future. He asked the commission to let them fill out trip tickets to help provide good science.

Shane Britt, Captain and owner of Fin Fisheries Charter in Holden Beach. He states that these regulations will put him and other charter boat captains out of business. We would like to see their data included more accurately.

Jason Ceisner, speaking today for his family as they fish in Carolina Beach every other weekend; his concern is for them. He stated he didn't realize how much impact this would have on the charter captains. While fishing recently his daughter caught a baby flounder in a three-foot cast net and so did his son. In all, they caught 8 flounder and were able to release them. He asked how many flounder are being caught in the shrimp fishery? I am concerned that these fish are not being released in the shrimp fishery.

Preston McQueen, of Triangle Flyfishers suggested everyone needs to come to a common ground. He stated that everyone in the room likes to fish or eat seafood and get enjoyment out of the coast. He said we all want the same thing where everyone can get their fair share of the resource; mother nature's share has to come out first. He stated it's the wrong attitude to catch as much as you can; just enjoy being out, the experience of fishing. He stated that there is a need for rules or laws to help everyone to have enough fish; look at the best practices. He suggested NC lead the pack with the strategies we use, and the others will learn from us. He stated the key message was to observe, react, and adjust.

Troy Branham, of Triangle Flyfishers stated that he supports Amendment 2 and Petition. He stated that the inshore fishing is so poor now that he doesn't want to invite people to come down to fish with him. He stated that drastic measures are now needed, but if we had done something sooner, we wouldn't be here. He stated that his friends now fish in SC and GA because those fisheries are so much better. He asked the commission to please do the right thing

Robert Brown, came to the meeting as a private citizen; former Dean of the College of Natural Resources at NC State, former head of wildlife and fisheries department at Texas A&M and Mississippi State, former teaching and research career in Texas, former national president of the Wildlife Society, chair of the Conservation and Education for the Boone and Crockett Club; he states that he is not a fisheries expert as most of his experience is with white tail deer, however noted that there is a correlation between things that happened with wildlife years before laws that were passed in 1910 and 1930s to protect wildlife. We don't have a model for fisheries conservation. He stated that the resource is owned by all Americans. He stated that commercial fishing is decimating fish stocks. Shrimping and gill netting are part of the cause of decline in our stocks; a tragedy of the commons. Enact regulations to protect our fisheries.

James Fletcher, United National Fisheries Association, gave handouts to the commissioner. He asked the commission to give us another way to handle this situation. He stated that nationwide, all agencies have not managed fisheries as they should have. He stated that the US imports 93% of the seafood that's consumed in this country. He asked the commission to read GS 13252; read article one. We need to better utilize our fisheries. We need to prevent the physical waste of our fisheries. Under the ASMFC rule, it allows the commission to provide for the stocking and rearing of fish; many nations of the world are enhancing fish stock and we need to as well. He stated that article 4 gives the commission the right to stock fish in the waters. He suggested the commission look at enhancement versus prevention.

Sherill Styron, severed on the board in past years and has fished all his life. A seafood dealer in SC told him that some of the best shrimp season in the fall were when we didn't have anything in the spring; if conditions and weather are just right, you'll have shrimp and fish. He stated that he believes the flounder reduction is an overkill; we are wasting a product if we are not catching it. There is no way a man can make a living shrimping by working 3 days a week with weather factored in. By reducing headrope to half and the big boats won't make.

Burt Owens, Beaufort, NC, contractor and current board president of CCA, – The Fisheries Reform Act requires the fisheries to be managed for both user groups. He believes the recreational side has not been fairly treated over the years; regulations hit recreational fishermen harder than the commercial side; not equitable. He stated we need to get the anglers on the waters more. He like an earlier comment suggesting we spread out the reductions for the recreational fishermen so

more people can fish; give them more weekends. He stated that the spot fishery down 80-90% since the Fisheries Reform Act; we need our own FMP, we need to bring back this fishery for the working man. He asked the commission to look into a FMP at the state level. He suggested opening the ocean flounder fishery year around; it should be fast tracked, we can't wait until amendment 3.

Lori Wheeler, recreational fishing license holder, states she doesn't fish seven days a week. She stated that she keeps getting limitations on her fishing license; size limits and cuts in bag limits. She heard the cost of the fishing license may increase again; she believes it should be decreasing. The limitations happen because there are fewer fish and she wonders why. She spoke to her point of view on the situation which is there is large-scale fishing inshore which should not be. There needs to be less inshore commercial fishing; they need to be offshore. She stated that most recreational fishermen only get weekends if the weather cooperates, thus the reductions will be greater than that of the commercial side. Need to limit the removal of females.

Timothy Thomas, it's his understanding the main reason for the closure is because it's easier than a rule change? He asked if it were not possible to reduce the catch limit below 4 flounder? He asked if there could be some type of compromise that doesn't result in complete closure.

Nep Jones, speaking for NC Trout Unlimited, a group with over 4500 members. He stated that he used to fish in creeks and at that time the creeks were loaded with fish; the fish are not there anymore. He and his group support the NCWF petition to limit shrimp trawling. He asked the commission to do all they can to make the flounder fishing better for all of us.

The meeting recessed at 7:01 p.m.

Aug. 22

Prior to the meeting, Secretary of State Elaine Marshall swore in new Marine Fisheries Commission members: Dr. Martin Posey who replaced Brad Koury in the At-Large Seat and Sam Romano was reappointed to serve in a Commercial Seat. Robert McNeill was running late to the meeting and was sworn-in at a later time to replace Chuck Laughridge in the Recreational Seat.

Chairman Rob Bizzell convened the Marine Fisheries Commission business meeting at 9 a.m. on Aug. 22 and reminded commissioners of their conflict of interest and ethics requirements.

Catherine Blum reviewed evaluations from the State Board of Elections and Ethics Enforcement for actual and potential conflicts of interest for the new commissioners, as follows:

For Dr. Martin H. Posey:

“We did not find an actual conflict of interest or the likelihood for a conflict of interest.”

“Dr. Posey would fill the role of an at-large member on the Commission.”

For Samuel K. Romano:

“We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.”

“Mr. Romano fills the role of a member who is actively engaged in, or recently retired from, commercial fishing as demonstrated by currently or recently deriving at least fifty percent (50%) of annual earned income from taking and selling fishery resources in coastal fishing waters of the State. Mr. Romano owns financial interests in YPS LLC, a seafood retail company and Seaview Crab Co., which he co-owns with his brother. Because he would serve on the licensing authority for members of his own profession he has the potential for a conflict of interest. Accordingly, he should exercise appropriate caution in the performance of his public duties should issues involving his businesses or issues involving any of his family members, colleagues or competitors come before the Commission for official action.”

The following commission members were in attendance: Rob Bizzell-Chairman, Mike Blanton, Cameron Boltes, Doug Cross, Tom Hendrickson, James Kornegay, Robert McNeill, Dr. Martin Posey and Sam Romano.

**Motion by Mike Blanton to approve agenda. Second by Doug Cross.
Motion carries with no opposition.**

**Motion by Sam Romano to approve minutes from the May 2019 and June 6 special meeting.
Second by Tom Hendrickson.
Motion carries with no opposition.**

Public Comment Period

Chairman Rob Bizzell reread his comment from the August 21 public comment session.

Capt. Charlie Schoonmaker, stated that the past twenty years, science has proved we are in a decline. Science can help us and get in our way. Fish are not trees, they migrate and are harder to count. Let’s make plans for the future. There is a problem, we need to fix it, equality will be hard to find. Need to be fair across the board; reopening for a certain sector of people is not fair. What is good for the goose is good for the gander. Thanks for you for your efforts.

Fred Harris, fisheries biologist and former president of American Fisheries Society, thanked the Commission for their effort in mandating the new bycatch reduction devices (BRDs). However, it doesn’t seem as though it has helped. At the tow level this may work, but during the season, there are multiple tows over a generalized area. Increased survival is eliminated over the course of the season due the multiple recaptures. The shrimp trawl petition addresses this concern. The management options in the petition with BRD regulations are a solution. Moving forward with the petition we will see a reduction in bycatch, an increase of survival, we will see benefits at the community level and in the economy in the fisheries that the stocks support.

For Robert McNeill: (was sworn in outside the meeting room)

“We did not find an actual conflict of interest or the likelihood of a conflict of interest.”

“Mr. McNeill would fill the role of a recreational fisherman on the Commission.”

Manley Fuller, Vice President for Conservation Policy of the North Carolina Wildlife Federation, graduate of NCSU in the masters Wildlife Program, served for 32 years as president in the Florida Wildlife federation. As with the NCWF, the concern is with the health of the inshore fish population, which have suffered serious decline over the last 20 years. Echoes Mr. Harris' comment. The petition will help reduce bycatch, help the population, there is a time factor that will reduce the pressure on estuarine finfish, gear restriction will limit the size of shrimp trawls and headrope length. These are necessary steps in recovering fish populations. There are benefits associated with this. He stated that he looks forward working with you all. Please approve the shrimp trawl petition.

Ron McCoy, of Hampstead, NC said he fishes 2-4 times each month, supports Amendment 2 that recommends a 72% reduction, also supports the NCWF petition. He asked how did we get to this point; when do things get so critical? I believe we are here because people are apathetic. The citizens of NC don't really care about the future of the fisheries. He has heard it said many times, just let fish, God will take care of the fish will not help solve the problem. We have failed the resource. He said he fishes with is grandson and we can't catch anything but trash fish. The past is the past, you can run from it or learn from it. When will we stop running from the truth and learn from the gulf and Atlantic states on how to manage our resources correctly.

Dave Timpy, 6 pack charter captain license holder in Wrightsville Beach, spent 32 years with federal government. Stated he supports flounder recommendations. Only concern is that in the 2015 RFA letter, there is a lot of information we put together. According to DMF over 80% of the flounder are caught by commercial fishermen. The cuts should be fair, equal or less than the commercial cut. He stated that he supports the NCWF petition. We need to move forward just a commercial hook and line fishery only. Supports the use of barbless circle hooks and single hooks. Need more spearfishing regulations; currently it is not regulated. Doesn't support status quo; this is no time to do nothing.

Kris Noble, Hyde County manager, provided two resolutions to the commission. She stated there are 3 main industries are agriculture, tourism and commercial fishing; there will be severe economic impact to the people of Ocracoke. The industry keeps the island alive. People come for the seafood. The NCWF petition will devastate Hyde County. Shrimping is the life blood of the community; it filters down throughout the community. Demand a real economic impact study, look at the money from the time it hits the dock and makes it way around the community.

Earl Pugh, Chairman of Hyde County Commission – we recommend you vote against The Hyde County Board of Commissioners unanimously recommend that you go with the AC recommendation. Hyde county strongly opposes the petition. Shrimping is a key economic component in our community. Many of the bays are already closed to shrimping. Almost 1 million acres are closes to shrimp trawling (48% of the waters). On behalf of the citizens of Hyde County, please reject the petition.

Kim Tavasso, Recreational fisherman for over 60 years. He stated that no one can deny this fishery is on the verge of collapsing. We need to address bycatch as fast as we can. If we need a closure or season I agree with but let's do it equality.

Joe Romano, Serves on Blue Crab and Southern Flounder AC, one of the founders of Seaview Crab Company and has 14 years in personal investment in promoting NC fisheries and seafood.

Fisheries is all political now. Water pollution, changing weather conditions, inaccurate interpretation of data all trouble us. We question the division's opinion that we have overfished flounder for over 20 years. We have discussed the incompleteness of using 25 years of trip ticket data to measure a stock when we've had increasing regulations and decreasing commercial effort. We discussed the impossibility of creating state regulations for fish that spans four states and spawn outside of state waters, we harvest mature females, we don't know where and how many fish are offshore, this is all troublesome and have led to major issues when managing flounder. The public comment was overwhelmingly against the division's plan. I suggest you allow the AC to develop a long-term management plan as the Fisheries Reform Act intended. Please do the right thing.

Glenn Skinner, Executive Director of the NC Fisheries Association stated that the NCFA is opposed to the petition, this a burden on staff and the state budget, it takes their time from issues such as flounder. NCFA had a meeting last week, we recommend a 52% reduction with an implantation date no sooner than December 1, 2019 and no later than January 1, 2020; we need this time to prepare for the cuts and recoup investments already made. Everyone one is saying that the problem with flounder is inaction; this is not the case. In 2005 the commission adopted reductions in the southern flounder fishery that resulted in a 17.2% reduction. In 2009 the stock assessment was done the commercial reduction had been achieved; we were almost where we needed to be. During the time series, we've never seen target as high as we're trying to get it to; even in the 80's when there was little fishing pressure. In the comments, everyone is asking NC to do their part, the other states need to step up as well. It is impossible for one state to re-build a multi-state stock on their own. We will start the timeline once this is adopted; however, we will not have a 50% probability of success if the other states don't their part. We will be set up for failure if this recommendation is adopted.

Hardy Plyler, from Ocracoke, 45-year commercial fisherman, manager of Ocracoke Seafood Company, here today representing Ocracoke Waterman's Association. His comments are specific to Ocracoke pound net fishermen concerns with Amendment 2 flounder season for the central region; the lack of response or cooperation from the four states of SC, GA and FL to cut back their flounder season. He stated that the OI fisherman and Ocracoke Seafood submitted comments to DMF about the upcoming pound net season and are asking the MFC to please move the closure to October 1 through the 26th. This would help fishermen deal with hurricane season, this would allow fishermen to operate during peak flounder season as water temp change. We are very concern, that severe cutbacks will happen without buy in from other states; this will not help rebuild the fishery without their participation. This will devastate the economy. We endorse a 52% reduction starting January 1, 2020.

Brent Fulcher, NCFA Chairman, disputed recent talk of the shrimp industry not making an effort to reduce bycatch. He said measures have been put in place to reduce bycatch by some of the highest amounts ever achieved. Senate Bill 554, Marine Fisheries Reforms, will help all user groups; this was supported by the DMF. NCFA had concerns initially, but later supported this bill. We need to work as a group and find common ground. He said the taxpayers paid the burden on the first petition; he urged the commission to consider the cost with the new petition. He also said southern flounder should be managed by the Atlantic States Marine Fisheries Commission since it is a coastwide stock, not just a North Carolina stock.

Ray Dixon, a recreational fisherman, said in 1974 a law was passed that prevents people who have an economic interest from being on a voting board. He said he thinks that conflicts with the MFC's conflict of interest mandate and the MFC operating as a body. He said scientists need to make the decisions on fisheries. He does not support the use of gigs, pound nets, and trawl nets. The problem is poor fishery management and too much concern for commercial interests instead of the resource. He said he does not support Amendment 2 to the Southern Flounder Fishery Management Plan and he does not agree with opening the commercial season at the peak of the fishery.

Walker Bradham, a current resident of Raleigh, N.C. but originally from eastern North Carolina, said everyone seems to agree it is important to protect southern flounder, but not everyone agrees how to do it. He said Amendment 2 to the Southern Flounder Fishery Management Plan is flawed and the economic impacts to the poorest N.C. counties have not been considered. He asked if charter boat data was included in the stock assessment. If it was not, he said that data could help with the blind spot of how and when southern flounder spawn. He urged the commission to delay its vote on Amendment 2 and collect the necessary data.

David Sneed, CCANC Executive Director, supports Amendment 2 to the Southern Flounder Fishery Management Plan and implementing a 72% reduction in the fishery. He said the scientists were not listened to previously, resulting in where we are now with drastic measures needed. Reports are that while fishing is good this year, we are fishing on one- and two-year-old fish. Stocking is not needed if we prevent trawling of juvenile fish in the nursery areas. He said it is unfair to close the ocean flounder fishery to recreational fishermen. To keep the pressure off spotted seatrout, he said creeks and tributaries should be closed for the use of nets from January through March. Data from the charter industry is needed before implementing changes to hook and line gear requirements.

Mary Ballance, vice-chair of the Dare County Board of Education and member of the Southern Flounder Fishery Management Plan Advisory Committee, said we are working on the plan and we are not there yet with Amendment 2, but Amendment 3 is possible. She said the season closures in Amendment 2 will hurt pound netters, tackle shops, restaurants, and other small businesses and communities. No one has time to prepare for a 52% reduction. She said Amendment 2 does not have at least a 50% chance of being successful without the other states' participation. She urged the MFC to consider the lives and livelihoods of stakeholders, wait until Jan. 1, 2020 to implement the amendment, and work with the advisory committee.

Sammy Moser, from Burlington, N.C., fishes in Surf City, North Topsail Island, and Carolina Beach and said the fisheries are in serious decline. He said you cannot live in the past to make progress in the future; we cannot stay in the past for southern flounder. He supports the petition and Amendment 2 to the Southern Flounder Fishery Management Plan. He recommended the biggest reductions for those with the most harvest, particularly trawl nets and gill nets. He said other states have better fisheries and they made gear changes. No fish equals no fishermen.

Billy Ray Lucas, a recreational fisherman from Down East, N.C. and a member of the Carolina Fishers of Men Inshore Trail, does not support the Southern Flounder Fishery Management Plan Amendment 2 for this year. He has heard statistics like nine out of every 10 undersized flounder die when released, but he said it is not true. He disputed that the recreational fishery has more discards than the commercial fishery. He said the resource has been mismanaged in North

Carolina for the last 25 years and urged the MFC to follow the southern and Gulf states that have great fisheries. He said there are plenty of fish if you know how to fish for them. He recommended a 15 to 20-inch slot limit to let the larger females grow and spawn and a four-fish daily bag limit. He said there will be widespread economic impacts from Amendment 2 to the recreational fishery.

Larry Baldwin, Crystal Coast Water Keeper for Morehead City and the New River Alliance of Jacksonville, agrees with many of the items discussed in the petition and by commercial fishermen. While bycatch is a problem, we need to take a different approach based on water quality; we hear very little about this in the legislature regarding topics like pollution and plastics in the waters. He suggested slowing down a little, but also not kicking the can down the road. He said mistakes were made in the past that have led us to the monumental decision resting with the MFC. He said it may sound counter-intuitive to slow down, but he urged the MFC to get all the facts first and to get the legislature involved because they control the funding. He also said reductions need to be equitable among the other states.

Dorsey Worthy, a retired biologist from the NOAA Fisheries and a recreational fisherman, said he has seen successful fisheries reform in other states. A restored fishery creates economic benefits for everyone. He said water quality needs to be considered and he supports the petition.

Myron Smith is concerned with recreational catch and said it exceeds the commercial catch for nine species of fish. She said we have dead sea bottoms that need dispersing and that this was studied by ECU and needs to be further examined. Water quality is an issue and we need to keep the rivers and sounds clean.

Lonnie Brown, a commercial flounder gigger, said he fished an average of 87 days in 11 of the last 15 years; this year he has only been able to fish 34 days due to poor conditions. He said he saw plenty of fish in May and June until the waters warmed up. The fish will be more scarce until September and October when the larger fish start showing up. He said there are plenty of fish when the conditions are right.

Tyler Egan (Handout)

Petition for Rulemaking by the N.C. Wildlife Federation/SELC

A petition for rulemaking, which was submitted May 20 by the North Carolina Wildlife Federation, asks the commission to designate all Internal Coastal Waters not otherwise designated as primary nursery areas, secondary nursery areas, special secondary nursery areas, or otherwise closed to shrimp trawling as shrimp trawl management areas; establish criteria for the opening of shrimp season in shrimp trawl management areas; prohibit shrimp trawling in all shrimp trawl management areas on Tuesdays and Thursdays once the season has been opened; and restrict the headrope length for shrimp trawls in shrimp trawl management areas and the other areas designated in 15A N.C. Admin. Code 3L .0103(d) to 110 feet total. Does not affect ocean waters.

Specific requests of the petition include:

- Creates new designation of Shrimp Trawl Management Areas (STMAs);

- Designates all inside waters not otherwise designated as nursery areas, trawl net prohibited areas, or shrimp trawl prohibited areas as STMAS;
- Establishes criteria for the opening of shrimp season in new STMAS;
- Allows for shrimping on Mondays, Wednesdays, and Fridays in STMAS;
- Restricts head rope length for shrimp trawls to 110 feet total in STMAS.

Blakely Hildebrand, with the Southern Environmental Law Center, and Louis Daniel, on behalf of the N.C. Wildlife Federation, reviewed the commission with a petition for rulemaking, on behalf of the N.C. Wildlife Federation. Their presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141229.pdf

Director Murphey provided an update on the Shrimp Fisheries Management Plan (FMP) process. Specifically, he described the lengthy implementation process that has occurred since Amendment 1 was passed. In addition, he described the goals and objectives to be considered in the development of Shrimp FMP Amendment 2 per the Marine Fisheries Commission. He then gave the official position of the division and the Department of Environmental Quality which was that the Shrimp Fisheries Management Plan is the vehicle to address shrimp trawl bycatch and habitat protection. He then laid out the timelines for the FMP process if the MFC denied the petition and the alternative if the petition was approved.

Steve Murphey, the division's Director, provided the agency's response to the petition. The division's presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141230.pdf

The commission's counsel, Assistant Attorney General, Shawn Maier, reviewed the process and considerations for the petition for rulemaking. His presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_1_id=1169848&folderId=33237188&name=DLFE-141227.pdf

The commission voted 3 to 6 against granting the North Carolina Wildlife Federation Petition for Rulemaking.

Motion by Pete Kornegay that the North Carolina Wildlife Federation Petition for Rulemaking submitted May 20, 2019 be granted. Seconded by Cameron Boltes.

Roll Call Vote:

Mike Blanton No

Cameron Boltes Yes

Doug Cross No

Tom Hendrickson No

Pete Kornegay Yes

Robert McNeill No

Dr. Martin Posey No

Sam Romano No

Rob Bizzell Yes

Motion fails 3-6

Reasons given for denying the petition were: The Shrimp Fishery Management Plan was reopened in August of 2018; competing processes may interfere with one another and confuse the public. The commission has already directed the division to consider the major objectives and aspects of the previous petition during the Shrimp FMP process. Also, Doug Cross, argued the FMP process may be faster than the rulemaking process, if obstacles, like petitions, are removed. FMP process has more stakeholder input.

Reasons to support the petition were: The petition/rulemaking process would be faster than the FMP process with regards to protecting fish caught as bycatch in the shrimp fishery.

Motion by Doug Cross to deny the shrimp petition as presented by the North Carolina Wildlife Federation for reasons discussed during the session. Seconded by Sam Romano.

Roll Call Vote:

Mike Blanton Yes

Cameron Boltes No

Doug Cross Yes

Tom Hendrickson Yes

Pete Kornegay No

Robert McNeill No

Martin Posey Yes

Sam Romano Yes

Rob Bizzell No

Motion carries 5-4

Election of Vice Chairman

Pete Kornegay nominated Cameron Boltes as vice chairman.

Mike Blanton nominated Doug Cross as vice chairman.

Doug Cross was elected vice chairman by a majority vote of the commission.

Chairman's Report

Chairman Bizzell reviewed correspondence that had been sent and received by the commission since the last business meeting; mostly regarding the petition for rulemaking and Amendment 2 to the Southern Flounder Fishery Management Plan. He stated that approximately 245 letters were received for the petition and that the majority was in support. Approximately 38 letters were received regarding Amendment 2 to the Southern Flounder Fishery Management Plan and the majority was in opposition of the amendment.

At Commissioner Hendrickson's request, Chairman Bizzell composed a letter to the US Coast Guard and the US Army Corps of Engineers regarding maintenance of the Barden's Inlet navigational aids. A response was received from the USCG stating that markers will remain in place from the inlet to Buoy 24 allowing access to the lighthouse and some of the old channel.

Letters were sent to the General Assembly regarding Southern Flounder FMP Amendment 2 for their input. No response has been received. Director Murphey stated that the division had checked with Legislative Affairs and Department of Environmental Quality legal; the Secretary of DEQ has reviewed

it in depth and has been very involved. However, the committees don't meet when the Legislature is in session.

Commissioners were reminded they are required to take ethics training within six months of their appointment and every two years thereafter. Commissioners were also reminded of the annual requirement to submit a Statement of Economic Interest form by April 15 to the State Board of Elections and Ethics Enforcement.

It was determined the 2020 meeting schedule would be:

Feb. 19-21

May 13-15

Aug. 19-21

Nov. 18-20

Chairman Bizzell reviewed Senate Bill 648, S.L. 2019-37 MFC Requirements. Director Murphey stated that part of the session law includes multiple studies which the division will be bringing to the commission in November or earlier.

Recreational hook-n-line modifications - Chairman Bizzell (made a motion, but was withdrawn at the end of the discussion) Cameron asked about the studies. Chairman Bizzell differed to Director Murphey. Discussion... suite of options, pros/cons supporting information, etc. Cameron suggested getting industry involvement and for an update from the division at the November meeting. Rob asked that we have something to vote on in February to initiate rulemaking. Doug suggested the recreational seats take the lead on this issue.

Motion by Rob Bizzell to begin rulemaking to limit the use of natural bait on hooks larger than 2/0 in size to non-offset circle hooks with the barbs bent down or removed and to require that the barbs on all treble hooks be bent down or removed. Motion seconded by Pete Kornegay. Motion withdrawn.

Committee Reports

Chairman Bizzell gave a verbal update on the WRC/MFC Joint Committee on Delineation of Water Boundaries – have not met since last MFC meeting. The Oct./Nov. deadline will not be reached.

Director's Report

Division of Marine Fisheries Director Steve Murphey welcomed the new commissioners, thanked the outgoing commissioners and then updated the commission on division activities occurring since the May 2019 business meeting, including:

- (Can maybe pluck all of this from a word document – Steve may have it?)
- Update on Federal Fisheries Disaster Assistance
- Update on Revised FMP process – Kathy Rawls
- Use Conflict in Public Trust Waters – shellfish mariculture, gear conflicts

Division staff provided an overview of recent actions from the Atlantic States Marine Fisheries Commission and the Mid- and South Atlantic Fishery Management Councils, Highly Migratory Species, along with updates on the division's Protected Resources Program.

Standard Commercial Fishing License Eligibility Report/Set Eligibility Pool Cap

Captain Garland Yopp with the Marine Patrol and chairman of the Standard Commercial Fishing License Eligibility Board gave a verbal report on the annual Standard Commercial Fishing License Eligibility Pool process and reviewed the number of licenses available for the pool for the 2019-2020 license/fiscal year.

Motion by Mike Blanton to set the Eligibility Pool cap at 500 Standard Commercial Fishing Licenses for the 2019-2020 license year. Seconded by Sam Romano. Motion carries with no dissent.

The meeting recessed for the day at 4:23 p.m.

Aug. 23

The meeting reconvened at 8:30 a.m.

Stock Overview Report

Lee Paramore, Fisheries Management Biological Supervisor, provided the commission with a summary of the 2018 Stock Overview Report.

To view the presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33211494&name=DLFE-141207.pdf

2018 Landings Overview and Harvest Trends

Stephanie McNerny, the chief of the division's License and Statistics Section, gave an overview of the 2018 landings and harvest trends for both commercial and recreational sectors.

To view the presentation, go to:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33211494&name=DLFE-141205.pdf

Fishery Management Plan Update/Five-Year Schedule

Catherine Blum, the division's Fishery Management Plan Coordinator, updated the commission on the status of the ongoing fishery management plans, previewed the 2017 Fisheries Management Plan Review document, provided an overview of division efforts to streamline fishery management plan documents and reviewed the proposed five-year fishery management plan schedule.

To access the Division of Marine Fisheries 2018 Fishery Management Plan Review go to:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33136338&name=DLFE-141310.pdf

The updated schedule can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33136338&name=DLFE-141308.pdf

Motion by Doug Cross to proceed forward with the proposed draft fishery management plan schedule as presented by the Division of Marine Fisheries. Seconded by Martin Posey. Motion carries with no dissent.

Southern Flounder Fishery Management Plan Amendment 2

Mike Loeffler and Anne Markwith reviewed the commissions preferred management strategies and the comments from DEQ Secretary and legislative commission and committee. The MFC preferred management strategies included quantifiable and non-quantifiable management strategies. The focus was on the reduction in fishing mortality in the commercial and recreational fisheries to a level that ends overfishing in 2 years and allows the SSB to increase to between the threshold and target within 10 years. See presentation below for the details of the MFC preferred management strategies. He then described the implementation steps if Southern Flounder FMP Amendment 2 is adopted by the MFC.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33211494&name=DLFE-141206.pdf

The commission discussed the various options, specifically questioning why other management strategies were not evaluated. The point was made that because Amendment 2 was timeline was shortened by the commission, there was not time to evaluate every option. Instead, the only option possible, given the timeline, was harvest reductions, with other management strategies to be considered in Amendment 3. The issue of the multi-state nature of the stock we brought up and Director Murphey was questioned as to whether the other states had indicated they would be making any changes. It was the Director's opinion that the other states are waiting to see what action the MFC takes.

Motion by Doug Cross to postpone the vote on the Southern Flounder Fishery Management Plan Amendment 2 to the November meeting and instruct the Division of Marine Fisheries director to consult with other states to determine what they plan to do, and come back with 52 percent reductions to be implemented Jan. 1, 2020. Seconded by Sam Romano. Motion fails 3-6.

Motion by Pete Kornegay to adopt the Southern Flounder Amendment 2 as proposed by DMF. Seconded by Cameron Boltes.

Motion by Mike Blanton to amend the previous motion to allow seasonal flexibility in the commercial and recreational sectors to be determined by proclamation by the director of the Division of Marine Fisheries so long as the 62 percent/72 percent harvest reductions are met. Seconded by Doug Cross. Motion carries 9-0.

Amended Motion

Motion by Pete Kornegay to adopt the Southern Flounder Amendment 2 as proposed by the Division of Marine Fisheries, allowing seasonal flexibility in the commercial and recreational sectors to be determined by proclamation by the director of the Division of

**Marine Fisheries so long as the 62 percent/72 percent harvest reductions are met. Seconded by Cameron Boltes.
Motion carries 6-3.**

**Motion by Cameron Boltes to ask the director of the Division of Marine Fisheries to consider a proclamation for the for-hire charter captains allowing them to possess four flounder per vessel per day when the recreational season is closed. Seconded by Mike Blanton.
Motion carries 5-2 with 2 abstentions**

**Motion by Mike Blanton to ask the Division of Marine Fisheries director to consider an exception to Rule 15A NCAC 03J.0501(b)(2) for existing flounder pound net sets. Second by Sam Romano.
Motion carries 7-0 with 2 abstentions.**

Blue Crab Fishery Management Plan Amendment 3

Jason Rock and Corrin Flora, division staff leads for the Blue Crab Fishery Management Plan, presented the Blue Crab FMP Amendment 3 which needs approval by the MFC to be sent out for public, and standing and regional advisory committee review. There were six issues addressed in Amendment 3, they are:

- Achieving sustainable harvest in the NC blue crab fishery
- Non-quantifiable management measures
- Water Quality Concerns
- Expanding Blue Crab Spawning Sanctuaries
- Framework for implementing terrapin excluder devices
- Bottom Disturbing Gear

During the comment period the issue of juvenile blue crab habitat was brought up by Commissioner Posey who urged the division to evaluate it or at least assess it's potential impact on the stock.

The presentation can be found at:

http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=33211494&name=DLFE-141204.pdf

**Motion by Mike Blanton to approve Draft Amendment 3 to the Blue Crab Fishery Management Plan for public review and comment. Seconded by Martin Posey.
Motion carries with no dissention.**

**Motion by Martin Posey that in addition to the recommendations included with the current draft Blue Crab Fishery Management Plan Amendment 3, the Division of Marine Fisheries is encouraged to develop an issue paper with pertinent recommendations and/or research needs related to juvenile blue crab habitat availability, habitat quality, and habitat landscape issues analogous to the issue paper developed on water quality impacts (Appendix 4.3 of the draft Blue Crab Fishery Management Plan Amendment 3). Seconded by Mike Blanton.
Motion carries with no dissention.**

Rulemaking

Catherine Blum, the division's Rulemaking Coordinator, provided the commission with an update on recent actions for the Periodic Review and Expiration of Existing Rules process 2019/2020 rulemaking cycle.

Motion by Doug Cross to approve notice of text for rulemaking and the fiscal analysis to readopt rules per G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules:

- **Tarpon, 15A NCAC 03M .0509**
- **License and Commercial Fishing Vessel Registration 15A NCAC 03O .0108**

Seconded by Mike Blanton.

Motion carries with no dissent.

Rule Suspension

Kathy Rawls, the division's Fisheries Management Section Chief, relayed new rule suspensions since the last commission meeting.

Motion by Pete Kornegay to approve continued rule suspension of portions of N.C. Marine Fisheries Commission Rule 15A NCAC 03L .0103(a)(1) Prohibited Nets, Mesh Lengths and Areas. Seconded by Tom Hendrickson.

Motion carries with no dissent

Issues from Commissioners

Chairman Bizzel directed comments to the two new commissioners about the MFC process and ensuring they ask questions if they have any concerns.

Commissioner Boltes – Thanked Chuck and Brad for their service as commissioners. Commissioner Boltes also requested an agenda item for the November meeting looking at speckled trout to be proactive about potential increases fishing pressure on the fishery.

Commissioner Blanton – Requested the Commission re-examine a for-hire logbook. Director Murphey stated that would require a change in statute, since the result of the divisions last attempt to develop a for-hire logbook ended in the divisions authority to require them being removed. Commissioner Boltes recommended a voluntary logbook. Ask that the for-hire stakeholders speak at the November MFC Business Meeting.

Commissioner Boltes requested clarification on the 2020 meeting locations.

Commissioner McNeill clarified his vote was against the petition on the previous day.

The meeting adjourned around 12:30 p.m.

*CHAIRMAN'S
REPORT*



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

August 28, 2019

W. Robert Bizzell, Chairman
North Carolina Marine Fisheries Commission



Dear Chairman Bizzell,

The Marine Fisheries Commission (“Commission”) passed a motion to adopt the 2019 Fishery Management Plan (“FMP”) Review Schedule at its August 23, 2019 business meeting. The Commission may not revise the schedule for development of an FMP, once adopted, without approval of the Secretary of the Department of Environmental Quality. N.C.G.S. § 113-182.1(d). I approve the enclosed 2019 FMP Review Schedule.

The Commission passed a motion at its August 15, 2018 business meeting to begin development of Amendment 2 to the Shrimp FMP. The Division of Marine Fisheries (“DMF”) notified the Commission in November of 2018 that work would not start on development of Amendment 2 before the middle of 2019 due to staff limitations and other plans currently underway. The Commission’s disposition of two related Petitions for Rulemaking concerning the Shrimp FMP at its February and August 2019 meetings further delayed action on development of Amendment 2 and approval of that schedule. I now provide final approval for revision of the schedule and development of Amendment 2 to the Shrimp FMP in accordance with section 113-182.1(d).

The Commission also voted to adopt Southern Flounder FMP Amendment 2 at its August 23, 2019 meeting. DMF’s recommendation underlying Amendment 2 included that the adoption of the amendment authorizes concurrent development of Amendment 3 and more robust management strategies. The Commission selected this recommendation as part of its preferred management strategy for Amendment 2. To the extent that action revises the 2019 FMP Review Schedule, I approve that revision pursuant to section 113-182.1(d).

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Regan".

Michael S. Regan
Secretary, NCDEQ



Cc: Stephen W. Murphey, Director
Division of Marine Fisheries

Enclosure



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

N.C. FISHERY MANAGEMENT PLAN REVIEW SCHEDULE (July 2019 – June 2024)
 Revised Aug. 27, 2019

SPECIES (Date of Last Action)	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
BLUE CRAB (11/13)					
SOUTHERN FLOUNDER (2/13)	Amendment 2 Finalized Amendment 3 Begins	Amendment 3	Amendment 3 (if Rulemaking Required)		
ESTUARINE STRIPED BASS (5/13) *					
SPOTTED SEATROUT (2/12) **					
SHRIMP (2/15)					
BAY SCALLOP (2/15)					
RIVER HERRING (2/15)					
INTERJURISDICTIONAL (11/15)					
KINGFISHES (11/15)					
STRIPED MULLET (11/15)					
HARD CLAM (2/17)					
OYSTER (2/17)					
RED DRUM (8/17)					

* In preparation for the review of the Estuarine Striped Bass Fishery Management Plan, the stock assessment process that began in 2017 for the Central Southern Management Area stocks and the Roanoke River Management Area stock is continuing. Supplement A to the Estuarine Striped Bass Fishery Management Plan was developed and adopted during 2018-2019.

** A 2015 stock assessment indicated that the spotted seatrout stock in North Carolina and Virginia was not overfished and that overfishing was not occurring in the terminal year (2012) of the assessment. Due to staff workload for the review of other plans occurring in 2017 and since the stock was at viable levels and removals were considered sustainable for the long-term benefit of the stock, the next review of the plan was moved to 2019.



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

September 20, 2019

VIA FEDERAL EXPRESS

Mr. Glenn Skinner
Executive Director
North Carolina Fisheries Association



Dear Glenn:

On September 10, 2019, I wrote to you denying your request to have the Division of Marine Fisheries ("DMF") issue a proclamation reopening the commercial Atlantic Spanish mackerel fishery. In that letter I emphasized the importance of compliance with the Atlantic States Marine Fisheries Commission ("ASMFC") Spanish Mackerel Fishery Management Plan.

Upon further exploration of the matter and due to recent developments during the past week, we have determined that a limited harvest could be allowed that would not result in non-compliance with the ASMFC Spanish Mackerel Plan. Additionally, the South Atlantic Fisheries Management Council met in Charleston, South Carolina this week and passed a motion to revise Spanish Mackerel accountability measures when the northern zone commercial sector quota is met, and at that time a stepdown to 500 pounds will occur. The Spanish Mackerel fishery will close when the total annual catch limit (commercial and recreational combined) is met or projected to be met.

Given this new information, I will allow the DMF Director to issue a proclamation for a limited daily limit and season to be determined at his discretion based on best available data. Thank you for your continued interest and support of North Carolina's marine and estuarine resources.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Regan".

Michael S. Regan

cc: Stephen W. Murphey
Division of Marine Fisheries





NORTH CAROLINA MARINE FISHERIES COMMISSION DEPARTMENT OF ENVIRONMENTAL QUALITY

COMMISSIONERS

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

ROB BIZZELL
Chairman

MIKE BLANTON
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CAMERON BOLTES
Washington
DOUG CROSS
Grantsboro
TOM HENDRICKSON
Zebulon

PETE KORNEGAY
Camden
DR. MARTIN POSEY
Wilmington
ROBERT McNEILL
Wilmington
SAM ROMANO
Wilmington

September 26, 2019

Commissioner Renee Cahoon (chair)
N.C. Coastal Resources Commission
217 W Jones St.
Raleigh, NC 27603

Commissioner A. Stanley Meiburg (chair)
Environmental Management Commission
217 W Jones St.
Raleigh, NC 27603

Dear Members of the N.C. Coastal Resources Commission (CRC) and Environmental Management Commission (EMC):

On behalf of the N.C. Marine Fisheries Commission (MFC), I would like to thank you for your dedication to protecting and enhancing coastal habitats and water quality throughout North Carolina. Your actions through policy and rulemaking directly influence the health of our critical fish habitats that support our coastal fisheries. As you know, the Fishery Reform Act of 1997 (G.S. 143B 279.8) requires our three commissions to approve and implement recommendations to protect and restore fish habitats and to ensure, to the maximum extent practicable, that our actions are consistent with the Coastal Habitat Protection Plan (CHPP). While our commission can take fishery management actions to protect fish habitat from fishing related activities, we cannot improve water quality or protect fish habitat from land-based activities without your assistance. Impervious surface limits, vegetated buffers, shoreline stabilization, stormwater management, and water quality standards all influence water quality.

We consistently hear from fishermen at public meetings that species are declining due to degraded habitat and water quality conditions. To partially address this, the draft Blue Crab Fishery Management Plan Amendment 3 includes an issue paper detailing water quality problems such as hypoxic events and pesticide runoff that are impacting blue crabs. Draft management options include informing other environmental commissions about specific areas where blue crabs have been impacted by water quality and to advise them on potential solutions. The MFC requests strong collaboration with your commission to work on opportunities such as this to protect critical fish habitat identified through the CHPP.

At our November meeting, agency staff will be updating the MFC on the status of the upcoming CHPP revision, priority habitat issues to be addressed, and a plan for collaborating among commissions and divisions to take impactful steps toward enhancing our coastal ecosystem. Protecting fish habitat and water quality will not only benefit North Carolina's fisheries, but will increase the resiliency of our

coastal communities and economies. Effectively managing our fish habitat and water quality through adequate and effective rules can avoid negative impacts to the coastal resources the public enjoys and values.

Thank you for consideration of this request; please feel free to contact me at r.bizzell.mfc@ncdenr.gov or [REDACTED] if I may be of assistance to you in this or any other matter.

Sincerely,



W. Rob Bizzell, Chairman
N.C. Marine Fisheries Commission

Cc: Steve Murphey, Director, Division of Marine Fisheries
Linda Culpepper, Director, Division of Water Resources
Braxton Davis, Director, Division of Coastal Management
Daniel Smith, Director, Division of Energy, Minerals, and Land Resources



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

October 17, 2019

Gordon S. Myers
Executive Director
NC Wildlife Resources Commission
NCSU Centennial Campus
1751 Varsity Drive
Raleigh, NC 27606

Dear Director Myers:

The Marine Fisheries Commission (“MFC”) and the Wildlife Resources Commission (“WRC”) exercise concurrent jurisdiction with respect to joint fishing waters. The MFC and WRC may make joint regulations as may be necessary for rational and compatible management of the marine, estuarine and wildlife resources in these waters. In cases of conflicting regulations, the MFC and WRC are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine, estuarine and wildlife resources of the State.

In January 2019 the MFC and WRC formed a Joint Committee on Delineation of Fishing Waters (“Joint Committee”) to fulfill the statutory responsibility to jointly determine boundaries defining inland, coastal, and joint fishing waters where there may be regulatory conflict between the agencies concerning those boundaries. Each agency had agreed to collaborate and develop the idea of using salinity as an objective and defensible methodology to determine those delineations. The Joint Committee recessed its last meeting in May 2019 after significant disagreement between the agencies regarding an agreeable salinity value.

At its August 29, 2019, business meeting and with very little direct notice to the MFC or the North Carolina Department of Environmental Quality (“NCDEQ”), the WRC proceeded to move forward with proposed boundaries for delineation of inland and coastal waters. Furthermore, without any additional consultation with the MFC, WRC instructed its staff to advance its decision by conducting a thorough review of the potential impacts, including holding multiple public input forums.

NCDEQ has serious concerns that WRC’s legal theory for proposing new delineations will not survive Rules Review Commission (“RRC”) review or, if challenged in the courts, judicial scrutiny. We understand that under the NC General Assembly’s periodic review of rules process, MFC and WRC must review each of their rules, including rules which set out the current delineations. In 2017, MFC conducted its review of rules pertinent to delineation (15A NCAC 03Q .0200 et seq.) and determined there was no basis to adjust those jurisdictional boundaries. The MFC classified these rules as necessary without substantive public interest and that they should remain in effect without further action. There were no comments received from either the public or WRC during the comment period indicating that these MFC rules needed to be modified to reflect new delineations. Equally as important, no comments



were received regarding the WRC's 15A NCAC 10C .0100 rule, including 10C .0108, which incorporates by reference 03Q .0200, and any later amendments. Based on the report portion of the periodic review requirements, our stakeholders have an expectation there will be no change to these rules.

NCDEQ understands that WRC is relying on a 2.6 parts per thousand ("ppt") salinity value for its proposal to define the boundary of inland waters. This is an arbitrary value of approximately half of what WRC staff presented to the Joint Committee as a defining line for inland and coastal waters. This value was suggested by the MFC chairman at a May 15, 2019 meeting of MFC and WRC directors, chairmen and legal counsel, only for consideration in map development to look at potential impacts. It is our further understanding that the MFC Chairman never intended to affirmatively advance the 2.6 ppt value to rulemaking or public comment. To the contrary, it was simply a suggestion to generate discussion.

The WRC's initial proposed salinity value was derived utilizing modeling based on a Chesapeake Bay study – a study area dissimilar to North Carolina's unique system of estuarine waters. This study method, when it has been applied to other areas such as Tampa Bay, has resulted in much lower salinity thresholds for fresh and estuarine waters. To the best of our knowledge, Virginia and Maryland have not changed their tidal and inland water boundaries based on the Chesapeake Bay study. The methodology upon which WRC relies also fails to consider any thoughtful discussion of the impacts of climate change and saltwater intrusion where there is a confluence of ocean and fresh water in the many estuarine waterways and sounds at issue. These flawed assumptions and omission of any consideration of climate change put WRC's calculations in serious question. As you know, NCDEQ's Division of Marine Fisheries ("DMF") conducted its own literature and existing rule search for salinity analysis and provided that analysis to the Joint Committee. DMF's research reflects a much lower salinity value, between 0.0 ppt, essentially the head of tide, and 0.9 ppt which is based upon the conversion of 500 ppm chloride concentration to salinity from the Environmental Management Commission ("EMC") halide concentration level in their estuarine waters definition at 15A NCAC 2B .0202(63). DMF's salinity range likely represents a value more consistent with available scientific literature.

In monitoring the activities of the Joint Committee process, NCDEQ identified serious concerns and unintended impacts of WRC's proposed boundaries on the regulatory authority of other NCDEQ Divisions beyond DMF, to include the Division of Coastal Management ("DCM"), the Division of Water Resources ("DWR"), and the Division of Energy, Mineral and Land Resources ("DEMLR"). While we have generally raised many of these concerns to you during the Joint Committee meetings, we wanted to ensure the concerns of NCDEQ Divisions were communicated directly to WRC. These concerns are described in greater detail below.

NC Marine Fisheries Program Impacts

DMF has numerous concerns with WRC's proposal. The first issue regards loss of coastal and commercial fishing waters. Employing a 2.6 ppt salinity threshold to define the inland and coastal boundary would result in a decrease of approximately 144,984 acres or 226.5 square miles of coastal and joint waters. We can assume that many traditional commercial gear(s) such as gill nets, pound nets and pots, along with crab shedding operations, would be restricted or forbidden in these waters based on existing restrictions. The proposed boundary changes would also likely result in a significant negative economic impact on commercial fishermen in certain counties. Moreover, commercial licenses would

probably not apply to new inland water designations, requiring Coastal Recreational Fishing License holders fishing these waters to purchase an inland license.

DMF would also be required to perform a comprehensive fiscal analysis to modify jurisdictional boundary rules. Since all jurisdictional boundaries are in MFC rules, and as such, a fiscal analysis would involve a huge effort for DMF staff. There are twenty-five (25) pages in the existing rules of boundary descriptions that could be affected. Moreover, mapping, ground-truthing and marking current lines took over a year of work by DMF staff and Marine Patrol – a similar mapping effort would be anticipated for changing the delineations as proposed by WRC. The fiscal analysis impact would almost certainly surpass the \$1,000,000.00 threshold for substantial economic impact prescribed in the NC Administrative Procedure Act. Prior to performing a fiscal analysis or providing any projection on the resources and time needed for the analysis, DMF staff would definitively need to know what specific activities and types of gear would be allowed in the new inland waters.

As with other NCDEQ Divisions, DMF has further concerns regarding habitat and water quality degradation. The WRC's proposed delineations would almost certainly reduce habitat and water quality protection in certain areas. For example, DMF would expect impacts to associated juvenile and adult fisheries from dredge and fill activities, reduced riparian buffers, and increased impervious surfaces near waterbodies, all of which impact water quality.

Specific impacts on the MFC's management of certain species are also expected. The presence of important recreational and commercial fishery species under MFC authority follow the criteria initially used to establish coastal and joint waters, but not inland waters. Examples of MFC state regulated species that are found in significant numbers within the new 2.6 ppt salinity areas include: Blue Crab, Southern Flounder, Striped Mullet, Spotted Sea Trout, and Sheepshead. Serious questions are also raised with respect to how these species would be effectively managed if the WRC proposal advances into rule. DMF is also concerned about impacts for Striped Bass management where a Fishery Management Plan ("FMP") amendment and three stock assessments are currently underway in conjunction with WRC.

There are potential significant statutory implications to DMF and MFC as well. Suitable waters identified by the NC General Assembly in NCGS § 113-215 for marine aquaculture leases could be affected as aquaculture use is specified for coastal fishing waters. The residency requirement for MFC Commissioners could be affected where the appointment of MFC seats by the Governor is tied to named coastal regions (with specific named counties in each of the regions). Both Gates and Hertford counties (MFC northeast coastal region) could be impacted by a 2.6 ppt value because these counties would then have no coastal waters, conceivably resulting in an appointed MFC member being statutorily unable to sit on the Commission.

Likewise, there are numerous MFC rule change implications, in addition to the descriptions contained in the 15A NCAC 03Q.0202 rules, that result from WRC's proposal: 03J.0203 Chowan River and Meherrin River; 03J.0204 Currituck Sound and its Tributaries; 03J.0209 Albemarle Sound/Chowan River - River Herring Management Areas; 03J.0301 Pots (descriptive areas for pot regulation); 03R.0112 Attended Gill Net Areas (descriptions Trent River, Neuse River); 03R.0114 Shrimp Trawl Prohibited Areas (descriptions); 03R.0115 Anadromous Fish Spawning Areas (descriptions - numerous); 03R.0201 Striped Bass Management Areas (descriptions); 03R .0202 River Herring Management Areas

(descriptions); and 03O.0503 Permit Conditions; Specific: Striped Bass Dealer. The fiscal analysis would also have to include impacts from changes to these rules.

NC Coastal Program Impacts

When you presented the delineation issue on behalf of the WRC to the Coastal Resources Commission (“CRC”) at their February 2019 meeting, you inquired if CRC rulemaking could resolve any jurisdictional concerns that would result from a boundary change by the WRC and MFC. While staff initially assumed that the CRC may be able to resolve jurisdictional issues through rulemaking, following the recent action by WRC and a closer examination by the Commission’s and DCM’s counsel, it was concluded that the WRC’s proposed boundary changes will affect the CRC’s jurisdictional boundaries in a way that cannot be addressed solely through CRC rulemaking. In both the NC Coastal Area Management Act (“CAMA”) and the State Dredge and Fill law (“D&F”), the definitions of “Estuarine Waters” are statutory, and therefore would require legislative action or authority for any changes to be made by rule. The CAMA at NCGS § 113A-113 and the D&F at NCGS § 113-229 both explicitly tie their definitions to NCDEQ and WRC boundary lines, which in turn, defines the CRC’s jurisdictional Areas of Environmental Concern (“AEC”).

The Coastal Shorelines AEC includes the Estuarine Shorelines and Public Trust Shorelines subcategories. The CRC’s administrative rule, 15A NCAC 7H .0209(a), define Estuarine Shorelines as:

. . . those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality [described in Rule .0206(a) of this Section] . . .

The Estuarine Shoreline AEC extends from normal high water level (“NHWL”) or normal water level (“NWL”) landward for a distance of 75 feet or 575 feet (when adjacent to Outstanding Resource Waters (“ORW”)), while the Public Trust Shorelines AEC are located inland of the dividing line between coastal fishing waters and inland fishing waters and extend only 30 feet landward of NHWL or NWL. In addition to a 30-foot buffer for all types of shorelines, which limits development to largely riparian uses, there is also a 30 percent (or 25 percent for ORWs) impervious surface limit within the AEC.

The proposed WRC changes to the Inland Waters boundaries would have a significant impact on the jurisdictional boundaries of the CRC, with approximately 1,652 miles of Estuarine Shoreline AEC converting to Public Trust Shoreline AEC. This would result in the reduction of jurisdictional area from 75 feet to 30 feet from NHWL/NWL, and would restrict the 30 percent impervious surfaces limitation to that much smaller AEC area, likely resulting in more impervious surfaces closer to the water and the resulting negative impacts to water quality and fish habitat.

The CAMA also defines a “coastal sound” in NCGS § 113A-103 to include the limits of seawater encroachment. If the current boundary changed based on a different analysis of salinity, and the CRC adopted by rule lines inconsistent with the analysis (for example, by adopting the previous Inland Fishing

Waters boundary), the CRC’s jurisdiction could possibly be challenged based on this possible inconsistency.

There may also be an implication for the CAMA Land Use Planning (“LUP”) Program since some local government land use plan policies incorporate the CRC’s AECs into their LUP plans and associated ordinances. Absent amendments to LUPs and related ordinances, this could result in development patterns not matching the LUP and its Future Land Use Map, creating confusion for developers and local government.

Finally, any rulemaking to develop new boundaries specifically for Coastal Shorelines and Estuarine Waters AEC’s would involve significant rule text development, fiscal analyses, and interagency discussions. There is also a potential for significant confusion among the regulated community and delegated local government permitting programs.

The table below shows “lost miles” where Estuarine Shoreline AEC would change to Public Trust AEC if the 2.6 ppt boundary lines are used. It is divided by county, and the percentage (%) represents total lost miles for each county divided by total lost miles (1,652) to show a comparative geographic distribution. Those counties marked with an asterisk (*) are Tier 1 counties as of 2019 data.

	County	Lost Miles	% of the Total Lost Miles	Comment
1	Beaufort*	17.97	1.1%	
2	Bertie*	384.4	23.3%	
3	Brunswick	60.6	3.7%	
4	Camden	22.2	1.3%	
5	Chowan*	68.3	4.1%	
6	Craven	88.2	5.3%	
7	Currituck	102.5	6.2%	
8	Dare	41.8	2.5%	
9	Gates*	60.7	3.7%	Total loss of shoreline
10	Hertford*	118.5	7.2%	Total loss of shoreline
11	Hyde*	45.5	2.8%	
12	New Hanover	129.3	7.8%	
13	Pasquotank*	51.6	3.1%	
14	Perquimans*	75.6	4.6%	
15	Pender	216	13.1%	
16	Tyrrell*	64.1	3.9%	
17	Washington*	104.8	6.3%	
	TOTAL:	1652.07	100.0%	0.1 missing due to rounding

NC Stormwater Program Impacts

Coastal stormwater permitting requirements apply to new development projects in the 20 coastal counties that: 1) disturb one acre or greater of land (projects that require an Erosion and Sedimentation Control Plan (“E&SC”)); 2) are projects that require a CAMA permit; and 3) are projects that do not require an E&SC plan and/or CAMA Major Development permit, but meet one the following criteria: a) nonresidential projects that propose to cumulatively add 10,000 square feet or more of built-upon area (“BUA”); or b) residential projects that are within one-half mile of and draining into SA waters and propose to cumulatively add more than 10,000 square feet of BUA, and result in a percentage of BUA greater than 12 percent for the property.

The maximum BUA limits within the coastal stormwater program are tied to whether the surface waters are classified as SA, Freshwater ORW (like SA or Primary Nursery Areas (“PNA”)) or are another classification within the 20 coastal counties and are generally more restrictive than BUA for non-coastal counties. Class SA waters are waters suitable for commercial shellfishing for market purposes (commercial harvesting) and all other tidal saltwater uses.

If the coastal water designation changes based on a boundary change so much so that those waters no longer support designated uses (e.g. commercial fishing), a reclassification of the surface waters could be warranted. If this change occurs, the need for a stormwater permit could vanish where a CAMA permit or where the proximity to SA waters were the trigger. (Note: for existing projects, a concern is if existing permitted facilities can remain permitted under these settings). Without permitting jurisdiction, the BUA limits would not apply for projects less than one acre for non-residential projects over 10,000 square feet of BUA in coastal counties or development activities that require a CAMA major permit which drain to ORW or High Quality Waters (“HQW”). Also, those current coastal counties which lose coastal fishing water designations could have a basis for removal from the coastal stormwater program, despite its direct proximity to coastal waters.

The likely result from such a change to the stormwater program include an increase of BUA without appropriate Stormwater Control Measures (“SCM”). This can cause flooding and an increase of pollutants to surface waters (e.g. total suspended solids, increases in fecal coliform, and nutrients) and a resulting degradation of water quality.

NC Water Resources Program Impacts

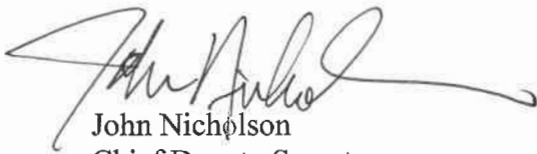
The NC General Assembly in NCGS § 143-214.1 tasks the EMC with classifying all of the waters of the state and adopting use standards for each classification. The existing classifications for “Tidal Salt Waters” in 15A NCAC 02B .0101(d) provides for four classifications: SA, SB, SC, and SWL. The SWL (saltwater wetland) classification is tied to the CRC’s definitions of “coastal wetland” and “estuarine waters” and since the CRC’s estuarine waters definition at 15A NCAC 7H .0206 is tied to the WRC and NCDEQ boundary agreement, this water classification category is as well. Therefore, changes to the boundary agreement may necessitate the re-classification of those waters which change from coastal/joint to inland, which is estimated to be approximately 1,652 miles of shoreline. Further, if the definition of “Tidal Salt Waters” equates to “Estuarine Waters”, and any boundary agreement change would necessarily change the definition of “Estuarine Waters”, the other three classifications of “Tidal

Salt Waters” may also be impacted. Additionally, the supplemental class of HQW is tied to the MFC’s delineation of PNA boundaries, not the WRC’s PNA boundaries, pursuant to 15A NCAC 02B .0202.

There is also concern that the changes in classification or removal of use support will generate concerns with the U.S. Environmental Protection Agency and its anti-degradation provision, described under NC policy in 15A NCAC 02B .0201. Reclassification could result in the approval of wastewater discharges to receiving waters that are presently estuarine waters, and other waters that are unique and prone to depressed dissolved oxygen and eutrophication.

In conclusion, NCDEQ urges WRC to reconsider its action of August 29, 2019. The consequences to the environment are simply not acceptable. The interests of the people of the State of North Carolina compel you to give serious consideration to the subject matter of this letter. Please disseminate to your Commission members for consideration at WRC’s October 24, 2019 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nicholson", with a long horizontal flourish extending to the right.

John Nicholson
Chief Deputy Secretary
North Carolina Department of Environmental Quality

PROPOSED CHANGES TO INLAND WATERS BOUNDARIES
POSSIBLE NC COASTAL PROGRAM IMPACTS

When Gordon Meyers presented the delineation issue on behalf of the WRC to the Coastal Resources Commission (“CRC”) at their February 2019 meeting, DCM was asked if CRC rulemaking could resolve any jurisdictional concerns that would result from a boundary change by the WRC and MFC. While staff initially assumed that the CRC may be able to resolve jurisdictional issues through rulemaking, following the recent action by WRC and a closer examination by the Commission’s and DCM’s counsel, it was recently concluded that the WRC’s proposed boundary changes will affect the CRC’s jurisdictional boundaries in a way that cannot be addressed solely through CRC rulemaking. In both the NC Coastal Area Management Act (“CAMA”) and the State Dredge and Fill law (“D&F”), the definitions of “Estuarine Waters” are statutory, and therefore would require legislative action or authority for any changes to be made by rule. The CAMA at NCGS § 113A-113 and the D&F at NCGS § 113-229 both explicitly tie their definitions to NCDEQ and WRC boundary lines, which in turn, defines the CRC’s jurisdictional Areas of Environmental Concern (“AEC”).

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16	Tyrrell*	64.1	3.9%	
17	Washington*	104.8	6.3%	
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From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] circle hooks, live bait, prove the need and method first
Date: Thursday, September 19, 2019 4:10:28 PM

For the books

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From: J D Fish [REDACTED]
Sent: Thursday, September 19, 2019 1:10 PM
To: Bizzell, Rob
Cc: Chris Elkins; David Sneed
Subject: [External] circle hooks, live bait, prove the need and method first

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Rob,

My friend Chris Elkins informed me of your service with the NCDMF and interest in circle hooks for bait fishermen as a means of protecting our fishing resource.

My family uses live bait (Shrimp, menhaden, finger mullet, etc) frequently while targeting everything from sheepshead, trout, flounder, slot drum, large drum, Cobia, Spanish and kings. We also use a variety of dead bait such as squid, mullet and menhaden.

We use j hooks, Kahle, circle and treble hooks. We use single j hook jigs and lead jigs with trebles, sometimes tipped with cut bait or trebles. We use MirrorLures, jigs with soft plastic.....we use it all.

Our frequency of deep hooking is very low. Live baiting for kings, Spanish or blues with typical trebles or lead casting or jigging lures does not result in deep hooking. We can release if desired but we following the rules and frequently enjoy our catch of NC seafood. We don't waste our catch and follow conservation principles. We have used circle and j hooks bottom fishing inshore and off and have seen no difference. We rarely /never gut hook with a j hook when bottom fishing. We can easily dehook and return undersized fish. We deep jig with lead jigs with j hooks or trebles tipped with bait. Gut hooking does not occur when jigging.

We can't imagine using circle hooks to catch some species such as sheepshead. Sheepshead are difficult to catch. Over the years we have caught hundreds of sheepshead with j hooks and live

bait without a single gut hook. We would not have caught this many with a circle hook(maybe none).

We have fished the Night time old red drum fishery at Cedar Island using the approved barbless circle hook rig. It works and allows safe release of these protected fish. We have not fished the current popping cork daytime overslot drum fishery but believe that gut hooking must not be common since there is a very protective attitude by experienced guides who created this fishery.

As far as Cobia,we have used bottom and surface methods with live and dead baits. We have used trebles, j hooks and circles. We tend to use trebles and live bait on surface and dead bait and j or circle on the bottom. Skates are a big problem when fishing on the bottom. We spend more time looking bait balls and site casting big spro jigs with soft plastic and catch blues or a few Cobia.

To summarize, I believe it is a big mistake to mandate circle hooks across the board. I just don't see or experience the issue of gut hooking and inability to catch and release when using live or dead bait.

If there is a specific fishery, with specific goal(example: harmless catch and release of old drum) in mind such as the nighttime old red drum fishery using bottom fishing method, then a **proven** successful method using circle hooks could make sense. The use of barbless circle hooks with short leaders was developed and proven before mandated. Our fishermen should not be penalized into using fishing methods that are not proven successful.

Make certain to not creat havoc without a true need and goal in mind while using a **proven** response.

Thank you for your service to the NCDMF in protecting and improving saltwater fishing resources in NC. We are so fortunate to have such great coastal habitat and greathistory for an abundant resource. We have the potential and the responsibility to **restore** our fishery and resource to world class stature that is possible.

J. D. Fish

██████████ and ██████████, NC

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External]
Date: Friday, August 30, 2019 8:03:23 PM

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From: Brad Goodman [REDACTED]
Sent: Friday, August 30, 2019 8:00 PM
To: Bizzell, Rob
Subject: [External]

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I'm very sad and angry that a decision was made that selfishly helps those trying to make money on fishing. I have gone to Ocracoke Island for the last 20 years. We have fished on the surf as well as to going flounder giggering. Over that time we have seen ups and downs between year-to-year on what we catch or what we see. There is no way that anyone can logically think that a person fishing with a rod or gig can come close to catch a what is called buy a commercial fisherman in a net. We have set back over the years and watched boats come in and have 3 to 400 flounder per catch from these commercial fisherman. If we catch a total of 40 fish over the course of a week we have done amazing but most of the time it's between 10 to 15 if we're lucky. We are not the only ones we see other giggers and fishermen every year with the same story. The only ones who are profiting from this decision you have made are commercial fishermen and charters. Will they tell you that absolutely not. They would be a fool to. But, anyone who can say that my fishing rod along with other fishing rods can help catch any Nets is naive. I have contacted the Senate on the federal level as well as house a Representatives and will continue to complain about this along with many many others to do everything in our power to have you guys removed from office and put someone there that can make a decision to help Ordinary People. We go fishing every October and look forward to a family fishing trip. You guys and the decisions you've made Rob not only my family but others of being able to enjoy family time together because you're afraid we're catching too many fish. Absolutely absurd. If you think that's the case then I want you to go to the next fish fry we have. It's been years since we've caught enough fish due to the regulations and throwing things back because we abide by the laws to be able to have a fish fry. We go to the market and will continue to watch these commercial fishermen bring in these flounder as well as other fish why were there at the Outer Banks in purchase fish so we will be able to have our fish fry as a family. Again I'm going to go as

high as I can and complain as often as I can until our voices are heard.

YOUR RESPONSE WOULD BE APPRECIATED AND SOME ACTION TO MAKE THIS
WRONG A RIGHT WOULD BE NICE.

Brad Goodman from [REDACTED] NC

[Sent from Yahoo Mail on Android](#)

[Sent from Yahoo Mail on Android](#)

■

From: [Wanda Outland](#)
To: [Hamilton, Cindi B](#)
Cc: [Gillikin, Dana](#)
Subject: [External] Commercial southern flounder seasons
Date: Wednesday, September 11, 2019 8:09:05 AM

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I commercial fish for flounder with pound nets in [REDACTED], [REDACTED] County. After dealing with hurricane Dorian, can the DMF Director Murphy consider pushing our opening dates up one week? We spent three days picking up crab pots last week and getting boats out of harms way. We hired a diver Monday and Tuesday to cut off pound net poles that got rim racked from wind and storm surge. We have trees down at our home and at the fish house, but we do not have time to clean up anything because we are trying to get our nets set under new DMF guidelines. I hope no one at DMF has suffered from Dorian like our coastal families or lost income due to an awful hurricane.

Jessie Troy Outland, Sr.
[REDACTED]

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] Fisheries vote
Date: Wednesday, August 28, 2019 6:42:22 PM

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From: vclemmons [REDACTED]
Sent: Wednesday, August 28, 2019 5:11 PM
To: Bizzell, Rob
Subject: [External] Fisheries vote

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Sir, as a person born and raised in [REDACTED], have commercial fished, have chartered, pulled a trawl and recreation fished im really disappointed at the boards vote to shutdown flounder fishing for recreational fishing. To continue to let charter and commercial guys fish is a disgrace. The plant i worked at years ago shutdown, i chose the wrong profession. To continue to let a few rape our resources, you should be ashamed. Its easy to follow the money. Im not aligned with any recreational group, just a guy. How do most of you sleep at night. I know the damage firsthand what shrimp trawls do. I know how many flounder i caught in nets. To deny is utterly stupid and only a moron would argue otherwise. Have a good day!

Mark Clemmons

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] Flounder
Date: Thursday, September 19, 2019 4:10:38 PM

Another

Get [Outlook for iOS](#)

From: My Gmail
Sent: Thursday, September 19, 2019 11:35 AM
To: Bizzell, Rob
Subject: [External] Flounder

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Rob,

It was good to see you at the MFC meeting after a few years. I always look for your boat in the Big Rock and hope you do well. Some health and age problems have caused me to limit my involvement in fisheries and CCA NC. I appreciate the interest and passion you have for fisheries issues. You have great courage to step back into the fray at a very volatile time.

I spoke to the MFC meeting to try to put into historical perspective the continued failure of the MFC to take the necessary action restore southern flounder. This has been going on for 15 years. The sad thing is that we have known for longer than that what needs to be done but haven't done it. Even the several minimal regulations that have been instituted to curtail commercial fishing have been weakened by MFC action in some years. All the while, recreational fishermen have been subject to more severe regulation when they are a much smaller part of the problem. An example of this goes back to the very first southern flounder FMP in 2004 /2005. The DMF and the SF Advisory committee recommended a 28% reduction in harvest. The MFC voted to institute measures designed to reduce recreational harvest by 28% but instituted measures to reduce commercial harvest – then 85% of the harvest – by only 14%. The DMF scientist on the FMP committee was so disgusted, he quit and left NC. So did the next DMF scientist after a few months. And so it has gone over the last 15 years with different size limits, roll backs of closures, limits on gill netting due to turtle interactions but substantial increases in pound netting and on. All having little effect on recovery of the species to the point that the only way to reduce SF harvest is to pray for hurricanes as a conservation measure. Had the MFC instituted the proper conservation measures in 2004, we might not see such drastic regulations needed now.

The sad thing is to see recreational fishermen limited so severely in the new amendment when they have consistently supported conservation measures. I strongly believe the MFC should implement ways to open the recreational season for summer flounder and gulf flounder. In the past, there have been separate regulations for inside and ocean waters. This could be a possibility as well as education

for anglers to identify the differences among the flounder and curtail southern flounder harvest. Again, the commercial fishermen will continue to be allowed to use non-discriminatory gear to harvest in the ocean while recreational fishermen are closed out of the two flounder species they have helped to rebuild.

Unfortunately, the commercial industry will surely file suit against the Amendment 2 regulations. Some recreational groups may as well. This will drag out the implementation at least one season or more.

As for me and my fishing buddies, the new regulations are a terrible blow. Most of us are in our 60s and 70s+. I am 75 years old this year and probably won't see the recovery of southern flounder in my lifetime. Southern flounder are a fish my wife and children loved to fish for, catch and eat. I only hope my grandchildren might have that experience. As for me, I guess I'll have to go the South Carolina or Virginia or maybe even New York if I want to fish for flounder.

I wish you and the MFC the best but I have little hope of success.

Take care,

Bill Mandulak

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] flounder fishing
Date: Thursday, September 05, 2019 8:31:53 AM

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From: Kistler, Jimmy [REDACTED]
Sent: Thursday, September 5, 2019 6:24 AM
To: Bizzell, Rob
Subject: [External] flounder fishing

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You people should be ashamed of yourselves!! You have ruined the recreational fishing in our state..... look at the amount of money that will be now spent in South Carolina and Virginia.....too much money passed under the damn table....flounder fishing is one of my passions and now it is no good in our state!! I am only saying this to you because you are the chairman!!!!

Thank you,

Jimmy Kistler

Middle School Science Teacher
High School Biology Teacher
CGS Teacher of the Year 2015

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] Flounder
Date: Thursday, September 05, 2019 9:41:28 PM

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From: Mike Lyerly [REDACTED]
Sent: Thursday, September 5, 2019 9:38 PM
To: Bizzell, Rob
Subject: [External] Flounder

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Well I guess that I'll have to sale my house and move to SC where they allow you to catch and keep flounder! Joe Shute told it to our club years ago that you don't have any real way to know what the stock is. Your groups decision might very well hurt the local coastal environment! This was not a good decision from a recreational decision but we know who supports the commercial fishermen

Sent from my iPad

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] flounder moratorium
Date: Wednesday, August 28, 2019 6:41:47 PM

Get [Outlook for iOS](#)

From: Howard Coupland, [REDACTED]
Sent: Wednesday, August 28, 2019 6:21 PM
To: Bizzell, Rob
Subject: [External] flounder moratorium

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Rob,

Why are we not allowed to keep summer and gulf flounder? Southern flounder stocks are the issue, correct? Also, why are you not using, much less gathering, ocean data? Flounder fishing on ARs (Artificial Reefs) is the best it has ever been! You have a lot to explain to us recreational fishermen who want to eat what they catch. I doubt you will respond.

Howard Coupland, CCIM

Vice President of Brokerage

[REDACTED]

[REDACTED] direct

[REDACTED] cell

Please excuse the brevity of this message and any typos as this was sent via my "smart" phone.

NC Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557
Attn: Rob Bizzell

Re: Flounder moratorium

Another blow to the recreational fisherman. When is the last time a decision was made in favor of the recreational fisherman? Not at the last meeting when there was a 5 to 4 vote not to add regulations on the shrimp boats. I was on the Ocean Isle pier in June and counted nine (9) shrimp boats. With each passing they were leaving a sandy path as they caught everything that swims. Sorry that I missed the bulletin announcing that I could have spoken and passed out information at meeting in Raleigh. I am a 79 year old recreational fisherman who has seen the creel limits go down and the size limits go up many times. Please review the enclosed chart that shows our rules vs. the other southern states. Note how the fish (Spanish Mackerel) that spends it's entire life in the open ocean has basically the same size and creel limits for each state, but those fish that spend part of their life in the estuaries we have the largest size and lowest creel limit of southern states. Evidently we must be doing something wrong. We want the other southern states to follow our lead, but I think we need to follow their lead. We are going to correct the problem by 2028. If I live do you know how old I will be in 2028? Do you think if we were allowed one flounder per trip that my fishing buddies and me would deplete the total stock? I purchase South Carolina license each year so I guess I will have to drive a few miles so I can catch some flounder. I have some ideas on how to improve the stock without hurting the commercial fisherman.

W. Eugene Foster

[REDACTED]

[REDACTED] NC [REDACTED]

SIZE AND CREEL LIMITS

July 8, 2019

	N. Carolina	S. Carolina	Georgia	Florida	Alabama	Mississippi	Louisiana	Texas
Flounder								
Size		15"	12"	12"	12"	12"	None	14"
Creel	0	10/20 (1)	15	10	10	10	10	5
								2 (8)
Speckled Trout								
Size	14"	14"	14"	15" - 20"	14"	15"	12"	15" - 25"
Creel	4	10	15	NE - 6 NW - 5 SE/SW - 4	10	15	25	N - 10 S - 5
Black Drum								
Size	14" - 25"	14" - 27"	14"	14" - 24"	n/a	n/a	16" - 27"	14" - 30"
Creel	10	5	15	5 (3)	n/a	n/a	5 (6)	5
Red Drum								
Size	18" - 27"	15" - 23"	14" - 23"	18" - 27"	16" - 26"	18" - 30"	16" - 27"	20" - 28"
Creel	1	2/6 (2)	5	NE - 2 NW/S - 1	3 (4)	3 (5)	5 (7)	3
Spanish Mackerel								
Size	12"	12"	12"	12"	None	12"	12"	14"
Creel	15	15	15	15	15	15	15	15
		(1) 10 per individual, 20 per boat						
		(2) 2 per individual, 6 per boat						
		(3) 1 over 24"						
		(4) 1 over 26"						
		(5) 1 over 30"						
		(6) 1 over 27"						
		(7) 1 over 27"						
		(8) Nov. 1 to Nov. 30						

SIZE AND CREEL LIMITS

September 4, 2019

		N. Carolina	S. Carolina	Georgia	Florida	Alabama	Mississippi	Louisiana	Texas
Flounder	Size		15"	12"	12"	12"	12"	None	14"
	Creel	0	10/20 (1)	15	10	10	10	10	5 2 (8)
Speckled Trout	Size	14"	14"	14"	15" - 20"	14"	15"	12"	15" - 25"
	Creel	4	10	15	NE - 6 NW - 5 SE/SW - 4	10	15	25	N - 10 S - 5
	Size	14" - 25"	14" - 27"	14"	14" - 24"	n/a	n/a	16" - 27"	14" - 30"
	Creel	10	5	15	5 (3)	n/a	n/a	5 (6)	5
Red Drum	Size	18" - 27"	15" - 23"	14" - 23"	18" - 27"	16" - 26"	18" - 30"	16" - 27"	20" - 28"
	Creel	1	2/6 (2)	5	NE - 2 NW/S - 1	3 (4)	3 (5)	5 (7)	3
	Size	12"	12"	12"	12"	None	12"	12"	14"
Spanish Mackerel	Creel	15	15	15	15	15	15	15	15
	(1) 10 per individual, 20 per boat								
(2) 2 per individual, 6 per boat									
(3) 1 over 24"									
(4) 1 over 26"									
(5) 1 over 30"									
(6) 1 over 27"									
(7) 1 over 27"									
(8) Nov. 1 to Nov. 30									

From: [Klibansky, Lara](#)
To: [Gillikin, Dana](#)
Subject: FW: [External] Recreational vs Commercial fishing
Date: Thursday, October 24, 2019 8:15:48 AM

From: Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>
Sent: Wednesday, October 23, 2019 8:56 PM
To: Klibansky, Lara <Lara.Klibansky@ncdenr.gov>
Subject: Fwd: [External] Recreational vs Commercial fishing

For the books
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From: Don Carmichael [REDACTED]
Sent: Wednesday, October 23, 2019 8:40 PM
To: Bizzell, Rob
Subject: [External] Recreational vs Commercial fishing

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I have been recreational fishing NC coast for over 50 years, I need someone to help me understand how it is fair to the recreational fisherman & how we are the problem . I can not fish or gig flounder right now ,we have been shut down since September 4th, Commercial guys are still at it . I normally spend over 3 weeks per year renting a place to stay & spending money at NC beach's to be able to fish. Please help me understand how recreational fisherman are the problem , if we are not the problem why are we not given the same time as commercial fisherman, we can only keep 4 flounder or speckled trout per day , what is the limit on commercial for both flounder or speckled trout.I was at Topsail fishing the I intracoastal last weekend , I could not believe how many small boats were out there netting . At the boat ramp I heard one commercial fisherman ask another one how he did , he replied even thou his time got cut short due to the weather Saturday he still had 45 to 50 speckled trout. Is speckledtroutgoing to be the next on the list. Please help me understand.

Sent from my iPad

From: [Bizzell, Rob](#)
To: [Gillikin, Dana](#)
Subject: Fwd: [External] So Flounder Ammendment 2
Date: Tuesday, August 27, 2019 5:40:00 PM

Getting ready for the next meeting! Rob

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From: Willard Dean [REDACTED]
Sent: Tuesday, August 27, 2019 5:38 PM
To: Bizzell, Rob
Subject: [External] So Flounder Ammendment 2

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Mr. Bizzell-

I have been a recreational hook and line flounder fisherman in NC for the past 35 years, and it is by far my favorite sporting activity. I have primarily fished in the Brunswick Co area (specifically [REDACTED] and [REDACTED] areas). I have tried to follow the proposals and votes last week by the commission. While I feel the adopted resolution is a bit severe, I do understand the need for further action. I can attest to the decline in population of “keeper flounder” over the past decade, and it has seemed to decline each year. A 15” flounder is now a rarity on most days.

I am concerned about a couple of areas in particular though:

-We are the only state implementing this type of extreme plan. I am especially concerned as my primary fishing location is in waters adjacent to S.C. It feels like we will be sacrificing, while benefiting S.C. as we will not be able to harvest flounders in waters near the state line - which will directly benefit fishing in the SC areas close by and not really help increase the population in my particular area.

-I am also extremely concerned with what was a surprising ‘amendment’ to the proposal to allow fishing guides to continue to operate “as normal”. I read that the boat limit would be 4 flounder. I know that most of the guides fish half day charters, so I have a suspicion that they may harvest more than 4 per day. Even if they do not, this just feels like we are all making an extreme sacrifice, but one group is being allowed to continue to flounder fish. If we are going to do this - it would seem that we should ALL abide by the same laws.

I appreciate the opportunity to share my concerns with you.

Thank you.

Willard Dean

From: [glen](#)
To: [Gillikin, Dana](#)
Subject: [External] southern flounder proposals
Date: Saturday, August 17, 2019 1:33:41 PM

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Sent from [Mail](#) for Windows 10

Mr Gillikin, I am greatly concerned about what the Marine Fisheries Commission along with the NCDMF are about to do to those of us that commercial fish in NC for our living be it full time or part time. The NCDMF is saying that unless drastic cut backs in southern flounder landing are implemented this year that southern flounder may never recover. I served as an advisory member of the Southern Flounder plan and helped developed the first plan back in 2005 when it became effective. At that time the biologist informed us that flounder needed to reach a certain threshold target of 25% spr (spawning potential ratio) in order to be removed from the overfished condition. We were also informed that we had 10 years for this plan to reach its goal or else drastic measure would be required due to the Fisheries Reform Act. In 2009 a stock assessment of southern flounder was conducted and it was determined that the plan had not quite reached the goal or target. Then in 2010 the NCDMF decided to raise the requirements on the definition of overfished from a threshold of 25% to 35% which is over a 40% increase. The latest stock assessment still shows us that flounder are still overfished but have not seen the latest spr number which they have not made public from what I know and have read. My beef is that when they changed the definition of overfishing back in 2010 they should have started a new 10 year requirement as well since we very likely reached the original 2005 plan requirement. NCDMF needs to do a new stock assessment on southern flounder asap and give the plan until 2020 to produce the needed results. Many recreational fishermen all up and down our coast are reporting one of the best years in a long time for southern flounder which should indicate that our plans are working and many of us think that there is absolutely no need for additional drastic reductions that will basically destroy commercial fishing and will also hurt many recreational fishermen and their businesses as well. Thank you and your staff for taking the time to read this and any help on this matter would be greatly appreciated. Sincerely Glen Montgomery



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 814-0700
Fax: (919) 715-0135

Ethics & Lobbying Education

The following information applies to public servants, legislators, legislative employees, and ethics liaisons. For information on lobbying education and awareness presentations for lobbyists and lobbyist principals.

Mandatory Education. The N.C. State Board of Elections and Ethics Enforcement provides mandatory ethics and lobbying education for *public servants, legislators, legislative employees* and *ethics liaisons*. Topics covered include:

- Filing a Statement of Economic Interest ("SEI")
- Monitoring and avoiding conflicts of interest
- The gift ban and its exceptions
- Prohibition on use of public position for private gain
- Lobbying and how it affects individuals covered by the State Government Ethics Act

Ethics education is the primary way individuals subject to the State Government Ethics Act are made aware of their public duties and responsibilities as well as the consequences for violating the ethics laws.

Who Must Participate

- **Public Servants & Ethics Liaisons.** All public servants and ethics liaisons are required to attend a Commission-approved basic ethics and lobbying education presentation within six (6) months of the person's election appointment, or employment and attend a refresher presentation at least every two (2) years thereafter.
- **Legislators & Legislative Employees.** The Commission, jointly with the Legislative Ethics Committee, makes mandatory ethics education and lobbying presentations to all legislators within two (2) months of the legislator assuming his or her office. Legislative employees must also participate in ethics education within three (3) months of employment and attend a refresher at least every two (2) years.
- **Education Presentations & Schedule.** Ethics and lobbying education presentations for public servants and ethics liaisons are offered [online](#) and [live at Raleigh-only and distance education sites](#). Completing an online presentation or attending a live session meets either the basic or refresher mandatory education requirements. Visit <https://www.ncsbe.gov/Ethics/Education> to access online and live training options.

Ethics education for **legislators** is conducted in live sessions. Legislative employees may participate in ethics education online through the General Assembly.

- **Consequences for Failure to Attend.** Failure to attend an ethics and lobbying education presentation is a violation of the State Government Ethics Act and may result in the individual being recommended for removal from his or her public position or disciplined in his or her State job.

Contact Information

For education related questions, contact:

NC State Board of Elections and Ethics Enforcement

Phone: (919) 814-3600

E-mail: Education.Ethics@doa.nc.gov

2019 STATEMENT OF ECONOMIC INTEREST REMINDERS:

Completed SEIs must be filed on or before April 15, 2019. If you have already filed a 2019 SEI, do not refile. The forms and instructions can be found at <https://ethics.ncsbe.gov/sei/blankForm.aspx>.

If you filed a 2018 SEI ***and*** you have had ***no changes*** since your 2018 filing, you may file a 2019 SEI No Change Form, located on the website.

You must file a 2019 Long Form if any of the following apply to you:

- a. You filed a 2018 SEI ***but*** you have had changes since your 2018 filing;
- b. You did not file a 2018 SEI; or
- c. You are a first-time filer or have been appointed to a new or additional position/board.

This year, the State Board of Elections and Ethics Enforcement will roll out a new electronic process for filing SEIs. That electronic filing option will be available in **early February**.

You are encouraged to file your SEI electronically. However, if you want to file your SEIs before the updated electronic version is available, hard copies are available for filing now at the link above.

New commissioners will need to file a 2019 SEI; however, if you have not had any changes since you last filed, you can use the No Change Form, which is fairly easy to complete.

Please file by April 15th to avoid fines and other penalties.

SEI HELPFUL TIPS

1. PUBLIC RECORDS. The State Board of Elections and Ethics Enforcement (State Board) is required to collect and maintain disclosures from certain persons covered by the State Elections and Ethics Enforcement Act Government Ethics Act (Elections and Ethics Act). By law, the information requested is public record and available to the public upon request. As public records, Statements of Economic Interest (SEI) are available on the Commission's website. Personal contact information, however, is not.

2. CONTACT INFORMATION PAGE. The Contact Information page, which includes your personal contact information, will not be available on the Commission's website, but is a public record.

3. CHILDREN'S INITIALS. Only list minor children's INITIALS on the SEI. List each child's full legal name on the Confidential Unemancipated Children's Form. If you are filing electronically, the form will be generated at the end of the SEI from the information that you provided on your electronic SEI. The Confidential Form is not a public record, and the State Board will not make it available to the public.

4. READ EACH QUESTION CAREFULLY. Read each question carefully and pay close attention to the time periods in each question as they do vary.

5. ANSWER EACH QUESTION. It is important to answer each question, including all applicable subparts. Even if your answer is "no" or "not applicable," make certain you answer each question. Many of the questions have "yes" and "no" boxes to check for your convenience. Incomplete SEIs may cause delays and negatively impact your public service on a covered board or as an employee.

6. WHY ARE YOU FILING. You must list the complete name of the state board or state agency employer for which you are filing the SEI. Without this information, your SEI may be delayed and negatively impact your public service on a covered board or as an employee.

7. HOW TO FILE. The State Board strongly recommends electronic on-line filing as it is secure, allows easy information updates, and gives you access to your electronic SEIs previously filed. Filing your SEI on-line is easy, quick, convenient, and reduces the chance of reporting errors. Getting started is easy. Follow the simple steps to create your own account and get access today: <https://EFILE.ncsbe.gov/> To file a paper version of the SEI, you must provide the State Board with a signed, original SEI form. Each SEI includes an "affirmation" and is a legally binding document. Faxed or emailed copies of your SEI CANNOT be accepted.

SEI Helpful Tips, continued

8. INCOME. List each source of income as requested on the SEI. The actual dollar amount is not required. Be sure to list your employer as a source of income in Question # 6 of the SEI.

9. READ CAREFULLY. Read each question carefully, as the Elections and Ethics Act requires that you disclose your financial holdings and obligations, personal property, and real property and may also include your knowledge of the holdings of both your immediate family and your extended family. "Immediate family" and "extended family" are defined terms in the Elections and Ethics Act, and those definitions are included with this document.

10. REFLECT. Think carefully about WHY you are filing, and whether it has any relationship to your position. Does your board or commission license or regulate you? For many of the boards, a subject matter expert like a licensee is needed. Answering "yes" does not prohibit your service on the board, and your perspective is valued.

11. MAKE A COPY. Make a copy of the SEI for your own records, and make a note in your calendar when you submit it, whether on-line or by mail or hand delivery. When you successfully submit your SEI electronically on-line, the final screen will provide a confirmation number and will be proof that you have satisfied your filing obligation. Please print the **confirmation screen for your records.**

12. ETHICS LIAISON. Contact your Ethics Liaison to assist you in your obligations under the Elections and Ethics Act. Your Ethics Liaison is good source of information about how to fill out your SEI.

13. ON-LINE HELP. The State Board has on-line resources to answer questions you may have about your SEI. For more information, please visit the State Board website which has education offerings.

14. DEFINITIONS. As noted above, certain terms are defined in the Elections and Ethics Act (“immediate family”). These definitions may be helpful to you in completing your SEI. A complete list of all definitions used in the Elections and Ethics Act is available on the State Board’s website, under “Ethics”. Some of the more common ones are attached to this document.

15. YOUR INTERNET BROWSER. Consider using Internet Explorer or Chrome to submit your SEI. Some users have had trouble using other browsers. **16. WE ARE HERE TO HELP YOU.** In addition to on-line resources and written materials, the State Board has expert staff ready to answer any questions you might have and assist you in completing and filing your SEI. Do not hesitate to contact us at sei@ncsbee.gov (919) 814-3600.

2020 Meeting Planning Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

	MFC
	ASMFC
	SAFMC
	MAFMC
	State Holiday

	Southern Regional AC
	Northern Regional AC
	Finfish AC
	Habitat and Water Quality AC
	Shellfish/Crustacean AC

2019/20 Committee Assignments for Marine Fisheries Commissioners

9/9/19

FINFISH ADVISORY COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters related to finfish.

Commissioners: Cameron Boltes – chair, Sam Romano – vice chair

DMF Staff Lead: Lee Paramore - lee.paramore@ncdenr.gov

Meeting Frequency: Can meet quarterly, depending on assignments from MFC

HABITAT AND WATER QUALITY ADVISORY COMMITTEE & COASTAL HABITAT PROTECTION PLAN STEERING COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning habitat and water quality that may affect coastal fisheries resources.

Commissioners: Pete Kornegay – chair, Dr. Martin Posey – vice chair

DMF Staff Lead: Anne Deaton - anne.deaton@ncdenr.gov

Meeting Frequency: Committee can meet quarterly, depending on assignments from MFC. CHPP Steering Committee can meet a couple of times a year.

SHELLFISH/CRUSTACEAN ADVISORY COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning oysters, clams, scallops and other molluscan shellfish, shrimp and crabs.

Commissioners: Sam Romano – chair, Pete Kornegay – co-vice chair, Dr. Martin Posey – co-vice chair

DMF Staff Lead: Tina Moore - tina.moore@ncdenr.gov

Meeting Frequency: Can meet quarterly, depending on assignments from MFC

CONSERVATION FUND COMMITTEE

Committee comprised of commissioners that makes recommendations to the MFC for administering funds to be used for marine and estuarine resources management, including education about the importance of conservation.

Commissioners: Sam Romano - chair, Tom Hendrickson and Robert McNeill

DMF Staff Lead: Randy Gregory - randy.gregory@ncdenr.gov

Meeting Frequency: Meets as needed

LAW ENFORCEMENT AND CIVIL PENALTY COMMITTEE

Statutorily required committee comprised of commissioners that makes final agency decisions on civil penalty remission requests.

Commissioners: Rob Bizzell - chair, Doug Cross and Tom Hendrickson

DMF Staff Lead: Col. Carter Witten – carter.witten@ncdenr.gov

Meeting Frequency: Meets as needed

COASTAL RECREATIONAL FISHING LICENSE ADVISORY COMMITTEE

Committee consisting of the three recreational seats and the science seat to provide the DMF advice on the projects and grants issued using Coastal Recreational Fishing License trust funds.

Commissioners: Pete Kornegay – chair, Rob Bizzell, Cameron Boltes, and Robert McNeill

DMF Staff Lead: Jamie Botinovich - jamie.botinovich@ncdenr.gov

Meeting Frequency: Meets as needed

NOMINATING COMMITTEE

Committee comprised of commissioners that makes recommendations to the MFC on at-large and obligatory nominees for the Mid- and South Atlantic Fishery Management Councils.

Commissioners: Robert McNeill – chair, Pete Kornegay, Cameron Boltes and Mike Blanton

DMF Staff Lead: Chris Batsavage - chris.batsavage@ncdenr.gov

Meeting Frequency: Typically meets once a year

STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD

Statutorily required three-person board consisting of DEQ, DMF and MFC designees who apply eligibility criteria to determine whether an applicant is eligible for a SCFL.

Commission Designee: Mike Blanton

DMF Staff Lead: Marine Patrol Capt. Garland Yopp – garland.yopp@ncdenr.gov

Meeting Frequency: Meets two to three times a year, could need to meet more often depending on volume of applications

N.C. COMMERCIAL FISHING RESOURCE FUND COMMITTEE

Committee comprised of commissioners that the commission has given authority to make funding decisions on projects to develop and support sustainable commercial fishing in the state.

Commissioners: Doug Cross – chair, Mike Blanton and Sam Romano

DMF Staff Lead: William Brantley – william.brantley@ncdenr.gov

Meeting Frequency: Meets two to three times a year

WRC/MFC JOINT COMMITTEE ON DELINEATION OF FISHING WATERS

Committee formed to help integrate the work of the two commissions as they fulfill their statutory responsibilities to jointly determine the boundaries that define North Carolina's Inland, Coastal and Joint Fishing Waters as the agencies go through a statutorily defined periodic review of existing rules.

MFC Commissioners: Rob Bizzell, Dr. Martin Posey and Pete Kornegay

DMF Staff Lead: Anne Deaton - anne.deaton@ncdenr.gov

Meeting Frequency: Meets as needed

*COMMITTEE
REPORTS*



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MEMORANDUM

TO: Coastal Resources Commission
Environmental Management Commission
Marine Fisheries Commission
Coastal Habitat Protection Plan Steering Committee

FROM: Jimmy Johnson
Albemarle-Pamlico National Estuary Partnership
Anne Deaton
Division of Marine Fisheries

DATE: October 21, 2019

SUBJECT: Coastal Habitat Protection Plan Steering Committee Meeting

The Coastal Habitat Protection Plan Steering Committee met 10:00 a.m. Wednesday, October 15, at the NCSU Center of Marine Science and Technology, 303 College Circle, Morehead City. The following attended:

Advisers: Martin Posey, Bob Emory, Larry Baldwin, David Anderson, Yvonne Bailey

Absent: Pete Kornegay

Commissioners: Mike Blanton, MFC

DEQ Staff: John Nicholson

DMF Staff: Katy West, Dana Gillikin, Anne Deaton, Katy Rawls, Casey Knight, Jacob Boyd,
Jason Peters, Curt Weychert

APNEP Staff: Bill Crowell, Jimmy Johnson, Trish Murphey

DCM staff: Mike Lopazanski, Rebecca Ellin, Daniel Govoni

DWR Staff: Anthony Scarborough, Brian Wrenn

DEMLR Staff: Samir Dumpor

WRC staff: Chad Thomas

Public: Perry Wood Beasley, Larry Baldwin, Chris Elkins



WELCOME AND INTRODUCTIONS

Jimmy Johnson, serving as chair, called the meeting to order. He welcomed everyone and asked for members of the committee to introduce themselves. He also asked that those attending to also introduce themselves. Johnson then gave a history and a brief update on recent meetings with Department of Environmental Quality (DEQ) division directors on Coastal Habitat Protection Plan (CHPP), the upcoming review, review process and priority issues. He noted that at a previous meeting of DEQ directors, Inflow and Infiltration (I&I) issues and coastal septic tanks were mentioned as additional priorities.

DEPARTMENT INPUT ON CHPP IMPLEMENTATION

John Nicholson, DEQ Chief Deputy Secretary, provided additional comments on the recent DEQ director meetings, and that the Department strongly supports implementing habitat protection and restoration recommendations of the CHPP. He noted that the CHPP is a natural fit with Governor's Executive Order 80 (EO80) and follows the DEQ Secretary's vision for the direction, implementation and desired results the department would like regarding EO80. Nicholson discussed recent engagement with the Department of Agriculture and Forestry and that we need to foster that relationship.

CHPP IMPLEMENTATION UPDATE AND 2021 REVISION

Implementation Progress

Anne Deaton presented a brief overview of the CHPP and progress on the implementation of the 2016 CHPP. She discussed the four 2016 CHPP priorities; Oyster Restoration, Metric Development, Living Shorelines, and Sedimentation.

Oyster restoration. Development of oyster sanctuaries has been very successful in the past three years. Legislative support and funding for the sanctuary program as well as matching funding from the NC Coastal Federation has resulted in 40 acres of new oyster reef habitat at Swan Island Sanctuary. Other progress that has been made regarding oyster restoration includes cultch planting, monitoring, siting tools and material acquisition. The group discussed how this work has effected overall oyster populations. Division staff commented that there are most likely some positive impacts on a local level, although it is hard to say how it is impacting the overall population.

Development of habitat metrics. Monitoring standards, drone technology and the use of side scan sonar has been incorporated into monitoring oysters. The Albemarle-Pamlico National Estuary Partnership (APNEP) Submerged Aquatic Vegetation (SAV) Partnership has developed monitoring protocols for low and high salinity SAV and have acquired coast wide imagery of the high salinity SAV this summer. Continuous funding is needed for the long-term monitoring of these habitats. The group also discussed wetland monitoring by Division of Water Resources.

Living Shorelines. This has also been a successful implementation priority of the CHPP. There are now general permits for marsh sills through the Division of Coastal Management, thus shortening the permit process for living shoreline development. Research has been completed that shows that living shorelines outperform bulkheads during large storm events, and provide multiple ecological services, including fish habitat, carbon sequestration, and coastal resilience. There has been engagement of realtors, contractors and homeowners through the coastal training



program on living shorelines and there is now a NC Living Shoreline Steering Committee to further advance this method of shoreline stabilization.

Sedimentation. There is a study on sedimentation that should be concluded next year that will provide important information regarding the source and impact of sedimentation in tidal creeks. Sedimentation continues to be a concern of small tributaries filling up with sediment, especially with the fine sediments, that smother oysters and accumulate toxins from runoff. More efforts are needed to address this issue.

2021 Process and Timeline

Deaton then presented the revised process and a rough timeline for the 2021 CHPP update. This new process will focus on priority issues and actions that will have co-benefits for coastal resiliency. SMART (specific, measurable, attainable relevant, and timely) recommended actions will be incorporated into the priority issues. Issue papers on each priority topic will be developed by holding technical workshops to compile key information, issue papers being drafted by CHPP Team members, and review by DEQ and the CHPP Steering Committee. The implementation plan will be eliminated because specific recommended actions will be in the plan itself.

Priority Habitat Issues

Deaton then presented three proposed priority issues for the upcoming 2021 CHPP. They are:

1. SAV protection and restoration with focus on water quality improvements.
2. Wetland shoreline protection and enhancement using nature based methods.
3. Habitat condition monitoring and environmental rule compliance.

The committee discussed the wetland shoreline protection issue. There was concern of only focusing on the shoreline while broader protection of wetlands is also important. Wetlands are under pressure from sea level rise, wave energy and the changing dynamics of wetland species because of these stressors. The group would like to see the priority expand to wetland protection beyond the shoreline. It was suggested that the word “shoreline” could be removed but that shoreline protection could be incorporated through proposed actions under this priority. Other discussion included that there are already rules and regulations in place now to protect wetlands. However, there are changes occurring to the quality of wetlands that need to be considered. The group also discussed the recommendation of looking into I&I and coastal septic tank issues proposed by DEQ directors. Inflow and infiltration due to leaks and breaks in wastewater pipes and infrastructure has been an ongoing problem, especially in smaller communities, and has led to large quantities of raw sewage entering coastal waters. Upgrading and maintenance of sewer systems are expensive and logistically challenging. Contamination from septic tank systems ties into nutrient and bacteria issues.

PUBLIC COMMENT

Perry Wood Beasley, president of NC Watermen United, discussed issues of farming, water treatment plants, and how impacts from these drain to the coast. Fish will move from fresh water. Chemical treatment of crops like cotton by farmers end up in storm water runoff and can kill blue crabs. He commented on his concerns of outdated wastewater treatment plants, and herbicide spraying of invasive species of aquatic vegetation by the state. He discussed how



oyster dredgers in the Chesapeake Bay are using their dredges without the bags to drag to address sedimentation and as a way to clean up the bottom.

Mike Blanton, MFC member, discussed the need to talk to older fishermen who can provide a timeline of the environmental changes that have occurred in Albemarle Sound. He discussed the amount of acreage (two million) that has been drained for farmland and the 20 square miles of ditches that drain it. The coast is overwhelmed by people. He commented about the current lack of grass in the Albemarle Sound. When he was young, it was thick from one end of the river to the other. It is now a desert. We need to give the “neighborhood” back to the fish and animals. They can be resilient then. We need to reverse the cycle. We need to get the message to the legislators who need to be convinced that we need change. He offered to take members of the committee out to see the sound. Development and non-compliance has had impacts. Mr. Blanton suggested that first we need to restore the habitat then protect and enhance. Spending time on regulating fishermen has wasted time that could have been used looking at regulations for the habitat.

Chris Elkins, NC Coastal Conservation Association, discussed his first introduction to the CHPP plan and has seen over the years that a lot of work has been done on the CHPP but there has been no action. There has not been much done at all to improve habitat. The more habitat, the more fish for everybody. He provided a handout to the committee on oysters. The CCA recommends a phase out of oyster dredging. After Florence, there was no oyster dredging, but he had no problems getting oysters either locally or out of state. 95% of the worlds oysters come from aquaculture and NC is moving in that direction. Oysters role as habitat and water filtration is more important than food. Mr. Elkins also discussed aquaculture and oyster relay and stated the oyster relay is wild harvest, not aquaculture. With the expansion of shellfish leases, including large leases in Pamlico Sound, he is concerned there will be increased demand for relaying; CCA therefore proposes that relay no longer be allowed.

EO80 AND THE CHPP

Jacob Boyd, DMF Habitat Enhancement Section Chief, gave a brief update on EO80, specifically Section 9 in reference to the the climate science assessment and the risk and resiliency plans. Through the Natural Working Lands Steering Committee, six subcommittees were formed to make recommendations on carbon sequestration and resiliency. Coastal Habitats was one of the subcommittees formed. The CHPP recommendations fit well into the set of recommendations from this subcommittee. Many of the Coastal Habitat recommendations originated from CHPP and APNEP plans.

Casey Knight, Habitat Enhancement Biologist added that the NC Climate Science Report will be released in December and inter-agency committees are currently working to identify climate related hazards and assess vulnerability and risk to be included in the NC Climate Risk Assessment. The NC Climate Science Report and the NC Climate Risk Assessment will then incorporate the actions of the subcommittees like Natural Working Land and the agency and regional workshops to create the NC Climate Resiliency Plan. This plan will then be disseminated among local government to facilitate community assistance towards resilience.



ALBEMARLE SOUND ALGAL BLOOM UPDATE

Brian Wrenn, Ecosystems, Branch Supervisor, DWR, and coordinator for the Nutrient Criteria Development Committee, presented information on nutrient criteria development in the Chowan River/Albemarle Sound. He provided a brief history on nutrient criteria development in NC and covered algal blooms in the area including existing conditions and the status of the sound. He explained that nutrient criteria are linked to the protection of designated uses of waters. The Scientific Advisory Council (SAC) was created to advise on development of scientifically defensible nutrient criteria and is composed of experts in water quality and nutrient management. The Criteria Implementation Committee (CIC) was created to comment on social and fiscal impacts of draft nutrient criteria and is composed of economists, stakeholders, and academia. DWR plans to have criteria finalized in two years, with a 2024 deadline to have associated rules in place.

There are several sampling stations in the Chowan River system. Organic nitrogen (TKN) has increased over time. In Potecasi Creek, nutrient patterns shifted around 2002, with nitrate concentrations declining and TKN and total Nitrogen increasing. Phosphorus has remained fairly stable. The cause for that is unknown. He presented data of other waterbodies (Blackwater and Nottaway rivers). In Nottaway River, TKN and total Nitrogen have increased similar to the Potacasi, but to a lesser extent. In Blackwater River, they have seen a decline in Nitrogen and Phosphorus over time, in contrast to what is occurring in Chowan. There were initial thoughts that the increases were from Virginia but this data suggests this is a North Carolina problem, not a Virginia problem.

Wrenn discussed the 2019 algal blooms in Chowan, Perquimans, and Pasquotank rivers as well as the different toxins that are encountered, with microcystin being very serious. Concentrations were highly elevated in some blooms (Arrowhead Beach, Indian Creek, Leary Landing), requiring health advisories. In the last two days they have had six reports of blooms near Elizabeth City. He also commented that they are seeing blooms starting earlier and lasting longer.

The group discussed indicators such as chlorophyll a, but Wrenn stated that there are no waters impaired based on chlorophyll a. This is partly due to how the water is collected throughout the water column, so the blue-green algae on the surface is diluted. The SAC will work on determining these criteria.

PROPOSED JURISDICTIONAL BOUNDARY CHANGES

Deaton gave a presentation about the reclassification of jurisdictional waters. This is an ongoing issue with the NC Wildlife Resource Commission (WRC) due to the periodic rule review process. She provided the definitions of the different fishing waters and background on how this issue originated due to periodic rule review, joint rules, and different determinations regarding rule review. WRC determined the joint rules regarding jurisdiction had substantive public interest, while MFC determined they did not and had already submitted those rules to Raleigh. A committee of MFC and WRC commissioners was formed to discuss how to handle the conflict regarding periodic rule review differences. The committee asked DMF and WRC staff to determine a science based method to evaluate joint fishing water boundaries. Deaton summarized the different ways to define the upper limit of an estuary and delineate boundaries, such as head of tide, salinity zones, biologically based salinity zones, and the physiographic line.



She also described the way the group analyzed the data based on these different methods and from a regional and flow year perspective. Based on Bulger et al. 1993 the WRC suggested modifying boundaries based on 4 ppt salinity contour and then ultimately proposed modifications based on a 2.6 ppt salinity contour (Keup and Bayless 1964), DMF suggested if a change was necessary, boundaries approximating a 0.5 ppt salinity contour would be more consistent with scientific literature, EMC saltwater classifications, and the methodologies previously described, and supported by the NC fish data. After several meetings of the committee, the MFC and WRC commissioners were unable to come to consensus on how to revise boundaries and a recess was called. At the August 29th, 2019 WRC business meeting, without input from the MFC, WRC approved preliminary boundary maps and moving forward with revising jurisdictional boundaries based on 2.6 ppt salinity. Deaton then provided information on the impacts of the proposed 2.6 ppt boundaries, including a loss of 144,784 acres of coastal fishing waters to inland waters, and impacts to commercial fishing, MFC designated Primary Nursery Areas, Anadromous Fish Spawning Areas, as well as Coastal Resources Commission's estuarine Areas of Environmental Concern (AEC) designations. Where jurisdiction of coastal waters change to inland, this estuarine AEC classification would change to Public Trust AEC, decreasing storm water runoff restrictions. It would also impact Division of Coastal Management (CAMA) Coastal Counties and their Land Use Plans. It would also require statutory changes in the Coastal Area Management Act and Dredge and Fill Act. The group also discussed possible impacts to EMC water use classifications.

The committee debated the issues of the boundary changes including questioning if there is a problem with the current boundaries. Chad Thomas, WRC biologist explained that these rules had not been revised since 1965 and that they were interested in using science based criteria to base these boundaries. He stated that they will investigate impacts on fishing and other agency rules that provide habitat and environmental protection. He said that commercial fishing could possibly be allowed, but currently gill netting is not. It was also noted that this would impact the ability to catch blue catfish, an invasive introduced species that is devastating other native species through predation, including river herring. Thomas also stated that WRC has not moved forward with any rule making yet. Committee members continued to question why this was going forward if there are no apparent problems with the with the current boundaries. DMF staff stated that their agency proposed no changes in the boundary lines. Committee members continued to discuss their concerns over the process, concerns of impacts to CRC rules and EMC rules, the loss of 1,600 miles of coastal shorelines and the loss of Gates and Herford counties as coastal counties.

OTHER BUSINESS

The next meeting will be sometime in January. Mr. Johnson will send out a poll to determine the best date. Please send him any agenda items for the January meeting.

/plm

Enclosures

Meeting adjourned.

cc: Tim Baumgartner Braxton Davis Casey Knight Steve Murphey Danny Smith
Bill Crowell Samir Dumpor Mike Lopazanski Trish Murphey
Linda Culpepper Daniel Govoni Ian McMillan John Nicholson



From: James Hargrove [REDACTED]
Sent: Monday, October 14, 2019 10:42 AM
To: Deaton, Anne <anne.deaton@ncdenr.gov>
Cc: Johnson, Jimmy <jimmy.johnson@ncdenr.gov>; [REDACTED]
Subject: [External] RE: CHPP Steering Comm Mtg.

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Anne,

That is unfortunate considering modern technology. If you guys want more feedback from the general public you should really consider getting a call-in line for every meeting. Seems to me like you do not want user feedback otherwise you would find a way to engage the public better. This is a typical agency status quo rather than inability. Please consider making it a priority to get call in numbers for all public meetings.

Since I won't be able to make it in person I would like for my message to be heard again.

The states Relay Program is killing our estuaries. Just a few weeks ago the permanent closure boundaries were pushed farther out of these tidal creeks to the tune of over 150 acres, and this is in a drought year. If nothing is done to curb this degradation, your inaction will kill the majority of oyster farming locations in the southern portion of the state. Instead of spending millions on re-deploying oyster shells, why not keep it in place where it has the best chance to remove pollution?

We are only as good as the quality of our water, without it we have nothing. As an environmental steward, scientist, and oyster farmer, one practice that stands out as detrimental and archaic to NC's water quality initiative and shellfish mariculture industry. This is the practice of **NCDMF's relay-depuration program**. This program was developed to allow low-output, extensive shellfish gardeners to harvest wild shellfish from polluted tidal creeks that are closed due to bacteria (fecal coliforms and other pollutants), then transplant them to their bottom lease. The problem with this method is, by removing the biological filtration and habitat from these creeks pollutants and sediment from runoff are allowed to flood the greater estuaries and bays of our state. With modern technology in breeding, cultivation, and oyster seed availability, there is no need for the harvest of the biological filters that prevent estuaries from receiving high levels of polluted runoff. **It is absolutely counterproductive to keeping the waters of the state safe and clean.** Along with the negatives associated with removing these water scrubbers (oysters), when the shellfish are relayed to the gardener's lease, the lease shuts down for a number of weeks to allow the oysters to release the bacteria/pollutants (depuration). These leases can be adjacent to other open leases and there is a possibility of contaminating those leases and creating a human health hazard.

James Hargrove

From: Deaton, Anne <anne.deaton@ncdenr.gov>
Sent: Friday, October 11, 2019 11:49 AM



To: James Hargrove <[REDACTED]>
Cc: Johnson, Jimmy <jimmy.johnson@ncdenr.gov>
Subject: CHPP Steering Comm Mtg.

Hi James. I'm happy to see you want to be involved. Unfortunately, we won't be able to have a conference line available for this meeting. I can send you the minutes though or if you can make it to Morehead, that would be great.

Anne

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DRAFT



From: Keith Walls [REDACTED]
Sent: Monday, October 14, 2019 11:32 AM
To: James Hargrove [REDACTED]
Cc: Deaton, Anne <anne.deaton@ncdenr.gov>; Johnson, Jimmy <jimmy.johnson@ncdenr.gov>
Subject: [External] Re: CHPP Steering Comm Mtg.

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Good morning,

I agree with James. Having a call in number is an easy fix, and there is no excuse not to have one in 2019.

Furthermore, the relay program makes absolutely no sense to me. The oysters in the tidal creeks are closest to the primary source of pollution and our last line of defense. Removing these filters allows closure lines to steadily progress toward our sounds and our aquaculture businesses. **We should be doing the opposite! We should be putting more oysters in the tidal creeks, not removing them.** We need buffers and filters in place to combat the poor planning and overdevelopment that is occurring at an unprecedented rate in the southern part of our state. Otherwise, **the non-point source pollution will continue to increase and aquaculture in the southern part of the state will be gone.** Nobody can be expected to invest money in a business that depends on water quality without having some support from the state that goes into protecting the growing waters, and that starts with ending archaic nonsense like removing oysters from the tidal creeks where they are needed the most. There is now an ongoing effort to restore Bradley Creek and Hewletts Creek due to the overdevelopment in those areas. **We still have an opportunity to preemptively place more oysters in the tidal creeks north of Ogden to defend against what we know is coming (more development). Otherwise, we will see conditionally open areas become conditionally closed, and eventually prohibited.** As a GIS Analyst and marine scientist, it's clear to me from the closure maps that the closure lines are shifting. Moreover, the state has spent a lot of time and money promoting aquaculture over the last several years, and based on that information, a lot of growers are investing their time and money to get into the industry. **If the state does not wake up and begin putting a plan in place to protect the growing areas, it will all be for nothing!** We have to be forward thinking and meet the challenge of overdevelopment and water quality degradation head on! If we continue with a "business as usual" attitude and do not reevaluate outdated programs like the relay/depuration program, we stay stuck in the past and the shellfishing industry in the southern part of the state will not survive. **There is a lot of talk about making NC the Napa Valley of Oysters, well, if you look at the history of the Napa Valley, the first thing the growers there did was create an Agricultural Preserve (the first of its kind in the U.S.) to protect the growing areas from the urban sprawl of San Francisco. You can read about it at this website <http://napaagpreserve.org/> We need to be thinking the same way! Please consider reevaluating the relay/depuration program and listen to the growers that are asking for your help to protect our fledging Aquaculture industry. We have something special, but we need to protect it!**



Keith Walls

On Mon, Oct 14, 2019 at 10:41 AM James Hargrove <[REDACTED]> wrote:

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We are only as good as the quality of our water, without it we have nothing. As an environmental steward, scientist, and oyster farmer, one practice that stands out as detrimental and archaic to NC's water quality initiative and shellfish mariculture industry. This is the practice of **NCDMF's relay-depuration program**. This program was developed to allow low-output, extensive shellfish gardeners to harvest wild shellfish from polluted tidal creeks that are closed due to bacteria (fecal coliforms and other pollutants), then transplant them to their bottom lease. The problem with this method is, by removing the biological filtration and habitat from these creeks pollutants and sediment from runoff are allowed to flood the greater estuaries and bays of our state. With modern technology in breeding, cultivation, and oyster seed availability, there is no need for the harvest of the biological filters that prevent estuaries from receiving high levels of polluted runoff. **It is absolutely counterproductive to keeping the waters of the state safe and clean.** Along with the negatives associated with removing these water scrubbers (oysters), when the shellfish are relayed to the gardener's lease, the lease shuts down for a number of weeks to



allow the oysters to release the bacteria/pollutants (depuration). These leases can be adjacent to other open leases and there is a possibility of contaminating those leases and creating a human health hazard.

James Hargrove

From: Deaton, Anne <anne.deaton@ncdenr.gov>
Sent: Friday, October 11, 2019 11:49 AM
To: James Hargrove <[REDACTED]>
Cc: Johnson, Jimmy <jimmy.johnson@ncdenr.gov>
Subject: CHPP Steering Comm Mtg.

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Anne

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ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Chris Batsavage, Special Assistant for Councils

SUBJECT: Mid-Atlantic Fishery Management Council Obligatory Seat Nominations for North Carolina

Issue

The N.C. General Statutes require the Marine Fisheries Commission (MFC) to approve nominees for federal fishery management council seats for the governor's consideration, and that the statutes allow the governor to consult with the commission regarding additions to the list of candidates. The governor must nominate no fewer than three individuals for a federal fishery management council seat.

Action Needed

The commission needs to approve nominees for the N.C. Obligatory Seat on the Mid-Atlantic Fishery Management Council.

Findings

The MFC's Nominating Committee met on October 23rd and voted to forward the following individuals for consideration by the full commission. The nominees for the Mid-Atlantic Fishery Management Council obligatory seat are:

- Dewey Hemilright, a commercial fisherman from Kitty Hawk and the current N.C. obligatory member on the Mid-Atlantic Fishery Management Council
- Brent Fulcher, a dealer and vessel owner from New Bern
- Robert Ruhle, a commercial fisherman from Wanchese

For more information, please refer to:

- Draft minutes from the Nominating Committee Meeting
- Nominees' Biographies



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

MEMORANDUM

TO: N.C. Marine Fisheries Commission
MFC Nominating Committee

FROM: Chris Batsavage and Dana Gillikin
Division of Marine Fisheries, DEQ

DATE: Oct. 24, 2019

SUBJECT: Marine Fisheries Commission Nominating Committee Meeting Minutes

The N.C. Marine Fisheries Commission Nominating Committee met on Wednesday, Oct. 23, 2019 at 10 a.m. at the N.C. Division of Marine Fisheries Headquarters Office, 3441 Arendell Street, Morehead City, N.C.

The following were in attendance:

Committee members: Robert McNeill (Chairman, via phone), Pete Kornegay (via phone), Mike Blanton (via phone)

Cameron Boltes was absent.

Staff: Chris Batsavage, Lara Klibansky, Dana Gillikin

Public: Mike Shutak (Carteret County News-Times)

Chairman McNeill called the meeting to order. The agenda was approved without modification.

Motion by Pete Kornegay to approve the minutes from the Oct. 29, 2018 Nominating Committee meeting, seconded by Mike Blanton. Motion passed without dissent.

Public comment

No public comment given at the meeting or received via email.

Review of N.C. General Statutes and federal Magnuson-Stevens Act requirements

Batsavage briefly reviewed the N.C. General Statutes pertaining to the selection of nominees for federal fishery management council seats. He stated that the N.C. Marine Fisheries Commission must approve a slate of candidates for the governor's consideration, and that the statutes allow the governor to consult with the commission regarding additions to the list of candidates. Batsavage also described the federal statutes and regulations pertaining to qualification of candidates and noted that the governor must submit a list of no less than three nominees for an appointment. The commission will review the list of candidates approved by the committee at its business meeting in Beaufort on Nov. 13-15, 2019.

Review and selection of candidates for Mid-Atlantic Fishery Management Council obligatory appointment

Batsavage reviewed the biographies of the candidates for the Mid-Atlantic Fishery Management Council obligatory seat, briefly describing the background and qualifications of each: Dewey Hemilright (incumbent), Brent Fulcher, and Robert Ruhle. Batsavage noted that Mr. Hemilright is completing his second three-year term and is eligible for another three-year term.

After a brief discussion of the candidates, the committee made the following motion:

Motion by Mike Blanton to forward the names of Brent Fulcher, Dewey Hemilright and Robert L. Ruhle to the Marine Fisheries Commission for consideration for the Mid-Atlantic Fishery Management Council obligatory seat. Seconded by Pete Kornegay. Motion passed without dissent.

Meeting adjourned.

DRAFT

Dewey Hemilright

Kitty Hawk, NC

Mr. Hemilright is the owner/operator of the 42-ft. F/V TARBABY with his homeport in Wanchese, NC. He has been commercial fishing for 30 years off the east coast, ranging from New York to Florida and has a wide range of fisheries experience. He has served on advisory panels for Highly Migratory Species (HMS), Dolphin-Wahoo (South Atlantic Fishery Management Council) and as chairman of the N.C. Spiny Dogfish Compliance Advisory Panel. Mr. Hemilright holds permits and fishes for tuna, swordfish, dolphin-wahoo, bluefish, spiny dogfish, smooth dogfish, croakers, blueline tilefish, golden tilefish and large coastal sharks, species which are mainly managed by the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission or the HMS Division of the National Marine Fisheries Service. He is a member of the North Carolina Fisheries Association, The Bluewater Fishermen's Association, and also serves on the Board of Responsible Offshore Develop [RODA] Alliance.

Mr. Hemilright was initially appointed in 2012 to complete the term of Mr. Jule Wheatley, who passed away after being reappointed to the Mid-Atlantic Fishery Management Council in 2011. Mr. Hemilright is currently completing his second full term on the Mid-Atlantic Fishery Management Council and has been involved in the following council committees: Protected Resources, Law Enforcement, Highly Migratory Species, Spiny Dogfish, Demersal and Tilefish. He has also participated in collaborative research and monitoring on a number of species, including both spiny and smooth dogfish, and most recently dusky sharks and blueline tilefish. He also serves as Liaison to both SAFMC and NMFS/HMS division.

When not out at sea, Mr. Hemilright is spreading awareness about the importance of the fishing industry in North Carolina. He has been active in an outreach program for K-12 students across the country for the past seven years through Provider Pals. He has compiled a presentation showcasing an array of photos from his years of fishing, including the unique sights of nature he has been privileged enough to capture. His presentation summarizes a day in the life of a commercial fisherman, and challenges students to think about all the logistics that are involved with operating a fishing vessel for a living. Mr. Hemilright expanded his outreach program by teaming up with the N.C. Coastal Federation, sharing his lesson with over 400 middle school students living on the coast of North Carolina.

Brent Fulcher

New Bern, NC

Mr. Fulcher is a third generation family member with over 30 years in the seafood industry. He is vertically integrated in the seafood industry with harvesting, purchasing, packing, processing and marketing, through his ownership in two seafood processing facilities, B&J Seafood in New Bern and Beaufort Inlet Seafood in Beaufort. Mr. Fulcher's business's support and purchase from over 200 independent fishermen from up and down the East Coast in addition to the ten vessels that he presently owns. Mr. Fulcher's vessels hold state and federal fishing permits for Shrimp, Summer Flounder, Atlantic Sea Scallops, Monkfish, Scup, Black Sea Bass, etc. B&J Seafood and Beaufort Inlet Seafood also pack, process, and market seafood from state and federally permitted vessels and fishermen from all over the United States. Mr. Fulcher is currently Chairman of the North Carolina Fisheries Association, a Board Member on the Southern Shrimp Alliance for the state of North Carolina and presently a NC Marine Fisheries Commission's Finfish Advisory Committee member and has previously been a member of the Protected Species Advisory Committee for the NC Division of Marine Fisheries. Mr. Fulcher also serves on the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Advisory Panel as a North Carolina commercial industry representative.

Robert L. Ruhle

Wanchese, NC

Robert Ruhle owns and operates the F/V DARANA R along with his father James Ruhle, who served 3 consecutive terms as a Mid-Atlantic Fishery Management Council member for NC. His uncle, Phillip Ruhle, also served on the New England Fishery Management Council. His proximity to the council was highly educational to both the process and function of the councils, as well as provided insight to the innerworkings of Fisheries Management.

Robert is a member of Commercial Fisherman of America and the North Carolina Fisheries Association (NCFA).

He has been fishing commercially since 1994 and a Captain since 2001 although his fishing career began in 1983 when he first went to sea with his father aboard the family's 90' trawler. He has held an NC commercial fishing license since 1988.

Over the course of his career he has been active in numerous Mid Atlantic and New England fisheries and has fished from Hatteras to Canada, primarily focusing on *Illex* squid, Longfin squid, Atlantic Mackerel, Sea herring, Atlantic Croaker and Butterfish.

He also participates in the Fluke, Black Sea Bass, and Scup fisheries, landing in both North Carolina and Virginia.

Mr. Ruhle has served multiple terms and currently is an Advisor for the Mid Atlantic Council serving on the Atlantic Mackerel/Squid/Butterfish, Summer Flounder/Scup/Black Sea Bass, River Herring/Shad, Ecosystem, and Sturgeon Advisory Panels. Mr. Ruhle has been very active in his capacity as an advisor and always made himself available to attend meetings as well as work with the council staff on many different issues. Robert is also an Atlantic States Marine Fisheries Commission (ASMFC) advisor for the Northeast Trawl Advisory Panel (NTAP) and a member of the NTAP working group.

Robert has participated all 3 Marine Resources Education Program (MREP) modules, (Management, Science 1 and Science 2) and has had over 20 years of experience in co-operative research. He has worked on projects ranging from Gear selectivity to bycatch reduction with academic partners from, the University of Rhode Island (URI), Cornell University, Scimfish, Rutgers University, NOAA Fisheries and the Virginia Institute of Marine Science (VIMS). He has been a participant in the NOAA Fisheries Study Fleet program since 2008.

Mr. Ruhle has been very active and a primary component in the NEAMAP trawl survey since 2006. Alongside VIMS, the Northeast Area Monitoring and Assessment Program (NEAMAP) is conducted onboard the F/V DARANA R biannually during the spring and fall of each year. During his association with the survey, Mr. Ruhle has gained in depth knowledge of Fisheries/Scientific data collection methods as well as its use in fisheries management practices. Over the course of NEAMAP, Mr. Ruhle has been a party to a multitude of outreach programs associated with the trawl survey.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Jamie Botinovch, CRFL Project Coordinator, Administrative Services Section

SUBJECT: MFC CRFL Advisory Committee Meeting

Issue

The N.C. Marine Fisheries Commission Advisory Committee (MFC AC) met at 9 a.m. on Tuesday, October 1, 2019 to review and provide advice on the applications received in response to the 2019 Coastal Recreational Fishing License (CRFL) Request for Proposals (RFP).

Findings

The MFC AC reviewed and provided advice on 17 RFP applications received that are were under consideration for funding. Of the 17 applications, nine were focused on fisheries, six were focused on habitat, and two were focused on outreach.

The total funds requested for all 17 proposals was \$4,023,017

Action Needed

For informational purposes only, **no action is needed at this time.**

Recommendations

The MFC AC provided the following advice to the DMF Director's office;

- Advised for Funding
 - Four fisheries applications - \$850,134
 - Three habitat applications - \$708,022
 - One outreach application - \$75,000
- Not Advised for Funding
 - Three fisheries applications - \$530,524
 - Three habitat applications - \$1,020,333
 - One outreach application - \$116,121
- Tabled Decision
 - Two fisheries applications - \$722,883

For more information please refer to the **Draft MFC CRFL AC Meeting Minutes.**



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

MEMORANDUM

TO: MFC CRFL AC

FROM: Jamie Botinovch, CRFL Project Coordinator
Division of Marine Fisheries, NCDEQ

DATE: October 1, 2019

SUBJECT: Marine Fisheries Commission Coastal Recreational Fishing License Advisory
Committee (MFC AC) Meeting

The Marine Fisheries Commission Coastal Recreational Fishing License Advisory Committee (MFC AC) met at 9 a.m. on Tuesday, October 1, 2019 at the N.C. Department of Environmental Quality's Division of Marine Fisheries Morehead City Office. The following attended:

MFC AC: Pete Kornegay and Rob Bizzell

Teleconference: Robert McNeill

Absent: Cameron Boltes

DMF Staff: William Brantley, Beth Govoni, Dee Lupton, Jamie Botinovch, Lara Klibansky, and Dana Gillikin

APPROVAL OF AGENDA

Chairman Pete Kornegay called the meeting to order at 8:59am, gave a reminder of the duty to avoid conflicts of interest, and inquired of any known conflicts of interest (N.C.G.S. 138A-15e).

Dana Gillikin called role.

Rob Bizzell made a motion to approve the meeting agenda. Robert McNeill seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

No public present.

COMMITTEE BRIEF ON THE MFC CRFL AC ROLES

William Brantley briefed the team on the MFC AC's role in the Request for Proposal process including the reason for the committee's implementation, their role in providing advice, and other applicable details. Brantley discussed the role of the MFC AC's past advice and how it impacted the current RFP.

RANKING OF GRANTS

a. Fishery Management Grants

i. 2019-F-056, "Evaluating the current productivity and suitability of NC's designated estuarine nursery areas" – Discussion was had regarding how the results of this project could potentially impact within the DMF structure. DMF staff offered they could not speculate until the findings were completed. Discussion was had in general by the MFC AC regarding how to handle voting (umbrella vs individually). The MFC AC decided to vote on issues individually and review each proposal one-by-one. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

ii. 2019-F-057, "Using a novel satellite tagging approach to estimate spawning locations and post-spawning movements of adult southern flounder" – Discussion was had regarding timeliness and necessity for a project of this scope. Rob Bizzell asked about the budget and William Brantley offered that a large portion of the funds would be used for tags. Beth Govoni commented that continued funding years are contingent based on milestones met and data received per outlined contract. Discussion was had regarding where the money in the CRFL Marine Resource Fund was coming from. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

iii. 2019-F-058, "NCDMF / UNCW Fellowship Program Phase 2" – DMF staff noted that it was not reflected on the proposal in the documents received by the MFC AC, but Martin Posey had formally requested to be removed from the proposal. Discussion was had initiated by the MFC AC regarding how many fellowship programs were funded by the CRFL RFP process. DMF staff responded that there were two currently. The MFC AC members offered that they were hesitant to approve or felt neutral on this proposal. Rob Bizzell made the motion to table their advice. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

iv. 2019-F-059, "Identifying spawning areas and offshore migration patterns of sheepshead in NC" – Discussion was had regarding if the proposal end date would need to be adjusted due to the proposal listing a start date that had already elapsed. DMF staff offered that any proposal with a start date already elapsed would be adjusted as appropriate and that many projects often operate under a no cost extension. The NCE option would help to provide buffer if needed for projects that depend on seasonal dependent surveys/findings/collection or similar. Discussion was had regarding the potential future importance of data collected on this species. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

v. 2019-F-060, “Mapping offshore spawning locations of soniferous NC fishes”– Discussion was had regarding the proposed method of mapping offshore locations. Rob Bizzell made a motion to advise this proposal not to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

vi. 2019-F-061, “Validation of wild spawned striped bass year classes in the CSMA using natural tracers”- Discussion was had by the MFC AC regarding the relevance of this proposal regarding backing up existing genetic information. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

vii. 2019-F-062, “Quantifying recreational harvest and improving stock assessment for NC blue crab with a tagging study” – The MFC AC questioned what portion of recreational harvest reported was blue crab. DMF staff offered that it made up a very small portion of the total catch. Robert McNeill asked for clarification on how DMF quantified its recreational blue crab survey. Rob Bizzell made a motion to advise this proposal not to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

viii. 2019-F-063, “Quantifying nursery area habitat and evaluating performance of a statewide estuarine trawl survey in NC for recreationally significant species using spatiotemporal models” – Discussion was had regarding issues with the fixed station sampling. Rob Bizzell made a motion to advise this proposal not to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

ix. 2019-F-064, “Identification of the spawning grounds of offshore migration corridor used by the NC stock of southern flounder” – Discussion was had regarding the MFC AC’s desire to cite what overlap there was in this proposal and proposal 2019-F-057. DMF staff noted that PI’s from both proposals were acquainted and aware of each other’s work. Rob Bizzell made a motion to advise this proposal to be tabled, pending potential modifications recommended by the CJRT. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

b. Habitat and Enhancement Grants

i. 2019-H-073, “Identifying sources of potential conflict to enhance siting of shellfish cultivation operations to reduce regulatory burden” – Discussion was had regarding the recreational impacts of oyster cultch sites on landowners. General discussion had on the relevance of oyster cultch sites as important or not to recreational fishing. The MFC AC offered that they thought this study should be funded outside of the CRFL funds. Rob Bizzell made a motion to advise this proposal not to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

ii. 2019-H-074, “Drone based rapid mapping methodology for SAV sentinel sites” – Discussion was had regarding the importance of SAV’s. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

iii. 2019-H-075, “Maximizing ecological benefits of artificial reef enhancements by harnessing advanced technologies to quantify fish community patterns and develop a decision support tool” – Discussion was had regarding the cost and potential outcome for this proposal. DMF staff offered that the PI had been in contact with DMF Artificial Reef Coordinator. Rob Bizzell made a motion to advise this proposal not to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

iv. 2019-H-076, “Public use of offshore artificial reefs: a pilot study using hydrophones, on water observations, and vessel tracking data” – Discussion was had regarding review of this proposal. Robert McNeill made a motion to advise this proposal not to be recommended for funding. Rob Bizzell seconded. The MFC AC unanimously supported and the motion carried.

v. 2019-H-077, “Evaluating the persistence of oyster cultch reefs: recommendations for restoration and management” – Discussion was had regarding the finfish sampling portion of this proposal. Mention was made that the PI would need to work very closely with the DMF staff for this proposal. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

vi. 2019-H-078, “Evaluating and optimizing restoration targets and multi-substrate monitoring methods for North Carolina's Oyster Sanctuary Program” – Discussion was had regarding the connection to oyster sanctuaries and recreational fishing. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

c. People Grants

i. 2019-P-066, “A monthly radio news feature focusing on local science & management efforts to protect coastal and marine resources” – Discussion was had about the frequency of broadcast and the limited audience due to the station being a regional broadcast and not statewide. Robert McNeill made a motion to advise this proposal not to be recommended for funding. Rob Bizzell seconded. The MFC AC unanimously supported and the motion carried.

ii. 2019-P-067, “Take A Kid Fishing Event” – General discussion had regarding the previous funding of Take a Kid Fishing proposals. Rob Bizzell made a motion to advise this proposal to be recommended for funding. Robert McNeill seconded. The MFC AC unanimously supported and the motion carried.

ADDITIONAL BUSSINES

None.

Robert McNeill made a motion to adjourn the meeting at 10:11am, Rob Bizzell seconded. The MFC AC unanimously supported and the motion to adjourn carried.

JLB



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

October 17, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Northern Regional Advisory Committee

FROM: Katy West, Northern District Manager
Michael S. Loeffler, Conservation Biologist II
Division of Marine Fisheries, NCDEQ

SUBJECT: Northern Regional Advisory Committee Meeting and Recommendations for
Blue Crab Fishery Management Plan Amendment 3

SUBJECT: Northern Regional Advisory Committee Meeting and Recommendations for Blue
Crab Fishery Management Plan Amendment 3

The Northern Regional Advisory Committee met on Thursday, September 12, 2019 at 6 p.m. at the NCDEQ Washington Regional Office located at 943 Washington Square Mall in Washington, NC. The following attended:

Advisors: Keith Bruno, Raymond Pugh, Roger Rulifson, Sara Winslow

Absent: Everett Blake, Joseph Kavanagh, Floyd Layden, Sam Liverman, James Neely, Jim Rice, Kenneth Shivar

Staff: Michael Loeffler, Jason Rock, Corrin Flora, Dana Gillikin, Charlton Godwin, Donnie Twyne, Brian Long, Kathy Rawls, Kimberly Harding

MFC: Michael Blanton

Public: Victor White, Perry Beasley, Charles Beasley, Tommy Beasley

Sara Winslow, serving as chair, called the meeting to order. Sara Winslow informed the committee that since there is not a quorum they will not be able to vote on agenda items, only approve by consensus.

APPROVAL OF THE AGENDA

Roger Rulifson recommended approval of the agenda by consensus. All in agreement. Approval of agenda by consensus.

APPROVAL OF MINUTES

Keith Bruno recommended approval of the minutes from July 12, 2018 and June 3, 2019 by consensus. All in agreement. Approval of minutes by consensus.

DRAFT BLUE CRAB FISHERY MANAGEMENT PLAN – AMENDMENT 3

Jason Rock provided a presentation on draft Amendment 3 to the Blue Crab Fishery Management Plan. The presentation covered six issues covering a wide range of topics related to the blue crab fishery. Several issue papers are included in Amendment 3 such as achieving sustainable harvest in the North Carolina blue crab fishery, management measures beyond quantifiable harvest reductions, addressed water quality concerns impacting the North Carolina blue crab stock, expand crab spawning sanctuaries to improve spawning stock biomass, establish a framework to implement the use of terrapin excluder devices in crab pots and bottom disturbing gear in the blue crab fishery.

The committee began discussion on water quality. Water quality has been an issue for many years and has come up with other species management as well. There is nothing being done about water quality, so the fishermen keep getting more regulations put on them. Discussion shifted to how many cull rings we currently have now and biodegradable panels. Concerns were expressed if turtle excluders would be statewide or just in hot spots. Discussion also occurred the crab sanctuaries. If the crab sanctuaries are not working, do not feel the need to add more. There are just as many mature females outside of the sanctuary as inside. Questions were raised about if female sponge crabs pot, do they lose their clutch.

Additional discussion focused on effects of recruitment from the Chesapeake Bay stock and how hurricanes and other storms can influence recruitment in NC, both positively and negatively. Cull ring size was discussed and how the stock has been affected by this regulation. Concern was expressed that because of the size of crabs that cull rings exclude, are we allowing the smaller crabs to survive and pass along their genetics selecting for smaller crabs in the population. Lastly, discussion focused on cull tolerance. Industry felt 5% cull tolerance is already hard but going to 0% cull tolerance is crazy. Another concern raised was that once marine patrol inspects a box of crabs for undersized crabs the crabs die and cannot be sold.

PUBLIC COMMENT

Charlie Beasley, owner of Outer Banks Seafood in Dare County, does not want unnecessary regulations. The crabbers will regulate themselves. The market cannot sustain too many crabs, so the market will regulate. He stated they need pots in early March. In April and May you do not see many crabs because of going into shedding season. He stated they do not catch females in July. He also stated they caught so many crabs in August, they had to have lay days.

Tommy Beasley, Billy's Seafood in Dare County, expressed that people do not buy dredge crabs and he has only caught 6 bus crabs in 40 years in the proposed spawning sanctuaries. He stated we have more small crabs now more than ever.

Perry Wood Beasley, commercial fisherman from Dare County, expressed concerns about water quality. He stated that Chesapeake Bay does not have cull rings in their pots, they know that water quality is the issue. He also expressed concerns about the fishermen reducing, there are not as many as there use to be. He stated we need to recruit fishermen not crabs.

CONSENSUS STATEMENTS TO THE MARINE FISHERIES COMMISSION ON DRAFT BLUE CRAB FMP AMENDMENT 3

The committee was again informed that since there is not a quorum, they will not be able to vote, only approve by consensus.

Sustainable Harvest

- Consensus to support the Blue Crab FMP AC's recommendation option 18.3 18.3 will replace the current pot cleanup period and maintain the 5% tolerance as stated in the 2016 Revision. Included in the consensus was support for the proposed adaptive management framework.

Qualitative Management

- Consensus to support the Blue Crab FMP AC's recommendation.

Water Quality

- Consensus to support the Blue Crab FMP AC's recommendation.

Spawning Sanctuaries

- Split consensus on whether to expand or keep existing sanctuaries.
- Consensus to support the NCDMF's move of Drum Inlet boundaries.
- Consensus to support Blue Crab FMP AC's recommendation for the southern sanctuaries.
- Consensus to support the NCDMF's recommendation of the Cape Fear River boundaries.
- Consensus to support the Blue Crab FMP AC's recommendation for March 1 through October 31 closure for Beaufort through Tubbs inlet sanctuaries.
- Consensus against the migration corridor of Croatan Sound.
- The committee also recommends using same language of Highway 58 bridge.
- Recommend March 1 through October 31 closure for all inlets south of the Highway 58 Bridge, Bogue Inlet and Tubbs Inlet sanctuaries.

Diamondback Terrapin Protections

- Consensus to support the NCDMF recommendation.

Bottom Disturbing Gear

- Consensus to support NCDMF recommendation 1a: prohibit taking of crabs with crab dredges.

- Consensus against the bycatch limit 1d, as NCDMF recommends, until we can look at trip ticket data to determine the amount of landings and extent of landings from oyster dredges for blue crabs.
- Spilt consensus on the NC DMF's recommendation 2a, prohibiting the use of crab trawls in areas where shrimp trawls are already prohibited in the Pamlico, Pungo, and Neuse rivers.

MARINE FISHERIES COMMISSION UPDATE

Mike Loeffler provided updates from the August 2019 MFC meeting. The MFC adopted the Fishery Management Plan for Southern Flounder Amendment 2 and gave the director flexibility with the seasons. The Southern Flounder AC is continuing to meet to begin discussions on Amendment 3. They will be looking at several management tools to augment the sustainable harvest of southern flounder. Loeffler updated the committee on the FMP schedules for striped bass and spotted seatrout. NC DMF is working on revising the FMP process. The Division is changing the development process to gain a more efficient and overall better process with focus on ways to obtain information and input from stakeholders. The Marine Fisheries Commission denied the shrimp petition received from the Wildlife Federation. He updated the group on the cobia amendment through the Atlantic States Marine Fisheries Commission. The Amendment was approved, it establishes management measures for cobia from New York to Florida. The Marine Fisheries Commission also set a cap of 500 Standard Commercial Fishing Licenses for the eligibility pool.

The meeting adjourned at 9:21 p.m.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 15, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Tina Moore, Southern District Manager
Chris Stewart, Biologist Supervisor
Fisheries Management Section

SUBJECT: Southern Regional Advisory Committee Meeting and Recommendations for Blue Crab Fishery Management Plan Amendment 3

The Southern Regional Advisory Committee met at 6 p.m. on Tues. September 24, 2019 at the Central District Office, 5285 Highway 70 West, Morehead City. The following attended:

Advisors: Dr. Fred Scharf, Jerry James, Jason Fowler, Pam Morris, Adam Tyler

Absent: Charles Griffin, Chris Hunt, Ruth King, Scott Bebb, Ron McCoy, Tom Smith

Staff: Chris Stewart, Tina Moore, Jason Rock, Corrin Flora, Debbie Manley, Dana Gillikin, Garland Yopp, Ashley Bishop

Public: David Brown, Ken Seigler, Scott Baker, Jonathan Robinson, Gary Cannon, Brandon

Dr. Fred Scharf called the meeting to order and noted that there were not enough members present to have a quorum; thus the committee would try to reach a consensus for the issues discussed. He then asked the new and old committee member to introduce themselves.

APPROVAL OF THE AGENDA

Adam Tyler moved to approve the agenda; Pam Morris seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

Pam Morris moved to approve the July 11, 2018 minutes to provide recommendations to the Marine Fisheries Commission on the adaptive management framework of the Striped Mullet Fishery; Adam Tyler seconded the motion. The motion passed unanimously.

Jerry James moved to approve the June 3, 2019 minutes to provide recommendations to the Marine Fisheries Commission on the percent reduction in harvest needed for Southern Flounder Fishery Management Plan at a joint advisory meeting held in Beaufort; Jason Fowler seconded the motion. The motion passed unanimously.

DRAFT AMENDMENT 3 BLUE CRAB FISHERY MANAGEMENT PLAN

Division staff (Jason Rock) provided a presentation of the draft Amendment 3 Blue Crab Fishery Management Plan. He provided the timeline of how we came to development of the stock assessment and issue papers. A wide range of topics were addressed in the issue papers including: achieve sustainable harvest, management options beyond quantifiable harvest reductions, water quality concerns, expanding crab spawning sanctuaries, establishing a framework to implement the use of terrapin excluder devices in crab pots, and measures to address bottom disturbing gear in the blue crab fishery. He next reviewed the results of the stock assessment. Rock provided a detailed overview of the proposed adaptive management measures needed to achieve sustainable harvest and the Blue Crab Advisory Committee (AC) and North Carolina Division of Marine Fisheries (NCDMF) recommendations for achieving sustainable harvest.

A committee member asked if the immature female harvest management measure was for only the hard crab fishery. Staff indicated it only applied to the hard crab fishery and not the peeler fishery. The committee member also asked why the division was considering a change to the cull tolerance since it appeared to be a Marine Patrol issue. Staff noted that small crabs were being culled into containers at fish houses with more than the 5% undersize allowance. Staff further noted the intent of the culling tolerance was to give fishermen some leeway while culling their catch on the water, not at the fish house and holding culled crabs from multiple trips.

Rock next provided an overview of the management measures beyond quantifiable harvest to improve the NC blue crab stock. Noting that these measures do not have a quantifiable harvest reduction and do not count toward sustainable harvest calculations. However, these measures are thought to have a positive impact on recruitment and other populations metrics and to aid in long term sustainability of the fishery. Impacts from these measures will be seen as part of the population response through the updated stock assessment. Rock further noted that many of the beyond quantifiable management measures that were put in place in the last revision will need to be voted on if they are to be continued through Amendment 3 or they will expire when the amendment is adopted. These measures that will expire include: a 5% cull tolerance, the use of three cull rings with, one cull ring in the modified position, prohibit harvest of crabs with a crab dredge, eliminate the harvest of v-apron immature female hard crabs (excluding peeler crabs), and the prohibition of dark sponge crab harvest from April 1-April 30. Rock reviewed the Blue Crab AC and NCDMF recommendations for management options beyond quantifiable harvest.

Staff provided an overview of measures to improve water quality by addressing pollution sources, especially those associated with agricultural runoff. Rock noted that while the NCMFC does not have regulatory authority over land use and other practices, the NCMFC could contact and bring other state and federal agencies to the table. Rock next reviewed the Blue Crab AC and NCDMF recommendations for addressing water quality concerns. Staff then reviewed the issue paper that looked at expanding existing Crab Spawning Sanctuaries and designation of new

sanctuaries to protect mature females prior to spawning as well as the Blue Crab AC and NCDMF recommendations. Rock noted that there were slight differences in the recommended lines suggested by the division and the Blue Crab AC for the boundaries in the lower Cape Fear River

Rock went over the proposed criteria to designate diamondback terrapin management areas where terrapin excluder devices would be required in crab pots as well as the Blue Crab AC and NCDMF recommendations. Existing proclamation authority requires establishment of criteria prior to designation of diamondback terrapin management areas. A committee member asked to see the maps where the devices would be required. Rock indicated the maps could be found in Appendix 3, further noting that most of the areas were in the southern part of the state, particularly around Masonboro Island. Rock indicated that these areas met the criteria established in the issue paper, further noting there has been research to support use of excluders to diamondback terrapins in these areas. Rock went over the criteria used to select these areas as well as the different designs of the excluders. If approved, these devices would be required March 1 – October 31 in areas that meet the criteria. Rock noted that a targeted approach improves localized protection of diamondback terrapins and minimizes impacts to the crab fishery, uses best available scientific data and allows for new data to be incorporated in the future, minimizes inclusion of areas too deep or far from shore, and may improve fishery rating from outside certification groups.

Staff next presented the issue paper that examined bottom disturbing gear in the blue crab fishery. Rock noted that targeted crab dredging is only allowed in a designated area in northern Pamlico Sound during from January 1 - March 1; however, this fishery was closed as part of the 2016 Revision. Crab harvest is allowed in the oyster dredge fishery but it is limited to 50% of the combined weight of the oyster and crab catch or 500 pounds, whichever is less. Overall, the dredge fishery accounts for less than 0.1% of commercial landings on average. Rock then reviewed the maps of areas where crab trawls are allowed in the Pamlico, Pungo, and Neuse rivers. Overall, landings of blue crabs from crab trawls in the Pamlico, Pungo, and Neuse rivers has declined since 1995 and have been minimal since 2007, accounting for about 0.1% of total crab harvest on average in the past five years. Rock again noted that management measures put in place in the last revision that prohibit the harvest of crabs with a crab dredge and eliminate the harvest of v-apron immature female hard crabs (excluding peeler crabs) will expire when the Amendment 3 is adopted unless voted on tonight.

Rock concluded the presentation with next steps in the process, indicating that after getting public and standing and regional AC input on the draft amendment the NCMFC will select its preferred management options at their November 2019 business meeting. After the November meeting, the draft plan will undergo departmental and legislative review. Then in February 2020, the draft plan will come back to the commission for final approval.

Dr. Scharf opened the floor to the committee member for question for division staff. A committee member asked for further clarification on the wording used in management measure eight, where it states “Peeler/Soft Crab Minimum Size Limit”. Based on his experience you can’t have both a 3-inch soft and peeler crab. The committee member further noted, that the crab will never be the same size after it initially sheds, indicating that a 3 inch crab will be 2 ¼ inches after it sheds. Rock indicated that the minimum size limit would be at the point of harvest

only. The committee member suggested that it should be clarified not to confuse the public. Staff indicated that they would make the changes to the wording.

Another committee member indicated that they had some concerns with the stock assessment, and wanted to be clear that landings are not overly influencing the model. Landings dropped off in 2004 due to fuel prices and Hurricane Isabel; noting that many fishermen got out of the fishery, likely resulting in the drop. Rock indicated that the landings do not influence the model, noting that the division survey data is used to determine the health of the population. The landings are used to inform the model of the removals. The committee member noted that there are less and less fishermen and still doesn't understand how population is at its current state. The committee member also noted that they wanted to see more information as it pertains to impacts from storms. Staff indicated that there were several parts of the FMP that addressed these concerns. The committee member further noted that over 50 new inlets opened up following Hurricane Florence; thus, minimizing the need for expanding crab spawning areas. The committee member however applauded the division for taking on issues related to water quality, specifically on the use of pesticides.

A committee member also commented on the March closure, noting that it will destroy the soft and hard crab fishery in Carteret County. They suggested that the division split it much like what is done in the gillnet fishery. The committee member indicated that in March they get \$125 a bushel for jimmy crabs and they stock pile jimmies at the end of the month for their peeler pots. The committee member indicated that they preferred the Blue Crab AC's recommendation of splitting the season north and south of the Highway 58 Bridge. Another committee member next asked if anyone has looked into the effects of Gen X in the Cape Fear River as it pertains to blue crabs. Dr. Scharf indicated that some research is currently been done at the university, but the results are not in yet. He further noted that it appears to be more of an accumulation problem versus acute.

Dr. Scharf asked division staff for more clarification on why the difference in minimum sizes. Rock indicated that the Blue Crab AC had a lot of discussion about size limits. Originally the division only had a maximum size limit, however the AC asked staff about a minimum size limit. They indicated that there would be different impacts for different parts of the state, noting that fishermen in the northern part of the state were willing to give up 6 $\frac{3}{4}$ -inch crab to help get to the sustainable harvest number. Right now there is no size limit for mature females. Staff also noted that the division wanted to align our size limits with other states, to help with interstate sales. Discussion then focused on the number of cull rings. A member of the audience suggested that it would be better to put two in the corners (correct location) of new pots versus requiring three in new pots. It was also noted that there was not a need for cull rings in the Newport River due to the crab pot limit, thus it was exempted in the past. Next the committee discussed the prohibition of sponge crabs. Two committee member raised concern that the prohibition of sponge crabs would cut out fishermen on the east side of Core Sound as well as parts of the Outer Banks, further noting that there needs to be different management measures for different regions of the state.

PUBLIC COMMENT

Ken Seigler – strictly opposed to the splitting of the seasons south of the Highway 58 Bridge. Only two or three people will benefit from this. This is going to be a big enforcement issue. It makes more sense to decrease the number of cull rings to two per pot not three, it's really the placement is that's important. Mr. Seigler indicated that he also had a problem with the terrapin excluders, the excluders tested show a 60% reduction in crabs, all the jimmy's, all the stone crabs, whelk etc. He is really concerned with the flounder closure and how that going to push new people to the blue crab fishery; noting that there are going to be even more pots in the water. Further noting that all the effort put in place to get the needed reductions will be whipped away with all these new pots. He would like to see a 100 pot limit from Highway 58 to the Swansboro Bridge (including Queens Creek, Bear Creek, etc.). In regards to the 5% culling tolerance, he agreed that the "hickory sooks" are more valuable in the water than in the fish house.

Gary Cannon – Lets make it law that you have to cull your crabs on the water. Five percent is basically nothing, sometimes it could be as low as three crabs. I have an issue with the mandated use of terrapin excluders, particularly the time of year they were tested. Noting that he has never caught a terrapin and that no one has contacted him about the current testing. He noted that 20 years ago someone asked to work on a study to test excluders but he said no; we knew this was coming. We keep putting holes in the pots as it is and it's going to cost us more per pot if we have to put excluders in. The guys up north are setting 2,000 plus pots, they are the problem not us. The simple solution to save the females is to close Core Sound from July to November; no one is going to complain. Why do you want to save the 6 ¾ -inch crabs, don't they die within a short period of time? Rock noted that measure was meant to help the spawning capacity. Overall, I think more research needs to be done on turtle excluders before we are made to use them. Rock iterated that their use would be limited to certain areas that met the criteria established in the working paper and it would only be done in certain areas with documented issues with terrapin bycatch, this is not for the whole state.

Additional Discussion from the Southern Advisory Committee

A committee member asked why the division did not look into regional pot limits, noting that we need to reduce the amount of gear in the water. Less gear equals less catch. Things are only going to get worse as Mr. Seigler mentioned. Rock noted that the division did discuss this and other plans looked into this as well. However, it was not adopted the first time and it had no traction with the Blue Crab AC. One committee member noted that when it was first attempted it was right after a big jump in license fees. The committee member further noted that real crabbers would set 400 pots in multiple areas and rotate pots, thus they didn't want the limits. The committee member went on to say that they didn't think there is going to be that big of an expansion now, and a pot limit was not needed.

Dr. Scharf next recommended that the AC make a recommendation for each issue, using consensus statements since not enough committee members were present to have a quorum.

CONSENSUS STATEMENTS TO THE MARINE FISHERIES COMMISSION ON DRAFT BLUE CRAB FMP AMENDMENT 3

The Southern Regional AC provided these statements with consensus among members for each issue.

Achieving Sustainable Harvest

- Prefer a December to January closure North of the Highway 58 Bridge and a January closure south of the Highway 58 Bridge.
- Maintain a 5-inch mature female minimum size limit.
- Maintain the 5% cull tolerance that is in place.
- Prohibit the harvest of immature hard crab females.
- Prefer the MFC make the final decision on the adaptive management framework.

Qualitative management

- Allow 2 cull rings or 3 cull rings in a pot, with one cull ring the proper corner placement.
- Remove the cull ring exemptions for Newport River and eastern Pamlico Sound and prohibit designation of exempt areas in future.
- Maintain the prohibition dark sponge crab harvest from April 1 - April 30.

Water quality

- Support all management options within the issue paper, with a high priority given to task the Coastal Habitat Protection Plan steering committee to prioritize blue crab water quality impacts, such as: hypoxia and toxins, while researching specific sources of water quality degradation and their effects on blue crabs.
- Request NCDMF habitat staff report back to the Shellfish/Crustacean AC with progress.

Expanding Crab Spawning Sanctuaries

The Southern AC recommends to support the Blue Crab AC recommendation, which include:

- Keep Oregon, Hatteras, and Ocracoke inlets the same and change Drum and Barden inlets to proposed boundaries.
- Add spawning sanctuaries from Beaufort through Tubbs inlets using the Blue Crab AC recommended boundaries with a closure period of March 1 through Oct. 31 with same restrictions as existing sanctuaries.

Establishing a Framework to Implement the Use of Diamondback Terrapin Excluder Devices

- The Southern AC supports both the Blue Crab AC and NCDMF recommendations, which include:
- Use the criteria as outlined for the establishment of Diamondback Terrapin Management Areas.
- Use science on locally specific pot funnel design to reduce terrapins and identify individual creeks with terrapin population hot spots that would be closed to potting

Bottom Disturbing Gear

- Allow crab dredging to continue and leave the crab trawl lines as is.

MARINE FISHERIES COMMISSION UPDATE

Division staff (Tina Moore) provided updates from the August 2019 MFC meeting in Raleigh. The MFC adopted the Southern Flounder FMP Amendment 2 as proposed by NCDMF at this meeting. Moore noted that the recreational and commercial flounder seasons closed September 4th and opened on the September 15th in the waters north of Pamlico Sound to commercial harvest. The Pamlico Sound and all other internal coastal waters will open on October 1. She noted the southern flounder AC has continued to meet and their next meeting is October 9th. Management tools that will be explored include: quota, changes in size limits, gear changes related to size limit changes, species-specific management, and possible for-hire industry allocations.

Next Moore reviewed the status of several other on-going FMPs. Noting that the Estuarine Striped Bass held a workshop on September 10th and the PDT will meet again in early October drafting the stock assessment for the ASMA and CSMA populations. A peer review workshop will occur in December. The Spotted Seatrout FMP is also currently under review and the data workshop is scheduled on September 26th. She further noted that the MFC during their August meeting requested more information on a proactive approach for management strategies to address potential increased pressure on spotted seatrout due to southern flounder reductions and other issues.

Next Moore gave a brief summary on some upcoming changes to the development of FMPs, to gain a more efficient and overall better process with focus on ways to obtain informed input from stakeholders. The division is looking to public scoping meeting at the beginning of the process to: give notice to the public that the review of the FMP is underway, inform the public of the stock status (if applicable), solicit input on issues from the public; and recruit potential adviser to serve on the AC among other things. The PDT will complete the draft FMP prior to giving it to the AC versus developing it issue by issue. This should shorten the period of time the PDT and AC work together. Moore noted that the role of the regional AC will not change. The FMP AC will meet with the full PDT in a workshop format and will meet more frequently and for longer sessions. The workshops will also be more informal and will not use motions, votes, or other components of meeting used in the past. The goal is to get a uniform position on the various issues of the FMP to present to the MFC. There will no longer be separate NCDMF and FMP AC recommendation.

Moore next updated the AC on the recent cobia fishery closing on September 4, 2019. Spanish mackerel closed on August 24 due the Northern region commercial annual catch limit being met. She further noted that the fishery will re-open on the 27th with a 500-pound trip limit and will close if the total coastwide annual catch limit is met or on November 15, whichever occurs first.

Moore provided an update on the N.C Wildlife Federation petition for rulemaking. The commission voted to deny the petition, noting that if implemented would impact the state's shrimp trawl fishery. The MFC did however direct the division to consider elements of the petition in the upcoming N.C. Shrimp FMP. Moore noted that this FMP will be one of the first plans to follow the new format. The first Shrimp PDT meeting is scheduled for October 4th. Moore reminded the AC of the new management measures that went into place on July 1, 2019

that require the use of gear configurations that were tested by the industry workgroup that were shown to reduce bycatch by 40% or greater.

The MFC Eligibility Pool cap of 500 Standard Commercial Fishing Licenses (SCFL) for the 2019-2020 license year were also set at the August MFC meeting. Applications were reviewed for the 2019-2020 year on September 24th. Pam Morris gave the AC some additional information on the application process, noting that they received 32 applications; all but six were approved. Next Moore gave the AC an update on the notice of text for rulemaking and fiscal analysis to readopting existing rules under a state-mandated periodic review. One of these rules under review was 15A NCAC 03O .0108 that deals with transfer of commercial fishing licenses. Morris also gave the AC a brief history on the sale and transfer of SCFLs. Another rule under review, 15A NCAC 03M .0509 makes tarpon a no spear, no gaff and no possession fish. Moore noted that the public comment period is scheduled tentatively for October 15 through December 2nd, 2019. A new release will be issued providing more details on the open public comment period and one meeting open to the public to provide their input in-person.

PLAN AGENDA ITEMS FOR NEXT MEETING

The next meeting will be upon request of the Marine Fisheries Commission, and is tentatively scheduled some time in early 2020 at the Wilmington Regional Office.

Pam Morris moved to adjourn; Jerry James seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:35 p.m.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 15, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Anne Deaton, Habitat Program Manager
Tina Moore, Southern District Manager
Habitat and Enhancement Section, Fisheries Management Section

SUBJECT: Shellfish/Crustacean Advisory Committee Meeting and Recommendations for Blue Crab Fishery Management Plan Amendment 3

The Shellfish/Crustacean Advisory Committee Meeting met at 6 p.m. Tuesday, October 1, 2019 at the Department of Environmental Quality Regional Office, 127 Cardinal Drive Extension, Wilmington, N.C. The following attended:

Advisors: Sam Romano, Ted Wilgis, Martin Posey, Tony Tripp, Bruce Morris, Adam Tyler, Jim Hardin, Tim Willis, Brian Shepard

Absent: Mike Marshall, James Kornegay

Staff: Anne Deaton, Kathy Rawls, Tina Moore, Jason Rock, Corrin Flora, Joe Facendola, Jason Parker (MP officer), Dana Gillikin

Public: Glenn Skinner, Kenny Rustick, Kenneth Seigler, Joe Romano, Jonathan Oracion, William Walter, Nolan Vinay, Taylor Barefoot, Ms. Willis

Sam Romano, serving as chair, called the meeting to order at 6:00 p.m. and reminded the advisors that it is their duty to avoid conflicts of interest under Chapter 138 and requested if there were any conflict of interest to any matters coming forward at this meeting. No one came forward with any conflict of interest.

MODIFICATIONS TO THE AGENDA

Martin Posey made a motion to accept the agenda. Bruce Morris seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES

Ted Wilgis made a motion to approve the minutes. Adam Tyler seconded the motion. The motion passed without dissent.

REVIEW OF BLUE CRAB FISHERY MANAGEMENT PLAN – AMENDMENT 3

Jason Rock provided a presentation of the draft Amendment 3 Blue Crab Fishery Management Plan. He provided the timeline of the stock assessment and issue paper development. Issues paper topics included: achieve sustainable harvest, management options beyond quantifiable harvest reductions, water quality concerns, expanding crab spawning sanctuaries, establishing a framework to implement the use of terrapin excluder devices in crab pots, and measures to address bottom disturbing gear in the blue crab fishery.

Rock then provided an overview of the quantitative management measures to improve the NC blue crab stock. Noting that these measures do not have a quantifiable harvest reduction and do not count toward sustainable harvest calculations. However, these reductions are thought to have a positive impact on recruitment and other populations metrics and are thought to aid in long term sustainability of the fishery. Impacts from these measures will be seen as part of the population response through the updated stock assessment. Rock further noted that many of the non-quantifiable management measures that were put in place in the revision to Amendment 2 will need to be voted on if they are to be re-established in Amendment 3 or they will expire when the amendment is adopted. These measures include: a 5% cull tolerance, the use of three cull rings with one cull ring in the modified position, prohibit harvest of crabs with a crab dredge, eliminate the harvest of v-apron immature female hard crabs (excluding peeler crabs and the prohibition of dark sponge crab harvest from April 1-April 30. Rock next reviewed the Blue Crab AC and NCDMF recommendations for management options beyond quantifiable harvest.

Staff provide an overview of measures to improve water quality by addressing pollution sources, especially those associated agricultural runoff. Rock noted that while the NCMFC does not have regulatory authority over land use and other practices, the NCMFC could contact and bring other state and federal agencies to the table. Rock next review the Blue Crab AC and NCDMF recommendations for addressing water quality concerns. Staff then reviewed the issue paper that looked at expanding existing Crab Spawning Sanctuaries and designation of new sanctuaries to protect mature females prior to spawning as well as the Blue Crab AC and NCDMF recommendations. Rock noted that the were slight differences in the recommended lines suggested by the division and the Blue Crab AC for the boundaries in the lower Cape Fear River

Rock next reviewed the use of terrapin excluder devices in crab pots as well as the Blue Crab AC and NCDMF recommendations. Existing proclamation authority could be used to require the use of excluders in these areas. Once the NCMFC approves the criteria, the overall result would be to establish diamond back terrapin management areas. A committee member asked to see the maps where the devices would be required. Rock indicated the maps could be found in Appendix 3, further noting that most of the areas were in the southern part of the state, particularly around Masonboro Island. Rock indicated that these areas met the criteria established in the issue paper, further noting there has been research in these areas. Rock then went on to review the criteria

used to select these areas as well as the different designs of the excluders. If approved, these devices would be required March 1 – October 31 in areas that meet the criteria. Rock noted that a targeted approach improves localized protection of diamondback terrapins and minimizes impacts to the crab fishery, uses best available scientific data and allows for new data to be incorporated in the future, minimizes inclusion of areas too deep or far from shore, and may improve fishery rating from outside groups. Rock next reviewed the Blue Crab AC and NCDMF recommendations for criteria used to determine the use of terrapin excluders.

Staff next reviewed the issue paper that examined bottom disturbing gear in the blue crab fishery. Rock noted that targeted crab dredging is only allowed in a designated area in northern Pamlico Sound during from January 1 through March 1; however, this fishery was closed as part of the 2016 Revision. Crab harvest is allowed in the oyster dredge fishery outside of the but it is limited to 50% of the combined weight of the oyster and crab catch or 500 pounds, whichever is less. Overall, the dredge fishery accounts for less than 0.1% of commercial landings on average. Rock then reviewed the maps of areas where crab trawls are allowed in the Pamlico, Pungo, and Neuse rivers. Overall, landings of blue crabs from crab trawls in the Pamlico, Pungo, and Neuse rivers has declined since 1995 and have been minimal since 2007 and that only about 0.1% of total crab harvest on average in the past five years. Rock next reviewed the Blue Crab AC and NCDMF recommendations for bottom disturbing gear.

Rock concluded the presentation with next steps in the process, indicating that after getting public and standing and regional AC input on the draft amendment the NCMFC will select its preferred management options at their November business meeting. After the November meeting the draft plan will undergo departmental and legislative review. Then in February 2020, the draft plan will go back to the commission for final approval.

Ted Wilgis asked how long would the measures need to be in place, would it be for an entire 10-year period. Rock responded NCDMF would completed a stock assessment within the time period and see if the results improved, it shows in the Adaptive Management slide how implementation would occur. Tim Willis asked why not complete a stock assessment more often, Rock explained both the need for added data including NCDMF independent sampling and landings requires time to respond to management changes.

Further discussion occurred on the specific details on the addition of new sanctuaries and the expansion of existing sanctuaries. Questions also came up on the diamondback terrapin excluders and the criteria needed to implement these devices in certain areas.

Adam Tyler added that dark sponge females cannot be taken in April since 2016, and he is now seeing a bunch of very small crabs in his oyster lease gear. Rock added that NCDMF sampling did show and increase in juvenile abundance in 2018. But these upticks in data are not shown in the stock assessment because the model only had inputs through 2016. Brian Shepard had questions about abundance levels of crabs through time and the timing of management measures being implemented in Amendment 2 and where we are at now. He expressed concern this stock assessment not including the last three year of data, after implementing management measures in 2016. Rock explained the timing for the assessment was scheduled earlier than planned by the NCMFC. Shepard also expressed concern with now the adaptive management process not allowing relaxing of the regulations if improvements are seen, but the opposite, more

management measures added if the stock continues to decline. Wilgis asked about the non-quantifiable measures and whether those could show benefit to the stock. Rock explained that yes we would think they add benefit to the stock but it is just not measurable directly to the inputs in the stock assessment. Wilgis asked how do you know which measure then has the desired effect? Rock said our models do not allow us to tease that out. Willis stated that Virginia and Maryland has shown increases in biomass because of the implementation of their spawning corridor. Martin Posey explained that corridors are a means for habitat protection with direct results to the species that use the corridor during their lifetime. Posey also added that juvenile habitat and survival are important aspects to consider. The AC had further discussions on how to measure economic effects on increased costs for excluder devices for terrapins and added cull rings. Wilgis asked if the economic effects of the different measures can be quantified. Sam Romano stated that the Blue Crab AC had gone into great detail discussing the burdens each one of these measures would place on crabbers.

Willis asked why was March chosen for the closed period. Rock explained the Plan Development Team originally chose December as the closure windows, which also would replace the pot clean up period but remain closed for the entire window. After further discussion the AC determined they would prefer the closure earlier in the year. Tyler explained that a March closure would not be good for the Core Sound area, Shepard also said it would be detrimental to people in the Snead Ferry area as well. Tyler suggested a closed period from July 15 to August 31 would be better for Core Sound because people cannot set pots then because turtles crush the gear. Posey added that the timing of the closure will have different impacts across different areas of the state.

PUBLIC COMMENT

Glenn Skinner, North Carolina Fisheries Association (NCFA), commented that the AC needs to keep in mind adaptive measures were added in 2016 and no benefits from these measures are shown in the stock assessment. There are more crabs this year than seen in the last 25 years and people are setting half the gear because the markets are poor, getting only \$6 to \$10 per bushel. This is the most valuable fishery in the state. The NCFA Board met and will be sending a letter to NCDMF recommending that the data be updated in the stock assessment to include information from 2017 through 2019. The NCMFC requested the assessment to be started in 2016, and the timeline for this amendment is not set in stone. NCDMF should be able to output the information in 6 months and come back to the advisory committees for their input. If this update of data does not occur, it will ruin NCDMF credibility and decreases fisherman confidence in NCDMF staff. This stock can likely rebuild in two years and the NCFA Board would appreciate this AC take no action at this time. Tony Tripp added that he has seen 142,000 pounds more crabs coming through his fish house this year than last year this time. We can't let the crabber go fish because we can't sell all that they catch, the picking houses have declined so there is less market now.

Kenny Rustick, commercial fisherman from Gloucester, NC. I crab in Core Sound in February through June. A March closure would hurt and it also is when the price is high for crabs. I fish from North River to Cedar Island and it is a straight basket market. By mid-July I pull my pots because of damage by sea turtles. Now with the closure of flounder, people are going to need to

get into other fisheries. Economic impacts of increased measures on blue crabs will be devastating. NCDMF hasn't assessed the effects of the 2016 measures.

Joe Romano, commercial fisherman and Chair of the Blue Crab Advisory Committee, said the ACs are not getting the full scope of the time that NCDMF staff and the Blue Crab AC met and discussed the issues. The Blue Crab AC spent hours discussing the difference between the northern and southern fisheries in the state. The 5-inch minimum size limit came from crabber input. NCDMF is guided by law. The data from the trip ticket landings is based on markets, and we are seeing some better landings. I am more distrustful of the system now because of yoyo laws, and people are not coming together to work on the issues. There is room to wait a year to get more data and there are some elements of the plan that do not take into account what the crabbers are saying.

Ken Seigler, commercial fisherman and advisor on the Blue Crab Advisory Committee, stated that has concerns over a 5-inch minimum size limit. Crabber don't want the small ones, they aren't worth much, the terrapin excluder device test pots will lose 60% of the crab value, you'll lose the Jimmy's, conchs, and stone crabs. The cull rings are all about the location in the pot and not about how many. If we keep adding cull rings it reduces the life of the pot. I agree with Glenn comments and also I think predation impacts should be added to the stock assessment, if that was added it would likely show we are not overfishing. From Mar 1 to April 15th I am starting to crab for the year and seeing good prices, I think January 1 through 31 is the best time for a closure.

VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR AMENDMENT 3 OF THE BLUE CRAB FISHERY MANAGEMENT PLAN

Shepard noted that regulatory changes in 2006 made a difference and now here we are with more management changes in 2016 that are not reflected in the assessment. Rock stated this is an issue with all stock assessments, chasing our tail to always have the most recent information. Tina Moore stated that an assessment with the added three years of data cannot be completed in 3-4 months after the new year as data verification is needed for the landings and NCDMF sampling. Skinner said southern flounder external reviewers required more data and asked for more years to be added, it was expedited. NCFA will be sending a formal request to expedite the blue crab data as well, since they are not at a point of collapse.

Posey asked how important is the crab dredge fishery, Sam Romano replied that there was only one guy still working in it. Joe Romano said we received input from the crab dredger during Blue Crab AC discussions. They discussed whether there was a need to regulate because it was only a few active participants and it has been closed with the 2016 measures in place. It was more of a habitat consideration.

Posey also had further questions on the crab spawning sanctuaries. Rock explained the differences between the AC and NCDMF positions on sanctuaries mostly occurred in the northern inlets. Joe Romano added the AC did not want to increase their size, and the corridor in Oregon Inlet would be an economic burden to the crabbers in that area. Shepard asked if adaptive management is approved can the NCDMF provide relief if there is improvement in the population? Rock responded no - only if it gets worse can NCDMF institute further measures. If

improvement is seen in the population, we cannot confirm the improvement in the population until another assessment and plan is updated. Corrin Flora added if adaptive management is not approved then management would go back to the Traffic Light method.

Willis asked why the AC and NCDMF did not go for the larger maximum female size because Jess Hawkins told him that larger females spawn more. Rock said the research has found that smaller females do not produce only small crabs. Environmental factors as well as genetics play a role in the ultimate size at maturity of a crab. Sam Romano explained in the AC discussion the maximum female size limit impacted one region more than another and they couldn't come to a compromise. Also, there would be issues with enforcement if there were both minimum and maximum size limits at once. Further discussions occurred on reducing the cull tolerance to zero and a peeler size limit. Rock explained that reducing the cull tolerance was not supported by the advisory committee. Joe Romano stated that some crabbers felt it would be too labor intensive and would only destroy peelers as you try to pull them apart to cull and measure for a size limit. Willis asked if the advisory committee would consider some of the aspects of the plan now because there are some good things in there. The AC liked the water quality and spawning sanctuaries recommendations. Sam Romano said the current measures of the three cull rings with specific placement of one, and dark sponge no-take in April are already in place. It would be good to wait before taking any other actions to see if they had an effect on the population.

Adam Tyler made a motion to recommend to table this FMP process and request NCDMF to add data through 2019 to determine the effects of the 2016 management measures. Bruce Morris seconded the motion.

Willis asked what does the latest information show. Rock responded that the annual FMP update through 2018 indicated a slight increase in the juvenile abundance index. Rock added that one year of data is not a trend. Skinner agreed that one year is not a trend but we need time to see how previous measures have helped, and changing management every few years is ridiculous. Tyler confirmed that he was seeing a lot of little crabs on his oyster lease as well. Sam Romano stated that this is the most important fishery in North Carolina and we need to be careful. Wilgis asked if the Blue Crab AC had the same issue with the stock assessment only considering data up to 2016. Sam Romano replied that it was not considered because they reviewed the assessment early in the process.

The motion passed 6 to 2, with 1 abstention.

Discussion occurred on other topics in the amendment not connected to the achieving sustainable harvest paper. Posey stated habitat could be an important component of blue crab survival, particularly oyster, submerged aquatic vegetation, and marsh restoration.

A motion was made by Martin Posey, that the AC support the consideration of habitat as a part of the overall strategy for management of the blue crab fishery. The motion was seconded by Adam Tyler. The motion passed without dissent.

The rest of the meeting was spent for discussion purposes only to pass along to the Commission.

Shepard restated that he did not like how Adaptive Management is set up that if there is improvement that we cannot ease off on measures, but instead will update the stock assessment if showing decline. Sam Romano said other fisheries ease off of management when improvements are shown. Rock said that is usually the case for fisheries with annual updates, like summer flounder, that then adjust the annual catch limits for a fishery based on the latest information. Posey noted the Blue Crab AC has spent a lot of time in discussions on the various measures. Sam Romano said that these comments are not lost, just on pause for now to see how things play out.

Shepard said he couldn't agree to a March closure for the potters in his area, as it would kill them. There was a general agreement among the advisory committee that a March closure would have a big impact on some areas of the state and differing regional closure periods should occur.

Most members generally supported the crab spawning sanctuaries. Willis stated that the sanctuaries are critical. That's what they did in Chesapeake Bay and it was very successful. He acknowledged that there may be some people who don't like them, but they would ultimately help the ecosystem and help the crabbers.

Discussions on crab dredging led by Posey revolved around the fact that it is a positive habitat measure to remove, but it is only a few people involved in the fishery. Tyler asked how much impact do the few people who want to crab dredge have. Posey suggested since dredging is a lightning rod issue, possibly considering allowing no new members in this fishery and letting the few left age out could be a solution. Rock noted that that wouldn't work as it is a means of limited entry.

Glenn Skinner interjected that the NCFA Board had no problem with the Crab Spawning Sanctuaries and some of the other items the Blue Crab AC had discussed. He stated that the NCFA Board also raised concerns with implications of the seafood watch ratings from the diamondback terrapin issue. He stated that the NCFA just didn't want to pick and choose their positions on the other issues without first updated data being considered in the stock assessment.

Sam Romano said for the adaptive management framework to be considered more details will need to be determined and more discussions among the members of the Blue Crab AC. Posey asked what are further thoughts from the committee? Sam Romano asked Joe Romano how the Blue Crab AC came up with the minimum and maximum size limits and the March closed season. Joe Romano stated the Blue Crab AC looked at the percent reductions provided by the NCDMF and then picked which ones they could agree on to meet the required reductions. The group agreed they preferred to keep the cull tolerance at 5%, and they liked the idea of the 3 cull rings or at a minimum of 2 cull rings, so long as one ring was in the correct placement in the pot. Skinner added if the updated stock assessment says the stock has improved, he would hope to keep in all of the 2016 measures that worked.

Discussion continued onto the diamondback terrapin issue paper. Sam Romano described his work with researchers and the modifications to the throat of the pot to exclude terrapins. So far the modifications seem to be working. He started working with the researchers in July 2019. Modifications to pots to exclude terrapins would only occur in specific areas and times based on the criteria outlines in the paper. Willis asked if this is an issue or not. Joe Facendola, NCDMF

biologist, said it depends on who you ask. Conservationists will say the diamondback terrapins have declined by a lot. They are listed as a species of concern in some counties of NC and the IUCN red list have downgraded their status as well. Wildlife Resource Commission and other groups have determined that pots are the primary threat to diamondback terrapins. The NCDMF has indicated these concerns since the 1998 FMP. The framework provided in the paper provides some flexibility for the excluder design and also identify how much area within a waterbody or creek where the terrapins are known to occur. Seigler added there is long term research in South Carolina which shows that large females can't get into the pot but smaller ones can. Corrin Flora said the device is meant to prevent the terrapins from getting into the pot, and the South Carolina design is based on thousands of measurements taken on terrapins. Small terrapins do get in but if real small they also can get out through the cull rings. Wilgis added that terrapins like sandy beaches which are being lost to bulkheads and other hard structures. We could recommend promoting natural shorelines for the benefit of the terrapins.

MARINE FISHERIES COMMISSION UPDATE

Tina Moore identified the new NCMFC Executive Assistant for the Commissions and Councils, Lara Klibansky, was hired and will replace Nancy Fish in this position.

Moore provided updates from the August 2019 NCMFC meeting in Raleigh. The NCMFC adopted the Southern Flounder FMP Amendment 2 as proposed by NCDMF at this meeting. Moore noted that the recreational and commercial flounder seasons September 4th and opened on the 15th in the waters north of Pamlico Sound. The Pamlico Sound and all other internal coastal waters will open on October 1. She noted the southern flounder AC has continued to meet and their next meeting is October 9th. Management tools that will be explored include, quota, slot limits, changes in size limits, gear changes related to size limit changes, species-specific management, and possible for-hire industry allocations.

Next Moore reviewed the status of several other on-going FMPs. Noting that the Estuarine Striped Bass held a workshop on September 10th and the Plan Development Team (PDT) will meet again in early October. A peer review workshop will occur in December. The Spotted Seatrout FMP is also currently under review and the data work is scheduled on September 26th. She further noted that the NCMFC during their August meeting requested more information on a proactive approach for management strategies to address potential increased pressure on spotted seatrout due to southern flounder reductions and other issues.

Next Moore gave a brief summary on some upcoming changes to the development of FMPs, to gain a more efficient and overall better process with focus on ways to obtain informed input from stakeholders. The division is looking to public scoping meeting at the beginning of the process to: give notice to the public that the review of the FMP is underway, inform the public of the stock status (if applicable), solicit input on issues from the public; and recruit potential adviser to sever on the FMP among other things. The PDT will complete the draft FMP prior to giving it to the AC vs developing it issue by issue. This should shorten the period of time the PDT and AC work together. Moore noted that the role of the regional AC will not change. The FMP AC will meet with the full PDT in a workshop format and will meet more frequently and for longer sessions to also help shorten the process. The meetings will also be more informal and will not use motions, votes, or other components of meeting used in the past. The goal is to get a uniform

position on the various issues of the FMP to present to the NCMFC. There will no longer be a NCDMF and AC recommendation.

Moore next updated the AC on the recent Cobia closing on September 4, 2019. Spanish mackerel closed on August 24 due the commercial annual catch limit being meet. She further noted that the fishery will re-open on the 27th with a 500-pound trip limit and will close if the total coast wide annual catch limit is meet or on November 15, whichever occurs first.

Moore then gave an update on the N.C Wildlife Federation petition for rulemaking. The commission voted to deny the petition, noting that if implemented would impact the state's shrimp trawl fishery. The NCMFC did however direct the division to consider elements of the petition in the upcoming NC Shrimp FMP. Moore noted that this FMP will be one of the first plans to follow the new format. The first Shrimp PDT meeting is scheduled for October 4th. Moore all reminded the AC of the new management measures that went into place on July 1, 2019 that require the use of gear configurations that were tested by the industry workgroup that were shown to reduce bycatch by 40% or greater.

The NCMFC Eligibility Pool cap of 500 Standard Commercial Fishing Licenses (SCFL) for the 2019-2020 license year were also set at the August meeting. Applications were reviewed for the 2019-2020 year on September 24th. Pam Morris gave the AC some additional information on the application process, noting that they received 32 applications; all but six were approved. Next Moore gave the AC an update on the notice of text for rulemaking and fiscal analysis to readopting existing rules under a state-mandated periodic review. One of these rules under review was 15A NCAC 03O .0108 that deals with transfer of commercial fishing licenses. Mrs. Morris also gave the AC a brief history on the sale and transfer of SCFLs. Another rule under review, 15A NCAC 03M .0509 makes tarpon a no spear, no gaff and no possession fish. Moore noted that the public comment period is scheduled tentatively for October 15 through December 2nd, 2019. A new release will be issued.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

The committee discussed bringing forward the stock assessment for blue crabs with the addition of the next three years and consider items on habitat and water quality. No dates were set for the next meeting.

Sam Romano adjourned the meeting at 8:46 p.m.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 15, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Anne Deaton, Habitat Program Manager
Katy West, Northern District Manager

SUBJECT: Habitat and Water Quality Advisory Committee Meeting October 3, 2019 and Recommendations for Blue Crab Fishery Management Plan Amendment 3

The Habitat and Water Quality Advisory Committee Meeting met at 1 p.m. Tuesday, October 3, 2019 at the Department of Environmental Quality Regional Office, 948 Washington Square Mall, Washington, NC. The following attended:

Advisors: Pete Kornegay, Brian Boutin, Bob Christian, Joel Fodrie, David Glenn, Nathan Hall, Chris Moore

Absent: Martin Posey, Mike Street, Samuel Boyce

Staff: Anne Deaton, Katy West, Casey Knight, Kathy Rawls, Laura Klibanski, Jason Rock, Corrin Flora, Dana Gillikin, Dan Zapf, Kim Harding

Public: Mike Blanton, Glenn Skinner, Perry Beasley, Trish Murphey

Chairman Pete Kornegay called the meeting to order at 1:00 p.m.

MODIFICATIONS TO THE AGENDA

Pete Kornegay noted that an item had been added to the agenda. Nathan Hall is going to give a presentation on the algal blooms in the Albemarle System. **The agenda was then passed by consensus.**

APPROVAL OF MINUTES

Bob Christian made a motion to approve the minutes from April 12, 2018. Joel Fodrie seconded the motion. The motion passed without dissent.

REVIEW OF BLUE CRAB FISHERY MANAGEMENT PLAN – AMENDMENT 3

Jason Rock provided a presentation of the draft Amendment 3 Blue Crab Fishery Management Plan. He provided the timeline of the stock assessment and issue paper development. Issue paper topics included: achieve sustainable harvest, management options beyond quantifiable harvest reductions, water quality concerns, expanding crab spawning sanctuaries, establishing a framework to implement the use of terrapin excluder devices in crab pots, and measures to address bottom disturbing gear in the blue crab fishery.

Rock provided a detailed overview of the proposed management measures needed to achieve sustainable harvest and the Blue Crab Advisory Committee (AC) and North Carolina Division of Marine Fisheries (NCDMF) recommendations for achieving sustainable harvest. Joel Fodrie asked if fishing mortality had been 49%, would management changes still be required. Rock said yes, because while that might change overfishing status, the spawning stock biomass still indicates that the species is definitely overfished.

Rock then provided an overview of the management measures beyond quantifiable harvest reductions. He noted that although these measures do not have a quantifiable harvest reduction and do not count toward sustainable harvest calculations, they are expected to have a positive impact on recruitment and other populations metrics, and aid in long term sustainability of the fishery. Impacts from these measures should be seen as part of the population response through the updated stock assessment. Rock further noted that many of the non-quantifiable management measures that were put in place in the revision to Amendment 2 will need to be voted on if they are to be re-established in Amendment 3 or they will expire when the amendment is adopted. These revision measures include: a 5% cull tolerance, the use of three cull rings with one cull ring in the modified position, prohibited harvest of crabs with a crab dredge, eliminated harvest of v-apron immature female hard crabs (excluding peeler crabs) and the prohibition of dark sponge crab harvest from April 1-April 30. Rock reviewed the other beyond quantifiable harvest reduction management options.

Staff provide an overview of measures to improve water quality by addressing pollution sources, especially those associated with agricultural runoff. Rock noted that while the NCMFC does not have regulatory authority over land use and other practices, the NCMFC could contact and bring other state and federal agencies to the table. Rock next reviewed the Blue Crab AC and NCDMF recommendations for addressing water quality concerns. Bob Christian asked if there was evidence that water quality was affecting blue crab. Staff replied that there is based on die-offs related to hypoxia and toxin contamination, as well as habitat loss over time. Corrin Flora noted that when Chesapeake Bay reduced nutrient loading, SAV and crabs increased.

Staff then reviewed the issue paper on expanding existing Crab Spawning Sanctuaries and designation of new sanctuaries to protect mature females prior to spawning, as well as the Blue Crab AC and NCDMF recommendations.

Rock reviewed the proposed criteria to determine when to require the use of terrapin excluder devices in crab pots, as well as the Blue Crab AC and NCDMF recommendations. Existing proclamation authority could be used to require the use of excluder under the proposed criteria. Once the NCMFC approves the criteria, the overall result would be to establish diamond back terrapin management areas (DTMAs). Rock noted the DTMA maps in Appendix 3, and that most

of the areas were in the southern part of the state, particularly around Masonboro Island. Rock indicated that these areas met the criteria established in the issue paper, and that terrapin research has been done in these areas. Rock then went on to review the criteria used to select these areas as well as the different designs of the excluders. If approved, these devices would be required March 1 – October 31 in areas that meet the criteria. Rock noted that a targeted approach improves localized protection of diamondback terrapins and minimizes impacts to the crab fishery, uses best available scientific data and allows for new data to be incorporated in the future, minimizes inclusion of areas too deep or far from shore, and may improve fishery rating from outside groups.

Staff reviewed the issue paper that examined bottom disturbing gear in the blue crab fishery. Rock noted that targeted crab dredging is only allowed in a designated area in northern Pamlico Sound during from January 1 through March 1; however, this fishery was closed as part of the 2016 Revision. Crab harvest is allowed in the oyster dredge fishery outside of the but it is limited to 50% of the combined weight of the oyster and crab catch or 500 pounds, whichever is less. Overall, the dredge fishery accounts for less than 0.1% of commercial landings on average. Rock then reviewed the maps of areas where crab trawls are allowed in the Pamlico, Pungo, and Neuse rivers. Overall, landings of blue crabs from crab trawls in the Pamlico, Pungo, and Neuse rivers has declined since 1995 and have been minimal since 2007 and that only about 0.1% of total crab harvest on average in the past five years. Rock next reviewed the Blue Crab AC and NCDMF recommendations for bottom disturbing gear.

Rock concluded the presentation with next steps in the process, indicating that after getting all public and various AC committees input on the draft amendment, the NCMFC will select its preferred management options at their November meeting, followed by departmental and legislative review. In February 2020, the draft plan will go back to the commission for final approval and implementation by division proclamation(s).

PUBLIC COMMENT

Perry Beasley, a crabber for 40 years, said that the problem is water quality, due to runoff from parking lots, car oil, toxins, discharged industrial chemicals, chemicals on cropland, and broken sewage pipes. But there are plenty of small and large crabs this year. Hurricanes impacted the system, covering up oysters, killing fish, and flooding the coast, and it takes time to recover. He noted how he sees more algae on the pots that are placed near the Tyrell County prison treated wastewater discharge. He also said that there is only one crab dredger left that works the crab dredge area when open and there are fewer fishermen, so too much crab harvest is not the issue.

Glenn Skinner, North Carolina Fisheries Association (NCFA), commented their board discussed the plan amendment and are concerned that it doesn't include post-2016 data, when additional measures from the 2016 revision were put in place, He asked the AC to hold off until the stock assessment can be updated with 2017-2019 data to determine if the 2016 measures were effective. There are more crabs this year than seen in a long time. Nathan Hall asked staff if 2017-2018 data was available (yes). Bob Christian said it seems reasonable if this is an adaptive process, particularly since we've had two hurricanes. Brian Boutin noted that crabbers he knows in the northern region are pulling up pots. Some are having good year, others not. Glenn said planting SAV would be a great recommendation to help blue crabs.

Mike Blanton, crabber and NCMFC commissioner, described how the Albemarle System used to have so much SAV, you had to wade your boat across it to get out of the boat ramp area. There is none now. There have been blue green algae blooms all year and more crabs swimming on surface due to lack of oxygen. He's watched development and bulkheads increase, leading to less filtering. A ditch near his house drains a large area of highway and development, with no filtration. Hurricane Matthew pushed all the water from the Dismal Swamp into Pasquotank River, and killed blue crabs.

VOTE ON RECOMMENDATIONS TO THE MARINE FISHERIES COMMISSION FOR AMENDMENT 3 OF THE BLUE CRAB FISHERY MANAGEMENT PLAN

Fodrie asked what the other ACs had done and Rock summarized the other committee recommendations. The AC discussed whether they were comfortable making recommendations on fishery issues, because their expertise is on habitat and water quality, not fisheries.

Fodrie made a motion to not vote on Issues # 1,2, and 5. Christian seconded the motion. Motion passed unanimously.

Issue 3- Addressing Water Quality Concerns

Hall made a motion to accept all the water quality recommendations, with the addition of adding that the habitat staff report back to the HWQ AC as well as the Shellfish/Crustacean AC. David Glen seconded the motion. Motion passed unanimously.

Issue 4 – Expand Crab Spawning Sanctuaries (CSS)

The AC discussed CSS expansion. Boutin noted there were 13 crab boats today in Croatan Sound, proposed as a migration corridor sanctuary. He said that's a fishing hot spot and did not support a CSS in that area. The AC members weighed in on the different proposed expansions. Glenn Skinner and Perry Beasley reiterated that they and the NCFA didn't support a migration corridor in Croatan Sound, or increasing the Oregon Inlet CSS. There was discussion on the dark sponge restriction. Although fishermen throw them back, Corrin Flora explained that studies show the eggs are damaged and having a CSS prevents some of that damage. Rock added that the NCMFC shifted from sponge prohibition to CSS because they were only catching sponges in those areas.

Boutin made a motion to recommend 1) keeping the Oregon, Hatteras, and Ocracoke CSS the same and change Drum and Barden to the division proposed boundaries; 2) Support Blue Crab AC recommendation for southern spawning sanctuary boundaries (excluding Cape Fear River); 3) Support NCDMF recommended boundary for Cape Fear River spawning sanctuary; 4) Recommend March 1 - Oct. 31 closure for spawning sanctuaries south of the Hwy 58 Bridge (Bogue through Tubbs inlets). Beaufort Inlet would have same closure period as existing spawning sanctuaries (March 1 - Aug. 31); 5) Do not support a spawning sanctuary (migration corridor) in Croatan Sound. Fodrie seconded the motion. Motion passed unanimously.

Issue 6- Bottom Disturbing Fishing Gear

The AC discussed the crab dredge area and whether low effort means low habitat impact and therefore allow, or low fishery impact, and therefore keep closed.

Fodrie made a motion to support the NCDMF recommendation 1a to prohibit the taking of crabs with crab dredges. Glenn seconded the motion. Motion passed: 4 – 0, with 3 abstentions.

Regarding bycatch from oyster dredges, Christian asked whether this affects how much a fisherman can oyster. Corrin explained yes but indirectly. Fisherman are currently allowed incidental bycatch of blue crabs not to exceed 50% of the total weight of the combined oyster and crab catch or 500 lbs, whichever is less when oyster dredging. By lowering the allowable bycatch from 50% to 10% of the total weight of the oyster and crab catch or 100 pounds, whichever is less, it reduces the incentive to dredge off of the rock to get the maximum allowed blue crab bycatch.

Fodrie made a motion to support the DMF recommendation 1d to reduce the bycatch allowance of crabs taken with oyster dredges. Christian seconded the motion. Motion passed: 5-1-1.

The AC then discussed crab trawling in Neuse and Pamlico rivers. There was discussion regarding impacts to bottom habitat. Staff explained the structured habitats are in shallower water than where trawling occurs and that studies have mixed results on the impact of trawling in shallow windy systems.

Fodrie made a motion to not support the DMF recommendation 2a to remove crab trawling in Neuse and Pamlico rivers. Boutin seconded the motion. Motion passed: 5-1-1.

WASTE DISPOSAL FROM HEAD BOATS

Deaton gave an update to the AC on a report of illegal dumping of sewage by a headboat in estuarine waters. The complaint was forwarded on to the US Coast Guard to investigate. Coastwide there are 20-37 headboats in NC. It is illegal to discharge raw or insufficiently treated sewage within three miles from shore or within no-discharge zones. To legally dispose of sewage, boaters must have an onboard treatment system or a holding tank to hold the waste and have it pumped out ashore. All estuarine waters in Pender, New Hanover, and Brunswick counties are designated no-discharge zones. This incident raised concern regarding compliance with waste discharge regulations. After a brief discussion, Deaton said she would follow up with staff at the Clean Marina Program.

CHPP REVISION UPDATE

Deaton updated the committee on progress with the 2016 CHPP implementation plan. Focus has been on four priority issues – oyster restoration, living shorelines, developing habitat condition metrics, and reducing sedimentation impacts in tidal creeks. A substantial amount of progress has been made with construction of oyster sanctuaries and cultch planting due to legislative funding and partnering with NC Coastal Federation to leverage funding. Monitoring of oyster sanctuaries and cultch plantings has improved, and siting tools are being used to strategically plan where future reefs should be located for greatest efficacy. Much progress has also occurred

regarding living shorelines. The permit process has been streamlined, research has been done on the durability and performance of living shorelines following major storm events and found them to be very successful, and a Living Shorelines Steering Committee was formed to continue facilitating progress with living shorelines, as a more resilient and fish friendly method of shoreline stabilization. Regarding establishment of habitat metrics, methodology for intertidal oysters and SAV is underway, both nearing completion. SAV mapping and field groundtruthing was completed this summer through funding from APNEP and DEQ. Delineation of SAV is underway.

Deaton then went over the proposed revision process for the 2021 plan. Some initial habitat priority issues to be addressed include: SAV protection and restoration, with focus on water quality improvements, wetland protection and restoration with focus on nature-based solutions, and habitat monitoring and environmental rule compliance. Staff will begin working on the revision soon, with initial focus on issue paper development, and incorporate technical workshops to gather information and viable solutions for each of the issues.

ALGAL BLOOMS IN ALBEMARLE SOUND

Nathan Hall, an AC member and also an ecologist at UNC-IMS, gave a presentation on algal bloom trends in Chowan River and Albemarle Sound. The Albemarle system is susceptible to blooms due to the long residence time and shallow water. Frequent blooms in the 1970s were found to be due to a few point sources, including a fertilizer plant and paper mill. The recent blooms do not appear to be originating from discrete locations. Since 2000, chlorophyll a in eastern central Albemarle Sound has almost doubled. While eutrophication usually is worse in upper tributaries, the center of the sound has higher values. Also, they've found that the source of nutrients does not appear to be coming from Virginia. Western Albemarle and Chowan have had high levels of cyanobacteria. There has been a large increase in total nitrogen load in Potacasi Creek. This region is generally nitrogen limited but nitrogen is increasing everywhere, and mostly is organic N. Remote sensing by NOAA is helping to assess trends in the algal concentrations. Factors influencing the shift toward higher proportions on nitrogen fixing cyanobacteria are not clear. This year was dry but flows from Roanoke River were high. To partially address the algal bloom problem, a Scientific Advisory Committee has been formed to work with Division of Water Resources to develop nutrient criteria for the Albemarle system.

MARINE FISHERIES COMMISSION UPDATE

Katy West identified the new NCMFC Executive Assistant for the Commissions and Councils, Lara Klibansky, was hired and will replace Nancy Fish who retired from this position. Due to the late hour, staff omitted the full commission update and AC members were directed to the NCMFC news release and meeting materials on the division website.

PLAN AGENDA ITEMS FOR THE NEXT MEETING

No future agenda items were discussed, and no dates were set for the next meeting. Christian noted it would be helpful for attendance to get dates on the calendar to hold and cancel if not needed. Kornegay adjourned the meeting at 5:00 p.m.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

October 11, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Jason Rock and Corrin Flora, Blue Crab Fishery Management Plan Co-Leads
Fisheries Management Section

SUBJECT: Blue Crab Fishery Management Plan Advisory Committee Meeting

The Blue Crab Fishery Management Plan Advisory Committee met on October 8, 2019 at 6 p.m., at the NCDEQ Washington Regional Office located at 943 Washington Square Mall in Washington, NC. The following attended:

Advisers: Joseph Romano, Mike Marshall, Kenneth Seigler, Perry Beasley, Robert Bruggeworth

MFC: Mike Blanton, Dr. Martin Posey

Staff: Jason Rock, Corrin Flora, Debbie Manley, Katy West, Kathy Rawls, Daniel Ipock, Dana Gillikin

Public: Steve Midgett, Dana Beasley, Judy Reynolds, Tommy Beasley, Chris Merritt, Darrell Beasley, Gene Ashton, Kristina Bridges, Charlie Beasley, Brent Fulcher, Adam Spenar, Zeb Mayo, Brittany Spencer, James Spencer Jr.

Chairman Romano called the meeting to order at 6:06 p.m.

APPROVAL OF THE AGENDA AND MINUTES/PUBLIC COMMENT

Chairman Romano entertained a motion to approve the agenda. Bruggeworth moved to approve the agenda and Seigler seconded the motion. The motion passed unanimously.

Chairman Romano entertained a motion to approve the draft minutes from the June 27, 2019 meeting. Marshall moved to approve the minutes, seconded by Beasley. The motion passed unanimously.

PUBLIC COMMENT

Members of the public provided comment during the formal public comment period. Steve Midgett expressed concerns with a March closure and water quality. Dana Beasley expressed concern over the location of meetings and the burden it is to attend when they are so far away, the limited number of public comment received on the FMP, accounting for economic drivers of the

industry, and the proposed blue crab migration corridor; supported the blue crab AC recommendations and remarked on the abundance of crabs this season and cyclical nature of the fishery. Tommy Beasley expressed concern with a blue crab migration corridor and remarked fishermen are the true biologists to listen to, and noted the, the aging demographics of the fishery and abundance of crabs this season. Chris Merritt voiced concern over more laws. Darrel Beasley expressed concern with the migration corridor. Gene Ashton voiced concern over the progression of laws and fisheries being shut down, as well as there being no need for both a cull ring and a cull tolerance. Kristina Bridges spoke on how the industry and mother nature control the fisheries and concerns of Oregon Inlet bridge construction, division fish house sampling, meeting distance, peeler size limits, and need for consideration of individual fishermen activities. Charlie Beasley expressed his relief in the knowledge of the committee advisors and concern over closing the season and the migration corridor when there are so many adult and juvenile crabs this season. Brent Fulcher shared with the committee the stance of the NCFA on the blue crab fishery management plan to put it on hold until the stock assessment is updated to 2019 and his concern that fishery management plans will not work alone, requiring multispecies concerns as well as improved water quality. Mr. Fulcher would like the division to have the ability to control the FMP process and suggested the diamondback terrapin and sanctuary issues may be handled under a supplement while Amendment 3 is on hold for an updated stock assessment. He does not support a pot limit or see the merit in sanctuaries. James Spencer Jr. commented on water quality and size of breeding stock concerns.

REVIEW PUBLIC COMMENT AND ADVISORY COMMITTEE RECOMMENDATIONS

Division staff (Rock) gave a presentation to the committee on the public comment and other advisory committee recommendations for Amendment 3 to the blue crab fishery management plan. The presentation included public comment from the division's constant contact questionnaire and recommendations from the Marine Fisheries Commission's Northern Regional, Southern Regional, Shellfish/Crustacean, and Habitat and Water Quality advisory committees. There was additional discussion from the committee about the lack of public input, the presentation of logic behind recommendations given to the advisory committees, and the differences between the four committees recommendations.

DRAFT BLUE CRAB FISHERY MANAGEMENT PLAN – AMENDEMENT 3

Division staff (Rock) informed the committee on changes to draft Amendment 3 since the June 27, 2019 meeting. The committee members discussed the division rationale behind recommendations, the differences in the fishery across the state, the North Carolina Fisheries Association recommendation, and the possibility of updating the stock assessment prior to implementation of Amendment 3 verses as part of the adaptive management framework.

Mike Marshall made a motion that the committee stand on the original recommendations with the addition of adding adaptive management with the additional of language to allow measures to be relaxed if the assessment update says the stock is not overfished and overfishing is not occurring. This motion was seconded by Robert Bruggesworth, passed 4 to 1.

Robert Bruggesworth made a motion to recommend updating the stock assessment once 2019 data is available. This motion was seconded by Perry Beasley and passed 4 to 0 with 1 abstention.

Having no further business to conduct, the meeting adjourned at 8:35 p.m.

*DIRECTOR'S
REPORT*

*A PRESENTATION
WILL BE GIVEN AT
THE MEETING*



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Stephen J. Poland, Executive Assistant for Councils

SUBJECT: Information on Circle Hooks and Bent Barbs

Issue

During the August business meeting, the Marine Fisheries Commission asked the Division of Marine Fisheries to provide information on the current science and management considerations for implementing regulations for the use of circle hooks and bent-barbed treble hooks for the recreational fishery in North Carolina. Division staff advised the Commission that an internal workgroup was formed to explore the request and that an information paper consisting of a synopsis of the current state of the science, management related to hooks and recreational discards of neighboring jurisdictions, and comments on the range of feasible options for implementation in state waters would be presented to the Commission in February 2020. The commission asked that the Division update them on the progress of this work during the November 2019 business meeting.

Findings

A workgroup was formed to investigate and report on the Commission's request for information about hook modifications for the recreational fishery. The workgroup consisted of Division staff from the Director's office, Fishery Management, Habitat Enhancement, License and Statistics Sections, and Marine Patrol, who reviewed the currently available peer-reviewed science on the efficacy of using circle hooks to reduce discard mortality in catch-and-release fisheries.

Not all species available to recreational anglers are covered in the literature but for the species that are covered they do suggest that circles hooks are effective for reducing hook trauma. Literature for the effects of treble hooks on the survival of captured and released fish is limited and at this time, no studies have been reviewed for species that occur in the state.

Hook styles and industry standards were also reviewed and it was found that hook sizes are not standardized across manufacturers or within various styles of hooks available from a manufacturer. Other management agencies and jurisdictions that currently have circle hooks requirements in place typically only specify that circle hooks must be used and do not have size requirements associated with the regulation. Exceptions to this include the current red drum rule that requires 4/0 or larger hooks be used when fishing at night in certain locations and federal pelagic longline requirements which require circles hooks larger than 18/0.

The Division workgroup is on track to provide a completed information paper for the Commission's review at the February 2020 meeting.

Action Needed

For informational purposes only, **no action is needed at this time.**



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Col. Carter Witten, Marine Patrol

SUBJECT: Civil Penalty Assessment for the Illegal Purchase and Sale of Seafood

Issue

Per a request from Marine Fisheries Commission Chair Rob Bizzell, in coordination with Commissioner Cameron Boltes, a report has been prepared detailing the civil penalty assessment process over the last 10 years and includes a discussion of the revision of the process that is currently underway.

The full report can be found here:

Report on Civil Penalty Assessments for Illegal Purchase and Sale of Seafood

Action Needed

For informational purposes only, **no action is needed at this time.**

**Report on Civil Penalty Assessments for the Illegal Purchase
and Sale of Seafood**

Colonel Carter Witten
North Carolina Marine Patrol
October 15, 2019

DRAFT

Civil Penalty Assessment Process

The Division of Marine Fisheries (“DMF”) is authorized to assess civil penalties for the illegal purchase and sale of seafood pursuant to the authority of N.C.G.S. §§ 143B-289.53 (“Marine Fisheries Commission - quasi-judicial powers; procedures”) and 113-191 (“Unlawful sale or purchase of fish; criminal and civil penalties”). The Secretary of the North Carolina Department of Environmental Quality (NCDEQ) delegated the responsibility of administering the program for assessing civil penalties to the DMF Director (Director). The Director, in turn, delegated part of this responsibility to the DMF Marine Patrol Section (Marine Patrol).

Commercial seafood industry participants are required to be licensed under a Standard Commercial Fishing License in order to harvest and sell their catch. Participants must also maintain a Dealer’s License in order to buy a fisherman’s catch. Dealers are required to report their purchases through DMF’s Trip Ticket Program. Failure to comply with these requirements can result in the assessment of a civil penalty. Civil penalty assessments are not levied against participants in recreational fisheries.

Marine Patrol officers initiate recommendations for assessment of civil penalties when they find violations of N.C.G.S. §§ 113-168.4 (“Sale of fish”) or 113-169.3 (“Licenses for fish dealers”). Civil penalties may be assessed independent of any criminal action for a violation. Marine Patrol officers prepare and present the civil penalty case recommendations to their district captain following adjudication of the violator’s criminal prosecution in District or Superior Court. The District Captain then prepares a draft case file. The draft case file is presented to the Marine Patrol Major who prepares a draft assessment which then moves through the DMF Civil Penalty Review Committee (Review Committee). The Marine Patrol Colonel or his designee shall act as Chairman of the Review Committee. The Major of the Marine Patrol serves as the Civil Penalty Coordinator.

The Review Committee consists of the District Captains, the Marine Patrol Major and Colonel, the DMF Deputy Director, the Director, NCDEQ legal counsel, and the Marine Patrol Headquarters Administrative Assistant. The Director shall make the final DMF level decision on a civil penalty assessment recommendation following consideration by the Review Committee. The Director may approve, disapprove, modify or return the recommendation to the Review Committee for additional information. The Review Committee meets at least once each quarter to review cases and assure consistency, continuity and cooperation in implementing the civil penalty program throughout the Marine Patrol.

The Director may authorize penalties up to the maximum amount (\$10,000) based on any one or combination of the following factors: (1) the degree and extent of harm to the marine and estuarine resources within the jurisdiction of the Commission, as described in G.S. 113-132, to the public health, or to private property resulting from the violation; (2) the frequency and gravity of the violation; (3) the cost of rectifying the damage; (4) whether the violation was committed willfully or intentionally; (5) the prior record of the violator in complying or failing to comply with programs over which the Marine Fisheries Commission (MFC) has regulatory authority; and (6) the cost to the State of the enforcement procedures. (N.C.G.S §§ 113-191(d) and 143B-289.53(b)). The Director may also consider other relevant factors to include, but not limited to, the

value of seafood product and the number of violations found against the violator within a 36-month period.

A violator has the option to pay a penalty outright, request a payment plan, request a remission (reduction) of the penalty from the Director, or file a petition for contested case hearing with the Office of Administrative Hearings (OAH). In the case of a request for remission for the purpose of contesting the reasonableness of the amount of penalty, the Director and the requestor may attempt to resolve the request. If they cannot resolve the request, the Director shall forward the remission request and accompanying documentation to the MFC Committee on Civil Penalty Remissions (MFC Remission Committee). (N.C.G.S. §§ 143B-289.53(c)-(d) and 113-191(f)).

The MFC Remissions Committee considers the Director’s recommendation along with the following factors in rendering a decision on the remission request: (1) whether one or more of the civil penalty assessment factors in N.C.G.S. § 143B-289.53(b) were wrongly applied to the detriment of the requestor; (2) whether the violator promptly abated continuing environmental damage resulting from the violation; (3) whether the violation was inadvertent; (4) whether the violator had been assessed civil penalties for any previous violations; and (5) whether payment of the civil penalty will prevent payment for the remaining necessary remedial actions. (N.C.G.S. § 143B-289.53(c)). The MFC Remissions Committee’s decision shall constitute the final agency decision on the issue of remission.

The Marine Patrol opened 78 civil penalty case files from 2012 through the third quarter of 2015. Twenty-seven (27) penalties were assessed and paid in full during that period. An additional 12 penalties were assessed but ultimately sent to collections because of nonpayment. Thirteen (13) penalties were dismissed [by the Director resulting from remission request discussions/MFC Remissions Committee action]. Twenty-six (26) cases were not assessed but given warnings. Table 1 depicts the breakdown of penalties assessed, paid and collected from 2012 through 2015.

Table 1. Assessment amounts paid and collected

Year	Assessed	Paid	Collections
2012	\$26,969.01	\$11,961.53	\$6,529.52
2013	\$1,645.43	\$1,159.11	\$486.32
2014	\$6,199.37	\$4,107.92	\$2,091.45
2015	\$5,231.33	\$2,989.24	\$1,036.85
TOTAL	\$40,045.14	\$20,217.80	\$10,144.14

Note: The total of the amounts paid plus the amounts sent to collections does not equal the total amounts assessed. This difference resulted from settlement agreements along with those assessments that were not sent to collections because of the *Heater* legal decision discussed below.

Revision of Civil Penalty Assessment Process

In late 2015, NCDEQ legal counsel notified the Marine Patrol of the decision in matter of *Heater Utilities, Inc. vs. North Carolina Department of Environment and Natural Resources*, Wake County Superior Court File No. 01-CVS-013610 (*Heater*). This matter brought into question the legality of assessing the same or similar penalties for small violations as for large violations using one civil penalty matrix. Since the civil penalty used by the Marine Patrol in assessing civil penalties was similar to the matrix used in the *Heater* matter, assessment of civil penalties was suspended until the penalty matrix could be appropriately revised to comport with the decision in that matter.

Even though the Marine Patrol's civil penalty matrix was developed with consistency and fairness in mind, application of the *Heater* decision resulted in a determination that the Marine Patrol's matrix was vulnerable to legal challenge. Consequently, the Marine Patrol is in the process of revising the civil penalty assessment process allowing for more consideration of subjectivity and discretion as guided by express statutory factors and taking into consideration the conclusions of law described in the *Heater* opinion. This revision is being made in consultation with NCDEQ's Office of the General Counsel and the Attorney General's office. Marine Patrol anticipates resolution of the matrix revision by January 1, 2020. Resumption of DMF's civil penalties assessment program should occur shortly thereafter.



Atlantic States Marine Fisheries Commission

78th Annual Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

78th Annual Meeting
New Castle, NH
October 28 – 31, 2019

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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Press Release

**ASMFC Atlantic Herring Board Initiates Draft Addendum
to Improve Quota Management in Area 1A**

New Castle, NH – The Commission’s Atlantic Herring Management Board initiated an addendum to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring to consider new approaches for managing the Area 1A (inshore Gulf of Maine) sub-annual catch limit (ACL) under low quota scenarios. This action responds to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass.

Currently, the Board can allocate the sub-ACL throughout the fishing season using bi-monthly, trimester, or seasonal quota periods to meet the needs of the fishery. For the 2019 fishing season, the Board implemented a bimonthly quota period approach to maximize the reduced sub-ACL when demand for bait is high. Due to the low quota, the 2019 fishery has experienced frequent closures to avoid an overage of the sub-ACL. It is anticipated the 2020 sub-ACL will be further reduced creating challenges in distributing the quota throughout the fishing season. The draft addendum will consider alternatives to allow the Board more flexibility in specifying the allocation under low quota scenarios moving forward. For 2020, the Board set the Area 1A sub-ACL with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The Board may reconsider 2020 quota allocation following final action on the addendum.

Additionally, the draft addendum will consider expanding landing provisions for permit holders within the days out program. The Board utilizes days out of the fishery to slow the rate of Area 1A catch. In addition to days out of the fishery, landing restrictions, such as weekly landing limits, can be assigned to different vessel categories. The draft addendum will include options for the days out program such as expanding the small mesh bottom trawl fleet days out provision to all Category C and D permits.

The Board will consider approval of the draft addendum for public comment at the Commission’s Winter Meeting in February. 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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PR19-30

Motions

Move to allocate the 2020 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period’s quota has been projected to be harvested and underages from June through September shall be rolled into the October through December period.

Motion made by Dr. Pierce and seconded by Mr. Cimino. Motion passes (8 in favor, 1 abstention).

Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not

have to be limited to, an option which allocates 100% of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits.

Motion made by Mr. Train and seconded by Mr. Grout. Passes without objection.

Move to nominate Cate O’Keefe (MA) as Vice-Chair to the Atlantic Herring Board.

Motion made by Dr. Pierce and seconded by Mr. Reid. Passes without objection.

AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The American Lobster Management Board met to discuss several issues: implementation of reporting requirements under Addendum XXVI for lobster and Addendum III for Jonah crab; the development of Draft Addendum XXVII on resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock; and the progress of the lobster benchmark stock assessment.

Staff updated the Board on the status of implementing new reporting requirements for commercial harvesters resulting from Addenda XXVI and III. Currently, two of the required data elements are still in the process of being added to reporting platforms: location (spatial resolution: 10 minute square), and number of buoy lines. Because not all reporting platforms can collect the data elements, the Board agreed to postpone the requirement for states to collect these two data elements from January 1, 2020 to January 1, 2021. In response to concerns about inconsistent reporting, the Board also tasked the Data Work Group with establishing a consistent method for collecting information on trip-level fishing effort.

The Board also discussed Draft Addendum XXVII, which was initiated in August 2017 to enhance the resiliency of the GOM/GBK stock. The addendum focused on the standardization of management measures across the Lobster Conservation Management Areas within GOM/GBK to provide equal protection to the stock. However, development of the addendum stalled as work on Atlantic Right Whale issues was prioritized. The Board agreed the Plan Development Team should resume development of Draft Addendum XXVII at this time, but recognized it should also take into account current stock information that will result from the ongoing benchmark stock assessment. The stock assessment is expected to be available for Board review in October 2020.

Finally, Jeff Kipp provided a progress update on the 2020 Lobster Benchmark Stock Assessment. The Assessment has progressed slowly due to competing priorities among Stock Assessment Subcommittee (SAS) members’ individual workloads. Earlier this month the SAS met for an assessment workshop focused on establishing reference points for each stock. A second Assessment Workshop, tentatively scheduled for February 2020, will focus on finalizing the base run of the model and determining stock status.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

No motions made.

TAUTOG MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The Tautog Management Board met to receive an update on the implementation of the commercial harvest tagging program. In August 2019, the Board requested states indicate whether they would be able to meet the implementation deadline of January 1, 2020 and, if not, provide an alternative date. While many states can implement the program by January 1, a number of states are unable to but are intending to have regulations in place prior to the start of their commercial fishing season. Outside of states with a declared interest in the resource (Massachusetts through Virginia), tautog are also commercially caught and sold in North Carolina, as well as sold in markets in Pennsylvania. North Carolina indicated at the meeting that the state will not be implementing the tagging program due to low landings in recent years and the expectation that fish landed in the state will not be able to be sold outside of the state without a commercial tag. Pennsylvania had not indicated by the meeting whether the state could enforce the tag requirement of fish entering their commercial markets. The state will provide further detail on this request for enforcement during the ISFMP Policy Board.

Staff also provided an update on the purchase order of tags and applicators. In September, states provided their requested number of tags and applicators to ensure all commercial caught fish are tagged in 2020. Staff indicated the orders are currently being processed and the states should expect to receive their orders by late November or early December 2019.

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.

ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 28, 2019)

Meeting Summary

The Atlantic Menhaden Management Board received a progress update on the 2019 single-species and ecological reference points (ERP) benchmark stock assessments. ASMFC staff requested the Board begin thinking about next steps towards implementing ERPs for menhaden and that there is not a single answer for ecosystem reference points. Specifically, the ERP Assessment will provide tools to evaluate trade-offs of different management objectives for various predator and prey populations and fisheries. Both reports have been submitted to SEDAR for peer-review, which is scheduled for November 4-8, in Charleston, South Carolina.

The Board unanimously approved a motion to recommend the ISFMP Policy Board find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. Action was taken in response to the 51,000 mt cap being exceeded in September. In making its decision, the Board noted that implementation of this measure is necessary to achieve the conservation goals and objectives of the FMP, to maintain the Chesapeake Bay marine environment, and to assure the availability of the ecosystem's resources on a long-term basis (see the Business Session section later in this document for the Commission's action on this issue).

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move the Atlantic Menhaden Management Board recommend to the ISFMP Policy Board that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of the FMP and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made by Mr. McMurray and seconded by Rep. Peake. Motion passes without objection. (Roll Call: In favor – ME, NH, MA, RI, CT, NY, NJ, DE, PA, MD, VA, NC, SC, GA, FL; Abstentions – NOAA Fisheries, USFWS.)

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 28, 2019)

Meeting Summary

The ACCSP Coordinating Council met to review the activities of the Funding Subcommittee and to take final action on the allocation of funding for FY2020. The Council opted to fund the FY2020 proposals as presented by the Advisory and Operations Committees. If there is need for further funding discussions after the overhead rates have been determined, then the decision will be left to the ACCSP Management and Policy Committee.

The Coordinating Council also considered the consolidation of the Technical Committees and the formation of a Data Coordination Committee. They approved further development of the Technical Committee Consolidation, and moving forward with ad-hoc data coordination calls.

Finally, the Council received a number of program and committee updates, including topics such as the status of electronic reporting, registration tracking, Data Warehouse partner feeds and queries, For-Hire Methods Workshop, and state conduct of the For-Hire Telephone Survey.

For more information, please contact Geoff White, ACCSP Director, at Geoff.white@accsp.org or 703.842.0740.

Motions

Move to fund all maintenance proposals as ranked in the FY20 Average Proposal Rankings spreadsheet following the 75/25 percent split between maintenance and new proposals. Fully fund the three highest ranked of the four new proposals. For the new proposal from Maine, fund with remaining available funds.

Motion made by Ms. Knowlton and seconded by Dr. McNamee. Motion carries without opposition.

Press Release

ASMFC Spiny Dogfish Board Approves Addendum VI

New Castle, NH – The Commission’s Spiny Dogfish Management Board approved Addendum VI to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish. The Addendum allows commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages.

The Commission’s FMP allocates the coastwide quota to the states of Maine-Connecticut as a regional allocation and to the states of New York-North Carolina as state-specific allocations. Previously, the FMP only allowed quota transfers between states with individual allocations, with regions excluded from benefitting from quota transfers. The 2019-2020 coastwide quota was reduced by 46% due to declining biomass. If landings in the 2019-2020 fishing year remain the same as 2018-2019 landings, there was concern the coastwide quota would not be exceeded but some states could face early closures due to reaching their allocation and being unable to access available unused quota from the northern region through quota transfers.

In order for the northern region to participate in quota transfers the Director of each state’s marine fisheries agency within the region must agree to the transfer in writing. As with transfers between states, transfers involving regions do not permanently affect the shares of the coastwide quota. Additionally, the Addendum extends the timeframe for when quota transfers can occur up to 45 days after the end of the fishing year to allow for late reporting of landings data. The Addendum’s measures are effective immediately and allow for transfers between all states and the northern region starting with the 2019-2020 fishing year.

Addendum VI will be available on the Commission’s website (www.asmfc.org) on the Spiny Dogfish webpage in early November. 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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PR19-33

Meeting Summary

In addition to approving Addendum VI, the Spiny Dogfish Management discussed the federal commercial trip limit. Draft Addendum VI included a scoping question for the public to provide feedback on whether the Commission should make recommendations New England and Mid-Atlantic Fishery Management Councils (Councils) and NOAA Fisheries on whether the federal trip limit should be eliminated. This issue was under consideration due to concern that the coastwide quota has been substantially underutilized over the past seven years and the federal trip limit is viewed by some as an additional constraint on the fishery beyond state commercial trip limits. The Commission does not establish the federal commercial trip limit, but can make recommendations to the Councils and NOAA Fisheries on this measure during the federal specifications process. There were few comments received on this topic during the public comment period and without a clear approach moving forward, the Board directed the states within each of the respective regional levels (ME-CT; NY-NC) discuss alternatives for commercial trip limits. States will meet via conference call in the coming months to discuss the topic further, with the intention of reporting back to the Board at its next meeting.

Next, the Board considered whether to make any changes to specifications to the 2020-2021 fishing season. The Mid-Atlantic Council met earlier in October and made no changes to the previously approved specifications for 2020-2021 fishing season. Based on this, the Board did not adjust the previously established specifications. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

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

Motions

Move to adopt Draft Addendum VI to the Spiny Dogfish management plan with Option 2: Allow Quota Transfers between all states and regions effective immediately.

Motion made by Dr. Pierce and seconded by Mr. White. Motion approved by consent. (roll call)

Move to accept the FMP Review and state Compliance Reports for Spiny Dogfish and *de minimis* requests from New York and Delaware.

Motion made by Sen. Miramant and seconded by Mr. Hasbrouck. Motion approved by consent.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 28 & 29, 2019)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met to discuss a number of issues. John Macone (Merrimack River Watershed Council) presented on their current water quality initiatives for the Merrimack River, and Erik Martin (The Nature Conservancy) provided an update on ACFHP's Northeast Fish Habitat Conservation Assessment. This assessment is on track to be completed by the end of the calendar year, and will complement the completed fish habitat conservation assessment in the Southeast.

The Steering Committee developed the actions for the 2020 – 2021 Action Plan, which contains a subset of the 2017 – 2021 Conservation Strategic Plan's objectives, strategies, and actionable items that can be completed in a two-year timeframe. This will be published by the end of the calendar year, and include conservation, science and data, outreach and communication, and finance tasks.

Dr. Lisa Havel (ACFHP Coordinator) provided updates on the National Fish Habitat Partnership, the recent funding received to restore sponges for fish and spiny lobster habitat in Florida Bay, and our current communications initiatives.

Finally, the Steering Committee finalized their ranking of recommended conservation projects for FY2020 National Fish Habitat Partnership-US Fish and Wildlife funding. From 2010 to 2019 ACFHP has facilitated NFHP in awarding >\$860,000 to partners to complete 25 on-the-ground projects from Florida to Maine. Funding supported 3 tidal vegetation projects, 4 SAV projects, 4 oyster reef restoration projects, 13 fish passage projects, and 1 sturgeon spawning habitat restoration project.

For more information, please contact Dr. Lisa Havel, ACFHP Coordinator, at lhavel@asmfc.org or 703.842.0740.

MANAGEMENT AND SCIENCE COMMITTEE (OCTOBER 29, 2019)

Meeting Summary

The Management and Science Committee (MSC) met to review Committee activities and discuss plans for the future.

The Committee discussed how the Commission measures success in rebuilding and sustaining stocks. A subcommittee of the MSC will develop clear stock definitions to better capture the nuances of stock status for the purposes of the Policy Board's annual review.

The Committee received a presentation from scientists at the NOAA Fisheries Southeast Fisheries Science Center on the development of an Ecosystem Status Report and a Fish Stock Climate Vulnerability Assessment for the South Atlantic. The Science Center will continue to seek Commission input to the Assessment and present final results to the Committee in 2020. The Committee will also determine how to apply Climate Assessment results for stock assessment and fisheries management purposes.

The Committee received an overview of Management Strategy Evaluation (MSE) methods and discussed how to use MSEs for Commission-managed species in the future. A work group consisting of Committee representatives, MSE analysts, and technical committee representatives will identify candidate species that would benefit from the MSE approach.

The Committee received a presentation from the U.S. Geological Survey (USGS) regarding scientific support USGS provides to ASMFC. Current projects range from horseshoe crab tagging and modeling to the development of new habitat metrics to use in eel stock assessments.

The Committee received a presentation regarding new MRIP survey data, including extensive analyses to explain differences between the old Coastal Household Telephone Survey estimates and the new Fishing Effort Survey estimates.

The Committee reviewed the Commission's research priorities and began identifying project ideas to address information gaps for multiple species. A subcommittee of MSC will further review Commission's research priorities, then develop proposals and pursue funding for research projects.

The Committee received an overview of recent wind energy and fisheries activities on the Atlantic coast. The Committee held a brief discussion on the Commission's roles in supporting coordination among the states, participation in the existing RODA/ROSA partnerships, as well as the Committee's interest in tracking scientific research regarding the effects of wind energy development on fisheries resources.

For more information, please contact Sarah Murray, Fisheries Science Coordinator, at smurray@asmfc.org or 703.842.0740.

Press Release

**ASMFC Horseshoe Crab Board Sets 2020 Specifications
for Horseshoe Crabs of Delaware Bay Origin**

New Castle, NH – The Commission’s Horseshoe Crab Management Board approved the harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2020 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the States of New Jersey, Delaware, and Maryland and the Commonwealth of Virginia, which harvest horseshoe crabs of Delaware Bay origin:

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

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

** Total male harvest includes crabs which are not of Delaware Bay origin.

The Board chose a harvest package based on the Delaware Bay Ecosystem Technical Committee’s and ARM Subcommittee’s recommendation. The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. The horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey, which is the primary data source for assessing Delaware Bay horseshoe crab abundance for the past two years, as well as the ongoing benchmark stock assessment, does not have a consistent funding source. However, due to the efforts of three Senators and six Representatives – namely, Senators Chris Coons (D-DE), Tom Carper (D-DE), Cory Booker (D-NJ); and Representatives Frank Pallone (D-NJ), Frank LoBiondo (R-NJ), Lisa Blunt-Rochester (D-DE), Donald Norcross (D-NJ), Chris Smith (R-NJ), and Bill Pascrell (D-NJ) – and the support of NOAA Fisheries, annual funding for the survey has been provided since 2016. They have also requested that NOAA Fisheries incorporate the survey into the agency’s annual budget.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at 703.842.0740 or mschmidtke@asmfc.org.

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PR19-31

Meeting Summary

In addition to setting 2019 specifications for bait harvest of horseshoe crabs of Delaware Bay origin, the Horseshoe Crab Management Board reviewed recommended updates to the Adaptive Resource Management (ARM) Framework from the ARM Subcommittee and Delaware Bay Ecosystem Technical Committee (DBETC). These recommendations revisit several aspects of the ARM model to incorporate horseshoe crab population estimates from the Catch Multiple Survey Analysis (CMSA) model used in the

2019 Benchmark Stock Assessment and the most current scientific information available for horseshoe crabs and red knots. The Board directed the ARM Subcommittee to begin working on the recommended updates. This work will include several workshops and webinars over approximately two years, ending with an external peer review of the updated Framework.

The Board decided to indefinitely postpone Draft Addendum VIII, which sought to incorporate mortality associated with biomedical use of horseshoe crabs into the ARM Framework and develop harvest packages for the ARM Framework that would allow low levels of female bait harvest. Incorporation of the CMSA model into the ARM Framework, as previously directed by the Board, includes estimates of all sources of removals accounted for in the benchmark assessment, including bait harvest, biomedical mortality, and commercial discard mortality, without the need for an addendum. The Board was also reminded that regardless of the number and type of alternative harvest packages proposed, no packages including female bait harvest would be selected unless abundance of red knots or female horseshoe crabs exceeds threshold levels built into the ARM Framework. Neither of these abundances are currently above threshold levels.

Finally, the Board reviewed state compliance with the Fishery Management Plan during the 2018 fishing year. All states' regulations were found to be consistent with the FMP and *de minimis* requests were granted to the Potomac River Fisheries Commission, South Carolina, Georgia, and Florida. The Board also changed the annual state compliance report due date to July 1.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

Move to postpone Draft Addendum VIII indefinitely.

Motion made by Mr. Luisi and second by Mr. Wright. Motion passes unanimously.

Move to select Harvest Package 3 (500,000 male-only crabs) for 2020 horseshoe crab bait harvest in Delaware Bay.

Motion made by Mr. Michels and seconded by Mr. Millard. Motion passes unanimously.

Move to approve the 2019 FMP Review, state compliance reports, and *de minimis* status for Potomac River Fisheries Commission, South Carolina, Georgia, and Florida.

Motion made by Mr. Michels and seconded by Mr. Bell. Motion passes unanimously.

Move to adopt a July 1st due date for state compliance reports.

Motion by made by Mr. Michels and seconded by Mr. Bell. Motion passes unanimously.

AMERICAN EEL MANAGEMENT BOARD (OCTOBER 29, 2019)

Meeting Summary

The American Eel Management Board met to consider approval of the Coastwide Cap Coverage Policy. Addendum V, approved in 2018, specified management action will be initiated if the yellow eel coastwide cap (Cap) is exceeded by 10% in two consecutive years. If the management trigger is exceeded, only those states accounting for more than 1% of the total yellow eel landings (1% states) will be responsible for adjusting their measures to reduce harvest to the Cap. Addendum V did not outline what action the states

would need to undertake to reduce harvest in the case of an overage. To address this, an Allocation Work Group (WG) met over the past year to develop a draft policy for how to respond to overages of the Cap. Under the Policy, the Board will annually review preliminary landings at the Spring Meeting to determine what type of management action should occur. Using a decision tree to evaluate the extent of an overage, the policy focuses on the states, which harvest more than 1%, to voluntarily adjust measures to take reductions in harvest if needed. Depending on performance in subsequent years, those voluntary measures could be expanded. The goal in responding to overages prior to the management trigger being tripped allows for proactive management that could prevent the need for significant adjustments to measures. If the management trigger is tripped, an addendum would be initiated to develop options for mandatory reductions in harvest by the states, which harvest more than 1%.

The Board approved the Policy as presented and it will be added to Addendum V as an appendix. The revised Addendum V will be posted to the Commission's website by the end of November. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

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

Motions

Move to approve the Coastwide Cap Overage Policy as presented today.

Motion made by Mr. Reid and seconded by Ms. Patterson. Motion passes. (Roll Call: In favor – NH, MA, RI, CT, NY, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS; Opposed – ME, NJ.)

Move to accept the FMP Review and State Compliance Reports for American eel and *de minimis* requests from New Hampshire, Massachusetts, Pennsylvania, Georgia, and Florida requested *de minimis* status for their yellow eel fisheries; and *de minimis* status for both South Carolina's yellow eel and glass eel fisheries and accept and forward the PRT's recommendations.

Motion made by Ms. Patterson and seconded by Ms. Fegley. Motion passes.

WEAKFISH MANAGEMENT BOARD (OCTOBER 29, 2019)

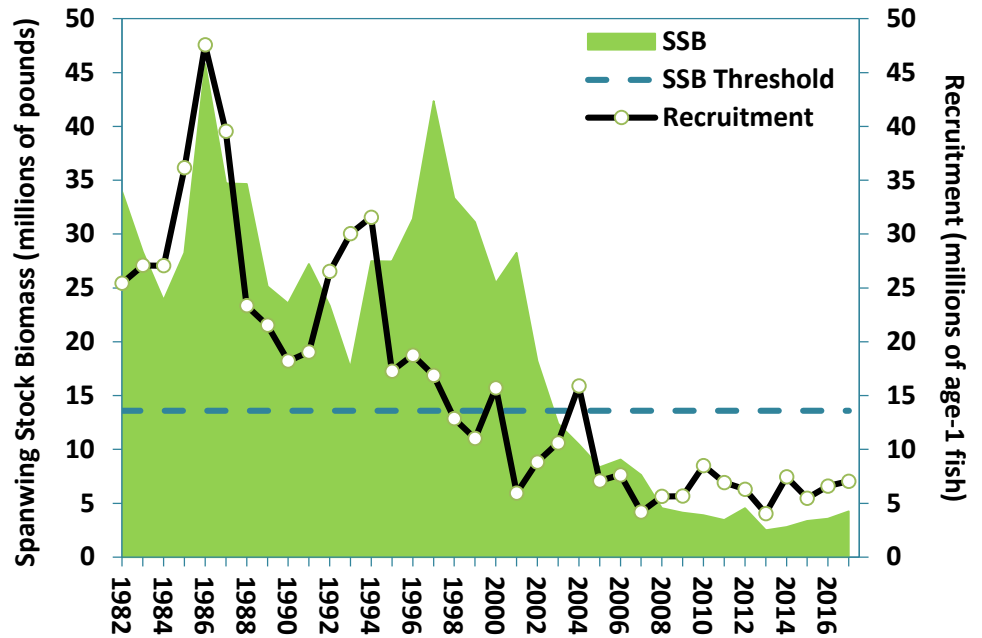
Press Release

Weakfish Assessment Update Indicates Stock is Depleted *Total Mortality Exceeds Threshold; Overfishing is not Occurring*

New Castle, NH – The 2019 Weakfish Assessment Update indicates weakfish continues to be depleted and has been since 2003. Under the reference points, the stock is considered depleted when the stock is below a spawning stock biomass (SSB) threshold of 30% (13.6 million pounds). In 2017, SSB was 4.24 million pounds. While the assessment indicates some positive signs in the weakfish stock in the most recent years, with a slight increase in SSB and total abundance, the stock is still well below the SSB threshold. Given the weakfish management program is already highly restrictive with a one fish recreational creel limit, 100 pound commercial trip limit, and 100 pound commercial bycatch limit, the Board took no management action at this time.

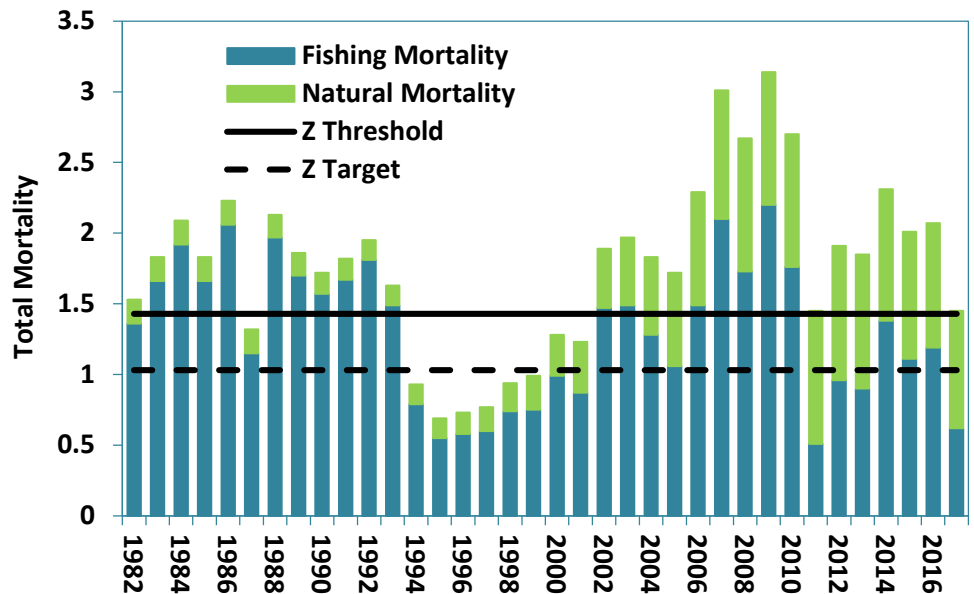
The assessment indicates natural mortality (e.g., the rate at which fish die because of natural causes such as predation, disease, and starvation) has been increasing since the early 2000s. Fishing mortality was also high during the mid- to late 2000s. Therefore, even though harvest have been at low levels in recent years, the weakfish population has been experiencing very high levels of total mortality (which includes fishing mortality and natural mortality), preventing the stock from recovering.

Weakfish Spawning Stock Biomass (SSB) & Recruitment



To better address the issues impacting the weakfish resource, the Technical Committee recommends the use of total mortality (Z) benchmarks to prevent an increase in fishing pressure when natural mortality is high. The assessment proposes a total mortality target of 1.03 and threshold of 1.43. Total mortality in 2017 was 1.45, which is above both the threshold and target, indicating that total mortality is too high. Fishing mortality has increased in recent years, but was below the threshold in 2017.

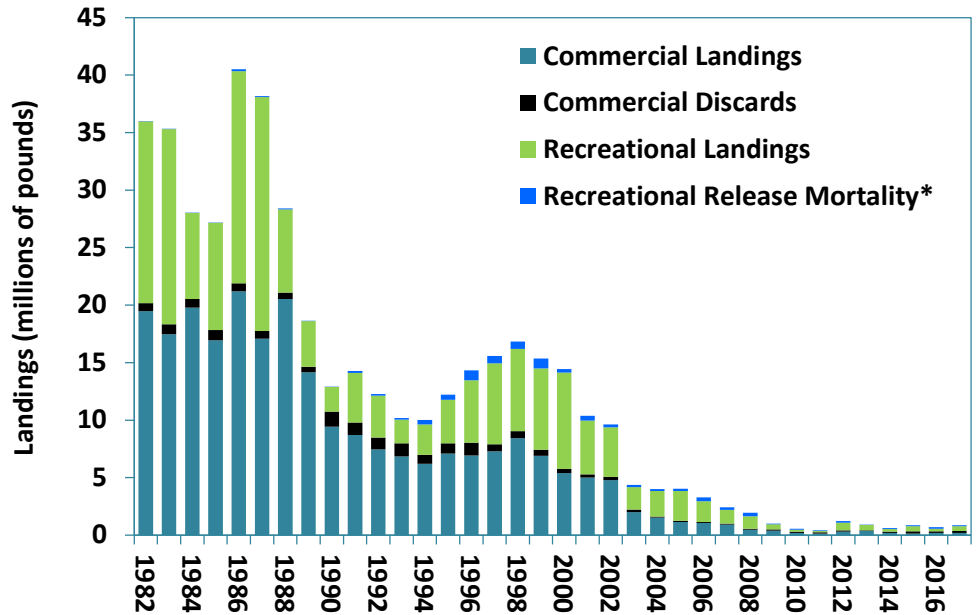
Contribution of Fishing and Natural Mortality to Total Weakfish Mortality



Weakfish commercial landings have dramatically declined since the early 1980s, dropping from over 19 million pounds landed in 1982 to roughly 180,560 pounds landed in 2017. The majority of landings occur in North Carolina and Virginia and, since the early 1990s, the primary gear used has been gillnets. Discarding of weakfish by commercial fishermen is known to occur, especially in the northern trawl fishery, and the discard mortality is assumed to be 100%. Discards peaked in the 1990s but have since declined as the result of management measures and a decline in stock abundance.

Like the commercial fishery, recreational landings and live releases have declined over time. It is assumed that 10% of weakfish released alive die, so that total recreational removals are equal to the number of weakfish landed plus 10% of the weakfish released alive. The assessment update used the new time-series of calibrated estimates of landings and live releases from the Marine Recreational Information Program. These estimates were higher than the values used in the 2016 benchmark assessment, but showed the same overall trend. Total recreational removals peaked in 1987 at 20.4 million pounds and have declined since then to slightly less than 500,000 pounds in 2017. The proportion of fish released alive has increased over time; over the past 10 years, 88% of weakfish were released alive. Most of the recreational catch occurs in the Mid-Atlantic between North Carolina and New Jersey.

Weakfish Commercial Landings and Discards & Recreational Landings and Release Mortality



* The stock assessment assumes 10% of the released fish died as a result of being caught and released.

The Assessment Update and a stock assessment overview will be available on the Commission’s website, www.asmfc.org, on the Weakfish page under Stock Assessment Reports. For more information on the stock assessment, please contact Katie Drew, Stock Assessment Team Leader, at kdrew@asmfc.org; and for more information on weakfish management, please contact Mike Schmidtke, FMP Coordinator, at mschmidtke@asmfc.org.

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Meeting Summary

In addition to considering the results of the Stock Assessment Update, the Board reviewed annual state compliance with the FMP. The Board found all states’ regulations to be consistent with the measures of the FMP and approved *de minimis* requests for Massachusetts, Connecticut, and Florida. The Board discussed biological sampling requirements that have been impacted by increased catch estimates from the Marine Recreational Information Program’s transition to using the mail-based Fishing Effort Survey. Age sampling requirements are based on each state’s total harvest, thus increases to recreational harvest estimates increase the sampling requirements. The Board tasked the Technical Committee with evaluating assessment needs and state’s sampling abilities to determine whether current requirements should be maintained or changed.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

Motions

The motions from this meeting will be updated to the document on Monday, November 4.

EXECUTIVE COMMITTEE (OCTOBER 30, 2019)

Meeting Summary

The Executive Committee met and discussed several issues including: 1) the FY19 Audit; 2) a policy on non-payment of state assessments; 3) allocation of remaining plus-up funds; 4) the public input process; and 5) future Commission Annual Meetings. The following action items resulted from the Committee's discussions:

- FY19 Audit – The Administrative Oversight Committee (AOC) Chair presented the FY19 Audit of the Commission for approval, noting the auditors provided a clean opinion and found no issues of concern. A motion to approve the audit was made and passed unanimously.
- Allocation of Remaining Plus-up Funds – Staff presented options for allocating the remaining plus-up funds and the Committee had a good discussion on potential projects. Following the discussion, the Committee agreed to support the Winter Striped Bass Tagging Cruise (~\$25,000) and discuss allocation of the remaining ~\$175,000 at a future meeting.
- Advisory Panel and Public Input Process – There is concern that public engagement in the Commission's process is dropping off; so the Committee discussed possible ways to remedy this. The Committee requested staff provide an analysis of current membership and participation. The Committee also requested the Management & Science Committee brainstorm on better ways to capture public input including the possible use of surveys designed by the Committee on Economics and Social Sciences to facilitate input.
- Policy on Non-payment of State Assessments – Staff presented a policy concerning non-payment of state appropriations. After a couple of clarifying questions, a motion to recommend the full Commission approve the policy was made and passed unanimously.
- Future Annual Meetings – The Commission's next three Annual Meetings will be held in New Jersey (2020), North Carolina (2021) and Maryland (2022).

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

Motions

On behalf of the AOC, move approval of the FY19 Audit. The motion passed unanimously.

Motion made by Mr. Keliher. Motion passes unanimously.

Move the Policy Addressing Non-payment of State Assessments be forwarded to the full Commission for action.

Motion made by Mr. Grout and seconded by Mr. Keliher. Motion passes unanimously.

LAW ENFORCEMENT COMMITTEE (OCTOBER 29 & 30, 2019)

Meeting Summary

The Law Enforcement Committee (LEC) met to review species activities as well as compliance reporting. The LEC welcomed several new members: Captain Chris Hodge (GA), Major Robert Beal (ME), Lt. DeLayne Brown (NH), and Major Jason Walker, (NC). Captain Scott Simmons was an alternate representative for Maryland and Jeff Odom was the alternate for the USFWS. Because of the retirement of Captain Steve Anthony from North Carolina, Captain Doug Messeck served as Acting Chair for this meeting.

Species Issues

Coastal Sharks and Atlantic Striped Bass — The LEC reviewed and confirmed its recommendations regarding the requirement for the use of circle hooks in both the coastal sharks and the Atlantic striped bass fisheries. The positions taken were previously recorded in separate memoranda to the respective species management boards based on a September 20, 2019 teleconference. After some discussion and review of specific situations that make strict enforcement difficult, it was agreed the prepared memoranda accurately reflect LEC concerns. In general, the LEC continues to believe that compliance with circle hook requirements will be primarily dependent on angler buy-in and intensive education and outreach efforts. Doug Messeck and Kurt Blanchard were scheduled to present the LEC recommendations at the next day's management board meetings.

Atlantic Herring — The LEC reviewed the request from the Atlantic Herring Management Board to review and report on current protocols and enforcement issues with regard to the loading, off-loading and transportation of Atlantic herring catches. The request stems from the recent report of enforcement action in Maine that uncovered significant under-reporting of catch in circumvention of established trip limits and quotas. A Work Group of the LEC (to be determined) will participate in the review of this fishery and make recommendations to the Atlantic Herring Management Board for possible regulatory improvements. Preliminary discussion by the LEC focused on tightening up the standards for weights/measures of containers used in transporting herring to fish houses, but other issues may be identified.

Spot/Atlantic Croaker — Mike Schmidtke of ASMFC staff briefed the LEC on proposed regulations for bag/size limits of spot and croaker, primarily affecting the recreational for-hire fishery. Regarding how best to manage harvest bags and retention of fish in live wells for bait, the LEC recommended maintaining a strict harvest bag limit for both species reflecting the number of anglers on-board. For

Atlantic croaker, the LEC recommended establishing a maximum size limit for retention as bait in live wells. Where a live-bait size limit may not be feasible, the LEC felt that size and number of live wells and the need to keep fish alive would ultimately limit the number of fish kept. These combinations of rules would help to minimize illegal retention of fish over the bag limits.

Cobia — Members of the LEC expressed concern about the possible outcome of regulations concerning the application of size/bag limits in federal waters. Mike Schmidtke clarified the ASMFC recommendation was to have federal waters harvest be controlled by the regulations of the state of landing. The state of landing would be tied to the angler (or vessel) state license. NOAA Fisheries' position was that a variety of factors may need to apply, such as location fished, vessel license, or other factors that would help determine the ultimate state of landing. That way, given a boarding or encounter in federal waters, enforcement officers could notify the applicable state of a potential landing. NOAA Fisheries' preference is for a single coastwide minimum size limit, but regulations are still in process.

Other Issues

Toni Kerns, ISFMP Director, briefed the LEC on current **compliance reporting** by the states and the need to standardize information as reported in the enforcement section of these reports. The goal would be to determine the type and detail of information that can be consistently provided by each state. There was good discussion and input by LEC members indicating that data-driven reports may vary depending on each state's ability to provide the number of "contacts" by species along with the numbers of citations or warnings. Most states may not have the ability to identify specific types of violations along with citation numbers. The LEC discussed including a narrative template in the compliance reports that would depend on enforcement perspectives on current problem areas, or emerging trends that officers are seeing that are influencing or driving compliance by species. The LEC recommended that ASMFC consider a subcommittee composed of LEC, ASMFC staff and state managers to clarify what is needed and feasible in annual compliance reports. Toni Kerns will continue to work on this issue in consultation with the LEC and the LEC Coordinator.

The LEC elected a Chair and Vice Chair for the next two-year term. Captain Doug Messeck was elected Chairman, and Captain Jason Snellbaker is the new Vice Chair. The LEC thanked Mark Robson for his service to the Committee as part-time staff coordinator. Mark is embarking on his "full retirement" as of January 1, 2020, and will be greatly missed his LEC and ASMFC colleagues.

HABITAT COMMITTEE (OCTOBER 30, 2019)

Meeting Summary

The Habitat Committee (Committee) met to discuss a number of issues. Michelle Bachman (NEFMC) and Jessica Coakley (MAFMC) updated the committee on the Northeast Regional Fish Habitat Assessment, and led a discussion on the data still needed.

The Committee continued to work on the Fish Habitats of Concern designations for all Commission-managed species. The goal is to present these designations to the Policy Board in the summer of 2020.

The HC completed the Aquaculture Impacts to Atlantic Fish Habitat *Habitat Management Series* publication, which summarizes the aquaculture activities and impacts on fish habitat in U.S. Atlantic waters. The Acoustic Impacts to Fish Habitat *Habitat Management Series* publication is on track to be completed in the spring of 2020, and the 2019 Habitat Hotline Atlantic, which focuses on aquaculture, will be released by the end of the calendar year.

The next Habitat Management Series publication will highlight some of the recent habitat assessments being carried out by HC members and other fish habitat scientists and managers along the Atlantic coast.

For more information, please contact Dr. Lisa Havel, Habitat Coordinator, at lhavel@asmfc.org or 703.842.0740.

SHAD & RIVER HERRING MANAGEMENT BOARD (OCTOBER 30, 2019)

Meeting Summary

The Shad and River Herring Management Board met to consider a number of topics, including Technical Committee (TC) recommendations on management and monitoring inconsistencies with Amendments 2 and 3, revisions to the Maine River Herring Sustainable Fishery Management Plan (SFMP), a progress update on the ongoing American shad benchmark stock assessment, an update on shad habitat plans, the 2019 FMP Review and state compliance, and nominations to the Shad and River Herring Advisory Panel (AP).

First, the Board received a report from the TC Chair on work done by the TC to address the Board task assigned in October 2017. The TC report identified various management and monitoring inconsistencies with the requirements of Amendments 2 and 3 to the Fishery Management Plan (FMP). Amendments 2 and 3 require that states and jurisdictions implement SFMPs for all river systems that will remain open to commercial and/or recreational harvest of river herring and shad, respectively. Three general types of inconsistencies were identified: 1) tributaries of river systems with SFMPs and monitoring that are not explicitly addressed in the SFMP; 2) rivers with recreational harvest addressed by a SFMP, but with insufficient monitoring to support sustainability metrics; and 3) rivers legally open to recreational harvest without an approved SFMP. The TC recommended the following actions for each type of inconsistency, respectively: 1) include tributaries under the SFMP for the mainstem and apply management metrics and responses to those tributaries; 2) apply management metrics and response from other appropriate monitored system(s), or implement catch and release only regulations, and 3) implement catch and release only regulations, or consider development of an alternative management regime. The Board directed the states to submit proposals to resolve any inconsistencies based on the TC recommendations. Following TC evaluation, the Board will consider approval of state proposals at the 2020 Spring Meeting.

The Board also considered proposed changes to Maine's River Herring SFMP. Maine's proposal would provisionally open three municipally-managed river herring runs to limited commercial harvest. Within a five-year period, the three municipal waters selected for inclusion in this program must meet the

established sustainability criteria for harvest to continue under the SFMP. Following the TC recommendation, the Board approved Maine's proposal.

Next, staff provided an update to the Board on the ongoing Benchmark Assessment for American shad. The Stock Assessment Subcommittee will convene November 18-22 in Charleston, SC for the last Assessment Workshop, where they will finalize assessment models for each stock. Staff expressed concern with the pace of assessment progress, noting several assessment tasks have not been completed by the committee in accordance with the stock assessment timeline. At this time there is no need to further delay the assessment completion, currently scheduled for the 2020 Summer Meeting. Staff also updated the Board on the status of the American shad habitat plans, which were required by Amendment 3. Most states and jurisdictions submitted habitat plans for Board approval in 2014. To date, habitat plans have not been submitted for the Merrimac and Hudson Rivers. As five years have passed since the initial approval of shad habitat plans, the Board agreed that states and jurisdictions should review and update their plans as needed, and that new plans should be submitted for the Hudson and Merrimac Rivers.

The Board approved the 2019 FMP Review for Shad and River Herring and *de minimis* status for the following states: Maine, New Hampshire, and Massachusetts and Florida for American shad; and New Hampshire and Florida for river herring.

Finally, the Board appointed three new members to the Shad and River Herring AP: Mike Thalhauser with the Maine Center for Coastal Fisheries and Alewives Harvesters of Maine; Mark Amorello, a recreational fisherman from Massachusetts; and Chuckie Green, a recreational angler and Tribal Nation representative from Massachusetts.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Main Motion

Move to direct the states to follow the TC recommendations. And to present to the board in February a plan with a timeline of how they will follow the TC recommendations.

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

Motion to Substitute

Move to substitute to direct states to respond to the TC recommendation with a written proposal in time for Board consideration at the spring meeting of 2020. If the state does not submit a proposal by the 2020 spring meeting, the management board can take such actions necessary to implement the TC recommendations.

Motion made by Mr. Woodward and seconded by Mr. Bell. 16-2-0-0 Motion passes

Main Motion as Substituted

Move to direct states to respond to the TC recommendation with a written proposal in time for Board consideration at the spring meeting of 2020. If the state does not submit a proposal by the 2020 spring

meeting, the management board can take such actions necessary to implement the TC recommendations.

Motion made by Mr. Woodward and seconded by Mr. Bell. 17-1 Motion approved.

Move to approve Maine’s proposal to modify the river herring SFMP as recommended by the TC.

Motion made by Sen. Miramant and seconded by Mr. Reid. Motion is approved unanimously.

Move to approve the 2019 Shad and River Herring FMP Review, state compliance reports, and *de minimis* status for Maine, New Hampshire, Massachusetts and Florida.

Motion made by Ms. Fegley and seconded by Dr. Davis. Motion is approved unanimously.

Move to appoint Mike Thalhauser, Mark Amorello, and Chuckie Green to the Shad and River Herring Advisory Panel.

Motion made by Mr. Keliher and seconded by Mr. Kane. Motion is approved unanimously.

CAPTAIN DAVID H. HART AWARD LUNCHEON (OCTOBER 30, 2019)

Press Release

ASMFC Presents Thomas P. Fote Prestigious Captain David H. Hart Award

New Castle, NH – The Atlantic States Marine Fisheries Commission presented Thomas P. Fote, New Jersey’s Governor Appointee to the Commission, the Captain David H. Hart Award, its highest annual award, at the Commission’s 78th Annual Meeting in New Castle. Mr. Fote has admirably served the State of New Jersey and the Commission since 1991 when he replaced Captain David Hart as New Jersey’s Governor Appointee to the Commission.



From Left: ASMFC Chair Jim Gilmore, Hart Award Recipient Thomas Fote and ASMFC Executive Director Bob Beal

Mr. Fote’s longstanding service to marine conservation and management is notable. His history is one of dedicated volunteerism on a continuous basis. After volunteering to serve in Vietnam, Mr. Fote was medically retired from the US Army as an Army Captain in 1970. Upon his return, Tom began to carve out a critical spot for himself in the world of marine conservation through diligent study, hard work, the willingness to ask penetrating questions, and engagement into a wide spectrum of conservation and fisheries management roles, all as a full time volunteer. In the process, he has become

a knowledgeable and staunch fishery advocate, acting locally on behalf of his fellow New Jersey anglers, while also considering the needs of other states.

A strong proponent of habitat protection and enhancement, Mr. Fote recognizes the critical role healthy habitat plays in fisheries management. As the founding member and first chair of the Habitat Committee, Mr. Fote was instrumental in the development of the Commission's Habitat Program. Throughout his life, he's become increasingly active in environmental issues and has been a powerful voice in opposition to those who would degrade the marine environment. Having seen firsthand the devastation of "Agent Orange" in Vietnam, Mr. Fote found that this same Agent Orange had been made in New Jersey and dumped into Newark Bay. Mr. Fote worked with numerous conservation agencies to rid New Jersey's waters of a whole spectrum of contaminants.

With his service to the Commission dating back to 1991, Mr. Fote's has become the onsite "functional historian" for the Commission. His long range perspective puts difficult decisions into context and brings clarity to confusing dilemmas. Understanding how important it is to bring new members up to speed so they can quickly and constructively engage in the Commission process, Mr. Fote goes out of his way to help new Commissioners understand the complexities of the organization and how to work through the sometimes confusing maze of options.

Mr. Fote firmly believes in the inherent strength of partnerships and collaboration. He frequently communicates with others to develop a compromise and/or coalition for the common good. His extensive knowledge, reputation, and impassioned viewpoint are key catalysts in bringing divergent groups together for a common cause. This is exemplified through his work as a volunteer with numerous organizations including the New Jersey Environmental Federation and the New Jersey Coast Anglers Association. Throughout his life, Mr. Fote has demonstrated that a conservation ethic and spirit of volunteerism can be lifelong passions. Atlantic coast fisheries management is better because of his involvement.

The Commission instituted the Hart Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources, Captain David H. Hart, from the State of New Jersey.

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PR19-36

COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 30, 2019)

Meeting Summary

The Coastal Sharks Management Board met to consider a postponed motion requiring the use of circle hooks for the recreational fishery, set 2020 specifications, consider approval of the 2019 FMP Review, and elect a new Vice-Chair.

In May 2019, the Board considered a request by NOAA Fisheries to implement a circle hook requirement for the recreational fishery consistent with measures approved in HMS Amendment 11. As part of the Amendment, circle hooks are now required across the hook and line shark fisheries in all areas of federal waters. Circle hooks have been required for federal permit holders since 2017 as outlined in Amendment 5b. The Board postponed action on this measure until receiving feedback from the Advisory Panel (AP) and Law Enforcement Committee (LEC). The AP met in October, with the members present recommending that circle hook measures be required in state waters so long as the regulatory language is consistent with federal measures, specifically allowing an exemption for those fishing with flies and artificial lures. The LEC met in September and indicated the difficulties of enforcing a regulation that might require evidence that an angler is “targeting” a particular species of fish with a prohibited hook type or size. Therefore, if the Board were to implement such a requirement, the LEC emphasized the importance of using intensive education and outreach to garner support for a circle hook regulation. Taking into consideration both reports, the Board moved to require circle hooks for state waters for the recreational shark fishery, with an implementation date of July 1, 2020.

Next, the federal proposed 2020 Atlantic shark specifications were presented. Similar to 2017-2019, NOAA Fisheries proposed a January 1 open date for all shark management groups, with an initial 25 shark possession limit for large coastal and hammerhead management groups with the possibility of in-season adjustments. The Board will set the 2020 coastal shark specifications via an email vote after the final rule is published.

As part of the 2019 FMP Review, staff provided a progress update on state implementation of the new shortfin mako recreational measures. In May, the Board approved changes to the recreational size limit for Atlantic shortfin mako sharks in state waters, specifically, a 71-inch straight line fork length (FL) for males and an 83-inch straight line FL for females with an implementation date of January 1, 2020. The measures were approved in response to the 2017 Atlantic shortfin mako stock assessment that found the resource is overfished and experiencing overfishing and to promote consistency between measures required in federal waters as part of Amendment 11. A number of the states have already implemented these measures while others are still in their rule-making process. Lastly, the Board approved the 2019 Fishery Management Plan Review of the 2018 fishing year.

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

Motions

Postponed Motion from May Meeting

Move to require, for state waters, the use of circle hooks on lines intended to catch sharks.

Motion to Substitute

Move to substitute to require the use, in state waters, of non-offset, corrodible, non-stainless steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures, implemented no later than July 1, 2020.

Motion made by Mr. Gillingham and seconded by Mr. McNamee. Motion approved by unanimous consent.

Main Motion as Substituted

Move to require the use, in state waters, of non-offset, corrodible, non-stainless steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures, implemented no later than July 1, 2020.

Motion made by Mr. Gillingham and seconded by Mr. McNamee. Motion approved unanimously.

Move to approve the 2020 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2020 Atlantic Shark Commercial Fishing season.

Motion by Mr. Miller, second by Mr. Estes. Motion passes unanimously.

Move to accept the 2019 FMP Review for Coastal Sharks, state compliance reports, de minimis status for Massachusetts specific to the possession limit and fishery closure requirements for the Aggregate Large Coastal and Hammerhead species groups.

Motion made by Mr. Hasbrouck and seconded by Mr. Rhodes. Motion passes unanimously.

Move to nominate Mel Bell (SC) as Vice-Chair to the Coastal Sharks Board.

Motion made by Mr. Rhodes and seconded by Mr. Haymans. Motion passes unanimously.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 30, 2019)

Press Release

ASMFC Atlantic Striped Bass Board Approves Addendum VI

New Castle, NH – The Commission’s Atlantic Striped Bass Management Board approved Addendum VI to Amendment 6 of the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum reduces all state commercial quotas by 18%, and implements a 1 fish bag limit and a 28”-35” recreational slot limit for ocean fisheries and a 1 fish bag limit and an 18” minimum size limit for Chesapeake Bay recreational fisheries. States may submit alternative regulations through conservation equivalency to achieve an 18% reduction in total removals relative to 2017 levels.

Addendum VI was initiated in response to the 2018 Benchmark Stock Assessment, which indicates the resource is overfished and experiencing overfishing. The Addendum’s measures are designed to reduce harvest, end overfishing, and bring fishing mortality to the target level in 2020.

Since catch and release practices contribute significantly to overall fishing mortality, the Addendum requires the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries. Outreach and education will be a necessary element to garner support and compliance with this important conservation measure.

States are required to submit implementation plans by November 30, 2019 for review by the Technical Committee and approval by the Board in February 2020. States must implement mandatory circle hook requirements by January 1, 2021. All other provisions of Addendum VI must be implemented by

April 1, 2020. In May 2020, the Board will consider a postponed motion to initiate an Amendment to rebuild spawning stock biomass to the target level and address other issues with the management program.

Addendum VI will be available on the Commission's website (www.asmf.org) on the Atlantic Striped Bass webpage in early November. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

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PR19-35

Motions

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White.

Motion to Table

Move to table the motion to discuss the TC memo for conservation equivalency criteria.

Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion fails (5 in favor, 8 opposed, 2 abstentions). (Roll Call: In favor – NJ, MD, PRFC, VA, NC; Opposed – ME, NH, MA, RI, CT, NY, PA, DE; Abstain – NMFS, USFWS.)

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White.

Motion to Substitute

Move to substitute to approve Option 3 under Section 3.1 for unequal percent reductions.

Motion made by Mr. Reid and seconded by Mr. Clark. Motion fails (4 in favor, 8 opposed, 2 abstentions, 1 null). (Roll call: In favor – NY, DE, MD, PRFC; Opposed – ME, NH, MA, RI, CT, NJ, PA, VA; Abstain – NMFS, USFWS; Null – NC.)

Main Motion

Move to approve Option 2 under Section 3.1 for equal percent reductions.

Motion by Mr. Keliher and seconded by Mr. White. Motion passes (11 in favor, 4 opposed). Roll call: In favor – ME, NH, MA, RI, CT, NJ, PA, VA, NC, NMFS, USFWS; Opposed – NY, DE, MD, PRFC.)

Main Motion

Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery.

Motion made by Dr. Davis and seconded by Mr. Luisi.

Motion to Amend

Move to amend to include a conservation equivalency proposal to achieve an 18% reduction in total removals relative to 2017.

Motion made by Mr. Nowalsky and seconded by Mr. Batsavage. Motion passes 11-2-2abs-0.

Main Motion as Amended

Move to approve Sub-Option 2-A2 1 fish at 28-35 inches for Section 3.1 for the ocean fishery. Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017.

Motion passes 12-1-2abs-0.

Move to approve Sub-Option 2-B1 1 fish at 18 inch minimum for Section 3.1 for Chesapeake Bay. Conservation equivalency proposals are required to achieve an 18% reduction in total removals relative to 2017.

Motion made by Mr. Geer and seconded by Mr. Gary. Motion passes 12-0-3abs-0.

Move to approve Option B, requiring mandatory circle hook regulations for Section 3.2.

Motion made by Mr. White and seconded by Sen. Miramant. Motion passes unanimously.

Main Motion

Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. All provisions of Addendum VI must be implemented by April 1, 2020.

Motion made by Mr. Shiels and seconded by Mr. White.

Motion to Amend

Move to amend to have the circle hook requirements implemented by January 1, 2021.

Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion passes 11-2-2abs-0.

Main Motions as Amended

Move that states submit implementation plans by November 30, 2019. The Board will take action on implementation plans in February, 2020. Circle hook requirements must be implemented by January 1, 2021. All other provisions of Addendum VI must be implemented by April 1, 2020.

Motion passes unanimously.

Move to approve Addendum VI to Amendment 6 to the Atlantic Striped Bass FMP as amended today.

Motion made by Ms. Patterson and seconded by Mr. Borden. Motion passes without objection.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 31, 2019)

Meeting Summary

The ISFMP Policy Board met to consider a number of issues, including an update from Executive Committee; process implications for the Ecological Reference Point (ERP) Benchmark Assessment; consider a noncompliance recommendation from the Atlantic Menhaden Management Board; and receive reports from the Habitat, Management and Science, Assessment Science and the Atlantic Coastal Fish Habitat Partnership Steering Committees.

The Commission Chair Jim Gilmore presented the Executive Committee Report (see Executive Committee meeting summary earlier in this document) to the Board.

Dr. Katie Drew provided a progress report on the ERP Benchmark Stock Assessment. Commission staff requested the Board begin thinking about next steps towards implementing ERPs for menhaden and that there is not a single answer for ecosystem reference points. Specifically, the ERP Assessment will provide tools to evaluate trade-offs of different management objectives for various predator and prey populations and fisheries. Depending on the management response, the Policy Board may need to provide guidance regarding what process to follow up in making management decisions (e.g., what board(s) should have oversight).

The Board unanimously approved a motion to recommend the Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden (note the USFWS and NOAA Fisheries abstained from voting). The decision comes after notification that the reduction fishery cap of 51,000 metric tons had been exceeded in September 2019. In making its decision, the Board discussed the implementation of this measure is necessary to achieve the conservation goals and objectives of the FMP, to maintain the Chesapeake Bay marine environment, and to assure the availability of the ecosystem's resources on a long-term basis.

The Board reviewed committee reports from the Habitat Committee (see Habitat Meeting Summary), Atlantic Coastal Fish Habitat Partnership (see ACFHP Meeting Summary), Management and Science Committee (see MSC Meeting Summary), and Assessment Science Committee (ASC). The Habitat Committee Chair presented the latest instalment of the *Habitat Management Series: Aquaculture Impacts to Habitat along the Atlantic Coast*, which was approved by the Board. The document provides a broad description of current and common marine aquaculture practices along the Atlantic seaboard and some potential effects on fish habitats. Staff presented ASC's recommended revisions to the stock assessment schedule, which were approved by the Board. With Mark Robson retiring at the end of the year, the Board thanked him for his time with the Commission and the excellent work he did coordinating the Law Enforcement Committee for the past 8 years.

Starting in 2020, states will implement the tautog commercial harvest tagging program. This requires all commercial caught tautog to be tagged. The Tautog Board was concerned a loop hole could be created if there were no regulations for tagged tautog in Pennsylvania since it has a significant market.

Pennsylvania agreed to implement regulations to ensure efforts of the tagging program would not be undermined, as they have done with other species.

The mandatory use of circle hooks was discussed by several boards over the course of the week. The Policy Board tasked the MSC to complete a synthesis of the existing literature on the use of circle hooks to better understand if there are improvements in species survival rates with the use of circle hooks. The Board thanked the Commissioners of New Hampshire for hosting a magnificent 78th Annual Meeting and acknowledged Doug Grout for his three decades of service to New Hampshire and the Commission.

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

Motions

Main Motion

On behalf of the Atlantic Menhaden Management Board, move the ISFMP Policy Board recommend to the Commission that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of the FMP and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made by Ms. Merserve.

Motion to Amend

Move to amend to include the unused quota provision whereby unused quota may not be transferred to the Cap to reduce an overage, the rollover provision where unlanded fish from the cap cannot be rolled over into the subsequent year; lastly if the cap is exceeded the amount over the cap will be deducted from the next year's allowable harvest.

Motion made by Mr. Reid and seconded by Mr. Grout. Motion is approved by unanimous consent with abstentions from NOAA Fisheries and USFWS. Upon reconsideration of the motion, the amended motion fails.

Motion to Reconsider

Move to reconsider the previous motion to amend.

Motion by Mr. Borden, second by Mr. Fote. Motion passes. With the passing of this motion, the above amended motion fails.

Main Motion

Move the Interstate Fisheries Management Program Policy Board recommend to the Commission that the Commonwealth of Virginia be found out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than

51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Motion made Ms. Meserve. Motion passes unanimously (16 in favor, 2 abstentions).

Move to approve the *Habitat Management Series: Aquaculture Impacts to Fish Habitat along the Atlantic Coast*.

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

Move to approve the ASMFC Stock Assessment Schedule as presented today.

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

Move to have the Management and Science committee investigate discard mortality across all species. This review should focus on the use of circle hooks and/or other tools that would address discard mortality.

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

BUSINESS SESSION (OCTOBER 29 & 31, 2019)

Press Releases

Patrick C. Keliher Elected ASMFC Chair

New Castle, NH – Today, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked James Gilmore of New York for an effective two-year term as Chair and elected Commissioner Patrick C. Keliher of Maine to succeed him.

“It is both a great honor and huge responsibility to be trusted to lead the Commission for the next two years. I am humbled by my fellow Commissioners’ confidence in me,” said Mr. Keliher. “While my obligation to the great State of Maine will always come first and foremost, I also recognize that Maine sits on boards for just 10 of the 27 species managed by the Commission. As Chair, I will be working with ASMFC leadership to shape the course of interstate fisheries management for more than just the Pine Tree State and will ensure substantial resources are devoted to issues of equal importance in the fisheries of the Mid- and South Atlantic states. I look forward to bolstering the Commission’s relationship with NOAA Fisheries and Congress to ensure mutual cooperation. I’d like to thank Jim Gilmore for his superb leadership over the past two years. I learned a great deal from him and will use the knowledge gained to work with newly elected Vice-chair Spud Woodward to advance the Commission’s vision of *Cooperative and Sustainable Management of Atlantic Coastal Fisheries*.”



Under Mr. Gilmore’s chairmanship, the Commission made important strides in furthering its strategic goals. Management accomplishment’s during the past two years include approval of plan amendments for Atlantic cobia and summer flounder, protections for spawning Atlantic herring, and approval of an addendum to end overfishing of Atlantic striped bass. The Commission’s Science Program completed benchmark assessments and peer reviews for horseshoe crab, Atlantic striped bass and northern shrimp, and made significant progress on the benchmark assessments for American lobster, American shad, and Atlantic menhaden (including the establishment of ecological reference points).

The Atlantic Coastal Cooperative Statistics Program (ACCSP) continued to successfully implement state conduct of the Marine Recreational Information Program’s Access-Point Angler Intercept Survey. ACCSP also made significant advancements in technological innovations, including tablet and mobile data entry apps for dealers, commercial fishermen and the for-hire industry. During his chairmanship, Mr. Gilmore oversaw the selection of a new ACCSP Program Director, Geoff White.

The Atlantic Coastal Fish Habitat Partnership funded restoration projects in six states to conserve a total of 40 acres of fish habitat and provide access to over 29 river miles and 3,900 acres of spawning habitat. It also launched a redesigned website, created an online query tool for the Species-Habitat Matrix, and completed a research project to understand black sea bass habitat use in the Mid-Atlantic Bight.

A Gardiner native, Mr. Keliher has spent much of his life in the woods and on the waters of Maine. His experiences as a youth, fishing and lobstering with family in Casco Bay, instilled in him early on an appreciation for the importance and value of our natural resources. He has been Commissioner of Maine’s Department of Marine Resources since January 2012.

The Commission also elected A.G. “Spud” Woodward, Georgia’s Governor Appointee to the Commission, as its Vice-Chair.

###

PR19-32

**ASMFC Finds the Commonwealth of Virginia Out of Compliance with Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden
*Noncompliance Finding to be Forwarded to the Secretary of Commerce***

New Castle, NH – The Atlantic States Marine Fisheries Commission has found the Commonwealth of Virginia out of compliance with a mandatory management measure contained in Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commission will notify the Secretary of Commerce of its finding. This action was taken pursuant to the provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993.

Specifically, the Commonwealth of Virginia has failed to effectively implement and enforce Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3. In order to come back into compliance, the Commonwealth must implement an annual total allowable harvest from the Chesapeake Bay by the

reduction fishery of no more than 51,000 mt. The implementation of this measure is necessary to achieve the goals and objectives of Amendment 3 and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

Upon notification by the Commission, the Secretary of Commerce has 30 days to review the recommendation and determine appropriate action, which may include a federal moratorium on fishing for or possessing Atlantic menhaden in the Commonwealth's state waters.

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

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PR19-34

Meeting Summary

The Business Session (also known as the full Commission) met to consider approval of the 2020 Action Plan, elect new Commission leadership, and consider a noncompliance recommendation from the ISFMP Policy Board, as well as a draft policy on the non-payment of state appropriations. The Business Session reviewed and approved the 2020 Action Plan, which outlines the Commission's administrative and programmatic activities for next year. The Plan will be available on the Commission's website, www.asmfc.org, under Guiding Documents early next week. By unanimous acclamation, the Business Session elected Patrick C. Keliher of Maine and A.G. "Spud" Woodward of Georgia the Commission Chair and Vice-chair, respectively. In accepting the chairmanship, Patrick Keliher expressed appreciation for the many contributions of outgoing Chair Jim Gilmore of New York (see above press release for more details).

The Business Session considered and unanimously approved a motion to find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commission has 10 business days to forward a letter to the Secretary of Commerce of its determination (see above press release for more details).

Based on a recommendation from the Executive Committee, the Commission approved a Policy on Non-Payment of State Appropriations. The Policy contains a timeline for payment of annual state appropriations which are due on June 30 each year. If a state is delinquent in submitting its dues, it will lose its voting rights on October 1. This Policy was developed in response to the rare occasions that states do not submit timely payments and to respond to state concerns regarding the fairness of a state being able to participate in the Commission process while being in arrears on annual appropriations. This Policy will be added to the Commission's Rules and Regulations.

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

Motions

Move to accept the Action Plan as amended today.

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

On behalf of the Nominating Committee, I nominate Pat Keliher as the Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting.

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

On behalf of the Nominating Committee, I nominate Spud Woodward as the Vice-Chair of the Atlantic States Marine Fisheries Commission effective at the end of the Annual Meeting.

Motion by Mr. Grout. Motion passes by unanimous consent.

On behalf of the Interstate Fishery Management Program Policy Board, move that the Atlantic States Marine Fisheries Commission find the Commonwealth of Virginia out of compliance for not fully and effectively implementing and enforcing Section 4.3.7 Chesapeake Bay Reduction Fishery Cap of Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Commonwealth of Virginia must implement an annual total allowable harvest from the Chesapeake Bay by the reduction fishery of no more than 51,000 metric tons. The implementation of this measure is necessary to achieve the goals and objectives of the Fishery Management Plan and maintain the Chesapeake Bay marine environment to assure the availability of the ecosystem's resources on a long-term basis.

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

Move to amend the Commission's Rules and Regulations to implement the policy on non-payment of state appropriations

Motion made by Mr. Train and seconded by Dr. Davis. Motion passes by unanimous consent.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (OCTOBER 31, 2019)

Meeting Summary

The South Atlantic State/Federal Fisheries Management Board (Board) met to consider Draft Addendum III to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Croaker and Draft Addendum III to the Omnibus Amendment to the Interstate FMPs for Spanish Mackerel, Spot, and Spotted Seatrout (Omnibus Amendment) for public comment. These addenda were initiated to incorporate updates to the annual Traffic Light Approaches (TLA) applied to Atlantic croaker and spot and consider changes to the management responses defined in Addendum II to the Atlantic Croaker FMP and Addendum II to Spot FMP. The TLA assigns a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to its long-term mean, the proportion of green in a given year will increase and as harvest or abundance decreases, the amount of red in that year will increase. The Board annually evaluates amounts of red against threshold levels to potentially trigger management action. While both species have shown strong declines in recent harvest, neither species had management action triggered because abundance metrics from fishery-independent surveys do not show similar declines. Updates to the TLAs have been recommended by the Atlantic Croaker Technical Committee and Spot Plan Review Team, which include use of regional harvest and abundance metrics, additional fishery-independent surveys, age information, and changes to the triggering mechanisms. The Board made several edits to the Draft Addenda, which will be incorporated before

they are released for public comment. The Board then approved the document, as modified, for public comment.

The Board also discussed differences between federal and state management of Spanish mackerel. Spanish mackerel are managed, primarily, by the South Atlantic Fishery Management Council (SAFMC) with cooperative management from the states through the Commission's Omnibus Amendment. Differences between current SAFMC management and that of the Omnibus Amendment were noticed due to an early federal closure of the commercial Northern Zone of Spanish mackerel. Differences between the plans include differing definitions of commercial management zones and accountability measures. Ongoing action from the SAFMC could potentially change accountability measures for Spanish mackerel in the near future. Therefore, the Board will wait to pursue an addendum to better align state and federal management until a decision on these potential changes has been made.

Finally, the Board reviewed annual state compliance with the FMPs for red drum, black drum, and spotted seatrout. The Board found all states' regulations to be consistent with the measures of the respective FMPs and approved *de minimis* requests for New Jersey (red drum and spotted seatrout) and Delaware (red drum and spotted seatrout).

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org or 703.842.0740.

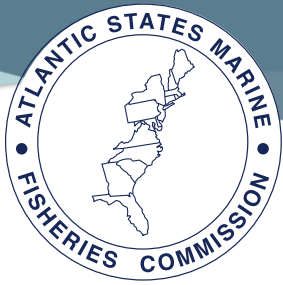
Motions

Move to approve Draft Addendum III to Amendment 1 to the Interstate FMP for Atlantic Croaker and Draft Addendum III for Spot to the Omnibus Amendment with the additions discussed for public comment.

Motion made by Dr. Rhodes and seconded by Mr. Haymans. Motion approved unanimously.

Move to approve the 2019 Spotted Seatrout, Black Drum, and Red Drum FMP Reviews, state compliance reports, and *de minimis* requests for New Jersey and Delaware for red drum and spotted seatrout.

Motion made by Ms. Fegley and seconded by Mr. Estes. Motion approved by unanimous consent.



ASMFC

FISHERIES *focus*

Vision: Sustainable and Cooperative Management of Atlantic Coastal Fisheries

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October 28-31
Wentworth by the Sea

Preliminary Agenda

The agenda is subject to change. Bulleted items represent the anticipated major issues to be discussed or acted upon at the meeting. The final agenda will include additional items and may revise the bulleted items provided below. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. Interested parties should anticipate Boards starting earlier or later than indicated herein.

MONDAY, OCTOBER 28

8:30 – 9:30 a.m.

Atlantic Herring Management Board

- Progress Update on 2019 Atlantic Herring Area 1A Fishery Performance
- Progress Update on Development of Georges Bank Spawning Protection Discussion Document
- Review and Set Atlantic Herring Fishery Specifications for 2020/2021 Season

ANNUAL MEETING PRELIMINARY AGENDA, continued on page 6

Atlantic States Marine Fisheries Commission

1050 North Highland Street, Suite 200 A-N • Arlington, Virginia 22201 • www.asmfc.org

Upcoming Meetings

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as the deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and diadromous species. The fifteen member states of the Commission are: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Atlantic States Marine Fisheries Commission

James J. Gilmore, Jr. (NY), *Chair*
Patrick C. Keliher (ME), *Vice-Chair*

Robert E. Beal,
Executive Director

Patrick A. Campfield,
Science Director

Toni Kerns,
ISFMP Director

Laura C. Leach,
Director of Finance & Administration

Geoff White,
ACCSP Director

Tina L. Berger, *Editor*
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September 24 - 26

New England Fishery Management Council, Beauport Hotel, Gloucester, MA

October 1 (5:30 PM)

Coastal Sharks Advisory Panel Conference Call, go to <http://www.asmfc.org/calendar/10/2019/coastal-sharks-advisory-panel-conference-call/1454> for more details.

October 8 - 10

Mid-Atlantic Fishery Management Council, Durham Convention Center, 301 W. Morgan Street, Durham, NC

October 10 (10 AM - 12:30 PM)

Atlantic Striped Bass Technical Committee Webinar, go to <http://www.asmfc.org/calendar/10/2019/atlantic-striped-bass-technical-comm-webinar/1452> for more details

October 16 (10 AM - 3 PM)

Atlantic Striped Bass Advisory Panel, Courtyard Baltimore BWI Airport, 1671 West Nursery Road, Linthicum, MD

October 28 - 31

ASMFC Annual Meeting, Wentworth by the Sea, 588 Wentworth Road, New Castle, NH

November 4 (begins at 9 AM) - 8 (ends at 1 PM)

SEDAR 69 Atlantic Menhaden Single-Species and Ecological Reference Points Review Workshop, Town and Country Inn and Suites, 2008 Savannah Highway, Charleston, SC, go to <http://www.asmfc.org/calendar/11/2019/sedar-69-atlantic-menhaden-and-ecological-reference-points-review-workshop/1447> for more details

November 19 - 21

SEDAR 58 Atlantic Cobia Peer Review Workshop, Beaufort Hotel, 2440 Lennoxville Road, Beaufort, NC, go to <http://www.asmfc.org/calendar/11/2019/sedar-58-atlantic-cobia-assessment-review-workshop/1448> for more details

November 2 - 6

South Atlantic Fishery Management Council, Hilton Wilmington Riverside, 301 North Water Street, Wilmington, NC

December 3 - 5

New England Fishery Management Council, Hotel Viking, Newport, RI

December 10 - 12

Mid-Atlantic Fishery Management Council, Westin Annapolis, 100 Westgate Circle, Annapolis, MD

December 11 (begins at 1 PM) - 12 (ends at 1 PM)

ASMFC Tautog Ageing Workshop, Massachusetts Division of Marine Fisheries, 30 Emerson Avenue, Gloucester, MA

January 28 - 30

New England Fishery Management Council, Portsmouth Event Center, Portsmouth, NH



ACCSP: Transitions in Leadership

As many of our readers are already aware, there have been some recent changes in leadership within the Atlantic Coastal Cooperative Statistics Program over the past several months. In mid-May, former ACCSP Director Michael Cahall retired after two decades of service. Under his leadership, ACCSP enjoyed tremendous growth, truly becoming the principal source of marine fishery statistics for the U.S. Atlantic coast. Both innovative in his problem solving and deft at seeking funding, Mike was able to spearhead projects that significantly advanced

ACCSP's mission and objectives, including tablet and mobile data entry apps for dealers, commercial fishermen and the for-hire industry.

In August, Geoff White was named the new ACCSP Director based on his long-standing dedication to the Commission and ACCSP, combined with his outstanding record of accomplishments over two decades. Geoff began with the Commission in 1998 as a Fisheries Specialist, working on ASMFC and SEAMAP Strategic Plans, and coordinating the development of two multispecies assessments, the lobster

assessment database, and an assortment of fisheries research programs. Looking for a change, Geoff became ACCSP's System Administrator in 2004, and was subsequently promoted to Data Team Lead/System Administrator in 2008 and promoted again to Recreational Program Manager in 2015.

As Recreational Program Manager, Geoff was particularly impressive in overseeing the transition of MRIP's Access Point Angler Intercept Survey from a federal contractor to state conduct for the states of Maine through Georgia. He also brings to the position an extensive background in both

fisheries science and information technology. He understands the absolute necessity for high quality, dependable, and timely fisheries data, as well as the need to leverage technological innovations to improve efficiencies at all levels of data collection and management. I am excited to see what further technological innovations and efficiencies ACCSP will achieve under Geoff's leadership.

Joining Geoff in a new leadership position is Julie Defilippi Simpson as ACCSP Deputy Director. Julie is another ACCSP veteran, having joined the Program in November 2007 as a Fisheries Data Coordinator. Like Geoff, Julie has risen through the ranks to become a Senior Fisheries Data Coordinator in 2013 and more recently Data Team Lead in 2015. Major accomplishments over those 12 years include leading the annual data compilation process for Fisheries of the United States since 2008. As a result of Julie's efforts, data have been provided earlier each year to accelerate production of the report. Julie also redesigned the Data Warehouse web application to improve data access and has been instrumental in providing data to dozens of stock assessments conducted by the Commission and the SouthEast Data Assessment and Review process. As Deputy Director, Julie will coordinate the annual request for proposals process as well as staff the Operations Committee. She will also continue to lead the Data Team, providing guidance on all data-related activities including standards, warehousing, and dissemination.

In accepting the Director position, Geoff stated, "I am honored and privileged to direct a program I feel so passionate about. I'm very proud to have been part of the progress ACCSP has made to date and I am excited to work with Julie to maintain our rigorous program standards while exploring opportunities to improve data collection and access. One of our goals will be to more fully integrate ACCSP's activities with partner needs."

In 1995, recognizing the need for consistency across Atlantic coast fishery-dependent data collection efforts, the 23 state, regional, and federal agencies responsible for fisheries management on the Atlantic coast established the ACCSP. Using a committee-based approach, ACCSP works with its partners to increase data utility by: (1) developing and implementing coastwide data standards; (2) providing electronic applications that improve partner data collection; (3) integrating and sharing partner data via a coastwide repository; (4) facilitating fisheries data access while protecting confidentiality; and (5) supporting further technological innovation. Since the Program's inception, the Commission has played an important role in its creation and administration. In 2016, ACCSP officially became a Commission program.

"I am honored and privileged to direct a program I feel so passionate about. I'm proud to have been part of the progress ACCSP has made to date and I am excited to work with Julie to maintain our rigorous program standards while exploring opportunities to improve data collection and access."

-- Geoff White

Species Profile: Summer Flounder

Joint Management Action Adapts to Changing Conditions in the Summer Flounder Fishery

Introduction

Highly valued by both commercial fishermen and recreational anglers from Massachusetts to North Carolina, summer flounder are often considered the most important flounder along the Atlantic coast. In addition to commercial fishing, enterprises such as recreational charters, party boats, bait and tackle stores, and any number of businesses associated with boating and angling view summer flounder as an essential component of their livelihood. Because of this importance, there has been considerable debate and concern over the status of the resource and the need for management to respond to changing conditions in the summer flounder fishery.

The Commission and the Mid-Atlantic Fishery Management Council (Council), which jointly manage summer flounder, set the 2019-2021 specifications at a 7.69 million pound recreational harvest limit (RHL) and an 11.53 million pound commercial quota. Both represent a substantial change from the 2018 fishing season and respond to the inclusion of the recalibrated estimates from the Marine Recreational Information Program (MRIP) in the 2018 stock assessment, which indicates the resource is not overfished nor experiencing overfishing. Recent additions to the fishery management program aim to maintain and enhance the stock's condition while balancing the economic importance of the fishery to both the commercial and recreational sectors.

Life History

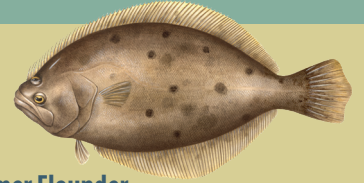
Summer flounder are found in inshore and offshore waters from Nova Scotia, Canada to the east coast of Florida. In the U.S., they are most abundant in the Mid-Atlantic region from Cape Cod, Massachusetts to Cape Fear, North Carolina. Summer flounder usually begin to spawn at age one at lengths greater than 12 inches. Spawning occurs in the fall and winter while the fish are offshore. Spawning migration is linked to sexual maturity, with the oldest and largest fish migrating first. Seasonal migrations of spawning summer flounder vary regionally as well. Summer flounder in the northern portion of the range spawn and move offshore (depths of 120 to 600 feet) earlier than those in the southern part of the range. Larvae migrate to inshore coastal and estuarine areas from October to May. The larvae, or fry, move to bottom waters upon reaching the coast and spend their first year in bays and estuaries. At the end of their first year, some juveniles join the adult offshore migration. Recent research has indicated a northward shift in the center of biomass linked to an expansion of age structure of the population and possibly to changes in sea surface temperatures. Adults spend most of their life on or near the sea bottom burrowing in the sandy substrate. Flounder lie in ambush and wait for their prey. They are quick and efficient predators with well-developed teeth allowing them to capture small fish, squid, sea worms, shrimp, and other crustaceans. Skilled anglers take advantage of their ambush behavior by fishing near the bottom with moving bait.

Commercial & Recreational Fisheries

Summer flounder are one of the most sought after commercial and recreational fish along the Atlantic coast, with total landings at approximately 14 million pounds in 2018 (see Figure 1). Using the base years of 1980 to 1989, the current plan allocates the summer flounder quota on a 60/40 percent basis to commercial and recreational fisheries, respectively.

Two major commercial trawl fisheries exist — a winter offshore and a summer inshore. Summer flounder are also commercially harvested by pound nets and gillnets in estuarine waters. Throughout the 1980s, commercial landings ranged from 21 to 38 million pounds. By 1990, landings reached a

Species Snapshot



Summer Flounder

Paralichthys dentatus

Management Unit

Massachusetts to North Carolina

Interesting Facts

- Left-eyed flatfish (both eyes on the left side of its body when viewed from above with the top fin facing up).
- Fluke begin with eyes on both sides of their body; the right eye migrates to the left side in 20-32 days.
- Summer flounder are called chameleons of the sea because of their ability to match the color of the bottom on which they are found.

Largest Recoded

27.9 lbs (Ocean City, MD)

Maximum Age

14 years old

Age at Maturity

50% mature by age 1; ~10" for males and 11.5" for females

Stock Status

Not overfished nor experiencing overfishing



Photo (c) MA DMF

low of 9 million pounds and have since fluctuated between 9 and 17 million pounds. In 1993, the coastwide quota was implemented for the first time, setting a commercial landings limit of 12.4 million pounds. Since then, commercial landings, which are limited by the quota, have ranged from approximately 10 to 18 million pounds. Over the past five years, commercial landings have been on the decline, in part due to annual quota limits, dropping from approximately 11 million pounds in 2015 to 6 million pounds in 2018.

Summer flounder are also highly prized in the recreational fishery. Anglers catch summer flounder from the shore, piers, and boats with hook and line. Estimates of recreational effort and catch, generated by MRIP, were improved through a 2015 transition from a phone-based survey to a mail-based survey to estimate fishing effort. Old catch estimates prior to 2015 were subsequently calibrated to new estimates from the improved mail-based survey.

As a result of the survey improvements, new recreational landings estimates increased, on average, about 1.5 times in the early 1980s and about 3 times in the most recent 5 years (see Figure 2). These new MRIP estimates result in a larger stock abundance than previously estimated using old MRIP estimates. From 1981 through 2004, recreational landings varied widely from a high of 37 million pounds in 1981 to a low of 6 million pounds in 1989. Starting in 1993, harvest limits were implemented for the recreational fishery. Beginning in the mid-2000s, recreational harvest began to decline, in part due to decreases in the coastwide recreational harvest limit (RHL). In 2018, recreational anglers harvested 7.6 million pounds of summer flounder.

Figure 1. Summer Flounder Commercial and Recreational Landings and Discards
Source: 66th Northeast Regional Stock Assessment Workshop, 2018

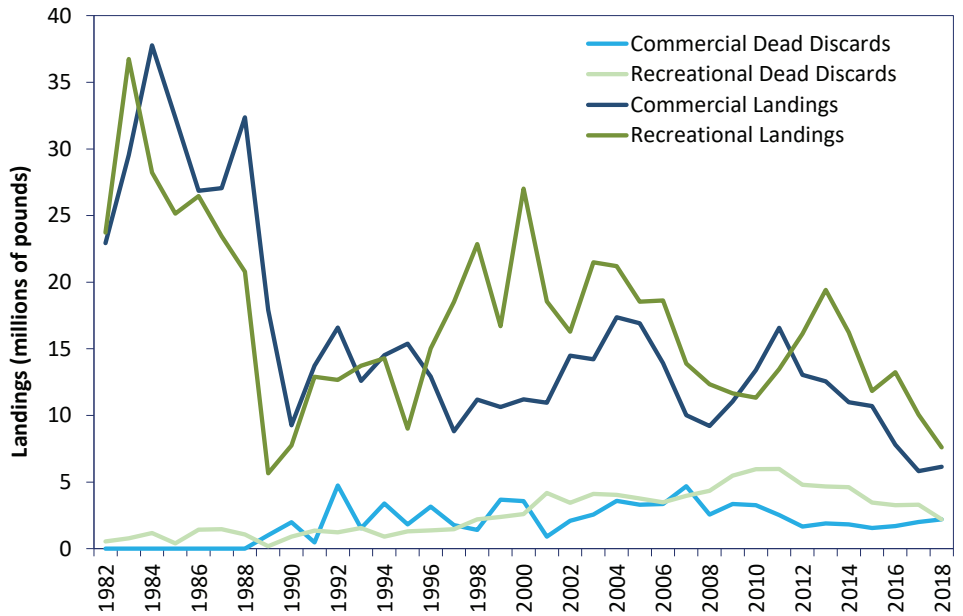
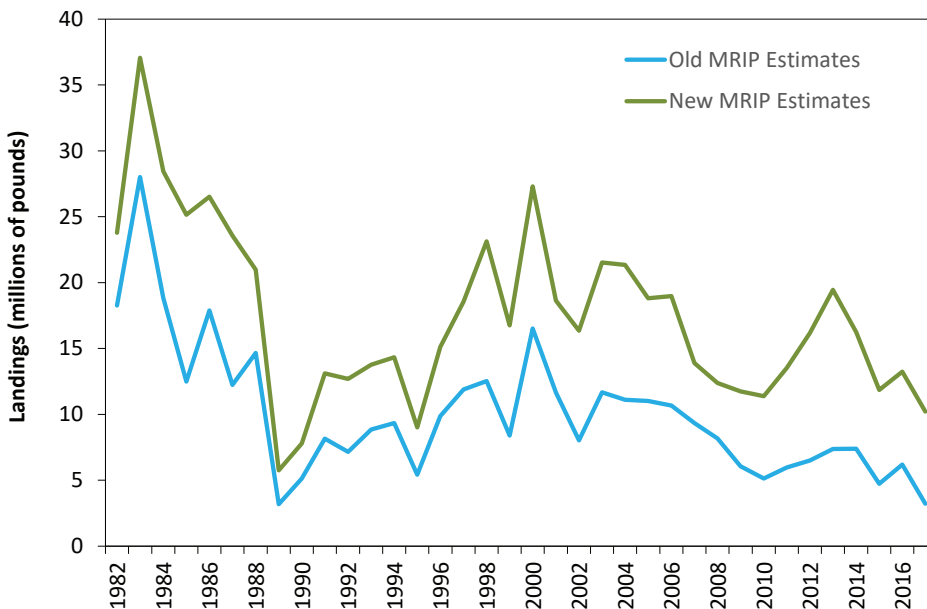


Figure 2. Comparison of Old & New MRIP Estimates of Summer Flounder

Recreational Landings

Source: ACCSP Data Warehouse, 2019



Stock Status

The 2018 stock assessment indicates summer flounder is not overfished nor experiencing overfishing. Female spawning stock biomass (SSB) is estimated at 98 million pounds, below the SSB target of 126 million pounds, but above the SSB threshold of 63 million pounds. While total fishing mortality is estimated at 0.334, below the fishing mortality threshold of 0.448, mortality from all sources is greater than current levels of recruitment. This means that total mortality is removing more fish than the stock can produce (recruitment) over the long-term to sustain itself, resulting in declining abundance.

To a large extent, increases in MRIP catch estimates from the new survey method have led to an increase in estimates of abundance relative to earlier stock assessments. Summer flounder recruitment, or the number of age-0 fish, has experienced significant

continued, see SUMMER FLOUNDER on page 12

78th Annual Meeting Preliminary Agenda (cont'd)

9:45 – 10:30 a.m. American Lobster Management Board

- Progress Update on Resiliency in the Gulf of Maine
- Progress Update on 2020 American Lobster Benchmark Stock Assessment

10:45 – 11:45 a.m. Tautog Management Board

- Progress Update on Commercial Tagging Program

1:00 – 5:00 p.m. Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee

- Develop Action Plan for 2020-2021
- Finalize Recommendations for FY2020 National Fish Habitat Partnership-U.S. Fish and Wildlife Service Funding
- Progress Update on Northeast Fish Habitat Conservation Mapping Prioritization
- Develop Strategy for Sub-regional Project Fundraising

1:00 – 5:00 p.m. Management and Science Committee

- Review Commission Success in Rebuilding and Sustaining Stocks
 - Consider Climate Change Impacts on Stock Distributions and Productivity
- Consider Use of Management Strategy Evaluations (MSE)
- Discuss Offshore Wind and Fisheries Interactions
- Discuss Implementation of New Recreational Data in Fisheries Management

1:15 – 2:45 p.m. Atlantic Menhaden Management Board

- Progress Update on the 2019 Atlantic Menhaden Single-Species and Ecological Reference Point Benchmark Stock Assessments
- Update on Reduction Fishery Harvest from the Chesapeake Bay

3:00 – 5:30 p.m. Atlantic Coastal Cooperative Statistics Program (ACCSP) Coordinating Council

- Funding Subcommittee Report
- Consider Approval of Recommendations of FY2020 Submitted Proposals
- Discuss Changes to ACCSP Committee Structure
- Formulation of Data Coordination Committee
- Program/Committee Updates

6:00 – 8:00 p.m. Welcome Reception

TUESDAY, OCTOBER 29

8:00 – 9:30 a.m. Spiny Dogfish Management Board

- Consider Approval of Addendum VI
- Review and Revise (if Needed) Spiny Dogfish Fishery Specifications for 2020/2021 Season
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance

8:30 a.m. – Noon Management and Science Committee (continued)

8:30 a.m. – 5:00 p.m. ACFHP Steering Committee (continued)

9:45 – 11:45 a.m. Horseshoe Crab Management Board

- Review Adaptive Resource Management (ARM) Subcommittee and Delaware Bay Ecosystem Technical Committee Recommended Updates for the ARM Model
- Review and Set Horseshoe Crab Harvest Specifications for 2020 Season

Public Comment Guidelines

For issues that are not on the agenda, management boards will continue to provide opportunity to the public to bring matters of concern to the board's attention at the start of each board meeting. Board chairs will use a speaker sign-up list in deciding how to allocate the available time on the agenda (typically 10 minutes) to the number of people who want to speak.

For topics that are on the agenda, but have not gone out for public comment, board chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. Chairs will have flexibility in deciding how to allocate comment opportunities; this could include hearing one comment in favor and one in opposition until the chair is satisfied further comment will not provide additional insight to the board.

For agenda action items that have already gone out for public comment, it is the Policy Board's intent to end the occasional practice of allowing extensive and lengthy public comments. Currently, board chairs have the discretion to decide what public comment to allow in these circumstances.

In addition, the following timeline has been established for the submission of written comment for issues for which the Commission has NOT established a specific public comment period (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of a meeting week will be included in the briefing materials.
2. Comments received by 5 PM on Tuesday, October 22nd will be distributed electronically to Commissioners/Board members prior to the meeting and a limited number of copies will be provided at the meeting.
3. Following the October 22nd deadline, the commenter will be responsible for distributing the information to the management board prior to the board meeting or providing enough copies for management board consideration at the meeting (a minimum of 50 copies).

The submitted comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution. As with other public comment, it will be accepted via mail, fax, and email.

- Consider Postponed Development of Draft Addendum VIII
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance

12:30 – 5:00 p.m. Law Enforcement Committee

(A portion of this meeting may be a closed session for Committee members only)

- Review Circle Hook Regulations and Enforcement
- State and Federal Agency Reports
- Review Action Plan for 2020
- Discuss State Compliance Reporting Process
- Review ASMFC Managed-Species as Needed
- Elect Chair and Vice-chair

1:15 – 2:15 p.m. American Eel Management Board

- Draft Policy on Coastwide Cap Overages for Board Approval
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance

2:30 – 4:00 p.m. Weakfish Management Board

- Progress Update on 2019 Benchmark Stock Assessment
- Consider Management Response to the 2019 Weakfish Benchmark Stock Assessment Update
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance

4:15 – 5:15 p.m. Business Session

- Review and Consider Approval of 2020 Action Plan
- Elect Chair and Vice-Chair

6:00 – 9:00 p.m. Annual Dinner

WEDNESDAY, OCTOBER 30

8:00 – 10:00 a.m. Executive Committee

(A portion of this meeting may be a closed session for Committee members and Commissioners only)

- Report of the Administrative Oversight Committee
- Review and Consider Approval of FY19 Audit
- Review Policy Addressing Non-payment of State Assessments
- Future Annual Meetings Update

8:00 a.m. – Noon Law Enforcement Committee (continued)

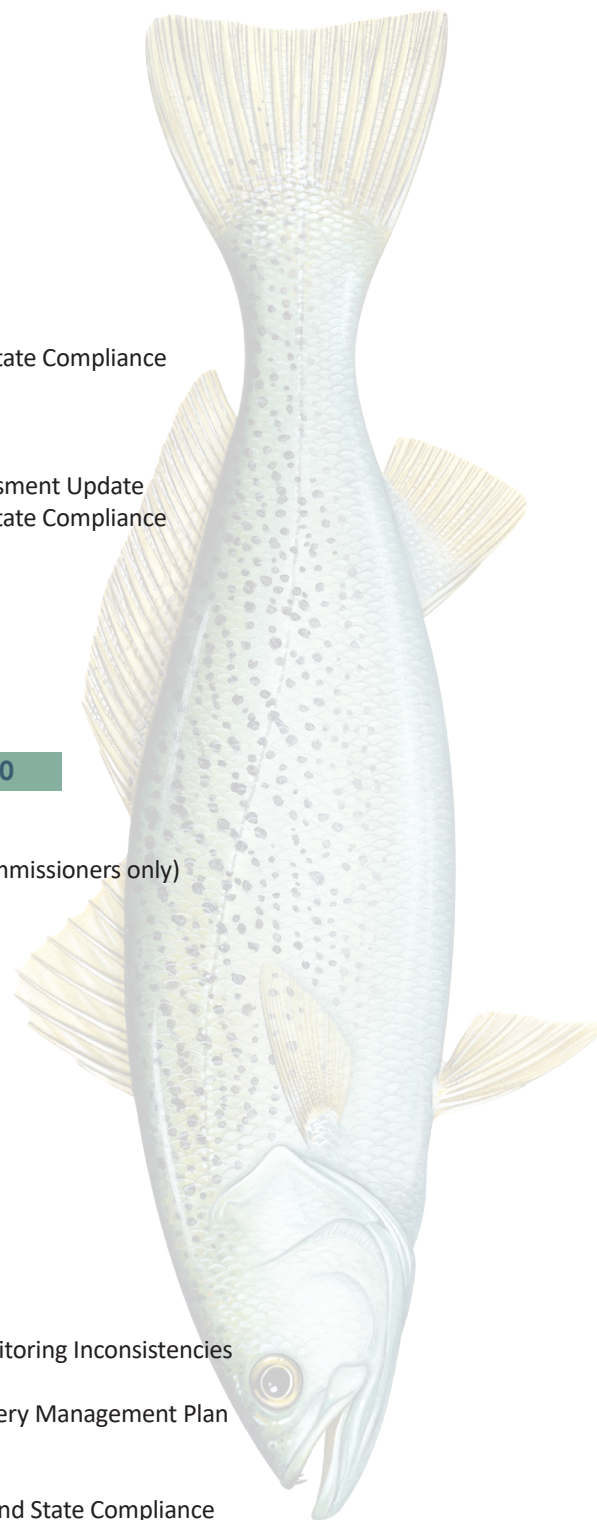
8:30 a.m. – 3:30 p.m. Habitat Committee

- Discuss Progress on ASMFC Fish Habitats of Concern
- Review Success of Species Assignments
- Progress Update on Acoustics Impacts Document, Aquaculture Document, and *Habitat Hotline Atlantic*

10:15 – 11:45 a.m. Shad and River Herring Management Board

- Review Technical Committee Recommendations on Management and Monitoring Inconsistencies with Amendments 2 and 3
- Consider Approval of Revisions to the Maine River Herring Sustainable Fishery Management Plan
- Discuss Updates to Shad Habitat Plans
- Progress Update on Shad Benchmark Stock Assessment
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance

11:45 a.m. – 1:15 p.m. Captain David H. Hart Award Luncheon



ANNUAL MEETING PRELIMINARY AGENDA, continued on page 14

Atlantic Cobia

The Commission approved Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (Atlantic cobia). Amendment 1 establishes management measures that transition the FMP from complementary management with the South Atlantic and Gulf of Mexico Fishery Management Councils to sole management by the Commission. Amendment 1 to the FMP was initiated in anticipation of the Councils' Regulatory Amendment 31 to the Coastal Migratory Pelagics (CMP) FMP, which was approved earlier this year and removed Atlantic cobia from the Councils' oversight.

Amendment 1 changes several portions of the Commission's FMP that were previously dependent on the CMP FMP and institutes a long-term strategy for managing in the absence of a federal plan. Several of these changes establish processes for the Commission to carry out management responsibilities previously performed by the South Atlantic Council, including setting of harvest quotas and sector allocations, defining stock status criteria, and recommending management measures to be implemented by NOAA Fisheries in federal waters. Additionally, Amendment 1 transitions responsibilities of monitoring and closing (if necessary) commercial harvest to the Commission.

Moving forward, the Commission will recommend to NOAA Fisheries that fishing in federal waters be regulated according to the state of landing. If a vessel has licenses for multiple states with open seasons, they must follow the most restrictive license's regulations. If a vessel has licenses for multiple states, only one of which has an open season, they may fish under the regulations of the open state. Regulations resulting from this recommendation would only apply in federal waters. Fishermen would still be required to follow state possession or landing limits in state waters.

Amendment 1 establishes a harvest specification process, which allows the Board to specify a limited set of management measures for up to 3 years. One of the mea-

asures that may be set through this process is a coastwide harvest quota. However, until the first specification process occurs, after completion of the ongoing stock in 2020, the current coastwide quota (670,000 pounds) remains in effect.

The Amendment also changes the units used to measure and evaluate the recreational fishery from pounds to numbers of fish. To accommodate this change, the recreational harvest quota in pounds (620,000) is converted to numbers (22,142 fish) and allocated among the states, resulting in the following state recreational harvest targets:

- Virginia: 8,724 fish
- North Carolina: 8,436 fish
- South Carolina: 2,679 fish
- Georgia: 2,081 fish
- 1% *De Minimis* Set Aside: 222 fish

States still may set their own seasons and vessel limits to achieve their respective targets.

Finally, Amendment 1 establishes a *de minimis* status for the commercial sector that exempts states with small commercial harvests from in-season monitoring requirements. States are required to implement measures of Amendment 1 by July 1, 2020.

For more information, please contact Dr. Michael Schmidtke, Fishery Management Plan Coordinator, at mschmidtke@asmfc.org.

Atlantic Menhaden

The Atlantic Menhaden Management Board maintained the total allowable catch (TAC) of 216,000 mt for the 2020 fishing season with the option to revisit the 2020 TAC following review of the 2019 single-species and ecological reference

2020 ATLANTIC MENHADEN QUOTAS			
		Metric Tons	Pounds
TAC		216,000	476,198,486
1% Set Aside*		2,160	4,761,985
TAC After Set Aside		213,840	471,436,501
STATE	ALLOCATION	QUOTA (MT)	QUOTA (LBS)
ME	0.52%	1,106	2,437,866
NH	0.50%	1,069	2,357,313
MA	1.27%	2,725	6,008,565
RI	0.52%	1,107	2,440,542
CT	0.52%	1,103	2,431,491
NY	0.69%	1,477	3,256,768
NJ	10.87%	23,250	51,257,740
PA	0.50%	1,069	2,357,183
DE	0.51%	1,096	2,416,467
MD	1.89%	4,038	8,901,558
PRFC	1.07%	2,295	5,060,296
VA	78.66%	168,213	370,846,528
NC	0.96%	2,044	4,507,320
SC	0.50%	1,069	2,357,183
GA	0.50%	1,069	2,357,183
FL	0.52%	1,108	2,442,500
TOTAL	100%	213,840	471,436,501

*1% of the TAC is set aside for episodic events, the remaining TAC is allocated to the states per the provisions of Amendment 3. Quotas may be adjusted pending final 2019 landings and the redistribution of any relinquished quota.

point benchmark stock assessments and peer-review reports. The TAC will be made available to the states based on the state-by-state allocation established by Amendment 3 (see accompanying table).

The 2019 benchmark stock assessments are scheduled for peer review at the Southeast Data, Assessment and Review process (SEDAR 69) in early November. It is expected the benchmark assessments and peer-review reports will be available for Board review in February 2020. The assessments will be used to evaluate the health of the stock and inform the management of the species in an ecological context. Should the Board determine a change in the quota is necessary after review of the assessments, a two-thirds vote would be required for reconsideration of the 2020 TAC.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org.

Atlantic Striped Bass

The Atlantic Striped Bass Management Board approved Draft Addendum VI for public comment. The Addendum was initiated in response to the 2018 Benchmark Stock Assessment which indicates the resource is overfished and experiencing overfishing. The Draft Addendum explores a range of management alternatives designed to end overfishing and reduce fishing mortality to the target level in 2020.

“The Draft Addendum is a critical first step to stem overfishing as quickly as possible and begin efforts to rebuild the biomass,” said Board Chair Dr. Michael Armstrong with the Massachusetts Division of Marine Fisheries. “Following approval of the Addendum, the Board will likely initiate a new amendment to consider a longer term strategy to fully rebuild the resource.”

The Draft Addendum proposes management options for both commercial and recreational sectors in the ocean and in Chesapeake Bay in order to reduce total fishery removals by 18% relative to 2017 levels. The proposed measures include reduced quotas for commercial fisheries, and changes in bag limits, minimum sizes, and slot size limits for the recreational sector. Since catch and release practices represent a significant component of overall fishing mortality, the Draft Addendum also explores the mandatory use of circle hooks when fishing with bait to reduce release mortality in recreational striped bass fisheries.

Atlantic coastal states from Maine through North Carolina will be conducting public hearings throughout September and early October. Check the Commission's website

calendar at <http://www.asmfc.org/calendar/> for more information. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum is available at http://www.asmfc.org/files/PublicInput/StripedBassDraftAddVI_PublicComment_Aug2019.pdf. Public comment will be accepted until 5:00 PM (EST) on October 7, 2019 and should be forwarded to Max Appelman, Fishery Management Plan Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at comments@asmfc.org (Subject line: Draft Addendum VI).

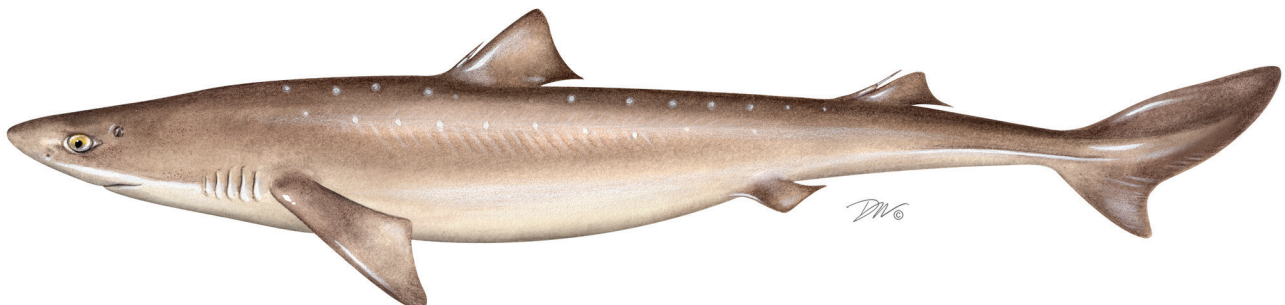
Spiny Dogfish

The Spiny Dogfish Management Board approved Draft Addendum VI to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish for public comment. The Draft Addendum proposes allowing commercial quota to be transferred between all regions and states to enable the full utilization of the coastwide commercial quota and avoid quota payback for unintended quota overages. The Commission's FMP allocates the coastwide quota to the states of Maine-Connecticut as a regional allocation and to the states of New York-North Carolina as state-specific allocations. Currently, the FMP only allows quota transfers between states with individual allocations, with regions excluded from benefitting from quota transfers. The 2019-2020 coastwide quota was reduced by 46% due to declining biomass. If landings in the 2019-2020 fishing year remain the same as 2018-2019 landings, the coastwide quota may not be exceeded but some states could face an early closures due to

reaching their allocation and being unable to access available unused quota from the northern region through quota transfers.

The Draft Addendum also includes a scoping question on whether the federal commercial trip limit should be eliminated and replaced by state and regional trip limits. This issue is under consideration due to concern that the coastwide quota has been substantially underutilized over the past seven years and the federal commercial trip limit is viewed by some as an additional constraint on the fishery beyond the commercial trip limits implemented for state permit holders. The Commission does not establish the federal commercial trip limit, but it can make recommendations to the New England and Mid-Atlantic Fishery Management Councils and NOAA Fisheries on this management measure during the federal specifications process. The public is encouraged to provide comments on this question to help inform future recommendations from the Commission to the Councils and NOAA Fisheries on the management of spiny dogfish in federal waters.

Draft Addendum VI is available at http://www.asmfc.org/files/PublicInput/SpinyDogfishDraftAddVI_PublicComment_Aug2019.pdf. Fishermen and other stakeholders are encouraged to provide input on Draft Addendum VI either by attending state public hearings, ASMFC webinar, or providing written comment. Public comment will be accepted until 5 PM (EST) on September 23, 2019 and should be sent to Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at comments@asmfc.org (Subject line: Spiny Dogfish Draft Addendum VI).



Where Have All the Weakfish Gone?

Effective rebuilding of harvested fish stocks requires accurate fishing and natural mortality estimates. The fishing mortality rate (F) allows management to meet stock rebuilding goals through comparisons with target and threshold fishing levels based on biological reference points, whereas the natural mortality rate (M) affects estimates of stock size and productivity, which ultimately determine harvest rates. Stock assessments typically estimate F by relating catch-at-age data to changes in stock abundance, whereas M is difficult to measure since natural deaths (predation, disease) are rarely observed. Natural mortality is often estimated using life history characteristics and environmental variables, and used as a constant value in stock assessment models. However, estimates of M are often uncertain, and do not account for differences across time or locations.

Mortality estimates can be derived through acoustic telemetry and tag-return experiments. In acoustic telemetry studies, estimates of survival can be determined from capture-recapture models that calculate the probability a fish is present in a given area and its chances of survival. Tag-return models divide total mortality rate (Z) into estimates of F and M , although the precision of the estimates depend on a number of factors, including tag-reporting rate, tag loss, and survival from the tagging procedure. Multi-year tagging studies of rigorous design can generate reliable estimates of mortality. Both approaches provide insight into the timing and causes of mortality. For example, estimates can be applied to any time-scale and matched with seasonal stock locations, whereas most traditional stock assessments lack the enhanced spatiotemporal resolution.

Historically, weakfish supported vibrant commercial and recreational fisheries at the height of its spawning stock biomass (SSB) in the 1970s and 80s. SSB has since declined to record lows in 2008, with no appreciable recovery thereafter, despite management efforts to reduce harvest. The lack of stock recovery is surprising because weakfish can reach sexual maturity at age-0, facilitating a rapid stock rebuild. The reduced harvest combined with the lack of rebuilding prompted management to hypothesize that M has increased in

recent years. In the latest stock assessment time-series from 1982-2014, the statistical catch-at-age model estimated a time-varying M (natural mortality changing across years), which increased through the time-series and peaked in 2008, when an estimated 61% of the population perished from natural mortality. Total mortality matched the increasing trends of M , and peaked in 2007 when an estimated 97% of the population died. However, the mortality estimates contain uncertainty, because the model may attribute changes in other factors such as recruitment or fishery selectivity to changes in M . Therefore, reliable empirical estimates of survival, along with their

spatial and temporal variability, are vital for understanding the lack of stock recovery.

Survival models depend on high numbers of acoustically-tagged animals. From 2006 to 2016, weakfish with acoustic tags ($n=324$; Figure 1) were released in five estuaries between New Jersey and North Carolina by researchers at North Carolina State University (NCSU), Rutgers University Institute for Marine and Coastal Sciences, and the NOAA Fisheries Northeast Fisheries Science Center James J. Howard Marine Sciences Laboratory. These weakfish encompass the core of the stock's distributional range and the time-period of the population decline (2004 to 2016). From 2013 to 2017, an additional 3,672 conventionally tagged weakfish were released by NCSU in North Carolina (Figure 2). A majority of fish were double-tagged to estimate tag loss, and each tag had a \$100 reward to ensure 100% reporting.

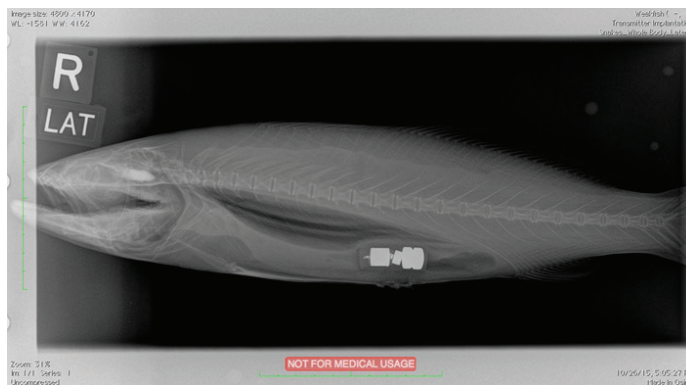


Figure 1. Radiograph of an acoustically-tagged weakfish. Photo (c) Craig Harms, DVM at North Carolina State University.



Figure 2. A conventionally-tagged weakfish with a high-reward internal anchor tag. Photo (c) Benjamin Almond.

Telemetry and tag-return studies both indicated extremely high mortality that peaked during the weakfish overwintering migration. Weakfish leave estuaries in the fall to overwinter on the continental shelf, then return to their natal estuaries to spawn the following spring. At least 61% of acoustically-tagged weakfish emigrated from estuaries, but only 2 out of 149 with long-lived batteries were detected alive after their overwintering migration. For conventionally tagged fish, only 4 out of 140 tag returns occurred in subsequent years after the overwintering period. Both tagging models estimated an annual population loss greater than 99% over multiple years,

SCIENCE HIGHLIGHT continued on page 13

SAFIS eTRIPS/mobile Migrates to Version 2

WHAT IS IT?

The Standard Atlantic Fisheries Information System (SAFIS) is a coastwide fisheries data collection system that uses various online applications that allow fishermen to create and submit commercial, party/charter, or recreational trip reports via a web browser. Interactive reports can be made to illustrate progress and history of catch and effort.

WHEN WILL IT HAPPEN?

August 31, 2019

WHAT DOES THIS MEAN?

- SAFIS eTRIPS/mobile v2, which is GARFO certified, is available and offers
 - Ease of transfer from v1 to v2 (see Useful Information)
 - Expanded platforms and operating systems, including phones
- SAFIS eTRIPS/mobile v1 will no longer be available for download in the app stores.
- ACCSP will not be providing updates or maintenance for eTRIPS/mobile v1.
- IMPORTANT: Applications that exist on individual devices will still be functional. However, SAFIS eTRIPS/mobile v1 will no longer be acceptable for use by all partners, please be sure to check with your administrator.

USEFUL INFORMATION

- How do I know which version I have?
 - Go to Settings => About. If you see iOS/Android Release 1.34 or any number beginning with 1, then you have version v1.
- If you would like to migrate to SAFIS eTRIPS/mobile v2, all of your data and favorites can be transferred.
 - Use the 'Settings' --> 'Support' --> 'Backup Data for import to eTrips/mobile 2' button in v1 to backup your information
 - Use the 'About --> Restore eTRIPS 1 Data' button in v2 to download it again
- You can get SAFIS eTRIPS/mobile v2 here:
 - iOS version: <https://apps.apple.com/us/app/etrrips-mobile-2/id1457132829>
 - Android version: https://play.google.com/store/apps/details?id=org.accsp.et2&hl=en_US
 - Windows 10 version: <https://www.microsoft.com/en-us/p/etrrips-mobile-2/9pcpdxwkwtb?activetab=pivot:overviewtab>
- Help Desk: 1.800.984.0810



ACCSP is a cooperative state-federal program focused on the design, implementation, and conduct of marine fisheries statistics data collection programs and the integration of those data into a single data management system that will meet the needs of fishery managers, scientists, and fishermen. It is composed of representatives from natural resource management agencies coastwide, including the Atlantic States Marine Fisheries Commission, the three Atlantic fishery management councils, the 15 Atlantic states, the Potomac River Fisheries Commission, the D.C. Fisheries and Wildlife Division, NOAA Fisheries, and the U.S. Fish & Wildlife Service. For further information please visit www.accsp.org.

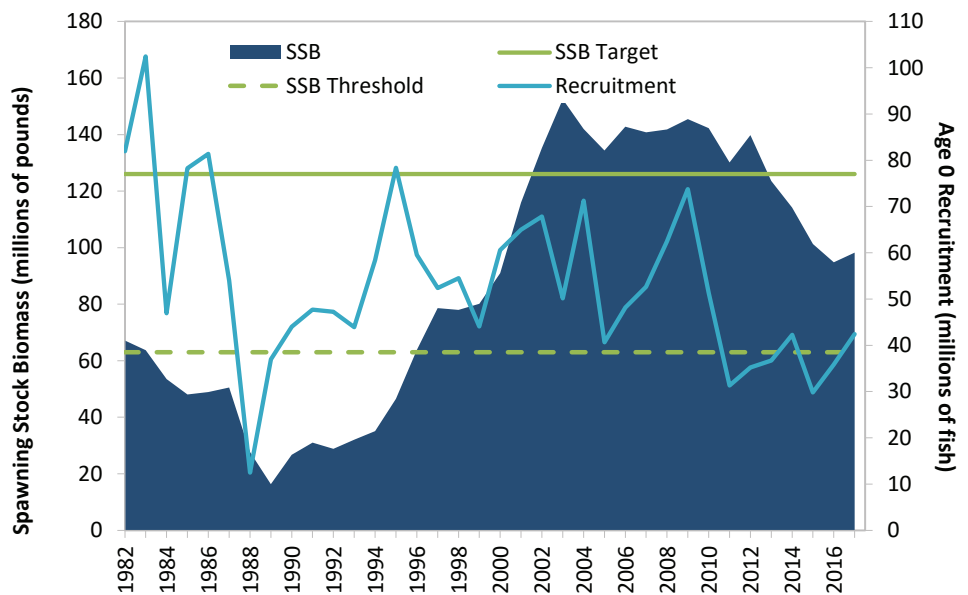
variability since 1982, the first year included in the age-structured stock assessment model. Recruitment has averaged 53 million fish over the 36 year time span, with higher levels in the 1980s and earlier 1990s and below average levels since 2011. Recruitment in 2017 was estimated at 42 million fish. The assessment indicates increasing relative abundance of older fish and an expanding age structure since about 2000. However, the assessment also shows decreasing trends in average lengths- and weights-at-age for both sexes, suggesting slower growth and delayed maturity. Lastly, the assessment found the spatial distribution of the resource is continuing to shift northward and eastward. The next benchmark stock assessment is tentatively scheduled for completion in 2021.

Atlantic Coastal Management

The Commission approved the first Summer Flounder Fishery Management Plan (FMP) in 1982, followed by a similar FMP approved by the Council in 1988. Since then, both groups have made significant revisions to the plan, from allowing states to craft regional recreational management measures through conservation equivalency, to instituting accountability measures for evaluating annual landings to coastwide catch limits. The commercial fishery is managed by annual state-by-state quotas that are controlled through trip limits, gear specifications, and permit requirements. On the recreational side, annual harvest limits are managed through the implementation of minimum size limits, possession limits, and season lengths. In recent years, a regional management approach has allowed states within a region to implement consistent measures and improve equitable access to the resource. This approach has come with tradeoffs, where the boundary waters of neighboring regions have created situations where anglers are subject to different regulations while fishing within the same waterbody. The Commission is continuing to seek solutions to address this dilemma.

Based on the 2018 stock assessment findings, the Commission and the Council revised the 2019 specifications and set new specifications for 2020 and 2021, with the intent to maintain regulatory stability. For the 2019-2021 fishing seasons, the commercial quota is set at 11.53 million pounds and the RHL is set at 7.69 million pounds. Specifications for fishing seasons beyond 2019 may be adjusted based on changes in the fishery or new scientific information. While the revised RHL represents an approximate 49% increase over the previously set 2019 RHL, the Board chose to maintain recreational measures, which are projected to achieve a harvest level close to the revised RHL based on the calibrated

Figure 3. Summer Flounder Spawning Stock Biomass & Recruitment
Source: 66th Northeast Regional Stock Assessment Workshop, 2018



MRIP recreational harvest data. Under authority of Addendum XXXII, New Jersey and Rhode Island made minor adjustments to their recreational measures, which still holds projected 2019 harvest at 2018 levels.

In May 2019, the Board and Council approved the Summer Flounder Commercial Issues Amendment. The Amendment revises the management program's goals and objectives specific to summer flounder and implements new state-specific commercial allocations. The new state commercial allocations are based upon a 9.55 million pound trigger point. When the annual coastwide commercial quota is at or below 9.55 million pounds, the formula for allocating the quota to the states will remain status quo, i.e., the same state-specific percentages that have been in effect since 1993. When the annual coastwide quota exceeds 9.55 million pounds, additional quota above 9.55 million pounds will be distributed as follows: 0.333% to the states of Maine, New Hampshire and Delaware and 12.375% to Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and North Carolina. As a result, state allocations will vary over time based on overall stock status and the resulting coastwide commercial quotas. These measures are expected to go into effect for the 2021 fishing season.

The Board and Council will meet in October to revisit previously established catch limits for 2020, and consider whether any changes are needed. In addition, the decision to continue recreational regional management for 2020 will be considered at the joint meeting in December.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org.

and the tag-return study found that M consistently and significantly exceeded F.

Discerning the sources of mortality is essential for effective stock rebuilding. Fishing mortality is directly attributed to commercial and recreational fisheries based on harvest, whereas M encompasses the removal of fish from the stock due to causes unrelated to fishing such as predation. For weakfish, predation was hypothesized in the 2009 weakfish stock assessments as a cause for the increased natural mortality. In this study, predation of weakfish was estimated by assessing the product of the predators' biomass, amount of weakfish in their diet, their daily prey consumption, and their spatial and temporal overlap with weakfish. Data were derived from literature review, including predator stock assessments, collaborations between NOAA Fisheries Southeast Fisheries Science Center Beaufort Lab and NCSU and examining the diet of stranded common bottlenose dolphins. The predation estimates can be compared with fishery landings to assess the magnitude of predation. In addition, the estimated biomass attributable to M from a stock assessment can be compared with independent estimates of biomass consumed by predators to ascertain the relative proportion of predation to total natural mortality.

The sum of the stock assessment biomass attributable to M and total predator consumption were similar, indicating that predation is largely responsible for the increase in M observed in the weakfish population in recent years. Predators consumed on average 6,767 mt (14.9 million pounds) of weakfish from 1982 to 2014, of which the leading predator, common bottlenose dolphin, consumed 55%, followed by striped bass at 21%, bluefish at 17%, summer flounder at 4%, and spiny dogfish at 3% (Figure 3). Predator consumption has increased through the time series as many of the predator populations have increased (Figure 4), and the average predator consumption was over 29 times greater than the average combined commercial and recreational harvest (7,656 t to 259 mt or 16.9 million to 571,095 pounds; respectively; Figure 4), during the years of marked weakfish stock decline (2004 to 2014). The predation study also indicated as the majority of biomass in the weakfish population has shifted toward age-0s, predators consuming late age-0s have resulted in a recruitment bottleneck. As such, while the number of age-0 weakfish remained largely unaltered throughout the high SSB of the 1980s and the low SSB of the 2000s, predation has caused a decline in age-1 weakfish, perpetuating poor stock rebuilding.

It appears predation currently is an important driver of weakfish population dynamics. Therefore, further reductions in weakfish harvest alone may be ineffective for stock rebuilding. Although weakfish are often categorized as a mid-level predator, our work highlights their importance as a forage species at younger ages for our modeled predators, especially common bottlenose dolphins. With increases in many fish-eating marine mammal and finfish predator populations, explicit incorporation of predation and ecosystem considerations in the weakfish stock assessment may enhance effective management and stock rebuilding.

The Commission would like to thank Dr. Jacob Krause with North Carolina State University for contributing this article. More information on this research can be found in Dr. Krause's dissertation at <http://www.lib.ncsu.edu/resolver/1840.20/36684>. For questions about the project,

Figure 3. Cumulative Consumption of Weakfish by all Modeled Predators

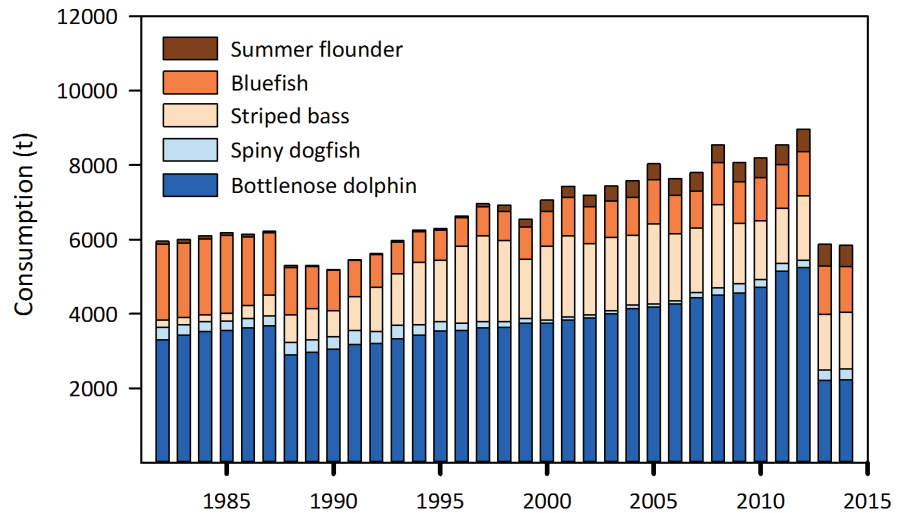
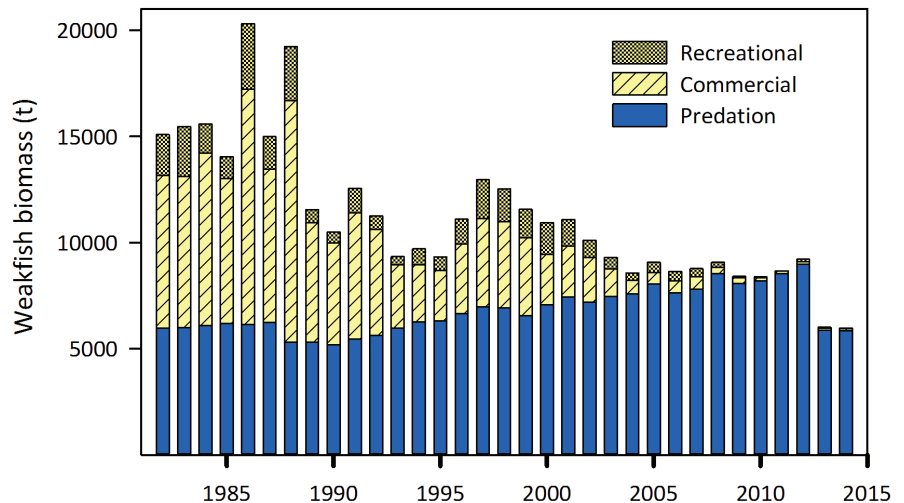


Figure 4. Cumulative Weakfish Biomass Removed by Predator Consumption as Compared to Recreational and Commercial Harvest (Landings and Dead Discards) from the 2016 Weakfish Stock Assessment



1:15 – 2:30 p.m. Coastal Sharks Management Board

- Consider Postponed Motions from May 2019:
Move to require, for state waters, the use of circle hooks on lined intended to catch sharks.

Move to postpone until the Board has received feedback from the Law Enforcement Committee and the Advisory Panel with the intention of considering the motion at the Annual Meeting.

- Set Coastal Sharks Fishery Specifications for 2020
- Review and Consider Approval of 2019 Fishery Management Plan Review and State Compliance
 - Status Update on State Implementation of North Atlantic Shortfin Mako Measures

2:45 – 5:45 p.m. Atlantic Striped Bass Management Board

- Consider Approval of Addendum VI

THURSDAY, OCTOBER 31

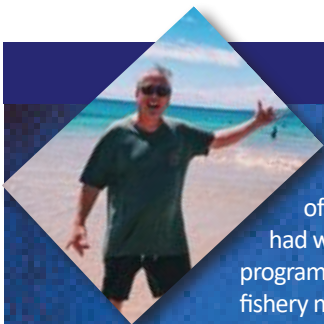
8:00 – 10:00 a.m. Interstate Fisheries Management Program Policy Board

- Discuss Commission Strategy to Address Changing Ocean Conditions
- Review Draft Stock Status Definitions
- Committee Reports from ACFHP, Assessment Science, Habitat, Law Enforcement, and Management and Science

10:00 – 10:15 a.m. Business Session (continued)

10:30 a.m. – 12:15 p.m. South Atlantic State/Federal Fisheries Management Board

- Consider Approval of Atlantic Croaker Draft Addendum III and Spot Draft Addendum II for Public Comment
- Consider Approval of 2019 Fishery Management Plan Reviews and State Compliance for Red Drum, Black Drum, Spotted Seatrout, and Spanish Mackerel



IN MEMORIAM

JOSEPH DESFOSSE died Monday, August 19, 2019, in Gulfport. He had been a longtime resident of the Mississippi Gulf Coast and was employed with NOAA Fisheries at its Pascagoula Laboratory. A graduate of Rutgers College and the Virginia Institute of Marine Science's Graduate School of William and Mary, Joe had worked for the Commission from 1995 to 2002. Over that time, he worked in the research and statistics program and later on for the fisheries management program, where he was instrumental in revising a number of fishery management plans to be compliant with the Atlantic Coastal Fisheries Cooperative Management Act. After leaving the Commission, Joe worked for NOAA Fisheries' Highly Migratory Species Division. He was an exceptional coworker and colleague who brought his fisheries expertise and humor to every team effort and task. Those of us who knew him are very saddened by his passing.

Joe is survived by his wife, Lisa Desfosse; his daughter, Jamie Desfosse; brother, Jeff Desfosse; and his parents, Joseph and Dorothy Desfosse. He also leaves behind his four beloved pet dogs, Dakota, Cheyenne, Mercedes, Bandit and guinea pig Saint.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Holly White, Lead for the Division of Marine Fisheries and Wildlife Resources
Commission American Shad Work Group
SUBJECT: American Shad Sustainable Fishery Plan Annual Update

Issue:

Annual update to the American Shad Sustainable Fishery Plan submitted to the Atlantic States Marine Fisheries Commission, including 2020 management measures.

Findings:

- Two sustainability parameters exceeded their thresholds, the Albemarle Sound independent gill net survey female catch-per-unit-effort (Figure 2) and the Tar-Pamlico electrofishing female catch-per-unit-effort (Figure 5). All other sustainability parameters were within range.
- No management changes are required under the plan unless a trigger has been exceeded for three consecutive years.
- The American Shad Work Group agreed to maintain the 2019 American shad management measures for the 2020 season in all systems.

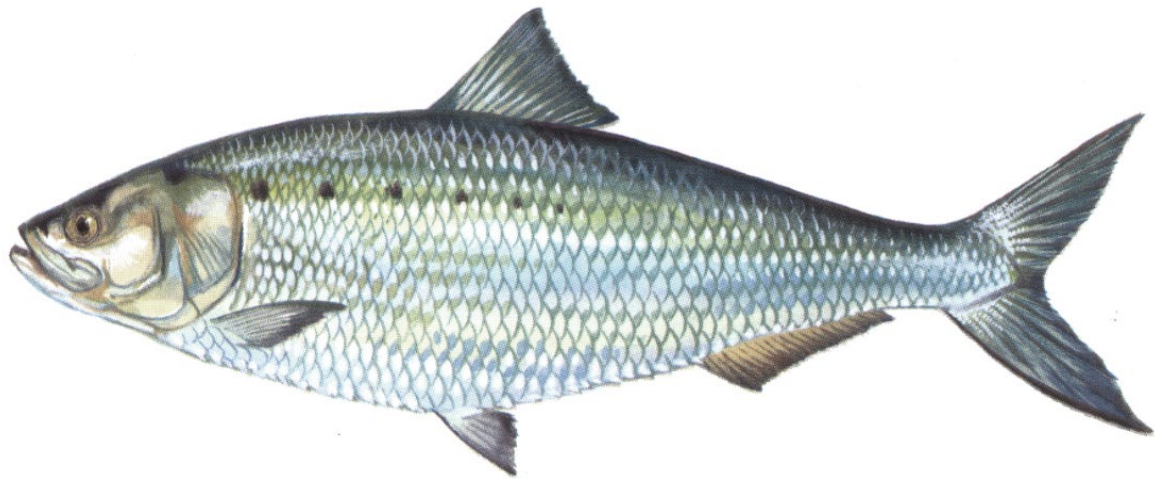
2020 North Carolina American Shad Management Measures

<p><u>Albemarle Sound-Roanoke River</u></p> <ul style="list-style-type: none"> • Recreational: 10 fish shad aggregate, 1 A. shad limit • Commercial: March 3 – March 24 	<p><u>Tar-Pamlico River</u></p> <ul style="list-style-type: none"> • Recreational: 10 fish shad aggregate • Commercial: February 15 – April 14
<p><u>Neuse River</u></p> <ul style="list-style-type: none"> • Recreational: 10 fish shad aggregate, 1 A. shad limit • Commercial: February 15 – April 14 	<p><u>Cape Fear River</u></p> <ul style="list-style-type: none"> • Recreational: 10 fish shad aggregate, 5 A. shad limit • Commercial: February 20 – April 11
<p><u>All other areas</u></p> <ul style="list-style-type: none"> • Recreational: 10 fish shad aggregate • Commercial: February 15-April 14 	

Action Needed:

For informational purposes only, **no action is needed at this time.**

For more information see the [American Shad Sustainable Fishery Plan Update](#).



NC American Shad Sustainable Fishery Plan Update

Holly White, Biologist
North Carolina Division of Marine Fisheries

Overview

In October 2017 the Atlantic States Marine Fisheries Commission (ASMFC) approved the North Carolina American Shad Sustainable Fishery Plan (SFP) for 2018-2022. The North Carolina SFP for 2018-2022 contains the sustainability parameters for the Albemarle Sound-Roanoke system, Tar-Pamlico, Neuse, and Cape Fear rivers. The current SFP maintained the sustainability parameters outlined in the 2013-2017 SFP for each of the systems with only two minor changes: 1) Relative F^* is now computed by dividing commercial landings by a hind cast three-year average of a fishery independent* survey index whereas the previous plan used a centered three-year average; and 2) Thresholds (75th and 25th percentiles) for sustainability parameters have been set using available survey data from 2002 (2003 Cape Fear River only) through 2017 and will remain fixed during the current five-year management period. The SFP is evaluated by the ASMFC American Shad Technical Committee and Management Board every five years. The sustainability parameters are updated each fall when the most recent data and the upcoming year's American shad management measures for each system are determined.

The N.C. American Shad Work Group consists of biologists from the N.C. Division of Marine Fisheries and N.C. Wildlife Resources Commission. Their purpose is to:

- conduct the annual updates
- determine the seasons for each system
- conduct the five-year evaluations of the SFP

The Work Group met on October 16, 2019 to conduct the annual evaluation of the sustainability parameters for all systems and set the 2020 management measures for each system.

Albemarle Sound-Roanoke System

For the Albemarle Sound-Roanoke River, one of the sustainability parameters, female independent gill net survey catch-per-unit-effort, exceeded the threshold but did not trigger management (Figures 1-3). Management is only triggered if the sustainability parameter exceeds the threshold for three consecutive years. It is critical to note that although the commercial seasons for American shad from 2014 to 2019 for the Albemarle Sound were the same, March 3 – March 24 for a total of 22 days, landings have declined from 107,131 pounds in 2014 to 30,164 pounds in 2019 (Figure 4).

Tar-Pamlico River

For the Tar-Pamlico River, one of the sustainability parameters, female catch-per-unit-effort index, exceeded the threshold but did not trigger management (Figures 5-6). No American shad were harvested commercially in the Tar-Pamlico River in 2019 most likely due to the March 18, 2019 prohibition of all gill nets upstream of the ferry lines from the Bayview to Aurora Ferry in the Tar-Pamlico River and the Minnesot Beach and Cherry Branch ferry in the Neuse River (Proclamation M-6-2019). This prohibition directed by the N.C. Marine Fisheries Commission and was in response to Supplement A to Amendment 1 to the N. C. Estuarine Striped Bass FMP, and was intended to reduce striped bass fishing mortality, but essentially protected American shad as well by removing gill nets from the normal fishing grounds for American shad in the Tar-Pamlico River (Figure 7).

Neuse River

For the Neuse River, none of the sustainability parameters exceeded the threshold in 2019 (Figures 8-9). Commercial landings occurred prior to the March 18 gill net prohibition and have been used to calculate the sustainability parameter for Relative F , in lieu of the March through April data (Figure 10).

Cape Fear River

For the Cape Fear River, none of the sustainability parameters exceeded the threshold in 2019 (Figures 11-12), and commercial landings and gill net trips landing American shad declined from 46,000 pounds in 2014 to 5,000 pounds in 2019 (Figure 13).

Conclusions

It must be recognized that even though the Work Group recommended continuing with the same commercial seasons, forecasting 2020 landings are uncertain due to several factors. Annual American shad harvest is highly variable due to environmental conditions during the spring, amount of effort such as gill net trips, gear restrictions, area and closures, and relative strength of the year classes in the run. Since none of the sustainability parameters in the other systems exceeded any of their thresholds, except for the female American shad catch-per-unit-effort in the Albemarle and Tar-Pamlico (which did not trigger further management), the Work Group agreed to maintain the 2019 American shad measures for the 2020 season in all systems.

Figures

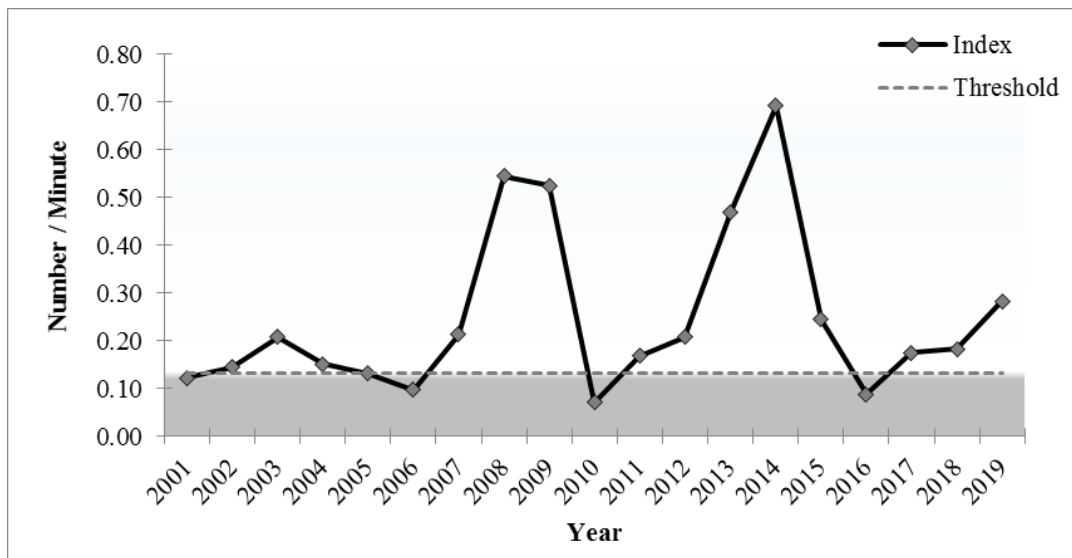


Figure 1. Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001-2019, **Roanoke River, NC**. The threshold represents the 25th percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value did not exceed the threshold.*

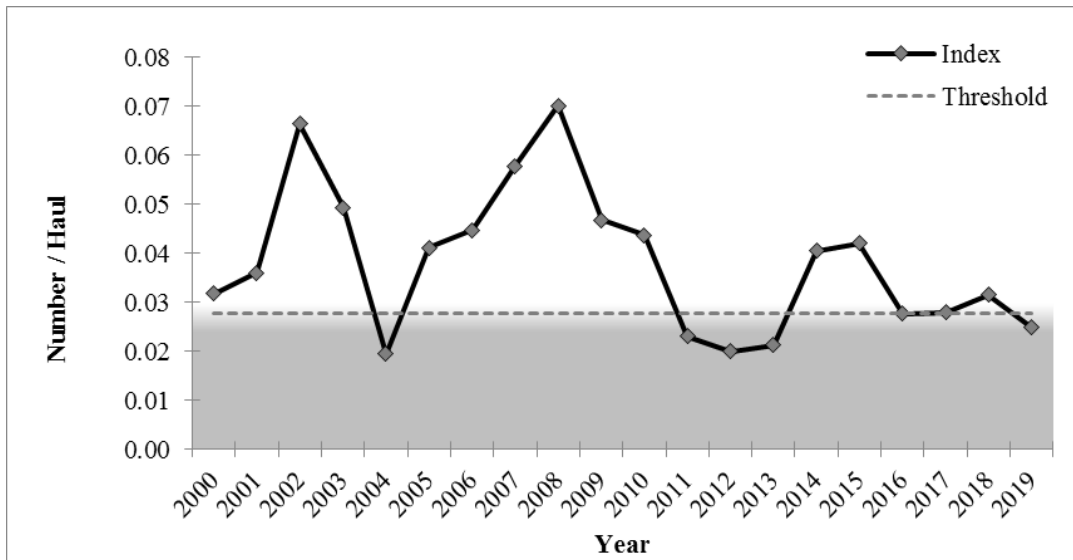


Figure 2. Female American shad catch-per-unit-effort index of abundance from the independent gill net survey for 2000–2019, **Albemarle Sound, NC** (January-May). The threshold represents the 25th percentile (where 75 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did** exceed the threshold.*

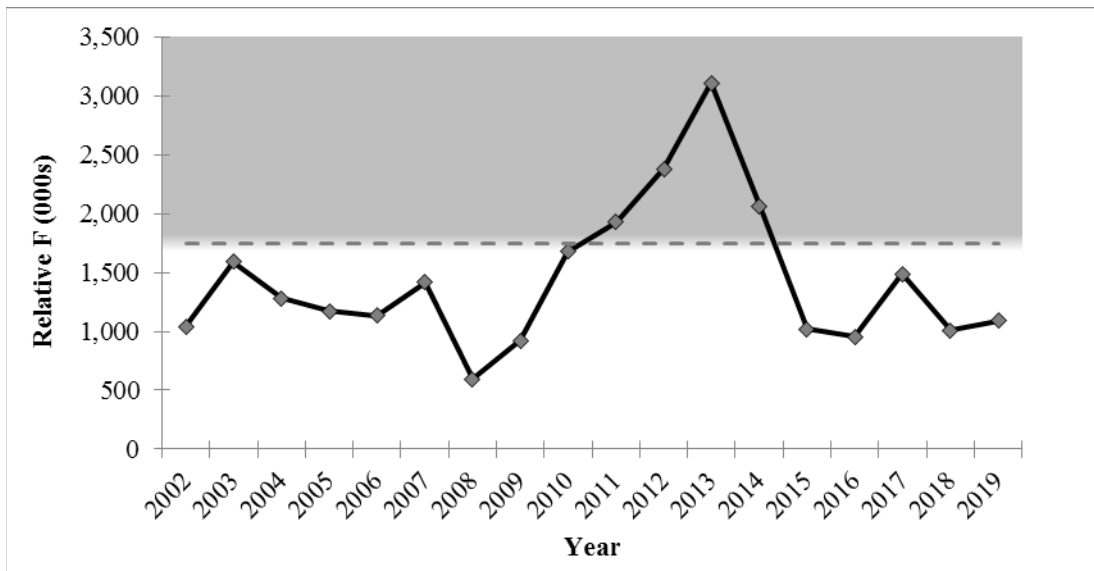


Figure 3. Estimates of American shad female relative F based on female CPUE from the independent gill net survey and commercial harvest for 2002-2019, **Albemarle Sound, NC**. The threshold represents the 75th percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

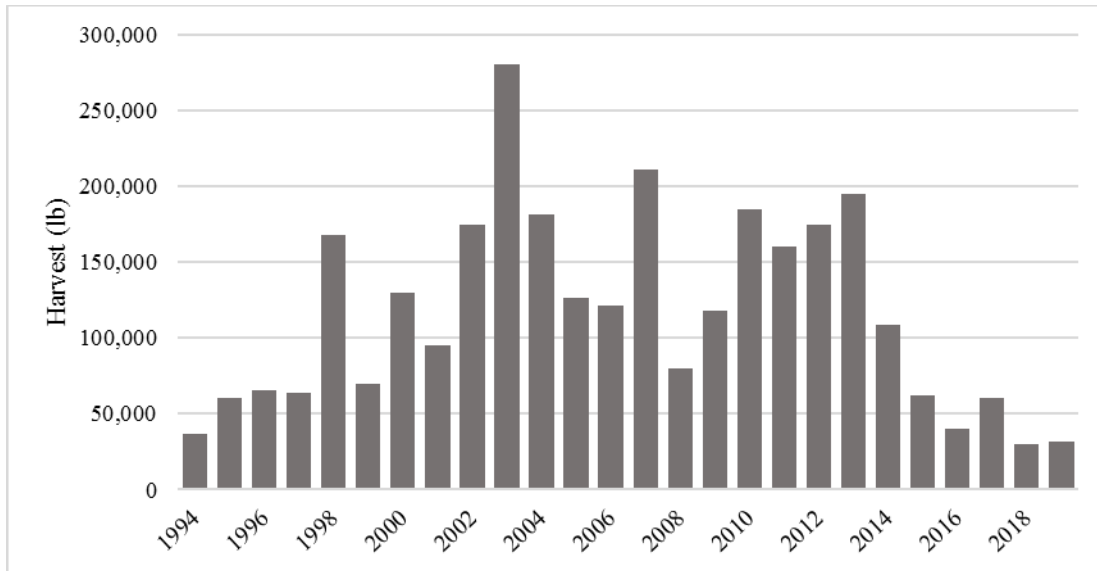


Figure 4. American shad commercial landings for 1994-2019, Albemarle Sound, NC.

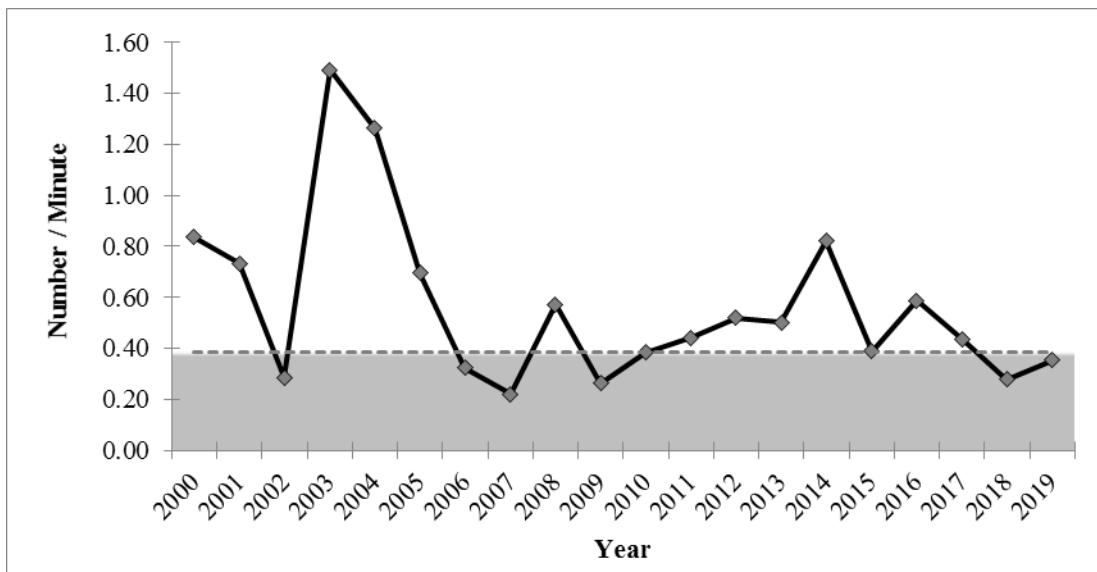


Figure 5. Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000-2019, Tar-Pamlico River, NC. The threshold represents the 25th percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value did exceed the threshold.*

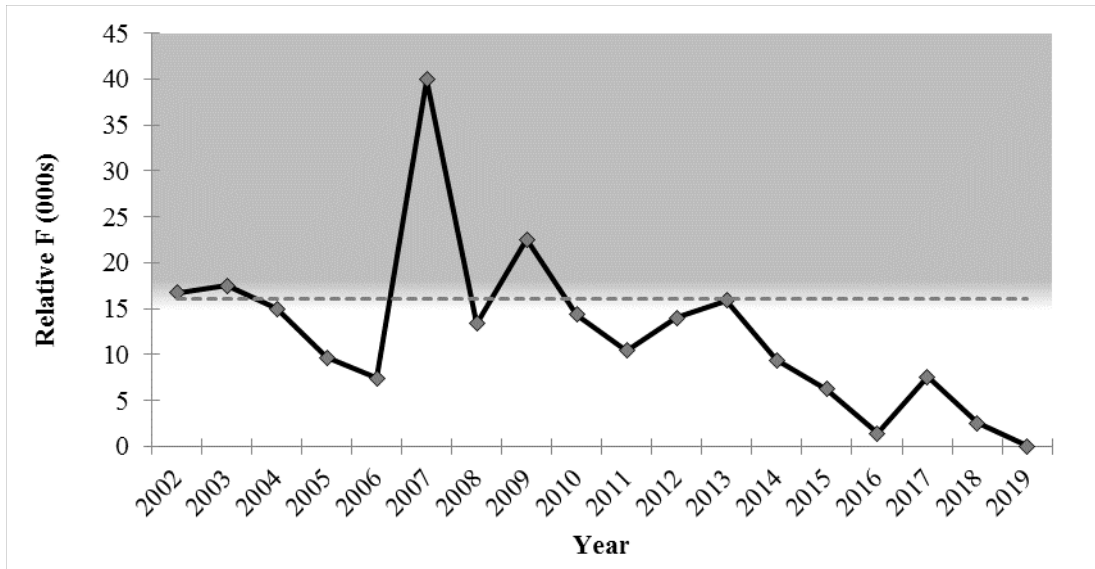


Figure 6. Estimates of American shad female relative F based on female CPUE from the independent gill net survey and commercial landings for 2002-2019, **Tar-Pamlico River, NC**. The threshold represents the 75th percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

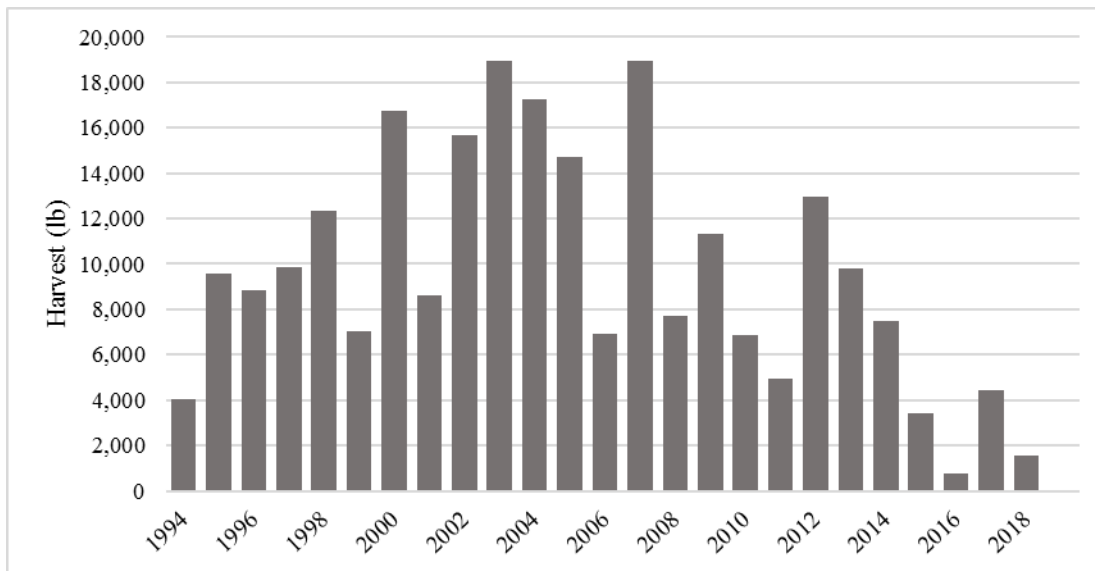


Figure 7. American shad commercial landings for 1994-2019, **Tar-Pamlico River, NC**. *No harvest occurred in 2019.*

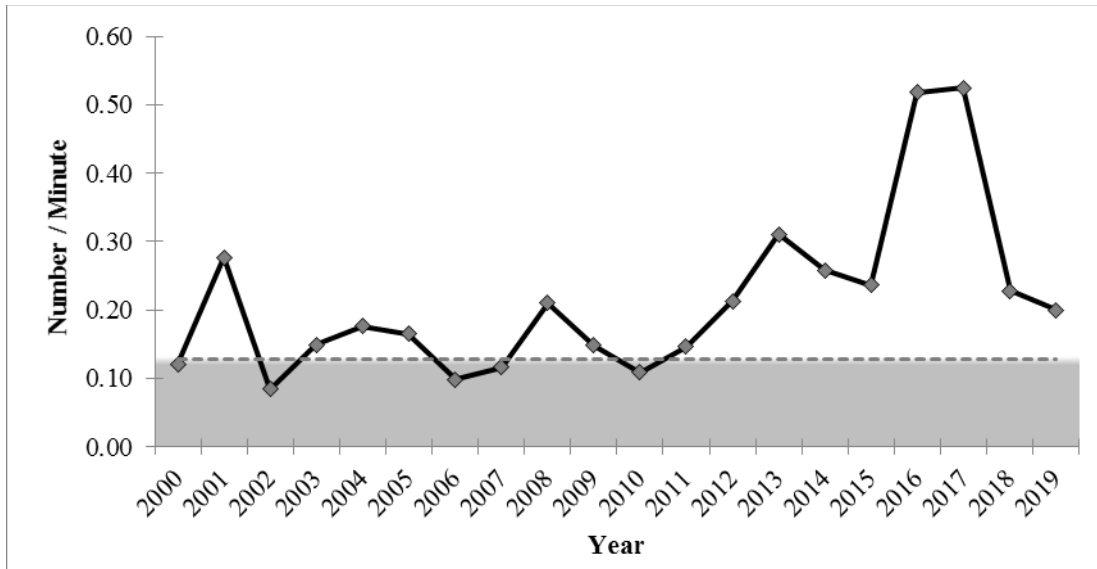


Figure 8. Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2000-2019, **Neuse River, NC**. The threshold represents the 25th percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

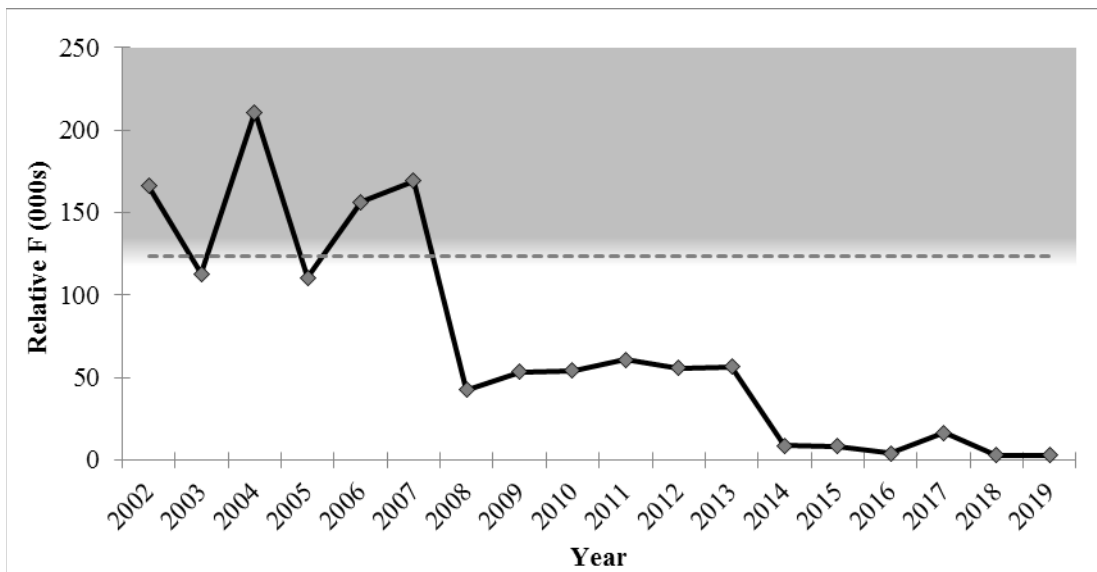


Figure 9. Estimates of American shad female relative F based on female CPUE from the independent gill net survey and commercial landings for 2002-2019, **Neuse River, NC**. The threshold represents the 75th percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

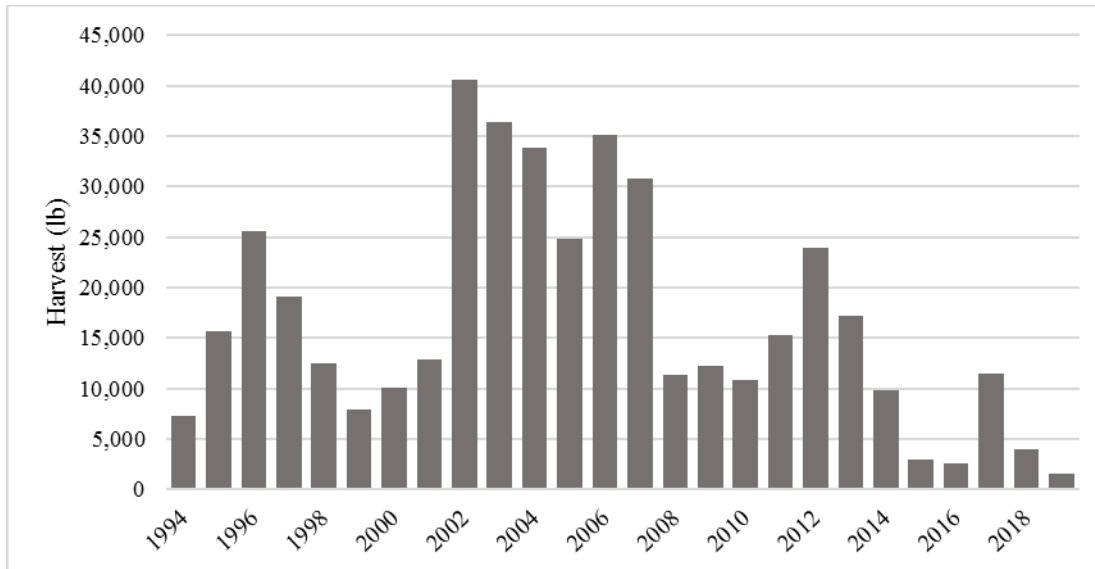


Figure 10. American shad commercial landings for 1994-2019, Neuse River, NC.

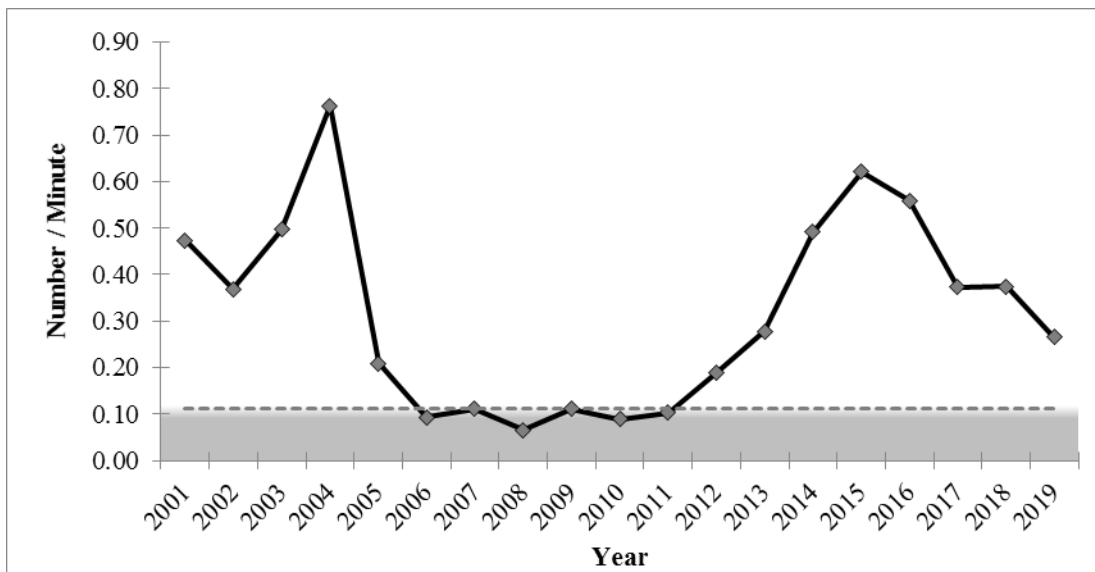


Figure 11. Female American shad catch-per-unit-effort index of abundance from the electrofishing survey, 2001-2019, Cape Fear River, NC. The threshold represents the 25th percentile (where 75 percent of all values are higher). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

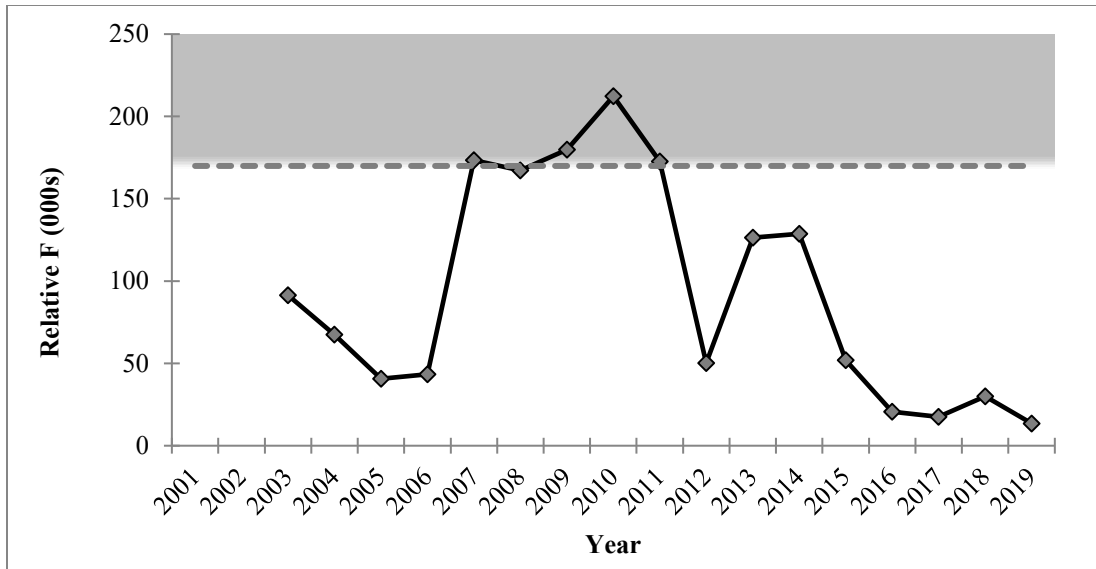


Figure 12. Estimates of American shad female relative F based on female CPUE from the independent gill net survey and commercial landings for 2003-2019, **Cape Fear River, NC**. The threshold represents the 75th percentile (where 25 percent of all values are greater). The grey portion of the graph indicates the area where the threshold has been exceeded. *The 2019 index value **did not** exceed the threshold.*

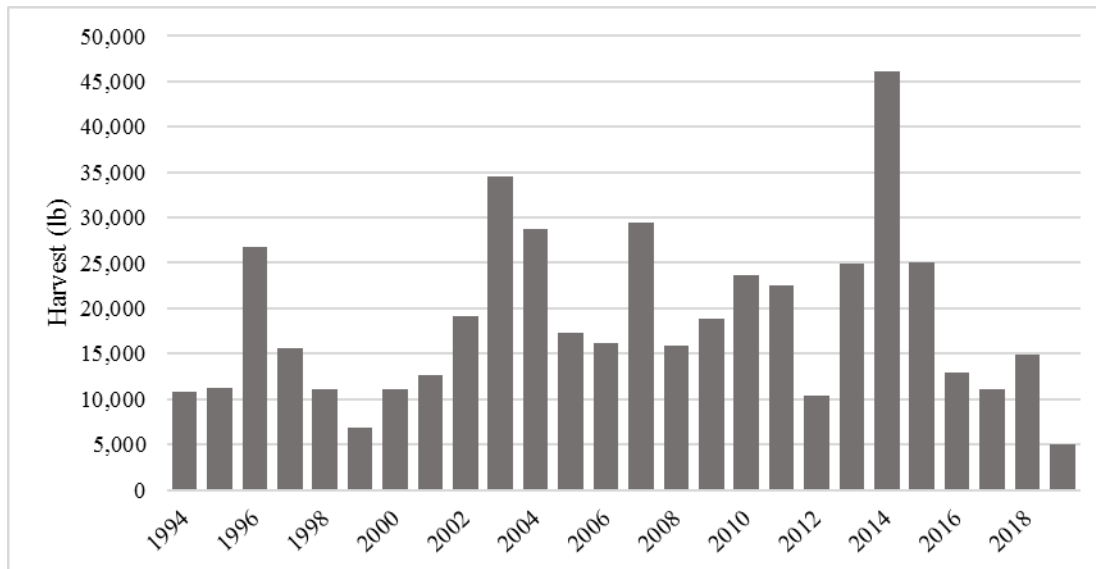


Figure 13. American shad commercial landings for 1994-2019, **Cape Fear River, NC**.



August 2019 Council Meeting Summary

August 13-15, 2019

Philadelphia, PA

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's August 2019 meeting in Philadelphia, PA. Presentations, briefing materials, and webinar recordings are available at: <http://www.mafmc.org/briefing/august-2019>.

Joint Meeting of the Council and Scientific and Statistical Committee

The Council and its Scientific and Statistical Committee (SSC) met jointly to discuss a variety of topics of mutual interest. The joint meeting provided a unique opportunity to foster increased dialogue and relationships. Topics discussed by the Council and the SSC included the role of the SSC in the Council process, increased utilization of social and economic science advice from the SSC, communication policies and procedures, and future SSC membership needs and expertise. The Council provided feedback on topics and issues for development and agreed to hold future joint meetings, possibly on an annual basis, to ensure open and continued communication regarding the Council's science priorities and needs.

Summer Flounder Recreational MSE Project

The Council received a presentation on the results of a Council-funded summer flounder recreational Management Strategy Evaluation (MSE) for F-based recreational management. The project includes two major components: a recreational fleet dynamics model, which expands on previous work to forecast how changes in recreational measures impact changes in harvest; and a forecasting simulation model, which tests the performance of current and alternative management approaches (including *status quo* and F-based management, both with and without incorporating estimates of uncertainty). A final report on this model is still in preparation. The recreational fleet dynamics model will be used this fall by the Monitoring Committee to assist in developing recreational measures for 2020, and the Monitoring Committee, Council, and Board may revisit the final project results later this fall to determine whether an alternative management strategy should be pursued for summer flounder through a fishery management plan (FMP) action.

Council Risk Policy - Framework Meeting 1

The Council held the first meeting for the Omnibus Risk Policy Framework Action. The risk policy specifies the acceptable level of risk (i.e., probability of overfishing) the Council is willing to accept for its managed species. The Council first initiated this framework in 2017, but development was postponed until after the completion of additional analyses to more fully consider social and economic impacts and trade-offs of different risk policy alternatives. The Council reviewed and approved nine different draft alternatives for further evaluation and analysis. It is expected the Council will take final action on the framework at the December 2019 meeting.

Black Sea Bass Commercial and Recreational Issues

The Council received a brief update on recent Atlantic States Marine Fisheries Commission (ASMFC) discussions regarding potential changes to the state-by-state commercial black sea bass quota allocations, as well as an update on a joint Council and ASMFC initiative on recreational management reform. A management action has not yet been initiated to address either topic. Both topics will be discussed in more detail at the October 2019 Council meeting, which will include a joint meeting with the ASMFC's Summer Flounder, Scup, and Black Sea Bass Management Board.

River Herring & Shad Update and Cap Review

The Council voted to maintain the 129 metric ton (MT) river herring and shad cap in the mackerel fishery for 2020. The Council also voted to remove an 89 MT trigger that is in effect before the mackerel fishery lands 10,000 MT of mackerel. This approach should provide for some additional opportunity for the mackerel fishery while also limiting the overall amount of river herring and shad caught by the fishery to the same maximum amount, 129 MT. The 129 MT cap will maintain a high incentive for the fleet to avoid river herring and shad. In order to land most of the mackerel quota in 2020, the fishery will have to substantially reduce its interaction rate with river herring and shad compared to 2019. The Council also voted to initiate a framework action to establish a long-term strategy for biologically-relevant river herring and shad catch caps in the mackerel fishery.

Allocation Review Criteria for All FMPs

The Council discussed [NMFS Policy Directive 01-119](#), which provides guidance to the Regional Fishery Management Councils on reviewing allocations. This policy directs each Council to identify criteria that will be used to trigger reviews of allocations within their Fishery Management Plans. The Council adopted an allocation review policy indicating that relevant allocations will be reviewed at least every 10 years, with the possibility of more frequent review based on public interest or other factors. While the policy does not apply to allocations to individuals or vessels under Individual Transferable Quota and Individual Fishing Quota (ITQ/IFQ) programs, other allocations under these fisheries would be reviewed as part of periodic catch share reviews. The Council will develop a review schedule in connection with its 5-year strategic plan and annual implementation plans. The full description of allocation review criteria adopted by the Council, including a list of the allocations it applies to, can be found [here](#).

Research Steering Committee

The Research Steering Committee met to discuss and develop recommendations on several topics. Council staff, in conjunction with NOAA Office of Law Enforcement, provided presentations on Committee requests and recommendations, RSA-related violations, and an overview of the MAFMC and NEFMC Research Set-Aside (RSA) programs. The Committee discussed options for the RSA program, which has been suspended since 2014, and recommended that the Council convene an RSA Workshop in 2020 to identify the need for an RSA program and consider a range of program design alternatives. The Committee also had a general discussion about the future role of the Research Steering Committee and agreed that in addition to addressing RSA-related issues, the Committee should have a role in evaluating research proposals and contracts submitted in response to RFPs. On the topic of whether the Committee should review Council-funded project reports, the Committee agreed that final reports and presentations should be provided to the full Council and ASMFC at joint meetings. Finally, the Committee discussed whether to pursue any formal partnerships with research organizations. The Committee did not recommend any such relationships at such time but noted that the SCeMFIS Board may be an option for future consideration.

2020-2024 Strategic Plan

The Council reviewed a draft framework for its 2020-2024 Strategic Plan and approved a vision, mission, and goal statements. Staff will present a complete draft strategic plan for Council consideration at the October 2019 meeting.

Offshore Wind Update

The Council received a brief update on offshore wind development activities in the northeast region and discussed how they can most effectively participate in the offshore wind development process to ensure that impacts to Council-managed fisheries are minimized. The Council agreed to continue providing strategic comment letters to the Bureau of Ocean Energy and Management, maintaining a webpage on offshore wind and fisheries (<http://www.mafmc.org/northeast-offshore-wind>), and participating in various groups, including the Responsible Offshore Science Alliance.

Hab in the Mab: Characterizing Black Sea Bass Habitat in the Mid-Atlantic Bight

Bradley Stevens (University of Maryland Eastern Shore) presented a final report on a project funded by the Council through the Atlantic Coast Fish Habitat Partnership. The project, entitled “Hab in the Mab,” sought to characterize black sea bass habitat in the mid-Atlantic Bight. The full report is available [here](#).

Other Business

Council Policies

Council staff provided an overview of Council policies on public comment deadlines, webinars, and Fishery Management Action Teams (FMATs). These documents can be found at <http://www.mafmc.org/council-policies>.

Swearing in of New and Reappointed Council Members

The Council swore in two new members: Kate Wilke of Virginia and Scott Lenox of Maryland. The Council also swore in two reappointed members: Peter Hughes of New Jersey and Wes Townsend of Delaware.

Election of Officers

During the yearly election of officers, the Council reelected Mike Luisi as Council Chairman and Warren Elliott as Vice-Chairman. Mr. Luisi is the director of the Fisheries Monitoring and Assessment Division at the Maryland Department of Natural Resources. Mr. Elliott serves as the Pennsylvania Citizen Representative to the Chesapeake Bay Commission and as a member of the Pennsylvania Fish and Boat Commission.

Next Council Meeting

Monday, October 7, 2019 – Thursday, October 10, 2019

Meeting: Durham Convention Center
301 W. Morgan St., Durham. NC 27701
919-956-9404

Lodging: Durham Marriott Center City
201 Foster St., Durham, NC 27701
919-768-6000

<http://www.mafmc.org/council-events/october-2019-council-meeting>



October 2019 Council Meeting Summary

October 7-10, 2019

Durham, NC

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council’s October 2019 meeting in Durham, NC. Presentations, briefing materials, and webinar recordings are available at: <http://www.mafmc.org/briefing/october-2019>.

Summer Flounder, Scup, Black Sea Bass, and Bluefish Specifications

The Council met jointly with the Atlantic States Marine Fisheries Commission’s Summer Flounder, Scup, and Black Sea Bass Board (Board) and Bluefish Board to adopt 2020-2021 specifications for scup, black sea bass, and bluefish and to review previously-implemented 2020 specifications for summer flounder. During the meeting, the Council and Boards reviewed the results of operational stock assessments for black sea bass, scup, and bluefish, which were peer reviewed and accepted in August 2019. The assessments incorporated fishery catch and fishery-independent survey data through 2018, including revised recreational catch data from the Marine Recreational Information Program (MRIP). The revised MRIP data are based on a new estimation methodology accounting for changes to the angler intercept methodology and the recent transition to a mail-based effort survey. The revised estimates of catch and landings are several times higher than the previous estimates for shore and private boat modes, substantially raising the overall catch and harvest estimates. The Council and Board also considered recommendations from the Scientific and Statistical Committee (SSC), Monitoring Committees, and Advisory Panels and comments from members of the public.

The table below summarizes commercial quotas and recreational harvest limits (RHL) for summer flounder, scup, black sea bass, and bluefish (2019 values are provided for comparison purposes). The summer flounder limits were previously approved by the Council and Board in March 2019. For scup, black sea bass, and bluefish, the Council will forward its recommendations for federal waters (3 – 200 miles from shore) to the NOAA Fisheries Greater Atlantic Regional Fisheries Administrator for final approval. Note that the landings limits shown below are initial limits prior to any deductions for past overages.

	Commercial Quota <i>millions of pounds</i>			Recreational Harvest Limit <i>millions of pounds</i>		
	2019	2020	2021	2019	2020	2021
Scup	23.98	22.23	18.06	7.37	6.51	5.34
Black Sea Bass	3.52	5.58	5.58	3.66	5.81	5.81
Summer Flounder	11.53	11.53	11.53	7.69	7.69	7.69
Bluefish	7.71	2.77	2.77	11.62	9.48	9.48

Scup 2020-2021 Specifications

The 2019 scup operational assessment concluded that the scup stock was not overfished, and overfishing was not occurring in 2018 relative to the updated biological reference points calculated through the assessment. Spawning stock biomass was estimated to be about 2 times the biomass target. The assessment indicated that the stock experienced very high recruitment in 2015 and below-average recruitment during 2016-2018. Based on the SSC’s recommendation, the Council and Board approved an Acceptable Biological Catch (ABC) of 35.77 million pounds for 2020 and 30.67 million pounds for 2021. After accounting for expected discards, this results

in a commercial quota of 22.23 million pounds and an RHL of 6.51 million pounds in 2020 and a commercial quota of 18.06 million pounds and an RHL of 5.34 million pounds in 2021. Compared to 2019 landings limits, this represents a 7% decrease in the commercial quota and a 12% decrease in the RHL in 2020 and a 25% decrease in the commercial quota and a 28% decrease in the RHL in 2021.

The Council and Board also reviewed an evaluation of scup discards by mesh size, calendar quarter, and statistical area in the commercial fishery. Discards have been well above average in recent years and the Council and Board agreed with the Monitoring Committee recommendation that no immediate management action was needed but that discards should continue to be monitored.

Black Sea Bass 2020-2021 Specifications

The 2019 black sea bass operational stock assessment concluded that the black sea bass stock was not overfished, and overfishing was not occurring in 2018 relative to the updated biological reference points calculated through the assessment. Spawning stock biomass was estimated to be about 2.4 times the biomass target in 2018. The assessment indicated recruitment was above average in 2015 and below-average during 2016-2018. Based on the SSC's recommendation, the Council and Board approved an ABC of 15.07 million pounds for 2020 and 2021, which results in a commercial quota of 5.58 million pounds and an RHL of 5.81 million pounds for both years after accounting for expected discards. This represents a 59% increase for both the commercial quota and the RHL compared to the 2019 measures. This could allow for a notable increase in commercial landings. However, because recreational harvest is now estimated based on the revised MRIP methodology, which shows much higher recreational harvest than under the previous methodology, it will not be possible to allow for an increase in recreational harvest in 2020, despite the 59% increase in the RHL. Recreational measures (bag, size, and season limits) for the 2020 fishing season will be considered at the Council and Board's December 2019 joint meeting.

Summer Flounder 2020 Specifications Review

The Council and Board received a data update for summer flounder, including updated catch, landings, and fishery independent survey indices through 2018. State and federal survey indices indicate that the aggregate stock size of summer flounder increased from 2017 to 2018 and that recruitment in 2018 was above average. The most recent benchmark stock assessment concluded that the summer flounder stock was not overfished, and overfishing was not occurring in 2017. After reviewing this information, the Council and Board determined that no changes are needed to the previously-implemented specifications for summer flounder. For 2020 and 2021, the commercial quota is 11.53 million pounds and the RHL is 7.69 million pounds.

Bluefish 2020-2021 Specifications

The 2019 bluefish operational assessment concluded that the bluefish stock was overfished and overfishing was not occurring in 2018 relative to the updated biological reference points. Based on the SSC's recommendation, the Council and Bluefish Board adopted an ABC of 16.28 million pounds for both years. After accounting for expected discards, this ABC translates to a commercial quota of 2.77 million pounds and an RHL of 9.48 million pounds for 2020 and 2021. Compared to 2019, this represents a 64% decrease in the commercial quota and an 18% decrease in the RHL. In recent years, a portion of the total allowable landings above the expected recreational harvest have been transferred from the recreational fishery to the commercial fishery. However, because the recreational fishery is anticipated to fully harvest the RHL, the Council did not authorize a quota transfer from the recreational to the commercial sectors for 2020-2021.

Bluefish Allocation Amendment and Bluefish Rebuilding

The Council and Bluefish Board received an update on the Bluefish Allocation Amendment and revisited the list of issues previously identified for consideration in the amendment. As background, the Council and Board initiated the amendment in December 2017 with the goal of reviewing and possibly revising the allocation

between the commercial and recreational fisheries and the commercial allocations to the states. In August 2018, the Council and Bluefish Board agreed to postpone finalization of the public hearing document until after the results of the bluefish operational assessment were available. These results, which were released in August 2019, indicate that the stock is overfished with overfishing not occurring in 2018 relative to the updated biological reference points. Once the Council receives official notification from NOAA Fisheries regarding the overfished status of the bluefish stock, the Council will be required by the Magnuson-Stevens Act to initiate a rebuilding plan to be implemented within two years that rebuilds the stock to the biomass target within ten years.

During their joint meeting, the Council and Bluefish Board affirmed the list of five issues previously identified for consideration in the amendment. These include: (1) FMP Goals and Objectives, (2) Commercial and Recreational Allocations, (3) Commercial Allocations to the States, (4) Quota Transfers, and (5) Other Issues. The Council and Board also provided specific recommendations for further analysis by the Fishery Management Action Team (FMAT). Specifically, the Council and Board recommended that the FMAT consider the dynamics between seasonality and region when analyzing state allocations. The Council and Board also requested that the FMAT explore addressing management uncertainty by sector. Lastly, the Council and Board agreed to incorporate rebuilding into the amendment in order to streamline the development and implementation of a rebuilding plan. Because this additional issue modifies the scope of the amendment, the Council and Board will need to provide additional hearings and opportunities for public comment. Additional information and updates will be posted on the Council website at <http://www.mafmc.org/actions/bluefish-allocation-amendment>.

Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocations

The Council and Board initiated the development of a joint amendment to reevaluate the commercial and recreational sector allocations in the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This action aims to address the allocation-related impacts of the revised recreational catch and landings data provided by MRIP. The initiation of the amendment directs Council and Commission staff to begin preparing analyses to guide a public scoping process. The Council and Board will revisit this issue during their next joint meeting in December 2019.

Black Sea Bass Commercial Issues

After reviewing potential management strategies and engaging in a joint discussion on Council involvement, the Board initiated an addendum to consider changes to the black sea bass commercial state by state allocations. Consistent with Board discussion at the August 2019 ASMFC meeting, this action will consider the current distribution and abundance of black sea bass as one of several adjustment factors to achieve more balanced access to the resource. Proposed strategies for adjusting the commercial state allocations include: 1) a dynamic approach, referred to as "TMGC," which gradually shifts allocations over time based on a combination of historical landings information and current stock distribution information; 2) several trigger-based allocation approaches; 3) a method to raise the Connecticut quota to 5% in addition to any other reallocation method; and 4) hybrid approaches. Although this is a Board-specific action, both the Council and Board agreed that future discussions of the addendum should occur at joint Council and Board meetings to allow for Council input. The Council deliberated the need for a joint action but decided to postpone further consideration of a joint action until the joint December 2019 meeting.

Recreational Reform Initiative

The Council and Board reviewed progress made by a joint steering committee on recreational management reform for summer flounder, scup, and black sea bass. The steering committee has discussed a new process for setting recreational management measures for multiple years at a time, as well as the development of guidelines for maintaining status quo recreational management measures. The Council and Board agreed the steering committee should continue to develop these concepts.

Monkfish 2020-2022 Specifications

The Council approved the same monkfish specifications for 2020-2022 as recommended by the New England Fishery Management Council at their September 2019 meeting. These recommendations include a 10% increase in the ABC for the Northern Fishery Management Area and a status quo ABC for the Southern Fishery Management Area. No changes were recommended at this time by either Council for effort controls, possession limits, or days-at-sea measures. Additional information about these recommendations is available in the New England Council press release: <https://s3.amazonaws.com/nefmc.org/Council-Approves-2020-2022-Monkfish-Specifications.pdf>

Dogfish 2020 Specifications Review

The Council reviewed spiny dogfish specifications for 2020, which will be year 2 of the 2019-2021 multi-year specifications. After considering input from the SSC, the Spiny Dogfish Advisory Panel, and the Spiny Dogfish Monitoring Committee, the Council made no changes to the previously-recommended ABC of 31.1 million pounds for 2020. This ABC results in a commercial quota of 23.2 million pounds, a 13% increase compared to the 2019 quota. Additional information about 2019-2022 specifications is available here:

<https://www.federalregister.gov/d/2019-09915>.

Illex Permitting and MSB Goals and Objectives Amendment

The Council reviewed progress on the *Illex* Permitting and MSB Goals and Objectives Amendment and provided direction to staff on further development. This amendment considers modifications to the *Illex* permitting system and revisions to the goals and objectives for the Mackerel, Squid, Butterfish (MSB) fishery management plan (FMP). For the FMP goals and objectives, staff will continue to refine the proposed wording based on the input of the Council.

For the *Illex* permitting component, staff will further develop re-qualification alternatives and analyses, including several options that consider landings through 2019. The Council also voted that options for individual fishing quotas (or "ITQs" or "catch shares") will not be considered in this action. The Council approved a motion to not include a 10,000-trip qualification since that is the incidental trip limit and approved including options for a tiered approach to *Illex* permit requalification. Updates on this action are posted at <http://www.mafmc.org/actions/illex-permitting-msb-goals-amendment>.

Illex Working Group

Staff provided an update on work being done by the *Illex* working group to develop approaches for in-year quota adjustments and the next research track assessment. Updates on this effort are posted at <http://www.mafmc.org/actions/illex-working-group>.

Five-Year (2020-2024) Comprehensive Research Priorities

Staff presented the draft Five-Year (2020-2024) Comprehensive Research Priorities for Council review and feedback. The Council's current research priorities run through 2020; however, the Council agreed to update the priorities early in order to align with and be informed by the development of the Council's next Strategic Plan and new 5-Year Cooperative Agreement. The draft priorities document includes revised and updated broad research themes, a proposed new organization and prioritization set-up for species/FMP specific priorities, and potential strategies to improve the effectiveness and utility of the document to the Council and its management and science partners. Council feedback and recommendations will be incorporated into a revised document with final approval of the five-year research priorities scheduled for the December 2019 meeting.

Draft 2020-2024 Strategic Plan

The Council reviewed and provided comments on a draft strategic plan for 2020-2024. The plan contains Mission and Vision statements and a suite of objectives and strategies organized around five goal areas: Communication,

Science, Management, Ecosystem, and Governance. The Council intends to use the plan to guide its management activities and operations over the next five years. Staff will incorporate Council feedback and post the draft strategic plan online for public feedback. The Council will review public comments and approve a final strategic plan at the December Council Meeting. Sign up for the Council's email list to be notified about availability of the draft plan for public comment: <http://www.mafmc.org/email-list>.

Draft 2020 Deliverables

The Executive Committee reviewed and provided feedback on a draft list of actions and priorities for 2020. The full Council will review a revised list of actions and deliverables at the December Council Meeting.

Next Council Meeting

December 9 - 12, 2019

Westin Annapolis

100 Westgate Circle, Annapolis, MD 21401

Telephone: 410-972-4300

<http://www.mafmc.org/council-events/december-2019-council-meeting>



South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
September 23, 2019

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Council Wraps Up Meeting Week by Approving Measures for Best Fishing Practices

Regulatory Amendment 29 would require descending devices; New Executive Director selected

Charleston, SC - Members of the South Atlantic Fishery Management Council concluded their week-long meeting in Charleston, SC after approving federal fishery management measures intended to help implement best fishing practices and improve survivability of released fish. The measures, as included in Regulatory Amendment 29 to the Snapper Grouper Fishery Management Plan, would require fishermen fishing for snapper grouper species to have a descending device onboard and readily available for use when fishing in federal waters. The devices can be used to help reduce injuries caused by barotrauma, injury that occurs due to expansion of gas when fish are reeled up from deeper water. The condition may result in protruding stomachs from a fish's mouth, enlarged eyes, and other conditions that keep fish from swimming back to depth. Descending devices are designed to help get the fish back down to deeper water and alleviate the symptoms. Both descending devices and venting tools, when properly used, can be used to treat barotrauma and significantly increase the likelihood that a released fish survives.

The amendment includes additional measures to modify existing requirements for the use of non-stainless-steel and circle hooks when fishing for snapper grouper species with natural baits to help reduce injury to released fish. A measure to standardize the use of powerhead gear by divers off the coast of South Carolina is also included. If approved by the Secretary of Commerce, regulations in Regulatory Amendment 29 may be implemented in 2020.



understanding and tools needed to do so when they run offshore.”

The Council had lengthy discussions about requiring the devices onboard and how to best define a descending device for regulatory purposes. “The intent is to encourage fishermen to use descending devices when necessary to help increase the likelihood that a fish pulled up rapidly from deep water survives,” said Council Vice Chair Mel Bel, representing the SC Department of Natural Resources Division of Marine Fisheries. “No one wants to see fish floating on the surface after being released. The purpose of the regulation isn’t to write tickets, but to reduce release mortality by providing fishermen with the

Council members continued to stress the importance of outreach and education for informing fishermen on the proper use of the devices. A Best Practices video tutorial is currently available from the Council’s website at: <https://safmc.net/electronic-reporting-projects/myfishcount/> (click the “Best Practices” tab) and additional outreach materials will be developed. The regulatory amendment also includes a research and monitoring plan that recommends NOAA Fisheries monitor the use of descending devices and continue research to determine their effectiveness in reducing discard mortality. The information may be used to evaluate improvements in the survival of released snapper grouper species in order to incorporate new discard mortality estimates into future stock assessments.

Council Wraps up Meeting Week (continued)

Other Items

The Council heard concerns from fishermen representing the commercial fishery for Spanish mackerel on the Outer Banks of NC and the charter industry from the Florida Keys. Fishermen spoke about the negative impacts of a recent closure of the commercial Spanish mackerel fishery in the Northern Zone (NC/SC line through NY). The Council reviewed a detailed “white paper” that provided analysis of effort in the fishery and discussed options to control effort as recommended by the Mackerel Cobia Advisory Panel. After listening to fishermen and reviewing the paper, Council members agreed to begin work on an amendment to revise accountability measures that would allow a stepdown to 500 pounds per trip once the Northern Zone quota is met, with the fishery closing once the total annual catch limit (recreational and commercial) is reached. The amendment will continue to be developed and information on upcoming public scoping and hearings distributed as it becomes available. Charter captains from the Florida Keys also expressed concerns about the dolphin fishery and its economic importance. The Council continues to work on a comprehensive amendment for the fishery.

New Executive Director



The Council announced today that **John Carmichael**, the current Deputy Executive Director for Science and Statistics at the South Atlantic Fishery Management Council has been selected to become its next Executive Director. Carmichael was selected to assume the position upon Executive Director Gregg Waugh’s retirement in December 2019. As the Deputy Director for Science, John currently manages the Council’s science activities such as the Scientific and Statistical Committee, stock assessments, and Citizen Science efforts. He has worked at the Council since 2003. Previous positions include serving as a stock assessment scientist with the NC Division of Marine Fisheries Commission; Fishery Management Plan Coordinator with the Atlantic States Marine Fisheries Commission; and a biologist with the Maryland Department of Natural Resources.

“I am honored to be chosen by the Council to serve at the next Executive Director,” said Carmichael upon the announcement. “I look forward to continuing working with the Council, our constituents and partners to manage our fisheries.”

Additional information about the September Council meeting, including a story map, committee reports and summary motions is available from the Council’s website at: <https://safmc.net/safmc-meetings/council-meetings/>. The next meeting of the South Atlantic Fishery Management Council is scheduled for December 2-6, 2019 in Wilmington, NC.

The South Atlantic Fishery Management Council, one of eight regional councils, conserves and manages fish stocks from three to 200 miles offshore of North Carolina, South Carolina, Georgia and east Florida.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Jessica McCawley, Chair | Mel Bell, Vice Chair
 Gregg T. Waugh, Executive Director

SEPTEMBER 16-20, 2019 COUNCIL MEETING REPORT CHARLESTON, SOUTH CAROLINA

The following summary highlights the major issues discussed and actions taken at the South Atlantic Fishery Management Council’s September 2019 meeting in Charleston, South Carolina. Briefing materials, presentations, and public comments are available on the Council’s website at: <http://safmc.net/safmc-meetings/council-meetings/>

Final Committee Reports contain more details of what was accomplished for each committee and are located on the September 2019 briefing book page. In addition, the Summary of Motions on the Council’s website includes all motions from the meeting. Read further details and see images and other links at the September 2019 Council Meeting Round-up Story Map: <https://www.arcgis.com/apps/MapJournal/index.html?appid=ed2e53f896dc41498fca6e1d4d6d2c1f>

Issue:	Action Taken:	Schedule:
<p>Mackerel Emergency Action</p>	<p>In June 2019, the Council approved a request for NMFS to raise the commercial king mackerel trip limit south of the Flagler/Volusia County line, Florida from 50-fish to 75-fish for the 2019-2020 season via emergency rule. The value of unharvested quota over the last four fishing seasons averaged \$3,880,961 per season.</p>	<p>The Council’s letter requesting emergency action was sent to NMFS on June 21, 2019 with a request to implement this prior to Season 2 of the 2019-2020 season (October 1st). NMFS reported that the emergency action request is under review at NOAA Headquarters.</p>
<p>CMP Framework Amendment 8 – the Council approved various alternatives to permanently increase the trip limit in the southern zone.</p>	<p>Alternative trip limits for Season 2 include:</p> <ol style="list-style-type: none"> 1. 75 fish 10/1-1/31 with increase to 100 fish in Feb if less than 70% of quota landed 2. 100 fish 10/1-1/31 with increase to 150 fish in Feb if less than 70% of quota landed 3. 150 fish 10/1-1/31 with increase to 175 fish in Feb if less than 70% of quota landed 4. Preferred: 100 fish 10/1 to the end of February 	<p>Staff and the IPT will prepare CMP Framework Amendment 8 for public hearings prior to December. Bring public comments and document back to the Council at the December Council meeting to approve for formal review. The Council’s intent is to have these permanent regulations in place prior to the start of the second season of the 2020/21 fishing year (October 1st).</p>

Issue:	Action Taken:	Schedule:
<p>Atlantic Spanish Mackerel Commercial effort</p> <p>Mackerel Advisory Panel</p>	<p>The Council reviewed the staff white paper and approved development of a framework amendment to revise the Spanish mackerel accountability measures so that when the northern zone commercial sector quota is met, a stepdown to 500-pounds will occur. The Spanish mackerel fishery will close when the total annual catch limit (ACL), commercial and recreational combined, is met or projected to be met. The Council requested trip limit analyses for the Northern Zone of 1,500, 2,000, 2,500, and 3,500 pounds (no action).</p> <p>During the June meeting, the Council approved a control date of March 7, 2019 when they began considering effort controls for Atlantic Spanish mackerel.</p> <p>The Council approved adding 2 seats to the Mackerel Advisory Panel.</p>	<p>The Committee & Council will review the framework amendment in December and have scheduled a special webinar Council meeting before the March 2020 meeting to approve for formal review.</p> <p>The request is currently being reviewed at NOAA Headquarters.</p> <p>Seats will be advertised and appointments made at the December 2-6, 2019 meeting in Wilmington, NC.</p>
<p>Issue:</p> <p>Snapper Grouper Abbreviated Framework Amendment 3 (South Atlantic Blueline Tilefish ACL)</p>	<p>Action Taken:</p> <p>The Council gave guidance to staff to revise the annual catch limits (ACLs) and the recreational annual catch target (ACT):</p> <ul style="list-style-type: none"> • Increase the total ACL from 174,798 to 233,968 lbs ww • Increase the commercial ACL from 87,521 to 117,148 lbs ww • Increase the recreational ACL from 87,277 to 116,820 lbs ww • Increase the recreational ACT from 54,653 to 70,886 lbs ww 	<p>Schedule:</p> <p>Public comments will be taken at the December 2-6, 2019 meeting in Wilmington, NC. The Council will make any necessary revisions and consider approving for formal review at the December meeting.</p>
<p>Wreckfish ITQ Review</p>	<p>The Council discussed and accepted the final review document and directed staff to begin a plan amendment for the wreckfish fishery to consider the recommendations.</p>	<p>The Council will review a draft plan amendment at the June 8-12, 2020 meeting in Key West, FL.</p>

Issue:	Action Taken:	Schedule:
<p>Snapper Grouper Regulatory Amendment 33 (Red Snapper Season Modifications)</p>	<p>Options being considered:</p> <ol style="list-style-type: none"> 1. Remove minimum #days (3) for a season – keep or remove (Preferred) 2. Modify commercial season: <ol style="list-style-type: none"> a. No Action – 2nd Monday in July, unless otherwise specified. b. Preferred: May 1, unless otherwise specified. c. 2nd Monday in June, unless otherwise specified. 	<p>The Council will consider approving the amendment for formal review at the December 2-6, 2019 Council meeting in Wilmington, NC.</p>
<p>Snapper Grouper Snapper Grouper Regulatory Amendment 29 (Best Fishing Practices & Powerheads)</p>	<p>The Council reviewed the amendment and:</p> <ol style="list-style-type: none"> 1. Require a descending device be on board a commercial, private, and for-hire vessel fishing for or possessing species in the snapper grouper fishery management unit. For the purpose of this requirement, “descending device” means an instrument to which is attached a minimum of a 16-oz weight and a length of line that will release the fish at the depth from which the fish was caught or a minimum of 50-feet. The descending device attaches to the fish’s mouth or is a container that will hold the fish. The device MUST be capable of releasing the fish automatically, by the actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices shall be readily available for use while engaged in fishing. 2. Require the use of non-offset, non-stainless-steel circle hooks when using hook-and-line gear and natural baits in the EEZ north of 28 degrees north latitude (about 25 miles south of Cape Canaveral, FL). 3. Require use of non-stainless-steel hooks when fishing with hook-and-line gear and natural baits in the EEZ. 4. Allow powerheads in the EEZ off SC with the exception of within SMZs where they will remain prohibited. 	<p>The Council approved the amendment for formal review. The document will be sent to NMFS by mid-October.</p>

Issue:	Action Taken:	Schedule:
<p>Snapper Grouper Snapper Grouper Regulatory Amendment 34 (SMZs in NC & SC)</p>	<p>The Council directed staff to continue to develop the amendment to establish special management zones (SMZs) around artificial reefs in NC & SC, and to conduct scoping webinars with listening stations prior to and at the December 2019 meeting.</p>	<p>Scoping meetings prior to and at the December 2019 meeting. The Council will review scoping comments at the special webinar Council meeting prior to the March 2-6, 2020 meeting in Jekyll Island, GA.</p>
<p>Issue: Protected Resources The Council reviewed the Memorandum of Understanding (MOU) with NMFS and the Council and received updates on biological opinions.</p>	<p>Action Taken: The Council directed staff to work with the Southeast Regional Office Protected Resources Division to provide information for the Dolphin Wahoo biological opinion and to track development of the opinion.</p>	<p>Schedule: Staff will track development of the biological opinion as the dolphin wahoo amendment proceed.</p>
<p>Issue: Habitat Protection & Ecosystem-Based Management</p>	<p>Action Taken: The Council reviewed the Advisory Panel (AP) report. Art Sapp, Council member, reviewed video and photograph documenting a large oil spill associated with Hurricane Dorian on Grand Bahama, Bahamas. Concern was raised on the potential impact of the spill on both the Bahamas and potentially habitat and species managed by the Council. The Council directed staff to:</p> <ul style="list-style-type: none"> • Coordinate with the AP to help identify sites to monitor oceanographic changes in the region. • Engage appropriate organizations and agencies (e.g., SECOORA, etc.) to brief the Council in December or March on the potential impacts of the Bahamian oil spill on habitats and species under Council jurisdiction. • Facilitate review of state activities addressing climate change and extreme weather events. • Facilitate a presentation in December on innovative technologies to characterize fish habitat and spawning events. 	<p>Schedule: The Council will receive reports at the December 2019 meeting.</p>

Issue:	Action Taken:	Schedule:
<p>Joint Golden Crab, Habitat & Ecosystem, and Shrimp</p>	<p>The Council discussed Coral Amendment 10/Golden Crab Amendment 10/Shrimp Amendment 11 and directed staff to:</p> <ul style="list-style-type: none"> • Remove golden crab options from the document and contact permitted fishermen in the norther zone to discuss the possibility of developing an exempted fishing permit. • Separate the shrimp vessel transit through cold-weather closed areas issue into a separate document • Separate Oculina Bank Coral Habitat Area of Particular Concern boundary and new coral habitat areas of particular concern into a separate document <p>The Council also discussed ways to obtain input from Advisory Panels on changes to the Florida Keys National Marine Sanctuary in preparation for the Council’s review at the December 2-6, 2019 meeting in Wilmington, NC.</p>	<p>Shrimp Vessel Transit – scoping in fall 2019, then hearings with the intent to approve for formal review at the March 2-6, 2020 meeting in Jekyll Island, GA.</p> <p>Oculina Bank & Coral Habitat Areas of Particular Concern – a revised options paper will be presented to the Committee & Council at the June 8-12, 2020 meeting in Key West, FL.</p> <p>Council staff are organizing presentations to the Habitat, Snapper Grouper, Spiny Lobster, Shrimp, Mackerel, Dolphin Wahoo, and Coral Advisory Panels. The Council will receive a presentation and make decisions at the December 2-6, 2019 meeting in Wilmington, NC.</p>

Issue:	Action Taken:	Schedule:
<p>Dolphin Wahoo Goals and Objectives</p> <p>Amendment 10</p>	<p>The Council discussed and provided some changes to the goals and objectives. The final committee report shows the revisions.</p> <p>The Council reviewed Amendment 10 and provided guidance to staff:</p> <ul style="list-style-type: none"> • In Actions 1-8, no changes. • In Action 9 (Commercial Accountability Measures (AMs) for Dolphin), removed language discussing recreational AMs and modified alternatives that would reduce the likelihood of a commercial closure. • Approved adding Action 10 (Recreational AMs for Dolphin) and modified the alternatives to share unharvested allocations and modify the post-season AM. • Approved adding Action 11 (Recreational AMs for Wahoo) and modified the post-season AM. • Moved Action 12 (Announce starting and ending dates before recreational season for dolphin and wahoo) to the considered but rejected appendix. • Approved edits to Action 13 (Allowable gear for dolphin wahoo) to allow retention of 250, 500, 750 or 1,000 pounds gutted weight of dolphin caught by rod and reel; the trip limit remains 500 pounds gutted weight for wahoo. • Retained Action 14 (Remove operator card requirement) • Retained Action 15 (Modify the recreational vessel limit for dolphin) • Modified Action 16 (Gear, bait, and training requirements in the commercial longline fishery to align with HMS) by adding 3 new alternatives. • Added Action 17 (Allow filleting of dolphin at sea onboard for-hire vessels in the waters north of the Virginia/North Carolina border), with a range of alternatives including skin on entire fillet, 2 fillets = 1 fish, and no frames need to be retained). 	<p>The revised goals and objectives will be added to the next plan amendment.</p> <p>The Council will review a revised Amendment 10, with goals and objectives, at the December 2-6, 2019 meeting in Wilmington, NC.</p>

Issue:	Action Taken:	Schedule:
<p>Dolphin Wahoo Amendment 12 (Bullet & Frigate Mackerel)</p>	<p>The Council approved adding Action 1 (Designating bullet & frigate mackerel as ecosystem component species in the dolphin wahoo FMP).</p> <p>The Council also requested NMFS provide the following information:</p> <ul style="list-style-type: none"> • Feasibility of the additional actions in the amendment (beyond Action 1). • Jurisdictional Issue – examine the precedent of extending CMP management through the MAFMC; if including as an action in an amendment will not work, then how does the SAFMC gain authority for a species along the entire east coast? • From an ecosystem component species perspective, what are appropriate regulatory actions that could prevent development of an unregulated fishery before the Council can develop an amendment to determine whether management is needed? For example, commercial trip limits and a total quota. • Allowable gear for dolphin includes automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spear (including powerheads). If bullet and frigate mackerel are added to the Dolphin Wahoo FMP, would this list of allowable gears apply? (Note: current commercial fishery (non-FMP) allowable gear includes trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, lampara net, and spear.) 	<p>The Council will review a revised Amendment 12 at the December 2-6, 2019 meeting in Wilmington, NC.</p> <p>The Council will receive a response from NMFS at the March 2-6, 2020 meeting in Jekyll Island, GA.</p>

Issue:	Action Taken:	Schedule:
MyFishCount	<p>Dr. Chip Collier, Council staff, gave an update on Years 1 & 2:</p> <ul style="list-style-type: none"> • About 1,000 users/member profiles. • Pilot project demonstrated voluntary electronic reporting. Aid in development of Amendment 46. • Information has already been used in management. • Retention and recruitment is crucial for electronic reporting projects. • Validation is needed. • Cooperation with SC Wildlife Federation on a Best Fishing Practices tutorial. • Shiny app (data.safmc.net/MyFishCount) that allows anglers to access information collected through MyFishCount. • Survey to understand angler perceptions & opinions. • Data are being edited and uploaded to ACCSP; the API is now complete. <p>BeBe Harrison is working with private recreational fishermen to have them report and updated the Council on outreach efforts.</p>	<p>Council staff are continuing to work on MyFishCount during the 3rd year (2019-2020).</p> <p>Information from the pilot project will be used by the Council when they continue work on the permitting and reporting amendment at a future meeting.</p>
Issue: Citizen Science Program	<p>Action Taken:</p> <p>Julia Byrd, Program Manager, gave an update:</p> <ul style="list-style-type: none"> • Outlined 2019 activities of the various teams and partners. • SAFMC Release app to collect discard data on Scamp Grouper launched on June 20th. Data collected will be considered for use in the upcoming scamp assessment and for future management. Commercial, for-hire, and recreational fishermen are currently being recruited to participate in this project. • FISHstory, a pilot project to document the historical catch and length distribution for early headboat catches is under development and will launch in early 2020. Thanks to Rusty Hudson for all the pictures from the early years of the fishery. • Continuing Partnership Development. 	<p>Schedule:</p> <p>Work will continue on the program and these two projects.</p> <p>Scamp results will be available for 2020 scamp assessment. The length data will be available for future assessments once the project is completed.</p>

Issue:	Action Taken:	Schedule:
For-Hire Recreational Reporting	The Amendment was sent for formal review on March 4, 2017 with a request for implementation by January 1, 2018. The amendment was approved on June 12, 2018 and the Final Rule was expected to publish in mid-April 2019 with a 60-day cooling off period.	At the September meeting, the Council was told the final rule is still being reviewed as they work out some final technical issues between NMFS and ACCSP. No specific timing was available.
Full Council Actions: 1. Special Webinar Council Meeting 2. Scientific & Statistical Committee 3. 2020 Topics 4. Next Executive Director	The Council requested staff schedule a Webinar Council meeting in late January or early February 2020 to address: <ol style="list-style-type: none"> 1. Spanish mackerel framework 2. NC & SC SMZs The Council appointed Dr. Jared Flowers to the Georgia DNR seat and Dustin Addis to the Florida FWC seat on the Scientific and Statistical Committee. The Council developed their work plan for the remainder of 2019 and for 2020. The Council announced hiring John Carmichael as the next Executive Director effective December 13 th at 5:01 p.m.	Council staff is working on the dates and will post the information as soon as possible. Appointment letters will be distributed and they will attend the SSC meeting October 15-17, 2019 in Charleston, SC.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Charleston, SC

September 16 – 20, 2019

SUMMARY OF APPROVED COUNCIL MOTIONS

Note: These summary motions show the wording of the actions/alternatives as modified by the motions. For details of what was changed, see the Final Committee Reports available from the Council's website in the folder named Committee Reports:

<https://safmc.net/briefing-books/briefing-book-2019-september-council-meeting/>

SNAPPER GROUPE

Regulatory Amendment 29 (Best Fishing Practices & Powerheads)

MOTION #1: REMOVE “DISCARDS AND” FROM THE NEED FOR ACTIONS.

The *purpose* is to modify gear requirements for the snapper grouper fishery to promote best fishing practices and to ensure consistent regulations for the dive component of the snapper grouper fishery.

The *need* is to reduce ~~discards and~~ discard mortality of snapper grouper species and to decrease the burden of compliance with differing regulations for the dive component of the snapper grouper fishery while minimizing, to the extent practicable, adverse social and economic effects.

MOTION #2: APPROVE THE FOLLOWING DEFINITION OF DESCENDING DEVICE FOR INCLUSION IN ACTION 1:

For the purpose of this requirement, “descending device” means an instrument to which is attached a minimum of a 16-oz weight and a length of line that will release the fish at the depth from which the fish was caught or a minimum of 50-feet. The descending device attaches to the fish's mouth or is a container that will hold the fish. The device **MUST** be capable of releasing the fish automatically, by the actions of the operator of the device, or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices shall be readily available for use while engaged in fishing.

MOTION #3: APPROVE SNAPPER GROUPE REGULATORY AMENDMENT 29 FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

APPROVED BY COUNCIL

The Committee also discussed an outreach plan for best fishing practices and prioritized the following:

- A brochure on best fishing practices and the requirements contained in Regulatory Amendment 29.
- Working with influencers to promote best fishing practices.
- Beginning discussions on incentivizing fishermen to use best fishing practices.

The Committee also requested a document summarizing current and past outreach efforts in the South Atlantic and their results.

Abbreviated Framework 3 (Blueline Tilefish)

MOTION #4: MOVE TO REVISE THE ACL AND RECREATIONAL ACT FOR BLUELINE TILEFISH TO REFLECT THE ACTIONS IN THE DECISION DOCUMENT AND MAINTAIN AS AN ABBREVIATED FRAMEWORK AND RETURN TO THE DECEMBER COUNCIL MEETING.

Wreckfish ITQ Review

MOTION #5: ACCEPT THE 2019 WRECKFISH ITQ REVIEW AS FINAL AND BEGIN A PLAN AMENDMENT FOR THE WRECKFISH FISHERY.

Regulatory Amendment 33 (Red Snapper Seasons Modifications)

MOTION #6: ACCEPT THE IPT’S EDITS TO ALTERNATIVE 2 UNDER ACTION 1 AND SELECT AS PREFERRED

Action 1. Remove the minimum number of days for the South Atlantic red snapper seasons

Alternative 1 (No Action). If the projected commercial or recreational fishing season is determined by the National Marine Fisheries Service to be three days or less then the commercial or recreational fishing season will not open for that fishing year.

Alternative 2. Remove the requirement specifying the red snapper commercial and recreational seasons in the South Atlantic would not open if projections indicate the commercial or recreational season would be three days or less fewer.

It was clarified during discussion of this action that under both current and proposed regulations, recreational and commercial harvest of red snapper operate independently of each other; that is, harvest for one sector can open without the other.

MOTION #7: MOVE ACTIONS 2 & 3 TO THE CONSIDERED BUT REJECTED APPENDIX

Action 2. Modify the start date for the recreational red snapper season

Action 3. Revise the days of the week recreational harvest of red snapper would be allowed during an open season

MOTION #8: MODIFY ALTERNATIVE 2 UNDER ACTION 4 FOR A MAY 1ST START DATE AND SELECT ALTERNATIVE 2 AS PREFERRED

Action 4. Modify the start date for the red snapper commercial season

Alternative 1 (No Action). The commercial red snapper season begins on the second Monday in July, unless otherwise specified.

Alternative 2. Modify the commercial red snapper season ~~start date~~ to ~~start the second Monday in~~ on May 1, unless otherwise specified.

MOTION #9: ACCEPT THE IPT'S SUGGESTED EDITS UNDER ACTION 4 AND MOVE ALTERNATIVE 4 TO THE CONSIDERED BUT REJECTED APPENDIX

Action 4. Modify the ~~start date for~~ the red snapper commercial season

Alternative 1 (No Action). The commercial red snapper season begins on the second Monday in July, unless otherwise specified.

Alternative 2. Modify the commercial red snapper season start date to ~~start the second Monday in~~ May 1, unless otherwise specified.

Alternative 3. Modify the commercial red snapper season ~~start date~~ to ~~start~~ the second Monday in June, unless otherwise specified.

Alternative 4. ~~Modify the commercial red snapper season start date to start May 1. Commercial harvest would not be allowed during July and August.~~

MOTION #10: APPROVE SUGGESTED EDITS TO THE PURPOSE AND NEED STATEMENT:

The purpose and need of this framework amendment is to ~~modify the structure of~~ ~~remove the minimum number of days to allow commercial or recreational harvest of red snapper in the South Atlantic and modify the start date of the red snapper commercial and recreational fishing seasons~~ to increase the socio-economic benefits to fishermen and fishing communities while minimizing discard mortality.

Regulatory Amendment 34 (SMZs in NC and SC)

MOTION #11: APPROVE INCLUSION OF ACTION 1 IN REGULATORY AMENDMENT 34.

1. Establish Special Management Zones in the Exclusive Economic Zone off North Carolina

Option 1 (No Action). There are currently no special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. Do not establish new special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. The allowable gear for the snapper grouper fishery management plan for the commercial and recreational sectors are handline, rod and reel, spear, bandit gear, powerhead, pot, and longline (the last two are commercial sector only). Do not implement new restrictions on fishing gear used to harvest snapper grouper species on designated artificial reefs in federal waters off North Carolina.

Option 2. Establish 30 special management zones at state permitted artificial reef sites in the exclusive economic zone off North Carolina (**Table 1 and Figures 1-3**). Within the special management zones, harvest of snapper grouper species would be allowed with handline, rod and reel, and spear. All harvest by spear would be limited to the applicable recreational bag limit.

MOTION #12: APPROVE INCLUSION OF ACTION 2 IN REGULATORY AMENDMENT 34 AND SELECT OPTION 2 AS PREFERRED.

2. Establish Additional Special Management Zones in the Exclusive Economic Zone off South Carolina

Option 1 (No Action). There are currently 29 special management zones at permitted artificial reef sites in the exclusive economic zone off South Carolina. Do not establish additional special management zones in the exclusive economic zone off South Carolina at permitted artificial reef sites. Allowable gear within the special management zones includes handline, rod and reel, and spear (without powerheads), and all harvest of snapper grouper species is limited to the recreational bag limit. Do not implement new restrictions on fishing gear used to harvest snapper grouper species on designated artificial reefs in federal waters off South Carolina.

Option 2. Establish four additional Special Management Zones at permitted artificial reef sites in the exclusive economic zone off South Carolina (**Table 2 and Figures 4-5**). Within the special management zones, harvest of snapper grouper species would only be allowed with handline, rod and reel, and spear and harvest would be limited to the applicable recreational bag limit.

GUIDANCE THAT STATES WILL CONDUCT MONITORING AND ENFORCEMENT OF ARTIFICIAL REEFS SO NO NEED FOR COUNCIL TO DEVELOP SMP

MOTION #13: DIRECT STAFF TO COMPLETE THE FOLLOWING TASKS:

- SEND LETTERS TO THANK PARTICIPANTS WHO DELIVERED PRESENTATIONS DURING THE SSC/MRIP WORKSHOP.
- PROVIDE SUMMARY OF OUTREACH EFFORTS TO DATE ON DESCENDING DEVICES AT THE DECEMBER 2019 MEETING.
- PREPARE ABBREVIATED FRAMEWORK 3 (ACL ADJUSTMENT FOR BLUELINE TILEFISH) FOR REVIEW AND CONSIDERATION FOR FORMAL APPROVAL AT THE DECEMBER 2019 COUNCIL MEETING.
- INITIATE DEVELOPMENT OF AN AMENDMENT TO THE SNAPPER GROUPE FMP BASED ON MANAGEMENT RECOMMENDATIONS FROM THE WRECKFISH ITQ REVIEW.
- CONDUCT SCOPING WEBINARS WITH LISTENING STATIONS FOR REGULATORY AMENDMENT 34 (3 IN NORTH CAROLINA AND ONE IN SOUTH CAROLINA) BEFORE THE DECEMBER 2019 COUNCIL MEETING.
- CONTINUE WORKING ON REGULATORY AMENDMENT 34
- PREPARE REGULATORY AMENDMENT 33 (MODIFICATIONS TO RED SNAPPER SEASONS) FOR CONSIDERATION FOR FORMAL REVIEW AT THE DECEMBER 2019 MEETING.
- SUBMIT REGULATORY AMENDMENT 29 FOR FORMAL REVIEW

MACKEREL COBIA

CMP Framework Amendment 8 (king mackerel commercial trip limits during season two)

MOTION #1: ACCEPT THE IPT'S RECOMMENDED CHANGES TO THE PURPOSE AND NEED STATEMENT.

The *purpose* is to modify increase the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone during Season 2 (October 1 to the end of February).

The *need* is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the annual catch limit and providing for year-round access.

MOTION #2: ACCEPT THE IPT'S RECOMMENDED CHANGES TO THE ACTION/ALTERNATIVES LANGUAGE, REMOVING REFERENCE TO SEASON 1

Alternative 1 (No Action): The commercial trip limits for Atlantic king mackerel in Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N) are:

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- March 1 – March 31 (Season 1): 50-fish*
- April 1 – September 30 (Season 1): 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish*
- October 1 – January 31 (Season 2): 50-fish
- February 1 – end of February (Season 2): 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

Alternative 2: Adjust Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- March 1 – March 31 (Season 1): 50-fish*
- April 1 – September 30 (Season 1): 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish*
- October 1 – January 31: 75-fish
- February 1 – end of February: 75-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 100-fish.

Alternative 3: Adjust Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- March 1 – March 31 (Season 1): 50-fish*
- April 1 – September 30 (Season 1): 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish*
- October 1 – January 31: 100-fish
- February 1 – end of February: 100-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 150-fish.

Alternative 4: Adjust Increase the commercial trip limits for Atlantic king mackerel in the Atlantic Southern Zone for Season 2 south of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- March 1 – March 31 (Season 1): 50-fish*
- April 1 – September 30 (Season 1): 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish*
- October 1 – January 31: 150-fish
- February 1 – end of February: 150-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 175-fish.

MOTION #3: ADD AN ALTERNATIVE FOR A SEASON 2 TRIP LIMIT OF 100-FISH WITH NO STEP-UP AND SELECT AS THE PREFERRED ALTERNATIVE

MOTION #4: APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK

Spanish Mackerel White Paper

MOTION #5: REVISE SPANISH MACKEREL ACCOUNTABILITY MEASURES SO WHEN THE NORTHERN ZONE COMMERCIAL SECTOR QUOTA IS MET A STEPDOWN TO 500-LBS WILL OCCUR.

THE SPANISH MACKEREL FISHERY WILL CLOSE WHEN THE TOTAL ACL (COMMERCIAL AND RECREATIONAL COMBINED) IS MET OR PROJECTED TO BE MET.

MOTION #6: MOVE TO ANALYZE AND DEVELOP ALTERNATIVES FOR TRIP LIMITS FOR THE NORTHERN ZONE COMMERCIAL SECTOR OF 1,500, 2,000, 2,500 POUNDS.

MOTION #7: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Continue work on CMP Framework Amendment 8 and prepare FOR PUBLIC HEARINGS AND a final draft for the approval at the December 2019 Council meeting.
2. Begin work on a framework amendment to address Spanish mackerel accountability measures and commercial trip limits in the Northern Zone FOR REVIEW IN DECEMBER 2019 AND FINAL ACTION DURING A WEBINAR BEFORE THE MARCH 2020 MEETING.
3. Prepare for the October 2019 Mackerel Cobia Advisory Panel Meeting

PROTECTED RESOURCES

MOTION # 1. ADOPT THE FOLLOWING TIMING AND TASKS:

1. Work with SERO PRD to provide information relative to the Dolphin Wahoo BiOp, as necessary, and follow the progress of BiOp development.

DOLPHIN WAHOO

Amendment 10 (Revise Dolphin and Wahoo Management Measures)

DIRECTION TO STAFF:

In Action 10, remove the referral to stock status in Alternatives 2 and 3.

MOTION #1: ADD ALTERNATIVE 5 AND ACCEPT THE IPT RECOMMENDATIONS TO ACTION 9.

*Action 9. Revise the **commercial** accountability measures for dolphin*

Alternative 1 (No Action). The current commercial **AM accountability measure** includes an in-season closure to take place if the commercial **ACL annual catch limit** is met or projected to be met. If the commercial **ACL annual catch limit** is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total **ACL annual catch limit** is exceeded.

~~The current recreational AM includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.~~

Alternative 2. The commercial **AM accountability measure** will include an in-season closure to take place if the commercial **ACL annual catch limit** and the available common pool **ACL annual catch limit** is met or projected to be met. If the commercial **ACL annual catch limit** and the available common pool **ACL annual catch limit** is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total **ACL annual catch limit** is exceeded.

~~The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available common pool ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.~~

Alternative 3. The commercial **AM accountability measure** will include an in-season closure to take place if the commercial **ACL annual catch limit** and the available uncaught sector **ACL annual catch limit** from the previous fishing year is met or projected to be met. If the commercial **ACL annual catch limit** and the available uncaught sector **ACL annual catch limit** from the previous fishing year is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total **ACL annual catch limit** is exceeded.

Alternative 4. ~~The recreational AM will include a shortening of the recreational season that may be triggered if the recreational ACL and the available uncaught sector ACL from the previous fishing year is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will~~

be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Alternative 5. The commercial AM will include a shortening of the commercial season that may be triggered if the commercial ACL is exceeded, but only after commercial landings have been monitored for persistence in increased landings. The length of the commercial season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the commercial season may be reduced and the ACL in the following fishing year will be reduced by the amount of the commercial overage only if the species is overfished and the total ACL is exceeded.

Alternative 4. If commercial landings exceed the commercial annual catch limit, then during the following fishing year, commercial landings will be monitored for persistence in increased landings. If the commercial annual catch limit is exceeded for a second consecutive year, it will be reduced by the amount of the commercial overage in the following fishing year and the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the commercial annual catch limit and length of the commercial season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 5. If commercial landings exceed the commercial annual catch limit, then during the following fishing year, commercial landings will be monitored for persistence in increased landings. If the commercial annual catch limit is exceeded for a second consecutive year, the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the current year commercial sector annual catch limit. However, the length of the commercial season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

MOTION #2: MODIFY THE LANGUAGE FOR ALTERNATIVE 5 IN ACTION 9.

Alternative 5. If commercial landings exceed the commercial annual catch limit, then during the following fishing year, commercial landings will be monitored for persistence in increased landings. If the commercial annual catch limit is exceeded for a second consecutive year, the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the current year commercial sector annual catch limit. However, the length of the commercial season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

MOTION #3: APPROVE ACTION 10 FOR CONSIDERATION IN AMENDMENT 10. REMOVE ALTERNATIVE 4 AND 6.

Action 10. Revise the recreational accountability measures for dolphin

Alternative 1 (No action). The fishing year for dolphin is the same as the calendar year. If recreational landings exceed the recreational annual catch limit, then during the following fishing year, recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the

recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. If recreational landings exceed the recreational annual catch limit and the available common pool annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit and the available common pool annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 3. If recreational landings exceed the recreational annual catch limit and the available uncaught sector annual catch limit from the previous fishing year, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit and the available uncaught sector annual catch limit from the previous fishing year is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year and the recreational season will be reduced by the amount necessary to ensure that recreational landings do not exceed the reduced annual catch limit only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit and length of the recreational season will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 4. ~~Remove the post season accountability measures.~~

Alternative 5. Only implement post season accountability measures if:

Sub-alternative 5a. The recreational annual catch limits are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 5b. The recreational annual catch limits are constant and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 5c. The recreational annual catch limits are constant and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Sub-alternative 5d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 5e. The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.

Alternative 6. ~~If the post season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season.~~

Alternative 7. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability that the annual catch limit will be exceeded in the following year.

MOTION #4: APPROVE ACTION 11 FOR CONSIDERATION IN AMENDEMNT 10.
REMOVE ALTERNATIVE 2. ADD OVERFISHED STATUS TO ALTERNATIVE 4.

Action 11. Revise the recreational accountability measures for wahoo

Alternative 1 (No action). The fishing year for wahoo is the same as the calendar year. If recreational landings exceed the recreational annual catch limit, then during the following fishing year recreational landings will be monitored for persistence in increased landings. If the recreational annual catch limit is exceeded, it will be reduced by the amount of the recreational overage in the following fishing year only if the species is overfished and the total annual catch limit is exceeded. However, the recreational annual catch limit will not be reduced if the Regional Administrator determines, using the best available science, that it is not necessary.

Alternative 2. Remove the post season accountability measures.

Alternative 3. Only specify post season accountability measures if:

Sub-alternative 3a. The recreational annual catch limits are constant and the 3-year geometric mean of landings exceed the recreational sector annual catch limit. If in any year the recreational sector annual catch limit is changed, the moving multi-year geometric mean of landings will start over.

Sub-alternative 3b. The recreational annual catch limits are constant and the summed total of the most recent past three years of recreational landings exceeds the sum of the past three years recreational sector annual catch limits.

Sub-alternative 3c. The recreational annual catch limits are constant and recreational landings exceed the recreational sector annual catch limit in two of the previous three fishing years or exceeds the total acceptable biological catch in any one year.

Sub-alternative 3d. The total (commercial and recreational combined) annual catch limit is exceeded.

Sub-alternative 3e. The stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress.

Alternative 4. If the post-season accountability measure is triggered, reduce the recreational sector annual catch limit by the amount of the overage in the following fishing season **only if the species is overfished.**

Alternative 5. If the post-season accountability measure is triggered, reduce the length of the following recreational fishing season by the amount necessary to reduce the probability that the annual catch limit will be exceeded in the following year.

MOTION #5: MOVE ACTION 12 TO CONSIDERED BUT REJECTED.

~~*Action 12. Announce starting and ending dates before a recreational season starts for dolphin and wahoo*~~

~~**Alternative 1 (No Action).** The fishing year for dolphin and wahoo are the same as the calendar year. There are no in-season closures for the recreational sector for dolphin or wahoo.~~

~~**Alternative 2.** The National Marine Fisheries Service will annually announce the recreational fishing season start and end dates for dolphin in the Federal Register and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date the National Marine Fisheries Service projects the recreational annual catch limit will be met.~~

~~**Alternative 3.** The National Marine Fisheries Service will annually announce the recreational fishing season start and end dates for wahoo in the Federal Register and by other methods, as deemed appropriate. The fishing season will start at the beginning of the fishing year and end on the date the National Marine Fisheries Service projects the recreational annual catch limit will be met.~~

MOTION #6: APPROVE THE IPT'S SUGGESTED EDITS IN ACTION 13.

Action 13. Allow properly permitted commercial fishing vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo

Alternative 1 (No Action). The following are the only authorized commercial gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ Exclusive Economic Zone: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ Exclusive Economic Zone that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

Alternative 2. A vessel in the Atlantic EEZ Exclusive Economic Zone that possesses both an Atlantic Dolphin/Wahoo Commercial Permit and the necessary state and/or federal commercial permits for trap, pot, or buoy gear are authorized to retain dolphin and wahoo caught by rod and reel while in possession of such gears. Dolphin retained on trips when trap, pot, or buoy gear are onboard shall not exceed (*Sub-alternatives 2a through 2d*). The wahoo commercial trip limit will remain at 500 pounds. A person aboard a vessel in the Atlantic EEZ Exclusive Economic Zone that has on board other gear types that are not authorized in the fisheries for dolphin and wahoo may not possess a dolphin or wahoo.

Sub-alternative 2a. 250 pounds gutted weight

Sub-alternative 2b. 500 pounds gutted weight

Sub-alternative 2c. 750 pounds gutted weight

Sub-alternative 2d. 1,000 pounds gutted weight

MOTION #7: ADD ALTERNATIVES 3, 4, AND 5 TO ACTION 16.

Action 16. Modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with Highly Migratory Species requirements

Alternative 3. Require that a valid Safe Handling, Release, and Identification Workshop certificate be supplied when renewing an Atlantic Dolphin/Wahoo Commercial Permit if the permitted vessel lands dolphin or wahoo with pelagic longline gear.

Alternative 4. Require the following for vessels with a commercial dolphin wahoo permit when using pelagic longlines that do not have an HMS permit that allows the use of pelagic longline gear (tri-pack):

Sub-alternative 4a. Must possess valid Safe Handling, Release, and Identification Workshop certificate onboard for both the owner and operator.

Sub-alternative 4b. Must use only corrodible (i.e., non-stainless steel) 12/0 or larger non-offset circle hooks.

Sub-alternative 4c. Must use only corrodible (i.e., non-stainless steel) 14/0 or larger non-offset circle hooks.

Sub-alternative 4d. Must use only corrodible (i.e., non-stainless steel) 16/0 or larger non-offset circle hooks.

Sub-alternative 4e. Must use whole finfish and/or squid as bait.

Alternative 5. Require a longline endorsement on the commercial dolphin wahoo permit to use longline gear to land dolphin or wahoo.

MOTION #8: ACCEPT THE IPT'S EDITS TO ALTERNATIVE 1 IN ACTION 16.

Alternative 1 (No Action). The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued and that has on board a pelagic longline must

post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS the National Marine Fisheries Service. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in 50 C.F.R. §635.21(c)(5)(i) and (ii). There are no protected species handling, release or identification training, circle hook, hook material, or gangion length requirements.

MOTION #9: APPROVE ACTION 17 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 10.

Action 17. Allow filleting of dolphin at sea onboard charter or headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border.

Alternative 1 (No Action). Dolphin possessed in the Atlantic Exclusive Economic Zone must be maintained with head and fins intact, with specific exceptions for fish lawfully harvested in the Bahamas. Such fish harvested from the Atlantic Exclusive Economic Zone may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

Alternative 2. Exempt dolphin from regulations requiring head and fins be intact onboard properly permitted charter and headboat vessels in the Atlantic Exclusive Economic Zone north of the Virginia/North Carolina border where dolphin may be filleted under the following requirements:

Sub-alternative 2a. Skin must remain intact on the entire fillet of any dolphin carcass.

Sub-alternative 2b. Two fillets of dolphin, regardless of the length of each fillet, is the equivalent to one dolphin.

Amendment 12 (Bullet and Frigate Mackerel)

DIRECTION TO STAFF:

Provide additional information on the remaining actions beyond Action 1 in the amendment and jurisdictional information at the June 2020 meeting.

MOTION #10: APPROVE ACTION 1 AND THE PROPOSED RANGE OF ALTERNATIVES FOR CONSIDERATION IN AMENDMENT 12.

Action 1. Designate bullet mackerel and frigate mackerel as ecosystem component species in the Dolphin Wahoo Fishery Management Plan

Alternative 1 (No Action). There are no ecosystem component species in the Dolphin Wahoo Fishery Management Plan.

Alternative 2. Add bullet mackerel and frigate mackerel to the Dolphin Wahoo Fishery Management Plan and designate the two mackerel species as ecosystem component species.

MOTION #11: REQUEST THAT NMFS PROVIDE INFORMATION ON FEASIBILITY OF THE ADDITIONAL BULLET AND FRIGATE ACTIONS IN AMENDMENT 12 (BEYOND DESIGNATION AS ECOSYSTEM COMPONENT SPECIES) AND PRESENT THIS TO THE COUNCIL AT THE MARCH 2020 COUNCIL MEETING. ALSO PROVIDE INFORMATION ON:

1. THE JURISDICTIONAL ISSUE – EXAMINE THE PRECEDENT OF EXTENDING CMP MANAGEMENT THROUGH THE MAFMC; IF INCLUDING AS AN ACTION IN AN AMENDMENT WILL NOT WORK, THEN HOW DOES THE SAFMC GAIN AUTHORITY FOR A SPECIES ALONG THE ENTIRE EAST COAST?

2. FROM AN ECOSYSTEM COMPONENT SPECIES PERSPECTIVE, WHAT ARE APPROPRIATE REGULATORY ACTIONS THAT COULD PREVENT DEVELOPMENT OF AN UNREGULATED FISHERY BEFORE THE COUNCIL CAN DEVELOP AN AMENDMENT TO DETERMINE WHETHER MANAGEMENT IS NEEDED? FOR EXAMPLE, COMMERCIAL TRIP LIMITS AND A TOTAL QUOTA.
3. ALLOWABLE GEARS FOR DOLPHIN INCLUDES AUTOMATIC REEL, BANDIT GEAR, HANDLINE, PELAGIC LONGLINE, ROD AND REEL, AND SPEAR (INCLUDING POWERHEADS). IF BULLET AND FRIGATE ARE ADDED TO THE DOLPHIN WAHOO FMP AS ECOSYSTEM COMPONENT SPECIES, WOULD THIS LIST OF ALLOWABLE GEARS APPLY? (NOTE: CURRENT COMMERCIAL FISHERY (NON-FMP) ALLOWABLE GEAR INCLUDES TRAWL, GILLNET, HOOK AND LINE, LONGLINE, HANDLINE, ROD AND REEL, BANDIT GEAR, CAST NET, LAMPARA NET, AND SPEAR.)

Other Business

DIRECTION TO STAFF:

Work with the Mid-Atlantic Council on funding for and identifying a new member for the Dolphin Wahoo Advisory Panel from the Mid-Atlantic Region.

MOTION #12: ADD ONE VOTING SEAT TO THE DOLPHIN WAHOO ADVISORY PANEL FOR A PANEL MEMBER FROM THE MID-ATLANTIC REGION.

MOTION #13 (TIMING AND TASKS):

DIRECT STAFF TO:

1. CONTINUE WORK ON AMENDMENT 10 FOR REVIEW AT THE DECEMBER 2019 MEETING.
2. CONTINUE WORK ON REVISING THE DOLPHIN WAHOO FMP GOALS AND OBJECTIVES FOR REVIEW AT THE DECEMBER 2019 MEETING.
3. CONTINUE WORK ON AMENDMENT 12 FOR REVIEW AT THE DECEMBER 2019 MEETING.

HABITAT PROTECTION & ECOSYSTEM-BASED MANAGEMENT

MOTION #1. ADOPT THE FOLLOWING TIMING AND TASK(S):

1. Staff coordinate with Habitat and Ecosystem Advisory Panel to help identify shelf and deepwater sentinel sites to monitor oceanographic change in the region.
2. Staff engage appropriate organizations and agencies (e.g., SECOORA etc.) to brief the Council in December or March on the potential impact of the Bahamian oil spill associated with Hurricane Dorian, on habitats and species under Council jurisdiction.
3. Staff facilitate Panel member review of state activities addressing climate change, and extreme weather events supporting development of an addendum to the existing Council Climate Policy statement highlighting complementary actions which enhance EFH conservation.

4. Staff facilitate Laurent Cherubin, HBOI/FAU COIERT presentation at the December Committee meeting on “Applying Innovative Technologies to Characterize Fish Habitat and Spawning Events - Understanding Soundscapes.”

JOINT HABITAT, SHRIMP, AND GOLDEN CRAB

MOTION #1: REMOVE GOLDEN CRAB OPTIONS FROM THIS OPTIONS PAPER; SEPARATE SHRIMP TRANSIT INTO ITS OWN DOCUMENT; ROCK SHRIMP AND NEW CHAPCS IN ANOTHER DOCUMENT; BRING BACK TO COMMITTEE IN JUNE 2020 FOR ROCK SHRIMP AND CHAPCS; SHRIMP TRANSIT GOES OUT FOR SCOPING IN FALL 2019.

MOTION #2. ADOPT THE FOLLOWING TIMING AND TASKS:

1. Conduct scoping for shrimp vessel transit provisions in fall 2019.
2. Revise options paper for rock shrimp boundary and Coral Habitat Areas of Particular Concern and bring back to the Committee in June 2020.
3. Contact golden crab fishermen who hold permits for the northern zone and discuss possibility of developing an exempted fishing permit.
4. Hold Shrimp and Coral advisory panel webinar meetings to discuss Florida Keys National Marine Sanctuary modifications prior to the December 2019 Council meeting.

EXECUTIVE FINANCE

MOTION #1: CONSIDER A SPECIAL WEBINAR MEETING AFTER THE DECEMBER MEETING AND BEFORE THE MARCH MEETING TO DISCUSS THE SPANISH MACKEREL FRAMEWORK AMENDMENT.

MOTION#2: INCLUDE SG REG 34 FOR DISCUSSION IN THE SPECIAL WEBINAR MEETING AFTER THE DECEMBER MEETING BEFORE THE MARCH MEETING.

MOTION #3:

PRIORITIES APPROVED FOR DECEMBER 2019 MEETING:

SG AF3	Blueline Tilefish
SG RA33	Red Snapper Season Mods
CMP Framework 8	KM Trip Limits in Season 2
	Spanish Mackerel AMs
DW A10	Dolphin ACL sharing, OY, etc.
SG RA31	Recreational AMs
DW 12	Bullet & Frigate ecosystem
Shrimp 11	Shrimp Transit Provisions

PRIORITIES APPROVED FOR MARCH 2020:

DW A10	Dolphin ACL sharing, OY, etc.
SG RA31	Recreational AMs
DW 12	Bullet & Frigate ecosystem

Shrimp 11	Shrimp Transit Provisions Future Allocation Discussions Unassessed Species ABCs/Alloc Greater Amberjack Assess/Alloc
SG RA34	NC/SC SMZs

PRIORITIES APPROVED FOR JUNE 2020:

DW A10	Dolphin ACL sharing, OY, etc.
SG RA31	Recreational AMs
DW 12	Bullet & Frigate ecosystem Unassessed Species ABCs/Alloc Greater Amberjack Assess/Alloc Red Pogy Assess/Alloc Yellowtail Snapper Assess/Alloc King Mackerel Assess/Alloc
SG RA34	NC/SC SMZs
GC 10	Oculina Extension
SG A48	Wreckfish ITQ Modernization

Note: The motion as approved showed the wreckfish amendment as #47 but it should be #48 and was changed for the listings shown here.

PRIORITIES APPROVED FOR SEPTEMBER 2020:

DW A10	Dolphin ACL sharing, OY, etc.
SG RA31	Recreational AMs
DW 12	Bullet & Frigate ecosystem
GC 10	Oculina Extension
SG A48	Wreckfish ITQ Modernization Unassessed Species ABCs/Alloc Greater Amberjack Assess/Alloc Red Pogy Assess/Alloc Yellowtail Snapper Assess/Alloc King Mackerel Assess/Alloc

PRIORITIES APPROVED FOR DECEMBER 2020:

DW A10	Dolphin ACL sharing, OY, etc.
SG RA31	Recreational AMs
GC 10	Oculina Extension
SG A48	Wreckfish ITQ Modernization Unassessed Species ABCs/Alloc Greater Amberjack Assess/Alloc Red Pogy Assess/Alloc Yellowtail Snapper Assess/Alloc King Mackerel Assess/Alloc

MOTION#4: ADD 2 ADDITIONAL SEATS TO THE CMP ADVISORY PANEL

MOTION #5. ADOPT THE FOLLOWING TIMING AND TASK(S):

1. Send a letter to the Senate staff with the Council comments on their draft wording for MSA Reauthorization by the end of September.
2. Directed staff to work on the items identified in the motions above for the December 2019 Council meeting and for meetings in 2020.

PERSONNEL REPORT

The Council announced hiring John Carmichael as the next Executive Director effective December 13th at 5:01 p.m.

COUNCIL SESSION

MOTION #1: MOVE TO APPOINT JARED FLOWERS TO THE GA DNR SEAT ON THE SSC

MOTION #2: MOVE TO APPOINT DUSTIN ADDIS TO THE FL FWC SEAT ON THE SSC



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Randy Gregory, Marine Fisheries Biologist
SUBJECT: Highly Migratory Species Update

Issue

Highly Migratory Species activity update.

Action Needed

For informational purposes only, no action is needed at this time.

Overview

The Highly Migratory Species Advisory Panel met September 4-5, 2019 in Silver Spring, Maryland. The Advisory Panel discussed scoping for Amendment 12 to comply with Magnuson-Stevens Act National Standard Guidelines and NOAA Fisheries policy directives, a proposed rule and Draft Environmental Impact Statement for pelagic longline bluefin tuna area-based management measures, scoping for Amendment 13 (bluefin tuna) and increasing shark depredation in commercial and recreational fisheries.

Tunas

NOAA Fisheries announced the closure of the October-November General category for commercial bluefin tuna on October 15, 2019 and the General category December sub-quota will re-open on December 1, 2019. As of October 15, 2019, preliminary commercial landings for the 2019 fishing year are as follows: the General category has landed 177.2 metric tons of the 172.2 metric ton October adjusted sub-quota, 225.6 metric tons of the 207.3 metric ton September adjusted sub-quota, 277.1 metric tons of the 277.9 metric ton June-August adjusted sub-quota, and 108.9 metric tons of the 100 metric ton January-March adjusted sub-quota.

Sharks

On August 28, 2019, the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora added shortfin mako sharks to Appendix II. Beginning November 26, 2019, fish dealers will need specific permits from the U.S. Fish and Wildlife Service to import, export, or re-export shortfin mako sharks. Additionally, commercial fishermen who catch shortfin mako sharks beyond the exclusive economic zone on the high seas will also need a permit if shortfin mako shark is going to be landed.

On October 9, 2019, NOAA Fisheries adjusted the commercial aggregated large coastal shark (LCS) and hammerhead shark management group retention limit for directed shark limited access permit holders in the Atlantic region from 45 sharks per vessel per trip to 55 LCS (other than sandbar sharks) per vessel per trip. The retention limit will remain at 55 LCS (other than sandbar sharks) per vessel per trip in the Atlantic region through the rest of the 2019 fishing season or until NOAA Fisheries announces another adjustment in the Federal Register or closes the fishery.

*INFORMATIONAL
MATERIALS*

Red Drum Landings 2018-2019

Landings are complete through July 31, 2019.

2018 landings are final. 2019 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2018	9	Red Drum	11,149	28,991	35,003
2018	10	Red Drum	42,805	43,644	63,662
2018	11	Red Drum	10,076	14,318	27,643
2018	12	Red Drum	2,052	3,428	2,197
2019	1	Red Drum	2,101	5,885	1,699
2019	2	Red Drum	1,952	3,448	3,996
2019	3	Red Drum	1,563	5,699	3,971
2019	4	Red Drum	5,571	7,848	6,528
2019	5	Red Drum	11,315	13,730	9,664
2019	6	Red Drum	6,259	12,681	6,985
2019	7	Red Drum	5,705	13,777	15,618
2019	8	Red Drum	4,532	21,252	15,846 *

Fishing Year (Sept 1, 2018 - Aug 31, 2019) Landings **105,078**

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2019	9	Red Drum	1,292	28,991	35,003 *
2019	10	Red Drum	320	43,644	63,662 *

Fishing Year (Sept 1, 2019 - Aug 31, 2020) Landings **1,612**

*partial trip ticket landings only

***landings are confidential

Year	Month	Species	Pounds	Dealers	Trips	Average (2007-2009)
2016	1	SOUTHERN FLOUNDER	2,625	33	264	7,713
2016	2	SOUTHERN FLOUNDER	1,643	31	291	4,617
2016	3	SOUTHERN FLOUNDER	9,260	58	915	23,512
2016	4	SOUTHERN FLOUNDER	10,558	72	628	68,389
2016	5	SOUTHERN FLOUNDER	24,522	90	821	122,514
2016	6	SOUTHERN FLOUNDER	44,952	100	1,242	154,090
2016	7	SOUTHERN FLOUNDER	43,574	102	1,132	170,387
2016	8	SOUTHERN FLOUNDER	53,057	106	1,409	201,862
2016	9	SOUTHERN FLOUNDER	246,269	131	3,011	396,301
2016	10	SOUTHERN FLOUNDER	280,689	117	2,181	781,717
2016	11	SOUTHERN FLOUNDER	182,768	102	1,479	392,150
2016	12	SOUTHERN FLOUNDER	14	5	5	37,303
2017	1	SOUTHERN FLOUNDER	1,677	38	122	7,713
2017	2	SOUTHERN FLOUNDER	2,758	55	215	4,617
2017	3	SOUTHERN FLOUNDER	8,254	67	874	23,512
2017	4	SOUTHERN FLOUNDER	9,591	83	787	68,389
2017	5	SOUTHERN FLOUNDER	33,105	105	1,121	122,514
2017	6	SOUTHERN FLOUNDER	74,785	115	1,904	154,090
2017	7	SOUTHERN FLOUNDER	74,879	108	1,755	170,387
2017	8	SOUTHERN FLOUNDER	102,751	116	2,364	201,862
2017	9	SOUTHERN FLOUNDER	235,915	128	2,849	396,301
2017	10	SOUTHERN FLOUNDER	548,740	142	3,971	781,717
2017	11	SOUTHERN FLOUNDER	302,286	123	2,003	392,150
2017	12	SOUTHERN FLOUNDER	166	7	8	37,303
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617
2018	3	SOUTHERN FLOUNDER	2,815	43	387	23,512
2018	4	SOUTHERN FLOUNDER	7,998	73	761	68,389
2018	5	SOUTHERN FLOUNDER	18,271	89	947	122,514
2018	6	SOUTHERN FLOUNDER	42,501	105	1,407	154,090
2018	7	SOUTHERN FLOUNDER	57,273	117	1,495	170,387
2018	8	SOUTHERN FLOUNDER	72,495	121	1,916	201,862
2018	9	SOUTHERN FLOUNDER	109,125	114	1,776	396,301
2018	10	SOUTHERN FLOUNDER	363,339	109	3,062	781,717
2018	11	SOUTHERN FLOUNDER	226,832	89	1,352	392,150
2018	12	SOUTHERN FLOUNDER	471	5	5	37,303
2019	1	SOUTHERN FLOUNDER	524	25	74	7,713
2019	2	SOUTHERN FLOUNDER	558	23	69	4,617
2019	3	SOUTHERN FLOUNDER	1,412	44	216	23,512
2019	4	SOUTHERN FLOUNDER	5,966	66	448	68,389
2019	5	SOUTHERN FLOUNDER	36,010	91	1,030	122,514
2019	6	SOUTHERN FLOUNDER	59,981	107	1,424	154,090
2019	7	SOUTHERN FLOUNDER	58,986	107	1,545	170,387
2019	8	SOUTHERN FLOUNDER	89,556	84	1,592	201,862 *
2019	9	SOUTHERN FLOUNDER	37,131	35	416	396,301 *
2019	10	SOUTHERN FLOUNDER	21,518	4	102	781,717 *

*2019 data are preliminary. Data are complete through July 2019.

***data are confidential



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: Marine Fisheries Commission
FROM: Kat Rawls, Fisheries Management Section Chief
SUBJECT: Protected Resources Program Update

Issue

Summary information is provided from the division's Protected Resources Program, specifically highlighting the Observer Program's coverage during the 2019 Commercial Flounder Seasons through October 25.

Action Needed

For informational purposes only, no action is needed at this time.

Findings

Following the approval of Southern Flounder Amendment 2 at the August MFC meeting, the Observer Program staff began preparing for the opening of the 2019 commercial flounder seasons. It was not possible to predict the changes in fishing effort that might occur due to the changes in the flounder season. To ensure the Incidental Take Permit (ITP) coverage goals were met, and therefore accurate sea turtle and sturgeon take estimates, a concerted effort was made to obtain on-board and alternative platform trips during the commercial season.

Preliminary data indicate a state-wide coverage rate of 10.1%, suggesting the the goal of increased coverage was met. This rate is based on the estimated trip data from 2014 – 2018, therefore this number could change significantly once the finalized trip ticket data are released next year. A more complete update will be available in the ITP Fall Seasonal Report which will be completed late 2019. In addition, the ITP Summer Seasonal Report has been completed and submitted to NOAA staff. The final document can be found at the following link:

ITP Summer Seasonal Report (Completed 10/31)



Fish Dealer Report

License & Statistics Section, PO Box 769, Morehead City, NC 28557

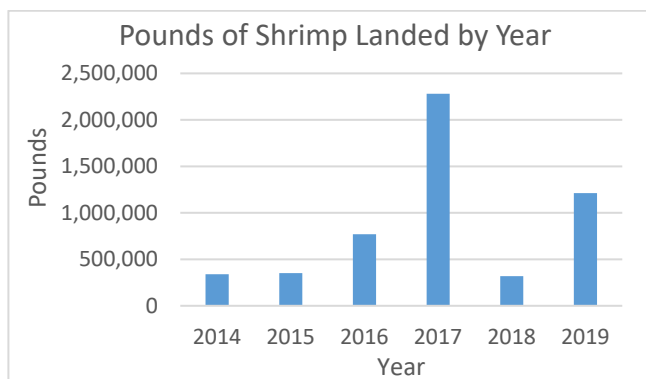
October 2019

2019 COMMERCIAL LANDINGS REVIEW

Fisherman landed 20.6 million pounds of seafood in North Carolina during the first six months of 2019, based on data collected by the North Carolina Division of Marine Fisheries. This represents a 24% decrease from the five-year average for January through June landings but a 15% increase over 2018 landings during the same time period.

The top five species collected were Hard Blue Crab (7.1 million pounds), Summer Flounder (1.3 million pounds), Atlantic Croaker (1.2 million pounds), Shrimp (1.2 million pounds), and Spiny Dogfish (1.0 million pounds).

Shrimp landings increased by 49% over the five-year average for January through June period. This is an increase of 286% over 2018 landings of shrimp for the same months. However, the 2019 landings are only 47% of the shrimp landings peak experienced in 2017 during the same time period.



*Data presented is only from January through June of a given year

The total number of trips reported by North Carolina dealers was down by 3% from 2018 and down 20% from the five-year average number of trips.

DEALER SURVEY

All dealers with a valid 2018 or 2019 license should have recently received a mailing from the division containing information on a socioeconomic survey being conducted. The mailing contains a paper copy of the survey that can be completed and returned with the pre-paid envelope or can be completed online by following the steps provided in the mailer. This survey is a follow-up from a study conducted 10 years ago, and is funded by the Atlantic Coastal Cooperative Statistics Program, a subsection of the Atlantic States Marine Fisheries Commission. These data will be used to better understand the socioeconomic conditions of the state's seafood dealers, and how those conditions may have changed in the past decade. The division encourages all dealers to complete the survey to generate the most accurate results possible. For any questions, please contact David Dietz, Fisheries Economics Program Manager, at 919-707-8573 or David.Dietz@ncdenr.gov.

STAFF CHANGES

Our previous Port Agent Supervisor, Scott Smith, has moved to the Protected Species Program within the Division of Marine Fisheries (DMF). Please welcome C.J. Schlick, the new Port Agent Supervisor. Contact C.J. with any questions you have at CJ.Schlick@ncdenr.gov or 252-808-8095. Another new face at the division is David Dietz, the Fisheries Economics Program manager. David is responsible for conducting the collection and analysis of socioeconomic data that get included in fishery management plans conducted by the state.

PROPOSED RULE CHANGES TO SCFLS AND RSCFLS

The Marine Fisheries Commission has proposed changes to one of its rules that pertains to transfers of Standard Commercial Fishing Licenses (SCFLs) and Retired SCFLs. Proposed changes to this rule clarify the circumstances under which transfers of SCFLs and Retired SCFLs are allowed, including the following:

1. Add grandparents, grandchildren, and legal guardians to the list of immediate family members eligible to receive a transferred license.
2. Codify the existing requirement of a certification statement from the transferee that affirms the information provided to the division is true and accurate.
3. Allow an individual license holder to transfer the license to a business in which the license holder is also an owner.
4. Allow a business that is dissolved to transfer a license to an individual owner of the business.
5. Allow a business that is sold to transfer a license to the successor business at the time of sale.
6. Allow a business to transfer a license back to an owner who is leaving the business, if the owner originally held the license as an individual.
7. Restrict business transfers to corporations and limited liability companies.
8. Define “owner” to include shareholder of a corporation and member of a limited liability company.

The proposed rule changes come at the request of the Marine Fisheries Commission, which

expressed concern about the types of license transfers allowed by statute and rule. The proposed effective date of the rule change is subject to legislative review.

For specific wording of the rule changes, go to the N.C. Marine Fisheries Commission’s [Proposed Rules page](#). The public may comment on the proposed rule changes in writing to the division’s Rules Coordinator, Catherine Blum, at P.O. Box 769, Morehead City, N.C. 28557 or via email at Catherine.Blum@ncdenr.gov. The deadline for written comments is December 2, 2019.

HURRICANE FLORENCE AID PROGRAM

Hurricane Florence made landfall in North Carolina in September 2018 creating a large disruption in the state’s commercial fisheries. In the aftermath of the storm, the North Carolina General Assembly passed legislation that created an aid program to assist commercial fishermen who were impacted by the storm and directed the division to disperse the aid.

The amount of aid received by each commercial fisherman was based on their average landings from the previous three-year period during the months of September to November compared to their 2018 landings for the same time period. Over \$11.4 million dollars of aid was distributed to 1,176 commercial fishermen. Carteret County had the most commercial fishermen (246) who received aid while commercial fishermen in Dare County received the most aid at just over \$2.3 million.

The final report can be found on the division’s website (<http://portal.ncdenr.org/web/mf/marine-fisheries-catch-statistics>) under “Additional Statistics Resources.”

The Division of Marine Fisheries is dedicated to ensuring sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina.

STRIPED BASS COMMERCIAL FISHERY CHARACTERIZATION REPORT

Over the summer, the Trip Ticket Program was fortunate enough to work with an intern through the NC Internship Program. Haley Gambill, a senior at North Carolina State University, analyzed historical commercial fisheries data and Trip Ticket Program data to characterize the commercial Striped Bass fishery. This comprehensive analysis documents trends in landings, ex-vessel value, and participation. The final report can also be found at the link highlighted in the previous section.

TECHNICAL UPDATES

FIN: The Fisheries Information Network (FIN) is a database that is used for a large number of the division's programs including the Trip Ticket and License Programs. FIN was first developed and deployed into production in July 1999 and hasn't seen any significant upgrades since its release. A new upgrade to the system is scheduled to be released in November 2019.

Trip Ticket Program staff ask for your consideration over the next few months as we launch the new upgrade to FIN. The upgrade will convert FIN into a web-based platform which will facilitate the use of more modern technologies and should enhance the system for the division. Trip Ticket and License program staff are currently undergoing training with the new system. Although we hope to have minimal complications with the launch of the upgraded version of FIN, we thank you in advance for your patience as we complete this transition.

VESL: The Trip Ticket Program also continues to work with Bluefin Data, LLC and the North

Carolina Department of Information Technology to implement VESL. VESL is a web-based version of the Trip Ticket Software Program that will be able to be used on mobile devices and will allow for greater flexibility to account for changing reporting requirements.

TRIP TICKET REMINDERS

Please ensure that license numbers and Commercial Fishing Vessel Registrations (P-numbers) are correct on your trip tickets. The most common errors encountered by the Trip Ticket Program and typically occur due to typos when entering and/or not checking for licenses that have expired. Please, routinely check your fishing licenses.

Additionally, when filling out paper tickets, please take steps to ensure that the data are transferred onto the additional carbon copies in the trip ticket booklets. Newer trip tickets require you to press harder than before when writing in the data. For electronic dealers, we ask that you verify all of the data match when completing updates in the system. Unless you are adding missed catch to a trip ticket or correcting a typo, the units entered should match between the original ticket and the updated ticket.

PORT AGENT CONTACTS

For questions regarding rules, procedures, or requirements, please contact a port agent at your local Division of Marine Fisheries office.

Elizabeth City	Chris Kelly	252-264-3911
Manteo	Marty Brill	252-473-2158
Morehead City	Chuck Davis	252-808-8029
Washington	Jon Anglemeyer	252-948-3881
Wilmington	Pam Zuaboni	252-241-0118

The Division of Marine Fisheries is dedicated to ensuring sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina.

COOPERATIVE POUND NET DATA CORRECTION PROJECT REPORT

During the November 2015 Marine Fisheries Commission meeting, the MFC requested that Trip Ticket Program staff work with commercial fishermen who use pound net gear to review their data reported on trip tickets. Commercial fishermen were concerned that their landings were being recorded incorrectly. Trip Ticket Program staff worked with commercial fishermen to review their data and to correct any misreported data. After review of the data, pound net landings increased from 3,338,739 pounds to 3,486,884 pounds over the 2011 to 2015 period. The final report for this project can also be found at <http://portal.ncdenr.org/web/mf/marine-fisheries-catch-statistics>.

TRIP TICKET CODE REMINDERS

The Trip Ticket Program would like to remind dealers of some new codes that were created recently.

The first is a gear code for **Oyster Cage/Rack/Bag** (gear code 395) which should be used to record oysters farmed in cages.

For **Frigate Mackerel**, the following species codes were created: 7260 (mixed), 7261 (extra small), 7262 (small), 7263 (medium), and 7264 (large).

For **Bullet Mackerel**, the following species codes were created: 7280 (mixed), 7281 (extra small), 7282 (small), 7283 (medium), and 7284 (large).

For **Chub Mackerel**, the following species codes were created: 4110 (mixed), 4112 (small), 4113 (medium), 4114 (large), and 4115 (jumbo).

TECH TIPS

How to print out a receipt: On the main screen, select the Find Ticket tab and type in the ticket number or click List All Tickets in the top left of the screen. Find your ticket from the list and double click to open ticket. From the options at the top of the screen, select Print and Print 1 Ticket.

How to password protect software: On the main screen of the Trip Ticket software, click Edit at the top of the screen and then select Users. A User pop-up screen will appear, and you can select Add from the right side. Entry fields will appear at the bottom of the pop-up screen to type in a username, a password, and to confirm the password (the 2 password fields must be identical). You can restrict a user to only have access to data entry (no other functions within the Trip Ticket software), by checking the box for "Data Entry Only." If the user must have access to all of Trip Ticket software functions, make sure the "Data Entry Only" box is NOT checked. Click save. Click Ok and then Close. Once you are back to the main screen, click the Dealer Info tab. On the right side of the screen, check the box next to "Activate sign on screen" and click Update. A warning box will appear to remind you to be sure to create a user list before closing program, otherwise you will be locked out of the program and must contact Brandi Salmon in the Trip Ticket office to unlock it. These steps will prompt a sign-in screen the next time you open the software.

If you have any questions regarding use of the Trip Ticket software, please contact Brandi Salmon at Brandi.Salmon@ncdenr.gov or call 1-800-682-2632.

The Division of Marine Fisheries is dedicated to ensuring sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina.

REPORT CRAB KILLS

Why? Fishermen are often the first to see dead or dying crabs. Such events may occur due to weather or human-induced causes. Water quality conditions that can contribute to crab kills include low dissolved oxygen, rapid salinity change and elevated levels of pesticides in the water. Distress or mortality of peeler crabs in shedders can be an early sign of water quality problems. Rapid reporting of kills helps state agencies determine the cause and how to prevent them in the future.

What to look for: Blue crabs exposed to pesticides may exhibit unusual behavior, such as difficulty moving (flipping over, legs falling off) prior to dying. Crabs stressed by low oxygen or extreme changes in temperature or salinity are more likely to become inactive.



What to do: Immediately report crab or fish kills when observed at your shedder or on the water. Calls may be anonymous. When abnormal behavior is observed, freeze several crabs and collect water samples. Store the water sample in a clean jar or bag and keep cold.

Who to contact:

Weekdays: N.C. Department of Environmental Quality
Washington Office: 252-946-6481; 800-338-7804
Wilmington Office: 910-796-7215; 800-248-4536

Weekends/evening: **Environmental Emergency hotline: 800-858-0368**



NORTH CAROLINA DIVISION OF MARINE FISHERIES



Semiannual Fisheries Bulletin

2019 Commercial Statistics

License and Statistics Section, PO Box 769, Morehead City, NC 28557

October 2019

Preliminary North Carolina Commercial Landings January - June 2014-2019

FINFISH	January – June (Pounds – rounded)					
	2014	2015	2016	2017	2018	2019
Amberjacks ¹	80,304	77,615	74,828	58,919	63,247	76,163
Anglerfish (Monkfish and Monklivers)	62,244	99,957	48,963	51,739	40,205	38,294
Bluefish	1,514,841	472,082	803,087	1,119,042	470,193	526,414
Bonito	6,468	18,467	8,274	9,391	12,311	12,421
Butterfish	18,992	35,257	24,085	31,680	23,861	30,594
Carp	15,363	35,271	22,605	14,819	17,265	32,125
Catfishes	308,317	474,148	587,375	705,211	722,707	760,570
Cobia	20,686	18,697	18,578	17,633	17,695	19,901
Croaker, Atlantic	2,054,885	1,576,129	1,662,982	869,326	1,574,302	1,214,347
Cutlassfish, Atlantic	132,155	166,469	1,135	41,751	25,055	210,198
Dolphinfish	405,221	320,371	334,863	189,255	128,922	198,490
Drum, Black	6,289	24,596	14,818	43,362	41,121	19,848
Drum, Red	22	39,838	20,957	34,186	53,458	28,760
Eel, American	1,824	2,723	2,234	4,393	2,336	2,178
Flounder, Southern	123,370	130,299	93,560	130,169	74,026	104,450
Flounder, Summer	2,410,119	2,323,303	1,875,669	1,181,768	1,385,287	1,258,138
Flounders, Other	2,638	964	1,209	*	*	*
Garfish	4,378	35,679	12,586	19,641	12,623	24,608
Grouper, Gag	41,529	41,346	33,419	25,497	33,488	66,857
Grouper, Red	28,008	22,772	9,477	8,326	6,596	11,621
Grouper, Scamp	21,654	24,080	22,559	15,957	20,352	17,747
Grouper, Snowy	23,155	22,431	70,403	65,044	70,100	78,250
Groupers, Other	6,336	3,594	6,269	4,775	5,211	13,352
Grunts	14,411	13,870	16,574	16,863	14,032	23,663
Hakes	622	1,262	2,635	2,506	974	2,029
Harvestfish (Starbutters)	89,348	114,842	96,956	36,472	73,485	55,934
Herring, River (Alewife and Blueback)	1,139	NA	NA	NA	NA	NA
Hogfish (Hog Snapper)	4,971	3,866	3,206	5,069	3,161	7,500
Jacks (Crevalle, Rainbow Runner, Blue Runner)	1,136	448	2,040	833	316	1,894
Mackerel, Atlantic (Boston)	555	1,338	160	629	1,418	799
Mackerel, King	97,663	32,296	55,875	137,602	91,191	175,162
Mackerel, Spanish	137,529	187,252	223,015	248,664	253,065	357,196
Menhaden, Atlantic	598,911	563,103	271,290	532,323	420,335	404,918
Mullet, Sea (Kingfishes)	227,647	369,306	279,129	356,193	227,466	391,781
Mullet, Striped	206,085	235,458	203,490	189,321	238,572	263,604
Perch, White	149,389	121,004	201,119	159,796	118,547	72,721
Perch, Yellow	64,326	40,574	27,462	15,562	12,298	6,160
Pigfish	8,853	6,253	2,164	2,450	2,780	2,278
Pinfish	7	34	193	79	207	340
Pompano	1,128	1,266	4,408	1,166	1,890	6,138
Porgies	44,952	20,235	12,483	22,055	22,591	23,633
Pufferfish	189	807	1,453	1,955	261	2,221
Scup	145,917	210,156	99,632	165,567	64,138	171,505
Sea Basses	391,715	382,873	321,340	376,126	334,513	262,778
Seatrout, Spotted	67,989	87,530	54,006	97,732	15,389	64,845

	January – June (Pounds – rounded)					
	2014	2015	2016	2017	2018	2019
Shad, American	191,302	95,966	62,245	90,868	52,167	40,903
Shad, Gizzard	84,995	53,564	83,994	121,783	209,605	207,127
Shad, Hickory	110,280	149,336	96,121	73,627	75,402	111,714
Sharks	683,740	359,330	457,610	559,296	433,412	503,362
Sharks, Dogfish, Smooth	455,409	209,485	132,247	152,938	198,810	101,594
Sharks, Dogfish, Spiny	4,558,556	4,247,173	2,243,146	390,805	755,015	1,000,130
Sheepshead	15,152	20,398	19,344	14,455	11,146	21,194
Skates	16,925	43,216	23,650	39,454	32,527	63,659
Skippers	15,315	10,166	9,002	9,147	11,937	8,932
Snapper, Vermilion (Beeliner)	101,450	75,045	124,373	105,757	105,130	188,243
Snappers, Other	2,676	4,118	4,996	2,157	7,262	17,757
Spadefish	13,121	6,310	8,377	7,969	4,807	4,914
Spot	123,811	30,769	10,457	29,422	42,015	19,273
Striped Bass	72,118	110,408	124,712	84,076	94,841	130,343
Swordfish	555,153	436,592	346,005	291,170	332,961	250,986
Tilefish, Blueline	71,711	23,607	15,793	41,943	32,282	42,167
Tilefish, Other	13,261	7,320	16,973	29,661	11,387	12,094
Triggerfish	116,492	81,324	59,388	53,134	82,275	73,232
Tuna, Bigeye	80,283	93,504	57,080	41,052	62,330	56,644
Tuna, Bluefin	80,178	85,145	154,123	303,781	200,423	323,901
Tuna, Yellowfin	311,926	259,715	249,162	509,674	329,979	157,315
Tunas, Other	125,874	110,225	80,437	52,705	38,120	8,113
Tunny, Little (False Albacore)	92,881	31,646	53,461	88,374	56,799	171,401
Wahoo	7,312	8,429	9,527	14,546	9,642	18,098
Weakfish (Grey Trout)	37,761	24,646	34,139	34,507	13,602	85,097
Unclassified Fish for Food	64,958	86,975	60,241	54,620	58,819	57,361
Unclassified Fish for Industrial/Bait	21,753	31,873	16,238	72,085	50,740	45,085
TOTAL FINFISH	17,567,667	15,056,144	12,181,404	10,279,854	10,010,422	10,763,059
SHELLFISH						
Blue Crabs, Hard	6,962,629	7,631,624	8,341,899	8,084,106	5,952,576	7,113,714
Blue Crabs, Peeler	515,197	578,897	362,986	717,005	327,837	657,653
Blue Crabs, Soft	332,286	327,819	263,320	407,962	225,796	171,255
Clams, Hard (Meats)	224,555	214,360	191,534	152,208	130,891	70,842
Clams, Hard (Number)	11,691,611	10,896,705	9,868,865	7,971,372	6,902,125	3,625,175
Octopus	86	*	146	124	123	178
Oysters (Meats)	327,260	267,056	327,808	407,919	329,954	366,775
Oysters (<i>Bushels</i>)	61,864	50,483	61,967	77,111	62,373	69,334
Scallop, Sea (Meats)	15,830	105,566	116,287	92,827	55,331	126,019
Shrimp (Heads On) ²	338,650	351,542	770,523	2,281,795	318,264	1,211,908
Squid	9,283	15,462	31,945	18,406	25,173	16,726
Stone Crabs	2,759	2,911	4,289	3,658	2,918	2,990
Whelks/Conchs (Meats)	43,456	59,334	70,475	47,820	48,890	37,268
Unclassified Shellfish	71,681	79,299	92,489	81,175	35,255	44,309
TOTAL SHELLFISH	8,843,671	9,633,868	10,573,700	12,295,004	7,453,007	9,819,637
GRAND TOTAL	26,411,338	24,690,011	22,755,105	22,574,858	17,463,429	20,582,695

¹ Includes species from genus *Seriola* (Greater Amberjack, Lesser Amberjack, Almaco Jack, and Banded Rudderfish.)

² Includes brown, pink, and white shrimp.

* Units not shown to avoid disclosure of private enterprise. Quantities were included in the Unclassified Fish for Food or Unclassified Shellfish Categories.

NA: River Herring fisheries under moratoria

NOTE: Landings collected by North Carolina Division of Marine Fisheries Trip Ticket Program (October 2019).

*ISSUES
& REPORTS*

*DOCUMENTS ARE
FORTHCOMING*



Reclassification of Jurisdictional Waters

Potential Science-Based Approach

NCDEQ, DIVISION OF MARINE FISHERIES

WRC/MFC Joint Committee on Delineation of Water Boundaries May 1, 2019



Objectives

- Describe science-based approach to determine the transition between Coastal and Inland Fishing Waters.
- Agency staff asked by JCDFW to collaborate to provide information for a more “robust discussion” of the issue
- Consider biological and statutory factors, as well as timeline:
 - Define estuary from peer reviewed literature
 - Describe species use of estuarine salinity zones
 - Describe salinity zones based on fish assemblage techniques using NC fish data
 - Show salinity maps for two of four CHPP regions
- Identify specific estuarine waters of concern not conforming to statute.

Statutory Definitions

G.S. 113-129 (4) Coastal Fishing Waters -

The Atlantic Ocean; the various coastal sounds; and estuarine waters up to the dividing line between coastal fishing waters and inland fishing waters agreed upon by the MFC and the WRC.

G.S. 113-129 (9) Inland Fishing Waters. –

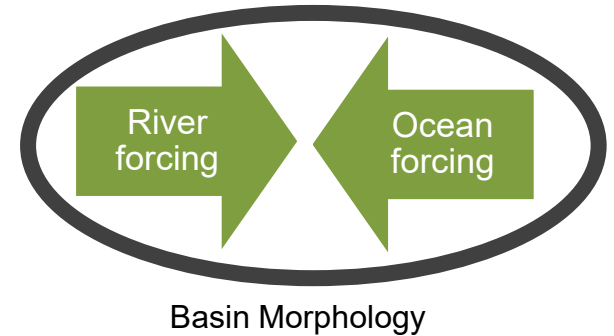
All inland waters except private ponds; and all waters connecting with or tributary to coastal sounds or the ocean extending inland or upstream from the dividing line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission.

G.S. 113-129 (10a) – Joint Fishing Waters -

Those coastal fishing waters in which are found a significant number of freshwater fish, as agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission in accordance with G.S. 113-132 (e).

Upper Limit of Estuary

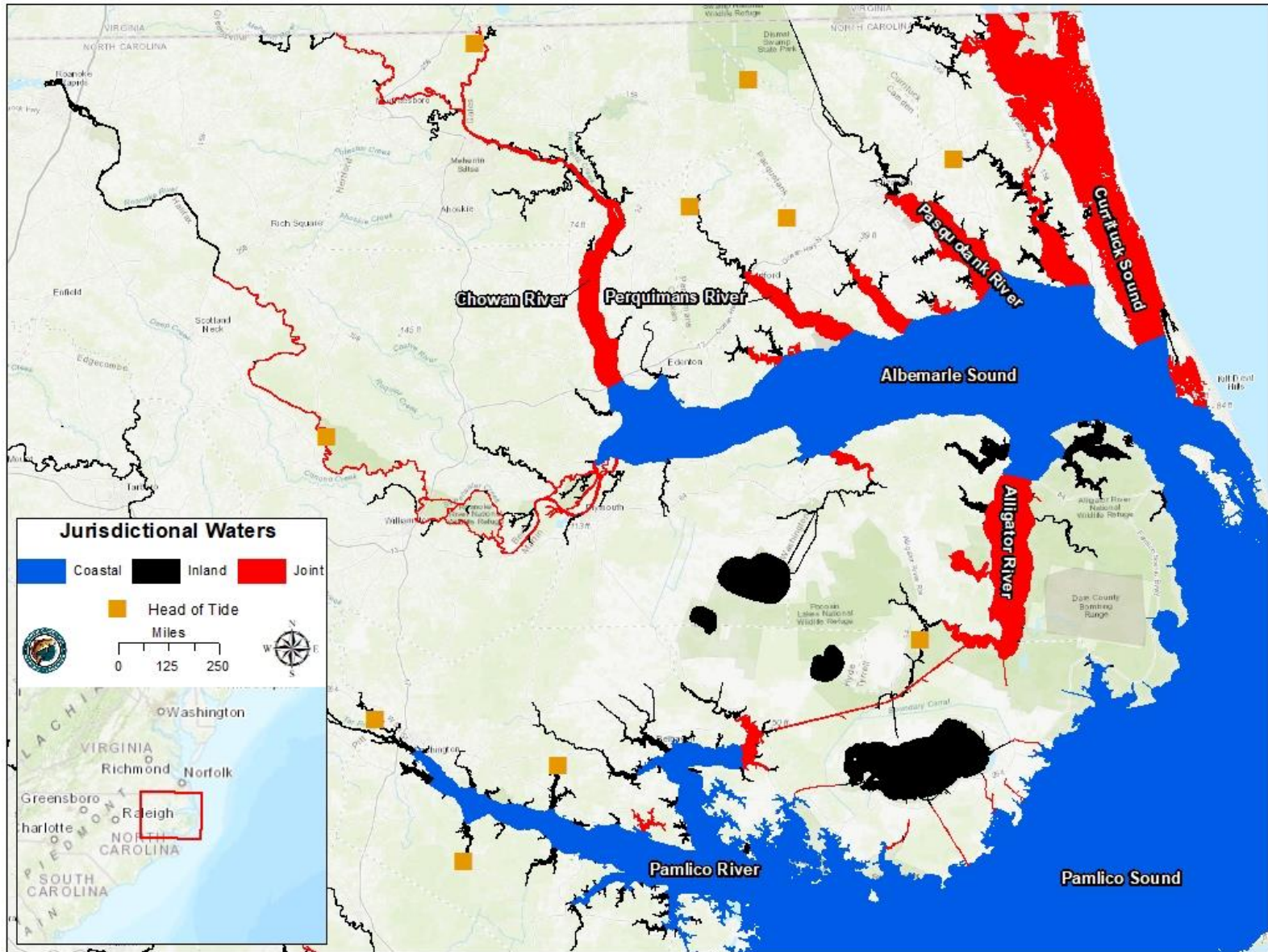
- Upper limit of salinity intrusion under average tidal and river flow conditions = Head of Tide



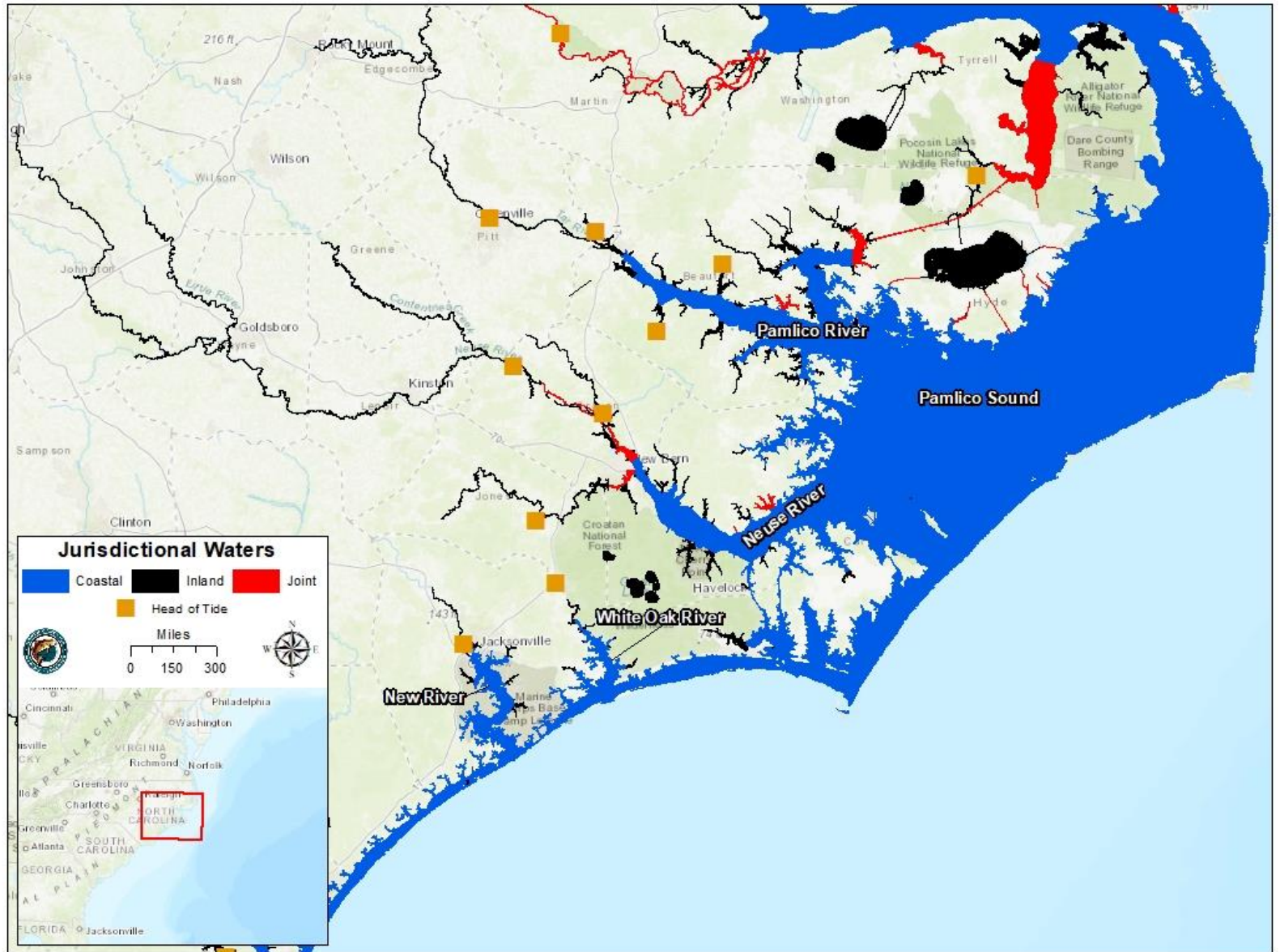
Head of Tide

- Inland or upstream limit of water affected by the tide
- Determined by limited tidal range (< 0.2 ft), changes in flow, geomorphology, wetland vegetation, and salinity < 0.5 ppt (NOAA; Dusterhoff et al. 2014; Ensign et al. 2013)
- Used by several states as dividing line between inland and coastal fishing waters – MD, VA, DE
- Other states use highways that align with Head of Tide or tidewater physiographic boundaries – SC, GA, CT

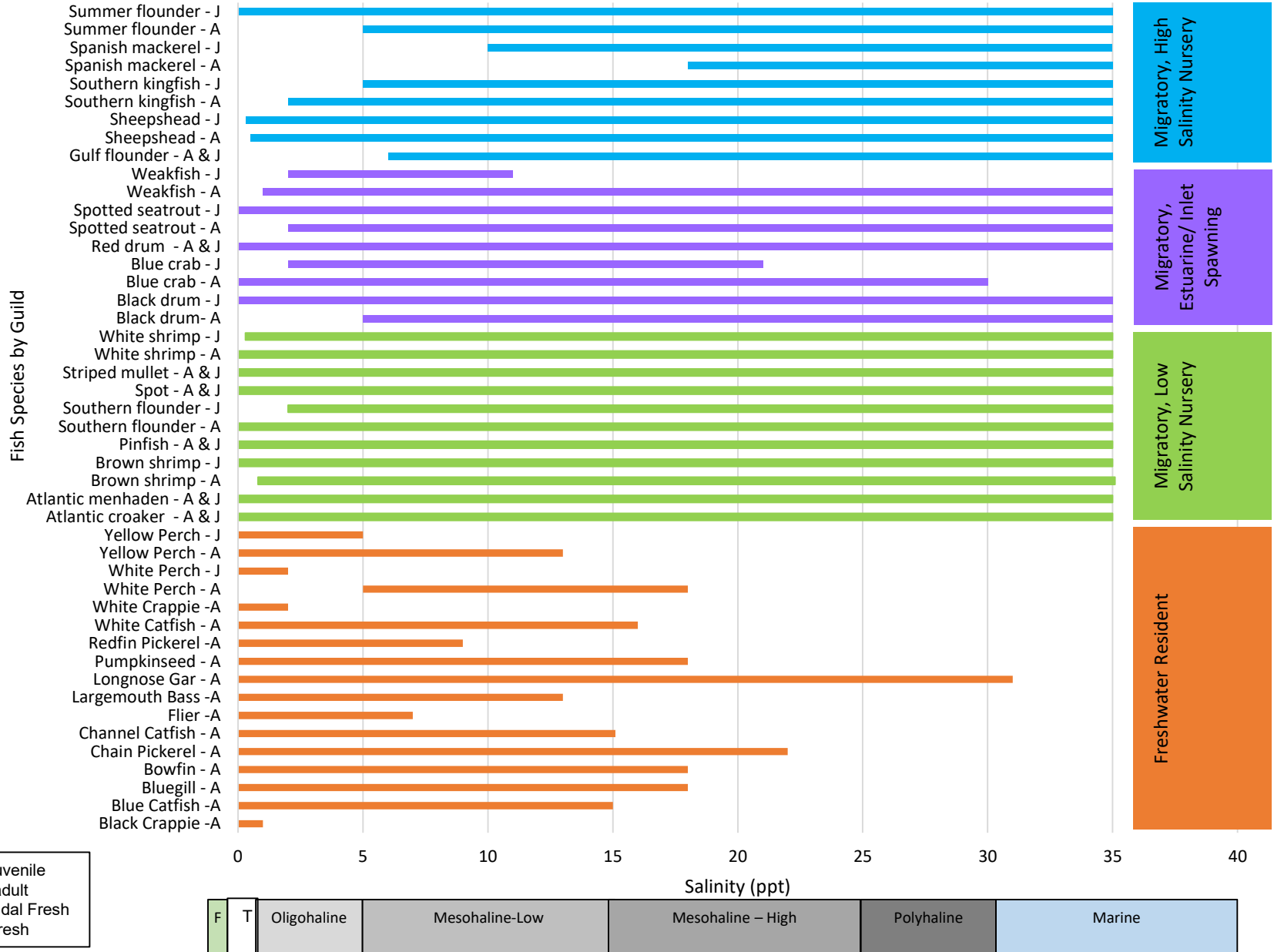
Head of Tide in North Carolina – Albemarle System



Head of Tide in North Carolina – Pamlico System



Use of Fish Salinity Tolerances



Use of Biologically Based Salinity Zones

Relates fish assemblages to salinity or other conditions

Bulger et al. 1993

- Example of how to classify an estuary by salinity zones using fish data from that estuary and statistical analysis
- Defined five overlapping salinity zones:

0-4 ppt; 2-15 ppt; 11-19 ppt; 15-28 ppt; 23-35+ ppt

- Based on data from Chesapeake and Delaware bays
- Bulger method has been used in other estuaries and resulted in different salinity zones:

Gulf of Mexico- 0-8 ppt; Tampa Bay- 0.1-1 ppt; St. John's River, FL- no clear zones except 0.1-1 ppt

(Christensen et al. 1997; Greenwood 2007; Guenther and MacDonald 2012)

Use of Biologically Based Salinity Zones

- Salinity ranges used by fish species vary across estuaries (Christensen et al. 1997)
- Availability of preferred salinity habitat had larger influence on salinity used by fish than temporal distribution (will stay in preferred salinity when available, move to edge of salinity range if not available)
- The Bulger method did not accurately reflect the community structure or distinct salinity zones in some cases

Conclusion

Biologically based salinity zones identified in Bulger are specific to those waters and should not be applied to other systems. (M. Nelson pers. comm., Taupp and Wetzel 2014; Bulger et al. 1993)

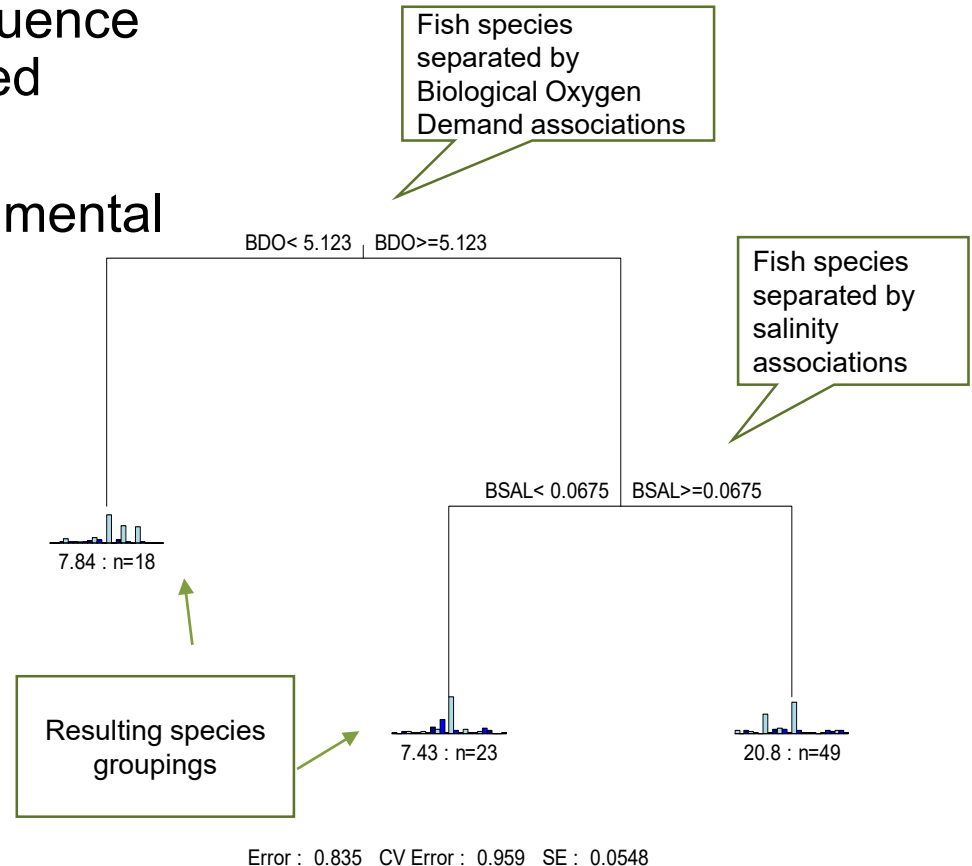
Fish Community Assessment

Multivariate Regression Trees (MRTs)

- What environmental variables influence the relative abundance of observed species?
- Groups species based on environmental thresholds

Indicator Species Analysis

- Builds on Regression Tree
- Identifies species significantly associated with the splits in the tree
- Indicator species can be used to predict or assess the environmental conditions at a given site



Fish Community Assessment – Data Used

NCDMF Program 100

- 2015 – year of average flow conditions
- Seine and trawl data

SURVEY GOALS

1. To determine relative abundance, growth, and distribution of juvenile (young-of-year) alosine fishes and Striped Bass (*Morone saxatilis*) in the Albemarle Sound and tributaries.

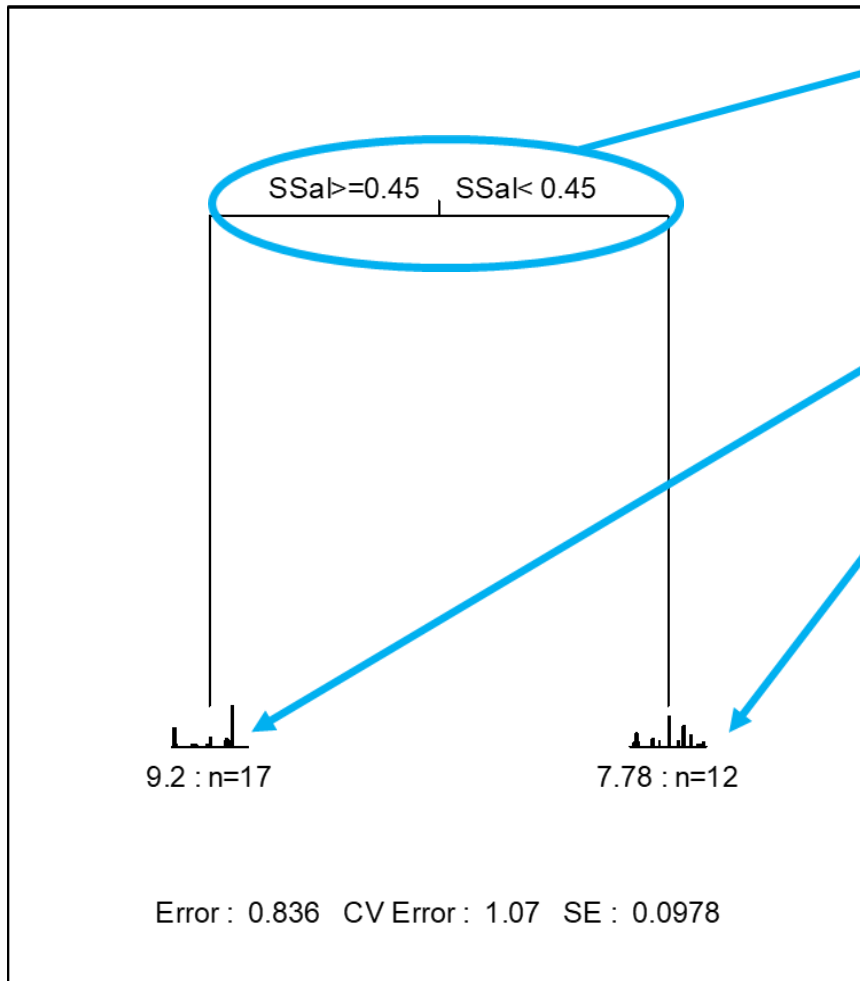
SURVEY DESIGN

1. Beach seine survey, 9 fixed stations, western Albemarle Sound, 1993-present, samples for six weeks, Jun-Jul
2. Hassler trawls; 7 fixed stations, western Albemarle Sound, 1955-present, samples bi-weekly for eight weeks, 3rd week of Jul-Oct
3. Central Albemarle Sound trawls, 12 fixed stations, bi-weekly for seven weeks, 1984-present, 4th week of Jul-Oct

VARIABLES RECORDED

- Water quality parameters - temperature, salinity, DO
- Biological data - Fork length (mm), total length (mm), and weight (0.1 grams)

P100 Seine Results



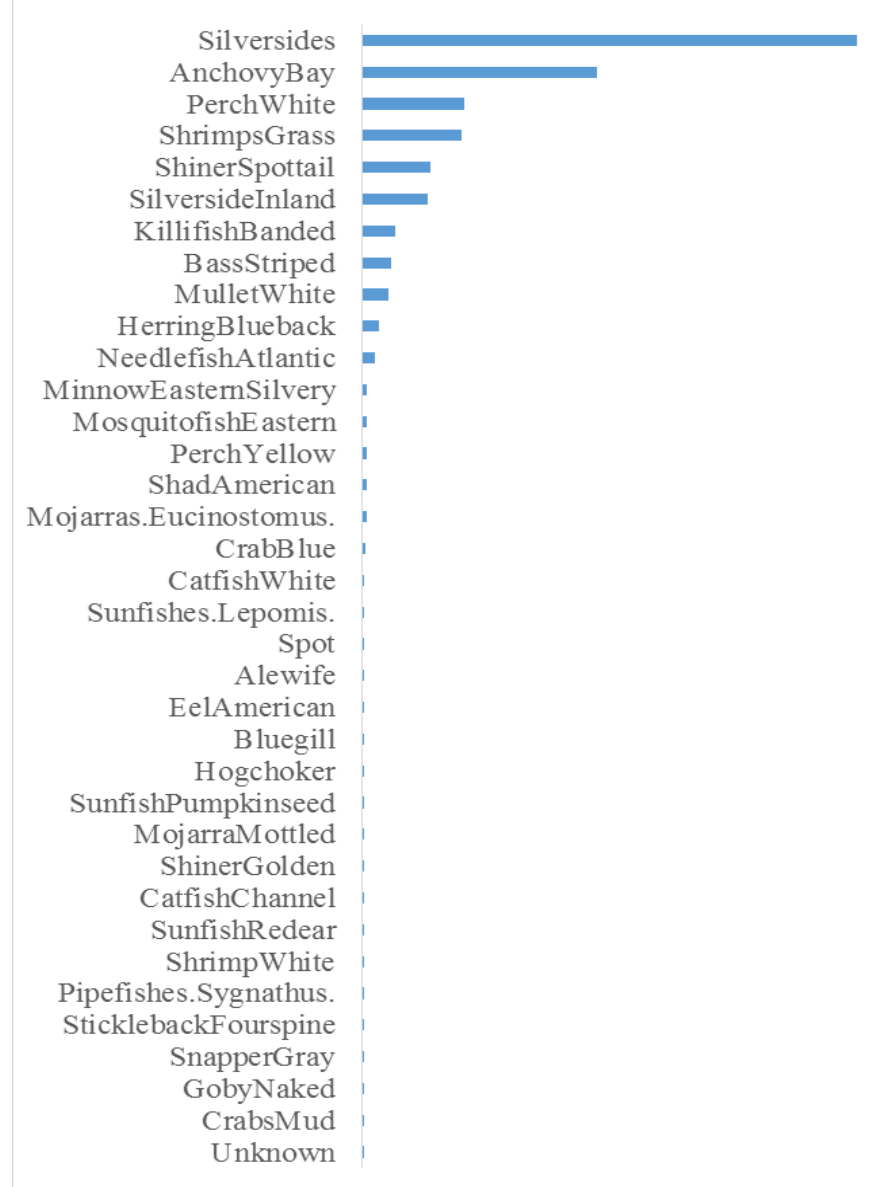
Major predictor variable and cut-off value

Species composition of each leaf

P100 Seine Results

Left Leaf (≥ 0.45 ppt) Species Composition

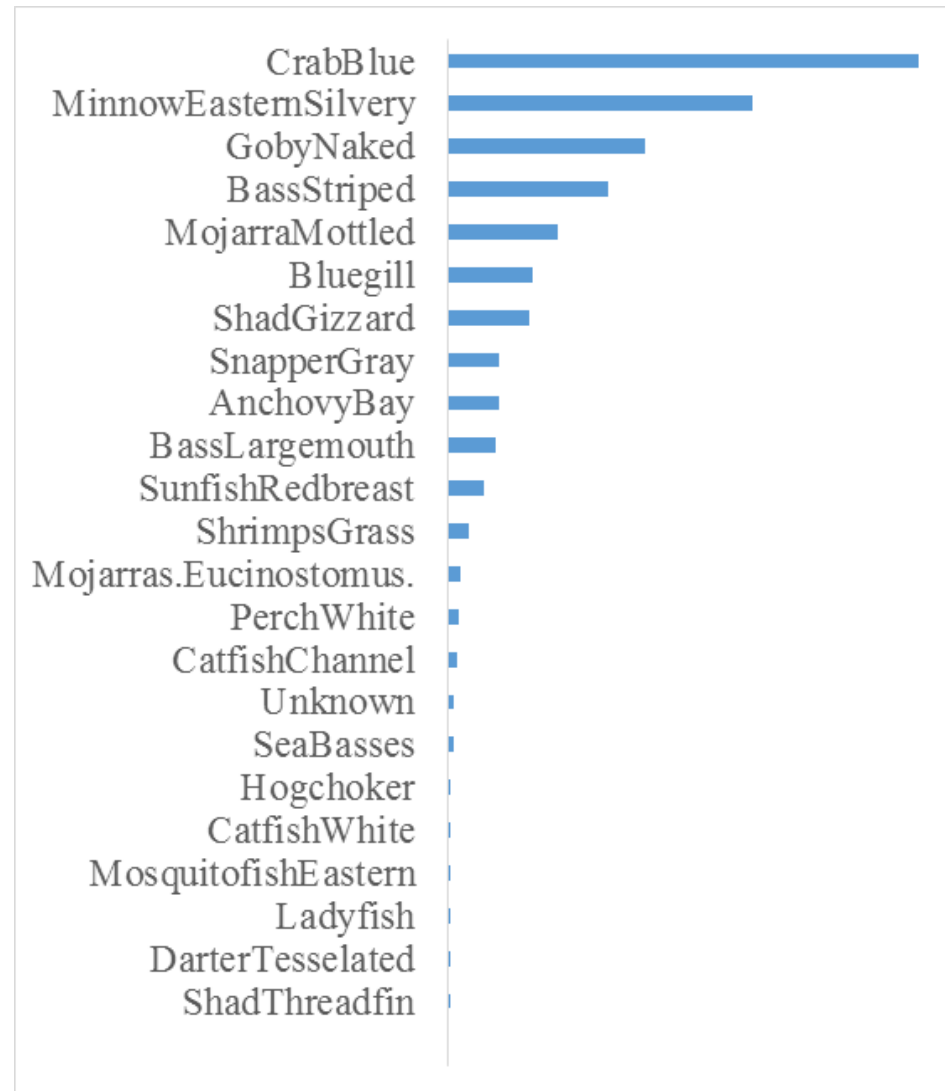
Silversides spp.	Eastern Mosquitofish	Pumpkinseed
Bay Anchovy	Yellow Perch	Mottled Mojarra
White Perch	American Shad	Golden Shiner
Grass Shrimps	Mojarras spp.	Channel Catfish
Spottail Shiner	Blue Crab	Redear Sunfish
Inland Silverside	White Catfish	Pipefish spp.
Banded Killifish	Lepomis spp.	White Shrimp
Striped Bass	Spot	Mud Crabs
White Mullet	Alewife	Fourspine Stickleback
Blueback herring	American eel	Gray Snapper
Atlantic Needlefish	Bluegill	Naked Goby
Eastern Silvery Minnow	Hogchoker	Unidentified



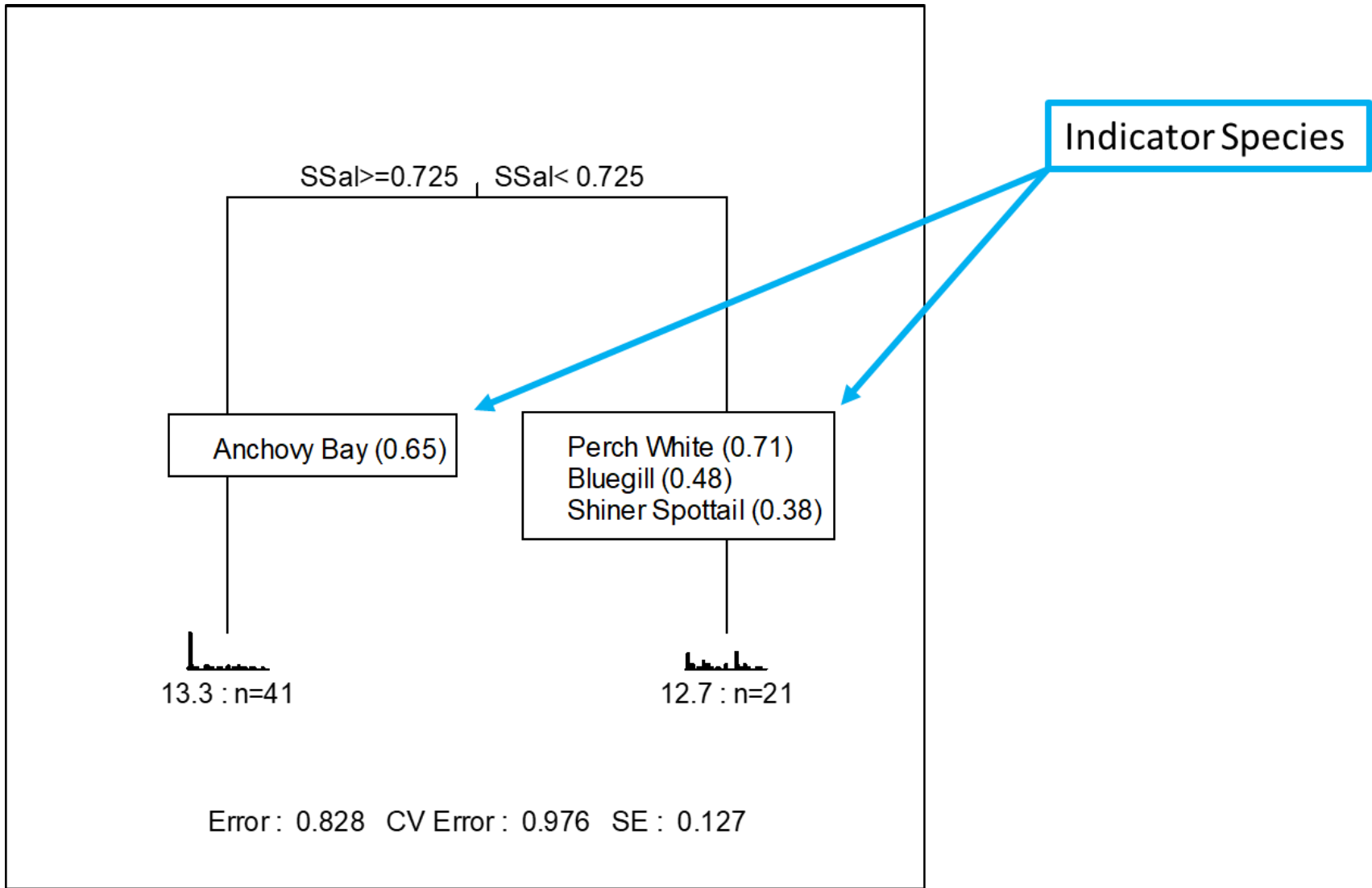
P100 Seine Results

Right Leaf (<0.45 ppt) Species Composition

Blue Crab	Mojarra spp.
Eastern Silvery Minnow	White Perch
Naked Goby	Channel Catfish
Striped Bass	Unidentified
Mottled Mojarra	Sea Bass spp.
Bluegill	Hogchoker
Gizzard Shad	White Catfish
Gray Snapper	Eastern Mosquitofish
Bay Anchovy	Tessellated Darter
Largemouth Bass	Ladyfish
Redbreast Sunfish	Threadfin Shad
Grass Shrimp	



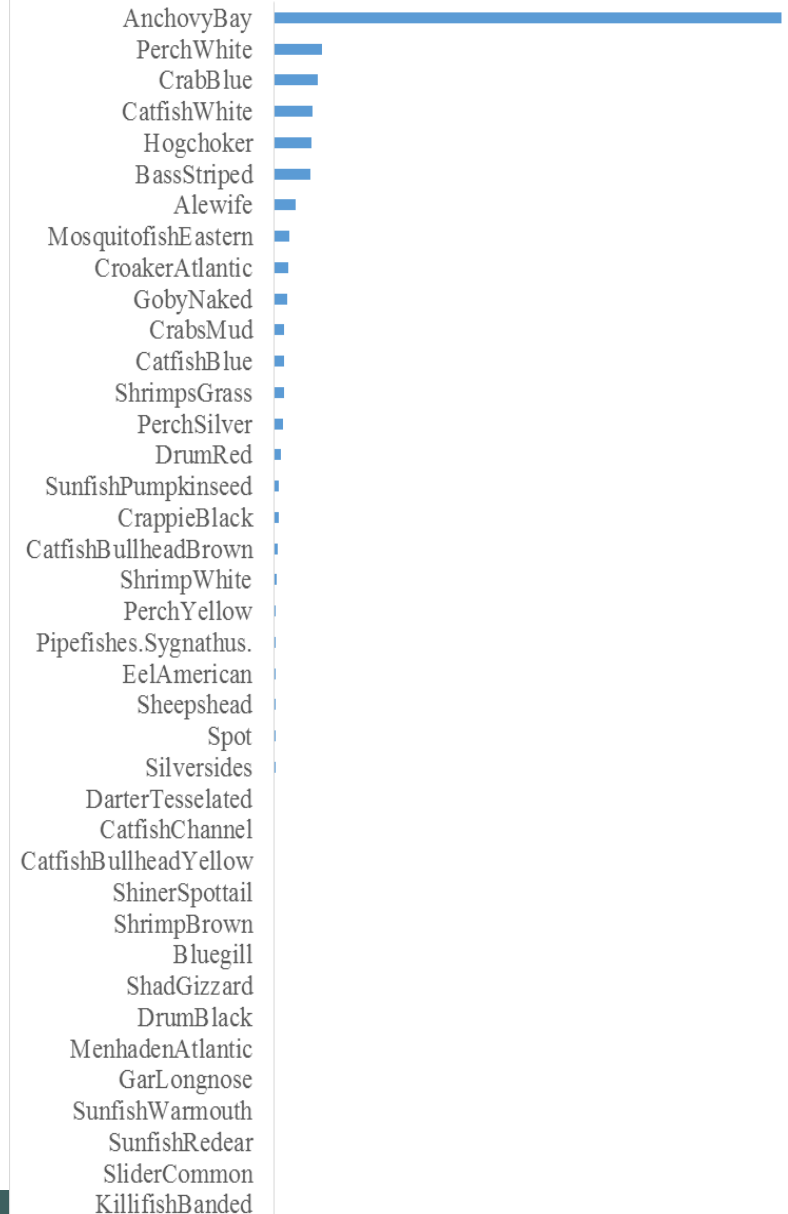
P100 Trawl Results



P100 Trawl Results

Left Leaf (≥ 0.725 ppt) Species Composition

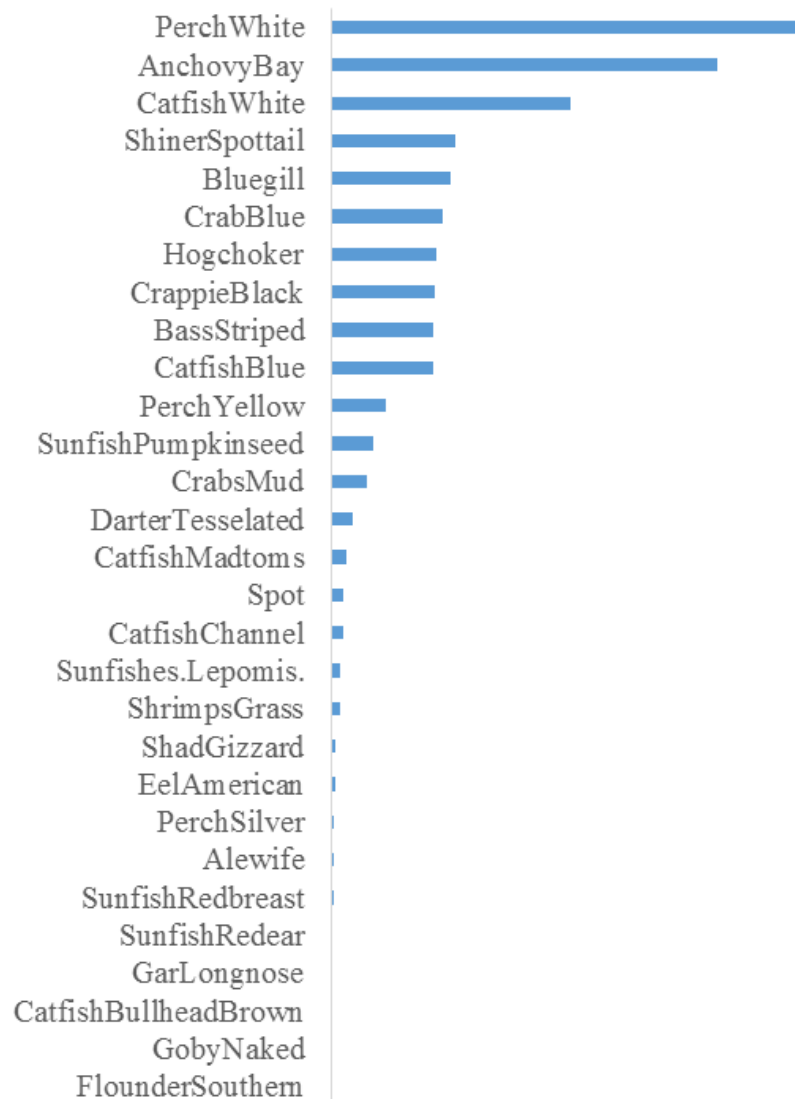
Bay Anchovy	Grass Shrimp spp.	Silverside spp.
White Perch	Silver Perch	Tessellated Darter
Blue Crab	Red Drum	Channel Catfish
White Catfish	Pumpkinseed	Yellow Bullhead Catfish
Hogchoker	Black Crappie	Spottail Shiner
Striped Bass	Brown Bullhead Catfish	Brown Shrimp
Alewife	White Shrimp	Bluegill
Eastern Mosquitofish	Yellow Perch	
Atlantic Croaker	Pipefish spp.	
Naked Goby	American eel	
Mud Crabs	Sheepshead	
Blue catfish	Spot	



P100 Trawl Results

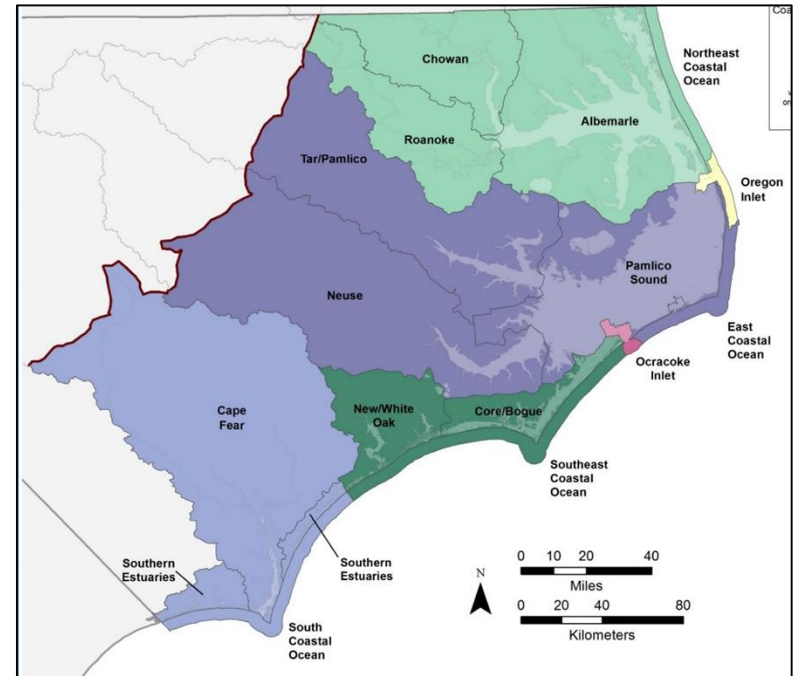
Right Leaf (<0.725 ppt) Species Composition

White Perch	Mud Crabs	Longnose gar
Bay Anchovy	Tessellated Darter	Redear Sunfish
White Catfish	Madtom spp.	Brown Bullhead Catfish
Spottail Shiner	Spot	Naked Goby
Bluegill	Channel Catfish	Southern Flounder
Blue Crab	Lepomis spp.	
Hogchoker	Grass Shrimp spp.	
Black Crappie	Gizzard Shad	
Striped Bass	American Eel	
Blue Catfish	Silver Perch	
Yellow Perch	Alewife	
Pumpkinseed	Redbreast Sunfish	

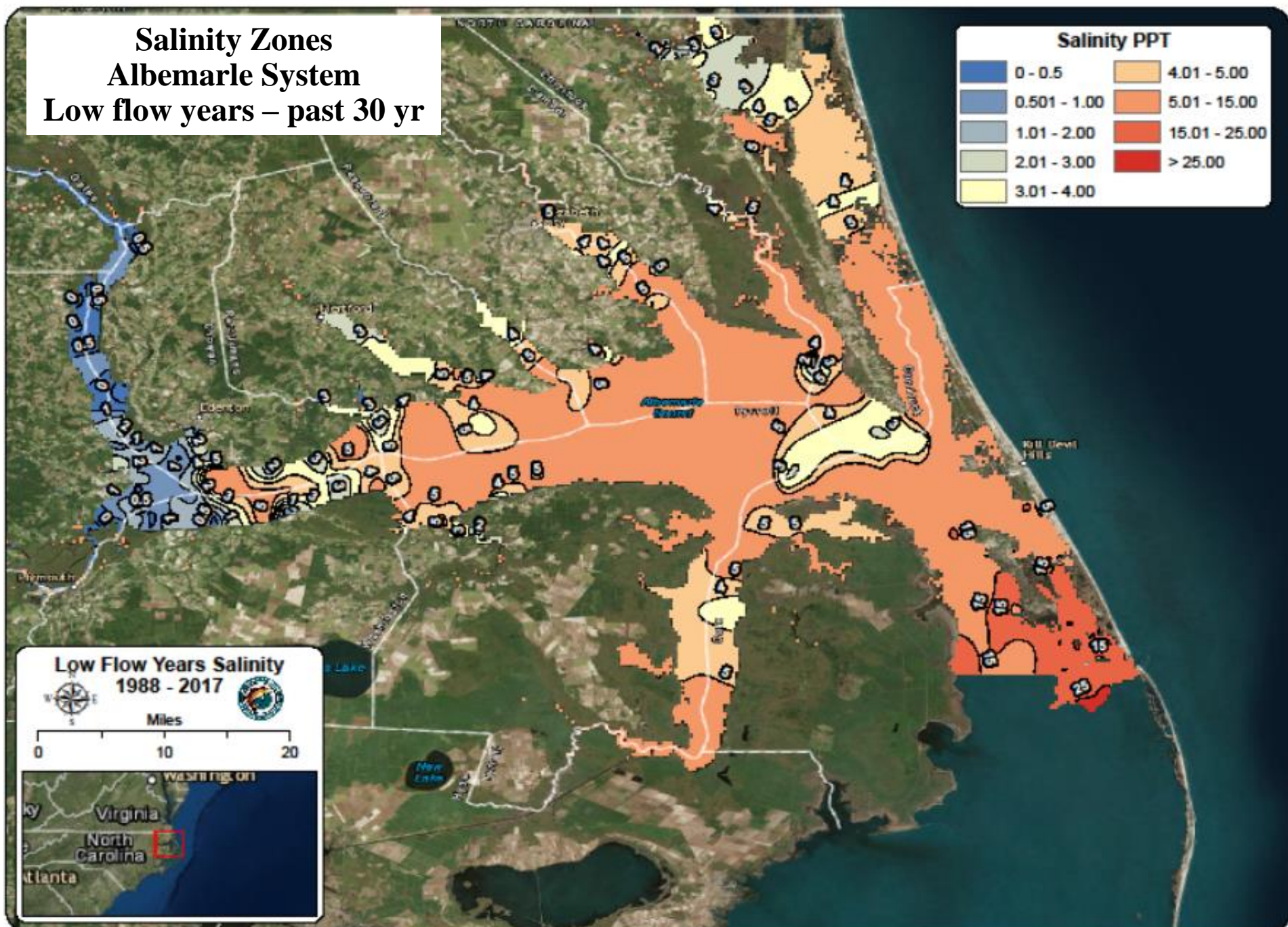
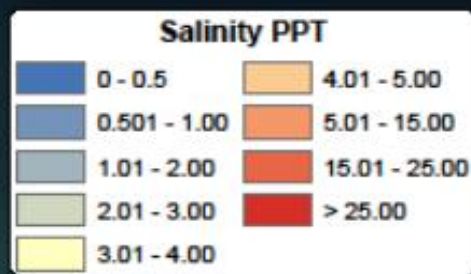


Salinity Data

- Regional approach using CHPP regions
 - Region 1 - Albemarle
 - Region 2 – Pamlico
 - Region 3 – Core/Bogue
 - Region 4 – Cape Fear
- Interpolation method
 - Spline with barriers
 - Barrier = jurisdictional waters
- Time Series = 1988 to 2017 (30 years)
- Flow years (high, normal, low) determined by +/- 1 SD regional gauge average
- Data Inputs for Albemarle and Pamlico regions
 - DMF programs: 100, 115, 120, 123, 135, 146, 150, 160, 195, 365, 366, 635, 915, and Shellfish Sanitation
 - DWR Ambient Water Quality Monitoring
 - ModMon
 - WRC programs

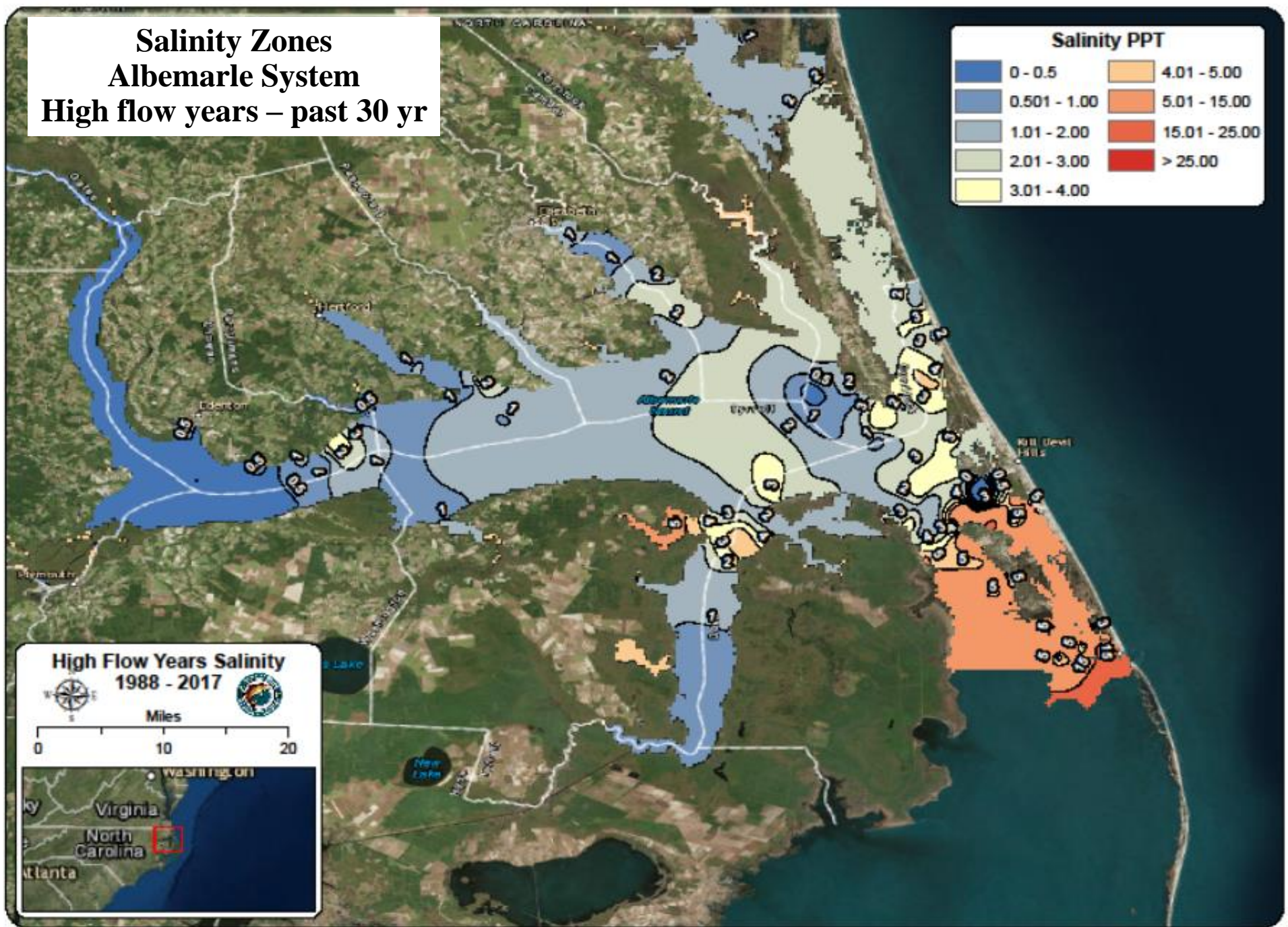
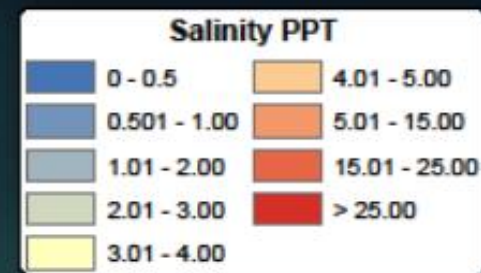


Salinity Zones Albemarle System Low flow years – past 30 yr



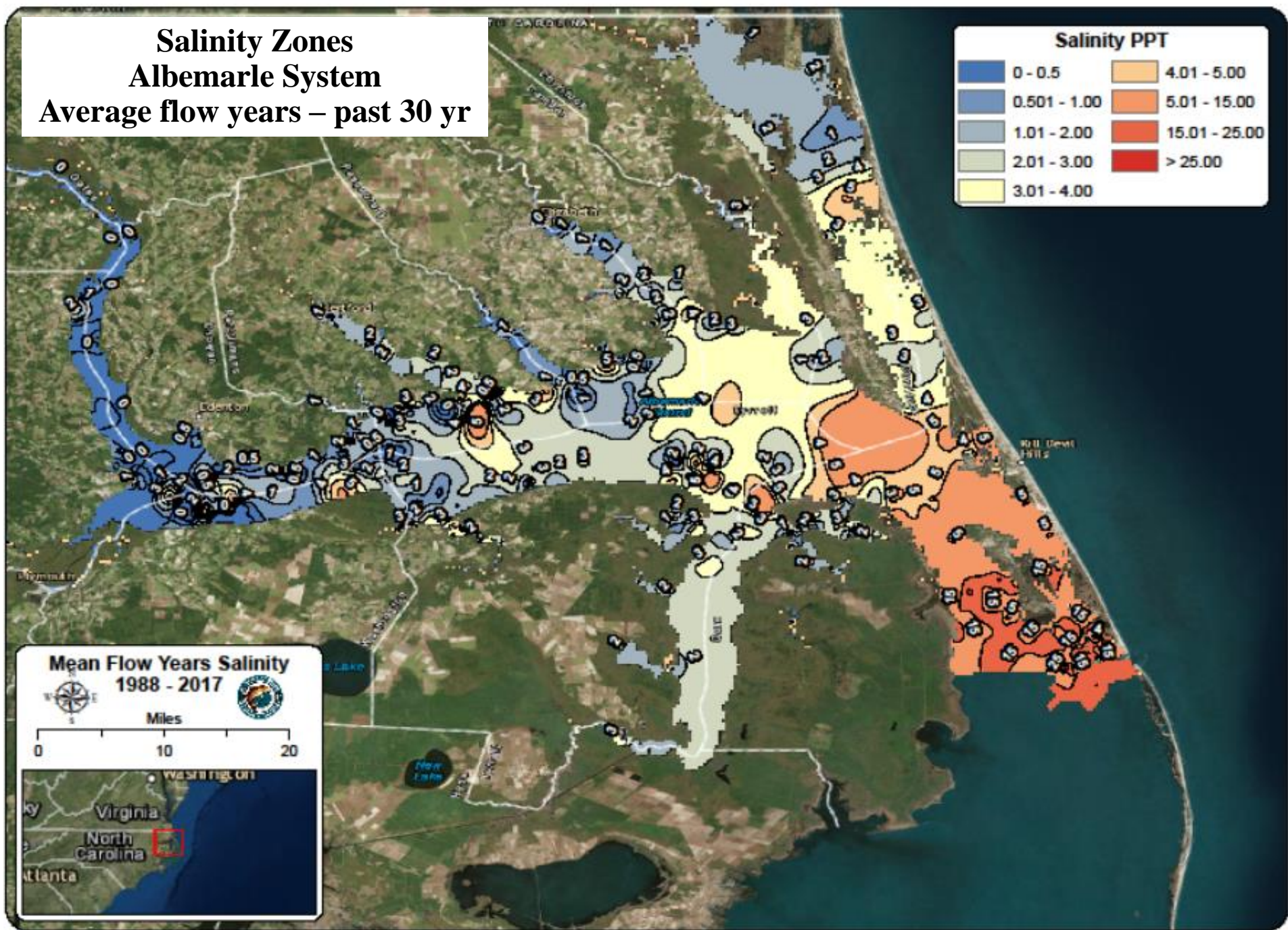
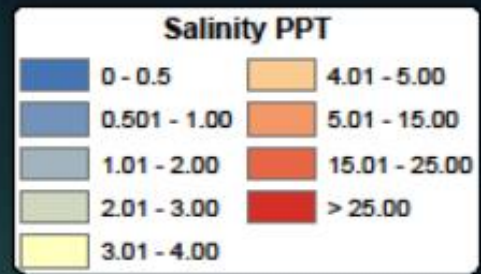
**Low Flow Years Salinity
1988 - 2017**

Salinity Zones Albemarle System High flow years – past 30 yr

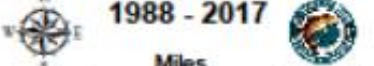


**High Flow Years Salinity
1988 - 2017**

Salinity Zones
Albemarle System
Average flow years – past 30 yr



Mean Flow Years Salinity
1988 - 2017

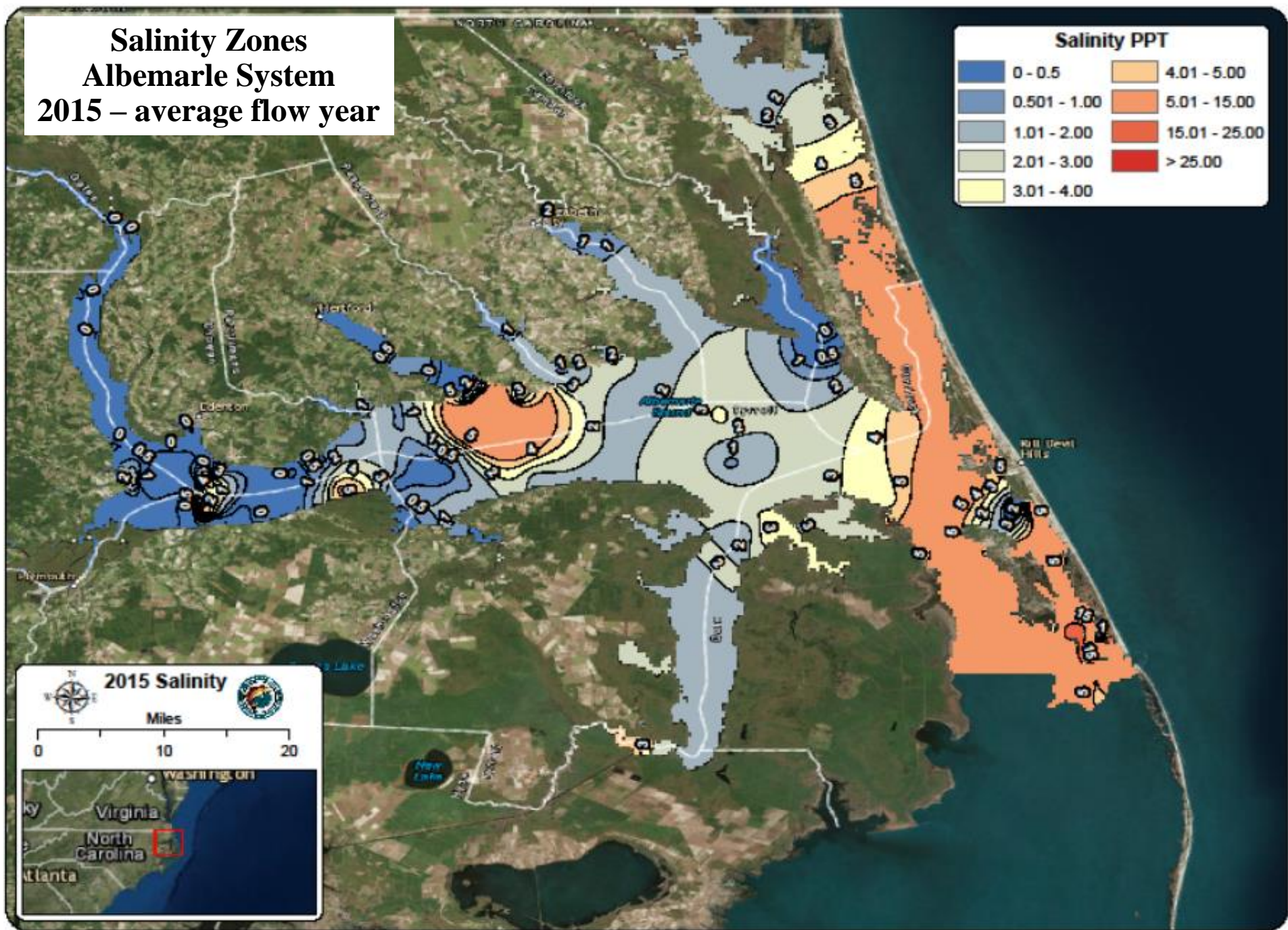
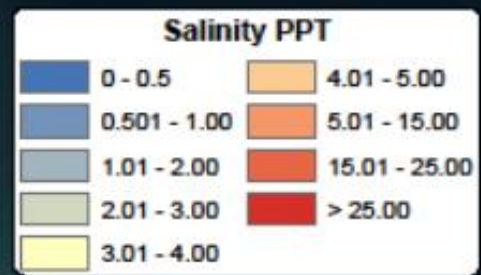


Miles

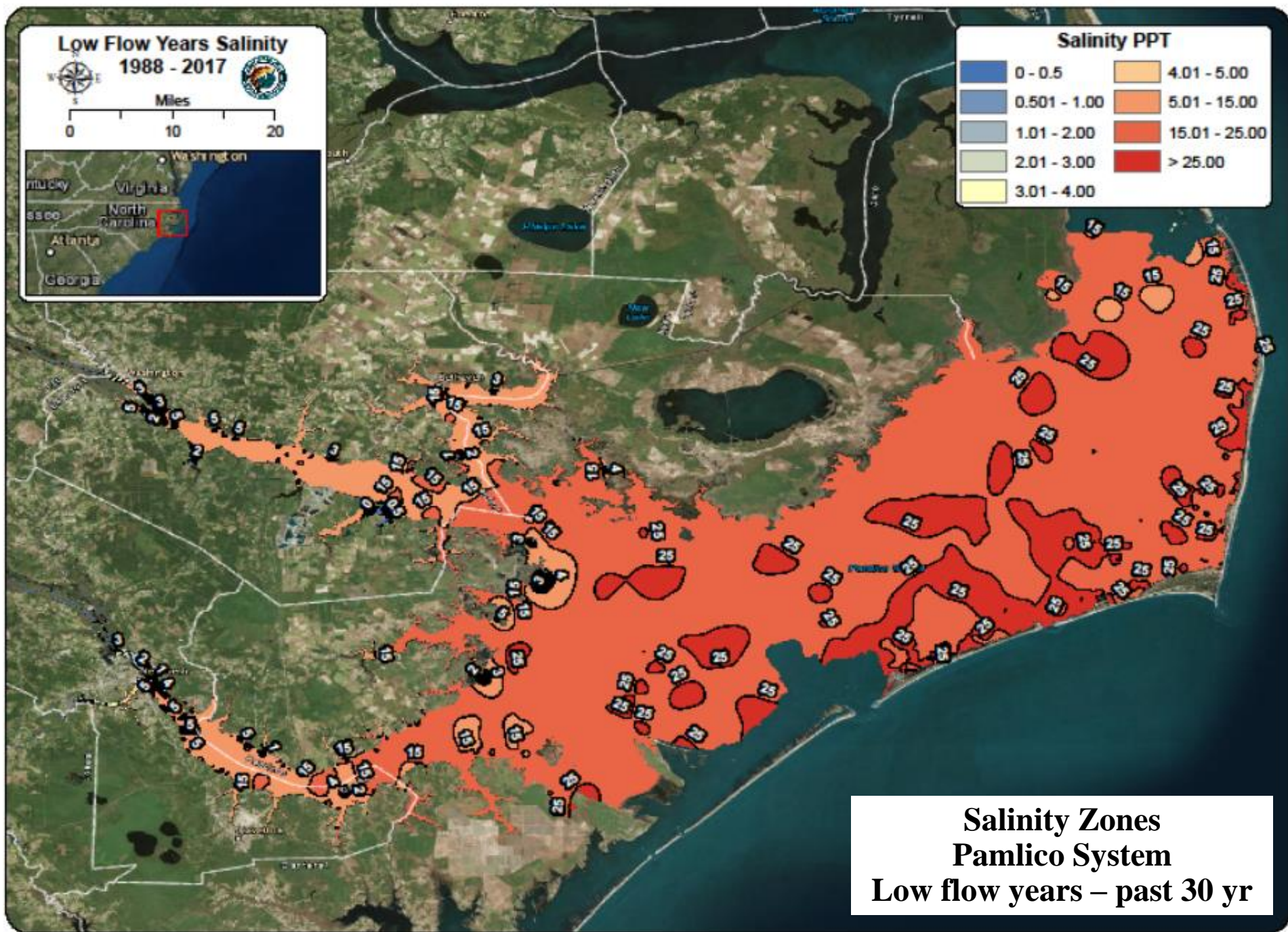
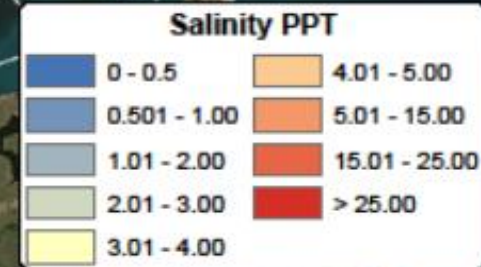
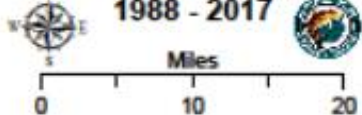
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Salinity Zones Albemarle System 2015 – average flow year



**Low Flow Years Salinity
1988 - 2017**



**Salinity Zones
Pamlico System
Low flow years – past 30 yr**

High Flow Years Salinity 1988 - 2017

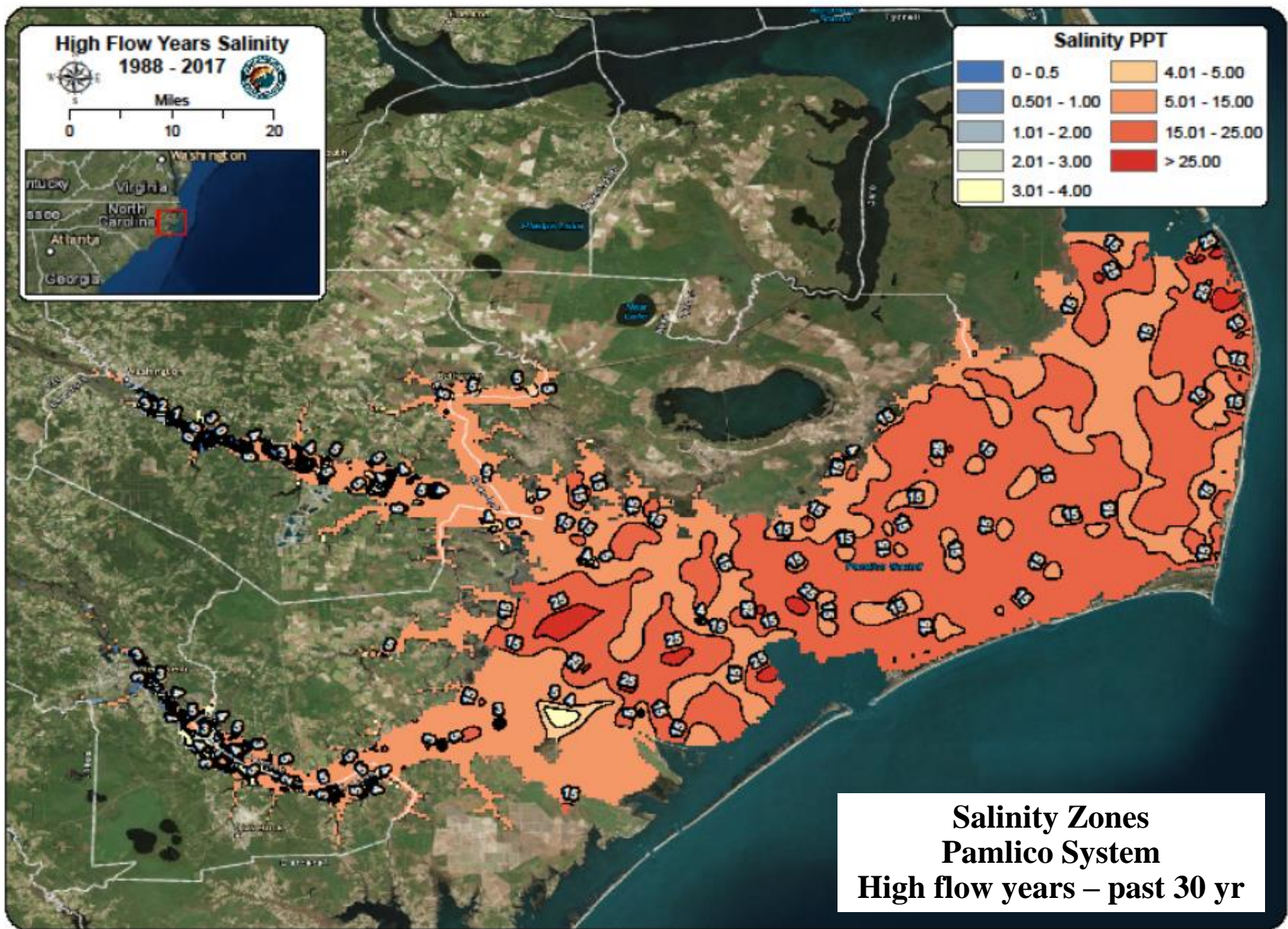


Miles

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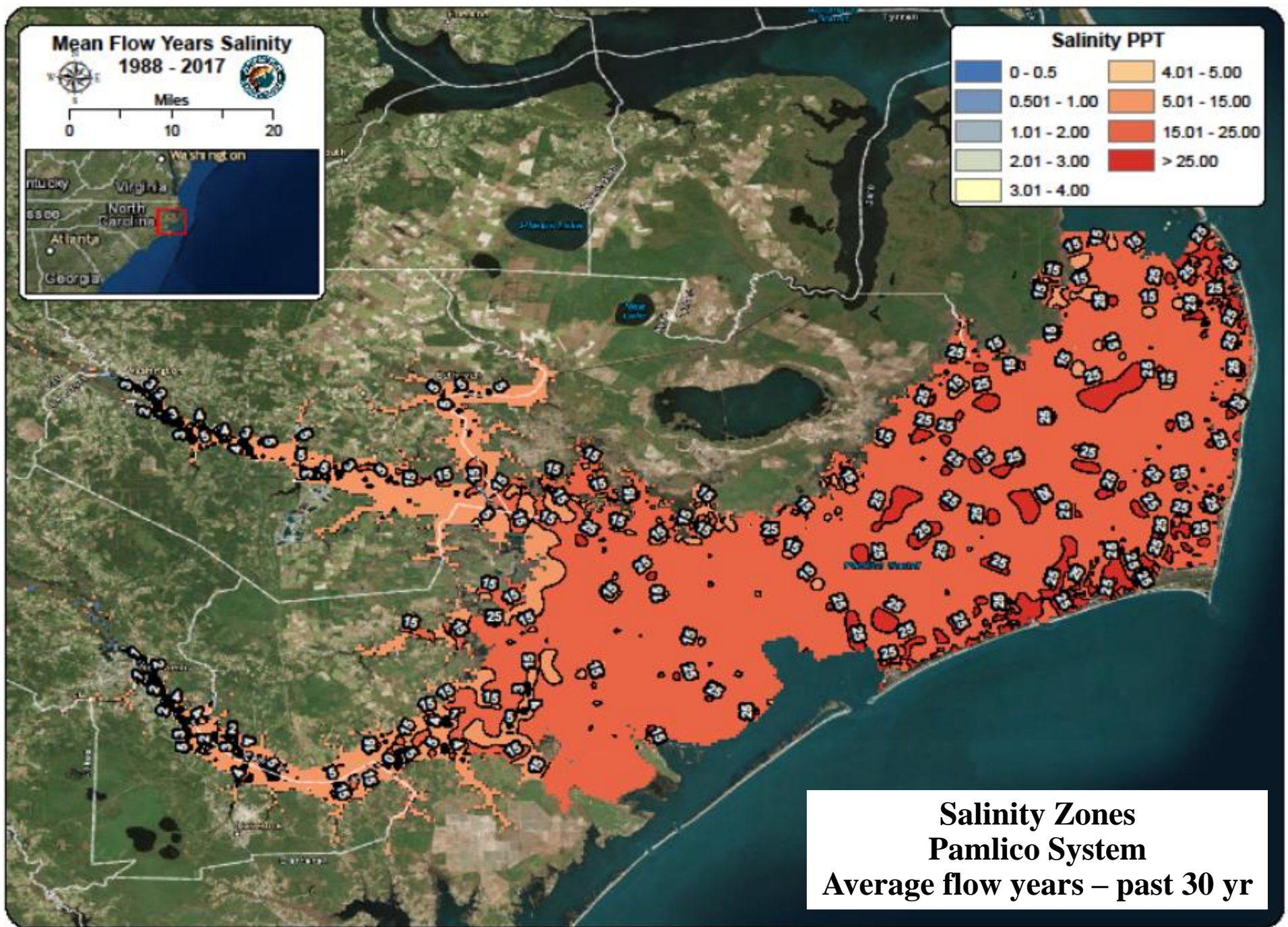
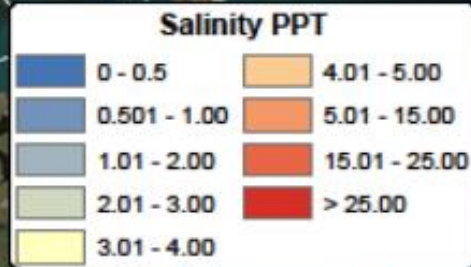
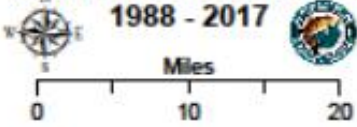


Salinity PPT

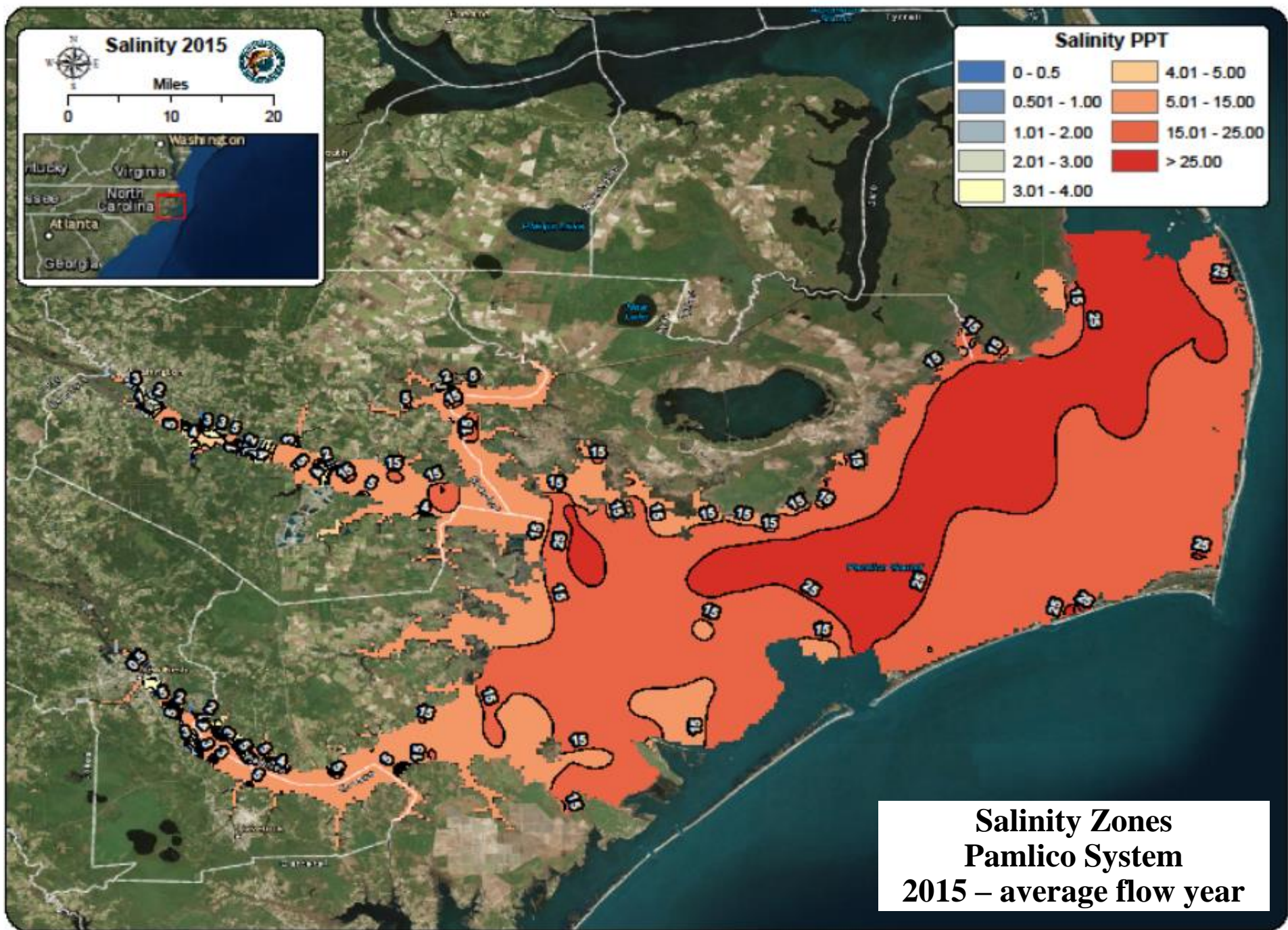
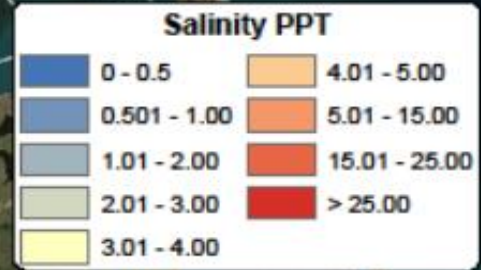


**Salinity Zones
Pamlico System
High flow years – past 30 yr**

**Mean Flow Years Salinity
1988 - 2017**



**Salinity Zones
Pamlico System
Average flow years – past 30 yr**



**Salinity Zones
Pamlico System
2015 – average flow year**

Problematic Coastal Fishing Waters

WRC Delineation Background Jan 23 Meeting Handout:

“There are waters currently designated as Coastal Fishing Waters that do not meet any of the following statutory criterion:

- Atlantic Ocean*
- Coastal Sounds*
- Estuarine waters*

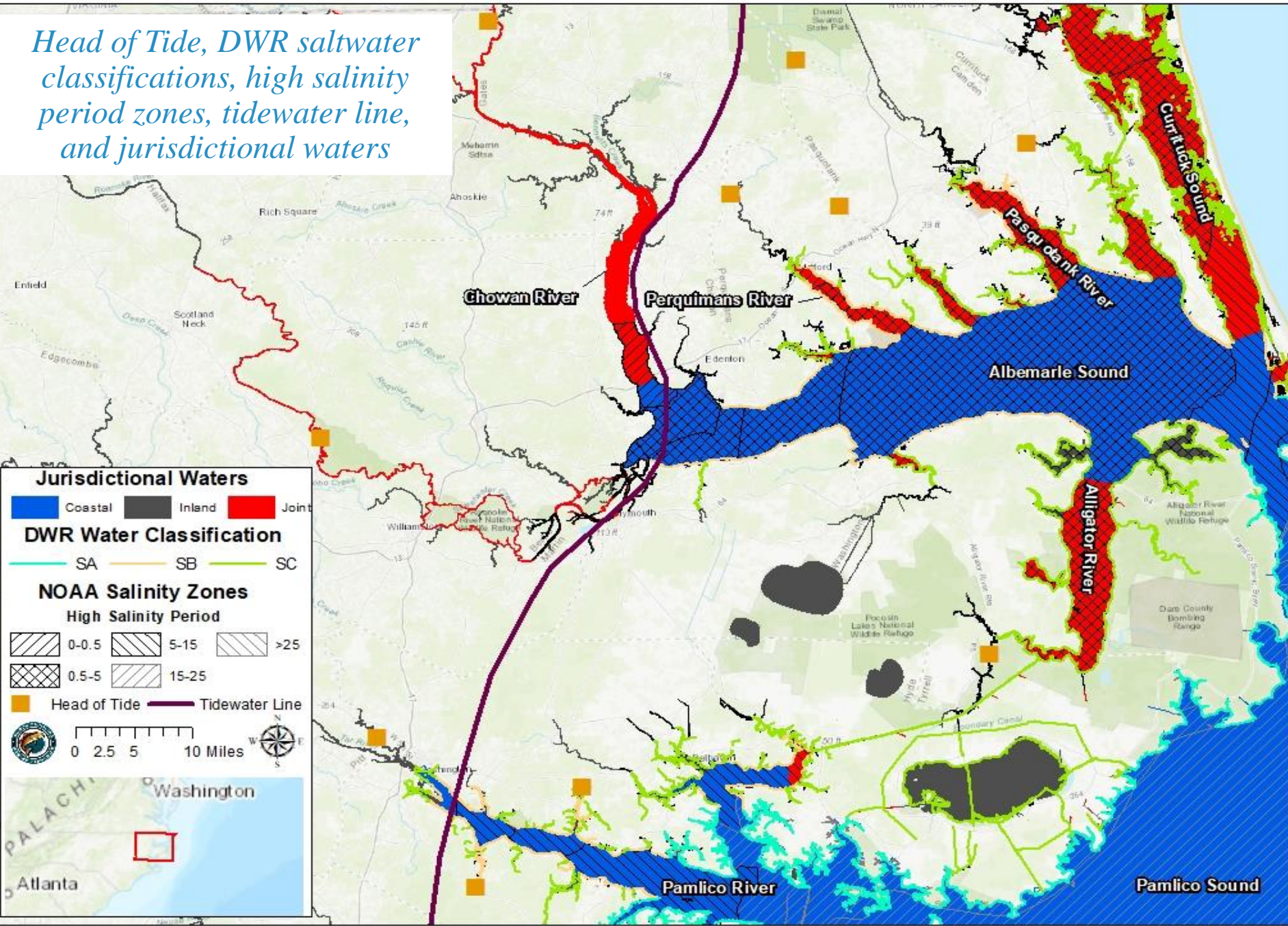
As a result the WRC 10C .0108 rule referencing MFC 03Q .0202 cannot be readopted without modification.”

- The specific estuarine waters of concern have not been identified
- Few commission mission critical issues with jointly agreed to ICJ boundaries for past 53 years.
- Phased approach to address specific locales and increase likelihood of rule adoption within the APA timeline

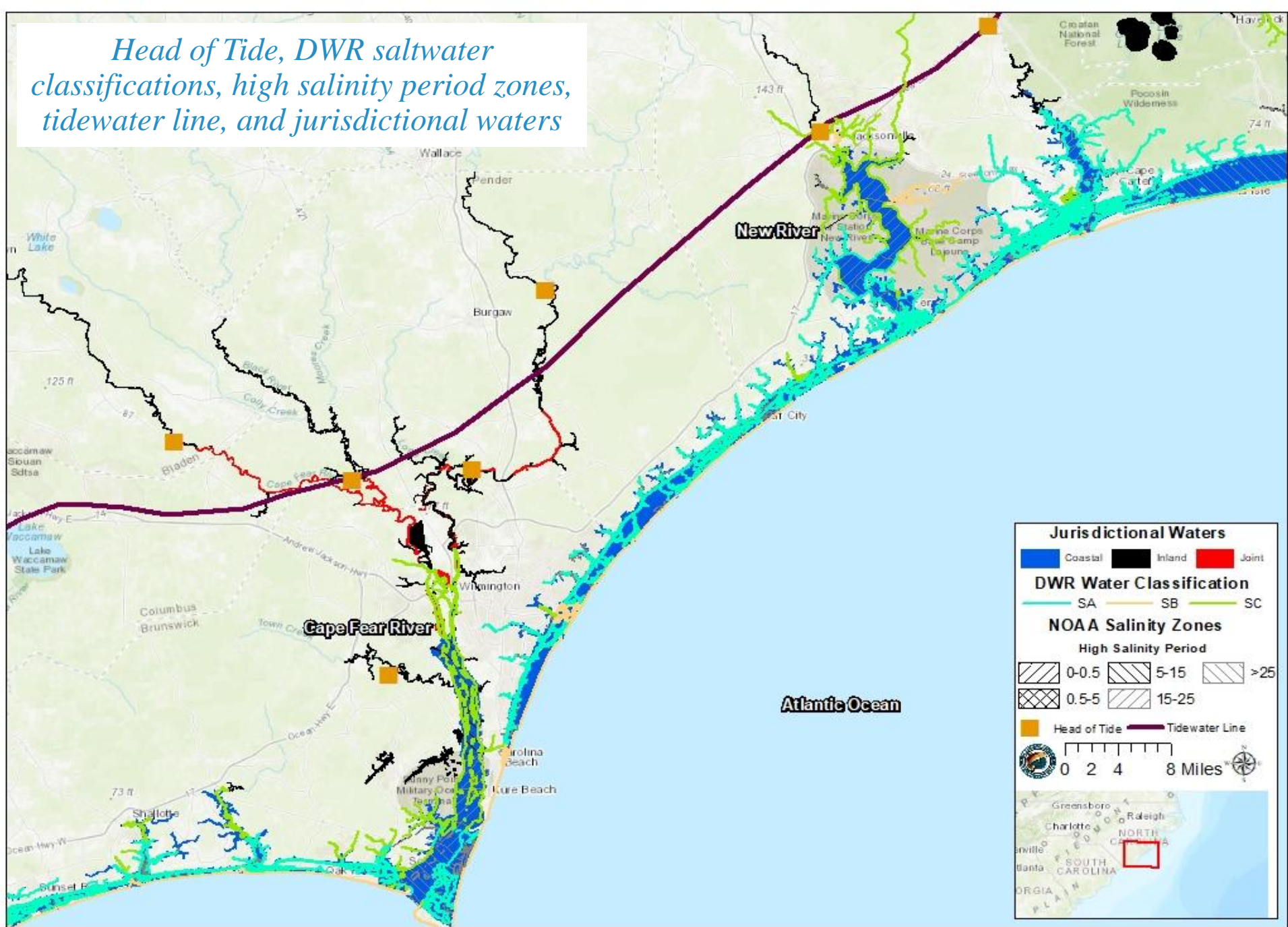
Use of 0.5 ppt salinity contour to separate inland and coastal fishing waters

- Head of tide (0 ppt) is far upstream of 0.5 ppt salinity contour.
- 0.5 ppt line is in estuarine waters (boundary approximately between tidal fresh and oligohaline zones)
- Similar to Division of Water Resources criteria for Saltwater classification - 0.9 ppt
- Similar to joint waters boundaries in the Albemarle system (will simplify and accelerate rule change process)
- Similar to the Tidewater Physiographic Line
- Based on the Venice system- most applied and accepted salinity classification system (Orlando et al. 1994; Taupp and Wetzel 2014; Guenther and MacDonald 2012)
- Venice system categories used in National Estuary Inventory and many other places
- Aligns with results from fish assemblage analysis results for Albemarle Sound (biologically based salinity zone)

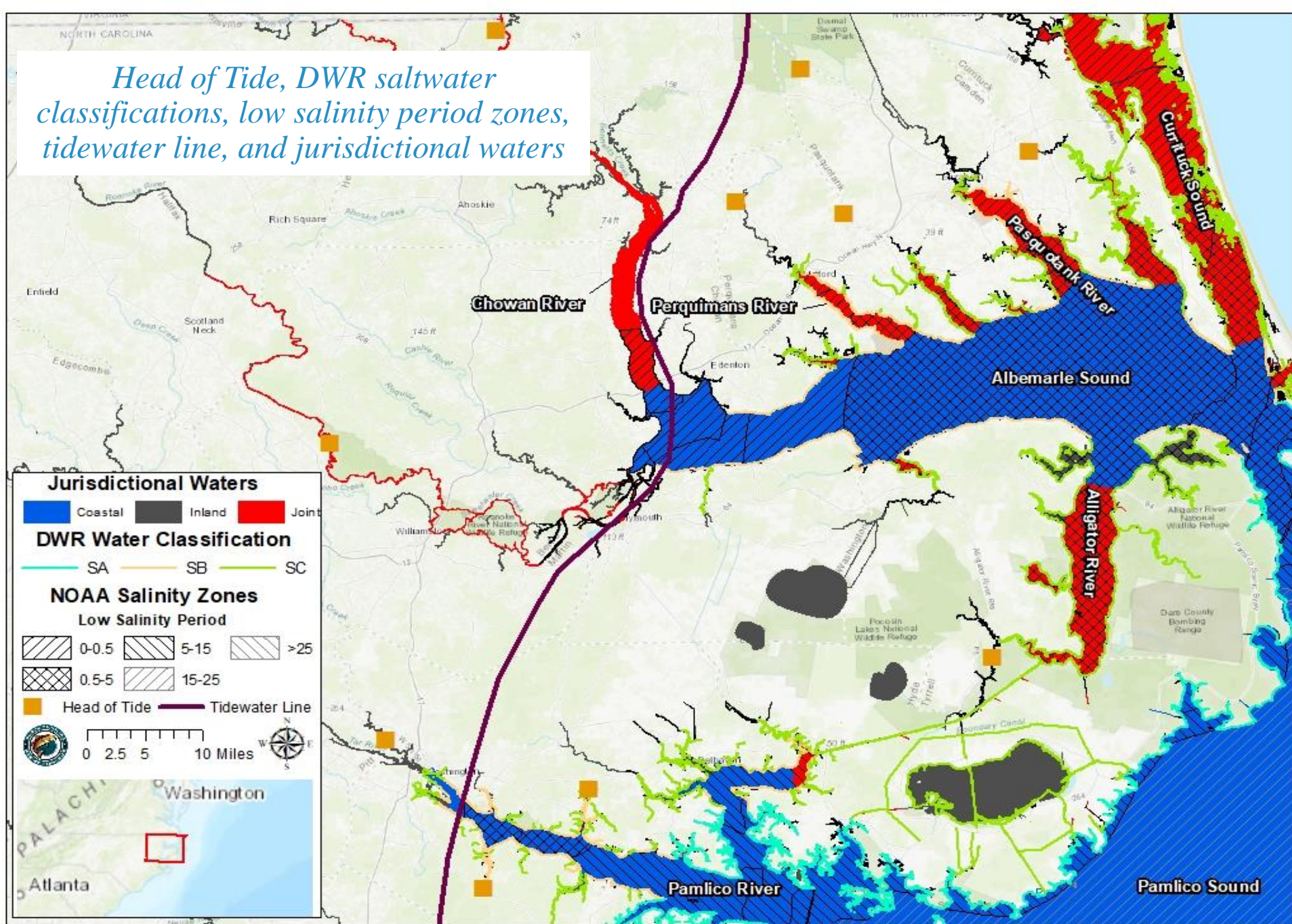
Head of Tide, DWR saltwater classifications, high salinity period zones, tidewater line, and jurisdictional waters



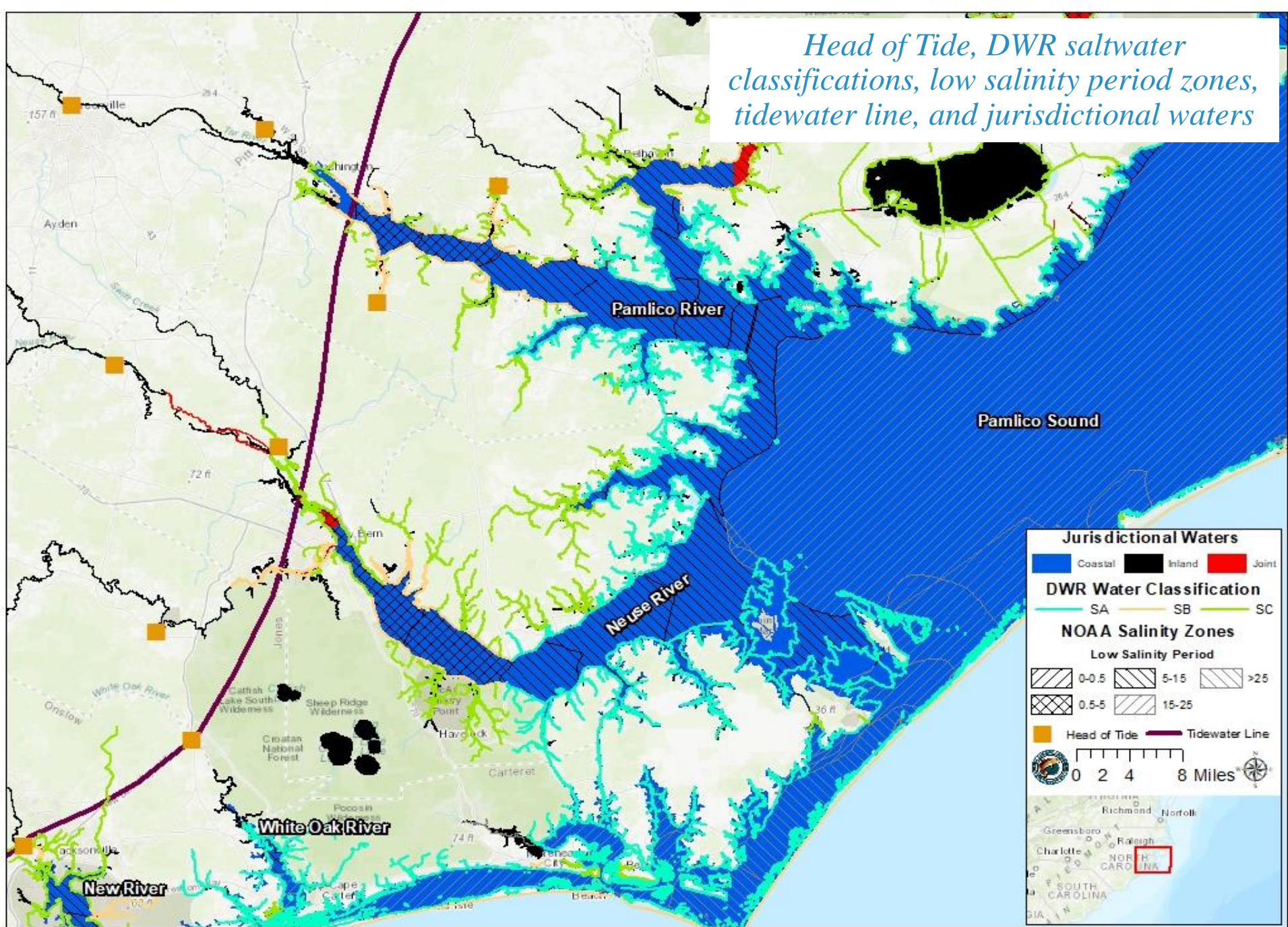
Head of Tide, DWR saltwater classifications, high salinity period zones, tidewater line, and jurisdictional waters



Head of Tide, DWR saltwater classifications, low salinity period zones, tidewater line, and jurisdictional waters



Head of Tide, DWR saltwater classifications, low salinity period zones, tidewater line, and jurisdictional waters



Jurisdictional Waters

Coastal Inland Joint

DWR Water Classification

SA SB SC

NOAA Salinity Zones

Low Salinity Period

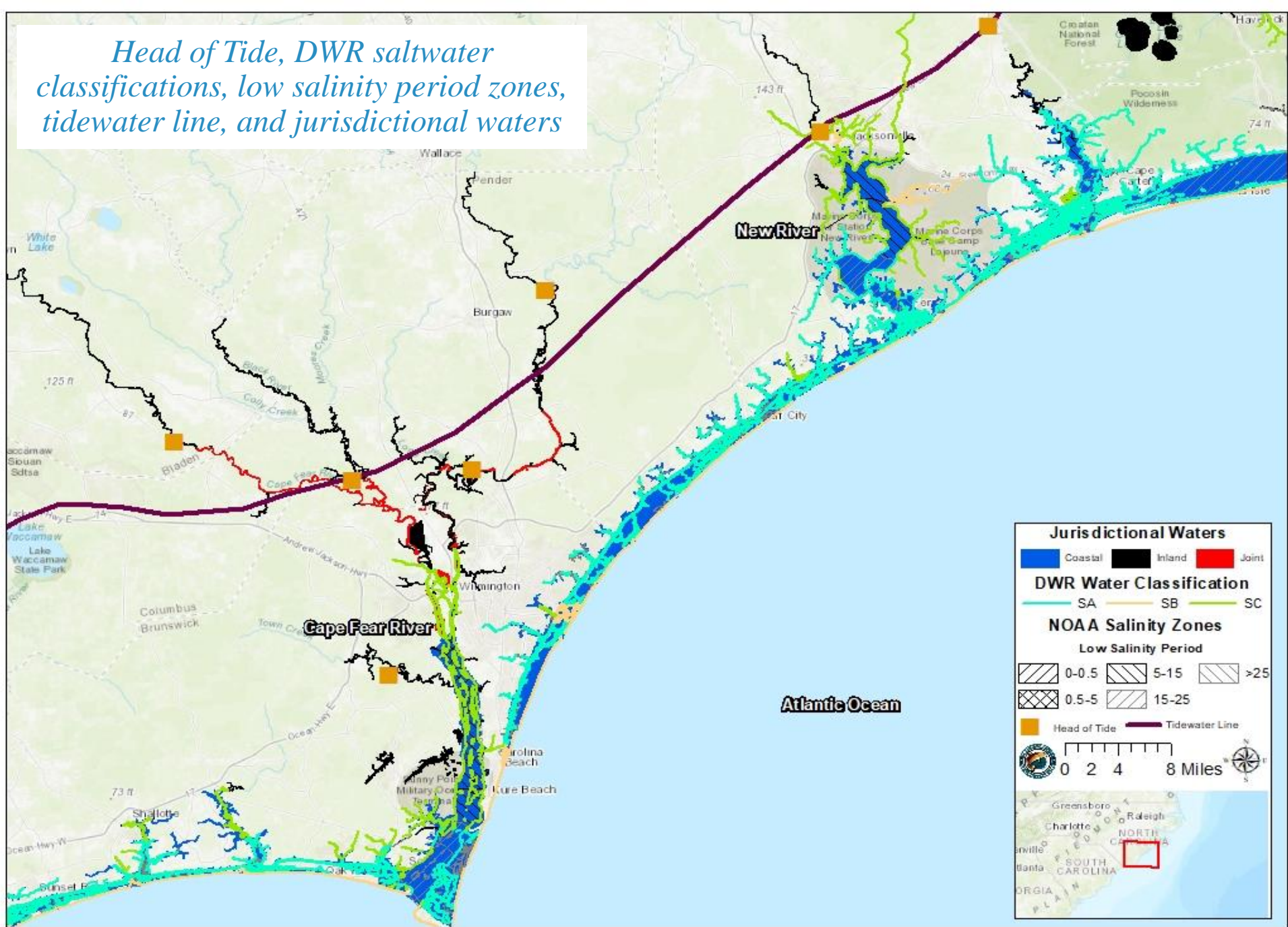
0-0.5 0.5-5 5-15 15-25 >25

Head of Tide Tidewater Line

0 2 4 8 Miles

Richmond Norfolk
Greensboro Raleigh
Charlotte NOR CARO
SOUTH CAROLINA

Head of Tide, DWR saltwater classifications, low salinity period zones, tidewater line, and jurisdictional waters



Jurisdictional Waters

- Coastal (Blue)
- Inland (Black)
- Joint (Red)

DWR Water Classification

- SA (Cyan)
- SB (Yellow)
- SC (Green)

NOAA Salinity Zones

Low Salinity Period

- 0-0.5 (Diagonal lines /)
- 0.5-5 (Diagonal lines \)
- 5-15 (Diagonal lines /)
- 15-25 (Diagonal lines \)
- >25 (Diagonal lines /)

Head of Tide (Orange square) Tidewater Line (Purple line)

0 2 4 8 Miles

Map of the Southeastern United States showing the location of the study area in North Carolina.

QUESTIONS?

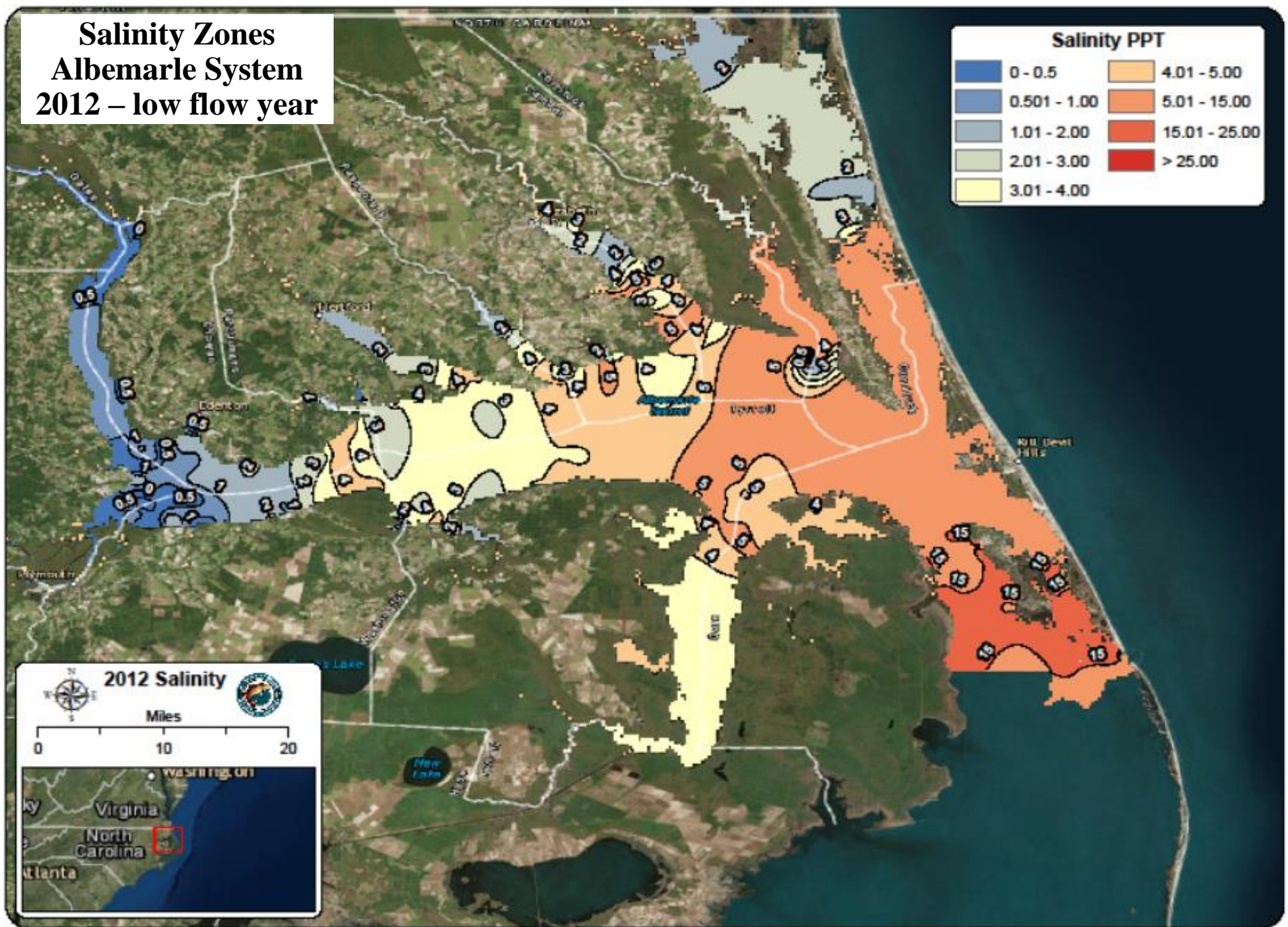
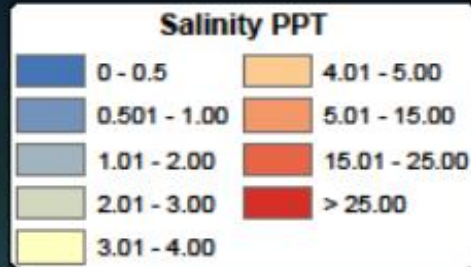
AGOL Mapviewer:

<https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=f71a0552c6bb4df79bea4be45816c003>

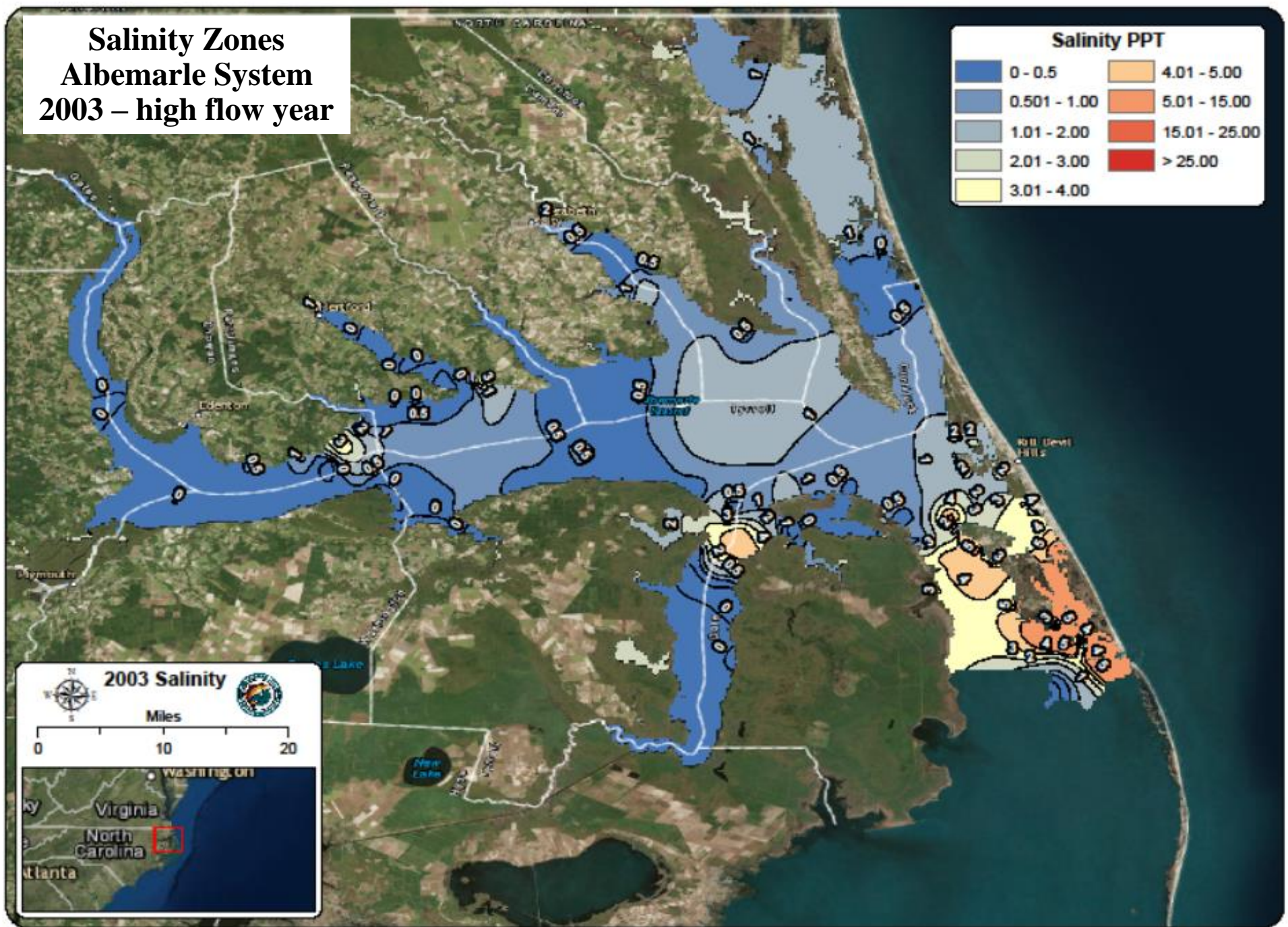
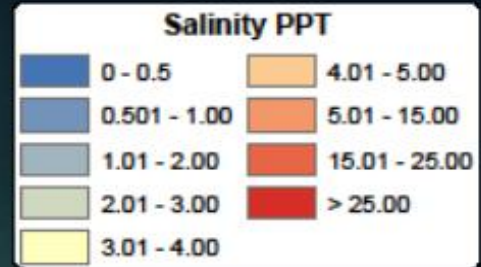


Extra Salinity Slides if Needed

Salinity Zones Albemarle System 2012 – low flow year



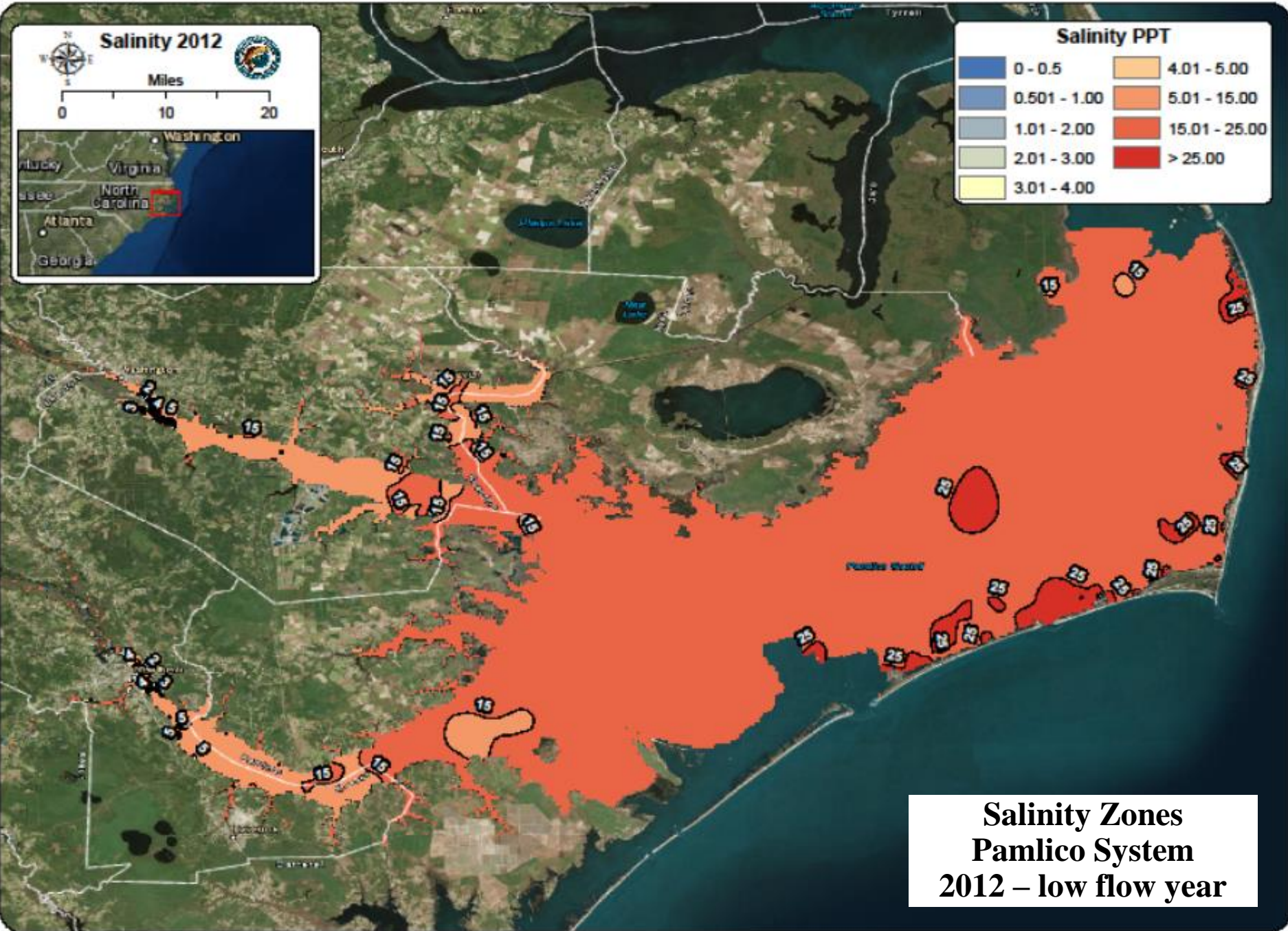
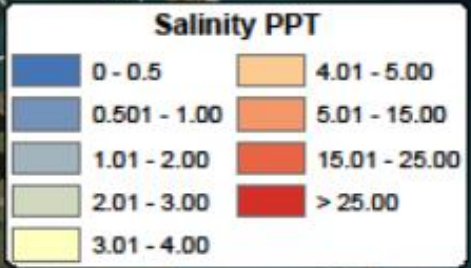
Salinity Zones Albemarle System 2003 – high flow year



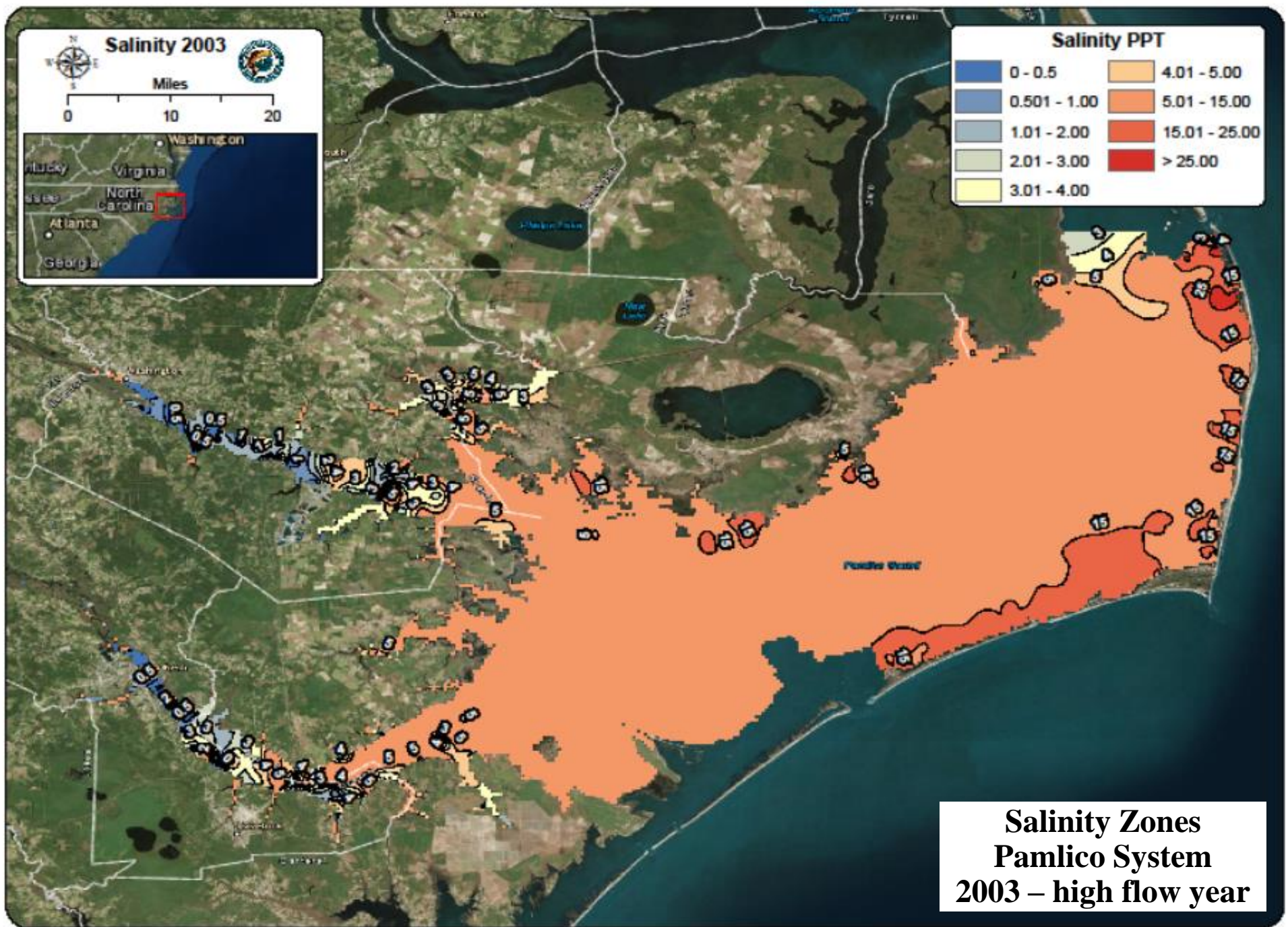
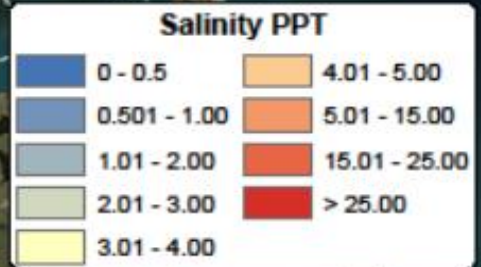
2003 Salinity

Miles
0 10 20

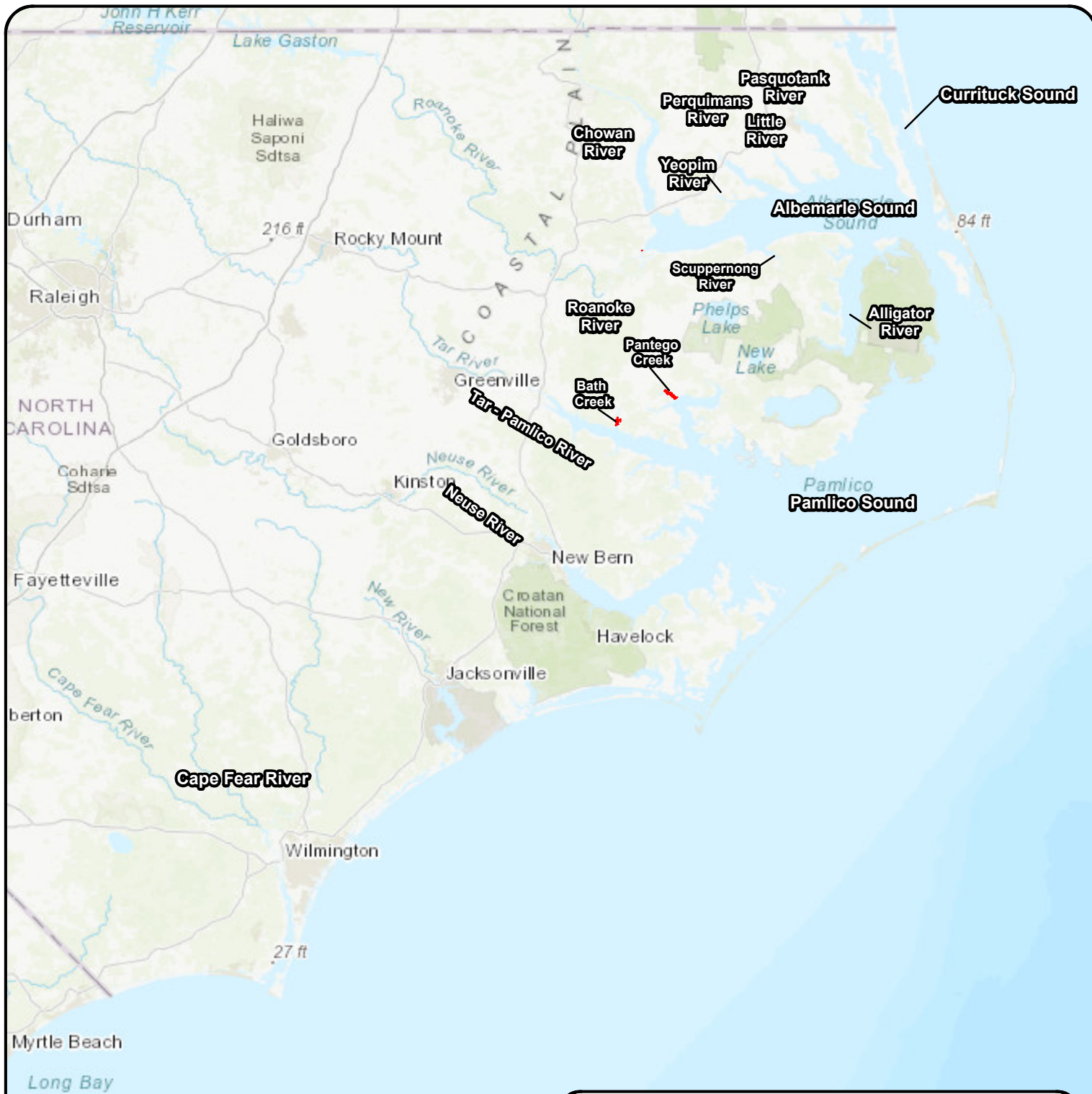
Virginia
North Carolina



**Salinity Zones
Pamlico System
2012 – low flow year**

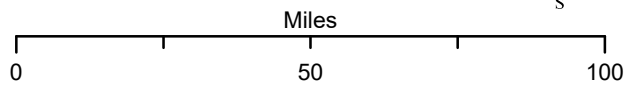


**Salinity Zones
Pamlico System
2003 – high flow year**

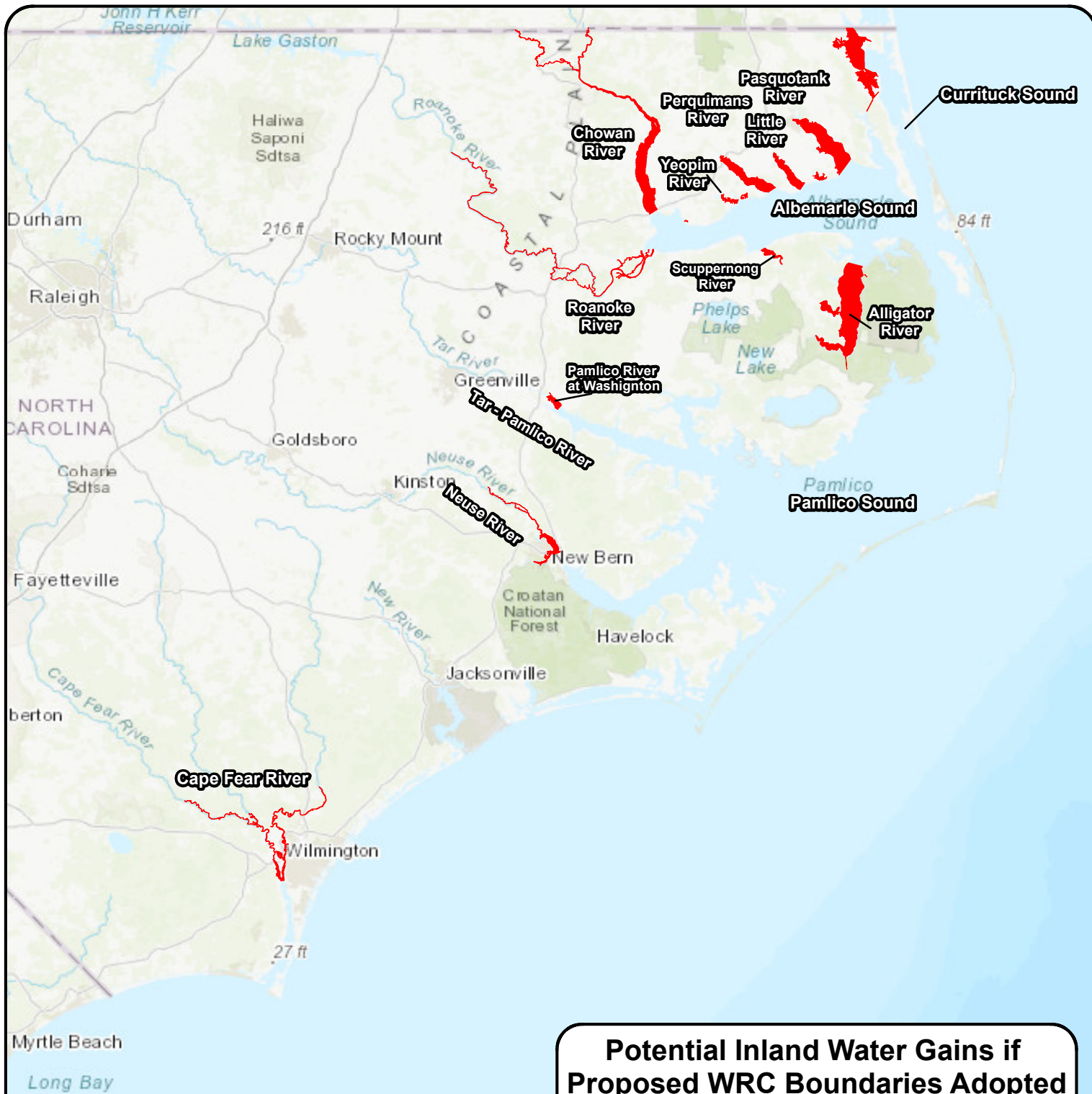


Potential Coastal Water Gains if Proposed WRC Boundaries Adopted

 WRC Proposed Coastal Water Gains

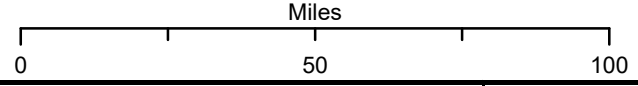


Designation	Acreage
Current Coastal	2,703,533
WRC Proposed Coastal	2,701,291
Acreage Lost	-2,243



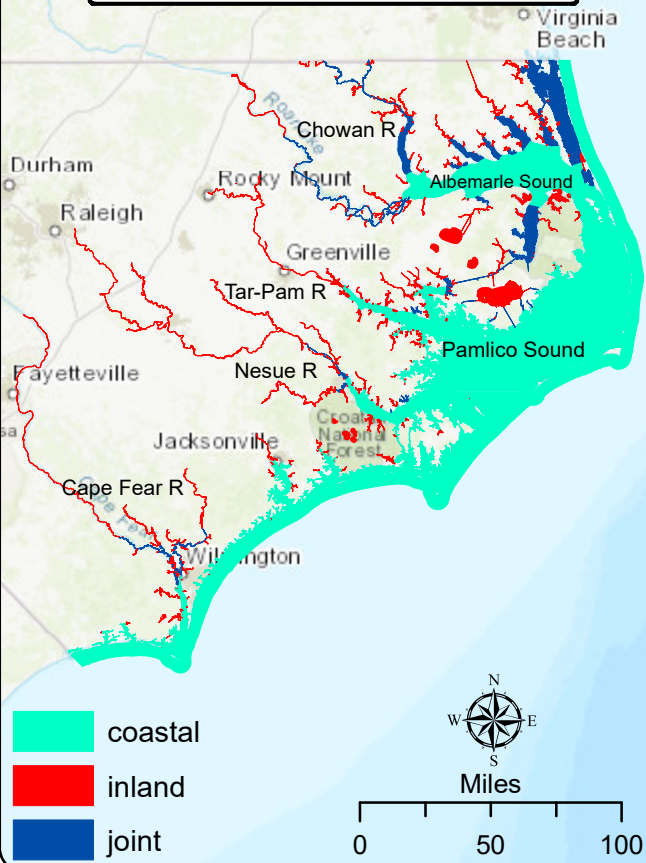
Potential Inland Water Gains if Proposed WRC Boundaries Adopted

WRC Proposed Inland
 Water Gains Taken from Existing Joint and Coastal Waters

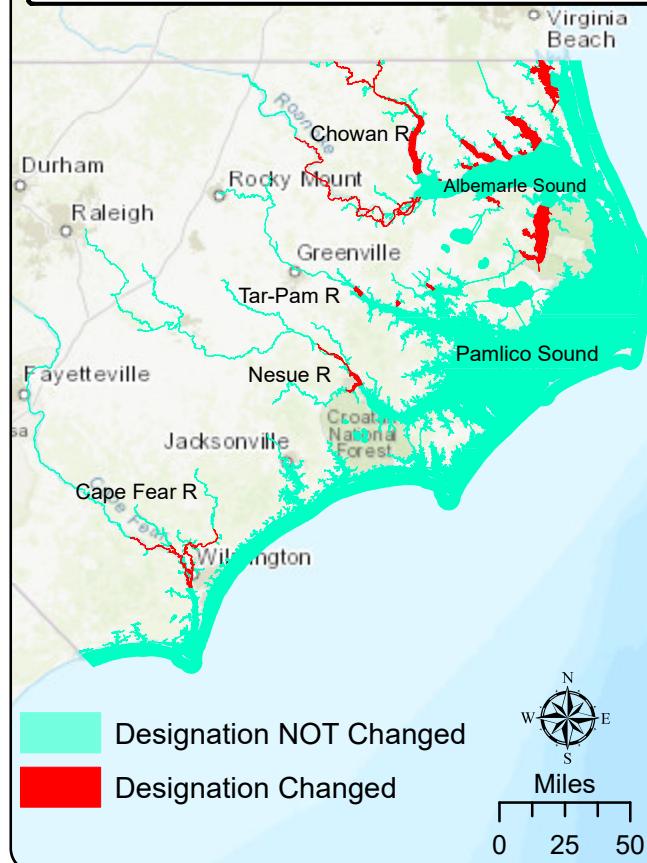


Designation	Acreage
Current Inland	133,609
WRC Proposed Inland	278,394
Acreage Gained (Depicted Here)	144,785
Percent Gained	108

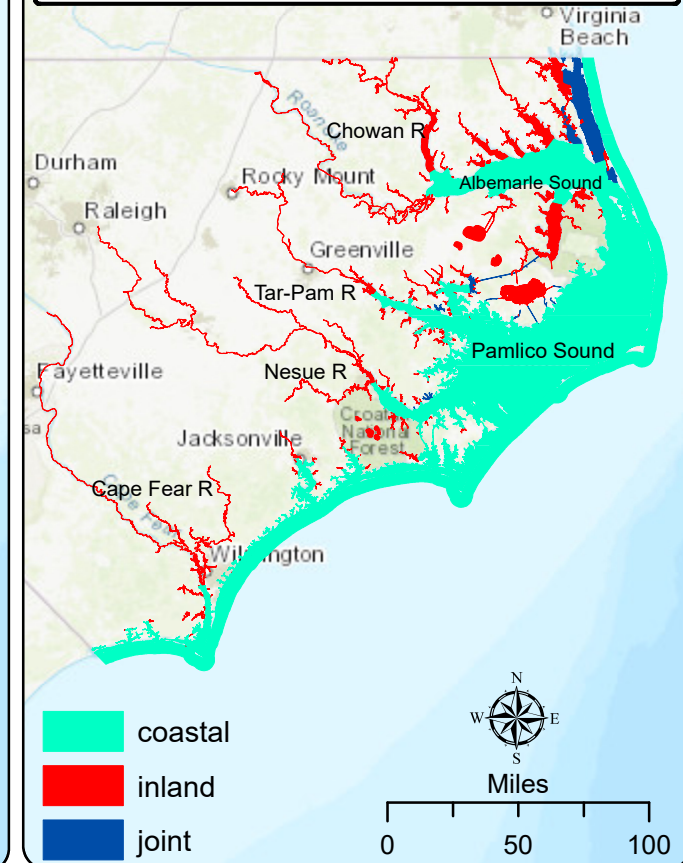
Current Designations



Proposed Change Locations



WRC Proposed Designations



DMF DBCJIW Layer

Designation	Acreage
Coastal	2,703,533
Inland	133,609
Joint	242,642
Total	3,079,785

Proposed Difference

Designation	Acreage	% Change
Coastal	2,242 Decrease	-0.08%
Inland	144,784 Increase	108.37%
Joint	142,542 Decrease	-58.75%

WRC Proposed Layer

Designation	Acreage
Coastal	2,701,291
Inland	278,394
Joint	100,100
Total	3,079,785

*A PRESENTATION
WILL BE GIVEN AT
THE MEETING*



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Catherine Blum, Fishery Management Plan and Rulemaking Coordinator
Fisheries Management Section

SUBJECT: Fishery Management Plan Update

Issue

Update the Marine Fisheries Commission (MFC) on the status of ongoing North Carolina fishery management plans (FMPs).

Action Needed

For informational purposes only; **no action is needed at this time.**

Overview

This memo provides an overview on the status of the North Carolina FMPs for the November 2019 MFC business meeting.

At the MFC's August 2019 business meeting, staff provided an update on changes being implemented that are designed to achieve efficiencies in the FMP process. Changes include the timing of the steps in initial development of draft FMPs, how the division works with the FMP advisory committee and how the committee operates, and what the FMP documents look like. Before the initial development of a draft FMP, a scoping period will be held to notice the public that the review of the FMP is underway, inform the public of the stock status (if applicable), solicit input from the public on the list of potential management strategies to be developed, and recruit advisers to serve on the FMP advisory committee. These changes are being incorporated beginning with Amendment 3 to the Southern Flounder FMP.

Blue Crab FMP

The review of the Blue Crab FMP is ongoing. A stock assessment was completed in 2018 and determined the North Carolina blue crab stock* is overfished* and overfishing* is occurring. Reductions in total removals of blue crab are required by state law to achieve a sustainable harvest*, end overfishing within two years, and recover the stock from an overfished condition within 10 years. An advisory committee was formed and assisted the division with development of Amendment 3 to the FMP that contains management measures to meet these requirements. At its November 2019 business meeting, the MFC is scheduled to review recommendations from the public, advisory committees, and the division; vote to select its preferred management options; and vote to send the draft FMP to the Department of Environmental Quality Secretary for review. Final approval of the FMP by the MFC is scheduled for February 2020. Adaptive management measures adopted in 2016 will remain in place until the next amendment is adopted. For more information, please refer to the [Blue Crab FMP](#) section of the briefing materials.

Southern Flounder FMP

The MFC adopted Amendment 2 to the Southern Flounder FMP at its August 2019 business meeting. Amendment 2 moved quickly through the process of development and adoption to address the overfished* and overfishing* status of the southern flounder stock* that was determined by the 2019 coast-wide stock assessment. The season closures resulting from Amendment 2 were deemed critical to the successful rebuilding of the southern flounder stock, while other, more robust management strategies are examined and developed in Amendment 3. The Southern Flounder FMP Advisory Committee is assisting the division with development of Amendment 3 to end overfishing and rebuild the stock. Lead staff will provide a summary at the November 2019 MFC business meeting on how the new changes to the process are being incorporated and the progress of draft Amendment 3.

Shrimp FMP

The review of the Shrimp FMP was scheduled to begin in 2018; however, the process was not able to start any sooner than mid-2019 due to the availability of staff. At its August 2019 business meeting, the MFC voted to deny a petition for rulemaking that would have established new shrimp trawl management areas, as well as gear and time restrictions. If the petition had been approved, the review of the Shrimp FMP would have been further delayed. The review has since commenced with the formation of the staff plan development team that has started meeting to discuss potential management strategies for Amendment 2. The MFC directed the division to consider many of the issues the petition raised for the review of the FMP. Lead staff will provide a summary at the November 2019 MFC business meeting on the progress of draft Amendment 2.

Estuarine Striped Bass FMP

For the review of the Estuarine Striped Bass FMP, stock assessments for the Central Southern Management Area stocks* and the Albemarle Sound-Roanoke River stock that began in 2017 are nearing completion. Multiple assessment techniques were used, given the number of systems to assess and the variety of data sources for each system. The plan development team met in September and October to continue working towards completion of the stock assessments to inform the review of the FMP and development of Amendment 2. The Peer Review Workshop for the stock assessments is scheduled to be held Dec. 2-5, 2019 in New Bern. This is a joint FMP with the Wildlife Resources Commission, so all updates and reviews are joint efforts by both agencies.

Spotted Seatrout FMP

A benchmark stock assessment for spotted seatrout is underway coinciding with the scheduled Spotted Seatrout FMP review. The prior stock assessment from 2014 indicated that the stock* is not overfished* and is not experiencing overfishing*. The plan development team met in June for the stock assessment Planning Workshop and in September for the Data Workshop. The Methods Workshop is tentatively scheduled for February 2020.

NORTH CAROLINA FISHERY MANAGEMENT PLANS

November 2019





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Jason E. Rock and Corrin L. Flora, Blue Crab Fishery Management Plan Co-Leads

SUBJECT: Draft N.C. Blue Crab Fishery Management Plan Amendment 3 Division Recommendations & Public and Advisory Committee Review and Comment Outcomes

Issue

The division has completed the public and advisory committee (AC) review of the draft N.C. Blue Crab Fishery Management Plan (FMP) Amendment 3. Following this review period, the division staff finalized recommendations to the Commission. Below are summary statements regarding those proceedings and included are documents relaying the detailed recommendations from all.

Action Needed

- The Marine Fisheries Commission (MFC) will vote on their preferred management options.
- The MFC will vote on sending the draft FMP for departmental and legislative review.

Recommendations

The full division recommendations are listed by issue in Table 1, along with the recommendations from the Blue Crab FMP AC and from the four MFC ACs. Also included is the % agreement for specific management strategies derived from the public comment via the Online Questionnaire. The division took into consideration input from the AC's and public comment when finalizing its recommendations.

Changes of note to the division recommendations from the August 2019 MFC meeting:

- The harvest reductions needed can potentially be met with various management options, to afford the MFC the flexibility to utilize the suite of management options available, the division has recommended a minimum reduction of 2.2%, while encouraging at least a 5.9% reduction.
 - 2.2% reduction has a 50% probability of success
 - 5.9% reduction has a 90% probability of success
- The division incorporated the Blue Crab FMP AC's recommendation to allow the opportunity for management measures to be relaxed if the stock assessment indicates it's possible.
- The division incorporated the recommendation by the FMP AC and the majority of the MFC ACs to have the division report back to the Habitat and Water Quality and the Shellfish/Crustacean ACs with progress on each water quality management option.

Advisory Committee Meetings and Public Comment Summary Outcomes:

- There was broad support among the ACs for:
 - Prohibiting immature female hard crab harvest implemented in 2016 Revision;
 - Maintaining the 5% cull tolerance implemented in 2016 Revision;
 - Addressing water quality issues;
 - Moving the Drum Inlet crab spawning sanctuary to encompass Ophelia Inlet;
 - Designating new crab spawning sanctuaries in southern inlets (Beaufort through Tubbs); and
 - March 1 – Oct. 31 closure for southern crab spawning sanctuaries
- Public comment summary from AC meetings:
 - A total of 22 public comments were received during the five AC meetings.
 - Generally, there was little public support for any of the proposed measures in Amendment 3.
 - A major point was a March closure period would be devastating because prices are high and March is also when crabbers stock up Jimmie (male) crabs to use as peeler bait.
 - Another major point was water quality is the biggest issue facing the blue crab stock.
 - Concerns were also raised about increased effort in the blue crab fishery due to recent changes in flounder regulations.
- Online questionnaire results:
 - 51 total responses to the online questionnaire (see Appendix 1, 2, and 4).
 - 41% of respondents were in support of Amendment 3.
 - Of those respondents supporting Amendment 3:
 - Sustainable harvest, water quality, and spawning sanctuaries were issues of highest concern.
 - Favored options for achieving sustainable harvest were: mature female size limit and limiting the harvest of immature female hard crabs.
 - Qualitative management measures favored were: limiting the harvest of sponge crabs, a minimum size limit for peeler and soft crabs, and pot limits
 - Addressing water quality concerns was overwhelmingly supported
 - Establishing new spawning sanctuaries and designating a migration corridor in Croatan Sound were also supported
 - Most respondents supported the criteria for designating Diamondback Terrapin Management Areas
 - Also supported additional limits on crab harvest from both targeted crab dredging and oyster dredging
- One mailed public comment was received that urged for blue crab to be stocked rather than placing additional regulations on fishermen (Appendix 3).

For more information, please refer to the following documents:

- Appendix 1: Online Questionnaire Results
- Appendix 2: List of Online Questionnaire Narrative Comments Received
- Appendix 3: Public Comment Delivered to NCDMF
- Appendix 4: Raw Online Questionnaire Responses (available upon request)
- Northern Regional Advisory Committee Memo
- Southern Regional Advisory Committee Memo
- Shellfish/Crustacean Advisory Committee Memo
- Habitat and Water Quality Advisory Committee Memo
- Blue Crab FMP Advisory Committee Memo
- Draft Blue Crab FMP Amendment 3

Table 1. Summary of the NCDMF, Blue Crab FMP and standing and regional AC, and online questionnaire recommendations for Amendment 3 to the Blue Crab FMP. Highlighted text denotes changes to the NCDMF and Blue Crab FMP AC recommendations since the last commission meeting in August 2019. **Bolded** items are measures currently in effect through the 2016 Revision to Amendment 2 of the Blue Crab FMP. *Only management options supported by more than 50% of respondents were included for the online questionnaire.

Issue	NCDMF	Blue Crab FMP AC	Northern Regional AC	Southern Regional AC	Shellfish/Crustacean AC	Habitat and Water Quality AC	Online Questionnaire*
Sustainable Harvest	Minimum harvest reduction of 2.2% (50% probability of success). The division encourages the commission to consider a reduction of at least 5.9% (90% probability of success) and to include: 1) prohibit immature female hard crab harvest , 2) 5-inch minimum size limit for mature females, and 3) a continuous closure period that results in a reduction of at least 4.6% to make up the remainder of the preferred reduction	Option 18.3: 1) North of the Highway 58 Bridge: January 1 through January 31 closed season, 6.75" mature female hard crab maximum size limit, and prohibit immature female hard crab harvest and 2) South of the Highway 58 Bridge: March 1 through March 15 closed season and prohibit immature female hard crab harvest (3.2% harvest reduction; 50% probability of success)	Support Blue Crab AC recommendation	Recommend Dec.-Jan. closure North of Hwy 58 Bridge and a Jan. closure South of Hwy 58 Bridge; 5-inch mature female minimum size limit; prohibit harvest of immature female hard crabs (4.3% harvest reduction; 67% probability of success)	Recommend tabling FMP process until the stock assessment is updated with data through 2019 to see the effects of the 2016 regulations	No position	Mature female size limit (67%)
	Recommended closure period will replace current pot closure period and will remain closed for the entire period	Recommended season closure will replace current pot closure period and will remain closed for the entire time period	Support NCDMF recommendation for adaptive management framework	Maintain 5% cull tolerance	Support consideration of habitat as part of the overall strategy for management of the blue crab fishery		Limit harvest of immature female hard crabs (67%)
	Maintain 5% cull tolerance established in 2016 Revision	Maintain 5% cull tolerance established in 2016 Revision		Leave adaptive management decision to MFC			
	Adopt proposed adaptive management framework which was updated to allow management measures to possibly be relaxed if the assessment update shows the stock is not overfished and overfishing is not occurring	Adopt proposed adaptive management framework and allow measures to be relaxed is assessment update says stock is not overfished and overfishing is not occurring					
		Recommend updating the stock assessment once 2019 data is available					

Issue	NCDMF	Blue Crab FMP AC	Northern Regional AC	Southern Regional AC	Shellfish/Crustacean AC	Habitat and Water Quality AC	Online Questionnaire*
Qualitative Management	Option 2a: increase number of cull rings in pots to 3	Leave in existing rules put in in 2016 and do not adopt anything else at this time, except with 2 options on cull rings: 1) 2 cull rings in proper corner placement or 2) keeping the 3 cull rings with 1 in proper placement	Support Blue Crab AC recommendation	Support Blue Crab AC recommendation regarding number and placement of cull rings	No position	No position	Limit the harvest of sponge crabs (100%)
	Option 3b: two cull rings placed within one full mesh of corner and the apron on opposite outside panels in the upper chamber			Support NCDMF recommendation for option 4c (remove cull ring exemptions)			Minimum size limit for soft and peeler crabs (61%)
	Option 4c: remove cull ring exemptions for Newport River and eastern Pamlico Sound and prohibit designation of exempt areas in future			Support option 7a (prohibit dark sponge crab harvest during month of April)			Impose a limit on the number of crab pots fished (61%)
	Option 7c: prohibit harvest of sponge crabs year-round						
	Option 8a: establish 3" minimum size limit for peeler and soft crabs						
Water Quality	Support all management options presented	Support all management options in this paper	Support Blue Crab AC recommendation	Support NCDMF and Blue Crab AC recommendations	No position	Recommend accepting the water quality recommendation from the Blue Crab AC and adding the Habitat and Water Quality AC to the reporting groups	Support recommendations to address water quality concerns (89%)
	Recommend Option 4 as the highest priority	Support making the highest priority option four tasking the CHPP steering committee to what is suggested here and follow up with each of the other recommendations as that step is justified					
	Division habitat staff shall regularly report back to the Habitat and Water Quality and the Shellfish/Crustacean ACs with progress on each management option	Have the habitat staff report back to the Shellfish/Crustacean AC with progress					

Spawning Sanctuaries

Issue	NCDMF	Blue Crab FMP AC	Northern Regional AC	Southern Regional AC	Shellfish/Crustacean AC	Habitat and Water Quality AC	Online Questionnaire*
	Expand boundaries as presented for Oregon, Hatteras, Ocracoke, and Barden inlets	Keep Oregon, Hatteras, and Ocracoke the same and change Drum and Barden to proposed boundaries	Split consensus on whether to expand or keep boundaries for existing spawning sanctuaries	Support Blue Crab AC recommendations	No position	Recommend keeping Oregon, Hatteras, and Ocracoke spawning sanctuary boundaries the same	Establish new crab spawning sanctuaries at all inlets without a crab spawning sanctuary (61%)
	Move boundary for Drum Inlet crab spawning sanctuary as presented	Add spawning sanctuaries from Beaufort through Tubbs inlets using AC recommended boundaries with a closure period of March 1 through Oct. 31 with same restrictions as existing sanctuaries	Support NCDMF and Blue Crab AC recommendation to move Drum Inlet spawning sanctuary			Support NCDMF and Blue Crab AC recommendation to move Drum Inlet spawning sanctuary	Establish a crab spawning sanctuary to serve as a migration corridor in Croatan Sound (56%)
	Concur with AC recommendations for Beaufort, Bogue, Bear, Browns, New River, Topsail, Rich, Mason, Masonboro, Carolina Beach, Shallotte, Lockwood Folly, and Tubbs inlets		Support Blue Crab AC recommendation for southern spawning sanctuary boundaries (excluding Cape Fear River)			Support Blue Crab AC recommendation for southern spawning sanctuary boundaries (excluding Cape Fear River)	
	Use NCDMF recommended boundary for Cape Fear River Inlet crab spawning sanctuary		Support NCDMF recommended boundary for Cape Fear River spawning sanctuary			Support NCDMF recommended boundary for Cape Fear River spawning sanctuary	
	Concur with AC recommendation of a March 1 through October 31 closure for Beaufort Inlet through Tubbs Inlet sanctuaries with same restrictions as existing crab spawning sanctuaries		Recommend March 1 - Oct. 31 closure for spawning sanctuaries south of the Hwy 58 Bridge (Bogue through Tubbs inlets). Beaufort Inlet would have same closure period as existing spawning sanctuaries (March 1 - Aug. 31)			Recommend March 1 - Oct. 31 closure for spawning sanctuaries south of the Hwy 58 Bridge (Bogue through Tubbs inlets). Beaufort Inlet would have same closure period as existing spawning sanctuaries (March 1 - Aug. 31)	
	Establish a crab spawning sanctuary to serve as a migration corridor on the east side of Croatan Sound, as presented and in conjunction with expanding the Oregon Inlet spawning sanctuary, closed to blue crab harvest from May 16 through July 15 and with the same restrictions as existing sanctuaries		Do not support a spawning sanctuary (migration corridor) in Croatan Sound			Do not support a spawning sanctuary (migration corridor) in Croatan Sound	

Issue	NCDMF	Blue Crab FMP AC	Northern Regional AC	Southern Regional AC	Shellfish/Crustacean AC	Habitat and Water Quality AC	Online Questionnaire*
Diamondback Terrapin	Use the criteria as outlined in this paper for the establishment of Diamondback Management Areas (DTMAs)	Use science on locally specific pot funnel design to reduce terrapins and identify individual creeks with terrapin population hot spots that would be closed to potting	Support NCDMF recommendation	Support NCDMF recommendation	No position	No position	Support criteria for designating Diamondback Terrapin Management Areas (59%)
Bottom Disturbing Gear	Option 1a: prohibit taking of crabs with crab dredges	Not adopt any of the recommended management options on crab dredge and leave crab trawl lines as is	Support NCDMF recommendation Option 1a (prohibit taking of crabs with crab dredges)	Support Blue Crab AC recommendation	No position	Recommend accepting NCDMF recommendation 1a	Prohibit taking of crabs with crab dredges and oyster dredges (67%)
	Option 1d: reduce the bycatch limit from oyster dredges to 10% of the total weight of the combined oyster and crab catch or 100 pounds, whichever is less		Do not support reducing bycatch limits in oyster dredges until landings are examined			Recommend accepting NCDMF recommendation 1d	Reduce the bycatch limit of crabs from oyster dredges to 10% of the total weight of the combined oyster and crab catch or 100 pounds, whichever is less (78%)
	Option 2a: prohibit use of crab trawls in areas where shrimp trawls are already prohibited in the Pamlico, Pungo, and Neuse rivers		Split consensus on support of NCDMF recommendation Option 2a (prohibit use of crab trawls above shrimp trawl lines in Pamlico, Pungo, and Neuse rivers)			Do not recommend accepting NCDMF recommendation 2a	Prohibit use of crab trawls coastwide (53%)

Appendix 1. Summary of online questionnaire results.

Question	Response Choices	Response (number; %)
Do you support the goal to achieve sustainable harvest in the blue crab fishery contained in draft Amendment 3?	Yes	21 (41%)
	No	30 (59%)
	Total	51 (100%)
Rate your level of concern (high, medium, low, none) related to each blue crab issue in draft Amendment 3.		
Achieve sustainable harvest in the North Carolina blue crab fishery	High	14 (82%)
	Medium	2 (12%)
	Low	1 (6%)
	None	0 (0%)
	Total	17
Management options beyond quantifiable harvest reductions	High	6 (35%)
	Medium	7 (41%)
	Low	2 (12%)
	None	2 (12%)
	Total	17
Addressing water quality concerns impacting the North Carolina blue crab stock	High	12 (71%)
	Medium	5 (29%)
	Low	0 (0%)
	None	0 (0%)
	Total	17
Expand spawning sanctuaries to improve spawning stock biomass	High	11 (65%)
	Medium	3 (18%)
	Low	1 (6%)
	None	2 (12%)
	Total	17
Establish a framework to implement the use of terrapin excluder devices in crab pots	High	7 (41%)
	Medium	4 (21%)
	Low	3 (18%)
	None	3 (18%)
	Total	17
Bottom disturbing gear in the blue crab fishery	High	9 (53%)
	Medium	4 (24%)
	Low	1 (6%)
	None	3 (18%)
	Total	17

Question	Response Choices	Response (number; %)
If you support draft Amendment 3, mark the box(es) for each type of management measure you recommend for achieving sustainable harvest in the North Carolina blue crab fishery (see pages 89-109 of the amendment).	Option A (mature female size limit)	12 (67%)
	Option B (limiting the harvest of immature females)*	12 (67%)
	Option C (season closure)	9 (50%)
	Option D (adjusting the cull tolerance)*	9 (50%)
	Option E (revising the adaptive management framework)	8 (44%)
	None	1 (6%)
	No Preference	1 (6%)
	Total	18
If you support draft Amendment 3, mark the box(es) for each type of management measure you recommend for management measures beyond quantifiable harvest reductions (see pages 110-129 of the amendment).	Option A (increase cull ring size for crab pots)	7 (39%)
	Option B (increase the number of cull rings in crab pots)*	6 (33%)
	Option C (specify placement of cull rings in crab pots)*	5 (28%)
	Option D (removing cull ring exemptions for certain areas)	7 (39%)
	Option E (requiring degradable panels in crab pots)	7 (39%)
	Option F (increasing mesh size for crab trawls)	8 (44%)
	Option G (limiting the harvest of sponge crabs)*	18 (100%)
	Option H (minimum size limit for soft and peeler crabs)	11 (61%)
	Option I (impose a limit on the number of crab pots fished)	11 (61%)
	Option J (impose a fishing time restriction for crab pots)	5 (28%)
	None	0 (0%)
	No Preference	0 (0%)
	Total	18
If you support draft Amendment 3, mark the box indicating whether or not you agree with the recommendations for addressing water quality concerns impacting the North Carolina blue crab stock (see pages 130-144 of the amendment). Do you support the recommendations for the Marine Fisheries Commission to address water quality concerns impacting the blue crab stock?	Yes	16 (89%)
	No	1 (6%)
	No Preference	1 (6%)
	Total	18

Question	Response Choices	Response (number; %)
If you support draft Amendment 3, mark the box(es) for each type of management measure you recommend for expanding crab spawning sanctuaries to improve spawning stock biomass (see pages 145-174 of the amendment).	Option A (expand the boundaries of the five existing crab spawning sanctuaries)	7 (39%)
	Option B (establish new crab spawning sanctuaries at all inlets without a crab spawning sanctuary)	11 (61%)
	Option C (establish a crab spawning sanctuary to serve as a migration corridor in Croatan Sound)	10 (56%)
	Option D (close crab spawning sanctuaries around inlets from March 1 through October 31 to the use of trawls, pots, and mechanical methods for oysters or clams and to the taking of crabs with any commercial fishing equipment)	9 (50%)
	Option E (close crab spawning sanctuaries around inlets year round to the use of trawls, pots, and mechanical methods for oysters or clams and to the taking of crabs with any commercial fishing equipment)	9 (50%)
	None	2 (11%)
	No Preference	2 (11%)
	Total	18
If you support draft Amendment 3, mark the box indicating whether or not you agree with the recommendation for establishing a framework to implement the use of terrapin excluder devices in crab pots (see pages 175-220 of the amendment). Do you support the criteria developed for designating Diamondback Terrapin Management Areas?	Yes	10 (59%)
	No	5 (29%)
	No Preference	2 (12%)
	Total	17

Question	Response Choices	Response (number; %)
<p>If you support draft Amendment 3, mark the box(es) for each type of management measure you recommend for bottom disturbing gear in the blue crab fishery (see pages 221-235 of the amendment).</p>	Limit the taking of crabs with dredges	9 (50%)
	Option A (prohibit the taking of crabs with crab dredges)	9 (50%)
	Option B (prohibit the taking of crabs as incidental bycatch during oyster dredging)	12 (67%)
	Option C (prohibit the taking of crabs with crab dredges and oyster dredges)	14 (78%)
	Option D (reduce the bycatch limit of crabs from oyster dredges to 10% of the total weight of the combined oyster and crab catch or 100 pounds, whichever is less)	0 (0%)
	None	1 (6%)
	No Preference	18
	Total	3 (18%)
Limit the use of crab trawls spatially	Option A (prohibit the use of crab trawls in areas where shrimp trawls are prohibited in the Pamlico, Pungo, and Neuse rivers)	9 (53%)
	Option B (prohibit the use of crab trawls coastwide)	1 (6%)
	None	5 (29%)
	No Preference	17
	Total	

Appendix 2. List of online questionnaire narrative comments received for Amendment 3 to the Blue Crab FMP.

Comments Supporting Amendment 3

Blue crabs are an important player in our ecosystem. I enjoy eating blue crabs, and crabbing. In the several years I have been residing in Eastern NC, I have noticed a severe dwindling of the blue crabs. If we do not do something now, there blue crab fishery will disappear.

A lot of the area DMF wants to include in expanding the Crab Sanctuary at Oregon Inlet is where we catch male crabs, not sooks. The area east of the main channel from the current sanctuary boundary line north is area that we fish for male crabs. Closing that area will take one of the few places we catch Jimmies and force us to work areas where we will be catching sooks, which is the exact opposite of the stated goal. Yesterday I had 12 bushels #1, 300 pound #2 and half a bushel of sooks all in the area north of the current sanctuary but included in the proposed expansion. If I couldn't of fished there, it would have been 25 to 30 bushels of sooks. Including that area in the crab sanctuary doesn't accomplish what you're trying to do with regards to mature female crabs. I'm willing to take a DMF biologist or observer crabbing with us in that area if yall want to see what we catch there. It's not sooks. Please consider this before expanding the sanctuary at Oregon Inlet.

I am a recreational fisherman now , my dad and grandpa were commercial guys , but as the technology has gotten better the rules have stayed the same , my grandpa had a well boat with a Johnson 35 Hp , he caught lots of fish crabs and shrimp with that boat , now look at today's technology with yesterday's rules and it doesn't take a genius to figure out fishing technology has surpassed the rules that are set forth! I just want my kids and grandchildren to have a chance to catch fish crabs and shellfish! !!

Do not just limit your everyday fisherman, this needs to be on a commercial level as well. Commercial fisherman are decimating the population.

Comments Opposing Amendment 3

Enforce the law we have. Use the men and women you have to check so many people with so many hard shell crabs under 5 inches

Some of my family commercial crabs and for the past few years it hasn't been that great, ok, but not great. Most years losing money or barely making any profit. But by only keeping the larger ones and making sure most females and smaller crabs are not harvested it has improved this year. This has been the best year crabbing in probably 3 or 4 years. But to put more restrictions on a already highly restricted job is hurting the local seafood markets. I prefer eating fresh and not farm raised crap from other countries.

I've fished for a good 45 years and not seen where fishing is any different. Mother nature has more to do with it than any of the fishing, especially recreational fishing as far as being a good season or bad and by the Way the flounder are still plentiful. That was a foolish amendment too

It is a complete falsehood for North Carolina Marine Fisheries to say there is not an abundance of blue crab. If anything there is an overabundance! I have never seen as many blue crab as I have this year. Familie's welfare and livelihoods are at stake here. THIS IS A WAY OF LIFE! LEAVE IT ALONE!!

Comments Supporting Amendment 3

I do not agree with your drafted Amendment but i did answer most of the questions you asked. Yawl wont be happy till this state is catch and release state. From what i seen passed with the new flounder closure. You only care about making sure commercial fisherman have fish to sell and charter boats have enough fish for their customers. F*** the people who grew up here their whole lives living on this coast. Being a disabled paraplegic kayak angler i dont even get f***** started fishing for flounder till after sept. Once all the f***** tourist are gone. Cause i have no access except when i have help or can find help witch ends up mostly being on the weekends when boat traffic is at it highest and most dangerous for someone who is Disabled. Yawl a f***** joke juss like the NCWRC. Every one of yawl need to be fired cant even vote you crooked people out cause your appointed. First you took stripers, then you took hearing and shad netfishing away from us in town creek. Progress i guess

The main thing to consider is reduction in water quality especially due to runoff from development and agriculture. Unfortunately, the crab fishery suffers on biological, economical, and cultural levels. The most proactive approach to achieving a sustainable harvest would be to address concerns with water quality. Unfortunately, the economic drivers behind development and agriculture essentially steamroll policy to their benefit. I tried to look at each of the recommendations trying to consider the impacts on the harvest and fisherman that it would impact. I am skeptical about the selections I made such as prohibiting the take on sponge crabs due to research conducted at VIMS stating that stress on sponge crabs once caught reduces their chances of survival when released. I truly belief water quality is your main culprit. All these new regulations create tensions amongst the fishing community and law enforcement while ignoring the main contributor to the sustainability in the fishery.

Eliminate harvest of all female crabs until population stabilizes.

Require reporting of lost pots and their location due to storms.

Increase number of pots allowed to holders of recreational gear licenses.

Comments Opposing Amendment 3

I do not believe the crab is over fished at all I'm only using 200 pots commercially and I'm catching 1000 pounds every three days if there was a shortage of crab that wouldn't be happening. If you want to regulate the fishery of blue crab put a time limit on how long you can crab or day or a pot limit of 500 to 600 pots (per active fisherman) not wife's or sons of fisherman ones that are on the water everyday. To me it's unequal when a man has 4000 pots and fishies a 1000 everyday making two trips a day that's over fishing put a pot limit to the boat or License and enforce it! That my opinion

Not sure if there is an issue or just more of the same. Get rid of the gill nets and if you keep reducing the recreational catch you need to drop the price of licenses.

The problem with trying to regulate the coastal fisheries off knowledge collected from a study is its IMPOSSIBLE to calculate a shortage or surplus of any species in the ocean. In addition, the commercial and recreational fishing opportunities you're trying to regulate is costing people time, money and resources and possibly their homes because of your lack of ability to communicate with the people that spend the most time with these species. If you continue with the misinformed regulations you will crush the whole industry on the coast. I'm sure this will never make it to anyone as the people making these laws don't go outdoors and enjoy what God has given us so quit trying to regulate stuff you don't have experience with.

Comments Supporting Amendment 3

If you really want to see what is happening to crab stocks, go check the water quality in Pungo Creek after a rain. It rained 3 days ago and now the water is dead from deep up to 5 ft. This has happened 5 times this summer. P.S the farmers upstream just sprayed cotton. Somebody has to start holding people accountable for chemical run off.

Im not a biologist but....

Sponge crabs should not be harvested. I know she crab soup and the such. But if all sponge crabs were left to hatch you would see and explosion of crabs. (If thats what your after.)

Saw in Maine the lobster men self gov the taking of lobsters with eggs (At least when it aired on TV)

They said they in the report that the lobsters were over fished and concerned to the brink of closing it down. But once they stopped taking the egged females the population rebounded. At least that what I remember form the report.

What I think is one of the biggest issues concerning our crab population is the taking of all or many of the immature female crabs during soft crab season. It is the only place where wildlife is concerned, that all of the immature females are allowed to be taken out of the population. In my opinion that is a problem. I believe there should be some limits concerning the taking of peeler and soft crabs. How can a population of any animal survive if you remove many or all of the immature females?

If nothing else, please end harvest of sponge crabs and put reasonable limits on pots- less than 1000.

Also end crab trawling and expand sanctuaries.

I was raised near the Chesapeake bay in Maryland. Eating steamed crabs with family and friends is an important part of our culture. We would never eat female crabs. If females were caught they would be thrown back in the water. We all understand that females are essential to maintaining a healthy population as they lay millions of eggs in a lifetime. Prohibit the catching and sale of female crabs and I bet you wouldn't have to do all the other interventions! If you gave people a choice of doing all the other regulations or simply give up the catching of female crabs, I bet many would choose the latter.

Comments Opposing Amendment 3

Crabbing is a living for me if you close it or limit it it will take the food out of my children's mouths. There is not way possible that the blue crab fishery is in that bad of state to close it, there is more blue crab in the rivers now than I can ever remember. I cannot even drum fish because of blue crab eating the bait before the fish take it. I do not see this as a solution as closing the flounder fishing for everyone was not the way to go about it, there are other ways to regulate crabs as just not allowing keeping of any female blue crab. This amendment is not the way to go about this.

Here in NJ billions of marine larvae were sucked up by the Oyster Creek Nuclear Power plant. Additionally out of state licenses were given to huge teams of commercial crabbers in small Barnegat Bay.

The plant ceased operation. It will be interesting to see the results the next few years. Combine that wit NO out of state commercial licensing, & Barney Bay fishery will be as healthy as before.

Look for such solutions in all the fisheries.

Like other species yearly harvest is up and down for as long as I can remember. Weather conditions control good or bad seasons far more than any other factor.If N.C.M.F.s wants everyone out of the water, then why don't they just say so!

every Crabber I have spoken to say that there is the best sign of crabs they have seen in years. I can hardly see how a fishery can be overfished from the commercial side when there is less gear in the water in there has ever been. please stop calling this sustainable harvest regulation and call it for what it is: regulations to end the commercial fishing industry in NC

I think the N.C. Fisheries need to be shut down. Everytime you turnaround they are making new laws and regulations which make it harder on commercial fisherman to make a living. My honest opinion people vote all the yankees to a southern controlled board and mostly all of them live on the water or close to the water and get tired of seeing boats in their view. They need to go back up north and mind their own and leave our cultures alone

Comments Supporting Amendment 3

NC DMF recommendation on March closure is VERY geographically biased. From page 99 Table 4.1.8 the Southern region was be most affected. Table 4 March is time of high prices, actual prices we receive are higher than DMF estimates. October and November are times of high production and low prices, it would much easier to achieve harvest reductions during this timeframe.

Terrapin excluders could be attached to the partition portion of the pot. This would probably not affect crab catch as much and only require 2 excluders instead of 4. There was FRG work done by Hart and Crowder looking into this arrangement.

Remember there is a 31% chance the fishery will be sustainable with no action. Also there is no analysis of effect of most recent management measures.

Comments Opposing Amendment 3

In one part of your amendment it says stop harvesting immature females. Then in another part of your amendment says size limit on peelers and Soft Shell Crabs. So are you trying to say we can only harvest male peelers? What about the female? Because the female peeler are only in the peeler stage when they are immature. The question is If there is a decline in our crab harvest have you checked to see if the fishermen are harvesting other products and that could cause a decrease in pounds caught because there is less crabbers crabbing. Have you done a over all study by dividing the pounds of crabs into the number of active crabbers and not by active licenses.

I do not think this is a good idea as there has been a very bountiful amount of blue crab the past couple years after the immature female regulation was set. There is other ways to regulate blue crab as this would destroy a lot of lives.

k

I see nothing in amendment three that prohibits the taking of egg bearing crabs. I have personally observed thousands of egg bearing female crabs going into steamers at fish houses. There is no telling how many millions of baby crabs are killed because of this

I desire a sustainable blue crab population, I just don't agree with all of the proposeles. I do agree that sponge crabs should be released year round, and that would be a good start. I believe the main issue is water quality, yet NCMF never addresses that. Fishermen are easy to lay the blame, while pesticides and herbicides are used upstream without checks and balances.

As a commercial Fisherman I am not for more restrictions it is hard enough to make it already with the price of gear bait etc.going up in cost. The reason for the decline last couple of years is due to people getting out of crabbing to go shrimping.I know of quite a few who had done that therefore your landings are gone be lower. In my opinion you need to do away with sponge crabbing, give them a chance to do their thing.For all the other proposals yall have come up with let it be, its not necessary.Right now crabs are so abundant that we are having lay days and quotas on how many bushels we can bring in for that day because the market is flooded.Please thinks this thru and don't regulate the commercial guy out of a job this what we do. Thank you for allowing us to comment.

Comments Supporting Amendment 3

Comments Opposing Amendment 3

I do not support a March closure. During March we are using a smaller portion of the resource for a greater economic benefit.

During March, we are gathering jimmy crabs to use in our peeler pots. A march closure would have a greater impact on fisherman than just what the amount of crabs landed indicates.

I do not support a 3 inch size limit on peeler crabs. There is no evidence this will benefit the resource in any way, and it would be a culling nightmare.

0.4 % overfishing by Division figures is quite a stretch to be placing restrictions on taking of crabs with landings in the millions of pounds.

In 2017 we were hit with additional adaptive measures to reduce landings, including a lower culling tolerance, changes to cull rings in pots, making immature females illegal to keep.

We are currently seeing some of the highest landings we have had in years. Maybe these measures have worked, and nothing more is needed, if not, take them away.

Appendix 3. Public comment delivered to the division during the open comment period.

Blue Crab Fishery Management Plan Public Comment

Please consider regionally stocking larval-stage Blue Crabs. We don't always have to target fishermen and seafood consumers when trying to rebuild mismanaged stocks. We can use proven management tools that focus on enhancing our fisheries and food supply. Blue Crabs can thrive at historically high levels even as we harvest more if that is our goal. Stocking crabs would also help other species that eat them. This positive solution would benefit everyone and the environment.

I am always happy to answer any questions and/or go into greater detail.

Thank you,

Chris McCaffity

Received By: Carol Littrell - 10-1-2019 1:46pm

*Full list of recommendations
by issue for
Blue Crab Amendment 3*

*Estimated harvest reductions
for all management scenario
combinations.*

**A PRESENTATION
WILL BE GIVEN AT
THE MEETING**



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Catherine Blum, Fishery Management Plan and Rulemaking Coordinator
Fisheries Management Section

SUBJECT: Rulemaking Update

Issue

Provide an update to the Marine Fisheries Commission (MFC) on the status of rulemaking and request the MFC vote on the readoption schedule for a portion of its rules.

Findings

- G.S. 150B-21.3A(c) requires each agency to conduct a review of all its rules at least once every 10 years in accordance with a prescribed process of reporting and readoption.
- Once the final determination report becomes effective, G.S. 150B-21.3A(d)(2) requires the Rules Review Commission (RRC) to establish a date by which an agency must readopt its rules after consultation with the agency and consideration of the agency's rulemaking priorities in establishing the readoption date.
- MFC rulemaking priorities include:
 - The MFC has 164 rules subject to readoption in 15A NCAC 18A, a relatively large number.
 - The MFC strives to undertake a single package of rules each year to assist stakeholders with anticipating changes and making informed decisions about continued participation in various fisheries based on those rule changes. The MFC generally meets only once each calendar quarter, providing four opportunities per year to take action on rules.
 - The MFC is currently in the process of readopting another 172 rules in 15A NCAC 03 and there is interplay between the two groups of rules, adding complexity to the readoption process.
 - The MFC has a diverse group of stakeholders affected by the wide variety of issues regulated by these rules. By nature of managing a limited natural resource, the rules are generally controversial.

Action Needed

The MFC is scheduled to vote on the readoption schedule for 164 rules in 15A NCAC 18A.

Recommendation

Staff recommends the MFC approve a four-year schedule to readopt its rules that are found in 15A NCAC 18A by June 30, 2024.

For the list of affected rules, see the handout in the briefing materials entitled "[RRC DETERMINATION, PERIODIC RULE REVIEW, January 17, 2019, APO Review: March 24, 2019, Marine Fisheries Commission.](#)"

Rulemaking Update

Update on S.L. 2019-198, Legislative Review of Regulatory Crimes

[Session Law 2019-198](#) was approved Aug. 14, 2019; a copy of the law is including in the briefing materials. Section 3 of this law requires all State agencies to submit a list of all crimes defined and in effect (or pending implementation) in their current Administrative Code (MFC rules) to the Joint Legislative Administrative Procedure Oversight Committee no later than Nov. 1, 2019. The report was drafted and submitted to the Department of Environmental Quality Oct. 3, 2019. It contains 143 current MFC rules and six pending implementation for a total of 149 rules, of which 89 are still subject to readoption per G.S. 150B-21.3A.

In addition to the reporting requirements, Section 1 of the law added G.S. 14-4.1, Legislative review of regulatory crimes, to Article 1 of Chapter 14 of the General Statutes. This law requires rules adopted or amended on or after Jan. 1, 2020 pursuant to Article 2A of Chapter 150B of the General Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties to be subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more persons pursuant to G.S. 150B-21.3(b2). This means these rules will be subject to legislative review, which has a direct impact on the effective date of amended and readopted MFC rules. The MFC is currently in the process of readopting two of the remaining 89 MFC rules on the list of crimes defined in rules *and* subject to readoption per G.S. 150B-21.3A, with the remainder scheduled for readoption in the next couple of years.

Periodic Review and Expiration of Existing Rules per G.S. 150B-21.3A

Background

Session Law 2013-413, the Regulatory Reform Act of 2013, implemented requirements known as the “Periodic Review and Expiration of Existing Rules.” These requirements are codified in a new section of Article 2A of Chapter 150B of the General Statutes in G.S. 150B-21.3A. Under the requirements, each agency is responsible for conducting a review of all its rules at least once every 10 years in accordance with a prescribed process.

The review has two parts. The first is a report phase, which has concluded, followed by the readoption of rules. An evaluation of the rules under the authority of the MFC was undertaken in two lots (see Figure 1.) The MFC had 211 rules in Chapter 03 (Marine Fisheries), of which 172 are subject to readoption, and 164 rules in Chapter 18A (Shellfish Sanitation). The MFC is the body with the authority for the approval steps prescribed in the process.

Rules	2017	2018	2019	2020	2021	2022	2023	2024
Chapter 03 (172 of 211 rules)	Report	41 Rules Readopted	Rule Readoption (131)			6/30/22 deadline		
Chapter 18A (all 164 rules)		Report		Rule Readoption (164)				6/30/24 deadline

Figure 1. Marine Fisheries Commission schedule to comply with G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules.

15A NCAC 03 Rule Readoption Update

At its August 2019 meeting, the MFC approved Notice of Text for Rulemaking to begin the readoption process for the second package of rules in 15A NCAC 03. A handout showing the steps in the [MFC's 2019-2020 annual rulemaking cycle](#) is included in the briefing materials. This package includes two proposed rules for readoption: 15A NCAC 03M .0509, Tarpon, and 15A NCAC 03O .0108, License and Commercial Fishing Vessel Registration Transfers. The public comment period is Oct. 16 to Dec. 2 and a public hearing was held Oct. 23. Staff will present the input received from the public to the MFC at its February 2020 business meeting when the MFC is scheduled to vote on approval of the permanent rules. Then, following review and consideration of approval by the RRC, the proposed effective date of the rules is subject to legislative review per S.L. 2019-198 and G.S. 14-4.1.

MFC Vote on 15A NCAC 18A Rule Readoption Schedule

The process of rule readoption for rules in 15A NCAC 18A is scheduled to begin at the MFC's May 2020 business meeting. Given the large number of rules subject to readoption, the wide variety of issues regulated by these rules, and the generally controversial nature of the rules, this will be the first of several years proposed to readopt rules. In preparation for the May meeting, staff prepared a proposed readoption schedule for these rules: staff recommends the MFC approve a four-year schedule to readopt its rules that are found in 15A NCAC 18A by June 30, 2024. If approved, the proposed schedule will be submitted to the RRC for approval at its December 2019 or January 2020 meeting. Once the readoption schedule is approved by the RRC, the MFC can take action to begin the rulemaking process at its May 2020 business meeting.

**RRC DETERMINATION
PERIODIC RULE REVIEW
January 17, 2019
APO Review: March 24, 2019
Marine Fisheries Commission
Total: 164**

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 18A .0134</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0135</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0136</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0137</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0138</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0139</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0140</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0141</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0142</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0143</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0144</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0145</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0146</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0147</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0148</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0149</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0150</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0151</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0152</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0153</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0154</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0155</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0156</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0157</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0158</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0159</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0160</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0161</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0162</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0163</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0164</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0165</u>	Necessary with substantive public interest
<u>15A NCAC 18A .0166</u>	Necessary with substantive public interest

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-198
SENATE BILL 584**

AN ACT TO MAKE CHANGES TO FUTURE CRIMINAL LAWS RELATED TO REGULATORY OFFENSES, TO EXTEND THE TIME FOR LOCAL GOVERNMENTS TO REPORT ORDINANCES WITH CRIMINAL PENALTIES, AND TO REQUIRE THE GENERAL STATUTES COMMISSION TO STUDY CURRENT OFFENSES NOT ENACTED BY STATUTE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-4.1. Legislative review of regulatory crimes.

(a) Any rule adopted or amended pursuant to Article 2A of Chapter 150B of the General Statutes that creates a new criminal offense or otherwise subjects a person to criminal penalties is subject to G.S. 150B-21.3(b1) regardless of whether the rule received written objections from 10 or more persons pursuant to G.S. 150B-21.3(b2).

(b) This section applies to rules adopted on or after January 1, 2020."

SECTION 2. Effective January 1, 2020, G.S. 150B-21.3(b1) reads as rewritten:

"(b1) Delayed Effective Dates. – If Except as provided in G.S. 14-4.1, if the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section."

SECTION 3. Section 1 of S.L. 2018-69 reads as rewritten:

"SECTION 1. All State agencies, boards, and commissions that have the power to define conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes defined by the agency, board, or commission that are in effect or pending implementation. Each agency, board, or commission shall submit the list to the Joint Legislative Administrative



Procedure Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety no later than ~~December 1, 2018~~ November 1, 2019."

SECTION 4. Section 3 of S.L. 2018-69 reads as rewritten:

"SECTION 3. Every ~~county, city, town, or metropolitan sewerage district~~ county with a population of 20,000 or more according to the last federal decennial census, city or town with a population of 1,000 or more according to the last federal decennial census, or metropolitan sewerage district that has enacted an ordinance punishable pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance. Each county, city, town, or metropolitan sewerage district shall submit the list to the Joint Legislative Administrative Procedure Oversight Committee ~~and the Joint Legislative Oversight Committee on Justice and Public Safety~~ no later than ~~December 1, 2018~~ November 1, 2019."

SECTION 5. No ordinance adopted on or after January 1, 2020, and before January 1, 2022, by a county, city, or town that was required to report pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city, or town submitted the required report on or before November 1, 2019. Ordinances regulated by this section may still be subject to civil penalties as authorized by G.S. 153A-123 or G.S. 160A-175.

SECTION 6. The General Statutes Commission shall study the reports received pursuant to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make recommendations regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an agency, board, or commission, should have criminal penalties provided by a generally applicable State law. The Commission shall report to the 2020 Regular Session of the 2019 General Assembly and to the Joint Oversight Committee on General Government on or before May 1, 2020.

SECTION 7. G.S. 93A-8 reads as rewritten:

"§ 93A-8. Penalty for violation of Chapter.

Any person violating ~~the provisions of this Chapter~~ G.S. 93A-1 shall upon conviction thereof be deemed guilty of a Class 1 misdemeanor."

SECTION 8. Section 7 becomes effective December 1, 2019, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:12 p.m. this 14th day of August, 2019

N.C. Marine Fisheries Commission 2019-2020 Annual Rulemaking Cycle

November 2019

Time of Year	Action
April-July 2019	Fiscal analysis of rules prepared by DMF staff and approved by Office of State Budget and Management
August 2019	MFC approved Notice of Text for Rulemaking
Oct. 1, 2019	Publication of proposed rules in the <i>North Carolina Register</i>
Oct. 16-Dec. 2, 2019	Public comment period held
Wednesday, Oct. 23, 2019	Public hearing held: 6 p.m., Division of Marine Fisheries, 5285 Highway 70 West, Morehead City, NC 28557
February 2020	MFC considers approval of permanent rules
April 2020	Rules reviewed by Office of Administrative Hearings Rules Review Commission.
TBD	Proposed effective date of rules is subject to legislative review per S.L. 2019-198 and G.S. 14-4.1.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

STEPHEN W. MURPHEY
Director

Oct. 25, 2019

MEMORANDUM

TO: N.C. Marine Fisheries Commission
FROM: Kathy Rawls, Fisheries Management Section Chief
SUBJECT: Temporary Rule Suspension

Issue

In accordance with the North Carolina Division of Marine Fisheries Resource Management Policy Number 2014-2, Temporary Rule Suspension, the North Carolina Marine Fisheries Commission (NCMFC) will vote on any new rule suspensions that have occurred since the last meeting of the commission.

Findings

No new rule suspensions have occurred since the August 2019 meeting.

Action Needed

For informational purposes only, **no action is needed at this time.**

Overview

In accordance with policy, the division will report current rule suspensions previously approved by the commission as non-action, items. The current rule suspensions previously approved by the commission are as follows:

NCMFC Rule 15A NCAC 03L .0103 (a)(1) Prohibited Nets, Mesh Lengths and Areas

Continued suspension of portions of this rule for an indefinite period. Suspension of this rule allows the division to adjust trawl net minimum mesh size requirements in accordance with the May 2018 Revision to Amendment 1 to the North Carolina Shrimp Fishery Management Plan. This suspension was implemented in proclamation SH-3-2019.

NCMFC 15A NCAC 03M .0516 Cobia

Continued suspension of this rule for an indefinite period. This continued suspension allows the division to manage the commercial and recreational cobia fisheries in accordance with management actions taken by the commission and in accordance with the Atlantic States Marine Fisheries Commission's Interstate Cobia Fishery Management Plan. This suspension was continued in Proclamation FF-10-2019.

NCMFC 15A NCAC 03J .0301 Pots

Continued suspension of portions of this rule for an indefinite period. This continued suspension allows the division to implement the crab pot escape ring requirements adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab Fishery Management Plan. This suspension was implemented in Proclamation M-11-2016.

NCMFC Rule 15A NCAC 03L .0201 Crab Harvest Restrictions & 03L .203 Crab Dredging

Continued suspension of portions of these rules for an indefinite period. This continued suspension allows the division to implement the blue crab harvest restrictions adopted by the commission in the May 2016 Revision to Amendment 2 of the North Carolina Blue Crab Fishery Management Plan. These suspensions were implemented in Proclamation M-11-2016.

NCMFC Rule 15A NCAC 03J .0501 Definitions and Standards for Pound Nets and Pound Net Sets

Continued suspension of portions of this rule for an indefinite period. Continued suspension of portions of this rule allows the division to increase the minimum mesh size of escape panels for flounder pound nets in accordance with Supplement A to Amendment 1 of the North Carolina Southern Flounder Fishery Management Plan. This suspension was implemented in Proclamation M-34-2015.

NCMFC Rule 15A NCAC 03M .0519 Shad & 03Q .0107 Special Regulations: Joint Waters

Continued suspension of portions of these rules for an indefinite period. Continued suspension of portions of these rules allows the division to change the season and creel limit for American shad under the management framework of the North Carolina American Shad Sustainable Fishery Plan. These suspensions were continued in Proclamation FF-12-2019.

*SUPPLEMENTAL
MATERIALS*

Table 4.1.14. Estimated harvest reductions for all management scenario combinations. Gray boxes indicate the harvest reduction needed for varying probabilities of achieving sustainable harvest. Options 1 through 5 do not meet statutory requirements for achieving sustainable harvest. Beginning with option 6, all remaining options meet or exceed the minimum statutory requirement for achieving sustainable harvest. *Examples of different season closures for options 12 and 18 can be found in Table 4.1.15.

Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)	Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)	
Options 1-5: Do not meet required 50% probability of ending overfished				13	6.5" Mature Female Maximum Size	5.4	4.3	
1	Prohibit Immature Female Harvest	1.1	0.5	14	6.75" Mature Female Maximum Size	4.3	4.4	
2	5" Mature Female Minimum Size	0.9	0.9		December Closure			
3	5" Mature Female Minimum Size Prohibit Immature Female Harvest	2.0	1.4	15	5" Mature Female Minimum Size Reducing Cull Tolerance to Zero	5.0	4.6	
4	6.75" Mature Female Maximum Size	2.3	1.5	16	5.25" Mature Female Minimum Size Prohibit Immature Female Harvest	4.1	4.6	
5	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest	3.4	2.0	17	6.5" Mature Female Maximum Size Prohibit Immature Female Harvest	6.4	4.8	
Reduction with a 50% probability of ending overfished			2.2					
6	December Closure	2.0	2.9	18*	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest December Closure	5.3	4.8	
7	Prohibit Immature Female Harvest December Closure	3.1	3.4	19	5" Mature Female Minimum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero	5.9	4.9	
8	Reducing Cull Tolerance to Zero	4.1	3.7					
Reduction with a 67% probability of ending overfished			3.8					
9	5" Mature Female Minimum Size December Closure	2.9	3.8	20	6.75" Mature Female Maximum Size Reducing Cull Tolerance to Zero	6.3	5.1	
10	Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero	5.1	4.1	21	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero	7.2	5.5	
11	5.25" Mature Female Minimum Size	3.0	4.1	Reduction with a 90% probability of ending overfished				5.9
12*	5" Mature Female Minimum Size Prohibit Immature Female Harvest December Closure	4.0	4.3	22	Reducing Cull Tolerance to Zero December Closure	6.0	6.5	

Table 4.1.14. continued...

Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)	Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)
23	Prohibit Immature Female Harvest December Closure Reducing Cull Tolerance to Zero	7.0	6.9	33	5.25" Mature Female Minimum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero	7.9	8.0
24	5.25" Mature Female Minimum Size December Closure	4.9	6.9	34	6.5" Mature Female Maximum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero	10.2	8.2
25	6.5" Mature Female Maximum Size December Closure	7.3	7.1	35	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero December Closure	9.1	8.3
26	5" Mature Female Minimum Size December Closure Reducing Cull Tolerance to Zero	6.9	7.3				
					Reduction with a 96% probability of ending overfished		9.3
27	5.25" Mature Female Minimum Size Prohibit Immature Female Harvest December Closure	6.0	7.3	36	5.25" Mature Female Minimum Size December Closure Reducing Cull Tolerance to Zero	8.8	10.3
28	6.5" Mature Female Maximum Size Prohibit Immature Female Harvest December Closure	8.3	7.5	37	6.5" Mature Female Maximum Size December Closure Reducing Cull Tolerance to Zero	11.1	10.5
29	5.25" Mature Female Minimum Size Reducing Cull Tolerance to Zero	7.0	7.6	38	5.25" Mature Female Minimum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero December Closure	9.7	10.7
30	5" Mature Female Minimum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero December Closure	7.8	7.7	39	6.5" Mature Female Maximum Size Prohibit Immature Female Harvest Reducing Cull Tolerance to Zero December Closure	12.0	10.9
31	6.5" Mature Female Maximum Size Reducing Cull Tolerance to Zero	9.3	7.8				
32	6.75" Mature Female Maximum Size December Closure Reducing Cull Tolerance to Zero	8.2	7.9				

Table 4.1.15. Estimated harvest reductions for management options 12 and 18 from Table 4.1.14 with various closure periods requested by the Blue Crab FMP AC.

Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)	Management Option	Management Measure	2011-2016 Average Harvest Reduction (%)	2016 Harvest Reduction (%)
Option 12.1: Does not meet required 50% probability of ending overfished				Option 18.1: Does not meet required 50% probability of ending overfished			
12.1	5" Mature Female Minimum Size Prohibit Immature Female Harvest January 15 - February 7 Closure	2.2	1.5	18.1	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest January 15 - February 7 Closure	3.5	2.1
Reduction with a 50% probability of ending overfished				Reduction with a 50% probability of ending overfished			
12.2	5" Mature Female Minimum Size Prohibit Immature Female Harvest January 1 - January 31 Closure	2.4	2.3	18.2	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest January 1 - January 31 Closure	3.7	2.9
12.3	5" Mature Female Minimum Size Prohibit Immature Female Harvest January 1 - February 28/29 Closure	2.9	2.7	18.3 (BCAC)	Prohibit Immature Female Harvest Jan. 1 - Jan. 31 Closure North of Hwy 58 Bridge March 1 - March 15 Closure South of Hwy 58 Bridge 6.75" Mature Female Max. Size North of Hwy 58 Bridge	3.7	3.2
12.4	5" Mature Female Minimum Size Prohibit Immature Female Harvest March 16 - March 31 Closure	3.4	3.7	18.4	Prohibit Immature Female Harvest Jan. 1 - Jan. 31 Closure North of Hwy 58 Bridge Feb. 20 - March 15 Closure South of Hwy 58 Bridge 6.75" Mature Female Max. Size North of Hwy 58 Bridge	3.8	3.2
Reduction with a 67% probability of ending overfished				Reduction with a 67% probability of ending overfished			
12.5	5" Mature Female Minimum Size Prohibit Immature Female Harvest March 1 - March 15 Closure	3.2	4.0	18.5	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest January 1 - February 28/29 Closure	4.2	3.3
12.6	5" Mature Female Minimum Size Prohibit Immature Female Harvest March 1 - March 24 Closure	4.1	5.4	Reduction with a 67% probability of ending overfished			
12.7	5" Mature Female Minimum Size Prohibit Immature Female Harvest March 8 - March 31 Closure	4.2	5.6	18.6	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest March 16 - March 31 Closure	4.7	4.3
Reduction with a 90% probability of ending overfished				Reduction with a 90% probability of ending overfished			
12.8	5" Mature Female Minimum Size Prohibit Immature Female Harvest March 1 - March 31 Closure	4.6	6.3	18.7	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest March 1 - March 15 Closure	4.6	4.5
Reduction with a 90% probability of ending overfished				Reduction with a 90% probability of ending overfished			
				18.8	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest March 1 - March 24 Closure	5.4	6.0
				18.9	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest March 8 - March 31 Closure	5.5	6.2
				18.10	6.75" Mature Female Maximum Size Prohibit Immature Female Harvest March 1 - March 31 Closure	5.9	6.9