Director's Report

Marine Fisheries
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

July 21, 2017

MEMORANDUM **FA 8-17**

TO: Marine Fisheries Commission

FROM: Division of Marine Fisheries

SUBJECT: False Albacore Information

At its August 2016 business meeting, the Marine Fisheries Commission asked the Division of Marine Fisheries to evaluate the need for state management of false albacore by August 2017. Background information on life history, landings, and prior management and regulations have been provided for the commission to review and determine if and what type of management it may wish to consider, prior to any advisory committee review.

False albacore (*Euthynnus alletteratus*), also known as "little tunny," are one of the most common members of the mackerel/ tuna family Scombridae. They are a tuna-shaped fish that is steel blue on top and silver below with wavy stripes along the posterior portion of the back and scattered dark spots below the pectoral fin. Anglers can confuse false albacore with Atlantic bonito due to similarity in size and coloration. False albacore are typically found in tropical to temperate waters of the Atlantic Ocean, Gulf of Mexico, Caribbean Sea and Bermuda; they are also found in the Mediterranean Sea and Black Sea. They are a schooling species that migrate north in the spring and south in the fall and winter through the coastal waters. Both sexes are fast-growing, and males are larger than females. Females as young as a year old (10.6 to 14 inches) are capable of spawning; males mature at approximately 16 inches. False albacore spawn April through November in the Atlantic Ocean. The maximum age of false albacore is thought to be 10 years old.

A 2002 stock assessment of false albacore in the Gulf of Mexico found that the stock was not overfished nor undergoing overfishing. However, little information exists on the status of the species in the South Atlantic, and as a result, their status is considered unknown. Until 2011, false albacore was part of the South Atlantic Fishery Management Council's Coastal Migratory Pelagics Fishery Management Plan for data collection purposes only; there were no management measures for these fish under the plan. Amendment 18 to the plan removed them from the management unit since data would still be collected through current sampling regimes. Also, based on the data available at the time, false albacore did not appear to meet the federal national standard guidance for stocks in need of conservation and management. Additionally, the Mid-Atlantic Fishery Management Council did not include false albacore in their Unmanaged Forage

[fish] Amendment in 2016 because of their large size and higher tropic level. Due to high public concern for the species, particularly from the recreational fishery, council staff recommended that the council consider developing management actions for the species in the future (including a potential small tuna fishery management plan). In North Carolina, there are no commercial or recreational regulations currently in place.

The species tends to have low commercial value in the United States; however, it is commercially important in many other countries and is sold fresh, dried, canned, smoked, and frozen. Much of the commercially-caught fish in North Carolina is shipped out of state. False albacore is a popular recreational fish because of their hard fighting ability when hooked. If these fish are kept by recreational anglers, they are often used as bait (strip or live) for the shark, billfish, and wahoo fisheries. The predominant gear for the recreational fishery is hook and line, either sight casting or trolling. In the commercial fishery, false albacore are landed with multiple gears, including longlines, gill nets, hook and line, and trolling. Presented below are a summary of landings data from the last 20 years from the North Carolina Trip Ticket Program and the Marine Recreational Information Program.

- Landings in both fisheries declined from the mid-1990s through the early to mid-2000s. Commercial landings started increasing in 2002, with the highest landings in the last 10 years in 2014 and 2016. Recreational landings started increasing in 2007, with peak landings in the last 10 years in 2013 and 2016. Both the commercial and recreational fishery landings have been above the time-series average for the last five years (Figure 1).
- Coastwide, North Carolina has averaged approximately 31 percent of the total commercial catch over the last 20 years, though this has ranged from 17 percent to a high of 59 percent in 1997 (Figure 2). The North Carolina recreational harvest has averaged 6 percent of the total coastwide recreational landings over the last 20 years; harvest from North Carolina peaked in 2016, and accounted for 12 percent of the coastwide harvest (Figure 3). Additionally, the recreational releases have averaged 8 percent of the total number of fish released coastwide, though annually this percentage varies as the number of coastwide releases are highly variable (Figure 4). In both fisheries, the highest annual landings are from Florida.
- Though variable, the majority of commercial landings from the last 20 years have been from federal waters (Figure 5). However, landings from state waters were higher in 2012, 2015 and 2016. In 2012 and 2015, false albacore caught in state waters accounted for a little over half of the commercial landings. In 2016, landings from state waters were 66.5 percent of the total landings (Figure 5). False albacore are caught commercially all year, but most of the fish are landed October through February. Commercial fisherman averaged less than 200 pounds of false albacore per trip.
- Since 1997, most of the fish caught by the recreational fishery have been live releases; this number has ranged from 56 percent to 96 percent of the total number of fish caught (Figure 6). While there are no release mortality estimates for false albacore, similar pelagic fish have release mortalities ranging from near 0 to 39 percent; values are dependent on hook type, hooking location, and angling/handling time. Recreationally, fish are caught year-round with the majority of fish caught in the September/October time period (Figure 7).

- Like the commercial catch, most of the recreationally-caught fish are from federal waters (Figure 8). However, in 2015, more false albacore were recreationally harvested from state waters (75.7 percent; Figure 8a). Recreational releases also vary by year; however, releases were higher in state waters for three of the last four years (Figure 8b).
- Lengths from the Marine Recreational Information Program, or MRIP, and the division fish house sampling programs show the observed mean length of false albacore landed has been variable over the last 20 years. In 2016, the average length was approximately 23 inches fork length for both the commercial and recreational fisheries (Figure 9). Mean lengths of the observed catch have been over 14 inches, or the length at 50 percent maturity, for both sectors the last 20 years. In 2016, the commercial lengths ranged from 16 inches to 35 inches fork length and recreational lengths ranged from 12 inches to 33 inches fork length.

Division Recommendation

North Carolina accounts for a relatively low proportion of the overall coastwide landings of false albacore. Most of these landings are from federal waters, potentially making state management and enforcement difficult. Additionally, the Mid-Atlantic Fishery Management Council will potentially be developing a small tuna fishery management plan, which would help to regulate the fishery in federal waters. At this time, the division does not feel management actions are needed, but will continue to monitor landings, and collect biological information, to help inform any future management decisions.

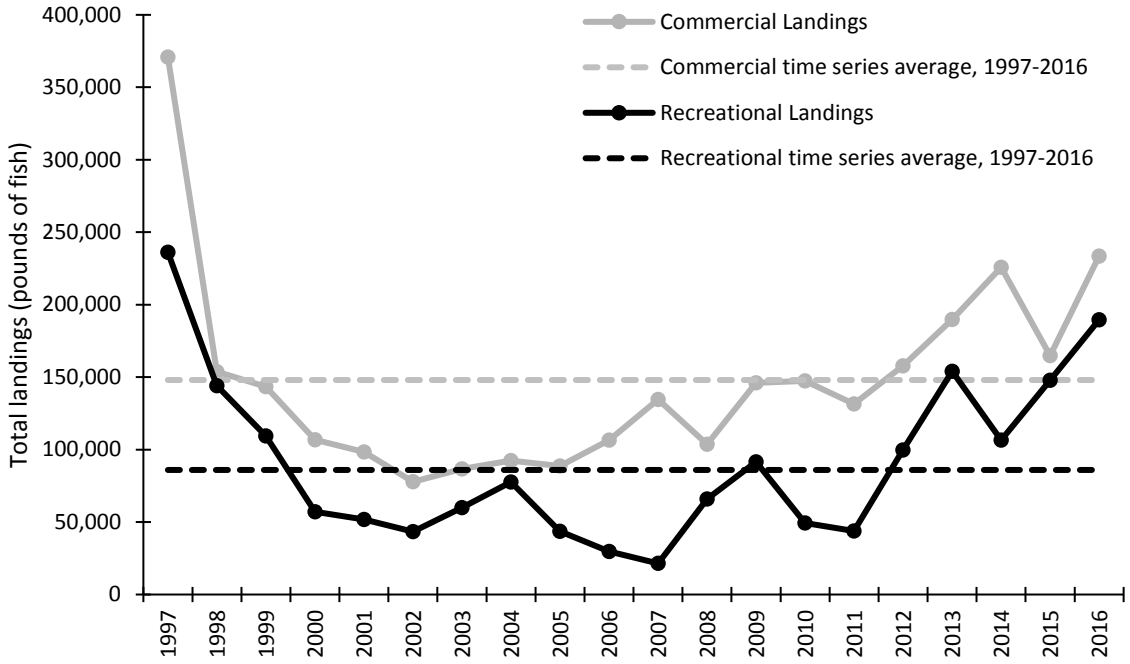

Figure 1. North Carolina commercial (NCTTP) and recreational (MRIP) false albacore landings (pounds), 1997-2016.

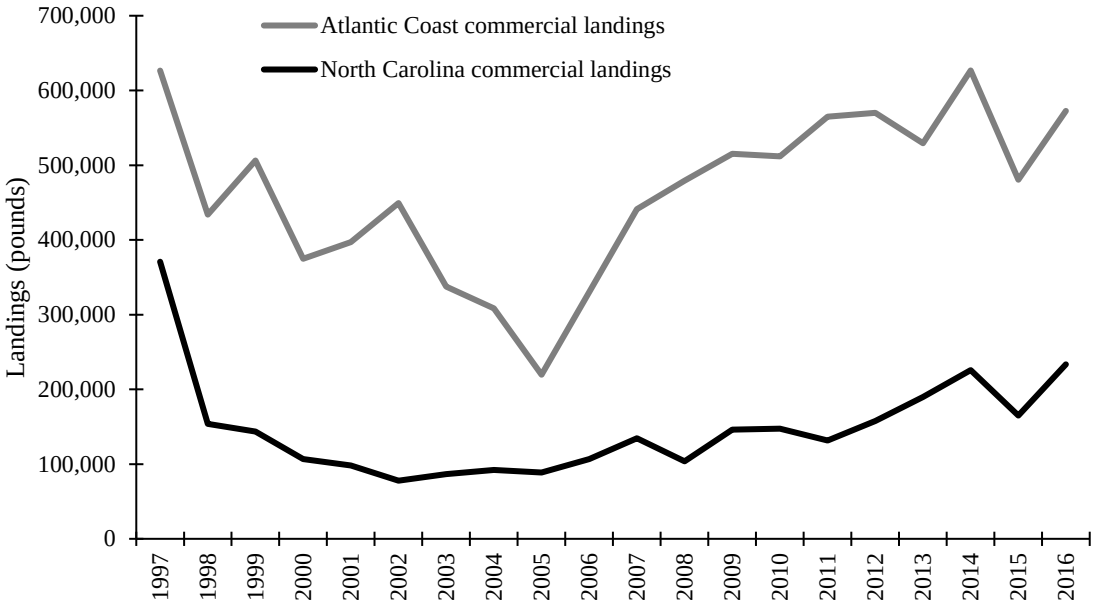

Figure 2: Coastwide (ACCSP) and North Carolina (NCTTP) commercial false albacore landings (pounds), 1997-2016.

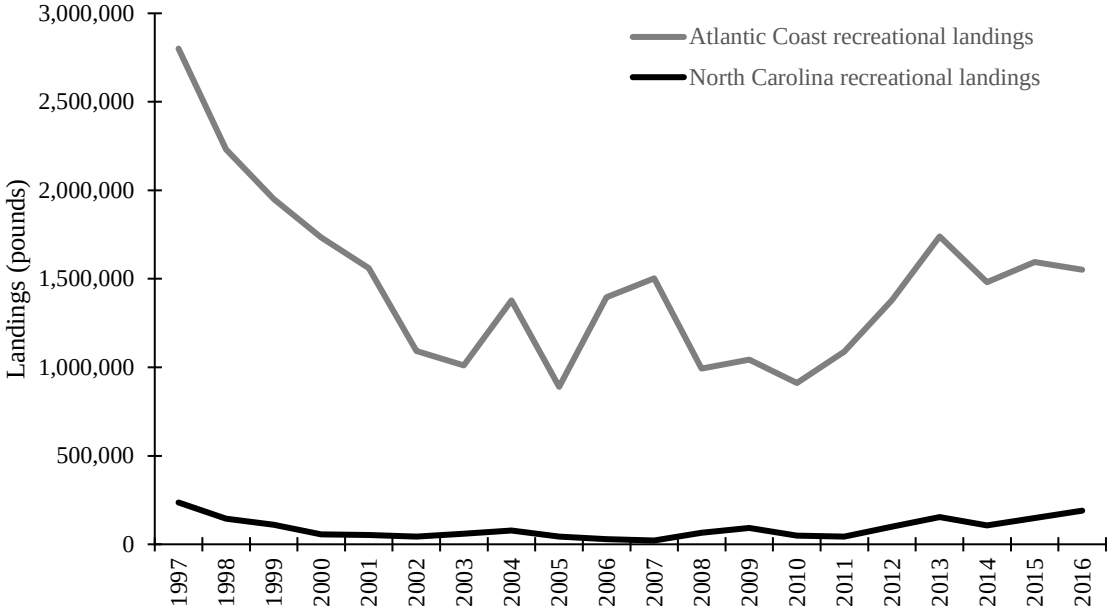

Figure 3: Coastwide and North Carolina (MRIP) recreational false albacore landings (pounds), 1997-2016.

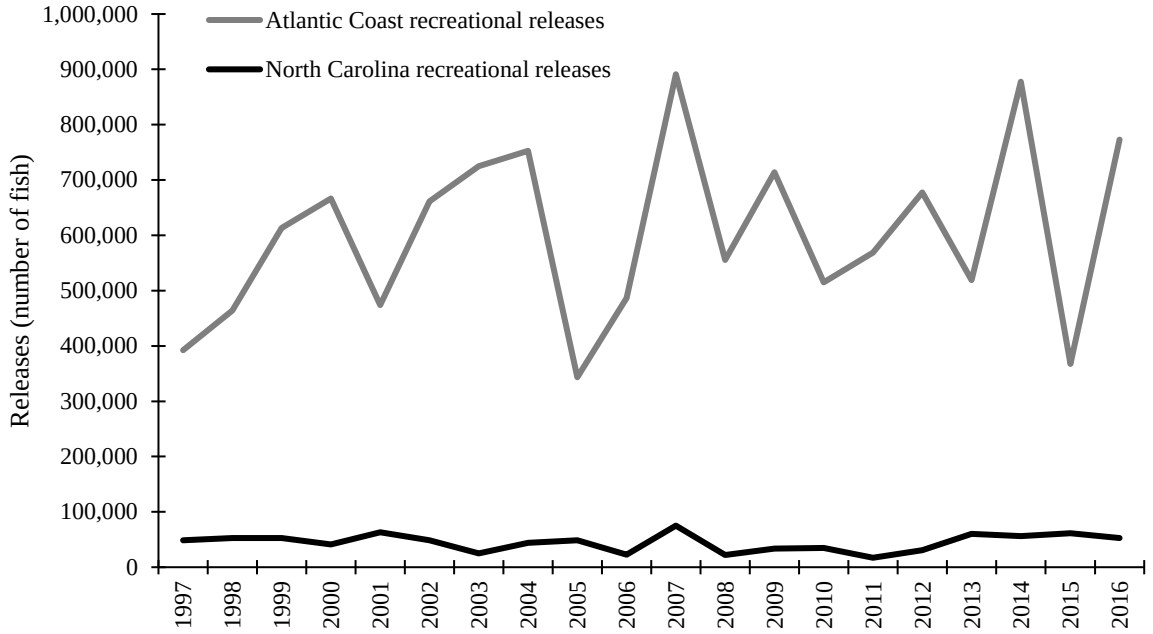

Figure 4: Coastwide and North Carolina (MRIP) recreational false albacore releases (numbers), 1997-2016.

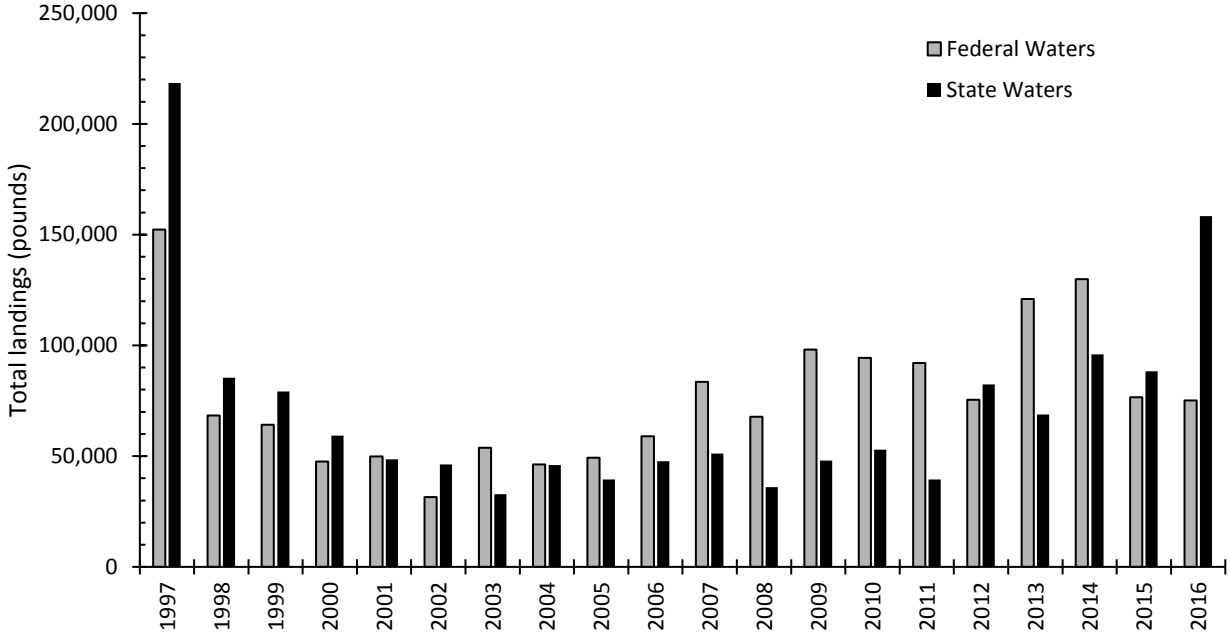

Figure 5. North Carolina commercial (NCTTP) false albacore landings (pounds) broken out by state and federal waters, 1997-2016.

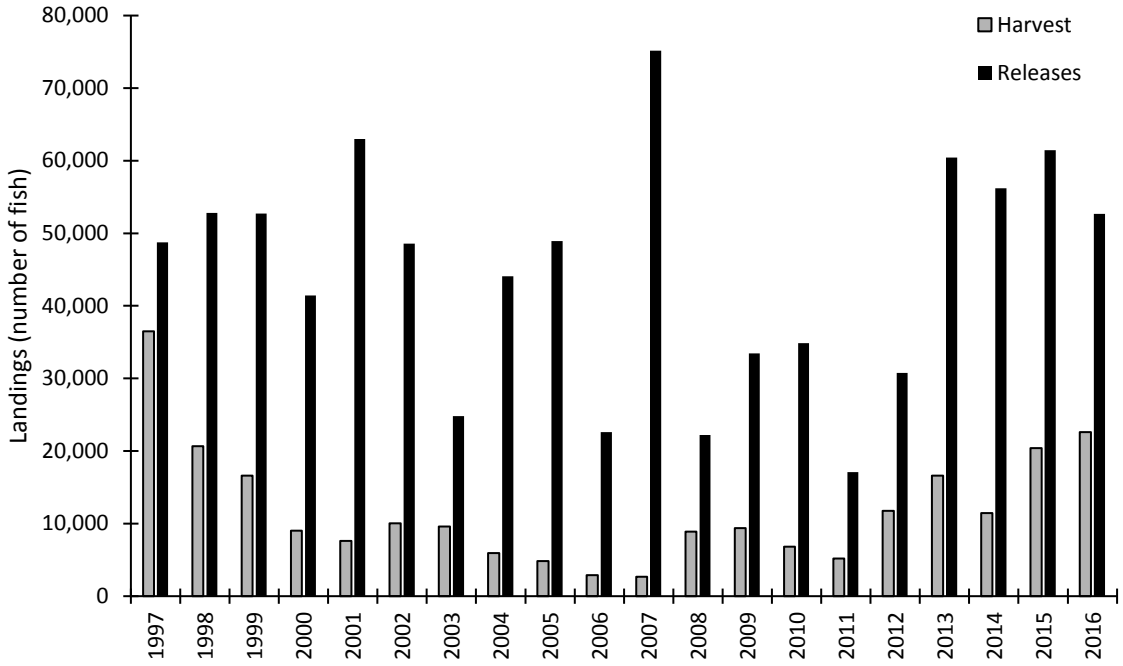

Figure 6. North Carolina recreational (MRIP) false albacore landings (numbers), 1997-2016.

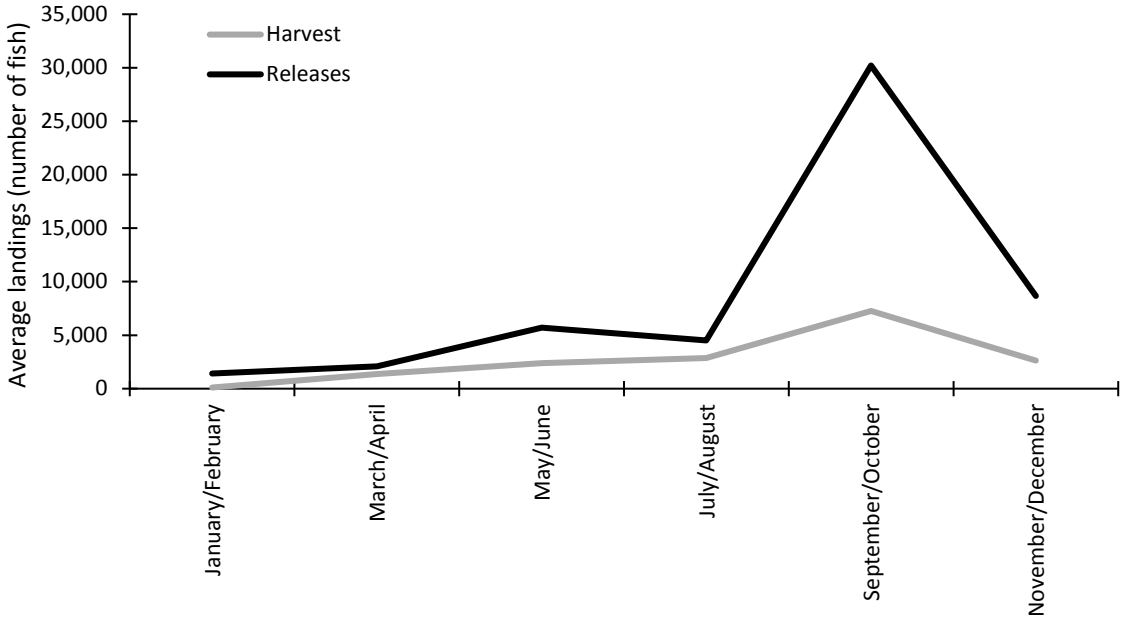

Figure 7. North Carolina recreational (MRIP) false albacore landings (numbers) by landings wave averaged over the last five years, 2012-2016.

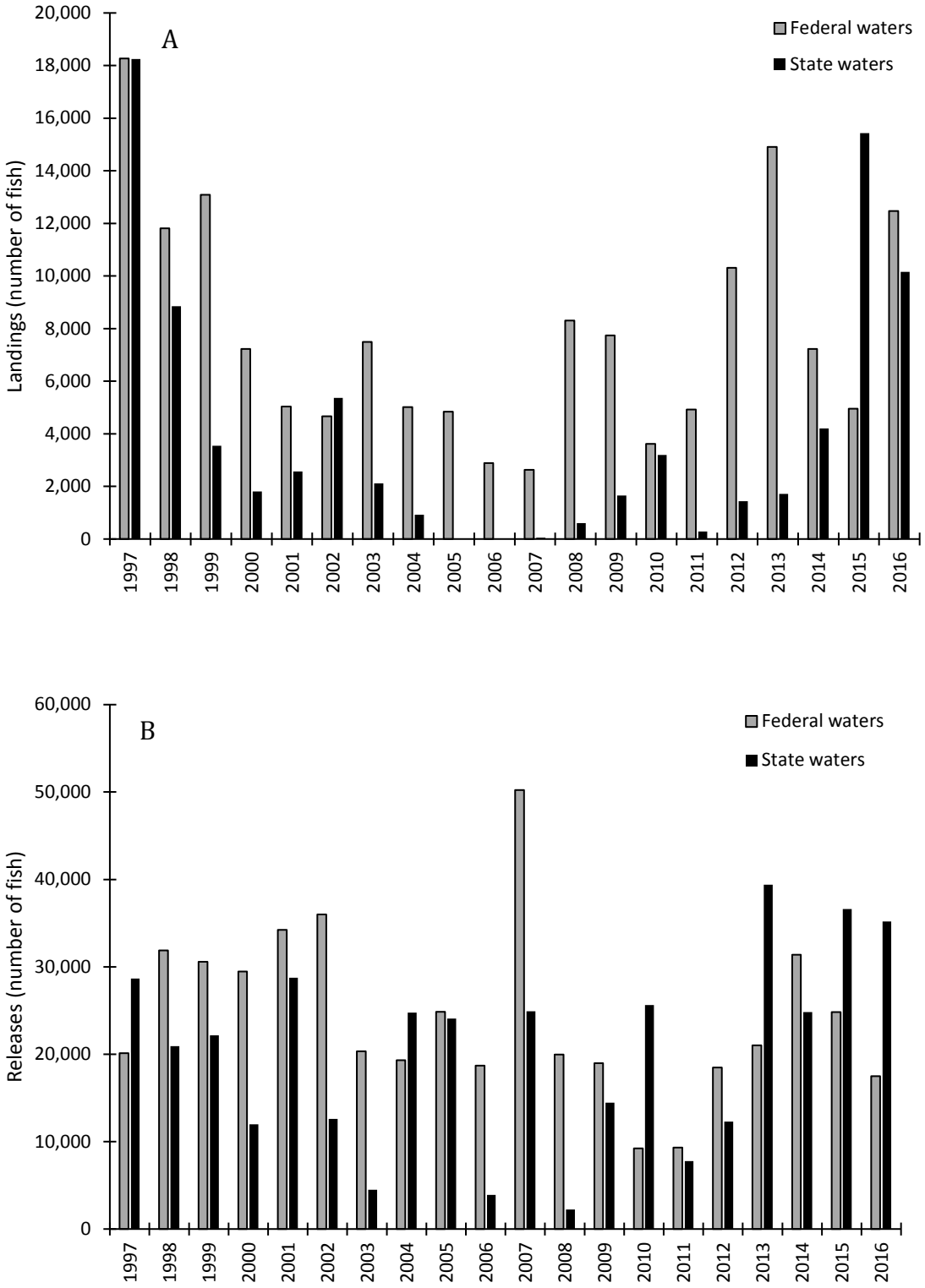

Figure 8. North Carolina recreational (MRIP) false albacore catch (numbers) broken out by state and federal waters, 1997-2016, for a) harvest and b) releases.

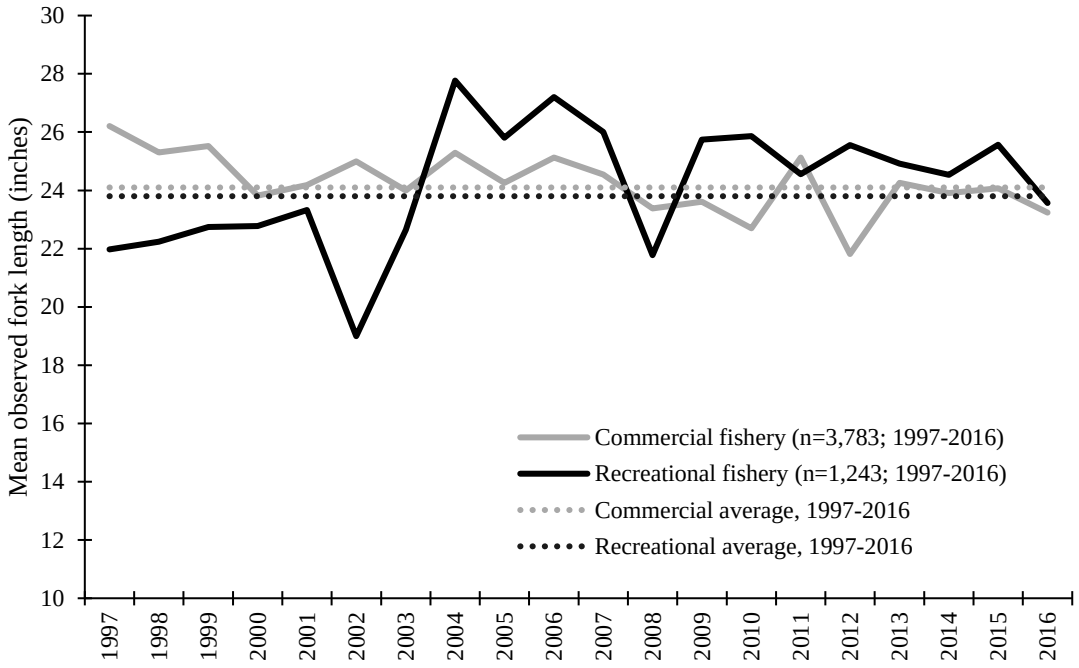

Figure 9. Commercial (division fish house sampling) and recreational (MRIP) mean observed fork length for false albacore, 1997-2016.

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ASMFC

FISHERIES focus

Vision: Sustainably Managing Atlantic Coastal Fisheries

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Department of Commerce Decision May Impact ASMFC's Ability to Conserve Atlantic Coastal Fisheries

On July 11th, Secretary of Commerce, Wilbur Ross, notified the Atlantic States Marine Fisheries Commission that he has found the State of New Jersey to be in compliance with Addendum XXVII to the Summer Flounder Fishery Management Plan. According to the letter sent to the Commission, Secretary Ross's decision was based on the assertion that "New Jersey makes a compelling argument that the measures it implemented this year, despite increasing catch above the harvest target, will likely reduce total summer flounder mortality in New Jersey waters to a level consistent with the overall conservation objective for the recreational fishery." This is the first time since passage of the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) in 1993 and the Atlantic Striped Bass Conservation Act in 1984 that the Secretary of Commerce failed to uphold a noncompliance recommendation by the Commission.

"The Commission is deeply concerned about the near-term impact on our ability to end overfishing on the summer flounder stock as well as the longer-term ability for the Commission to effectively conserve numerous other Atlantic coastal shared resources," stated Commission Chair Douglas Grout of New Hampshire. "The Commission's finding of noncompliance was not an easy one. It included hours of Board deliberation and rigorous Technical Committee review, and represented, with the exception of New Jersey, a unanimous position of the Commission's state members. Our decision was based on Technical Committee's findings that New Jersey's measures were not conservationally-equivalent to those measures in Addendum XXVIII and are projected to result in an additional 93,800 fish being harvested. Additionally, we had an obligation as a partner in the joint management of summer flounder with the Mid-Atlantic Fishery Management Council (Council) to implement measures to end overfishing immediately or face the possibility of summer flounder becoming an overfished stock."

Based on the latest stock assessment information, summer flounder is currently experiencing overfishing. Spawning stock biomass has been declining since 2010 and is just 16% above the threshold. The vast majority of fishery-independent surveys show rapidly declining abundance. Any increase in overall mortality puts the stock at risk for further declines and increases the probability of the stock becoming overfished. If the stock falls below the biomass threshold, the Magnuson-Stevens Fishery Conservation and Management Act requires the Council to initiate a rebuilding program, which could require more restrictive management measures.

New Jersey was not the only state to be concerned about the impact of the approved measures to its recreational fishing community. Two other states submitted alternative proposals that were rejected in favor of the states equally sharing the burden of needed reductions. Those states, as well as other

continued, see DOC DECISION on page 7

Upcoming Meetings

August 1-3
ASMFC Summer Meeting, The Westin Alexandria, 400 Courthouse Square, Alexandria, VA

August 8-10
Mid-Atlantic Fishery Management Council, Courtyard Marriott, 21 North Juniper Street, Philadelphia, PA

August 9 (10 AM)
Atlantic Herring Days Out Conference Call (go to http://www.asmfc.org/calendar/8/2017/atlantic-herring-days-out-call/1077 for more information)

August 14 (begin 10 AM) - 17 (ends 3 PM)
Atlantic Sturgeon Stock Assessment Review Workshop, Marriott Raleigh City Center, 500 Fayetteville Street Raleigh, NC (go to http://www.asmfc.org/calendar/8/2017/Atlantic-Sturgeon-Stock-Assessment-Review-Workshop/1093 for more information)

September 11-15
South Atlantic Fishery Management Council, Town and Country Inn, 2008 Savannah Highway, Charleston, SC

September 26-28
New England Fishery Management Council, Gloucester, MA

September 26-29
Data Workshop for the Atlantic Striped Bass Benchmark Stock Assessment, Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA

October 10-12
Mid-Atlantic Fishery Management Council, Hyatt Long Island East End, 451 East Main Street, Riverhead, NY

October 15-19
ASMFC 76th Annual Meeting, Waterside Marriott Hotel, 235 East Main Street, Norfolk, VA

November 14
ASMFC Atlantic Menhaden Management Board, DC/BWI area.

December 4-7
South Atlantic Fishery Management Council, DoubleTree by Hilton Atlantic Beach Oceanfront, 2717 W. Fort Macon Road, Atlantic Beach, NC

December 5-7
New England Fishery Management Council, Hotel Viking, Newport, Rhode Island

December 11-14
Mid-Atlantic Fishery Management Council, Westin Annapolis, 100 Westgate Circle, Annapolis, Maryland

January 30-31
New England Fishery Management Council, Sheraton Harborside, Portsmouth, NH

February 6-8
ASMFC Winter Meeting, Westin Hotel, 1800 Jefferson Davis Highway, Arlington, VA

February 13-15
Mid-Atlantic Fishery Management Council, Hilton Garden Inn Raleigh/Crabtree Valley, 3912 Arrow Drive, Raleigh, NC

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.

Commissioner Survey Identifies Challenges to Fisheries Management

Built into the Commission's 5-year Strategic Plan and annual action plans is the recognition that Commissioners must dedicate themselves to thoughtful and deliberative self-evaluation to effectively achieve our collective vision of sustainably managing Atlantic coastal fisheries. Annually, this self-evaluation takes the form of a Commissioner survey and Annual Performance of the Stocks.

In May, Commissioners reviewed the results of the survey, which identified three broad issues that make our work as fisheries managers complicated and challenging. These include climate change; finite resources for data collection; and the rise of individual state interests over those of the coast. Socioeconomic factors and analyses were a recurring theme throughout.

Climate change and other environmental stressors have drastically changed our ability to manage fishery resources. Warming water temperatures throughout New England have led to the collapse of the Gulf of Maine northern shrimp and the depletion of Southern New England lobster stocks. Some species, such as black sea bass, Atlantic croaker and cobia are beginning to extend their ranges into more northern waters. Weakfish rebuilding has been hindered by unusually high levels of natural mortality, while diadromous species such as American eel, shad, river herring and Atlantic sturgeon have all been impacted by impediments to fish passage and the lack of suitable riparian and nearshore habitat. These stressors are outside the purview of the state's fishery agencies and coastwide management efforts, yet they are a significant factor in the fisheries management equation that must be addressed in our management programs. The Commission's Climate Change Work Group, composed of fisheries managers and scientists, is working on developing science, policy, and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change impacts.

It is my hope and that of the Commission's leadership that our long-standing history of cooperative management will provide a solid foundation for us to collectively move forward in achieving our vision of sustainably managing Atlantic coastal fisheries.

The second issue raised by Commissioners concerns data quality and availability, both of which are hindered by the lack of adequate fiscal resources to maintain long-term data sets, initiate new monitoring programs, and conduct benchmark stock assessments at an ever increasing pace to match management needs. It's no secret state and federal marine fisheries budgets have been shrinking the past few years, and usually one of the first casualties of these cuts are fisheries monitoring programs, whether it be state young-of the-year surveys, a regionally-specific survey on horseshoe crab adult abundance, or state/federal cooperative surveys such as those conducted by SEAMAP and NEAMAP (Southeast and Northeast Area Monitoring and Assessment Programs, respectively). While NEAMAP has been able to maintain consistent funding through various sources, several of the SEAMAP South Atlantic core surveys, which have been operational since the 1980s, have been impacted by funding shortfalls. The Commission continues to place a high priority on ensuring these and other long-running and critically important surveys have secure, long-term funding to support our fisheries management and stock assessment needs.

Many Commissioners expressed concern regarding the current use of recreational catch and effort data generated by the Marine Recreational Information Program. The Commission and the states will to continue to work closely with NOAA Fisheries to improve these critical recreational data and better align the recreational management programs with the available data.

Over the last year, Commissioners have rightly been concerned about state and regional parochialism. Bringing together 15 states, all with different needs, has never been without conflict. But the states have always been able to work through their differences within the Commission framework. The states' willingness to sacrifice together in the near-term has always resulted in a rising tide – good for all boats. Indeed, many interjurisdictional fisheries management successes on the Atlantic coast in the last three decades can be traced back to cooperation and compromise among the states under the Striped Bass Act and Atlantic Coastal Act.

The principles upon which the Atlantic Coastal Act is founded are now being put to their greatest test. The Commerce Department's recent and precedent-setting decision threatens to undermine a long history of cooperation among the states. Fisheries are not managed in a vacuum, and I know every one of our Commissioners care deeply about our marine environment – and more importantly the people who depend upon it. While the future impact of Secretary Ross' action is unclear, we must trust in the states' 75-year track record of working together to successfully manage our shared marine resources. It is my hope and that of the Commission's leadership that our long-standing history of cooperative management will provide a solid foundation for us to collectively move forward in achieving our vision of sustainably managing Atlantic coastal fisheries.

Commission Seeks to Better Understand and Conserve Unique and Highly Valued Species

Introduction

Few of the species under the Commission's watch have both a unique life cycle story and command attention on the international scene for its high market demand and conservation needs. But American eel is uniquely positioned to captivate one's attention by its biology, ex-vessel value, and continued conservation efforts. Even though much is still unknown about the journey American eels undergo from the Sargasso Sea to the estuaries and rivers of North and South America, it is an important species that requires international cooperation to conserve.

Life History

From a biological perspective, American eel are as enigmatic as they are fascinating. Once thought to be a freshwater species, American eel are actually a catadromous species, migrating from inland rivers to the ocean to spawn. The only catadromous species found in North America, this elusive animal begins its life in the Sargasso Sea, an area of the western Atlantic Ocean east of the Bahamas and south of Bermuda. For up to a year and a half the Gulf Stream transports and disperses larval eel, called leptocephali, along the eastern coast of Central and North America. At this stage the eels are transparent and are no bigger than a stick of gum. Leptocephali metamorphose into glass eel as they migrate toward land. The elver stage occurs when glass eel turn a brown color and move into brackish or freshwater. As they grow into yellow eel they will feed mainly at night on insect larvae, crayfish, smaller benthic fish, and even smaller elvers when available.

Yellow eel will typically establish a very small home range and have even been known to return to their home range if they are displaced. Another unique characteristic about American eel is when they are densely concentrated in habitat, they are more likely to be males, while eel living in less dense populations are more likely to be females. Females will also grow larger and reach maturity at a later age than males, particularly in the northern regions. Males grow to two feet long and females can reach up to four feet long, although growth rates are dependent on the habitat latitude and distance from the Atlantic Ocean.

Sexually maturing eel, called silver eel, migrate up to 3,000 miles back to where they were born in the Sargasso Sea. They will spawn once and presumably die. The spawning events have yet to be observed and the exact location remains unknown. Because all mature adult eel from the entire range come together in one place and reproduce, the American eel population is considered a panmictic (single) stock. So the eel you see in your local rivers and streams are the same as the ones found in the St. Lawrence River in Canada or rivers in South America!

Commercial & Recreational Fisheries

Eel fishing in North America has been documented as far back as the 17th century largely as a subsistence fishery. In the 20th Century, commercial interest for American eel arose most significantly in the 1960s in response to the European export market. Since then, commercial landings have fluctuated depending on the market price for eel at their various life stages: glass, yellow, and silver. Historically and currently, the majority of commercial landings come from the yellow eel fishery. After an initial decline in the 1950s, commercial yellow eel landings increased to a peak of 3.67 million pounds in 1979, declined again in the 2000s, and have exceeded one million pounds three times since 2004. In 2016, yellow eel landings totaled 928,358 pounds. Eel pots are the most typical gear used in the commercial yellow eel fishery; however, weirs, fyke nets, and other fishing methods are also employed. Although yellow eel were historically harvested for food, today's fishery sells yellow eel primarily as bait for recreational fisheries. At the silver eel stage, eel are completely focused

Species Snapshot

American Eel
Anguilla rostrata

Common Names:
Elver, silver eel, yellow eel, freshwater eel

Interesting Facts:

- Eel can travel over land! This fascinating creature can absorb oxygen through its skin, allowing them to travel over land for short distances, such as through mud or wet grass.
- Eel have poor eyesight and likely depend on a keen sense of smell to locate food.
- Aristotle did the first known research on eel.
- Leptocephali (eel larval stage) were originally thought to be a different species.
- American eel were once thought to be the same species as the European eel (*Anguilla anguilla*).

Christmas Eel!

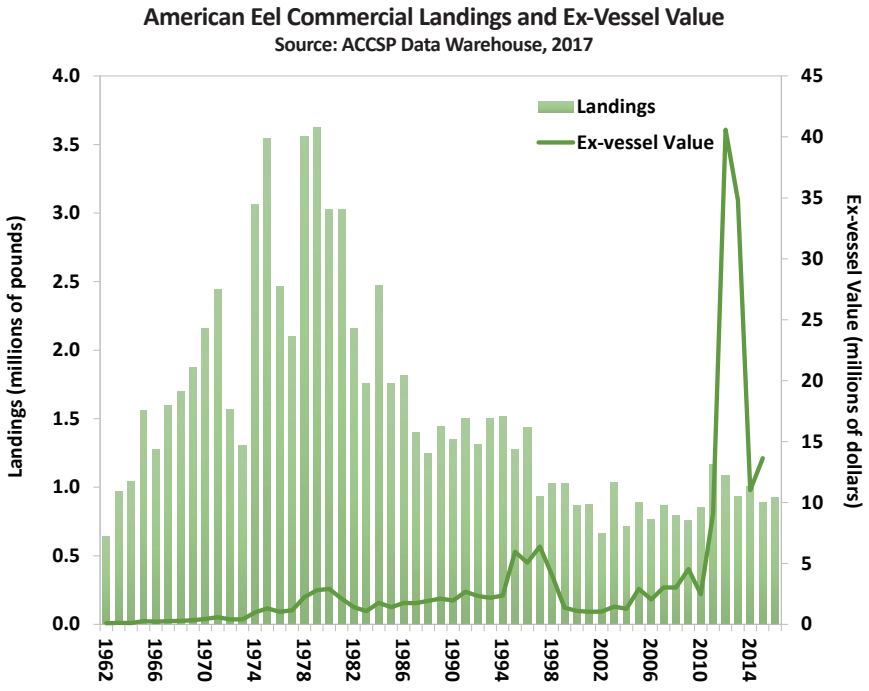
- Eel are considered an important component of the traditional Italian-American "Feast of Seven Fishes" dinner celebrated on Christmas Eve.

East Coast Record: 44.5 inches/8 pounds, caught in New Hampshire in 1975

Oldest Recorded: 20 years

Stock Status:
Depleted throughout its US range

Photo (c) Brian Gratwicke



*2016 values are preliminary

Timeline of Management Actions: FMP ('99); Addendum I ('06); Addendum II ('08), Addendum III ('13); Addendum IV ('14)

on migrating back to the spawning grounds and typically do not respond to baited traps. Since the approval of Addendum IV (2014), silver eel fisheries are only permitted on a limited basis in New York's Delaware River.

Glass eel fisheries along the Atlantic coast are prohibited in all states except Maine and South Carolina. Over the last seven years, there has been a significant increase in the demand for glass eel due to due to concerns over the population levels of European and Japanese eels, as well as tighter restrictions on the exportation of European eels. Glass eel are exported to Asia to serve as seed stock for aquaculture facilities. Little information is available on targeted recreational fisheries for American eel. Harvest by dip net or fyke net has increased as the market price has risen to over $1,000 per pound. The highest value reported in Maine in the last five years was $40.38 million in 2012 for 21,611 pounds. Since the implementation of Addendum IV, Maine's glass eel quota has been set at 9,688 pounds (a 17.5% reduction from the 2014 quota). In 2017, preliminary landings indicate 9,282 pounds of glass eel were sold for a value of $12.08 million pounds. Because of this high value, poaching of glass eel has become a coastwide issue that impedes and undermines the management, monitoring, and success of this species during a critical life stage.

Stock Status

The 2012 benchmark stock assessment concluded American eel is depleted in US waters due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. Despite the large number of surveys and studies available for use in this assessment, the American eel stock is still considered data-poor because very few surveys target eel and collect information on length, age, and sex of the animals caught. Also, given the extremely complex life history of eel it is challenging to assess using traditional stock assessment models. Therefore, two data-poor methods were used to determine the status of the American eel resource: trend analyses and model analysis.

continued, see AMERICAN EEL on page 11

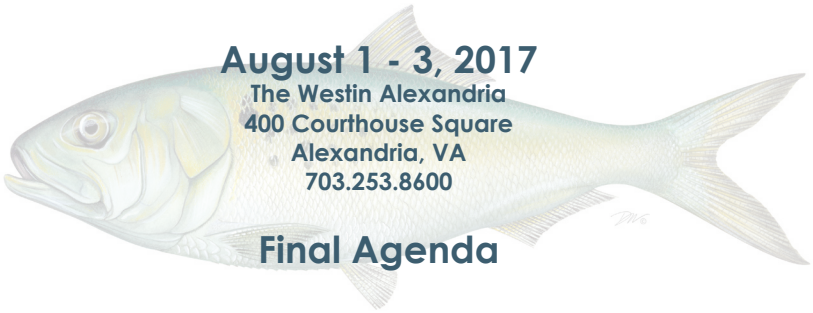
Enforcement & Management Respond Effectively to Glass Eel Conservation Needs

With the continued demand for glass eel to supply Asian seafood markets and a market price above $1000 per pound in recent years, there remains significant incentives to illegally harvest and trade glass eel from US waters. Currently, only the State of Maine has a glass eel commercial quota (9,688 pounds), which is tightly regulated through a swipe card system. South Carolina permits a small harvest (less than 500 pounds in recent years) and Florida has been phasing out glass eel harvest in recent years through regulation.

Prior to the implementation of Addendum IV (2014), which greatly improved the reporting and accounting of glass eel caught in Maine, there were few systems set up to track and monitor the harvest of glass eel across the US Atlantic coast. Glass eel sold to Asia markets had been sourced from around the world; not only American eel (*Anguilla rostrata*) but also the Japanese eel (*Anguilla japonica*) and European eel (*Anguilla Anguilla*). In 2008 and again in 2010, the International Union for Conservation of Nature (IUCN), an international membership union that aims to assist societies throughout the world to conserve nature and promote ecologically sustainability, made a determination to include European eel on its Red List of Threated Species as 'critical endangered' due to findings of declining recruitment and abundance indices. In response to the IUCN's determination in 2010, the European Union banned the export of European eel, reducing supply to Asia markets and subsequently increasing demand for glass eel sourced from the US and Asia. At the same time, ongoing monitoring of Japanese eels indicated similar trends in declining abundance. This led to the IUCN determination

continued, see GLASS EEL on page 11

ASMFC Summer Meeting



August 1 - 3, 2017

The Westin Alexandria
400 Courthouse Square
Alexandria, VA
703.253.8600

Final Agenda

The agenda is subject to change. 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.

TUESDAY, AUGUST 1

8:00 – 9:30 a.m. **Executive Committee**
(A portion of this meeting may be a closed session for Committee members and Commissioners only)

- Public Comment
- Discuss Council/Commission Line in NOAA Budget
- Discuss the Secretary of Commerce Decision Regarding New Jersey Summer Flounder Recreational Measures
- Discuss Executive Director's Contract Renewal (**Closed Session**)

9:45 a.m. – 1:30 p.m. **South Atlantic State/Federal Fisheries Management Board**

- Public Comment
- Review and Consider Cobia Draft Fishery Management Plan for Public Comment (*L. Daniel*) **Action**
- 2017 Spot Benchmark Stock Assessment **Final Action**
  - Presentation of Benchmark Assessment Report (*C. McDonough*)
  - Presentation of Peer Review Panel Report (*P. Campfield)*
  - Consider Acceptance of Benchmark Stock Assessment and Peer Review Report for Management Use
  - Consider Management Response to Benchmark Stock Assessment and Peer Review Report (*J. Estes*)
- Consider 2017 Traffic Light Analyses for Atlantic Croaker and Spot (*C. McDonough*)
  - Reviw 2017 Traffic Light Analyses
  - Progress Update on Exploratory Analyses for Incorporation of Additional Indices and Adjustments to the Atlantic Croaker Traffic Light Analysis
- Consider 2017 Atlantic Croaker FMP Review and State Compliance (*M. Schmidtke*) **Action**

1:45 – 2:45 p.m. **Atlantic Coastal Cooperative Statistics Program Coordinating Council**

- ACCSP Status Report (*M. Cahall*)
  - Program Updates
  - Committee Updates
- Review and Consider Approval of the Marine Recreational Information Program Atlantic Regional Implementation Plan (*G. White*) **Action**
- Recreational Data Collection: Changes on the Horizon (*G. White*)

Public Comment Guidelines

In order to ensure a fair opportunity for public input, the ISFMP Policy Board has established the following guidelines for use at management board meetings:

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, July 25, 2017** 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 July 25th 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.

DOC DECISION continued from page 1

coastal states, implemented the approved measures in order to end overfishing and support the long-term conservation of the resource.

"The states have a 75-year track record of working together to successfully manage their shared marine resources," continued Chairman Grout. "We are very much concerned about the short and long-term implications of the Secretary's decision on interstate fisheries management. Our focus moving forward will be to preserve the integrity of the Commission's process, as established by the Atlantic Coastal Act, whereby, the states comply with the management measures we collectively agree upon. It is my fervent hope that three-quarters of a century of cooperative management will provide a solid foundation for us to collectively move forward in achieving our vision of sustainably managing Atlantic coastal fisheries."

The Commission is currently reviewing its options in light of Secretary Ross's action, and the member states will meet during the Commission's Summer Meeting in early August to discuss the implications of the Secretary's determination on the summer flounder resource and on state/federal cooperation in fisheries management under the Atlantic Coastal Act.

BACKGROUND: On June 8th, pursuant to the provisions of the Atlantic Coastal Act, the Commission notified the Secretaries of Commerce and the Interior that it had found New Jersey out of compliance for not implementing the following mandatory management measures contained in Addendum XXVIII to the Summer Flounder FMP:

- Shore mode for Island Beach State Park only: 17-inch minimum size limit/ 2-fish possession limit/128-day open season.
- Delaware Bay only (west of the colregs line): 18-inch minimum size limit/3-fish possession limit/128-day open season.
- All other marine waters (east of the colregs line): 19-inch minimum size limit/ 3-fish possession limit/128-day open season

The implementation of these measures is necessary to achieve the conservation goals and objectives of the FMP to end overfishing of the summer flounder stock.

3:00 – 6:00 p.m. American Lobster Management Board

- Public Comment
- Consider American Lobster Addendum XXV for Final Approval **Final Action**
  - Presentation of Proposals from Lobster Conservation Management Teams (LCMT) 2, 3, 4, 5, and 6
  - Technical Committee Report on LCMT Proposals (*K. Reardon*)
  - Consider Final Approval of Addendum XXV
- State and Federal Inconsistencies in Lobster Conservation Management Area 4 Season Closure (*M. Ware*) **Possible Action**
- American Lobster Gulf of Maine/Georges Bank Subcommittee Report (*M. Ware*) **Possible Action**
- Update on Development of American Lobster Draft Addendum XXVI *(M. Ware*)
- Law Enforcement Committee Report on American Lobster Chain of Custody (*M. Robson*)
- NOAA Office of Law Enforcement Draft Enforcement Priorities 2018-2022 (*M. Ware*) **Possible Action**

WEDNESDAY, AUGUST 2

8:00 – 10:00 a.m. Shad and River Herring Management Board

- Public Comment
- Review Update for River Herring Stock Assessment (*B. Chase*)
- Review Update for Shad Stock Assessment Timeline (*J. Kipp*)
- Consider Approval of Shad and River Herring Sustainability Fishery Management Plans (SFMPs) **Final Action**
  - Review SFMPs and Technical Committee Memo (*B. Chase*)
    - South Carolina: Updated River Herring SFMP
    - Florida: Updated Shad SFMP
- Consider Approval of 2016 FMP Review and State Compliance Reports (*K. Rootes-Murdy*) **Action**

10:15 – 11:15 a.m. American Eel Management Board

- Public Comment
- Consider North Carolina Glass Eel Aquaculture Plan for 2018 (*K. Rootes-Murdy*) **Action**
  - Technical Committee Report
  - Law Enforcement Committee Report (*M. Robson*)
- Consider 2016 Yellow Eel Landings Overage and Coastwide Cap *(K. Rootes-Murdy*) **Possible Action**
- Consider 2016 American Eel FMP Review and State Compliance (*K. Rootes-Murdy*) **Action**

11:30 a.m. – 5:45 p.m. Atlantic Menhaden Management Board

- Public Comment
- Review 2017 Atlantic Menhaden Stock Assessment Update (*J. McNamee*)
- Biological Ecological Reference Point Work Group Report (*S. Madsen*)
  - Review of Hilborn, et al (2017) Paper
- Consider Draft Amendment 3 for Public Comment **Action**
  - Biological Ecological Reference Point Workgroup Report on Interim Reference Points (*K. Drew*)

continued, see FINAL AGENDA on page 8

FINAL AGENDA continued from page 7

11:30 a.m. – 5:45 p.m. Atlantic Menhaden Management Board (continued)

- Review of Management Issues and Alternatives (*M. Ware*)
- Plan Development Team Report on New York Proposal to Recalibrate Landings (*M. Ware*)
- Advisory Panel Report (*J. Kaelin*)

- Set 2018 Atlantic Menhaden Fishery Specifications **Final Action**
  - Overview of Specification Process (*M. Ware*)
  - Technical Committee Report (*J. McNamee*)
  - Advisory Panel Report (*J. Kaelin*)
- Update on 2017 Episodic Events Set Aside (*M. Ware*)

THURSDAY, AUGUST 3

8:00 – 11:30 a.m. Interstate Fisheries Management Program Policy Board

- Public Comment
- Update from the State Director's Meeting and Executive Committee (*D. Grout*)
- Review and Consider New Jersey Appeal of Addendum XXVIII to the Summer Flounder Fishery Management Plan **Final Action**
  - Postponed Motion: *Move to postpone the New Jersey Appeal of the Summer Flounder, Scup, and Black Sea Bass Addendum XXVIII until the Summer/August ISFMP Policy Board Meeting.* Motion by Mr. Nowalsky; Second by Mr. Keliher.
- Discuss the Secretary of Commerce Decision Regarding New Jersey Summer Flounder Recreational Measures
- Review of the Annual Performance of the Stocks (*T. Kerns*)
- Discuss New England Fishery Management Council Participation on the Atlantic Herring Section (*T. Kerns*) **Possible Action**
- Review and Consider Approval of Standard Meeting Practices (*T. Kerns*) **Action**
- Progress Update on the 2017 Atlantic Sturgeon Benchmark Stock Assessment (*K. Drew*)
- Review and Consider Approval of the Assessment Schedule (*S. Madsen*) **Action**
- Standing Committee Reports
  - Habitat and Artificial Reefs (*L. Havel*) **Action**
  - Atlantic Coastal Fish Habitat Partnership (*L. Havel*)
- Review Non-compliance Findings (if necessary) **Action**

11:15-11:30 a.m. Business Session

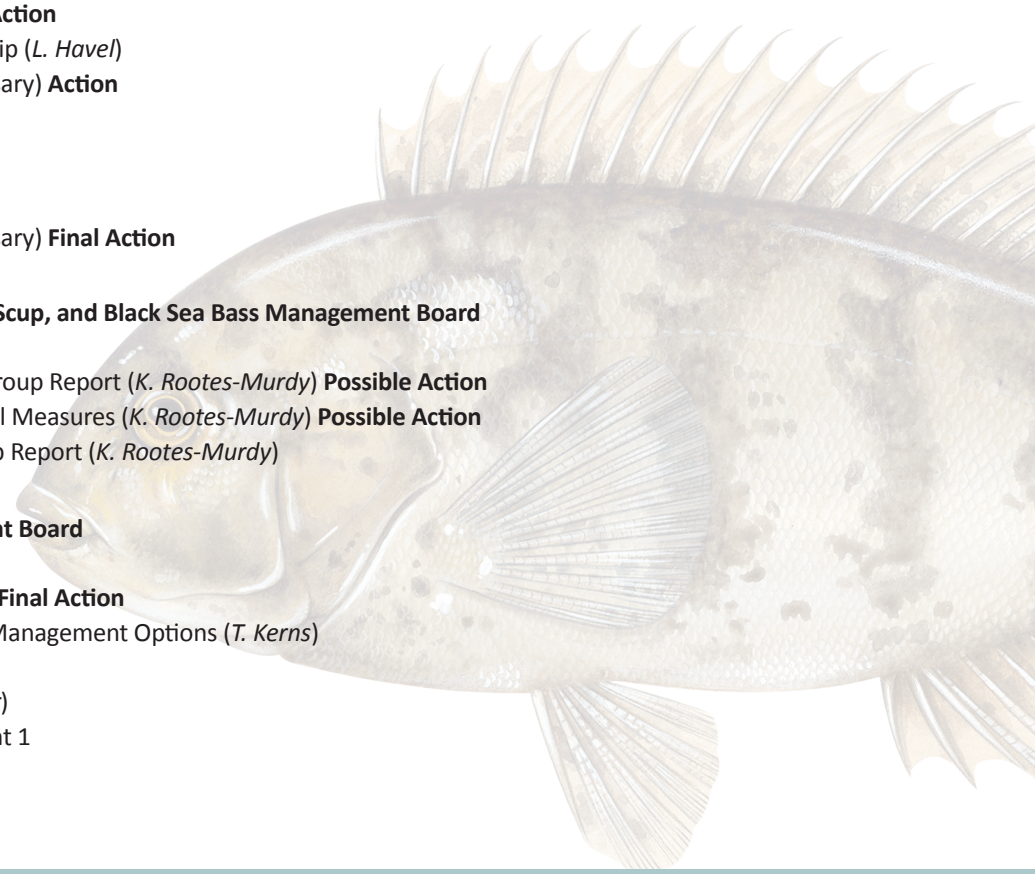
- Public Comment
- Review Non-compliance Findings (if necessary) **Final Action**

11:45 a.m. – 1:45 p.m. Summer Flounder, Scup, and Black Sea Bass Management Board

- Public Comment
- Summer Flounder Recreational Working Group Report (*K. Rootes-Murdy*) **Possible Action**
- Review of 2017 Black Sea Bass Recreational Measures (*K. Rootes-Murdy*) **Possible Action**
- Black Sea Bass Recreational Working Group Report (*K. Rootes-Murdy*)

2:00 – 4:30 p.m. Tautog Management Board

- Public Comment
- Consider Amendment 1 for Final Approval **Final Action**
  - Review Public Comment and Review Management Options (*T. Kerns*)
  - Advisory Panel Report
  - Law Enforcement Report (*J. Snellbaker*)
  - Consider Final Approval of Amendment 1
- Elect Vice-Chair **Action**



American Lobster

In May, the American Lobster Management Board moved forward with the goal of increasing egg production for the Southern New England (SNE) stock of American lobster by 5%. This increase in egg production can be achieved through a suite of management tools including gauge size changes, trap reductions, and seasonal closures. The recreational fishery is only subject to changes in the gauge size should any be proposed. In making its decision, the Board took into consideration the extensive public comment, which overwhelmingly supported status quo, and the fact that stock declines are largely a result of climatic changes, including increasing water temperatures over the last 15 years.

Egg bearing lobster. Photo (c) NOAA Ocean Technology Foundation

Throughout May and early June, Lobster Conservation Management Teams (LCMTs) for Areas 2, 3, 4, 5 and 6 met to develop area-specific proposals on how to achieve the 5% increase in egg production. As established through Amendment 3 to the Interstate Fishery Management Plan for American Lobster, LCMTs are composed of lobster industry members who are charged with recommending area-specific measures for Board consideration and approval. The LCMT proposals were submitted for Technical Committee review on June 15th and will be presented for Board approval in August. Once area-specific measures have been approved, the Board will consider final approval of Addendum XXV.

In its deliberation on the SNE lobster stock, the Board discussed the need to consider changes to the current management goals and reference points, noting changes in the marine environment may limit the ability to rebuild the stock to levels seen in the 1990s. The Board will continue to discuss these issues, particularly as the Commission's Climate Change Work Group develops recommendations regarding the management of stocks impacted by changing climate conditions.

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

Atlantic Herring

The Atlantic Herring Section approved Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring. The Addendum includes management measures intended to stabilize the rate of catch in the Area 1A fishery and distribute the seasonal quota throughout Trimester 2 (June through September), which has 72.8% of the season's allocation. The following measures were approved by the Section:

Days Out Program (effective for the 2017 fishing season)

The Section will separately address days out provisions for federal herring Category A vessels and small-mesh bottom trawl vessels with a federal herring Category C or D permit.

- In addition to landing restrictions associated with the days out program, Category A vessels are now prohibited from possessing herring caught from Area 1A during a day out of the fishery.
- Small-mesh bottom trawl vessels with a Category C or D permit will notify states of their intent to fish in Area 1A prior to June 1st.

Maine, New Hampshire and Massachusetts will make days out decisions by consensus. If a consensus cannot be reached, then the default landing day scenario will be zero landing days. (NOTE: At their July 26th meeting, the states agreed that vessels with a herring Category A permit that have declared into the Trimester 2 Area 1A fishery may land herring five (5) consecutive days a week. One landing per 24 hour period.)

Weekly Landing Limit (effective for the 2017 fishing season)

The Addendum implements a weekly harvester landing limit for vessels with a Category A permit. The weekly limit will be adjusted throughout the fishing season based on effort. Forty-five days prior to the start of the fishing season, Category A vessels will notify states of their intent to fish in Area 1A, including a specification of gear type. This will provide states with an estimate of effort to calculate the weekly landing limit. (NOTE: At their July 26th meeting, the states agreed that vessels with a herring Category A permit may harvest up to 680,000 pounds (17 trucks) per harvester vessel, per week. 120,000 pounds out of the 680,000 pound weekly limit can be transferred to a carrier vessel.)

At-Sea Transfer and Carrier Provisions

The Addendum also allows at-sea transfer and carrier provisions to be used as potential management tools prior to the start of the fishing year. At their July 26th meeting, the states agreed to the following measures for harvester vessels with a herring Category A permit and carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire or Massachusetts port.

- A harvester vessel can transfer herring at-sea to another catcher vessel.

continued, see FISHERY MANAGEMENT ACTIONS on page 10

FISHERY MANAGEMENT ACTIONS continued from page 9

- A harvester vessel is limited to making at-sea transfers to only one carrier vessel per week.
- Carrier vessels are limited to receiving at-sea transfers from one catcher vessel per week and can land once per 24 hour period. A carrier vessel may land up to 120,000 lbs (3 trucks) per week. The carrier limit of 3 trucks is not in addition to the harvester weekly landing limit.
- Carrier vessel: a vessel with no gear on board capable of catching or processing fish. Harvester vessel: a vessel that is required to report the catch it has aboard as the harvesting vessel on the Federal Vessel Trip Report.

State Landing Report

NOAA Fisheries has granted access to vessel monitoring system-submitted daily catch report data for select staff in Maine, New Hampshire and Massachusetts. This will provide real-time data for the states to implement a weekly landing limit. Therefore, the implementation of a state landing report is not necessary at this time. The Section will include the option to implement a state landing report as part of the interstate fishery management program if it becomes necessary at a future date. The Addendum is available at http://www.asmfc.org/uploads/file/592efbfbAtlHerring_Addendum_I_FINAL.pdf.

The Section also approved continuing the use of the GSI30-based forecast system to determine spawning closures in Area 1A. This method was developed by the Technical Committee, then tested and evaluated for effectiveness during the 2016 fishing season. The modified GSI-based spawning monitoring system tracks reproductive maturity to align the timing of spawning area closures with the onset of spawning. The modeling efforts to forecast the spawning closures will be made available via a website.

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

Atlantic Striped Bass

In May, the Atlantic Striped Bass Management Board chose to not advance Draft Addendum V to Amendment 6 to the Fishery Management Plan (FMP) for Atlantic Striped Bass forward for public comment. Instead, it decided to wait until the release of the results of the 2018 benchmark stock assessment before it considered making changes to the management program.

The Draft Addendum was initiated to consider liberalization of commercial and recreational regulations to bring fishing mortality to the target based on the findings of the 2016 assessment update. The Draft Addendum proposed alternative measures aimed to increase total removals (commercial and recreational) by approximately 10% relative to 2015 to achieve the fishing mortality target in 2017. However, 2016 harvest estimates increased without changing regulations. Additionally, fish from the 2011 year class, which was the largest recruitment event since 2004, will become increasingly available to ocean fisheries in the coming years, possibly resulting in further increases to harvest along the coast. The Board also expressed concern that changing the management program could result in fishing mortality exceeding the target.

In preparation for the 2018 stock assessment, the Board approved the Terms of Reference for the assessment, which will explore new biological reference points for management use.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703-842-0740.

Scup & Black Sea Bass

The Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXIX to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The Addendum shortens the length of the commercial scup summer period and extends the length of the winter II period (Table 1).

This action seeks to allow for the better utilization of the commercial quota, which has been under-harvested since 2011. Specifically, the change in quota period length allows for higher possession limits for a longer period of time each year, thus increasing the likelihood the commercial fishery will fully harvest the quota. The quota allocation for each period remains unchanged. The Mid-Atlantic Fishery Management Council (Council) also took the same action through Framework 10. The Council will forward its recommendation to NOAA Fisheries for final approval. The Board and Council's action will not affect the 2017 quota period start and end dates; these changes will likely be implemented for 2018 commercial quota. The Addendum is available at http://www.asmfc.org/uploads/file/594a8a3fScupAddendum_XXIX_May2017.pdf.

Table 1. New Quota Periods approved in Addendum XXIX

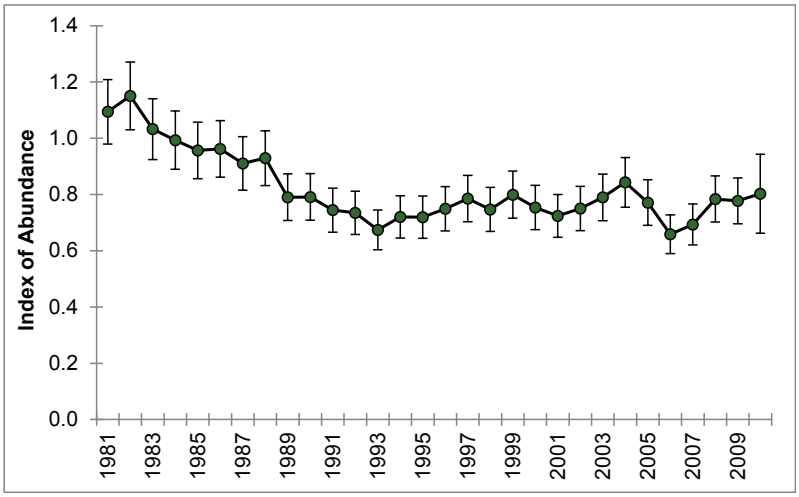
Winter I	January 1-April 30 (120 days)
Summer	May 1- September 30 (153 days)
Winter II	October 1-December 31 (92 days)

The Board also reviewed the final 2016 black sea bass recreational harvest estimates and considered changes to current measures to meet the 2017 recreational harvest limit (RHL). Based on the performance of the 2016 fishery, which indicated a reduction is needed to stay within the 2017 RHL, the Board set the possession limit for wave 6 (November/December 2017) at five fish in state waters from Rhode Island through New Jersey. All other state measures remain unchanged from 2016.

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

AMERICAN EEL continued from page 5

30-Year Index of Abundance for Yellow-phase American Eels along the Atlantic Coast
(error bars represent standard errors about the estimates)
Source: ASMFC American Eel Benchmark Stock Assessment Report, 2012



Trend analyses found evidence of declining or, at least, stable abundance of American eel in the US in recent decades. Regional trend analyses identified decreasing populations in the Hudson River and South Atlantic regions, while no consistent trends were found for the Chesapeake Bay and Delaware Bay/Mid-Atlantic Coastal Bays regions. The coastwide model analysis estimated biomass to be at a reduced level. Significant levels of harvest in the 1970s is considered a major factor contributing to the current low biomass levels, but other factors such as habitat loss, predation, and disease have also played a role.

American eel were petitioned for listing as threatened under the Endangered Species Act (ESA) in 2010. At that same time, the Canada Department of Fisheries and Oceans conducted a stock assessment on American eel in Canadian waters and found that region-specific status indices show abundance relative to the 1980s is very low for Lake Ontario and upper St. Lawrence River stock, and either unchanged or increasing in the Atlantic Provinces. Furthermore, in 2014 the International Union for Conservation of Nature (IUCN) listed American eel as endangered on the IUCN Red List. In October 2015, the US Fish and Wildlife Service made a determination that ESA listing for American eel was not warranted at this time due in part to current management program in place through the Commission. In October 2016 at the Conference of the Parties (CoP) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the European Union requested that more information be collected on the international trade and stock condition of Anguilla species, including American Eel, due in part to the increased international market demand and threats to conservation.

Atlantic Coastal Management

American eel pose unique conservation and management challenges on a coastwide basis as they are a slow growing, late maturing, semelparous species (meaning they spawn once and then die) that migrate between

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GLASS EEL continued from page 5

that Japanese eel are endangered, further reducing its availability in the market.

From 2010-2012, the demand for glass eel sourced from North America soared, increasing price per pound significantly, from approximately $185 per pound in 2010 to over $1800 per pound in 2012. The Commission's 2012 benchmark stock assessment indicated the need to reduce mortality across all life stages of eel, prompting all states with the exception of Maine, South Carolina, and Florida to prohibit the harvest of glass eel. Since glass eel migrate into, and are available in, estuarine streams and rivers in other states along the Atlantic, the tightening of regulations along the coast has led to the poaching of eel in some states with no glass eel fishery.

With the increased demand to illegally harvest glass eel and the international trade component of the fishery, the US Fish and Wildlife Service, in coordination with other federal and state agencies, conducted operations to identify and apprehend individuals seeking to profit from the illegal harvest and export of glass eels. To date, the ongoing investigation has resulted in guilty pleas for 12 individuals whose combined conduct resulted in the illegal trafficking of more than $2.94 million worth of elvers in violation of the Lacey Act. In one recent case, a Maine fisherman admitted to illegally transporting or selling approximately $189,374 worth of elvers in interstate commerce, which had been harvested illegally in Virginia and Massachusetts. The offense in this case is a felony under the Lacey Act, each carrying a maximum penalty of five years in prison, a fine of up to $250,000 or up to twice the gross pecuniary gain or loss, or both.

At the same time, with the implementation of Addendum IV provisions, Maine has been able to significantly reduce the number of state issued violations. Part of this success can be attributed to the development of a swipe card system that allows for a two ticket (harvester and dealer) reporting that improved the accuracy and timeliness of recording information on elvers caught or landed in Maine. In addition to the swipe card system, Maine implemented in 2014 an individual fishing quota (IFQ) system, allowing harvesters an individual quota to discourage 'derby' fishing. These two components of Maine's eel management have improved monitoring and management of the resource, such that in 2016, Maine DMR eliminated weekly closed periods and extended the season by one week to the benefit of elver fishermen. Enforcement staff and resource managers are continuing their efforts to prevent illegal and excessive harvest of glass eels, ensuring the long term conservation of American eel.

ASMFC Releases Atlantic Menhaden Socioeconomic Report

The Atlantic States Marine Fisheries Commission has released the report, "Socioeconomic Analysis of the Atlantic Menhaden Commercial Bait and Reduction Fishery," which characterizes coastwide commercial menhaden fisheries, including bait and reduction sectors and the fishing communities they support. The report's findings will be used to inform the Commission's Atlantic Menhaden Management Board as it considers potential management changes to menhaden commercial bait and reduction fisheries through Draft Amendment 3. Additionally, information from the report will be incorporated into the socioeconomic section of Draft Amendment 3, which is scheduled to be released for public comment in August.

Purse seining for Atlantic menhaden © John Surrick, Chesapeake Bay Foundation

In March 2016, the Commission awarded a grant to the research team of Dr. John Whitehead of Appalachian State University and Dr. Jane Harrison from North Carolina Sea Grant to conduct a socioeconomic study of Atlantic menhaden commercial fisheries. Over the past year, the team has collected and analyzed data to describe the coastwide commercial fisheries. The team interviewed stakeholders and conducted industry surveys to characterize participation in the menhaden fishery, vessel and gear characteristics, as well as identify substitute products, subsidies, and other sources of employment. Interview and survey data also provided information on recent market changes, state-quota impacts, and fishing communities. In addition, a public opinion internet survey was conducted, involving over 2,000 respondents from Maine, Rhode Island, New York, New Jersey, Maryland, Virginia, North Carolina, and Florida. A secondary data analysis was conducted using Atlantic Coastal Cooperative Statistics Program data on pounds landed, ex-vessel revenues, and trips. An economic impact analysis was also performed to evaluate the effects of varying levels of quota on both the bait and reduction sectors.

Atlantic menhaden captured as part of MD's Estuarine Fish Community Sampling Study © Frank Marenghi, MD DNR

Some of the report's primary findings include:

- Interviews and surveys of commercial fishermen and other industry members found many agreed demand for menhaden bait, oil, and meal had increased in recent years.
- The public survey used hypothetical quota variations, with associated changes in fisheries revenue, jobs, and ecosystem services. Survey results indicated a willingness to trade-off some amounts of fisheries revenue in exchange for improvements in ecosystem services; however, willingness was influenced by the respondents' attitudes and characteristics (i.e. perceptions about the importance of menhaden as bait for recreational/commercial fishing, as a contributor to their state's economy, as a source of food for predators, etc.)
- Analysis of historic landings data found prices for menhaden were negatively related to landings levels, but the relationship was small and insignificant in some instances. This suggests quota reductions might reduce commercial fishery revenues, as decreases in landings are not fully compensated by higher prices.
- Analysis of the economic impacts of quota changes indicated increases and decreases in total allowable catch corresponded to income and employment increases and decreases, and these effects were concentrated in New Jersey and Virginia.

The full report can be found on the Commission's website at http://www.asmfc.org/files/Atlantic%20Menhaden/ASMFC_MenhadenSocioeconomicReport_June2017.pdf.

For more information, please contact Shanna Madsen, Fisheries Science Coordinator, at smadsen@asmfc.org or 703.842.0740.

AMERICAN EEL continued from page 11

the high seas and inland estuaries and riverine systems, as well as through international, federal, state, and local jurisdictions. Through the Commission, Atlantic coastal states from Maine to Florida manage American eel in their territorial seas and inland waters. Each state is responsible for implementing management measures within its jurisdiction to ensure the sustainability of the American eel population residing within state boundaries. Increasing demand for eel by Asian markets and domestic bait fisheries, coupled with concern about the status of eel abundance and limited assessment data, spurred development of the first Interstate Fishery Management Plan in the mid-1990s.

Through Addenda III and IV, the Commission and the states sought to reduce mortality and increase conservation of American eel stocks across all life stages. Addendum III, approved in 2013, increased the commercial yellow eel minimum size to 9 inches, reduced the recreational bag limit to 25 fish/day, prohibited silver eel fisheries except in the Delaware River (NY), and implemented fishery-independent and fishery-dependent monitoring requirements. Addendum IV, approved in 2014, established the first ever coastwide quota for yellow eel fisheries, set at 907,671 pounds, along with specific management action if the quota is exceeded. Specifically, the Addendum establishes two management triggers: (1) exceeding coastwide quota by more than 10% in a given year, or (2) exceeding the coastwide quota for two consecutive years regardless of the percent overage. If either one of the triggers are met then states would implement state-specific allocation based on average landings from 2011-2013. Addendum IV also specifies that Maine will maintain its daily trip level reporting and require a pound-for-pound payback in the event of quota overages in its glass eel fishery. Additionally, the state has implemented a fishery-independent life cycle survey covering glass, yellow and silver eels within at least one river system. The Addendum specifies these requirements would also be required for any jurisdiction with a commercial glass eel fishery harvesting more than 750 pounds.

Addendum IV also provides opportunities for a limited glass eel harvest for domestic aquaculture purposes. In 2016 and 2017, North Carolina implemented an aquaculture plan approved by the Board that allowed up to 200 pounds of glass eels to be harvest for aquaculture. At the upcoming 2017 August Meeting, the Board will consider a proposal from North Carolina to continue this program for 2018 and beyond.

Looking Ahead

In fall 2017, the stock assessment update for American eel will be completed and the Board will consider whether management action is needed in response to the results. While the update will include additional years of data to the coastwide and regional trend analyses, stock status determination cannot be made until more information about the species is collected from the full extent of the species range, including the Great Lakes, Canadian Atlantic Provinces, and the Gulf of Mexico. There is continued interest and need for a comprehensive 'continental' stock assessment because without this collaboration there may be limited opportunity to better classify the condition of the stock. Until then, the Commission will continue to work with the states and international partners to collect and consider important information on this unique species.

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

Comings and Goings

PROXIES

STEVE HEINS

The Commission extends its congratulations to Steve Heins, retiring after a 31 year career with the New York State Department of Environmental Conservation's Bureau of Marine Resources. Steve has been part of the Commission for most of that time, providing valuable input on the Commission's science and management activities. He was a longstanding member and chair of the Management and Science and Artificial Reef Committees, as well as the NEAMAP Board. Since 2007, he has served as Jim Gilmore's ongoing proxy. Steve has recently been appointed a seat on the Mid-Atlantic Fishery Management Council, where he will continue to work for healthy marine resources as an advocate for both sectors of New York's fisheries.

TERRY STOCKWELL

The Commission also extends its congratulations to Terry Stockwell, who will soon retire from the Maine Department of Marine Resources after nearly two decades of service. Since 2006, Terry has served as proxy for the state's Administrative Commissioners. Over that time, he chaired the Commission's Atlantic Herring and Northern Shrimp Sections, as well as Management Boards for American Eel and Shad and River Herring. Regionally, he has served as Chair and Vice-Chair for the New England Fishery Management Council. Terry was recently appointed a seat on the Council, where he will continue to advocate for resource sustainability and the interests of Maine's recreational and commercial fishermen.

STAFF

ASHTON HARP

In July, Ashton Harp left ASMFC, relocating to Washington's Olympic Peninsula to work at the Northwest Indian Fisheries Commission. The focus of her new position is salmon and steelhead management for coastal tribes, in conjunction with state and federal agencies. Ashton has been an extremely valuable member of the ISFMP team, working on species such as coastal sharks, shad and river herring, winter flounder, Atlantic herring and tautog. Over the course of her two years with us, Ashton coordinated the development of two new plan amendments - one for Atlantic herring and the other for tautog. We wish her all the best in her new job on the West Coast!

2017 Omnibus Appropriations Bill Approved; 2018 Process Underway

Fiscal Year 2018 Budget Appropriations

On July 27th, the Senate Appropriations Committee approved its Fiscal Year 2018 Commerce, Justice, Science Appropriations Bill. The bill contains $5.6 billion for NOAA, an $85.1 million decrease from Fiscal Year 2017. Funding for NOAA "continues to target… support for state-led management schemes to ensure greater access to the nation's abundant fishery resources." Individual line items were not available as of July 28.

National Oceanic and Atmospheric Administration (in $ thousands)				
	2016 Enacted	2017 Enacted	2018 Trump	2018 House
National Marine Fisheries Service				
Fisheries and Ecosystem Science Programs and Services	139,489	139,489	141,323	141,323
Fisheries Data Collections, Surveys and Assessments	163,271	164,000	154,961	163,000
Observers and Training	43,655	43,655	43,572	43,655
Regional Councils and Fisheries Commissions	33,470	34,254	33,407	34,000
Interjurisdictional Fisheries Grants	3,000	3,004	0	3,000
Enforcement	69,000	69,000	68,943	69,000
Habitat Conservation and Restoration	61,408	52,524	51,334	51,334
Ocean, Coastal and Great Lakes Research				
National Sea Grant College Program	64,000	63,000	0	63,000
National Ocean Service				
Coastal Zone Management and Services	40,000	42,500	39,924	39,600
Coastal Zone Management Grants	26,000	85,000	0	45,000
Sanctuaries and Marine Protected Areas	49,000	51,000	48,907	52,000
National Estuarine Research Reserve System	23,000	23,500	0	23,500

Fiscal Year 2018 House Appropriations

On July 13th, the U.S. House of Representatives Committee on Appropriations approved its Fiscal Year 2018 Commerce, Justice, Science Appropriations Bill on a vote of 31-21. The legislation contains $4.97 billion for NOAA, which is $710 million below Fiscal Year 2017. The Committee Report accompanying the legislation also contains instructions to conduct a mid-Atlantic horseshoe crab trawl survey, fully fund SEAMAP, and complete a cobia stock assessment as soon as possible.

Fiscal Year 2018 Budget Request

On May 23rd, President Trump released his Fiscal Year 2018 Budget Request. It requests an 11% decrease from Fiscal Year 2017 for NOAA ($3.14 billion) and a four percent decrease for NOAA Fisheries ($821 million). Numerous programs were targeted for elimination including Coastal Zone Management Grants, Regional Coastal Resilience Grants, National Estuarine Research Reserve System, Prescott Marine Mammal Rescue Assistance Grants, Interjurisdictional Fisheries Act Grants, Coastal Ecosystem Resiliency Grants, and Sea Grant.

Fiscal Year 2017 Omnibus Appropriations Act

On May 5th, President Trump signed H.R. 244, Consolidated Appropriations Act, 2017. The legislation contains $5.7 billion for NOAA, which is $90 million below Fiscal Year 2016 levels. The law also instructs NOAA Fisheries to fund a Mid-Atlantic Horseshoe Crab Trawl Survey. For more information, please contact Deke Tompkins, Executive Legislative Assistant, at dtompkins@asmfc.org or703.842.0740.

ACFHP Releases Five Year Strategic Plan

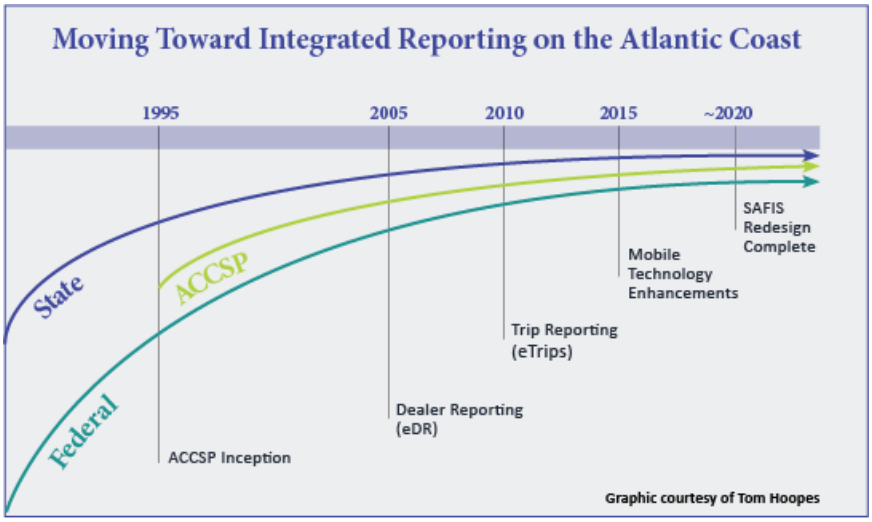
The Atlantic Coastal Fish Habitat Partnership (ACFHP) is pleased to announce the release of its new five-year Conservation Strategic Plan and accompanying two-year Action Plan. The ACFHP Steering Committee has spent the past year developing the plans, which includes goals, objectives, strategies, and actions (Action Plan only) to restore and enhance Atlantic coastal, estuarine, and diadromous fish habitat through conservation, science and data, outreach and communication, and financial initiatives.

continued, see ACFHP on page 16

Integrated Fisheries Reporting Workshop a Big Success!

Fisheries data managers took a big step toward improving Atlantic fisheries data systems when they convened at ACCSP's Integrated Fisheries Reporting (IFR) Workshop in May. Currently, fisheries-dependent data are collected from various sources — including vessel, observer, and dealer reports — and linked together after the fact. IFR describes a fishery reporting system designed so that all reporting for a single trip is done on a single report.

The vast majority of errors in fisheries datasets are introduced by humans, either at the point of entry or during post-trip matching of reports. Using electronic reporting technologies and a universal trip ID generator, an IFR system can automate the collection and integration of reports, thereby minimizing human-introduced errors in fisheries data.



Several programs that collect Atlantic coast fisheries data have already begun to explore ways in which they could implement IFR in their data systems. To ensure that state and federal programs' IFR efforts dovetail with one another and avoid duplication of effort, ACCSP conducted an IFR Workshop for fisheries data managers on the Atlantic coast.

Bringing together representatives from state, regional, and federal fisheries agencies, the main goal of the workshop was to reach consensus on a set of business rules to guide IFR implementation within ACCSP's SAFIS Redesign. Participation was excellent, with representation from the Atlantic coastal states from Maine through Florida; the Gulf States Marine Fisheries Commission; the three Atlantic Fishery Management Councils; NOAA Fisheries Greater Atlantic Fisheries and Southeast Regional Offices; NOAA Fisheries Northeast, Southeast, and Pacific Islands Fisheries Science Centers; NOAA Fisheries Highly Migratory Species Division; and the National Fish and Wildlife Foundation (NFWF).

Eric Schwaab, NFWF Vice President of Conservation Programs and former Assistant Administrator for NOAA Fisheries, opened the workshop with defining the "why?" He emphasized that integrated reporting will improve data timeliness and accuracy, thus helping to build trust in the data among both management and industry users.

Attendees were also presented with a synthesis of previous integrated reporting efforts undertaken both within and outside of the United States. Barry Clifford of the Greater Atlantic Fisheries Regional Office (GARFO) presented an update on implementation of the Fisheries-Dependent Data Vision process in the Northeast. GARFO intends to implement IFR using a Trip Management System (TMS) that will distribute the Trip ID to each system component.

Attendees agreed the TMS would be a logical starting point for discussing an IFR solution that would meet the needs of all ACCSP partners. The consensus was that the GARFO/Northeast Fisheries Science Center conceptual plan would be the launching point for discussions and development going forward.

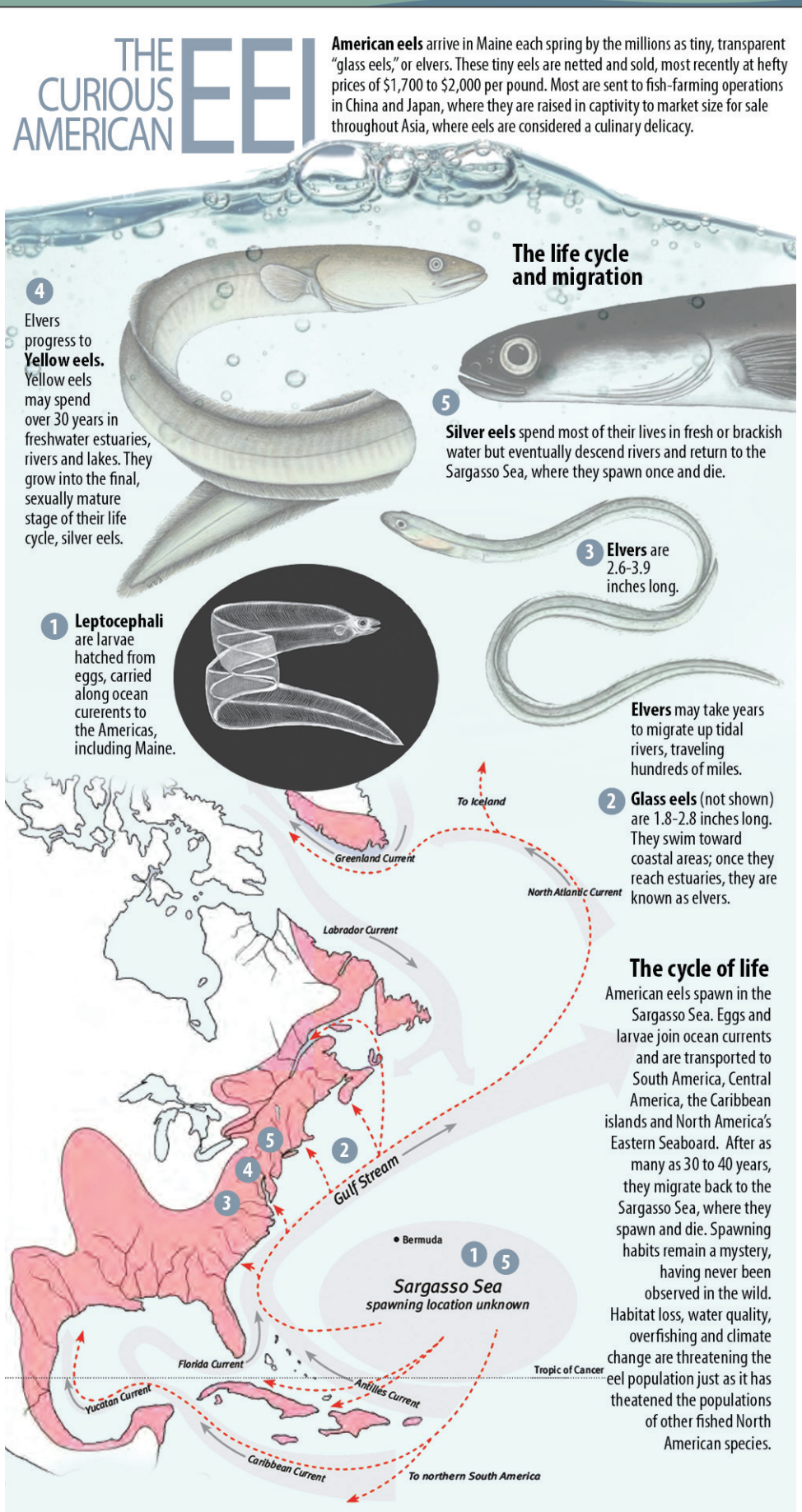
Attendees then discussed current issues for implementing integrated reporting, including:

- Duplicate reporting requirements
- Statistical areas
- Definition of a trip
- Regulatory changes
- Local flexibility

Workshop participants began to develop integrated reporting business modules for trip, dealer, biological sampling and observers, and expanded business modules for the Vessels Monitoring System, electronic monitoring, private recreational angler, and cooperative research. The Workshop report, to be released in August and presented to the ACCSP Coordinating Council in fall 2017, will be used for a timeline for incorporating integrated fisheries reporting in SAFIS.

ACCSP
Good Data, Good Decisions

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.



SOURCE: Illustrations courtesy of Ethan Nedeau, www.biodrawversity.com; text from "American Eels, Restoring a Vanishing Resource in the Gulf of Maine," Gulf of Maine Council on the Marine Environment; BDN PHOTO BY TROY R. BENNETT

BDN GRAPHIC BY ERIC ZELZ

ACFHP continued from page 14

The 2017 – 2021 Conservation Strategic Plan updates and revises ACFHP's first conservation strategic plan, which covered the 2012 – 2016 time frame. Some of the Partnership's accomplishments during this period can be found listed on page 5 of the new plan. Most notably, ACFHP has contributed over $400,000 directly to conservation projects, leveraging $4 for each ACFHP restoration dollar. This has helped to open 75 river miles, restore 0.5 acres of riverine spawning habitat, 2.95 acres of oyster reefs, 2.4 acres of tidal vegetation, and 19 acres of seagrass beds, adding an estimated $41 million in economic value to the Atlantic coast annually.

In addition to the Partnership's goals, objectives, and strategies, the Conservation Strategic Plan describes ACFHP's 3 – 4 priority habitats and the major threats to each of those habitats within our four subregions (North Atlantic, Mid-Atlantic, South Atlantic, and South Florida). These habitat priorities were informed by the results of ACFHP's Species-Habitat Matrix study. Published by Kritzer et al. (2016), the Matrix evaluated the importance of benthic habitats to over 100 species of coastal fish and non-stationary invertebrates as a space for shelter, feeding, and breeding.

The 2017 – 2019 Action Plan has identified 32 specific actions to be taken to advance a subset of objectives and strategies listed in the Conservation Strategic Plan. These actions will be carried out by ACFHP and its partners.

To view the plans, visit the 'Publications' page under the 'Planning Resources' tab on the ACFHP website, or click here directly: http://www.atlanticfishhabitat.org/planningresources/publications/.

ACFHP is a coastwide collaborative effort to accelerate the conservation of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes. The Partnership consists of resource managers, scientists, and professionals representing 33 different state, federal, tribal, non-governmental, and other entities. ACFHP works from Maine to the Florida Keys, and from the headwaters of coastally draining rivers to the edge of the continental shelf, with a focus on estuarine environments.

Marine Fisheries
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

August 17, 2017

MEMORANDUM **LSS 8-17**

TO: Marine Fisheries Commission

FROM: License and Statistics Section

SUBJECT: Landings Update

Attached are the current landings for red drum and southern flounder.

Red drum landings are presented by month for the Sept. 1, 2016 through Aug. 31, 2017 fishing season. Monthly landings of southern flounder are presented for 2014-2017. Southern flounder landings by gear from 2012 to 2017 are also provided.

2016 landings have been finalized. 2017 data are preliminary and only complete through April. Confidential data were denoted with ***.

Year	Month	Species	Pounds	Dealers	Trips	Average (2007-2009)
2014	1	SOUTHERN FLOUNDER	2,978	29	183	7,713
2014	2	SOUTHERN FLOUNDER	1,823	29	285	4,617
2014	3	SOUTHERN FLOUNDER	3,430	43	677	23,512
2014	4	SOUTHERN FLOUNDER	18,997	71	933	68,389
2014	5	SOUTHERN FLOUNDER	16,001	93	681	122,514
2014	6	SOUTHERN FLOUNDER	80,142	123	1,988	154,090
2014	7	SOUTHERN FLOUNDER	84,702	141	2,148	170,387
2014	8	SOUTHERN FLOUNDER	105,208	137	2,204	201,862
2014	9	SOUTHERN FLOUNDER	404,143	153	3,588	396,301
2014	10	SOUTHERN FLOUNDER	634,514	146	3,436	781,717
2014	11	SOUTHERN FLOUNDER	320,773	121	1,991	392,150
2014	12	SOUTHERN FLOUNDER	800	5	7	37,303
2015	1	SOUTHERN FLOUNDER	1,984	30	237	7,713
2015	2	SOUTHERN FLOUNDER	495	21	93	4,617
2015	3	SOUTHERN FLOUNDER	10,750	62	768	23,512
2015	4	SOUTHERN FLOUNDER	20,824	88	1,074	68,389
2015	5	SOUTHERN FLOUNDER	42,454	117	1,282	122,514
2015	6	SOUTHERN FLOUNDER	53,838	116	1,482	154,090
2015	7	SOUTHERN FLOUNDER	42,806	106	1,144	170,387
2015	8	SOUTHERN FLOUNDER	43,900	111	1,152	201,862
2015	9	SOUTHERN FLOUNDER	255,067	122	2,335	396,301
2015	10	SOUTHERN FLOUNDER	429,234	127	2,554	781,717
2015	11	SOUTHERN FLOUNDER	301,489	90	1,755	392,150
2015	12	SOUTHERN FLOUNDER	89	7	10	37,303
2016	1	SOUTHERN FLOUNDER	2,625	33	264	7,713
2016	2	SOUTHERN FLOUNDER	1,643	31	291	4,617
2016	3	SOUTHERN FLOUNDER	9,183	58	914	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	245,870	131	3,004	396,301
2016	10	SOUTHERN FLOUNDER	279,618	117	2,161	781,717
2016	11	SOUTHERN FLOUNDER	182,148	102	1,465	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	2,748	55	214	4,617
2017	3	SOUTHERN FLOUNDER	8,246	67	873	23,512
2017	4	SOUTHERN FLOUNDER	15,671	83	789	68,389
2017	5	SOUTHERN FLOUNDER	27,011	71	925	122,514
2017	6	SOUTHERN FLOUNDER	59,208	53	1,412	154,090
2017	7	SOUTHERN FLOUNDER	***	2	17	170,387

2017 data are preliminary and only complete through April.

***data are confidential

Year	Species	Gear	Pounds	Dealers	Trips
2012	SOUTHERN FLOUNDER	GIGS	149,387	112	3,000
2012	SOUTHERN FLOUNDER	GILLNETS	879,373	168	14,713
2012	SOUTHERN FLOUNDER	OTHER	47,989	105	1,462
2012	SOUTHERN FLOUNDER	POUND NET	569,388	35	1,754
2013	SOUTHERN FLOUNDER	GIGS	118,489	101	2,408
2013	SOUTHERN FLOUNDER	GILLNETS	1,096,060	178	16,968
2013	SOUTHERN FLOUNDER	OTHER	46,953	104	2,093
2013	SOUTHERN FLOUNDER	POUND NET	924,889	41	2,112
2014	SOUTHERN FLOUNDER	GIGS	135,273	109	2,655
2014	SOUTHERN FLOUNDER	GILLNETS	659,394	145	11,778
2014	SOUTHERN FLOUNDER	OTHER	18,628	115	1,887
2014	SOUTHERN FLOUNDER	POUND NET	860,216	39	1,806
2015	SOUTHERN FLOUNDER	GIGS	130,277	92	2,616
2015	SOUTHERN FLOUNDER	GILLNETS	392,384	133	8,471
2015	SOUTHERN FLOUNDER	OTHER	12,422	102	1,002
2015	SOUTHERN FLOUNDER	POUND NET	667,847	40	1,803
2016	SOUTHERN FLOUNDER	GIGS	126,983	92	2,657
2016	SOUTHERN FLOUNDER	GILLNETS	361,570	126	8,422
2016	SOUTHERN FLOUNDER	OTHER	10,953	84	838
2016	SOUTHERN FLOUNDER	POUND NET	398,258	39	1,423
2017	SOUTHERN FLOUNDER	GIGS	42,151	52	942
2017	SOUTHERN FLOUNDER	GILLNETS	68,835	77	2,944
2017	SOUTHERN FLOUNDER	OTHER	2,396	54	273
2017	SOUTHERN FLOUNDER	POUND NET	1,903	10	193

2017 data are preliminary and only complete through April.

Red Drum Landings 2016-2017

Landings are complete through April 30, 2017
2016 landings are final. 2017 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2016	9	Red Drum	18,748	28,991	35,003
2016	10	Red Drum	13,907	43,644	63,662
2016	11	Red Drum	8,308	14,318	27,643
2016	12	Red Drum	1,990	3,428	2,197
2017	1	Red Drum	1,313	5,885	1,699
2017	2	Red Drum	2,799	3,448	3,996
2017	3	Red Drum	5,392	5,699	3,971
2017	4	Red Drum	4,402	7,848	6,528
2017	5	Red Drum	6,963*	13,730	9,664
2017	6	Red Drum	9,878*	12,681	6,985
2017	7	Red Drum	***	13,777	15,618
Fishing Year (Sept 1, 2016 - Aug 31, 2017) Landings			**73,700**		

*partial trip ticket landings only
***landings are confidential

Marine Fisheries
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

July 28, 2017

MEMORANDUM **PR 8-16**

TO: Marine Fisheries Commission

FROM: Chris Batsavage, Protected Resources Section Chief/Special Assistant for Councils

SUBJECT: Protected Resources Section Update

Observer Program

Tables summarizing the 2016 Observer Program (based on finalized 2016 trip numbers) are found in the briefing book. Overall, observer coverage for the anchored large mesh gill net fishery was 10.1 percent and coverage for the anchored small mesh gill net fishery was 3.5 percent. There were fewer anchored large and small mesh gill net trips in 2016 compared to prior years, which resulted in a higher percent coverage for both gear types. There was no change to the observed number of sea turtle and Atlantic sturgeon interactions from the previous version of these tables, which included preliminary trip data, but the estimated interactions that occurred in 2016 decreased due to the increased observer coverage using finalized trip data.

Tables summarizing observer coverage and protected species interactions from January through June 2017 are also included. These tables provide the number of trips, observed trips, observer coverage, and protected species interactions for anchored large and small mesh gill nets by month and management unit. Please note that observer coverage is based on the average number of trips from previous years' finalized data because 2017 trip data are preliminary.

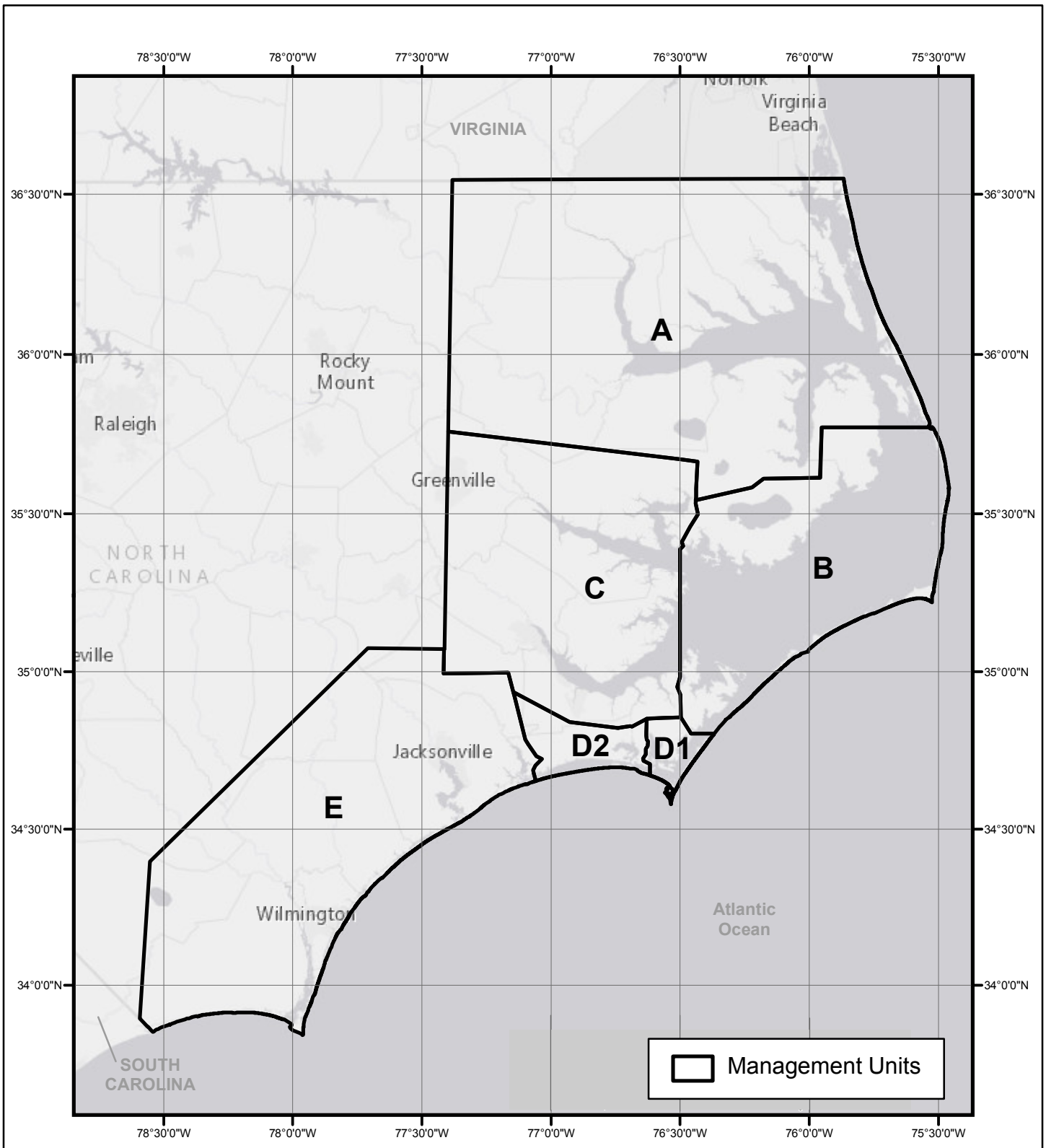
A total of six sea turtle interactions were observed in anchored large mesh gill nets and one in anchored small mesh gill nets from January through June 2017. Four self-reported sea turtle interactions by gill net fishermen occurred during this time.

A total of 38 Atlantic sturgeon interactions were observed in anchored large mesh gill nets and two in anchored small mesh gill nets from January through June 2017, with most interactions occurring in March in Management Unit A. One self-reported Atlantic sturgeon interaction by a gill net fishermen occurred during this time.

Management Unit Openings and Closures
The following management unit(s) either opened or closed in accordance with the Sea Turtle and Atlantic Sturgeon Incidental Take Permits:

- Management Unit B reopened to anchored large mesh gill nets on June 19, 2017 after staff determined that sea turtle takes during the fall season (September– November 2016) were lower than expected due to fishing effort that was lower than anticipated (based on final 2016 trip numbers).
- Management Unit C closed to anchored large and small mesh gill nets on July 28, 2017 for the duration of Incidental Take Permit Year 2017 (August 31, 2017) due to reaching the allowed number of sea turtle interactions.

Atlantic Sturgeon Incidental Take Permit Update
Earlier this month, the division sent a request to the National Marine Fisheries Service for a minor modification to the Atlantic Sturgeon Incidental Take Permit that changes the seasonal takes to annual takes in management units A, B, and C for both large and small mesh anchored gill nets. The National Marine Fisheries Service approved the request, and the change became effective on July 24. The letter from the National Marine Fisheries Service approving the minor modification is included in the briefing material. This will provide more flexibility in managing allowed Atlantic sturgeon takes; the total number of allowed Atlantic sturgeon takes did not change.



NCDMF ESTUARINE GILLNET PERMIT MAP

April 2015

0 12.5 25 50 Miles

Table 1. Finalized data collected for anchored large mesh gill nets by month through the NCDMF Observer Program through December 2016.

	Trips		Observer Large Mesh				Observed Takes By Species								
							Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
Month	Estimated [1]	Actual [2]	AP Attempts [3]	Trips	Yards	Coverage [4]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	270	525	51	22	10,400	4.2	0	0	**1**	0	0	0	0	**1**	0
February	725	757	49	40	16,960	5.3	0	0	0	0	0	0	0	**2**	0
March	1,925	1,787	85	173	104,833	9.7	0	0	0	0	0	0	0	**4**	**1**
April	1,246	783	109	76	39,850	9.7	0	0	0	0	0	0	0	**4**	**2**
May	923	485	133	63	29,740	13.0	**1**	0	0	**1**	0	0	**1**	0	0
June	1,279	618	75	67	31,985	10.8	**3**	**1**	**1**	**1**	0	0	0	**1**	0
July	1,192	366	116	46	28,310	12.6	**2**	0	**2**	**2**	0	0	**1**	0	0
August	1,450	514	105	74	43,955	14.4	0	0	**4**	0	0	0	0	0	0
September	2,218	2,352	73	275	215,640	11.7	**4**	**1**	**4**	**3**	0	0	0	**24**	**2**
October	2,393	1,243	88	121	90,989	9.7	**2**	0	**9**	**2**	0	0	0	**17**	0
November	1,137	702	128	81	37,530	11.5	0	0	**2**	**1**	0	0	0	**11**	0
December	238	304	116	11	5,590	3.6	0	0	0	0	0	0	0	**9**	0
Total	14,997	10,436	1,128	1,049	655,782	10.1	12	2	23	10	0	0	2	73	5

[1] Finalized trip ticket data averaged from 2011-2015

[2] Finalized trip ticket data for 2016

[3] Alternative Platform trips where no fishing activity was found

[4] Based on actual trips and observer large mesh trips

Table 2. Finalized data collected for anchored large mesh gill nets by season and management unit through the NCDMF Observer Program through December 2016.

		Trips		Observer Large Mesh				Observed Takes By Species								
								Kemp's		Green		Loggerhead		Unknown	A.Sturgeon	
Season	Unit	Estimated [1]	Actual [2]	AP Attempts [3]	Trips	Yards	Coverage [4]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
Winter [5]	A	738	1,199	54	37	17,960	3.1	0	0	0	0	0	0	0	**10**	0
	B	86	20	4	0	0	0.0	0	0	0	0	0	0	0	0	0
	C	136	30	20	13	7,140	43.3	0	0	0	0	0	0	0	0	0
	D1	0	0	1	0	0	0.0	0	0	0	0	0	0	0	0	0
	D2	1	1	1	0	0	0.0	0	0	0	0	0	0	0	0	0
	E	34	32	20	12	2,260	37.5	0	0	**1**	0	0	0	0	0	0
Spring	A	2,277	1,510	70	138	86,433	9.1	0	0	0	0	0	0	0	**4**	**2**
	B	568	273	75	43	21,440	15.8	**1**	0	0	**1**	0	0	**1**	0	0
	C	878	996	39	73	49,390	7.3	0	0	0	0	0	0	0	0	0
	D1	25	5	12	0	0	0.0	0	0	0	0	0	0	0	0	0
	D2	67	92	27	4	3,000	4.3	0	0	0	0	0	0	0	0	0
	E	279	179	104	54	14,160	30.2	0	0	0	0	0	0	0	**4**	**1**
Summer	A	1,419	148	42	5	5,450	3.4	**1**	**1**	0	0	0	0	0	**1**	0
	B	1,234	159	37	3	2,800	1.9	**2**	0	**1**	**1**	0	0	0	0	0
	C	654	528	54	58	46,440	11.0	0	0	**1**	0	0	0	0	0	0
	D1	0	0	11	0	0	0.0	0	0	0	0	0	0	0	0	0
	D2	125	163	25	22	10,080	13.5	0	0	**1**	0	0	0	0	0	0
	E	489	500	127	99	39,480	19.8	**2**	0	**4**	**2**	0	0	**1**	0	0
Fall	A	2,692	1,446	32	175	198,189	12.1	0	0	0	0	0	0	0	**51**	**2**
	B	1,453	1,156	34	131	77,325	11.3	**3**	0	**13**	**4**	0	0	0	0	0
	C	807	480	41	37	22,925	7.7	**1**	**1**	0	0	0	0	0	0	0
	D1	40	22	20	15	5,205	68.2	0	0	**1**	**1**	0	0	0	0	0
	D2	295	424	27	34	10,900	8.0	0	0	0	0	0	0	0	0	0
	E	461	769	135	85	29,615	11.1	**2**	0	**1**	**1**	0	0	0	**1**	0
Total		14,759	10,132	1,012	1,038	650,192	10.2	12	2	23	10	0	0	2	71	5

[1] Finalized trip ticket data averaged from 2011-2015

[2] Finalized trip ticket data for 2016

[3] Alternative Platform trips where no fishing activity was found

[4] Based on actual trips and observer large mesh trips

[5] Does not include December 2016 as that counts towards the winter 2017 season

Table 3. Finalized data collected for anchored small mesh gill nets by month through the NCDMF Observer Program through December 2016.

	Trips		Observer Small Mesh			Observed Takes By Species								
						Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
Month	Estimated [1]	Actual [2]	Trips	Yards	Coverage [3]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	666	558	29	14,455	5.2	0	0	0	0	0	0	0	**3**	0
February	666	855	28	15,170	3.3	0	0	0	0	0	0	0	**1**	0
March	928	1,044	44	19,435	4.2	0	0	**1**	0	0	0	0	**1**	0
April	1,344	906	23	7,785	2.5	0	0	**1**	**1**	0	0	0	0	0
May	879	485	16	6,595	3.3	0	0	0	0	0	0	0	0	0
June	726	457	10	2,425	2.2	0	0	0	0	0	0	0	0	0
July	665	393	6	2,325	1.5	0	0	0	0	0	0	0	0	0
August	727	615	12	2,760	2.0	0	0	0	0	0	0	0	0	0
September	771	458	6	775	1.3	0	0	0	0	0	0	0	0	0
October	1,083	731	25	5,080	3.4	0	0	0	0	0	0	0	0	0
November	740	700	49	10,790	7.0	0	0	0	0	0	0	0	0	0
December	630	498	20	9,070	4.0	0	0	0	0	0	0	0	**1**	0
Total	9,825	7,700	268	96,665	3.5	0	0	2	1	0	0	0	6	0

[1] Finalized trip ticket data averaged from 2013-2015

[2] Finalized trip ticket data for 2016

[3] Based on estimated trips and observer small mesh trips

Table 4. Finalized data collected for anchored small mesh gill nets by season and management unit through the NCDMF Observer Program through December 2016.

		Trips		Observer Small Mesh			Observed Takes By Species								
							Kemp's		Green		Loggerhead		Unknown	A.Sturgeon	
Season	Unit	Estimated [1]	Actual [2]	Trips	Yards	Coverage [3]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
Winter [4]	A	879	996	41	21,030	4.1	0	0	0	0	0	0	0	**4**	0
	B	262	246	2	1,780	0.8	0	0	0	0	0	0	0	0	0
	C	117	91	9	5,100	9.9	0	0	0	0	0	0	0	0	0
	D1	3	0	0	0	0.0	0	0	0	0	0	0	0	0	0
	D2	42	7	1	200	14.3	0	0	0	0	0	0	0	0	0
	E	29	73	4	1,515	5.5	0	0	0	0	0	0	0	0	0
Spring	A	1,311	675	28	13,510	4.1	0	0	0	0	0	0	0	0	0
	B	1,295	1,478	29	12,000	2.0	0	0	**1**	0	0	0	0	**1**	0
	C	263	95	7	2,550	7.4	0	0	0	0	0	0	0	0	0
	D1	39	34	6	650	17.6	0	0	0	0	0	0	0	0	0
	D2	42	20	2	400	10.0	0	0	0	0	0	0	0	0	0
	E	201	133	11	4,705	8.3	0	0	**1**	**1**	0	0	0	0	0
Summer	A	356	51	0	0	0.0	0	0	0	0	0	0	0	0	0
	B	1,035	1,084	7	2,510	0.6	0	0	0	0	0	0	0	0	0
	C	363	157	7	2,350	4.5	0	0	0	0	0	0	0	0	0
	D1	12	4	1	50	25.0	0	0	0	0	0	0	0	0	0
	D2	66	16	3	450	18.8	0	0	0	0	0	0	0	0	0
	E	286	153	10	2,150	6.5	0	0	0	0	0	0	0	0	0
Fall	A	438	147	0	0	0.0	0	0	0	0	0	0	0	0	0
	B	1,058	819	17	4,015	2.1	0	0	0	0	0	0	0	0	0
	C	241	222	8	3,850	3.6	0	0	0	0	0	0	0	0	0
	D1	60	40	9	1,390	22.5	0	0	0	0	0	0	0	0	0
	D2	240	241	18	4,080	7.5	0	0	0	0	0	0	0	0	0
	E	557	420	28	3,310	6.7	0	0	0	0	0	0	0	0	0
Total		9,195	7,202	248	87,595	3.4	0	0	2	1	0	0	0	5	0

[1] Finalized trip ticket data averaged from 2013-2015

[2] Finalized trip ticket data for 2016

[3] Based on estimated trips and observer small mesh trips

[4] Does not include December 2016 as that counts towards the winter 2017 season

Table 5. Preliminary data collected for anchored large mesh gill nets by month and management unit through the NCDMF Observer Program through June 2017.

		Trips		Observer Large Mesh				Observed Takes By Species								
								Kemp's		Green		Loggerhead		Unknown	A.Sturgeon	
Month	Unit	Estimated [1]	Actual [2]	AP Attempts [3]	Trips	Yards	Coverage [4]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	A	266	94	40	3	2,900	1.1									
	B	27	10	9	0	0	0.0									
	C	14	9	23	0	0	0.0									
	D1	0	0	5	0	0	0.0									
	D2	0	1	9	0	0	0.0									
	E	7	5	49	0	0	0.0									
February	A	550	279	66	76	45,535	13.8									
	B	48	6	13	0	0	0.0									
	C	105	71	26	26	10,585	24.8								**1**	
	D1	0	0	2	0	0	0.0									
	D2	1	5	10	1	600	0.0									
	E	27	14	50	0	245	0.0									
March	A	1,104	872	30	99	72,525	9.0								**33**	
	B	66	18	22	0	0	0.0									
	C	659	726	13	67	40,655	10.2								**3**	
	D1	1	0	6	0	0	0.0									
	D2	6	8	7	2	500	35.3									
	E	67	33	69	5	1,475	7.5									
April	A	804	726	28	69	39,040	8.6									
	B	129	36	18	0	0	0.0									
	C	142	171	8	11	4,100	7.8									
	D1	4	0	6	0	0	0.0									
	D2	19	34	4	3	1,500	15.5									
	E	72	76	57	15	6,900	20.9								**1**	
May	A	241	167	55	13	14,500	5.4									
	B	324	20	22	1	600	0.3									
	C	98	145	33	18	6,700	18.5									
	D1	17	0	1	0	0	0.0									
	D2	47	57	4	5	2,300	10.8									
	E	124	75	47	35	10,600	28.3									
June	A	378	5	54	18	16,700	4.8									
	B	376	20	26	36	18,390	9.6			**2**						
	C	190	13	32	14	7,120	7.4				**1**					
	D1	11	0	2	0	0	0.0									
	D2	46	2	5	8	3,850	17.6				**1**					
	E	180	51	50	30	14,660	16.7				**2**					
Total		6,144	3,749	901	555	321,980	9.0	0	0	2	4	0	0	0	38	0

[1] Finalized trip ticket data averaged from 2011-2016

[2] Preliminary trip ticket data for 2017

[3] Alternative Platform trips where no fishing activity was found

[4] Based on estimated trips and observer large mesh trips

Table 6. Preliminary data collected for anchored large mesh gill nets by month through the NCDMF Observer Program through June 2017.

	Trips		Observer Large Mesh				Observed Takes By Species								
							Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
Month	Estimated [1]	Actual [2]	AP Attempts [3]	Trips	Yards	Coverage [4]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	313	119	135	3	2,900	1.0	0	0	0	0	0	0	0	0	0
February	731	375	167	103	56,965	14.1	0	0	0	0	0	0	0	**1**	0
March	1,902	1,657	147	173	115,155	9.1	0	0	0	0	0	0	0	**36**	0
April	1,169	1,043	121	98	51,540	8.4	0	0	0	0	0	0	0	**1**	0
May	850	464	162	72	34,700	8.5	0	0	0	0	0	0	0	0	0
June	1,180	91	169	106	60,720	9.0	0	0	**2**	**4**	0	0	0	0	0
Total	6,144	3,749	901	555	321,980	9.0	0	0	2	4	0	0	0	38	0

[1] Finalized trip ticket data averaged from 2011-2016

[2] Preliminary trip ticket data for 2017

[3] Alternative Platform trips where no fishing activity was found

[4] Based on estimated trips and observer large mesh trips

Table 7. Preliminary data collected for anchored small mesh gill nets by month and management unit through the NCDMF Observer Program through June 2017.

							Observed Takes By Species								
		Trips		Observer Small Mesh			Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
Month	Unit	Estimated [1]	Actual [2]	Trips	Yards	Coverage [3]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	A	394	326	13	5,810	3.3									
	B	151	283	1	100	0.7									
	C	47	128	10	3,600	21.5									
	D1	1	1	0	0	0.0									
	D2	21	18	2	400	0.0									
	E	27	21	1	600	3.7									
February	A	515	300	31	16,530	6.0									
	B	108	335	4	1,335	3.7									
	C	64	153	10	4,200	15.7									
	D1	1	1	0	0	0.0									
	D2	13	4	5	1,000	0.0									
	E	14	24	1	120	7.4									
March	A	575	86	3	1,800	0.5									
	B	262	530	8	3,445	3.1									
	C	87	174	6	1,260	6.9									
	D1	6	14	4	1,185	72.7									
	D2	4	6	0	0	0.0									
	E	23	22	3	1,330	13.2									
April	A	388	118	5	1,240	1.3									
	B	689	744	11	6,900	1.6								**1**	
	C	59	54	2	325	3.4									
	D1	25	20	4	1,860	16.0									
	D2	12	25	0	0	0.0									
	E	63	50	6	2,510	9.6								**1**	
May	A	190	90	2	700	1.1									
	B	390	205	2	2,800	0.5									
	C	75	8	6	1,800	8.0									
	D1	8	0	0	0	0.0									
	D2	21	5	0	0	0.0									
	E	98	42	5	1,000	5.1									
June	A	123	0	3	1,250	2.4									
	B	324	31	5	3,300	1.5									
	C	120	4	9	4,410	7.5									
	D1	3	0	0	0	0.0									
	D2	12	0	1	300	8.3									
	E	78	15	4	1,520	5.1			**1**						
Total		4,983	3,837	167	72,630	3.4	0	0	1	0	0	0	0	2	0

[1] Finalized trip ticket data averaged from 2013-2015

[2] Preliminary trip ticket data for 2017

[3] Based on estimated trips and observer small mesh trips

Table 8. Preliminary data collected for anchored small mesh gill nets by month through the NCDMF Observer Program through June 2017.

						Observed Takes By Species								
	Trips		Observer Small Mesh			Kemp's		Green		Loggerhead		Unknown	A. Sturgeon	
Month	Estimated [1]	Actual [2]	Trips	Yards	Coverage [3]	Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead
January	639	777	27	10,510	4.2	0	0	0	0	0	0	0	0	0
February	713	817	51	23,185	7.2	0	0	0	0	0	0	0	0	0
March	957	832	24	9,020	2.5	0	0	0	0	0	0	0	0	0
April	1,235	1,011	28	12,835	2.3	0	0	0	0	0	0	0	**2**	0
May	781	350	15	6,300	1.9	0	0	0	0	0	0	0	0	0
June	659	50	22	10,780	3.3	0	0	**1**	0	0	0	0	0	0
Total	4,983	3,837	167	72,630	3.4	0	0	1	0	0	0	0	2	0

[1] Finalized trip ticket data averaged from 2013-2015

[2] Preliminary trip ticket data for 2017

[3] Based on estimated trips and observer small mesh trips

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

JUL 19 2017

Braxton C. Davis
Director, North Carolina Division of Marine Fisheries
3441 Arendell Street
P.O. Box 769
Morehead City, NC 28557

Dear Mr. Davis:

On July 13, 2017, the N.C. Division of Marine Fisheries (NCDMF) requested a minor modification to the Atlantic Sturgeon Incidental Take Permit (ITP) no. 18102 to allocate the takes in management units A – C as annual takes rather than seasonal takes. You note in your request that the number of allowed seasonal takes is very low in some cases, and the seasonal takes have been reached on a few occasions and have resulted in seasonal closures.

In your request, you also address the concern of takes occurring in warmer waters (20°C – 30°C) being correlated with more mortalities by noting that lower fishing effort in the summer season due to increasing water temperatures and fish availability should prevent sturgeon mortalities from exceeding the take limit. In our discussions, your staff also noted that the flexibility gained from this minor modification will allow you to adaptively manage fishing effort for times when the fishery is most productive from the fall through the spring, and that fishing effort in the summer decreases as productivity wanes. You also note that you actively monitor the fisheries and take levels daily to ensure take levels, including mortality levels, are not exceeded.

We have considered this minor modification request and determined it to be reasonable. NMFS therefore concurs with your request for this minor modification.

I appreciate you proactively requesting minor modifications to maximize permit implementation as you identify them. Also, as we have discussed with you previously, we understand that you are in the process of developing an updated ITP application and we look forward to analyzing all aspects of that updated application. I encourage you to incorporate any further anticipated minor modifications into that application process so my staff can more efficiently analyze these requests. Please sign below to acknowledge that you will comply with the minor modifications specified in this letter and send a copy of the signed letter to Ron Dean on my staff at your earliest convenience.

We look forward to continuing to work with you on Endangered Species conservation in North Carolina.

Sincerely,

for Donna S. Wieting
Director, Office of Protected Resources

I acknowledge the minor modification specified above to Permit No. 18102 issued under Section 10 (a)(1)(B) of the Endangered Species Act to incidentally take endangered Atlantic Sturgeon in gillnet fisheries operating in inshore waters of North Carolina.

Braxton C. Davis
Director
N.C. Division of Marine Fisheries

7/21/17
Date

Marine Fisheries
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

July 21, 2017

MEMORANDUM **MAFMC 8-16**

TO: Marine Fisheries Commission

FROM: Chris Batsavage, Protected Resources Section Chief/Special Assistant for Councils

SUBJECT: Mid-Atlantic Fishery Management Council Meeting Summary— June 6-8, 2017

The Mid-Atlantic Fishery Management Council met on June 6-8 in Norfolk, VA. Management actions taken by the council are discussed below.

Squid Fishery Management Plan Amendment

The council approved the Squid Amendment to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The amendment addresses latent effort in the limited entry longfin squid fishery, trip limits, and management measures during the Trimester 2 season (May-August). The council voted to allow fishermen to retain their longfin squid/butterfish limited access moratorium permits if they landed at least 10,000 pounds of longfin squid in any year from 1997-2013. This reduces the total number of available limited access moratorium permits by over 40 percent. Moratorium permit holders that do not requalify to retain the longfin squid moratorium permit would be eligible for a permit that allows a 5,000-pound longfin squid trip limit when the fishery is open. The council also voted to separate butterfish from this permit to prevent fishermen who landed butterfish but not longfin squid from losing their permits.

The council voted to replace the current open access incidental longfin squid permit with a limited access incidental permit. Qualifying vessels must have landed at least 5,000 pounds of longfin squid in one year from 1997 to 2013. The daily trip limit for the incidental permit would remain at 2,500 pounds. In addition, to minimize regulatory discarding of squid bycatch, non-qualifying vessels would still be able to obtain an open access permit that would allow up to 250 pounds of longfin squid per trip. And to avoid excessive incidental longfin squid landings after the directed fishery closes during Trimester 2, the council voted to reduce the incidental trip limit to 250 pounds per day. No changes were recommended to the permit system for the *Illex* squid fishery.

River Herring and Shad Catch Cap
The Council made no changes to the annual 82-metric ton river herring and shad catch cap for the Atlantic mackerel fishery after reviewing the latest catch information. The Council's River Herring and Shad Committee will review additional bycatch and relative abundance information for river herring and shad at a future meeting.

Recreational Black Sea Bass Wave 1 Fishery

The Council discussed a motion from the May 2017 joint meeting with the Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board to initiate a framework that would consider re-opening the wave 1 (January – February) recreational black sea bass fishery to any recreational vessel, provided that they obtain and adhere to any required conditions outlined under a Letter of Authorization issued by the National Marine Fisheries Service. Noting that this action could not occur before January 1, 2019, the Council considered an alternative to open the fishery on January 1, 2018. The Council will discuss this further when they meet with the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board in August, and the Council will continue developing a framework for a Letter of Authorization program for the Wave 1 recreational black sea bass fishery.

The Recreational black sea bass fishery has been closed during Wave 1 over the past several years because no recreational harvest estimates were available for the states north of North Carolina during this time period (North Carolina has Wave 1 recreational harvest estimates). Therefore, the challenge for opening the recreational black sea bass fishery during this wave is to develop a system that accounts for the harvest.

Upcoming Meeting
The next regularly scheduled meeting of the Mid-Atlantic Fishery Management Council will be Aug. 8-10, 2017 at the Courtyard Philadelphia Downtown in Philadelphia, PA.

June 2017 Council Meeting Report

June 6 – 8, 2017
Norfolk, Virginia

The following summary highlights actions taken and issues considered at the Mid-Atlantic Fishery Management Council's June 2017 meeting in Norfolk, VA. Presentations, briefing materials, and webinar recordings are available on the Council's website at www.mafmc.org/briefing/june-2017.

Atlantic Surfclams and Ocean Quahogs

2018-2020 Specifications

The Council received a presentation on the most recent stock assessments for Atlantic surfclam and ocean quahog. Both assessments concluded that overfishing is not occurring in the most recent year and that the probability of either stock being overfished is low. Staff reviewed the regulatory history, fishery performance, and advisory panel recommendations for both fisheries. Last year, surfclam and ocean quahog specifications were developed for 2017-2018, with the expectation that a new stock assessment could allow 2018 measures to be revised as needed. This year, staff recommend specifications be set for 3 years. Based on the Acceptable Biological Catch (ABC) recommendations of the Council's Scientific and Statistical Committee (SSC), the Council adopted the following specifications for 2018-2020:

	Year	Annual Catch Limit (ACL)	Annual Catch Target (ACT)	Commercial Quota
Atlantic Surfclams	2018 - 2020	29,363 mt	29,363 mt (3.4 million bushels)	26,218 mt (3.4 million bushels)
Ocean Quahogs	2018	44,695 mt	Maine ACT: 524 mt Non-Maine ACT: 25,400 mt	Maine Quota: 499 mt (100,000 ME bushels) Non-Maine Quota: 24,190 mt (5.3 million bushels)
	2019	44,146 mt		
	2020	45,783 mt		

**mt = metric ton*

Surfclam Overfishing Limit

The most recent benchmark stock assessment for Atlantic surfclams specified biological reference points as ratios rather than absolute values. Although the stock was not overfished and overfishing was not occurring, the SSC determined that the overfishing limit (OFL) reported in the assessment was unreliable and decided not to specify an OFL. In the absence of an OFL, the SSC recommended setting the surfclam ABC based on maintaining catch levels that allow for the 26,218 mt quota which has been in place since 2004. Members of the surfclam fishery have expressed concern that the lack of an OFL could jeopardize the industry's certification with the Marine Stewardship Council (MSC). In response to these concerns, the Council agreed to have the Surfclam and Ocean Quahog Committee meet with assessment scientists and other technical experts to review the issue further. The Committee is expected to report back to the Council at the next meeting in August.

Excessive Shares Amendment

The Council reviewed and approved a scoping document for the Excessive Shares Amendment to the Surfclam and Ocean Quahog Fishery Management Plan (FMP). The amendment will consider measures that define what constitutes an excessive share in the SCOQ Individual Transferable Quota (ITQ) program. This is necessary to

ensure that no individual, corporation, or other entity acquires an excessive share of SCOQ ITQ privileges. In addition, the amendment will consider potential revisions to the goals and objectives for the SCOQ FMP.

Scoping hearings will be held July 10-17, 2017, and written comments will be accepted through July 21, 2017. Additional information is available on the Council's website at http://www.mafmc.org/actions/scoq-excessive-shares-amendment.

Mackerel, Squid, Butterfish – 2018-2020 Specifications

Atlantic Mackerel: 2018 will be year 3 of 2016-2018 Atlantic mackerel specifications. The Council reviewed the stock status and performance of the Atlantic mackerel fishery and recommended no changes to the 2018 specifications, which are summarized in the table below.

Summary of 2018 Atlantic Mackerel Specifications	
Acceptable Biological Catch (ABC)	19,898 mt
U.S. Annual Catch Limit (ACL)	11,009 mt
Recreational Annual Catch Target	614 mt
Commercial Annual Catch Target	9,294 mt
Domestic Annual Harvest (DAH)	9,177 mt

Butterfish: The Council reviewed the stock status and performance of the butterfish fishery and adopted multi-year specifications for 2018-2020. The most recent assessment update indicates that butterfish is not overfished and no overfishing is occurring. Based on the SSC's recommendations, the Council adopted ABCs of 17,801 mt for 2018, 27,108 mt for 2019, and 32,063 mt for 2020. The 2018 ABC represents a 42% reduction from the 2017 ABC of 30,922 mt. This reduction was recommended based on low recent recruitment and lower abundance indicated in the assessment update. The Council adopted an ACT of 16,199 mt for 2018, resulting in a Domestic Annual Harvest (DAH) of 12,093 mt. For 2019, the Council adopted an ACT of 25,075 mt and a DAH of 20,061 mt. For 2020, the Council adopted an ACT of 32,063 mt and a DAH of 23,752 mt. The Council adopted a butterfish mortality cap of 3,884 mt for all three years.

Summary of 2018-2020 Butterfish Specifications			
	2018	**2019**	**2020**
ABC	17,801 mt	27,108 mt	32,063 mt
ACT	16,911 mt	25,075 mt	28,857 mt
DAH	12,093 mt	20,061 mt	23,752 mt
Butterfish Cap	3,884 mt	3,884 mt	3,884 mt

Longfin and *Illex* Squid: The Council reviewed fishery performance and stock status for longfin and *Illex* squid and adopted multi-year specifications for 2018-2020. Based on the recommendations of the SSC, the Council voted to maintain most measures for both fisheries. The longfin squid DAH was increased slightly due to the assessment update indicating lower discarding in recent years. These specifications are summarized in the table below. Please refer to the Squid Amendment summary below for information about proposed changes to Trimester 2 management measures.

Summary of 2018-2020 Longfin and Illex Squid Specifications		
	Longfin Squid	***Illex* Squid**
ABC	23,400 mt	24,000 mt
DAH	22,932 mt	22,915 mt

Squid Amendment

The Council approved the Squid Amendment to the Atlantic Mackerel, Squid, and Butterfish FMP. The amendment includes measures to reduce latent (unused or minimally used) permits in the longfin squid fishery and modify management of longfin squid during Trimester 2. Below are summaries of the issues addressed and the Council's preferred alternatives. Additional details and background information about this action are available at http://www.mafmc.org/newsfeed/2017/mid-atlantic-council-approves-squid-amendment.

Longfin Squid Moratorium Permit Requalification: The Council voted to allow current longfin squid/butterfish limited access moratorium permits to retain their permits if they landed at least 10,000 pounds of squid in one year from 1997 to 2013. This would reduce the number of moratorium squid permits by more than 40% but would not affect vessels that have been historically active in the fishery. Moratorium permit holders that do not requalify to retain the longfin squid moratorium permit would be eligible for a permit that allows a 5,000-pound longfin squid trip limit when the fishery is open. In addition, the Council recommended separating the butterfish part of the longfin squid/butterfish moratorium permit to allow current moratorium permits the opportunity to continue to target and land butterfish.

Longfin Squid Moratorium "Permit Swap": The Council approved a one-time "permit swap" opportunity which would allow owners of multiple longfin squid moratorium permits as of May 26, 2017 to swap active requalifying and non-requalifying moratorium permits among their vessels.

Longfin Squid Incidental and Open Access Permits: The Council voted to replace the current open access incidental longfin squid permit with a limited access incidental permit. Qualifying vessels must have landed at least 5,000 pounds of longfin squid in one year from 1997 to 2013. Currently about 1,400 vessels possess open access incidental permits, and about 325 are expected to qualify for the limited access incidental permit. The daily trip limit for the incidental permit would remain at 2,500 pounds. In addition, to minimize regulatory discarding of squid bycatch, non-qualifying vessels would still be able to obtain an open access permit that would allow up to 250 pounds of longfin squid per trip.

Trimester 2: To avoid future excessive longfin squid catch during Trimester 2, the Council voted to reduce the longfin squid trip limit to 250 pounds per day for all permits once the Trimester 2 quota has been reached. This is a 90% reduction from the current post-closure trip limit of 2,500 pounds. The Council will also continue to work with relevant states to encourage them to match this limit after such a closure.

***Illex* Squid Moratorium Permit Requalification:** Based on recent low landings and low participation in the *Illex* squid fishery, the Council recommended no changes to the current limited access permit system.

River Herring and Shad

The Council reviewed an annual River Herring and Shad (RH/S) progress update, including operation of the RH/S cap for the Atlantic mackerel fishery which was previously implemented at 82 mt for 2016-2018. No changes were recommended by the Council. The RH/S Committee will review additional bycatch and abundance information for river herring and shad at a future meeting.

Risk Policy Framework

The Council was briefed by staff on the status of the Risk Policy Omnibus Framework Action. In 2010, the Council approved an Omnibus Amendment which implemented mechanisms to specify ABCs, ACLs, and accountability measures for all managed resources contained within its six FMPs to bring them into compliance with the new requirements of the Magnuson Stevens Act Reauthorization of 2007. This Omnibus Amendment contemplated a Council review of the ABC control rules it established after five years of implementation in cooperation with its SSC. As a result, the Council has initiated an Omnibus Framework Action to provide for a review of the ABC control rule framework and risk policy it established in 2010 and to recommend any changes, as appropriate. This action is expected to be completed by the end of 2017.

Cooperative Research in the Mid-Atlantic

The Northeast Fisheries Science Center (NEFSC) recently undertook an independent review of the Northeast Cooperative Research Program (NCRP). The review evaluated the effectiveness and success of the NCRP in three areas: 1) High quality science; 2) Effective engagement; and 3) Integration within NEFSC scientific programs. Jon Hare, director of the NEFSC, presented a summary of this review and the NEFSC's response to the report's recommendations. Based on the findings of the review, the NEFSC has identified 24 action items for improving the NCRP. Work in response to those action items has already begun and will continue through the upcoming years.

The Council also discussed the direction of the Council's long-term involvement in collaborative research.

Lobster Standardized Bycatch Reporting Methodology Framework

Doug Potts (NMFS) gave a presentation regarding the Lobster Standardized Bycatch Reporting Methodology (SBRM) Framework. The intent of this action is to specify that SBRM includes all active vessels that fish with lobster pot gear in Federal waters, regardless of whether they submit VTRs. This would allow for the implementation of an expanded sampling frame recently developed by the ASMFC, NEFSC, States, and GARFO that would use permit and dealer data to identify active vessels in the lobster fishery. The revised methodology ensures that all trips made by vessels with Federal lobster permits are in the sampling frame, thus providing a more representative sample of the fishery and reducing the potential for bias in estimates of bycatch in lobster pot gear. The action is being developed by GARFO, and the Mid-Atlantic and New England Councils are expected to take final action at their respective meetings in August and September 2017.

Black Sea Bass Wave 1 Fishery

The Council discussed a motion from the May 2017 Council Meeting to initiate a framework that would consider re-opening the wave 1 (January – February) recreational black sea bass fishery to any recreational vessel, provided that they obtain and adhere to any required conditions outlined under a Letter of Authorization (LOA) issued by the National Marine Fisheries Service. Noting that this action could not occur before January 1, 2019, the Council considered an alternative to open the fishery on January 1, 2018. The Council agreed to consider the possibility of opening the 2018 wave 1 black sea bass fishery when the Council meets jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board in August. This action would occur through the normal specification setting process. The Council would then also continue development of the black sea bass recreational LOA framework action for possible implementation in 2019.

Monkfish Amendment 6

An update on Amendment 6 to the Monkfish FMP was presented by Joint Monkfish Oversight Committee Vice-Chair Laurie Nolan. Amendment 6 considers implementing catch shares in the monkfish fishery. Based on the recommendation of the Monkfish Advisory Panel, the Committee passed a motion during its meeting on May 24 to permanently shelve Amendment 6 and discontinue work on it. The Council briefly discussed the implications of this action and adopted a motion in support of the Committee's recommendation to shelve Amendment 6.

Other Business

Habitat Update

Council staff provided an update on several ongoing habitat initiatives, including the Essential Fish Habitat redo, the Mid-Atlantic regional fish habitat assessment project, and highlights from Greater Atlantic region on habitat activities in the Mid-Atlantic.

SOPP Revision

The Council approved a revision to the Council's Statement of Organization Practices and Procedures (SOPP) to provide employees with six weeks of paid parental leave following the birth of an employee's child or placement of a child with an employee for adoption or foster care.

Climate Velocity Over the 21st Century and Its Implications for Fisheries Management in the Northeast U.S.

James Morley (Rutgers University) presented results of a research project that is investigating climate-driven shifts in the geographic ranges of marine species. The project aims to inform the marine resource management community about the rate, magnitude, and uncertainty surrounding future distribution changes that are likely to occur as a result of climate change in the 21st century. Dr. Morley provided an overview of predictions for Council-managed species and offered guidance on how to incorporate those predictions into fisheries management. Final results are expected to be available by the end of 2017 at http://oceanadapt.rutgers.edu/. The principle investigators for this project are Dr. Malin Pinsky (Rutgers University) and Rich Seagraves (MAFMC).

Data Modernization in the Northeast Region

Barry Clifford (NMFS) and Mike Cahall (ACCSP) provided an update on the Fisheries Dependent Data Visioning (FDDV) Project. The goal of the project is to produce more timely and accurate fishery data while also creating more efficient reporting programs that will reduce the reporting burden for the fishing industry. GARFO has partnered with ACCSP to coordinate these collective modernization efforts, with the end goal of having ACCSP serve as the data repository for all Federally collected data sets to enable a consolidated, comprehensive, and consistent data set for all fisheries dependent data associated with a fishing trip.

2018 Council Meetings

The schedule of 2018 Council meetings is now available on the Council website at www.mafmc.org/meetings.

Next Meeting

Monday, August 7, 2017* – Tuesday, August 8, 2017

the Courtyard Philadelphia Downtown
21 North Juniper St., Philadelphia, PA 19107
(215) 496-3200)

** NOTE: The August 2017 Council Meeting may begin on either August 7 or August 8. Please check back for updates at* http://www.mafmc.org/council-events/2017/august-2017-council-meeting*.*

Marine Fisheries
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

July 21, 2017

MEMORANDUM **SAFMC 8-17**

TO: Marine Fisheries Commission

FROM: Michelle Duval, Special Assistant for Councils

SUBJECT: South Atlantic Fishery Management Council Meeting Summary (June 12-16, 2017)

The South Atlantic Fishery Management Council (Council) met June 12-16 in Ponte Vedra Beach, Florida. The attached meeting report compiled by council staff contains a summary of the major issues addressed and actions taken. The report includes links to the post-meeting news release, briefing materials, and the graphical and more detailed summary of the meeting via the June 2017 Council Meeting Round-up Story Map (http://arcg.is/2sKqYiV). Links to summary motions, public comments, the meeting report, as well as the above items for any council meeting can be found on the main Council Meetings webpage (http://safmc.net/safmc-meetings/council-meetings/). Items that may be of interest to the commission are highlighted below:

- For-Hire Limited Entry: The council continued its discussion of a white paper developed by staff regarding limited entry in the for-hire component of the snapper grouper fishery. After much debate, the council approved a motion to begin development of an amendment to establish a moratorium on the issuance of for-hire snapper grouper permits. Additional information will be forthcoming at the December council meeting.

- Cobia: The council discussed a motion from the Mackerel Cobia Advisory Panel at its April 2017 meeting to recommend the council request NOAA Fisheries, via emergency rule, to change the stock boundary and annual catch limit to those established in Amendment 18 to the fishery management plan. The council ultimately voted not to request emergency action. However, it did request that NOAA Fisheries recalculate the 2015 and 2016 harvest estimates of Atlantic cobia using annual estimates of catch and effort, as a means of potentially increasing the precision of those harvest estimates. The council also reviewed a request from the Atlantic States Marine Fisheries Commission to consider transferring management of Atlantic cobia to the commission. The council will be holding a webinar scoping meeting in August to receive public input on an amendment to consider either transferring management authority to the commission, or to continue working with the commission to develop a complementary fishery management plan. (The commission is scheduled to approve a complementary Atlantic Cobia fishery management plan for public hearings in August). Additionally, the final rule for Framework Amendment 4, which modified federal recreational size and vessel limits, accountability measures, and commercial possession limits, has not yet been published by NOAA Fisheries.

- Red Snapper: The council received a report from NOAA Fisheries indicating that the total number of red snapper removals (landings plus dead discards) exceeded the allowable biological catch in 2016, which means the fishery will remain closed under current management. The council modified Amendment 43, which originally contained a number of actions aimed at reducing dead discards of red snapper and revising management measures, to include only one action that could allow for a limited red snapper harvest in 2018. A webinar question and answer session and two webinar public hearings will be held in August to receive public input. The council is scheduled to give final approval to Amendment 43 in September, and will continue to work on the remaining actions (use of descending devices, recreational reporting, etc.) via another amendment.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Dr. Michelle Duval, Chair | Charlie Phillips, Vice Chair
Gregg T. Waugh, Executive Director

JUNE 12-16, 2017 COUNCIL MEETING REPORT
PONTE VEDRA BEACH, FLORIDA

The following summary highlights the major issues discussed and actions taken at the South Atlantic Fishery Management Council's June 2017 meeting in Ponte Vedra Beach, Florida.

Briefing materials, presentations, and public comments are available on the Council's website at: http://safmc.net/briefing-books/2017-june-council-meeting-briefing-book/. Final Committee Reports contain more details of what was accomplished for each committee and are located on the June 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 June 2017 Council Meeting Round-up Story Map: http://arcg.is/2sKqYiV. The Meeting News Release is available at: http://safmc.net/?p=21975&preview=true.

Issue:	Action Taken:	Schedule:
Red Snapper	Based on a report from NMFS, the estimated number of red snapper removed (landings plus dead discards) exceeded the acceptable biological catch in 2016, a situation that has kept the fishery closed for the past two years under the current management plan.	Official notice about the 2017 fishing season will be available from NMFS very soon.
	The Council modified Amendment 43 to develop options for a 2018 red snapper season opening: • single action to revise annual catch limits • remove the current process and equation used to specify the annual catch limit • alternatives for establishing an annual catch limit for 2018 ranging from 23,623 - 76,041 fish.	The intent is to expedite Amendment 43 by holding public hearings via webinar in August and in-person at the Council's September meeting, and approving the amendment for Secretarial review at that time. The Council's goal is to have measures in place in time to allow limited harvest beginning in July of 2018.
	The Council clarified their intent to continue development and consideration of the other actions in Amendment 43 addressing best fishing practices and other management measures. However, those actions would be developed in a separate amendment.	The Council will review a new red snapper amendment at the December 2017 meeting.

Issue:	Action Taken:	Schedule:
Spiny Lobster	Approved Regulatory Amendment 4 for review by Secretary of Commerce: • Increase the acceptable biological catch from 7.32 million pounds to 9.6 million pounds. • The amendment would also prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ.	Send for formal review in June or July.
Recreational Visioning Amendment	Regulatory Amendment 26: Provided guidance to staff.	Review & approve for public hearings at the September 2017 meeting.
Commercial Visioning Amendment	Regulatory Amendment 27: Provided guidance to staff.	Review & approve for public hearings at the September 2017 meeting.
Yellowtail Snapper	Options to combine the Gulf/Atlantic ABCs/ACLs were discussed.	Contact Gulf Council to determine their interest in addressing this issue.
Golden Tilefish	The Council requested that NMFS implement interim measures to reduce overfishing by setting the ACL for 2018 at the projected yield at 75%F_{MSY} (323,000 pounds gutted weight). Requested new update &projections.	Implement the new ACL prior to the start of the 2018-fishing season. Review at December 2017 meeting.
Mackerel Cobia	The Council reviewed a request from the Advisory Panel to go back to the stock boundary and ACLs in Amendment 18. After reviewing analyses of the request, the Council approved a motion to not request emergency action. The Council requested MRIP recalculate the 2015 and 2016 Atlantic cobia recreational harvest using annual estimates of catch and effort. The Council reviewed a request from ASMFC to transfer management of Atlantic cobia from the Councils to the Commission and approved work to evaluate options for a complementary plan and removal of Atlantic Cobia from the FMP. Atlantic king mackerel commercial trip limits for the Southern Zone.	Stock ID workshop and stock assessment beginning in 2018. Review new estimates at the September meeting if MRIP can provide the analyses in time. Review the options at the September meeting. Work with Council members and fishermen to develop a framework to evaluate alternatives to revise trip limits.

Issue:	Action Taken:	Schedule:
For-hire Permit Moratorium	The Council approved a motion to begin work on an amendment to establish a moratorium on the issuance of Federal For-Hire Snapper Grouper Permits.	Bring draft amendment to Council at a future meeting.
Citizen Science	Approved individuals to the Citizen Science Pool and A-Teams.	A-Teams begin work on developing program details.

For details on any item listed above or other items addressed during the meeting, please refer to the Final Committee reports available on the Council's website at: http://safmc.net/briefing-books/2017-june-council-meeting-briefing-book/.

Discussion Paper on
Emergency Action to Remove the Stock Boundary and ACLs for cobia implemented in CMP Amendment 20B

South Atlantic Fishery Management Council
Prepared by SAFMC staff and NOAA GC
May 12, 2017
Updated June 28, 2017

Introduction

Following the shortened recreational seasons for Atlantic cobia in 2016 and 2017, there have been substantial requests from the public for the Council to recommend that NMFS take emergency action to revert the stock boundary and annual catch limits (ACLs) for cobia to those established through CMP Amendment 18 (GMFMC/SAFMC 2011). At their April 2017 meeting, the Mackerel Cobia Advisory Panel (AP) and Cobia Sub-Panel had an extensive discussion with NOAA General Counsel on emergency rule criteria and rationale, and how the criteria could apply to the Atlantic cobia situation. The AP and Sub-Panel approved a motion (6 in support/5 opposed/4 abstained) to recommend that the Council request NMFS consider emergency action to change the stock boundary and ACLs for cobia to those established in Amendment 18.

At their June 2017 meeting, the South Atlantic Council reviewed the AP and Sub-Panel's recommendation along with this discussion paper. The Council's conclusion is provided at the end of this document.

Relevant Background

Amendment 18

Amendment 18 (GMFMC/SAFMC 2011) included actions to establish the boundary between Gulf of Mexico and Atlantic cobia at the GMFMC/SAFMC boundary and to establish the ACL for each stock (1,517,399 lbs ww for Atlantic cobia; 1,460,000 lbs ww for Gulf cobia). The ACL was set equal to the acceptable biological catch (ABC) value recommended by the South Atlantic Council's Scientific and Statistical Committee (SSC), which applied the Gulf SSC's ABC Control Rule. Atlantic cobia had not been through the SEDAR process, and the South Atlantic SSC recommended that the interim ABC to be the mean of the most recent ten years of landings plus 1.5 standard deviations (Level 4 of the Gulf SSC's ABC Control Rule).

Amendment 18 also included actions to specify the accountability measures (AMs) for Atlantic cobia. The commercial AM is that commercial harvest will close when commercial landings meet or are projected to meet the commercial ACL. If the commercial ACL and the total ACL are exceeded, the commercial ACL for the next fishing year will be reduced by the amount of the overage, but only if Atlantic cobia are designated as overfished. The recreational AM implemented through Amendment 18 is that if recreational landings exceed the recreational ACL, then the following recreational season length will be reduced to ensure that the recreational annual catch target (ACT) is met, but landings do not exceed the recreational ACL. Additionally, if the recreational ACL and the total ACL are exceeded, the recreational ACL for the next fishing year will be reduced by the amount of the overage, but only if Atlantic cobia are

designated as overfished. Amendment 18 also specified that overfishing would be defined as landings exceeding the ACL, because at that time there was no overfishing level (OFL) provided.

SEDAR 28

In 2013, the stock assessment for Gulf and Atlantic cobia (SEDAR 28) was completed and included data through 2012. At their April 2013 meeting, the South Atlantic SSC reviewed the stock assessment for Atlantic cobia, accepted the assessment as representing the best available scientific information on the current status of cobia in South Atlantic waters and considered it appropriate for SAFMC management decisions. The SSC report is available here: http://cdn1.safmc.net/wp-content/uploads/2016/11/28105833/Mackerel_Att4_SSC_APR13_Report_Final.pdf

Based on genetic and tagging information along with a decision by the assessment workshop participants, SEDAR 28 designated the boundary between the Gulf and Atlantic stocks at the Georgia/Florida line. The boundary decision incorporated all data available on stock structure, but also considered management complexity, so the boundary was set at a state line. The assessment indicated that the spawning stock biomass (SSB) is greater than the minimum stock size threshold (MSST), so Atlantic cobia are designated as not overfished. SEDAR 28 also indicated that fishing mortality is less than the maximum fishing mortality threshold (MFMT), therefore overfishing was not occurring. The OFL for 2015 was specified as 792,800 lbs ww and the OFL for 2016 onwards was specified as 726,700 lbs ww.

Amendment 20B

The SSC recommendation on the stock assessment for Atlantic cobia was presented to the South Atlantic Council in June 2013 during the Mackerel Committee. The Councils included an action in CMP Amendment 20B (GMFMC/SAFMC 2014) to modify the boundary between the Atlantic and Gulf stocks (**Figure 1**), to update the annual catch limits for each stock based on the stock assessment, and to specify a portion of the Gulf ACL for the Florida east coast. The Councils selected the following alternative as the preferred alternative and option:

Preferred Alternative 3: The ACL for each jurisdictional area would be determined as follows:

- The Gulf migratory group cobia ABC (as determined by the SSCs) would be divided into a Gulf Zone ACL and a Florida East Coast Zone ACL (Florida/Georgia border to the Gulf and South Atlantic Councils jurisdictional boundary) based on the options below.

  Preferred Option d: Use 1998-2012 (15 years) landings to establish the percentage split for the Gulf ABC.

- The Atlantic migratory group ACL (Florida/Georgia border through Mid-Atlantic or NY however you want to state) would be equal to the ABC for the Atlantic migratory group cobia (as determined by the SSCs).

The alternative and option selected as the preferred by the Councils resulted in the following annual catch limits or quotas:

2015	**2016 and subsequent years**
Atlantic (GA-NY) Stock ACL: 690,000 lbs Recreational: 630,000 lbs Commercial: 60,000 lbs Gulf Stock ACL: 2.51 mp Gulf Zone ACL (minus FL East Coast): 1.61 mp Florida east coast ACL: 900,000 lbs Recreational: 830,000 lbs Commercial: 70,000 lbs	Atlantic (GA-NY) Stock ACL: 670,000 lbs Recreational: 620,000 lbs Commercial: 50,000 lbs Gulf Stock ACL: 2.59 mp Gulf Zone ACL (minus FL East Coast): 1.66 mp Florida east coast ACL: 930,000 lbs Recreational: 860,000 lbs Commercial: 70,000 lbs

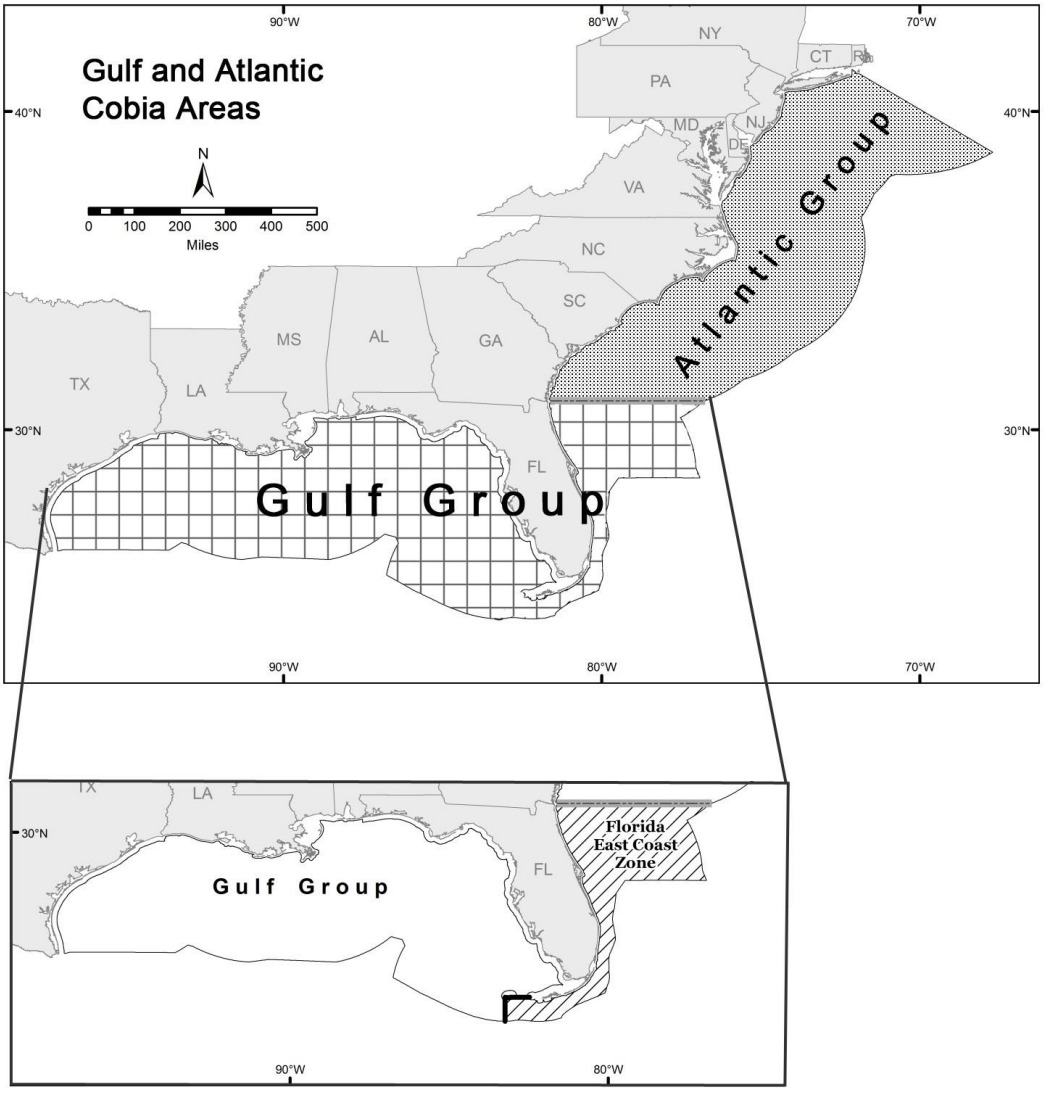

Figure 1. Boundaries for Gulf and Atlantic cobia used in SEDAR 28 and updated in CMP Amendment 20B.

Amendment 20B was approved for public hearings by the South Atlantic Council in June 2013, and hearings were held in August 2013. There were in-person hearings held in six locations in the South Atlantic region. Additionally, there was a hearing held in conjunction with the Mid-Atlantic Fishery Management Council meeting in Wilmington, DE. Council staff also held a Q&A webinar, and written comments could be submitted by mail or email. Information about the hearings and the actions under consideration were publicized by the South Atlantic and Mid-Atlantic Councils. The posted information is available at: http://safmc.net/safmc-meetings/public-hearings-august-2013-archived/.

The Mackerel Advisory Panel also reviewed the alternatives in April 2013 and recommended that the ACL be set equal to the ABC for Atlantic cobia, and that the Florida east coast allocation be based on the longest time period. The preferred alternatives selected by the Councils (Alternative 3 and Option D) aligned with the Mackerel AP's recommendation.

The South Atlantic Council reviewed the public comments from the hearings at their September 2013 meeting, and approved Amendment 20B for formal review.

It should be noted that Amendment 20B was included in the agenda on the next two South Atlantic Council meetings as well, due to disagreement between the Councils on an action to change the fishing year for the Gulf king mackerel western zone. Because the Councils did not have agreement on the preferred alternative for the king mackerel fishing year action, each Council reconsidered the preferred alternative at subsequent meetings and then approved the amendment again for formal review. Therefore, the South Atlantic Council approved Amendment 20B for formal review again in December 2013 and in March 2014. At each meeting, the federal register noticed specified that Amendment 20B would again be considered for formal approval and that there would be a designated opportunity for the public to speak about the amendment. It was not until the April 2014 Gulf Council meeting in which the preferred alternatives of each Council aligned.

Amendment 20B was sent to NMFS for review on May 22, 2014. The proposed rule was published on October 31, 2014, with a public comment through December 1, 2014. NMFS received eleven comments on the proposed rule, which are addressed in the final rule that published on January 27, 2015. There were no comments specifically about the cobia action in Amendment 20B. The regulations became effective on March 1, 2015.

2016 Fishing Season

In 2015, recreational landings for Atlantic cobia were 1,554,394 lbs and exceeded the 2015 recreational ACL of 630,000 lbs ww and the 2015 stock ACL of 690,000 lbs ww. The total Based on the total landings (commercial and recreational combined) of Atlantic cobia during 2015 (1,637,242 lbs) exceeded the ACL (690,000 lbs ww) and the OFL (729,800 lbs) specified for 2015.

On March 10, 2016, NMFS announced that the 2016 recreational season for Atlantic cobia in federal waters would close on June 20, 2016 (81 FR 12601). Because the June closure would likely have a negative economic and social impact on fishermen targeting cobia, the South Atlantic Council, at their March 2016 meeting, directed staff to begin work on an amendment that included actions with measures that could help slow the rate of harvest and reduce the likelihood of exceeding the recreational ACL. Additionally, the Council directed staff to send a

letter requesting the Atlantic States Marine Fisheries Commission (ASMFC) develop a complementary interstate management plan for cobia.

In 2016, Virginia, North Carolina, and South Carolina implemented management changes for cobia harvest in state waters. Effective June 1, 2016, the recreational harvest limits in Virginia state waters are 1 fish per person and 2 fish per boat; the minimum size limit is 40 inches total length (TL) and no more than one cobia over 50 inches TL is allowed per boat; no gaffing is allowed; and state waters closed for the remainder of the year on August 30, 2016.

The North Carolina Marine Fisheries Commission (North Carolina Commission) approved several measures for cobia harvest in state waters for 2016, including a recreational bag limit of 1 fish per person per day, recreational minimum size limit of 37 inches fork length (FL), and closure of recreational harvest in state waters on September 30, 2016. On for-hire trips, the harvest limit was set at 4 cobia per vessel per day or 1 cobia per person per day if fewer than four people are on board, and private recreational harvest was only allowed on Monday, Wednesday, and Saturday, with a vessel limit of 2 cobia per day and a bag limit of 1 cobia per person per day if there is only one person on board. Shore-based cobia harvest was allowed seven days a week with a recreational bag limit of 1 fish per person per day.

In April 2016, the governor of South Carolina approved legislation to establish a Southern Cobia Management Zone, which includes South Carolina state waters from Jeremy Inlet, Edisto Island, to the South Carolina/Georgia boundary. Effective May 1, 2016, cobia harvest in the Southern Cobia Management Zone is limited to catch and release only from May 1 through May 31, and is limited to 1 fish per person per day or 3 fish per vessel per day, whichever is lower, from June 1 through April 30. On June 20, 2016, South Carolina state waters also closed to recreational harvest of cobia to complement the federal closure.

Coastal Migratory Pelagics Framework Amendment 4

At their March 2016 meeting, the South Atlantic Council directed staff to begin develop of Framework Amendment 4, which would include options for management measures to slow the rate of recreational harvest of cobia and reduce the likelihood that landings would exceed the ACL. The South Atlantic Council held a combination in-person and webinar hearing in April 2016 to collect public input on potential actions, such as bag limits, boat limits, and minimum size limits. In June 2016, the Council reviewed actions in Framework Amendment 4 for recreational bag and vessel limits, reduced recreational minimum size limit, modified recreational accountability measures, and a specified commercial harvest limit. The Council approved the amendment for public hearings in August 2016, which included in-person meetings, webinar hearings, and an online form for written comments. The Council reviewed public input and approved the amendment for formal review in September 2016. The amendment was submitted for Secretarial review on October 28, 2016. The proposed rule published on February 21, 2017, with a comment period through March 23, 2017.

ASMFC Interstate Management Plan for Cobia

In August 2016, the South Atlantic State/Federal Fisheries Management Board of the ASMFC reviewed options for cobia management and recommended that the ASMFC start work on an interstate cobia management plan. Public meetings to collect input on the options for cobia management were held in December 2016, and the draft plan is being developed. After the

ASMFC plan is in place, the Council will develop the protocol for federal management to complement the interstate plan, if necessary.

2017 Fishing Season
The recreational landings for Atlantic cobia in 2016 were of 1,336,012 lbs, and the overage of total landings in 2015 and 2016 were 1,511,079 lbs. This value exceeded the 2016 recreational ACL of 620,000 pounds ww and the 2016 stock ACL of 670,000 lbs ww. CMP Amendment 18 specified that overfishing is occurring when landings exceed the total ACL. Based on the total landings of Atlantic cobia during 2016 (1,384,916 lbs), landings exceeded the ACL and the OFL (766,700 lbs ww).

NMFS closed recreational harvest of Atlantic cobia in federal waters on January 24, 2017 (82 FR 8363) to prevent recreational harvest exceeding the ACL given that state waters would be open during 2017.

Virginia established a season for state waters as June 1 through September 15, 2017. The bag limit is 1 fish per person or 3 fish per vessel, and the minimum size limit is 40" TL with only one fish over 50" TL per vessel. Gaffing is prohibited and recreational reporting is required.

North Carolina also established a recreational season in state waters of May 1 to September 1, 2017, with a minimum size limit of 36" FL for recreational harvest. The recreational possession limit is 1 fish per person or 4 fish per vessel, if there are four or more people on the vessel. Recreational fishermen are requested to report cobia catch to the state.

Recreational harvest of cobia in state waters of South Carolina closed in conjunction with the federal closure in the EEZ. Georgia made no changes for harvest in state waters.

Emergency Action
The Magnuson-Stevens Act Fishery Conservation and Management Act gives the Secretary of Commerce the legal authority to take emergency action (http://www.nmfs.noaa.gov/sfa/magact/mag3a.html#s305). NMFS policy guidelines (http://www.nmfs.noaa.gov/op/pds/documents/01/101/01-101-07.pdf) specify how emergency action will be carried out if NMFS determines that there is an emergency.

In the context of the 2017 recreational season for Atlantic cobia, the circumstances under consideration for emergency action are:

- Must be due to recent, unforeseen events, or recently discovered circumstances (i.e., an emergency action cannot be based on administrative inaction to solve a long recognized problem)
- Presents serious conservation or management problems in the fishery
  - Economic - significant direct economic loss or foregone significant economic opportunity
  - Social - significant community impacts or conflict between user groups
- Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of

the impacts on participants to the same extent as would be expected under the normal rulemaking process
- Must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards

Recent and unforeseen events
There have been a series of events that have led to the effects of the accountability measure (shortened recreational season for the subsequent year) associated with the stock boundary and ACLs, but these do not clearly represent recent, unforeseen events, or recently discovered circumstances. The stock assessment for cobia was completed in 2012 and underwent the standard review process, including the SSC reviewing and accepting SEDAR 28 as the best available scientific information. The modified stock boundary and updated ACLs in Amendment 20B were implemented in March 2015, and there have been two consecutive years with early closures. Catches of cobia are known to fluctuate, in part because harvest is heavily recreational and the fish are migratory, so the possibility of exceeding the ACL is always present to some degree. Thus, it is not obvious how anything was necessarily unforeseen about the current situation, particularly now, after multiple ACL overages.

Upon notification of the 2015 overage and the shortened 2016 fishing season, the Council expressed concern about the negative social and economic effects on recreational fishermen due to the closure during the most popular time of year to fish for cobia. At their March 2016 meeting, the Council immediately started work on Framework Amendment 4 to revise management measures to help slow the rate of harvest and reduce the possibility of another shortened recreational season due to an overage. The amendment was approved by the Council in September 2016 (sent for formal review on 10/18/16), yet the timing still allowed several opportunities for public input on the measures. The final rule for the revised measures is currently being prepared for publication.

Additionally, in March 2016 the Council requested that ASMFC consider complementary management for cobia. At this time, ASMFC is developing the interstate management plan for cobia, and the Council will continue to work with the ASMFC on complementary regulations in state and federal waters. Through these actions, the Council is working quickly to best address the negative effects of the 2016 and 2017 closures and decrease the likelihood that the closures will continue.

It should be noted that the actions taken in 2016 by the Council, states, and NMFS did not prevent landings (calculated from MRIP estimates) from exceeding the 2016 ACL. For the 2017 season, federal waters are closed, South Carolina State waters are closed, and North Carolina and Virginia have specified new regulations in an attempt to keep landings below the recreational ACL.

Based on these facts, it seems difficult to reasonably characterize the situation as a long recognized problem that has gone unaddressed through administrative action. However, the Council has discussed the ongoing situation at multiple meetings, developed management actions to address the situation over the longer term, and even requested complementary action by the ASMFC, all without having previously requested an emergency action. These facts do not generally support a determination that the underlying circumstances are recent, unforeseen, or newly discovered.

Expected Harm or Disruption to Fishery or Community

It is unclear whether the adverse economic impacts of the accountability measure are sufficient to justify an emergency action. There is no doubt the cobia closures have had significant negative impacts to the cobia fishery and the communities in which these individuals live and work. The Council has received extensive public comments on the level of impacts to lure manufacturers, bait/tackle shops, charter vessel captains, and others. Framework Amendment 4 provided information on the negative economic and social effects on recreational fishermen due to the early closure in 2016, and the 2017 closure of federal waters and South Carolina state waters. Despite these documented negative impacts, the extent of the negative impacts in some communities is unclear due to the continued harvest allowed in state waters for Virginia and North Carolina, which are the primary areas for recreational cobia harvest. Additionally, the Council has not received the same level of input and recommendation to request emergency action from fishermen in South Carolina, who did not have access to cobia in state waters during the federal closure in 2016 or 2017. The State of Georgia, however, did document their concerns and expected negative effects of the closure, and also requested that NMFS open federal waters off Georgia.

Further, the requested emergency action of reverting to the previous stock boundary (the Gulf and South Atlantic Council boundary) has a clear potential to result in adverse economic impacts to Florida fishing communities that also depend on the harvest of cobia. Given the magnitude of the overages involved in 2015 and 2016, combining the Atlantic cobia stock with the Florida east coast portion of the Gulf cobia stock would have resulted in early cobia closures along the entire east coast, rather than early closures from Georgia through New York. The early closures would not have been as extensive temporally, but they would have impacted a much larger geographic area. Given the observed trend from 2015 and 2016, early closures could be reasonably expected to result along the entire east coast for subsequent years, if the requested action were to be implemented for future fishing seasons.

There is most often a high degree of uncertainty involved in estimating recreational harvest and the associated economic impacts. In this instance it seems particularly unclear whether the economic loss potentially prevented or the economic opportunities potentially salvaged by the AP's requested emergency rule create a sufficient justification to warrant the emergency action.

Administrative Record Considerations

The most significant concerns regarding the emergency action requested by the AP/Sub-Panel relate to the administrative record required to support its implementation. As explicitly acknowledged in the NMFS policy guidelines for implementing emergency actions, "In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards." The administrative record requirement is an overarching legal standard based on the Administrative Procedure Act, and it is applicable to all rules promulgated under the MSA; thus, it is not just a NMFS policy based requirement. At this juncture, no such record exists to support reverting to the prior stock boundary, and developing such a record would require significant additional work, including reconsideration of past scientific and policy decisions.

SEDAR 28 went through a lengthy review process (Center for Independent Experts and the Council's Scientific and Statistical Committee) and was determined to be the best scientific information available by the SSC, the Council, and NOAA Fisheries. Additionally, Amendment

20B and its implementing regulations were developed, reviewed, and approved by the Council through the requisite MSA process, at which point they were determined to be fully consistent with the applicable federal mandates. To change the management measures established through Amendment 20B, including the stock boundary and the ACLs, would require that the Council build a new record demonstrating that the past decisions were wrong or there is sufficient new information available to justify a complete reversal in course.

Given that the stock boundary delineation was largely dictated by SEDAR 28 and available scientific information, reversing the associated decisions would essentially require starting the process anew, so that the scientific information could be reevaluated and the resulting decisions revisited. This would be a lengthy process that would be unlikely to be concluded in time to support any regulatory action in the immediate future. Even more problematic for the proposed change, there appears to be no reason to expect the scientific recommendations based on SEDAR 28 to be any different than they were the first time. Additional scientific information (new and information not included in SEDAR 28) need to go through the assessment/review process to determine whether any changes are necessary to the past stock boundary delineation (see discussion below).

Additionally, changing the stock boundary and the ACLs for each stock to those in place prior to Amendment 20B would affect Gulf cobia and associated fishing businesses and communities as well. Amendment 20B was a joint amendment developed through the Gulf and South Atlantic Council's joint management process, and any changes would need to be approved by the Gulf Council.

Currently, there is no record supporting emergency action, whereas the administrative record supporting the decisions made in Amendment 20B is quite strong. Assuming that it is even possible based on the available information, establishing a comparable and equally as defensible administrative record for an emergency action would likely take almost as long as development and approval of an amendment. Emergency action does not include public input opportunities and the benefits of the emergency action should be greater than the costs of foregoing public involvement. If the emergency action takes a similar length of time as an amendment would take to build the supporting administrative record, then there is little benefit from emergency action and only reduced opportunities for public input and Council deliberation.

Scientific Basis for Changing the Stock Boundary Through Emergency Action
Dr. Michael R. Denson, SC DNR, presented the current status of cobia research along the Southeast US Coast to the Mackerel Cobia AP at their April 29-20, 2017 meeting[1]:

- Genetic results support the existing stock boundary. Samples are lacking from northeast Florida where it is difficult to fish due to a lack of access/inlets. The genetic results show separate stocks during spawning and mixing during non-spawning months.
- Tagging results support the existing stock boundary. Five of 274 (2%) tagged cobia moved from Georgia northwards to the Gulf while 10 of 855 (1%) moved from the Gulf around to Georgia northwards.

[1] Transcribed minutes from the April 2017 AP/Sub-Panel meeting are available online at: http://safmc.net/download/Briefing%20Book%20Jun%202017/12%20Mackerel%20Cobia/A02b_MackereCobialAPMinApr17.pdf.

Since the last stock assessment in 2012, there has been additional research conducted on migration and genetics of cobia in the Gulf of Mexico and Atlantic. All available data from these studies will be provided to the stock identification workshop and SEDAR assessment (to be completed in 2018/2019) when the boundary will be re-evaluated. As presented by Dr. Denson at the AP/Sub-Panel meeting, there are several ongoing studies with results supporting the current stock boundary. Regardless, any new information (since the last assessment or not reviewed in the last assessment) on migration and genetics of cobia in the Gulf and Atlantic would be subject to the same rigorous and thorough process as the information that was used to set the current boundary. This review process—which is necessary to justify emergency action—would take a minimum of several months, at which point the Council could have made management changes through an amendment. The presentation is available online at: http://safmc.net/download/Briefing%20Book%20Mackerel%20AP%20Apr%2017/Att5_CobiaResearch_SCDNR_Apr2017.pdf.

Council Conclusion

The Council acknowledged the concern about potential negative impacts on fishermen due to the early recreational closure for Atlantic cobia in 2016 and 2017, but most Council members did not feel there was adequate justification to request emergency action to revert the cobia stock boundary and ACLs back to those established in CMP Amendment 18, and approved the following motion:

> THE COUNCIL WILL NOT CONSIDER EMERGENCY ACTION TO CHANGE THE BOUNDARY AND ACLS.

Council members did express concern about use of MRIP estimates to track recreational ACLs, particularly for species in a pulse fishery. Although this is a known problem for Atlantic cobia, there are recognized methods that have been used in the Mid-Atlantic region to address outliers in MRIP estimates for other species, and have also been presented to the South Atlantic Council's Scientific and Statistical Committee (SSC) by MRIP staff. The Council approved the following motion:

> REQUEST MRIP RE-CALCULATE THE 2015 AND 2016 ATLANTIC COBIA RECREATIONAL HARVEST USING ANNUAL ESTIMATE OF CATCH AND EFFORT.

The June 2017 Mackerel Cobia Committee summary report is available at: http://safmc.net/download/Briefing%20Book%20Jun%202017/Committee%20Reports/Final/MackerelCobiaCommitteeFINALReport_June2017.pdf

On behalf of the Council, Dr. Michelle Duval sent a letter to Dr. David Van Voorhees, Division Chief for Fisheries Statistics in the NOAA Fisheries Office of Science and Technology, requesting additional MRIP estimates for Atlantic cobia landings in 2015 and 2016 using annual estimates of catch and effort. The letter specified that the results are requested to be presented to the South Atlantic Mackerel Cobia Committee at their September 2017 meeting. The letter will be included in the September 2017 briefing book, available on the South Atlantic Council's website (www.safmc.net) in late August 2017.

References

CMP Amendment 18
GMFMC (Gulf of Mexico Fishery Management Council)/SAFMC (South Atlantic Fishery Management Council). 2011. Amendment 18 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions including environmental assessment, regulatory impact review, and regulatory flexibility act analysis. Gulf of Mexico Fishery Management Council, Tampa, Florida, and South Atlantic Fishery Management Council, North Charleston, South Carolina. Available at: http://cdn1.safmc.net/wp-content/uploads/2017/02/22160159/MackAmend18.pdf.

CMP Amendment 20B
GMFMC/SAFMC. 2014. Amendment 20B to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions including environmental assessment, regulatory impact review, and regulatory flexibility act analysis. Gulf of Mexico Fishery Management Council, Tampa, Florida, and South Atlantic Fishery Management Council, North Charleston, South Carolina. Available at: http://cdn1.safmc.net/wp-content/uploads/2016/11/28111127/CMP20Amendment2020B-20Boundaries20and20Transit20Provisions20052114_final-1.pdf.

CMP Framework Amendment 4
Currently under Secretarial review. Amendment and information on review progress is available at: http://safmc.net/amendments-under-development/cmp-framework-amendment-4/.

SEDAR 28
SEDAR 28. 2012, 2013. Southeast Data, Assessment, and Review Stock Assessment of South Atlantic Spanish Mackerel and Cobia. Available at: http://www.sefsc.noaa.gov/sedar/Sedar_Workshops. jsp?WorkshopNum=28

Federal Register Notices of 2016 and 2017 Atlantic cobia recreational seasons
2016 (81 FR 12601): https://www.gpo.gov/fdsys/pkg/FR-2016-03-10/pdf/2016-05393.pdf
2017 (82 FR 8363): https://www.gpo.gov/fdsys/pkg/FR-2017-01-25/pdf/2017-00785.pdf

Marine Fisheries
ENVIRONMENTAL QUALITY

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Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

July 24, 2017

MEMORANDUM **HMS 8-17**

TO: Marine Fisheries Commission

FROM: Randy Gregory, Division of Marine Fisheries, NCDEQ

SUBJECT: Highly Migratory Species Update

The Highly Migratory Species Advisory Panel will meet on Sept. 6-7, 2017 in Silver Spring, Maryland to discuss the Amendment 7 bluefin tuna management three-year review; requests for regulatory changes in the pelagic longline fishery, general category bluefin tuna fishery, charter/headboat permits and the commercial and recreational shark fisheries; and progress updates regarding the exempted fishing permit request to conduct research in pelagic longline closed areas and shark research.

Sharks

On July 16, 2017, The National Marine Fisheries Service (NOAA Fisheries) increased the retention limit for the commercial aggregated large coastal shark and hammerhead shark management groups for directed shark limited access permit holders in the Atlantic region from three to 36 large coastal sharks other than sandbar sharks per vessel per trip. This adjustment is intended to promote equitable fishing opportunities in the Atlantic region, while allowing quota to be harvested throughout the year. All other retention limits and shark fisheries remain unchanged in the Atlantic region. The retention limit will remain at 36 large coastal sharks other than sandbar sharks per vessel per trip in the Atlantic region through the rest of the 2017 fishing season or until NOAA Fisheries announces via a notice in the Federal Register another adjustment to the retention limit or a fishery closure. This retention limit adjustment affects anyone with a directed shark limited access permit fishing for large coastal sharks in the Atlantic region.

On June 5, 2017, management measures for Amendment 5b for commercial shark fisheries became effective to reduce fishing mortality on dusky sharks to end overfishing and rebuild the dusky shark population. Management measures for the commercial fishery require pelagic longline fishermen to release all sharks not being retained using a dehooker or cutting the gangion less than three feet from the hook, completion of a shark identification and fishing regulation training course for pelagic longline, bottom longline, and shark gillnet vessel owners and operators and require the use of circle hooks by all directed shark permit holders using bottom longline. Additional commercial and recreational measures for Amendment 5b become effective Jan. 1, 2018. For more details on those measures, please refer to the HMS website: http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am5/a5b_index.html.

Bluefin Tuna

The commercial General category fishery reopened on June 1, 2017. The recreational bluefin tuna fishery remains open for Highly Migratory Species Angling category-permitted vessels and Charter/Headboat category-permitted vessels. The daily retention limit is the default limit of one bluefin tuna between 27 inches and 73 inches curved fork length.