

# Director's Report







ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

August 3, 2018

## MEMORANDUM

**TO:** Marine Fisheries Commission

**FROM:** Dee Lupton, Deputy Director

**SUBJECT:** Standard or Retired Standard Commercial Fishing License Transfers and Assignments

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The Marine Fisheries Commission (“Commission”) asked the Division of Marine Fisheries (“Division”) to consider solutions to address Standard Commercial Fishing License (“SCFL”) transfer issues raised by the Commission at its May 2018 meeting. Of interest were third-party transfers. Staff implemented additional tracking measures and looked closely at the language and history of the statute and rule which authorize SCFL transfers. Staff also conferred with Department of Environmental Quality (“DEQ”) and Commission legal counsel, as well as DEQ leadership.

After careful review, the Division recommends the following actions:

1. Issue a press release to inform the public of unauthorized license transfers including third-party internet advertised transfers and business to business transfers. The release would also provide information on the Eligibility Board process, and reaffirm the five specific statutory conditions under which a licensee may request that the Division authorize a SCFL transfer:
  - a. To an immediate family member;
  - b. To an Administrator or executor of deceased licensee’s estate;
  - c. From Administrator or executor of deceased licensee to a surviving immediate family member of the deceased licensee;
  - d. From surviving member of deceased licensee to a third-party purchaser of the deceased licensee’s vessel; or
  - e. From a licensee who is retiring from commercial fishing to a third-party purchaser of the licensee’s fishing vessel.
2. Continue enhanced tracking to document reasons for ‘other’ sales with the license database.
3. Create a new license certification form that all licensee’s sign to certify that the information and supporting documentation submitted with the transfer application is true



and correct, and that the licensee acknowledges that it is unlawful for a person to accept transfer of a license for which they are ineligible.

4. Start Commission rule-making to add grandparents, grandchildren, and legal guardians to the “immediate family” definition (to match the eligibility rule).
5. Research business to business transactions and suggest rules that facilitate limited business entity related license transfers, where applicable.

In addition, the Commission requested that the Division provide the previous assignment rule language related to resident SCFL assignments to non-residents. That language, removed from the rule by amendment effective August 1, 2000, is underlined below. The Division recommends pursuing rule-making to amend the rule to add the stricken language back into the rule.

Amend Commission rule 03O.0109(f):

It is unlawful for a person to accept assignment of a Standard Commercial Fishing License for which they are ineligible. A nonresident is not eligible for assignment of a resident Standard Commercial Fishing License.





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June 22, 2018

## MEMORANDUM

**TO:** Marine Fisheries Commission

**FROM:** Michelle Duval, Special Assistant for Councils

**SUBJECT:** South Atlantic Fishery Management Council Meeting Summary (June 11-15, 2018)

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The South Atlantic Fishery Management Council (council) met June 11-15, 2018 in Fort Lauderdale, Florida. The attached meeting report contains a summary of the major items 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 March 2018 Council Meeting Round-up Story Map (<https://www.arcgis.com/apps/MapJournal/index.html?appid=a88e097b4bcd4a289251d0a59303a1de>). 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:

- **Cobia:** The council approved Coastal Migratory Pelagics Amendment 31 for formal review. Once implemented, the amendment will remove Atlantic cobia (Georgia through New York) from the federal fishery management plan and transfer management authority to the Atlantic States Marine Fisheries Commission. In March, the council delayed final approval of the amendment until June when preliminary results of the stock identification workshop would be available, as well as clarification regarding federal waters regulations recommended by the Atlantic States Marine Fisheries Commission. The stock identification workshop proposed no change in the existing boundary between Gulf and Atlantic stocks (Florida/Georgia state line); the subsequent peer review supported this conclusion. In May, the Atlantic States Marine Fisheries Commission voted to develop an amendment to its interstate fishery management plan for Atlantic cobia to address management in federal waters, should Coastal Migratory Pelagics Amendment 31 be approved. In the interim period between removal of Atlantic cobia from the federal fishery management plan (expected early 2019) and the implementation of an amendment to the interstate plan (expected early 2020), the Atlantic States Marine Fisheries Commission recommended that NOAA Fisheries maintain the existing regulations in federal waters. Where state and federal waters regulations differ (i.e., size or possession limits), anyone fishing in federal waters would be required to comply with the more restrictive of the two sets of regulations.
- **Red Snapper:** The council received an update on timing of the final rule for Snapper Grouper Amendment 43. This amendment would implement a revised annual catch limit for red snapper beginning in 2018 to allow for limited commercial and recreational harvest (“mini-seasons”) as in previous years. Existing regulations regarding recreational bag limits (1 fish per person per day), commercial trip limits (75 pounds gutted weight), and minimum size limits (none for either sector)

that were established via Snapper Grouper Amendment 28 would remain unchanged. The council also provided input to NOAA Fisheries concerning the timing of a potential mini-season, as for-hire operators and recreational anglers require more notice than commercial operators to book and prepare for trips. If approved, the final rule would result in harvest beginning sometime in August.\*

**\*The rule took effect on July 26, 2018, season dates are:**

- **The recreational sector will open for harvest on weekends only (Friday, Saturday, Sunday) on the following days:**
  - o **August 10, 11, and 12, 2018 - The recreational season opens at 12:01 a.m., local time, on August 10, 2018, and closes at 12:01 a.m., local time, on August 13, 2018.**
  - o **August 17, 18, and 19, 2018 - The recreational season opens again at 12:01 a.m., local time, on August 17, 2018, and closes at 12:01 a.m., local time, on August 20, 2018.**
- **The commercial sector opened for harvest on July 26, 2018, and will close at 11:59 p.m., local time, on Dec. 31, 2018, unless the commercial annual catch limit is met or projected to be met before this date.**
  - o **NOAA Fisheries will announce if the commercial sector needs to close before Dec. 31, 2018.**

- **For-Hire Electronic Reporting Amendment:** This amendment would require weekly electronic reporting by federally-permitted charter vessels\* and would modify the existing electronic reporting timeframe for headboats. NOAA Fisheries approved the amendment on June 12, 2018; the final rule to implement the amendment will likely publish in August, with regulations becoming effective by Jan. 1, 2019. Council staff will continue outreach and trainings through 2018. A successful initial round of trainings were held in North Carolina in late January/early February and a second round is planned for the late fall.

\*Dolphin-wahoo, coastal migratory pelagics (cobia, king and Spanish mackerel), and snapper-grouper (South Atlantic snapper-grouper complex species) federal for-hire permit holders

- **For-Hire Permit Modifications Amendment:** The council reviewed and approved a scoping document that will be used to solicit input on issues pertaining to the snapper grouper for-hire fishery. This includes consideration of a permit moratorium, and how (and if) this could address some of the perceived problems and inequities in the fishery. Scoping webinars will be held in August, with additional in-person scoping meetings to be scheduled for the fall (late September/early October).
- **Commercial Vision Blueprint Amendment:** This amendment addresses input received during development of the Snapper Grouper Vision Blueprint pertaining to geographic access, retention and discards through split seasons and/or trip limits for blueline tilefish, snowy grouper, greater amberjack, red porgy and vermilion snapper. It also addresses size limits for several deep-water snappers, as well as almaco jack and gray triggerfish (off Florida only) and establishes a trip limit for the Other Jacks complex. The council reviewed public comment, selected preferred alternatives and will take final action on the amendment in September. The preferred alternatives for a commercial snowy grouper split season and a blueline tilefish split trip limit (i.e., a different trip limit early part of the year) address concerns raised by fishermen in northern North Carolina regarding access to the resource during the time of year the fish are available.
- **Recreational Vision Blueprint Amendment:** Actions contained in the recreational amendment address reorganization of the existing bag limit aggregates to better reflect how anglers fish and the characteristics of a recreational trip. Based on the limited public comment received, the council elected to maintain only those actions pertaining to the creation of a deep-water species aggregate,

modification of size limits for gray triggerfish (off Florida only) and several deep-water snappers, and changes to retention limits for species within the existing 20-fish recreational aggregate. The council will review the revised amendment in September and take final action in December.

- Voluntary Electronic Reporting (commercial and private anglers): A long-standing effort between NOAA Fisheries and the Atlantic Coastal Cooperative Statistics Program to develop an electronic version of the commercial logbook to allow voluntary electronic reporting is almost complete; fishermen should be able to start using this tool in July. Additionally, the council's MyFishCount app, a voluntary reporting tool for private anglers, is now available for download (see <http://safmc.net/electronic-reporting-projects/myfishcount/> for more information). The app builds on the MyFishCount reporting website, which was used during the 2017 red snapper mini-season.







# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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## JUNE 10-15, 2018 COUNCIL MEETING REPORT FORT LAUDERDALE, FLORIDA

The following summary highlights the major issues discussed and actions taken at the South Atlantic Fishery Management Council’s June 2018 meeting in Fort Lauderdale, Florida. Briefing materials, presentations, and public comments are available on the Council’s website at:

<http://safmc.net/safmc-meetings/council-meetings/>

Final Committee Reports contain more details of what was accomplished for each committee and are located on the June 2018 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 March 2018 Council Meeting Round-up Story Map:

<https://www.arcgis.com/apps/MapJournal/index.html?appid=a88e097b4bcd4a289251d0a59303a1de>

The Meeting News Release is available at: <http://safmc.net/news-releases/06-15-18-safmc-news-release/>

<b>Issue:</b>	<b>Action Taken:</b>	<b>Schedule:</b>
Red Snapper	<p>Amendment 43 is currently under review by NMFS. The amendment was sent to NMFS on November 20, 2017. Comments on the proposed rule are due by June 18, 2018.</p> <p>The Council provided guidance on actions to include in Amendment 46:</p> <ul style="list-style-type: none"> <li>• Private Recreational Permit</li> <li>• Private Recreational Electronic Reporting</li> </ul> <p>The Council provided guidance on Regulatory Amendment 29:</p> <ul style="list-style-type: none"> <li>• Require use of Best Fishing Practices (e.g., descending devices, venting, hook type)</li> <li>• Adjust Powerhead Prohibitions in the South Atlantic (allow in the EEZ off SC or prohibit use of powerheads in entire EEZ)</li> </ul>	<p>If approved, the 2018 recreational and commercial seasons would begin sometime in August. [In future years, the recreational season would begin on July 13, 2018 (2<sup>nd</sup> Friday) and the commercial season on July 9, 2018.]</p> <p>Recreational bag = 1 with no size limit. Commercial trip limit = 75 pounds gutted weight with no size limit.</p> <p>Approved for scoping.</p> <p>Approved for scoping in August.</p>

<b>Issue:</b>	<b>Action Taken:</b>	<b>Schedule:</b>
Recreational Visioning Amendment	<p>Regulatory Amendment 26: reviewed comments and simplified document:</p> <ul style="list-style-type: none"> <li>•Deep-water species aggregate to include snowy grouper, misty grouper, golden tilefish, blueline tilefish, wreckfish, and yellowedge grouper</li> <li>•Removal of minimum size limits for the three deep-water snappers (queen snapper, blackfin snapper, silk snapper)</li> <li>•Season and aggregate bag limit for deep-water species aggregate</li> <li>•Recreational bag limits for the current 20-Fish Aggregate species (the Council can select some or all of these) <ul style="list-style-type: none"> <li>○ no more than 10 gray triggerfish</li> <li>○ no more than 10 Atlantic spadefish</li> <li>○ no more than 10 of any one species</li> </ul> </li> <li>•Gray triggerfish minimum size limit (so that folks in FL will match the rest of the South Atlantic region)</li> </ul>	Review/modify document and approve all actions in September 2018. Review and approve for formal review in December 2018.
Commercial Visioning Amendment	Regulatory Amendment 27: reviewed comments and provided guidance. Approved all actions.	Review and approve for formal review in September 2018.
For-Hire Moratorium Amendment	Reviewed the scoping document and provided guidance on what to include.	Approved for webinar scoping in August with additional scoping in September and October. Review and provide guidance at September meeting.
Golden Tilefish	The Council discussed the conversion factor for whole weight to gutted weight and decided to use the factor included in the stock assessment that results in a slightly higher ACL. The Council approved all action and approved for formal review.	The document will be revised and sent for formal review so that the new ACL can be in place by January 1, 2019. The Council also requested and extension of the interim rule for an additional 186 days.
Red Grouper	The Council added actions to the amendment and approved for public hearings.	Hold public hearing at the September meeting and approve for formal review.
Yellowtail Snapper	The Council is proposing to modify the accountability measure as a short-term solution to the early closure of the commercial fishery.	Approved for scoping in August. Review at September meeting.
Modifications to Sea Turtle Release Gear	The Council reviewed scoping comments and provided guidance on actions and alternatives to include.	Review at a future meeting.
Vermilion Snapper & Black Sea Bass	The Council directed staff to begin an abbreviated framework document to increase the ACL for vermilion and reduce the ACL for black sea bass.	Public hearing at September meeting and approve for formal review.

<b>Issue:</b>	<b>Action Taken:</b>	<b>Schedule:</b>
Mackerel Cobia	<p>The Council approved CMP Amendment 31 (Atlantic Cobia) for formal review and retained Alternative 2 as preferred: Remove Atlantic cobia from the CMP Fishery Management Plan.</p> <p>The Council retained Preferred Alternative 3 in the framework amendment to change the Atlantic king mackerel commercial trip limit.</p>	<p>The Gulf Council is scheduled to take final action at their June 18-21, 2018 meeting.</p> <p>The Council approved the document for a public hearing at the September meeting and they will consider final action then also.</p>
Spiny Lobster	The Council revised the Actions & Alternatives to be analyzed in Spiny Lobster Amendment 13 (Modifications to Gear Requirements & Cooperative Management Procedure).	This is a joint Amendment with the Gulf Council. Public hearings are expected in July/August with final approval by the Gulf in August and the South Atlantic in September.
Habitat and Ecosystem Based Management	The Council reviewed the AP report and Habitat Dashboard.	Support completion of Ecopath model for the fall SSC meeting.
Citizen Science Program	The Council made appointments to the Operations Team and received updates on the program and research needs.	Work will continue on the pilot and the program infrastructure.
For-Hire Recreational Reporting	<p>The Council received an update on the amendment: the Amendment was approved on June 12, 2018 and the Final Rule is expected to publish in August.</p> <p>Council staff conducted a training session at the meeting.</p>	<p>Regulations are likely to be effective 1/1/19 to give individuals time to become familiar with the program.</p> <p>For-Hire reporting training and outreach will continue in 2018.</p>
MyFishCount	Council staff gave a presentation at a local store on Wednesday and for the Council on Friday.	The app is now available and Council staff will be working with private recreational fishermen to have them report. This experience will be used by the Council as they continue to work on a permitting and reporting amendment.

<b>Issue:</b>	<b>Action Taken:</b>	<b>Schedule:</b>
SEDAR	Dr. Clay Porch, SEFSC Director, participated during the meeting this week. The Council made appointments to SEDAR 64 (Yellowtail), SEDAR 58 (Cobia), Cobia Stock ID, Red Porgy Assessment, and to the SEDAR AP. The Council also approved the terms of reference and schedule for the yellowtail and cobia stock assessments.	The Council approved the schedules for upcoming stock assessments.
ABC Control Rule & Accountability Measures	The Council provided directions to staff.	Review at a future meeting.
Highly Migratory Pelagics	The Council reviewed the issue of pelagic longline gear in spawning special management zones and the process for reviewing the pelagic longline EFP.	Letters will be sent on both topics.
Golden Crab, Habitat, Shrimp	The Council reviewed recommendations from the advisory panels and approved development of an amendment to review alternatives to modify fishing areas.	Conduct scoping later this year and review at a future meeting.
SSC Selection	The Council approved appointments to the Scientific and Statistical Committee.	



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STEPHEN W. MURPHEY  
*Director*

August 1, 2018

## MEMORANDUM

**TO:** Marine Fisheries Commission

**FROM:** Randy Gregory, Staff Lead for Highly Migratory Species  
Fisheries Management Section

**SUBJECT:** Highly Migratory Species Update

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The Highly Migratory Species Advisory Panel will meet Sept. 5-6, 2018 in Silver Spring, Maryland. The advisory panel will discuss the final rule to revise the regulations related to closures of the Atlantic commercial shark fisheries, draft Amendment 11 scoping review for shortfin mako sharks, recreational and commercial bluefin tuna fisheries, and receive updates from the Marine Recreational Information Program and the State Department regarding Bahamian boundary discussions.

### Tuna

The National Marine Fisheries Service proposes to modify the baseline annual United States quota and sub quotas for Atlantic bluefin tuna. The proposed rule would increase the baseline annual Atlantic bluefin tuna quota from the 1,058.79 metric ton level established via a 2015 quota rule to 1,247.86 metric tons, the level recommended for each of 2018, 2019 and 2020 by the International Commission for the Conservation of Atlantic Tunas at its 2017 annual meeting. The proposed rule would modify the baseline quota and sub quotas, which would be effective for the 2018 fishing year. The December and January baseline sub quotas would increase to 28.9 metric tons and 29.5 metric tons, respectively.

The National Marine Fisheries Service also is proposing minor modifications to the Atlantic tuna size limit regulations to address retention, possession, and landing of bigeye and yellowfin tuna damaged by shark bites. National Marine Fisheries Service implemented similar measures for shark-damaged swordfish in 1996. This change would allow retention, possession, and landing of tuna for which a measurement to the fork of the tail may not be possible, provided the remainder of the fish meets the applicable minimum size limit (27 inches curved fork length for yellowfin and bigeye tuna). For enforcement purposes to preserve evidence the carcass was shark-bitten, the action also proposes that no tissue may be cut away from or other alterations made to the shark-damaged area of the fish.

### Sharks



The National Marine Fisheries Service 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 3 to 36 large coastal sharks other than sandbar sharks per vessel per trip as of July 18, 2018. This adjustment is intended to promote equitable fishing opportunities in the Atlantic region, while allowing quota to be harvested throughout the year. The Division of Marine Fisheries complemented this action with proclamation FF-27-2018.

On July 6, 2018, the National Marine Fisheries Service announced the final rule to revise the regulations related to closures of the Atlantic commercial shark fisheries. This rule will allow a commercial shark fishery to remain open after the fishery's landings have reached or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season. This rule will also change the minimum notification time for closures from 5 days to 4 days for filing with the Office of the Federal Register.

In March, the National Marine Fisheries Service announced an emergency rule to implement management measures to address overfishing of North Atlantic shortfin mako sharks. Commercial measures require the live release of shortfin mako sharks in the commercial pelagic longline fishery (retention is only allowed if a shortfin mako shark is dead at haul back) and no landings of shortfin mako sharks by commercial fishermen using other commercial gear types. Recreational measures require a minimum size limit of 83 inches fork length for shortfin mako sharks. The measures are based on the International Commission for the Conservation of Atlantic Tuna's Standing Committee for Research and Statistics 2017 benchmark stock assessment for North Atlantic shortfin mako sharks, which found the stock to be overfished\* with overfishing\* occurring. As a result, the National Marine Fisheries Service will begin the process to draft Amendment 11 to implement conservation and management measures to rebuild the North Atlantic shortfin mako shark stock. Two public hearings will be held in North Carolina on Aug. 28 in Manteo and Aug. 29 in Morehead City.

#### **\*Definitions**

**Overfished:** The condition of a fishery that occurs when the spawning stock biomass of the fishery is below the level that is adequate for the recruitment class of a fishery to replace the spawning class of the fishery.

**Overfishing:** Fishing that causes a level of mortality that prevents a fishery from producing a sustainable harvest.



## Red Drum Landings 2017-2018

Landings are complete through April 30, 2018

2017 landings are final. 2018 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2017	9	Red Drum	28,280	28,991	35,003
2017	10	Red Drum	58,824	43,644	63,662
2017	11	Red Drum	27,705	14,318	27,643
2017	12	Red Drum	4,714	3,428	2,197
2018	1	Red Drum	2,056	5,885	1,699
2018	2	Red Drum	2,176	3,448	3,996
2018	3	Red Drum	4,797	5,699	3,971
2018	4	Red Drum	17,096	7,848	6,528
2018	5	Red Drum	14,313	13,730	9,664 *
2018	6	Red Drum	9,754	12,681	6,985 *
<b>Fishing Year (Sept 1, 2017 - Aug 31, 2018) Landings</b>			<b>169,715</b>		

\*partial trip ticket landings only

\*\*\*landings are confidential





Year	Month	Species	Pounds	Dealers	Trips	Average (2007-2009)
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	20,812	88	1,072	68,389
2015	5	SOUTHERN FLOUNDER	42,424	117	1,279	122,514
2015	6	SOUTHERN FLOUNDER	53,835	116	1,481	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	2,758	55	215	4,617
2017	3	SOUTHERN FLOUNDER	8,254	67	874	23,512
2017	4	SOUTHERN FLOUNDER	9,591	83	787	68,389
2017	5	SOUTHERN FLOUNDER	33,105	105	1,121	122,514
2017	6	SOUTHERN FLOUNDER	74,785	115	1,904	154,090
2017	7	SOUTHERN FLOUNDER	74,879	108	1,755	170,387
2017	8	SOUTHERN FLOUNDER	102,751	116	2,364	201,862
2017	9	SOUTHERN FLOUNDER	235,915	128	2,849	396,301
2017	10	SOUTHERN FLOUNDER	548,723	142	3,970	781,717
2017	11	SOUTHERN FLOUNDER	301,670	123	1,993	392,150
2017	12	SOUTHERN FLOUNDER	166	7	8	37,303
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617
2018	3	SOUTHERN FLOUNDER	3,873	43	385	23,512
2018	4	SOUTHERN FLOUNDER	7,771	69	749	68,389
2018	5	SOUTHERN FLOUNDER	14,953	65	799	122,514
2018	6	SOUTHERN FLOUNDER	33,463	51	1,002	154,090
2018	7	SOUTHERN FLOUNDER	***	2	27	170,387

\*2018 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	392,339	133	8,465
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	136,094	90	2,752
2017	SOUTHERN FLOUNDER	GILLNETS	551,949	128	12,362
2017	SOUTHERN FLOUNDER	OTHER	8,360	90	939
2017	SOUTHERN FLOUNDER	POUND NET	697,870	45	1,912
2018	SOUTHERN FLOUNDER	GIGS	20,473	43	566
2018	SOUTHERN FLOUNDER	GILLNETS	38,339	72	2,200
2018	SOUTHERN FLOUNDER	OTHER	2,254	37	152
2018	SOUTHERN FLOUNDER	POUND NET	1,436	12	241

\*2018 data are preliminary and only complete through January.

\*\*\*data are confidential



ROY COOPER  
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STEPHEN W. MURPHEY  
*Director*

July 27, 2018

## MEMORANDUM

**TO:** Marine Fisheries Commission

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

**SUBJECT:** Protected Resources Section Update

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### Observer Program

Tables summarizing the 2017 Observer Program (based on finalized 2017 trip numbers) are found in the briefing book. Overall, observer coverage for the anchored large mesh gill net fishery was 9.6 percent and coverage for the anchored small mesh gill net fishery was 3.0 percent. There were fewer anchored large and small mesh gill net trips in 2017 compared to prior years, which resulted in a higher percent coverage for both gear types.

A total of 54 sea turtle interactions\* were observed in in large and small mesh gill nets in 2017 with green sea turtles (34 alive and 15 dead) comprising most of the interactions. A total of 15 self-reported sea turtle interactions by gill net fishermen occurred in 2017.

A total of 53 (50 alive and three dead) Atlantic sturgeon interactions were observed in in large and small mesh gill nets in 2017, with the majority occurring in Management Unit A. One self-reported Atlantic sturgeon interaction by a gill net fisherman occurred in 2017.

Tables summarizing observer coverage and protected species interactions from January through May 2018 are 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 2018 trip data are preliminary.

A total of six sea turtle interactions were observed in large mesh gill nets and zero in small mesh gill nets from January through May 2018, and no self-reported sea turtle interactions by gill net fishermen occurred during this time.

A total of 15 (14 alive and one dead) Atlantic sturgeon interactions were observed in large mesh gill nets and zero in small mesh gill nets from January through May 2018, with most of the



interactions occurring in March. One self-reported Atlantic sturgeon interaction by gill net fishermen occurred during this time.

### **Management Unit Openings and Closures**

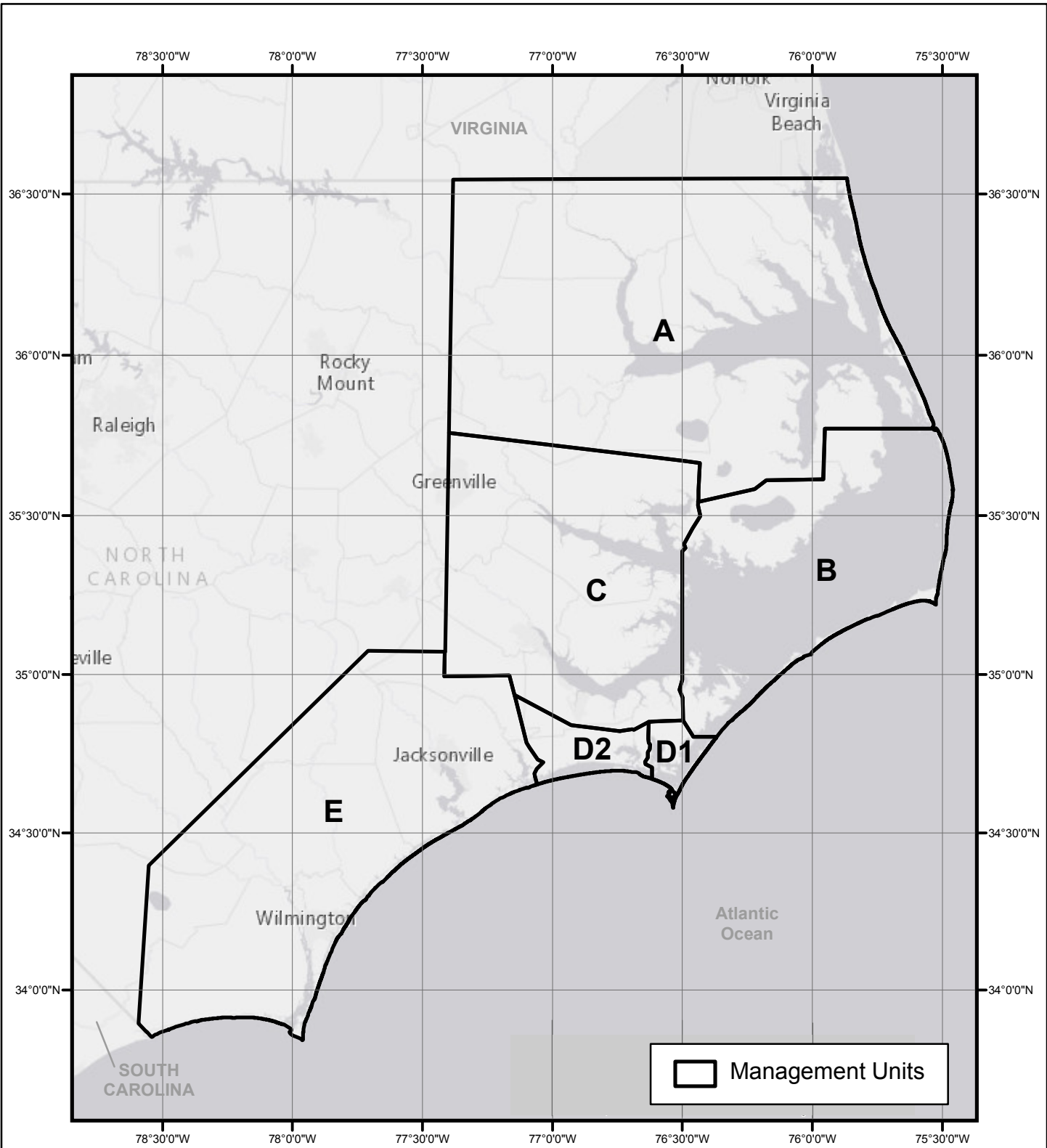
The following management units opened or closed as a requirement of the Sea Turtle and Atlantic Sturgeon Incidental Take Permits:

- Management Unit B closed for large mesh gill nets on May 18, 2018 due to the allowed number of live and dead Kemp's ridley sea turtle interactions being approached.
- No other management units closed during this time.

### **\*Definition**

**Incidental Take Permit Interaction** - when a protected species is caught or otherwise comes in contact with a gill net.





**NCDMF ESTUARINE GILLNET PERMIT MAP**



April 2015

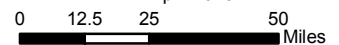




Table 1. Finalized data collected for anchored large mesh gill nets by month through the NCDMF Observer Program through December 2017.

Month	Trips		Observer Large Mesh				Observed Takes By Species									
	Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	316	100	108	4	3,700	4.0	0	0	0	0	0	0	0	0	0	0
February	705	361	117	94	58,565	26.0	0	0	0	0	0	0	0	0	1	0
March	1,936	1,464	126	159	115,755	10.9	0	0	0	0	0	0	0	0	36	0
April	1,156	1,027	94	95	51,540	9.3	0	0	0	0	0	0	0	0	1	0
May	847	533	148	72	34,700	13.5	0	0	0	0	0	0	0	0	0	0
June	1,155	1,009	148	106	60,720	10.5	0	0	2	4	0	0	0	0	0	0
July	990	1,058	94	115	65,700	10.9	2	0	3	2	1	0	0	0	0	0
August	1,273	1,693	146	136	88,339	8.0	0	0	2	0	0	0	0	0	1	0
September	2,315	2,038	77	189	125,125	9.3	0	0	2	2	0	0	0	0	5	0
October	2,216	2,668	68	211	169,536	7.9	1	1	16	5	0	0	0	0	4	3
November	1,137	1,096	114	77	55,400	7.0	0	0	8	2	0	0	0	0	0	0
December	261	157	91	10	6,199	6.4	0	0	0	0	0	0	0	0	0	0
Total	14,307	13,204	1,331	1,268	835,279	9.6	3	1	33	15	1	0	0	0	48	3

<sup>1</sup> Finalized trip ticket data averaged from 2012-2016

<sup>2</sup> Finalized trip ticket data for 2017

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on finalized 2017 trip ticket data and observed 2017 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 2017.

Season	Unit	Trips		Observer Large Mesh				Observed Takes By Species									
		Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A.Sturgeon		
								Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
Winter <sup>5</sup>	A	792	348	61	68	50,835	19.5	0	0	0	0	0	0	0	0	0	0
	B	82	10	17	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	C	117	79	31	23	10,585	29.1	0	0	0	0	0	0	0	0	1	0
	D1	0	0	6	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	D2	2	6	13	1	600	16.7	0	0	0	0	0	0	0	0	0	0
Spring	E	29	18	97	6	245	33.3	0	0	0	0	0	0	0	0	0	0
	A	2,189	1,549	102	167	125,765	10.8	0	0	0	0	0	0	0	0	34	0
	B	496	73	41	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	C	914	1,024	43	92	52,655	9.0	0	0	0	0	0	0	0	0	3	0
	D1	15	0	5	0	0	0.0	0	0	0	0	0	0	0	0	0	0
Summer	D2	71	119	15	11	4,600	9.2	0	0	0	0	0	0	0	0	0	0
	E	254	259	161	56	18,975	21.6	0	0	0	0	0	0	0	0	0	0
	A	1,338	1,018	116	65	75,184	6.4	0	0	0	0	0	0	0	0	1	0
	B	812	1,464	56	129	71,180	8.8	2	0	6	1	1	0	0	0	0	0
	C	640	380	76	28	13,395	7.4	0	0	1	2	0	0	0	0	0	0
Fall	D1	0	0	8	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	D2	123	255	26	22	10,950	8.6	0	0	0	1	0	0	0	0	0	0
	E	505	643	105	113	44,050	17.6	0	0	0	2	0	0	0	0	0	0
	A	2,797	1,936	54	135	167,228	7.0	0	1	0	1	0	0	0	0	9	3
	B	1,233	1,490	59	126	102,610	8.5	1	0	18	5	0	0	0	0	0	0
Fall	C	768	988	41	75	35,960	7.6	0	0	0	0	0	0	0	0	0	0
	D1	35	27	7	9	4,233	33.3	0	0	5	2	0	0	0	0	0	0
	D2	319	531	13	29	8,375	5.5	0	0	0	1	0	0	0	0	0	0
	E	516	828	85	103	31,655	12.4	0	0	3	0	0	0	0	0	0	0
Total		14,047	13,045	1,238	1,258	829,080	9.6	3	1	33	15	1	0	0	0	48	3

<sup>1</sup> Finalized trip ticket data averaged from 2012-2016

<sup>2</sup> Finalized trip ticket data for 2017

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on finalized 2017 trip ticket data and observed 2017 large mesh trips

<sup>5</sup> Does not include December 2017 as that counts towards the winter 2018 season



Table 3. Finalized data collected for anchored small mesh gill nets by month through the NCDMF Observer Program through December 2017.

Month	Trips		Observer Small Mesh			Observed Takes By Species									
	Estimated <sup>1</sup>	Actual <sup>2</sup>	Trips	Yards	Coverage <sup>3</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
						Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	639	808	24	9,710	3.0	0	0	0	0	0	0	0	0	0	0
February	713	862	49	23,535	5.7	0	0	0	0	0	0	0	0	0	0
March	957	1,082	26	9,720	2.4	0	0	0	0	0	0	0	0	0	0
April	1,235	1,085	28	12,835	2.6	0	0	0	0	0	0	0	2	0	0
May	781	473	15	6,300	3.2	0	0	0	0	0	0	0	0	0	0
June	659	378	22	10,780	5.8	0	0	1	0	0	0	0	0	0	0
July	604	375	6	950	1.6	0	0	0	0	0	0	0	0	0	0
August	704	416	5	1,500	1.2	0	0	0	0	0	0	0	0	0	0
September	697	432	11	2,725	2.5	0	0	0	0	0	0	0	0	0	0
October	1,035	881	21	7,510	2.4	0	0	0	0	0	0	0	0	0	0
November	768	721	15	7,100	2.1	0	0	0	0	0	0	0	0	0	0
December	617	538	19	8,060	3.5	0	0	0	0	0	0	0	0	0	0
Total	9,409	8,051	241	100,725	3.0	0	0	1	0	0	0	0	2	0	0

<sup>1</sup> Finalized trip ticket data averaged from 2013-2016

<sup>2</sup> Finalized trip ticket data for 2017

<sup>3</sup> Based on finalized 2017 trip ticket data and observed 2017 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 2017.

Season	Unit	Trips		Observer Small Mesh			Observed Takes By Species									
		Estimated <sup>1</sup>	Actual <sup>2</sup>	Trips	Yards	Coverage <sup>3</sup>	Kemp's		Green		Loggerhead		Unknown	A.Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
Winter <sup>4</sup>	A	908	686	38	21,540	5.5	0	0	0	0	0	0	0	0	0	0
	B	258	622	5	1,435	0.8	0	0	0	0	0	0	0	0	0	0
	C	110	292	21	8,150	7.2	0	0	0	0	0	0	0	0	0	0
	D1	2	3	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	D2	33	22	7	1,400	31.8	0	0	0	0	0	0	0	0	0	0
Spring	E	40	45	2	720	4.4	0	0	0	0	0	0	0	0	0	0
	A	1,152	572	10	3,740	1.7	0	0	0	0	0	0	0	0	0	0
	B	1,341	1,517	21	13,145	1.4	0	0	0	0	0	0	0	0	<b>1</b>	0
	C	221	327	16	4,085	4.9	0	0	0	0	0	0	0	0	0	0
	D1	38	35	8	3,045	22.9	0	0	0	0	0	0	0	0	0	0
Summer	D2	37	49	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	E	184	141	14	4,840	9.9	0	0	0	0	0	0	0	0	<b>1</b>	0
	A	289	101	4	1,500	4.0	0	0	0	0	0	0	0	0	0	0
	B	1,049	674	10	4,500	1.5	0	0	0	0	0	0	0	0	0	0
	C	312	130	10	4,710	7.7	0	0	0	0	0	0	0	0	0	0
Fall	D1	10	14	0	0	0.0	0	0	0	0	0	0	0	0	0	0
	D2	53	47	4	980	8.5	0	0	0	0	0	0	0	0	0	0
	E	253	203	5	1,540	2.5	0	0	<b>1</b>	0	0	0	0	0	0	0
	A	645	193	3	1,800	1.6	0	0	0	0	0	0	0	0	0	0
	B	773	810	7	2,300	0.9	0	0	0	0	0	0	0	0	0	0
Total	C	169	162	5	6,000	3.1	0	0	0	0	0	0	0	0	0	0
	D1	99	59	8	1,740	13.6	0	0	0	0	0	0	0	0	0	0
	D2	293	249	14	2,475	5.6	0	0	0	0	0	0	0	0	0	0
E		564	561	10	3,020	1.8	0	0	0	0	0	0	0	0	0	0
Total		8,833	7,514	222	92,665	3.0	0	0	1	0	0	0	0	0	2	0

<sup>1</sup> Finalized trip ticket data averaged from 2013-2016

<sup>2</sup> Finalized trip ticket data for 2017

<sup>3</sup> Based on finalized 2017 trip ticket data and observed 2017 small mesh trips

<sup>4</sup> Does not include December 2017 as that counts towards the winter 2018 season



Table 1. Preliminary data collected for large mesh gill nets by month and management unit through the NCDMF Observer Program through May 2018.

Month	Unit	Trips		Observer Large Mesh				Observed Takes By Species										
		Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A.Sturgeon			
								Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead		
January	A	248	192	8	15	10,260	6.1											
	B	28	2	14	0	0	0.0											
	C	7	4	5	1	50	13.9											
	D1	0	0	0	0	0	0.0											
	D2	0	3	1	0	0	0.0											
	E	6	5	35	0	0	0.0											
February	A	433	254	29	25	12,490	5.8										1	
	B	44	7	21	0	0	0.0											
	C	77	38	21	16	12,180	20.8										1	
	D1	0	0	0	0	0	0.0											
	D2	2	2	6	1	100	50.0											
	E	18	15	41	0	0	0.0											
March	A	1,001	468	24	90	41,640	9.0										9	1
	B	48	46	17	1	600	2.1											
	C	680	428	11	29	18,610	4.3											
	D1	0	0	4	0	0	0.0											
	D2	6	5	2	3	1,100	50.0											
	E	52	25	52	2	180	3.8											
April	A	774	649	38	57	24,655	7.4											2
	B	104	176	16	4	1,700	3.9											
	C	190	350	9	13	5,950	6.8											
	D1	1	0	1	0	0	0.0											
	D2	22	5	7	4	2,700	18.3											
	E	77	82	39	14	6,330	18.1											
May	A	250	83	56	7	1,405	2.8											1
	B	193	128	24	6	3,975	3.1	2	1	1								
	C	107	102	29	17	11,165	15.9											
	D1	5	0	2	0	0	0.0											
	D2	43	27	11	1	500	2.3											
	E	122	133	50	28	11,020	23.0				2							
Total		2,650	1,494	457	275	166,610	10.4	2	1	3	0	0	0	0	0	14	1	

<sup>1</sup> Finalized trip ticket data averaged from 2013-2017

<sup>2</sup> Preliminary trip ticket data for 2018

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on estimated trips and observer large mesh trips





Table 2. Preliminary data collected for large mesh gill nets by month through the NCDMF Observer Program through May 2018.

Month	Trips		Observer Large Mesh				Observed Takes By Species									
	Estimated <sup>1</sup>	Actual <sup>2</sup>	AP Attempts <sup>3</sup>	Trips	Yards	Coverage <sup>4</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	289	206	63	16	10,310	5.5	0	0	0	0	0	0	0	0	0	0
February	574	316	118	42	24,770	7.3	0	0	0	0	0	0	0	0	2	0
March	1,787	972	110	125	62,130	7.0	0	0	0	0	0	0	0	0	9	1
April	1,168	1,262	110	92	41,335	7.9	0	0	0	0	0	0	0	0	2	0
May	720	473	172	59	28,065	8.2	2	1	3	0	0	0	0	0	1	0
Total	4,538	3,229	573	334	166,610	7.4	2	1	3	0	0	0	0	0	14	1

<sup>1</sup> Finalized trip ticket data averaged from 2013-2017

<sup>2</sup> Preliminary trip ticket data for 2018

<sup>3</sup> Alternative Platform trips where no fishing activity was found

<sup>4</sup> Based on estimated trips and observer large mesh trips



Table 3. Preliminary data collected for small mesh gill nets by month and management unit through the NCDMF Observer Program through May 2018.

Month	Unit	Trips		Observer Small Mesh			Observed Takes By Species									
		Estimated <sup>1</sup>	Actual <sup>2</sup>	Trips	Yards	Coverage <sup>3</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
							Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	A	385	153	1	150	0.3										
	B	178	58	1	300	0.6										
	C	63	21	4	1,000	6.3										
	D1	1	0	0	0	0.0										
	D2	20	1	5	900	24.8										
	E	26	4	1	800	3.9										
February	A	479	260	12	3,700	2.5										
	B	153	234	1	700	0.7										
	C	83	150	8	3,130	9.6										
	D1	1	1	0	0	0.0										
	D2	11	2	3	400	27.8										
	E	16	4	1	300	6.4										
March	A	521	221	3	750	0.6										
	B	316	156	6	2,080	1.9										
	C	111	136	3	1,000	2.7										
	D1	7	1	0	0	0.0										
	D2	4	2	0	0	0.0										
	E	23	7	1	600	4.4										
April	A	343	327	6	2000	1.7										
	B	700	623	18	8610	2.6										
	C	61	40	1	220	1.6										
	D1	24	31	3	1200	12.6										
	D2	15	4	0	0	0.0										
	E	61	36	1	255	1.6										
May	A	172	132	2	500	1.2										
	B	360	335	5	1050	1.4										
	C	70	8	1	800	1.4										
	D1	6	9	2	825	32.3										
	D2	20	12	0	0	0.0										
	E	92	27	0	0	0.0										
Total		4,321	2,996	89	31,270	2.1	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> Finalized trip ticket data averaged from 2013-2017

<sup>2</sup> Preliminary trip ticket data for 2018

<sup>3</sup> Based on estimated trips and observer small mesh trips



Table 4. Preliminary data collected for small mesh gill nets by month through the NCDMF Observer Program through May 2018.

Month	Trips		Observer Small Mesh			Observed Takes By Species									
	Estimated <sup>1</sup>	Actual <sup>2</sup>	Trips	Yards	Coverage <sup>3</sup>	Kemp's		Green		Loggerhead		Unknown	A. Sturgeon		
						Live	Dead	Live	Dead	Live	Dead	Live	Live	Dead	
January	673	237	12	3,150	1.8	0	0	0	0	0	0	0	0	0	0
February	743	651	25	8,230	3.4	0	0	0	0	0	0	0	0	0	0
March	982	523	13	4,430	1.3	0	0	0	0	0	0	0	0	0	0
April	1,205	1,061	29	12,285	2.4	0	0	0	0	0	0	0	0	0	0
May	719	523	10	3,175	1.4	0	0	0	0	0	0	0	0	0	0
Total	4,322	2,995	89	31,270	2.1	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> Finalized trip ticket data averaged from 2013-2017

<sup>2</sup> Preliminary trip ticket data for 2018

<sup>3</sup> Based on estimated trips and observer small mesh trips

