



DIRECTOR'S REPORT

- Mid-Atlantic Fishery Management Council Meeting Summary Report
- South Atlantic Fishery Management Council Meeting Motions
- South Atlantic Fishery Management Council Meeting Summary Report
- Protected Resources Program Update
- Southern Flounder and Red Drum Landings Updates



June 2022 Council Meeting Summary

The Mid-Atlantic Fishery Management Council met June 7-9, 2022, in Riverhead, New York. This was conducted as a hybrid meeting, with virtual and in-person participation options. Presentations, briefing materials, motions, and webinar recordings are available at <http://www.mafmc.org/briefing/june-2022>.

HIGHLIGHTS

During this meeting, the Council:

- Approving several changes to the to the recreational fisheries management programs for summer flounder, scup, black sea bass, and bluefish through the Recreational Harvest Control Rule Framework/Draft Addenda (coordinated action with the ASMFC's ISFMP Policy Board)
- Approved a revised Atlantic mackerel rebuilding plan and 2023 specifications
- Maintained status quo chub mackerel specifications for 2023-2025
- Reviewed and recommended no changes to 2023 specifications for Atlantic surfclam and ocean quahog
- Reviewed and recommended no changes to 2022 specifications for longfin squid
- Received an update on the Summer Flounder Management Strategy Evaluation model development and outputs
- Approved the MAFMC Aquaculture Policy
- Supported continuing the process of redeveloping the Mid-Atlantic Research Set-Aside (RSA) program
- Received a preview of habitat science products to be rolled out in Summer 2022 as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA)
- Reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level
- Received a presentation and provided initial feedback on NOAA Fisheries' Equity and Environmental Justice Strategy
- Reviewed spatial revenue analyses related to river herring and shad bycatch
- Reviewed and provided feedback on development of coastwide measures to reduce risk from gillnet fisheries and other trap/pot fisheries not covered in Phase I
- Reviewed and provided feedback on the Draft Atlantic Sturgeon Bycatch Action Plan
- Received a presentation on development of a statewide ocean acidification (OA) monitoring network in New Jersey

Recreational Harvest Control Rule Framework/Addenda

The Council and the Atlantic States Marine Fisheries Commission's Interstate Fisheries Management Program Policy Board (Policy Board) approved changes to the recreational fisheries management programs for summer flounder, scup, black sea bass, and bluefish. These changes include a new process for setting recreational measures (bag, size, and season limits) and modifications to the recreational accountability measures. The Council recommended these changes through a framework action, and the Policy Board adopted the new process through Addendum XXXIV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and Addendum II to the Bluefish FMP. Approval of this new process is part of a broader long-term effort by both the Council and Commission to improve recreational management of these four species. The new management program aims to provide greater stability and predictability in recreational measures from year-to-year while accounting for uncertainty in recreational catch estimates.

The Council and Policy Board considered a range of management options and ultimately selected one referred to as the “Percent Change Approach,” with an agreement to continue development of several other options for possible implementation by 2026. Under the selected approach, managers will consider two factors when determining whether recreational measures should be restricted, liberalized, or remain unchanged for the next two years. First, they will look at how recreational harvest limits (RHLs) for the next two years compare to recent estimates of recreational harvest. This gives an indication of whether recreational harvest is likely to exceed the RHL if management measures remain unchanged. Next, managers will consider the most recent estimate of stock size relative to the target stock size. These two factors, in combination, will be used to determine the percentage change in harvest that management measures should aim to achieve.

Under the new process, when recent harvest estimates are close to the future RHL, management measures will either remain unchanged or be reduced or liberalized by 10%, depending on stock size relative to the target. In cases where the RHL is substantially above or below recent harvest estimates, the specific reduction or liberalization will vary based on stock size and will either be fixed at 10% or will be based on the difference between recent harvest and the RHL but capped at 20% or 40% (see [this table](#) for additional details). The Council and Policy Board selected this option because it uses currently available data and gives additional consideration to stock status when making management decisions. Under this approach, changes will be considered every other year when new scientific information about the stock is available.

While the Percent Change Approach is similar in some ways to the current process for setting recreational measures, there are several key differences. To account for uncertainty in recreational data, future RHLs will be evaluated relative to the confidence intervals around recent recreational harvest estimates. A confidence interval indicates the range of possible values given the statistical uncertainties around the estimate. The new process also places greater emphasis on stock status, potentially reducing the magnitude of changes when the stock status is healthy. Finally, the new process will provide greater stability, as measures will be set for two years at a time instead of every year.

The Council and Policy Board acknowledged this approach will not solve all recreational fisheries management challenges. With this in mind, they agreed to continue refinement of the Percent Change Approach as well as two other options considered within the Draft Framework/Addenda, with particular emphasis on using improved statistical models to develop measures. Use of the approved Percent Change Approach will sunset no later than the end of 2025 with a goal of implementing a new and improved approach to managing the recreational fisheries by the beginning of 2026.

The Council and Policy Board also revised the recreational accountability measures for all four species. Specifically, when biomass is between the target and threshold levels, the requirement of paying back recreational catch limit overages will account for whether those overages contributed to overfishing based on the most recent stock assessment information. The Council and Policy Board considered but did not recommend an option to set constraints around the use of the Commission’s conservation equivalency policy as applied to the recreational fisheries for these four species. They decided to maintain the current policy to allow individual states the flexibility to tailor management measures to meet the needs of their fisheries.

The Framework/Addenda’s changes to the recreational management program are final for state waters (0-3 miles from shore) and will be used to develop 2023 recreational measures for summer flounder, scup, and black sea bass. The new process will not be used for bluefish until the stock is declared rebuilt. The Council will submit the framework to NOAA Fisheries for review, approval, and implementation. For more information, please visit <https://www.mafmc.org/actions/hcr-framework-addenda>.

Atlantic Mackerel Rebuilding 2.0 Amendment

The Council approved a revised rebuilding plan and 2023 specifications for Atlantic mackerel. The first rebuilding plan for the stock was implemented in November 2019. However, an updated 2021 stock assessment found that, although the stock size almost tripled between 2014 and 2019, the stock was only 24% rebuilt in 2019 and unlikely to complete rebuilding as anticipated. The revised rebuilding plan has a 61% probability of rebuilding the stock by 2032. Of the five rebuilding options considered, the Council selected this approach because it has a high probability of successfully rebuilding the stock while avoiding the severe economic impacts that would likely occur with some of the other alternatives. Compared to the original rebuilding plan, the revised plan uses lower predicted recruitment in projections to reduce the chance of underperforming stock growth predictions again.

The Council also voted to implement a first-ever federal waters recreational possession limit for Atlantic mackerel for 2023. Recreational catches of Atlantic mackerel have been relatively low historically, but recreational restrictions were deemed appropriate to achieve the total catch reduction required under the rebuilding plan. The Council had initially considered possession limits in the range of 10 to 15 fish per person, but they ultimately recommended a 20-fish per person limit based on the limited historical recreational catch and the importance of mackerel for recreational fishermen (including as bait). This limit is expected to reduce recreational catch by about 17%. Coordination with states that have substantial recreational mackerel catches (MA, NH, and ME) occurred during development of the plan, and it is hoped that these states will mirror the federal rules for their state waters in 2023.

Under the selected rebuilding plan, the acceptable biological catch (ABC) will be 8,094 metric tons (MT) for 2023. After accounting for expected Canadian catch, recreational catch, and commercial discards, the Council recommended setting the 2023 commercial quota at 3,639 MT. This quota is 79% lower than the initial 2021 rebuilding quota. A new Management Track Assessment will be available next year to inform 2024-2025 specifications.

The Council also discussed potentially scaling down the river herring and shad cap, currently set at 129 MT, in response to the reduced commercial quota. However, given the challenges associated with monitoring a very small cap, including potential closures based on a few observed trips, the Council voted to maintain the cap at 129 MT for 2023.

Finally, the Council agreed to request that NOAA Fisheries provide additional outreach and compliance assistance regarding the appropriate permitting and catch reporting for both commercial and for-hire vessels. Additional outreach should address any ambiguity regarding the need to have a permit and submit electronic vessel trip reports (eVTRs) by these vessels.

The Council will submit this amendment to the Secretary of Commerce for approval and implementation. Updates will be posted on the Council's website at <https://www.mafmc.org/actions/atlantic-mackerel-rebuilding-amendment>.

2023-2025 Chub Mackerel Specifications

After considering the recommendations of the Scientific and Statistical Committee (SSC), Monitoring Committee, and Advisory Panel, the Council agreed to maintain status quo chub mackerel specifications for 2023-2025. The total allowable landings (TAL) for 2023-2025 will remain at 4.50 million pounds. The Council noted that commercial and recreational landings have been well below the TAL since it was first implemented in 2020.

Surfclam and Ocean Quahog 2023 Specifications Review

The surfclam and ocean quahog (SCOQ) fisheries are approaching the third year of multi-year specifications previously set for the 2021-2026 fishing years. The Council reviewed updated catch and landings information for both stocks, as well as recommendations from staff, the Surfclam and Ocean Quahog Advisory Panel (AP), and the

SSC, and determined that no changes to 2023 measures are warranted. To maintain the current measures, the Council also voted to recommend the Regional Administrator suspend the minimum shell length for surfclam in 2023. These specifications are described in detail in the [final rule](#) published May 13, 2021.

Longfin Squid 2023 Specifications Review

The Council reviewed the previously-set 2023 longfin squid specifications, which would maintain the current 2022 specifications. No changes were recommended, so the Acceptable Biological Catch (ABC) will remain at 23,400 metric tons (MT), and the quota will remain at 22,932 MT (2% of the ABC is set-aside for anticipated discards).

Summer Flounder Management Strategy Evaluation Update

Drs. Gavin Fay (UMass Dartmouth) and Andrew Carr-Harris (NEFSC) presented an overview of two simulation models being developed to support the Council's recreational summer flounder management strategy evaluation (MSE). The MSE project looks to identify potential management strategies that consider the biological and economic benefits of minimizing discards and converting those discards into landings in the recreational summer flounder fishery. The two models, a fishery/population dynamics model and a recreational economic demand model, work together to help provide an understanding of the management system and the response in summer flounder stock dynamics to management changes. The models are considering seven management alternatives across different regional or coastwide scales with a range of size, season, and possession limit considerations and will evaluate the performance of these management alternatives to alternative assumptions that consider the potential bias in recreational data and changes in stock distribution. It is anticipated that final results and project recommendations will be presented to the Council in August.

Aquaculture Policy

The Council approved a final [Aquaculture Policy](#). The purposes of this policy are (1) to facilitate efficient and streamlined development of Council comments related to both specific projects and regional-scale planning and (2) to communicate Council conservation priorities and concerns with federal and state agencies, aquaculture developers, and the public. Sections of the policy relate to aquaculture siting, which is an important issue for the Council both in the context of avoiding impacts to sensitive fish habitats, and to reduce the potential for conflicts with wild capture fisheries. The policy articulates other general Council concerns and recommendations related to aquaculture development.

Research Set-Aside Program Redevelopment

The Council reviewed recommendations from the Research Steering Committee and discussed potential redevelopment of the Council's Research Set-Aside (RSA) program. The Council suspended the RSA program in 2014 due to a variety of concerns associated with the program that included administrative, enforcement and science issues. In 2020, the Council agreed to review and consider the RSA program redevelopment given that research priorities continue to grow and funding needs remain. From July 2021 through April 2022, the Council's Research Steering Committee held a series of meetings and exploration workshops aimed at developing a draft framework for a revised RSA program that would seek to address the issues and shortcomings of the original RSA program. The workshops and Committee meetings were aided by input and guidance from the SSC Economic Work Group, which provided technical information and strategic advice regarding economic considerations and trade-offs.

The Committee made a number of recommendations to the Council, including a new set of RSA program goals and objectives, suggested changes to specific program elements, and proposed areas for state partner engagement and collaboration. While substantial work remains and additional program details still need to be specified, the Council recognized the potential value of the RSA program. Council members noted that the opportunity to raise funds to produce quality research is worth continuing to pursue. The Council will continue

to engage with the ASMFC and state partners and will consider the next steps in the RSA redevelopment later this year as they set priorities for 2023.

[Northeast Regional Habitat Assessment Update](#)

The Council received a preview of habitat science products to be rolled out in Summer 2022 as part of the Northeast Regional Marine Fish Habitat Assessment (NRHA). NRHA is a collaborative effort to describe and characterize estuarine, coastal, and offshore fish habitat distribution, abundance, and quality in the Northeast. Tori Kentner (Council staff) and Chris Haak (Monmouth University/NOAA) presented in detail on the spatiotemporal models that have been developed to describe fish species distributions and the Data Explorer that has been developed to navigate all the data products including metadata and reports. The results of this assessment have applications which include improving Essential Fish Habitat (EFH) designations, providing information for the State of the Ecosystem Reports, and addressing needs related to fish stock assessment ecosystem terms of reference.

[Unmanaged Commercial Landings Report](#)

The Council reviewed a report on commercial landings from Maine through North Carolina of species that are not managed at the state or federal level, as well as commercial landings of the species designated as Ecosystem Components through the Council's Unmanaged Forage Omnibus Amendment. The goal of this report is to look for signs of developing commercial fisheries for unmanaged species. The Council did not express concern about any increases in landings.

[NOAA Fisheries Equity and Environmental Justice Strategy](#)

NOAA Fisheries presented its first-ever draft [Equity and Environmental Justice \(EEJ\) Strategy](#) and invited public comments through August 19, 2022. The presentation described the context for NOAA Fisheries EEJ Strategy and described barriers to achieving EEJ. In addition to accepting [written comments](#), they are hosting four webinars on the strategy. In-person meeting dates and venues will be announced soon. For further information please visit [NOAA Fisheries Invites Public Comment on New Draft Equity and Environmental Justice Strategy](#).

[NEFSC River Herring and Shad Update](#)

The Council reviewed analyses that described recent trawl revenues from areas previously identified to have higher catches of river herring and shad (RH/S) in observer data. No areas were immediately identifiable as likely to reduce RH/S catch at very low impacts to potential revenues. The Council may consider prioritizing additional analyses in future annual implementation plans.

[Atlantic Large Whale Take Reduction Plan Phase II](#)

Marisa Trego, coordinator of the Atlantic Large Whale Take Reduction Team (ALWTRT), provided an update on the May ALWTRT Meeting where different sets of measures were drafted by the team to be analyzed using the Decision Support Tool. These measures are in support of Phase II of the ALWTRP to reduce risk from coastwide gillnet fisheries and other trap/pot fisheries not covered in Phase I. They also provided a brief overview of their soon-to-be-released Roadmap to On-Demand fishing. The Council and members of the public discussed concerns over potential measures and issues related to ropeless fishing. The Council will hold a Protected Resources Committee meeting before the TRT makes final recommendations in order to provide input on those recommendations.

[Atlantic Sturgeon Bycatch Draft Action Plan](#)

Spencer Talmage (NOAA Fisheries) provided an overview of the Draft Atlantic Sturgeon Bycatch Action Plan. Atlantic sturgeon, a slow growing and late maturing species, has been listed under the Endangered Species Act (ESA) since 2012. On May 27, 2021, NOAA Fisheries released a "batched" biological opinion which considered the

effects of several fishery management plans on ESA-listed species. The Biological Opinion specifies several requirements necessary to minimize the impacts of any incidental take. These include a requirement that NOAA Fisheries convene a working group to address Atlantic sturgeon bycatch in the Federal large mesh gillnet fisheries. The working group released a Draft Action Plan in May 2022. The Action Plan recommends that the New England and Mid-Atlantic Councils, in coordination with NOAA Fisheries and the ASMFC, consider a range of potential measures to reduce Atlantic sturgeon bycatch in federal large mesh gillnet fisheries. The Action Plan is expected to be finalized this year and recommends the NEFMC and MAFMC include actions to address sturgeon bycatch in gillnet fisheries as a part of their 2023 workplans. The Council and public asked clarifying questions and provided feedback on the draft action plan. The final plan will be released later in 2022.

New Jersey Ocean Acidification Presentation

Dr. Grace Saba (Rutgers) gave a presentation on efforts to develop a comprehensive, statewide ocean acidification (OA) monitoring network in New Jersey. A vulnerability study found that because of a combination of New Jersey's economic dependence on vulnerable commercial species and the presence of OA drivers in the area, southern New Jersey was determined to be one of the most socially vulnerable regions to OA effects. The New Jersey Coastal Management Program (NJCMP) OA Team has been collaborating with experts at Rutgers University to develop an OA action plan for New Jersey. Given the nature of state OA initiatives that rely on risk assessments informed by scientific monitoring results, the NJCMP OA Team and Rutgers University recognized the development of a comprehensive, statewide monitoring network in New Jersey as a "first order" action. Dr. Saba's presentation discussed monitoring gaps in the state and described how a planned monitoring network would address those gaps.

Next Meeting

The next Council meeting will be held **August 8-11, 2022** in Philadelphia, PA. A complete list of upcoming meetings can be found at <https://www.mafmc.org/council-events>.

South Atlantic Fishery Management Council
Full Council and Committee Reports
SUMMARY MOTIONS
June 13-17, 2022

This is a summary of the motions approved by the Council. Motions addressing actions and alternatives for FMP amendments are followed by text showing the result of the approved motion. Complete details on motions and other committee recommendations are provided in the Committee Reports available on the SAFMC website.

Full Council Session I

MOTION 1: APPOINT THE FOLLOWING INDIVIDUALS TO COUNCIL ADVISORY PANELS, THE RECREATIONAL PERMITTING AND REPORTING TECHNICAL ADVISORY PANEL, THE SOCIO-ECONOMIC PANEL, AND THE SCIENTIFIC AND STATISTICAL COMMITTEE

Dolphin Wahoo AP

REAPPOINT BRICE BARR, DANIEL OWSLEY, EARL HARRIS, JR. AND JAY KAVANAGH TO THE DOLPHIN WAHOO AP.

APPOINT PAUL PANCAKE TO THE DOLPHIN WAHOO AP.

Golden Crab AP

APPOINT ALL GOLDEN CRAB PERMIT HOLDERS TO THE GOLDEN CRAB AP EFFECTIVE JULY 1, 2022. THE GOLDEN CRAB AP WILL FUNCTION SIMILAR TO THE WRECKFISH AP.

Habitat AP

REAPPOINT THOMAS JONES FOR 1 YEAR TO THE HABITAT AP.

APPOINT CASEY KNIGHT, REAPPOINT PAULA KEENER, JEFF HARTZLER AND WILSON LANEY TO THE HABITAT AP.

Law Enforcement AP

REAPPOINT MICHAEL FREEMAN TO THE LAW ENFORCEMENT AP.

Mackerel Cobia AP

APPOINT WILLIAM PALMER TO THE MACKEREL COBIA AP.

Snapper Grouper AP

REAPPOINT CAMERON SEBASTIAN TO THE SNAPPER GROUPE AP.

APPOINT SCOTT AMICK TO THE SNAPPER GROUPE AP.

Recreational Permitting and Reporting Technical AP

APPOINT LUIZ BARBIERI, ANDREW CATHEY, AMY DUKES, JOHN FOSTER, KAI LORENZEN, BEV SAULS, AND GEOFF WHITE TO THE RECREATIONAL PERMITTING AND REPORTING AP

Socio-Economic Panel

APPOINT CHELSEY CRANDALL, BRIAN CHEUVRONT, AND KEVIN HUNT TO THE SOCIO-ECONOMIC PANEL.

REMOVE KURT SCHNIER FROM THE SOCIO-ECONOMIC PANEL.

Scientific and Statistical Committee

REAPPOINT DUSTIN ADDIS AND DR. JARED FLOWERS TO STATE DESIGNATED SSC SEATS FOR FLORIDA AND GEORGIA, RESPECTIVELY, FOR THREE-YEAR TERMS.

REAPPOINT JEFF BUCKEL, GENNY NESSLAGE, AND GEORGE SEDBERRY TO THE SSC FOR THREE-YEAR TERMS.

APPOINT MARCEL REICHERT TO THE SSC FOR A THREE-YEAR TERM.

MOTION 2: PERFORM BACKGROUND CHECKS FOR FUTURE SSC AND SEP APPLICANTS CONSISTENT WITH THOSE CONDUCTED FOR AP APPLICANTS.

MOTION 3: DIRECT STAFF TO DO THE FOLLOWING:

- Send notification letters to appointees, and letters of thanks to those not selected, by July 1.
- Conduct an orientation of new AP members by the September 2022 SAFMC meeting.
- Conduct an orientation of new SSC members prior to the August 2022 SSC meeting.
- Conduct an orientation of new SEP members prior to December 2022.
- Convene a meeting of the Recreational Permitting and Reporting AP before the September 2022 SAFMC meeting. Direct the AP to review the Mid-Atlantic recreational tilefish reporting program with consideration of its applicability to the South Atlantic snapper grouper complex. Present AP recommendations at the September 2022 SAFMC meeting.

MOTION 4: APPROVE PUBLIC INPUT GATHERING TOOL, AS MODIFIED.

MOTION 5: SELECT ALTERNATIVE 2 UNDER ACTION 1 AS THE PREFERRED ALTERNATIVE.

Action 1. Modify the Acceptable Biological Catch Control Rule

Preferred Alternative 2. Specify an acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans that

categorizes stocks based on the available information and scientific uncertainty evaluation and incorporates the Council’s risk tolerance policy through an accepted probability of overfishing (P*). The Council will specify the P* based on relative stock biomass and a stock risk rating.

When possible, the Scientific and Statistical Committee will determine the overfishing limit and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the Scientific and Statistical Committee’s expert opinion. The overfishing limit and its uncertainty would then be used to derive and recommend the acceptable biological catch, based on the risk tolerance specified by the Council.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods. Unassessed stocks will be assigned the moderate biomass level, unless there is a recommendation from the Scientific and Statistical Committee for a different level, in which case the SSC recommendation regarding the appropriate level will be used.

For overfished stocks, the Council will specify a stock rebuilding plan (usually Trebuild), considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans (1-P*) must be at least 50%.

Snapper Grouper Committee

Release Mortality Reduction and Red Snapper Catch Levels Framework Amendment (Regulatory Amendment 35) – No motions were made. Refer to the committee report for detailed guidance.

Gag Grouper (Amendment 53)

MOTION 6: SELECT ALTERNATIVE 4B AS THE PREFERRED ALTERNATIVE FOR ACTION 3.

Action 3. Revise the gag sector allocations and sector annual catch limits

Preferred Alternative 4. To determine allocations throughout the rebuilding plan, use the following method: Use the total commercial and Marine Recreational Information Program Fishery Effort Survey recreational landings (Sub-alternatives 4a and 4b) as a baseline for initial reductions; apply the percent reduction from the total landings scenarios to the 2023 total annual catch limit evenly between sectors; apply each subsequent annual increase in the total ACL evenly to each sector ACL for Year 2 and each year thereafter throughout the rebuilding plan. Sector annual catch limits in the terminal year of the rebuilding plan (2032) would remain in place until modified.

Preferred Sub-Alternative 4b. To determine allocations throughout the rebuilding plan, use the average commercial and recreational MRIP FES landings from 2015-2019 as the baseline (5-year average).

MOTION 7: SELECT ALTERNATIVE 3 AS THE PREFERRED FOR ACTION 4A.

Action 4a. Reduce the commercial trip limit

Alternative 3. Reduce the commercial trip limit to 300 lbs gutted weight.

MOTION 8: SELECT ALTERNATIVE 1 (NO ACTION) AS THE PREFERRED ALTERNATIVE FOR ACTION 4B, AND SELECT ALTERNATIVE 1 (NO ACTION) AS THE PREFERRED ALTERNATIVE FOR ACTION 5B.

Action 4b. Modify the commercial spawning season closure for gag

Alternative 1 (No Action). The annual commercial gag spawning season closure is from January 1 through April 30.

Action 5b. Modify the recreational spawning season closure for gag

Alternative 1 (No Action). The annual recreational gag spawning season closure is from January 1 through April 30.

MOTION 9: REMOVE ACTION 6 FROM AMENDMENT 53.

Action 6. Revise the gag commercial accountability measures

MOTION 10: SELECT ALTERNATIVE 4 AS THE PREFERRED ALTERNATIVE FOR ACTION 7.

Action 7. Revise the gag recreational accountability measures

Alternative 4. Retain the current recreational in-season accountability measures. If recreational landings exceed the recreational annual catch limit, reduce the length of the following year's recreational fishing season by the amount necessary to prevent the recreational annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that it is not necessary.

Golden Tilefish and Blueline Tilefish (Amendment 52)

MOTION 11: APPROVE PURPOSE AND NEED AS MODIFIED.

Purpose: The purpose is to revise the acceptable biological catch, overfishing limit, annual optimum yield, total annual catch limit and sector allocations for golden tilefish based on the most recent stock assessment. Additionally, the purpose is to consider modifications to management measures and accountability measures for golden tilefish and blueline tilefish.

Need: The need is to base conservation and management measures on the best scientific information available and achieve optimum yield, consistent with the Magnuson-Stevens Act and its National Standards.

MOTION 12: SELECT ALTERNATIVE 3, SUB-ALTERNATIVE 3A AS PREFERRED FOR ACTION 3.

Action 3. Modify the fishing year for the commercial golden tilefish hook and line and longline sectors

Alternative 3. Modify the fishing year for the commercial longline component.

Sub-Alternative 3a. Modify the fishing year to start January 15.

MOTION 13: REMOVE ACTION 4 FROM AMENDMENT 52 TO CONSIDER AT A LATER TIME.

Action 4. Establish an incidental trip limit allowance for the golden tilefish longline sector once the longline quota is caught

MOTION 14: SELECT ALTERNATIVE 3 AS PREFERRED FOR ACTION 5.

Action 5. Modify postseason recreational accountability measures for golden tilefish

Alternative 3. NMFS would annually announce the recreational fishing season start and end. The fishing season will start on (date) and end on the date National Marine Fisheries Service projects the recreational annual catch limit will be met.

MOTION 15: SELECT ALTERNATIVES 2 AND 4 AS PREFERRED FOR ACTION 6.

Action 6. Modify blueline tilefish recreational bag limit

Alternative 2. Reduce recreational blueline tilefish bag limit to 2 fish per person per day.

Alternative 4. Do not allow retention of blueline tilefish by captain and crew.

MOTION 16: SELECT ALTERNATIVE 4 AS PREFERRED FOR ACTION 7.

Action 7. Modify blueline tilefish recreational season.

Alternative 4. Modify blueline tilefish recreational season to May 1 through June 30.

MOTION 17: SELECT ALTERNATIVE 3 AS PREFERRED FOR ACTION 8.

Action 8. Modify postseason recreational accountability measures for blueline tilefish

Alternative 3. NMFS will annually announce the recreational fishing season start and end. The fishing season will start on (date) and end on the date National Marine Fisheries Service projects the recreational annual catch limit will be met.

MOTION 18: APPROVE SNAPPER GROUPER AMENDMENT 52 (GOLDEN TILEFISH AND BLUELINE TILEFISH) FOR PUBLIC HEARINGS.

Snowy Grouper (Amendment 51)

MOTION 19: MOVE ACTION 3 TO CONSIDERED BUT REJECTED.

Action 3. Reduce the snowy grouper commercial trip limit

MOTION 20: SELECT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 4.

Action 4. Modify the snowy grouper recreational season

Alternative 2. The recreational snowy grouper season is May 1 to June 30.

MOTION 21: SELECT ALTERNATIVE 3 AS THE PREFERRED ALTERNATIVE FOR ACTION 5.

Action 5. Modify the snowy grouper recreational accountability measures

Alternative 3. If recreational landings exceed the recreational annual catch limit, reduce the length of the following year's recreational fishing season by the amount necessary to prevent the recreational annual catch limit from being exceeded in the following year. However, the length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that it is not necessary.

MOTION 22: APPROVE AMENDMENT 51 FOR PUBLIC HEARINGS.

Greater Amberjack (Amendment 49)

MOTION 23: MOVE ACTION 3 TO CONSIDERED BUT REJECTED.

Action 3. Increase the recreational minimum size limit for greater amberjack

MOTION 24: SELECT ALTERNATIVE 2 (32-INCH MINIMUM SIZE LIMIT) AS PREFERRED FOR ACTION 4.

Action 4. Reduce the commercial minimum size limit for greater amberjack

Alternative 2. Reduce the commercial minimum size limit to 32 inches fork length.

MOTION 25: ADD AN ALTERNATIVE THAT CONSIDERS A 34-INCH MINIMUM SIZE LIMIT FOR ACTION 4.

Action 4. Reduce the commercial minimum size limit for greater amberjack

MOTION 26: SELECT ALTERNATIVE 3, SUB-ALTERNATIVE 3A AS PREFERRED FOR ACTION 5.

Action 5. Increase the seasonal commercial trip limits for greater amberjack

Alternative 3. Increase the September 1 through the end of February (Season 2) commercial trip limit for greater amberjack to be:

Sub-alternative 3a. 1,200 pounds gutted or whole weight.

MOTION 27: SELECT ALTERNATIVE 2 AS PREFERRED FOR ACTION 6.

Action 6. Revise the April spawning closure for greater amberjack

Alternative 2. Specify during April each year, no person may sell or purchase, harvest or possess a greater amberjack from the South Atlantic exclusive economic zone and the harvest and possession limit is zero. This closure would apply to both the recreational and commercial sectors.

MOTION 28: APPROVE ALL ACTIONS IN SNAPPER GROUPER AMENDMENT 49.

MOTION 29: DIRECT STAFF TO DO THE FOLLOWING:

- Develop actions and analyses for Regulatory Amendment 35 (Snapper Grouper Release Mortality Reduction and Red Snapper Catch Levels) for the Committee’s consideration at the September 2022 meeting.
- Convene a meeting of the golden tilefish longline endorsement holders BY DECEMBER 2022 to discuss alternative ways to manage that fishery.
- Conduct public comment for Amendment 51 (Snowy Grouper) and Amendment 52 (Golden Tilefish and Blueline Tilefish) via webinar before the September 2022 Council meeting and during the public comment session at the September meeting.
- Prepare Amendment 49 (Greater Amberjack) for consideration of final approval at the September 2022 Council meeting.
- Prepare Amendment 53 (Gag) for consideration of approval for public hearings at the September 2022 Council meeting.

Dolphin Wahoo Committee

MOTION 30: DIRECT STAFF TO MOVE FORWARD WITH THE MSE FOR DOLPHIN AS A PRIORITY OVER REGULATORY AMENDMENT 3. MOVE FORWARD WITH THE MSE STAKEHOLDER MEETINGS IN THE FALL AND COME BACK WITH SUMMARY INFORMATION FROM THE MEETINGS IF AVAILABLE AND REGULATORY AMENDMENT 3 AT THE DECEMBER 2022 MEETING.

MOTION 31: ADOPT THE FOLLOWING TIMING AND TASKS:

- Conduct scoping for Regulatory Amendment 3 with the intent of having comments ready for review at the December 2022 meeting.
- Continue developing Regulatory Amendment 3 for review at the December 2022 meeting.

Citizen Science Committee

No motions were made. Refer to the committee report for detailed guidance.



South Atlantic Fishery Management Council

News Release

FOR IMMEDIATE RELEASE
June 22, 2022

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South Atlantic Council Moving Forward to Address Red Snapper and Reduce Release Mortality in Snapper Grouper Fishery



The South Atlantic Fishery Management Council will continue to develop measures to revise catch levels for Red Snapper and help reduce release mortality for all species managed in the Snapper Grouper Fishery Management Plan. Reductions in catch levels for Red Snapper are required to end overfishing. The most recent stock assessment for Red Snapper shows the stock remains overfished and is undergoing overfishing, primarily due to the increasing number of fish that die after being released throughout the year as the stock continues to rebuild. Council members considered public input and recommendations from the Snapper Grouper Advisory Panel during discussions at the Council meeting last week in Key West, Florida. The measures are proposed in

Regulatory Amendment 35 to the Snapper Grouper Fishery Management Plan and would apply to federal waters off the coasts of North Carolina, South Carolina, Georgia, and the east coast of Florida.

Among measures the Council is considering to reduce release mortality for the snapper grouper fishery are gear modifications, seasons, and area closures. Options for gear modifications include disallowing the use of electric reels (exceptions would be made for individuals with physical disabilities) and requiring single hook rigs for the recreational sector. Alternative timing for the Red Snapper recreational season, options for a recreational snapper grouper season, and periodic area closures for the snapper grouper fishery could also be considered. Council members requested additional information and analyses and will continue discussion during the September 2022 meeting.

While not specific to Regulatory Amendment 35, Council members also stressed the need to expand outreach and education efforts for Best Fishing Practices, including the use of descending devices, proper handling, and other measures to improve the likelihood that released fish survive.

The Council approved two amendments for public hearings. Snapper Grouper Amendment 51 includes measures to end overfishing for Snowy Grouper. A reduction in harvest of approximately 43% is needed to end overfishing. In addition to modifying catch limits, the amendment proposes to revise sector allocations using updated recreational landings, shorten the current recreational season (May 1 - August 31), and modify recreational accountability measures.



(Continued)

Snapper Grouper Amendment 52 includes proposed management measures for Golden Tilefish and Blueline Tilefish. The amendment allows for an increase in catch levels for Golden Tilefish based on the most recent stock assessment and would modify the recreational bag limit, season, and accountability measures for Blueline Tilefish. Public hearings for both amendments will be scheduled for later this summer via webinar and also held during the Council's September 2022 meeting.

After considering public comment and recommendations from its Snapper Grouper Advisory Panel, the Council modified management measures proposed for Greater Amberjack through Snapper Grouper Amendment 49. The stock is not overfished and overfishing is not occurring, allowing for an increase in catch levels. An action to increase the recreational minimum size limit from 28" fork length was removed from the amendment. Actions to revise catch levels and sector allocations, reduce the commercial minimum size limit, modify commercial trip limits during split seasons, and revise the April spawning season closure remain. The Council will address the amendment again during its September meeting where the amendment is scheduled to be voted on for final approval.

Other Actions



Council members continued to hear concerns about the Dolphin fishery from fishermen and stakeholders. The Council is responsible for management of Dolphin in federal waters from Maine to the Florida Keys. Given the broad management area, expansive seasonal migratory patterns, and relatively short life span, management of Dolphin presents a unique challenge. To help the Council address these challenges, NOAA Fisheries Southeast Fisheries Science Center presented plans to begin work on a Management Strategy Evaluation (MSE) for the Dolphin fishery. The project goal is to develop an index-based management procedure that may provide more robust analytical support for catch levels and management evaluations for the fishery. The Council prioritized collaboration on the project, including assisting with stakeholder meetings to be held this summer and fall.

The Council is continuing to develop Regulatory Amendment 3 for the Dolphin Wahoo Fishery Management Plan with options to modify the applicable geographic range of the minimum size limit for Dolphin as well as recreational bag and vessel limits. The Council will address Dolphin management during its December 2022 meeting.

During last week's meeting, the Council received key findings from an initial program evaluation plan for its Citizen Science Program as well as project updates. The Citizen Science Program's SAFMC Release Project allows fishermen the opportunity to provide information via a mobile app about releases of shallow water grouper species and Red Snapper. Additional information is available from the Council's website: <https://safmc.net/citizen-science/safmc-release/>.

Additional information about the June Council meeting, including committee and Full Council reports, is available from the Council's website at: <https://safmc.net/events/2022-june-council-meeting/>. The next meeting of the South Atlantic Fishery Management Council is scheduled for September 12-16, 2022, at the Town and Country Inn in Charleston, South Carolina.

The South Atlantic Fishery Management Council, one of eight regional councils, conserves and manages fish stocks from three to 200 miles offshore of North Carolina, South Carolina, Georgia and east Florida.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

July 29, 2022

MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Barbie Byrd, Biologist Supervisor
Protected Resources Program, Fisheries Management Section

SUBJECT: Protected Resources Program Update

Issues

Summary information is provided from the division's Protected Resources Program for observer program activities during spring (March–May). Seasonal reports to National Marine Fisheries Service (NMFS) are required for the Sea Turtle Incidental Take Permit (ITP) and monthly reports, if there is an observed take, are required for the Atlantic Sturgeon ITP.

Action Needed

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

Overview of the ITP reports

During spring 2022, estimated observer coverage of anchored large-mesh gill nets met the required 7% threshold in Management Unit A, but not for Management Unit C where no large-mesh gill net trips were found to observe (Table 1). Estimated observer coverage of the small-mesh gill-net fishery met or exceeded 1% in all management units except Management Unit D1 where no small-mesh gill net trips were found to observe (Table 2). Observers and Marine Patrol officers logged 377 unsuccessful trips – trips looking for fishing effort where no effort was found (No-Contact) – during spring 2022. Of the No-Contact trips, 75 occurred in Management Unit C primarily looking for large-mesh fishing effort and 13 occurred in Management Unit D1 exclusively looking for small-mesh fishing effort (Table 3).

Observers documented one dead green sea turtle incidental take during spring. This turtle was incidentally captured in a small-mesh gill net set in Management Unit D2 (Table 4). The take was compared to authorized levels to ensure that authorized takes were not exceeded, which they were not.

During spring, observers documented incidental takes of 17 Atlantic sturgeon and five sturgeon that could not be identified to species (Table 5). These takes occurred in large-mesh and small-

mesh gill nets across Management Units A, B, and C. The take of a dead Atlantic sturgeon in a small-mesh gill net in Management Unit A in April extrapolated to an estimated 52 dead Atlantic sturgeon. This estimate was near the authorized take number (n=55) for small-mesh gill nets in the management unit. As a result, the NCDMF director issued Proclamation M-10-2022 closing Management Unit A to anchored gill nets on April 28, 2022. Management Unit A will remain closed to anchored gill nets until the new ITP year begins on September 1, 2022.

Observers logged 262 contact attempts during spring. Observers were able to reach fishermen on 79 occasions to try to arrange a trip. Out of 86 times observers left a message (either voicemail or with another person), observers received 30 returned calls from fishermen. Eleven trips were scheduled in advance out of these 109 contacts (10.4%) when observers spoke with a fisher. Observers were not able, however, to schedule any onboard observations.

The final documents can be found at the following links:

- Spring 2022 Seasonal Sea Turtle ITP Report
- March 2022 Monthly Atlantic Sturgeon ITP Report
- April 2022 Monthly Atlantic Sturgeon ITP Report
- May 2022 Monthly Atlantic Sturgeon ITP Report

Table 1. For large-mesh gill nets, estimated percent observer coverage calculated from observer trips (≥ 4 inch) and estimated fishing trips using Trip Ticket Program data (≥ 5 inch) by management unit during spring (March–May) 2022 for Incidental Take Permit Year 2022. Management Units B, D1, D2, and E were closed to large-mesh gill nets in all spring months. Management Unit A was closed to anchored large-mesh gill nets on March 15, 2022 ([Proclamation M-6-2022](#)) and Management Unit C was closed to anchored large-mesh gill nets on April 15, 2022 ([Proclamation M-8-2022](#)).

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	752	53	7.0
B	closed	closed	closed
C	9	0	0
D1	closed	closed	closed
D2	closed	closed	closed
E	closed	closed	closed
Total	761	53	7.0

Table 2. For small-mesh gill nets, estimated percent observer coverage calculated from observer trips (<4 inch) and estimated fishing trips using Trip Ticket Program data (<5 inch) by management unit during spring (March–May) 2022 for Incidental Take Permit Year 2022. Management Unit A closed to anchored gill nets of all sizes on April 28, 2022 (Proclamation M-10-2022) due to estimated dead sturgeon takes (n=52) approaching authorized dead sturgeon takes (n=55) in the management unit.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	636	9	1.4
B	1,254	20	1.6
C	172	4	2.3
D1	26	0	0
D2	23	1	4.3
E	104	13	12.5
Total	2,215	47	2.1

Table 3. Number of “No-Contact” trips by management unit completed by Marine Patrol and observers during spring (March–May) 2022 for Incidental Take Permit Year 2022. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol No-Contact Trips	Observer No-Contact Trips	Total No-Contact Trips
A	49	2	51
B	28	16	44
C	64	11	75
D1	12	1	13
D2	12	8	20
E	173	1	174
Total	338	39	377

Table 4. Summary of observed sea turtle interactions (n=1) in anchored small-mesh gill nets during spring (March–May) 2022 for ITP Year 2022. No interactions were observed in large-mesh gill nets. CCL=Curved Carapace Length. CCW=Curved Carapace Width.

Date	Management Unit	Latitude (N)	Longitude (W)	Species	Disposition	CCL (mm)	CCW (mm)
4/29/2022	D2	34.72613	76.86498	Green	Dead	390	333

Table 5. Summary of observed Atlantic Sturgeon (AS, n=17) and unidentified sturgeon (US, n=5) interactions in anchored gill nets during spring 2022 for ITP Year 2022. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). MU=Management Unit. NR=not recorded

Date	MU	Latitude (N)	Longitude (W)	Mesh-size Category	Species	Disposition	Total Length (mm)	Fork Length (mm)
3/3/2022	A	36.03018	76.45562	Large	AS	Alive	863	NR
3/3/2022	A	35.91312	75.75771	Large	US	Alive	NR	NR
3/10/2022	A	36.05578	76.36754	Large	AS	Alive	593	509
3/11/2022	A	35.89257	75.74148	Large	US	Alive	NR	NR
3/11/2022	A	35.89257	75.74148	Large	US	Alive	NR	NR
3/11/2022	A	35.89606	75.76408	Large	US	Alive	NR	NR
3/14/2022	A	35.89150	75.73839	Large	AS	Dead	859	748
3/14/2022	A	35.89150	75.73839	Large	AS	Dead	716	609
3/14/2022	A	35.89014	75.73828	Large	US	Dead	NR	NR
3/14/2022	A	35.89153	75.73831	Large	AS	Alive	990	870
3/17/2022	C	34.99171	76.61793	Small	AS	Alive	NR	NR
3/17/2022	C	34.99171	76.61793	Small	AS	Alive	NR	NR
4/12/2022	B	35.58775	75.48206	Small	AS	Alive	605	510
4/13/2022	B	35.61091	75.48332	Small	AS	Alive	NR	NR
4/13/2022	B	35.61091	75.48332	Small	AS	Alive	NR	NR
4/13/2022	B	35.61091	75.48332	Small	AS	Alive	NR	NR
4/26/2022	A	36.10826	76.30394	Small	AS	Dead	558	508
4/27/2022	B	35.60403	75.48026	Small	AS	Alive	635	561
4/28/2022	B	35.60409	75.48047	Small	AS	Alive	683	650
4/28/2022	B	35.60529	75.48119	Small	AS	Alive	685	615
4/28/2022	B	35.60765	75.48148	Small	AS	Alive	687	610
5/6/2022	B	35.55478	75.52171	Small	AS	Dead	712	641

2022 Spring Seasonal Progress Report
for Activities under Endangered Species Act
Section 10 Incidental Take Permit No. 16230
March 1–May 31, 2022
ITP Year 2022



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June 2022

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SUMMARY

This report summarizes activities of the North Carolina Division of Marine Fisheries (NCDMF) Observer Program during spring (March–May) 2022 of the Incidental Take Permit (ITP) Year 2022 (September 1, 2021–August 31, 2022) for ITP No. 16230. Throughout this document, all references to gill nets are for anchored gill nets only unless stated otherwise. Data used in this seasonal report are preliminary and subject to change for the annual report to be submitted January 2023.

During spring 2022, significant regulatory changes remained in effect for the large-mesh anchored gill-net fishery for southern flounder (*Paralichthys lethostigma*). These regulations were included in Amendment 2 of the Southern Flounder Fishery Management Plan adopted by the North Carolina Marine Fisheries Commission (NCDMF) on August 23, 2019. This action was taken because the most recent southern flounder stock assessment indicated that the stock is overfished and overfishing was occurring. North Carolina state law requires management actions be taken to end overfishing within 2 years and recover the stock from an overfished condition within 10 years. To this end, the large-mesh gill-net fishery that was open during fall 2021 closed statewide on October 21, 2021, and remained closed with notable exceptions for Management Units A and C.

Exemptions were implemented for large-mesh anchored gill nets used to harvest American shad (*Alosa sapidissima*) in portions of Management Units A and C during spring (Figure 1). Management Unit A was open March 2, 2022 through March 15, 2022 (Proclamations M-5-2022 and M-6-2022), and Management Unit C was open February 15, 2022 through April 15, 2022 (Proclamations M-4-2022 REVISED and M-8-2022; Table 1). Other gear and area restrictions in Management Unit C, however, have greatly reduced large-mesh anchored gill-net effort targeting shad. For example, since March 18, 2019 ([Proclamation M-6-2019](#)) all gill nets are prohibited in upstream portions of the Pamlico and Neuse rivers, and tie-down and distance from shore restrictions remain in place for gill nets with a stretched mesh length 5 inches or greater in the remaining waters of Management Unit C. These efforts are to minimize striped bass bycatch in accordance with Supplement A to Amendment 1 of the Estuarine Striped Bass Fishery Management Plan (NCDMF and North Carolina Wildlife Resources Commission 2019). These restrictions reportedly make it difficult to successfully target and catch shad using anchored gill-net gear. As a result, reported large-mesh gill-net trips during spring in Management Unit C went from an average of 966 trips between 2016-2018 to an average of 9 trips between 2019-2021.

During April, a single take of a dead Atlantic sturgeon in a small-mesh gill net in Management Unit A extrapolated to an estimated 52 dead Atlantic sturgeon. This estimate was near the authorized number (n=55) for small-mesh gill nets in the management unit. As a result, the NCDMF director issued Proclamation M-10-2022 closing Management Unit A to anchored gill nets regardless of mesh size on April 28, 2022 (Table 1). See Table 1 for other proclamations affecting anchored gill nets during spring 2022.

Projecting observer trips for the sea-day schedule typically has been calculated based on the average of reported gill-net trips by mesh-size category, month, and management unit from the previous five years. This approach was used in most instances for spring 2022 except for estimating

large-mesh gill-net effort in Management Unit C where the average number of the previous three years was used based on the effects of regulations as described above starting in 2019.

On March 23, 2020, near the beginning of the COVID-19 pandemic, NMFS sent a letter to NCDMF waiving the observer monitoring requirements included in the sea turtle (No. 16230) and Atlantic sturgeon (No. 18102) ITPs. Later that year, the NCDMF Observer Program resumed observations, but exclusively conducted alternative platform observations to limit COVID-19 exposure between observers and fishermen. Despite the waiver, the Observer Program has made every effort to maintain observer coverage at levels outlined in the ITPs with variable success (see Byrd et al. 2021; Byrd and Pensinger 2022). On April 5, 2022, NMFS sent another letter to NCDMF withdrawing the waiver effective 30 days later (Appendix A). Afterward, the NCDMF issued a news release on April 20, 2022, announcing the plan to resume onboard observations starting May 1, 2022 (Appendix B).

During spring, observers and Marine Patrol officers conducted 100 observations. Observers were not able to schedule any onboard observations during the last month of spring 2022. Estimated observer coverage of the large-mesh gill-net fishery met the 7% target in Management Unit A but not in Management Unit C where no large-mesh gill net trips were found (Table 2). Management Units B, D1, D2, and E remained closed to large-mesh gill nets throughout spring. Estimated observer coverage of the small-mesh gill-net fishery met or exceeded 1% in all management units except Management Unit D1 where no small-mesh gill net trips were found. Overall observer coverage of small-mesh gill nets exceeded 1% coverage state-wide (Table 3).

Observers and Marine Patrol officers logged 377 unsuccessful trips – trips looking for fishing effort where no effort was found (No-Contact) – during spring 2022. Of the No-Contact trips, 75 occurred in Management Unit C primarily looking for large-mesh fishing effort and occurred in Management Unit D1 exclusively looking for small-mesh fishing effort.

There was one observed dead green sea turtle interactions during spring 2022. This turtle was incidentally captured in a small-mesh gill net set in Management Unit D2 (Table 5). The take was immediately compared to the authorized levels to ensure that authorized takes were not exceeded, which they were not (Table 6).

In addition to anchored gill nets, Marine Patrol officers observed one runaround gill net (also called a drop/strike net) in Management Unit C and one drift gill net in Management Unit A. Although these gear types are not included in the ITP, observers and Marine Patrol officers occasionally observe them when no anchored gill-net effort is found.

As part of their regular duties, Marine Patrol officers checked gill nets for compliance. Occasionally, citations and/or Notice of Violations (NOVs) were issued to fishermen when gear or fishing practices were out of compliance. A citation is an enforcement action taken by a Marine Patrol officer for person(s) found to be in violation of general statues, rules, or proclamations under the authority of the NCMFC and is considered a proceeding for district court. An NOV is the NCDMF's administrative process to suspend a permit and is initiated by an officer or division employee when a permit holder is found to be in violation of general or specific permit conditions. A citation and an NOV may both be initiated by the same permit condition violation; however,

they are two separate actions. For this report, NOVs or citations associated with gill-net activities or the Estuarine Gill Net Permit (ENGP) (database codes “NETG” and “EGNP”) were compiled. Marine Patrol issued seven citations and two NOVs for large- and small-mesh gill nets during spring 2022 (Tables 7 & 8).

As per the ITP, the NCDMF established the EGNP in September 2014 to register all fishermen participating in anchored large- and small-mesh gill-net fisheries. Permits are renewed on an annual basis, based on the fiscal year for licenses. Contact information associated with the EGNPs is used by observers to call fishermen to schedule trips. To help arrange trips, the Observer Program worked with the NCDMF License & Statistics Section to distill the list of fishermen with active EGNPs to those that have actually reported landings with anchored gear (by mesh-size category) during the last three years. Observers also attempted to talk with fishermen in person at boat ramps and on the water when possible. Observers logged contact attempts and returned phone calls from fishermen into a database with categories of the response: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane) (Figure 2). During spring 2022, observers logged 262 contacts attempts. Observers were able to reach fishermen on 79 occasions to try to arrange a trip. Out of 86 times observers left a message (either voicemail or with another person), observers received 30 returned calls from fishermen. Eleven trips were booked in advance out of these 109 contacts (10.4%) when observers spoke with a fisher. The Observer Program follows up on phone numbers that were disconnected or incorrect; some of them have already been updated.

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TABLES

Table 1. Proclamations (Proc.) issued for spring (March–May) 2022 affecting anchored large- and small-mesh gill-net fisheries.

Effective Date	Proc. Number	Regulation change
2/15/2022	M-4-2022 (REVISED)	This proclamation revises proclamation M-4-2022, dated February 10, 2022 and updates the effective date of February 15, 2021 to February 15, 2022. This proclamation supersedes proclamation M-23-2021 dated October 14, 2021. This proclamation opens Management Unit C to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches and implements gear exemptions for the shad fishery in all areas south of Management Unit A in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan.
3/2/2022	M-5-2022	This proclamation supersedes proclamation M-2-2022 dated December 17, 2021. It opens a portion of Management Unit A to the use of floating gill nets configured for harvesting American shad by removing vertical height and setting restrictions for all gill nets with stretched mesh lengths of 5 ¼ through 6 inches.
3/15/2022	M-6-2022	This proclamation supersedes proclamation M-5-2022 dated February 22, 2022. In Management Unit A, it removes gill nets configured for harvesting American shad and it remains unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 ¼ inches. It opens an exempted portion of Management Unit A that allows the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches to harvest blue catfish.
4/15/2022	M-8-2022	This proclamation supersedes proclamation M-4-2022 (REVISED), dated February 11, 2022. This proclamation closes all of Management Unit C and maintains closures in all other management units south of Management Unit A to the use of gill nets with a stretched mesh length of 4 inches through 6 ½ inches (except as described in Section II.: coincides with the commercial shad fishery closure) in accordance with Amendment 2 to the N.C. Southern Flounder Fishery Management Plan.
5/1/2022	M-9-2022	This proclamation supersedes proclamation M-6-2022 dated March 11, 2022. In Management Unit A, it implements small mesh gill net attendance requirements. It stipulates that it is unlawful to use fixed or stationary gill nets with a stretched mesh length other than 3 inches through 3 ¾ inches and keeps open a portion of Management Unit A to the use of run-around, strike, drop, and trammel gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish.

Table 1 continued

Effective Date	Proc. Number	Regulation change
4/28/2022	M-10-2022	This proclamation supersedes proclamation M-9-2022 dated April 26, 2022. This proclamation makes it unlawful to use fixed or stationary gill nets of any mesh size in Management Unit A due to dead sturgeon takes nearing the authorized amount for Management Unit A. A portion of Management Unit A remains open to the use of run-around, strike and drop gill nets with a stretched mesh length of 5 ½ inches through 6 ½ inches for harvesting blue catfish. Run-around, strike and drop gill nets with a stretched mesh length of 3 inches through 4 inches may also still be used in portions of Management Unit A. This action is being taken to comply with the Division of Marine Fisheries' Federal Incidental Take Permit for endangered Atlantic sturgeon.
5/2/2022	M-11-2022	This proclamation supersedes proclamation M-19-2021 dated September 28, 2021. It increases the yardage limits for the commercial Spanish mackerel drift gill net fishery in Management Unit B. M. The intent of this proclamation is to implement attendance restrictions for gill nets with a stretched mesh length less than 5 inches, and yardage and time setting restrictions for the management of gill nets with a stretched mesh length less than 4 inches in the Internal Coastal Waters of the state, south of Management Unit A. Yardage limit increases in Management Unit B for drift gill nets are being implemented for the commercial Spanish mackerel gill net fishery. Yardage limits may be adjusted to control quota managed fisheries, or address bycatch issues.

Table 2. For large-mesh gill nets, estimated percent observer coverage calculated from observer trips (≥ 4 inch) and estimated fishing trips using Trip Ticket Program data (≥ 5 inch) by management unit during spring (March–May) 2022 for Incidental Take Permit Year 2022. Management Units B, D1, D2, and E were closed to large-mesh gill nets in all spring months. Management Unit A closed to anchored gill nets of all sizes on April 28, 2022 (Proclamation M-10-2022) due to estimated dead sturgeon takes ($n=52$) approaching authorized dead sturgeon takes ($n=55$) in the management unit.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
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E	closed	closed	closed
Total	761	53	7.0

Table 3. For small-mesh gill nets, estimated percent observer coverage calculated from observer trips (< 4 inch) and estimated fishing trips using Trip Ticket Program data (< 5 inch) by management unit during spring (March–May) 2022 for Incidental Take Permit Year 2022. Management Unit A closed to anchored gill nets of all sizes on April 28, 2022 (Proclamation M-10-2022) due to estimated dead sturgeon takes ($n=52$) approaching authorized dead sturgeon takes ($n=55$) in the management unit.

Management Unit	Estimated Fishing Trips	Observed Trips	Percent Observer Coverage
A	636	9	1.4
B	1,254	20	1.6
C	172	4	2.3
D1	26	0	0
D2	23	1	4.3
E	104	13	12.5
Total	2,213	47	2.1

Table 4. Number of “No-Contact” trips by management unit completed by Marine Patrol and observers during spring (March–May) 2022 for Incidental Take Permit Year 2022. “No Contact” refers to unsuccessful attempts to find and observe anchored gill-net effort.

Management Unit	Marine Patrol	Observer	Total
	No-Contact Trips	No-Contact Trips	No-Contact Trips
A	49	2	51
B	28	16	44
C	64	11	75
D1	12	1	13
D2	12	8	20
E	173	1	174
Total	338	39	377

Table 5. Summary of observed sea turtle interactions (n=1) in anchored small-mesh gill nets during spring (March–May) 2022 for ITP Year 2022. No interactions were observed in large-mesh gill nets. CCL=Curved Carapace Length. CCW=Curved Carapace Width.

Date	Management Unit	Latitude (N)	Longitude (W)	Species	Disposition	CCL (mm)	CCW (mm)
4/29/2022	D2	34.72613	76.86498	Green	Dead	390	333

Table 6. Total annual authorized and actual takes (observed and estimated) of sea turtles by species and for estimated takes by condition for the 2022 ITP Year to date (September 2021–May 2022). Takes expressed as estimated numbers are denoted as not applicable (n/a) for species whose authorized takes in the ITP are expressed only as counts. Incidental takes of two unidentified sea turtles (from fall 2021) are not represented in the actual observed counts or estimated totals.

Species	Observed (live/dead)		Estimated			
	Authorized	Actual	Authorized		Actual	
			Alive	Dead	Alive	Dead
Green	18	1	330	165	12.4	4.7
Hawksbill	8	0	n/a	n/a	n/a	n/a
Kemp's ridley	12	0	98	49	6.8	0.0
Leatherback	8	0	n/a	n/a	n/a	n/a
Loggerhead	24	0	n/a	n/a	n/a	n/a
Any Species	8	0	n/a	n/a	n/a	n/a
Total	78	1	428	214	19.2	4.7

Table 7. Citations written by Marine Patrol officers for anchored gill nets by date and violation code during spring (March-May) 2022 for Incidental Take Permit Year 2022.

Date	Code	Description
3/1/2022	NETG03	Using gill net with improper buoys or identification
3/1/2022	NETG55	Violate the provisions of Proclamation M-30-2011 to wit set gill nets before one hour before sunset Proclamation M-30-11
3/22/2022	NETG02	Using gill net without buoys or identification
4/6/2022	NETG01	Leave gill net in coastal waters unattended
4/6/2022	NETG22	Improperly set gill net
5/22/2022	NETG04	Leave gill net in waters when could not be legally fished
5/31/2022	NETG29	RCGL gear without proper buoys 3J.0103(c)

Table 8. Notice of Violations (NOV) for Estuarine Gill Net Permit (EGNP) holders using anchored gill nets by date and violation code during spring 2022 (March-May) for Incidental Take Permit Year 2022.

Date	Code	Description
4/6/2022	EGNP11	Failure to attend nets.
5/22/2022	EGNP99	Failure to comply with statutes(s), rules(s), and/or proclamation(s).

FIGURES

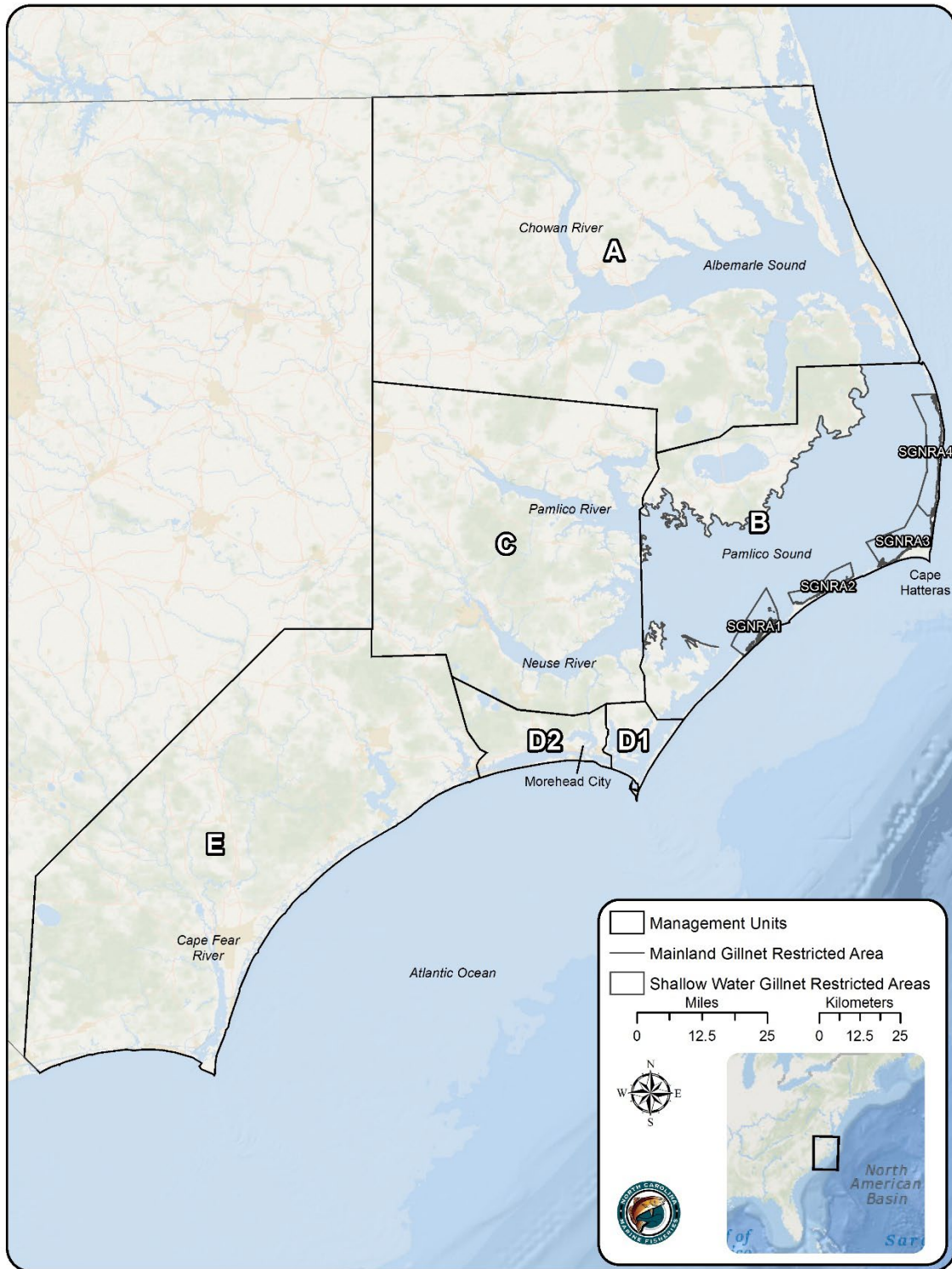


Figure 1. Management units (A, B, C, D1, D2, and E) as outlined in the ITP Conservation Plan.

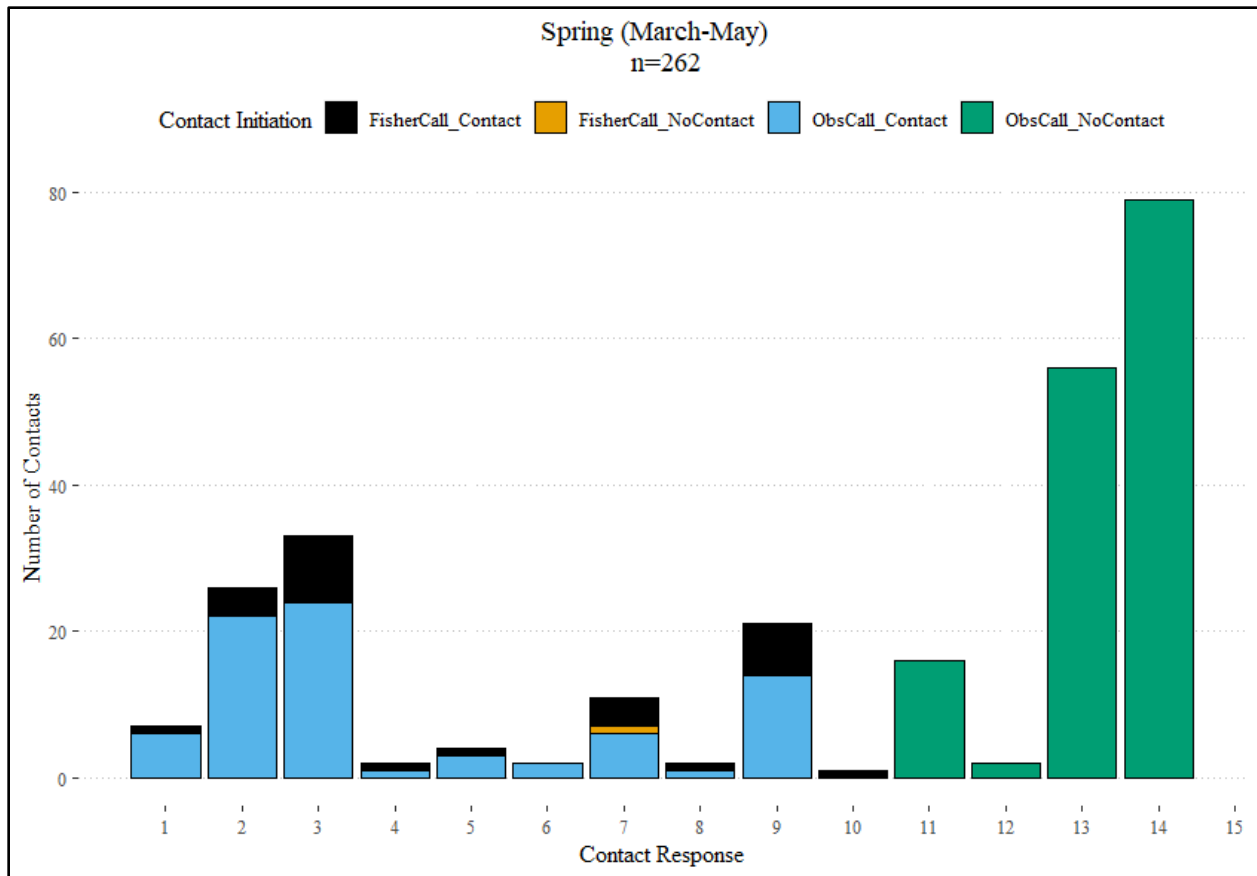


Figure 2. Number of contact attempts (n=262) during spring (March–May) 2022 to schedule trips. Contact response categories include the following: 1) Left message with someone else; 2) Not fishing general; 3) Fishing other gear; 4) Not fishing because of weather; 5) Not fishing because of boat issues; 6) Not fishing because of medical issues; 7) Booked trip; 8) Hung up, got angry, trip refused; 9) Call back later time/date; 10) Saw in person; 11) Disconnected; 12) Wrong number; 13) No answer; 14) No answer, left voicemail; 15) Not fishing because of natural disaster (e.g., hurricane). Contact responses are shown as those when the observer talked with a fisherman (light blue), when the observer did not (green), and when the fisherman returned an observer’s call and spoke to an observer (black) or left a message (orange). For the single time a fisherman called and left a message, an observer called him back and booked a trip.

APPENDICES

Appendix A. Withdrawal of Observer Waiver



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

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

April 5, 2022

Dear Ms. Rawls,

As part of the response to the COVID-19 pandemic, NOAA Fisheries temporarily waived requirements for federal fisheries in the Greater Atlantic Region to carry observers due to federal and state health guidance at that time. Consistent with that federal determination, on March 24, 2020, we temporarily waived the monitoring requirements for the North Carolina Division of Marine Fisheries' (NCDMF) Permits No. 16230 and No. 18102 issued under Section 10 (a)(1)(B) of the Endangered Species Act to incidentally take threatened and endangered sea turtles and Atlantic sturgeon in gillnet fisheries operating in internal North Carolina waters.

That approach was appropriate under the circumstances. However, in the United States and in North Carolina, the situation has changed and improved. COVID-19 vaccines are widely available and infection rates are declining. In response to the improved conditions, NMFS is withdrawing NCDMF's observer coverage waiver. This letter serves as NCDMF's 30-day notice to reinstate the monitoring requirements pursuant to these incidental take permits.

Please feel free to contact Wendy Piniak (wendy.piniak@noaa.gov) or Celeste Stout (celeste.stout@noaa.gov) with any questions.

We look forward to continuing to work with you on sea turtle and Atlantic sturgeon conservation in North Carolina.

Sincerely,

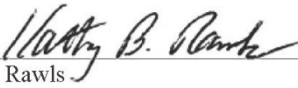
A handwritten signature in black ink, appearing to read "Kimberly B. Randall".

Kimberly Damon-Randall
Director,
Office of Protected Resources



Appendix A. continued

I acknowledge receipt of the correspondence above with regard to permit conditions and compliance under the Section 10 (a)(1)(B) of the Endangered Species Act to incidentally take threatened and endangered sea turtles and Atlantic sturgeon in gillnet fisheries operating in inshore waters of North Carolina.



Kathy B. Rawls
Director
N.C. Division of Marine Fisheries

4/11/2022

Date

Appendix B. NCDMF News release

Roy Cooper
Governor

Elizabeth S. Biser
Secretary DEQ



Kathy B. Rawls
Director

Release: Immediate
Date: April 20, 2021

Contact: [Patricia Smith](#)
Phone: 252-726-7021

Division of Marine Fisheries to resume onboard observations of estuarine gill net fisheries May 1

MOREHEAD CITY – The N.C. Division of Marine Fisheries will resume onboard observations of estuarine gill net fisheries beginning May 1. Onboard observations will be the primary method with limited use of alternative platform observations primarily conducted by Marine Patrol officers.

Division staff have been conducting alternate platform observations of estuarine gill net fisheries using division-owned boats since June 2020 in response to potential risks associated with COVID-19. The decision to resume onboard observations as the primary observation method is based on improved COVID-19 indicators. Under Executive Order 224 issued by Governor Roy Cooper for all cabinet agency employees, division staff are either fully vaccinated against COVID-19 or provide proof of weekly negative COVID-19 test results

Fishermen are reminded that an Estuarine Gill Net Permit (EGNP) is required to use anchored gill nets (large-mesh or small-mesh) in estuarine waters (commercially or recreationally), and one of the conditions of the EGNP is to allow division staff to observe gill net operations. Another condition of the EGNP is that fishermen must not avoid or mislead observers, which includes but is not limited to failing to return phone calls, failing to notify the division of a phone number change within 14 calendar days of such change, and providing incorrect information on fishing activity. Refusing to abide by permit conditions will result in suspension or revocation of the permit.

The EGNP is a critical step in meeting the requirements of the division's sea turtle and Atlantic sturgeon Incidental Take Permits issued by NOAA Fisheries under Section 10 of the Endangered Species Act.

Fishermen convicted of using anchored gill nets in internal coastal waters without holding an EGNP could be subject to a Class A1 misdemeanor.

The EGNP is available for free from the Division of Marine Fisheries. Fishermen can download an application [here](#). Completed applications may be emailed to License@ncdenr.gov or mailed to the Division of Marine Fishermen, License Office, P.O. Box 769, Morehead City 28557.

Fishermen also may submit completed applications in drop boxes provided at the following division offices:

DMF Headquarters
3441 Arendell St.
Morehead City
Phone: 252-726-7021 or 800-682-2632

Manteo Field Office
1021 Driftwood Dr.
Manteo
Phone 252-473-5734 or 800-405-7774

Website: <http://www.ncdenr.gov>
Facebook: <http://www.facebook.com/ncdeq>
Twitter: <http://twitter.com/NCDEQ>
RSS Feed: <http://portal.ncdenr.org/web/opa/news-releases-rss>
1601 Mail Service Center, Raleigh, NC 27699-1601

Appendix B. continued

Pamlico District Office

943 Washington Square Mall, Highway 17
Washington
Phone: 252-946-6481 or 800-338-7804

Southern District Office

127 Cardinal Drive Extension
Wilmington
Phone: 910-796-7215 or 800-248-4536

For more information about the Observer Program and observer coverage, contact the Protected Resources Program supervisor Barbie Byrd (phone: 252-808-8088; email: Barbie.Byrd@ncdenr.gov) or the Coastal Programs Manager, Casey Knight (phone: 252-808-8094; email: Casey.Knight@ncdenr.gov).

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Website: <http://www.ncdenr.gov>
Facebook: <http://www.facebook.com/ncdeq>
Twitter: <http://twitter.com/NCDEQ>
RSS Feed: <http://portal.ncdenr.org/web/opa/news-releases-rss>
1601 Mail Service Center, Raleigh, NC 27699-1601



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
May 4, 2022

Celeste Stout
Office of Protected Resources (F/PR)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Celeste:

This memo serves as a report on observer program activities during April 2022 of the present ITP Year for Permit #18102. During April 2022, the anchored small-mesh (<5 inches stretched mesh) gill-net fishery was closed in Management Unit A on April 28 (Proclamation M-10-2022) due to estimated dead Atlantic Sturgeon takes (52) nearing the authorized number (55) for small-mesh gill nets in the management unit. The estimated number of takes was based on one observed interaction and an estimated 1.9% observer coverage. Otherwise, the anchored small-mesh gill-net fishery was open state-wide. The anchored large-mesh (\geq 5 inches stretched mesh) gill-net fishery remained open in Management Unit C prior to April 15 (Proclamation M-8-2022); otherwise, the anchored large-mesh gill-net fishery was closed state-wide.

During April, there were nine observed incidental takes of Atlantic Sturgeon: eight alive and one dead (Table 1). On two instances, there was more than one sturgeon caught on a single trip.

Observations of 17 anchored small-mesh trips occurred during April 2022 (Table 2). In addition, 124 attempts to find fishing effort occurred during April 2022, including 17 in Management Unit C specifically looking for large-mesh fishing effort. However, no large-mesh fishing effort was located in Management Unit C.

Cumulative estimated and observed interactions during the 2022 ITP Year to date (September 2021–April 2022) are included in Tables 3 and 4 for anchored large-mesh gill nets and small-mesh gillnets, respectively. The caption for Table 3 is corrected from the March report, which had mistakenly included six unidentified sturgeon in the count of 16 live and five dead Atlantic Sturgeon in large-mesh gill nets during the 2022 ITP Year, September 1, 2021–March 30, 2022.

The correct count is 11 live and four dead Atlantic Sturgeon. As a reminder, estimated takes are preliminary.

On April 25, 2022, a fisherman called to report an incidental take of a sturgeon in a small-mesh gill net in Management Unit A (Table 5). The animal was measured, photographed, and released alive. The photos provided by the fisherman indicated that the species was an Atlantic Sturgeon.

Table 1. Summary of observed Atlantic Sturgeon (AS, n=9) interactions in anchored gill nets during April 2022 for ITP Year 2022. Mesh size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh).

Date	Species	Condition	Management Unit	Mesh Size Category	Soak Time (min)	Net Length (yds)	Net Sets (#)
04/12/22	AS	Alive	B	Small	1440	100	4
04/13/22	AS ^a	Alive	B	Small	1440	100	8
04/13/22	AS ^a	Alive	B	Small	1440	100	8
04/13/22	AS ^a	Alive	B	Small	1440	100	8
04/26/22	AS	Dead	A	Small	1440	700	1
04/27/22	AS	Alive	B	Small	720	100	8
04/28/22	AS ^b	Alive	B	Small	1440	100	8
04/28/22	AS ^b	Alive	B	Small	1440	100	8
04/28/22	AS ^b	Alive	B	Small	1440	100	8

^a caught on the same trip

^b caught on the same trip

Table 2. Number of observed trips (n=17) by management unit and mesh-size category during April 2022 for ITP Year 2022. Management Unit C was only open to anchored large-mesh gill nets during April 1–14. All other management units were closed to large-mesh anchored gill nets. Management Unit A was open to small-mesh gill nets until April 28. All other management units were open to small-mesh gill nets in April. Mesh size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). The number of No-Contact trips (n=124) by management unit are also provided. No-Contact refers to unsuccessful attempts to find and observe anchored gill-net effort.

Month	Management Unit	Large-mesh observed trips	Small-mesh observed trips	No-Contact trips
March	A	Closed	4	26
	B	Closed	11	13
	C	0	0	17
	D1	Closed	0	8
	D2	Closed	1	6
	E	Closed	1	54

Table 3. For anchored large-mesh (≥ 5 inch) gill nets, a comparison of observed (live, n=11; dead, n=4) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year to date (September 2021–April 2022) to authorized thresholds expressed as either estimated total takes based on observed takes (Management Unit A) or counts of actual observed takes (Management Units B–E). Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Authorized takes in Management Units D and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Genetic results were not available to determine DPS of observed interactions. Observed incidental takes of unidentified sturgeon (n=6) during this period are not represented.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	29.0	27.1
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	7	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	1,655	80	548	21	36.0	27.1

Table 4. For anchored small-mesh (<5 inch) gill nets, a comparison of observed (live, n=13; dead, n=1) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year to date (September 2021–April 2022) to authorized thresholds expressed as either estimated total takes based on observed takes (Management Unit A) or counts of actual observed takes (Management Units B–E). Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Authorized takes in Management Units C, D, and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Genetic results were not available to determine DPS of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	569	45	114	10	0	52.0
B	Annual	14	5	3	0	10	0
C	Annual	8	4	n/a	n/a	3	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	607	58	117	10	13	52.0

Table 5. Details for one incidental take of an Atlantic Sturgeon reported by a fisherman during April 2022 for ITP Year 2022. Small-mesh category is defined as <5 inches stretched mesh.

Date	Species	Condition	Management Unit	Mesh Size Category	Soak Time (min)	Net Length (yds)	Net Sets (#)
04/25/22	AS	Alive	A	Small	600	100	2

Kind regards,



Barbie Byrd
Protected Resources Program, Biological Supervisor

cc: Angela Somma and Wendy Piniak (NMFS); Marina Barrineau, Casey Knight, Dee Lupton, Lucas Pensinger, Steve Poland, and Kathy Rawls (NCDMF)



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
April 8, 2022

Celeste Stout
Office of Protected Resources (F/PR)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Celeste:

This memo serves as a report on observer program activities during March 2022 of the present ITP Year for Permit #18102. During March 2022, the anchored small-mesh (<5 inches stretched mesh) gill-net fishery was open state-wide. The anchored large-mesh (≥ 5 inches stretched mesh) gill-net fishery remained open in Management Unit C (Proclamation M-44-2022) and was opened during March 2–15 in Management Unit A (Proclamations M-5-2022 and M-6-2-22, respectively); otherwise, the anchored large-mesh gill-net fishery was closed state-wide. During March, there were seven observed incidental takes of Atlantic Sturgeon and five observed incidental takes of sturgeon that could not be identified to species (Table 1). On three instances, there was more than one sturgeon caught on a single trip (Table 1).

Observations of 53 anchored large-mesh trips and 15 anchored small-mesh trips occurred during March 2022 (Table 2). All observations of large-mesh fishing effort have been in Management Unit A; large-mesh fishing effort has not been located in Management Unit C.

Cumulative estimated and observed interactions during the 2022 ITP Year to date are included in Tables 3 and 4 for anchored large-mesh gill nets and small-mesh gillnets, respectively. As a reminder, the numbers of estimated takes are preliminary.

Table 1. Summary of observed Atlantic Sturgeon (AS, n=7) and unidentified sturgeon (US, n=5) interactions in anchored gill nets during March 2022 for ITP Year 2022. Mesh size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh).

Date	Species	Condition	Management Unit	Mesh Size Category	Soak Time (min)	Net Length (yds)	Net Sets (#)
03/03/22	AS	Alive	A	Large	720	540	1
03/03/22	US	Alive	A	Large	720	100	5
03/10/22	AS	Alive	A	Large	1440	70	4
03/11/22	US ^a	Alive	A	Large	720	70	3
03/11/22	US ^a	Alive	A	Large	720	70	3
03/11/22	US	Alive	A	Large	1440	100	1
03/14/22	AS ^b	Dead	A	Large	720	80	6
03/14/22	AS ^b	Dead	A	Large	720	80	6
03/14/22	AS ^b	Alive	A	Large	720	80	6
03/14/22	US ^b	Dead	A	Large	720	80	6
03/17/22	AS ^c	Alive	C	Small	1440	100	7
03/17/22	AS ^c	Alive	C	Small	1440	100	7

^a caught on the same trip

^b caught on the same trip

^c caught on the same trip

Table 2. Number of observed trips during March 2022 by management unit and mesh-size category for ITP Year 2022. Management Unit C was open to anchored large-mesh gill nets during all of March. Management Unit A was only open to anchored large-mesh gill nets during March 3 – 15. All other Management Units were closed to large-mesh anchored gill nets.

Month	Management Unit	Large-mesh observed trips	Small-mesh observed trips
March	A	53	5
	B	Closed	5
	C	0	3
	D1	Closed	0
	D2	Closed	0
	E	Closed	2

Table 3. For anchored large-mesh (≥ 5 inch) gill nets, a comparison of observed (live, n=16; dead, n=5) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year through March 2022 to authorized thresholds expressed as either estimated total takes based on observed takes (Management Unit A) or counts of actual observed takes (Management Units B–E). Authorized takes in Management Units D and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Genetic results were not available to determine DPS of observed interactions. Observed incidental takes of unidentified sturgeon (n=6) during this period are not represented.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	29.0	27.1
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	7	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	1,655	80	548	21	36.0	27.1

Table 4. For anchored small-mesh (<5 inch) gill nets, a comparison of observed (n=5) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year through March 2022 to authorized thresholds expressed as counts (not estimates) of actual observed takes. Authorized takes in Management Units C, D, and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Genetic results were not available to determine DPS of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	569	45	114	10	0	0
B	Annual	14	5	3	0	2	0
C	Annual	8	4	n/a	n/a	3	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	607	58	117	10	5	0

Kind regards,



Barbie Byrd
Protected Resources Program, Biological Supervisor

cc: Angela Somma and Wendy Piniak (NMFS); Marina Barrineau, Casey Knight, Dee Lupton, Lucas Pensinger, Steve Poland, and Kathy Rawls (NCDMF)



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

Monthly Progress Report
Incidental Take Permit No. 18102
June 2, 2022

Celeste Stout
Office of Protected Resources (F/PR)
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Celeste:

This memo serves as a report on observer program activities during May 2022 of the present ITP Year for Permit #18102. Management Unit A was closed to anchored small-mesh (<5 inches stretched mesh) the entire month of May 2022 (Proclamation M-10-2022) due to estimated dead Atlantic Sturgeon takes in April (52) nearing the authorized number (55) for small-mesh gill nets in the management unit. The estimated number of takes was based on one observed interaction and an estimated 1.9% observer coverage. Otherwise, the anchored small-mesh gill-net fishery was open state-wide. The anchored large-mesh (≥ 5 inches stretched mesh) gill-net fishery was closed state-wide.

During May, there were 14 observed anchored small-mesh trips state-wide resulting in one observed incidental take of a dead Atlantic Sturgeon in Management Unit B (Tables 1 & 2). In addition, 118 unsuccessful attempts to find fishing effort ("No-Contact trips") occurred during May. It should be noted after the observed sturgeon take in Management Unit B, there were three additional observed small-mesh trips and 10 No-Contact trips in that management unit.

Cumulative estimated and observed interactions during the 2022 ITP Year to date (September 2021–May 2022) are included in Tables 3 and 4 for anchored large-mesh gill nets and small-mesh gillnets, respectively.

Table 1. Summary of observed Atlantic Sturgeon (AS, n=1) interactions in anchored gill nets during May 2022 for ITP Year 2022. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh).

Date	Species	Condition	Management Unit	Mesh-Size Category	Soak Time (min)	Net Length (yds)	Net Sets (#)
05/06/22	AS	Dead	B	Small	720	100	8

Table 2. Numbers of observed trips (n=14) by management unit and mesh-size category during May 2022 for ITP Year 2022. All management units were closed to anchored large-mesh gill nets. Management Unit A was closed to anchored small-mesh gill nets during May, but all other management units were open to small-mesh gill nets. Mesh-size categories are large (≥ 5 inches stretched mesh) and small (< 5 inches stretched mesh). Numbers of No-Contact trips (n=118) by management unit are also provided. No-Contact refers to unsuccessful attempts to find and observe anchored gill-net effort.

Month	Management Unit	Large-mesh observed trips	Small-mesh observed trips	No-Contact trips
May	A	Closed	Closed	Closed
	B	Closed	4	14
	C	Closed	1	26
	D1	Closed	0	5
	D2	Closed	0	9
	E	Closed	9	64

Table 3. For anchored large-mesh (≥ 5 inch) gill nets, a comparison of observed (live, n=11; dead, n=4) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year to date (September 2021–May 2022) to authorized thresholds expressed as either estimated total takes based on observed takes for Management Unit A or counts of observed takes (i.e., not estimated) for Management Units B–E. Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Authorized takes in Management Units D and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Genetic results were not available to determine DPS of observed interactions. Observed incidental takes of unidentified sturgeon (n=6) during this period are not represented. Note that this table is unchanged since the March 2022 report because there were no observed takes in large-mesh gill nets during April and May 2022.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	1,604	65	535	21	29	27
B	Annual	24	6	9	0	0	0
C	Annual	11	5	4	0	7	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	1,655	80	548	21	36	27

Table 4. For anchored small-mesh (<5 inch) gill nets, a comparison of observed (live, n=13; dead, n=2) incidental takes of Atlantic Sturgeon by management unit during the 2022 ITP Year to date (September 2021–May 2022) to authorized thresholds expressed as either estimated total takes based on observed takes for Management Unit A or counts of observed takes (i.e., not estimated) for Management Units B–E. Estimated takes in Management Unit A are based on projected fishing effort; therefore, 95% confidence intervals are not provided. Authorized takes in Management Units C, D, and E were for the Carolina Distinct Population Segment (DPS) only and listed as not applicable (n/a) for Other DPS. Genetic results were not available to determine DPS of observed interactions.

Management Unit	Season	Authorized				Actual	
		Carolina DPS		Other DPS		All DPS	
		Alive	Dead	Alive	Dead	Alive	Dead
A	Annual	569	45	114	10	0	52
B	Annual	14	5	3	0	10	1
C	Annual	8	4	n/a	n/a	3	0
D	Annual	8	2	n/a	n/a	0	0
E	Annual	8	2	n/a	n/a	0	0
Total	Annual	607	58	117	10	13	53

Kind regards,



Barbie Byrd
Protected Resources Program, Biological Supervisor

cc: Angela Somma and Wendy Piniak (NMFS); Marina Barrineau, Casey Knight, Dee Lupton, Lucas Pensinger, Steve Poland, and Kathy Rawls (NCDMF)

YEAR	MONTH	SPECIES	POUNDS	DEALERS	TRIPS	AVERAGE	CONF
2018	1	SOUTHERN FLOUNDER	610	14	43	7,713	
2018	2	SOUTHERN FLOUNDER	1,833	34	154	4,617	
2018	3	SOUTHERN FLOUNDER	2,815	43	387	23,512	
2018	4	SOUTHERN FLOUNDER	8,142	74	769	68,389	
2018	5	SOUTHERN FLOUNDER	18,342	90	951	122,514	
2018	6	SOUTHERN FLOUNDER	42,501	105	1,407	154,090	
2018	7	SOUTHERN FLOUNDER	57,283	117	1,496	170,387	
2018	8	SOUTHERN FLOUNDER	72,496	121	1,917	201,862	
2018	9	SOUTHERN FLOUNDER	109,125	114	1,776	396,301	
2018	10	SOUTHERN FLOUNDER	363,361	109	3,064	781,717	
2018	11	SOUTHERN FLOUNDER	226,856	89	1,355	392,150	
2018	12	SOUTHERN FLOUNDER	471	5	5	37,303	
2019	1	SOUTHERN FLOUNDER	524	25	74	7,713	
2019	2	SOUTHERN FLOUNDER	558	23	69	4,617	
2019	3	SOUTHERN FLOUNDER	1,412	44	216	23,512	
2019	4	SOUTHERN FLOUNDER	5,966	66	448	68,389	
2019	5	SOUTHERN FLOUNDER	36,666	92	1,038	122,514	
2019	6	SOUTHERN FLOUNDER	61,199	109	1,438	154,090	
2019	7	SOUTHERN FLOUNDER	59,404	109	1,554	170,387	
2019	8	SOUTHERN FLOUNDER	95,629	109	1,779	201,862	
2019	9	SOUTHERN FLOUNDER	51,734	59	551	396,301	
2019	10	SOUTHERN FLOUNDER	327,394	120	2,337	781,717	
2019	11	SOUTHERN FLOUNDER	159,595	58	537	392,150	
2020	3	SOUTHERN FLOUNDER	***	***	***	***	***
2020	4	SOUTHERN FLOUNDER	***	***	***	***	***
2020	8	SOUTHERN FLOUNDER	***	***	***	***	***
2020	9	SOUTHERN FLOUNDER	86,549	30	788	396,301	
2020	10	SOUTHERN FLOUNDER	340,711	138	2,623	781,717	
2020	11	SOUTHERN FLOUNDER	52,602	25	68	392,150	
2021	3	SOUTHERN FLOUNDER	***	***	***	***	***
2021	4	SOUTHERN FLOUNDER	***	***	***	***	***
2021	5	SOUTHERN FLOUNDER	***	***	***	***	***
2021	6	SOUTHERN FLOUNDER	***	***	***	***	***
2021	7	SOUTHERN FLOUNDER	***	***	***	***	***
2021	8	SOUTHERN FLOUNDER	***	***	***	***	***
2021	9	SOUTHERN FLOUNDER	63,818	28	735	396,301	
2021	10	SOUTHERN FLOUNDER	416,072	130	2,384	781,717	
2021	11	SOUTHERN FLOUNDER	***	***	***	***	***
2022	5	SOUTHERN FLOUNDER	***	***	***	***	***

NOTE: 2022 data are preliminary. 2018-2021 data are complete.

*****Data are confidential**

YEAR	SPECIES	GEAR	POUNDS	DEALERS	TRIPS	CONF
2018	SOUTHERN FLOUNDER	GIGS	92,302	88	2,089	
2018	SOUTHERN FLOUNDER	GILLNETS	365,181	122	9,130	
2018	SOUTHERN FLOUNDER	OTHER	6,432	79	562	
2018	SOUTHERN FLOUNDER	POUND NET	439,919	37	1,545	
2019	SOUTHERN FLOUNDER	GIGS	91,330	81	1,836	
2019	SOUTHERN FLOUNDER	GILLNETS	324,822	119	6,834	
2019	SOUTHERN FLOUNDER	OTHER	4,727	65	354	
2019	SOUTHERN FLOUNDER	POUND NET	379,201	34	1,017	
2020	SOUTHERN FLOUNDER	GIGS	33,192	49	369	
2020	SOUTHERN FLOUNDER	GILLNETS	187,312	105	2,474	
2020	SOUTHERN FLOUNDER	OTHER	1,288	21	83	
2020	SOUTHERN FLOUNDER	POUND NET	258,089	27	559	
2021	SOUTHERN FLOUNDER	GIGS	31,898	46	358	
2021	SOUTHERN FLOUNDER	GILLNETS	251,184	101	2,421	
2021	SOUTHERN FLOUNDER	OTHER	949	23	72	
2021	SOUTHERN FLOUNDER	POUND NET	195,956	23	292	
2022	SOUTHERN FLOUNDER	OTHER	***	***	***	

NOTE: 2022 data are preliminary. 2018-2021 data are complete.

*****Data are confidential**

Red Drum Landings 2020-2022

Landings are complete through July 15, 2022.

2020 and 2021 landings are final. 2022 landings are preliminary.

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2020	9	Red Drum	32,039	28,991	35,003
2020	10	Red Drum	57,388	43,644	63,659
2020	11	Red Drum	26,704	14,318	27,646
2020	12	Red Drum	12,067	3,428	2,197
2021	1	Red Drum	11,376	5,885	1,700
2021	2	Red Drum	16,674	3,448	3,996
2021	3	Red Drum	2,552	5,699	3,971
2021	4	Red Drum	***	***	***
2021	5	Red Drum	11,651	13,730	9,661
2021	6	Red Drum	14,409	12,681	6,985
2021	7	Red Drum	10,351	13,777	15,618
2021	8	Red Drum	12,340	21,252	15,846

FY20 Fishing Year (Sept 1, 2020 - Aug 31, 2021) Landings 207,551

Year	Month	Species	Pounds	2009-2011 Average	2013-2015 Average
2021	9	Red Drum	27,936	28,991	35,003
2021	10	Red Drum	52,597	43,644	63,659
2021	11	Red Drum	20,820	14,318	27,646
2021	12	Red Drum	19,514	3,428	2,197
2022	1	Red Drum	12,506	5,885	1,700
2022	2	Red Drum	23,447	3,448	3,996
2022	3	Red Drum	14,568	5,699	3,971
2022	4	Red Drum	413	7,848	6,528
2022	5	Red Drum	10,800	13,730	9,661

2022	6	Red Drum	9,798	12,681	6,985
2022	7	Red Drum		13,777	15,618
2022	8	Red Drum		21,252	15,846

FY21 Fishing Year (Sept 1, 2021 - Aug 31, 2022) Landings 192,399

***landings are confidential